STATE OF INDIANA

JOURNALS

OF THE
HOUSE OF REPRESENTATIVES
AND SENATE

117TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF INDIANA

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES

117TH GENERAL ASSEMBLY

SECOND REGULAR SESSION
Convening November 22, 2011
Reconvening January 4, 2012
Adjourning March 10, 2012

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OFFICERS OF THE HOUSE

BRIAN C. BOSMA, *Speaker of the House*

WILLIAM C. FRIEND, *Majority Floor Leader*

KATHY K. RICHARDSON, *Majority Caucus Chair*

P. ERIC TURNER, *Speaker Pro Tempore*

TIMOTHY N. BROWN, *Deputy Speaker Pro Tempore*

DAVID N. FRIZZELL, *Majority Whip*

THOMAS P. DERMODY, *Assistant Majority Leader*

GERALD R. TORR, *Assistant Majority Leader*

THOMAS E. SAUNDERS, *Assistant Majority Caucus Chair*

ERIC A. KOCH, *Assistant Majority Caucus Chair*

MARK B. MESSMER, *Assistant Majority Whip*

EDMOND L. SOLIDAY, *Assistant Majority Whip*

B. PATRICK BAUER, *Minority Leader*

LINDA C. LAWSON, *Minority Floor Leader*

VANESSA J. SUMMERS, *Minority Caucus Chair*

KREG S. BATTLES, *Minority Whip*

SCOTT D. PELATH, *Assistant Minority Leader*

EARL L. HARRIS, *Assistant Minority Floor Leader*

GAIL C. RIECKEN, *Assistant Minority Whip*

M. CAROLINE SPOTTS, *Principal Clerk*

JULIE D. HALBIG, *Chief of Staff to the Speaker*

LESLIE CRANE, *Parliamentarian*

Journal of the House

State of Indiana

117th General Assembly Second Regular Session

First Day **Tuesday Afternoon** **November 22, 2011**

The members of the House of Representatives of the One Hundred Seventeenth General Assembly of the State of Indiana assembled in the House Chambers in the State House in the City of Indianapolis on Tuesday, the twenty-second day of November, 2011, A.D., at 1:00 p.m., being the day fixed by law for the convening of the second regular session of the General Assembly, viz:

"...the second regular session of each term of the general assembly shall convene on the third Tuesday after the first Monday of November of each odd-numbered year..."

The invocation was offered by Tim Ayers, Pastor of Teaching, Grace Community Church, Noblesville.

The Pledge of Allegiance to the Flag was led by Representative P. Eric Turner.

The House was called to order by Speaker Brian C. Bosma.

ROLL CALL OF MEMBERS

The roll was called and the following members answered to their names:

Terri Jo Austin, District 36, Hamilton and Madison Counties

Ronald A. Bacon, District 75, Gibson, Vanderburgh, and Warrick Counties

James R. Baird, District 44, Clay, Parke, Putnam, and Vigo Counties

John L. Bartlett, District 95, Marion County

Kreg S. Battles, District 64, Daviess, Gibson, Knox, and Pike Counties

B. Patrick Bauer, District 6, St. Joseph County

Robert W. Behning, District 91, Hendricks, Marion, and Morgan Counties

Bruce A. Borders, District 45, Daviess, Greene, Knox, Sullivan, and Vigo Counties

Charlie Brown, District 3, Lake and Porter Counties

Timothy N. Brown, District 41, Montgomery, Parke, and Tippecanoe Counties

Charles "Woody" Burton, District 58, Johnson County

Mara Candelaria Reardon, District 12, Lake County

David G. Cheatham, District 69, Jefferson, Jennings, and Ripley Counties

Robert W. Cherry, District 53, Hancock, Rush, and Shelby Counties

Edward D. Clere, District 72, Clark and Floyd Counties

William A. Crawford, District 98, Marion County

Wesley H. Culver, District 49, Elkhart County

Bill J. Davis, District 33, Delaware, Jay, and Randolph Counties

Steven J. Davisson, District 73, Clark, Crawford, Dubois, Harrison, Jackson, Perry, Scott, and Washington Counties

John J. Day, District 100, Marion County

Edward O. DeLaney, District 86, Hamilton and Marion Counties

Nancy J. Dembowski, District 17, LaPorte, Marshall, and Starke Counties

Thomas P. Dermody, District 20, Jasper, LaPorte, Porter, and Pulaski Counties

Richard A. Dodge, District 51, Dekalb and Steuben Counties

Ryan M. Dvorak, District 8, St. Joseph County

Sean R. Eberhart, District 57, Bartholomew and Shelby Counties

Susan Ellspermann, District 74, Dubois, Perry, Spencer, and Warrick Counties

Jeffrey K. Espich, District 82, Allen, Grant, and Wells Counties

Ralph M. Foley, District 47, Hendricks, Johnson, Morgan, and Owen Counties

William C. Friend, District 23, Elkhart, Fulton, Kosciusko, Marshall, and Miami Counties

David N. Frizzell, District 93, Johnson and Marion Counties

Craig R. Fry, District 5, Elkhart and St. Joseph Counties

Randall L. Frye, District 67, Decatur, Franklin, Ripley, and Rush Counties

Philip K. GiaQuinta, District 80, Allen County

Terry A. Goodin, District 66, Clark, Jackson, Jennings, and Scott Counties

F. Dale Grubb, District 42, Fountain, Parke, Vermillion, Vigo, and Warren Counties

Douglas L. Gutwein, District 16, Cass, Fulton, Jasper, Pulaski, and White Counties

Earl L. Harris, District 2, Lake County

Bob A. Heaton, District 46, Clay, Monroe, Owen, and Vigo Counties

Kathleen M. Heuer, District 83, Allen, Noble, and Whitley Counties

Phillip D. Hinkle, District 92, Marion County

Michael H. Karickhoff, District 30, Howard County

Clyde Kersey, District 43, Clay and Vigo Counties

Sheila A. Klinker, District 27, Tippecanoe County

Thomas D. Knollman, District 55, Dearborn, Fayette, Franklin, Union, and Wayne Counties

Eric A. Koch, District 65, Bartholomew, Brown, Jackson, and Lawrence Counties

Rebecca Kubacki, District 22, Kosciusko and Wabash Counties

Linda C. Lawson, District 1, Lake County

Donald J. Lehe, District 15, Benton, Lake, Newton, and White Counties

Matthew S. Lehman, District 79, Adams, Allen, and Wells Counties

L. Jack Lutz, District 35, Delaware, Hamilton, Madison, and Tipton Counties

Kevin A. Mahan, District 31, Blackford and Grant Counties

Richard W. McClain, District 24, Carroll, Cass, Miami, and White Counties

Judson G. McMillin, District 68, Dearborn, Franklin, Ohio, Ripley, and Switzerland Counties

Wendy M. McNamara, District 76, Gibson, Posey, and Vanderburgh Counties

Mark B. Messmer, District 63, Daviess, Dubois, Martin, and Pike Counties

Robert D. Morris, District 84, Allen County

Charles A. Moseley, District 10, Porter County

Winfield C. Moses, Jr., District 81, Allen County

Timothy Neese, District 48, Elkhart and St. Joseph Counties

David L. Niezgodski, District 7, St. Joseph County

Cynthia J. Noe, District 87, Boone, Hamilton, and Marion Counties

Scott D. Pelath, District 9, LaPorte County

Phillip C. Pflum, District 56, Henry and Wayne Counties

Matt Pierce, District 61, Monroe County

Phyllis J. Pond, District 85, Allen and Dekalb Counties

Gregory W. Porter, District 96, Marion County

Cherrish S. Pryor, District 94, Marion County

Scott E. Reske, District 37, Madison County

Rhonda J. Rhoads, District 70, Clark, Floyd, and Harrison Counties

Kathy Kreag Richardson, District 29, Hamilton and Hancock Counties

Gail C. Riecken, District 77, Vanderburgh and Warrick Counties

Thomas E. Saunders, District 54, Henry, Randolph, and Wayne Counties

Milo E. Smith, District 59, Bartholomew and Johnson Counties

Vernon G. Smith, District 14, Lake County

Edmond L. Soliday, District 4, Jasper, Lake, and Porter Counties

Michael R. Speedy, District 90, Marion County

Steven R. Stemler, District 71, Clark County

Gregory E. Steuerwald, District 40, Hendricks County

Dan C. Stevenson, District 11, Lake County

Mary Ann Sullivan, District 97, Marion County

Vanessa J. Summers, District 99, Marion County

Jeffrey A. Thompson, District 28, Boone, Hendricks, and Montgomery Counties

Gerald R. Torr, District 39, Hamilton County

Randolph P. Truitt, District 26, Tippecanoe and Warren Counties

P. Eric Turner, District 32, Grant, Hamilton, Howard, Miami, and Tipton Counties

Dennis A. Tyler, District 34, Delaware County

Matthew A. Ubelhor, District 62, Greene, Lawrence, Martin, Orange, and Washington Counties

Rochelle L. VanDenburgh, District 19, Lake, Newton, and Porter Counties

Heath R. VanNatter, District 38, Boone, Clinton, Hamilton, and Howard Counties

Peggy M. Welch, District 60, Brown, Greene, and Monroe Counties

David A. Wolkins, District 18, Elkhart, Kosciusko, and LaGrange Counties

David Yarde II, District 52, Dekalb, LaGrange and Noble Counties

Speaker Brian C. Bosma, District 88, Hamilton and Marion Counties

Roll Call 1: 94 present. Representatives Jeb A. Bardon, District 25, Marion County; Suzanne M. Crouch, District 78, Spencer, Vanderburgh, and Warrick Counties; Chester F. Dobis, District 13, Lake County; Cynthia L. Kirchhofer, District 89, Marion County; Daniel J. Leonard, District 50, Huntington and Whitley Counties; and Timothy C. Wesco, District 21, Elkhart and St. Joseph Counties were excused. The Speaker announced a quorum in attendance.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, January 4, 2012, at 1:30 p.m.

FRIEND

The motion was adopted by a constitutional majority.

OPENING REMARKS BY SPEAKER BRIAN C. BOSMA

It is my sincere pleasure to have the fourth opportunity to address this group as the Speaker of the House on Organization Day. I said last year at this time that I had served under five speakers, including several in the hall and one present here in the chamber, former Speaker Bauer. I pledged last year that I would follow the tradition of making some changes and making some mistakes. I am sure that we would all agree that is what happened last year, some changes, some mistakes, but a lot of positive opportunity.

I am very convinced that we are here together at a very unique time, with very unique challenges, and very unique opportunities for each and every one of us. I could not help thinking, as I was preparing for today, that just a couple of days from now we will be sitting at our respective family tables with extended family celebrating Thanksgiving.

That day has changed for me a little bit over the years and I had a real, perspective wakeup call over the last couple of years, especially around Thanksgiving time.

About a year ago when we were enthralled in some very difficult situations, one of the members on this side grabbed me back here and said, “You’ve changed, you’ve really changed, what is it?” And I shared with her, and I will share with you, it

was my experience in Haiti. Since we were last together, I had the chance to spend time with my son in Haiti, in a remote village of about 12,000.

People live in stick and mud huts and when you are working with a young man whose hair is reddened from malnutrition, that has a descended stomach, or you are holding the hand of an elderly village woman as a nurse attempts to find some kind of vein to rehydrate this elderly woman, you get a real perspective on what we enjoy in this country and what we fail sometimes to give thanks for.

It occurred to me as I was thinking about our time together in the months ahead, as interesting as it may be, that not once in a crowded day does anyone in this room have to worry about where they are going to get clean water for the day, or about having a safe place to sleep at night, or about whether you will have a meal that night or that day, one meal, for you or your children.

Each of us have been blessed, really, no doubt beyond what we deserve, certainly no doubt beyond what we give thanks for. In this coming session, as we have for many years, we will have the opportunity to improve the circumstances of every Hoosier from our respective opinions, whether those people are Republicans, Democrats, union members or non-union members, men, women, children will have that chance together.

We did a lot together last year, despite extraordinary circumstances, historic circumstances, huge challenges; we came together and did some remarkable things. We adopted a sound fiscal plan that is really the envy of the nation, where we did not increase taxes; we were able to maintain funding in critical areas. We had a little debate about whether or not we cut education; we surely straight-lined it last year and put a little extra money in on full-day kindergarten, better than almost any other state in the nation.

We gave more families options for their education. It was a difficult discussion for us to have. With some saying the goal was to destroy public education as we know it and the results saying something very different. With nearly 4,000 children the vast majority of them on free and reduced lunch or below that income level, mostly inner city minority kids having the opportunity for the first time for their family to select where their child can go to school. An option that most of us within an ear shot of this speech have. The results from that really go beyond just those 4,000 families. I don't know about you, but I have noticed a lot of increased talk among education leaders, public school education leaders, about making their school district competitive so that their district can attract students. That is something that was foreseen and very positive.

We adopted historic transparency last year for ourselves by putting every proceeding and our committees on the Internet so that they can be observed for anyone who is hard up enough to have the time to watch. And also for local government, I do not know if you have been thanked yet, not necessarily by local government officials, but thanked for the transparency profile that we put together for every local unit of government and school through under DLGF.

Through our efforts of our Select Committee on Government Reduction under the leadership of Representatives Dobis and Wolkins, you may not realize it, but we eliminated 20 government bodies last year and 170 appointments that otherwise would be creating red tape. Most of those were gubernatorial appointments, so I thought some of you might like to hear that. And through their efforts this summer and on a bipartisan basis, this committee continued to meet and they have already identified 20 more boards and 100 more positions to continue to reduce bureaucracy and red tape.

And, I pledged just a few moments ago to continue the open door policy with the Democrat leaders and every member of this body that we maintained last year. Pledging weekly meeting with Representative Bauer and his leadership team and opening my door to any member, Republican or Democrat that has an issue that they want to talk about. I know I said there was some stigma to that, but I would like to have that removed so that we can just have an open dialogue. If you have an issue, I would like to hear about it.

So as we gather today and we think about this coming session, the short one, designed for "emergencies only." I guess I'll ask all of us, what are our collective aspirations, not just for the next week or next month, but for the next generation? I know what mine are. What my motivation is. Cheryl is here with me today. We have two young adult children. A 23 year old who is doing her student teaching now and a 19 year old sophomore at Purdue.

Most of our aspirations focus on life for them and life for what we hope are their children—an outstanding education, affordable college, good paying jobs, safe environment and a high quality of life. But that can't just be for my kids, my family, and your family. It has to be for all. It has to be for the rich and poor, rural and inner city, union members and non union member. How do we reach those aspirations, those goals? We have to grow our economy, we have to continue with smart government, and we have to set an environment for the private sector to succeed and from my perspective we need to get out of the way after that.

There will be a lot of things that we need to talk about this session and many have already been spoken of, local government reform, mass transit, smoking bans, anti-trafficking legislation prior to the Superbowl, election reform, and fine tuning some of the reforms we adopted last year. But there is no more important task ahead of us than discussing what most of us acknowledge is the toughest job that we face and that is addressing the quarter of a million Hoosiers who are out of work.

I told Representative Bauer, first of all thank you for letting this be the Speaker's Day as is our tradition here. I said I might even quote you Representative Bauer and I will quote him. Representative Bauer has said over the last few weeks that our unemployment isn't really 8.9%, but when you count those underemployed, which for some reason aren't part of the statistic, Representative Bauer thinks it might be as high as 16.7%. I am not going to quibble with that number.

I've asked our staff to drill down and figure it out. The best we know is 8.9 percent unemployment reported, and tens and maybe hundreds of thousands that are unemployed or have just quit looking. There is no more important work, for us, than addressing that issue. I say that with a little bit of hesitation, because we've done a lot together. As I shared with some yesterday, much of it has been on a bipartisan basis dating back to 2001. Those efforts that we've done together to change our tax code, and to create new incentives, and to give entrepreneurs a leg up, have resulted in Indiana being really the envy of the nation and certainly the Midwest in job creation efforts. With study, after study from Site Selection magazine, and Chief Executive, and the tax foundation, ranking Indiana as number one in the Midwest and in the top handful nationwide; and still we have 266,000 people, or more, out of work.

What's even more concerning for me—mentioning those two young people that are in our home—I recently saw that one in five Hoosiers between the ages of 20 and 24 that want to be employed can't find a job. For the first time, that really was brought home for us.

When, as you all do, we interview a great group of talented young people for internship positions here on our staff during

the session. This year for the first time any of us can recall when they were asked, "What the number one concern was on their mind" nearly every one said, "Am I going to be employed after I graduate?"

So we need solutions to that and we're going to talk about a variety of options. I know some will want to expand programs, some will want to extend benefits to the 200,000 Hoosiers that have used their 99 weeks of unemployment compensation at the state and federal level. From my perspective, we need to do whatever's necessary to attract more employers to our state; and have the difficult discussions that will result and get us there.

I shared with members of my caucus earlier today—and I'll tell the story very shortly. Cheryl's making us re-carpet everything after 20 years, and that meant 500 books on my shelves had to come off the shelves; and I was given strict instruction that only 250 were going back up. So there's been a very difficult winnowing process going on, and I'm taking one last look at books that I read a decade ago and highlighted heavily. And I'm looking back and I looked at another one that's by David Haugen called Just Courage, and in the book—it's all written around—one question: Do you want to be brave or safe? It would be very easy for us to have a very safe session upcoming in 2012. But for me, I think it has to be brave.

The very essence of our democracy, I've said many times here, is open debate, the opportunity to exchange ideas and to move forward. It really requires more than that. However, from my perspective, it requires civil debate—and I pledge that. It requires the presence of all of us, and it requires votes on tough issues, even if we may disagree—and then living by the result.

I pledge to every member of this body, regardless of what position you hold, what party you're in, where you are in the state that I will do everything I can to point us in the right direction with compassion for those who need our help and with the hope that we can find common ground.

This isn't the time for political posturing and that's not what the respective announcements were about yesterday. It's the time for solutions. I stand ready with each of you to make Indiana all it can be for the future that we know we can have. I thank you for joining me in that effort.

ORGANIZATION OF SECOND REGULAR SESSION

HOUSE MOTION

Mr. Speaker: I move that a committee of four (4) members of this House be appointed by the Speaker to notify the Senate that the House of Representatives has met, has formed a quorum, and is now prepared to proceed with legislative business and to receive any communications which the Senate may transmit.

FRIEND

Motion prevailed. The Speaker appointed Representatives Torr, McMillin, Tyler, and Pryor.

COMMITTEE REPORT

Mr. Speaker: Your committee which was appointed by the Speaker to notify the Senate that the House has met, has formed a quorum, and is prepared to proceed with the legislative business and to receive any communications which the Senate may transmit, respectfully reports that they have performed the duties assigned to them.

TORR TYLER
McMILLIN PRYOR

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that a committee of four (4) members of this House be appointed by the Speaker to act with a like committee of the Senate to wait upon the Governor and to notify him of the organization of both Houses of the General Assembly and to inform him that the General Assembly is ready for the transaction of legislative business.

RICHARDSON

Motion prevailed. The Speaker appointed Representatives Mahan, Richardson, Crawford, and Austin.

COMMITTEE REPORT

Mr. Speaker: Your committee which was appointed by the Speaker to act with a like committee of the Senate to wait upon the Governor, to notify him of the organization of both Houses of the General Assembly, and to inform him that they are ready for the transaction of legislative business, begs leave to report that they have performed the duties assigned to them.

MAHAN CRAWFORD
RICHARDSON AUSTIN

Report adopted.

RECEIPT OF ENROLLED ACT VETOED

MESSAGE FROM THE CLERK OF THE HOUSE

Mr. Speaker and Members of the House: After adjournment sine die of the First Regular Session of the 117th General Assembly, Governor Daniels vetoed HEA 1177. The enrolled act was returned to the House by Governor Daniels and received by me, pursuant to Article 5, Section 14(a)(2)(D) of the Indiana Constitution.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House:

By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act 1177, enacted during the regular session of the 117th General Assembly, which would require that the majority of the members of the board of trustees of both Indiana University and Ball State University be residents of Indiana, and that all members of the I.U. board be citizens of the United States.

While in practice this may always be the case, to require it by law expresses a narrow and provincial outlook inconsistent with the global role and stature we hope these schools will aspire to and attain. Also, the day may well come when these world-class institutions will want to include illustrious alumni from around the glove on their boards. The universities should not be denied such opportunities, nor future governors prohibited from making such appointments.

Date: May 10, 2011

MITCHELL E. DANIELS, JR.
Governor

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

"I move that Senators Eckerty, Glick, Taylor, and R. Young be appointed as a committee of four members of the Senate to notify the House of Representatives that the Senate has met, has formed a quorum, and is now prepared to proceed

with legislative business and to receive any communications which the House of Representatives may transmit. Senator Eckerty shall serve as Chair of the Committee."

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

"I move that Senators Grooms, J. Smith, Skinner, and Arnold be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Governor and to notify him of the convening of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly."

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 2 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

APPOINTMENT OF COMMITTEES

The Speaker announced the following changes in the appointment of standing committees:

Courts and Criminal Code: Representative Rhoads replacing Representative Hinkle

Government and Regulatory Reform: Representative Mahan replacing Representative Hinkle as Chair; Representative Wesco replacing Representative Mahan as Vice Chair; and Representative Heaton replacing Representative Hinkle as a member of the committee.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 1

Representatives Bosma and Bauer introduced House Concurrent Resolution 1:

A CONCURRENT RESOLUTION to allow the House of Representatives and the Senate of the 117th Indiana General Assembly to adjourn and recess separately throughout the Second Regular Session for periods in excess of three (3) consecutive days as the need, in the judgement of the Speaker of the House of Representatives and the President *Pro Tempore* of the Senate, respectively, may arise.

Whereas, The Indiana House of Representatives and the Senate met for the purpose of organization of each House to conduct the public business of the people of the State of Indiana;

Whereas, The House of Representatives and the Senate operate on their own respective schedules, having been separated from each other pursuant to IC 2-2.1-1-2(c)(2);

Whereas, During the consideration of legislative business, each House may, in the respective judgment of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, deem it necessary to adjourn and recess for periods in excess of three (3) consecutive days and to operate on a schedule different from the other House;

Whereas, Article 4, Section 10 of the Constitution of the State of Indiana states that neither House shall, without the consent of the other, adjourn for more than three (3) consecutive days;

Whereas, Each House desires to consent to any adjournment or recess by the other House which might last more than three (3) days during the Second Regular Session of the 117th Indiana General Assembly;

Whereas, The House of Representatives and the Senate intend to recess after November 22, 2011 to conduct legislative business; Therefore,

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

SECTION 1. That each House of the 117th Indiana General Assembly hereby consents to any adjournment or recess of the other House during the Second Regular Session of the 117th Indiana General Assembly for a period in excess of three (3) days, where such recess or adjournment is approved, in the case of the House of Representatives, by the Speaker of the House of Representatives or, in the case of the Senate, by the President *Pro Tempore* of the Senate.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Long and Simpson.

House Concurrent Resolution 2

Representatives Truitt and Klinker introduced House Concurrent Resolution 2:

A CONCURRENT RESOLUTION recognizing Happy Hollow Elementary School for being named a National Blue Ribbon School.

Whereas, Happy Hollow Elementary School, West Lafayette, has been named a National Blue Ribbon School by the United States Department of Education;

Whereas, Each year since 1982, the United States Department of Education has honored over 200 of America's finest public and private elementary schools;

Whereas, The Blue Ribbon School Award gives national recognition to a diverse group of public and private schools that are unusually effective in meeting local, state, and national goals and in educating their students;

Whereas, The program is made up of the Elementary School Recognition Program and the Secondary School Recognition Program, recognizing elementary and secondary schools in alternate years;

Whereas, The Blue Ribbon School Award recognizes excellence in leadership, teaching and student environment, curriculum and instruction, parent and community support, and organizational vitality;

Whereas, Happy Hollow Elementary School is one of America's finest public schools;

Whereas, Happy Hollow Elementary School is an outstanding elementary school that has repeatedly demonstrated clear vision, shared sense of mission, up-to-date curriculum, strong family involvement, and commitment to high standards; and

Whereas, Happy Hollow Elementary School was only one of nine schools in Indiana to be honored as a National Blue Ribbon School for the year 2011: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the faculty, administration, staff, and families of Happy Hollow Elementary School for the school's selection as a 2011 National Blue Ribbon School by the United States Department of Education.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Margaret Psarros, principal of Happy Hollow Elementary School, Kathy Mugg and Sue Stan, fifth grade teachers at Happy Hollow Elementary School, Dr. Rocky D. Killion, superintendent of the West Lafayette School Corporation, and the members of the board of trustees of the West Lafayette Community School Corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Alting.

House Concurrent Resolution 3

Representatives Dodge and Gutwein introduced House Concurrent Resolution 3:

A CONCURRENT RESOLUTION urging the United States Congress to adopt the Veterans Remembered Flag.

Whereas, Our veterans deserve to be treated with honor and respect;

Whereas, A flag is a symbol of recognition for a group or an ideal;

Whereas, There are flags for all branches of the United States Armed Services, prisoners of war, and those missing in action; however, there is no flag to honor the millions of former military personnel who have bravely served our nation;

Whereas, As a group, veterans represent the most honorable ideal and deserve a special symbol representing them;

Whereas, It is estimated that there are 20,400,000 living veterans who served in our nation's military; these brave individuals comprise a significant portion of our country's population;

Whereas, A Veterans Remembered Flag will remind all people of the brave warriors who bled and died for freedom around the world in such places as Yorktown and Lexington, Gettysburg and Appomattox, Normandy and the Argonne, Iwo Jima and Okinawa, Seoul and the Chosin Reservoir, Saigon and Pleiku, and Bagram and Baghdad;

Whereas, The citizens of the United States owe an immense debt of gratitude to our veterans for the sacrifices they have made to secure the safety of our country; and

Whereas, The Veterans Remembered Flag will memorialize and honor all past, present, and future veterans and provide an enduring symbol of support: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes the need for a Veterans Remembered Flag recognizing the more than 20,000,000 living men and women who served and the many who died defending our great nation.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the President of the United States and the members of the Indiana Congressional delegation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Steele.

House Resolution 1

Representative Lehman introduced House Resolution 1:

A RESOLUTION recognizing the Short Associates Insurance Agency.

Whereas, The Short Associates Insurance Agency was founded in 1962 by Donald L. Short;

Whereas, For 18 years, Donald Short worked to grow the agency into one of the top insurance agencies in the Fort Wayne area;

Whereas, Joined by his son Steve in 1980, the company expanded to include a property and casualty division;

Whereas, Through the hard work and dedicated service of Donald and Steve, Short Associates Insurance Agency soon represented many property and casualty companies, with ERIE Insurance Group being one of the main underwriters, making Short Associates one of the first ERIE agents established in Fort Wayne; and

Whereas, Donald and Steve Short have served the citizens of Fort Wayne with integrity and honor for many years: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates the Short Associates Insurance Agency for 50 years of dedicated service to the Fort Wayne area community and its residents.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Donald and Steve Short.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 2

The Speaker handed down Senate Concurrent Resolution 2, sponsored by Representative Davis:

A CONCURRENT RESOLUTION memorializing Dan Wheldon.

Whereas, Thirty-three-year-old Dan Wheldon died on Sunday, October 16, 2011, doing what he loved to do;

Whereas, Dan died from injuries he sustained in a fiery, 15-car crash during the season-ending IndyCar race at the Las Vegas Motor Speedway;

Whereas, Dan Wheldon came from a racing family;

Whereas, Born in Emberton, England, where his father was a go-kart racer and his mother was the timer at a local track, Dan began racing go-karts at the age of four;

Whereas, Dan Wheldon burst onto the IndyCar scene as a talented newcomer in 2002, won Rookie of the Year honors in 2003, won his first Indianapolis 500 race just two years later, and was the IndyCar Series champion that same year;

Whereas, Dan Wheldon earned his second Indy 500 crown in 2011 during the 100th year celebration of the "Greatest Spectacle in Racing", becoming only the 18th driver in the history of the race to win it more than once;

Whereas, Although his career was cut tragically short, lasting only eight seasons, Dan posted 134 career starts, collected 26 top-three finishes, 93 top-ten finishes, and five pole positions, and won the Rolex 24 Hours at Daytona;

Whereas, Dan was the driver of the Army National Guard IndyCar during the 2009 and 2010 seasons, and his popularity

among soldiers went well beyond what he accomplished on the track;

Whereas, When he wasn't racing, Dan Wheldon visited soldiers at Walter Reed Army Medical Center and veterans hospitals around the country, something he continued to do even after he stopped driving the Army National Guard IndyCar following the 2010 season;

Whereas, Dan Wheldon also served as a spokesperson for the National Guard Youth Challenge Program, which supports at-risk teenagers and young adults around the country;

Whereas, Dan Wheldon was a champion away from the track as well;

Whereas, A strong supporter of the Alzheimer's Association, a cause he championed when his mother developed early onset Alzheimer's in her mid-50s, he added the organization's logo to his car at the Indy 500 to help promote greater awareness of the disease;

Whereas, Dan Wheldon's fun-loving personality made him one of IndyCar's most popular drivers and helped him develop a special bond with fans in Indianapolis and St. Petersburg, Florida, the American cities that he called home;

Whereas, Dan's accomplishments on the racetrack were exceeded only by his love for his family and his devotion to his wife, Susie, and his sons, Sebastian and Oliver;

Whereas, Dan Wheldon represented IndyCar with respect and integrity and will be remembered as a great racer and a kind and giving person; and

Whereas, Dan Wheldon was an outstanding ambassador for the sport of racing, the Indianapolis Motor Speedway, and the city of Indianapolis: Therefore:

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

SECTION 1. That the Indiana General Assembly and the Motor Sports Caucus express their heartfelt sympathy to Susie Wheldon and her children in their hour of grief and acknowledge the many contributions Dan Wheldon made to auto racing and the people of the world. He truly made the world a better place in which to live.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Dan Wheldon's wife, Susie, his children, Sebastian and Oliver, his parents, and the Indianapolis Motor Speedway.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 1 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

On the motion of Representative Espich, the House adjourned at 1:35 p.m., this twenty-second day of November, 2011, until Wednesday, January 4, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly Second Regular Session

Second Day **Wednesday Afternoon** **January 4, 2012**

The invocation was offered by Pastor John Davis, First Christian Church, Noblesville, the guest of Representative Kathy K. Richardson.

The House was called to order at 1:30 p.m. by Speaker Brian C. Bosma.

The Pledge of Allegiance to the Flag was led by Representative Richardson.

FILLING VACANT LEGISLATIVE OFFICE

District 34

December 16, 2011

The Honorable Brian C. Bosma
Speaker of the House
Indiana House of Representatives
200 W. Washington Street
Indianapolis, Indiana 46204

Dear Speaker Bosma:

On Tuesday, November 8, 2011, I was fortunate to have been elected Mayor, City of Muncie. Therefore, please be advised that this letter shall serve as my official written notice of resignation from the General Assembly of the State of Indiana, in accordance with IC 5-8-3.5-1. I hereby resign my position as State Representative of House District 34, effective Wednesday, December 28, 2011.

Sincerely,
Dennis Tyler
State Representative

CERTIFICATE OF
APPOINTMENT PRO TEMPORE
TO FILL A LEGISLATIVE VACANCY
SELECTED BY A POLITICAL PARTY CAUCUS

TO THE SPEAKER OF THE INDIANA
HOUSE OF REPRESENTATIVES:

This is to certify the following:

(1) A vacancy occurred or will occur in the office of Indiana House of Representatives District 34.

(2) The vacancy occurred due to resignation.

(3) The incumbent, Dennis A. Tyler, was elected or appointed as a candidate of the Democratic Party.

(4) I am the duly elected state party chairman or the designee for the Democratic Party.

(5) A caucus of eligible precinct committeemen was held on December 29, 2011, to fill the vacancy in this office. The caucus was held following the giving of notice required under Indiana Code 3-13-5-2.

(6) The members of the caucus selected, by majority vote of those casting a vote for a candidate, the person named below to hold an appointment pro tempore to this office for the remaining unexpired term.

(7) The person holding the appointment pro tempore to this office is a registered voter of a precinct within the election district for the office, complies with the other requirements imposed under Indiana Code 3-8-1 of a candidate for this office, and consents to this appointment by the declaration of candidacy, which was timely filed in accordance with Indiana Code 3-13-5 and is incorporated by reference in this certificate.

(8) This appointment pro tempore is effective December 29, 2011.

(9) The person appointed to this office is Michael White of Muncie.

I certify the information in this Certificate is true and complete.

Signed: Michael L. Jones
Dated: December 29, 2011

January 3, 2012

Dan Parker, Chair
Indiana Democrat State Party
115 W. Washington Street, South Tower, Suite 1165
Indianapolis, IN 46204

Dear Chairman Parker:

This is to officially notify you that this office has received from the Chair of the Indiana Democrat State Party, a copy of the Certificate of Appointment of Michael White to represent State House District 34, filling the vacancy created by the resignation of Dennis A. Tyler. Representative Michael White was duly elected on December 29, 2011, in a caucus of precinct committee persons in District 34.

Sincerely,

Brian C. Bosma, Speaker
IN House of Representatives
117th IN General Assembly

January 3, 2012

The Honorable Charlie White
Indiana Secretary of State
201 State House
Indianapolis, IN 46204

Dear Secretary White:

This is to officially notify you that this office has received from the Chair of the Indiana Democrat State Party, a copy of the Certificate of Appointment of Michael White to represent State House District 34, filling the vacancy created by the resignation of Dennis A. Tyler. Representative Michael White was duly elected on December 29, 2011, in a caucus of precinct committee persons in District 34.

Sincerely,

Brian C. Bosma, Speaker
IN House of Representatives
117th IN General Assembly

CERTIFICATE OF SELECTION
TO STATE LEGISLATIVE OFFICE

TO THE HONORABLE BRIAN C. BOSMA
SPEAKER OF THE INDIANA
HOUSE OF REPRESENTATIVES

WHEREAS, A vacancy occurred in the office of Indiana State Representative, District 34, due to the resignation of the Honorable Dennis A. Tyler, who was elected to that office as a candidate of the Indiana Democratic Party;

WHEREAS, On December 29, 2011, a caucus composed of Democratic Party precinct committeemen from Indiana House District 34 selected Michael White to fill the vacancy in Indiana House District 34;

WHEREAS, Michael L. Jones, the designee of the State Chairman of the Indiana Democratic Party certified the selection of Michael White to fill the vacancy in office of Indiana State Representative, District 34, to the Speaker of the House of Representatives and the Speaker of the House of Representatives acknowledged receipt of the certification;

WHEREAS, The Speaker of the House of Representatives forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office: NOW, THEREFORE,

AS THE DULY ELECTED AND ACTING INDIANA SECRETARY OF THE STATE, I certify that the Honorable Michael White has been selected to fill the vacancy existing in the office of Indiana State Representative, District 34.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this 4th day of January, 2012, being the 235th year of the Independence of the United States, and the 196th year of the Statehood of Indiana.

CHARLES P. WHITE
Indiana Secretary of the State

Representative-elect White was sworn into office on December 30, 2011 by Justice Frank Sullivan. The oath of office is: "I, Michael D. White, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as a member of the House of Representatives of the General Assembly of the State of Indiana to the best of my skill and ability, so help me God."

Sworn before me, Frank Sullivan, Justice of the Supreme Court of Indiana, this 30th day of December, 2011.

APPOINTMENT OF COMMITTEES

The Speaker announced the following changes in the appointment of committees:

Employment, Labor and Pensions: Representative Fry replacing former Representative Tyler;

Judiciary: Representative Pierce replacing Representative Riecken;

Roads and Transportation: Representative White replacing former Representative Tyler;

Select Committee on Government Reduction: Representative White replacing Representative Fry; and

Veterans Affairs and Public Safety: Representative Moseley replacing former Representative Tyler as Ranking Minority Member and Representative White replacing former Representative Tyler as a member of the committee.

ROLL CALL OF MEMBERS

The Speaker ordered the roll of the House to be called:

Austin ●
Bacon
Baird
Bardon ●
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney ●
Dembowski □
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry ●
R. Frye
GiaQuinta
Goodin ●
Grubb ●
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses ●
Neese
Niezgodski ●
Noe
Pelath ●
Pflum ●
Pierce ●
Pond
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 2: 65 present; 2 excused; 33 absent. The Speaker announced a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

RECESS

The Speaker called the House back to order at 2:30 p.m.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum.

Austin ●
Bacon
Baird
Bardon ●
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson ●
Day ●
DeLaney ●
Dembowski □
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry ●
R. Frye
GiaQuinta
Goodin ●
Grubb ●
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses ●
Neese
Niezgodski ●
Noe
Pelath ●
Pflum ●
Pierce ●
Pond
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson ●
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 3: 62 present; 2 excused; 36 absent. The Speaker declared a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

RECESS

The Speaker called the House back to order at 3:38 p.m.

Representative Noe was excused for the rest of the day.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum.

Austin ●
Bacon
Baird
Bardon ●
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney ●
Dembowski □
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry ●
R. Frye
GiaQuinta
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman ●
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses ●
Neese
Niezgodski ●
Noe □
Pelath ●
Pflum ●
Pierce ●
Pond
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 4: 63 present; 3 excused; 34 absent. The Speaker declared a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

Because of the lack of a quorum, the Speaker announced that the House would meet on Thursday, January 5, 2012 at 1:30 p.m. to attempt to establish a quorum

Pursuant to House Rule 60, committee meetings were announced.

The House adjourned at 3:45 p.m., this fourth day of January, 2012, until Thursday, January 5, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Third Day — **Thursday Afternoon** — **January 5, 2012**

The invocation was offered by Reverend Linda Philabaun, First Presbyterian Church, Elwood and Tipton, the guest of Representative Thomas E. Saunders.

The House was called to order at 1:30 p.m. by Speaker Brian C. Bosma.

The Pledge of Allegiance to the Flag was led by Representative Robert W. Cherry.

The Speaker ordered the roll of the House to be called:

Austin □
Bacon
Baird
Bardon ●
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney ●
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry ●
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses ●
Neese
Niezgodski ●
Noe
Pelath ●
Pflum □
Pierce ●
Pond
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 5: 64 present; 3 excused; 33 absent. The Speaker announced a quorum was not present for the second consecutive day. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

RECESS

The House was called back to order at 3:40 p.m. by the Speaker.

Representative Richardson was excused for the rest of the day.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum.

Austin □
Bacon
Baird
Bardon ●
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry ●
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara

Messmer
Morris
Moseley ●
Moses ●
Neese
Niezgodski ●
Noe
Pelath ●
Pflum □
Pierce ●
Pond
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson □
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 6: 65 present; 4 excused; 31 absent. The Speaker declared a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

Because of the lack of a quorum, the Speaker announced that the House would meet on Friday, January 6, 2012 at 2:00 p.m. to attempt to establish a quorum.

Pursuant to House Rule 60, committee meetings were announced.

The House adjourned at 3:50 p.m., this fifth day of January, 2012, until Friday, January 6, 2012, at 2:00 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Fourth Day — **Friday Afternoon** — **January 6, 2012**

The invocation was offered by Reverend Matthew Barnes, State Director of the Indiana Capitol Commission.

The House was called to order at 2:30 p.m. by Speaker Brian C. Bosma.

The Pledge of Allegiance to the Flag was led by Representative Douglas L. Gutwein.

The Speaker ordered the roll of the House to be called:

Austin □
Bacon
Baird
Bardon ●
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart □
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry ●
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses
Neese
Niezgodski ●
Noe
Pelath ●
Pflum □
Pierce ●
Pond
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith □
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch
Wesco
White ●
Wolkins □
Yarde
Mr. Speaker

Roll Call 7: 64 present; 6 excused; 30 absent. The Speaker announced a quorum was not in attendance for the third consecutive day. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

Because of the lack of a quorum, the Speaker announced that the House would meet on Monday, January 9, 2012 at 1:30 p.m. to attempt to establish a quorum.

Pursuant to House Rule 60, committee meetings were announced.

The House adjourned at 2:55 p.m., this sixth day of January, 2012, until Monday, January 9, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Fifth Day — **Monday Afternoon** — **January 9, 2012**

The invocation was offered by Reverend Charles Paxton, Community Church of Camby, the guest of Representative Robert W. Behning.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Linda C. Lawson.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak □
Eberhart □
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 8: 98 present; 2 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

The House stood for a moment of silence for the four Indiana National Guardsmen who were recently killed in Afghanistan, Staff Sgt. Jonathan M. Metzger, Spc. Brian J. Leonhardt, Spc. Robert J. Tauteris, and Spc. Christopher Patterson, and the surviving Guardsman, Pvt. Douglas Rachowicz.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 10, 2012, at 1:30 p.m.

CROUCH

The motion was adopted by a constitutional majority.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 2 and 3 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

INTRODUCTION OF BILLS

With consent of the members, the following bills on Bill List 1 were read a first time by title and referred to the respective committees:

HB 1001 — Torr, Bosma

Committee on Employment, Labor and Pensions

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

HB 1005 — Mahan, Bosma, Dobis

Committee on Government and Regulatory Reform

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

HB 1008 — Moseley

Committee on Ways and Means

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

HB 1009 — Foley

Committee on Judiciary

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

HB 1010 — Pond
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1011 — Foley, Steuerwald, Pierce, L. Lawson
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning corrections and to make an appropriation.

HB 1012 — Lehman
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1013 — Lehman, Davis
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1014 — Davisson
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1015 — Davisson
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1016 — Rhoads
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1017 — Ubelhor
Committee on Elections and Apportionment
A BILL FOR AN ACT concerning elections.

HB 1018 — Ubelhor, Heaton, Ellspermann
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1019 — Karickhoff
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1020 — Karickhoff
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1021 — Mahan
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1022 — Kubacki, Bacon
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1023 — Kersey
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1024 — Pflum
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1025 — Kubacki
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

HB 1026 — Cheatham
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1027 — Cheatham
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1028 — Cheatham, Mahan
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1029 — McMillin
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1030 — Cherry, Thompson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1031 — Cherry
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1032 — Dodge
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1033 — McMillin
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1034 — McMillin
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1035 — Leonard
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1036 — Leonard, Steuerwald
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1037 — Mahan
Committee on Insurance
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1038 — Kersey
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1039 — Cherry
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1040 — Grubb, T. Brown
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1041 — Grubb, Foley
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1042 — Rhoads
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1043 — T. Brown
Committee on Insurance
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1044 — Kubacki, Culver
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1045 — McNamara
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1046 — Lutz
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

HB 1047 — Lutz, Gutwein
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1048 — Dodge, Saunders
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1049 — Koch
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1050 — Koch
Committee on Insurance
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1051 — Davisson
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1052 — R. Frye
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1054 — Soliday
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1055 — Torr
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1056 — R. Frye
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1057 — Noe
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1058 — Baird, Grubb
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1059 — Baird, Gutwein
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

HB 1060 — Baird
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1061 — Baird
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1062 — Culver
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1063 — C. Brown
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1064 — Dodge
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

HB 1065 — Borders
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1066 — Borders
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1067 — Davisson
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1068 — Bacon
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1069 — Bacon
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1070 — Bacon
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning probate.

HB 1071 — Bacon, Kubacki, McNamara, Riecken
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1072 — Espich
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1073 — Espich
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1074 — Espich
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

HB 1075 — Neese
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1076 — Neese
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1077 — Neese
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1078 — Wolkins
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1079 — Lutz
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1080 — R. Frye
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1081 — Karickhoff, Sullivan
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1082 — Moses
Committee on Utilities and Energy
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

HB 1083 — Moses
Committee on Utilities and Energy
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

HB 1084 — Moses
Committee on Utilities and Energy
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

HB 1085 — Moses
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1086 — Moses
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1087 — Thompson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1088 — Thompson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1089 — Friend
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1090 — Friend
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1091 — Friend, Lehe
Committee on Agriculture and Rural Development
A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1092 — Burton, Steuerwald
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1093 — Mahan, Richardson
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1094 — Niezgodski
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1095 — Niezgodski
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1096 — Niezgodski, Stemler
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1097 — Stevenson
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1098 — Stevenson
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1099 — Stevenson
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1100 — Stevenson
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1104 — McClain
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1105 — McClain
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

INTRODUCTION OF JOINT RESOLUTIONS

With the consent of the members, the following joint resolution on Bill List 1 was read a first time by title and referred to committee:

HJR 1 — Torr, Bosma
Committee on Elections and Apportionment
A JOINT RESOLUTION proposing an amendment to Article 4 of the Indiana Constitution concerning the general assembly.

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

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Seventeenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 4, SECTION 5 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 5. **(a) Except as provided in subsection (b),** the General Assembly elected during the year in which a federal decennial census is taken shall fix by law the number of Senators and Representatives and apportion them among districts according to the number of inhabitants in each district, as revealed by that federal decennial census.

(b) The General Assembly may by law establish a commission to draw congressional and legislative districts according to the number of inhabitants in each district and other criteria established by law. If the General Assembly establishes a commission under this subsection, the following apply:

(1) The General Assembly shall fix the number of Senators and Representatives.

(2) The districts drawn by the commission are the districts for election of members of Congress and for members of the General Assembly, respectively.

(c) The territory in each district shall be contiguous.

INTRODUCTION OF BILLS

With consent of the members, the following bills on Bill List 2 were read a first time by title and referred to the respective committees:

HB 1002 — Wolkins, Dobis
Committee on Select Committee on Government Reduction
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

HB 1003 — Crouch, Dobis
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1004 — Richardson
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1006 — Wolkins
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1101 — McMillin
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1102 — Davis, Clere
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1103 — Davis
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1106 — Cheatham
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1107 — Koch
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1108 — Moseley
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1109 — L. Lawson
Committee on Public Policy
A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning state offices and administration.

HB 1110 — L. Lawson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1111 — Clere
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1112 — Lehman
Committee on Utilities and Energy
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

HB 1113 — T. Brown
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1114 — T. Brown
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1115 — Borders
Committee on Commerce, Small Business and Economic Development
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1116 — Borders
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1117 — Wolkins, Lehe
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1118 — Espich
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1119 — Espich
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1120 — Morris
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1121 — McNamara, Steuerwald
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1122 — Eberhart
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1123 — Burton
Committee on Ways and Means
A BILL FOR AN ACT concerning pensions.

HB 1124 — Frizzell
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1125 — Frizzell
Committee on Utilities and Energy
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

HB 1126 — Frizzell
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

HB 1127 — Frizzell
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1128 — Lehe
Committee on Agriculture and Rural Development
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1129 — Lehe
Committee on Agriculture and Rural Development
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1130 — Soliday, C. Brown, Speedy, DeLaney
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1131 — Eberhart
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1132 — McNamara, Richardson, Steuerwald
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1133 — Eberhart, Foley
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1134 — Speedy, DeLaney
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1135 — Lehe, Cherry
Committee on Agriculture and Rural Development
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1136 — Wesco
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1137 — Wesco
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1138 — Wesco
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1139 — Wesco
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1140 — Thompson, Noe
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1141 — Welch, Clere
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make appropriations.

HB 1142 — Welch, Davisson, Turner
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1143 — Day, Heuer, Crouch, Truitt
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1144 — Day
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1145 — Morris
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

HB 1146 — Morris
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1148 — Messmer
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1149 — Turner, C. Brown, T. Brown, Welch
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1150 — Sullivan, VanDenburgh
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1151 — Sullivan, Gutwein, DeLaney, Steuerwald
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1152 — McClain
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1153 — C. Fry
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1154 — Messmer
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1155 — Messmer, Eberhart, Davisson, McNamara
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

HB 1156 — Battles
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1157 — Battles
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1158 — Battles
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1159 — Battles
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1160 — Pelath
Committee on Select Committee on Government Reduction
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

HB 1161 — Pelath
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1162 — Neese
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1163 — Torr
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1164 — Wolkins
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

INTRODUCTION OF BILLS

With consent of the members, the following bills on Bill List 3 were read a first time by title and referred to the respective committees:

HB 1007 — McMillin, VanNatter
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1165 — Frizzell
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1166 — Noe
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1167 — Crawford
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1168 — Crawford
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1169 — Koch
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1170 — Bartlett
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly and to make an appropriation.

HB 1171 — GiaQuinta
Committee on Commerce, Small Business and Economic Development
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1172 — GiaQuinta
Committee on Insurance
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1173 — Ellspermann
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1174 — Goodin
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1175 — Goodin
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1176 — Goodin
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1177 — Goodin
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1178 — Kersey
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1179 — Kersey
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1180 — Kersey
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1181 — Candelaria Reardon
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1182 — Candelaria Reardon
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1183 — Day, Foley
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

HB 1184 — VanDenburgh
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1185 — VanDenburgh
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1186 — T. Brown
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1187 — Welch, Bacon, T. Brown, C. Brown
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1188 — VanDenburgh
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1189 — Thompson
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1190 — Crouch, Thompson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1191 — Culver, Wesco
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1192 — Cherry, Speedy
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1193 — M. Smith
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1194 — M. Smith
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1195 — M. Smith, Cheatham
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1196 — M. Smith, Yarde
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1197 — M. Smith, Neese, Karickhoff
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

HB 1198 — Turner
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1199 — Turner, Thompson, Torr, Welch
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1200 — Foley, Koch
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

HB 1201 — Dermody
Committee on Utilities and Energy
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

HB 1202 — Dermody
Committee on Financial Institutions
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1203 — Dermody
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

HB 1204 — Dermody
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

HB 1205 — Behning, Rhoads, Wesco
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1206 — Culver, Foley, Steuerwald
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1207 — Davis
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1208 — Eberhart
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

HB 1209 — Crouch
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1210 — Steuerwald, Thompson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1211 — Crouch, C. Brown
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1212 — Kirchhofer
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1213 — Gutwein, Dermody, Dembowski
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1214 — Ellspermann, Davisson
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1215 — Yarde, M. Smith, Truitt
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1216 — Kirchhofer
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1217 — Kirchhofer, Borders
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1218 — Kirchhofer, Borders
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1219 — Rhoads, Behning
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1220 — Rhoads, Behning
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

HB 1221 — Karickhoff
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1222 — Yarde, Wolkins
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1223 — Dermody
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1224 — Cherry, Lehe, Soliday
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

HB 1225 — Lehman, Cheatham, Wolkins
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1226 — Lehman
Committee on Insurance
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1227 — Clere, Dodge, Welch, Rhoads
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1228 — Reske
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1229 — Reske
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1230 — Reske
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

HB 1231 — Reske
Committee on Commerce, Small Business and Economic Development
A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1232 — Reske
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1233 — DeLaney
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1234 — DeLaney
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1235 — Lehe
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1236 — VanNatter, Heuer, Soliday, Speedy
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1237 — VanNatter, Mahan, Morris
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1238 — Burton
Committee on Financial Institutions
A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1239 — Burton
Committee on Financial Institutions
A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

HB 1240 — Morris
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1241 — Ellspermann
Committee on Commerce, Small Business and Economic Development
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

HB 1242 — Pryor
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1243 — Dembowski
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1244 — Klinker
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1245 — Klinker
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1246 — Speedy, Mahan, Moses
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1247 — Soliday
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1248 — Crouch, Welch
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1249 — Clere, Burton
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1250 — Mahan, Bosma
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1251 — Davisson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1252 — Noe
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1253 — VanNatter, Heaton, Ubelhor, Mahan
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1254 — Foley
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1255 — VanDenburgh
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1256 — VanDenburgh
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1257 — Moseley
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1258 — Foley, McMillin, DeLaney
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning probate.

HB 1259 — Porter
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1260 — Porter
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1261 — Heuer, Friend
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1262 — Morris
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1263 — Soliday
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1264 — Soliday, Candelaria Reardon, Dobis
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1265 — Ubelhor, Heaton, Grubb
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1266 — Ubelhor, McNamara, Goodin
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1267 — Klinker
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1268 — Klinker
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1269 — Neese, Koch, Cherry, Bacon
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1270 — Clere, Behning
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1271 — Steuerwald
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1272 — Steuerwald, Battles
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Statutory Committee on Ethics has had under consideration the House ethics policy and reports the same back to the House with the recommendation that the code of ethics (attached) do pass.

I. CODE OF ETHICS

In recognition of its responsibility to the citizens of this state, and in response to IC 2-2.1-3-6, the House of Representatives adopts the following code of ethics:

Every candidate for election to the House of Representatives shall campaign and, if elected, shall serve with a personal moral commitment to dedicated public service without mental reservation.

Every candidate for election to the House of Representatives shall disclose his or her occupational, business, professional, or other financial interests as required by law.

Every member of the House of Representatives shall, to the best of his or her ability, be fully objective when considering a proposition upon which he or she must act, keeping the welfare of all of the citizens of the state in mind at all times.

No member of the House of Representatives shall sponsor or cast a vote on any legislative matter, except budget or general revenue bills, that might reasonably be expected to directly result in a substantial increase of his or her nonlegislative income. Any member of the House of Representatives not voting for this reason shall be considered present for the purpose of determining a quorum. If a significant number of members are so affected, the House of Representatives or a committee thereof, as the case may be, may, by a vote of two-thirds of those voting, permit such members to vote.

Every member shall give freely of his or her particular expertise during a discussion or debate upon a given proposition; in doing so the member shall, insofar as it is possible, present the positions of all sides of the proposition.

Any member traveling to a legislative conference or meeting at state expense shall attend a substantial number of meetings and official functions.

No member shall host an event which seeks to raise campaign contributions for the election or reelection of any member to the General Assembly during the period beginning on organization day for the first regular session of the General Assembly and ending on the next April 29.

A member, the member's candidate committee and regular party committee organized by a legislative caucus of the House of Representatives of the General Assembly shall not, for the election or reelection of any member to the General Assembly, solicit campaign contributions, accept campaign contributions or conduct other fundraising activities during the period from the day before through the day after the day in November of each year that the General Assembly convenes.

No member shall accept honoraria during his term of office. Payment or reimbursement of expenses actually incurred shall be allowed.

II. PROCEDURE

Any member of the legislative ethics committee of the House of Representatives may receive:

(1) a complaint from any person alleging a breach of privilege, misconduct, a violation of state law, or a violation of this code of ethics; and

(2) a request from any member of the House of Representatives for a ruling by the legislative ethics committee.

Any complaint or request shall be reduced to writing on a form provided by the ethics committee and signed by the person making the complaint or request. The committee member receiving the complaint or request shall refer it to the chair who shall promptly call a meeting of the committee to consider the matter.

T. BROWN, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 4

Representatives Cherry, Baird, and Torr introduced House Concurrent Resolution 4:

A CONCURRENT RESOLUTION honoring Josh Bleill.

Whereas, Josh Bleill's life changed forever on October 15, 2006, when an improvised explosive device struck his Humvee during a patrol in Fallujah, Iraq;

Whereas, Two Marines were killed in the explosion, and Lance Corporal Bleill suffered a broken jaw, a crushed hip, and multiple broken bones;

Whereas, Lance Corporal Bleill also lost both of his legs;

Whereas, Josh Bleill recovered from his injuries in a hospital room in the National Naval Medical Center in Bethesda, Maryland;

Whereas, Bleill, a Greenfield native who played lacrosse at Purdue University and enjoyed water skiing while growing up, was facing the biggest challenge of his life — learning to live with artificial legs;

Whereas, Through dedication, hard work, and a strong belief in God, Josh overcame his injuries;

Whereas, Josh Bleill moved back home to Indiana in August, 2008 and was married to his wife Nikki in 2009;

Whereas, Josh joined the Indianapolis Colts as the team's community spokesperson;

Whereas, Josh Bleill has written a book entitled "One Step at a Time: A Young Marine's Story of Courage, Hope and a New Life in the NFL" in an effort to reach out to others who must recover from traumatic injury and to help them realize they can make a difference in the world and that their injuries do not mean their lives are over;

Whereas, Always a Marine, Josh believes that he is beginning a new mission and that his faith in God will help him accomplish this mission as well; and

Whereas, Josh Bleill's faith was truly tested by his severe injuries, but he recovered both physically and mentally and has become a stronger, more dedicated person because of his experiences: Therefore,

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

SECTION 1. That the Indiana General Assembly honors Josh Bleill for the sacrifices he made in defense of his country and for his courage and his dedication to recovering from his injuries. Josh has been able to see the good in what happened to him and to move forward. He has dedicated his life to helping others.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Josh Bleill and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Gard.

House Concurrent Resolution 5

Representative Messmer introduced House Concurrent Resolution 5:

A CONCURRENT RESOLUTION honoring Otwell Elementary School on its selection as a National Blue Ribbon School.

Whereas, The state of Indiana takes great pride in the accomplishments of its educational institutions;

Whereas, Otwell Elementary School is an outstanding elementary school that has repeatedly demonstrated clear vision, shared sense of mission, up-to-date curriculum, strong family involvement, and commitment to high standards;

Whereas, Each year since 1982, the United States Department of Education has honored America's finest public and private elementary schools as National Blue Ribbon Schools;

Whereas, The National Blue Ribbon School Award recognizes excellence in leadership, teaching and student environment, curriculum and instruction, parent and community support, and organizational vitality;

Whereas, The program is made up of the Elementary School Recognition Program and the Secondary School Recognition Program, recognizing elementary and secondary schools in alternate years;

Whereas, To be selected as a recipient of the National Blue Ribbon School award, a school is required to endure a week of exams and interviews from different educational groups as part of the selection process;

Whereas, Otwell Elementary School passed the test with flying colors and was honored as one of Indiana's National Blue Ribbon Schools for the year 2011; and

Whereas, Out of more than 130,000 eligible schools in the United States, Otwell Elementary School was one of only 305 schools to receive this prestigious award, which was a first for any Pike County school: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the faculty, administration, staff, and families of Otwell Elementary School for its selection as a National Blue Ribbon School by the United States Department of Education.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Otwell Elementary School Principal Rick Fears and Pike County School Corporation Superintendent Dr. Joan Keller.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Hume.

House Concurrent Resolution 6

Representative Thompson introduced House Concurrent Resolution 6:

A CONCURRENT RESOLUTION petitioning the United States Department of Transportation to hold hearings on the placement of the entire state of Indiana in the Central Time Zone.

Whereas, The Uniform Time Act of 1966 (15 U.S.C. 260 et seq.) delegates to the Secretary of the United States Department of Transportation the responsibility of designating standard time zones in the United States;

Whereas, Indiana is presently divided between the Central Time Zone and the Eastern Time Zone;

Whereas, Considerations of geography indicate that the entire state of Indiana should be located in the Central Time Zone;

Whereas, The observance of time in the Central Time Zone would return most of Indiana to normal times for daylight and darkness;

Whereas, Relocation of the time zone boundary will provide that most Hoosiers will observe the same time year round;

Whereas, Requests for changes in the designated time zones must be made by a local unit of government or a state government to the Secretary of the United States Department of Transportation;

Whereas, The Secretary of the United States Department of Transportation may make changes in time zone boundaries, subject to public hearings in the communities affected, at the request of the highest political authority of the state;

Whereas, The time that should be observed in Indiana has been a continuing issue of controversy;

Whereas, The general assembly finds that it is in the best interest of the citizens of Indiana to be located in the Central Time Zone;

Whereas, Placement of the entire state of Indiana in the Central Time Zone should be the "default" time zone placement of Indiana; and

Whereas, Placement of the entire state of Indiana in the Central Time Zone should not prejudice the ability of certain counties under federal law to seek to be placed in the Eastern Time Zone: Therefore,

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

SECTION 1. That the Indiana General Assembly hereby petitions the United States Department of Transportation to initiate proceedings under the Uniform Time Act of 1966 to hold hearings in the appropriate locations in Indiana on the placement and restoration of the entire state of Indiana in the Central Time Zone.

SECTION 2. That this petition should not prejudice in any way the ability of any Indiana county to seek to be placed in the Eastern Time Zone under the procedures prescribed by federal law.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a certified copy of this resolution to the Secretary of the United States Department of Transportation as an official expression of the opinion by and a petition of the 117th Indiana General Assembly.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Resolution 2

Representatives Stevenson, Dobis, Candelaria Reardon, and Harris introduced House Resolution 2:

A HOUSE RESOLUTION honoring George Thiel.

Whereas, George Thiel was born on March 20, 1926, in St. John, Indiana, and was raised on a seven acre farm on Theilen Street with his three brothers and one sister;

Whereas, George attended St. John the Evangelist Grade School, Catholic Central High School (later known as Bishop Noll Institute), and Dyer Central (later known as Lake Central High School);

Whereas, Upon graduation in April 1944, George enlisted in the U.S. Army and was sent to Fort McClellan, Alabama, for seven weeks of basic training;

Whereas, Upon completion of basic training, George was sent overseas;

Whereas, Serving in the 99th Infantry Division, George was promoted to Sergeant, participated in the Battle of the Bulge, where he earned a Purple Heart, and was honorably discharged from the Army in September 1945;

Whereas, Because George was fluent in the German language, he also served as an interpreter during the war;

Whereas, Returning home to Indiana, George was hired at Christenson Construction in Griffith, where he worked with his father and brother Clarence, retiring from this position on December 28, 1990;

Whereas, George joined the Griffith Fire Department, January 2, 1952, and was appointed Fire Chief in 1983;

Whereas, Upon his retirement in January 2012, he will have completed 60 years of service to the community;

Whereas, Active in the community, George is often found at the fire department or the Griffith Town Hall and can be seen at every Griffith High School football and basketball home game serving as a volunteer and avid fan;

Whereas, George married Peggy Vestal on April 14, 1951, and moved to Griffith in 1952 and still resides at the same location;

Whereas, Peggy and George had three children, Mike, Larry, and Sandy; and

Whereas, George Thiel has dedicated his life to serving others: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates George Thiel on the occasion of his retirement and thanks him for his dedicated service.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to George Thiel and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 3

Representative Koch introduced House Resolution 3:

A HOUSE RESOLUTION urging the legislative council to create the Indiana investment exchange committee.

Whereas, Sustainable economic diversification is essential to Indiana's continued fiscal growth and development;

Whereas, Neither local lenders nor governmental entities are currently equipped to make significant equity investments in local enterprises;

Whereas, Individual Indiana residents, resident economic entities, and institutional investors do frequently engage in risk-oriented investments, but do so primarily through out-of-state investment entities and national or international exchanges;

Whereas, The requirements, including cost, for listing on national and international exchanges are generally prohibitive for small to medium sized businesses;

Whereas, Indiana companies seeking local investment capital under current state and federal securities laws are generally limited to working privately with a small number of individual investors with significant personal assets in closed transactions subject to financial privacy protection;

Whereas, State and federal securities laws allow for a more publicly transparent equity investment process to be conducted between a private enterprise and investors, where all parties are located within the same state;

Whereas, Local investment in local companies is an effective means of driving economic growth and job creation through development of diversified industries within Indiana;

Whereas, A local investment exchange is an effective and efficient method of connecting potential investors, including small investors, with local enterprises seeking equity capital;

Whereas, A local investment exchange provides protection for investors and listed enterprises through the enforcement of clear standards and mandatory disclosures for listed enterprises and clear criteria for qualified investments;

Whereas, A local investment exchange will generate awareness of and interest in locally based opportunities for equity investment; and

Whereas, Several other jurisdictions have created or are investigating the possibility of creating local investment exchanges to promote locally based investment with a high multiplier effect: Therefore,

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

SECTION 1. That the legislative council is urged to create the Indiana investment exchange committee.

SECTION 2. That the committee, if established, shall do the following:

(1) Study:

(A) the possible creation of a local investment exchange in Indiana; and

(B) relevant state and federal laws and regulations relating to the formation of a local investment exchange.

(2) Make recommendations for legislation to create the necessary regulatory framework for a local investment exchange, including recommendations for:

(A) the appropriate agency to exercise regulatory authority over the local investment exchange;

(B) adequate staffing levels required for the identified regulatory agency to exercise regulatory authority over the local investment exchange;

(C) if applicable, criteria for the appointment of officers or directors of the local investment exchange;

(D) criteria for listing enterprises on the local investment exchange;

(E) indemnification of the local investment exchange from criminal and civil liability; and

(F) policies and procedures for collaboration with the federal Securities and Exchange Commission in the creation and administration of a local investment exchange.

SECTION 3. That the committee, if established, consists of the following members:

(1) The secretary of state or the secretary of state's designee.

(2) The director of the department of financial institutions or the director's designee.

(3) The chief executive officer of the Indiana economic development corporation or the chief executive officer's designee.

(4) The secretary of state or the secretary of state's designee, who is the chairperson of the committee.

SECTION 4. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Rules and Legislative Procedures.

House Resolution 4

Representative Kubacki introduced House Resolution 4:

A HOUSE RESOLUTION urging Congress to pass legislation to include personal hygiene items in the Supplemental Nutrition Assistance Program (SNAP).

Whereas, Individuals with low or no income lack sufficient funds to purchase necessary personal hygiene items;

Whereas, These items are currently not covered under the Supplemental Nutrition Assistance Program (SNAP), a federally funded nutrition program;

Whereas, Individuals in need of services require more than just basic food items if they are to become self-supporting citizens once again;

Whereas, Personal hygiene items are needed in order for individuals to apply for and obtain full-time or part-time employment;

Whereas, Personal hygiene items can also aid in the prevention of certain diseases or physical disorders and can assist in the maintenance of general health; and

Whereas, Without employment, these individuals will be unable to return to mainstream society: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges Congress to pass legislation to include personal hygiene items in the Supplemental Nutrition Assistance Program (SNAP).

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Indiana Congressional delegation.

The resolution was read a first time and referred to the Committee on Public Health.

House Resolution 5

Representative Steuerwald introduced House Resolution 5:

A HOUSE RESOLUTION urging the members of the Indiana Congressional delegation to co-author legislation similar to the Stop Trading on Congressional Knowledge (STOCK) Act.

Whereas, The Stop Trading on Congressional Knowledge (STOCK) Act would "prohibit members of Congress and federal employees from trading stocks based on nonpublic information obtained on the job";

Whereas, The STOCK Act was first introduced in the 109th session of the United States House of Representatives on March 28, 2006, by Representatives Brian Baird and Louise Slaughter but did not receive a committee hearing;

Whereas, Our government has operated successfully for more than 200 years due in part to a series of checks and balances that eliminate the possibility of one branch becoming too powerful;

Whereas, This process must also ensure that no employee can benefit through confidential information obtained while performing the employee's duties;

Whereas, We must make every effort to maintain these important principles and ensure that no member of Congress, government official, or federal employee can profit from nonpublic information; and

Whereas, It is important that our great nation have a law that will hold a member of Congress, government official, or federal employee legally accountable for making personal investments based on the information they use to do their jobs: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the members of the Indiana Congressional delegation to co-author legislation similar to the Stop Trading on Congressional Knowledge (STOCK) Act.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the members of the Indiana Congressional delegation.

The resolution was read a first time and referred to the Statutory Committee on Interstate and International Cooperation.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the following reassignments:

House Bill 1003 from the Committee on Government and Regulatory Reform to the Select Committee on Government Reduction.

House Bill 1020 from the Committee on Government and Regulatory Reform to the Select Committee on Government Reduction.

HOUSE MOTION

Mr. Speaker: I move that Representative Wesco be added as coauthor of House Bill 1005.

MAHAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Gutwein be added as coauthor of House Bill 1013.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Messmer and VanNatter be added as coauthors of House Bill 1016.

RHOADS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Clere and Lehman be added as coauthors of House Bill 1030.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dodge be added as coauthor of House Bill 1059.

BAIRD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Noe and Yarde be added as coauthors of House Bill 1065.

BORDERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Mahan be added as coauthor of House Bill 1069.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Messmer be added as coauthor of House Bill 1081.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Eberhart be added as coauthor of House Bill 1080.

R. FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Neese be added as coauthor of House Bill 1123.

BURTON

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Foley, the House adjourned at 2:20 p.m., this ninth day of January, 2012, until Tuesday, January 10, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Sixth Day — **Tuesday Afternoon** — **January 10, 2012**

The invocation was offered by Reverend Mark Malin, Oakbrook Church of Kokomo, the guest of Representative Heath R. VanNatter.

The House was called to order at 1:30 p.m. by Speaker Brian C. Bosma.

The Pledge of Allegiance to the Flag was led by Representative Ralph M. Foley.

The Speaker ordered the roll of the House to be called:

Austin ●
Bacon
Baird
Bardon □
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry ●
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses ●
Neese
Niezgodski ●
Noe
Pelath ●
Pflum ●
Pierce ●
Pond
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch ●
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 9: 64 present; 2 excused; 34 absent. The Speaker announced a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

RECESS

The House was called back to order at 2:37 p.m. by the Speaker.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum.

Austin ●
Bacon
Baird
Bardon □
Bartlett ●
Battles ●
Bauer ●
Behning
Borders ●
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry ●
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses ●
Neese
Niezgodski ●
Noe
Pelath ●

Pflum ●
Pierce ●
Pond
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch ●
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 10: 63 present; 2 excused; 35 absent. The Speaker announced a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

The Speaker announced that the Joint Convention to receive the Governor's State of the State message would begin at 6:45 p.m. and that the House would meet on Wednesday, January 11, 2012, at 1:30 p.m. to attempt to establish a quorum.

The House recessed until the fall of the gavel.

RECESS

JOINT CONVENTION

The members of the 117th General Assembly, meeting in Joint Convention, were called to order at 6:45 p.m. by the Speaker who introduced the Senate leadership, President Pro Tempore David C. Long, Majority Floor Leader Connie Lawson, Majority Caucus Chair James W. Merritt, Jr., Minority Floor Leader Vi Simpson, Assistant Minority Floor Leader Timothy Lanane, and Minority Caucus Chair James R. Arnold; the House leadership, Majority Floor Leader William C. Friend, Majority Caucus Chair Kathy Kreag Richardson, Speaker Pro Tempore P. Eric Turner, Minority Leader B. Patrick Bauer, Minority Floor Leader Linda C. Lawson, and Minority Caucus Chair Vanessa J. Summers; and the honored guests as follows: First Lady Cheri Daniels, wife of Governor Mitch Daniels; Mrs. Melissa Roberts, daughter of Governor and Mrs. Daniels; Mr. Benham Roberts, son-in-law of Governor and Mrs. Daniels; Mr. Steve Skillman, husband of Lieutenant Governor Becky Skillman; Aaron Skillman, son of Lieutenant Governor and Mr. Skillman; Mrs. Cheryl Bosma, my wife; Congressman Marline Stutzman; The Honorable Tim Berry, State Auditor, and his wife Kim; The Honorable Dr. Tony Bennett, State Superintendent of Public Instruction, and his wife Tina; The Honorable Greg Zoeller, Attorney General; Chief Justice Randall Shepard, Indiana Supreme Court and his wife, Amy MacDonell; Supreme Court Justices Brent Dickson and his wife Jan, Frank Sullivan Jr., and Steven H. David; Judge Margret Robb, Chief Judge of the Indiana Court of Appeals; Indiana Court of Appeals Judges John Baker and his wife Peggy, Judge Edward W. Najem, Jr. and his wife Star Cochran, Judge Mark Bailey, Melissa May and her husband Mike, Nancy Vaidik, Paul Mathias, Michael Barnes, Terry Crone, Cale Bradford and his wife Sam, and Elaine Brown; Judge Martha Blood Wentworth, Indiana Tax Court; and The Honorable Greg Ballard, Mayor of Indianapolis, and his wife Winnie.

The Speaker introduced Lieutenant Governor Becky Skillman, President of the Senate, and yielded the gavel to her.

Lieutenant Governor Skillman convened the joint session and presented the Governor as follows:

"Members of the Joint Assembly: Pursuant to Section 13 of Article 5 of the Indiana Constitution, this Joint Convention of the two houses of the Indiana General Assembly is now convened for the purpose of hearing a message from the Governor of the State of Indiana.

Ladies and Gentlemen of the House and Senate, and distinguished guests, I have the high honor and privilege of presenting to you the Governor of the State of Indiana, the Honorable Mitch Daniels."

Governor Daniels was escorted to the rostrum by Representatives Dodge, McClain, Grubb, and Stemler and Senators Charbonneau, Miller, Mrvan, and Taylor.

STATE OF THE STATE

"Members of the General Assembly, honored guests, fellow citizens. For an eighth time, and the final time, you afford me the unrivaled privilege of this podium. As it's my last such chance to express my appreciation for the public service you each perform, and to Hoosiers for hiring me twice so I could try to perform my own, I'll start with a heartfelt thank you.

But the time for reminiscing will come later, much later. Tonight, and all nights in today's Indiana, must be about the future, where we are and where we are going.

A reporter asked recently, "What keeps you up at night?" I replied that I generally sleep well, but if I ever do have trouble, I don't have to count sheep. I count all the states I'm glad I'm not the governor of.

Around the time I first took office, a radio caller expressed a fairly common sentiment. He said "I like what you say you stand for, but Republicans, Democrats, nothing ever changes. Nothing's ever different." I recall responding, "Sir, I'm careful not to promise what I'm not sure can be delivered. But I'll promise you one thing. In a few years, you may disagree with decisions we've made, or actions we've taken. But you will <u>not</u> think nothing's different."

I'm pretty sure that good man would agree tonight that things are very different in Indiana now. Then, we were broke and other states were flush. Tonight, while states elsewhere twist in financial agony, Indiana has an honestly balanced budget, a strong, protective reserve in our state savings account, and the first AAA credit rating in state history, one of just a handful left in America. Our credit is better—imagine this—than that of the federal government.

Another host of states raised taxes again last year, while Hoosiers are taxed at the lowest levels in a long time, thanks in part to the lowest property taxes in the nation.

While other state governments stiff their vendors, close parks, delay tax refunds, and ignore unacceptably poor service levels, Indiana state employees are setting national standards for efficiency.

Tonight, Hoosiers are served by provably the most productive government workers anywhere. Indiana has the fewest state employees per capita in the country, the fewest we've had since 1975. And yet our parks have never been in better shape, your tax refund comes back twice as quickly as it used to, and the average customer got in and out of a license branch last month in less than 14 minutes.

I'm not the only one to notice. In a national survey last summer, 77 percent of Hoosiers described their state government as "efficient," far above most states and the second-

highest rating in the nation.

Uniquely in public sector America, Indiana now pays state workers on a performance basis, so those doing the best job are properly rewarded for their superior efforts. But I know that the reward they value as much as money is simple recognition from the citizens they serve, and I hope you'll show them right now that you value them and their hard work as much as I do.

Careful stewardship of the taxpayer's dollar, and ceaseless efforts to improve public services, are matters of duty, and basic good government. But they are not the fundamental goals of public life. They are just means to the real goal, which is to make of our state a place of opportunity, and upward mobility, and a better standard of living. A place where young people, and people not so young, know that they can start with nothing and make a good life. From our administration's first day, this has been the central objective around which everything else was organized.

We have worked relentlessly to move Indiana up the list of great places to do business. We set out to build the best sandbox in America, a place where men and women of enterprise knew that, if they risked a buck on their idea or their dream, they would have the best possible chance to get it back, with something left over they could use to hire the next Hoosier.

We have made steady progress, coming from nowhere to the top tier in every ranking: No. 6 according to the nation's site selectors, No. 6 according to CEO Magazine, No. 5 according to real estate decision makers.

But it isn't nearly enough. It was our ironic bad luck to create a top economic climate just as the nation plunged into its worst modern recession, and business investment slowed to a crawl: we became the prettiest girl in school the year they called off the prom.

Despite these headwinds, our recently strong state revenues show that something positive is happening to Hoosier incomes. In 2010, the most recent data we have, Indiana incomes grew at the eighth fastest rate in the country.

Here's another encouraging sign: more people are moving into Indiana than moving out. Our population is growing at the fastest rate from Iowa to Maine. Maybe best of all, thousands more college graduates moved into our state last year than moved out. There is no better indicator of economic promise in today's world than success at attracting top talent, and we are.

We are not where we want to be, nowhere close. But with a welcoming business climate, enormous investments in new public infrastructure, and a stable fiscal picture, we are poised for more progress, and better days.

Beyond the statistics lies a more basic difference in the Indiana of today: we are now, indisputably, seen as a leader. In hundreds of articles about fiscal prudence, economics, transportation, corrections, child protection, we are cited constantly now as an example for others to examine. From Cleveland: "Ohio should follow Indiana's lead and dive in." From Detroit: "Indiana has many of the answers…as seen in Indiana it certainly is possible." From North Carolina: "Fortunately, there's no need to speculate about how a state might proceed...Indiana has already done it."

It's more than words. We now experience the sincerest flattery all the time: our Economic Development Corporation has been copied by Ohio, Wisconsin, Michigan, Iowa among others; our corrections programs by Oregon; our employee health care by Oklahoma, Missouri, and Florida; our performance-based personnel policies by Tennessee and Wyoming; our air quality modeling and permitting by Kentucky and South Carolina; our online university, WGU Indiana, by Texas and Washington. And, at every governors meeting, someone says "If only we could pull off a deal half as good as Indiana did with its Toll Road."

The latest realm in which Indiana is now a leader is perhaps the most important. From coast to coast, others are praising our reforms of public education. One national magazine wrote that Indiana has gone "from the backwaters of education reform in America to the front." The Fordham Institute said "No one has been more successful in providing a comprehensive reform plan for a system that is failing America's children." And then there's this, from even further away: the Daily Telegraph of London wrote that in education, "England would do well to follow Indiana's lead."

The days when education debates started and stopped at dollar signs are over, and high time. From President Obama down, everyone now recognizes that leaders in education are defined not by what they put in but by what they get out. But just for the record, and despite frequent misrepresentations to the contrary, Indiana is a leader in what we put in.

With this year's spending increases, plus the additional funds we requested for full day kindergarten, K-12 spending is now 56 percent of the entire state budget, the highest percentage of any state in the nation. No state anywhere devotes more of its state funds to education.

But that's not why others are following Indiana. It's our new commitment to rewarding the best teachers, liberating principals and superintendents, and providing low- and middle-income parents the same choices as their wealthier neighbors; that's what has caught the world's attention. And this year, when we end the cruel, defeatist practice of passing children who cannot read into fourth grade, and when our most diligent students begin to graduate from high school in 11 years, and get a head start on college costs with the dollars they earned through their hard work, others will take notice of Indiana yet again.

There are few subjects more studied, or more intriguing, than leadership. Leaders come in many forms and often from unexpected directions. But some qualities are common among them, and one is that leaders never loaf. They never slip into complacency, settle for things as they are, or stop pursuing innovation and excellence of result. If they do, leadership will pass, and new leaders surpass. Leaders who loaf aren't leaders for long.

Along with all the accolades, Indiana now bears this burden of leadership, the duty to keep pressing ahead.

This administration will not loaf. We have made out a long list of self-assignments for our eighth and final year. Our Economic Development Corporation captured a record 219 new jobs transactions in 2011; we have raised the bar to 250 for the year ahead.

We will press hard to accelerate further the ahead-of-schedule, under-budget delivery of our Major Moves transportation program. In 2012, we will invest $1.2 billion in road and bridge construction, the sixth straight record-setting year.

The last contract on the Hoosier Heartland Corridor will be let next summer and the entire project finished by 2013. The last contracts on U.S. 31 from South Bend through Kokomo will be let this year, and we have accelerated completion of the entire corridor into 2015. I-69 will be open for traffic from Evansville to Crane, as will the entire Fort to Port highway in Northeast Indiana. The Sherman-Minton Bridge will be rebuilt and reopened by March and, upriver, an agreement on a new bridge from Utica to Louisville will be in place, cementing Indiana's

place at the forefront of the public-private partnership movement.

We will build the state's 3,000th mile of bike and hiking trails, and reach our goal of a trail within 15 minutes of every Hoosier.

Unknown to most citizens, the air and water of Indiana is now the cleanest in living memory. In 2011, every Indiana community met all national air quality standards for the first time in the history of the Clean Air Act.

Last year, we wiped out the last of a 550-case backlog of old, and therefore less strict, environmental permits, and are now the only state completely current. Our goal for 2012 is to maintain this status and, if national limits are lowered yet again, to find a way to meet those standards, too.

We will complete our successful overhaul of what was once America's worst welfare system when, in February, the 10th and final region is converted to our reformed, public-private system. Backlogs have been slashed by 80 percent, timeliness and accuracy have soared above national averages, and last October the program earned a cash bonus and an award for most improved in the nation. We have set high targets for continued improvement in 2012.

The same is true of our campaign to conserve Indiana's natural heritage. The last seven years have seen new records for protection of wetlands and habitats, 50,000 acres by the end of this year, highlighted by the largest such project ever at Goose Pond. In 2011, we launched new waterways conservation projects the size of three Goose Ponds in the Muscatatuck Bottoms, and five Goose Ponds along the Wabash Corridor. Before long, Hoosiers will be able to travel over 100 miles down our state's signature river and never leave a protected wetlands.

Our coming Bicentennial gives us an ideal opportunity to extend this historic era of reverence for the beauty God bestowed on Indiana. I have appointed a commission of a dozen illustrious citizens, led by my partner Becky Skillman, and by the legendary Congressman Lee Hamilton, to guide the great celebrations to come.

As a first initiative, I have asked them to oversee a Bicentennial Nature Trust, a statewide project to protect still more of our most precious natural spaces. On our 100th birthday, Indiana launched its state park system. A statewide conservation initiative is a fitting sequel and bequest from our second century to our third.

We have identified state funding, within existing resources, of $20 million, but that must be just a beginning. The Trust is intended to inspire others, and to match their donations of land or dollars in a continuing statewide surge of conservation. The Commission joins me in challenging citizens, businesses, and in particular our unique network of county community foundations, to identify and fund local projects that will safeguard places of beauty for future generations.

In this Assembly, you too must set big goals. We should, at long last, enact a law to protect workers and patrons across Indiana from the hazards of second-hand smoke. Public support has grown, and so has the evidence of health risk to workers. It is time to move this long-sought objective to the finish line.

We should—no, we must—strengthen our laws against the horrid practice of human trafficking, and we must do it in time for the Super Bowl, the kind of event at which the exploitation of young women is rampant in the absence of such a tough law.

We should assist students with the cost of higher education by empowering our Higher Ed Commission to limit the "credit creep" which unduly increases both time to graduation and student expense. Undoubtedly, some degrees will continue to justify more than the traditional 120 credit hours. But schools requiring 126 hours for a degree in sociology, or 138 hours in special education, or 141 hours in music education, should have to explain why all that time and student expense is necessary, especially when other colleges offer high quality programs in less time and cost.

We should deepen the state's response to the terrible tragedy that befell so many at last summer's Indiana State Fair. A catastrophe so singular merits unique treatment, and I hope you will augment the amounts already provided the victims and their families by the state and private donors.

And we should trust the people of Central Indiana with the decision whether to raise local dollars for mass transit if they believe it crucial to their future quality of life.

Within weeks, one of the great public careers, and perhaps the greatest judicial career, our state has known will come to a close. Chief Justice Randy Shepard, let tonight be one of many occasions on which a grateful and fortunate state thanks you for a quarter century of fairness, firmness, and farsightedness on our highest bench.

Part of Justice Shepard's legacy will be the landmark report that he and former Governor Joe Kernan co-authored, proposing overdue modernization of our pioneer days structures of local government. One way to honor this great public servant will be to advance more of the sensible and needed reforms set forth by the Kernan-Shepard Commission. I ask this Assembly to do so, on their own merits but also in recognition of this historic public servant.

Because economic opportunity, and building America's best home for jobs, is the central goal of all we do, every year should include a bold stroke to enhance it. This year, the choice of actions has become obvious.

In survey after survey, by margins of 2 to 1 or more, Hoosiers support the principle known as Right to Work. After a year of studying the proposal, I agree.

The idea, that no worker should be forced to pay union dues as a condition of keeping a job, is simple, and just. But the benefits in new jobs would be large: a third or more of growing or relocating businesses will not consider a state that does not provide workers this protection.

Almost half our fellow states have right to work laws. As a group, they are adding jobs faster, growing worker income faster, and enjoying lower unemployment rates than those of us without a law. In those ratings of business attractiveness I mentioned, the only states ahead of us are right to work states.

What every economic development expert has testified to, we have learned from firsthand experience: over seven years and well over a thousand job competitions, we have found that, when Indiana gets a chance to compete, we win two out of three times. But too often we never get a chance, because a right to work law is a requirement. Especially in this poor national economy, a state needs every edge it can get.

Everyone knows that, among the minority favoring the status quo, passion on this issue is strong, and I respect that. I did not come lightly, or quickly, to the stance I take now. If this proposal limited in any way the right to organize, I would not support it. But we just cannot go on missing out on the middle class jobs our state needs, just because of this one issue.

For the sake of those without jobs, and those young people just beginning the ascent of life's ladder, I ask you to remove

this obstacle and make Indiana the 23rd state to protect the right to work.

I have a new prized possession. It is a letter, written to his parents by a young clerk named A.B. Carpenter, on February 12, 1861. Amid updates about haircuts, colds, and headaches, young Mr. Carpenter reported the following: "There is…considerable excitement concerning a couple of legislators who went to Kentucky to fight a duel. Mr. Heffern, a Democrat, slandered and abused Mr. Moody, a Republican in a speech and Moody challenged him. He accepted and choosed bowie knives. They went to Kentucky last Friday night and have not been heard from since."

And we think we have disagreements! When we do, I hope we'll keep them not only in state, but also in this Chamber, where the people's business is supposed to be settled.

Mr. Carpenter's letter wasn't mainly about duels or haircuts. He wrote it because he had gone to see the newly-elected President, Abraham Lincoln, who had spent that day, his 52nd birthday, in Indianapolis. Young Carpenter described Lincoln's arrival at Lafayette Road, the procession down Washington, Pennsylvania, Ohio and Illinois Streets to the Bates House hotel.

Seeing the new President filled Carpenter with hope, he said, that "(S)oon our government will be remodeled." I like the term. These measures I have mentioned are part of our continuing remodeling project.

In three weeks, the entire world will fix its eyes on this city, and our state. It should be a magic moment, I hope a matter of pride to every Hoosier everywhere.

But the Super Bowl didn't get here overnight. Indy's selection followed decades of constant striving, and building, and reforms to make our capital the vibrant, livable model city it has now become. No one leader, or group of leaders, made it happen. The work was passed from hand to hand, administration to administration, generation to generation, and in no era did the people of Indianapolis rest, or settle, or loaf. So it will have to be with the construction of the great Indiana we are determined to achieve.

I carried here from its place on my desk an atomic clock, given me by a friend who served a sister state as governor with great distinction. It sits directly in front of me each day, counting down the days, hours, minutes, and seconds until I turn over these duties and return to private life. It is there to remind me to use every moment as well as I can to make Indiana a place of greater promise and prosperity. Silently, it challenges me to search each day for the next improvement, the next efficiency, the next breakthrough, the next stroke of Indiana leadership.

Yes, these nights are about the future, but I do look back at past speeches, if only to avoid repeating myself. In one, I recounted telling an East Coast CEO who wondered what Indiana was known for that one day he wouldn't have to ask. Tonight, he doesn't.

In another, I said I hoped we would become bolder in our embrace of change, take our motto from the inspiring athletes of the Special Olympics, and be a braver state. Tonight, we are.

In the very first of these meetings, I invited you and every Hoosier listening to join us in rejecting mediocrity, demanding excellence, aiming higher. Tonight, we do.

In a column titled "Indiana promises a better future," a young graduate student, a lifelong resident of a neighboring state, wrote to the Indianapolis Star that she had made a critical life decision. She would take her new degree and move to Indiana. She cited our "fiscally responsible choices," our "economic integrity," our avoidance of the "out-of-control spending we see in so many other states." She concluded by predicting that more talented young people would make "that short drive down I-69 to a more promising future."

That is the state we have dreamed of. A state that magnetizes people of talent, and the risk-taking capital that seeks to employ them. A state of growth. A state of hope. A state of promising futures.

We are not yet fully that state. But we are so much closer to it. We have leapfrogged other places, passed more competitors than Tony Stewart at Homestead. We are certainly, irrefutably, different.

Until it became real, I never imagined that, for eight fulfilling years, I would be given the chance to help make Indiana different. On the night it became real, I resolved to use every day, take every action, make every change that might make our state a place of promising futures.

I now have 369 days, 5 hours, 28 minutes, and 9 seconds left as the people's employee. I pledge to use every one of them, as wisely as I can, in the service of those who sent us to this chamber. I ask you to do likewise, to be the kind of leaders the new leadership state of Indiana now expects us to be.

God bless this Assembly and this great state."

The President of the Senate adjourned the joint convention.

The House was called back to order by the Speaker.

The House adjourned at 7:32 p.m., this tenth day of January, 2012, until Wednesday, January 11, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Seventh Day — **Wednesday Afternoon** — **January 11, 2012**

The invocation was offered by Dr. Murray Joseph Thompson, First Presbyterian Church of Bloomfield, the guest of Representative Bruce A. Borders.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative B. Patrick Bauer.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 11: 99 present; 1 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

"I move that Senators Charbonneau, Miller, Mrvan, and Taylor be appointed to act with a like committee of the House of Representatives to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on January 10, 2012."

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

"I move that Senators Bray, Broden, Charbonneau, Delph, Glick, Head, Holdman, Kenley, Lanane, Randolph, Rogers, Steele, Tallian, M. Young, and Zakas be appointed to act with a like committee of the House of Representatives to wait upon the chief Justice and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on January 11, 2012.

Senator Bray shall serve as chairman of the committee."

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 4 and 5 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill 4 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 8 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

JOINT CONVENTION

The members of the 117th General Assembly, meeting in Joint Convention, were called to order at 1:55 p.m. by the Speaker.

The Speaker introduced the honored guests as follows: Amy MacDonell, wife of Chief Justice Shepard; Ms. Mattie Shepard, daughter of the Chief Justice; Jan Dickson, wife of Justice Brent Dickson; Dr. Denise Rucker, wife of Justice Robert Rucker; Judy O'Bannon, former First Lady of Indiana; The Honorable Greg Zoeller, Attorney General; The Honorable Tim Berry, Auditor of State; Dr. Tony Bennett, Superintendent of Public Instruction; former Justices Ted Boehm, Myra Selby, and Roger DeBruler; Bob and Helene Cross, friend of Chief Justice Shepard; Erik Chickedantz, President of the Indiana State Bar Association; Dan Vinovich, president-elect of the Indiana State Bar Association; Michael Hebenstreit, President of the Indianapolis Bar Association; Scott Chinn, president-elect of the Indianapolis Bar Association; members of the Indiana Judicial Nominating Commission; Governor Mitch Daniels; Lieutenant Governor Becky Skillman; the Senate leadership, President Pro Tempore David C. Long, Majority Floor Leader Connie Lawson, Majority Caucus Chair James W. Merritt, Jr., Minority Floor Leader Vi Simpson, Assistant Minority Floor Leader Timothy Lanane, Minority Caucus Chair James R. Arnold; the House leadership, Majority Floor Leader William C. Friend, Majority Caucus Chair Kathy Kreag Richardson, Minority Leader B. Patrick Bauer, Minority Floor Leader Linda C. Lawson, and Minority Caucus Chair Vanessa J. Summers.

The Speaker yielded the gavel to Lieutenant Governor Becky Skillman, President of the Senate, who convened the joint session and presented the Chief Justice as follows:

"Members of the Joint Assembly: Pursuant to Section 3 of Article 7 of the Constitution of the State of Indiana, this joint session of the two houses of the Indiana General Assembly is now convened for the purpose of hearing a message from the Chief Justice of the Supreme Court of the State of Indiana.

It is my privilege to present to you the distinguished Chief Justice of the Supreme Court, the Honorable Randall T. Shepard."

Chief Justice Shepard was escorted to the rostrum by Representatives Richardson, Friend, Koch, Steuerwald, Speedy, Foley, McMillin, Bartlett, and Pierce and Senators Bray, Broden, Charbonneau, Delph, Glick, Head, Holdman, Lanane, Kenley, Randolph, Rogers, Steele, Tallian, Young, and Zakas.

On the Way to Something Better

"While the reports that the Constitution directs the Governor and the Chief Justice to give are known as the "State of the State" and the "State of the Judiciary," very little in public or private life is actually static. These annual snapshots always reflect a journey from where we used to be, towards something new and better.

I'm always mindful that the Constitution calls on me to report on the state of the whole judiciary, all 400 of Indiana's courts, a report on the larger enterprise that is moving from yesterday to tomorrow.

The yesterday of Indiana's courts lasted largely unchanged over decades. As in many other states, our courts were a collection of silos that rarely connected. There were few agreed ways of conducting business, or assigning the disputes people brought, or managing those disputes to a speedy finish. For much of our history, rules and practices varied so much from one courtroom to the next that even lawyers, and certainly citizens, could rightly think they were crossing the state line when they simply went over to the county next door.

That began to change about a generation ago, and over time Indiana's courts have become less like a collection of Lone Rangers and more like a group of colleagues with a common purpose. The legislature created unified courts in the state's urban areas, and it began to support collaboration between judges through the Judicial Conference of Indiana, the Judicial Center, and the Division of State Court Administration.

The movement towards collaboration was visible in 2011 when the General Assembly created three more unified courts in Henry County, Clark County, and Madison County, at the request of judges and county officials who had reached the conclusion that they could be more effective by working together more closely. And at your prompting, the Judicial Conference adopted rules to consolidate probation departments in those few places that were still operating as though criminal justice could succeed in a series of silos.

Joint Action for Families and Children

You could call this growing commitment to joint effort "court reform" or "tax dollar-efficiency," but it makes a difference in the lives of people. You can see that in fields like families and children and domestic violence. A generation ago, courts heard those disputes about the same way we heard cases on property ownership or breach of contract. The techniques had not grown alongside the size of the problems.

That has changed dramatically. Indiana's ability to care for abused or neglected children, for example, is light years ahead of where it was just a decade ago. Governor Daniels launched an agency that focuses solely on children, whose caseworkers have enough training and time to do the job right. And the General Assembly has taken the expense of protecting those children off the backs of property taxpayers.

As for the judicial branch, when children went to court in the old days, too often no one really spoke for them because the parents were so focused on their own conflict. Today, Indiana's courts have people who speak just for the best interests of the child—sometimes lawyers, but more often volunteer Court-Appointed Special Advocates, CASAs for short. The Daniels Administration and the legislature gave the judiciary the resources to recruit, place, and support an army of volunteers who speak for children. Indiana now has more local CASA programs than any state but Texas. In 2011 we trained the largest number of new volunteer advocates ever—1,010. And the number of children awaiting assignment of a CASA is half what it was this time last year.

For particularly acrimonious divorces involving children, we now offer family mediation, something that didn't exist two decades ago. Judge Tom Felts of Fort Wayne first launched this initiative, and you authorized us to use this approach statewide, and we now employ it in 33 counties.

In the cases involving the worst threats, we have more tools than ever for combating domestic violence. In 2002, you made valuable changes to the statutes on domestic violence protection orders, but when a court issued an order, only paper copies existed, making it tougher for the police to enforce them. Not anymore. Thanks to the Judicial Technology and Automation Committee, when a judge issues an order we send it immediately and electronically to law enforcement. JTAC has also enabled local victim advocates like women's shelters to have direct access to the Protective Order Registry, and 71 victim advocates do that in 61 counties.

This time last year I told you we were on our way to being

able to send text or email notices to victims when a protective order is actually served on the abuser, a particularly dangerous moment. JTAC completed that work and last year we sent notices to 9300 victims. These improvements literally save lives.

More Effective Criminal Justice

This same seriousness of purpose is the story in criminal justice. When I was a trial judge, judges mostly had two sentencing options: prison and probation. In the intervening 25 years, governors and legislators and prosecutors and defense lawyers and judges have wrestled continually with the twin challenges of exploding prison populations and persistent recidivism.

State and local ingenuity have produced a different world: 49 certified drug courts, highly professional probation departments with the time and tools to monitor felons who number in the tens of thousands, 56 court drug and alcohol programs, the first veterans courts, delinquency projects run jointly with school corporations and the social work community, and the new risk assessment tools that help identify the most effective sanction for individual offenders. Last year we evaluated 134,000 offenders using this 21st century evaluation technique.

There is deep interest at the local level in finding more effective approaches, even under existing law. In May, the Department of Correction and the judiciary invited people in the criminal justice community to a statewide summit on evidence-based sentencing, and 775 people came: prosecutors and judges, defense lawyers, community corrections and probation officers, and school corporation staff. It was clear to me that the spirit of reform was alive and well at the local level.

This spirit is vividly illustrated by a project on evidence-based strategies under way in Grant County, led by Judge Mark Spitzer and Prosecutor James Luttrull, that the U.S. Department of Justice plans to use as a national guide.

Courts and Healthy Commerce

Among the heart-warming aspects of stories written in the last few weeks has been commentary on the fact that Indiana's courts are not a barrier to economic development. You could all name states where businesses shy away because of the litigation climate.

One way the legal system can be a barrier has to do with sheer complexity, but this state sometimes strikes important blows for simplicity. On a basic matter like deciding what evidence is admissible in court, for 175 years Indiana employed a system derived from the ancient common law, using appellate court opinions to specify how to submit evidence—how to establish that a document is genuine, what is hearsay and what is not. People confronted with these issues had to search thousands of pages of opinions for guidance. When they were lucky, they found an appellate opinion giving the answer. If they were not so lucky, they would find two opinions giving different answers.

We've now replaced those millions of words with the Indiana Rules of Evidence, just 24 pages covering everything from the definition of hearsay to when you need the original of a document and when a copy will suffice.
There are still debates in the course of a trial about what is admissible, but at least everybody now sings from the same page. Lawyers and judges can know which rule applies and spend their energies exploring how to apply the rule to a particular situation. Citizens who find themselves in court without a lawyer can use this relatively simple roadmap.

Calling such a reform "modernization" passes over what it does for holding down the cost of litigation and improving citizen access. The same is true of the Jury Rules (a recent study ranked Indiana fourth on the fairness of juries—they're drawn from the most inclusive in the country) and the Plain English Jury Instructions (which give jurors a fighting chance to escape the legalese).

The other barrier is partially organizational and partially mental frame of reference. Do people in courts understand that how they perform affects a state's economic climate? I suggest that the work we've done together on mortgage foreclosure proves up our bona fides on that point. Led by Lieutenant Governor Skillman, with energetic participation by Attorney General Zoeller, Indiana has been working to revise statutes and develop new court practices that give homeowners a better chance to re-write their mortgages and stay in their homes, if that's possible. The judiciary has been working to focus all these techniques in the place where it really matters, the courthouses. We have now deployed that new package of practices in the 20 counties that represent two-thirds of the foreclosures, including all 10 of the counties hardest hit. It turns out that these new processes multiply the chance that a homeowner might achieve a successful workout by six times!

This is important for homeowners, but not for homeowners alone. After all, a functioning real estate market is part of what a healthy economy needs. One of the case managers who you've helped us put in place recently wrote in praise of the many mortgage company lawyers who, she said, view this effort as a win-win opportunity.

A Better Legal Profession

That leads me to tell you about changes in our legal profession that ought to be a source of pride. Indiana became a state where lawyers have to complete continuing legal education because lawyers thought it would be good for them and for clients. The Indiana State Bar Association's original proposal left out judges, but judges insisted that we should impose on ourselves whatever we required of lawyers.

In 2011, there was a development that reflected that same spirit. As a result of the Judicial Conference's strategic planning, judges proposed that judges should have an even higher requirement than practising lawyers, and now we do.

What else is better about the lawyers and judges who make up Indiana's legal profession? We have:

- improved bar admissions by adopting three new national exams, including one on ethics and one on problem solving;
- created the country's first joint program for impaired lawyers and judges;
- created the first statewide lawyer leadership academy, a project of the State Bar in which Justice David is playing a leading role;
- created with your help, the Indiana Conference on Legal Education Opportunity and doubled the number of minority lawyers.

Is This Quality Work?

While most of what I've said applies to the whole judiciary, I do want to say a few words about the appellate courts. I could talk record numbers, but I'd rather talk about quality. One way to measure quality is whether the decisions issued in Indiana get relied on by lawyers and judges in other states.

There was a time when Indiana stood near the top of the state courts to which lawyers, scholars, and other judges looked for

answers to the legal problems of the day. A study in 1912 examined how often state courts cited each other, and Indiana was the fifth, following only New York, Massachusetts, Illinois, and California. A similar exercise in 1920 showed Indiana ranked eighth. A study in 1936 concluded that Indiana ranked fifteenth. By 1975, a study of the reputation of state supreme courts placed Indiana twenty-fifth. Only Missouri and Texas had fallen further.

That's not the way it is today. Chief Judge Robb's recent opinion about environment liability has been cited in Massachusetts and Texas, placed in a handbook on insurance law, explored by a law journal in Ohio, and cited by the American Law Institute. And a national sentencing expert recently said to me that Justice Dickson's opinion on the use of risk assessment tools in criminal sentencing was the best piece of work anywhere in the country. At a recent national conference the Chief Justice of Nevada said to me, "We were so grateful for Justice Sullivan's opinion on gaming."

This is, of course, grounds for professional pride, and it's probably one reason why more people are voting in retention elections than ever before. But there's a much more important reason. It is the value in the public sector of what George Will recently called "reasoned judgment." Whether the disputes people bring to us are thoughtfully and honestly decided according to facts and law is crucial to a free society.

An Extraordinary Circle of Servant-Leaders

These are but the most evident trends from where we used to be to where we are going, and it is not humility but simple fact for me to say that the circle of people on the bench and in the bar who have been lending ingenuity and leadership is very broad indeed. We are so well served by people like:

- Lilly Judson, State Court Administration, who has just finished holding the highest office in court administration in America as a leader of the National Center for State Courts, and Judge Mike Witte, now director of the Supreme Court Disciplinary Commission, who just finished a term leading all the nation's judges in the American Bar Association.
- Justice Frank Sullivan breathed new life into the cause of bringing more minority law students into court clerkships and is now leading all of the bar's efforts on ethics and professionalism.
- Judge Wayne Trockman of Evansville whose ground-breaking work in drug courts was recently honored by the National Association of Drug-Court Professionals with its "Transformation Award."
- Judge John Surbeck of Fort Wayne, fairly called one of the inventors of re-entry courts, is literally in world-wide demand for his expertise.
- Jan Dickson was rightly recognized in November by the National Center for State Courts for having done more to help the families of judges than anyone, anywhere.
- And Justice Robert Rucker, who chairs the Judicial Council of the National Bar Association and whose career has been such an inspiration to others that the Lake County Commissioners recently renamed the facility in East Chicago the Robert D. Rucker Courthouse.

Extraordinary People Working on Important Causes

These extraordinary people and others have been engaged in making the system of justice work better tomorrow than it did yesterday ("aiming higher," as a friend said), and their collective commitment is the reason we can be confident about tomorrow. Here are some examples from 2011:

After winning national awards for innovation from organizations like the Council of State Governments, JTAC, led by Mary DePrez, is just on the verge of deploying our new 21st century case management system in 40% of the state's cases.

- Forty-four new law enforcement agencies began using JTAC's electronic citation system, bringing the total to more than 250, from the State Police to the St. Joseph County Sheriff's Department. Last year more than 1.3 million tickets were issued using JTAC technology.
- Our program on civics, Courts in the Classroom, won its tenth award, from the National Council on Public History, for its success in helping teachers and students and the general public understand their courts and their government.
- The Public Defender Commission added yet another large county, Delaware, to its network of upgraded local public defender services, and national experts on indigent defense have been writing about Indiana.
- Judge Diane Schneider of Lake County and others launched ground-breaking work on guardianships for those seniors who have no family to look after their affairs.
- And Judge Schneider spoke on our behalf in urging your adoption of the new Uniform Guardianship Act, just in time for the tidal wave of retiring baby boomers.

My Thanks for the Opportunity

To be engaged with so many splendid people in so many worthwhile causes has for me been a better career than one could ever imagine.

To deliver this final report standing in this place where so many valuable measures in support of a fairer society have found success is simply uplifting. To do this between Mitch Daniels and Becky Skillman is very poignant, for their friendship has enriched my life. And if a fellow imagined that he'd be linked in public memory on the back end of a hyphen, where the name at the front was Joe Kernan's, how could you beat it?

Could there be a better cause, a more worthwhile way to "spend and be spent" in life than working toward greater justice?

The scores, if not hundreds of times when members of the General Assembly have been willing partners in improving the delivery of justice have been a great gift. Those many moments, and the demonstrated achievements by so many of the men and women on the bench and in the bar, are the reasons why I say that Indiana will have an even better system of justice tomorrow than it has today.

I have been able to carry my own role in all this with the steadfast love of Amy MacDonell. Amy and Mattie and I are enormously grateful for the countless generosities and acts of kindness we have received.

That graciousness, and simple observable facts, will allow me to leave the stage with full confidence that we will succeed in building Indiana as a safe and prosperous and decent place.

God Bless you, and God Bless Indiana.

And that is the state of your judiciary."

The President of the Senate adjourned the joint convention.

The House reconvened at 3:10 p.m. with the Speaker in the Chair.

PROTEST

By virtue of Article 4, Section 26 of the Constitution of the State of Indiana, we, the House Democratic Minority, do hereby protest the consideration and action of House Bill 1001, the same being the so-called right to work bill, and our reasons for dissent and protest are as follows:

On Tuesday, January 10, 2012, the House resolved itself into, and sat as, the Employment, Labor and Pensions Committee and proceeded to consider House Bill 1001 on its merits without following the proper procedure and protocol for a committee hearing.

The plain facts of the matter are these: although the chamber was full with members of the public prepared to testify, the Chair refused to allow public testimony to be brought, in clear violation of House Rule 61, which establishes that "citizens shall have the right to be heard" in all open committee meetings. This represents moreover an egregious infringement of citizens' rights, guaranteed by Article 1, Section 31 of the Indiana Constitution "to assemble together in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances." Having denied the public's right to speak, the Chair refused to hear any amendments offered by members of the Minority Party, and ordered a vote on the bill over the Minority's continuing objections. This was an unprecedented restriction on the Minority Party's rights to be heard and a flagrant violation of the spirit of House tradition. The Chair ruled that the bill had been passed by the committee on a vote of 8-5 and adjourned the meeting, concluding in approximately six minutes.

All actions taken by the Committee Chair show the intent of the House Majority to neglect the proper procedure and protocol afforded to Indiana citizens to have their voice heard. We protest in the strongest terms possible this denial of the rights of the public and the Minority Party to speak and be heard.

By virtue of the preceding facts, we respectfully contend the following:

1. A true and formal hearing on House Bill 1001 has not been brought before the Employment, Labor and Pensions Committee as supported by the rules of procedure and precedent governing the House.
2. The Chair of the committee did not have authority to rule that House Bill 1001 was voted out of committee, since there was never a legitimate committee hearing on the issue.
3. The bill as printed carries an erroneous transcript of the proceedings thereon because it contains words from an invalid formal committee hearing, and it is not therefore representative of the committee.
4. Under the rules of procedure governing this matter, House Bill 1001 is not now before the House for any action, because it has not been properly reported out of the Employment, Labor and Pensions Committee, where it now remains.

Pursuant to Article 4, Section 26 of the Indiana Constitution, we request that this protest be printed in the Journal of the Indiana House of Representatives.

B. PATRICK BAUER
Minority Leader

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1013, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1019, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 42, strike "the adoptee,".

Page 2, line 42, delete "pre-adoptive sibling,".

Page 2, line 42, strike "or birth parent;" and insert "**any interested person;**".

Page 3, after line 16, begin a new paragraph and insert:

"SECTION 3. IC 31-19-24-2, AS AMENDED BY P.L.191-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. Upon the filing of a petition under section 1 of this chapter, the court shall:

(1) establish that the state registrar:
(A) has been served with notice of the petitioner's request for disclosure of information; and
(B) has been afforded the opportunity to respond to the petitioner's request for disclosure of information; and

(2) appoint a confidential intermediary after consultation with the state registrar or the state registrar's designee if the:
(A) requirements of subdivision (1) are complied with; and
(B) petitioner has shown:
(i) an emergency medical need; **or**
(ii) good cause relating to the welfare of ~~the adoptee or the birth parent;~~ **any interested person.**
~~(iii) an interest in having contact with a pre-adoptive sibling; or~~
~~(iv) if the petitioner is a pre-adoptive sibling, an interest in having contact with an adoptee.~~

A confidential intermediary appointed under subdivision (2) may be any person who the court reasonably believes is competent to carry out the responsibilities described in section 3 of this chapter and meets the qualifications under section 14 of this chapter.".

(Reference is to HB 1019 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

NOE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1029, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 24 and 25, begin a new line blocked left and insert: "**The retail sale of alcoholic beverages on licensed premises described in this subsection is subject to any other applicable alcoholic beverage provisions under the Indiana Code and any rule adopted to implement any other applicable alcoholic beverage provisions under the Indiana Code.**".

(Reference is to HB 1029 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

DAVIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1040, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

BORDERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1052, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1065, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

NOE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1091, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "court:" and insert "**court**".
Page 1, line 7, delete "(1)".
Page 1, line 7, run in lines 6 through 7.
Page 1, line 8, delete "attorney" and insert "**attorney's**".
Page 1, line 8, delete "action; and" and insert "**action.**".
Page 1, delete line 9.
(Reference is to HB 1091 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

LEHE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1205, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 1. IC 20-26-5-4.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.3. (a) On or before the earlier of:**

(1) the date the governing body and a candidate for superintendent declare an intent to enter into an employment contract; or

(2) the date that is seven (7) days before an employment contract is entered into by a governing body and a school superintendent;

the governing body shall hold a public meeting on the proposed contract at which public testimony is heard.

(b) Notice of the meeting on the proposed contract shall be given in accordance with IC 5-3-1 and posted on the school corporation's Internet web site.".

Page 2, after line 1, begin a new paragraph and insert:

"**(d) A governing body shall post the provisions of an employment contract that the governing body enters into with a superintendent of the school corporation on the school corporation's Internet web site.**

SECTION 2. IC 20-26-5-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.7. (a) This section does not apply to a:**

(1) superintendent of a school corporation; or

(2) certificated employee (as defined in IC 20-29-2-4) that is represented by an exclusive representative (as defined in IC 20-29-2-9) under IC 20-29.

(b) The superintendent shall post the provisions of an employment contract that the school corporation enters into with a certificated employee on the school corporation's Internet web site.

SECTION 3. IC 20-28-8-6, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) The basic contract must be in the form of the regular teacher's contract.

(2) **If** the contract: ~~must be for:~~

(A) is entered into before July 1, 2012, the contract must have a term of at least thirty-six (36) months; **or (B) is entered into after June 30, 2012, the contract may not have a term that exceeds twenty-four (24) months.**

(3) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and sections 7 through 8 of this chapter.

(4) The rights of a superintendent as a teacher under any other law are not affected by the contract.

SECTION 4. IC 20-29-6-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 19. Not later than fourteen (14) business days after the parties have reached an agreement under this chapter, the school employer shall post the contract upon which the parties have agreed on the school employer's Internet web site.**".

(Reference is to HB 1205 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1219, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 4.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1220, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1247, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 32, begin a new paragraph and insert the following:

"SECTION 1. IC 9-24-12-1, AS AMENDED BY P.L.87-2010, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **Notwithstanding subsection (c) and** except as provided in ~~subsections~~ **subsection** (b) and ~~(d) and section~~ **sections** 10, **11, and 12** of this chapter, **the expiration date for** an operator's license ~~issued under this article before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.~~ **that contains a 2012 expiration date is as follows:**

(1) If the license was previously issued or renewed after May 14, 2007, and before January 1, 2008, the license expires at midnight on the birthday of the holder that occurs five (5) years following the date of issuance.

(2) If the license was previously issued or renewed after December 31, 2007, and before January 1, 2009, the license expires at midnight on the birthday of the holder that occurs six (6) years following the date of issuance.

(3) If the license was previously issued or renewed after December 31, 2005, and before January 1, 2007, the license expires at midnight on the birthday of the holder that occurs four (4) years following the date of issuance.

This subsection does not apply to the issuance or renewal of an operator's license that contains an expiration date after 2012.

(b) Except as provided in sections 10, 11, and 12 of this chapter, an operator's license issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in subsections **(a),** (b), ~~and~~ (d), and **(f) and** sections 10, 11, and 12 of this chapter, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A probationary operator's license issued under IC 9-24-11-3 expires ~~at midnight of the twenty-first birthday of the holder.~~ **in accordance with IC 9-24-11-3(e).**

(e) A probationary **operator's** license issued under IC 9-24-11-3.3 to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the date thirty (30) days after the twenty-first birthday of the holder.

(f) Except as provided in subsection (e), a probationary operator's license issued under IC 9-24-11-3.3 expires at midnight of the date thirty (30) days after the twenty-first birthday of the holder.".

Page 3, delete lines 1 through 9, begin a new paragraph and insert:

"**(c) Notwithstanding subsection (a), the fee for the renewal of an operator's license issued under IC 9-24 that contains a 2012 expiration date is as follows:**

(1) If the license was previously issued or renewed after May 14, 2007, and before January 1, 2008, the fee is seven dollars and fifty cents ($7.50).

(2) If the license was previously issued or renewed after December 31, 2007, and before January 1, 2009, the fee is nine dollars ($9).

(3) If the license was previously issued or renewed after December 31, 2005, and before January 1, 2007, the fee is six dollars ($6).".

(Reference is to HB 1247 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

SOLIDAY, Chair

Report adopted.

MINORITY COMMITTEE REPORT

Mr. Speaker: A minority of your Committee on Employment, Labor and Pensions, which met on January 10, 2012, to consider House Bill 1001, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-16-7-1, AS AMENDED BY P.L.195-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Any firm, individual, partnership, limited liability company, or corporation that is awarded a contract by the state, a political subdivision, or a municipal corporation for the construction of a public work, and any subcontractor of the construction, shall pay for each class of work described in subsection (c)(1) on the project a scale of wages that may not be less than the common construction wage.

(b) For the purpose of ascertaining what the common construction wage is in the county, the awarding governmental agency, before advertising for the contract, shall set up a committee of five (5) persons as follows:

(1) One (1) person representing labor, to be named by the president of the state federation of labor.

(2) One (1) person representing industry, to be named by the awarding agency.

(3) A third member to be named by the ~~state president of the Associated Builders and Contractors.~~ **governor.**

(4) One (1) taxpayer who pays the tax that will be the funding source for the project and resides in the county where the project is located. The owner of the project shall make the appointment under this subdivision.

(5) One (1) taxpayer who pays the tax that will be the funding source for the project and resides in the county

where the project is located. The legislative body (as defined in IC 36-1-2-9) for the county where the project is located shall make the appointment under this subdivision.

(c) As soon as appointed, the committee shall meet in the county where the project is located and determine in writing the following:

(1) A classification of the labor to be employed in the performance of the contract for the project, divided into the following three (3) classes:

(A) Skilled labor.

(B) Semiskilled labor.

(C) Unskilled labor.

(2) The wage per hour to be paid each of the classes.

The committee is not required to consider information not presented to the committee at the meeting. IC 5-14-1.5 (open door law) applies to a meeting of the committee.

(d) The rate of wages determined by the committee under subsection (c) applies to any contract for which the awarding government agency lets not later than three (3) months after the date the committee determines the rate of wages. The committee shall establish wages for all classifications of work that may be employed on projects subject to contracts let by the awarding agency for three (3) months after the date the committee determines the rate of wages. If an awarding agency advertises for a contract that includes classifications that are not listed on the existing wage scale, the awarding agency shall form a new committee under subsection (b) to determine the classifications and wages on the contract.

(e) If the awarding government agency lets for a contract later than three (3) months after the committee determines the rate of wages, the awarding government agency shall form a new committee under subsection (b) to determine a rate of wages for the contract. The rate of wages determined under this subsection applies to any contract for which the awarding government agency lets not later than three (3) months after the rate of wages is determined under this subsection.

(f) The rate of wages determined under subsection (c) shall not be less than the common construction wage for each of the three (3) classes of wages described in subsection (c) that are currently being paid in the county where the project is located.

(g) This chapter does not apply to contracts let by the Indiana department of transportation for the construction of highways, streets, and bridges. IC 8-23-9 applies to state highway projects.

(h) A determination under subsection (c) shall be made and filed with the awarding agency at least two (2) weeks prior to the date fixed for the letting, and a copy of the determination shall be furnished upon request to any person desiring to bid on the contract. The schedule is open to the inspection of the public.

(I) If the committee appointed under subsection (b) fails to act and to file a determination under subsection (c) at or before the time required under subsection (h), the awarding agency shall make the determination, and its finding shall be final.

(j) It shall be a condition of a contract awarded under this chapter that the successful bidder and all subcontractors shall comply strictly with the determination made under this section.

(k) This chapter does not apply to public projects in Indiana that would otherwise be subject to this chapter that are to be paid for in whole or in part with funds granted by the federal government, unless the department of the federal government making the grant consents in writing that this chapter is applicable to the project.

(l) Notwithstanding any other law, this chapter applies to projects that will be:

(1) owned entirely; or

(2) leased with an option to purchase;

by the state or a political subdivision (as defined in IC 36-1-2-13).

(m) Notwithstanding any other law, this chapter does not apply to projects in which the actual construction costs are less than ~~the following:~~

~~(1) For contracts awarded after December 31, 2011, and before January 1, 2013, two hundred fifty thousand dollars ($250,000).~~

~~(2) For contracts awarded after December 31, 2012, three hundred fifty thousand dollars ($350,000).~~

one hundred fifty thousand dollars ($150,000).

SECTION 2. IC 5-16-7-4, AS AMENDED BY P.L.195-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following definitions apply throughout this chapter:

(1) "Common construction wage" means a scale of wages for each class of work described in section 1(c)(1) of this chapter that is not less than the common construction wage of all construction wages being paid in the county where a project is located, as determined by the committee described in section 1(b) of this chapter after having considered ~~the following:~~

~~(A) Any reports with respect to wage scales submitted by the Indiana State Building and Construction Trades Council.~~

~~(B) Any reports with respect to wage scales submitted by the Associated Builders and Contractors of Indiana.~~

~~(C) Any other~~ **any** information submitted by any person to the committee established under section 1(b) of this chapter.

(2) "State" includes any officer, board, commission, or other agency authorized by law to award contracts for the performance of public work on behalf of the state, except as otherwise provided in this chapter.

(3) "Municipal corporation" includes any county, city, town, school corporation, or any officer, board, commission, or other agency authorized by law to award contracts for the performance of public work on behalf of a municipal corporation. The term also includes a redevelopment commission established under IC 36-7-14-3.

(4) "Public work" includes any public building, highway, street, alley, bridge, sewer, drain, improvement, or any other work of any nature or character that is paid for out of public funds, except as otherwise provided in this chapter.

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

(Reference is to HB 1001 as introduced.)

and when so amended that said bill do pass.

MOSELEY

Report rejected.

MINORITY COMMITTEE REPORT

Mr. Speaker: A minority of your Committee on Employment, Labor and Pensions, which met on January 10, 2012, to consider House Bill 1001, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-35 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 35. Targeted Job Opportunity Task Force

Sec. 1. As used in this chapter, "targeted area" refers to a region of Indiana, as determined by the task force, that has:

(1) a higher unemployment rate than the average rate of total unemployment in Indiana for a comparable period; or

(2) a lower wage rate or income than the average wage rate or income for Indiana for a comparable period.

Sec. 2. As used in this chapter, "task force" refers to the targeted job opportunity task force established by section 3 of this chapter.

Sec. 3. (a) The targeted job opportunity task force is established.

(b) The purpose of the task force is to develop and oversee the implementation of regional and state policies and programs that increase the educational and employment opportunities for individuals in targeted areas.

Sec. 4. The task force shall do all of the following:

(1) Collect and analyze programmatic and funding information concerning current regional and state educational and employment programs for unemployed and underemployed workers.

(2) Collect information about and analyze educational and employment trends, including anticipated future needs, for Indiana and regions within Indiana to identify possible areas to be targeted by the task force.

(3) Conduct outreach to unemployed and underemployed workers, especially workers in targeted areas:

(A) to understand the workers' needs; and

(B) to provide opportunities for the workers to participate in the development of policies and programs to address those needs.

(4) Communicate with and collect information about employers, especially employers in targeted areas:

(A) to understand the employers' workforce needs; and

(B) to work with the employers to develop pipelines to employment for unemployed and underemployed workers, especially workers in the targeted areas.

(5) Communicate with community organizations and agencies in the development of regional and state policies and programs to address unemployment and underemployment, especially in targeted areas.

(6) Collect information concerning:

(A) educational and employment programs involving unemployed and underemployed workers in other states, particularly states bordering Indiana; and

(B) funding and funding mechanisms for the programs referred to in clause (A).

(7) Study the status of diversity in the workplace and benefits to be gained by increasing diversity in the workplace.

(8) Increase public awareness of the issues involved in the development of policies and programs to address unemployment and underemployment, especially in targeted areas.

(9) Oversee the implementation of policies and programs recommended by the task force and enacted by the general assembly.

(10) Monitor public and private workforce related agreements and actions, and hold parties accountable for results in accordance with those agreements and actions.

Sec. 5. (a) The task force consists of the following eleven (11) members:

(1) One (1) member representing labor appointed as follows:

(A) Beginning in calendar year 2012 and in each even-numbered calendar year thereafter, by the minority leader of the house of representatives.

(B) Beginning in calendar year 2013 and in each odd-numbered calendar year thereafter, by the speaker of the house of representatives.

(2) One (1) member representing business appointed as follows:

(A) Beginning in calendar year 2012 and in each even-numbered calendar year thereafter, by the speaker of the house of representatives.

(B) Beginning in calendar year 2013 and in each odd-numbered calendar year thereafter, by the minority leader of the house of representatives.

(3) One (1) member representing labor appointed as follows:

(A) Beginning in calendar year 2012 and in each even-numbered calendar year thereafter, by the minority leader of the senate.

(B) Beginning in calendar year 2013 and in each odd-numbered calendar year thereafter, by the president pro tempore of the senate.

(4) One (1) member representing business appointed as follows:

(A) Beginning in calendar year 2012 and in each even-numbered calendar year thereafter, by the president pro tempore of the senate.

(B) Beginning in calendar year 2013 and in each odd-numbered calendar year thereafter, by the minority leader of the senate.

(5) Four (4) members, selected as follows, each of whom must be a business or economics professor employed by a state educational institution and whose expertise must be in the areas of job training and income improvement:

(A) One (1) member appointed by the speaker of the house of representatives.

(B) One (1) member appointed by the minority leader of the house of representatives.

(C) One (1) member appointed by the president pro tempore of the senate.

(D) One (1) member appointed by the minority leader of the senate.

(6) The commissioner of labor, or the commissioner's designee, who serves as an ex officio nonvoting member.

(7) The commissioner of the department of workforce development, or the commissioner's designee, who serves as an ex officio nonvoting member.

(8) The secretary of commerce, or the secretary's designee, who serves as an ex officio nonvoting member.

(b) The appointing authority who appointed a member of the task force may remove the member for cause.

(c) If there is a vacancy on the task force, the appointing authority who appointed the member whose position is vacant shall appoint, not later than thirty (30) days after the vacancy occurs, an individual to fill the vacancy using the criteria in subsection (a).

(d) The chairman of the legislative council shall appoint the chair of the task force.

Sec. 6. (a) The legislative services agency shall provide administrative support for the task force.

(b) At the request of the legislative services agency, the following shall assign staff to provide research and other support to assist the legislative services agency in providing administrative support to the task force:

(1) The department of labor created by IC 22-1-1-1.

(2) The department of workforce development established by IC 22-4.1-2-1.

(3) The Indiana economic development corporation established by IC 5-28-3-1.

(c) The task force may seek and accept assistance from state educational institutions willing to provide research, expertise, and policy analysis as needed by the task force.

Sec. 7. Six (6) task force members constitute a quorum.

Sec. 8. (a) The task force shall hold regular meetings.

(b) The task force shall meet at the call of the chair and at other times as task force members consider necessary.

(c) The task force shall hold its initial meeting not later than July 30, 2012.

Sec. 9. The task force shall make a report annually, not later than November 1, to the legislative council setting forth its findings and recommendations, including any recommended legislation. The report required by this section must be submitted in an electronic formal under IC 5-14-6 and distributed to members of the general assembly.

Sec. 10. (a) Each member of the task force who is not a state employee is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the task force who is a state employee is entitled to the following:

(1) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(2) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 2. IC 4-13.6-5-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) As used in this section, "Indiana business" refers to any of the following:**

(1) A business whose principal place of business is located in Indiana.

(2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.

(3) A business that employs residents of Indiana as a majority of its employees.

(4) A business that makes significant capital investments in Indiana as determined by the department.

(5) A business that has a substantial positive economic impact on Indiana as determined by the department.

(b) There is a price preference for an Indiana business that:

(1) submits a bid for the performance of the work on a public works project;

(2) competes for the contract against at least one (1) bidder domiciled in a state that provides a price preference to bidders from that state; and

(3) claims the preference under subsection (e).

The amount of the preference provided by this subsection is equal to the price preference provided by the state in which the out-of-state bidder is domiciled. If bidders from two (2) or more states granting preferences to in-state bidders bid for the contract, the amount of the preference is equal to the highest preference provided among those states.

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d), a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) A business that wants to claim a preference provided under this section must do all of the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the department:

(A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 3. IC 4-13.6-6-2.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.8. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (½) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on a payroll from a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors

who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(c) Before August 15, 2013, and before August 15 of each year thereafter, the division shall file with the legislative council a report for the preceding year stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) A contract awarded under this chapter for a public works project is terminated if the division determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) A contractor or subcontractor who fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The division may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

(I) This section does not apply to contracts entered into to perform work:

(1) resulting from an emergency; or

(2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 4. IC 5-16-1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (½) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on a payroll from a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project under this chapter may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(c) Before August 15, 2013, and before August 15 of each year thereafter, any state agency entering into contracts under this chapter shall file with the legislative council a report stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) A contract awarded under this chapter for a public works project is terminated if the state or commission determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) A contractor or subcontractor who fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would

cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The state or a commission may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

(I) This section does not apply to contracts entered into to perform work:

(1) resulting from an emergency; or

(2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 5. IC 5-16-1-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) As used in this section, "Indiana business" refers to any of the following:**

(1) A business whose principal place of business is located in Indiana.

(2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.

(3) A business that employs residents of Indiana as a majority of its employees.

(4) A business that makes significant capital investments in Indiana as determined by the Indiana department of administration.

(5) A business that has a substantial positive economic impact on Indiana as determined by the Indiana department of administration.

(b) There is a price preference for an Indiana business that:

(1) submits a bid for the performance of the work on a public works project;

(2) competes for the contract against at least one (1) bidder domiciled in a state that provides a price preference to bidders from that state; and

(3) claims the preference under subsection (e).

The amount of the preference provided by this subsection is equal to the price preference provided by the state in which the out-of-state bidder is domiciled. If bidders from two (2) or more states granting preferences to in-state bidders bid for the contract, the amount of the preference is equal to the highest preference provided among those states.

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d), a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) A business that wants to claim a preference provided under this section must do all of the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the awarding officer, commission, or agent and the Indiana department of administration:

(A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 6. IC 5-28-29-36 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 36. (a) The definitions in P.L.229-2011, SECTION 1 apply throughout this section.**

(b) In addition to the appropriations made to the Indiana economic development corporation by P.L.229-2011, the budget agency shall transfer twenty million dollars ($20,000,000) from amounts that would otherwise be reverted from other funds to the Indiana economic development corporation for the total operating expenses of the capital access program established under this chapter. The budget agency shall exercise the agency's authority under IC 4-12-1-12 to reassign appropriations made from other funds to carry out the transfer required by this section before July 1, 2012.

(c) The amount transferred under subsection (b) may not be used for administrative expenses. The amount transferred shall be deposited in the reserve fund and used to provide capital to businesses, particularly small and medium sized businesses, to foster economic development in Indiana.

(d) Notwithstanding any other law or the expiration of this section, the amount transferred under subsection (b):

(1) may not be transferred or reassigned to another purpose or fund;

(2) does not revert to the state general fund or any other fund at the end of a state fiscal year and remains available in subsequent state fiscal years for the purposes of the capital access program established under this chapter; and

(3) may be allotted and expended only for the purposes of the capital access program established under this chapter.

IC 4-13-2-18(f) does not apply to an amount reassigned under this section or any other amount transferred or allotted to the purposes of the capital access program established under this chapter.

(e) This section expires July 1, 2019.

SECTION 7. IC 6-3.1-34 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]:

Chapter 34. Hoosier Job Creation Tax Credit

Sec. 1. As used in this chapter, "base employment period" of a small business refers to the six (6) month period beginning January 1, 2010. However, if a small business began doing business in Indiana after January 1, 2010, the term refers to the initial period before January 1, 2012, in which the small business employed full-time employees in Indiana in the trade or business of the small business, not to exceed six (6) months.

Sec. 2. As used in this chapter, "department" refers to the department of state revenue or the department of insurance, whichever is obligated to administer the tax against which a tax credit is applied.

Sec. 3. As used in this chapter, "full-time employee" means an individual who:

(1) is employed for consideration for at least thirty-five (35) hours each week or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment; and

(2) earns income for service described in subdivision (1) that is subject to withholding under IC 6-3 (before the application of any earned income tax credit) in an amount that is the equivalent of at least two hundred percent (200%) of the federal hourly minimum wage in effect during the week of employment.

Sec. 4. As used in this chapter, "qualified new employee" refers to a full-time employee described in section 14 of this chapter.

Sec. 5. As used in this chapter, "small business" refers to a small business (as defined in IC 5-28-2-6) that existed and employed full-time employees in Indiana in its trade or business before January 1, 2012.

Sec. 6. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 27-1-18-2 (the insurance premiums tax); and

(3) IC 6-5.5 (the financial institutions tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 7. As used in this chapter, "tax credit" refers to a tax credit granted by this chapter against state tax liability.

Sec. 8. As used in this chapter, "taxpayer" means an individual or entity that has state tax liability.

Sec. 9. (a) This section applies only to taxable years beginning after December 31, 2011, and before January 1, 2015.

(b) Subject to this chapter, a small business that employs a qualified new employee in Indiana in a taxable year is eligible for a tax credit against the state tax liability imposed against the small business for the taxable year if, on average, the small business employed a greater number of full-time employees in Indiana in the taxable year than the small business employed in Indiana, on average, in the small business's base employment period.

Sec. 10. The amount of the tax credit to which a small business is entitled in a taxable year is equal to the lesser of the following:

(1) Three thousand dollars ($3,000) multiplied by the lesser of:

(A) the average number of qualified new employees that the small business employed in Indiana during the taxable year in the trade or business of the small business; or

(B) the average number of additional full-time employees that the small business employed in Indiana in the trade or business of the small business during the taxable year in excess of the average number of full-time employees that the small business employed in Indiana in its trade or business during the small business's base employment period.

(2) One hundred thousand dollars ($100,000).

However, if the taxable year of the small business is less than twelve (12) months, the amounts of three thousand dollars ($3,000) and one hundred thousand dollars ($100,000) are reduced in proportion to the amount by which the taxable year of the small business is shortened.

Sec. 11. (a) If the amount of a tax credit to which a small business is entitled in a taxable year exceeds the small business's state tax liability for that taxable year, the small business may carry the excess over to not more than three (3) subsequent taxable years. The amount of the credit carryover from a taxable year shall be reduced to the extent that the carryover is used by the small business to obtain a credit under this chapter for any subsequent taxable year.

(b) A small business is not entitled to a carryback or refund of any unused credit.

Sec. 12. If a small business is a pass through entity that does not have state tax liability against which a tax credit may be applied, a shareholder, partner, fiduciary, or member of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit that the pass through entity would be entitled to for the taxable year if the pass through entity were a taxpayer; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, fiduciary, or member is entitled.

Sec. 13. To receive a tax credit, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall maintain the records required by the department for the period specified by the department to substantiate the taxpayer's eligibility for a tax credit.

Sec. 14. To be a qualified new employee in a particular taxable year, an individual must meet all the following criteria:

(1) Be initially hired into a position as a full-time employee by the small business for the first time after December 31, 2011.

(2) Be, at the time the small business initially employs the individual after December 31, 2011:

(A) an individual who is receiving state or federal unemployment insurance benefits or has exhausted the individual's eligibility for state or federal unemployment insurance benefits since last becoming unemployed; or

(B) a former member of the military services of the United States who served on active duty in any branch of the armed forces of the United States or National Guard and who at no time received a discharge or separation under other than honorable conditions, except corrected separation or discharge to read "honorable" as evidenced by appropriate records presented from the United States Department of Defense or appropriate branch of the military service;

or both.

(3) Is not an individual who was employed by a related member (as defined in IC 6-3.1-13-8) of the small business (or another business entity that would be a related member (as defined in IC 6-3.1-13-8) if the other entity were a corporation) within twelve (12) months of being initially employed by the small business.

(4) Is not a child, grandchild, parent, or spouse (other

than a spouse who is legally separated from the individual) of any individual who is an employee of the small business or who has a direct or an indirect ownership interest of at least five percent (5%) in the profits, capital, or value of the small business or a related member (as defined in IC 6-3.1-13-8) of the small business (or another business entity that would be a related member (as defined in IC 6-3.1-13-8) if the other entity were a corporation). An ownership interest shall be determined in accordance with Section 1563 of the Internal Revenue Code and regulations prescribed under Section 1563 of the Internal Revenue Code.

Sec. 15. The tax credit to which a taxpayer would otherwise be entitled under this chapter in a taxable year is reduced by the sum of the following tax credits received for the same qualified new employee:

(1) The economic development for a growing economy tax credits (IC 6-3.1-13) allowable to the taxpayer in a taxable year and attributable to the same employee for which a tax credit would otherwise be granted under this chapter.

(2) The Hoosier business investment tax credits (IC 6-3.1-26) allowable to the taxpayer in a taxable year and attributable to the same employee for which a tax credit would otherwise be granted under this chapter.

(3) The amount of federal or state training grants used in the taxable year to train an employee for which a tax credit would otherwise be granted under this chapter.

Sec. 16. A small business (or if section 12 of this chapter applies, a shareholder, partner, fiduciary, or member of a small business) forfeits fifty percent (50%) of the amount of the tax credits attributable to the employment of a qualified new employee, if within eighteen (18) months after the qualified new employee was initially hired:

(1) the qualified new employee is terminated, laid off, or otherwise reclassified to a position that is not a full-time employment position with the small business; or

(2) the position created for the qualified new employee is eliminated.

For purposes of this section, the replacement, within a reasonable time as determined by the department, of a qualified new employee with another qualified new employee shall be treated as continuous employment of a qualified new employee from the date of the hiring or rehiring of the initial qualified new employee.

Sec. 17. The amount due to the department from a forfeiture under section 16 of this chapter shall be treated as due to the state on the date the taxpayer's annual return or informational return is due for the taxable year in which the reduction in employment occurred.

Sec. 18. (a) Employment levels shall be determined using the total number of employees reported by the small business on the quarterly payroll report submitted by the small business to the department of workforce development. The department of workforce development shall give the information to the department on the schedule and in the form requested by the department.

(b) A small business shall use the method prescribed by the department to determine the average number of full-time employees or qualified new employees that the small business employed during the small business's base employment period.

Sec. 19. The department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter.

Sec. 20. This chapter expires January 1, 2021.

SECTION 8. IC 8-10-1-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.7. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (½) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on a payroll from a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project under this chapter may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees of the contractor who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(c) Before August 15, 2013, and before August 15 of each year thereafter, the commission shall file with the legislative council a report stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) A contract awarded under this chapter for a public works project is terminated if the commission determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) A contractor or subcontractor who fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The commission may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

(I) This section does not apply to contracts entered into to perform work:

(1) resulting from an emergency; or

(2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 9. IC 8-10-1-7.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.9. (a) As used in this section, "Indiana business" refers to any of the following:**

(1) A business whose principal place of business is located in Indiana.

(2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.

(3) A business that employs residents of Indiana as a majority of its employees.

(4) A business that makes significant capital investments in Indiana as determined by the Indiana department of administration.

(5) A business that has a substantial positive economic impact on Indiana as determined by the Indiana department of administration.

(b) There is a price preference for an Indiana business that:

(1) submits a bid for the performance of the work on a public works project;

(2) competes for the contract against at least one (1) bidder domiciled in a state that provides a price preference to bidders from that state; and

(3) claims the preference under subsection (e).

The amount of the preference provided by this subsection is equal to the price preference provided by the state in which the out-of-state bidder is domiciled. If bidders from two (2) or more states granting preferences to in-state bidders bid for the contract, the amount of the preference is equal to the highest preference provided among those states.

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d), a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) A business that wants to claim a preference provided under this section must do all of the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the commission and the Indiana department of administration:

(A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 10. IC 8-23-9-4.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.6. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (½) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on a payroll from a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project under this chapter may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees of the contractor who work on the contract; and

(2) enter into subcontracts only with subcontractors

who employ residents of Indiana as at least ninety percent (90%) of the employees working on the subcontract.

(c) Before August 15, 2013, and before August 15 of each year thereafter, the department shall file with the legislative council a report stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) A contract awarded under this chapter for a public works project is terminated if the department determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) A contractor or subcontractor who fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The department may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

(I) This section does not apply to contracts entered into to perform work:

(1) resulting from an emergency; or

(2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 11. IC 8-23-9-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23.5. (a) As used in this section, "Indiana business" refers to any of the following:**

(1) A business whose principal place of business is located in Indiana.

(2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.

(3) A business that employs residents of Indiana as a majority of its employees.

(4) A business that makes significant capital investments in Indiana as determined by the Indiana department of administration.

(5) A business that has a substantial positive economic impact on Indiana as determined by the Indiana department of administration.

(b) Except as prohibited by federal law, there is a price preference for an Indiana business that:

(1) submits a bid for the performance of the work on a public works project;

(2) competes for the contract against at least one (1) bidder domiciled in a state that provides a price preference to bidders from that state; and

(3) claims the preference under subsection (e).

The amount of the preference provided by this subsection is equal to the price preference provided by the state in which the out-of-state bidder is domiciled. If bidders from two (2) or more states granting preferences to in-state bidders bid for the contract, the amount of the preference is equal to the highest preference provided among those states.

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d) and any federal statute or regulation to the contrary, a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) A business that wants to claim a preference provided under this section must do all of the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the department and the Indiana department of administration:

(A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 12. IC 36-1-12-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) As**

used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (½) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on a payroll from a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project under this chapter may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees of the contractor who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees working on the subcontract.

(c) A contract awarded under this chapter for a public works project is terminated if the unit determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(d) A contractor or subcontractor who fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(e) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (d) do not apply.

(f) If an agency of the federal government makes a determination under subsection (e) that causes a contract to be exempted from the requirements of subsections (a) through (d), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(g) A contract exempted from the requirements of subsections (a) through (d) may not reference the employment of Indiana residents. A unit may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (d):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

(h) This section does not apply to contracts entered into to perform work:

(1) resulting from an emergency; or

(2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 13. **An emergency is declared for this act.**

(Reference is to HB 1001 as introduced.)

and when so amended that said bill do pass.

KERSEY

Upon request of Representatives Kersey and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 12: yeas 38, nays 60. Report rejected.

MINORITY COMMITTEE REPORT

Mr. Speaker: A minority of your Committee on Employment, Labor and Pensions, which met on January 10, 2012, to consider House Bill 1001, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 7. Prohibition Concerning the Use of Credit Reports for Employment Purposes

Sec. 1. As used in this chapter, "credit report" means a written, oral, or other communication of information by a consumer reporting agency concerning the:

(1) creditworthiness;

(2) credit standing; or

(3) credit capacity;

of a consumer.

Sec. 2. As used in this chapter, "IEDC" refers to the Indiana economic development corporation established by IC 5-28-3-1.

Sec. 3. As used in this chapter, "trade secret" has the meaning set forth in IC 24-2-3-2.

Sec. 4. (a) Except as provided in subsection (b), an employer may not:

(1) use a credit report concerning a prospective employee of the employer in determining whether to hire the prospective employee; or

(2) use a credit report concerning an employee of the employer in determining whether to continue employing the employee.

(b) An employer may use a credit report for employment purposes described in subsection (a) if:

(1) the information contained in the credit report is substantially job related in that the employment position or prospective employment position of the individual for whom the report is sought has access to:

(A) money;

(B) other assets; or

(C) trade secrets or other confidential information; or

(2) the employment position of the individual for whom the report is sought is:

(A) a managerial position;

(B) a position in the office of the attorney general created by IC 4-6-1-2;

(C) a sworn law enforcement position; or

(D) a position for which the law requires the information contained in the report to be disclosed or to be obtained by the employer.

(c) This section does not apply to a person or business subject to:

(1) Sections 6801 through 6809 of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or

(2) state or federal statutes or regulations implementing the provisions in subdivision (1);

if the person or business is subject to compliance oversight by a state or federal regulatory agency with respect to the provisions in subdivision (1).

Sec. 5. (a) An employee or prospective employee may bring a civil action against an employer to enforce section 4 of this chapter.

(b) If an employer is found in an action brought under subsection (a) to have violated section 4 of this chapter, the court may do the following:

(1) Award:

(A) actual damages; and

(B) court costs and reasonable attorney's fees;

to the prevailing employee or prospective employee.

(2) Enjoin the employer from committing further violations of section 4 of this chapter.

(c) If a court, in an action brought under subsection (a), enters judgment for the employee or prospective employee, finding that the employer has violated section 4 of this chapter, the court shall recommend to the IEDC that the employer not be eligible for participation in a program or for assistance administered by the IEDC for two (2) years after the date of judgment. However, the IEDC may allow the employer to participate in a program or receive assistance earlier than two (2) years after the date of judgment if:

(1) the employer presents a corrective action plan to the IEDC; and

(2) the IEDC finds that the plan ensures compliance by the employer with section 4 of this chapter.

Sec. 6. This chapter does not limit an employee's or prospective employee's rights or remedies under any other state or federal law.

SECTION 2. IC 22-5-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 8. Prohibition Concerning the Consideration of Employment Status for Employment Applicants

Sec. 1. As used in this chapter, "IEDC" refers to the Indiana economic development corporation established by IC 5-28-3-1.

Sec. 2. An employer shall not discriminate against an applicant or prospective applicant for employment based on the current employment status of the applicant or prospective applicant.

Sec. 3. (a) An applicant or prospective applicant for employment may bring a civil action against an employer to enforce section 2 of this chapter.

(b) If an employer is found in an action brought under subsection (a) to have violated section 2 of this chapter, the court may do the following:

(1) Award:

(A) actual damages; and

(B) court costs and reasonable attorney's fees;

to the prevailing applicant or prospective applicant for employment.

(2) Enjoin the employer from committing further violations of section 2 of this chapter.

(c) If a court, in an action brought under subsection (a), enters judgment for the applicant or prospective applicant for employment, finding that the employer has violated section 2 of this chapter, the court shall recommend to the IEDC that the employer not be eligible for participation in a program or for assistance administered by the IEDC for two (2) years after the date of judgment. However, the IEDC may allow the employer to participate in a program or assistance earlier than two (2) years after the date of judgment if:

(1) the employer presents a corrective action plan to the IEDC; and

(2) the IEDC finds that the plan ensures compliance by the employer with section 2 of this chapter.

Sec. 4. This chapter does not limit the rights or remedies of an applicant or prospective applicant for employment under any other state or federal law.

(Reference is to HB 1001 as introduced.)

and when so amended that said bill do pass.

C. FRY

Upon request of Representatives Fry and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 13: yeas 38, nays 60. Report rejected.

MINORITY COMMITTEE REPORT

Mr. Speaker: A minority of your Committee on Employment, Labor and Pensions, which met on January 10, 2012, to consider House Bill 1001, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-7-3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 3. Labor Organization Membership

Sec. 1. A person may not require an individual to become or remain a member of a labor organization.

(Reference is to HB 1001 as introduced.)

and when so amended that said bill do pass.

NIEZGODSKI

Upon request of Representatives Niezgodski and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 14: yeas 38, nays 60. Report rejected.

MINORITY COMMITTEE REPORT

Mr. Speaker: A minority of your Committee on Employment, Labor and Pensions, which met on January 10, 2012, to consider House Bill 1001, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-4-12-2, AS AMENDED BY P.L.2-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) With respect to initial claims filed for any week beginning on and after July 1, 1997, and before July 1, 2012, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of:

(1) five percent (5%) of the first two thousand dollars ($2,000) of the individual's wage credits in the calendar quarter during the individual's base period in which the

wage credits were highest; and

(2) four percent (4%) of the individual's remaining wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

(b) With respect to initial claims filed for any week beginning on and after July 1, 2012, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, an amount equal to forty-seven percent (47%) of the individual's prior average weekly wage, rounded (if not already a multiple of one dollar ($1)) to the next lower dollar. However, the maximum weekly benefit amount may not exceed three hundred ninety dollars ($390).

(c) For any week in which an eligible individual is paid an amount determined under subsection (b), the individual is entitled to receive an additional amount equal to fifteen dollars ($15) for each dependent, not to exceed a total of four (4) dependents, with whom the individual is living for any portion of that week.

~~(c)~~ **(d)** For purposes of this section, "prior average weekly wage" means the result of:

(1) the individual's total wage credits during the individual's base period; divided by

(2) **the remainder determined by subtracting the number of weeks during the individual's base period that the individual was on unpaid statutory leave from** fifty-two (52).

(e) As used in this section, "dependent" means any of the following:

(1) An eligible individual's spouse.

(2) A child of an eligible individual who is:

(A) less than nineteen (19) years of age;

(B) less than twenty-three (23) years of age and enrolled as a full-time student at an accredited college or university;

(C) mentally or physically incapacitated to the extent that the child is not self-sufficient; or

(D) legally entitled to the provision by the individual of proper or necessary subsistence, education, medical care, or other care necessary for the child's health, guidance, or well-being, and the child is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.

(Reference is to HB 1001 as introduced.)

and when so amended that said bill do pass.

BARTLETT

Upon request of Representatives Bartlett and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 15: yeas 36, nays 60. Report rejected.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1001, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 5.

GUTWEIN, Chair

Report adopted.

INTRODUCTION OF BILLS

With consent of the members, the following bills on Bill List 4 were read a first time by title and referred to the respective committees:

HB 1273 — Steuerwald

Committee on Judiciary

A BILL FOR AN ACT concerning state offices and administration.

HB 1274 — Battles

Committee on Elections and Apportionment

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

HB 1275 — Dvorak

Committee on Ways and Means

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

HB 1276 — Dvorak

Committee on Local Government

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

HB 1277 — Dvorak

Committee on Commerce, Small Business and Economic Development

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

HB 1278 — Dvorak

Committee on Utilities and Energy

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

HB 1279 — Eberhart

Committee on Natural Resources

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

HB 1280 — Koch

Committee on Government and Regulatory Reform

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

HB 1281 — Richardson, R. Frye

Committee on Elections and Apportionment

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

HB 1282 — Richardson

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1283 — Richardson, Pierce, Saunders

Committee on Local Government

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

HB 1284 — Richardson

Committee on Elections and Apportionment

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

HB 1285 — Yarde

Committee on Ways and Means

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

HB 1286 — Yarde

Committee on Ways and Means

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

HB 1287 — Yarde
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

HB 1288 — L. Lawson
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1289 — L. Lawson
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1290 — GiaQuinta
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1291 — GiaQuinta
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning redevelopment commissions.

HB 1292 — Heaton
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1293 — Heaton, Kersey
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1294 — Heaton, Burton
Committee on Financial Institutions
A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations and to make an appropriation.

HB 1295 — Heaton, Cherry, Gutwein
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1296 — McClain
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT concerning labor and safety.

HB 1297 — Thompson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1298 — Davis
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1299 — Davis, Welch, Turner
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1300 — Bartlett
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1301 — C. Fry
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1302 — C. Brown
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1303 — C. Brown
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1304 — C. Brown
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

HB 1305 — Stemler
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1306 — Hinkle
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1307 — Harris
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1308 — Harris
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1309 — Harris, V. Smith, Porter
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1310 — Crawford
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

HB 1311 — Crawford
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1312 — Ellspermann, Clere
Committee on Agriculture and Rural Development
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1313 — Truitt
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1314 — Truitt
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1315 — Truitt
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1316 — Truitt
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1317 — Torr
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1318 — Porter, T. Brown
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1319 — Riecken
Committee on Utilities and Energy
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

HB 1320 — DeLaney, McMillin
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1321 — Behning
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1322 — Behning
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1323 — Behning
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1324 — Behning
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1325 — Pond, Behning
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1326 — Rhoads, Behning
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1327 — Messmer, Rhoads
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1328 — Messmer
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1329 — Klinker
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning higher education and to make an appropriation.

HB 1330 — Welch, Ellspermann, Austin
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1331 — Speedy, L. Lawson, McNamara
Committee on Commerce, Small Business and Economic Development
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.

HB 1332 — Culver, Sullivan
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1333 — Riecken
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1334 — Karickhoff
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1335 — Summers
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

HB 1336 — Summers
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1337 — Turner, Welch, Thompson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1338 — Burton
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1340 — Speedy
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1341 — Speedy
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1342 — Wesco
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1343 — Summers
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1344 — V. Smith
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1345 — V. Smith
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1346 — V. Smith
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1347 — V. Smith
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1348 — V. Smith
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1349 — Dodge
Committee on Agriculture and Rural Development
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1350 — Dodge, Yarde
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education finance and to make an appropriation.

HB 1351 — Bacon, Crouch
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

HB 1352 — Candelaria Reardon
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1353 — Candelaria Reardon
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1354 — Sullivan, DeLaney, Clere
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1355 — Sullivan, Candelaria Reardon, Clere
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1356 — Austin
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1357 — Candelaria Reardon
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1358 — Clere, Crouch, Stemler, Koch
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1359 — Kubacki, Heuer
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1360 — Welch, Grubb
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1361 — Porter
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1362 — Porter
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1363 — Knollman, Lehe, Davisson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1364 — McNamara, Messmer, Crouch
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1365 — McNamara, Steuerwald, Dermody
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1366 — C. Fry
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1367 — Noe
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1368 — Heuer, Kubacki, Baird, GiaQuinta
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1369 — Heuer, Ellspermann, Kubacki, Stemler
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1370 — Knollman, White
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

INTRODUCTION OF JOINT RESOLUTIONS

With the consent of the members, the following joint resolutions on Bill List 4 was read a first time by title and referred to committee:

HJR 2 — Bartlett

Committee on Elections and Apportionment

A JOINT RESOLUTION proposing an amendment to Article 4 of the Indiana Constitution concerning the general assembly.

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

SECTION 1. ARTICLE 4, SECTION 5 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 5. **(a)** The General Assembly elected during the year in which a federal decennial census is taken shall **do the following by law:**

(1) Fix ~~by law~~ the number of Senators and Representatives. ~~and apportion them among~~

(2) Establish districts according to the number of inhabitants in each district, as revealed by that federal decennial census. The territory in each district shall be contiguous.

(b) Notwithstanding section 25 of this article, an affirmative vote of at least two-thirds of the members elected to each House is necessary to pass a bill to enact a law described in subsection (a).

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, January 12, 2012, at 1:30 p.m.

TORR

The motion was adopted by a constitutional majority.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Baird, the House adjourned at 3:38 p.m., this eleventh day of January, 2012, until Thursday, January 12, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Eighth Day — **Thursday Afternoon** — **January 12, 2012**

The invocation was offered by Steve Cole, Faith Church of Christ, Burlington, the guest of Representative Heath R. VanNatter.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative VanNatter.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak ☐
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb ☐
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 16: 98 present; 2 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

INTRODUCTION OF BILLS

With consent of the members, the following bills on Bill List 5 were read a first time by title and referred to the respective committees:

HB 1371 — Ubelhor
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1372 — Noe
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning military and veteran affairs.

HB 1373 — Steuerwald, Noe
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

HB 1374 — McClain
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

INTRODUCTION OF BILLS

With consent of the members, the following bills on Bill List 6 were read a first time by title and referred to the respective committees:

SB 4 — Steuerwald, Foley, L. Lawson, Welch
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1004, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1034, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

NEESE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1149, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"**Sec. 0.5. As used in this chapter, "ashtray" means any receptacle that is used for disposing of smoking materials, including ash and filters.**

Sec. 1. As used in this chapter, "place of employment" means an enclosed area of a structure that is a place of employment. The term does not include a private vehicle.".

Page 1, line 5, delete "1." and insert "**2.**".

Page 1, line 7, delete "2." and insert "**3.**".

Page 1, line 9, after "lighted" insert "**tobacco**".

Page 1, line 10, after "lighted" insert "**tobacco**".

Page 1, line 12, delete "3." and insert "**4.**".

Page 1, line 12, delete "4" and insert "**5**".

Page 1, line 15, delete "Enclosed areas of a" and insert "**A**".

Page 2, line 3, delete "an enclosed area of".

Page 2, between lines 13 and 14, begin a new paragraph and insert:

"**(d) An owner, operator, manager, or official in charge of a public place or place of employment shall post conspicuous signs at each public entrance that read "State Law Prohibits Smoking Within 12 Feet of this Entrance" or other similar language.**".

Page 2, line 14, delete "4." and insert "**5.**".

Page 2, line 15, delete "11" and insert "**12**".

Page 2, delete lines 26 through 27.

Page 2, line 28, delete "(4)" and insert "**(3)**".

Page 2, line 30, delete "(5)" and insert "**(4)**".

Page 3, line 3, delete "sale of".

Page 3, line 8, delete "(6)" and insert "**(5)**".

Page 3, between lines 21 and 22, begin a new line double block indented and insert:

"**(F) The business prohibits entry by an individual who is less than eighteen (18) years of age.**

(6) A retail tobacco store used primarily for the sale of tobacco products and accessories that, before February 3, 2012, meets the following requirements:

(A) The store has a valid tobacco sales certificate issued under IC 7.1-3-18.5.

(B) The store prohibits entry by an individual who is less than eighteen (18) years of age.

(C) The sale of products other than tobacco is merely incidental.

(D) The sale of tobacco products accounts for at least eighty-five percent (85%) of the store's annual gross income.

(E) Food or beverages are not sold for consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.".

Page 3, line 34, delete "5." and insert "**6.**".

Page 3, line 38, before "and" insert "**(3) a health and hospital corporation established by IC 16-22-8-6;**".

Page 3, line 39, delete "(3)" and insert "**(4)**".

Page 4, line 5, delete "6." and insert "**7.**".

Page 4, line 6, delete "4" and insert "**5**".

Page 4, line 13, delete "Remove" and insert "**Cause to be removed**".

Page 4, line 19, delete "7." and insert "**8.**".

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

"**(c) A local health department may enforce this chapter by filing a civil action under IC 16-20-1-26.**

(d) A health and hospital corporation may enforce this chapter by filing a civil action under IC 16-22-8-31.".

Page 4, line 28, delete "8." and insert "**9.**".

Page 4, line 36, delete "9." and insert "**10.**".

Page 4, line 42, delete "10." and insert "**11.**".

Page 5, line 30, delete "11." and insert "**12.**".

Page 5, line 33, delete "12." and insert "**13.**".

Page 5, line 33, delete "4(b), 6(b)(1), and 6(c)" and insert "**4(d), 5(b), 7(b)(1), and 7(c)**".

Page 5, delete line 42, begin a new paragraph and insert:

"SECTION 3. IC 12-24-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. ~~(a) Notwithstanding IC 12-27-3-3, the superintendent of a state institution has complete authority to regulate smoking (as defined in IC 16-41-37-3) within the state institution.~~

~~(b)~~ A physician licensed under IC 25-22.5 may prescribe ~~nicotine~~ **tobacco cessation devices** as is medically necessary for a resident of a state institution.".

Page 6, delete lines 1 through 5.

(Reference is to HB 1149 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1239, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 13 with "[EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]".

Page 79, between lines 9 and 10, begin a new line block indented and insert:

"**(7) If deposits are to be transferred as part of the proposed transaction, whether the resulting institution will maintain adequate federal deposit insurance or such other deposit insurance as approved by the director.**".

Page 79, line 18, strike "IC 28-1-4" and insert "**IC 28-1-5**".

(Reference is to HB 1239 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

BURTON, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 7

Representative Lehman introduced House Concurrent Resolution 7:

A CONCURRENT RESOLUTION recognizing South Adams High School and South Adams School Corporation for

their work on the "Dots in Blue Water: Making a World of Difference" project.

Whereas, The students at South Adams High School developed and funded a program known as "Dots in Blue Water: Making a World of Difference" to deliver village-sized water purifiers to Haiti;

Whereas, The concept behind the project was that students could learn the same lessons while designing a water purification system for those in need in the impoverished country of Haiti as they could while doing the typical science labs on electricity and chemistry;

Whereas, This idea was the beginning of the "Dots in Blue Water: Making a World of Difference" project that would develop, test, assemble, and deliver automobile battery powered water purification units to Haiti that could turn impure water into drinkable water;

Whereas, Members of the research department, development department, and marketing department reported to the group each Friday on the progress they were making in solving the problem;

Whereas, The project soon became a school corporation-wide effort: science units were developed in electrochemistry, watershed environmental impact, and microbiology; language arts students wrote expository essays about Haiti and its culture, arguing both sides of United States policy in sending aid to Haiti after the 2010 earthquake; foreign language classes translated purifier assembly instructions and made instructional videos; math students computed materials costs and analyzed statistics regarding water treatment; music classes promoted Haitian and Caribbean music; and art students designed posters and T-shirts for fundraising;

Whereas, During their time in Haiti, the members of the "Dots in Blue Water: Making a World of Difference" project assembled five water purifiers and completely installed two purifiers;

Whereas, One of the purifiers was installed in the village of Chambrun, providing drinking water to 5,000 people, and the second purifier was installed on the roof of the school on the Nehemiah Vision Ministry compound, which will allow over 400 students from the village of Chambrun who are enrolled at the school to have access to clean drinking water during the entire school year;

Whereas, One of the assembled purifiers was installed in the small, remote village of Bouzi, where poor drinking water had led to a life-threatening cholera outbreak;

Whereas, The remaining two assembled purifiers will be installed in an elementary school and an assisted living facility near the capital of Port-au-Prince; and

Whereas, The students and faculty of the "Dots in Blue Water: Making a World of Difference" project have helped the struggling people of Haiti improve their lives and rebuild their country: Therefore,

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

SECTION 1. That the Indiana General Assembly acknowledges the efforts put forth by the students and faculty of the South Adams School Corporation and South Adams High School to help the people of Haiti improve their lives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to South Adams High School teachers Michael Baer (Earth and Space, Physics, Integrated Chemistry-Physics), Myron Schwartz (Chemistry, A.P. Chemistry, Integrated Chemistry-Physics), Josh Roby (Biology, Advanced Biology), Jeff Lehman (Health, Weight Training), Ashley Koons Fosnaugh (South Adams Middle School 7th grade Global Studies), J.D. Kellar (South Adams Elementary School Technology), Kristi Geimer (formerly 3rd grade at South Adams Elementary School and now at Jericho ATCFMI), and students Gregg Buuck, Kylie Cisney, Kara Delong, Mallory Eicher, Lindsey Graber, Samantha Schwartz, Kara Siddons, and Caylie Yoder.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Holdman.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the following reassignments:

House Bill 1165 from the Committee on Ways and Means to the Committee on Elections.

House Bill 1322 from the Committee on Ways and Means to the Committee on Education.

House Bill 1323 from the Committee on Ways and Means to the Committee on Education.

House Bill 1332 from the Committee on Local Government to the Committee on Environmental Affairs.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Friday, January 13, 2012, at 10:30 a.m.

DERMODY

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives T. Brown, Burton, Culver, Davis, Ellspermann, Friend, R. Frye, Gutwein, Heaton, Heuer, Kubacki, Lutz, Leonard, Morris, Neese, Noe, Turner, Ubelhor, Wesco and Speedy be added as coauthors of House Bill 1001.

TORR

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1004.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as coauthor of House Bill 1007.

McMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stemler be added as coauthor of House Bill 1008.

MOSELEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives McMillin, Bartlett, and VanDenburgh be added as coauthors of House Bill 1009.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Knollman, Pflum, and Cheatham be added as coauthors of House Bill 1029.

McMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1034.

McMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dembowski be added as coauthor of House Bill 1064.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1089.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1102.

DAVIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Soliday, Sullivan, and Speedy be added as coauthors of House Bill 1111.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as coauthor of House Bill 1112.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives McMillin and Dobis be added as coauthors of House Bill 1121.

McNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ubelhor, Morris, and Welch be added as coauthors of House Bill 1124.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Welch, Lehe, and C. Brown be added as coauthors of House Bill 1127.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Yarde be added as coauthor of House Bill 1132.

McNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ellspermann and Kirchhofer be added as coauthors of House Bill 1150.

SULLIVAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1186.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1195.

M. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Riecken be added as coauthor of House Bill 1197.

M. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as coauthor of House Bill 1211.

CROUCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Karickhoff be added as coauthor of House Bill 1215.

YARDE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as coauthor of House Bill 1221.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Davis, Bacon, and Davisson be added as coauthors of House Bill 1241.

ELLSPERMANN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Riecken be added as coauthor of House Bill 1249.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Torr be added as coauthor of House Bill 1254.

FOLEY

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Pryor, the House adjourned at 2:07 p.m., this twelfth day of January, 2012, until Friday, January 13, 2012, at 10:30 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly Second Regular Session

Ninth Day **Friday Morning** **January 13, 2012**

The invocation was offered by Pastor Allen Pierce, Northern Park Baptist Church, Greenwood, the guest of Representative Woody Burton.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Burton.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon ☐
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak ☐
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb ☐
Gutwein
Harris
Heaton
Heuer
Hinkle ☐
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman ☐
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond ☐
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith ☐
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers ☐
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 17: 92 present; 8 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

RESOLUTIONS ON FIRST READING

House Resolution 6

Representatives Klinker and Truitt introduced House Resolution 6:

A HOUSE RESOLUTION to honor Dr. Ed Eiler of Lafayette, Indiana on the occasion of his retirement.

Whereas, Dr. Ed Eiler began serving the parents, students, faculty, and staff of the Lafayette School Corporation 36 years ago, spending the last 16 as Superintendent;

Whereas, Dr. Eiler has advocated for historic preservation throughout the changes to "Old Jeff", the former Jefferson High School building;

Whereas, Under Dr. Eiler's leadership, Lafayette School Corporation has received numerous arts and education awards, including Jefferson High School twice being named a U.S. Department of Education National Blue Ribbon School;

Whereas, Dr. Eiler has been a tireless cheerleader for students, a supporter of faculty, and an unwavering champion for public education; and

Whereas, In 2011, Dr. Eiler was named the 2011 Lorin A. Burt Outstanding Educator of the Year by the Indiana School Board Association: Therefore,

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

SECTION 1. That the Indiana House of Representatives does hereby congratulate and honor Dr. Ed Eiler, Superintendent, celebrating his lifelong commitment to public education on the occasion of his retirement from the Lafayette School Corporation with many thanks for his years of dedication and service.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dr. Ed Eiler.

The resolution was read a first time and adopted by voice vote.

House Resolution 7

Representative Goodin introduced House Resolution 7:

A HOUSE RESOLUTION to recognize Hibernia, Indiana on the occasion of the 60th annual Hibernia Raccoon Dinner.

Whereas, The town of Hibernia has a fundraiser every year for the upkeep of the Hibernia Community Building;

Whereas, Tor many years the highlight of the dinner was raccoon meat;

Whereas, For five years the dinner featured chili

Whereas, The planners of the dinner realized that raccoon meat was what made the dinner special, so they changed back to raccoon;

Whereas, "Across Indiana" did a television segment on the dinner in 2006; and,

Whereas, The Hibernia Community Raccoon is famous throughout Indiana and the Ohio Valley Region: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes Hibernia and its annual Raccoon Dinner on the occasion of its 60th anniversary.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of resolution to the town of Hibernia.

The resolution was read a first time and adopted by voice vote.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 12:06 p.m. with the Speaker in the Chair.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 18: 68 present. The Speaker declared a quorum present.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 42, after "evaluation." insert "**The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.**".

Page 6, line 31, after "chapter." insert "**A unit may adopt a policy that includes more stringent or detailed requirements than those set forth in this chapter and that does not conflict with this chapter.**".

Page 8, line 32, after "chapter." insert "**A unit may adopt a policy that includes more stringent or detailed requirements than those set forth in this chapter and that does not conflict with this chapter.**".

(Reference is to HB 1005 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1018, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 6 with "[EFFECTIVE UPON PASSAGE]".

Page 6, line 38, strike "a certificate of competency" and insert "**certification**".

Page 6, line 39, after "classification." insert "**A mine electrician who is properly certified:**

(1) by the federal Mine Safety and Health Administration; or

(2) in another state that recognizes the mine electrician certification in Indiana;

may serve in the individual's certified capacity and be issued a mine electrician certificate by the director in Indiana without the requirement of applying to the board for examination. However, the individual must obtain an Indiana miner's certificate of competency from the director.".

Page 7, after line 33, begin a new paragraph and insert:

"SECTION 7. **An emergency is declared for this act.**".

(Reference is to HB 1018 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1058, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1064, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JUNE 1, 2012]".

Page 2, delete line 16.

(Reference is to HB 1064 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1261, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 8.

Page 16, line 4, after "satisfaction," insert "**and**".

Page 16, line 4, delete ", and a" and insert "**.**".

Page 16, line 5, delete "tax sale certificate.".

Page 16, delete line 14.

Page 16, line 15, delete "(8)" and insert "**(7)**".
Page 16, line 27, delete "(9)" and insert "**(8)**".
Page 18, after line 17, begin a new paragraph and insert:
"SECTION 13. IC 36-7-15.1-35.5, AS AMENDED BY P.L.211-2007, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 35.5. (a) The general assembly finds the following:
(1) Federal law permits the sale of a multiple family housing project that is or has been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development without requiring the continuation of that project based assistance.
(2) Such a sale displaces the former residents of a multiple family housing project described in subdivision (1) and increases the shortage of safe and affordable housing for persons of low and moderate income within the county.
(3) The displacement of families and individuals from affordable housing requires increased expenditures of public funds for crime prevention, public health and safety, fire and accident prevention, and other public services and facilities.
(4) The establishment of a supplemental housing program under this section will do the following:
(A) Benefit the health, safety, morals, and welfare of the county and the state.
(B) Serve to protect and increase property values in the county and the state.
(C) Benefit persons of low and moderate income by making affordable housing available to them.
(5) The establishment of a supplemental housing program under this section and sections 32 through 35 of this chapter is:
(A) necessary in the public interest; and
(B) a public use and purpose for which public money may be spent and private property may be acquired.
(b) In addition to its other powers with respect to a housing program under sections 32 through 35 of this chapter, the commission may establish a supplemental housing program. Except as provided by this section, the commission has the same powers and duties with respect to the supplemental housing program that the commission has under sections 32 through 35 of this chapter with respect to the housing program.
(c) One (1) allocation area may be established for the supplemental housing program. The commission is not required to make the findings required under section 34(5) through 34(8) of this chapter with respect to the allocation area. However, the commission must find that the property contained within the boundaries of the allocation area consists solely of one (1) or more multiple family housing projects that are or have been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development or have been owned at one time by a public housing agency. The allocation area need not be contiguous. The definition of "base assessed value" set forth in section 35(a) of this chapter applies to the special fund established under section 26(b) of this chapter for the allocation area.
(d) The special fund established under section 26(b) of this chapter for the allocation area established under this section may be used only for the following purposes:
(1) Subject to subdivision (2), on January 1 and July 1 of each year the balance of the special fund shall be transferred to the housing trust fund established under subsection (e).
(2) The commission may provide each taxpayer in the allocation area a credit for property tax replacement in the manner provided by section 35(b)(7) of this chapter. Transfers made under subdivision (1) shall be reduced by the amount necessary to provide the credit.
(e) The commission shall, by resolution, establish a housing trust fund to be administered, subject to the terms of the resolution, by:
(1) the housing division of the consolidated city; or
(2) the department, division, or agency that has been designated to perform the public housing function by an ordinance adopted under IC 36-7-18-1.
(f) The housing trust fund consists of:
(1) amounts transferred to the fund under subsection (d);
(2) payments in lieu of taxes deposited in the fund under IC 36-3-2-11;
(3) gifts and grants to the fund;
(4) investment income earned on the fund's assets;
(5) money deposited in the fund under IC 36-2-7-10(j); and
(6) other funds from sources approved by the commission.
(g) The commission shall, by resolution, establish uses for the housing trust fund. However, the uses must be limited to:
(1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;
(2) paying expenses of administering the fund;
(3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, including the elderly, persons with disabilities, and homeless individuals and families; ~~and~~
(4) providing technical assistance to nonprofit developers of affordable housing; **and**
(5) funding other programs considered appropriate to meet the affordable housing and community development needs of lower income families (as defined in IC 5-20-4-5) and very low income families (as defined in IC 5-20-4-6), including lower income elderly individuals, individuals with disabilities, and homeless individuals.
(h) At least fifty percent (50%) of the dollars allocated for production, rehabilitation, or purchase of housing must be used for units to be occupied by individuals and families whose income is at or below fifty percent (50%) of the county's area median income for individuals and families, respectively.
(I) The low income housing trust fund advisory committee is established. The low-income housing trust fund advisory committee consists of eleven (11) members. The membership of the low income housing trust fund advisory committee is comprised of:
(1) one (1) member appointed by the mayor, to represent the interests of low income families;
(2) one (1) member appointed by the mayor, to represent the interests of owners of subsidized, multifamily housing communities;
(3) one (1) member appointed by the mayor, to represent the interests of banks and other financial institutions;
(4) one (1) member appointed by the mayor, of the department of metropolitan development;
(5) three (3) members representing the community at large appointed by the commission, from nominations submitted to the commission as a result of a general call for nominations from neighborhood associations, community based organizations, and other social services agencies;
(6) one (1) member appointed by and representing the Coalition for Homeless Intervention and Prevention of

Greater Indianapolis;
(7) one (1) member appointed by and representing the Local Initiatives Support Corporation;
(8) one (1) member appointed by and representing the Indianapolis Coalition for Neighborhood Development; and
(9) one (1) member appointed by and representing the Indianapolis Neighborhood Housing Partnership.

Members of the low income housing trust fund advisory committee serve for a term of four (4) years, and are eligible for reappointment. If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy. A committee member may be removed at any time by the appointing authority who appointed the committee member.

(j) The low income housing trust fund advisory committee shall make recommendations to the commission regarding:
(1) the development of policies and procedures for the uses of the low income housing trust fund; and
(2) long term sources of capital for the low income housing trust fund, including:
(A) revenue from:
(I) development ordinances;
(ii) fees; or
(iii) taxes;
(B) financial market based income;
(C) revenue derived from private sources; and
(D) revenue generated from grants, gifts, donations, or income in any other form, from a:
(I) government program;
(ii) foundation; or
(iii) corporation.

(k) The county treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1261 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

NEESE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1264, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-1.1-20-1.1, AS AMENDED BY P.L.146-2008, SECTION 188, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:
(1) A project for which the political subdivision reasonably expects to pay:
(A) debt service; or
(B) lease rentals;
from funds other than property taxes that are exempt from the levy limitations of IC 6-1.1-18.5 or (before January 1, 2009) IC 20-45-3. A project is not a controlled project even though the political subdivision has pledged to levy property taxes to pay the debt service or lease rentals if those other funds are insufficient.
(2) A project that will not cost the political subdivision more than the lesser of the following:
(A) Two million dollars ($2,000,000).
(B) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that amount is at least one million dollars ($1,000,000).
(3) A project that is being refinanced for the purpose of providing gross or net present value savings to taxpayers.
(4) A project for which bonds were issued or leases were entered into before January 1, 1996, or where the state board of tax commissioners has approved the issuance of bonds or the execution of leases before January 1, 1996.
(5) A project that is required by a court order holding that a federal law mandates the project.
(6) A project that:
(A) is in response to:
(I) a natural disaster;
(ii) an accident; or
(iii) an emergency;
in the political subdivision that makes a building or facility unavailable for its intended use; and
(B) is approved by the county council of each county in which the political subdivision is located.
(7) A project that was not a controlled project under this section as in effect on June 30, 2008, and for which:
(A) the bonds or lease for the project were issued or entered into before July 1, 2008; or
(B) the issuance of the bonds or the execution of the lease for the project was approved by the department of local government finance before July 1, 2008.
(8) A project of the Little Calumet River basin development commission for which bonds are payable from special assessments collected under IC 14-13-2-18.6.".

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 4. IC 14-13-2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. As used in this chapter, "taxable parcel" refers to a parcel that is not exempt from property taxation under IC 6-1.1-10.**".

Page 5, line 14, after "each" insert "**taxable**".
Page 5, line 16, after "each" insert "**taxable**".
Page 5, line 31, after "the" insert "**taxable**".
Page 5, line 39, after "of the" insert "**taxable**".
Page 5, line 39, after "only the" insert "**taxable**".

Page 6, delete lines 7 through 15, begin a new paragraph and insert:

"**(e) Special assessments collected under this section shall be deposited into a segregated account within the fund. Special assessments deposited into the account may not be transferred into other accounts within the fund. Money in the account may be used only for the following purposes:**
(1) To pay expenses directly related to the acquisition, construction, or improvement of real property, a facility, a betterment, or an improvement constituting part of a project of the commission, including acquisition of the site for a project.
(2) To pay expenses directly related to the operation, repair, and maintenance of flood protection systems within the watershed.
(3) To repay bonds issued for the purposes described in subdivision (1).
(4) To make the transfers required by subsection (f).".

Page 6, line 22, delete "seventy" and insert "**sixty**".

Page 6, line 23, delete "($1,470,000)" and insert "**($1,460,000)**".

Page 6, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 12. IC 14-13-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) The acquisition, construction, or improvement of real property, a facility, a betterment, or an improvement constituting part of a project of the commission, including acquisition of the site for a project, may be financed in whole or in part by the issuance of bonds payable: ~~solely~~

(1) out of the net income received from the operation of the real property, facility, betterment, or improvement; **or**

(2) from special assessments collected under section 18.6 of this chapter.

(b) If the commission desires to finance an acquisition, a construction, or an improvement in whole or in part as provided in this section or sections 21 through 26 of this chapter, the commission must adopt a resolution authorizing the issuance of bonds. The resolution must set forth the following:

(1) The date on which the principal of the bonds matures, not exceeding forty (40) years from the date of issuance.

(2) The maximum interest rate to be paid on the bonds.

(3) Other terms and conditions upon which the bonds are issued.

(c) The commission shall take all actions necessary to issue the bonds in accordance with the resolution. The commission may enter into a trust agreement with a trust company as trustee for the bondholders. An action to contest the validity of any bonds to be issued under this chapter may not be brought after the fifteenth day following the receipt of bids for the bonds.

SECTION 13. IC 14-13-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) ~~Revenue~~ Bonds issued under this chapter or under IC 14-6-29.5 (before its repeal) do not constitute any of the following:

(1) A debt of the state or of ~~a~~ **any other** political subdivision of the state.

(2) A pledge of the faith and credit of the state or ~~a~~ **any other** political subdivision of the state.

(b) The bonds are payable solely from the revenues pledged for their payment as authorized in this chapter or in IC 14-6-29.5 (before its repeal).

SECTION 14. IC 14-13-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 22. (a) ~~Revenue~~ Bonds issued under this chapter or under IC 14-6-29.5 (before its repeal) may be made redeemable before maturity at the option of the commission at the price and under the terms and conditions that are determined by the commission in the authorizing resolution. The commission shall do the following:

(1) Determine the form of the bonds, including any interest coupons to be attached to the bonds.

(2) Fix the denomination of the bonds.

(3) Fix the place of payment of principal and interest, which may be at any bank or trust company within or outside Indiana.

(b) ~~Revenue~~ Bonds have the qualities and incidents of negotiable instruments under Indiana law. Provision may be made for the registration of any of the bonds as to principal alone and also as to both principal and interest.

SECTION 15. IC 14-13-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) ~~Revenue~~ Bonds issued under this chapter shall be issued in the name of the commission and must recite on the face of each bond that the principal of and interest on the bond are payable solely from revenues pledged for their payment and are not an obligation of the state or of ~~a~~ **any other** political subdivision of the state.

(b) The chairman of the commission shall execute the bonds, and the secretary of the commission shall affix and attest the seal of the commission.

(c) Coupons attached to the bonds must bear the facsimile signature of the chairman of the commission.

SECTION 16. IC 14-13-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 24. **(a) This subsection applies only to the issuance of revenue bonds.** This chapter and IC 14-6-29.5 (before its repeal) constitute full and complete authority for the issuance of revenue bonds. A law, a procedure or proceeding, a publication, a notice, a consent, an approval, an order, an act, or a thing by the commission or any other officer, department, agency, or instrumentality of the state, county, or a municipality is not required to issue revenue bonds except as prescribed in this chapter or in IC 14-6-29.5 (before its repeal).

(b) This subsection applies only to the issuance of bonds payable from special assessments collected under section 18.6 of this chapter. All laws relating to the giving of notice of the issuance of bonds, the giving of notice of a hearing on the appropriation of the proceeds of the bonds, the right of taxpayers to appear and be heard on the proposed appropriation, and the approval of the appropriation by the department of local government finance apply to all bonds issued under this chapter that are payable from special assessments.

SECTION 17. IC 14-13-2-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. ~~Revenue~~ **(a)** Bonds issued under this chapter or under IC 14-6-29.5 (before its repeal) constitute legal investments for the following:

(1) Private trust money.

(2) The money of banks, trust companies, insurance companies, building and loan associations, credit unions, banks of discount and deposit, savings associations, mortgage guaranty companies, small loan companies, industrial loan and investment companies, and any other financial institutions organized under Indiana law.

(b) Bonds issued under this chapter and the interest on the bonds are exempt from taxation as prescribed by IC 6-8-5-1.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1264 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

EBERHART, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1013

Representative Lehman called down House Bill 1013 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1013–1)

Mr. Speaker: I move that House Bill 1013 be amended to read as follows:

Page 1, line 17, delete "must have the approval of" and insert "**may be adopted only after consultation with**".

(Reference is to HB 1013 as printed January 11, 2012.)

LEHMAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1019

Representative Karickhoff called down House Bill 1019 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1019–2)

Mr. Speaker: I move that House Bill 1019 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an

appropriation.

Page 3, after line 40, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 2012] **(a) There is appropriated fourteen million three hundred seven thousand, nine hundred seventy-one dollars ($14,307,971) to the department of child services from the state general fund for adoption assistance to restore adoption assistance state funding to the same level of state funding provided in the 2010-2011 state fiscal year, beginning July 1, 2012, and ending June 30, 2013.**

(b) This SECTION expires July 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1019 as printed January 11, 2012.)

AUSTIN

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

House Bill 1029

Representative McMillin called down House Bill 1029 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1040

Pursuant to House Rule 143, the author of House Bill 1040, Representative Grubb, granted consent to the coauthor, Representative T. Brown, to call the bill down for second reading Representative T. Brown called down House Bill 1040 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1052

Representative R. Frye called down House Bill 1052 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1052–1)

Mr. Speaker: I move that House Bill 1052 be amended to read as follows:

Page 2, between lines 5 and 6, begin a new line block indented and insert:

"**(6) A law enforcement agency of a political subdivision.**

(7) An emergency medical services agency of a political subdivision.".

(Reference is to HB 1052 as printed January 11, 2012.)

R. FRYE

Motion prevailed. The bill was ordered engrossed.

House Bill 1065

Representative Borders called down House Bill 1065 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1065–1)

Mr. Speaker: I move that House Bill 1065 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 6-3-1-34, AS ADDED BY P.L.144-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 34. **(a)** "Qualified military income" means wages **described in subsection (b) or (c).**

(b) The term includes wages that are paid:

(1) to a member of:

(A) a reserve component of the armed forces of the United States; or

(B) the National Guard; and

(2) for any of the following applicable periods, or any combination of the following applicable periods, in a calendar year:

(A) The member's full-time service on involuntary orders in:

(I) a reserve component of the armed forces of the United States; or

(ii) the National Guard.

(B) The period during which the member is mobilized and deployed for full-time service in:

(I) a reserve component of the armed forces of the United States; or

(ii) the National Guard.

(C) The period during which the member's National Guard unit is federalized.

(c) For taxable years beginning after December 31, 2011, the term includes wages that are paid:

(1) in a taxable year to a member of the armed forces of the United States on active duty; and

(2) for services provided on active duty status to any component of the armed forces of the United States.".

Page 3, after line 13, begin a new paragraph and insert:

"SECTION 6. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1065 as printed January 11, 2012.)

AUSTIN

After discussion, Representative Borders withdrew the call of House Bill 1065.

Representative Summers, who had been excused, was present.

House Bill 1091

Representative Friend called down House Bill 1091 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1091–1)

Mr. Speaker: I move that House Bill 1091 be amended to read as follows:

Page 1, delete lines 9 through 17, begin a new paragraph and insert:

"SECTION 2. IC 35-48-4-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18. (a) As used in this section, "agricultural land" means real property, including any structure on the property, that is:**

(1) used for the production of crops, fruit, timber, or raising livestock; and

(2) assessed as agricultural land for property tax purposes under IC 6-1.1-20.6.

(b) A person who:

(1) manufactures methamphetamine; or

(2) grows or harvests marijuana;

on agricultural land while committing a civil or criminal trespass commits a Class A infraction.".

Delete page 2.

Renumber all SECTIONS consecutively.

(Reference is to HB 1091 as printed January 11, 2012.)

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 84, I move that House Bill 1091 be recommitted to the Committee on Judiciary without recommendation.

DeLANEY

Upon request of Representatives C. Brown and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 19: yeas 32, nays 53. Motion failed.

There being no further amendments, the bill was ordered engrossed.

House Bill 1220

Representative Rhoads called down House Bill 1220 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1247

Representative Soliday called down House Bill 1247 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 8

Representatives V. Smith, Candelaria Reardon, Harris, Porter, Bartlett, Crawford, C. Brown, and Pryor introduced House Concurrent Resolution 8:

A CONCURRENT RESOLUTION commemorating Dr. Martin Luther King, Jr. Day.

Whereas, Dr. Martin Luther King, Jr. was one of our nation's truly great leaders;

Whereas, Dr. Martin Luther King, Jr. had many dreams: of an America where "justice rolls down like waters and righteousness like a mighty stream," where neighbors look "beyond the external accidents and discern those inner qualities that make all men human and, therefore, brothers," and of a time when "this nation will rise up and live out the true meaning of its creed, 'we hold these truths to be self evident: that all men are created equal'";

Whereas, Dr. Martin Luther King, Jr. dreamt of a better society where "the sons of former slaves and the sons of former slave owners will be able to sit together at the table of brotherhood";

Whereas, Dr. Martin Luther King, Jr. believed that liberty, justice, and freedom were the "inalienable rights" to which all men, women, and children are entitled;

Whereas, Dr. Martin Luther King, Jr. was a spiritual man who believed that all people are created equal in the sight of God and in the dignity and self-worth of every individual;

Whereas, Dr. Martin Luther King, Jr. gave his life defending his beliefs;

Whereas, The visions of Dr. Martin Luther King, Jr. continue to bring hope and inspiration to people of all nations;

Whereas, Dr. Martin Luther King, Jr., a recipient of the Nobel Prize, is a national hero whose birthday is celebrated as a day of peace, love, and understanding by a grateful nation; and

Whereas, All Americans must continue to gather inspiration from the life of Dr. Martin Luther King, Jr. and strive to realize his dreams: Therefore,

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

SECTION 1. That it is fitting and proper that Dr. Martin Luther King, Jr. be remembered and recognized by future generations of Americans.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Dr. Martin Luther King, Jr.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Rogers.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1264 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 17, 2012, at 1:30 p.m.

FRIEND

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representative Baird be added as coauthor of House Bill 1001.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Bacon, Baird, Behning, Borders, C. Brown, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crouch, Culver, Davis, Davisson, Espich, Foley, Friend, Frizzell, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Klinker, Knollman, Kubacki, Lehe, Lehman, Leonard, McMillin, McNamara, Messmer, Morris, Moseley, Noe, Riecken, M. Smith, Soliday, Speedy, Stemler, Steuerwald, Sullivan, Torr, Truitt, Turner, Ubelhor, VanNatter, Welch, Wolkins, and Yarde be added as coauthors of House Bill 1005.

MAHAN

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pond and Bacon be added as coauthors of House Bill 1015.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Riecken and Frizzell be added as coauthors of House Bill 1019.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Baird, Gutwein, and Moseley be added as coauthors of House Bill 1021.

MAHAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be added as coauthor of House Bill 1034.

McMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehman be added as coauthor of House Bill 1037.

MAHAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as coauthor of House Bill 1050.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wesco be added as coauthor of House Bill 1052.

R. FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanNatter be added as coauthor of House Bill 1112.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cherry be added as coauthor of House Bill 1123.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as coauthor of House Bill 1137.

WESCO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as coauthor of House Bill 1205.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as coauthor of House Bill 1220.

RHOADS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be added as coauthor of House Bill 1243.

DEMBOWSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heuer be added as coauthor of House Bill 1287.

YARDE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Day be added as coauthor of House Joint Resolution 1.

TORR

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Davisson, the House adjourned at 1:09 p.m., this thirteenth day of January, 2012, until Tuesday, January 17, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Tenth Day — **Tuesday Afternoon** — **January 17, 2012**

The invocation was offered by Reverend Bill Yates, Calvary Lutheran Church, Indianapolis, the guest of Representative Robert W. Behning.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Behning.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell ☐
C. Fry ☐
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond ☐
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler ☐
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 20: 96 present; 4 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

INTRODUCTION OF BILLS

With consent of the members, the following bills on Bill List 7 were read a first time by title and referred to the respective committees:

HB 1375 — Borders
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1376 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1377 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1378 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1379 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1380 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1381 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1382 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1383 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1384 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1385 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1386 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1387 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1388 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1389 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1390 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1391 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1392 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1393 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1394 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1395 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1396 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1397 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1398 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1399 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

HB 1400 — Rules
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning amend the Indiana Code.

RESOLUTIONS ON FIRST READING

House Resolution 8

Representative R. Frye introduced House Resolution 8:

A HOUSE RESOLUTION recognizing the 100th anniversary of the Greensburg Daily News Cheer Fund.

Whereas, James Caskey, publisher of the Greensburg Daily News, created the Cheer Fund in 1911 to help bring the joy of Christmas to needy children and their families in Greensburg;

Whereas, When Mr. Caskey died in 1915, his wife, Mabel, took over management of the fund until 1918;

Whereas, In 1947, Walter Lowe became editor of the Greensburg Daily News;

Whereas, In 1964, Mr. Lowe expanded the area served by the Cheer Fund to include all of Decatur County;

Whereas, Over the years, support for the Cheer Fund has grown from a goal of $5,000 in 1974 to a goal of $45,000 in 2011;

Whereas, Because of the effort of dedicated volunteers, each year the Greensburg Daily News Cheer Fund helps bring smiles to the faces of hundreds of Decatur County's less fortunate children and makes their holidays brighter; and

Whereas, Christmas is a time for the young and young at heart to experience the happiness of life, and the Cheer Fund helps them do this: Therefore,

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

SECTION 1. That the Indiana House of Representatives thanks the administration and volunteer staff of the Greensburg Daily News Cheer Fund for their unselfish dedication to those less fortunate in helping them to experience joy and love at Christmas.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the editor of the Greensburg Daily News.

The resolution was read a first time and adopted by voice vote.

House Resolution 9

Representatives Pryor, Bartlett C. Brown, Candelaria Reardon, Crawford, Goodin, Kersey, Klinker, Moses, Pelath, Porter, V. Smith, Summers, Welch, Espich, Cherry, Dermody, Pond, M. Smith, Thompson, Baird, Clere, Karickhoff, Kubacki, Leonard, McClain, Truitt, Turner, Ubelhor, Bardon, and Day introduced House Resolution 9:

A HOUSE RESOLUTION to honor Hope Tribble for her service to the Indiana General Assembly.

Whereas, Ms. Tribble was educated at Georgetown University, and at the University of Maryland at College Park;

Whereas, Ms. Tribble served as a senior fiscal analyst for the Ways and Means committee for five (5) sessions and is leaving the legislature to serve as the new Chief Financial Officer for the City of Indianapolis and Marion County City-County Council;

Whereas, The Ways and Means Committee relied on Ms. Tribble for information and analysis of important fiscal policy issues;

Whereas, Ms. Tribble in her role provided expertise and leadership to the Indiana Black Legislative Caucus where she provided guidance on major projects like the Ohio River Bridges to ensure that minorities have opportunities on state projects;

Whereas, Ms. Tribble is smart, dedicated, good-natured and accomplished; and

Whereas, Hope Tribble has done outstanding work for the State of Indiana, and her expertise will be missed by legislators

and staff: Therefore:

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

SECTION 1. That the Indiana House of Representatives honors and expresses its thanks to Hope Tribble for her years of dedicated service to the citizens and legislators of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Ms. Tribble.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1056, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-12-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 11. Novelty Lighters

Sec. 1. It is the intent of the general assembly, by this chapter, to protect the public welfare and promote safety throughout Indiana. In enacting this chapter, the general assembly finds the following:

(1) Novelty lighters have features that are attractive to children, including visual effects, flashing lights, musical sounds, and toy-like designs.

(2) The federal Consumer Product Commission has recalled thousands of novelty lighters since 1996 due to the dangers of novelty lighters to public safety.

(3) In Indiana and the United States fire setting by children has resulted in several deaths and millions of dollars in property damage and destruction.

Sec. 2. As used in this chapter, "novelty lighter" means a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes that is designed to resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food, or beverage, or similar articles, or that plays musical notes, has flashing lights for entertainment, or has other entertaining features. A novelty lighter may operate on any fuel, including butane, isobutane, or liquid fuel. The term does not include the following:

(1) A lighter manufactured before January 1, 1980.

(2) A lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame.

(3) Any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills.

(4) Standard disposable and refillable lighters that are printed or decorated with logos, labels, decals, or artwork, or heat shrinkable sleeves.

Sec. 3. (a) An individual may not:

(1) sell at retail;

(2) offer for retail sale; or

(3) distribute for retail sale or promotion in Indiana; a novelty lighter.

(b) An individual who violates this section commits a Class C infraction.

Sec. 4. The prohibition in section 3 of this chapter does not apply to the transportation of novelty lighters through Indiana or the storage of novelty lighters in a warehouse or distribution center in Indiana that is closed to the public for purposes of retail sales.

Sec. 5. This chapter may be enforced by:

(1) the state fire marshal or the state fire marshal's designee;

(2) a state, county, or municipal law enforcement officer; or

(3) a municipal code enforcement officer.

Sec. 6. The commission may adopt rules under IC 4-22-2 to implement this chapter.

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

(Reference is to HB 1056 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BORDERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1059, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

BORDERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1060, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 15, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, after line 1, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "trustee" has the meaning set forth in IC 10-12-1-10.**

(b) As used in this SECTION, "trust fund" has the meaning set forth in IC 10-12-1-11.

(c) Not later than October 1, 2012, the trustee shall pay from the trust fund to each employee beneficiary of the state police 1987 benefit system covered by IC 10-12-4 who:

(1) retired or was disabled after June 30, 1987, and before July 2, 2011; and

(2) is entitled to receive a monthly benefit as of September 1, 2012;

an amount equal to one percent (1%) of the maximum basic annual pension amount payable to a retired state police employee in the grade of trooper who has completed twenty-five (25) years of service as of July 1, 2012, as calculated under IC 10-12-4-7.

(d) The amount paid under this SECTION is not an increase in the monthly pension amount of an employee beneficiary.

(e) This SECTION expires January 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1123 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1150, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1189, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 9. IC 20-24-7-2, AS AMENDED BY P.L.146-2008, SECTION 460, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) Not later than **each of** the ~~date~~ **dates** established by the department for determining ADM ~~and after May 31 each year,~~ **under IC 20-43-4-3 and IC 20-43-4-3.5,** the organizer shall submit to the department the following information on a form prescribed by the department:

(1) The number of students enrolled in the charter school.

(2) The name and address of each student.

(3) The name of the school corporation in which the student has legal settlement.

(4) The name of the school corporation, if any, that the student attended during the immediately preceding school year.

(5) The grade level in which the student will enroll in the charter school.

The department shall verify the accuracy of the information reported.

(b) ~~This subsection applies after December 31 of the calendar year in which a charter school begins its initial operation.~~ The department shall distribute **state tuition support distributions** to the organizer. ~~the state tuition support distribution.~~ **Subject to IC 20-43-4-9,** the department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution of state tuition support under IC 20-43-2 to other school corporations.

SECTION 10. IC 20-24-7-3, AS AMENDED BY P.L.146-2008, SECTION 461, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) This section applies to a conversion charter school.

(b) Beginning not more than sixty (60) days after the department receives the information reported under section 2(a) of this chapter, the department shall distribute to the organizer:

~~(1) tuition support and other state funding for any purpose for students enrolled in the conversion charter school;~~

~~(2)~~ **(1)** a proportionate share of state and federal funds received:

(A) for students with disabilities; or

(B) for staff services for students with disabilities;

enrolled in the conversion charter school; and

~~(3)~~ **(2)** a proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state categorical aid and are enrolled in the conversion charter school;

for the second six (6) months of the calendar year in which the conversion charter school is established. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution to the governing body of the school corporation in which the conversion charter school is located. A distribution to the governing body of the school corporation in which the conversion charter school is located is reduced by the amount distributed to the conversion charter school. This subsection does not apply to a conversion charter school after December 31 of the calendar year in which the conversion charter school is established.

~~(c) This subsection applies during the second six (6) months of the calendar year in which a conversion charter school is established. A conversion charter school may apply for an advance from the charter school advancement account under IC 20-49-7 in the amount determined under STEP FOUR of the following formula:~~

~~STEP ONE: Determine the result under subsection (d) STEP ONE (A).~~

~~STEP TWO: Determine the difference between:~~

~~(A) the conversion charter school's current ADM minus~~

~~(B) the STEP ONE amount.~~

~~STEP THREE: Determine the quotient of:~~

~~(A) the STEP TWO amount; divided by~~

~~(B) the conversion charter school's current ADM.~~

~~STEP FOUR: Determine the product of:~~

~~(A) the STEP THREE amount; multiplied by~~

~~(B) the quotient of:~~

~~(i) the subsection (d) STEP TWO amount; divided by~~

~~(ii) two (2).~~".

Page 10, delete lines 1 through 30.

Page 11, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 12. IC 20-24-7-9, AS AMENDED BY P.L.146-2008, SECTION 463, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section applies if:

(1) a sponsor:

(A) revokes a charter before the end of the term for which the charter is granted; or

(B) does not renew a charter; or

(2) a charter school otherwise terminates its charter before the end of the term for which the charter is granted.

(b) Any state funds that remain to be distributed to the charter school in the calendar year in which an event described in subsection (a) occurs shall be distributed as follows:

(1) First, to the common school loan fund to repay any existing obligations of the charter school under IC 20-49-7 **(repealed) or IC 20-49-5-7.**

(2) Second, to the entities that distributed the funds to the charter school. A distribution under this subdivision shall be on a pro rata basis.

(c) If the funds described in subsection (b) are insufficient to repay all existing obligations of the charter school under IC 20-49-7 **(repealed) or IC 20-49-5-7,** the state shall repay any remaining obligations of the charter school under IC 20-49-7 **(repealed) or IC 20-49-5-7** from the amount appropriated for state tuition support distributions.".

Page 12, delete lines 29 through 40, begin a new paragraph and insert:

"SECTION 14. IC 20-24-7.5 IS REPEALED [EFFECTIVE JULY 1, 2013]. (New Charter School Startup Grant).".

Page 13, line 42, delete "for" and insert "**of**".

Page 27, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 26. IC 20-43-1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.5. "Attending" means physical or virtual presence of a student with the expectation of continued services in the education programs for which the student is registered.**".

Page 28, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 28. IC 20-43-1-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 11.5. "Enrolled" means to be:**

(1) registered with a school corporation to attend educational programs offered by or through the school corporation; and

(2) attending these educational programs.".

Page 28, line 15, delete "finally" and insert "**subsequently**".

Page 28, delete lines 16 through 25.

Page 29, line 20, delete "in" and insert "**after**".

Page 29, line 22, delete "in" and insert "**after**".

Page 29, line 22, delete "March." and insert "**February.**".

Page 29, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 34. IC 20-43-4-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 3.5. (a) This section applies only in the initial year in which a charter school begins operation.**

(b) A charter school shall submit to the department an estimated count of eligible pupils in the form and on the schedule specified by the state board. The count must estimate as accurately as possible the anticipated number of eligible pupils who are likely to be included in the charter school's fall count of ADM for the school year beginning in the calendar year.

(c) Using the estimates submitted by the charter school and any other information available to the state board, the state board shall estimate the number of eligible pupils who are likely to be included in the fall ADM count of the charter school in the school year beginning in the calendar year. The state board may adjust the estimate provided by a charter school as the state board determines necessary.

(d) After the fall count of ADM, the state board shall adjust the estimated count of ADM under this section to reflect the actual count of eligible pupils determined in the fall count. If the state board adjusts the fall count under section 2 of this chapter, the state board shall make the same adjustment to the estimated count.".

Page 30, delete lines 1 through 10.

Page 31, line 29, delete "IC 20-43-4-2," and insert "**section 2 of this chapter,**".

Page 31, line 31, delete "This" and insert "**Subject to subsection (c), this**".

Page 31, line 36, delete "IC 20-43-4-2," and insert "**section 2 of this chapter,**".

Page 31, line 40, delete "IC 20-43-4-2," and insert "**section 2 of this chapter,**".

Page 31, after line 42, begin a new paragraph and insert:

"**(c) This subsection applies only to the calculation of tuition support distributions to a charter school, including a conversion charter school, for the first six (6) months in which the charter school begins its initial operation. A charter school is entitled only to a distribution of basic tuition support for the first six (6) months of the school year in which the charter school begins initial operation. The count of students made under section 3.5 of this chapter, as subsequently adjusted under section 3.5 of this chapter, shall be treated as the current ADM of the charter school for the calculation of the charter school's basic tuition support for that period. However, distributions to the school corporation shall not begin until after the first day the charter school conducts regular classes, as determined by the department. The amount withheld for the charter school before that date shall be paid to the charter school on a schedule determined under subsection (d).**".

Page 32, line 1, delete "(c)" and insert "**(d)**".

Page 38, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 50. IC 20-49-3-8, AS AMENDED BY P.L.146-2008, SECTION 529, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. The fund may be used to make advances:

(1) to school corporations, including school townships, under IC 20-49-4 and IC 20-49-5; **and**

(2) under IC 20-49-6. ~~and~~

~~(3) to charter schools under IC 20-24-7-3(c) and IC 20-49-7.~~".

Page 38, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 51. IC 20-49-5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7. (a) A charter school, including a conversion charter school, that has received an advance for operational costs from the common school fund under IC 20-49-7 (before its repeal) is not required to make principal or interest payments during the state fiscal years beginning:**

(1) July 1, 2011; and

(2) July 1, 2012;

notwithstanding contrary terms in the charter school and state board advance agreement.

(b) The repayment term of the advance shall be extended by two (2) years to provide for the waiver described in subsection (a) even though it may make the repayment term for the advance longer than twenty (20) years.

SECTION 57. IC 20-49-7 IS REPEALED [EFFECTIVE JULY 1, 2013]. (Charter School Advancement Account).".

Delete page 39.

Page 40, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

(Reference is to HB 1189 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1196, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

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

"SECTION 1. IC 16-31-3-14, AS AMENDED BY P.L.182-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder:

(1) engaged in or knowingly cooperated in fraud or

material deception in order to obtain a certificate, including cheating on a certification examination;
(2) engaged in fraud or material deception in the course of professional services or activities;
(3) advertised services or goods in a false or misleading manner;
(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;
(6) is convicted of violating IC 9-19-14.5;
(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
(8) continues to practice if the certificate holder becomes unfit to practice due to:
(A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;
(B) failure to keep abreast of current professional theory or practice;
(C) physical or mental disability; or
(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;
(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
(10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;
(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;
(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
(13) allows a certificate issued by the commission to be:
(A) used by another person; or
(B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder is subject to disciplinary sanctions under subsection (a):
(1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.
(2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.
(3) Censure of a certificate holder.
(4) Issuance of a letter of reprimand.
(5) Assessment of a civil penalty against the certificate holder in accordance with the following:
(A) The civil penalty may not exceed five hundred dollars ($500) per day per violation.
(B) If the certificate holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate without additional proceedings.
(6) Placement of a certificate holder on probation status and requirement of the certificate holder to:
(A) report regularly to the department of homeland security upon the matters that are the basis of probation;
(B) limit practice to those areas prescribed by the department of homeland security;
(C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.
The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the department of homeland security may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder, has had disciplinary action taken against the applicant or the applicant's certificate to practice in another state or jurisdiction, or has practiced without a certificate in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder to submit to a reasonable physical or mental examination if the certificate holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (I).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate issued under this article if the individual who holds or is applying for the certificate is convicted of any of the following:
(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
(2) Possession of methamphetamine under IC 35-48-4-6.1.
(3) Possession of a controlled substance under IC 35-48-4-7(a).
(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** as a Class D felony under IC 35-48-4-11.
(9) Maintaining a common nuisance under IC 35-48-4-13.
(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (12).

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(I) The department of homeland security may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

(p) For purposes of this section, "certificate holder" means a person who holds:
(1) an unlimited certificate;
(2) a limited or probationary certificate; or
(3) an inactive certificate.

SECTION 2. IC 16-31-3-14.5, AS AMENDED BY P.L.182-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or permanently revoke a certificate under procedures provided by section 14 of this chapter if the individual who holds the certificate issued under this title is convicted of any of the following:
(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
(2) Dealing in methamphetamine under IC 35-48-4-1.1.
(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
(8) Dealing in a counterfeit substance under IC 35-48-4-5.
(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** under IC 35-48-4-10(b).
(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
(12) A crime of violence (as defined in IC 35-50-1-2(a)).
(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

SECTION 3. IC 20-28-5-8, AS AMENDED BY P.L.155-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:
(1) The state superintendent.
(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:
(1) Kidnapping (IC 35-42-3-2).
(2) Criminal confinement (IC 35-42-3-3).
(3) Rape (IC 35-42-4-1).
(4) Criminal deviate conduct (IC 35-42-4-2).
(5) Child molesting (IC 35-42-4-3).
(6) Child exploitation (IC 35-42-4-4(b)).
(7) Vicarious sexual gratification (IC 35-42-4-5).
(8) Child solicitation (IC 35-42-4-6).
(9) Child seduction (IC 35-42-4-7).
(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3).
(12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(13) Dealing in methamphetamine (IC 35-48-4-1.1).
(14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(17) Dealing in a counterfeit substance (IC 35-48-4-5).
(18) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** (IC 35-48-4-10(b)).
(19) Possession of child pornography (IC 35-42-4-4(c)).
(20) Homicide (IC 35-42-1).
(21) Voluntary manslaughter (IC 35-42-1-3).
(22) Reckless homicide (IC 35-42-1-5).
(23) Battery as any of the following:
(A) A Class A felony (IC 35-42-2-1(a)(5)).
(B) A Class B felony (IC 35-42-2-1(a)(4)).
(C) A Class C felony (IC 35-42-2-1(a)(3)).
(24) Aggravated battery (IC 35-42-2-1.5).
(25) Robbery (IC 35-42-5-1).
(26) Carjacking (IC 35-42-5-2).
(27) Arson as a Class A felony or a Class B felony (IC 35-43-1-1(a)).
(28) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(29) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (28).
(30) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (28).

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 4. IC 22-15-5-16, AS AMENDED BY P.L.182-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
(2) engaged in fraud or material deception in the course of professional services or activities;
(3) advertised services or goods in a false or misleading manner;
(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
(5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
(6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
(7) continued to practice although the practitioner has become unfit to practice due to:
(A) professional incompetence;
(B) failure to keep abreast of current professional theory or practice;
(C) physical or mental disability; or
(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
(8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
(9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
(10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
(11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
(12) allowed a license issued by the department to be:
(A) used by another person; or
(B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

(1) Permanent revocation of a practitioner's license.
(2) Suspension of a practitioner's license.
(3) Censure of a practitioner.
(4) Issuance of a letter of reprimand.
(5) Assess a civil penalty against the practitioner in accordance with the following:
(A) The civil penalty may not be more than one thousand dollars ($1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.
(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.
(6) Place a practitioner on probation status and require the practitioner to:
(A) report regularly to the department upon the matters that are the basis of probation;
(B) limit practice to those areas prescribed by the department;
(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** as a Class D felony under IC 35-48-4-11.

(9) Maintaining a common nuisance under IC 35-48-4-13.

(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in subdivisions (1) through (12).

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in subdivisions (1) through (11).

(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(I) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are

limited to costs for the following:

(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photo duplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.

SECTION 5. IC 25-1-1.1-2, AS AMENDED BY P.L.138-2011, SECTION 6, AND P.L.182-2011, SECTION 6, AND AS AMENDED BY P.L.155-2011, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. *Notwithstanding IC 25-1-7,* a board, a commission, or a committee may suspend, *deny,* or revoke a license or certificate issued under this title by the board, the commission, or the committee *without an investigation by the office of the attorney general* if the individual who holds the license or certificate is convicted of any of the following *and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:*

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
(2) Possession of methamphetamine under IC 35-48-4-6.1.
(3) Possession of a controlled substance under IC 35-48-4-7(a).
(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
(8) Possession of marijuana, hash oil, ~~or~~ hashish, *salvia, or a synthetic* ~~*cannabinoid*~~ **drug** as a Class D felony under IC 35-48-4-11.
(9) Maintaining a common nuisance under IC 35-48-4-13.
(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
~~(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).~~
(13) A sex crime under IC 35-42-4.
(14) A felony that reflects adversely on the individual's fitness to hold a professional license.
(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

SECTION 6. IC 25-1-1.1-3, AS AMENDED BY P.L.182-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
(2) Dealing in methamphetamine under IC 35-48-4-1.1.
(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
(8) Dealing in a counterfeit substance under IC 35-48-4-5.
(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** under IC 35-48-4-10(b).
(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).
(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.".

Page 1, line 3, strike "cannabinoid"" and insert "**drug**"".

Page 1, line 5, after "analogue" insert "**, congener, derivative, isomer, homologue, salt, salt of analogue, salt of congener, salt of derivative, salt of isomer, and salt of**".

Page 3, between lines 26 and 27, begin a new line double block indented and insert the following:

"**(JJ) 6-APB.**
(LL) 7-hydroxymitragynine.
(MM) α-PPP.
(NN) α-PVP (desmethylpyrovalerone).
(OO) AM-251.
(PP) AM-1241.
(QQ) AM-2201.
(RR) AM-2233.
(SS) Buphedrone.
(TT) Butylone.
(UU) CP-47,497-C7.
(VV) CP-47,497-C8.
(WW) Desoxypipradol.
(XX) Ethylone.
(YY) Eutylone.
(ZZ) Flephedrone.
(AAA) JWH-011.
(BBB) JWH-020.
(CCC) JWH-022.
(DDD) JWH-030.
(EEE) JWH-182.
(FFF) JWH-302.
(GGG) MDAI.
(HHH) Mitragynine.
(III) Naphyrone.
(JJJ) Pentedrone.
(LLL) Pentylone.
(MMM) Pyrovalerone.".

Page 10, line 5, strike "cannabinoids" and insert "**drugs**".

Page 12, after line 10, begin a new paragraph and insert:

"SECTION 9. IC 35-48-4-8.5, AS AMENDED BY P.L.182-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) A person who keeps for sale, offers for sale, delivers, or finances the delivery of a raw material, an instrument, a device, or other object that is intended to be or that is designed or marketed to

be used primarily for:

(1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance;

(2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance;

(3) enhancing the effect of a controlled substance;

(4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance;

(5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance by individuals; or

(6) any purpose announced or described by the seller that is in violation of this chapter;

commits a Class A infraction for dealing in paraphernalia.

(b) A person who knowingly or intentionally violates subsection (a) commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated judgment or conviction under this section.

(c) A person who recklessly keeps for sale, offers for sale, or delivers an instrument, a device, or other object that is to be used primarily for:

(1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance;

(2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance;

(3) enhancing the effect of a controlled substance;

(4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance;

(5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance by individuals; or

(6) any purpose announced or described by the seller that is in violation of this chapter;

commits reckless dealing in paraphernalia, a Class B misdemeanor. However, the offense is a Class D felony if the person has a previous judgment or conviction under this section.

(d) This section does not apply to the following:

(1) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(2) Items marketed for or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.

SECTION 10. IC 35-48-4-10, AS AMENDED BY P.L.182-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug,** pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug,** pure or adulterated;

commits dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug,** a Class A misdemeanor, except as provided in subsection (b).

(b) The offense is:

(1) a Class D felony if:

(A) the recipient or intended recipient is under eighteen (18) years of age;

(B) the amount involved is more than thirty (30) grams but less than ten (10) pounds of marijuana or more than two (2) grams but less than three hundred (300) grams of hash oil, hashish, salvia, or a synthetic ~~cannabinoid;~~ **drug;** or

(C) the person has a prior conviction of an offense involving marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug;** and

(2) a Class C felony if the amount involved is ten (10) pounds or more of marijuana or three hundred (300) or more grams of hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug,** or the person delivered or financed the delivery of marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid.~~ **drug:**

(A) on a school bus; or

(B) in, on, or within one thousand (1,000) feet of:

(I) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center.

SECTION 11. IC 35-48-4-11, AS AMENDED BY P.L.138-2011, SECTION 17, AND AS AMENDED BY P.L.182-2011, SECTION 17, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. A person who:

(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid;~~ **drug;**

(2) knowingly or intentionally grows or cultivates marijuana; or

(3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

commits possession of marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug,** a Class A misdemeanor. However, the offense is a Class D felony ~~*(I)*~~ if the amount involved is more than thirty (30) grams of marijuana or two (2) grams of hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug,** or ~~*(ii)*~~ if the person has a prior conviction of an offense involving marijuana, hash oil, or hashish, salvia, or a synthetic ~~cannabinoid.~~ **drug.**

SECTION 12. IC 35-48-4-12, AS AMENDED BY P.L.182-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. If a person who has no prior conviction of an offense under this article or under a law of another jurisdiction relating to controlled substances pleads guilty to possession of marijuana, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** as a Class A misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under such conditions as the court determines. Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the

custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

SECTION 13. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1196 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1200, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 21-7-13-29.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 29.5. "Research intensive campus" means a campus of a state educational institution that is classified or designated as a Research University (very high research activity) or a Research University (high research activity) or an equivalent successor designation that is established by the Carnegie Foundation for the Advancement of Teaching.**

SECTION 2. IC 21-19-3-4, AS ADDED BY P.L.2-2007, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 4. All members of the board of trustees must be

~~(1) residents of Indiana; and~~

~~(2)~~ citizens of the United States.".

Page 4, after line 9, begin a new paragraph and insert:

"SECTION 12. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1200 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1013

Representative Lehman called down Engrossed House Bill 1013 for third reading:

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

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

Roll Call 21: yeas 91, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

Engrossed House Bill 1019

Representative Karickhoff called down Engrossed House Bill 1019 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 22: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Broden.

Engrossed House Bill 1029

Representative McMillin called down Engrossed House Bill 1029 for third reading:

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

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

Roll Call 23: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

Engrossed House Bill 1040

Representative Grubb called down Engrossed House Bill 1040 for third reading:

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

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

Roll Call 24: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Miller.

Engrossed House Bill 1052

Representative R. Frye called down Engrossed House Bill 1052 for third reading:

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

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

Roll Call 25: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Nugent.

Engrossed House Bill 1220

Representative Rhoads called down Engrossed House Bill 1220 for third reading:

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

The bill was read a third time by sections and placed upon its passage. After discussion, Representative Rhoads withdrew the call of Engrossed House Bill 1220.

Engrossed House Bill 1247

Representative Soliday called down Engrossed House Bill 1247 for third reading:

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

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

Roll Call 26: yeas 86, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Arnold.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of HB 1002.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Karickhoff be added as coauthor of HB 1003.

CROUCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Leonard be added as coauthor of HB 1013.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as coauthor of HB 1018.

UBELHOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Culver be added as coauthor of HB 1022.

KUBACKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative McMillin be added as coauthor of HB 1024.

PFLUM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Eberhart be added as coauthor of HB 1046.

LUTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Neese be added as coauthor of HB 1048.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morris be added as coauthor of HB 1059.

BAIRD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of HB 1078.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Culver be added as coauthor of HB 1090.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of HB 1093.

MAHAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Brown be added as coauthor of HB 1106.

CHEATHAM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative M. Smith be added as coauthor of HB 1123.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Davisson be added as coauthor of HB 1196.

M. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Behning be added as coauthor of HB 1200.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Yarde be added as coauthor of HB 1225.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morris be added as coauthor of HB 1265.

UBELHOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Truitt be added as coauthor of HB 1267.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Truitt be added as coauthor of HB 1268.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Truitt be added as coauthor of HB 1329.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Torr be added as coauthor of HB 1352.

CANDELARIA REARDON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Torr be added as coauthor of HB 1366.

C. FRY

Motion prevailed.

The House recessed until the fall of the gavel.

RECESS

The House was called back to order at 4:50 p.m. by the Speaker.

Upon request of Representatives Bauer and Cheatham, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum.

Austin ●
Bacon
Baird
Bardon ●
Bartlett ●
Battles ●
Bauer
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney ●
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak ●
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell □
C. Fry □
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan ●
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses ●
Neese
Niezgodski ●
Noe
Pelath ●
Pflum ●
Pierce ●
Pond □
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders ●
M. Smith ●
V. Smith ●
Soliday
Speedy ●
Stemler □
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch ●
Wesco
White
Wolkins ●
Yarde
Mr. Speaker

Roll Call 27: 57 present; 4 excused; 39 absent. The Speaker declared a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

The House recessed until the fall of the gavel.

RECESS

The House was called back to order at 5:32 p.m. by the Speaker.

Because of the lack of a quorum, the Speaker announced that the House would meet on Wednesday, January 18, 2012, at 9:00 a.m. and attempt to establish a quorum. If there is not a quorum on January 18, 2011, the House will consider levying fines of $1000 per day for members who are absent and unexcused.

The House adjourned at 5:42 p.m., this seventeenth day of January, 2012, until Wednesday, January 18, 2012, at 9:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Eleventh Day — **Wednesday Morning** — **January 18, 2012**

The invocation was offered by Representative Jeffrey A. Thompson.

The House was called to order at 9:00 a.m. by Speaker Brian C. Bosma.

The Pledge of Allegiance to the Flag was led by Representative Bill J. Davis.

The Speaker ordered the roll of the House to be called:

Austin ●
Bacon
Baird
Bardon ●
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry □
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses ●
Neese
Niezgodski ●
Noe
Pelath ●
Pflum ●
Pierce ●
Pond □
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 28: 64 present; 3 excused; 33 absent. The Speaker announced a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

MOTION TO COMPEL AND FINE

Mr. Speaker:

Whereas, A significant number of House Democrats have purposefully avoided attending session thus far in order to prevent a quorum on the House floor;

Whereas, The participating members' continued absence and dereliction of their duty under the Constitution of Indiana has prevented the conducting of the business of the Indiana House of Representatives; and

Whereas, The purposeful absence of the participating members has disenfranchised not only their own constituents but all Hoosiers as important legislative business cannot be conducted due to lack of a quorum: Therefore,

Be it resolved by a Majority Vote of the Members of the House of Representatives present:

1. Pursuant to House Rule 4, the absent and unexcused members of the House are hereby compelled to attend and participate in legislative business.
2. Effective immediately, each member of the House of Representatives who remains intentionally absent and unexcused on a session day in which a quorum is not established or maintained shall be fined an amount of $1,000 per day for each session day absent until a quorum is next established and maintained for the purpose of the completion of the business before the House.
3. The foregoing fines shall be collected by forfeiture of any sum which becomes due and payable to the absent member, including, but not limited to, session expense allowance, post-session expense allowance and annual salary. Personal checks may be accepted by the Principal Clerk of the House with the approval of the Speaker of the House.
4. Members whose unexcused and intentional absence caused the failure of a quorum on this date include:

Austin
Bardon
Bartlett
Battles
Bauer
C. Brown
Candelaria Reardon
Crawford
Day
Dembowski
Dobis
GiaQuinta
Goodin
Harris
Kersey
Klinker
L. Lawson
Moseley
Moses
Niezgodski
Pelath
Pflum
Pierce
Porter

Pryor	V. Smith	Summers
Reske	Stevenson	VanDenburgh
Riecken	Sullivan	White

5. Should the members listed above at any time during the remainder of the second regular session of the 117th General Assembly again be absent without excuse resulting in the denial of a quorum, the fines established in this motion are immediately invoked upon those members and a minimum fine of $1,000 per session day shall accrue. However, we reserve the right at any time to file a new Motion to Compel and Fine pursuant to House Rule 4.

It is our hope that the absent members return to their constitutional duties immediately. Finally, Mr. Speaker, we request that you send a copy of this motion to each of the members listed above.

FRIEND	TURNER
ESPICH	TORR
T. BROWN	RICHARDSON
FRIZZELL	

Motion prevailed.

So ordered,

SPEAKER BOSMA

Pursuant to House Rule 60, committee meetings were announced.

Because of the lack of a quorum, the House recessed until the fall of the gavel.

RECESS

The House was called back to order at 11:33 a.m. by the Speaker.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum.

Austin ●	Day ●
Bacon	DeLaney
Baird	Dembowski ●
Bardon ●	Dermody
Bartlett ●	Dobis ●
Battles ●	Dodge
Bauer ●	Dvorak □
Behning	Eberhart
Borders	Ellspermann
C. Brown ●	Espich
T. Brown	Foley
Burton	Friend
Candelaria Reardon ●	Frizzell
Cheatham	C. Fry □
Cherry	R. Frye
Clere	GiaQuinta ●
Crawford ●	Goodin ●
Crouch	Grubb
Culver	Gutwein
Davis	Harris ●
Davisson	Heaton
Heuer	Porter ●
Hinkle	Pryor ●
Karickhoff	Reske ●
Kersey ●	Rhoads
Kirchhofer	Richardson
Klinker ●	Riecken ●
Knollman	Saunders
Koch	M. Smith
Kubacki	V. Smith ●
L. Lawson ●	Soliday
Lehe	Speedy
Lehman	Stemler
Leonard	Steuerwald
Lutz	Stevenson ●
Mahan	Sullivan ●
McClain	Summers ●
McMillin	Thompson
McNamara	Torr
Messmer	Truitt
Morris	Turner
Moseley ●	Ubelhor
Moses ●	VanDenburgh ●
Neese	VanNatter
Niezgodski ●	Welch
Noe	Wesco
Pelath ●	White ●
Pflum ●	Wolkins
Pierce ●	Yarde
Pond □	Mr. Speaker

Roll Call 29: 64 present; 3 excused; 33 absent. The Speaker declared a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the following reassignments:

House Bill 1032 from the Committee on Natural Resources to the Committee on Environmental Affairs.

House Bill 1237 from the Committee on Judiciary to the Committee on Insurance.

House Bill 1376 (vehicle bill) from the Committee on Rules and Legislative Procedures to the Committee on Ways and Means.

Pursuant to House Rule 60, committee meetings were announced.

Because of the lack of a quorum, the Speaker announced that the House would meet on Thursday, January 19, 2012, at 9:00 a.m. to attempt to establish a quorum.

The House adjourned at 11:40 a.m., this eighteenth day of January, 2012, until Thursday, January 19, 2012, at 9:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Twelfth Day — **Thursday Morning** — **January 19, 2012**

The invocation was offered by Pastor David Clapp, Faith Southern Baptist Church, Clay City, the guest of Representative Bob A. Heaton.

The House convened at 9:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Heaton.

The Speaker ordered the roll of the House to be called:

Austin ●
Bacon
Baird
Bardon □
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry □
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses □
Neese
Niezgodski ●
Noe
Pelath ●
Pflum ●
Pierce ●
Pond □
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 30: 64 present; 5 excused; 31 absent. The Speaker announced a quorum in not in attendance. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

Pursuant to House Rule 60, committee meetings were announced.

Because of the lack of a quorum, the House recessed until the fall of the gavel.

RECESS

The House was called back to order at 11:36 a.m. by the Speaker.

Representative Leonard was excused for the rest of the day

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum.

Austin ●
Bacon
Baird
Bardon □
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry □
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard □
Lutz
Mahan
McClain

McMillin	V. Smith ●
McNamara	Soliday
Messmer	Speedy
Morris	Stemler
Moseley ●	Steuerwald
Moses □	Stevenson ●
Neese	Sullivan ●
Niezgodski ●	Summers ●
Noe	Thompson
Pelath ●	Torr
Pflum ●	Truitt
Pierce ●	Turner
Pond □	Ubelhor
Porter ●	VanDenburgh ●
Pryor ●	VanNatter
Reske ●	Welch
Rhoads	Wesco
Richardson	White ●
Riecken ●	Wolkins
Saunders	Yarde
M. Smith	Mr. Speaker

Roll Call 31: 63 present; 6 excused; 31 absent. The Speaker declared a quorum was not present for the second consecutive session day. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

MOTION TO COMPEL AND FINE

Mr. Speaker:

Whereas, A significant number of House Democrats have purposefully avoided attending session thus far in order to prevent a quorum on the House floor;

Whereas, The participating members' continued absence and dereliction of their duty under the Constitution of Indiana has prevented the conducting of the business of the Indiana House of Representatives; and

Whereas, The purposeful absence of the participating members has disenfranchised not only their own constituents but all Hoosiers as important legislative business cannot be conducted due to lack of a quorum: Therefore,

Be it resolved by a Majority Vote of the Members of the House of Representatives present:

1. Pursuant to House Rule 4, the absent and unexcused members of the House are hereby compelled to attend and participate in legislative business.
2. Effective immediately, each member of the House of Representatives who remains intentionally absent and unexcused on a session day in which a quorum is not established or maintained shall be fined an amount of $1,000 per day for each session day absent until a quorum is next established and maintained for the purpose of the completion of the business before the House.
3. The foregoing fines shall be collected by forfeiture of any sum which becomes due and payable to the absent member, including, but not limited to, session expense allowance, post-session expense allowance and annual salary. Personal checks may be accepted by the Principal Clerk of the House with the approval of the Speaker of the House.
4. Members whose unexcused and intentional absence caused the failure of a quorum on this date include:

Austin	Goodin	Porter
Bartlett	Harris	Pryor
Battles	Kersey	Reske
Bauer	Klinker	Riecken
C. Brown	L. Lawson	V. Smith
Candelaria Reardon	Moseley	Stevenson
Crawford	Niezgodski	Sullivan
Day	Pelath	Summers
Dembowski	Pflum	VanDenburgh
Dobis	Pierce	White
GiaQuinta		

5. Should the members listed above at any time during the remainder of the second regular session of the 117th General Assembly again be absent without excuse resulting in the denial of a quorum, the fines established in this motion are immediately invoked upon those members and a minimum fine of $1,000 per session day shall accrue. However, we reserve the right at any time to file a new Motion to Compel and Fine pursuant to House Rule 4.

It is our hope that the absent members return to their constitutional duties immediately. Finally, Mr. Speaker, we request that you send a copy of this motion to each of the members listed above.

FRIEND	TURNER
ESPICH	TORR
T. BROWN	RICHARDSON
FRIZZELL	

Motion prevailed.

So ordered,

SPEAKER BOSMA

Pursuant to House Rule 60, committee meetings were announced.

Because of the lack of a quorum, the Speaker announced that the House would meet on Friday, January 20, 2011, at 9:00 a.m. to attempt to establish a quorum.

The House adjourned at 11:45 a.m., this nineteenth day of January, 2012, until Friday, January 20, 2012, at 9:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Thirteenth Day — **Friday Morning** — **January 20, 2012**

The invocation was offered by Dr. Tyson Priest of The River, Lapel.

The House was called to order at 9:00 a.m. by Speaker Brian C. Bosma.

The Pledge of Allegiance to the Flag was led by Representative Cynthia J. Noe.

The Speaker ordered the roll of the House to be called:

Austin ●
Bacon
Baird
Bardon □
Bartlett ●
Battles ●
Bauer
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry □
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry □
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard □
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses □
Neese □
Niezgodski ●
Noe
Pelath ●
Pflum ●
Pierce ●
Pond □
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 32: 62 present; 8 excused; 30 absent. The Speaker announced a quorum was not in attendance. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

Pursuant to House Rule 60, committee meetings were announced.

Because of the lack of a quorum, the House recessed until the fall of the gavel.

RECESS

The House was called back to order at 10:36 a.m. by the Speaker.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum.

Austin ●
Bacon
Baird
Bardon □
Bartlett ●
Battles ●
Bauer
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry □
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Messmer
Espich
Foley
Friend
Frizzell
C. Fry □
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard □
Lutz
Mahan
McClain
McMillin
McNamara
Soliday

Morris	Speedy
Moseley ●	Stemler
Moses □	Steuerwald
Neese □	Stevenson ●
Niezgodski ●	Sullivan ●
Noe	Summers ●
Pelath ●	Thompson
Pflum ●	Torr
Pierce ●	Truitt
Pond □	Turner
Porter ●	Ubelhor
Pryor ●	VanDenburgh ●
Reske ●	VanNatter
Rhoads	Welch
Richardson	Wesco
Riecken ●	White ●
Saunders	Wolkins
M. Smith	Yarde
V. Smith ●	Mr. Speaker

Roll Call 33: 62 present; 8 excused; 30 absent. The Speaker declared a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

MOTION TO COMPEL AND FINE

Mr. Speaker:

Whereas, A significant number of House Democrats have purposefully avoided attending session thus far in order to prevent a quorum on the House floor;

Whereas, The participating members' continued absence and dereliction of their duty under the Constitution of Indiana has prevented the conducting of the business of the Indiana House of Representatives; and

Whereas, The purposeful absence of the participating members has disenfranchised not only their own constituents but all Hoosiers as important legislative business cannot be conducted due to lack of a quorum: Therefore,

Be it resolved by a Majority Vote of the Members of the House of Representatives present:

1. Pursuant to House Rule 4, the absent and unexcused members of the House are hereby compelled to attend and participate in legislative business.
2. Effective immediately, each member of the House of Representatives who remains intentionally absent and unexcused on a session day in which a quorum is not established or maintained shall be fined an amount of $1,000 per day for each session day absent until a quorum is next established and maintained for the purpose of the completion of the business before the House.
3. The foregoing fines shall be collected by forfeiture of any sum which becomes due and payable to the absent member, including, but not limited to, session expense allowance, post-session expense allowance and annual salary. Personal checks may be accepted by the Principal Clerk of the House with the approval of the Speaker of the House. The Speaker may also, at his discretion, utilize any other means at his disposal to satisfy any fines.
4. Members whose unexcused and intentional absence caused the failure of a quorum on this date include:

Austin	Goodin	Porter
Bartlett	Harris	Pryor
Battles	Kersey	Reske
C. Brown	Klinker	Riecken
Candelaria Reardon	L. Lawson	V. Smith
Crawford	Moseley	Stevenson
Day	Niezgodski	Sullivan
Dembowski	Pelath	Summers
Dobis	Pflum	VanDenburgh
GiaQuinta	Pierce	White

5. Should the members listed above at any time during the remainder of the second regular session of the 117th General Assembly again be absent without excuse resulting in the denial of a quorum, the fines established in this motion are immediately invoked upon those members and a minimum fine of $1,000 per session day shall accrue. However, we reserve the right at any time to file a new Motion to Compel and Fine pursuant to House Rule 4.

It is our hope that the absent members return to their constitutional duties immediately. Finally, Mr. Speaker, we request that you send a copy of this motion to each of the members listed above.

DAVIS	MAHAN
VanNATTER	FOLEY
McMILLIN	WESCO
KARICKHOFF	

Upon request of Representatives Bauer and Cheatham, the Speaker ordered the roll of the House to be called. Roll Call 34: yeas 56, nays 6; 8 excused; 30 absent. Motion prevailed.

So ordered,

SPEAKER BOSMA

Pursuant to House Rule 60, committee meetings were announced.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 23, 2012, at 1:30 p.m.

LEHE

The motion was adopted by a constitutional majority.

On the motion of Representative Lehe, the House adjourned at 11:10 a.m. this twentieth day of January, 2012, until Monday, January 23, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Fourteenth Day — **Monday Afternoon** — **January 23, 2012**

The invocation was offered by Pastor David Zempel, Baptist Tabernacle, Martinsville, the guest of Representative Ralph M. Foley.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Boy Scout Troop 929

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond □
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 35: 98 present; 2 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 7 and 8 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 9

Representative McNamara introduced House Concurrent Resolution 9:

A CONCURRENT RESOLUTION honoring the members of the Youth Advisory Council.

Whereas, The Youth Advisory Council provides information to the General Assembly from young people concerning issues that are important to the youth of Indiana, and submits an annual legislative report to the General Assembly regarding these issues;

Whereas, Created by House Enrolled Act 1162 in 2008, the Council consists of 22 Hoosiers ages 16–22 from across Indiana;

Whereas, The actions and involvement of the members of the Youth Advisory Council demonstrate the importance of individuals from different backgrounds, political ideologies, and areas of expertise engaging in policy discussions about government;

Whereas, These bright young people are very involved in the democratic process and are eager to help youth across Indiana;

Whereas, In addition to representing the voice of Indiana youth to the General Assembly, the members' involvement in the Council provides them with a firsthand civics lesson; and

Whereas, It is through the service of dedicated young people such as the members of the Youth Advisory Council that Indiana will grow and improve as a state: Therefore,

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

SECTION 1. That the Indiana General Assembly thanks these outstanding young people for their participation in the

democratic process and for supporting their communities and their state.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Council members Tyler Brannon, Mitchell Hadley, Layton Hopper, Paige Newhouse, Karsen Corn, Bryton Hiatt, Amanda Myers, Juliana Pajdo, James Shank, Joseph Trost, Morgan Weller, Darian White, Bailey Trela, Kaitlyn Walker, James Wells, and Timothy Wright, Jr.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Head.

House Concurrent Resolution 10

Representatives Burton, Frizzell, M. Smith, and Foley introduced House Concurrent Resolution 10:

A CONCURRENT RESOLUTION honoring Marty Chitwood.

Whereas, Marty Chitwood has dedicated her life to helping children;

Whereas, Marty has spent time nurturing children as a school nurse and as a volunteer at Riley Hospital for Children in Indianapolis;

Whereas, In the 1960s, Marty Chitwood worked as a secretary at V. O. Isom Elementary School in Greenwood and often also worked as a school nurse;

Whereas, As a school nurse, Marty Chitwood comforted children at a time when they needed someone who could help them feel better;

Whereas, Marty was the perfect person for that job;

Whereas, When Marty began volunteering at Riley Hospital for Children in the late 1990s, she had a difficult time providing comfort for children who were suffering with cancer;

Whereas, However, Marty overcame her difficulty by focusing on the needs of the children;

Whereas, The children whose lives Marty Chitwood has touched are extremely grateful for the kindness and tenderness she gave them at a time in their lives when they needed it most;

Whereas, Marty Chitwood is a beacon of compassion and hope for the children and their families whose needs extend beyond medical treatment; and

Whereas, The actions of Marty Chitwood have helped to improve the quality of life of children who are suffering: Therefore,

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

SECTION 1. That the Indiana General Assembly thanks Marty Chitwood for her years of dedicated service to the children of Indiana and the compassion and love she has shown them over the years. The time she has spent with these children has helped bring some joy into their lives at a time when they have known mostly pain.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Marty Chitwood and her family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Miller.

House Resolution 10

Representatives Kirchhofer Speedy, and R. Frye introduced House Resolution 10:

A HOUSE RESOLUTION honoring Greg Hess.

Whereas, Greg Hess, an Indianapolis firefighter and paramedic, began Project 9/11 Indianapolis as an effort to create a permanent memorial in Indianapolis dedicated to those who died in the collapse of the World Trade Center, on Flight 93 over Shanksville, Pennsylvania, and at the Pentagon on September 11, 2001;

Whereas, Greg Hess, a member of Indiana Task Force 1, spent eight days at Ground Zero in New York assisting local agencies in the rescue and recovery efforts;

Whereas, Greg Hess petitioned the Port Authority of New York and New Jersey to obtain two steel beams from the World Trade Center to be used as the focal point of the Project 9/11 Indianapolis memorial;

Whereas, After months of working with the Port Authority, Project 9/11 Indianapolis was given possession of two 22-foot steel beams;

Whereas, Greg Hess accompanied these steel beams throughout their journey from New York City to Indianapolis; and

Whereas, It is through the efforts of Greg Hess that Project 9/11 Indianapolis came into being and will help Americans everywhere remember the lives that were lost on that terrible day and the courage that was displayed: Therefore,

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

SECTION 1. That the Indiana House of Representatives thanks Greg Hess for his dedication and hard work both as a member of Indiana Task Force 1 and as the driving force behind the creation of the Project 9/11 Indianapolis memorial.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Greg Hess and Indianapolis Mayor Greg Ballard.

The resolution was read a first time and adopted by voice vote.

House Resolution 11

Representative McNamara introduced House Resolution 11:

A HOUSE RESOLUTION honoring Saint Matthew Elementary School.

Whereas, Saint Matthew Elementary School in Mount Vernon has been designated as a Four Star School for the second consecutive year;

Whereas, Only 11 of Indiana's 238 nonpublic schools received this distinction;

Whereas, To be considered a Four Star School, a school's combined English 10 and Algebra 1 End of Course Assessment, or English/Language Arts and Math ISTEP, passing percentages must fall into the top 25th percentile when compared with schools throughout Indiana and must meet or exceed all expected performance indicators as detailed by the state of Indiana through the process of Performance Based Accreditation;

Whereas, The faculty, staff, students, and parents of Saint Matthew Elementary School are to be commended for their great work;

Whereas, Schools such as Saint Matthew Elementary School make a strong statement about the quality of the teachers and the high scholastic standards that exist in Hoosier schools; and

Whereas, It is fitting that recognition of the achievements of the members of our educational system should be extensive to encourage them to always strive to develop Indiana's educational system to its full potential: Therefore,

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

SECTION 1. That the Indiana House of Representatives acknowledges the value of a strong educational system in Indiana and commends the faculty, staff, students, and parents of Saint Matthew Elementary School for a "job well done".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the principal of Saint Matthew Elementary School.

The resolution was read a first time and adopted by voice vote.

House Resolution 12

Representative Richardson introduced House Resolution 12:

A HOUSE RESOLUTION honoring Isabelle Haverstick Harger.

Whereas, Isabelle Haverstick Harger was born on July 20, 1912, on the Haverstick family farm just east of Noblesville;

Whereas, After graduating from Noblesville High School in 1929, Isabelle Haverstick Harger attended DePauw University;

Whereas, Isabelle Haverstick Harger married William T. Harger on November 13, 1931, and enjoyed 62 years of happiness until his death in 1994;

Whereas, Isabelle Haverstick Harger, the longest-serving volunteer at Riverview Hospital in Noblesville, was one of the founders of the hospital's chaplaincy program in 1964 and served as the first chairman;

Whereas, Isabelle Haverstick Harger was an original member of the Riverview Hospital Auxiliary Board and was chairwoman of the Gray Ladies of the Hospital;

Whereas, Isabelle Haverstick Harger has been a member of the First United Methodist Church since 1929 and has served on the Administrative Board and is still active in Sunday School and the women's circles;

Whereas, Isabelle Haverstick Harger belongs to Tri Kappa Sorority and is a member of the Daughters of the American Revolution; and

Whereas, Isabelle Haverstick Harger has dedicated her life to helping others and working for the betterment of her community and her state: Therefore,

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

SECTION 1. That the Indiana House of Representatives acknowledges the many contributions of Isabelle Haverstick Harger to her community and her state.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Isabelle Haverstick Harger.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Select Committee on Government Reduction, to which was referred House Bill 1002, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "IC 2-5-1.6)." and insert "**(IC 2-5-1.6).**".

Page 6, delete lines 25 through 42.

Page 7, delete lines 1 through 6.

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

"SECTION 5. IC 4-4-31.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Native American Indian Affairs Commission).".

Page 7, delete lines 9 through 42.

Page 8, delete lines 1 through 7.

Page 19, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 21. IC 4-23-2.5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. Before October 1 of each year, the ~~board~~ **commission** shall prepare a report concerning the fund for distribution to the public and the general assembly. A report distributed under this section to the general assembly must be in an electronic format under IC 5-14-6.".

Page 21, after line 42, begin a new paragraph and insert:

"SECTION 26. IC 4-23-25-9, AS AMENDED BY P.L.104-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. The ~~department of workforce development established by IC 22-4.1-2~~ **civil rights commission established by IC 22-9-1-4** shall provide staff and administrative support to the commission.

SECTION 27. IC 4-23-28-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The ~~department of workforce development~~ **civil rights commission** shall provide staff and administrative support to the commission.

(b) The expenses of the commission shall be paid from appropriations made to the ~~department of workforce development.~~ **civil rights commission.**

SECTION 28. IC 4-23-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 31. Commission on the Social Status of Black Males

Sec. 1. The 1992 interim study committee created by the legislative council, on the problems of black males, found that the following conditions exist:

(1) Statistical studies chronicling the status of black males in American society reveal startling and disturbing conditions and trends.

(2) By all indicia measuring achievement, success, and quality of life in American society, black males are facing a prodigious struggle for survival while fighting formidable opponents.

(3) Black males make up only five and one-half percent (5.5%) of the population of the United States but are the victims of forty-four percent (44%) of the nation's homicides annually and comprise forty-six percent (46%) of the nation's prison population.

(4) Statistics show that one (1) of every twenty-two (22) black males will die as a result of homicide and that one (1) of every six (6) black males will be arrested before becoming nineteen (19) years of age.

(5) A major proportion of black males in America is virtually trapped in urban areas defined by poverty, violence, and drug abuse.
(6) Black males suffer from more debilitating health problems, a higher death rate, and a lower life expectancy than males in other ethnic and racial groups.
(7) Black females at least sixteen (16) years of age outnumber black males by more than two million (2,000,000).
(8) Between 1973 and 1988 the average real annual income for black males between twenty (20) and twenty-four (24) years of age fell by more than fifty percent (50%).
(9) The increasing misfortunes and the social distress bombarding black males in American society threaten the survival of black males.

Sec. 2. The commission on the social status of black males is established.

Sec. 3. The commission consists of nineteen (19) members appointed as follows:
(1) Two (2) members of the senate, who are not members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.
(2) Two (2) members of the house of representatives, who are not members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.
(3) The director of the division of family resources or the director's designee.
(4) The director of the division of mental health and addiction or the director's designee.
(5) The commissioner of the state department of health or the commissioner's designee.
(6) The superintendent of public instruction or the superintendent's designee.
(7) The commissioner of the department of correction or the commissioner's designee.
(8) The director of the civil rights commission or the director's designee.
(9) The commissioner of the Indiana department of administration or the commissioner's designee.
(10) The lieutenant governor or the lieutenant governor's designee.
(11) A minority business person, appointed by the governor.
(12) Three (3) persons appointed by the president pro tempore of the senate who are not members of the general assembly. Not more than two (2) persons appointed under this subdivision may be members of the same political party.
(13) Three (3) persons appointed by the speaker of the house of representatives who are not members of the general assembly. Not more than two (2) persons appointed under this subdivision may be members of the same political party.

Sec. 4. (a) A member of the commission may be removed at any time by the member's appointing authority.

(b) The appointing authority shall fill a vacancy on the commission by appointing a new member for the unexpired term.

(c) The terms of the legislative members expire at the election of the general assembly following the appointments.

Sec. 5. (a) At the first meeting of the commission each year, the members shall elect:
(1) one (1) member to be the commission's chairperson; and
(2) one (1) member to be the commission's vice chairperson.

(b) A vacancy in the office of chairperson or vice chairperson shall be filled by vote of the remaining members. The term of office of a person chosen to fill a vacancy expires at the first meeting of the commission the following year.

Sec. 6. (a) The commission shall make a systematic study of the following:
(1) The conditions described in section 1 of this chapter.
(2) The reasons for the existence of those conditions.

(b) The commission shall propose measures to alleviate and correct the underlying causes of the conditions described in section 1 of this chapter.

(c) The commission may study other topics suggested by the legislative council or as directed by the chairperson of the commission.

(d) The commission shall receive suggestions or comments pertinent to the issues that the commission studies from members of the general assembly, governmental agencies, public and private organizations, and private citizens.

Sec. 7. The civil rights commission shall provide staff and administrative support to the commission.

Sec. 8. The commission shall meet on call of the chairperson and at other times that the commission determines.

Sec. 9. Eight (8) of the members of the commission is a quorum. The affirmative votes of at least eight (8) voting members of the commission are required for the commission to take final action.

Sec. 10. The commission shall issue an annual report stating the findings, conclusions, and recommendations of the commission. The commission shall submit the report to the governor and the legislative council. A report submitted under this section to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 11. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees created by the legislative council.

Sec. 12. (a) The commission on the social status of black males special fund is established to provide money for special projects of the commission.

(b) The fund shall be administered by the treasurer of state.

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

(d) The fund consists of gifts, contributions, and money donated to the commission.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the

fund in the same manner as other public funds may be invested.

(f) Interest accrues to the fund.

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

(h) Money in the fund is appropriated continuously for the purpose stated in subsection (a).

SECTION 29. IC 4-23-32 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 32. Native American Indian Affairs Commission

Sec. 1. As used in this chapter, "commission" refers to the Native American Indian affairs commission established by section 3 of this chapter.

Sec. 2. As used in this chapter, "Native American Indian" means an individual who is at least one (1) of the following:

(1) An Alaska native as defined in 43 U.S.C. 1602(b).

(2) An Indian as defined in 25 U.S.C. 450b(d).

(3) A native Hawaiian as defined in 20 U.S.C. 7912(1).

Sec. 3. The Native American Indian affairs commission is established.

Sec. 4. (a) The commission consists of fifteen (15) voting members and two (2) nonvoting members. The voting members of the commission consist of the following:

(1) Six (6) Native American Indians, each from a different geographic region of Indiana.

(2) Two (2) Native American Indians who have knowledge in Native American traditions and spiritual issues.

(3) The commissioner of the department of correction or the commissioner's designee.

(4) The commissioner of the commission for higher education or the commissioner's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) The secretary of family and social services or the secretary's designee.

(7) The director of the department of natural resources or the director's designee.

(8) The state superintendent of public instruction or the superintendent's designee.

(9) The commissioner of the department of workforce development or the commissioner's designee.

(b) The nonvoting members of the commission consist of the following:

(1) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(2) One (1) member of the senate appointed by the president pro tempore of the senate.

(c) The governor shall appoint each Native American Indian member of the commission to a term of four (4) years, and any vacancy occurring shall be filled by the governor for the unexpired term. Before appointing a Native American Indian member to the commission, the governor shall solicit nominees from Indiana associations that represent Native American Indians in the geographic region from which the member will be selected. Not more than one (1) member may represent the same tribe or Native American Indian organization or association.

(d) A member of the commission may be removed by the member's appointing authority.

Sec. 5. The affirmative votes of at least eight (8) members of the commission are required for the commission to take any official action, including public policy recommendations and reports.

Sec. 6. (a) The civil rights commission established by IC 22-9-1-4 shall provide staff and administrative support for the commission.

(b) Expenses incurred under this chapter shall be paid from funds appropriated to the civil rights commission.

(c) The governor shall appoint a voting member of the commission to serve as the commission's chairperson.

Sec. 7. The commission shall study problems common to Native American Indian residents of Indiana in the areas of employment, education, civil rights, health, and housing. The commission may make recommendations to appropriate federal, state, and local governmental agencies concerning the following:

(1) Health issues affecting Native American Indian communities, including data collection, equal access to public assistance programs, and informing health officials of cultural traditions relevant to health care.

(2) Cooperation and understanding between the Native American Indian communities and other communities throughout Indiana.

(3) Cultural barriers to the educational system, including barriers to higher education and opportunities for financial aid and minority scholarships.

(4) Inaccurate information and stereotypes concerning Native American Indians, including the accuracy of educational curriculum.

(5) Measures to stimulate job skill training and related workforce development, including initiatives to assist employers to overcome communication and cultural differences.

(6) Programs to encourage the growth and support of Native American Indian owned businesses.

(7) Public awareness of issues affecting the Native American Indian communities.

(8) Issues concerning preservation and excavation of Native American Indian historical and archeology sites, including reburial of Native American Indians.

(9) Measures that could facilitate easier access to state and local government services by Native American Indians.

Sec. 8. The commission may not study or make recommendations on the following issues:

(1) Negotiations between a tribe and the state or federal government concerning tribal sovereignty.

(2) Gaming on tribal land.".

Page 22, delete lines 1 through 3.

Page 27, delete lines 12 through 13.

Page 31, line 40, after "include" insert "**a**".

Page 31, line 40, delete "information" and insert "**report**".

Page 31, line 41, delete "structure, operation, and financial status of the".

Page 32, delete lines 9 through 15.

Page 39, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 71. IC 12-13-12 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Commission on the Social Status of Black Males).".

Page 51, line 26, strike "a" and insert "**the**".

Page 62, line 10, strike "water pollution control".

Page 62, line 19, strike "water pollution control".

Page 76, line 24, strike "j".

Page 84, line 12, delete "(c)".

Page 84, line 12, strike "For the time that the".

Page 84, line 12, delete "commission".

Page 84, line 12, strike "is".

Page 84, strike lines 13 through 24.

Page 84, line 25, delete "(d)" and insert "**(c)**".

Page 84, line 34, delete "\".

Page 86, line 20, after "who" insert "**holds or**".

Page 86, line 20, reset in roman "is affiliated with".

Page 86, line 21, delete "holds a license issued by the board

from among the" and insert "**an organization that holds any of the following issued by the board:**

(A) A license issued under this article.

(B) A grant of inspection issued to a meat processing establishment under IC 15-17-5.

(C) A permit issued to a milk plant under IC 15-18-1.".

Page 86, delete lines 22 through 26.

Page 87, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 190. IC 16-41-37.5-2.5, AS ADDED BY P.L.168-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) Before July 1, 2010, the state department shall distribute a manual of best practices for managing indoor air quality at schools as described in this section. The state department may use a manual on indoor air quality in schools developed by a federal health or environmental agency or another state and make additions or revisions to the manual ~~with the input and advice of the air quality panel established by section 3 of this chapter,~~ to make the manual most useful to Indiana schools. The state department shall provide the manual:

(1) to:

(A) the legislative council; and

(B) the department of education;

in an electronic format under IC 5-14-6; and

(2) to the facilities manager and superintendent of each school corporation.

(b) The department shall review and revise the manual developed under subsection (a) at least once every three (3) years to assure that the manual continues to represent best practices available to schools.".

Page 92, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 207. [EFFECTIVE JULY 1, 2012] **(a) For purposes of this SECTION, "commission" refers to the civil rights commission created by IC 22-9-1-4.**

(b) On July 1, 2012, any appropriation for the fiscal year beginning July 1, 2012, and ending June 30, 2013, made to:

(1) the family and social services administration for the commission on the social status of black males in P.L.229-2011;

(2) the department of workforce development for the commission on Hispanic/Latino affairs in P.L.229-2011;

(3) the department of workforce development for the women's commission in P.L.229-2011; and

(4) the department of workforce development for the Native American Indian affairs commission in P.L.229-2011;

is transferred to the commission.

(c) This SECTION expires June 30, 2013.

SECTION 208. [EFFECTIVE JULY 1, 2012] **(a) Any member of the commission on the social status of black males under IC 12-13-12, before its repeal by this act, is a member of the commission on the social status of black males under IC 4-23-31, as added by this act.**

(b) Any member of the Native American Indian affairs commission under IC 4-4-31.4, before its repeal by this act, is a member of the Native American Indian affairs commission under IC 4-23-32, as added by this act.

(c) This SECTION expires December 31, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

DOBIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Select Committee on Government Reduction, to which was referred House Bill 1003, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 18 through 23.

Page 11, line 14, delete "any" and insert "**a public**".

Page 12, delete lines 21 through 32, begin a new line block indented and insert:

"**(7) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings of the governing body, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the governing body's policy includes this provision, a meeting notice must provide the following information:**

(A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.

(B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.

(C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.".

Page 13, between lines 2 and 3, begin a new paragraph and insert:

"**(g) The policy adopted by the governing body must be posted on the Internet web site of the governing body or the public agency.**

(h) Nothing in this section affects a public agency's right to exclude the public from an executive session in which a member participates by electronic communication.".

Page 15, delete lines 29 through 42.

Page 16, delete lines 1 through 14.

Renumber all SECTIONS consecutively.

(Reference is to HB 1003 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

DOBIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, line 5, delete "2(b)" and insert "**2(a)**".

(Reference is to HB 1007 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 5, nays 3.

NOE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1009, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 19, after "(3)" insert "**as provided by**".

Page 70, line 15, delete "section." and insert "section:".

Page 84, line 12, strike "fifty-five" and insert "**sixty-five**".

Page 84, line 13, strike "(55,000)" and insert "**(65,000)**".
Page 84, line 13, strike "fifty-nine" and insert "**seventy**".
Page 84, line 13, strike "(59,000);" and insert "**(70,000);**".
Page 84, line 14, strike "twenty-eight" and insert "**twenty-nine**".
Page 84, line 15, strike "seven" and insert "**five**".
Page 84, line 15, strike "(28,700)" and insert "**(29,500)**".
Page 84, line 16, strike "(29,000);" and insert "**six hundred (29,600);**".
Page 94, line 41, delete "FOLLOWS:" and insert "FOLLOWS [EFFECTIVE UPON PASSAGE]:".
Page 121, between lines 6 and 7, begin a new paragraph and insert:
"SECTION 93. IC 12-15-45, AS ADDED BY P.L.160-2011, SECTION 16, IS REPEALED [EFFECTIVE UPON PASSAGE]. (Medicaid Waivers and State Plan Amendments).
SECTION 94. IC 12-15-45, AS ADDED BY P.L.229-2011, SECTION 144, IS REPEALED [EFFECTIVE UPON PASSAGE]. (Medicaid Waiver: Developmental Disabilities Home and Community Based Services).".
Renumber all SECTIONS consecutively.
(Reference is to HB 1009 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1015, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:
Page 1, delete lines 1 through 17, begin a new paragraph and insert:
"SECTION 1. IC 6-1.1-6.8-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15. The owner of land that is classified under this chapter as cemetery land must allow family members and descendants of persons buried in the cemetery to have at least one (1) day each year to gain access to and visit the cemetery. The date of the visit to the cemetery must be agreed upon between the owner and the family members and descendants of persons buried in the cemetery.~~
SECTION 2. IC 14-8-2-87.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 87.6. "Family member", for purposes of IC 14-21-5, has the meaning set forth in IC 14-21-5-1.**
SECTION 3. IC 14-8-2-135.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 135.2. "Invitee", for purposes of IC 14-21-5, has the meaning set forth in IC 14-21-5-2.**
SECTION 4. IC 14-21-5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:
Chapter 5. Access to Cemetery Land
Sec. 1. As used in this chapter, "family member" means a relative or descendant of a person buried in a cemetery.
Sec. 2. As used in this chapter, "invitee" means an individual who has been given permission by a landowner to visit a cemetery located on the landowner's property.
Sec. 3. The owner of land that is classified under IC 6-1.1-6.8 as cemetery land must allow family members of persons buried in the cemetery at least three (3) days each year during which the family members may gain access to and visit the cemetery. The date or dates on which family members will visit the cemetery must be agreed upon between the landowner and the family members.
Sec. 4. The following apply when a landowner grants access to a cemetery that is classified under IC 6-1.1-6.8:
(1) Except for an injury that is a direct result of a landowner's gross negligence or willful and wanton misconduct, the landowner is immune from civil liability for any injury occurring to the health, life, or property of an invitee or a family member during the time the invitee or family member is present on the landowner's property.
(2) Except for an injury that is a direct result of a guide's gross negligence or willful and wanton misconduct, a person guiding an invitee or a family member to the cemetery is immune from civil liability for any injury occurring to the health, life, or property of the invitee or family member during the time the guide and the invitee or family member are present on the landowner's property.".
Page 2, delete lines 1 through 12.
Page 2, line 13, delete "IC 34-30-2-158" and insert "IC 34-30-2-55.8".
Page 2, line 15, delete "158. IC 6-1.1-6.8-16" and insert "**55.8. IC 14-21-5-4**".
Page 2, line 17, delete "IC 6-1.1-6.8-15)." and insert "**IC 14-21-5).**".
Renumber all SECTIONS consecutively.
(Reference is to HB 1015 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1033, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:
Page 2, line 29, delete "subsection (a)," and insert "**subsections (a) and (d),**".
Page 3, after line 5, begin a new paragraph and insert:
"**(d) If a person whose Class D felony conviction has been converted to a Class A misdemeanor conviction under subsection (c) is convicted of a felony within five (5) years after the conversion under subsection (c), a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction.**".
(Reference is to HB 1033 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1072, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:
Page 3, delete lines 19 through 22, begin a new paragraph and insert:
"**(c) For taxes due and payable for an assessment date after January 15, 2012, the department may not approve an appropriation or a property tax levy that is associated with a debt unless the debt issuance report for the debt has been**

submitted to the department.".

Page 4, delete lines 10 through 13, begin a new paragraph and insert:

"**(c) For taxes due and payable for an assessment date after January 15, 2012, the department may not approve an appropriation or a property tax levy that is associated with a debt unless the debt issuance report for the debt has been submitted to the department.**".

Page 4, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 6. IC 5-11-1-4, AS AMENDED BY P.L.172-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The state examiner shall require from every municipality and every state or local governmental unit, entity, or instrumentality financial reports covering the full period of each fiscal year. These reports shall be prepared, verified, and filed with the state examiner not later than sixty (60) days after the close of each fiscal year. ~~The reports must be filed electronically, in a manner prescribed by the state examiner that is compatible with the technology employed by the political subdivision.~~ **The reports must be in the form and content prescribed by the state examiner and filed electronically in the manner prescribed under IC 5-14-3.8-7.**

(b) The department of local government finance may not approve the budget of a political subdivision or a supplemental appropriation for a political subdivision until the political subdivision files an annual report under subsection (a) for the preceding calendar year.

SECTION 7. IC 5-11-13-1, AS AMENDED BY P.L.172-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Every state, county, city, town, township, or school official, elective or appointive, who is the head of or in charge of any office, department, board, or commission of the state or of any county, city, town, or township, and every state, county, city, town, or township employee or agent who is the head of, or in charge of, or the executive officer of any department, bureau, board, or commission of the state, county, city, town, or township, and every executive officer by whatever title designated, who is in charge of any state educational institution or of any other state, county, or city institution, shall during the month of January of each year prepare, make, and sign a ~~written or printed~~ certified report, correctly and completely showing the names and business addresses of each and all officers, employees, and agents in their respective offices, departments, boards, commissions, and institutions, and the respective duties and compensation of each, and shall forthwith file said report in the office of the state examiner of the state board of accounts. **The report must also indicate whether the political subdivision offers a health plan, a pension, and other benefits to full-time and part-time employees.** However, no more than one (1) report covering the same officers, employees, and agents need be made from the state or any county, city, town, township, or school unit in any one year. **The certification must be filed electronically in the manner prescribed under IC 5-14-3.8-7.**

(b) The department of local government finance may not approve the budget of a county, city, town, or township or a supplemental appropriation for a county, city, town, or township until the county, city, town, or township files an annual report under subsection (a) for the preceding calendar year.

SECTION 8. IC 5-14-3.8-7, AS ADDED BY P.L.172-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The department may require that prescribed forms be submitted in an electronic format. **The department, working with the office of technology established by IC 4-13.1-2-1 or another organization that is part of a state educational institution, shall develop and maintain a secure, web-based system that facilitates electronic submission of the forms under this section. Political subdivisions shall submit forms under this section through the web-based system as prescribed by the department.**

SECTION 9. IC 5-22-15-20.9, AS ADDED BY P.L.172-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20.9. (a) ~~This section applies only to a contract awarded by a political subdivision.~~

~~(b)~~ As used in this section, "affected county" refers to a county:

(1) in which the political subdivision awarding a contract under this article is located; or

(2) that is adjacent to the county described in subdivision (1).

~~(c)~~ **(b)** As used in this section, "local Indiana business" refers to any of the following:

(1) A business whose principal place of business is located in an affected county.

(2) A business that pays a majority of its payroll (in dollar volume) to residents of affected counties.

(3) A business that employs residents of affected counties as a majority of its employees.

(4) A business that makes significant capital investments in the affected counties as defined in rules adopted by the political subdivision.

(5) A business that has a substantial positive economic impact on the affected counties as defined by criteria in rules adopted by the political subdivision.

~~(d)~~ **(c)** ~~There are~~ **A political subdivision may apply** the following price preferences for supplies purchased from a local Indiana business:

(1) Five percent (5%) for a purchase expected by the purchasing agency to be less than fifty thousand dollars ($50,000).

(2) Three percent (3%) for a purchase expected by the purchasing agency to be at least fifty thousand dollars ($50,000) but less than one hundred thousand dollars ($100,000).

(3) One percent (1%) for a purchase expected by the purchasing agency to be at least one hundred thousand dollars ($100,000).

However, to apply a price preference authorized by this subsection to a purchase of supplies, the political subdivision must state in the solicitation for supplies that the political subdivision will apply this section.

~~(e)~~ **(d)** Notwithstanding subsection ~~(d),~~ **(c),** a purchasing agency may award a contract to the lowest responsive and responsible offeror, regardless of the preference provided in this section, if the lowest responsive and responsible offeror is a local Indiana business.

~~(f)~~ **(e)** A business that wants to claim a preference provided under this section must do all the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the purchasing agency:

(A) The location of the business's principal place of business. If the business claims the preference as a local Indiana business described in subsection ~~(c)(1),~~ **(b)(1),** a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of affected counties.

(C) The number of the business's employees and the

number of the business's employees who are residents of affected counties.

(D) If the business claims the preference as a local Indiana business described in subsection ~~(c)(4),~~ **(b)(4),** a description of the capital investments made in the affected counties and a statement of the amount of those capital investments.

(E) If the business claims the preference as a local Indiana business described in subsection ~~(c)(5),~~ **(b)(5),** a description of the substantial positive economic impact the business has on the affected counties.

SECTION 10. IC 5-28-16-3, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An application requesting a grant or loan from the fund must be targeted to one (1) or more of the areas listed in section 2 of this chapter.

(b) A successful applicant for a grant or loan from the fund must meet the requirements of this section and be approved by the board. An application for a grant or loan from the fund must be made on an application form prescribed by the board. An applicant shall provide all information that the board finds necessary to make the determinations required by this chapter.

(c) All applications for a grant or loan from the fund must include the following:

(1) A fully elaborated technical research or business plan, whichever applies, that is appropriate for review by outside experts as provided in this chapter.

(2) A detailed financial analysis that includes the commitment of resources by other entities that will be involved in the project.

(3) A statement of the economic development potential of the project, such as:

(A) a statement of the way in which support from the fund will lead to significantly increased funding from federal or private sources and from private sector research partners; or

(B) a projection of the jobs to be created.

(4) The identity, qualifications, and obligations of the applicant.

(5) Any other information that the board considers appropriate.

An applicant for a grant or loan from the fund may request that certain information that is submitted by the applicant be kept confidential. **However, an applicant's projection of the jobs to be created by a project may not be kept confidential.** The board shall make a determination of confidentiality as soon as is practicable. If the board determines that the information should not be kept confidential, the applicant may withdraw the application, and the board must return the information before making it part of any public record.

(d) An application for a grant or loan from the fund submitted by an academic researcher must be made through the office of the president of the researcher's academic institution with the express endorsement of the institution's president. An application for a grant or loan from the fund submitted by a private researcher must be made through the office of the highest ranking officer of the researcher's institution with the express endorsement of the institution. Any other application must be made through the office of the highest ranking officer of the entity submitting the application. In the case of an application for a grant or loan from the fund that is submitted jointly by one (1) or more researchers or entities, the application must be endorsed by each institution or entity as required by this subsection.

SECTION 11. IC 5-28-16-6, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The board shall submit ~~an annual~~ **a** report to **the budget committee and** the legislative council before ~~September 1.~~ **February 1 and August 1 of each year that covers the six (6) month period that ends one (1) month before the report is due.** The report must be in an electronic format under IC 5-14-6 and must contain the following information concerning fund activity in the preceding ~~state fiscal year:~~ **six (6) month period:**

(1) The name of each entity receiving a grant from the fund.

(2) The location of each entity sorted by:

(A) county, in the case of an entity located in Indiana; or

(B) state, in the case of an entity located outside Indiana.

(3) The amount of each grant awarded to each entity.

(4) The projection of the number of jobs to be created by the entity's project.

SECTION 12. IC 5-28-28-2, AS ADDED BY P.L.222-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "grant" refers to a grant given by the corporation, **including a grant from the Indiana twenty-first century research and technology fund.**

SECTION 13. IC 5-28-28-3, AS ADDED BY P.L.222-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter, "loan":

(1) refers to a loan made by the corporation, regardless of whether the loan is forgivable; ~~and~~

(2) includes a loan guarantee made by the corporation; **and**

(3) includes a loan from the Indiana twenty-first century research and technology fund.

SECTION 14. IC 5-28-28-5, AS ADDED BY P.L.222-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Beginning February 1, 2008, the corporation shall:

(1) submit an economic incentives and compliance report to:

(A) the governor; ~~and~~

(B) the budget committee; and

~~(B)~~ **(C)** the legislative council in an electronic format under IC 5-14-6; and

(2) publish the report on the corporation's Internet web site;

on the schedule specified in subsection (b).

(b) ~~Before August 2, 2009,~~ The corporation shall submit and publish before February 1 and August 1 of each year an incentives and compliance report that covers the six (6) month period that ends one (1) month before the report is due. ~~After August 1, 2009, the corporation shall submit and publish before August 1 of each year an incentives and compliance report that covers the twelve (12) month period that ends one (1) month before the report is due.~~".

Page 5, delete lines 8 through 42.

Page 6, delete lines 1 through 12.

Page 16, line 23, after "subdivision" insert "**or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter,**".

Page 16, line 29, reset in roman "political subdivision".

Page 16, line 29, before "appropriate" insert "**or**".

Page 16, line 30, after "at which the" insert "**political subdivision or appropriate**".

Page 16, line 31, before "appropriate" insert "**political subdivision or**".

Page 22, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 18. IC 6-1.1-17-20, AS AMENDED BY P.L.113-2010, SECTION 29, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) This section applies to each governing body of a taxing unit that

~~(1)~~ is not comprised of a majority of officials who are elected to serve on the governing body. ~~and~~

~~(2) either:~~

~~(A) is:~~

~~(i) a conservancy district subject to IC 14-33-9;~~

~~(ii) a solid waste management district subject to IC 13-21; or~~

~~(iii) a fire protection district subject to IC 36-8-11-18; or~~

~~(B) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:~~

~~(i) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus~~

~~(ii) one (1).~~

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include:

~~(1) a school corporation; or~~

(1) a public library whose levies are subject to review and modification under section 20.3 of this chapter; or

(2) an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a taxing unit is entirely contained within a city or town; or

(2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted ~~at least thirty (30) days before the city or town fiscal body is required to hold budget approval hearings under this chapter. However, in the case of a public library that is subject to this section and is described in subdivision (2), the public library shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town.~~ **to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.**

(d) If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the county where the taxing unit has the most assessed valuation. The proposed budget and levy shall be submitted ~~at least thirty (30) days before the county fiscal body is required to hold budget approval hearings under this chapter.~~ **to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.**

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a taxing unit fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that taxing unit are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any taxing unit subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.

SECTION 19. IC 6-1.1-17-20.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 20.3. (a) This section applies to each governing body of a public library that:**

(1) is not comprised of a majority of officials who are elected to serve on the governing body; and

(2) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:

(A) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus

(B) one (1).

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) This section does not apply to:

(1) a school corporation;

(2) an entity whose tax levies are subject to review and modification by a fiscal body under section 20 of this chapter; or

(3) an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a public library is entirely contained within a city or town; or

(2) the assessed valuation of a public library is not entirely contained within a city or town but the public library was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted at least thirty (30) days before the city or town fiscal body is required to hold budget approval hearings under this chapter. However, the governing body shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town.

(d) If subsection (c) does not apply, the governing body of the public library shall submit its proposed budget and property tax levy to the county fiscal body in the county where the public library has the most assessed valuation. The proposed budget and levy shall be submitted at least thirty (30) days before the county fiscal body is required to hold budget approval hearings under this chapter.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the public library. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a public library fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that public library are continued for the ensuing

budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any public library subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.".

Delete page 23.

Page 24, delete lines 1 through 5.

Page 25, line 36, after "The" insert "**following**".

Page 25, line 36, after "definitions" delete "in".

Page 25, line 36, strike "this".

Page 25, line 36, delete "subsection".

Page 37, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 31. IC 6-3-2-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **Sec. 2.1. (a) This section applies only to a covered taxpayer that has receipts attributable to Indiana under both subsections (c) and (d).**

(b) As used in this section, "covered taxpayer" refers to the following:

(1) Designated contract markets, swap execution facilities, or derivatives clearing organizations primarily regulated by the United States Commodity Futures Trading Commission.

(2) Securities exchanges and securities clearing agencies primarily regulated by the United States Securities and Exchange Commission.

For purposes of this section, a designated contract market, swap execution facility, or derivatives clearing organization is considered to be primarily regulated by the United States Commodity Futures Trading Commission if more than fifty percent (50%) of the enterprise's total gross receipts are attributable to activities subject to regulation by the United States Commodity Futures Trading Commission or the United States securities exchanges.

(c) Notwithstanding section 2 of this chapter or any other law, receipts received by a covered taxpayer, in respect of trade execution (electronic or otherwise) and clearing, are in Indiana as follows:

(1) If the receipts are attributable to transactions executed on a physical trading floor located in Indiana, one hundred percent (100%) of the receipts are attributable to Indiana.

(2) If the receipts are attributable to transactions executed by means of an electronic transaction system, the receipts are attributable to Indiana based on a percentage determined by dividing the total Indiana population by the total United States population.

(3) If the receipts are attributable to the clearing of over-the-counter transactions, the receipts are attributable to Indiana based on a percentage determined by dividing the total Indiana population by the total United States population.

(d) Notwithstanding section 2 of this chapter or any other law, market data service revenue is sourced based on the billing address of a covered taxpayer's direct customers or the user location of direct customers and location of the customers of the covered taxpayer's distributors.".

Page 38, line 36, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 46, line 38, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 47, line 18, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 50, line 19, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 52, line 37, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 57, line 38, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 60, line 2, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 66, line 9, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 66, line 29, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 67, line 17, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 67, line 40, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 68, line 20, delete ".".

Page 68, line 21, after "adopted." insert "**or in an electronic format approved by the director of the budget agency.**".

Page 72, line 14, after "mail" delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 73, line 40, after "mail" delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 74, line 37, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 80, line 12, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 82, line 22, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 86, line 21, after "mail" delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 89, line 9, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 93, line 41, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 94, line 12, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 119, line 13, delete "." and insert "**or in an electronic format approved by the director of the budget agency.**".

Page 122, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 86. IC 36-1-12-4, AS AMENDED BY P.L.139-2011, SECTION 6, AND AS AMENDED BY P.L.172-2011, SECTION 139, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section applies whenever the cost of a public work project will be:

~~*(1) at least seventy-five thousand dollars ($75,000) in:*~~

~~*(A) a consolidated city or second class city;*~~

~~*(B) a county containing a consolidated city or second class city; or*~~

~~*(C) a regional water or sewage district established under IC 13-26; or*~~

~~*(2) at least fifty thousand dollars ($50,000) in a political subdivision or an agency not described in subdivision (1).*~~

(1) except as provided in subdivision (2), at least one hundred fifty thousand dollars ($150,000); or

(2) in the case of a board of aviation commissioners or an airport authority board, at least one hundred thousand dollars ($100,000).

(b) The board must comply with the following procedure:

(1) The board shall prepare general plans and specifications describing the kind of public work required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by IC 8-14-2-1) of a road, street, or bridge, the specifications must show how the weight or volume of the

materials will be accurately measured and verified.
(2) The board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by subdivision (3).
(3) Upon the filing of the plans and specifications, the board shall publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed.
(4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids.
(5) The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board. The period of time between the date of the first publication and receiving bids may not be more than:
(A) six (6) weeks if the estimated cost of the public works project is less than twenty-five million dollars ($25,000,000); and
(B) ten (10) weeks if the estimated cost of the public works project is at least twenty-five million dollars ($25,000,000).
(6) ~~*If the cost of a project is one hundred thousand dollars ($100,000) or more,*~~ The board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public work, and the equipment that the bidder has available for the performance of the public work. The statement shall be submitted on forms prescribed by the state board of accounts.
(7) The board may not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids must be open to the public. All bids received shall be opened publicly and read aloud at the time and place designated and not before. *Notwithstanding any other law, bids may be opened after the time designated if both of the following apply:*
(A) The board makes a written determination that it is in the best interest of the board to delay the opening.
(B) The day, time, and place of the rescheduled opening are announced at the day, time, and place of the originally scheduled opening.
(8) Except as provided in subsection (c), ~~*or (after June 30, 2011) section 22 of this chapter,*~~ the board shall:
(A) award the contract for public work or improvements to the lowest responsible and responsive bidder; or
(B) reject all bids submitted.
(9) If the board awards the contract to a bidder other than the lowest bidder, the board must state in the minutes or memoranda, at the time the award is made, the factors used to determine which bidder is the lowest responsible and responsive bidder and to justify the award. The board shall keep a copy of the minutes or memoranda available for public inspection.
(10) In determining whether a bidder is responsive, the board may consider the following factors:
(A) Whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications.
(B) Whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders.
(C) Whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.
(11) In determining whether a bidder is a responsible bidder, the board may consider the following factors:
(A) The ability and capacity of the bidder to perform the work.
(B) The integrity, character, and reputation of the bidder.
(C) The competence and experience of the bidder.
(12) The board shall require the bidder to submit an affidavit:
(A) that the bidder has not entered into a combination or agreement:
(I) relative to the price to be bid by a person;
(ii) to prevent a person from bidding; or
(iii) to induce a person to refrain from bidding; and
(B) that the bidder's bid is made without reference to any other bid.
(c) Notwithstanding subsection (b)(8), a county may award sand, gravel, asphalt paving materials, or crushed stone contracts to more than one (1) responsible and responsive bidder if the specifications allow for bids to be based upon service to specific geographic areas and the contracts are awarded by geographic area. The geographic areas do not need to be described in the specifications.

SECTION 87. IC 36-1-12-4.7, AS AMENDED BY P.L.172-2011, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.7. (a) This section applies whenever a public work project is estimated to cost:
(1) except as provided in subdivision (2), at least fifty thousand dollars ($50,000) and less than one hundred fifty thousand dollars ($150,000); or
(2) in the case of a board of aviation commissioners or an airport authority board, at least fifty thousand dollars ($50,000) and less than one hundred thousand dollars ($100,000).
(b) The board must proceed under the following provisions:
(1) The board shall invite quotes from at least three (3) persons known to deal in the class of work proposed to be done by mailing them a notice stating that plans and specifications are on file in a specified office. The notice must be mailed not less than seven (7) days before the time fixed for receiving quotes.
(2) The board may not require a person to submit a quote before the meeting at which quotes are to be received. The meeting for receiving quotes must be open to the public. All quotes received shall be opened publicly and read aloud at the time and place designated and not before.
(3) ~~Except as permitted in section 22 of this chapter after June 30, 2011,~~ The board shall award the contract for the public work to the lowest responsible and responsive quoter.
(4) The board may reject all quotes submitted.

SECTION 88. IC 36-1-12-5, AS AMENDED BY P.L.172-2011, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This section applies whenever a public work project is estimated to cost less than fifty thousand dollars ($50,000). Except as provided in subsection (g) for local boards of aviation commissioners and local airport authorities, if a contract is to be awarded, the board may proceed under section 4 of this chapter or under subsection (b) or (c).
(b) The board must proceed under the following provisions:
(1) The board shall invite quotes from at least three (3) persons known to deal in the class of work proposed to be done by mailing them a notice stating that plans and specifications are on file in a specified office. The notice must be mailed not less than seven (7) days before the time fixed for receiving quotes.
(2) The board may not require a person to submit a quote before the meeting at which quotes are to be received. The

meeting for receiving quotes must be open to the public. All quotes received shall be opened publicly and read aloud at the time and place designated and not before.

(3) ~~Except as permitted in section 22 of this chapter,~~ The board shall award the contract for the public work to the lowest responsible and responsive quoter.

(4) The board may reject all quotes submitted.

(5) If the board rejects all quotes under subdivision (4), the board may negotiate and enter into agreements for the work in the open market without inviting or receiving quotes if the board establishes in writing the reasons for rejecting the quotes.

(c) The board may not proceed under subsection (b) for the resurfacing (as defined in IC 8-14-2-1) of a road, street, or bridge, unless:

(1) the weight or volume of the materials in the project is capable of accurate measurement and verification; and

(2) the specifications define the geographic points at which the project begins and ends.

(d) For the purposes of this section, if contiguous sections of a road, street, or bridge are to be resurfaced in a calendar year, all of the work shall be considered to comprise a single public work project.

(e) The board may purchase or lease supplies in the manner provided in IC 5-22 and perform the public work by means of its own workforce without awarding a public work contract.

(f) Before the board may perform any work under this section by means of its own workforce, the political subdivision or agency must have a group of employees on its staff who are capable of performing the construction, maintenance, and repair applicable to that work.

(g) This subsection applies to local boards of aviation commissioners operating under IC 8-22-2 and local airport authorities operating under IC 8-22-3. If the contract is to be awarded by a board to which this subsection applies, or to a designee of the board under subsection (h), the board or its designee may proceed under section 4 of this chapter or under the following provisions. The board or its designee may invite quotes from at least three (3) persons known to deal in the class of work proposed to be done by mailing the persons a copy of the plans and specifications for the work not less than seven (7) days before the time fixed for receiving quotes. If the board or its designee receives a satisfactory quote, the board or its designee shall award the contract to the lowest responsible and responsive quoter for the class of work required. ~~except as permitted in section 22 of this chapter.~~ The board or its designee may reject all quotes submitted and, if no valid quotes are received for the class of work, contract for the work without further invitations for quotes.

(h) The board may delegate its authority to award a contract for a public works project that is estimated to cost less than fifty thousand dollars ($50,000) to the airport personnel in charge of airport public works projects.

(I) Quotes for public works projects costing less than twenty-five thousand dollars ($25,000) may be obtained by soliciting at least three (3) quotes by telephone or facsimile transmission. The seven (7) day waiting period required by subsection (b)(1) does not apply to quotes solicited under this subsection.

SECTION 89. IC 36-1-12-22 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 22. (a) The definitions in IC 5-22-15, including the definitions in IC 5-22-15-20.9, apply in this section.~~

~~(b) The procedures described in IC 5-22-15 for determining adjusted offers, price preference percentage, and total adjusted offers apply in this section.~~

~~(c) The price preferences stated in IC 5-22-15-20.9 apply in this section.~~

~~(d) Notwithstanding provisions of this chapter that require the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (e), a contract shall be awarded to the lowest responsive and responsible local Indiana business that claims the preference provided by this section.~~

~~(e) Notwithstanding subsection (d), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is a local Indiana business.~~

~~(f) A bidder or quoter that wants to claim the preference under this section must claim the preference in the same manner that a business claims the preference under IC 5-22-15-20.9(f).~~".

Page 122, line 24, delete "15" and insert "**16**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1072 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 3.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1080, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1090, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, strike "The" and insert "**A**".

Page 2, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-24-2, AS AMENDED BY P.L.146-2008, SECTION 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In addition to the delinquency list required under section 1 of this chapter, each county auditor shall prepare a notice. The notice shall contain the following:

(1) A list of tracts or real property eligible for sale under this chapter.

(2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder, subject to the right of redemption.

(3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:

(A) the delinquent taxes and special assessments on each tract or item of real property;

(B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;

(C) all penalties due on the delinquencies;

(D) an amount prescribed by the county auditor that equals the sum of:

(I) the greater of twenty-five dollars ($25) or postage and publication costs; and

(ii) any other actual costs incurred by the county that are directly attributable to the tax sale; and

(E) any unpaid costs due under subsection (b) from a

prior tax sale.

(4) A statement that a person redeeming each tract or item of real property after the sale must pay:

(A) one hundred ten percent (110%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed not more than six (6) months after the date of sale;

(B) one hundred fifteen percent (115%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed more than six (6) months after the date of sale;

(C) the amount by which the purchase price exceeds the minimum bid on the tract or item of real property plus ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid; and

(D) all taxes and special assessments on the tract or item of real property paid by the purchaser after the tax sale plus interest at the rate of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property.

(5) A statement for informational purposes only, of the location of each tract or item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The township assessor, or the county assessor if there is no township assessor for the township, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the key number or street address does not invalidate an otherwise valid sale.

(6) A statement that the county does not warrant the accuracy of the street address or common description of the property.

(7) A statement indicating:

(A) the name of the owner of each tract or item of real property with a single owner; or

(B) the name of at least one (1) of the owners of each tract or item of real property with multiple owners.

(8) A statement of the procedure to be followed for obtaining or objecting to a judgment and order of sale, that must include the following:

(A) A statement:

(I) that the county auditor and county treasurer will apply on or after a date designated in the notice for a court judgment against the tracts or real property for an amount that is not less than the amount set under subdivision (3), and for an order to sell the tracts or real property at public auction to the highest bidder, subject to the right of redemption; and

(ii) indicating the date when the period of redemption specified in IC 6-1.1-25-4 will expire.

(B) A statement that any defense to the application for judgment must be:

(I) filed with the court; and

(ii) served on the county auditor and the county treasurer;

before the date designated as the earliest date on which the application for judgment may be filed.

(C) A statement that the county auditor and the county treasurer are entitled to receive all pleadings, motions, petitions, and other filings related to the defense to the application for judgment.

(D) A statement that the court will set a date for a hearing at least seven (7) days before the advertised date and that the court will determine any defenses to the application for judgment at the hearing.

(9) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all tracts and real property have been offered for sale.

(10) A statement that the sale will take place at the times and dates designated in the notice. Whenever the public auction is to be conducted as an electronic sale, the notice must include a statement indicating that the public auction will be conducted as an electronic sale and a description of the procedures that must be followed to participate in the electronic sale.

(11) A statement that a person redeeming each tract or item after the sale must pay the costs described in IC 6-1.1-25-2(e).

(12) If a county auditor and county treasurer have entered into an agreement under IC 6-1.1-25-4.7, a statement that the county auditor will perform the duties of the notification and title search under IC 6-1.1-25-4.5 and the notification and petition to the court for the tax deed under IC 6-1.1-25-4.6.

(13) A statement that, if the tract or item of real property is sold for an amount more than the minimum bid and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.

(14) If a determination has been made under subsection (d), a statement that tracts or items will be sold together.

(15) With respect to a tract or an item of real property that is subject to sale under this chapter after June 30, 2012, and before July 1, 2013, a statement declaring whether an ordinance adopted under IC 6-1.1-37-10.1 is in effect in the county and, if applicable, an explanation of the circumstances under which penalties on the delinquent taxes and special assessments will be waived.

(b) If within sixty (60) days before the date of the tax sale the county incurs costs set under subsection (a)(3)(D) and those costs are not paid, the county auditor shall enter the amount of costs that remain unpaid upon the tax duplicate of the property for which the costs were set. The county treasurer shall mail notice of unpaid costs entered upon a tax duplicate under this subsection to the owner of the property identified in the tax duplicate.

(c) The amount of unpaid costs entered upon a tax duplicate under subsection (b) must be paid no later than the date upon which the next installment of real estate taxes for the property is due. Unpaid costs entered upon a tax duplicate under subsection (b) are a lien against the property described in the tax duplicate, and amounts remaining unpaid on the date the next installment of real estate taxes is due may be collected in the same manner that delinquent property taxes are collected.

(d) The county auditor and county treasurer may establish the condition that a tract or item will be sold and may be redeemed under this chapter only if the tract or item is sold or redeemed together with one (1) or more other tracts or items. Property may be sold together only if the tract or item is owned by the same person.

SECTION 3. IC 6-1.1-24-4, AS AMENDED BY P.L.89-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Not less than twenty-one (21) days before the earliest date on which the application for judgment and order for sale of real property eligible for sale may be made, the county auditor shall send a notice of the sale by certified mail, return receipt requested, to:

(1) the owner of record of real property with a single owner; or

(2) at least one (1) of the owners, as of the date of certification, of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date that the tax sale list is certified. In addition, the county auditor shall mail a duplicate notice to the owner of record, as described in subdivisions (1) and (2), by first class mail to the owners from whom the certified mail return receipt was not signed and returned. Additionally, the county auditor may determine that mailing a first class notice to or serving a notice on the property is a reasonable step to notify the owner, if the address of the owner is not the same address as the physical location of the property. If both notices are returned due to incorrect or insufficient addresses, the county auditor shall research the county auditor records to determine a more complete or accurate address. If a more complete or accurate address is found, the county auditor shall resend the notices to the address that is found in accordance with this section. Failure to obtain a more complete or accurate address does not invalidate an otherwise valid sale. The county auditor shall prepare the notice in the form prescribed by the state board of accounts. The notice must set forth the key number, if any, of the real property and a street address, if any, or other common description of the property other than a legal description. The notice must include the statement set forth in section 2(a)(4) of this chapter. **With respect to a tract or an item of real property that is subject to sale under this chapter after June 30, 2012, and before July 1, 2013, the notice must include a statement declaring whether an ordinance adopted under IC 6-1.1-37-10.1 is in effect in the county and, if applicable, an explanation of the circumstances under which penalties on the delinquent taxes and special assessments will be waived.** The county auditor must present proof of this mailing to the court along with the application for judgment and order for sale. Failure by an owner to receive or accept the notice required by this section does not affect the validity of the judgment and order. The owner of real property shall notify the county auditor of the owner's correct address. The notice required under this section is considered sufficient if the notice is mailed to the address or addresses required by this section.

(b) In addition to the notice required under subsection (a) for real property on the list prepared under section 1(a)(2) or 1.5(d) of this chapter, the county auditor shall prepare and mail the notice required under section 2.2 of this chapter no later than forty-five (45) days after the county auditor receives the certified list from the county treasurer under section 1(a) of this chapter.

(c) On or before the day of sale, the county auditor shall list, on the tax sale record required by IC 6-1.1-25-8, all properties that will be offered for sale.

SECTION 4. IC 6-1.1-24-5, AS AMENDED BY P.L.89-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) When a tract or an item of real property is subject to sale under this chapter, it must be sold in compliance with this section.

(b) The sale must:

(1) be held at the times and place stated in the notice of sale; and

(2) not extend beyond one hundred seventy-one (171) days after the list containing the tract or item of real property is certified to the county auditor.

(c) A tract or an item of real property may not be sold under this chapter to collect:

(1) delinquent personal property taxes; or

(2) taxes or special assessments which are chargeable to other real property.

(d) A tract or an item of real property may not be sold under this chapter if all the delinquent taxes, penalties, and special assessments on the tract or an item of real property and the amount prescribed by section 2(a)(3)(D) of this chapter, reflecting the costs incurred by the county due to the sale, are paid before the time of sale.

(e) The county treasurer shall sell the tract or **item of** real property, subject to the right of redemption, to the highest bidder at public auction **whose bid exceeds the minimum bid specified in subsection (f) or (g), as applicable.** ~~However,~~

(f) Except as provided in subsection (g), a tract or an item of real property may not be sold for an amount which is less than the sum of:

(1) the delinquent taxes and special assessments on each tract or item of real property;

(2) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, regardless of whether the taxes and special assessments are delinquent;

(3) all penalties which are due on the delinquencies;

(4) the amount prescribed by section 2(a)(3)(D) of this chapter reflecting the costs incurred by the county due to the sale;

(5) any unpaid costs which are due under section 2(b) of this chapter from a prior tax sale; and

(6) other reasonable expenses of collection, including title search expenses, uniform commercial code expenses, and reasonable attorney's fees incurred by the date of the sale.

The amount of penalties due on the delinquencies under subdivision (3) must be adjusted in accordance with IC 6-1.1-37-10.1, if applicable.

(g) If an ordinance adopted under section 15(a) of this chapter is in effect in the county in which a tract or an item of real property is located, the tract or item of real property may not be sold for an amount that is less than the lesser of:

(1) the amount determined under subsection (f); or

(2) seventy-five percent (75%) of the gross assessed value of the tract or item of real property, as determined on the most recent assessment date.

~~(f)~~ **(h)** For purposes of the sale, it is not necessary for the county treasurer to first attempt to collect the real property taxes or special assessments out of the personal property of the owner of the tract or real property.

~~(g)~~ **(I)** The county auditor shall serve as the clerk of the sale.

~~(h)~~ **(j)** Real property certified to the county auditor under section 1(a)(2) of this chapter must be offered for sale in a different phase of the tax sale or on a different day of the tax sale than the phase or day during which other real property is offered for sale.

~~(I)~~ **(k)** The public auction required under subsection (e) may be conducted by electronic means, at the option of the county treasurer. The electronic sale must comply with the other statutory requirements of this section. If an electronic sale is conducted under this subsection, the county treasurer shall provide access to the electronic sale by providing computer terminals open to the public at a designated location. A county treasurer who elects to conduct an electronic sale may receive electronic payments and establish rules necessary to secure the payments in a timely fashion. The county treasurer may not add an additional cost of sale charge to a parcel for the purpose of conducting the electronic sale.

SECTION 5. IC 6-1.1-24-6, AS AMENDED BY P.L.89-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) When a tract or an item of real property is offered for sale under this chapter and an amount is not received equal to or in excess of the minimum sale price prescribed in section ~~5(c)~~ **5** of this chapter, the county executive acquires a lien in the amount of the minimum sale price. This lien attaches on the day after the last date on which the tract or item was offered for sale.

(b) When a county executive acquires a lien under this section, the county auditor shall issue a tax sale certificate to the

county executive in the manner provided in section 9 of this chapter. The county auditor shall date the certificate the day that the county executive acquires the lien. When a county executive acquires a certificate under this section, the county executive has the same rights as a purchaser.

(c) When a lien is acquired by a county executive under this section, no money shall be paid by the county executive. However, each of the taxing units having an interest in the taxes on the tract shall be charged with the full amount of all delinquent taxes due them.

(d) This section shall apply to any tract or an item of real property offered for sale under this chapter in 2006, and an amount was not received equal to or in excess of the minimum sale price prescribed in section ~~5(c)~~ **5** of this chapter, if the county executive finds that the tract or item of real property meets the definition of a brownfield as set forth in IC 13-11-2-19.3.

SECTION 6. IC 6-1.1-24-6.1, AS AMENDED BY P.L.73-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) The county executive may do the following:

(1) By resolution, identify properties:

(A) that are described in section 6.7(a) of this chapter; and

(B) concerning which the county executive desires to offer to the public the certificates of sale acquired by the county executive under section 6 of this chapter.

(2) In conformity with IC 5-3-1-4, publish:

(A) notice of the date, time, and place for a public sale; and

(B) a listing of parcels on which certificates will be offered by parcel number and minimum bid amount;

once each week for three (3) consecutive weeks, with the final advertisement being not less than thirty (30) days before the sale date. The expenses of the publication shall be paid out of the county general fund.

(3) Sell each certificate of sale covered by the resolution for a price that:

(A) is less than the minimum sale price prescribed by section ~~5(c)~~ **5** of this chapter; and

(B) includes any costs to the county executive directly attributable to the sale of the certificate of sale.

(b) Notice of the list of properties prepared under subsection (a) and the date, time, and place for the public sale of the certificates of sale shall be published in accordance with IC 5-3-1. The notice must:

(1) include a description of the property by parcel number and common address;

(2) specify that the county executive will accept bids for the certificates of sale for the price referred to in subsection (a)(3);

(3) specify the minimum bid for each parcel;

(4) include a statement that a person redeeming each tract or item of real property after the sale of the certificate must pay:

(A) the amount of the minimum bid under section ~~5(c)~~ **5** of this chapter for which the tract or item of real property was last offered for sale;

(B) ten percent (10%) of the amount for which the certificate is sold;

(C) the attorney's fees and costs of giving notice under IC 6-1.1-25-4.5;

(D) the costs of a title search or of examining and updating the abstract of title for the tract or item of real property;

(E) all taxes and special assessments on the tract or item of real property paid by the purchaser after the sale of the certificate plus interest at the rate of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property; and

(F) all costs of sale, advertising costs, and other expenses of the county directly attributable to the sale of certificates of sale; and

(5) include a statement that, if the certificate is sold for an amount more than the minimum bid under section ~~5(c)~~ **5** of this chapter for which the tract or item of real property was last offered for sale and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.

SECTION 7. IC 6-1.1-24-6.3, AS AMENDED BY P.L.89-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. (a) The sale of certificates of sale under this chapter must be held at the time and place stated in the notice of sale.

(b) A certificate of sale may not be sold under this chapter if the following are paid before the time of sale:

(1) All the delinquent taxes, penalties, and special assessments on the tract or an item of real property.

(2) The amount prescribed by section 2(a)(3)(D) of this chapter, reflecting the costs incurred by the county due to the sale.

(c) The county executive shall sell the certificate of sale, subject to the right of redemption, to the highest bidder at public auction. The public auction may be conducted as an electronic sale in conformity with section ~~5(l)~~ **5(k)** of this chapter.

(d) The county auditor shall serve as the clerk of the sale.

SECTION 8. IC 6-1.1-24-6.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.4. (a) When a certificate of sale is sold under this chapter, the purchaser at the sale shall immediately pay the amount of the bid to the county treasurer. The county treasurer shall apply the payment in the following manner:

(1) First, to the taxes, special assessments, penalties, and costs described in section ~~5(c)~~ **5(f)** of this chapter.

(2) Second, to other delinquent property taxes in the manner provided in IC 6-1.1-23-5(b).

(3) Third, to a separate "tax sale surplus fund".

(b) The:

(1) owner of record of the real property at the time the tax deed is issued who is divested of ownership by the issuance of a tax deed; or

(2) purchaser of the certificate or the purchaser's assignee, upon redemption of the tract or item of real property;

may file a verified claim for money that is deposited in the tax sale surplus fund. If the claim is approved by the county auditor and the county treasurer, the county auditor shall issue a warrant to the claimant for the amount due.

(c) An amount deposited in the tax sale surplus fund shall be transferred by the county auditor to the county general fund and may not be disbursed under subsection (b) if it is claimed more than three (3) years after the date of its receipt.

(d) Upon the assignment of the certificate of sale to the purchaser, the county auditor shall indicate on the certificate the amount for which the certificate of sale was sold.

SECTION 9. IC 6-1.1-24-7, AS AMENDED BY P.L.73-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) When real property is sold under this chapter, the purchaser at the sale shall immediately pay the amount of the bid to the county treasurer. The county treasurer shall apply the payment in the following manner:

(1) first, to the taxes, special assessments, penalties, and costs described in section ~~5(c)~~ **5(f)** of this chapter;

(2) second, to other delinquent property taxes in the

manner provided in IC 6-1.1-23-5(b); and
(3) third, to a separate "tax sale surplus fund".

(b) If:

(1) a tract or an item of real property sold under section 5 of this chapter is located in a county in which an ordinance adopted under section 15 of this chapter is in effect; and

(2) the sales price of the tract or item of real property is less than the amount specified in section 5(f) of this chapter;

in addition to the application of any payment received under subsection (a)(1), each taxing unit having an interest in the taxes on the tract shall be charged with the part of the tax due to the taxing unit equal to an amount that bears the same relationship to the tax due to the taxing unit as the amount determined under section 5(f) of this chapter, minus the selling price, bears to the amount determined under section 5(f) of this chapter.

~~(b)~~ **(c)** The:

(1) owner of record of the real property at the time the tax deed is issued who is divested of ownership by the issuance of a tax deed; or

(2) tax sale purchaser or purchaser's assignee, upon redemption of the tract or item of real property;

may file a verified claim for money which is deposited in the tax sale surplus fund. If the claim is approved by the county auditor and the county treasurer, the county auditor shall issue a warrant to the claimant for the amount due.

~~(c)~~ **(d)** If the person who claims money deposited in the tax sale surplus fund under subsection ~~(b)~~ **(c)** is:

(1) a person described in subsection ~~(b)(1)~~ **(c)(1)** who acquired the property from a delinquent taxpayer after the property was sold at a tax sale under this chapter; or

(2) a person not described in subsection ~~(b)(1),~~ **(c)(1),** including a person who acts under a power of attorney executed by the person described in subsection ~~(b)(1);~~ **(c)(1);**

the county auditor may issue a warrant to the person only as directed by the court having jurisdiction over the tax sale of the parcel for which the surplus claim is made.

~~(d)~~ **(e)** A court may direct the issuance of a warrant only:

(1) on petition by the claimant; and

(2) within three (3) years after the date of sale of the parcel in the tax sale.

~~(e)~~ **(f)** An amount deposited in the tax sale surplus fund shall be transferred by the county auditor to the county general fund and may not be disbursed under subsection ~~(b)~~ **(c)** if it is not claimed within the three (3) year period after the date of its receipt.

~~(f)~~ **(g)** If an amount applied to taxes under this section is later paid out of the county general fund to the purchaser or the purchaser's successor due to the invalidity of the sale, all the taxes shall be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale.

~~(g)~~ **(h)** When a refund is made to any purchaser or purchaser's successor by reason of the invalidity of a sale, the county auditor shall, at the December settlement immediately following the refund, deduct the amount of the refund from the gross collections in the taxing district in which the land lies and shall pay that amount into the county general fund.

SECTION 10. IC 6-1.1-24-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Whenever:

(1) a tract is offered for sale under this chapter; and

(2) no bid is received for the minimum sale price set under section ~~5(c)~~ **5** of this chapter;

the county auditor shall prepare a certified statement of the actual costs incurred by the county described in section 2(a)(3)(D) of this chapter.

(b) The county auditor shall place the amount specified in the certified statement prepared under subsection (a) on the tax duplicate of the tract offered but not sold at the sale. The amount shall be collected as real property taxes are collected and paid into the county general fund.

SECTION 11. IC 6-1.1-24-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) The fiscal body of a county may adopt an ordinance authorizing the county treasurer to accept a bid on a tract or an item of real property offered for sale under this chapter that is greater than or equal to the lesser of:**

(1) the amount determined under section 5(f) of this chapter for the tract or item of real property; or

(2) seventy-five percent (75%) of the gross assessed value of the tract or item of real property, as determined on the most recent assessment date.

(b) If the fiscal body of a county adopts an ordinance under subsection (a) or repeals an ordinance adopted under subsection (a), the fiscal body shall promptly deliver a copy of the ordinance to the county treasurer and the county auditor.".

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

"SECTION 13. IC 6-1.1-25-3, AS AMENDED BY P.L.169-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), when real property is redeemed and the certificate of sale is surrendered to the county auditor, the auditor shall issue a warrant to the purchaser or purchaser's assignee in an amount equal to the amount received by the county treasurer for redemption.

(b) When real property sold under IC 6-1.1-24-6.1 is redeemed and the certificate of sale is surrendered to the county auditor, the auditor shall issue a warrant to the purchaser of the certificate of sale or the purchaser's assignee in an amount equal to:

(1) the amount received by the county treasurer for redemption; minus

(2) if the certificate of sale was sold for less than the minimum bid under ~~IC 6-1.1-24-5(e),~~ **IC 6-1.1-24-5,** an amount equal to the difference between the minimum bid under ~~IC 6-1.1-24-5(e)~~ **IC 6-1.1-24-5** and the amount for which the certificate was sold.

(c) The county auditor shall indorse the certificate and preserve it as a public record. If a certificate of sale is lost and the auditor is satisfied that the certificate did exist, the county auditor may make payment in the manner provided in this section.".

Page 4, line 36, strike "IC 6-1.1-24-5(e)" and insert "**IC 6-1.1-24-5**".

Page 6, line 10, strike "IC 6-1.1-24-5(e)" and insert "**IC 6-1.1-24-5**".

Page 6, line 11, delete "a homestead (as" and insert "**real property**".

Page 6, line 12, delete "defined in IC 6-1.1-12-37(a)(2))".

Page 6, line 23, delete "a homestead" and insert "**real property**".

Page 6, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 15. IC 6-1.1-25-4.6, AS AMENDED BY P.L.89-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than six (6) months after the expiration of the period of redemption:

(1) the purchaser, the purchaser's assignee, the county executive, or the purchaser of the certificate of sale under IC 6-1.1-24 may; or

(2) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor shall, upon the request of the purchaser or the purchaser's assignee;

file a verified petition in the same court and under the same cause number in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition shall be given to the same parties and in the same manner as provided in section 4.5 of this chapter, except that, if notice is given by publication, only one (1) publication is required. The notice required by this section is considered sufficient if the notice is sent to the address required by section 4.5(d) of this chapter. Any person owning or having an interest in the tract or real property may file a written objection to the petition with the court not later than thirty (30) days after the date the petition was filed. If a written objection is timely filed, the court shall conduct a hearing on the objection.

(b) Not later than sixty-one (61) days after the petition is filed under subsection (a), the court shall enter an order directing the county auditor (on the production of the certificate of sale and a copy of the order) to issue to the petitioner a tax deed if the court finds that the following conditions exist:

(1) The time of redemption has expired.

(2) The tract or real property has not been redeemed from the sale before the expiration of the period of redemption specified in section 4 of this chapter.

(3) Except with respect to a petition for the issuance of a tax deed under a sale of the certificate of sale on the property under IC 6-1.1-24-6.1, all taxes and special assessments, penalties, and costs have been paid.

(4) The notices required by this section and section 4.5 of this chapter have been given.

(5) The petitioner has complied with all the provisions of law entitling the petitioner to a deed.

The county auditor shall execute deeds issued under this subsection in the name of the state under the county auditor's name. If a certificate of sale is lost before the execution of a deed, the county auditor shall issue a replacement certificate if the county auditor is satisfied that the original certificate existed.

(c) Upon application by the grantee of a valid tax deed in the same court and under the same cause number in which the judgment of sale was entered, the court shall enter an order to place the grantee of a valid tax deed in possession of the real estate. The court may enter any orders and grant any relief that is necessary or desirable to place or maintain the grantee of a valid tax deed in possession of the real estate.

(d) Except as provided in subsections (e) and (f), if:

(1) the verified petition referred to in subsection (a) is timely filed; and

(2) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure of the petitioner under subsection (a) to fulfill the notice requirement of subsection (a);

the court shall order the return of the amount, if any, by which the purchase price exceeds the minimum bid on the property under ~~IC 6-1.1-24-5(e)~~ **IC 6-1.1-24-5** minus a penalty of twenty-five percent (25%) of that excess. The petitioner is prohibited from participating in any manner in the next succeeding tax sale in the county under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the county general fund.

(e) Notwithstanding subsection (d), in all cases in which:

(1) the verified petition referred to in subsection (a) is timely filed;

(2) the petitioner under subsection (a) has made a bona fide attempt to comply with the statutory requirements under subsection (b) for the issuance of the tax deed but has failed to comply with these requirements;

(3) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure to comply with these requirements; and

(4) the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24 files a claim with the county auditor for refund not later than thirty (30) days after the entry of the order of the court refusing to direct the county auditor to execute and deliver the tax deed;

the county auditor shall not execute the deed but shall refund the purchase money minus a penalty of twenty-five percent (25%) of the purchase money from the county treasury to the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the county general fund. All the delinquent taxes and special assessments shall then be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale. The tract or item of real property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under IC 6-1.1-24.

(f) Notwithstanding subsections (d) and (e), the court shall not order the return of the purchase price or any part of the purchase price if:

(1) the purchaser or the purchaser of the certificate of sale under IC 6-1.1-24 has failed to provide notice or has provided insufficient notice as required by section 4.5 of this chapter; and

(2) the sale is otherwise valid.

(g) A tax deed executed under this section vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law, and the lien of the state or a political subdivision for taxes and special assessments that accrue subsequent to the sale. However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. The deed is prima facie evidence of:

(1) the regularity of the sale of the real property described in the deed;

(2) the regularity of all proper proceedings; and

(3) valid title in fee simple in the grantee of the deed.

(h) A tax deed issued under this section is incontestable except by appeal from the order of the court directing the county auditor to issue the tax deed filed not later than sixty (60) days after the date of the court's order.

SECTION 16. IC 6-1.1-37-9, AS AMENDED BY P.L.1-2010, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 9. (a) This section applies when:

(1) an assessment is made or increased after the date or dates on which the taxes for the year for which the assessment is made were originally due;

(2) the assessment upon which a taxpayer has been paying taxes under IC 6-1.1-15-10(a)(1) or IC 6-1.1-15-10(a)(2) while a petition for review or a judicial proceeding has been pending is less than the assessment that results from the final determination of the petition for review or judicial proceeding; or

(3) the collection of certain ad valorem property taxes has been enjoined under IC 33-26-6-2, and under the final

determination of the petition for judicial review the taxpayer is liable for at least part of those taxes.

(b) Except as provided in subsections (c) and (g), a taxpayer shall pay interest on the taxes the taxpayer is required to pay as a result of an action or a determination described in subsection (a) at the rate of ten percent (10%) per year from the original due date or dates for those taxes to:

(1) the date of payment; or

(2) the date on which penalties for the late payment of a tax installment may be charged under subsection (e) or (f);

whichever occurs first.

(c) Except as provided in subsection (g), a taxpayer shall pay interest on the taxes the taxpayer is ultimately required to pay in excess of the amount that the taxpayer is required to pay under IC 6-1.1-15-10(a)(1) while a petition for review or a judicial proceeding has been pending at the overpayment rate established under Section 6621(c)(1) of the Internal Revenue Code in effect on the original due date or dates for those taxes from the original due date or dates for those taxes to:

(1) the date of payment; or

(2) the date on which penalties for the late payment of a tax installment may be charged under subsection (e) or (f);

whichever occurs first.

(d) With respect to an action or determination described in subsection (a), the taxpayer shall pay the taxes resulting from that action or determination and the interest prescribed under subsection (b) or (c) on or before:

(1) the next May 10; or

(2) the next November 10;

whichever occurs first.

(e) A taxpayer shall, to the extent that the penalty is not waived under section **10.1 or** 10.7 of this chapter, begin paying the penalty prescribed in section 10 of this chapter on the day after the date for payment prescribed in subsection (d) if:

(1) the taxpayer has not paid the amount of taxes resulting from the action or determination; and

(2) the taxpayer either:

(A) received notice of the taxes the taxpayer is required to pay as a result of the action or determination at least thirty (30) days before the date for payment; or

(B) voluntarily signed and filed an assessment return for the taxes.

(f) If subsection (e) does not apply, a taxpayer who has not paid the amount of taxes resulting from the action or determination shall, to the extent that the penalty is not waived under section **10.1 or** 10.7 of this chapter, begin paying the penalty prescribed in section 10 of this chapter on:

(1) the next May 10 which follows the date for payment prescribed in subsection (d); or

(2) the next November 10 which follows the date for payment prescribed in subsection (d);

whichever occurs first.

(g) A taxpayer is not subject to the payment of interest on real property assessments under subsection (b) or (c) if:

(1) an assessment is made or increased after the date or dates on which the taxes for the year for which the assessment is made were due;

(2) the assessment or the assessment increase is made as the result of error or neglect by the assessor or by any other official involved with the assessment of property or the collection of property taxes; and

(3) the assessment:

(A) would have been made on the normal assessment date if the error or neglect had not occurred; or

(B) increase would have been included in the assessment on the normal annual assessment date if the error or neglect had not occurred.

SECTION 17. IC 6-1.1-37-10, AS AMENDED BY P.L.3-2008, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 10. (a) Except as provided in sections ~~10.5~~ **10.1** and 10.7 of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty shall be added to the unpaid portion in the year of the initial delinquency. The penalty is equal to an amount determined as follows:

(1) If:

(A) an installment of real property taxes is completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous installment for the same parcel;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(2) If:

(A) an installment of personal property taxes is completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous installment for a personal property tax return for property in the same taxing district;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(3) If subdivision (1) or (2) does not apply, the amount of the penalty is equal to ten percent (10%) of the amount of delinquent taxes.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates of the first and second installments in each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8.1, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) Subject to subsections (g) and (h), a payment to the county treasurer is considered to have been paid by the due date if the payment is:

(1) received on or before the due date by the county treasurer or a collecting agent appointed by the county treasurer;

(2) deposited in United States first class mail:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) postmarked by the United States Postal Service as mailed on or before the due date;

(3) deposited with a nationally recognized express parcel

carrier and is:
(A) properly addressed to the principal office of the county treasurer; and
(B) verified by the express parcel carrier as:
(I) paid in full for final delivery; and
(ii) received by the express parcel carrier on or before the due date;
(4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:
(A) properly addressed to the principal office of the county treasurer;
(B) with sufficient postage; and
(C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date; or
(5) made by an electronic funds transfer and the taxpayer's bank account is charged on or before the due date.
For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.
(g) If a payment is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the payment is considered to have made the payment on or before the due date if the person can show by reasonable evidence that the payment was deposited in the United States mail on or before the due date.
(h) If a payment is sent via the United States mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the payment is considered to have made the payment on or before the due date if the person:
(1) can show by reasonable evidence that the payment was deposited in the United States mail, or with the express parcel carrier, on or before the due date; and
(2) makes a duplicate payment within thirty (30) days after the date the person is notified that the payment was not received.
SECTION 18. IC 6-1.1-37-10.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.1. (a) The fiscal body of a county may adopt an ordinance providing that after June 30, 2012, and before July 1, 2013, the county treasurer of the county shall waive penalties added to a delinquent property tax installment on a tract or an item of real property, if:**
(1) part of the delinquent taxes or special assessments on the tract or item of real property was first due and payable before January 1, 2010; and
(2) all the delinquent taxes and special assessments on the tract or item of real property are paid before July 1, 2013.
(b) If the fiscal body of a county adopts an ordinance under this section, the fiscal body shall deliver a copy of the ordinance to the county treasurer and the county auditor.".
Renumber all SECTIONS consecutively.
(Reference is to HB 1090 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1093, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:
Page 5, delete lines 40 through 41, begin a new paragraph and insert:
"**(g) A court may assess a civil penalty under section 7.5 of this chapter only if the plaintiff obtained an advisory opinion from the public access counselor before filing an action under this section as set forth in section 7.5 of this chapter.**".
Page 6, delete lines 2 through 42, begin a new paragraph and insert:
"SECTION 3. IC 5-14-1.5-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.5. (a) This section applies only to an individual who is:**
(1) an officer of a public agency; or
(2) employed in a management level position with a public agency.
(b) If an individual with the specific intent to violate the law fails to perform a duty imposed on the individual under this chapter by:
(1) failing to give proper notice of a regular meeting, special meeting, or executive session;
(2) taking final action outside a regular meeting or special meeting;
(3) participating in a secret ballot during a meeting;
(4) discussing in an executive session subjects not eligible for discussion in an executive session;
(5) failing to prepare a memorandum of a meeting as required by section 4 of this chapter; or
(6) participating in at least one (1) gathering of a series of gatherings under section 3.1 of this chapter;
the individual and the public agency are subject to a civil penalty under subsection (f).
(c) A civil penalty may only be imposed as part of an action filed under section 7 of this chapter. A court may not impose a civil penalty under this section unless the public access counselor has issued an advisory opinion:
(1) to the complainant and the public agency;
(2) that finds that the individual or public agency violated this chapter; and
(3) before the action under section 7 of this chapter is filed.
Nothing in this section prevents both the complainant and the public agency from requesting an advisory opinion from the public access counselor.
(d) It is a defense to the imposition of a civil penalty under this section that the individual failed to perform a duty under subsection (b) in reliance on either of the following:
(1) An opinion of the public agency's legal counsel.
(2) An opinion of the attorney general.
(e) Except as provided in subsection (I), in an action filed under section 7 of this chapter, a court may impose a civil penalty against one (1) or more of the following:
(1) The individual named as a defendant in the action.
(2) The public agency named as a defendant in the action.
(f) The court may impose against each defendant listed in subsection (c) the following civil penalties:
(1) Not more than one hundred dollars ($100) for the first violation.
(2) Not more than five hundred dollars ($500) for each additional violation.
A civil penalty imposed under this section is in addition to any other civil or criminal penalty imposed. However, in any one (1) action brought under section 7 of this chapter, a court may impose only one (1) civil penalty against an individual, even if the court finds that the individual

committed multiple violations. This subsection does not preclude a court from imposing another civil penalty against an individual in a separate action, but an individual may not be assessed more than one (1) civil penalty in any one (1) action brought under this section.

(g) A court shall distribute monthly to the auditor of state any penalties collected under this section for deposit in the education fund established by IC 5-14-4-14.

(h) An individual is personally liable for a civil penalty imposed on the individual under this section. A civil penalty imposed against a public agency under this section shall be paid from the public agency's budget.

(I) If an officer of a public agency directs an individual who is employed in a management level position to fail to give proper notice as described in subsection (b)(1), the management level employee is not subject to civil penalties under subsection (f).".

Page 7, delete lines 1 through 12.

Page 18, delete lines 15 through 16, begin a new paragraph and insert:

"**(j) A court may assess a civil penalty under section 9.5 of this chapter only if the plaintiff obtained an advisory opinion from the public access counselor before filing an action under this section as set forth in section 9.5 of this chapter.**".

Page 18, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 7. IC 5-14-3-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9.5. (a) As used in this section, "individual" means:**

(1) an officer of a public agency; or

(2) an individual employed in a management level position with a public agency.

(b) If an individual:

(1) continues to deny a request that complies with section 3(a) of this chapter for inspection or copying of a public record after the public access counselor has issued an advisory opinion:

(A) regarding the request for inspection or copying of the public record; and

(B) that instructs the public agency to allow access to the public record; and

(2) denies the request with the specific intent to unlawfully withhold a public record that is subject to disclosure under this chapter;

the individual and the public agency employing the individual are subject to a civil penalty under subsection (g).

(c) If an individual intentionally charges a copying fee that the individual knows exceeds the amount set by statute, fee schedule, ordinance, or court order, the individual is subject to a civil penalty under subsection (g).

(d) A civil penalty may only be imposed as part of an action filed under section 9 of this chapter. A court may not impose a civil penalty under this section unless the public access counselor has issued an advisory opinion:

(1) to the complainant and the public agency;

(2) that instructs the public agency to allow access to the public record; and

(3) before the action under section 9 of this chapter is filed.

Nothing in this section prevents both the person requesting the public record and the public agency from requesting an advisory opinion from the public access counselor.

(e) It is a defense to the imposition of a civil penalty under this section that the individual denied access to a public record in reliance on either of the following:

(1) An opinion of the public agency's legal counsel.

(2) An opinion of the attorney general.

(f) A court may impose a civil penalty for a violation under subsection (b) against one (1) or more of the following:

(1) The individual named as a defendant in the action.

(2) The public agency named as a defendant in the action.

(g) In an action under this section, a court may impose the following civil penalties:

(1) Not more than one hundred dollars ($100) for the first violation.

(2) Not more than five hundred dollars ($500) for each additional violation.

A civil penalty imposed under this section is in addition to any other civil or criminal penalty imposed. However, in any one (1) action brought under this section, a court may impose only one (1) civil penalty against an individual, even if the court finds that the individual committed multiple violations. This subsection does not preclude a court from imposing another civil penalty against an individual in a separate action, but an individual may not be assessed more than one (1) civil penalty in any one (1) action brought under this section.

(h) A court shall distribute monthly to the auditor of state any penalties collected under this section for deposit in the education fund established by IC 5-14-4-14.

(I) An individual is personally liable for a civil penalty imposed on the individual under this section. A civil penalty imposed against a public agency under this section shall be paid from the public agency's budget.

(j) If an officer of a public agency directs an individual who is employed in a management level position to deny a request as described in subsection (b)(1), the management level employee is not subject to civil penalties under subsection (g).".

Page 19, delete lines 1 through 23.

Page 20, delete lines 4 through 42.

Delete page 21.

Page 22, delete lines 1 through 11.

Page 22, line 15, after "superior" delete ," and insert "**or on the advice of the agency attorney or the attorney general,**".

Page 22, line 20, after "superior" delete "," and insert "**or on the advice of the agency attorney or the attorney general,**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1093 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1102, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 56 with "[EFFECTIVE JULY 1, 2014]".

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

"SECTION 1. IC 5-20-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) An eligible entity shall establish an affordable housing fund advisory committee consisting of the following eleven (11) members:

(1) One (1) member appointed by the executive of the eligible entity to represent the interests of low income families.

(2) One (1) member appointed by the executive of the eligible entity to represent the interests of owners of subsidized, multifamily housing communities.
(3) One (1) member appointed by the executive of the eligible entity to represent the interests of banks and other financial institutions.
(4) One (1) member appointed by the executive of the eligible entity to represent the interests of the eligible entity.
(5) One (1) member appointed by the executive of the eligible entity to represent real estate brokers. ~~or salespersons.~~ The member appointed under this subdivision must be nominated to the executive by the local realtors' association.
(6) One (1) member appointed by the executive of the eligible entity to represent construction trades. The member appointed under this subdivision must be nominated to the executive by the local building trades council.
(7) Five (5) members appointed by the legislative body of the eligible entity to represent the community at large. Members appointed under this subdivision must be nominated to the legislative body after a general call for nominations from township trustees, community development corporations, neighborhood associations, community based organizations, and other social services agencies.

(b) Members of the affordable housing fund advisory committee serve for a term of four (4) years, and are eligible for reappointment. If a vacancy exists on the committee, the appointing authority that appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy. A committee member may be removed at any time by the appointing authority that appointed the committee member.

(c) The affordable housing fund advisory committee shall make recommendations to the eligible entity regarding:
(1) the development of policies and procedures for the uses of the affordable housing fund; and
(2) long term sources of capital for the affordable housing fund, including:
(A) revenue from:
(I) development ordinances;
(ii) fees; or
(iii) taxes;
(B) financial market based income;
(C) revenue derived from private sources; and
(D) revenue generated from grants, gifts, donations, or income in any other form from a:
(I) government program;
(ii) foundation; or
(iii) corporation.".

Page 8, line 30, delete "who," and insert "**who:**
(A)".
Page 8, line 33, delete "acts." and insert "acts; **and**
(B) is acting in association with and under the auspices of a managing broker.".
Page 9, line 2, strike "or salesperson".
Page 9, line 9, strike "or".
Page 9, line 10, strike "salesperson".
Page 9, line 18, after "include" insert "**lots and land for**".
Page 9, line 32, after "not" insert "**a**".
Page 9, line 33, strike "as a salesperson" and insert "**broker**".
Page 9, line 34, delete "licensed under" and insert "**the Indiana real estate commission holds responsible for the actions of licensees who are affiliated with the managing broker.**".
Page 9, delete line 35.
Page 11, line 5, strike "and".
Page 11, line 7, delete "." and insert "; **and**".
Page 11, between lines 7 and 8, begin a new line block indented and insert:
"**(17) adopt rules under IC 4-22-2 governing education and continuing education.**".
Page 12, line 9, strike "and salespersons".
Page 14, line 33, delete "IC 25-34.1-3-3.1," and insert "**section 3.1 of this chapter**".
Page 14, line 33, delete "before its repeal,".
Page 15, line 37, strike "principal" and insert "**managing**".
Page 15, line 39, strike "or salesperson".
Page 16, line 8, strike "principal" and insert "**managing**".
Page 16, line 10, strike "or salesperson".
Page 16, line 23, strike "principal" and insert "**managing**".
Page 16, line 30, strike "principal" and insert "**managing**".
Page 16, line 32, strike "or salesperson".
Page 17, line 17, delete "During" and insert **"For an individual applying for a broker's license after July 1, 2014, during**".
Page 17, line 18, delete "an individual with a broker's license" and insert "**the individual**".
Page 17, line 19, delete "post-licensing" and insert "**postlicensing**".
Page 17, line 41, strike "broker-salesperson" and insert "**broker**".
Page 17, line 42, strike "as a broker-salesperson".
Page 18, line 1, strike "principal" and insert "**managing**".
Page 18, line 2, strike "principal" and insert "**managing**".
Page 18, line 3, strike "principal" and insert "**managing**".
Page 18, line 4, strike "broker-salesperson" and insert "**broker**".
Page 18, line 4, strike "principal" and insert "**managing**".
Page 19, between lines 16 and 17, begin a new paragraph and insert:
"**(e) Beginning July 1, 2014, a person who was licensed as a salesperson under section 3.1 of this chapter, before its repeal, and who applies for reactivation must complete the twenty-four (24) hour course required to become a broker under this article.**
(f) Beginning July 1, 2014, a broker licensed on or after July 1, 2014, who becomes inactive must complete the thirty (30) hour postlicensure course established by the commission before reactivation of the licensee's license.".
Page 20, strike lines 39 through 42.
Page 21, line 1, strike "(e)" and insert "**(d)**".
Page 21, line 1, after "or" insert "**out-of-state commercial**".
Page 21, between lines 3 and 4, begin a new paragraph and insert:
"SECTION 18. IC 25-34.1-4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. To become a managing broker, a person must hold a broker's license for at least two (2) years and take and pass at least twenty-four (24) hours of broker management courses approved by the commission.**".
Page 21, line 7, strike "associated".
Page 21, line 39, strike "associated".
Page 22, line 5, strike "associated".
Page 22, line 23, strike "principal" and insert "**managing**".
Page 22, line 34, after "principal" insert "**managing**".
Page 22, line 36, strike "salesperson" and insert "**broker**".
Page 23, between lines 4 and 5, begin a new paragraph and insert:
"SECTION 24. IC 25-34.1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:
Chapter 4.5. License Transition
Sec. 1. After June 30, 2014, the board may not issue a

new salesperson license under IC 25-34.1-3.

Sec. 2. An individual holding a license as a salesperson must obtain a broker's license not later than June 30, 2014, to continue performing functions under this article.

Sec. 3. To obtain a broker's license, an individual holding a license as a salesperson on June 30, 2012, must:

(1) complete at least twenty-four (24) hours of education required under IC 25-34.1-5-5 to be licensed as a broker; and

(2) meet the requirements to be licensed as a broker under IC 25-34.1-3-4.1.

Sec. 4. Notwithstanding any other law concerning education or continuing education for salespersons, a salesperson may obtain the twenty-four (24) hours of board approved education required under section 3 of this chapter at any time after June 30, 2012, and before July 1, 2014. The licensee must attest to the board that the licensee has completed the additional twenty-four (24) hours of education. When the twenty-four (24) hours have been completed, the salesperson becomes a broker.

Sec. 5. For the period beginning July 1, 2012, and ending June 30, 2014, notwithstanding any other law concerning continuing education, the twenty-four (24) hours of additional education required under section 3 of this chapter may be used to meet the continuing education requirement for a salesperson under IC 25-34.1-9-11.

Sec. 6. An individual who is a principal broker on June 30, 2014, becomes a managing broker on July 1, 2014.

Sec. 7. This chapter expires December 31, 2014.".

Page 24, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 27. IC 25-34.1-5-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12. (a) The real estate education advisory council established by IC 25-34.1-9-2 shall make recommendations to the commission concerning the following:**

(1) Requirements for sponsors of courses.

(2) Requirements for instructors to be used by sponsors in providing courses.

(3) Requirements for the curricula for prelicensing education courses.

(4) Rules to implement this chapter.

(5) Other issues identified by the commission in implementing this chapter.

(b) The commission shall approve all prelicensing courses.

(c) The commission may, with the advice of the council, approve online education required for licensing.".

Page 25, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 30. IC 25-34.1-8-7.5, AS AMENDED BY P.L.77-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) The investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. The fund shall be administered by the attorney general and the professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of:

(1) money from a fee imposed upon licensed or certified appraisers and real estate brokers ~~and salespersons~~ under IC 25-34.1-2-7 and IC 25-34.1-3-9.5;

(2) civil penalties deposited in the fund under IC 24-5-23.5-9(d);

(3) registration fees imposed on appraisal management companies under IC 25-34.1-11-15; and

(4) civil penalties deposited under IC 25-34.1-11-17.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Except as otherwise provided in this subsection, money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the investigative fund exceeds seven hundred fifty thousand dollars ($750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars ($750,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against real estate and appraisal fraud under this article. The attorney general shall receive five dollars ($5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5, and the licensing agency shall receive any amount that exceeds five dollars ($5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5.".

Page 25, line 12, strike "(a)".

Page 25, line 13, delete "selected" and insert "**recommended by**".

Page 25, line 14, delete "from members of".

Page 25, strike line 22.

Page 25, line 23, strike "geographic areas of Indiana.".

Page 25, delete lines 25 through 42.

Page 26, delete lines 1 through 14.

Page 26, line 21, strike "in".

Page 26, line 21, delete "prelicensing" and insert "**postlicensing**".

Page 26, line 27, delete "prelicensing " and insert "**postlicensing**".

Page 26, line 35, strike "before the end of each".

Page 26, line 36, strike "renewal period." and insert "**each year.**".

Page 26, line 40, delete "twelve (12)" and insert "**eight (8)**".

Page 27, between lines 22 and 23, begin a new paragraph and insert:

"**(c) An individual who applies for a broker's license after July 1, 2014, must, during the first two (2) years after the license is issued, take and pass thirty (30) hours of postlicensing education focused on the practical matters of real estate transactions instead of the continuing education requirements of this chapter.**

(d) For license renewal, a managing broker must complete eight (8) hours of continuing education each year. At least four (4) hours of the continuing education must be dedicated to the necessary business and management skills and legal knowledge needed by a managing broker. The commission shall develop or approve the continuing education courses for managing brokers.".

Page 27, line 25, delete "(a) Notwithstanding section".

Page 27, delete lines 26 through 28.

Page 27, line 29, delete "(b)" and insert "**(a)**".

Page 27, run in lines 25 through 29.

Page 27, line 30, delete "2013," and insert "**2014,**".

Page 27, line 31, delete "sixteen (16)" and insert "**eight (8)**".

Page 27, delete lines 33 through 36.

Page 27, line 37, delete "(d)" and insert "**(b)**".

Page 27, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 35. IC 25-34.1-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) The approval for a sponsor for

~~(1) a salesperson's course expires December 31 each odd-numbered year; and~~

~~(2)~~ a broker's course expires December 31 each even-numbered year.

(b) A sponsor must submit:
(1) a letter requesting renewal of approval; and
(2) the renewal fee;
at least thirty (30) days before a sponsor's approval expires.".

Page 28, delete lines 23 through 33 and insert:

"SECTION 38. IC 25-34.1-10-7.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7.5. As used in this chapter, "managing broker" means a broker who manages a branch office or who acts on behalf of a principal broker.~~

SECTION 39. IC 25-34.1-10-7.8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7.8. As used in this chapter, "principal broker" means the individual broker (including the broker designated or representative of a partnership, corporation, or limited liability company) whom the Indiana real estate commission shall hold responsible for the actions of licensees who are affiliated with the individual broker.~~".

Page 29, line 9, strike "principal".

Page 29, line 10, reset in roman "managing".

Page 35, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 44. IC 32-28-12.5-2, AS ADDED BY P.L.78-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. As used in this chapter, "fees or commissions" means compensation owed to a ~~principal~~ **managing** broker for performing services requiring a license under IC 25-34.1-3-2.".

Page 41, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 52. IC 32-28-12.5-12, AS ADDED BY P.L.78-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A notice of lien recorded under this chapter must:
(1) state:
(A) the name of the claimant;
(B) the name of the owner of the commercial real estate upon which the lien is claimed;
(C) a legal description of the commercial real estate upon which the lien is claimed;
(D) the amount for which the lien is claimed; and
(E) the license number of the ~~principal~~ **managing** broker's license under IC 25-34.1;
(2) contain a statement that the information contained in the notice is true and accurate to the knowledge of the signatory;
(3) be signed by the ~~principal~~ **managing** broker or by a person authorized to sign on behalf of the ~~principal~~ **managing** broker; and
(4) be verified.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred House Bill 1112, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 8-1-32.4-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.2. As used in this chapter, "communications service provider" has the meaning set forth in IC 8-1-32.6-3.**".

Page 4, delete lines 9 through 33, begin a new paragraph and insert:

"~~(b) In a proceeding under this section,~~ **(a)** The commission may declare in accordance with IC 8-1-2-113 that an emergency exists ~~and~~ **in an area in Indiana that is not served by any communications service provider offering voice service through any technology or medium. If the commission declares an emergency under this section, the commission may** issue any order necessary to protect the health, safety, and welfare of affected ~~customers~~ **residents or businesses** and ~~to~~ **may** expedite the ~~restoration or continuation~~ **availability** of ~~local exchange~~ **voice** service to the affected ~~customers. An order issued under this subsection may: (1) provide for the temporary operation of the facilities based local exchange carrier's facilities by any provider, including a provider that has not been issued a certificate of territorial authority by the commission; (2) authorize one (1) or more third parties to enter the premises of any abandoned facilities; or (3) grant temporary waivers from quality of service requirements for any provider: (A) providing service under subdivision (1); or (B) designated as a successor provider by the commission under subsection (c). (c) Except as provided in IC 8-1-32.6-8 or section 16 of this chapter, the commission may act under section 14 of this chapter to designate a successor provider in any proceeding under this section.~~ **residents or businesses.**

(b) If the commission authorizes a communications service provider to offer voice service under this section, the commission shall permit the communications service provider to offer the voice service through any available technology or medium determined by the communications service provider.".

Page 4, line 42, delete "communications service providers" and insert "**ETC eligible communications service providers,**".

Page 5, line 1, delete "(as defined in IC 8-1-32.6-3),".

Page 5, line 7, delete "2013," and insert "**2014,**".

Page 5, between lines 16 and 17, begin a new paragraph and insert:

"**(d) As used in this section, "ETC eligible communications service provider" means a communications service provider that provides, using any available technology or medium, the voice telephony services described in 47 CFR 54.101, regardless of whether the communications service provider has been designated as an eligible telecommunications carrier.** ".

Renumber all SECTIONS consecutively.

(Reference is to HB 1112 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

LUTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1128, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be

amended as follows:

Page 4, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 3. IC 6-2.5-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) Except as provided in subsection (b), a distributor that prepays the state gross retail tax under this chapter shall separately state the amount of tax prepaid on the invoice the distributor issues to its purchaser or recipient. The purchaser or recipient shall pay to the distributor an amount equal to the prepaid tax.

(b) A distributor that:

(1) prepays the state gross retail tax under this chapter;

(2) is a retail merchant; and

(3) sells gasoline that is exempt from the gross retail tax, as evidenced by a purchaser's exemption certificate issued by the department;

may not require the exempt purchaser to pay the gross retail taxes prepaid in the gasoline sold to the exempt purchaser. A distributor that has prepaid gross retail taxes and has not been reimbursed because the gasoline is sold to an exempt purchaser may file a claim for a refund, ~~(in addition to any claim for a refund under section 6 of this chapter),~~ if the amount of unreimbursed prepaid gross retail taxes exceeds five hundred dollars ($500). A claim for a refund must be on the form approved by the department and include all supporting documentation reasonably required by the department. If a distributor files a completed refund claim form that includes all supporting documentation, the department shall authorize the auditor of state to issue a warrant for the refund.

SECTION 4. IC 15-15-12-13, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. As used in this chapter, "producer" means a person engaged in the business of producing and marketing corn in Indiana under:

(1) the producer's own name; **or**

(2) the name of an entity in which the producer has ownership.".

Page 4, line 35, after "producers;" insert "**and**".

Page 4, delete line 36.

Page 4, line 37, delete "(5)" and insert "**(4)**".

Page 4, line 38, delete "years; and" and insert "**years.**".

Page 4, delete lines 39 through 40.

Page 4, line 41, delete "(c)", begin a new paragraph and insert:

"(c)".

Page 7, delete lines 27 through 41, begin a new paragraph and insert:

"(b) The first purchaser of a quantity of corn shall deduct the assessment on the corn from the money to be paid to the producer based on the sale of the corn. A first purchaser shall accumulate assessments collected under this subsection throughout each of the following periods:

(1) January, February, and March.

(2) April, May, and June.

(3) July, August, and September.

(4) October, November, and December.

(c) At the end of each period, the first purchaser shall remit to the council all assessments collected during the period. A first purchaser who remits all assessments collected during a period within thirty (30) days after the end of the period is entitled to retain three percent (3%) of the total of the assessments as a handling fee.

(d) The assessment on the sale of the corn must occur when the payment for the corn is received by the producer.".

Page 7, line 42, delete "(d)" and insert "**(e)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1128 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

LEHE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1129, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, delete "application," and insert "**registration,**".

Page 6, line 23, strike "pesticides.".

Page 6, line 23, delete ".".

Page 6, line 24, after "only." insert "**pesticide products.**".

Page 11, line 25, after "any pesticide" insert "**product**".

Page 11, line 25, before "containers" insert "**product**".

Page 13, line 28, strike "pesticides." and insert "**pesticide products.**".

(Reference is to HB 1129 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

LEHE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1136, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

NOE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1148, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1154, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1173, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1186, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1190, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 17, nays 1.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred House Bill 1201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"**Sec. 3. As used in this chapter, "I-Light" refers to the high speed communications network that connects state educational institutions and private postsecondary educational institutions throughout Indiana. The term includes the networks, and any successor networks, known at any time as I-Light or I-Light 2, or any other version or iteration of those names, or by any other designation.**".

Page 1, line 10, delete "3." and insert "**4.**".

Page 2, line 1, delete "I-Light (as defined in IC 21-28-5-14)." and insert "**I-Light.**".

Page 2, line 2, delete "4." and insert "**5.**".

Page 2, line 3, delete "the state may not" and insert "**I-Light may not be used to**".

Page 2, line 6, after "prohibit" insert "**the use of I-Light for**".

Page 2, line 7, delete "state from providing" and insert "**provision of**".

Page 2, line 10, delete "state from providing" and insert "**provision of**".

Page 2, delete lines 14 through 24.

Page 3, line 6, after "networks" insert "**, and any successor networks,**".

(Reference is to HB 1201 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

LUTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1204, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 11-8-8-4.5, AS ADDED BY P.L.216-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2).
(3) Child molesting (IC 35-42-4-3).
(4) Child exploitation (IC 35-42-4-4(b)).
(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
(6) Child solicitation (IC 35-42-4-6).
(7) Child seduction (IC 35-42-4-7).
(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
(A) the person is convicted of sexual misconduct with a minor as a Class C felony;
(B) the person is not more than:
(I) four (4) years older than the victim if the offense was committed after June 30, 2007; or
(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
(C) the sentencing court finds that the person should not be required to register as a sex offender.
(9) Incest (IC 35-46-1-3).
(10) Sexual battery (IC 35-42-4-8).
(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
(13) Possession of child pornography (IC 35-42-4-4(c)).
(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.
(18) Sexual misconduct by a service provider (IC 35-44-1-5).
~~(18)~~ **(19)** An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(17).~~ **(18).**
~~(19)~~ **(20)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(18).~~ **(19).**

(b) The term includes:
(1) a person who is required to register as a sex offender in any jurisdiction; and
(2) a child who has committed a delinquent act and who:
(A) is at least fourteen (14) years of age;
(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an

offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 2. IC 11-8-8-5, AS AMENDED BY P.L.216-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2).
(3) Child molesting (IC 35-42-4-3).
(4) Child exploitation (IC 35-42-4-4(b)).
(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
(6) Child solicitation (IC 35-42-4-6).
(7) Child seduction (IC 35-42-4-7).
(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
(A) the person is convicted of sexual misconduct with a minor as a Class C felony;
(B) the person is not more than:
(I) four (4) years older than the victim if the offense was committed after June 30, 2007; or
(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
(C) the sentencing court finds that the person should not be required to register as a sex offender.
(9) Incest (IC 35-46-1-3).
(10) Sexual battery (IC 35-42-4-8).
(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
(13) Possession of child pornography (IC 35-42-4-4(c)).
(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.
(18) Murder (IC 35-42-1-1).
(19) Voluntary manslaughter (IC 35-42-1-3).
(20) Sexual misconduct by a service provider (IC 35-44-1-5).
~~(20)~~ **(21)** An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(19).~~ **(20).**
~~(21)~~ **(22)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(20).~~ **(21).**

(b) The term includes:
(1) a person who is required to register as a sex or violent offender in any jurisdiction; and
(2) a child who has committed a delinquent act and who:
(A) is at least fourteen (14) years of age;
(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.".

Page 3, delete lines 40 through 42, begin a new paragraph and insert:

"(b) If a court grants an offender's petition filed under section 22 of this chapter, an offender's duty to register expires due to the passage of time, or an offender's duty to register under section 7(a) of this chapter has ended due to a change in the offender's place of residence, employment, vocation, or educational enrollment:
(1) the offender is no longer:
(A) required to:
(I) register; or
(ii) update the offender's registration;
under sections 4, 7, 8, and 14 of this chapter;
(B) required to report to a local law enforcement authority if the offender:
(I) changes the offender's residence address or the place where the offender stays in Indiana;
(ii) changes the offender's place of employment, place of vocation, or campus or location where the offender is enrolled in school; or
(iii) changes or obtains a new electronic mail address, instant messaging username, electronic chat room username, or social networking web site username;
under section 11 of this chapter;
(C) required to:
(I) register with a local law enforcement authority if the offender resides in a temporary residence; or
(ii) if the offender does not have a principal residence or temporary residence, report to a local law enforcement authority to report an address for the location where the offender will stay during the time in which the offender lacks a principal address or temporary residence;
under section 12 of this chapter;
(D) required to obtain and keep in the offender's possession:
(I) a valid Indiana driver's license or a valid Indiana identification card if the offender is a resident of Indiana; or
(ii) if the offender is not a resident of Indiana, a valid driver's license or a valid state issued identification card issued by the state in which the offender resides;
under section 15 of this chapter;
(E) prohibited from petitioning for a change of name and no longer required to register after a name change due to marriage under section 16 of this chapter; and
(F) required to inform local law enforcement authorities when the offender will be absent from the offender's principal residence for more than seventy-two (72) hours under section 18 of this chapter; and
(2) the local law enforcement authority that has jurisdiction over the area of the offender's principal

address or location is no longer required to:
(A) mail a form to the offender; and
(B) personally visit the offender;
to verify the offender's current residence under section 13 of this chapter.".

Page 4, delete lines 1 through 7.

Page 4, line 8, delete "subsection (d)," and insert "**subsections (d) and (e),**".

Page 4, line 10, after "sex" insert "**and violent**".

Page 4, line 12, after "sex" insert "**and violent**".

Page 4, delete lines line 16 through 19, begin a new paragraph and insert:

"**(e) If:**
(1) an offender is required to register under this chapter because the offender was convicted of the offense of sexual misconduct with a minor (IC 35-42-4-9);
(2) the court grants a petition under section 22(g) of this chapter filed by the offender; and
(3) when the court grants the petition, the court finds that:
(A) the offender was not more than four (4) years older than the victim at the time of the offense;
(B) the relationship between the offender and the victim was a dating relationship or an ongoing personal relationship, not including a family relationship, at the time of the offense;
(C) the offense:
(i) was not committed by an offender who was at least twenty-one (21) years of age at the time of the offense;
(ii) was not committed by using or threatening the use of deadly force;
(iii) was not committed while armed with a deadly weapon;
(iv) did not result in serious bodily injury;
(v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and
(vi) was not committed by an offender who had a position of authority or substantial influence over the victim at the time of the offense; and
(D) the offender has not committed another sex offense (as defined in section 5.2 of this chapter) (including a delinquent act that would be a sex offense if committed by an adult) against any other person;
the court shall order that the offender is no longer required to register or update the offender's registration under this chapter as provided in subsection (b), notwithstanding sections 4.5(a)(8) and 5(a)(8) of this chapter, and the court shall order that all information concerning the offender shall be removed from the Indiana sex and violent offender registry.

(f) If an offender is no longer required to update the offender's registration under this chapter, any information concerning the offender that remains available for public inspection on the Indiana sex and violent offender registry shall prominently display:
(1) the last date the information was updated; and
(2) if the information includes a photograph of the offender:
(A) the date the photograph was made available for public inspection; and
(B) the age of the offender on the date the photograph was taken.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1204 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1207, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, delete lines 18 through 36.

Renumber all SECTIONS consecutively.

(Reference is to HB 1207 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 5, nays 3.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1211, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1223, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1226, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 31, between lines 19 and 20, begin a new paragraph and insert:

"**(f) For each person that provides one (1) or more certified prelicensing courses of study, the commissioner shall annually determine, of all individuals who received classroom instruction in the certified prelicensing courses of study provided by the person, the percentage who passed the examination required by IC 27-1-15.6-5. The commissioner shall determine only one (1) passing percentage under this subsection for all lines of insurance described in IC 27-1-15.6-7(a) for which the person provides classroom instruction in certified prelicensing courses of study.**".

Page 31, line 20, strike "(f)" and insert "**(g)**".

Page 31, line 27, after "if" insert "**the passing percentage calculated under subsection (f) is**".

Page 31, line 28, delete "of the individuals who take the" and insert "**.**".

Page 31, delete lines 29 through 30.
Page 31, line 31, strike "(g)" and insert "**(h)**".
Page 34, delete lines 8 through 23.
Page 34, line 27, delete "from" and insert "**that:**
(1) is made by".
Page 34, line 28, after "department" insert "**; and**
(2) meets the requirements of subsection (b);".
Page 34, line 28, beginning with "not" begin a new line blocked left.
Page 34, line 30, after "(b)" insert "**A written inquiry or request described in subsection (a) must do all of the following:**
(1) Be addressed to the individual who holds the position that the company has designated as the position reasonably capable of processing such an inquiry or request.
(2) Specify that the inquiry or request is made under this section.
(3) Specify the penalty described in subsection (d) to which the company is subject for noncompliance with the inquiry or request.
(4) Numerically list the questions to which a response is requested.
(c)".
Page 34, line 32, delete "." and insert "**or waive all or any part of a civil penalty described in subsection (d).**".
Page 34, line 33, delete "(c)" and insert "**(d)**".
Page 34, line 35, after "." insert "**A civil penalty assessed under this subsection may not exceed three thousand dollars ($3,000).**
(e)".
Page 34, line 36, delete "subsection" and insert "**section**".
Page 35, line 4, after "." insert "**However, the term does not include the coverages described in IC 27-8-5-2.5(a).**".
Page 35, line 15, delete "JULY 1, 2012]:" and insert "JANUARY 1, 2013]:".
Page 39, line 14, delete "JULY 1, 2012]:" and insert "JANUARY 1, 2013]:".
Page 41, delete lines 32 through 35, begin a new line block indented and insert:
"**(1) comprised of regulators, including other state, federal, and international regulators, responsible for the supervision of:**
(A) a domestic insurer that is part of an insurance holding company system that has international operations;
(B) an insurance holding company system described in clause (A); or
(C) an affiliate of:
(I) a domestic insurer described in clause (A); or
(ii) an insurance holding company system described in clause (B); and".
Page 47, line 7, delete "(19)".
Page 55, line 22, delete "in violation of" and insert "**required by**".
Page 57, line 23, delete "the" and insert "**an agreement that was previously filed under this section is terminated, the domestic insurer shall send written notice of the termination to the commissioner. The commissioner shall determine whether a filing concerning the termination is required and shall notify the domestic insurer of the commissioner's determination.**".
Page 57, delete lines 24 through 26.
Page 59, line 15, delete "in violation of" and insert "**as required by**".
Page 61, line 33, delete "6(c)(4)" and insert "**6**".
Page 62, line 6, after "treatment" insert "**and privileged**".
Page 62, line 12, delete "subsection (c)." and insert "**subsections (c) and (d).**".
Page 62, line 21, delete "acting under the" and insert "**:**".
Page 62, delete line 22.
Page 62, line 23, delete ";" and insert "**while acting under the authority of the commissioner;**".
Page 62, line 34, after "authority" insert "**,**".
Page 62, line 35, after "confidential" insert "**and privileged**".
Page 63, line 2, after "confidential" insert "**and privileged**".
Page 63, line 14, delete "privileged and confidential" and insert "**confidential or privileged**".
Page 63, line 20, delete "(4) Enter", begin a new paragraph and insert:
"**(d) The commissioner shall enter**".
Page 63, line 23, delete "(A)", begin a new line block indented and insert:
"**(1)**".
Page 63, line 25, delete "(I)", begin a new line double block indented and insert:
"**(A)**".
Page 63, line 27, delete "(ii)", begin a new line double block indented and insert:
"**(B)**".
Page 63, line 29, delete "(B)", begin a new line block indented and insert:
"**(2)**".
Page 63, line 32, delete "(I)", begin a new line double block indented and insert:
"**(A)**".
Page 63, line 34, delete "(ii)", begin a new line double block indented and insert:
"**(B)**".
Page 63, line 36, delete "(C)", begin a new line block indented and insert:
"**(3)**".
Page 63, line 41, delete "(D)", begin a new line block indented and insert:
"**(4)**".
Page 64, line 6, delete "(d)" and insert "**(e)**".
Page 64, line 10, delete "(e)" and insert "**(f)**".
Page 64, line 14, delete "(f)" and insert "**(g)**".
Page 64, line 17, delete "not subject to IC 5-14-3;" and insert "**privileged;**".
Page 66, between lines 20 and 21, begin a new paragraph and insert:
"SECTION 22. IC 27-6-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a)** As used in this chapter, "accredited reinsurer" means an insurer that:
(1) files with the commissioner evidence of the insurer's submission to Indiana jurisdiction;
(2) submits to Indiana authority to examine the insurer's books and records;
(3) is:
(A) licensed to transact insurance or reinsurance in at least one (1) state; or
(B) in the case of a United States branch of an alien ~~company (as defined in IC 27-1-2-3),~~ **assuming insurer,** entered through and licensed to transact insurance or reinsurance in at least one (1) state; ~~and~~
(4) files annually with the commissioner a copy of the insurer's annual statement filed with the insurance department of the insurer's state of domicile and a copy of the insurer's most recent audited financial statement; and
(5) demonstrates to the commissioner's satisfaction that the insurer:
(A) has adequate financial capacity to meet the insurer's reinsurance obligations; and
(B) is otherwise qualified to assume reinsurance from domestic insurers.

(b) An assuming insurer is considered to meet the requirement specified in subsection (a)(5) as of the time of the assuming insurer's application for accreditation if:

~~(A)~~ **(1) the assuming insurer** maintains a surplus as regards policyholders in an amount not less than twenty million dollars ($20,000,000); and ~~whose~~

(2) the assuming insurer's accreditation has not been denied by the commissioner within ninety (90) days ~~of~~ **after** submission ~~or~~

~~(B) maintains a surplus as regards policyholders in an amount less than twenty million dollars ($20,000,000) and whose accreditation has been approved by the commissioner.~~

of the assuming insurer's application.

SECTION 23. IC 27-6-10-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.2. As used in this chapter, "certified reinsurer" means an assuming insurer that is certified by the commissioner under section 11.5 of this chapter.**

SECTION 24. IC 27-6-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in section ~~14(c)~~ **14(c)(3)** of this chapter, "qualified United States financial institution" means an institution that:

(1) is organized, or in the case of a United States office of a foreign banking organization licensed, under the laws of the United States or any state thereof;

(2) is regulated, supervised, and examined by United States federal or state authorities having regulatory authority over banks and trust companies; and

(3) has been determined by the commissioner or the Securities Valuation Office of the National Association of Insurance Commissioners to meet the standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.

SECTION 25. IC 27-6-10-7, AS AMENDED BY P.L.11-2011, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. Credit for reinsurance shall be allowed to any domestic ceding insurer as either an asset or a ~~deduction~~ **reduction** from liability on account of reinsurance ceded only ~~when:~~ **as follows:**

(1) The reinsurer meets the requirements of **one (1) of the following:**

(A) **Only with respect to cessions of the kind of insurance or reinsurance business for which the assuming insurer is licensed or otherwise permitted to assume in:**

(I) the assuming insurer's state of domicile; or

(ii) with respect to a United States branch of an alien assuming insurer, the state through which the alien assuming insurer is entered and licensed to engage in the business of insurance or reinsurance;

section 8, **9, or 10** of this chapter.

~~(B) section 9 of this chapter;~~

~~(C)~~ **(B)** Sections 10 and 12 of this chapter.

~~(D)~~ **(C)** Sections 11 and 12 of this chapter.

(D) Section 11.5 of this chapter.

~~(E)~~ **(E)** Section 13 of this chapter. ~~or~~

~~(F) section 16 of this chapter; and~~

(2) The reinsurance contract provides in substance that, in the event of the insolvency of the ceding insurer, the reinsurance is payable under a contract reinsured by the assuming insurer on the basis of reported claims allowed in the liquidation proceedings, subject to court approval, without diminution because of the insolvency of the ceding insurer. Payments under this subdivision must be made directly to the ceding insurer or to the ceding insurer's domiciliary liquidator except as provided in IC 27-9-3-30.1. The reinsurance agreement may provide that the domiciliary liquidator of an insolvent ceding insurer shall give written notice to an assuming insurer of the pendency of a claim against the ceding insurer on the contract reinsured within a reasonable time after the claim is filed in the liquidation proceeding. During the pendency of the claim, any assuming insurer may investigate the claim and interpose in the proceeding where the claim is to be adjudicated, at the assuming insurer's expense, any defenses that the assuming insurer considers available to the ceding insurer or the liquidator. If two (2) or more assuming insurers are involved in the same claim and a majority in interest elect to interpose a defense to the claim, the expense must be apportioned under the terms of the reinsurance agreement as though the expense had been incurred by the ceding insurer.

SECTION 26. IC 27-6-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. As provided in section 7 of this chapter, credit for reinsurance shall be allowed a domestic ceding insurer when the reinsurance is ceded to an assuming insurer that is an accredited reinsurer in Indiana. ~~No credit shall be allowed a domestic ceding insurer if the assuming insurer's accreditation has been revoked by the commissioner after notice and hearing.~~

SECTION 27. IC 27-6-10-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. As provided in section 7 of this chapter, credit shall be allowed a domestic ceding insurer when the reinsurance is ceded to an assuming insurer:

(1) that:

(A) is domiciled ~~and licensed~~ in; or

(B) in the case of a United States branch of an alien ~~company (as defined in IC 27-1-2-3),~~ **assuming insurer,** is entered through;

a state that employs standards regarding credit for reinsurance substantially similar to those applicable under this chapter;

(2) that:

(A) maintains a surplus as regards policyholders in an amount not less than twenty million dollars ($20,000,000); and

(B) submits to the authority of Indiana to examine the insurer's books and records;

provided, however, that the requirement of clause (A) does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system; and

(3) that complies with section 12 of this chapter.

SECTION 28. IC 27-6-10-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) As provided in section 7 of this chapter **and subject to section 13.3 of this chapter,** credit for reinsurance shall be allowed a domestic ceding insurer when the reinsurance is ceded to an assuming insurer that maintains a trust fund in a qualified United States financial institution (as defined in section 6 of this chapter) for the payment of the valid claims of its United States ~~policyholders and~~ ceding insurers, their assigns, and successors in interest, and the assuming insurer complies with section 12 of this chapter. In order for the commissioner to determine the sufficiency of the trust fund, the assuming insurer shall report annually to the commissioner substantially the same information as that required to be reported by licensed insurers on the National Association of Insurance Commissioners' annual statement form. **The assuming insurer shall submit to the examination of the assuming insurer's books and records by**

the commissioner and shall bear the expense of the examination. A trust maintained under this section shall comply with the provisions of this section.

(b) The form of a trust described in subsection (a) and any amendments to the trust must:

(1) have been approved by:

(A) the commissioner of the state where the trust is domiciled; or

(B) the commissioner of another state who, under the terms of the trust instrument, has accepted principal regulatory oversight of the trust; and

(2) be filed with the commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled.

~~(b) A trust shall comply with~~ **(c)** The following **requirements apply to the following categories of assuming insurer:**

(1) In the case of a trust of a single assuming insurer, **the following apply:**

(A) The trust **fund** shall consist of ~~a trusteed account representing~~ **funds in trust in an amount not less than** the assuming insurer's liabilities attributable to ~~business written in the~~ **reinsurance ceded by** United States ~~and~~ **ceding insurers.**

(B) **Except as provided in clause (C),** the assuming insurer shall maintain a trusteed surplus of not less than twenty million dollars ($20,000,000).

(C) After the assuming insurer has, for at least three (3) full years, permanently discontinued underwriting new business secured by the trust and the commissioner that has principal regulatory oversight of the trust has performed a risk assessment:

(I) that may involve an actuarial review, including an independent analysis of reserves and cash flows; and

(ii) that considers all material risk factors, including the lines of business involved, the stability of the incurred loss estimates, and the effect of the surplus requirements specified in clause (B) on the assuming insurer's liquidity or solvency;

and determined that a surplus level that is less than the amount required by clause (B) is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development, the commissioner may authorize a reduction in the trusteed surplus amount required by clause (B). However, the amount required by clause (B) may not be reduced to an amount less than thirty percent (30%) of the assuming insurer's liabilities that are attributable to reinsurance ceded by United States ceding insurers covered by the trust.

(2) In the case ~~of a trust~~ of a group including incorporated and individual unincorporated underwriters that ~~are~~ **is** an assuming insurer, **the following apply:**

(A) **For reinsurance ceded under reinsurance agreements with an inception, amendment, or renewal date after December 31, 1992,** the trust shall consist of a trusteed account ~~representing the liabilities of the group attributable to business written in the~~ **in an amount not less than the respective underwriters' several liabilities attributable to business ceded by** United States **ceding insurers to any underwriter of the group.**

(B) Notwithstanding any other provision of this chapter, for reinsurance ceded under reinsurance agreements with an inception date before January 1, 1993, and not amended or renewed after December 31, 1992, the trust shall consist of a trusteed account in an amount not less than the respective underwriters' several insurance and reinsurance liabilities attributable to business written in the United States.

~~(B)~~ **(C) In addition to the trusts described in clauses (A) and (B),** the group shall maintain **in trust** a trusteed surplus of which one hundred million dollars ($100,000,000) shall be held jointly for the benefit of United States ceding insurers of any member of the group ~~and~~ **for all years of account.**

~~(C)~~ **(D)** The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of ~~solvency~~ regulation and **solvency** control by the group's domiciliary regulator as are the unincorporated members.

~~The group shall make available to the commissioner an annual certification of the solvency of each underwriter by the domiciliary regulator of the group and its independent public accountants.~~ **Not more than ninety (90) days after the group's financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the commissioner an annual certification by the group's domiciliary regulator of the solvency of each underwriter member. However, if a certification is unavailable, the group shall provide to the commissioner financial statements of each underwriter member of the group, prepared by independent public accountants.**

(3) In the case ~~of a trust~~ of a group of incorporated ~~insurers~~ **underwriters** under common administration that ~~are~~ **is** an assuming insurer,

~~(A)~~ the group:

~~(i) shall report annually to the commissioner as required under subsection (a);~~

~~(ii)~~ **(A)** must have continuously transacted an insurance business outside the United States for at least three (3) years immediately before making application for accreditation;

~~(iii) shall submit to Indiana's authority to examine the books and records of the group and bear the expense of the examination;~~

~~(iv)~~ **(B)** shall ~~have~~ **maintain** an aggregate policyholders' surplus of **at least** ten billion dollars ($10,000,000,000); ~~and~~

(C) shall maintain a trust fund in an amount not less than the group's several liabilities attributable to business ceded by United States ceding insurers to any member of the group under reinsurance contracts issued in the name of the group;

~~(v)~~ **(D)** shall maintain a joint trusteed surplus of which one hundred million dollars ($100,000,000) shall be held jointly for the benefit of United States ceding insurers of any member of the group as additional security for any such liabilities; **and**

~~(B) each member of the group~~ **(E)** shall, **not more than ninety (90) days after the group's financial statements are due to be filed with the group's domiciliary regulator,** make available to the commissioner:

(I) an annual certification of ~~the~~ **each underwriter** member's solvency by the member's domiciliary regulator; and ~~its~~

(ii) financial statements of each underwriter member of the group prepared by the member's independent public accountant. ~~and~~

~~(C) The trust shall be in an amount equal to the several~~

~~liabilities of the group attributable to business ceded by United States ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of such group.~~

~~(c) A trust shall be in a form approved by the commissioner.~~

(d) The trust instrument of a trust shall provide that contested claims are valid and enforceable upon the final order of any court with jurisdiction in the United States.

(e) A trust shall vest legal title to the trust's assets in the trustees of the trust for the ~~trust's United States policyholders and~~ **benefit of the assuming insurer's United States** ceding insurers, their assigns, and successors in interest.

(f) A trust and the assuming insurer shall be subject to examination as determined by the commissioner.

(g) A trust shall remain in effect for as long as the assuming insurer ~~shall have~~ **has** outstanding obligations due under the reinsurance agreements subject to the trust.

(h) Not later than February 28 of each year the ~~trustees~~ **trustee** of a trust permitted under this section shall report in writing to the commissioner the following information:

(1) The balance of the trust.

(2) A listing of the trust's investments at the preceding year end.

(3) A certification of the date of termination of the trust, if applicable, or a certification that the trust shall not expire before **the following** December 31.

(I) Credit may only be permitted under this section if an assuming insurer also complies with section 12 of this chapter.

SECTION 29. IC 27-6-10-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 11.5. (a) As provided in section 7 of this chapter and subject to section 13.3 of this chapter, credit for reinsurance shall be allowed a domestic ceding insurer when the reinsurance is ceded to an assuming insurer that:**

(1) has been certified as a certified reinsurer by the commissioner in Indiana; and

(2) secures the assuming insurer's obligations as required by this section.

(b) An assuming insurer must do all of the following to be eligible for certification under this section:

(1) Be domiciled and licensed to engage in insurance or reinsurance business in a jurisdiction that has been determined under subsection (d) or (e) by the commissioner to be a qualified jurisdiction.

(2) Maintain minimum capital and surplus, or the equivalent, in an amount determined by the commissioner in rules adopted under IC 4-22-2.

(3) Maintain financial strength ratings from at least two (2) rating agencies that the commissioner determines acceptable under rules adopted under IC 4-22-2.

(4) Agree to submit to the jurisdiction of Indiana.

(5) Appoint the commissioner as the assuming insurer's agent for service of process in Indiana.

(6) Agree to provide security for one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if the assuming insurer resists enforcement of a final United States judgment.

(7) Agree to meet information filing requirements determined by the commissioner, at the time of application for certification and on an ongoing basis.

(8) Satisfy any other requirements specified by the commissioner.

(c) An association that includes incorporated and individual unincorporated underwriters may be certified under this section if all of the following requirements are met:

(1) The association must meet all of the requirements described in subsection (b).

(2) The association must satisfy the association's minimum capital and surplus requirements through the capital and surplus equivalents (net of liabilities) of the association and the association's members, including a joint central fund:

(A) that may be applied to any unsatisfied obligation of the association or any of the association's members; and

(B) in an amount determined by the commissioner to provide adequate protection.

(3) The incorporated members of the association:

(A) may not engage in any business other than underwriting as a member of the association; and

(B) are subject to the same level of regulation and solvency control by the association's domiciliary regulator as the level that applies to the unincorporated members of the association.

(4) Not more than ninety (90) days after the association's financial statements are due to be filed with the association's domiciliary regulator, the association must provide to the commissioner:

(A) an annual certification by the association's domiciliary regulator of the solvency; or

(B) if a certification is unavailable, financial statements prepared by the independent public accountant;

of each underwriter member of the association.

(d) The commissioner shall create and publish a list of non-United States jurisdictions that the commissioner determines are qualified jurisdictions. The following requirements apply to the commissioner's creation, publication, maintenance, and use of the list created and published under this subsection:

(1) In determining whether a jurisdiction is a qualified jurisdiction, the commissioner shall:

(A) initially and on an ongoing basis, evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction;

(B) consider the rights, benefits, and extent of reciprocal recognition afforded by the jurisdiction to reinsurers licensed and domiciled in the United States;

(C) consider the list of qualified jurisdictions that is published by the National Association of Insurance Commissioners committee process; and

(D) consider any other factors that the commissioner considers necessary, including any of the following:

(I) The framework under which the assuming insurer is regulated.

(ii) The structure and authority of the domiciliary regulator with respect to solvency requirements and financial surveillance.

(iii) The substance of financial and operating standards for assuming insurers in the domiciliary jurisdiction.

(iv) The form and substance of financial reports required to be filed or made public by reinsurers in the domiciliary jurisdiction, and the accounting principals used.

(v) The domiciliary regulator's willingness to cooperate with United States regulators and the commissioner.

(vi) The history of performance by assuming insurers in the domiciliary jurisdiction.

(vii) Documented evidence of substantial problems in the domiciliary jurisdiction with the

enforcement of final United States judgments.
(viii) Relevant international standards or guidance with respect to mutual recognition of reinsurance supervision adopted by the International Association of Insurance Supervisors or a successor organization.
(2) A jurisdiction considered for qualification under this subsection must:
(A) agree to share information and cooperate with the commissioner with respect to all certified reinsurers that are domiciled in the jurisdiction; and
(B) not have been determined by the commissioner not to have adequately and promptly enforced final United States judgments and arbitration awards;
to be determined to be a qualified jurisdiction.
(3) If the commissioner determines that a jurisdiction is qualified, but the qualified jurisdiction does not appear on the National Association of Insurance Commissioners list described in subdivision (1)(C), the commissioner must thoroughly document the commissioner's justification for the determination in accordance with criteria established by the commissioner in rules adopted under IC 4-22-2.
(e) The commissioner:
(1) shall consider a United States jurisdiction that meets the requirements for accreditation under the National Association of Insurance Commissioners financial standards and accreditation program to be a qualified jurisdiction; and
(2) may, instead of revocation, indefinitely suspend a certified reinsurer's certification under this section if the certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction.
(f) The commissioner shall:
(1) after considering the financial strength ratings assigned to the certified reinsurer by rating agencies considered acceptable to the commissioner according to rules adopted under IC 4-22-2, assign a rating to each certified reinsurer; and
(2) publish a list of all certified reinsurers and the rating assigned to each certified reinsurer under subdivision (1).
(g) A certified reinsurer shall secure obligations assumed from United States ceding insurers under this section at a level consistent with the rating assigned by the commissioner under subsection (f), as follows:
(1) For a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security:
(A) in a form acceptable to the commissioner and consistent with section 14 of this chapter; or
(B) in a multibeneficiary trust under section 11 of this chapter.
(2) If a certified reinsurer:
(A) maintains a trust to fully secure the certified reinsurer's obligations under section 11 of this chapter; and
(B) chooses to secure the certified reinsurer's obligations incurred as a certified reinsurer under this section in the form of a multibeneficiary trust;
the certified reinsurer shall maintain separate trust accounts for the certified reinsurer's obligations under section 11 of this chapter and for the certified reinsurer's obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security under this section or comparable laws of other United States jurisdictions.
(3) If a certified reinsurer described in subdivision (2) has not agreed:
(A) in the language of the trust; and
(B) under an agreement with the commissioner that has principal regulatory oversight of each trust account described in subdivision (2);
to fund, upon termination of any of the trust accounts and from the surplus of the terminated trust account, any deficiency of any of the other trust accounts, the commissioner shall revoke the certified reinsurer's certification under this section.
(4) The minimum trusteed surplus requirements of section 11 of this chapter do not apply with respect to a multibeneficiary trust that is maintained by a certified reinsurer for the purpose of securing obligations incurred by the certified reinsurer under this section. However, the multibeneficiary trust must maintain a minimum trusteed surplus of at least ten million dollars ($10,000,000).
(5) If the security for obligations incurred by a certified reinsurer under this section is insufficient, the commissioner:
(A) shall reduce the allowable credit by an amount in proportion to the deficiency; and
(B) may impose further reductions in the allowable credit if the commissioner determines that a material risk exists that the certified reinsurer's obligations will not be paid in full when the obligations are due.
(6) If the certification of an assuming insurer under this section is revoked, suspended, inactivated, or voluntarily surrendered, the commissioner shall, for purposes of reinsurance in force:
(A) except as provided in clause (B), regulate the assuming insurer as if the assuming insurer were a certified reinsurer; and
(B) require that the assuming insurer provide security for one hundred percent (100%) of the assuming insurer's obligations attributable to the reinsurance in force.
However, clause (B) does not apply to an assuming insurer after certification is suspended or inactivated if, after suspension or inactivation, the commissioner assigns a new rating to the assuming insurer that is higher than the rating assigned under subsection (f)(1) before certification was suspended or inactivated.
(h) If an assuming insurer that applies for certification under this section is a certified reinsurer in a jurisdiction that is accredited by the National Association of Insurance Commissioners, the commissioner may:
(1) defer to the:
(A) accredited jurisdiction's certification of the assuming insurer; and
(B) rating assigned to the assuming insurer by the accredited jurisdiction; and
(2) consider the assuming insurer a certified reinsurer in Indiana without the assuming insurer meeting the requirements of subsection (b)(2) and (b)(3).
(I) A certified reinsurer that ceases to assume new business in Indiana may request that the commissioner allow the certified reinsurer to maintain certification in inactive status to continue to qualify for the reduction in security for the certified reinsurer's in-force business in Indiana. If inactive status is granted by the commissioner, the certified reinsurer shall continue to comply with this section and the commissioner shall, after considering the reasons that the certified reinsurer has ceased assuming new business in Indiana, assign a new rating to the certified reinsurer.

(j) If a certified reinsurer continues throughout the year to pay claims in a timely manner, the certified reinsurer is not, for one (1) year after the date of the first liability reserve entry by a ceding company resulting from a loss from a catastrophic occurrence recognized by the commissioner, required to post security for the catastrophe recoverables in the following lines of business (as reported on the National Association of Insurance Commissioners annual financial statement and specifically related to the catastrophic occurrence):

(1) Fire.
(2) Allied lines.
(3) Farmowners multiple peril.
(4) Homeowners multiple peril.
(5) Commercial multiple peril.
(6) Inland marine.
(7) Earthquake.
(8) Motor vehicle physical damage.

SECTION 30. IC 27-6-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. If an assuming insurer is not licensed, ~~or~~ accredited, **or certified** to transact insurance or reinsurance in Indiana, the credit permitted by sections 10 and 11 of this chapter shall not be allowed unless the assuming insurer agrees in the reinsurance agreements to **all of** the following:

(1) That in the event of the failure of the assuming insurer to perform the assuming insurer's obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall:
(A) submit to the jurisdiction of any court with jurisdiction in any state of the United States;
(B) comply with all requirements necessary to give the court described in clause (A) jurisdiction; and
(C) abide by the final decision of the court or of any appellate court in the event of an appeal. ~~and~~

(2) To designate the commissioner or an attorney ~~licensed in, and having offices in, Indiana~~ as its true and lawful attorney upon whom may be served any lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding ~~company.~~ **insurer.**

This section is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if such an obligation is created in the agreement.

SECTION 31. IC 27-6-10-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. Credit shall be allowed to a domestic ceding insurer when the reinsurance is ceded to an assuming insurer not meeting the requirements of sections 8, 9, 10, ~~or~~ 11, **or 11.5 of this chapter,** but only with respect to the insurance of risks located in jurisdictions where ~~such~~ **the** reinsurance is required by applicable law or regulation of that jurisdiction.

SECTION 32. IC 27-6-10-13.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13.3. If an assuming insurer does not meet the requirements of section 8, 9, or 10 of this chapter, a credit allowed under section 11 or 11.5 of this chapter is not allowed unless the assuming insurer agrees in the trust agreements under section 11 or 11.5 of this chapter to the following:**

(1) That if the trust fund is inadequate because the:
(A) trust fund contains less than the amount required by section 11(c) of this chapter; or
(B) grantor of the trust is declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the law of the grantor's domiciliary state or country;
the trustee shall comply with an order of the commissioner that has regulatory oversight of the trust or of a court with jurisdiction directing the trustee to transfer all assets of the trust fund to the commissioner that has regulatory oversight of the trust.

(2) That:
(A) the assets of the trust will be distributed by, and claims will be filed with and valued by, the commissioner that has regulatory oversight of the trust; and
(B) the assets of the trust will be distributed under, and claims will be filed and valued under, the laws of the domiciliary state of the trust that apply to liquidation of domestic insurers.

(3) That if the commissioner that has regulatory oversight of the trust determines that any part of the assets of the trust fund is unnecessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the commissioner that has regulatory oversight of the trust shall return the unnecessary part of the assets to the trustee for distribution under the trust agreement.

(4) That the grantor of the trust waives any legal right under United States law that is inconsistent with this section.

SECTION 33. IC 27-6-10-13.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13.6. If an accredited reinsurer or a certified reinsurer ceases to meet the requirements for accreditation or certification under this chapter, the commissioner may suspend or revoke the accreditation or certification as follows:**

(1) After the reinsurer receives from the commissioner notice and the opportunity for a hearing, the commissioner may order suspension or revocation of the accreditation or certification, which takes effect after the hearing unless one (1) of the following occurs:
(A) The reinsurer waives the right to a hearing.
(B) The commissioner's order is based on:
(I) regulatory action by the reinsurer's domiciliary jurisdiction; or
(ii) the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in the reinsurer's domiciliary jurisdiction or in the reinsurer's primary certifying jurisdiction described in section 11.5(h) of this chapter.
(C) The commissioner determines that an emergency requires immediate action and a court with jurisdiction has not stayed the commissioner's action based on the determination.

(2) If a reinsurer's accreditation or certification is suspended under this section, credit for reinsurance is not allowed for a reinsurance contract that is issued or renewed by the reinsurer during the period of suspension except to the extent that the reinsurer's obligations under the reinsurance contract are secured under section 14 of this chapter.

(3) If a reinsurer's accreditation or certification is revoked under this section, credit for reinsurance is not allowed for a reinsurance contract that is issued or renewed by the reinsurer after the effective date of the revocation except to the extent that the reinsurer's obligations under the reinsurance contract are secured under section 11.5(g) or 14 of this chapter.

SECTION 34. IC 27-6-10-13.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13.8. (a) A ceding insurer shall manage the ceding insurer's reinsurance recoverables in proportion to the ceding insurer's own book of business. A domestic ceding insurer**

shall, not more than thirty (30) days after reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers:

(1) exceeds; or

(2) is determined by the domestic ceding insurer to be likely to exceed;

fifty percent (50%) of the domestic ceding insurer's last reported surplus to policyholders, notify the commissioner concerning the actual or likely exposure.

(b) A ceding insurer shall diversify the ceding insurer's reinsurance program. A domestic ceding insurer shall, not more than thirty (30) days after:

(1) ceding to any single assuming insurer or group of affiliated assuming insurers reinsurance in excess of; or

(2) determining that the reinsurance ceded to any single assuming insurer or group of affiliated assuming insurers is likely to exceed;

twenty percent (20%) of the domestic ceding insurer's gross written premium in the preceding calendar year, notify the commissioner concerning the actual or likely exposure.

(c) A notice required by subsection (a) or (b) must include evidence that the domestic ceding insurer is safely managing the actual or likely exposure.

SECTION 35. IC 27-6-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) **An asset or** a reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of section 8, 9, 10, 11, **11.5,** 12, ~~or~~ 13, **13.3, 13.6, or 13.8** of this chapter shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer.

(b) The reduction permitted under subsection (a) shall be in the amount of funds held by or on behalf of the ceding insurer, **including funds held in trust for the ceding insurer,** under a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder. The security must be held:

(1) in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; ~~A reduction under this section is permitted in the amounts held by or on behalf of the ceding insurer in~~ **or**

(2) in the case of a trust, ~~for the ceding insurer held~~ in a qualified United States financial institution (as defined in section 6 of this chapter).

(c) The security described under subsection (b) may be in the following forms:

(1) Cash.

(2) Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners, **including securities that are considered exempt from filing (as defined by the Purposes and Procedures Manual of the Securities Valuation Office),** and qualifying as admitted assets.

(3) Clean, irrevocable, unconditional letters of credit:

(A) issued or confirmed by a qualified United States financial institution (as defined in section 5 of this chapter);

(B) effective not later than December 31 in the year for which **the** filing is being made; and

(C) in the possession of **or in trust for** the ceding ~~company~~ **insurer** on or before the filing date of **it's the ceding insurer's** annual statement.

Letters of credit that meet applicable standards of issuer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing (or confirming) institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until the earlier of their expiration, extension, renewal, modification, or amendment.

(4) Any other form of security acceptable to the commissioner.

SECTION 36. IC 27-6-10-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16. (a) The commissioner may, after making the considerations required by subsection (b) and ensuring compliance as required by subsection (c), allow credit for reinsurance ceded by a domestic ceding insurer to an assuming insurer or group of assuming insurers that:~~

~~(1) does not meet the requirements of sections 8 through 13 of this chapter; and~~

~~(2) holds surplus or the equivalent in excess of two hundred fifty million dollars ($250,000,000).~~

~~(b) The commissioner shall consider the following before allowing credit for reinsurance under subsection (a):~~

~~(1) Whether the assuming insurer:~~

~~(A) individually; or~~

~~(B) with the assuming insurer's parent and affiliated reinsurers, as determined appropriate by the commissioner;~~

~~has a secure financial strength rating from at least two (2) nationally recognized statistical rating organizations that the commissioner considers acceptable.~~

~~(2) The domiciliary regulatory jurisdiction of the assuming insurer.~~

~~(3) The structure and authority of the domiciliary regulator with regard to solvency regulation requirements and the financial surveillance of the assuming insurer.~~

~~(4) The substance of financial and operating standards for assuming insurers in the domiciliary jurisdiction.~~

~~(5) The form and substance of:~~

~~(A) financial reports required to be filed by the assuming insurer in the domiciliary jurisdiction; or~~

~~(B) other public financial statements filed in accordance with generally accepted accounting principles.~~

~~(6) The domiciliary regulator's willingness to cooperate with United States regulators in general, and the commissioner in particular.~~

~~(7) The history of performance by reinsurers in the domiciliary jurisdiction.~~

~~(8) Documented evidence of substantial problems with the enforcement of valid United States judgments in the domiciliary jurisdiction.~~

~~(9) Other matters that the commissioner considers relevant.~~

~~(c) The commissioner shall ensure that an assuming insurer or group of assuming insurers has complied with the following before allowing credit for reinsurance under subsection (a):~~

~~(1) The assuming insurer has submitted to the commissioner, in a form prescribed by the commissioner, a stipulation that the assuming insurer:~~

~~(A) submits to the jurisdiction of the courts of the United States;~~

~~(B) appoints an agent for service of process in the United States; and~~

~~(C) agrees to post one hundred percent (100%) collateral for the assuming insurer's United States liabilities if the assuming insurer resists enforcement of a final judgment of a court of the United States.~~

~~(2) The assuming insurer has filed with the commissioner, upon application and annually, copies of the following:~~

~~(A) Audited financial statements, regulatory filings, and actuarial opinions filed with the assuming insurer's domiciliary regulator.~~

~~(B) A report in a form substantially similar to the applicable National Association of Insurance Commissioners Annual Filing Blank.~~

~~(C) A report of recoverables that are:~~

~~(i) in dispute; or~~

~~(ii) more than ninety (90) days past due.~~

~~(D) Financial statements of the assuming insurer, the assuming insurer's parent, and affiliated reinsurers.~~

~~(d) The commissioner shall do the following:~~

~~(1) On an ongoing basis:~~

~~(A) evaluate the:~~

~~(i) regulatory systems of alien jurisdictions; and~~

~~(ii) rights, benefits, and extent of reciprocal recognition afforded by alien jurisdictions to reinsurers that are domiciled and licensed in the United States;~~

~~(B) determine the appropriate approach to recognizing the regulatory systems of alien jurisdictions described in clause (A); and~~

~~(C) publish a list of alien jurisdictions whose reinsurers may be approved by the commissioner as assuming insurers for which credit for reinsurance may be allowed under this chapter.~~

~~(2) In determining the alien jurisdictions to be included on the list published under subdivision (1)(C), the commissioner shall consider the following:~~

~~(A) Reciprocal treatment by the alien jurisdiction of reinsurers that are domiciled and licensed in the United States.~~

~~(B) Solvency procedures involving ceding insurers that are domiciled and licensed in the United States.~~

~~(C) Whether the alien jurisdiction adequately and promptly enforces final United States judgments or arbitration awards.~~

~~(D) Whether the alien jurisdiction agrees to share information and cooperate with the commissioner with respect to reinsurers that are domiciled and licensed in the alien jurisdiction.~~

~~(E) Relevant international standards for mutual recognition of reinsurance regulation.~~

~~(3) Consider adoption of recommendations by the National Association of Insurance Commissioners for inclusion on the list published under subdivision (1)(C).~~

~~(e) If an assuming insurer or a group of assuming insurers for which credit for reinsurance is allowed under subsection (a) continues throughout the year to pay claims in a timely manner, the assuming insurer or group of assuming insurers is not required to post collateral for the following catastrophe recoverables for one (1) year after the date of the first liability reserve entry by a ceding company resulting from a loss from a defined catastrophe recognized by the commissioner:~~

~~(1) Fire.~~

~~(2) Allied lines.~~

~~(3) Farmowners multiple peril.~~

~~(4) Homeowners multiple peril.~~

~~(5) Commercial multiple peril.~~

~~(6) Inland marine.~~

~~(7) Earthquake.~~

~~(8) Motor vehicle physical damage.~~

~~(f) The commissioner may, in lieu of granting full credit under this section and subject to subsection (g), reduce the amount:~~

~~(1) required to be held in trust under section 11 of this chapter; or~~

~~(2) of security required to be held under section 14 of this chapter.~~

~~(g) The commissioner may, under subsection (f), reduce the amount of required collateral only if the amount of required collateral remaining is not less than the amount specified in the required collateral column in the following table, based on the financial strength rating that is lowest in the table and applies to the assuming insurer or group of assuming insurers:~~

~~Required Collateral~~	~~Financial Strength Ratings~~			
	~~A.M. Best~~	~~Standard and Poor's~~	~~Moody's~~	~~Fitch Ratings~~
~~0%~~	~~A++~~	~~AAA~~	~~Aaa~~	~~AAA~~
~~10%~~	~~A+~~	~~AA+, AA, AA-~~	~~AA+, AA, Aa1, Aa2, Aa3~~	~~AA-~~
~~20%~~	~~A, A-~~	~~A+, A, A-~~	~~A1, A2, A3~~	~~A+, A, A-~~
~~75%~~	~~B++, B+~~	~~BBB+, BBB, BBB-~~	~~Baa1, Baa2, Baa3~~	~~BBB+, BBB, BBB-~~
~~100%~~	~~B, B-, C++, C+, C, C-, D, E, F~~	~~BB+, BB, BB-, B+, B, B-, CCC, CC, C, D, R~~	~~Ba1, Ba2, Ba3, B1, B2, B3, Caa, Ca, C~~	~~BB+, BB, BB-, B+, B, B-, CCC+, CC, CCC-, DD~~".

Page 68, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 41. IC 27-10-3-7, AS AMENDED BY P.L.102-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) A renewal license shall be issued by the commissioner to a licensee who:

(1) has continuously maintained a license in effect;

(2) pays a renewal fee of:

(A) six hundred ~~fifty~~ dollars ~~($650)~~ **($600)** for bail agents; and

(B) three hundred dollars ($300) for recovery agents;

(3) has fulfilled the continuing education requirement as required under subsection (b);

(4) satisfactorily completes a renewal examination if required by the commissioner; and

(5) has in all other respects complied with and been subject to this article.

(b) A licensee shall complete at least six (6) hours of continuing education courses that:

(1) are approved under section 7.1 of this chapter; and

(2) apply to the licensee's particular license, including instruction in the laws that relate to the conduct of a bail agent or recovery agent;

during each license period. A continuing education course that is used to fulfill the continuing education requirements for an insurance producer license under IC 27-1-15.7 may not be used to satisfy the continuing education requirement set forth in this section.

(c) After the receipt of the licensee's application for renewal, the current license continues in effect until the renewal license is issued, suspended, or denied for cause.

SECTION 42. IC 27-10-3-7.1, AS AMENDED BY P.L.86-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.1. (a) A provider of courses required for licensure under sections 3 and 5 of this chapter or license renewal under section 7 of this chapter:

(1) shall obtain from the commissioner approval of the courses and instructors before the courses are conducted;

(2) shall annually pay to the commissioner a reasonable fee, as determined by the commissioner;

(3) must have been:

(A) a full-time resident of Indiana and

~~(B)~~ licensed as a bail agent under this chapter for at least five (5) of the immediately preceding ten (10) years; **or**

(B) a bail agent association operating in Indiana and approved by the commissioner; and

(4) shall comply with any other requirements established by the commissioner.

However, the commissioner may waive the **full-time residency** requirement specified in subdivision (3)(A).

(b) A provider described in subsection (a) may charge a reasonable fee for attendance at an approved course.

(c) A fee paid under subsection (a)(2) must be:

(1) deposited in the bail bond enforcement and administration fund created under IC 27-10-5-1; and

(2) used to implement this article.

(d) The commissioner shall:

(1) establish criteria for approval or disapproval of instructors and courses required for:

(A) licensure under sections 3 and 5 of this chapter; and

(B) license renewal under section 7 of this chapter; and

(2) approve or disapprove instructors and courses specified in subdivision (1);

that pertain to the duties and responsibilities of a bail agent and recovery agent, including instruction concerning the laws that relate to the conduct of a bail agent and recovery agent.".

Page 70, line 7, delete "IC 32-30-2-106.3" and insert "IC 34-30-2-106.3".

Page 70, after line 12, begin a new paragraph and insert:

"SECTION 45. [EFFECTIVE JULY 1, 2012] **(a) Notwithstanding IC 27-1-23, as amended by this act, the filing of an enterprise risk report under IC 27-1-23, as amended by this act, is not required until the first date after June 30, 2013, on which the filing is required by the insurance commissioner.**

(b) This SECTION expires January 1, 2015.

SECTION 46. [EFFECTIVE JULY 1, 2012] **(a) IC 27-6-10, as amended by this act, applies to a cession, by a ceding insurer to an assuming insurer, that occurs:**

(1) after June 30, 2012; and

(2) under a reinsurance agreement that has an inception, renewal, or anniversary date after December 31, 2012.

(b) This SECTION expires January 1, 2015.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1226 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

LEHMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1238, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "IC 32-30-10.6-6" and insert "**IC 32-30-10.6**".

Page 1, line 15, strike "is residential real estate and".

Page 3, delete lines 41 through 42.

Page 4, delete lines 1 through 28.

Page 5, line 6, delete "IC 32-30-10.6-6." and insert "**IC 32-30-10.6.**".

Page 7, delete lines 18 through 21, begin a new line block indented and insert:

"(1) the mortgage is secured by a dwelling that is not **occupied by the debtor as** the debtor's primary residence;".

Page 9, line 7, delete "Residential Mortgage" and insert "**Mortgage Foreclosure Action**".

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

"**Sec. 1. This chapter applies to a mortgage foreclosure action filed under IC 32-30-10-3.**

Sec. 2. As used in this chapter, "enforcement authority" refers to the enforcement authority (as defined in IC 36-7-9-2) that has jurisdiction in the location of the property that is the subject of a mortgage foreclosure action.

Sec. 3. (a) At any time during a mortgage foreclosure action, the creditor may petition the court for a determination that the mortgaged property is abandoned. A petition filed with the court under this section must:

(1) allege that the mortgaged property is abandoned; and

(2) include evidence that one (1) or more of the conditions set forth in section 5(a) or 5(b) of this chapter apply.

A petition under this section shall be served on the debtor in the manner prescribed by the Indiana Rules of Trial Procedure.

(b) At any time during a mortgage foreclosure action, the enforcement authority that has jurisdiction in the location of the mortgaged property may petition the court for a determination that the mortgaged property is abandoned by filing a motion to intervene in the foreclosure action in the manner prescribed by the Indiana Rules of Trial Procedure. The motion to intervene must:

(1) include a statement of the enforcement authority's jurisdiction in the location of the mortgaged property;

(2) allege that the mortgaged property is abandoned; and

(3) include evidence that one (1) or more of the conditions set forth in section 5(a) or 5(b) of this chapter apply.

Sec. 4. (a) Upon receiving a request for a determination of abandonment from a creditor or an enforcement authority through a petition or motion filed with the court and served on the required parties in accordance with section 3 of this chapter, the court shall issue an order to show cause as to why the property should not be found to be abandoned and directing the petitioner, the debtor, and any other person or party the court considers appropriate to appear before the court on a date and time specified in the order under subdivision (1). The court's order under this subsection must do the following:

(1) Direct the parties subject to the order to appear before the court on a date and time specified by the court. The date specified under this subdivision must not be:

(A) earlier than fifteen (15) days; or

(B) later than twenty-five (25) days;

after the date of the court's order under this section.

(2) Notify the parties subject to the order that any party ordered to appear:

(A) may present evidence or objections on the issue of abandonment to the court:

(I) in writing before the appearance date specified by the court under subdivision (1); or

(ii) in writing or by oral testimony on the date and at the time specified by the court under subdivision (1);

in the manner specified by the court; and

(B) has the right to be represented by an attorney when appearing before the court.

(3) Notify the parties subject to the order that if the debtor fails to:

(A) submit written evidence or objections to the court before the appearance date specified by the court under subdivision (1); or

(B) appear before the court on the date and at the time specified by the court under subdivision (1);

the debtor's failure to submit evidence or objections or to appear before the court will result in a finding of abandonment by the court.

(b) A party subject to an order issued by the court under this section has the following rights, as described in the court's order under subsection (a):

(1) The right to present evidence or objections on the issue of abandonment to the court:

(A) in writing before the appearance date specified in the court's order under subsection (a)(1); or

(B) in writing or by oral testimony on the date and at the time specified in the court's order under subsection (a)(1);

in the manner specified by the court.

(2) The right to be represented by an attorney when appearing before the court.

Sec. 5. (a) Subject to subsection (b), for purposes of an abandonment determination under this chapter, mortgaged property shall be considered abandoned if one (1) or more of the following apply:

(1) The enforcement authority that has jurisdiction in the location of the mortgaged property has issued an order under IC 36-7-36-9 with respect to the property.

(2) Windows or entrances to the mortgaged property are boarded up or closed off.

(3) Multiple window panes on the mortgaged property are broken and unrepaired.

(4) One (1) or more doors to the mortgaged property are smashed through, broken off, unhinged, or continuously unlocked.

(5) Gas service, electric service, water service, or other utility service to the mortgaged property has been terminated.

(6) Rubbish, trash, or debris has accumulated on the mortgaged property.

(7) The mortgaged property is deteriorating and is either below or in imminent danger of falling below minimum community standards for public safety and sanitation.

(8) The creditor has changed the locks on the mortgaged property and for at least fifteen (15) days after the changing of the locks the owner has not requested entrance to the mortgaged property.

(9) There exist one (1) or more written statements, including documents of conveyance, that have been executed by the debtor, or by the debtor's personal representatives or assigns, and that indicate a clear intent to abandon the mortgaged property.

(10) There exists other evidence indicating a clear intent to abandon the mortgaged property.

(b) Regardless of whether any of the conditions described in subsection (a) are found to apply, the debtor's failure to either:

(1) present evidence or objections on the issue of abandonment to the court in writing before the appearance date specified in the court's order under section 4(a)(1) of this chapter; or

(2) appear before the court on the date specified in the court's order under section 4(a)(1) of this chapter;

constitutes conclusive evidence that the mortgaged property is abandoned.

(c) If the court finds that:

(1) one (1) or more of the conditions described in subsection (a) apply; or

(2) the circumstances described in subsection (b) apply;

the court shall issue an order finding that the mortgaged property is abandoned.".

Delete pages 10 through 18.

Page 19, delete lines 1 through 23.

Page 20, line 15, delete "Residential real estate upon which there is located a" and insert "**Real estate that a court has determined to be abandoned under IC 32-30-10.6.**".

Page 20, delete lines 16 through 17.

Renumber all SECTIONS consecutively.

(Reference is to HB 1238 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1258, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 27, after "15.1(e)" insert "of this chapter".

Page 11, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 11. IC 30-2-8.5-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. (a) A person nominated under section 18 of this chapter or designated under section 24 of this chapter as custodian may decline to serve by delivering a valid disclaimer to the person who made the nomination or to the transferor or the transferor's legal representative. If:

(1) the event giving rise to a transfer has not occurred; and

(2) no substitute custodian able, willing, and eligible to serve was nominated under section 18 of this chapter;

the person who made the nomination may nominate a substitute custodian under section 18 of this chapter. Otherwise the transferor or the transferor's legal representative shall designate a substitute custodian at the time of the transfer from among the persons eligible to serve as custodian for that kind of property under section 24(a) of this chapter. The custodian designated has the rights of a successor custodian.

(b) A custodian at any time may designate a trust company or an adult other than a transferor under section 19 of this chapter as successor custodian by executing and dating an instrument of designation before a subscribing witness other than the successor. If the instrument of designation does not contain or is not accompanied by the resignation of the custodian, the designation of the successor does not take effect until the custodian resigns, dies, becomes incapacitated, or is removed.

(c) A custodian may resign at any time by delivering written notice to the minor if the minor is at least fourteen (14) years of age and to the successor custodian and by delivering the custodial property to the successor custodian.

(d) If a custodian is ineligible, dies, or becomes incapacitated without having effectively designated a successor and the minor is at least fourteen (14) years of age, the minor may designate as successor custodian, in the manner prescribed in subsection (b), an adult member of the minor's family, a guardian of the minor, or a trust company. **Except as provided in subsection (g),** if the minor is less than fourteen (14) years of age or fails to act within sixty (60) days after the ineligibility, death, or incapacity, the guardian of the minor becomes successor custodian. If the minor has no guardian or the guardian declines to act, the transferor, the legal representative of the transferor or of the custodian, an adult member of the minor's family, or any other interested person may petition the court to designate a successor custodian.

(e) A custodian who declines to serve under subsection (a) or resigns under subsection (c), or the legal representative of a deceased or incapacitated custodian, as soon as practicable, shall put the custodial property and records in the possession and control of the successor custodian. The successor custodian by action may enforce the obligation to deliver custodial property and records and is responsible for each item as

received.

(f) A transferor, the legal representative of a transferor, an adult member of the minor's family, a guardian of the minor, or the minor if the minor is at least fourteen (14) years of age may petition the court to remove the custodian for cause and to designate a successor custodian other than a transferor under section 19 of this chapter or to require the custodian to give appropriate bond.

(g) If the custodial property, including a custodial account, is worth less than ten thousand dollars ($10,000), a guardian does not need to be appointed as set forth in IC 29-3-3-1.".

Page 13, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 16. IC 32-17-14-26, AS AMENDED BY P.L.36-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) If an agreement between the owner and a transferring entity is required to carry out a transfer on death transfer as described in section 7 of this chapter, a transferring entity may not adopt rules for the making, execution, acceptance, and revocation of a beneficiary designation that are inconsistent with this chapter. ~~A transferring entity may adopt the rules imposed by subsection (b) in whole or in part by incorporation by reference.~~

(b) ~~Except as otherwise provided in a beneficiary designation, a governing instrument, or any other applicable law,~~ The following rules apply to a beneficiary designation:

(1) A beneficiary designation or a request for registration of property in beneficiary form must be made in writing, signed by the owner, dated, and, in the case of a transfer on death deed, compliant with all requirements for the recording of deeds.

(2) A security that is not registered in the name of the owner may be registered in beneficiary form on instructions given by a broker or person delivering the security.

(3) A beneficiary designation may designate one (1) or more primary beneficiaries and one (1) or more contingent beneficiaries.

(4) On property registered in beneficiary form, a primary beneficiary is the person shown immediately following the transfer on death direction. Words indicating that the person is a primary beneficiary are not required. The name of a contingent beneficiary in the registration must have the words "contingent beneficiary" or words of similar meaning to indicate the contingent nature of the interest being transferred.

(5) Multiple surviving beneficiaries share equally in the property being transferred unless a different percentage or fractional share is stated for each beneficiary. If a percentage or fractional share is designated for multiple beneficiaries, the surviving beneficiaries share in the proportion that their designated shares bear to each other.

(6) A transfer of unequal shares to multiple beneficiaries for property registered in beneficiary form may be expressed in numerical form following the name of the beneficiary in the registration.

(7) A transfer on death transfer of property also transfers any interest, rent, royalties, earnings, dividends, or credits earned or declared on the property but not paid or credited before the owner's death.

(8) If a distribution by a transferring entity under a transfer on death transfer results in fractional shares in a security or other property that is not divisible, the transferring entity may distribute the fractional shares in the name of all beneficiaries as tenants in common or as the beneficiaries may direct, or the transferring entity may sell the property that is not divisible and distribute the proceeds to the beneficiaries in the proportions to which they are entitled.

(9) On the death of the owner, the property, minus all amounts and charges owed by the owner to the transferring entity, belongs to the surviving beneficiaries and, in the case of substitute beneficiaries permitted under section 22 of this chapter, the lineal descendants of designated beneficiaries who did not survive the owner are entitled to the property as follows:

(A) If there are multiple primary beneficiaries and a primary beneficiary does not survive the owner and does not have a substitute under section 22 of this chapter, the share of the nonsurviving beneficiary is allocated among the surviving beneficiaries in the proportion that their shares bear to each other.

(B) If there are no surviving primary beneficiaries and there are no substitutes for the nonsurviving primary beneficiaries under section 22 of this chapter, the property belongs to the surviving contingent beneficiaries in equal shares or according to the percentages or fractional shares stated in the registration.

(C) If there are multiple contingent beneficiaries and a contingent beneficiary does not survive the owner and does not have a substitute under section 22 of this chapter, the share of the nonsurviving contingent beneficiary is allocated among the surviving contingent beneficiaries in the proportion that their shares bear to each other.

(10) If a trustee designated as a beneficiary:

(A) does not survive the owner;

(B) resigns; or

(C) is unable or unwilling to execute the trust as trustee and no successor trustee is appointed in the twelve (12) months following the owner's death;

the transferring entity may make the distribution as if the trust did not survive the owner.

(11) If a trustee is designated as a beneficiary and no affidavit of certification of trust or probated will creating an express trust is presented to the transferring entity within the twelve (12) months after the owner's death, the transferring entity may make the distribution as if the trust did not survive the owner.

(12) If the transferring entity is not presented evidence during the twelve (12) months after the owner's death that there are lineal descendants of a nonsurviving beneficiary for whom LDPS distribution applies who survived the owner, the transferring entity may make the transfer as if the nonsurviving beneficiary's descendants also failed to survive the owner.

(13) If a beneficiary cannot be located at the time the transfer is made to located beneficiaries, the transferring entity shall hold the missing beneficiary's share. If the missing beneficiary's share is not claimed by the beneficiary or by the beneficiary's personal representative or successor during the twelve (12) months after the owner's death, the transferring entity shall transfer the share as if the beneficiary did not survive the owner.

(14) A transferring entity has no obligation to attempt to locate a missing beneficiary, to pay interest on the share held for a missing beneficiary, or to invest the share in any different property.

(15) Cash, interest, rent, royalties, earnings, or dividends payable to a missing beneficiary may be held by the transferring entity at interest or reinvested by the transferring entity in the account or in a dividend reinvestment account associated with a security held for the missing beneficiary.

(16) If a transferring entity is required to make a transfer on death transfer to a minor or an incapacitated adult, the transfer may be made under the Indiana Uniform Transfers to Minors Act, the Indiana Uniform Custodial Trust Act, or a similar law of another state.
(17) A written request for the execution of a transfer on death transfer may be made by any beneficiary, a beneficiary's legal representative or attorney in fact, or the owner's personal representative.
(18) A transfer under a transfer on death deed occurs automatically upon the owner's death subject to the requirements of subdivision (20) and does not require a request for the execution of the transfer.
(19) A written request for the execution of a transfer on death transfer must be accompanied by the following:
(A) A certificate or instrument evidencing ownership of the contract, account, security, or property.
(B) Proof of the deaths of the owner and any nonsurviving beneficiary.
(C) An inheritance tax waiver from states that require it.
(D) In the case of a request by a legal representative, a copy of the instrument creating the legal authority or a certified copy of the court order appointing the legal representative.
(E) Any other proof of the person's entitlement that the transferring entity may require.
(20) On the death of an owner whose transfer on death deed has been recorded, the beneficiary shall file an affidavit in the office of the recorder of the county in which the real property is located. The affidavit must be endorsed by the county auditor under IC 36-2-11-14 in order to be recorded. The affidavit must contain the following:
(A) The legal description of the property.
(B) A certified copy of the death certificate certifying the owner's death.
(C) The name and address of each designated beneficiary who survives the owner or is in existence on the date of the owner's death.
(D) The name of each designated beneficiary who has not survived the owner's death or is not in existence on the date of the owner's death.
(E) A cross-reference to the recorded transfer on death deed.
(c) A beneficiary designation is presumed to be valid. A party may rely on the presumption of validity unless the party has actual knowledge that the beneficiary designation was not validly executed. A person who acts in good faith reliance on a transfer on death deed is immune from liability to the same extent as if the person had dealt directly with the named owner and the named owner had been competent and not incapacitated.".
Renumber all SECTIONS consecutively.
(Reference is to HB 1258 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1264, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, line 15, delete "second" and insert "**first**".
Page 8, line 12, delete "a demand from the Army Corps of" and insert "**the following:**
(1) A determination that the amount of assessments paid before July 1, 2013, is insufficient to make the transfer required under subsection (f)(1) on July 1, 2013.
(2) A demand from the Army Corps of Engineers for payment in an amount that would prevent the commission from complying with the transfer schedule set forth in subsection (f).".
Page 8, delete lines 13 through 15.
(Reference is to HB 1264 as printed January 13, 2012.)
and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1273, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1280, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 19, line 8, delete "do not include customer-facing activities" and insert "**are not open to the general public**".
Page 19, between lines 12 and 13, begin a new paragraph and insert:
"**(b) The board may approve a remote or mobile location for Category I, II, or III permits. Pharmacy practice in a mobile or remote location may include, but is not limited to, telepharmacy, automated dispensing, or delivery of cognitive services.**".
Page 19, line 13, strike "(b)" and insert "**(c)**".
Page 19, line 13, after "Hospitals" insert "**and hospital systems**".
Page 19, line 16, strike "(c) Nothing in this section prohibits a pharmacy holding a".
Page 19, line 16, delete "Category".
Page 19, line 17, delete "I or Category II".
Page 19, line 17, strike "permit".
Page 19, line 17, strike "from delivering".
Page 19, strike line 18.
(Reference is to HB 1280 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1294, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 2.

LEHE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1324, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 20-23-4-28, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 28. (a) Subsections (b) through (g) do not apply to a community school corporation created before March 12, 1965. A community school corporation created before March 12, 1965, shall operate in accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been enacted.

(b) If the members of the governing body are to be appointed, they shall be appointed in accordance with one (1) of the options described in subsection (c). The option must be set out in the plan with sufficient description to permit the plan to be operable with respect to each community school corporation. The description may be partly or wholly by reference to the applicable option provided in this section.

(c) The options described in subsection (b) are the following:

(1) Members of the governing body may reside anywhere in the community school corporation.

(2) The community school corporation shall be divided into two (2) or more governing body member districts, any one (1) of which may embrace the entire community school corporation. Each member:

(A) serves from a particular district; and

(B) must be a resident of the district.

The plan must set out the number to be appointed from each district and may provide for an equal number of members from each district.

(d) The plan, under either option in subsection (c), may provide that the first appointments of the governing body members are for staggered terms of not more than four (4) years. Thereafter, **except as provided in IC 20-31-9-14 and IC 20-31-9-15,** appointments shall be made for terms of four (4) years. All terms of office for appointive governing body members expire June 30 in the applicable year.

(e) A plan providing for the appointment of members of the governing body must designate the appointing authority. The authority may be the same for each governing body member and must be one (1) or more of the following:

(1) The judge of the circuit or superior court.

(2) The city executive.

(3) The legislative body of a city.

(4) The board of commissioners of a county.

(5) The county fiscal body.

(6) The town legislative body.

(7) The township executive.

(8) The township legislative body.

(9) A township executive and legislative body jointly.

(10) More than one (1) township executive and legislative body jointly.

(f) If an appointment is to be made by:

(1) a body, the appointment must be made by a majority vote of the body in official session;

(2) township executives, the appointment must be made by a majority vote of the executives taken in joint session; and

(3) township legislative bodies, the appointment must be made by a majority vote of the total number of township legislative body members by a majority vote of the members, taken in joint session.

(g) If a member of the governing body, whether of the interim governing body or regular governing body, is to be appointed, and the beginning of the appointive member's term of office coincides with the date an individual assumes the office of the official who is to make the appointment, the appointment shall be made by the latter individual. If the appointing official or body fails to appoint a member of the first governing body within five (5) days after a community school corporation comes into being, or, for members appointed after the first board is appointed, within five (5) days after a member is to take office, the member of the governing body shall be appointed:

(1) by the judge of the circuit court; or

(2) in the case of a united school corporation, by the judge of the circuit court of the county having the most students enrolled in the united school corporation.

SECTION 2. IC 20-23-4-30, AS AMENDED BY P.L.179-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 30. (a) This section applies to each school corporation.

(b) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

(c) If after the first governing body takes office, there is a vacancy on the governing body for any reason, including the failure of the sufficient number of petitions for candidates being filed, whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

(1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or

(2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

(d) A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.

(e) At the first general election in which members of the governing body are elected:

(1) a simple majority of the candidates elected as members of the governing body who receive the greatest number of votes shall be elected for four (4) year terms; and

(2) the balance of the candidates elected as members of the governing body receiving the next greatest number of

votes shall be elected for two (2) year terms.

Thereafter, **except as provided in IC 20-31-9-14 and IC 20-31-9-15,** all school board members shall be elected for four (4) year terms.

(f) Elected governing body members take office and assume their duties on January 1 after their election.

SECTION 3. IC 20-23-7-8.1, AS ADDED BY P.L.179-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8.1. (a) **Except as provided in IC 20-31-9-14 and IC 20-31-9-15,** the registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially, beginning with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.

(b) Each nominee for the board must file a petition of nomination signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition must be filed in accordance with IC 3-8-2.5 with the circuit court clerk of each county in which the metropolitan school district is located.

(c) Nominees for the board shall be listed on the general election ballot:

(1) in the form prescribed by IC 3-11-2;

(2) by board member districts; and

(3) without party designation.

The ballot must state the number of board members to be voted on and the maximum number of members that may be elected from each board member district as provided under section 5 of this chapter. A ballot that contains more votes than the maximum number allowed from a board member district is invalid.

(d) The precinct election boards in each county serving at the general election shall conduct the election for school board members.

(e) Voting and tabulation of votes shall be conducted in accordance with IC 3, and the candidates who receive the most votes are elected to the board.

(f) If there are more candidates from a particular board member district than may be elected from the board member district under section 5 of this chapter:

(1) the number of candidates elected is the greatest number that may be elected from the board member district;

(2) the candidates elected are those who, among the candidates from the board member district, receive the most votes; and

(3) the other candidates from the board member district are eliminated.

(g) If there is a tie vote among the candidates for the board, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of the candidates who shall be declared and certified elected.

(h) If, at any time after the first board member election, a vacancy on the board occurs for any reason, including an insufficient number of petitions for candidates being filed, and regardless of whether the vacating member was elected or appointed, the remaining members of the board, whether or not a majority of the board, shall by a majority vote fill the vacancy by:

(1) appointing a person from the board member district from which the person who vacated the board was elected; or

(2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board is unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.

(I) At a general election held on the earlier of:

(1) more than sixty (60) days after an elected board member vacates membership on the board; or

(2) immediately before the end of the term for which the vacating member was elected;

a successor to a board member appointed under subsection (h) shall be elected. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In an election for a successor board member to fill a vacancy for a two (2) year balance of a term, candidates for board membership need not file for or with reference to the vacancy. However, as required by IC 3-11-2, candidates for at-large seats must be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the fewest votes at the election at which the successor is elected shall serve for a two (2) year term.

(j) At the first general election where members of the board are elected under this section, the elected candidates who constitute a simple majority of the elected candidates and who receive the most votes shall be elected for four (4) year terms, and the other elected candidates shall be elected for two (2) year terms.

(k) **Except as provided in IC 20-31-9-14 and IC 20-31-9-15,** board members shall be elected for four (4) year terms after the first election and shall take office January 1 following their election.

SECTION 4. IC 20-23-12-8, AS AMENDED BY P.L.179-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) **Except as provided in IC 20-31-9-14 and IC 20-31-9-15,** the term of each person elected to serve on the governing body is four (4) years.

(b) The term of each person elected to serve on the governing body begins the January 1 that next follows the person's election.

SECTION 5. IC 20-23-13-2.1, AS ADDED BY P.L.179-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.1. (a) As used in this section, "county election board" includes a board of elections and registration established under IC 3-6-5.2.

(b) **Except as provided in IC 20-31-9-14 and IC 20-31-9-15,** the voters of the school corporation shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without reference to district.

(c) Each candidate for election to the governing body must file a petition of nomination with the county election board in each county in which a school corporation subject to this chapter is located. The petition of nomination must comply with IC 3-8-2.5 and the following requirements:

(1) The petition must be signed by at least two hundred (200) legal voters of the school corporation.

(2) Each petition may nominate only one (1) candidate.

(3) The number of petitions signed by a legal voter may not exceed the number of school trustees to be elected.

(d) After all the petitions described in subsection (c) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.

(e) The county election board shall prepare the ballot for the

general election at which members of the governing body are to be elected so that the names of the candidates nominated appear on the ballot:

(1) in alphabetical order;

(2) without party designation; and

(3) in the form prescribed by IC 3-11-2.

(f) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(g) Each voter may vote for as many candidates as there are members of the governing body to be elected.

SECTION 6. IC 20-23-14-8, AS AMENDED BY P.L.179-2011, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) **Except as provided in IC 20-31-9-14 and IC 20-31-9-15,** the term of each person elected to serve on the governing body is four (4) years.

(b) The term of each person elected to serve on the governing body begins on the January 1 that next follows the person's election.

SECTION 7. IC 20-23-15-11, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Except as otherwise provided in this section **or in IC 20-31-9-14 and IC 20-31-9-15,** a person elected to serve on the governing body:

(1) begins the person's term on January 1 of the year following the person's election; and

(2) serves a four (4) year term.

(b) The two (2) members of the governing body who were last selected under the selection process in effect for the school corporation before a referendum is held under this chapter shall serve as at-large members through December 31 of the year in which the second general election is held to elect members of the governing body under this chapter. However, if this subsection applies to more than two (2) members, the circuit court judge for the county shall select two (2) of these members to serve as at-large members through December 31 of the year in which the second general election is held to elect members of the governing body under this chapter.

(c) The terms of all other members of the governing body who were selected to serve on the governing body before a referendum is held under this chapter expire December 31 of the year in which the referendum is held.

(d) In the initial general election held to elect members of the governing body under this chapter, five (5) of the members shall be elected by voters from their districts as follows:

(1) Three (3) of the members elected shall serve for four (4) year terms.

(2) Two (2) of the members elected shall serve for two (2) year terms.

(e) In the second general election held to elect members of the governing body under this chapter, four (4) of the members shall be elected as follows:

(1) Two (2) of the members shall be elected by voters from their district and shall serve four (4) year terms.

(2) Two (2) of the members shall be elected at large and shall serve four (4) year terms.

SECTION 8. IC 20-23-17-4, AS ADDED BY P.L.179-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **Except as provided in IC 20-31-9-14 and IC 20-31-9-15,** the term of each individual chosen to serve on the governing body is four (4) years, beginning January 1 following the individual's election or appointment.

SECTION 9. IC 20-23-17.2-8, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. **Except as provided in IC 20-31-9-14 and IC 20-31-9-15,** the term of each person elected to serve on the governing body of the school corporation is four (4) years, beginning January 1 following the election.

SECTION 10. IC 20-25-3-4, AS AMENDED BY P.L.179-2011, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) **Except as provided in IC 20-31-9-14 or IC 20-31-9-15,** the board consists of seven (7) members. A member:

(1) must be elected on a nonpartisan basis in general elections held in the county as specified in this section; and

(2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside, and two (2) members must be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

(f) Districts shall be established within the school city by the state board. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines must not cross precinct lines. The state board shall establish:

(1) balloting procedures for the election under IC 3; and

(2) other procedures required to implement this section.

(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(I) An individual elected to serve on the board begins the individual's term on January 1 immediately following the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6.".

Page 2, line 5, after "surety" insert "**bond**".

Page 2, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 16. IC 20-31-8-3, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The state board shall establish a number of categories or designations of ~~school~~

improvement based on the improvement that a school **or school corporation** makes in performance of the measures determined by the board with the advice of the education roundtable. The categories or designations must reflect various levels of improvement.

SECTION 17. IC 20-31-8-4, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The state board shall place each school **and school corporation** in a category or designation of ~~school~~ improvement based on the department's findings from the assessment of the improvement of each school **and school corporation** under section 2 of this chapter. The state board must place those schools **and school corporations** that do not show improvement and in which less than ninety percent (90%) of the students meet academic standards in the lowest category or designation.".

Page 12, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 32. IC 20-31-9-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 11. (a) The state board shall develop and perform an annual analysis showing how school corporation spending correlates to student progress. The analysis must identify school corporations using resource allocation practices that contribute to high academic performance and cost effective operations. The analysis may include the use of student growth or improvement.**

(b) The department shall include a copy of the annual analysis on the department's Internet web site.

(c) The state board shall adopt rules under IC 4-22-2 to implement this section.

SECTION 33. IC 20-31-9-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12. (a) This section applies the first year a school corporation is placed in either of the two (2) lowest categories or designations of improvement.**

(b) The state board shall place the school corporation on notice that it is in one (1) of the two (2) lowest categories or designations of improvement. Upon receiving the notice, the governing body shall:

(1) issue a public notice of the corporation's lack of improvement; and

(2) hold a public hearing in which public testimony is received concerning the lack of improvement.

The governing body shall send a copy of the meeting minutes to the state board not later than forty-five (45) days after the public meeting.

(c) The governing body shall revise a school's strategic and continuous school improvement plan under IC 20-31-5. A revision of a school's strategic and continuous school improvement plan may include any of the following:

(1) Shifting resources.

(2) Changing personnel.

(3) Requesting the state board to assist in the development of a new strategic and continuous school improvement plan.

SECTION 34. IC 20-31-9-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13. (a) This section applies if, in the second year after a school corporation's initial placement in either of the two (2) lowest categories or designations, a school corporation remains in either of the two (2) lowest categories or designations.**

(b) The state board shall establish an expert team and assign the team to the school corporation to conduct a quality review of the school corporation. The expert team:

(1) must include representatives from the community or region that the school serves; and

(2) may include:

(A) school superintendents, members of a school corporation's governing body, and teachers from a school corporation that is in a high category or designation; and

(B) special consultants or advisors.

(c) The expert team shall assist the school corporation:

(1) in revising a school's strategic and continuous improvement plan; and

(2) implementing specific improvements in performance measures determined by the department.

(d) A school corporation to which this section applies remains subject to this section until the school corporation:

(1) is placed in a category or designation other than the lowest two (2) categories or designations for two (2) consecutive years; or

(2) becomes subject to section 14 or 15 of this chapter.

SECTION 35. IC 20-31-9-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14. (a) This section applies if, in the third year after a school corporation's initial placement in the lowest category or designation, a school corporation remains in the lowest category or designation.**

(b) The state board shall hold at least one (1) public hearing in the school corporation to take testimony concerning the feasibility of taking any of the following actions for providing a quality education to the affected students in the school corporation:

(1) Merging the school corporation with a nearby school corporation that is not in the lowest two (2) categories or designations.

(2) Assigning a special management team or lead partner to operate all or part of the school corporation.

(3) Implementing the department's recommendations for improving the school corporation.

(4) Dissolving the governing board of the school corporation and installing a state appointed governing board.

(5) Transferring the school corporation's authority to another entity.

(6) Requiring state board approval of the school corporation's annual budget.

(7) Implementing other options for school corporation intervention, including those expressed at the public hearing.

(c) Notwithstanding any other law, if the state board determines that taking at least one (1) of the actions listed in subsection (b) will improve the school corporation, the state board may take at least one (1) of the actions listed in subsection (b).

SECTION 36. IC 20-31-9-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 15. (a) This section applies if, in the forth year after a school corporation is initially placed in the lowest two (2) categories or designations, the school corporation remains in either of the two (2) lowest categories or designations.**

(b) The state board shall hold at least one (1) public hearing in the school corporation to take testimony concerning the feasibility of taking any of the following actions for providing a quality education to the affected students in the school corporation:

(1) Merging the school corporation with a nearby school corporation that is not in the lowest two (2) categories or designations.

(2) Assigning a special management team or lead

partner to operate all or part of the school corporation.

(3) Implementing the department's recommendations for improving the school corporation.

(4) Dissolving the governing board of the school corporation and installing a state appointed governing board.

(5) Transferring the school corporation's authority to another entity.

(6) Requiring state board approval of the school corporation's annual budget.

(7) Taking other actions to provide a quality education for the affected students in the school corporation, including those expressed at the public hearing.

(c) Notwithstanding any other law, if the state board determines that taking at least one (1) of the actions listed in subsection (b) will improve the school corporation, the state board may take at least one (1) of the actions listed in subsection (b).".

Renumber all SECTIONS consecutively.

(Reference is to HB 1324 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1326, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, delete line 35 through 36, begin a new paragraph and insert:

"SECTION 11. IC 20-20-4-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. The following are the goals of the ambassador for education program:~~

~~(1) Enhance the stature of teachers and the teaching profession.~~

~~(2) Inspire and attract talented young people to become teachers.~~

~~(3) Promote the teaching profession within community and business groups.~~

~~(4) Support the activities of the Future Teachers of America clubs.~~

~~(5) Represent Indiana teachers at business, education, and teacher leadership conferences and meetings.~~

~~(6) Reward the teacher of the year for the teacher's outstanding contributions to the teaching profession.~~

~~(7) Reward the teacher of the year for the teacher's contributions to the teacher's classroom and school.~~

SECTION 12. IC 20-20-4-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. As used in this chapter, "ambassador" refers to the ambassador for education established by section 4 of this chapter.~~

SECTION 13. IC 20-20-4-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. As used in this chapter, "school" means a school corporation or an accredited nonpublic school.~~

SECTION 14. IC 20-20-4-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. The position of ambassador for education is established to act as an education liaison to Indiana schools.~~

SECTION 15. IC 20-20-4-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. A teacher in a school who:~~

~~(1) is selected by the state superintendent as teacher of the year; and~~

~~(2) agrees to be ambassador;~~

~~is ambassador for a one (1) year term beginning July 1 after selection as teacher of the year and ending the following June 30.~~

SECTION 16. IC 20-20-4-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 5.5. A teacher of the year may be invited to serve one (1) year of professional leave with:**

(1) an Indiana postsecondary educational institution; or

(2) the department.

SECTION 17. IC 20-20-4-6, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The school where ~~an ambassador~~ **a teacher of the year** is regularly employed shall do the following:

(1) Grant the ~~ambassador~~ **teacher** a one (1) year professional leave to ~~serve as ambassador during the ambassador's term.~~ **provide service as described in section 5.5 of this chapter.**

(2) Allow the ~~ambassador~~ **teacher** to return to the school from the professional leave:

(A) to the same or a comparable position as the ~~ambassador~~ **teacher** held before the professional leave; and

(B) without loss of accrued benefits or seniority.

(3) Continue to provide the ~~ambassador~~ **teacher** all benefits of employment with the school other than salary.

(b) The department shall reimburse a school for the cost of benefits provided by the school to ~~an ambassador~~ **a teacher** under subsection (a)(3).

SECTION 18. IC 20-20-4-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.5. If a teacher of the year provides service for the department or an Indiana postsecondary educational institution under this chapter, the department or the Indiana postsecondary educational institution shall pay the teacher's salary for the term of the service and shall reimburse the teacher's regular employer for the teacher's benefits during the term of service.**

SECTION 19. IC 20-20-4-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. An ambassador may elect to serve the one (1) year professional leave at:~~

~~(1) an Indiana postsecondary educational institution; or~~

~~(2) the department.~~

SECTION 20. IC 20-20-4-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8. If an ambassador elects to serve a one (1) year professional leave with the department, the following apply:~~

~~(1) The state coordinator of the ambassador for education program, as designated by the state superintendent, shall establish the ambassador's duties.~~

~~(2) The ambassador is entitled to receive from the department the following:~~

~~(A) A salary in place of compensation from the school where the ambassador is regularly employed that equals the salary that the ambassador, if not serving as ambassador, would receive during the school year of the ambassador's term from the school where the ambassador is regularly employed.~~

~~(B) Actual expenses of the ambassador incurred as a result of the performance of duties under this chapter.~~

SECTION 21. IC 20-20-4-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. If an ambassador elects to serve a one (1) year professional leave with an Indiana postsecondary educational institution, the following apply:~~

~~(1) The dean of the institution's school of education or the equivalent officer shall establish the ambassador's duties.~~

~~(2) The ambassador is entitled to receive from the institution the amount of compensation that the institution offers the ambassador.~~

~~(3) The ambassador is entitled to receive from the department compensation in an amount that when added to the amount provided under subdivision (2) equals the salary that the ambassador, if not serving as ambassador, would receive during the school year of the ambassador's term from the school where the ambassador is regularly employed.~~

SECTION 22. IC 20-20-4-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. The ambassador's duties must match the relative skills and education background of the ambassador and reflect the goals of the ambassador for education program. However, duties may include the following:~~

~~(1) Providing professional development seminars and workshops in the subject matter areas in which the ambassador has expertise.~~

~~(2) Accompanying the state superintendent in the exercise of the state superintendent's duties throughout Indiana.~~".

Page 16, line 8, strike "IC 20-30-5-8".

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

"SECTION 50. IC 20-30-5-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8. A course in safety education for at least one (1) full semester shall be taught in grade 8 of each public school and nonpublic school. The state board shall prepare a guide for this course that:~~

~~(1) the teacher shall use; and~~

~~(2) may be revised under the direction of the state board.~~".

Page 19, delete lines 39 through 42.

Page 20, delete lines 1 through 4.

Page 20, delete lines 22 through 39, begin a new paragraph and insert:

"SECTION 55. IC 20-32-5-9, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) After reports of student scores are returned to a school corporation, the school corporation shall promptly ~~do the following:~~

~~(1)~~ give each student and the student's parent the student's ISTEP program test scores.

~~(2) Make available for inspection to each student and the student's parent the following:~~

~~(A) A copy of the essay questions and prompts used in assessing the student.~~

~~(B) A copy of the student's scored essays.~~

~~(C) A copy of the anchor papers and scoring rubrics used to score the student's essays.~~

~~a student's parent may request a rescoring of a student's responses to a test, including a student's essay.~~

(b) A student's ISTEP program scores may not be disclosed to the public.

(c) A student's parent may request a rescoring of the student's responses to a test, including the student's essay. A school may request a rescoring only if there is evidence that the student's test score is not accurate.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1326 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1349, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

LEHE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1365, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 4, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

STEUERWALD, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1007 and 1258 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 1, 15, 26, 32, 111, 115, 119, 127, 130, 148, 170, 176, 215, 255, 257, and 269 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 6, 11, 19, 52, 133, 144, 172, 191, 193, 253, and 287 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 11 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative Gutwein be added as coauthor of House Bill 1006.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Battles be added as coauthor of House Bill 1018.

UBELHOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as coauthor of House Bill 1033.

McMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1050.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Welch, Davisson, and C. Brown be added as coauthors of House Bill 1056.

R. FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heuer be added as coauthor of House Bill 1064.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin, Bauer, T. Brown, Burton, Candelaria Reardon, Cherry, Clere, Crawford, Crouch, Day, DeLaney, Dembowski, Dobis, Foley, C. Fry, GiaQuinta, Harris, Karickhoff, L. Lawson, Mahan, Moseley, Moses, Pflum, Pierce, Pryor, Reske, Riecken, M. Smith, V. Smith, Sullivan, Summers, and VanDenburgh be added as coauthors of House Bill 1149.

TURNER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives M. Smith and Noe be added as coauthors of House Bill 1169.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morris be added as coauthor of House Bill 1171.

GiaQUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1190.

CROUCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1210.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1216.

KIRCHHOFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1263.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1273.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Speedy be added as cosponsor of Engrossed Senate Bill 1.

McMILLIN

Motion prevailed.

HOUSE BILLS ON SECOND READING

House Bill 1001

Representative Torr called down House Bill 1001 for second reading. The bill was read a second time by title.

HOUSE MOTION

Mr. Speaker: I move to strike the enacting words of House Bill 1001, pursuant to House Rule 91.

PELATH

Upon request of Representatives Pelath and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 36: yeas 39, nays 59. Motion failed.

HOUSE MOTION
(Amendment 1001–56)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 3, line 17, delete "general" and insert "**general, the department of labor,**".

Page 3, line 19, delete "general" and insert "**general, department of labor,**".

Page 3, line 20, delete "shall:" and insert "**may:**".

Page 3, between lines 22 and 23, begin a new line blocked left and insert:

"**In addition to any other remedy available under this chapter, if the department of labor determines that a violation or a threatened violation of this chapter has occurred, the department of labor may issue an administrative order providing for any of the civil remedies described in section 11 of this chapter. The department of labor may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to carry out its responsibilities under this chapter.**".

Page 3, delete lines 30 through 33, begin a new line block indented and insert:

"**(1) The greater of:**

(A) actual and consequential damages resulting from the violation or threatened violation; or

(B) liquidated damages of not more than one thousand dollars ($1,000).".

Page 3, line 34, delete "(3)" and insert "**(2)**".

Page 3, line 35, delete "(4)" and insert "**(3)**".

Page 3, line 36, delete "(5)" and insert "**(4)**".

(Reference is to HB 1001 as printed January 12, 2012.)

TORR

Upon request of Representatives Austin and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 37: yeas 58, nays 40. Motion prevailed.

HOUSE MOTION
(Amendment 1001–52)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 2, line 6, after "3." insert "**Nothing in this chapter is intended, or should be construed, to change or affect any law concerning collective bargaining or collective bargaining agreements in the building and construction industry other than:**

(1) a law that permits agreements that would require membership in a labor organization;

(2) a law that permits agreements that would require the payment of dues, fees, assessments, or other charges of any kind or amount to a labor organization; or

(3) a law that permits agreements that would require the payment to a charity or a third party of an amount that is equivalent to or a pro rata part of dues, fees, assessment, or other charges required of members of a labor organization;

as a condition of employment.

Sec. 4.".

Page 2, line 10, delete "4." and insert "**5.**".

Page 2, line 18, delete "5." and insert "**6.**".

Page 2, line 27, delete "6." and insert "**7.**".

Page 2, line 41, delete "7." and insert "**8.**".

Page 3, line 7, delete "8." and insert "**9.**".

Page 3, line 11, delete "7" and insert "**8**".

Page 3, line 12, delete "9." and insert "**10.**".

Page 3, line 13, delete "7" and insert "**8**".

Page 3, line 15, delete "10." and insert "**11.**".

Page 3, line 23, delete "11." and insert "**12.**".

Page 3, line 41, delete "12." and insert "**13.**".

Page 3, line 41, delete "7" and insert "**8**".

Page 3, line 41, delete "11" and insert "**12**".

(Reference is to HB 1001 as printed January 12, 2012.)

KOCH

Upon request of Representatives Austin and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 38: yeas 57, nays 41. Motion prevailed.

HOUSE MOTION
(Amendment 1001–6)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

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

"SECTION 1. IC 5-14-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 11. (a) As used in this section, "economic incentive agreement" means an agreement between a state agency and an entity that sets forth the terms of:**

(1) a tax benefit, including an exclusion, exemption, deduction, or credit;

(2) a loan;

(3) a loan guarantee; or

(4) a grant;

furnished by the state agency to the entity.

(b) As used in this section, "state agency" means a public agency described in section 2(m)(1), 2(m)(8), 2(m)(9), or 2(m)(10) of this chapter.

(c) Except as provided in this section, a state agency that enters into an economic incentive agreement shall publish the economic incentive agreement on the state agency's Internet web site not later than sixty (60) days after entering into the economic incentive agreement.

(d) A state agency shall redact information in an economic incentive agreement that the state agency is prohibited from disclosing under this chapter or other law before publishing the economic incentive agreement on the state agency's Internet web site.

(e) A state agency may redact information in an economic incentive agreement that the state agency is allowed to withhold from disclosure under this chapter or other law before publishing the economic incentive agreement on the state agency's Internet web site.

(f) The status of negotiations concerning an economic incentive agreement is subject to disclosure under this chapter in the same manner as a public record. Negotiations concerning an economic incentive agreement between a state agency and a specified entity are subject to this section if the status of the negotiations meets any of the following descriptions:

(1) Negotiations between the state agency and the specified entity have never been initiated.

(2) Negotiations between the state agency and the specified entity have been initiated and are ongoing.

(3) Negotiations between the state agency and the specified entity have been initiated but are currently inactive.

(4) An economic incentive agreement with the specified entity has been entered into but has not yet been published on the state agency's Internet web site.

(5) An economic incentive agreement with the specified entity has been published on the state agency's Internet web site.

(g) Any person may request from a state agency the status of negotiations concerning an economic incentive agreement between the state agency and a specified entity. The state agency shall respond to the request not later than three (3) business days after the day on which the request is received. The state agency shall furnish the status of negotiations described under subsection (f) for each economic incentive agreement or prospective economic incentive agreement between the state agency and the specified entity that meets the parameters of the person's request.".

Page 1, line 4, delete "Right to Work" and insert "**Labor Organization Membership**".

Page 2, delete lines 41 through 42, begin a new paragraph and insert:

"**Sec. 7. A person may not require an individual to become or remain a member of a labor organization.**

Sec. 8. Nothing in this chapter shall be construed to prohibit collective bargaining agreements that require the payment of representation fees.".

Delete page 3.

Page 4, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 12, 2012.)

BAUER

Upon request of Representatives Bauer and Austin, the Speaker ordered the roll of the House to be called. Roll Call 39: yeas 39, nays 59. Motion failed.

HOUSE MOTION
(Amendment 1001–4)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

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

"**Sec. 13. (a) Except as provided in subsection (b), this chapter expires July 1, 2015.**

(b) This section does not apply if, before July 1, 2015, the governor publishes an executive order that finds that the number of businesses in Indiana has increased by at least thirty percent (30%) during the period from March 15, 2012, through March 15, 2015.".

(Reference is to HB 1001 as printed January 12, 2012.)

BARDON

Upon request of Representatives Bardon and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 40: yeas 39, nays 59. Motion failed.

HOUSE MOTION
(Amendment 1001–29)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

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

"**Sec. 13. (a) Except as provided in subsection (b), this chapter expires July 1, 2015.**

(b) This section does not apply if, before July 1, 2015, the governor publishes an executive order that finds that the state's per capita personal income on January 1, 2015, is greater than the state's per capita personal income, as calculated by the United States Department of Commerce, Bureau of Economic Analysis, on January 1, 2013.".

(Reference is to HB 1001 as printed January 12, 2012.)

BARDON

Upon request of Representatives Bardon and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 41: yeas 39, nays 59. Motion failed.

HOUSE MOTION
(Amendment 1001–48)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 1, line 4, delete "Right to Work" and insert "**Labor Organization Membership**".

Page 2, delete lines 41 through 42, begin a new paragraph and insert:

"**Sec. 7. A person may not require an individual to become or remain a member of a labor organization.**

Sec. 8. Nothing in this chapter shall be construed to prohibit collective bargaining agreements that require the payment of representation fees.

Sec. 9. If the state's unemployment rate, seasonally adjusted, as determined by the United States Department of Labor, Bureau of Labor Statistics, exceeds by at least one percent (1%) for two (2) consecutive months the national unemployment rate, seasonally adjusted, as determined by the United States Department of Labor, Bureau of Labor Statistics:

(1) the governor shall immediately issue an executive order that proclaims that the state's unemployment rate has exceeded the national unemployment rate as described in this section; and

(2) this chapter expires thirty (30) days after the date the governor issues the executive order described in subdivision (1).".

Delete page 3.

Page 4, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 12, 2012.)

MOSELEY

Upon request of Representatives Moseley and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 42: yeas 36, nays 58. Motion failed.

HOUSE MOTION
(Amendment 1001–44)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 2, line 10, after "Sec. 4." insert "**(a)**".

Page 2, between lines 17 and 18, begin a new paragraph and insert:

"**(b) The term does not include a person that represents a professional athlete as an agent.**".

(Reference is to HB 1001 as printed January 12, 2012.)

DeLANEY

Upon request of Representatives DeLaney and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 43: yeas 34, nays 63. Motion failed.

HOUSE MOTION
(Amendment 1001–11)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

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

"SECTION 1. IC 22-2-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16. Employee Lunch Breaks

Sec. 1. This chapter does not apply to a child covered by IC 20-33-3-30.

Sec. 2. This chapter does not:

(1) affect the terms of a negotiated collective bargaining agreement or settlement agreement; or

(2) negate a bona fide agreement between an employee and employer.

Sec. 3. As used in this chapter, "duty" means the active performance of functions required by an employer and does not imply physical presence at the location of employment.

Sec. 4. As used in this chapter, "employee" means a person employed or permitted to work or perform a service for remuneration or under a contract for hire, written or oral, express or implied, by an employer. However, the term does not include the following:

(1) A member of a religious order who is performing a service for that order.

(2) An ordained, a commissioned, or a licensed minister, priest, rabbi, sexton, or Christian Science reader who is performing services for a religious organization.

(3) A person who is employed as a salesperson, if all of the person's services are performed for remuneration solely by commission.

(4) A person employed in an executive, an administrative, or a professional occupation if the person has the authority to employ or discharge.

(5) An employee with respect to whom the federal Interstate Commerce Commission has power to establish qualifications and maximum hours of service under the federal Motor Carrier Safety Act (49 U.S.C. 31502(b)) or an employee of a carrier subject to IC 8-2.1.

(6) An employee subject to the federal Railway Labor Act (45 U.S.C. 151 et seq.).

(7) An employee of the state subject to IC 4-1-2-1.

Sec. 5. As used in this chapter, "employer" means any individual or type of organization, including a political subdivision (as defined in IC 36-1-2-13), that has in its employ one (1) or more individuals. However, the term does not include the state.

Sec. 6. (a) An employer shall provide a lunch break of at least thirty (30) minutes to an employee who is scheduled to be on duty for at least six (6) consecutive hours.

(b) The lunch break must be available immediately after the first four (4) hour period of duty.

(c) If an employee works more than twelve (12) consecutive hours, the employee shall be provided the opportunity for another lunch break of at least thirty (30) minutes.

(d) If:

(1) the duties of the position do not allow the employee to take a lunch break;

(2) the lunch break normally is to be unpaid; and

(3) the employee works through the lunch break;

the employee shall be paid for the time of the lunch break at the normal rate.

(e) This section does not apply when the employer has only one (1) employee on duty during a period of four (4) or more consecutive hours.

Sec. 7. (a) A person who violates this chapter commits a Class C infraction.

(b) Each time a person violates this chapter, the person commits a separate infraction.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 12, 2012.)

C. FRY

Upon request of Representatives C. Fry and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 44: yeas 37, nays 58. Motion failed.

HOUSE MOTION
(Amendment 1001–18)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

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

"SECTION 1. IC 6-3.1-34 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]:

Chapter 34. Hoosier Job Creation Tax Credit

Sec. 1. As used in this chapter, "base employment period" of a small business refers to the six (6) month period beginning January 1, 2010. However, if a small business began doing business in Indiana after January 1, 2010, the term refers to the initial period before January 1, 2012, in which the small business employed full-time employees in Indiana in the trade or business of the small business, not to exceed six (6) months.

Sec. 2. As used in this chapter, "department" refers to the department of state revenue or the department of insurance, whichever is obligated to administer the tax against which a tax credit is applied.

Sec. 3. As used in this chapter, "full-time employee" means an individual who:

(1) is employed for consideration for at least thirty-five (35) hours each week or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment; and

(2) earns income for service described in subdivision (1) that is subject to withholding under IC 6-3 (before the application of any earned income tax credit) in an amount that is the equivalent of at least two hundred percent (200%) of the federal hourly minimum wage in effect during the week of employment.

Sec. 4. As used in this chapter, "qualified new employee" refers to a full-time employee described in section 14 of this chapter.

Sec. 5. As used in this chapter, "small business" refers to a small business (as defined in IC 5-28-2-6) that existed and employed full-time employees in Indiana in its trade or business before January 1, 2012.

Sec. 6. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 27-1-18-2 (the insurance premiums tax); and

(3) IC 6-5.5 (the financial institutions tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 7. As used in this chapter, "tax credit" refers to a tax credit granted by this chapter against state tax liability.

Sec. 8. As used in this chapter, "taxpayer" means an individual or entity that has state tax liability.

Sec. 9. (a) This section applies only to taxable years beginning after December 31, 2011, and before January 1, 2015.

(b) Subject to this chapter, a small business that employs a qualified new employee in Indiana in a taxable year is eligible for a tax credit against the state tax liability imposed against the small business for the taxable year if, on average, the small business employed a greater number of full-time employees in Indiana in the taxable year than the small business employed in Indiana, on average, in the small business's base employment period.

Sec. 10. The amount of the tax credit to which a small business is entitled in a taxable year is equal to the lesser of the following:

(1) Three thousand dollars ($3,000) multiplied by the lesser of:

(A) the average number of qualified new employees that the small business employed in Indiana during the taxable year in the trade or business of the small business; or

(B) the average number of additional full-time employees that the small business employed in Indiana in the trade or business of the small business during the taxable year in excess of the average number of full-time employees that the small business employed in Indiana in its trade or business during the small business's base employment period.

(2) One hundred thousand dollars ($100,000).

However, if the taxable year of the small business is less than twelve (12) months, the amounts of three thousand dollars ($3,000) and one hundred thousand dollars ($100,000) are reduced in proportion to the amount by which the taxable year of the small business is shortened.

Sec. 11. (a) If the amount of a tax credit to which a small business is entitled in a taxable year exceeds the small business's state tax liability for that taxable year, the small business may carry the excess over to not more than three (3) subsequent taxable years. The amount of the credit carryover from a taxable year shall be reduced to the extent that the carryover is used by the small business to obtain a credit under this chapter for any subsequent taxable year.

(b) A small business is not entitled to a carryback or refund of any unused credit.

Sec. 12. If a small business is a pass through entity that does not have state tax liability against which a tax credit

may be applied, a shareholder, partner, fiduciary, or member of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit that the pass through entity would be entitled to for the taxable year if the pass through entity were a taxpayer; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, fiduciary, or member is entitled.

Sec. 13. To receive a tax credit, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall maintain the records required by the department for the period specified by the department to substantiate the taxpayer's eligibility for a tax credit.

Sec. 14. To be a qualified new employee in a particular taxable year, an individual must meet all the following criteria:

(1) Be initially hired into a position as a full-time employee by the small business for the first time after December 31, 2011.

(2) Be, at the time the small business initially employs the individual after December 31, 2011:

(A) an individual who is receiving state or federal unemployment insurance benefits or has exhausted the individual's eligibility for state or federal unemployment insurance benefits since last becoming unemployed; or

(B) a former member of the military services of the United States who served on active duty in any branch of the armed forces of the United States or National Guard and who at no time received a discharge or separation under other than honorable conditions, except corrected separation or discharge to read "honorable" as evidenced by appropriate records presented from the United States Department of Defense or appropriate branch of the military service;

or both.

(3) Is not an individual who was employed by a related member (as defined in IC 6-3.1-13-8) of the small business (or another business entity that would be a related member (as defined in IC 6-3.1-13-8) if the other entity were a corporation) within twelve (12) months of being initially employed by the small business.

(4) Is not a child, grandchild, parent, or spouse (other than a spouse who is legally separated from the individual) of any individual who is an employee of the small business or who has a direct or an indirect ownership interest of at least five percent (5%) in the profits, capital, or value of the small business or a related member (as defined in IC 6-3.1-13-8) of the small business (or another business entity that would be a related member (as defined in IC 6-3.1-13-8) if the other entity were a corporation). An ownership interest shall be determined in accordance with Section 1563 of the Internal Revenue Code and regulations prescribed under Section 1563 of the Internal Revenue Code.

Sec. 15. The tax credit to which a taxpayer would otherwise be entitled under this chapter in a taxable year is reduced by the sum of the following tax credits received for the same qualified new employee:

(1) The economic development for a growing economy tax credits (IC 6-3.1-13) allowable to the taxpayer in a taxable year and attributable to the same employee for which a tax credit would otherwise be granted under this chapter.

(2) The Hoosier business investment tax credits (IC 6-3.1-26) allowable to the taxpayer in a taxable year and attributable to the same employee for which a tax credit would otherwise be granted under this chapter.

(3) The amount of federal or state training grants used in the taxable year to train an employee for which a tax credit would otherwise be granted under this chapter.

Sec. 16. A small business (or if section 12 of this chapter applies, a shareholder, partner, fiduciary, or member of a small business) forfeits fifty percent (50%) of the amount of the tax credits attributable to the employment of a qualified new employee, if within eighteen (18) months after the qualified new employee was initially hired:

(1) the qualified new employee is terminated, laid off, or otherwise reclassified to a position that is not a full-time employment position with the small business; or

(2) the position created for the qualified new employee is eliminated.

For purposes of this section, the replacement, within a reasonable time as determined by the department, of a qualified new employee with another qualified new employee shall be treated as continuous employment of a qualified new employee from the date of the hiring or rehiring of the initial qualified new employee.

Sec. 17. The amount due to the department from a forfeiture under section 16 of this chapter shall be treated as due to the state on the date the taxpayer's annual return or informational return is due for the taxable year in which the reduction in employment occurred.

Sec. 18. (a) Employment levels shall be determined using the total number of employees reported by the small business on the quarterly payroll report submitted by the small business to the department of workforce development. The department of workforce development shall give the information to the department on the schedule and in the form requested by the department.

(b) A small business shall use the method prescribed by the department to determine the average number of full-time employees or qualified new employees that the small business employed during the small business's base employment period.

Sec. 19. The department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter.

Sec. 20. This chapter expires January 1, 2021.".

Page 1, line 4, delete "Right to Work" and insert "**Labor Organization Membership**".

Page 2, delete lines 41 through 42, begin a new paragraph and insert:

"**Sec. 7. A person may not require an individual to become or remain a member of a labor organization.**

Sec. 8. Nothing in this chapter shall be construed to prohibit collective bargaining agreements that require the payment of representation fees.".

Delete page 3.

Page 4, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 12, 2012.)

BATTLES

Upon request of Representatives Battles and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 45: yeas 39, nays 59. Motion failed.

HOUSE MOTION
(Amendment 1001–12)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

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

"**Sec. 13. (a) This section applies to a calendar year that begins after March 14, 2012.**

(b) The department of workforce development established by IC 22-4.1-2-1 shall submit a report before March 1 each year that sets forth the following:

(1) The state's per capita personal income from wages and salary for the immediately preceding calendar year.

(2) A comparison of the amount set forth under subdivision (1) with the state's per capita personal income from wages and salary for the calendar year immediately preceding the calendar year described in subdivision (1).

(c) The department of workforce development shall transmit the information required by this section to the general assembly in an electronic format under IC 5-14-6.".

(Reference is to HB 1001 as printed January 12, 2012.)

C. FRY

Upon request of Representatives C. Fry and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 46: yeas 35, nays 59. Motion failed.

HOUSE MOTION
(Amendment 1001–60)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE NOVEMBER 5, 2012]".

Page 4, line 1, delete "March 14," and insert "**November 5,**".

Page 4, line 4, delete "March 14," and insert "**November 5,**".

Page 4, delete line 5, begin a new paragraph and insert:

"**Sec. 13. (a) This section does not apply if the following public question is approved by the voters of Indiana at the November 6, 2012 general election:**

"Should it be unlawful for an employer to require an individual to become or remain a member of a labor organization or pay dues, fees, assessments, or other charges of any kind or amount to a labor organization as a condition of employment or continuation of employment (a "right to work" law)?".

(b) Except as provided in subsection (a), this chapter expires November 7, 2012.

Sec. 14. IC 1-1-1-8 does not apply to this chapter.

SECTION 2. [EFFECTIVE JULY 1, 2012] **(a) The county election board of each county shall place the following public question on the ballot at the November 2012 general election:**

"Should it be unlawful for an employer to require an individual to become or remain a member of a labor organization or pay dues, fees, assessments, or other charges of any kind or amount to a labor organization as a condition of employment or continuation of employment (a "right to work" law)?".

(b) Each county election board shall:

(1) tabulate the votes cast on the public question stated in subsection (a); and

(2) certify the results under IC 3-12-4-9.

(c) IC 3 applies to the public question required by this SECTION except where IC 3 conflicts with this SECTION.

(d) The secretary of state shall certify the results of the vote in each county on the public question required by this SECTION to each of the following:

(1) The speaker of the house of representatives.

(2) The minority leader of the house of representatives.

(3) The president pro tempore of the senate.

(4) The minority leader of the senate.

(5) The governor.

(e) This SECTION expires July 1, 2013.".

(Reference is to HB 1001 as printed January 12, 2012.)

MOSES

Upon request of Representatives Moses, the Speaker ordered the roll of the House to be called. Roll Call 47: yeas 39, nays 59. Motion failed. The bill was ordered engrossed.

House Bill 1005

Representative Mahan called down House Bill 1005 for second reading.

Upon request of Representative Goodin and Cheatham, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum.

Austin ●
Bacon
Baird
Bardon ●
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney ●
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry ●
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses ●
Neese
Niezgodski ●
Noe
Pelath ●
Pflum ●
Pierce ●
Pond □
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 48: 63 present; 2 excused; 35 absent. The Speaker declared a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

RECESS

The House was called back to order at 7:40 p.m. by the Speaker.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum.

Austin ●
Bacon
Baird
Bardon ●
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney ●
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry ●
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses ●
Neese
Niezgodski ●
Noe
Pelath ●
Pflum ●
Pierce ●
Pond □
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 49: 63 present; 2 excused; 35 absent. The Speaker declared a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

Pursuant to House Rule 60, committee meetings were announced.

Because of the lack of a quorum, the Speaker announced that the House would meet on Tuesday, January 24, 2012, at 1:30 p.m. to attempt to establish a quorum.

The House adjourned at 7:53 p.m., this twenty-third day of January, 2012, until Tuesday, January 24, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Fifteenth Day — **Tuesday Afternoon** — **January 24, 2012**

The invocation was offered by Pastor Dirk Raderstorf, Christian Church, Lucerne, the guest of Representative Richard W. McClain.

The House was called to order at 1:30 p.m. by Speaker Brian C. Bosma.

The Pledge of Allegiance to the Flag was led by Boy Scout Mark Niednagel of Troop 276.

The Speaker ordered the roll of the House to be called:

Austin ●
Bacon
Baird
Bardon □
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak ●
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry ●
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley ●
Moses ●
Neese
Niezgodski ●
Noe
Pelath ●
Pflum □
Pierce ●
Pond
Porter ●
Pryor ●
Reske ●
Rhoads
Richardson
Riecken ●
Saunders
M. Smith
V. Smith ●
Soliday
Speedy
Stemler
Steuerwald
Stevenson ●
Sullivan ●
Summers ●
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ●
VanNatter
Welch ●
Wesco
White ●
Wolkins
Yarde
Mr. Speaker

Roll Call 50: 64 present; 2 excused; 34 absent. The Speaker announced a quorum was not in attendance. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

RECESS

The House was called back to order at 3:32 p.m. by the Speaker.

Representative Pond was excused for the rest of the day.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum.

Austin ●
Bacon
Baird
Bardon □
Bartlett ●
Battles ●
Bauer ●
Behning
Borders
C. Brown ●
T. Brown
Burton
Candelaria Reardon ●
Cheatham
Cherry
Clere
Crawford ●
Crouch
Culver
Davis
Davisson
Day ●
DeLaney
Dembowski ●
Dermody
Dobis ●
Dodge
Dvorak ●
Eberhart
Ellspermann
Messmer
Espich
Foley
Friend
Frizzell
C. Fry ●
R. Frye
GiaQuinta ●
Goodin ●
Grubb
Gutwein
Harris ●
Heaton
Heuer
Hinkle
Karickhoff
Kersey ●
Kirchhofer
Klinker ●
Knollman
Koch
Kubacki
L. Lawson ●
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Soliday

Morris	Speedy
Moseley ●	Stemler
Moses ●	Steuerwald
Neese	Stevenson ●
Niezgodski ●	Sullivan ●
Noe	Summers ●
Pelath ●	Thompson
Pflum □	Torr
Pierce ●	Truitt
Pond □	Turner
Porter ●	Ubelhor
Pryor ●	VanDenburgh ●
Reske ●	VanNatter
Rhoads	Welch
Richardson	Wesco
Riecken ●	White ●
Saunders	Wolkins
M. Smith	Yarde
V. Smith ●	Mr. Speaker

Roll Call 51: 64 present; 3 excused; 33 absent. The Speaker declared a quorum was not present. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

MOTION TO COMPEL AND FINE

Mr. Speaker:

Whereas, A significant number of House Democrats have purposefully avoided attending session thus far in order to prevent a quorum on the House floor;

Whereas, The participating members' continued absence and dereliction of their duty under the Constitution of Indiana has prevented the conducting of the business of the Indiana House of Representatives; and

Whereas, The purposeful absence of the participating members has disenfranchised not only their own constituents but all Hoosiers as important legislative business cannot be conducted due to lack of a quorum: Therefore,

Be it resolved by a Majority Vote of the Members of the House of Representatives present:

1. Pursuant to House Rule 4, the absent and unexcused members of the House are hereby compelled to attend and participate in legislative business.
2. Effective immediately, each member of the House of Representatives who remains intentionally absent and unexcused on a session day in which a quorum is not established or maintained shall be fined an amount of $1,000 per day for each session day absent until a quorum is next established and maintained for the purpose of the completion of the business before the House.
3. The foregoing fines shall be collected by forfeiture of any sum which becomes due and payable to the absent member, including, but not limited to, session expense allowance, post-session expense allowance and annual salary. Personal checks may be accepted by the Principal Clerk of the House with the approval of the Speaker of the House. The Speaker may also, at his discretion, utilize any other means at his disposal to satisfy any fines.
4. Members whose unexcused and intentional absence caused the failure of a quorum on this date include:

Austin	C. Fry	Pierce
Bartlett	GiaQuinta	Porter
Battles	Goodin	Pryor
Bauer	Harris	Reske
C. Brown	Kersey	Riecken
Candelaria Reardon	Klinker	V. Smith
Crawford	L. Lawson	Stevenson
Day	Moseley	Sullivan
Dembowski	Moses	Summers
Dobis	Niezgodski	VanDenburgh
Dvorak	Pelath	White

5. Should the members listed above at any time during the remainder of the second regular session of the 117th General Assembly again be absent without excuse resulting in the denial of a quorum, the fines established in this motion are immediately invoked upon those members and a minimum fine of $1,000 per session day shall accrue. However, we reserve the right at any time to file a new Motion to Compel and Fine pursuant to House Rule 4.

It is our hope that the absent members return to their constitutional duties immediately. Finally, Mr. Speaker, we request that you send a copy of this motion to each of the members listed above.

R. FRYE	LEHMAN
GUTWEIN	MORRIS
ELLSPERMANN	STEUERWALD
SPEEDY	

Upon request of Representatives Grubb and Cheatham, the Speaker ordered the roll of the House to be called. Roll Call 52: yeas 59, nays 5; excused 3; absent 33. Motion prevailed.

So ordered,

SPEAKER BOSMA

Because of the lack of a quorum, the Speaker announced that the House would meet again on Wednesday, January 25, 2012, at 1:30 p.m. to attempt to establish a quorum.

Pursuant to House Rule 60, committee meetings were announced.

The House adjourned at 3:43 p.m. this twenty-fourth day of January, 2012, until Wednesday, January 25, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Sixteenth Day — **Wednesday Afternoon** — **January 25, 2012**

The invocation was offered by Representative Randall L. Frye.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Cherrish S. Pryor.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon □
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum □
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 53: 98 present; 2 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

RESOLUTIONS ON FIRST READING

House Resolution 13

Representative Heaton introduced House Resolution 13:

A HOUSE RESOLUTION urging the Indiana Department of Transportation to rename that section of State Road 59 from United States Highway 40 to State Road 42 the "Orville Redenbacher Memorial Highway".

Whereas, Orville Redenbacher was born in 1907 in Brazil, Indiana, and grew up on his family's farm;

Whereas, Orville Redenbacher began growing popcorn at 12 years old, saving enough money from this first business to attend college;

Whereas, Orville Redenbacher graduated from Brazil High School in 1924 in the top 5 percent of his class;

Whereas, Orville attended Purdue University, graduating with a degree in agronomy in 1928;

Whereas, Orville worked as a school teacher and county agricultural agent, managed a 12,000 acre farm, and worked as a low level executive in the fertilizer industry, but his real passion was popcorn;

Whereas, In 1951, business partner Charles Bowman and Orville Redenbacher purchased a local corn seed business near Valparaiso called George F. Chester and Son;

Whereas, Orville experimented with thousands of hybrid strains of popcorn before creating the perfect strain and launching the Orville Redenbacher brand in 1970;

Whereas, Orville Redenbacher Gourmet Popping Corn was introduced at Marshall Field's department store in Chicago, Illinois, and, within five years, was the leading national popcorn;

Whereas, Orville Redenbacher died on September 19, 1995; and

Whereas, The name Orville Redenbacher is synonymous with gourmet popcorn, and his product has become a national household snack: Therefore,

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

SECTION 1. That the Indiana House of Representatives wishes to honor the memory of Orville Redenbacher for his

many contributions to Indiana by renaming the section of State Road 59 from United States Highway 40 to State Road 42 in both directions the "Orville Redenbacher Memorial Highway".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the family of Orville Redenbacher and the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Resolution 14

Representatives Mahan and Heaton introduced House Resolution 14:

A HOUSE RESOLUTION recognizing the Indiana Sheriffs' Association.

Whereas, The Indiana Sheriffs' Association was first established in 1930 to promote better communication and exchange information between sheriffs and law enforcement personnel;

Whereas, For the past 82 years, with the support of its membership and its supporters, the Indiana Sheriffs' Association has proven to be an asset to both those in law enforcement and the citizens of Indiana;

Whereas, In 1977, the association was incorporated as a not-for-profit organization and began to focus on providing education and training for sheriffs and department personnel throughout Indiana that was not otherwise available;

Whereas, Effective January 1, 2003, Zachary's Law required sheriff departments to jointly establish and maintain the Indiana Sheriffs' Sex Offender Registry; and

Whereas, The Indiana Sheriffs' Association Internet web site serves as an important resource for detailed information about individuals who by law must register as sex or violent offenders when moving into an Indiana county: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the outstanding work accomplished by the Indiana Sheriffs' Association.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Sheriff Mike Heaton, President of the Indiana Sheriffs' Association.

The resolution was read a first time and adopted by voice vote.

House Resolution 15

Representatives Heuer, Torr, VanNatter, Leonard, Davisson, Ubelhor, Koch, and Wesco introduced House Resolution 15:

A HOUSE RESOLUTION honoring Gareth Evans.

Whereas, Gareth Evans, his mother, father, and two sisters fled their home in Zimbabwe to avoid political unrest;

Whereas, Uprooted with little warning, the family was forced to leave behind everything that was dear to them to seek a better life in America;

Whereas, During the immigration period, which can often be a long and tiresome process, Gareth's parents encouraged him to continue his quest for citizenship;

Whereas, Gareth's citizenship quest came to an end on November 18, 2011, at the Indiana State Fairgrounds, when he took his Oath of Allegiance to the United States of America, administered by a federal court judge, making Gareth a United States citizen;

Whereas, A graduate of Carmel High School and Purdue University, Gareth is a member of the Republican staff in the Indiana House of Representatives working in the Media Department; and

Whereas, People like Gareth Evans and his family help make the United States a great place to live and raise a family: Therefore,

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

SECTION 1. That the Indiana House of Representatives wishes to congratulate Gareth Evans on the occasion of his becoming a citizen of the United States of America.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Gareth Evans and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 16

Representative Frizzell introduced House Resolution 16:

A HOUSE RESOLUTION affirming support for increasing Taiwan's international space and participation in and contribution to the global community.

Whereas, The Republic of China (Taiwan) has achieved economic and social stability, has been lauded as a beacon of democracy for Asia the last two decades, has dramatically improved its record on human rights, and has taken great steps forward to enter the world arena as a trusted partner;

Whereas, Indiana has a strong cultural and economic relationship with Taiwan since establishing sister state relations on November 6, 1979;

Whereas, Taiwan is the world's 17th largest economy;

Whereas, Taiwan's absence from international organizations dealing with climate change has impeded Taiwan's ability to respond to natural disasters like Typhoon Morakot;

Whereas, Typhoon Morakot struck Taiwan in the summer of 2009, during an unusually bad typhoon season in the Pacific that was possibly exacerbated by climate change, and in turn, the global initiative to tackle climate change has been impaired by the lack of participation (observer status) of Taiwan;

Whereas, The Taiwan government is grateful for the assistance and condolences of the international community in the wake of Typhoon Morakot as dozens of international organizations and nations stepped up to help, including the United States, which supplied military equipment for rescue and recovery operations, the European Union, Japan, and the Chinese mainland;

Whereas, Aviation safety has become a major global concern since 2001;

Whereas, Taiwan is a key air transport hub in the Asia-Pacific region with over 1.35 million flights passing through the Taipei Flight Information Region and Taoyuan International Airport, the world's 15th largest airport by cargo volume; and

Whereas, The Taiwan government has undertaken a policy of "flexible diplomacy" in its international relations and a pragmatic approach to China, having completed a number of

cross-strait liberalization measures, including regular, direct passenger flights between mainland China and Taiwan and other goodwill measures resulting in reciprocal gestures and rapprochement between Taipei and Beijing: Therefore,

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

SECTION 1. That the Indiana House of Representatives affirms its support for the participation of Taiwan in the United Nations Framework Convention on Climate Change (UNFCCC) and the International Civil Aviation Organization (ICAO) to increase Taiwan's international space and contribution to the global community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the members of the Indiana Congressional delegation, Executive Secretary Yvo de Boer of the UNFCCC, Secretary General Raymond Benjamin of the ICAO, and the Taipei Economic and Cultural Office in Chicago, Illinois.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 15, nays 5.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1016, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1031, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-35 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 35. Interim Study Committee on Self-Service Roll Your Own Cigarettes at Retail Establishments

Sec. 1. As used in this chapter, "committee" refers to the interim study committee on self-service roll your own cigarettes at retail establishments established by section 2 of this chapter.

Sec. 2. The interim study committee on self-service roll your own cigarettes at retail establishments is established.

Sec. 3. (a) Except as provided in this chapter, the committee shall operate under the policies governing study committees adopted by the legislative council.

(b) The committee consists of nine (9) members, who shall be appointed as follows:

(1) Two (2) members of the senate, appointed by the president pro tempore of the senate.

(2) Two (2) members of the senate, appointed by the minority leader of the senate.

(3) Two (2) members of the house of representatives, appointed by the speaker of the house of representatives.

(4) Two (2) members of the house of representatives, appointed by the minority leader of the house of representatives.

(5) One (1) member of the general assembly, appointed by the chairman of the legislative council.

(c) The member appointed under subsection (b)(5) shall serve as chairman of the committee.

Sec. 4. The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

Sec. 5. The committee shall study and make recommendations to the legislative council concerning the following:

(1) The operation of roll your own cigarettes retail establishments.

(2) Tax consequences of roll your own cigarettes retail establishments.

Sec. 6. Before November 1, 2012, the committee shall issue a final report to the legislative council containing the findings and recommendations of the committee. The report must be in an electronic format under IC 5-14-6.

Sec. 7. This chapter expires December 31, 2012.

Renumber all SECTIONS consecutively.

(Reference is to HB 1031 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

DAVIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1049, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-2-7-6, AS ADDED BY P.L.222-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) This section applies if the inspector general finds evidence of misfeasance, malfeasance, nonfeasance, misappropriation, fraud, or other misconduct that has resulted in a financial loss to the state or in an unlawful benefit to an individual in the conduct of state business.

(b) If the inspector general finds evidence described in subsection (a), the inspector general shall certify a report of the matter to the attorney general and provide the attorney general with any relevant documents, transcripts, or written statements. Not later than one hundred eighty (180) days after receipt of the report from the inspector general, the attorney general shall do one (1) of the following:

(1) File a civil action (including an action upon a state officer's official bond) to secure for the state the recovery of funds misappropriated, diverted, missing, or unlawfully

gained. Upon request of the attorney general, the inspector general shall assist the attorney general in the investigation, preparation, and prosecution of the civil action.

(2) Inform the inspector general that the attorney general does not intend to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. If the attorney general elects not to file a civil action, the attorney general shall return to the inspector general all documents and files initially provided by the inspector general.

(3) Inform the inspector general that the attorney general is diligently investigating the matter and after further investigation may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. However, if more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general, the attorney general loses the authority to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained and shall return to the inspector general all documents and files initially provided by the inspector general.

(c) If the inspector general has found evidence described in subsection (a) and reported to the attorney general under subsection (b) and:

(1) the attorney general has elected under subsection (b)(2) not to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained; or

(2) under subsection (b)(3) more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general under subsection (b) and the attorney general has not filed a civil action;

the inspector general may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained.

(d) If the inspector general has found evidence described in subsection (a), the inspector general may institute forfeiture proceedings under IC 34-24-2 in a court having jurisdiction in a county where property derived from or realized through the misappropriation, diversion, disappearance, or unlawful gain of state funds may be located, unless a prosecuting attorney has already instituted forfeiture proceedings against that property.

(e) The inspector general may directly institute civil proceedings against persons who have failed to pay civil penalties imposed by the ethics commission under IC 4-2-6-12.

SECTION 2. IC 4-6-3-2, AS AMENDED BY P.L.111-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The attorney general shall have charge of and direct the prosecution of all civil actions that are brought in the name of the state of Indiana or any state agency.

(b) In no instance under this section shall the state or a state agency be required to file a bond.

(c) This section does not affect the authority of prosecuting attorneys to prosecute civil actions.

(d) This section does not affect the authority of the inspector general to prosecute a civil action under IC 4-2-7-6 for the recovery of **either or both of the following:**

(1) Funds misappropriated, diverted, missing, or unlawfully gained.

(2) A civil penalty imposed by the state ethics commission under IC 4-2-6-12.

(e) The attorney general may bring an action to collect unpaid registration fees owed by a commercial dog broker or a commercial dog breeder under IC 15-21.

SECTION 3. IC 5-11-5-1, AS AMENDED BY P.L.176-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Whenever an examination is made under this article, a report of the examination shall be made. The report must include a list of findings and shall be signed and verified by the examiner making the examination. A finding that is critical of an examined entity must be based upon one (1) of the following:

(1) Failure of the entity to observe a uniform compliance guideline established under IC 5-11-1-24(a).

(2) Failure of the entity to comply with a specific law.

A report that includes a finding that is critical of an examined entity must designate the uniform compliance guideline or the specific law upon which the finding is based. The reports shall immediately be filed with the state examiner, and, after inspection of the report, the state examiner shall immediately file one (1) copy with the officer or person examined, one (1) copy with the auditing department of the municipality examined and reported upon, and one (1) copy in an electronic format under IC 5-14-6 of the reports of examination of state agencies, instrumentalities of the state, and federal funds administered by the state with the legislative services agency, as staff to the general assembly. Upon filing, the report becomes a part of the public records of the office of the state examiner, of the office or the person examined, of the auditing department of the municipality examined and reported upon, and of the legislative services agency, as staff to the general assembly. A report is open to public inspection at all reasonable times after it is filed. If an examination discloses malfeasance, misfeasance, or nonfeasance in office or of any officer or employee, a copy of the report, signed and verified, shall be placed by the state examiner with the attorney general **and the inspector general.** The attorney general shall diligently institute and prosecute civil proceedings against the delinquent officer, or upon the officer's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(b) Before an examination report is signed, verified, and filed as required by subsection (a), the officer or the chief executive officer of the state office, municipality, or entity examined must have an opportunity to review the report and to file with the state examiner a written response to that report. If a written response is filed, it becomes a part of the examination report that is signed, verified, and filed as required by subsection (a).

(c) Except as required by subsections (b) and (d), it is unlawful for any deputy examiner, field examiner, or private examiner, before an examination report is made public as provided by this section, to make any disclosure of the result of any examination of any public account, except to the state examiner or if directed to give publicity to the examination report by the state examiner or by any court. If an examination report shows or discloses the commission of a crime by any person, it is the duty of the state examiner to transmit and present the examination report to the grand jury of the county in which the crime was committed at its first session after the making of the examination report and at any subsequent sessions that may be required. The state examiner shall furnish to the grand jury all evidence at the state examiner's command necessary in the investigation and prosecution of the crime.

(d) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a

reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of the public funds was committed by the officer or an employee of the office.

(e) After receiving a preliminary report under subsection (d), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(f) In an action under subsection (e), the attorney general may attach the defendant's property under IC 34-25-2.

(g) A preliminary report under subsection (d) is confidential until the final report under subsection (a) is issued, unless the attorney general institutes an action under subsection (e) on the basis of the preliminary report.

SECTION 4. IC 5-11-6-1, AS AMENDED BY P.L.176-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The state examiner, personally or through the deputy examiners, field examiners, or private examiners, upon the petition of twenty-five (25) interested taxpayers showing that effective local relief has not and cannot be obtained after due effort, shall make the inquiries, tests, examinations, and investigations that may be necessary to determine whether:

(1) any public contract has been regularly and lawfully executed and performed; or

(2) any public work, building, or structure has been or is being performed, built, or constructed in accordance with the terms and provisions of the contract, and in compliance with the plans and specifications, if any.

Upon a written petition of twenty-five (25) taxpayers, the state examiner may also require all plans, specifications, and estimates to be submitted to the state examiner for corrections and approval before a contract is awarded.

(b) The state examiner, deputy examiner, and any field examiner, when engaged in making an inquiry, test, examination, or investigation under subsection (a), is entitled to examine and inspect any public records, documents, data, contracts, plans, and specifications contained or found in any public office or other place pertaining or relating to the public contract or public work, building, or structure. In addition, subpoenas may be issued to witnesses to appear before the examiner in person or to produce books and papers for inspection and examination. The state examiner, deputy, field, and private examiner may administer oaths and examine witnesses under oath either orally or by interrogatories on all matters under examination and investigation. Under order of the state examiner, the examination may be transcribed, with the reasonable expense paid by the municipality in the same manner as the compensation of the field examiner is paid.

(c) The state examiner, the deputy examiner, and a field examiner may enforce attendance and answers to questions and interrogatories, as provided by law, with respect to examinations and investigations made by the state examiner, deputy examiner, field examiner, or private examiner of public offices.

(d) The state examiner, deputy examiner, any field examiner, and any private examiner, when making an examination or investigation under subsection (a), shall examine, inspect, and test the public works, buildings, or structures in the manner that the examiner sees fit to determine whether it is being performed, built, or constructed according to the contract and plans and specifications.

(e) The state examiner shall file a report covering any examination or investigation that discloses:

(1) fraud, collusion, misconduct, or negligence in the letting or the execution of any public contract or in the performance of any of the terms and conditions of any public contract; or

(2) any failure to comply with the terms or conditions of any public contract in the construction of any public work, building, or structure or to perform, build, or construct it according to the plans and specifications, if any, provided in the contract;

that causes loss, injury, waste, or damage to the state, the municipality, taxing or assessment district, other public entity, or to its citizens, if it is enforceable by assessment or taxation.

(f) The report must meet the following requirements:

(1) The report must be made, signed, and verified in quadruplicate by the examiner making the examination.

(2) The report shall be filed promptly with the state examiner.

After inspection of the report, the state examiner shall file a copy of the report promptly with the attorney general **and the inspector general.**

(g) The attorney general shall diligently institute and prosecute civil proceedings against any or all officers, individuals, and persons in the form and manner that the attorney general determines will secure a proper recovery to the state, municipality, taxing or assessment district, or other public entity injured, defrauded, or damaged by the matters in the report. These prosecutions may be made by the attorney general and the recovery may be had, either upon public official bonds, contractors' bonds, surety or other bonds, or upon individual liability, either upon contract or in tort, as the attorney general determines is wise. No action or recovery in any form or manner, or against any party or parties, precludes further or additional action or recovery in any other form or manner or against another party, either concurrently with or later found necessary, to secure complete recovery and restitution with respect to all matters exhibited, set out, or described in the report. The suits may be brought in the name of the state on the relation of the attorney general for the benefit of the state, or the municipality, taxing or assessment district, or other public entity that may be proper. The actions brought against any defendants may be joined, as to parties, form, and causes of action, in the manner that the attorney general decides.

(h) Any report described in this section or a copy duly certified by the state examiner shall be taken and received in any and all courts of this state as prima facie evidence of the facts stated and contained in the reports.

(i) If an examination, investigation, or test is made without a petition being first filed and the examination, investigation, or test shows that the terms of the contract are being complied with, then the expense of the examination, investigation, or test shall be paid by the state upon vouchers approved by the state examiner from funds available for contractual service of the state board of accounts. If such a report shows misfeasance, malfeasance, or nonfeasance in public office or shows that the terms of the plans and specifications under which a contract has been awarded are not being complied with, it is unlawful to make the report public until the report has been certified to the attorney general.

(j) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that all of the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of public

funds was committed by the officer or an employee of the office.

(k) After receiving a preliminary report under subsection (j), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(l) In an action under subsection (k), the attorney general may attach the defendant's property under IC 34-25-2.

(m) A preliminary report under subsection (j) is confidential until the final report under subsection (e) is issued, unless the attorney general institutes an action under subsection (k) on the basis of the preliminary report.

SECTION 5. IC 5-11-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. If any examination or investigation made by the state examiner personally or through a deputy examiner, field examiner, or private examiner under ~~of~~ this chapter or ~~of~~ **under** any other statute discloses:

(1) malfeasance, misfeasance, or nonfeasance in office or of any officer or employee;

(2) that any public money has been:

(A) unlawfully expended, either by having been expended for a purpose not authorized by law in an amount exceeding that authorized by law, or by having been paid to a person not lawfully entitled to receive it; or

(B) obtained by fraud or in any unlawful manner; or

(3) that any money has been wrongfully withheld from the public treasury;

a duly verified copy of the report shall be submitted by the state examiner to the attorney general, who shall institute and prosecute civil proceedings as provided in section 1 of this chapter, **and to the inspector general.**".

Page 4, after line 39, begin a new paragraph and insert:

"SECTION 10. IC 33-35-2-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.5. A city court in a city having a population of more than ten thousand five hundred (10,500) but less than eleven thousand (11,000) has concurrent jurisdiction with the circuit court in civil cases in which the amount in controversy does not exceed three thousand dollars ($3,000).**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1049 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1050, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 1.

LEHMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1092, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1117, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 8-1-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A public utility, except in cities of the third class, engaged in the production, transmission, delivery, or furnishing of heat, light, water, or power or for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid sewage or furnishing facilities for transmission of intelligence by electricity to towns and cities and to the public in general or for the furnishing of elevator or warehouse service, either directly or indirectly, to or for the public, for the purpose of enabling it to perform its functions, may appropriate and condemn lands of individuals and private corporations, or any easement in any lands, necessary to the carrying out of its objects, whether the same be for its building, structures, dams, line of poles, wires, mains, conduits, and pipelines, or right-of-way to accommodate railway siding or switch tracks connecting its plant or plants with the tracks of any common carrier, overflowage by backwater from its dams, waste, or sluiceways.

(b) However, within the limits of any incorporated town or city, the authority to appropriate does not:

(1) extend to lands situated in any city block in which more than fifty percent (50%) of the frontage is devoted to residence purposes;

(2) extend to common carriers engaged in the transportation of freight or passengers; or

(3) give to any public utility any right or authority to:

(A) appropriate any land or easement within the corporate limits of any city for overflowage by backwater from any dam;

(B) appropriate or acquire any dam, race, or sluiceway existing on May 31, 1921, or any interest in either, except to use water for condensation purposes;

(C) appropriate or acquire any pipeline laid or contained within the limits of private property; or

(D) authorize any corporation developing hydroelectric power to unreasonably interfere with or disturb the natural flow of the stream from which power may be derived. Lands or easements in lands acquired by appropriation and condemnation shall be held and enjoyed by the company for those purposes as though the land or easement had been acquired by purchase.

(c) If a not-for-profit sewer utility (as described in IC 8-1-2-125(a)) appropriates or condemns land to acquire an easement or right-of-way necessary to carry out the not-for-profit sewer utility's objectives, the easement or right-of-way may not exceed fifty (50) feet in width.

~~(c)~~ **(d)** The appropriation and condemnation of lands and easements in lands authorized by this section must be done under the terms and conditions and in the manner prescribed by IC 32-24-1.

SECTION 2. IC 13-11-2-270 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 270. "Youth**

camp", for purposes of IC 13-26-11-2, means an area or a tract of land established, operated, or maintained to provide more than seventy-two (72) continuous hours of outdoor group living experiences:

(1) away from established residences; and

(2) for educational, recreational, sectarian, or health purposes;

for at least ten (10) children who are less than eighteen (18) years of age and not accompanied by a parent or guardian.".

Page 2, line 4, after "on" delete "each" and insert "**at least two (2) radio stations**".

Page 2, line 5, delete "radio station".

Page 3, line 18, delete "." and insert "**based on the most recent federal decennial census.**".

Page 7, delete lines 17 through 42.

Delete page 8.

Page 9, delete lines 1 through 34, begin a new paragraph and insert:

"SECTION 7. IC 13-26-5-2.5, AS AMENDED BY P.L.123-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) ~~As used in this section, septic tank soil absorption system has the meaning set forth in IC 13-11-2-199.5.~~ **For purposes of this section, a sewage disposal system is "failing" if one (1) or more of the following apply:**

(1) The system refuses to accept sewage at the rate of design application and interferes with the normal use of plumbing fixtures.

(2) Effluent discharge exceeds the absorptive capacity of the soil into which the system discharges, resulting in ponding, seepage, or other discharge of the effluent to the ground surface or to surface waters.

(3) Effluent discharged from the system contaminates a potable water supply, ground water, or surface waters.

(b) ~~Subject to subsection (d) and except as provided in subsection (c),~~ A property owner is exempt from the requirement to connect to a district's sewer system and to discontinue use of a ~~septic tank soil absorption~~ **sewage disposal** system ~~if the following conditions are met:~~

~~(1) The property owner's septic tank soil absorption system was new at the time of installation and was approved in writing by the local health department.~~

~~(2) The property owner, at the property owner's own expense, obtains and provides to the district a certification from the local health department or the department's designee that the septic tank soil absorption system is functioning satisfactorily. If the local health department or the department's designee denies the issuance of a certificate to the property owner, the property owner may appeal the denial to the board of the local health department. The decision of the board is final and binding.~~

~~(3) The property owner provides the district with:~~

~~(A) the written notification of potential qualification for the exemption described in subsection (g); and~~

~~(B) the certification described in subdivision (2);~~

~~within the time limits set forth in subsection (g).~~

~~(c) If a property owner, within the time allowed under subsection (g), notifies a district in writing that the property owner qualifies for the exemption under this section, the district shall, until the property owner's eligibility for an exemption under this section is determined, suspend the requirement that the property owner discontinue use of a septic tank soil absorption system and connect to the district's sewer system.~~

~~(d) A property owner who qualifies for the exemption provided under this section may not be required to connect to the district's sewer system for a period of ten (10) years beginning on the date the new septic tank soil absorption system was installed. If ownership of the property passes from the owner who qualified for the exemption to another person during the exemption period, the exemption does not apply to the subsequent owner of the property.~~

~~(e) The district may require a property owner who qualifies for the exemption under this section to discontinue use of a septic tank soil absorption system and connect to the district's sewer system if the district credits the unamortized portion of the original cost of the property owner's septic tank soil absorption system against the debt service portion of the customer's monthly bill. The amount that the district must credit under this subsection is determined in STEP TWO of the following formula:~~

~~STEP ONE: Multiply the original cost of the property owner's septic tank soil absorption system by a fraction, the numerator of which is ninety-six (96) months minus the age in months of the property owner's septic system, and the denominator of which is ninety-six (96) months.~~

~~STEP TWO: Determine the lesser of four thousand eight hundred dollars ($4,800) or the result of STEP ONE.~~

~~The district shall apportion the total credit amount as determined in STEP TWO against the debt service portion of the property owner's monthly bill over a period to be determined by the district, but not to exceed twenty (20) years, or two hundred forty (240) months.~~ **if the sewage disposal system is not failing.**

~~(f)~~ **(c)** A district that has filed plans with the department to create or expand a sewage district shall, within ten (10) days after filing the plans, provide written notice to affected property owners:

(1) that the property owner may be required to discontinue the use of a ~~septic tank soil absorption~~ **sewage disposal** system;

(2) that the property owner may qualify for an exemption from the requirement to discontinue the use of the ~~septic tank soil absorption~~ **sewage disposal** system; and

(3) of the procedures to claim an exemption.

~~(g)~~ **(d)** To qualify for an exemption under this section, a property owner must, ~~(1)~~ within ~~sixty (60)~~ **twenty (20)** days after the date of the written notice given to the property owner under subsection ~~(f),~~ **(c),** notify the district in writing that the property owner qualifies for the exemption under this section ~~and (2) within sixty (60) days after the district receives the written notice provided under subdivision (1), provide the district with the certification required under subsection (b)(2).~~

~~(h) When a property owner who qualifies for an exemption under this section subsequently discontinues use of the property owner's septic tank soil absorption system and connects to the district's sewer system, the property owner may be required to pay only the following to connect to the sewer system: (1) The connection fee the property owner would have paid if the property owner connected to the sewer system on the first date the property owner could have connected to the sewer system. (2) Any additional costs: (A) considered necessary by; and (B) supported by documentary evidence provided by; the district.~~ **because the sewage disposal system is not failing or because the property owner intends to repair or replace the sewage disposal system, as applicable. Upon receipt of notice under this subsection, the district shall suspend the requirement to discontinue use of the sewage disposal system for one hundred eighty (180) days, during which the property owner shall repair or replace the sewage disposal system as needed. Before the expiration of the one hundred eighty (180) days, the property owner shall notify the district in writing that:**

(1) the sewage disposal system has been repaired or replaced, as applicable, and is not failing; or

(2) the property owner requires additional time to repair or replace the system.

A district that receives notice under subdivision (2) may grant the property owner additional time as it determines proper.

(e) A property owner who qualifies for an exemption under this section:

(1) may not be required to:

(A) connect to a district's sewer system; and

(B) discontinue use of a sewage disposal system;

for five (5) years beginning on the date the exemption begins; and

(2) may apply for additional and unlimited five (5) year extensions of the exemption if the owner obtains and provides to the district, at the owner's expense, a certification from the local health department or the department's designee that the sewage disposal system is not failing.

(f) A property owner who connects to a district's sewer system may provide, at the owner's expense, labor, equipment, materials, or any combination of labor, equipment, and materials from any source to accomplish the connection to the sewer system, subject to inspection and approval by the board or a designee of the board.

(g) This section does not prohibit the state department of health, a local health department, or a county health officer from proceeding under IC 16-41-20 to declare a dwelling served by a sewage disposal system a public nuisance and pursuing all available remedies.

SECTION 8. IC 13-26-5-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.6. A district may not require the owner of a property described in section 2(8) of this chapter to connect to the district's sewer system if:**

(1) the property is located on at least ten (10) acres;

(2) the owner can demonstrate the availability of at least two (2) areas on the property for the collection and treatment of sewage that will protect human health and the environment;

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

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

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

SECTION 9. IC 13-26-11-2, AS AMENDED BY P.L.189-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except as provided in subsection (b), the rates or charges for a sewage works ~~may~~ **must** be determined based on **a combination of** the following **factors:**

(1) A flat charge for each connection. **If a board uses a flat charge as a factor to determine a rate or charge for a sewage works, the board must:**

(A) prepare a written statement of not more than one (1) page in length that summarizes the calculations and processes used to determine the amount of the flat charge; and

(B) provide a copy of the written statement to each person who:

(i) is required to pay the rate or charge; and

(ii) requests a paper copy of the summary.

(2) The amount of water used on the premises.

(3) The number and size of water outlets on the premises.

(4) The amount, strength, or character of sewage discharged into the sewers.

(5) The size of sewer connections.

(6) Whether the property served has been or will be required to pay separately for the cost of any of the facilities of the works.

(7) A combination of these or other factors that the board determines is necessary to establish nondiscriminatory, just, and equitable rates or charges.

(b) ~~If a campground is billed for sewage service at a flat rate under subsection (a), the campground may instead elect to be billed for the sewage service under this subsection by installing,~~ **A campground or youth camp may be billed for sewage service at a flat rate or by installing,** at the campground's **or youth camp's** expense, a meter to measure the actual amount of sewage discharged by the campground **or youth camp** into the sewers. If a campground **or youth camp** elects to be billed by use of a meter:

(1) the rate charged by a board for the metered sewage service may not exceed the rate charged to residential customers for equivalent usage; and

(2) the amount charged by a board for the campground's **or youth camp's** monthly sewage service for the period beginning September 1 and ending May 31 must be equal to ~~the greater of:~~

~~(A)~~ the actual amount that would be charged for the sewage discharged during the month by the campground **or youth camp** as measured by the meter. ~~or~~

~~(B) the lowest monthly charge paid by the campground for sewage service during the previous period beginning June 1 and ending August 31.~~

(c) If a campground **or youth camp** does not install a meter under subsection (b) and is billed for sewage service at a flat rate, ~~under subsection (a),~~ for a calendar year beginning after December 31, 2004, each campsite at the campground **or youth camp** may not equal more than one-third (1/3) of one (1) resident equivalent unit. The basic monthly charge for the campground's **or youth camp's** sewage service must be equal to the number of the campground's **or youth camp's** resident equivalent units multiplied by the rate charged by the board for a resident unit.

(d) The board may impose additional charges on a campground **or youth camp** under subsections (b) and (c) if the board incurs additional costs that are caused by any unique factors that apply to providing sewage service for the campground **or youth camp,** including, but not limited to:

(1) the installation of:

(A) oversized pipe; or

(B) any other unique equipment;

necessary to provide sewage service for the campground **or youth camp;** and

(2) concentrations of biochemical oxygen demand (BOD) that exceed federal pollutant standards.".

Page 14, line 39, delete "a regional sewage district provides sewer service" and insert **"the property is located in the service district of a regional sewage district.**".

Page 14, delete lines 40 through 41.

Renumber all SECTIONS consecutively.

(Reference is to HB 1117 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 2.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1126, has had the same under consideration and begs leave to report the same back to the

House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "has".

Page 1, line 7, strike "been taken out of" and insert "**is not under**".

Page 4, line 39, delete "until the commission:" and insert "**until:**

(1) the commission approves or disapproves the petition, or the petition is considered approved under subsection (e); and

(2) if applicable, the commission adjusts the rates and charges imposed by the ordinance on users whose property is located outside the corporate boundaries of the municipality.".

Page 4, delete lines 40 through 42.

Page 5, delete lines 1 through 2.

Page 5, line 27, after "return" insert "**or subject**".

Page 5, after line 30, begin a new paragraph and insert:

"SECTION 4. IC 36-9-23-26, AS AMENDED BY P.L.114-2008, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) After the introduction of the ordinance establishing fees under section 25 of this chapter, but before it is finally adopted, the municipal legislative body shall hold a public hearing at which users of the sewage works, owners of property served or to be served by the works, and other interested persons may be heard concerning the proposed fees. Notice of the hearing, setting forth the proposed schedule of fees, shall be:

(1) published in accordance with IC 5-3-1;

(2) mailed to owners of vacant or unimproved property if the ordinance includes a fee for sewer availability to vacant or unimproved property; and

(3) mailed to users of the sewage works **for service to property** located outside the municipality's corporate boundaries.

The notice may be mailed in any form so long as the notice of the hearing is conspicuous. The hearing may be adjourned from time to time. **Notice mailed under subdivision (3) must include the statement required by IC 8-1.5-3-8.1(c).**

(b) After the hearing, the municipal legislative body shall adopt the ordinance establishing the fees, either as originally introduced or as modified. A copy of the schedule of fees adopted shall be kept on file and available for public inspection in the offices of the board and the municipal clerk. **The ordinance must state in plain language the percentage difference between the rates and charges imposed on:**

(1) users of the works for service to property located outside the corporate boundaries of the municipality; and

(2) users of the works for service to property located within the corporate boundaries of the municipality;

as required by IC 8-1.5-3-8.1(d).

(c) Subject to section 37 of this chapter, the fees established for any class of users or property shall be extended to cover any additional property that is subsequently served and falls within the same class, without any hearing or notice.

(d) The municipal legislative body may change or readjust the fees in the same manner by which they were established.

(e) Fees collected under this chapter are considered revenues of the sewage works.

SECTION 5. IC 36-9-23-26.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26.1. (a) Owners of property connected or to be connected to and served by the sewage works authorized under this chapter may file a written petition objecting to the rates and charges of the sewage works so long as:

(1) the petition contains the names and addresses of the petitioners;

(2) the petitioners attended the public hearing provided under section 26 of this chapter;

(3) the written petition is filed with the municipal legislative body within five (5) days after the ordinance establishing the rates and charges is adopted under section 26 of this chapter; ~~and~~

(4) the written petition states specifically the ground or grounds of objection; **and**

(5) the petitioners have not filed a petition with the commission under IC 8-1.5-3-8.3 appealing the same rates and charges of the utility.

(b) Unless the objecting petition is abandoned, the municipal clerk shall file in the office of the clerk of the circuit or superior court of the county a copy of the rate ordinance or ordinances together with the petition. The court shall then set the matter for hearing at the earliest date possible, which must be within twenty (20) days after the filing of the petition with the court. The court shall send notice of the hearing by certified mail to the municipality and to the first signer of the petition at the address shown on the petition. All interested parties shall appear in the court without further notice, and the municipality may not conduct any further proceedings concerning the rates and charges until the matters presented by the petition have been heard and determined by the court.

(c) At the discretion and upon direction of the court, the petitioners shall file with the petition a bond in the sum and with the security fixed by the court. The bond must be conditioned on the petitioners' payment of all or part of the costs of the hearing and any damages awarded to the municipality if the petition is denied, as ordered by the court.

(d) Upon the date fixed in the notice, the court shall, without a jury, hear the evidence produced. The court may confirm the decision of the municipal legislative body or sustain the objecting petition. The order of the court is final and conclusive upon all parties to the proceeding and parties who might have appeared at the hearing, subject only to the right of direct appeal. All questions that were presented or might have been presented are considered to have been adjudicated by the order of the court, and no collateral attack upon the decision of the municipal legislative body or order of the court is permitted.

(e) If the court sustains the petition, or if it is sustained on appeal, the municipal legislative body shall set the rates and charges in accordance with the decision of the court.".

(Reference is to HB 1126 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 3.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1132, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-1.1-20-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. As used in this chapter, "cost to be financed" means the following:**

(1) For a preliminary determination to issue bonds or enter into a lease made before July 1, 2012, the cost of a project.

(2) For a preliminary determination to issue bonds or enter into a lease made after June 30, 2012,

(A) the cost of a project; minus

(B) the sum of:

(i) the cash available to a political subdivision that was reserved exclusively for expenditure on the project's costs in a resolution or ordinance adopted by the proper officers of the political subdivision;

(ii) money received in the form of a donation or a grant for expenditure on the project's costs from an entity not controlled by the political subdivision; and

(iii) money for a project attributable to a grant commitment or similar instrument from an agency or affiliate of the federal government that reimburses the political subdivision for the political subdivision's expenditures on the project.".

Page 4, line 2, delete "The" and insert "After June 30, 2012, the"

Page 4, line 5, delete "balances".

Page 4, line 24, delete "The" and insert "**For a preliminary determination to issue bonds or enter into a lease made after June 30, 2012, the**".

Page 4, line 25, delete "balances".

Page 9, line 23, delete "The" and insert "**After June 30, 2012, the**".

Page 9, line 26, delete "balances".

Page 10, line 1, delete "The" and insert "**For a preliminary determination to issue bonds or enter into a lease made after June 30, 2012, the**".

Page 17, line 22, delete "The" and insert "**For a preliminary determination to issue bonds or enter into a lease made after June 30, 2012, the**".

Page 17, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 6. IC 6-1.1-20-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13. (a) A political subdivision may reserve all or part of the cash available to the subdivision exclusively for expenditure on a controlled project in a resolution or ordinance making a preliminary determination to issue bonds or enter into a lease under this chapter only if:**

(1) the amount reserved does not exceed the cash available to the political subdivison at the time the money is reserved;

(2) none of the amount reserved has been designated for another purpose; and

(3) the expenditure of the amount reserved for the controlled project is otherwise authorized by law.

(b) If a political subdivision:

(1) is authorized to issue bonds or enter into a lease for a controlled project under this chapter;

(2) had reserved cash of the political subdivision exclusively for expenditure on the controlled project in a resolution or ordinance adopted under this chapter making a preliminary determination to issue bonds or enter into a lease for the controlled project;

(3) the political subdivision proceeds with the controlled project and its financing after complying with the applicable provisions of this chapter; and

(4) does not spend the cash reserved in the preliminary determination on the controlled project;

the part of the political subdivision's levy for the controlled project is void.

(c) If a political subdivision:

(1) has reserved cash for expenditure on controlled project in a preliminary determination to issue bonds or enter into a lease; and

(2) the political subdivision:

(A) is not authorized to proceed with the controlled project because the result of the petition and remonstrance process or the referendum process is negative; or

(B) withdraws its intention to proceed with the controlled project;

the cash reserved for the controlled project in the preliminary determination to issue bonds or enter into a lease is released for other lawful uses by the political subdivision.".

Page 17, delete lines 32 through 42.

Delete page 18.

Renumber all SECTIONS consecutively.

(Reference is to HB 1132 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1133, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 32-36-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This chapter applies to an act or event that occurs within Indiana, regardless of a personality's domicile, residence, or citizenship.

(b) This chapter does not affect rights and privileges recognized under any other law that apply to a news reporting or an entertainment medium.

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

(1) The use of a personality's name, voice, signature, photograph, image, likeness, distinctive appearance, gestures, or mannerisms in any of the following:

(A) Literary works, theatrical works, musical compositions, film, radio, or television programs.

(B) Material that has political or newsworthy value.

(C) Original works of fine art.

(D) Promotional material or an advertisement for a news reporting or an entertainment medium that:

(i) uses all or part of a past edition of the medium's own broadcast or publication; and

(ii) does not convey or reasonably suggest that a personality endorses the news reporting or entertainment medium.

(E) An advertisement or commercial announcement for a use described in this subdivision.

(2) The use of a personality's name to truthfully identify the personality as:

(A) the author of a written work; or

(B) a performer of a recorded performance;

under circumstances in which the written work or recorded performance is otherwise rightfully reproduced, exhibited, or broadcast.

(3) The use of a personality's:

(A) name;

(B) voice;

(C) signature;

(D) photograph;

(E) image;

(F) likeness;

(G) distinctive appearance;

(H) gestures; or
(I) mannerisms;
in connection with the broadcast or reporting of an event or a topic of general or public interest.
(4) A personality whose:
(A) name;
(B) voice;
(C) signature;
(D) photograph;
(E) image;
(F) likeness;
(G) distinctive appearance;
(H) gesture; or
(I) mannerisms;
has commercial value solely because the personality has been formally charged with or convicted of a crime.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1133 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1134, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 20-27-11-1, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If a student who attends a nonpublic school in a school corporation resides on or along the highway constituting the regular route of a public school bus, the governing body of the school corporation shall provide transportation for the nonpublic school student on the school bus.

(b) The transportation provided under this section must be from the home of the nonpublic school student or from a point on the regular route nearest or most easily accessible to the home of the nonpublic school student to and from the nonpublic school or to and from the point on the regular route that is nearest or most easily accessible to the nonpublic school **from which the student can safely walk to and from the nonpublic school.**".

Page 1, delete lines 11 through 17.

Page 2, delete lines 1 through 37.

Page 3, delete lines 20 though 42, begin a new paragraph and insert:

"SECTION 3. IC 20-46-5-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 13. (a) As used in this section, "department" refers to the department of local government finance.**

(b) As used in this section, "participant" refers to a governing body of a school corporation that elects to participate in the drive train and lubricant maintenance school bus life extension program established under subsection (c).

(c) The drive train and lubricant maintenance school bus life extension program is established. A participant who applies to participate in the program under subsection (d) may be eligible to transfer an amount not to exceed the estimated savings that result from the use of a school bus or special use bus beyond the minimum useful life of the bus specified in the governing body's plan under section 8 of this chapter. The continued use of the bus must be justified with a drive train and lubricant annual report described in subsection (e).

(d) A governing body may elect to participate in the program established under subsection (c). To participate, a governing body must submit an application to the department on forms provided by the department.

(e) In addition to the application provided under subsection (d), the governing body must submit an annual report to the department, at a time specified by the department, that provides an estimate of the cost savings to the governing body resulting from extending the useful life of a school bus or special use bus beyond the minimum useful life of the bus specified by the governing body in its plan under section 8 of this chapter. The estimate of cost savings must include an annual drive train lubricants and cooling system fluids report that justifies that the bus is in good working condition. The report must be in accordance with ASTM standards by an operator certified by the International Organization for Standardization.

(f) After a governing body submits its application and the annual drive train lubricant and cooling system fluids report to the department, the department may determine the amount the governing body may transfer from its fund to its general operating fund. A governing body may transfer the amount determined by the department under this subsection from its fund to its general operating fund for the year specified by the department.

(g) The department shall establish standard criteria to value the cost savings to the governing body under this section. The governing body's estimate of cost savings submitted to the department under subsection (e) must be based on the standard criteria established under this subsection.

(h) The department may request from the governing body any information necessary to administer this section.

(I) The department may establish rules under IC 4-22-2 or guidelines necessary to administer this section.".

Delete page 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1134 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1141, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 22.

Page 4, line 29, after "2006," insert "**2012,**".

Page 4, line 29, reset in roman "and before July 1,".

Page 4, line 29, delete "2012," and insert "**2013,**".

Page 5, line 1, after "2006," insert "**2012,**".

Page 5, line 1, reset in roman "and before July 1,".

Page 5, line 1, delete "2012," and insert "**2013,**".

Page 5, delete lines 3 through 27.

Renumber all SECTIONS consecutively.

(Reference is to HB 1141 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1163, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, line 7, after "bonds" insert "**and claims**".

(Reference is to HB 1163 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1192, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "may" and insert "**must**".

Page 2, line 8, delete "five (5)" and insert "**ten (10)**".

Page 2, line 13, delete "five (5)" and insert "**ten (10)**".

Page 3, line 34, delete "A deduction under this section must".

Page 3, delete lines 35 through 42.

Delete page 4.

(Reference is to HB 1192 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1199, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 23, delete "2023" and insert "**2013**".

(Reference is to HB 1199 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 3.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1212, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 9-13-2-69.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 69.3. "Funeral escort **vehicle"** ~~has the meaning set forth~~ **means a vehicle driven by a person who provides escort services for funeral processions. The term does not include a vehicle owned and operated by a funeral home (as defined** in ~~IC 9-21-13-0.3~~ **IC 25-15-2-15).**".

Page 1, line 2, reset in roman "Except for".

Page 1, line 2, delete "a" and insert "a:

(1)".

Page 1, line 3, reset in roman "vehicle utilized in a funeral".

Page 1, line 3, delete "procession," and insert "procession; **or**

(2) a funeral escort vehicle bearing markings as described in IC 9-21-13-0.7;".

Page 1, line 3, delete "A" begin a new line blocked left and insert "a".

Page 1, line 7, strike "purchases or otherwise acquires" and insert "**possesses**".

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"**(c) A vehicle, other than an emergency vehicle used in a funeral procession or as a funeral escort vehicle, may display only red and white, red, or amber lights.**".

Page 2, line 7, after "chapter" insert "**.**".

Page 2, line 7, delete "in".

Page 2, delete lines 8 through 16, begin a new paragraph and insert:

"SECTION 4. IC 9-21-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Except as provided in subsection (b), a vehicle may not display flashing lights.

(b) Flashing lights may be displayed on a vehicle as follows:

(1) On an authorized emergency vehicle.

(2) On a school bus.

(3) On snow-removal equipment.

(4) As a means of indicating a right or left turn.

(5) As a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

(6) On a vehicle used in a funeral procession.

SECTION 5. IC 9-21-13-0.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.3. As used in this chapter, "funeral escort" means a person that provides escort services for funeral processions.~~

SECTION 6. IC 9-21-13-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.7. (a) Except as provided in subsection (b), a funeral escort vehicle must be clearly marked with the words "funeral escort" on both the right and left sides of the vehicle in letters that are at least five (5) inches in height.**

(b) A motorcycle that is a funeral escort vehicle must be clearly marked with the words "funeral escort" on both the right and left sides of the vehicle in letters that are at least two (2) inches in height.

(c) A funeral escort vehicle may not bear:

(1) markings similar to the markings used by a law enforcement agency of the state or the federal government;

(2) words, emblems, seals, or other insignia that could cause a reasonable person to confuse the funeral escort vehicle with a police vehicle; or

(3) the words "sheriff", "police", "deputy", "marshal", "agent", "patrolman", "officer", or another word that could cause a reasonable person to

confuse the operator of the funeral escort vehicle with a law enforcement officer.".

Page 2, line 21, delete "alternately a" and insert "alternately".

Page 2, line 22, reset in roman "and".

Page 2, line 22, after "blue" insert "**white, flashing red, or flashing amber**".

Page 2, line 22, reset in roman "lights,".

Page 2, line 22, delete "light".

Renumber all SECTIONS consecutively.

(Reference is to HB 1212 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BORDERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1216, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "donation;" and insert "**donations for stem cell transplantation;**".

Page 3, line 5, delete "self-donations)," and insert "**self-donations for stem cell transplantation),**".

Page 3, line 32, after "donor" insert "**for stem cell transplantation**".

(Reference is to HB 1216 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1225, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 40, after "(f)" insert "**This subsection does not apply to property located in a county that has a consolidated city.**".

Page 3, line 19, after "(g)" insert "**This subsection does not apply to a sewage disposal system located in a county that has a consolidated city.**".

Page 3, line 41, delete "Beginning July 1, 2012, the governing board of a" and insert: "**This subsection applies only to property located in a county that has a consolidated city. A not-for-profit public sewer utility may require a property that is within its service territory and is producing sewage or similar waste to be connected to its sewer system and require the discontinuance of use of a sewage disposal system serving the property if:**

(1) there is an available sanitary sewer within three hundred (300) feet of the property line; and

(2) the utility provides written notice by certified mail to the property owner, at the address provided by the property owner, at least ninety (90) days before the date for connection stated in the notice.".

Page 3, delete line 42.

Page 4, delete lines 1 through 14.

Page 5, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 4. IC 13-11-2-270 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 270. "Youth camp", for purposes of IC 13-26-11-2, means an area or a tract of land established, operated, or maintained to provide more than seventy-two (72) continuous hours of outdoor group living experiences:**

(1) away from established residences; and

(2) for educational, recreational, sectarian, or health purposes;

for at least ten (10) children who are less than eighteen (18) years of age and not accompanied by a parent or guardian.".

Page 5, delete lines 16 through 42.

Delete pages 6 though 15.

Page 16, delete lines 1 through 12, begin a new paragraph and insert:

"SECTION 6. IC 13-26-4-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. (a) The following apply to the membership of the board of trustees of a district:**

(1) At least one (1) trustee must be an elected official who represents a political subdivision that has territory in the district.

(2) Except for an elected official described in subdivision (1), each trustee must be:

(A) a ratepayer in the district; or

(B) if there are no available ratepayers in a district, a resident of the district.

(b) This subsection applies to a district that exists on or after July 1, 2012. Beginning with the initial election or appointment of a trustee to fill a vacancy that occurs on a board after June 30, 2012, or to fill the office of a trustee whose term begins after June 30, 2012, the district shall comply with the trustee requirements set forth in subsection (a) in the following order:

(1) The district shall comply with the requirement of subsection (a)(1) first.

(2) After the requirement under subsection (a)(1) is fulfilled, the district shall use subsequent elections or appointments of trustees to fill vacancies to fulfill the requirement of subsection (a)(2).

SECTION 7. IC 13-26-4-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. An appointed trustee does not have to be a resident of the district.~~

SECTION 8. IC 13-26-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8. (a) When the board of a district conducts a public hearing, the board shall allow any person an opportunity to be heard:**

(1) in the presence of others who are present to testify; and

(2) in accordance with subsection (b).

(b) The board may limit testimony at a public hearing to a reasonable time stated at the opening of the public hearing.

SECTION 9. IC 13-26-5-2, AS AMENDED BY P.L.1-2009, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A district may do the following:

(1) Sue or be sued.

(2) Make contracts in the exercise of the rights, powers, and duties conferred upon the district.

(3) Adopt and alter a seal and use the seal by causing the seal to be impressed, affixed, reproduced, or otherwise used. However, the failure to affix a seal does not affect the validity of an instrument.

(4) Adopt, amend, and repeal the following:

(A) Bylaws for the administration of the district's affairs.

(B) Rules and regulations for the following:

(I) The control of the administration and operation of the district's service and facilities.
(ii) The exercise of all of the district's rights of ownership.
(5) Construct, acquire, lease, operate, or manage works and obtain rights, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property, whether real, personal, or mixed, of a person or an eligible entity.
(6) Assume in whole or in part any liability or obligation of:
(A) a person;
(B) a nonprofit water, sewage, or solid waste project system; or
(C) an eligible entity;
including a pledge of part or all of the net revenues of a works to the debt service on outstanding bonds of an entity in whole or in part in the district and including a right on the part of the district to indemnify and protect a contracting party from loss or liability by reason of the failure of the district to perform an agreement assumed by the district or to act or discharge an obligation.
(7) Fix, alter, charge, and collect reasonable rates and other charges in the area served by the district's facilities to every person whose premises are, whether directly or indirectly, supplied with water or provided with sewage or solid waste services by the facilities for the purpose of providing for the following:
(A) The payment of the expenses of the district.
(B) The construction, acquisition, improvement, extension, repair, maintenance, and operation of the district's facilities and properties.
(C) The payment of principal or interest on the district's obligations.
(D) To fulfill the terms of agreements made with:
(I) the purchasers or holders of any obligations; or
(ii) a person or an eligible entity.
(8) Except as provided in ~~section~~ **sections** 2.5 **and 2.6** of this chapter, require connection to the district's sewer system of property producing sewage or similar waste, and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures if:
(A) there is an available sanitary sewer within three hundred (300) feet of the property line;
(B) the district has given written notice by certified mail to the property owner at the address of the property at least ninety (90) days before a date for connection to be stated in the notice; and
(C) if the property is located outside the district's territory:
(I) the district has obtained and provided to the property owner (along with the notice required by clause (B)) a letter of recommendation from the local health department that there is a possible threat to the public's health; and
(ii) if the property is also located within the extraterritorial jurisdiction of a municipal sewage works under IC 36-9-23 or a public sanitation department under IC 36-9-25, the municipal works board or department of public sanitation has acknowledged in writing that the property is within the municipal sewage works or department of public sanitation's extraterritorial jurisdiction, but the municipal works board or department of public sanitation is unable to provide sewer service.
However, a district may not require the owner of a property described in this subdivision to connect to the district's sewer system if the property is already connected to a sewer system that has received an NPDES permit and has been determined to be functioning satisfactorily.
(9) Provide by ordinance for reasonable penalties for failure to connect and also apply to the circuit or superior court of the county in which the property is located for an order to force connection, with the cost of the action, including reasonable attorney's fees of the district, to be assessed by the court against the property owner in the action.
(10) Refuse the services of the district's facilities if the rates or other charges are not paid by the user.
(11) Control and supervise all property, works, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to the district.
(12) Construct, acquire by purchase or otherwise, operate, lease, preserve, and maintain works considered necessary to accomplish the purposes of the district's establishment within or outside the district and enter into contracts for the operation of works owned, leased, or held by another entity, whether public or private.
(13) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease as lessee or lessor, use, and sell interests in real and personal property or franchises within or outside the district for:
(A) the location or protection of works;
(B) the relocation of buildings, structures, and improvements situated on land required by the district or for any other necessary purpose; or
(C) obtaining or storing material to be used in constructing and maintaining the works.
(14) Upon consent of two-thirds (2/3) of the members of the board, merge or combine with another district into a single district on terms so that the surviving district:
(A) is possessed of all rights, franchises, and authority of the constituent districts; and
(B) is subject to all the liabilities, obligations, and duties of each of the constituent districts, with all rights of creditors of the constituent districts being preserved unimpaired.
(15) Provide by agreement with another eligible entity for the joint construction of works the district is authorized to construct if the construction is for the district's own benefit and that of the other entity. For this purpose the cooperating entities may jointly appropriate land either within or outside their respective borders if all subsequent proceedings, actions, powers, liabilities, rights, and duties are those set forth by statute.
(16) Enter into contracts with a person, an eligible entity, the state, or the United States to provide services to the contracting party for any of the following:
(A) The distribution or purification of water.
(B) The collection or treatment of sanitary sewage.
(C) The collection, disposal, or recovery of solid waste.
(17) Make provision for, contract for, or sell the district's byproducts or waste.
(18) Exercise the power of eminent domain, **including for purposes of siting sewer or water utility infrastructure, but only after the district attempts to use existing public rights-of-way or easements.**
(19) Remove or change the location of a fence, building, railroad, canal, or other structure or improvement located within or outside the district. If:
(A) it is not feasible or economical to move the building, structure, or improvement situated in or upon land acquired; and
(B) the cost is determined by the board to be less than that of purchase or condemnation;

the district may acquire land and construct, acquire, or install buildings, structures, or improvements similar in purpose to be exchanged for the buildings, structures, or improvements under contracts entered into between the owner and the district.

(20) Employ consulting engineers, superintendents, managers, and other engineering, construction, and accounting experts, attorneys, bond counsel, employees, and agents that are necessary for the accomplishment of the district's purpose and fix their compensation.

(21) Procure insurance against loss to the district by reason of damages to the district's properties, works, or improvements resulting from fire, theft, accident, or other casualty or because of the liability of the district for damages to persons or property occurring in the operations of the district's works and improvements or the conduct of the district's activities.

(22) Exercise the powers of the district without obtaining the consent of other eligible entities. However, the district shall:

(A) restore or repair all public or private property damaged in carrying out the powers of the district and place the property in the property's original condition as nearly as practicable; or

(B) pay adequate compensation for the property.

(23) Dispose of, by public or private sale or lease, real or personal property determined by the board to be no longer necessary or needed for the operation or purposes of the district.

SECTION 10. IC 13-26-5-2.5, AS AMENDED BY P.L.123-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) ~~As used in this section, septic tank soil absorption system has the meaning set forth in IC 13-11-2-199.5.~~ **For purposes of this section, a sewage disposal system is "failing" if one (1) or more of the following apply:**

(1) The system refuses to accept sewage at the rate of design application and interferes with the normal use of plumbing fixtures.

(2) Effluent discharge exceeds the absorptive capacity of the soil into which the system discharges, resulting in ponding, seepage, or other discharge of the effluent to the ground surface or to surface waters.

(3) Effluent discharged from the system contaminates a potable water supply, ground water, or surface waters.

(b) ~~Subject to subsection (d) and except as provided in subsection (c),~~ A property owner is exempt from the requirement to connect to a district's sewer system and to discontinue use of a ~~septic tank soil absorption~~ **sewage disposal** system ~~if the following conditions are met:~~

~~(1) The property owner's septic tank soil absorption system was new at the time of installation and was approved in writing by the local health department.~~

~~(2) The property owner, at the property owner's own expense, obtains and provides to the district a certification from the local health department or the department's designee that the septic tank soil absorption system is functioning satisfactorily. If the local health department or the department's designee denies the issuance of a certificate to the property owner, the property owner may appeal the denial to the board of the local health department. The decision of the board is final and binding.~~

~~(3) The property owner provides the district with:~~

~~(A) the written notification of potential qualification for the exemption described in subsection (g); and~~

~~(B) the certification described in subdivision (2);~~

~~within the time limits set forth in subsection (g).~~

~~(c) If a property owner, within the time allowed under subsection (g), notifies a district in writing that the property owner qualifies for the exemption under this section, the district shall, until the property owner's eligibility for an exemption under this section is determined, suspend the requirement that the property owner discontinue use of a septic tank soil absorption system and connect to the district's sewer system.~~

~~(d) A property owner who qualifies for the exemption provided under this section may not be required to connect to the district's sewer system for a period of ten (10) years beginning on the date the new septic tank soil absorption system was installed. If ownership of the property passes from the owner who qualified for the exemption to another person during the exemption period, the exemption does not apply to the subsequent owner of the property.~~

~~(e) The district may require a property owner who qualifies for the exemption under this section to discontinue use of a septic tank soil absorption system and connect to the district's sewer system if the district credits the unamortized portion of the original cost of the property owner's septic tank soil absorption system against the debt service portion of the customer's monthly bill. The amount that the district must credit under this subsection is determined in STEP TWO of the following formula:~~

~~STEP ONE: Multiply the original cost of the property owner's septic tank soil absorption system by a fraction, the numerator of which is ninety-six (96) months minus the age in months of the property owner's septic system, and the denominator of which is ninety-six (96) months.~~

~~STEP TWO: Determine the lesser of four thousand eight hundred dollars ($4,800) or the result of STEP ONE.~~

~~The district shall apportion the total credit amount as determined in STEP TWO against the debt service portion of the property owner's monthly bill over a period to be determined by the district, but not to exceed twenty (20) years, or two hundred forty (240) months.~~ **if the sewage disposal system is not failing.**

~~(f)~~ **(c)** A district that has filed plans with the department to create or expand a sewage district shall, within ten (10) days after filing the plans, provide written notice to affected property owners:

(1) that the property owner may be required to discontinue the use of a ~~septic tank soil absorption~~ **sewage disposal** system;

(2) that the property owner may qualify for an exemption from the requirement to discontinue the use of the ~~septic tank soil absorption~~ **sewage disposal** system; and

(3) of the procedures to claim an exemption.

~~(g)~~ **(d)** To qualify for an exemption under this section, a property owner must, ~~(1)~~ within ~~sixty (60)~~ **twenty (20)** days after the date of the written notice given to the property owner under subsection ~~(f),~~ **(c),** notify the district in writing that the property owner qualifies for the exemption under this section ~~and (2) within sixty (60) days after the district receives the written notice provided under subdivision (1), provide the district with the certification required under subsection (b)(2).~~

~~(h) When a property owner who qualifies for an exemption under this section subsequently discontinues use of the property owner's septic tank soil absorption system and connects to the district's sewer system, the property owner may be required to pay only the following to connect to the sewer system: (1) The connection fee the property owner would have paid if the property owner connected to the sewer system on the first date the property owner could have connected to the sewer system. (2) Any additional costs: (A) considered necessary by; and (B) supported by documentary evidence provided by; the district.~~ **because the sewage disposal system is not failing or because the property owner intends to repair or replace the sewage**

disposal system, as applicable. Upon receipt of notice under this subsection, the district shall suspend the requirement to discontinue use of the sewage disposal system for one hundred eighty (180) days, during which the property owner shall repair or replace the sewage disposal system as needed. Before the expiration of the one hundred eighty (180) days, the property owner shall notify the district in writing that:

(1) the sewage disposal system has been repaired or replaced, as applicable, and is not failing; or

(2) the property owner requires additional time to repair or replace the system.

A district that receives notice under subdivision (2) may grant the property owner additional time as it determines proper.

(e) A property owner who qualifies for an exemption under this section:

(1) may not be required to:

(A) connect to a district's sewer system; and

(B) discontinue use of a sewage disposal system;

for five (5) years beginning on the date the exemption begins; and

(2) may apply for additional and unlimited five (5) year extensions of the exemption if the owner obtains and provides to the district, at the owner's expense, a certification from the local health department or the department's designee that the sewage disposal system is not failing.

(f) A property owner who connects to a district's sewer system may provide, at the owner's expense, labor, equipment, materials, or any combination of labor, equipment, and materials from any source to accomplish the connection to the sewer system, subject to inspection and approval by the board or a designee of the board.

(g) This section does not prohibit the state department of health, a local health department, or a county health officer from proceeding under IC 16-41-20 to declare a dwelling served by a sewage disposal system a public nuisance and pursuing all available remedies.

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

(1) the property is located on at least ten (10) acres;

(2) the owner can demonstrate the availability of at least two (2) areas on the property for the collection and treatment of sewage that will protect human health and the environment;

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

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

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

SECTION 12. IC 13-26-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The rates and charges for a waterworks may be determined based on the following:

(1) A flat charge for each connection. **If a board uses a flat charge as factor to determine a rate or charge for a waterworks, the board must:**

(A) prepare a written statement of not more than one (1) page in length that summarizes the calculations and processes used to determine the amount of the flat charge; and

(B) provide a copy of the written statement to each person who:

(i) is required to pay the rate or charge; and

(ii) requests a paper copy of the summary.

(2) The amount of water consumed.

(3) The size of the meter or connection.

(4) Whether the property served has been or will be required to pay separately for the cost of any of the facilities of the works.

(5) A combination of these or other factors that the board determines is necessary to establish just and equitable rates and charges.

SECTION 13. IC 13-26-11-2, AS AMENDED BY P.L.189-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except as provided in subsection (b), the rates or charges for a sewage works ~~may~~ **must** be determined based on **a combination of** the following **factors:**

(1) A flat charge for each connection. **If a board uses a flat charge as factor to determine a rate or charge for a sewage works, the board shall:**

(A) prepare a written statement of not more than one (1) page in length that summarizes the calculations and processes used to determine the amount of the flat charge; and

(B) provide a copy of the written statement to each person who:

(i) is required to pay the rate or charge; and

(ii) requests a paper copy of the summary.

(2) The amount of water used on the premises.

(3) The number and size of water outlets on the premises.

(4) The amount, strength, or character of sewage discharged into the sewers.

(5) The size of sewer connections.

(6) Whether the property served has been or will be required to pay separately for the cost of any of the facilities of the works.

(7) A combination of these or other factors that the board determines is necessary to establish nondiscriminatory, just, and equitable rates or charges.

(b) ~~If a campground is billed for sewage service at a flat rate under subsection (a), the campground may instead elect to be billed for the sewage service under this subsection by installing,~~ **A campground or youth camp may be billed for sewage service at a flat rate or by installing,** at the campground's **or youth camp's** expense, a meter to measure the actual amount of sewage discharged by the campground **or youth camp** into the sewers. If a campground **or youth camp** elects to be billed by use of a meter:

(1) the rate charged by a board for the metered sewage service may not exceed the rate charged to residential customers for equivalent usage; and

(2) the amount charged by a board for the campground's **or youth camp's** monthly sewage service for the period beginning September 1 and ending May 31 must be equal to ~~the greater of:~~

~~(A)~~ the actual amount that would be charged for the sewage discharged during the month by the campground **or youth camp** as measured by the meter. ~~or~~

~~(B) the lowest monthly charge paid by the campground for sewage service during the previous period beginning June 1 and ending August 31.~~

(c) If a campground **or youth camp** does not install a meter under subsection (b) and is billed for sewage service at a flat rate, ~~under subsection (a),~~ for a calendar year beginning after December 31, 2004, each campsite at the campground **or youth**

camp may not equal more than one-third (1/3) of one (1) resident equivalent unit. The basic monthly charge for the campground's **or youth camp's** sewage service must be equal to the number of the campground's **or youth camp's** resident equivalent units multiplied by the rate charged by the board for a resident unit.

(d) The board may impose additional charges on a campground **or youth camp** under subsections (b) and (c) if the board incurs additional costs that are caused by any unique factors that apply to providing sewage service for the campground **or youth camp,** including, but not limited to:

(1) the installation of:

(A) oversized pipe; or

(B) any other unique equipment;

necessary to provide sewage service for the campground **or youth camp;** and

(2) concentrations of biochemical oxygen demand (BOD) that exceed federal pollutant standards.".

Page 17, line 5 after "district." insert **"The party prevailing in any civil action filed under this section is entitled to recover the costs of the action, including reasonable attorney's fees as determined by the court.**".

Page 17, delete lines 26 through 37, begin a new paragraph and insert:

"**(d) A complaint made under subsection (b) must include adequate details to allow the health officer to verify the existence of the unlawful conditions that are the subject of the complaint. A health officer must provide a copy of a complaint upon request to the person who is the subject of the complaint.**

(e) A person who provides false information upon which a health officer relies in issuing an order under this section commits a Class C infraction.".

Page 18, line 26, delete "residential use only." and insert "**use only in the private homes.**".

Page 18, line 28, after "form." insert "**However, an ordinance adopted under this section may:**

(A) require an individual who constructs a sewage disposal system to submit a schematic of the system to the appropriate local health department or county health officer; and

(B) provide that the sewage disposal system may not be placed in operation until the individual, at the individual's expense, obtains a certification from the appropriate local health department or county health officer that the system is functioning satisfactorily.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1225 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 2.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1237, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

LEHMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1250, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 5 through 6.

Page 1, line 7, delete "2." and insert "**1.**".

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

Page 2, line 4, delete "does not include the situation" and insert "**includes service as an elected officer or special state appointee.**".

Page 2, delete line 5.

Page 2, line 6, delete "4." and insert "**3.**".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"**Sec. 4. As used in this chapter, "special state appointee" means a person who is:**

(1) not a state officer or employee; and

(2) elected or appointed to an authority, a board, a commission, a committee, a council, a task force, or other body designated by any name that:

(A) is authorized by statute or executive order; and

(B) functions in a policy or an advisory role in the executive (including the administrative) department of state government, including a separate body corporate and politic.".

Page 2, delete lines 15 through 20, begin a new paragraph and insert:

"**Sec. 5. Except as provided in section 7 of this chapter, an individual may not be employed in the same agency in which an individual's relative is employed.**".

Page 2, line 21, delete "or serving as an" and insert "**may not hire or be placed in a direct supervisory relationship with:**".

Page 2, delete line 22.

Page 2, line 27, delete "or serves." and insert "**.**".

Page 2, delete lines 28 through 42, begin a new paragraph and insert:

"**Sec. 7. Section 5 of this chapter is not violated if:**

(1) an individual's relative has been employed in the same agency for at least twelve (12) consecutive months immediately preceding the date the individual is employed in the same agency; and

(2) the employment does not violate section 6 of this chapter.

Sec. 8. Any person within an agency who participates in a violation of this chapter is subject to the penalties set forth in IC 4-2-6-12.".

Page 3, delete line 1.

(Reference is to HB 1250 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1269, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 2.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1270, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 24, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 57. IC 21-18-3-1, AS ADDED BY P.L.2-2007, SECTION 259, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The commission consists of ~~fourteen (14)~~ **fifteen (15)** members appointed by the governor as follows:

(1) Each member must be a citizen of Indiana.

(2) Each congressional district must be represented by at least one (1) member who resides in the congressional district.

(3) One (1) member must be a student.

(4) One (1) member must be a full-time faculty member of a state educational institution.

(5) One (1) member must be the chairman of the postsecondary credit bearing proprietary educational institution advisory board established under IC 21-18.5-6-1.

SECTION 58. IC 21-18-3-6, AS ADDED BY P.L.2-2007, SECTION 259, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) **This section does not apply to a member described in section 1(5) of this chapter.** Appointments to the commission are for a term of four (4) years except:

(1) the student member; and

(2) the full-time faculty member;

who are appointed to a term of two (2) years.

(b) The governor shall promptly make appointments to fill vacancies for the duration of unexpired terms in the same manner as the original appointments.

(c) The term of a member begins on July 1 of the year of appointment and continues until a successor has been appointed.".

Page 25, delete lines 5 through 8, begin a new paragraph and insert:

"**ARTICLE 18.5. ADMINISTRATION OF HIGHER EDUCATION FINANCIAL AID AND POSTSECONDARY CREDIT BEARING PROPRIETARY EDUCATIONAL INSTITUTION ACCREDITATION**".

Page 30, line 2, delete "means:" and insert "**means a degree granting and credit bearing institution that provides instructional or educational services or training in a technical, professional, mechanical, business, or industrial occupation, and is accredited by an accrediting agency recognized by the United States Department of Education or is seeking and progressing toward accreditation by an accrediting agency recognized by the United States Department of Education.**".

Page 30, delete lines 3 through 19.

Page 30, line 21, delete "A" and insert "**An Indiana**".

Page 30, line 21, after "another" insert "**Indiana**".

Page 31, delete lines 3 through 13, begin a new paragraph and insert:

"**Chapter 3. State Financial Aid**

Sec. 1. The commission, under IC 21-18-6-1, shall administer the following:

(1) This article.

(2) IC 21-12.

(3) IC 21-13.

(4) IC 21-14.

(5) IC 21-16.".

Page 31, delete line 23, begin a new line block indented and insert:

"**public or private postsecondary educational institution or a postsecondary credit bearing proprietary educational institution.**".

Page 33, delete lines 18 through 21, begin a new paragraph and insert:

"**Sec. 7. The commission may, subject to written advance notice, inspect and audit the records of a postsecondary credit bearing proprietary educational institution concerning a student grant awarded under IC 21-12 or IC 21-13.**".

Page 35, delete line 22, begin a new line block indented and insert:

"**equipment.**".

Page 35, line 27, delete "paid, including a statement" and insert "**paid.**".

Page 35, delete line 28.

Page 36, delete line 21, begin a new line block indented and insert:

"**(4) A transcript of the student's academic progress.**".

Page 36, line 30, after "commission" insert "**on public records**".

Page 37, line 23, after "institution" insert "**is subject to a background check by the commission and**".

Page 38, line 3, after "($25)." insert "**An applicant's market research or the approval of any other postsecondary educational institution may not be considered or required by the commission as a condition for accrediting or renewing the accreditation of or for approval of the programs of a postsecondary credit bearing proprietary educational institution.**".

Page 41, delete lines 5 through 6, begin a new paragraph and insert:

"**Sec. 22. (a) As used in this section, "fund" means the postsecondary credit bearing proprietary educational institution accreditation fund established by subsection (b).**

(b) The postsecondary credit bearing proprietary educational institution accreditation fund is established.

(c) The fund shall be administered by the commission.

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

(e) All fees collected by the commission under this chapter shall be deposited in the fund.

(f) Money in the fund shall be used by the commission to administer this chapter.

Sec. 23. The commission may adopt rules under IC 4-22-2 to implement this chapter.".

Page 41, line 12, after "accreditation." insert "**The advisory board shall receive and review staff recommendations pertaining to the accreditation of and approval of the programs of a postsecondary credit bearing proprietary educational institution. Upon completion of its review, the advisory board shall forward the advisory board's recommendations to the commission. The commission may approve, deny, or modify the advisory board's recommendations.**".

Page 41, delete lines 18 through 32, begin a new paragraph and insert:

"**(e) Of the members, two (2) members must have been previously employed by a postsecondary credit bearing proprietary educational institution. However, the members may not be:**

(1) employed by; or

(2) working as a contract employee or an independent contractor for;

a postsecondary credit bearing proprietary educational institution while serving as a member of the advisory board.".

Page 42, line 14, delete "may select" insert "**shall select a chairman and may select other**".

Page 42, delete lines 17 through 28, begin a new paragraph and insert:

"**(b) The advisory board may meet as often as is necessary upon the call of the chairperson.**".

Page 46, line 11, delete "equipment," and insert "**equipment.**".

Page 46, delete line 12.

Page 57, after line 22, begin a new paragraph and insert:

"SECTION 68. [EFFECTIVE JULY 1, 2012] **(a) The definitions used in IC 21-18.5, as added by this act, apply throughout this SECTION.**

(b) On or before July 1, 2014, the postsecondary credit bearing proprietary educational institution advisory board may submit a report to the legislative council. The report must be in an electronic format under IC 5-14-6. The report may include:

(1) an evaluation of the transition of the responsibilities of the commission on proprietary education to the commission as provided in this act; and

(2) any recommendations regarding the administration of IC 21-18.5-5 and IC 21-18.5-6, both as added by this act.

(c) This SECTION expires December 31, 2014.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1270 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 2.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1299, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 10, delete "IC 7.1-3-4-2(3), IC 7.1-3-4-2(8), and IC 7.1-3-4-2(13)" and insert "**IC 7.1-3-4-2(a)(3), IC 7.1-3-4-2(a)(8), and IC 7.1-3-4-2(a)(13).**".

Page 3, line 20, delete "IC 7.1-3-4-2(3), IC 7.1-3-4-2(8), and IC 7.1-3-4-2(13)" and insert "**IC 7.1-3-4-2(a)(3), IC 7.1-3-4-2(a)(8), and IC 7.1-3-4-2(a)(13).**".

(Reference is to HB 1299 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

DAVIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1325, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 22, delete "(as defined in IC 6-2.5-3-2(f))".

Page 3, line 23, after "aircraft" insert ";".

Page 3, line 23, delete "following completion work or a prepurchase".

Page 3, line 24, delete "evaluation (as defined in IC 6-2.5-3-2(f));".

Page 3, line 24, strike "or".

Page 3, line 28, after ";" insert "**or**".

Page 3, between lines 28 and 29, begin a new line double block indented and insert:

"**(C) accepting delivery (as defined in IC 6-2.5-3-2(f)) of the aircraft following completion work or a prepurchase evaluation (as defined in IC 6-2.5-3-2(f));**".

(Reference is to HB 1325 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1360, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, after "donation." insert "**However, money in the fund may not be distributed under this subsection for any quarter of a year until the annual report for the previous year has been submitted under subsection (f).**".

Page 2, line 4, after "annual" insert "**audited**".

(Reference is to HB 1360 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

T. BROWN, Chair

Report adopted.

Representative Pond was excused.

HOUSE BILLS ON SECOND READING

House Bill 1005

Representative Mahan called down House Bill 1005 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1005–2)

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

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

"**Sec. 4. Except as provided in section 5 of this chapter, an individual:**

(1) serving as a volunteer firefighter for a volunteer fire department or a fire department that provides fire protection services to a unit:

(A) under a contract with the unit, excluding a mutual aid agreement; or

(B) as the unit's fire department; or

(2) serving as a police reserve officer (as defined in IC 36-8-3-20);

may not assume or hold an elected office of a unit that receives services from the department in which the volunteer firefighter or police reserve officer serves.

Sec. 5. (a) As used in this section "department" refers to:

(1) a volunteer fire department or the fire department of a unit; or

(2) a police department of a unit.

(b) Section 4 of this chapter does not apply to an individual who receives for services provided to a department not more than two hundred dollars ($200) per month each taxable year, in addition to the sum of any allowances received by the individual during the taxable year for services provided to the department, including allowances for any of the following:

(1) Clothing.

(2) Fuel.

(3) Vehicle mileage.

(4) Equipment.

(c) This subsection applies to an individual who serves as a volunteer firefighter or police reserve officer in more than one (1) department. The requirements for an exemption under subsection (b) apply separately to each department in

which the individual serves.

(d) This subsection applies to an individual who serves as a volunteer firefighter in a department that contracts with more than one (1) unit for fire service. If the individual meets the requirements under subsection (b) with regard to the individual's service in the department, the individual is exempt from this chapter as to all units that contract with the department.".

Page 2, delete lines 1 through 3.

Page 2, line 4, delete "5." and insert "**6.**".

Page 2, line 4, delete "7" and insert "**8**".

Page 2, line 8, delete "6." and insert "**7.**".

Page 2, delete lines 12 through 15, begin a new line block indented and insert:

"**(2) a volunteer firefighter or police reserve officer from assuming an elected office of a unit other than the unit receiving services from the department in which the volunteer firefighter or police reserve officer serves; or**".

Page 2, line 19, delete "7." and insert "**8.**".

Page 2, line 19, delete "5" and insert "**6**".

Page 2, line 27, delete "5" and insert "**6**".

(Reference is to HB 1005 as printed January 13, 2012.)

RESKE

Upon request of Representatives Reske and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 54: yeas 38, nays 58. Motion failed.

HOUSE MOTION
(Amendment 1005–1)

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 27.

Page 4, delete lines 6 through 16, begin a new paragraph and insert:

"SECTION 5. IC 36-1-6.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 6.6. Conflict of Interest

Sec. 1. This chapter applies to all units.

Sec. 2. As used in this chapter, "elected office" refers only to the following:

(1) The executive of a unit.

(2) A member of the legislative body or fiscal body of a unit.

Sec. 3. As used in this chapter, "employee" refers to an employee of a department or agency of a unit. The term does not include an individual's duties and responsibilities as:

(1) an elected officer; or

(2) an ex officio member of a board or committee.

Sec. 4. An individual who holds an elected office of a unit and is also an employee of the unit may not participate in any decision or vote of the elected office involving the department or agency that employs the individual.

Sec. 5. (a) This section applies if an individual is an elected officer of a body that approves the budget of the unit.

(b) The unit shall prepare a separate budget ordinance of the department or agency that employs an individual described in subsection (a). The individual may not participate in any decision or vote of the unit regarding the budget of the department or agency that employs the individual.

(c) If at least a majority of the members of an elected executive, legislative, or fiscal body of a unit are employees of the same department or agency of the unit, the unit's most recent annual appropriations for the department or agency of the previous year are continued for the ensuing budget year.

Sec. 6. If an individual is a township trustee and also an employee of the township, the township board shall prepare the budget for the agency or department that employs the trustee.".

Page 9, delete lines 14 through 42.

Delete pages 10 through 13.

Renumber all SECTIONS consecutively.

(Reference is to HB 1005 as printed January 13, 2012.)

PRYOR

Upon request of Representatives Pryor and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 55: yeas 36, nays 59. Motion failed. The bill was ordered engrossed.

House Bill 1018

Representative Ubelhor called down House Bill 1018 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1034

Representative McMillin called down House Bill 1034 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1056

Representative R. Frye called down House Bill 1056 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1058

Representative Baird called down House Bill 1058 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1058–1)

Mr. Speaker: I move that House Bill 1058 be amended to read as follows:

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

"**(c) If a school is converted into a charter school under IC 20-24-11, the charter school must, before December 1 of each year, publish its estimated annual budget for the ensuing year in accordance with IC 5-3-1.**".

(Reference is to HB 1058 as printed January 13, 2012.)

PORTER

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Torr withdrew the point of order.

The question was on the motion of Representative Porter. Upon request of Representatives Porter and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 56: yeas 92, nays 3. Motion prevailed. The bill was ordered engrossed.

House Bill 1060

Representative Baird called down House Bill 1060 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1064

Representative Dodge called down House Bill 1064 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1065

Representative Borders called down House Bill 1065 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1065–1)

Mr. Speaker: I move that House Bill 1065 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 6-3-1-34, AS ADDED BY P.L.144-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 34. **(a)** "Qualified military income" means wages **described in subsection (b) or (c).**

(b) The term includes wages that are paid:

(1) to a member of:

(A) a reserve component of the armed forces of the United States; or

(B) the National Guard; and

(2) for any of the following applicable periods, or any combination of the following applicable periods, in a calendar year:

(A) The member's full-time service on involuntary orders in:

(I) a reserve component of the armed forces of the United States; or

(ii) the National Guard.

(B) The period during which the member is mobilized and deployed for full-time service in:

(I) a reserve component of the armed forces of the United States; or

(ii) the National Guard.

(C) The period during which the member's National Guard unit is federalized.

(c) For taxable years beginning after December 31, 2011, the term includes wages that are paid:

(1) in a taxable year to a member of the armed forces of the United States on active duty; and

(2) for services provided on active duty status to any component of the armed forces of the United States.".

Page 3, after line 13, begin a new paragraph and insert:

"SECTION 6. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1065 as printed January 11, 2012.)

AUSTIN

Representative Foley rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Austin withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

House Bill 1123

Representative Burton called down House Bill 1123 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1150

Representative Sullivan called down House Bill 1150 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1189

Representative Thompson called down House Bill 1189 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1196

Representative M. Smith called down House Bill 1196 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1196–2)

Mr. Speaker: I move that House Bill 1196 be amended to read as follows:

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

"SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.

(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.

(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.

(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:

(A) the variance procedures are included in the rules; and

(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(18) An emergency rule adopted by the department of

financial institutions under IC 28-15-11.
(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.
(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.
(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).
(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).
(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.
(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.
(30) A rule adopted by the Indiana finance authority:
(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;
(B) under IC 8-15-2-17.2(a)(10):
(I) establishing enforcement procedures; and
(ii) making assessments for failure to pay required tolls;
(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or
(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.
(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.
(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.
(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).
(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.
(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.
(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:
(A) Federal Medicaid waiver program provisions.
(B) Federal programs administered by the office of the secretary.
(38) An emergency rule adopted by the Indiana board of pharmacy declaring a substance to be a synthetic drug under IC 25-26-13-4.1.

(b) The following do not apply to rules described in subsection (a):
(1) Sections 24 through 36 of this chapter.
(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:
(1) accept the rule for filing; and
(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:
(1) The effective date of the statute delegating authority to the agency to adopt the rule.
(2) The date and time that the rule is accepted for filing under subsection (e).
(3) The effective date stated by the adopting agency in the rule.
(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.
(5) The statutory effective date for an emergency rule set forth in the statute authorizing the agency to adopt emergency rules.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), ~~and~~ (l), **and (n),** a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:
(1) sections 24 through 36 of this chapter; or
(2) IC 13-14-9;
as applicable.

(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:
(1) The expiration date stated by the adopting agency in the rule.
(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(I) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

(n) A rule described in subsection (a)(38) expires on June 30 of the year following the year in which it is filed with the publisher under this section.".

Page 15, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 8. IC 25-26-13-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) The board may adopt an emergency rule to declare that a substance is a synthetic drug.**

(b) The board may adopt an emergency rule declaring a substance to be a synthetic drug if the board finds that the substance:

(1) has been scheduled or emergency scheduled by the United States Drug Enforcement Administration; or

(2) has been scheduled, emergency scheduled, or criminalized by another state.

(c) A rule adopted under this section becomes effective thirty (30) days after it is filed with the publisher under IC 4-22-2-37.1.

(d) A rule adopted under this section expires on June 30 of the year following the year in which it is filed with the publisher under IC 4-22-2-37.1.

(e) The board may readopt under this section an emergency rule that has expired.

SECTION 9. IC 35-41-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. "Analog", for purposes of section 26.3 of this chapter, means a new or novel chemical entity, independent of synthetic route or natural origin, having substantially the same:**

(1) carbon backbone structure; and

(2) pharmacological mechanism of action;

as a compound specifically defined as a synthetic drug in section 26.3 of this chapter.".

Page 15, line 37, delete "analogue, congener," and insert "**analog of the compound:**".

Page 15, delete lines 38 through 40.

Page 16, line 11, after "JWH-200" insert "**((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).**".

Page 16, delete lines 12 through 13.

Page 17, line 36, after "6-APB" insert "**[6-(2-aminopropyl)benzofuran]**".

Page 17, line 38, after "α-PPP" insert "**[α-pyrrolidinopropiophenone]**".

Page 18, line 16, after "MDAI" insert "**[5,6-methylenedioxy-2-aminoindane]**".

Page 18, line 21, delete "Pyrovalerone." and insert "**Methoxetamine [2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone].**".

Page 18, line 32, delete "3-(1-naphthoyl)173" and insert "**3-(1-naphthoyl)**".

Page 19, after line 42, begin a new line block indented and insert:

"**(9) Any compound determined to be a synthetic drug by rule adopted under IC 25-26-13-4.1.**".

Page 29, line 6, after "is" insert ":

(i)".

Page 29, line 9, after "hashish," insert "**or**".

Page 29, line 9, after "salvia" delete ", or" and insert "; or

(ii) more that two (2) grams of".

Page 29, line 13, after "if" insert ":

(A)".

Page 29, line 15, after "hashish," insert "**or**".

Page 29, line 15, strike "or a synthetic".

Page 29, line 15, delete "drug,".

Page 29, line 17, after "hashish," insert "**or**".

Page 29, line 17, after "salvia" delete "," and insert ":".

Page 29, line 17, strike "or a synthetic".

Page 29, line 17, delete "drug:".

Page 29, line 18, beginning with "(A)" begin a new line triple block indented.

Page 29, line 18, strike "(A)" and insert "**(I)**".

Page 29, line 19, beginning with "(B)" begin a new line triple block indented.

Page 29, line 19, strike "(B)" and insert "**(ii)**".

Page 29, line 19, delete ":".

Page 29, line 20, strike "(I)".

Page 29, line 20, delete ";" and insert ",".

Page 29, line 21, strike "(ii)".

Page 29, line 21, delete ";" and insert ",".

Page 29, line 22, strike "(iii)".

Page 29, line 22, delete ";" and insert ",".

Page 29, line 23, strike "(iv)".

Page 29, line 23, delete "." and insert "; **or**".

Page 29, run in lines 19 through 23.

Page 29, between lines 23 and 24, begin a new line double block indented and insert:

"**(B) the amount involved is more than two (2) grams of a synthetic drug and the person delivered or financed the delivery of the synthetic drug:**

(I) on a school bus; or

(ii) in, on, or within one thousand (1,000) feet of school property, a public park, a family housing complex, or a youth program center.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1196 as printed January 17, 2012.)

M. SMITH

Motion prevailed. The bill was ordered engrossed.

House Bill 1200

Representative Foley called down House Bill 1200 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representatives Bardon and Pond, who had been excused, were present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1001

Representative Torr called down Engrossed House Bill 1001 for third reading:

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

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

Representative Messmer was excused from voting, pursuant to House Rule 47. Roll Call 57: yeas 54, nays 44. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Yoder, Boots,

Walker, and Banks.

Engrossed House Bill 1091

Representative Friend called down Engrossed House Bill 1091 for third reading:

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

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1091 be returned to the second reading calendar forthwith for the purpose of amendment.

FRIEND

Motion prevailed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 13, 18, 24, 31, 98, 105, 109, 114, 128, 143, 154, 156, 212, 232, 233, 249, 255, 274, 301, 302, 362, 370, and 402 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 9 and 10 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, January 26, 2012, at 1:30 p.m.

KOCH

The motion was adopted by a constitutional majority.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1001, Roll Call 57, on January 25, 2012. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

CANDELARIA REARDON

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1001, Roll Call 57, on January 25, 2012. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, the machine had already closed. I intended to vote nay."

Van DENBURGH

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Candelaria Reardon and VanDenburgh changes the vote tally for Roll Call 57 to 54 yeas, 44 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representatives Bacon, Baird, Behning, Borders, T. Brown, Burton, Cheatham, Clere, Crouch, Culver, Davisson, Dermody, Dodge, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, R. Frye, Goodin, Gutwein, Heaton, Heuer, Hinkle, Kirchhofer, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McNamara, Messmer, Morris, Neese, Rhoads, Richardson, Saunders, M. Smith, Speedy, Steuerwald, Thompson, Torr, Truitt, Turner, VanNatter, Wesco, Wolkins, Yarde, and Ubelhor be added as coauthors of House Bill 1007.

McMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Day be added as coauthor of House Bill 1019.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1032.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moses be added as coauthor of House Bill 1039.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative R. Frye be added as coauthor of House Bill 1040.

GRUBB

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Battles be removed as author of House Bill 1158, Representative R. Frye be substituted as author, and Representatives Battles be added as coauthor.

BATTLES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives R. Frye and Sullivan added as coauthors of House Bill 1186.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives DeLaney and Austin added as coauthors of House Bill 1196.

M. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanNatter added as coauthor of House Bill 1221.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Clere and Riecken added as coauthors of House Bill 1238.

BURTON

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Soliday, the House adjourned at 4:55 p.m., this twenty-fifth day of January, 2012, until Thursday, January 26, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Seventeenth Day — **Thursday Afternoon** — **January 26, 2012**

The invocation was offered by Senior Pastor Aaron Story, Indy Metro Church, Indianapolis.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Craig R. Fry.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon □
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum □
Pierce
Pond □
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 58: 97 present; 3 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 11

Representatives R. Frye and White introduced House Concurrent Resolution 11:

A CONCURRENT RESOLUTION declaring Brandon Vinson an Honorary Firefighter in the State of Indiana.

Whereas, Brandon Vinson was born into a fire fighting family that includes his grandfather, his father and his uncle;

Whereas, Brandon has demonstrated his ability to fit in with the firefighters at any station in the fire department by enjoying such things as Harley-Davidson motorcycles, trucks, boats, camping, and video games;

Whereas, Brandon has demonstrated great courage and tenacious determination in his battle with cystic fibrosis, worthy of a firefighter; and,

Whereas, Brandon is well-known for being conscientious and trustworthy by everyone who has met him: Therefore,

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

SECTION 1. That the Indiana House of Representatives does hereby congratulate and declare Brandon Vinson an Honorary Firefighter in the State of Indiana, and commends his undeniable strength and fighting spirit that serves as an inspiration to all Hoosiers.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Brandon Vinson.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Wyss.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1047, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning education.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committee" refers to the education issues interim study committee established under subsection (b).**

(b) The legislative council, under IC 2-5-1.1-5(a)(2), shall establish an interim study committee to be known as the education issues interim study committee. The committee shall do the following:

(1) Study the feasibility of establishing a process by which residents of a part of an existing school corporation may elect to disannex from an existing school corporation and either annex to another existing school corporation or establish a new school corporation.

(2) Study any additional topics the legislative council considers necessary.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council. The committee shall submit a final report to the following:

(1) The legislative council in an electronic format under IC 5-14-6.

(2) The governor.

(d) This SECTION expires December 31, 2012.

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

(Reference is to HB 1047 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1054, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 29, strike "a town that:" and insert "**the following:**

(1) A town that:

(A) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(B) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(2) A city that has an indoor theater as described in section 26 of this chapter.".

Page 2, strike lines 30 through 34.

Page 2, line 39, delete "one" and insert "**seven hundred (700)**".

Page 2, line 40, delete "thousand (1,000)".

Page 3, line 16, delete "one thousand (1,000)" and insert "**seven hundred (700)**".

(Reference is to HB 1054 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

DAVIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1101, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-22-2-16.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 16.3. "Logistics" means the process of planning, implementing, and controlling procedures for the efficient and effective transportation and storage of goods from the point of origin to the point of consumption in a manner that conforms to customer requirements. The term includes services connected with and information related to the process.**

SECTION 2. IC 9-20-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The Indiana department of transportation may adopt rules under IC 4-22-2 to do the following:

(1) Establish and designate a highway as a heavy duty highway.

(2) Remove the designation of a highway or part of a highway as a heavy duty highway.

(b) The Indiana department of transportation shall adopt rules under IC 4-22-2 to do the following:

(1) Establish and designate a highway as an extra heavy duty highway.

(2) Remove the designation of a highway or part of a highway as an extra heavy duty highway.

(c) Rules described in subsection (b)(1) must do the following:

(1) Designate the highways listed in section 4 of this chapter (before its expiration) as extra heavy duty highways.

(2) Establish maximum size and weight limits for vehicles operated with a special weight permit on an extra heavy duty highway as set forth in section 5 of this chapter (before its expiration).

~~(b)~~ **(d)** The Indiana department of transportation shall periodically publish a map showing all highways designated by the department at the time as heavy duty **or extra heavy duty** highways.

SECTION 3. IC 9-20-5-4, AS AMENDED BY P.L.120-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a)** In addition to the highways established and designated as heavy duty highways under section 1 of this chapter, the following highways are designated as extra heavy duty highways:

(1) Highway 41, from 129th Street in Hammond to Highway 312.

(2) Highway 312, from Highway 41 to State Road 912.

(3) Highway 912, from Riley Road in East Chicago to the U.S. 20 interchange.

(4) Highway 20, from Clark Road in Gary to Highway 39.

(5) Highway 12, from one-fourth (1/4) mile west of the Midwest Steel entrance to Highway 249.

(6) Highway 249, from Highway 12 to Highway 20.

(7) Highway 12, from one and one-half (1 1/2) miles east of the Bethlehem Steel entrance to Highway 149.

(8) Highway 149, from Highway 12 to a point thirty-six hundredths (.36) of a mile south of Highway 20.

(9) Highway 39, from Highway 20 to the Michigan state line.

(10) Highway 20, from Highway 39 to Highway 2.

(11) Highway 2, from Highway 20 to Highway 31.

(12) Highway 31, from the Michigan state line to Highway 23.

(13) Highway 23, from Highway 31 to Olive Street in

South Bend.

(14) Highway 35, from South Motts Parkway thirty-four hundredths (.34) of a mile southeast to the point where Highway 35 intersects with the overpass for Highway 20/Highway 212.

(15) State Road 249 from U.S. 12 to the point where State Road 249 intersects with Nelson Drive at the Port of Indiana.

(16) State Road 912 from the 15th Avenue and 169th Street interchange one and six hundredths (1.06) miles north to the U.S. 20 interchange.

(17) U.S. 20 from the State Road 912 interchange three and seventeen hundredths (3.17) miles east to U.S. 12.

(18) U.S. 6 from the Ohio state line to State Road 9.

(19) U.S. 30 from Allen County/Whitley County Line Road (also known as County Road 800 East) to State Road 9.

(20) State Road 9 from U.S. 30 to U.S. 6.

(21) State Road 39 from Interstate 80 to U.S. 20.

(22) State Road 3 north from U.S. 6 to U.S. 20, U.S. 20 west from State Road 3 to State Road 9, State Road 9 north from U.S. 20 to the Michigan state line. However, the total gross weight, with load, of a vehicle or combination of vehicles operated with a special weight permit on these highways may not exceed ninety thousand (90,000) pounds.

(23) Highway 912, at an intersection approximately thirty hundredths (.30) of a mile southwest of the intersection of Dickey Road and Riley Road in East Chicago. The total gross weight, with load, of a vehicle or combination of vehicles operated with a special weight permit on this highway may not exceed two hundred sixty-four thousand (264,000) pounds.

(b) This section expires on the date on which rules described in section 1(c)(1) of this chapter are finally adopted.

SECTION 4. IC 9-20-5-5, AS AMENDED BY P.L.120-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in subsection (b), the maximum size and weight limits for vehicles operated with a special weight permit on an extra heavy duty highway are as follows:

(1) A vehicle may not have a maximum wheel weight, unladen or with load, in excess of eight hundred (800) pounds per inch width of tire, measured between the flanges of the rim.

(2) A single axle weight may not exceed eighteen thousand (18,000) pounds.

(3) An axle in an axle combination may not exceed thirteen thousand (13,000) pounds per axle, with the exception of one (1) tandem group that may weigh sixteen thousand (16,000) pounds per axle or a total of thirty-two thousand (32,000) pounds.

(4) Except as provided in section 4(22) of this chapter, the total gross weight, with load, of any vehicle or combination of vehicles may not exceed one hundred thirty-four thousand (134,000) pounds.

(5) Axle spacings may not be less than three (3) feet, six (6) inches, between each axle in an axle combination.

(6) Axle spacings may not be less than eight (8) feet between each axle or axle combination.

(b) A vehicle operated in accordance with section 4(23) of this chapter may not have a:

(1) maximum wheel weight, unladen or with load, in excess of one thousand six hundred fifty (1,650) pounds per inch width of tire, measured between the flanges of the rim; or

(2) single axle weight that exceeds sixty-five thousand (65,000) pounds.

(c) This section expires on the date on which rules described in section 1(c)(2) of this chapter are finally adopted.

SECTION 5. IC 9-20-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The Indiana department of transportation shall implement procedures that, in cooperation with the state police department and local police departments, enhance the safety of citizens along and near extra heavy duty highways listed in section 4 of this chapter **(before its expiration) or described in rules adopted by the Indiana department of transportation under section 1 of this chapter.**

(Reference is to HB 1101 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1107, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1111, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "Except as provided by" and insert "**An**".

Page 1, line 4, delete "subsection (c), an".

Page 1, line 5, delete "for taxable years beginning".

Page 1, line 6, delete "December 31, 2012." and insert "**June 30, 2013.**".

Page 1, line 7, delete "Except as provided by subsection (c), a" and insert "**A**".

Page 1, delete line 17.

Page 2, delete lines 1 through 2.

Page 2, line 31, delete "or assigned".

Page 2, line 37, delete "or assigned".

Page 3, line 2, delete "an" and insert "**a**".

Page 5, line 33, delete "(b) or (c)," and insert "**(b),**".

Page 5, delete line 42.

Page 6, delete lines 1 through 9.

Page 6, line 10, delete "(c)" and insert "**(b)**".

Page 6, line 10, delete "or".

Page 6, line 11, delete "assigned".

Page 6, line 12, delete "or (b)".

Page 6, line 13, delete ":".

Page 6, delete lines 14 through 15.

Page 6, line 16, delete "(2)".

Page 6, run in lines 13 through 16.

Page 6, line 17, delete "(d)" and insert "**(c)**".

Page 6, delete lines 21 through 42.

Page 7, delete lines 1 through 15.

Page 7, line 26, delete "the" and insert "**a**".

Page 7, line 27, delete "July 1, 2013." and insert "**after June 30, 2013.**".

Page 7, delete lines 28 through 35.

Page 7, line 42, delete "twenty" and insert "**twenty-five**".

Page 7, line 42, delete "(20%)" and insert "**(25%)**".
Page 8, line 3, delete "two" and insert "**five**".
Page 8, line 3, delete "fifty".
Page 8, line 3, delete "($250,000)." and insert "**($500,000).**".
Page 9, between lines 14 and 15, begin a new line block indented and insert:

"**(13) For purposes of IC 14-21-1-37, the meaning set forth in IC 14-21-1-37(a).**".

Page 9, line 15, strike "(13)" and insert "**(14)**".
Page 9, delete lines 17 through 18.
Renumber all SECTIONS consecutively.
(Reference is to HB 1111 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1195, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 8 through 17, begin a new paragraph and insert:

"**(c) To accurately determine uniformity and true tax value, a taxpayer may introduce evidence of the assessments of comparable properties.**".

Delete page 2.
(Reference is to HB 1195 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1197, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 50 with "[EFFECTIVE JANUARY 1, 2013]".
Page 2, line 13, delete "June 30," and insert "**December 31,**".
Page 2, line 19, delete "June 30," and insert "**December 31,**".
Page 3, line 37, delete "July 1, 2012," and insert "**January 1, 2013,**".
Page 3, line 38, delete "June 30," and insert "**December 31,**".
Page 5, line 14, after "means" insert ":".
Page 5, line 15, reset in roman "(1) a vehicle".
Page 5, line 15, reset in roman "that is self propelled; or".
Page 5, line 16, reset in roman "(2)".
Page 7, line 11, delete "June 30," and insert "**December 31,**".
Page 7, line 24, delete "shall" and insert "**may**".
Page 7, line 40, delete "shall" and insert "**may**".
Page 7, delete line 42.
Delete page 8.
Page 9, delete lines 1 through 6.
Page 9, line 20, delete "July 1, 2012;" and insert "**January 1, 2013;**".
Page 13, line 9, delete "or moped".
Page 15, line 33, delete "operator's license," and insert "**or driver's license**".
Page 15, line 34, delete "chauffeur's license, or public passenger chauffeur's license".
Page 16, line 12, delete "After June 30, 2012, this" and insert "**This**".
Page 16, line 12, delete "applies" and insert "**does not apply**".
Page 16, line 16, delete "June 30," and insert "**December 31,**".
Page 25, delete lines 12 through 31.
Renumber all SECTIONS consecutively.
(Reference is to HB 1197 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1221, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"**(b) For the purposes of this section, "spotlight" means a projected spot of light used to direct a narrow, intense beam on a person, animal, or object.**".

Page 1, line 9, strike "(b)" and insert "**(c)**".
Page 1, line 17, strike "(c)" and insert "**(d)**".
Page 2, line 3, strike "(d)" and insert "**(e)**".
Page 2, line 6, delete "(e) A" and insert "**(f) Except as provided by subsection (d), a**".
Page 2, between lines 16 and 17, begin a new line block indented and insert:

"**(3) A person using a spotlight, searchlight, or other artificial light in an emergency situation.**
(4) A person engaged in farming operations, including an employee or contractor.".

Page 2, line 17, delete "(f)" and insert "**(g)**".
Page 2, delete lines 25 through 28.
(Reference is to HB 1221 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1222, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, delete lines 36 through 37.
Page 8, delete lines 26 through 42, begin a new paragraph and insert:

"SECTION 18. IC 9-13-2-66.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 66.5. "Flood damaged vehicle", for purposes of IC 9-32, has the meaning set forth in IC 9-32-1-13.**

SECTION 19. IC 9-13-2-67 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 67. "Franchise", ~~means an oral or a written agreement for a definite or an indefinite period in which a manufacturer or distributor grants to a dealer a right to use a trade name, trade or service mark, or related characteristic, and in which there is a community of interest in the marketing of motor vehicles or related services at retail or otherwise.~~ **for purposes of IC 9-32, has the meaning set forth in IC 9-32-1-14.**

SECTION 20. IC 9-13-2-68 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 68. "Franchisee", ~~means a dealer to whom a franchise is granted.~~ **for purposes of IC 9-32, has the meaning set forth in IC 9-32-1-15.**

SECTION 21. IC 9-13-2-69 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 69. "Franchisor", ~~means a manufacturer or distributor who grants a franchise to a dealer.~~ **for purposes of IC 9-32, has the meaning set forth in IC 9-32-1-16.**

SECTION 22. IC 9-13-2-90 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 90. "Labor rate", ~~means the hourly labor rate charged by a franchisee for service, filed periodically with the bureau as the bureau may require, and posted prominently in the franchisee's service department.~~ **for purposes of IC 9-32, has the meaning set forth in IC 9-32-1-17.**

SECTION 23. IC 9-13-2-92.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 92.5. "Lease agreement", for purposes of ~~IC 9-23-2.5,~~ **IC 9-32,** has the meaning set forth in ~~IC 9-23-2.5-4.~~ **IC 9-32-1-18.**

SECTION 24. IC 9-13-2-92.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 92.7. "Lease transaction", for purposes of ~~IC 9-23-2.5,~~ **IC 9-32,** has the meaning set forth in ~~IC 9-23-2.5-5.~~ **IC 9-32-1-19.**

SECTION 25. IC 9-13-2-98.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 98.5. "Material fact", for purposes of IC 9-32, has the meaning set forth in IC 9-32-1-20.**

SECTION 26. IC 9-13-2-105, AS AMENDED BY P.L.9-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

(1) a vehicle except a motorized bicycle that is self-propelled; or

(2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include a farm tractor.

(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a motorized bicycle.

(e) "Motor vehicle", for purposes of ~~IC 9-23-2 and IC 9-23-3,~~ **IC 9-32-13,** includes a semitrailer.

(f) "Motor vehicle", for purposes of IC 9-24-6, has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

SECTION 27. IC 9-13-2-114.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 114.5. "Offer to sell" means every attempt or offer to dispose of, or solicitation of an offer to purchase, a motor vehicle or interest in a motor vehicle for hire.**

SECTION 28. IC 9-13-2-149.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 149.5. **(a)** "Record", for purposes of IC 9-14-3.5, has the meaning set forth in IC 9-14-3.5-6.

(b) "Record", for purposes of IC 9-32-5-14, has the meaning set forth in IC 9-32-1-21.

SECTION 29. IC 9-13-2-151.5, AS AMENDED BY P.L.37-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 151.5. "Relevant market area", for purposes of ~~IC 9-23-3, means the following:~~

~~(1) With respect to a new motor vehicle dealer who plans to relocate the dealer's place of business in a county having a population of more than one hundred thousand (100,000), the area within a radius of six (6) miles of the intended site of the relocated dealer. The six (6) mile distance shall be determined by measuring the distance between the nearest surveyed boundary of the existing new motor vehicle dealer's principal place of business and the nearest surveyed boundary line of the relocated new motor vehicle dealer's place of business.~~

~~(2) With respect to a:~~

~~(A) proposed new motor vehicle dealer; or~~

~~(B) new motor vehicle dealer who plans to relocate the dealer's place of business in a county having a population that is not more than one hundred thousand (100,000);~~

~~the area within a radius of ten (10) miles of the intended site of the proposed or relocated dealer. The ten (10) mile distance shall be determined by measuring the distance between the nearest surveyed boundary line of the existing new motor vehicle dealer's principal place of business and the nearest surveyed boundary line of the proposed or relocated new motor vehicle dealer's principal place of business.~~

IC 9-32, has the meaning set forth in IC 9-32-1-22.

SECTION 30. IC 9-13-2-154.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 154.5. "Retail lessee", for purposes of ~~IC 9-23-2.5,~~ **IC 9-32,** has the meaning set forth in ~~IC 9-23-2.5-6.~~ **IC 9-32-1-23.**

SECTION 31. IC 9-13-2-154.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 154.6. "Retail lessor", for purposes of ~~IC 9-23-2.5,~~ **IC 9-32,** has the meaning set forth in ~~IC 9-23-2.5-7.~~ **IC 9-32-1-24.**

SECTION 32. IC 9-13-2-159.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 159.5. "Sale", for purposes of IC 9-32, has the meaning set forth in IC 9-32-1-25.**

SECTION 33. IC 9-13-2-162 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 162. "Scrap metal processor" means a private, commercial, or governmental enterprise ~~having~~ **that engages in the acquisition of motor vehicles, motorcycles, semitrailers, or recreational vehicles or the remains of these vehicles and that has** facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron, scrap steel, or nonferrous scrap for sale for remelting purposes. ~~A scrap metal processor is not a disposal facility or a used parts dealer.~~

SECTION 34. IC 9-13-2-162.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 162.5. "Secretary", for purposes of IC 9-32, has the meaning set forth in IC 9-32-1-26.**

SECTION 35. IC 9-13-2-185 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 185. "Transfer dealer", ~~means a person other than a dealer, manufacturer, or wholesale dealer who has the necessity of transferring a minimum of twelve (12) motor vehicles during a license year as part of the transfer dealer's primary business function.~~ **for purposes of IC 9-32, has the meaning set forth in IC 9-32-1-27.**

SECTION 36. IC 9-13-2-191.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 191.5. "Uniform time standards manual", for purposes of ~~IC 9-23-3,~~ **IC 9-32,** has the meaning set forth in ~~IC 9-23-3-0.5.~~ **IC 9-32-1-28.**

SECTION 37. IC 9-13-2-195 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 195. "Used parts dealer", ~~means a person who primarily buys, sells, barters, exchanges, or deals in used major component parts. The term does not include a scrap metal processor.~~ **for purposes of IC 9-32, has the meaning set forth in IC 9-32-1-29.**

SECTION 38. IC 9-13-2-199 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 199. "Wholesale dealer", ~~means a person who is engaged in the business of buying or selling motor vehicles for resale to other dealers, wholesale dealers, transfer dealers, or persons other than the general public.~~ **for purposes of IC 9-32, has the meaning set forth in IC 9-32-1-30.**".

Delete pages 9 through 11.

Page 12, delete lines 1 through 22.

Page 12, line 32, delete "IC 9-32-11." and insert "**IC 9-32-10.**".

Page 12, line 34, delete "IC 9-32-11" and insert "**IC 9-32-10**".

Page 12, line 35, strike "standards adopted by the".

Page 12, line 36, strike "commission under IC 9-15-2-1(7) and the".

Page 13, delete lines 6 through 42.

Delete page 14.

Page 15, delete lines 1 through 10.

Page 18, delete lines 39 through 42.

Page 19, delete lines 1 through 7.

Page 20, delete lines 7 through 8, begin a new paragraph and insert:

"SECTION 48. IC 9-22-3-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18.5. (a) This section does not apply to a person who sells, exchanges, or transfers golf carts.**

(b) A seller that is:

(1) a dealer; or

(2) another person who sells, exchanges, or transfers at least five (5) vehicles each year;

may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee, before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.

SECTION 49. IC 9-22-3-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. **(a)** A person who violates section 4, 5, 6, 7, 8, or 9 of this chapter commits a Class D felony.

(b) A person who violates section 18.5 of this chapter commits a Class A misdemeanor.".

Page 20, delete lines 11 through 14, begin a new paragraph and insert:

SECTION 51. IC 9-22-5-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16. (a) This section does not apply to a person who sells, exchanges, or transfers golf carts.~~

~~(b) A seller that is:~~

~~(1) a dealer; or~~

~~(2) another person who sells, exchanges, or transfers at least five (5) vehicles each year;~~

~~may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee, before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.~~

SECTION 52. IC 9-22-5-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18. (a) A disposal facility, a scrap metal processor, or an agent of a disposal facility or scrap metal processor may purchase a motor vehicle without a certificate of title for the motor vehicle if:**

(1) the motor vehicle is at least fifteen (15) model years old;

(2) the purchase is solely for the purpose of dismantling or wrecking the motor vehicle for the recovery of scrap metal or the sale of parts; and

(3) the disposal facility or scrap metal processor records all purchase transactions of vehicles as required in subsection (b).

(b) A disposal facility or scrap metal processor shall maintain the following information with respect to each motor vehicle purchase transaction to which the disposal facility or scrap metal processor is a party for at least two (2) years following the date of the purchase transaction:

(1) The name and address of any secondary metals recycler or salvage yard.

(2) The name, initials, or other identifying symbol of the person entering the information.

(3) The date of the purchase transaction.

(4) A description of the motor vehicle that was the subject of the purchase transaction, including the make and model of the motor vehicle, if practicable.

(5) The vehicle identification number of the motor vehicle.

(6) The amount of consideration given for the motor vehicle.

(7) A written statement signed by the seller or the seller's agent certifying that the seller or the seller's agent has the lawful right to sell and dispose of the motor vehicle.

(8) The name and address of the person from whom the motor vehicle is being purchased.

(9) A photocopy or electronic scan of one (1) of the following forms of identification issued to the seller or the seller's agent:

(A) A current and valid driver's license.

(B) An identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government.

(C) A government issued document bearing an image of the seller or seller's agent, as applicable.

For purposes of complying with this subdivision, a disposal facility or scrap metal processor is not required to make a separate copy of the seller's or seller's agent's identification for each purchase transaction involving the seller or seller's agent but may instead refer to a copy maintained in reference to a particular purchase transaction.

(c) A disposal facility or scrap metal processor may not complete a purchase transaction in the absence of the information required under subsection (b)(9).

(d) A disposal facility, a scrap metal processor, or an agent of a disposal facility or scrap metal processor that knowingly, intentionally, or recklessly buys a motor vehicle that is less than fifteen (15) model years old without a certificate of title for the motor vehicle commits a Class D felony.".

Page 20, delete lines 30 through 42.

Page 21, delete lines 1 through 5.

Page 21, delete lines 41 through 42.

Page 22, delete lines 1 through 17.

Page 22, delete lines 31 through 35, begin a new paragraph and insert:

"SECTION 80. IC 9-29-7-7, AS AMENDED BY P.L.110-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The revenues from the

~~(1)~~ certificate of salvage titles collected under IC 9-22-3

~~and~~

~~(2) license fees collected under IC 9-22-4;~~

shall be deposited in the motor vehicle highway account.".

Page 24, delete lines 6 through 21.

Page 24, line 22, delete "9." and insert "**7.**".

Page 24, line 22, delete "IC 9-32-9" and insert "**IC 9-32-8**".

Page 24, line 24, delete "IC 9-32-9" and insert "**IC 9-32-8**".

Page 24, line 26, delete "IC 9-32-9" and insert "**IC 9-32-8**".

Page 24, line 29, delete "IC 9-32-9" and insert "**IC 9-32-8**".

Page 24, line 31, delete "10." and insert "**8.**".

Page 24, line 32, delete "IC 9-32-11-1" and insert "**IC 9-32-10-1**".

Page 24, line 35, delete "11." and insert "**9.**".

Page 24, line 36, delete "IC 9-32-11-1" and insert "**IC 9-32-10-1**".

Page 24, line 41, delete "12." and insert "**10.**".

Page 25, line 2, delete "IC 9-32-11-1" and insert "**IC 9-32-10-1**".

Page 25, line 13, delete "13." and insert "**11.**".

Page 25, line 14, delete "IC 9-32-11-4" and insert "**IC 9-32-10-4**".

Page 25, line 15, delete "14." and insert "**12.**".

Page 25, line 16, delete "IC 9-32-11-9" and insert "**IC 9-32-10-9**".

Page 25, line 17, delete "15." and insert "**13.**".

Page 25, line 18, delete "IC 9-32-11-16 "and insert "**IC 9-32-10-16**".

Page 25, line 19, delete "16." and insert "**14.**".

Page 25, line 21, delete "sections 8 through 9" and insert "**section 7**".

Page 25, delete lines 37 through 40, begin a new paragraph and insert:

"**Sec. 15. The revenue from the license fees collected under IC 9-32-8 shall be deposited in the motor vehicle highway account.**".

Page 25, line 41, delete "18." and insert "**16.**".

Page 25, line 41, delete "13" and insert "**11**".

Page 25, line 41, delete "15" and insert "**13**".

Page 26, between lines 29 and 30, begin a new paragraph and insert:

"**Chapter 0.5. Application**

Sec. 1. Nothing in this article shall be construed to limit the authority of the bureau to administer this title.".

Page 26, line 39, delete "IC 9-32-10-1." and insert "**IC 9-32-9-1.**".

Page 28, delete lines 30 through 42 and insert:

"**Sec. 13. (a) "Flood damaged vehicle" means a passenger motor vehicle that satisfies either of the following:**

(1) The vehicle has been acquired by an insurance company as part of a damage settlement due to water damage.

(2) The vehicle has been submerged in water to the point that rising water has reached over the door sill, has entered the passenger or trunk compartment, and has exposed any electrical, computerized, or mechanical component to water.

(b) The term does not include a passenger motor vehicle that an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer, or a motor vehicle dealer determines:

(1) has no electrical, computerized, or mechanical components that were damaged by water; or

(2) has one (1) or more electrical, computerized, or mechanical components that were damaged by water, and all such damaged components have been repaired or replaced.

Sec. 14. "Franchise" means an oral or a written agreement for a definite or an indefinite period in which a manufacturer or distributor grants to a dealer a right to use a trade name, trade or service mark, or related characteristic, and in which there is a community of interest in the marketing of motor vehicles or related services at retail or otherwise.

Sec. 15. "Franchisee" means a dealer to whom a franchise is granted.

Sec. 16. "Franchisor" means a manufacturer or distributor who grants a franchise to a dealer.

Sec. 17. "Labor rate" means the hourly labor rate charged by a franchisee for service, filed periodically with the division as the division may require, and posted prominently in the franchisee's service department.

Sec. 18. "Lease agreement" means a written agreement entered into in Indiana for the transfer from a retail lessor to a retail lessee of the right to possess and use a motor vehicle in exchange for consideration for a scheduled term exceeding four (4) months, whether or not the retail lessee has the option to purchase or otherwise become the owner of the motor vehicle upon expiration of the agreement. The term does not include an agreement that covers an absolute sale, a sale pending approval, or a retail installment sale.

Sec. 19. "Lease transaction" means a presentation made to a retail lessee concerning a motor vehicle, including a sales presentation or a document presented to the retail lessee, resulting in the execution of a lease agreement.

Sec. 20. "Material fact" includes, but is not limited to:

(1) the misinformation or omission of any information to the division; or

(2) any misinformation or omission of any information to a consumer in the course of an offer of sale.

Sec. 21. "Record" includes, but is not limited to, the following:

(1) Bills of sale.

(2) Finance agreements.

(3) Titles.

(4) Inventory records.

(5) Sales receipts from auctions.

(6) Form ST-108 (department of state revenue certificate of gross retail or use tax paid on the purchase of a motor vehicle or watercraft).

(7) Interim plate log.

Sec. 22. "Relevant market area" means the following:

(1) With respect to a new motor vehicle dealer who plans to relocate the dealer's place of business in a county having a population of more than one hundred thousand (100,000), the area within a radius of six (6) miles of the intended site of the relocated dealer. The six (6) mile distance shall be determined by measuring the distance between the nearest surveyed boundary of the existing new motor vehicle dealer's principal place of business and the nearest surveyed boundary line of the relocated new motor vehicle dealer's place of business.

(2) With respect to a:

(A) proposed new motor vehicle dealer; or

(B) new motor vehicle dealer who plans to relocate the dealer's place of business in a county having a population that is not more than one hundred thousand (100,000);

the area within a radius of ten (10) miles of the intended site of the proposed or relocated dealer. The ten (10) mile distance shall be determined by measuring the distance between the nearest surveyed boundary line of the existing new motor vehicle dealer's principal place of business and the nearest surveyed boundary line of the proposed or relocated new motor vehicle dealer's principal place of business.

Sec. 23. "Retail lessee" means an individual who executes

a lease agreement for a motor vehicle from a retail lessor primarily for personal, family, or household purposes.

Sec. 24. "Retail lessor" means a person who regularly engages in the business of selling or leasing motor vehicles and who offers or arranges a lease agreement for a motor vehicle. The term includes an agent or affiliate who acts on behalf of the retail lessor and excludes any assignee of the lease agreement.

Sec. 25. "Sale" includes every contract of sale, contract to sell, or disposition of a motor vehicle or interest in a motor vehicle for value.

Sec. 26. "Secretary" refers to the secretary of state holding office as set forth in IC 4-5-1-1.

Sec. 27. "Transfer dealer" means a person other than a dealer, manufacturer, or wholesale dealer who has the necessity of transferring at least twelve (12) motor vehicles during a license year as part of the transfer dealer's primary business function.

Sec. 28. "Uniform time standards manual" means a schedule established by a manufacturer or distributor setting forth the time allowances for the diagnosis and performance of warranty work and service.

Sec. 29. "Used parts dealer" means a person who primarily buys, sells, barters, exchanges, or deals in used major component parts. The term does not include a scrap metal processor.

Sec. 30. "Wholesale dealer" means a person who is engaged in the business of buying or selling motor vehicles for resale to other dealers, wholesale dealers, transfer dealers, or persons other than the general public.".

Delete pages 29 through 30.

Page 31, delete lines 1 through 19.

Page 31, delete lines 39 through 42.

Page 32, delete lines 1 through 35.

Page 32, line 36, delete "2." and insert "**1.**".

Page 33, line 37, delete "violation." and insert "**violation in a calendar year.**".

Page 33, line 38, delete "violation." and insert "**violation in a calendar year.**".

Page 33, line 39, delete "violations." and insert "**violations in a calendar year.**".

Page 34, line 42, delete "five (5)" and insert "**ten (10)**".

Page 35, line 2, delete "3." and insert "**2.**".

Page 37, line 37, delete "IC 9-32-11" and insert "**IC 9-32-10**".

Page 41, line 15, delete "IC 9-32-11" and insert "**IC 9-32-10**".

Page 41, line 29, delete "IC 9-29-17-16(b);" and insert "**IC 9-29-17-14(b);**".

Page 41, line 30, delete "IC 9-29-17-16(c);" and insert "**IC 9-29-17-14(c);**".

Page 41, line 31, delete "IC 9-29-17-18;" and insert "**IC 9-29-17-16;**".

Page 42, line 3, delete "IC 9-32-3-2(c);" and insert "**IC 9-32-3-1(c);**".

Page 42, line 4, delete "IC 9-32-16-1(f);" and insert "**IC 9-32-15-1(f);**".

Page 42, line 5, delete "IC 9-32-16-17 (d);" and insert "**IC 9-32-15-17(d);**".

Page 42, line 6, delete "IC 9-32-17-9;" and insert "**IC 9-32-16-8;**".

Page 42, line 7, delete "IC 9-32-17-11." and insert "**IC 9-32-16-10.**".

Page 42, line 25, delete "IC 9-29-17-10" and insert "**IC 9-29-17-8**".

Page 42, line 25, delete "IC 9-29-17-12" and insert "**IC 9-29-17-10**".

Page 43, delete line 42.

Delete pages 44 through 51.

Page 52, delete lines 1 through 34.

Page 52, line 35, delete "9." and insert "**8.**".

Page 53, line 18, delete "IC 9-29-17-9." and insert "**IC 9-29-17-7.**".

Page 54, line 14, delete "IC 9-32-16." and insert "**IC 9-32-15.**".

Page 55, line 6, delete "10." and insert "**9.**".

Page 56, line 28, delete "11." and insert "**10.**".

Page 63, line 10, delete "IC 9-29-17-15." and insert "**IC 9-29-17-13.**".

Page 63, line 14, delete "12." and insert "**11.**".

Page 64, line 16, delete "13." and insert "**12.**".

Page 65, line 17, delete "(a)".

Page 65, delete lines 29 through 30.

Page 74, line 9, delete "14." and insert "**13.**".

Page 74, line 41, delete "15." and insert "**14.**".

Page 76, line 21, delete "16." and insert "**15.**".

Page 89, line 42, delete "17." and insert "**16.**".

Page 90, line 1, delete "Except as provided in section 9 of this chapter, a person" and insert "**Except as provided in section 8 of this chapter, a person who violates this article, a rule established under this article, or an order issued by the secretary is subject to a civil penalty of up to ten thousand dollars ($10,000) for each act of violation. Civil penalties recovered under this section shall be paid to the state and deposited into the dealer enforcement account established by IC 9-32-6-2.**

Sec. 2. (a) Except as provided in subsections (b) and (c), a person who violates IC 9-32-3 commits a Class C infraction.

(b) A person who knowingly or intentionally violates IC 9-32-3-1(a)(1), IC 9-32-3-1(a)(2), IC 9-32-3-1(a)(4), IC 9-32-3-1(a)(5), or IC 9-32-3-1(d) commits a Class B misdemeanor.

(c) A person who knowingly or intentionally violates IC 9-32-3-1(a)(3) commits a:

(1) Class A misdemeanor for the first violation; and

(2) Class D felony for a second or subsequent unrelated violation.

Sec. 3. (a) Except as provided in subsection (b), a person who knowingly or intentionally violates any of the following commits a Class A misdemeanor:

(1) IC 9-32-5-7.

(2) IC 9-32-5-10.

(3) IC 9-32-5-11(d).

(4) IC 9-32-5-12.

(b) A person who knowingly or intentionally violates IC 9-32-5-13 commits a Class C misdemeanor.

Sec. 4. A person who knowingly or intentionally violates any of the following commits a Class B misdemeanor:

(1) IC 9-32-8-1.

(2) IC 9-32-8-2.

(3) IC 9-32-8-10.

Sec. 5. A person who knowingly or intentionally violates:

(1) IC 9-32-10-1; or

(2) IC 9-32-10-12;

commits a Class A misdemeanor.

Sec. 6. (a) Except as provided in subsection (b), a person who knowingly or intentionally violates IC 9-32-12 commits a Class B misdemeanor.

(b) A person who knowingly or intentionally violates:

(1) IC 9-32-12-25; or

(2) IC 9-32-12-26;

commits a Class A misdemeanor.

Sec. 7. A person who knowingly or intentionally violates IC 9-32-15-13 commits a Class D felony.

Sec. 8. A dealer who fails to deliver a certificate of origin or title under IC 9-32-4-2 or IC 9-32-4-8 or fails to deliver

timely a certificate of title under IC 9-32-3-1(c) is subject to the following civil penalties:

(1) One hundred dollars ($100) for the first violation in a calendar year.

(2) Two hundred fifty dollars ($250) for the second violation in a calendar year.

(3) Five hundred dollars ($500) for all subsequent violations in a calendar year.

Payment shall be made to the secretary and deposited in the dealer enforcement account established under IC 9-32-6-2.

Sec. 9. A retail lessor who fails to comply with IC 9-32-11, as set forth in IC 9-32-11-4, is liable to the retail lessee for:

(1) actual damages sustained;

(2) a civil penalty of not more than one thousand dollars ($1,000) per lease transaction; and

(3) reasonable attorney's fees and costs.

Sec. 10. In addition to all other remedies, the secretary may seek the following remedies against a person that violates, attempts to violate, or assists in a violation of or an attempt to violate IC 9-32-15:

(1) An injunction.

(2) Appointment of a receiver or conservator.

(3) A civil penalty not to exceed ten thousand dollars ($10,000) per violation.

(4) An action to enforce a civil penalty assessed under subdivision (3).

Civil penalties recovered under this section shall be paid to the state and deposited into the dealer enforcement account established by IC 9-32-6-2.".

Page 90, delete lines 2 through 42.

Page 91, delete lines 1 through 41.

Page 94, line 37, delete "IC 9-32-11-16." and insert "**IC 9-32-10-16.**".

Page 94, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 95. IC 24-5-13-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) A reasonable number of attempts is considered to have been undertaken to correct a nonconformity if:

(1) the nonconformity has been subject to repair at least four (4) times by the manufacturer or its agents or authorized dealers, but the nonconformity continues to exist; or

(2) the vehicle is out of service by reason of repair of any nonconformity for a cumulative total of at least thirty (30) business days, and the nonconformity continues to exist.

(b) The thirty (30) business day period in subsection (a)(2) shall be extended by any period of time during which repair services are not available as a direct result of a strike, **civil unrest, a fire, a natural disaster, a terrorist attack, an act of God, or an act of war.** The manufacturer, its agent, or **an** authorized dealer shall provide or make provision for the free use of a vehicle to any buyer whose vehicle is out of service by reason of repair during a strike, **a period of civil unrest, a fire, a natural disaster, a terrorist attack, an act of God, or an act of war.**

(c) The burden is on the manufacturer to show that the reason for an extension under subsection (b) was the direct cause for the failure of the manufacturer, its agent, or authorized dealer to cure any nonconformity during the time of the event.".

Page 95, delete lines 1 through 2.

Page 96, reset in roman lines 14 through 19.

Page 96, between lines 21 and 22, begin a new line block indented and insert:

"**IC 9-22-5-18 (Concerning buying a motor vehicle without a certificate of title).**".

Page 97, line 18, delete "IC 9-32-17-2" and insert "**IC 9-32-16-2**".

Page 97, line 19, delete "IC 9-32-17-3" and insert "**IC 9-32-16-3**".

Page 97, delete line 20.

Page 97, line 21, delete "IC 9-32-17-5" and insert "**IC 9-32-16-4**".

Page 97, line 22, delete "IC 9-32-17-6" and insert "**IC 9-32-16-5**".

Page 97, line 24, delete "IC 9-32-17-7" and insert "**IC 9-32-16-6**".

Page 97, line 25, delete "IC 9-32-17-8" and insert "**IC 9-32-16-7**".

Page 97, after line 31, begin a new paragraph and insert:

"SECTION 91. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "board" refers to the motor vehicle sales advisory board established by IC 9-32-10-1.**

(b) As used in this SECTION, "secretary" refers to the secretary of state holding office as set forth in IC 4-5-1-1.

(c) The board shall study the feasibility of creating administrative adjudication processes for the purposes of addressing issues related to persons licensed under IC 9-32-11.

(d) In conducting the study required by this SECTION, the board may consider:

(1) the criteria contained in IC 9-32-10-8(2)(B), IC 9-32-10-8(2)(C), and IC 9-32-10-8(2)(D);

(2) deceptive franchise practices under IC 23-2-2.7; and

(3) other criteria that the board considers necessary.

(e) In conducting the study required by this SECTION, the board shall consider, as a basis for its deliberation, House Bill 1340 (2012) as introduced.

(f) The board shall report the results of the study required by this SECTION to the legislative council and to the secretary by electronic format under IC 5-14-6 on or before November 1, 2012.

(g) This SECTION expires December 31, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1222 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1224, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 39, after "with" insert "**section 14.5 of this chapter (in the case of a game of Texas hold'em or Omaha poker) and any**".

Page 3, line 25, delete "A" and insert "**The following rules apply when a**".

Page 3, line 26, delete "may not play at a table" and insert "**deals the cards in a game**".

Page 3, line 27, delete "for which the patron deals the cards".

Page 3, line 28, delete "chapter." and insert "**chapter:**

(1) Patrons may take turns dealing, but a patron may not play in a hand for which the patron deals the cards.

(2) The dealer shall submit the deck of cards to be cut to the nearest player to the right of the dealer.

(3) A blank card must be at the bottom of the deck of cards.

(4) The operator or a worker shall deal the cards at the final table of a tournament.".

(Reference is to HB 1224 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

DAVIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1249, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 2-5-35 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 35. Land Bank Study Committee

Sec. 1. As used in this chapter, "committee" refers to the land bank study committee established by section 2 of this chapter.

Sec. 2. The land bank study committee is established.

Sec. 3. The committee consists of the following members:

(1) Four (4) members of the house of representatives appointed by the speaker. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(2) Four (4) members of the senate appointed by the president pro tempore. Not more than two (2) members appointed under this subdivision may be members of the same political party.

Sec. 4. The chairman of the legislative council shall appoint the committee's chair.

Sec. 5. IC 2-5-1.2 applies to the committee.

Sec. 6. The committee shall study the following:

(1) The use and effectiveness of Indiana's current land bank statute.

(2) Issues relating to creation of land banks at the municipal level, as opposed to the county level.

(3) The implications that land banks would have for Indiana's current tax sale process.

(4) The effect of Indiana's current tax sale process on the disposition of vacant and abandoned property.

(5) The effect that creation of municipal land banks would have for local revenues.

(6) Land bank issues unique to Marion County.

(7) Other issues related to land banks.

Sec. 7. This chapter expires January 1, 2014.".

Delete pages 2 through 64.

(Reference is to HB 1249 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

NEESE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1265, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 23, delete "before January 1, 2012, operated a shooting preserve" and insert "**operated, at any time, a hunting preserve during the period beginning January 1, 2005, and ending December 31, 2011; and**".

Page 3, delete lines 24 through 25.

Page 3, line 41, after "animals" insert "**the opportunity**".

Page 4, delete lines 2 through 3, begin a new line block indented and insert:

"**(1) If a person begins to operate a preserve after December 31, 2011, the preserve must contain not less than two hundred (200) acres.**".

Page 4, line 17, delete "If, before January 1, 2012, a hunting preserve met the" and insert "**If an owner operated, at any time, a hunting preserve during the period beginning January 1, 2005, and ending December 31, 2011, the owner may release permitted animals and resume the hunting preserve operations when a hunting preserve license is issued without a site inspection.**".

Page 4, delete lines 18 through 22.

(Reference is to HB 1265 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1279, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 6. IC 6-6-11-12.5, AS AMENDED BY P.L.207-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12.5. (a) The lake and river enhancement fund is established and allocated for the following purposes:

(1) One-half (1/2) of the fund shall be used to pay costs incurred by the department of natural resources in implementing the lake and river enhancement projects required by IC 14-32-7-12(b)(7).

(2) One-half (1/2) of the fund shall be used by the department of natural resources to pay for lake or river (as defined in IC 14-32-7-12) projects, including, but not limited to, projects to:

(A) remove sediment;

(B) control exotic or invasive plants or animals; or

(C) remove logjams or obstructions.

For purposes of this subdivision, the fund may not be used for projects relating to a ~~manmade~~ ditch ~~or waterway.~~ **or manmade channel.**

(b) The fund shall be administered by the director of the department of natural resources.

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

(d) The fund consists of the revenue from the lake and river enhancement fee paid by boat owners and deposited under section 12(c)(1) of this chapter.

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

(f) With the approval of the governor and the budget agency, the money in the fund allocated under subsection (a)(1) may be used to augment and supplement the funds appropriated for the implementation of lake and river enhancement projects required by IC 14-32-7-12(b)(7).".

Page 5, line 30, delete "an individual" and insert "**a person**".

Page 5, line 31, delete "or individual's" and insert "**or a person's**".

Page 5, line 32, delete ";" and insert "**or in accordance with**

the conditions of a license;".

Page 5, line 34, delete "individual's" and insert "**person's**".

Page 6, line 10, reset in roman "an".

Page 6, line 11, delete "individual" and insert "**a person**".

Page 6, line 12, delete "or individual's" and insert "**or a person's**".

Page 6, line 13, delete ";" and insert "**or in accordance with the conditions of a license;**".

Page 9, line 31, strike "or nonresident".

Page 10, line 39, strike "for the purpose of advising or consulting with the".

Page 10, line 40, strike "department".

Page 11, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 19. IC 14-22-13-2.5, AS ADDED BY P.L.165-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) This section applies to the harvest or sale of the following roe bearing species:

(1) Shovelnose sturgeon.
(2) Paddlefish.
(3) Bowfin.

(b) For the purpose of this subsection, "roe" means the eggs or gametes of a fish listed in subsection (a).

(c) An individual may not harvest, possess, or sell roe without a license issued under this section.

(d) The department ~~may~~ **shall** issue to an individual who is a resident **or nonresident** of Indiana a license to harvest, possess, and sell the roe under rules adopted under IC 4-22-2. The individual must leave the roe intact and inside the body of the fish until sold to a licensed roe dealer. The individual must sell the roe only to a roe dealer licensed by the department. The department shall limit the number of licenses that are available.

(e) The department may issue a person a roe dealer's license to purchase and process roe. A person may not transport roe outside Indiana except according to the terms of a license issued under this subsection.

(f) The following are the minimum application fees for these licenses:

(1) Roe harvester's license, one thousand dollars ($1,000).
(2) Roe dealer's license, five thousand dollars ($5,000).

(g) The commission may set license fees above the minimum fees established under subsection (f). The amount may not be more than is reasonably necessary to generate revenue sufficient to offset the costs incurred by the department in carrying out its responsibilities under this chapter.".

Page 11, line 31, strike "game bird, game mammal, or".

Page 14, delete lines 25 through 42.

Page 15, delete lines 1 through 16.

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1283, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. An individual may not solicit or receive a contribution in violation of the following statutes:

(1) IC 4-23-7-3.5 (Indiana Library and Historical Department).
~~(2) IC 4-23-7.1-38 (Indiana State Library).~~
~~(3)~~ **(2)** IC 4-23-7.2-17 (Indiana Historical Bureau).
~~(4)~~ **(3)** IC 8-23-2-3 (Indiana Department of Transportation).
~~(5)~~ **(4)** IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural Resources).".

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

"**(2) One (1) member must be appointed on the recommendation of the State Library Federation.**".

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

Page 2, between lines 9 and 10, begin a new line block indented and insert:

"**(4) At least one (1) member must be a public library trustee appointed on the recommendation of the Indiana Library Trustee Association.**".

Page 4, strike lines 8 through 9.

Page 4, line 10, strike "(2)" and insert "**(1)**".

Page 4, line 14, strike "(3)" and insert "**(2)**".

Page 4, line 16, strike "(4)" and insert "**(3)**".

Page 4, line 18, strike "(5)" and insert "**(4)**".

Page 4, line 19, strike "(6)" and insert "**(5)**".

Page 4, line 21, strike "(7)" and insert "**(6)**".

Page 4, line 22, strike "(8)" and insert "**(7)**".

Page 4, line 24, after "(9)" insert "**(8)**".

Page 4, line 24, reset in roman ""Statewide library card program" refers to the program".

Page 4, reset in roman line 25.

Page 4, delete lines 26 through 42.

Delete pages 5 through 6.

Page 7, delete lines 1 through 11.

Page 7, line 41, after "shall" insert "**and fees**".

Page 8, delete lines 1 through 36, begin a new paragraph and insert:

"SECTION 11. IC 4-23-7.1-38 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 38. (a) All state library employees, except the director, shall be selected by the director with the approval of the board and may be removed by the director for cause at any time with the approval of the board.~~

~~(b) In making selections for employment recognition shall be given to the fact that all certified librarians are under the Library Certification Act and that other staff personnel are under IC 4-15-2.~~

~~(c) Any or all of the state library employees must have had such academic preparation and special training for the work which they are required to perform as may be prescribed in rules promulgated by the board.~~

~~(d) The board may provide that appointments may be made only after the applicant has successfully passed an examination given by the board or some person designated by the board.~~

~~(e) No employee of the state library may directly or indirectly solicit subscription or contribution for any political party or political purpose, or be forced in any way to make such contribution, or be required to participate in any form of political activity.~~

~~(f) The state budget agency shall fix the compensation of the director. The director shall fix the compensation of the employees of the state library with the approval of the board and the state budget agency.~~

SECTION 12. IC 4-23-7.1-39 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 39. (a) The Indiana state library advisory council is established for the purpose of advising the board and the state librarian concerning:~~

~~(1) general policies of the state library;~~
~~(2) plans or programs for library development and~~

~~interlibrary cooperation;~~
~~(3) library research;~~
~~(4) professional development for librarians;~~
~~(5) standards and rules for library services;~~
~~(6) administration and distribution of state and federal funds; and~~
~~(7) other matters as requested by the board and the state librarian.~~

~~(b) The advisory council consists of no fewer than fifteen (15) members.~~

~~(c) The membership of the council must be broadly representative and comply with the requirements established by the federal Department of Education under 34 C.F.R. 770.~~

~~(d) The board shall appoint the members of the council with nominations for appointment from library organizations and the state librarian.~~

~~(e) Members of the advisory council shall serve two (2) year terms.~~

~~(f) A member of the advisory council is not entitled to:~~
~~(1) the minimum salary per diem provided by IC 4-10-11-2.1(b); or~~
~~(2) reimbursement from state funds for traveling expenses and other expenses actually incurred in connection with the member's duties.~~

SECTION 13. IC 4-23-7.1-39.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 39.1. (a) The state library advisory council is established for the purpose of advising the board and the state librarian concerning:**

(1) general policies of the state library;
(2) plans or programs for library development and interlibrary cooperation;
(3) library research;
(4) professional development for librarians;
(5) standards and rules for library services;
(6) administration and distribution of state and federal funds; and
(7) other matters as requested by the board and the state librarian.

(b) The advisory council consists of not more than fifteen (15) members.

(c) The board shall appoint the members of the council with nominations for appointment from library organizations and the state librarian.

(d) Members of the advisory council shall serve two (2) year terms. However, the board shall stagger the terms of the initial appointees.

(e) Notwithstanding subsection (d), if a member misses a majority of the advisory council's meetings in a calendar year, the board may remove the member and reappoint a member to serve the remainder of the term.

(f) A member of the advisory council is not entitled to compensation, per diem, or reimbursement for expenses.

(g) A quorum of the members must be present for the advisory council to take any official action. A quorum of the advisory council consists of a majority of the members appointed to the advisory council. An affirmative vote by a majority of the members present is needed for the advisory council to make a recommendation or take any official action.".

Page 14, line 33, reset in roman "free library".

Page 15, delete lines 1 through 8.

Page 15, line 29, after "business." insert "**However, for a county contractual library board under section 17 of this chapter, a quorum consists of six (6) members.**".

Page 15, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 23. IC 36-12-2-25, AS AMENDED BY P.L.113-2010, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) The residents or real property taxpayers of the library district taxed for the support of the library may use the facilities and services of the public library without charge for library or related purposes. However, the library board may:

(1) fix and collect fees and rental charges; and
(2) assess fines, penalties, and damages for the:
(A) loss of;
(B) injury to; or
(C) failure to return;
any library property or material.

(b) A library board may issue local library cards to:

(1) residents **and real property taxpayers** of the library district;
(2) Indiana residents who are not residents of the library district; **and**
~~(3) library employees of the library district; or~~
~~(4) employees of a school corporation or nonpublic school located in the library district;~~
~~who apply for the cards.~~
(3) individuals who reside out of state and who are being served through an agreement under IC 36-12-13.

(c) Except as provided in ~~subsections~~ **subsection** (d), ~~and (e),~~ a library board must set and charge a fee for a local library card issued under subsection (b)(2) **and (b)(3).** The minimum fee that the board may set under this subsection is the greater of the following:

(1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".
(2) Twenty-five dollars ($25).

(d) A library board may **issue a local library card without** charge **or for** a reduced fee ~~or not charge a fee for a local library card under subsection (c) that is issued to an Indiana resident who is:~~ **to an individual who is not a resident of the library district and who is:**

(1) a student enrolled in **or a teacher in** a public school corporation **or nonpublic school:**
(A) that is located at least in part in the library district; and
(B) in which students in any grade preschool through grade 12 are educated; or
(2) ~~not a resident of the~~ **a** library ~~district.~~ **employee of the district;**

~~(e) A library board may charge a reduced fee or not charge a fee for a local library card under subsection (c) that is issued to an Indiana resident who is a student enrolled in a nonpublic school that is located at least in part in the library district.~~

~~(f) A library board may issue a local library card under subsection (b)(3) or (b)(4):~~
~~(1) to an individual who is not a resident of the library district; and~~
~~(2) without charging a fee for the card;~~

if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board.

(e) A library card issued under subsection (b)(2), (b)(3), or (d) expires one (1) year after issuance of the card.".

Delete page 16.

Page 17, delete lines 1 through 24.

Page 17, line 37, delete "IC 5-22-22." and insert "**IC 5-22.**".

Page 18, line 2, delete "and IC 5-22-22." and insert "**or IC 5-22.**".

Page 18, delete lines 8 through 33, begin a new paragraph and insert:

"SECTION 26. IC 36-12-3-16, AS AMENDED BY

P.L.130-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) The library board may adopt a resolution allowing money to be disbursed under this section for lawful library purposes, including advertising and promoting the programs and services of the library.

(b) With the prior written approval of the library board and if the library board has adopted a resolution under subsection (a), claim payments may be made in advance of library board allowance for any of the following types of expenses:

(1) Property or services purchased or leased from the federal government or the federal government's agencies and the state, the state's agencies, or the state's political subdivisions.
(2) Dues, subscriptions, and publications.
(3) License or permit fees.
(4) Insurance premiums.
(5) Utility payments or connection charges.
(6) Federal grant programs where:
(A) advance funding is not prohibited; and
(B) the contracting party posts sufficient security to cover the amount advanced.
(7) Grants of state funds authorized by statute.
(8) Maintenance and service agreements.
(9) Legal retainer fees.
(10) Conference fees.
(11) Expenses related to the educational or professional development of an individual employed by the library board, including:
(A) inservice training;
(B) attending seminars or other special courses of instruction; and
(C) tuition reimbursement;
if the library board determines that the expenditures under this subdivision directly benefit the library.
(12) Leases or rental agreements.
(13) Bond or coupon payments.
(14) Payroll costs.
(15) State, federal, or county taxes.
(16) Expenses that must be paid because of emergency circumstances.
(17) Expenses incurred to advertise and promote the programs and services of the library.
(18) Other expenses described in a library board resolution.

~~Each payment of expenses lawfully incurred for library purposes must be supported by a fully itemized invoice or other documentation. The library director must certify to the library board before payment that each claim for payment is true and correct. The certification must be on a form prescribed by the state board of accounts.~~ The library board shall review and allow the claim at the library board's first regular or special meeting following the payment of a claim under this section.

(c) Each payment of expenses lawfully incurred for library purposes must be supported by a fully itemized invoice or other documentation. The library director shall certify to the library board before payment that each claim for payment is true and correct. The certification must be on a form prescribed by the state board of accounts.

~~(c)~~ **(d)** Purchases of books, magazines, pamphlets, films, filmstrips, microforms, microfilms, slides, transparencies, phonodiscs, phonotapes, models, art reproductions, and all other forms of library and audiovisual materials are exempt from the restrictions imposed by IC 5-22.

~~(d)~~ **(e)** The purchase of library automation systems must meet the standards established by the Indiana library and historical board under IC 4-23-7.1-11(b).".

Page 19, line 5, after "3," insert "**and**".

Page 19, line 5, delete "4, and 11" and insert "4".

Page 22, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 33. IC 36-12-7-3, AS AMENDED BY P.L.113-2010, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) The residents or real property taxpayers of the library district taxed for the support of the library may use the facilities and services of the public library without charge for library or related purposes. However, the library board may:**

(1) fix and collect fees and rental charges; and
(2) assess fines, penalties, and damages for the:
(A) loss of;
(B) injury to; or
(C) failure to return;
any library property or material.

~~(a)~~ **(b)** A library board may issue local library cards to:

(1) residents **and real property taxpayers** of the library district;
(2) Indiana residents who are not residents of the library district; **and**
~~(3) library employees of the library district; or~~
~~(4) employees of a school corporation or nonpublic school located in the library district;~~
~~who apply for the cards.~~
(3) individuals who reside out of state and who are being served through an agreement under IC 36-12-13.

~~(b)~~ **(c)** Except as provided in subsection ~~(c),~~ **(d),** a library board must set and charge a fee for a local library card issued under subsection ~~(a)(2).~~ **(b)(2) and (b)(3).** The minimum fee that the board may set under this subsection is the greater of the following:

(1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".
(2) Twenty-five dollars ($25).

~~(c)~~ **(d)** A library board may **issue a local library card without** charge **or for** a reduced fee ~~or not charge a fee for a local library card under subsection (b) that is issued to an Indiana resident who is:~~ **to an individual who is not a resident of the library district and who is:**

(1) a student enrolled in **or a teacher in** a public school corporation **or nonpublic school:**
(A) that is located at least in part in the library district; and
(B) in which students in any grade preschool through grade 12 are educated; or
(2) ~~not a resident of that~~ **a** library ~~district.~~ **employee of the district;**

~~(d) A library board may issue a local library card under subsection (a)(3) or (a)(4):~~
~~(1) to an individual who is not a resident of the library district; and~~
~~(2) without charging a fee for the card;~~

if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board.

(e) A library card issued under subsection (b)(2), (b)(3), or (d) expires one (1) year after issuance of the card.".

Page 23, delete lines 1 through 31.

Page 25, line 8, delete "director," and insert "**director under section 15 of this chapter,**".

Page 25, line 17, delete "After" and insert "**When**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1283 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

NEESE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1298, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, after line 17, begin a new paragraph and insert:

"**Sec. 4. As used in this chapter, "motor vehicle for the transportation of food" means:**

(1) a common carrier that professes to the general public that the carrier engages in transportation by motor vehicle of food for compensation;

(2) a contract carrier that engages in transportation by motor vehicle of food for compensation (other than transportation provided by a common carrier described in subdivision (1)) under continuing contracts with one (1) person or a limited number of persons for:

(A) the furnishing of transportation services through the dedication of motor vehicles for a continuing time to the exclusive use of each person served; or

(B) the furnishing of transportation services designed to meet the distinct need of each individual customer; or

(3) a motor vehicle that is engaged in the transportation of food that is operated by any establishment within Indiana that manufactures, packages, stores, or repackages human food products for distribution to another entity for resale or redistribution.".

Page 2, line 1, delete "4. (a)" and insert "**5.**".

Page 2, delete lines 5 through 16.

Page 2, line 17, delete "5." and insert "**6.**".

Page 2, line 19, delete "4(a)" and insert "**5**".

Page 2, line 19, delete "If the law enforcement officer".

Page 2, delete lines 20 through 24.

Page 2, line 25, delete "A health inspector may inspect a motor vehicle used to" and insert "**This subsection applies if, during the course of an inspection under subsection (a), a law enforcement officer determines that:**

(1) the temperature of the food is more than two (2) degrees above the acceptable temperature;

(2) the food exhibits outward signs of contamination, spoilage, deterioration, putrefaction, or infestation; or

(3) the food is improperly loaded in a manner that increases the risk of cross-contamination.

A person who operates a motor vehicle described in this subsection commits a Class A infraction.

(c) If, during the course of an inspection under subsection (a), a law enforcement officer determines that the motor vehicle is not in compliance with applicable rules and regulations adopted by the state department of health concerning the transportation of food, the law enforcement officer:

(1) may contact a health inspector to inspect the motor vehicle; and

(2) may detain the motor vehicle and its operator for purposes of the inspection.

(d) If a health inspector is present to inspect a motor vehicle and finds a violation of section 5 of this chapter, the health inspector may order either or both of the following:

(1) Disposal of part or all of the food.

(2) Impoundment of the vehicle.

(e) The penalty under this subsection is in addition to any penalties provided in IC 9, IC 16, or rules or regulations adopted by the state department of health or a local health department. This subsection applies if a health inspector, after inspection of a motor vehicle under subsection (d) finds a violation of section 5 of this chapter. A person who operates a motor vehicle described in this subsection commits a Class A infraction.

(f) A person who recklessly, knowingly, or intentionally transports food that a health inspector ordered to be disposed under subsection (d)(1), other than for the purpose of disposal, commits a Class A misdemeanor.

(g) A person who operated a motor vehicle impounded under subsection (d)(2) may not obtain possession of the motor vehicle until the person complies with the requirements of this chapter, including paying any costs associated with the disposal of food under subsection (d)(1).".

Page 2, delete lines 26 through 39.

Page 2, line 40, delete "6." and insert "**7.**".

Page 3, line 12, delete "IC 8-2.1-27-6" and insert "**IC 8-2.1-27-7**".

(Reference is to HB 1298 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1307, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, after "operation," insert "**and**".

Page 1, line 10, delete ", and control".

(Reference is to HB 1307 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1376, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-10-22-3, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 3. **(a) Subject to subsection (b),** after completing the presentation to the state budget committee described in section 2 of this chapter, the governor shall:

~~(1) transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund; and~~

~~(2)~~ **(1)** use ~~fifty percent (50%) of any~~ excess reserves for the purposes of providing an automatic **refundable** taxpayer ~~refund~~ **credit** under section 4 of this chapter; **and**

(2) transfer the excess reserves not needed for an

automatic refundable taxpayer credit under section 4 of this chapter to the pension stabilization fund established by IC 5-10.4-2-5.

(b) If the excess reserves on June 30 of any year are less than twenty million dollars ($20,000,000), the governor shall carry over the excess reserves to each subsequent year until the total excess reserves, including any carryover amount, equal at least twenty million dollars ($20,000,000). In the year that total excess reserves equal at least twenty million dollars ($20,000,000), the excess reserves shall be used as provided in subsection (a).

SECTION 2. IC 4-10-22-4, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 4. ~~The following apply if sufficient excess state reserves are available to provide an automatic taxpayer refund to each taxpayer eligible for a refund:~~

~~(1) To qualify for a refund, a taxpayer:~~

~~(A) must have filed an Indiana resident individual adjusted gross income tax return for the preceding two (2) taxable years; and~~

~~(B) must have paid individual adjusted gross income tax to the state for the preceding taxable year.~~

~~Individuals who file a tax return but do not pay any individual adjusted gross income tax to the state are not entitled to a refund.~~

~~(2) The amount of the refund is determined for each qualifying taxpayer on a pro rata basis, based on the qualifying taxpayer's portion of the total individual adjusted gross income tax liability paid by all qualifying taxpayers in the preceding taxable year.~~

~~(3) The refund shall be applied as a credit against adjusted gross income tax liability in the taxpayer's taxable year in which a refund is provided. The credit may not be carried forward.~~

(a) An individual is entitled to a refundable tax credit against the individual's adjusted gross income tax liability in a taxable year if:

(1) the office of management and budget determines that the state possessed excess state reserves on June 30 in the taxpayer's current taxable year of at least twenty million dollars ($20,000,000);

(2) the individual is an Indiana resident who filed an Indiana resident individual adjusted gross income tax return for the immediately preceding year, not later than the due date for the return, determined after applying any extension granted for the return; and

(3) the individual continues to be an Indiana resident who files an Indiana resident individual adjusted gross income tax return for the current taxable year not later than the due date for the return, determined after applying any extension granted for the return.

(b) The refundable tax credit under this section shall be applied to a taxpayer's adjusted gross income tax liability after applying all other tax credits to which the taxpayer is otherwise eligible. The amount of the refundable tax credit under this section is determined on a per return basis. The refundable tax credit is equal to:

(1) the credit amount determined under subsection (c) or (d), if the individual files a single Indiana resident individual adjusted gross income tax return for the current taxable year; or

(2) the result of the credit amount determined under subsection (c) or (d) multiplied by two (2), if the individual files a joint Indiana resident individual adjusted gross income tax return with the individual's spouse for the current taxable year.

(c) Except as provided in subsection (d), the credit amount is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the result of:

(1) the amount of the state excess reserves determined for June 30 in the taxable year; divided by

(2) the number of resident individuals filing a single or joint Indiana resident individual adjusted gross income tax return for the immediately preceding year, not later than the due date for the return, determined after applying any extension granted for the return.

STEP TWO: Round the STEP ONE result to the nearest one dollar ($1).

STEP THREE: Determine the lesser of:

(1) the STEP TWO result; or

(2) fifty dollars ($50).

(d) This subsection applies only when the result determined in subsection (c), STEP TWO is greater than one hundred dollars ($100). For a state fiscal year subject to this subsection, the credit amount is the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the result of:

(1) the result determined under subsection (c), STEP TWO; minus

(2) one hundred dollars ($100).

STEP TWO: Round the STEP ONE result to the nearest one dollar ($1).

STEP THREE: Determine the result of

(1) the STEP TWO result; divided by

(2) two (2).

STEP FOUR: Round the STEP THREE result to the nearest one dollar ($1).

STEP FIVE: Determine the sum of:

(1) the STEP FOUR result; plus

(2) fifty dollars ($50).

SECTION 3. IC 34-13-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. **(a)** Except as provided in section 20 of this chapter, the governor may compromise or settle a claim or suit brought against the state or its employees.

(b) The following definitions apply throughout subsection (c):

(1) "Eligible person" refers to a person or the estate of a person that properly filed a claim with the state, in the form prescribed by the attorney general, before December 31, 2011, for physical injury or death resulting from an occurrence.

(2) "Occurrence" refers to one (1) or more acts or omissions by the state or employees of the state in connection with a single event occurring after July 31, 2011, and before September 1, 2011, that resulted in the death of seven (7) or more persons.

(c) Notwithstanding section 4(a)(2) of this chapter, the attorney general shall attempt to resolve all claims and suits brought against the state or its employees for an occurrence for an amount that, in the aggregate, does not exceed ten million dollars ($10,000,000). Notwithstanding sections 6 and 9 of this chapter, only an eligible person is eligible to receive compensation under this subsection. The attorney general shall attempt to resolve claims or suits for an occurrence as follows:

(1) The estate of an eligible person whose death resulted from an occurrence shall receive seven hundred thousand dollars ($700,000).

(2) Except as provided in subdivision (3), each other eligible person who was physically injured as a result of an occurrence shall be compensated for the physical injury in an amount that does not exceed the least of the following:

(A) The amount of the eligible person's losses.
(B) The amount claimed by the eligible person in relation to the claim filed before December 31, 2011.
(C) Seven hundred thousand dollars ($700,000).
(3) Eligible persons who suffered physical injuries involving permanent paralysis or trauma or requiring major and ongoing long-term care may be compensated under subdivision (2) in an amount that exceeds the medical expense amounts claimed by the person in relation to the claim according to a formula determined by the attorney general. The formula used by the attorney general for compensating eligible persons must be substantially similar to the formula used by the attorney general for payments made before January 1, 2012, in relation to the occurrence.
To receive a distribution under this subsection for an occurrence, an eligible person must have already released all governmental entities and public employees from any liability for loss resulting from the occurrence. The release must be in a form that is satisfactory to the attorney general. The amount payable after December 31, 2011, shall be reduced by any amount that was paid under this chapter for the death or physical injury before January 1, 2012. If the aggregate losses incurred by all eligible persons exceed ten million dollars ($10,000,000), the attorney general shall make the payments required under subdivision (1) and use the remaining amount available under ten million dollars ($10,000,000) by proportionately reducing the amount distributed to eligible persons under subdivision (2) according to a formula determined by the attorney general.
SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The definitions in P.L.229-2011, SECTION 1 apply throughout this SECTION.**
(b) The following definitions apply throughout this SECTION:
(1) "2012-2013 school year" means the school year (as defined in IC 20-18-2-17) beginning July 1, 2012, and ending June 30, 2013.
(2) "Charter school" has the meaning set forth in IC 20-24-1-4.
(3) "Current ADM" has the meaning set forth in IC 20-43-1-10.
(4) "Eligible pupil" has the meaning set forth in IC 20-43-1-11.
(5) "School corporation" has the meaning set forth in IC 20-18-2-16.
(c) Augmentation is allowed for the appropriation in P.L.229-2011, SECTION 9 to the department of education for full-day kindergarten, beginning July 1, 2012, and ending June 30, 2013.
(d) Notwithstanding P.L.229-2011, SECTION 9, each school corporation and charter school that applies to the department of education for a grant for full-day kindergarten is entitled to receive a distribution in the 2012-2013 school year from the amount appropriated in P.L.229-2011, SECTION 9 for full-day kindergarten for the state fiscal year beginning July 1, 2012, and ending June 30, 2013, as augmented under this SECTION. The total amount to be distributed to a school corporation or charter school for the 2012-2013 school year equals the result of:
(1) two thousand four hundred dollars ($2,400); multiplied by
(2) the number of eligible pupils who are:
(A) counted in the current ADM of the school corporation in the initial count of ADM in the 2012-2013 school year; and
(B) enrolled in and attending full-day kindergarten on the count date on which the current ADM is determined.
(e) A school corporation or charter school that applies for a grant for full-day kindergarten may not charge a fee for enrolling in or attending full-day kindergarten in the school year beginning July 1, 2012, and ending June 30, 2013.
(f) This SECTION expires July 1, 2013.
SECTION 5. **An emergency is declared for this act.**
(Reference is to HB 1376 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

ESPICH, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 4

Representative Steuerwald called down Engrossed Senate Bill 4 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

HOUSE BILLS ON SECOND READING

House Bill 1003

Representative Crouch called down House Bill 1003 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1003–1)

Mr. Speaker: I move that House Bill 1003 be amended to read as follows:
Page 11, line 7, delete "(f)(7)," and insert "**(g)(7),**".
Page 11, delete lines 15 through 17, begin a new line block indented and insert:
"**(1) The minimum number of members who must be physically present at the place where the meeting is conducted must be the greater of:**
(A) two (2) of the members; or
(B) one-third (1/3) of the members.".
Page 11, between lines 19 and 20, begin a new paragraph and insert:
"**(d) Each member of the governing body is required to physically attend at least one (1) meeting of the governing body annually.**".
Page 11, line 20, delete "(d)" and insert "**(e)**".
Page 11, line 21, delete "(f)" and insert "**(g)**".
Page 11, line 27, delete "(e)" and insert "**(f)**".
Page 11, delete lines 30 through 32, begin a new line block indented and insert:
"**(2) by a favorable vote of a majority of the members of the governing body, adopts a policy under subsection (g) governing participation in meetings of the governing body by electronic communication.**".
Page 11, line 33, delete "(f)" and insert "**(g)**".
Page 11, line 41, delete "(d)," and insert "**(e),**".
Page 12, line 35, delete "(d)," and insert "**(e),**".
(Reference is to HB 1003 as printed January 23, 2012.)

CROUCH

Motion prevailed.

HOUSE MOTION
(Amendment 1003–2)

Mr. Speaker: I move that House Bill 1003 be amended to read as follows:
Page 11, between lines 19 and 20, begin a new line blocked left and insert:
"**Nothing in this section affects the public's right under this**

chapter to attend a meeting of the governing body at the place where the meeting is conducted and the minimum number of members is physically present as provided for in subdivision (1).".

(Reference is to HB 1003 as printed January 23, 2012.)

PIERCE

Motion prevailed. The bill was ordered engrossed.

House Bill 1009

Representative Foley called down House Bill 1009 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1015

Representative Davisson called down House Bill 1015 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1033

Representative McMillin called down House Bill 1033 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1059

Representative Baird called down House Bill 1059 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1080

Representative R. Frye called down House Bill 1080 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1090

Representative Friend called down House Bill 1090 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1091

Representative Friend called down House Bill 1091 for second reading. The bill was reread a second time by title.

HOUSE MOTION
(Amendment 1091–2)

Mr. Speaker: I move that House Bill 1091 be amended to read as follows:

Page 1, delete lines 9 through 17, begin a new paragraph and insert:

"SECTION 2. IC 35-50-5-3, AS AMENDED BY P.L.173-2006, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Except as provided in subsection (I), ~~or~~ (j), **(l), or (m),** in addition to any sentence imposed under this article for a felony or misdemeanor, the court may, as a condition of probation or without placing the person on probation, order the person to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of:

(1) property damages of the victim incurred as a result of the crime, based on the actual cost of repair (or replacement if repair is inappropriate);

(2) medical and hospital costs incurred by the victim (before the date of sentencing) as a result of the crime;

(3) the cost of medical laboratory tests to determine if the crime has caused the victim to contract a disease or other medical condition;

(4) earnings lost by the victim (before the date of sentencing) as a result of the crime including earnings lost while the victim was hospitalized or participating in the investigation or trial of the crime; and

(5) funeral, burial, or cremation costs incurred by the family or estate of a homicide victim as a result of the crime.

(b) A restitution order under subsection (a), ~~or~~ (I), ~~or~~ (j), **(l), or (m),** is a judgment lien that:

(1) attaches to the property of the person subject to the order;

(2) may be perfected;

(3) may be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and

(4) expires;

in the same manner as a judgment lien created in a civil proceeding.

(c) When a restitution order is issued under subsection (a), the issuing court may order the person to pay the restitution, or part of the restitution, directly to:

(1) the victim services division of the Indiana criminal justice institute in an amount not exceeding:

(A) the amount of the award, if any, paid to the victim under IC 5-2-6.1; and

(B) the cost of the reimbursements, if any, for emergency services provided to the victim under IC 16-10-1.5 (before its repeal) or IC 16-21-8; or

(2) a probation department that shall forward restitution or part of restitution to:

(A) a victim of a crime;

(B) a victim's estate; or

(C) the family of a victim who is deceased.

The victim services division of the Indiana criminal justice institute shall deposit the restitution it receives under this subsection in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(d) When a restitution order is issued under subsection (a), (I), ~~or~~ (j), **(l), or (m),** the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the felony or misdemeanor charge was filed. The restitution order must include the following information:

(1) The name and address of the person that is to receive the restitution.

(2) The amount of restitution the person is to receive.

Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket in the manner prescribed by IC 33-32-3-2. The clerk shall also notify the department of insurance of an order of restitution under subsection (I).

(e) An order of restitution under subsection (a), (I), ~~or~~ (j), **(l), or (m),** does not bar a civil action for:

(1) damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damage that is the basis of restitution ordered by the court; and

(2) other damages suffered by the victim.

(f) Regardless of whether restitution is required under subsection (a) as a condition of probation or other sentence, the restitution order is not discharged by the completion of any probationary period or other sentence imposed for a felony or misdemeanor.

(g) A restitution order under subsection (a), (I), ~~or~~ (j), **(l), or (m),** is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6, IC 34-1-12, or IC 34-2-7 before their repeal).

(h) The attorney general may pursue restitution ordered by the court under subsections (a) and (c) on behalf of the victim

services division of the Indiana criminal justice institute established under IC 5-2-6-8.

(I) The court may order the person convicted of an offense under IC 35-43-9 to make restitution to the victim of the crime. The court shall base its restitution order upon a consideration of the amount of money that the convicted person converted, misappropriated, or received, or for which the convicted person conspired. The restitution order issued for a violation of IC 35-43-9 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for a violation of IC 35-43-9.

(j) The court may order the person convicted of an offense under IC 35-43-5-3.5 to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of the amount of fraud or harm caused by the convicted person and any reasonable expenses (including lost wages) incurred by the victim in correcting the victim's credit report and addressing any other issues caused by the commission of the offense under IC 35-43-5-3.5. If, after a person is sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's estate, or the family of a victim discovers or incurs additional expenses that result from the convicted person's commission of the offense under IC 35-43-5-3.5, the court may issue one (1) or more restitution orders to require the convicted person to make restitution, even if the court issued a restitution order at the time of sentencing. For purposes of entering a restitution order after sentencing, a court has continuing jurisdiction over a person convicted of an offense under IC 35-43-5-3.5 for five (5) years after the date of sentencing. Each restitution order issued for a violation of IC 35-43-5-3.5 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for an offense under IC 35-43-5-3.5.

(k) The court shall order a person convicted of an offense under IC 35-42-3.5 to make restitution to the victim of the crime in an amount equal to the greater of the following:

(1) The gross income or value to the person of the victim's labor or services.

(2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of:

(A) the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209); or

(B) IC 22-2-2 (Minimum Wage);

whichever is greater.

(l) The court shall order a person who:

(1) is convicted of dealing in methamphetamine under IC 35-48-4-1.1(a)(1)(A); and

(2) manufactured the methamphetamine on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of ten thousand dollars ($10,000).

(m) The court shall order a person who:

(1) is convicted of dealing in marijuana under IC 35-48-4-10(a)(1)(A); and

(2) manufactured the marijuana on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of two thousand dollars ($2,000).".

Delete page 2.

Renumber all SECTIONS consecutively.

(Reference is to HB 1091 as reprinted January 14, 2012.)

FRIEND

Motion prevailed.

HOUSE MOTION

(Amendment 1091–3)

Mr. Speaker: I move that House Bill 1091 be amended to read as follows:

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

"SECTION 2. IC 32-35-3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 3. Choice of Forum Clauses

Sec. 1. For purposes of this chapter, "choice of forum clause" means language in a contract that:

(1) requires a party to resolve a dispute in:

(A) a court outside Indiana; or

(B) arbitration or another dispute resolution process at a location outside Indiana; or

(2) purports to be the consent to:

(A) the jurisdiction of a court outside Indiana; or

(B) arbitration or another dispute resolution process at a location outside Indiana.

Sec. 2. This chapter applies only to a contract:

(1) entered into, extended, or renewed after June 30, 2012;

(2) that is the subject of a lawsuit in which the complaint seeks actual damages that are less than twenty-five thousand dollars ($25,000); and

(3) involving goods, services, or leases related to agricultural products (as defined in IC 34-6-2-8), livestock, poultry, livestock products, poultry products, or an agricultural operation (as defined in IC 32-30-6-1).

Sec. 3. Except as provided in the Uniform Commercial Code (IC 26-1), a choice of forum clause in a contract described in section 2 of this chapter for:

(1) goods;

(2) services; or

(3) leases;

is not enforceable.

SECTION 3. IC 34-6-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. "Agricultural product", for purposes of IC 34-30-3 **and IC 32-35-3,** means a natural product of a farm, a nursery, a grove, an orchard, a vineyard, a garden, or an apiary. The term includes trees and firewood.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1091 as reprinted January 14, 2012.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

Representative Pflum, who had been excused, was present.

House Bill 1093

Representative Mahan called down House Bill 1093 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1112

Representative Lehman called down House Bill 1112 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1112–1)

Mr. Speaker: I move that House Bill 1112 be amended to read as follows:

Page 1, delete lines 1 through 5.

Page 2, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to the regulatory flexibility committee established under IC 8-1-2.6-4 the following issues for further study:**

(1) The obligations of providers of last resort under Indiana law, including the obligations of incumbent local exchange carriers designated as providers of last resort.

(2) The interaction and overlap, if any, between:

(A) IC 8-1-32.4 and other statutes governing providers of last resort; and

(B) federal laws and regulations governing eligible telecommunications carriers.

(3) The impact of the following orders of the Federal Communications Commission, including related Further Notices of Proposed Rulemaking and other related proceedings, on Indiana telecommunications policies and the need, if any, to amend the policies to ensure universal voice and broadband service in Indiana:

(A) Connect America Fund, WC Docket 10-90.

(B) A National Broadband Plan for Our Future, GN Docket No. 09-51.

(C) Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135.

(D) High-Cost Universal Service Support, WC Docket No. 05-337.

(E) Developing an Unified Intercarrier Compensation Regime, CC Docket No. 01-92.

(F) Federal-State Joint Board on Universal Service, CC Docket No. 96-45.

(G) Lifeline and Link-Up, WC Docket No. 03-109.

(H) Mobility Fund, WT Docket No. 10-208.

(b) The regulatory flexibility committee shall report its findings and recommendations, if any, to the general assembly in an electronic format under IC 5-14-6 not later than November 1, 2012.

(c) This SECTION expires December 31, 2012.

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

Delete pages 3 through 6.

Renumber all SECTIONS consecutively.

(Reference is to HB 1112 as printed January 23, 2012.)

PIERCE

Upon request of Representatives Pierce and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 59: yeas 25, nays 66. Motion failed. The bill was ordered engrossed.

House Bill 1116

Representative Borders called down House Bill 1116 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1128

Representative Lehe called down House Bill 1128 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1128–1)

Mr. Speaker: I move that House Bill 1128 be amended to read as follows:

Page 10, after line 2, begin a new paragraph and insert:

"SECTION 12. IC 34-30-24-1, AS ADDED BY P.L.122-2006, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, "E85" has the meaning set forth in IC 6-6-1.1-103.

(b) As used in this chapter, "flexible fuel vehicle" means any vehicle that is equipped to operate when fueled entirely by E85.

(c) As used in this chapter, "incompatible motor fuel" means a motor fuel that is not compatible with use in a motor as determined by the manufacturer of the motor.

(d) As used in this chapter, "motor fuel outlet" means a location where motor fuel is sold at retail to the public.

~~(c)~~ **(e)** As used in this chapter, "qualified person or entity" means any person or entity that sells, supplies, distributes, manufactures, or refines E85.

(f) As used in this chapter, "retail dealer" means a person who sells motor fuel at retail.

SECTION 13. IC 34-30-24-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3. A retail dealer is immune from civil liability for property damage that results from the use in a motor of an incompatible motor fuel dispensed by the retail dealer at a motor fuel outlet if the incompatible motor fuel:**

(1) conformed to standards and specifications for the motor fuel as established under applicable federal and state laws;

(2) was selected for use in the motor by a person other than:

(A) the retail dealer; or

(B) an employee or agent of the retail dealer; and

(3) was dispensed from a motor fuel pump that conspicuously displayed a label that correctly identified the type of motor fuel that was dispensed from the pump.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1128 as printed January 23, 2012.)

FRIEND

Representative Austin rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

House Bill 1129

Representative Lehe called down House Bill 1129 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1129–1)

Mr. Speaker: I move that House Bill 1129 be amended to read as follows:

Page 24, line 24, strike "C" and insert "**A**".

Page 24, line 24, reset in roman "infraction".

Page 24, line 25, delete "misdemeanor".

Page 24, line 39, delete "labeled, in" and insert "**labeled**".

Page 24, line 40, delete "at least one-half (1/2) inch font,".

Page 24, line 42, delete "implied" and insert "**stated, promoted, or advertised**".

(Reference is to HB 1129 as printed January 23, 2012.)

LEHE

Motion prevailed. The bill was ordered engrossed.

House Bill 1148

Representative Messmer called down House Bill 1148 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1154

Representative Messmer called down House Bill 1154 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1154–1)

Mr. Speaker: I move that House Bill 1154 be amended to read as follows:

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

"SECTION 1. IC 4-13.6-5-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) As used in this section, "Indiana business" refers to any of the following:**

(1) A business whose principal place of business is located in Indiana.

(2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.

(3) A business that employs residents of Indiana as a majority of its employees.

(4) A business that makes significant capital investments in Indiana as determined by the department.

(5) A business that has a substantial positive economic impact on Indiana as determined by the department.

(b) Except as prohibited by federal law, there is a price preference for an Indiana business that:

(1) submits a bid for the performance of the work on a public works project;

(2) competes for the contract against at least one (1) bidder domiciled in a state that provides a price preference to bidders from that state; and

(3) claims the preference under subsection (e).

The amount of the preference provided by this subsection is equal to the price preference provided by the state in which the out-of-state bidder is domiciled. If bidders from two (2) or more states granting preferences to in-state bidders bid for the contract, the amount of the preference is equal to the highest preference provided among those states.

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d), a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) A business that wants to claim a preference provided under this section must do all of the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the department:

(A) The location of the business's principal place of business, and if the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 2. IC 4-13.6-6-2.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.8. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (½) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on a payroll from a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) Subject to subsection (f), a contract for a public works project may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(c) Subject to subsection (f), before August 15, 2013, and before August 15 of each year thereafter, the division shall file with the legislative council a report for the preceding year stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) Subject to subsection (f), a contract awarded under this chapter for a public works project is terminated if the division determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) Subject to subsection (f), a contractor or subcontractor that fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on

the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (b) through (e) do not apply to the contract or subcontract.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (b) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (b) through (e) may not reference the employment of Indiana residents. The division may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (b) through (e):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

(I) This section does not apply to contracts entered into to perform work:

(1) resulting from an emergency; or

(2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 3. IC 5-16-1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (½) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on a payroll from a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) Subject to subsection (f), a contract for a public works project under this chapter may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(c) Subject to subsection (f), before August 15, 2013, and before August 15 of each year thereafter, any state agency entering into contracts under this chapter shall file with the legislative council a report stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) Subject to subsection (f), a contract awarded under this chapter for a public works project is terminated if the state or commission determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) Subject to subsection (f), a contractor or subcontractor that fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (b) through (e) do not apply to the contract or subcontract.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (b) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (b) through (e) may not reference the employment of Indiana residents. The state or a commission may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (b) through (e):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

(I) This section does not apply to contracts entered into to perform work:

(1) resulting from an emergency; or

(2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 4. IC 5-16-1-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) As used in this section, "Indiana business" refers to any of the following:**

(1) A business whose principal place of business is located in Indiana.

(2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.

(3) A business that employs residents of Indiana as a majority of its employees.

(4) A business that makes significant capital investments in Indiana as determined by the Indiana department of administration.

(5) A business that has a substantial positive economic impact on Indiana as determined by the Indiana department of administration.

(b) Except as prohibited by federal law, there is a price preference for an Indiana business that:

(1) submits a bid for the performance of the work on a public works project;

(2) competes for the contract against at least one (1) bidder domiciled in a state that provides a price preference to bidders from that state; and

(3) claims the preference under subsection (e).

The amount of the preference provided by this subsection is equal to the price preference provided by the state in which the out-of-state bidder is domiciled. If bidders from two (2) or more states granting preferences to in-state bidders bid for the contract, the amount of the preference is equal to the highest preference provided among those states.

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d), a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) A business that wants to claim a preference provided under this section must do all of the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the awarding officer, commission, or agent and the Indiana department of administration:

(A) The location of the business's principal place of business, and if the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.".

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

"SECTION 6. IC 8-10-1-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.7. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (½) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on a payroll from a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) Subject to subsection (f), a contract for a public works project under this chapter may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees of the contractor who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(c) Subject to subsection (f), before August 15, 2013, and before August 15 of each year thereafter, the commission shall file with the legislative council a report stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) Subject to subsection (f), a contract awarded under this chapter for a public works project is terminated if the commission determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) Subject to subsection (f), a contractor or subcontractor that fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (b) through (e) do not apply to the contract or subcontract.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (b) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (b) through (e) may not reference the employment of Indiana residents. The commission may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (b) through (e):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

(I) This section does not apply to contracts entered into to perform work:

(1) resulting from an emergency; or

(2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 7. IC 8-10-1-7.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.9. (a) As used in this section, "Indiana business" refers to any of the following:**

(1) A business whose principal place of business is located in Indiana.

(2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.

(3) A business that employs residents of Indiana as a majority of its employees.

(4) A business that makes significant capital investments in Indiana as determined by the Indiana department of administration.

(5) A business that has a substantial positive economic impact on Indiana as determined by the Indiana department of administration.

(b) Except as prohibited by federal law, there is a price preference for an Indiana business that:

(1) submits a bid for the performance of the work on a public works project;

(2) competes for the contract against at least one (1) bidder domiciled in a state that provides a price preference to bidders from that state; and

(3) claims the preference under subsection (e).

The amount of the preference provided by this subsection is equal to the price preference provided by the state in which the out-of-state bidder is domiciled. If bidders from two (2) or more states granting preferences to in-state bidders bid for the contract, the amount of the preference is equal to the highest preference provided among those states.

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d), a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) A business that wants to claim a preference provided under this section must do all of the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the commission and the Indiana department of administration:

(A) The location of the business's principal place of business, and if the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 8. IC 8-23-9-4.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.6. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (½) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on a payroll from a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a

contract or subcontract under this chapter.

(b) Subject to subsection (f), a contract for a public works project under this chapter may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees of the contractor who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees working on the subcontract.

(c) Subject to subsection (f), before August 15, 2013, and before August 15 of each year thereafter, the department shall file with the legislative council a report stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) Subject to subsection (f), a contract awarded under this chapter for a public works project is terminated if the department determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) Subject to subsection (f), a contractor or subcontractor that fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (b) through (e) do not apply to the contract or subcontract.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (b) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (b) through (e) may not reference the employment of Indiana residents. The department may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (b) through (e):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

(I) This section does not apply to contracts entered into to perform work:

(1) resulting from an emergency; or

(2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 9. IC 8-23-9-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23.5. (a) As used in this section, "Indiana business" refers to any of the following:**

(1) A business whose principal place of business is located in Indiana.

(2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.

(3) A business that employs residents of Indiana as a majority of its employees.

(4) A business that makes significant capital investments in Indiana as determined by the Indiana department of administration.

(5) A business that has a substantial positive economic impact on Indiana as determined by the Indiana department of administration.

(b) Except as prohibited by federal law, there is a price preference for an Indiana business that:

(1) submits a bid for the performance of the work on a public works project;

(2) competes for the contract against at least one (1) bidder domiciled in a state that provides a price preference to bidders from that state; and

(3) claims the preference under subsection (e).

The amount of the preference provided by this subsection is equal to the price preference provided by the state in which the out-of-state bidder is domiciled. If bidders from two (2) or more states granting preferences to in-state bidders bid for the contract, the amount of the preference is equal to the highest preference provided among those states.

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d) and any federal statute or regulation to the contrary, a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) A business that wants to claim a preference provided under this section must do all of the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the department and the Indiana department of administration:

(A) The location of the business's principal place of business, and if the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in

Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.".

Page 7, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 14. IC 36-1-12-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (½) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on a payroll from a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) Subject to subsection (e), a contract for a public works project under this chapter may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees of the contractor who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees working on the subcontract.

(c) Subject to subsection (e), a contract awarded under this chapter for a public works project is terminated if the unit determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(d) Subject to subsection (e), a contractor or subcontractor that fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(e) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (b) through (d) do not apply to the contract or subcontract.

(f) If an agency of the federal government makes a determination under subsection (e) that causes a contract to be exempted from the requirements of subsections (b) through (d), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(g) A contract exempted from the requirements of subsections (b) through (d) may not reference the employment of Indiana residents. A unit may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (b) through (d):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

(h) This section does not apply to contracts entered into to perform work:

(1) resulting from an emergency; or

(2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.".

Page 8, after line 9, begin a new paragraph and insert:

"SECTION 15. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1154 as printed January 23, 2012.)

RIECKEN

Upon request of Representatives Riecken and L. Lawson, the Speaker ordered the roll of the House to be called. Roll Call 60: yeas 34, nays 58. Motion failed. The bill was ordered engrossed.

House Bill 1186

Representative T. Brown called down House Bill 1186 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1190

Representative Crouch called down House Bill 1190 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1201

Representative Dermody called down House Bill 1201 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1201–1)

Mr. Speaker: I move that House Bill 1201 be amended to read as follows:

Page 2, line 20, delete "direct benefit of students, faculty, and staff." and insert "**specific use of the higher education community in Indiana to support activities directly related to the institutions' missions of research and education.**".

(Reference is to HB 1201 as printed January 23, 2012.)

TRUITT

The Speaker ordered a division of the House and appointed Representatives Friend and L. Lawson to count the yeas and nays. Yeas 32, nays 50. Motion failed.

HOUSE MOTION
(Amendment 1201–3)

Mr. Speaker: I move that House Bill 1201 be amended to read as follows:

Page 2, between lines 20 and 21, begin a new line block indented and insert:

"**(3) The provision of communications service to:**

(A) a school corporation (as defined in IC 36-1-2-17); or

(B) a private or public school providing kindergarten through grade 12 education;

for the direct benefit of students, faculty, and staff.".

Page 3, line 10, delete "or".

Page 3, line 11, after "institution;" insert "**or**

(3) a school corporation (as defined in IC 36-1-2-17) or a private or public school providing kindergarten through grade 12 education;".

(Reference is to HB 1201 as printed January 23, 2012.)

PIERCE

Upon request of Representatives Pierce and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 61: yeas 29, nays 66. Motion failed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

House Bill 1173

Representative Ellspermann called down House Bill 1173 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1173–1)

Mr. Speaker: I move that House Bill 1173 be amended to read as follows:

Page 2, delete lines 38 through 42.

Page 3, delete lines 1 through 2.

(Reference is to HB 1173 as printed January 23, 2012.)

DeLANEY

Upon request of Representatives DeLaney and L. Lawson, the Speaker ordered the roll of the House to be called. Roll Call 62: yeas 45, nays 48. Motion failed. The bill was ordered engrossed.

House Bill 1204

Representative Dermody called down House Bill 1204 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1207

Representative Davis called down House Bill 1207 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1207–1)

Mr. Speaker: I move that House Bill 1207 be amended to read as follows:

Page 9, line 41, reset in roman "The director shall serve a term of four (4) years. However,".

Page 9, line 42, reset in roman "the director may be removed for cause by the governor.".

Page 10, line 2, delete ".".

Page 10, reset in roman lines 3 through 4.

(Reference is to HB 1207 as printed January 23, 2012.)

PIERCE

Upon request of Representatives Pierce and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 63: yeas 36, nays 57. Motion failed. The bill was ordered engrossed.

House Bill 1211

Representative Crouch called down House Bill 1211 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1211–1)

Mr. Speaker: I move that House Bill 1211 be amended to read as follows:

Page 2, delete lines 38 through 42.

Page 3, delete lines 1 through 6.

(Reference is to HB 1211 as printed January 23, 2012.)

CROUCH

Motion prevailed. The bill was ordered engrossed.

House Bill 1223

Representative Dermody called down House Bill 1223 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1239

Representative Burton called down House Bill 1239 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1261

Representative Heuer called down House Bill 1261 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1261–1)

Mr. Speaker: I move that House Bill 1261 be amended to read as follows:

Page 1, delete lines 1 through 14, begin a new paragraph and insert:

"SECTION 1. IC 24-9-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~The county recorder shall assess a fee of three dollars ($3) under IC 36-2-7-10(b)(11) for each mortgage recorded.~~ The ~~fee~~ **county recorder** shall ~~be paid~~ **pay two dollars and fifty cents ($2.50) for each mortgage recorded from the mortgage recording fee assessed under IC 36-2-7-10(k)** to the county treasurer at the end of each calendar month as provided in IC 36-2-7-10(a).

SECTION 2. IC 24-9-9-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. The county auditor shall credit fifty cents ($0.50) of the fee collected under IC 36-2-7-10(b)(11) for each mortgage recorded to the county recorder's records perpetuation fund established under IC 36-2-7-10(d).~~".

Page 5, line 7, after "satisfaction," insert "**or**".

Page 5, line 7, delete ", or a tax sale" and insert "**.**".

Page 5, line 8, delete "certificate.".

Page 8, line 33, delete "." and insert "**, if the recorder charges a fee for the affordable housing fund under subsection (b)(9) or the housing trust fund under subsection (b)(10).**".

Page 8, between lines 33 and 34, begin a new line block indented and insert:

"**(2) Eighty-five dollars ($85) for a mortgage, if the recorder does not charge a fee for the affordable housing fund under subsection (b)(9) or the housing trust fund under subsection (b)(10).**".

Page 8, line 34, delete "(2)" and insert "**(3)**".

Page 8, line 35, delete "(3)" and insert "**(4)**".

Page 8, line 36, delete "(4)" and insert "**(5)**".

Page 8, line 38, delete "(5)" and insert "**(6)**".

Page 8, line 39, delete "(6)" and insert "**(7)**".

Page 8, line 40, delete "(7)" and insert "**(8)**".

Page 9, line 10, delete "(8)" and insert "**(9)**".

Page 9, line 16, after "(k)(1)" insert "**or (k)(2)**".
Page 9, line 20, delete "(k)(2)" and insert "**(k)(3)**".
Page 9, line 28, delete "(k)" and insert "**(k)(1)**".
Page 9, delete lines 32 through 35.
Page 10, delete lines 14 through 42.
Renumber all SECTIONS consecutively.
(Reference is to HB 1261 as printed January 13, 2012.)
HEUER

Motion prevailed. The bill was ordered engrossed.

House Bill 1226

Representative Lehman called down House Bill 1226 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1273

Representative Steuerwald called down House Bill 1273 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1294

Representative Heaton called down House Bill 1294 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1349

Representative Dodge called down House Bill 1349 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1365

Representative McNamara called down House Bill 1365 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1365–1)

Mr. Speaker: I move that House Bill 1365 be amended to read as follows:

Page 1, delete lines 5 through 17, begin a new paragraph and insert:

"**Sec. 1. This chapter applies to the following:**
(1) A:
(A) juvenile offender; or
(B) delinquent offender;
who is charged as an adult offender.
(2) A directly committed offender who does not come under the jurisdiction of a juvenile court because the offender allegedly violated a statute listed in IC 31-30-1-4.
Sec. 2. (a) If:
(1) a juvenile offender or delinquent offender is:
(A) less than eighteen (18) years of age;
(B) waived to a court with criminal jurisdiction under IC 31-30-3 because the offender committed an act that would be a felony if committed by an adult; and
(C) convicted of committing the felony or enters a plea of guilty to committing the felony; or
(2) a directly committed offender:
(A) is less than eighteen (18) years of age;
(B) allegedly committed a felony over which a juvenile court does not have jurisdiction under IC 31-30-1-4; and
(C) is convicted of committing the felony by a court with criminal jurisdiction or enters a plea of guilty to committing the felony with the court;".

Page 2, line 5, delete "or" and insert "**,**".
Page 2, line 5, after "delinquent offender" insert "**, or directly committed offender**".
Page 2, line 17, delete "or" and insert "**,**".
Page 2, line 17, after "delinquent offender" insert "**, or directly committed offender**".
Page 2, line 25, delete "or" and insert "**,**".
Page 2, line 25, after "delinquent offender" insert "**, or directly committed offender**".
Page 2, line 34, delete "or" and insert "**,**".
Page 2, line 34, after "delinquent offender" insert "**, or directly committed offender**".
Page 3, line 2, delete "or" and insert "**,**".
Page 3, line 2, after "delinquent offender" insert "**, or directly committed offender**".
Page 3, line 13, delete "or" and insert "**,**".
Page 3, line 13, after "delinquent offender" insert "**, or directly committed offender**".
Page 3, delete lines 16 through 20, begin a new paragraph and insert:

"**Sec. 5. (a) The department of correction shall provide a progress report to a court concerning a juvenile offender, delinquent offender, or directly committed offender at the request of the court. When a juvenile offender, delinquent offender, or directly committed offender who has received a suspended criminal sentence under section 2(b) of this chapter becomes eighteen (18) years of age:**
(1) the department shall notify the court; and
(2) the court shall hold an evaluation hearing concerning the offender before the offender becomes nineteen (19) years of age.".

Page 3, line 23, delete "or" and insert "**,**".
Page 3, line 23, after "delinquent offender" insert "**, or directly committed offender**".
Page 3, line 26, after "offender's" delete "or" and insert "**,**".
Page 3, line 27, after "offender's" insert "**, or directly committed offender's**".
Page 3, line 29, delete "or" and insert "**,**".
Page 3, line 29, after "delinquent offender" insert "**, or directly committed offender**".
Page 3, line 36, delete "or" and insert "**,**".
Page 3, line 37, after "offender" insert "**, or directly committed offender**".
Page 4, line 7, after "offender" insert "**,**".
Page 4, line 8, delete "or".
Page 4, line 8, after "offender" insert "**, or directly committed offender**".
Page 4, line 12, delete "or" and insert "**,**".
Page 4, line 13, after "offender" insert "**, or directly committed offender**".
Page 4, line 19, delete "or" and insert "**,**".
Page 4, line 20, after "offender" insert "**, or directly committed offender**".
(Reference is to HB 1365 as printed January 23, 2012.)
McNAMARA

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1018

Representative Ubelhor called down Engrossed House Bill 1018 for third reading:

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

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

Roll Call 64: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Hume.

Engrossed House Bill 1034

Representative McMillin called down Engrossed House Bill 1034 for third reading:

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

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

Roll Call 65: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1056

Representative R. Frye called down Engrossed House Bill 1056 for third reading:

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

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

Representative Morris was excused from voting, pursuant to House Rule 47. Roll Call 66: yeas 78, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Eckerty and Glick.

Engrossed House Bill 1058

Representative Baird called down Engrossed House Bill 1058 for third reading:

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

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

Roll Call 67: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Boots and Broden.

Engrossed House Bill 1060

Representative Baird called down Engrossed House Bill 1060 for third reading:

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

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

Roll Call 68: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator C. Lawson.

Engrossed House Bill 1064

Representative Dodge called down Engrossed House Bill 1064 for third reading:

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

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

Roll Call 69: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Buck, Glick, and Arnold.

Engrossed House Bill 1065

Representative Borders called down Engrossed House Bill 1065 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 70: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Waterman and Tomes.

Engrossed House Bill 1123

Representative Burton called down Engrossed House Bill 1123 for third reading:

A BILL FOR AN ACT concerning pensions.

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

Representatives Bauer, Cheatham, Dembowski, Hinkle, Kersey, Klinker, Moses, Rhoads, Riecken, V. Smith, Thompson, and Wolkins were excused from voting, pursuant to House Rule 47. Roll Call 71: yeas 82, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Charbonneau.

Engrossed House Bill 1150

Representative Sullivan called down Engrossed House Bill 1150 for third reading:

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

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

Roll Call 72: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse, Simpson, and Rogers.

Engrossed House Bill 1189

Representative Thompson called down Engrossed House Bill 1189 for third reading:

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

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

Roll Call 73: yeas 82, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau and Rogers.

Engrossed House Bill 1196

Representative M. Smith called down Engrossed House Bill 1196 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedures.

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

Roll Call 74: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Merritt.

Engrossed House Bill 1200

Representative Foley called down Engrossed House Bill 1200 for third reading:

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

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

Roll Call 75: yeas 94, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Simpson.

With consent of the members, the Speaker returned to bills on second reading.

HOUSE BILLS ON SECOND READING

House Bill 1136

Representative Wesco called down House Bill 1136 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1264

Representative Soliday called down House Bill 1264 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Friday, January 27, 2012, at 9:30 a.m.

FRIEND

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representative Bartlett be added as coauthor of House Bill 1004.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1015.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1051.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Candelaria Reardon be added as coauthor of House Bill 1090.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Candelaria Reardon be added as coauthor of House Bill 1093.

MAHAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kersey be added as coauthor of House Bill 1102.

DAVIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Battles and Ubelhor be added as coauthors of House Bill 1107.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson be added as coauthor of House Bill 1112.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be added as coauthor of House Bill 1114.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives GiaQuinta and Mahan be added as coauthors of House Bill 1120.

MORRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kubacki be added as coauthor of House Bill 1171.

GiaQUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Clere and Porter be added as coauthors of House Bill 1189.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Steuerwald, L. Lawson, and DeLaney be added as coauthors of House Bill 1204.

DERMODY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Truitt be added as coauthor of House Bill 1245.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Crawford be added as coauthor of House Bill 1248.

CROUCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Grubb be removed as coauthor of House Bill 1265.

UBELHOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cheatham be added as coauthor of House Bill 1279.

EBERHART

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Espich, Moses, and Pond be added as coauthors of House Bill 1290.

GiaQUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Morris, Moses, and Pond be added as coauthors of House Bill 1291.

GiaQUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Clere and Soliday be added as coauthors of House Bill 1305.

STEMLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Day be added as coauthor of House Bill 1322.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Day be added as coauthor of House Bill 1323.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as coauthor of House Bill 1360.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1365.

McNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Espich be added as author of House Bill 1376.

ESPICH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative R. Frye, the House adjourned at 5:05 p.m., this twenty-sixth day of January, 2012, until Friday, January 27, 2012, at 9:30 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Eighteenth Day — **Friday Morning** — **January 27, 2012**

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

The House convened at 9:30 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Bill J. Davis.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch ☐
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak ☐
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath ☐
Pflum ☐
Pierce
Pond ☐
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 76: 95 present; 5 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 4

Representative Steuerwald called down Engrossed Senate Bill 4 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 77: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1011, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 11-8-1-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.1. "Average daily marginal cost of incarcerating an offender" means the average daily cost to the department to commit one (1) additional offender to the department, as determined under IC 11-10-13-1(b).**".

Page 3, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 3. IC 11-10-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a)** The department shall develop a methodology for determining the average daily cost of incarcerating an offender.

(b) The department shall develop a methodology for determining the average daily marginal cost of incarcerating an offender. The costs to be considered in determining the average daily marginal cost of incarcerating an offender:

(1) must include the additional expenses of providing food, clothing, and health care to a new offender; and

(2) do not include the costs of new facilities or additional staff.

SECTION 4. IC 11-10-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 16. County Incentives and Disincentives for Class D Felony Offenders

Sec. 1. The department shall administer a local rehabilitation incentive and disincentive program under which counties may:

(1) reduce the number of Class D felony offenders committed to the department; and

(2) maintain fewer Class D felony offender commitments to the department.

Sec. 2. (a) The department shall determine the average length of stay for a Class D felony offender who has an executed sentence of less than one (1) year in the department for calendar year 2011.

(b) The average length of stay determined under subsection (a) must be expressed in days and must express the average number of days an offender described in subsection (a) is incarcerated with the department in a one (1) year period.

Sec. 3. (a) Before September 1, 2013, the department shall establish a baseline average number of Class D felony offenders committed annually to the department by each county based on each county's Class D felony commitments to the department in the 2008, 2009, 2010, and 2011 calendar years.

(b) Each year after 2013, the department shall provide a local rehabilitation incentive to each county that commits to the department in one (1) calendar year fewer Class D felony offenders than the baseline average established for that county under subsection (a). Each county that has a reduction in Class D felony commitments for a calendar year is entitled to an incentive based on the reduction in the department's incarceration costs attributable to the county's reduction in Class D felony commitments, as determined according to the formula set forth in subsection (c).

(c) Before March 1 of each year, the department shall calculate the incentive described in subsection (b) for each county using the following formula:

STEP ONE: Subtract the number of Class D felony offenders committed to the department by the county in the previous calendar year from the baseline average established for the county under subsection (a).

STEP TWO: If the STEP ONE remainder is not positive, the incentive amount for the county is zero (0). If the STEP ONE remainder is positive, multiply the number determined under STEP ONE by the average length of stay for a Class D felony offender in the department, as determined under section 2 of this chapter.

STEP THREE: Multiply the product determined under STEP TWO by the average daily marginal cost of incarcerating an offender, as determined under IC 11-10-13-1(b).

STEP FOUR: Multiply the amount determined under STEP THREE by fifty percent (50%).

Sec. 4. (a) Each year after 2013, the department shall impose a disincentive to each county that in one (1) calendar year commits to the department:

(1) more than ten (10) more Class D felony offenders than the baseline average established for the county under section 3(a) of this chapter; or

(2) more offenders than one hundred five percent (105%) of the baseline average established for the county under section 3(a) of this chapter; whichever is greater.

(b) Before March 1 of each year, the department shall calculate the disincentive described in subsection (a) for each county using the following formula:

STEP ONE: Subtract the baseline average established for the county under section 3(a) of this chapter from the number of Class D felony offenders committed to the department by the county in the previous calendar year.

STEP TWO: If the STEP ONE remainder is ten (10) or less or less than one hundred five percent (105%) of the baseline average established for the county under section 3(a) of this chapter, the disincentive amount is zero (0). Otherwise, multiply the number determined under STEP ONE by the average length of stay for a Class D felony offender in the department, as determined under section 2 of this chapter.

STEP THREE: Multiply the product determined under STEP TWO by the average daily marginal cost of incarcerating an offender, as determined under IC 11-10-13-1(b).

STEP FOUR: Multiply the product determined under STEP THREE by fifty percent (50%).

Sec. 5. The department shall withhold the amount of the disincentive calculated for a county for a particular year under section 4 of this chapter from the amount of money the department is otherwise required to deposit in a county's misdemeanant fund under IC 11-12-6-13 before September 1 of that year.

Sec. 6. (a) Before September 1, 2014, the department, using the information collected under IC 33-24-6-3(a)(2)(F) in the report published by the division of state court administration under IC 33-24-6-3(a)(3) for calendar year 2013 and the number of Class D felony offender commitments made to the department in calendar year 2013, shall determine a baseline average percentage for purposes of this section. The baseline average percentage is the result determined in the last STEP of the following formula:

STEP ONE: For each county, determine:

(A) the number of offenders convicted of Class D felonies in the county in calendar year 2011; and

(B) of that number, the percentage of Class D felony offenders who were committed to the department.

STEP TWO: Determine the quotient of:

(A) the sum of the amounts determined under STEP ONE; divided by

(B) the number of counties in Indiana.

(b) Each year after 2013, the department shall provide a local corrections incentive to each county that does not commit a larger percentage of its Class D felony offenders to the department than the baseline average percentage determined under subsection (a), as determined under subsection (c).

(c) Before March 1 of each year, the department shall determine a county's eligibility for the incentive described in subsection (b) using the following formula:

STEP ONE: Determine for a county the number of Class D felony offenders committed to the department by the county in the previous calendar year.

STEP TWO: Determine the percentage of Class D felony offenders committed to the department by the county in the previous calendar year by dividing:

(A) the STEP ONE number; by

(B) the total number of Class D felony convictions in that county in the previous calendar year, as determined using the information collected under IC 33-24-6-3(a)(2)(F) in the report published by the division of state court administration under

IC 33-24-6-3(a)(3).

STEP THREE: If the county's percentage of Class D felony offenders committed to the department, as calculated under STEP TWO, is lower than the baseline average percentage determined under subsection (a), the county is eligible for an incentive described in subsection (d).

(d) The incentive under this section shall be paid from funds remaining from the marginal savings realized by the department as a result of the counties committing fewer Class D felony offenders to the department after the incentives calculated under section 3 of this chapter have been distributed. The department may adopt rules under IC 4-22-2 to distribute the remaining funds to eligible counties equitably, with the amount of each county's incentive being proportional to the extent to which savings realized by the department are attributable to the county's reduction in the percentage of the county's Class D felony offenders who are committed to the department.

Sec. 7. (a) Before June 1 of each year, the local incentives calculated under sections 3 and 6 of this chapter shall be provided from the marginal savings realized by the department as a result of the counties committing fewer Class D felony offenders to the department and shall be distributed to a county's county offender fund under IC 36-2-21. The county fiscal body shall redistribute the incentives as set forth in IC 36-2-21-1.

(b) If a county has a local community corrections advisory board, the local community corrections advisory board shall make a recommendation to the county's fiscal body regarding how local incentive funds should be distributed.

Sec. 8. The department shall annually transfer to the probation improvement fund, established under IC 11-13-2.5, twenty-five percent (25%) of the statewide marginal savings realized by the department as a result of the counties committing fewer Class D felony offenders to the department.

Sec. 9. In making the calculations required under this chapter, the department may not consider a Class D felony offender:

(1) whose probation has been revoked after the offender was previously incarcerated for the felony by the department in a department facility;

(2) whose participation in a community corrections program has been terminated as a result of a violation of program requirements;

(3) whose participation in a problem solving court program has been terminated as a result of a violation of program requirements; or

(4) who is committed temporarily to the department under IC 35-33-11-1.

Sec. 10. This chapter does not affect the rate that the department pays to house an offender in a jail under IC 35-33-11.

Sec. 11. The department may adopt rules under IC 4-22-2 to implement this chapter.".

Page 5, line 19, delete "Amounts deposited under IC 33-37-7-2(o)." and insert "**Appropriations from the general assembly.**".

Page 5, line 20, delete "IC 33-37-7-8(j)." and insert "**IC 11-10-16-8.**".

Page 12, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 9. IC 16-41-6-1, AS AMENDED BY P.L.94-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in IC 16-41-8-6, IC 16-41-10-2.5, and subsection (b), a person may not perform a screening or confirmatory test for the antibody or antigen to HIV without the oral or written consent of the individual to be tested or a representative as authorized under IC 16-36-1. A physician ordering the test or the physician's authorized representative shall document whether or not the individual has consented. The test for the antibody or antigen to HIV may not be performed on a woman under section 5 or 6 of this chapter if the woman refuses under section 7 of this chapter to consent to the test.

(b) The test for the antibody or antigen to HIV may be performed if one (1) of the following conditions exists:

(1) If ordered by a physician who has obtained a health care consent under IC 16-36-1 or an implied consent under emergency circumstances and the test is medically necessary to diagnose or treat the patient's condition.

(2) Under a court order based on clear and convincing evidence of a serious and present health threat to others posed by an individual. A hearing held under this subsection shall be held in camera at the request of the individual.

(3) If the test is done on blood collected or tested anonymously as part of an epidemiologic survey under IC 16-41-2-3 or IC 16-41-17-10(a)(5).

(4) The test is ordered under section 4 of this chapter.

(5) The test is required or authorized under IC 11-10-3-2.5.

(c) A court may order a person to undergo testing for HIV under IC 35-38-1-10.5(a) or ~~IC 35-38-2-2.3(a)(16).~~ **IC 35-38-2-2.3(a)(17).**

SECTION 10. IC 31-37-19-1, AS AMENDED BY P.L.146-2008, SECTION 647, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(4) Award wardship to a:

(A) person, other than the department; or

(B) shelter care facility.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian;

to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child.

(b) If the child is removed from the child's home and placed in a foster family home or another facility, the juvenile court shall:

(A) approve a permanency plan for the child;

(B) find whether or not reasonable efforts were made to prevent or eliminate the need for the removal;

(C) designate responsibility for the placement and care of the child with the probation department; and

(D) find whether it:

(I) serves the best interests of the child to be removed; and

(ii) would be contrary to the health and welfare of the child for the child to remain in the home.

(c) If a dispositional decree under this section:

(1) orders or approves removal of a child from the child's home or awards wardship of the child to a:

(A) person other than the department; or

(B) shelter care facility; and

(2) is the first court order in the delinquent child proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;

the court shall include in the decree the appropriate findings and conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).

(d) If the juvenile court orders supervision of the child by the probation department under subsection (a)(1), the child or the child's parent, guardian, or custodian is responsible for any costs resulting from the participation in a rehabilitative service or educational class provided by the probation department. Any costs collected for services provided by the probation department shall be deposited in the county supplemental juvenile probation services fund.

SECTION 11. IC 31-37-19-5, AS AMENDED BY P.L.146-2008, SECTION 650, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

(1) Order supervision of the child by the probation department as a condition of probation under this subdivision. The juvenile court shall after a determination under IC 11-8-8-5 require a child who is adjudicated a delinquent child for an act that would be an offense described in IC 11-8-8-5 if committed by an adult to register with the local law enforcement authority under IC 11-8-8.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

(c) If the juvenile court orders supervision of the child by the probation department under subsection (b)(1), the child or the child's parent, guardian, or custodian is responsible for any costs resulting from the participation in a rehabilitative service or educational class provided by the probation department. Any costs collected for services or classes provided by the probation department shall be deposited in the county supplemental juvenile probation services fund.

SECTION 12. IC 33-24-6-3, AS AMENDED BY P.L.1-2010, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The division of state court administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the executive director and in compliance with procedures prescribed by the executive director, furnish the executive director the information as is requested concerning the nature and volume of judicial business. The information must include the following:

(A) The volume, condition, and type of business conducted by the courts.

(B) The methods of procedure in the courts.

(C) The work accomplished by the courts.

(D) The receipt and expenditure of public money by and for the operation of the courts.

(E) The methods of disposition or termination of cases.

(F) Each year after 2013, the number of offenders convicted of Class D felonies in each county in the previous calendar year.

(3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision ~~(2)~~ **(2)(A) through (2)(E). Information collected under subdivision (2)(F) shall be submitted to the department of correction on or before May 1 of each year.**

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-24-12.

(6) Administer the judicial technology and automation project fund established by section 12 of this chapter.

(7) Develop a standard protocol for the exchange of information, by not later than December 31, 2009:

(A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;

(B) at the option of the county prosecuting attorney, for:

(I) a prosecuting attorney's case management system;

(ii) a county court case management system; and

(iii) a county court case management system developed and operated by the division of state court administration;

to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and

(C) between county court case management systems and the case management system developed and operated by the division of state court administration.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The division may adopt rules to implement this section.".

Delete pages 13 through 20.

Page 21, delete lines 1 through 37.

Page 22, line 2, delete "introduced" and insert "**admitted**".

Page 22, line 2, delete "trial; or" and insert "**trial that is relevant to the credit restricted status;**

(2) evidence introduced at the sentencing hearing; or".

Page 22, line 3, delete "(2)" and insert "**(3)**".

Page 22, delete lines 7 through 12.

Page 22, line 17, delete "state in the" and insert "**complete an abstract of judgment in an electronic format approved by the department of correction and the division of state court administration. The abstract of judgment must include, but not be limited to:**".

Page 22, delete line 18.

Page 22, line 19, delete "and".

Page 22, line 22, delete "corrections." and insert "**corrections; and**

(3) whether the person is a credit restricted felon.".

Page 22, line 23, delete "a court imposes on".

Page 22, line 23, delete "felony a" and insert "**felony**".

Page 22, line 24, delete "sentence that involves a commitment" and insert "**is committed**".

Page 22, line 25, delete "correction," and insert "**correction by a court as a result of a violation of the terms of probation or other community placement,**".

Page 22, line 25, delete "sentencing order the" and insert "**abstract of judgment the specific**".

Page 22, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 15. IC 35-38-2-2.3, AS AMENDED BY P.L.111-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

(1) Work faithfully at suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment.

(2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.

(3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.

(4) Participate in a treatment program, educational class, or rehabilitative service provided by a probation department or by referral to an agency.

~~(4)~~ **(5)** Support the person's dependents and meet other family responsibilities.

~~(5)~~ **(6)** Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.

~~(6)~~ **(7)** Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.

~~(7)~~ **(8)** Pay a fine authorized by IC 35-50.

~~(8)~~ **(9)** Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.

~~(9)~~ **(10)** Report to a probation officer at reasonable times as directed by the court or the probation officer.

~~(10)~~ **(11)** Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.

~~(11)~~ **(12)** Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.

~~(12)~~ **(13)** Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.

~~(13)~~ **(14)** Perform uncompensated work that benefits the community.

~~(14)~~ **(15)** Satisfy other conditions reasonably related to the person's rehabilitation.

~~(15)~~ **(16)** Undergo home detention under IC 35-38-2.5.

~~(16)~~ **(17)** Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:

(A) the person had been convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or

(B) the person had been convicted of an offense relating to a controlled substance and the offense involved:

(I) the delivery by any person to another person; or

(ii) the use by any person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

~~(17)~~ **(18)** Refrain from any direct or indirect contact with an individual and, if convicted of an offense under IC 35-46-3, any animal belonging to the individual.

~~(18)~~ **(19)** Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).

~~(19)~~ **(20)** Periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

~~(20)~~ **(21)** If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

~~(21)~~ **(22)** Refrain from owning, harboring, or training an animal.

~~(22)~~ **(23)** Participate in a reentry court program.

(b) When a person is placed on probation, the person shall be given a written statement specifying:

(1) the conditions of probation; and

(2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility

at the time or intervals (consecutive or intermittent) within the period of probation the court determines.

(d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term of imprisonment under this subsection. When the court orders intermittent service, the court shall state:

(1) the term of imprisonment;
(2) the days or parts of days during which a person is to be confined; and
(3) the conditions.

(e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.

(f) When a court imposes a condition of probation described in subsection ~~(a)(17):~~ **(a)(18):**

(1) the clerk of the court shall comply with IC 5-2-9; and
(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

(g) As a condition of probation, a court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10;
(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and
(3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a condition of probation.

(h) If a court imposes a condition of probation described in subsection (a)(4), the person on probation is responsible for any costs resulting from the participation in a program, class, or service. Any costs collected for services provided by the probation department shall be deposited in the county or local supplemental adult services fund.".

Page 28, after line 4, begin a new paragraph and insert:

"SECTION 18. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 21. County Offender Fund

Sec. 1. Each county shall establish, by resolution, a county offender fund to redistribute incentives received under IC 11-10-16 to:

(1) programs that defray the expense of housing an offender in jail;
(2) probation programs;
(3) work release programs;
(4) community corrections programs;
(5) problem solving courts; and
(6) substance abuse treatment programs.

Sec. 2. Money in a county offender fund established under section 1 of this chapter may be spent only under an appropriation from the county fiscal body.

SECTION 19. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1011 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1087, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.
(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.
(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.
(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:
(A) the variance procedures are included in the rules; and
(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
(18) An emergency rule adopted by the department of

financial institutions under IC 28-15-11.
(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.
(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.
(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).
(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).
(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.
(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.
(30) A rule adopted by the Indiana finance authority:
(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;
(B) under IC 8-15-2-17.2(a)(10):
(i) establishing enforcement procedures; and
(ii) making assessments for failure to pay required tolls;
(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or
(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.
(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.
(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.
(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).
(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.
(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.
(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:
(A) Federal Medicaid waiver program provisions.
(B) Federal programs administered by the office of the secretary.
(38) An emergency rule adopted by the statewide 911 board under IC 36-8-16.7-37.

(b) The following do not apply to rules described in subsection (a):
(1) Sections 24 through 36 of this chapter.
(2) IC 13-14-9.
(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.
(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.
(e) Subject to section 39 of this chapter, the publisher shall:
(1) accept the rule for filing; and
(2) electronically record the date and time that the rule is accepted.
(f) A rule described in subsection (a) takes effect on the latest of the following dates:
(1) The effective date of the statute delegating authority to the agency to adopt the rule.
(2) The date and time that the rule is accepted for filing under subsection (e).
(3) The effective date stated by the adopting agency in the rule.
(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.
(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:
(1) sections 24 through 36 of this chapter; or
(2) IC 13-14-9;
as applicable.
(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), ~~or~~ (a)(37), **or (a)(38)** expires on the earlier of the following dates:
(1) The expiration date stated by the adopting agency in the rule.
(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.
(i) This section may not be used to readopt a rule under IC 4-22-2.5.
(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.
(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.
(l) A rule described in subsection (a)(30) expires on the

expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

SECTION 2. IC 5-26-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this article, "system" refers to the Indiana statewide wireless public safety voice and data communications system. The term does not include the ~~enhanced emergency telephone~~ **statewide 911** system **developed and maintained** under ~~IC 36-8-16-2.~~ **IC 36-8-16.7.**

SECTION 3. IC 6-3.5-1.1-25, AS AMENDED BY P.L.172-2011, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3) or ~~an enhanced emergency telephone~~ **the statewide 911** system (as defined in ~~IC 36-8-16-2).~~ **IC 36-8-16.7-22).**

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) If a county council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 24 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 26 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 24 and 26 of this chapter, the county council may also adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety.

(c) A tax rate under this section may not exceed twenty-five hundredths of one percent (0.25%).

(d) If a county council adopts an ordinance to impose a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsection (k) or (l), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:

(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the attributed allocation amount (as defined in IC 6-3.5-1.1-15) of the county or municipality for the calendar year; divided by

(B) the sum of the attributed allocation amounts of the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 24 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(l) A fire department, volunteer fire department, or emergency medical services provider that:

(1) provides fire protection or emergency medical services within the county; and

(2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county council for a distribution of tax revenue under this section during the following calendar year. The county council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency medical services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

SECTION 4. IC 6-3.5-6-31, AS AMENDED BY P.L.172-2011, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 31. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3) or ~~an enhanced emergency telephone~~ **the statewide 911** system (as defined in ~~IC 36-8-16-2).~~ **IC 36-8-16.7-22).**

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) The county income tax council may adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety if:

(1) the county income tax council has imposed a tax rate under section 30 of this chapter, in the case of a county containing a consolidated city; or

(2) the county income tax council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 30 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 32 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 30 and 32 of this chapter, in the case of a county other than a county containing a consolidated city.

(c) A tax rate under this section may not exceed the following:

(1) Five-tenths of one percent (0.5%), in the case of a county containing a consolidated city.

(2) Twenty-five hundredths of one percent (0.25%), in the case of a county other than a county containing a consolidated city.

(d) If a county income tax council adopts an ordinance to impose a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsections (l) and (m), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:

(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the total property taxes being collected in the county by the county or municipality for the calendar year; divided by

(B) the sum of the total property taxes being collected in the county by the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 30 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to

carry out the purposes of this section.

(k) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the additional tax rate under this section.

(l) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(m) A fire department, volunteer fire department, or emergency medical services provider that:

(1) provides fire protection or emergency medical services within the county; and

(2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county income tax council for a distribution of tax revenue under this section during the following calendar year. The county income tax council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

SECTION 5. IC 6-8.1-15-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Except as provided by section 20 of this chapter, this chapter applies to:

(1) the gross retail tax imposed on mobile telecommunications service under IC 6-2.5-4-6;

(2) the ~~monthly emergency wireless enhanced~~ **statewide** 911 fee imposed on ~~mobile telecommunications~~ **communications** service under ~~IC 36-8-16.5;~~ **IC 36-8-16.7;** and

(3) any other tax, charge, or fee levied by the state or a taxing jurisdiction within Indiana as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunications service, regardless of whether the tax, charge, or fee is imposed on the vendor or customer of the service and regardless of the terminology used to describe the tax, charge, or fee;

on bills for mobile telecommunications service issued to customers after July 31, 2002.

(b) This chapter does not apply to:

(1) any tax, charge, or fee levied upon or measured by the net income, capital stock, net worth, or property value of the provider of mobile telecommunications service;

(2) any tax, charge, or fee that is applied to an equitably apportioned amount that is not determined on a transactional basis;

(3) any tax, charge, or fee that:

(A) represents compensation for a mobile telecommunications service provider's use of public rights-of-way or other public property; and

(B) is not levied by the taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunication service;

(4) any generally applicable business and occupation tax that is imposed by the state, is applied to gross receipts or gross proceeds, is the legal liability of the home service provider, and that statutorily allows the home service provider to elect to use the sourcing method required in this section; or

(5) the determination of the taxing situs of:

(A) prepaid telephone calling service; or

(B) air-ground radiotelephone service as defined in Section 22.99 of Title 47 of the Code of Federal Regulations as in effect June 1, 1999.

SECTION 6. IC 24-5-22-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The following have a right of action against a person who initiates or assists the transmission of a commercial electronic mail message that violates this chapter:

(1) A person who receives the commercial electronic mail message.

(2) An interactive computer service that handles or retransmits the commercial electronic mail message.

(b) This chapter does not provide a right of action against:

(1) an interactive computer service;

(2) a telephone company; or

(3) a CMRS provider (as defined ~~by IC 36-8-16.5-6);~~ **in IC 36-8-16.7-6);**

whose equipment is used to transport, handle, or retransmit a commercial electronic mail message that violates this chapter.

(c) It is a defense to an action under this section if the defendant shows by a preponderance of the evidence that the violation of this chapter resulted from a good faith error and occurred notwithstanding the maintenance of procedures reasonably adopted to avoid violations of this chapter.

(d) If the plaintiff prevails in an action filed under this section, the plaintiff is entitled to the following:

(1) An injunction to enjoin future violations of this chapter.

(2) Compensatory damages equal to any actual damage proven by the plaintiff to have resulted from the initiation of the commercial electronic mail message. If the plaintiff does not prove actual damage, the plaintiff is entitled to presumptive damages of five hundred dollars ($500) for each commercial electronic mail message that violates this chapter and that is sent by the defendant:

(A) to the plaintiff; or

(B) through the plaintiff's interactive computer service.

(3) The plaintiff's reasonable attorney's fees and other litigation costs reasonably incurred in connection with the action.

(e) A person outside Indiana who:

(1) initiates or assists the transmission of a commercial electronic mail message that violates this chapter; and

(2) knows or should know that the commercial electronic mail message will be received in Indiana;

submits to the jurisdiction of Indiana courts for purposes of this chapter.

SECTION 7. IC 34-30-2-156 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 156. ~~IC 36-8-16-18~~ **IC 36-8-16.7-42** (Concerning ~~service suppliers or telephone companies~~ **the governmental entities, businesses, institutions, and individuals involved in the statewide 911 system** for loss, death, or injury related to ~~an enhanced emergency telephone~~ **the statewide 911** system).

SECTION 8. IC 35-45-5-4.7, AS AMENDED BY P.L.27-2006, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.7. (a) An interactive computer service that handles or retransmits a commercial electronic mail message has a right of action against a person who initiates or assists the transmission of the commercial electronic mail message that violates this chapter.

(b) This chapter does not provide a right of action against:
(1) an interactive computer service;
(2) a telephone company;
(3) a CMRS provider (as defined in ~~IC 36-8-16.5-6);~~ **IC 36-8-16.7-6);**
(4) a cable operator (as defined in 47 U.S.C. 522(5)); or
(5) any other entity that primarily provides connectivity to an operator;
if the entity's equipment is used only to transport, handle, or retransmit information that violates this chapter and is not capable of blocking the retransmission of information that violates this chapter.

(c) It is a defense to an action under this section if the defendant shows by a preponderance of the evidence that the violation of this chapter resulted from a good faith error and occurred notwithstanding the maintenance of procedures reasonably adopted to avoid violating this chapter.

(d) If the plaintiff prevails in an action filed under this section, the plaintiff is entitled to the following:
(1) An injunction to enjoin future violations of this chapter.
(2) Compensatory damages equal to any actual damage proven by the plaintiff to have resulted from the initiation of the commercial electronic mail message. If the plaintiff does not prove actual damage, the plaintiff is entitled to presumptive damages of five hundred dollars ($500) for each commercial electronic mail message that violates this chapter and that is sent by the defendant:
(A) to the plaintiff; or
(B) through the plaintiff's interactive computer service.
(3) The plaintiff's reasonable attorney's fees and other litigation costs reasonably incurred in connection with the action.

(e) A person outside Indiana who:
(1) initiates or assists the transmission of a commercial electronic mail message that violates this chapter; and
(2) knows or should know that the commercial electronic mail message will be received in Indiana;
submits to the jurisdiction of Indiana courts for purposes of this chapter.

SECTION 9. IC 35-51-36-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 36:
IC 36-2-2-13 (Concerning county government).
IC 36-2-6-8 (Concerning county government).
IC 36-2-6-12 (Concerning county government).
IC 36-2-7-18 (Concerning county government).
IC 36-2-8-6 (Concerning county government).
IC 36-2-9-13 (Concerning county government).
IC 36-2-9-14 (Concerning county government).
IC 36-2-9.5-7 (Concerning county government).
IC 36-2-9.5-9 (Concerning county government).
IC 36-2-13-5 (Concerning county government).
IC 36-2-14-10 (Concerning county government).
IC 36-2-14-17 (Concerning county government).
IC 36-2-14-21 (Concerning county government).
IC 36-4-8-13 (Concerning government of cities and towns).
IC 36-7-12-27.5 (Concerning planning and development).
IC 36-7-14-40 (Concerning planning and development).
IC 36-7-15.1-27 (Concerning planning and development).
IC 36-7-30-28 (Concerning planning and development).
IC 36-7-30.5-36 (Concerning planning and development).
IC 36-8-3.5-23 (Concerning public safety).
IC 36-8-10-9 (Concerning public safety).
~~IC 36-8-16-16 (Concerning public safety).~~
~~IC 36-8-16.5-47 (Concerning public safety).~~
~~IC 36-8-16.5-48 (Concerning public safety).~~
~~IC 36-8-16.5-49 (Concerning public safety).~~
IC 36-8-16.7-40 (Concerning public safety).
IC 36-8-16.7-43 (Concerning public safety).
IC 36-8-16.7-44 (Concerning public safety).
IC 36-8-16.7-45 (Concerning public safety).
IC 36-9-14-7 (Concerning transportation and public works).
IC 36-10-3-39 (Concerning recreation, culture, and community facilities).
IC 36-10-4-5 (Concerning recreation, culture, and community facilities).
IC 36-10-4-40 (Concerning recreation, culture, and community facilities).

SECTION 10. IC 36-7-4-405 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 405. (a) ADVISORY – AREA. Each plan commission shall:
(1) make recommendations to the legislative body or bodies concerning:
(A) the adoption of the comprehensive plan and amendments to the comprehensive plan;
(B) the adoption or text amendment of:
(i) an initial zoning ordinance;
(ii) a replacement zoning ordinance; and
(iii) a subdivision control ordinance;
(C) the adoption or amendment of a PUD district ordinance (as defined in section 1503 of this chapter); and
(D) zone map changes; and
(2) render decisions concerning and approve plats, replats, and amendments to plats of subdivisions under the 700 series of this chapter.

(b) Each plan commission:
(1) shall assign street numbers to lots and structures;
(2) shall renumber lots and structures; and
(3) if the plan commission does not have the power under an ordinance adopted under subsection (c) to name or rename streets, may recommend the naming and renaming of streets to the executive.

(c) The executive shall name or rename streets. However, a unit may provide by ordinance that the plan commission rather than the executive shall name or rename streets. Streets shall be named or renamed so that their names are easy to understand and to avoid duplication or conflict with other names. The plan commission may, by rule, prescribe a numbering system for lots and structures.

(d) This subsection applies to a plan commission having jurisdiction in a county with a population of at least four hundred thousand (400,000). The plan commission shall number structures on highways within the plan commission's jurisdiction to conform with the numbers of structures on streets within cities in the county.

(e) This subsection applies to unincorporated areas subject to the jurisdiction of no plan commission under this article. The county executive:
(1) must approve the assignment of street numbers to lots and structures; and
(2) may number or renumber lots and structures and name or rename streets.

(f) This subsection applies to areas located within a municipality that are subject to the jurisdiction of no plan commission under this article. The executive of the municipality:
(1) must approve the assignment of street numbers to lots and structures; and
(2) may number or renumber lots and structures and name or rename streets.

(g) An executive acting under subsection (e) or (f) shall name

or rename streets:

(1) so that their names are easy to understand; and

(2) to avoid duplication or conflict with other names.

(h) If streets are named or renamed or lots and structures are numbered or renumbered under this section, the commission or executive that makes the naming or numbering decision shall notify:

(1) the circuit court clerk or board of registration;

(2) the ~~administrator of the enhanced emergency telephone system established under IC 36-8-16 if any;~~ **statewide 911 board established by IC 36-8-16.7-24;**

(3) the United States Postal Service; and

(4) any person or body that the commission or executive considers appropriate to receive notice;

of its action no later than the last day of the month following the month in which the action is taken.

(i) Each plan commission shall make decisions concerning development plans and amendments to development plans under the 1400 series of this chapter, unless the responsibility to render decisions concerning development plans has been delegated under section 1402(c) of this chapter.

SECTION 11. IC 36-8-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Emergency Telephone System Fee).

SECTION 12. IC 36-8-16.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Enhanced Wireless Emergency Telephone Service).

SECTION 13. IC 36-8-16.6-1, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "board" refers to the ~~wireless enhanced~~ **statewide** 911 ~~advisory~~ board established by ~~IC 36-8-16.5-18.~~ **IC 36-8-16.7-24.**

SECTION 14. IC 36-8-16.6-5, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "fund" refers to the ~~wireless emergency telephone system~~ **statewide 911** fund established by ~~IC 36-8-16.5-21(a).~~ **IC 36-8-16.7-29.**

SECTION 15. IC 36-8-16.6-11, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Subject to section 22 of this chapter, the board shall impose an enhanced prepaid wireless charge on each retail transaction that occurs after June 30, 2010. The amount of the ~~initial~~ charge imposed under this subsection ~~may not exceed one-half (1/2) of~~ **is equal to** the monthly ~~wireless emergency enhanced~~ **statewide** 911 fee assessed under ~~IC 36-8-16.5-25.5.~~ **IC 36-8-16.7-32.**

(b) ~~Subject to legislative approval,~~ The board may ~~increase~~ **adjust** the enhanced prepaid wireless charge ~~to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter IC 36-8-16, and IC 36-8-16.5.~~ **for inflation under IC 36-8-16.7-32.**

(c) A consumer that is the federal government or an agency of the federal government is exempt from the enhanced prepaid wireless charge imposed under this section.

SECTION 16. IC 36-8-16.6-18, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) The department shall deposit all remitted enhanced prepaid wireless charges in the fund.

(b) The board shall administer money deposited in the fund under this section in the same manner as ~~wireless emergency enhanced~~ **it administers statewide** 911 fees assessed under ~~IC 36-8-16.5-25.5.~~ **IC 36-8-16.7-32.**

SECTION 17. IC 36-8-16.6-20, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) An additional fee relating to the provision of ~~wireless~~ 911 service with respect to prepaid wireless telecommunications service may not be levied by a state agency or local unit of government.

(b) The enhanced prepaid wireless charge imposed by section 12 of this chapter is not considered an additional charge relating to the provision of ~~wireless~~ 911 service for purposes of ~~IC 36-8-16.5-29.~~ **IC 36-8-16.7-32(b).**

SECTION 18. IC 36-8-16.6-22, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 22. ~~(a) Not later than January 1, 2011, the department shall determine the total amount of fees collected and remitted under IC 36-8-16.5-30.5 (b)(2) (as effective in the period beginning July 1, 2008, and ending June 30, 2010) for the period beginning July 1, 2008, and ending June 30, 2010. The board shall provide all information necessary for the department to perform its duties under this subsection.~~

~~(b) Not later than January 1, 2013, the department shall determine the total amount of fees collected and remitted under this chapter for the period beginning July 1, 2010, and ending June 30, 2012.~~

~~(c) If the amount determined under subsection (b) is less than the amount determined under subsection (a) by more than five percent (5%),~~ This chapter expires and sunsets July 1, ~~2013.~~ **2017.**

SECTION 19. IC 36-8-16.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 16.7. Statewide 911 Services

Sec. 1. As used in this chapter, "affiliate" has the meaning set forth in IC 23-1-43-1. The term includes a parent company or a subsidiary.

Sec. 2. As used in this chapter, "automatic location information" means information that is transmitted while enhanced 911 service is provided and that permits emergency service providers to identify the geographic location of the calling party.

Sec. 3. As used in this chapter, "automatic number identification" has the meaning set forth in 47 CFR 20.3.

Sec. 4. As used in this chapter, "board" refers to the statewide 911 board established by section 24 of this chapter.

Sec. 5. As used in this chapter, "CMRS" refers to commercial mobile radio service (as defined in 47 CFR 20.3).

Sec. 6. As used in this chapter, "CMRS provider" means a person that offers CMRS to users in Indiana.

Sec. 7. (a) As used in this chapter, "communications service" means any service that:

(1) uses telephone numbers or IP addresses or their functional equivalents or successors;

(2) is capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the 911 system, regardless of the device, transmission medium, or technology employed;

(3) provides or enables real time or interactive communications; and

(4) is available to a prepaid user or a standard user.

(b) The term includes the following:

(1) Internet protocol enabled services and applications that are provided through wireline, cable, wireless, or satellite facilities, or any other facility or platform that is capable of connecting a 911 communication to a PSAP.

(2) A multiline telephone system.

(3) CMRS.

(4) Interconnected VOIP service and voice over power lines.

(5) Integrated telecommunications service (as defined in 47 CFR 400.2).

Sec. 8. (a) As used in this chapter, except as provided in subsection (b), "customer" means:

(1) the person or entity that contracts with a provider for communications service; or

(2) if the end user of communications service is not the contracting party, the end user of the communications service.

However, subdivision (2) applies only for the purpose of determining the place of primary use.

(b) The term does not include:

(1) a reseller of communications service; or

(2) a provider other than the customer's provider that has an arrangement with the customer's provider to serve the customer outside the licensed service area of the customer's provider.

Sec. 9. (a) As used in this chapter, "enhanced 911 service" means a communications service that uses the three (3) digit number 911 to send automatic number identification and automatic location information for reporting police, fire, medical, or other emergency situations.

(b) The term includes both Phase I and Phase II enhanced 911 services, as described in 47 CFR 20.18.

Sec. 10. As used in this chapter, "executive director" refers to the executive director of the board.

Sec. 11. (a) As used in this chapter, "FCC order" refers to the order of the Federal Communications Commission, FCC Docket No. 94-102, adopted June 12, 1996, with an effective date of October 1, 1996.

(b) The term includes any rules, regulations, and consent decrees adopted by the Federal Communications Commission to implement the order described in subsection (a).

Sec. 12. As used in this chapter, "fund" refers to the statewide 911 fund established by section 29 of this chapter.

Sec. 13. As used in this chapter, "interconnected VOIP service" has the meaning set forth in 47 CFR 9.3.

Sec. 14. As used in this chapter, "local exchange carrier" has the meaning set forth in 47 U.S.C. 153.

Sec. 15. As used in this chapter, "multiline telephone system" means a voice communications service system that includes the following:

(1) Common control units.

(2) Telephone sets.

(3) Control hardware and software.

(4) Adjunct systems.

The term includes network and premises based systems as classified by FCC Part 68 (47 CFR part 68) Requirements.

Sec. 16. As used in this chapter, "place of primary use" means the street address representative of where a customer's use of communications service primarily occurs, which must be:

(1) the residential street address or the primary business street address of the customer; and

(2) within the licensed service area of the customer's provider.

Sec. 17. As used in this chapter, "prepaid user" has the meaning set forth in IC 36-8-16.6-6.

Sec. 18. As used in this chapter, "proprietary information" includes the following:

(1) Customer lists and related information.

(2) Technology descriptions, technical information, or trade secrets (as defined in IC 24-2-3-2).

(3) Information that:

(A) concerns the actual or developmental costs of 911 systems; and

(B) is developed, produced, or received internally by a provider or by a provider's employees, directors, officers, or agents.

Sec. 19. (a) As used in this chapter, "provider" means a person or entity, or an affiliate of a person or an entity, that:

(1) offers communications service to users in Indiana; and

(2) provides, or is required by the Federal Communications Commission to provide, a user with direct access to a PSAP through the placement of a 911 communication.

(b) The term includes the following:

(1) Facilities based and nonfacilities based resellers of communications service.

(2) Any other provider of communications service through wireline or wireless means, regardless of whether the provider is subject to regulation by the Indiana utility regulatory commission.

Sec. 20. As used in this chapter, "PSAP" refers to a public safety answering point:

(1) that operates on a twenty-four (24) hour basis; and

(2) whose primary function is to receive incoming requests for emergency assistance and relay those requests to an appropriate responding public safety agency.

Sec. 21. As used in this chapter, "standard user" or "user" refers to a communications service user who pays retrospectively for the service and has an Indiana billing address for the service.

Sec. 22. (a) As used in this chapter, "statewide 911 system" means a communications system that uses the three (3) digit number 911 to send automatic number identification and automatic location information or their functional equivalents or successors for reporting police, fire, medical, or other emergency situations.

(b) The term includes the following:

(1) A wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012).

(2) A wireless 911 emergency telephone system funded under IC 36-8-16.5 (before its repeal on July 1, 2012).

Sec. 23. As used in this chapter, "VOIP provider" means a provider that offers interconnected VOIP service to users in Indiana.

Sec. 24. (a) The statewide 911 board is established to develop, implement, and oversee the statewide 911 system. The board is a body corporate and politic, and though it is separate from the state, the exercise by the board of its powers constitutes an essential governmental function.

(b) The following recommendations must be made to the governor for the purposes of subsection (c):

(1) The executive committees of:

(A) the Indiana chapter of the National Emergency Number Association (NENA); and

(B) the Indiana chapter of the Association of Public Safety Communications Officials International (APCO);

shall jointly recommend one (1) individual.

(2) The CMRS providers authorized to provide CMRS in Indiana shall jointly recommend two (2) individuals.

(3) The Indiana Association of County Commissioners shall recommend one (1) individual.

(4) The Indiana Sheriffs' Association shall recommend one (1) individual.

(5) The Indiana Telecommunications Association shall recommend two (2) individuals as follows:

(A) One (1) individual representing a local exchange carrier that serves less than fifty thousand (50,000) local exchange access lines in Indiana.

(B) One (1) individual representing a local exchange carrier that serves at least fifty thousand (50,000) local exchange access lines in Indiana.

(6) The Indiana Cable Telecommunications Association shall recommend one (1) individual.
(7) The Association of Indiana Counties shall recommend one (1) individual who is a member of a county council.
(8) The Indiana Association of Cities and Towns shall recommend one (1) individual who represents a municipality that operates a PSAP.

(c) The board consists of the following thirteen (13) members:
(1) The treasurer of state or the treasurer's designee. The treasurer of state or the treasurer's designee is chairperson of the board for a term concurrent with the treasurer of state's term of office. However, the treasurer of state's designee serves at the pleasure of the treasurer of state.
(2) One (1) member for a term of three (3) years who is appointed by the governor after considering the recommendations submitted under subsection (b)(1) by the executive committees of NENA and APCO. A member appointed under this subdivision must have budget experience at the local level.
(3) Two (2) CMRS members who are appointed by the governor after considering the recommendations submitted under subsection (b)(2) by the CMRS providers authorized to provide CMRS in Indiana. A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (6) or (7).
(4) One (1) county commissioner member appointed by the governor after considering the recommendation submitted under subsection (b)(3) by the Indiana Association of County Commissioners.
(5) One (1) member appointed by the governor after considering the recommendation submitted under subsection (b)(4) by the Indiana Sheriffs' Association.
(6) One (1) local exchange carrier member appointed by the governor after considering the recommendation of the Indiana Telecommunications Association under subsection (b)(5)(A). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3) or (7).
(7) One (1) local exchange carrier member that serves at least fifty thousand (50,000) local exchange access lines in Indiana appointed by the governor after considering the recommendation of the Indiana Telecommunications Association under subsection (b)(5)(B). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (6), or (8).
(8) One (1) VOIP provider who is appointed by the governor after considering the recommendation of the Indiana Cable Telecommunications Association under subsection (b)(6). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3) or (6).
(9) One (1) member appointed by the governor after considering the recommendation submitted under subsection (b)(7) by the Association of Indiana Counties.
(10) One (1) member appointed by the governor after considering the recommendation submitted under subsection (b)(8) by the Indiana Association of Cities and Towns.
(11) The superintendent of the state police department or the superintendent's designee.
(12) The state fire marshal or the state fire marshal's designee.

(d) This subsection applies to a member appointed by the governor under subsection (c)(2) through (c)(10). The governor shall ensure that the terms of the initial members appointed by the governor are staggered so that the terms of not more than five (5) members expire in a single calendar year. After the initial appointments, subsequent appointments shall be for three (3) year terms. A vacancy on the board shall be filled for the vacating member's unexpired term in the same manner as the original appointment, and a member of the board is eligible for reappointment. In making an appointment under subsection (c)(2) through (c)(10), the governor shall take into account the various geographical areas of Indiana, including rural and urban areas. A member appointed by the governor serves at the pleasure of the governor.

(e) A member or a designee must be a resident of Indiana.

Sec. 25. A majority of the members of the board constitutes a quorum for purposes of taking action.

Sec. 26. (a) Each member of the board who is not a state employee is not entitled to receive the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for travel expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 27. The board may do the following to implement this chapter:
(1) Sue and be sued.
(2) Adopt and alter an official seal.
(3) Adopt and enforce bylaws and rules for:
(A) the conduct of board business; and
(B) the use of board services and facilities.
(4) Enter into contracts, including contracts:
(A) for professional services;
(B) for purchase of supplies or services; and
(C) to acquire office space.
(5) Hire staff.
(6) Adopt rules under IC 4-22-2 to implement this chapter.
(7) Develop, maintain, and update a statewide 911 plan.
(8) Administer the statewide 911 fund established by section 29 of this chapter.
(9) Administer and distribute the statewide 911 fee in accordance with section 37 of this chapter.
(10) Take other necessary or convenient actions to implement this chapter that are not inconsistent with Indiana law.
(11) Obtain from each PSAP operating statistics and other performance measurements, including call statistics by category and emergency medical dispatch certifications.
(12) Adopt an annual budget governing the board's activities under this chapter.

Sec. 28. (a) The board shall appoint an executive director of the board to do the following:
(1) Administer, manage, and direct employees of the

board.
(2) Approve the salaries of the employees of the board.
(3) Attend board meetings and record all proceedings of the board. However, the executive director is not considered a member of the board for any purpose, including voting or establishing a quorum.
(4) Maintain books, documents, and papers filed with the board, including minutes.
(5) Perform other duties as directed by the board.

(b) The board shall determine the salary and other compensation of the executive director.

(c) An executive director appointed under subsection (a) must have at least three (3) years executive experience with a 911 system.

Sec. 29. (a) The statewide 911 fund is established for the purposes of creating and maintaining a uniform statewide 911 system. The board shall administer the fund. The expenses of administering the fund must be paid from money in the fund.

(b) The fund consists of the following:
(1) The statewide 911 fee assessed on users under section 32 of this chapter.
(2) Appropriations made by the general assembly.
(3) Grants and gifts intended for deposit in the fund.
(4) Interest, premiums, gains, or other earnings on the fund.
(5) Enhanced prepaid wireless charges collected and remitted under IC 36-8-16.6-12.
(6) Money from any other source that is deposited in or transferred to the fund.

(c) The board may invest money in the fund in the same manner as other funds of the state may be invested under IC 5-13. In addition, the board may invest money in the fund in any of the following:
(1) Corporate bonds, notes, and debentures, subject to the following conditions:
(A) Maximum participation in any issue is limited to seven percent (7%) of the total issue.
(B) The board shall establish minimum quality rating standards and maximum purchase amount standards for corporate issues.
(2) Investments maturing in one (1) year or less, subject to the following conditions:
(A) The investments must be:
(i) prime-1 commercial paper; and
(ii) banker's acceptance approved by banks' trust investment committees.
(B) The maximum amount invested may not exceed fifty percent (50%) of the fund.

(d) Whenever the quality, maturity, and yield of an investment in an Indiana corporation or in a corporation that does business in Indiana are equal to or better than similar investments in other corporations, preference shall be given to an investment in the Indiana corporation or in the corporation that does business in Indiana.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, the balance of the fund may not exceed two million five hundred thousand dollars ($2,500,000) at the end of a state fiscal year. The board shall distribute to the PSAPs the amount of any excess balance before September 15 of the following state fiscal year. The distributions required by this subsection must be made in accordance with the distribution formula established under section 37 of this chapter. Any distributions made under this subsection are in addition to the distributions required by section 37 of this chapter. Money received under this subsection must be used in accordance with section 38 of this chapter.

(f) Money in the fund is continuously appropriated for the purposes of the fund.

Sec. 30. (a) The board shall select a third party to audit the fund on an annual basis to determine whether the fund is being managed in accordance with this chapter.

(b) Each year, the board shall review 911 service in Indiana, including the collection, disbursement, and use of the statewide 911 fee assessed under section 32 of this chapter. The purpose of the review is to ensure that the statewide 911 fee:
(1) does not exceed the amount reasonably necessary to provide adequate and efficient 911 service; and
(2) is used only for the purposes set forth in this chapter.

Sec. 31. The board may retain an independent, third party accounting firm or fiscal agent for purposes of processing checks and distributing funds as directed by the board and as allowed by this chapter. The board shall pay for these services as an administrative cost of the board.

Sec. 32. (a) Except as provided in subsection (c), the board shall assess a monthly statewide 911 fee of seventy-five cents ($0.75) on each user that is a customer having a place of primary use (as defined in section 16 of this chapter, and as determined in the manner provided by IC 6-8.1-15) in Indiana.

(b) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. An enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not considered an additional fee relating to the provision of 911 service for purposes of this section.

(c) A user is exempt from the statewide 911 fee if the user is any of the following:
(1) The federal government or an agency of the federal government.
(2) The state or an agency or instrumentality of the state.
(3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.

Sec. 33. (a) As part of the provider's normal monthly billing process, a provider:
(1) shall collect the fee from each standard user that is a customer having a place of primary use in Indiana, as determined in the manner provided by IC 6-8.1-15; and
(2) may list the fee as a separate line item on each bill.

If a provider receives a partial payment for a monthly bill from a standard user, the provider shall apply the payment against the amount the standard user owes to the provider before applying the payment against the fee. A provider may not prorate the monthly statewide 911 fee collected from a user.

(b) Subject to subsection (c), a provider shall remit statewide 911 fees collected under this section to the board at the time and in the manner prescribed by the board. The board shall deposit all remitted statewide 911 fees in the fund.

(c) A provider may deduct and retain an amount not to exceed one percent (1%) of statewide 911 fees that the provider collects from users to reimburse the direct costs incurred by the provider in collecting and remitting statewide 911 fees.

Sec. 34. The statewide 911 fee is the liability of the user and not of a provider. However, a provider is liable to remit to the board all statewide 911 fees that the provider collects from users.

Sec. 35. The amount of a statewide 911 fee that is collected by a provider from a user, whether separately stated on an invoice, receipt, or other document, may not be included in the base for measuring any tax, surcharge, or

other charge that is imposed by the state, a political subdivision, or other government agency.

Sec. 36. A provider is not required to take legal action to enforce the collection of the 911 fee for which a user is billed. However, the board may initiate a collection action. A court finding for the board in the action may award reasonable costs and attorney's fees associated with the collection action.

Sec. 37. (a) The board shall administer the fund in the following manner:

(1) The board may retain in each state fiscal year the lesser of:

(A) seven percent (7%) of the statewide 911 fees deposited in the fund in that state fiscal year; or

(B) five million six hundred thousand dollars ($5,600,000);

to pay the board's expenses in administering this chapter and to develop, operate, and maintain a statewide 911 system. The board may decrease the amount of fees retained by the board.

(2) The board shall distribute the remainder of the statewide 911 fees deposited in the fund to each PSAP in accordance with a distribution formula established under subsection (b).

(3) In determining distribution amounts for the state fiscal year beginning July 1, 2012, the board shall consider the amount of 911 fee revenue received by each PSAP during the state fiscal year ending June 30, 2012.

(b) After review by the budget committee, the board shall adopt an emergency rule before September 15, 2012, to establish a distribution formula. The formula must be included in a later rule adopted by the board under IC 4-22-2-24 through IC 4-22-2-36.

(c) The board shall publish the formula established under this section on the board's Internet web site.

(d) The board shall annually reexamine the distribution formula to ensure that revenue is equitably distributed among the PSAPs operated in Indiana.

Sec. 38. (a) A PSAP may use a distribution under section 37(a)(2) of this chapter only for the following:

(1) The lease, purchase, or maintenance of enhanced emergency telecommunications equipment, including necessary computer hardware, software, and data base provisioning.

(2) The rates associated with the service suppliers' enhanced emergency telecommunications system network services.

(3) Personnel expenses, including wages, benefits, training, and continuing education.

(4) Operational costs, including costs associated with:

(A) utilities;

(B) maintenance;

(C) equipment designed to provide backup power or system redundancy, including generators; and

(D) call logging equipment.

(5) Connectivity to the Indiana data communications system (IDACS).

(b) A PSAP may not use a distribution under section 37(a)(2) of this chapter for the following:

(1) Vehicles.

(2) Mobile radio equipment.

(3) Portable communications equipment, not directly connected to the statewide 911 system.

(c) Not later than January 31 of each year, each PSAP shall submit to the board a report of all expenditures made during the immediately preceding calendar year from distributions under sections 29(e) and 37(a)(2) of this chapter.

(d) Beginning July 1, 2013, the state board of accounts annually shall audit the expenditures of distributions under sections 29(e) and 37(a)(2) of this chapter made during the immediately preceding calendar year by each PSAP that receives distributions under sections 29(e) and 37(a)(2) of this chapter. In conducting an audit under this subsection, the state board of accounts shall determine, in conjunction with the board, whether the expenditures made by each PSAP are in compliance with subsections (a) and (b).

Sec. 39. (a) In cooperation with the board, a provider shall designate a person to coordinate with and provide all relevant information to the board to assist the board in carrying out its duties under this chapter.

(b) A provider shall provide the automatic number identification and any other information, including updates, required by the board to the county, the municipality, an authorized agent of a county or municipality, or the board or the board's authorized agent for purposes of establishing and maintaining a 911 system data base. The board may use confidential information received under this subsection solely for the purpose of providing statewide 911 service.

Sec. 40. (a) A provider shall, upon request, provide to a PSAP the necessary user data to enable the PSAP to implement and operate a 911 system. User data provided to a PSAP for the purpose of implementing or updating a 911 system:

(1) may be used only to identify:

(A) a user;

(B) a user's place of primary use (as determined in the manner provided by IC 6-8.1-15); or

(C) the information described in both subdivisions (1) and (2); and

(2) may not be used or disclosed by the PSAP, or its agents or employees, for any other purpose unless the data is used or disclosed under a court order.

A person who recklessly, knowingly, or intentionally violates this subsection commits a Class A misdemeanor.

(b) After May 31, 1988, a contract entered into between a provider and a user who has an unlisted or nonpublished telephone number (or other functionally equivalent identification number) may not include a provision that prohibits the provider from providing the user's telephone number (or other functionally equivalent identification number) to a PSAP for inclusion in a 911 system data base. A provider (other than a provider who, before June 1, 1988, has contracted to not divulge a subscriber's unlisted or nonpublished telephone number (or other functionally equivalent identification number)) shall provide a requesting PSAP with the name, telephone number (or other functionally equivalent identification number), and place of primary use (as determined in the manner provided by IC 6-8.1-15) for each user of the provider. A PSAP may not release a telephone number (or other functionally equivalent identification number) required to be provided under this subsection to any person except as provided in subsection (a).

(c) A provider may amend or terminate a contract with a user if:

(1) the contract contains a provision that prohibits the provider from providing the user's telephone number (or other functionally equivalent identification number) to a PSAP for inclusion in a 911 system data base;

(2) the exclusion of the telephone number (or other functionally equivalent identification number) from the data base would negate the purpose of this chapter; and

(3) the user is notified of the proposed amendment or termination of a contract at least one hundred eighty

(180) days before the provider takes action.

Sec. 41. (a) All proprietary information submitted to the board or the treasurer of state is confidential. Notwithstanding any other law, proprietary information submitted under this chapter is not subject to subpoena, and proprietary information submitted under this chapter may not be released to a person other than to the submitting provider without the permission of the submitting provider.

(b) General information collected by the board or the treasurer of state may be released or published only in aggregate amounts that do not identify or allow identification of numbers of users or revenues attributable to an individual provider.

Sec. 42. Notwithstanding any other law:

(1) the board;
(2) a PSAP;
(3) a political subdivision;
(4) a provider;
(5) an employee, director, officer, or agent of a PSAP, a political subdivision, or a provider; or
(6) an employee or member of the board, the board chair, the executive director, or an employee, agent, or representative of the board chair;

is not liable for damages in a civil action or subject to criminal prosecution resulting from death, injury, or loss to persons or property incurred by any person in connection with establishing, developing, implementing, maintaining, operating, and providing 911 service, except in the case of willful or wanton misconduct.

Sec. 43. (a) A person may not use 911 service except to make emergency calls that may result in the dispatch of the appropriate response for fire suppression and rescue, emergency medical or ambulance services, hazardous material, disaster or major emergency occurrences, and law enforcement activities.

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

Sec. 44. (a) This section does not apply to a person that connects to a 911 network using automatic crash notification technology subject to an established protocol.

(b) A person may not connect to a 911 network an automatic alarm, automatic dialer, or other automated alerting device that:

(1) causes the number 911 to be automatically dialed; or
(2) provides through a prerecorded message information regarding obtaining 911 emergency service.

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

Sec. 45. A person who knowingly or intentionally places a 911 call:

(1) for a purpose other than obtaining public safety assistance or emergency services; or
(2) to avoid communications service charges or fees;

commits a Class A misdemeanor.

Sec. 46. (a) For purposes of this section, a PSAP includes a public safety communications system operated and maintained under IC 36-8-15.

(b) As used in this section, "PSAP operator" means:

(1) a political subdivision; or
(2) an agency;

that operates a PSAP. The term does not include any entity described in subsection (c)(1) through (c)(3).

(c) Subject to subsection (d), after December 31, 2014, a county may not contain more than two (2) PSAPs. However, a county may contain one (1) or more PSAPs in addition to the number of PSAPs authorized by this section, as long as any additional PSAPs are operated:

(1) by a state educational institution;
(2) by an airport authority established for a county having a consolidated city; or
(3) in a county having a consolidated city, by an excluded city (as defined in IC 36-3-1-7).

(d) This subsection applies to a county that:

(1) on March 15, 2008, contained fewer than two (2) PSAPs, not including a PSAP operated by an entity described in subsection (c)(1) through (c)(3); and
(2) has not had an additional PSAP established within the county by the municipality having the largest population in the county or an agency of that municipality since March 15, 2008.

An additional PSAP may not be established and operated in the county unless the additional PSAP is established and operated by a state educational institution, an airport authority established for the county in a county containing a consolidated city, or the municipality having the largest population in the county or an agency of that municipality.

(e) Before January 1, 2015, each PSAP operator in a county that contains more than the number of PSAPs authorized by subsection (c) shall enter into an interlocal agreement under IC 36-1-7 with every other PSAP operator in the county to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.

(f) An interlocal agreement required under subsection (e) may include as parties, in addition to the PSAP operators required to enter into the interlocal agreement under subsection (e), any of the following that seek to be served by a county's authorized PSAPs after December 31, 2014:

(1) Other counties contiguous to the county.
(2) Other political subdivisions in a county contiguous to the county.
(3) Other PSAP operators in a county contiguous to the county.

(g) An interlocal agreement required under subsection (e) must provide for the following:

(1) A plan for the:
(A) consolidation;
(B) reorganization; or
(C) elimination;
of one (1) or more of the county's PSAPs, as necessary to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.
(2) A plan for funding and staffing the PSAP or PSAPs that will serve:
(A) the county; and
(B) any areas contiguous to the county, if additional parties described in subsection (f) participate in the interlocal agreement;
after December 31, 2014.
(3) Subject to any applicable state or federal requirements, protocol to be followed by the county's PSAP or PSAPs in:
(A) receiving incoming 911 calls; and
(B) dispatching appropriate public safety agencies to respond to the calls;
after December 31, 2014.
(4) Any other matters that the participating PSAP operators or parties described in subsection (f), if any, determine are necessary to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.

(h) This section may not be construed to require a county to contain a PSAP.

Sec. 47. Before August 1, 2013, and each year thereafter, the board shall annually report to the budget committee on

the following:

(1) The expenses incurred by the board in carrying out its duties under this chapter.

(2) The total amount of fees deposited in the fund during the most recent state fiscal year.

(3) The total amount of fees distributed to PSAPs during the most recent state fiscal year.

(4) The board's annual analysis of the distribution formula established under section 37 of this chapter.

Sec. 48. This chapter expires July 1, 2017.

SECTION 20. IC 36-8-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Emergency Telephone Notification System).

SECTION 21. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain in the wireless emergency telephone system fund established by IC 36-8-16.5-21 (before its repeal by this act on July 1, 2012) on July 1, 2012, shall be transferred to the statewide 911 fund established by IC 36-8-16.7-29, as added by this act.**

(b) This SECTION expires January 1, 2013.

SECTION 22. **An emergency is declared for this act.**

(Reference is to HB 1087 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1152, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "(A)", begin a new line block indented and insert:

"**(1)**".

Page 2, line 4, delete "(B)", begin a new line block indented and insert:

"**(2)**".

Page 2, after line 8, begin a new paragraph and insert:

"SECTION 3. IC 33-35-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) A city court is not a court of record.

(b) A town court is not a court of record.

(c) A person selected as judge of the following courts must be an attorney in good standing under the requirements of the supreme court:

(1) Anderson city court.
(2) Avon town court.
(3) Brownsburg town court.
(4) Carmel city court.
(5) A city or town court located in Lake County.
(6) Muncie city court.
(7) Noblesville city court.
(8) Plainfield town court.
(9) Greenwood city court.
(10) Martinsville city court.
(11) Clarksville town court.
(12) Edgewood town court.
(13) Elkhart city court.
(14) Goshen city court.
(15) Jeffersonville city court.
(16) Mooresville town court.
(17) Nappanee city court.
(18) New Castle city court.
(19) Terre Haute city court.".

(Reference is to HB 1152 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1171, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 1, delete "This subsection expires December 31, 2014.".

(Reference is to HB 1171 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

STEMLER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 1.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1258, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete line 15.

Page 2, delete lines 1 through 14.

Page 3, delete lines 1 through 27, begin a new paragraph and insert:

"SECTION 5. IC 12-15-9-1, AS AMENDED BY P.L.246-2005, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~(a) Subject to subsection (b),~~ Upon the death of a Medicaid recipient, ~~or upon the death of a deceased Medicaid recipient's spouse,~~ the total amount of Medicaid paid on behalf of the recipient after the recipient became fifty-five (55) years of age must be allowed as a preferred claim against the estate of the recipient ~~or the recipient's spouse~~ in favor of the state. The affidavit of a person designated by the secretary to administer this section is evidence of the amount of the claim and is payable after the payment of the following in accordance with IC 29-1-14-9:

(1) Funeral expenses for the recipient and the recipient's spouse, not to exceed in each individual case three hundred fifty dollars ($350).

(2) The expenses of the last illness of the recipient ~~and the recipient's spouse~~ that are authorized or paid by the office.

(3) The expenses of administering the estate, including the attorney's fees approved by the court.

~~(b) If a recipient's spouse remarries, the part of the estate of the recipient's spouse that is attributable to the subsequent spouse is not subject to a claim for Medicaid paid on behalf of the recipient.~~".

Page 8, line 37, reset in roman "However, in any estate in which".

Page 8, reset in roman lines 38 through 42.

Page 9, reset in roman lines 1 through 35.

Renumber all SECTIONS consecutively.

(Reference is to HB 1258 as printed January 23, 2012.)
and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 0.

ESPICH, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1 , the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1049, 1050, 1092, 1126, 1133, 1141, 1212, 1216, 1269, and 1360.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 11:42 a.m. with the Speaker in the Chair.

Representatives Crouch, Dvorak, Pelath, and Pflum, who had been excused, were present. Representatives Stevenson, Summers, and VanDenburgh were excused for the rest of the day.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1241, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 8, delete "Tax Incentive Financing" and insert "**Area Development Incentives**".

Page 6, between lines 36 and 37, begin a new a paragraph and insert:

"**Sec. 6. As used in this chapter, "area" refers to a rural entrepreneurship area development incentive area established under this chapter.**".

Page 6, delete lines 37 through 39.

Page 6, between lines 41 and 42, begin a new paragraph and insert:

"**Sec. 8. As used in this chapter, "fund":**

(1) for purposes of section 20 of this chapter, refers to the rural entrepreneurship area development incentives fund established by the treasurer of state for a county; and

(2) for purposes of sections of this chapter other than section 20 of this chapter, refers to a rural entrepreneurship area development incentives fund established by a rural county.".

Page 6, delete line 42.

Page 7, delete lines 1 through 22, begin a new paragraph and insert:

"**Sec. 9. As used in this chapter, "income tax incremental revenue" means the remainder of:**

(1) the sum of:

(A) the total amount of state adjusted gross income taxes paid by employees of new businesses employed in any part of the territory comprising an area (other than a tax incentive zone) with respect to wages and salary earned for work in the area (other than in a tax incentive zone) for a particular state fiscal year; plus

(B) the total amount of state adjusted gross income taxes paid by new businesses located in any part of the territory comprising an area (other than a tax incentive zone) with respect to income sourced to the area (other than a tax incentive zone) for a particular state fiscal year; minus

(2) the tax credits awarded by the economic development for a growing economy board under IC 6-3.1-13 to new businesses operating in the territory in an area (other than a tax incentive zone) that is not part of a tax incentive zone as the result of wages earned for work in any part of the territory comprising an area (other than in a tax incentive zone) for the state fiscal year;

as determined by the department of state revenue.".

Page 8, line 2, delete "tax incentive" and insert "**area development incentives area.**".

Page 8, line 3, delete "financing area.".

Page 9, line 2, delete "the:" and insert "**the income tax incremental revenue attributable to an area established in a county**".

Page 9, delete lines 3 through 10.

Page 9, run in lines 2 through 11.

Page 9, line 20, delete "tax incentive financing" and insert "**area development incentives**".

Page 9, between lines 23 and 24, begin a new paragraph and insert:

"**Sec. 21. (a) Each county that establishes an area under this chapter shall establish a rural entrepreneurship area development incentives fund for the county to receive money distributed to the county under this chapter.**

(b) Money deposited in the fund may be used by the county only for one (1) or more of the following purposes:

(1) Transferring money to a revolving fund established under section 22 of this chapter for purposes of the revolving fund.

(2) Transferring money to a regional venture capital fund established under IC 6-3.5-7-13.5 or a local venture capital fund established under IC 6-3.5-7-13.6 for purposes of the funds.

(3) Incubator development and operation.

(4) Accelerator development and operation.

(5) Small business support services.

(6) Direct incentives and cost reimbursement to assist with the start-up of new businesses approved by the county legislative body.

(c) The fund may not be used for the administrative expenses of the fund.".

Page 9, delete lines 24 through 42.

Page 10, line 39, delete "between".

Page 10, line 40, delete "20," and insert "**30,**".

Page 11, line 5, delete "county" and insert "**state**".

(Reference is to HB 1241 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

STEMLER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1367, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date of SECTION 2 with "[EFFECTIVE JULY 1, 2013]".

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

"SECTION 1. IC 4-3-22-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: **Sec. 18. Before July 1, 2013, the office of management and budget shall determine an appropriate agency to provide office space and staff support for the center for deaf and hard of hearing education established under IC 20-35-11.**

SECTION 2. IC 8-1-2.6-13, AS AMENDED BY P.L.1-2007, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) As used in this section, "communications service" has the meaning set forth in IC 8-1-32.5-3.

(b) As used in this section, "communications service provider" means a person or an entity that offers communications service to customers in Indiana, without regard to the technology or medium used by the person or entity to provide the communications service. The term includes a provider of commercial mobile service (as defined in 47 U.S.C. 332).

(c) As used in this section, "dark fiber" refers to unused capacity in a communications service provider's communications network, including fiber optic cable or other facilities:

(1) in place within a public right-of-way; but

(2) not placed in service by a communications service provider.

(d) Notwithstanding sections 1.2, 1.4, and 1.5 of this chapter, the commission may do the following both during and after the rate transition period described in section 1.3 of this chapter, except as otherwise provided in this subsection:

(1) Subject to section 12 of this chapter, enforce the terms of a settlement agreement approved by the commission before July 29, 2004. The commission's authority under this subdivision continues for the duration of the settlement agreement.

(2) Fulfill the commission's duties under IC 8-1-2.8 concerning the provision of dual party relay services to **deaf, hard of** hearing, ~~impaired~~ and speech impaired persons in Indiana.

(3) Fulfill the commission's duties under IC 8-1-19.5 concerning the administration of the 211 dialing code for communications service used to provide access to human services information and referrals.

(4) Fulfill the commission's responsibilities under IC 8-1-29 to adopt and enforce rules to ensure that a customer of a telecommunications provider is not:

(A) switched to another telecommunications provider unless the customer authorizes the switch; or

(B) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.

(5) Fulfill the commission's obligations under:

(A) the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq.); and

(B) IC 20-20-16;

concerning universal service and access to telecommunications service and equipment, including the designation of eligible telecommunications carriers under 47 U.S.C. 214.

(6) Perform any of the functions described in section 1.5(b) of this chapter.

(7) After June 30, 2009, perform the commission's responsibilities under IC 8-1-32.5 to:

(A) issue; and

(B) maintain records of;

certificates of territorial authority for communications service providers offering communications service to customers in Indiana.

(8) Perform the commission's responsibilities under IC 8-1-34 concerning the issuance of certificates of franchise authority to multichannel video programming distributors offering video service to Indiana customers.

(9) After June 30, 2009, require a communications service provider, other than a provider of commercial mobile service (as defined in 47 U.S.C. 332), to report to the commission on an annual basis, or more frequently at the option of the provider, any of the following information:

(A) Service quality goals and performance data. The commission shall make any information or data submitted under this subsection available:

(I) for public inspection and copying at the offices of the commission under IC 5-14-3; and

(ii) electronically through the computer gateway administered by the office of technology established by IC 4-13.1-2-1;

to the extent the information or data are not exempt from public disclosure under IC 5-14-3-4(a).

(B) Information concerning the:

(I) capacity;

(ii) location; and

(iii) planned or potential use;

of the communications service provider's dark fiber in Indiana.

(C) Information concerning the communications service offered by the communications service provider in Indiana, including:

(I) the types of service offered; and

(ii) the areas in Indiana in which the services are offered.

(D) Any information needed by the commission to prepare the commission's report to the regulatory flexibility committee under section 4 of this chapter.

(E) Any other information that the commission is authorized to collect from a communications service provider under state or federal law.

The commission may revoke a certificate issued to a communications service provider under IC 8-1-32.5 if the communications service provider fails or refuses to report any information required by the commission under this subdivision. However, this subdivision does not empower the commission to require a communications service provider to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this subdivision.

(10) Perform the commission's duties under IC 8-1-32.4 with respect to telecommunications providers of last resort, to the extent of the authority delegated to the commission under federal law to perform those duties.

(11) Perform the commission's duties under IC 8-1-2-5 with respect to interconnection.

(12) Establish and administer the Indiana Lifeline assistance program under IC 8-1-36.

(13) After June 30, 2009, collect and maintain from a provider of commercial mobile service (as defined in 47 U.S.C. 332) the following information:

(A) The address of the provider's **Internet** web site.

(B) All toll free telephone numbers and other customer service telephone numbers maintained by the provider for receiving customer inquiries and complaints.

(C) An address and other contact information for the provider, including any telephone number not described in clause (B).

The commission shall make any information submitted by a provider under this subdivision available on the commission's **Internet** web site. The commission may also make available on the commission's **Internet** web site

contact information for the Federal Communications Commission and the Cellular Telephone Industry Association.

(14) Fulfill the commission's duties under any state or federal law concerning the administration of any universally applicable dialing code for any communications service.

(e) After June 30, 2009, the commission does not have jurisdiction over any of the following with respect to a communications service provider:

(1) Rates and charges for communications service provided by the communications service provider, including the filing of schedules or tariffs setting forth the provider's rates and charges.

(2) Depreciation schedules for any of the classes of property owned by the communications service provider.

(3) Quality of service provided by the communications service provider, other than the imposition of a reporting requirement under subsection (d)(9)(A).

(4) Long term financing arrangements or other obligations of the communications service provider.

(5) Except as provided in subsection (d), any other aspect regulated by the commission under this title before July 1, 2009.

(f) After June 30, 2009, the commission has jurisdiction over a communications service provider only to the extent that jurisdiction is:

(1) expressly granted by state or federal law, including:

(A) a state or federal statute;

(B) a lawful order or regulation of the Federal Communications Commission; or

(C) an order or a ruling of a state or federal court having jurisdiction; or

(2) necessary to administer a federal law for which regulatory responsibility has been delegated to the commission by federal law.

SECTION 3. IC 8-1-2.8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, **"deaf, hard of** hearing, ~~impaired~~ or speech impaired person" means a person who is so certified by a licensed physician, an otolaryngologist, a speech language pathologist, an audiologist, or a qualified state agency.

SECTION 4. IC 8-1-2.8-8, AS AMENDED BY P.L.27-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. As used in this chapter, "local exchange company" or "LEC" refers to any communications service provider (as defined in IC 8-1-2.6-13(b)) that:

(1) has a certificate of territorial authority on file with the commission; and

(2) is required to provide dual party relay services to **deaf, hard of** hearing, ~~impaired~~ and speech impaired persons under federal law.

SECTION 5. IC 8-1-2.8-10, AS AMENDED BY P.L.27-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. The general assembly finds and declares the following:

(1) That it is in the public interest of the state to promptly provide **deaf, hard of** hearing, ~~impaired~~ or speech impaired persons with access to telecommunications services that are functionally equivalent to those provided to hearing persons.

(2) That Title IV of the ADA mandates that each telephone company providing telephone service within the state must provide dual party relay services on or before July 26, 1993, to **deaf, hard of** hearing, ~~impaired~~ and speech impaired persons within the territorial area or areas it serves in a manner that meets or exceeds the requirements of regulations prescribed by the FCC.

(3) That the most efficient, cost effective, and fair method for LECs to provide dual party relay services to **deaf, hard of** hearing, ~~impaired~~ and speech impaired persons and to comply with the federal mandate without the use of tax revenues is the establishment of the Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired under this chapter.

(4) That the provision of dual party relay services to **deaf, hard of** hearing, ~~impaired~~ and speech impaired persons can be enhanced by providing in appropriate circumstances in the sole discretion of the InTRAC telecommunications devices that facilitate access to the dual party relay services.

SECTION 6. IC 8-1-2.8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. Beginning on June 1, 1991, the commission shall require each LEC to impose a monthly surcharge in the amount of five cents ($0.05) on each residential and business line (or line equivalent) of its customers to fund and recover costs for developing and providing dual party relay services that may include in appropriate circumstances in the sole discretion of the InTRAC providing telecommunications devices to **deaf, hard of** hearing, ~~impaired~~ and speech impaired persons.

SECTION 7. IC 8-1-2.8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) The InTRAC may periodically apply to the commission for an adjustment in the amount of the monthly surcharge that a LEC must impose on its customers under this chapter. Before applying to the commission for such an adjustment, the InTRAC must do the following:

(1) Employ an independent accounting firm to review its surcharge determinations and to review and audit those accounts of the InTRAC and its members relevant to the surcharge.

(2) File with the commission in connection with its application a copy of the report prepared by the accounting firm under subdivision (1).

(b) When the InTRAC applies for an adjustment under this section, the commission may perform audits and tests to verify the calculation of the adjustment. However, the sole purpose of audits and tests by the commission must be to assure that the revenue produced by the surcharge is sufficient to cover the costs incurred by the InTRAC in providing services that meet the requirements imposed on telephone companies by the ADA. The costs incurred by the InTRAC include the following:

(1) Costs for the development, continued operation and improvement of dual party relay services that may include in appropriate circumstances in the sole discretion of the InTRAC providing telecommunications devices to **deaf, hard of** hearing, ~~impaired~~ and speech impaired persons.

(2) The administrative costs of the InTRAC.

(3) The amount of reasonable reserves necessary to meet future costs.

(4) The amounts paid by the InTRAC to each LEC to compensate the LEC for collection, inquiry, and other administrative services it provides for the surcharges.

(5) The amounts paid by the InTRAC to each LEC to compensate the LEC for the necessary costs incurred by the LEC in facilitating inter-connection with and effecting use of the dual party relay service for their respective customers.

(c) It is the intent and purpose of this section that the InTRAC shall have available to it at all times sufficient funding to develop, provide for, and maintain dual party relay services that meet or exceed the requirements imposed by the ADA.

SECTION 8. IC 8-1-2.8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. All costs

incurred by a LEC as a result of its compliance with the ADA requirements to provide services to **deaf, hard of** hearing, ~~impaired~~ and speech impaired persons shall be accounted for separately and recovered as required by the ADA and the FCC.

SECTION 9. IC 8-1-2.8-18, AS AMENDED BY P.L.27-2006, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. The articles of incorporation of the InTRAC must provide the following:

(1) The name of the corporation shall be "Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired".

(2) The sole purpose for which the InTRAC shall be organized and operated is to provide at the lowest cost reasonably possible:

(A) on behalf of LECs and the citizens of Indiana; and

(B) in conjunction with LECs;

adequate and dependable dual party relay services that may include in appropriate circumstances in the sole discretion of the InTRAC telecommunications devices to **deaf, hard of** hearing, ~~impaired~~ and speech impaired persons within the territorial area in Indiana that LECs serve in a manner that meets or exceeds the requirements of regulations prescribed by the FCC.

(3) The InTRAC must have authority to perform any lawful act that is necessary, convenient, or expedient to accomplish the purpose for which the InTRAC is formed.

(4) No part of the net earnings of the InTRAC may inure to the benefit of any member, director, or officer of the InTRAC, nor shall any member of the InTRAC receive any earnings from the corporation except as follows:

(A) A member may be an independent contractor, a supplier, a vendor, or an authorized agent of the InTRAC and may receive fair and reasonable compensation for the member's provision of goods or services.

(B) An officer may receive reasonable compensation for services that the officer performs in the officer's capacity as an officer of the InTRAC.

(C) A director may be reimbursed for expenses incurred by the director in the performance of the director's duties.

(5) The InTRAC may not:

(A) make an advancement for services to be performed in the future; or

(B) make a loan of money or property to any director or officer of the corporation.

(6) No member, director, or officer of the InTRAC or any private individual may share in the distribution of any of the assets of the InTRAC upon its dissolution.

(7) If there is a dissolution of the InTRAC, any of the assets of the InTRAC available for distribution shall be distributed to a charity:

(A) selected by the board of directors of the InTRAC; and

(B) having a purpose that includes providing services to hearing impaired and speech impaired persons.

(8) The InTRAC shall have one (1) class of members consisting of those communications service providers that are designated as authorized LECs by the commission.

(9) Each member of the InTRAC shall serve as a member for as long as the commission finds that the member is a LEC. A member's:

(A) right to vote at meetings of the members of the InTRAC; and

(B) right, title, and interest in or to the corporation;

cease on the termination of a member's membership.

(10) Each member present in person or by proxy at a meeting of the members of the InTRAC may cast one (1) vote upon each question voted upon at:

(A) all meetings of the members; and

(B) in any election of a director of the InTRAC.

(11) The board of directors of the InTRAC consists of seven (7) directors selected as follows:

(A) Six (6) directors elected by the members of the InTRAC.

(B) The director of the state office of deaf and hearing impaired services.

(12) The business, property, and affairs of the InTRAC are managed and controlled by the board of directors of the InTRAC.

SECTION 10. IC 8-1-17.5-25, AS AMENDED BY P.L.219-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. Notwithstanding any other law, the commission may exercise jurisdiction over a surviving corporation or successor corporation formed under this chapter only to do the following:

(1) Ensure compliance with IC 8-1-2.8 concerning the provision of dual party relay services to **deaf, hard of** hearing, ~~impaired~~ and speech impaired persons in Indiana.

(2) Perform the commission's duties under IC 8-1-19.5 concerning the administration of the 211 dialing code for communications service used to provide access to human services information and referrals.

(3) Enforce rules adopted under IC 8-1-29 to ensure that a customer of a telecommunications provider is not:

(A) switched to another telecommunications provider unless the customer authorizes the switch; or

(B) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.

(4) Conduct proceedings under:

(A) the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq.); and

(B) IC 20-20-16;

concerning universal service and access to telecommunications service and equipment, including the designation of eligible telecommunications carriers under 47 U.S.C. 214.

(5) Perform the commission's duties under IC 8-1-2.6-1.5 or IC 8-1-2-5.

(6) Issue or maintain certificates of territorial authority for communications service providers under IC 8-1-32.5.

(7) Perform the commission's duties under IC 8-1-34 to issue and maintain certificates of franchise authority to multichannel video programming distributors offering video service to Indiana customers.

(8) Perform the commission's duties under IC 8-1-2.6-13(d)(9) concerning the reporting of information by communications service providers.

(9) Administer the Indiana lifeline assistance program under IC 8-1-36.

(10) Fulfill the commission's duties under any state or federal law concerning the administration of any universally applicable dialing code for any communications service.

(11) Perform the commission's duties under IC 8-1-2.3 with respect to assigned service areas for electricity suppliers.

(12) Issue:

(A) certificates of public convenience and necessity, certificates of territorial authority, and indeterminate permits under IC 8-1-2;

(B) certificates of public convenience and necessity under IC 8-1-8.5; or

(C) certificates of public convenience and necessity under IC 8-1-8.7.

(13) Determine territorial disputes between water utilities under IC 8-1-2-86.5.

SECTION 11. IC 16-32-3-2, AS AMENDED BY P.L.155-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) As used in this section, "public accommodation" means an establishment that caters or offers services, facilities, or goods to the general public. The term includes the following educational facilities:

(1) A nursery school.
(2) An elementary school.
(3) A secondary school.
(4) An undergraduate or postgraduate public or private institution.
(5) Other places of education.

(b) A person who:

(1) is totally or partially blind;
(2) is **deaf or hard of** hearing; ~~impaired;~~ or
(3) has a physical or mental disability;

is entitled to be accompanied by a service animal, especially trained for the purpose, in any public accommodation without being required to pay an extra charge for the service animal. However, the person is liable for any damage done to the accommodation by the service animal.

(c) A person who:

(1) refuses access to a public accommodation; or
(2) charges a fee for access to a public accommodation;

to a person who is totally or partially blind, who ~~has a~~ **is deaf or hard of** hearing, ~~impairment,~~ or who has a physical or mental disability, because that person is accompanied by a service animal commits a Class C infraction.

(d) A service animal trainer, while engaged in the training process of a service animal, is entitled to access to any public accommodation granted by this section.

SECTION 12. IC 16-35-8-9, AS ADDED BY P.L.119-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The hearing aid assistance program is established.

(b) The following eligibility criteria apply for funding through the hearing aid assistance program:

(1) The hearing aid must be:
(A) prescribed for a child by a physician who is licensed under IC 25-22.5; and
(B) prescribed, fitted, and dispensed for the child by an audiologist who is licensed under IC 25-35.6.
(2) The child has not received funding from the fund for a hearing aid for the applicable ear during the previous three (3) years.
(3) Reimbursement is not available through any of the following or is not sufficient to pay the full amount required for a hearing aid:
(A) A policy of accident and sickness insurance (IC 27-8-5).
(B) A health maintenance organization contract (IC 27-13).
(C) The Medicaid program (IC 12-15).
(D) The children's health insurance program (IC 12-17.6).
(E) The federal Medicare program or any other federal assistance program.

(c) The state department may use appropriate internal and external resources to administer the hearing aid assistance program in a cost effective manner.

(d) External foundations and other organizations that provide hearing aid assistance may register with the state department to provide a centralized location from which **deaf and hard of** hearing ~~impaired~~ individuals can obtain information regarding additional sources of hearing aid assistance.".

Page 1, delete lines 16 through 17, begin a new paragraph and insert:

"SECTION 14. IC 20-31-1-1, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article applies only to the following:

(1) Public schools.
(2) Except as provided in IC 20-31-7 and IC 20-31-9, nonpublic schools that voluntarily become accredited under IC 20-19-2-8.
(3) The Indiana School for the Blind and Visually Impaired and the Indiana School for the Deaf.

SECTION 15. IC 20-35-4-12, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. Public schools may operate special education programs for **deaf and hard of** hearing ~~impaired~~ children at least six (6) months of age on an experimental basis upon the approval of the state superintendent and the state board.".

Page 2, delete lines 1 through 14.
Page 2, line 18, after "and" insert "**Hard of**".
Page 2, line 18, delete "Impaired".
Page 2, between lines 18 and 19, begin a new paragraph and insert:
"**Sec. 1. This chapter applies after June 30, 2013.**".
Page 2, line 19, delete "1." and insert "**2.**".
Page 2, line 20, after "and" insert "**hard of**".
Page 2, line 20, delete "impaired".
Page 2, line 22, delete "2." and insert "**3.**".
Page 2, line 22, after "and" insert "**hard of**".
Page 2, line 22, delete "impaired".
Page 2, line 24, delete "3." and insert "**4.**".
Page 2, line 24, after "duties" insert "**in an unbiased manner**".
Page 2, line 25, after "and children who are" insert "**hard of**".
Page 2, line 25, delete "impaired".
Page 2, line 26, delete "communication" and insert "**language skills**".
Page 2, line 26, delete "abilities:" and insert "**abilities, regardless of the mode of communication used:**".
Page 2, line 28, delete "and education" and insert "**education, and successful transitions**".
Page 2, line 28, after "deaf and" insert "**hard of hearing from birth through twenty-one (21) years of age and who are enrolled or preparing to enroll in early intervention services, preschool, elementary, or secondary school.**".
Page 2, delete line 29.
Page 2, line 30, delete "in-service education, coaching, and mentoring" and insert "**professional development opportunities for professionals who work with children who are deaf or hard of hearing.**".
Page 2, delete lines 31 through 35.
Page 2, line 37, after "and" insert "**hard of**".
Page 2, line 37, delete "impaired".
Page 2, line 38, delete "children." and insert "**children and providing support in each family's chosen method of communication and language for the family's child.**".
Page 2, delete line 42.
Page 3, delete line 1.
Page 3, line 2, delete "(C)" and insert "**(B)**".
Page 3, line 2, after "Communication" insert "**(including language)**".
Page 3, line 3, delete "(D)" and insert "**(C)**".
Page 3, line 4, delete "(E)" and insert "**(D)**".
Page 3, between lines 5 and 6, begin a new line block indented and insert:
"**(6) Assessing professionals who provide students with sign language interpreting, oral interpreting, cued**

speech transliteration, and captioning services.".

Page 3, line 6, delete "(6)" and insert "**(7)**".

Page 3, line 6, delete "Supporting" and insert "**Providing consultation to**".

Page 3, line 7, delete "hearing impaired," and insert "**hard of hearing.**".

Page 3, delete lines 8 through 10.

Page 3, line 11, delete "(7)" and insert "**(8)**".

Page 3, line 12, delete "hearing impaired," and insert "**hard of hearing,**".

Page 3, line 16, delete "4." and insert "**5.**".

Page 3, line 17, delete "3" and insert "**4**".

Page 3, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding IC 4-3-22-18, as added by this act, before October 1, 2012, the office of management and budget, shall submit a detailed transition plan to implement and administer the center for deaf and hard of hearing established in IC 20-35-11, as added by this act, to the budget committee. The office of management and budget shall develop the transition plan in consultation with, but not limited to, the following:**

(1) The chief executive officer of the Indiana School for the Deaf.

(2) A parent organization associated with the Indiana School for the Deaf.

(3) Parents of deaf or hard of hearing children who attend school in a regular classroom setting.

(4) The Indiana chapter of Hands and Voices.

(5) The Guide by Your Side Program.

(6) Hear Indiana.

(7) The Indiana Association of the Deaf.

(8) Oral deaf adults.

(9) The first steps program established under (IC 12-12.7-2).

(10) The family and social services administration, division of disability and rehabilitative services.

(11) The department of education.

(12) The state department of health.

(13) The St. Joseph Institute for the Deaf.

(14) Public school administrators.

(15) Audiologists.

(b) The transition plan developed under subsection (a) must include the following:

(1) A description of the agency described in IC 4-3-22-18, as added by this act, that will provide office space and staff support for the center for deaf and the hard of hearing education established under IC 20-35-11, as added by this act.

(2) The estimated costs associated with the operation of the center for deaf and the hard of hearing education established under IC 20-35-11, as added by this act.

(3) A description of the fiscal impact on the Indiana School for the Deaf and the agency described in subdivision (1) resulting from the transfer of outreach and consultative service responsibilities.

(4) Any other information the office of management and budget determines is necessary.

(c) After receiving the transition plan under subsection (a), the office of management and budget shall, on or before October 15, 2012, post the transition plan on the office of management and budget's Internet web site.

(d) The budget committee shall consider the transition plan developed under subsection (a) in its preparation of the budget report and budget bill under IC 4-12-1-9 for the state fiscal years beginning on:

(1) July 1, 2013; and

(2) July 1, 2014.

(e) This SECTION expires December 31, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1367 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 5.

BEHNING, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1241 had been referred to the Committee on Ways and Means.

HOUSE BILLS ON SECOND READING

House Bill 1002

Representative Wolkins called down House Bill 1002 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1002–1)

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

Page 6, delete lines 29 through 42.

Delete pages 7 through 15.

Page 16, delete lines 1 through 7.

Page 20, line 42, delete "SECTION" and insert "CHAPTER".

Page 40, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 64. IC 9-18-44-1, AS AMENDED BY P.L.96-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The bureau of motor vehicles shall, with the advice of the Native American Indian affairs commission established under ~~IC 4-4-31.4,~~ **IC 4-23-32,** design and issue an Indiana Native American trust license plate. The Indiana Native American trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

SECTION 65. IC 9-18-44-4, AS AMENDED BY P.L.96-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The Indiana Native American trust fund is established.

(b) The treasurer of state shall invest the money in the Indiana Native American trust fund not currently needed to meet the obligations of the Indiana Native American trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Indiana Native American trust fund.

(c) The commissioner shall administer the Indiana Native American trust fund. Expenses of administering the Indiana Native American trust fund shall be paid from money in the Indiana Native American trust fund.

(d) On June 30 of each year, the commissioner shall distribute the money from the fund as follows:

(1) To Historic Prophetstown for a calendar year ending before January 1, 2009.

(2) To the Native American Indian affairs commission established under ~~IC 4-4-31.4~~ **IC 4-23-32** for a calendar year beginning after December 31, 2008.

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

(f) The Native American Indian affairs commission may use money received under this section for any lawful purpose of the

Native American Indian affairs commission.".

Page 43, delete lines 30 through 42.

Delete pages 43 through 79.

Page 80, delete lines 1 through 25.

Page 81, delete lines 19 through 21.

Page 83, delete lines 20 through 25, begin a new paragraph and insert:

"SECTION 173. IC 14-9-6-2, AS AMENDED BY P.L.95-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The advisory council consists of ~~twelve (12)~~ **seven (7)** members appointed by the governor. ~~with the terms of four (4) members expiring each year.~~

(b) Not more than ~~eight (8)~~ **four (4)** members may be of the same political party.

SECTION 174. IC 14-9-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The term of a member of a council is three (3) years. **The terms must be staggered so that the terms of not more than three (3) members may expire in a year.**

SECTION 175. IC 14-9-6-6, AS AMENDED BY P.L.95-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The advisory council:

(1) shall hold ~~at least one (1) regular meeting every two (2) months of the calendar year; and~~ **a meeting in January of each calendar year; and**

(2) may hold ~~special~~ meetings ~~that~~ **at** the **call of the** chairperson. ~~of the advisory council considers necessary and expedient.~~

SECTION 176. IC 14-9-6-7, AS AMENDED BY P.L.95-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. During the ~~first~~ meeting ~~in~~ **held in January of** each calendar year, the advisory council shall elect the following:

(1) A chairperson and vice chairperson.

(2) Any other officer needed to carry out the business of the advisory council.".

Page 83, delete lines 26 through 42.

Page 84, delete lines 1 through 3.

Page 84, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 177. IC 14-21-1-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25.5. (a) If a Native American Indian burial ground is discovered, the department shall immediately provide notice to the Native American Indian affairs commission established by ~~IC 4-4-31.4.~~ **IC 4-23-32**.

(b) If Native American Indian human remains are removed from a burial ground, the department shall provide the following to the Native American Indian affairs commission:

(1) Any written findings or reports that result from the analysis and study of the human remains.

(2) Written notice to the Native American Indian affairs commission that the analysis and study of the human remains are complete.

(c) After receiving written notice under subsection (b)(2), the Native American Indian affairs commission shall make recommendations to the department regarding the final disposition of the Native American Indian human remains.".

Page 84, delete lines 31 through 42.

Page 85, delete lines 1 through 37.

Page 85, delete lines 40 through 42.

Delete pages 86 through 88.

Page 89, delete lines 1 through 10.

Page 89, delete lines 31 through 42.

Page 90, delete lines 1 through 3.

Page 91, delete lines 7 through 25.

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed January 23, 2012.)

WOLKINS

Motion prevailed.

HOUSE MOTION
(Amendment 1002–30)

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

Page 28, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 30. IC 5-2-6-16, AS AMENDED BY P.L.44-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) As used in this chapter, "local coordinating council" means a countywide citizen body approved and appointed by the commission for a drug free Indiana to plan, monitor, and evaluate comprehensive local alcohol and drug abuse plans.

(b) The commission for a drug free Indiana is established (referred to in this section as "commission"). The criminal justice institute may adopt rules under IC 4-22-2 to administer the commission. The commission must consist of twenty (20) members described under ~~subsections~~ **subsection** (d) ~~and (c)~~ who have distinguished themselves in their respective fields and who have experience or an interest in attempting to eliminate alcohol and other drug abuse in Indiana.

(c) The commission's purpose is to improve the coordination of alcohol and other drug abuse efforts at both the state and local levels in an effort to eliminate duplication of efforts while ensuring that comprehensive alcohol and other drug programs are available throughout Indiana. The commission's responsibilities include the following:

(1) Establishing an interagency council on drugs to coordinate the alcohol and other drug education, prevention, treatment, and justice programming and funding responsibilities of state agencies, commissions, and boards including the approval of alcohol and other drug plans and funding applications by state agencies, commissions, and boards.

(2) Coordinating the collection of data concerning alcohol and other drug abuse and the needs, programming, and effectiveness of state supported programs and services.

(3) Maintaining a system of support to assist local coordinating councils with technical assistance, guidance, or direct funding resources.

(4) Continuing to assist the development of local coordinating councils to identify community drug programs, coordinate community initiatives, design comprehensive, collaborative community strategies, and monitor anti-drug activities at the local level.

(5) Establishing roles, responsibilities, and performance standards for the local coordinating councils.

(6) Recommending to the governor and general assembly long and short range goals, objectives, and strategies, including legislative proposals to be implemented on the state and local level to reduce drug abuse.

(7) Assisting local communities in the development of citizen based drug related crime control efforts.

(d) The commission must be comprised of the following voting members:

(1) The governor or the governor's designee.

(2) Fifteen (15) members appointed by the governor for a two (2) year term, who have experience or expertise in at least one (1) of the following areas:

(A) Family relations.

(B) Religion.

(C) Education.

(D) Civic or private organizations.

(E) Business.
(F) Media.
(G) Drug treatment.
(H) Medicine.
(I) Local government.
(J) Judiciary.
(K) Law enforcement.
(L) Self-help organizations.
(M) Youth.
(N) A representative of the interagency council against drugs established under subsection (c)(1).
(O) Labor.

(3) Four (4) members of the general assembly. The president pro tempore of the senate shall appoint two (2) senators, both of whom may not be members of the same political party. The speaker of the house of representatives shall appoint two (2) representatives, both of whom may not be members of the same political party.

~~(c) Four (4) members of the general assembly shall serve as nonvoting members of the commission. The president pro tempore of the senate shall appoint two (2) senators, both of whom may not be members of the same political party. The speaker of the house of representatives shall appoint two (2) representatives, both of whom may not be members of the same political party.~~

~~(f)~~ **(e)** The governor or the governor's designee shall serve as the chairman of the commission.

~~(g)~~ **(f)** The commission shall meet one (1) time per month at the call of the chairman.

~~(h)~~ **(g)** ~~Eight (8)~~ **Eleven (11)** voting members of the commission constitute a quorum. The commission is not prohibited from conducting business as a result of a vacancy in the commission. In the case of a vacancy, a new appointee shall serve for the remainder of the unexpired term. A vacancy shall be filled from the same group that was represented by the outgoing member.

~~(I)~~ **(h)** All appointments of the commission's members are renewable.

~~(j)~~ **(I)** A member of the commission who is not a state employee is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

~~(k)~~ **(j)** A member of the commission who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed January 23, 2012.)

V. SMITH

Representative Torr rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1002 a bill pending before the House.

Representative V. Smith withdrew the motion to amend

There being no further amendments, the bill was ordered engrossed.

House Bill 1004

Representative Richardson called down House Bill 1004 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1004–11)

Mr. Speaker: I move that House Bill 1004 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 3-10-6-7.5, AS AMENDED BY P.L.225-2011, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) This section applies to a municipal office elected during a municipal or general election.

(b) **Except as provided in subsection (c) or (d), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.**

(c) If:

(1) there is an election for at least one (1) of a municipality's legislative body members;

(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and

(3) there is no election for an office to be voted on by all voters of the municipality;

the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the municipality in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the municipality shall not be placed on the ballot used for the election of municipal legislative body members under this subsection.

(d) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county. An election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

A resolution adopted under this subsection expires on January 1 of the year following the year the resolution was adopted.

SECTION 2. IC 3-10-7-6, AS AMENDED BY P.L.225-2011, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **This section applies to a municipal office elected during a municipal or general election.**

(b) A municipal election conducted under this chapter shall be held at the time prescribed by IC 3-10-6.

~~(b)~~ **(c) Except as provided in subsection (d) or (e), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.**

(d) If:

(1) there is an election for at least one (1) of the town's legislative body members;

(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and

(3) there is no election for an office to be voted on by all voters of the town;

the county election board (or town election board if that board is conducting the election under this chapter) may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held

only in the legislative body districts within the town in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the town shall not be placed on the ballot used for the election of town legislative body members under this subsection.

(e) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county. This subsection applies to a municipal office elected during a municipal or general election. An election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

A resolution adopted under this subsection expires on January 1 of the year following the year the resolution was adopted.".

Page 2, delete lines 1 through 21.

Renumber all SECTIONS consecutively.

(Reference is to HB 1004 as printed January 13, 2012.)

RICHARDSON

Motion prevailed.

HOUSE MOTION
(Amendment 1004–8)

Mr. Speaker: I move that House Bill 1004 be amended to read as follows:

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

"SECTION 1. IC 2-7-1-9, AS AMENDED BY P.L.58-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. "Lobbying" means **either of the following:**

(1) Communicating by any means, or paying others to communicate by any means, with any legislative person with the purpose of influencing any legislative action.

(2) After June 30, 2012, the activities of a public advocacy organization to communicate by any means, or to pay others to communicate by any means, to:

(A) inform the general public; or

(B) urge the general public to take an action;

to influence any legislative action.

SECTION 2. IC 2-7-1-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12.5. "Public advocacy organization" means a person or an organization that promotes a public policy agenda through grassroots and legislative lobbying and issue advocacy.**

SECTION 3. IC 2-7-3-3, AS AMENDED BY P.L.225-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The activity reports of each lobbyist shall include the following information:

(1) A complete and current statement of the information required to be supplied under IC 2-7-2-3 and IC 2-7-2-4.

(2) Total expenditures on lobbying (prorated, if necessary) broken down to include at least the following categories:

(A) Compensation to others who perform lobbying services.

(B) Reimbursement to others who perform lobbying services.

(C) Receptions.

(D) Entertainment, including meals.

(E) Gifts made to a legislative person.

(F) If the lobbyist is a public advocacy organization, expenditures for advertising, mass mailings, publications, or other efforts to inform the general public or to urge the general public to take any action for the purpose of influencing legislative action. The lobbyist must provide the following information relating to the lobbyist's expenses for radio or television communication:

(I) The name of each radio or television station that carried the lobbyist's communication.

(ii) The dates that communications were made on each radio or television station.

(iii) The dollar amount spent on the communications on each radio or television station.

(iv) The total amount spent on radio and television communication.

(3) Subject to section 3.5 of this chapter, a statement of each:

(A) expenditure for entertainment (including meals and drink); or

(B) gift;

that equals fifty dollars ($50) or more in one (1) day, or expenditures for entertainment (including meals and drink) or gifts that together total more than two hundred fifty dollars ($250) during the reporting year, if the expenditures and gifts are made by the lobbyist or the lobbyist's agent to benefit a specific legislative person.

(4) A list of the general subject matter of each bill or resolution concerning which a lobbying effort was made within the registration period.

(5) The name of each member of the general assembly from whom the lobbyist has received an affidavit required under IC 2-2.1-3-3.5.

(b) In the second semiannual report, when total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire reporting year.

(c) An amount reported under this section is not required to include the following:

(1) Overhead costs.

(2) Charges for any of the following:

(A) Postage.

(B) Express mail service.

(C) Stationery.

(D) Facsimile transmissions.

(E) Telephone calls.

(3) Expenditures for the personal services of clerical and other support staff persons who are not lobbyists.

(4) Expenditures for leasing or renting an office.

(5) Expenditures for lodging, meals, and other personal expenses of the lobbyist.

(d) A report of an expenditure under subsection (a)(3) must state the following information:

(1) The name of the lobbyist making the expenditure.

(2) A description of the expenditure.

(3) The amount of the expenditure.

SECTION 3. IC 2-7-3-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.7. (a) This section applies only to a public advocacy organization.**

(b) As used in this section, "large donation" refers to a gift of money of ten thousand dollars ($10,000) or more.

(c) In addition to the other reports required by this chapter, a public advocacy organization shall report each large donation received by the public advocacy organization not later than the following:

(1) Seventy-two (72) hours after the public advocacy organization receives the large donation if the

donation is received when the general assembly is in session.

(2) Seven (7) days after the public advocacy organization receives the large donation if the donation is received when the general assembly is not in session.

(d) A report of a large donation must include the following information:

(1) The name of the person making the donation.

(2) The address of the person making the donation.

(3) If the person making the donation is an individual, the individual's occupation.

(4) The total amount of the donation.

(5) The date and time the public advocacy organization received the donation.

SECTION 4. IC 3-9-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The following persons, whenever required to file a report, notice, or other instrument by this article, shall file it with the election division:

(1) Candidates for state office and their candidate's committees.

(2) The following central committees:

(A) State committees.

(B) Congressional district committees.

(3) Other regular party committees that propose to influence the election of a candidate for state or legislative office or the outcome of a public question for or against which the electorate of the whole state may vote.

(4) Political action committees that propose to influence the election of a candidate for state or legislative office or the outcome of a public question for or against which the electorate of the whole state may vote.

(5) Legislative caucus committees.

(6) A person required to file a report under IC 3-9-8.

SECTION 5. IC 3-9-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The following persons, whenever required to file a report, notice, or other instrument by this article, shall file it with the county election board of each county comprising part of the affected election district:

(1) Candidates for local office and their candidate's committees.

(2) Regular party committees that are not required to file with the election division.

(3) Political action committees that are not required to file with the election division.

(4) A person required to file a report under IC 3-9-8.

SECTION 6. IC 3-9-5-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 23. (a) This section applies only to a large contribution that is received by an organization or committee, other than a candidate's committee, for the purpose of influencing the outcome of an election.**

(b) As used in this section, "election" refers to any of the following:

(1) A primary election in a year in which a general election is held.

(2) A general election.

(3) A statewide special election.

(c) As used in this section, "large contribution" means a single contribution that is at least ten thousand dollars ($10,000).

(d) The treasurer of the organization or committee shall file a large contribution report with the election division not later than noon seven (7) days after a contribution described in subsection (c) is received.

(e) A report filed under this section may be filed by facsimile transmission or as an electronic report when the requirements of IC 3-9-4 or this chapter have been met. A report required by subsection (d) must contain the following information for each large contribution:

(1) The name of the person making the contribution.

(2) The address of the person making the contribution.

(3) If the person making the contribution is an individual, the individual's occupation.

(4) The total amount of the contribution.

(5) The date and time the large contribution described in subsection (c) was received by the organization or committee.

(f) The commission shall prescribe the form for the report required by this section.

SECTION 7. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]:

Chapter 8. Independent Expenditures

Sec. 1. This chapter does not apply to the following:

(1) An expenditure described by IC 3-9-5-15(b).

(2) A person that:

(A) makes a contribution to a candidate or a committee; and

(B) does not make an expenditure.

(3) A contribution to a committee made by a corporation or labor organization.

(4) An expenditure to support or oppose a candidate or political party made by a corporation or labor organization.

Sec. 2. (a) Except as provided in section 1 of this chapter:

(1) a person, other than a corporation or a labor organization, that makes an expenditure to influence an election within a year; or

(2) a corporation or labor organization that makes an expenditure to support or oppose approval of a public question;

shall file a statement with the election division under IC 3-9-5-2 or with a county election board under IC 3-9-5-4.

Sec. 3. The statement described in section 2 of this chapter must contain the information required under IC 3-9-5 for a political action committee.

Sec. 4. A statement required under section 2 of this chapter is due on the same date and time that a report is due from a political action committee.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1004 as printed January 13, 2012.

AUSTIN

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION
(Amendment 1004–5)

Mr. Speaker: I move that House Bill 1004 be amended to read as follows:

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

"SECTION 7. IC 24-4.7-2-2, AS AMENDED BY P.L.226-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) "Consumer" means a residential telephone subscriber who:

(1) for the telephone service received:

(A) has a place of primary use in Indiana; or

(B) is issued an Indiana telephone number or an Indiana identification number; and

(2) is an actual or a prospective:

(A) purchaser, lessee, or recipient of consumer goods or services; ~~or~~

(B) donor to a charitable organization; **or**

(C) recipient of a political communication.

(b) The term includes a user of a prepaid wireless calling service (as defined in IC 6-2.5-1-22.4) who:

(1) is issued an Indiana telephone number or an Indiana identification number for the service; or

(2) purchases prepaid wireless calling service in a retail transaction that is sourced to Indiana (as determined under IC 6-2.5-12-16).

SECTION 8. IC 24-4.7-2-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.7. As used in this chapter, "political communication" refers to a telephone call that refers to a clearly identified candidate. For purposes of this section, a candidate is clearly identified if either of the following applies:**

(1) The name of the candidate is used.

(2) The identity of the candidate is apparent by unambiguous reference.

SECTION 9. IC 24-4.7-2-9, AS AMENDED BY P.L.226-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) "Telephone sales call" means a telephone call made to a consumer for any of the following purposes:

(1) Solicitation of a sale of consumer goods or services.

(2) Solicitation of a charitable contribution.

(3) Obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes.

(4) A political communication.

(b) The term includes any of the following:

(1) A call made by use of an automated dialing device.

(2) A call made by use of a recorded message device.

(3) Transmission of:

(A) a text message; or

(B) a graphic message;

using short message service (SMS).

(4) Transmission of:

(A) an image;

(B) a photograph; or

(C) a multimedia message;

using multimedia messaging service (MMS).

SECTION 10. IC 24-4.7-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A telephone solicitor who makes a telephone sales call to a telephone number shall immediately disclose the following information upon making contact with the consumer:

(1) The solicitor's true first and last name.

(2) **Whichever of the following is applicable:**

(A) The name of the business on whose behalf the telephone solicitor is soliciting.

(B) If the call is for a political communication (as defined in IC 24-4.7-2-7.7), the following information:

(I) The identity of the person who paid for or authorized the call.

(ii) The telephone number and address of the person who paid for or authorized the call.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1004 as printed January 13, 2012.)

GRUBB

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill.

Representative Grubb withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

House Bill 1007

Representative McMillin called down House Bill 1007 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1007–3)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 2, line 29, delete "UNDER THE TEMPORARY".

Page 2, delete line 30.

Page 9, between lines 34 and 35, begin a new paragraph and insert:

"**Chapter 7. Drug and Alcohol Testing for Legislators**

Sec. 1. This chapter applies to a member of the general assembly who:

(1) is serving on June 30, 2012; or

(2) is elected or appointed to the general assembly after June 30, 2012.

Sec. 2. As used in this chapter, "alcohol" has the meaning set forth in IC 9-24-6-0.3.

Sec. 3. As used in this chapter, "alcohol concentration equivalent" has the meaning set forth in IC 9-13-2-2.4.

Sec. 4. As used in this chapter, "body" refers to either of the following:

(1) The house of representatives.

(2) The senate.

Sec. 5. As used in this chapter, "chamber" refers to either of the following:

(1) The floor of the house of representatives.

(2) The floor of the senate.

Sec. 6. As used in this chapter, "legislative council" refers to the legislative council created under IC 2-5-1.1-1.

Sec. 7. As used in this chapter, "member" refers to either of the following:

(1) A member of the house of representatives.

(2) A member of the senate.

Sec. 8. (a) A member of the general assembly shall consent to the following testing once during each year that the member serves in the general assembly:

(1) A drug test to determine the presence of a controlled substance.

(2) A breath test administered randomly to determine the member's alcohol concentration equivalent.

(b) A drug test administered under subsection (a)(1) must be performed by a SAMHSA (as defined in IC 22-10-15-3) certified laboratory.

(c) A breath test administered under subsection (a)(2) must be conducted using a breath test operator, equipment, chemicals, and techniques approved in accordance with IC 9-30-6-5 and rules adopted under IC 9-30-6-5. The breath test must be administered:

(1) after the day in January the general assembly reconvenes under IC 2-2.1-1-2 or IC 2-2.1-1-3; and

(2) before the day the general assembly adjourns sine die under IC 2-2.1-1-2 or IC 2-2.1-1-3.

Sec. 9. The legislative council shall establish and administer the testing program required under section 8 of this chapter.

Sec. 10. (a) Each member of the general assembly shall reimburse the legislative council for the costs of a drug or breath test administered under this chapter.

(b) If a member fails to reimburse the legislative council under this section, the member may be disciplined or assessed a penalty by the member's body under the Constitution of the State of Indiana or the rules adopted by the member's chamber.

Sec. 11. If:

(1) a member refuses to consent to a drug or breath test under section 8(a) of this chapter; or

(2) a finding is made by the member's chamber that the member has:

(A) tested positive on a drug test; or

(B) received an alcohol concentration equivalent result on a breath test that is greater than the alcohol concentration equivalent required for a conviction of operating a vehicle while intoxicated under IC 9-30-5;

the member may be disciplined or assessed a penalty by the member's body under the Constitution of the State of Indiana or the rules adopted by the member's chamber.

Sec. 12. The legislative council's records concerning the results of a drug or breath test under this chapter may not be admitted against a defendant in a criminal proceeding.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 as printed January 25, 2012.)

DVORAK

Upon request of Representatives Dvorak and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 78: yeas 54, nays 41. Motion prevailed.

Representative McMillin withdrew the call of House Bill 1007.

House Bill 1016

Representative Rhoads called down House Bill 1016 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1016–1)

Mr. Speaker: I move that House Bill 1016 be amended to read as follows:

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

"SECTION 1. IC 5-16-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. For purposes of this chapter, a product is considered to be "manufactured in the United States" if the following apply:**

(1) In the case of an iron, steel, or foundry product, all manufacturing takes place in the United States. However, it is not necessary for metallurgical processes involving the refinement of steel additives to take place in the United States.

(2) In the case of a product other than a product described in subdivision (1), both of the following apply:

(A) All the manufacturing processes for the product take place in the United States.

(B) All the manufacturing processes for all components of the product take place in the United States, regardless of the origin of subcomponents of each product component.

SECTION 2. IC 5-16-8-2, AS AMENDED BY P.L.6-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~(a)~~ Each public agency shall require that every contract for the construction, reconstruction, alteration, repair, improvement, or maintenance of public works ~~contain~~ **contains** a provision that, if any steel ~~or~~ **products,** foundry products, **or other products** are to be used or supplied in the performance of the contract or subcontract, only steel ~~or~~ **products,** foundry products, **and other products** made in the United States shall be used or supplied in the performance of the contract or any of the subcontracts. ~~unless the head of the public agency determines, in writing, that the cost of steel or foundry products is considered to be unreasonable.~~

~~(b) The head of each public agency shall issue rules which provide that, for purposes of subsection (a), the bid or offered price of any steel or foundry products of domestic origin is not considered unreasonable if the price does not exceed the sum of:~~

~~(1) the bid or offered price of like steel or foundry products of foreign origin (including any applicable duty); plus~~

~~(2) a differential of fifteen percent (15%) of the bid or offered price of the steel or foundry products of foreign origin.~~

~~However, the fifteen percent (15%) differential provided by subdivision (2) may be increased to twenty-five percent (25%), if the head of the public agency determines that use of steel or foundry products of domestic origin would benefit the local or state economy through improved job security and employment opportunity. Whenever the head of a public agency determines that the differential should be increased above fifteen percent (15%) for a particular project, the head of the agency shall file a report with the governor and the legislative services agency detailing the reasons for such determination and the probable impact on the economy of the use of domestic steel or foundry castings in the project. A report filed under this subsection with the legislative services agency must be in an electronic format under IC 5-14-6.~~

SECTION 3. IC 5-16-8-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. A person may not be considered responsible for purposes of awarding a public works contract by a public agency if a court with jurisdiction or a federal or state agency determines that the person has intentionally done either of the following:**

(1) The person has affixed to a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States;

a label bearing the words "Made in America" or any other words with the same meaning.

(2) The person has represented that a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States;

was manufactured in the United States.

SECTION 4. IC 5-16-8-4, AS AMENDED BY P.L.6-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a) A provision contained in a contract under section 2 of** this chapter does not apply **to a particular product** if the head of the public agency ~~determines, in writing, that steel or foundry products are~~ **makes a written determination that any of the following apply:**

(1) The application of section 2 of this chapter with respect to the product is inconsistent with the public interest.

(2) The product is not produced in the United States in sufficient quantities **or of a satisfactory quality** to meet the requirements of the contract.

(3) Requiring that the product be made in the United States will increase the cost of the overall project by more than twenty-five percent (25%).

(b) If a determination is made under subsection (a), the head of the public agency must do the following before the determination becomes effective:

(1) Publish notice:

(A) in the Indiana Register, if the public agency is a state agency; or

(B) under IC 5-3-1, if the public agency is not a state agency;

giving a detailed explanation of the reasons why

section 2 of this chapter cannot be applied with respect to the particular product. The notice must state that the public will be provided an opportunity to comment on the proposed determination for a period that ends on the fifteenth day after the date the notice is published.

(2) Consider all comments received during the comment period in deciding whether the proposed determination should become effective.

(c) The head of a public agency may modify or withdraw a proposed determination based on comments received under subsection (b).

(d) If the head of a public agency, in consultation with the United States Trade Representative, determines that:

(1) a foreign nation is a party to an agreement with the United States, and under that agreement the head of an agency of the United States has waived the requirements of section 2 of this chapter; and

(2) the foreign nation has violated the terms of the agreement with the United States by discriminating against products:

(A) manufactured in the United States; and

(B) covered by this chapter and the agreement;

the head of the public agency may not make a determination under subsection (a) with respect to a product made in the foreign nation.

SECTION 5. IC 5-22-15-7, AS AMENDED BY P.L.122-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) An offeror may claim one (1) of the following types of preference for which the offeror is eligible:

(1) An Indiana business preference under rules adopted under section 20 of this chapter or IC 4-13.6-6-2.5.

(2) A preference for supplies as provided by sections 16, 18, 19, and 24 of this chapter.

(3) An Indiana small business preference as provided by section 23 of this chapter.

(4) An Indiana farm product preference as provided by section 23.5 of this chapter.

(b) An offeror may not claim more than one (1) preference as provided by sections 16, 18, 19, and 24 of this chapter for a given supply item.

~~(c) This section does not:~~

~~(1) apply to; or~~

~~(2) limit;~~

~~action of the Indiana department of administration under rules adopted under section 21 of this chapter.~~

SECTION 6. IC 5-22-15-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21. (a) This section does not apply to the state lottery commission created by IC 4-30-3-1.~~

~~(b) A governmental body shall adopt rules to promote the purchase of supplies manufactured in the United States.~~

~~(c) Rules adopted under subsection (b) shall provide that supplies manufactured in the United States shall be specified and purchased unless the governmental body determines that any of the following apply:~~

~~(1) The supplies are not manufactured in the United States in reasonably available quantities.~~

~~(2) The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured outside the United States.~~

~~(3) The quality of the supplies is substantially less than the quality of comparably priced available supplies manufactured outside the United States.~~

~~(4) The purchase of supplies manufactured in the United States is not in the public interest.~~

SECTION 7. IC 5-22-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 15.5. Purchasing Supplies Manufactured in the United States

Sec. 1. As used in this chapter, "product" refers to a supply item.

Sec. 2. For purposes of this chapter, a product is considered to be "manufactured in the United States" if the following apply:

(1) In the case of an iron, steel, or foundry product, all manufacturing takes place in the United States. However, it is not necessary for metallurgical processes involving the refinement of steel additives to take place in the United States.

(2) In the case of a product other than a product described in subdivision (1), both of the following apply:

(A) All the manufacturing processes for the product take place in the United States.

(B) All the manufacturing processes for all components of the product take place in the United States, regardless of the origin of subcomponents of each product component.

Sec. 3. (a) A governmental body shall adopt rules to promote the purchase of products manufactured in the United States.

(b) Except as provided in section 4 of this chapter, rules adopted under subsection (a) must provide that products manufactured in the United States shall be specified and purchased.

Sec. 4. (a) Rules adopted under section 3 of this chapter do not apply to a particular product if the purchasing agency determines that any of the following apply:

(1) The application of this section with respect to the product is inconsistent with the public interest.

(2) The product is not produced in the United States in sufficient quantities or of a satisfactory quality to meet the requirements of the purchase.

(3) Requiring that the product be made in the United States will increase the cost of the overall purchase by more than twenty-five percent (25%).

(b) If a determination is made under subsection (a), the purchasing agency must do the following before the determination becomes effective:

(1) Publish notice:

(A) in the Indiana Register, if the purchasing agency is a state agency; or

(B) under IC 5-3-1, if the purchasing agency is not a state agency;

giving a detailed explanation of the reasons why section 3 of this chapter cannot be applied with respect to the particular product. The notice must state that the public will be provided an opportunity to comment on the proposed determination for a period that ends on the fifteenth day after the date the notice is published.

(2) Consider all comments received during the comment period in deciding whether the proposed determination should become effective.

(c) The purchasing agency may modify or withdraw a proposed determination based on comments received under subsection (b).

(d) If the purchasing agency, in consultation with the United States Trade Representative, determines that:

(1) a foreign nation is a party to an agreement with the United States and under that agreement the head of an agency of the United States has waived the requirements of section 3 of this chapter; and

(2) the foreign nation has violated the terms of the

agreement with the United States by discriminating against products:

(A) manufactured in the United States; and

(B) covered by this chapter and the agreement;

the purchasing agency may not make a determination under subsection (a) with respect to a product made in the foreign nation.

Sec. 5. A person may not be considered responsible for purposes of awarding a contract under this article if a court with jurisdiction or a federal or state agency determines that the person has intentionally done either of the following:

(1) The person has affixed to a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States; a label bearing the words "Made in America" or any other words with the same meaning.

(2) The person has represented that a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States; was manufactured in the United States.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1016 as printed January 25, 2012.)

AUSTIN

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

House Bill 1072

Representative Espich called down House Bill 1072 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1072–3)

Mr. Speaker: I move that House Bill 1072 be amended to read as follows:

Page 43, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 40. IC 6-2.5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana.

(b) The person who acquires property in a retail transaction is liable for the tax on the transaction and, except as otherwise provided in this chapter, shall pay the tax to the retail merchant as a separate added amount to the consideration in the transaction. ~~The~~ **A** retail merchant **engaged in business in Indiana (as defined in IC 6-2.5-3-1(c)) or that has permission from the department to collect the tax** shall collect the tax as agent for the state.

SECTION 41. IC 6-2.5-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. For purposes of this chapter:

(a) "Use" means the exercise of any right or power of ownership over tangible personal property.

(b) "Storage" means the keeping or retention of tangible personal property in Indiana for any purpose except the subsequent use of that property solely outside Indiana.

(c) "A retail merchant engaged in business in Indiana" includes any retail merchant who makes retail transactions in which a person acquires personal property or services for use, storage, or consumption in Indiana and who:

(1) maintains an office, place of distribution, sales location, sample location, warehouse, storage place, or other place of business which is located in Indiana and which the retail merchant maintains, occupies, or uses, either permanently or temporarily, either directly or indirectly, and either by the retail merchant or through a representative, agent, ~~or~~ subsidiary, **or affiliate;**

(2) maintains a representative, agent, salesman, canvasser, or solicitor who, while operating in Indiana under the authority of and on behalf of the retail merchant or a subsidiary **or an affiliate** of the retail merchant, sells, delivers, installs, repairs, assembles, sets up, accepts returns of, bills, invoices, or takes orders for sales of tangible personal property or services to be used, stored, or consumed in Indiana;

(3) enters into an arrangement with any person, other than a common carrier, to facilitate the retail merchant's delivery of property to customers in Indiana by allowing the retail merchant's customers to pick up property sold by the retail merchant at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the person in Indiana;

~~(3)~~ **(4)** is otherwise required to register as a retail merchant under IC 6-2.5-8-1; or

~~(4)~~ **(5)** may be required by the state to collect tax under this article to the extent allowed under the Constitution of the United States and federal law.

(d) Notwithstanding any other law, a person may be required to collect and remit gross retail tax or use tax as a retail merchant engaged in business in Indiana under subsection (c) if the activities conducted by the person in Indiana on behalf of a retail merchant are significantly associated with the retail merchant's ability to establish and maintain a market in Indiana.

~~(d)~~ **(e)** Notwithstanding any other provision of this section, tangible or intangible property that is:

(1) owned or leased by a person that has contracted with a commercial printer for printing; and

(2) located at the premises of the commercial printer;

shall not be considered to be, or to create, an office, a place of distribution, a sales location, a sample location, a warehouse, a storage place, or other place of business maintained, occupied, or used in any way by the person. A commercial printer with which a person has contracted for printing shall not be considered to be in any way a representative, an agent, a salesman, a canvasser, or a solicitor for the person.

(f) A retail merchant is presumed to be engaged in business in Indiana if an affiliate of the retail merchant has substantial nexus in Indiana and:

(1) the retail merchant sells a line of products similar to a line of products sold by the affiliate, and the retail merchant does so under a business name that is the same as or is similar to the affiliate's business name;

(2) the affiliate uses its Indiana employees or its Indiana facilities to advertise, promote, or facilitate sales by the retail merchant to customers; or

(3) the affiliate uses trademarks, service marks, or trade names in Indiana that are the same as or substantially similar to those used by the retail merchant.

(g) The presumption under subsection (f) may be rebutted by demonstrating that the affiliate's activities in Indiana are not significantly associated with the retail merchant's ability to establish or maintain a market in Indiana for the retail merchant's sales.

(h) A retail merchant is presumed to be engaged in business in Indiana if the retail merchant enters into an agreement with one (1) or more residents of Indiana under

which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an Internet web site, an in-person oral presentation, or otherwise, to the retail merchant, if the cumulative gross receipts from the sales by the retail merchant to customers in Indiana who are referred to the retail merchant by all residents with this type of an agreement with the retail merchant are greater than ten thousand dollars ($10,000) during the preceding twelve (12) months.

(I) The presumption under subsection (h) may be rebutted by submitting proof that the residents with whom the retail merchant has an agreement did not engage in any activity within Indiana that was significantly associated with the retail merchant's ability to establish or maintain the retail merchant's market in Indiana during the preceding twelve (12) months. This proof may consist of sworn written statements that:

(1) are from all the Indiana residents with whom the retail merchant has an agreement described in subsection (h);

(2) are provided and obtained in good faith; and

(3) state that the Indiana residents did not engage in any solicitation in Indiana on behalf of the retail merchant during the preceding twelve (12) months.

(j) For purposes of this section, "affiliate" means any:

(1) person that is a member of the same controlled group of corporations (as defined in 26 U.S.C. 1563(a)) as the retail merchant; or

(2) other entity that, notwithstanding its form of organization, bears the same ownership relationship to the retail merchant as a corporation that is a member of the same controlled group of corporations (as defined in 26 U.S.C. 1563(a)).

(k) The amendments to this section made by this act in 2012 that concern collecting use tax on remote sales apply on and after the earlier of:

(1) January 1, 2013; or

(2) the first day of the third month that follows the month that the budget agency certifies under IC 6-2.5-3-12 that a requirement for sellers to collect use tax on remote sales has been enacted into law by the United States Congress.

SECTION 42. IC 6-2.5-3-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12. The budget agency shall before the fifteenth day of each month determine whether a requirement for sellers to collect use tax on remote sales has been enacted into law by the United States Congress. If such a law has been enacted, the budget agency shall certify this fact to the budget committee and the department of state revenue before the end of the month.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1072 as printed January 23, 2012.)

CRAWFORD

After discussion, Representative Crawford withdrew the motion to amend.

HOUSE MOTION
(Amendment 1072–2)

Mr. Speaker: I move that House Bill 1072 be amended to read as follows:

Page 43, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 40. IC 6-3-1-3.5, AS AMENDED BY P.L.229-2011, SECTION 83, AS AMENDED BY P.L.171-2011, SECTION 4, AND AS AMENDED BY P.L.172-2011, SECTION 53, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars ($1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars ($1,000).

(4) Subtract one thousand dollars ($1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) ~~*for taxable years beginning after December 31, 2004,*~~ one thousand five hundred dollars ($1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004); and

(B) five hundred dollars ($500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars ($40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

(B) two thousand dollars ($2,000).

(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

~~*(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.*~~

~~(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.~~

~~(12)~~ *(10)* Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

~~(13)~~ *(11)* In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

~~(14)~~ *(12)* In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

~~(15)~~ *(13)* In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

~~(16) For taxable years beginning after December 31, 1999,~~ *(14)* Subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

~~(17)~~ *(15)* Subtract an amount equal to the lesser of:

(A) ~~for a taxable year:~~

~~(i) including any part of 2004, the amount determined under subsection (f); and~~

~~(ii) beginning after December 31, 2004,~~ two thousand five hundred dollars ($2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

~~(18)~~ *(16)* Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

~~(19)~~ *(17)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

~~(20)~~ *(18)* Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

~~(21)~~ *(19)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

~~(22)~~ *(20)* Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

~~(23)~~ *(21)* Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.

~~(24)~~ *(22)* Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.

~~(25)~~ *(23)* Subtract any amount of a credit (including an advance refund of the credit) that is provided to an individual under 26 U.S.C. 6428 (federal Economic Stimulus Act of 2008) and included in the individual's federal adjusted gross income.

~~(26)~~ *(24)* Add any amount of unemployment compensation excluded from federal gross income, as defined in Section 61 of the Internal Revenue Code, under Section 85(c) of the Internal Revenue Code.

~~(27)~~ *(25)* Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal Revenue Code for the discharge of debt on a qualified principal residence.

~~(28)~~ *(26)* Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract the amount necessary from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

~~(29)~~ *(27)* Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

~~(30)~~ *(28)* Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

~~(31)~~ *(29)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

~~(31)~~ *(30)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

~~(33)~~ *(31)* Add or subtract the amount necessary to make

the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

~~(34)~~ *(32)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(33) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

~~(35)~~ *(34) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.*

~~(36)~~ *(35) Add the amount excluded from gross income under Section 408(d)(8) of the Internal Revenue Code for a charitable distribution from an individual retirement plan.*

~~(37)~~ *(36) Add the amount deducted from gross income under Section 222 of the Internal Revenue Code for qualified tuition and related expenses.*

~~(38)~~ *(37) Add the amount deducted from gross income under Section 62(2)(D) of the Internal Revenue Code for certain expenses of elementary and secondary school teachers.*

~~(39)~~ ~~(38)~~ ~~*Add the amount excluded from gross income under Section 127 of the Internal Revenue Code as annual employer provided education expenses.*~~

~~(40)~~ ~~(39)~~ ***(38)*** *Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.*

~~(41)~~ ~~(40)~~ ~~*Add the monthly amount excluded from gross income under Section 132(f)(1)(A) and 132(f)(1)(B) that exceeds one hundred dollars ($100) a month for a qualified transportation fringe.*~~

~~(42)~~ ~~(41)~~ ***(39)*** *Add the amount deducted from gross income under Section 221 of the Internal Revenue Code that exceeds the amount the taxpayer could deduct under Section 221 of the Internal Revenue Code before it was amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312).*

~~(43)~~ ~~(42)~~ ***(40)*** *Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.*

~~(44)~~ ~~(43)~~ ***(41)*** *Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.*

~~(45)~~ ~~(44)~~ ***(42)*** *Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).*

~~(46)~~ ~~(45)~~ ***(43)*** *Add the amount necessary to make the adjusted gross income of any taxpayer for which tax was not imposed on the net recognized built-in gain of an S corporation under Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240) equal to the amount of adjusted gross income that would have been computed before Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240).*

~~(35)~~ **(44)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted

gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

(11) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(12) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(13) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(14) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(18) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(19) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(20) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

(21) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(22) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(23) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

~~*(19)*~~ **(24)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~*(24)*~~ **(25)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is*

acquired by the taxpayer after December 31, 2011.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(11) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(12) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(17) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(18) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(19) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the

property in the year that it was placed into service.

(20) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

(21) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(22) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

~~*(18)*~~ **(23)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~*(23)*~~ **(24)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(11) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(12) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation,

established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(17) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(18) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(19) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(20) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

(21) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(22) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

~~(18)~~ **(23)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~(23)~~ **(24)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(7) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the taxpayer's taxable income under the Internal Revenue Code.

(8) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(9) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(10) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(11) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have

been computed had the special allowance not been claimed for the property.

(12) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(15) Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal Revenue Code for the discharge of debt on a qualified principal residence.

(16) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(17) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(18) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

(19) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(20) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

(21) Add the amount necessary to make the adjusted gross income of any taxpayer for which tax was not imposed on the net recognized built-in gain of an S corporation under Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240) equal to the amount of adjusted gross income that would have been computed before Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

~~(16)~~ **(22)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~(22)~~ **(23)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

~~(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:~~

~~STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.~~

~~STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.~~

~~STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.~~

~~STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars ($2,500).~~

~~STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars ($2,500).~~".

Renumber all SECTIONS consecutively.

(Reference is to HB 1072 as printed January 23, 2012.)

WELCH

Motion prevailed.

HOUSE MOTION
(Amendment 1072–1)

Mr. Speaker: I move that House Bill 1072 be amended to read as follows:

Page 128, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 94. IC 6-9-25-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. (a) This section applies to revenues from the county food and beverage tax received by the county before July 1, 1994.~~

~~(b) Money in the fund established under section 8 of this chapter shall be used by the county in the following order:~~

~~(1) To pay debt service on bonds issued under IC 36-2-6-18 through IC 36-2-6-20, including up to two (2) years interest, to finance:~~

~~(A) the acquisition, construction, or equipping of a basketball hall of fame;~~

~~(B) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition, construction, or equipping of a basketball hall of fame or the issuance of bonds; and~~

~~(C) the establishment or maintenance of a debt service reserve fund for the bonds or any other reasonable or necessary reserve funds to operate, repair, maintain, or improve a basketball hall of fame.~~

~~(2) To redeem or prepay bonds after meeting all requirements of any bond ordinance.~~

~~(3) To reimburse the county or any nonprofit corporation for any money advanced for purposes of this chapter.~~

~~(e) Money held in the fund established under section 8 of this chapter shall be held until distribution under subsection (b).~~

~~(d) The county auditor shall make a semiannual distribution, at the time property tax revenue is distributed, to the paying agent for any bonds described in subsection (b)(1). Each semiannual distribution must be equal to principal and interest obligations on the bonds on the next interest payment date. Money received by a paying agent under this subsection shall be deposited in a special fund to be used to service the bonds.~~

SECTION 95. IC 6-9-25-9.5, AS AMENDED BY P.L.158-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9.5. (a) This section applies to revenues from the county food and beverage tax received by the county after June 30, 1994.

(b) Money in the fund established under section 8 of this chapter shall be used by the county for the financing, construction, renovation, improvement, equipping, or maintenance of the following capital improvements:

(1) Sanitary sewers or wastewater treatment facilities that serve economic development purposes.

(2) Drainage or flood control facilities that serve economic development purposes.

(3) Road improvements ~~used on an access road for an industrial park that serve economic development purposes.~~ **to foster economic development and tourism in the county.**

(4) A covered horse show arena.

(5) A historic birthplace memorial.

(6) A historic gymnasium and community center in a town in the county with a population greater than two thousand (2,000) but less than two thousand ~~four~~ **three** hundred ~~(2,400).~~ **(2,300).**

(7) Main street renovation and picnic and park areas in a town in the county with a population greater than two thousand (2,000) but less than two thousand ~~four~~ **three** hundred ~~(2,400).~~ **(2,300).**

(8) A community park and cultural center.

(9) Projects for which the county decides after July 1, 1994, to:

(A) expend money in the fund established under section 8 of this chapter; or

(B) issue bonds or other obligations or enter into leases under section 11.5 of this chapter;

after the projects described in subdivisions (1) through (8) have been funded.

(10) An ambulance.

Money in the fund may not be used for the operating costs of any of the permissible projects listed in this section. ~~In addition, the county may not issue bonds or enter into leases or other obligations under this chapter after December 31, 2015.~~

(c) The county capital improvements committee is established to make recommendations to the county fiscal body concerning the use of money in the fund established under section 8 of this chapter. The capital improvements committee consists of the following members:

(1) One (1) resident of the county representing each of the three (3) commissioner districts, appointed by the county executive. Not more than two (2) of the members appointed under this subdivision may be from the same political party.

(2) Two (2) residents of the county, appointed by the county fiscal body. The two (2) appointees may not be from the same political party. One (1) appointee under this subdivision must be a resident of a town in the county with a population greater than two thousand (2,000) but less than two thousand ~~four~~ **three** hundred ~~(2,400).~~ **(2,300).** One (1) appointee under this subdivision must be a resident of a town in the county with a population greater than two thousand ~~four~~ **three** hundred ~~(2,400).~~ **(2,300).**

(3) Two (2) residents of the largest city in the county, appointed by the municipal executive. The two (2) appointees under this subdivision may not be from the same political party. One (1) appointee must be interested in economic development.

(4) Two (2) residents of the largest city in the county, appointed by the municipal fiscal body. The two (2) appointees under this subdivision may not be from the same political party. One (1) appointee must be interested in tourism.

(d) Except as provided in subsection (e), the term of a member appointed to the capital improvements committee under subsection (c) is four (4) years.

(e) The initial terms of office for the members appointed to the county capital improvements committee under subsection (c) are as follows:

(1) Of the members appointed under subsection (c)(1), one (1) member shall be appointed for a term of two (2) years, one (1) member shall be appointed for three (3) years, and one (1) member shall be appointed for four (4) years.

(2) Of the members appointed under subsection (c)(2), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.

(3) Of the members appointed under subsection (c)(3), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.

(4) Of the members appointed under subsection (c)(4), one (1) member shall be appointed for three (3) years and one (1) member shall be appointed for four (4) years.

(f) At the expiration of a term under subsection (e), the member whose term expired may be reappointed to the county capital improvements committee to fill the vacancy caused by the expiration.

(g) The capital improvements committee ~~is abolished on January 1, 2016.~~ **shall:**

(1) meet at least once each year; and

(2) submit an annual report to the county fiscal body concerning the progress of any project funded by money in the fund.

SECTION 96. IC 6-9-25-10.5, AS AMENDED BY P.L.158-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.5. (a) The county food and beverage tax council is established in the county. The membership of the county food and beverage tax council consists of the fiscal body of the county and the fiscal body of each municipality that lies either partly or entirely within the county.

(b) The county food and beverage tax council has a total of one hundred (100) votes. Every member of the county food and beverage tax council is allocated a percentage of the total one hundred (100) votes that may be cast. The percentage that a municipality in the county is allocated for a year equals the same percentage that the population of the municipality bears to the population of the county. The percentage that the county is allocated for a year equals the same percentage that the population of all areas of the county not located in a municipality bears to the population of the county. In the case of a municipality that lies partly within the county, the allocation shall be based on the population of that portion of the

municipality that lies within the county.

(c) Before January 2 of each year, the county auditor shall certify to each member of the food and beverage tax council the number of votes, rounded to the nearest one-hundredth (0.01), the member has for that year.

(d) The food and beverage tax imposed under this chapter remains in effect until the county food and beverage tax council adopts an ordinance to rescind the tax.

(e) An ordinance to rescind the food and beverage tax takes effect December 31 of the year in which the ordinance is adopted.

(f) The county food and beverage tax council may not rescind the food and beverage tax if there are bonds outstanding or leases or other obligations payable under this chapter.

~~(g) The county food and beverage tax council is abolished on January 1, 2016.~~

SECTION 97. IC 6-9-25-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The county may issue its bonds to:

(1) pay any costs associated with a basketball hall of fame; ~~as set forth in section 9(b)(1) of this chapter;~~

(2) reimburse the county or any nonprofit corporation for any money advanced to pay those costs; or

(3) refund bonds issued under this section.

(b) Bonds issued under this section:

(1) are payable solely from money provided under this chapter;

(2) must be issued in the manner prescribed by IC 36-2-6-18 through IC 36-2-6-20; and

(3) may, in the discretion of the county, be sold at negotiated sale at a price to be determined by the county or in accordance with IC 5-1-11 and IC 5-3-1.

(c) Proceeds of the tax established under this chapter may be pledged:

(1) to pay debt service on bonds issued under this chapter;

(2) for the payment of lease rentals or other obligations entered into under this chapter; or

(3) for any purposes set forth in section ~~9(b)(1) or~~ 9.5 of this chapter.

A pledge is enforceable as set forth in IC 5-1-14-4.

(d) The county may lease the basketball hall of fame facility to a nonprofit corporation for a term not to exceed twenty-five (25) years. The lease may contain any terms acceptable to the county council and must be approved by ordinance of the county council.

SECTION 98. IC 6-9-25-11.5, AS AMENDED BY P.L.158-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11.5. (a) ~~Until January 1, 2016,~~ The county may:

(1) use money in the fund established under section 8 of this chapter to pay all or part of the costs associated with the facilities described in section 9.5 of this chapter;

(2) issue bonds, enter into leases, or incur other obligations to pay any costs associated with the facilities described in section 9.5 of this chapter;

(3) reimburse the county or any nonprofit corporation for any money advanced to pay those costs; ~~or~~

(4) refund bonds issued or other obligations incurred under this chapter; **or**

(5) do either of the following:

(A) Use money in the fund established under section 8 of this chapter to pay all or part of the costs associated with the construction of a facility that enhances educational opportunities, economic development, or tourism in the county.

(B) Issue bonds, enter into leases, or incur other obligations to pay any costs associated with the construction of a facility described in clause (A).

(b) Bonds or other obligations issued under this section:

(1) are payable from money provided in this chapter, any other revenues available to the county, or any combination of these sources, in accordance with a pledge made under IC 5-1-14-4;

(2) must be issued in the manner prescribed by IC 36-2-6-18 through IC 36-2-6-20;

(3) may, in the discretion of the county, be sold at a negotiated sale at a price to be determined by the county or in accordance with IC 5-1-11 and IC 5-3-1; and

(4) may be issued for a term not to exceed twenty (20) years, such term to include any refunding bonds issued to refund bonds originally issued under this section.

(c) Leases entered into under this section:

(1) may be for a term not to exceed fifty (50) years;

(2) may provide for payments from revenues under this chapter, any other revenues available to the county, or any combination of these sources;

(3) may provide that payments by the county to the lessor are required only to the extent and only for the time that the lessor is able to provide the leased facilities in accordance with the lease;

(4) must be based upon the value of the facilities leased; and

(5) may not create a debt of the county for purposes of the Constitution of the State of Indiana.

(d) A lease may be entered into by the county executive only after a public hearing at which all interested parties are provided the opportunity to be heard. After the public hearing, the executive may approve the execution of the lease on behalf of the county only if the executive finds that the service to be provided throughout the life of the lease will serve the public purpose of the county and is in the best interests of its residents. A lease approved by the executive must also be approved by an ordinance of the county fiscal body.

(e) Upon execution of a lease under this section, and after approval of the lease by the county fiscal body, the county executive shall publish notice of the execution of the lease and the approval of the lease in accordance with IC 5-3-1.

(f) An action to contest the validity of bonds issued or leases entered into under this section must be brought within thirty (30) days after the adoption of a bond ordinance or notice of the execution and approval of the lease, as the case may be.

SECTION 99. IC 6-9-25-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. Notwithstanding any other law, funds accumulated from the collection of the food and beverage tax imposed under section 3 of this chapter after redemption of the bonds issued under this chapter and accrued before July 1, 1994, may be set aside in an operation and maintenance fund for a basketball hall of fame financed under ~~section 9 of~~ this chapter. Money in the fund may be used by a nonprofit corporation that has leased the basketball hall of fame facility for the operation, repair, maintenance, or improvement of the basketball hall of fame.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1072 as printed January 23, 2012.)

SAUNDERS

Motion prevailed. The bill was ordered engrossed.

House Bill 1102

Representative Davis called down House Bill 1102 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1132

Representative McNamara called down House Bill 1132 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1132–1)

Mr. Speaker: I move that House Bill 1132 be amended to read as follows:

Page 16, line 32, after "than" insert ":

(A) the comparable election date in May or November in the immediately following year whenever the vote on the previous public question was held on a May or November election date; or

(B)".

Page 16, line 32, delete "." and insert "**whenever the vote on the previous public question was held at a special election.**".

Page 19, after line 5, begin a new paragraph and insert:

"SECTION 7. IC 20-46-1-19, AS AMENDED BY P.L.146-2008, SECTION 503, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. If a majority of the persons who voted in the referendum did not vote "yes" on the referendum question:

(1) the school corporation may not make any levy for its referendum tax levy fund; and

(2) another referendum under this section may not be held ~~for~~ **earlier than:**

(A) the comparable election date in May or November in the immediately following year whenever the previous referendum was held on a May or November election date; or

(B) one (1) year after the date of the referendum **whenever the previous referendum was held at a special election.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1132 as printed January 25, 2012.)

MESSMER

Motion prevailed. The bill was ordered engrossed.

House Bill 1149

Representative Turner called down House Bill 1149 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1149–10)

Mr. Speaker: I move that House Bill 1149 be amended to read as follows:

Page 2, line 25, delete "smoking is allowed" and insert "**an establishment may allow smoking**".

Page 2, between lines 35 and 36, begin a new line block indented and insert:

"**(3) The gaming area of a facility that operates under a gambling game license issued under IC 4-35-5.**".

Page 2, line 36, delete "(3)" and insert "**(4)**".

Page 2, line 38, delete "(4)" and insert "**(5)**".

Page 3, line 16, delete "(5)" and insert "**(6)**".

Page 3, line 27, delete "That" and insert "**The business,**".

Page 3, line 32, delete "(6)" and insert "**(7)**".

Page 3, line 39, after "tobacco" insert "**products**".

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"**(d) An establishment that is listed under subsection (a) and that allows smoking shall provide a verified statement to the commission that states that the establishment qualifies for the exemption. The commission may require an establishment to provide documentation or additional information concerning the establishment's exemption.**".

Page 4, line 22, delete "and".

Page 4, line 24, after "IC 10-19-7-1;" insert "**and**".

Page 4, between lines 24 and 25, begin a new line block indented and insert:

"**(5) a law enforcement officer;**".

Page 4, line 27, after "department," insert "**a health and hospital corporation,**".

(Reference is to HB 1149 as printed January 13, 2012.)

TURNER

Motion prevailed.

HOUSE MOTION
(Amendment 1149–5)

Mr. Speaker: I move that House Bill 1149 be amended to read as follows:

Page 2, delete lines 26 through 37, begin a new line block indented and insert:

"**(1) A horse racing facility operated under a permit under IC 4-31-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.**

(2) A riverboat (as defined in IC 4-33-2-17) and any other permanent structure that is:

(A) owned or leased by the owner of the riverboat; and

(B) located on land that is adjacent to:

(I) the dock to which the riverboat is moored; or

(ii) the land on which the riverboat is situated in the case of a riverboat described in IC 4-33-2-17(2).

(3) A facility that operates under a gambling game license under IC 4-35-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(4) A satellite facility licensed under IC 4-31-5.5.".

Page 2, line 38, delete "(4)" and insert "**(5)**".

Page 3, line 16, delete "(5)" and insert "**(6)**".

Page 3, line 32, delete "(6)" and insert "**(7)**".

(Reference is to HB 1149 as printed January 13, 2012.)

TURNER

Motion prevailed.

HOUSE MOTION
(Amendment 1149–14)

Mr. Speaker: I move that House Bill 1149 be amended to read as follows:

Page 4, between lines 4 and 5, begin a new line block indented and insert:

"**(7) A bar or tavern:**

(A) for which a permittee holds:

(I) a beer retailer's permit under IC 7.1-3-4;

(ii) a liquor retailer's permit under IC 7.1-3-9; or

(iii) a wine retailer's permit under IC 7.1-3-14;

(B) that does not employ an individual who is less than eighteen (18) years of age;

(C) that does not allow an individual who:

(I) is less than twenty-one (21) years of age; and

(ii) is not an employee of the bar or tavern;

to enter any area of the bar or tavern;

(D) that is not located in a business that would otherwise be subject to this chapter; and

(E) that was in business and permitted smoking on February 3, 2012.

This subdivision expires September 15, 2013.".

(Reference is to HB 1149 as printed January 13, 2012.)

TURNER

Motion prevailed.

HOUSE MOTION
(Amendment 1149–2)

Mr. Speaker: I move that House Bill 1149 be amended to read as follows:

Page 4, between lines 4 and 5, begin a new line block indented and insert:

"**(7) A cigar manufacturing facility that does not offer**

retail sales.".

(Reference is to HB 1149 as printed January 13, 2012.)

VanNATTER

Motion prevailed. The bill was ordered engrossed.

House Bill 1163

Representative Torr called down House Bill 1163 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1163–1)

Mr. Speaker: I move that House Bill 1163 be amended to read as follows:

I move that House Bill 1163 be amended to read as follows:

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

"SECTION 9. IC 5-16-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. For purposes of this chapter, a product is considered to be "manufactured in the United States" if the following apply:**

(1) In the case of an iron, steel, or foundry product, all manufacturing takes place in the United States. However, it is not necessary for metallurgical processes involving the refinement of steel additives to take place in the United States.

(2) In the case of a product other than a product described in subdivision (1), both of the following apply:

(A) All the manufacturing processes for the product take place in the United States.

(B) All the manufacturing processes for all components of the product take place in the United States, regardless of the origin of subcomponents of each product component.

SECTION 10. IC 5-16-8-2, AS AMENDED BY P.L.6-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~(a)~~ Each public agency shall require that every contract for the construction, reconstruction, alteration, repair, improvement, or maintenance of public works ~~contain~~ **contains** a provision that, if any steel ~~or~~ **products,** foundry products, **or other products** are to be used or supplied in the performance of the contract or subcontract, only steel ~~or~~ **products,** foundry products, **and other products** made in the United States shall be used or supplied in the performance of the contract or any of the subcontracts. ~~unless the head of the public agency determines, in writing, that the cost of steel or foundry products is considered to be unreasonable.~~

~~(b) The head of each public agency shall issue rules which provide that, for purposes of subsection (a), the bid or offered price of any steel or foundry products of domestic origin is not considered unreasonable if the price does not exceed the sum of:~~

~~(1) the bid or offered price of like steel or foundry products of foreign origin (including any applicable duty); plus~~

~~(2) a differential of fifteen percent (15%) of the bid or offered price of the steel or foundry products of foreign origin.~~

~~However, the fifteen percent (15%) differential provided by subdivision (2) may be increased to twenty-five percent (25%), if the head of the public agency determines that use of steel or foundry products of domestic origin would benefit the local or state economy through improved job security and employment opportunity. Whenever the head of a public agency determines that the differential should be increased above fifteen percent (15%) for a particular project, the head of the agency shall file a report with the governor and the legislative services agency detailing the reasons for such determination and the probable impact on the economy of the use of domestic steel or foundry castings in the project. A report filed under this subsection with the legislative services agency must be in an electronic format under IC 5-14-6.~~

SECTION 11. IC 5-16-8-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. A person may not be considered responsible for purposes of awarding a public works contract by a public agency if a court with jurisdiction or a federal or state agency determines that the person has intentionally done either of the following:**

(1) The person has affixed to a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States;

a label bearing the words "Made in America" or any other words with the same meaning.

(2) The person has represented that a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States;

was manufactured in the United States.

SECTION 12. IC 5-16-8-4, AS AMENDED BY P.L.6-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a) A provision contained in a contract under section 2 of** this chapter does not apply **to a particular product** if the head of the public agency ~~determines, in writing, that steel or foundry products are~~ **makes a written determination that any of the following apply:**

(1) The application of section 2 of this chapter with respect to the product is inconsistent with the public interest.

(2) The product is not produced in the United States in sufficient quantities **or of a satisfactory quality** to meet the requirements of the contract.

(3) Requiring that the product be made in the United States will increase the cost of the overall project by more than twenty-five percent (25%).

(b) If a determination is made under subsection (a), the head of the public agency must do the following before the determination becomes effective:

(1) Publish notice:

(A) in the Indiana Register, if the public agency is a state agency; or

(B) under IC 5-3-1, if the public agency is not a state agency;

giving a detailed explanation of the reasons why section 2 of this chapter cannot be applied with respect to the particular product. The notice must state that the public will be provided an opportunity to comment on the proposed determination for a period that ends on the fifteenth day after the date the notice is published.

(2) Consider all comments received during the comment period in deciding whether the proposed determination should become effective.

(c) The head of a public agency may modify or withdraw a proposed determination based on comments received under subsection (b).

(d) If the head of a public agency, in consultation with the United States Trade Representative, determines that:

(1) a foreign nation is a party to an agreement with the United States, and under that agreement the head of an agency of the United States has waived the requirements of section 2 of this chapter; and

(2) the foreign nation has violated the terms of the agreement with the United States by discriminating against products:

(A) manufactured in the United States; and

(B) covered by this chapter and the agreement;

the head of the public agency may not make a determination under subsection (a) with respect to a product made in the foreign nation.

SECTION 13. IC 5-22-15-7, AS AMENDED BY P.L.122-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) An offeror may claim one (1) of the following types of preference for which the offeror is eligible:

(1) An Indiana business preference under rules adopted under section 20 of this chapter or IC 4-13.6-6-2.5.

(2) A preference for supplies as provided by sections 16, 18, 19, and 24 of this chapter.

(3) An Indiana small business preference as provided by section 23 of this chapter.

(4) An Indiana farm product preference as provided by section 23.5 of this chapter.

(b) An offeror may not claim more than one (1) preference as provided by sections 16, 18, 19, and 24 of this chapter for a given supply item.

~~(c) This section does not:~~

~~(1) apply to; or~~

~~(2) limit;~~

~~action of the Indiana department of administration under rules adopted under section 21 of this chapter.~~

SECTION 14. IC 5-22-15-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21. (a) This section does not apply to the state lottery commission created by IC 4-30-3-1.~~

~~(b) A governmental body shall adopt rules to promote the purchase of supplies manufactured in the United States.~~

~~(c) Rules adopted under subsection (b) shall provide that supplies manufactured in the United States shall be specified and purchased unless the governmental body determines that any of the following apply:~~

~~(1) The supplies are not manufactured in the United States in reasonably available quantities.~~

~~(2) The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured outside the United States.~~

~~(3) The quality of the supplies is substantially less than the quality of comparably priced available supplies manufactured outside the United States.~~

~~(4) The purchase of supplies manufactured in the United States is not in the public interest.~~

SECTION 15. IC 5-22-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 15.5. Purchasing Supplies Manufactured in the United States

Sec. 1. As used in this chapter, "product" refers to a supply item.

Sec. 2. For purposes of this chapter, a product is considered to be "manufactured in the United States" if the following apply:

(1) In the case of an iron, steel, or foundry product, all manufacturing takes place in the United States. However, it is not necessary for metallurgical processes involving the refinement of steel additives to take place in the United States.

(2) In the case of a product other than a product described in subdivision (1), both of the following apply:

(A) All the manufacturing processes for the product take place in the United States.

(B) All the manufacturing processes for all components of the product take place in the United States, regardless of the origin of subcomponents of each product component.

Sec. 3. (a) A governmental body shall adopt rules to promote the purchase of products manufactured in the United States.

(b) Except as provided in section 4 of this chapter, rules adopted under subsection (a) must provide that products manufactured in the United States shall be specified and purchased.

Sec. 4. (a) Rules adopted under section 3 of this chapter do not apply to a particular product if the purchasing agency determines that any of the following apply:

(1) The application of this section with respect to the product is inconsistent with the public interest.

(2) The product is not produced in the United States in sufficient quantities or of a satisfactory quality to meet the requirements of the purchase.

(3) Requiring that the product be made in the United States will increase the cost of the overall purchase by more than twenty-five percent (25%).

(b) If a determination is made under subsection (a), the purchasing agency must do the following before the determination becomes effective:

(1) Publish notice:

(A) in the Indiana Register, if the purchasing agency is a state agency; or

(B) under IC 5-3-1, if the purchasing agency is not a state agency;

giving a detailed explanation of the reasons why section 3 of this chapter cannot be applied with respect to the particular product. The notice must state that the public will be provided an opportunity to comment on the proposed determination for a period that ends on the fifteenth day after the date the notice is published.

(2) Consider all comments received during the comment period in deciding whether the proposed determination should become effective.

(c) The purchasing agency may modify or withdraw a proposed determination based on comments received under subsection (b).

(d) If the purchasing agency, in consultation with the United States Trade Representative, determines that:

(1) a foreign nation is a party to an agreement with the United States and under that agreement the head of an agency of the United States has waived the requirements of section 3 of this chapter; and

(2) the foreign nation has violated the terms of the agreement with the United States by discriminating against products:

(A) manufactured in the United States; and

(B) covered by this chapter and the agreement;

the purchasing agency may not make a determination under subsection (a) with respect to a product made in the foreign nation.

Sec. 5. A person may not be considered responsible for purposes of awarding a contract under this article if a court with jurisdiction or a federal or state agency determines that the person has intentionally done either of the following:

(1) The person has affixed to a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States; a label bearing the words "Made in America" or any other words with the same meaning.

(2) The person has represented that a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States; was manufactured in the United States.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1163 as printed January 25, 2012.)

AUSTIN

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Austin's proposed amendment (1163–1) violates House Rule 80.

Rule 80 provides members the right to amend a bill on subjects germane to the subject of the bill under consideration. Amendment 1 is germane to House Bill 1163 because the bill and the amendment both concern eligibility requirements for public works contracts.

AUSTIN
BAUER

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 79: yeas 57, nays 35. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments, the bill was ordered engrossed.

House Bill 1169

Representative Koch called down House Bill 1169 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1169–1)

Mr. Speaker: I move that House Bill 1169 be amended to read as follows:

Page 1, after line 12, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committee" refers to the legislative study committee created under subsection (b).**

(b) The legislative study committee on disproportionality in education (the overrepresentation or underrepresentation of a particular student population group in a particular educational program or system) is established to study the following topics:

(1) Whether certain types of disciplinary actions, including suspension and expulsion, are taken against particular student populations in a disproportional manner.

(2) Whether particular student populations are underrepresented in certain academic programs, including high ability programs.

(3) Potential types of corrective actions for disproportionality, including monitoring, reporting, and best practices.

(4) The feasibility of establishing an office of educational equity within the department of education.

(c) The members of the committee are the chairpersons and ranking minority members of the House Education Committee and the Senate Education and Career Development Committee.

(d) The committee shall collaborate with the Indiana civil rights commission in carrying out the committee's work.

(e) Except as set forth in this SECTION, the legislative council rules governing interim study committees apply to the committee.

(f) This SECTION expires November 1, 2012.

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

Renumber all SECTIONS consecutively.

(Reference is to HB 1169 as printed January 25, 2012.)

PORTER

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

House Bill 1192

Representative Cherry called down House Bill 1192 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1199

Representative Turner called down House Bill 1199 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1199–1)

Mr. Speaker: I move that House Bill 1199 be amended to read as follows:

Page 5, after line 32, begin a new paragraph and insert:

"SECTION 16. IC 12-15-44.2-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 23. (a) If the plan is not renewed to be operated as a Medicaid waiver after 2012, the office shall continue to operate the program as a state program.**

(b) Funding for the plan under subsection (a) must be paid for using the following funds:

(1) Disproportionate share hospital dollars.

(2) The Indiana check-up plan trust fund under section 17 of this chapter.

(c) The office may terminate operating the plan under this section if the office determines that less than two (2) months of funding remains to pay subsequent claims. However, any claims incurred under the plan shall be paid.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1199 as printed January 25, 2012.)

CRAWFORD

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

Representative Pierce was excused.

House Bill 1205

Representative Behning called down House Bill 1205 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1205–18)

Mr. Speaker: I move that House Bill 1205 be amended to

read as follows:

Page 1, line 11, after "heard." insert "**The governing body is not required to disclose the identity of the candidate for superintendent at the public meeting.**".

(Reference is to HB 1205 as printed January 11, 2012.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 1205–19)

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

Page 1, line 3, delete "(a) On or before the earlier of:" and insert "**(a) At least seven (7) days before a contract for employment is entered into by a governing body and a school superintendent,**".

Page 1, delete lines 4 through 9.

(Reference is to HB 1205 as printed January 11, 2012.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 1205–22)

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

Page 2, delete lines 21 through 38.

Renumber all SECTIONS consecutively.

(Reference is to HB 1205 as printed January 11, 2012.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 1205–16)

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

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

"SECTION 1. IC 20-24-9-6, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a)** The organizer of a charter school shall publish an annual performance report that provides the information required under IC 20-20-8-8 in the same manner that a school corporation publishes an annual report under IC 20-20-8.

(b) In addition to the information required under IC 20-20-8-8, the organizer shall publish the salary of each superintendent, principal, or equivalent authority employed by the organizer for a charter school in the charter school's annual performance report required under subsection (a).".

Page 3, after line 2, begin a new paragraph and insert:

"SECTION 5. IC 20-51-1-4.7, AS ADDED BY P.L.92-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.7. "Eligible school" refers to a public or nonpublic elementary school or high school that:

(1) is located in Indiana;

(2) requires an eligible individual to pay tuition or transfer tuition to attend;

(3) voluntarily agrees to enroll an eligible individual;

(4) is accredited by either the state board or a national or regional accreditation agency that is recognized by the state board;

(5) administers the Indiana statewide testing for educational progress (ISTEP) program under IC 20-32-5;

(6) is not a charter school or the school corporation in which an eligible individual has legal settlement under IC 20-26-11; ~~and~~

(7) submits to the department data required for a category designation under IC 20-31-8-3; **and**

(8) posts the salary of a superintendent, principal, or equivalent authority of the school on the school's Internet web site.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1205 as printed January 11, 2012.)

KERSEY

Upon request of Representatives Kersey and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 80: yeas 36, nays 56. Motion failed.

HOUSE MOTION
(Amendment 1205–10)

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

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

"SECTION 1. IC 20-24-9-6, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a)** The organizer of a charter school shall publish an annual performance report that provides the information required under IC 20-20-8-8 in the same manner that a school corporation publishes an annual report under IC 20-20-8.

(b) In addition to the information required under IC 20-20-8-8, the organizer shall publish the salary of each superintendent, principal or equivalent authority, and employee employed by the organizer for a charter school in the charter school's annual performance report required under subsection (a).".

Renumber all SECTIONS consecutively.

(Reference is to HB 1205 as printed January 11, 2012.)

DeLANEY

Upon request of Representatives Mahan and McMillin, the Speaker ordered the roll of the House to be called. Roll Call 81: yeas 92, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 1205–21)

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

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

"SECTION 1. IC 20-24-9-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7. The organizer of a charter school shall publish the following information on the school's Internet web site:**

(1) All meeting notices required under IC 5-14-1.5.

(2) A copy of any meeting minutes required under IC 5-14-1.5.

(3) The names of the members of the charter school's governing body.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1205 as printed January 11, 2012.)

CRAWFORD

Upon request of Representatives Mahan and McMillin, the Speaker ordered the roll of the House to be called. Roll Call 82: yeas 92, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 1205–17)

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

Page 2, delete lines 21 through 38.

Renumber all SECTIONS consecutively.

(Reference is to HB 1205 as printed January 11, 2012.)

V. SMITH

After discussion, Representative V. Smith withdrew the

motion to amend.

There being no further amendments, the bill was ordered engrossed.

House Bill 1225

Representative Lehman called down House Bill 1225 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1225–1)

Mr. Speaker: I move that House Bill 1225 be amended to read as follows:

Page 17, delete lines 22 through 42.

Delete page 18.

(Reference is to HB 1225 as printed January 25, 2012.)

LEHMAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1237

Representative VanNatter called down House Bill 1237 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1237–1)

Mr. Speaker: I move that House Bill 1237 be amended to read as follows:

Page 1, line 17, delete "in whose name a" and insert "**who is a policyholder or an insured under a:**

(A)".

Page 1, line 17, after "line" insert "**policy**".

Page 2, line 1, delete "is issued or who is insured under the" and insert "**; or**

(B) commercial line farm insurance policy that insures residential property; and".

Page 2, delete line 2.

Page 3, line 12, reset in roman "an".

Page 3, line 12, delete "a personal line property and casualty".

Page 3, line 31, after "(a)(8), the" insert "**consumer or**".

Page 3, line 32, after "the" insert "**consumer's or**".

Page 3, line 35, after "The" insert "**consumer or**".

Page 3, line 36, after "before the" insert "**consumer or**".

Page 3, line 37, reset in roman "a".

Page 3, line 37, after "a" insert "**consumer or**".

Page 4, line 1, after "contract" insert "**with an insured consumer**".

Page 4, between lines 37 and 38, begin a new line block indented and insert:

"**(7) This subdivision applies to a home improvement contract that is entered into as a result of damage, loss, or expense that is or may be covered, in whole or in part, by the proceeds of a personal line property and casualty insurance policy or a commercial line farm insurance policy that insures residential property. However, this subdivision does not apply to a consumer and a home improvement supplier that have a prior business relationship. After June 30, 2012, a home improvement supplier may not enter into a home improvement contract to which this subdivision applies unless one (1) or more of the following apply:**

(A) The home improvement supplier resides, is domiciled, or is authorized to do business in Indiana.

(B) The home improvement supplier maintains in Indiana one (1) or more fixed physical locations from which the home improvement supplier engages in or solicits home improvement contracts.

(C) The home improvement supplier has appointed a resident agent in Indiana for service of legal process.".

(Reference is to HB 1237 as printed January 25, 2012.)

LEHMAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1238

Representative Burton called down House Bill 1238 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1238–2)

Mr. Speaker: I move that House Bill 1238 be amended to read as follows:

Page 11, line 7, delete "conclusive" and insert "**prima facie**".

(Reference is to HB 1238 as printed January 23, 2012.)

BURTON

Motion prevailed. The bill was ordered engrossed.

House Bill 1280

Representative Koch called down House Bill 1280 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1280–2)

Mr. Speaker: I move that House Bill 1280 be amended to read as follows:

Page 7, line 27, delete "2011." and insert "**2012.**".

Page 10, line 7, after "the" insert "**following:**

(1) The".

Page 10, between lines 9 and 10, begin a new line block indented and insert:

"**(2) An individual who is hired by an agency as a full-time administrative law judge or other hearing officer before April 1, 2012, and is continuously employed by the agency as a full-time administrative law judge or other hearing officer after March 31, 2012.**".

Page 11, line 20, after "(b)" insert "**This subsection does not apply to an individual who is hired by an agency as a full-time administrative law judge before April 1, 2012, and is continuously employed by the agency as a full-time administrative law judge after March 31, 2012.**".

Page 12, delete lines 14 through 34.

Renumber all SECTIONS consecutively.

(Reference is to HB 1280 as printed January 23, 2012.)

M. SMITH

Motion prevailed.

HOUSE MOTION
(Amendment 1280–1)

Mr. Speaker: I move that House Bill 1280 be amended to read as follows:

Page 7, line 27, delete "2011." and insert "**2012.**".

Page 8, line 29, delete "investigation" and insert "**inspection**".

(Reference is to HB 1280 as printed January 23, 2012.)

KOCH

Motion prevailed.

HOUSE MOTION
(Amendment 1280–4)

Mr. Speaker: I move that House Bill 1280 be amended to read as follows:

Page 4, line 22, delete "(commonly".

Page 4, line 23, delete "referred to as lean six sigma)".

Page 4, line 24, after "speed" delete "," and insert "**and**".

Page 4, line 24, delete "waste, and incorporate requirements" and insert "**waste**".

Page 4, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 7. IC 4-3-22-6, AS ADDED BY P.L.246-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The division of government efficiency and financial planning is established within the OMB. The director shall appoint, subject to the approval of the governor, a director of the division, who serves at the pleasure of the director of OMB.

(b) The division shall ~~conduct operational and procedural audits of state government, perform financial planning, design and implement efficiency projects, and carry out such other responsibilities as may be designated by the director.~~ **advise and assist:**

(1) each instrumentality, agency, authority, board, commission, and officer in the executive department of state government; and

(2) each body corporate and politic established as an instrumentality of the state;

to identify and implement continuous process improvement in state government.".

Page 5, delete lines 1 through 18.

Renumber all SECTIONS consecutively.

(Reference is to HB 1280 as printed January 23, 2012.)

KOCH

Motion prevailed.

HOUSE MOTION
(Amendment 1280–5)

Mr. Speaker: I move that House Bill 1280 be amended to read as follows:

Page 11, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 15. IC 4-21.5-3-1, AS AMENDED BY P.L.32-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section applies to:

(1) the giving of any notice;

(2) the service of any motion, ruling, order, or other filed item; or

(3) the filing of any document with the ultimate authority;

in an administrative proceeding under this article.

(b) Except as provided in subsection (c) or as otherwise provided by law, a person shall serve papers by:

(1) United States mail;

(2) personal service;

(3) electronic mail; or

(4) any other method approved by the Indiana Rules of Trial Procedure.

(c) The following shall be served by United States mail or personal service:

(1) The initial notice of a determination under section ~~4, 5, or~~ 6 of this chapter.

(2) A petition for review of an agency action under section 7 of this chapter.

(3) A complaint under section 8 of this chapter.

(d) The agency shall keep a record of the time, date, and circumstances of the service under subsection (b) or (c).

(e) Service shall be made on a person or on the person's counsel or other authorized representative of record in the proceeding. Service on an artificial person or a person incompetent to receive service shall be made on a person allowed to receive service under the rules governing civil actions in the courts. If an ultimate authority consists of more than one (1) individual, service on that ultimate authority must be made on the chairperson or secretary of the ultimate authority. A document to be filed with that ultimate authority must be filed with the chairperson or secretary of the ultimate authority.

(f) If the current address of a person is not ascertainable, service shall be mailed to the last known address where the person resides or has a principal place of business. If the identity, address, or existence of a person is not ascertainable, or a law other than a rule allows, service shall be made by a single publication in a newspaper of general circulation in:

(1) the county in which the person resides, has a principal place of business, or has property that is the subject of the proceeding; or

(2) Marion County, if the place described in subdivision (1) is not ascertainable or the place described in subdivision (1) is outside Indiana and the person does not have a resident agent or other representative of record in Indiana.

(g) A notice given by publication must include a statement advising a person how the person may receive written notice of the proceedings.

(h) The filing of a document with an ultimate authority is complete on the earliest of the following dates that apply to the filing:

(1) The date on which the document is delivered to the ultimate authority under subsection (b), (c), or (e).

(2) The date of the postmark on the envelope containing the document, if the document is mailed to the ultimate authority by United States mail.

(3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the ultimate authority by private carrier.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1280 as printed January 23, 2012.)

KOCH

Motion prevailed.

HOUSE MOTION
(Amendment 1280–6)

Mr. Speaker: I move that House Bill 1280 be amended to read as follows:

Page 24, delete lines 34 through 42.

Page 25, delete lines 1 through 28.

Renumber all SECTIONS consecutively.

(Reference is to HB 1280 as printed January 23, 2012.)

KOCH

Motion prevailed. The bill was ordered engrossed.

House Bill 1299

Representative Davis called down House Bill 1299 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1326

Representative Rhoads called down House Bill 1326 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1326–1)

Mr. Speaker: I move that House Bill 1326 be amended to read as follows:

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

"SECTION 4. IC 9-18-2-8.5, AS ADDED BY P.L.31-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8.5. (a) Notwithstanding section 8 of this chapter, a school bus owned by a person other than a school corporation shall be registered before ~~July 29~~ **September 28** of each year.

(b) Registration and reregistration for a school bus under this

section is for one (1) year.

(c) A certificate of inspection as ~~required under IC 20-27-7-16~~ **described under IC 20-27-7-3** must accompany a registration and reregistration application of a school bus under this section.

(d) A person registering a school bus under this section shall pay the annual registration fee required under IC 9-29-5-8 and any fees and service charges required of a vehicle registered under this chapter.

(e) Upon registration of a school bus under this section, the bureau shall issue a license plate under section 30 of this chapter, including:

(1) an annual renewal tag; or

(2) other indicia;

to be attached on the semipermanent plate.

(f) A license plate with a renewal tag or other indicia of registration issued under this section may be displayed during:

(1) the calendar year for which the school bus is registered; and

(2) the period:

(A) after the calendar year; and

(B) before ~~July 29~~ **September 28** of the subsequent year.".

Page 20, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 60. IC 20-27-7-3, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. If the inspection required under section 1 of this chapter reveals that a school bus meets all safety requirements, the inspecting officer shall ~~issue to the owner of the school bus a certificate that the school bus has been inspected and that it complies with the safety requirements.~~ **attach to the bus a certificate of inspection and document the certification in the state police department's school bus inspection data base.** Except as provided in sections 5 through 7 of this chapter, a certificate of inspection issued under this section is valid until September 30 of the school year following the school year for which the certificate is issued.

SECTION 61. IC 20-27-7-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16. When the owner of a school bus applies for a registration plate under IC 9-18-2-7 or IC 9-18-2-8.5, the owner shall submit with the application a certificate of inspection issued under section 3 of this chapter. If the certificate of inspection does not accompany an owner's application, the bureau of motor vehicles may not issue a registration plate.~~".

Renumber all SECTIONS consecutively.

(Reference is to HB 1326 as printed January 23, 2012.)

RHOADS

After discussion, Representative Rhoads withdrew the call of House Bill 1326.

House Bill 1134

Representative Speedy called down House Bill 1134 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1003

Representative Crouch called down Engrossed House Bill 1003 for third reading:

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

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

Roll Call 83: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

Representative Speedy was excused

Engrossed House Bill 1009

Representative Foley called down Engrossed House Bill 1009 for third reading:

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

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

Roll Call 84: yeas 90, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators M. Young, Banks, Arnold, and Taylor.

Representative Dvorak was excused for the rest of the day.

Engrossed House Bill 1015

Representative Davisson called down Engrossed House Bill 1015 for third reading:

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

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

Roll Call 85: yeas 90, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and R. Young.

Engrossed House Bill 1059

Representative Baird called down Engrossed House Bill 1059 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

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

Roll Call 86: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

Engrossed House Bill 1080

Representative R. Frye called down Engrossed House Bill 1080 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 87: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Eckerty.

Representative Speedy, who had been excused, was present.

Engrossed House Bill 1090

Representative Friend called down Engrossed House Bill 1090 for third reading:

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

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

Roll Call 88: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Head.

Engrossed House Bill 1093

Representative Mahan called down Engrossed House Bill 1093 for third reading:

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

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

Roll Call 89: yeas 90, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Holdman and Gard.

Representative Behning was excused for the rest of the day.

Engrossed House Bill 1112

Representative Lehman called down Engrossed House Bill 1112 for third reading:

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

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

Roll Call 90: yeas 80, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Hershman.

Engrossed House Bill 1116

Representative Borders called down Engrossed House Bill 1116 for third reading:

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

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

Roll Call 91: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Waterman and Tomes.

Representative Steuerwald was excused.

Engrossed House Bill 1128

Representative Lehe called down Engrossed House Bill 1128 for third reading:

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

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

Roll Call 92: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Gard.

Representatives Pierce and Steuerwald, who had been excused, were present.

Engrossed House Bill 1129

Representative Lehe called down Engrossed House Bill 1129 for third reading:

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

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

Roll Call 93: yeas 84, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Mishler.

Engrossed House Bill 1136

Representative Wesco called down Engrossed House Bill 1136 for third reading:

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

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

Roll Call 94: yeas 91, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senators Holdman.

Engrossed House Bill 1148

Representative Messmer called down Engrossed House Bill 1148 for third reading:

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

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

Roll Call 95: yeas 89, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator M. Young.

Engrossed House Bill 1154

Representative Messmer called down Engrossed House Bill 1154 for third reading:

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

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

Roll Call 96: yeas 73, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Hershman.

Engrossed House Bill 1173

Representative Ellspermann called down Engrossed House Bill 1173 for third reading:

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

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

Roll Call 97: yeas 64, nays 26. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Walker.

Engrossed House Bill 1186

Representative T. Brown called down Engrossed House Bill 1186 for third reading:

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

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

Representative Porter was excused from voting, pursuant to House Rule 47. Roll Call 98: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Miller.

Engrossed House Bill 1190

Representative Crouch called down Engrossed House Bill 1190 for third reading:

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

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

Roll Call 99: yeas 91, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Hershman.

Engrossed House Bill 1201

Representative Dermody called down Engrossed House Bill 1201 for third reading:

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

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

Roll Call 100: yeas 71, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Holdman, Merritt, and Randolph.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Act 4 on January 27.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referral to Ways and Means

The Speaker announced that the referral of House Bill 1241 to the Committee on Ways and Means, pursuant to House Rule 127, had been withdrawn.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 25 and 54 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 11 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 30, 2012, at 10:00 a.m.

LEHE

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1261 be returned to the second reading calendar forthwith for the purpose of amendment.

HEUER

Motion prevailed.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 4, Roll Call 77, on January 27, 2012. In support of this petition, I submit the following reason:

"I was present in the chamber, but when I attempted to vote the machine was closed. I intended to vote yea."

CANDELARIA REARDON

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 4, Roll Call 77, on January 27, 2012. In support of this petition, I submit the following reason:

"I was present in the chamber, but when I attempted to vote the machine was closed. I intended to vote yea."

L. LAWSON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Candelaria Reardon and L. Lawson changes the vote tally for Roll Call 77 to 95 yeas, 0 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as coauthor of House Bill 1010.

POND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives DeLaney and Pierce be added as coauthors of House Bill 1033.

McMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Soliday be added as coauthor of House Bill 1090.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1116.

BORDERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frizzell be added as coauthor of House Bill 1169.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as coauthor of House Bill 1181.

CANDELARIA REARDON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative R. Frye be added as coauthor of House Bill 1212.

KIRCHHOFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Borders, Culver, Davisson, Dermody, Dodge, Eberhart, Ellspermann, Frizzell, R. Frye, Heaton, Hinkle, Lehe, Lutz, McClain, Saunders, Steuerwald, Thompson, Turner, VanNatter, and Wolkins be added as coauthors of House Bill 1269.

NEESE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Davisson be added as coauthor of House Bill 1312.

ELLSPERMANN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of House Bill 1325.

POND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be added as coauthor of House Bill 1349.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin, Bacon, Baird, Bardon, Bartlett, Battles, Bauer, Behning, Borders, Bosma, C. Brown, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Dvorak, Eberhart, Ellspermann, Espich, Friend, Frizzell, C. Fry, R. Frye, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moseley, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, V. Smith, Soliday, Speedy, Stemler, Stevenson, Sullivan, Summers, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Wesco, White, Wolkins, and Yarde be added as cosponsors of Engrossed Senate Bill 4.

STEUERWALD

Motion prevailed.

On the motion of Representative Eberhart, the House adjourned at 4:06 p.m., this twenty-seventh day of January, 2012, until Monday, January 30, 2012, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Nineteenth Day — **Monday Morning** — **January 30, 2012**

The invocation was offered by Pastor Keith Kincaid, First Christian Church, Hartford City, the guest of Representative Kevin A. Mahan.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Mahan.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski ☐
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend ☐
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman ☐
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond ☐
Porter ☐
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr ☐
Truitt
Turner
Ubelhor
VanDenburgh ☐
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 101: 93 present; 7 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

HOUSE BILLS ON SECOND READING

House Bill 1011

Representative Foley called down House Bill 1011 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1047

Representative Lutz called down House Bill 1047 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1054

Representative Soliday called down House Bill 1054 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1107

Representative Koch called down House Bill 1107 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1111

Representative Clere called down House Bill 1111 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1117

Representative Wolkins called down House Bill 1117 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1117–1)

Mr. Speaker: I move that House Bill 1117 be amended to read as follows:

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

"SECTION 1. IC 8-1-2-125 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 125. (a) As used in this section, "not-for-profit utility" means a public water or sewer utility that:

(1) does not have shareholders;

(2) does not engage in any activities for the profit of its trustees, directors, incorporators, or members; and

(3) is organized and conducts its affairs for purposes other than the pecuniary gain of its trustees, directors,

incorporators, or members.

The term does not include a conservancy district established under IC 14-33.

(b) As used in this section, "sewage disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and onsite disposal of sewage or other similar waste. The term includes septic tanks, soil absorption systems, holding tanks, cesspools, and privies. The term does not include a sewer system operated by a not-for-profit public sewer utility.

(c) For purposes of this section, a sewage disposal system is "failing" if one (1) or more of the following apply:

(1) The system refuses to accept sewage at the rate of design application and interferes with the normal use of plumbing fixtures.

(2) Effluent discharge exceeds the absorptive capacity of the soil into which the system discharges, resulting in ponding, seepage, or other discharge of the effluent to the ground surface or to surface waters.

(3) Effluent discharged from the system contaminates a potable water supply, ground water, or surface waters.

~~(b)~~ **(d)** A not-for-profit utility shall be required to furnish reasonably adequate services and facilities. The charge made by any not-for-profit utility for any service rendered or to be rendered, either directly or in connection with the service, must be nondiscriminatory, reasonable, and just. Each discriminatory, unjust, or unreasonable charge for the service is prohibited and unlawful.

~~(c)~~ **(e)** A reasonable and just charge for water or sewer service within the meaning of this section is a charge that will produce sufficient revenue to pay all legal and other necessary expense incident to the operation of the not-for-profit utility's system, including the following:

(1) Maintenance and repair costs.

(2) Operating charges.

(3) Interest charges on bonds or other obligations.

(4) Provision for a sinking fund for the liquidation of bonds or other evidences of indebtedness.

(5) Provision for a debt service reserve for bonds or other obligations in an amount not to exceed the maximum annual debt service on the bonds or obligations.

(6) Provision of adequate funds to be used as working capital.

(7) Provision for making extensions and replacements.

(8) The payment of any taxes that may be assessed against the not-for-profit utility or its property.

The charges must produce an income sufficient to maintain the not-for-profit utility's property in sound physical and financial condition to render adequate and efficient service. A rate too low to meet these requirements is unlawful.

~~(d)~~ **(f)** Except as provided in ~~subsection (e),~~ **subsections (g) and (I),** a not-for-profit public sewer utility may require connection to its sewer system of property producing sewage or similar waste and require the discontinuance of use of ~~privies, cesspools, septic tanks, and similar structures,~~ **a sewage disposal system** if:

(1) there is an available sanitary sewer within three hundred (300) feet of the property line; and

(2) the utility has given written notice by certified mail to the property owner at the address of the property at least ninety (90) days before the date for connection stated in the notice.

The notice given under subdivision (2) must also inform the property owner that the property owner may qualify for an exemption as set forth in subsection (g).

~~(e) A not-for profit sewer utility may not require connection to its sewer system of property producing sewage or similar waste and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures if the source of the waste is more than five hundred (500) feet from the point of connection to its sewer system.~~

(g) A property owner is exempt from the requirement to connect to a sewer system of a not-for-profit public sewer utility and to discontinue use of a sewage disposal system if the sewage disposal system is not failing. To qualify for an exemption under this subsection, a property owner must, within twenty (20) days after the date of the written notice given to the property owner under subsection (f), notify the not-for-profit public sewer utility that the property owner qualifies for the exemption under this subsection because the sewage disposal system is not failing or because the property owner intends to repair or replace the sewage disposal system, as applicable. Upon receipt of notice under this subsection, the not-for-profit public sewer utility shall suspend the requirement to discontinue use of the sewage disposal system for one hundred eighty (180) days, during which the property owner shall repair or replace the sewage disposal system as needed. Before the expiration of the one hundred eighty (180) days, the property owner shall notify the not-for-profit public sewer utility in writing that:

(1) the sewage disposal system has been repaired or replaced, as applicable, and is not failing; or

(2) the property owner requires additional time to repair or replace the system.

A not-for-profit public sewer utility that receives notice under subdivision (2) may grant the property owner additional time as it determines proper.

(h) A property owner who qualifies for an exemption under subsection (g):

(1) may not be required to:

(A) connect to a not-for-profit public sewer utility's sewer system; and

(B) discontinue use of a sewage disposal system;

for five (5) years beginning on the date the exemption begins; and

(2) may apply for additional and unlimited five (5) year extensions of the exemption if the owner obtains and provides to the not-for-profit public sewer utility, at the owner's expense, a certification from the local health department or the department's designee that the sewage disposal system is not failing.

(I) A not-for-profit public sewer utility may not require a property owner to connect to the not-for-profit public sewer utility's sewer system if:

(1) the property is located on at least ten (10) acres;

(2) the owner can demonstrate the availability of at least two (2) areas on the property for the collection and treatment of sewage that will protect human health and the environment;

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

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

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

(j) A property owner who connects to a not-for-profit public sewer utility's sewer system may provide, at the owner's expense, labor, equipment, materials, or any combination of labor, equipment, and materials from any source to accomplish the connection to the sewer system, subject to inspection and approval by the not-for-profit public sewer utility.

(k) This section does not prohibit the state department of

health, a local health department, or a county health officer from proceeding under IC 16-41-20 to declare a dwelling served by a sewage disposal system a public nuisance and pursuing all available remedies.".

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 3. IC 13-11-2-199.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 199.5. "Septic tank soil absorption system", for purposes of **this chapter and** IC 13-18-12, ~~and IC 13-26-5-2.5,~~ means pipes laid in a system of trenches or elevated beds, into which the effluent from the septic tank is discharged for soil absorption, or similar structures.

SECTION 4. IC 13-11-2-201, AS AMENDED BY P.L.159-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 201. "Sewage disposal system", for purposes of this chapter, IC 13-18-12, ~~and~~ IC 13-20-17.5, **and IC 13-26-5,** means septic tanks, **septic tank soil absorption systems,** septage holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:

(1) store;
(2) treat;
(3) make inoffensive; or
(4) dispose of;

human excrement or liquid carrying wastes of a domestic nature.".

Page 13, line 19, delete "2004," and insert "2004:".

Page 13, line 20, beginning with "each" begin a new line block indented and insert:

"**(1)**".

Page 13, line 20, delete "or youth camp".

Page 13, line 21, delete "unit." and insert "unit; **and**

(2) each bed at the youth camp may not equal more than one-eighth (1/8) of one (1) residential equivalent unit.".

Page 13, line 21, beginning with "The" begin a new line blocked left.

Renumber all SECTIONS consecutively.

(Reference is to HB 1117 as printed January 25, 2012.)

WOLKINS

Motion prevailed. The bill was ordered engrossed.

House Bill 1171

Representative GiaQuinta called down House Bill 1171 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1171–1)

Mr. Speaker: I move that House Bill 1171 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JULY 1, 2012]".

Page 3, delete line 9.

(Reference is to hb 1171 as printed January 28, 2012.)

GiaQUINTA

Motion prevailed. The bill was ordered engrossed.

House Bill 1195

Representative M. Smith called down House Bill 1195 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1197

Representative M. Smith called down House Bill 1197 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1221

Representative Karickhoff called down House Bill 1221 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1222

Representative Yarde called down House Bill 1222 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1222–1)

Mr. Speaker: I move that House Bill 1222 be amended to read as follows:

Page 9, delete lines 16 through 19.

Page 10, line 7, delete "IC 9-32-1-21." and insert "**IC 9-32-1-20.**".

Page 10, line 33, delete "IC 9-32-1-22." and insert "**IC 9-32-1-21.**".

Page 10, line 37, delete "IC 9-32-1-23." and insert "**IC 9-32-1-22.**".

Page 10, line 41, delete "IC 9-32-1-24." and insert "**IC 9-32-1-23.**".

Page 11, line 3, delete "IC 9-32-1-25." and insert "**IC 9-32-1-24.**".

Page 11, line 16, delete "IC 9-32-1-26." and insert "**IC 9-32-1-25.**".

Page 11, line 23, delete "IC 9-32-1-27." and insert "**IC 9-32-1-26.**".

Page 11, line 27, delete "IC 9-32-1-28." and insert "**IC 9-32-1-27.**".

Page 11, line 33, delete "IC 9-32-1-29." and insert "**IC 9-32-1-28.**".

Page 11, line 39, delete "IC 9-32-1-30." and insert "**IC 9-32-1-29.**".

Page 27, delete lines 19 through 23.

Page 27, line 24, delete "21." and insert "**20.**".

Page 27, line 34, delete "22." and insert "**21.**".

Page 28, line 14, delete "23." and insert "**22.**".

Page 28, line 17, delete "24." and insert "**23.**".

Page 28, line 22, delete "25." and insert "**24.**".

Page 28, line 25, delete "26." and insert "**25.**".

Page 28, line 27, delete "27." and insert "**26.**".

Page 28, line 31, delete "28." and insert "**27.**".

Page 28, line 35, delete "29." and insert "**28.**".

Page 28, line 38, delete "30." and insert "**29.**".

Page 36, line 15, delete "motor vehicles" and insert "**license plates**".

Page 36, line 17, after "(2)" insert "**displayed on vehicles**".

Page 43, line 3, delete "nine (9)" and insert "**eleven (11)**".

Page 43, between lines 25 and 26, begin a new line block indented and insert:

"**(7) One (1) member must represent boat dealers.**

(8) One (1) member must represent the recreational vehicle industry.".

Page 43, line 26, delete "five (5)" and insert "**six (6)**".

Page 44, line 7, delete "Six (6)" and insert "**Seven (7)**".

Page 45, between lines 14 and 15, begin a new line blocked left and insert:

"**An application for a wholesale dealer license must contain the additional information required in section 2.3 of this chapter.**".

Page 46, between lines 9 and 10, begin a new paragraph and insert:

"**Sec. 2.3. In addition to the requirements of section 2 of this chapter, a license application for a wholesale dealer must contain the following:**

(1) A:

(A) copy of a written lease that has a term of not

less than one (1) year; or
(B) copy of a deed for the property on which the wholesale dealer intends to conduct business.
(2) If the application is the initial application, photographs of the established place of business. The photographs must include, but are not limited to the:
(A) major exterior advertising sign; and
(B) display and office building.
Sec. 2.5. A wholesale dealer that has been issued a license under this chapter must maintain the following standards for the license to remain valid:
(1) A conspicuous permanent sign with letters not less than six (6) inches high bearing:
(A) the business name of the wholesale dealer; and
(B) the hours of operation of the wholesale dealer;
must be located in the interior of the established place of business of the wholesale dealer.
(2) The office of the wholesale dealer must be:
(A) housed at the established place of business of the wholesale dealer;
(B) not less than one hundred (100) square feet; and
(C) served with utilities such as electricity, lighting, heat, and a landline business telephone exclusively for the use of the wholesale dealer.
(3) The wholesale dealer or an employee of the wholesale dealer must be present for the purposes of inspection of records at the established place of business of the wholesale dealer during the posted hours of operation of the business of the wholesale dealer.
(4) All business records of the wholesale dealer must be kept at the licensed place of business of the wholesale dealer.".

Page 56, delete lines 25 through 27, begin a new line block indented and insert:

"**(1) fail to pay a claim made by a dealer for compensation for:**
(A) delivery and preparation work;
(B) warranty work; and
(C) incentive payments;
not later than thirty (30) days after the claim is approved;".

Page 85, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 82. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "committee" refers to the joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2.**
(b) As used in this SECTION, "secretary" refers to the secretary of state holding office as set forth in IC 4-5-1-1.
(c) The committee shall study the feasibility of creating administrative adjudication processes for the purpose of addressing issues relating to persons licensed under IC 9-32-10.
(d) In conducting the study required by this SECTION, the committee may consider:
(1) the criteria contained in IC 9-32-9-8(2)(B), IC 9-32-9-8(2)(C), and IC 9-32-9-8(2)(D);
(2) deceptive franchise practices under IC 23-2-2.7; and
(3) other criteria that the committee considers necessary.
(e) In conducting the study required by this SECTION, the committee shall consider, as a basis for its deliberation, House Bill 1340 (2012) as introduced.
(f) The committee shall report the results of the study required by this SECTION to the legislative council and to the secretary in an electronic format under IC 5-14-6 on or before November 1, 2012.".

Page 86, delete lines 1 through 12.
Renumber all SECTIONS consecutively.
(Reference is to HB 1222 as printed January 27, 2012.)
YARDE

Motion prevailed.

HOUSE MOTION
(Amendment 1222–2)

Mr. Speaker: I move that House Bill 1222 be amended to read as follows:

Page 17, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 47. IC 9-18-25-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 2. (a) **Except as provided in section 2.5 of this chapter,** the bureau shall adopt rules under IC 4-22-2 establishing the requirements to qualify for participation in the special group recognition license plate program.
(b) Representatives of a special group shall petition the bureau to qualify for participation in the special group recognition license plate program.
(c) Each petition submitted under this section must contain the printed name, address, and signature of at least five hundred (500) members of the special group who pledge to purchase the special group recognition license plate if a special group recognition license plate is issued for the group under this chapter.
(d) When a petition containing the information required in subsection (c) is submitted to the bureau, the bureau may design and issue a special group recognition license plate that designates a vehicle as being registered under this chapter by a person (as defined in IC 9-13-2-124) who is a member of the special group.
SECTION 48. IC 9-18-25-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **Sec. 2.5. (a) Beginning January 1, 2012, the bureau may not approve, issue, or renew a special group recognition license plate issued under this chapter for a special group that encourages, supports, or promotes any of the following:**
(1) Use of illegal drugs.
(2) Use of tobacco or tobacco products by a minor.
(3) Sexual activity involving a minor.
(4) Sexual activity outside of marriage not in accordance with IC 20-30-5-13.
(5) Use of pornography.
(6) Abortion.
(7) Disrespect for parents, the family, religion, healthy behavior, or good citizenship as described in:
(A) IC 20-30-5-5; or
(B) IC 20-30-5-6.
(8) The undermining of the Constitution of the United States or the Constitution of the State of Indiana.
(9) The:
(A) undermining of the law; or
(B) overthrow;
of the government of the United States.
(10) A lifestyle that is contrary to:
(A) IC 20-30-5-13; or
(B) marriage between one (1) man and one (1) woman.
(11) The use of alcoholic beverages by an individual less than twenty-one (21) years of age.
(b) The bureau shall identify each special group that encourages, supports, or promotes any of the subjects set forth in subsection (a) and upon identification shall terminate the special group's eligibility within the special

group recognition plate program. Upon termination of the eligibility, the bureau shall demand the return of the special group recognition license plate issued to each recipient of a license plate concerning the terminated special group. Upon return of the terminated special group recognition license plate, the bureau shall refund any:

(1) annual supplemental fee collected under IC 9-29-5-38(a)(2) or IC 9-29-5-38(d)(3); and

(2) annual fee collected by the bureau under this article and IC 9-29-5 that has been distributed to any trust fund established under section 17.7 of this chapter;

to the former plateholder.

(c) The bureau shall:

(1) afford the former special group recognition plateholder the opportunity to submit an application to purchase another special group recognition license plate; or

(2) issue a license plate in accordance with IC 9-18-2-30.".

Page 86, after line 13, begin a new paragraph and insert:

"SECTION 86. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1222 as printed January 27, 2012.)

THOMPSON

Representative Austin rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill.

After discussion, Representative Thompson withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

House Bill 1224

Representative Cherry called down House Bill 1224 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1241

Representative Ellspermann called down House Bill 1241 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1241–1)

Mr. Speaker: I move that House Bill 1241 be amended to read as follows:

Page 6, line 9, after "Incentives" insert "**Pilot Project**".

Page 6, line 12, delete ":" and insert "**establish a pilot project to evaluate the benefits of funding local programs in rural counties to:**".

Page 6, line 13, delete "establish and fund programs to".

Page 6, line 17, after "that" insert "**:**

(1)".

Page 6, line 18, delete "serve" and insert "**through local initiatives serve**".

Page 6, line 21, delete "." and insert "**; and**

(2) designation of a rural county to conduct a pilot project under this chapter is essential to developing model programs for this purpose.".

Page 6, line 39, after "incentive area" insert "**in one (1) rural county designated by the corporation and approved by the budget agency, after review by the budget committee,**".

Page 8, line 11, after "corporation;" begin a new line block indented and insert:

"**(2) submit a written plan for supporting entrepreneurship and the establishment of new businesses in the area that meet the requirements of the corporation;**".

Page 8, line 12, delete "(2)" and insert "**(3)**".

Page 8, line 13, delete "make the determinations required under section" and insert "**select a rural county to carry out a pilot project under**".

Page 8, line 14, delete "15 of".

Page 8, line 15, delete "grant" and insert "**select one (1) rural county as a pilot project area from counties submitting**".

Page 8, line 15, delete "from a rural" and insert "**. However, if the corporation has not selected a rural county to be a pilot project area before June 30, 2014, no rural county may be selected as a pilot project area.**".

Page 8, delete lines 16 through 21.

Page 8, line 22, delete "designation" and insert "**application and plan for the rural county selected to be a pilot project area**".

Page 8, line 23, after "the" insert "**budget agency for review and approval. If, after review by the budget committee, the budget agency determines that the rural county's plan (as modified by any terms and conditions specified by the corporation) for the county will promote the purposes of this chapter, the budget agency may approve the rural county as an area. The budget agency shall send a copy of the approval to the**".

Page 8, line 24, after "17." insert "**The corporation shall monitor the implementation of the plan in the area approved under this chapter.**".

Page 8, line 25, delete "for designating the" and insert "**under section 15 of this chapter or the plan submitted by the rural**".

Page 8, line 26, delete "as an area".

Page 8, line 28, delete "corporation grants" and insert "**budget agency approves**".

Page 8, line 32, delete "January 1, 2023." and insert " **Five (5) years after the area is approved by the budget agency.**".

Page 10, delete lines 25 through 27.

Page 10, line 28, delete "25." and insert "**24.**".

Page 10, line 39, delete "26." and insert "**25.**".

Page 10, line 39, delete "at least".

Page 10, delete line 40.

Page 10, line 41, delete "2018, and before January 1, 2023,".

Page 11, line 4, delete "27." and insert "**26.**".

Page 11, line 7, delete "28." and insert "**27.**".

Page 11, line 12, delete "29." and insert "**28.**".

Page 11, line 12, delete "2023." and insert "**2019.**".

(Reference is to HB 1241 as printed January 28, 2012.)

ELLSPERMANN

Motion prevailed. The bill was ordered engrossed.

House Bill 1249

Representative Clere called down House Bill 1249 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1265

Representative Ubelhor called down House Bill 1265 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1279

Representative Eberhart called down House Bill 1279 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1283

Representative Richardson called down House Bill 1283 for second reading. The bill was read a second time by title. There

being no amendments, the bill was ordered engrossed.

House Bill 1298

Representative Davis called down House Bill 1298 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1307

Representative Harris called down House Bill 1307 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Torr, who had been excused, was present. Representatives Foley and Steuerwald were excused.

House Bill 1312

Representative Ellspermann called down House Bill 1312 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1312–1)

Mr. Speaker: I move that House Bill 1312 be amended to read as follows:

Page 2, delete line 42, begin a new paragraph and insert:

"**(g) The department shall adopt rules that allow limited sales of home processed, uninspected poultry products at farmer's markets and roadside stands. The rules must comply with the requirements of the federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.)**".

Page 3, delete lines 1 through 15.

(Reference is to HB 1312 as printed January 23, 2012.)

ELLSPERMANN

Motion prevailed.

HOUSE MOTION
(Amendment 1312–3)

Mr. Speaker: I move that House Bill 1312 be amended to read as follows:

Page 3, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2012] **(a) The legislative council shall establish an interim study committee to:**

(1) study obstacles to local food production, processing, and distribution in Indiana; and

(2) make recommendations for action that will encourage farmers and residents to produce, process, and distribute locally grown food.

(b) The interim study committee described in subsection (a) shall submit a final report to the legislative council before November 1, 2012. The report must include the interim study committee's findings and recommendations, including any recommended legislation concerning the issue of local food production, processing, and distribution. The interim committee shall operate under the policies and procedures of the legislative council.

(c) This SECTION expires January 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1312 as printed January 23, 2012.)

SULLIVAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1325

Pursuant to House Rule 143, the author of House Bill 1325, Representative Pond, granted consent to the coauthor, Representative Behning, to call the bill down for second reading. Representative Behning called down House Bill 1325 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1325–2)

Mr. Speaker: I move that House Bill 1325 be amended to read as follows:

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 3. IC 6-2.5-5-45 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 45. (a) This section applies to transactions occurring during the period:**

(1) beginning at 12:01 a.m. on the Friday immediately preceding the first Saturday in August; and

(2) ending at 11:59 p.m. on the Sunday immediately following the first Saturday in August.

(b) As used in this section, "clothing" means all human wearing apparel for general use, including the following:

(1) Bathing caps.
(2) Belts and suspenders.
(3) Coats and jackets.
(4) Diapers.
(5) Dresses.
(6) Footwear.
(7) Gloves or mittens.
(8) Hats or caps.
(9) Neckties.
(10) Pants.
(11) Scarves.
(12) Shirts.
(13) Skirts.
(14) Socks or hosiery.
(15) Undergarments.
(16) Uniforms.

(c) As used in this section, "clothing accessories or equipment" means incidental items worn on the person or in conjunction with clothing, including the following:

(1) Briefcases.
(2) Cosmetics.
(3) Hair notions, including the following:
(A) Barrettes.
(B) Hair bows.
(C) Hair nets.
(4) Handbags.
(5) Handkerchiefs.
(6) Jewelry.
(7) Nonprescription sunglasses.
(8) Umbrellas.
(9) Wallets.
(10) Watches.
(11) Wigs and hair pieces.

(d) As used in this section, "school instructional materials" means written materials commonly used by a student in a course of study as a reference and to learn the subject being taught. The term is limited to the following:

(1) Reference books.
(2) Reference maps and globes.
(3) Textbooks.
(4) Workbooks.

(e) As used in this section, "school supplies" means an item commonly used by a student in a course of study. The term is limited to the following:

(1) Binders.
(2) Book bags.
(3) Calculators.
(4) Cellophane tape.
(5) Blackboard chalk.
(6) Compasses.
(7) Composition books.
(8) Crayons.
(9) Erasers.

(10) Folders, limited to the following:
(A) Expandable folders.
(B) Pocket folders.
(C) Plastic folders.
(D) Manila folders.
(11) Glue, paste, and paste sticks.
(12) Highlighters.
(13) Index cards.
(14) Index card boxes.
(15) Legal pads.
(16) Lunch boxes.
(17) Markers.
(18) Notebooks.
(19) Paper, limited to the following:
(A) Loose leaf ruled notebook paper.
(B) Copy paper.
(C) Graph paper.
(D) Tracing paper.
(E) Manila paper.
(F) Colored paper.
(G) Poster board.
(H) Construction paper.
(20) Pencil boxes and other school supply boxes.
(21) Pencil sharpeners.
(22) Pencils.
(23) Pens.
(24) Protractors.
(25) Rulers.
(26) Scissors.
(27) Writing tablets.
(f) Sales of:
(1) clothing;
(2) clothing accessories or equipment;
(3) school instructional materials; and
(4) school supplies;
are exempt from the state gross retail tax during the period described in subsection (a), if the sales price of the item purchased does not exceed one hundred dollars ($100).
(g) The department may adopt rules under IC 4-22-2 to implement this section.".
Renumber all SECTIONS consecutively.
(Reference is to HB 1325 as printed January 25, 2012.)
PELATH

Representative Espich rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1325 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: Pursuant to Rule 24.1, we hereby appeal the ruling of the Chair that Representative Pelath's amendment (1325–2) violates House Rule 118. The amendment is not identical to House Bill 1349.

AUSTIN
PELATH

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 102: yeas 54, nays 35. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION
(Amendment 1325–3)

Mr. Speaker: I move that House Bill 1325 be amended to read as follows:

Page 3, between lines 13 and 14, begin a new paragraph and insert:
"SECTION 2. IC 6-2.5-5-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) Sales of tangible personal property are exempt from the state gross retail tax, if:
(1) the seller is an organization that is described in section 21(b)(1) of this chapter;
(2) the organization makes the sale to make money to carry on a not-for-profit purpose; and
(3) the organization does not make those sales during more than thirty (30) days in a calendar year.
(b) Sales of tangible personal property are exempt from the state gross retail tax, if:
(1) the seller is an organization described in section 21(b)(1) of this chapter;
(2) the seller is not operated predominantly for social purposes;
(3) the property sold is designed and intended primarily either for the organization's educational, cultural, or religious purposes, or for improvement of the work skills or professional qualifications of the organization's members; and
(4) the property sold is not designed or intended primarily for use in carrying on a private or proprietary business.
(c) The exemption provided by this section does not apply to an accredited college or university's sales of **the following:**
(1) Books **other than textbooks exempt under section 45 of this chapter.**
(2) Stationery.
(3) Haberdashery.
(4) Supplies. ~~or~~
(5) Other property.".
Page 4, between lines 16 and 17, begin a new paragraph and insert:
"SECTION 4. IC 6-2.5-5-45 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 45. Sales of textbooks are exempt from the state gross retail tax if:**
(1) the textbooks are required for an undergraduate course at an accredited college or university; and
(2) the purchaser is a student enrolled in an accredited college or university or the parent or guardian of a student enrolled in an accredited college or university.".
Renumber all SECTIONS consecutively.
(Reference is to HB 1325 as printed January 25, 2012.)
PIERCE

Representative T. Brown rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1325 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

House Bill 1326

Representative Rhoads called down House Bill 1326 for second reading. The bill was reread a second time by title.

HOUSE MOTION
(Amendment 1326–1)

Mr. Speaker: I move that House Bill 1326 be amended to read as follows:
Page 2, between lines 40 and 41, begin a new paragraph and insert:
"SECTION 4. IC 9-18-2-8.5, AS ADDED BY P.L.31-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2012]: Sec. 8.5. (a) Notwithstanding section 8 of this chapter, a school bus owned by a person other than a school corporation shall be registered before ~~July 29~~ **September 28** of each year.

(b) Registration and reregistration for a school bus under this section is for one (1) year.

(c) A certificate of inspection as ~~required under IC 20-27-7-16~~ **described under IC 20-27-7-3** must accompany a registration and reregistration application of a school bus under this section.

(d) A person registering a school bus under this section shall pay the annual registration fee required under IC 9-29-5-8 and any fees and service charges required of a vehicle registered under this chapter.

(e) Upon registration of a school bus under this section, the bureau shall issue a license plate under section 30 of this chapter, including:

(1) an annual renewal tag; or

(2) other indicia;

to be attached on the semipermanent plate.

(f) A license plate with a renewal tag or other indicia of registration issued under this section may be displayed during:

(1) the calendar year for which the school bus is registered; and

(2) the period:

(A) after the calendar year; and

(B) before ~~July 29~~ **September 28** of the subsequent year.".

Page 20, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 60. IC 20-27-7-3, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. If the inspection required under section 1 of this chapter reveals that a school bus meets all safety requirements, the inspecting officer shall ~~issue to the owner of the school bus a certificate that the school bus has been inspected and that it complies with the safety requirements.~~ **attach to the bus a certificate of inspection and document the certification in the state police department's school bus inspection data base.** Except as provided in sections 5 through 7 of this chapter, a certificate of inspection issued under this section is valid until September 30 of the school year following the school year for which the certificate is issued.

SECTION 61. IC 20-27-7-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16. When the owner of a school bus applies for a registration plate under IC 9-18-2-7 or IC 9-18-2-8.5, the owner shall submit with the application a certificate of inspection issued under section 3 of this chapter. If the certificate of inspection does not accompany an owner's application, the bureau of motor vehicles may not issue a registration plate.~~".

Renumber all SECTIONS consecutively.

(Reference is to HB 1326 as printed January 23, 2012.)

RHOADS

Motion prevailed. The bill was ordered engrossed.

Representatives Foley and Steuerwald, who had been excused, were present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1365

Representative McNamara called down Engrossed House Bill 1365 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 103: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and M. Young.

Engrossed House Bill 1360

Representative Welch called down Engrossed House Bill 1360 for third reading:

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

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

Roll Call 104: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller and Breaux.

Engrossed House Bill 1349

Representative Dodge called down Engrossed House Bill 1349 for third reading:

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

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

Roll Call 105: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

Representative Porter, who had been excused, was present.

Engrossed House Bill 1299

Representative Davis called down Engrossed House Bill 1299 for third reading:

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

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

Roll Call 106: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Alting.

Engrossed House Bill 1294

Representative Heaton called down Engrossed House Bill 1294 for third reading:

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

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

Representative Moses was excused from voting, pursuant to House Rule 47. Roll Call 107: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator J. Smith.

Engrossed House Bill 1280

Representative Koch called down Engrossed House Bill 1280 for third reading:

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

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

Roll Call 108: yeas 69, nays 26. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Hershman.

Engrossed House Bill 1273

Representative Steuerwald called down Engrossed House Bill 1273 for third reading:

A BILL FOR AN ACT concerning state offices and administration.

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

Roll Call 109: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senator Bray and C. Lawson.

Engrossed House Bill 1264

Representative Soliday called down Engrossed House Bill 1264 for third reading:

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

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

Roll Call 110: yeas 84, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, Mrvan, and Tallian.

Engrossed House Bill 1239

Representative Burton called down Engrossed House Bill 1239 for third reading:

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

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

Roll Call 111: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Holdman.

Engrossed House Bill 1238

Representative Burton called down Engrossed House Bill 1238 for third reading:

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

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

Roll Call 112: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:58 p.m. with the Speaker in the Chair.

Representatives Dembowski, Friend, and Knollman, who had been excused, were present.

With consent of the members, the Speaker returned to bills on second reading.

HOUSE BILLS ON SECOND READING

House Bill 1367

Representative Noe called down House Bill 1367 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1367–1)

Mr. Speaker: I move that House Bill 1367 be amended to read as follows:

Page 12, line 28, delete "2" and insert "**3**".

Page 14, between lines 11 and 12, begin a new paragraph and insert:

"**(b) Before the office of management and budget submits the transition plan under subsection (a), the office of management and budget shall conduct two (2) public meetings to receive public testimony. Of the public meetings required in this subsection, one (1) public meeting must take place in the northern half of Indiana and one (1) public meeting must take place in the southern half of Indiana, at a place designated by the office of management and budget.**".

Page 14, line 12, delete "(b)" and insert "**(c)**".

Page 14, between lines 13 and 14, begin a new line block indented and insert:

"**(1) A detailed description of how the center for deaf and hard of hearing education, as established in IC 20-35-11-3, as added by this act, will implement and carry out the duties described in IC 20-35-11-4, as added by this act.**".

Page 14, line 14, delete "(1)" and insert "**(2)**".
Page 14, line 18, delete "(2)" and insert "**(3)**".
Page 14, line 21, delete "(3)" and insert "**(4)**".
Page 14, line 25, delete "(4)" and insert "**(5)**".
Page 14, line 27, delete "(c)" and insert "**(d)**".
Page 14, line 31, delete "(d)" and insert "**(e)**".
Page 14, line 37, delete "(e)" and insert "**(f)**".

(Reference is to HB 1367 as printed January 28, 2012.)

NOE

Motion prevailed.

HOUSE MOTION
(Amendment 1367–2)

Mr. Speaker: I move that House Bill 1367 be amended to read as follows:

Page 1, delete lines 1 through 6.

Page 11, delete lines 41 through 42.

Page 12, delete lines 1 through 7.

Page 12, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 14. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committee" refers to the education issues interim study committee established under subsection**

(b).

(b) The legislative council, under IC 2-5-1.1-5(a)(2), shall establish an interim study committee to be known as the education issues interim study committee. The committee shall do the following:

(1) Study issues relating to outreach services to the deaf and hard of hearing currently provided by the Indiana School for the Deaf, including how the services may be expanded or delivered in a different manner. The committee shall:

(A) take testimony from all key stakeholders; and

(B) review how the Indiana School for the Deaf is funded to provide outreach services, including any resources shared between the School and the outreach services program, and considering any fiscal impact that may occur to the School if the outreach services are removed from the School.

(2) Study any additional topics the legislative council considers necessary.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council. The committee shall submit a final report to the legislative council in an electronic format under IC 5-14-6.

(d) This SECTION expires December 31, 2012.".

Delete page 13.

Page 14, delete lines 1 through 37.

Renumber all SECTIONS consecutively.

(Reference is to HB 1367 as printed January 28, 2012.)

PORTER

Upon request of Representatives Porter and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 113: yeas 42, nays 54. Motion failed. The bill was ordered engrossed.

House Bill 1007

Representative McMillin called down House Bill 1007 for second reading. The bill was reread a second time by title.

HOUSE MOTION
(Amendment 1007–6)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Delete the amendment made on motion of Representative Dvorak adopted January 27, 2012.

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

"SECTION 1. IC 12-7-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. **(a)** "Body", for purposes of IC 12-8-2, has the meaning set forth in IC 12-8-2-1.

(b) "Body", for purposes of IC 12-14.5-7, has the meaning set forth in IC 12-14.5-7-2.

SECTION 2. IC 12-7-2-26.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 26.3. "Chamber", for purposes of IC 12-14.5-7, has the meaning set forth in IC 12-14.5-7-3.**".

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 4. IC 12-7-2-122.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 122.7. "Legislative council", for purposes of IC 12-14.5-7, has the meaning set forth in IC 12-14.5-7-4.**

SECTION 5. IC 12-7-2-129 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 129. **(a)** "Member", for purposes of IC 12-8-2, has the meaning set forth in IC 12-8-2-2.

(b) "Member", for the purposes of IC 12-14.5-7, has the meaning set forth in IC 12-14.5-7-5.".

Page 2, line 29, delete "UNDER THE TEMPORARY".

Page 2, delete line 30.

Page 3, line 36, delete "." and insert "**;**".

Page 5, line 21, delete "other".

Page 5, line 21, delete "in addition to" and insert "**other than**".

Page 9, line 15, delete ", the individual:" and insert "**:**".

Page 9, line 16, after "(1)" insert "**the individual**".

Page 9, between lines 34 and 35, begin a new paragraph and insert:

"**Chapter 7. Drug Testing for Legislators**

Sec. 1. This chapter applies to a member of the general assembly who:

(1) is serving in the general assembly on June 30, 2012; or

(2) is elected or appointed to the general assembly after June 30, 2012.

Sec. 2. As used in this chapter, "body" refers to either of the following:

(1) The house of representatives.

(2) The senate.

Sec. 3. As used in this chapter, "chamber" refers to either of the following:

(1) The floor of the house of representatives.

(2) The floor of the senate.

Sec. 4. As used in this chapter, "legislative council" refers to the legislative council created under IC 2-5-1.1-1.

Sec. 5. As used in this chapter, "member" refers to either of the following:

(1) A member of the house of representatives.

(2) A member of the senate.

Sec. 6. (a) The legislative council shall establish and administer a program under this chapter to test for the use of a controlled substance by a member.

(b) The program established under this section must:

(1) allow for a member to consent to random drug testing described in subdivision (2) by signing a consent form described in subsection (c);

(2) randomly administer a drug test to fifty percent (50%) of the members who consent as described in subdivision (1) during each regular legislative session of the general assembly; and

(3) require drug testing of members who the:

(A) speaker of the house of representatives; or

(B) president pro tempore of the senate;

believes, based on reasonable suspicion, are engaged in the illegal use of a controlled substance.

(c) If a member refuses to consent to random drug testing described in subsection (b)(2), the member may not receive any of the following privileges provided to members:

(1) Partisan staff.

(2) Franked mail.

(3) Reserved parking at the statehouse.

(4) Office space at the statehouse.

(5) Electronic devices.

(d) The consent form described in subsection (b)(1) must:

(1) allow for a member to consent to random drug testing as described in subsection (b)(2); and

(2) provide specific, detailed information concerning the privileges the member will not receive as provided under subsection (c) if the member does not consent to random drug testing.

(e) A drug test administered under subsection (b)(2) or (b)(3) must be performed by a SAMHSA (as defined in IC 22-10-15-3) certified laboratory.

Sec. 7. (a) The speaker of the house of representatives or president pro tempore of the senate is considered to have reasonable suspicion that a member is engaged in the illegal

use of a controlled substance for purposes of section 6(b)(3) of this chapter if the member has been:

(1) convicted of a crime; or

(2) charged with an offense under IC 35-48 (controlled substances).

(b) The speaker of the house of representatives and president pro tempore of the senate may determine that reasonable suspicion exists under section 6(b)(3) of this chapter from factors other than those listed in subsection (a).

Sec. 8. A member shall submit to a drug test not later than twelve (12) hours after the member is notified that the member has been:

(1) randomly selected for a drug test; or

(2) selected for a drug test based on reasonable suspicion.

Sec. 9. Each member of the general assembly shall pay the costs of a drug test administered under this chapter.

Sec. 10. If a:

(1) member who consented to random drug testing under this chapter refuses to take a drug test;

(2) member refuses to take a drug test based on reasonable suspicion as described in section 6(b)(3) of this chapter;

(3) member fails to take a drug test within the time required under section 8 of this chapter;

(4) member refuses to pay for a drug test as required under section 9 of this chapter; or

(5) finding is made by the member's chamber that the member has tested positive on a drug test;

the member shall be assessed a penalty by the member's body under the Constitution of the State of Indiana or the rules adopted by the member's chamber, and the member loses all the privileges listed in section 6(c) of this chapter provided to members.

Sec. 11. The following lists shall be made available to the public:

(1) The names of all the members who consent to random drug testing under this chapter.

(2) The names of all of the members who refused to consent to random drug testing under this chapter.

(3) The names of each member who is tested under this chapter based on reasonable suspicion as described in section 6(b)(3) of this chapter.

(4) The names of all the members who:

(A) test positive on a drug test administered under this chapter; and

(B) test negative on a drug test administered under this chapter. ".

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 as printed January 25, 2012, and as amended on motion of Representative Dvorak adopted January 27, 2012.)

McMILLIN

Upon request of Representatives Dvorak and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 114: yeas 81, nays 15. Motion prevailed.

HOUSE MOTION
(Amendment 1007–2)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

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

"SECTION 1. IC 5-28-36 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 36. Drug Testing of Recipients of Economic Development Grants, Loans, or Tax Credits

Sec. 1. This chapter applies to a recipient of a loan, grant, or tax credit from the state after June 30, 2012.

Sec. 2. As used in this chapter, "controlled substance" has the meaning set forth in IC 35-48-1-9.

Sec. 3. As used in this chapter, "grant" refers to a grant given by the corporation.

Sec. 4. As used in this chapter, "loan":

(1) refers to a loan made by the corporation, regardless of whether the loan is forgivable; and

(2) includes a loan guarantee made by the corporation.

Sec. 5. As used in this chapter, "responsible officer" means:

(1) An individual, if the recipient is an individual.

(2) The managing partner, if the recipient is a partnership.

(3) The chief executive officer, if the recipient is a corporation.

(4) The individual who serves as the chief administrative officer in the management, control, and operation of the business and affairs of the entity, if the recipient is any other entity.

Sec. 6. As used in this chapter, "tax credit" means a state tax liability credit under any of the following:

(1) IC 6-3.1-4 (research expense credit).

(2) IC 6-3.1-7 (enterprise zone loan interest credit).

(3) IC 6-3.1-10 (enterprise zone investment tax credit).

(4) IC 6-3.1-11 (industrial recovery tax credit).

(5) IC 6-3.1-13 (economic development for a growing economy tax credit).

(6) IC 6-3.1-13.5 (capital investment tax credit).

(7) IC 6-3.1-17 (Indiana riverboat building credit).

(8) IC 6-3.1-19 (community revitalization enhancement district tax credit).

(9) IC 6-3.1-23 (voluntary remediation tax credit).

(10) IC 6-3.1-24 (venture capital investment tax credit).

(11) IC 6-3.1-25.2 (coal combustion product tax credit).

(12) IC 6-3.1-26 (Hoosier business investment tax credit).

(13) IC 6-3.1-27 (blended biodiesel tax credit).

(14) IC 6-3.1-28 (ethanol production tax credit).

(15) IC 6-3.1-29 (coal gasification technology investment tax credit).

(16) IC 6-3.1-30 (headquarters relocation tax credit).

(17) IC 6-3.1-31.9 (Hoosier alternative fuel vehicle manufacturer tax credit).

(18) IC 6-3.1-32 (media production expenditure tax credit).

(19) IC 6-3.1-33 (new employer tax credit).

Sec. 7. As used in this chapter, "tests positive" means an individual:

(1) tests positive for the presence of a controlled substance; and

(2) does not possess:

(A) a valid prescription; or

(B) an order of a practitioner acting in the course of the practitioner's professional practice;

for the controlled substance.

Sec. 8. (a) As a condition of receiving a loan, grant, or tax credit from the state, the responsible officer of a recipient of a loan, grant, or tax credit shall consent to a drug test to determine the presence of a controlled substance.

(b) The drug test administered under subsection (a) must be performed by a SAMHSA (as defined in IC 22-10-15-3) certified laboratory.

(c) A recipient must comply with this section each year that the recipient receives a loan, grant, or tax credit from the state.

Sec. 9. (a) The corporation shall establish and administer the testing program required under section 8 of this chapter.

(b) The corporation may adopt rules under IC 4-22-2 necessary to implement this chapter.

Sec. 10. (a) The recipient shall reimburse the corporation for the costs of a drug test administered under this chapter.

(b) If the recipient fails to reimburse the corporation under this subsection, the recipient is not eligible to receive a loan, grant, or tax credit from the state until the recipient reimburses the corporation for the drug test.

Sec. 11. If:

(1) a responsible officer of a recipient refuses to consent to a drug test under section 8(a) of this chapter; or

(2) after an administrative hearing under IC 4-21.5, a finding is made that the responsible officer of a recipient tests positive on a drug test;

the recipient is not eligible to receive a loan, grant, or tax credit for two (2) years after the date of the refusal or finding.

Sec. 12. The corporation's records concerning the results of a drug test under this chapter may not be admitted against a defendant in a criminal proceeding.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 as printed January 25, 2012.)

C. BROWN

Upon request of Representatives C. Brown and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 115: yeas 39, nays 58. Motion failed.

HOUSE MOTION
(Amendment 1007–1)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 3, line 9, delete "subdivisions (1)(A), (1)(B), and (1)(C)" and insert "**subdivision (1)(A) and (1)(B)**".

Page 3, line 11, after "chapter." insert "**Jefferson County shall participate in the pilot project established under this chapter as the county representing the group of counties described in subdivision (1)(C).**".

Page 9, line 13, after "subsection (a)." insert "**Money collected under this subsection from individuals residing in Jefferson County shall be distributed to Jefferson County for use by a local drug treatment program designated by the county fiscal body.**".

(Reference is to HB 1007 as printed January 25, 2012.)

GOODIN

Motion failed.

HOUSE MOTION
(Amendment 1007–4)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 9, line 39, delete "nine (9) months" and insert "**twenty-four (24) hours**".

Page 9, line 40, delete "the date".

(Reference is to HB 1007 as printed January 25, 2012.)

GOODIN

Upon request of Representatives Goodin and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 116: yeas 39, nays 58. Motion failed.

HOUSE MOTION
(Amendment 1007–5)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 6, line 27, delete "If:" and insert "**Except as provided in IC 12-14.5-5-2, if:**".

Page 7, line 12, delete "If," and insert "**Except as provided in IC 12-14.5-5-2 and if,**".

Page 8, delete line 26.

Page 9, between lines 3 and 4, begin a new paragraph and insert:

"**Sec. 2. (a) This section applies to an individual who:**

(1) tests positive on the drug test administered by the office of the secretary; and

(2) would otherwise be ineligible for TANF assistance as described in IC 12-14.5-2-2(a) and IC 12-14.5-3-1(a).

(b) An individual does not become ineligible for TANF assistance as described in subsection (a)(2) and may continue to receive all TANF assistance for the individual and on behalf of an eligible child if the individual:

(1) participates in a drug treatment program that has been approved by the division of mental health and addiction;

(2) successfully completes the drug treatment program; and

(3) does not test positive under a subsequent drug test ordered by the office of the secretary under this article.

(c) This section does not apply if the individual fails to complete the drug treatment program described in subsection (b).".

(Reference is to HB 1007 as printed January 25, 2012.)

RIECKEN

Upon request of Representatives Mahan and McMillin, the Speaker ordered the roll of the House to be called. Roll Call 117: yeas 97, nays 0. Motion prevailed. The bill was ordered engrossed.

House Bill 1087

Representative Thompson called down House Bill 1087 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1087–2)

Mr. Speaker: I move that House Bill 1087 be amended to read as follows:

Page13, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 6. IC 8-1-34-24, AS ADDED BY P.L.27-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 24. (a) Subject to ~~subsection~~ **subsections** (e) **and (f),** not later than forty-five (45) days after the end of each calendar quarter, the holder shall pay to each unit included in the holder's service area under a certificate issued under this chapter a franchise fee equal to:

(1) the amount of gross revenue received from providing video service in the unit during the most recent calendar quarter, as determined under section 23 of this chapter; multiplied by

(2) a percentage equal to one (1) of the following:

(A) If a local franchise has never been in effect in the unit before July 1, 2006, five percent (5%).

(B) If no local franchise is in effect in the unit on July 1, 2006, but one (1) or more local franchises have been in effect in the unit before July 1, 2006, the percentage of gross revenue paid by the holder of the most recent local franchise in effect in the unit, unless the unit elects to impose a different percentage, which may not exceed five percent (5%).

(C) If there is one (1) local franchise in effect in the unit on July 1, 2006, the percentage of gross revenue paid by the holder of that local franchise as a franchise fee to the unit, unless the unit elects to impose a different percentage, which may not exceed five percent (5%). Upon the expiration of a local franchise

described in this clause, the percentage shall be determined by the unit but may not exceed five percent (5%).

(D) If there is more than one (1) local franchise in effect with respect to the unit on July 1, 2006, a percentage determined by the unit, which may not exceed the greater of:

(I) five percent (5%); or

(ii) the percentage paid by a holder of any local franchise in effect in the unit on July 1, 2006.

(b) If the holder provides video service to an unincorporated area in Indiana, as described in section 23(e) of this chapter, the holder shall:

(1) calculate the franchise fee with respect to the unincorporated area in accordance with subsection (a); and

(2) remit the franchise fee to the county in which the unincorporated area is located.

If an unincorporated area served by the provider is located in one (1) or more contiguous counties, the provider shall remit part of the franchise fee calculated under subdivision (1) to each county having territory in the unincorporated area served. The part of the franchise fee remitted to a county must bear the same proportion to the total franchise fee for the area, as calculated under subdivision (1), that the number of subscribers in the county bears to the total number of subscribers in the unincorporated area served.

(c) With each payment of a franchise fee to a unit under this section, the holder shall include a statement explaining the basis for the calculation of the franchise fee. A unit may review the books and records of:

(1) the holder; or

(2) an affiliate of the holder, if appropriate;

to the extent necessary to ensure the holder's compliance with section 23 of this chapter in calculating the gross revenue upon which the remitted franchise fee is based. Each party shall bear the party's own costs of an examination under this subsection. If the holder and the unit cannot agree on the amount of gross revenue on which the franchise fee should be based, either party may petition the commission to determine the amount of gross revenue on which the franchise fee should be based. A determination of the commission under this subsection is final, subject to the right of direct appeal by either party.

(d) A franchise fee owed by a holder to a unit under this section may be passed through to, and collected from, the holder's subscribers in the unit. To the extent allowed under ~~43 U.S.C. 542(c),~~ **47 U.S.C. 542(c),** the holder may identify as a separate line item on each regular bill issued to a subscriber:

(1) the amount of the total bill assessed as a franchise fee under this section; and

(2) the identity of the unit to which the franchise fee is paid.

(e) A holder that elects under section 21(b)(1) of this chapter to continue providing video service under a local franchise is not required to pay the franchise fee prescribed under this section, but shall pay any franchise fee imposed under the terms of the local franchise.

(f) This subsection applies to video service provided in a calendar year beginning after December 31, 2012. The amount of each franchise fee determined under subsection (a) is reduced by the applicable percentage as follows:

(1) Twenty percent (20%) for video service provided in 2013.

(2) Forty percent (40%) for video service provided in 2014.

(3) Sixty percent (60%) for video service provided in 2015.

(4) Eighty percent (80%) for video service provided in 2016.

(5) One hundred percent (100%) for video service provided after December 31, 2016.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1087 as printed January 28, 2012.)

THOMPSON

After discussion, Representative Thompson withdrew the motion to amend.

HOUSE MOTION
(Amendment 1087–1)

Mr. Speaker: I move that House Bill 1087 be amended to read as follows:

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

"SECTION 5. IC 6-3.5-7-5, AS AMENDED BY P.L.199-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on March 31 of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on March 31 of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r), and ~~section~~ **sections** 28 **and 29** of this chapter, the county economic development income tax may be imposed at a rate of:

(1) one-tenth percent (0.1%);

(2) two-tenths percent (0.2%);

(3) twenty-five hundredths percent (0.25%);

(4) three-tenths percent (0.3%);

(5) thirty-five hundredths percent (0.35%);

(6) four-tenths percent (0.4%);

(7) forty-five hundredths percent (0.45%); or

(8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in **section 29 of this chapter and** subsection (h), (I), (j), (k), (l), (m), (n), (o), (p), (s), (v), (w), (x), or (y), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in **section 29 of this chapter and** subsection (g), (p), (r), (t), (u), (w), (x), or (y), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must adopt an ordinance.

(e) The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county.".

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000).~~ **(175,000).** Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:

(A) fifteen-hundredths percent (0.15%);

(B) two-tenths percent (0.2%); or

(C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than ~~forty-one~~ **forty-two** thousand ~~(41,000)~~ **three hundred (42,300)** but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(I) For a county having a population of more than thirteen thousand ~~five hundred (13,500)~~ **(13,000)** but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than ~~seventy-one~~ **sixty-eight** thousand ~~(71,000)~~ **nine hundred (68,900)** but less than ~~seventy-one~~ **seventy** thousand ~~four hundred (71,400),~~ **(70,000),** except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than ~~twenty-seven~~ **twenty-six** thousand ~~four hundred (27,400)~~ **(26,000)** but less than ~~twenty-seven~~ **twenty-six** thousand five hundred ~~(27,500).~~ **(26,500).** Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than ~~twenty-nine~~ **thirty** thousand ~~(29,000)~~ **(30,000)** but less than ~~thirty~~ **thirty-two** thousand ~~(30,000),~~ **(32,000),** except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

(1) a county having a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty** thousand ~~(200,000),~~ **(250,000);** or

(2) a county having a population of more than ~~forty-five~~ **forty-seven** thousand ~~(45,000)~~ **(47,000)** but less than ~~forty-five~~ **forty-seven** thousand ~~nine~~ **five** hundred ~~(45,900),~~ **(47,500);**

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than ~~six~~ **seven** thousand ~~(6,000)~~ **(7,000)** but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than ~~thirty-nine~~ **thirty-eight** thousand ~~(39,000)~~ **two hundred (38,200)** but less than ~~thirty-nine~~ **thirty-eight** thousand ~~six~~ **five** hundred ~~(39,600).~~ **(38,500).** Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1 **(repealed)** before January 1, 2009, or IC 6-1.1-12-37 after December 31, 2008) or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county, resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42 or from the exclusion in 2008 of inventory from the definition of personal property in IC 6-1.1-1-11.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the

extent that the certified distribution results from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Scott County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(v) This subsection applies to Jasper County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(w) An additional county economic development income tax rate imposed under section 28 of this chapter may not be considered in calculating any limit under this section on the sum of:

(1) the county economic development income tax rate plus the county adjusted gross income tax rate; or

(2) the county economic development tax rate plus the county option income tax rate.

(x) The income tax rate limits imposed by subsection (c) or (y) or any other provision of this chapter do not apply to:

(1) a county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26; or

(2) a county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

For purposes of computing the maximum combined income tax rate under subsection (c) or (y) or any other provision of this chapter that may be imposed in a county under IC 6-3.5-1.1, IC 6-3.5-6, and this chapter, a county's county adjusted gross income tax rate or county option income tax rate for a particular year does not include the county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26 or the county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

(y) This subsection applies to Monroe County. Except as provided in subsection (p), if an ordinance is adopted under IC 6-3.5-6-33, the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(z) This subsection applies to Perry County. Except as provided in subsection (p), if an ordinance is adopted under section 27.5 of this chapter, the county economic development income tax rate plus the county option income tax rate that is in effect on January 1 of a year may not exceed one and seventy-five hundredths percent (1.75%).

SECTION 6. IC 6-3.5-7-11, AS AMENDED BY P.L.229-2011, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Revenue derived from the imposition of the county economic development income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it.

(b) Before August 2 of each calendar year, the budget agency shall certify to the county auditor of each adopting county the sum of the amount of county economic development income tax revenue that the budget agency determines has been:

(1) received from that county for a taxable year ending before the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted for refunds of county economic development income tax made in the state fiscal year plus the amount of interest in the county's account that has been accrued and has not been included in a certification made in a preceding year. The amount certified is the county's certified distribution, which shall be distributed on the dates specified in section 16 of this chapter for the following calendar year.

(c) The amount certified under subsection (b) shall be adjusted under subsections (d), (e), (f), (g), and (h). The budget agency shall provide the county council with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years;

(4) adjustments for tax rate changes; and

(5) the amount of excess account balances to be distributed under IC 6-3.5-7-17.3.

(d) The budget agency shall certify an amount less than the amount determined under subsection (b) if the budget agency determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The budget agency may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(e) The budget agency shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The budget agency may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

(f) The budget agency shall adjust the certified distribution of a county to provide the county with the distribution required under section 16(b) of this chapter.

(g) The budget agency shall adjust the certified distribution of a county to provide the county with the amount of any tax increase imposed under section 25 or 26 of this chapter to provide additional homestead credits as provided in those provisions.

(h) This subsection applies to a county that:

(1) imposes, increases, decreases, or rescinds a tax or tax

rate under this chapter before November 1 in the same calendar year in which the budget agency makes a certification under this section; **or**

(2) adopts an ordinance imposing a tax rate under section 29 of this chapter in the same calendar year in which the budget agency makes a certification under this section.

The budget agency shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in subsection (b)(1) through (b)(2) in the manner provided in subsection (d). If the county imposes, increases, decreases, or rescinds a tax or tax rate under this chapter after the date for which a certification under subsection (b) is based, the budget agency shall adjust the certified distribution of the county after August 1 of the calendar year. The adjustment shall reflect any other adjustment authorized under subsections (c), (d), (e), (f), and (g). The adjusted certification shall be treated as the county's certified distribution for the immediately succeeding calendar year. The budget agency shall certify the adjusted certified distribution to the county auditor for the county and provide the county council with an informative summary of the calculations that revises the informative summary provided in subsection (c) and reflects the changes made in the adjustment.

(I) The budget agency shall before May 1 of every odd-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following two (2) calendar years.

(j) The budget agency shall before May 1 of every even-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following calendar year.

(k) The estimates under subsections (I) and (j) must specify the amount of the estimated certified distributions that are attributable to any additional rates authorized under this chapter.

SECTION 7. IC 6-3.5-7-12, AS AMENDED BY P.L.199-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Except as provided in sections 23, 25, 26, 27, 27.5, ~~and~~ 28, **and 29** of this chapter, the county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and sections 15 and 25 of this chapter, and subject to adjustment as provided in IC 36-8-19-7.5, the amount of the certified distribution that the county and each city or town in a county is entitled to receive during May and November of each year equals the product of the following:

(1) The amount of the certified distribution for that month; multiplied by

(2) A fraction. The numerator of the fraction equals the sum of:

(A) total property taxes that are first due and payable to the county, city, or town during the calendar year in which the month falls; plus

(B) for a county, the welfare allocation amount.

The denominator of the fraction equals the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus the welfare allocation amount. The welfare allocation amount is an amount equal to the sum of the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund and, if the county received a certified distribution under this chapter in 2008, the property taxes imposed by the county in 2008 for the county's county medical assistance to wards fund, family and children's fund, children's psychiatric residential treatment services fund, county hospital care for the indigent fund, and children with special health care needs county fund.

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before August 2 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

(1) The ordinance is effective January 1 of the following year.

(2) Except as provided in sections 25 and 26 of this chapter, the amount of the certified distribution that the county and each city and town in the county is entitled to receive during May and November of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

(3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

(1) The county.

(2) A city or town in the county.

(3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The department of local government finance shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) Except as provided in subsection (b)(2)(B), in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the department of local government finance shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In a county having a consolidated city, only the consolidated city is entitled to the certified distribution, subject to the requirements of sections 15, 25, and 26 of this chapter.

SECTION 8. IC 6-3.5-7-13.1, AS AMENDED BY P.L.199-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, 25, 26, 27, ~~and~~ 27.5, **and 28** of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) As used in this subsection, "homestead" means a homestead that is eligible for a standard deduction under

IC 6-1.1-12-37. Except as provided in sections 15, 23, 25, 26, 27, ~~and~~ 27.5, **and 28** of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

(3) By a county, city, or town for any lawful purpose for which money in any of its other funds may be used.

(4) By a city or county described in IC 36-7.5-2-3(b) for making transfers required by IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30, 2005, in a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000),~~ **(170,000),** the first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county or by eligible municipalities (as defined in IC 36-7.5-1-11.3) in the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. If a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** ceases to be a member of the northwest Indiana regional development authority under IC 36-7.5 but two (2) or more municipalities in the county have become members of the northwest Indiana regional development authority as authorized by IC 36-7.5-2-3(I), the county treasurer shall continue to transfer the three million five hundred thousand dollars ($3,500,000) to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county. In a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000),~~ **(170,000),** all of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under subdivision (5).

(5) This subdivision applies only in a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000).~~ **(170,000).** All of the tax revenue that results each year from a tax rate increase described in subdivision (4) that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under this subdivision. The following apply to homestead credits provided under this subdivision:

(A) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.

(B) The homestead credits shall be treated for all purposes as property tax levies.

(C) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(6) This subdivision applies only in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A county or a city or town in the county may use county economic development income tax revenue to provide homestead credits in the county, city, or town. The following apply to homestead credits provided under this subdivision:

(A) The county, city, or town fiscal body must adopt an ordinance authorizing the homestead credits. The ordinance must specify the amount of county economic development income tax revenue that will be used to provide homestead credits in the following year.

(B) A county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the ordinance is adopted.

(C) The homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 (repealed) for homesteads in the county, city, or town (for property taxes first due and payable before January 1, 2009) or to provide a homestead credit for homesteads in the county, city, or town (for property taxes first due and payable after December 31, 2008).

(D) The homestead credits shall be treated for all purposes as property tax levies.

(E) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(7) For a regional venture capital fund established under section 13.5 of this chapter or a local venture capital fund established under section 13.6 of this chapter.

(8) This subdivision applies only to a county:

(A) ~~that~~ **if the county** has a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000); and

(B) in which:

(I) the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the northwest Indiana regional development authority; and

(ii) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

Revenue from the county economic development income tax may be used by a county or a city described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the county economic development income tax rate is increased after June 30, 2006, in the county, the first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. All of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under subdivision (9).

(9) This subdivision applies only to a county described in subdivision (8). All of the tax revenue that results each year from a tax rate increase described in subdivision (8) that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under this subdivision. The following apply to homestead credits provided under this subdivision:

(A) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.

(B) The homestead credits shall be treated for all purposes as property tax levies.

(C) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(c) As used in this section, an economic development project is any project that:

(1) the county, city, or town determines will:

(A) promote significant opportunities for the gainful employment of its citizens;

(B) attract a major new business enterprise to the unit; or

(C) retain or expand a significant business enterprise within the unit; and

(2) involves an expenditure for:

(A) the acquisition of land;

(B) interests in land;

(C) site improvements;

(D) infrastructure improvements;

(E) buildings;

(F) structures;

(G) rehabilitation, renovation, and enlargement of buildings and structures;

(H) machinery;

(I) equipment;

(J) furnishings;

(K) facilities;

(L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);

(M) operating expenses authorized under subsection (b)(2)(E); or

(N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit;

or any combination of these.

(d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases in effect under section 21 of this chapter, a county, city, or town may not expend money from its economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.

SECTION 9. IC 6-3.5-7-29, IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 29. (a) This section applies to any of the following counties that enter into an interlocal agreement under IC 36-1-7 in which Marion County is one (1) of the counties entering into the interlocal agreement for an economic development project related to providing regional transportation services or regional transportation infrastructure:**

(1) Boone County.

(2) Hamilton County.

(3) Hancock County.

(4) Hendricks County.

(5) Johnson County.

(6) Madison County.

(7) Marion County.

(8) Morgan County.

(9) Shelby County.

(b) In addition to the rates permitted by section 5 of this chapter, the entity that imposed the county economic development income tax under section 5 of this chapter before January 1, 2012, (or, in the case of a county that has

not imposed the county economic development income tax before January 1, 2012, the entity that may impose the county economic development income tax under section 5(a)(3) of this chapter) may by ordinance impose an additional county economic development income tax at a rate of not more than three-tenths of one percent (0.3%) on the adjusted gross income of county taxpayers.

(c) If an additional county economic development income tax is imposed under this section, the county treasurer shall establish a county regional transportation interlocal agreement fund. The county economic development income tax revenues derived from the additional county economic development income tax imposed under this section must be deposited in the county regional transportation interlocal agreement fund before any certified distributions are made under section 12 of this chapter.

(d) County economic development income tax revenues derived from the tax rate imposed under this section:

(1) may be used only for the purposes of the interlocal agreement described in subsection (a) but only in accordance with the terms of the interlocal agreement.

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued, or leases entered into, for the purposes of the interlocal agreement described in subsection (a), but only in accordance with the terms of the interlocal agreement.

(e) If a county described in subsection (a) ceases to be a party to an interlocal agreement described in subsection (a), the county's authority to impose an additional county economic development income tax rate under this section ceases when the county has raised sufficient revenue to meet its obligations under the interlocal agreement.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1087 as printed January 28, 2012.)

DeLANEY

Representative Thompson rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. Representative DeLaney withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

House Bill 1250

Representative Mahan called down House Bill 1250 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1258

Representative Foley called down House Bill 1258 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1258–1)

Mr. Speaker: I move that House Bill 1258 be amended to read as follows:

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

"SECTION 1. IC 6-4.1-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2012.**".

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

"SECTION 3. IC 6-4.1-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2012.**".

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 5. IC 6-4.1-3-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2012.**

SECTION 6. IC 6-4.1-4-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.2. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2012.**

SECTION 7. IC 6-4.1-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2012.**

SECTION 8. IC 6-4.1-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2012.**

SECTION 9. IC 6-4.1-7-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2012.**

SECTION 10. IC 6-4.1-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2012.**

SECTION 11. IC 6-4.1-9-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2012.**

SECTION 12. IC 6-4.1-11-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. The following do not apply to the estate of an individual who dies after December 31, 2012:**

(1) Sections 1 through 5 of this chapter.

(2) Section 6(a) of this chapter.

(3) Section 7 of this chapter.

SECTION 13. IC 6-4.1-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The department of state revenue shall collect the Indiana estate tax and the interest charges imposed under this chapter. The department shall remit the money which it collects under this chapter to the state treasurer, and the state treasurer shall deposit the money in the state general fund.

(b) ~~Before August 15 of each year~~ **Except as provided in subsection (e),** the treasurer of state shall **annually** distribute to each county the amount determined under subsection (c) **or (d)** for the county. **The distribution for a particular state fiscal year must be made before August 15 of the following state fiscal year.** There is appropriated from the state general fund the amount necessary to make the distributions under this ~~section.~~ **subsection.**

(c) **Except as provided in subsection (d),** the department of state revenue shall determine the inheritance tax replacement amount for each county using the following formula:

STEP ONE: Determine the amount of inheritance tax revenue retained by each county in each state fiscal year

beginning with the state fiscal year that began July 1, 1990, and ending with the state fiscal year that ends June 30, 1997.

STEP TWO: Determine the average annual amount of inheritance tax revenue retained by each county using five (5) of the seven (7) state fiscal years described in STEP ONE after excluding the two (2) years in which each county retained its highest and lowest totals of inheritance tax revenue.

STEP THREE: Determine the remainder of the STEP TWO amount minus the amount of inheritance taxes retained by the county during the immediately preceding state fiscal year.

(d) For a state fiscal year beginning after June 30, 2013, and ending before July 1, 2014, the department of state revenue shall determine the inheritance tax replacement amount for each county using the following formula:

STEP ONE: Determine the amount of inheritance tax revenue retained by each county in each state fiscal year beginning with the state fiscal year that began July 1, 1990, and ending with the state fiscal year that ended June 30, 1997.

STEP TWO: Determine the average annual amount of inheritance tax revenue retained by each county using five (5) of the seven (7) state fiscal years described in STEP ONE after excluding the two (2) years in which each county retained its highest and lowest totals of inheritance tax revenue.

STEP THREE: Determine the remainder of the STEP TWO amount minus the amount of inheritance taxes retained by the county during the immediately preceding state fiscal year.

STEP FOUR: Determine the product of:

(1) the STEP THREE result; multiplied by

(2) fifty percent (50%).

(e) A county is not entitled to a distribution under subsection (b) for a state fiscal year beginning after June 30, 2014.

SECTION 14. IC 6-4.1-11.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2012.**

SECTION 15. IC 6-4.1-12-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) For an individual who dies after December 31, 2012, there is no inheritance tax imposed on the decedent's transfer of property interests.**

(b) Sections 1 through 12 of this chapter do not apply to a property interest transferred by a decedent whose death occurs after December 31, 2012.

SECTION 16. IC 6-4.1-12-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13. This article expires July 1, 2015.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1258 as printed January 28, 2012.)

GOODIN

Upon request of Representatives Goodin and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 118: yeas 33, nays 62. Motion failed. The bill was ordered engrossed.

House Bill 1270

Representative Clere called down House Bill 1270 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1270–1)

Mr. Speaker: I move that House Bill 1270 be amended to read as follows:

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

"SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.

(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.

(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.

(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:

(A) the variance procedures are included in the rules; and

(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(20) An emergency rule adopted by the office of the

children's health insurance program under IC 12-17.6-2-11.
(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.
(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).
(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).
(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.
(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.
(30) A rule adopted by the Indiana finance authority:
(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;
(B) under IC 8-15-2-17.2(a)(10):
(i) establishing enforcement procedures; and
(ii) making assessments for failure to pay required tolls;
(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or
(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.
(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.
(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.
(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).
(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.
(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.
(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:
(A) Federal Medicaid waiver program provisions.
(B) Federal programs administered by the office of the secretary.
(38) An emergency rule adopted by the commission on postsecondary propriety education.

(b) The following do not apply to rules described in subsection (a):
(1) Sections 24 through 36 of this chapter.
(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:
(1) accept the rule for filing; and
(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:
(1) The effective date of the statute delegating authority to the agency to adopt the rule.
(2) The date and time that the rule is accepted for filing under subsection (e).
(3) The effective date stated by the adopting agency in the rule.
(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:
(1) sections 24 through 36 of this chapter; or
(2) IC 13-14-9;
as applicable.

(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:
(1) The expiration date stated by the adopting agency in the rule.
(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the

statute authorizing or requiring the rule.".

Page 1, line 17, delete "IC 21-18.5-2-13)" and insert "**IC 21-18.5-2-12)**".

Page 2, line 15, delete "for higher education" and insert "**on postsecondary proprietary education"**.

Page 3, line 2, delete "IC 21-18.5-2-13)" and insert "**IC 21-18.5-2-12)**".

Page 3, line 23, delete "IC 21-18.5-2-13)" and insert "**IC 21-18.5-2-12)**".

Page 6, line 35, delete "for higher education under IC 21-18.5-5" and insert "**on postsecondary proprietary education under IC 21-18.5-6"**.

Page 7, line 4, delete "for higher" and insert "**on postsecondary proprietary**".

Page 7, line 5, delete "IC 21-18.5-5." and insert "**IC 21-18.5-6.**".

Page 7, line 11, delete "for higher education under IC 21-18.5-5)" and insert "**on postsecondary proprietary education under IC 21-18.5-6)**".

Page 7, line 13, delete "for".

Page 7, line 14, delete "higher education under IC 21-18.5-5." and insert "**on postsecondary proprietary education under IC 21-18.5-6.**".

Page 7, line 16, delete "for".

Page 7, line 17, delete "higher education" and insert "**on postsecondary proprietary education**".

Page 8, line 7, delete "IC 21-18.5-2-13." and insert "**IC 21-18.5-2-12.**".

Page 8, line 42, delete "under IC 21-18.5-5;" and insert "**on postsecondary proprietary education under IC 21-18.5-6;**".

Page 11, line 25, delete "under" and insert "**on postsecondary proprietary education under IC 21-18.5-6;**".

Page 11, line 26, delete "IC 21-18.5-5;".

Page 11, delete lines 36 through 42.

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

"SECTION 21. IC 21-12-6-4, AS ADDED BY P.L.2-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A scholarship recipient may apply a scholarship under this chapter to the educational costs of a postsecondary educational institution only if the postsecondary educational institution qualifies under this section. For a postsecondary educational institution to qualify under this section, the postsecondary educational institution must satisfy the following requirements:

(1) Be an approved postsecondary educational institution.

(2) Be accredited by an agency that is recognized by the Secretary of the United States Department of Education.

(3) Operate an organized program of postsecondary education leading to an associate or a baccalaureate degree on a campus located in Indiana.

(4) Be approved by the commission:

(A) under rules adopted under IC 4-22-2; and

(B) in consultation with the commission on **postsecondary** proprietary education **established by IC 21-18.5-5-1,** if appropriate.".

Page 15, line 6, strike "subdivision" and insert "**subsection**".

Page 22, line 37, after "council" insert "**or the commission on postsecondary proprietary education**".

Page 24, delete lines 27 through 42.

Page 25, delete lines 1 through 11.

Page 25, delete lines 27 through 28, begin a new line block indented and insert:

"**(6) Provide staff and office space for the commission for postsecondary proprietary education established by IC 21-18.5-5-1.**".

Page 27, line 5, delete "for higher education" and insert "**on postsecondary proprietary education**".

Page 27, line 6, delete "IC 21-18-2-1" and insert "**IC 21-18.5-5-1**".

Page 27, line 30, delete "for higher education" and insert "**on postsecondary proprietary education**".

Page 27, line 31, delete "under IC 21-18-2-1." and insert "**by IC 21-18.5-5-1.**".

Page 28, line 18, delete "for".

Page 28, line 19, delete "higher education established by IC 21-18-2-1." and insert "**on postsecondary proprietary education established by IC 21-18.5-5-1.**".

Page 28, line 34, delete "the commission for higher".

Page 28, line 35, delete "education established by IC 21-18-2-1 and".

Page 28, line 36, delete "the:" and insert "**the**".

Page 28, delete lines 37 through 38.

Page 28, line 39, delete "(2)".

Page 28, run in lines 36 through 39.

Page 29, line 3, delete "for higher education established under" and insert "**on postsecondary proprietary education established by**".

Page 29, line 4, delete "IC 21-18-2-1" and insert "**IC 21-18.5-5-1**".

Page 29, line 6, delete "IC 21-18.5-2-13);" and insert "**IC 21-18.5-2-12);**".

Page 29, line 15, delete "for higher" and insert "**on postsecondary proprietary**".

Page 29, line 16, delete "IC 21-18-2-1" and insert "**IC 21-18.5-5-1**".

Page 29, line 18, delete "IC 21-18.5-2-13);" and insert "**IC 21-18.5-2-12);**".

Page 29, line 25, delete "IC 21-18.5-5," and insert "**IC 21-18.5-6,**".

Page 29, delete lines 29 through 31.

Page 29, line 32, delete "4." and insert "**3.**".

Page 29, line 32, delete "IC 21-18.5-5," and insert "**IC 21-18.5-6,**".

Page 30, line 3, delete "5." and insert "**4.**".

Page 30, line 3, delete "IC 21-18.5-5," and insert "**IC 21-18.5-6,**".

Page 30, line 8, delete "6." and insert "**5.**".

Page 30, line 8, delete "IC 21-18.5-5," and insert "**IC 21-18.5-6,**".

Page 30, line 11, delete "7." and insert "**6.**".

Page 30, line 14, delete "8." and insert "**7.**".

Page 30, line 16, delete "9." and insert "**8.**".

Page 30, line 16, delete "IC 21-18.5-5," and insert "**IC 21-18.5-6,**".

Page 30, line 19, delete "10." and insert "**9.**".

Page 30, line 23, delete 11." and insert "**10.**".

Page 30, line 24, delete "12." and insert "**11.**".

Page 30, line 24, delete "IC 21-18.5-5," and insert "**IC 21-18.5-6,**".

Page 30, line 28, delete "13." and insert "**12.**".

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

"**Chapter 5. Commission on Postsecondary Proprietary Education**

Sec. 1. The commission on postsecondary proprietary education is established.

Sec. 2. (a) The commission on postsecondary proprietary education consists of five (5) members appointed by the governor.

(b) The members appointed by the governor under subsection (a) serve for a term of four (4) years.

(c) Not more than three (3) of the members appointed by the governor may be members of one (1) political party.

(d) Of the members, not more than two (2) members may have been previously employed by a postsecondary credit

bearing proprietary educational institution. However, the members may not be:

(1) employed by; or

(2) working as a contract employee or an independent contractor for;

a postsecondary credit bearing proprietary educational institution while serving as a member of the commission on postsecondary proprietary education.

(e) An appointment to fill a vacancy occurring on the commission on postsecondary proprietary education is for the unexpired term.

Sec. 3. A member of the commission on postsecondary proprietary education is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 4. (a) The commission on postsecondary proprietary education may select officers from the commission on postsecondary proprietary education's membership as the commission on postsecondary proprietary education considers necessary.

(b) The commission on postsecondary proprietary education may adopt reasonable rules under IC 4-22-2 to implement this chapter and IC 21-18.5-6.

(c) The commission on postsecondary proprietary education:

(1) may meet as necessary upon call of the chairperson; and

(2) shall meet at least four (4) times a year.

Sec. 5. An associate commissioner of the commission (as defined in IC 21-18.5-2-7) shall serve as the executive director of the commission on postsecondary proprietary education.".

Page 35, line 8, delete "5." and insert "**6.**".

Page 35, line 19, after "commission" insert "**on postsecondary proprietary education**".

Page 35, line 37, after "machinery" insert "**,**".

Page 36, line 5, after "commission" insert "**on postsecondary proprietary education**".

Page 36, line 10, after "commission" insert "**on postsecondary proprietary education**".

Page 36, line 11, delete "commission's" and insert "**commission on postsecondary proprietary education's**".

Page 36, line 13, after "commission" insert "**on postsecondary proprietary education**".

Page 36, line 19, after "commission" insert "**on postsecondary proprietary education**".

Page 36, line 39, delete "," and insert "**on postsecondary proprietary education,**".

Page 36, line 41, delete "." and insert "**on postsecondary proprietary education.**".

Page 37, line 3, after "commission" insert "**on postsecondary proprietary education**".

Page 37, line 6, after "commission" insert "**on postsecondary proprietary education**".

Page 37, line 36, delete "." and insert "**on postsecondary proprietary education.**".

Page 37, line 39, after "commission" insert "**on postsecondary proprietary education**".

Page 38, line 11, after "commission" insert "**on postsecondary proprietary education**".

Page 38, line 12, delete "commission's" and insert "**commission on postsecondary proprietary education's**".

Page 38, line 16, after "commission" insert "**on postsecondary proprietary education**".

Page 38, line 19, delete "or the approval of any other".

Page 38, line 20, delete "postsecondary educational institution".

Page 38, line 21, after "commission" insert "**on postsecondary proprietary education**".

Page 38, line 24, after "commission" insert "**on postsecondary proprietary education**".

Page 38, line 27, after "commission" insert "**on postsecondary proprietary education**".

Page 38, line 37, delete "." and insert "**on postsecondary proprietary education.**".

Page 39, line 5, after "commission" insert "**on postsecondary proprietary education**".

Page 39, line 6, delete "commission hearing." and insert "**hearing before the commission on postsecondary proprietary education.**".

Page 39, line 10, after "commission" insert "**on postsecondary proprietary education**".

Page 39, line 12, after "commission" insert "**on postsecondary proprietary education**".

Page 39, line 14, after "commission" insert "**on postsecondary proprietary education**".

Page 39, line 20, after "commission" insert "**on postsecondary proprietary education**".

Page 40, line 10, delete "." and insert "**on postsecondary proprietary education.**".

Page 40, line 14, after "commission" insert "**on postsecondary proprietary education**".

Page 40, line 32, after "commission" insert "**on postsecondary proprietary education**".

Page 40, line 35, after "commission" insert "**on postsecondary proprietary education**".

Page 40, line 40, delete ":" and insert "**on postsecondary proprietary education:**".

Page 41, line 13, after "commission" insert "**on postsecondary proprietary education**".

Page 41, line 16, after "commission" insert "**on postsecondary proprietary education**".

Page 41, line 30, delete "commission." and insert "**commission (as defined in IC 21-18.5-2-7.).**".

Page 41, line 33, after "commission" insert "**on postsecondary proprietary education**".

Page 41, line 37, after "commission" insert "**on postsecondary proprietary education**".

Page 41, line 37, after "commission" insert "**on postsecondary proprietary education**".

Page 41, delete lines 39 through 42.

Delete page 42.

Page 43, delete lines 1 through 8.

Page 45, line 16, delete "for higher education" and insert "**on postsecondary proprietary education**".

Page 45, line 17, delete "IC 21-18.5-5." and insert "**IC 21-18.5-6.**".

Page 46, line 33, after "machinery" insert "**,**".

Page 57, line 35, delete "IC 21-18.5-5-21" and insert "**IC 21-18.5-6-21**".

Page 58, line 5, after "the" insert "**commission on**".

Page 58, line 5, delete "credit bearing".

Page 58, line 6, delete "educational institution advisory board" and insert "**education**".

Page 58, line 10, after "to the commission" insert "**on proprietary education**".

Page 58, after line 14, begin a new paragraph and insert:

"SECTION 68. [EFFECTIVE UPON PASSAGE] **(a) The commission on postsecondary proprietary education may adopt emergency rules under IC 4-22-2-37.1 in order to administer IC 21-18.5-6, as added by this act.**

(b) Any emergency rules adopted pursuant to this SECTION expire on the earlier of:

(1) the date the commission on postsecondary proprietary education adopts rules under IC 4-22-2; or

(2) July 1, 2013.

(c) This SECTION expires January 1, 2014.

SECTION 69. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding the requirements set forth in IC 21-18.5-5, as added by this act, members serving as members of the Indiana commission on proprietary education on June 30, 2012, are considered members of the commission on postsecondary proprietary education established by IC 21-18.5-5-1, as added by this act, until the date the member's term would have expired under IC 21-17-2, before its repeal by this act.**

(b) This SECTION expires July 1, 2017.

SECTION 70. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1270 as printed January 25, 2012.)

CLERE

Motion prevailed. The bill was ordered engrossed.

Representative Behning was excused for the rest of the day.

House Bill 1376

Representative Espich called down House Bill 1376 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1376–1)

Mr. Speaker: I move that House Bill 1376 be amended to read as follows:

Page 4, line 24, delete "ten million dollars ($10,000,000)." and insert "**twenty-two million dollars ($22,000,000).**".

Page 4, line 30, delete "seven hundred thousand dollars" and insert "**one million three hundred thousand dollars ($1,300,000).**".

Page 4, delete line 31.

Page 4, line 39, delete "Seven hundred thousand dollars ($700,000)." and insert "**One million three hundred thousand dollars ($1,300,000).**".

Page 5, line 16, delete "ten million dollars ($10,000,000)," and insert "**twenty-two million dollars ($22,000,000),**".

Page 5, line 18, delete "ten million dollars" and insert "**twenty-two million dollars ($22,000,000)**".

Page 5, line 19, delete "($10,000,000)".

(Reference is to HB 1376 as printed January 27, 2012.)

DeLANEY

Upon request of Representatives DeLaney and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 119: yeas 36, nays 60. Motion failed.

HOUSE MOTION
(Amendment 1376–4)

Mr. Speaker: I move that House Bill 1376 be amended to read as follows:

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

"SECTION 3. IC 6-3-3-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13. (a) This section applies only to taxable years beginning after December 31, 2012.**

(b) The following definitions apply throughout this section:

(1) "Dependent child" has the meaning set forth in IC 6-3-2-22(a)(1).

(2) "Private elementary or high school education program" has the meaning set forth in IC 6-3-2-22(a)(3).

(c) Each taxable year, an individual is entitled to a credit against the individual's adjusted gross income tax liability for expenditures incurred during the taxable year for textbooks or workbooks, or both, that are required for a course of instruction furnished:

(1) by an Indiana school corporation; or

(2) through a private elementary or high school education program;

in which a dependent child of the individual is enrolled.

(d) The amount of the credit provided by this section may include amounts expended for:

(1) textbook rentals; and

(2) state gross retail or use tax imposed on the rental or purchase of textbooks or workbooks.

(e) For any specified taxable year, a taxpayer may not claim both:

(1) the deduction provided by IC 6-3-2-22; and

(2) the credit provided by this section;

on the taxpayer's annual return for the taxable year.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1376 as printed January 27, 2012.)

GOODIN

Upon request of Representatives Goodin and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 120: yeas 39, nays 56. Motion failed.

HOUSE MOTION
(Amendment 1376–6)

Mr. Speaker: I move that House Bill 1376 be amended to read as follows:

Page 1, between lines 8 and 9, begin a new line block indented and insert:

"**(1) transfer:**

(A) in 2013, the first sixteen million dollars ($16,000,000) of any excess reserves for that year to the prekindergarten pilot program fund established under IC 20-20-35-10.5 for purposes of making grants from the fund; and

(B) in 2014, the first twenty million dollars ($20,000,000) of any excess reserves for that year to the prekindergarten pilot program fund established under IC 20-20-35-10.5 for purposes of making grants from the fund;".

Page 1, line 9, reset in roman "(2)".

Page 1, line 9, delete "(1)" and insert "**after making the transfer required under subdivision (1),**".

Page 1, line 12, delete "(2)" and insert "**(3)**".

Page 1, line 12, after "for" insert "**transfers required under subdivision (1) or for**".

Page 1, line 16, after "($20,000,000)," insert "**after deducting the excess reserves required to make the transfer required by subsection (a)(1),**".

Page 1, line 17, after "reserves" insert "**that are not required to make the transfer required by subsection (a)(1)**".

Page 2, line 1, after "reserves" delete "," and insert "**that are not required to make the transfer required by subsection (a)(1) (including any carryover amount) equal at least twenty million dollars ($20,000,000). In the year that total excess reserves equal at least twenty million dollars ($20,000,000), after deducting the excess reserves required to make the transfer required by subsection (a)(1), the excess reserves shall be used as provided in subsection (a)(2) and (a)(3).**".

Page 2, delete lines 2 through 4.

Page 2, line 29, after "reserves" insert "**, after deducting the excess reserves required to make the transfer required by section 3(a)(1) of this chapter,**".

Page 3, line 18, after "reserves" insert "**, after deducting the excess reserves required to make the transfer required by section 3(a)(1) of this chapter,**".

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

"SECTION 3. IC 20-20-35-1, AS ADDED BY P.L.234-2007, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "eligible provider" means any of the following:

(1) School corporations.

(2) Any entity providing a prekindergarten program that is accredited by the National Association for the Education of Young Children.

~~However, the term does not include a charter school or an entity affiliated with a charter school.~~

SECTION 4. IC 20-20-35-3, AS ADDED BY P.L.234-2007, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The department shall establish a pilot program to provide grants to eligible providers selected by the department to implement prekindergarten programs.

(b) The department shall administer the pilot program.

(c) The department shall begin providing grants in the 2013-2014 school year.

SECTION 5. IC 20-20-35-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 10.5. (a) The prekindergarten pilot program fund is established. The money in the fund shall be used by the department for providing grants under section 3 of this chapter.**

(b) The department shall administer the fund.

(c) The fund consists of:

(1) transfers under IC 4-10-22-3;

(2) appropriations from the general assembly; and

(3) gifts and grants to the fund, including grants from private entities.

(d) Money in the fund is annually appropriated to the department for the department's use in carrying out the purposes of this chapter.

(e) Money in the fund at the end of a state fiscal year ending before July 1, 2020, does not revert to the state general fund. Any balance remaining in the fund on June 30, 2020, is transferred to the state general fund.

SECTION 6. IC 20-20-35-11, AS ADDED BY P.L.234-2007, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. This chapter expires July 1, ~~2014.~~ **2020.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1376 as printed January 27, 2012.)

DAY

Upon request of Representatives Day and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 121: yeas 40, nays 55. Motion failed.

HOUSE MOTION
(Amendment 1376–3)

Mr. Speaker: I move that House Bill 1376 be amended to read as follows:

Delete the title and insert the following:

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

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-10-22 IS REPEALED [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]. (Use of Excess Reserves).

SECTION 2. IC 6-3-2-1, AS AMENDED BY P.L.172-2011, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 1. (a) Each taxable year, a tax ~~at the rate of three and four-tenths percent (3.4%) of adjusted gross income~~ is imposed upon the adjusted gross income of every resident person, and on that part of the adjusted gross income derived from sources within Indiana of every nonresident person, **at one (1) of the following rates:**

(1) Two and nine-tenths percent (2.9%) of adjusted gross income, if the person's adjusted gross income does not exceed seventy thousand dollars ($70,000).

(2) Three and four-tenths percent (3.4%) of adjusted gross income, if the person's adjusted gross income exceeds seventy thousand dollars ($70,000).

(b) Except as provided in section 1.5 of this chapter, each taxable year, a tax at the following rate of adjusted gross income is imposed on that part of the adjusted gross income derived from sources within Indiana of every corporation:

(1) Before July 1, 2012, eight and five-tenths percent (8.5%).

(2) After June 30, 2012, and before July 1, 2013, eight percent (8.0%).

(3) After June 30, 2013, and before July 1, 2014, seven and five-tenths percent (7.5%).

(4) After June 30, 2014, and before July 1, 2015, seven percent (7.0%).

(5) After June 30, 2015, six and five-tenths percent (6.5%).

(c) If for any taxable year a taxpayer is subject to different tax rates under subsection (b), the taxpayer's tax rate for that taxable year is the rate determined in the last STEP of the following STEPS:

STEP ONE: Multiply the number of months in the taxpayer's taxable year that precede the month the rate changed by the rate in effect before the rate change.

STEP TWO: Multiply the number of months in the taxpayer's taxable year that follow the month before the rate changed by the rate in effect after the rate change.

STEP THREE: Divide the sum of the amounts determined under STEPS ONE and TWO by twelve (12).

However, the rate determined under this subsection shall be rounded to the nearest one-hundredth of one percent (0.01%).".

Delete pages 2 through 3.

Page 4, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

(Reference is to HB 1376 as printed January 27, 2012.)

DeLANEY

Upon request of Representatives DeLaney and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 122: yeas 39, nays 56. Motion failed. The bill was ordered engrossed.

With consent of the members, the Speaker returned to bills on third reading.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1002

Representative Wolkins called down Engrossed House Bill 1002 for third reading:

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

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

Roll Call 123: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Landske.

Engrossed House Bill 1004

Representative Richardson called down Engrossed House Bill 1004 for third reading:

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

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

Roll Call 124: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske and C. Lawson.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 7:30 p.m. with the Speaker in the Chair.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1005

Representative Mahan called down Engrossed House Bill 1005 for third reading:

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

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

Roll Call 125: yeas 70, nays 26. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Holdman.

Engrossed House Bill 1016

Representative Rhoads called down Engrossed House Bill 1016 for third reading:

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

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

Roll Call 126: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Mishler.

Representative Dembowski was excused for the rest of the day.

Engrossed House Bill 1033

Representative McMillin called down Engrossed House Bill 1033 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedures.

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

Roll Call 127: yeas 85, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Steele.

Engrossed House Bill 1049

Representative Koch called down Engrossed House Bill 1049 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

Roll Call 128: yeas 92, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray, Steele, and Lanane.

Engrossed House Bill 1050

Representative Koch called down Engrossed House Bill 1050 for third reading:

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

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

On the motion of Representative Grubb, the previous question was called. Roll Call 129: yeas 74, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

Engrossed House Bill 1072

Representative Espich called down Engrossed House Bill 1072 for third reading:

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

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

Roll Call 130: yeas 90, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kenley.

Engrossed House Bill 1092

Representative Burton called down Engrossed House Bill 1092 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

Roll Call 131: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

Engrossed House Bill 1102

Representative Davis called down Engrossed House Bill 1102 for third reading:

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

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

Roll Call 132: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Merritt.

Engrossed House Bill 1126

Representative Frizzell called down Engrossed House Bill 1126 for third reading:

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

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

Roll Call 133: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and Bray.

Engrossed House Bill 1132

Representative McNamara called down Engrossed House Bill 1132 for third reading:

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

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

Roll Call 134: yeas 79, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Hershman.

Engrossed House Bill 1133

Representative Eberhart called down Engrossed House Bill 1133 for third reading:

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

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

Roll Call 135: yeas 85, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Bray.

Engrossed House Bill 1134

Representative Speedy called down Engrossed House Bill 1134 for third reading:

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

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

Roll Call 136: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Miller.

Engrossed House Bill 1141

Representative Welch called down Engrossed House Bill 1141 for third reading:

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

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

Roll Call 137: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley, Simpson, Broden, and Alting.

Engrossed House Bill 1163

Representative Torr called down Engrossed House Bill 1163 for third reading:

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

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

Roll Call 138: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Banks, Kenley, and Simpson.

Engrossed House Bill 1169

Representative Koch called down Engrossed House Bill 1169 for third reading:

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

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

Roll Call 139: yeas 72, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

Engrossed House Bill 1192

Representative Cherry called down Engrossed House Bill 1192 for third reading:

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

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

Roll Call 140: yeas 91, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard, Kenley, Charbonneau, and Miller.

Engrossed House Bill 1199

Representative Turner called down Engrossed House Bill 1199 for third reading:

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

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

Roll Call 141: yeas 78, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Hershman and Banks.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 31, 2012, at 10:30 a.m.

DODGE

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1003.

CROUCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moseley be removed as coauthor of House Bill 1005.

MAHAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dvorak be added as coauthor of House Bill 1032.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wesco be added as coauthor of House Bill 1050.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as coauthor of House Bill 1054.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Frizzell, Welch, and Austin be added as coauthors of House Bill 1067.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1072.

ESPICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Soliday be added as coauthor of House Bill 1087.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Foley be added as coauthor of House Bill 1092.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Morris and Welch be added as coauthors of House Bill 1101.

McMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bartlett be added as coauthor of House Bill 1116.

BORDERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pierce, Lutz, and Sullivan be added as coauthors of House Bill 1126.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Day and Truitt be added as coauthors of House Bill 1141.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Mahan be removed as coauthor of House Bill 1149.

TURNER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives DeLaney and Steuerwald be added as coauthors of House Bill 1152.

McCLAIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kersey be added as coauthor of House Bill 1195.

M. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Bacon, Baird, Battles, Behning, Borders, Bosma, T. Brown, Burton, Cherry, Clere, Crouch, Culver, Davis, Davisson, Dermody, Dobis, Dodge, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, R. Frye, Goodin, Grubb, Gutwein, Heaton, Heuer, Hinkle, Karickhoff, Kirchhofer, Klinker, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Neese, Noe, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, Soliday, Speedy, Stemler, Steuerwald, Truitt, Ubelhor, VanNatter, Wesco, Wolkins, and Yarde be added as coauthors of House Bill 1199.

TURNER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Grubb be added as coauthor of House Bill 1221.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanNatter be removed as author of House Bill 1237, Representative Lehman be substituted as author, and Representative VanNatter be added as coauthor.

VanNATTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehman be removed as author of House Bill 1237 and that Representative Morris be substituted as author.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Messmer, Riecken, and Pryor be added as coauthors of House Bill 1239.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Day be added as coauthor of House Bill 1249.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives V. Smith and Pryor be added as coauthors of House Bill 1261.

HEUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Karickhoff, Clere, Behning, and Richardson be added as coauthors of House Bill 1269.

NEESE

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives DeLaney and Dvorak be added as coauthors of House Bill 1273.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morris be added as coauthor of House Bill 1298.

DAVIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1299.

DAVIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Soliday, C. Brown, and Stemler be added as coauthors of House Bill 1307.

HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of House Bill 1367.

NOE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative L. Lawson be removed as cosponsor of Senate Bill 11.

UBELHOR

Motion prevailed.

On the motion of Representative Eberhart, the House adjourned at 10:00 p.m., this thirtieth day of January, 2012, until Tuesday, January 31, 2012, at 10:30 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Twentieth Day — **Tuesday Morning** — **January 31, 2012**

The invocation was offered by Reverend Karen E. Devaisher, United Methodist Church, Avon, the guest of Representative Gregory E. Steuerwald.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Bruce A. Borders.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond □
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh □
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 142: 98 present; 2 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

The House recessed for the remarks of United States Congressman Dan Burton, a former member of the Indiana House and the Indiana Senate.

INTRODUCTION OF BILLS

With consent of the members, the following bills on Bill List 8 were read a first time by title and referred to the respective committees:

SB 1 — McMillin, Turner, Speedy
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 6 — Ubelhor, Eberhart
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 11 — Ubelhor
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 13 — T. Brown, C. Brown
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 15 — T. Brown, C. Brown
Committee on Public Health
A BILL FOR AN ACT concerning health.

SB 18 — Kirchhofer, McMillin, Steuerwald
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 19 — Richardson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 24 — Noe, C. Brown, T. Brown
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 26 — Foley, Pierce
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 31 — Baird
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 32 — Foley
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning probate.

SB 52 — T. Brown, C. Brown, Crouch
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 54 — Wolkins, Mahan
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 98 — Espich, Crawford
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

SB 105 — T. Brown, Turner
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 109 — Heaton, Burton
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 111 — Torr
Committee on Insurance
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 114 — Steuerwald
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 115 — Koch, Richardson
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

SB 119 — Koch, Richardson
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

SB 127 — Niezgodski, Gutwein
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 128 — Burton, M. Smith
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 130 — Wolkins
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 133 — Wolkins
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 143 — Espich, Crawford
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 144 — Espich, Crawford
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 148 — Heaton, Mahan, GiaQuinta
Committee on Insurance
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 154 — Koch, Ubelhor, Welch
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 156 — Koch
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 170 — Mahan
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 172 — Baird
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 176 — Foley
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 191 — Soliday, Moseley
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 193 — Dermody, Dobis
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 212 — Cherry
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

SB 215 — Kersey
Committee on Ways and Means
A BILL FOR AN ACT concerning taxation.

SB 232 — Gutwein, Leonard
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 233 — Richardson, Truitt, Klinker
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 249 — Truitt, Klinker
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 253 — Heuer
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 255 — R. Frye
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 257 — Soliday, DeLaney
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 274 — McMillin
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 287 — Noe, McNamara
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 301 — Soliday, Speedy, Harris
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 302 — Clere, Friend, Dobis
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 362 — Speedy
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 370 — Foley, Summers
Committee on Commerce, Small Business and Economic Development
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 402 — Foley
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 12

Representative V. Smith introduced House Concurrent Resolution 12:

A CONCURRENT RESOLUTION urging INDOT to erect a memorial in honor of State Trooper Scott Patrick.

Whereas, Scott Alan Patrick joined the Indiana State Police in 2000;

Whereas, In the early morning hours of December 22, 2003, at a time when Trooper Patrick's wife Melissa Patrick was pregnant with their first child Isaac, Trooper Patrick was dispatched to assist a stranded motorist near the Grant Street exit of Interstate 80/94 near Gary;

Whereas, Arriving at the scene, Trooper Patrick found the driver walking away from the car, instructed him to stop and began to search him for weapons, whereupon a struggle ensued;

Whereas, In the course of the struggle, the driver drew a gun and fired twice at Trooper Patrick, striking him once in the chest above his bullet-resistant vest;

Whereas, Although fatally wounded, Trooper Patrick was able to return fire and radio for assistance, before passing away while in surgery at Northlake Methodist Hospital a short time later;

Whereas, Thanks to Trooper Patrick's courage and endurance, an assisting trooper was able to arrive in time to prevent the shooter's escape and arrest him, a convicted drug dealer in Illinois out of the state in violation of his parole, which arrest ultimately lead to his conviction for the murder of Trooper Patrick in 2006; and

Whereas, In Trooper Patrick's honor, Indiana State Road 10 between Wheatfield and Demotte has been named the "Trooper Scott A. Patrick Memorial Highway," and his wife Melissa has established the Trooper Scott Patrick Flag Foundation: Therefore,

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

SECTION 1. That the Indiana General Assembly honors Trooper Scott. A Patrick for his service and final sacrifice on behalf of the people of Indiana.

SECTION 2. That the General Assembly urges the Indiana Department of Transportation to erect a memorial to Trooper Patrick at the Grant Street exit ramp of Interstate 80/94 near Gary.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Melissa Patrick.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 13

Representatives Riecken, Crouch, Bacon, McNamara, Battles, Ellspermann, and Messmer introduced House Concurrent Resolution 13:

A CONCURRENT RESOLUTION recognizing the USS LST Ship Memorial, Evansville.

Whereas, The USS LST 325, one of 1,051 LSTs built during World War II, is an amphibious vessel designed to land battle-ready tanks, troops, and supplies directly onto enemy shores;

Whereas, The USS LST 325, built in a Philadelphia ship yard and commissioned on February 1, 1943, participated in the invasions of Sicily, Salerno, and Normandy;

Whereas, During the invasion of Normandy, the USS LST 325 made over 40 round trip missions between England and France ferrying troops, supplies, and the wounded;

Whereas, Given to the Greek Navy in 1964, the USS LST 325 was decommissioned in 1999;

Whereas, In 2000, the USS LST 325 was acquired from the Greek Navy by the USS LST Ship Memorial;

Whereas, The ship was repaired and sailed back to the United States, where it is the only near fully restored and fully operational LST and one of only a few surviving vessels that participated in the D-Day Invasion in 1944; and

Whereas, It is through memorials such as the one dedicated to the USS LST 325 that Hoosiers are reminded of the sacrifices made by others so that they may be free: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes the USS LST Ship Memorial and acknowledges the contributions made to the community by the dedicated staff of this historical monument.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the executive director and the board of directors of the USS LST Ship Memorial.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Tomes and Becker.

House Resolution 17

Representative Yarde introduced House Resolution 17:

A HOUSE RESOLUTION urging the Indiana Department of Transportation to rename the 3.5 mile section of State Road 8 between State Road 327 and the Auburn city limits as "The John Martin Smith Memorial Highway".

Whereas, Born on August 17, 1939, John Martin Smith was a sixth generation native of DeKalb County;

Whereas, John Martin Smith lived in Butler during his youth and then moved to the family farm;

Whereas, John Martin Smith graduated from Butler High School and attended Indiana University where he earned a Bachelor of Science degree from the School of Business and a Doctor of Jurisprudence Degree with Distinction from the School of Law;

Whereas, John Martin Smith established a law practice in Auburn where he later practiced law with his son Thompson;

Whereas, John Martin Smith had a passion for state and local history;

Whereas, John Martin Smith was the founder of the DeKalb County Historical Society, served on the Board of Trustees and as President of the Indiana Historical Society, and served as the DeKalb County Historian;

Whereas, John Martin Smith was the founder of the Auburn Cord Duesenberg Museum and the National Automotive & Truck Museum of the United States (NATMUS) and was on the Board of Directors and served as Regional Vice President of the American Truck Historical Society;

Whereas, John Martin Smith wrote numerous books and articles on historical subjects, was the author or editor of 17 books including the 1,510 page "History of DeKalb County from 1837-1987", which was published in observance of the Sesquicentennial of DeKalb County, and authored six books for Arcadia Publishing, including "Auburn, the Classic City" and "DeKalb County in Vintage Postcards";

Whereas, John Martin Smith was named a Sagamore of the Wabash by Governor Frank O'Bannon and was an Honorary Life Member of the Auburn Cord Duesenberg Club; and

Whereas, John Martin Smith was a keeper of history who worked to ensure that all Hoosiers could know their heritage: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the Indiana Department of Transportation to rename the 3.5 mile section of State Road 8 between State Road 327 and the Auburn city limits as "The John Martin Smith Memorial Highway".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the family of John Martin Smith and the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Resolution 18

Representative Neese introduced House Resolution 18:

A HOUSE RESOLUTION urging the Legislative Council to assign to the Criminal Code Evaluation Commission the topic of increased penalties for battery committed against a law enforcement officer.

Whereas, Battery committed against a law enforcement officer while the officer is engaged in the execution of the officer's official duties may warrant harsher penalties; and

Whereas, The issue of battery committed against a person summoned and directed by a law enforcement officer warranting harsher penalties should also be considered by the Criminal Code Evaluation Commission: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to assign to the Criminal Code Evaluation Commission the topic of increased penalties for battery committed against a law enforcement officer.

The resolution was read a first time and referred to the Committee on Courts and Criminal Code.

House Resolution 19

Representative M. Smith introduced House Resolution 19:

A HOUSE RESOLUTION congratulating Tony Stewart on winning the 2011 NASCAR Sprint Cup Championship.

Whereas, Throughout his career Tony Stewart has proven that he is truly a champion;

Whereas, Tony Stewart has once again snagged the golden ring, after overcoming several setbacks;

Whereas, Tony Stewart finished first in the Ford 400 at Homestead Miami Speedway to win the NASCAR Sprint Cup Championship in a tiebreaker over race runner-up Carl Edwards;

Whereas, The bonus points Tony received for winning his 44th career race allowed him to make up the three point lead held by Carl Edwards;

Whereas, Tied with Edwards at the end of NASCAR's Chase for the Sprint Cup, Tony Stewart claimed the title with five victories this season to Carl Edward's one;

Whereas, Born in Columbus, Indiana, Tony Stewart grew up dreaming of racing in the Indianapolis 500;

Whereas, Tony Stewart accomplished this dream and established himself as one of the great names in racing;

Whereas, Tony Stewart began his career at age seven, racing go karts while his father, Nelson, acted as his car owner and crew chief;

Whereas, At eight years, old Tony Stewart won his first championship, a four cycle rookie junior class championship at the Columbus Fairgrounds;

Whereas, Tony Stewart went on to win the International Karting Federation Grand National championship and the World Karting Association National championship;

Whereas, In 1989, Tony Stewart moved from racing go karts to racing higher horsepower, open wheel machines;

Whereas, Tony Stewart was the United States Auto Club (USAC) Rookie of the Year in 1991, was fifth in the 1993 USAC standings after winning the Hut Hundred, and was the National Midget series champion in 1994;

Whereas, In 1995, Tony Stewart set the racing world on fire by winning the National Midget, Sprint, and Silver Crown titles all in the same year, which was a feat never before accomplished, and earned him a ride in the newly developed Indy Racing League and Rookie of the Year honors in 1996;

Whereas, Tony Stewart won an Indy Racing League championship in 1997 and gained success in his NASCAR career by competing in both the Indianapolis 500 and the Coca-Cola 600 on the same day, driving more than 1,090 miles that day;

Whereas, Tony Stewart began the 1999 NASCAR season on a high note as he qualified in second place for the Daytona 500, his first Nextel Cup race before winning three races and being named NASCAR's Rookie of the Year;

Whereas, In 2002, Tony Stewart won the first of his NASCAR championships, repeating in 2005 with his second Nextel Cup title;

Whereas, Tony Stewart continues to amaze and astound racing fans everywhere; and

Whereas, A champion in sprint cars, Indy cars, and stock cars, Tony Stewart is an exceptional athlete who gives back to his community in many ways: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates Tony Stewart on winning the 2011 NASCAR Sprint Cup Championship, wishes him continued success in the future, and thanks him for the many charitable contributions he has made to his state and his country.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Tony Stewart.

The resolution was read a first time and adopted by voice vote.

House Resolution 20

Representative Foley introduced House Resolution 20:

A HOUSE RESOLUTION urging the Legislative Council to assign to the Criminal Law and Sentencing Policy Study Committee the topic of the sex and violent offender registry.

Whereas, The Criminal Law and Sentencing Policy Study Committee, established by Public Law 187-2011, should study the criteria necessary to require registration on the sex and violent offender registry, how long an individual should remain on the registry, and what constitutes relief when registration requirements have been fulfilled: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to assign to the Criminal Law and Sentencing Policy Study Committee the topic of the sex and violent offender registry.

The resolution was read a first time and referred to the Committee on Courts and Criminal Code.

House Resolution 21

Representative Austin introduced House Resolution 21:

A HOUSE RESOLUTION to congratulate the Women in Government Foundation and their work promoting vaccinations.

Whereas, The Centers for Disease Control and Prevention (CDC) report vaccinations are one of the best ways to put an end to the serious effects of certain diseases;

Whereas, The CDC's 2010 National Immunization Survey found an increase in vaccine usage for numerous vaccine-preventable diseases, including measles, mumps, rubella, rotavirus, pneumococcal disease, hepatitis A, and Haemophilus influenza type B;

Whereas, The results from the National Immunization Survey also indicate that vaccine coverage rates against poliovirus, chickenpox, and the full series of hepatitis B remained stable at or above 90%;

Whereas, The CDC's Advisory Committee on Immunization Practices reports that adolescents between 13 and 17 years of age routinely receive meningococcal conjugate, tetanus, diphtheria, and acellular pertussis vaccines;

Whereas, Immunizing children and adolescents helps protect the health of our communities throughout the State of Indiana by slowing down or stopping disease outbreaks;

Whereas, The Women in Government Foundation, Inc. is a national, non-profit, non-partisan organization of female State legislators that provides leadership opportunities, networking expert forums, and educational resources to address and resolve complex public policy issues; and

Whereas, The Women in Government Foundation has made it a major policy initiative to emphasize the importance of lifetime vaccinations to create a healthier population and save lives: Therefore,

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

SECTION 1. That the Indiana House of Representatives encourages the continued use of vaccines in children, adolescents, and adults to ensure the safety and health of Hoosiers.

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

Women in Government Foundation in recognition of their continued leadership on public health issues.

The resolution was read a first time and referred to the Committee on Public Health.

House Resolution 22

Representative Candelaria Reardon introduced House Resolution 22:

A HOUSE RESOLUTION to honor the life of Pastor David J. Allen.

Whereas, David J. Allen was born David Almazan Jr. in 1955 in East Chicago, the oldest of five brothers;

Whereas, Pastor Allen's commitment to outreach and engagement showed itself early in his life, when, at the age of 12, he set up his own radio station, and established himself as a regular call-in guest to local political talk radio programs;

Whereas, Pastor Allen graduated from Washington High School in three years, before going on to Purdue University to major in Communications, Radio, and Newspaper Journalism, as well as Real Estate, also studying Stage and Theatrical Production at St. Joseph's Catholic College in Whiting, Indiana;

Whereas, Pastor Allen began his career with Midland Communications in Chicago, staying with the firm for almost 20 years, as well as serving as a consultant to the Archdiocese of Chicago, for whom he developed a weekly, bilingual Catholic newspaper, and in 1997 moved on to become a real estate broker in Highland, Indiana;

Whereas, Pastor Allen began his political involvement with the successful campaign of Harold Washington for Mayor of Chicago, later serving as assistant and spokesman to Robert Pastrick during his tenure as the Mayor of East Chicago;

Whereas, Pastor Allen began his pastoral work under the guidance of the late Bishop Frank Munsey, and continued to carry on his mentor's project of "kingdom statesmanship" in countless ways, including working with Benny Hinn Media Ministries, organizing the "Washington for Jesus" march, dedicating himself as a friend and supporter to Israel, and tirelessly dedicating himself to the Family Christian Center of Munster, Indiana; and,

Whereas, One of the central aspects to Pastor Allen's ministry was outreach to Indiana's Spanish-speaking community, to whom he committed himself by raising private donations, supporting local Hispanic businessmen and -women, and helping young Hispanic community leaders grow and develop their talents: Therefore,

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

SECTION 1. That the Indiana House of Representatives honors the life of Pastor David J. Allen, commemorates his tireless service to his neighbors, his community and his church, and extends to his family the sincere condolences of its members.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Pastor Allen's family.

The resolution was read a first time and adopted by voice vote.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1367

Representative Noe called down Engrossed House Bill 1367 for third reading:

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

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

Roll Call 143: yeas 61, nays 36. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator C. Lawson.

Engrossed House Bill 1007

Representative McMillin called down Engrossed House Bill 1007 for third reading:

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

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

Roll Call 144: yeas 73, nays 23. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Head and Banks.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:48 p.m. with the Speaker in the Chair.

Upon request of Representative C. Fry and Goodin, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 145: 70 present. The Speaker declared a quorum present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1011

Representative Foley called down Engrossed House Bill 1011 for third reading:

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

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

Roll Call 146: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray, Head, Taylor, and Hume.

Engrossed House Bill 1047

Representative Lutz called down Engrossed House Bill 1047 for third reading:

A BILL FOR AN ACT concerning education.

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

Roll Call 147: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

Engrossed House Bill 1054

Representative Soliday called down Engrossed House Bill 1054 for third reading:

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

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

Roll Call 148: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau, Merritt, and Wyss.

Engrossed House Bill 1087

Representative Thompson called down Engrossed House Bill 1087 for third reading:

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

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

Roll Call 149: yeas 81, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Hershman and Arnold.

Representative McClain was excused.

Engrossed House Bill 1091

Representative Friend called down Engrossed House Bill 1091 for third reading:

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

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 1091–4)

Mr. Speaker: I move that Engrossed House Bill 1091 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 1, line 11, delete "2011]:" and insert "2012]:".

(Reference is to HB 1091 as reprinted January 27, 2012.)

FRIEND

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1091, begs leave to report that said bill has been amended as directed.

FRIEND

Report adopted.

The question then was, Shall the bill pass?

Roll Call 150: yeas 57, nays 39. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Leising.

Engrossed House Bill 1107

Representative Koch called down Engrossed House Bill 1107 for third reading:

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

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

Roll Call 151: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Gard.

Engrossed House Bill 1111

Representative Clere called down Engrossed House Bill 1111 for third reading:

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

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

On the motion of Representative Goodin, the previous question was called. Roll Call 152: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Mishler, and Broden.

Engrossed House Bill 1117

Representative Wolkins called down Engrossed House Bill 1117 for third reading:

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

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

Roll Call 153: yeas 76, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Leising.

Engrossed House Bill 1149

Representative Turner called down Engrossed House Bill 1149 for third reading:

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

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

Roll Call 154: yeas 62, nays 35. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard, Alting, and Simpson.

Engrossed House Bill 1171

Representative GiaQuinta called down Engrossed House Bill 1171 for third reading:

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

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

Roll Call 155: yeas 75, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Wyss.

Engrossed House Bill 1195

Representative M. Smith called down Engrossed House Bill 1195 for third reading:

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

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

Roll Call 156: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Walker.

Engrossed House Bill 1197

Representative M. Smith called down Engrossed House Bill 1197 for third reading:

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

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

Roll Call 157: yeas 76, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Becker.

Engrossed House Bill 1204

Representative Dermody called down Engrossed House Bill 1204 for third reading:

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

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 1204–1)

Mr. Speaker: I move that Engrossed House Bill 1204 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 7, line 4, delete ":" and insert "**,**".

Page 7, delete lines 5 through 42.

Page 8, delete lines 1 through 10.

Page 8, line 11, delete "(c) Except" and insert "**the offender, except**".

Page 8, line 11, delete "(d) and (e), an offender" and insert "**(c) or (d),**".

Page 8, line 12, delete "described in subsection (b)".

Page 8, line 15, delete "(d) An" and insert "**(c) The address of an**".

Page 8, line 15, delete "is entitled to have the" and insert "**shall be**".

Page 8, line 16, delete "offender's address".

Page 8, line 16, delete "part" and insert "**public portal**".

Page 8, line 17, delete "that is available to the public." and insert "**.**".

Page 8, line 20, delete "(e)" and insert "**(d)**".

(Reference is to HB 1204 as printed January 23, 2012.)

DERMODY

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1204, begs leave to report that said bill has been amended as directed.

DERMODY

Report adopted.

The question then was, Shall the bill pass?

Roll Call 158: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Arnold.

Engrossed House Bill 1205

Representative Behning called down Engrossed House Bill 1205 for third reading:

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

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 1205–23)

Mr. Speaker: I move that Engrossed House Bill 1205 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 2, line 8, delete "testimony" and insert "**comment**".

(Reference is to HB 1205 as reprinted January 28, 2012.)

BEHNING

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1205, begs leave to report that said bill has been amended as directed.

BEHNING

Report adopted.

Representative Goodin was excused from voting, pursuant to House Rule 47. The question then was, Shall the bill pass?

Roll Call 159: yeas 88, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

Engrossed House Bill 1207

Representative Davis called down Engrossed House Bill 1207 for third reading:

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

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

Roll Call 160: yeas 59, nays 37. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Boots.

Engrossed House Bill 1211

Representative Crouch called down Engrossed House Bill 1211 for third reading:

A BILL FOR AN ACT to amend the Indiana Code

concerning health.

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

Representative Porter was excused from voting, pursuant to House Rule 47. Roll Call 161: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senator Becker, Leising, Broden, and Simpson.

Engrossed House Bill 1212

Representative Kirchhofer called down Engrossed House Bill 1212 for third reading:

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

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

Roll Call 162: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Merritt.

Engrossed House Bill 1216

Representative Kirchhofer called down Engrossed House Bill 1216 for third reading:

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

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

Roll Call 163: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Miller.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed House Bill 1220

Representative Rhoads called down Engrossed House Bill 1220 for third reading:

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

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

Roll Call 164: yeas 60, nays 35. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Leising, Yoder, and Banks.

Engrossed House Bill 1221

Representative Karickhoff called down Engrossed House Bill 1221 for third reading:

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

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

Roll Call 165: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Buck.

Engrossed House Bill 1222

Representative Yarde called down Engrossed House Bill 1222 for third reading:

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

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

Roll Call 166: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Arnold.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1224

Representative Cherry called down Engrossed House Bill 1224 for third reading:

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

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

Roll Call 167: yeas 87, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Alting and Boots.

Engrossed House Bill 1225

Representative Lehman called down Engrossed House Bill 1225 for third reading:

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

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

Roll Call 168: yeas 71, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Holdman and Gard.

Representative McClain, who had been excused, was present.

Engrossed House Bill 1226

Representative Lehman called down Engrossed House Bill 1226 for third reading:

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

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

Roll Call 169: yeas 91, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

Engrossed House Bill 1237

Representative Morris called down Engrossed House Bill 1237 for third reading:

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

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

Representatives Culver and VanNatter were excused from voting, pursuant to House Rule 47. Roll Call 170: yeas 82, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Eckerty and Yoder.

Engrossed House Bill 1241

Representative Ellspermann called down Engrossed House Bill 1241 for third reading:

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

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

Roll Call 171: yeas 85, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Leising.

Engrossed House Bill 1249

Representative Clere called down Engrossed House Bill 1249 for third reading:

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

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

Roll Call 172: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Holdman, and Breaux.

Engrossed House Bill 1250

Representative Mahan called down Engrossed House Bill 1250 for third reading:

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

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

Roll Call 173: yeas 92, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Holdman.

Engrossed House Bill 1258

Representative Foley called down Engrossed House Bill 1258 for third reading:

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

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

Roll Call 174: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zakas, Glick, and Broden.

Engrossed House Bill 1265

Representative Ubelhor called down Engrossed House Bill 1265 for third reading:

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

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

On the motion of Representative C. Brown, the previous question was called. Roll Call 175: yeas 56, nays 40. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Yoder and Banks.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed House Bill 1269

Representative Neese called down Engrossed House Bill 1269 for third reading:

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

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

On the motion of Representative Goodin, the previous question was called. Roll Call 176: yeas 62, nays 35. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Miller.

Representatives Welch and White were excused.

Engrossed House Bill 1270

Representative Clere called down Engrossed House Bill 1270 for third reading:

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

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

Roll Call 177: yeas 60, nays 33. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse and Kenley.

Engrossed House Bill 1279

Representative Eberhart called down Engrossed House Bill 1279 for third reading:

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

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

Roll Call 178: yeas 83, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Mishler.

Representatives Welch and White, who had been excused, were present.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1283

Representative Richardson called down Engrossed House Bill 1283 for third reading:

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

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

Roll Call 179: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Simpson.

Engrossed House Bill 1298

Representative Davis called down Engrossed House Bill 1298 for third reading:

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

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

Roll Call 180: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Holdman and Paul.

Engrossed House Bill 1307

Representative Harris called down Engrossed House Bill 1307 for third reading:

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

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

Roll Call 181: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau, Rogers, and Randolph.

Engrossed House Bill 1312

Representative Ellspermann called down Engrossed House Bill 1312 for third reading:

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

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

Roll Call 182: yeas 73, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator R. Young.

Engrossed House Bill 1325

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1325, Representative Pond, granted consent to the coauthor, Representative Behning, to call the bill down for third reading. Representative Behning called down Engrossed House Bill 1325 for third reading:

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

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

Roll Call 183: yeas 89, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Hershman and M. Young.

Engrossed House Bill 1326

Representative Rhoads called down Engrossed House Bill 1326 for third reading:

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

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

Roll Call 184: yeas 79, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Yoder.

Engrossed House Bill 1376

Representative Espich called down Engrossed House Bill 1376 for third reading:

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

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

Roll Call 185: yeas 96, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kenley.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 7, 2012, at 1:30 p.m.

FOLEY

The motion was adopted by a constitutional majority.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Dvorak's second reading amendment (Amendment 3) to House Bill 1007, Roll Call 78, on January 27, 2012. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

NEESE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 78 to 55 yeas, 40 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1047, Roll Call 147, on January 31, 2012. In support of this petition, I submit the following reason:

"I was present and in the chamber, but I did not have a

chance to vote before voting closed. I intended to vote yea."

AUSTIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 147 to 92 yeas, 1 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1091, Roll Call 150, on January 31, 2012. In support of this petition, I submit the following reason:

"I was present and in my seat, but I vote nay when I intended to vote yea."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 150 to 57 yeas, 39 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1149, Roll Call 154, on January 31, 2012. In support of this petition, I submit the following reason:

"I was present and in the chamber, but my vote failed to register. I intended to vote nay."

SPEEDY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 154 to 62 yeas, 35 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Stemler be added as coauthor of House Bill 1250.

MAHAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Speedy be added as coauthor of House Bill 1265.

UBELHOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Crawford be added as coauthor of House Bill 1376.

ESPICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Foley be added as cosponsor of Engrossed Senate Bill 156.

KOCH

Motion prevailed.

On the motion of Representative Davis, the House adjourned at 6:22 p.m., this thirty-first day of January, 2012, until Tuesday, February 7, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Twenty-first Day — **Tuesday Afternoon** — **February 7, 2012**

The invocation was offered by Ms. Christine Hoehn, University of Southern Indiana's Office of Religious Life, the guest of Representative Susan Ellspermann.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Ellspermann.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon □
Bartlett □
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak ●
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch □
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 186: 96 present; 3 excused; 1 absent. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused;* ● *indicates those who were absent*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bill 1001 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 1, 15, 26, 32, 111, 115, 119, 127, 130, 148, 170, 176, 215, 225, 257, and 269 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 10, 12, 56, 83, 89, 113, 131, 132, 140, 152, 157, 165, 168, 173, 175, 182, 190, 192, 201, 223, 224, 226, 230, 234, 235, 237, 246, 248, 256, 258, 259, 262, 265, 267, 268, 273, 275, 277, 280, 285, 286, 293, 296, 303, 307, 308, 309, 312, 315, 321, 322, 329, 330, 337, and 345 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 22, 61, 97, 142, 147, 155, 231, 271, 298, 355, and 361 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 13 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House

that the Senate has passed Senate Concurrent Resolution 14 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Act 1001 on February 1.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On February 1, 2012, I signed into law House Enrolled Act 1001.

MITCHELL E. DANIELS, JR.
Governor

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 14

Representative Messmer introduced House Concurrent Resolution 14:

A CONCURRENT RESOLUTION honoring Private Richard Taylor and Lieutenant Colonel Don C. Faith, Jr.

Whereas, The Medal of Honor is the highest military decoration awarded by the United States of America;

Whereas, The Medal of Honor is bestowed upon members of the United States armed forces who distinguish themselves "conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in an action against an enemy of the United States";

Whereas, Although the Medal of Honor was created for the Civil War, Congress made it a permanent decoration in 1863;

Whereas, The President of the United States, in the name of Congress, has awarded more than 3,400 Medals of Honor to our nation's bravest soldiers, sailors, airmen, Marines, and Coast Guard members since the medal's creation in 1861;

Whereas, Private Richard Taylor and Lieutenant Colonel Don C. Faith, Jr. are two of these brave soldiers who paid the ultimate price for our continued freedom;

Whereas, Private Richard Taylor was a member of the 18th Indiana Infantry of the Union Army during the Civil War;

Whereas, Private Taylor captured a Confederate battle flag during the Battle of Cedar Creek, Virginia, and was awarded the Medal of Honor on November 21, 1864;

Whereas, Lieutenant Colonel Don C. Faith, Jr. served as the commander of the 1st Battalion, 32nd Infantry Regiment, 7th Infantry Division during the Korean War;

Whereas, Lieutenant Colonel Faith was killed while rallying his men in a counterattack of enemy forces near the Chosin Reservoir, North Korea, and was awarded the Medal of Honor on August 2, 1951;

Whereas, In honor of these brave men, the Indiana General Assembly urges the Indiana Department of Transportation to rename North Bridge Structure I-69-63-9501 (NB) after Private Richard Taylor and South Bridge Structure I-69-63-9502 (SB) after Lieutenant Colonel Don C. Faith, Jr.; and

Whereas, Bravery in the service of our country merits special recognition, and it is fitting that the recipients of the nation's highest military decoration be honored and remembered for the role they played in making the world safe for future generations: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes the bravery of these two soldiers and recognizes their sacrifice by naming a bridge in their honor.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the families of Private Richard Taylor and Lieutenant Colonel Don C. Faith, Jr. and the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 15

Representatives Koch and Welch introduced House Concurrent Resolution 15:

A CONCURRENT RESOLUTION honoring the high school and junior high school algebra students in the Brown County Schools for their outstanding performance on the 2011 end-of-course Algebra I assessment test.

Whereas, The Brown County Schools have been working hard to improve the math scores of the schools' students for several years;

Whereas, All the hard work paid off recently when the end-of-course Algebra I assessment scores from spring 2011 at Brown County High School were the highest among Indiana public schools and earned the schools the number 5 position among all Indiana schools;

Whereas, The pass rate for all Brown County Schools high school and junior high school students who took the 2011 Algebra I ECA (end of course assessment) was 96.7 percent;

Whereas, 100 percent of the participating junior high students passed the test in 2011, an accomplishment that only 213 middle schools have achieved;

Whereas, Of the 138 Brown County High School students who took the test, 132 passed, giving them a 95.7 percent passing rate, ranking the high school fifth among Indiana's grade 9–12 schools; and

Whereas, Academic accomplishments such as this deserve special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Brown County Schools and the students taking the 2011 Algebra I ECA on their outstanding accomplishment and urges the schools and the students to continue to set their goals high.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. David Shaffer, Superintendent of the Brown County Schools.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Steele.

House Resolution 23

Representative Reske introduced House Resolution 23:

A HOUSE RESOLUTION to honor the hard work of Mike Cannon of Pendleton.

Whereas, Mike Cannon has worked as a groundskeeper at

Falls Park in Pendleton for 24 years;

Whereas, Mr. Cannon's responsibilities are considerable, extending to the upkeep and maintenance of the whole park and its installations, and include planting flowers, weeding, and trash pick-up, requiring his presence at the Park seven days a week;

Whereas, Pendleton Town Council President Don Henderson and Town Manager Doug McGee have recently made public acknowledgments of Mr. Cannon's hard work and praised his tireless dedication to his community, with Mr. McGee placing all of the responsibility for the Park's excellent condition on Mr. Cannon's shoulders; and

Whereas, Mr. Cannon was recently named Citizen of the Year by the Pendleton Lion's Club: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates Mark Cannon on being named Pendleton's Citizen of the Year, commends him for his long-standing commitment and dedication to Falls Park, and thanks him for all of his hard work in the service of his neighbors and his community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mark Cannon.

The resolution was read a first time and adopted by voice vote.

House Resolution 24

Representatives Cheatham and Davisson introduced House Resolution 24:

A HOUSE RESOLUTION to thank the Schneck Medical Center for its work on behalf of Hoosier communities.

Whereas, On November 22nd, 2011, President Barack Obama and Commerce Secretary John Bryson announced Schneck Medical Center in Seymour as a Malcolm Baldrige National Quality Award winner;

Whereas, Schneck is one of only 90 recipients in the history of the award;

Whereas, Schneck's proud history dates back to when it first opened in 1911 as a 17-bed facility with the finest staff and equipment at the time;

Whereas, Schneck is today a 93-bed nonprofit hospital providing primary and specialized services to the residents of Jackson County, Indiana, and surrounding communities;

Whereas, Schneck's workforce numbers 800 employees, who are joined by 150 affiliated physicians, 300 volunteers, and more than 200 students;

Whereas, Schneck admits over 5,000 patients, conducts more than 9,000 surgical procedures, performs over 500,000 laboratory tests, sees more than 24,000 emergency cases, and brings more than 600 new lives into the world on an annual basis; and

Whereas, Schneck provides a wide range of services to Hoosier families, including mammograms and family classes: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates the Schneck Medical Center on its receipt of the 2011 Malcolm Baldrige Quality Award, and thanks the center and its staff for its tireless work on behalf of Hoosier families.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Schneck Medical Center.

The resolution was read a first time and adopted by voice vote.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 72, 88, 107, 174, 179, 243, 283, 311, 327, 334, 344, 350, 351, 353, 371, 376, 378, 384, 392, 407, and 413 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 9, 2012 at 10:00 a.m.

ELLSPERMANN

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representative Karickhoff be added as cosponsor of Engrossed Senate Bill 15.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pryor be added as cosponsor of Engrossed Senate Bill 215.

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Yarde, Austin, and Davisson be added as cosponsors of Engrossed Senate Bill 234.

M. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Truitt be added as cosponsor of Engrossed Senate Bill 274.

McMILLIN

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative White, the House adjourned at 1:59 p.m., this seventh day of February, 2012, until Thursday, February 9, 2012, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Twenty-second Day — **Thursday Morning** — **February 9, 2012**

The invocation was offered by Senior Pastor Danny Wolford, First Christian Church of Greensburg, the guest of Representative Randall L. Frye.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by several Girl Scouts from around the State.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon ☐
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch ☐
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses ☐
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler ☐
Steuerwald
Stevenson ☐
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch ☐
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 187: 94 present; 6 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 13, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 52, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, delete "means an individual who is acting:" and insert "**means:**

(1) an advanced practice nurse (as defined by IC 25-23-1-1(b)) who is operating in collaboration with a licensed physician; or".

Page 1, line 14, delete "(1)" and insert "**(2) an individual acting**".

Page 1, line 14, delete "physician;" and insert "**physician**".

Page 1, line 15, delete "(2)".

Page 1, run in lines 14 through 15.

Page 2, line 22, delete "a" and insert "**an**".

Page 2, line 24, delete "patient" and insert "**patient's**".

Page 2, line 24, delete "representative of the patient's" and insert "**patient's representative's**".

Page 3, line 11, delete "an" and insert "**the**".

(Reference is to SB 52 as printed January 13, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Senate Bill 148, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 2.

LEHMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 154, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 212, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 257, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 4 through 7.
Page 5, delete lines 14 through 17.
Page 7, delete lines 28 through 42.
Page 8, delete lines 1 through 8.
Page 58, delete lines 12 through 42.
Delete pages 59 through 63.
Page 64, delete lines 1 through 9.
Page 68, line 30, strike "five hundred dollars ($500);" and insert "**one thousand dollars ($1,000);**".
Page 78, line 13, after "processor" insert "**that performed the processing that resulted in the vehicle being demolished or destroyed**".
Page 78, line 14, before "or" insert "**, the certificate of authority,**".
Page 80, line 30, strike "engine number" and insert "**vehicle identification number**".
Page 82, line 5, after "scrap" insert "**or dismantle**".
Page 82, line 11, strike "engine number," and insert "**vehicle identification number,**".
Renumber all SECTIONS consecutively.
(Reference is to SB 257 as reprinted January 20, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 274, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEUERWALD, Chair

Report adopted.

INTRODUCTION OF BILLS

With consent of the members, the following bills on Bill List 9 were read a first time by title and referred to the respective committees:

SB 10 — Frizzell, White
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 12 — Clere, T. Brown
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 22 — McMillin, Dobis, R. Frye
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 25 — Cherry
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 56 — Speedy
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

SB 61 — Davis, Pelath, Moseley, Soliday
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 72 — Ellspermann
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 83 — Rhoads, Thompson
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 88 — Dodge, Yarde, Pond, Turner
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 89 — Thompson, Turner
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 97 — Steuerwald
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 107 — Neese
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 113 — Lehman
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 131 — Wolkins
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 132 — Wolkins
Committee on Utilities and Energy
A BILL FOR AN ACT to amend the Indiana Code concerning water resources.

SB 140 — Espich, Crawford
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 142 — Espich, Crawford
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 152 — Pond, Heuer, Morris, GiaQuinta
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 155 — Koch
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 157 — Foley, Koch
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 165 — Soliday, Harris, Wolkins, Espich
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 168 — Soliday, Wolkins, Harris, Espich
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 173 — Soliday
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

SB 174 — Torr, Mahan
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 175 — Richardson, Behning
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 179 — Heuer, Behning
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 182 — Karickhoff, Turner, Klinker, Porter
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

SB 190 — Kubacki, Ellspermann
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 192 — Soliday, Messmer, Dobis
Committee on Commerce, Small Business and Economic Development
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 201 — T. Brown
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 223 — T. Brown
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 224 — T. Brown, C. Brown
Committee on Public Health
A BILL FOR AN ACT concerning health.

SB 225 — T. Brown, C. Brown
Committee on Public Health
A BILL FOR AN ACT concerning human services.

SB 226 — Speedy, Cherry
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

SB 230 — Lehman, Torr
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 231 — Turner, Davis, Candelaria Reardon
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 234 — M. Smith, Yarde, Austin, Davisson
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 235 — Stemler, Koch, Davisson
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

SB 237 — Foley
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

SB 243 — Davisson, Ubelhor, Goodin, Rhoads
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 246 — Foley, Koch
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 248 — Rhoads, Thompson
Committee on Education
A BILL FOR AN ACT concerning education.

SB 256 — Dermody, Steuerwald
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 258 — Davis
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 259 — Dermody, Truitt, Klinker
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 262 — Steuerwald, L. Lawson
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 265 — Koch, Neese, Porter
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 267 — Behning, L. Lawson
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 268 — Behning, V. Smith, VanDenburgh
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 271 — Foley, Day
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 273 — Cherry, DeLaney
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 275 — Davis, Clere
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 280 — Thompson, Goodin
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

SB 283 — Thompson, Behning, Rhoads, Sullivan
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 285 — Thompson, Steuerwald
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 286 — McNamara, Noe
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 293 — Turner, McMillin, Grubb, Welch
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 296 — Behning, Frizzell
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 298 — Speedy
Committee on Financial Institutions
A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 303 — Crouch
Committee on Insurance
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 308 — Lehman, DeLaney, VanNatter, Stevenson
Committee on Utilities and Energy
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

SB 311 — Truitt, VanNatter
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 312 — T. Brown, Klinker
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 315 — Messmer
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 321 — Thompson, Stemler
Committee on Commerce, Small Business and Economic Development
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 322 — Steuerwald
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 327 — Soliday
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

SB 329 — Messmer, Battles
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 330 — Heaton, Austin, Ubelhor, Welch
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 334 — Davisson, Clere
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 337 — McNamara
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 344 — Espich, Welch
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 345 — Thompson, Soliday, Welch
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

SB 351 — Cheatham, Davisson
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 353 — Dermody, Goodin
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 16

Representatives Riecken, Bacon, Crouch, and McNamara introduced House Concurrent Resolution 16:

A CONCURRENT RESOLUTION honoring the 1961-1962 Evansville Benjamin Bosse High School men's basketball team.

Whereas, The Bulldogs of Evansville Benjamin Bosse High School were crowned state high school basketball champions for the 1961-1962 season with a dramatic 84-81 win over East Chicago Washington High School in the title game at Butler Fieldhouse;

Whereas, The Bulldogs won the '62 title in the first year of Jim Myers's tenure as head coach, continually motivated and encouraged to become better athletes and better men by Coach Myers, a tough-minded but caring veteran of the Pacific Theater of the Second World War;

Whereas, Four of the Bulldogs' starting five went on to play for Division I universities, with several Indiana schools among them, including Indiana University and Valparaiso;

Whereas, Two of the Bulldogs' starters have been inducted into the Indiana Basketball Hall of Fame, forward Gary Grieger in 2007, and guard Jerry Southwood in 2011;

Whereas, The strength of the Bulldogs' bench was just as integral to the squad's championship season, with Jerry Southwood recalling that their success rested on one fact, that, "in a word, it was a team: T-E-A-M";

Whereas, On the road to the title game in Indianapolis, the Bulldogs demonstrated all of their skill and endurance in an impressive string of victories over North Posey High School (92-56), Reitz High School (68-57), Rex Mundi High School (57-54), North High School (88-71), Fort Branch High School (76-61), Castle High School (84-53), Jasper High School (70-68), Seymour High School (77-57), and Madison High School (79-75), before moving on to defeat East Chicago Washington for the championship;

Whereas, The Bulldogs' dominating 24-2 season was only achieved through the hard work and dedication of every player on the team and their coaches, including Eric Sullivan (guard), Bob Adams (guard), Charles Wey (guard), David Riggs (guard), Bob Guenther (center), Jerry Southwood (guard), Gary Grieger (forward), Jerry Polley (forward), Charles Given (forward), John Wilson (guard), Ken Rakow (center), Gene Lockyear (forward), Alfred "Al" Buck (assistant coach), Jerry Canterbury (assistant coach), and Jim Myers (head coach); and

Whereas, March 17th, 2012, will mark the 50th anniversary of the Bulldogs' title victory over East Chicago Washington: Therefore,

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

SECTION 1. That the Indiana General Assembly honors the 1961-1962 men's basketball team of Evansville Benjamin Bosse High School on the occasion of the 50th anniversary of the Bulldogs' state title, congratulates the team's players and coaches on their victory, and commends them for their contribution to the proud and cherished legacy of excellence in Indiana basketball.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senator Becker and Tomes.

House Concurrent Resolution 17

Representatives Heaton, Bosma, Austin, Bacon, Baird, Bardon, Bartlett, Battles, Bauer, Behning, Borders, C. Brown, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Dvorak, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, C. Fry, R. Frye, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, L. Lawson, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Moseley, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, V. Smith, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Summers, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins, and Yarde introduced House Concurrent Resolution 17:

A CONCURRENT RESOLUTION marking the 100th

anniversary of the Girl Scouts.

Whereas, Juliette Gordon Low dreamed of an organization that would give each girl an opportunity to develop physically, mentally, and spiritually;

Whereas, The Girl Scouts helped girls emerge from isolated home environments and enter into the world of community service and the open air;

Whereas, Girl Scouts hiked, camped, learned to tell time by the stars, and studied first aid;

Whereas, The organization was founded on March 12, 1912, in Savannah, Georgia, when Juliette Gordon Low gathered 18 girls together to register the first troop of American Girl Guides;

Whereas, The organization's name was changed to the Girl Scouts the following year;

Whereas, By 1920, the Girl Scouts had nearly 70,000 members nationwide, including in the territory of Hawaii;

Whereas, Juliette Gordon Low encouraged girls to prepare for traditional homemaking, for possible future roles as professional women in the arts, sciences, and business, and for active citizenship outside the home;

Whereas, The Girl Scouts organization welcomed girls with disabilities with open arms at a time when they were often excluded from many other activities;

Whereas, From the seed planted by Juliette Gordon Low and those original 18 girls, Girl Scouting has grown to an organization of 3.2 million Girl Scouts — 2.3 million girl members and 880,000 adult members who work primarily as volunteers;

Whereas, For 100 years, participation in the Girl Scouts has helped girls "develop their full individual potential, relate to others with increasing understanding, skill, and respect, develop values to guide their actions and provide the foundation for sound decision-making, and contribute to the improvement of society through their abilities, leadership skills, and cooperation with others"; and

Whereas, The Girl Scouts of the USA have declared 2012 "the Year of the Girl: a celebration of girls, recognition of their leadership potential, and a commitment to creating a coalition of like-minded organizations and individuals in support of balanced leadership in the workplace and in communities across the country"; and

Whereas, Since 1912, Girl Scouting has influenced the lives of more than 50 million American women who have participated in the organization in their youth: Therefore,

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

SECTION 1. That the Indiana General Assembly wishes to congratulate the Girl Scouts on the occasion of the 100th anniversary of the organization's founding and to thank the group for the strong positive influence it has had on the American woman.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Becky Buse, Girl Scouts of Central Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Waterman and Skinner.

House Concurrent Resolution 18

Representatives Moseley, Gutwein, Austin, Bacon, Baird, Bardon, Bartlett, Battles, Bauer, Behning, Borders, Bosma, C. Brown, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Dvorak, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, C. Fry, R. Frye, GiaQuinta, Goodin, Grubb, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, L. Lawson, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, V. Smith, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Summers, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins, and Yarde introduced House Concurrent Resolution 18:

A CONCURRENT RESOLUTION urging the Indiana General Assembly to fly the POW/MIA flag in the House and Senate Chambers.

Whereas, More than 83,000 Americans are missing from World War II, the Korean War, the Cold War, the Vietnam War, and the 1991 Gulf War;

Whereas, In 1990, the 101st Congress officially recognized the POW/MIA flag;

Whereas, Congress designated the flag as "the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for the families and the Nation" (Public Law 101-355);

Whereas, The POW/MIA flag has flown over the White House on National POW/MIA Recognition Day since 1982, and, with the exception of the American flag, the POW/MIA flag is the only flag to fly over the White House and continually over the Capitol rotunda; and

Whereas, The message of the POW/MIA flag is spread only when the flag is visible: Therefore,

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

SECTION 1. That the Indiana General Assembly is urged to fly the POW/MIA flag in the House and Senate Chambers in accordance with federal regulations in recognition of those still missing as a result of armed conflicts around the world. The people of the state of Indiana recognize the great sacrifice these brave men and women made for their country and the sacrifices their families continue to make.

The resolution was read a first time and referred to the Committee on Veterans Affairs and Public Safety.

House Concurrent Resolution 19

Representative Leonard introduced House Concurrent Resolution 19:

A CONCURRENT RESOLUTION honoring Melanie Park.

Whereas, Melanie Park is Indiana's 2012 Teacher of the Year;

Whereas, Melanie Park, a reading remediation teacher for grades six, seven, and eight at Riverview Middle School in Huntington, has been teaching for over 10 years and is well known for her enthusiasm and passion for education;

Whereas, In addition to her classroom duties, Melanie Park also teaches an online course for teachers on methods to teach writing;

Whereas, Melanie believes "all students, regardless of their life circumstances, can learn", according to Dr. Tony Bennett, Superintendent of Public Instruction, and she serves as an effective and inspirational teacher who will be remembered by her students;

Whereas, Melanie Park earned her undergraduate degree and Master of Science in language education at Indiana University in Bloomington;

Whereas, As Indiana's 2012 Teacher of the Year, Melanie Park is the state's nominee for the 2012 National Teacher of the Year honor; and

Whereas, It is fitting that excellence in our state's teachers be given widespread recognition: Therefore,

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

SECTION 1. That on behalf of the people of Indiana, we congratulate Melanie Park on being selected Indiana's 2012 Teacher of the Year.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Melanie Park and the principal of Riverview Middle School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Banks.

House Concurrent Resolution 20

Representative Foley introduced House Concurrent Resolution 20:

A CONCURRENT RESOLUTION honoring the Martinsville High School Spell Bowl team and the East Middle School Spell Bowl team.

Whereas, The people of Indiana take great pride in the accomplishments of their children;

Whereas, The Martinsville High School Spell Bowl team took first place in the 2011 Spell Bowl State Finals at Purdue University;

Whereas, The high school team placed first in Class 1 with a perfect score of 90, beating runner-up Penn High School by one point;

Whereas, The Martinsville spellers have finished first in the Spell Bowl State Finals nine times and placed in one of the top two spots for the last 18 consecutive years;

Whereas, The East Middle School Spell Bowl team placed second in Class 2 of the 2011 Spell Bowl State Finals, losing by just two points to Thomas Jefferson Middle School;

Whereas, Even though the team consisted of only three veteran members, the team members handled themselves exceptionally well;

Whereas, This year is the seventh time the East Middle School team has been runner-up in the Spell Bowl State Finals and the 14th time the team has competed at the state level;

Whereas, The members of both teams and their coaches have worked long and hard to achieve this honor; and

Whereas, Excellence and effort in the field of academics deserves special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Martinsville High School Spell Bowl team and the East Middle School Spell Bowl team on their recent successes and wishes the teams continued success in future competitions.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to high school team members Allison Cox, Christa Cheatham, Steven Fish, Evan Like, Danielle McDougal, Jake Mock, Isaac Mock, Michele Poindexter, Stephanie Schneck, Casey Whitaker, and Olivia Wooten; middle school team members Ali Wilt, Eli Mock, Zackary Swoboda, Olivia Herbert, Kaitlin Gephart, Libby Scott, Joseph McGuire, and Larry Kresse, coaches Wayne Babbitt and Jenny Babbitt, Martinsville High School principal Don Alkire, East Middle School principal Eric Bowlen, and Superintendent Ron Furniss.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bray.

House Resolution 25

Representative Grubb introduced House Resolution 25:

A HOUSE RESOLUTION to commemorate the 150th anniversary of the McCabe & McCabe law firm of Williamsport.

Whereas, James McCabe was born in 1834 in Dark County, Ohio, moved to Crawfordsville, Indiana, at the age of 17 to work on the Monon railroad, and in 1861 began to practice law in Williamsport as a self-taught lawyer;

Whereas, James McCabe was elected to the Indiana Supreme Court in 1893 and served his six-year term until 1899;

Whereas, On James McCabe's death, close personal friend William Jennings Bryan made the trip to Williamsport to deliver a eulogy;

Whereas, James McCabe's two sons both became lawyers, one of whom, Edwin McCabe, stayed in Williamsport to practice law with his father, beginning in 1880;

Whereas, Edwin McCabe himself had five sons, of whom three became lawyers, and one of whom, Edward McCabe, stayed in Williamsport to practice law with his father beginning in 1922, Edward's son James E. McCabe following the same path in 1968;

Whereas, By a remarkable coincidence, Edwin, Edward and James E. McCabe all graduated from Wabash College, exactly 42 years apart; and

Whereas, In 2009, Kimberly McCabe became the fifth generation McCabe to practice law in Williamsport when she joined her father James's practice, now under the name of McCabe & McCabe: Therefore,

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

SECTION 1. The Indiana House of Representatives congratulates the law firm of McCabe & McCabe on the occasion of the 150th anniversary of the family's law practice in Williamsport, and thanks the firm and the McCabe family for five generations of service to their community and their neighbors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the law firm of McCabe & McCabe.

The resolution was read a first time and adopted by voice vote.

House Resolution 26

Representatives McNamara and Riecken introduced House Resolution 26:

A HOUSE RESOLUTION recognizing Benjamin Bosse High School.

Whereas, Benjamin Bosse High School, Evansville, has achieved outstanding academic progress;

Whereas, Through the dedicated efforts of the administration, faculty, and students, Benjamin Bosse High School is among the top improving schools in Indiana;

Whereas, Benjamin Bosse High School has achieved a 20.7 improvement rating based on the Adequate Yearly Progress (AYP) index, while the state average was -1.2; and

Whereas, The people of the state of Indiana applaud Benjamin Bosse High School in its pursuit of excellence in education and encourage the school's future endeavors: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates the administration, faculty, and students of Benjamin Bosse High School for their accomplishments and encourages them to keep striving for excellence in education.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Sheila L. Huff, principal of Benjamin Bosse High School, and Dr. David Smith, superintendent of Evansville Vanderburgh School Corporation.

The resolution was read a first time and adopted by voice vote.

House Resolution 27

Representatives McNamara and Riecken introduced House Resolution 27:

A HOUSE RESOLUTION recognizing Delaware Elementary School.

Whereas, Delaware Elementary School, Evansville, has achieved outstanding academic progress;

Whereas, Through the dedicated efforts of the administration, faculty, and students, Delaware Elementary School is among the top improving schools in Indiana;

Whereas, Delaware Elementary School has achieved a 24.7 improvement rating based on the Adequate Yearly Progress (AYP) index, while the state average was -1.2; and

Whereas, The people of the state of Indiana applaud Delaware Elementary School in its pursuit of excellence in education and encourage the school's future endeavors: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates the administration, faculty, and students of Delaware Elementary School for their accomplishments and encourages them to keep striving for excellence in education.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Todd Slagle, principal of Delaware Elementary School, and Dr. David Smith, superintendent of Evansville Vanderburgh School Corporation.

The resolution was read a first time and adopted by voice vote.

House Resolution 28

Representative Foley introduced House Resolution 28:

A HOUSE RESOLUTION urging the legislative council to establish an interim study committee to study township reorganization.

Whereas, Township reorganization requires thorough study: Therefore,

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

SECTION 1. That the legislative council is urged to establish an interim study committee to study township reorganization.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Local Government.

House Resolution 29

Representative Kersey introduced House Resolution 29:

A HOUSE RESOLUTION to honor Steve Weatherford.

Whereas, As a Terre Haute North Vigo Patriot, Steve Weatherford played punter, kicker and safety on the football team, and set records for the most field goals in a career, longest punting average and longest field goal made, was named to the All-Conference team and earned All-State twice as a kicker;

Whereas, During Mr. Weatherford's college career at the University of Illinois in 2003, he placed second in the Big Ten and 12th in the nation in punting average, and was named the school's Special Teams Player of the Year;

Whereas, In 2004, Sports Illustrated named Mr. Weatherford the Most Underrated Player in the Big Ten, he finished second in the Big Ten in punting average and fourth nationally, and in his senior season, he finished as the school's leader in career punting average;

Whereas, Mr. Weatherford has played professional football for the New Orleans Saints, Kansas City Chiefs, Jacksonville Jaguars, and New York Jets;

Whereas, Most recently, Mr. Weatherford returned to Indiana as the punter for the 2012 Super Bowl XLVI Champion New York Giants; and

Whereas, Mr. Weatherford has unselfishly given back to the Terre Haute community by donating his time and resources to the Vigo County School Corporation its student athletes and the community: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the valuable contributions made by Steve Weatherford and wishes him continued success.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Mr.

Weatherford.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 11

The Speaker handed down Senate Concurrent Resolution 11, sponsored by Representative McMillin:

A CONCURRENT RESOLUTION promoting the literacy program in Dearborn County.

Whereas, Dearborn County has created Black, White, and Read, a program to support and increase literacy awareness in a community reading program;

Whereas, Black, White, and Read programs will unite and uplift hundreds of citizens in Dearborn County, Indiana;

Whereas, A community read is a shared reading and discussion amongst a wide variety of community members. It can bring together individuals from various backgrounds, education and socio-economic levels;

Whereas, The Dearborn Community Read will feature "The Great Gatsby" by F. Scott Fitzgerald, a widely regarded paragon of the Great American Novel and a literary classic; and "Black Beauty" by Anna Sewell, which teaches animal welfare and how to treat people with kindness, sympathy, and respect;

Whereas, The culmination of this year-long reading program will facilitate healthy families by working with the entire family unit developing life skills, literacy skills, and a strong commitment to family wholeness;

Whereas, The Hoosier Hills Literacy League, in collaboration with the Aurora Public Library District, Dearborn Highlands Arts Council, Friends of the Lawrenceburg Public Library, IVY Teach Community College, and Lawrenceburg Public Library District, have resolved to bring this community reading project to the citizens of Dearborn County, Indiana; and

Whereas, Black, White, and Read is a program that can break down barriers of every different sort, as well as improve and encourage literacy awareness: Therefore,

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

SECTION 1. The Indiana General Assembly promotes the literacy program, Black, White, and Read in Dearborn County, Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Dearborn County Library Board.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the following reassignments:

Engrossed Senate Bill 109 from the Committee on Ways and Means to the Committee on Financial Institutions.

Engrossed Senate Bill 191 from the Committee on Ways and Means to the Committee on Financial Institutions.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 13, 2012 at 1:30 p.m.

ELLSPERMANN

The motion was adopted by a constitutional majority.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1225, Roll Call 168, on January 31, 2012. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, my vote did not register. I intended to vote yea."

VanNATTER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 168 to 71 yeas, 24 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as cosponsor of Engrossed Senate Bill 155.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Friend be added as cosponsor of Engrossed Senate Bill 350.

LEHE

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Klinker, the House adjourned at 10:55 a.m., this ninth day of February, 2012, until Monday, February 13, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Twenty-third Day — **Monday Afternoon** — **February 13, 2012**

The invocation was offered by Dr. Rick Arrowood, Senior Pastor of the Crosspoint Baptist Church, Indianapolis, the guest of Representative Gregory E. Steuerwald.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Jeffrey K. Espich.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon ☐
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon ☐
Cheatham ☐
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris ☐
Heaton
Heuer
Hinkle
Karickhoff
Kersey ☐
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson ☐
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 188: 94 present; 6 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

The House recessed for the remarks of Congressman Larry D. Bucshon of Indiana's Eighth Congressional District.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 15, 16, 17, 19, and 20 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 4 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 13 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 4

The Speaker handed down Senate Concurrent Resolution 4, sponsored by Representatives C. Brown and Noe:

A CONCURRENT RESOLUTION memorializing Galen Goode.

Whereas, The state of Indiana and the Indiana Commission on Mental Health and Addiction understand the importance of providing behavioral health services within our communities;

Whereas, Galen Goode previously served as Chief Executive Officer of Hamilton Center, Inc., for over 22 years until his passing in October, 2011, and worked in the behavioral health industry for more than 42 years;

Whereas, Through strong advocacy efforts, Galen Goode was instrumental in helping Indiana's community mental health centers enhance the level of service provided to clients;

Whereas, Galen Goode spent countless hours working on the integration of behavioral health and developmentally disabled individuals and the coordination of behavioral health services with hospital based services;

Whereas, Galen Goode played a major role in developing policy initiatives aimed at reforming Indiana's mental health system, including his work as a long-time member of the Commission on Mental Health;

Whereas, Galen Goode was extensively involved in community service programs and activities in both Terre Haute and Sullivan, Indiana;

Whereas, The members of the Indiana Commission on Mental Health and Addiction support and approve this resolution professing Galen Goode's years of dedicated service to the people of Indiana and Indiana's mental health system; and

Whereas, Galen Goode exemplified dedication and compassion in working to improve the care of Indiana's citizens who are mentally ill or developmentally disabled or have other chronic health conditions: Therefore,

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

SECTION 1. That the Indiana Commission on Mental Health and Addiction, as established by the Indiana General Assembly, acknowledges the many contributions Galen Goode made to our state and its citizens through his dedication and hard work in representing Indiana's most vulnerable Hoosiers in need of health related services.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the family of Galen Goode.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

House Concurrent Resolution 21

Representatives Crawford, Bartlett, C. Brown, Harris, Porter, Pryor, Candelaria Reardon, V. Smith, Summers, Pierce, and Welch introduced House Concurrent Resolution 21:

A CONCURRENT RESOLUTION honoring Viola J. Taliaferro for her faithful service and success as a judge.

Whereas, Viola J. Taliaferro was born in Virginia and graduated from high school at age 14;

Whereas, Viola J. Taliaferro received her B.S. from Virginia State College in 1947;

Whereas, Viola J. Taliaferro received a Doctor of Jurisprudence from Indiana University School of Law in 1977;

Whereas, Viola J. Taliaferro has worked with high school students in Maryland for over 25 years;

Whereas, Viola J. Taliaferro started practicing law in 1977 and retired as a judge in 2004, combining for over 27 years;

Whereas, Viola J. Taliaferro was an innovator in juvenile justice initiatives in Bloomington, IN and around the state of Indiana through her work with the Indiana State Bar Association and other legal organizations around the state;

Whereas, Viola J. Taliaferro placed a special emphasis on the equal treatment of children of color during her law career;

Whereas, Viola J. Taliaferro received the Neal-Marshall Award for Afro-American Affairs from Indiana University in 1990;

Whereas, Viola J. Taliaferro received the Women in the Law Award from the Indiana State Bar Association in 1993;

Whereas, Viola J. Taliaferro, in 1997, earned the Women in the Law Achievement Award and Women in the Law Committee from the Indiana State Bar Association;

Whereas, in 1997, the Civil Rights for Children Committee of the Indiana State Bar Association created The Honorable Viola J. Taliaferro Award;

Whereas, Viola J. Taliaferro was named Woman of the Year by Monroe County Commissioners in 2000;

Whereas, Viola J. Taliaferro was named Woman of the Year by the Bloomington Commission on Status of Women in 2000;

Whereas, Viola J. Taliaferro was named Judge of the Year by the Indiana Correctional Association in 2000;

Whereas, Viola J. Taliaferro was awarded the National Association of Black Women President's Award in 2001;

Whereas, Viola J. Taliaferro was named Judge of the Year by the National Court Appointed Special Advocate Association in 2004;

Whereas, Governor Joe Kernan awarded Viola J. Taliaferro the Sagamore of the Wabash Award in 2004; and,

Whereas, Viola J. Taliaferro was named a 2011 Black History Month Living Legend by the City of Bloomington: Therefore,

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

SECTION 1. That the House of Representatives commemorates Viola J. Taliaferro for her many years of dedicated service to her community as a teacher, administrator, lawyer, judge and advocate.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Viola J. Taliaferro.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Simpson and Steele.

House Concurrent Resolution 22

Representatives Crawford, Bartlett, C. Brown, Harris, Porter, Pryor, Candelaria Reardon, V. Smith, Summers, Pierce, and Welch introduced House Concurrent Resolution 22:

A CONCURRENT RESOLUTION honoring George Taliaferro for being an ambassador for civil and human rights.

Whereas, George Taliaferro was born on January 8th 1927, in Gates, Tennessee;

Whereas, George Taliaferro attended Roosevelt High School in Gary, Indiana;

Whereas, George Taliaferro was a State Finalist in high-jump, pole vault, and broad jump in 1945;

Whereas, George Taliaferro graduated from Roosevelt High School in 1945;

Whereas, George Taliaferro attended Indiana University on a full-ride athletic scholarship;

Whereas, George Taliaferro met with Indiana University President Herman Wells about Bloomington area restaurants that refused to serve African Americans;

Whereas, the result of the meeting was President Wells

telling local restaurants that all Indiana University students would be banned from patronizing their establishment if they practiced discrimination based on race;

Whereas, George Taliaferro was named Indiana University football team MVP, All-Big Ten and All-American in 1947;

Whereas, George Taliaferro was a first team All American Halfback in 1948;

Whereas, George Taliaferro was inducted into the Helm's College Football Hall of Fame in 1967;

Whereas, George Taliaferro was inducted into the Indiana Football Hall of Fame in 1976;

Whereas, George Taliaferro was inducted into the National College Football Foundation's Hall of Fame in 1981;

Whereas, George Taliaferro was the first African American football player to be drafted into the National Football League in 1949;

Whereas, George Taliaferro was the Los Angeles Dons' Rookie of the Year in 1949;

Whereas, George Taliaferro was a Pro Bowl Member in 1951, 1952, and 1953;

Whereas, George Taliaferro retired from football in 1955;

Whereas, George Taliaferro graduated from Howard University with a master's degree in social work in 1962;

Whereas, George Taliaferro emphasized working with prisoners, ex-offenders, and people addicted to drugs in his chosen field of social work;

Whereas, George Taliaferro served as Special Assistant to Indiana University President John W. Ryan from 1972-1983;

Whereas, George Taliaferro assisted in the development of equal opportunity programs and policies for staff and students at Indiana University;

Whereas, George Taliaferro served as coordinator of the state wide Affirmative Action Plan for Indiana Universities' eight-campus system;

Whereas, George Taliaferro has served a total of 45 years in higher education, 20 with Indiana University;

Whereas, George Taliaferro has served on the Board of Directors for the Big Brothers and Big Sisters of Monroe County of which he is the president and founder;

Whereas, George Taliaferro is a lifetime member of the National Association for the Advancement of Colored People (NAACP); and

Whereas, George Taliaferro served on the Board of Directors as Chairman at the Children's Organ Transplant Association (COTA): Therefore,

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

SECTION 1. That the Indiana House of Representatives honors the trail-blazing efforts of George Taliaferro in taking the lead in bringing the civil rights movement to Indiana, offering inmates a second chance at rehabilitation, and providing roads for African American athletes to pursue their dreams.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to George Taliaferro.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Simpson and Steele.

House Concurrent Resolution 23

Representatives Niezgodski, Bauer, Fry, Dvorak, and Pelath introduced House Concurrent Resolution 23:

A CONCURRENT RESOLUTION memorializing Representative Tom Kromkowski.

Whereas, The Indiana House of Representatives, South Bend, and the state of Indiana lost a valued friend with the death of former Representative Tom Kromkowski on Wednesday, September 7, 2011;

Whereas, Representative Kromkowski represented the West Side of South Bend in the Indiana House of Representatives for 26 years;

Whereas, In addition to serving in the House of Representatives, Tom Kromkowski worked for AM General for 29 years, retiring in January of 2004;

Whereas, Tom Kromkowski, a South Bend native, was born on September 2, 1942, to Bert and Virginia (Buzalski) Kromkowski;

Whereas, A graduate of St. Joseph's High School in 1960, Tom Kromkowski married Janeen K. Beard at St. John the Baptist Catholic Church in South Bend on August 10, 1963;

Whereas, Representative Kromkowski served his country honorably in the United States Army and was a veteran of Vietnam;

Whereas, Representative Kromkowski was also a member of the VFW, the M.R. Polish Falcons of America, and the Westside Democratic and Civic Club of South Bend, and he served as chairman of the United Auto Workers of St. Joseph-LaPorte County C.A.P. Council;

Whereas, Representative Kromkowski was a member of St. John the Baptist Catholic Church; and

Whereas, The death of Tom Kromkowski leaves a void that cannot be filled in the hearts of his family, friends, and former constituents: Therefore,

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

SECTION 1. That the Indiana General Assembly expresses its heartfelt sympathy to the family of Representative Tom Kromkowski and expresses its gratitude for his years of dedicated and honorable service to his constituency and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Tom Kromkowski.

The resolution was read a first time and adopted by a unanimous voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Broden.

Senate Concurrent Resolution 13

The Speaker handed down Senate Concurrent Resolution 13, sponsored by Representative Cherry:

A CONCURRENT RESOLUTION congratulating the Indiana Gators 12/u Softball Team on their 2011 United States Fastpitch Association Fall World Series victory.

Whereas, The Indiana Gators 12/u softball team won the 2011 United States Fastpitch Association (USFA)Fall World Series;

Whereas, The team, based out of New Palestine, Indiana, traveled to Birmingham, Alabama to compete in the USFA Fall World Series after winning the 2011 USFA State Championship;

Whereas, After a disappointing loss in their first game, the girls bounced back, winning their next six games, including the Championship game, where they outscored their opponent 4-2;

Whereas, The only team to compete from Indiana achieved their remarkable victories over highly ranked and successful teams and organizations from across the country;

Whereas, Although the team of twelve girls come from all corners of central Indiana, they have formed a connection with one another that makes them a force to be reckoned with; and

Whereas, The Indiana Gators made history when they won the USFA World Series. They are the first team, of any age, to win from the state of Indiana and their accomplishment is well-deserved: Therefore,

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

SECTION 1. The Indiana General Assembly congratulates the Indiana Gators 12/u Softball Team on their 2011 USFA World Series victory.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the members of the Indiana Gators.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

INTRODUCTION OF BILLS

With consent of the members, the following bills on Bill List 10 were read a first time by title and referred to the respective committees:

SB 147 — Truitt, Mahan
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 269 — Torr, Bosma, Culver
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 277 — Turner, Welch
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 307 — VanNatter, Welch
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 309 — Truitt, Grubb
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 350 — Lehe, Friend
Committee on Agriculture and Rural Development
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 355 — Soliday, Foley, Dobis
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 361 — Dermody
Committee on Utilities and Energy
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

SB 371 — R. Frye
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 376 — Borders, Koch
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 378 — Steuerwald, Welch
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 384 — Behning, Yarde, Heuer, Porter
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 392 — Behning
Committee on Education
A BILL FOR AN ACT concerning higher education.

SB 407 — Welch, Davisson, Stemler
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 413 — Behning, Thompson
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 13

Representative T. Brown called down Engrossed Senate Bill 13 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 114

Representative Steuerwald called down Engrossed Senate Bill 114 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 148

Representative Heaton called down Engrossed Senate Bill 148 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 154

Representative Koch called down Engrossed Senate Bill 154 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 154–1)

Mr. Speaker: I move that Engrossed Senate Bill 154 be amended to read as follows:

Page 1, line 15, delete "IC 35-46-9-5," and insert "**IC 35-46-9-6,**".

Page 3, delete lines 15 through 16, begin a new line block indented and insert:

"**(5) IC 35-46-9-6(b); or**

(6) IC 35-46-9-6(c);".

Page 8, line 38, delete "IC 35-46-9-5," and insert "**IC 35-46-9-6,**".

Page 13, between lines 38 and 39, begin a new paragraph and insert:

"**Sec. 3. (a) As used in this chapter, "motorboat" means a watercraft (as defined in IC 14-8-2-305) propelled by:**

(1) an internal combustion, steam, or electrical inboard or outboard motor or engine; or

(2) any mechanical means.

(b) The term includes the following:

(1) A sailboat that is equipped with a motor or an engine described in subsection (a) when the motor or engine is in operation, whether or not the sails are hoisted.

(2) A personal watercraft (as defined in IC 14-8-2-202.5).".

Page 13, line 39, delete "3." and insert "**4.**".
Page 14, line 4, delete "4." and insert "**5.**".
Page 14, line 11, delete "5." and insert "**6.**".
Page 14, line 35, delete "6." and insert "**7.**".
Page 14, line 40, delete "7." and insert "**8.**".
Page 15, line 4, delete "8." and insert "**9.**".
Page 15, line 20, delete "9." and insert "**10.**".
Page 15, line 32, delete "10." and insert "**11.**".
Page 16, line 10, delete "11." and insert "**12.**".
Page 16, line 20, delete "12." and insert "**13.**".
Page 16, line 25, delete "13." and insert "**14.**".
Page 16, line 29, delete "14." and insert "**15.**".
Page 16, line 32, delete "15." and insert "**16.**".
Page 16, line 36, delete "9 and 10" and insert "**10 and 11**".
Page 17, line 2, delete "9 and 10" and insert "**10 and 11**".
(Reference is to ESB 154 as printed February 10, 2012.)

STEUERWALD

Motion prevailed.

HOUSE MOTION
(Amendment 154–2)

Mr. Speaker: I move that Engrossed Senate Bill 154 be amended to read as follows:

Page 14, delete lines 40 through 42.
Page 15, delete lines 1 through 3.
Page 15, line 4, delete "Sec. 8." and insert "**Sec. 7.**".
Page 15, line 20, delete "Sec. 9." and insert "**Sec. 8.**".
Page 15, line 32, delete "Sec. 10." and insert "**Sec. 9.**".
Page 16, line 10, delete "Sec. 11." and insert "**Sec. 10.**".
Page 16, line 20, delete "Sec. 12." and insert "**Sec. 11.**".
Page 16, line 25, delete "Sec. 13." and insert "**Sec. 12.**".
Page 16, line 29, delete "Sec. 14." and insert "**Sec. 13.**".
Page 16, line 32, delete "Sec. 15." and insert "**Sec. 14.**".
Page 17, line 2, delete "9 and 10" and insert "**8 and 9**".
(Reference is to ESB 154 as printed February 10, 2012.

McMILLIN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 212

Representative Cherry called down Engrossed Senate Bill 212 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 274

Representative McMillin called down Engrossed Senate Bill 274 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 274–1)

Mr. Speaker: I move that Engrossed Senate Bill 274 be amended to read as follows:

Page 2, line 29, delete "described in subsection (a)" and insert "**who meets the criteria of subsection (a)(1) and (a)(2)**".

Page 2, line 38, delete "a" and insert "**the officer's compliance or**".

(Reference is to ESB 274 as printed February 10, 2012.)

McMILLIN

Motion prevailed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 14, 2012 at 1:30 p.m.

FRIEND

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representative Riecken be added as cosponsor of Senate Bill 31.

BAIRD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heuer and Davisson be added as cosponsors of Senate Bill 72.

ELLSPERMANN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as cosponsor of Senate Bill 132.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Riecken be added as cosponsor of Senate Bill 190.

KUBACKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehman be added as cosponsor of Senate Bill 212.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Grubb be added as cosponsor of Senate Bill 255.

R. FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives DeLaney and Foley be added as cosponsors of Senate Bill 274.

McMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Messmer be added as cosponsor of Senate Bill 309.

TRUITT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Porter and Truitt be added as cosponsors of Senate Bill 312.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Grubb be added as cosponsor of Senate Bill 371.

R. FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as cosponsor of Senate Bill 378.

STEUERWALD

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Knollman, the House adjourned at 2:53 p.m., this thirteenth day of February, 2012, until Tuesday, February 14, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Twenty-fourth Day — **Tuesday Afternoon** — **February 14, 2012**

The invocation was offered by Reverend Sid Dye, Southern Hills Church of Salem, the guest of Representative Steven J. Davisson.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Davisson.

The Speaker ordered the roll of the House to be called:

Austin ☐
Bacon ☐
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day ☐
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan ☐
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 189: 96 present; 4 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bill 1016 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 21 and 22 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

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

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin, Bacon, Baird, Bardon, Battles, Bauer, Behning, Borders, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Eberhart, Espich, Foley, Friend, Frizzell, C. Fry, R. Frye, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moses, Neese, Niezgodski, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins, and Yarde be added as cosponsors of Senate Concurrent Resolution 15.

BOSMA

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was

referred Engrossed Senate Bill 26, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 44, between lines 27 and 28, begin a new line and insert:

"**(k) "Person", for purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-8.**".

Page 59, line 24, delete "IC 35-41-1-4.3," and insert "**section 31 of this chapter,**".

Page 61, line 10, delete "IC 35-41-1-29.4)." and insert "**section 354 of this chapter).**".

Page 74, delete lines 16 through 17.

Page 74, line 18, delete "(c)" and insert "**(b)**".

Page 74, line 20, delete "(d)" and insert "**(c)**".

Page 80, delete line 42, begin a new line block indented and insert: "**(7) JWH-200 ((1-(2-morpholin-4-ylethyl) indol-3-yl)- naphthalen-1-ylmethanone).**".

Page 81, delete line 1.

Page 83, line 42, delete "IC 35-41-1-24.7)." and insert "**section 285 of this chapter).**".

Page 102, delete line 30, begin a new line block indented and insert: "~~(7) JWH-200 ((1-(2-morpholin-4-ylethyl) indol-3-yl)- naphthalen-1-ylmethanone).~~".

Page 102, delete line 31.

Page 103, line 2, delete "((3-hydroxy-2-" and insert "~~(3-hydroxy-2-~~".

Page 112, line 37, strike "six" and insert "**seven**".

Page 112, line 38, strike "(6,000);" and insert "**(7,000);**".

(Reference is to SB 26 as reprinted January 18, 2012.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 32, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 15, after "responsible" insert ":".

Page 2, line 15 strike "to:".

Page 2, line 16, after "(1)" insert "**to**".

Page 2, line 19, after "(3)" insert "**to**".

Page 2, line 26, after "(4)" insert "**to**".

Page 2, line 28, after "(5)" insert "**to**".

Page 3, line 15, delete "The guardian of a" and insert "A".

Page 3, line 16, after "age" insert "**and the guardian of the protected person**".

Page 3, line 16, after "may" insert "**jointly**".

(Reference is to SB 32 as printed January 13, 2012.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Engrossed Senate Bill 127, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 52, delete lines 1 through 37.

Renumber all SECTIONS consecutively.

(Reference is to SB 127 as printed January 13, 2012.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 157, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 182, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 237, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 249, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Engrossed Senate Bill 256, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

BORDERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Engrossed Senate Bill 275, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Engrossed Senate Bill 330, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

GUTWEIN, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 30

Representative Turner introduced House Resolution 30:

A HOUSE RESOLUTION honoring Dr. Matt DeLong.

Whereas, Dr. Matt DeLong, Taylor University professor of mathematics, received the Deborah and Franklin Tepper Haimo Award for Distinguished College or University Teaching of Mathematics, the highest teaching award presented by the Mathematical Association of America;

Whereas, The Haimo Award honors college or university teachers who have been widely recognized as extraordinarily successful and whose teaching effectiveness has been shown to have had influence beyond their own institutions;

Whereas, The Deborah and Franklin Tepper Haimo Award for Distinguished College or University Teaching of Mathematics is the second national award received by Dr. DeLong, who was also awarded the Henry L. Alder Award for Distinguished Teaching by a Beginning College or University Mathematics Faculty Member in 2005;

Whereas, Dr. DeLong, who joined the Taylor University faculty in 1998, holds an undergraduate degree from Northwestern University and Master of Science and Ph.D. degrees from the University of Michigan; and

Whereas, The Deborah and Franklin Tepper Haimo Award for Distinguished College or University Teaching of Mathematics recognizes the high level of performance and commitment to his students displayed by Dr. Matt DeLong: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates Dr. Matt DeLong on receiving the Deborah and Franklin Tepper Haimo Award for Distinguished College or University Teaching of Mathematics and thanks him for his dedication to the teaching profession.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Dr. Matt DeLong and Taylor University President Dr. Eugene Habecker.

The resolution was read a first time and adopted by voice vote.

House Resolution 31

Representative Pelath introduced House Resolution 31:

A HOUSE RESOLUTION urging the legislative council to establish the Indiana Green Program Task Force.

Whereas, The creation and sustainment of green space are vital to our economy and our country; and

Whereas, Indiana communities must evaluate their assets and environmental conditions such as water quality, air quality, hazardous waste sites, and other potential sources of pollution to determine what is necessary to create an environmentally forward-facing society: Therefore,

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

SECTION 1. That the legislative council is urged to establish the Indiana Green Program Task Force.

SECTION 2. That the task force, if established, must consist of the following fifteen (15) members:

(1) Six (6) members of the senate appointed by the president pro tempore of the senate with advice from the minority leader of the senate. Not more than three (3) members may be from the same political party.

(2) Six (6) members of the house of representatives appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives. Not more than three (3) members may be from the same political party.

(3) The secretary of commerce appointed under IC 5-28-3-4 or the secretary's designee.

(4) The director of the department of environmental management or the director's designee.

(5) The director of the department of natural resources or the director's designee.

SECTION 3. That the task force, if established, shall do the following:

(1) Explore the feasibility of establishing an Indiana green program to:

(A) create green space by:

(I) acquiring; or

(ii) creating;

natural habitats; and

(B) use green space as a means to promote economic development.

(2) Recommend legislation to the general assembly to establish an Indiana green program pilot project that does the following:

(A) Encourages the development and promotion of high technology products and services for global export that are related to industrial production practices that create or sustain green space.

(B) For purposes of clause (A), focuses on computer system hardware and software research and development products and services by:

(I) conducting research and development efforts using Indiana University resources;

(ii) establishing and using an industrial incubator program; and

(iii) establishing a globally competitive entrepreneurial ecosystem of Indiana based university and high technology start-up companies.

SECTION 4. That the task force, if established, shall seek technical assistance from the following:

(1) Persons from the Indiana University academic community who have expertise in the following:

(A) Computing sciences.

(B) Social engineering sciences.

(C) Civil engineering sciences.

(D) Biological sciences.

(E) Sustainable environment sciences.

(F) Economic sciences.

(G) Global government policy.

(H) Game theory.

(2) Entrepreneurs who are Indiana based software and computing system engineering professionals with expertise in the following:

(A) Large scale software system research and design.
(B) Industrial incubators involving high technology software.
(C) Component oriented application frameworks.
(D) Scaling technology design for distributed systems.
(E) Software development.
(F) Semantic networks, organization workflow modeling, and business process paradigms.
(G) Computer network communications theory and practice related to large scale data flow modeling.
(H) Genetic algorithms and programming for large scale data flow and data path optimization processes.

(3) Persons from Indiana state government agencies with expertise in the following:
(A) Government revenue generation paradigms.
(B) Bonding systems.
(C) Gambling, lottery, and other similar forms of revenue generation.
(D) Property valuation, analysis, and prediction paradigms and theory.
(E) Government organization and operation process and business models.
(F) Money flow theory, models, and paradigms for government income and expenditures.
(G) Strategic planning and formalization models.
(H) Economic strategic theory, methodology, history, and planning.
(I) Quality of life engineering paradigms, theory, modeling, methodology, and best practices.

The resolution was read a first time and referred to the Committee on Environmental Affairs.

Representative Day, who had been excused, was present.

House Resolution 32

Representative Pryor introduced House Resolution 32:

A HOUSE RESOLUTION to honor the achievements of Wilson Reyes.

Whereas, Wilson Reyes has served as an educator for 13 years;

Whereas, Mr. Reyes was named the 2010 Teacher of the Year at Guion Creek Middle School;

Whereas, Mr. Reyes teaches English and Spanish, directs and produces a school-wide television program, and coaches the football and softball teams;

Whereas, Mr. Reyes is an activist in the Hispanic community, helping his students learn English in order to succeed in the classroom and helping Spanish-speaking parents get the information needed to play an important role in their children's education;

Whereas, Mr. Reyes brings a unique skill set to the classroom, using his experiences as an immigrant, military background, and entrepreneurial skills as a small business owner to address the variety of educational challenges faced every day by teachers;

Whereas, Mr. Reyes was named a 2011 Milken Educator Award recipient;

Whereas, The Milken Family Foundation's educator awards are known as the "Oscars of Teaching," awarded to only 40 teachers across the country in 2011; and

Whereas, The award represents a tremendous honor to Mr. Reyes for not only outstanding teaching, but also his sincere commitment to providing the highest standard of education: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates Wilson Reyes on the occasion of his receiving a 2011 Milken Educator Award, honors him for his tireless dedication to his students and to improving education in Indiana, and thanks him for his devotion and hard work on behalf of his neighbors and his community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Wilson Reyes.

The resolution was read a first time and adopted by voice vote.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Senate Concurrent Resolution 15

The Speaker handed down Senate Concurrent Resolution 15, sponsored by Representatives Bosma, Bartlett, Noe, Austin, Bacon, Baird, Bardon, Battles, Bauer, Behning, Borders, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Eberhart, Espich, Foley, Friend, Frizzell, C. Fry, R. Frye, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moses, Neese, Niezgodski, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins, and Yarde:

A CONCURRENT RESOLUTION honoring the 2012 Super Bowl Host Committee and the city of Indianapolis for their efforts in hosting Super Bowl XLVI.

Whereas, The Super Bowl Host Committee served as the city's ambassador to incoming Super Bowl fans and as a manager of local resources such as city services, event venues, accommodations, and thousands of volunteers;

Whereas, The Super Bowl Host Committee was capably led by Chairman Mark Miles and CEO Allison Melangton;

Whereas, The Super Bowl Host Committee partnered with Keep Indianapolis Beautiful Inc. and the John H. Boner Community Center to plant 2,876 trees in the community, exceeding the goal of 2012 trees;

Whereas, The Super Bowl Host Committee helped manage the Near East Side Legacy Project which raised more than $154 million through public and private partners to revitalize Indianapolis' Near Eastside;

Whereas, The Super Bowl Host Committee designated twenty Super Celebration sites around Central Indiana to showcase Hoosier hospitality;

Whereas, By all accounts, the hosting of Super Bowl XLVI was a complete success, and demonstrated that Indianapolis is a world-class city;

Whereas, There were over 1.1 million visitors to Super Bowl Village and over 265,000 visitors to the NFL experience;

Whereas, The Super Bowl Host Committee was comprised of

35 staff members and 150 volunteer co-chairs who oversaw over 8,000 volunteers;

Whereas The Nielson ratings indicated that Super Bowl XLVI was the most watched event in television history: Therefore,

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

SECTION 1. That the Indiana General Assembly honors the Super Bowl Host Committee and the city of Indianapolis for their efforts in hosting Super Bowl XLVI.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Super Bowl Host Committee Chairman Mark Miles and CEO Allison Melangton.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The Speaker Pro Tempore yielded the gavel to the Speaker.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 52

Representative T. Brown called down Engrossed Senate Bill 52 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 52–1)

Mr. Speaker: I move that Engrossed Senate Bill 52 be amended to read as follows:

Page 3, after line 19, begin a new paragraph and insert:

"SECTION 2. IC 16-41-6-8, AS AMENDED BY P.L.112-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) This section applies to a physician or an advanced practice nurse who orders an HIV test under section 5 or 6 of this chapter or to the physician's or nurse's designee.

(b) An individual described in subsection (a) shall:

(1) inform the pregnant woman that:

(A) the individual is required by law to order an HIV test unless the pregnant woman refuses; and

(B) the pregnant woman has a right to refuse the test; and

(2) explain to the pregnant woman:

(A) the purpose of the test; and

(B) the risks and benefits of the test.

(c) An individual described in subsection (a) shall document in the pregnant woman's medical records that the pregnant woman received the information required under subsection (b).

(d) If a pregnant woman refuses to consent to an HIV test, the refusal must be noted by an individual described in subsection (a) in the pregnant woman's medical records.

(e) If a test ordered under section 5 or 6 of this chapter is positive, an individual described in subsection (a):

(1) shall inform the pregnant woman of the test results;

(2) shall inform the pregnant woman of the treatment options or referral options available to the pregnant woman; and

(3) shall:

(A) provide the pregnant woman with a description of the methods of HIV transmission;

(B) discuss risk reduction behavior modifications with the pregnant woman, including methods to reduce the risk of perinatal HIV transmission and HIV transmission through breast milk; and

(C) provide the pregnant woman with referral information to other HIV prevention, health care, and psychosocial services.

(f) The provisions of IC 16-41-2-3 apply to a positive HIV test under section 5 or 6 of this chapter.

(g) The results of a test performed under section 5 or 6 of this chapter are confidential.

(h) As a routine component of prenatal care, every individual described in subsection (a) is required to provide information and counseling regarding HIV and the standard licensed diagnostic test for HIV and to offer and recommend the standard licensed diagnostic test for HIV.

~~(i) An individual described in subsection (a) shall document:~~

~~(1) the oral or written consent of the pregnant woman to be tested; and~~

~~(2) that the pregnant woman was counseled and provided the required information set forth in subsection (b) to ensure that an informed decision has been made.~~

~~(j) A pregnant woman who refuses a test under this section must do so in writing.~~".

Renumber all SECTIONS consecutively.

(Reference is to ESB 52 as printed February 10, 2012.)

C. BROWN

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 13

Representative T. Brown called down Engrossed Senate Bill 13 for third reading:

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

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

Roll Call 190: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 114

Representative Steuerwald called down Engrossed Senate Bill 114 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 191: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 148

Representative Heaton called down Engrossed Senate Bill 148 for third reading:

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

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

Roll Call 192: yeas 63, nays 33. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 154

Representative Koch called down Engrossed Senate Bill 154 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 193: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 212

Representative Cherry called down Engrossed Senate Bill 212 for third reading:

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

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

Roll Call 194: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 274

Representative McMillin called down Engrossed Senate Bill 274 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 195: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 16, 2012 at 10:00 a.m.

FRIEND

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Senate Bill 13.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Senate Bill 132.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as cosponsor of Senate Bill 193.

DERMODY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Neese be added as cosponsor of Senate Bill 259.

DERMODY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as cosponsor of Senate Bill 267.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as cosponsor of Senate Bill 268.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Richardson and Austin be added as cosponsors of Senate Bill 273.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morris be added as cosponsor of Senate Bill 327.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as cosponsor of Senate Bill 392.

BEHNING

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Dembowski, the House adjourned at 2:47 p.m., this fourteenth day of February, 2012, until Thursday, February 16, 2012, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Twenty-fifth Day — **Thursday Morning** — **February 16, 2012**

The invocation was offered by Pastor Jason Dorsey, Redeemer Presbyterian Church, Indianapolis.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Chester F. Dobis.

The Speaker ordered the roll of the House to be called:

Austin
Bacon ☐
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown ☐
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch ☐
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell ☐
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb ☐
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman ☐
Koch
Kubacki
L. Lawson
Lehe
Lehman ☐
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond ☐
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins ☐
Yarde
Mr. Speaker

Roll Call 196: 91 present; 9 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1009, 1112, and 1148 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1015, 1065, and 1163 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 23 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Act 1016 on February 14.

The Speaker announced that he had signed House Enrolled Acts 1009, 1112, and 1148 on February 16.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 24

Representative Porter introduced House Concurrent Resolution 24:

A CONCURRENT RESOLUTION congratulating the Bishop Chatard High School football team on its Class 3A state championship.

Whereas, For the second consecutive year, Bishop Chatard High School of Indianapolis defeated South Bend St. Joseph's to win the Class 3A state football championship;

Whereas, The victory was the Trojans' 11th state football title, which is also the most football titles won by any Indiana

high school;

Whereas, On the road to the state championship, the Trojans won their 11th consecutive sectional championship and 11th consecutive regional championship;

Whereas, The Trojans finished the 2011 season at 13-2, scoring 521 points while holding their opponents to 163 points;

Whereas, Senior quarterback and co-captain Max Van Vliet overcame torn anterior cruciate ligaments in both knees to lead the Trojans, throwing 28 touchdown passes, rushing for another six touchdowns, and throwing only seven interceptions;

Whereas, Max VanVliet, who maintains a 4.04 grade point average, ranks 17th in his senior class of 180 students, and is a member of the National Honor Society, won the Phil N. Eskew Mental Attitude Award for Class 3A, the second consecutive Trojan to win this honor in this class;

Whereas, Seniors Myles Malone-Wright, Andrew Ciresi, Sam Giudice, Daniel Sahm, Max VanVliet, Ryan Kleinschmidt, Nick Traub, Greg Wood, Elijah Evans, Ben Paugh, Joe Sullivan, Chris Shrack, Andy McGinnis, Brent Kelly-Hooks, Zach Burns, Alex Bill, Okenna Oruche, Will Naddy, Jordan Penry, Kyle Sprunger, Daniel Bowes, Dan Buhler, Luke McHugh, Ben Wagner, Sid Anvoots, Chris Goetz, Max Polak, Aaron Hepp, Alex Ney, Daniel Wagner, Daniel Scheidler, Sean Blanford, and Matt Hurrle helped to guide and support the underclassmen throughout the season;

Whereas, Head Coach Vince Lorenzano, supported by talented and dedicated assistant coaches, has guided five of his teams to a state championship title in eight years as Trojans head coach;

Whereas, The Trojans were cared for by committed professional physicians, trainers, and student trainers;

Whereas, The Trojans were enthusiastically supported by the student body, faculty, administrators, parents and families, and the entire Bishop Chatard community; and

Whereas, An outstanding achievement such as this deserves special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Bishop Chatard Trojans on their Class 3A state football championship and wishes them continued success both on and off the field.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to all team members and managers, assistant coaches Clifford Brooks, Rob Doyle, Matt Jennings, Kevin King, Travis Lucas, John Norris, Jimmy Pappas, Nick Svarczkopf, Kevin Shine, Nate Vannice, David Whittemore, and Todd Finnell, head coach Vince Lorenzano, athletic director Mike Ford, assistant athletic director Mike Harmon, principal Dr. John Atha, and superintendent of Catholic Schools for the Archdiocese of Indianapolis Ron Costello.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Schneider.

House Resolution 33

Representative Cherry introduced House Resolution 33:

A HOUSE RESOLUTION urging the legislative council to assign to an existing study committee the topic of property tax deductions for mortise and tenon barns.

Whereas, Mortise and tenon barns are built with heavy timbers throughout construction, joined together with carved wood joinery that forms an exposed structural frame;

Whereas, A study committee should consider the establishment of a 100% property tax deduction against the assessed value of certain mortise and tenon barns; and

Whereas, This type of property tax deduction would provide owners an incentive to invest in the preservation of their historic barns without being penalized with property tax increases: Therefore,

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

SECTION 1. That the legislative council is urged to assign to an existing study committee the topic of property tax deductions for mortise and tenon barns.

The resolution was read a first time and referred to the Committee on Ways and Means.

House Resolution 34

Representative Cherry introduced House Resolution 34:

A HOUSE RESOLUTION urging the legislative council to assign to an existing committee the topic of self-rolled cigarette retail establishments.

Whereas, Further study is required to determine the effect the operation of self-rolled cigarette retail establishments has on our environment and economy; and

Whereas, The committee should also study the tax consequences of the operation of these retail establishments: Therefore,

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

SECTION 1. That the legislative council is urged to assign to an existing committee the topic of self-rolled cigarette retail establishments.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Public Policy.

House Resolution 35

Representatives Turner and Mahan introduced House Resolution 35:

A HOUSE RESOLUTION honoring Paul Patterson, Taylor University men's basketball coach.

Whereas, Paul Patterson, Taylor University men's basketball coach, made Indiana basketball history on Saturday, December 3, 2011, by defeating Bethel College and recording his 700th victory;

Whereas, With this victory, Paul Patterson became the only coach in history to record 700 wins while coaching at a four-year Indiana college;

Whereas, On January 10, 2012, Paul Patterson reached another milestone in basketball history by winning his 707th career game to become the winningest coach in Indiana college basketball history at any level (two-year or four-year schools);

Whereas, During his 33 seasons as head coach of the Taylor

University men's basketball program, Coach Patterson has led the Trojans to 15 conference championships and has made 14 NAIA National Championship appearances, including a trip to the Final Four in 1991;

Whereas, Paul Patterson, who ranks second in wins among active NAIA Division II coaches, has recorded 26 winning seasons and has received 12 Coach of the Year awards, including NAIA Coach of the Year in 1991;

Whereas, Stressing academics and character building to his players, Coach Patterson has seen every four-year player earn his college degree;

Whereas, A teacher both on and off the court, Coach Patterson has inspired former players to become coaches at the college or high school level as well as authors, doctors, counselors, ministers, administrators, business professionals, CEOs, and financial planners, many of whom have climbed to the top of their professions; and

Whereas, Paul Patterson has dedicated his life to teaching the game of basketball to young men and instilling in them a desire to learn to succeed and to develop into outstanding Christian men, husbands, and fathers: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates Paul Patterson on the occasion of his 700th basketball victory and wishes him continued success in all his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Paul Patterson, athletic director Dr. Angie Fincannon, and Taylor University president Dr. Eugene Habecker.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 12, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 1.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 24, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 20, delete "services." and insert "**services or the director's designee.**".

(Reference is to SB 24 as reprinted January 24, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 107, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

NEESE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Engrossed Senate Bill 111, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 2-5-33.3-2, AS ADDED BY P.L.197-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) There is established the interim study committee on insurance.

(b) The committee shall study insurance in Indiana as follows:

(1) Issues determined by the chairperson of the committee.
(2) Issues assigned by the legislative council.
(3) Issues regulated under IC 27.
(4) Worker's compensation insurance.

(c) The committee shall, not later than November 1 of each year, report the committee's findings and recommendations concerning the committee's study under subsection (b) to the legislative council in an electronic format under IC 5-14-6.

(d) The committee shall, during the 2016 interim of the general assembly, study the effect of IC 27-1-41 on the liability insurance market in Indiana. This subsection expires July 1, 2017.".

Page 4, delete line 25.

Renumber all SECTIONS consecutively.

(Reference is to SB 111 as reprinted January 20, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

LEHMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 113, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 5 through 8.

Page 2, line 9, delete "(3)" and insert "**(2)**".

Page 2, line 13, delete "(4)" and insert "**(3)**".

(Reference is to SB 113 as printed January 26, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 168, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 170, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"**Sec. 4. (a) An individual who is serving as a volunteer firefighter for a volunteer fire department or a fire department that provides fire protection services to a unit:**

(1) under a contract, excluding a mutual aid agreement; or

(2) as the unit's fire department;

may not assume or hold an elected office of a unit that receives fire protection services from the department in which the volunteer firefighter serves.

(b) An individual who:

(1) is an employee of a unit, serving as a full time, paid firefighter; or

(2) serves as a volunteer firefighter;

in a department that provides fire protection services to more than one (1) unit, excluding fire protection services provided under mutual aid agreements, may not assume or hold an elected office of any unit that receives fire protection services from the department.".

Page 2, delete lines 1 through 3.

Page 2, line 9, after "from" insert "**assuming or**".

Page 2, delete lines 12 through 15, begin a new line block indented and insert:

"**(2) a full-time paid firefighter or volunteer firefighter from assuming or holding an elected office of a unit other than a unit that receives fire protection services from the department in which the volunteer firefighter serves; or**".

Page 2, line 16, after "who" insert "**assumes or**".

Page 2, delete lines 19 through 27, begin a new paragraph and insert:

"**Sec. 7. (a) Notwithstanding sections 4 and 5 of this chapter:**

(1) a volunteer firefighter who assumes or holds an elected office on January 1, 2013, may continue to hold the elected office and serve as a volunteer firefighter; and

(2) a government employee who assumes or holds an elected office on January 1, 2013, may continue to hold the elected office and be employed as a government employee;

until the term of the elected office that the volunteer firefighter or government employee is serving on January 1, 2013, expires.

(b) After the expiration of the term of the elected office that the volunteer firefighter referred to in subsection (a) is serving on January 1, 2013, the volunteer firefighter is subject to section 4 of this chapter with respect to serving as a volunteer firefighter and assuming or holding an elected office of the unit that receives fire protection services from the department in which the volunteer firefighter serves.

(c) After the expiration of the term of the elected office that the government employee referred to in subsection (a) is serving on January 1, 2013, the government employee is subject to section 5 of this chapter with respect to assuming or holding an elected office and being employed by the unit that employs the government employee.".

Page 3, line 15, delete "that complies with" and insert "**under**".

Page 3, line 16, delete "that complies with" and insert "**under**".

Page 5, between lines 27 and 28, begin a new paragraph and insert:

"**Sec. 9. (a) This chapter establishes minimum requirements regarding employment of relatives. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:**

(1) include requirements that are more stringent or detailed than any provision in this chapter; and

(2) apply to individuals who are exempted or excluded from the application of this chapter.

The unit may prohibit the employment of a relative that is not otherwise prohibited by this chapter.

(b) The annual report filed by a unit with the state board of accounts under IC 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.".

Page 5, line 28, delete "9. Except as otherwise provided in this chapter, individuals" and insert "**10. Individuals**".

Page 5, line 32, delete "10." and insert "**11. (a)**".

Page 5, line 32, delete "subsection" and insert "**section**".

Page 5, delete lines 37 through 42, begin a new paragraph and insert:

"**(b) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual may remain employed by a unit and maintain the individual's position or rank even if the individual's employment would violate section 10 of this chapter.**

(c) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual described in subsection (b) may not:

(1) be promoted to a position; or

(2) be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department;

if the new position would violate section 10 of this chapter.".

Page 6, delete line 1.

Page 6, line 2, delete "11." and insert "**12.**".

Page 6, line 7, delete "12. A" and insert "**13. Unless the policy adopted under section 9 of this chapter provides otherwise, a**".

Page 6, line 10, delete "13. An" and insert "**14. Unless the policy adopted under section 9 of this chapter provides otherwise, an**".

Page 6, line 21, delete "14." and insert "**15.**".

Page 6, line 22, after "residence," insert "**unless the policy adopted under section 9 of this chapter provides otherwise**".

Page 6, line 29, delete "15. (a)" and insert "**16.**".

Page 6, delete lines 34 through 40.

Page 6, line 41, delete "16." and insert "**17.**".

Page 6, line 42, delete "that complies with" and insert "**under**".

Page 7, line 3, delete "17." and insert "**18.**".

Page 7, line 3, delete "that complies" and insert "**under**".

Page 7, line 4, delete "with".

Page 7, between lines 33 and 34, begin a new paragraph and insert:

"**Sec. 4. (a) This chapter establishes minimum requirements regarding contracting with a unit. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:**

(1) include requirements that are more stringent or detailed than any provision in this chapter; and

(2) apply to individuals who are exempted or excluded from the application of this chapter.

The unit may prohibit or restrict an individual from

entering into a contract with the unit that is not otherwise prohibited or restricted by this chapter.

(b) The annual report filed by a unit with the state board of accounts under IC 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.".

Page 7, line 34, delete "4." and insert "**5.**".

Page 8, line 32, delete "5. (a)" and insert "**6.**".

Page 8, delete lines 37 through 42.

Page 9, delete line 1.

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

Page 9, line 3, delete "that complies with" and insert "**under**".

Page 9, line 6, delete "7." and insert "**8.**".

Page 9, line 6, delete "that complies with" and insert "**under**".

Page 9, line 13, delete "is in compliance with" and insert "**has adopted a policy under**".

Page 11, line 24, strike "public employees' retirement" and insert "**Indiana public retirement system**".

(Reference is to SB 170 as printed January 13, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 28 through 35, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committee" refers to the education issues interim study committee established under subsection (b).**

(b) The legislative council, under IC 2-5-1.1-5(a)(2), shall establish an interim study committee to be known as the education issues interim study committee. The committee shall do the following:

(1) Study the costs and savings to a school corporation or a charter school relating the implementation of this act.

(2) Study issues relating the accessibility, and instruction of a virtual instruction course, as defined in IC 20-32-4.5-4, as added by this act.

(3) Study how the school funding formula in the state budget for the state fiscal years beginning July 1, 2013, and ending June 30, 2015, may be adjusted to recognize the achievement of objectives under this act for a school corporation or charter school that implements virtual instruction courses, as defined in IC 20-32-4.5-4, as added by this act,

(4) Study any additional topics the legislative council considers necessary.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council. The committee shall submit a final report to the following:

(1) The legislative council in an electronic format under IC 5-14-6.

(2) The governor.

(3) The chairperson of the house committee on ways and means.

(4) The ranking minority member of the house committee on ways and means.

(5) The chairperson of the senate committee on appropriations.

(6) The ranking minority member of the senate committee on appropriations.

(d) This SECTION expires December 31, 2012.

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

(Reference is to SB 179 as reprinted February 1, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 225, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Engrossed Senate Bill 231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

DAVIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 234, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 235, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 259, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 2.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code,

to which was referred Engrossed Senate Bill 262, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 19, delete lines 11 through 30, begin a new paragraph and insert:

"SECTION 24. IC 5-14-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency, except as provided by IC 4-15-10, who knowingly or intentionally discloses information classified as confidential by state statute, **including information declared confidential under:**

(1) section 4(a) of this chapter; or

(2) section 4(b) of this chapter if a public agency declared the information to be confidential;

commits a Class A misdemeanor.

(b) A public employee may be disciplined in accordance with the personnel policies of the agency by which the employee is employed if the employee intentionally, knowingly, or recklessly discloses or fails to protect information classified as confidential by state statute.

(c) A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency who unintentionally and unknowingly discloses confidential or erroneous information in response to a request under IC 5-14-3-3(d) or who discloses confidential information in reliance on an advisory opinion by the public access counselor is immune from liability for such a disclosure.

(d) This section does not apply to any provision incorporated into state law from a federal statute.".

Page 43, line 5, delete "IC 35-44.1-3-5," and insert "**IC 35-44.1-3-4,**".

Page 43, line 9, delete "IC 35-44.1-3-5," and insert "**IC 35-44.1-3-4,**".

(Reference is to SB 262 as reprinted January 27, 2012.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 268, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 283, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 4, delete "the" and insert "**that**".

Page 6, delete lines 3 through 12, begin a new paragraph and insert:

"**(b) A school corporation is entitled to receive state tuition support for a student described in subsection (a) in an amount equal to:**

(1) the amount received by the school corporation in which the student is enrolled for ADM purposes; or

(2) the amount received by the school corporation in which the student has legal settlement;

whichever is greater.".

(Reference is to SB 283 as reprinted February 1, 2012.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Engrossed Senate Bill 315, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete line 5.

Page 1, line 6, delete "(2)" and insert "**(1)**".

Page 1, line 7, delete "(3)" and insert "**(2)**".

Page 1, line 9, delete "(4)" and insert "**(3)**".

Page 1, line 11, delete "(5)" and insert "**(4)**".

Page 2, delete line 3.

Page 2, line 4, delete "(2)" and insert "**(1)**".

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

Page 2, line 7, delete "(4)" and insert "**(3)**".

Page 2, line 8, delete "(5)" and insert "**(4)**".

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

"SECTION 4. IC 4-32.2-2-23.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 23.3. "Qualified card game" refers to any of the following card games:**

(1) Euchre.

(2) Texas hold'em poker.

(3) Omaha poker.".

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 6. IC 4-32.2-2-30, AS AMENDED BY P.L.104-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 30. (a) Except as provided in subsection (b), "worker" means an individual who helps or participates in any manner in conducting or assisting in conducting an allowable event under this article.

(b) The following are not considered workers for the purposes of this article:

(1) A patron dealing ~~euchre~~ cards under IC 4-32.2-5-14(b).

(2) A volunteer ticket agent.

SECTION 7. IC 4-32.2-3-3, AS AMENDED BY P.L.95-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The commission shall adopt rules under IC 4-22-2 for the following purposes:

(1) Administering this article.

(2) Establishing the conditions under which charity gaming in Indiana may be conducted, including the manner in which a qualified organization may supervise a ~~euchre~~ **qualified card** game conducted under IC 4-32.2-5-14(b).

(3) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of charity gaming.

(4) Establishing rules concerning inspection of qualified organizations and the review of the licenses necessary to conduct charity gaming.

(5) Imposing penalties for noncriminal violations of this article.

(6) Establishing standards for independent audits conducted under IC 4-32.2-5-5.

(b) The commission may adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(1) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(2) an emergency rule is likely to address the need.".

Page 8, delete lines 16 through 42, begin a new paragraph and insert:

"SECTION 16. IC 4-32.2-5-14, AS AMENDED BY P.L.104-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) Except as provided by subsections (c) ~~and (d),~~ **through (e),** an operator or a worker may not directly or indirectly participate, other than in a capacity as an operator or a worker, in an allowable event that the operator or worker is conducting.

(b) A patron at a charity game night may deal the cards in a card game if:

(1) the card game in which the patron deals the cards is a **qualified card** game; ~~of euchre;~~

(2) the patron deals the cards in the manner required in the ordinary course of the **qualified card** game; ~~of euchre;~~ and

(3) the ~~euchre~~ **qualified card** game is played under the supervision of the qualified organization conducting the charity game night in accordance with **section 14.5 of this chapter (in the case of a game of Texas hold'em poker or Omaha poker) and any** rules adopted by the commission under IC 4-32.2-3-3.

A patron who deals the cards in a ~~euchre~~ **qualified card** game conducted under this subsection is not considered a worker or an operator for purposes of this article.

(c) A worker at a festival event may participate as a player in any gaming activity offered at the festival event except as follows:

(1) A worker may not participate in any game during the time in which the worker is conducting or helping to conduct the game.

(2) A worker who conducts or helps to conduct a pull tab, punchboard, or tip board event during a festival event may not participate as a player in a pull tab, punchboard, or tip board event conducted on the same calendar day.

(d) A worker at a bingo event:

(1) whose duties are limited to:

(A) selling bingo supplies;

(B) selling tickets for a door prize drawing or raffle conducted at the bingo event; or

(C) the duties described in both clauses (A) and (B);

(2) who has completed all of the worker's duties before the start of the first bingo game of the bingo event; and

(3) who is not engaged as a worker at any other time during the bingo event;

may participate as a player in any gaming activity offered at the bingo event following the completion of the worker's duties at the bingo event.

(e) A worker at a raffle event conducted by a qualified organization holding an annual comprehensive charity gaming license issued under IC 4-32.2-4-20 may purchase a raffle ticket for a particular drawing at the raffle event unless:

(1) the worker personally sold tickets for; or

(2) the worker otherwise personally participated in the conduct of;

that particular drawing.

SECTION 17. IC 4-32.2-5-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14.5. The following rules apply when a patron at a charity game night deals the cards in a game of Texas hold'em poker or Omaha poker under section 14(b) of this chapter:**

(1) Patrons may take turns dealing, but a patron may not play in a hand for which the patron deals the cards.

(2) The dealer shall submit the deck of cards to be cut to the nearest player to the right of the dealer.

(3) A blank card must be at the bottom of the deck of cards.

(4) The operator or a worker shall deal the cards at the final table of a tournament.".

Page 9, delete lines 1 through 20.

Renumber all SECTIONS consecutively.

(Reference is to SB 315 as reprinted January 31, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

DAVIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Resolution 28, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

Committee Vote: yeas 8, nays 1.

NEESE, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 26

Representative Foley called down Engrossed Senate Bill 26 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 32

Representative Foley called down Engrossed Senate Bill 32 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 127

Representative Niezgodski called down Engrossed Senate Bill 127 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 127–1)

Mr. Speaker: I move that Engrossed Senate Bill 127 be amended to read as follows:

Page 96, delete line 42, begin a new paragraph and insert:

"SECTION 130. IC 36-8-8-13.1, AS AMENDED BY HEA 1009-2012, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.1. (a) If:

(1) the local board has determined under this chapter that a covered impairment exists and the safety board has determined that there is no suitable and available work within the department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act; or

(2) the fund member has filed an appeal under section 12.7(o) of this chapter;

the local board shall submit the local board's determinations and the safety board's determinations to the system board's director.

(b) Whenever a fund member is determined to have an impairment under section 12.7(I) of this chapter, the system board's director shall initiate a review of the default award not

later than sixty (60) days after the director learns of the default award.

(c) After the system board's director receives the determinations under subsection (a) or initiates a review under subsection (b), the fund member must submit to an examination by a medical authority selected by the system board. The authority shall determine if there is a covered impairment. With respect to a fund member who is covered by sections 12.5 and 13.5 of this chapter, the authority shall determine the degree of impairment. The system board shall adopt rules to establish impairment standards, such as the impairment standards contained in the United States Department of Veterans Affairs Schedule for Rating Disabilities. The report of the examination shall be submitted to the system board's director. If a fund member refuses to submit to an examination, the authority may find that no impairment exists.

(d) The system board's director shall review the medical authority's report and the local board's determinations and issue an initial determination within sixty (60) days after receipt of the local board's determinations. The system board's director shall notify the local board, the safety board, and the fund member of the initial determination. The following provisions apply if the system board's director does not issue an initial determination within sixty (60) days and if the delay is not attributable to the fund member or the safety board:

(1) In the case of a review initiated under subsection ~~(b):~~ **(a)(1):**

(A) the determinations of the local board and the chief of the police or fire department are considered to be the initial determination; and

(B) for purposes of section 13.5(d) of this chapter, the fund member is considered to be totally impaired.

(2) In the case of an appeal submitted under subsection (a)(2), the statements made by the fund member under section 12.7(o) of this chapter are considered to be the initial determination.

(3) In the case of a review initiated under subsection (b), the initial determination is the impairment determined under section 12.7(I) of this chapter.

(e) The fund member, the safety board, or the local board may object in writing to the director's initial determination within fifteen (15) days after the determination is issued. If no written objection is filed, the initial determination becomes the final order of the system board. If a timely written objection is filed, the system board shall issue the final order after a hearing. Unless an administrative law judge orders a waiver or an extension of the period for cause shown, the final order shall be issued not later than one hundred eighty (180) days after the date of receipt of the local board's determination or the date the system board's director initiates a review under subsection (b). The following provisions apply if a final order is not issued within the time limit described in this subsection and if the delay is not attributable to the fund member or the chief of the police or fire department:

(1) In the case of a review initiated under subsection ~~(b):~~ **(a)(1):**

(A) the determinations of the local board and the chief of the police or fire department are considered to be the final order; and

(B) for purposes of section 13.5(d) of this chapter, the fund member is considered to be totally impaired.

(2) In the case of an appeal submitted under subsection (a)(2), the statements made by the fund member under section 12.7(o) of this chapter are considered to be the final order.

(3) In the case of a review initiated under subsection (b), the impairment determined under section 12.7(I) of this chapter is considered to be the final order.

(f) If the system board approves the director's initial determination, then the system board shall issue a final order adopting the initial determination. The local board and the chief of the police or fire department shall comply with the initial determination. If the system board does not approve the initial determination, the system board may receive additional evidence on the matter before issuing a final order.

(g) Appeals of the system board's final order may be made under IC 4-21.5.

(h) The transcripts, records, reports, and other materials compiled under this section must be retained in accordance with the procedures specified in section 12.7(p) of this chapter.".

Delete pages 97 through 98.

Page 99, delete lines 1 through 4.

Page 113, after line 42, begin a new paragraph and insert:

"SECTION 144. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 127 as printed February 14, 2012.)

NIEZGODSKI

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 157

Representative Foley called down Engrossed Senate Bill 157 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 157–1)

Mr. Speaker: I move that Engrossed Senate Bill 157 be amended to read as follows:

Page 2, after line 23, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2012] **(a) The general assembly urges the legislative council to assign to an existing study committee, for study during the 2012 legislative interim, the topic of powers of attorney.**

(b) This SECTION expires December 31, 2012.".

(Reference is to ESB 157 as printed February 14, 2012.)

RIECKEN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 182

Representative Karickhoff called down Engrossed Senate Bill 182 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 237

Representative Foley called down Engrossed Senate Bill 237 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 256

Representative Dermody called down Engrossed Senate Bill 256 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 257

Representative Soliday called down Engrossed Senate Bill 257 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 257–2)

Mr. Speaker: I move that Engrossed Senate Bill 257 be amended to read as follows:

Page 5, delete lines 21 through 24.

Page 6, delete line 42.

Page 7, delete lines 1 through 5.

Page 18, delete lines 4 through 18.
Page 35, delete lines 12 through 42.
Delete pages 36 through 38.
Page 39, delete lines 1 through 15.
Page 41, delete lines 41 through 42.
Page 42, delete lines 1 through 40.
Page 43, delete lines 3 through 37.
Page 44, delete lines 3 through 42.
Page 45, delete lines 1 through 35.
Page 46, delete lines 13 through 42.
Page 47, delete lines 1 through 27.
Page 49, delete lines 25 through 42.
Page 50, delete lines 1 through 3.
Page 50, delete lines 19 through 27.
Page 50, delete lines 31 through 42.
Delete pages 51 through 59.
Page 60, delete lines 1 through 16.
Page 127, delete lines 39 through 42.
Page 128, delete lines 1 through 19.
Page 144, delete lines 3 through 42.
Page 145, delete lines 1 through 5.
Page 158, delete lines 21 through 42.
Page 159, delete lines 1 through 25.
Page 160, delete lines 13 through 42.
Page 161, delete lines 1 through 11.
Page 163, delete lines 8 through 10.
Page 164, delete lines 20 through 42.
Page 168, delete lines 17 through 37.
Page 169, delete lines 19 through 28.
Page 170, delete lines 6 through 42.
Delete pages 171 through 172.
Page 173, delete lines 1 through 29.
Page 173, delete lines 39 through 42.
Page 174, delete lines 1 through 19.
Page 176, delete lines 18 through 38.
Page 199, delete lines 23 through 34.
Page 213, delete lines 17 through 42.
Page 214, delete lines 1 through 24.
Page 231, delete lines 18 through 42.
Page 232, delete lines 1 through 39.
Page 234, delete lines 30 through 42.
Delete pages 235 through 236.
Page 237, delete lines 1 through 7.
Renumber all SECTIONS consecutively.
(Reference is to ESB 257 as printed February 10, 2012.)

SOLIDAY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 330

Representative Heaton called down Engrossed Senate Bill 330 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 235 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 20, 2012 at 1:30 p.m.

BORDERS

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representatives Day and Dobis be added as coauthors of House Concurrent Resolution 21.

CRAWFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Day and Dobis be added as coauthors of House Concurrent Resolution 22.

CRAWFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cheatham be added as cosponsor of 72.

ELLSPERMANN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heuer be removed as sponsor of Senate Bill 179 and Representative Behning be removed as cosponsor and that Representative Behning be substituted as sponsor and Representative Heuer be added as cosponsor.

HEUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kersey be removed as sponsor of Senate Bill 215, Representative Heaton be substituted as sponsor and Representative Kersey be added as cosponsor.

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dermody be added as cosponsor of Senate Bill 226.

SPEEDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bosma be added as cosponsor of Senate Bill 231.

TURNER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Yarde and Riecken be added as cosponsors of Senate Bill 255.

R. FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Steuerwald and Pierce be added as cosponsors of Senate Bill 274.

McMILLIN

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as cosponsor of Senate Bill 286.

McNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cherry be added as cosponsor of Senate Bill 315.

MESSMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dermody be added as cosponsor of Senate Bill 355.

SOLIDAY

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative VanNatter, the House adjourned at 11:12 a.m., this sixteenth day of February, 2012, until Monday, February 20, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Twenty-sixth Day — **Monday Afternoon** — **February 20, 2012**

The invocation was offered by Reverend Mark Suter, First United Methodist Church, Martinsville, the guest of Representative Ralph M. Foley.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Ralph M. Foley.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman □
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 197: 99 present; 1 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1312 with amendments and the same is herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 12 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 21 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 25

Representative Riecken introduced House Concurrent Resolution 25:

A CONCURRENT RESOLUTION recognizing the Main Yard Site Remediation Project.

Whereas, The National Association of Environmental Professionals (NAEP) named the Main Yard Site Remediation Project as the recipient of its 2011 National Environmental Excellence Award in the category of Environmental Stewardship;

Whereas, The project transformed the 4.5-acre abandoned General Waste Products site that was plagued by environmental impacts caused by more than 150 years of heavily industrialized use into safe, beautiful public parks and productive commercial properties;

Whereas, The project was a joint effort by the City of Evansville, the Evansville Department of Parks and Recreation, the Evansville Department of Metropolitan Development, and other city agencies and officials, the Evansville Greenway and

Remediation Trust, and Apex Companies, LLC, which performed the environmental remediation of the property under the Indiana Department of Environmental Management's Voluntary Remediation Program;

Whereas, Together with the River Yard Site Remediation Project, the Main Yard Site Remediation Project will protect cultural history on the Ohio River's banks by preserving a historic riverfront ship building facility used in the Normandy D-Day invasion of World War II and create an important transportation option that will allow for the possible use of river traffic to move freight and materials; and

Whereas, The Main Yard Site Remediation Project proves that with hard work, perseverance, and cooperation, even contaminated industrial areas can be transformed into beautiful, useful areas: Therefore,

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

SECTION 1. That the Indiana General Assembly thanks the Main Yard Site Remediation Project for turning a contaminated industrial area into safe, beautiful public parks and productive commercial properties.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the city of Evansville, the Evansville Department of Parks and Recreation, the Evansville Department of Metropolitan Development, the Evansville Greenway and Remediation Trust, and Apex Companies, LLC.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Becker.

House Resolution 36

Representative Niezgodski introduced House Resolution 36:

A HOUSE RESOLUTION urging the legislative council to establish an interim study committee to study the use of coal tar pavement products.

Whereas, Coal tar is among the byproducts created when coal is carbonized to make coke or gasified to make coal gas;

Whereas, According to the International Agency for Research on Cancer, preparations that include more than 5 percent of crude coal tar are Group 1 carcinogens;

Whereas, Coal tar base sealants contain high levels of chemicals known as polycyclic aromatic hydrocarbons (PAHs), which widely pollute the environment, wildlife, and people;

Whereas, Based on this information, it is important to study the effects of coal tar pavement products on our environment and their effects on the health of our citizens; and

Whereas, If proven to be justified, the use of coal tar pavement products should be banned from use in Indiana: Therefore,

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

SECTION 1. That the legislative council is urged to establish an interim study committee to study the use of coal tar pavement products.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Resolution 37

Representative Richardson introduced House Resolution 37:

A HOUSE RESOLUTION urging the Legislative Council to assign the topic of absentee ballot issues to an interim study committee.

Whereas, The right to vote is the foundation of our democratic form of government;

Whereas, Americans must take all the steps necessary to ensure that every citizen is given the opportunity to vote;

Whereas, The right to cast an absentee ballot is invaluable to ensure that each Hoosier with the right to vote has the ability to cast a vote in all elections;

Whereas, Two issues of great importance that require further study are ballot security for an absentee ballot transmitted to and from a voter by mail and connection of the statewide voter registration list and files maintained by the department of state revenue; and

Whereas, These issues require additional study to ensure that the proper steps are taken to protect the right of Hoosiers to vote absentee: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to assign the topic of absentee ballot issues to an interim study committee.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Elections and Apportionment.

House Resolution 38

Representative Messmer introduced House Resolution 38:

A HOUSE RESOLUTION congratulating Jessica D'Esposito, Colton Newton, and Anna Woolery.

Whereas, Pike Central High School students Jessica D'Esposito, Colton Newton, and Anna Woolery were invited to the White House to present their science project to President Obama;

Whereas, Inspired by their visit to Haiti and Japan in the aftermath of earthquakes, Jessica D'Esposito, Colton Newton, and Anna Woolery were inspired to build a lightweight, $600 disaster shelter as their science project;

Whereas, The shelter was made from the material used to make billboards, and the students hope to get a company to manufacture them; and

Whereas, Outstanding accomplishments such as this deserve special recognition: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates Jessica D'Esposito, Colton Newton, and Anna Woolery on presenting their science project at the White House and encourages these outstanding students to continue to strive for excellence.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Jessica D'Esposito, Colton Newton, and Anna Woolery.

The resolution was read a first time and adopted by voice vote.

House Resolution 39

Representative Messmer introduced House Resolution 39:

A HOUSE RESOLUTION recognizing the North Daviess Community School Corporation for its educational and economic impact on students and the community.

Whereas, With the help of state, federal, and private funding, the teachers, administrators, board members, students, and community members of North Daviess Community School Corporation have demonstrated extraordinary effort resulting in increased higher education attainability for North Daviess students;

Whereas, Through North Daviess Community School Corporation's partnership with Oakland City University, North Daviess students have the opportunity to graduate from high school with an associate degree, which saves the community money and provides the students with a head start on postsecondary education or entering the workforce;

Whereas, North Daviess Community School Corporation's partnership with Oakland City University and the teachers of North Daviess Junior/Senior High School has increased the educational rigor and demands for the students;

Whereas, Through the North Daviess Community School Corporation's partnership with Oakland City University and the teachers of North Daviess Junior/Senior High School, 17 of the 63 students (representing 27% of the upcoming graduating class) are eligible for a general studies associate degree in a county where only 20.2% of residents 25 years of age or older possess an associate degree or higher; and

Whereas, North Daviess Community School Corporation is working with the community to provide opportunities for students to obtain postsecondary credit that they would not otherwise have available to them: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the educational and economic impact the North Daviess Community School Corporation has on students and the community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Todd Whitlock, Technology, Curriculum, and Testing Coordinator, North Daviess Community School Corporation.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 12

The Speaker handed down Senate Concurrent Resolution 12, sponsored by Representatives Stemler, Clere, Rhoads, Goodin, and Davisson:

A CONCURRENT RESOLUTION urging the legislative council to establish an interim study committee to study the creation of an industrial zone.

Whereas, The area around Clark County Airport has a rich history in the field of aviation;

Whereas, The creation of an aviation related industrial zone would help the area generate new businesses;

Whereas, An industrial zone dealing with aviation related industries would help reduce the unemployment rate in the region by generating new jobs; and

Whereas, Possible incentives that may be studied by an interim study committee include tax credits and regulatory relief programs to entice new industries into this zone: Therefore,

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

SECTION 1. That the legislative council is urged to establish an interim study committee to study the possibility of creating an industrial zone for aviation related industry.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 21

The Speaker handed down Senate Concurrent Resolution 21, sponsored by Representative Cherry:

A CONCURRENT RESOLUTION honoring the first responders to the Indiana State Fair Grandstand stage collapse on August 13, 2011.

Whereas, On August 13, 2011, hundreds of first responders from the Indianapolis Fire Department, Indianapolis Metropolitan Police Department, Indiana State Police, and Emergency Medical Services arrived at the scene of the Indiana State Fairgrounds in response to a report of the collapse of the grandstand stage;

Whereas, As thousands of concert attendees attempted to escape the collapse, dozens of firefighters, police, and emergency medical technicians raced in to assist the injured, never once pausing to consider that their own safety was at risk;

Whereas, The rapid arrival of the first responders set the tone for the entire rescue effort. The leadership and confidence of these first responders commanded respect and put the injured victims at ease, knowing their safety was in the hands of knowledgeable professionals;

Whereas, After an unexpected event that yielded a number of victims that even the most seasoned professionals would find daunting to attend to at one time, firefighters, police, and emergency medical technicians were able to locate, triage, treat, and transport forty-six victims in just one hour;

Whereas, An overwhelming outpouring of assistance was demonstrated by volunteers and off-duty firemen who arrived on the scene to assist the rest of the response units. Individuals took on roles that went far beyond their official duties, accelerating the rescue efforts; and

Whereas, The heroics of the men and women who responded to this tragedy inspires us all. In the wake of an emergency of a magnitude that Indianapolis has not seen in many years, these individuals provided extraordinary response efforts while saving lives and promoting public safety: Therefore,

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

SECTION 1. That the Indiana General Assembly honors the heroic acts of the first responders to the Indiana State Fair

tragedy on August 13, 2011.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to all of the individuals who responded to the events on August 13, 2011.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 22, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "16." insert "**(a)**".

Page 1, line 4, delete "section 16.1 of this chapter," and insert "**subsection (b), upon approval of the initial district plan,**".

Page 1, delete lines 16 through 17, begin a new paragraph and insert:

"**(b) At any time after all directors have been elected to the board, the directors may receive an increase in compensation up to a reasonable amount that is:**

(1) approved by a majority vote of the board of directors; and

(2) authorized by a court order.

(c) An increase in compensation authorized under subsection (b) may not be based upon an increase of any tax, assessment, rates, or charges by the district.

(d) In addition to any compensation the directors may receive under subsection (b), the directors shall be reimbursed for actual expenses, including traveling expenses at a rate equal to the rate paid to state officers and employees. Claims for expense reimbursement must be accompanied by an itemized written statement approved by a recorded motion of the board of directors.".

Delete page 2.

(Reference is to SB 22 as printed January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 98, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-3.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 1. As used in this chapter:

"Adopting entity" means either the county council or the county income tax council established by IC 6-3.5-6-2 for the county.

"Branch office" means a branch office of the bureau of motor vehicles.

"County council" includes the city-county council of a county that contains a consolidated city of the first class.

"Motor vehicle" means a vehicle which is subject to the annual license excise tax imposed under IC 6-6-5.

"Net annual license excise tax" means the tax due under IC 6-6-5 after the application of the adjustments and credits provided by that chapter.

"Surtax" means the annual license excise surtax imposed by ~~a county council~~ **an adopting entity** under this chapter.

SECTION 2. IC 6-3.5-4-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: **Sec. 1.1. (a) For purposes of acting as the adopting entity under this chapter, a county income tax council is comprised of the same members as the county income tax council that is established by IC 6-3.5-6-2 for the county (regardless of the income tax that may be in effect in the county).**

(b) The county income tax council shall use the same procedures that apply under IC 6-3.5-6 when acting as an adopting entity under this chapter.

(c) An ordinance adopted by the county income tax council may not be repealed, rescinded, or amended by the county council. Nor may the county income tax council repeal, rescind, or amend an ordinance adopted by the county council.

(d) The taxes imposed under this chapter through any combination of ordinances adopted by the county council and the county income tax council may not exceed the amounts permitted by section 2 of this chapter.

SECTION 3. IC 6-3.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 2. (a) ~~The county council~~ **An adopting entity** of any county may, subject to the limitation imposed by subsection (c), adopt an ordinance to impose an annual license excise surtax at the same rate or amount on each motor vehicle listed in subsection (b) that is registered in the county. The ~~county council~~ **adopting entity** may impose the surtax either:

(1) at a rate of not less than two percent (2%) nor more than ten percent (10%); or

(2) at a specific amount of at least seven dollars and fifty cents ($7.50) and not more than twenty-five dollars ($25).

However, the surtax on a vehicle may not be less than seven dollars and fifty cents ($7.50). The ~~county council~~ **adopting entity** shall state the surtax rate or amount in the ordinance which imposes the tax.

(b) The license excise surtax applies to the following vehicles:

(1) Passenger vehicles.

(2) Motorcycles.

(3) Trucks with a declared gross weight that does not exceed eleven thousand (11,000) pounds.

(c) The ~~county council~~ **adopting entity** may not adopt an ordinance to impose the surtax unless it concurrently adopts an ordinance under IC 6-3.5-5 to impose the wheel tax.

(d) Notwithstanding any other provision of this chapter or IC 6-3.5-5, ordinances adopted by a county council before ~~June 1, 1983,~~ **May 1, 2012,** to impose or change the annual license excise surtax and the annual wheel tax in the county remain in effect until the ordinances are amended or repealed under this chapter or IC 6-3.5-5.

SECTION 4. IC 6-3.5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 3. If ~~a county council~~ **an adopting entity** adopts an ordinance imposing the surtax after December 31 but before July 1 of the following year, a motor vehicle is subject to the tax if it is registered in the county after December 31 of the year in which the ordinance is adopted. If ~~a county council~~ **an adopting entity** adopts an ordinance imposing the surtax after June 30 but before the following January 1, a motor vehicle is subject to the tax if it is registered in the county after December 31 of the year following the year in which the ordinance is adopted. However, in the first year the surtax is effective, the surtax does not apply to the registration of a motor vehicle for the registration year that commenced in the calendar year preceding the year the surtax is first effective.

SECTION 5. IC 6-3.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 4. (a) After January 1 but before July 1 of any year, the ~~county council~~ **adopting entity** may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the surtax. If the ~~county council~~ **adopting entity** adopts such an ordinance, the surtax does not apply to a motor vehicle registered after December 31 of the year the ordinance is adopted.

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

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

(2) any bonds issued by the county under:

(A) IC 8-14-9; **or**

(B) IC 8-18-22;

are outstanding.

SECTION 6. IC 6-3.5-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 5. (a) The ~~county council~~ **adopting entity** may, subject to the limitations imposed by subsection (b), adopt an ordinance to increase or decrease the surtax rate or amount. The new surtax rate or amount must be within the range of rates or amounts prescribed by section 2 of this chapter. A new rate or amount that is established by an ordinance that is adopted after December 31 but before July 1 of the following year applies to motor vehicles registered after December 31 of the year in which the ordinance to change the rate or amount is adopted. A new rate or amount that is established by an ordinance that is adopted after June 30 but before January 1 of the following year applies to motor vehicles registered after December 31 of the year following the year in which the ordinance is adopted.

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

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

(2) any bonds issued by the county under:

(A) IC 8-14-9; **or**

(B) IC 8-18-22;

are outstanding.

SECTION 7. IC 6-3.5-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 6. If ~~a county council~~ **an adopting entity** adopts an ordinance to impose, rescind, or change the rate or amount of the surtax, the ~~county council~~ **adopting entity** shall send a copy of the ordinance to the commissioner of the bureau of motor vehicles.

SECTION 8. IC 6-3.5-5-1, AS AMENDED BY P.L.211-2007, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 1. As used in this chapter:

"Adopting entity" means either the county council or the county income tax council established by IC 6-3.5-6-2 for the county.

"Branch office" means a branch office of the bureau of motor vehicles.

"Bus" has the meaning set forth in IC 9-13-2-17(a).

"Commercial motor vehicle" has the meaning set forth in IC 6-6-5.5-1(c).

"County council" includes the city-county council of a county that contains a consolidated city of the first class.

"In-state miles" has the meaning set forth in IC 6-6-5.5-1(I).

"Political subdivision" has the meaning set forth in IC 34-6-2-110.

"Recreational vehicle" has the meaning set forth in IC 9-13-2-150.

"Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

"State agency" has the meaning set forth in IC 34-6-2-141.

"Tractor" has the meaning set forth in IC 9-13-2-180.

"Trailer" has the meaning set forth in IC 9-13-2-184(a).

"Truck" has the meaning set forth in IC 9-13-2-188(a).

"Wheel tax" means the tax imposed under this chapter.

SECTION 9. IC 6-3.5-5-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: **Sec. 1.1. (a) For purposes of acting as the adopting entity under this chapter, a county income tax council is comprised of the same members as the county income tax council that is established by IC 6-3.5-6-2 for the county (regardless of the income tax that may be in effect in the county).**

(b) The county income tax council shall use the same procedures that apply under IC 6-3.5-6 when acting as an adopting entity under this chapter.

(c) An ordinance adopted by the county income tax council may not be repealed, rescinded, or amended by the county council. Nor may the county income tax council repeal, rescind, or amend an ordinance adopted by the county council.

(d) The taxes imposed under this chapter through any combination of ordinances adopted by the county council and the county income tax council may not exceed the amounts permitted by section 2 of this chapter.

SECTION 10. IC 6-3.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 2. (a) The ~~county council~~ **adopting entity** of any county may, subject to the limitation imposed by subsection (b), adopt an ordinance to impose an annual wheel tax on each vehicle which:

(1) is included in one (1) of the classes of vehicles listed in section 3 of this chapter;

(2) is not exempt from the wheel tax under section 4 of this chapter; and

(3) is registered in the county.

(b) The ~~county council~~ **adopting entity** of a county may not adopt an ordinance to impose the wheel tax unless it concurrently adopts an ordinance under IC 6-3.5-4 to impose the annual license excise surtax.

(c) The ~~county council~~ **adopting entity** may impose the wheel tax at a different rate for each of the classes of vehicles listed in section 3 of this chapter. In addition, the ~~county council~~ **adopting entity** may establish different rates within the classes of buses, semitrailers, trailers, tractors, and trucks based on weight classifications of those vehicles that are established by the bureau of motor vehicles for use throughout Indiana. However, the wheel tax rate for a particular class or weight classification of vehicles may not be less than five dollars ($5) and may not exceed forty dollars ($40). The ~~county council~~ **adopting entity** shall state the initial wheel tax rates in the ordinance that imposes the tax.

SECTION 11. IC 6-3.5-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 5. If ~~a county council~~ **an adopting entity** adopts an ordinance imposing the wheel tax after December 31 but before July 1 of the following year, a vehicle described in section 2(a) of this chapter is subject to the tax if it is registered in the county after December 31 of the year in which the ordinance is adopted. If ~~a county council~~ **an adopting entity** adopts an ordinance imposing the wheel tax after June 30 but before the following January 1, a vehicle described in section 2(a) of this chapter is subject to the tax if it is registered in the county after December 31 of the year following the year in which the ordinance is adopted. However, in the first year the tax is effective, the tax does not apply to the registration of a motor vehicle for the registration year that commenced in the calendar year preceding the year the tax is first effective.

SECTION 12. IC 6-3.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 6. (a) After January 1 but before July 1 of any year, the ~~county council~~ **adopting entity** may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the wheel tax. If the ~~county council~~ **adopting entity** adopts such an ordinance, the wheel tax does not apply to a vehicle registered after December 31 of the year the ordinance is adopted.

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

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

(2) any bonds issued by the county under:

(A) IC 8-14-9; **or**

(B) IC 8-18-22;

are outstanding.

SECTION 13. IC 6-3.5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 7. (a) The ~~county council~~ **adopting entity** may, subject to the limitations imposed by subsection (b), adopt an ordinance to increase or decrease the wheel tax rates. The new wheel tax rates must be within the range of rates prescribed by section 2 of this chapter. New rates that are established by an ordinance that is adopted after December 31 but before July 1 of the following year apply to vehicles registered after December 31 of the year in which the ordinance to change the rates is adopted. New rates that are established by an ordinance that is adopted after June 30 but before July 1 of the following year apply to motor vehicles registered after December 31 of the year following the year in which the ordinance is adopted.

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

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

(2) any bonds issued by the county under:

(A) IC 8-14-9; **or**

(B) IC 8-18-22;

are outstanding.

SECTION 14. IC 6-3.5-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 8. If ~~a county council~~ **an adopting entity** adopts an ordinance to impose, rescind, or change the rates of the wheel tax, the ~~county council~~ **adopting entity** shall send a copy of the ordinance to the commissioner of the bureau of motor vehicles.".

Page 2, delete lines 17 through 28, begin a new paragraph and insert:

"**(c) A city department, officer, or employee may obligate the city beyond the amount of money appropriated for that department, officer, or employee if:**

(1) the obligation is made under a multi-year interlocal cooperation agreement entered into by the city and one (1) or more political subdivisions or governmental entities under IC 36-1-7; and

(2) the agreement described in subdivision (1) is approved by the fiscal body of the city.

(d) An obligation described in subsection (c) may be terminated:

(1) if the city provides notice of the termination of the obligation at least one (1) year before the termination of the obligation; or

(2) the city and the political subdivisions or governmental entities that have entered into the interlocal cooperation agreement otherwise agree to the termination.

SECTION 16. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 98 as printed January 20, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 9.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 20, line 26, after "within" delete ":".

Page 53, line 33, delete "a county" and insert "~~a~~ **Jackson** County.".

Page 53, line 34, strike "having a population of more than".

Page 53, line 34, delete "forty-two".

Page 53, line 34, strike "thousand".

Page 53, line 35, delete "three hundred (42,300)".

Page 53, line 35, strike "but less than forty-three thousand".

Page 53, strike line 36.

Page 53, line 39, strike "of a county described in subsection (a)".

Page 54, line 11, after "If" strike "a" and insert "**the**".

Page 54, line 23, delete "a county" and insert "~~a~~ **Wayne** County.".

Page 54, line 23, strike "having a population of more than".

Page 54, line 24, delete "sixty-eight".

Page 54, line 24, strike "thousand".

Page 54, line 24, delete "nine hundred (68,900)".

Page 54, line 24, strike "but less than".

Page 54, line 25, delete "seventy".

Page 54, line 25, strike "thousand".

Page 54, line 25, delete "(70,000).".

Page 55, line 31, delete "A county" and insert "~~A~~ **Wayne** County".

Page 55, line 31, strike "described in subsection (a)".

Page 56, line 9, delete "A county" and insert "~~A~~ **Elkhart** County.".

Page 56, line 9, strike "having a population of more than one hundred".

Page 56, line 10, delete "eighty-five".

Page 56, line 10, strike "thousand".

Page 56, line 11, delete "(185,000)".

Page 56, line 11, strike "but less than two hundred".

Page 56, line 11, delete "fifty".

Page 56, line 11, strike "thousand".

Page 56, delete line 12.

Page 56, line 13, delete "A county" and insert "~~A~~ **Marshall** County.".

Page 56, line 13, strike "having a population of more than".

Page 56, line 14, delete "forty-seven".

Page 56, line 14, strike "thousand".

Page 56, line 14, delete "(47,000)".

Page 56, line 14, strike "but less than".

Page 56, line 15, delete "forty-seven".

Page 56, line 15, strike "thousand".

Page 56, line 15, delete "five".

Page 56, line 15 strike "hundred".

Page 56, line 15, delete "(47,500).".

Page 56, line 34, strike "described" and insert "**named**".

Page 57, line 6, delete "a county" and insert "~~a~~ **Elkhart** County.".

Page 57, line 6, strike "described in subsection".

Page 57, line 7, strike "(a)(1).".

Page 57, line 29, delete "a county" and insert "~~a~~ **Elkhart**

County,".
Page 57, line 30, strike "described in subsection (a)(1),".
Page 58, line 16, delete "a county" and insert "~~a~~ **Daviess** County.".
Page 58, line 16, strike "having a population of more than".
Page 58, line 16, delete "thirty".
Page 58, line 17, before "(29,000)" strike "thousand".
Page 58, line 17, delete "(30,000)".
Page 58, line 17, strike "but less than".
Page 58, line 17, delete "thirty-two".
Page 58, after "thirty-two" strike "thousand".
Page 58, line 18, delete "(32,000).".
Page 59, line 26, delete "A county" and insert "~~A~~ **Daviess** County".
Page 59, line 26, strike "described in subsection (a)".
Page 60, line 35, delete "a county" and insert "~~a~~ **LaPorte** County.".
Page 60, line 35, strike "having a population of".
Page 60, line 36, strike "more than one hundred".
Page 60, line 36, delete "eleven".
Page 60, line 36, strike "thousand".
Page 60, line 36, delete "(111,000)".
Page 60, line 36, strike "but".
Page 60, line 37, strike "less than one hundred fifteen thousand (115,000).".
Page 61, line 6, delete "a county" and insert "~~a~~ **Pulaski** County.".
Page 61, line 7, strike "having a population of more than thirteen thousand".
Page 61, line 8, delete "(13,000)".
Page 61, line 8, strike "but less than fourteen thousand (14,000).".
Page 61, line 9, strike "of a county described in subsection (a)".
Page 61, line 25, after "If" strike "a" and insert "**the**".
Page 61, line 38, delete "a county" and insert "~~a~~ **Union** County.".
Page 61, line 38, strike "having a population of more than".
Page 61, line 38, delete "seven".
Page 61, line 39, before "(6,000)" strike "thousand".
Page 61, line 39, delete "(7,000)".
Page 61, line 39, strike "but less than eight thousand (8,000).".
Page 62, line 37, delete "A county" and insert "~~A~~ **Union** County".
Page 62, line 37, strike "described in subsection (a)".
Page 63, line 24, delete "a county" and insert "~~a~~ **Porter** County,"
Page 63, line 24, strike "having a population of more".
Page 63, line 25, strike "than one hundred".
Page 63, line 25, delete "fifty".
Page 63, line 25, strike "thousand".
Page 63, line 25, delete "(150,000)".
Page 63, line 25, strike "but less".
Page 63, line 26, strike "than one hundred".
Page 63, line 26, delete "seventy".
Page 63, line 26, strike "thousand".
Page 63, line 26, delete "(170,000),".
Page 65, between lines 4 and 5, begin a new paragraph and insert:
"SECTION 47. IC 6-3.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. Before July 1 of any year, the county council of ~~a~~ **Lake** County ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ may adopt an ordinance to impose an employment tax on each employer and employee described in section 3 of this chapter. The county council may impose the employment tax at a rate not to exceed fifty cents ($0.50) per employee per month. Any tax so imposed shall be paid by the employer for each full-time employee and by each such employee at the same rate. A self-employed person shall be subject to tax only as an employee. No other county may adopt an ordinance to impose an employment tax under this chapter.".
Page 65, line 13, delete "resident of a county" and insert "resident of ~~a~~ **Perry** County,".
Page 65, line 14, strike "having a population of more than eighteen thousand".
Page 65, line 15, delete "(18,000)".
Page 65, line 15, strike "but less than nineteen thousand".
Page 65, line 15, delete "five".
Page 65, line 15, strike "hundred".
Page 65, line 16, delete "(19,500),".
Page 65, line 25, delete "a county" and insert "~~a~~ **Tippecanoe** County.".
Page 65, line 25, strike "having a population of".
Page 65, line 26, strike "more than one hundred".
Page 65, line 26, delete "seventy".
Page 65, line 26, strike "thousand".
Page 65, line 27, delete "(170,000)".
Page 65, line 27, strike "but less than one hundred".
Page 65, line 27, delete "seventy-five".
Page 65, line 27, strike "thousand".
Page 65, line 28, delete "(175,000).".
Page 66, line 39, delete "a county" and insert "~~a~~ **Tippecanoe** County.".
Page 66, line 39, strike "having a population of more".
Page 66, line 40, strike "than one hundred".
Page 66, line 40, delete "seventy".
Page 66, line 40, strike "thousand".
Page 66, line 40, delete "(170,000)".
Page 66, line 40, strike "but".
Page 66, line 41, strike "less than one hundred".
Page 66, line 41, delete "seventy-five".
Page 66, line 41, strike "thousand".
Page 66, line 42, delete "(175,000).".
Page 67, line 12, delete "a county" and insert "~~a~~ **Jackson** County,".
Page 67, line 12, strike "having a population of more than".
Page 67, line 13, delete "forty-two".
Page 67, line 13, strike "thousand".
Page 67, line 13, delete "three hundred (42,300)".
Page 67, line 13, strike "but less than".
Page 67, line 14, strike "forty-three thousand (43,000),".
Page 67, line 20, delete "a county" and insert " ~~a~~ **Pulaski** County,".
Page 67, line 20, strike "having a population of more than thirteen thousand".
Page 67, line 21, delete "(13,000)".
Page 67, line 21, strike "but less than fourteen thousand".
Page 67, line 22, strike "(14,000),".
Page 67, line 26, delete "a county" and insert "~~a~~ **Wayne** County,".
Page 67, line 26, strike "having a population of more than".
Page 67, line 27, delete "sixty-eight".
Page 67, line 27, strike "thousand".
Page 67, line 27, delete "nine hundred (68,900)".
Page 67, line 27, strike "but less than".
Page 67, line 28, delete "seventy".
Page 67, line 28, strike "thousand".
Page 67, line 28, delete "(70,000),".
Page 67, line 33, delete "a county" and insert "~~a~~ **Randolph** County.".
Page 67, line 33, strike "having a population of more".
Page 67, line 34, strike "than".
Page 67, line 34, delete "twenty-six".

Page 67, line 34, strike "thousand".
Page 67, line 34, delete "(26,000)".
Page 67, line 35, strike "but less than".
Page 67, line 35, delete "twenty-six".
Page 67, line 35, strike "thousand five hundred".
Page 67, line 36, delete "(26,500).".
Page 68, line 4, delete "a county" and insert "~~a~~ **Daviess** County,".
Page 68, line 4, strike "having a population of more than".
Page 68, line 4, delete "thirty".
Page 68, line 5, before "(29,000)" strike "thousand".
Page 68, line 5, delete "(30,000)".
Page 68, line 5, strike "but less than".
Page 68, line 5, delete "thirty-two thousand" and insert "~~thousand~~".
Page 68, line 6, delete "(32,000),".
Page 68, line 11, delete "a county" and insert "~~a~~ **Elkhart** County;".
Page 68, line 11, strike "having a population of more than one hundred".
Page 68, line 12, delete "eighty-five".
Page 68, line 12, strike "thousand".
Page 68, line 13, delete "(185,000)".
Page 68, line 13, strike "but less than two hundred".
Page 68, line 13, delete "fifty".
Page 68, line 13, strike "thousand".
Page 68, line 14, delete "(250,000);".
Page 68, line 15, delete "a county" and insert "~~a~~ **Marshall** County;".
Page 68, line 15, strike "having a population of more than".
Page 68, line 16, delete "forty-seven".
Page 68, line 16, strike "thousand".
Page 68, line 16, delete "(47,000)".
Page 68, line 16, strike "but less than".
Page 68, line 17, delete "forty-seven".
Page 68, line 17, strike "thousand".
Page 68, line 17, delete "five".
Page 68, line 17, strike "hundred".
Page 68, line 17, delete "(47,500);".
Page 68, line 22, delete "a county" and insert "~~a~~ **Union** County,".
Page 68, line 22, strike "having a population of more than".
Page 68, line 22, delete "seven".
Page 68, line 23, delete "thousand (6,000) (7,000)" and insert "~~thousand (6,000)~~".
Page 68, line 23, strike "but less than eight thousand (8,000),".
Page 68, line 28, delete "a county" and insert "~~a~~ **Knox** County.".
Page 68, line 28, strike "having a population of more".
Page 68, line 29, strike "than".
Page 68, line 29, delete "thirty-eight".
Page 68, line 29, strike "thousand".
Page 68, line 29, delete "two hundred (38,200)".
Page 68, line 30, strike "but less than".
Page 68, line 30, delete "thirty-eight".
Page 68, line 30, strike "thousand".
Page 68, line 30, delete "five".
Page 68, line 30, strike "hundred".
Page 68, line 31, delete "(38,500).".
Page 72, line 19, delete "a county" and insert "~~a~~ **Porter** County,".
Page 72, line 19, strike "having a population of more than one hundred".
Page 72, line 20, delete "fifty".
Page 72, line 20, strike "thousand".
Page 72, line 20, delete "(150,000)".
Page 72, line 20, strike "but less than one hundred".
Page 72, line 21, delete "seventy".
Page 72, line 21, strike "thousand".
Page 72, line 21, delete "(170,000),".
Page 72, line 33, delete "a county" and insert "~~a~~ **Porter** County".
Page 72, line 33, strike "having a population of".
Page 72, line 34, strike "more than one hundred".
Page 72, line 34, delete "fifty".
Page 72, line 34, strike "thousand".
Page 72, line 35, delete "(150,000)".
Page 72, line 35, strike "but less than one hundred".
Page 72, line 35, delete "seventy".
Page 72, line 35, strike "thousand".
Page 72, line 36, delete "(170,000)".
Page 73, line 3, delete "a county" and insert "~~a~~ **Porter** County,".
Page 73, line 3, strike "having a population of more than one hundred".
Page 73, line 4, delete "fifty".
Page 73, line 4, strike "thousand".
Page 73, line 4, delete "(150,000)".
Page 73, line 4, strike "but less than one".
Page 73, line 5, strike "hundred".
Page 73, line 5, delete "seventy".
Page 73, line 5, strike "thousand".
Page 73, line 5, delete "(170,000),".
Page 73, line 11, delete "a county" and insert "~~a~~ **Porter** County.".
Page 73, line 11, strike "having a population".
Page 73, line 12, strike "of more than one hundred".
Page 73, line 12, delete "fifty".
Page 73, line 12, strike "thousand".
Page 73, line 13, delete "(150,000)".
Page 73, line 13, strike "but less than one hundred".
Page 73, line 13, delete "seventy".
Page 73, line 13, strike "thousand".
Page 73, line 14, delete "(170,000).".
Page 73, line 35, delete "a county" and insert "~~a~~ **Lake** County.".
Page 73, line 35, strike "having a population".
Page 73, strike line 36.
Page 73, line 37, strike "hundred thousand (700,000). A" and insert "**The**".
Page 74, line 5, strike "A" and insert "**The**".
Page 74, line 31, delete "a county:" and insert "~~a~~ **LaPorte** County, **if:**".
Page 74, line 32, strike "(A)".
Page 74, line 32, delete "if the county".
Page 74, line 32, strike "has a population of more than one".
Page 74, line 33, strike "hundred".
Page 74, line 33, delete "eleven".
Page 74, line 33 strike "thousand".
Page 74, line 33, delete "(111,000)".
Page 74, line 33, strike "but less than".
Page 74, strike lines 34 through 35.
Page 74, line 36, beginning with "(I)" begin a new line double block indented.
Page 74, line 36, strike "(I)" and insert "**(A)**".
Page 74, line 39, beginning with "(ii)" begin a new line double block indented.
Page 74, line 39, strike "(ii)" and insert "**(B)**".
Page 75, line 1, after "by" strike "a" and insert "**the**".
Page 75, line 20, delete "a county" and insert "~~a~~ **LaPorte** County."
Page 75, line 20, strike "described in".
Page 75, line 21, strike "subdivision (8).".
Page 76, line 31, strike "a" and insert "**the**".
Page 76, line 31, after "county" delete "," and insert "**or a**".

Page 76, line 31, after "city" delete ",".
Page 77, line 1, delete "a county" and insert "~~a~~ **Porter** County,".
Page 77, line 1, strike "having a population of more".
Page 77, line 2, strike "than one hundred".
Page 77, line 2, delete "fifty".
Page 77, line 2, strike "thousand".
Page 77, line 2, delete "(150,000)".
Page 77, line 2, strike "but less".
Page 77, line 3, strike "than one hundred".
Page 77, line 3, delete "seventy".
Page 77, line 3, strike "thousand".
Page 77, line 3, delete "(170,000),".
Page 77, line 35, delete "a county" and insert "~~a~~ **Randolph** County.".
Page 77, line 35, strike "having a population of more than".
Page 77, line 36, delete "twenty-six".
Page 77, line 36, strike "thousand".
Page 77, line 36, delete "(26,000)".
Page 77, line 36, strike "but less than".
Page 77, line 37, delete "twenty-six".
Page 77, line 37, strike "thousand five hundred".
Page 77, line 37, delete "(26,500).".
Page 78, line 39, delete "A county" and insert "~~A~~ **Randolph** County".
Page 78, line 39, strike "described in subsection (a)".
Page 79, line 8, delete "a county" and insert "~~a~~ **Hancock** County.".
Page 79, line 8, strike "having a population of more than".
Page 79, line 8, delete "seventy".
Page 79, line 9, before "(55,000)" strike "thousand".
Page 79, line 9, delete "(70,000)".
Page 79, line 9, strike "but less than".
Page 79, line 9, delete "seventy".
Page 79, line 9, after "seventy" strike "thousand".
Page 79, line 10, delete "fifty (70,050).".
Page 82, line 25, delete "a county" and insert "~~a~~ **Knox** County.".
Page 82, line 25, strike "having a population of more than".
Page 82, line 26, delete "thirty-eight".
Page 82, line 26, strike "thousand".
Page 82, line 26, delete "two hundred (38,200)".
Page 82, line 26, strike "but less than".
Page 82, line 27, delete "thirty-eight".
Page 82, line 27, strike "thousand".
Page 82, line 27, delete "five".
Page 82, line 27, strike "hundred".
Page 82, line 27, delete "(38,500).".
Page 241, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 243. IC 36-10-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This section applies to: ~~municipalities having a population of less than thirty-five thousand (35,000),~~

(1) third class cities and towns, unless otherwise provided by law; **and**

(2) each second class city that:

(A) adopted second class city status by ordinance under IC 36-4-1-1.1, as a result of the 2010 federal decennial census; and

(B) has adopted all or part of this section by ordinance or resolution.

(b) As used in this section, "park authority" means:

(1) the municipal legislative body; **or**

(2) ~~However,~~ **any of the following designated by** the legislative body ~~may designate the~~ **as the park authority:**

(A) The governing body of the school corporation.

(B) A recreation board.

(C) The municipal works board. ~~or~~

(D) Any other appropriate board or commission. ~~as the park authority.~~

(c) If a recreation board is established under subsection ~~(b),~~ **(b)(2)(B),** it must consist of five (5) resident freeholders appointed by the city executive or the town legislative body. At least one (1) member must be a member of the governing body of the school corporation and no members may serve on the municipal legislative body. All members must be qualified by an interest in and knowledge of the social and educational value of recreation. The members serve without compensation. The members shall be appointed for four (4) year terms from January 1 of the year of their appointment or until their successors are appointed. The initial terms of board members, however, are as follows:

(1) One (1) for a term of one (1) year.
(2) One (1) for a term of two (2) years.
(3) One (1) for a term of three (3) years.
(4) Two (2) for terms of four (4) years.

A vacancy shall be filled by the appointing authority for the remainder of the unexpired term.

(d) The park authority shall manage all public parks, including approaches, that belong to the municipality.

(e) If a municipality decides, by ordinance, to establish, lay out, or improve a public park or grounds, or to make an extension of a park or grounds, it may locate the park or grounds, including appurtenances, and it may lay out and open the public ways necessary for the improvement. If it is necessary to acquire land, water rights, or easements, or a pool, lake, or natural stream of water, the park authority may condemn that property and take possession of it if it is located within five (5) miles of the municipality. Before the park authority condemns the property, it shall assess the damages to the owners of the property at a meeting of the authority. Additional condemnation proceedings are the same as those provided for the taking of property to open streets.

(f) The park authority may adopt rules concerning the laying out, improvement, preservation, ornamentation, and management of parks. The park authority shall allow monuments or buildings for libraries, works of art, or historical collections to be erected in a park, as long as they are under the control of the persons in charge of the park and no inclosure separates them from the rest of the park.

(g) The legislative body of the municipality may also levy a tax on all taxable property in the municipality to pay for park property and for its improvement. The legislative body may also borrow money and issue the bonds of the municipality at any rate of interest payable annually or semiannually and may sell them for at least par value. The money derived from the sale of bonds may be used only for the purchase or improvement of parks. The legislative body shall annually levy a tax sufficient to pay the interest on the debt on all taxable property in the municipality to create a sinking fund for the liquidation of the principal of the debt.

(h) If the park authority of a city decides to lease any buildings or grounds belonging to the city and located in a public park when they are not required for public use, the proceeds shall be deposited with the city fiscal officer to the credit of park funds and devoted to the improvement of public parks.

(I) Any nonreverting fund that was created under IC 19-7-6 (before its repeal on September 1, 1981) continues until abolished by ordinance of the municipal legislative body. The legislative body may include in the park authority's annual budget an item and an appropriation for the specific purposes of a nonreverting capital fund. Money put in the fund may not be withdrawn except for the purposes for which the fund was created, unless the legislative body repeals the ordinance

creating the fund. The repeal may not be made under suspension of the rules. Money procured from fees shall be deposited at least once each month with the municipal fiscal officer. The fiscal officer shall deposit the money either in a special nonreverting operating fund or in the nonreverting capital fund as directed by the park authority. The legislative body may provide by ordinance that expenditures may be made from the special nonreverting operating fund without appropriation. Money from fees procured from golf courses, swimming pools, skating rinks, or other similar facilities requiring major expenditures for management and maintenance may not be deposited in this fund. Money from either fund shall be disbursed only on approved claims that are allowed and signed in the same manner as other claims of the municipality are allowed and signed.".

Renumber all SECTIONS consecutively.

(Reference is to SB 115 as printed January 10, 2012.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 119, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 143, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-10-22-1, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. After the end of each **odd-numbered** state fiscal year, the office of management and budget shall calculate in the customary manner the total amount of state reserves as of the end of the state fiscal year. The office of management and budget shall make the calculation not later than July 31 of each **odd-numbered** year.

SECTION 2. IC 4-10-22-2, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. If the total amount of state reserves calculated by the office of management and budget exceeds ~~ten~~ **twelve** percent ~~(10%)~~ **(12%)** of the general revenue appropriations for the current state fiscal year, and if the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history), the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later than September 30 of the **odd-numbered** year.

SECTION 3. IC 4-10-22-3, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 3. **(a) Subject to subsection (b),** after completing the presentation to the state budget committee described in section 2 of this chapter, the governor shall:

~~(1) transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund; and~~

~~(2)~~ **(1)** use ~~fifty percent (50%) of any~~ excess reserves for the purposes of providing an automatic **refundable** taxpayer ~~refund~~ **credit** under section 4 of this chapter; **and**

(2) transfer the excess reserves not needed for an automatic refundable taxpayer credit under section 4 of this chapter to the pension stabilization fund established by IC 5-10.4-2-5.

(b) If the excess reserves on June 30 of any year are less than twenty million dollars ($20,000,000), the governor shall carry over the excess reserves to each subsequent year until the total excess reserves, including any carryover amount, equal at least twenty million dollars ($20,000,000). In the year that total excess reserves equal at least twenty million dollars ($20,000,000), the excess reserves shall be used as provided in subsection (a).

SECTION 4. IC 4-10-22-4, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 4. ~~The following apply if sufficient excess state reserves are available to provide an automatic taxpayer refund to each taxpayer eligible for a refund:~~

~~(1) To qualify for a refund, a taxpayer:~~

~~(A) must have filed an Indiana resident individual adjusted gross income tax return for the preceding two (2) taxable years; and~~

~~(B) must have paid individual adjusted gross income tax to the state for the preceding taxable year.~~

~~Individuals who file a tax return but do not pay any individual adjusted gross income tax to the state are not entitled to a refund.~~

~~(2) The amount of the refund is determined for each qualifying taxpayer on a pro rata basis, based on the qualifying taxpayer's portion of the total individual adjusted gross income tax liability paid by all qualifying taxpayers in the preceding taxable year.~~

~~(3) The refund shall be applied as a credit against adjusted gross income tax liability in the taxpayer's taxable year in which a refund is provided. The credit may not be carried forward.~~

(a) As used in this section, "taxable year" has the meaning set forth in IC 6-3-1-16.

(b) An individual is entitled to a refundable tax credit against the individual's adjusted gross income tax liability in a taxable year if:

(1) the office of management and budget determines that the state possessed excess state reserves on June 30 in the taxpayer's current taxable year of at least twenty million dollars ($20,000,000);

(2) the individual is an Indiana resident who filed an Indiana resident individual adjusted gross income tax return for the immediately preceding taxable year, not later than the due date for the return, determined after applying any extension granted for the return; and

(3) the individual continues to be an Indiana resident who files an Indiana resident individual adjusted gross income tax return for the current taxable year not later than the due date for the return, determined after applying any extension granted for the return.

(c) The refundable tax credit under this section shall be applied to a taxpayer's adjusted gross income tax liability

for the taxpayer's current taxable year after applying all other tax credits to which the taxpayer is otherwise eligible. The amount of the refundable tax credit under this section is determined on a per return basis. The refundable tax credit is equal to:

(1) the credit amount determined under subsection (d) or (e), if the individual files a single Indiana resident individual adjusted gross income tax return for the current taxable year; or

(2) the result of the credit amount determined under subsection (d) or (e) multiplied by two (2), if the individual files a joint Indiana resident individual adjusted gross income tax return with the individual's spouse for the current taxable year.

(d) Except as provided in subsection (e), the credit amount is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the result of:

(1) the amount of the state excess reserves determined for June 30 in the taxable year; divided by

(2) the number of resident individuals filing a single or joint Indiana resident individual adjusted gross income tax return for the immediately preceding year, not later than the due date for the return, determined after applying any extension granted for the return.

STEP TWO: Round the STEP ONE result to the nearest one dollar ($1).

STEP THREE: Determine the lesser of:

(1) the STEP TWO result; or

(2) fifty dollars ($50).

(e) This subsection applies only when the result determined in subsection (d), STEP TWO is greater than one hundred dollars ($100). For a state fiscal year subject to this subsection, the credit amount is the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the result of:

(1) the result determined under subsection (d), STEP TWO; minus

(2) one hundred dollars ($100).

STEP TWO: Round the STEP ONE result to the nearest one dollar ($1).

STEP THREE: Determine the result of

(1) the STEP TWO result; divided by

(2) two (2).

STEP FOUR: Round the STEP THREE result to the nearest one dollar ($1).

STEP FIVE: Determine the sum of:

(1) the STEP FOUR result; plus

(2) fifty dollars ($50).

SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) The definitions in P.L.229-2011, SECTION 1 apply throughout this SECTION.**

(b) The following definitions apply throughout this SECTION:

(1) "2012-2013 school year" means the school year (as defined in IC 20-18-2-17) beginning July 1, 2012, and ending June 30, 2013.

(2) "Charter school" has the meaning set forth in IC 20-24-1-4.

(3) "Current ADM" has the meaning set forth in IC 20-43-1-10.

(4) "Eligible pupil" has the meaning set forth in IC 20-43-1-11.

(5) "School corporation" has the meaning set forth in IC 20-18-2-16.

(c) Augmentation is allowed for the appropriation in P.L.229-2011, SECTION 9 to the department of education for full-day kindergarten, beginning July 1, 2012, and ending June 30, 2013.

(d) Notwithstanding P.L.229-2011, SECTION 9, each school corporation and charter school that applies to the department of education for a grant for full-day kindergarten is entitled to receive a distribution in the 2012-2013 school year from the amount appropriated in P.L.229-2011, SECTION 9 for full-day kindergarten for the state fiscal year beginning July 1, 2012, and ending June 30, 2013, as augmented under this SECTION. The total amount to be distributed to a school corporation or charter school for the 2012-2013 school year equals the result of:

(1) two thousand four hundred dollars ($2,400); multiplied by

(2) the number of eligible pupils who are:

(A) counted in the current ADM of the school corporation in the initial count of ADM in the 2012-2013 school year; and

(B) enrolled in and attending full-day kindergarten on the count date on which the current ADM is determined.

(e) A school corporation or charter school that applies for a grant for full-day kindergarten may not charge a fee for enrolling in or attending full-day kindergarten in the school year beginning July 1, 2012, and ending June 30, 2013.

(f) This SECTION expires July 1, 2013.

SECTION 6. **An emergency is declared for this act.**

(Reference is to SB 143 as printed January 20, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred Engrossed Senate Bill 192, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 2.

STEMLER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 193, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, after line 8, begin a new paragraph and insert:

"SECTION 4. IC 36-2-2-5, AS AMENDED BY P.L.225-2011, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible for election to the executive, a person must meet the qualifications prescribed by IC 3-8-1-21.

(b) A member of the executive must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected.

(c) ~~Except as provided in subsection (e),~~ If the person does not remain a resident of the county and district after taking office, the person forfeits the office. The county fiscal body shall declare the office vacant whenever a member of the executive forfeits office under this subsection.

(d) In a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000);

one (1) member of the executive shall be elected by the voters of each of the three (3) single-member districts established under section 4(b) or 4(c) of this chapter. In other counties, all three (3) members of the executive shall be elected by the voters of the whole county.

~~(e) This subsection applies to a member of the executive who must reside within the district from which the member was elected. A person who:~~

~~(1) has begun a term of office as a member of the executive; and~~

~~(2) is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use;~~

~~may complete the member's term of office as long as the member remains a resident of the county that contains the member's district.~~

SECTION 5. IC 36-2-3-5, AS AMENDED BY P.L.225-2011, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible to serve as a member of the fiscal body, a person must meet the qualifications prescribed by IC 3-8-1-22.

(b) A member of the fiscal body must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected, if applicable.

(c) ~~Except as provided in subsection (d),~~ A member who fails to comply with subsection (b) forfeits the office.

~~(d) This subsection applies to a member of the fiscal body who must reside within the district from which the member was elected. A person who:~~

~~(1) has begun a term of office as a member of the fiscal body; and~~

~~(2) is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use;~~

~~may complete the member's term of office as long as the member remains a resident of the county that contains the member's district.~~

SECTION 6. **An emergency is declared for this act.**".

(Reference is to SB 193 as reprinted January 18, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred Engrossed Senate Bill 321, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JULY 1, 2012]".

Page 2, line 16, after "expenditures" insert "**after June 30, 2012, and**".

Page 2, line 16, delete "2019." and insert "**2018. New qualified expenditures made after June 30, 2012, and before July 1, 2013, may be used as the basis for claiming a credit, but may not be claimed or used as a basis for estimated payments until after June 30, 2013.**".

Page 2, line 24, after "claimed" delete "." and insert "**multiplied by one and one tenth (1.1).**".

Page 4, between lines 20 and 21, begin a new line block indented and insert:

"**(7) Implementing a homeland security measure to comply with federal homeland security requirements, limited to the following:**

(A) Gates, fencing, and checkpoints.

(B) Tank and grain elevator access restrictions.

(C) Tunnel emergency access restrictions.

(D) Security alarms.

(E) Lighting and motion sensors.

(F) Heavy duty locks.

(G) Valve locks for anhydrous ammonia nurse tanks.

(H) Employee security training.

A taxpayer must obtain the certification of the department of homeland security (IC 10-19-2-1) that an expenditure under this subdivision is a qualified expenditure for purposes of this chapter before claiming the tax credit. The department of homeland security, in consultation with the department, shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement a certification process for purposes of this subdivision. In determining whether a homeland security measure complies with federal homeland security requirements for purposes of the credit provided by this chapter, the department shall apply the standards set forth in the United States Department of Homeland Security Chemical Facility Anti-terrorism Standards regulations (6 CFR Part 27) adopted under federal Public Law 109-295.".

Page 7, line 8, delete "ten" and insert "**twenty**".

Page 7, line 9, delete "($10,000,000)" and insert "**($20,000,000)**".

(Reference is to SB 321 as reprinted January 31, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

STEMLER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 362, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred Engrossed Senate Bill 370, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

STEMLER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 378, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

EBERHART, Chair

Report adopted.

Representatives Morris, Moses, and Richardson were excused for the rest of the day.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 24

Representative Noe called down Engrossed Senate Bill 24 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 24–1)

Mr. Speaker: I move that Engrossed Senate Bill 24 be amended to read as follows:

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

"SECTION 25. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "pain management facility" means a facility:**

(1) in which the primary component of practice at the facility is the treatment of pain; or

(2) that advertises for the treatment of pain; and

the majority of patients at the facility are prescribed controlled substances or other drugs.

(b) The general assembly urges the legislative council to assign to a study committee, for study during the 2012 legislative interim, the topic of pain management facilities, including the following:

(1) The effectiveness of current laws and rules in Indiana to regulate and monitor pain management facilities and prescribers of controlled substances.

(2) Programs and regulations in other states that effectively regulate and monitor pain management facilities and prescribers of controlled substances.

(c) If the topic of pain management facilities is assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, not later than November 1, 2012.

(d) This SECTION expires June 30, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 24 as printed February 17, 2012.)

RIECKEN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 107

Representative Neese called down Engrossed Senate Bill 107 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 107–2)

Mr. Speaker: I move that Engrossed Senate Bill 107 be amended to read as follows:

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

"SECTION 2. IC 36-6-6-10, AS AMENDED BY P.L.146-2008, SECTION 713, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) This section does not apply to the appropriation of money to pay a deputy or an employee of a township assessor with assessment duties or to an elected township assessor.

(b) The township legislative body shall fix the:

(1) salaries;

(2) wages;

(3) rates of hourly pay; and

(4) remuneration other than statutory allowances;

of all officers and employees of the township.

(c) Subject to subsection (d), the township legislative body may reduce the salary of an elected or appointed official. However, except as provided in subsection (h), the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

(d) Except as provided in subsection (h), the township legislative body may not alter the salaries of elected or appointed officers during the fiscal year for which they are fixed, but it may add or eliminate any other position and change the salary of any other employee, if the necessary funds and appropriations are available.

(e) If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the township executive and assessor under this section, to take effect January 1 of the next year. However, the township legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

(f) The township legislative body may not reduce the salary of the township executive without the consent of the township executive during the term of office of the township executive as set forth in IC 36-6-4-2.

(g) This subsection applies when a township executive dies or resigns from office. The person filling the vacancy of the township executive shall receive at least the same salary the previous township executive received for the remainder of the unexpired term of office of the township executive (as set forth in IC 36-6-4-2), unless the person consents to a reduction in salary.

(h) In a year in which there is not an election of members to the township legislative body, the township legislative body may by ~~unanimous~~ vote reduce the salaries of the members of the township legislative body by any amount.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 107 as printed February 17, 2012.)

THOMPSON

Motion prevailed.

HOUSE MOTION
(Amendment 107–1)

Mr. Speaker: I move that Engrossed Senate Bill 107 be amended to read as follows:

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

"SECTION 1. IC 36-2-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 11. In a year in which there is not an election of members to the county fiscal body, the county fiscal body may, by vote, reduce the salaries of the members of the county fiscal body by any amount.**

SECTION 2. IC 36-3-6-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 10. In a year in which there is not an election of members to the city-county fiscal body, the city-county fiscal body may, by vote, reduce the salaries of the members of the city-county fiscal body by any amount.**".

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

"SECTION 4. IC 36-4-7-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12. In a year in which there is not an election of members to the city fiscal body, the city fiscal body may, by vote, reduce the salaries of the members of the city fiscal body by any amount.**

SECTION 5. IC 36-5-3-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7. In a year in which there**

is not an election of members to the town fiscal body, the town fiscal body may, by vote, reduce the salaries of the members of the town fiscal body by any amount.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 107 as printed February 17, 2012.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 111

Representative Torr called down Engrossed Senate Bill 111 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 113

Representative Lehman called down Engrossed Senate Bill 113 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 113–1)

Mr. Speaker: I move that Engrossed Senate Bill 113 be amended to read as follows:

Page 2, line 5, delete "limit" and insert "**allow**".

Page 2, line 7, delete "to" and insert "**during**".

Page 2, line 8, after "from" insert "**sunset to**".

Page 2, line 8, delete "to sunset;" and insert "**if the golf carts have working headlights and taillights in use;**".

(Reference is to ESB 113 as printed February 17, 2012.)

SAUNDERS

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 168

Representative Soliday called down Engrossed Senate Bill 168 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 225

Representative T. Brown called down Engrossed Senate Bill 225 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 231

Representative Turner called down Engrossed Senate Bill 231 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 234

Representative M. Smith called down Engrossed Senate Bill 234 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 234–1)

Mr. Speaker: I move that Engrossed Senate Bill 234 be amended to read as follows:

Page 6, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-8-7, AS AMENDED BY P.L.172-2011, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. (a) The department may, for good cause, revoke a certificate issued under section 1, 3, or 4 of this chapter. However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate under this subsection.

(b) The department shall revoke a certificate issued under section 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate holder fails to:

(1) file the returns required by IC 6-2.5-6-1; or

(2) report the collection of any state gross retail or use tax on the returns filed under IC 6-2.5-6-1.

However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate.

(c) The department may, for good cause, revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

(1) the certificate holder is subject to an innkeeper's tax under IC 6-9; and

(2) a board, bureau, or commission established under IC 6-9 files a written statement with the department.

(d) The statement filed under subsection (c) must state that:

(1) information obtained by the board, bureau, or commission under IC 6-8.1-7-1 indicates that the certificate holder has not complied with IC 6-9; and

(2) the board, bureau, or commission has determined that significant harm will result to the county from the certificate holder's failure to comply with IC 6-9.

(e) The department shall revoke or suspend a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

(1) the certificate holder owes taxes, penalties, fines, interest, or costs due under IC 6-1.1 that remain unpaid at least sixty (60) days after the due date under IC 6-1.1; and

(2) the treasurer of the county to which the taxes are due requests the department to revoke or suspend the certificate.

(f) The department shall reinstate a certificate suspended under subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid or the county treasurer requests the department to reinstate the certificate because an agreement for the payment of taxes and any penalties due under IC 6-1.1 has been reached to the satisfaction of the county treasurer.

(g) The department shall revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if the department finds in a public hearing by a preponderance of the evidence that the certificate holder has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4.

(h) If a person makes a payment for the certificate under section 1 or 3 of this chapter with a check, credit card, debit card, or electronic funds transfer, and the department is unable to obtain payment of the check, credit card, debit card, or electronic funds transfer for its full face amount when the check, credit card, debit card, or electronic funds transfer is presented for payment through normal banking channels, the department shall notify the person by mail that the check, credit card, debit card, or electronic funds transfer was not honored and that the person has five (5) days after the notice is mailed to pay the fee in cash, by certified check, or other guaranteed payment. If the person fails to make the payment within the five (5) day period, the department shall revoke the certificate.

(I) If the department finds in a public hearing by a preponderance of the evidence that a person has been convicted of violating IC 35-48-4-10 and the conviction involved the sale or the offer to sell a synthetic drug by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate under section 1 of this chapter, the department:

(1) shall suspend the registered retail merchant certificate for the place of business for one (1) year; and

(2) may not issue another retail merchant certificate under section 1 of this chapter for one (1) year to any person:

(A) that:
(I) applied for; or
(ii) made a retail transaction under;
the retail merchant certificate suspended under subdivision (1); or
(B) that:
(I) owned or co-owned, directly or indirectly; or
(ii) was an officer, a director, a manager, or a partner of;
the retail merchant that was issued the retail merchant certificate suspended under subdivision (1).".

Renumber all SECTIONS consecutively.

(Reference is to ESB 234 as printed February 17, 2012.)

McMILLIN

Upon request of Representatives R. Frye and Mahan, the Speaker ordered the roll of the House to be called. Roll Call 198: yeas 94, nays 0. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 259

Representative Dermody called down Engrossed Senate Bill 259 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 262

Representative Steuerwald called down Engrossed Senate Bill 262 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed Senate Bill 275

Representative Davis called down Engrossed Senate Bill 275 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 275–2)

Mr. Speaker: I move that Engrossed Senate Bill 275 be amended to read as follows:

Page 10, line 31, delete "units or lots and land." and insert "units.".

Page 23, line 31, delete "IC 25-34.1-4-6," and insert "**section 6 of this chapter,**".

Page 24, line 37, delete "broker-salesperson" and insert "~~broker-salesperson,~~ **broker**".

Page 26, line 20, delete "The licensee must attest to the".

Page 26, delete lines 21 through 22.

Page 27, line 9, after "administer" insert "**at least**".

Page 30, line 9, delete "2014" and insert "2012".

Page 30, line 23, delete "2014" and insert "2012".

Page 38, line 32, delete "AS ADDED BY P.L.136-2011," and insert "AS AMENDED BY HEA 1009-2012, SECTION 208,".

Page 38, line 33, delete "SECTION 1,".

Page 38, line 34, delete "section, chapter," and insert "chapter,".

(Reference is to ESB 275 as printed February 14, 2012.)

DAVIS

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 283

Representative Thompson called down Engrossed Senate Bill 283 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 315

Representative Messmer called down Engrossed Senate Bill 315 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 26

Representative Foley called down Engrossed Senate Bill 26 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 199: yeas 90, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 32

Representative Foley called down Engrossed Senate Bill 32 for third reading:

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

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

Roll Call 200: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 52

Representative T. Brown called down Engrossed Senate Bill 52 for third reading:

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

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

Roll Call 201: yeas 89, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 127

Representative Niezgodski called down Engrossed Senate Bill 127 for third reading:

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

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

Roll Call 202: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 157

Representative Foley called down Engrossed Senate Bill 157 for third reading:

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

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

Roll Call 203: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 182

Representative Karickhoff called down Engrossed Senate Bill 182 for third reading:

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

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

Roll Call 204: yeas 91, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 237

Representative Foley called down Engrossed Senate Bill 237 for third reading:

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

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

Roll Call 205: yeas 93, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 256

Representative Dermody called down Engrossed Senate Bill 256 for third reading:

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

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

Roll Call 206: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 330

Representative Heaton called down Engrossed Senate Bill 330 for third reading:

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

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

Roll Call 207: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Acts 13, 148, and 212 on February 20.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 321 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 24 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 21, 2012 at 1:30 p.m.

THOMPSON

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representative Rhoads be removed as cosponsor of Engrossed Senate Bill 243 and that Representative Eberhart be substituted as cosponsor.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and L. Lawson be added as cosponsors of Engrossed Senate Bill 256.

DERMODY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Morris and Riecken be added as cosponsors of Engrossed Senate Bill 275.

DAVIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as cosponsor of Engrossed Senate Bill 315.

MESSMER

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Wesco, the House adjourned at 3:09 p.m., this twentieth day of February, 2012, until Tuesday, February 21, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Twenty-seventh Day — **Tuesday Afternoon** — **February 21, 2012**

The invocation was offered by Pastor Eric Gale, First Presbyterian Church of Noblesville, the guest of Representative Kathy Kreag Richardson.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Richardson.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris □
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman □
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler □
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 208: 97 present; 3 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

HOUSE MOTION

Mr. Speaker: I move that Representatives Foley and Koch be added as cosponsors of Senate Concurrent Resolution 17.

WELCH

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1018, 1034, and 1154 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1123, 1186, 1216, 1349, and 1360 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 17 and 18 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 26

Representatives Heuer and Leonard introduced House Concurrent Resolution 26:

A CONCURRENT RESOLUTION honoring the Parkview Whitley Hospital nursing staff.

Whereas, The Parkview Whitley Hospital nursing staff has received some much deserved national recognition for its nursing services;

Whereas, The Parkview Whitley Hospital nursing staff has been named a 2011 recipient of the National Database of Nursing Quality Indicators (NDNQI) Award for Outstanding

Nursing Quality for a Community Hospital;

Whereas, This award recognizes hospitals that improve patient outcomes and maintain high nurse job satisfaction, and recognizes six categories of hospitals based on performance: academic; teaching; community; rehabilitation; pediatric; and psychiatric;

Whereas, Parkview Whitley Hospital in Columbia City is one of only six hospitals recognized out of more than 1,700 nationwide, which is about one-third of all hospitals in the United States;

Whereas, This award is given to a staff that demonstrates superior results across a broad range of nursing performance indicators;

Whereas, Strategies employed at Parkview Whitley Hospital include the use of NDNQI data to drive optimal results for patients; interventions/strategies for falls, pressure ulcers, and infections; investment in training and data collection for patient safety; and use of nurses in driving design of patient care areas; and

Whereas, The Parkview Whitley Hospital nursing staff is committed to continuous improvement, outstanding teamwork, effective leadership, and evidence-based practices: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Parkview Whitley Hospital nursing staff on receiving the NDNQI Award for Outstanding Nursing Quality for a Community Hospital in 2011 and thanks the nursing staff for its dedicated service to Hoosiers.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the administrator of Parkview Whitley Hospital and the nursing staff of Parkview Whitley Hospital.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Banks and Long.

House Concurrent Resolution 27

Representative Heaton introduced House Concurrent Resolution 27:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename that section of State Road 59 from United States Highway 40 to State Road 42 the "Orville Redenbacher Memorial Highway".

Whereas, Orville Redenbacher was born in 1907 in Brazil, Indiana, and grew up on his family's farm;

Whereas, Orville Redenbacher began growing popcorn at 12 years old, saving enough money from this first business to attend college;

Whereas, Orville Redenbacher graduated from Brazil High School in 1924 in the top 5 percent of his class;

Whereas, Orville attended Purdue University, graduating with a degree in agronomy in 1928;

Whereas, Orville worked as a school teacher and county agricultural agent, managed a 12,000 acre farm, and worked as a low level executive in the fertilizer industry, but his real passion was popcorn;

Whereas, In 1951, business partner Charles Bowman and Orville Redenbacher purchased a local corn seed business near Valparaiso called George F. Chester and Son;

Whereas, Orville experimented with thousands of hybrid strains of popcorn before creating the perfect strain and launching the Orville Redenbacher brand in 1970;

Whereas, Orville Redenbacher Gourmet Popping Corn was introduced at Marshall Field's department store in Chicago, Illinois, and, within five years, was the leading national popcorn;

Whereas, Orville Redenbacher died on September 19, 1995; and

Whereas, The name Orville Redenbacher is synonymous with gourmet popcorn, and his product has become a national household snack: Therefore,

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

SECTION 1. That the Indiana General Assembly wishes to honor the memory of Orville Redenbacher for his many contributions to Indiana by renaming the section of State Road 59 from United States Highway 40 to State Road 42 in both directions the "Orville Redenbacher Memorial Highway".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the family of Orville Redenbacher and the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 28

Representatives Crouch, Austin, Bacon, Baird, Bardon, Bartlett, Battles, Bauer, Behning, Borders, Bosma, C. Brown, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Dvorak, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, C. Fry, R. Frye, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, L. Lawson, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moseley, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, V. Smith, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Summers, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins, and Yarde introduced House Concurrent Resolution 28:

A CONCURRENT RESOLUTION honoring Chief Justice Randall T. Shepard on the occasion of his retirement from the Indiana Supreme Court.

Whereas, Chief Justice Randall T. Shepard will retire from the Indiana Supreme Court in March, 2012;

Whereas, Appointed to the Supreme Court in 1985 by Governor Robert Orr, Chief Justice Shepard was selected as chief justice in 1987;

Whereas, Popular with Hoosiers who voted to retain him three times in statewide elections, Chief Justice Shepard received the highest number of votes ever cast for a state supreme court justice in Indiana in 2008;

Whereas, As the longest-serving state court chief justice in the United States, Chief Justice Shepard has been a dominant figure in our state during his tenure and has received national recognition, as exemplified by his appointment by U.S. Supreme

Court Chief Justice John Roberts, Jr. to the United States Judicial Conference Advisory Committee on Civil Rules, making him the only state court justice among the membership of the committee;

Whereas, Chief Justice Shepard garnered statewide attention when Governor Mitch Daniels appointed him and former Governor Joseph Kernan to head a commission studying local government reforms;

Whereas, The highlights of Chief Justice Shepard's tenure in the Supreme Court include reforms to give the Supreme Court discretion over which cases it hears, the webcasting of all of its oral arguments, the development of jury instructions in everyday English, and the development of an online self-service legal center that includes a video on representing yourself in court;

Whereas, In addition to his work with the court, Chief Justice Shepard created the "Courts in the Classroom" program to allow school children an opportunity to learn about the work of the judicial branch;

Whereas, Chief Justice Shepard has also been active in numerous state and national commissions, and has taught as an adjunct professor at numerous schools, including Indiana University School of Law in Bloomington and Yale University;

Whereas, Before his service on the Supreme Court, Chief Justice Shepard was a Vanderburgh County Superior Court judge and was a candidate for mayor of Evansville in 1979 and for the Indiana General Assembly in 1974 and 1976;

Whereas, Chief Justice Shepard is a graduate of Princeton University, Yale Law School, and the University of Virginia Law School; and

Whereas, Chief Justice Randall T. Shepard has served the court and his state admirably for many years: Therefore,

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

SECTION 1. That the Indiana General Assembly thanks Chief Justice Randall Shepard for his years of dedicated service to the courts and the citizens of Indiana and wishes him well in retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Chief Justice Shepard and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Becker.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

House Concurrent Resolution 29

Representative Leonard introduced House Concurrent Resolution 29:

A CONCURRENT RESOLUTION honoring Ivory West, Keaton Irwin, and the Whitko High School art department.

Whereas, Students from the Whitko High School art department recently participated in the 42nd World School Children's Art Exhibition;

Whereas, The exhibition is designed to "promote mutual understanding and friendship among the young generation of the world through the exchange of children's artwork";

Whereas, The exhibition is open to children ages 6-15, with entries in oil paintings, watercolors, pencil sketches, crayon drawings, pastels, collages, and graphic designs;

Whereas, Through the exhibition children learn to express themselves through the creative process and overcome social communication obstacles by breaking the language barrier;

Whereas, Sixty countries participated in the 2011 exhibition at the National Taiwan Arts Education Center in the Republic of China;

Whereas, Whitko High School art students Ivory West and Keaton Irwin received selected medals for their artwork; and

Whereas, It is through international interactions such as the 42nd World School Children's Art Exhibition that the youth of our nation and state will learn to create a better, more understanding world: Therefore,

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

SECTION 1. That the General Assembly congratulates Ivory West, Keaton Irwin, and the Whitko High School art department on their participation in the 42nd World School Children's Art Exhibition in Taiwan, Republic of China, and to acknowledge the medals received by Ivory West and Keaton Irwin.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Ivory West, Keaton Irwin, art instructor Walter Malicki, principal Parrish Kruger, and Whitko Community Schools Superintendent Steve Clason.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Banks.

House Concurrent Resolution 30

Representatives Heuer, Sullivan, Pryor, Day, Klinker, Kubacki, Battles, Austin, Stevenson, Dembowski, Karickhoff and McClain introduced House Concurrent Resolution 30:

A CONCURRENT RESOLUTION honoring the United Ways of Indiana.

Whereas, Charitable giving and volunteerism are of incredible value to our state and are strongly endorsed and encouraged by the Indiana General Assembly;

Whereas, There are 62 local United Way and United Fund organizations and their partners spanning all corners of Indiana who have provided services in all 92 counties;

Whereas, Local and state policymakers have served as volunteers with United Ways and their partner organizations;

Whereas, Their efforts help to understand community needs, obtain critical resources, and generate the needed local results;

Whereas, United Ways assist with the specific needs and aspirations of their respective communities, including United Way network goals of long term social changes that produce healthy, educated, and financially stable individuals and families;

Whereas, United Ways continue to be a force behind Indiana's 211 information and referral service, which last year connected over 500,000 Hoosiers to government, community, and faith-based services;

Whereas, United Way organizations advocate for lasting change that improves the conditions for all, including our most vulnerable neighbors;

Whereas, Collectively, United Way organizations mobilize

thousands of volunteers each year, strengthening the fiber of our communities and mobilizing the caring power of people; and

Whereas, United Way organizations are responsible for garnering charitable contributions that reinvest nearly $100,000,000 annually back to the local residents and communities they serve: Therefore,

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

SECTION 1. That the Indiana General Assembly wishes to express its heartfelt gratitude to the United Way volunteers, donors, staff, and community partners for their outstanding contributions to the state of Indiana and their tireless efforts to make Indiana communities stronger and more viable places to live.

SECTION 2. That the Indiana General Assembly urges Governor Daniels to declare February 22, 2012, "United Way Day" in Indiana.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Board of the Indiana Association of United Way.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Holdman.

Senate Concurrent Resolution 17

The Speaker handed down Senate Concurrent Resolution 17, sponsored by Representatives Welch, Pierce, Foley, and Koch:

A CONCURRENT RESOLUTION honoring the Indiana University Crimson All-Girl Cheerleaders on winning the All-Girl Division 1 2012 UCA College National Championship.

Whereas, The Indiana University Crimson All-Girl Cheerleaders won the 2012 Division 1 All-Girl National Championship in Orlando, Florida;

Whereas, The team impressively defeated Morehead State, San Diego State, Minnesota, Florida State, Southern Florida, Western Kentucky, Rutgers, and Temple in the final round;

Whereas, The team is comprised of 35 members, 25 of whom are from Indiana and 4 are natives of Bloomington;

Whereas, 5 members of the team were named to the 2012 Team USA All-Girl Squad, which will compete in April for its second-straight world championship medal. These members include Angela Stilwell, Caity Hinshaw, Natalie Skizas, Kirby Lynch and Courtney Bryne; and

Whereas, Some of the team's other accomplishments include the Collegiate Leadership Award and the Most Collegiate Award at the 2011 UCA Summer Camp: Therefore,

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

SECTION 1. The Indiana General Assembly honors the Indiana University Crimson All-Girl Cheerleaders on winning the All-Girl Division 1 2012 UCA College National Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the coaching staff of the Indiana University Crimson All-Girl Cheerleaders and each member of the team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 18

The Speaker handed down Senate Concurrent Resolution 18, sponsored by Representative Baird:

A CONCURRENT RESOLUTION recognizing the 175th anniversary of DePauw University.

Whereas, On January 10, 1837, the Indiana Methodist Episcopal conference proposed a charter for a new "seminary of learning" which would later become known as DePauw University;

Whereas, Generations of exceptionally talented students have since joined peers from across the nation and the world in attaining a quality liberal arts education from DePauw University;

Whereas, Throughout its proud history, DePauw University's dedicated faculty members, who are devoted to teaching and recognized for their scholarship, encounter students in intentionally small settings which promote intellectual rigor and transformation;

Whereas, The DePauw University School of Music, established in 1884, is the oldest institution for post-secondary music instruction in Indiana and one of the first created in the nation. The school produces musicians that enrich culture, arts, creative endeavors, and the quality of life on campus and throughout the country;

Whereas, DePauw University has bridged its campus to the world from the 1877 arrival of the University's first international students to its current international enrollment and study-abroad programs;

Whereas, DePauw University's rich social tradition offers students extraordinary leadership opportunities marked by a culture of engagement in student organizations and service to others; and

Whereas, DePauw University alumni, as enlightened citizens and leaders, are engaged at the forefront of their fields and meaningfully impact their communities, states, nations, and world: Therefore,

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

SECTION 1. The Indiana General Assembly recognizes DePauw University on their 175th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Brian Casey, President of DePauw University.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred Engrossed Senate Bill 132, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "Indiana," and insert "**Indiana for a fee,**".

(Reference is to SB 132 as reprinted January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

LUTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 152, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 156, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 3. IC 32-17-4-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. (a) Not later than forty-five (45) days after the court has acquired jurisdiction over all the parties who have an interest in the property that is the subject of the action, the court shall refer the matter to mediation in accordance with the Indiana rules of alternative dispute resolution.**

(b) Except as provided in subsection (c), mediation of the case may not begin until an appraiser files an appraisal report with the court.

(c) If each party waives the appraisal of the property, the case may move to mediation without the filing of an appraisal report.

(d) In its order referring the matter for mediation, the court shall advise the parties:

(1) that the real or personal property will be sold if the parties are unable to reach an agreement not later than sixty (60) days after the order is issued; and

(2) that the parties may agree upon a method of the sale of the property, and if the parties do not agree upon a method of the sale of the property, the property may be sold at public auction or by the sheriff under subsection (g).

(e) Except if the parties agree to waive the appraisal of the property, not later than thirty (30) days after the court acquires jurisdiction under subsection (a), the court shall appoint a licensed real estate appraiser to appraise the property. The appraiser shall file the appraisal with the court.

(f) After receiving the appraisal, the court shall notify the parties of the appraised value of the property.

(g) If an agreed settlement is not reached in mediation or if the parties agree upon a method of sale, the court shall not later than thirty (30) days after the date after the mediator files a report with the court that the mediation was not successful, or the parties file their agreement establishing the method of sale:

(1) order the property to be sold using the method that all the parties agree upon; or

(2) order the parties to select an auctioneer to sell the property. If the parties fail to select an auctioneer not later than thirty (30) days after the court's order to select an auctioneer, the court shall order the sheriff to sell the property in the same manner that property is sold at execution under IC 34-55-6.

(h) At the time the court orders the property to be sold, the court shall notify all lienholders and other persons with an interest in the lien or property, as identified in the title search or lien search required under IC 29-1-17-11 or section 2 of this chapter, of the sale. The property must be sold free and clear of all liens and special assessments except prescriptive easements, easements of record, and irrevocable licenses, with any sum secured by a lien or special assessment to be satisfied from the proceeds of the sale.

(i) The person who causes a title search to be conducted under section 2 of this chapter or a title or lien search under IC 29-1-17-11 is entitled to indemnification from the proceeds of the sale.

(j) Any person who has paid a tax or special assessment on the property is entitled to pro rata indemnification from the proceeds of the sale.

(k) Any person may advertise a sale under this section at the person's own expense, but is not entitled to indemnification for these expenses.

(l) After deduction of the amounts described in subsections (h), (i), and (j) and the reasonable expenses of the sale, the court shall divide the proceeds of the sale among the remaining property owners in proportion to their ownership interest.

(m) If a party having an ownership interest in the property becomes the successful purchaser of the property either through agreed settlement or through auction, that person shall be given a full credit based on the percentage of the person's interest in the property before the purchase.

(n) As used in this subsection, "real estate professional" has the meaning set forth in IC 23-1.5-1-13.5. If the court has ordered that some or all of the property be sold at auction and, at any time before the property is sold at auction, all parties inform the court in writing that they:

(1) wish to sell some or all of the property through a real estate professional;

(2) have jointly selected a real estate professional; and

(3) have agreed upon a listing price for the property;

the court shall rescind its order that the property, or a part of the property, be sold at auction and permit the property to be sold through a real estate professional. If some or all of the property has not been sold at the expiration of the listing agreement with the real estate professional, upon petition by any party, the court shall order the property to be sold at auction in accordance with subsection (h).".

Page 4, delete lines 1 through 33.

(Reference is to SB 156 as reprinted January 24, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 176, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 190, has had the same under consideration and begs leave to report the same back to the

House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "IC 31-13-4," and insert "**IC 31-35-3.5,**".

Page 1, delete lines 7 through 17, begin a new paragraph and insert:

"SECTION 2. IC 31-17-6-1, AS AMENDED BY P.L.133-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A court, in a proceeding under IC 31-17-2, IC 31-17-4, this chapter, IC 31-17-7, ~~or~~ IC 31-28-5, **or IC 31-35-3.5,** may appoint a guardian ad litem, a court appointed special advocate, or both, for a child at any time.

SECTION 3. IC 31-35-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 3.5. Termination of Parent-Child Relationship of an Individual Who Committed an Act of Rape

Sec. 1. Proceedings under this chapter are governed by the procedures prescribed by:

(1) IC 31-32-1, IC 31-32-4 through IC 31-32-10, and IC 31-32-12 through IC 31-32-15;

(2) IC 31-34; and

(3) IC 31-37;

but are distinct from proceedings under IC 31-34 and IC 31-37.

Sec. 2. The probate court has concurrent original jurisdiction with the juvenile court in proceedings on a petition to terminate the parent-child relationship under this chapter.

Sec. 3. If a child was conceived as a result of an act of rape, the parent who is the victim of the act of rape may file a petition with the juvenile or probate court to terminate the child's parent-child relationship with the alleged perpetrator of the act of rape.

Sec. 4. A verified petition filed under section 3 of this chapter must:

(1) be entitled "In the Matter of the Termination of the Parent-Child Relationship of _____, a child, and _____, the parent"; and

(2) allege:

(A) that the alleged perpetrator committed an act of rape against the parent who has filed the petition to terminate the parent-child relationship;

(B) that the child was conceived as a result of the act of rape described under clause (A); and

(C) that termination of the parent-child relationship of the alleged perpetrator with the child is in the best interests of the child.

Sec. 5. A showing by clear and convincing evidence that:

(1) the alleged perpetrator committed an act of rape against a parent described in section 4(2)(A) of this chapter; and

(2) the child was conceived as a result of the act of rape;

is prima facie evidence that there is a reasonable probability that continuation of the parent-child relationship with the alleged perpetrator is not in the best interests of the child.

Sec. 6. (a) The court shall terminate the parent-child relationship if the court finds:

(1) by clear and convincing evidence, that the allegations in a petition described in section 4(2)(A) and 4(2)(B) of this chapter are true; and

(2) that termination of the parent-child relationship is in the best interests of the child.

(b) If the court does not find:

(1) by clear and convincing evidence, that the allegations in a petition described in section 4(2)(A) and 4(2)(B) of this chapter are true; and

(2) that termination of the parent-child relationship is in the best interests of the child;

the court shall dismiss the petition.

Sec. 7. The court may appoint:

(1) a guardian ad litem;

(2) a court appointed special advocate; or

(3) both a guardian ad litem and a court appointed special advocate;

for a child in a proceeding under this chapter as provided under IC 31-17-6-1.

SECTION 4. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "committee" refers to the child custody and support advisory committee established by IC 33-24-11-1.**

(b) The legislative council shall assign the committee the task of reviewing and studying IC 31-35-3.5.

(c) The committee shall issue a report to the legislative council containing the committee's findings and recommendations, including any recommended legislation concerning the assigned topic, not later than November 1, 2012.

(d) This SECTION expires December 31, 2012.".

Delete page 2.

Renumber all SECTIONS consecutively.

(Reference is to SB 190 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Engrossed Senate Bill 255, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

BORDERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Engrossed Senate Bill 273, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-34.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 34.7. Outdoor Stage Equipment Safety Committee

Sec. 1. As used in this chapter, "committee" refers to the committee established under section 3 of this chapter.

Sec. 2. As used in this chapter, "outdoor stage equipment" has the meaning set forth in IC 22-12-1-17.7.

Sec. 3. The outdoor stage safety committee is established.

Sec. 4. The committee shall study the issues related to the regulation of outdoor stage equipment and recommend legislation to the general assembly for the regulation of the use of outdoor stage equipment in Indiana to protect the safety of persons at an outdoor performance.

Sec. 5. The committee consists of the following twelve (12) members:

(1) Four (4) members of the senate appointed by the president pro tempore of the senate with advice from the minority leader of the senate. Not more than two (2) members appointed under this subdivision may be from the same political party.

(2) Four (4) members of the house of representatives appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives. Not more than two (2) members appointed under this subdivision may be from the same political party.

(3) The state fire marshal appointed under IC 22-14-2-2 or the fire marshal's designee.

(4) The executive director of the department of homeland security or the executive director's designee.

(5) The chairman of the fire prevention and building safety commission appointed under IC 22-12-2-5 or the chairman's designee.

(6) The commissioner of the department of labor appointed under IC 22-1-1-2 or the commissioner's designee.

Sec. 6. The members of the committee serve at the pleasure of the appointing authority.

Sec. 7. The chairperson of the legislative council shall appoint the chairperson of the committee from among the members of the general assembly appointed to the committee. The chairperson of the committee serves at the pleasure of the appointing authority.

Sec. 8. (a) Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 9. The committee shall operate under the policies governing study committees adopted by the legislative council.

Sec. 10. The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

Sec. 11. The legislative services agency shall staff the committee.

Sec. 12. The department of labor, the occupational safety standards commission, the fire prevention and building safety commission, and the division of fire and building safety shall cooperate with the commission as requested by the commission.

Sec. 13. The state fair commission shall submit to the committee, in an electronic format under IC 5-14-6, as soon as practicable after the information is received by the state fair commission or another state official or agency, a copy of any final report and associated appendices:

(1) prepared under an agreement with Witt Associates or Thornton Tomasetti, Inc.; and

(2) resulting from a study of the collapse of outdoor stage equipment on the grounds of the state fair on August 13, 2011.

Sec. 14. This chapter expires January 1, 2013.

SECTION 2. IC 22-12-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) "Class 1 structure" means any part of the following:

(1) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

(A) The public.

(B) Three (3) or more tenants.

(C) One (1) or more persons who act as the employees of another.

(2) A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1).

(3) Outdoor stage equipment. This subdivision expires January 1, 2014.

~~(3)~~ **(4)** Any class of buildings or structures that the commission determines by rules to affect a building or structure described in subdivision (1), except buildings or structures described in subsections (c) through (f).

(b) Subsection (a)(1) includes a structure that contains three (3) or more condominium units (as defined in IC 32-25-2-9) or other units that:

(1) are intended to be or are used or leased by the owner of the unit; and

(2) are not completely separated from each other by an unimproved space.

(c) Subsection (a)(1) does not include a building or structure that:

(1) is intended to be or is used only for an agricultural purpose on the land where it is located; and

(2) is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.

(d) Subsection (a)(1) does not include a Class 2 structure.

(e) Subsection (a)(1) does not include a vehicular bridge.

(f) Subsection (a)(1) does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:

(1) the structure; or

(2) mechanical or electrical equipment located within and affixed to the structure.

SECTION 3. IC 22-12-1-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.5. (a) "Outdoor performance", as the term applies to outdoor stage equipment, means:**

(1) a movie or show;

(2) an exhibit;

(3) a concert;

(4) a performance of dance;

(5) a musical, dramatic, or comedy performance;

(6) a sporting or athletic match, exhibition, or contest; or

(7) another amusement or entertainment;
conducted outside another temporary or permanent Class 1 structure that provides reasonable protection from severe weather, as determined under the rules adopted by the commission, regardless of whether the location qualifies as a regulated place of amusement or entertainment.

(b) This section expires January 1, 2014.

SECTION 4. IC 22-12-1-17.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.7. (a) "Outdoor stage equipment" means any temporary or permanent towers, booms, ramps, platforms, overhead assemblies, or other structures, including ancillary rigging, that are used or are intended to be used in connection with an outdoor performance and that are not otherwise attached or anchored to, or otherwise a part of, another Class 1 structure.**

(b) This section expires January 1, 2014.

SECTION 5. IC 22-13-2-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. (a) The commission shall adopt rules under IC 4-22-2 for outdoor stage equipment at outdoor performances to protect the safety of persons at the outdoor performances. The commission may:**

(1) exempt small assemblies of outdoor stage equipment, as defined by the commission, from some or all fees or other requirements that otherwise would apply to outdoor stage equipment under a rule adopted under this section or another building law; or
(2) establish alternative procedures, fees, or other requirements, or any combination, for small assemblies of outdoor stage equipment, as defined by the commission.

(b) The commission may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to carry out subsection (a), including temporary rules concerning a schedule of fees for design releases or inspections, or both. A temporary rule adopted under this subsection expires on the earliest of the following:

(1) The date specified in the temporary rule.
(2) The date another temporary rule adopted under this subsection or a rule adopted under IC 4-22-2 supersedes or repeals the previously adopted temporary rule.
(3) January 1, 2014.

(c) Subject to this section, a city, town, or county that regulated outdoor stage equipment before March 15, 2012, under an ordinance adopted before March 15, 2012, may, if the ordinance is in effect on March 15, 2012, continue to regulate outdoor stage equipment under the ordinance after March 14, 2012, in the same manner that the city, town, or county applied the ordinance before March 15, 2012. However, a statewide code of fire safety laws or building laws governing outdoor stage equipment that is adopted by the commission under this section after March 14, 2012, takes precedence over any part of a city, town, or county ordinance that is in conflict with the commission's adopted code. The ordinances to which this section applies include Chapter 536 of the Revised Code of the Consolidated City and County Indianapolis/Marion, Indiana Codified through Ordinance No. 36, 2011, passed August 15, 2011. (Supp. No. 27). A city, town, or county to which this subsection applies need not be certified or approved under IC 22-15-3-1 or another law to continue to regulate outdoor stage equipment after March 14, 2012.

(d) This subsection applies to cities, towns, and counties described in subsection (c) and any other city, town, or county that, after March 14, 2012, adopts an ordinance governing outdoor stage equipment that is approved by the commission or a building law compliance officer. The city, town, or county shall require compliance with:

(1) the rules adopted under this section;
(2) orders issued under IC 22-13-2-11 that grant a variance to the rules adopted under this section;
(3) orders issued under IC 22-12-7 that apply the rules adopted under this section; and
(4) a written interpretation of the rules adopted under this section binding on the unit under IC 22-13-5-3 or IC 22-13-5-4;

on both private and public property located within the boundaries of the city, town, or county, including, in the case of a consolidated city, the state fairgrounds. This subsection does not limit the authority of a unit (as defined in IC 36-1-2-23) under IC 36-7-2-9 to enforce building laws and orders and written interpretations related to building laws.

(e) This section expires January 1, 2014.

SECTION 6. IC 22-15-3-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) Outdoor stage equipment may be used for an outdoor performance before the later of:**

(1) July 1, 2012; or
(2) sixty (60) days after the date the commission adopts its initial rules under IC 22-13-2-8.5(a) or IC 22-13-2-8.5(b);

without a design release (including a conditional design release) issued under this chapter unless an ordinance of a city, town, or county adopted before March 15, 2012, requires a design release in the city, town, or county to which the ordinance applies before the applicable date under subdivision (1) or (2).

(b) If a design release is not required before the applicable date under subdivision (1) or (2), under an ordinance adopted before March 15, 2012, by a city, town, or county, installation of outdoor stage equipment may begin before the later of:

(1) July 1, 2012; or
(2) sixty (60) days after the date the commission adopts its initial rules under IC 22-13-2-8.5(a) or IC 22-13-2-8.5(b);

without a design release (including a conditional design release) issued under this chapter. However, the outdoor stage equipment may not be used for an outdoor performance after June 30, 2012, without a design release (including a conditional design release) issued under this chapter.

(c) This section expires January 1, 2014.

SECTION 7. **An emergency is declared for this act.**

(Reference is to SB 273 as reprinted January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BORDERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 296, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.
Page 2, delete lines 1 through 18.
Page 3, line 6, strike "for the".
Page 3, line 7, strike "previous school year." and insert "**from a scholarship granting organization in a preceding year,**

including a school year that does not immediately precede a school year in which the individual receives a scholarship from a scholarship granting organization.".

Page 3, delete line 8.

Renumber all SECTIONS consecutively.

(Reference is to SB 296 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 309, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 311, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "The" and insert "**Except as provided in subsection (e),** the".

Page 1, line 8, after "business." insert "**The OMB shall submit the cost benefit analysis to the committee in an electronic format under IC 5-14-6.**".

Page 2, line 16, before "The" insert "**If an agency has adopted rules to implement IC 5-14-3-4, interested parties and regulated persons must submit the information in accordance with the confidentiality rules adopted by the agency to ensure proper processing of confidentiality claims.**".

Page 2, between lines 27 and 28, begin a new paragraph and insert:

"**(d) If the OMB or an agency is unable to obtain verified data for the cost benefit analysis described in subsection (c), the OMB shall state in the cost benefit analysis which data were unavailable for purposes of the cost benefit analysis.**

(e) If the OMB finds that a proposed rule is:

(1) an adoption or incorporation by reference of a federal law, regulation, or rule that has no substantive effect on the scope or intended application of the federal law or rule; or

(2) a technical amendment with no substantive effect on an existing Indiana rule;

the OMB may not prepare a cost benefit analysis of the rule under this section. The agency shall submit the proposed rule to the OMB with a statement explaining how the proposed rule meets the requirements of this subsection. If the OMB finds that the rule meets the requirements of this subsection, the OMB shall provide its findings to the governor and to the committee in an electronic format under IC 5-14-6. If the agency amends or modifies the proposed rule after the OMB finds that a cost benefit analysis may not be prepared for the rule, the agency shall resubmit the proposed rule to the OMB either for a new determination that the rule meets the requirements of this subsection, or for the OMB to prepare a cost benefit analysis of the rule under this section.".

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"**(b) This section does not apply to a rule for which the OMB has not performed a cost benefit analysis under section 13(e) of this chapter.**".

Page 2, line 34, delete "(b)" and insert "**(c)**".

Page 2, line 37, delete "(c)" and insert "**(d)**".

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

Page 3, line 4, after "date." insert "**The OMB shall submit the cost benefit analysis to the committee in an electronic format under IC 5-14-6.**".

Page 3, line 5, delete "(d)" and insert "**(e)**".

Page 3, delete lines 27 through 29, begin a new line block indented and insert:

"**(5) Any other information that the governor or the committee:**

(A) requires with respect to a cost benefit analysis under this section; and

(B) requests in writing.".

Page 3, line 30, delete "(e)" and insert "**(f)**".

Page 4, line 5, before "The" insert "**If an agency has adopted rules to implement IC 5-14-3-4, interested parties and regulated persons must submit the information in accordance with the confidentiality rules adopted by the agency to ensure proper processing of confidentiality claims.**".

Page 4, line 14, delete "(c)." and insert "**(d).**".

Page 4, between lines 14 and 15, begin a new paragraph and insert:

"**(g) If the OMB or an agency is unable to obtain verified data for the cost benefit analysis described in subsection (e), the OMB shall state in the cost benefit analysis which data were unavailable for purposes of the cost benefit analysis.**".

Page 4, line 15, delete "(f)" and insert "**(h)**".

(Reference is to SB 311 as reprinted February 1, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 322, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 34-6-2-73.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 73.3. "Law enforcement officer", for purposes of:

(1) IC 34-26-5, has the meaning set forth in IC 35-41-1-17; **and**

(2) section 133.5 of this chapter and IC 34-13-3-3, means:

(A) a police officer (including a correctional police officer), sheriff, constable, or marshal;

(B) a deputy of any of the persons listed in clause (A);

(C) a person employed by the department of correction as a correctional officer.

SECTION 2. IC 34-6-2-133.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 133.5. "Roadside assistance", for purposes of IC 34-13-3-3, means assistance provided by a law enforcement officer to a motorist whose motor vehicle is disabled in order to allow the motor vehicle to be operated by the motorist. The term**

includes opening a locked door, providing a jump for the battery, changing a flat tire, and supplying motor fuel.".

Page 2, delete lines 1 through 5.

Page 4, after line 33, begin a new line block indented and insert:

"**(25) The provision of roadside assistance by a law enforcement officer.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 322 as printed January 24, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Engrossed Senate Bill 371, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 30, after line 32, begin a new paragraph and insert:

"SECTION 43. [EFFECTIVE JULY 1, 2012] **(a) An individual certified as:**

(1) an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5, before its repeal by this act); or

(2) an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7, before its repeal by this act);

on June 30, 2012, has two (2) years to comply with the new requirements for certification under IC 16-31-3, as amended by this act.

(b) This SECTION expires July 1, 2014.".

(Reference is to SB 371 as printed January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BORDERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 402, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Concurrent Resolution 18, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

Committee Vote: yeas 9, nays 0.

BORDERS, Chair

Report adopted.

Representative Richardson was excused. Representative Espich was excused for the rest of the day.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 107

Representative Neese called down Engrossed Senate Bill 107 for third reading:

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

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

Roll Call 209: yeas 85, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 111

Representative Torr called down Engrossed Senate Bill 111 for third reading:

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

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

Roll Call 210: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 113

Representative Lehman called down Engrossed Senate Bill 113 for third reading:

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

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

Roll Call 211: yeas 82, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 168

Representative Soliday called down Engrossed Senate Bill 168 for third reading:

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

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

Roll Call 212: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 225

Representative T. Brown called down Engrossed Senate Bill 225 for third reading:

A BILL FOR AN ACT concerning human services.

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

Representative Porter was excused from voting, pursuant to House Rule 47. Roll Call 213: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 234

Representative M. Smith called down Engrossed Senate Bill 234 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 214: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 259

Representative Dermody called down Engrossed Senate Bill 259 for third reading:

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

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

Roll Call 215: yeas 62, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 262

Representative Steuerwald called down Engrossed Senate Bill 262 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 216: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 275

Representative Davis called down Engrossed Senate Bill 275 for third reading:

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

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

Roll Call 217: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Deputy Speaker Pro Tempore, Representative T. Brown.

Engrossed Senate Bill 283

Representative Thompson called down Engrossed Senate Bill 283 for third reading:

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

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

Roll Call 218: yeas 66, nays 27. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Richardson, who had been excused, was present.

Engrossed Senate Bill 315

Representative Messmer called down Engrossed Senate Bill 315 for third reading:

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

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

Roll Call 219: yeas 76, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 24

Representative Noe called down Engrossed Senate Bill 24 for third reading:

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

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

Roll Call 220: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 231

Representative Turner called down Engrossed Senate Bill 231 for third reading:

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

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

Roll Call 221: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 257

Representative Soliday called down Engrossed Senate Bill 257 for third reading:

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

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 257–3)

Mr. Speaker: I move that Engrossed Senate Bill 257 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 127, delete lines 38 through 42.
Page 128, delete 1 through 4.
Page 147, delete lines 22 through 29.
Renumber all SECTIONS consecutively.
(Reference is to ESB 257 as reprinted February 17, 2012.)

SOLIDAY

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 257, begs leave to report that said bill has been amended as directed.

SOLIDAY

Report adopted.

The question then was, Shall the bill pass?

Roll Call 222: yeas 84, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bardon announced to the House that Jimmy Richardson, former doorkeeper to the House, had died last week at the age of 92. The House stood for a moment of silence in memory of Mr. Richardson.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:56 p.m. with the Speaker in the Chair.

With consent of the members, the Speaker returned to reports from committees.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 175, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 5, nays 4.

KOCH, Chair

Report adopted.

With consent of the members, the Speaker returned to bills on second reading.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 170

Representative Mahan called down Engrossed Senate Bill 170 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 249

Representative Truitt called down Engrossed Senate Bill 249 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 249–3)

Mr. Speaker: I move that Engrossed Senate Bill 249 be amended to read as follows:

Page 1, line 11, delete "automated" and insert "**case management**".

Page 1, line 11, after "system" insert "**(as defined in IC 33-37-1-2)**".

Page 2, after line 8, begin a new paragraph and insert:

"SECTION 2. IC 33-37-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a) As used in this article, "case management system":**

(1) means a computer network used by courts and clerks of court to store, process, and transmit court records; and

(2) includes programs to produce financial records and financial reports.

(b) As used in this article, "clerk" refers to any of the following:

(1) A clerk of a circuit court under IC 33-32-2-1.
(2) The clerk of a city or town court under IC 33-35.
(3) The judge of a city or town court that does not have a clerk.

SECTION 3. IC 33-37-7-2, AS AMENDED BY P.L.229-2011, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).
(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
(3) IC 33-37-4-3(a) (juvenile costs fees).
(4) IC 33-37-4-4(a) (civil costs fees).
(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
(6) IC 33-37-4-7(a) (probate costs fees).
(7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
(3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
(7) The following:

(A) For a county operating ~~under the state's automated judicial~~ **a case management** system **provided under contract by the judicial technology and automation committee or the division of state court administration,** one hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(B) For a county not operating ~~under the state's automated judicial~~ **a case management** system **provided under contract by the judicial technology and automation committee or the division of state court administration,** eighty percent (80%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance account established by IC 5-2-6-23(h) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(I) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(k) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(m) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

(1) The mortgage foreclosure counseling and education fees collected under IC 33-37-5-30 (before its expiration on January 1, 2013).

(2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(n) This subsection applies to a county that is not operating ~~under the state's automated judicial~~ **a case management** system **provided under contract by the judicial technology and automation committee or the division of state court administration.** The clerk of a circuit court shall distribute monthly to the county auditor twenty percent (20%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a) for deposit in the clerk's record perpetuation fund.".

(Reference is to ESB 249 as printed February 14, 2012.)

THOMPSON

Representative Austin rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill.

Representative Thompson withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1018, 1034, and 1154 on February 21.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 23, 2012 at 10:00 a.m.

THOMPSON

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representative McMillin be added as cosponsor of Engrossed Senate Bill 97.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Engrossed Senate Bill 201.

T. BROWN

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representatives Austin, Candelaria Reardon, Crouch, Dembowski, Ellspermann, Heuer, Kirchhofer, Klinker, Kubacki, L. Lawson, Noe, Pond, Pryor, Richardson, Riecken, Summers, VanDenburgh, and Welch. all former Girl Scouts, the House adjourned at 5:12 p.m., this twenty-first day of February, 2012, until Thursday, February 23, 2012, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Twenty-eighth Day — **Thursday Morning** — **February 23, 2012**

The invocation was offered by Rabbi Brett Krichiver, Indianapolis Hebrew Congregation.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Earl L. Harris.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell ☐
C. Fry ☐
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman ☐
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese ☐
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy ☐
Stemler ☐
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 223: 94 present; 6 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On February 22, 2012, I signed into law House Enrolled Acts 1009, 1016, 1112, and 1148.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1047, 1050, 1052, 1060, 1107, and 1211 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1003, 1054, 1090, 1128, 1129, 1141, 1173, 1212, 1220, 1237, 1250, 1273, and 1283 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 25, 26, 28, and 30 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1047, 1050, 1052, 1060, 1107, and 1211 on February 23.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 31

Representatives Pelath and Dermody introduced House Concurrent Resolution 31:

A CONCURRENT RESOLUTION honoring the life of Ann Spevak of LaPorte.

Whereas, Ann Spevak was born on July 13th, 1928, in

LaPorte, and passed away in her hometown on October 12th, 2011, aged 83:

Whereas, Ms. Spevak is survived by a family of loving nieces, nephews, grand-nieces and grand-nephews;

Whereas, In her professional life, Ms. Spevak worked for many years as a legal secretary for a number of local law firms;

Whereas, Ms. Spevak committed herself to helping her neighbors and bettering her community through local civic involvement as a dedicated member of the LaPorte Falcons Club, St. Joseph Catholic Church and its Funeral Choir, and the Swanson Activity Center for Older Adults;

Whereas, Moreover, Ms. Spevak devoted herself to her community through a life-long engagement in local government, having been elected Clerk of the LaPorte Circuit Court in 1994 and serving until 1998, serving two terms as a LaPorte County Councilwoman, and a member of the LaPorte Democratic Civic Club and the Michigan City Women's Democratic Club; and,

Whereas, Those who met her will remember her always as a kind-hearted, hard-working friend, neighbor and family member: Therefore,

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

SECTION 1. That the Indiana House of Representatives honors the life of Ann Spevak of LaPorte, extends to her family the sincerest condolences of its members on the occasion of her passing, and expresses its thanks for a lifetime of dedicated service to her neighbors and to her community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the family of Ann Spevak.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Arnold.

House Concurrent Resolution 32

Representatives Pelath and Dermody introduced House Concurrent Resolution 32:

A CONCURRENT RESOLUTION honoring the life of Robert E. Miller of Michigan City.

Whereas, Robert E. Miller was born on January 17th, 1932, in South Bend, and passed away on October 18th, 2011, at his home in Michigan City;

Whereas, Mr. Miller attended Central Catholic High School;

Whereas, Mr. Miller was offered a scholarship to play football for the University of Idaho, but instead he chose to serve his country in the Army during the Korean War;

Whereas, On his return home, Mr. Miller was able to attend his beloved University of Notre Dame with the help of a G.I. Bill scholarship, from which he graduated in 1955 with a Bachelor of Science in Commerce, and the title of Bengal Bouts Boxing Champion;

Whereas, In 1956 Mr. Miller married Gertrude "Gerti" Miller, nee Kramer, the love of his life, who survives him and continues to reside in Michigan City;

Whereas, Mr. Miller began his professional career as a teacher at Coolspring Elementary School in Michigan City, later moving on to positions as a counselor at Barker Junior High and as the principal of Krueger Junior High;

Whereas, Mr. Miller concluded his professional life as a career counselor for all Michigan City area schools, retiring with fond memories of countless students;

Whereas, Outside of his professional service to the community, Mr. Miller committed himself to local political and civic work, serving for sixteen years as a LaPorte County Councilman and a term as LaPorte County Commissioner, and an active member of the Moose Family Center #980, the American Legion, Disabled American Veterans, the Saint Joseph Young Men's Society, the Young Democrats, the Coolspring Democratic Club, the Polish Business and Professional Club, the Indiana Retired Teachers Association, R.S.V.P. of LaPorte County, and the board of his retirement community, The Arbors in Michigan City; and,

Whereas, For his lifelong service to his neighbors and community, Mr. Miller was named a Sagamore of the Wabash by Governor Joe Kernan in 2004: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes and honors the life and work of Scott E. Miller, extends to his family the sincerest condolences of its members on the occasion of his passing, and expresses its thanks for a lifetime of dedicated service to his neighbors and to his community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. Miller's family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Arnold.

House Concurrent Resolution 33

Representative Heuer introduced House Concurrent Resolution 33:

A CONCURRENT RESOLUTION honoring Jim Argerbright.

Whereas, Jim Argerbright was a valued member of the Whitley County Economic Development Corporation, and he participated in every major community initiative and economic development project for the past 20 years;

Whereas, Some projects spearheaded by Jim Argerbright were the extension of the sewer and water infrastructure in the U.S. 30 industrial corridor, the establishment of Park 30 Business Center and Rail Connect Business Park, and the attraction of high growth companies like Chromasource, Steel Dynamics, and Triad Metals to the local business community;

Whereas, A graduate of Purdue University with a degree in agricultural economics, Jim Argerbright serves as Vice President of commercial and agriculture lending for STAR Financial Bank;

Whereas, In addition to his service on the Whitley County Economic Development Corporation, Jim Argerbright has contributed to his community with his involvement in the Whitley County Redevelopment Commission, where he currently serves as Vice Chairman; the Whitley County Ducks Unlimited; and Whitley County 4-H Auctions, where he serves as Chairman;

Whereas, Jim Argerbright served on the Whitley County Economic Development Corporation Board of Directors from 2005-2011, holding the positions of Vice Chairman and

Treasurer during that time; and

Whereas, Jim Argerbright has served his community with distinction and honor: Therefore,

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

SECTION 1. That the Indiana General Assembly acknowledges the many contributions made by Jim Argerbright and encourages him to continue working for the good of the community and its citizens.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Jim Argerbright.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Banks.

House Concurrent Resolution 34

Representative Heuer introduced House Concurrent Resolution 34:

A CONCURRENT RESOLUTION honoring John Lefever.

Whereas, John Lefever was a valued member of the Whitley County Economic Development Corporation, participating in every major community initiative and economic development project for the past 20 years;

Whereas, Some projects spearheaded by John Lefever include the extension of the sewer and water infrastructure in the U.S. 30 industrial corridor, the establishment of the Park 30 Business Center and the Rail Connect Business Park, and the attraction of high growth companies such as ChromaSource, Steel Dynamics, and Triad Metals to the local business community;

Whereas, A graduate of Heidelberg University with a degree in elementary education, John Lefever serves as President and CEO of STAR Insurance, a subsidiary of STAR Financial Group;

Whereas, John Lefever also serves on the STAR Financial Bank board of directors, STAR executive committee, and manages the 60-employee insurance team;

Whereas, In addition to his service with the Whitley County Economic Development Corporation, John Lefever has contributed to his community as a member of the Whitley County Council; past president of the Old Settlers Days Association; a founding member of the Whitley County YMCA; a member of the Fort Wayne Metro YMCA Finance Committee; and a founding board member and current member of the Whitley County Community Foundation;

Whereas, John Lefever served on the Whitley County Economic Development Corporation board of directors from 1994-2011, holding the positions of chairman, vice chairman, and treasurer;

Whereas, John Lefever received the 1987 Citizen of the Year award for his participation in the development of the Whitley County 911 program; and

Whereas, John Lefever has served his community with distinction and honor: Therefore,

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

SECTION 1. That the Indiana General Assembly acknowledges the many contributions made by John Lefever and encourages him to continue working for the good of the community and its citizens.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to John Lefever.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Banks.

House Concurrent Resolution 35

Representatives Clere, Stemler, and Rhoads introduced House Concurrent Resolution 35:

A CONCURRENT RESOLUTION honoring the Providence High School girls soccer team.

Whereas, The Providence High School girls soccer team won the Indiana High School Athletic Association Class A championship on Saturday, October 29, at the Kuntz Memorial Soccer Stadium in Indianapolis;

Whereas, The girls' victory marks the first time that Providence High School has won an IHSAA championship;

Whereas, In its first appearance in the Class A state finals, number one ranked Providence won the state title by defeating number five ranked Mishawaka Marian 1-0;

Whereas, This outstanding defensive game was tied at the end of regulation and two overtime periods, sending the match into a penalty kick shootout;

Whereas, Providence scored on three of the four shots taken, while Mishawaka Marian scored on only one of its four attempts;

Whereas, Senior Casey Marlin was among the top goal scorers in Indiana with 37 goals this season, and set the school career scoring record with 96 points;

Whereas, Casey Marlin and Leah Mattingly were named First Team All State by the Indiana Coaches of Girls Sports Association with Kelsey Rogers being named to the Third Team All State;

Whereas, Casey Marlin was named to the Indiana Coaches of Girls Sports Association Academic All State First Team and Kelsey Rogers and Erin Wallace were recognized with honorable mentions;

Whereas, Head Coach Dave Smith was named Class 1A Coach of the Year and District 5 Coach of the Year by the Indiana Coaches of Girls Sports Association; and

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

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

SECTION 1. That the Indiana General Assembly congratulates the Providence High School girls soccer team on its state championship and wishes the members success both on and off the soccer field.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to all team members, Head Coach Dave Smith, assistant coaches Abbey Smith and Bobby Holland, Athletic Director Mickey Golembeski, Principal Melinda K. Ernstberger, and School president Joan Hurley.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Grooms and J. Smith.

House Concurrent Resolution 36

Representative Messmer introduced House Concurrent Resolution 36:

A CONCURRENT RESOLUTION recognizing the Schnitzelbank Restaurant.

Whereas, The Schnitzelbank Restaurant in Jasper is a family-owned business that has served traditional German dishes for 51 years at its Southern Indiana location;

Whereas, The Schnitzelbank Restaurant's bratwurst sandwich won the Indiana Office of Tourism Development's Super 46 Sandwich contest by garnering 63% of the vote in the final round over the Mile High Club sandwich from Rock Cola 50s Cafe;

Whereas, The contest, promoted by the Indiana Office of Tourism Development, the Indianapolis Super Bowl Host Committee, and the publishers of Indianapolis Monthly, was designed to showcase Indiana food and restaurants to Super Bowl visitors;

Whereas, Due to the increased interest in this delicious bratwurst sandwich, the restaurant used 100 pounds of bratwurst each week, up from the 30 pounds that is usually used during the traditionally slow month of January; and

Whereas, Special accomplishments deserve special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Schnitzelbank Restaurant for the selection of its bratwurst sandwich as the winner of the Indiana Office of Tourism Development's Super 46 Sandwich contest and wishes the restaurant and its owners and employees continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Hanselman family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Hume.

House Concurrent Resolution 37

Representative Foley introduced House Concurrent Resolution 37:

A CONCURRENT RESOLUTION congratulating the Martinsville High School Academic Decathlon Team for capturing the state championship for the large school division in the Hoosier Academic Decathlon.

Whereas, The Martinsville High School Academic Decathlon Team captured the state championship in the large school division for the fifteenth consecutive year;

Whereas, This victory entitles the Martinsville team to represent their school and their state at the national competition to be held in Albuquerque, New Mexico, in April, 2012;

Whereas, The Martinsville High School Academic Decathlon Team scored 38,657 points out of a possible 60,000 points on the road to the championship, besting the second place team by 2,839 points;

Whereas, In addition to the championship title, the team garnered 35 individual medals and seven plaques for placing at the top in seven of the ten categories;

Whereas, Students compete against each other based on their grade point average and teams are grouped into honors, scholastic, and varsity categories based on their scores;

Whereas, All contestants participate in all events;

Whereas, Coach Wayne Babbitt emphasizes that, even though individuals have accomplished great things, the championship was a total team effort;

Whereas, Coach Babbitt also stressed that, in addition to the honor of winning, the value of the Academic Decathlon is that it prepares the participants for college and later life by emphasizing good study skills and learning new subjects; and

Whereas, This state title is a continuation of the long line of successes achieved by the Martinsville High School academic teams: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Martinsville High School Academic Decathlon Team for capturing the state championship for the large school division in the Hoosier Academic Decathlon for the fifteenth consecutive year and wishes them continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Olivia Wooten, Morgan Lane, Stephen Fish, Elliott Guist, Emerson Watson, and Stephanie Schneck, Coach Wayne Babbitt, and Don Alkire, principal of Martinsville High School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bray.

Senate Concurrent Resolution 20

The Speaker handed down Senate Concurrent Resolution 20, sponsored by Representative C. Fry:

A CONCURRENT RESOLUTION honoring former Mishawaka Common Council Member, John Gleissner.

Whereas, John Gleissner served 24 years as an at-large member of the Mishawaka Common Council and served four years as Council President;

Whereas, John Gleissner is the longest serving councilman in Mishawaka history. Over the course of his tenure he saw roughly 2,500 ordinances come before the council and served with 31 other council members;

Whereas, John Gleissner grew up in Mishawaka and returned in 1967 to start his first job as a teacher. He won Teach of the Year for School City of Mishawaka in 1994 and retired as a social studies teacher from John Young Middle School in 2005; and

Whereas, Since leaving the council, John Gleissner has joined the St. Joseph County Parks Board: Therefore,

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

SECTION 1. That the Indiana General Assembly honors

former Mishawaka Common Council Member, John Gleissner.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to John Gleissner and the Mishawaka Common Council.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 12:51 p.m. with the Speaker in the Chair.

Representatives Frizzell, C. Fry, Neese, and Speedy, who had been excused, were present. Representative Wesco was excused.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 1, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-41-3-2, AS AMENDED BY P.L.189-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **In enacting this section, the general assembly finds and declares that it is the policy of this state to recognize the unique character of a citizen's home and to ensure that a citizen feels secure in his or her own home against unlawful intrusion by any other person (as defined in IC 35-41-1-22(a)). The general assembly also finds and declares that it is the policy of this state that people have a right to defend themselves and third parties from physical harm and crime. The purpose of this section is to provide the citizens of this state with a lawful means of carrying out this policy.**

(b) A person is justified in using reasonable force against ~~another~~ **any other** person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person:

(1) is justified in using deadly force; and

(2) does not have a duty to retreat;

if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

~~(b)~~ **(c)** A person:

(1) is justified in using reasonable force, including deadly force, against ~~another~~ **any other** person; and

(2) does not have a duty to retreat;

if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle.

~~(c)~~ **(d)** With respect to property other than a dwelling, curtilage, or an occupied motor vehicle, a person is justified in using reasonable force against ~~another~~ **any other** person if the person reasonably believes that the force is necessary to immediately prevent or terminate the other person's trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect. However, a person:

(1) is justified in using deadly force; and

(2) does not have a duty to retreat;

only if that force is justified under subsection ~~(a)~~ **(b).**

~~(d)~~ **(e)** A person is justified in using reasonable force, including deadly force, against ~~another~~ **any other** person and does not have a duty to retreat if the person reasonably believes that the force is necessary to prevent or stop the other person from hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight. For purposes of this subsection, an aircraft is considered to be in flight while the aircraft is:

(1) on the ground in Indiana:

(A) after the doors of the aircraft are closed for takeoff; and

(B) until the aircraft takes off;

(2) in the airspace above Indiana; or

(3) on the ground in Indiana:

(A) after the aircraft lands; and

(B) before the doors of the aircraft are opened after landing.

~~(e)~~ **(f)** Notwithstanding subsections ~~(a),~~ (b) ~~and (c),~~ **through (d),** a person is not justified in using force if:

(1) the person is committing or is escaping after the commission of a crime;

(2) the person provokes unlawful action by another person with intent to cause bodily injury to the other person; or

(3) the person has entered into combat with another person or is the initial aggressor unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

~~(f)~~ **(g)** Notwithstanding subsection ~~(d),~~ **(e)** a person is not justified in using force if the person:

(1) is committing, or is escaping after the commission of, a crime;

(2) provokes unlawful action by another person, with intent to cause bodily injury to the other person; or

(3) continues to combat another person after the other person withdraws from the encounter and communicates the other person's intent to stop hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight.

(h) A person is justified in using reasonable force against a law enforcement officer if the person reasonably believes the force is necessary to:

(1) protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force;

(2) prevent or terminate the law enforcement officer's unlawful entry of or attack on the person's dwelling, curtilage, or an occupied motor vehicle; or

(3) prevent or terminate the law enforcement officer's trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect.

(i) A person is not justified in using deadly force against a law enforcement officer unless the person reasonably believes that:

(1) the officer is:

(A) acting unlawfully; and

(B) not engaged in the execution of the officer's official duty; and

(2) the force is reasonably necessary to prevent serious bodily injury to the person or a third person.

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

(Reference is to SB 1 as printed January 18, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 15, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 1, line 1, after "1." insert "IC 12-15-1.3-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS".

Page 1, line 1, delete "PASSAGE]" and insert "PASSAGE]: **Sec. 18.**".

Page 1, line 1, delete "state" and insert "**office shall do the following:**

(1) Before September 1, 2012, apply to the United States Department of Health and Human Services for an amendment to the state Medicaid plan to include reimbursement under Medicaid for brain injury services and neurobehavioral services provided in Indiana.".

Page 1, delete lines 2 through 11.

Page 1, line 12, delete "(1) Development of", begin a new line block indented and insert:

"**(2) Provide the state department of health with information necessary for the state department of health to create**".

Page 1, line 13, delete "the criteria to be included for the" and insert "**facilities that provide brain injury services.**".

Page 1, delete lines 14 through 18, begin a new paragraph and insert:

"**(b) The state department of health shall license facilities that provide brain injury services and neurobehavioral services and shall consider the information provided by the office under subsection (a)(2).**

(c) The office may not implement the Medicaid plan amendment under subsection (a) until the office files an affidavit with the governor attesting that the Medicaid plan amendment applied for under subsection (a) is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the Medicaid plan amendment is approved.

(d) If the office receives a plan amendment under this section from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (c), the office shall implement the Medicaid plan amendment under subsection (a) not more than sixty (60) days after the governor receives the affidavit.

(e) The office may adopt rules under IC 4-22-2 necessary to implement this section.

(f) The office shall provide the health finance commission (established by IC 2-5-23-3) with an update on the status and implementation of this section during the 2012 and 2013 legislative interims.".

Page 2, delete lines 1 through 17.

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

Page 2, line 18, after "treatment" insert "**advisory**".

Page 2, line 20, delete "study" and insert "**implementation of this section.**".

Page 2, line 21, delete "required under this SECTION.".

Page 3, line 3, delete "IC 25-33 who" and insert "**IC 25-33-1 who specializes in the assessment and treatment of individuals with a brain injury.**".

Page 3, delete line 4.

Page 3, between lines 6 and 7, begin a new line double block indented and insert:

"**(G) One (1) representative of the Indiana Association of Area Agencies on Aging.**".

Page 3, line 7, delete "state department of health" and insert "**office**".

Page 3, line 11, after "duties." insert "**The committee is abolished July 1, 2013.**".

Page 3, delete line 12, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2012] **(a) The office of Medicaid policy and planning (IC 12-8-6-1) shall develop a plan for a pilot program to establish a case management system for aged, blind, and disabled Medicaid recipients.**

(b) Before September 29, 2012, the office of Medicaid policy and planning shall submit the plan developed under subsection (a), including any proposed legislative changes needed to implement the plan, to the health finance commission (established by IC 2-5-23-3).

(c) The health finance commission shall study whether:

(1) the plan developed under subsection (a) should be implemented; and

(2) legislation should be prepared concerning the plan developed under this SECTION.

(d) This SECTION expires December 31, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to SB 15 as reprinted January 18, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 18, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 14 through 17.

Page 2, delete lines 1 through 7.

Page 2, line 8, delete "(c)" and insert "**(b)**".

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

(Reference is to SB 18 as reprinted January 24, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

NOE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 19, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 9. IC 6-1.1-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 29, 2012 (RETROACTIVE)]: Sec. 13. (a) In assessing or reassessing land, the land shall be assessed as agricultural land only when

it is devoted to agricultural use.

(b) The department of local government finance shall give written notice to each county assessor of:

(1) the availability of the United States Department of Agriculture's soil survey data; and

(2) the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map.

All assessing officials and the property tax assessment board of appeals shall use the data in determining the true tax value of agricultural land. **However, notwithstanding the availability of new soil productivity factors and the department of local government finance's notice of the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map for the March 1, 2012, assessment date, the soil productivity factors used for the March 1, 2011, assessment date shall be used for the March 1, 2012, assessment date. New soil productivity factors shall be used for assessment dates occurring after March 1, 2012.**

(c) The department of local government finance shall by rule provide for the method for determining the true tax value of each parcel of agricultural land.

(d) This section does not apply to land purchased for industrial, commercial, or residential uses.".

Page 22, line 5, delete "P.L.173-2011" and insert "HEA 1009-2012".

Page 22, line 6, delete "5" and insert "40".

Page 22, delete lines 16 through 18, begin a new line double block indented and insert:

"(B) A percentage determined under section 17 of this chapter if the designating body elects to use an alternative abatement schedule provided under section 17 of this chapter.".

Page 91, after line 11, begin a new paragraph and insert:

"SECTION 56. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 19 as printed January 11, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 56, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 97, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, after "3." insert "**(a)**".

Page 1, line 7, delete "or".

Page 1, line 9, delete "." and insert "**; or**

(4) unreasonably harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.".

Page 1, line 11, after "6." insert "**(a)**".

Page 2, line 2, delete "or".

Page 2, line 4, delete "." and insert "**; or**

(4) unreasonably harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.".

(Reference is to SB 97 as printed January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred Engrossed Senate Bill 109, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 128, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 17, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 131, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 17, delete ":" and insert "[EFFECTIVE JULY 1, 2012]:".

Page 4, delete lines 33 through 37.

Page 6, delete lines 27 through 42.

Delete pages 7 through 8.

Page 9, delete line 1.

Page 16, line 24, delete "2" and insert "**1**".

Page 19, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 40. IC 13-20-17.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The ~~department, and~~ districts ~~in cooperation and with the support of the department,~~ shall implement ~~education~~ **educational** programs to provide information to the public concerning:

(1) the reuse and recycling of mercury in:

(A) mercury commodities; and

(B) mercury-added products; and

(2) collection programs available to the public for:

(A) mercury commodities; and

(B) mercury-added products.

(b) The department, with assistance from districts and other appropriate persons, shall develop and provide districts with a curriculum model that includes educational core principles concerning the reuse, recycling, and collection of mercury. The districts shall implement educational programs that meet the minimum standards established by the department in the curriculum model.

~~(b)~~ **(c)** Units, in cooperation and with the support of the department, may implement ~~education~~ **educational** programs to provide information to the public concerning:

(1) the reuse and recycling of mercury in:

(A) mercury commodities; and

(B) mercury-added products; and

(2) collection programs available to the public for:

(A) mercury commodities; and

(B) mercury-added products.".

Page 25, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 41. IC 13-20.5-7-10, AS ADDED BY P.L.159-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. **(a)** Solid waste management districts shall conduct educational programs ~~under IC 13-21-3-12~~ to provide information to the public concerning:

(1) reuse and recycling of electronic waste;

(2) collection programs available to the public for the disposal of electronic waste; and

(3) proper disposal of electronic waste.

(b) The department, with assistance from solid waste management districts and other appropriate persons, shall provide solid waste management districts with a curriculum model that includes educational core principles concerning the reuse, recycling, collection, and proper disposal of solid waste. Solid waste management districts shall implement educational programs that meet the minimum standards established by the department in the curriculum model.

SECTION 50. IC 13-21-1-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4. (a) In 2015 and every fifth year thereafter, the legislative council shall require an interim study committee or a statutory study committee to:**

(1) assess solid waste management districts; and

(2) determine whether any changes should be made to the statutes governing solid waste management districts.

(b) An interim study committee or a statutory study committee that assesses solid waste management districts under subsection (a) shall issue a final report, in an electronic format under IC 5-14-6, to the legislative council containing the committee's findings and recommendations, including any recommended legislation, not later than November 1 of the year in which an assessment is conducted.

SECTION 51. IC 13-21-3-12, AS AMENDED BY P.L.159-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:

(1) The power to develop and implement a district solid waste management plan under IC 13-21-5.

(2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.

(3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(4) The power to sue and be sued.

(5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.

(6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:

(A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.

(B) The managing or disposal of solid waste.

(C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

(7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.

(8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.

(9) The power to sell or lease any facility or part of a facility to any person.

(10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

(A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents ($0.0833) on each one hundred dollars ($100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

(A) fiscal;

(B) administrative;

(C) managerial; or

(D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) The power to pay a fee from district money to:

(A) in a joint district, the county or counties in which a final disposal facility is located; or

(B) a county that:

(I) was part of a joint district;

(ii) has withdrawn from the joint district as of January 1, 2008; and

(iii) has established its own district in which a final disposal facility is located.

(23) The power to make grants or loans of:

(A) money;

(B) property; or

(C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

(A) equipping;

(B) expanding;

(C) modifying; or

(D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further:

(A) the district's solid waste management plan; **and**

(B) the objectives of minimum educational standards established by the department of environmental management.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

(A) the reuse and recycling of mercury in:

(I) mercury commodities; and

(ii) mercury-added products; and

(B) collection programs available to the public for:

(I) mercury commodities; and

(ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses.

(28) The power to conduct educational programs under IC 13-20.5 to provide information to the public concerning:

(A) reuse and recycling of electronic waste;

(B) collection programs available to the public for the disposal of electronic waste; and

(C) proper disposal of electronic waste.

SECTION 52. IC 13-21-3-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. (a) ~~This section does not apply to the following:~~

~~(1) A nonreverting capital fund established under section 12(24) of this chapter.~~

~~(2) A fund established under IC 13-21-7-8.~~

~~(3) The waste management district bond fund established under IC 13-21-7-10.~~

~~(4) A fund established to secure the payment of principal and interest under IC 13-21-12-1(12).~~

~~(b)~~ At the end of each year the district shall prepare, **on a form designed by the department of local government finance,** a report **that is accessible through the computer gateway administered by the office of technology established by IC 4-13.1-2-1 and** that provides the following information:

(1) For each fund that contains district money:

(A) the cash balance at the end of the year;

(B) a list of all encumbrances on the fund that the district is legally obligated to pay;

(C) a copy of documentation that supports each encumbrance listed in clause (B);

(D) the fund balance obtained by subtracting the amount under clause (B) from the amount under clause (A); ~~and~~

(E) the total expenditures from the fund for the year; **and**

(F) any other financial information required by the department.

(2) The total of all fund balances calculated under subdivision (1)(D).

(3) The total of all fund expenditures reported under subdivision (1)(E).

(4) Any programmatic information required by the department.

(5) The total amount of expenditures by the district for the year.

(6) The per capita expenditures by the district for the year.

(7) The amount of expenditures by the district for the year for personnel costs.

(8) The amount of expenditures by the district for the year for program costs (excluding personnel costs).

(9) The total amount of solid waste (in tons) disposed of in the district for the year for which the district is directly responsible.

(10) The total amount of recycling (in tons) carried out in the district in the year for which the district is directly responsible.

~~(c)~~ **(b)** The district shall provide the report ~~developed~~ **prepared** under subsection ~~(b)~~ **(a):**

(1) to the department **and to** the department of local government finance **in a format prescribed by the department;** and ~~the environmental quality service~~

(2) to the legislative council **in an electronic format under IC 5-14-6;**

by February 1 of the year following the year for which the report is made.

(c) The district shall publish the annual report prepared under subsection (a) on an Internet web site maintained by the district or on the Internet web sites maintained by the counties that are members of the district.".

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

"SECTION 60. [EFFECTIVE UPON PASSAGE] **(a) The commission on state tax and financing policy established under IC 2-5-3 shall, during the interim in 2012 between sessions of the general assembly, study issues related to the financing of solid waste management districts, including:**

(1) property tax levies allowed under IC 13-21 and related statutes under IC 6-1.1;

(2) district final disposal fees set forth in IC 13-21-13;

(3) district solid waste management fees set forth in IC 13-21-14; and

(4) any other funding sources that are available to and used by districts.

(b) The environmental quality service council established under IC 13-13-7-1 shall, during the interim in 2012 between sessions of the general assembly, study issues concerning the powers of solid waste management districts to:

(1) establish and issue permits; and

(2) impose and collect fees;

that are not specifically authorized by a statute.

(c) This SECTION expires January 1, 2013.

SECTION 61. **An emergency is declared for this act.**".

Delete pages 29 through 31.

Renumber all SECTIONS consecutively.

(Reference is to SB 131 as printed January 24, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 133, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 142, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 3-8-1-23, AS AMENDED BY P.L.146-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) ~~Subject to subsection (b),~~ A candidate for the office of county assessor must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; ~~and~~

(2) own real property located in the county upon taking office; **and**

(3) fulfill the requirements of subsections (b) through (d), as applicable.

(b) A candidate for the office of county assessor who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5.

(c) A candidate for the office of county assessor who:

(1) did not hold the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.

(d) A candidate for the office of county assessor who:

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.".

Page 2, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-15-1, AS AMENDED BY P.L.172-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A taxpayer may obtain a review by the county board of a county or township official's action with respect to either or both of the following:

(1) The assessment of the taxpayer's tangible property.

(2) A deduction for which a review under this section is authorized by any of the following:

(A) IC 6-1.1-12-25.5.

(B) IC 6-1.1-12-28.5.

(C) IC 6-1.1-12-35.5.

(D) IC 6-1.1-12.1-5.

(E) IC 6-1.1-12.1-5.3.

(F) IC 6-1.1-12.1-5.4.

(b) At the time that notice of an action referred to in subsection (a) is given to the taxpayer, the taxpayer shall also be informed in writing of:

(1) the opportunity for a review under this section, including a preliminary informal meeting under subsection (h)(2) with the county or township official referred to in this subsection; and

(2) the procedures the taxpayer must follow in order to obtain a review under this section.

(c) In order to obtain a review of an assessment or deduction effective for the assessment date to which the notice referred to in subsection (b) applies, the taxpayer must file a notice in writing with the county or township official referred to in subsection (a) not later than forty-five (45) days after the date of the notice referred to in subsection (b).

(d) A taxpayer may obtain a review by the county board of the assessment of the taxpayer's tangible property effective for an assessment date for which a notice of assessment is not given as described in subsection (b). To obtain the review, the taxpayer must file a notice in writing with the township assessor, or the county assessor if the township is not served by a township assessor. The right of a taxpayer to obtain a review under this subsection for an assessment date for which a notice of assessment is not given does not relieve an assessing official of the duty to provide the taxpayer with the notice of assessment as otherwise required by this article. The notice to obtain a review must be filed not later than the later of:

(1) May 10 of the year; or

(2) forty-five (45) days after the date of the tax statement mailed by the county treasurer, regardless of whether the assessing official changes the taxpayer's assessment.

(e) A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (d) after the time prescribed in subsection (d) becomes effective for the next assessment date. A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (c) or (d) remains in effect from the assessment date for which the change is made until the next assessment date for which the assessment is changed under this article.

(f) The written notice filed by a taxpayer under subsection (c) or (d) must include the following information:

(1) The name of the taxpayer.

(2) The address and parcel or key number of the property.

(3) The address and telephone number of the taxpayer.

(g) The filing of a notice under subsection (c) or (d):

(1) initiates a review under this section; and

(2) constitutes a request by the taxpayer for a preliminary informal meeting with the official referred to in subsection (a).

(h) A county or township official who receives a notice for review filed by a taxpayer under subsection (c) or (d) shall:

(1) immediately forward the notice to the county board; and

(2) attempt to hold a preliminary informal meeting with the taxpayer to resolve as many issues as possible by:

(A) discussing the specifics of the taxpayer's assessment or deduction;

(B) reviewing the taxpayer's property record card;

(C) explaining to the taxpayer how the assessment or deduction was determined;

(D) providing to the taxpayer information about the statutes, rules, and guidelines that govern the determination of the assessment or deduction;

(E) noting and considering objections of the taxpayer;

(F) considering all errors alleged by the taxpayer; and

(G) otherwise educating the taxpayer about:

(I) the taxpayer's assessment or deduction;

(ii) the assessment or deduction process; and

(iii) the assessment or deduction appeal process.

(I) Not later than ten (10) days after the informal preliminary meeting, the official referred to in subsection (a) shall forward to the county auditor and the county board the results of the conference on a form prescribed by the department of local government finance that must be completed and signed by the taxpayer and the official. The form must indicate the following:

(1) If the taxpayer and the official agree on the resolution of all assessment or deduction issues in the review, a statement of:

(A) those issues; and

(B) the assessed value of the tangible property or the amount of the deduction that results from the resolution of those issues in the manner agreed to by the taxpayer and the official.

(2) If the taxpayer and the official do not agree on the resolution of all assessment or deduction issues in the review:

(A) a statement of those issues; and

(B) the identification of:

(I) the issues on which the taxpayer and the official agree; and

(ii) the issues on which the taxpayer and the official disagree.

(j) If the county board receives a form referred to in subsection (i)(1) before the hearing scheduled under subsection (k):

(1) the county board shall cancel the hearing;

(2) the county official referred to in subsection (a) shall give notice to the taxpayer, the county board, the county assessor, and the county auditor of the assessment or deduction in the amount referred to in subsection (i)(1)(B); and

(3) if the matter in issue is the assessment of tangible property, the county board may reserve the right to change the assessment under IC 6-1.1-13.

(k) If:

(1) subsection (i)(2) applies; or

(2) the county board does not receive a form referred to in subsection (i) not later than one hundred twenty (120) days after the date of the notice for review filed by the taxpayer under subsection (c) or (d);

the county board shall hold a hearing on a review under this subsection not later than one hundred eighty (180) days after the date of that notice. The county board shall, by mail, give notice of the date, time, and place fixed for the hearing to the taxpayer and the county or township official with whom the taxpayer filed the notice for review. The taxpayer and the county or township official with whom the taxpayer filed the notice for review are parties to the proceeding before the county board.

(l) At the hearing required under subsection (k):

(1) the taxpayer may present the taxpayer's reasons for disagreement with the assessment or deduction; and

(2) the county or township official with whom the taxpayer filed the notice for review must present:

(A) the basis for the assessment or deduction decision; and

(B) the reasons the taxpayer's contentions should be denied.

(m) The official referred to in subsection (a) may not require the taxpayer to provide documentary evidence at the preliminary informal meeting under subsection (h). The county board may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (k). If the action for which a taxpayer seeks review under this section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the property in order to do the following:

(1) Initiate the review.

(2) Prosecute the review.

(n) The county board shall prepare a written decision resolving all of the issues under review. The county board shall, by mail, give notice of its determination not later than one hundred twenty (120) days after the hearing under subsection (k) to the taxpayer, the official referred to in subsection (a), the county assessor, and the county auditor.

(o) If the maximum time elapses:

(1) under subsection (k) for the county board to hold a hearing; or

(2) under subsection (n) for the county board to give notice of its determination;

the taxpayer may initiate a proceeding for review before the Indiana board by taking the action required by section 3 of this chapter at any time after the maximum time elapses.

(p) This subsection applies to a hearing held under subsection (k) with respect to a notice filed after June 30, 2012, under subsection (d) requesting the review of an assessment or deduction. Except as provided in subsection (q), a taxpayer who fails to appear at a hearing held under subsection (k) concerning the review of an assessment or deduction is subject to a penalty of fifty dollars ($50) for the taxpayer's failure to appear. A penalty imposed under this subsection must be added to the taxpayer's property tax statement of current and delinquent taxes and special assessments under IC 6-1.1-22-8.1.

(q) A taxpayer is not required to pay a penalty for a failure to appear as described in subsection (p) under the following circumstances:

(1) The notice filed by the taxpayer concerns the

assessment of or a deduction from the assessed value of the taxpayer's homestead (as defined in IC 6-1.1-12-37), and the taxpayer is representing himself or herself before the county board.

(2) The taxpayer withdraws the request for a review at least five (5) days before the hearing.

(3) The taxpayer submitted a written request to reschedule the hearing and has not failed to appear at any previous hearing held under subsection (k) concerning the taxpayer's request for a review.

(4) The county board waives the penalty at its own discretion.".

Delete pages 3 through 6.

Page 7, delete lines 1 through 7.

Page 7, line 17, after "specifies" insert "**each property subject to the power of attorney and**".

Page 7, delete lines 18 through 20.

Page 7, line 21, delete "or" and insert "**not more than**".

Page 7, line 21, delete "," and insert "**.**".

Page 7, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-35.5-4.5, AS ADDED BY P.L.219-2007, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) The department ~~of local government finance~~ shall:

(1) administer a program for level three assessor-appraiser certifications; and

(2) design a curriculum for level three assessor-appraiser certification candidates that:

(A) ~~consists of~~ **specifies educational criteria for acceptable** tested courses offered by:

(i) nationally recognized assessing organizations; ~~and~~

(ii) postsecondary educational institutions; or

(iii) other education delivery organizations;

in each subject matter area of the curriculum; and

(B) requires superior knowledge of assessment administration and property valuation concepts.

(b) The department shall:

(1) maintain a representative list of acceptable courses that meet the criteria for the level three assessor-appraiser certification curriculum designed under subsection (a)(2); and

(2) furnish a procedure by which a candidate may seek the department's approval for a course that is not on the representative list of acceptable courses described in subdivision (1).

~~(b)~~ **(c)** The department of local government finance may adopt rules under IC 4-22-2 to implement this section.

SECTION 6. IC 6-1.5-3-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 5. (a) There is appropriated to the Indiana board from the state general fund two hundred fifty thousand dollars ($250,000) for the Indiana board's use in carrying out the purposes of this section in the state fiscal year beginning July 1, 2012, and ending June 30, 2013. The amount appropriated by this section is in addition to any other amounts appropriated to the Indiana board for its use before July 1, 2013.**

(b) Money appropriated by subsection (a) must be used for the following purposes:

(1) To hire additional personnel to reduce the number of appeals pending before the Indiana board.

(2) To pay the expenses incurred in conducting the additional appeals.

(c) Before July 15, 2012, the budget agency shall allot to the Indiana board the amount appropriated by subsection (a) and any other amounts appropriated to the Indiana board but not yet allotted.

SECTION 7. IC 6-1.5-3-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6. (a) This section applies to money appropriated to the Indiana board for state fiscal years beginning after June 30, 2012.**

(b) Notwithstanding any other law, money appropriated to the Indiana board may not be reverted to the state general fund until the number of appeals pending before the Indiana board is reduced to less than one thousand (1,000).

SECTION 8. IC 6-1.5-3-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7. Before August 1, 2013, the Indiana board shall report to the budget committee:**

(1) whether the additional resources made available under sections 5 and 6 of this chapter have enabled the Indiana board to significantly reduce the number of appeals pending before the Indiana board; and

(2) whether additional resources are needed to manage the Indiana board's caseload.".

Delete page 8.

Renumber all SECTIONS consecutively.

(Reference is to SB 142 as reprinted January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 1.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 144, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 10 through 15.

Renumber all SECTIONS consecutively.

(Reference is to SB 144 as printed January 11, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 1.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 147, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 14, nays 7.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 173, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred Engrossed Senate Bill 191, has had the same under consideration and begs leave to report the same back to

the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 2.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 223, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 224, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 12-11-1.1-1, AS AMENDED BY P.L.153-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The bureau of developmental disabilities services is established within the division.

(b) The bureau shall plan, coordinate, and administer the provision of individualized, integrated community based services for individuals with a developmental disability and their families, within the limits of available resources. The planning and delivery of services must be based on future plans of the individual with a developmental disability rather than on traditional determinations of eligibility for discrete services, with an emphasis on the preferences of the individual with a developmental disability and that individual's family.

(c) Services for individuals with a developmental disability must be services that meet the following conditions:

(1) Are provided under public supervision.

(2) Are designed to meet the developmental needs of individuals with a developmental disability.

(3) Meet all required state and federal standards.

(4) Are provided by qualified personnel.

(5) To the extent appropriate, are provided in home and community based settings in which individuals without disabilities participate.

(6) Are provided in conformity with a service plan developed under IC 12-11-2.1-2.

(d) The bureau shall approve entities to provide community based services and supports **as follows:**

(1) Beginning July 1, 2011, the bureau shall ensure that an entity approved to provide day services, identified day habilitation, including facility based or community based habilitation, prevocational services, or ~~vocational~~ **employment** services under home and community based services waivers is accredited by ~~at least one (1) of the following organizations:~~

~~(1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.~~

~~(2) The Council on Quality and Leadership In Supports for People with Disabilities, or its successor.~~

~~(3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.~~

~~(4) The National Committee for Quality Assurance, or its successor.~~

~~(5) The ISO-9001 human services QA system.~~

~~(6) An independent national accreditation organization approved by the secretary.~~ **an approved national accrediting body described in subsection (j).**

(2) Beginning July 1, 2012, the bureau shall ensure that an entity approved to provide residential habilitation and support services under home and community based services waivers is accredited by an approved national accrediting body. However, if an entity is accredited to provide home and community based services under subdivision (1) other than residential habitation and support services, the bureau may extend the time that the entity has to comply with this subdivision until the earlier of the following:

(A) The completion of the entity's next scheduled accreditation survey.

(B) July 1, 2015.

(e) **Subject to subsection (k),** the bureau shall **initially** approve, **reapprove,** and monitor community based residential, habilitation, and ~~vocational~~ **employment** service providers that provide alternatives to placement of individuals with a developmental disability in state institutions and health facilities licensed under IC 16-28 for individuals with a developmental disability. The services must simulate, to the extent feasible, patterns and conditions of everyday life that are as close as possible to normal. The community based service categories include the following:

(1) Supervised group living programs, which serve at least four (4) individuals and not more than eight (8) individuals, are funded by Medicaid, and are licensed by the community residential facilities council.

(2) Supported living service arrangements to meet the unique needs of individuals in integrated settings. Supported living service arrangements providing residential services may not serve more than four (4) unrelated individuals in any one (1) setting. However, the head of the bureau shall waive this limitation for a setting providing residential services to more than four (4) unrelated individuals in any one (1) setting if the setting was in existence on June 30, 1999.

(f) To the extent that services described in subsection (e) are available and meet the individual's needs, an individual is entitled to receive services in the least restrictive environment possible.

(g) Community based services under subsection (e)(1) or (e)(2) must consider the needs of and provide choices and options for:

(1) individuals with a developmental disability; and

(2) families of individuals with a developmental disability.

(h) The bureau shall administer a system of service coordination to carry out this chapter.

(i) The bureau may issue orders under IC 4-21.5-3-6 against a provider that violates rules issued by the bureau for programs in which the provider is providing services in accordance with section 11 of this chapter.

(j) For purposes of subsections (d) and (k), "approved

national accrediting body" means any of the following:

(1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.

(2) The Council on Quality and Leadership In Supports for People with Disabilities, or its successor.

(3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.

(4) The National Committee for Quality Assurance, or its successor.

(5) The ISO-9001 human services QA system.

(6) The Council on Accreditation, or its successor.

(7) An independent national accreditation organization approved by the secretary.

(k) An entity that is accredited by an approved national accrediting body is not subject to reapproval surveys or routine monitoring surveys by the division, bureau, or bureau of quality improvement services, including any reapproval survey under a home and community based services waiver. However, the bureau may perform validation surveys and complaint investigations of an entity accredited by an approved national accrediting body.

SECTION 2. IC 35-44-1-3, AS AMENDED BY P.L.110-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The following definitions apply throughout this section:

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

(A) The spouse of a public servant.

(B) A child, stepchild, or adoptee (as defined in IC 31-9-2-2) of a public servant who is:

(i) unemancipated; and

(ii) less than eighteen (18) years of age.

(C) An individual more than one-half (½) of whose support is provided during a year by the public servant.

(2) "Governmental entity served by the public servant" means the immediate governmental entity being served by a public servant.

(3) "Pecuniary interest" means an interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of:

(A) the public servant; or

(B) a dependent of the public servant who:

(i) is under the direct or indirect administrative control of the public servant; or

(ii) receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant.

(b) A public servant who knowingly or intentionally:

(1) has a pecuniary interest in; or

(2) derives a profit from;

a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D felony.

(c) It is not an offense under this section if:

(1) The public servant or the public servant's dependent receives compensation through salary or an employment contract for:

(A) services provided as a public servant; or

(B) expenses incurred by the public servant as provided by law.

(2) The public servant's interest in the contract or purchase and all other contracts and purchases made by the governmental entity during the twelve (12) months before the date of the contract or purchase was two hundred fifty dollars ($250) or less.

(3) The contract or purchase involves utility services from a utility whose rate structure is regulated by the state or federal government.

(4) The public servant:

(A) acts in only an advisory capacity for a state supported college or university; and

(B) does not have authority to act on behalf of the college or university in a matter involving a contract or purchase.

(5) A public servant under the jurisdiction of the state ethics commission (as provided in IC 4-2-6-2.5) obtains from the state ethics commission, following full and truthful disclosure, written approval that the public servant will not or does not have a conflict of interest in connection with the contract or purchase under IC 4-2-6 and this section. The approval required under this subdivision must be:

(A) granted to the public servant before action is taken in connection with the contract or purchase by the governmental entity served; or

(B) sought by the public servant as soon after the contract or purchase as the public servant becomes aware of the facts that give rise to a question of conflict of interest.

(6) A public servant who makes a disclosure that meets the requirements of subsection (d) or (e) and is:

(A) not a member or on the staff of the governing body empowered to contract or purchase on behalf of the governmental entity, and functions and performs duties for the governmental entity unrelated to the contract or purchase;

(B) appointed by an elected public servant;

(C) employed by the governing body of a school corporation and the contract or purchase involves the employment of a dependent or the payment of fees to a dependent;

(D) elected; or

(E) a member of, or a person appointed by, the board of trustees of a state supported college or university.

(7) The public servant is:

(A) a member of the governing board of; **or**

(B) a physician employed or contracted by;

a hospital organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1.

(d) A disclosure must:

(1) be in writing;

(2) describe the contract or purchase to be made by the governmental entity;

(3) describe the pecuniary interest that the public servant has in the contract or purchase;

(4) be affirmed under penalty of perjury;

(5) be submitted to the governmental entity and be accepted by the governmental entity in a public meeting of the governmental entity before final action on the contract or purchase;

(6) be filed within fifteen (15) days after final action on the contract or purchase with:

(A) the state board of accounts; and

(B) if the governmental entity is a governmental entity other than the state or a state supported college or university, the clerk of the circuit court in the county where the governmental entity takes final action on the contract or purchase; and

(7) contain, if the public servant is appointed, the written approval of the elected public servant (if any) or the board of trustees of a state supported college or university (if any) that appointed the public servant.

(e) This subsection applies only to a person who is a member of, or a person appointed by, the board of trustees of a state supported college or university. A person to whom this subsection applies complies with the disclosure requirements of

this chapter with respect to the person's pecuniary interest in a particular type of contract or purchase which is made on a regular basis from a particular vendor if the individual files with the state board of accounts and the board of trustees a statement of pecuniary interest in that particular type of contract or purchase made with that particular vendor. The statement required by this subsection must be made on an annual basis.

SECTION 3. IC 36-1-11-1, AS AMENDED BY P.L.2-2006, SECTION 188, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the disposal of property by:

(1) political subdivisions; and
(2) their agencies.

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

(1) The disposal of property under an urban homesteading program under IC 36-7-17.
(2) The lease of school buildings under IC 20-47.
(3) The sale of land to a lessor in a lease-purchase contract under IC 36-1-10.
(4) The disposal of property by a redevelopment commission established under IC 36-7.
(5) The leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3.
(6) The disposal of a municipally owned utility under IC 8-1.5.
(7) The sale or lease of property by a unit to an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code or the sale or reletting of that property by the nonprofit corporation.
(8) The disposal of surplus property by a hospital established and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.
(9) The sale or lease of property acquired under IC 36-7-13 for industrial development.
(10) The sale, lease, or disposal of property by a local hospital authority under IC 5-1-4.
(11) The sale or other disposition of property by a county or municipality to finance housing under IC 5-20-2.
(12) The disposition of property by a soil and water conservation district under IC 14-32.
(13) The **sale, lease, or** disposal of ~~surplus~~ property by the health and hospital corporation established and operated under IC 16-22-8.
(14) The disposal of personal property by a library board under IC 36-12-3-5(c).
(15) The sale or disposal of property by the historic preservation commission under IC 36-7-11.1.
(16) The disposal of an interest in property by a housing authority under IC 36-7-18.
(17) The disposal of property under IC 36-9-37-26.
(18) The disposal of property used for park purposes under IC 36-10-7-8.
(19) The disposal of textbooks that will no longer be used by school corporations under IC 20-26-12.
(20) The disposal of residential structures or improvements by a municipal corporation without consideration to:
(A) a governmental entity; or
(B) a nonprofit corporation that is organized to expand the supply or sustain the existing supply of good quality, affordable housing for residents of Indiana having low or moderate incomes.
(21) The disposal of historic property without consideration to a nonprofit corporation whose charter or articles of incorporation allows the corporation to take action for the preservation of historic property. As used in this subdivision, "historic property" means property that is:
(A) listed on the National Register of Historic Places; or
(B) eligible for listing on the National Register of Historic Places, as determined by the division of historic preservation and archeology of the department of natural resources.
(22) The disposal of real property without consideration to:
(A) a governmental agency; or
(B) a nonprofit corporation that exists for the primary purpose of enhancing the environment;
when the property is to be used for compliance with a permit or an order issued by a federal or state regulatory agency to mitigate an adverse environmental impact.
(23) The disposal of property to a person under an agreement between the person and a political subdivision or an agency of a political subdivision under IC 5-23.
(24) The disposal of residential real property pursuant to a federal aviation regulation (14 CFR 150) Airport Noise Compatibility Planning Program as approved by the Federal Aviation Administration.".

Renumber all SECTIONS consecutively.

(Reference is to SB 224 as reprinted January 27, 2012.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 246, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 267, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 25, delete "will" and insert "**could**".

Page 2, line 29, delete "choose to remove the parent's child from a class in which" and insert "**decide if the parent's child will be instructed with the model educational materials.**".

Page 2, delete line 30, begin a new paragraph and insert:

"**(f) If a parent decides that the parent's child may be taught using the model educational materials, the parent shall notify the school of the parent's decision in writing or electronically.**".

(Reference is to SB 267 as printed January 27, 2012.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

NOE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which

was referred Engrossed Senate Bill 280, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-10.1-10, AS AMENDED BY P.L.2-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A county may establish a county school safety commission.

(b) The members of the commission are as follows:

(1) The school safety specialist for each school corporation located in whole or in part in the county.

(2) The judge of the court having juvenile jurisdiction in the county or the judge's designee.

(3) The sheriff of the county or the sheriff's designee.

(4) The chief officer of every other law enforcement agency in the county, or the chief officer's designee.

(5) A representative of the juvenile probation system, appointed by the judge described under subdivision (2).

(6) Representatives of community agencies that work with children within the county.

(7) A representative of the Indiana state police district that serves the county.

(8) A representative of the Prosecuting Attorneys Council of Indiana who specializes in the prosecution of juveniles.

(9) Other appropriate individuals selected by the commission.

(c) If a commission is established, the school safety specialist of the school corporation having the largest ADM (as defined in IC 20-18-2-2), **as determined in the fall count of ADM in the school year ending in the current calendar year,** in the county shall convene the initial meeting of the commission.

(d) The members shall annually elect a chairperson.

(e) A commission shall perform the following duties:

(1) Perform a cumulative analysis of school safety needs within the county.

(2) Coordinate and make recommendations for the following:

(A) Prevention of juvenile offenses and improving the reporting of juvenile offenses within the schools.

(B) Proposals for identifying and assessing children who are at high risk of becoming juvenile offenders.

(C) Methods to meet the educational needs of children who have been detained as juvenile offenders.

(D) Methods to improve communications among agencies that work with children.

(E) Methods to improve security and emergency preparedness.

(F) Additional equipment or personnel that are necessary to carry out safety plans.

(G) Any other topic the commission considers necessary to improve school safety within the school corporations within the commission's jurisdiction.

(3) Provide assistance to the school safety specialists on the commission in developing and requesting grants for safety plans.

(4) Provide assistance to the school safety specialists on the commission and the participating school corporations in developing and requesting grants for school safe haven programs under section 7 of this chapter.

(5) Assist each participating school corporation in carrying out the school corporation's safety plans.

(f) The affirmative votes of a majority of the voting members of the commission are required for the commission to take action on a measure.

SECTION 2. IC 20-18-2-2, AS AMENDED BY P.L.2-2006, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. "ADM", ~~has the meaning set forth in IC 20-43-1-6.~~ **except as otherwise provided by law, refers to the fall count of eligible pupils under IC 20-43-4-3 conducted in the school year ending in the current calendar year.**

SECTION 3. IC 20-18-2-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.7. "Current ADM" has the meaning set forth in IC 20-43-1-10.**

SECTION 4. IC 20-18-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. "Fall count" has the meaning set forth in IC 20-43-1-12.3.**

SECTION 5. IC 20-18-2-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18.5. "Spring count" has the meaning set forth in IC 20-43-1-24.5.**

SECTION 6. IC 20-20-13-17, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. The total technology plan grant amount to a qualifying school corporation is the amount determined by the department, with advice from the educational technology council established by IC 20-20-14-2, multiplied by the school corporation's **current** ADM, **as determined in:**

(1) a calendar year ending before January 1, 2013, in the fall count of students in the school year ending in the current calendar year; and

(2) a calendar year ending after December 31, 2012, in the spring count of students in the school year ending in the current calendar year.

The amount is one hundred dollars ($100). However, for the purposes of determining the **current** ADM of a school corporation, students who are transferred under IC 20-33-4 or IC 20-26-11 shall be counted as students having legal settlement in the transferee corporation and not having legal settlement in the transferor corporation.

SECTION 7. IC 20-20-13-19, AS ADDED BY P.L.218-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) The department shall list all school corporations in Indiana according to assessed valuation for property tax purposes per student in **current** ADM, **as determined in section 17 of this chapter,** beginning with the school corporation having the lowest assessed valuation for property tax purposes per student in **current** ADM. For purposes of the list made under this section, the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1 and the Indiana School for the Deaf established by IC 20-22-2-1 shall be considered to have the lowest assessed valuation for property tax purposes per student in **current** ADM during the six (6) year period beginning July 1, 2001.

(b) The department must prepare a revised list under subsection (a) before a new series of grants may begin.

(c) The department shall determine those school corporations to be placed in a group to receive a grant in a fiscal year under sections 13 through 24 of this chapter as follows:

(1) Beginning with the school corporation that is first on the list developed under subsection (a), the department shall continue sequentially through the list and place school corporations that qualify for a grant under section 15 of this chapter in a group until the cumulative total **current** ADM of all school corporations in the group depletes the money that is available for grants in the fiscal year.

(2) Each fiscal year the department shall develop a new group by continuing sequentially through the list beginning with the first qualifying school corporation on the list that was not placed in a group in the prior fiscal year.

(3) If the final group developed from the list contains substantially fewer students in **current** ADM than available money, the department shall:

(A) prepare a revised list of school corporations under subsection (a); and

(B) place in the group qualifying school corporations from the top of the revised list.

(4) The department shall label the groups with sequential numbers beginning with "group one".

SECTION 8. IC 20-23-7-12, AS AMENDED BY P.L.179-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) As used in this section, "county" means the county in which the school township is located.

(b) As used in this section, "school township" means a school township in Indiana that:

(1) for the last full school semester immediately preceding:

(A) the adoption of a preliminary resolution by the township trustee and the township board under subsection (f); or

(B) the adoption of a resolution of disapproval by the township trustee and the township board under subsection (g);

had ~~an~~ **a current** ADM of at least six hundred (600) students in kindergarten through grade 12 in the public schools of the school township; or

(2) is part of a township in which there were more votes cast for township trustee outside the school township than inside the school township in the general election at which the trustee was elected and that preceded the adoption of the preliminary or disapproving resolution.

(c) As used in this section, "township board" means the township board of a township in which the school township is located.

(d) As used in this section, "township trustee" means the township trustee of the township in which the school township is located.

(e) In a school township, a metropolitan school district may be created by complying with this section. A metropolitan school district created under this section shall have the same boundaries as the school township. After a district has been created under this section, the school township that preceded the metropolitan school district is abolished. The procedures or provisions governing the creation of a metropolitan school district under another section of this chapter do not apply to the creation of a district under this section. After a metropolitan school district is created under this section, the district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 2 of this chapter.

(f) Except as provided in subsection (g), a metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At the meeting, the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice:

(A) by two (2) publications one (1) week apart in a newspaper of general circulation published in the school township; or

(B) if there is no newspaper as described in clause (A), in a newspaper of general circulation in the county;

of the adoption of the resolution setting forth the text of the resolution.

(2) On the thirtieth day after the date of the last publication of the notice under subdivision (1) and if a protest has not been filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day after the date of the last publication of the notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district must be created in the township in accordance with the preliminary resolution, then an election must be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall both be adopted at a meeting of the township trustee and township board in which the township trustee and each member of the township board received or waived a written notice of the date, time, place, and purpose of the meeting. The resolution and the proof of service or waiver of the notice shall be made a part of the records of the township board.

(g) Except as provided in subsection (f), a metropolitan school district may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, not more than ten (10) days after the filing of a petition:

(A) adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f); or

(B) adopt a resolution disapproving the creation of the district.

(3) If either the township trustee or a majority of township board members vote in favor of disapproving the resolution, an election must be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of an election:

(1) by two (2) publications one (1) week apart in a newspaper of general circulation in the school township; or

(2) if a newspaper described in subdivision (1) does not exist, in a newspaper of general circulation published in the county.

The notice must provide that on a day and time named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township

regarding whether a metropolitan school district shall be created in the township. The election shall be held not less than twenty (20) days and not more than thirty (30) days after the last publication of the notice unless a primary or general election will be conducted not more than six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. If the election is to be a special election, the township trustee shall give notice not more than thirty (30) days after the filing of the petition or the adoption of the disapproving resolution.

(i) On the day and time named in the notice, the polls shall be opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under IC 20-23-7 be formed in the _____ School Township of _____ County, Indiana?". The name of the school township shall be inserted in the blanks.

(j) The votes cast in the election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder. If the special election is not conducted at a primary or general election, the school township shall pay the expense of holding the election out of the school general fund that is appropriated for this purpose.

(k) A metropolitan school district shall, subject to section 7 of this chapter, be created on the thirtieth day after the date of the adoption of the confirming resolution under subsection (f) or an election held under subsection (h). If a public official fails to do the official's duty within the time prescribed in this section, the failure does not invalidate the proceedings taken under this section. An action to contest the validity of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of _____ Township, _____ County, Indiana". The first metropolitan board of education in a metropolitan school district created under this section consists of five (5) members. The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. The ex officio members serve without compensation or reimbursement for expenses, other than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and 8.1 of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until January 1 following the election of a metropolitan school board at the first general election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent of the district provided in this chapter.

SECTION 9. IC 20-24-7-2, AS AMENDED BY P.L.146-2008, SECTION 460, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) Not later than **each of** the ~~date~~ **dates** established by the department for determining ADM ~~and after May 31 each year,~~ **under IC 20-43-4-3 and IC 20-43-4-3.5,** the organizer shall submit to the department the following information on a form prescribed by the department:

(1) The number of students enrolled in the charter school.

(2) The name and address of each student.

(3) The name of the school corporation in which the student has legal settlement.

(4) The name of the school corporation, if any, that the student attended during the immediately preceding school year.

(5) The grade level in which the student will enroll in the charter school.

The department shall verify the accuracy of the information reported.

(b) ~~This subsection applies after December 31 of the calendar year in which a charter school begins its initial operation.~~ The department shall distribute **state tuition support distributions** to the organizer. ~~the state tuition support distribution.~~ **Subject to IC 20-43-4-9,** the department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution of state tuition support under IC 20-43-2 to other school corporations.

SECTION 10. IC 20-24-7-3, AS AMENDED BY P.L.146-2008, SECTION 461, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) This section applies to a conversion charter school.

(b) Beginning not more than sixty (60) days after the department receives the information reported under section 2(a) of this chapter, the department shall distribute to the organizer:

~~(1) tuition support and other state funding for any purpose for students enrolled in the conversion charter school;~~

~~(2)~~ **(1)** a proportionate share of state and federal funds received:

(A) for students with disabilities; or

(B) for staff services for students with disabilities;

enrolled in the conversion charter school; and

~~(3)~~ **(2)** a proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state categorical aid and are enrolled in the conversion charter school;

for the second six (6) months of the calendar year in which the conversion charter school is established. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution to the governing body of the school corporation in which the

conversion charter school is located. A distribution to the governing body of the school corporation in which the conversion charter school is located is reduced by the amount distributed to the conversion charter school. This subsection does not apply to a conversion charter school after December 31 of the calendar year in which the conversion charter school is established.

~~(c) This subsection applies during the second six (6) months of the calendar year in which a conversion charter school is established. A conversion charter school may apply for an advance from the charter school advancement account under IC 20-49-7 in the amount determined under STEP FOUR of the following formula:~~

~~STEP ONE: Determine the result under subsection (d) STEP ONE (A).~~

~~STEP TWO: Determine the difference between:~~

~~(A) the conversion charter school's current ADM minus~~

~~(B) the STEP ONE amount.~~

~~STEP THREE: Determine the quotient of:~~

~~(A) the STEP TWO amount; divided by~~

~~(B) the conversion charter school's current ADM.~~

~~STEP FOUR: Determine the product of:~~

~~(A) the STEP THREE amount; multiplied by~~

~~(B) the quotient of:~~

~~(i) the subsection (d) STEP TWO amount; divided by~~

~~(ii) two (2).~~

SECTION 11. IC 20-24-7-4, AS AMENDED BY P.L.91-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Services that a school corporation provides to a charter school, including transportation, may be provided at not more than one hundred three percent (103%) of the actual cost of the services.

(b) This subsection applies to a sponsor that is a state educational institution described in ~~IC 20-24-1-7(2).~~ **IC 20-24-1-9(2).** In a ~~calendar~~ **state fiscal** year, a state educational institution may receive from the organizer of a charter school sponsored by the state educational institution an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the ~~calendar~~ **state fiscal** year from basic tuition support (as defined in IC 20-43-1-8).

(c) This subsection applies to the executive of a consolidated city that sponsors a charter school. In a ~~calendar~~ **state fiscal** year, the executive may collect from the organizer of a charter school sponsored by the executive an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the ~~calendar~~ **state fiscal** year for basic tuition support.

(d) This subsection applies to a sponsor that is a nonprofit college or university that is approved by the state board of education. In a ~~calendar~~ **state fiscal** year, a private college or university may collect from the organizer of a charter school sponsored by the private college or university an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the ~~calendar~~ **state fiscal** year for basic tuition support.

(e) This subsection applies to the charter board. In a ~~calendar~~ **state fiscal** year, the charter school board may collect from the organizer of a charter school sponsored by the charter board an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the ~~calendar~~ **state fiscal** year for basic tuition support.

(f) A sponsor's administrative fee may not include any costs incurred in delivering services that a charter school may purchase at its discretion from the sponsor. The sponsor shall use its funding provided under this section exclusively for the purpose of fulfilling sponsoring obligations.

(g) Except for oversight services, a charter school may not be required to purchase services from its sponsor as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.

(h) A charter school may choose to purchase services from its sponsor. In that event, the charter school and sponsor shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning the services to be provided by the sponsor and any service fees to be charged to the charter school. A sponsor may not charge more than market rates for services provided to a charter school.

(i) Not later than ninety (90) days after the end of each fiscal year, each sponsor shall provide to each charter school it sponsors an itemized accounting of the actual costs of services purchased by the charter school from the sponsor. Any difference between the amount initially charged to the charter school and the actual cost shall be reconciled and paid to the owed party. If either party disputes the itemized accounting, any charges included in the accounting, or charges to either party, either party may request a review by the department. The requesting party shall pay the costs of the review.

SECTION 12. IC 20-24-7-6.5, AS ADDED BY P.L.229-2011, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. (a) Subject to subsection (b) and with the approval of a majority of the members of the governing body, a school corporation may distribute any part of the following to a conversion school sponsored by the school corporation in the amount and under the terms and conditions adopted by a majority of the members of the governing body:

(1) State tuition support and other state distributions to the school corporation.

(2) Any other amount deposited in the school corporation's general fund.

(b) The total amount that may be transferred under subsection (a) in a ~~calendar~~ **state fiscal** year to a particular conversion charter school may not exceed the result determined under STEP FOUR of the following formula:

STEP ONE: Determine the result of:

(A) the amount of state tuition support that the school corporation is eligible to receive in the ~~calendar~~ **state fiscal** year; divided by

(B) the ~~current~~ **fall count of** ADM of the school corporation ~~for~~ **conducted in** the **current** calendar year.

STEP TWO: Determine the result of:

(A) the amount of state tuition support that the conversion charter school is eligible to receive in the ~~calendar~~ **state fiscal** year; divided by

(B) the ~~current~~ **fall count of** ADM of the conversion charter school ~~for~~ **conducted in** the ~~calendar~~ **state fiscal** year.

STEP THREE: Determine the greater of zero (0) or the result of:

(A) the STEP ONE amount; minus

(B) the STEP TWO amount.

STEP FOUR: Determine the result of:

(A) the STEP THREE amount; multiplied by

(B) the ~~current~~ **fall count of** ADM of the conversion charter school ~~for~~ **conducted in** the ~~calendar~~ **state fiscal** year.

SECTION 13. IC 20-24-7-9, AS AMENDED BY P.L.146-2008, SECTION 463, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section applies if:

(1) a sponsor:

(A) revokes a charter before the end of the term for which the charter is granted; or

(B) does not renew a charter; or

(2) a charter school otherwise terminates its charter before the end of the term for which the charter is granted.

(b) Any state funds that remain to be distributed to the charter school in the ~~calendar~~ **state fiscal** year in which an event described in subsection (a) occurs shall be distributed as follows:

(1) First, to the common school loan fund to repay any existing obligations of the charter school under IC 20-49-7 **(repealed) or IC 20-49-5-7.**

(2) Second, to the entities that distributed the funds to the charter school. A distribution under this subdivision shall be on a pro rata basis.

(c) If the funds described in subsection (b) are insufficient to repay all existing obligations of the charter school under IC 20-49-7 **(repealed) or IC 20-49-5-7,** the state shall repay any remaining obligations of the charter school under IC 20-49-7 **(repealed) or IC 20-49-5-7** from the amount appropriated for state tuition support distributions.

SECTION 14. IC 20-24-7-13, AS AMENDED BY P.L.229-2011, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) As used in this section, "virtual charter school" means any charter school, including a conversion charter school, that provides for the delivery of more than fifty percent (50%) of instruction to students through:

(1) virtual distance learning;

(2) online technologies; or

(3) computer based instruction.

(b) ~~Beginning with the 2011-2012 school year,~~ A virtual charter school may apply for sponsorship with any statewide sponsor in accordance with the sponsor's guidelines.

~~(c) Before January 1, 2012, a virtual charter school is entitled to receive funding from the state in an amount equal to the sum of:~~

~~(1) the product of:~~

~~(A) the number of students included in the virtual charter school's ADM; multiplied by~~

~~(B) eighty percent (80%) of statewide average basic tuition support.~~

~~(d)~~ **(c)** ~~After December 31, 2011,~~ **For state fiscal years beginning after June 30, 2012,** a virtual charter school is entitled to receive funding **in a month** from the state in an amount equal to the sum of:

(1) the product of:

(A) the number of students included in the virtual charter school's **current** ADM; multiplied by

(B) **the result of:**

(i) eighty-seven and five-tenths percent (87.5%) of the school's foundation amount determined under IC 20-43-5-4; **divided by**

(ii) twelve (12); plus

(2) the total of any special education grants under IC 20-43-7 to which the virtual charter school is entitled **for the month.**

~~After December 31, 2011,~~ **For state fiscal years beginning after June 30, 2012,** a virtual charter school is entitled to receive special education grants under IC 20-43-7 calculated in the same manner as special education grants are calculated for other school corporations.

(d) The department shall adopt rules under IC 4-22-2 to govern the operation of virtual charter schools.

(e) Beginning in 2009, the department shall before December 1 of each year submit an annual report to the budget committee concerning the program under this section.

(f) ~~This subsection does not apply to students who were enrolled in a virtual charter school during the 2010-2011 school year.~~ Each school year, at least sixty percent (60%) of the students who are enrolled in virtual charter schools under this section for the first time must have been included in the state's **fall count of** ADM ~~count for~~ **conducted in** the previous school year.

SECTION 15. IC 20-24-7.5 IS REPEALED [EFFECTIVE JULY 1, 2013]. (New Charter School Startup Grant).

SECTION 16. IC 20-24.5-2-10, AS AMENDED BY P.L.146-2008, SECTION 464, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. A laboratory school that:

(1) is operated without an agreement; and

(2) has an ADM **in the fall count of a school year** of not more than seven hundred fifty (750);

must be treated as a charter school for purposes of funding under IC 20-20-33 and IC 20-43.

SECTION 17. IC 20-24.5-2-11, AS ADDED BY P.L.2-2007, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. A student who attends a laboratory school full time may not be counted in **current** ADM or ADA by any school corporation when the student's attendance is not regulated under an agreement.

SECTION 18. IC 20-25-12-5, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The **initial** approved general fund budget for each school for a school year must be, as nearly as is reasonable and practicable, proportionate to the total general fund budget for the school city in the same ratio as the school's estimated **current** ADM **for the fall count in the school year** compares to the school city's estimated **current** ADM for **the fall count for** that school year.

SECTION 19. IC 20-26-5-4, AS AMENDED BY P.L.90-2011, SECTION 11, AND AS AMENDED BY P.L.200-2011, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law. However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars ($3,000) per budget year or one dollar ($1) per pupil, not to exceed twelve thousand five hundred dollars ($12,500), based on the school corporation's **ADM of the** previous ~~year's ADM,~~ **year (as defined in IC 20-43-1-7)** to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school

purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision *that are consistent with IC 20-28-9-1.*

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation *that are consistent with IC 20-28-9-1.*

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the

children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. *In accordance with IC 20-26-17,* to:

(A) participate in a state employee health plan under IC 5-10-8-6.6 or IC 5-10-8-6.7;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

SECTION 20. IC 20-26-11-11, AS AMENDED BY P.L.159-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) A school corporation may enter into an agreement with:

(1) a nonprofit corporation that operates a federally approved education program; or

(2) a nonprofit corporation that:

(A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(B) for its classroom instruction, employs teachers who are certified by the department;

(C) employs other professionally and state licensed staff as appropriate; and

(D) educates children who:

(i) have been suspended, expelled, or excluded from a public school in that school corporation and have been found to have an emotional disturbance;

(ii) have been placed with the nonprofit corporation by court order;

(iii) have been referred by a local health department;

(iv) have been placed in a state licensed private or public health care or child care facility as described in section 8 of this chapter; or

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

in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon that may not exceed the total of:

(1) the transfer tuition costs for the student that otherwise

would be payable to the transferee corporation; and

(2) a proportionate amount of any state or local distributions to the transferee corporation that are computed in any part using **current** ADM or any other student count in which the student is included, if the transferee corporation includes the student in the transferee corporation's **current** ADM for ~~a school year.~~ **the period in which the student is being educated by the nonprofit corporation.**

(c) If a school corporation that is a transferor corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon, which may not exceed the total of:

(1) the transfer tuition costs that otherwise would be payable to a transferee school corporation; and

(2) a proportionate amount of any state or local distributions to the transferor corporation that are computed in any part using **current** ADM or any other student count in which the student is included, if the transferor corporation includes the student in the transferor corporation's ADM for ~~a school year.~~ **the period in which the student is being educated by the nonprofit corporation.**

SECTION 21. IC 20-26-11-13, AS AMENDED BY P.L.229-2011, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) As used in this section, the following terms have the following meanings:

(1) "Class of school" refers to a classification of each school or program in the transferee corporation by the grades or special programs taught at the school. Generally, these classifications are denominated as kindergarten, elementary school, middle school or junior high school, high school, and special schools or classes, such as schools or classes for special education, career and technical education, or career education.

(2) "Special equipment" means equipment that during a school year:

(A) is used only when a child with disabilities is attending school;

(B) is not used to transport a child to or from a place where the child is attending school;

(C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized education program for the child; and

(D) is not used for or by any child who is not a child with disabilities.

(3) "Student enrollment" means the following:

(A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee school corporation on a date determined by the state board.

(B) The total number of students enrolled in a class of school in a transferee school corporation on a date determined by the state board.

However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (1/2) student. The state board may select a different date for counts under this subdivision. However, the same date shall be used for all school corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under section 6 of this chapter, transfer tuition from the transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's **current** ADM, ~~for a school year,~~ allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school: ~~for, except as provided in clause (C), the calendar year in which the school year ends:~~

(A) State tuition support distributions **received during the calendar year in which the school corporation ends.**

(B) Property tax levies under IC 20-45-7 and IC 20-45-8 **for the calendar year in which the school corporation ends.**

(C) The sum of the following excise tax revenue received for deposit in the calendar year in which the school year begins:

(i) Financial institution excise tax revenue (IC 6-5.5).

(ii) Motor vehicle excise taxes (IC 6-6-5).

(iii) Commercial vehicle excise taxes (IC 6-6-5.5).

(iv) Boat excise tax (IC 6-6-11).

(v) Aircraft license excise tax (IC 6-6-6.5).

(D) Allocations to the transferee school under IC 6-3.5.

STEP THREE: Determine the greater of:

(A) zero (0); or

(B) the result of subtracting the STEP TWO amount from the STEP ONE amount.

If a child is placed in an institution or facility in Indiana by or with the approval of the department of child services, the institution or facility shall charge the department of child services for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

(c) Operating costs shall be determined for each class of school where a transfer student is enrolled. The operating cost for each class of school is based on the total expenditures of the transferee corporation for the class of school from its general fund expenditures as specified in the classified budget forms prescribed by the state board of accounts. This calculation excludes:

(1) capital outlay;

(2) debt service;

(3) costs of transportation;

(4) salaries of board members;

(5) contracted service for legal expenses; and

(6) any expenditure that is made from extracurricular account receipts;

for the school year.

(d) The capital cost of special equipment for a school year is equal to:

(1) the cost of the special equipment; divided by

(2) the product of:

(A) the useful life of the special equipment, as determined under the rules adopted by the state board; multiplied by

(B) the number of students using the special equipment during at least part of the school year.

(e) When an item of expense or cost described in subsection (c) cannot be allocated to a class of school, it shall be prorated to all classes of schools on the basis of the student enrollment of each class in the transferee corporation compared with the total student enrollment in the school corporation.

(f) Operating costs shall be allocated to a transfer student for each school year by dividing:

(1) the transferee school corporation's operating costs for the class of school in which the transfer student is enrolled; by

(2) the student enrollment of the class of school in which the transfer student is enrolled.

When a transferred student is enrolled in a transferee corporation for less than the full school year of student attendance, the transfer tuition shall be calculated by the part of the school year for which the transferred student is enrolled. A school year of student attendance consists of the number of days school is in session for student attendance. A student, regardless of the student's attendance, is enrolled in a transferee school unless the student is no longer entitled to be transferred because of a change of residence, the student has been excluded or expelled from school for the balance of the school year or for an indefinite period, or the student has been confirmed to have withdrawn from school. The transferor and the transferee corporation may enter into written agreements concerning the amount of transfer tuition due in any school year. If an agreement cannot be reached, the amount shall be determined by the state board, and costs may be established, when in dispute, by the state board of accounts.

(g) A transferee school shall allocate revenues described in subsection (b) STEP TWO to a transfer student by dividing:

(1) the total amount of revenues received **during a period;** by

(2) the **current** ADM of the transferee school for the ~~school year that ends in the calendar year~~ **period** in which the revenues are received.

However, for state tuition support distributions or any other state distribution computed using less than the total **current** ADM of the transferee school, the transferee school shall allocate the revenues to the transfer student by dividing the revenues that the transferee school is eligible to receive ~~in a calendar year~~ **during the period** by the student count used to compute the state distribution.

(h) Instead of the payments provided in subsection (b), the transferor corporation or state owing transfer tuition may enter into a long term contract with the transferee corporation governing the transfer of students. The contract may:

(1) be entered into for a period of not more than five (5) years with an option to renew;

(2) specify a maximum number of students to be transferred; and

(3) fix a method for determining the amount of transfer tuition and the time of payment, which may be different from that provided in section 14 of this chapter.

(i) A school corporation may negotiate transfer tuition agreements with a neighboring school corporation that can accommodate additional students. Agreements under this section may:

(1) be for one (1) year or longer; and

(2) fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 14 of this chapter.

A school corporation may not transfer a student under this section without the prior approval of the child's parent.

SECTION 22. IC 20-26-11-22, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 22. (a) The transferee corporation is entitled to receive from the transferor corporation transfer tuition for each transferred student for each school year calculated in two (2) parts:

(1) operating cost; and

(2) capital cost.

These costs must be allocated on a per student basis separately for each class of school.

(b) The operating cost for each class of school must be based on the total expenditures of the transferee corporation for the class from its general fund expenditures as set out on the classified budget forms prescribed by the state board of accounts, excluding from the calculation capital outlay, debt service, costs of transportation, salaries of board members, contracted service for legal expenses, and any expenditure that is made out of the general fund from extracurricular account receipts, for the school year.

(c) The capital cost for each class of school must consist of the lesser of the following alternatives:

(1) The capital cost must be based on an amount equal to five percent (5%) of the cost of transferee corporation's physical plant, equipment, and all items connected to the physical plant or equipment, including:

(A) buildings, additions, and remodeling to the buildings, excluding ordinary maintenance; and

(B) on-site and off-site improvements such as walks, sewers, waterlines, drives, and playgrounds;

that have been paid or are obligated to be paid in the future out of the general fund, capital projects fund, or debt service fund, including principal and interest, lease rental payments, and funds that were legal predecessors to these funds. If an item of the physical plant, equipment, appurtenances, or part of the item is more than twenty (20) years old at the beginning of the school year, the capital cost of the item shall be disregarded in making the capital cost computation.

(2) The capital cost must be based on the amount budgeted from the general fund for capital outlay for physical plant, equipment, and appurtenances and the amounts levied for the debt service fund and the capital projects fund for the calendar year in which the school year ends.

(d) If an item of expense or cost cannot be allocated to a class of school, the item shall be prorated to all classes of schools on the basis of the ADM of each class in the transferee corporation, **as determined in the fall count of ADM in the school year,** compared to the total **current** ADM therein, **as determined in the fall count of ADM in the school year.**

(e) The transfer tuition for each student transferred for each school year shall be calculated by dividing the transferee school corporation's total operating costs and the total capital costs for the class of school in which the student is enrolled by the ADM of students therein, **as determined in the fall count of ADM in the school year.** If a transferred student is enrolled in a transferee corporation for less than the full school year, the transfer tuition shall be calculated by the proportion of such school year for which the transferred student is enrolled. A school year for this purpose consists of the number of days school is in session for student attendance. A student shall be enrolled in a transferee school, whether or not the student is in attendance, unless the:

(1) student's residence is outside the area of students transferred to the transferee corporation;

(2) student has been excluded or expelled from school; or

(3) student has been confirmed as a school dropout.

The transferor and transferee corporations may enter into written agreements concerning the amount of transfer tuition. If an agreement cannot be reached, the amount shall be determined by the state superintendent, with costs to be established, where in dispute, by the state board of accounts.

(f) The transferor corporation shall pay the transferee corporation, when billed, the amount of book rental due from transferred students who are unable to pay the book rental amount. The transferor corporation is entitled to collect the amount of the book rental from the appropriate township trustee, from its own funds, or from any other source, in the amounts

and manner provided by law.

SECTION 23. IC 20-26-11-23, AS AMENDED BY P.L.182-2009(ss), SECTION 317, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) If a transfer is ordered to commence in a school year, where the transferor corporation has net additional costs over savings (on account of any transfer ordered) allocable to the ~~calendar~~ **state fiscal** year in which the school year begins, and where the transferee corporation does not have budgeted funds for the net additional costs, the net additional costs may be recovered by one (1) or more of the following methods in addition to any other methods provided by applicable law:

(1) An emergency loan made under IC 20-48-1-7 to be paid, out of the debt service levy and fund, or a loan from any state fund made available for the net additional costs.

(2) An advance in the ~~calendar~~ **state fiscal** year of state funds, which would otherwise become payable to the transferee corporation after such ~~calendar~~ **state fiscal** year under law.

(3) A grant or grants in the calendar year from any funds of the state made available for the net additional costs.

(b) The net additional costs must be certified by the department of local government finance. Repayment of any advance or loan from the state shall be made from state tuition support distributions or other money available to the school corporation.

SECTION 24. IC 20-26-11-30, AS ADDED BY P.L.133-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 30. (a) This section applies to a student who resided in a school corporation where the student had legal settlement for at least two (2) consecutive school years immediately before moving to an adjacent school corporation.

(b) A school corporation in which a student had legal settlement for at least two (2) consecutive years as described in subsection (a):

(1) shall allow the student to attend an appropriate school within the school corporation in which the student formerly resided;

(2) may not request the payment of transfer tuition for the student from the school corporation in which the student currently resides and has legal settlement or from the student's parent; and

(3) shall include the student in the school corporation's **current** ADM;

if the principal and superintendent in both school corporations jointly agree to enroll the student in the school.

(c) If a student enrolls under this section in a school described in subsection (b)(1), the student's parent must provide for the student's transportation to school.

(d) A student to whom this section applies may not enroll primarily for athletic reasons in a school in a school corporation in which the student does not have legal settlement. However, a decision to allow a student to enroll in a school corporation in which the student does not have legal settlement is not considered a determination that the student did not enroll primarily for athletic reasons.

SECTION 25. IC 20-29-6-12.5, AS ADDED BY P.L.229-2011, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12.5. (a) Before August 1 of the first year of the state budget biennium, the department shall provide the parties with an estimate of the general fund revenue available for bargaining in the school corporation from the school funding formula.

(b) Within thirty (30) days after the date of the ~~first state~~ **fall count of** ADM ~~count date~~ of the school year in the first year of the state budget biennium, the department shall provide the parties with a certification of estimated general fund revenue available for bargaining from the school funding formula. A school employer that has passed a general fund operating referendum under IC 20-46-1 must have that amount certified by the department of local government finance. The school corporation must obtain the certification before the commencement of bargaining. These certifications must be the basis for determinations throughout impasse proceedings under this chapter.

SECTION 26. IC 20-33-5-9.5, AS ADDED BY P.L.229-2011, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9.5. (a) This section applies to reimbursements made under this chapter in ~~calendar~~ **state fiscal** year ~~2012 and thereafter.~~ **beginning after June 30, 2012.**

(b) The amount of reimbursement that a school corporation or an accredited nonpublic school is entitled to receive under section 7 of this chapter in a ~~calendar~~ **state fiscal** year is equal to the amount determined in the following STEPS:

STEP ONE: Determine the amount appropriated to make reimbursements under this chapter for the state fiscal year. ~~ending in the calendar year.~~

STEP TWO: Determine the total number of eligible students for which reimbursement was requested under either section 7 or 9 of this chapter before November 1 of the previous calendar year by all school corporations and accredited nonpublic schools.

STEP THREE: Divide the result determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Multiply:

(A) the STEP THREE result; by

(B) the number of eligible students for which reimbursement was requested under section 7 or 9 of this chapter before November 1 of the ~~previous calendar~~ **state fiscal** year by the school corporation or the accredited nonpublic school.

SECTION 27. IC 20-40-8-1, AS AMENDED BY P.L.229-2011, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "calendar year distribution" means ~~the sum of the following:~~

~~(1)~~ a school corporation's

~~(A)~~ state tuition support ~~and~~

~~(B) maximum permissible tuition support levy (as defined in IC 20-45-1-15 before its repeal);~~

determined for the calendar year **using the fall count of ADM for the school corporation in the school year ending in the calendar year.**

~~(2) The sum of the following excise tax revenue of the school corporation for the immediately preceding calendar year:~~

~~(A) Financial institution excise tax revenue (IC 6-5.5).~~

~~(B) Motor vehicle excise taxes (IC 6-6-5).~~

~~(C) Commercial vehicle excise taxes (IC 6-6-5.5).~~

~~(D) Boat excise tax (IC 6-6-11).~~

~~(E) Aircraft license excise tax (IC 6-6-6.5).~~

SECTION 28. IC 20-43-1-1, AS AMENDED BY P.L.229-2011, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article expires ~~January~~ **July** 1, ~~2014.~~ **2013.**

SECTION 29. IC 20-43-1-6, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. "ADM" refers to average daily membership determined under ~~IC 20-43-4-2.~~ **IC 20-43-4.**

SECTION 30. IC 20-43-1-7, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. "ADM of the previous year" means:

(1) for previous years ending before January 1, 2013,

the initial computed ADM for the school year ending in the preceding calendar year **(as adjusted under IC 20-43-4-2); and**

(2) for previous years ending after December 31, 2012, the number of eligible pupils counted on the count date that is effective for the month in which a calculation using the term is applied, as subsequently adjusted (if applicable) under IC 20-43-4-2.

SECTION 31. IC 20-43-1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.5. "Attending" means physical or virtual presence of a student with the expectation of continued services in the education programs for which the student is registered.**

SECTION 32. IC 20-43-1-10, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. "Current ADM" means:

(1) for distributions made under this article before January 1, 2013, the ~~initial computed~~ **fall count of** ADM for the school year ending in the calendar year; **and**

(2) for distributions made under this article after December 31, 2012, the number of eligible pupils enrolled in a school corporation as:

(A) determined in the most recent count of eligible pupils in effect (as determined by the department under IC 20-43-4-9); and

(B) subsequently adjusted (if applicable) under IC 20-43-4-2.

SECTION 33. IC 20-43-1-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 11.5. "Enrolled" means to be:**

(1) registered with a school corporation to attend educational programs offered by or through the school corporation; and

(2) attending these educational programs and receiving educational services.

SECTION 34. IC 20-43-1-12.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12.3. "Fall count" refers to the first count of ADM in a school year under IC 20-43-4-3, as finally adjusted under IC 20-43-4-2.**

SECTION 35. IC 20-43-1-18 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 18. "Maximum state distribution" refers to the amount determined under IC 20-43-2-2.~~

SECTION 36. IC 20-43-1-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 24.5. "Spring count" refers to the second count of ADM in a school year under IC 20-43-4-3, as subsequently adjusted under IC 20-43-4-2.**

SECTION 37. IC 20-43-1-25, AS AMENDED BY P.L.229-2011, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. "State tuition support" means the amount of state funds to be distributed to:

(1) a school corporation other than a virtual charter school in any ~~calendar~~ **state fiscal** year under this article for all grants, distributions, and awards described in IC 20-43-2-3; and

(2) a virtual charter school in any ~~calendar~~ **state fiscal** year under IC 20-43-6-3.

SECTION 38. IC 20-43-2-1, AS AMENDED BY P.L.146-2008, SECTION 481, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The department shall distribute the amount appropriated by the general assembly for distribution as state tuition support in accordance with this article. If the appropriations for distribution as state tuition support are more than required under this article, any excess shall revert to the state general fund. The appropriations for state tuition support shall be made each ~~calendar~~ **state fiscal** year under a schedule set by the budget agency and approved by the governor. However, **notwithstanding P.L.229-2011, SECTION 9,** the schedule must provide:

(1) for at least twelve (12) payments;

(2) that one (1) payment shall be made ~~at least every forty (40) days;~~ **each month;** and

(3) the total of the payments in each ~~calendar~~ **state fiscal** year year must equal the amount required under this article.

SECTION 39. IC 20-43-2-2, AS AMENDED BY P.L.229-2011, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The maximum state distribution for a ~~calendar~~ **state fiscal** year for all school corporations for the purposes described in section 3 of this chapter is

~~(1) six billion two hundred forty-seven million eight hundred thousand dollars ($6,247,800,000) in 2011;~~

~~(2) six billion two hundred seventy-seven million eight hundred thousand dollars ($6,277,800,000) in 2012; and~~

~~(3) six billion three hundred thirty-nine million six hundred thousand dollars ($6,339,600,000) in 2013.~~ **the amount appropriated by the general assembly for those purposes for that state fiscal year.**

SECTION 40. IC 20-43-2-3, AS AMENDED BY P.L.229-2011, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. If the total amount to be distributed:

(1) as basic tuition support;

(2) for honors diploma awards;

(3) for primetime distributions;

(4) for special education grants; ~~and~~

(5) for career and technical education grants;

(6) for choice scholarships;

(7) for Mitch Daniels early graduation scholarships;

(8) for a fiscal year transition grant under IC 20-43-13; and

(9) for a school corporation estimated distribution grant under IC 20-43-4-3.5 and IC 20-43-4-9.

for a particular **state fiscal** year exceeds the ~~maximum state distribution~~ **amounts appropriated by the general assembly for those purposes** for ~~a calendar~~ **the state fiscal** year, the amount to be distributed for state tuition support under this article to each school corporation during each of the last six (6) months of the **state fiscal** year shall be proportionately reduced so that the total reductions equal the amount of the excess.

SECTION 41. IC 20-43-2-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8. (a) Beginning July 1, 2012, distributions for state tuition support shall be made on a state fiscal year basis rather than a calendar year basis.**

(b) The following is the intent of the general assembly:

(1) The distributions for state tuition support that are provided for under this article (as this article exists on January 1, 2012) for calendar year 2012 shall be made only during the first six (6) months of calendar year 2012.

(2) Except as otherwise provided, the distributions for state tuition support that were provided for under this article (as this article existed on January 1, 2012) for calendar year 2013 shall instead be made during the state fiscal year 2012 beginning July 1, 2012.

(3) IC 20-43-3-7 and IC 20-43-3-8 apply to the distributions made after June 30, 2012.

(c) The department shall make any adjustments required

to carry out the change from distributions made on a calendar year basis to distributions made on a state fiscal year basis.

SECTION 42. IC 20-43-3-4, AS AMENDED BY P.L.229-2011, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) **This subsection applies to the determination of a school corporation's previous year revenue for purposes of determining distributions under this article before July 1, 2012.** A school corporation's previous year revenue equals the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the sum of the following:

(A) The school corporation's basic tuition support actually received for the year that precedes the current year.

(B) For 2012, the restoration grant (IC 20-43-12 (repealed)) actually received for 2011.

(C) For 2012, the small school grant (IC 20-43-12.2 (repealed)) actually received for 2011.

STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school corporation's state tuition support under any combination of subsection ~~(b)~~ **(c)** or IC 20-30-2-4.

(b) This subsection applies to the determination of a school corporation's previous year revenue for purposes of determining distributions under this article after June 30, 2012. A school corporation's previous year revenue equals the amount determined under STEP TWO of the following formula:

STEP ONE: For purposes of making determinations for:

(A) the state fiscal year beginning July 1, 2012, determine the product of the school corporation's basic tuition support actually received for the first six (6) months of 2012 multiplied by two (2); or

(B) a state fiscal year beginning after June 30, 2013, determine the school corporation's basic tuition support actually received for the state fiscal year that immediately precedes the current state fiscal year.

STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school corporation's state tuition support under any combination of subsection (c) or IC 20-30-2-4.

~~(b)~~ **(c)** A school corporation's previous year revenue must be reduced if:

(1) the school corporation's state tuition support for special education or career and technical education is reduced as a result of a complaint being filed with the department after December 31, 1988, because the school program overstated the number of children enrolled in special education programs or career and technical education programs; and

(2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

The amount of the reduction equals the amount the school corporation would have received in state tuition support for special education and career and technical education because of the overstatement.

SECTION 43. IC 20-43-4-2, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A school corporation's ADM is the number of eligible pupils enrolled in:

(1) the school corporation; or

(2) a transferee corporation;

on ~~a day to be~~ **the days** fixed ~~annually~~ by the state board **under section 3 of this chapter,** ~~and~~ as subsequently adjusted ~~not later than January 30~~ under the rules adopted by the state board. **The state board may adjust the school's count of eligible pupils if the state board determines that the count is unrepresentative of the school corporation's enrollment.**

SECTION 44. IC 20-43-4-3, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) Subject to subsection (b),** the ~~initial day of the~~ **state board shall make an** ADM count ~~must fall:~~ **of the eligible pupils enrolled in each school corporation two (2) times each** ~~within the first thirty (30) days of the~~ school year, **with one (1) count date occurring in each of the following periods:**

(1) The fall count of ADM shall be made on a day fixed by the state board during September.

(2) The spring count of ADM shall be made on a day fixed by the state board during February.

(b) However, if extreme patterns of:

(1) student in-migration;

(2) illness;

(3) natural disaster; or

(4) other unusual conditions in a particular school corporation's enrollment;

on either ~~the~~ **a count** day fixed by the state board or ~~on~~ the subsequent adjustment date cause the enrollment to be unrepresentative of the school corporation's enrollment, ~~throughout a school year,~~ the state board may designate another day for determining the school corporation's enrollment.

SECTION 45. IC 20-43-4-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 3.5. (a) This section applies to a school corporation (including a charter school) only in the following:**

(1) In the initial year in which the school corporation begins operation.

(2) In the year in which a school year begins in which the school corporation adds another grade.

(3) In a year in which a school year begins in which the school corporation estimates the fall count of ADM will exceed the immediately preceding spring count of ADM by at least fifteen percent (15%).

(b) A school corporation shall submit to the department an estimated count of eligible pupils in the form and on the schedule specified by the state board. The count must estimate as accurately as possible the anticipated number of eligible pupils who are likely to be included in the school corporation's fall count of ADM for the school year beginning in the calendar year.

(c) Using the estimates submitted by the school corporation and any other information available to the state board, the state board shall estimate the number of eligible pupils who are likely to be included in the fall ADM count of the school corporation in the school year beginning in the calendar year. The state board may adjust the estimate provided by a school corporation as the state board determines necessary.

(d) After the fall count of ADM, the state board shall adjust the estimated count of ADM under this section to reflect the actual count of eligible pupils determined in the fall count. If the state board adjusts the fall count under section 2 of this chapter, the state board shall make the same adjustment to the estimated count.

SECTION 46. IC 20-43-4-4, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a)** The state board shall monitor changes that occur after the fall **count of** ADM ~~count~~ in the number of students enrolled in programs for children with disabilities. The state board shall:

(1) before December 2 of that same year; and

(2) before April 2 of the following calendar year;
make an adjusted count of students enrolled in programs for children with disabilities The state superintendent shall certify the December adjusted count to the budget committee before February 5 of the following year and the April adjusted count not later than May 31 immediately after the date of the April adjusted count. **The state board may adjust the school's count of students enrolled in programs for children with disabilities if the state board determines that the count is unrepresentative of the school corporation's enrollment.**

(b) The department shall distribute special education grants under IC 20-43-7 using only the count specified in IC 20-43-7-1.

SECTION 47. IC 20-43-4-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. IC 20-43-8-1 applies to a count of students for career and technical education grants.**

SECTION 48. IC 20-43-4-6, AS AMENDED BY P.L.234-2007, SECTION 239, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) In determining ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis if the pupil:

(1) is enrolled in a public school and a nonpublic school;
(2) has legal settlement in a school corporation; and
(3) receives instructional services from the school corporation.

(b) For purposes of this section, full-time equivalency is calculated as follows:

STEP ONE: Determine the result of:
(A) the number of days instructional services will be provided to the pupil, not to exceed one hundred eighty (180); divided by
(B) one hundred eighty (180).

STEP TWO: Determine the result of:
(A) the pupil's public school instructional time (as defined in IC 20-30-2-1); divided by
(B) the actual public school regular instructional day (as defined in IC 20-30-2-2).

STEP THREE: Determine the result of:
(A) the STEP ONE result; multiplied by
(B) the STEP TWO result.

STEP FOUR: Determine the lesser of one (1) or the result of:
(A) the STEP THREE result; multiplied by
(B) one and five hundredths (1.05).

However, the state board may, by rule adopted under IC 4-22-2, specify an equivalent formula if the state board determines that the equivalent formula would more accurately reflect the instructional services provided by a school corporation during a period that a particular ADM count is in effect for the school corporation.

SECTION 49. IC 20-43-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9. (a) This subsection applies to the calculation of state tuition support distributions that are:**

(1) made before January 1, 2013; and
(2) based on the current ADM of a school corporation. The fall count of ADM for the school year ending June 30, 2012, as adjusted by the state board under section 2 of this chapter, shall be used to compute state tuition support distributions.

(b) Subject to subsection (c), this subsection applies to the calculation of state tuition support distributions that are:

(1) made after December 31, 2012; and
(2) based on the current ADM of a school corporation. The fall count of ADM for the school year ending in the current calendar year, as adjusted by the state board under section 2 of this chapter, shall be used to compute state tuition support distributions made in the first six (6) months of the calendar year, and the spring count of ADM for the school year ending in the current calendar year, as adjusted by the state board under section 2 of this chapter, shall be used to compute state tuition support distributions made in the second six (6) months of the calendar year.

(c) This subsection applies only to the calculation of basic tuition support distributions to a school corporation, including a conversion charter school or other charter school, for the first six (6) months of a school year that begins in the year if section 3.5(a) of this chapter applies to the school corporation in the year. A school corporation is entitled to a distribution of basic tuition support in conformity with this subsection for the first six (6) months of a school year that begins in a year to which section 3.5(a) of this chapter applies. The count of students made under section 3.5 of this chapter, as subsequently adjusted under section 3.5 of this chapter, shall be treated as the current ADM of the school corporation for the calculation of the school corporation's basic tuition support for that period. However, distributions to the school corporation shall not begin until after the first day the school corporation conducts regular classes, as determined by the department. The amount withheld for the school corporation before that date shall be paid to the school corporation on a schedule determined under subsection (d).

(d) If the state board adjusts a count of ADM after a distribution is made under this article, the adjusted count retroactively applies to the amount of state tuition support distributed to a school corporation affected by the adjusted count. The department shall settle any overpayment or underpayment of state tuition support resulting from an adjusted count of ADM on the schedule determined by the department.

SECTION 50. IC 20-43-5-1, AS AMENDED BY P.L.234-2007, SECTION 241, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A school corporation's transition to foundation revenue per adjusted ADM for a ~~calendar~~ **state fiscal** year is the amount determined under section 9 of this chapter.

SECTION 51. IC 20-43-5-2, AS AMENDED BY P.L.234-2007, SECTION 242, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The following amounts must be determined under this chapter to calculate a school corporation's transition to foundation revenue per adjusted ADM for a ~~calendar~~ **state fiscal** year:

(1) The school corporation's complexity index for the ~~calendar~~ **state fiscal** year under section 3 of this chapter.
(2) The school corporation's foundation amount for the ~~calendar~~ **state fiscal** year under section 4 of this chapter.
(3) The school corporation's previous year revenue foundation amount for the ~~calendar~~ **state fiscal** year under section 5 of this chapter.
(4) The school corporation's transition to foundation amount for the ~~calendar~~ **state fiscal** year under section 6 of this chapter.
(5) The school corporation's transition to foundation revenue for the ~~calendar~~ **state fiscal** year under section 7 of this chapter.

SECTION 52. IC 20-43-5-4, AS AMENDED BY P.L.229-2011, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A school corporation's foundation amount ~~for a calendar year~~ is the result determined under STEP THREE of the following formula:

STEP ONE: The STEP ONE amount is:
(A) in 2012, four thousand two hundred eighty dollars

($4,280); and
(B) in 2013, four thousand four hundred five dollars ($4,405).
STEP TWO: Multiply the STEP ONE amount by the school corporation's complexity index.
STEP THREE: Determine the sum of the STEP TWO amount and the following:
(A) Zero dollars ($0), if the school corporation's current ADM is less than five hundred (500).
(B) One hundred fifty dollars ($150), if the school corporation's current ADM is at least five hundred (500) and is not more than one thousand (1,000).
(C) The result of one hundred fifty thousand dollars ($150,000) divided by the school corporation's current ADM, if the school corporation's current ADM is more than one thousand (1,000).

SECTION 53. IC 20-43-5-5, AS AMENDED BY P.L.182-2009(ss), SECTION 335, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A school corporation's previous year revenue foundation amount for a ~~calendar~~ **state fiscal** year is equal to the result of:
(1) the school corporation's previous year revenue; divided by
(2) the school corporation's ~~adjusted~~ ADM for the previous year.

SECTION 54. IC 20-43-5-6, AS AMENDED BY P.L.229-2011, SECTION 210, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A school corporation's transition to foundation amount for a ~~calendar~~ **state fiscal** year is equal to the result determined under STEP TWO of the following formula:
STEP ONE: Determine the difference of:
(A) the school corporation's foundation amount; minus
(B) the lesser of:
(i) the school corporation's previous year revenue foundation amount; or
(ii) the result of the school corporation's foundation amount multiplied by one and two-tenths (1.2).
STEP TWO: A school corporation's STEP TWO amount is the following:
(A) For a charter school located outside Marion County that has previous year revenue that is not greater than zero (0), the charter school's STEP TWO amount is the quotient of:
(i) the school corporation's transition to foundation revenue for the ~~calendar~~ **state fiscal** year where the charter school is located; divided by
(ii) the school corporation's current ADM.
(B) For a charter school located in Marion County that has previous year revenue that is not greater than zero (0), the charter school's STEP TWO amount is the weighted average of the transition to foundation revenue for the school corporations where the students counted in the current ADM of the charter school have legal settlement, as determined under item (iv) of the following formula:
(i) Determine the transition to foundation revenue for each school corporation where a student counted in the current ADM of the charter school has legal settlement.
(ii) For each school corporation identified in item (i), divide the item (i) amount by the school corporation's current ADM.
(iii) For each school corporation identified in item (i), multiply the item (ii) amount by the number of students counted in the current ADM of the charter school that have legal settlement in the particular school corporation.
(iv) Determine the sum of the item (iii) amounts for the charter school.
(C) The STEP TWO amount for a school corporation that is not a charter school described in clause (A) or (B) is the following:
(i) The school corporation's foundation amount for the ~~calendar~~ **state fiscal** year if the STEP ONE amount is zero (0) or greater.
(ii) The amount determined under subsection (b), if the school corporation's STEP ONE amount is less than zero (0).
(b) For the purposes of STEP TWO (C)(ii) in subsection (a), determine the result of:
(1) the result determined for the school corporation under STEP ONE (B) of subsection (a); minus
(2) the result of:
(A) the absolute value of the STEP ONE amount; divided by
(B) ~~seven (7) in 2012 and~~ six (6) in ~~2013.~~ **the state fiscal year beginning July 1, 2012.**

SECTION 55. IC 20-43-5-7, AS AMENDED BY P.L.229-2011, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. A school corporation's transition to foundation revenue for a ~~calendar~~ **state fiscal** year is equal to the product of:
(1) the school corporation's transition to foundation amount for the ~~calendar~~ **state fiscal** year; multiplied by
(2) the school corporation's current ADM.

SECTION 56. IC 20-43-5-9, AS AMENDED BY P.L.234-2007, SECTION 247, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. A school corporation's transition to foundation revenue per adjusted ADM for a ~~calendar~~ **state fiscal** year is the quotient of:
(1) the school corporation's transition to foundation revenue for the ~~calendar~~ **state fiscal** year; divided by
(2) the school corporation's current adjusted ADM.

SECTION 57. IC 20-43-6-1, AS AMENDED BY P.L.182-2009(ss), SECTION 338, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Subject to the amount appropriated by the general assembly for state tuition support and IC 20-43-2, the amount that a school corporation is entitled to receive in basic tuition support for a **state fiscal** year is the amount determined in section 3 of this chapter.

SECTION 58. IC 20-43-6-3, AS AMENDED BY P.L.229-2011, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A school corporation's basic tuition support for a ~~year~~ **month** is the amount determined under the applicable provision of this section.
(b) The school corporation's basic tuition support for a ~~year~~ **month** is equal to the **result of:**
(1) the school corporation's transition to foundation revenue; ~~for the year.~~ **divided by**
(2) twelve (12).
(c) This subsection applies to students of a virtual charter school. A virtual charter school's basic tuition support for a ~~year~~ **month** for those students is the amount determined under IC 20-24-7-13.

SECTION 59. IC 20-43-7-1, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. In addition to the amount a school corporation is entitled to receive in basic tuition support, each school corporation is entitled to receive a grant for special education programs **for the state fiscal year.** The amount of the special education grant is based on the count of eligible pupils enrolled in special education programs on December 1 of the preceding **state fiscal** year in:

(1) the school corporation; or
(2) a transferee corporation.

SECTION 60. IC 20-43-7-6, AS AMENDED BY P.L.182-2009(ss), SECTION 340, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A school corporation's special education grant for a ~~calendar~~ **state fiscal** year is equal to the sum of the following:

(1) The nonduplicated count of pupils in programs for severe disabilities multiplied by eight thousand three hundred fifty dollars ($8,350).
(2) The nonduplicated count of pupils in programs of mild and moderate disabilities multiplied by two thousand two hundred sixty-five dollars ($2,265).
(3) The duplicated count of pupils in programs for communication disorders multiplied by five hundred thirty-three dollars ($533).
(4) The cumulative count of pupils in homebound programs multiplied by five hundred thirty-three dollars ($533).
(5) The nonduplicated count of pupils in special preschool education programs multiplied by two thousand seven hundred fifty dollars ($2,750).

SECTION 61. IC 20-43-8-1, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Pupil enrollment under this chapter shall be determined at the same time that a school corporation's **fall count of** ADM is determined.

SECTION 62. IC 20-43-8-2, AS AMENDED BY P.L.234-2007, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Before December 1 of each year, the department of workforce development shall provide the department with a report, to be used to determine career and technical education grant amounts in the ~~second calendar~~ **state fiscal** year **beginning** after the year in which the report is provided, listing whether the labor market demand for each generally recognized labor category is more than moderate, moderate, or less than moderate. In the report, the department of workforce development shall categorize each of the career and technical education programs using the following four (4) categories:

(1) Programs that address employment demand for individuals in labor market categories that are projected to need more than a moderate number of individuals.
(2) Programs that address employment demand for individuals in labor market categories that are projected to need a moderate number of individuals.
(3) Programs that address employment demand for individuals in labor market categories that are projected to need less than a moderate number of individuals.
(4) All programs not covered by the employment demand categories of subdivisions (1) through (3).

(b) Before December 1 of each year, the department of workforce development shall provide the department with a report, to be used to determine grant amounts that will be distributed under this chapter in the ~~second calendar~~ **state fiscal** year **beginning** after the year in which the report is provided, listing whether the average wage level for each generally recognized labor category for which career and technical education programs are offered is a high wage, a moderate wage, or a less than moderate wage.

(c) In preparing the labor market demand report under subsection (a) and the average wage level report under subsection (b), the department of workforce development shall, if possible, list the labor market demand and the average wage level for specific regions, counties, and municipalities.

(d) If a new career and technical education program is created by rule of the state board, the department of workforce development shall determine the category in which the program should be included.

SECTION 63. IC 20-43-8-9, AS AMENDED BY P.L.234-2007, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. A school corporation's career and technical education grant for a ~~calendar~~ **state fiscal** year is the sum of the following amounts:

STEP ONE: For each career and technical education program provided by the school corporation:

(A) the number of credit hours of the program (either one (1) credit, two (2) credits, or three (3) credits); multiplied by
(B) the number of students enrolled in the program; multiplied by
(C) the following applicable amount:
(i) Four hundred fifty dollars ($450), in the case of a program described in section 5 of this chapter (more than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.
(ii) Three hundred seventy-five dollars ($375), in the case of a program described in section 5 of this chapter (more than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.
(iii) Three hundred dollars ($300), in the case of a program described in section 5 of this chapter (more than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.
(iv) Three hundred seventy-five dollars ($375), in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.
(v) Three hundred dollars ($300), in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.
(vi) Two hundred twenty-five dollars ($225), in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.
(vii) Three hundred dollars ($300), in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.
(viii) Two hundred twenty-five dollars ($225), in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.
(ix) One hundred fifty dollars ($150), in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.

STEP TWO: The number of pupils described in section 8 of this chapter (all other programs) multiplied by two hundred fifty dollars ($250).

STEP THREE: The number of pupils participating in a career and technical education program in which pupils from multiple schools are served at a common location multiplied by one hundred fifty dollars ($150).

SECTION 64. IC 20-43-9-6, AS AMENDED BY P.L.229-2011, SECTION 217, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A school corporation's primetime distribution for a ~~calendar year~~ **month** under this chapter is the **result of the** amount determined by the following formula **divided by twelve (12):**

STEP ONE: Determine the applicable target pupil/teacher ratio for the school corporation as follows:

(A) If the school corporation's complexity index is less than one and one-tenth (1.1), the school corporation's target pupil/teacher ratio is eighteen to one (18:1).

(B) If the school corporation's complexity index is at least one and one-tenth (1.1) but less than one and three-tenths (1.3), the school corporation's target pupil/teacher ratio is fifteen (15) plus the result determined in item (iii) to one (1):

(i) Determine the result of one and three-tenths (1.3) minus the school corporation's complexity index.

(ii) Determine the item (i) result divided by two-tenths (0.2).

(iii) Determine the item (ii) result multiplied by three (3).

(C) If the school corporation's complexity index is at least one and three-tenths (1.3), the school corporation's target pupil/teacher ratio is fifteen to one (15:1).

STEP TWO: Determine the result of:

(A) the **current** ADM of the school corporation in kindergarten through grade 3; ~~for the current school year;~~ divided by

(B) the school corporation's applicable target pupil/teacher ratio, as determined in STEP ONE.

STEP THREE: Determine the result of:

(A) the basic tuition support for the ~~year~~ **month** multiplied by ~~seventy-five hundredths (0.75);~~ **nine (9);** divided by

(B) the school corporation's **current** ADM.

STEP FOUR: Determine the result of:

(A) the STEP THREE result; multiplied by

(B) the **current** ADM of the school corporation in kindergarten through grade 3. ~~for the current school year.~~

STEP FIVE: Determine the result of:

(A) the STEP FOUR result; divided by

(B) the staff cost amount.

STEP SIX: Determine the greater of zero (0) or the result of:

(A) the STEP TWO amount; minus

(B) the STEP FIVE amount.

STEP SEVEN: Determine the result of:

(A) the STEP SIX amount; multiplied by

(B) the staff cost amount.

STEP EIGHT: Determine the greater of the STEP SEVEN amount or **zero (0).**

~~(A) for 2012, fifty percent (50%) of the school corporation's guaranteed primetime amount; or~~

~~(B) for 2013, zero (0).~~

STEP NINE: A school corporation's amount under this STEP is the following:

(A) If the amount the school corporation received under this chapter in the previous ~~calendar~~ **state fiscal** year is greater than zero (0), the amount under this STEP is the lesser of:

(i) the STEP EIGHT amount; or

(ii) the amount the school corporation received under this chapter for the previous ~~calendar~~ **state fiscal** year multiplied by one hundred seven and one-half percent (107.5%).

(B) If the amount the school corporation received under this chapter in the previous ~~calendar~~ **state fiscal** year is not greater than zero (0), the amount under this STEP is the STEP EIGHT amount.

SECTION 41. IC 20-43-10-2, AS AMENDED BY P.L.229-2011, SECTION 219, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A school corporation's honors diploma award for a ~~calendar~~ **state fiscal** year is the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the number of the school corporation's eligible pupils who successfully completed an academic honors diploma program in the school year ending in the previous ~~calendar~~ **state fiscal** year.

STEP TWO: Determine the result of:

(A) the number of the school corporation's eligible pupils who successfully completed a Core 40 diploma with technical honors program in the school year ending in the previous ~~calendar~~ **state fiscal** year; minus

(B) the number of eligible pupils who would otherwise be double counted under both clause (A) and STEP ONE.

STEP THREE: Determine the sum of the number of eligible students determined under STEP ONE and the number of eligible students determined under STEP TWO.

STEP FOUR: Multiply the STEP THREE amount by nine hundred dollars ($900).

(b) An amount received by a school corporation as an honors diploma award may be used only for:

(1) any:

(A) staff training;

(B) program development;

(C) equipment and supply expenditures; or

(D) other expenses;

directly related to the school corporation's honors diploma program; and

(2) the school corporation's program for high ability students.

(c) A governing body that does not comply with this section for a school year is not eligible to receive an honors diploma award for the following school year.

SECTION 65. IC 20-43-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 13. Fiscal Year Transition Grant

Sec. 1. This chapter applies to all school corporations.

Sec. 2. A school corporation's grant under this chapter for the period after June 30, 2012, and before January 1, 2013 is determined by the following formula:

STEP ONE: Determine the sum of the school corporation's state tuition support (excluding the grant under this chapter) actually received for the first six (6) months of calendar year 2012.

STEP TWO: Determine the sum of the school corporation's state tuition support (excluding the grant under this chapter) for the second six (6) months of calendar year 2012.

STEP THREE: Determine the greater of zero (0) or the difference of the STEP ONE amount minus the STEP TWO amount.

SECTION 66. IC 20-45-7-19, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. Before July 11 of each year, the state superintendent shall certify to the county auditor:

(1) the consolidated ADA ratio of the qualified school corporations;

(2) the number of pupils in **current** ADM of each qualified school corporation for the immediately preceding school year, **as determined:**

(A) for a calendar year ending before January 1,

2013, in the fall count of ADM for the school year ending in the calendar year; and

(B) for a calendar year ending after December 31, 2012, in the spring count of ADM for the school year ending in the calendar year; and

(3) an estimate of these statistics for the succeeding school year.

SECTION 67. IC 20-45-7-26, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. The entitlement of each qualified school corporation from the fund for each calendar year is the greater of:

(1) the amount of its entitlement for calendar year 2000 from the tax levied under this chapter; or

(2) an amount equal to twenty-seven dollars and fifty cents ($27.50) times its **current** ADM **as determined in the fall count of ADM conducted in the school year ending in the current calendar year.**

SECTION 68. IC 20-45-8-18, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) Before July 11 of each year, the state superintendent shall deliver to the county auditor a certified statement of:

(1) for a calendar year ending before January 1, 2013, the **fall count of** ADM in grades 1 through 12 residing in each qualified school corporation for the ~~immediately preceding~~ school year **ending in the calendar year; and**

(2) for a calendar year ending after December 31, 2012, the spring count of ADM in grades 1 through 12 residing in each qualified school corporation for the school year ending in the calendar year.

(b) Upon the receipt of the information, the county auditor shall compute the amount to be distributed to each of the qualified school corporations from the receipts of the tax levy, based on the formula set forth in this chapter.

(c) The county auditor shall annually issue a warrant to the county treasurer ordering the payment to the respective qualified school corporations the various amounts in the fund at each semiannual tax settlement period during the year in which the tax has been collected.

(d) The qualified school corporations and the proper officials and employees of the qualified school corporations shall receive the receipts distributed by the county treasurer in the same manner as other tax receipts are received.

SECTION 69. IC 20-45-8-22, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 22. (a) The amount to be raised by the tax shall be determined in any calendar year by the county auditor and certified to by the board of county commissioners before the time for making the county budgets in the year.

(b) The amount is the total of the entitlements of all qualified school corporations.

(c) The entitlement of each qualified school corporation calculated in a calendar year is an amount equal to the result determined under STEP TWO of the following formula:

STEP ONE: Calculate the quotient of:

(A) the total amount deposited in the fund in calendar year 1979 or the first year in which a deposit was made, whichever is later; divided by

(B) **for:**

(i) a calendar year ending before January 1, 2013, the total ADM of the immediately preceding school year of qualified school corporations that received money from the fund in 1979, **as determined in the fall count of ADM for the school year ending in the immediately preceding calendar year; and**

(ii) a calendar year beginning after December 31, 2012, the total ADM of the immediately preceding school year of qualified school corporations that received money from the fund in 1979, as determined in the spring count of ADM for the school year ending in the immediately preceding calendar year.

STEP TWO: Calculate the product of:

(A) the STEP ONE result; multiplied by

(B) **for:**

(i) a calendar year ending before January 1, 2013, the ADM of the immediately preceding school year of the qualified school corporation that received money from the fund in 1979, **as determined in the fall count of ADM for the school year ending in the immediately preceding calendar year; and**

(ii) a calendar year beginning after December 31, 2012, the total ADM of the immediately preceding school year of qualified school corporations that received money from the fund in 1979, as determined in the spring count of ADM for the school year ending in the immediately preceding calendar year.

SECTION 70. IC 20-49-3-8, AS AMENDED BY P.L.146-2008, SECTION 529, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. The fund may be used to make advances:

(1) to school corporations, including school townships, under IC 20-49-4 and IC 20-49-5; **and**

(2) under IC 20-49-6. ~~and~~

~~(3) to charter schools under IC 20-24-7-3(c) and IC 20-49-7.~~

SECTION 71. IC 20-49-4-7, AS AMENDED BY P.L.113-2010, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. As used in this chapter, "school building construction program" means the purchase, lease, or financing of land, the construction and equipping of school buildings, and the remodeling, repairing, or improving of school buildings by a school corporation:

(1) that sustained a loss from a disaster;

(2) whose adjusted assessed valuation (as determined under IC 6-1.1-34-8) per **current** ADM is within the lowest forty percent (40%) of the assessed valuation per **current** ADM when compared with all school corporation adjusted assessed valuation (as adjusted (if applicable) under IC 6-1.1-34-8) per **current** ADM; or

(3) with an advance under this chapter outstanding on July 1, 1993, that bears interest of at least seven and one-half percent (7.5%).

The term does not include facilities used or to be used primarily for interscholastic or extracurricular activities.

SECTION 72. IC 20-49-5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7. (a) A charter school, including a conversion charter school, that has received an advance for operational costs from the common school fund under IC 20-49-7 (before its repeal) is not required to make principal or interest payments during the state fiscal years beginning:**

(1) July 1, 2011; and

(2) July 1, 2012;

notwithstanding contrary terms in the charter school and state board advance agreement.

(b) The repayment term of the advance shall be extended by two (2) years to provide for the waiver described in subsection (a) even though it may make the repayment term for the advance longer than twenty (20) years.

SECTION 73. IC 20-49-7 IS REPEALED [EFFECTIVE

JULY 1, 2013]. (Charter School Advancement Account).

SECTION 74. IC 20-51-4-5, AS ADDED BY P.L.92-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The state tuition support amount to be used in ~~section 3(2)~~ **section 4(2)** of this chapter for an eligible individual is the amount determined under the last STEP of the following formula:

STEP ONE: Determine the school corporation in which the eligible individual has legal settlement.

STEP TWO: Determine the amount of state tuition support that the school corporation identified under STEP ONE ~~is~~ **would be** eligible to receive under IC 20-43 for the calendar year in which the current school year begins **if:**

(A) for a calendar year ending before January 1, 2013, the fall count of eligible students conducted in the school corporation in the school year ending in the calendar year were used to compute the state tuition support distribution to the school corporation for the entire calendar year; and

(B) for a calendar year beginning after December 31, 2012, the spring count of eligible students conducted in the school corporation in the school year ending in the calendar year were used to compute the state tuition support distribution to the school corporation for the entire calendar year;

excluding amounts provided for special education grants under IC 20-43-7 and career and technical education grants under IC 20-43-8.

STEP THREE: Determine the result of:

(A) the STEP TWO amount; divided by

(B) the current ADM ~~(as defined in IC 20-43-1-10)~~ for the school corporation identified under STEP ONE for the calendar year used in STEP TWO.

SECTION 75. IC 21-7-13-5, AS ADDED BY P.L.2-2007, SECTION 243, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. **"Current** ADM" has the meaning set forth in ~~IC 20-43-1-6.~~ **IC 20-43-1-10.**

SECTION 76. IC 21-43-5-14, AS ADDED BY P.L.234-2007, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. Ivy Tech Community College is entitled to reimbursement for the costs incurred to deliver courses under this chapter that are taken:

(1) at an Ivy Tech Community College site; and

(2) by a student for whom Ivy Tech Community College has waived tuition under this chapter or IC 21-14-8.

The school corporation in which the student described in subdivision (2) resides shall pay the individual's tuition to Ivy Tech Community College for each ~~year~~ **month** the student is included in the school corporation's **current** ADM.

SECTION 77. IC 21-43-6-2, AS AMENDED BY P.L.3-2008, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) To be eligible to earn a high school diploma, an individual participating in the program established under this chapter must be either:

(1) at least nineteen (19) years of age and not enrolled in a high school; or

(2) at least seventeen (17) years of age and have consent from the high school the individual attended most recently.

(b) The school corporation in which an individual described in this subdivision has legal settlement shall pay the individual's costs for high school level courses taken at Ivy Tech Community College during each ~~year~~ **month** the individual is included in the school corporation's **current** ADM.

SECTION 78. IC 21-43-7-2, AS AMENDED BY P.L.3-2008, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) To be eligible to earn a high school diploma, an individual participating in the program established under this chapter must be either:

(1) at least nineteen (19) years of age and not enrolled in a high school; or

(2) at least seventeen (17) years of age and have consent from the high school the individual attended most recently.

(b) The school corporation in which an individual described in this subdivision has legal settlement shall pay the individual's tuition for high school level courses taken at Vincennes University during each ~~year~~ **month** the individual is included in the school corporation's **current** ADM.

SECTION 79. IC 21-43-8-2, AS AMENDED BY P.L.3-2008, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) To be eligible to earn a high school diploma, an individual participating in the program established under this chapter must be either:

(1) at least nineteen (19) years of age and not enrolled in a school corporation; or

(2) at least seventeen (17) years of age and have consent from the high school the individual attended most recently.

(b) The school corporation in which an individual to whom this subdivision applies resides shall pay the individual's tuition for high school level courses taken at the state educational institution during each ~~year~~ **month** the individual is included in the school corporation's **current** ADM.

SECTION 80. [EFFECTIVE JULY 1, 2012] **(a) The department of education shall before November 1, 2012, report to the budget committee:**

(1) the number of students who left a charter school and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year; and

(2) the number of students who:

(A) received a choice scholarship for the 2011 - 2012 school year; and

(B) left a nonpublic eligible school (as defined in IC 20-51-1-4.7) and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year.

(b) This SECTION expires January 1, 2013.

SECTION 81. [EFFECTIVE JULY 1, 2012] **(a) For the fiscal year beginning July 1, 2012, and ending June 30, 2013, there is appropriated to the department of education thirty million nine hundred thousand dollars ($30,900,000) from the state general fund for distribution for tuition support, total operating expense, beginning July 1, 2012, and ending June 30, 2013. This appropriation is in addition to the appropriation for tuition support that was made by P.L.229-2011.**

(b) This SECTION expires July 1, 2013.

(Reference is to SB 280 as reprinted January 31, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 287, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 37, after "was" insert "**the**".

Page 47, line 8, strike "or".
Page 48, line 15, strike "11" and insert "**9**".
Page 124, delete lines 32 through 42.
Delete page 125.
Page 126, delete lines 1 through 21.
Page 135, delete lines 16 through 42.
Page 136, delete lines 1 through 18.
Renumber all SECTIONS consecutively.
(Reference is to SB 287 as reprinted January 18, 2012.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

NOE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 293, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-4.1-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after June 30, 2022.**".

Page 2, delete lines 23 through 42, begin a new paragraph and insert:

"SECTION 3. IC 6-4.1-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after June 30, 2022.**

SECTION 4. IC 6-4.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) An inheritance tax is imposed at the time of a decedent's death on certain property interest transfers made by ~~him.~~ **the decedent.** The transfer of a property interest is subject to the tax if:

(1) the property transferred is described in:
~~(i)~~ **(A)** section 2 of this chapter, if the property is transferred by a resident decedent; or
~~(ii)~~ **(B)** section 3 of this chapter, if the property is transferred by a nonresident decedent;
(2) the transfer is described in section 4 of this chapter; and
(3) neither the transfer nor the property is exempt from the inheritance tax under IC 6-4.1-3.

(b) For purposes of this article, a transfer described in section 4 of this chapter is considered a transfer made by the deceased transferor regardless of when the transferee acquires the property interest.

SECTION 5. IC 6-4.1-3-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after June 30, 2022.**

SECTION 7. IC 6-4.1-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. **(a) With respect to a taxable transfer or transfers resulting from the death of a decedent who dies before July 1, 2012,** the first one hundred thousand dollars ($100,000) of property interests transferred to a Class A transferee under ~~a~~ **the** taxable transfer or transfers is exempt from the inheritance tax.

(b) With respect to a taxable transfer or transfers resulting from the death of a decedent who dies after June 30, 2012, the first two hundred fifty thousand dollars ($250,000) of property interests transferred to a Class A transferee under the taxable transfer or transfers is exempt from the inheritance tax.

SECTION 8. IC 6-4.1-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. **(a) With respect to a taxable transfer or transfers resulting from the death of a decedent who dies before July 1, 2012,** the first five hundred dollars ($500) of property interests transferred to a Class B transferee under ~~a~~ **the** taxable transfer or transfers is exempt from the inheritance tax.

(b) With respect to a taxable transfer or transfers resulting from the death of a decedent who dies after June 30, 2012, the first twenty-five thousand dollars ($25,000) of property interests transferred to a Class B transferee under the taxable transfer or transfers is exempt from the inheritance tax.

SECTION 9. IC 6-4.1-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. **(a) With respect to a taxable transfer or transfers resulting from the death of a decedent who dies before July 1, 2012,** the first one hundred dollars ($100) of property interests transferred to a Class C transferee under ~~a~~ **the** taxable transfer or transfers is exempt from the inheritance tax.

(b) With respect to a taxable transfer or transfers resulting from the death of a decedent who dies after June 30, 2012, the first twenty-five thousand dollars ($25,000) of property interests transferred to a Class C transferee under the taxable transfer or transfers is exempt from the inheritance tax.

SECTION 10. IC 6-4.1-4-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.2. This chapter does not apply to a property interest transferred by a decedent whose death occurs after June 30, 2022.**

SECTION 11. IC 6-4.1-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after June 30, 2022.**

SECTION 12. IC 6-4.1-5-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.1. (a) This section applies to a property interest transferred by a decedent whose death occurs after June 30, 2012.**

(b) For purposes of determining the amount of inheritance tax imposed under this article, a credit is allowed against the tax imposed under section 1 of this chapter on a decedent's transfer of property interests. The amount of the credit equals the inheritance tax imposed under section 1 of this chapter multiplied by the percentage prescribed in the following table:

DATE OF INDIVIDUAL'S DEATH	PERCENTAGE OF CREDIT
After June 30, 2012, and before July 1, 2013.	9%
After June 30, 2013, and before July 1, 2014.	18%
After June 30, 2014, and before July 1, 2015.	27%
After June 30, 2015, and before July 1, 2016.	36%
After June 30, 2016, and before July 1, 2017.	45%
After June 30, 2017, and before July 1, 2018.	55%
After June 30, 2018, and before July 1, 2019.	64%
After June 30, 2019, and before July 1, 2020.	73%

After June 30, 2020, and
before July 1, 2021. . . . . 82%
After June 30, 2021, and
before July 1, 2022. . . . . 91%

(c) A person who is liable for inheritance tax imposed under this article may claim the credit allowed under this section at the time the person pays the tax. When the payment is made, the person collecting the tax shall reduce the inheritance tax due by the amount of the credit specified in subsection (b).

SECTION 13. IC 6-4.1-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after June 30, 2022.**

SECTION 14. IC 6-4.1-7-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after June 30, 2022.**

SECTION 15. IC 6-4.1-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after June 30, 2022.**

SECTION 16. IC 6-4.1-9-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after June 30, 2022.**

SECTION 17. IC 6-4.1-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The department of state revenue shall collect the Indiana estate tax and the interest charges imposed under this chapter. The department shall remit the money which it collects under this chapter to the state treasurer, and the state treasurer shall deposit the money in the state general fund.

(b) ~~Before August 15 of each year~~ **Except as provided in subsection (e),** the treasurer of state shall **annually** distribute to each county the amount determined under subsection (c) **or (d)** for the county. **The distribution for a particular state fiscal year must be made before August 15 of the following state fiscal year.** There is appropriated from the state general fund the amount necessary to make the distributions under this ~~section.~~ **subsection.**

(c) **For a state fiscal year ending before July 1, 2012,** the department of state revenue shall determine the inheritance tax replacement amount for each county using the following formula:

STEP ONE: Determine the amount of inheritance tax revenue retained by each county in each state fiscal year beginning with the state fiscal year that began July 1, 1990, and ending with the state fiscal year that ends June 30, 1997.

STEP TWO: Determine the average annual amount of inheritance tax revenue retained by each county using five (5) of the seven (7) state fiscal years described in STEP ONE after excluding the two (2) years in which each county retained its highest and lowest totals of inheritance tax revenue.

STEP THREE: Determine the remainder of the STEP TWO amount minus the amount of inheritance taxes retained by the county during the immediately preceding state fiscal year.

(d) For a state fiscal year beginning after June 30, 2012, and ending before July 1, 2022, the department of state revenue shall determine the inheritance tax replacement amount for each county using the following formula:

STEP ONE: Determine the inheritance tax replacement amount distributed to the county for the state fiscal year beginning after June 30, 2011, and ending before July 1, 2012.

STEP TWO: Multiply the amount determined under STEP ONE by the appropriate percentage as follows:

(A) Ninety-one percent (91%) for a state fiscal year beginning after June 30, 2012, and ending before July 1, 2013.

(B) Eighty-two percent (82%) for a state fiscal year beginning after June 30, 2013, and ending before July 1, 2014.

(C) Seventy-three percent (73%) for a state fiscal year beginning after June 30, 2014, and ending before July 1, 2015.

(D) Sixty-four percent (64%) for a state fiscal year beginning after June 30, 2015, and ending before July 1, 2016.

(E) Fifty-five percent (55%) for a state fiscal year beginning after June 30, 2016, and ending before July 1, 2017.

(F) Forty-five percent (45%) for a state fiscal year beginning after June 30, 2017, and ending before July 1, 2018.

(G) Thirty-six percent (36%) for a state fiscal year beginning after June 30, 2018, and ending before July 1, 2019.

(H) Twenty-seven percent (27%) for a state fiscal year beginning after June 30, 2019, and ending before July 1, 2020.

(I) Eighteen percent (18%) for a state fiscal year beginning after June 30, 2020, and ending before July 1, 2021.

(J) Nine percent (9%) for a state fiscal year beginning after June 30, 2021, and ending before July 1, 2022.

(e) A county is not entitled to a distribution under subsection (b) for a state fiscal year beginning after June 30, 2022.

SECTION 18. IC 6-4.1-12-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) For an individual who dies after June 30, 2022, there is no inheritance tax imposed on the decedent's transfer of property interests.**

(b) Sections 1 through 12 of this chapter do not apply to a property interest transferred by a decedent whose death occurs after June 30, 2022.".

Delete pages 3 through 12.

Renumber all SECTIONS consecutively.

(Reference is to SB 293 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 3.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred Engrossed Senate Bill 298, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "on or before" and insert "**not later than**".

Page 2, line 12, delete "on or before" and insert "**not later than**".

Page 2, line 23, delete "on or before" and insert "**not later than**".

Page 5, line 20, after "in" insert "**IC**".

(Reference is to SB 298 as reprinted January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 301, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 307, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 18, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 344, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Page 2, line 5, delete "2014" and insert "**2012**".

Page 2, line 35, delete "2015." and insert "**2013.**".

Page 2, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 6. IC 6-1.1-18-12, AS AMENDED BY P.L.172-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted each year to account for the change in assessed value of real property that results from:

(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; or

(2) a general reassessment of real property under IC 6-1.1-4-4.

(d) The statutes to which subsection (a) refers are:

(1) IC 8-10-5-17;
(2) IC 8-22-3-11;
(3) IC 8-22-3-25;
(4) IC 12-29-1-1;
(5) IC 12-29-1-2;
(6) IC 12-29-1-3;
(7) IC 12-29-3-6;
(8) IC 13-21-3-12;
(9) IC 13-21-3-15;
(10) IC 14-27-6-30;
(11) IC 14-33-7-3;
(12) IC 14-33-21-5;
(13) IC 15-14-7-4;
(14) IC 15-14-9-1;
(15) IC 15-14-9-2;
(16) IC 16-20-2-18;
(17) IC 16-20-4-27;
(18) IC 16-20-7-2;
(19) IC 16-22-14;
(20) IC 16-23-1-29;
(21) IC 16-23-3-6;
(22) IC 16-23-4-2;
(23) IC 16-23-5-6;
(24) IC 16-23-7-2;
(25) IC 16-23-8-2;
(26) IC 16-23-9-2;
(27) IC 16-41-15-5;
(28) IC 16-41-33-4;
(29) IC 20-46-2-3 (before its repeal on January 1, 2009);
(30) IC 20-46-6-5;
(31) IC 20-49-2-10;
(32) IC 36-1-19-1;
(33) IC 23-14-66-2;
(34) IC 23-14-67-3;
(35) IC 36-7-13-4;
(36) IC 36-7-14-28;
(37) IC 36-7-15.1-16;
(38) IC 36-8-19-8.5;
(39) IC 36-9-6.1-2;
(40) IC 36-9-17.5-4;
(41) IC 36-9-27-73;
(42) IC 36-9-29-31;
(43) IC 36-9-29.1-15;
(44) IC 36-10-6-2;
(45) IC 36-10-7-7;
(46) IC 36-10-7-8;
(47) IC 36-10-7.5-19;
(48) IC 36-10-13-5;
(49) IC 36-10-13-7;
(50) IC 36-10-14-4;
(51) IC 36-12-7-7;
(52) IC 36-12-7-8;
(53) IC 36-12-12-10; and
(54) any statute enacted after December 31, 2003, that:

(A) establishes a maximum rate for any part of the:

(i) property taxes; or

(ii) special benefits taxes;

imposed by a political subdivision; and

(B) does not exempt the maximum rate from the adjustment under this section.

(e) **For property tax rates imposed for property taxes first due and payable after December 31, 2012,** the new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP ~~SEVEN~~ **EIGHT** of the following STEPS:

STEP ONE: **Except as provided in subsection (g),** determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: ~~Except as provided in subsection (g),~~ Determine the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year

the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first take effect.

STEP FOUR: ~~Except as provided in subsection (g),~~ Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The STEP FIVE result.

STEP ~~SIX:~~ **SEVEN:** Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP ~~FIVE~~ **SIX** percentage.

STEP ~~SEVEN:~~ **EIGHT:** Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP ~~SIX~~ **SEVEN** percentage. ~~increase.~~

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d).

~~(g) This subsection applies to STEP TWO and STEP FOUR of subsection (c) for taxes first due and payable after 2011. If the assessed value change used in the STEPS was not an increase, the STEPS are applied using instead:~~

~~(1) the actual percentage decrease (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property; or~~

~~(2) zero (0) if the assessed value did not increase or decrease.~~

(g) This section applies only when calculating the maximum rate for taxes due and payable in calendar year 2013. The STEP ONE result is the greater of the following:

(1) The actual maximum rate established for property taxes first due and payable in calendar year 2012.

(2) The maximum rate that would have been established for property taxes first due and payable in calendar year 2012 if the maximum rate had been established under the formula under this section, as amended in the 2012 session of the general assembly.

SECTION 7. IC 6-1.1-18-13 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 13. (a) The maximum property tax rate levied under IC 20-46-6 by each school corporation for the school corporation's capital projects fund must be adjusted each year to account for the change in assessed value of real property that results from:~~

~~(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; or~~

~~(2) a general reassessment of real property under IC 6-1.1-4-4.~~

~~(b) The new maximum rate under this section is the tax rate determined under STEP SEVEN of the following formula:~~

~~STEP ONE: Determine the maximum rate for the school corporation for the year preceding the year in which the annual adjustment or general reassessment takes effect.~~

~~STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment is effective.~~

~~STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.~~

~~STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.~~

~~STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).~~

~~STEP SIX: Determine the greater of the following:~~

~~(A) Zero (0).~~

~~(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.~~

~~STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.~~

~~(c) The department of local government finance shall compute the maximum rate allowed under subsection (b) and provide the rate to each school corporation.~~".

Delete pages 3 through 5.

Page 6, delete lines 1 through 4.

Page 8, delete lines 22 through 38.

Page 9, delete lines 18 through 34.

Delete page 47.

Page 48, delete lines 1 through 38.

Page 50, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 28. IC 6-3.5-6-1.5, AS ADDED BY P.L.113-2010, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 1.5. (a) Notwithstanding any other provision of this chapter, a power granted by this chapter to adopt an ordinance to:

(1) impose, increase, decrease, or rescind a tax or tax rate; or

(2) grant, increase, decrease, rescind, or change a homestead credit or property tax replacement credit authorized under this chapter;

may be exercised at any time in a year before November 1 of that year.

(b) Notwithstanding any other provision of this chapter, an ordinance authorized by this chapter that imposes or increases a tax or a tax rate takes effect as follows:

(1) An ordinance adopted after December 31 of the immediately preceding year and before October 1 of the current year takes effect October 1 of the current year.

(2) An ordinance adopted after September 30 and before October 16 of the current year takes effect November 1 of the current year.

(3) An ordinance adopted after October 15 and before November 1 of the current year takes effect December 1 of the current year.

(c) Notwithstanding any other provision of this chapter, an ordinance authorized by this chapter that decreases or rescinds a tax or a tax rate takes effect as follows:

(1) An ordinance adopted after December 31 of the immediately preceding year and before October 1 of the current year takes effect on the later of October 1 of the current year or the first day of the month in the current year as the month in which the last increase in the tax or

tax rate occurred.

(2) An ordinance adopted after September 30 and before October 16 of the current year takes effect on the later of November 1 of the current year or the first day of the month in the current year as the month in which the last increase in the tax or tax rate occurred.

(3) An ordinance adopted after October 15 and before November 1 of the current year takes effect December 1 of the current year.

(d) ~~Notwithstanding any other provision of this chapter,~~ **Except as provided in subsection (e),** an ordinance authorized by this chapter that grants, increases, decreases, rescinds, or changes a homestead credit or property tax replacement credit authorized under this chapter takes effect for and **initially** applies to property taxes first due and payable in the year immediately following the year in which the ordinance is adopted.

(e) This subsection applies only to Miami County. A county income tax council may adopt an ordinance in 2012 to select a different combination of uses specified in section 32(f) of this chapter for tax revenue distributed to the county from a tax rate imposed under section 32 of this chapter (county option income tax rate to provide property tax relief to taxpayers). The county income tax council may provide in the ordinance that the ordinance initially takes effect for and applies to property taxes first due and payable in 2012. This subsection expires January 1, 2013.".

Page 50, line 9, after "(f)" delete "and" and insert ",".

Page 50, line 9, reset in roman "and (h),".

Page 51, reset in roman lines 28 through 34.

Page 51, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 29. IC 6-8.1-9-2, AS AMENDED BY P.L.182-2009(ss), SECTION 257, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) If the department finds that a person has paid more tax for a taxable year than is legally due, the department shall apply the amount of the excess against any amount of that same tax that is assessed and is currently due. The department may then apply any remaining excess against any of the listed taxes that have been assessed against the person and that are currently due. Subject to subsection (c), if any excess remains after the department has applied the overpayment against the person's tax liabilities, the department shall either refund the amount to the person or, at the person's request, credit the amount to the person's future tax liabilities.

(b) Subject to subsection (c), if a court determines that a person has paid more tax for a taxable year than is legally due, the department shall refund the excess amount to the person.

(c) As used in this subsection, "pass through entity" means a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2), a partnership, a limited liability company, or a limited liability partnership and "pass through income" means a person's distributive share of adjusted gross income for a taxable year attributable to the person's interest in a pass through entity. This subsection applies to a person's overpayment of adjusted gross income tax for a taxable year if:

(1) the person has filed a timely claim for refund with respect to the overpayment under IC 6-8.1-9-1;

(2) the overpayment:

(A) is with respect to a taxable year beginning before January 1, 2009;

(B) is attributable to amounts paid to the department by:

(i) a nonresident shareholder, partner, or member of a pass through entity;

(ii) a pass through entity under IC 6-3-4-12 or IC 6-3-4-13 on behalf of a nonresident shareholder, partner, or member of the pass through entity; or

(iii) a pass through entity under IC 6-3-4-12 or IC 6-3-4-13 on behalf of a nonresident shareholder, partner, or member of another pass through entity; and

(3) the overpayment arises from a determination by the department or a court that the person's pass through income is not includible in the person's adjusted gross income derived from sources within Indiana as a result of the application of IC 6-3-2-2(a)(5) and IC 6-3-2-2.2(g).

The department shall apply the overpayment to the person's liability for taxes that have been assessed and are currently due as provided in subsection (a) and apply any remaining overpayment as a credit or credits in satisfaction of the person's liability for listed taxes in taxable years beginning after December 31, 2008. If the person, including any successor to the person's interest in the overpayment, does not have sufficient liability for listed taxes against which to credit all the remaining overpayment in a taxable year beginning after December 31, 2008, and ending before January 1, 2019, the taxpayer is not entitled for any taxable year ending after December 31, 2018, to have any part of the remaining overpayment applied, refunded, or credited to the person's liability for listed taxes. If an overpayment or part of an overpayment is required to be applied as a credit under this subsection to the person's liability for listed taxes for a taxable year beginning after December 31, 2008, and has not been determined by the department or a court to meet the conditions of subdivision (3) by the due date of the person's return for a listed tax for a taxable year beginning after December 31, 2008, the department shall refund to the person that part of the overpayment that should have been applied as a credit for such taxable year within ninety (90) days of the date that the department or a court makes the determination that the overpayment meets the conditions of subdivision (3). However, the department may establish a program to refund small overpayment amounts that do not exceed the threshold dollar value established by the department rather than crediting the amounts against tax liability accruing for a taxable year after December 31, 2008. A person that receives a refund or credit under this subsection shall file a report with the department in the form and in the schedule specified by the department that identifies under penalties of perjury the home state or other jurisdiction where the income subject to the refund or credit was reported as income attributable to that state or jurisdiction.

(d) An excess tax payment that is not refunded or credited against a current or future tax liability within ninety (90) days after the date the refund claim is filed, the date the tax payment was due, or the date the tax was paid, whichever is latest, accrues interest from the date the refund claim is filed at the rate established under IC 6-8.1-10-1 until a date, determined by the department, that does not precede by more than thirty (30) days, the date on which the refund or credit is made. As used in this subsection, "refund claim" includes an amended return that indicates an overpayment of tax.

(e) A person who is liable for the payment of excise taxes under IC 7.1-4-3 or IC 7.1-4-4 is entitled to claim a credit against the person's excise tax liability in the amount of the excise taxes paid in duplicate by the person, or the person's assignors or predecessors, upon both:

(1) the receipt of the goods subject to the excise taxes, as reported by the person, or the person's assignors or predecessors, on excise tax returns filed with the department; and

(2) the withdrawal of the same goods from a storage facility operated under 19 U.S.C. 1555(a).

(f) The amount of the credit under subsection (e) is equal to the amount of excise taxes:

(1) that were paid by the person, or the person's

assignors or predecessors, as described in subsection (e)(2);

(2) that are duplicative of excise taxes paid by the person, or the person's assignors or predecessors, as described in subsection (e)(1); and

(3) for which the person, or the person's assignors or predecessors, has not previously claimed a credit.

The credit may be claimed by subtracting the amount of the credit from the amount of the person's excise taxes reported on the person's monthly excise tax returns filed under IC 7.1-4-6 with the department for taxes imposed under IC 7.1-4-3 or IC 7.1-4-4. The amount of the credit that may be taken monthly by the person on each monthly excise tax return may not exceed five percent (5%) of the excise tax liability reported by the person on the monthly excise tax return.

(g) The amount of the credit claimed by a person under subsection (f) must be used by the person for capital expenditures to:

(1) expand employment; or

(2) assist in retaining employment;

within Indiana. The department shall annually verify whether the capital expenditures made by the person comply with this subsection.

SECTION 29. IC 8-1-34-16, AS AMENDED BY P.L.219-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) Except as provided in ~~section~~ **sections** 21 **and 30** of this chapter, after June 30, 2006:

(1) the commission is the sole franchising authority (as defined in 47 U.S.C. 522(10)) for the provision of video service in Indiana; and

(2) a unit may not:

(A) require a provider to obtain a separate franchise;

(B) impose any fee, gross receipt tax, licensing requirement, rate regulation, or build-out requirement on a provider;

(C) regulate a holder or provider; or

(D) establish, fund, or otherwise designate an agency, a board, or another subordinate entity to monitor, supervise, evaluate, or regulate the holder or provider;

except as authorized by this chapter.

(b) Except as provided in section 21 of this chapter, a person who seeks to provide video service in Indiana after June 30, 2006, shall file with the commission an application for a franchise. The application shall be made on a form prescribed by the commission and must include the following:

(1) A sworn affidavit, signed by an officer or another person authorized to bind the applicant, that affirms the following:

(A) That the applicant has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering video service in Indiana.

(B) That the applicant agrees to comply with all federal and state statutes, rules, and regulations applicable to the operation of the applicant's video service system.

(C) That the applicant agrees to:

(i) comply with any local ordinance or regulation governing the use of public rights-of-way in the delivery of video service; and

(ii) recognize the police powers of a unit to enforce the ordinance or regulation.

(D) If the applicant will terminate an existing local franchise under section 21 of this chapter, that the applicant agrees to perform any obligations owed to any private person, as required by section 22 of this chapter.

(2) The applicant's legal name and any name under which the applicant does or will do business in Indiana, as authorized by the secretary of state.

(3) The address and telephone number of the applicant's principal place of business, along with contact information for the person responsible for ongoing communications with the commission.

(4) The names and titles of the applicant's principal officers.

(5) The legal name, address, and telephone number of the applicant's parent company, if any.

(6) A description of each service area in Indiana to be served by the applicant. A service area described under this subdivision may include an unincorporated area in Indiana.

(7) The expected date for the deployment of video service in each of the areas identified in subdivision (6).

(8) A list of other states in which the applicant provides video service.

(9) If the applicant will terminate an existing local franchise under section 21(b) of this chapter, a copy of the written notice sent to the municipality under section 21(c) of this chapter.

(10) Any other information the commission considers necessary to:

(A) monitor the provision of video service to Indiana customers; and

(B) prepare the commission's annual report to the regulatory flexibility committee under IC 8-1-2.6-4.

(c) This section does not empower the commission to require:

(1) an applicant to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information; or

(2) a provider to disclose more frequently than in each odd numbered year information regarding the areas in which an applicant has deployed, or plans to deploy, video services.

The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

(d) The commission may charge a fee for filing an application under this section. Any fee charged by the commission under this subsection may not exceed the commission's actual costs to process and review the application under section 17 of this chapter.

(e) Nothing in this title may be construed to require an applicant or a provider to disclose information that identifies by census block, street address, or other similar level of specificity the areas in which the applicant or provider has deployed, or plans to deploy, video service in Indiana. The commission may not disclose, publish, or report by census block, street address, or other similar level of specificity any information identifying the areas in Indiana in which an applicant or a provider has deployed, or plans to deploy, video service.

SECTION 30. IC 8-1-34-24, AS ADDED BY P.L.27-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 24. (a) Subject to ~~subsection~~ **subsections** (e) **and (f),** not later than forty-five (45) days after the end of each calendar quarter, the holder shall pay to each unit included in the holder's service area under a certificate issued under this chapter a franchise fee equal to:

(1) the amount of gross revenue received from providing video service in the unit during the most recent calendar quarter, as determined under section 23 of this chapter; multiplied by

(2) a percentage equal to one (1) of the following:

(A) If a local franchise has never been in effect in the unit before July 1, 2006, five percent (5%).

(B) If no local franchise is in effect in the unit on July 1, 2006, but one (1) or more local franchises have been in effect in the unit before July 1, 2006, the percentage of gross revenue paid by the holder of the most recent local franchise in effect in the unit, unless the unit elects to impose a different percentage, which may not exceed five percent (5%).

(C) If there is one (1) local franchise in effect in the unit on July 1, 2006, the percentage of gross revenue paid by the holder of that local franchise as a franchise fee to the unit, unless the unit elects to impose a different percentage, which may not exceed five percent (5%). Upon the expiration of a local franchise described in this clause, the percentage shall be determined by the unit but may not exceed five percent (5%).

(D) If there is more than one (1) local franchise in effect with respect to the unit on July 1, 2006, a percentage determined by the unit, which may not exceed the greater of:

(i) five percent (5%); or

(ii) the percentage paid by a holder of any local franchise in effect in the unit on July 1, 2006.

(b) If the holder provides video service to an unincorporated area in Indiana, as described in section 23(e) of this chapter, the holder shall:

(1) calculate the franchise fee with respect to the unincorporated area in accordance with subsection (a); and

(2) remit the franchise fee to the county in which the unincorporated area is located.

If an unincorporated area served by the provider is located in one (1) or more contiguous counties, the provider shall remit part of the franchise fee calculated under subdivision (1) to each county having territory in the unincorporated area served. The part of the franchise fee remitted to a county must bear the same proportion to the total franchise fee for the area, as calculated under subdivision (1), that the number of subscribers in the county bears to the total number of subscribers in the unincorporated area served.

(c) With each payment of a franchise fee to a unit under this section, the holder shall include a statement explaining the basis for the calculation of the franchise fee. A unit may review the books and records of:

(1) the holder; or

(2) an affiliate of the holder, if appropriate;

to the extent necessary to ensure the holder's compliance with section 23 of this chapter in calculating the gross revenue upon which the remitted franchise fee is based. Each party shall bear the party's own costs of an examination under this subsection. If the holder and the unit cannot agree on the amount of gross revenue on which the franchise fee should be based, either party may petition the commission to determine the amount of gross revenue on which the franchise fee should be based. A determination of the commission under this subsection is final, subject to the right of direct appeal by either party.

(d) A franchise fee owed by a holder to a unit under this section may be passed through to, and collected from, the holder's subscribers in the unit. To the extent allowed under ~~43 U.S.C. 542(c),~~ **47 U.S.C. 542(c),** the holder may identify as a separate line item on each regular bill issued to a subscriber:

(1) the amount of the total bill assessed as a franchise fee under this section; and

(2) the identity of the unit to which the franchise fee is paid.

(e) A holder that elects under section 21(b)(1) of this chapter to continue providing video service under a local franchise is not required to pay the franchise fee prescribed under this section, but shall pay any franchise fee imposed under the terms of the local franchise **with respect to video service provided in a calendar year ending before January 1, 2013. A fee required by a local franchise does not apply to video service provided in a calendar year beginning after December 31, 2012.**

(f) A holder is not required to pay the franchise fee prescribed by subsections (a) through (d) with respect to video service provided in a calendar year beginning after December 31, 2012.

SECTION 31. IC 8-1-34-30 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 30. (a) As used in this section, "department" refers to the department of state revenue.**

(b) As used in this section, "direct broadcast satellite service" means distributing or broadcasting video programming (as defined in 47 U.S.C. 522(20)) or video service by satellite directly to receiving equipment located at an end user subscriber's or an end user customer's premises. The term includes the following:

(1) Renting receiving or recording equipment used by a subscriber or customer to obtain or use the service.

(2) Providing premium channels.

(3) Installing or repairing receiving or recording equipment used by a subscriber or customer to obtain or use the service.

(4) Providing music or other audio services or channels.

(5) Any other service provided in connection with the provision of direct broadcast satellite service.

(c) As used in this section, "direct broadcast satellite service provider" means any person that transmits, broadcasts, or otherwise provides direct broadcast satellite service to subscribers in Indiana.

(d) With respect to a direct broadcast satellite service provider, "gross revenue" means all consideration of any kind or nature, including cash, credits, property, and in kind contributions received by the direct broadcast satellite service provider or an affiliate of the provider. Gross revenue is determined as follows:

(1) The term includes the following fees and charges charged to subscribers for direct broadcast satellite service provided by a direct broadcast satellite service provider or an affiliate of the provider:

(A) Recurring monthly charges for direct broadcast satellite service.

(B) Event based charges for direct broadcast satellite service, including pay per view and video on demand charges.

(C) Charges for the rental of equipment related to providing direct broadcast satellite service.

(D) Service charges related to providing direct broadcast satellite service, including activation, installation, repair, and maintenance charges.

(E) Administrative charges related to providing direct broadcast satellite service, including service order and service termination charges.

(F) Any other fee or charge that would be included in gross revenue as determined under section 23 of this chapter, regardless of whether the direct broadcast satellite service provider, or an affiliate of the provider, is otherwise subject to this chapter.

(2) The term does not include the following received by a direct broadcast satellite service provider or an affiliate of the provider:

(A) Revenue not actually received, regardless of whether it is billed, including bad debt.

(B) Revenue received by an affiliate or any other

person in exchange for supplying goods and services used by the direct broadcast satellite service provider to provide direct broadcast satellite service.

(C) Refunds, rebates, or discounts made to a subscriber, an advertiser, a unit, another provider, or any other person.

(D) Revenue from providing service other than direct broadcast satellite service, including:

(i) telecommunications service (as defined in 47 U.S.C. 153(46));

(ii) information service (as defined in 47 U.S.C. 153(20)); or

(iii) any other service that is not direct broadcast satellite service.

(E) The tax imposed on retail transactions described in IC 6-2.5-4-11.

(F) Any video service provider fee that is:

(i) imposed on the provider under subsection (f); and

(ii) passed through to and collected from subscribers.

(G) Any tax of general applicability imposed on the direct broadcast satellite service provider, or a subscriber of direct broadcast satellite service, by a federal, state, or local governmental entity and required to be collected and remitted to the taxing entity, including the state gross retail and use taxes (IC 6-2.5) and the utility receipts tax (IC 6-2.3).

(H) Any foregone revenue from providing free or reduced cost direct broadcast satellite service to any person, including employees of the direct broadcast satellite service provider or any governmental entity as required or permitted by federal, state, or local law, except revenue foregone in exchange for goods or services through a trade or barter arrangement.

(I) Revenue from the sale of:

(i) capital assets; or

(ii) surplus equipment not used by the purchaser to receive direct broadcast satellite service from the direct broadcast satellite service provider.

(J) Reimbursements that:

(i) are made by programmers to the direct broadcast satellite service provider for marketing costs incurred by the direct broadcast satellite service provider for the introduction of new programming; and

(ii) exceed the actual costs incurred by the direct broadcast satellite service provider.

(K) Late payment fees collected from customers.

(L) Charges, other than those charges described in subdivision (1), that are aggregated or bundled with charges described in subdivision (1) on a customer's bill, if the direct broadcast satellite service provider can reasonably identify the charges in its books and records kept in the regular course of business.

(e) With respect to a holder, "gross revenue" has the meaning set forth in section 5 of this chapter.

(f) After June 30, 2012, a unit may adopt an ordinance to impose a video service provider fee upon any holder or direct broadcast satellite service provider providing video service or direct broadcast satellite service to subscribers located in the unit. However:

(1) a county may impose the fee only upon services provided to subscribers located within the unincorporated area of the county;

(2) a township may impose the fee only if the township was entitled to receive the distribution of the fee imposed under section 24 of this chapter or was a party to a local franchise that a video service provider elected to continue operating under as provided by section 21(b)(1) of this chapter.

(g) A fee imposed under this section may not exceed three percent (3%) of the gross revenue of the holder or direct broadcast satellite service provider that is attributable to services provided to subscribers located in the unit imposing the fee. A fee imposed under this section takes effect on January 1 of the calendar year following the calendar year in which the ordinance imposing the fee is adopted.

(h) The video service provider fee is in addition to the state gross retail tax and use tax imposed by IC 6-2.5.

(i) The video service provider fee may be passed through to, and collected from, a holder or direct broadcast satellite service provider's subscribers in Indiana. To the extent allowed under federal or state law, the holder or direct broadcast satellite service provider may identify as a separate line item on each regular bill issued to a subscriber:

(1) the amount of the total bill assessed as a video service provider fee under this section; and

(2) the identity of the unit to which the video service provider fee is paid.

(j) Each holder or direct broadcast satellite service provider liable for the video service provider fee shall file a report for each calendar quarter and pay to the department the fee imposed by this section for each calendar quarter. A holder or direct broadcast satellite service provider shall file a report for each calendar quarter with the department and pay the video service provider fee for that calendar quarter to the department not later than twenty (20) days after the end of that calendar quarter. The report must include a summary of gross revenue and fees categorized by unit. This subsection does not create a liability of the holder or direct broadcast satellite service provider directly to a unit.

(k) The department shall prescribe the form of the direct broadcast satellite service fee report required under subsection (j).

(l) For each unit in which a provider provides direct broadcast satellite service or video service, the department shall:

(1) credit to a special account for that unit the money received from the fees collected by the department for the unit for the most recent calendar quarter from each provider that provides direct broadcast satellite service or video service in the unit; and

(2) use the money in the account to make distributions to the unit before the last business day in January, April, July, and October based on the amount of fees received in that month for the most recent calendar quarter from each provider that provides direct broadcast satellite service or video service in the unit.

The money in each special account is appropriated to make the distributions.

SECTION 29. IC 8-10-2-2, AS AMENDED BY P.L.98-2008, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) In addition to the powers conferred upon the ports of Indiana by other provisions of this article, the ports of Indiana, whenever the ports of Indiana finds that the economic welfare of the state would thereby be benefited, by additional employment opportunities, or by additional diversification of industry within the state, or by increased income or prosperity to the state and its residents, or for any other reason, shall have the power to acquire, construct, maintain, repair, police, and lease to others such facilities for manufacturing, storage, or processing of goods, or for the carrying on of commercial, business, or recreational activities as the ports of Indiana further finds will increase the traffic into or out of the project. ~~Any such facilities~~

~~and the site thereof shall not be~~ **Neither a facility leased under this section nor the site on which the facility is located may become** exempt from property taxation ~~and~~ **because of the lease.** The lessee in any lease ~~thereof~~ **authorized by this subsection** shall agree to pay all property taxes levied on ~~such facilities and the site thereof.~~ **the leased facility and the site of the facility unless the lessee itself is exempt from property taxation. Any property taxes imposed upon the leased facility and the site of the facility remain the liability of the lessee. Unpaid property taxes are not a liability of the ports of Indiana or any subsequent lessee or occupant of the leased facility. The terms of any lease agreement entered into after June 30, 2012, must comply with this subsection.**

(b) In exercising the powers granted in this section, the ports of Indiana shall have all the powers granted to it by this article, in connection with a project, and the term "project", as used in IC 8-10-1, shall be deemed to include facilities, adjuncts, and appurtenances of the character referred to in this section.

(c) It is further declared that the acquisition, construction, maintenance, repair, policing of, and leasing to others of such facilities under the conditions set forth in this section is a public purpose.

(d) Nothing in this section shall authorize the ports of Indiana to take, condemn, or disturb any property right or interest in property, existing on March 10, 1967, including permits and authorities to fill and reclaim submerged lands, or any facilities constituting all or part of any operating property or any private or public port. The ports of Indiana shall make reimbursement for any actual damage to any public or private facilities, including but not limited to breakwaters, water intakes, wharves, piers, boat docks, warehouses, and pipeline equipment resulting from the exercise by it of any powers granted to it by this section.".

Delete pages 52 through 53.

Page 54, delete lines 1 through 8, begin a new paragraph and insert:

"SECTION 32. IC 36-2-6-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 23. A county treasurer shall provide written notice to the ports of Indiana of any determination that a person liable for property taxes due on:**

(1) a facility leased by the person from the ports of Indiana; or

(2) the site of a facility leased by the person from the ports of Indiana;

has failed to pay the property taxes. The notice must be provided not later than thirty (30) days after the determination is made.".

Page 55, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 32. IC 36-7-32-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. As used in this chapter, "gross retail base period amount" means the aggregate amount of state gross retail and use taxes remitted under IC 6-2.5 by the businesses operating in the territory comprising a certified technology park during the full state fiscal year that precedes the date on which the certified technology park was designated under section 11 of this chapter **(subject to any subsequent adjustment under section 28 of this chapter).**

SECTION 33. IC 36-7-32-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. As used in this chapter, "income tax base period amount" means the aggregate amount of the following taxes paid by employees employed in the territory comprising a certified technology park with respect to wages and salary earned for work in the certified technology park for the state fiscal year that precedes the date on which the certified technology park was designated under section 11 of this chapter **(subject to any subsequent adjustment under section 28 of this chapter):**

(1) The adjusted gross income tax.

(2) The county adjusted gross income tax.

(3) The county option income tax.

(4) The county economic development income tax.

SECTION 34. IC 36-7-32-28 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 28. (a) This section applies only to a certified technology park located in a county having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred thirty-five thousand (135,000).**

(b) A redevelopment commission may petition the department of state revenue to adjust a certified technology park's gross retail base period amount or income tax base period amount, or both, if the redevelopment commission believes in good faith at the time the petition is made that the gross retail base period amount or the income tax base period amount, or both, in effect for the certified technology park are incorrect.

(c) A redevelopment commission that submits a petition under subsection (b) has the burden of demonstrating the redevelopment commission's claim by a preponderance of the evidence.

(d) A petition submitted under subsection (b) must include the following:

(1) An explanation of the calculation that was made to determine the gross retail base period amount or income tax base period amount, or both, in effect at the time the petition is made.

(2) An explanation of why the gross retail base period amount or income tax base period amount, or both, should be changed.

(3) An explanation of the proposed change in the calculation of the gross retail base period amount or income tax base period amount, or both, describing:

(A) the proposed change in the calculation formula, if any;

(B) the proposed new facts to use in making the calculation, if any; or

(C) the information in both clauses (A) and (B).

(e) In addition to information provided in a petition submitted under subsection (b), the department of state revenue may require a redevelopment commission to furnish any additional reasonable documentation or other evidence the department of state revenue requires to make its determination.

(f) If the department of state revenue determines as a result of a petition submitted under this section that a certified technology park's gross retail base period amount or income tax base period amount, or both, are incorrect, the department of state revenue shall compute the appropriate adjustments and notify the petitioning redevelopment commission, the Indiana economic development corporation, the budget agency, and the treasurer of state.

(g) An adjustment of a certified technology park's gross retail base period amount or income tax base period amount under this section is retroactive to the later of the following dates:

(1) The date the incorrect gross retail base period amount or income tax base period amount, as applicable, became effective.

(2) July 1 of the state fiscal year immediately preceding the state fiscal year in which the redevelopment commission submitted the petition to the department of state revenue under subsection (b).

(h) If the date to which an adjustment of a certified technology park's gross retail base period amount or income tax base period amount is retroactive occurred before the beginning of the state fiscal year in which the adjustment is determined under this section, the department of state revenue shall notify the auditor of state and the budget agency of the adjustment with an explanation of the sum of the following:

(1) The difference, if any, between:

(A) the incorrect gross retail incremental amount; and

(B) the adjusted gross retail incremental amount;

of the certified technology park for all state fiscal years before the state fiscal year in which the determination under this section is made that are affected by the adjustment in the gross retail base period amount, based on the date determined under subsection (g).

(2) The difference, if any, between:

(A) the incorrect income tax incremental amount; and

(B) the adjusted income tax incremental amount;

of the certified technology park for all state fiscal years before the state fiscal year in which the determination under this section is made that are affected by the adjustment in the income tax base period amount, based on the date determined under subsection (g).

If the budget agency is satisfied that the explanation furnished by the department of state revenue of the sum determined under this subsection is correct, the budget agency shall direct the auditor of state to transfer the sum determined under this section from the state general fund to the incremental tax financing fund for the relevant certified technology park, without appropriation, subject to section 22(c) of this chapter, to be distributed as provided in section 22(d) of this chapter.".

Page 55, line 40, delete "attributable to the increment" and insert "**appropriated by the fiscal body for deposit in the fund from any revenue source available to the fiscal body.**".

Page 55, line 41, delete "determined under section 5 of this chapter.".

Page 56, delete lines 4 through 41.

Page 57, delete lines 14 through 22.

Page 58, line 14, delete "general".

Page 58, line 15, delete "assembly urges the".

Page 58, line 15, after "council" delete "to" and insert "**shall**".

Page 58, line 21, delete "If the topic described in subsection (a) is assigned to an" and insert "**The**".

Page 58, delete line 22.

Page 58, line 23, after "committee" insert "**assigned the topic described in subsection (a)**".

Page 58, run in lines 21 through 23.

Page 58, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 40. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "office of the secretary" refers to the office of the secretary of family and social services.**

(b) As used in this SECTION, "government assistance income" means the sum of the value of all:

(1) cash;

(2) free services; or

(3) savings from reduced fees;

that an Indiana resident with an income at or below two hundred percent (200%) of the federal poverty income level receives.

(c) Before December 31, 2012, the office of the secretary shall study the following:

(1) The tax relief available for Indiana residents with incomes under the federal poverty income level.

(2) The availability of programs that provide financial or medical assistance to low income Indiana residents with incomes under the federal poverty income level, including:

(A) Medicaid;

(B) Temporary Assistance for Needy Families;

(C) food stamps; and

(D) any other federal, state, or local financial or medical assistance available to Indiana residents whose income is at or below two hundred percent (200%) of the federal poverty income level.

(3) The maximum government assistance income an individual could receive by pursuing and obtaining the benefits described in subdivisions (1) and (2).

(d) The office of the secretary shall submit a report of its findings not later than December 31, 2012, to the governor and the legislative council. The report must be in an electronic format under IC 5-14-6. The report must include a detailed explanation of the calculation assumptions and methodology.

(e) This SECTION expires January 1, 2013.

SECTION 41. [EFFECTIVE MAY 1, 2012] **(a) This SECTION applies to a taxpayer notwithstanding IC 6-1.1-11 or any other law or administrative rule or provision.**

(b) This SECTION applies to an assessment date (as defined in IC 6-1.1-1-2) occurring in 2008 through 2009.

(c) This SECTION applies only to a taxpayer that is an Indiana nonprofit corporation that serves the homeless and to land and improvements that meet all of the following conditions:

(1) The corporation leased land and improvements that served as a homeless shelter that met the physical, emotional, academic, and spiritual needs of children, teens, adults, and families during 2008 through 2009. The corporation timely filed an application under IC 6-1.1-11 for a property tax exemption for the land and improvements and received an exemption from property taxes for the 2007, 2010, and 2011 assessment dates for the land and improvements.

(2) The corporation did not timely file an application under IC 6-1.1-11 for a property tax exemption for the land and improvements described in subdivision (1) for the 2008 through 2009 assessment dates, and as a result the corporation's land and improvements referred to in subdivision (1) were assessed and subject to property taxation for the 2008 through 2009 assessment dates.

(3) For the 2008 through 2009 assessment dates, the land and improvements described in subdivision (1) would have been eligible for a property tax exemption if the corporation had filed an exemption application under IC 6-1.1-11.

A taxpayer described in this subsection may, before July 1, 2012, file with the county assessor an application for property tax exemption for the land and improvements described in subdivision (1) for the 2008 through 2009 assessment dates.

(d) If the taxpayer demonstrates in the application filed under subsection (c) that the property that is the subject of the exemption application would have qualified for an exemption under IC 6-1.1-10-16 as owned, occupied, and used for an educational or charitable purpose if the application had been filed under IC 6-1.1-11 in a timely manner, the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed by

the taxpayer under subsection (c) and shall pay no property taxes, penalties, or interest with respect to the exempt property.

(e) For a taxpayer's property to be exempt under this SECTION, the taxpayer must have received for the 2007, 2010, and 2011 assessment dates an exemption from property taxes for property identified by the same parcel or key numbers or the same parcel and key numbers included on the property tax exemption applications filed by the taxpayer for those assessment dates.

(f) An application for property tax exemption that is filed under subsection (c) is considered to be timely filed for the 2008 through 2009 assessment dates, and the county assessor shall forward the application to the county property tax assessment board of appeals for review. The board shall grant an exemption claimed for the 2008 through 2009 assessment dates if the board determines that:

(1) the corporation's application for property tax exemption satisfies the requirements of this SECTION; and

(2) the corporation's land and improvements were, except for the failure to timely file a property tax exemption application, otherwise eligible for the claimed exemption for the 2008 through 2009 assessment dates.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the corporation for all taxes paid for the 2008 and 2009 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer over a two (2) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to SB 344 as reprinted February 1, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 4.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 345, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.

(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.

(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.

(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:

(A) the variance procedures are included in the rules; and

(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.

(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.

(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.

(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.

(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).

(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).

(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).

(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;
(B) under IC 8-15-2-17.2(a)(10):
(i) establishing enforcement procedures; and
(ii) making assessments for failure to pay required tolls;
(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or
(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.
(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.
(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.
(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).
(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.
(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.
(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:
(A) Federal Medicaid waiver program provisions.
(B) Federal programs administered by the office of the secretary.
(38) An emergency rule adopted by the statewide 911 board under IC 36-8-16.7-37.

(b) The following do not apply to rules described in subsection (a):
(1) Sections 24 through 36 of this chapter.
(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:
(1) accept the rule for filing; and
(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:
(1) The effective date of the statute delegating authority to the agency to adopt the rule.
(2) The date and time that the rule is accepted for filing under subsection (e).
(3) The effective date stated by the adopting agency in the rule.
(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:
(1) sections 24 through 36 of this chapter; or
(2) IC 13-14-9;
as applicable.

(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:
(1) The expiration date stated by the adopting agency in the rule.
(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.".

Page 2, line 20, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 5, line 6, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 5, line 31, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 7, line 29, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 11, line 27, after ";" insert "**or**".
Page 11, between lines 27 and 28, begin a new line block indented and insert:
"**(2) a communications service provider (as defined in IC 8-1-2.6-13).**".
Page 11, strike line 28.
Page 11, line 29, strike "(3) a CMRS provider (as defined".
Page 11, line 29, delete "in".
Page 11, delete line 30.
Page 12, line 32, strike "telephone company;" and insert "**communications service provider (as defined in IC 8-1-2.6-13);**".
Page 12, line 33, strike "(3) a CMRS provider (as defined in".
Page 12, delete line 34.
Page 12, line 35, strike "(4)" and insert "**(3)**".
Page 12, line 36, strike "(5)" and insert "**(4)**".

Page 14, line 35, delete "IC 36-8-15-4)" and insert "IC 36-8-15-4".
Page 14, line 36, delete "July 1, 2016);" and insert "**January 1, 2017));**".
Page 14, line 38, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 16, line 35, delete "July" and insert "**January**".
Page 16, line 36, delete "2016" and insert "**2017**".
Page 16, line 42, delete "July" and insert "**January**".
Page 17, line 1, delete "2016" and insert "**2017**".
Page 17, line 4, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 17, line 6, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 17, line 9, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 17, line 11, delete "July" and insert "**January**".
Page 17, line 12, delete "2016" and insert "**2017**".
Page 17, line 15, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 17, line 17, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 17, line 18, delete "benefits" and insert "**benefit**".
Page 17, line 19, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 17, line 22, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 17, line 23, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 17, line 24, delete "July" and insert "**January**".
Page 17, line 25, delete "2016" and insert "**2017**".
Page 17, line 28, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 17, line 31, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 17, line 32, delete "July" and insert "**January**".
Page 17, line 33, delete "2016" and insert "**2017**".
Page 17, line 36, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 17, line 39, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 17, line 40, delete "July" and insert "**January**".
Page 17, line 41, delete "2016" and insert "**2017**".
Page 17, line 42, delete "June 30" and insert "**December 31**".
Page 18, line 2, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 18, line 4, delete "July 1, 2016)" and insert "**January 1, 2017)**".
Page 18, line 4, delete "July 1, 2016." and insert "**January 1, 2017.**".
Page 18, line 5, before "public" delete "each" and insert "**a**".
Page 18, line 6, delete "or" and insert "**created by IC 36-8-15-7 (before its expiration on January 1, 2017) and**".
Page 18, line 7, delete "a" and insert "**each**".
Page 18, line 7, delete "by" and insert "**under**".
Page 18, line 8, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 18, line 12, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 18, line 14, delete "subsection," and insert "**section,**".
Page 18, line 16, delete "July 1, 2016" and insert "**January 1, 2017**".
Page 19, line 2, delete "fifty" and insert "**seventy-five**".
Page 19, line 3, delete "($0.50)" and insert "**($0.75)**".
Page 20, line 25, after "system" insert "**using voice communications**".
Page 20, line 29, after "communications" insert "**using voice communications**".
Page 21, line 14, after "three" insert "**(3)**".
Page 22, line 9, delete "and".
Page 22, line 10, delete "provider." and insert "**provider; and**

(3) in the case of mobile communications service, determined in the manner provided by IC 6-8.1-15.".

Page 22, line 15, after "information" insert "**, including but not limited to information subject to protection under 47 U.S.C. 222**".
Page 23, line 15, after "system" insert "**approved by the board under section 40 of this chapter**".
Page 23, line 36, after "The" insert "**facility based**".
Page 24, between lines 12 and 13, begin a new line block indented and insert:

"**(8) The Midwest Association of Competitive Communications, Inc. shall recommend one (1) member representing a competitive local exchange carrier.**".

Page 24, line 13, delete "thirteen (13)" and insert "**fourteen (14)**".
Page 25, line 22, delete "One (1) member who represents a department or agency" and insert "**The state fire marshal or the state fire marshal's designee.**".
Page 25, delete line 23.
Page 25, between lines 25 and 26, begin a new line block indented and insert:

"**(12) One (1) member who represents competitive local exchange carriers and is appointed by the governor after considering the recommendation of the Midwest Association of Competitive Communications, Inc. under subsection (b)(8).**".

Page 26, delete line 6.
Page 26, line 41, after "Administer" insert "**the statewide 911 fund**".
Page 27, line 9, delete "(a)".
Page 27, line 9, delete "treasurer of state" and insert "**board**".
Page 27, line 21, delete "treasurer of state" and insert "**board**".
Page 27, delete lines 23 through 25.
Page 28, line 30, delete "(c) and (e), and" and insert "**(b) and (d),**".
Page 28, line 31, delete "subject to subsection (b),".
Page 28, line 33, delete "(as defined in section 16 of this chapter, and as determined in".
Page 28, line 34, delete "the manner provided by IC 6-8.1-15)".
Page 28, line 34, delete "that:" and insert "**of seventy-five cents ($0.75).**".
Page 28, delete lines 35 through 42.
Page 29, delete lines 1 through 6.
Page 29, line 7, delete "(c)" and insert "**(b)**".
Page 29, line 9, delete "(d)" and insert "**(c)**".
Page 29, line 14, delete "(e)" and insert "**(d)**".
Page 30, line 11, delete "Subject to subsection (b), the" and insert "**The**".
Page 30, delete lines 13 through 18, begin a new line block indented and insert:

"**(1) The board may retain in each state fiscal year the lesser of:**

(A) seven percent (7%) of the statewide 911 fees deposited in the fund in that state fiscal year; or

(B) five million six hundred thousand dollars ($5,600,000);

to pay the board's expenses in administering this chapter and to develop, operate, and maintain a statewide 911 system. The board may decrease the

amount of fees retained by the board.".

Page 30, line 31, delete ";" and insert "**.**".

Page 30, delete lines 32 through 38, begin a new paragraph and insert:

"**(b) After review by the budget committee, the board shall adopt an emergency rule under IC 4-22-2-37.1 before September 15, 2012, to establish a distribution formula. The formula must be included in a later rule adopted by the board under IC 4-22-2-24 through IC 4-22-2-36.**

(c) The board shall publish the formula established under this section on the board's Internet web site.

(d) The board shall annually reexamine the distribution formula to ensure that revenue is equitably distributed among the PSAPs operated in Indiana.".

Page 31, delete line 5.

Page 31, line 6, delete "(5)" and insert "**(4)**".

Page 31, between lines 11 and 12, begin a new line block indented and insert:

"**If a facility or equipment is shared with any entity that is not engaged in the PSAP operation, a PSAP must allocate any costs described in this subdivision between the entity and the PSAP. Only that part of the costs incurred by the PSAP operation may be paid from a distribution under this chapter.**".

Page 31, line 12, delete "(6)" and insert "**(5)**".

Page 31, line 12, after "system" insert "**approved by the board**".

Page 31, line 14, delete "(7)" and insert "**(6)**".

Page 31, line 16, delete "(8)" and insert "**(7)**".

Page 31, delete lines 19 through 24, begin a new line block indented and insert:

"**(8) The payment of debt service on bonds issued under IC 36-8-16 (before its repeal). The repeal of IC 36-8-16 does not relieve any unit of the obligation to repay any debt incurred under IC 36-8-16 (before its repeal).**".

Page 32, line 11, delete "37(2)" and insert "**37(a)(2)**".

Page 32, line 38, delete "A" and insert "**With the approval of the board, a**".

Page 33, between lines 14 and 15, begin a new paragraph and insert:

"**(d) The board shall prescribe the necessary standards, forms, and procedures for the consideration of county proposals to establish an emergency notification system. The board may approve any proposal meeting the standards developed by the board.**".

Page 33, line 21, delete "use (as determined in the manner" and insert "**use; or**".

Page 33, delete line 22.

Page 33, line 40, delete "(as determined in".

Page 33, line 41, delete "the manner provided by IC 6-8.1-15)".

Page 35, line 26, delete "July 1, 2016" and insert "**January 1, 2017**".

Page 37, between lines 18 and 19, begin a new paragraph and insert:

"**Sec. 48. Before August 1, 2013, and each year thereafter, the board shall annually report to the budget committee on the following:**

(1) The expenses incurred by the board in carrying out its duties under this chapter.

(2) The total amount of fees deposited in the fund during the most recent state fiscal year.

(3) The total amount of fees distributed to PSAPs during the most recent state fiscal year.

(4) The board's annual analysis of the distribution formula established under section 37 of this chapter.

Sec. 49. This chapter expires January 1, 2017.".

Page 37, line 24, delete "IC 36-8-15-4)" and insert "IC 36-8-15-4".

Page 37, line 25, delete "July 1, 2016)." and insert "**January 1, 2017)).**".

Page 37, line 26, delete "IC 36-8-15-3(1))" and insert "IC 36-8-15-3(1)".

Page 37, line 27, delete "July 1, 2016)." and insert "**January 1, 2017)).**".

Renumber all SECTIONS consecutively.

(Reference is to SB 345 as reprinted January 31, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 4.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 353, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning taxation.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "commission" refers to the commission on state tax and financing policy established by IC 2-5-3-2.**

(b) The commission shall study all aspects of the manner in which the state gross retail tax is imposed upon the sale of motor fuel and collected under IC 6-2.5-7.

(c) The commission shall report its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 before November 1, 2012.

(d) This SECTION expires January 1, 2013.

(Reference is to SB 353 as reprinted February 1, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 407, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 1.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 14, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

Committee Vote: yeas 9, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Resolution 17, has had the same under consideration and begs leave to report the same back to

the House with the recommendation that said resolution do pass.
Committee Vote: yeas 9, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 130, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the amendment made pursuant to Senate Rule 35(c) adopted January 23, 2012.

Page 11, line 27, after "of" insert "**IC 13-14,**".

Page 11, line 27, after "IC 13-23-11," insert "**and IC 13-30-2-1,**".

Page 14, delete lines 6 through 8, begin a new paragraph and insert:

"**(d) The rules adopted by the entities abolished under subsection (a) shall be treated, administered, and implemented as follows:**

(1) The rules adopted before January 1, 2013, by the air pollution control board abolished under subsection (a)(1):

(A) shall be treated as though the rules were adopted by the environmental rules board; and

(B) shall be administered and implemented by the air pollution control division of the department described in IC 13-13-3-2(1).

(2) The rules adopted before January 1, 2013, by the water pollution control board abolished under subsection (a)(2):

(A) shall be treated as though the rules were adopted by the environmental rules board; and

(B) shall be administered and implemented by the water pollution control division of the department described in IC 13-13-3-2(2).

(3) The rules adopted before January 1, 2013, by the solid waste management board abolished under subsection (a)(3):

(A) shall be treated as though the rules were adopted by the environmental rules board; and

(B) shall be administered and implemented by the solid waste management division of the department described in IC 13-13-3-2(3).".

Page 14, line 15, delete "fifteen (15)" and insert "**sixteen (16)**".

Page 14, between lines 21 and 22, begin a new line double block indented and insert:

"**(E) The commissioner of the department of environmental management, who shall serve as a nonvoting member.**".

Page 14, line 22, delete "twelve (12)" and insert "**eleven (11)**".

Page 15, line 35, delete "Nine (9)" and insert "**Eight (8) voting**".

Page 15, line 35, delete "six (6)" and insert "**five (5)**".

Page 16, line 18, delete "who is not an employee of the state".

Page 16, line 19, after "board." insert "**The technical secretary of the board is an employee of the department.**".

Page 16, line 34, delete "who is not an employee of the state".

Page 16, line 35, after "counsel." insert "**The legal counsel to the board is an employee of the department.**".

Page 22, line 17, reset in roman "a".

Page 22, line 18, delete "the".

Page 34, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 62. IC 13-18-3-2.4, AS AMENDED BY P.L.54-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.4. An NPDES permit holder shall review the feasibility of implementing additional or ~~new~~ **modified** control ~~alternatives~~ **measures** to attain water quality standards ~~The NPDES permit holder shall conduct such a review periodically, but not less than every five (5) years after approval of the long term control plan by the department.~~ **if post-construction monitoring results indicate that performance criteria established for CSO control measures constructed in accordance with the approved long term control plan will not be met.** The NPDES permit holder shall:

(1) document to the department that the long term control plan has been reviewed;

(2) update the long term control plan as necessary **to incorporate any additional or modified control measures selected as feasible, cost effective, affordable, and necessary for compliance with applicable performance criteria;**

(3) submit any amendments to the long term control plan to the department for approval; and

(4) implement **any additional or modified** control ~~alternatives determined to be~~ **measures approved by the department as feasible,** cost effective, ~~and~~ affordable, **and necessary for compliance with applicable performance criteria.**

Cost effectiveness may be determined, at the option of the NPDES permit holder, by using a knee of the curve analysis in accordance with section 402(q) of the federal Clean Water Act (33 U.S.C. 1342(q)) and 59 FR 18688.

SECTION 63. IC 13-18-3-2.5, AS AMENDED BY P.L.54-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) A CSO wet weather limited use subcategory is established for waters affected by receiving combined sewer overflows, as specified in an approved long term control plan. The CSO wet weather limited use subcategory applies to a specific water body after implementation of an approved long term control plan for the combined sewer system whose overflow discharges affect those waters is implemented and the conditions of subsection (b) are satisfied. The following requirements apply to the CSO wet weather limited use subcategory:

(1) The water quality based requirements associated with the CSO wet weather limited use subcategory that apply to waters affected by wet weather combined sewer overflows are determined by an approved long term control plan for the combined sewer system. The water quality based requirements remain in effect during the time and to the physical extent that the recreational use designation that applied to the waters immediately before the application to the waters of the CSO wet weather limited use subcategory is not attained, but for not more than four (4) days after the date the overflow discharge ends.

(2) At all times other than those described in subdivision (1), the water quality criteria associated with the appropriate recreational use designation that applied to the waters immediately before the application to the waters of the CSO wet weather limited use subcategory apply unless there is a change in the use designation as a result of a use attainability analysis.

(b) The CSO wet weather limited use subcategory applies if:

(1) the department has approved a long term control plan for the NPDES permit holder for the combined sewer system;

(2) the approved long term control plan:

(A) is incorporated into:
(i) the NPDES permit holder's NPDES permit; or
(ii) an order of the commissioner under IC 13-14-2-6;
(B) satisfies the requirements of section 2.3 of this chapter; and
(C) specifies the water quality based requirements that apply to combined sewer overflows during and immediately following wet weather events, as provided in subsection (a)(1);
(3) the NPDES permit holder has implemented the approved long term control plan; and
(4) subject to subsection (c), 40 CFR 131.10, 40 CFR 131.20, and 40 CFR 131.21 are satisfied.

(c) For purposes of subsection (b)(4), 40 CFR 131.10 may be satisfied by including appropriate data and information in the long term control plan.

(d) The department shall implement the CSO wet weather limited use subcategory and associated water quality based requirements under this section when the subcategory and requirements are approved by the United States Environmental Protection Agency. The department shall seek approval of the United States Environmental Protection Agency in a timely manner.

(e) The NPDES permit holder shall monitor its discharges and the water quality in the affected receiving stream periodically as provided in the long term control plan. The NPDES permit holder shall provide all such information to the department.

(f) ~~In conjunction with~~ **If any additional or modified control measures are tentatively selected by an NPDES permit holder in** a review of **the NPDES permit holder's** long term control plan under section 2.4 of this chapter **and a use attainability analysis has been approved previously under this section with respect to waters affected by combined sewer overflows from the NPDES permit holder's combined sewer system,** the NPDES permit holder, **at the same time the NPDES permit holder conducts a long term control plan review under section 2.4 of this chapter,** shall ~~review~~ **consider** information **that pertains to the additional or modified control measures, along with any other relevant information** generated after the use attainability analysis was approved by the department, **in a review of the use attainability analysis** to ~~determine~~ **assess** whether:

(1) the conclusion of the ~~use attainability~~ analysis ~~is still valid.~~ **would need to be revised if the new information were incorporated; and**

(2) the additional or modified control measures would be feasible under the relevant criteria of 40 CFR 131.10(g).

The NPDES permit holder shall provide the results of the review to the department **for consideration in the department's decisions under section 2.4 of this chapter.**

(g) The board shall adopt rules under IC 13-14-8 and IC 13-14-9 to implement this section before October 1, 2006.".

Page 43, line 10, delete "." and insert ":".

Page 46, between lines 15 and 16, begin a new line double block indented and insert:

"**(E) A rule adopted by the underground storage tank financial assurance board.**".

Page 46, line 32, strike "or".

Page 46, between lines 34 and 35, begin a new line double block indented and insert:

"**(F) a rule or standard adopted by the underground storage tank financial assurance board; or**".

Page 47, line 10, delete "board" and insert "**following**".

Page 47, line 11, delete "." and insert ":

(1) The board.

(2) The underground storage tank financial assurance board.".

Renumber all SECTIONS consecutively.

(Reference is to SB 130 as reprinted January 20, 2012, and as corrected under Senate Rule 35(c), January 23, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 4.

WOLKINS, Chair

Upon request of Representatives Pierce and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 224: yeas 58, nays 36. Report adopted.

Representative Wesco, who had been excused, was present. Representatives Grubb and Pond were excused for the rest of the day.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 286, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 10, line 18, after "responsible" insert ":".

Page 10, line 18, strike "to:".

Page 10, line 19, after "(1)" insert "**to**".

Page 10, line 22, after "(3)" insert "**to**".

Page 10, line 29, after "(4)" insert "**to**".

Page 10, line 31, after "(5)" insert "**to**".

Page 13, delete line 24.

Page 23, line 30, strike "(a)" and insert "**(b)**".

Page 25, line 38, after "hearing" insert "**,**".

Page 32, line 34, delete "July 1, 2012]:" and insert "UPON PASSAGE]:".

Page 35, line 2, delete "IC 16-20-2;" and insert "IC 16-20-2 **or IC 16-22-8;**".

Page 41, line 37, delete "department," and insert "**department**".

Page 42, line 4, delete "paper or digital" and insert "**electronic, paper, or digital**".

Page 42, line 23, delete "media," and insert "**media**".

Page 44, delete lines 6 through 24.

Page 47, delete lines 17 through 42.

Page 48, delete lines 1 through 15.

Page 49, line 14, reset in roman "IC 31-34-1-6;".

Page 49, line 14, delete "IC 31-34-1-5;".

Page 49, delete lines 19 through 25.

Page 50, line 3, delete "decree," and insert "decree **or a modification to a dispositional decree,**".

Page 50, line 20, delete "hearing," and insert "hearing **or modification hearing,**".

Page 50, line 25, after "hearing" insert "**or modification hearing**".

Page 53, line 27, strike "county" and insert "**local**".

Page 53, line 27, strike "of family and".

Page 53, line 28, strike "children".

Page 63, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 77. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "committee" refers to the interim study committee on underserved youth with mental health issues, as established by subsection (b).**

(b) There is established the interim study committee on underserved youth with mental health issues. The committee shall study:

(1) whether prosecuting attorneys should be allowed to file a petition alleging that a child is a child in need of services under IC 31-34-1-6; and

(2) the unmet mental health needs of children within the juvenile justice system, including children in need of services and delinquent children.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The committee consists of the following members:

(1) Four (4) senators appointed by the president pro tempore of the senate in consultation with the minority leader of the senate, not more than two (2) of whom may be members of the same political party.

(2) Four (4) representatives appointed by the speaker of the house of representatives in consultation with the minority leader of the house of representatives, not more than two (2) of whom may be members of the same political party.

(3) The chairperson of the juvenile justice improvement committee.

(4) The president of the Indiana council of juvenile and family court judges.

(5) The director of the department of child services or the director's designee.

(6) The director of the division of mental health and addiction or the director's designee.

(7) The executive director of the prosecuting attorneys council or the executive director's designee.

(8) The executive director of the public defenders council or the executive director's designee.

(9) The state superintendent of public instruction or the state superintendent's designee.

(10) The commissioner of the department of correction or the commissioner's designee.

(e) The affirmative votes of a majority of the members of the committee are required for the committee to take action on any measure, including final reports.

(f) This SECTION expires December 31, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to SB 286 as reprinted January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

NOE, Chair

Upon request of Representatives VanDenburgh and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 225: yeas 57, nays 38. Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 115, 119, 132, 192, 193, 255, 268, 271, 273, 309, 362, 370, and 371.

Representative Bardon was excused.

Engrossed Senate Bill 22

Representative McMillin called down Engrossed Senate Bill 22 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 22–1)

Mr. Speaker: I move that Engrossed Senate Bill 22 be amended to read as follows:

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

"SECTION 1. IC 14-33-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A petition filed under section 1 of this chapter must be signed by **at least fifty percent (50%) of the** freeholders owning land in the proposed district. ~~in the minimum number or proportion of all the freeholders in the proposed district as follows:~~

~~(1) Districts of not more than one thousand (1,000) freeholds, thirty percent (30%) of the freeholders.~~

~~(2) Districts of at least one thousand one (1,001) and not more than five thousand (5,000) freeholds, fifteen percent (15%) of the freeholders but not less than three hundred (300) signatures.~~

~~(3) Districts of at least five thousand one (5,001) and not more than twenty-five thousand (25,000) freeholds, ten percent (10%) of the freeholders but not less than seven hundred fifty (750) signatures.~~

~~(4) Districts of at least twenty-five thousand one (25,001) freeholds, five percent (5%) of the freeholders but not less than two thousand five hundred (2,500) signatures.~~".

Renumber all SECTIONS consecutively.

(Reference is to ESB 22 as printed February 21, 2012.)

CANDELARIA REARDON

Upon request of Representatives C. Brown and V. Smith, the Speaker ordered the roll of the House to be called. Roll Call 226: yeas 49, nays 44. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 143

Representative Espich called down Engrossed Senate Bill 143 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 143–2)

Mr. Speaker: I move that Engrossed Senate Bill 143 be amended to read as follows:

Page 1, line 12, reset in roman "ten".

Page 1, line 12, delete "twelve".

Page 1, line 13, reset in roman "(10%)".

Page 1, line 13, delete "(12%)".

Page 4, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 5. IC 6-2.5-5-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) Sales of tangible personal property are exempt from the state gross retail tax, if:

(1) the seller is an organization that is described in section 21(b)(1) of this chapter;

(2) the organization makes the sale to make money to carry on a not-for-profit purpose; and

(3) the organization does not make those sales during more than thirty (30) days in a calendar year.

(b) Sales of tangible personal property are exempt from the state gross retail tax, if:

(1) the seller is an organization described in section 21(b)(1) of this chapter;

(2) the seller is not operated predominantly for social purposes;

(3) the property sold is designed and intended primarily either for the organization's educational, cultural, or religious purposes, or for improvement of the work skills or professional qualifications of the organization's members; and

(4) the property sold is not designed or intended primarily for use in carrying on a private or proprietary business.

(c) The exemption provided by this section does not apply to an accredited college or university's sales of **the following:**

(1) Books **other than textbooks exempt under section 46 of this chapter.**

(2) Stationery.

(3) Haberdashery.
(4) Supplies. ~~or~~
(5) Other property.

SECTION 6. IC 6-2.5-5-45 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 45. (a) This section applies to transactions occurring during the period:**

(1) beginning at 12:01 a.m. on the Friday immediately preceding the first Saturday in August; and
(2) ending at 11:59 p.m. on the Sunday immediately following the first Saturday in August.

(b) As used in this section, "clothing" means all human wearing apparel for general use, including the following:

(1) Bathing caps.
(2) Belts and suspenders.
(3) Coats and jackets.
(4) Diapers.
(5) Dresses.
(6) Footwear.
(7) Gloves or mittens.
(8) Hats or caps.
(9) Neckties.
(10) Pants.
(11) Scarves.
(12) Shirts.
(13) Skirts.
(14) Socks or hosiery.
(15) Undergarments.
(16) Uniforms.

(c) As used in this section, "clothing accessories or equipment" means incidental items worn on the person or in conjunction with clothing, including the following:

(1) Briefcases.
(2) Cosmetics.
(3) Hair notions, including the following:
(A) Barrettes.
(B) Hair bows.
(C) Hair nets.
(4) Handbags.
(5) Handkerchiefs.
(6) Jewelry.
(7) Nonprescription sunglasses.
(8) Umbrellas.
(9) Wallets.
(10) Watches.
(11) Wigs and hair pieces.

(d) As used in this section, "school instructional materials" means written materials commonly used by a student in a course of study as a reference and to learn the subject being taught. The term is limited to the following:

(1) Reference books.
(2) Reference maps and globes.
(3) Textbooks.
(4) Workbooks.

(e) As used in this section, "school supplies" means an item commonly used by a student in a course of study. The term is limited to the following:

(1) Binders.
(2) Book bags.
(3) Calculators.
(4) Cellophane tape.
(5) Blackboard chalk.
(6) Compasses.
(7) Composition books.
(8) Crayons.
(9) Erasers.
(10) Folders, limited to the following:
(A) Expandable folders.
(B) Pocket folders.
(C) Plastic folders.
(D) Manila folders.
(11) Glue, paste, and paste sticks.
(12) Highlighters.
(13) Index cards.
(14) Index card boxes.
(15) Legal pads.
(16) Lunch boxes.
(17) Markers.
(18) Notebooks.
(19) Paper, limited to the following:
(A) Loose leaf ruled notebook paper.
(B) Copy paper.
(C) Graph paper.
(D) Tracing paper.
(E) Manila paper.
(F) Colored paper.
(G) Poster board.
(H) Construction paper.
(20) Pencil boxes and other school supply boxes.
(21) Pencil sharpeners.
(22) Pencils.
(23) Pens.
(24) Protractors.
(25) Rulers.
(26) Scissors.
(27) Writing tablets.

(f) Sales of:

(1) clothing;
(2) clothing accessories or equipment;
(3) school instructional materials; and
(4) school supplies;

are exempt from the state gross retail tax during the period described in subsection (a), if the sales price of the item purchased does not exceed one hundred dollars ($100).

(g) The department may adopt rules under IC 4-22-2 to implement this section.

SECTION 7. IC 6-2.5-5-46 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 46. Sales of textbooks are exempt from the state gross retail tax if:**

(1) the textbooks are required for an undergraduate course at an accredited college or university; and
(2) the purchaser is a student enrolled in an accredited college or university or the parent or guardian of a student enrolled in an accredited college or university.

SECTION 8. IC 6-3-3-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13. (a) This section applies only to taxable years beginning after December 31, 2012.**

(b) The following definitions apply throughout this section:

(1) "Dependent child" has the meaning set forth in IC 6-3-2-22(a)(1).
(2) "Private elementary or high school education program" has the meaning set forth in IC 6-3-2-22(a)(3).

(c) Each taxable year, an individual is entitled to a credit against the individual's adjusted gross income tax liability for expenditures incurred during the taxable year for textbooks or workbooks, or both, that are required for a course of instruction furnished:

(1) by an Indiana school corporation; or
(2) through a private elementary or high school education program;

in which a dependent child of the individual is enrolled.

(d) The amount of the credit provided by this section may include amounts expended for:

(1) textbook rentals; and

(2) state gross retail or use tax imposed on the rental or purchase of textbooks or workbooks.

(e) For any specified taxable year, a taxpayer may not claim both:

(1) the deduction provided by IC 6-3-2-22; and

(2) the credit provided by this section;

on the taxpayer's annual return for the taxable year.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 143 as printed February 21, 2012.)

VanDENBURGH

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION
(Amendment 143–1)

Mr. Speaker: I move that Engrossed Senate Bill 143 be amended to read as follows:

Page 1, delete lines 9 through 17, begin a new paragraph and insert:

"SECTION 2. IC 4-10-22-2, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. **(a)** If:

(1) the total amount of state reserves calculated by the office of management and budget exceeds ~~ten~~ **the sum of:**

(A) twelve percent ~~(10%)~~ **(12%)** of the general revenue appropriations for the current state fiscal year; and

(B) the amount calculated under subsection (b); and

(2) ~~if~~ the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);

the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later than September 30 of the **odd-numbered** year.

(b) The office of management and budget shall add the amounts determined under IC 6-3.1-34-7 for the state fiscal years that have elapsed since the later of:

(1) June 30, 2012; or

(2) June 30 of the most recent even-numbered state fiscal year immediately preceding the odd-numbered state fiscal year in which the governor made a presentation to the budget committee concerning the disposition of excess state reserves under section 3 of this chapter.".

Page 2, delete lines 1 through 3.

Page 4, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 5. IC 6-3.1-34 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 34. Child and Dependent Care Tax Credit

Sec. 1. This chapter applies only to taxable years:

(1) beginning after December 31, 2012; and

(2) ending before December 1, 2018.

Sec. 2. As used in this chapter, "applicable percentage" has the meaning set forth in Section 21(a)(2) of the Internal Revenue Code.

Sec. 3. As used in this chapter, "eligible employment-related expenses" means the amount of employment-related expenses (as defined in Section 21(b)(2) of the Internal Revenue Code) that remains after applying the dollar limitations of Section 21(c) and 21(d) of the Internal Revenue Code.

Sec. 4. (a) Subject to subsection (b) and the special rules of Section 21(e) of the Internal Revenue Code, an individual filing a single return or a married couple filing a joint return may claim a credit under this chapter in each taxable year equal to the product of the following:

(1) Twenty-five percent (25%).

(2) The applicable percentage.

(3) The eligible employment-related expenses paid by the individual or married couple, as applicable, during the taxable year.

(b) An individual filing a single return or a married couple filing a joint return whose federal adjusted gross income (as defined in Section 62 of the Internal Revenue Code) exceeds fifty thousand dollars ($50,000) for the taxable year is not eligible for the credit provided by this chapter.

Sec. 5. If the credit amount provided by this chapter exceeds the taxpayer's adjusted gross income tax liability for the taxable year, the department shall refund the excess to the taxpayer.

Sec. 6. To obtain a credit under this chapter, a taxpayer must claim the credit in the manner prescribed by the department. The taxpayer must submit to the department all information that the department determines to be necessary for the calculation of the credit provided by this chapter.

Sec. 7. After each state fiscal year ending after January 1, 2013, and before July 1, 2019, the budget agency, in cooperation with the department, shall calculate the total amount of the credit provided by this chapter that was claimed by all taxpayers in the immediately preceding state fiscal year.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 143 as printed February 21, 2012.)

DAY

Representative Torr rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 143 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 156

Representative Koch called down Engrossed Senate Bill 156 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 156–1)

Mr. Speaker: I move that Engrossed Senate Bill 156 be amended to read as follows:

Page 3, line 32, delete "date after" and insert "**date**".

Page 4, line 10, after "search" insert "**to be conducted**".

Page 4, line 11, delete "indemnification" and insert "**reimbursement**".

Page 4, line 14, delete "indemnification" and insert "**reimbursement**".

Page 4, line 17, delete "indemnification" and insert "**reimbursement**".

(Reference is to ESB 156 as printed February 21, 2012.)

FOLEY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 176

Representative Foley called down Engrossed Senate Bill 176 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 176–1)

Mr. Speaker: I move that Engrossed Senate Bill 176 be

amended to read as follows:

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

"SECTION 2. IC 12-26-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a) Subject to subsection (b),** if the superintendent or the attending physician believes the individual should be detained for more than twenty-four (24) hours from time of admission to the facility, the superintendent or the physician must have an application filed for emergency detention under IC 12-26-5 immediately upon the earlier of the following:

(1) A judge becomes available.

(2) Within seventy-two (72) hours of admission to the facility.

(b) If an individual is detained due to a court order under section 1.5 of this chapter and an application for emergency detention is filed under subsection (a), the judge who issued the order under section 1.5 of this chapter may not review or issue an order concerning the application for emergency detention under subsection (a).".

Renumber all SECTIONS consecutively.

(Reference is to ESB 176 as printed February 21, 2012.)

DeLANEY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 190

Representative Kubacki called down Engrossed Senate Bill 190 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 190–1)

Mr. Speaker: I move that Engrossed Senate Bill 190 be amended to read as follows:

Page 2, line 11, delete "If" and insert "**(a) Except as provided in subsection (b), if**".

Page 2, line 11, delete "rape, the" and insert "**rape and the person convicted of rape is the natural father of the child, the person has no right to custody, visitation, or parenting time with the child unless the natural mother or legal guardian consents to the person having custody, visitation, or parenting time and the court determines it is in the best interests of the child.**

(b) Subsection (a) does not apply if the person convicted of rape is the spouse of the victim at the time of the rape. If the natural mother and natural father later divorce, the conviction of rape creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the rape is not in the best interests of the child. The court shall set forth findings that any custody, visitation, or parenting time order by the court adequately protects the child and the victim of the rape.".

Page 2, delete lines 12 through 42.

Page 3, delete lines 1 through 14.

(Reference is to ESB 190 as printed February 21, 2012.)

McMILLIN

Motion prevailed. The bill was ordered engrossed.

Representative Heuer was excused for the rest of the day.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed Senate Bill 296

Representative Behning called down Engrossed Senate Bill 296 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 296–1)

Mr. Speaker: I move that Engrossed Senate Bill 296 be amended to read as follows:

Page 2, after line 18, begin a new paragraph and insert:

"SECTION 2. IC 20-51-3-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. (a) Beginning in 2013, a scholarship granting organization shall distribute before July 1 each year at least sixty-five percent (65%) of the total contributions received under this chapter by the scholarship granting organization during the twelve (12) months preceding July 1 of the preceding year.**

(b) If a scholarship granting organization fails to comply with subsection (a), the scholarship granting organization may not accept further contributions under this chapter until the scholarship granting organization distributes at least sixty-five percent (65%) of the total contributions received by the scholarship granting organization during the twelve (12) months preceding July 1 of the preceding year.".

(Reference is to ESB 296 as printed February 21, 2012.)

VanDENBURGH

Upon request of Representatives VanDenBurgh and C. Fry, the Speaker ordered the roll of the House to be called. Roll Call 227: yeas 36, nays 55. Motion failed.

HOUSE MOTION
(Amendment 296–2)

Mr. Speaker: I move that Engrossed Senate Bill 296 be amended to read as follows:

Page 1, strike lines 16 through 17, begin a new line double block indented and insert:

"**(B) previously received a scholarship under IC 20-51-3 and qualified under clause (A) in the first year that the individual received a scholarship under IC 20-51-3; and**".

Page 2, strike lines 1 through 3.

(Reference is to ESB 296 as printed February 21, 2012.)

BEHNING

The Speaker ordered a division of the House and appointed Representatives Friend and Harris to count the yeas and nays. Yeas 54, nays 36. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 311

Representative Truitt called down Engrossed Senate Bill 311 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 311–1)

Mr. Speaker: I move that Engrossed Senate Bill 311 be amended to read as follows:

Page 4, line 1, delete "including" and insert "**including the following:**

(A) The information required by Financial Management Circular #2010-4.

(B) The estimate of the primary and direct benefits of the rule, including the impact on:

(i) consumer protection;

(ii) worker safety;

(iii) the environment; and

(iv) business competitiveness;

as determined before the rule's adoption.

(C) The estimate of the secondary or indirect benefits of the rule and the explanation of how the conduct regulated by the rule is linked to the primary and secondary benefits, as determined before the rule's adoption.

(D) The estimate of any cost savings to regulated persons (including individuals and businesses) as a result of the rule, including any savings from:
(i) a change in an existing requirement; or
(ii) the imposition of a new requirement;
as determined before the rule's adoption.".

Page 4, delete lines 2 through 3.

Page 4, line 8, delete "implementation;" and insert "**implementation, including the information specified in subdivision (1);**".

Page 4, line 11, delete "implementation." and insert "**implementation, including the following:**
(i) Any actual primary and direct benefits of the rule, including the rule's impact on consumer protection, worker safety, the environment, and business competitiveness.
(ii) Any actual secondary or indirect benefits of the rule and an explanation of how the conduct regulated by the rule is linked to the primary and secondary benefits.
(iii) Any actual cost savings to regulated persons (including individuals and businesses) as a result of the rule, including any savings from a change in an existing requirement or from the imposition of a new requirement.".

(Reference is to ESB 311 as printed February 21, 2012.)

SULLIVAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 378

Representative Steuerwald called down Engrossed Senate Bill 378 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 402

Representative Foley called down Engrossed Senate Bill 402 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 402–1)

Mr. Speaker: I move that Engrossed Senate Bill 402 be amended to read as follows:

Page 2, after line 41, begin a new paragraph and insert:

"**Sec. 6. The commission shall work with the National Conference of Commissioners on Uniform State Laws to:**
(1) research;
(2) draft; and
(3) promote the enactment of;
uniform state laws in areas of state law where uniformity is desirable and practical.".

(Reference is to ESB 402 as printed February 21, 2012.)

PIERCE

Motion prevailed. The bill was ordered engrossed.

Representative Bardon, who had been excused, was present.

The Speaker Pro Tempore yielded the gavel to the Speaker.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 249

Representative Truitt called down Engrossed Senate Bill 249 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 228: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1349 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

DODGE

Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

HB 1349	Conferees:	Dodge and Pflum
	Advisors:	Richardson and Battles

PROTEST

We protest the actions of the Chair of the House Family, Children and Human Affairs Committee, as is our right under the Indiana Constitution, Article 4, Section 26.

On February 22, 2012, the Chair refused to consider and allow votes on amendments 14 and 18 to Engrossed Senate Bill 286 filed by House members of the minority party. The Chair allowed consideration and a vote on a committee amendment by a member of the majority party. The minority's proposed committee amendments were drafted and distributed in compliance with committee procedures.

Representative Gail Riecken offered proposed committee amendment 14 to Engrossed Senate Bill 286. The amendment would have required the legislative council to assign a committee to study issues concerning the Department of Child Services centralized hotline, including a review of the assessment and referral process that occurs after a telephone call is received by the hotline.

Representative John Day offered proposed committee amendment 18 to Engrossed Senate Bill 286. The amendment would have established a Department of Child Services Legislative Oversight Committee.

The bipartisan oversight committee would have consisted of the following members:

(1) Two members of the house of representatives appointed by the speaker of the house of representatives.
(2) Two members of the house of representatives appointed by the minority leader of the house of representatives.
(3) Two members of the senate appointed by the president pro tempore of the senate.
(4) Two members of the senate appointed by the minority leader of the senate.
(5) One juvenile or family court judge appointed by the speaker of the house of representatives.

(6) One juvenile or family court judge appointed by the minority leader of the house of representatives.
(7) One juvenile or family court judge appointed by the president pro tempore of the senate.
(8) One juvenile or family court judge appointed by the minority leader of the senate.

The bipartisan oversight committee would have been required to do the following:
(1) Oversee the implementation of legislation enacted by the general assembly concerning the department of child services.
(2) Review and study constituent issues concerning the department of child services.
(3) Review best practices concerning child welfare, child mental health, and delinquent children.
(4) Receive and review status reports from the department of child services ombudsman.
(5) Study issues concerning the department of child services centralized hotline, including a review of the assessment and referral process that occurs after a telephone call is received by the hotline.
The bipartisan oversight committee would have expired on July 1, 2014.

The proposed committee amendments would have addressed the important public issue of child neglect and abuse and proposed remedies. Dozens of children have died in this state since 2007 of abuse and neglect. Recent media articles have outlined the problems of the Department of Child Services including a centralized hotline that allows vulnerable children to slip through the cracks; an increase in the number of child abuse reports but a decrease in the number of child abuse investigations; state rather than local control of child service funding; return of unspent child services funding to the general fund; child abuse reports being labeled unsubstantiated and those records deleted; and a doubling of child abuse cases being screened out of the system.

RIECKEN
DAY

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 113 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Holdman, Chair; and Arnold
Advisor: Head

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 27, 2012 at 1:30 p.m.

THOMPSON

The motion was adopted by a constitutional majority.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 107, Roll Call 209, on February 21, 2012. In support of this petition, I submit the following reason:

"I was present and in the chamber but was unable to register my vote. I intended to vote yea."

HEATON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 209 to 86 yeas, 3 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Foley be added as cosponsor of Engrossed Senate Bill 56.

SPEEDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cheatham be added as cosponsor of Engrossed Senate Bill 132.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Riecken be removed as cosponsor of Engrossed Senate Bill 190.

KUBACKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as cosponsor of Engrossed Senate Bill 233.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Riecken be added as cosponsor of Engrossed Senate Bill 298.

SPEEDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as cosponsor of Engrossed Senate Bill 302.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Steuerwald be removed as sponsor of Engrossed Senate Bill 378, Representative Thompson be substituted as sponsor, and Representative Steuerwald be added as cosponsor.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Yarde and Goodin be added as coauthors of House Bill 1052.

R. FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1128.

LEHE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1129.

LEHE

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Speedy, the House adjourned at 3:27 p.m., this twenty-third day of February, 2012, until Monday, February 27, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Twenty-ninth Day — **Monday Afternoon** — **February 27, 2012**

The invocation was offered by Dr. Sam Young, North Christian Church of Fort Wayne.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Daniel J. Leonard.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 229: 100 present; 0 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1058 and 1207 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1004, 1059, 1238, 1258, and 1298 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 29, 31, 32, 33, 34, 35, and 36 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1058 and Senate Enrolled Acts 168, 225, 231, 256, 259, and 330 on February 27.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 38

Representatives VanNatter and GiaQuinta introduced House Concurrent Resolution 38:

A CONCURRENT RESOLUTION honoring the Western High School Marching Band.

Whereas, The Western High School Marching Panthers of Russiaville have a rich tradition of musical excellence that dates back decades;

Whereas, Since 1979, the Western High School Marching Panthers have continuously earned Gold Ratings and have attained a total of 12 ISSMA State Championships, an

accomplishment shared by only one other marching band in Indiana;

Whereas, The Western High School Marching Panthers are the 2011 Class C State Champions, a title they have won each year since 2008;

Whereas, The Western High School Marching Panthers won their first Class C state championship in 1982 and followed it with wins in 1983, 1984, 1985, 1990, 1991, and 1996;

Whereas, The Western High School Marching Panthers also won the Class B state championship in 1988; and

Whereas, The consistency and dedication of the students, staff, parents, and school administration at Western High School, as well as the support of the community, have greatly contributed to the success of the Western High School Marching Panthers: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Western High School Marching Panthers on their 2011 Class C state championship and wishes them continued success.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Western High School Marching Band, band directors Brian Caldwell and Keith Whitford, principal Rick Davis, and Western School Corporation superintendent Randy McCracken.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Buck and Hershman.

House Concurrent Resolution 39

Representatives Dodge, Yarde, and GiaQuinta introduced House Concurrent Resolution 39:

A CONCURRENT RESOLUTION honoring Paul Oakes.

Whereas, Paul Oakes is the first and number one fan of the Indianapolis Colts;

Whereas, An Anderson native and a player in the Brooklyn Dodgers baseball organization, Paul Oakes made the telephone call that forever changed the future of Indianapolis;

Whereas, As chairman of the Stadium Commission seeking to bring a National Football League team to Indianapolis in 1977, Paul Oakes was asked to contact Colts owner Robert Irsay to see if there was interest in moving the team to Indianapolis;

Whereas, As a life insurance salesman, Paul Oakes was used to making "cold calls", but he was not prepared for Robert Irsay's positive response;

Whereas, That one phone call set into motion a years-long effort to bring the Colts to Indianapolis;

Whereas, Accompanied by Mayor William Hudnut, Frank McKinney, Jr., chairman of a major Indianapolis bank, and Jim Morris, vice president of Lilly Endowment, Paul Oakes headed to Skokie, Illinois, to meet with Robert Irsay;

Whereas, Although the Colts' move to Indianapolis would not happen until 1984, it was the efforts of Paul Oakes that made it happen;

Whereas, Governor Mitch Daniels describes Paul Oakes as "the perfect example of the public citizen who accomplishes great things for his town, city, or state without holding office or seeking glory"; and

Whereas, Paul Oakes worked diligently to bring professional sports to Indianapolis and helped change the city forever: Therefore,

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

SECTION 1. That the Indiana General Assembly thanks Paul Oakes for his years of dedicated service to the city of Indianapolis and the state of Indiana. The efforts of Paul Oakes resulted in bringing the Colts to Indianapolis and establishing the city as a rising star in the sports world.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Paul Oakes and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Kruse and Glick.

House Concurrent Resolution 40

Representatives Foley, McMillin, Bartlett and VanDenburgh introduced House Concurrent Resolution 40:

A CONCURRENT RESOLUTION thanking John Stieff, Rebecca Mortell, Craig Mortell, and the staff of the Office of Code Revision for their dedication and hard work.

Whereas, As Director of the Office of Code Revision, John Stieff guides the dedicated staff of editors, proof readers, and typists responsible for maintaining the integrity of the Indiana Code;

Whereas, Aided by Deputy Directors Rebecca Mortell and Craig Mortell, these tireless public servants toil endless hours to reconcile, repair, and restore our legislative enactments;

Whereas, Backed up by his dedicated staff, John Stieff works to ensure that all technical corrections are enacted and all conflicts are resolved;

Whereas, When the last conference committee report has been adopted and all the legislators have adjourned sine die, the staff in the Office of Code Revision begin the arduous work of publishing the Indiana Code;

Whereas, Positive law codification is the process of preparing and enacting, one title at a time, a revision and restatement of the general and permanent laws of the state of Indiana; and

Whereas, The Indiana Code stands as an example of clear and concise law due to the efforts of the staff of the Office of Code Revision: Therefore,

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

SECTION 1. That the Indiana General Assembly wishes to express its gratitude to John Stieff, Rebecca Mortell, Craig Mortell, and the staff of the Office of Code Revision for their dedication and hard work in maintaining the integrity of the Indianan Code.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to John Stieff, Rebecca Mortell, Craig Mortell, and the staff of the Office of Code Revision.

The resolution was read a first time and adopted by voice

vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators M. Young, Arnold, Banks, and Taylor.

House Resolution 40

Representatives Kubacki and Candelaria Reardon introduced House Resolution 40:

A HOUSE RESOLUTION recognizing October as Inflammatory Breast Cancer Awareness Month.

Whereas, Inflammatory breast cancer is a type of breast cancer in which cancer cells block the lymph vessels in the skin of the breast;

Whereas, Symptoms, which may appear overnight, are similar to those of mastitis, a benign infection, sometimes resulting in misdiagnoses and delays in treatment, and such postponements in care often result in an eventual Stage IV diagnosis;

Whereas, Accounting for less than five percent of breast cancer cases, inflammatory breast cancer is the most aggressive form of the disease, due to its faster doubling time;

Whereas, The five-year survival rate of inflammatory breast cancer is approximately 40 percent, mainly because of delays in diagnosis, the disease's resistance to treatment with standard chemotherapy, and a lack of expertise in treating this rare form of cancer;

Whereas, Because it does not form the characteristic lump that can alert women to the presence of breast cancer, inflammatory breast cancer can quickly spread undetected throughout the breast and is also rarely detected by mammogram or ultrasound;

Whereas, The treatment of inflammatory breast cancer differs from other breast cancer treatments, and early diagnosis by a physician with experience in caring for inflammatory breast cancer is essential; and

Whereas, It is truly fitting that a month be set aside to raise awareness about this devastating disease through education of the general public and the medical community: Therefore,

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

SECTION 1. That the Indiana House of Representatives commends those who are working to fight inflammatory breast cancer and calls on Hoosiers to observe October as Inflammatory Breast Cancer Awareness Month.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the Inflammatory Breast Cancer Foundation.

The resolution was read a first time and adopted by voice vote.

House Resolution 41

Representative Sullivan introduced House Resolution 41:

A HOUSE RESOLUTION urging the legislative council to assign to an appropriate study committee the topics of work sharing unemployment benefits and the establishment of a work sharing unemployment insurance program.

Whereas, During these times of economic downturn, employers may be forced to reduce worker hours to help keep all workers employed;

Whereas, Work sharing programs help reduce the ranks of unemployed Hoosiers; and

Whereas, If a work sharing benefit payable to an employee for work performed under a work sharing plan is established, the work sharing benefit should be equal to the employee's unemployment benefit reduced by a percentage that is equivalent to the number of hours by which the employee's work hours are reduced under the work sharing program: Therefore,

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

SECTION 1. That the legislative council is urged to assign to an appropriate study committee the topics of work sharing unemployment benefits and the establishment of a work sharing unemployment insurance program.

The resolution was read a first time and adopted by voice vote.

House Resolution 42

Representative Koch introduced House Resolution 42:

A HOUSE RESOLUTION recognizing Indiana's historic county courthouses.

Whereas, Indiana is known for its historic courthouses, which are community landmarks in 84 counties;

Whereas, The Indiana Courthouse Preservation Advisory Commission has submitted a report to the Indiana General Assembly on the condition and needs of Indiana's historic county courthouses and has provided findings and recommendations concerning the courthouses;

Whereas, 83 of Indiana's historic courthouses continue to be used by their counties and are focal points for the identity and economic life of county seat cities and towns;

Whereas, Indiana's historic courthouses exemplify the finest in civic architecture throughout Indiana and represent excellent examples of the Federal, Greek Revival, Italian Renaissance, French Second Empire, Gothic Revival, Romanesque, Neo-Classical, and Art Deco styles;

Whereas, Indiana's historic courthouses contain the finest in 19th century and early 20th century decorative arts and are known for their fine murals, stained glass skylights and windows, hardwood trim, plaster ornaments, grand stairways, majestic rotundas, and imposing courtrooms;

Whereas, Indiana's historic courthouses form impressive centerpieces for their courthouse squares, attracting visitors to their communities; and

Whereas, Indiana's courthouse squares provide attractive places for community businesses to locate and provide attractive places for new investment: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes Indiana's historic courthouses as key elements of Indiana's identity, as well as vital parts of the identities, community character, and economies of county seat cities and towns across Indiana.

SECTION 2. That the Indiana House of Representatives designates Indiana's historic courthouses as official symbols of Indiana's identity and heritage.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the Indiana Courthouse Preservation Advisory Commission.

The resolution was read a first time and adopted by voice vote.

House Resolution 43

Representative Lehe introduced House Resolution 43:

A HOUSE RESOLUTION honoring Madison Doyle.

Whereas, Madison Doyle, an esteemed resident of Chalmers and a student at Frontier Junior/Senior High School, has achieved national recognition for exemplary volunteer service by receiving a 2012 Prudential Spirit of Community Award;

Whereas, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities;

Whereas, Madison Doyle earned this award by giving generously of her time and energy to support the Royal Family Kids' Camp for foster children;

Whereas, Madison Doyle raised more than $4,000 by organizing and implementing a 5K run/walk with 175 participants; and

Whereas, The success of the state of Indiana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Madison Doyle who use their considerable talents and resources to serve others: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates and honors Madison Doyle as a recipient of a Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Madison Doyle and her family.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 22, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 233, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 3-5-4-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.2. (a) Whenever this title requires that a document declaring or certifying the candidacy of a person be filed with the election division or the secretary of state as a condition for the filing to be effective:**

(1) a county election board;
(2) a circuit court clerk;
(3) a county voter registration office;
(4) a board of elections and registration; or
(5) a town election board;

may not accept the filing on behalf of the election division or the secretary of state.

(b) A county election board, circuit court clerk, county voter registration office, board of elections and registration, or town election board that accepts a document that is required to be filed with the election division or the secretary of state as a condition for the filing to be effective:

(1) may not act as an agent of the election division or the secretary of state; and
(2) is not required to transmit the filing to the election division or the secretary of state.

(c) If a board, office, or clerk referred to in subsection (a)(1) through (a)(5) accepts a document that is required to be filed with the election division or the secretary of state as a condition for the filing to be effective, the following apply:

(1) The filing is void.
(2) The name of a candidate set forth in the filing may not appear on the ballot, unless the document is filed with the election division or the secretary of state in the manner required by this title.

SECTION 2. IC 3-6-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Each political party whose nominee received at least ten percent (10%) of the votes cast in the state for secretary of state at the last election **for that office** may have precinct committeemen elected at the same time as a primary election in accordance with IC 3-10-1-4.5 **or IC 3-10-1-4.6** if provided by the rules of the political party.

SECTION 3. IC 3-8-6-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a) A candidate's nomination by petition under this chapter is not effective unless the candidate timely files each document required under sections 10 and 12 of this chapter.**

(b) The county election board may not include on a ballot the name of a candidate whose nomination is ineffective under subsection (a).

(c) The election division may not certify the name of a candidate for placement on a ballot by a county election board if the candidate's nomination is ineffective under subsection (a).

SECTION 4. IC 3-8-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. In a special election called by the governor, a petition of nomination shall be filed with the circuit court clerk or other public official with whom a petition is required to be filed, at any time after the election is called but no later than noon ~~fifty (50)~~ **seventy-four (74)** days before the date of the election.

SECTION 5. IC 3-8-6-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) If:

(1) a petition of nomination contains the name of at least one (1) candidate who seeks to be placed on the ballot as the candidate of a political party described by section 1 of this chapter; and
(2) a candidate listed on the petition ceases to be a candidate after the petition is circulated for signature or filed;

the candidate may be replaced on the petition in accordance with this section.

(b) This subsection applies to a candidate described in subsection (a) who sought a federal, state, or legislative office or a local office described by IC 3-8-2-5. The state chairman of the political party may file a written statement with the election

division stating the name of the substitute candidate. The statement must:

(1) be on a form prescribed by the commission;

(2) state the following:

(A) the name of the individual who ceased to be a candidate;

(B) the date and reason the individual ceased to be a candidate; and

(C) the name of the individual who will replace the candidate as:

(I) the individual wants the individual's name to appear on the ballot; and

(ii) the individual's name is permitted to appear on the ballot under IC 3-5-7; and

(3) be accompanied by the following:

(A) The replacement candidate's consent to be nominated by the petition and, if other candidates were listed on the petition, the signed consent of those candidates to be the replacement.

(B) The former candidate's statement of withdrawal in a form substantially similar to the form prescribed under IC 3-8-7-28 if the individual withdrew as a candidate.

A replacement candidate's consent to the nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to the nomination.

(c) This subsection applies to a candidate described in subsection (a) who sought a local office other than a local office described by IC 3-8-2-5. The county, city, or town chairman of the political party may file a written statement that conforms with subsection (b) with the election board conducting the election for the local office.

(d) The statement required under subsection (b) or (c) must be filed not later than the final date and time for the ~~certification of presidential and vice presidential nominees under IC 3-10-4-5.~~ **filing of a certificate of candidate selection under IC 3-13-1-15(c).**

(e) If a petition of nomination is circulated or filed by an independent candidate and that individual ceases to be a candidate, another candidate may not be substituted on the petition of nomination.".

Page 1, line 3, delete "JULY 1, 2012" and insert "UPON PASSAGE".

Page 1, line 5, delete "," and insert "**or (d), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.**

(c) If:

(1) there is an election for at least one (1) of a municipality's legislative body members;

(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and

(3) there is no election for an office to be voted on by all voters of the municipality;

the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the municipality in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the municipality shall not be placed on the ballot used for the election of municipal legislative body members under this subsection.

(d) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county.".

Page 1, line 5, delete "an" and insert "An".

Page 1, delete lines 13 through 14, begin a new line blocked left and insert:

"**A resolution adopted under this subsection expires on January 1 of the year following the year the resolution is adopted.**".

Page 1, line 17, delete "JULY 1, 2012" and insert "UPON PASSAGE".

Page 1, line 17, after "(a)" insert "**This section applies to a municipal office elected during a municipal or general election.**

(b)".

Page 2, line 2, strike "(b)" and insert "**(c) Except as provided in subsection (d) or (e), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.**

(d) If:

(1) there is an election for at least one (1) of the town's legislative body members;

(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and

(3) there is no election for an office to be voted on by all voters of the town;

the county election board (or town election board if that board is conducting the election under this chapter) may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the town in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the town shall not be placed on the ballot used for the election of town legislative body members under this subsection.

(e) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county.".

Page 2, line 3, delete "Except as provided in subsection (c),".

Page 2, line 4, delete "an" and insert "An".

Page 2, delete lines 11 through 12, begin a new line blocked left and insert:

"**A resolution adopted under this subsection expires on January 1 of the year following the year the resolution is adopted.**

SECTION 8. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 233 as printed January 20, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 302, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 4, strike "2009." and insert "**2012.**".

Page 2, line 35, strike "2009," and insert "**2012,**".

(Reference is to SB 302 as printed January 20, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 2.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 327, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 23 with "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 1 through 8, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-94.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 94.4. "Low numbered motor vehicle registration plate", for purposes of IC 9-29-3-19, has the meaning set forth in IC 9-29-3-19.~~

SECTION 2. IC 9-13-2-125 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 125. "Personalized license plate" means a license plate that displays the registration number assigned to the vehicle and issued in a combination of letters or numbers, or both, requested by the owner or the lessee of the vehicle **and approved by the bureau.**".

Page 2, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 4. IC 9-14-5-7, AS AMENDED BY P.L.87-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. A placard issued under this chapter must be displayed on the dashboard **or rearview mirror** of a motor vehicle that is parked in a parking space reserved for persons with physical disabilities under this chapter unless the motor vehicle bears:

(1) a license plate for a person with a disability issued under IC 9-18-22;

(2) a disabled Hoosier veteran's license plate issued under IC 9-18-18; or

(3) an equivalent parking permit issued under the laws of another state.

If a placard is lost, stolen, damaged, or destroyed, the bureau shall provide a duplicate placard upon the application of the person who was issued the placard.

SECTION 5. IC 9-18-2-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) Upon payment of the annual registration fee under IC 9-29-5, and any applicable commercial vehicle excise tax under IC 6-6-5.5, the bureau may issue a license plate for each commercial vehicle registered to the registered owner of at least twenty-five (25) commercial vehicles. The license plate issued under this section for a commercial vehicle is valid for five (5) years.

(b) If the registered owner of at least twenty-five (25) commercial vehicles submits the application of registration for the commercial vehicles on an aggregate basis by electronic means, the bureau shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued.

(c) The registration for a commercial vehicle is void when the registered owner:

(1) sells;

(2) disposes of; or

(3) does not renew the registration of;

the commercial vehicle. Neither the certificate of registration nor the plate may be transferred to another vehicle.

(d) This section does not relieve the owner of the vehicle from payment of any applicable commercial vehicle excise tax under IC 6-6-5.5 on a yearly basis.

~~(e) The bureau shall adopt rules under IC 4-22-2 necessary to administer this section.~~

SECTION 6. IC 9-18-2-7, AS AMENDED BY P.L.26-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) A person who owns a vehicle **that is operated on Indiana roadways and is** subject to registration shall register ~~each~~ **the** vehicle ~~owned by the person~~ as follows:

(1) A vehicle subject to section 8 of this chapter shall be registered under section 8 of this chapter.

(2) Subject to subsection (g) or (h), a vehicle not subject to section 8 or 8.5 of this chapter or to the International Registration Plan shall be registered before:

(A) March 1 of each year; or

(B) an earlier date subsequent to January 1 of each year as set by the bureau.

(3) School buses owned by a school corporation are exempt from annual registration but are subject to registration under IC 20-27-7.

(4) Subject to subsection (f), a vehicle subject to the International Registration Plan shall be registered before April 1 of each year.

(5) A school bus not owned by a school corporation shall be registered subject to section 8.5 of this chapter.

(b) Registrations and reregistrations under this section are for the calendar year. Registration and reregistration for school buses owned by a school corporation may be for more than a calendar year.

(c) License plates for a vehicle subject to this section may be displayed during:

(1) the calendar year for which the vehicle is registered; and

(2) the period of time:

(A) subsequent to the calendar year; and

(B) before the date that the vehicle must be reregistered.

(d) Except as provided in IC 9-18-12-2.5, a person who owns or operates a vehicle may not operate or permit the operation of a vehicle that:

(1) is required to be registered under this chapter; and

(2) has expired license plates.

(e) If a vehicle that is required to be registered under this chapter has:

(1) been operated on the highways; and

(2) not been properly registered under this chapter;

the bureau shall, before the vehicle is reregistered, collect the registration fee that the owner of the vehicle would have paid if the vehicle had been properly registered.

(f) The department of state revenue may adopt rules under IC 4-22-2 to issue staggered registration to motor vehicles subject to the International Registration Plan.

(g) Except as provided in section 8.5 of this chapter, the bureau may adopt rules under IC 4-22-2 to issue staggered registration to motor vehicles described in subsection (a)(2).

(h) After June 30, 2011, the registration of a vehicle under ~~IC 9-18-16-1(1)~~ **IC 9-18-16-1(a)(1)** or ~~IC 9-18-16-1(2)~~ **IC 9-18-16-1(a)(2)** expires on December 14 of each year. However, if a vehicle is registered under ~~IC 9-18-16-1(1)~~ **IC 9-18-16-1(a)(1)** or ~~IC 9-18-16-1(2)~~ **IC 9-18-16-1(a)(2)** and the registration of the vehicle is in effect on June 30, 2011, the registration of the vehicle remains valid:

(1) throughout calendar year 2011; and

(2) during the period that:

(A) begins January 1, 2012; and

(B) ends on the date on which the vehicle was due for

reregistration under the law in effect before this subsection took effect.

SECTION 7. IC 9-18-2-8, AS AMENDED BY P.L.26-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Except as provided in section 7(h) of this chapter and subsection (f), the bureau shall determine the schedule for registration for the following categories of vehicles:

(1) Passenger motor vehicles.
(2) Recreational vehicles.
(3) Motorcycles.
(4) Trucks. ~~that:~~
~~(A) are regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business; and~~
~~(B) have a declared gross weight of not more than eleven thousand (11,000) pounds.~~

(b) Except as provided in IC 9-18-12-2.5, a person that owns a vehicle shall receive a license plate, renewal tag, or other indicia upon registration of the vehicle. The bureau may determine the ~~device~~ **indicia** required to be displayed.

(c) A corporation that owns a ~~truck that has a declared gross weight of not more than eleven thousand (11,000) pounds~~ **vehicle** that is regularly rented to others for periods of not more than twenty-nine (29) days in the regular course of the corporation's business must register the ~~truck before March 1 of each year.~~ **vehicle on a date as prescribed by the bureau.**

(d) A person that owns a vehicle in a category required to be registered under this section and desires to register the vehicle for the first time must apply to the bureau. ~~for a registration application form.~~ The bureau shall do the following:

(1) Administer the registration ~~application form.~~ **of the vehicle.**
(2) Issue the license plate **in accordance with the central fulfillment processes of the bureau.**
(3) Collect the proper registration and service fees in accordance with the procedure established by the bureau.

(e) Except as provided in IC 9-18-12-2.5, the bureau shall issue a semipermanent plate under section 30 of this chapter, or:

(1) an annual renewal tag; or
(2) other indicia;

to be affixed on the semipermanent plate.

(f) After June 30, 2011, the registration of a vehicle under ~~IC 9-18-16-1(1)~~ **IC 9-18-16-1(a)(1)** or ~~IC 9-18-16-1(2)~~ **IC 9-18-16-1(a)(2)** expires on December 14 of each year. However, if a vehicle is registered under ~~IC 9-18-16-1(1)~~ **IC 9-18-16-1(a)(1)** or ~~IC 9-18-16-1(2)~~ **IC 9-18-16-1(a)(2)** and the registration of the vehicle is in effect on June 30, 2011, the registration of the vehicle remains valid:

(1) throughout calendar year 2011; and
(2) during the period that:
(A) begins January 1, 2012; and
(B) ends on the date on which the vehicle was due for reregistration under the law in effect before this subsection took effect.

SECTION 8. IC 9-18-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The bureau shall use due diligence in examining and determining the genuineness, regularity, and legality of the following:

(1) ~~An application~~ **Information provided from a person as part of a request** for **the** registration of a vehicle.
(2) ~~An application~~ **A request** for any type of license **plate** required under this title for the operation of a vehicle upon the highways.
(3) Any other application **or request** made to the bureau **under this article.**

(b) The bureau may:

(1) make investigations or require additional information; and
(2) reject an application **or request;**

if the bureau is not satisfied of the genuineness, regularity, or legality of an application or the truth of a statement contained in an application or **request, and** for any other reason.

SECTION 9. IC 9-18-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. **(a)** Except as provided in ~~section~~ **sections** 18, **23, and 29.5** of this chapter, a certificate of registration of a motor vehicle, semitrailer, or recreational vehicle and a license plate for a motor vehicle, semitrailer, or recreational vehicle, whether original issues or duplicates, may not be issued or furnished by the bureau unless the person applying for the certificate of registration:

(1) applies at the same time for and is granted a certificate of title for the motor vehicle, semitrailer, or recreational vehicle; or
(2) presents satisfactory evidence that a certificate of title has been previously issued to the person that covers the motor vehicle, semitrailer, or recreational vehicle.

(b) If at any time the bureau determines that the certificate of title of a vehicle cannot be issued or is invalid:

(1) a certificate of registration may not be issued or furnished for the vehicle by the bureau; or
(2) the bureau may invalidate the certificate of registration of the vehicle.

SECTION 10. IC 9-18-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) This section does not apply to a vehicle registered as a recovery vehicle under IC 9-18-13.

(b) A transport operator may, instead of registering each motor vehicle transported, make a verified application upon a form prescribed by the bureau and furnished by the bureau for a general distinctive registration number for all motor vehicles transported by the transport operator and used and operated for the purposes provided. The application must contain the following:

(1) A brief description of each style or type of motor vehicle transported.
(2) The name and address, including the county of residence, of the transport operator.
(3) Any other information the bureau requires.

(c) The bureau, upon receiving:

(1) an application for a transport operator license plate; and
(2) the proper fee;

shall issue to the person who submitted the application and fee two (2) certificates of registration and the license plates with numbers corresponding to the numbers of the certificates of registration. A transport operator may obtain as many additional pairs of license plates as desired upon application and the payment to the bureau of the fee prescribed under IC 9-29 for each pair of additional license plates.

(d) A license plate or sign other than those furnished and approved by the bureau may not be used.

(e) A transport operator license plate may not be used on a vehicle used or operated on a highway, except for the purpose of transporting vehicles in transit. A person may haul other vehicles or parts of vehicles in transit in the same combination.

(f) A transport operator may not operate a vehicle or any combination of vehicles in excess of the size and weight limits specified by law.

(g) A license plate shall be displayed on the front and rear of each combination, and if only one (1) motor vehicle is transported, a license plate shall be displayed on both the front and rear of the motor vehicle.

(h) ~~The bureau may adopt rules to prescribe the conditions under which~~ Transport operator license plates may **not** be issued to a transport operator who has ~~been convicted of violating~~

violated this section until the bureau ~~issues~~ **is satisfied that** the transport operator ~~a new license plate.~~ **can comply with the requirements of this section.**

SECTION 11. IC 9-18-2-26, AS AMENDED BY P.L.184-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) License plates, **including temporary license plates,** shall be displayed as follows:

(1) For a motorcycle, trailer, semitrailer, or recreational vehicle, upon the rear of the vehicle, except as provided in subdivision (4).

(2) For a tractor or dump truck, upon the front of the vehicle.

(3) For every other vehicle, upon the rear of the vehicle, except as provided in subdivision (4).

(4) For a truck with a rear mounted forklift or a mechanism to carry a rear mounted forklift or implement, upon the front of the vehicle.

(b) A license plate shall be securely fastened, in a horizontal position, to the vehicle for which the plate is issued:

(1) to prevent the license plate from swinging;

(2) at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate;

(3) in a place and position that are clearly visible;

(4) maintained free from foreign materials and in a condition to be clearly legible; and

(5) not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.

(c) The bureau may adopt rules the bureau considers advisable to enforce the proper mounting and securing of license plates on vehicles consistent with this chapter.

SECTION 12. IC 9-18-2-28 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 28. Notwithstanding any other law, license plates for:~~

~~(1) passenger motor vehicles;~~

~~(2) recreational vehicles;~~

~~(3) motor vehicles registered to disabled veterans under IC 9-18-18; or~~

~~(4) motor vehicles registered to former prisoners of war under IC 9-18-17;~~

~~that contain any of the numerals 1 through 100 following the prefix numbers and letter shall be issued by the bureau.~~

SECTION 13. IC 9-18-2-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 30. **Unless otherwise provided in this chapter,** the bureau shall issue to the owner of each vehicle subject to registration one (1) license plate upon the registration of the vehicle.

SECTION 14. IC 9-18-2-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32. (a) Except as provided in subsection (b), a license plate issued under section 30 of this chapter:

(1) must be six (6) inches wide and twelve (12) inches long;

(2) must display

~~(A)~~ the registration number assigned to the vehicle for which the plate is issued;

~~(B) the letters "IN"; and~~

~~(C) the year for which the plate is issued;~~

(3) may have a prefix of at least one (1) letter of the alphabet to designate the type of vehicle registered; and

(4) shall be treated with special reflective material designed to increase the visibility and legibility of the license plate.

(b) The bureau may issue license plates in a different size or character if the bureau determines that the change is appropriate to effect the proper display of the license plates.

SECTION 15. IC 9-18-2-35 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 35. The bureau, with the approval of the governor, may revise the vehicle identification name designated to be embossed on a given classification of license plates to reflect contemporary language that is used to describe vehicles that must be registered under this article.~~

SECTION 16. IC 9-18-2-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 38. A license plate issued under this chapter remains valid if the person who registered the passenger motor vehicle or recreational vehicle changes the person's county of residence during the term of the license plate. A person who registers a passenger motor vehicle or recreational vehicle and who changes the person's county of residence may, at the time of reregistration:

(1) retain the license plate originally issued; or

(2) request a new license plate ~~at no additional cost to the person,~~ indicating the person's new county of residence.".

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 18. IC 9-18-2-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 49. (a) Notwithstanding ~~IC 9-18-2-32,~~ **section 32 of this chapter,** if a person is **initially registering a vehicle or** renewing the registration for a motor vehicle that needs a new license plate, the bureau may issue a temporary paper or cardboard license plate to the person for use on the motor vehicle.

(b) A temporary license plate issued under subsection (a) is valid for thirty (30) days after the date of its issuance.".

Page 2, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 20. IC 9-18-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~The bureau~~ **A person** may ~~accept an application by mail for~~ **register** a **vehicle and request** license ~~plate for a:~~

~~(1) motor vehicle;~~

~~(2) semitrailer; or~~

~~(3) recreational vehicle;~~

plates by mail if the person applying for the license plate has been issued a certificate of title for the motor vehicle, semitrailer, or recreational vehicle, unless excepted under IC 9-17-2-13 or IC 9-18-2-18.

SECTION 21. IC 9-18-4-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. An application made by mail under section 1 of this chapter must be for a license plate previously issued directly from the bureau to the applicant.~~

SECTION 22. IC 9-18-6-2, AS AMENDED BY P.L.109-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except as provided in subsections (b) and (e), if a license plate is:

(1) lost **or stolen;**

(2) ~~mutilated;~~ **damaged so as not to be legible;** or

(3) destroyed;

the person in whose name the license plate was issued may obtain from the bureau a ~~duplicate or a~~ replacement license plate by filing with the bureau an application on a form provided by the bureau duly sworn to as provided in IC 9-18-2.

(b) If a license plate is lost **or stolen,** the bureau may not issue a ~~duplicate or~~ replacement license plate until the person in whose name the plate was issued has first notified:

(1) the Indiana law enforcement agency that has jurisdiction where the loss **or theft** occurred; or

(2) the law enforcement agency that has jurisdiction over the address listed on the registration;

that the original license plate has been lost **or stolen.**

(c) A law enforcement agency to whom a loss **or theft** is reported shall complete and present to the person reporting the loss **or theft** a form provided by the bureau indicating that the loss **or theft** has been reported.

(d) The person must present the form described under subsection (c) to the bureau before a replacement license plate

may be obtained.

(e) If a license plate for a commercial vehicle is lost, ~~mutilated,~~ **stolen, damaged,** or destroyed, the person in whose name the plate was issued shall notify:

(1) the Indiana law enforcement agency that has jurisdiction where the loss, **theft, damage, or destruction** occurred; and

(2) the bureau;

that the original license plate has been lost, ~~mutilated,~~ **stolen, damaged,** or destroyed. In order to receive a ~~duplicate or a~~ replacement license plate, the person in whose name the license plate was issued must complete and submit to the bureau an application and affidavit ~~designed~~ **prescribed** by the bureau.

(f) The bureau shall charge a fee for a ~~duplicate or~~ replacement license plate under subsections (b) and (e) as set forth in IC 9-29-5-17.

(g) A ~~duplicate or~~ replacement license plate must be displayed in the same manner as the original license plate was displayed.

SECTION 23. IC 9-18-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Upon the disposition by sale or other means of a motor vehicle, trailer, semitrailer, recreational vehicle, or motor home currently registered in Indiana, the license plate from the disposed motor vehicle, trailer, semitrailer, recreational vehicle, or motor home may be:

(1) transferred by the person who is the current registrant to any other vehicle of the same type acquired by the person; and

(2) operated in Indiana for not more than thirty-one (31) days after the date the person acquires ownership of the vehicle.

(b) The person who is the registrant must have in the person's possession a:

(1) manufacturer's certificate of origin;

(2) duly assigned certificate of title; or

(3) ~~notarized~~ bill of sale;

indicating that the person is the owner of the vehicle to which the unexpired license plates are affixed.

SECTION 24. IC 9-18-12-2, AS AMENDED BY P.L.79-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except as provided in section 2.5 of this chapter, the bureau shall issue one (1) license plate to the person who owns an antique motor vehicle that is registered under this chapter.

(b) Subject to subsection (c), a license plate for an antique motor vehicle shall be manufactured according to the bureau's specifications.

(c) A license plate issued under this chapter shall:

(1) contain:

(A) the registration number assigned to the registration certificate by the bureau; and

(B) **a designation that** the ~~words "Historic Motor~~ vehicle ~~State of Indiana";~~ **is a historic vehicle;** and

(2) indicate the year for which the antique motor vehicle has been registered.

(d) Instead of issuing a new license plate each time that an antique motor vehicle is registered, the bureau may issue to the person who owns the antique motor vehicle a tag or sticker that indicates the year for which the motor vehicle has been registered.

(e) A license plate issued under this chapter shall be securely attached to the rear of an antique motor vehicle.

SECTION 25. IC 9-18-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. If a person who owns a military vehicle registers the military vehicle under this chapter, the

~~(1) bureau shall not issue a license plate for the military vehicle; and~~

~~(2)~~ bureau shall authorize as a registration number the military vehicle identification number stenciled on the military vehicle in white or yellow letters and numbers in accordance with all pertinent military regulations.

SECTION 26. IC 9-18-15-1, AS AMENDED BY P.L.87-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person who is the registered owner or lessee of a:

(1) passenger motor vehicle;

(2) motorcycle;

(3) recreational vehicle; or

(4) vehicle registered as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds;

registered with the bureau or who makes an application for an original registration or renewal registration of a vehicle may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular license plate.

(b) A person who:

(1) is the registered owner or lessee of a vehicle described in subsection (a); and

(2) is eligible to receive a license plate for the vehicle under:

(A) IC 9-18-17 (prisoner of war license plates);

(B) IC 9-18-18 (disabled Hoosier veteran license plates);

(C) IC 9-18-19 (Purple Heart license plates);

(D) IC 9-18-20 (Indiana National Guard license plates);

~~(E) IC 9-18-21 (Indiana Guard Reserve license plates);~~

~~(F)~~ **(E)** IC 9-18-22 (license plates for persons with disabilities);

~~(G) IC 9-18-23 (amateur radio operator license plates);~~

~~(H) IC 9-18-24 (civic event license plates);~~

~~(I)~~ **(F)** IC 9-18-24.5 (In God We Trust license plates);

~~(J)~~ **(G)** IC 9-18-25 (special group recognition license plates);

~~(K)~~ **(H)** IC 9-18-29 (environmental license plates);

~~(L)~~ **(I)** IC 9-18-30 (kids first trust license plates);

~~(M)~~ **(J)** IC 9-18-31 (education license plates);

~~(N) IC 9-18-32.2 (drug free Indiana trust license plates);~~

~~(O)~~ **(K)** IC 9-18-33 (Indiana FFA trust license plates);

~~(P)~~ **(L)** IC 9-18-34 (Indiana firefighter license plates);

~~(Q) IC 9-18-35 (Indiana food bank trust license plates);~~

~~(R) IC 9-18-36 (Indiana girl scouts trust license plates);~~

~~(S)~~ **(M)** IC 9-18-37 (Indiana boy scouts trust license plates);

~~(T) IC 9-18-38 (Indiana retired armed forces member license plates);~~

~~(U) IC 9-18-39 (Indiana antique car museum trust license plates);~~

~~(V)~~ **(N)** IC 9-18-40 (D.A.R.E. Indiana trust license plates);

~~(W)~~ **(O)** IC 9-18-41 (Indiana arts trust license plates);

~~(X)~~ **(P)** IC 9-18-42 (Indiana health trust license plates);

~~(Y) IC 9-18-43 (Indiana mental health trust license plates);~~

~~(Z)~~ **(Q)** IC 9-18-44 (Indiana Native American trust license plates);

~~(AA)~~ **(R)** IC 9-18-45.8 (Pearl Harbor survivor license plates);

~~(BB)~~ **(S)** IC 9-18-46.2 (Indiana state educational institution trust license plates);

~~(CC)~~ **(T)** IC 9-18-47 (Lewis and Clark bicentennial license plates);

~~(DD)~~ **(U)** IC 9-18-48 (Riley Children's Foundation license plates);

~~(EE) IC 9-18-49 (National Football League franchised professional football team license plates);~~
~~(FF)~~ **(V)** IC 9-18-50 (Hoosier veteran license plates);
~~(GG)~~ **(W)** IC 9-18-51 (support our troops license plates);
~~(HH)~~ **(X)** IC 9-18-52 (Abraham Lincoln bicentennial license plates);
~~(II)~~ **(Y)** IC 9-18-53 (Earlham College Trust license plates); or
~~(JJ)~~ **(Z)** IC 9-18-54 (Indiana Gold Star family member license plates);
may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular special recognition license plate.".

Page 4, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 35. IC 9-18-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a)** License plates shall be issued to the following:
(1) Members of the general assembly.
(2) Spouses of members of the general assembly.
(3) Other state officials who receive special license plates on an annual basis.
(b) A license plate issued under this chapter may also be issued to the company or business owned by the persons described in subsection (a).

SECTION 36. IC 9-18-18-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. Not more than two (2) disabled Hoosier veteran license plates may be issued to each eligible person.~~

SECTION 37. IC 9-18-19-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4. (a) A person qualifying under section 2 of this chapter may not be:**
(1) charged a fee for parking in a metered space; or
(2) assessed a penalty for parking in a metered space for longer than the time permitted.
(b) This section does not authorize parking of a motor vehicle in a parking place during a time when parking in the space is prohibited if the prohibition is:
(1) posted; and
(2) authorized:
(A) by city or town ordinance; or
(B) by order of the Indiana department of transportation.
(c) A person other than the owner of a motor vehicle displaying a disabled Hoosier veteran license plate authorized by this chapter is not entitled to the parking privileges authorized by this section.

SECTION 38. IC 9-18-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The bureau shall design and issue a vehicle license plate under IC 9-18-25 that will designate a vehicle as being registered by an active member of the ~~Indiana~~ National Guard.

SECTION 39. IC 9-18-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~An Indiana~~ **A** National Guard license plate must display the following:
(1) An identification number.
(2) Any other information and design selected by the bureau.

SECTION 40. IC 9-18-20-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A resident of Indiana who is an active member of the ~~Indiana~~ Army or Air National Guard may apply for and receive one (1) or more license plates under this chapter.

(b) A person applying for a National Guard license plate under this chapter must demonstrate the person's status as an active member of the ~~Indiana~~ Army or Air National Guard by presenting the following with the person's application:
(1) A current armed forces identification card.
(2) A letter signed by the person's commanding officer identifying the person as a current active member.

SECTION 41. IC 9-18-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. ~~An Indiana~~ **A** National Guard license plate must be displayed on a vehicle legally registered by the person described in section 3 of this chapter.

SECTION 42. IC 9-18-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Indiana Guard Reserve License Plates).

SECTION 43. IC 9-18-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The bureau shall issue a license plate ~~or decal~~ for a person with a disability that designates a vehicle as a vehicle that is regularly used to transport a person who:
(1) has been issued a permanent parking placard under IC 9-14-5;
(2) has a permanent physical disability that requires the **permanent** use of a wheelchair, walker, braces, or crutches **as certified by a health care provider listed in subdivision (4);**
(3) has permanently lost the use of one (1) or both legs;
(4) is certified **to be permanently or severely restricted in mobility due to a pulmonary or cardiovascular disability, arthritic condition, or orthopedic or neurological impairment** by:
(A) a physician having an unlimited license to practice medicine; ~~in Indiana to be severely and permanently restricted:~~
~~(A) in mobility;~~
(B) ~~by a pulmonary or cardiovascular disability;~~ **a physician who is a commissioned medical officer of the armed forces of the United States or of the United States Public Health Service;**
(C) ~~by an arthritic condition; or~~ **a physician who is a medical officer of the United States Department of Veterans Affairs;**
(D) ~~by an orthopedic or~~ a ~~neurological impairment; or~~ **chiropractor with a valid, unrestricted license under IC 25-10-1;**
(E) a podiatrist with a valid, unrestricted license under IC 25-29; or
(F) an advanced practice nurse with a valid, unrestricted license under IC 25-23; or
(5) is certified by an optometrist or ophthalmologist ~~licensed~~ **with a valid, unrestricted license** to practice in Indiana to be:
(A) blind (as defined in IC 12-7-2-21(2)); or
(B) visually impaired (as defined in IC 12-7-2-198).

SECTION 44. IC 9-18-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The license plate ~~or decal~~ for a person with a disability must bear:
(1) the official international wheelchair symbol;
(2) a reasonable facsimile of the international wheelchair symbol; or
(3) another symbol selected by the bureau;
to designate the vehicle as being used to transport a person with a disability.

SECTION 45. IC 9-18-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The license plate ~~or decal~~ for a person with a disability may only be issued to the following:
(1) A person with a disability.
(2) A person who owns a vehicle that is:
(A) frequently operated by a person with a disability; or
(B) used to transport a person with a disability.

SECTION 46. IC 9-18-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The license

plate ~~or decal~~ for a person with a disability:

(1) shall be assigned to a vehicle subject to registration under Indiana law; and

(2) may be displayed only on a legally registered vehicle.

SECTION 47. IC 9-18-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The motor vehicle bearing the license plate ~~or decal~~ for a person with a disability may only be used by the person who has registered the motor vehicle for private and personal purposes.

SECTION 48. IC 9-18-22-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A person who knowingly and falsely professes to have the qualifications to obtain a license plate ~~or decal~~ for a person with a disability under this chapter commits a Class C misdemeanor.

(b) A person who owns a vehicle bearing a license plate ~~or decal~~ for a person with a disability when the person knows the person is not entitled to the license plate ~~or decal~~ for a person with a disability under this chapter commits a Class C misdemeanor.

SECTION 49. IC 9-18-23-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6. After December 31, 2012, the bureau shall issue amateur radio operator license plates on a semipermanent basis.**

SECTION 50. IC 9-18-25-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]. Sec. 1.7. **(a)** Section 15 of this chapter does not apply to a college or university special group recognition license plate **issued under IC 9-18-46.2 or IC 9-18-53.**

(b) This section expires December 31, 2015.".

Page 5, delete lines 1 through 33, begin a new paragraph and insert:

"SECTION 51. IC 9-18-25-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 2.~~ (a) ~~The bureau shall adopt rules under IC 4-22-2 establishing the requirements to qualify for participation in the special group recognition license plate program.~~

~~(b) Representatives of a special group shall petition the bureau to qualify for participation in the special group recognition license plate program.~~

~~(c) Each petition submitted under this section must contain the printed name, address, and signature of at least five hundred (500) members of the special group who pledge to purchase the special group recognition license plate if a special group recognition license plate is issued for the group under this chapter.~~

~~(d) When a petition containing the information required in subsection (c) is submitted to the bureau, the bureau may design and issue a special group recognition license plate that designates a vehicle as being registered under this chapter by a person (as defined in IC 9-13-2-124) who is a member of the special group.~~

SECTION 52. IC 9-18-25-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.3 (a) After December 31, 2013, participation in the special group recognition license plate program by a special group is determined only by statute. A special group recognition license plate that was issued by the bureau under IC 9-18-25-2 (before its repeal) shall be issued or eliminated as set forth in section 2.5 of this chapter.**

(b) A special group that participated in the special group recognition license plate program under:

IC 9-18-29;
IC 9-18-30;
IC 9-18-31;
IC 9-18-33;
IC 9-18-34;
IC 9-18-37;
IC 9-18-40;
IC 9-18-41;
IC 9-18-42;
IC 9-18-44;
IC 9-18-46.2;
IC 9-18-47;
IC 9-18-48;
IC 9-18-49; or
IC 9-18-53;

must apply through the procedure set forth in section 2.7 of this chapter if the special group desires to participate in the special group recognition license plate program after December 31, 2015.

(c) Notwithstanding subsection (a), a special group recognition license plate issued by the bureau in 2015 under one (1) of the chapters set forth in subsection (b) remains valid until the date in 2016 on which the registration of the vehicle expires under the schedule according to section 11 of this chapter.

(d) This section expires December 31, 2016.

SECTION 53. IC 9-18-25-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) This subsection does not apply to special group recognition license plates issued for:**

(1) government and quasi-government; and

(2) college or university;

special groups. The special group recognition license plate program for license plates issued by the bureau under IC 9-18-25-2 (before its repeal) is eliminated for special group recognition license plates that sold less than one thousand (1,000) license plates in 2011 and no further production or sale of special group recognition license plates may be continued for those special groups.

(b) A special group recognition license plate in production before 2012 that:

(1) had sales of more than nine hundred ninety-nine (999) special group recognition license plates in 2011; or

(2) is a government and quasi government or a college or university special group recognition license plate not issued under IC 9-18-46.2 or IC 9-18-53;

may continue in production until December 31, 2013.

(c) A special group whose special group recognition license plate participation in the special group recognition license plate program is eliminated under subsection (a) or (b) may apply for a subsequent special group recognition license plate under sections 2.7 and 2.9 of this chapter.

(d) Notwithstanding subsection (a), a special group recognition license plate issued by the bureau under IC 9-18-25-2 (before its repeal) in 2012 remains valid until the date in 2013 on which the registration of the vehicle expires under the schedule according to section 11 of this chapter.

(e) Notwithstanding subsection (b), a special group recognition license plate issued by the bureau under IC 9-18-25-2 (before its repeal) in 2013 remains valid until the date in 2014 on which the registration of the vehicle expires under the schedule according to section 11 of this chapter.

(f) This section expires December 31, 2014.

SECTION 54. IC 9-18-25-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.7. A representative of a special group that desires to participate in the special group recognition license plate program shall submit the following to the bureau in an application for a special group recognition license plate:**

(1) The name and address of the resident agent of the special group.
(2) Evidence of governance by a board of directors consisting of at least five (5) members, a majority of whom are outside directors, who meet at least semiannually to establish policy for the special group and review the accomplishments of the special group.
(3) A copy of the:
(A) ethics statement; and
(B) constitution and by-laws;
of the special group.
(4) Copies of the last three (3) consecutive:
(A) annual reports; and
(B) annual generally accepted auditing standards or government auditing standards audits;
of the special group.
(5) Evidence of appropriate use of resources and compliance with federal and state laws, including evidence of appropriate management and internal controls in order to assure:
(A) compliance with law; and
(B) that finances are used in compliance with the purpose statement of the special group.
(6) Evidence of transparency of financial and operational activities to the general public to include availability of current financial statements at any time upon the request of the bureau or the general public.
(7) Evidence of internal controls to prevent conflict of interest by board members and employees.
(8) A petition with the signatures of at least five hundred (500) residents of Indiana who pledge to purchase the special group recognition license plate.
(9) A statement of the designated use of any annual fee to be collected by the bureau.
(10) A copy of a certified motion passed by the board of directors of the special group requesting that the special group recognition plate be issued by the bureau and stating the designated use of any annual fee to be collected by the bureau.
(11) Evidence of statewide public benefit from the use of the annual fee collected by the bureau.
(12) Evidence that the applicant special group's use of the annual fee to be collected by the bureau and the organizational purpose statement of the special group conforms with at least one (1) of the following categories:
(A) Direct health care or medical research.
(B) Fraternal or service organizations.
(C) Government and quasi-government.
(D) Military and veteran's affairs.
(E) Public and highway safety.
(F) College and university scholarships for Hoosiers.
(13) Evidence that the organization has prohibitions and internal controls prohibiting advocacy of:
(A) Violation of federal or state law.
(B) Violation of generally accepted ethical standards or societal behavioral standards.
(C) Individual political candidates.

SECTION 55. IC 9-18-25-2.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.9. (a) A completed application submitted to the bureau under section 2.7 of this chapter for a special group recognition license plate shall be forwarded by the bureau to the chairperson of the:**
(1) senate homeland security, transportation, and veterans affairs committee; and
(2) house of representatives roads and transportation committee.
(b) Simultaneously with the submission to the chairpersons under subsection (a), the bureau shall inform an applicant special group that:
(1) the application information was complete and has been submitted to the chairpersons under subsection (a); and
(2) a member of the general assembly must introduce a bill on behalf of the special group to create the desired special group recognition license plate.
(c) After the enactment of a public law creating a special group recognition license plate, the bureau shall issue a special group recognition license plate in conformance with the design standards set forth in section 3 of this chapter for a period of not more than six (6) years. If the special group desires to continue participation in the special group recognition license plate program, the special group must submit a renewal application to the bureau containing application contents as set forth in section 2.7 of this chapter.".

Page 6, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 59. IC 9-18-25-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a) If a complaint is filed with the bureau alleging that a special group has engaged in an activity adverse to the evidence submitted under section 2.7(11) through 2.7(13) of this chapter, the bureau shall give notice to a representative of the special group of a hearing to determine the eligibility of the special group to continue participation in the special group recognition license plate program. Proceedings under this section must be in accordance with IC 4-21.5.**
(b) If a bureau hearing officer makes a finding that the special group set forth in subsection (a) has engaged in an activity adverse to the evidence submitted under section 2.7(11) through 2.7(13) of this chapter, issuance of the special group recognition plate must be immediately suspended and the finding of the bureau hearing officer shall be transmitted to a representative of the special group.
(c) The finding of the bureau hearing officer under subsection (b) shall be forwarded to the chairperson of the:
(1) senate homeland security, transportation, and veterans affairs committee; and
(2) house of representatives roads and transportation committee;
for further action concerning reinstatement of the special group recognition plate consistent with this chapter.".

Page 6, line 31, after "(a)" insert "**This section expires December 31, 2016.**
(b) This section applies to a special group recognition license plate established by:
IC 9-18-29;
IC 9-18-30;
IC 9-18-31;
IC 9-18-33;
IC 9-18-34;
IC 9-18-37;
IC 9-18-40;
IC 9-18-41;
IC 9-18-42;
IC 9-18-44;
IC 9-18-46.2;
IC 9-18-47;
IC 9-18-48;
IC 9-18-49; or
IC 9-18-53.
(c)".

Page 7, line 8, delete "again".

Page 7, line 8, delete "section 2" and insert "**sections 2.7 and 2.9**".

Page 7, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 61. IC 9-18-25-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.5. (a) This section applies to a special group that participates in the special group recognition license plate program under sections 2.7 and 2.9 of this chapter.**

(b) The bureau shall terminate a special group's qualification for the special group license plate program and no further special group recognition license plate may be issued for a special group if fewer than one thousand (1,000) of the special group's special group recognition license plates are sold or renewed each year in a two (2) year consecutive period, beginning with the first year of issuance of the special group recognition license plate for the special group under section 2.9 by the bureau.

(c) A new application under sections 2.7 and 2.9 of this chapter for reinstatement of the special group for participation in the special group recognition license plate program may be submitted to the bureau by the special group whose participation has been terminated.".

Page 11, after line 1, begin a new paragraph and insert:

"SECTION 66. IC 9-18-26-8, AS AMENDED BY P.L.93-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. Dealer-new, dealer-used, and manufacturer license plates may be used without restriction by a designee of a dealer or a designee of a manufacturer under rules adopted by the secretary of state. The rules must provide the following:

(1) The dealer or manufacturer is to be assessed and pay the motor vehicle excise tax under IC 6-6-5 attributable to that part of the total year that the designee operates the motor vehicle.

(2) The dealer or manufacturer shall report to the ~~secretary of state~~ **bureau** the date of assignment to a designee, the designee's name and address, and the date of termination of the assignment within ten (10) days of the assignment or termination.

(3) The tax calculated in subdivision (1) shall be paid within thirty (30) days of the termination of the assignment to the designee or at the time the dealer or manufacturer purchases license plates under this chapter.

SECTION 67. IC 9-18-29-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 68. IC 9-18-29-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The fee for an environmental license plate is as follows:

(1) The appropriate fee under IC 9-29-5-38.

(2) An annual fee of twenty-five dollars ($25).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the ~~bureau of motor vehicles~~ commission.

SECTION 69. IC 9-18-30-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 70. IC 9-18-31-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 71. IC 9-18-32.2 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Drug Free Indiana Trust License Plates).

SECTION 72. IC 9-18-33-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 73. IC 9-18-34-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 74. IC 9-18-35 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Indiana Food Bank Trust License Plates).

SECTION 75. IC 9-18-36 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Indiana Girl Scouts Trust License Plates).

SECTION 76. IC 9-18-37-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 77. IC 9-18-38 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Indiana Retired Armed Forces Member License Plates).

SECTION 78. IC 9-18-39 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Indiana Antique Car Museum Trust License Plates).

SECTION 79. IC 9-18-40-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 80. IC 9-18-41-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 81. IC 9-18-42-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 82. IC 9-18-43 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Indiana Mental Health Trust License Plates).

SECTION 83. IC 9-18-44-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 84. IC 9-18-46.2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 85. IC 9-18-46.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) This section applies with regard to a state educational institution trust license plate supporting a state educational institution in a year following a year:

(1) in which at least ten thousand (10,000) of the state educational institution trust license plates are sold or renewed; and

(2) beginning after December 31, 1998.

(b) The treasurer of state shall establish a special account within a trust fund for each state educational institution described in subsection (a)(1).

(c) The bureau shall require a person who purchases a state educational institution trust license plate under this section to designate the state educational institution the person chooses to receive the annual fee that the person pays under section 5(2) of this chapter as the corresponding state educational institution designated in section 4 of this chapter.

(d) The treasurer of state shall deposit the annual fee collected under section 5(2) of this chapter into a special account within a trust fund for the state educational institution designated by the purchaser in subsection (c).

(e) The treasurer of state shall invest the money in the special account not distributed in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the special account.

(f) The auditor of state monthly shall distribute the money from the special account to the state educational institution's authorized alumni association.

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

~~(h) The bureau shall maintain a sufficient supply of the state educational institution trust license plates in each branch and partial service walk-up location to provide a plate to a purchaser at the time of sale.~~

SECTION 86. IC 9-18-47-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 87. IC 9-18-48-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 88. IC 9-18-49-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 89. IC 9-18-50-5, AS ADDED BY P.L.58-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A Hoosier veteran license plate issued under this chapter may be displayed on the following:

(1) A passenger motor vehicle.

(2) A truck registered as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds.

(3) A recreational vehicle.

(4) A motorcycle.

SECTION 90. IC 9-18-50-6, AS ADDED BY P.L.58-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A veteran who is a resident of Indiana and is eligible to register a motor vehicle under this title may apply for and receive a Hoosier veteran license plate for one (1) or more motor vehicles upon doing the following:

(1) Completing an application for a Hoosier veteran license plate.

(2) Presenting:

(A) a United States Uniformed Services Retiree Identification Card;

(B) a DD 214 **or DD 215** record;

(C) United States military discharge papers; or

(D) a current armed forces identification card;

to the bureau.

(3) Paying the fee under section 7 of this chapter.

SECTION 91. IC 9-18-51-3, AS ADDED BY P.L.58-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A support our troops license plate issued under this chapter may be displayed on the following:

(1) A passenger motor vehicle.

(2) A truck registered as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds.

(3) A recreational vehicle.

(4) A motorcycle.

SECTION 92. IC 9-18-52-5, AS ADDED BY P.L.30-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A license plate issued under this chapter may be displayed on the following:

(1) A passenger motor vehicle.

(2) A truck registered as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds.

(3) A recreational vehicle.

(4) A motorcycle.

SECTION 93. IC 9-18-53-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2015.**

SECTION 94. IC 9-18-54-4, AS ADDED BY P.L.87-2010, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. An Indiana Gold Star family member license plate issued under this chapter may be displayed on the following:

(1) A passenger motor vehicle.

(2) A truck registered as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds.

(3) A recreational vehicle.

(4) A motorcycle.

SECTION 95. IC 9-25-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Whenever under ~~Indiana law~~ **this article** the bureau may suspend or revoke ~~a license if the operator of a motor vehicle is a~~ **the driving privileges of an Indiana** resident, ~~of Indiana,~~ the bureau may suspend or revoke the ~~license~~ **driving privileges** of or forbid the operation of a motor vehicle in Indiana owned by ~~an operator who is~~ a nonresident.

(b) Whenever under ~~Indiana law~~ **this article** the bureau may suspend or revoke the registration certificate and registration plates of a motor vehicle ~~if the owner of the motor vehicle is a~~ **of an Indiana** resident, ~~of Indiana,~~ the bureau may forbid the operation within Indiana of a motor vehicle if the owner of the motor vehicle is a nonresident.

(c) The bureau shall transmit to the motor vehicle bureau or state officer performing the functions of a bureau in the state in which a nonresident resides a ~~certified~~ copy of the following:

(1) A conviction of the nonresident that has resulted in, **or would result in,** the suspension of the nonresident's driving privilege in Indiana.

(2) An unsatisfied judgment rendered against a nonresident that has resulted in, **or would result in,** the suspension of the nonresident's driving privilege in Indiana.

(3) Notice of suspension for the nonresident due to noncompliance with this article.

SECTION 96. IC 9-25-6-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8. (a) A court shall forward to the bureau a certified abstract of the record of the conviction of a person in the court for a violation of a law relating to motor vehicles.~~

~~(b) If in the opinion of the court a defendant should be deprived of the privilege to operate a motor vehicle upon a public highway, the court shall recommend the suspension of the convicted person's current driving license for a fixed period established by the court not exceeding one (1) year.~~

~~(c) The bureau shall comply with the court's recommendation.~~

~~(d) At the time of a conviction referred to in subsection (a) or IC 9-30-5-7, the court may obtain the defendant's current driving license and return the license to the department.~~

~~(e) An abstract provided for by this section must be in the form prescribed by the bureau and, when certified, shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.~~

SECTION 97. IC 9-25-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The bureau may not revoke the driving ~~license~~ **privileges** or registration plates of the owner or operator of a motor vehicle who has been involved in a motor vehicle accident resulting in bodily injury or death or in damage to property in excess of one thousand dollars ($1,000) solely because of failure to provide evidence of financial responsibility whenever the:

(1) owner or operator was insured by an insurance company for public liability and property damage at the

time of the accident; and

(2) insurance company becomes insolvent after the accident or within fifteen (15) days before the accident;

if the insurance company was authorized and qualified to do business in Indiana on the effective date of the policy.

SECTION 98. IC 9-25-7-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. (a) The bureau shall, upon request, cancel a bond or return a certificate of insurance, direct the treasurer of state to return to the person entitled any money or securities deposited under this article as proof of financial responsibility, or waive the requirement of filing proof of financial responsibility in any of the following circumstances:~~

~~(1) At any time after three (3) years from the date the proof was required, if during the three (3) year period preceding the request the person furnishing the proof has not been convicted of an offense referred to in IC 9-30-4-6.~~

~~(2) If the person on whose behalf the proof was filed dies or the person becomes permanently incapable of operating a motor vehicle.~~

~~(3) If the person who has given proof of financial responsibility surrenders the person's operator's or chauffeur's license, registration certificates, and registration plates to the bureau. The bureau may not release the proof if an action for damages upon a liability referred to in this article is pending, a judgment upon a liability is outstanding and unsatisfied, or the bureau has received notice that the person has, within the period of three (3) months immediately preceding, been involved as a driver in a motor vehicle accident. An affidavit of the applicant of the nonexistence of the facts referred to in this subdivision is sufficient evidence of the nonexistence of the facts in the absence of evidence to the contrary in the records of the department.~~

~~(b) Whenever a person to whom proof has been surrendered under subsection (a)(3) applies for an operator's or chauffeur's license or the registration of a motor vehicle within a period of three (3) years from the date the proof of financial responsibility was originally required, the bureau shall reject the application unless the applicant reestablishes the proof for the remainder of the period.~~

SECTION 99. IC 9-25-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) After the bureau receives:

(1) a certified abstract under ~~IC 9-25-6-8~~ **IC 9-30-13-0.5** of the record of conviction of a person for a violation of a law relating to motor vehicles; or

(2) a judgment or an abstract under IC 9-30-3-11 of a case resulting in a conviction, judgment, or forfeiture of security deposit;

the bureau shall determine whether the bureau is required under subsection (b) to send to the person named in the judgment or abstract a request for evidence of financial responsibility.

(b) The bureau shall send a request for evidence of financial responsibility to a person referred to in subsection (a) if at least one (1) of the following applies to the person:

(1) The judgment or abstract referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system, and, not more than one (1) year before the date of the violation referred to in the judgment or abstract, the person committed at least two (2) previous moving traffic violations for which points are assessed by the bureau under the point system.

(2) The judgment or abstract referred to in subsection (a) reports that the person was convicted of:

(A) a misdemeanor; or

(B) a felony;

involving a motor vehicle.

(3) The judgment or abstract referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system and the driver's license of the person was previously suspended for violation of the financial responsibility requirements of IC 9-25.

SECTION 100. IC 9-29-1-2, AS AMENDED BY P.L.109-2011, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road, and street fund established under IC 8-14-2-2.1.

(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c) ~~after June 30, 1997, with~~ **and** the approval of the ~~bureau of motor vehicles~~ commission, the bureau ~~of motor vehicles~~ may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

IC 9-29-4-3
IC 9-29-5
IC 9-29-9-1
IC 9-29-9-2
IC 9-29-9-3
IC 9-29-9-4
IC 9-29-9-5
IC 9-29-9-7
IC 9-29-9-8
IC 9-29-9-9
IC 9-29-9-11
IC 9-29-9-13
IC 9-29-9-14
IC 9-29-15-1
IC 9-29-15-2
IC 9-29-15-3
IC 9-29-15-4.

The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under IC 8-14-10-9.

(c) The bureau's authority to adopt rules under subsection (b) is subject to the condition that a fee increase must be uniform throughout all license branches and at all partial service locations in Indiana.

(d) If a fee imposed by a statute listed in subsection (b) is eliminated, the amount of the fee increase set forth in a rule adopted under this section ~~before July 1, 2007,~~ with respect to the fee must be:

(1) collected by the bureau notwithstanding the elimination of the underlying fee;

(2) collected in addition to all other fees collected at the time of the underlying transaction; and

(3) deposited in the crossroads 2000 fund established under IC 8-14-10-9.

SECTION 101. IC 9-29-3-19, AS AMENDED BY P.L.68-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. ~~(a) As used in this section, "low numbered motor vehicle registration plate" means any motor vehicle registration plate numbered from one (1) to one hundred (100) before or after the county designation number or letter series designation, or both.~~

~~(b)~~ **(a)** As used in this section, "pull service charge" refers to the charge that the commission may require for a requested ~~low~~

~~numbered motor vehicle registration plate or a~~ special numbered motor vehicle registration plate.

~~(c)~~ **(b)** As used in this section, "special numbered motor vehicle registration plate" means any plate ~~other than a low numbered motor vehicle registration plate,~~ requested for issuance out of its established numerical sequence.

~~(d)~~ **(c)** Subject to ~~subsections (e) and (f)~~ **subsection (d)** and with the approval of the commission, the bureau may adopt rules under IC 4-22-2 to do the following:

(1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.

(2) Impose a service charge on any other license branch service that is not listed in sections 1 through 18 of this chapter.

(3) Increase or decrease a service charge imposed under subdivision (2).

~~(e)~~ **(d)** The bureau's authority to adopt rules under subsection ~~(d)~~ **(c)** is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

~~(f) The bureau may not impose a pull service charge for a requested passenger motor vehicle registration plate containing the numbers set forth in IC 9-18-2-28 for a motor vehicle:~~

~~(1) issued a license plate under IC 9-18-17 that designates the motor vehicle as being owned by a former prisoner of war or by the surviving spouse of a former prisoner of war; or~~

~~(2) after December 31, 2006, issued a license plate under IC 9-18-19 that designates the motor vehicle as being owned by a person who has received a Purple Heart decoration.~~

~~(g)~~ **(e)** The bureau may not impose a pull service charge of more than fifteen dollars ($15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the bicentennial of the Lewis and Clark expedition.

SECTION 102. IC 9-29-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. The fee for each duplicate **or replacement** license plate is three dollars ($3).

SECTION 103. IC 9-29-5-34 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 34. A vehicle registered under IC 9-18-21 is subject to an annual registration fee and any other fee or tax required of a person registering a vehicle under this title.~~

SECTION 104. IC 9-30-2-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. (a) The:~~

~~(1) superintendent of the state police department;~~

~~(2) police chief of each city or the police chief's designee;~~

~~(3) sheriff of each county; and~~

~~(4) town marshal or police chief of each town;~~

~~shall report to the bureau immediately the arrest of a person for a violation of an Indiana law or a city ordinance relating to the operation of motor vehicles upon the highways.~~

~~(b) The report must state the following:~~

~~(1) The offense with which the operator or driver is charged.~~

~~(2) The court in which pending.~~

~~(3) The names of all available witnesses to the violation.~~

~~(4) The name and address of the operator.~~

~~(5) If the operator is the holder of a license, the following:~~

~~(A) The kind of license and license number.~~

~~(B) The license plate number of the vehicle operated by the operator.~~

~~(c) The bureau shall cause the report:~~

~~(1) to be filed in the bureau; and~~

~~(2) retained for at least two (2) years.~~

~~(d) The bureau shall prescribe and the bureau shall furnish the form of the report required by this section.~~

SECTION 105. IC 9-30-3-11, AS AMENDED BY P.L.206-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

(1) engage counsel;

(2) a reasonable continuance to engage counsel to subpoena witnesses;

(3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;

(4) testify or not to testify in the defendant's own behalf;

(5) a trial by jury; and

(6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment in an electronic format or an abstract as prescribed by ~~IC 9-25-6-8.~~ **IC 9-30-13-0.5.** The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information in an electronic format or in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau. ~~of motor vehicles.~~

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars ($100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action.

SECTION 106. IC 9-30-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) As used in this section, "moving traffic offense" means a violation of a statute, an ordinance, or a rule relating to the operation or use of motor vehicles while the motor vehicle is in motion.

(b) If a court convicts a person for a moving traffic offense and the person is known or believed by the court not to be the owner of the motor vehicle, the court shall, within seven (7) days after entering the conviction, deposit with the United States Postal Service, first class postage prepaid, notice addressed to the owner of the motor vehicle giving the owner the following information:

(1) The name and address of the person convicted.

(2) The name and address of the owner of the motor vehicle.

(3) The offense upon which the conviction was made.

(4) The date of arrest of the person convicted and the location of the place of the offense.

(5) The license plate number of the motor vehicle.

(6) The ~~operator's or chauffeur's~~ **driver's** license number of the person convicted.

(7) The date of the conviction and the name of the court making the conviction.

SECTION 107. IC 9-30-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Upon any reasonable ground appearing on the records of the bureau, the bureau may do the following:

(1) Suspend, ~~or~~ revoke, **or invalidate** the current ~~driving~~ **permit, driver's** license, **identification card, or driving privileges** of any person.

(2) Suspend, ~~or~~ revoke, **or invalidate** the certificate of registration ~~and~~ **or** license plate for any motor vehicle **or watercraft.**

SECTION 108. IC 9-30-4-6, AS AMENDED BY P.L.100-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Whenever the bureau suspends or revokes ~~the current~~ **a person's** driver's license, **driving privileges, or permit** upon receiving a record of the conviction of ~~a~~ **the** person for any offense under the motor vehicle laws not enumerated under subsection (b), the bureau may also suspend any of the certificates of registration and license plates issued for any motor vehicle **or watercraft** registered in the name of the person so convicted. However, the bureau may not suspend the evidence of registration, unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future. ~~in the manner specified in this section.~~

(b) The bureau shall suspend or revoke without notice or hearing the ~~current~~ driver's license, **permit, or driving privileges** and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

(3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.

(4) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(5) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars ($200).

(6) Possession, distribution, manufacture, cultivation, transfer, use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.

(c) The ~~license~~ **driving privileges** of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsections (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property damage is less than two hundred dollars ($200), the bureau may determine whether the driver's license, **permit, driving privileges,** ~~and~~ certificates of registration, and license plates shall be suspended or revoked. The ~~license~~ **driving privileges** of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).

(d) A suspension or revocation remains in effect and a new or renewal license **or permit** may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in subdivisions (2), (3), (4), and (5), and subject to section 6.5 of this chapter, for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's license is suspended or revoked under subsection (b)(6).

(2) Subject to section 6.5 of this chapter, upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or reinstated license **or permit** may not be issued to the person, **and driving privileges may not be granted to or reinstated for the person,** unless ~~that~~ **the** person, ~~within~~ **during** the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times ~~during the effective period of a new or reinstated license~~ proof of financial responsibility in the future. ~~in the manner specified in this chapter.~~ However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(3) Subject to section 6.5 of this chapter, for the period ordered by a court under IC 35-48-4-15.

(4) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under IC 35-44-3-3(b) and the person:

(A) exceeded the speed limit by at least twenty (20) miles per hour;

(B) committed criminal recklessness with a vehicle (IC 35-42-2-2)); or

(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b));

while committing the felony, for one (1) year after the date the person was convicted. ~~The convicted person has the burden of applying for a new or renewal license and establishing that the one (1) year period described in this~~

~~subdivision and subject to section 6.5 of this chapter has elapsed.~~

(5) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under IC 35-44-3-3(b), the person:

(A) exceeded the speed limit by at least twenty (20) miles per hour;

(B) committed criminal recklessness with a vehicle (IC 35-42-2-2); or

(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b);

while committing the felony, and the person has a prior unrelated conviction for a felony under IC 35-44-3-3(b), for two (2) years after the date the person was convicted. ~~The convicted person has the burden of applying for a new or renewal license and establishing that the two (2) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.~~

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

(1) A conviction upon a plea of guilty.

(2) A determination of guilt by a jury or court, even if:

(A) no sentence is imposed; or

(B) a sentence is suspended.

(3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under ~~IC 9-25-6-8~~ **IC 9-30-13-0.5** stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the bureau under this section or ~~IC 9-25-6-8~~ **IC 9-30-13-0.5** may file a petition for a court review.

SECTION 109. IC 9-30-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) A person whose:

(1) ~~operator's or chauffeur's~~ **driver's** license, **permit, or driving privileges;** or

(2) certificate of registration or license plate;

has been ~~suspended~~ **revoked or invalidated** and has not been reinstated shall immediately return the license, **permit,** certificate of registration, ~~and~~ **or** license plate to the bureau. A person who knowingly fails to comply with this requirement commits a Class C misdemeanor.

(b) The bureau may:

(1) take possession of a license, **permit,** certificate of registration, or license plate upon the ~~suspension;~~ **revocation or invalidation;** or

(2) direct a law enforcement officer to take possession and return the license, **permit,** certificate, or license plate to the office of the bureau.

(c) All law enforcement officers are authorized as agents of the bureau to seize the license **or permit,** certificate of registration, ~~and~~ **or** license plate of a person who fails to surrender the license, **permit,** certificate, or license plate. A law enforcement officer shall ~~notify the bureau of the seizure.~~ **destroy each license, permit, certificate of registration, or license plate that the law enforcement officer seizes.**

SECTION 110. IC 9-30-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A person whose ~~current~~ driver's license, ~~or~~ permit, ~~or~~ **driving privileges,** certificate of registration, **or license plate** has been suspended or revoked by the bureau under section 9 of this chapter may file a petition within thirty (30) days for a hearing in the matter in a circuit or superior court in the county in which the person resides. The court has jurisdiction and shall set the matter for hearing after fifteen (15) days written notice to the bureau. The court shall conduct a hearing on the petition, take testimony, and examine into the facts of the case de novo and determine whether the action of the bureau complained of was erroneous and make an appropriate order or decree as provided in this chapter.

(b) Every action for a court review or appeal under this chapter shall be tried by the court and not by a jury. The court shall, without any requests, make, sign, and file a special finding of facts in writing and shall state in writing its conclusions of law. The court shall immediately, after ruling on any motion for a new trial duly filed, render judgment in accordance with the conclusions of law stated in the special findings of facts. Exceptions to conclusions of law may be taken by an entry of the exceptions at any time before judgment.

SECTION 111. IC 9-30-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. If the bureau receives a referral under section 4 of this chapter, the bureau shall suspend the registration of the motor vehicle and mail a notice to the person in whose name the vehicle is registered that does the following:

(1) Informs the person that the motor vehicle's registration has been suspended and the reason for the suspension.

~~(2) Informs the person that if the judgments are not paid within fifteen (15) days, the motor vehicle's license plates will be removed by a law enforcement officer.~~

~~(3)~~ **(2)** Explains what the person is required to do to have the registration reinstated.

SECTION 112. IC 9-30-13-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) A court shall forward to the bureau a certified abstract of the record of the conviction of a person in the court for a violation of a law relating to motor vehicles.**

(b) If in the opinion of the court a defendant should be deprived of the privilege to operate a motor vehicle upon a public highway, the court shall recommend the suspension of the convicted person's driving privileges for a fixed period established by the court not exceeding one (1) year.

(c) The bureau shall comply with the court's recommendation.

(d) At the time of a conviction referred to in subsection (a) or under IC 9-30-5-7, the court may obtain and destroy the defendant's current driver's license.

(e) An abstract required by this section must be in the form prescribed by the bureau and, when certified, shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.

SECTION 113. IC 10-11-2-26, AS AMENDED BY P.L.26-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh

station or while operating a clearly marked Indiana state police vehicle for violations of the following:

(1) IC 6-1.1-7-10.
(2) IC 6-6-1.1-1202.
(3) IC 6-6-2.5.
(4) IC 6-6-4.1-12.
(5) IC 8-2.1.
(6) IC 9-18.
(7) IC 9-19.
(8) IC 9-20.
(9) IC 9-21-7-2 through IC 9-21-7-11.
(10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
(11) IC 9-21-8-45 through IC 9-21-8-48.
(12) IC 9-21-9.
(13) IC 9-21-15.
(14) IC 9-21-21.
(15) IC 9-24-1-1. ~~through IC 9-24-1-2.~~
(16) IC 9-24-1-7.
(17) Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
(18) IC 9-24-4.
(19) IC 9-24-5.
(20) IC 9-24-11-4.
(21) IC 9-24-13-3.
(22) IC 9-24-18-1 through IC 9-24-18-2.
(23) IC 9-25-4-3.
(24) IC 9-28-4.
(25) IC 9-28-5.
(26) IC 9-28-6.
(27) IC 9-29-5-11 through IC 9-29-5-13.
(28) IC 9-29-5-42.
(29) IC 9-29-6-1.
(30) IC 10-14-8.
(31) IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
(32) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

SECTION 114. IC 35-44-3-3, AS AMENDED BY P.L.42-2011, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;
(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or
(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense under subsection (a) is a:

(1) Class D felony if:
(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or
(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;
(2) Class C felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person;
(3) Class B felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person; and
(4) Class A felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

(c) For purposes of this section, a law enforcement officer includes an enforcement officer of the alcohol and tobacco commission and a conservation officer of the department of natural resources.

(d) If a person uses a vehicle to commit a felony offense under subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;
(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or
(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (d) may not be suspended.

(f) If a person is convicted of an offense involving the use of a motor vehicle under:

(1) subsection (b)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;
(2) subsection (b)(2); or
(3) subsection (b)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or IC 9-30-4-6(d)(5). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain **and destroy** the person's current driver's license. ~~and return the license to the bureau of motor vehicles.~~

SECTION 115. IC 35-51-9-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 9:

IC 9-14-3.5-15 (Concerning bureau of motor vehicles).
IC 9-14-5-9 (Concerning parking placards for persons with physical disabilities).
IC 9-17-2-15 (Concerning certificates of title).
IC 9-17-2-16 (Concerning certificates of title).
IC 9-17-3-3.2 (Concerning certificates of title).
IC 9-17-3-7 (Concerning certificates of title).
IC 9-17-4-6 (Concerning certificates of title).
IC 9-18-2-42 (Concerning motor vehicle registration and license plates).
IC 9-18-2-44 (Concerning motor vehicle registration and license plates).
IC 9-18-2-45 (Concerning motor vehicle registration and license plates).
IC 9-18-4-8 (Concerning motor vehicle registration and license plates).

IC 9-18-8-11 (Concerning motor vehicle registration and license plates).
IC 9-18-8-12 (Concerning motor vehicle registration and license plates).
IC 9-18-8-13 (Concerning motor vehicle registration and license plates).
IC 9-18-8-14 (Concerning motor vehicle registration and license plates).
IC 9-18-8-15 (Concerning motor vehicle registration and license plates).
IC 9-18-13-9 (Concerning motor vehicle registration and license plates).
IC 9-18-22-6 (Concerning motor vehicle registration and license plates).
IC 9-18-26-11 (Concerning motor vehicle registration and license plates).
IC 9-18-26-13 (Concerning motor vehicle registration and license plates).
IC 9-18-27-9 (Concerning motor vehicle registration and license plates).
IC 9-19-9-5 (Concerning motor vehicle equipment).
IC 9-19-10.5-4 (Concerning motor vehicle equipment).
IC 9-19-10.5-5 (Concerning motor vehicle equipment).
IC 9-20-18-4 (Concerning motor vehicle size and weight regulation).
IC 9-21-5-13 (Concerning traffic regulation).
IC 9-21-6-3 (Concerning traffic regulation).
IC 9-21-8-50 (Concerning traffic regulation).
IC 9-21-8-52 (Concerning traffic regulation).
IC 9-21-8-55 (Concerning traffic regulation).
IC 9-21-8-56 (Concerning traffic regulation).
IC 9-21-8-58 (Concerning traffic regulation).
IC 9-21-12-9 (Concerning traffic regulation).
IC 9-21-12-11 (Concerning traffic regulation).
IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-22-3-32 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-22-3-33 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-22-5-17 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-23-6-1 (Concerning vehicle manufacturers, distributors, and dealers).
IC 9-24-1-8 (Concerning driver's licenses).
IC 9-24-6-16 (Concerning driver's licenses).
IC 9-24-6-17 (Concerning driver's licenses).
IC 9-24-11-8 (Concerning driver's licenses).
IC 9-24-15-11 (Concerning driver's licenses).
IC 9-24-16-12 (Concerning driver's licenses).
IC 9-24-16-13 (Concerning driver's licenses).
IC 9-24-18-1 (Concerning driver's licenses).
IC 9-24-18-2 (Concerning driver's licenses).
IC 9-24-18-7 (Concerning driver's licenses).
IC 9-24-19-2 (Concerning driver's licenses).
IC 9-24-19-3 (Concerning driver's licenses).
IC 9-24-19-4 (Concerning driver's licenses).
IC 9-25-6-18 (Concerning financial responsibility).
IC 9-25-8-2 (Concerning financial responsibility).
IC 9-26-1-8 (Concerning accidents and accident reports).
IC 9-26-1-9 (Concerning accidents and accident reports).
IC 9-26-6-4 (Concerning accidents and accident reports).
IC 9-30-4-7 (Concerning licenses, **permits, driving privileges,** and registrations).
IC 9-30-4-8 (Concerning licenses and registrations).
IC 9-30-4-13 (Concerning licenses and registrations).
IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-4 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).
IC 9-30-6-8.7 (Concerning implied consent).
IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).
IC 9-30-10-16 (Concerning habitual violator of traffic laws).
IC 9-30-10-17 (Concerning habitual violator of traffic laws).
IC 9-30-10-17.5 (Concerning habitual violator of traffic laws).
IC 9-31-2-26 (Concerning watercraft titling and registration).
IC 9-31-2-27 (Concerning watercraft titling and registration).
IC 9-31-2-28 (Concerning watercraft titling and registration).

SECTION 116. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 327 as printed January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

SOLIDAY, Chair

Report adopted.

Representative Knollman was excused.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 384, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 10 through 22.

Page 3, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 3. IC 20-24-8-5, AS AMENDED BY P.L.90-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

(1) IC 5-11-1-9 (required audits by the state board of accounts).
(2) IC 20-39-1-1 (unified accounting system).
(3) IC 20-35 (special education).
(4) IC 20-26-5-10 (criminal history).
(5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
(6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
(7) IC 20-28-10-14 (teacher freedom of association).
(8) IC 20-28-10-17 (school counselor immunity).
(9) For conversion charter schools only, IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
(10) IC 20-33-2 (compulsory school attendance).
(11) IC 20-33-3 (limitations on employment of children).
(12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22

(student due process and judicial review).
(13) IC 20-33-8-16 (firearms and deadly weapons).
(14) IC 20-34-3 (health and safety measures).
(15) IC 20-33-9 (reporting of student violations of law).
(16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
(17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8, **and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b)** ~~or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).~~ **(academic standards, accreditation, assessment, and remediation).**
(18) IC 20-33-7 (parental access to education records).
(19) IC 20-31 (accountability for school performance and improvement).
(20) IC 20-30-5-19 (personal financial responsibility instruction).".

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 4. IC 20-27-11-1, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If a student who attends a nonpublic school in a school corporation resides on or along the highway constituting the regular route of a public school bus, the governing body of the school corporation shall provide transportation for the nonpublic school student on the school bus.

(b) The transportation provided under this section must be from the home of the nonpublic school student or from a point on the regular route nearest or most easily accessible to the home of the nonpublic school student to and from the nonpublic school or to and from the point on the regular route that is nearest or most easily accessible to the nonpublic school **from which the student can safely walk to and from the nonpublic school.**

SECTION 5. IC 20-31-2-6.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.4. "Lead partner" means an organization that employs research based strategies to yield demonstrable and sustainable results.**

SECTION 6. IC 20-31-2-6.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.6. "Operated turnaround academy" refers to a public elementary school or secondary school that:**

(1) is subject to IC 20-31-9.5 and to which the state board has assigned a special management team to serve as the public authority having administrative control and direction of the school; and

(2) for the purpose of federal funding only, is considered a local education agency.

SECTION 7. IC 20-31-2-6.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.8. "Performance bond" means a surety bond provided by a special management team under IC 20-31-9.5-1 to ensure that a turnaround academy will meet established performance targets.**

SECTION 8. IC 20-31-2-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. "Quality review" means an evaluation of academic quality indicators conducted by the department and chosen team members of a school.**".

Page 6, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 11. IC 20-31-9.5-1, AS ADDED BY P.L.229-2011, SECTION 190, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) None of the following may be considered a school employer under IC 20-29-6 with respect to a turnaround academy:

(1) The state.
(2) The state board.
(3) A special management team assigned by the state board under ~~IC 20-31-9-4~~ **IC 20-31-9** to operate a school as a turnaround academy.

(b) A special management team assigned under ~~IC 20-31-9-4~~ **IC 20-31-9** to operate a school as a turnaround academy shall make all personnel decisions in the school. In operating the school as a turnaround academy under this chapter, the special management team is not bound by a contract entered into under IC 20-29.

(c) A special management team is not required to employ teachers and administrators through teacher contracts established by the state superintendent under IC 20-28-6-3.

(d) A special management team may exercise any authority granted by the state board under IC 20-31-9.

(e) If the state board enters into a contract with a special management team under this chapter, the state board may require the special management team to secure a performance bond, in an amount determined by the state board, before the contract is finalized.

SECTION 12. IC 20-31-9.5-3, AS ADDED BY P.L.229-2011, SECTION 190, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Turnaround academies are eligible to receive building and technology loans administered by the state board from the common school fund.

(b) A student who attends a turnaround academy or another school subject to intervention under this chapter remains, under IC 20-43-4-1, an eligible pupil of the school corporation where the student has legal settlement.

(c) The state board, based upon recommendations received from the department, shall determine the amounts of state tuition support and federal funds that are necessary to fund options for improvement implemented by the state board under this chapter with respect to each turnaround academy.

(d) The department shall do the following:

(1) Withhold from state tuition support and federal funds otherwise to be distributed to the school corporation of the school operated as a turnaround academy under this chapter the amount determined under subsection (c) for the affected students. The amount withheld under this subdivision may not exceed the total per pupil funding for the affected students. **Tuition support includes basic tuition support (as defined in IC 20-43-6), special education grants (as defined in IC 20-43-7), career and technical education grants (as defined in IC 20-43-8), primetime program funds (as defined in IC 20-43-9), other tuition support grants (as defined in IC 20-43-10), and any grants funded by the general assembly that are attributable to the affected students.**
(2) Enter into any contracts necessary to implement the options for improvement implemented for the school by the state board, including contracts with a special management team assigned under ~~IC 20-31-9-4~~ **IC 20-31-9** to operate the school as ~~a~~ **an operated** turnaround academy.
(3) Make payments under the contracts entered into under subdivision (2) with funds withheld from the school corporation under subdivision (1).

SECTION 13. IC 20-31-9.5-4, AS ADDED BY P.L.229-2011, SECTION 190, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) Except as provided in subsection (e),** any student who lives in

the attendance area served by a school that **is** operated as a turnaround academy under this chapter may attend the turnaround academy. The turnaround academy may not refuse enrollment to a student who lives in the attendance area.

(b) A turnaround academy may enroll a student who resides anywhere in Indiana.

(c) If a student who attends a turnaround academy and does not live in the attendance zone served by the turnaround academy chooses to participate in academic or athletic offerings, the transferor school corporation or an association (as defined in IC 20-26-14-1) may not inhibit the student's ability to participate in any level of academic or athletic offerings of the turnaround academy, unless the transfer is a result of undue influence by the turnaround academy's administrators or athletic coaches.

(d) A school corporation is not required to provide transportation for a student who attends a turnaround academy and does not live in the attendance zone served by the turnaround academy, except as required under 42 U.S.C. 11431, any applicable court desegregation order, or the individual education plan of a student who receives special education services as required under 34 CFR 300 and 511 IAC 7.

(e) Subsection (a) does not apply to a magnet school that becomes a turnaround academy. A magnet school that becomes a turnaround academy shall continue to apply the admissions policies previously established for and consistent with the operation of the magnet school.

SECTION 14. IC 20-31-9.5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) A school corporation shall continue debt service payments on school corporation debt that is attributable to a turnaround academy.**

(b) If the state board assigns a special management team to a school, the state board shall determine the appropriate parties to enter into a contract that includes the following provisions:

(1) The length of the contract.

(2) The level of services provided.

(3) The entity responsible for providing necessary services to the school and students in the school.

(4) Any other provisions the parties consider necessary.

(c) If the state board assigns a lead partner to a school, the department, the lead partner, and the school corporation shall enter into a contract that includes the following provisions:

(1) The length of the contract.

(2) Consideration.

(3) Performance goals, which may not be less rigorous than those established under IC 20-31-8.

(4) Cancellation procedures.

(5) Renewal procedures.

(6) Any other provisions the department and the special management team consider necessary.

(d) A special management team and a school corporation may enter into a contract for the school corporation to provide any services for a school that are in the best interest of the students who attend the school. A contract must specify the length of time, level of services, and entity responsible for providing necessary services, including the following services:

(1) Food service.

(2) Educational and administrative technology and technology support.

(3) Special education services.

(4) Career and technical education services.

(5) Custodial services.

(6) Instructional services in a particular curriculum area.

(7) Textbooks and supplemental materials.

(8) Student services.

(9) Police and probation services.

(10) Any other provisions the school corporation and the special management team consider necessary.

(e) A school corporation and a special management team may enter into a contract for additional services.

(f) The state board shall resolve any disputes that arise in the negotiation or execution of a contract under subsections (b), (c), (d), and (e). The decision of the state board is the final administrative decision.

(g) A school corporation in which a special management team is assigned to operate an operated turnaround academy shall offer the special management team the opportunity to assume any lease or contract for equipment, including photocopying equipment and computer hardware.

SECTION 15. IC 20-31-9.5-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) A special management team shall employ teachers, other school employees, and independent contractors that are:**

(1) described in the contract between the department and the special management team; and

(2) necessary for the special management team to fulfill the special management team's responsibilities under this chapter.

(b) Individuals employed by the special management team under this section are entitled to participate in insurance benefits offered by the special management team or offered to state employees.

(c) Individuals employed by the special management team under this section are entitled to participate in:

(1) a retirement program offered by the special management team;

(2) the state teachers' retirement fund created by IC 5-10.4; or

(3) the public employees' retirement fund created by IC 5-10.3.

SECTION 16. IC 20-31-9.5-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) A school corporation may not take an action adverse to a special management team's operation of a school, services provided by lead partners, or implementation of an intervention ordered by the state board.**

(b) A school corporation may not take an action to dispose of or cloud the title of real property on which a school that is subject to this chapter is located.

(c) A school corporation may not remove or dispose of personal property located in, or located outside and assigned to, a school that is subject to this chapter.

(d) If the state board determines that a school corporation has taken an action prohibited under subsections (a) through (c), the state board may take one (1) or more of the following actions:

(1) Order the department to withhold federal or state funds to which the school corporation would otherwise be entitled to facilitate the full implementation of the special management team's operation of a school, the lead partner's assistance, or other intervention.

(2) Authorize the department to pursue any available legal or equitable remedies.

(3) Amend the intervention.

(4) Order the special management team or lead partner to carry out the intervention notwithstanding the school corporation's adverse action.

SECTION 17. IC 20-31-9.5-10 IS ADDED TO THE

INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a) A school corporation may not change the assignment of students to schools in the school corporation in a manner that changes significantly the number or grade levels of students assigned to a school that is subject to this chapter without the agreement of the special management team assigned to the school.**

(b) If the special management team agrees to accept additional students under this chapter, the special management team may apply to the state board for, and the state board may determine that the special management team needs, additional funds to operate the school.

(c) The department shall:

(1) withhold the amount of funds determined under subsection (b) from state support that would otherwise be distributed to the school corporation; and

(2) distribute the amount of funds determined under subsection (b) to the special management team.

SECTION 18. IC 20-31-9.5-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. (a) A special management team shall comply with IC 5-14-1.5 and IC 5-14-3.**

(b) A special management team shall comply with the financial reporting requirements established by the state board of accounts under IC 5-11-1.

SECTION 19. IC 20-32-8.5-2, AS ADDED BY P.L.109-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a)** The plan required by this chapter must include the following:

(1) Reading skill standards for grade 1 through grade 3.

(2) An emphasis on a method for making determinant evaluations by grade 3 that might require remedial action for the student, including retention as a last resort, after other methods of remediation have been evaluated or used, or both, if reading skills are below the standard. Appropriate consultation with parents or guardians must be part of the plan.

(3) The fiscal impact of each component of the plan, if any. In determining whether a component has a fiscal impact, consideration shall be given to whether the component will increase costs to the state or a school corporation or require the state or school corporation to reallocate resources.

(b) For a charter school, as defined in IC 20-24-1-4, the plan must include and may only include a method for making determinant evaluations of reading skills by grade 3 and retention as a last resort for students reading below standard as measured by the evaluation or assessment.

SECTION 20. IC 20-33-2-28.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 28.6. (a) This section applies to a high school student who is transferring to a nonaccredited nonpublic school located in a private residence.**

(b) Before a student withdraws from a public school, the student and the parent or guardian of the student must present an education plan to the principal of the public school. The principal must inform the student and the parent or guardian of the student of the parent's or guardian's minimum educational responsibilities for the student, including compulsory attendance, and that failure to ensure compliance with the minimum educational responsibilities could result in a charge of neglect of a dependent under IC 35-46-1-4. If the student and the parent or guardian of the student fail to provide an education plan to the principal, the principal shall report the student to the bureau of motor vehicles for action under section 28.5(g) of this chapter.".

Page 8, after line 8, begin a new paragraph and insert:

"SECTION 24. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 384 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

BEHNING, Chair

Report adopted.

With consent of the members, the Speaker proceeded to bills on third reading.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 22

Representative McMillin called down Engrossed Senate Bill 22 for third reading:

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

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

Roll Call 230: yeas 76, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 115

Representative Koch called down Engrossed Senate Bill 115 for third reading:

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

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

Roll Call 231: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Knollman, who had been excused, was present.

Engrossed Senate Bill 119

Representative Koch called down Engrossed Senate Bill 119 for third reading:

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

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

Roll Call 232: yeas 92, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 132

Representative Wolkins called down Engrossed Senate Bill 132 for third reading:

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

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

Roll Call 233: yeas 71, nays 27. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 143

Representative Espich called down Engrossed Senate Bill 143 for third reading:

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

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

Roll Call 234: yeas 97, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 156

Representative Koch called down Engrossed Senate Bill 156 for third reading:

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

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

Roll Call 235: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 176

Representative Foley called down Engrossed Senate Bill 176 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

Roll Call 236: yeas 85, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 190

Representative Kubacki called down Engrossed Senate Bill 190 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 237: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 192

Representative Soliday called down Engrossed Senate Bill 192 for third reading:

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

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

Roll Call 238: yeas 68, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 193

Representative Dermody called down Engrossed Senate Bill 193 for third reading:

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

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

Roll Call 239: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 255

Representative R. Frye called down Engrossed Senate Bill 255 for third reading:

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

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

Roll Call 240: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

With consent of the members, the Speaker returned to bills on second reading.

ENGROSSED SENATE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 18, 56, 109, 133, 144, 191, 201, 246, and 293.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:29 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1349:

Conferees: Kruse and R. Young
Advisor: Gard

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 19

Representative Richardson called down Engrossed Senate Bill 19 for second reading. The bill was read a second time by

title.

HOUSE MOTION
(Amendment 19–1)

Mr. Speaker: I move that Engrossed Senate Bill 19 be amended to read as follows:

Page 50, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 39. IC 6-1.1-22.5-20, AS AMENDED BY P.L.182-2009(ss), SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. For purposes of a provisional statement under section 6 of this chapter, the department of local government finance may adopt emergency rules under IC 4-22-2-37.1 to **do any of the following:**

(1) Provide a methodology for a county treasurer to issue provisional statements with respect to real property, taking into account new construction of improvements placed on the real property, damage, and other losses related to the real property:

~~(1)~~ **(A)** after March 1 of the year preceding the assessment date to which the provisional statement applies; and

~~(2)~~ **(B)** before the assessment date to which the provisional statement applies.

(2) Carry out IC 6-1.1-22.6.

SECTION 40. IC 6-1.1-22.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 22.6. Resolution of Multi-Year Delay in Issuance of Tax Bills

Sec. 1. As used in this chapter, "covered county" refers to a county that is subject to this chapter.

Sec. 2. As used in this chapter, "delayed property taxes" refers to the following:

(1) Property taxes imposed for a year for which a reconciliation statement becomes due in a year that the county qualifies as a covered county.

(2) Property taxes for which a covered county is behind in issuing property tax bills on February 1 in at least one (1) year that the county qualifies as a covered county.

(3) Property taxes imposed for an assessment date that occurs before the county ceases to be a covered county under section 15 of this chapter.

Sec. 3. As used in this chapter, "eligible taxing unit" refers to the following:

(1) A city.

(2) A town.

(3) A school corporation.

(4) A library district.

Sec. 4. As used in this chapter, "executive" has the meaning set forth in IC 36-1-2-5.

Sec. 5. As used in this chapter, "department" refers to the department of local government finance.

Sec. 6. As used in this chapter, "property tax bill" refers to:

(1) a property tax statement required by IC 6-1.1-22-8.1; or

(2) a reconciling statement;

that conforms to law.

Sec. 7. As used in this chapter, "property taxes" has the meaning set forth in IC 6-1.1-22.5-3.

Sec. 8. As used in this chapter, "provisional statement" has the meaning set forth in IC 6-1.1-22.5-2.

Sec. 9. As used in this chapter, "reconciling statement" has the meaning set forth in IC 6-1.1-22.5-4.

Sec. 10. As used in this chapter, "settlement date" refers to a settlement date specified in IC 6-1.1-27-1.

Sec. 11. As used in this chapter, "special master" refers to an individual or entity employed under this chapter to carry out substantially all of the duties of the county auditor necessary to issue property tax bills in each year that the county is a covered county, including the year in which the county ceases to be a covered county.

Sec. 12. As used in this chapter, "tax anticipation warrant or obligation" refers to a loan or other evidence of indebtedness issued by a taxing unit in anticipation of the collection of delayed property taxes due to the taxing unit, including evidences of indebtedness with a term of more than one (1) year and debt refunding loans or other evidences of indebtedness issued by a taxing unit in anticipation of the collection of delayed property taxes due to the taxing unit.

Sec. 13. A county becomes subject to this chapter if, in a year after December 31, 2011, the county is at least three (3) years behind in issuing property tax bills on February 1 of that year.

Sec. 14. The general assembly finds that LaPorte County qualified as a county subject to this chapter on February 1, 2012.

Sec. 15. Subject to section 16 of this chapter, a county ceases to be subject to this chapter in the year after the county:

(1) ceases to be behind in issuing property tax bills for all previous years; and

(2) issues a property tax bill for property taxes due that would ordinarily be due in the current year before April 26 of the current year.

Sec. 16. The termination of a county's status as a covered county does not relieve the county from making the payments required under section 18 of this chapter.

Sec. 17. (a) The county treasurer of a covered county shall accept payment of property taxes and special assessments made by debit card, bank card, credit card, or electronic transfer.

(b) The county treasurer of a covered county, or another appropriate official of the covered county, shall contract with a debit card, bank card, credit card, or electronic transfer vendor for acceptance of debit cards, bank cards, credit cards, or electronic transfers for the receipt of tax collections for delayed property taxes. However, if there is a vendor transaction charge, discount fee, or other charge, whether billed to the covered county or charged directly to an account of the covered county, the covered county or the card or electronic payment service vendor may collect from the person using the card or electronic payment service a fee that may not exceed the highest transaction charge or discount fee charged to the covered county by the card or electronic payment service vendor during the most recent collection period. This fee may be collected regardless of any agreement between the bank and a card or electronic payment service vendor or regardless of any internal policy of the card or electronic payment service vendor that may prohibit this type of fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

(c) This section shall not be construed as limiting the authority of a county to accept payment by debit card, bank card, credit card, or electronic transfer.

Sec. 18. (a) Subject to subsection (b), a covered county shall set aside in a separate fund on the schedule specified by the department from the funds specified by the department, one million dollars ($1,000,000) for each consecutive year that the county experienced delayed property taxes before the year in which the county qualifies as a covered county.

(b) The amount that must be set aside under subsection (a) for a particular year that the county experienced delayed

property taxes is reduced:

(1) to zero (0), if all reconciliation statements for the delayed property taxes covered by subsection (a) and not previously billed are mailed or otherwise transmitted to taxpayers before January 16 of the year immediately following the year that the county becomes a covered county; and

(2) by twenty-five percent (25%), if all reconciliation statements for delayed property taxes covered by subsection (a) and not previously billed are mailed or otherwise transmitted to taxpayers before March 1 of the year immediately following the year that the county becomes a covered county.

(c) The amount set aside under this section for a particular year in which eligible taxing units experienced delayed property taxes shall be used to compensate eligible taxing units for:

(1) interest and other costs incurred by an eligible taxing unit for issuing anticipation warrants or other obligations to fund the eligible taxing unit's operating and capital requirements during a period in which the eligible taxing unit experienced delayed property tax collections; and

(2) interest, at the adjusted rate for the period determined under IC 6-8.1-10-1, on the amount of the delayed property taxes not received by the eligible taxing unit, if the eligible taxing unit self-funded its operating and capital requirements during a period in which the eligible taxing unit experienced delayed property tax collections rather than issue anticipation warrants or other obligations.

(d) The Indiana bond bank or a person or entity designated by the Indiana bond bank shall establish a procedure for determining the amount that is to be distributed to each eligible taxing unit under this section. The procedure must include at least one (1) public hearing in the covered county.

(e) The county auditor of a covered county shall distribute the amount set aside under this section for a particular year among eligible taxing units according to a formula or amount prescribed by the Indiana bond bank or the person or entity designated by the Indiana bond bank.

(f) The amount due to an eligible taxing unit under this section to compensate the eligible taxing unit for delayed property tax collections in a particular year shall be distributed in eight (8) equal installments. Each installment shall be paid on a consecutive settlement date following the date the Indiana bond bank or the person or entity designated by the Indiana bond bank determines the amount to be distributed to the eligible taxing unit.

(g) Any amount set aside under this section that exceeds the amount that the Indiana bond bank or a person or entity designated by the Indiana bond bank requires the covered county to distribute to eligible taxing units shall be transferred back to the funds from which the money was set aside in accordance with the directions of the Indiana bond bank or a person or entity designated by the Indiana bond bank.

(h) An eligible taxing unit, the county auditor and county treasurer of a covered county, and any special master appointed under this chapter shall provide the Indiana bond bank or a person or entity designated by the Indiana bond bank with the information required by the Indiana bond bank or a person or entity designated by the Indiana bond bank to carry out this section.

Sec. 19. An eligible taxing unit shall apply interest received under section 18 of this chapter:

(1) first, to pay or reimburse a fund for the payment of costs and interest incurred on tax anticipation warrants or obligations issued in anticipation of delayed property taxes; and

(2) thereafter, to obligations that would otherwise require the eligible taxing unit to impose a property tax to pay, as required by the Indiana bond bank or a person or entity designated by the Indiana bond bank.

Sec. 20. (a) Subject to the approval of the department, a county executive of a covered county may employ one (1) or more special masters and the number of deputy special masters needed by the special masters to carry out substantially all of the duties of:

(1) the county auditor; or

(2) the county treasurer;

or both, as is necessary to issue property tax bills in each year that the county is a covered county, including the year that the county ceases to be a covered county.

(b) The department may:

(1) as a condition of approving the contract, require that the department must be a party to the employment contract and any addendum to the employment contract;

(2) specify the scope of a special master's duties; and

(3) set standards for the selection and conduct of the special master.

(c) If the duties of both the county auditor and the county treasurer are assigned to one (1) or more special masters under this section, the assignment of duties shall be delegated among different individuals in such a manner as to maintain adequate accounting internal controls.

Sec. 21. No contract shall be made with any special master before the giving of notice and the receiving of bids from anyone desiring to furnish this service. Notice of the time and place for receiving bids for the contract shall be given by publication by one (1) insertion in two (2) newspapers of general circulation published in the county and representing each of the two (2) leading political parties in the county. If only one (1) newspaper is published in the county, notice in that one (1) newspaper is sufficient to comply with the requirements of this section. The contract shall be awarded to the lowest and best bidder who meets all requirements under law and all standards specified by the department for entering a contract to serve as special master. However, any and all bids may be rejected, and new bids may be asked.

Sec. 22. The county executive of a covered county shall appropriate the funds and provide the space and all necessary supplies needed to meet the obligations created by a special master's contract.

Sec. 23. A special master has the powers of a county auditor within the scope of the special master's duties, including the power to employ deputy special masters and terminate employment.

Sec. 24. The county auditor, the county treasurer, the county assessor, and all other officials and employees of a covered county shall provide assistance to a special master, as requested by the special master or the special master's deputies.

Sec. 25. The county council of a covered county may grant a tax credit not exceeding two percent (2%) of delayed property taxes due on a reconciliation statement on any amount of delayed property taxes paid within thirty (30) regular business days after the county treasurer mails or otherwise transmits the property tax bill for the delayed property taxes to the taxpayer or other person authorized to receive the property tax bill. The amount of the credit reduces the amount to be distributed to each taxing unit that imposed the delayed property taxes in proportion to the amount due to each taxing unit. A taxing unit shall allocate the amount of the lost revenue to every fund in proportion

to the delayed property taxes due from the property tax bill, other than a debt service fund.

Sec. 26. (a) The department may prescribe forms, adopt emergency rules under IC 6-1.1-22.5-20, issue administrative orders, set deadlines and other timetables for required activities, and issue interpretive bulletins to carry out this chapter, including rules, orders, and bulletins related to the scope of the duties to be performed by a special master under this chapter.

(b) Notwithstanding any other law, the department shall require that:

(1) trending and other adjustments to the assessed value of real property under IC 6-1.1-4-4.5 be applied separately to each assessment date subject to this chapter with the resulting assessments rolled over to be used as the valuation that is adjusted for the following assessment date;

(2) the information required to be submitted to the department or the legislative services agency, or both, under IC 6-1.1-4-18.5, IC 6-1.1-4-19.5, IC 6-1.1-4-25, IC 6-1.1-5.5-3, IC 6-1.1-11-8, IC 6-1.1-31.5-3.5, IC 6-1.1-33.5-3, or IC 36-2-9-20 be submitted separately for each assessment date subject to this chapter not later than sixty (60) days after the information becomes available to the local official possessing the information;

(3) penalties and interest on delinquent payments on a reconciliation statement subject to this chapter are waived for six (6) months after the payment, including an installment payment under IC 6-1.1-22.5-18.5, is otherwise due;

(4) a homestead eligible for a standard deduction under IC 6-1.1-12-37 on which payments on a reconciliation statement subject to this section are delinquent, including an installment payment under IC 6-1.1-22.5-18.5, may not be placed on a list for tax sale for at least twelve (12) months after the payment, including an installment payment under IC 6-1.1-22.5-18.5, is otherwise due;

(5) the period in which property eligible for a deduction or credit provided by law for an assessment date for which delayed property taxes are imposed is extended to a date that is forty-five (45) days after the reconciliation statement for those taxes is mailed or otherwise transmitted under IC 6-1.1-22.5-12; and

(6) require that the covered county establish an installment payment plan in accordance with IC 6-1.1-22.5-18.5 under which taxpayers are required to pay delayed property taxes.

(c) Subject to the requirements of this chapter, the department may set schedules and take other actions necessary or appropriate to provide for the earliest possible issuance of property tax bills for the collection of delayed property taxes and a return to a normal collection cycle for property taxes in covered counties.".

Page 51, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 42. IC 6-1.1-30-17, AS ADDED BY P.L.146-2008, SECTION 268, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Except as provided in subsection (c) and subject to subsection (d), the department of state revenue and the auditor of state shall, when requested by the department of local government finance, withhold a percentage of the distributions of county adjusted gross income tax distributions under IC 6-3.5-1.1, county option income tax distributions under IC 6-3.5-6, or county economic development income tax distributions under IC 6-3.5-7 that would otherwise be distributed to the county under the schedules in IC 6-3.5-1.1-10, IC 6-3.5-1.1-21.1, IC 6-3.5-6-17, IC 6-3.5-6-17.3, IC 6-3.5-7-16, and IC 6-3.5-7-17.3, if:

(1) local assessing officials have not provided information to the department of local government finance in a timely manner under IC 4-10-13-5(b);

(2) the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25;

(3) the county auditor has not paid a bill for services under IC 6-1.1-4-31.5 to the department of local government finance in a timely manner;

(4) the county assessor has not forwarded to the department of local government finance in a timely manner sales disclosure form data under IC 6-1.1-5.5-3;

(5) the county auditor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a);

(6) by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;

(7) the county does not maintain a certified computer system that meets the requirements of IC 6-1.1-31.5-3.5;

(8) the county auditor has not transmitted the data described in IC 36-2-9-20 to the department of local government finance in the form and on the schedule specified by IC 36-2-9-20;

(9) the county has not established a parcel index numbering system under 50 IAC 23-8-1 in a timely manner; ~~or~~

(10) a county official has not provided other information to the department of local government finance in a timely manner as required by the department of local government finance; **or**

(11) the department of local government finance incurs additional costs to assist a covered county (as defined in IC 6-1.1-22.6-1) to issue tax statements within the time frame specified in IC 6-1.1-22.6-18(b) for each year that the county experienced delayed property taxes (as defined in IC 6-1.1-22.6-2) before the year in which the county qualifies as a covered county.

The percentage to be withheld is the percentage determined by the department of local government finance. **However, the percentage withheld for a reason stated in subdivision (11) may not exceed the percentage needed to reimburse the department of local government finance for the costs incurred by the department of local government finance.**

(b) Except as provided in subsection (e), money not distributed for the reasons stated in subsection (a) shall be distributed to the county when the department of local government finance determines that the failure to:

(1) provide information; or

(2) pay a bill for services;

has been corrected.

(c) The restrictions on distributions under subsection (a) do not apply if the department of local government finance determines that the failure to:

(1) provide information; or

(2) pay a bill for services;

in a timely manner is justified by unusual circumstances.

(d) The department of local government finance shall give the county auditor at least thirty (30) days notice in writing before the department of state revenue or the auditor of state withholds a distribution under subsection (a).

(e) Money not distributed for the reason stated in subsection

(a)(3) may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money deposited under this subsection is not subject to distribution under subsection (b).

(f) This subsection applies to a county that will not receive a distribution under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7. At the request of the department of local government finance, an amount permitted to be withheld under subsection (a) may be withheld from any state revenues that would otherwise be distributed to the county or one (1) or more taxing units in the county.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 19 as printed February 24, 2012.)

DERMODY

Motion prevaled.

HOUSE MOTION
(Amendment 19–2)

Mr. Speaker: I move that Engrossed Senate Bill 19 be amended to read as follows:

Page 59, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 50. IC 36-7-14-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Within thirty (30) days after the close of each calendar year, the redevelopment commissioners shall file with the unit's executive a report setting out their activities during the preceding calendar year.

(b) The report of the commissioners of a municipal redevelopment commission must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, **an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission,** the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commissioners and the results obtained.

(c) The report of the commissioners of a county redevelopment commission must show all the information required by subsection (b), plus the names of any commissioners appointed to or removed from office during the preceding calendar year.

(d) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format under IC 5-14-6.".

Page 75, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 53. IC 36-7-15.1-36.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 36.3. (a) Within thirty (30) days after the close of each calendar year, the commission shall file with the mayor a report setting out the commission's activities during the preceding calendar year.**

(b) The report required by subsection (a) must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commission and the results obtained.

(c) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format under IC 5-14-6.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 19 as printed February 24, 2012.)

M. SMITH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 97

Representative Steuerwald called down Engrossed Senate Bill 97 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 97–1)

Mr. Speaker: I move that Engrossed Senate Bill 97 be amended to read as follows:

Page 1, line 10, delete "unreasonably".

Page 2, line 9, delete "unreasonably".

(Reference is to ESB 97 as printed February 24, 2012.)

DVORAK

Motion prevailed. The bill was ordered engrossed.

Representative Summers was excused for the rest of the day.

Engrossed Senate Bill 98

Representative Espich called down Engrossed Senate Bill 98 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 98–1)

Mr. Speaker: I move that Engrossed Senate Bill 98 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 6.

Page 7, delete lines 1 through 17.

Page 8, delete line 25.

Renumber all SECTIONS consecutively.

(Reference is to ESB 98 as printed February 21, 2012.)

ESPICH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 142

Representative Espich called down Engrossed Senate Bill 142 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 147

Representative Truitt called down Engrossed Senate Bill 147 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 147–3)

Mr. Speaker: I move that Engrossed Senate Bill 147 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 32.

Renumber all SECTIONS consecutively.

(Reference is to ESB 147 as printed February 24, 2012.)

TRUITT

Motion prevailed.

HOUSE MOTION
(Amendment 147–2)

Mr. Speaker: I move that Engrossed Senate Bill 147 be amended to read as follows:

Page 7, line 13, after "may" insert ", **in any manner permitted by subsection (n),**".

Page 9, between lines 10 and 11, begin a new paragraph and insert:

"**(n) A person may direct the county treasurer and county auditor to transmit information by electronic mail under subsection (h) on a form prescribed by the department submitted:**

(1) in person;

(2) by mail; or

(3) in an online format developed by the county and approved by the department.".

Page 14, line 37, strike "May".

Page 14, line 38, strike "or".

Page 14, line 41, strike "May or".

(Reference is to ESB 147 as printed February 24, 2012.)

TRUITT

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 152

Representative Pond called down Engrossed Senate Bill 152 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 152–1)

Mr. Speaker: I move that Engrossed Senate Bill 152 be amended to read as follows:

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

"SECTION 3. IC 33-35-2-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.5. A city court in a city having a population of more than ten thousand five hundred (10,500) but less than eleven thousand (11,000) has concurrent jurisdiction with the circuit court in civil cases in which the amount in controversy does not exceed one thousand five hundred dollars ($1,500).**".

(Reference is to ESB 152 as printed February 21, 2012.)

WOLKINS

Representative Austin rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 173

Representative Soliday called down Engrossed Senate Bill 173 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 173–1)

Mr. Speaker: I move that Engrossed Senate Bill 173 be amended to read as follows:

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

"SECTION 2. IC 8-22-2-18.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18.5. (a) The board may negotiate terms and borrow money from any source for the payment of the costs of airport capital improvements, including the acquisition of real property or construction or improvement of revenue producing buildings or facilities located on an airport and owned and operated by the eligible entity, subject to the following requirements:

(1) The loan contract must be approved by resolution of the board and the fiscal body of the eligible entity that established the board.

(2) The loan contract must provide for the repayment of the loan in not more than forty (40) years.

(3) The loan contract must state that the indebtedness is that of the board, is payable solely from revenues of the board that are derived from either airport operations or from revenue bonds, and may not be paid by a tax levied on property located within the district.

(4) The loan contract must be submitted to the department of local government finance, which may approve, disapprove, or reduce the amount of the proposed loan contract. The department of local government finance must make a decision on the loan contract within thirty (30) days after the contract is submitted for review. The action taken by the department of local government finance on the proposed loan contract is final.

(b) A loan contract issued under this chapter is issued for essential public and governmental purposes. A loan contract, the interest on the contract, the proceeds received by a holder from the sale of a loan contract to the extent of the holder's cost of acquisition, proceeds received upon redemption before maturity, proceeds received at maturity, and the receipt of the interest and proceeds are exempt from taxation as provided in IC 6-8-5.

(c) After a board enters into a loan contract, the board may use funds received from state or federal grants to satisfy the repayment of part or all of the loan contract.".

Page 3, after line 22, begin a new paragraph and insert:

"SECTION 4. IC 8-22-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) Temporary loans may be made by the board in anticipation of the collection of taxes of the authority actually levied and in course of collection for the fiscal year in which the loans are made. The loans must be authorized by ordinance and evidenced by warrants in the form provided by the authorizing ordinance. The warrants must state the total amount of the issue, the denomination of the warrant, the time and place payable, the rate of interest, the funds in anticipation of which they are issued and out of which they are payable, and a reference to the ordinance authorizing them and the date of its adoption. The ordinance authorizing temporary loans must appropriate and pledge a sufficient amount of the current revenue in anticipation of which they are issued and out of which they are payable. The warrants evidencing the temporary loans must be executed, sold, and delivered as are bonds of the authority.

(b) The board may negotiate terms and borrow money from any source under a loan contract, subject to the following requirements:

(1) The loan contract must be approved by resolution of the board.

(2) The loan contract must provide for the repayment of the loan in not more than forty (40) years.

(3) The loan contract must state that the indebtedness is that of the authority, is payable solely from revenues of the authority that are derived from either airport operations or from revenue bonds, and may not be paid by a tax levied on property located within the district.

(4) The loan contract must be submitted to the department of local government finance, which may approve, disapprove, or reduce the amount of the proposed loan contract. The department of local government finance must make a decision on the loan contract within thirty (30) days after it is submitted for review. The action taken by the department of local government finance on the proposed loan contract is final.

(c) Any loan contract issued under this chapter is issued for essential public and governmental purposes. A loan contract, the interest on it, the proceeds received by a holder from the sale of a loan contract to the extent of the holder's cost of acquisition, proceeds received upon redemption before maturity, proceeds received at maturity, and the receipt of the interest and proceeds are exempt from taxation as provided in IC 6-8-5.

(d) After the board of an authority enters into a loan

contract, the board may use funds received from state or federal grants to satisfy the repayment of part or all of the loan contract.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 173 as printed February 24, 2012.)

DERMODY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 267

Representative Behning called down Engrossed Senate Bill 267 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 280

Representative Thompson called down Engrossed Senate Bill 280 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 280–2)

Mr. Speaker: I move that Engrossed Senate Bill 280 be amended to read as follows:

Replace the effective dates in SECTIONS 9 through 10 with "[EFFECTIVE JULY 1, 2012]".

Replace the effective date in SECTION 13 with "[EFFECTIVE JULY 1, 2012]".

Replace the effective date in SECTION 15 with "[EFFECTIVE JULY 1, 2012]".

Replace the effective date in SECTION 45 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 71 with "[EFFECTIVE JULY 1, 2012]".

Replace the effective dates in SECTIONS 73 through 74 with "[EFFECTIVE JULY 1, 2012]".

Page 14, between lines 23 and 24, begin a new paragraph and insert:

"**(g) In the second six (6) months of calendar year 2012, a virtual charter school is eligible to receive a fiscal year transition grant under IC 20-43-13.**".

Page 23, line 22, delete "corporation" and insert "**year**".

Page 23, line 24, delete "corporation" and insert "**year**".

Page 30, delete lines 20 through 27, begin a new line block indented and insert:

"**(1) for previous state fiscal years ending before July 1, 2013,** the ~~initial computed~~ **fall count of** ADM; ~~for the school year ending in the preceding calendar year.~~ **and**

(2) for previous state fiscal years ending after June 30, 2013, the corresponding current ADM count taken in the same month as the current count.".

Page 30, line 37, delete "January" and insert "**July**".

Page 30, line 40, delete "December" and insert "**June 30, 2013, the:**

(A) fall count of ADM for distributions in the months of January through June of the calendar year immediately following the calendar year in which the fall count is taken; and

(B) the spring count of ADM for distributions in the months of July through December of the calendar year in which the spring count is taken.".

Page 30, delete lines 41 through 42.

Page 31, delete lines 1 through 5.

Page 31, line 11, delete "and" and insert "**or**".

Page 33, line 14, delete "2012".

Page 35, line 31, delete "spring" and insert "**fall**".

Page 35, line 32, delete "fifteen" and insert "**ten**".

Page 35, line 32, delete "(15%)." and insert "**(10%).**".

Page 37, line 36, before "calendar" insert "**following**".

Page 42, line 2, after "1." insert "**(a)**".

Page 42, line 5, delete "The" and insert "**Subject to subsections (b) and (c),** the".

Page 42, between lines 10 and 11, begin a new paragraph and insert:

"**(b) Before February 1 of each calendar year, the department shall determine the result of:**

(1) the total amount of the special education grant that would have been received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year if the grant had been based on the count of students with disabilities that was made on the immediately preceding December 1; minus

(2) the total amount of the special education grant received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year.

If the result determined under this subsection is positive, the school corporation shall receive an additional special education grant distribution in February equal to the result determined under this subsection. If the result determined under this subsection is negative, the special education grant distributions that otherwise would be received by the school corporation in February, March, April, and May shall be proportionately reduced so that the total reduction is equal to the result determined under this subsection.

(c) The special education grant distributions made in February, March, April, May, and June of a calendar year shall be based on the count of students with disabilities that was made on the immediately preceding December 1.".

Page 47, line 25, after "corporations" delete "." and insert "**, including virtual charter schools.**".

Page 53, after line 35, begin a new paragraph and insert:

"SECTION 83. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 280 as printed February 24, 2012.)

THOMPSON

Motion prevailed.

HOUSE MOTION
(Amendment 280–1)

Mr. Speaker: I move that Engrossed Senate Bill 280 be amended to read as follows:

Page 29, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 26. IC 20-33-2-10, AS AMENDED BY P.L.43-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended; and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children and missing endangered adults established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. **Subject to subsection (f), an accredited nonpublic school shall send a former student's records that are requested under subsection (b) regardless of whether the former student of the accredited nonpublic school or the former student's parent or guardian owes an outstanding debt to the accredited nonpublic school.** ~~However,~~ If a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults;

(2) may not send the school records without the authorization of the clearinghouse; and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

(e) Subject to subsection (f), the department may revoke the accreditation of an accredited nonpublic school that does not send a former student's records to a requesting school as required under subsection (d).

(f) Neither:

(1) subsection (e); nor

(2) the provision in subsection (d) requiring an accredited nonpublic school to send a former student's records to a requesting school regardless of whether the former student of the accredited nonpublic school or the former student's parent or guardian owes an outstanding debt to the accredited nonpublic school;

apply to an accredited nonpublic school that has an applicable handbook, a contract, or an implied contract that provides that a student's records may be held until outstanding debts of the type owed are paid.".

Page 53, after line 35, begin a new paragraph and insert:

"SECTION 84. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 280 as printed February 24, 2012.)

THOMPSON

After discussion, Representative Thompson withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 298

Representative Speedy called down Engrossed Senate Bill 298 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 298–1)

Mr. Speaker: I move that Engrossed Senate Bill 298 be amended to read as follows:

Page 6, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 8. IC 32-31-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 10. Mobile Home Communities

Sec. 1. This chapter applies only to a lease or rental agreement entered into or renewed after June 30, 2012.

Sec. 2. The following definitions apply throughout this chapter:

(1) "Mobile home community" has the meaning set forth in IC 16-41-27-5.

(2) "Tenant" means a person who leases a mobile home or a mobile home space from the owner or operator of a mobile home community.

Sec. 3. Any provision in a lease or rental agreement between the owner or operator of a mobile home community and a tenant that purports to prohibit the tenant from displaying:

(1) the flag of the United States;

(2) the flag of Indiana;

(3) a POW/MIA flag; or

(4) a religious symbol or device;

on property owned, rented, or leased by the tenant is void.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 298 as printed February 24, 2012.)

PELATH

Upon request of Representatives Espich and Turner, the Speaker ordered the roll of the House to be called. Roll Call 241: yeas 98, nays 0. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 301

Representative Soliday called down Engrossed Senate Bill 301 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 307

Representative VanNatter called down Engrossed Senate Bill 307 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 329

Representative Messmer called down Engrossed Senate Bill 329 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 345

Representative Thompson called down Engrossed Senate Bill 345 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 345–4)

Mr. Speaker: I move that Engrossed Senate Bill 345 be amended to read as follows:

Page 33, between lines 31 and 32, begin a new line block indented and insert:

"**(4) A user that accesses communications service solely through a wireless data only service plan.**".

(Reference is to ESB 345 as printed February 24, 2012.)

THOMPSON

After discussion, Representative Thompson withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

Representatives Espich and Porter were excused for the rest of the day.

With consent of the members, the Speaker returned to bills on third reading.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 268

Representative Behning called down Engrossed Senate Bill 268 for third reading:

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

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

Roll Call 242: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 271

Representative Foley called down Engrossed Senate Bill 271 for third reading:

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

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

Roll Call 243: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 273

Representative Cherry called down Engrossed Senate Bill 273 for third reading:

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

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

Roll Call 244: yeas 92, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 296

Representative Behning called down Engrossed Senate Bill 296 for third reading:

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

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 84, I move that Engrossed Senate Bill 296 be recommitted to the Committee on Ways and Means with the recommendation that the committee determine the impact on the biennial state budget.

CRAWFORD

After discussion, Representative Crawford withdrew the motion to recommit.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 296 be returned to the second reading calendar forthwith for the purpose of amendment.

BEHNING

Motion prevailed. The bill was returned to the second reading calendar.

Engrossed Senate Bill 309

Representative Truitt called down Engrossed Senate Bill 309 for third reading:

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

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

Roll Call 245: yeas 73, nays 23. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 311

Representative Truitt called down Engrossed Senate Bill 311 for third reading:

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

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

Roll Call 246: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 362

Representative Speedy called down Engrossed Senate Bill 362 for third reading:

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

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

Roll Call 247: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 370

Representative Foley called down Engrossed Senate Bill 370 for third reading:

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

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

Roll Call 248: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 371

Representative R. Frye called down Engrossed Senate Bill 371 for third reading:

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

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

Roll Call 249: yeas 85, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 378

Representative Thompson called down Engrossed Senate Bill 378 for third reading:

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

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

Roll Call 250: yeas 96, nays 0. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 402

Representative Foley called down Engrossed Senate Bill 402 for third reading:

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

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

Roll Call 251: yeas 92, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 28, 2012 at 1:30 p.m.

THOMPSON

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Bacon, Baird, Battles, Behning, Borders, Bosma, T. Brown, Burton, Cherry, Clere, Crouch, Culver, Davis, Davisson, Dermody, Dobis, Dodge, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, R. Frye, Goodin, Gutwein, Heaton, Heuer, Hinkle, Karickhoff, Kirchhofer, Klinker, Knollman, Koch, Kubacki, L. Lawson, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McNamara, Messmer, Morris, Neese, Noe, Pond, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, Soliday, Speedy, Stemler, Steuerwald, Thompson, Torr, Truitt, Ubelhor, VanDenburgh, VanNatter, Wesco, Wolkins, and Yarde be added as cosponsors of Engrossed Senate Bill 293.

TURNER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson be added as cosponsor of Engrossed Senate Bill 301.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Sullivan be added as cosponsor of Engrossed Senate Bill 362.

SPEEDY

Motion prevailed.

On the motion of Representative Wolkins, the House adjourned at 7:17 p.m., this twenty-seventh day of February, 2012, until Tuesday, February 28, 2012, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Thirtieth Day — **Tuesday Afternoon** — **February 28, 2012**

The invocation was offered by Reverend Rick Main, Salem Church of the Nazarene, the guest of Representative Steven J. Davisson.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by several Girl Scouts.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders □
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 252: 99 present; 1 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bill 1239 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1005, 1092, 1171, 1190, 1197, 1201, 1226, and 1279 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 37 and 38 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 114.

JENNIFER L. MERTZ
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 42

Representatives Foley, Richardson, and Bosma introduced House Concurrent Resolution 42:

A CONCURRENT RESOLUTION recognizing the staff of the Legislative Services Agency.

Whereas, The executive director, division directors and deputy directors, staff attorneys, fiscal analysts, editorial assistants, and administrative staff of the Legislative Services Agency serve the Indiana General Assembly with professionalism and dedication, cheerfully accepting and skillfully completing countless tasks that are both professionally challenging and demanding;

Whereas, Each person in the Legislative Services Agency has a particular job to do and does it to the best of that person's ability;

Whereas, The executive director, division directors, and deputy directors provide unwavering guidance to their staff to ensure that the best possible work product is produced;

Whereas, Staff attorneys diligently draft legislation to the best of their abilities, never failing to protect the interests of the members of the Indiana General Assembly;

Whereas, Fiscal analysts tirelessly "crunch numbers" to ensure that Representatives and Senators are fully apprised of the cost of each piece of legislation;

Whereas, Editorial assistants meticulously edit legislation and skillfully create printed bills under deadlines;

Whereas, The administrative staff provides the necessary support to ensure that the work product is produced in a timely and efficient manner; and

Whereas, The staff of the Legislative Services Agency is unfailingly thorough, conscientious, and professional: Therefore,

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

SECTION 1. That the Indiana General Assembly thanks the staff of the Legislative Services Agency for its dedication and hard work on behalf of the Indiana House of Representatives and the Indiana Senate.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each member of the staff of the Legislative Services Agency.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Long and Simpson.

Representatives C. Brown and Frizzell were excused.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 18

Representative Kirchhofer called down Engrossed Senate Bill 18 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 253: yeas 67, nays 28. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 19

Representative Richardson called down Engrossed Senate Bill 19 for third reading:

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

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

Roll Call 254: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 56

Representative Speedy called down Engrossed Senate Bill 56 for third reading:

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

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

Roll Call 255: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 97

Representative Steuerwald called down Engrossed Senate Bill 97 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 256: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Speedy was excused.

Engrossed Senate Bill 98

Representative Espich called down Engrossed Senate Bill 98 for third reading:

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

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

Roll Call 257: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Speedy, who had been excused, was present.

Engrossed Senate Bill 109

Representative Heaton called down Engrossed Senate Bill 109 for third reading:

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

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

Roll Call 258: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 133

Representative Wolkins called down Engrossed Senate Bill 133 for third reading:

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

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

Roll Call 259: yeas 96, nays 0. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 142

Representative Espich called down Engrossed Senate Bill 142 for third reading:

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

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

Roll Call 260: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 144

Representative Espich called down Engrossed Senate Bill 144 for third reading:

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

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

Roll Call 261: yeas 87, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 147

Representative Truitt called down Engrossed Senate Bill 147 for third reading:

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

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

Roll Call 262: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 152

Representative Pond called down Engrossed Senate Bill 152 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

Roll Call 263: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 173

Representative Soliday called down Engrossed Senate Bill 173 for third reading:

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

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

Roll Call 264: yeas 91, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 191

Representative Soliday called down Engrossed Senate Bill 191 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government5.

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

Roll Call 265: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 201

Representative T. Brown called down Engrossed Senate Bill 201 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 266: yeas 84, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 246

Representative Foley called down Engrossed Senate Bill 246 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 267: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 267

Representative Behning called down Engrossed Senate Bill 267 for third reading:

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

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

Roll Call 268: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 280

Representative Thompson called down Engrossed Senate Bill 280 for third reading:

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

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

Roll Call 269: yeas 72, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 293

Representative Turner called down Engrossed Senate Bill 293 for third reading:

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

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

Roll Call 270: yeas 80, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 298

Representative Speedy called down Engrossed Senate Bill 298 for third reading:

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

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

Roll Call 271: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 301

Representative Soliday called down Engrossed Senate Bill 301 for third reading:

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

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

Roll Call 272: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 307

Representative VanNatter called down Engrossed Senate Bill 307 for third reading:

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

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

Roll Call 273: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Mahan was excused for the rest of the day.

Engrossed Senate Bill 329

Representative Messmer called down Engrossed Senate Bill 329 for third reading:

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

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

Roll Call 274: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 345

Representative Thompson called down Engrossed Senate Bill 345 for third reading:

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

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

Roll Call 275: yeas 66, nays 29. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Act 249 on February 28.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:27 p.m. with the Speaker in the Chair.

Representative C. Brown, who had been excused, was present. Representatives Foley, GiaQuinta, and Hinkle were excused for the rest of the day.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 22 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Nugent, Chair; and R. Young
Advisors: Mishler and Hume

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 52 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Becker, Chair; and Breaux
Advisors: Miller and Rogers

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 107 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Zakas, Chair; and Hume
Advisor: C Lawson

JENNIFER L. MERTZ
Principal Secretary of the Senate

With consent of the members, the Speaker returned to bills on second reading.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 1

Representative McMillin called down Engrossed Senate Bill 1 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1–2)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-41-3-2, AS AMENDED BY P.L.189-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **In enacting this section, the general assembly finds and declares that it is the policy of this state to recognize the unique character of a citizen's home and to ensure that a citizen feels secure in his or her own home against unlawful intrusion by any other person (as defined in IC 35-41-1-22(a)). The general assembly also finds and declares that it is the policy of this state that people have a right to defend themselves and third parties from physical harm and crime. The purpose of this section is to provide the citizens of this state with a lawful means of carrying out this policy.**

(b) A person is justified in using reasonable force against ~~another~~ **any other** person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person:

(1) is justified in using deadly force; and
(2) does not have a duty to retreat;

if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

~~(b)~~ **(c)** A person:

(1) is justified in using reasonable force, including deadly force, against ~~another~~ **any other** person; and
(2) does not have a duty to retreat;

if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle.

~~(c)~~ **(d)** With respect to property other than a dwelling, curtilage, or an occupied motor vehicle, a person is justified in using reasonable force against ~~another~~ **any other** person if the person reasonably believes that the force is necessary to immediately prevent or terminate the other person's trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect. However, a person:

(1) is justified in using deadly force; and
(2) does not have a duty to retreat;

only if that force is justified under subsection ~~(a).~~ **(b).**

~~(d)~~ **(e)** A person is justified in using reasonable force, including deadly force, against ~~another~~ **any other** person and does not have a duty to retreat if the person reasonably believes that the force is necessary to prevent or stop the other person from hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight. For purposes of this subsection, an aircraft is considered to be in flight while the aircraft is:

(1) on the ground in Indiana:
(A) after the doors of the aircraft are closed for takeoff; and
(B) until the aircraft takes off;
(2) in the airspace above Indiana; or
(3) on the ground in Indiana:
(A) after the aircraft lands; and
(B) before the doors of the aircraft are opened after landing.

~~(e)~~ **(f)** Notwithstanding subsections ~~(a),~~ (b) ~~and (c),~~ **through (d),** a person is not justified in using force if:

(1) the person is committing or is escaping after the commission of a crime;
(2) the person provokes unlawful action by another person with intent to cause bodily injury to the other person; or
(3) the person has entered into combat with another person or is the initial aggressor unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

~~(f)~~ **(g)** Notwithstanding subsection ~~(d),~~ **(e),** a person is not justified in using force if the person:

(1) is committing, or is escaping after the commission of, a crime;
(2) provokes unlawful action by another person, with intent to cause bodily injury to the other person; or
(3) continues to combat another person after the other person withdraws from the encounter and communicates the other person's intent to stop hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight.

(h) A person is justified in using reasonable force against any law enforcement officer if the person reasonably believes the force is necessary to:

(1) protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force;
(2) prevent or terminate the law enforcement officer's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle; or
(3) prevent or terminate the law enforcement officer's unlawful trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect.

(I) Notwithstanding subsection (h), a person is not justified in using force against a law enforcement officer if:

(1) the person is committing or is escaping after the commission of a crime;
(2) the person provokes action by the law enforcement officer with intent to cause bodily injury to the law enforcement officer;
(3) the person has entered into combat with the law enforcement officer or is the initial aggressor, unless the person withdraws from the encounter and communicates to the law enforcement officer the intent to do so and the law enforcement officer nevertheless continues or threatens to continue unlawful action: or
(4) the person reasonably believes the law enforcement officer is:
(A) acting lawfully, or
(B) engaged in the lawful execution of the law enforcement officer's official duties.

(j) A person is not justified in using deadly force against a law enforcement officer who the person knows or reasonably should know is a law enforcement officer unless:

(1) the person reasonably believes that the law enforcement officer is:

(A) acting unlawfully; or

(B) not engaged in the execution of the officer's official duties; and

(2) the force is reasonably necessary to prevent serious bodily injury to the person or a third person.

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

(Reference is to ESB 1 as printed February 24, 2012.)

McMILLIN

Motion prevailed.

HOUSE MOTION
(Amendment 1–1)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 1, line 7, delete "(as defined in IC 35-41-1-22(a))".

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"**(b) This section does not apply to any of the following:**

(1) An investigation of suspected domestic or family violence (as defined in IC 34-6-2-34.5).

(2) The entry into a dwelling by a law enforcement officer who has a reasonable belief that a person inside the dwelling has been or is at risk of physical harm.

(3) An entry into a residence by invitation of at least one (1) adult resident.

(4) The entry into a dwelling by a law enforcement officer in hot pursuit.

(5) A person who is committing or is escaping after the commission of a crime.

(6) The entry into a dwelling by a law enforcement officer with a warrant.

(c) As used in this section, "person" has the meaning set forth in IC 35-41-1-22(a). The term includes a law enforcement officer.".

Page 1, line 13, delete "(b)" and insert "**(d)**".

Page 2, line 7, delete "(c)" and insert "**(e)**".

Page 2, line 14, delete "(d)" and insert "**(f)**".

Page 2, line 24, delete "(b)" and insert "**(d)**".

Page 2, line 25, delete "(e)" and insert "**(g)**".

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

Page 2, line 39, strike "(b)".

Page 2, line 39, delete "through (d)," and insert "**(d) through (f),**".

Page 3, line 8, delete "(g)" and insert "**(I)**".

Page 3, line 8, delete "(e)" and insert "**(g)**".

Page 3, delete lines 18 through 38.

(Reference is to ESB 1 as printed February 24, 2012.)

DeLANEY

After discussion, Representative DeLaney withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 15

Representative T. Brown called down Engrossed Senate Bill 15 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 15–5)

Mr. Speaker: I move that Engrossed Senate Bill 15 be amended to read as follows:

Page 3, line 17, after "establish a" insert "**risk based**".

(Reference is to ESB 15 as printed February 24, 2012.)

T. BROWN

Motion prevailed.

HOUSE MOTION
(Amendment 15–6)

Mr. Speaker: I move that Engrossed Senate Bill 15 be amended to read as follows:

Page 3, delete lines 15 through 29.

Renumber all SECTIONS consecutively.

(Reference is to ESB 15 as printed February 24, 2012.)

RESKE

Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 128

Representative Burton called down Engrossed Senate Bill 128 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 131

Representative Wolkins called down Engrossed Senate Bill 131 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 223

Representative T. Brown called down Engrossed Senate Bill 223 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 223–1)

Mr. Speaker: I move that Engrossed Senate Bill 223 be amended to read as follows:

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

"SECTION 1. IC 16-20-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) ~~Except as provided in subsection (b),~~ **Upon:**

(1) showing official identification; and

(2) except as provided in subsection (b), receiving consent of the owner or occupant of the premises;

~~the~~ **a** local health officer or the officer's designee may enter ~~upon~~ **any premises at any reasonable time** and inspect, ~~private property, at proper times after due notice, in regard to the possible presence, source, and cause of disease. The local health officer or designee may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable and necessary ways protect the public health.~~ **investigate, evaluate, conduct tests, or take specimens or samples for testing that may be reasonably necessary to determine compliance with public health laws and rules and for the prevention and suppression of disease.**

(b) A local health officer or the officer's designee shall obtain the consent of the owner or the occupant of the premises under subsection (a), except as provided in any of the following circumstances:

(1) Subject to subsection (c), the local health officer or the officer's designee obtains an order from a circuit or superior court in the jurisdiction where the premises is located to authorize the inspection, investigation, evaluation, testing, or taking of specimens or samples for testing.

(2) An emergency condition that poses an imminent and serious threat to the health of an individual or the public and the local health officer or the officer's designee believes that a delay could result in a greater

health risk.

(3) Entry by a local health officer or the officer's designee to a public place or an area in plain and open view to determine compliance with public health laws and rules.

(4) Entry under the terms and conditions of a license issued by the local health department at any reasonable time if reasonably necessary to determine compliance with public health laws and rules and the terms and conditions of the license.

(c) A court described in subsection (b)(1) may issue an order to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing if the court finds that the local health officer or the officer's designee, by oath or affirmation, provided reliable information establishing the violation of a public health law or rule at the premises.

~~(b)~~ **(d)** ~~However,~~ A local health officer, or ~~a person acting under~~ the ~~local health officer,~~ **officer's designee,** shall not inspect property in which the local health officer has any interest, whether real, equitable, or otherwise. Any such inspection or any attempt to make such inspection is grounds for removal as provided for in this article.

~~(c)~~ **(e)** ~~This section~~ **Subsection (d)** does not prevent inspection of premises in which a local health officer has an interest if the premises cannot otherwise be inspected. ~~If the premises cannot otherwise be inspected, the county health officer shall inspect the premises personally.~~

SECTION 2. IC 16-20-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) A local board of health or local health officer may enforce the board's or officer's orders, **citations, and administrative notices** by an action in the circuit or superior court. ~~In the action,~~ The court may ~~enforce the order by injunction.~~ **take any appropriate action in a proceeding under this section, including any of the following:**

(1) Issuing an injunction.

(2) Entering a judgment.

(3) Issuing an order and conditions under IC 16-41-9.

(4) Ordering the suspension or revocation of a license.

(5) Ordering an inspection.

(6) Ordering that a property be vacated.

(7) Ordering that a structure be demolished.

(8) Imposing a penalty not to exceed an amount set forth in IC 36-1-3-8(a)(10).

(9) Imposing court costs and fees under IC 33-37-4-2 and IC 33-37-5.

(10) Ordering the respondent to take appropriate action in a specified time to comply with the order of the local board of health or local health officer.

(11) Ordering a local board of health or local health officer to take appropriate action to enforce an order within a specified time.

(b) The county attorney in which a local board of health or local health officer has jurisdiction shall represent the local health board and local health officer in the action unless the county executive, **local board of health, or health and hospital corporation** employs other legal counsel or the matter has been referred through law enforcement authorities to the prosecuting attorney.

SECTION 3. IC 16-37-3-3, AS AMENDED BY P.L.156-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The physician last in attendance upon the deceased or the person in charge of interment shall file a certificate of death or of stillbirth with the local health officer of the jurisdiction in which the death or stillbirth occurred.

(b) Notwithstanding subsection (a), beginning January 1, 2011, **for a death occurring after December 31, 2010,** the physician last in attendance upon the deceased or the person in charge of interment shall use the Indiana death registration system established under IC 16-37-1-3.1 to file a certificate of death with the local health officer of the jurisdiction in which the death occurred. The local health officer shall retain a copy of the certificate of death.

SECTION 4. IC 16-37-3-5, AS AMENDED BY P.L.156-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) If the person in charge of interment initiates the process, the person in charge of interment shall present a certificate of death to the physician last in attendance upon the deceased, who shall certify the cause of death upon the certificate of death or of stillbirth.

(b) Notwithstanding subsection (a), beginning January 1, 2011, **for a death occurring after December 31, 2010,** using the Indiana death registration system established under IC 16-37-1-3.1, if the person in charge of interment initiates the process, the person in charge of interment shall electronically provide a certificate of death to the physician last in attendance upon the deceased. The physician last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death, using the Indiana death registration system.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 223 as printed February 24, 2012.)

T BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 286

Representative McNamara called down Engrossed Senate Bill 286 for second reading. The bill was read a second time by title.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 84, I move that Engrossed Senate Bill 286 be recommitted to the Committee on Judiciary without recommendation.

BARDON

Upon request of Representatives Bardon and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 276: yeas 39, nays 55. Motion failed.

HOUSE MOTION
(Amendment 286–26)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 62, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 72. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "committee" refers to the department of child services interim study committee, as established by subsection (b).**

(b) There is established the department of child services interim study committee. The committee shall do the following:

(1) Review and study the progress and improvements made by the department of child services since its creation in 2005.

(2) Review best practices concerning child welfare, child mental health, and delinquent children.

(3) Receive and review status reports from the department of child services ombudsman.

(4) Review and study the department of child services child abuse and neglect hotline, including the process used to refer a report to a local office.

(5) Make legislative recommendations concerning the department of child services.

(c) The committee shall operate under the policies

governing study committees adopted by the legislative council.

(d) The committee consists of the following members:

(1) Four (4) senators appointed by the president pro tempore of the senate in consultation with the minority leader of the senate, not more than two (2) of whom may be members of the same political party.

(2) Four (4) representatives appointed by the speaker of the house of representatives in consultation with the minority leader of the house of representatives, not more than two (2) of whom may be members of the same political party.

(3) The director of the department of child services or the director's designee.

(4) The director of the division of mental health and addiction or the director's designee.

(5) The executive director of the prosecuting attorneys council or the executive director's designee, who shall serve as a nonvoting member

(6) The executive director of the public defenders council or the executive director's designee, who shall serve as a nonvoting member.

(7) A provider of foster care services to the department of child services, who shall serve as a nonvoting member, appointed by the president pro tempore of the senate.

(8) A provider of residential or group home services to the department of child services, who shall serve as a nonvoting member, appointed by the speaker of the house of representatives.

(9) One (1) juvenile or family court judge, who shall serve as a nonvoting member, appointed by the president pro tempore of the senate.

(10) One (1) juvenile or family court judge, who shall serve as a nonvoting member, appointed by the speaker of the house of representatives.

(e) The affirmative votes of a majority of the voting members of the committee are required for the committee to take action on any measure, including final reports.

(f) This SECTION expires December 31, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

NOE

Upon request of Representatives Torr and McClain, the Speaker ordered the roll of the House to be called. Roll Call 277: yeas 93, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 286–20)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 24, line 18, delete "department" and insert "**department, a guardian ad litem or court appointed special advocate participating with the consent of the youth,**".

Page 24, line 23, delete "department" and insert "**department, a guardian ad litem or court appointed special advocate participating with the consent of the youth**,".

Page 24, line 41, delete "shall" and insert "**may**".

Page 25, line 18, after "with" insert "**a guardian ad litem or court appointed special advocate participating with the consent of the youth and with**".

Page 26, between lines 7 and 8, begin a new line block indented and insert:

"**(6) A guardian ad litem or court appointed special advocate participating with the consent of the older youth.**".

Page 26, line 11, delete "may" and insert "**shall**".

Page 26, line 12, delete "If a".

Page 26, line 13, delete "written report is prepared, the" and insert "**The**".

Page 26, line 34, after "older" delete "youth:" and insert "**youth or a guardian ad litem or court appointed special advocate participating with the consent of the older youth under section 2 of this chapter:**".

(Reference is to ESB 286 as printed February 24, 2012.)

McNAMARA

Motion prevailed.

HOUSE MOTION
(Amendment 286–25)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

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

"SECTION 1. IC 4-13-19-4, AS ADDED BY P.L.182-2009(ss), SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The governor shall appoint the ombudsman. The ombudsman serves at the pleasure of the governor. An individual may not be appointed as ombudsman if the individual has been employed by the department of child services at any time during the preceding twelve (12) months. The governor shall appoint a successor ombudsman not later than thirty (30) days after a vacancy occurs in the position of the ombudsman.

(b) The office of the department of child services ombudsman:

(1) shall employ at least two (2) full-time employees to assist the ombudsman with receiving, investigating, and attempting to resolve complaints described in section 5 of this chapter; and

(2) may employ technical experts and other employees to carry out the purposes of this chapter.

(c) ~~However,~~ The office of the department of child services ombudsman may not hire an individual to serve as an ombudsman if the individual has been employed by the department of child services during the preceding twelve (12) months.

~~(c)~~ **(d)** The ombudsman and any other person employed or authorized by the ombudsman:

(1) are subject to the same criminal history and background checks, to be performed by the department of child services, that are required for department of child services family case managers; and

(2) are subject to the same disqualification for employment criteria as department of child services family case managers.".

SECTION 2. IC 4-13-19-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) This section applies to any of the following:**

(1) An appropriation for the department of administration, department of child services ombudsman bureau.

(2) An appropriation for the department of administration, office of the department of child services ombudsman.

(3) An amount directly appropriated for the department of child services ombudsman bureau.

(4) An amount directly appropriated for the office of the department of child services ombudsman.

(b) An amount described in subsection (a):

(1) is to fund the responsibilities of the office of the department of child services ombudsman under this chapter;

(2) does not revert at the end of any state fiscal year but remains available for the purposes of the appropriation in subsequent state fiscal years,

notwithstanding IC 4-13-2-19 or any other law; and

(3) is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by:

(A) the state board of finance notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or

(B) the budget agency notwithstanding IC 4-12-1-12 or any other law.

(c) This subsection applies notwithstanding IC 4-13-2-18 or any other law. The department of administration and office of the department of child services ombudsman shall:

(1) expend amounts described in subsection (a) for the purposes of the office of the department of child services ombudsman in the state fiscal year for which the appropriation is made; or

(2) encumber the appropriated amounts within that state fiscal year for expenditure within a reasonable period following the end of that state fiscal year.

The department of administration and the office of the department of child services ombudsman may not withhold or reduce a request for an allotment of an amount described in subsection (a) in order to revert or fail to expend an appropriation described in subsection (a). To the extent that an appropriation has not been previously allotted, the budget agency shall allot an amount described in subsection (a) to the department of administration (if the appropriation was made to the department of administration) or otherwise to the office of the department of child services ombudsman for the purposes of the office of the department of child services ombudsman upon request by the department of administration or the office of the department of child services ombudsman.".

Page 5, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 4. IC 10-11-2-33 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 33. The department shall perform all investigations necessary for the department of child services as required under IC 31-25-2.5.**".

Page 12, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 10. IC 31-9-2-20.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20.7. "Committee", for the purposes of IC 31-25-2-24, has the meaning set forth in IC 31-25-2-24(a).**".

Page 19, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 26. IC 31-25-2-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23.5 (a) Beginning June 10, 2012, the department shall submit a report to the legislative council not later than the tenth day of each March, June, September, and December concerning the department's expenditures for the preceding three (3) months.**

(b) The report described in subsection (a) must be in an electronic format under IC 5-14-6.

SECTION 27. IC 31-25-2-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24. (a) As used in this section, "committee" means the audit advisory committee established under subsection (b).**

(b) The audit advisory committee is established.

(c) The committee consists of the following members:

(1) A representative of the Children's Coalition of Indiana appointed by the minority leader of the house of representatives.

(2) A representative of the Indiana Coalition for Human Services appointed by the speaker of the house of representatives.

(3) A representative of IARCCA– An Association of Children and Family Services appointed by the president pro tempore of the senate.

(4) A representative of Mental Health America of Indiana appointed by the minority leader of the senate.

(5) A representative of the Arc of Indiana appointed by the chairperson of the legislative council.

(6) A representative of the Indiana Prosecuting Attorneys Council appointed by the director of the Indiana Prosecuting Attorneys Council or the director's designee.

(7) A representative of the Indiana Judges Association appointed by the director of the Indiana Judges Association or the director's designee.

(8) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(9) One (1) member of the house of representatives appointed by the minority leader of the house of representatives.

(10) One (1) member of the senate appointed by the president pro tempore of the senate.

(11) One (1) member of the senate appointed by the minority leader of the senate.

(d) A member of the committee listed in subsection (c)(1) through (c)(7) is not entitled to:

(1) the minimum salary per diem provided by IC 4-10-11-2.1(b); or

(2) reimbursement from state funds for traveling expenses and other expenses actually incurred in connection with the member's duties.

(e) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council.

(f) The committee shall select a member of the committee to serve as chairperson. The committee shall meet at the call of the chairperson of the committee. A vacancy on the committee shall be filled by the original appointing authority. The affirmative votes of a majority of the members appointed to the committee are required for the committee to take action on any measure, including the report described in subsection (g).

(g) The committee shall, not later than May 1, 2013, submit a report to the legislative council recommending the names of private entities to perform an audit of the department concerning:

(1) caseworker turnover rates;

(2) the effectiveness of the department's investigation of alleged child abuse and neglect reports;

(3) the department's oversight of caseworkers;

(4) the effectiveness and quality control of the child abuse hotline;

(5) the training, education levels, and supervision of the employees who receive reports on the child abuse hotline;

(6) caseload levels;

(7) caseworker training; and

(8) any other department matters recommended by the committee.

The report described in this subsection must be in an electronic format under IC 5-14-6.

(h) The legislative council shall contract with one (1) of the private entities recommended by the committee under subsection (g) to audit the department. The legislative

council shall pay the expenses of an audit conducted under this section.

(I) The private entity with which the legislative council contracts under subsection (h) shall provide a report concerning the audit described under subsection (g) to the legislative council not later than November 1, 2013.

(j) This section expires July 1, 2014.

SECTION 28. IC 31-25-2-25 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 25. (a) An appropriation to the department:**

(1) is to fund the responsibilities of the department specified in section 7 of this chapter;

(2) does not revert at the end of any state fiscal year but remains available for the purposes of the appropriation in subsequent state fiscal years, notwithstanding IC 4-13-2-19 or any other law; and

(3) is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by:

(A) the state board of finance notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or

(B) the budget agency notwithstanding IC 4-12-1-12 or any other law.

However, the budget agency may, upon request from the department, assign or reassign an appropriation to the department from one (1) purpose of the department to another purpose of the department to meet the most critical needs of children and families in Indiana.

(b) This subsection applies notwithstanding IC 4-13-2-18 or any other law. The department shall expend amounts appropriated to the department for the purposes of the department in the state fiscal year for which the appropriation is made or encumber the appropriated amounts within that state fiscal year for expenditure within a reasonable period following the end of that state fiscal year. The department may not withhold or reduce a request for an allotment of an amount appropriated to the department in order to revert or fail to expend an appropriation to the department. To the extent that an appropriation has not been previously allotted, the budget agency shall allot an amount appropriated to the department for the purposes of the department upon request by the department.

SECTION 29. IC 31-25-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.5. Investigations

Sec. 1. All investigations required for the department shall be referred to the state police department.

Sec.2. The state police department shall perform all investigations necessary for the department.".

Page 30, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 43. IC 31-33-18-1, AS AMENDED BY P.L.182-2009(ss), SECTION 378, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in ~~section~~ **sections** 1.5 **and 1.8** of this chapter, the following are confidential:

(1) Reports made under this article (or IC 31-6-11 before its repeal).

(2) Any other information obtained, reports written, or photographs taken concerning the reports in the possession of:

(A) the division of family resources;

(B) the county office;

(C) the department; or

(D) the department of child services ombudsman established by IC 4-13-19-3.

(b) Except as provided in section 1.5 of this chapter, all records held by:

(1) the division of family resources;

(2) a county office;

(3) the department;

(4) a local child fatality review team established under IC 31-33-24;

(5) the statewide child fatality review committee established under IC 31-33-25; or

(6) the department of child services ombudsman established by IC 4-13-19-3;

regarding the death of a child determined to be a result of abuse, abandonment, or neglect are confidential and may not be disclosed.

SECTION 44. IC 31-33-18-1.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.8. A prosecuting attorney is entitled to an unredacted copy of any department record concerning a child who:**

(1) resides;

(2) has resided; or

(3) has been involved in an incident that the department has investigated;

in the prosecuting attorney's county.".

Page 30, line 15, delete "[EFFECTIVE JULY 1, 2012]:" and insert "[EFFECTIVE UPON PASSAGE]:".

Page 30, line 23, strike "prosecuting".

Page 30, line 24, strike "attorney,".

Page 32, line 23, delete "The" and insert "**After June 30, 2012, the**".

Page 34, delete lines 16 through 32, begin a new paragraph and insert:

"SECTION 52. IC 31-33-24-7, AS AMENDED BY P.L.225-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A child fatality review consists of determining:

(1) whether similar future deaths could be prevented; ~~and~~

(2) agencies or resources that should be involved to adequately prevent future deaths of children;

(3) whether any party or state agency may have violated any law; and

(4) whether a potential criminal act should be referred to the prosecuting attorney.

(b) In conducting the child fatality review under subsection (a), the local child fatality review team shall review every record concerning the deceased child that is held by the department.

(c) If a local child fatality review team requests records from a hospital, physician, coroner, or mental health professional regarding a death that the local child fatality review team is investigating, the hospital, physician, coroner, or mental health professional shall provide the requested records, subject to IC 34-30-15, to the child fatality review team.

(d) If a local child fatality review team determines that an individual person may have committed a criminal act, the local child fatality review team shall inform the prosecuting attorney of the possible criminal act and shall forward to the prosecuting attorney all documents concerning the possible criminal act that the local child fatality review team possesses.".

Page 36, delete lines 12 through 42, begin a new paragraph and insert:

SECTION 54. IC 31-33-24-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16. The department shall reimburse a county for all expenses incurred under this chapter.**

SECTION 55. IC 31-33-25-6, AS AMENDED BY P.L.182-2009(ss), SECTION 381, IS AMENDED TO READ

AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The statewide child fatality review committee is established to review a child's death that is:

(1) sudden;

(2) unexpected; ~~or~~

(3) unexplained; **or**

(4) assessed by the department for alleged abuse or neglect that resulted in the fatality;

if the county where the child died does not have a local child fatality review team or if the local child fatality review team requests a review of the child's death by the statewide committee.

(b) The statewide child fatality review committee may also review the death of a child upon request by an individual or the department of child services ombudsman established by IC 4-13-19-3.

(c) A request submitted under subsection (b) must set forth:

(1) the name of the child;

(2) the age of the child;

(3) the county where the child died;

(4) whether a local child fatality review team reviewed the death; and

(5) the cause of death of the deceased child.

(d) In conducting a child fatality review, the statewide child fatality review committee shall determine whether:

(1) any party or state agency may have violated any law; and

(2) a potential criminal act should be referred to the prosecuting attorney.

If the statewide child fatality review committee determines that an individual person may have committed a criminal act, the statewide child fatality review committee shall inform the prosecuting attorney of the county where the incident occurred of the possible criminal act and shall forward to the prosecuting attorney all documents concerning the possible criminal act that the statewide child fatality review committee possesses.".

Delete pages 37 through 39.

Page 40, delete lines 1 through 41.

Page 42, line 14, after "(b)" insert "**The department shall retain information relating to an unsubstantiated assessment of child abuse or neglect for at least five (5) years after the completion of the assessment under this article.**".

Page 42, line 16, delete "at any time," and insert "**after five (5) years after the completion of the assessment,**".

Page 44, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 58. IC 31-33-28 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 28. Grand Jury

Sec. 1. (a) A court may call a grand jury under IC 35-34-2 into session, at the request of a prosecuting attorney, to hear and examine evidence concerning:

(1) investigations and determinations made by the department concerning a child:

(A) who is a child in need of services; or

(B) whom the department investigated as a potential child in need of services; or

(2) potential crimes that involved a child:

(A) who is a child in need of services;

(B) whom the department investigated as a potential child in need of services; or

(C) who satisfies both clauses (A) and (B).

Sec. 2. Except as set forth in this chapter, the court shall use the procedures set forth under IC 35-34-2 for a grand jury under this chapter.

Sec. 3. (a) If a member of the grand jury has reason to believe that the department failed to properly investigate a child in need of services or failed to properly request a juvenile court to authorize the filing of a petition that a child is a child in need of services under IC 31-34-9-1, the juror may report this information to fellow jurors who may then investigate the department's decision.

(b) If a member of the grand jury has reason to believe that a crime occurred in the investigation of a child in need of services or involving a child who is the subject of a child in need of services investigation, the juror may report this information to fellow jurors who may then investigate the department's decision.

Sec. 4. (a) A grand jury may deliberate whether the department failed to properly investigate a potential child in need of services or failed to properly request a juvenile court to authorize the filing of a petition that a child is a child in need of services.

(b) If at least five (5) grand jurors determine that the department failed to investigate whether a child is a child in need of services or if the department failed to properly request a juvenile court to authorize the filing of a petition that a child is a child in need of services, the department shall reopen the investigation and the prosecutor shall request the juvenile court to authorize the filing of a petition that a child is a child in need of services. A determination under this section must be:

(1) signed by the prosecuting attorney or a deputy prosecuting attorney; and

(2) signed by the foreman of the grand jury or five (5) members of the grand jury.

Sec. 5. If a grand jury determines that a crime occurred as described in section 3(b), the indictment procedures set forth in IC 35-34-2 apply.".

Page 45, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 60. IC 31-34-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. Not later than December 31, 2012, the department shall ensure that in every county in Indiana homes or facilities exist that can accept emergency placements of children under this chapter.**

SECTION 61. IC 31-34-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9. (a) The department may not decrease rates paid to a home or facility under this chapter without approval of the general assembly.**

(b) The department shall ensure that there is adequate funding for homes and facilities under this chapter.

SECTION 62. IC 31-34-9-1, AS AMENDED BY P.L.146-2008, SECTION 588, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** The attorney for the department:

(1) may request the juvenile court to authorize the filing of a petition alleging that a child is a child in need of services; and

(2) shall represent the interests of the state at this proceeding and at all subsequent proceedings on the petition.

(b) A prosecuting attorney may request the juvenile court to authorize the filing of a petition alleging that a child is a child in need of services under IC 31-34-1.".

Page 56, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 76. IC 31-37-5-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. Not later than December 31, 2012, the department shall ensure that in every county in Indiana homes or facilities exist that can accept emergency placements of children under this**

chapter.

SECTION 77. IC 31-37-5-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a) The department may not decrease rates paid to a home or facility under this chapter without approval of the general assembly.**

(b) The department shall ensure that there is adequate funding for homes and facilities under this chapter.".

Page 62, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 82. [EFFECTIVE UPON PASSAGE] **The department of child services shall prepare a report concerning the following:**

(1) Listing by category the number of placements for children, including:

(A) foster family homes;

(B) group homes; and

(C) other homes or facilities in which the department places children;

in each county for the calendar years 2007, 2008, 2009, 2010, and 2011.

(2) Listing by category, the amount of money that the department of child services has spent on:

(A) foster family homes;

(B) group homes; and

(C) other homes or facilities in which the department places children;

in each county for the calendar years 2007, 2008, 2009, 2010, and 2011.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

SUMMERS

Upon request of Representatives Summers and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 278: yeas 40, nays 54. Motion failed.

HOUSE MOTION
(Amendment 286–6)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Delete the title and insert the following:

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

Page 33, line 15, after "." insert "**Before January 1, 2013, each county must be included in a region established under this section.**".

Page 35, between lines 31 and 32, begin a new line block indented and insert:

"**(14) A member appointed by the legislative body of each county included in the region served by the local child fatality review team.**".

Page 62, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 72. [EFFECTIVE JULY 1, 2012] **(a) The definitions in P.L.229-2011, SECTION 1 apply throughout this SECTION.**

(b) As used in this SECTION, "department" means the department of child services.

(c) Augmentation is allowed for the appropriation in P.L.229-2011, SECTION 8 to the department of child services, beginning July 1, 2012, and ending June 30, 2013. The appropriation is augmented by one million dollars ($1,000,000) for the following purposes:

(1) Five hundred thousand dollars ($500,000) for the use of the state child fatality review team to carry out its duties under IC 31-33-25.

(2) Five hundred thousand dollars ($500,000) for carrying out the grant program established under subsection (d).

(d) The department shall establish a grant program to assist regional child fatality review teams. A regional child fatality review team may apply for a grant in the manner prescribed by the department. The department shall record the time of filing of each application and shall, except as provided in subsection (e), award grants to regional child fatality review teams in the chronological order in which the applications were filed. The total amount awarded to a particular regional child fatality review team may not exceed five thousand dollars ($5,000) per county included in the region served by the regional child fatality review team.

(e) The total amount of the grants awarded under this SECTION may not exceed four hundred sixty thousand dollars ($460,000). The department may not approve an application filed after the maximum amount of grants has been awarded.

(f) A regional child fatality review team may use a grant received under this SECTION for any lawful purpose of the regional child fatality review team.

(g) This SECTION expires June 30, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

CRAWFORD

Upon request of Representatives Crawford and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 279: yeas 40, nays 54. Motion failed.

HOUSE MOTION
(Amendment 286–2)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 15, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 11. IC 31-9-2-76.6, AS ADDED BY P.L.146-2008, SECTION 545, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 76.6. "Local office", for purposes of this title, refers to a local office established by the department to serve a county. ~~or a region~~".

Page 19, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 23. IC 31-25-2-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23. (a) The department shall create a local office in each county to serve that county.**

(b) The sheriff's department of the county that the local office is located in shall perform all investigations necessary for the department in that county.".

Page 61, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 74. IC 36-8-10-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24. Each sheriff's department shall perform all investigations necessary for the local office of the department of child services located in the county of the sheriff's department.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

BARTLETT

Upon request of Representatives Bartlett and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 280: yeas 37, nays 54. Motion failed.

HOUSE MOTION
(Amendment 286–3)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 5, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 2. IC 10-11-2-33 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 33. (a) The superintendent is the director of the department of child services under IC 31-25-1-1.**

(b) Employees of the department of child services (established as a division of the state police department on July 1, 2012) are civilian employees and eligible for pensions and benefits that were available to department of child services employees on June 30, 2012.".

Page 17, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 19. IC 31-25-1-1, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The department of child services is established **as a division of the state police department established under IC 10-11-2-4.**

(b) The ~~governor shall appoint a~~ **superintendent of the state police department appointed under IC 10-11-2-6 is the** director who is responsible for administering the department of child services. ~~The director:~~

~~(1) serves at the governor's pleasure; and~~

~~(2) is entitled to compensation set by the budget agency.~~".

Page 62, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 73. [EFFECTIVE JULY 1, 2012] **(a) On July 1, 2012, the state police department becomes the owner of all the personal property of the department of child services due to the department of child services becoming a division within the state police department as required by this act.**

(b) This SECTION expires December 31, 2012.

SECTION 74. [EFFECTIVE JULY 1, 2012] **(a) The funds that remain in any fund controlled by the department of child services on June 30, 2012, shall be transferred to the state police department on July 1, 2012.**

(b) This SECTION expires December 31, 2012.

SECTION 75. [EFFECTIVE JULY 1, 2012] **The rules adopted by the department of child services before July 1, 2012, are considered, after June 30, 2012, rules of the state department of police.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

BARTLETT

Upon request of Representatives Bartlett and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 281: yeas 39, nays 53. Motion failed.

Representative Pond was excused for the rest of the day.

HOUSE MOTION
(Amendment 286–4)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 5, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 2. IC 10-11-2-33 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 33. The department shall perform all investigations necessary for the department of child services as required under IC 31-25-2.5.**".

Page 19, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 23. IC 31-25-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.5. Investigations

Sec. 1. All investigations required for the department shall be referred to the state police department.

Sec. 2. The state police department shall perform all investigations necessary for the department.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

BARTLETT

Upon request of Representatives Bartlett and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 282: yeas 39, nays 52. Motion failed.

HOUSE MOTION
(Amendment 286–5)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 38, line 6, after "." insert "**The report required by this subsection is due before the first day of the month following the month in which the local child fatality review team makes its findings.**".

Page 38, between lines 21 and 22, begin a new paragraph and insert:

"**(e) Not more than twenty-four (24) hours after receiving a report under subsection (c) or IC 31-33-25-10(d), the department shall:**

(1) issue a public release detailing the nature and circumstances of each fatality covered by the reports; and

(2) post the information described in subdivision (1) on the Indiana transparency Internet web site.".

Page 39, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 48. IC 31-33-25-10, AS ADDED BY P.L.145-2006, SECTION 288, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) Except as provided in subsection (b), meetings of the statewide child fatality review committee are open to the public.

(b) ~~Except as provided in subsection (d),~~ A meeting of the statewide child fatality review committee that involves:

(1) confidential records; or

(2) identifying information regarding the death of a child that is confidential under state or federal law;

shall be held as an executive session.

(c) If a meeting is held as an executive session under subsection (b), each individual who:

(1) attends the meeting; and

(2) is not a member of the statewide child fatality review committee;

shall sign a confidentiality statement prepared by the department. The statewide child fatality review committee shall keep all confidentiality statements signed under this subsection.

~~(d) A majority of the members of the statewide child fatality review committee may vote to disclose any report or part of a report regarding a fatality review to the public if the information is in the general public interest as determined by the statewide child fatality review committee.~~

(d) The statewide child fatality review committee shall report to the department its findings for each child fatality that the statewide child fatality review committee reviews. The report required by this subsection is due before the first day of the month following the month in which the statewide child fatality review committee makes its findings.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

CRAWFORD

Upon request of Representatives Crawford and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 283: yeas 40, nays 52. Motion failed.

Representative Pflum was excused for the rest of the day.

HOUSE MOTION
(Amendment 286–8)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 45, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 53. IC 31-34-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. Not later than December 31, 2012, the department shall ensure that in every county in Indiana homes or facilities exist that can accept emergency placements of children under this chapter.**

SECTION 54. IC 31-34-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9. (a) The department may not decrease rates paid to a home or facility under this chapter without approval of the general assembly.**

(b) The department shall ensure that there is adequate funding for homes and facilities under this chapter.".

Page 56, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 68. IC 31-37-5-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. Not later than December 31, 2012, the department shall ensure that in every county in Indiana homes or facilities exist that can accept emergency placements of children under this chapter.**

SECTION 69. IC 31-37-5-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a) The department may not decrease rates paid to a home or facility under this chapter without approval of the general assembly.**

(b) The department shall ensure that there is adequate funding for homes and facilities under this chapter.".

Page 62, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 76. [EFFECTIVE UPON PASSAGE] **The department of child services shall prepare a report concerning the following:**

(1) Listing by category the number of placements for children, including:

(A) foster family homes;

(B) group homes; and

(C) other homes or facilities in which the department places children;

in each county for the calendar years 2007, 2008, 2009, 2010, and 2011.

(2) Listing by category, the amount of money that the department of child services has spent on:

(A) foster family homes;

(B) group homes; and

(C) other homes or facilities in which the department places children;

in each county for the calendar years 2007, 2008, 2009, 2010, and 2011.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

L. LAWSON

Upon request of Representatives L. Lawson and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 284: yeas 39, nays 52. Motion failed.

HOUSE MOTION
(Amendment 286–9)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 5, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 2. IC 5-2-6.1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.5. As used in this chapter, "victim of a child sex crime" means an individual who was the victim of:**

(1) child molesting (IC 35-42-4-3(a));

(2) vicarious sexual gratification (IC 35-42-4-5);

(3) child solicitation (IC 35-42-4-6);

(4) child seduction (IC 35-42-4-7); or

(5) incest (IC 35-46-1-3);

and was less than eighteen (18) years of age at the time the crime occurred.

SECTION 3. IC 5-2-6.1-8, AS AMENDED BY P.L.129-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. As used in this chapter, "violent crime" means the following:

(1) A crime under the Indiana Code that is a felony of any kind or a Class A misdemeanor that results in bodily injury or death to the victim but does not include any of the following:

(A) A crime under IC 9-30-5 resulting from the operation of a vehicle other than a motor vehicle.

(B) Involuntary manslaughter resulting from the operation of a motor vehicle by a person who was not intoxicated (IC 35-42-1-4).

(C) Reckless homicide resulting from the operation of a motor vehicle by a person who was not intoxicated (IC 35-42-1-5).

(D) Criminal recklessness involving the use of a motor vehicle, unless the offense was intentional or the person using the motor vehicle was intoxicated (IC 35-42-2-2).

(E) A crime involving the operation of a motor vehicle if the driver of the motor vehicle was not charged with an offense under IC 9-30-5.

(F) Battery upon a child (IC 35-42-2-1(a)(2)(B)).

(G) Child molesting (IC 35-42-4-3).

(H) Child seduction (IC 35-42-4-7).

(2) A crime in another jurisdiction in which the elements of the crime are substantially similar to the elements of a crime that, if the crime results in death or bodily injury to the victim, would be a felony or a Class A misdemeanor if committed in Indiana. However, the term does not include any of the following:

(A) A crime in another jurisdiction resulting from operating a vehicle, other than a motor vehicle, while intoxicated.

(B) A crime in another jurisdiction with elements substantially similar to involuntary manslaughter resulting from the operation of a motor vehicle if the crime was committed by a person who was not intoxicated.

(C) A crime in another jurisdiction with elements substantially similar to reckless homicide resulting from the operation of a motor vehicle if the crime was committed by a person who was not intoxicated.

(D) A crime in another jurisdiction with elements substantially similar to criminal recklessness involving the use of a motor vehicle unless the offense was intentional or the person using the motor vehicle was intoxicated.

(E) A crime involving the operation of a motor vehicle if the driver of the motor vehicle was not charged with an offense under IC 9-30-5.

(3) A terrorist act.

SECTION 4. IC 5-2-6.1-16, AS AMENDED BY P.L.121-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) A person eligible for assistance under section 12 of this chapter may file an application for assistance with the division if the violent crime was committed in Indiana.

(b) **Except as provided in subsection (e),** the application must be received by the division not more than one hundred eighty (180) days after the date the crime was committed. The division may grant an extension of time for good cause shown by the claimant. However, **and except as provided in subsection (e),** the division may not accept an application that is received more than two (2) years after the date the crime was committed.

(c) The application must be filed in the office of the division in person, through the division's web site, or by first class or certified mail. If requested, the division shall assist a victim in preparing the application.

(d) The division shall accept all applications filed in compliance with this chapter. Upon receipt of a complete application, the division shall promptly begin the investigation and processing of an application.

(e) An alleged victim of a child sex crime may submit an application to the division until the victim becomes thirty-one (31) years of age.

(f) An alleged victim of a battery upon a child under IC 35-42-2-1(a)(2)(B) may submit an application to the division not later than five (5) years after the commission of the offense.

SECTION 5. IC 5-2-6.1-17, AS AMENDED BY P.L.129-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) **Except for an alleged victim of a child sex crime,** the division may not award compensation under this chapter unless the violent crime was reported to a law enforcement officer not more than seventy-two (72) hours after the occurrence of the crime.

(b) The division may not award compensation under this chapter until:

(1) law enforcement and other records concerning the circumstances of the crime are available; and

(2) any criminal investigation directly related to the crime has been substantially completed.

(c) If the crime involved a motor vehicle, the division may not award compensation under this chapter until an information or indictment alleging the commission of a crime has been filed by a prosecuting attorney.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

L. LAWSON

Upon request of Representatives Torr and McClain, the Speaker ordered the roll of the House to be called. Roll Call 285: yeas 91, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 286–1)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 38, between lines 21 and 22, begin a new paragraph and insert:

"**(e) If a local child fatality team reviews the death of a child who:**

(1) was a child in need of services;

(2) resided in a foster care home or group home funded by the department;

(3) had been the subject of an investigation by the department; or

(4) had received services from the department;

the local child fatality review team shall report its findings concerning the child's death to the department before the first day of the month following the month in which the local child fatality review team makes its findings.

(f) Not more than twenty-four (24) hours after receiving a report under subsection (e) or IC 31-33-25-10(d), the department shall:

(1) issue a public release detailing the nature and circumstances of each fatality covered by the report; and

(2) post the information described in subdivision (1) on the Indiana transparency Internet web site.".

Page 39, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 48. IC 31-33-25-10, AS ADDED BY P.L.145-2006, SECTION 288, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) Except as provided in subsection (b), meetings of the statewide child fatality review committee are open to the public.

(b) ~~Except as provided in subsection (d),~~ A meeting of the statewide child fatality review committee that involves:

(1) confidential records; or

(2) identifying information regarding the death of a child that is confidential under state or federal law;

shall be held as an executive session.

(c) If a meeting is held as an executive session under subsection (b), each individual who:

(1) attends the meeting; and

(2) is not a member of the statewide child fatality review committee;

shall sign a confidentiality statement prepared by the department. The statewide child fatality review committee shall keep all confidentiality statements signed under this subsection.

~~(d) A majority of the members of the statewide child fatality review committee may vote to disclose any report or part of a report regarding a fatality review to the public if the information is in the general public interest as determined by the statewide child fatality review committee.~~

(d) If the statewide child fatality review committee reviews the death of a child who:

(1) was a child in need of services;

(2) resided in a foster care home or group home funded by the department;

(3) had been the subject of an investigation by the department; or

(4) had received services from the department;

the statewide child fatality review committee shall report its findings concerning the child's death to the department before the first day of the month following the month in which the statewide child fatality review committee makes its findings.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

CRAWFORD

Upon request of Representatives Crawford and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 286: yeas 38, nays 52. Motion failed.

Representative Pelath was excused.

HOUSE MOTION
(Amendment 286–23)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 62, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 72. [EFFECTIVE UPON PASSAGE] **(a) By May 1, 2012, the department of child services shall submit a report to legislative council detailing the department's plan to reduce the turnover rate of family case managers and child abuse hotline workers by twenty percent (20%) by November 1, 2012.**

(b) By December 1, 2012, the department of child services shall submit a report to the legislative council detailing the success of the plan described in subsection (a). If the department of child services has not met the goals set forth in the report described in subsection (a), the department shall set forth reasons for not meeting the goals.

(c) The reports described in subsections (a) and (b) shall be submitted to the legislative council in an electronic format under IC 5-14-6.

(d) This SECTION expires December 31, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

RIECKEN

Upon request of Representatives Riecken and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 287: yeas 37, nays 53. Motion failed.

HOUSE MOTION
(Amendment 286–13)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 32, delete lines 31 through 40.

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

AUSTIN

Upon request of Representatives Austin and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 288: yeas 35, nays 54. Motion failed.

Representative Pelath, who had been excused was present.

HOUSE MOTION
(Amendment 286–15)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 45, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 54. IC 31-34-9-1, AS AMENDED BY P.L.146-2008, SECTION 588, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** The attorney for the department:

(1) may request the juvenile court to authorize the filing of a petition alleging that a child is a child in need of services; and

(2) shall represent the interests of the state at this proceeding and at all subsequent proceedings on the petition.

(b) A prosecuting attorney may request the juvenile court to authorize the filing of a petition alleging that a child is a child in need of services under IC 31-34-1.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

DeLANEY

Upon request of Representatives DeLaney and Crawford, the Speaker ordered the roll of the House to be called. Roll Call 289: yeas 38, nays 51. Motion failed.

HOUSE MOTION
(Amendment 286–7)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 2-5.5-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 6. Department of Child Services Oversight Committee

Sec. 1. As used in this chapter, "committee" refers to the department of child services oversight committee established by this chapter.

Sec. 2. The department of child services oversight committee is established.

Sec. 3. (a) The committee shall do all of the following:

(1) Oversee the implementation of legislation enacted by the general assembly concerning the department of child services.

(2) Review and study constituent issues concerning the department of child services.

(3) Review best practices concerning child welfare, child mental health, and delinquent children.

(4) Receive and review status reports from the department of child services ombudsman.

(5) Study issues concerning the department of child services centralized hotline, including a review of the assessment and referral process that occurs after a telephone call is received by the hotline.

(6) Make legislative recommendations concerning the department of child services.

Sec. 4. The committee consists of the following members:

(1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives.

(2) Two (2) members of the house of representatives appointed by the minority leader of the house of representatives.

(3) Two (2) members of the senate appointed by the president pro tempore of the senate.

(4) Two (2) members of the senate appointed by the minority leader of the senate.

(5) One (1) juvenile or family court judge appointed by the speaker of the house of representatives.

(6) One (1) juvenile or family court judge appointed by the minority leader of the house of representatives.

(7) One (1) juvenile or family court judge appointed by the president pro tempore of the senate.

(8) One (1) juvenile or family court judge appointed by the minority leader of the senate.

Sec. 5. (a) The president pro tempore of the senate shall appoint a member of the committee to serve as chairperson of the commission from July 1, 2012 through June 30, 2013.

(b) The speaker of the house of representatives shall appoint a member of the committee to serve as chairperson of the commission from July 1, 2013 through July 1, 2014.

Sec. 6. (a) The legislative services agency shall provide administrative support for the committee.

(b) There is annually appropriated to the legislative services agency from the state general fund money necessary for the operation of the committee.

Sec. 7. Six (6) committee members constitute a quorum. The affirmative votes of at least six (6) committee members are necessary for the committee to take official action.

Sec. 8. The committee shall meet at the call of the chair and at other times as the committee considers necessary. The committee shall meet at least once every three (3) months.

Sec. 9. (a) Each member of the committee who is not a state employee and is not a member of the general assembly

is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(b) Each member of the committee who is a state employee but not a member of the general assembly is entitled to the following:

(1) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(2) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the committee who is a member of the general assembly is entitled to the same:

(1) per diem;

(2) mileage; and

(3) travel allowances;

paid to legislative members of interim study committees established by the legislative council.

Sec. 10. (a) Except as provided in subsection (b), meetings of the committee are open to the public.

(b) Except as provided in subsection (d), a meeting of the committee that involves:

(1) confidential records; or

(2) identifying information regarding the death of a child that is confidential under state or federal law;

shall be held as an executive session.

(c) If a meeting is held as an executive session under subsection (b), each individual who:

(1) attends the meeting; and

(2) is not a member of the statewide child fatality review committee;

shall sign a confidentiality statement prepared by the legislative services agency. The committee shall keep all confidentiality statements signed under this subsection.

(d) A majority of the members of the committee may vote to disclose any report or part of a report regarding a fatality review to the public if the information is in the general public interest as determined by the committee.

Sec. 11. This chapter expires July 1, 2014.

SECTION 2. IC 4-13-19-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.5. (a) The department of child services ombudsman or the ombudsman's designee shall:**

(1) attend meetings of; and

(2) provide status reports to;

the department of child services oversight committee established by IC 2-5.5-6.

(b) This chapter expires July 1, 2014.

SECTION 3. IC 4-13-19-10, AS ADDED BY P.L.182-2009(ss), SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The office of the department of child services ombudsman shall prepare a report each year on the operations of the office.

(b) The office of the department of child services ombudsman shall include the following information in the annual report required under subsection (a):

(1) The office of the department of child services ombudsman's activities.

(2) The general status of children in Indiana, including:

(A) the health and education of children; and

(B) the administration or implementation of programs for children.

(3) Any other issues, concerns, or information concerning children.

(c) A copy of the report shall be provided to the following:

(1) The governor.

(2) The legislative council.

(3) The Indiana department of administration.

(4) The department of child services.

(5) The members of the department of child services oversight committee established by IC 2-5.5-6.

A report provided under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

(d) A copy of the report shall be posted on the department of child services' Internet web site and on any Internet web site maintained by the office of the department of child services ombudsman.

~~(e) An initial report summarizing the activities of the department of child services ombudsman shall be completed by no later than December 1, 2009, and a copy of the report shall be posted on the department of child services' Internet web site and on any Internet web site maintained by the office of the department of child services ombudsman, and shall be provided to the following:~~

~~(1) The governor.~~

~~(2) The legislative council.~~

~~(3) The Indiana department of administration.~~

~~(4) The department of child services.~~

~~A report provided under this subsection to the legislative council must be in an electronic format under IC 5-14-6. This subsection expires December 31, 2009.~~".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

DAY

Upon request of Representatives Day and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 290: yeas 37, nays 53. Motion failed.

HOUSE MOTION

(Amendment 286–19)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

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

"SECTION 1. IC 4-13-19-4, AS ADDED BY P.L.182-2009(ss), SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The governor shall appoint the ombudsman. The ombudsman serves at the pleasure of the governor. An individual may not be appointed as ombudsman if the individual has been employed by the department of child services at any time during the preceding twelve (12) months. The governor shall appoint a successor ombudsman not later than thirty (30) days after a vacancy occurs in the position of the ombudsman.

(b) The office of the department of child services ombudsman:

(1) shall employ at least two (2) full time employees to assist the ombudsman with receiving, investigating, and attempting to resolve complaints described in section 5 of this chapter; and

(2) may employ technical experts and other employees to carry out the purposes of this chapter.

(c) ~~However,~~ The office of the department of child services ombudsman may not hire an individual to serve as an ombudsman if the individual has been employed by the department of child services during the preceding twelve (12) months.

~~(c)~~ **(d)** The ombudsman and any other person employed or authorized by the ombudsman:

(1) are subject to the same criminal history and background checks, to be performed by the department of child services, that are required for department of child

services family case managers; and

(2) are subject to the same disqualification for employment criteria as department of child services family case managers.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

C. BROWN

Upon request of Representatives Torr and McClain, the Speaker ordered the roll of the House to be called. Roll Call 291: yeas 89, nays 0. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 287

Representative Noe called down Engrossed Senate Bill 287 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, February 29, 2012 at 10:30 a.m.

THOMPSON

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as cosponsor of Engrossed Senate Bill 19.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dobis be removed as cosponsor of Engrossed Senate Bill 302 and that Representative Candelaria Reardon be substituted as cosponsor.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Speedy be added as cosponsor of Engrossed Senate Bill 322.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cheatham be added as coauthor of House Bill 1136.

WESCO

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 115 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Landske, Chair; and Arnold
Advisors: C. Lawson and Broden

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 176 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: M. Young, Chair; and Randolph
Advisors: Bray and Lanane

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 190 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Charbonneau, Chair; and Lanane
Advisors: Bray, Steele, and Randolph

JENNIFER L. MERTZ
Principal Secretary of the Senate

On the motion of Representative Crawford, the House adjourned at 8:42 p.m., this twenty-eighth day of February, 2012, until Wednesday, February 29, 2012, at 10:30 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Thirty-first Day — **Wednesday Morning** — **February 29, 2012**

The invocation was offered by Pastor Lionel Young, Calvary Church of Valparaiso, the guest of Representative Edmond L. Soliday.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Soliday.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon □
Bartlett
Battles
Bauer
Behning
Borders
C. Brown □
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson □
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 292: 96 present; 4 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On February 29, 2012, I signed into law House Enrolled Acts 1018, 1034, 1047, 1050, 1052, 1060, 1107, 1154, and 1211.

MITCHELL E. DANIELS, JR.
Governor

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 114 because it conflicts with HEA 1009-2012 without properly recognizing the existence of HEA 1009-2012, has had Engrossed Senate Bill 114 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 114 be corrected as follows:

Page 1, delete lines 1 through 13, begin a new paragraph and insert:

"SECTION 1. IC 9-24-19-2, AS AMENDED BY HEA 1009-2012, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A person who: ~~operates a motor vehicle upon a highway when the person~~

(1) knows that the person's driving privilege, license, or permit is suspended or revoked; **and**

(2) ~~commits a Class A misdemeanor if,~~ **operates a motor vehicle upon a highway** less than ten (10) years ~~before~~ **after** the date on which ~~the person operates the motor vehicle knowing that the person's driving privilege, license, or permit is suspended or revoked,~~ judgment was entered against the person for a prior unrelated ~~(1) infraction under~~ **violation of** section 1 of this chapter, ~~or (2) offense or infraction under: (A)~~ this section, ~~(B)~~ IC 9-1-4-52 (repealed July 1, 1991), or ~~(C)~~ IC 9-24-18-5(a) (repealed July 1, 2000);

commits a Class A misdemeanor.".

(Reference is to ESB 114 as printed February 10, 2012.)

TORR, Chair
AUSTIN, R.M.M.
STEUERWALD, Sponsor

Report adopted.

Representative Espich was excused.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 41, authored by Representatives V. Smith, Bartlett, C. Brown, Crawford, Harris, Porter, Pryor, Candelaria Reardon, and Summers, was withdrawn from consideration by the House.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 15

Representative T. Brown called down Engrossed Senate Bill 15 for third reading:

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

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

Roll Call 293: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Welch was excused.

Engrossed Senate Bill 128

Representative Burton called down Engrossed Senate Bill 128 for third reading:

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

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

Roll Call 294: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 131

Representative Wolkins called down Engrossed Senate Bill 131 for third reading:

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

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

Roll Call 295: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Welch, who had been excused, was present.

Engrossed Senate Bill 223

Representative T. Brown called down Engrossed Senate Bill 223 for third reading:

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

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

Representative Porter was excused from voting, pursuant to House Rule 47. Roll Call 296: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives C. Brown and Dvorak, who had been excused, were present.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 130

Representative Wolkins called down Engrossed Senate Bill 130 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 130–1)

Mr. Speaker: I move that Engrossed Senate Bill 130 be amended to read as follows:

Page 35, delete lines 2 through 42.
Delete page 36
Page 37, delete lines 1 through 23.
Renumber all SECTIONS consecutively.
(Reference is to ESB 130 as printed February 24, 2012.)

WOLKINS

Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed Senate Bill 224

Representative T. Brown called down Engrossed Senate Bill 224 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 224–2)

Mr. Speaker: I move that Engrossed Senate Bill 224 be amended to read as follows:

Page 4, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 2. IC 25-22.5-2-8, AS ADDED BY P.L.149-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The board shall implement a program to investigate and assess a civil penalty of not more than one thousand dollars ($1,000) against a physician licensed under this article for the following violations:

(1) Licensure renewal fraud.
(2) Improper termination of a physician and patient relationship.
(3) Practicing with an expired medical license.
(4) Providing office based anesthesia without the proper accreditation.
(5) Failure to perform duties required for issuing birth or death certificates.
(6) Failure to disclose, or negligent omission of, documentation requested for licensure renewal.

(b) An individual who is investigated by the board and found by the board to have committed a violation specified in subsection (a) may appeal the determination made by the board in accordance with IC 4-21.5.

(c) In accordance with the federal Health Care Quality Improvement Act (42 U.S.C. 11132), the board shall report a disciplinary board action that is subject to reporting to the National Practitioner Data Bank. However, the board may not report board action against a physician for only an administrative penalty described in subsection (a). The board's action concerning disciplinary action or an administrative penalty described in subsection (a) shall be conducted at a hearing that is open to the public.

(d) The physician compliance fund is established to provide funds for administering and enforcing the investigation of violations specified in subsection (a). The fund shall be

administered by the Indiana professional licensing agency.

(e) The expenses of administering the physician compliance fund shall be paid from the money in the fund. The fund consists of penalties collected through investigations and assessments by the board concerning violations specified in subsection (a). Money in the fund at the end of a state fiscal year does not revert to the state general fund.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 224 as printed February 24, 2012.)

CROUCH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 407

Representative Welch called down Engrossed Senate Bill 407 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 407–1)

Mr. Speaker: I move that Engrossed Bill 407 be amended to read as follows:

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 2. IC 25-26-13-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18.5. (a) This section applies to a pharmacy customer who is blind (as defined in IC 12-7-2-21(2)) or visually impaired (as defined in IC 12-7-2-198(a)).**

(b) A pharmacy shall post in a conspicuous place in the area where customers receive legend drugs dispensed by the pharmacy a single page poster providing customers with notice of the following information:

(1) That federal law requires that a pharmacy ensure that a customer who is blind or visually impaired is not subject to discrimination in the availability of visually delivered information provided by the pharmacy.

(2) That a customer who is blind or visually impaired and who has reasonable grounds to believe that the customer has been or may be subject to discrimination described in subdivision (1) may:

(A) submit a request to the federal Department of Justice to institute an investigation into the matter; or

(B) institute a private civil action for relief.

The poster must include current contact information for the federal Department of Justice where a customer may obtain further information and submit a request for an investigation as described in subdivision (2).

(c) A pharmacist or pharmacy technician shall read the information contained in the notice required by subsection (b) to a customer described in subsection (a) each time the customer receives a legend drug dispensed by the pharmacy.

(d) A pharmacy shall provide a written copy of the notice required by subsection (b) to any individual upon request.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 407 as printed February 24, 2012.)

C. FRY

Motion prevailed.

HOUSE MOTION
(Amendment 407–3)

Mr. Speaker: I move that Engrossed Senate Bill 407 be amended to read as follows:

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

"SECTION 1. IC 25-26-13-17, AS AMENDED BY P.L.98-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) The board shall establish classes of pharmacy permits as follows:

Type I. A retail permit for a pharmacy that provides pharmaceutical care to the general public by the dispensing of a drug or device.

Type II. An institutional permit for hospitals, clinics, health care facilities, sanitariums, nursing homes, or dispensaries that offer pharmaceutical care by dispensing a drug product to an inpatient under a drug order or to an outpatient of the institution under a prescription.

Type III. A permit for a pharmacy that is not:

(A) open to the general public; or

(B) located in an institution listed under a Type II permit;

and provides pharmaceutical care to a patient who is located in an institution or in the patient's home.

Type IV. A permit for a pharmacy not open to the general public that provides pharmaceutical care by dispensing drugs and devices to patients exclusively through the United States Postal Services or other parcel delivery service.

Type V. A permit for a pharmacy that engages exclusively in the preparation and dispensing of diagnostic or therapeutic radioactive drugs.

Type VI. A permit for a pharmacy open to the general public that provides pharmaceutical care by engaging in an activity under a Type I or Type III permit. A pharmacy that obtains a Type VI permit may provide services to:

(A) a home health care patient;

(B) a long term care facility; or

(C) a member of the general public.

(b) ~~Hospitals~~ **A hospital** holding a Type II permit may offer drugs or devices:

(1) to:

(A) an employee, student, **or volunteer of the hospital;**

(B) a retiree who is participating in a retirement, pension, or benefit program administered by the hospital;

(C) an independent contractor who has an exclusive relationship with the hospital;

(D) a member of the hospital's governing board; or

(E) a member of the hospital's medical staff; ~~member or their~~ **and**

(2) to dependents **of the individuals listed in subdivision (1);**

for their own use.

(c) Nothing in this section prohibits a pharmacy holding a permit other than a Type IV permit from delivering drugs or devices through mail, parcel delivery, or hand delivery.

(d) Hospitals holding a Type II permit may operate remote locations within a reasonable distance of the licensed area, as determined by the board, after:

(1) filing an application on a form prepared by the board;

(2) having each location inspected by the board; and

(3) obtaining approval from the board.

(e) Any applicable rule governing the practice of pharmacy in Indiana shall apply to all permits under this section.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 407 as printed February 24, 2012.)

WELCH

Motion prevailed.

HOUSE MOTION
(Amendment 407–4)

Mr. Speaker: I move that Engrossed Senate Bill 407 be amended to read as follows:

Page 3, after line 12, begin a new paragraph and insert:

"SECTION 3. IC 25-26-22-4.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.2. (a) A third party payer may cause an onsite audit to occur at a particular pharmacy location not more than one (1) time per calendar year.**

(b) A company that conducts an audit for a third party payer may conduct an onsite audit at a particular pharmacy location not more than one (1) time per calendar year for each third party payer. However, if the audit results in a finding of a particular problem at the pharmacy, the auditor may return within the calendar year to determine ongoing compliance.

SECTION 4. IC 25-26-22-5, AS ADDED BY P.L.7-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. An auditor conducting an audit shall comply with all of the following:

(1) The contract under which the audit is performed must provide a description of audit procedures that will be followed.

(2) For an onsite audit conducted at a pharmacy's location, the auditor that conducts the audit shall provide written notice to the pharmacy at least two (2) weeks before the initial onsite audit is performed for each audit cycle.

(3) The auditor shall not interfere with the delivery of pharmacist services to a patient and shall use every effort to minimize inconvenience and disruption to pharmacy operations during the audit. This subdivision does not prohibit audits during normal business hours of the pharmacy.

(4) If the audit requires use of clinical or professional judgment, the audit must be conducted by or in consultation with a licensed pharmacist.

(5) The auditor shall allow the use of written or otherwise transmitted hospital, physician, or other health practitioner records to validate a pharmacy record with respect to a prescription for a legend drug.

(6) The auditor shall perform the audit according to the same standards and parameters that the auditor uses to audit all other similarly situated pharmacies on behalf of the third party payer.

(7) The period covered by the audit must not exceed twenty-four (24) months after the date on which the claim that is the subject of the audit was submitted to or adjudicated by the third party payer, and the pharmacy must be permitted to resubmit electronically any claims disputed by the audit. This subdivision does not limit the period for audits under the Medicaid program that are conducted due to a federal requirement.

(8) The audit must not be initiated or scheduled during the first ~~five (5)~~ **seven (7)** calendar days of any month without the voluntary consent of the pharmacy. The consent may not be mandated by a contract or any other means.

(9) Payment to the onsite auditor for conducting the audit must not be based on a percentage of any amount recovered as a result of the audit.

(10) Within twenty-four (24) hours of receiving the notice of an audit, a pharmacy may reschedule the audit to a date not more than fourteen (14) days after the date proposed by the auditor. However, if the auditor is unable to reschedule within the fourteen (14) day period, the auditor shall select and reschedule the audit for a date after the fourteen (14) day period.

(11) This subdivision does not apply to an audit conducted by the Medicaid program. If a clerical error is identified by the auditor during the course of an audit, the auditor shall allow the pharmacy to obtain a prescription that corrects the clerical error from the prescribing physician. However, if the clerical error results in an overpayment to the pharmacy, the overpayment may be recouped by the third party payer.

SECTION 5. IC 25-26-22-6, AS ADDED BY P.L.7-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a) This section does not apply to an audit conducted by the Medicaid, Medicare, or any other federal program.**

(b) Following an audit, the auditor shall provide to the pharmacy written audit reports as follows:

(1) The auditor shall deliver a preliminary audit report to the pharmacy not later than ninety (90) days after the audit is concluded.

(2) The auditor shall provide with the preliminary audit report a written appeal procedure for the pharmacy to follow if the pharmacy desires to appeal a finding contained in the preliminary audit report. **The written appeal procedure must provide for a period of at least thirty (30) days after the pharmacy receives the preliminary audit report during which the pharmacy may file an appeal of findings contained in the preliminary audit report.**

(3) The auditor shall deliver a final audit report to the pharmacy not later than one hundred twenty (120) days after:

(A) the preliminary audit report is received by the pharmacy; or

(B) if an appeal is filed, a final appeal determination is made;

whichever is later.

(4) Each audit report must be signed by the auditor and a pharmacist participating in the audit.

(5) The auditor shall provide a copy of the final audit report to the third party payer.

(c) An audit report provided to a pharmacy under this section must be sent to the pharmacy by a means that allows signature confirmation, including an electronic signature (as defined by IC 25-26-13-2). If the audit report is sent by electronic mail, any other verification system may be used, provided that the receipt is acknowledged by the pharmacy.

SECTION 6. IC 25-26-22-9, AS ADDED BY P.L.7-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. **(a) This section does not apply to an audit conducted by the Medicaid, Medicare, or any other federal program.**

~~(a) A final audit report must first be distributed~~ **(b)** Before recoupment of funds may be made based on an audit finding of overpayment or underpayment:

(1) a final audit report must be distributed; and

(2) except when an audit finds that fraud, willful misrepresentation, or alleged serious abuse has occurred, at least thirty (30) days must elapse after the date on which the final audit report is distributed before the recoupment of funds exceeding ten thousand dollars ($10,000).

~~(b) Except for audits conducted under the Medicaid program,~~ **(c)** Interest on funds described in subsection ~~(a)~~ **(b)** does not accrue during the audit period.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 407 as printed February 24, 2012.)

DAVISSON

Motion prevailed. The bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:15 p.m. with the Speaker in the Chair.

Representatives C. Brown, Dvorak, Espich, and L. Lawson, who had been excused, were present. Representatives Saunders and Davis were excused for the rest of the day.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 24, 111, 154, 157, and 315.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 39 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 257 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Wyss, Chair; and Arnold
Advisors: Tomes and Eckerty

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 140

Representative Espich called down Engrossed Senate Bill 140 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 296

Representative Behning called down Engrossed Senate Bill 296 for second reading. The bill was reread a second time by title.

HOUSE MOTION
(Amendment 296–7)

Mr. Speaker: I move that Engrossed Senate Bill 296 be amended to read as follows:

Page 1, line 11, strike "either:".
Page 1, line 12, strike "(A)".
Page 1, line 15, strike "or" and insert "**and**"
Page 1, run in lines 11 through 15.
Page 2, delete lines 4 through 6.
(Reference is to ESB 296 as reprinted February 24, 2012.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 296–5)

Mr. Speaker: I move that Engrossed Senate Bill 296 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 6-3-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 11. (a) As used in this section, "public elementary school or public high school" means any combination of grades from kindergarten through grade 12 offered by the following:**

(1) A school corporation subject to IC 20.

(2) A special education cooperative (as defined in IC 20-35-5-1(7)).

(b) At the election of the taxpayer, a credit is allowed against the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year. Subject to the limitations provided by this section, the amount allowed is equal to fifty percent (50%) of the total amount of charitable contributions made by the taxpayer during a taxable year to a charitable organization or educational foundation that is:

(1) exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and

(2) organized and operated solely for the benefit of a public elementary school or public high school located in Indiana.

(c) In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year may not exceed:

(1) one thousand dollars ($1,000) in the case of a single return; or

(2) two thousand dollars ($2,000) in the case of a joint return.

(d) In the case of a taxpayer that is a corporation, the amount allowable as a credit under this section for any taxable year may not exceed the greater of the following amounts:

(1) Ten percent (10%) of the corporation's total adjusted gross income tax under IC 6-3-1 through IC 6-3-7 for the taxable year (as determined after applying all other credits against that tax).

(2) Ten thousand dollars ($10,000).

(e) If the credit allowed by this section exceeds the amount of the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, the excess shall be refunded to the taxpayer. Money is appropriated from the state general fund to make refunds under this section.".

Page 2, after line 21, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JANUARY 1, 2013] **(a) IC 6-3-3-11, as added by this act, applies to taxable years beginning after December 31, 2012.**

(b) This SECTION expires January 1, 2015.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 296 as reprinted February 24, 2012.)

BATTLES

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION
(Amendment 296–3)

Mr. Speaker: I move that Engrossed Senate Bill 296 be amended to read as follows:

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

"SECTION 1. IC 6-3-2-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **Sec. 23. (a) This section applies to taxable years beginning after December 31, 2011.**

(b) The following definitions apply throughout this section:

(1) "Dependent child" means an individual who:

(A) qualifies as a dependent (as defined in Section

152 of the Internal Revenue Code) of the taxpayer; and

(B) is the natural or adopted child of the taxpayer or, if custody of the child has been awarded in a court proceeding to someone other than the mother or father, the court appointed guardian or custodian of the child.

If the parents of a child are divorced, the term refers to the parent who is eligible to take the exemption for the child under Section 151 of the Internal Revenue Code.

(2) "Qualified education expenditure" refers to any expenditures made in connection with the enrollment of the taxpayer's dependent child in a public school in Indiana. The term includes tuition, fees, computer software, textbooks, workbooks, curricula, school supplies (other than personal computers), and other written materials used primarily for academic instruction or for academic tutoring, or both.

(c) A taxpayer who makes an unreimbursed qualified education expenditure during the taxpayer's taxable year is entitled to a deduction against the taxpayer's adjusted gross income in the taxable year.

(d) The amount of the deduction is:

(1) one thousand dollars ($1,000); multiplied by

(2) the number of the taxpayer's dependent children for whom the taxpayer made qualified education expenditures in the taxable year.

A husband and wife are entitled to only one (1) deduction under this section.

(e) To receive the deduction provided by this section, a taxpayer must claim the deduction on the taxpayer's annual state tax return or returns in the manner prescribed by the department.

(f) A taxpayer may not receive a deduction under this section if the taxpayer receives a deduction under section 22 of this chapter.".

Page 2, after line 21, begin a new paragraph and insert:

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

Renumber all SECTIONS consecutively.

(Reference is to ESB 296 as reprinted February 24, 2012.)

KERSEY

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. Representative Kersey withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 175

Representative Richardson called down Engrossed Senate Bill 175 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 175–3)

Mr. Speaker: I move that Engrossed Bill 175 be amended to read as follows:

Page 4, line 26, delete ":" and insert "**in the statewide voter registration list maintained under IC 3-7-26.3:**".

(Reference is to ESB 175 as printed February 21, 2012.)

RICHARDSON

Motion prevailed.

HOUSE MOTION
(Amendment 175–7)

Mr. Speaker: I move that Engrossed Senate Bill 175 be amended to read as follows:

Page 4, delete lines 15 through 21, begin a new paragraph and insert:

"**(d) Not later than June 30, 2012, the commission shall approve absentee ballot application forms that comply with this subsection. The form prescribed by the commission must request that a voter who requests an absentee ballot:**

(1) provide the last four (4) digits of the voter's Social Security number; or

(2) state that the voter does not have a Social Security number.

The form must indicate that the voter's compliance with this request is optional.

(e) An application form submitted by a voter after June 30, 2012, must:

(1) comply with subsection (d); or

(2) be an earlier approved version of an application form authorized for use on June 30, 2012.".

(Reference is to ESB 175 as printed February 21, 2012.)

RICHARDSON

Motion prevailed.

HOUSE MOTION
(Amendment 175–1)

Mr. Speaker: I move that Engrossed Senate Bill 175 be amended to read as follows:

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

"SECTION 1. IC 3-10-6-7.5, AS AMENDED BY P.L.225-2011, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.5. (a) This section applies to a municipal office elected during a municipal or general election.

(b) **Except as provided in subsection (c),** an election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

(c) If there is an election for any office of the municipality, all nominees for each office must be on the ballot.

SECTION 2. IC 3-10-7-6, AS AMENDED BY P.L.225-2011, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A municipal election conducted under this chapter shall be held at the time prescribed by IC 3-10-6.

(b) This subsection applies to a municipal office elected during a municipal or general election. **Except as provided in subsection (c),** an election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

(c) If there is an election for any office of the municipality, all nominees for each office must be on the ballot.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 175 as printed February 21, 2012.)

AUSTIN

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. Representative Austin withdrew the motion to amend.

HOUSE MOTION
(Amendment 175–6)

Mr. Speaker: I move that Engrossed Senate Bill 175 be amended to read as follows:

Page 6, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 5. IC 3-11-10-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. During the period that absentee ballots are being received, each county election board shall keep the ballots in cabinets, boxes, or a room upon which there are two (2) locks, one (1) for each of the appointed members of the board. Each day the absentee ballots shall be placed in the cabinets, boxes, or room under the direction of the appointed members of the board. If an appointed member cannot be present each day, then that member shall designate someone from the member's political party to be present with the key to the lock at the time the ballots are secured **and at the time the lock is opened the next day. The key of each appointed member of the board shall be kept secure in the manner determined by that appointed member.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 175 as printed February 21, 2012.)

CLERE

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 233

Representative Richardson called down Engrossed Senate Bill 233 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 233–2)

Mr. Speaker: I move that Engrossed Senate Bill 233 be amended to read as follows:

Page 5, after line 42, begin a new paragraph and insert:

"SECTION 8. IC 3-13-1-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. (a) This section applies to a certificate of candidate selection filed under section 15 or 20 of this chapter.**

(b) To enforce the requirements of IC 3-5-4-1.9, the election division, a circuit court clerk, or any other official responsible for receiving a certificate of candidate selection may not receive a filing of a certificate of candidate selection if:

(1) a notice of a caucus or meeting;

(2) a declaration of candidacy filed by the individual selected as the candidate; or

(3) the certificate of candidate selection;

is or was offered to be filed after the deadline for the filing provided by this chapter.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 233 as printed February 27, 2012.)

RICHARDSON

Motion prevailefd.

HOUSE MOTION
(Amendment 233–1)

Mr. Speaker: I move that Engrossed Senate Bill 233 be amended to read as follows:

Page 4, line 15, after "(c)" insert "**,**".

Page 4, line 15, delete "or (d), if there is an".

Page 4, delete lines 16 through 35.

Page 4, line 36, delete "of the board making this subsection applicable in the county.".

Page 4, line 36, delete "An" and insert "an".

Page 4, run in lines 15 through 36.

Page 5, delete lines 2 through 3, begin a new paragraph and insert:

"**(c) If there is an election for any office of the municipality, all nominees for each office must be on the ballot.**".

Page 5, line 6, delete "This section applies to a municipal".

Page 5, delete line 7.

Page 5, line 8, delete "(b)".

Page 5, run in lines 6 through 9.

Page 5, delete lines 10 through 31.

Page 5, line 32, delete "of the board making this subsection applicable in the county.".

Page 5, line 32, before "This" begin a new paragraph and insert:

"(b)".

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

"**(c) If there is an election for any office of the municipality, all nominees for each office must be on the ballot.**".

(Reference is to ESB 233 as printed February 27, 2012.)

AUSTIN

Upon request of Representatives Austin and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 297: yeas 39, nays 55. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 302

Representative Clere called down Engrossed Senate Bill 302 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 302–3)

Mr. Speaker: I move that Engrossed Senate Bill 302 be amended to read as follows:

Page 4, after line 6, begin a new paragraph and insert:

"SECTION 2. IC 6-3-1-3.5, AS AMENDED BY P.L.229-2011, SECTION 83, AS AMENDED BY P.L.171-2011, SECTION 4, AND AS AMENDED BY P.L.172-2011, SECTION 53, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars ($1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars ($1,000).

(4) Subtract one thousand dollars ($1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) ~~for taxable years beginning after December 31, 2004,~~ one thousand five hundred dollars ($1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004); and

(B) five hundred dollars ($500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars ($40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

(B) two thousand dollars ($2,000).

(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

~~(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.~~

~~(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.~~

~~(12)~~ *(10)* Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

~~(13)~~ *(11)* In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

~~(14)~~ *(12)* In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

~~(15)~~ *(13)* In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

~~(16) For taxable years beginning after December 31, 1999,~~ *(14)* Subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

~~(17)~~ *(15)* Subtract an amount equal to the lesser of:

(A) ~~for a taxable year:~~

~~(i) including any part of 2004, the amount determined under subsection (f); and~~

~~(ii) beginning after December 31, 2004,~~ two thousand five hundred dollars ($2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

~~(18)~~ *(16)* Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

~~(19)~~ *(17)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

~~(20)~~ *(18)* Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

~~(21)~~ *(19)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

~~(22)~~ *(20)* Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

~~(23)~~ *(21)* Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.

~~(24)~~ *(22)* Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.

~~(25)~~ *(23)* Subtract any amount of a credit (including an advance refund of the credit) that is provided to an individual under 26 U.S.C. 6428 (federal Economic Stimulus Act of 2008) and included in the individual's federal adjusted gross income.

~~(26)~~ *(24)* Add any amount of unemployment compensation excluded from federal gross income, as defined in Section 61 of the Internal Revenue Code, under Section 85(c) of the Internal Revenue Code.

~~(27)~~ *(25)* Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal Revenue Code for the discharge of debt on a qualified principal residence.

~~(28)~~ *(26)* Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt

instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract the amount necessary from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

~~*(29)*~~ *(27)* Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

~~*(30)*~~ *(28)* Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

~~*(31)*~~ *(29)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

~~*(31)*~~ *(30)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

~~*(33)*~~ *(31)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

~~*(34)*~~ *(32)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(33) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

~~*(35)*~~ *(34) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.*

~~*(36)*~~ *(35) Add the amount excluded from gross income under Section 408(d)(8) of the Internal Revenue Code for a charitable distribution from an individual retirement plan.*

~~*(37)*~~ *(36) Add the amount deducted from gross income under Section 222 of the Internal Revenue Code for qualified tuition and related expenses.*

~~*(38) (37) Add the amount deducted from gross income under Section 62(2)(D) of the Internal Revenue Code for certain expenses of elementary and secondary school teachers.*~~

~~*(39) (38)*~~ ***(37)*** *Add the amount excluded from gross income under Section 127 of the Internal Revenue Code as annual employer provided education expenses.*

~~*(40) (39)*~~ ***(38)*** *Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.*

~~*(41) (40)*~~ ***(39)*** *Add the monthly amount excluded from gross income under Section 132(f)(1)(A) and 132(f)(1)(B)* **of the Internal Revenue Code** *that exceeds one hundred dollars ($100) a month for a qualified transportation fringe.*

~~*(42) (41)*~~ ***(40)*** *Add the amount deducted from gross income under Section 221 of the Internal Revenue Code that exceeds the amount the taxpayer could deduct under Section 221 of the Internal Revenue Code before it was amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312).*

~~*(43) (42)*~~ ***(41)*** *Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.*

~~*(44) (43)*~~ ***(42)*** *Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.*

~~*(45) (44)*~~ ***(43)*** *Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).*

~~*(46) (45)*~~ ***(44)*** *Add the amount necessary to make the adjusted gross income of any taxpayer for which tax was not imposed on the net recognized built-in gain of an S corporation under Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240) equal to the amount of adjusted gross income that would have been computed before Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240).*

~~*(35)*~~ **(45)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in*

IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

(11) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(12) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(13) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(14) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(18) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(19) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(20) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

(21) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(22) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(23) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

~~*(19)*~~ **(24)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~*(24)*~~ **(25)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(11) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(12) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(17) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(18) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(19) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(20) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

(21) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(22) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

~~(18)~~ **(23)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~(23)~~ **(24)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(11) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant

property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(12) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(17) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(18) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(19) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(20) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

(21) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(22) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

~~(18)~~ **(23)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~(23)~~ **(24)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities

for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(7) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the taxpayer's taxable income under the Internal Revenue Code.

(8) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(9) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(10) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(11) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(12) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(15) Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal Revenue Code for the discharge of debt on a qualified principal residence.

(16) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(17) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(18) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

(19) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(20) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

(21) Add the amount necessary to make the adjusted gross income of any taxpayer for which tax was not imposed on the net recognized built-in gain of an S corporation under Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240) equal to the amount of adjusted gross income that would have been computed before Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

~~(16)~~ **(22)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~(22)~~ **(23)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

~~(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:~~

~~*STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.*~~

~~*STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.*~~

~~*STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.*~~

~~*STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars ($2,500).*~~

~~*STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars ($2,500).*~~

SECTION 3. [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)] **(a) IC 6-3-1-3.5, as amended by this act, applies to taxable years beginning after December 31, 2011.**

(b) This SECTION expires January 1, 2014.

SECTION 4. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 302 as printed February 27, 2012.)

TRUITT

Upon request of Representatives Torr and McClain, the Speaker ordered the roll of the House to be called. Representatives Battles, Goodin, McNamara, and Yarde were excused from voting, pursuant to House Rule 47. Roll Call 298: yeas 90, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 302–1)

Mr. Speaker: I move that Engrossed Senate Bill 302 be amended to read as follows:

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

"SECTION 1. IC 6-1.1-7-7, AS AMENDED BY P.L.3-2008, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The owner of a mobile home on the assessment date of a year is liable for the taxes imposed upon the mobile home for that year. Except as provided in subsection (b), the owner shall pay the taxes in two (2) equal, semi-annual installments. **Except as provided in subsection (c),** these semi-annual installments are due on May 10 and November 10 of the year of assessment.

(b) A county council may adopt an ordinance to require an owner to pay ~~his~~ **the owner's** property tax liability for ~~his~~ **the owner's** mobile home in one (1) installment, if the tax liability for a particular year is less than twenty-five dollars ($25). If the county council has adopted such an ordinance, then whenever a tax statement mailed under IC 6-1.1-22-8.1 shows that an owner's property tax liability for a particular year for a mobile home is less than twenty-five dollars ($25), the owner shall pay the entire tax liability for the mobile home for that year on May 10 of that year.

(c) For the 2012 assessment date, the semi-annual installments are due on June 10, 2012, and November 10, 2012.".

Page 4, after line 6, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-15-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) This section applies only:**

(1) to property taxes first due and payable in 2012; and

(2) to a notice for review that would otherwise be filed under section 1(d) of this chapter.

(b) A taxpayer may obtain a review by the county board of a county or township official's action described in section 1(a) of this chapter with respect to the 2011 assessment date by filing a notice in writing with the township assessor, or the county assessor if the township is not served by a township assessor. Notwithstanding section 1(d) of this chapter, the notice to obtain a review must be filed not later than the later of:

(1) June 10, 2012; or

(2) forty-five (45) days after the date of the tax statement mailed by the county treasurer, regardless of whether the assessing official changes the taxpayer's assessment.

(c) This section expires July 1, 2013.

SECTION 4. IC 6-1.1-18-12, AS AMENDED BY P.L.172-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted each year to account for the ~~change~~ **increase** in assessed value of real property that results from:

(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; or

(2) a general reassessment of real property under IC 6-1.1-4-4.

(d) The statutes to which subsection (a) refers are:

(1) IC 8-10-5-17;
(2) IC 8-22-3-11;
(3) IC 8-22-3-25;
(4) IC 12-29-1-1;
(5) IC 12-29-1-2;
(6) IC 12-29-1-3;
(7) IC 12-29-3-6;
(8) IC 13-21-3-12;
(9) IC 13-21-3-15;
(10) IC 14-27-6-30;
(11) IC 14-33-7-3;
(12) IC 14-33-21-5;
(13) IC 15-14-7-4;
(14) IC 15-14-9-1;
(15) IC 15-14-9-2;
(16) IC 16-20-2-18;
(17) IC 16-20-4-27;
(18) IC 16-20-7-2;
(19) IC 16-22-14;
(20) IC 16-23-1-29;
(21) IC 16-23-3-6;
(22) IC 16-23-4-2;
(23) IC 16-23-5-6;
(24) IC 16-23-7-2;
(25) IC 16-23-8-2;
(26) IC 16-23-9-2;
(27) IC 16-41-15-5;
(28) IC 16-41-33-4;
(29) IC 20-46-2-3 (before its repeal on January 1, 2009);
(30) IC 20-46-6-5;
(31) IC 20-49-2-10;
(32) IC 36-1-19-1;
(33) IC 23-14-66-2;
(34) IC 23-14-67-3;
(35) IC 36-7-13-4;

(36) IC 36-7-14-28;
(37) IC 36-7-15.1-16;
(38) IC 36-8-19-8.5;
(39) IC 36-9-6.1-2;
(40) IC 36-9-17.5-4;
(41) IC 36-9-27-73;
(42) IC 36-9-29-31;
(43) IC 36-9-29.1-15;
(44) IC 36-10-6-2;
(45) IC 36-10-7-7;
(46) IC 36-10-7-8;
(47) IC 36-10-7.5-19;
(48) IC 36-10-13-5;
(49) IC 36-10-13-7;
(50) IC 36-10-14-4;
(51) IC 36-12-7-7;
(52) IC 36-12-7-8;
(53) IC 36-12-12-10; and
(54) any statute enacted after December 31, 2003, that:
(A) establishes a maximum rate for any part of the:
(I) property taxes; or
(ii) special benefits taxes;
imposed by a political subdivision; and
(B) does not exempt the maximum rate from the adjustment under this section.

(e) The new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP SEVEN of the following STEPS:

STEP ONE: Determine the **correct** maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: ~~Except as provided in subsection (g),~~ Determine the actual percentage ~~change~~ **increase** (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect, **if any. If there is no change or a decrease in assessed value of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect, the result of this STEP is zero percent (0%).**

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first take effect.

STEP FOUR: ~~Except as provided in subsection (g),~~ Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage ~~change~~ **increase** (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year. **If there is no change or a decrease in the assessed value of the taxable property for any year compared to the immediately preceding year, the percentage computed for the year is zero percent (0%).**

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:
(A) Zero (0).
(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d).

~~(g) This subsection applies to STEP TWO and STEP FOUR of subsection (e) for taxes first due and payable after 2011. If the assessed value change used in the STEPS was not an increase, the STEPS are applied using instead:~~
~~(1) the actual percentage decrease (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property; or~~
~~(2) zero (0) if the assessed value did not increase or decrease.~~

SECTION 5. IC 6-1.1-18-13, AS AMENDED BY P.L.219-2007, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]: Sec. 13. (a) The maximum property tax rate levied under IC 20-46-6 by each school corporation for the school corporation's capital projects fund must be adjusted each year to account for the ~~change~~ **increase** in assessed value of real property that results from:
(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; or
(2) a general reassessment of real property under IC 6-1.1-4-4.

(b) The new maximum rate under this section is the tax rate determined under STEP SEVEN of the following formula:

STEP ONE: Determine the **correct** maximum rate for the school corporation for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment is effective, **if any. If there is no change or a decrease in assessed value of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect, the result of this STEP is zero percent (0%).**

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year. **If there is no change or a decrease in the assessed value of the taxable property for any year compared to the immediately preceding year, the percentage computed for the year is zero percent (0%).**

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:
(A) Zero (0).
(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(c) The department of local government finance shall compute the maximum rate allowed under subsection (b) and provide the rate to each school corporation.

SECTION 6. IC 6-1.1-22-9, AS AMENDED BY P.L.87-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in subsection (b), the property taxes assessed for a year under this article are due in two (2) equal installments on May 10 and November 10 of the following year.

(b) Subsection (a) does not apply if any of the following apply to the property taxes assessed for the year under this article:

(1) Subsection (c).
(2) Subsection (d).
(3) IC 6-1.1-7-7.
(4) Section 9.5 of this chapter.
(5) Section 9.7 of this chapter.
(6) Section 9.9 of this chapter.

(c) A county council may adopt an ordinance to require a person to pay the person's property tax liability in one (1) installment, if the tax liability for a particular year is less than twenty-five dollars ($25). If the county council has adopted such an ordinance, then whenever a tax statement mailed under section 8.1 of this chapter shows that the person's property tax liability for a year is less than twenty-five dollars ($25) for the property covered by that statement, the tax liability for that year is due in one (1) installment on May 10 of that year.

(d) If the county treasurer receives a copy of an appeal petition under IC 6-1.1-18.5-12(d) before the county treasurer mails or transmits statements under section 8.1 of this chapter, the county treasurer may:

(1) mail or transmit the statements without regard to the pendency of the appeal and, if the resolution of the appeal by the department of local government finance results in changes in levies, mail or transmit reconciling statements under subsection (e); or
(2) delay the mailing or transmission of statements under section 8.1 of this chapter so that:
(A) the due date of the first installment that would otherwise be due under subsection (a) is delayed by not more than sixty (60) days; and
(B) all statements reflect any changes in levies that result from the resolution of the appeal by the department of local government finance.

(e) A reconciling statement under subsection (d)(1) must indicate:

(1) the total amount due for the year;
(2) the total amount of the installments paid that did not reflect the resolution of the appeal under IC 6-1.1-18.5-12(d) by the department of local government finance;
(3) if the amount under subdivision (1) exceeds the amount under subdivision (2), the adjusted amount that is payable by the taxpayer:
(A) as a final reconciliation of all amounts due for the year; and
(B) not later than:
(I) November 10; or
(ii) the date or dates established under section 9.5 of this chapter; and
(4) if the amount under subdivision (2) exceeds the amount under subdivision (1), that the taxpayer may claim a refund of the excess under IC 6-1.1-26.

(f) If property taxes are not paid on or before the due date, the penalties prescribed in IC 6-1.1-37-10 shall be added to the delinquent taxes.

(g) Notwithstanding any other law, a property tax liability of less than five dollars ($5) is increased to five dollars ($5). The difference between the actual liability and the five dollar ($5) amount that appears on the statement is a statement processing charge. The statement processing charge is considered a part of the tax liability.

(h) This subsection applies only if a statement for payment of property taxes and special assessments by electronic mail is transmitted to a person under section 8.1(h) of this chapter. If a response to the transmission of electronic mail to a person indicates that the electronic mail was not received, the county treasurer shall mail to the person a hard copy of the statement in the manner required by section 8.1(a) of this chapter for persons who do not opt to receive statements by electronic mail. The due date for the property taxes and special assessments under a statement mailed to a person under this subsection is the due date indicated in the statement transmitted to the person by electronic mail.

(I) In a county in which an authorizing ordinance is adopted under section 8.1(h) of this chapter, a person may direct the county treasurer to transmit a reconciling statement under subsection (d)(1) by electronic mail under section 8.1(h) of this chapter.

SECTION 7. IC 6-1.1-22-9.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.9. (a) This section applies only to property taxes first due and payable in 2012.**

(b) Property taxes imposed with respect to the 2011 assessment date are due in two (2) equal installments on June 10 and November 10.

(c) This section expires July 1, 2013.

SECTION 8. IC 6-1.1-22.5-9, AS AMENDED BY P.L.172-2011, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in: ~~subsection~~

(1) subsections (e) **and (f);** and
(2) section 12(b) of this chapter;

tax liability billed on a provisional statement is due in two (2) equal installments on May 10 and November 10 of the year following the assessment date covered by the provisional statement.

(b) The county treasurer may mail or transmit the provisional statement one (1) time each year at least fifteen (15) days before the date on which the first installment is due under subsection (a) in the manner provided in IC 6-1.1-22-8.1, regardless of whether the notice required under section 6(b) of this chapter has been published.

(c) This subsection applies to a provisional statement issued under section 6 of this chapter. Except when the second installment of a provisional statement is replaced by a final reconciling statement providing for taxes to be due on November 10, the amount of tax liability due for each installment of a provisional statement issued for a year after 2010 is fifty percent (50%) of the tax that was due for the immediately preceding year under IC 6-1.1-22 subject to any adjustments to the tax liability as prescribed by the department of local government finance. If no bill was issued in the prior year, the provisional bill shall be based on the amount that would have been due if a provisional tax statement had been issued for the immediately preceding year. The department of local government finance may prescribe standards to implement this subsection, including a method of calculating the taxes due when an abstract or other information is not complete.

(d) This subsection applies only if a provisional statement for payment of property taxes, special assessments, and any adjustment included in the provisional statement under section

8(e) of this chapter by electronic mail is transmitted to a person under IC 6-1.1-22-8.1(h). If a response to the transmission of electronic mail to a person indicates that the electronic mail was not received, the county treasurer shall mail to the person a hard copy of the provisional statement in the manner required by this chapter for persons who do not opt to receive statements by electronic mail. The due date for the property taxes, special assessments, and any adjustment included in the provisional statement under section 8(e) of this chapter under a provisional statement mailed to a person under this subsection is the due date indicated in the statement transmitted to the person by electronic mail.

(e) This subsection applies only to property taxes first due and payable in 2011. If a county is more than two (2) years behind in issuing property tax bills, the county treasurer of the county may petition the department in writing to extend the deadline for making the first installment payment on a provisional statement issued under this chapter. Upon receiving a petition under this subsection, the department may extend the payment deadline to a date that is not later than July 1, 2011.

(f) This subsection applies only to property taxes first due and payable in 2012. If a county issues a provisional statement for property taxes first due and payable in 2012, tax liability billed on the provisional statement is due in two (2) equal installments on June 10 and November 10.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 302 as printed February 27, 2012.)

TRUITT

Motion prevailed.

HOUSE MOTION
(Amendment 302–5)

Mr. Speaker: I move that Engrossed Senate Bill 302 be amended to read as follows:

Page 4, after line 6, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-18-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12.5. (a) This section applies only to property taxes first due and payable in 2013.**

(b) As used in this section, "fund" refers to a political subdivision's capital projects fund.

(c) A political subdivision may petition the department to increase the tax rate for the fund in excess of the maximum rate calculated under section 12 of this chapter for taxes payable in 2013, if:

(1) the assessed value of taxable property in the political subdivision decreased for taxes payable in 2012; and

(2) the fund's maximum rate calculated under section 12 of this chapter decreased for taxes payable in 2012.

(d) The department shall approve the petition of any political subdivision meeting the requirements of subsection (c). The department shall increase the tax rate for the fund of an approved political subdivision by an amount sufficient to replace the lost levy capacity resulting from the decrease in the fund's tax rate for taxes payable in 2012.

(e) A tax rate increase under subsection (d) applies only to taxes payable in 2013. The amount of the increase may not be included in a calculation of the fund's tax rate for any calendar year beginning after December 31, 2013.

(f) A maximum tax rate set forth in a statute listed in section 12(d) of this chapter does not apply to a tax rate established under subsection (d).".

Renumber all SECTIONS consecutively.

(Reference is to ESB 302 as printed February 27, 2012.)

THOMPSON

Motion prevailed.

HOUSE MOTION
(Amendment 302–4)

Mr. Speaker: I move that Engrossed Senate Bill 302 be amended to read as follows:

Page 4, after line 6, begin a new paragraph and insert:

"SECTION 2. IC 20-46-4-6, AS AMENDED BY P.L.124-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The levy imposed for an assessment date before January 16, 2011, may not exceed the maximum permissible levy permitted under this section as this section was effective on January 1, 2011.

(b) **Except as provided in subsection (c),** the levy imposed for an assessment date after January 15, 2011, may not exceed the amount determined by multiplying:

(1) the school corporation's maximum permissible levy for the fund for the previous year under this chapter, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy in the immediately preceding year); by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2.

(c) This subsection applies to a school corporation that, as a result of the enactment of SEA 1-2004, lost at least twenty-five percent (25%) of the school corporation's levy authority under this chapter in a calendar year ending before January 1, 2007. The levy imposed for property taxes first due and payable in 2013 may not exceed the amount determined in STEP FOUR of the following formula:

STEP ONE: Determine the school corporation's maximum permissible levy for the fund for property taxes first due and payable in 2012, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy in the immediately preceding year).

STEP TWO: Determine the amount of the levy authority under this chapter that the school corporation lost as a result of the enactment of SEA 1-2004.

STEP THREE: Determine the sum of:

(1) the STEP ONE result; plus

(2) the STEP TWO result.

STEP FOUR: Determine the product of:

(1) the STEP THREE sum; multiplied by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2.

(d) The maximum permissible levy determined under subsection (c) for a school corporation shall be used in the calculations required by subsection (b) for the school corporation for property taxes first due and payable in 2014.

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

Renumber all SECTIONS consecutively.

(Reference is to ESB 302 as printed February 27, 2012.)

THOMPSON

Representative Austin rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. Representative Thompson withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

RESOLUTIONS ON FIRST READING

House Resolution 47

Representatives Richardson and Friend introduced House Resolution 47:

A HOUSE RESOLUTION honoring Representative Richard Dodge.

Whereas, Representative Richard Dodge, who was first elected to represent the citizens of House District 51 in 2004, will be leaving the House chamber for the last time at the end of the 2012 legislative session;

Whereas, During his time in the House of Representatives, Representative Dodge has served on the Environmental Affairs Committee, the Natural Resources Committee, the Public Health Committee, and the Veterans Affairs and Public Safety Committee;

Whereas, Representative Dodge also served on the Lake Management Work Group and Health Finance Commission interim committees;

Whereas, Promoting the conservation of Indiana's natural resources, developing solutions for problems affecting Indiana lakes, addressing the issue of toxic growth of blue-green algae, and prevention of phosphorus contamination in lakes and reservoirs have been some of Representative Dodge's top priorities during his tenure at the Statehouse;

Whereas, Representative Dodge was selected as Indiana Wildlife Federation Legislative Conservationist of the Year in 2011;

Whereas, In addition to his interest in preserving and protecting Indiana's natural resources, Representative Dodge worked hard to strengthen Indiana's economy by bringing more jobs and businesses to our state and his area;

Whereas, Representative Dodge served his country as a member of the United States Air Force from 1950 to 1954;

Whereas, Before being elected to the House of Representatives, Representative Dodge served as a Steuben County Commissioner, a Steuben Township trustee, a member of the Steuben Township Advisory Board, and the Steuben County Council;

Whereas, Active in his community, Representative Dodge has been involved in numerous local government organizations, and he is a former president of the Indiana Association of County Councils, a former member of the Association of Indiana Counties Northeast District, a former member of the board of directors of the Association of Indiana Counties, and the former Steuben County Republican Party county chairman, serving from 1988 to 1992;

Whereas, Representative Dodge is a member of the Pleasant Lake Lions Club, American Legion Post #257, Angola Elks Lodge #2398, Fremont Moose Lodge #2387, National Rifle Association, Indiana Sheriffs' Association, Indiana Farm Bureau, and Hoosier War Birds, and has served as past president and board member of the Steuben County Historical Society;

Whereas, Representative Dodge graduated from Pleasant Lake High School, attended Purdue University and Ferris State College, and is a member of the Angola Christian Church;

Whereas, Representative Dodge currently performs consulting work for heating and air conditioning companies and previously owned and operated a heating and air conditioning business for 36 years; and

Whereas, Representative Richard Dodge has served his constituency loyally and faithfully since his election to the Indiana General Assembly: Therefore,

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

SECTION 1. That the Indiana House of Representatives bids a fond farewell to Representative Richard Dodge. The House of Representatives has seen only good things during his tenure. Legislators and staff alike will miss him greatly. His departure will leave a void that will never be truly filled.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Richard Dodge and his family.

The resolution was read a first time and adopted by voice vote.

The Speaker yielded the gavel to Representative Dodge.

House Resolution 49

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 49:

A HOUSE RESOLUTION to honor Representative Michael White on his retirement from the Indiana House of Representatives.

Whereas, Representative Michael White has represented the citizens of House District 34 at the Statehouse since December 29, 2011;

Whereas, Representative White was elected to serve out the remainder of former Rep. Dennis Tyler's term when he left the House to assume his post as Mayor of the city of Muncie; and,

Whereas, Representative White has long been involved in his community as a small business owner and activist in the Muncie area, having served in the past as the President of the Delaware County Election Board: Therefore,

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

SECTION 1. That the Indiana House of Representatives thanks Representative Michael White for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative White and his family.

The resolution was read a first time and adopted by voice vote.

The Acting Speaker yielded the gavel to Representative White.

House Resolution 48

Representatives Richardson and Friend introduced House Resolution 48:

A HOUSE RESOLUTION honoring Representative Thomas Knollman.

Whereas, Representative Thomas Knollman, who was first elected to represent the citizens of House District 55 in 2006, will be leaving the House chamber for the last time at the end of the 2012 legislative session;

Whereas, During his time in the House of Representatives, Representative Knollman has served on the Agriculture and Rural Development Committee, Interstate and International

Cooperation Committee, and Public Policy Committee;

Whereas, In recognition of his accomplishments, Representative Knollman was named the 2009 Small Business Champion of the Year by the Indiana Chamber of Commerce;

Whereas, Active in his community, Representative Knollman is a member of the Union County Farm Bureau, the Ivy Tech Advisory Board, Union County High School Agriculture Advisory Board, the United States Jaycees, Greater Cincinnati Young Professionals with Multiple Sclerosis, and the Whitewater Valley Methamphetamine Task Force, and serves as agriculture ambassador for IALA to South Africa;

Whereas, Representative Knollman is also a National FFA alumni, a graduate of the Indiana Agriculture Leadership Development Institute, a member of Delta Theta Sigma Agriculture Fraternity, and a Miami University Patron of the Arts, and holds an American Farmer degree from the Future Farmers of America;

Whereas, Representative Knollman graduated from Purdue University with a degree in Agricultural Communication;

Whereas, Representative Thomas Knollman has served his constituency loyally and faithfully since his election to the Indiana General Assembly: Therefore,

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

SECTION 1. That the Indiana House of Representatives wishes to bid a fond farewell to Representative Thomas Knollman. The House of Representatives has seen only good things during his tenure. Legislators and staff alike will miss him greatly. His departure will leave a void that will never be truly filled.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Thomas Knollman and his family.

The resolution was read a first time and adopted by voice vote.

The Acting Speaker yielded the gavel to Representative Knollman.

House Resolution 50

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 50:

A HOUSE RESOLUTION to honor Representative Nancy Dembowski on her retirement from the Indiana House of Representatives.

Whereas, Representative Nancy Dembowski has represented her constituents, the citizens of House District 17, at the Statehouse since 2006;

Whereas, Before her service in the Indiana House of Representatives, Representative Dembowski was already a dedicated and accomplished public servant, having served as her community's state Senator from 2002 until 2004, and before that having served three terms as the Mayor of the city of Knox, from 1991 until 2002, and two terms as a Starke County Councilwoman, from 1984 until 1991;

Whereas, Before beginning her career in public service, Representative Dembowski worked at WKVI radio in Knox for twenty-five years, where she learned the value of clear and effective communication, a lesson she applied diligently as a public servant in her tireless work with and on behalf of her constituents;

Whereas, Representative Dembowski has been an active and dedicated member of her community through her involvement in numerous civic organizations, including as a former member of the Starke County Coalition Against Domestic Abuse, a current member of the Starke County Community Foundation and the Steelworkers Organization of Active Retirees, and the founder of the Candy Cane Committee; and,

Whereas, Representative Dembowski feels it has been her honor and privilege to serve her constituents at the Statehouse, takes pride in her efforts to better education in Indiana and to bring more jobs to Hoosier communities, and has always been eager to speak for those who are seldom heard: Therefore,

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

SECTION 1. That the Indiana House of Representatives thanks Representative Nancy Dembowski for her dedicated and honorable service to her constituency and to the state of Indiana, and wishes her happiness and contentment in her retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Dembowski and her family.

The resolution was read a first time and adopted by voice vote.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 7:16 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1002, 1033, 1040, 1049, 1072, 1080, 1087, 1091, 1111, 1116, 1117, 1126, 1134, 1136, 1169, 1189, 1192, 1195, 1196, 1200, 1205, 1222, 1247, 1249, 1269, 1270, 1280, 1294, 1325, 1367, and 1376 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bill 1264 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 42 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 15 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Breaux
Advisors: Buck, Rogers, and Becker

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 26 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Bray, Chair; and Randolph
Advisors: Glick and Hume

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 97 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: M. Young, Chair; and Taylor
Advisors: Steele, Randolph, and Banks

JENNIFER L. MERTZ
Principal Secretary of the Senate

\ MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 142 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Skinner
Advisors: Hershman and Randolph

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 143 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Broden
Advisors: Charbonneau and Rogers

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 223 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Breaux
Advisors: Becker and Rogers

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 345 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Hershman, Chair; and Tallian
Advisors: Simpson, Wyss, and Charbonneau

JENNIFER L. MERTZ
Principal Secretary of the Senate

The Speaker yielded the gavel to Representative Dembowski.

RESOLUTIONS ON FIRST READING

House Resolution 51

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 51:

A HOUSE RESOLUTION to honor Representative Mary Ann Sullivan on her retirement from the Indiana House of Representatives.

Whereas, Representative Mary Ann Sullivan has represented her constituents, the citizens of House District 97, at the Statehouse since 2008;

Whereas, Representative Sullivan was born in Indianapolis in 1959, and attended Holy Spirit Elementary, Our Lady of Grace Academy and Warren Central High School before earning a Bachelor of Arts in Philosophy in 1984, studying at Ball State University and Indiana University-Purdue University Indianapolis;

Whereas, Continuing her education in the service of her constituents and the state, Representative Sullivan received the degree of Master of Public Affairs in policy analysis from the School of Public and Environmental Affairs at IUPUI in 2008;

Whereas, Representative Sullivan has maintained a life-long commitment to the city of Indianapolis and its communities and neighborhoods, with more than thirty years' experience as an active volunteer in a variety of causes, large and small, and more than twenty years' experience in the service of a wide range of community organizations, boards and task forces; and

Whereas, In her professional life outside the Statehouse, Representative Sullivan has worked for IUPUI, Key Renaissance School in the Indianapolis Public School system, the Indianapolis Chamber of Commerce, the Indiana Department of Education, the Christel DeHaan Family Foundation, and the Center of Excellence in Leadership: Therefore,

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

SECTION 1. That the Indiana House of Representatives thanks Representative Mary Ann Sullivan for her dedicated and honorable service to her constituency and to the state of Indiana, and wishes her happiness and contentment in her retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Sullivan and her family.

The resolution was read a first time and adopted by voice vote.

The Acting Speaker yielded the gavel to Representative Sullivan.

House Resolution 46

Representatives Richardson and Friend introduced House Resolution 46:

A HOUSE RESOLUTION honoring Representative David Yarde.

Whereas, Representative David Yarde, who was first elected to represent the citizens of House District 52 in 2008, will be leaving the House chamber for the last time at the end of the 2012 legislative session;

Whereas, During his time in the House of Representatives, Representative Yarde has served on the Small Business and Economic Development Committee, the Utilities and Energy Committee, the Roads and Transportation Committee, the Elections and Apportionment Committee, and the Family, Children and Human Affairs Committee;

Whereas, Representative Yarde has been involved in enacting numerous pieces of legislation, including two of which he is extremely proud: HEA 1102-2011, dealing with synthetic cannabinoids and salvia, and HEA 1429-2011, dealing with textbooks and other curricular material;

Whereas, Before being elected to the House of Representatives, Representative Yarde served 14 years on the DeKalb County Council and was a member of the Greater Garrett Plan Commission, Board of Zoning Appeals, and Keyser Township Advisory Board;

Whereas, Representative Yarde is active in his community and is involved with numerous organizations, including the Scottish Rite, Shriners of North America, Indiana Farm Bureau, and the National Rifle Association;

Whereas, Representative Yarde has a Bachelor of Science degree and a Master of Science degree from Indiana University–Bloomington;

Whereas, Representative Yarde is a 5th grade teacher at Northcrest Elementary School in the Fort Wayne Community Schools and has more than 17 years of experience in school administration;

Whereas, The fifth generation to live on the family farm, Representative Yarde enjoys antique automobiles, hunting, and fishing in his spare time; and

Whereas, Representative David Yarde has served his constituency loyally and faithfully since his election to the Indiana General Assembly: Therefore,

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

SECTION 1. That the Indiana House of Representatives bids a fond farewell to Representative David Yarde. The House of Representatives has seen only good things during his tenure. Legislators and staff alike will miss him greatly. His departure will leave a void that will never be truly filled.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative David Yarde and his family.

The resolution was read a first time and adopted by voice vote.

The Acting Speaker yielded the gavel to the Speaker.

With consent of the members, the Speaker returned to bills on second reading.

ENGROSSED SENATE BILLS ON SECOND READING

The Speaker yielded the gavel to Representative Yarde.

Engrossed Senate Bill 322

Representative Steuerwald called down Engrossed Senate Bill 322 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 322–1)

Mr. Speaker: I move that Engrossed Senate Bill 322 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 3-9-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 2.5. Prohibition of Contributions by Certain State Contractors

Sec. 1. The definitions in IC 4-13-2.5 apply throughout this chapter.

Sec. 2. As used in this chapter, "affiliated person" refers to any of the following:

(1) A person with any ownership interest or distributive share of a business entity of more than seven and one-half percent (7.5%).

(2) An executive employee of a business entity.

(3) The spouse of an individual described in subdivision (1) or (2).

(4) The minor child of an individual described in subdivision (1) or (2).

(5) A subsidiary of a business entity.

(6) A member of the same unitary business group as a business entity.

(7) An organization recognized by the United States Internal Revenue Service as a tax exempt organization described in Section 501(c) of the Internal Revenue Code that is established by:

(A) a business entity;

(B) a person described in subdivision (1), (2), (3), or (4); or

(C) an entity described in subdivision (5) or (6).

(8) A political action committee for which:

(A) a business entity; or

(B) any Section 501(c) organization described in subdivision (7) related to that business entity;

is a sponsor.

Sec. 3. As used in this chapter, "business entity" refers to any of the following doing business for profit:

(1) A sole proprietorship.

(2) A partnership.

(3) A limited liability partnership.

(4) A limited liability company.

(5) A corporation.

(6) Any other person doing business for profit, regardless of the person's legal organization.

Sec. 4. As used in this chapter, "executive employee" refers to any of the following:

(1) The president of a business entity.

(2) The chairman of a business entity.

(3) The chief executive officer of a business entity.

(4) An employee of a business entity:

(A) who has executive decision making authority over the long term and day to day affairs of the business entity; or

(B) whose compensation is determined directly, in whole or in part, by the award of, or payment under, contracts with the state to the business entity.

Sec. 5. As used in this chapter, "registrant" refers to a person registered under this chapter.

Sec. 6. As used in this chapter, "sponsor" refers to an individual or organization that contributes at least thirty-three percent (33%) of the total funding of a political action committee.

Sec. 7. (a) This section applies to the following:

(1) A business entity whose annual aggregate offers for contracts total more than one hundred thousand dollars ($100,000).

(2) A business entity whose aggregate offers for contracts combined with the business entity's aggregate annual total value of contracts exceed one hundred thousand dollars ($100,000).

(3) A business entity whose contracts, in the aggregate, annually total more than one hundred thousand dollars ($100,000).

(b) A business entity described in subsection (a) shall register with the department as provided in this chapter.

(c) A business entity described in subsection (a)(1) or (a)(2) shall register with the department before submitting an offer whose value causes the business entity to fall within the description of subsection (a)(1) or (a)(2).

(d) A business entity described in subsection (a)(1) or (a)(2) has a continuing duty to ensure that the registration is accurate during the period that:

(1) begins on the date of registration; and

(2) ends on the day after the date the contract is awarded.

A change in information must be reported to the department not later than two (2) business days following the change.

(e) A business entity whose contracts, in the aggregate, annually total more than one hundred thousand dollars ($100,000) shall maintain registration under this chapter and has a continuing duty to ensure that the registration is accurate for:

(1) four (4) years after the date of the award of the contract; or

(2) one (1) year after the expiration or termination of the contract;

whichever is longer.

(f) A change in information must be reported to the department not later than ten (10) days following the change. However, if a business entity required to register under this section has a pending offer, a change in information must be reported to the department not later than two (2) business days after the change.

(g) A business entity's continuing duty under this chapter to ensure the accuracy of the business entity's registration includes the requirement that the business entity notify the department of any changes in information relating to affiliated persons or any other material changes.

Sec. 7.1. (a) This section applies to a business entity that on July 1, 2012, is described by section 7(a) of this chapter.

(b) A business entity described in subsection (a) shall register as provided in this chapter not later than September 1, 2012.

(c) This section expires January 1, 2014.

Sec. 8. (a) The registration required under this chapter and any changes to that registration must be made electronically. The department may provide for the details of electronic registration by a rule adopted under IC 4-22-2 that is not inconsistent with this chapter.

(b) A registration must contain substantially the following information:

(1) The registrant's name and business address.

(2) The name and address of each of the registrant's affiliated persons with a description of the affiliation for each person.

(c) A registration and any changes to a registration must be certified, under the penalties for perjury, that, to the best of the person's knowledge and belief, the information stated is true.

(d) The department shall provide a registration certificate to a person that registers under this chapter.

(e) A registration certificate must be:

(1) electronic;

(2) accessible to the registrant through the department's Internet web site; and

(3) protected by a password.

Sec. 9. (a) For purposes of this section, a data base maintained by the department is "searchable" if the data base can be searched by the following terms:

(1) Affiliated person.

(2) Registrant.

(3) State agency.

(b) The department shall maintain on its Internet web site a searchable data base containing all information required to be submitted to the department under this chapter.

(c) The data base must contain links to any searchable data base of state contracts maintained by the state, searchable by registrant.

(d) The data base must be fully accessible to the election division as determined by the election division and the department.

(e) The name of a minor child may not be placed in a location in the data base that is accessible to the public. Public information relating to a minor child must:

(1) be designated as relating to a minor child; and

(2) provide a link to all contributions made by anyone reporting the same residential address as the minor child.

Sec. 10. A registrant shall provide a copy of the registration certificate:

(1) by first class mail or hand delivery;

(2) not later than ten (10) days after registration; and

(3) to each affiliated person whose identity is required to be disclosed under this chapter.

Sec. 11. (a) A registrant shall notify any political action committee to which the registrant makes a contribution, at the time of the contribution, that the person is registered with the department under this chapter.

(b) An affiliated person of a registrant shall notify any political action committee to which the affiliated person makes a contribution that the affiliated person is affiliated with a registrant.

Sec. 12. (a) During the period described in subsection (b):

(1) a registrant who has a contract; and

(2) affiliated persons of the registrant described in subdivision (1);

may not make a contribution to an individual who holds a state office or is a candidate for a state office.

(b) The prohibition on contributions under this section:

(1) begins on the date of the award of the contract to the registrant; and

(2) ends on the later of the following:

(A) four (4) years after the date that a contract is awarded to the registrant; and

(B) one (1) year after the date of the expiration or termination of the contract.

Sec. 13. (a) During the period described in subsection (b):

(1) a registrant who has no contracts but has an offer pending; and

(2) affiliated persons of the registrant described in subdivision (1);

may not make a contribution to an individual who holds a state office or is a candidate for a state office.

(b) The prohibition on contributions under this section:

(1) begins on the date that the solicitation is issued; and

(2) ends on the day after the date the contract is awarded.

Sec. 14. (a) A candidate or a candidate's committee that receives a contribution from a person who is prohibited from making a contribution under section 12 or 13 of this chapter shall pay an amount equal to the value of the contribution to the election division not later than thirty (30) days after receiving the contribution.

(b) The election division shall deposit payments made under this section in the campaign finance enforcement account established by IC 3-6-4.1-24.

SECTION 2. IC 3-9-4-16, AS AMENDED BY P.L.225-2011, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

(1) Fails to file with the election division a report in the manner required under IC 3-9-5.

(2) Fails to file a statement of organization required under IC 3-9-1.

(3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.

(4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions on the committee's behalf.

(5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.

(6) Makes a contribution in the name of another person.

(7) Accepts a contribution made by one (1) person in the name of another person.

(8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.

(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.

(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.

(11) Violates IC 3-9-2-12.

(12) Fails to designate a contribution as required by IC 3-9-2-5(c).

(13) Violates IC 3-9-3-5.

(14) Serves as a treasurer of a committee in violation of any of the following:

(A) IC 3-9-1-13(1).

(B) IC 3-9-1-13(2).

(C) IC 3-9-1-18.

(15) Fails to comply with section 4(d) of this chapter.

(16) Violates IC 3-9-3-2.5 by making a communication that contains a disclaimer that is not presented in a clear and conspicuous manner required by IC 3-9-3-2.5(d) and IC 3-9-3-2.5(e). This subdivision does not apply to a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer.

(17) Violates IC 3-9-2.5.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the commission determines that a person failed to file the amended report or statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the commission may assess a civil penalty. The penalty is ten dollars ($10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars ($100) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the commission determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the commission shall assess a civil penalty. The penalty is fifty dollars ($50) for each day the report or statement is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars ($1,000) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the commission determines that a person is subject to a civil penalty under subsection (a), the commission may assess a civil penalty of not more than one thousand dollars ($1,000), plus any investigative costs incurred and documented by the election division.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the commission determines that a person is subject to a civil penalty under subsection (a)(5), the commission may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the election division.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the commission determines that a candidate or the candidate's committee has violated IC 3-9-2-12, the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

(1) Two (2) times the amount of any contributions received.

(2) One thousand dollars ($1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the commission determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

(1) Two (2) times the amount of the contributions undesignated.

(2) One thousand dollars ($1,000).

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has violated IC 3-9-3-5, the commission may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred

and documented by the election division.

(I) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(14), the commission may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the election division.

(j) This subsection applies to a person who is subject to a civil penalty under subsection (a)(15). The commission may assess a civil penalty equal to the costs incurred by the election division for the manual entry of the data contained in the report or statement, plus any investigative costs incurred and documented by the election division.

(k) This subsection applies to a person who is subject to a civil penalty under subsection (a)(16). If the commission determines that a person is subject to a civil penalty under subsection (a)(16), the commission may assess a civil penalty of not more than one thousand dollars ($1,000) for each communication circulated or published (but not for each of the copies of the communication actually circulated or published), plus any investigative costs incurred and documented by the election division.

(l) This subsection applies to a person who is subject to a civil penalty under subsection (a)(17). The commission may assess a civil penalty of not more than:

(1) one thousand dollars ($1,000) for each business day that a person knowingly or intentionally:

(A) fails to update a registration required by IC 3-9-2.5;

(B) fails to provide material information on a registration required by IC 3-9-2.5; or

(C) states false information on a registration required by IC 3-9-2.5; or

(2) one thousand dollars ($1,000) for any other violation of IC 3-9-2.5;

plus any investigative costs incurred and documented by the election division.

~~(l)~~ **(m)** All civil penalties collected under this section shall be deposited with the treasurer of state in the campaign finance enforcement account.

~~(m)~~ **(n)** Proceedings of the commission under this section are subject to IC 4-21.5.

SECTION 3. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 17. A person who recklessly, knowingly, or intentionally makes a contribution in violation of IC 3-9-2.5 commits a Class B misdemeanor.**

SECTION 4. IC 4-13-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 2.5. Political Contributions of Offerors and Contractors

Sec. 1. This chapter applies to every:

(1) offer submitted to a state agency; and

(2) contract awarded by a state agency;

after June 30, 2012.

Sec. 2. (a) As used in this chapter, "contract" refers to a contract for:

(1) goods;

(2) services, including professional services;

(3) a public works project; or

(4) a highway project;

awarded by a state agency.

(b) A contract awarded by a state agency under:

(1) IC 4-13.6;

(2) IC 5-22;

(3) IC 5-23;

(4) IC 8-23; or

(5) any other statute;

is considered a contract for purposes of this chapter.

Sec. 3. As used in this chapter, "contract officer" refers to the:

(1) purchasing agent under IC 5-22; or

(2) state officer or employee responsible for awarding a contract.

Sec. 4. As used in this chapter, "contractor" refers to a person who has been awarded a contract with a state agency.

Sec. 5. As used in this chapter, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

Sec. 6. (a) As used in this chapter, "offer" means a response to a solicitation.

(b) The term includes a bid, proposal, and quote.

Sec. 7. As used in this chapter, "offeror" means a person who submits an offer to a state agency.

Sec. 8. (a) As used in this chapter, "solicitation" means the procedure by which a state agency invites persons to submit an offer to enter into a contract with the state agency.

(b) The term includes an invitation for bids, a request for proposals, and a request for quotes.

Sec. 9. As used in this chapter, "state agency" refers to any of the following:

(1) A state agency (as defined in IC 4-13-1-1(b)).

(2) An entity established by the general assembly as a body corporate and politic that is governed by a body that has a member who is:

(A) the governor; or

(B) appointed by the governor.

Sec. 10. Every offer submitted to, and contract entered into by, a state agency must contain the following:

(1) A certification by the offeror or contractor that either:

(A) the offeror or contractor is not required to register with the department under IC 3-9-2.5; or

(B) the offeror or contractor has registered with the department under IC 3-9-2.5 and acknowledges a continuing duty to update the registration.

(2) A statement that the contract is voidable under section 12 or 13 of this chapter for the offeror's or contractor's failure to comply with this chapter or IC 3-9-2.5.

Sec. 11. (a) A copy of an offeror's registration certificate must accompany an offer by a person required to register under this chapter.

(b) A contracting officer may not accept an offer unless the offeror's registration certificate is submitted with the offer.

Sec. 12. In addition to any penalty under this chapter or IC 3-9-2.5, the knowing or intentional failure to disclose material information required for registration renders:

(1) the offeror nonresponsible; or

(2) a contract voidable by the contract officer if the contract officer considers it to be in the best interest of the state.

Sec. 13. (a) This section applies to a contract with a person who violates IC 3-9-2.5-12 or IC 3-9-2.5-13.

(b) A contract described in subsection (a) is voidable by the contract officer if the contract officer considers it to be in the best interest of the state.

(c) A contract described in subsection (a) is terminated by operation of law if the affected person violates IC 3-9-2.5-12 or IC 3-9-2.5-13 more than two (2) times. The affected person is also considered a nonresponsible offeror for three

(3) years after the date of the most recent violation.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 322 as printed February 21, 2012.)

PELATH

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. Representative Pelath withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

The Acting Speaker yielded the gavel to the Speaker.

Engrossed Senate Bill 384

Representative Behning called down Engrossed Senate Bill 384 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 384–26)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 9, line 28, after "Indiana." insert "**For purposes of computing state tuition support and other distributions, a student who resides outside the school corporation where the student enrolls in a turnaround academy shall be counted as having legal settlement in the school corporation where the turnaround academy is located and not as having legal settlement in the school corporation where the student resides.**".

(Reference is to ESB 384 as printed February 27, 2012.)

BEHNING

Representative Austin rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

The question then was on the motion of Representative Behning (384–26). Motion prevailed.

HOUSE MOTION
(Amendment 384–36)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 13, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 20. IC 20-33-2-28.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 28.6. (a) This section applies to a high school student who is transferring to a nonaccredited nonpublic school located in a private residence.**

(b) Before a student withdraws from a public school, the principal shall provide information on a form developed by the department that explains the legal requirements concerning attending a nonaccredited nonpublic school located in Indiana. The principal shall request that the parent sign the form to acknowledge that the student and parent understand the information contained in the form.

(c) If the parent of the student refuses to sign the form provided by the principal under subsection (b), the student is considered a dropout and the principal shall report the student to the bureau of motor vehicles for action under section 28.5(g) of this chapter.".

Page 14, delete lines 1 through 3.

(Reference is to ESB 384 as printed February 27, 2012.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 384–29)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 3, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 2. IC 20-24-7-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14. An organizer that operates a charter school or a successor organizer operating the charter school that is closed or not renewed by its sponsor for any reason, which then becomes sponsored by a different sponsor, may not qualify for federal or state start-up funding or loans. The organizer of the charter school or the successor organizer operating the charter school retains responsibility for paying back any loans, including start-up loans, and unused state and federal funds, secured by the organizer of a closed or nonrenewed charter school.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

BEHNING

Motion prevailed.

Representatives Foley and Lehman were excused for the rest of the day.

HOUSE MOTION
(Amendment 384–21)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 14, between lines 3 and 4, begin a new paragraph and insert:

"**(c) Notwithstanding any other law, a student who attends a nonaccredited nonpublic school that is located in a private residence must be assessed under the ISTEP testing program by the appropriate assessment instrument for the student's grade level. The department shall develop a program to facilitate the testing of a student to whom this subsection applies during the same time period that students in accredited schools are administered the instruments. A parent's failure to comply with this subsection may be considered evidence of the neglect of a dependent.**".

(Reference is to ESB 384 as printed February 27, 2012.)

VanDENBURGH

Upon request of Representatives VanDenburgh and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 299: yeas 34, nays 59. Motion failed.

HOUSE MOTION
(Amendment 384–24)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

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

"SECTION 1. IC 12-17.2-2-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) As used in this section, "program" refers to the paths to quality program established by subsection (b).**

(b) The paths to quality program is established. The program is a voluntary child care facility quality rating and improvement system implemented by the division in partnership with the following:

(1) Indiana Association for the Education of Young Children.

(2) Indiana Association for Child Care Resource and Referral.

(3) Indiana Head Start Collaboration Office.

(4) Indiana Department of Education.

(5) Early Childhood Alliance.

(6) 4 C's of Southern Indiana.

(c) The division shall adopt rules under IC 4-22-2 to administer the paths to quality rating system. The rules must include procedures that outline eligibility and application procedures for the program, the establishment of procedures relating to the rating process, and the establishment or alteration of standards used in the rating process.

(d) The division shall adopt rules under IC 4-22-2 to establish the steering council of the program to make recommendations to the division on program issues and resources. Rules adopted under this subsection must require that council members be appointed from partner organizations that assist in the implementation of the program and serve to coordinate the project plan.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

VanDENBURGH

Representative Cheatham rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 384 a bill pending before the House. Representative VanDenburgh withdrew the motion to amend.

HOUSE MOTION
(Amendment 384–19)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 5, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 5. IC 20-28-11.5-8, AS ADDED BY P.L.90-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) To implement this chapter, the state board shall do the following:

(1) Before January 31, 2012, adopt rules under IC 4-22-2 that establish:

(A) the criteria that define each of the four categories of teacher ratings under section ~~4(b)(3)~~ **4(c)(4)** of this chapter;

(B) the measures to be used to determine student academic achievement and growth under section ~~4(b)(2)~~ **4(c)(2)** of this chapter;

(C) standards that define actions that constitute a negative impact on student achievement; and

(D) an acceptable standard for training evaluators.

(2) Before January 31, 2012, work with the department to develop a model plan and release it to school corporations. Subsequent versions of the model plan that contain substantive changes must be provided to school corporations.

(3) Work with the department to ensure the availability of ongoing training on the use of the performance evaluation to ensure that all evaluators and certificated employees have access to information on the plan, the plan's implementation, and this chapter.

(b) A school corporation may adopt the **department's** model plan, **or any other model plan approved by the department,** without the state board's approval.

(c) A school corporation may **substantially** modify the model plan or develop the school corporation's own plan, if the **substantially** modified or developed plan meets the criteria established under this chapter. If a school corporation **substantially** modifies the model plan or develops its own plan, the department may request that the school corporation submit the plan to the department to ensure the plan meets the criteria developed under this chapter. **If the department makes such a request, before submitting a substantially modified or new staff performance evaluation plan to the department, the governing body shall submit the staff performance evaluation plan to the teachers employed by the school corporation for a vote. If at least seventy-five percent (75%) of the teachers vote in favor of adopting the staff performance evaluation plan, the governing body may submit the staff performance evaluation plan to the department.**

(d) Each school corporation shall submit its staff performance evaluation plan to the department. The department shall publish the staff performance evaluation plans on the department's Internet web site. A school corporation must submit its staff performance evaluation plan to the department for approval in order to qualify for any grant funding related to this chapter.

~~(c) This subsection applies to a school corporation that has not adopted a staff performance evaluation plan that complies with this chapter before July 1, 2011. Before submitting a staff performance evaluation plan to the department under subsection (b), the governing body shall submit the staff performance evaluation plan to the teachers employed by the school corporation for a vote. If at least seventy-five percent (75%) of the teachers voting vote in favor of adopting the staff performance evaluation plan, the governing body may submit the staff performance evaluation plan to the department under subsection (b).~~".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

SULLIVAN

Upon request of Representatives Torr and McClain, the Speaker ordered the roll of the House to be called. Roll Call 300: yeas 94, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 384–35)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page14, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 21. IC 20-46-5-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 13. (a) As used in this section, "department" refers to the department of local government finance.**

(b) As used in this section, "participant" refers to a governing body of a school corporation that elects to participate in the drive train lubricant and cooling system fluids maintenance school bus life extension program established under subsection (c).

(c) The drive train lubricant and cooling system fluids maintenance school bus life extension program is established. A participant who applies to participate in the program under subsection (d) may be eligible to transfer an amount not to exceed the estimated savings that result from the use of a school bus or special use bus beyond the minimum useful life of the bus specified in the governing body's plan under section 8 of this chapter. The continued use of the bus must be justified with a drive train lubricant and cooling system fluids annual report described in subsection (e).

(d) A governing body may elect to participate in the program established under subsection (c). To participate, a governing body must submit an application to the department on forms provided by the department.

(e) In addition to the application provided under subsection (d), the governing body must submit an annual report to the department, at a time specified by the department, that provides an estimate of the cost savings to the governing body resulting from extending the useful life

of a school bus or special use bus beyond the minimum useful life of the bus specified by the governing body in its plan under section 8 of this chapter. The estimate of cost savings must include an annual drive train lubricant and cooling system fluids report that justifies that the bus is in good working condition. The report must be in accordance with ASTM standards.

(f) After a governing body submits its application and the annual drive train lubricant and cooling system fluids report to the department, the department may determine the amount the governing body may transfer from the school corporation's fund to the school corporation's general operating fund. A governing body may transfer the amount determined by the department under this subsection from the school corporation's fund to the school corporation's general operating fund for the year specified by the department.

(g) The department shall establish standard criteria to value the cost savings to the governing body under this section. The governing body's estimate of cost savings submitted to the department under subsection (e) must be based on the standard criteria established under this subsection.

(h) The department may request from the governing body any information necessary to administer this section.

(i) The department may establish rules under IC 4-22-2 or guidelines necessary to administer this section.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

SPEEDY

Representative Austin rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION
(Amendment 384–11)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 4, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 3. IC 20-26-11-5, AS ADDED BY P.L.89-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The parents of any student, regardless of the student's age, or the student, after the student has become eighteen (18) years of age, may request a transfer from a school corporation in which the student has a legal settlement to a transferee school corporation in Indiana or another state if the student may be better accommodated in the public schools of the transferee corporation. Whether the student can be better accommodated depends on such matters as:

(1) crowded conditions of the transferee or transferor corporation; and

(2) curriculum offerings at the high school level that are important to the vocational or academic aspirations of the student.

(b) The request for transfer must be made in writing to the transferor corporation, which shall immediately mail a copy to the transferee corporation. The request for transfer must be made at the times provided under rules adopted by the state board. The transfer is effected if both the transferee and the transferor corporations approve the transfer not more than thirty (30) days after that mailing. If the transferor school corporation fails to act on the transfer request within thirty (30) days after the request is received, the transfer is considered approved. The transfer is denied when either school corporation mails a written denial by certified mail to the requesting parents or student at their last known address.

(c) If a request for transfer is denied under subsection (b), an appeal may be taken to the state board by the requesting parents or student, if commenced not more than ten (10) days after the denial. An appeal is commenced by mailing a notice of appeal by certified mail to the superintendent of each school corporation and the state board. The state superintendent shall develop forms for this purpose, and the transferor corporation shall assist the parents or student in the mechanics of commencing the appeal. An appeal hearing must comply with section 15 of this chapter.

(d) A school corporation that accepts transfer students may not establish transfer acceptance policies or limit student transfers in any manner that differs from acceptance policies for students who have a legal settlement in the school corporation.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

PORTER

Upon request of Representatives Porter and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 301: yeas 81, nays 11. Motion prevailed.

HOUSE MOTION
(Amendment 384–1)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 13, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 19. IC 20-31-9.5-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12. (a) A referendum of the continued operation of a turnaround academy shall be conducted in the primary election in the first even-numbered year that follows the initial year in which the turnaround academy begins operation and in the primary election in every third year thereafter until the turnaround academy ceases operation as a public school. However, if a turnaround academy would otherwise cease operations in a year in which a referendum is scheduled to be held under this section and the determination to terminate operations is made before February 1 of that year, a referendum shall not be held in that year.**

(b) In each year specified in subsection (a), the county election board shall place the following question on the ballot in the school corporation in the primary election:

"Shall the _____ (insert name of turnaround academy) at _____ (insert address of turnaround academy) continue to operate as a turnaround academy operated by a special management team assigned by the state board of education?".

(c) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9. The department of education shall certify the public question to the county election board for each county in which the school corporation is located in accordance with IC 3-10-9-3.

(d) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.

(e) The clerk of the circuit court of a county holding a referendum under this section shall certify the results determined under IC 3-12-4-9 to the state board of education and the school corporation.

(f) If a majority of the voters in the school corporation vote in the negative on the public question specified in subsection (b), the turnaround academy shall cease operation as a public school at the end of the school year ending in the year of the referendum and take all necessary steps to terminate its business operations. Any assets remaining after the termination of business operations shall

be returned to the school corporation in which the turnaround academy is located. The state board of education may not establish another turnaround academy at the public school for at least five (5) years.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

PORTER

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

The question then was on the motion of Representative Porter (384–1). Upon request of Representatives Porter and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 302: yeas 37, nays 56. Motion failed.

HOUSE MOTION
(Amendment 384–2)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 15, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 22. [EFFECTIVE UPON PASSAGE] **(a) On May 1, 2013, a rule adopted by the state board of education in January 2012, concerning the grading of Indiana's public schools and school districts is void.**

(b) Beginning March 1, 2012, the state board of education shall begin the process of developing a new proposal to address the grading of Indiana's public schools and school districts under this SECTION so long as the proposal complies with the following:

(1) The proposal may not employ a methodology that permits grading on a curve (also known as curved grading or grading on a bell curve) or any other statistical method of assigning grades designed to yield a predetermined distribution of grades among schools or school districts.

(2) The proposal may not use raw student assessment results for more than fifty percent (50%) of the grade.

(3) The proposal must use as a majority component the improvement growth of the school or school district from one (1) year to the next.

(4) The proposal may use other performance components for the balance of the grading.

(5) The state board of education must convene al least three (3) regional public hearings on the proposal at which interested parties may offer input and recommendations regarding the proposal.

(6) Before the proposal may go into effect, the proposal must come before the general assembly in the 2013 regular session in the form of an introduced bill to be considered by the general assembly for enactment.

(c) Upon enactment of legislation by the general assembly under subsection (b)(6), the state superintendent of public instruction shall inform the United States Department of Education of the enactment of the legislation.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

V. SMITH

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION
(Amendment 384–22)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 10, between lines 11 and 12, begin a new paragraph and insert:

"**(b) Before a special management team may be assigned to a school by the state board, the state board shall submit to the governing body of the school corporation in which the school is located the identity of and relevant information from three (3) potential special management teams for the governing body to consider. After reviewing the information, the governing body shall select a special management team from the list submitted by the state board. The state board shall assign the selected special management team to operate the turnaround academy.**".

Page 10, line 12, delete "(b)" and insert "**(c)**".

Page 10, line 20, delete "(c)" and insert "**(d)**".

Page 10, line 31, delete "(d)" and insert "**(e)**".

Page 11, line 7, delete "(e)" and insert "**(f)**".

Page 11, line 9, delete "(f)" and insert "**(g)**".

Page 11, line 10, delete "(b), (c)," and insert "**(c), (d),**".

Page 11, line 11, delete "(d), and (e)." and insert "**(e), and (f).**".

Page 11, line 13, delete "(g)" and insert "**(h)**".

(Reference is to ESB 384 as printed February 27, 2012.)

VanDENBURGH

Upon request of Representatives VanDenburgh and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 303: yeas 36, nays 57. Motion failed.

HOUSE MOTION
(Amendment 384–8)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 15, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 22. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "state board" has the meaning set forth in IC 20-18-2-19.**

(b) After March 30, 2012, the state board may not adopt any new rules until April 1, 2013.

(c) This SECTION expires July 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

V. SMITH

Motion failed.

HOUSE MOTION
(Amendment 384–7)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

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

"SECTION 1. IC 20-19-2-2, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana state board of education is established. The state board consists of:

(1) the state superintendent; and

(2) ten (10) members appointed **jointly** by the ~~governor.~~ **president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house of representatives.**

(b) The following provisions apply to members of the state board appointed by the governor:

(1) At least four (4) of the members must be actively employed in the schools in Indiana and hold a valid teaching license.

(2) At least one (1) member must be appointed from each congressional district in Indiana.

(3) Not more than six (6) members of the state board may be appointed from the membership of any one (1) political party.

(4) The term of office of a member begins on July 1. Except as provided in subdivision (5), the term of office of a member is four (4) years. **A member may not serve more than two (2) terms.**

(5) The ~~governor~~ **appointing authority** may dismiss a member for just cause.

(6) The ~~governor~~ **appointing authority** may appoint a member to fill a vacancy occurring on the state board. A member appointed under this subdivision serves for the remainder of the unexpired term.

(c) A quorum consists of six (6) members of the state board. An action of the state board is not official unless the action is authorized by at least six (6) members.

(d) The state superintendent serves as chairperson of the state board.

(e) Notwithstanding subsection (b)(4), the term of a member serving on June 30, 2012, expires July 1, 2012. A member serving on June 30, 2012, may be appointed by the appointing authority for a new term beginning July 1, 2012, unless the appointment would cause the member to serve more than two (2) terms.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

V. SMITH

Upon request of Representatives V. Smith and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 304: yeas 31, nays 60. Motion failed.

Representative Pflum was excused for the rest of the day.

HOUSE MOTION
(Amendment 384–13)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 8, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 12. IC 20-31-9.5-2, AS ADDED BY P.L.229-2011, SECTION 190, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) If the state board assigns a special management team under IC 20-31-9-4 to operate a school as a turnaround academy, for as long as the special management team operates the turnaround academy:

(1) the special management team shall continue to use the school building, the accompanying real property, and the building's contents, equipment, and supplies; and

(2) the school corporation shall continue to ~~(A)~~ provide transportation for students attending the turnaround academy at the same level of service the school corporation provided before the school became a turnaround academy. ~~and~~

~~(B) maintain and repair the buildings and grounds consistent with the maintenance and repair to the school corporation's other buildings and grounds.~~

The school corporation shall consult with the special management team regarding ~~these~~ **transportaion** matters.

(b) If the special management team contracts with a school corporation for goods or services, the school corporation may not charge the special management team more for the goods or services than the school corporation pays for the goods or services.

(c) The special management team and the school corporation's board shall hold a joint public meeting at least two (2) times each year to discuss issues and progress concerning the turnaround academy.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

V. SMITH

Upon request of Representatives V. Smith and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 305: yeas 33, nays 57. Motion failed.

HOUSE MOTION
(Amendment 384–12)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 15, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 22. [EFFECTIVE JULY 1, 2012] **(a) The legislative council is urged to establish a study committee during the 2012 legislative interim to study issues related to student debt for postsecondary education, including the following topics:**

(1) The average amount of debt incurred for various programs.

(2) Types and sources of loans available.

(3) The effect of potential debt on student enrollment in postsecondary programs.

(4) Any other topic the committee considers necessary.

(b) The study committee shall operate under the guidelines established by the legislative council.

(c) This SECTION expires December 31, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

RIECKEN

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. Representative Riecken withdrew the motion to amend.

HOUSE MOTION
(Amendment 384–23)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 5, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 9. IC 20-31-2-9, AS ADDED BY P.L.229-2011, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. "Special management team":

(1) means an entity that manages a turnaround academy; **and**

(2) must include the president of the governing body of the school corporation from which the turnaround academy originates or a designee of the president as a voting member of the team.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

VanDENBURGH

Upon request of Representatives VanDenburgh and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 306: yeas 42, nays 50. Motion failed.

HOUSE MOTION
(Amendment 384–31)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 8, strike line 8.

Page 8, line 9, delete "IC 20-31-9".

Page 8, line 9, strike "to operate a school as a turnaround".

Page 8, strike line 10.

Page 8, line 11, reset in roman "IC 20-31-9-4".

Page 8, line 12, delete "IC 20-31-9".

Page 8, line 15, strike "not".

Page 8, line 15, delete "IC 20-29." and insert "IC 20-29, **and the teachers remain in the bargaining unit.**".

Page 8, delete lines 16 through 20.

Page 8, line 21, delete "(e)" and insert "**(c)**".

Page 11, line 20, delete "(a) A special management" and

insert "**Individuals employed at a school operated by a special management team are entitled to the same health insurance and retirement benefits provided to, and in some cases negotiated by, the employees in the school corporation in which the school is located.**".

Page 11, delete lines 21 through 39.

(Reference is to ESB 384 as printed February 27, 2012.)

KERSEY

Upon request of Representatives Kersey and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 307: yeas 35, nays 57. Motion failed.

HOUSE MOTION
(Amendment 384–5)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

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

"SECTION 11. IC 20-31-9-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec 5. (a) Notwithstanding any other law, upon the completion of the term of the contract with the special management team and lead partner, if applicable, the special management team shall meet with the governing body of the school corporation to share information concerning the positive and negative initiatives employed by the special management team during the contract term.**

(b) Upon the completion of the meeting required under subsection (a), the results must be documented in writing and the school is returned to the management of the governing body of the school corporation.".

Page 10, line 15, delete "contract." and insert "**contract, which may not be more than three (3) years.**".

Page 10, line 23, delete "contract." and insert "**contract, which may not be more than three (3) years.**".

Page 10, line 25, delete "Performance goals which may not be less rigorous than" and insert "**The same performance goals**".

Page 10, line 26, delete "those".

Page 10, line 34, after "time," insert "**which may not be more than three (3) years,**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 384 as printed February 27, 2012.)

PORTER

Upon request of Representatives Porter and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 308: yeas 33, nays 55. Motion failed.

HOUSE MOTION
(Amendment 384–6)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 9, line 11, after "students." insert "**The turnaround academy is not entitled to any funds beyond the funds attributable to students who reside within the attendance area.**".

Page 9, line 22, delete "Except as provided in".

Page 9, line 23, delete "subsection (e), any" and insert "~~Any~~".

Page 9, line 23, before "student" insert "**Only a**".

Page 9, delete lines 27 through 42.

Page 10, delete line 1.

Page 10, line 2, delete "(e)" and insert "**(b)**".

Page 12, line 26, delete "(a)".

Page 12, line 29, delete "a school that is subject to this" and insert "**the turnaround academy.**".

Page 12, delete lines 30 through 42.

(Reference is to ESB 384 as printed February 27, 2012.)

PORTER

Upon request of Representatives Porter and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 309: yeas 36, nays 56. Motion failed.

HOUSE MOTION
(Amendment 384–9)

Mr. Speaker: I move that Engrossed Senate Bill 384 be amended to read as follows:

Page 7, line 8, delete "Minimum time requirements for school activity." and insert "**Instructional time requirements under IC 20-30-2-1.**".

Page 7, line 9, delete "Curriculum offerings." and insert "**Mandatory curriculum under IC 20-30.**".

Page 7, line 12, delete "a school improvement plan that complies" and insert "**the school improvement plan under IC 20-31-5.**".

Page 7, delete lines 13 through 16.

(Reference is to ESB 384 as printed February 27, 2012.)

V. SMITH

After discussion, Representative V. Smith withdrew the motion to amend.

There being no further amendments, the bill was ordered engrossed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Act 1239 on February 29.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 1, 2012 at 10:00 a.m.

THOMPSON

The motion was adopted by a constitutional majority.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Porter's second reading amendment (Amendment 11) to Engrossed Senate Bill 384, Roll Call 301, on February 29, 2012. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently push the yea button when I intended to vote nay."

VanNATTER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 301 to 81 yeas, 11 nays.*]

On the motion of Representative Pierce, the House adjourned at 9:51 p.m., this twenty-ninth day of February, 2012, until Thursday, March 1, 2012, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly Second Regular Session

Thirty-second Day **Thursday Morning** **March 1, 2012**

The invocation was offered by Rabbi Gettinger of the Congregation B'nai Torah of Indianapolis.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Sheila A. Klinker.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon □
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak □
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman □
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 310: 97 present; 3 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

RESOLUTIONS ON FIRST READING

House Resolution 44

Representative Richardson introduced House Resolution 44:

A HOUSE RESOLUTION recognizing Laura Bartlett on the occasion of her retirement from the Indiana House of Representatives.

Whereas, Laura Bartlett has dedicated thirty-eight years of her life in service to the Indiana General Assembly and the Indiana House of Representatives;

Whereas, Laura graduated from Taylor University and earned a Master's Degree from Indiana University;

Whereas, Laura began her legislative career in 1966 as a Ford Fellow with the Legislative Services Agency, then a part of the Legislative Council;

Whereas, Laura continued working at the Legislative Services Agency until 1973, when she left to take a position with the House of Representatives;

Whereas, While working in the House, Laura served as a proofreader, bill status technician, assistant journal clerk, and journal clerk;

Whereas, Laura also developed the Bill Status system still in use in the House of Representatives;

Whereas, Laura left the House of Representatives from 1982 through 1989 to work for Central Printers, the company responsible for printing legislative documents and returned to the House of Representatives in the 1990 session;

Whereas, When Laura is away from her office, she enjoys traveling with her arts club, loves Civil War history, and visits many Civil War era sites; and

Whereas, Even though Laura will no longer be roaming the halls of the Indiana State House, she will always remain in the hearts of Indiana legislators and her colleagues: Therefore,

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

SECTION 1. That the Indiana House of Representatives expresses its sincerest appreciation to Laura Bartlett for her years of dedicated service to the House of Representatives and the state of Indiana and wishes her happiness and contentment in her retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Laura Bartlett.

The resolution was read a first time. Upon request of Representatives Grubb and Porter, the Speaker ordered the roll of the House to be called. Roll Call 311: yeas 97, nays 0. The resolution was adopted.

House Resolution 56

Representatives Day, Behning, Bardon, Bartlett, Bosma, Crawford, DeLaney, Frizzell, Hinkle, Noe, Porter, Pryor, Speedy, Sullivan, and Summers introduced House Resolution 56:

A HOUSE RESOLUTION to honor Arsenal Technical High School on its 100th anniversary.

Whereas, Arsenal Technical High School began classes on September 12th, 1912;

Whereas, The beautiful campus that is now ATHS is located on land that has rich historic significance, a Civil War facility, the U.S. Arsenal, in 1861, later leased by the federal government to Indianapolis Public Schools for $1.00 per year on the condition that the 78-acre site always be used for educational purposes;

Whereas, The U.S. Arsenal was listed on the National Register of Historic Places in 1976 in co-operation with the Indiana Department of Natural Resources;

Whereas, Tech High School, blessed with visionary leaders, dedicated and talented faculty and support staff, has enriched our community, state and nation with over 60,000 graduates from diverse backgrounds, who have excelled in the arts and sciences, skilled trades, public and military service, as well as business and civic engagement;

Whereas, From its beginning the school has been guided by creative leadership from founding Principal Milo Stuart (1912-1930) and others, including Hanson H. Anderson (1937-1958), June Rimmer (1990-1995), Peggy Clark (2000-2005, class of '66), Sarah Bogard (campus administrator/principal 2006-2011, current director of the Career Technology Magnet Program), and current Principal Larry Yarrell, another distinguished Tech graduate, class of '75;

Whereas, Over the years, Tech students have been motivated and encouraged to develop their potential by a great number of gifted teachers and coaches, including Dr. Mark Blachly in science and physics; Dr. Ruth Bozell in English and American literature; Cindy Hartshorn (class of '70), chairperson of the Music Department, has developed the popular show choir "The Technicians"; Karl Schneider and his colleague John Kanouse (class of '56) prepared a team of students for the Bicentennial Constitution competition that placed first among Indiana schools in 1990, 1991 and 1992, and also placed in the top ten in national competition in 1991 and 1992; Bruce McGeath coached several individual and team champions in track at the city, sectional, regional and state levels;

Whereas, The goal of Milo Stuart to create a comprehensive school to meet the needs of a diverse student body is seen in the wide variety of courses in science, math, visual arts and design, and communications skills, including instruction in eight foreign languages, preparation for health careers, and training to qualify as an Emergency Medical Technician;

Whereas, By sharing their talents, Tech graduates including the following have enhanced the quality of life in our society in multiple ways: Howard Aiken (class of '18), one of the leaders in the development of the computer; Rev. Albert Ajamie ('41), pastor and professor of theology; John Bartlett ('66), leadership roles with the NAACP and UAW, state legislator since 2008; H. Dean Evans ('47), educator, executive at Lilly Endowment, and State Superintendent of Public Instruction from 1985 to 1992; Gail Collins ('69), architect and professor of graphic arts; Mary P. Collins-Nicewanger ('67), editor and co-owner of the Eastside Voice Community Newspaper; Dr. Hector Garcia ('52), internationally-known sculptor and professor of fine arts; Robert Indiana ('46), nationally-known artist; Jim Lingenfelter ('71), architect and president of the Indianapolis Marion County Public Library Board of Trustees; Rod Morgan ('66), lawyer and 2010 president of the State Bar Association; Zach Mulholland ('02), ranked 3rd in his class, captain of three teams and a 2010 graduate of Indiana University Law School; Tina Parrott-Clarke ('83), All-American in track at Indiana University, Dean's List student and Lt. Colonel in the United States Army; Bill Peet ('33), winner of the National Caldecott Medal for children's literature; Dr. Tony Pizzo ('39), state legislator, head of the Pathology Department at Bloomington Hospital and a City Council member; Michael Price ('66), NBA basketball player and bank executive; Wilma Stewart ('89), nurse and hospital emergency room supervisor; Steven Taylor ('97), actor in the lead role of The Lion King on Broadway for six years; and,

Whereas, The new $11,000,000 Chase Near Eastside Legacy Center located on the Tech campus will expand the current cooperative relationship between the school and surrounding community, and will be a terrific asset for both: Therefore,

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

SECTION 1. That the House of Representatives congratulates Arsenal Technical High School on the occasion of its 100th anniversary, honors its long-standing commitment to bettering the city of Indianapolis and the state of Indiana through its graduates, and thanks its staff and faculty for their dedicated service to their students and their community.

SECTION 2. That the Clerk of the House of Representatives shall transmit a copy of this resolution to the principal of Arsenal Tech High School.

The resolution was read a first time and adopted by voice vote.

House Concurrent Resolution 43

Representative Noe introduced House Concurrent Resolution 43:

A CONCURRENT RESOLUTION honoring the Junior League of Indianapolis.

Whereas, The Junior League of Indianapolis (JLI), a nonprofit women's organization, has been working diligently for 90 years investing in the lives of children and their families throughout the community in order to positively affect Indianapolis and the surrounding areas;

Whereas, The JLI is an "organization of women committed to promoting voluntarism, developing the potential of women, and improving the community through the effective action and leadership of trained volunteers";

Whereas, The core values of the JLI, whose purpose is solely educational and charitable, are voluntarism, training, leadership, community, collaboration, diversity, integrity, respect, and well-being;

Whereas, Part of an international organization representing more than 155,000 women in 292 leagues in the United States, Canada, Great Britain, and Mexico, the Junior League of

Indianapolis has completed many projects that improved the lives of the people of the community during its first 89 years;

Whereas, Among these projects were the creation of the Occupational Therapy Department at Riley Hospital, a partnership that lasted 26 years, providing the core volunteer leadership to the Conner Prairie Pioneer Settlement that helped them establish an "alliance" of volunteers, contributing to the construction of a therapeutic play room at the Julian Center, and supporting the Indiana School for the Blind and Visually Impaired and the Indiana School for the Deaf by helping to plan and staff special events and outings for the children;

Whereas, Looking toward the future, the JLI is focused on reading and is working to provide support to organizations dedicated to improving reading skills, particularly those programs that affect pre-kindergarten to elementary aged children;

Whereas, Some current initiatives and programs include the Day Nursery Emerging Readers Discovery Club, Indy Reads Family Literacy, Indy Reads Advance Reading in Kids, and Girls Inc. of Greater Indianapolis;

Whereas, The Junior League of Indianapolis was founded as an organization designed to train women to be effective leaders and volunteers in their community, and it is this training that sets the JLI apart from other service organizations;

Whereas, Members of the JLI receive training in leadership development, personal improvement, and individualized training on topics of interest to the members;

Whereas, The city of Indianapolis has benefited greatly from the efforts of the members of the Junior League of Indianapolis: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Junior League of Indianapolis on its 90th anniversary and thanks the organization for its many contributions to Indianapolis and the surrounding communities.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Board of Directors of the Junior League of Indianapolis.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Merritt.

House Concurrent Resolution 44

Representative Pryor introduced House Concurrent Resolution 44:

A CONCURRENT RESOLUTION recognizing cancer research participants.

Whereas, The only means to find a cure for cancer is through clinical cancer research;

Whereas, Patients that participate in cancer research are necessary to win the War on Cancer and ease the burden of this disease on future cancer patients;

Whereas, For many patients, participation in cancer research is their final societal contribution in the War on Cancer, due to their desire to help others, their trust in their health care providers, and a pioneering spirit that hopes to see a better day;

Whereas, While Indiana ranks 40th in overall mortality from cancer, Black and Hispanic incidence of cancer rates remain disproportionately high;

Whereas, Cancer research is the largest and fastest growing area of disease research, and Hoosier companies, care providers, and academic centers have been at the forefront, providing investment in jobs and research infrastructure to and for Hoosiers for decades;

Whereas, Only 3-5% of cancer patients participate in clinical trials, making it a very select, courageous, and altruistic group, demonstrating that if we find more participants, we can make faster breakthroughs;

Whereas, Since the War on Cancer began 40 years ago, many medical gains have been made, such as those of Dr. Lawrence Einhorn of Indiana University in the area of testicular cancer; and,

Whereas, All cancer patients who have received a benefit from cancer care, ranging from a better quality of life to a longer life, owe a debt of gratitude to those doctors, nurses, scientists, and most especially patients who have conducted or participated in research: Therefore,

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

SECTION 1. That the Indiana General Assembly honors and recognizes the contributions of those Hoosiers who have helped fight the War on Cancer as cancer researchers or as patients serving as research participants.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Hoosier Oncology Group, the Indiana Cancer Consortium, the Indiana University Simon Cancer Center, the Great Lakes Division of the American Cancer Society, the Purdue University Cancer Center, and Eli Lilly and Company.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator C. Lawson.

House Concurrent Resolution 46

Representative s Eberhart, M. Smith, and Koch introduced House Concurrent Resolution 46:

A CONCURRENT RESOLUTION honoring Jacob Anderson, Maya Aufdermauer, Cassie McDonald, Peyton Rhodes and Susan Baute.

Whereas, Jacob Anderson, Maya Aufdermauer, Cassie McDonald, and Peyton Rhodes, students from L. Frances Smith Elementary School in Columbus, offered a suggestion to help reduce energy costs in the Statehouse;

Whereas, The students suggestion that the nearly 2,500 incandescent chandelier light bulbs be replaced with energy-efficient compact fluorescent bulbs (CFLs);

Whereas, Jacob, Maya, Cassie, and Peyton noticed the use of the inefficient incandescent light bulbs during a tour of the Statehouse in the spring of 2009;

Whereas, In January, 2010, the Indiana Department of Administration changed the 2,440 incandescent light bulbs in the chandeliers and fixtures in the public areas on all floors of the Statehouse to the compact fluorescent bulbs;

Whereas, The Indiana Department of Administration reports that the switch to compact fluorescent bulbs has resulted in a savings of approximately $5,000 per month;

Whereas, The future of our state and our nation rests in the hands of our young people, and these exceptional young people

have made a difference in these hard economic times, and

Whereas, There is a need in Indiana to reduce energy consumption and encourage energy efficiency and conservation, and these students and their teacher, Susan Baute, are playing a large part in saving our state energy and money: Therefore,

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

SECTION 1. That the Indiana General Assembly acknowledges the suggestion of Jacob Anderson, Maya Aufdermauer, Cassie McDonald, and Peyton Rhodes to reduce energy consumption in the Statehouse through the use of CFLs, and the encouragement of their teacher, Susan Baute, in urging the students to make this suggestion and in making it a learning experience for the entire class.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Jacob Anderson, Maya Aufdermauer, Cassie McDonald, and Peyton Rhodes, their teacher, Susan Baute, and the principal of L. Frances Smith Elementary School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Walker.

House Concurrent Resolution 47

Representative Lutz introduced House Concurrent Resolution 47:

A CONCURRENT RESOLUTION honoring the Yorktown High School girls volleyball team.

Whereas, The Yorktown Tigers (37-2) claimed their second volleyball state championship by defeating Bishop Chatard of Indianapolis 25-13, 25-19, and 25-15;

Whereas, This victory marked the team's 18th consecutive victory, fourth 3-0 sweep in a row, and fifth sweep of the state tournament;

Whereas, Emily Wolfert was named winner of the 2011 IHSAA Mental Attitude Award, which is presented to a senior who demonstrates excellence in mental attitude, scholarship, leadership, and athletic ability;

Whereas, Emily earned a 3.97 grade point average while undertaking several honors and advanced placement classes, is the recipient of Yorktown's Academic Excellence Award, is a member of National Honor Society, and is active in the student council, Fellowship of Christian Athletes, Spanish Club, Drama Club, and peer tutoring; and

Whereas, Outstanding accomplishments such as this deserve special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Yorktown High School girls volleyball team on its victory in the Class 3A state championship and wishes the team continued success in all their future endeavors both on and off the court.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Harlie Holding, Taylor Zwickl, Nikki Box, Kati Vasalakis, Katie Miller, Karli Acree, Shannon Nale, Kyleigh Brumley, Emily Wolfert, Nicole Phillips, Courtney Chowning, Rachel Hines, Kelsey Barker, Justine Irelan, team manager Abby Smith, Asstistant Coaches Ari Eaton, Kenna Jones, Rhonda Murr, Jeri Owens, Head Coach Stephanie Bloom, principal Kelly Wittman, athletic director Dan Wolfert, and superintendent Dr. Jennifer McCormick.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Eckerty.

House Concurrent Resolution 48

Representative Crawford introduced House Concurrent Resolution 48:

A CONCURRENT RESOLUTION recognizing the work of the Child Advocates Network of volunteer Guardians ad Litem and Court Appointed Special Advocates.

Whereas, The Child Advocates Network is composed of Guardian ad Litem and Court Appointed Special Advocate programs from 72 of Indiana's 92 counties;

Whereas, GAL/CASA programs recruit, screen, train and supervise volunteers who advocate for abused and neglected children in Child in Need of Services (CHINS) and Termination of Parental Rights cases;

Whereas, GAL/CASA volunteers spend substantial time with children in foster care to ascertain what is in the child's best interests in court cases and make recommendations to the courts about the child's needs and desires;

Whereas, GAL/CASA volunteers also serve as positive role models for children who may not otherwise have consistent, stable and meaningful relationships with adults in their lives;

Whereas, GAL/CASA volunteers also ensure that services are offered and provided to children involved in the court system who otherwise might not receive needed services;

Whereas, GAL/CASA volunteers monitor the safety, well-being and permanence of children while they are wards of the court in child abuse and neglect cases;

Whereas, GAL/CASA volunteers are the only voice for abused and neglected children in child abuse and neglect and termination of parental rights cases;

Whereas, GAL/CASA volunteers donate over half a million hours advocating for Indiana's children each year, saving the State of Indiana at least $25,000,000 each year; and,

Whereas, Indiana has over 3,000 GAL/CASA volunteers who provided a voice for 18,613 children in child abuse and neglect cases and for 2,568 children in termination of parental rights cases in 2010: Therefore,

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

SECTION 1. That the Indiana House of Representatives commends and sincerely thanks the volunteers who donate their time and attention to advocate for abused and neglected children in Indiana communities, recognizing that such work is critical to the success and well-being of many disadvantaged and struggling children and their families across Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the State Office of GAL/CASA, which is part of State Court Administration, a division of the Indiana Supreme Court.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Taylor.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

House Resolution 52

Representative Richardson introduced House Resolution 52:

A HOUSE RESOLUTION congratulating Shelby Bartlett on winning the 2012 girls state diving championship.

Whereas, On February 11, 2012, Shelby Bartlett became the first girl from Fishers High School to win the individual Indiana High School Athletic Association state diving championship;

Whereas, Shelby scored 458.55 points to finish the tournament as the only undefeated female diver in the state;

Whereas, Shelby won by 24 points over the second place finisher and 31.25 points over the third place finisher to clinch the championship;

Whereas, Shelby's state championship was the second individual state championship in Fishers High School's history;

Whereas, Winning the state championship capped an incredible career for Shelby, as her individual season record was an astonishing 15 wins and 0 losses;

Whereas, Shelby was team captain during her senior year and was selected to the All-Conference, All-Sectional, All-Regional, and All-State teams;

Whereas, In addition to her state championship, Shelby was the Conference, Sectional, and Regional champion and was honored as All-Area Diver of the Year;

Whereas, During her career, Shelby has been a three-time state finalist, three-time All-American, Conference champion, Sectional champion, and Regional champion, and a four-year varsity letter winner;

Whereas, Shelby's accomplishments have earned her a scholarship to the University of Arkansas; and

Whereas, Shelby Bartlett has enjoyed an exceptionally successful high school diving career that has culminated in her becoming the first girl from Fishers High School to win a state diving championship, an achievement that has taken a tremendous amount of preparation and perseverance: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates Shelby Bartlett on winning the 2012 girls diving state championship.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Shelby Bartlett and her parents, Randall and Deborah Bartlett; principal Jason Urban; athletic director Jon Miles; and coaches Kristy Ford and Jeff Ford.

The resolution was read a first time and adopted by voice vote.

Representative Dvorak, who had been excused, was present.

House Resolution 53

Representative Frizzell introduced House Resolution 53:

A HOUSE RESOLUTION urging the legislative council to assign to the Regulatory Flexibility Committee the study and evaluation of the practices and methods of incorporating clean energy resources into the generation portfolios of energy providers.

Whereas, Indiana legislators may need a review or a better understanding of the complexities of utility regulation;

Whereas, Technological advances in energy generation, energy transmission, and smart grid technologies merit study to ensure that Indiana is considering all available options to meet its energy demands, including options available under the voluntary Indiana Clean Energy Portfolio Standard;

Whereas, The mechanisms of Indiana's recently enacted voluntary Clean Energy Portfolio Standard should be studied and evaluated, including the resources that are qualified to satisfy the 70% and 30% categories of the CHOICE Program Goal, rate impacts of portfolio standards implemented in other states, and the decrease of locational marginal prices due to fuel-free electricity;

Whereas, In order to ensure that Indiana ratepayers will receive the most appropriate, just, and reasonable electricity rates and charges for fossil and non-fossil fueled energy, it would be beneficial to study and identify best practices of utility regulatory agencies in other jurisdictions to evaluate and approve utility acquisition and management of new energy sources; and

Whereas, It would also be beneficial to assess Indiana state statutes and procedures to ensure that they are sufficient to deal with an increasingly competitive environment for energy services and to ensure that they are designed to consider least cost options: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the legislative council to assign to the Regulatory Flexibility Committee the study of the statutes, policies, and practices of current utility regulation so as to educate legislators on state utility law and state regulatory policies and procedures and consider any necessary improvements.

The resolution was read a first time and referred to the Committee on Utilities and Energy.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 1

Representative McMillin called down Engrossed Senate Bill 1 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 312: yeas 74, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 175

Representative Richardson called down Engrossed Senate Bill 175 for third reading:

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

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

Roll Call 313: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1003 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CROUCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1258 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

FOLEY

Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1003	Conferees:	Crouch and Dobis
	Advisors:	Mahan, Karickhoff, and Pierce
EHB 1258	Conferees:	Foley and DeLaney
	Advisors:	McMillin, Eberhart, and Dvorak

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 15	Conferees:	T. Brown and C. Brown
	Advisors:	Karickhoff and Welch
ESB 22	Conferees:	McMillin and Dobis
	Advisors:	R. Frye, Eberhart, Harris, and Candelaria Reardon
ESB 26	Conferees:	Foley and Pierce
	Advisors:	Koch and Pryor
ESB 52	Conferees:	T. Brown and C. Brown
	Advisors:	Davisson and Welch
ESB 97	Conferees:	Steuerwald and Dvorak
	Advisors:	McMillin and Pierce
ESB 107	Conferees:	Neese and Moses
	Advisors:	Thompson, Richardson, and V. Smith
ESB 113	Conferees:	Lehman and Dembowski
	Advisors:	Soliday and White
ESB 115	Conferees:	Koch and Bartlett
	Advisors:	Richardson, Yarde, and VanDenburgh
ESB 142	Conferees:	Espich and Crawford
	Advisors:	Turner, M. Smith, Pryor, and Kersey
ESB 143	Conferees:	Espich and Crawford
	Advisors:	Turner, Crouch, Klinker, and Goodin
ESB 176	Conferees:	Foley and Pryor
	Advisors:	McMillin and DeLaney
ESB 190	Conferees:	Kubacki and L. Lawson
	Advisors:	Ellspermann, McMillin, and Pierce
ESB 223	Conferees:	T. Brown and C. Fry
	Advisors:	Friend, Bacon, and Day
ESB 257	Conferees:	Soliday and Pryor
	Advisors:	Speedy and DeLaney
ESB 345	Conferees:	Thompson and Pelath
	Advisors:	Soliday, R. Frye, Karickhoff, and Welch

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:26 p.m. with the Speaker in the Chair.

Representative Knollman, who had been excused, was present. Representative L. Lawson was excused for the rest of the day.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1149 with amendments and the same is herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 298 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Zakas, Chair; and Lanane
Advisors: Steele, Broden, and Glick

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Act 1264 on March 1.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1002 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1033 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

McMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1040 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

GRUBB

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1072 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

ESPICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1080 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

R. FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1087 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1111 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1123 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1134 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

SPEEDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1136 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WESCO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1149 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

TURNER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1186 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1189 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1190 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CROUCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1195 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

M. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1200 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1222 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

YARDE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1237 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MORRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1269 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

NEESE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1270 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the Motion to Concur on Engrossed House Bill 1360 filed February 28, 2012, be withdrawn from further consideration by the House and I move that the House dissent from Senate amendments to Engrossed House Bill 1360 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1376 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

ESPICH

Motion prevailed.

With consent of the members, the Speaker returned to bills on third reading.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 224

Representative T. Brown called down Engrossed Senate Bill 224 for third reading:

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

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

Representative Porter was excused from voting, pursuant to House Rule 47. Roll Call 314: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 233

Representative Richardson called down Engrossed Senate Bill 233 for third reading:

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

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

Roll Call 315: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 286

Representative McNamara called down Engrossed Senate Bill 286 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 286–27)

Mr. Speaker: I move that Engrossed Senate Bill 286 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 66, line 19, delete "designee." and insert "**designee, who shall serve as a nonvoting member.**".

Page 66, line 21, delete "designee." and insert "**designee, who shall serve as a nonvoting member.**".

Page 66, line 24, after "member" insert "**.**".

(Reference is to ESB 286 as reprinted February 29, 2012.)

McNAMARA

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 286, begs leave to report that said bill has been amended as directed.

McNAMARA

Report adopted.

The question then was, Shall the bill pass?

Roll Call 316: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 287

Representative Noe called down Engrossed Senate Bill 287 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 317: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1002	Conferees:	Wolkins and Pierce
	Advisors:	Koch, Noe, and Dobis
EHB 1040	Conferees:	T. Brown and Grubb
	Advisors:	R. Frye, Borders, Moseley, and White
EHB 1080	Conferees:	R. Frye and Pierce
	Advisors:	Steuerwald and L. Lawson
EHB 1087	Conferees:	Thompson and Pelath
	Advisors:	Soliday, R. Frye, Karickhoff, Leonard, and Pryor
EHB 1111	Conferees:	Clere and Sullivan
	Advisors:	Speedy, Turner, and Candelaria Reardon
EHB 1134	Conferees:	Speedy and DeLaney
	Advisors:	Behning, Dermody, and VanDenburgh
EHB 1136	Conferees:	Wesco and VanDenburgh
	Advisors:	Noe, McNamara, and Summers
EHB 1149	Conferees:	Turner and C. Brown
	Advisors:	T. Brown, VanNatter, and Welch
EHB 1186	Conferees:	T. Brown and Welch
	Advisors:	R. Frye, Kirchhofer, and C. Brown
EHB 1189	Conferees:	Thompson and Porter
	Advisors:	Clere, Behning, Goodin, and Kersey
EHB 1190	Conferees:	Thompson and Welch
	Advisors:	Crouch, M. Smith, Klinker, and Pryor
EHB 1195	Conferees:	M. Smith and Kersey
	Advisors:	Thompson, Espich, Cheatham, and Klinker
EHB 1200	Conferees:	Foley and Porter
	Advisors:	Koch, Behning, Pierce, White, and GiaQuinta
EHB 1222	Conferees:	Yarde and GiaQuinta
	Advisors:	Heuer, Soliday, and Dembowski
EHB 1237	Conferees:	VanNatter and Moses
	Advisors:	Mahan, Morris, C. Fry, and Dvorak
EHB 1270	Conferees:	Clere and Porter
	Advisors:	Dermody, Behning, Kersey, and Moses
EHB 1360	Conferees:	Bacon and Welch
	Advisors:	T. Brown, Davisson, Grubb, and Battles

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 298	Conferees:	Speedy and Riecken
	Advisors:	Burton, Heaton, and Pelath

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 296

Representative Behning called down Engrossed Senate Bill 296 for third reading:

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

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

Roll Call 318: yeas 61, nays 35. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Richardson was excused.

Engrossed Senate Bill 302

Representative Clere called down Engrossed Senate Bill 302 for third reading:

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

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

Roll Call 319: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Richardson, who had been excused, was present.

Engrossed Senate Bill 322

Representative Steuerwald called down Engrossed Senate Bill 322 for third reading:

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

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

Roll Call 320: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 384

Representative Behning called down Engrossed Senate Bill 384 for third reading:

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

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 384 be made a special order of business for Monday, March 5, 2012, at 2:00 p.m.

BAUER

Motion failed.

The question was, Shall the bill pass?

Roll Call 321: yeas 53, nays 45. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 407

Representative Welch called down Engrossed Senate Bill 407 for third reading:

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

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

Roll Call 322: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1049 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1092 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1117 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1126 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1169 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1192 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1205 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1279 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

EBERHART

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1280 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1325 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

POND

Motion prevailed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 5, 2012 at 10:00 a.m.

THOMPSON

The motion was adopted by a constitutional majority.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 296, Roll Call 318, on March 1, 2012. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote nay."

KLINKER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 318 to 61 yeas, 35 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative VanDenburgh's second reading amendment (Amendment 21) to Engrossed Senate Bill 384, Roll Call 299, on February 29, 2012. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had already closed. I intended to vote yea."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative VanDenburgh's second reading amendment (Amendment 21) to Engrossed Senate Bill 384, Roll Call 299,February 29, 2012. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had already closed. I intended to vote yea."

PRYOR

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative VanDenburgh's second reading amendment (Amendment 21) to Engrossed Senate Bill 384, Roll Call 299, on February 29, 2012. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had already closed. I intended to vote yea."

STEVENSON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Goodin, Pryor, and Stevenson change the vote tally for Roll Call 299 to 34 yeas, 59 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representatives DeLaney and Stemler be added as coauthors of House Bill 1080.

R. FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Dermody and Richardson be added as coauthors of House Bill 1192.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be removed as coauthor of House Resolution 24.

CHEATHAM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as cosponsor of Engrossed Senate Bill 267.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Davis, Dodge, Heuer, Kubacki, Leonard, Mahan, Morris, Moses, Pond, Wolkins, and Yarde be added as cosponsors of Senate Concurrent Resolution 23.

LEHMAN

Motion prevailed.

On the motion of Representative Bartlett, the House adjourned at 5:52 p.m., this first day of March, 2012, until Monday, March 5, 2012, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Thirty-third Day — **Monday Morning** — **March 5, 2012**

The invocation was offered by Pastor Bob Loretz, Butlerville Baptist Church, the guest of Representative Randall L. Frye.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative R. Frye.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon □
Bartlett
Battles
Bauer
Behning □
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day □
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb □
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce □
Pond
Porter □
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler □
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 323: 93 present; 7 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

The House stood for a moment of silence in memory of several Hoosiers who were killed in the tornados which hit southern Indiana on Friday.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 10, 22, 24, 26, 27, and 28 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 19, 31, 32, and 33 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 23, 29, and 30 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 45

Representative V. Smith introduced House Concurrent Resolution 45:

A CONCURRENT RESOLUTION to honor the accomplishments of Karen Freeman-Wilson.

Whereas, On December 31, 2011, Karen Freeman-Wilson was sworn in as the new Mayor of Gary, her hometown, the first woman to be elected mayor in Gary's history, and the first black woman to be elected mayor in Indiana;

Whereas, Ms. Freeman-Wilson has already been recognized by many for her "impressive" accomplishments, which include undergraduate and law degrees from Harvard University, and tenures as a city court judge of Gary, as the Attorney General

of Indiana, and as CEO of the National Association of Drug Court Professionals;

Whereas, Ms. Freeman-Wilson has committed herself and her staff to running the Mayor's Office in the most transparent fashion possible, beginning with an open-door policy that will allow any interested citizen the chance to have a dialogue with her;

Whereas, Ms. Freeman-Wilson's plans for addressing Gary's challenges focus both on winning "small victories," such as improved street maintenance, and on longer-term projects for Gary's economic development, including the development of Gary International Airport as a rival to Chicago's Midway and O'Hare; and

Whereas, Ms. Freeman-Wilson's winning the mayorship of Gary has inspired new hopes for the city's success and prosperity: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Karen Freeman-Wilson on being the first woman to be elected Mayor of Gary, and the first black woman to be elected mayor in Indiana, expresses the optimism of its members that Ms. Freeman-Wilson's tenure will see Gary revitalized, and wishes her every success in her work on behalf of her native city and her community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Karen Freeman-Wilson.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Rogers.

House Concurrent Resolution 52

Representatives V. Smith, Bartlett, C. Brown, Crawford, Harris, Porter, Pryor, and Summers introduced House Concurrent Resolution 52:

A CONCURRENT RESOLUTION honoring the life of Katie Hall.

Whereas, Katie Hall was born Katie Beatrice Green on April 3rd, 1938, in Mound Bayou, Mississippi;

Whereas, Congresswoman Hall's commitment to civil rights, justice and opportunity for all people developed throughout her formative years as she earned a Bachelor of Science at Mississippi Valley State University and a Master of Science from Indiana University;

Whereas, Congresswoman Hall served with distinction in the Indiana House of Representatives from 1974 until 1976;

Whereas, Congresswoman Hall also served as an accomplished and valued member of the Indiana Senate from 1976 until 1982;

Whereas, Congresswoman Hall became the first African-American member of Congress from Indiana when she won a special election to fill the vacancy created when Congressman Adam Benjamin passed away in September of 1982;

Whereas, Congresswoman Hall led the effort to make the Rev. Martin Luther King, Jr.'s birthday a national holiday through her leadership and sponsorship of that historic bill which was signed into law by President Reagan on November 2nd, 1983;

Whereas, Congresswoman Hall returned to serve her beloved Gary, Indiana when she became the Vice Chair of the Gary Housing Board of Commissioners;

Whereas, Congresswoman Hall continued her dedicated public service to her community when she served as Gary City Clerk from 1988 until 2003;

Whereas, Congresswoman Hall was called to her heavenly home on February 20th, 2012, after a lifetime of dedicated service that continues to provide inspiration to not only African-Americans, but to all Hoosiers and fellow Americans; and

Whereas, Congresswoman Hall's place in Indiana and United States history will be written in indelible ink due to her wealth of accomplishments never to be forgotten by those who loved her or future generations who will benefit from her great wisdom and leadership: Therefore,

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

SECTION 1. That the Indiana House of Representatives honors the life and achievements of former United States Representative Katie Hall, commemorates her tremendous devotion to her constituents, her community, her state and her country, and extends to her family the sincere condolences of its members.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Congresswoman Hall's family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Rogers.

House Resolution 45

Representatives Davisson, Dodge, Cheatham. Ellspermann, Mahan, Gutwein, Behning, Koch, Morris, Noe, Borders, and M. Smith introduced House Resolution 45:

A HOUSE RESOLUTION recognizing the National Guard Patriot Academy.

Whereas, The National Guard Patriot Academy is a National Guard Bureau pilot program to offer qualified high school dropouts an opportunity to join the National Guard, earn their high school diploma, and give back to the community;

Whereas, Accredited by the Indiana State Board of Education as a freeway high school, the Patriot Academy is the first and only accredited high school for soldiers run by any branch of the United States Armed Forces;

Whereas, The Patriot Academy is a residential facility that can house up to 250 students, and the academy is located at the Muscatatuck Urban Training Center in Butlerville, where students focus on academics, military training, and community service;

Whereas, The length of the stay at the Patriot Academy varies from student to student depending on the number of credits necessary to meet Indiana graduation requirements;

Whereas, The Academy opened in the summer of 2009 and graduated its first senior class in 2010, with most students earning a General or Core-40 Diploma;

Whereas, The academic program at the Patriot Academy is a combination of instruction by on-site, licensed teachers and distance learning;

Whereas, Through the Patriot Academy, the military is helping to reduce the growing number of high school dropouts

by offering those young people who drop out of a more traditional school a second chance to succeed; and

Whereas, The National Guard Patriot Academy offers its students an opportunity to be better prepared to meet the challenges of military and civilian life: Therefore,

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

SECTION 1. That the Indiana House of Representatives acknowledges the opportunities the National Guard Patriot Academy has extended to its students and urges the academy to continue to develop and expand the academy's curriculum.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Commandant Lieutenant Colonel William (Kenny) Freeman, Jr.

The resolution was read a first time and adopted by voice vote.

House Resolution 62

Representatives Richardson and Summers introduced House Resolution 62:

A HOUSE RESOLUTION honoring those who have served as legislative interns for the Indiana House of Representatives during the Second Regular Session of the 117th Indiana General Assembly.

Whereas, The following have served as legislative interns for the Republican Caucus of the House of Representatives during the Second Regular Session of the 117th Indiana General Assembly: Eric Albrecht, Josh Albrecht, Dan Bader, Zach Baughman, Yashdeep Bhatti, David Buyze, Ethan R. Chitty, Chris Converse, Tom Davidson, Lindsay Devlin, Trent Fox, Mitchell Gauger, Jordan Heitman, Benjamin A. Hicks, Madolyn Howe, Grant Kellow, Benjamin Krebs, Patrick Lehe, Mary Mitros, Megan Moles, Sydney Moulton, Erin Pabody, April Perry, Catherine Reynolds, Matthew Ritzenthaler, Michael Routon, Maggie Ruckelshaus, Casey Shelburne, Rachel Sirinek, Gregory M. Smaltz, Chelsea Spoor, and Eileen Varga;

Whereas, The following have served as legislative interns for the Democrat Caucus of the House of Representatives during the Second Regular Session of the 117th Indiana General Assembly: Matthew Bates, Samantha Hart, Eldin Hasic, Robert Johnson III, Patrick Jones, Jason Kegerreis, Rebecca Kuntz, Isaac May, Carlton Maynard, Christina Schneider, Mitch Spicer, Megan Staub, Emily Taylor, Christopher Wake, Kathryn Wefler, and Megan Whitacre;

Whereas, The work of the legislative interns is vital to the success of each session of the Indiana General Assembly;

Whereas, The members of the House of Representatives wish to express their gratitude to those individuals who have participated in the valuable experience of both the Republican and Democrat internship programs;

Whereas, The legislative interns serving in 2012 represent the best and brightest future leaders of Indiana;

Whereas, Many past legislative interns have gone on to achieve significant personal, academic, political, and professionals goals; and

Whereas, The 2012 legislative intern class contains outstanding young leaders who will make a very positive contribution to Indiana in the years to come: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the important contributions of the individuals who are serving as legislative interns with the House of Representatives during the Second Regular Session of the 117th Indiana General Assembly.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to each legislative intern.

The resolution was read a first time and adopted by voice vote.

Representative Richardson introduced Neil Krevda, Vice President of Government Affairs for Verizon, sponsor of the intern program. Mr. Krevda announced the Interns of the Year: Republican Casey Shelburne and Democrat Megan Whitacre.

House Concurrent Resolution 49

Representatives Frizzell and Burton introduced House Concurrent Resolution 49:

A CONCURRENT RESOLUTION congratulating Sean Mappes.

Whereas, Center Grove High School senior Sean Mappes is carrying on the family wrestling tradition;

Whereas, Sean is the new 170-pound Indiana High School Athletic Association state champion;

Whereas, Sean scored a 7- 6 decision over a Perry Meridian High School opponent to become the third individual wrestling champion in Center Grove's history;

Whereas, Victory runs in the Mappes family. Patriarch Don won the 1976 state title in the 145-pound weight division and brother Shelby was the Trojans' all-time leader in victories with 147 and took third in the 171-pound weight division in 2009; and

Whereas, Excellence in any endeavor merits special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Sean Mappes on winning the state wrestling championship in the 170-pound division and wishes him continued success in all his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Sean Mappes and his family, coach Cale Hoover, principal Matt Shockley, and school superintendent Richard Arkanoff.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Waltz.

House Concurrent Resolution 50

Representative Dodge introduced House Concurrent Resolution 50:

A CONCURRENT RESOLUTION honoring Wayne A. Madden.

Whereas, A native of Auburn, Wayne Madden graduated from Auburn High School and Manchester College;

Whereas, Upon graduation, Wayne began teaching and coaching in the Peru school system;

Whereas, In addition to teaching, Wayne also ran a successful insurance business for over 40 years;

Whereas, Active in his community, Wayne served as a DeKalb County Councilman and was selected as a Distinguished Hoosier by Governor Mitch Daniels;

Whereas, An active member of the Auburn Lions Club for 28 years, Wayne feels he can best serve his community through his work with the Lions Club;

Whereas, Wayne has served the Lions in various capacities including president of the Auburn club from 1990-1991;

Whereas, As time went by, Wayne accepted leadership roles outside his local club serving as District Governor for Northeast Indiana and on the International Association of Lions Club's International Board of Directors representing Lions Clubs throughout Indiana;

Whereas, Continuing to move up the ladder of success, Wayne was elected 2nd vice president of Lions Clubs International in 2010, and the following year he became 1st vice president;

Whereas, In June, 2012, in Busan, Korea, Wayne will be elected president of the Lions Clubs International; and

Whereas, Wayne A. Madden has dedicated himself to helping others, and dedication such as this deserves special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly thanks Wayne A. Madden for all his dedicated service to his community, his state, and the Lions Club.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Wayne A. Madden and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Kruse.

House Concurrent Resolution 51

Representative Frizzell introduced House Concurrent Resolution 51:

A CONCURRENT RESOLUTION congratulating the Perry Meridian High School wrestling team.

Whereas, The wrestling team from Perry Meridian High School, Indianapolis, ended another perfect season by winning the 17th annual Indiana High School Athletic Association team wrestling state championship;

Whereas, The Perry Meridian Falcons defeated Crown Point with a 43-14 victory to secure their second consecutive state team title;

Whereas, The Perry Meridian Falcons have also finished as runners-up four times—1991-92, 2001-02, 2003-04, and 2008-09;

Whereas, Perry Meridian was impressive on the road to victory, as the team advanced to the championship round with a 52-19 quarterfinal victory and a 40-19 semifinals victory;

Whereas, Coach Jim Tonte has accomplished much during his tenure, providing the guidance and encouragement necessary to help the wrestlers reach their goals; and

Whereas, It is fitting that special recognition be given to this fine wrestling team for all the hard work and effort put forth in winning their second consecutive state team championship: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Perry Meridian High School wrestling team, its managers, and its coaches on their excellent season concluding with their second consecutive state championship.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each wrestler and manager, head coach Jim Tonte, assistant coaches Matt Schoettle, Wes Gibson, and David Walpole, athletic director Mike Sipe, and principal Joan Ellis, and superintendent Dr. Tom Little.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Waltz.

House Concurrent Resolution 53

Representatives Klinker, Truitt, and T. Brown introduced House Concurrent Resolution 53:

A CONCURRENT RESOLUTION congratulating Joe Ruhl of Lafayette on being awarded the National Science Teaching Award from the National Science Teaching Association.

Whereas, On February 2nd, 2012, Joe Ruhl, biology teacher at Lafayette Jefferson High School and head of the high school's science department, was recognized as the top science educator in the country by the National Science Teaching Association, who named him the winner of their National Science Teaching Award;

Whereas, Mr. Ruhl received a Bachelor of Science in Biology from Purdue University in 1977, and a Master of Science in Biology Education, again from Purdue, in 1980;

Whereas, Mr. Ruhl has spent every year but one of his professional career in Indiana educating Hoosier students in the scientific and technological knowledge they will need to succeed in the modern economy; and

Whereas, Before being recognized this year by the National Science Teaching Association, Mr. Ruhl was already known across the state and nation-wide as an extremely accomplished and decorated teacher, having already received, among many other citations, the Outstanding Biology Teacher of Indiana Award in 1987, the Presidential Award for Excellence in Science Teaching in 1989, and the Purdue University School of Science Distinguished Alumnus Award for Excellence in K-12 Teaching in 1996: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Joe Ruhl of Lafayette Jefferson High School on his receipt of the National Science Teaching Award from the National Science Teaching Association, recognizes his life-long personal and professional commitment to educating generations of Hoosier students in science and technology, and thanks him for his hard work and dedication on behalf of his neighbors, his community and his state.

SECTION 2. That the Principal Clerk of the House shall transmit a copy of this resolution to Joe Ruhl at Lafayette Jefferson High School

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Alting and Hershman.

Representatives Behning, Day, and Grubb, who had been excused, were present.

House Resolution 57

Representative Truitt introduced House Resolution 57:

A HOUSE RESOLUTION encouraging the United States Congress to enact legislation requiring the United States Department of Veterans Affairs to certify all licensure conductor trainee programs for GI Bill benefits as prescribed by the Post 9/11 Veterans Educational Assistance Act of 2010.

Whereas, Hoosier veterans returning home from Iraq and Afghanistan will be seeking employment;

Whereas, Railroads typically are among Indiana's top employers that hire veterans;

Whereas, Many returning veterans are eligible for monthly on-the-job training (OJT) stipends from their GI Bill under the Post 9/11 Veterans Educational Assistance Act of 2010;

Whereas, The state approving agency, The Indiana Department of Veterans Affairs, is currently unable to certify Indiana's existing railroad conductor training programs due to their training length;

Whereas, All railroad conductor programs in Indiana currently are considered "On the Job Training (OJT)" and fall beneath the minimum length of training threshold;

Whereas, These federal standards disqualify veterans training as railroad conductors from accessing their earned GI Bill benefits;

Whereas, Effective January 1, 2012, all railroad conductor positions must now be licensed under the federal 2008 Railroad Safety Improvement Act;

Whereas, This new federal licensure standard qualifies all conductor trainee programs in Indiana for benefits under the Post 9/11 Veterans Educational Assistance Act of 2010; and

Whereas, Until the United States Department of Veterans Affairs acknowledges the new licensure criteria and adopts a blanket program encompassing all railroad conductor trainee programs, Hoosier veterans training as railroad conductors will not be able to access their earned GI Bill benefits: Therefore,

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

SECTION 1. The Indiana State House of Representatives encourages the United States Congress to enact legislation requiring the United States Department of Veterans Affairs to certify all licensure conductor trainee programs for GI Bill benefits as prescribed by the Post 9/11 Veterans Educational Assistance Act of 2010.

The resolution was read a first time and referred to the Committee on Veterans Affairs and Public Safety.

House Resolution 59

Representatives T. Brown and Frizzell introduced House Resolution 59:

A HOUSE RESOLUTION urging the Legislative Council to create an interim study committee to consider opportunities to reduce the risk of death and disease among smokers who will not quit smoking by considering tobacco harm reduction policies that encourage smokers to switch from cigarettes to less risky tobacco products such as smokeless tobacco.

Whereas, For decades, Indiana has pursued policies intended to encourage residents who smoke to quit and to discourage others who do not smoke from starting;

Whereas, While cigarette smoking rates declined substantially from 1965 to 2004, the rate of decline has slowed in recent years; however, according to the federal Centers for Disease Control, 21.2% of adult residents of Indiana are still smoking cigarettes;

Whereas, Numerous public health organizations, such as the Institute of Medicine, the American Council on Science and Health, the Royal College of Physicians, and the World Health Organization, have all recognized that there is a continuum of risk among tobacco product types, and that the risks associated with cigarette use are substantially higher than those associated with the use of smokeless tobacco;

Whereas, While abstaining from all tobacco is clearly the best and most effective way for smokers to reduce their risk of disease and premature death (no tobacco product has shown to be safe), it is appropriate to consider whether those who will not abstain can substantially reduce their risk of disease and premature death by switching from cigarettes to smokeless tobacco products that present less risk; and

Whereas, The Legislative Council is requested to authorize an interim study committee to answer particular questions for the purpose of assisting the General Assembly in evaluating the inclusion of tobacco harm reduction as a strategy for reducing smoking-attributable death and disease and the associated health care costs in Indiana: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to establish an interim study committee for the purpose of assisting the legislature in considering the inclusion of tobacco harm reduction strategies to reduce smoking-attributable death and disease.

The resolution was read a first time and referred to the Committee on Public Health.

House Resolution 60

Representative Heaton introduced House Resolution 60:

A HOUSE RESOLUTION urging the legislative council to establish an interim study committee to study the exemption of farm drainage components from sales tax.

Whereas, A farm draining system is defined as a system of drainage tubing, drainage tiles, and related control systems designed to facilitate the drainage of agricultural land; and

Whereas, A committee, if established, should determine the value of allowing equipment used to install, repair, or maintain a farm drainage system to be exempt from sales tax if this equipment is acquired by a farmer: Therefore,

Be it resolved by the House of Representatives

of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study the exemption of farm drainage components from sales tax.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Ways and Means.

Senate Concurrent Resolution 10

The Speaker handed down Senate Concurrent Resolution 10, sponsored by Representatives Koch and Goodin:

A CONCURRENT RESOLUTION urging INDOT to name State Road 11, from mile marker 44 to mile marker 45, the Trooper Earl L. Brown Memorial Mile.

Whereas, Trooper Brown was born on January 4, 1913 and began his appointment as a state trooper on October 16, 1940;

Whereas, Assigned to the Seymour post, he served faithfully for nearly 15 years;

Whereas, While investigating a report of a suspicious male, Trooper Earl L. Brown was tragically killed on August 31, 1955. He was the ninth Indiana State Trooper to be killed in the line of duty; and

Whereas, In recognition of his bravery and service to all Hoosiers, the Indiana General Assembly urges INDOT to name State Road 11, from mile marker 44 to mile marker 45, the Trooper Earl L. Brown Memorial Mile: Therefore,

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

SECTION 1. The Indiana General Assembly urges the Department of Transportation to name State Road 11, from mile marker 44 to mile marker 45, the Trooper Earl L. Brown Memorial Mile.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the family of Trooper Earl L. Brown and the Department of Transportation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 19

The Speaker handed down Senate Concurrent Resolution 19, sponsored by Representative Espich:

A CONCURRENT RESOLUTION urging the Legislative Council to assign an interim study committee to review the current oversight structure applicable to IPFW.

Whereas, IPFW is a growing campus with a diverse student population and numerous academic offerings; and

Whereas, Under the current structure, IPFW operates independently, but is overseen by Purdue University: Therefore,

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

SECTION 1. That the Indiana General Assembly urges the Legislative Council to assign an interim study committee to review the current oversight structure applicable to IPFW and to make recommendations for any changes in the current structure that the committee determines should be considered.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Legislative Council through the Executive Director of the Legislative Services Agency.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 22

The Speaker handed down Senate Concurrent Resolution 22, sponsored by Representative Bauer:

A CONCURRENT RESOLUTION honoring John C. Schalliol on his retirement as director of the South Bend Airport following 51 years of dedicated service in the field of aviation.

Whereas, After four years of service in the U.S. Navy Civil Engineering Corps, Purdue University graduate, John C. Schalliol, began his aviation career as an engineer in the Airport Design Section of Clyde E. Williams & Associates, Inc.;

Whereas, Mr. Schalliol began his tenure with the St. Joseph County Airport Authority in 1977 as the Airport Engineer, and subsequently rose to Executive Director in 1981. John Schalliol was successful in directing numerous capital improvements and securing substantial land acquisitions, valued at over $85 million and $20 million, respectively;

Whereas, This commitment to growth and development attracted various airlines, a bus service, and the South Shore Railroad, expanding the operation to a multi-modal regional transportation hub;

Whereas, Due to his exceptional leadership in his 8 years as a Board Member of the American Association of Airport Executives, John was named the honored recipient of the Distinguished Service Award in 2000. He also served in the capacity of President of the AAAE Great Lakes Chapter, and President of the Aviation Association of Indiana, where he was awarded "Man of the Year" in 1984. Furthermore, John C. Schalliol currently sits on a project panel, a part of the Aviation Cooperative Research Program as operated under the National Transportation Research Board;

Whereas, Previously John C. Schalliol served on the Board of Project Future. Currently, he acts as President of the Industrial Foundation of South Bend, is a member of the St. Joseph County Hotel-Motel Tax Board, and was the Ideal Baldoni Distinguished Service Award recipient in 2006;

Whereas, John C. Schalliol also remains an active alumnus of Purdue University, serving on the Advisory Committee for the School of Aviation Technology, and was named a "Distinguished Alumni" in 1994;

Whereas, A clear commitment to public service was shown in John's role as Transportation Chairman for the 1987 International Summer Special Olympics, which was held in South Bend; and

Whereas, John. C. Schalliol has provided outstanding leadership and passion in the field aviation, translating that into decades of growth and improvements, which have left a permanent imprint on the South Bend Airport that will be felt for years to come: Therefore,

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

SECTION 1. That the Indiana Senate congratulates John C. Schalliol on his retirement after 31 years of service to the South Bend Airport, along with his numerous career accomplishments in the field of aviation.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to John C. Schalliol and to the chairman of the St. Joseph County Airport Authority.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 23

The Speaker handed down Senate Concurrent Resolution 23,

sponsored by Representative Lehman, Davis, Dodge, Heuer, Kubacki, Leonard, Mahan, Morris, Moses, Pond, Wolkins, and Yarde:

A CONCURRENT RESOLUTION recognizing the 122nd Fighter Wing "Blacksnakes".

Whereas, The 122nd Fighter Wing, located in Fort Wayne, is a group of citizen airmen who serve their state and their country honorably and with great distinction;

Whereas, A four-time recipient of the Air Force Outstanding Unit Award, three in the past ten years, the 122nd Fighter Wing is a combat-proven unit that has deployed more than 2,300 personnel to 32 locations since September 11, 2001;

Whereas, Due to its strategic location near several superb, realistic training areas, the 122nd Fighter Wing is invaluable during Air Sovereignty Alert missions with response times of less than ten minutes to major metropolitan areas such as Chicago, Detroit, Cincinnati, and Indianapolis;

Whereas, There is only one other Air National Guard unit in the country that has a longer record of mishap free flight time than the 122nd Fighter Wing, whose safety record dates back to 1989 with more than 72,000 flight hours logged since the last major aircraft mishap, including six deployments of F-16 aircraft to Southwest Asia in support of Operation Southern Watch and Operation Iraqi Freedom;

Whereas, An integral part of the Fort Wayne community, the Base Community Council provides a strong military and community bond that goes beyond a mutual understanding;

Whereas, The 122nd Flight Wing provides services to the community, including Honor Flight support for World War II veterans and aircraft flybys commemorating numerous events statewide, including 4th of July celebrations, Memorial Day events, and the Three Rivers Festival in downtown Fort Wayne;

Whereas, In return, community business leaders provide unparalleled support to the base;

Whereas, The 122nd Fighter Wing plays a major role in stimulating the local economy as well by bringing in approximately 60 million dollars through base pay and entitlements, facilities construction and upgrades, and aircraft sustainment;

Whereas, The 122nd Fighter Wing also provides 24 hour crash, fire, and rescue mutual aid to Fort Wayne International Airport and, through the U. S. Department of Defense STARBASE Program, will educate more than 600 fifth grade students in 2012 in the science, technology, engineering, and math disciplines; and

Whereas, The 122nd Fighter Wing "Blacksnakes" are wonderful neighbors whose dedication and love of country help protect us and ensure that we will continue to live in the land of the free and the home of the brave: Therefore,

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

SECTION 1. That the Indiana General Assembly acknowledges the many contributions that the 122nd Fighter Wing has made to the Fort Wayne community and the state of Indiana. The General Assembly appreciates 122nd Fighter Wing bravery in time of war and its compassion for all people.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the members of the Indiana Congressional delegation, the U. S. Secretary of Defense, the U. S. Secretary of the Air Force, and the Adjutant General.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 24

The Speaker handed down Senate Concurrent Resolution 24, sponsored by Representative Gutwein:

A CONCURRENT RESOLUTION recognizing Margaretta Meyer's 103rd birthday.

Whereas, Margaretta Meyer was born in 1909 in Rensselaer. She has two sons, James and Richard, two grandsons and three great-grandchildren. Margaretta was married for 64 years to her late husband Wesley Meyer, whom she met while teaching third and fourth grade at Barkley Township School where he was principal;

Whereas, Margaretta continues to maintain an active lifestyle. She is an active member of her local church, picking up a neighbor each week before service. Margaretta has attended almost every event held at First Nazarene Church of DeMotte since the church's inception. Until recently, she was the resident pianist for the church for decades, sharing music and joy through her piano playing talents;

Whereas, Friends find Margaretta Meyer to be selfless, thankful, and kind. Margaretta is an independent and productive member of society, and she continues to be a shining light in the lives of others;

Whereas, She continues to enjoy doing daily chores, including caring for her vegetable garden and her many flowers and decorative bushes throughout the summer; and

Whereas, Margaretta attributes her long and healthy life to strong family genes and her strong faith in God. Her practical outlook on life, and appreciation for simple things allow her to continue enjoying life at only 103 years young: Therefore,

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

SECTION 1. The Indiana General Assembly congratulates Margaretta Meyer on the celebration of 103 years of life.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Margaretta Meyer.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 26

The Speaker handed down Senate Concurrent Resolution 26, sponsored by Representative Torr:

A CONCURRENT RESOLUTION memorialzing Gordon St. Angelo.

Whereas, Gordon St. Angelo, dedicated philanthropist and pioneer of Indiana school choice, died Tuesday, October 19, 2011 at St. Vincent Indianapolis Hospital;

Whereas, Gordon St. Angelo ran the Indianapolis based Milton Friedman and Rose D. Friedman Foundation, now known as the Friedman Foundation for Educational Choice;

Whereas, In 1996, Gordon St. Angelo worked closely with Nobel Laureate Milton and his wife Rose to establish the organization which serves as an advanced system of K-12 education where every parent, regardless of race, origin or family income is free to choose the learning environment that best fits their child;

Whereas, After serving as President and Chief Executive officer since 1997, St. Angelo became the president Emeritus of the Friedman Foundation for Educational Choice in January 2009;

Whereas, Gordon St. Angelo also dedicated 25 years to the Lilly Endowment serving as Senior Program Officer of Community Development, and overseeing free-market economic development in North and South America, as well as other public policy and community development interests;

Whereas, St. Angelo previously served as the chairman of the board for both the Indianapolis Star's Jefferson Awards and the Civic Theatre. He then went on to serve as a Board Member and Vice President of the Indianapolis Airport Authority;

Whereas, Gordon St. Angelo is survived by his three sons, Paul, Kurt, and John St. Angelo; and

Whereas, Gordon St. Angelo was a notable and inspirational figure in Indiana. His dedication and service to the state of Indiana will not be forgotten: Therefore,

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

SECTION 1. The Indiana General Assembly honors the life of Gordon St. Angelo.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Paul St. Angelo, Kurt St. Angelo, and John St. Angelo.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 27

The Speaker handed down Senate Concurrent Resolution 27, sponsored by Representative Torr:

A CONCURRENT RESOLUTION recognizing the 175th Anniversary of the City of Carmel.

Whereas, Carmel was founded on April 13, 1837 by Quaker Pioneers under the name Bethlehem. The name was later changed to Carmel in 1846 when a post office was approved for the community;

Whereas, When Carmel incorporated in 1874 it had an estimated population of 150. That number has since risen to 79,191 as of the last census;

Whereas, In 1924, one of the first traffic signals in the United States was installed at the intersection of Main Street and Range Line Road. The traffic signal was the first in Indiana, an invention of local resident Leslie Haines;

Whereas, In 2000, Carmel further revolutionized the flow of traffic by introducing the widespread use of roundabouts, which received the Climate Protection Award by the U.S. Conference of Mayors. Boasting over 80 roundabouts, Carmel has more roundabouts than any other state, and is now known as the unofficial roundabout capital of the country;

Whereas, Carmel High School opened in 1887 with a mere 40 students. Carmel is now the second largest school in the state with a population of 4,400 students. Carmel High School won their 100th IHSAA championship in 2011, making them the winningest school in the state of Indiana; and

Whereas, Carmel has grown from its humble beginnings to become the 8th largest city in Indiana, one of the best places to live according to CNN Money Magazine, and one of the "Best Cities to Relocate to in America" according to CNBC. With their dedication to the community, the school systems, and environmental initiatives, Carmel certainly earns the title of one of the best places to live: Therefore,

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

SECTION 1. The Indiana General Assembly congratulates Carmel on their 175th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Jim Brainard, Carmel Mayor; and the Carmel City Council.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 29

The Speaker handed down Senate Concurrent Resolution 29, sponsored by Representatives Dvorak and C. Fry:

A CONCURRENT RESOLUTION congratulating the Penn High School Volleyball Team on a second consecutive State Championship.

Whereas, The Penn High School Class 4-A Volleyball team claimed first place at the 2011 High School Volleyball State Championship, ending their season with a 38-1 record and earning their second consecutive state title;

Whereas, The Kingsmen competed against Avon, a team ranked first in the state and third in the nation;

Whereas, The Penn High Kingsmen came into the season as the unranked underdogs, built their reputation with a nearly undefeated season, and finally reigned supreme against Avon;

Whereas, Senior Kaitlyn Hickey led the Kingsmen with eighteen kills, three aces and eight digs. She was also the deserving recipient of the Indiana High School Athletic Association's Mental Attitude Award; and

Whereas, After much perseverance the Penn High School Kingsmen fought tenaciously against the tough and relentless competition for the Championship title: Therefore,

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

SECTION 1. The Indiana General Assembly congratulates the Penn High School Volleyball team on their 2011 State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Head Coach Sarah Hendricks and Penn High School Principal, Steve Hope.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 30

The Speaker handed down Senate Concurrent Resolution 30, sponsored by Representatives Torr and Richardson:

A CONCURRENT RESOLUTION congratulating the Carmel High School football team on their excellent 2011 season, including a state championship victory.

Whereas, The Carmel High School football team captured their first 5A State Championship victory at Lucas Oil Stadium, with a score of 54-0;

Whereas, Brandon Denning passed for 143 yards and ran for

60 yards to help Carmel defeat Penn High School. Adam Kehoe set a 5A record with 11 catches, 123 receiving yards and a touchdown. Jalen Duncan added 110 rushing yards to the Greyhounds' total of 438 yards, making it the most lopsided 5A title game ever;

Whereas, The rest of the team was equally impressive and Head Coach Kevin Wright was proud of the way his team dominated;

Whereas, The team boasted an impressive overall season record of 8-1. Their decisive victory secured the team's first state title since 2007, and the seventh in the school's history;

Whereas, After four consecutive unsuccessful attempts at the title, the team's determination soared and they were committed to obtaining the Championship title; and

Whereas, It took hard work, confidence, and teamwork for the Carmel High football team to sweep the competition on their way to a State Championship title at Lucas Oil Stadium, and their victory is well-deserved: Therefore,

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

SECTION 1. The Indiana General Assembly congratulates the Carmel High School football team on their 2011 State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Carmel High School football team, Head Coach Kevin Wright, Athletic Director Jim Inskeep, and the Carmel Clay board of directors.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 31

The Speaker handed down Senate Concurrent Resolution 31, sponsored by Representatives Messmer and Grubb:

A CONCURRENT RESOLUTION commemorating the 75th Anniversary of the Wildlife and Sportfish Restoration Programs.

Whereas, More than a century ago, hunters, anglers and trappers were among the first conservationists who realized America's natural resources were in peril and could not sustain unregulated harvest and habitat destruction;

Whereas, Hunters, anglers and trappers took it upon themselves to support laws that stopped excessive harvest of fish and wildlife, established game and fish agencies to protect fish, wildlife, and their habitat, and supported special fishing and hunting license fees to help fund the new agencies' efforts to provide for healthy natural resources for future generations;

Whereas, The Senate then and now recognizes that the primary authority to protect and manage fish and resident wildlife within their borders resides in the state fish and wildlife agencies;

Whereas, This user pay-public benefit system became known as the Wildlife and Sport Fish Restoration Program, which began 75 years ago with the passage of the Federal Aid in Wildlife Restoration Act in 1937, and then was bolstered with the passage of the Federal Aid in Sport Fish Restoration Act in 1950 (later expanded by the Wallop-Breaux amendment to the Sport Fish Restoration Act 1984);

Whereas, The combined contribution of the Wildlife and Sport Fish Restoration Programs to state fish and wildlife agencies exceeds $13 billion since 1939 (the first year money was distributed to the states) - more than any other single conservation effort in American history-which constitutes, collectively, the American System of Conservation Funding;

Whereas, The manufacturers of firearms, ammunition, hunting, fishing, and boating equipment have collected excise taxes on firearms, ammunition, archery equipment, manufactured fishing tackle, electric trolling motors, marine electronics and motorboat fuel, and distributed these funds to the states through the U.S. Fish and Wildlife Service;

Whereas, The manufacturers of firearms, ammunition, hunting, fishing, and boating equipment have supported the Wildlife and Sport Fish Restoration Programs and continue to exhibit a spirit of cooperation with the state fish and wildlife agencies; and

Whereas, This cooperative partnership between industry, hunters, anglers, trappers, boaters, recreational shooters, the U.S. Fish and Wildlife Service, and state natural resource agencies has resulted in the most successful model of fish and wildlife management in the world, restoring populations from coast to coast: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes the 75th Anniversary of America's hunters, anglers, trappers, boaters, recreational shooters, industry, state fish and wildlife agencies, and the U.S. Fish and Wildlife Service for their leading role in restoring healthy populations of fish, wildlife and other natural resources supported by the American System of Conservation Funding.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Robert Carter, Director of the Indiana Department of Natural Resources; the Indiana Congressional delegation; and the Congressional Sportsmen's Foundation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 32

The Speaker handed down Senate Concurrent Resolution 32, sponsored by Representative Koch:

A CONCURRENT RESOLUTION honoring Robert Gipson, decorated World War II hero.

Whereas, Robert Gipson began active duty in the U.S. Army on July 27, 1944 and continued his service through April 10, 1947. He also served in the Air Force from 1948 through 1949, when he received an honorable discharge;

Whereas, Mr. Gipson attended basic training in Arkansas, after which he was assigned to the front lines in La Havre, France;

Whereas, Robert served as a member of the C Co., 2nd Inf. Reg., 5th Division, 3rd Army. Amongst heavy resistance and a great loss of troops, several men, including Robert Gipson, were captured and taken as prisoners of war. During his capture, Robert and his fellow soldiers were forced by German soldiers to travel in boxcars and march on foot, along cobblestone roads, in the midst of U.S. bombing and strafing. The marching continued for several days, until the U.S. men were liberated just outside of Berlin;

Whereas, Because of his heroic bravery, Robert Gipson was presented with two Bronze Stars, a Purple Heart, the POW

Medal, the Good Conduct Medal, the American Campaign Medal, the European-African-Middle Eastern Campaign Medal, the WWII Victory Medal, the Combat Infantry Badge, and the Honorable Service Lapel Button WWII;

Whereas, Along with his wife Dolores, Robert has two daughters, Robin and Debra and a son, Bobby. Robert is a retired Ford Motor Company worker, and a member of the VFW Post 6195, the American Legion Post 13, the Masonic Lodge, and is one of the founding members of the Brown County Honor Guard; and

Whereas, Robert Gipson made great personal sacrifices to protect the freedoms we enjoy today. He fought valiantly for this country and deserves to be recognized for this commitment: Therefore,

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

SECTION 1. That the Indiana General Assembly honors and thanks Robert Gipson, a decorated World War II veteran, for his service to our country.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to Robert Gipson, the American Legion Post 13, and the VFW Post 6195 in Nashville, Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1033	Conferees:	McMillin and Pierce
	Advisors:	Foley, Turner, and L. Lawson
EHB 1049	Conferees:	Koch and Pierce
	Advisors:	Foley, Leonard, and Pryor
EHB 1072	Conferees:	Espich and Welch
	Advisors:	Turner, Thompson, Ellspermann, Dembowski, and Pryor
EHB 1092	Conferees:	Burton and Pryor
	Advisors:	Steuerwald and White
EHB 1117	Conferees:	Wolkins and Pierce
	Advisors:	Lehe, Baird, Knollman, and Sullivan
EHB 1123	Conferees:	Burton and Niezgodski
	Advisors:	Neese, Cherry, and Moses
EHB 1126	Conferees:	Frizzell and Pierce
	Advisors:	Wolkins, Lutz, and Sullivan
EHB 1169	Conferees:	Koch and Porter
	Advisors:	Behning, Rhoads, and VanDenburgh
EHB 1192	Conferees:	Cherry and Goodin
	Advisors:	Thompson, Dermody, Espich, Moses, Klinker, and Battles
EHB 1205	Conferees:	Behning and Porter
	Advisors:	Rhoads, Wesco, Kersey, and V. Smith
EHB 1269	Conferees:	T. Brown and C. Brown
	Advisors:	Neese and C. Fry
EHB 1280	Conferees:	Koch and Bartlett
	Advisors:	Mahan, Wesco, and Stemler
EHB 1325	Conferees:	Pond and Pelath
	Advisors:	Turner, McClain, and Klinker
EHB 1376	Conferees:	Espich and Crawford
	Advisors:	Turner, Crouch, Clere, Thompson, Leonard, Klinker, and Goodin

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1136	Advisor:	Cheatham
EHB 1195	Advisor:	Pryor

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the Motion to Concur on Engrossed House Bill 1141 filed February 27, 2012, be withdrawn from further consideration by the House and I move that the House dissent from Senate amendments to Engrossed House Bill 1141 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1238 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1249 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CLERE

Motion prevailed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:32 p.m. with the Speaker in the Chair.

Representatives Pierce and Porter, who had been excused, were present. Representatives Eberhart and Pflum were excused.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1002:

Conferees: C. Lawson and Tallian
Advisors: Landske, Taylor, and Gard

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1003:

Conferees: Holdman and Arnold
Advisor: Alting

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1040:

Conferees: Miller and Hume
Advisors: Bray, R. Young, and Head

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1080:

Conferees: Eckerty and Hume
Advisors: Steele, Randolph, and M. Young

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1087:

Conferees: Hershman and Arnold
Advisors: Wyss, Broden, and Holdman

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1111:

Conferees: Merritt and Broden
Advisors: Kenley, Randolph, Mishler, and Charbonneau

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1134:

Conferees: Miller and Rogers
Advisors: Kruse, Hume, and Banks

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1136:

Conferees: Holdman and Breaux
Advisors: Miller, Taylor, and C. Lawson

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1149:

Conferees: Gard and Simpson
Advisors: Alting and Lanane

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1186:

Conferees: Miller and Tallian
Advisors: Leising and Arnold

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1189:

Conferees: Charbonneau and Skinner
Advisors: Kenley, Mishler, and Rogers

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1190:

Conferees: Hershman and Hume
Advisors: Mishler, Broden, and Kenley

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1195:

Conferees: Walker and Broden
Advisors: Mishler, Hume, and Kenley

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1200:

Conferees: Bray and Simpson
Advisors: Wyss and Lanane

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1222:

Conferees: Wyss and Arnold
Advisors: Kruse, Lanane, and Randolph

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1237:

Conferees: Eckerty and Mrvan
Advisors: Yoder, Hume, and Bray

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1258:

Conferees: Zakas and Broden
Advisor: Glick

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1270:

Conferees: Kruse and Broden
Advisors: Yoder, Simpson, and Kenley

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1360:

Conferees: Miller and Breaux
Advisors: Becker and Rogers

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 1 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: M. Young, Chair; and Lanane
Advisors: Charbonneau, Hume Delph, and Steele

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 19 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Boots, Chair; and Broden
Advisors: Hershman, Randolph, and Delph

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 224 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Rogers
Advisors: Gard and Breaux

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 280 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Charbonneau, Chair; and Broden
Advisors: Kenley, Rogers, and Mishler

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 293 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: J. Smith, Chair; and Skinner
Advisors: Hershman, Randolph, and Kenley

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 407 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Grooms, Chair; and Breaux
Advisors: C. Lawson and Rogers

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 98, 127, 131, 132, 193, 273, 274, 275, and 283.

JENNIFER L. MERTZ
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 54

Representative Battles introduced House Concurrent Resolution 54:

A CONCURRENT RESOLUTION congratulating Hoosier Boys State on the occasion of its 75th anniversary.

Whereas, Hoosier Boys State is a unique program intended to educate young men in the principles and practices of Indiana's city, county and state governments;

Whereas, The Indiana Department of the American Legion, in concert with other Legion departments across the country, founded Indiana's Boys State program in 1937 partly in an effort to counter the pro-Communist propaganda of the so-called Young Pioneers Camps, holding its first session in the field house of Butler University, currently hosted by Trine University in Angola;

Whereas, The program's course of instruction is unlike any classroom experience, instead requiring students to actively participate in a simulation of Indiana's city, county and state governments, wherein students run for office and engage in negotiation and cooperation to write and enforce legislation; and,

Whereas, The program has already educated more than 60,000 young Hoosier men, many of whom later went on to prominent careers in Indiana business and politics, including Governor Mitch Daniels, former Governor Frank O'Bannon, former Senator Birch Bayh, Senator Richard Lugar, former Congressman Phil Sharp, former Congressman Lee Hamilton, former Speaker of the House Paul Mannweiler, Speaker of the House Brian Bosma, former Secretary of State Edward Simcox, former Secretary of State Joseph Hogsett, Chief Justice of the Indiana Supreme Court Randall Shepard, Associate Justice Brent Dickson, Brian Lamb, founder and president of C-SPAN, Terry Lester, television actor, and Dr. Joseph Allen, former NASA astronaut: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Hoosier Boys State on the occasion of its 75th anniversary, honors its many years of service in educating young Hoosier men on the principles and practices of democratic government, and thanks its staff and sponsors for their dedication to the betterment of their communities and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the leadership of Hoosier Boys State.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Hume.

RESOLUTIONS ON SECOND READING

House Concurrent Resolution 14

The Speaker handed down on its passage House Concurrent Resolution 14, authored by Representative Messmer.

A CONCURRENT RESOLUTION honoring Private Richard Taylor and Lieutenant Colonel Don C. Faith, Jr.

The resolution was read a second time. The Speaker ordered the roll of the House to be called. Roll Call 324: yeas 91, nays 0. The resolution was adopted. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Waterman.

Representative Eberhart, who had been excused, was present.

House Concurrent Resolution 18

The Speaker handed down on its passage House Concurrent Resolution 18, authored by Representatives Moseley, Gutwein, Austin, Bacon, Baird, Bardon, Bartlett, Battles, Bauer, Behning, Borders, Bosma, C. Brown, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Dvorak, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, C. Fry, R. Frye, GiaQuinta, Goodin, Grubb, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, L. Lawson, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, V. Smith, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Summers, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins, and Yarde.

A CONCURRENT RESOLUTION urging the Indiana General Assembly to fly the POW/MIA flag in the House and Senate Chambers.

The resolution was read a second time. The Speaker ordered the roll of the House to be called. Roll Call 325: yeas 94, nays 0. The resolution was adopted. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Tallian and Arnold.

House Resolution 17

The Speaker handed down on its passage House Resolution 17, introduced by Representative Yarde:

A HOUSE RESOLUTION urging the Indiana Department of Transportation to rename the 3.5 mile section of State Road 8 between State Road 327 and the Auburn city limits as "The John Martin Smith Memorial Hospital".

The resolution was read a second time. The Speaker ordered the roll of the House to be called. Roll Call 326: yeas 93, nays 0. The resolution was adopted.

House Resolution 28

The Speaker handed down on its passage House Resolution 28, introduced by Representative Foley:

A HOUSE RESOLUTION urging the legislative council to establish an interim study committee to study township reorganization.

The resolution was read a second time. The Speaker ordered a division of the House and appointed Representatives Friend and L. Lawson to count the yeas and nays. Yeas 52, nays 40. The resolution was adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:19 p.m. with the Speaker in the Chair.

Representative Behning, who had been excused, was present. Representatives Foley, C. Fry, and Saunders were excused for the rest of the day.

The Speaker ordered the roll of the House to be called to determine the presence of a quorum. Roll Call 327: 69 present. The Speaker declared a quorum present.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1015.

DAVISSON

Roll Call 328: yeas 83, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1054.

SOLIDAY

Roll Call 329: yeas 81, nays 7. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1059.

BAIRD

Roll Call 330: yeas 91, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1090.

FRIEND

Roll Call 331: yeas 92, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1091.

FRIEND

Roll Call 332: yeas 58, nays 35. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1128.

LEHE

Roll Call 333: yeas 90, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1129.

LEHE

Roll Call 334: yeas 93, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1163.

TORR

Roll Call 335: yeas 93, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1173.

ELLSPERMANN

Roll Call 336: yeas 75, nays 17. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1196.

M. SMITH

Roll Call 337: yeas 94, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1201.

DERMODY

Roll Call 338: yeas 71, nays 22. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1212.

KIRCHHOFER

Roll Call 339: yeas 93, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1216.

KIRCHHOFER

Roll Call 340: yeas 93, nays 0. Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1141	Conferees:	Clere and Welch
	Advisors:	Burton, Truitt, Day, and Pryor
EHB 1279	Conferees:	Eberhart and Cheatham
	Advisors:	Ubelhor, Messmer, Davis, and Battles

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 1	Conferees:	McMillin and L. Lawson
	Advisors:	Steuerwald, Torr, and Dvorak
ESB 19	Conferees:	Thompson and Pelath
	Advisors:	Richardson, Dermody, M. Smith, and Dvorak
ESB 224	Conferees:	T. Brown and C. Brown
	Advisors:	Culver, R. Frye, and Welch
ESB 280	Conferees:	Thompson and Goodin
	Advisors:	Cherry, Dermody, Behning, and Kersey
ESB 293	Conferees:	Turner and Welch
	Advisors:	Espich, Grubb, and Goodin
ESB 407	Conferees:	Davisson and Welch
	Advisors:	T. Brown, C. Fry, and Stemler

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1072 Advisor: Ubelhor

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Act 1207 and Senate Enrolled Acts 56, 119, 128, 133, 152, 192, 193, 201, 237, 274, 301, and 362 on March 5.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, March 6, 2012 at 10:00 a.m.

THOMPSON

The motion was adopted by a constitutional majority.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 18 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Steele, Chair; and R. Young
Advisors: M. Young, Hume, and Glick

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 32 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Bray, Chair; and Broden
Advisors: Head, Randolph, and Delph

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 262 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Bray, Chair; and Taylor
Advisors: Buck and Hume

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 296 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Leising, Chair; and Skinner
Advisors: Yoder, Mrvan, and Kruse

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 302 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Charbonneau, Chair; and Broden
Advisors: Hershman, Simpson, and Holdman

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 322 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Tomes, Chair; and Hume
Advisors: Steele, Taylor, and Buck

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 384 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kruse, Chair; and Rogers
Advisors: Yoder, Mrvan, and Becker

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative McMillin be added as coauthor of House Bill 1054.

SOLIDAY

Motion prevailed.

On the motion of Representative Mahan, the House adjourned at 6:56 p.m., this fifth day of March, 2012, until Tuesday, March 6, 2012, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Thirty-fourth Day — **Tuesday Morning** — **March 6, 2012**

The invocation was offered by Reverend Dr. Kregg Burris, First Baptist Church of Bedford, the guest of Representative Eric A. Koch.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Koch.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon ☐
Bartlett
Battles
Bauer
Behning ☐
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon ☐
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis ☐
Davisson
Day ☐
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak ☐
Eberhart
Ellspermann
Espich ☐
Foley
Friend
Frizzell
C. Fry
R. Frye ☐
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman ☐
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe ☐
Pelath
Pflum
Pierce ☐
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy ☐
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson ☐
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins ☐
Yarde
Mr. Speaker

Roll Call 341: 86 present; 14 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 6, 35, and 36 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 16 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 16

The Speaker handed down Senate Concurrent Resolution 16, sponsored by Representative Koch:

A CONCURRENT RESOLUTION honoring Margret Robb on being named Chief Judge of the Court of Appeals and winning the Bar's David Hamacher Public Service Award.

Whereas, For twenty years, Chief Judge-Elect Margret Robb has been engaged in the general practice of law. Most recently, she was selected as one of the 2010 recipients of the Indiana University Alumni Association President's Award;

Whereas, Margret Robb has both a bachelor's and master's degree in business economics from Purdue University, earned her Juris Doctorate magna cum laude from the Indiana University School of Law-Indianapolis, and graduated from the Graduate Program for Indiana Judges;

Whereas, Recognizing her important contributions to the appellate practice, Chief Judge Margret Robb was awarded the Indiana State Bar Association's David Hamacher Public Service Award at the ISBA's annual meeting;

Whereas, The David Hamacher Public Service Award, sponsored by the state bar's Appellate Practice Section, honors high moral character and ethical standards, service to the community and peacemaking qualities;

Whereas, In addition to her many accomplishments, Judge Robb is also the recipient of the Antoinette Dakin Leach Award from the Indianapolis Bar Association's Women and the Law Division, which honors outstanding women in the legal profession;

Whereas, The Appellate Practice Section cited Chief Judge Margret Robb's dedication to the practice of law, her commitment to Continuing Legal Education on state and national levels, and many contributions to community service;

Whereas, Margret Robb has been selected by the Court of Appeals of Indiana as Chief Judge of the Court, making her the first woman to serve as the leader of the Court of Appeals of Indiana; and

Whereas, Chief Judge Margret Robb has held numerous other positions within the state and national bar associations and legal related organizations. She has received numerous awards for her contributions to the judicial system, and as Chief Judge of the Court of Appeals, she will continue to make her mark on the legal system: Therefore,

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

SECTION 1. The Indiana General Assembly congratulates Margret Robb on being named Chief Judge of the Court of Appeals and on being awarded the Bar's David Hamacher Public Service Award.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Chief Judge Margret Robb.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

House Resolution 61

Representatives Richardson, Truitt, and Klinker introduced House Resolution 61:

A HOUSE RESOLUTION honoring David Boudia.

Whereas, David Boudia's ultimate goal is to win an Olympic gold medal in diving;

Whereas, A sixteen-time national champion, David has been diving since 2000 and has trained under Olympic coach John Wingfield;

Whereas, In addition to his national championships, David was named 2011 Big Ten Athlete of the Year for all sports; the USA Diving Athlete of the Year in 2008, 2010, and 2011; is a six-time NCAA champion (3 meter and platform in 2009, and 1 meter and 3 meter in 2010 and 2011); and was the NCAA Diver of the Year in 2009, 2010, and 2011;

Whereas, A senior and majoring in communications at Purdue University, David has been a member of the national diving team each year since 2005; and

Whereas, Through dedication and hard work David Boudia has risen to a level of performance achieved by few athletes in any field: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates David Boudia on his many accomplishments and wishes him continued success in all his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to David Boudia and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 54

Representatives Richardson and Friend introduced House Resolution 54:

A HOUSE RESOLUTION honoring Representative Phil Hinkle.

Whereas, Representative Phil Hinkle, who was first elected to represent the citizens of House District 92 in 2000, will be leaving the House chamber for the last time at the end of the 2012 legislative session;

Whereas, Representative Hinkle currently serves on the Financial Institutions and Local Government Committees and has served on Elections and Apportionment, Government and Regulatory Reform, Local Government (past chairman), Financial Institutions, Education, Small Business and Economic Development, and Ways and Means Committees;

Whereas, In recognition of his legislative and community work, Representative Hinkle was presented the 2005 Indiana Association for Home and Hospice Care's Advocate of the Year award;

Whereas, Before being elected to the House of Representatives, Representative Hinkle served as Research Director for the Indianapolis City-County Council, was elected as the Wayne Township Assessor, and served on the Indianapolis City-County Council;

Whereas, Representative Hinkle is presently employed as the Coordinator of Community Partnerships with the Metropolitan School District of Wayne Township;

Whereas, Before running for public office, Representative Hinkle taught at Ben Davis High School for three years;

Whereas, In addition to his involvement with the Indiana House of Representatives, Representative Hinkle served on the Southwest Multi-Service Center Board of Directors and the Board of Directors for the Greater Indianapolis YMCA; is past president of the Wayne Township Education Foundation and continues to serve on the Foundation Board of Directors; and is actively involved with the Suburban West Optimist Club and St. Christopher Catholic Church; and

Whereas, Representative Phil Hinkle has served his constituency loyally and faithfully since his election to the Indiana General Assembly: Therefore,

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

SECTION 1. That the Indiana House of Representatives bids a fond farewell to Representative Phil Hinkle. The House of Representatives has seen only good things during his tenure. Legislators and staff alike will miss him greatly. His departure will leave a void that will never be truly filled.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Phil Hinkle and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 63

Representative R. Frye introduced House Resolution 63:

A HOUSE RESOLUTION urging the legislative council to establish an interim study committee to study novelty lighters.

Whereas, Novelty lighters have features that are attractive to children, including visual effects, flashing lights, musical sounds, and toy-like designs;

Whereas, The U.S. Consumer Product Safety Commission has recalled thousands of novelty lighters since 1996 due to the dangers of such lighters to public safety; and

Whereas, In Indiana and the United States fires set by children have resulted in many deaths and millions of dollars in property damage and destruction: Therefore,

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

SECTION 1. That the legislative council is urged to establish an interim study committee to study novelty lighters.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Public Policy.

House Resolution 64

Representative McNamara introduced House Resolution 64:

A HOUSE RESOLUTION commemorating the New Harmony School.

Whereas, Education and New Harmony have been synonymous for nearly two centuries;

Whereas, The community pioneered many of the standard practices in use today;

Whereas, Their foresight led to the creation of the first infant school in the nation, the first coeducation system, and the first trade school;

Whereas, New Harmony School, in its current organization, graduated its inaugural class in 1879, beginning a long tradition with those initial two alumni;

Whereas, New Harmony School has a history of excellence documented by the many awards and accolades given to the school, including five Four Star School rankings, three U. S. News & World Report Best High School designations, and continuous school improvement awards; and

Whereas, The New Harmony School has been an integral part of the education landscape of Indiana and the United States and a forerunner in successful practices throughout its history: Therefore,

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

SECTION 1. That the Indiana House of Representatives acknowledges the wonderful accomplishments of the staff and teachers of the New Harmony School throughout the years and thanks them for their dedicated service to the children of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to principal Douglas Mills, school board president James R. Scarafia, school board vice president Jason J. Wilson, school board secretary Brenda S. Butman, school board members James O. Eagan, Jr. and Curtis R. Schmitt, and superintendent Fran Thoele.

The resolution was read a first time and adopted by voice vote.

House Resolution 66

Representative T. Brown introduced House Resolution 66:

A HOUSE RESOLUTION urging the legislative council to assign to the Interim Study Committee on Insurance the topic of mail order and Internet based pharmacies.

Whereas, Prescription drugs are readily accessible from the Internet; and

Whereas, Finding a safe source for medicines is not: Therefore,

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

SECTION 1. That the legislative council is urged to assign to the Interim Study Committee on Insurance for study during the 2012 interim:

(1) the issue of mail order and Internet based pharmacies and whether any limitations should be placed on the dispensing of a prescription drug by a mail order or Internet based pharmacy; and

(2) specified health insurance plans and the number of covered people with copayments, coinsurance amounts, and out-of-pocket costs incurred for prescription drugs that exceed specified amounts for the coverage.

The resolution was read a first time and referred to the Committee on Public Health.

House Resolution 67

Representatives Bacon and Welch introduced House Resolution 67:

A HOUSE RESOLUTION urging the legislative council to establish an interim study committee to study the practice of organ procurement by the Indiana Organ Procurement Organization (IOPO) from individuals declared cardiac dead (DCD).

Whereas, Organ donation offers families hope and comfort at a time when all hope seems to be gone;

Whereas, Declared Cardiac Dead (DCD) organ donation has been an end-of-life option for patients and their families for many years; and

Whereas, However, the procedures involved in procuring DCD organs should be studied more thoroughly: Therefore,

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

SECTION 1. That the legislative council is urged to establish an interim study committee to study the practice of organ procurement by the Indiana Organ Procurement Organization (IOPO) from individuals declared cardiac dead (DCD).

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Public Health.

House Resolution 68

Representative McNamara introduced House Resolution 68:

A HOUSE RESOLUTION recognizing the final class of the New Harmony School.

Whereas, Education and New Harmony have been synonymous for nearly two centuries;

Whereas, The community of New Harmony pioneered many of the standard educational practices in use today;

Whereas, Their foresight led to the creation of the first infant school in the nation, the first coeducation system, and the first trade school;

Whereas, New Harmony School, in its current organization, graduated its inaugural class in 1879, beginning a long tradition with those initial two alumni;

Whereas, New Harmony School has a history of excellence documented by the many awards and accolades given to the school, including five Four Star School rankings, three U.S. News & World Report Best High School designations, and continuous school improvement awards;

Whereas, The members of the final class of the New Harmony School are outstanding representatives of the traditions and accomplishments of this outstanding educational institution, and they will be remembered fondly;

Whereas, The New Harmony School has been an integral part of the education landscape of Indiana and the United States and a forerunner in successful practices throughout its history: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the members of the final class of the New Harmony School for their educational accomplishments.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Haley Binkley, Abbey Deckard, AJ Eaton, Dylan Kaufman, Dylan Kennedy, Jordan Kennedy, Elliott Lange, Vanessa McKinney, Devin Nixon-Davis, Cody Seib, Zachary Sollman, Daniel Tron, and Tyler Evans.

The resolution was read a first time and adopted by voice vote.

Representatives R. Frye, Noe, and Speedy, who had been excused, were present. Representatives DeLaney, C. Fry, Grubb, Kubacki, and Pryor were excused.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1220.

RHOADS

Roll Call 342: yeas 63, nays 21. Motion prevailed.

Representatives DeLaney, C. Fry, Grubb, Pierce, and Wolkins, who had been excused, were present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1247.

SOLIDAY

Roll Call 343: yeas 73, nays 15. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1273.

STEUERWALD

Roll Call 344: yeas 87, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1294.

HEATON

Roll Call 345: yeas 88, nays 0. Motion prevailed.

Representative Pryor, who had been excused, was present. Representative Speedy was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1312.

ELLSPERMANN

Roll Call 346: yeas 69, nays 19. Motion prevailed.

Representatives Dvorak and Speedy, who had been excused, were present. Representative Messmer was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1367.

NOE

Roll Call 347: yeas 54, nays 36. Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 18	Conferees:	Kirchhofer and Summers
	Advisors:	McMillin, Steuerwald, and Klinker
ESB 32	Conferees:	Foley and Pryor
	Advisors:	Leonard and DeLaney
ESB 262	Conferees:	Steuerwald and L. Lawson
	Advisors:	McNamara, Lehman, and Dvorak
ESB 296	Conferees:	Behning and V. Smith
	Advisors:	Frizzell, Rhoads, and VanDenburgh
ESB 302	Conferees:	Clere and Candelaria Reardon
	Advisors:	Friend, Thompson, and Austin
ESB 322	Conferees:	Steuerwald and Pierce
	Advisors:	Dermody, McMillin, and Dvorak
ESB 384	Conferees:	Behning and V. Smith
	Advisors:	T. Brown, Dermody, Porter, and Battles

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:03 p.m. with the Speaker in the Chair.

Representatives Behning, Candelaria Reardon, Day, Knollman, Kubacki, Messmer, and Thompson, who had been excused, were present. Representatives Crawford, Ellspermann Pond, Pryor, Speedy, Ubelhor, and Yarde were excused.

Upon request of Representatives GiaQuinta and Pelath, the Speaker ordered the roll of the House to be called to determine the presence of a quorum. Roll Call 348: 67 present. The Speaker declared a quorum present.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On March 6, 2012, I signed into law House Enrolled Acts 1058 and 1239.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1003:

Advisor: Gard

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1033:

Conferees: Steele and Hume
Advisors: Waltz and Taylor

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1049:

Conferees: Bray and Lanane
Advisors: Steele, Randolph, and Glick

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1072:

Conferees: Hershman and Broden
Advisors: Kenley, Mishler, Head, and Skinner

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1072:

Advisor: Rogers

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1092:

Conferees: Bray and Randolph
Advisors: Waltz and Broden

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1117:

Conferees: Gard and Tallian
Advisors: Leising, Breaux, and Holdman

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1123:

Conferees: Kenley and Tallian
Advisors: Charbonneau, Hume, Mishler, and Boots

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1126:

Conferees: Merritt and Randolph
Advisors: Bray, Broden, and Tomes

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1141:

Conferees: Kenley and Simpson
Advisors: Alting, Broden, and Eckerty

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1169:

Conferees: Kruse and Skinner
Advisors: Schneider and Rogers

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1192:

Conferees: Miller and Hume
Advisors: Kenley, Broden, Head, and Charbonneau

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1205:

Conferees: Kruse and Skinner
Advisors: Banks, Mrvan, and Delph

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1269:

Conferees: Miller and Breaux
Advisors: M. Young, Simpson, and Kenley

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1279:

Conferees: Mishler and R. Young
Advisors: Grooms, Hume, and Banks

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1280:

Conferees: Hershman and Skinner
Advisors: Mishler and Broden

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1325:

Conferees: Hershman and Breaux
Advisors: M. Young, Skinner, and Waltz

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1376:

Conferees: Kenley and Tallian
Advisors: Mishler, Broden, and Charbonneau

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 384:

Advisors: Skinner and Buck

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1015, 1054, 1059, 1090, 1091, 1128, 1129, 1163, 1173, 1201, 1212, 1216, 1220, 1273, 1294, 1312, and 1367 on March 6.

RESOLUTIONS ON FIRST READING

House Resolution 71

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 71:

A HOUSE RESOLUTION to honor Representative Scott Reske on his retirement from the Indiana House of Representatives.

Whereas, Representative Scott Reske has represented his constituents, the citizens of House District 37, at the Statehouse since 2001;

Whereas, Representative Reske has lived in Madison County nearly his entire life, graduating from Pendleton Heights High School in 1978 before going on to study engineering at Purdue University, from which he received the degree of Bachelor of Science in Civil Engineering in 1983;

Whereas, While a student at Purdue, Representative Reske decided to serve his country as a member of the United States Marine Corps, attending Officer Candidate School while still at Purdue, and later graduating with honors from The Basic School in Quantico, Virginia;

Whereas, After graduating from Purdue, Representative Reske received a commission as a second lieutenant in the Marines and served as a Marine aviator while stationed on the West Coast and while deployed abroad, including service in Haiti and in Iraq during the Second Iraq War, serving in the Marine Corps for twenty-eight years before retiring with the rank of colonel;

Whereas, In addition to serving his country as a Marine and his state as a state legislator, Representative Reske has dedicated himself to his neighbors and his community through his 15-year service as a member of the Pendleton Volunteer Fire Department, and his current service as a reserve Deputy with the Madison County Sheriff's Department; and

Whereas, Outside the Statehouse, Representative Reske is a successful business owner, a loving husband and father of three: Therefore,

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

SECTION 1. That the Indiana House of Representatives thanks Representative Scott Reske for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Scott Reske and his family.

The resolution was read a first time and adopted by voice vote.

The Speaker yielded the gavel to Representative Reske.

House Resolution 69

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 69:

A HOUSE RESOLUTION to honor Representative David Cheatham on his retirement from the Indiana House of Representatives.

Whereas, Representative David Cheatham has represented his constituents, the citizens of House District 69, at the Statehouse for fourteen years, serving from 1984 until 1992, and then again from 2006 until 2012;

Whereas, Representative Cheatham was born and raised in Madison, Indiana, where he worked as a high school teacher for thirty-one years, and where he met his wife Gayla, who like her husband worked as a teacher for twenty-two years, and with whom he has two children and four grandchildren, to whom Representative Cheatham has always been a loving husband, father and grandfather;

Whereas, For his work at the Statehouse on behalf of his constituents, Representative Cheatham has been recognized and honored by a wide range of organizations, including the Jennings County Economic Development Hall of Fame Award, the Veterans of Foreign Wars Voice of Democracy Citation, the Indiana Right to Life State Legislative Award, the Crusade for Life Citation, and being named a Sagamore of the Wabash by former Governor Evan Bayh; and

Whereas, Outside the Statehouse, Representative Cheatham has dedicated himself to the state of Indiana and to his community and neighbors through service on the North Vernon City Council, the Indiana Water Resources Board, and the State Advisory Council of the Indiana Department of Education: Therefore:

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

SECTION 1. That the Indiana House of Representatives thanks Representative David Cheatham for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative David Cheatham and his family.

The resolution was read a first time and adopted by voice vote.

The Acting Speaker yielded the gavel to Representative Cheatham.

House Resolution 70

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 70:

A HOUSE RESOLUTION to honor Representative Dan Stevenson on his retirement from the Indiana House of Representatives.

Whereas, Representative Dan Stevenson has represented his constituents, the citizens of House District 11, since 1994;

Whereas, Representative Stevenson has lived in northwest Indiana his entire life, graduating from Highland High School in 1977 before going on to undergraduate study at Calumet College;

Whereas, Representatives Stevenson has spent his professional career as a steelworker at Inland Steel, and has been active in his support for working men and women as a member of the United Steel Workers Local 1010, which he has served as a grievance committee representative, and as an editor of the union's newspaper;

Whereas, Outside the Statehouse, Representative Stevenson is a loving husband to his wife of thirty-four years, Dawn, and a caring father and grandfather to their three children and five grandchildren, and has committed himself to his neighbors and his community as a former member of the Board of the Lake Area United Way, a former President of the Indiana Young Democrats, a former Vice-President of the United Steelworkers Press Association, and a former member of the Hammond Jaycees; and,

Whereas, Representative Stevenson's hard work and dedication has received honor and recognition on a number of occasions, including the Service to Labor Award from the Northwest Federation of Labor in 1995, the Legislative Achievement Award from Indiana University-Northwest in 1995, and the Legislator of the Year Award from the Indiana Association of Police Chiefs in 1996: Therefore,

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

SECTION 1. That the Indiana House of Representatives thanks Representative Dan Stevenson for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Dan Stevenson and his family.

The resolution was read a first time and adopted by voice vote.

The Acting Speaker yielded the gavel to Representative Stevenson.

House Resolution 58

Representatives Richardson and Friend introduced House Resolution 58:

A HOUSE RESOLUTION honoring Representative Richard McClain.

Whereas, Representative Richard McClain, who was first elected to represent the citizens of House District 24 in 1994, will be leaving the House chamber for the last time at the end of the 2012 legislative session;

Whereas, During his time in the House of Representatives, Representative McClain has served on the Financial Institutions Committee, the Roads and Transportation Committee, the Ways and Means Committee, the Veterans and Public Safety Committee, and the Select Committee on Government Reduction;

Whereas, While serving in the Indiana House of Representatives, Representative McClain helped to encourage innovative initiatives and spur economic development in his district, helped pass legislation to create the Logansport Ivy Tech location, was instrumental in funding Indiana's more than $1.8 billion transportation deficit to make the Hoosier Heartland Corridor a reality, and assisted with the development of numerous ethanol and biodiesel production plants;

Whereas, Before being elected to the House of Representatives, Representative McClain was a business owner, owning the first combined gas station and convenience store in the Indianapolis area and a hotel in Logansport;

Whereas, Representative McClain also served as the Jefferson Township Trustee and the Logansport City Engineer;

Whereas, Representative McClain served his country as a member of the United States Navy, serving during the Vietnam War;

Whereas, Active in his community, Representative McClain has been involved with the Logansport/Cass County Chamber of Commerce, Georgetown Volunteer Fire Department, Rotary, Jaycees, Red Cross, United Way, Farm Bureau, Junior Achievement Program for Students, American Legion, and the Mental Health Association and was an assistant Boy Scout Scoutmaster;

Whereas, Representative McClain also serves as an elder and teacher at the Lucerne Christian Church;

Whereas, Representative McClain is a graduate of Purdue University with a bachelor of science degree in industrial supervision; and

Whereas, Representative Richard McClain has served his constituency loyally and faithfully since his election to the Indiana General Assembly: Therefore,

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

SECTION 1. That the Indiana House of Representatives bids a fond farewell to Representative Richard McClain. The House of Representatives has seen only good things during his tenure. Legislators and staff alike will miss him greatly. His departure will leave a void that will never be truly filled.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Richard McClain and his family.

The resolution was read a first time and adopted by voice vote.

The Acting Speaker yielded the gavel to Representative McClain.

House Resolution 72

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 72:

A HOUSE RESOLUTION to honor Representative Jeb Bardon on his retirement from the Indiana House of Representatives.

Whereas, Representative Jeb Bardon has represented his constituents, the citizens of House District 25, at the Statehouse since 1998;

Whereas, Representative Bardon is proud to call Indianapolis his home, having graduated from Cardinal Ritter High School in 1991 before going on to receive his undergraduate education at Purdue University, graduating in 1995; and

Whereas, Outside the Statehouse, Representative Bardon is a successful owner and operator of several restaurant franchises, work which has allowed him to learn first-hand of the challenges facing Indiana small business owners and employees; Therefore:

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

SECTION 1. That the Indiana House of Representatives thanks Representative Jeb Bardon for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Jeb Bardon and his family.

The resolution was read a first time and adopted by voice vote.

The Acting Speaker yielded the gavel to the Speaker.

House Concurrent Resolution 55

Representative Crawford introduced House Concurrent Resolution 55:

A CONCURRENT RESOLUTION recognizing Mike Rodman of Indianapolis for his work on behalf of his neighbors and his community.

Whereas, Michael Rodman has served the citizens of Marion County with distinction as the Marion County Treasurer and County Commissioner from 2005 until this year;

Whereas, Mr. Rodman's history of leadership in community and civic affairs is long, broad and distinguished, as exemplified by his membership on the boards of many organizations and commissions, including service as President of the Board of the School Commissioners of the City of Indianapolis, as President of the Board of College Mentors for Kids, as Chairman of the Board of Bridges to Success, as Vice President of the Board of the Marion County Metropolitan Development Commission, as Treasurer of Our Savior Lutheran Academy, and as a member of the Boards of the Indiana Nature Conservancy, the Riley Foundation, the Indiana School for the Blind, the Indiana Nature Conservancy, the Boys and Girls Club, United Way, the Madame Walker Urban Life Center, 100 Black Men, the Marion County YMCA, the Indianapolis Urban League, the Indianapolis Public Schools Foundation, and others; and

Whereas, Mr. Rodman currently serves as Chairman of the Board of Indiana Landmarks, the nation's pre-eminent statewide historic preservation organization, leading it through a period of transformative change: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes the dedication and commitment of Michael Rodman to his neighbors and his community, thanks him for his hard work on their behalf, and wishes him be best of luck in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Michael Rodman.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Taylor.

House Resolution 73

Representatives Cheatham and Goodin introduced House Resolution 73:

A HOUSE RESOLUTION to recognize the work of Dr. Thomas G. Patterson, and to congratulate him on his retirement.

Whereas, Dr. Thomas Patterson is currently the President-Elect of the Indiana Association of School Superintendents, his

latest role in a long history of service to the Association, including tenures as Vice-President, Secretary, District Chairperson, and the chair of various IAPSS committees;

Whereas, In his professional career, Dr. Patterson served as the Superintendent of the Jac-Cen-Del Community School Corporation in Osgood, Indiana, from 1999 until 2002, and as the Superintendent of Madison Consolidated Schools in Madison, Indiana, from 2002 until his retirement this year in 2012;

Whereas, As Superintendent, Dr. Patterson worked tirelessly to bring into his school corporations the funding and resources necessary to offer the best education possible to Hoosier students, including his efforts at Jac-Cen-Del to secure a $5,000,000 CAPE grant in partnership with Eli Lilly to create what is today the Indiana Online Academy, and his work to plan and complete a nearly-$11,000,000 renovation of Lydia Middleton Elementary in Madison; and

Whereas, The value of Dr. Patterson's work has not only been recognized by his peers and colleagues, but is also evident in the high level of achievement of his students, with both Anderson Elementary and Lydia Middleton Elementary Schools being awarded Four-Star status under his tenure: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the many achievements of Dr. Thomas Patterson in the field of education, thanks him for a lifetime of dedicated service to his neighbors and to Hoosier schoolchildren, and wishes him every happiness in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dr. Thomas Patterson.

The resolution was read a first time and adopted by voice vote.

House Resolution 74

Representative Niezgodski introduced House Resolution 74:

A HOUSE RESOLUTION urging the Legislative Council to assign to an appropriate study committee the topic of Indiana's 811 laws.

Whereas, So-called "811 laws" are designed to prevent damage to property and injury to individuals by requiring contractors conducting excavations to determine the location of underground resources and utilities before beginning work with the help of a statewide database of facility locations, created in part using information provided by the utilities themselves; and

Whereas, If utility companies do not correctly identify the location of their underground facilities, the usefulness of Indiana's 811 is mitigated, and contractors and members of the general public may be at risk for injury: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to assign to an appropriate committee for interim study the topic of the effectiveness of Indiana's 811 laws, with particular focus on how current law may be modified to increase worker safety and ensure an equitable distribution of responsibility between contractors and utility providers for fulfilling the laws' requirements.

The resolution was read a first time and referred to the Committee on Employment, Labor, and Pensions.

House Resolution 75

Representative Niezgodski introduced House Resolution 75:

A HOUSE RESOLUTION urging the Legislative Council to assign to an appropriate study committee the topic of the operation of riding lawn mowers by young children.

Whereas, It is responsibility of the General Assembly to ensure that Hoosier children are protected from being put in unnecessary danger of injury or death by the adults to whose care they have been committed: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to assign to an appropriate study committee for interim study the topic of the operation of riding lawn mowers by children younger than 12, particularly whether allowing children younger than 12 to ride on a riding mower alone or with an adult in control of the machine should constitute a criminal infraction, as proposed by House Bill 1092 (2012).

The resolution was read a first time and referred to the Committee on Family, Children and Human Affairs.

House Resolution 76

Representative Speedy introduced House Resolution 76:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of the feasibility of creating administrative adjudication processes for the purposes of addressing issues related to persons licensed as set forth in EHB 1222-2012.

Whereas, The committee chosen by the Legislative Council shall study the feasibility of creating administrative adjudication processes for the purposes of addressing issues related to persons licensed as set forth in EHB 1222-2012: Therefore,

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of the feasibility of creating administrative adjudication processes for the purposes of addressing issues related to persons licensed as set forth in EHB 1222-2012.

SECTION 2. That the committee shall study the feasibility of creating administrative adjudication processes for the purposes of addressing issues related to persons licensed under IC 9-32-10 as contained in EHB 1222-2012.

SECTION 3. That the committee, in conducting the study required, may consider:

(1) the criteria contained in IC 9-32-9-8(2)(B), IC 9-32-9-8(2)(C), and IC 9-32-9-8(2)(D)as contained in EHB 1222-2012;

(2) deceptive franchise practices under IC 23-2-2.7; and

(3) other criteria that the board considers necessary.

SECTION 4. That in conducting the study required, the committee shall consider, as a basis for its deliberation, House Bill 1340 (2012) as introduced.

The resolution was read a first time and referred to the Committee on Judiciary.

House Resolution 77

Representative GiaQuinta introduced House Resolution 77:

A HOUSE RESOLUTION recognizing the work of Dr. Michael A. Griffin, Pastor of Jerusalem Baptist Church in Fort Wayne.

Whereas, Dr. Michael Aaron Griffin was born on September 2nd, 1962, in Chicago, Illinois;

Whereas, Dr. Griffin graduated from Gordon Technical High School in Chicago, and received a degree in Biblical Studies and Christian Growth from the Lay Bible Academy in Madison, Illinois, before receiving a Master's of Theology in Religious Education from the Gospel Ministry Outreach Theological Institute in Houston, Texas, and a Doctorate of Divinity from Morris-Booker Memorial College in Dermott, Arkansas;

Whereas, Dr. Griffin entered the ministry in 1987, receiving his ordination as a pastor in 1992 and serving as the pastor of the Kendrick Memorial Missionary Baptist Church in Chicago from 1992 until 1997, and as the pastor of the Spirit Redeemed Missionary Baptist Church in Chicago from 1997 until 2009, before leading the Jerusalem Baptist Church in Fort Wayne from 2009 until the present; and

Whereas, In addition to his 50th birthday, 2012 marks two other important milestones for Dr. Griffin, twenty-five years of preaching the Gospel, and twenty years of service as a pastor: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the work of Dr. Michael A. Griffin on behalf of his community and his congregation, first in Chicago and now in Fort Wayne, thanks him for his lifetime of dedicated service to his neighbors, and sincerely wishes him the best of luck in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dr. Michael Griffin.

The resolution was read a first time and adopted by voice vote.

House Resolution 78

Representatives Bosma, Reske, and Koch introduced House Resolution 78:

A HOUSE RESOLUTION supporting the construction of the New International Trade Crossing between the United States and Canada.

Whereas, Canada is the largest foreign trade partner for the United States and the largest export destination for 35 states;

Whereas, Canada is Indiana's top export market;

Whereas, Indiana's bilateral trade with Canada for the year 2009 was $12.6 billion;

Whereas, An estimated 162,300 jobs in Indiana are supported by United States-Canada bilateral trade;

Whereas, Canadians made more than 204,600 visits to Indiana during 2009, spending more than $53 million;

Whereas, The current bridge between Detroit and Windsor is 82 years old and carries one-fourth of all United States-Canada trade, which consists of 20,000 vehicles and approximately $350 million in value daily;

Whereas, Eight million jobs in the United States depend on United States-Canada trade and the livelihoods of two million Americans rely on that 82-year-old bridge between Detroit and Windsor;

Whereas, Plans are underway to build an additional international border crossing system over the Detroit River, to be known as the New International Trade Crossing. The crossing will consist of a six-lane bridge with three lanes bound for the United States and three lanes bound for Canada, and connected to new United States and Canadian inspection plazas;

Whereas, The New International Trade Crossing will have an enormous impact on the United States economy, creating 10,000 construction jobs and more than 25,000 other jobs in the United States during the construction period;

Whereas, The state of Michigan and Transport Canada are pursuing a public-private partnership to finance and deliver the New International Trade Crossing;

Whereas, The partnership will be in the form of a long-term concession agreement that will seek to maximize private sector participation and financing by allowing for public ownership of the bridge and private financing, construction, operation, and maintenance of the bridge while protecting the public interest;

Whereas, The state of Michigan needs legislative authority to enter into the public-private partnership and to enter into an agreement with Canada to build the New International Trade Crossing; and

Whereas, A modern border crossing that can support the ever-increasing amount of trade and travel between the United States and Canada is essential to the economies of Indiana, the Midwest, and the United States: Therefore,

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

SECTION 1. That the members of the Indiana House of Representatives do hereby fully support the New International Trade Crossing project and any legislation that will allow for its construction and the creation of a public-private partnership to finance and deliver the new border crossing.

SECTION 2. That the members of the Indiana House of Representatives encourage initiatives that bring investments to communities hosting the New International Trade Crossing project as well as to the entire multistate region, including job creation, environmental improvement, increased trade, and other benefits that improve the quality of life of residents.

SECTION 3. That the members of the Indiana House of Representatives recognize that the New International Trade Crossing will have an immeasurable economic impact on the state of Indiana and will lay the foundation for future productivity, growth, and stability of local economies within Indiana.

SECTION 4. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the President of the Michigan Senate, the Minority Leader of the Michigan Senate, the Speaker of the Michigan House of Representatives, the Minority Leader of the Michigan House of Representatives, the Governor of Michigan, and the Consul General of Canada in Detroit, Michigan.

The resolution was read a first time and adopted by voice vote.

Representatives Austin, Bartlett, Dembowski, Dodge, Grubb, L. Lawson, Pelath, M. Smith, and Welch were excused.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1005.

MAHAN

Roll Call 349: yeas 62, nays 19. Motion prevailed.

Representatives Grubb and Pond, who had been excused, were present. Representatives Candelaria Reardon, Clere, Harris, Thompson, Torr, and Turner were excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1065.

BORDERS

Roll Call 350: yeas 76, nays 0. Motion prevailed.

Representatives Harris, Torr, and Yarde, who had been excused, were present. Representative Porter was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1116.

BORDERS

Roll Call 351: yeas 79, nays 0. Motion prevailed.

Representative Porter, who had been excused, was present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1226.

LEHMAN

Roll Call 352: yeas 79, nays 0. Motion prevailed.

Representative Bartlett, who had been excused, was present. Representative Mahan was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1238.

BURTON

Roll Call 353: yeas 79, nays 0. Motion prevailed.

Representatives Clere and Mahan, who had been excused, were present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1250.

MAHAN

Roll Call 354: yeas 77, nays 5. Motion prevailed.

Representative Leonard was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1283.

RICHARDSON

Roll Call 355: yeas 78, nays 2. Motion prevailed.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1197 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

M. SMITH

Motion prevailed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 147, 156, 173, 233, 267, 286, 287, and 402.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, March 7, 2012 at 10:00 a.m.

THOMPSON

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representative Reske be added as coauthor of House Resolution 57.

TRUITT

Motion prevailed.

House Resolution 53, authored by Representative Frizzell, was withdrawn from further consideration by the House.

On the motion of Representative McClain, the House adjourned at 4:28 p.m., this sixth day of March, 2012, until Wednesday, March 7, 2012, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

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Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Thirty-fifth Day — **Wednesday Morning** — **March 7, 2012**

The invocation was offered by Representative Jeffrey A. Thompson.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Peggy M. Welch.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon □
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses □
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 356: 98 present; 2 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 18, 53, and 54 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

CONFEREES AND ADVISORS APPOINTED

EHB 1197 Conferees: M. Smith and Riecken
Advisors: Neese, Soliday, Wolkins, and White

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1237 Advisor: Lehman

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:25 p.m. with the Speaker in the Chair.

RESOLUTIONS ON FIRST READING

House Resolution 84

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 84:

A HOUSE RESOLUTION to honor Representative Craig Fry on his retirement from the Indiana House of Representatives.

Whereas, Representative Craig Fry has represented his constituents, the citizens of House District 5, at the Statehouse for twenty-four years;

Whereas, Representative Fry is a life-long resident of his hometown of Mishawaka, having graduated from Mishawaka High School in 1970 before going on to study at Ball State University, Indiana University-South Bend, the National Labor College, from whom he received the degree of Bachelor of Arts, and Ivy Tech State College, for whom he serves today as the Executive Director of Apprenticeship Studies, and where he has been instrumental in the creation of pioneering associate degree programs in partnership with building trades unions in Indiana and across the country;

Whereas, Representative Fry's work in the Statehouse on behalf of his constituents and of the state of Indiana has been widely recognized by a wide range of organizations and associations, including several awards as a Legislator of the Year, with his reputation extending even into neighboring states, as demonstrated by his commission by the Commonwealth of Kentucky as a Kentucky Colonel; and

Whereas, Outside the Statehouse, Representative Fry worked for many years in the construction industry as a carpenter, foreman and superintendent, while being an active, long-standing member of the United Brotherhood of Carpenters, and has worked on behalf of his neighbors and his community as a member of the Penn Township Advisory Board, of Healthy Mothers/Healthy Babies, and of the NAACP: Therefore,

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

SECTION 1. That the Indiana House of Representatives thanks Representative Craig Fry for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Craig Fry and his family.

The resolution was read a first time and adopted by voice vote.

The Speaker yielded the gavel to Representative Fry.

House Resolution 80

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 80:

A HOUSE RESOLUTION to honor Representative F. Dale Grubb on his retirement from the House of Representatives.

Whereas, Representative Dale Grubb has represented his constituents, the citizens of House District 42, since his election in 1988;

Whereas, Representative Grubb is a life-long resident of his hometown of Covington, having graduated from Covington High School before receiving the degree of Bachelor of Science in Agriculture Economic from Purdue University;

Whereas, Before his election to the House of Representatives, Representative Grubb worked for several years as a banker and as a farmer at Grubb Farm, which he still operates today;

Whereas, In his many years of service to his constituents and to the General Assembly, Representative Grubb has dedicated himself entirely to working with members of both parties towards improving the lives of all Hoosiers, including his continuing work on organ donation legislation, his work in establishing the Wabash River Heritage Commission, his efforts to promote the production and consumption of renewable energy in Indiana, his efforts to publicly honor veterans and Prisoners of War, and his commitment to maintaining Indiana's rich heritage of covered bridges;

Whereas, Representative Grubb served as Caucus Chairman for many years, working on behalf of his caucus members and the House of Representatives to improve the functioning and efficiency of the legislature, including his leadership in remodeling the legislative offices of Room 336 in order to provide the space and resources necessary for legislators to work with their constituents; and

Whereas, Outside the Statehouse, Representative Grubb has labored tirelessly for his neighbors, his community and his state as an active member of a number of organizations and associations, including the American Veterans, the Sons of the American Revolution, the St. Vincent Hospital-Williamsport Board of Directors, and the Executive Council of the Council of State Governments: Therefore,

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

SECTION 1. That the Indiana House of Representatives thanks Representative Dale Grubb for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Dale Grubb and his family.

The resolution was read a first time and adopted by voice vote.

Representative Moses, who had been excused, was present.

The Acting Speaker yielded the gavel to the Speaker.

House Resolution 83

Representatives Bauer, L. Lawson, and summers introduced House Resolution 83:

A HOUSE RESOLUTION to honor Representative Chet Dobis on his retirement from the Indiana House of Representatives.

Whereas, Representative Chet Dobis has represented his constituents, the citizens of House District 13, at the Statehouse for forty-one years;

Whereas, Representative Dobis has lived in northwest Indiana nearly his entire life, graduating from Merrillville High School and Indiana University-Northwest before moving on to graduate school at the University of Wisconsin in Madison;

Whereas, As one of the two longest serving members of the Indiana House of Representatives, having been elected in November 1970, Representative Dobis has done invaluable service for the House of Representatives, supplying the wealth of institutional knowledge and memory that comes from his service as Speaker Pro Tempore under three different Speakers of the House, as the Dean of the Northwest Indiana Delegation, and as one of the original members of the "Rat Pack";

Whereas, In a long career of legislating, Representative Dobis's services to his constituents and his district have been many, including his strong opposition to Daylight Saving Time, and the creation of the Regional Development Authority for northwest Indiana; and,

Whereas, Outside of the Statehouse, Representative Dobis has worked in his professional life as a vice president of Bank One, has dedicated himself to his neighbors and his community as a member of the National Guard, a member of the Gary Sportsmen Club, and, early in his career, a member of the Young Democrats, and has lived as a loving husband to his wife Darlene, and as a caring father and grandfather to their two children and one grandchild: Therefore,

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

SECTION 1. That the Indiana House of Representatives thanks Representative Chet Dobis for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Chet Dobis and his family.

The resolution was read a first time and adopted by voice vote.

The Speaker yielded the gavel to Representative Dobis.

House Resolution 55

Representatives Richardson and Friend introduced House Resolution 55:

A HOUSE RESOLUTION honoring Representative Ralph Foley.

Whereas, Representative Ralph Foley, who was first elected to represent the citizens of House District 47 in 1992, will be leaving the House chamber for the last time at the end of the 2012 legislative session;

Whereas, Representative Foley has been instrumental in the enactment of numerous pieces of legislation especially focused on criminal justice reform and probate issues, including rewriting the death penalty in 1995 and producing legislation to ensure saying "I'm sorry" after an accident is not an admission of liability;

Whereas, Representative Foley has received several awards throughout the years, including two Presidential Citations from the Indiana State Bar Association, a Mayor's Award from the city of Martinsville, the Indiana Chamber of Commerce Champion of Small Business Award, and the Indiana Judges Association Gavel Award;

Whereas, Representative Foley has also been recognized as an Advocate for Rural Health, been inducted into the Martinsvillle High School Hall of Fame, and named the Martinsville Kiwanis Citizen of the Year;

Whereas, Representative Foley received his undergraduate and law degrees from Indiana University and has been practicing law since 1965 as a partner in Foley, Foley and Peden;

Whereas, Active in the legal community, Representative Foley has been President of the Morgan County Bar Association, Treasurer and a member of the Board of Governors for the Indiana State Bar Association, Counsel to the President of the Indiana State Bar Association, a Fellow and Master Fellow for the Indiana Bar Foundation, as well as a member of the Indiana Bar Foundation's Board of Directors;

Whereas, Representative Foley has served on the Probate, Trust and Real Estate Council and has served as a faculty member for the Indiana Continuing Legal Education Forum for Business;

Whereas, Active in his community, Representative Foley is a Life Alumnus of Indiana University, a member of the Indiana Farm Bureau, a member of the Martinsville Chamber of Commerce, a trustee of the First United Methodist Church of Martinsville, and a director on the Board of Directors for the church's retirement facility in Franklin;

Whereas, Interested in the education of young Hoosiers, Representative Foley was co-president of the East Middle School PTO and co-chair of Martinsville P.R.I.D.E.;

Whereas, Before being elected to the House of Representatives, Representative Foley was chair of the Morgan County Election Board, Vice Precinct Committeeman, Morgan County Deputy Prosecuting Attorney, and a delegate to the state convention; and

Whereas, Representative Ralph Foley has served his constituency loyally and faithfully since his election to the Indiana General Assembly: Therefore,

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

SECTION 1. That the Indiana House of Representatives bids a fond farewell to Representative Ralph Foley. The House of Representatives has seen only good things during his tenure. Legislators and staff alike will miss him greatly. His departure will leave a void that will never be truly filled.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Ralph Foley and his family.

The resolution was read a first time and adopted by voice vote.

The Acting Speaker yielded the gavel to the Speaker.

House Concurrent Resolution 56

Representative Frizzell introduced House Concurrent Resolution 56:

A CONCURRENT RESOLUTION urging the Legislative Council to assign the Regulatory Flexibility Committee to study and evaluate the practices and methods of incorporating clean energy resources into the generation portfolios of energy providers.

Whereas, It is important for Indiana legislators to gain a better understanding of the complexities of utility regulation;

Whereas, Technological advances in energy generation, energy transmission, and smart grid technologies merit study to ensure Indiana is considering all available options to meet its energy demands, including options available under the voluntary Indiana Voluntary Clean Energy Portfolio Standard;

Whereas, The mechanism of Indiana's recently enacted Voluntary Clean Energy Portfolio Standard should be studied and evaluated, including the resources that are qualified to satisfy the 70% and 30% categories of the CHOICE Program Goal, rate impacts of portfolio standards implemented in other states, and the impact on locational marginal prices due to fuel-free electricity;

Whereas, The continued importance of a diverse energy portfolio that includes coal, natural gas, nuclear generation, and clean energy resources should be studied;

Whereas, In order to ensure that Indiana is keeping pace with energy development, it is beneficial to study the regulatory practices and laws of other states and federal energy and utility agencies; and ratepayers will receive the most appropriate, just, and reasonable electricity rates and charges for fossil and non-fossil fueled energy, it would be beneficial to study and identify best practices of utility regulatory agencies in other jurisdictions to evaluate and approve utility acquisition of new energy sources; and

Whereas, It would also be beneficial to assess Indiana state statutes and procedures to ensure that they are sufficient to deal with an increasingly competitive environment for energy services and to ensure that they are designed to consider options that are the least cost reasonably available: Therefore,

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

SECTION 1. That the Indiana General Assembly urges the Legislative Council to assign the Regulatory Flexibility Committee to study the statutes, policies, and practices of current utility regulation so as to educate legislators on state utility laws and state regulatory policies and procedures and

consider any necessary improvements to those laws, policies, and procedures.

The resolution was read a first time and referred to the Committee on Government and Regulatory Reform.

House Resolution 85

Representatives McNamara, Crouch, and Bacon introduced House Resolution 85:

A HOUSE RESOLUTION congratulating the Mater Dei High School girls basketball team.

Whereas, The Evansville Mater Dei High School girls basketball team is the new Class 2A state champion;

Whereas, The 2011-2012 basketball season was a year of firsts for Mater Dei;

Whereas, The top-ranked Wildcats won their first regional, their first semi-state, and, with their 56-52 overtime victory over second-ranked Fort Wayne Bishop Luers, their first state championship;

Whereas, The championship game was hard fought with 15 ties and lead changes;

Whereas, Mater Dei pulled out the victory with three points from Tori Schickel early in overtime and four from sophomore Maura Muensterman in the final second;

Whereas, The Mater Dei Wildcats finished the season with a 27-1 record, winning their last 20 games; and

Whereas, Excellence such as this deserves special recognition: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates the Mater Dei High School's girls basketball team on its state championship and wishes the team members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to each team member; student managers; Assistant Coaches Terry Muensterman, Gary Alles, Allison Mesker, and Micah Konkler; Head Coach Steve Goans; Athletic Director Joe Herrmann; Principal Chris Tanner; President Timothy Dickel; and Superintendent Daryl Hagan.

The resolution was read a first time and adopted by voice vote.

House Resolution 86

Representative Davisson introduced House Resolution 86:

A HOUSE RESOLUTION urging the legislative council to establish an interim study committee to study immunization by pharmacists.

Whereas, Pharmacists are in a position to help overcome the obstacles to increasing immunization rates: Therefore,

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

SECTION 1. That the legislative council is urged to establish an interim study committee to study immunization by pharmacists.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Public Health.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
EHB 1141–1; filed March 7, 2012, at 2:18 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1141 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Replace the effective date in SECTION 2 with "[EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]".

Delete the title and insert the following:

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

Page 2, delete lines 9 through 27, begin a new paragraph and insert:

"**(c) Not later than September 1 of each year, the office of the lieutenant governor shall report to the budget agency the total amount that was used to provide home energy assistance during the previous state fiscal year through the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq. administered under IC 4-4-33-1. The budget agency shall determine the amount of gross retail tax revenue that was collected during the preceding state fiscal year on the amount of home energy assistance reported to the budget agency.**

(d) An amount equal to the amount of gross retail tax revenue determined by the budget agency under subsection (c) is appropriated from the fund to the office of the lieutenant governor to establish a separate state home energy assistance program to be administered under IC 4-4-33-1. The separate state home energy assistance program shall be used to provide home energy assistance exclusively for individuals who own a home, using the same eligibility standards as those used for the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq. The budget agency shall allot the amount determined under subsection (c) from the fund before October 1 each year.".

(Reference is to EHB 1141 as reprinted February 21, 2012.)

CLERE	KENLEY
WELCH	SIMPSON
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 113–1; filed March 7, 2012, at 3:05 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 113 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-21-1-3.3, AS AMENDED BY P.L.182-2009(ss), SECTION 292, IS AMENDED TO READ

AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.3. (a) A city, **county,** or ~~a~~ town may adopt by ordinance traffic regulations concerning the use of golf carts on a highway under the jurisdiction of the city, **county,** or ~~the~~ town. An ordinance adopted under this subsection may not:

(1) conflict with or duplicate another state law; or

(2) conflict with a driver's licensing requirement of another provision of the Indiana Code.

(b) A fine assessed for a violation of a traffic ordinance adopted by a city, **county,** or ~~a~~ town under this section shall be deposited into the general fund of the city, **county,** or town.

~~(c) A person who violates subsection (a) commits a Class C infraction.~~

(c) Notwithstanding subsection (a), an ordinance adopted by a county under this section:

(1) may allow an operator of a golf cart to cross a highway in the state highway system, at right angles, in order to travel from one (1) highway under the jurisdiction of the county to another highway under the jurisdiction of the county when the operation can be done safely; and

(2) must set a limit as to the number of passengers (other than the operator) that may be permitted on a golf cart.

(d) A violation of an ordinance adopted under this section that is committed on a state highway by the operator of a golf cart is considered to be an ordinance violation.

SECTION 2. IC 9-21-9-0.5, AS AMENDED BY P.L.150-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. (a) This chapter does not apply to the following:

(1) An electric personal assistive mobility device.

(2) A low speed vehicle.

(3) Except as provided in subsection (b), a golf cart.

(b) An ordinance adopted in accordance with IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) may require a golf cart to display a slow moving vehicle emblem in accordance with section 3 of this chapter or a red or amber flashing lamp in accordance with section 4 of this chapter. A fine assessed for a violation of an ordinance under this section shall be deposited in the general fund of the city, **county,** or town.

SECTION 3. IC 9-24-1-7, AS AMENDED BY P.L.87-2010, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Sections 1 through 5 of this chapter do not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual while operating:

(A) a road roller;

(B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;

(C) a ditch digging apparatus;

(D) a well drilling apparatus;

(E) a concrete mixer; or

(F) a farm tractor, a farm wagon (as defined in IC 9-13-2-60(a)(2)), or an implement of agriculture designed to be operated primarily in a farm field or on farm premises;

that is being temporarily drawn, moved, or propelled on a public highway. However, to operate a farm wagon (as defined in IC 9-13-2-60(a)(2)) on a highway, an individual must be at least fifteen (15) years of age.

(3) A nonresident who:

(A) is at least sixteen (16) years and one (1) month of age;

(B) has in the nonresident's immediate possession a valid operator's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States;

while operating a motor vehicle in Indiana only as an operator.

(4) A nonresident who:

(A) is at least eighteen (18) years of age;

(B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States;

while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway.

(6) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(7) A new resident of Indiana who possesses an unexpired driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(8) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

(b) An ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) must require that an individual who operates a golf cart in the city, **county,** or town hold a driver's license.

(Reference is to ESB 113 as reprinted February 21, 2012.)

HOLDMAN	LEHMAN
ARNOLD	DEMBOWSKI
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 52–1; filed March 7, 2012, at 3:23 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 52 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-41-6-1, AS AMENDED BY P.L.94-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) ~~Except as provided in IC 16-41-8-6, IC 16-41-10-2.5, and subsection (b), a person may not perform a screening or confirmatory test for~~

~~the antibody or antigen to HIV without the oral or written consent of the individual to be tested or a representative as authorized under IC 16-36-1. A physician ordering the test or the physician's authorized representative shall document whether or not the individual has consented. The test for the antibody or antigen to HIV may not be performed on a woman under section 5 or 6 of this chapter if the woman refuses under section 7 of this chapter to consent to the test.~~ **As used in this section, "physician's authorized representative" means:**

(1) an advanced practice nurse (as defined by IC 25-23-1-1(b)) who is operating in collaboration with a licensed physician; or

(2) an individual acting under the supervision of a licensed physician and within the individual's scope of employment.

(b) If a physician or the physician's authorized representative determines that it is medically necessary to conduct an HIV test on an individual under the care of a physician, the physician or physician's authorized representative may order the test if the physician or the physician's authorized representative:

(1) informs the patient of the test;

(2) provides an explanation of the test; and

(3) informs the patient of the patient's right to refuse the test.

Subject to subsection (d), if the patient refuses the test, the physician or the physician's authorized representative may not perform the test and shall document the patient's refusal in the patient's medical record.

(c) After ordering an HIV test for a patient, the physician or the physician's authorized representative shall:

(1) discuss with the patient the availability of counseling concerning the test results; and

(2) notify the patient of the test results.

If a test conducted under this section indicates that a patient is HIV infected, in addition to the requirements set forth in IC 16-41-2, the physician or the physician's authorized representative shall inform the patient of treatment and referral options available to the patient.

(d) A physician or a physician's authorized representative may order an HIV test to be performed without informing the patient or the patient's representative (as defined in IC 16-36-1-2) of the test or regardless of the patient's or the patient's representative's refusal of the HIV test if any of the following conditions apply:

~~(b) The test for the antibody or antigen to HIV may be performed if one (1) of the following conditions exists:~~

(1) If ordered by a physician, ~~who has obtained a health care~~ consent ~~under IC 16-36-1 or an implied consent under~~ **can be implied due to** emergency circumstances and the test is medically necessary to diagnose or treat the patient's condition.

(2) Under a court order based on clear and convincing evidence of a serious and present health threat to others posed by an individual. A hearing held under this ~~subsection~~ **subdivision** shall be held in camera at the request of the individual.

(3) If the test is done on blood collected or tested anonymously as part of an epidemiologic survey under IC 16-41-2-3 or IC 16-41-17-10(a)(5).

(4) The test is ordered under section 4 of this chapter.

(5) The test is required or authorized under IC 11-10-3-2.5.

(6) The individual upon whom the test will be performed is described in IC 16-41-8-6 or IC 16-41-10-2.5.

~~(c)~~ **(7)** A court ~~may order a person~~ **has ordered the individual** to undergo testing for HIV under IC 35-38-1-10.5(a) or IC 35-38-2-2.3(a)(16).

(8) Both of the following are met:

(A) The individual is not capable of providing consent and an authorized representative of the individual is not immediately available to provide consent or refusal of the test.

(B) A health care provider acting within the scope of the health care provider's employment comes into contact with the blood or body fluids of the individual in a manner that has been epidemiologically demonstrated to transmit HIV.

(e) The state department shall make HIV testing and treatment information from the federal Centers for Disease Control and Prevention available to health care providers.

(f) The state department may adopt rules under IC 4-22-2 necessary to implement this section.

(Reference is to ESB 52 as reprinted February 15, 2012.)

BECKER	T. BROWN
BREAUX	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 176–1; filed March 7, 2012, at 3:24 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 176 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 12 through 17.

Page 2, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

(Reference is to ESB 176 as reprinted February 24, 2012.)

M. YOUNG	FOLEY
RANDOLPH	PRYOR
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 15–1; filed March 7, 2012, at 3:35 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 15 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) The state department of health and the office of the secretary of family and social services shall:**

(1) study the current brain injury services offered in Indiana; and

(2) determine:

(A) any deficiencies in the provision of brain injury services in Indiana; and

(B) how to implement additional brain injury services and neurobehavioral rehabilitation programs in Indiana.

(b) The study described in subsection (a) must include the following:

(1) Development of a licensure category for neurobehavioral rehabilitation facilities and the criteria to be included for the license.

(2) Assessment of whether incentives are needed to encourage the provision of brain injury services and neurobehavioral services in Indiana.

(3) Determination of the adequate reimbursement under the Medicaid program for brain injury and neurobehavioral services.

(4) Determination of whether funds from the Medicaid health facility closure and conversion fund could be used to assist qualified service providers in opening a neurobehavioral rehabilitation facility or to enhance reimbursement for brain injury or neurobehavioral services in Indiana.

(5) Determination of whether existing Medicaid waivers should be amended to increase the number of individuals covered under the waivers or the services provided to individuals with traumatic brain injuries under the waivers, and the amendments that would be needed.

(c) Before October 1, 2012, the state department of health and the office of the secretary of family and social services shall report orally and in writing to the health finance commission established by IC 2-5-23-3 concerning the study conducted under this SECTION and any recommendations resulting from the study.

(d) The brain injury treatment advisory committee is established for the purpose of assisting the state department of health and the office of the secretary of family and social services with the study described in this SECTION. The committee consists of the following members:

(1) The commissioner of the state department of health or the commissioner's designee, who is the chairperson of the committee.

(2) The director of the office of Medicaid policy and planning, or the director's designee.

(3) The director of the division of aging, or the director's designee.

(4) The director of the rehabilitation services bureau within the office of the secretary of family and social services, or the director's designee.

(5) The following members appointed by the governor not later than May 1, 2012:

(A) One (1) member representing the Brain Injury Association of Indiana.

(B) Six (6) individuals representing any of the following:

(i) Brain injury service providers.

(ii) Residential care providers.

(iii) Health care providers who have knowledge concerning brain injuries.

(C) One (1) representative of the rate setting contractor used by the office of Medicaid policy and planning.

(D) One (1) consumer of brain injury services.

(E) One (1) psychologist licensed under IC 25-33-1 who specializes in the assessment and treatment of individuals with a brain injury.

(F) One (1) individual who is a caregiver of a consumer of brain injury services.

(G) One (1) representative of the Indiana Association of Area Agencies on Aging.

The state department of health shall staff the committee. The committee shall meet at least four (4) times at the call of the chairperson. The members of the committee are not entitled to per diem or reimbursement for expenses incurred in connection with the members' committee duties.

(e) This SECTION expires July 1, 2013.

SECTION 2. [EFFECTIVE JULY 1, 2012] **(a) During the 2012 legislative interim, the office of Medicaid policy and planning shall report to the health finance commission established by IC 2-5-23-3 concerning the feasibility and development of a risk based managed care pilot program for aged, blind, and disabled Medicaid recipients. This SECTION does not authorize the office to implement a risk based managed care pilot program.**

(b) This SECTION expires December 31, 2012.

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

(Reference is to ESB 15 as reprinted February 29, 2012.)

MILLER	T. BROWN
BREAUX	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 224–1; filed March 7, 2012, at 3:35 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 224 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2012] **(a) Not later than October 1, 2012, the state department of health established by IC 16-19-1-1, the division of fire and building safety established by IC 10-19-7-1, and the Indiana emergency medical services commission created by IC 16-31-2-1 shall report to the health finance commission established by IC 2-5-23-3 orally and in writing. The report must cover the following matters related to emergency services:**

(1) Policies and procedures for calling and responding to 911 calls for emergency medical services, including the determination of what type of health care emergency service provider should respond to the call.

(2) Any requirements or guidelines for equipment that should be on an ambulance or other emergency services vehicle that is necessary to respond to the emergency medical needs of an individual.

(3) Ambulance response time for emergency calls.

(4) Ambulance transportation procedures.

(5) Procedures and policies for health facilities to obtain emergency and non-emergency medical transportation for health facility residents.

(6) How ambulance coverage is affected by ambulances that are subject to geographic or jurisdictional limits within a county, city, town, or township.

(7) Procedures or policies for determining to which hospital a patient is transported.

(8) A review of the state trauma care system.

(b) In preparing the report required by subsection (a), the agencies described in subsection (a) shall consult with

entities that may be affected by the proposals being considered for the report.

(c) This SECTION expires December 31, 2012.

(Reference is to ESB 224 as reprinted March 1, 2012.)

MILLER	T. BROWN
ROGERS	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 107–1; filed March 7, 2012, at 4:05 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 107 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 12.

Page 2, delete lines 11 through 42.

Page 3, delete lines 1 through 23.

Renumber all SECTIONS consecutively.

(Reference is to ESB 107 as reprinted February 21, 2012.)

ZAKAS	NEESE
HUME	MOSES
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1040–1; filed March 7, 2012, at 4:11 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1040 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 35 through 42.

Delete pages 3 through 5.

(Reference is to EHB 1040 as printed February 24, 2012.)

T. BROWN	MILLER
GRUBB	HUME
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1197:

Conferees: Becker and Arnold
Advisors: Wyss, Hume, and Grooms

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1205:

Advisor: Rogers

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 144 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Skinner
Advisors: Charbonneau and Broden

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 175 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: M. Young, Chair; and Lanane
Advisors: Landske and Broden

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1065, 1116, 1226, 1238, 1250, and 1283 on March 7.

CONFEREES AND ADVISORS APPOINTED

The Speaker yielded the gavel to Representative Foley who announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 144	Conferees:	Espich and Crawford
	Advisors:	Turner and Goodin
ESB 175	Conferees:	Richardson and Bartlett
	Advisors:	Koch, Behning, and White

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 8, 2012 at 10:00 a.m.

THOMPSON

The motion was adopted by a constitutional majority.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 14 and 55 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 7, 34, and 40 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

A meeting of the Committee on Rules and Legislative Procedures was announced..

On the motion of Representative McMillin, the House adjourned at 5:21 p.m., this seventh day of March, 2012, until Thursday, March 8, 2012, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Thirty-sixth Day — **Thursday Morning** — **March 8, 2012**

The invocation was offered by Pastor Glenn Stidd, Northside Christian Church, Bloomington, the guest of Representative Peggy M. Welch.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative William A. Crawford.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon □
Bartlett
Battles
Bauer
Behning □
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton □
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler □
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 357: 96 present; 4 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 3, 37, and 39 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Acts 98, 111, 131, 132, 156, 157, 182, 191, 246, 255, 267, 268, 271, 273,283, 307, 309, 315, 329, 370, 378, and 402 on March 8.

RESOLUTIONS ON FIRST READING

House Resolution 81

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 81:

A HOUSE RESOLUTION to honor Representative John Day on his retirement from the Indiana House of Representatives.

Whereas, Representative John Day has represented his constituents, the citizens of House District 100, for thirty-six years, serving once from 1974 until 1994, and again from 1996 until this year;

Whereas, Representative Day is a life-long resident of Indianapolis, having graduated from Cathedral High School and Marian University before moving on to receive his Master of Arts degree from Indiana University in Bloomington;

Whereas, Representative Day is widely known and recognized in Indianapolis and across the state as a powerful advocate for child health and nutrition, having been the driving force behind the creation of the Indiana School Breakfast Program, as a defender of the middle class as a strong supporter of the state Earned Income Tax Credit, and as a passionate defender of the health and prosperity of Indianapolis neighborhoods, especially his own Near Eastside communities; and,

Whereas, Outside the Statehouse, Representative Day is a scholar of history and political science, lecturing at Marian University for many years and an avid student of the history of the Catholic Church in Indianapolis, and has dedicated himself

to his neighbors, parishioners and his community through his active involvement with the Church, including many years as a coach for Catholic Youth Organization basketball teams: Therefore,

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

SECTION 1. That the Indiana House of Representatives thanks Representative John Day for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative John Day and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 79

Representatives Koch and Reske introduced House Resolution 79:

A HOUSE RESOLUTION recognizing the Canada - United States Trade and Investment Relationship.

Whereas, Canada and Indiana enjoy a strong economic relationship;

Whereas, 162,286 Indiana jobs depend on trade with Canada, and 91 Canadian-owned businesses employ 11,951 people at 428 Indiana locations;

Whereas, 53 Indiana businesses have 97 operations in Canada and employ 10,312 people in Indiana;

Whereas, In 2010 bilateral trade between Canada and Indiana totaled $17 billion, and Indiana exports to Canada amounted to $10.39 billion;

Whereas, Canadian investments in Indiana were $388.11 million;

Whereas, In 2010 Indiana imported over $554.17 million in crude and $58.25 million in refined petroleum products from Canada;

Whereas, 92 automotive companies and plants export to Canada and employ 31,078 people in Indiana;

Whereas, Canadians made more than 213,200 visits to Indiana during 2010, spending more than $102 million in our state, and 84,850 air passengers travel between Canada and Indiana each year;

Whereas, Hoosiers and Canadians share a strong common ancestry, with 13,686 Hoosiers being born in Canada or having Canadian ancestry; and

Whereas, Canada and Indiana share a deep commitment to create a world of peace and security through maintaining bilateral trade and investment relationships: Therefore,

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

SECTION 1. That the Indiana House of Representatives wishes to recognize the benefits for both the United States and Indiana resulting from the Canada–United States Trade and Investment Relationship.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 3

The Speaker handed down Senate Concurrent Resolution 3, sponsored by Representatives Pond and GiaQuinta:

A CONCURRENT RESOLUTION honoring Taylor Reuille.

Whereas, When 11 year old Taylor Reuille realized that there were many children with disabilities in her community who couldn't play on the existing playgrounds, she and her mother, Casey Booher, found a solution to the problem;

Whereas, They discovered that a "boundless playground" offered amazing play opportunities for children with physical, sensory, developmental, and cognitive disabilities;

Whereas, Four years in the making, the first boundless playground in Indiana opened in Kreager Park on the east side of Fort Wayne on Friday, June 10, 2011;

Whereas, With the creation of this playground, Taylor Reuille's dream of a playground where all children could play together became a reality;

Whereas, This new facility that provides play equipment for children of all abilities was brought about by the tireless work of Taylor Reuille and her family, who personally raised $10,000 through community and school fundraising;

Whereas, With the help of the community, the city, and donations from other sources, Taylor was able to raise over $1,000,000 needed to build the playground;

Whereas, The playground features a revolutionary accessible surface called Playground Grass, a soft, grass-like surface that, combined with a padded sub-surface, provides a safety rating to fall heights of 12 feet;

Whereas, This new playground creates opportunities not only for children with disabilities, but also for their parents and grandparents, providing accessible equipment that gives many parents and grandparents the chance to play with their children; and

Whereas, Through the work of Taylor Reuille, we are able to recognize the importance of giving all children the opportunity to play together, providing them with a sense of inclusiveness and interaction: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes the tremendous effort and dedication of Taylor Reuille in working to establish a boundless playground that enables children with disabilities to feel included in their community and enjoy the simple pleasures afforded them by this amazing new playground.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Taylor Reuille and her family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 6

The Speaker handed down Senate Concurrent Resolution 6, sponsored by Representatives Stemler, Clere, and Rhoads:

A CONCURRENT RESOLUTION congratulating Norman "Ned" Pfau on being selected as an inductee into the Kentuckiana business Hall of Fame.

Whereas, The Kentuckiana Business Hall of Fame is an annual induction ceremony honoring outstanding business leaders and entrepreneurs who, through hard work, make significant contributions to the quality of life in their region;

Whereas, President, CEO, and Treasurer of Geo. Pfau's and Sons Co., Norman E "Ned" Pfau, will be honored as an outstanding business leader to the Kentuckiana's Business Hall of Fame;

Whereas, Geo. Pfau's and Sons Co. is a global processor and manufacturer of specialty fats and oils headquarted in Jeffersonville, Indiana since 1965;

Whereas, Geo. Pfau's and Sons was started by Ned Pfau's great-grandfather in 1869, continued to run under the supervision of the late President Ned Pfau Senior, and then to Norman Pfau, a 22 year old graduate of Indiana University;

Whereas, A newfound business owner at the age of 22, Norman Pfau simultaneously handled the loss of his father, a wife who was expecting their first child, and a company that had a tremendous amount of debt;

Whereas, After a few years and plenty of hard work, Pfau transformed the company and Geo. Pfau's and Sons grew from a regional processor and manufacturer to a worldwide industry leader;

Whereas, The Jeffersonville manufacturing facility grew from one acre in 1944 to over 150 acres presently. The company now has warehouses in California, Missouri, Michigan, Illinois, Mexico, and Canada;

Whereas, Ned Pfau has previously served on the Audit Committee of the Indiana University Foundation and currently serves on the Audit Committee of Ivy Tech Community College. He serves as the Vice President of the River Ridge Development Authority; and

Whereas, With drive and dedication, Ned Pfau was able to turn a small family owned business with a large amount of debt into a global phenomenon and became one of the greatest success stories in southern Indiana: Therefore,

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

SECTION 1. The Indiana General Assembly congratulates Norman E. "Ned" Pfau on his induction into the Kentuckiana Business Hall of Fame.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Norman "Ned" Pfau.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 35

The Speaker handed down Senate Concurrent Resolution 35, sponsored by Representative Soliday:

A CONCURRENT RESOLUTION congratulating Mark Hoffman on his retirement as head football coach for Valparaiso High School following 40 years of coaching.

Whereas, Mark Hoffman has been the backbone of the Valparaiso High School football team for forty years. His coaching has inspired and motivated young players in the Vikings athletic program since 1972. Although Mark has chosen to step down as the football coach, he will remain involved as the high school's Athletic Director.

Whereas, Boasting an impressive career coaching record of 237-153. Coach Hoffman has led the Vikings football team to two State Runners-Up, six Final Four Appearances, six Regional Championships, six Conference Championships, and a State Championship. The team has been nationally ranked four times during his tenure;

Whereas, Mark Hoffman is a member of the Indiana Football Coaches Association, the American Football Coaches Association, the National Football Hall of Fame Foundation, the National Federation of Coaches, the Indiana Track and Cross Country Association, the Indiana Interscholastic Athletic Administrators Association, and the National Interscholastic Athletic Administrators Association. He also serves on the Indiana Football Coaches Association Board of Directors, the Indiana Football Hall of Fame Committee, The Indiana Football Coaches Association All-State Board, and the Indianapolis Colts All-Academic Advisory Board. Mark is also chairman of the Region One Indiana Hall of Fame and the Indiana Football Coaches Association Service Awards;

Whereas, Coach Hoffman was the originator of the Indiana football Coaches Association Recruiting Smoker and Service Awards. He also served on the Indiana High School Athletic Association Committee to restructure the state playoff system, and was the co-founder of the Region One Indiana Football Coaches Association College Recruiting Fair.

Whereas, Among the numerous accolades he has earned, Mark Hoffman was presented the IFCA President's Award (1996), Head North All-Star Coach (1999-2011), 5A Coach of the Year (1985, 1986, 1989, 1991, 1997, 2000-2002, 2010), NFL Coach of the Week (2000, 2005, 2008, 2010), and was inducted into the Indiana Football Hall of Fame in 2006;

Whereas, Coach Hoffman had his own accomplishments as a starting player on the Andrean High School Team and Butler University Football Team. Mark provides elite coaching and has impressive ability to translate his knowledge of the sport to his players. It is for this reason that he has ushered 230 of his players onto college football teams, 42 of which accepted positions at Division One schools. Having Mark Hoffman as a football coach has proved to be an enormous gift to the Vikings football organization: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Mark Hoffman for his storied 40 year career as Valparaiso High School's football coach.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to Mark Hoffman.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 36

The Speaker handed down Senate Concurrent Resolution 36, sponsored by Representatives Bosma and Reske:

A CONCURRENT RESOLUTION urging Congress to establish a memorial on the National Mall honoring Gulf War Veterans.

Whereas, Twenty years ago, the United States Armed Forces led allies in driving Saddam Hussein from Kuwait, restored confidence in our military, and stabilized a volatile energy market;

Whereas, A goal has been set to erect a permanent memorial in Washington, D.C. before the 25th anniversary, in 2016, to honor the men and women who gave the last full measure of devotion to their country;

Whereas, More than 600 Hoosiers participated in the heroic

effort, ten of whom gave the ultimate sacrifice;

Whereas, Operation Desert Storm was the first major military operation for the United States since the Vietnam War, and the rapid and decisive American victory showcased the United States' military air supremacy;

Whereas, The overwhelming ground campaign was so swift, President George H.W. Bush called for a cease-fire only 100 hours after it began;

Whereas, In honor of the shared sacrifice and dedication of the men and women of the United States armed forces who participated in Operation Desert Shield/Desert Storm, a permanent memorial should be erected in Washington, D.C.; and

Whereas, In order to honor the men and women who served in Operation Desert Shield and Operation Desert Storm and enhance public recognition of veterans who served, the Indiana General Assembly urges Congress to establish a permanent memorial to be constructed in Washington, D.C.: Therefore,

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

SECTION 1. The Indiana General Assembly urges Congress to establish a memorial on the National Mall honoring Gulf War Veterans.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Indiana Congressional Delegation and the National Desert Storm Memorial.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 37

The Speaker handed down Senate Concurrent Resolution 37, sponsored by Representatives Bosma and Reske:

A CONCURRENT RESOLUTION urging the Governor to proclaim February 20-25, 2012, Canada Week in Indiana.

Whereas, Canada–by far–is Indiana's most important primary export market, with $16.8 billion worth of merchandise and goods exchanged, and 37% of Indiana's worldwide exports sold to Canada in 2010 (more than Indiana's next seven global export destinations combined), with Indiana consistently enjoying a surplus in its trade with Canada; and 162,300 Indiana jobs depending on Canada-U.S. trade;

Whereas, Canadian-owned companies employ more than 12,000 workers in Indiana and many Indiana companies have operations in Canada;

Whereas, Canada has become the USA's biggest supplier of imported energy, with the largest single private sector development project in Indiana–the multi-billion dollar expansion of the Whitting Refinery–being undertaken to permit processing of petroleum from Canada's oil sands (the world's third largest oil reserve);

Whereas, More than 213,000 Canadians visited Indiana in 2010 and more than 158,000 Hoosiers visited Canada that year;

Whereas, Canada and Indiana share many deep economic, historical, cultural, and familial ties: Therefore,

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

SECTION 1. In recognition of the strong and lasting ties between Canada and the great State of Indiana, that the period February 20-25, in the year two-thousand twelve, be proclaimed "Canada Week in Indiana."

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Ilene K. Grossman, Assistant Director of Midwestern Legislative Conference.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 39

The Speaker handed down Senate Concurrent Resolution 39, sponsored by Representative Lutz:

A CONCURRENT RESOLUTION congratulating the Wes-Del High School girls volleyball team on winning the first state championship in school history.

Whereas, The Wes-Del Warriors girls volleyball team swept Trinity Lutheran to capture the Indiana High School Athletic Association (IHSAA) Class A State Championship;

Whereas, The Warriors commanded early leads in all three sets and never backed down. They won by the scores of 25-18, 25-17, and 25-22;

Whereas, With this victory, the volleyball team became the first sports team from Wes-Del High School to win a State Championship;

Whereas, The team made the State Championships last year, but fell short of the title. That disappointing second place finish gave the team extra motivation to win the State Championship this year;

Whereas, Seniors Alexa Antrim, Marisa Matthews, and Lindsay Niccum combined for 45 digs during the match. Alexa was also named the Mental Attitude Award winner, an award given to an outstanding senior; and

Whereas, Wes-Del's goal at the beginning of the season was to become State Champions. Through hard work, dedication, and focus, the team has made that goal a reality: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Wes-Del High School girls volleyball team on winning the school's first State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Wes-Del Volleyball Coach Biff Wilson; Athletic Director, Kyle Mealy; and Superintendent, Stephen R. McColley.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The Speaker yielded the gavel to Representative Day.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1004.

RICHARDSON

Roll Call 358: yeas 92, nays 0. Motion prevailed.

The Acting Speaker yielded the gavel to the Speaker.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1117 and that the House now concur in the Senate amendments to said bill.

WOLKINS

Roll Call 359: yeas 62, nays 30. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1249 and that the House now concur in the Senate amendments to said bill.

CLERE

Roll Call 360: yeas 94, nays 0. Motion prevailed.

Representative Behning, who had been excused, was present.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1270 and that the House now concur in the Senate amendments to said bill.

CLERE

Roll Call 361: yeas 55, nays 38. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1298.

DAVIS

Representative Porter was excused from voting, pursuant to House Rule 47. Roll Call 362: yeas 92, nays 0. Motion prevailed.

Representative Speedy was excused.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012; we further recommend that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 12 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1040–1 and 1141–1 and Engrossed Senate Bills 15–1, 52–1, 107–1, 113–1, 176–1, and 224–1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012, and that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 12 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1040–1 and 1141–1 and Engrossed Senate Bills 15–1, 52–1, 107–1, 113–1, 176–1, and 224–1.

TORR, Chair

Motion prevailed.

Engrossed House Bill 1040–1

The conference committee report was reread. Roll Call 363: yeas 94, nays 0. Report adopted.

Representative Richardson was excused.

Engrossed House Bill 1141–1

The conference committee report was reread. Roll Call 364: yeas 93, nays 0. Report adopted.

Representative Rhoads was excused.

Engrossed Senate Bill 15–1

The conference committee report was reread. Roll Call 365: yeas 92, nays 0. Report adopted.

Representative Speedy, who had been excused, was present.

Engrossed Senate Bill 52–1

The conference committee report was reread. Roll Call 366: yeas 92, nays 1. Report adopted.

Engrossed Senate Bill 107–1

The conference committee report was reread. Roll Call 367: yeas 94, nays 0. Report adopted.

Representative Richardson, who had been excused, was present.

Engrossed Senate Bill 113–1

The conference committee report was reread. Roll Call 368: yeas 85, nays 10. Report adopted.

Engrossed Senate Bill 176–1

The conference committee report was reread. Roll Call 369: yeas 93, nays 2. Report adopted.

Engrossed Senate Bill 224–1

The conference committee report was reread. Roll Call 370: yeas 45, nays 49. Report failed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1186–1; filed March 8, 2012, at 10:50 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1186 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the

occupational safety standards commission under IC 22-8-1.1-16.1.
(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.
(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.
(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.
(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:
(A) the variance procedures are included in the rules; and
(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.
(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.
(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.
(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).
(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).
(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.
(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.
(30) A rule adopted by the Indiana finance authority:
(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;
(B) under IC 8-15-2-17.2(a)(10):
(i) establishing enforcement procedures; and
(ii) making assessments for failure to pay required tolls;
(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or
(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.
(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.
(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.
(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).
(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.
(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.
(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:
(A) Federal Medicaid waiver program provisions.
(B) Federal programs administered by the office of the secretary.
(38) An emergency rule adopted by the Indiana emergency medical services commission under IC 16-31-3-24.

(b) The following do not apply to rules described in subsection (a):
(1) Sections 24 through 36 of this chapter.
(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:
(1) accept the rule for filing; and
(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

SECTION 2. IC 9-19-14.5-1, AS AMENDED BY P.L.138-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A privately owned vehicle belonging to a ~~certified~~ **licensed** paramedic, certified **advanced** emergency medical ~~technician-intermediate, certified emergency medical technician-basic advanced,~~ **technician,** certified emergency medical technician, certified emergency medical service driver, or certified emergency medical ~~service first~~ responder while traveling in the line of duty in connection with emergency medical services activities may display flashing or revolving green lights, subject to the following restrictions and conditions:

(1) The lights may not have a light source less than fifty (50) candlepower.

(2) All lights must be prominently displayed on the top of the vehicle.

(3) Not more than two (2) green lights may be displayed on a vehicle, and each light must be of the flashing or revolving type and visible at three hundred sixty (360) degrees.

(4) The lights must consist of:

(A) a lamp with a green lens; or

(B) a green light emitting diode (LED).

However, the revolving lights may contain multiple bulbs.

(5) The green lights may not be a part of the regular head lamps displayed on the vehicle.

(6) For a person to be authorized under this chapter to display a flashing or revolving green light on the person's vehicle, the person must first secure a written permit from the executive director of the department of homeland security to use the light. The permit must be carried by the person when the light is displayed.

SECTION 3. IC 9-30-6-6, AS AMENDED BY P.L.36-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician, who:

(1) obtains a blood, urine, or other bodily substance sample from a person, regardless of whether the sample is taken for diagnostic purposes or at the request of a law enforcement officer under this section; or

(2) performs a chemical test on blood, urine, or other bodily substance obtained from a person;

shall deliver the sample or disclose the results of the test to a law enforcement officer who requests the sample or results as a part of a criminal investigation. Samples and test results shall be provided to a law enforcement officer even if the person has not consented to or otherwise authorized their release.

(b) A physician, a hospital, or an agent of a physician or hospital is not civilly or criminally liable for any of the following:

(1) Disclosing test results in accordance with this section.

(2) Delivering a blood, urine, or other bodily substance sample in accordance with this section.

(3) Obtaining a blood, urine, or other bodily substance sample in accordance with this section.

(4) Disclosing to the prosecuting attorney or the deputy prosecuting attorney for use at or testifying at the criminal trial of the person as to facts observed or opinions formed.

(5) Failing to treat a person from whom a blood, urine, or other bodily substance sample is obtained at the request of a law enforcement officer if the person declines treatment.

(6) Injury to a person arising from the performance of duties in good faith under this section.

(c) For the purposes of this chapter, IC 9-30-5, or IC 9-30-9:

(1) the privileges arising from a patient-physician relationship do not apply to the samples, test results, or testimony described in this section; and

(2) samples, test results, and testimony may be admitted in a proceeding in accordance with the applicable rules of evidence.

(d) The exceptions to the patient-physician relationship specified in subsection (c) do not affect those relationships in a proceeding not covered by this chapter, IC 9-30-5, or IC 9-30-9.

(e) The test results and samples obtained by a law enforcement officer under subsection (a) may be disclosed only to a prosecuting attorney or a deputy prosecuting attorney for use as evidence in a criminal proceeding under this chapter, IC 9-30-5, or IC 9-30-9.

(f) This section does not require a physician or a person under the direction of a physician to perform a chemical test.

(g) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a

protocol prepared by a physician shall obtain a blood, urine, or other bodily substance sample if the following exist:

(1) A law enforcement officer requests that the sample be obtained.

(2) The law enforcement officer has certified in writing the following:

(A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5.

(B) That the person from whom the sample is to be obtained has been involved in a motor vehicle accident that resulted in the serious bodily injury or death of another.

(C) That the accident that caused the serious bodily injury or death of another occurred not more than three (3) hours before the time the sample is requested.

(3) Not more than the use of reasonable force is necessary to obtain the sample.

(h) If the person:

(1) from whom the bodily substance sample is to be obtained under this section does not consent; and

(2) resists the taking of a sample;

the law enforcement officer may use reasonable force to assist an individual, who must be authorized under this section to obtain a sample, in the taking of the sample.

(i) The person authorized under this section to obtain a bodily substance sample shall take the sample in a medically accepted manner.

(j) This subsection does not apply to a bodily substance sample taken at a licensed hospital (as defined in IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer may transport the person to a place where the sample may be obtained by any of the following persons who are trained in obtaining bodily substance samples and who have been engaged to obtain samples under this section:

(1) A physician holding an unlimited license to practice medicine or osteopathy.

(2) A registered nurse.

(3) A licensed practical nurse.

(4) An **advanced** emergency medical ~~technician-basic advanced~~ **technician** (as defined in ~~IC 16-18-2-112.5).~~ **IC 16-18-2-6.5).**

~~(5) An emergency medical technician-intermediate (as defined in IC 16-18-2-112.7).~~

~~(6)~~ **(5)** A paramedic (as defined in IC 16-18-2-266).

SECTION 4. IC 16-18-2-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.5. "Advanced emergency medical technician", for purposes of IC 16-31, means an individual who can perform at least one (1) procedure but not all the procedures of a paramedic and who:**

(1) has completed a prescribed course in advanced life support;

(2) has been certified by the Indiana emergency medical services commission;

(3) is associated with a single supervising hospital; and

(4) is affiliated with a provider organization.

SECTION 5. IC 16-18-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) "Advanced life support", for purposes of IC 16-31, means care that is given:

(1) at the scene of:

(A) an accident;

(B) an act of terrorism (as defined in ~~IC 35-41-1-26.5),~~ **IC 35-31.5-2-329),** if the governor has declared a disaster emergency under IC 10-14-3-12 in response to the act of terrorism; or

(C) an illness;

(2) during transport; or

(3) at a hospital;

by a paramedic or an **advanced** emergency medical ~~technician-intermediate~~ **technician** and that is more advanced than the care usually provided by an emergency medical technician. ~~or an emergency medical technician-basic advanced.~~

(b) The term may include any of the following:

(1) Defibrillation.

(2) Endotracheal intubation.

(3) Parenteral injections of appropriate medications.

(4) Electrocardiogram interpretation.

(5) Emergency management of trauma and illness.

SECTION 6. IC 16-18-2-33.5, AS AMENDED BY P.L.74-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33.5. (a) "Basic life support", for purposes of IC 16-31, means the following:

(1) Assessment of emergency patients.

(2) Administration of oxygen.

(3) Use of mechanical breathing devices.

(4) Application of anti-shock trousers.

(5) Performance of cardiopulmonary resuscitation.

(6) Application of dressings and bandage materials.

(7) Application of splinting and immobilization devices.

(8) Use of lifting and moving devices to ensure safe transport.

(9) Administration ~~by an emergency medical technician or emergency medical technician-basic advanced~~ of epinephrine through an auto-injector.

~~(10) For an emergency medical technician-basic advanced, the following:~~

~~(A) Electrocardiogram interpretation.~~

~~(B) Manual external defibrillation.~~

~~(C) Intravenous fluid therapy.~~

~~(11)~~ **(10)** Other procedures authorized by the Indiana emergency medical services commission, including procedures contained in the revised national emergency medical technician basic training curriculum guide.

(b) Except as provided by:

(1) subsection (a)(9) and the training and certification standards established under IC 16-31-2-9(3); **and**

~~(2) subsection (a)(10)(C); and~~

~~(3)~~ **(2)** the training standards established under IC 16-31-2-9(4);

the term does not include invasive medical care techniques or advanced life support.

SECTION 7. IC 16-18-2-109.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 109.8. "Emergency medical responder", for purposes of IC 16-31, means an individual who is:**

(1) certified under IC 16-31 and who meets the Indiana emergency medical services commission's standards for emergency medical responder certification; and

(2) the first individual to respond to an incident requiring emergency medical services.

SECTION 8. IC 16-18-2-112.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 112.5. "Emergency medical technician-basic advanced", for purposes of IC 16-31, means an individual who is certified under IC 16-31 to provide basic life support at the scene of an accident or illness or during transport.~~

SECTION 9. IC 16-18-2-112.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 112.7. "Emergency medical technician-intermediate", for purposes of IC 16-31, means an individual who can perform at least one (1) of but not all the procedures of a paramedic and who:~~

~~(1) has completed a prescribed course in advanced life support;~~

~~(2) has been certified by the Indiana emergency medical services commission;~~
~~(3) is associated with a single supervising hospital; and~~
~~(4) is affiliated with a provider organization.~~

SECTION 10. IC 16-18-2-131 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 131. "First responder", for purposes of IC 16-31, means an individual who is:~~
~~(1) certified under IC 16-31 and who meets the Indiana emergency medical services commission's standards for first responder certification; and~~
~~(2) the first individual to respond to an incident requiring emergency medical services.~~

SECTION 11. IC 16-18-2-163, AS AMENDED BY P.L.108-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an **advanced** emergency medical ~~technician-basic advanced, an emergency medical technician-intermediate,~~ **technician,** or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5, means an individual licensed or authorized by this state to provide health care or professional services as:

(1) a licensed physician;
(2) a registered nurse;
(3) a licensed practical nurse;
(4) an advanced practice nurse;
(5) a licensed nurse midwife;
(6) a paramedic;
(7) an emergency medical technician;
(8) an **advanced** emergency medical ~~technician-basic advanced;~~ **technician; or**
~~(9) an emergency medical technician-intermediate; or~~
~~(10)~~ **(9)** ~~a first~~ **an emergency medical** responder, as defined ~~under IC 16-18-2-131.~~ **by section 109.8 of this chapter.**

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

(d) "Health care provider", for purposes of IC 16-40-4, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A blood bank, laboratory, community mental health center, community mental retardation center, community health center, or migrant health center.

(3) A home health agency (as defined in IC 16-27-1-2).

(4) A health maintenance organization (as defined in IC 27-13-1-19).

(5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

(7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).

(e) "Health care provider", for purposes of IC 16-45-4, has the meaning set forth in 47 CFR 54.601(a).

SECTION 12. IC 16-18-2-266 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 266. "Paramedic", for purposes of IC 16-31, means an individual who:

(1) is:

(A) affiliated with a certified paramedic organization;

(B) employed by a sponsoring hospital approved by the commission; or

(C) employed by a supervising hospital with a contract for inservice education with a sponsoring hospital approved by the commission;

(2) has completed a prescribed course in advanced life support; and

(3) has been ~~certified~~ **licensed** by the Indiana emergency medical services commission.

SECTION 13. IC 16-18-2-295, AS AMENDED BY

P.L.41-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 295. (a) "Provider", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.5.

(b) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7), ~~and~~ IC 16-41-1 through IC 16-41-9, and IC 16-41-37, means any of the following:

(1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:

(A) A physician.
(B) A psychotherapist.
(C) A dentist.
(D) A registered nurse.
(E) A licensed practical nurse.
(F) An optometrist.
(G) A podiatrist.
(H) A chiropractor.
(I) A physical therapist.
(J) A psychologist.
(K) An audiologist.
(L) A speech-language pathologist.
(M) A dietitian.
(N) An occupational therapist.
(O) A respiratory therapist.
(P) A pharmacist.
(Q) A sexual assault nurse examiner.

(2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.

(3) A health facility licensed under IC 16-28-2.

(4) A home health agency licensed under IC 16-27-1.

(5) An employer of a certified emergency medical technician, a certified **advanced** emergency medical ~~technician-basic advanced, a certified emergency medical technician-intermediate,~~ **technician,** or a ~~certified~~ **licensed** paramedic.

(6) The state department or a local health department or an employee, agent, designee, or contractor of the state department or local health department.

(c) "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

(d) "Provider", for purposes of IC 16-48-1, has the meaning set forth in IC 16-48-1-3.

SECTION 14. IC 16-18-2-337 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 337. "Sponsoring" or "supervising hospital", for purposes of IC 16-31, means a hospital:

(1) that is licensed under IC 16-21-2 or under the licensing law of another state; and

(2) that has been certified by the emergency medical services commission to sponsor or supervise paramedics, **advanced** emergency medical ~~technicians-intermediate,~~ **technicians,** and provider organizations in providing advanced life support.

SECTION 15. IC 16-31-2-2, AS AMENDED BY P.L.68-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The commission is composed of thirteen (13) members. The governor shall appoint the members for four (4) year terms as follows:

(1) One (1) must be appointed from a volunteer fire department that provides emergency medical service.

(2) One (1) must be appointed from a full-time municipal fire or police department that provides emergency medical service.

(3) One (1) must be a nonprofit provider of emergency ambulance services organized on a volunteer basis other than a volunteer fire department.

(4) One (1) must be a provider of private ambulance services.

(5) One (1) must be a state ~~certified~~ **licensed** paramedic.

(6) One (1) must be a licensed physician who:

(A) has a primary interest, training, and experience in emergency medical services; and

(B) is currently practicing in an emergency medical services facility.

(7) One (1) must be a chief executive officer of a hospital that provides emergency ambulance services.

(8) One (1) must be a registered nurse who has supervisory or administrative responsibility in a hospital emergency department.

(9) One (1) must be a licensed physician who:

(A) has a primary interest, training, and experience in trauma care; and

(B) is practicing in a trauma facility.

(10) One (1) must be a state certified emergency medical service technician.

(11) One (1) must be an individual who:

(A) represents the public at large; and

(B) is not in any way related to providing emergency medical services.

(12) One (1) must be a program director (as defined in 836 IAC 4-2-2(12)(B)(iii)) for a commission certified advanced life support training institution.

(13) One (1) must be the deputy executive director appointed under IC 10-19-5-3 to manage the division of preparedness and training of the department of homeland security or the designee of the deputy executive director.

(b) The chief executive officer of a hospital appointed under subsection (a)(7) may designate another administrator of the hospital to serve for the chief executive officer on the commission.

(c) Not more than seven (7) members may be from the same political party.

SECTION 16. IC 16-31-2-7, AS AMENDED BY P.L.20-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The commission shall do the following:

(1) Develop and promote, in cooperation with state, regional, and local public and private organizations, agencies, and persons, a statewide program for the provision of emergency medical services that must include the following:

(A) Preparation of state, regional, and local emergency ambulance service plans.

(B) Provision of consultative services to state, regional, and local organizations and agencies in developing and implementing emergency ambulance service programs.

(C) Promotion of a statewide system of emergency medical service facilities by developing minimum standards, procedures, and guidelines in regard to personnel, equipment, supplies, communications, facilities, and location of such centers.

(D) Promotion of programs for the training of personnel providing emergency medical services and programs for the education of the general public in first aid techniques and procedures. The training shall be held in various local communities of the state and shall be conducted by agreement with publicly and privately supported educational institutions or hospitals licensed under IC 16-21, wherever appropriate.

(E) Promotion of coordination of emergency communications, resources, and procedures throughout Indiana and, in cooperation with interested state,

regional, and local public and private agencies, organizations, and persons, the development of an effective state, regional, and local emergency communications system.

(F) Organizing and sponsoring a statewide emergency medical services conference to provide continuing education for persons providing emergency medical services.

(2) Regulate, inspect, and certify **or license** services, facilities, and personnel engaged in providing emergency medical services as provided in this article.

(3) Adopt rules required to implement an approved system of emergency medical services.

(4) Adopt rules concerning triage and transportation protocols for the transportation of trauma patients consistent with the field triage decision scheme of the American College of Surgeons Committee on Trauma.

(5) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.

(6) Employ necessary administrative staff.

SECTION 17. IC 16-31-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The commission may do the following:

(1) Develop training and certification standards for ~~first~~ **emergency medical** responders under this article.

(2) Require ~~first~~ **emergency medical** responders to be certified under the standards developed under subdivision (1).

(3) Develop reciprocal certification training standards for individuals who have received medical training by a branch of the United States armed forces.

SECTION 18. IC 16-31-2-9, AS AMENDED BY P.L.74-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. The commission shall establish the following:

(1) Standards for persons who provide emergency medical services and who are not licensed or regulated under IC 16-31-3.

(2) Training standards for the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military attack.

(3) Training and certification standards for the administration of epinephrine through an auto-injector by

~~(A)~~ an emergency medical technician. ~~or~~

~~(B) an emergency medical technician-basic advanced.~~

(4) Training standards to permit the use of antidote kits containing atropine and pralidoxime chloride for the treatment of exposure to nerve agents by ~~an emergency medical technician-basic advanced,~~ an emergency medical technician or ~~a first~~ **an emergency medical** responder.

SECTION 19. IC 16-31-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The commission shall develop procedures for ongoing review of all emergency ambulance services.

(b) The commission may review any pre-hospital ambulance rescue or report record regarding an emergency patient that is utilized or compiled by an emergency ambulance service employing paramedics, **advanced** emergency medical ~~technicians-intermediate,~~ **technicians, or** emergency medical technicians. ~~or emergency medical technicians-basic advanced.~~ However, except as provided in subsection (d), those records shall remain confidential and may be used solely for the purpose of compiling data and statistics. The use of such data or statistics is subject to IC 4-1-6.

(c) The commission may develop and oversee experimental study projects conducted by ambulance service providers in limited geographic areas of Indiana. These study projects must be developed and conducted in accordance with rules adopted by the commission under IC 4-22-2. These study projects must be designed to test the efficacy of new patient care techniques and new ambulance service systems.

(d) This subsection applies to emergency ambulance services that are provided by or under a contract with an entity that is a public agency for purposes of IC 5-14-3. The following information, if contained in a pre-hospital ambulance rescue or report record regarding an emergency patient, is public information and must be made available for inspection and copying under IC 5-14-3:

(1) The date and time of the request for ambulance services.

(2) The reason for the request for assistance.

(3) The time and nature of the response to the request for ambulance services.

(4) The time of arrival at the scene where the patient was located.

(5) The time of departure from the scene where the patient was located.

(6) The name of the facility, if any, to which the patient was delivered for further treatment and the time of arrival at that facility.

SECTION 20. IC 16-31-2-12, AS ADDED BY P.L.101-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. The commission may impose a reasonable fee for the issuance of a certification **or license** under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.

SECTION 21. IC 16-31-2-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) The commission may adopt initial rules for the licensure of paramedics in the same manner that emergency rules are adopted under IC 4-22-2-37.1. A rule adopted under this section expires on the earlier of the following:**

(1) The date that the rule is superseded, amended, or repealed by a permanent rule adopted under IC 4-22-2 or another rule adopted under this article.

(2) June 30, 2013.

(b) This section expires July 1, 2013.

SECTION 22. IC 16-31-3-1, AS AMENDED BY P.L.74-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), a person other than:

(1) a licensed physician;

(2) a registered nurse or an individual acting under the supervision of a licensed physician; or

(3) a person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

may not furnish, operate, conduct, maintain, advertise, or otherwise be engaged in providing emergency medical services, except for the use of an automated external defibrillator, as a part of the regular course of doing business, either paid or voluntary, unless that person holds a valid certificate **or license** issued by the commission.

(b) A:

(1) licensed physician;

(2) registered nurse or an individual acting under the supervision of a licensed physician; or

(3) person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

who operates a business of transporting emergency patients by ambulance or using a nontransporting emergency medical

services vehicle must hold a valid certificate issued by the commission under this article.

SECTION 23. IC 16-31-3-2, AS AMENDED BY P.L.71-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The commission shall establish standards for persons required to be certified **or licensed** by the commission to provide emergency medical services. To be certified **or licensed,** a person must meet the following minimum requirements:

(1) The personnel certified **or licensed** under this chapter must do the following:

(A) Meet the standards for education and training established by the commission by rule.

(B) Successfully complete a basic or an inservice course of education and training on sudden infant death syndrome that is certified by the commission in conjunction with the state health commissioner.

(C) Beginning January 1, 2009, successfully complete a basic or an inservice course of education and training on autism that is certified by the commission.

(2) Ambulances to be used must conform with the requirements of the commission and must either be:

(A) covered by insurance issued by a company licensed to do business in Indiana in the amounts and under the terms required in rules adopted by the commission; or

(B) owned by a governmental entity covered under IC 34-13-3.

(3) Emergency ambulance service shall be provided in accordance with rules adopted by the commission. However, the rules adopted under this chapter may not prohibit the dispatch of an ambulance to aid an emergency patient because an emergency medical technician is not immediately available to staff the ambulance.

(4) Ambulances must be equipped with a system of emergency medical communications approved by the commission. The emergency medical communication system must properly integrate and coordinate appropriate local and state emergency communications systems and reasonably available area emergency medical facilities with the general public's need for emergency medical services.

(5) Emergency medical communications shall be provided in accordance with rules adopted by the commission.

(6) A nontransporting emergency medical services vehicle must conform with the commission's requirements.

SECTION 24. IC 16-31-3-3, AS AMENDED BY P.L.22-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A certificate **or license** is not required for a person who provides emergency ambulance service, an emergency medical technician, ~~an emergency medical technician-basic advanced,~~ an ambulance, a nontransporting emergency medical services vehicle, or advanced life support when doing any of the following:

(1) Providing assistance to persons certified to provide emergency ambulance service or to emergency medical technicians.

(2) Operating from a location or headquarters outside Indiana to provide emergency ambulance services to patients who are picked up outside Indiana for transportation to locations within Indiana.

(3) Providing emergency medical services during a major catastrophe or disaster with which persons or ambulances certified to provide emergency ambulance services are insufficient or unable to cope.

(b) An agency or instrumentality of the United States and any paramedic, **advanced** emergency medical ~~technician-intermediate, emergency medical technician-basic advanced,~~ **technician,** emergency medical technician, or ~~first~~ **emergency medical** responder of the agency or instrumentality is not required to:

(1) be certified **or licensed;** or

(2) conform to the standards prescribed under this chapter.

SECTION 25. IC 16-31-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The commission shall waive any rule for a person who provides emergency ambulance service, an emergency medical technician, an **advanced** emergency medical ~~technician-basic advanced, an emergency medical technician-intermediate,~~ **technician,** a paramedic, or an ambulance when operating from a location in an adjoining state by contract with an Indiana unit of government to provide emergency ambulance or medical services to patients who are picked up or treated in Indiana.

(b) The commission may waive any rule, including a rule establishing a fee, for a person who submits facts demonstrating that:

(1) compliance with the rule will impose an undue hardship on the person; and

(2) either:

(A) noncompliance with the rule; or

(B) compliance with an alternative requirement approved by the commission;

will not jeopardize the quality of patient care. However, the commission may not waive a rule that sets forth educational requirements for a person regulated under this article.

(c) A waiver granted under subsection (b)(2)(B) is conditioned upon compliance with the alternative requirement approved under subsection (b).

(d) The commission shall establish an expiration date for any waiver that is granted.

(e) The commission may renew a waiver if the person makes the same demonstration required for the original waiver.

SECTION 26. IC 16-31-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(b) As used in this section, "volunteer firefighter" has the meaning set forth in IC 36-8-12-2.

(c) A certificate **or paramedic license** is not required for a volunteer fire department or volunteer firefighter to engage in extrication or rescue services.

SECTION 27. IC 16-31-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The commission may not withhold certification **or licensure** from a person providing emergency medical services that include extrication and rescue services because the person is not affiliated with a hospital, law enforcement agency, or fire department.

SECTION 28. IC 16-31-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. An application for a certificate **or license** must be made upon the forms, provide the information, and be in accordance with the procedures prescribed by the commission.

SECTION 29. IC 16-31-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. Except as otherwise provided in this chapter, all certificates **and licenses** are valid for a period specified by the commission unless earlier suspended, revoked, or terminated.

SECTION 30. IC 16-31-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) Except as provided in subsection (b), to renew a certificate **or license** issued under this chapter upon expiration of the certificate **or license** for any reason, a person must comply with any continuing education requirements that have been established by the commission. To renew a certificate **or license** issued under

this chapter after a revocation of the certificate **or license,** a person must comply with all the requirements of this chapter that apply to the original certification **or licensure.**

(b) A renewal of an emergency medical technician ~~an~~ **or advanced** emergency medical ~~technician-basic advanced, an emergency medical technician-intermediate or a paramedic~~ **technician** certificate **or a paramedic license** shall be issued to an individual who meets the following conditions:

(1) While holding a valid certificate **or license,** enters the armed forces of the United States, including:

(A) the Army;
(B) the Navy;
(C) the Air Force;
(D) the Marines; or
(E) the Coast Guard;

but excluding the guard and reserve components of those forces.

(2) Is discharged from the armed forces of the United States within forty-eight (48) months after the individual entered the armed forces.

(3) Successfully completes, not more than nine (9) months after the individual's discharge from the armed forces of the United States, a refresher course approved by the commission.

(4) Applies for the certificate **or license** renewal not more than one (1) year after the individual's discharge from the armed forces of the United States.

(5) Passes the written and practical skills examinations.

(c) A renewal of an emergency medical technician ~~an~~ **or advanced** emergency medical ~~technician-basic advanced, an emergency medical technician-intermediate or a paramedic~~ **technician** certificate **or a paramedic license** must be issued to an individual who meets the following conditions:

(1) While holding a valid certificate **or license,** the individual is called to active military duty as a member of the Indiana National Guard or a reserve component of the armed forces of the United States, including:

(A) the Army;
(B) the Navy;
(C) the Air Force;
(D) the Marines; or
(E) the Coast Guard.

(2) The individual provides the emergency medical services commission with a copy of the document from the armed forces that called the individual to active duty.

(3) The individual applies for the certificate **or license** renewal not more than one hundred twenty (120) days after the individual leaves active duty.

SECTION 31. IC 16-31-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. A certificate **or license** issued under this chapter is not assignable or transferable.

SECTION 32. IC 16-31-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. An official entry made upon a certificate **or license** may not be defaced, removed, or obliterated.

SECTION 33. IC 16-31-3-13.5, AS ADDED BY P.L.101-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. The commission may impose a reasonable fee for the issuance of a certification **or license** under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.

SECTION 34. IC 16-31-3-14, AS AMENDED BY HEA 1196-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) A person holding a certificate **or license** issued under this article must comply with the applicable standards and rules established under this article. A certificate holder **or license holder** is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder **or license holder:**

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate **or license,** including cheating on a certification **or licensure** examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder **or license holder** should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder **or license holder** becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder **or license holder** is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's **or license holder's** ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's **or license holder's** name or a certificate **or license** issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate **or license** issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate **or license** is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder **or license holder** is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate **or license holder's license** for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate **or**

license holder's license for a period not to exceed seven (7) years.

(3) Censure of a certificate holder **or license holder.**

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder **or license holder** in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars ($500) per day per violation.

(B) If the certificate holder **or license holder** fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate **or license holder's license** without additional proceedings.

(6) Placement of a certificate holder **or license holder** on probation status and requirement of the certificate holder **or license holder** to:

(A) report regularly to the department of homeland security upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department of homeland security;

(C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder **or license holder.**

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder **or license holder** has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate **or license,** including cheating on the certification **or licensure** examination, the department of homeland security may rescind the certificate **or license** if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate **or license** for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification **or licensure** to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder **or license holder,** has had disciplinary action taken against the applicant or the applicant's certificate **or license** to practice in another state or jurisdiction, or has practiced without a certificate **or license** in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder **or license holder** to submit to a reasonable physical or mental examination if the certificate holder's **or license holder's** physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder **or license holder** liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate **or license** may not be denied, revoked, or suspended because the applicant, ~~or~~ certificate holder, **or license holder** has been convicted of an offense. The acts from which the applicant's, ~~or~~ certificate holder's, **or license holder's** conviction resulted may be considered as to whether the applicant or certificate holder **or license holder** should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate **or license** issued under this article if the individual who holds or is applying for the certificate **or license** is convicted of any of the following:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic drug as a Class D felony under IC 35-48-4-11.

(9) Maintaining a common nuisance under IC 35-48-4-13.

(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (12).

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate **or license holder's license** under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder **or license holder** would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder **or license holder** were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified **or licensed** under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate **or license** that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate **or license** that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar

conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate, **and a license holder may not surrender the license holder's license,** without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate **or license.**

(p) For purposes of this section, "certificate holder" means a person who holds:

(1) an unlimited certificate;

(2) a limited or probationary certificate; or

(3) an inactive certificate.

(q) For purposes of this section, "license holder" means a person who holds:

(1) an unlimited license;

(2) a limited or probationary license; or

(3) an inactive license.

SECTION 35. IC 16-31-3-14.5, AS AMENDED BY HEA 1196-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification **or licensure** or permanently revoke a certificate **or license** under procedures provided by section 14 of this chapter if the individual who holds the certificate **or license** issued under this title is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic drug under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) A crime of violence (as defined in IC 35-50-1-2(a)).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

SECTION 36. IC 16-31-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. A person who is not certified **or licensed** under this chapter and identifies or holds out to other persons that the person is:

(1) certified **or licensed** under this chapter; or

(2) authorized to do any act allowed under this chapter;

commits a Class C misdemeanor.

SECTION 37. IC 16-31-3-17, AS AMENDED BY P.L.1-2009, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) The department of homeland security established by IC 10-19-2-1 may issue an order to a person who has practiced without a certificate **or license** in violation of this article imposing a civil penalty of not more than five hundred dollars ($500) per occurrence.

(b) A decision of the department of homeland security under subsection (a) may be appealed to the commission under IC 4-21.5-3-7.

SECTION 38. IC 16-31-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. The commission shall adopt rules under IC 4-22-2 that promote the orderly development of advanced life support services in Indiana. The rules must include the following:

(1) Requirements and procedures for the certification of provider organizations, ~~paramedics,~~ **advanced** emergency medical ~~technicians-intermediate,~~ **technicians,** and supervising hospitals.

(2) Requirements and procedures for the licensure of paramedics.

~~(2)~~ **(3)** Rules governing the operation of advanced life support services, including the medications and procedures that may be administered and performed by paramedics and **advanced** emergency medical ~~technicians-intermediate.~~ **technicians.**

SECTION 39. IC 16-31-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) Notwithstanding any other law, a ~~certified~~ **licensed** paramedic or a certified **advanced** emergency medical ~~technician-intermediate~~ **technician** may perform advanced life support in an emergency according to the rules of the commission.

(b) Notwithstanding any other law, a person may, during a course of instruction in advanced life support, perform advanced life support according to the rules of the commission.

SECTION 40. IC 16-31-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. An emergency medical technician ~~or emergency medical technician-basic advanced~~ who is certified under this article may administer epinephrine through an auto-injector to an individual who is experiencing symptoms of an allergic reaction or anaphylaxis.

SECTION 41. IC 16-31-3-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 24. The commission may implement a certification program for emergency services personnel regulated by the commission through emergency rules adopted under IC 4-22-2-37.1. An emergency rule adopted under this section expires on the later of the following:**

(1) July 1, 2014.

(2) The date permanent rules are adopted to replace the emergency rules.

SECTION 42. IC 16-31-3.5-1, AS AMENDED BY P.L.68-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Emergency medical dispatching" means the reception, evaluation, processing, and provision of dispatch life support, management of requests for emergency medical assistance, and participation in ongoing evaluation and improvement of the emergency medical dispatch process. This process includes identifying the nature of the request, prioritizing the severity of the request, dispatching the necessary resources, providing medical aid and safety instructions to the callers, and coordinating the responding resources as needed, but does not include call routing itself.

(c) "Emergency medical dispatch agency" means any person that provides emergency medical dispatching for emergency medical assistance. ~~that is certified under this chapter.~~

SECTION 43. IC 16-31-3.5-3, AS AMENDED BY P.L.68-2009, SECTION 3, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. ~~After December 31, 2009,~~ A person may not furnish, operate, conduct, maintain, or advertise services as an emergency medical dispatcher or otherwise be engaged as an emergency medical dispatch agency unless ~~certified by the commission as an emergency medical dispatch agency.~~ **the person performing the emergency medical dispatch has completed training that meets or exceeds the standards established by the National Highway Traffic Safety Administration in the Emergency Medical Dispatch Program Implementation and Administration Managers Guide, as in effect July 1, 2012.**

SECTION 44. IC 16-31-3.5-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. (a) To be certified as an emergency medical dispatch agency, a person must:~~

~~(1) meet the standards established by the commission; and~~

~~(2) pay the fee established by the commission.~~

~~(b) An emergency medical dispatch agency certificate expires on the expiration date established when it is issued, which must be at least two (2) years after the date of its issuance. To renew a certificate, an emergency medical dispatch agency must:~~

~~(1) meet the renewal requirements established by the commission; and~~

~~(2) pay the fee established by the commission.~~

~~(c) The emergency medical dispatch agency must be operated in a safe, efficient, and effective manner in accordance with commission approved standards that include the following requirements:~~

~~(1) Before functioning alone in an online capacity, all personnel providing emergency medical dispatch services must be certified as emergency medical dispatchers through a training program that is:~~

~~(A) approved by the commission; and~~

~~(B) used by the department.~~

~~(2) The protocols, procedures, standards, and policies used by an emergency medical dispatch agency to dispatch emergency medical aid must comply with the requirements established by the commission.~~

~~(d) The commission may require the submission of periodic reports from an emergency medical dispatch agency. The emergency medical dispatch agency must submit the reports in the manner and with the frequency required by the commission.~~

~~(e) An emergency medical dispatch agency shall report to the commission whenever an action occurs that may justify the revocation or suspension of a certificate issued by the commission.~~

SECTION 45. IC 16-31-3.5-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. The commission shall adopt rules under IC 4-22-2 to implement this chapter.~~

SECTION 46. IC 16-31-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A certified emergency medical technician ~~or a certified emergency medical technician-basic advanced~~ who provides emergency medical services to an emergency patient is not liable for an act or omission in providing those services unless the act or omission constitutes negligence or willful misconduct. If the emergency medical technician ~~or emergency medical technician-basic advanced~~ is not liable for an act or omission, no other person incurs liability by reason of an agency relationship with the emergency medical technician. ~~or emergency medical technician-basic advanced.~~

(b) This section does not affect the liability of a driver of an ambulance for negligent operation of the ambulance.

SECTION 47. IC 16-31-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except for an act of negligence or willful misconduct, a certified ~~first~~ **emergency medical** responder who uses an automatic or semiautomatic defibrillator on an emergency patient according to the training procedures established by the commission under IC 16-31-2-9 is immune from civil liability for acts or omissions when rendering those services.

(b) If the ~~first~~ **emergency medical** responder is immune from civil liability for the ~~first~~ **emergency medical** responder's act or omission, a person who has only an agency relationship with the ~~first~~ **emergency medical** responder is also immune from civil liability for the act or omission.

SECTION 48. IC 16-31-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. An act or omission of a paramedic or an **advanced** emergency medical ~~technician-intermediate~~ **technician** done or omitted in good faith while providing advanced life support to a patient or trauma victim does not impose liability upon the paramedic or **advanced** emergency medical ~~technician-intermediate,~~ **technician,** the authorizing physician, the hospital, or the officers, members of the staff, nurses, or other employees of the hospital or the local governmental unit if the advanced life support is provided:

(1) in connection with an emergency;

(2) in good faith; and

(3) under the written or oral direction of a licensed physician;

unless the act or omission was a result of negligence or willful misconduct.

SECTION 49. IC 16-31-6-4, AS AMENDED BY SEA 26-2012, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.

(b) An act or omission of a paramedic, an **advanced** emergency medical ~~technician-intermediate, an emergency medical technician-basic advanced,~~ **technician,** an emergency medical technician, or a person with equivalent certification **or licensure** from another state that is performed or made while providing advanced life support or basic life support to a patient or trauma victim does not impose liability upon the paramedic, the **advanced** emergency medical ~~technician-intermediate, the emergency medical technician-basic advanced,~~ **technician,** an emergency medical technician, the person with equivalent certification **or licensure** from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

(1) in connection with a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-31.5-2-329); and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

SECTION 50. IC 16-31-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The emergency medical services restitution fund is established for the purpose of reimbursing persons who:

(1) are certified **or licensed** under IC 16-31-3; and

(2) provided emergency medical services to individuals injured as a result of an accident caused by an individual who:

(A) was operating a vehicle while intoxicated at the time the accident occurred; and

(B) was subsequently convicted under IC 9-30-5 of that offense.

SECTION 51. IC 21-14-1-6, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. "Public safety officer" means any of the following:

(1) A regular, paid law enforcement officer.

(2) A regular, paid firefighter.
(3) A volunteer firefighter (as defined in IC 36-8-12-2).
(4) A county police reserve officer.
(5) A city police reserve officer.
(6) A paramedic (as defined in IC 16-18-2-266).
(7) An emergency medical technician (as defined in IC 16-18-2-112).
(8) An advanced emergency medical technician (as defined in ~~IC 16-18-2-6) (repealed);~~ **IC 16-18-2-6.5);** or
(9) A hazardous duty employee of the department of correction who:
(A) works within a prison or juvenile facility; or
(B) performs parole or emergency response operations and functions.

SECTION 52. IC 25-22.5-1-2, AS AMENDED BY SEA 26-2012, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:
(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.
(2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.
(3) A paramedic (as defined in IC 16-18-2-266), an **advanced** emergency medical ~~technician-basic advanced~~ **technician** (as defined in ~~IC 16-18-2-112.5), an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7),~~ **IC 16-18-2-6.5),** an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7), or basic life support (as defined in IC 16-18-2-33.5):
(A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-31.5-2-329); and
(B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.
(4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.
(5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.
(6) A person administering a domestic or family remedy to a member of the person's family.
(7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.
(8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.
(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.
(11) A dentist practicing the dentist's profession under IC 25-14.
(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.
(13) A nurse practicing the nurse's profession under IC 25-23. However, a certified registered nurse anesthetist (as defined in IC 25-23-1-1.4) may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician.
(14) An optometrist practicing the optometrist's profession under IC 25-24.
(15) A pharmacist practicing the pharmacist's profession under IC 25-26.
(16) A physical therapist practicing the physical therapist's profession under IC 25-27.
(17) A podiatrist practicing the podiatrist's profession under IC 25-29.
(18) A psychologist practicing the psychologist's profession under IC 25-33.
(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.
(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.
(21) A hospital licensed under IC 16-21 or IC 12-25.
(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:
(A) a physician;
(B) a psychiatric hospital;
(C) a hospital;
(D) a health maintenance organization or limited service health maintenance organization;
(E) a health facility;
(F) a dentist;
(G) a registered or licensed practical nurse;
(H) a midwife;
(I) an optometrist;
(J) a podiatrist;
(K) a chiropractor;
(L) a physical therapist; or
(M) a psychologist.
(23) A physician assistant practicing the physician assistant profession under IC 25-27.5.
(24) A physician providing medical treatment under

~~IC 25-22.5-1-2.1.~~ **section 2.1 of this chapter.**

(25) An attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

(26) A personal services attendant providing authorized attendant care services under IC 12-10-17.1.

(27) A respiratory care practitioner practicing the practitioner's profession under IC 25-34.5.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

(1) the person performs an act that an Indiana statute does not authorize the person to perform; and

(2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 53. IC 34-6-2-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.1. "Advanced emergency medical technician", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-3.5.**

SECTION 54. IC 34-6-2-37.2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 37.2. "Emergency medical technician-basic advanced", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.1.~~

SECTION 55. IC 34-6-2-37.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 37.4. "Emergency medical technician-intermediate", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.2.~~

SECTION 56. IC 34-6-2-55, AS AMENDED BY P.L.138-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 55. (a) "Health care services", for purposes of IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a).

(b) "Health care services", for purposes of IC 34-30-13.5, means:

(1) any services provided by an individual licensed under:

(A) IC 25-2.5;

(B) IC 25-10;

(C) IC 25-13;

(D) IC 25-14;

(E) IC 25-22.5;

(F) IC 25-23;

(G) IC 25-23.5;

(H) IC 25-23.6;

(I) IC 25-24;

(J) IC 25-26;

(K) IC 25-27;

(L) IC 25-27.5;

(M) IC 25-29;

(N) IC 25-33;

(O) IC 25-34.5; or

(P) IC 25-35.6;

(2) services provided as the result of hospitalization;

(3) services incidental to the furnishing of services described in subdivisions (1) or (2);

(4) any services by individuals: ~~certified as:~~

(A) **licensed as** paramedics;

(B) **certified as advanced** emergency medical ~~technicians-intermediate;~~ **technicians; or**

~~(C) emergency medical technicians-advanced;~~

~~(D) emergency medical technicians basic-advanced; or~~

~~(E)~~ **(C) certified as** emergency medical technicians under IC 16-31-2;

(5) any services provided by individuals certified as ~~first~~ **emergency medical** responders under IC 16-31-2; or

(6) any other services or goods furnished for the purpose of preventing, alleviating, curing, or healing human illness, physical disability, or injury.

SECTION 57. IC 34-18-2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. "Advanced emergency medical technician" means an individual who can perform at least one (1) procedure but not all the procedures of a paramedic and who:**

(1) has completed a prescribed course in advanced life support;

(2) has been certified by the Indiana emergency medical services commission;

(3) is associated with a single supervising hospital; and

(4) is affiliated with a provider organization.

SECTION 58. IC 34-18-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. "Ambulance service" means a person who employs:

(1) emergency medical technicians;

(2) **advanced** emergency medical ~~technicians-basic advanced;~~ **technicians; or**

~~(3) emergency medical technicians-intermediate; or~~

~~(4)~~ **(3)** paramedics.

SECTION 59. IC 34-18-2-12.1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12.1. (a) "Emergency medical technician-basic advanced" has the meaning set forth in IC 16-18-2-112.5.~~

~~(b) The term does not include a person while the person is operating an emergency vehicle.~~

SECTION 60. IC 34-18-2-12.2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12.2. (a) "Emergency medical technician-intermediate" has the meaning set forth in IC 16-18-2-112.7.~~

~~(b) The term does not include a person while the person is operating an emergency vehicle.~~

SECTION 61. IC 34-18-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. "Health care provider" means any of the following:

(1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, midwife, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, **advanced** emergency medical ~~technician-intermediate,~~ **technician,** ~~emergency medical technician-basic advanced,~~ or emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in

the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:

(A) as one (1) of its functions, provides health care;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action.

SECTION 62. IC 35-42-2-6, AS AMENDED BY P.L.131-2009, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) As used in this section, "corrections officer" includes a person employed by:

(1) the department of correction;

(2) a law enforcement agency;

(3) a probation department;

(4) a county jail; or

(5) a circuit, superior, county, probate, city, or town court.

(b) As used in this section, "firefighter" means a person who is a:

(1) full-time, salaried firefighter;

(2) part-time, paid firefighter; or

(3) volunteer firefighter (as defined in IC 36-8-12-2).

(c) As used in this section, ~~"first~~ **"emergency medical** responder" means a person who:

(1) is certified under IC 16-31 and who meets the Indiana emergency medical services commission's standards for ~~first~~ **emergency medical** responder certification; and

(2) responds to an incident requiring emergency medical services.

(d) As used in this section, "human immunodeficiency virus (HIV)" includes acquired immune deficiency syndrome (AIDS) and AIDS related complex.

(e) A person who knowingly or intentionally in a rude, insolent, or angry manner places blood or another body fluid or waste on a law enforcement officer, firefighter, ~~first~~ **emergency medical** responder, corrections officer, or department of child services employee, identified as such and while engaged in the performance of official duties, or coerces another person to place blood or another body fluid or waste on the law enforcement officer, firefighter, ~~first~~ **emergency medical** responder, corrections officer, or department of child services employee, commits battery by body waste, a Class D felony. However, the offense is:

(1) a Class C felony if the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with:

(A) hepatitis B or hepatitis C;

(B) HIV; or

(C) tuberculosis;

(2) a Class B felony if:

(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with hepatitis B or hepatitis C and the offense results in the transmission of hepatitis B or hepatitis C to the other person; or

(B) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Class A felony if:

(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with HIV; and

(B) the offense results in the transmission of HIV to the other person.

(f) A person who knowingly or intentionally in a rude, an insolent, or an angry manner places human blood, semen, urine, or fecal waste on another person commits battery by body waste, a Class A misdemeanor. However, the offense is:

(1) a Class D felony if the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with:

(A) hepatitis B or hepatitis C;

(B) HIV; or

(C) tuberculosis;

(2) a Class C felony if:

(A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with hepatitis B or hepatitis C and the offense results in the transmission of hepatitis B or hepatitis C to the other person; or

(B) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Class B felony if:

(A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with HIV; and

(B) the offense results in the transmission of HIV to the other person.

SECTION 63. [EFFECTIVE JULY 1, 2012] **(a) An individual certified as:**

(1) an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5, before its repeal by this act); or

(2) an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7, before its repeal by this act);

on June 30, 2012, has two (2) years to comply with the new requirements for certification under IC 16-31-3, as amended by this act.

(b) This SECTION expires July 1, 2014.

SECTION 64. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.**

(b) The commission shall study during the 2012 legislative interim issues concerning the licensing of paramedics.

(c) This SECTION expires December 31, 2012.

SECTION 65. **An emergency is declared for this act.**

(Reference is to EHB 1186 as reprinted February 17, 2012.)

T. BROWN	MILLER
WELCH	TALLIAN
House Conferees	Senate Conferees

The conference committee report was filed and read a first

time.

CONFERENCE COMMITTEE REPORT
EHB 1092–1; filed March 8, 2012, at 12:09 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1092 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, after line 17, begin a new paragraph and insert:

"SECTION 4. IC 33-35-2-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.5. A city court in a city having a population of more than ten thousand five hundred (10,500) but less than eleven thousand (11,000) has concurrent jurisdiction with the circuit court in civil cases in which the amount in controversy does not exceed one thousand five hundred dollars ($1,500). However, the city court does not have jurisdiction in actions for:**

(1) slander;
(2) libel;
(3) foreclosure of mortgage on real estate, in which the title to real estate is in issue;
(4) matters relating to a decedent's estate, appointment of guardians, and all related matters; and
(5) actions in equity.".

(Reference is to EHB 1092 as printed February 21, 2012.)

BURTON	BRAY
PRYOR	RANDOLPH
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:08 p.m. with the Speaker in the Chair.

Representatives Heaton and Rhoads, who had been excused, were present. Representatives McClain and VanDenburgh were excused.

Upon request of Representatives GiaQuinta and Bauer, the Speaker ordered the roll of the House to be called to determine the presence of a quorum. Roll Call 371: 68 present. The Speaker declared a quorum present.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
ESB 298–1; filed March 8, 2012, at 2:28 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 298 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 4, line 23, delete "person who:" and insert "**person:**".
Page 4, line 24, after "(A)" insert "**who**".
Page 6, delete lines 39 through 42.
Page 7, delete lines 1 through 16.
Renumber all SECTIONS consecutively.
(Reference is to ESB 298 as reprinted February 28, 2012.)

ZAKAS	SPEEDY
LANANE	RIECKEN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1123–1; filed March 8, 2012, at 3:52 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1123 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-3-22-18.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18.2. The OMB shall, not later than December 1 each year, submit to the budget committee the following reports concerning post-employment benefits (as defined in IC 5-10-16-5):**

(1) The report prepared by the OMB for state agencies under IC 5-10-16-7.
(2) Reports received from state educational institutions under IC 21-38-3-13.

SECTION 2. IC 5-10-8-6, AS AMENDED BY P.L.229-2011, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The state police department, conservation officers of the department of natural resources, and the state excise police may establish common and unified plans of self-insurance for their employees, including retired employees, as separate entities of state government. These plans may be administered by a private agency, business firm, limited liability company, or corporation. **Any modification to:**

(1) eligibility requirements;
(2) required premiums; or
(3) any other plan provisions;

that increases the amount of the state's contribution to the plan or that increases the post-employment liability under the plan may not be made unless the modification is approved by the budget agency with an annual review of the modifications by the budget committee.

(b) Except as provided in this section and IC 5-10-14, the state agencies listed in subsection (a) may not pay as the employer part of benefits for any employee or retiree an amount greater than that paid for other state employees for group insurance.

(c) This subsection applies to a health benefit plan for an individual described in subsection (a). After June 30, 2011, at least one (1) time in each state fiscal year, the budget agency shall determine the average amount of contributions made under IC 5-10-8.5-15 and IC 5-10-8.5-16 to participants in a health reimbursement arrangement or other separate fund under IC 5-10-8.5 in the immediately preceding state fiscal year. In the state fiscal year beginning July 1, 2011, the amount determined

under this section must exclude contributions made to persons described in IC 5-10-8.5-15(c) and IC 5-10-8.5-16(f). An amount equal to the average amount determined under this subsection multiplied by the number of participants (other than retired participants) in the plans described in subsection (a) shall be transferred to the plans described in subsection (a). The amount transferred under this subsection shall be proportionally allocated to each plan relative to the number of members in each plan. The amount allocated to a plan under this subsection shall be allocated among the participants in the plan in the same manner as other employer contributions. Funds shall be used only to reduce unfunded other post-employment benefit (OPEB) liability and not to increase benefits or reduce premiums.

(d) Trust funds may be established to carry out the purposes of this section. A trust fund established under this subsection is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from a trust fund established under this subsection by the state board of finance, the budget agency, or any other state agency. Money in a trust fund established under this subsection does not revert to the state general fund at the end of any state fiscal year. A trust fund established under this subsection consists of appropriations, revenues, or transfers to the trust fund under IC 4-12-1. Contributions to a trust fund established under this subsection are irrevocable. A trust fund established under this subsection must be limited to providing prefunding of annual required contributions and to cover OPEB liability for covered individuals. Funds may be used only for these purposes and not to increase benefits or reduce premiums. A trust fund established under this subsection shall be established to comply with and be administered in a manner that satisfies the Internal Revenue Code requirements concerning a trust fund for prefunding annual required contributions and for covering OPEB liability for covered individuals. All assets in a trust fund established under this subsection:

(1) are dedicated exclusively to providing benefits to covered individuals and their beneficiaries according to the terms of the health plan; and

(2) are exempt from levy, sale, garnishment, attachment, or other legal process.

A trust fund established under this subsection shall be administered by the agency employing the covered individuals. The expenses of administering a trust fund established under this subsection shall be paid from money in the trust fund. The treasurer of state shall invest the money in a trust fund established under this subsection not currently needed to meet the obligations of the trust fund in the same manner as other public money may be invested.

SECTION 3. IC 5-10-8-7, AS AMENDED BY P.L.2-2007, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The state, excluding state educational institutions, may not purchase or maintain a policy of group insurance, except:

(1) life insurance for the state's employees;

(2) long term care insurance under a long term care insurance policy (as defined in IC 27-8-12-5), for the state's employees;

(3) an accident and sickness insurance policy (as defined in IC 27-8-5.6-1) that covers individuals to whom coverage is provided by a local unit under section 6.6 of this chapter; or

(4) an insurance policy that provides coverage that supplements coverage provided under a United States military health care plan.

(b) With the consent of the governor, the state personnel department may establish self-insurance programs to provide group insurance other than life or long term care insurance for state employees and retired state employees. The state personnel department may contract with a private agency, business firm, limited liability company, or corporation for administrative services. A commission may not be paid for the placement of the contract. The department may require, as part of a contract for administrative services, that the provider of the administrative services offer to an employee terminating state employment the option to purchase, without evidence of insurability, an individual policy of insurance.

(c) Notwithstanding subsection (a), with the consent of the governor, the state personnel department may contract for health services for state employees and individuals to whom coverage is provided by a local unit under section 6.6 of this chapter through one (1) or more prepaid health care delivery plans.

(d) The state personnel department shall adopt rules under IC 4-22-2 to establish long term and short term disability plans for state employees (except employees who hold elected offices (as defined by IC 3-5-2-17)). The plans adopted under this subsection may include any provisions the department considers necessary and proper and must:

(1) require participation in the plan by employees with six (6) months of continuous, full-time service;

(2) require an employee to make a contribution to the plan in the form of a payroll deduction;

(3) require that an employee's benefits under the short term disability plan be subject to a thirty (30) day elimination period and that benefits under the long term plan be subject to a six (6) month elimination period;

(4) prohibit the termination of an employee who is eligible for benefits under the plan;

(5) provide, after a seven (7) day elimination period, eighty percent (80%) of base biweekly wages for an employee disabled by injuries resulting from tortious acts, as distinguished from passive negligence, that occur within the employee's scope of state employment;

(6) provide that an employee's benefits under the plan may be reduced, dollar for dollar, if the employee derives income from:

(A) Social Security;

(B) the public employees' retirement fund;

(C) the Indiana state teachers' retirement fund;

(D) pension disability;

(E) worker's compensation;

(F) benefits provided from another employer's group plan; or

(G) remuneration for employment entered into after the disability was incurred.

(The department of state revenue and the department of workforce development shall cooperate with the state personnel department to confirm that an employee has disclosed complete and accurate information necessary to administer subdivision (6).);

(7) provide that an employee will not receive benefits under the plan for a disability resulting from causes specified in the rules; and

(8) provide that, if an employee refuses to:

(A) accept work assignments appropriate to the employee's medical condition;

(B) submit information necessary for claim administration; or

(C) submit to examinations by designated physicians;

the employee forfeits benefits under the plan.

(e) This section does not affect insurance for retirees under IC 5-10.3 or IC 5-10.4.

(f) The state may pay part of the cost of self-insurance or prepaid health care delivery plans for its employees.

(g) A state agency may not provide any insurance benefits to its employees that are not generally available to other state

employees, unless specifically authorized by law.

(h) The state may pay a part of the cost of group medical and life coverage for its employees.

(i) To carry out the purposes of this section, a trust fund may be established. The trust fund established under this subsection is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the trust fund established under this subsection by the state board of finance, the budget agency, or any other state agency. Money in a trust fund established under this subsection does not revert to the state general fund at the end of any state fiscal year. The trust fund established under this subsection consists of appropriations, revenues, or transfers to the trust fund under IC 4-12-1. Contributions to the trust fund are irrevocable. The trust fund must be limited to providing prefunding of annual required contributions and to cover OPEB liability for covered individuals. Funds may be used only for these purposes and not to increase benefits or reduce premiums. The trust fund shall be established to comply with and be administered in a manner that satisfies the Internal Revenue Code requirements concerning a trust fund for prefunding annual required contributions and for covering OPEB liability for covered individuals. All assets in the trust fund established under this subsection:

(1) are dedicated exclusively to providing benefits to covered individuals and their beneficiaries according to the terms of the health plan; and

(2) are exempt from levy, sale, garnishment, attachment, or other legal process.

The trust fund established under this subsection shall be administered by the state personnel department. The expenses of administering the trust fund shall be paid from money in the trust fund. The treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the trust fund in the same manner as other public money may be invested.

SECTION 4. IC 5-10-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 16. OPEB Reports

Sec. 1. This chapter applies to a state agency that provides or sponsors a post-employment benefit.

Sec. 2. As used in this chapter, "GASB" refers to the Governmental Accounting Standards Board.

Sec. 3. As used in this chapter, "OMB" refers to the office of management and budget established by IC 4-3-22-3.

Sec. 4. As used in this chapter, "OPEB" refers to a post-employment benefit.

Sec. 5. As used in this chapter, "post-employment benefit" means any of the following:

(1) Health, prescription drug, dental, vision, and life insurance coverage for retired employees.

(2) Long term care coverage, life insurance, and death benefits that are not offered as part of a pension or retirement plan.

(3) Long term disability insurance for employees.

(4) Any other benefit, other than a pension or retirement plan, or a termination incentive, provided to a former employee.

Sec. 6. As used in this section, "state agency" has the meaning set forth in IC 6-1.1-1-18.

Sec. 7. Each state agency shall cooperate with the OMB and provide to the OMB the information necessary for the OMB to prepare an OPEB report for state agencies. Each state agency shall provide information required under GASB Statements 43 and 45 and any other information requested by the OMB or the budget committee.

SECTION 5. IC 21-38-3-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13. A state educational institution that provides or sponsors a post-employment benefit (as defined in IC 5-10-16-5) shall submit to the office of management and budget not later than November 1 each year an OPEB (as defined in IC 5-10-16-4) report for the state educational institution. Each state educational institution shall provide information required under GASB Statements 43 and 45 and any other information requested by the OMB or the budget committee.**

SECTION 6. [EFFECTIVE JUNE 20, 2012] **(a) As used in this SECTION, "fund" refers to the Indiana state teachers' retirement fund established by IC 5-10.4-2-1.**

(b) Not later than October 1, 2012, the fund shall pay the amount determined under subsection (c) to a member of the fund (or to a survivor or beneficiary of a member) who retired or was disabled on or before December 1, 2011, and who is entitled to receive a monthly benefit on July 1, 2012. The amount is not an increase in the pension portion of the monthly benefit.

(c) The amount paid under this SECTION to a member of the fund (or to a survivor or beneficiary of a member) who meets the requirements of subsection (b) is determined as follows:

If a Member's Creditable Service Is:	The Amount Is:
At least 5 years, but less than 10 years (only in the case of a member receiving disability retirement benefits)	$150
At least 10 years, but less than 20 years	$275
At least 20 years, but less than 30 years	$375
At least 30 years	$450

(d) The creditable service used to determine the amount paid to a member (or a survivor or beneficiary of a member) under this SECTION is the creditable service that was used to compute the member's retirement benefit under IC 5-10.2-4-4, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(e) If two (2) or more survivors or beneficiaries of a member are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors or beneficiaries in shares using the same percentages as the percentages determined under IC 5-10.2-3-7.5 or IC 5-10.4-4-10 to pay the monthly benefit to the survivors or beneficiaries.

(f) There is appropriated for the state fiscal year beginning July 1, 2012, to the Indiana public retirement system nineteen million six hundred thousand dollars ($19,600,000) from the state general fund for deposit in the fund to cover the amounts paid under this SECTION.

(g) This SECTION expires January 1, 2013.

SECTION 7. [EFFECTIVE JUNE 20, 2012] **(a) As used in this SECTION, "fund" refers to the public employees' retirement fund established by IC 5-10.3-2-1.**

(b) Not later than October 1, 2012, the fund shall pay the amount determined under subsection (c) to a member of the fund (or to a survivor or beneficiary of a member) who retired or was disabled on or before December 1, 2011, and who is entitled to receive a monthly benefit on July 1, 2012. The amount is not an increase in the pension portion of the monthly benefit.

(c) The amount paid under this SECTION to a member of the fund (or to a survivor or beneficiary of a member) who meets the requirements of subsection (b) is determined as follows:

If a Member's Creditable Service Is:	The Amount Is:
At least 5 years, but less than 10 years	$150

(only in the case of a member receiving disability retirement benefits)

At least 10 years, but less than 20 years	**$275**
At least 20 years, but less than 30 years	**$375**
At least 30 years	**$450**

(d) The creditable service used to determine the amount paid to a member (or a survivor or beneficiary of a member) under this SECTION is the creditable service that was used to compute the member's retirement benefit under IC 5-10.2-4-4, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(e) If two (2) or more survivors or beneficiaries of a member are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors or beneficiaries in shares using the same percentages as the percentages determined under IC 5-10.2-3-7.5 or IC 5-10.3-8-15 to pay the monthly benefit to the survivors or beneficiaries.

(f) This SECTION expires January 1, 2013.

SECTION 8. [EFFECTIVE JUNE 20, 2012] **(a) As used in this SECTION, "participant" has the meaning set forth in IC 5-10-5.5-1.**

(b) As used in this SECTION, "plan" refers to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan established by IC 5-10-5.5-2.

(c) Not later than October 1, 2012, the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1 shall pay the amount determined under subsection (d) to a plan participant (or to a survivor or beneficiary of a plan participant) who retired or was disabled on or before December 1, 2011, and who is entitled to receive a monthly benefit on July 1, 2012. The amount is not an increase in the annual retirement allowance.

(d) The amount paid under this SECTION to a plan participant (or to a survivor or beneficiary of a plan participant) who meets the requirements of subsection (c) is determined as follows:

If a Plan Participant's Creditable Service Is:	**The Amount Is:**
At least 5 years, but less than 10 years (only in the case of a member receiving disability retirement benefits)	**$125**
At least 10 years, but less than 20 years	**$235**
At least 20 years, but less than 30 years	**$325**
At least 30 years	**$400**

(e) The creditable service used to determine the amount paid to a plan participant (or a survivor or beneficiary of a plan participant) under this SECTION is the creditable service that was used to compute the plan participant's retirement allowance under IC 5-10-5.5-10 and IC 5-10-5.5-12, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(f) If two (2) or more survivors of a plan participant are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors in shares using the same percentages as the percentages determined under IC 5-10-5.5-16 to pay the monthly benefit to the survivors.

(g) This SECTION expires January 1, 2013.

SECTION 9. [EFFECTIVE JUNE 20, 2012] **(a) As used in this SECTION, "trustee" has the meaning set forth in IC 10-12-1-10.**

(b) As used in this SECTION, "trust fund" has the meaning set forth in IC 10-12-1-11.

(c) Not later than October 1, 2012, the trustee shall pay from the trust fund to each employee beneficiary of the state police 1987 benefit system covered by IC 10-12-4 who:

(1) retired or was disabled after June 30, 1987, and before July 2, 2011; and

(2) is entitled to receive a monthly benefit as of September 1, 2012;

an amount equal to one percent (1%) of the maximum basic annual pension amount payable to a retired state police employee in the grade of trooper who has completed twenty-five (25) years of service as of July 1, 2012, as calculated under IC 10-12-4-7.

(d) The amount paid under this SECTION is not an increase in the monthly pension amount of an employee beneficiary.

(e) This SECTION expires January 1, 2013.

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

(Reference is to EHB 1123 as printed February 14, 2012.)

BURTON	KENLEY
NIEZGODSKI	TALLIAN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

RESOLUTIONS ON FIRST READING

House Resolution 65

Representatives Richardson and Friend introduced House Resolution 65:

A HOUSE RESOLUTION honoring Representative Jeff Espich.

Whereas, Representative Jeff Espich, who was first elected to represent the citizens of House District 82 in 1972, will be leaving the House Chamber for the last time at the end of the 2012 legislative session;

Whereas, During his years in the House of Representatives, Representative Espich has served as Chairman of the Labor Committee and Chairman of the Commerce Committee as well as serving on the Courts and Criminal Code Committee; Insurance, Corporations and Small Business Committee; the Welfare Reform Interim Study Committee; and the Real Property Assessment Practices Interim Study Committee;

Whereas, Representative Espich has also served as a member, Ranking Minority Member, and Chairman of the Ways and Means Committee;

Whereas, Representative Espich has been a member of leadership serving as Minority Whip, Assistant Minority Leader, and Speaker Pro Tempore;

Whereas, Representative Espich was appointed as an advisor to the Stadium and Convention Building Authority Committee that was responsible for supervising the construction of the new Colts Stadium and the expansion of the Indiana Convention Center;

Whereas, Governor Frank O'Bannon appointed Representative Espich to the Citizens' Commission on Taxes, which was charged with reviewing Indiana's property tax system and submitting recommendations to ease the tax burden on Indiana residents;

Whereas, Since 1996, Representative Espich has been a member of the State Budget Committee, which is responsible for oversight of state appropriations and developing budget recommendations to submit to the Governor and currently serves as Chairman;

Whereas, In 2005, while serving as Chairman of the Ways and Means Committee, Representative Espich authored the first

honestly balanced biennial state budget in over a decade, and as a result of his fiscal leadership, Indiana was able to repay $500 million in debt owed to K-12 schools;

Whereas, Representative Espich has always been dedicated to serving his constituents and throughout his years of service, he gained a great deal of expertise in the area of tax and fiscal matters;

Whereas, Representative Espich recognized the importance of limited government regulation and taxation and worked to create a climate favorable for strong economic growth;

Whereas, Representative Espich has been the recipient of many awards during his tenure, including the Guardian of Small Business Award and the Legislator of the Year Award;

Whereas, Representative Espich is a United States Army veteran, a small business owner, a member of the Bluffton Chamber of Commerce, a Director of the State Bank of Markle, and a member of the Uniondale Volunteer Fire Department and holds a Bachelor of Science degree from Indiana University-Bloomington;

Whereas, Representative Espich has many interests and hobbies, and residents in the Wells County area appreciate his elaborate Christmas decorations, many of which he designed and constructed;

Whereas, Representative Espich and his wife reside in Uniondale and are members of the Uniondale United Methodist Church;

Whereas, Representative Jeff Espich has served his constituency loyally and faithfully since his election to the Indiana General Assembly: Therefore,

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

SECTION 1. That the Indiana House of Representatives bids a fond farewell to Representative Jeff Espich. The House of Representatives has seen only good things during his tenure. Legislators and staff alike will miss him greatly. His departure will leave a void that will never be truly filled.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Jeff Espich and his family.

The resolution was read a first time and adopted by voice vote.

The Speaker yielded the gavel to Representative Espich.

House Resolution 87

Representative Dobis introduced House Resolution 87:

A HOUSE RESOLUTION to honor the life of Fred Garver of Boggstown.

Whereas, Fred Garver passed away on July 6th, 2011;

Whereas, Mr. Garver was for many years a familiar figure around the Statehouse, as one of the most competent and well-respected members of the "Third House";

Whereas, Mr. Garver was born in Boggstown, Indiana, and lived there his whole life, graduating as the valedictorian of his high school class in 1956 before going on to study business and chemistry at Indiana University-Bloomington and earning his law degree from Indiana University-Indianapolis;

Whereas, Mr. Garver spent five decades shaping public policy and politics in Indiana, first in positions as a staffer with the Indiana Democratic Party and with then-Governors Matthew Welsh and Roger Branigin, later as an attorney, consultant and lobbyist;

Whereas, Mr. Garver was widely known for his gregariousness, intelligence and persuasiveness, and liked and respected by members of the General Assembly, the Governor's Office and the lobby alike; and

Whereas, For his life-long commitment to Indiana policy and politics, Mr. Garver was named a Sagamore of the Wabash by six different Governors; and

Whereas, Mr. Garver will always be remembered as a loving husband to Mrs. Susan Garver, his wife of forty-six years, and a caring father and grandfather to their two children Chip and Cathy, and their three grandchildren, Freddie, Michael and Pete: Therefore,

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

SECTION 1. That the Indiana House of Representatives honors the life and memory of Fred Garver, recognizes his dedication and hard work on behalf of his community and his state, and extends the sincerest condolences of its members to his family on the occasion of his passing.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Fred Garver.

The resolution was read a first time and adopted by voice vote.

The Acting speaker yielded the gavel to the Speaker.

House Resolution 82

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 82:

A HOUSE RESOLUTION to honor Representative William "Bill" Crawford on his retirement from the Indiana House of Representatives.

Whereas, Representative Bill Crawford has represented his constituents, the citizens of House District 98, at the Statehouse for forty years, and is proud to be the longest-serving African-American state legislator in the country, and the Dean of the Indianapolis Delegation;

Whereas, Since his election to the Indiana House of Representatives in November 1972, Representative Crawford has consistently dedicated himself to two projects at the Statehouse, the crafting of the state budget every biennium as a member of the House Committee on Ways and Means, and his ongoing fight for equality and opportunity for the neglected and disadvantaged, sometimes achieving both ends with the same means, as exemplified by his early success in inserting a line-item into the budget to provide restitution to wrongfully-imprisoned Indianapolis man, and more recently in providing for a $69-million renovation of Ivy Tech's Near Northside campus;

Whereas, Representative Crawford is a proud veteran of the United States Navy, having seen service during the Korean War;

Whereas, Representative Crawford has many times received national recognition for his work on behalf of education, poverty and the promotion of minority- and women-owned businesses, and has won the respect of all sides of the political debate locally and across the country as a true statesman; and

Whereas, Outside of the Statehouse, Representative Crawford has dedicated himself to his neighbors and his community by holding public forums on legislative and civic

issues, through his work with the Concerned Clergy of Indianapolis advocating on behalf of justice and equality, and through his mentorship of young children and young legislators alike: Therefore,

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

SECTION 1. That the Indiana House of Representatives thanks Representative Bill Crawford for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Bill Crawford and his family.

The resolution was read a first time and adopted by voice vote.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bills 1092 and 1186.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 26, 32, and 298.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 234 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Steele, Chair; and Broden
Advisors: Bray and Arnold

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 175:

Advisor: C. Lawson

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1005.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1196.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 147.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 275.

JENNIFER L. MERTZ
Principal Secretary of the Senate

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
EHB 1149–1; filed March 8, 2012, at 4:16 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1149 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-1-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. Except as provided in IC 7.1-5-1-3 and IC 7.1-5-1-6, this title applies to the following:

(1) The commercial manufacturing, bottling, selling, bartering, importing, transporting, delivering, furnishing, or possessing of alcohol, alcoholic beverages, industrial alcohol, malt, malt syrup, malt extract, liquid malt or wort.

(2) The sale, possession, **use,** and distribution of tobacco products.

SECTION 2. IC 7.1-5-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 12. Prohibition on Smoking

Sec. 0.5. As used in this chapter, "ashtray" means any receptacle that is used for disposing of smoking materials, including ash and filters.

Sec. 1. As used in this chapter, "place of employment" means an enclosed area of a structure that is a place of employment. The term does not include a private vehicle.

Sec. 2. As used in this chapter, "public place" means an enclosed area of a structure in which the public is invited or permitted.

Sec. 3. As used in this chapter, "smoking" means the:

(1) carrying or holding of a lighted cigarette, cigar, or pipe or any other lighted tobacco smoking equipment; or

(2) inhalation or exhalation of smoke from lighted tobacco smoking equipment.

Sec. 4. (a) Except as provided in section 5 of this chapter, smoking is prohibited in the following:

(1) A public place.

(2) A place of employment.

(3) A vehicle owned, leased, or operated by the state if

the vehicle is being used for a governmental function.
(4) The area within eight (8) feet of a public entrance to:
(A) a public place; or
(B) a place of employment.
(b) An employer shall inform each of the employer's employees and prospective employees of the smoking prohibition applying to the place of employment.
(c) An owner, operator, manager, or official in charge of a public place or place of employment shall remove ashtrays or other smoking paraphernalia from areas of the public place or place of employment where smoking is prohibited under this chapter. However, this subsection does not prohibit the display of ashtrays or other smoking paraphernalia that are intended only for retail sale.
(d) An owner, operator, manager, or official in charge of a public place or place of employment shall post conspicuous signs at each public entrance that read "State Law Prohibits Smoking Within 8 Feet of this Entrance" or other similar language.
Sec. 5. (a) Except as provided in subsection (c) and subject to section 13 of this chapter, smoking may be allowed in the following:
(1) A horse racing facility operated under a permit under IC 4-31-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.
(2) A riverboat (as defined in IC 4-33-2-17) and any other permanent structure that is:
(A) owned or leased by the owner of the riverboat; and
(B) located on land that is adjacent to:
(i) the dock to which the riverboat is moored; or
(ii) the land on which the riverboat is situated in the case of a riverboat described in IC 4-33-2-17(2).
(3) A facility that operates under a gambling game license under IC 4-35-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.
(4) A satellite facility licensed under IC 4-31-5.5.
(5) An establishment owned or leased by a business that meets the following requirements:
(A) The business was in business and permitted smoking on December 31, 2012.
(B) The business prohibits entry by an individual who is less than twenty-one (21) years of age.
(C) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.
(D) The business limits smoking in the establishment to either:
(i) cigar smoking; or
(ii) smoking with a waterpipe or hookah device.
(E) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from:
(i) the sale of cigars and the rental of onsite humidors; or
(ii) the sale of loose tobacco for use in a waterpipe or hookah device.
(F) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.
(6) A premises owned or leased by and regularly used for the activities of a business that meets all of the following:
(A) The business is exempt from federal income taxation under 26 U.S.C. 501(c).
(B) The business:
(i) meets the requirements to be considered a club under IC 7.1-3-20-1; or
(ii) is a fraternal club (as defined in IC 7.1-3-20-7).
(C) The business provides food or alcoholic beverages only to its bona fide members and their guests.
(D) The business, during a meeting of the business's members, voted within the previous two (2) years to allow smoking on the premises.
(E) The business:
(i) provides a separate, enclosed, designated smoking room or area that is adequately ventilated to prevent migration of smoke to nonsmoking areas of the premises;
(ii) allows smoking only in the room or area described in item (i); and
(iii) does not allow an individual who is less than eighteen (18) years of age to enter into the room or area described in item (i).
(7) A retail tobacco store used primarily for the sale of tobacco products and tobacco accessories that meets the following requirements:
(A) The owner or operator of the store held a valid tobacco sales certificate issued under IC 7.1-3-18.5 on June 30 2012.
(B) The store prohibits entry by an individual who is less than eighteen (18) years of age.
(C) The sale of products other than tobacco products and tobacco accessories is merely incidental.
(D) The sale of tobacco products accounts for at least eighty-five percent (85%) of the store's annual gross sales.
(E) Food or beverages are not sold for consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.
(8) A bar or tavern:
(A) for which a permittee holds:
(i) a beer retailer's permit under IC 7.1-3-4;
(ii) a liquor retailer's permit under IC 7.1-3-9; or
(iii) a wine retailer's permit under IC 7.1-3-14;
(B) that does not employ an individual who is less than eighteen (18) years of age;
(C) that does not allow an individual who:
(i) is less than twenty-one (21) years of age; and
(ii) is not an employee of the bar or tavern;
to enter any area of the bar or tavern; and
(D) that is not located in a business that would otherwise be subject to this chapter.
(9) A cigar manufacturing facility that does not offer retail sales.
(10) A premises of a cigar specialty store to which all of the following apply:
(A) The owner or operator of the store held a valid tobacco sales certificate issued under IC 7.1-3-18.5 on June 30, 2012.
(B) The sale of tobacco products and tobacco accessories account for at least fifty percent (50%) of the store's annual gross sales.
(C) The store has a separate, enclosed, designated smoking room that is adequately ventilated to prevent migration of smoke to nonsmoking areas.
(D) Smoking is allowed only in the room described in clause (C).
(E) Individuals who are less than eighteen (18) years of age are prohibited from entering into the room described in clause (C).

(F) Cigarette smoking is not allowed on the premises of the store.
(G) The owner or operator of the store posts a conspicuous sign on the premises of the store that displays the message that cigarette smoking is prohibited.
(H) Food or beverages are not sold for consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.
(11) The premises of a business that is located in the business owner's private residence (as defined in IC 3-5-2-42.5) if the only employees of the business who work in the residence are the owner and other individuals who reside in the residence.

(b) The owner, operator, manager, or official in charge of an establishment or premises in which smoking is allowed under this section shall post conspicuous signs in the establishment that read "WARNING: Smoking Is Allowed In This Establishment" or other similar language.

(c) This section does not allow smoking in the following enclosed areas of an establishment or premises described in subsection (a)(1) through (a)(10):
(1) Any hallway, elevator, or other common area where an individual who is less than eighteen (18) years of age is permitted.
(2) Any room that is intended for use by an individual who is less than eighteen (18) years of age.

(d) The owner, operator, or manager of an establishment or premises that is listed under subsection (a) and that allows smoking shall provide a verified statement to the commission that states that the establishment or premises qualifies for the exemption. The commission may require the owner, operator, or manager of an establishment or premises to provide documentation or additional information concerning the exemption of the establishment or premises.

Sec. 6. (a) The commission shall enforce this chapter.

(b) This chapter may also be enforced by:
(1) the state department of health established by IC 16-19-1-1;
(2) a local health department, as defined in IC 16-18-2-211;
(3) a health and hospital corporation established by IC 16-22-8-6;
(4) the division of fire and building safety established within the department of homeland security by IC 10-19-7-1; and
(5) a law enforcement officer;
in cooperation with the commission.

(c) The commission, the state department of health, a local health department, a health and hospital corporation, the division of fire and building safety, or a law enforcement officer may inspect premises that are subject to this chapter to ensure that the person responsible for the premises is in compliance with this chapter.

Sec. 7. (a) This section does not apply to an establishment or premises in which smoking is allowed under section 5 of this chapter.

(b) The owner, operator, manager, or official in charge of a public place shall do the following:
(1) Post conspicuous signs that read "Smoking Is Prohibited By State Law" or other similar language.
(2) Ask an individual who is smoking in violation of this chapter to refrain from smoking.
(3) Cause to be removed from the public place an individual who is smoking in violation of this chapter and fails to refrain from smoking after being asked to refrain from smoking.

(c) In addition to the requirements under subsection (b), the owner or operator of a restaurant shall post a conspicuous sign at each entrance to the restaurant informing the public that smoking is prohibited in the restaurant.

Sec. 8. (a) A person who smokes in an area where smoking is prohibited by this chapter commits prohibited smoking, a Class B infraction, except as provided in subsection (b).

(b) A person who smokes in an area where smoking is prohibited by this chapter commits prohibited smoking, a Class A infraction if the person has been adjudged to have committed at least three (3) prior unrelated infractions under:
(1) this section; or
(2) IC 16-41-37-4 (before its repeal).

Sec. 9. (a) A local health department may enforce this chapter by filing a civil action under IC 16-20-1-26.

(b) A health and hospital corporation may enforce this chapter by filing a civil action under IC 16-22-8-31.

(c) The division of fire and building safety may enforce this chapter by filing a civil action under IC 22-12-7-13.

Sec. 10. (a) An owner, manager, operator, or official in charge of a public place or place of employment who fails to comply with a requirement imposed by this chapter commits a Class B infraction, except as provided in subsection (b).

(b) A failure to comply described in subsection (a) is a Class A infraction if the owner, manager, operator, or official has been adjudged to have committed at least three (3) prior unrelated infractions under this chapter.

Sec. 11. An owner, a manager, or an employer shall not discharge, refuse to hire, or in any manner retaliate against an individual for:
(1) reporting a violation of this chapter; or
(2) exercising any right or satisfying any obligation under this chapter.

Sec. 12. (a) As used in this section, "school bus" means a motor vehicle that is:
(1) designed and constructed for the accommodation of at least ten (10) passengers;
(2) owned or operated by a public or governmental agency, or privately owned and operated for compensation; and
(3) used for the transportation of school children to and from the following:
(A) School.
(B) School athletic games or contests.
(C) Other school functions.

(b) As used in this section, "school week" means a week that:
(1) begins on Monday and ends on Friday; and
(2) includes at least three (3) days during which, on each day, more than four (4) hours of classroom instruction are provided.

(c) A person who smokes in a school bus during a school week or while the school bus is being used for the transportation of school children to and from:
(1) a school;
(2) a school athletic game or contest; or
(3) another school function;
commits a Class B infraction, except as provided in subsection (d).

(d) A person who smokes in a school bus as described in subsection (c) commits a Class A infraction if the person, within the twelve (12) months immediately preceding the person's act of smoking in a school bus, committed at least three (3) prior unrelated acts of smoking in a school bus for which the person was adjudged to have committed infractions under this section.

Sec. 13. (a) This chapter does not prohibit a county, city, town, or other governmental unit from adopting an ordinance more restrictive than this chapter.

(b) This chapter does not supersede a smoking ordinance that is adopted by a county, city, town, or other governmental unit before the effective date of this chapter and that is more restrictive than this chapter.

Sec. 14. Beginning in 2013, the commission shall present an annual report to the health finance commission concerning the implementation and enforcement activities taken under this chapter. The report must include the number of smoking related inspections conducted and violations for the previous calendar year. The commission shall submit the report in electronic format under IC 5-14-6 to the legislative services agency not later than September 1 of each year.

SECTION 3. IC 12-7-2-178.8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 178.8. "Smoking", for purposes of IC 12-24-2-8, has the meaning set forth in IC 16-41-37-3.~~

SECTION 4. IC 12-24-2-8, AS AMENDED BY SEA 24-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a) Notwithstanding IC 12-27-3-3, the director has complete authority to regulate smoking (as defined in IC 16-41-37-3) within a state institution.~~

~~(b)~~ A physician licensed under IC 25-22.5 may prescribe ~~nicotine~~ **tobacco cessation devices** as is medically necessary for a resident of a state institution.

SECTION 5. IC 16-18-2-10, AS AMENDED BY P.L.42-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. ~~(a)~~ "Agency", for purposes of IC 16-23.5, has the meaning set forth in IC 16-23.5-1-2.

~~(b) "Agency", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-1.~~

SECTION 6. IC 16-18-2-295, AS AMENDED BY P.L.41-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 295. (a) "Provider", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.5.

(b) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7), and IC 16-41-1 through IC 16-41-9, ~~and IC 16-41-37,~~ means any of the following:

(1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:

(A) A physician.
(B) A psychotherapist.
(C) A dentist.
(D) A registered nurse.
(E) A licensed practical nurse.
(F) An optometrist.
(G) A podiatrist.
(H) A chiropractor.
(I) A physical therapist.
(J) A psychologist.
(K) An audiologist.
(L) A speech-language pathologist.
(M) A dietitian.
(N) An occupational therapist.
(O) A respiratory therapist.
(P) A pharmacist.
(Q) A sexual assault nurse examiner.

(2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.

(3) A health facility licensed under IC 16-28-2.

(4) A home health agency licensed under IC 16-27-1.

(5) An employer of a certified emergency medical technician, a certified emergency medical technician-basic advanced, a certified emergency medical technician-intermediate, or a certified paramedic.

(6) The state department or a local health department or an employee, agent, designee, or contractor of the state department or local health department.

(c) "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

(d) "Provider", for purposes of IC 16-48-1, has the meaning set forth in IC 16-48-1-3.

SECTION 7. IC 16-18-2-323.1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 323.1. "School bus", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-2.3.~~

SECTION 8. IC 16-18-2-323.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 323.4. "School week", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-2.7.~~

SECTION 9. IC 16-41-37 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Clean Indoor Air Law).

(Reference is to EHB 1149 as printed March 1, 2012.)

TURNER	GARD
C. BROWN	SIMPSON
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 32–1; filed March 8, 2012, at 4:30 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 32 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 29-3-12-1, AS AMENDED BY SEA 286-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) ~~Unless the protected person has been adjudicated an incapacitated person or is a recipient or beneficiary of financial assistance provided by the department of child services through a guardianship described in IC 31-9-2-17.8(1)(E),~~ **Except as provided in section 6 or 7 of this chapter,** the court shall terminate the guardianship of a minor upon:

(1) the minor's attaining eighteen (18) years of age; or
(2) the minor's death.

The court may terminate the guardianship of a minor upon the minor's adoption or marriage.

(b) The court shall terminate the guardianship of an incapacitated person upon:

(1) adjudication by the court that the protected person is no longer an incapacitated person; or
(2) the death of the protected person.

(c) The court may terminate any guardianship if:

(1) the guardianship property does not exceed the value of three thousand five hundred dollars ($3,500);
(2) the guardianship property is reduced to three thousand five hundred dollars ($3,500);
(3) the domicile or physical presence of the protected person is changed to another state and a guardian has been

appointed for the protected person and the protected person's property in that state; or

(4) the guardianship is no longer necessary for any other reason.

(d) When a guardianship terminates otherwise than by the death of the protected person, the powers of the guardian cease, except that the guardian may pay the claims and expenses of administration that are approved by the court and exercise other powers that are necessary to complete the performance of the guardian's trust, including payment and delivery of the remaining property for which the guardian is responsible:

(1) to the protected person;

(2) in the case of an unmarried minor, to a person having care and custody of the minor with whom the minor resides;

(3) to a trust approved by the court, including a trust created by the guardian, in which:

(A) the protected person is the sole beneficiary of the trust; and

(B) the terms of the trust satisfy the requirements of Section 2503(c) of the Internal Revenue Code and the regulations under that Section;

(4) to a custodian under the Uniform Transfers to Minors Act (IC 30-2-8.5); or

(5) to another responsible person as the court orders.

(e) When a guardianship terminates by reason of the death of the protected person, the powers of the guardian cease, except that the guardian may pay the expenses of administration that are approved by the court and exercise other powers that are necessary to complete the performance of the guardian's trust and may deliver the remaining property for which the guardian is responsible to the protected person's personal representative or to a person who presents the guardian with an affidavit under IC 29-1-8-1 or IC 29-2-1-2. If approved by the court, the guardian may pay directly the following:

(1) Reasonable funeral and burial expenses of the protected person.

(2) Reasonable expenses of the protected person's last illness.

(3) The protected person's federal and state taxes.

(4) Any statutory allowances payable to the protected person's surviving spouse or surviving children.

(5) Any other obligations of the protected person.

SECTION 2. IC 29-3-12-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6. (a) If a protected person:**

(1) is a minor; and

(2) has been adjudicated an incapacitated person;

the court may not terminate the guardianship of the protected person when the protected person attains eighteen (18) years of age.

(b) If a protected person is:

(1) a minor; and

(2) a recipient or beneficiary of financial assistance provided by the department of child services through a guardianship described in IC 31-9-2-17.8(1)(E);

the court may not terminate the guardianship of the protected person when the protected person attains eighteen (18) years of age.

SECTION 3. IC 29-3-12-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7. (a) This section applies to the guardianship of a minor who has not been adjudicated an incapacitated person.**

(b) A protected person who is at least seventeen (17) years of age and the guardian of the protected person may jointly petition the court to extend the duration of the guardianship beyond the date on which the protected person attains eighteen (18) years of age to the earlier of the following:

(1) A termination date, if any, set forth in the petition.

(2) The date the protected person attains twenty-two (22) years of age.

(c) A petition submitted under subsection (b) must be verified.

(d) The court, after notice and hearing, may extend a guardianship under this section if the court finds that extending the guardianship is in the best interests of the protected person. The extension of a guardianship under this section does not place the protected person under a legal disability.

(Reference is to ESB 32 as printed February 14, 2012.)

BRAY	FOLEY
BRODEN	PRYOR
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 26–1; filed March 8, 2012, at 4:31 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 26 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-1-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The following definitions apply to the construction of all Indiana statutes, unless the construction is plainly repugnant to the intent of the general assembly or of the context of the statute:

(1) "Adult", "of full age", and "person in his majority" mean a person at least eighteen (18) years of age.

(2) "Attorney" includes a counselor or other person authorized to appear and represent a party in an action or special proceeding.

(3) "Autism" means a neurological condition as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(4) "Bond" does not necessarily imply a seal.

(5) "Clerk" means the clerk of the court or a person authorized to perform the clerk's duties.

(6) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.

(7) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.

(8) "Infant" or "minor" means a person less than eighteen (18) years of age.

(9) "Inhabitant" may be construed to mean a resident in any place.

(10) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.

(11) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.
(12) "Mentally incompetent" means of unsound mind.
(13) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.
(14) "Month" means a calendar month, unless otherwise expressed.
(15) "Noncode statute" means a statute that is not codified as part of the Indiana Code.
(16) "Oath" includes "affirmation", and "to swear" includes to "affirm".
(17) "Person" extends to bodies politic and corporate.
(18) "Personal property" includes goods, chattels, evidences of debt, and things in action.
(19) "Population" has the meaning set forth in IC 1-1-3.5-3.
(20) "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.
(21) "Property" includes personal and real property.
(22) "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.
(23) "State", applied to any one **(1)** of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.
(24) "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.
(25) "Verified", when applied to pleadings, means supported by oath or affirmation in writing.
(26) "Will" includes a testament and codicil.
(27) "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.
(28) "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.
(29) "Year" means a calendar year, unless otherwise expressed.
(30) The definitions in ~~IC 35-41-1~~ **IC 35-31.5** apply to all statutes relating to penal offenses.

SECTION 2. IC 3-5-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) "Contribution" means a donation (whether characterized as an advance, a deposit, a gift, a loan, a subscription, or a contract or promise to make a donation) of property (as defined in ~~IC 35-41-1)~~ **IC 35-31.5-2-253)** that satisfies both of the following:
(1) The donation is made for the purpose of influencing any of the following:
(A) The nomination or election to office of a candidate.
(B) The election of delegates to a state constitutional convention.
(C) The outcome of a public question.
(2) The donation is accepted by any of the following:
(A) A candidate.
(B) A candidate's committee.
(C) A regular party committee.
(D) A political action committee.
(E) A legislative caucus committee.

(b) Whenever funds are transferred from one (1) committee to another, the accepting committee is considered to be receiving a contribution in the amount of the funds transferred.
(c) Whenever a candidate or a committee accepts the personal services of a person whose compensation is being paid by a third person, the candidate or committee is considered to be receiving a contribution from the third person in the amount of the compensation paid.
(d) Notwithstanding subsection (a), whenever a candidate or a committee accepts the personal services of a volunteer who is not being compensated, the candidate or committee is not considered to be receiving a contribution.
(e) Notwithstanding subsection (a), whenever a political action committee accepts a donation of:
(1) rent;
(2) office expenses;
(3) management fees;
(4) costs of solicitations of contributions; or
(5) other administrative costs;
the committee is not considered to be receiving a contribution.

SECTION 3. IC 3-5-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) "Expenditure" means a disbursement (whether characterized as an advance, a deposit, a distribution, a gift, a loan, a payment, a purchase, or a contract or promise to make a disbursement) of property (as defined in ~~IC 35-41-1)~~ **IC 35-31.5-2-253)** that:
(1) is made for the purpose of influencing:
(A) the nomination or election to office of a candidate;
(B) the election of delegates to a state constitutional convention; or
(C) the outcome of a public question; and
(2) is made by:
(A) an individual, except that a contribution made by an individual is not considered to be an expenditure;
(B) a candidate's committee;
(C) a regular party committee; or
(D) a political action committee.
(b) Whenever funds are transferred from one **(1)** committee to another, the disbursing committee is considered to be making an expenditure in the amount of the funds transferred.

SECTION 4. IC 3-5-2-26.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26.8. "Lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~ **IC 35-31.5-2-186.**

SECTION 5. IC 3-6-6-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 35. (a) Each election sheriff shall do the following:
(1) Except as provided in subsection (b), attend the polls in the appointed precinct from the opening of the polls to the conclusion of the count.
(2) Preserve order at the polls.
(3) Enforce the election laws under the direction of the precinct election board.
(4) Upon direction from a member of the precinct election board, request assistance from a law enforcement officer (as defined in ~~IC 35-41-1-17)~~ **IC 35-31.5-2-185)** if a violation of law within the polls, or within fifty (50) feet of the polls, has occurred or appears imminent.
(b) The sheriff may leave the polls for the purpose of obtaining assistance from a law enforcement officer under subsection (a)(4).

SECTION 6. IC 3-14-3-18, AS AMENDED BY P.L.103-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) As used in this section, "candidate" includes an individual whom the person knows is considering becoming a candidate.
(b) A person who, for the purpose of influencing a voter or candidate, does any of the following commits a Class D felony:

(1) Seeks to enforce the payment of a debt by force or threat of force.
(2) Ejects or threatens to eject the voter or candidate from a house the voter or candidate occupies.
(3) Begins a criminal prosecution.
(4) Damages the business or trade of the voter or candidate.
(5) Communicates a threat to commit a forcible felony (as defined in ~~IC 35-41-1-11)~~ **IC 35-31.5-2-138)** against a voter or candidate with the intent that the voter or candidate:
(A) engage in conduct against the voter's or candidate's will; or
(B) be placed in fear of retaliation for a prior lawful act as a voter or candidate.

SECTION 7. IC 4-2-6-1, AS AMENDED BY HEA 1250-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:
(1) "Advisory body" means an authority, a board, a commission, a committee, a task force, or other body designated by any name of the executive department that is authorized only to make nonbinding recommendations.
(2) "Agency" means an authority, a board, a branch, a bureau, a commission, a committee, a council, a department, a division, an office, a service, or other instrumentality of the executive, including the administrative, department of state government. The term includes a body corporate and politic set up as an instrumentality of the state and a private, nonprofit, government related corporation. The term does not include any of the following:
(A) The judicial department of state government.
(B) The legislative department of state government.
(C) A state educational institution.
(D) A political subdivision.
(3) "Appointing authority" means the following:
(A) Except as provided in clause (B), the chief administrative officer of an agency. The term does not include a state officer.
(B) For purposes of section 16 of this chapter, "appointing authority" means:
(i) an elected officer;
(ii) the chief administrative officer of an agency; or
(iii) an individual or group of individuals who have the power by law or by lawfully delegated authority to make appointments.
(4) "Assist" means to:
(A) help;
(B) aid;
(C) advise; or
(D) furnish information to;
a person. The term includes an offer to do any of the actions in clauses (A) through (D).
(5) "Business relationship" includes the following:
(A) Dealings of a person with an agency seeking, obtaining, establishing, maintaining, or implementing:
(i) a pecuniary interest in a contract or purchase with the agency; or
(ii) a license or permit requiring the exercise of judgment or discretion by the agency.
(B) The relationship a lobbyist has with an agency.
(C) The relationship an unregistered lobbyist has with an agency.
(6) "Commission" refers to the state ethics commission created under section 2 of this chapter.
(7) "Compensation" means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.
(8) "Direct line of supervision" means the chain of command in which the superior affects, or has the authority to affect, the terms and conditions of the subordinate's employment, including making decisions about work assignments, compensation, grievances, advancements, or performance evaluation.
(9) "Employee" means an individual, other than a state officer, who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.
(10) "Employer" means any person from whom a state officer or employee or the officer's or employee's spouse received compensation. For purposes of this chapter, a customer or client of a self-employed individual in a sole proprietorship or a professional practice is not considered to be an employer.
(11) "Financial interest" means an interest:
(A) in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or
(B) involving property or services.
The term includes an interest arising from employment or prospective employment for which negotiations have begun. The term does not include an interest of a state officer or employee in the common stock of a corporation unless the combined holdings in the corporation of the state officer or the employee, that individual's spouse, and that individual's unemancipated children are more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee.
(12) "Information of a confidential nature" means information:
(A) obtained by reason of the position or office held; and
(B) which:
(i) a public agency is prohibited from disclosing under IC 5-14-3-4(a);
(ii) a public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed; or
(iii) is not in a public record, but if it were, would be confidential.
(13) "Person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.
(14) "Political subdivision" means a county, city, town, township, school district, municipal corporation, special taxing district, or other local instrumentality. The term includes an officer of a political subdivision.
(15) "Property" has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**
(16) "Relative" means any of the following:
(A) A spouse.
(B) A parent or stepparent.
(C) A child or stepchild.
(D) A brother, sister, stepbrother, or stepsister.
(E) A niece or nephew.
(F) An aunt or uncle.
(G) A daughter-in-law or son-in-law.
For purposes of this subdivision, an adopted child of an individual is treated as a natural child of the individual. For purposes of this subdivision, the terms "brother" and

"sister" include a brother or sister by the half blood.

(17) "Represent" means to do any of the following on behalf of a person:

(A) Attend an agency proceeding.

(B) Write a letter.

(C) Communicate with an employee of an agency.

(18) "Special state appointee" means a person who is:

(A) not a state officer or employee; and

(B) elected or appointed to an authority, a board, a commission, a committee, a council, a task force, or other body designated by any name that:

(i) is authorized by statute or executive order; and

(ii) functions in a policy or an advisory role in the executive (including the administrative) department of state government, including a separate body corporate and politic.

(19) "State officer" means any of the following:

(A) The governor.

(B) The lieutenant governor.

(C) The secretary of state.

(D) The auditor of state.

(E) The treasurer of state.

(F) The attorney general.

(G) The superintendent of public instruction.

(20) The masculine gender includes the masculine and feminine.

(21) The singular form of any noun includes the plural wherever appropriate.

(b) The definitions in IC 4-2-7 apply throughout this chapter.

SECTION 8. IC 4-31-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) This section applies only to property given after June 30, 1996.

(c) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(d) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the permit holder.

(2) The person is an officer of the permit holder.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the permit holder.

(4) The person is a political action committee of the permit holder.

(e) A permit holder or a person with an interest in a permit holder may not give any property (as defined in ~~IC 35-41-1-23)~~ **IC 35-31.5-2-253)** to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-31-4.

(f) A person who knowingly or intentionally violates this section commits a Class D felony.

SECTION 9. IC 4-33-10-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) This section applies only to property given after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "license" means:

(1) an owner's license issued under this article;

(2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment; or

(3) an operating agent contract entered into under this article.

(d) As used in this section, "licensee" means a person who holds a license. The term includes an operating agent.

(e) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the licensee.

(2) The person is an officer of the licensee.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.

(4) The person is a political action committee of the licensee.

(g) A licensee or a person with an interest in a licensee may not give any property (as defined in ~~IC 35-41-1-23)~~ **IC 35-31.5-2-253)** to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-33-6-19.

(h) A person who knowingly or intentionally violates this section commits a Class D felony.

SECTION 10. IC 4-33-20-9, AS ADDED BY P.L.227-2007, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. A gaming control officer:

(1) is a law enforcement officer under IC 9-13-2-92 and ~~IC 35-41-1-17~~ **IC 35-31.5-2-185** and has the power to enforce Indiana laws and without warrant to arrest for the violation of any of those laws when committed in the officer's presence;

(2) is a police officer under IC 9-13-2-127;

(3) has the power of law enforcement officers to arrest under IC 35-33-1-1; and

(4) has the power to enforce Indiana laws and may exercise all powers granted by law to state police officers, sheriffs, and members of police departments.

SECTION 11. IC 5-2-6.1-13, AS AMENDED BY P.L.121-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Subject to subsection (b) and except as provided in subsection (c), benefits may not be awarded:

(1) if the victim sustained the injury as a result of participating or assisting in, or attempting to commit or committing a criminal act;

(2) if the injury occurred while the victim was a resident in a county, city, or federal jail or prison or in an institution operated by the department of correction;

(3) if the victim profited or would have profited from the criminal act; or

(4) if, at the time the injury occurred, the victim was intoxicated and contributed to the commission of an unrelated felony.

(b) If the victim is a dependent child or dependent parent of the person who commits a violent crime, compensation may be awarded where justice requires.

(c) Benefits may be awarded to a person described in subsection (a)(4) who is the victim of a sex crime under IC 35-42-4, a crime ~~of~~ **involving domestic or** family violence (as defined in ~~IC 35-41-1-6.5),~~ **IC 35-31.5-2-76),** or a crime of domestic violence (as defined in ~~IC 35-41-1-6.3).~~ **IC 35-31.5-2-78).**

SECTION 12. IC 5-2-8-1, AS AMENDED BY P.L.34-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The following definitions apply in this section:

(1) "Abuse" means:

(A) conduct that causes bodily injury (as defined in ~~IC 35-41-1-4)~~ **IC 35-31.5-2-29)** or damage to property; or

(B) a threat of conduct that would cause bodily injury (as defined in ~~IC 35-41-1-4)~~ **IC 35-31.5-2-29)** or damage to property.

(2) "County law enforcement agency" includes:

(A) postsecondary educational institution police officers appointed under IC 21-17-5 or IC 21-39-4; and

(B) school corporation police officers appointed under IC 20-26-16.

(b) There is established in each county a county law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 or IC 33-37-8-6.

(c) A county law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars ($100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-37-8-6, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-37-4.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning the following:

(1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.

(2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.

(3) Techniques for handling incidents of abuse that:

(A) minimize the likelihood of injury to the law enforcement officer; and

(B) promote the safety of a victim.

(4) Information about the nature and extent of abuse.

(5) Information about the legal rights of and remedies available to victims of abuse.

(6) How to document and collect evidence in an abuse case.

(7) The legal consequences of abuse.

(8) The impact on children of law enforcement intervention in abuse cases.

(9) Services and facilities available to victims of abuse and abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(18) Performing cardiopulmonary resuscitation and the Heimlich maneuver.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

SECTION 13. IC 5-10-10-1.5, AS AMENDED BY P.L.8-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. As used in this chapter, "correctional officer" includes:

(1) a county jail officer under IC 11-12-4-4;

(2) a person who has received a correctional officer training certificate under IC 11-8-2-8;

(3) a prison matron or an assistant prison matron under IC 36-8-10-5;

(4) any other person whose duties include the daily or ongoing supervision and care of persons who are lawfully detained (as defined in ~~IC 35-41-1-18)~~ **IC 35-31.5-2-186)** in a facility operated by the state or a political subdivision of the state; and

(5) a hazardous duty employee of the department of correction who:

(A) works within a prison or juvenile facility; or

(B) performs parole or emergency response operations and functions.

SECTION 14. IC 5-13-4-21.3, AS ADDED BY P.L.107-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21.3. "Public servant" has the meaning set forth in ~~IC 35-41-1-24.~~ **IC 35-31.5-2-261.**

SECTION 15. IC 7.1-1-3-19.7, AS ADDED BY SEA 274-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19.7. "Law enforcement officer", for purposes of IC 7.1-5-1-6.5, has the meaning set forth in ~~IC 35-41-1-17(a).~~ **IC 35-31.5-2-185.**

SECTION 16. IC 7.1-6-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. "Person" has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

SECTION 17. IC 8-15-3-34, AS ADDED BY P.L.47-2006, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 34. The department may arrange for the use and employment of police officers to police a tollway. The police officers employed under this section are vested with all necessary police powers to enforce state laws. A police officer employed under this section has the same powers within the property limits of a tollway as a law enforcement officer (as defined in ~~IC 35-41-1-17)~~ **IC 35-31.5-2-185)** within the law enforcement officer's jurisdiction. A warrant of arrest issued by the proper authority of the state may be executed within the property limits of the tollway by a police officer employed by the department or an operator.

SECTION 18. IC 8-15.7-2-7, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. "Law enforcement officer" has the meaning set forth in ~~IC 35-41-1-17.~~ **IC 35-31.5-2-185.**

SECTION 19. IC 9-13-2-92, AS AMENDED BY

P.L.94-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:

(1) A state police officer.
(2) A city, town, or county police officer.
(3) A sheriff.
(4) A county coroner.
(5) A conservation officer.
(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).
(7) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
(8) An excise police officer of the alcohol and tobacco commission.

(b) "Law enforcement officer", for purposes of ~~IC 9-30-5,~~ IC 9-30-6 **and** IC 9-30-7, ~~IC 9-30-8, and IC 9-30-9,~~ has the meaning set forth in ~~IC 35-41-1.~~ **IC 35-31.5-2-185.**

SECTION 20. IC 9-13-2-165 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 165. "Serious bodily injury" has the meaning set forth in ~~IC 35-41-1.~~ **IC 35-31.5-2-292.**

SECTION 21. IC 9-24-19-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who operates a motor vehicle upon a highway when the person knows that the person's driving privilege, license, or permit is suspended or revoked, when the person's suspension or revocation was a result of the person's conviction of an offense (as defined in ~~IC 35-41-1-19)~~ **IC 35-31.5-2-215)** commits a Class A misdemeanor.

SECTION 22. IC 10-14-3-33.5, AS AMENDED BY P.L.17-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33.5. (a) Except as provided in subsection (b), the state, a political subdivision, or any other person may not prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during:

(1) a disaster emergency;
(2) an energy emergency; or
(3) a local disaster emergency;

declared under this chapter.

(b) Subsection (a) does not authorize the possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during an emergency described in subsection (a):

(1) in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;
(2) on the property of:
(A) a child caring institution;
(B) an emergency shelter care child caring institution;
(C) a private secure facility;
(D) a group home; or
(E) an emergency shelter care group home;
in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, or 465 IAC 2-13-77;
(3) on the property of a penal facility (as defined in ~~IC 35-41-1-21);~~ **IC 35-31.5-2-232);**
(4) in violation of federal law;
(5) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));
(6) on the property of a domestic violence shelter; or
(7) on property owned, operated, controlled, or used by an entity that:
(A) is required to:
(i) conduct a vulnerability assessment; and
(ii) develop and implement a site security plan;
under the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued April 9, 2007; or
(B) is required to have a security plan under the Maritime Transportation Security Act of 2002, Public Law 107-295.

SECTION 23. IC 10-16-19-1, AS ADDED BY P.L.10-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This section does not apply to an employee of the state subject to IC 4-15-10-8.

(b) This section applies to an employee of a political subdivision who:

(1) is a member of the civil air patrol; and
(2) has notified the employee's employer in writing that the employee is a member of the civil air patrol.

(c) A political subdivision employer may not discipline an employee:

(1) for being absent from employment by reason of engaging in an emergency service operation that began before the time that the employee was to report to employment; or
(2) for leaving the employee's duty station to engage in an emergency service operation if the emergency service operation began after the employee had reported for work and the employee secured authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation.

(d) A political subdivision employer may require an employee who has been absent from employment as set forth in subsection (c)(1) or (c)(2) to present a written statement from the commander or other officer in charge of the civil air patrol at the time of the absence indicating that the employee was engaged in an emergency service operation at the time of the absence.

(e) An employee who is disciplined by the employee's employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

(1) Payment of back wages.
(2) Reinstatement to the employee's former position.
(3) Fringe benefits wrongly denied or withdrawn.
(4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action.

(f) A public servant (as defined in ~~IC 35-41-1-24)~~ **IC 35-31.5-2-261)** who permits or authorizes an employee of a political subdivision under the supervision of the public servant to be absent from employment as set forth in subsection (c) is not considered to have committed a violation of IC 35-44-2-4(b).

SECTION 24. IC 11-8-8-7, AS AMENDED BY P.L.119-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:
(A) The sex or violent offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.
(B) The sex or violent offender owns real property in Indiana and returns to Indiana at any time.
(2) A sex or violent offender who works or carries on a vocation or intends to work or carry on a vocation full time or part time for a period:
(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days; during any calendar year in Indiana regardless of whether the sex or violent offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex or violent offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex or violent offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides. If a sex or violent offender resides in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county in which the sex or violent offender resides. If the sex or violent offender is also required to register under subsection (a)(2) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex or violent offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex or violent offender is or intends to be employed or carry on a vocation. If a sex or violent offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex or violent offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex or violent offender is enrolled or intends to be enrolled as a student. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(2), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex or violent offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex or violent offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex or violent offender committed to the department shall register with the department before the sex or violent offender is released from incarceration. The department shall forward the sex or violent offender's registration information to the local law enforcement authority of every county in which the sex or violent offender is required to register.

(g) This subsection does not apply to a sex or violent offender who is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7) days after the sex or violent offender:

(1) is released from a penal facility (as defined in ~~IC 35-41-1-21);~~ **IC 35-31.5-2-232);**

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sex or violent offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex or violent offender who is a sexually violent predator. A sex or violent offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex or violent offender:

(1) is released from a penal facility (as defined in ~~IC 35-41-1-21);~~ **IC 35-31.5-2-232);**

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex or violent offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(j) When a sex or violent offender registers, the local law enforcement authority shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender resides; and

(3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, electronic mail address, instant messaging username, electronic chat room username, social networking web site username, employment, vocation, or enrollment in Indiana, the local law enforcement authority shall provide the department with the information provided by the sex or violent offender during registration.

SECTION 25. IC 11-8-8-13, AS AMENDED BY P.L.216-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) To verify a sex or violent offender's current residence, the local law

enforcement authority having jurisdiction over the area of the sex or violent offender's current principal address or location shall do the following:

(1) Mail a form that is approved or prescribed by the department to each sex or violent offender in the county at the sex or violent offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in ~~IC 35-41-1-21),~~ **IC 35-31.5-2-232),** a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(2) Mail a form that is approved or prescribed by the department to each sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in ~~IC 35-41-1-21),~~ **IC 35-31.5-2-232),** a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(3) Personally visit each sex or violent offender in the county at the sex or violent offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in ~~IC 35-41-1-21),~~ **IC 35-31.5-2-232),** a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(4) Personally visit each sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in ~~IC 35-41-1-21),~~ **IC 35-31.5-2-232),** a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(b) If a sex or violent offender fails to return a signed form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

SECTION 26. IC 11-8-8-19, AS AMENDED BY P.L.119-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) Except as provided in subsections (b) through (e), a sex or violent offender is required to register under this chapter until the expiration of ten (10) years after the date the sex or violent offender:

(1) is released from a penal facility (as defined in ~~IC 35-41-1-21)~~ **IC 35-31.5-2-232)** or a secure juvenile detention facility of a state or another jurisdiction;

(2) is placed in a community transition program;

(3) is placed in a community corrections program;

(4) is placed on parole; or

(5) is placed on probation;

for the sex or violent offense requiring registration, whichever occurs last. The registration period is tolled during any period that the sex or violent offender is incarcerated. The registration period does not restart if the offender is convicted of a subsequent offense. However, if the subsequent offense is a sex or violent offense, a new registration period may be imposed in accordance with this chapter. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired.

(b) A sex or violent offender who is a sexually violent predator is required to register for life.

(c) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:

(1) when the person was at least eighteen (18) years of age; and

(2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:

(1) proximately caused serious bodily injury or death to the victim;

(2) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D felony; or

(3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex or violent offender who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life.

(f) A person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer.

SECTION 27. IC 11-13-3-4, AS AMENDED BY SEA 154-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole, the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

(1) retained by the parolee;
(2) forwarded to any person charged with the parolee's supervision; and
(3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:
(1) consider:
(A) the residence of the parolee prior to the parolee's incarceration; and
(B) the parolee's place of employment; and
(2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:
(1) periodically undergo a laboratory chemical test (as defined in IC 9-13-2-22) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
(2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:
(1) may require a parolee who is a sex offender (as defined in IC 11-8-8-4.5) to:
(A) participate in a treatment program for sex offenders approved by the parole board; and
(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:
(i) receives the parole board's approval; or
(ii) successfully completes the treatment program referred to in clause (A); and
(2) shall:
(A) require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5) to register with a local law enforcement authority under IC 11-8-8;
(B) prohibit a parolee who is a sex offender from residing within one thousand (1,000) feet of school property (as defined in ~~IC 35-41-1-24.7)~~ **IC 35-31.5-2-285)** for the period of parole, unless the sex offender obtains written approval from the parole board;
(C) prohibit a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under IC 35-38-2-2.5;
(D) prohibit a parolee who is a sex offender from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age;
(E) require a parolee who is a sex offender to consent:
(i) to the search of the sex offender's personal computer at any time; and
(ii) to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and
(F) prohibit the sex offender from:
(i) accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and
(ii) deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by item (i).

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) or a sex offender who is an offender against children under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) As a condition of parole, the parole board may require a parolee to participate in a reentry court program.

(j) As a condition of parole, the parole board:
(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and
(2) may require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, subject to the amount appropriated to the department for a monitoring program as a condition of parole.

(k) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

(l) As a condition of parole, the parole board may prohibit a parolee convicted of an offense under IC 35-46-3 from owning, harboring, or training an animal, and, if the parole board prohibits a parolee convicted of an offense under IC 35-46-3 from having direct or indirect contact with an individual, the parole board may also prohibit the parolee from having direct or indirect contact with any animal belonging to the individual.

(m) A parolee may be responsible for the reasonable expenses, as determined by the department, of the parolee's participation in a treatment or other program required as a condition of parole under this section. However, a person's parole may not be revoked solely on the basis of the person's inability to pay for a program required as a condition of parole under this section.

SECTION 28. IC 11-13-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) An employee of the department assigned to supervise and assist parolees may:
(1) execute warrants issued by the parole board;
(2) serve orders, subpoenas, and notices issued by the parole board;
(3) conduct investigations necessary to the performance of ~~his~~ **the employee's** duties;
(4) visit and confer with any person under ~~his~~ **the employee's** supervision, even when that person is in custody;
(5) act as a probation officer if requested by the appropriate court and if that request is approved by the department;
(6) search a parolee's person or property if ~~he~~ **the employee** has reasonable cause to believe that the parolee

is violating or is in imminent danger of violating a condition to remaining on parole;

(7) arrest a parolee without a warrant if ~~he~~ **the employee** has reasonable cause to believe that the parolee has violated or is about to violate a condition to remaining on parole and that an emergency situation exists, so that awaiting action by the parole board under section 8 of this chapter would create an undue risk to the public or to the parolee; and

(8) exercise any other power reasonably necessary in discharging ~~his~~ **the employee's** duties and powers.

(b) An employee of the department assigned to supervise and assist parolees is not considered a law enforcement officer under IC 5-2-1 or ~~IC 35-41-1.~~ **IC 35-31.5-2-185.**

SECTION 29. IC 11-13-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) An employee of the department assigned to supervise and assist parolees may:

(1) execute warrants issued by the department;

(2) serve orders, subpoenas, and notices issued by the department;

(3) conduct investigations necessary to the performance of ~~his~~ **the employee's** duties;

(4) visit and confer with any person under ~~his~~ **the employee's** supervision, even when that person is in custody;

(5) act as a probation officer if requested by the appropriate court and if that request is approved by the department;

(6) search a parolee's person or property if ~~he~~ **the employee** has reasonable cause to believe that the parolee is violating or is in imminent danger of violating a condition of parole;

(7) arrest a parolee without a warrant if ~~he~~ **the employee** has reasonable cause to believe that the parolee has violated or is about to violate a condition of ~~his~~ **the parolee's** parole and that an emergency situation exists, so that awaiting action under section 7 of this chapter would create an undue risk to the public or to the parolee; and

(8) exercise any other power reasonably necessary in discharging ~~his~~ **the employee's** duties and powers.

(b) An employee of the department assigned to supervise and assist parolees is not considered a law enforcement officer under IC 5-2-1 or ~~IC 35-41-1.~~ **IC 35-31.5-2-185.**

SECTION 30. IC 12-7-2-88 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 88. "Forcible felony", for purposes of IC 12-23, has the meaning set forth in ~~IC 35-41-1.~~ **IC 35-31.5-2-138.**

SECTION 31. IC 12-7-2-147 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 147. "Property", for purposes of IC 12-12-1, has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

SECTION 32. IC 12-23-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. Prosecution may be deferred under sections 2 through 5 of this chapter if a defendant has been charged with a misdemeanor or infraction in which the use of alcohol or drugs was a contributing factor or material element of the offense or the defendant's mental illness was a contributing factor, unless at least one (1) of the following exists:

(1) The offense involves death or serious bodily injury.

(2) The defendant has a record of at least two (2) prior convictions of forcible felonies (as defined in ~~IC 35-41-1).~~ **IC 35-31.5-2-138).**

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

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

(5) The defendant fails to meet additional eligibility requirements imposed by the court.

SECTION 33. IC 12-24-12-10, AS AMENDED BY P.L.141-2006, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) Upon admission to a state institution administered by the division of mental health and addiction, the gatekeeper is one (1) of the following:

(1) For an individual with a psychiatric disorder, the community mental health center that submitted the report to the committing court under IC 12-26.

(2) For an individual with a developmental disability, a division of disability and rehabilitative services service coordinator under IC 12-11-2.1.

(3) For an individual entering an addictions program, an addictions treatment provider that is certified by the division of mental health and addiction.

(b) The division is the gatekeeper for the following:

(1) An individual who is found to have insufficient comprehension to stand trial under IC 35-36-3.

(2) An individual who is found to be not guilty by reason of insanity under IC 35-36-2-4 and is subject to a civil commitment under IC 12-26.

(3) An individual who is immediately subject to a civil commitment upon the individual's release from incarceration in a facility administered by the department of correction or the Federal Bureau of Prisons, or upon being charged with or convicted of a forcible felony ~~under IC 35-41-1.~~ **(as defined by IC 35-31.5-2-138).**

(4) An individual placed under the supervision of the division for addictions treatment under IC 12-23-7 and IC 12-23-8.

(5) An individual transferred from the department of correction under IC 11-10-4.

SECTION 34. IC 13-11-2-158, AS AMENDED BY P.L.189-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 158. (a) "Person", for purposes of:

(1) IC 13-21;

(2) air pollution control laws;

(3) water pollution control laws; and

(4) environmental management laws, except as provided in subsections (c), (d), **and** (e); ~~and (h);~~

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a municipal corporation, a city, a school city, a town, a school town, a school district, a school corporation, a county, any consolidated unit of government, political subdivision, state agency, a contractor, or any other legal entity.

(b) "Person", for purposes of:

(1) IC 13-18-10;

(2) IC 13-18-10.5;

(3) IC 13-20-10.5; and

(4) IC 13-20-17;

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a political subdivision, a state agency, or other legal entity, or their legal representative, agent, or assigns.

(c) "Person", for purposes of:

(1) IC 13-20-13;

(2) IC 13-20-14;

(3) IC 13-20-16; and

(4) IC 13-25-6;

means an individual, a corporation, a limited liability company, a partnership, or an unincorporated association.

(d) "Person", for purposes of IC 13-23, has the meaning set

forth in subsection (a). The term includes a consortium, a joint venture, a commercial entity, and the United States government.

(e) "Person", for purposes of IC 13-20-17.5 and IC 13-25-3, means an individual, a corporation, a limited liability company, a partnership, a trust, an estate, or an unincorporated association.

(f) "Person", for purposes of IC 13-26, means an individual, a firm, a partnership, an association, a limited liability company, or a corporation other than an eligible entity.

(g) "Person", for purposes of IC 13-29-1, means any individual, corporation, business enterprise, or other legal entity either public or private and any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

~~(h) "Person", for purposes of IC 13-30-8-1, has the meaning set forth in IC 35-41-1.~~

SECTION 35. IC 14-9-8-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. A conservation officer:

(1) is a law enforcement officer under IC 9-13-2-92 and ~~IC 35-41-1-17~~ **IC 35-31.5-2-185** and has the power to enforce Indiana laws and without warrant to arrest for the violation of any of those laws when committed in the officer's presence;

(2) is a police officer under IC 9-13-2-127;

(3) has the power of law enforcement officers to arrest under IC 35-33-1-1; and

(4) has the power to enforce Indiana laws and may exercise all powers granted by law to state police officers, sheriffs, and members of police departments.

SECTION 36. IC 14-15-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Except as provided in subsection (b), a person who operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked commits a Class A infraction. However, if:

(1) a person knowingly or intentionally violates this subsection; and

(2) less than ten (10) years have elapsed between the date a judgment was entered against the person for a prior unrelated violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date the violation described in subdivision (1) was committed;

the person commits a Class A misdemeanor.

(b) If:

(1) a person operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked; and

(2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in ~~IC 35-41-1-19);~~ **IC 35-31.5-2-215);**

the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

(c) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person's privileges to operate a motorboat upon public waters be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction.

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time of the alleged offense, the defendant held a valid Indiana driver's license.

SECTION 37. IC 14-22-40-5, AS AMENDED BY P.L.26-2008, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "law enforcement officer" has the meaning set forth in ~~IC 35-41-1-17.~~ **IC 35-31.5-2-185.** The term includes a conservation officer.

SECTION 38. IC 15-13-1-16, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. "Property" has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

SECTION 39. IC 16-18-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) "Advanced life support", for purposes of IC 16-31, means care that is given:

(1) at the scene of:

(A) an accident;

(B) an act of terrorism (as defined in ~~IC 35-41-1-26.5),~~ **IC 35-31.5-2-329)** if the governor has declared a disaster emergency under IC 10-14-3-12 in response to the act of terrorism; or

(C) an illness;

(2) during transport; or

(3) at a hospital;

by a paramedic or an emergency medical technician-intermediate and that is more advanced than the care usually provided by an emergency medical technician or an emergency medical technician-basic advanced.

(b) The term may include any of the following:

(1) Defibrillation.

(2) Endotracheal intubation.

(3) Parenteral injections of appropriate medications.

(4) Electrocardiogram interpretation.

(5) Emergency management of trauma and illness.

SECTION 40. IC 16-31-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.

(b) An act or omission of a paramedic, an emergency medical technician-intermediate, an emergency medical technician-basic advanced, an emergency medical technician, or a person with equivalent certification from another state that is performed or made while providing advanced life support or basic life support to a patient or trauma victim does not impose liability upon the paramedic, the emergency medical technician-intermediate, the emergency medical technician-basic advanced, an emergency medical technician, the person with equivalent certification from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

(1) in connection with a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in ~~IC 35-41-1-26.5);~~ **IC 35-31.5-2-329);** and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

SECTION 41. IC 16-41-8-1, AS AMENDED BY P.L.125-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used

in this chapter, "potentially disease transmitting offense" means any of the following:

(1) Battery by body waste (IC 35-42-2-6).

(2) An offense relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3),~~ **IC 35-31.5-2-216),** if sexual intercourse or deviate sexual conduct occurred.

The term includes an attempt to commit an offense, if sexual intercourse or deviate sexual conduct occurred, and a delinquent act that would be a crime if committed by an adult.

(b) Except as provided in this chapter, a person may not disclose or be compelled to disclose medical or epidemiological information involving a communicable disease or other disease that is a danger to health (as defined under rules adopted under IC 16-41-2-1). This information may not be released or made public upon subpoena or otherwise, except under the following circumstances:

(1) Release may be made of medical or epidemiologic information for statistical purposes if done in a manner that does not identify an individual.

(2) Release may be made of medical or epidemiologic information with the written consent of all individuals identified in the information released.

(3) Release may be made of medical or epidemiologic information to the extent necessary to enforce public health laws, laws described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23, IC 35-38-1-7.1, and IC 35-42-1-7, or to protect the health or life of a named party.

(4) Release may be made of the medical information of a person in accordance with this chapter.

(c) Except as provided in this chapter, a person responsible for recording, reporting, or maintaining information required to be reported under IC 16-41-2 who recklessly, knowingly, or intentionally discloses or fails to protect medical or epidemiologic information classified as confidential under this section commits a Class A misdemeanor.

(d) In addition to subsection (c), a public employee who violates this section is subject to discharge or other disciplinary action under the personnel rules of the agency that employs the employee.

(e) Release shall be made of the medical records concerning an individual to:

(1) the individual;

(2) a person authorized in writing by the individual to receive the medical records; or

(3) a coroner under IC 36-2-14-21.

(f) An individual may voluntarily disclose information about the individual's communicable disease.

(g) The provisions of this section regarding confidentiality apply to information obtained under IC 16-41-1 through IC 16-41-16.

SECTION 42. IC 20-33-8-16, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "deadly weapon" has the meaning set forth in ~~IC 35-41-1-8.~~ **IC 35-31.5-2-86.** The term does not include a firearm or destructive device.

(c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.

(d) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a firearm or destructive device to school or on school property; or

(2) in possession of a firearm or destructive device on school property;

must be expelled for at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.

(e) The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

(f) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a deadly weapon to school or on school property; or

(2) in possession of a deadly weapon on school property;

may be expelled for not more than one (1) calendar year.

(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.

(h) A student with disabilities (as defined in IC 20-35-7-7) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

SECTION 43. IC 21-12-3-13, AS AMENDED BY P.L.229-2011, SECTION 223, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. The commission may not provide assistance under this chapter to a higher education award applicant or recipient who is:

(1) convicted of a felony;

(2) sentenced to a term of imprisonment for that felony; and

(3) confined for that felony at a penal facility (as defined in ~~IC 35-41-1-21).~~ **IC 35-31.5-2-232).**

SECTION 44. IC 22-11-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. An owner of a public building commits a Class D felony if:

(1) ~~he~~ **the owner** knowingly or intentionally violates section 2 of this chapter; and

(2) bodily injury (as defined by ~~IC 35-41-1)~~ **IC 35-31.5-2-29)** or a loss of life occurs to a person lawfully in the public building as a result of a fire in the building.

SECTION 45. IC 22-11-18-1, AS AMENDED BY P.L.17-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter:

"Bodily injury" has the meaning set forth in ~~IC 35-41-1-4.~~ **IC 35-31.5-2-29.**

"Dwelling" means a residence with at least one (1) dwelling unit as set forth in IC 22-12-1-4(a)(1)(B) and IC 22-12-1-5(a)(1).

"Hotels and motels" means buildings or structures kept, maintained, used, advertised, or held out to the public as inns or places where sleeping accommodations are furnished for hire for transient guests.

"Landlord" has the meaning set forth in IC 32-31-3-3.

"Owner" means a person having control or custody of any building covered by this chapter.

"Person" means an individual, corporation, partnership, association, or other legal entity.

"Rental premises" has the meaning set forth in IC 32-31-7-3.

"Rental unit" has the meaning set forth in IC 32-31-3-8.

"Smoke detector" means a device which senses visible or invisible particles of combustion and conforms to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.

"Seasonally occupied dwellings" means hotels and motels open to the public for occupancy by guests only during any period of time between April 15 and October 15 each year.

"Single level dwellings" means all single level (no more than one (1) level above ground) hotels and motels that have no interior corridors, and whose individual rooms have exterior exits.

"Tenant" has the meaning set forth in IC 32-31-3-10.

SECTION 46. IC 23-1-55-2, AS ADDED BY P.L.92-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A person (as defined in ~~IC 35-41-1-22)~~ **IC 35-31.5-2-234)** that intends to offer for sale or sell sexually explicit materials shall register with the secretary of state the intent to offer for sale or sell sexually explicit materials and provide a statement detailing the types of materials that the person intends to offer for sale or sell.

SECTION 47. IC 24-3-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "law enforcement officer" has the meaning set forth in ~~IC 35-41-1-17.~~ **IC 35-31.5-2-185.**

SECTION 48. IC 24-4-16.4-1, AS ADDED BY P.L.92-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "person" has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

SECTION 49. IC 24-8-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. "Property" has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

SECTION 50. IC 25-1-9-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. As used in this chapter, "sexual contact" means:

(1) sexual intercourse (as defined in ~~IC 35-41-1-26);~~ **IC 35-31.5-2-302);**

(2) deviate sexual conduct (as defined in ~~IC 35-41-1-9);~~ **IC 35-31.5-2-94);** or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

SECTION 51. IC 25-22.5-1-2, AS AMENDED BY P.L.177-2009, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.

(2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.

(3) A paramedic (as defined in IC 16-18-2-266), an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5), an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):

(A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in ~~IC 35-41-1-26.5);~~ **IC 35-31.5-2-329);** and

(B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

(4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.

(5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.

(6) A person administering a domestic or family remedy to a member of the person's family.

(7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.

(8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

(11) A dentist practicing the dentist's profession under IC 25-14.

(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.

(13) A nurse practicing the nurse's profession under IC 25-23. However, a certified registered nurse anesthetist (as defined in IC 25-23-1-1.4) may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician.

(14) An optometrist practicing the optometrist's profession under IC 25-24.

(15) A pharmacist practicing the pharmacist's profession under IC 25-26.

(16) A physical therapist practicing the physical therapist's profession under IC 25-27.

(17) A podiatrist practicing the podiatrist's profession under IC 25-29.

(18) A psychologist practicing the psychologist's profession under IC 25-33.

(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.

(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(21) A hospital licensed under IC 16-21 or IC 12-25.

(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

(A) a physician;
(B) a psychiatric hospital;
(C) a hospital;
(D) a health maintenance organization or limited service health maintenance organization;
(E) a health facility;
(F) a dentist;
(G) a registered or licensed practical nurse;
(H) a midwife;
(I) an optometrist;
(J) a podiatrist;
(K) a chiropractor;
(L) a physical therapist; or
(M) a psychologist.

(23) A physician assistant practicing the physician assistant profession under IC 25-27.5.

(24) A physician providing medical treatment under ~~IC 25-22.5-1-2.1.~~ **section 2.1 of this chapter.**

(25) An attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

(26) A personal services attendant providing authorized attendant care services under IC 12-10-17.1.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

(1) the person performs an act that an Indiana statute does not authorize the person to perform; and
(2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 52. IC 31-37-19-12, AS AMENDED BY P.L.125-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) an offense relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3)~~ **IC 35-31.5-2-216)** and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or
(2) an offense relating to controlled substances (as defined in ~~IC 35-41-1-19.4)~~ **IC 35-31.5-2-217)** if the offense involved:

(A) the delivery by a person to another person; or
(B) the use by a person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the child to undergo a screening test for the human immunodeficiency virus (HIV).

(c) If the screening test indicates the presence of antibodies to HIV, the court shall order the child to undergo a confirmatory test.

(d) If the confirmatory test confirms the presence of the HIV antibodies, the court shall report the results to the state department of health.

(e) The state department of health shall do the following:

(1) Notify potentially affected victims of the offense relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3)~~ **IC 35-31.5-2-216)** or offense relating to controlled substances (as defined in ~~IC 35-41-1-19.4)~~ **IC 35-31.5-2-217)** of the HIV screening results.
(2) Provide counseling regarding HIV and a referral for appropriate health care to the victims.

SECTION 53. IC 31-37-19-17.4, AS AMENDED BY P.L.146-2008, SECTION 653, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17.4. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be an offense relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3).~~ **IC 35-31.5-2-216).**

(b) The juvenile court may, in addition to any other order or decree the court makes under this chapter, order:

(1) the child; and
(2) the child's parent or guardian;

to receive psychological counseling as directed by the court, subject to the applicable provisions of IC 31-37-17-1.4 and IC 31-37-18-9.

SECTION 54. IC 32-30-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "indecent nuisance" means a:

(1) place in or upon which prostitution (as described in IC 35-45-4);
(2) public place in or upon which deviate sexual conduct (as defined in ~~IC 35-41-1-9)~~ **IC 35-31.5-2-94)** or sexual intercourse (as defined in ~~IC 35-41-1-26);~~ **IC 35-31.5-2-302);** or
(3) public place in or upon which the fondling of the genitals of a person;

is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining the place for such a purpose.

SECTION 55. IC 32-30-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, "person" has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

SECTION 56. IC 32-31-9-3, AS ADDED BY P.L.22-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. As used in this chapter, "applicable offense" refers to any of the following:

(1) A crime involving domestic or family violence (as defined in ~~IC 35-41-1-6.5).~~ **IC 35-31.5-2-76).**
(2) A sex offense under IC 35-42-4.
(3) Stalking under IC 35-45-10.

SECTION 57. IC 32-34-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. A brand adopted in accordance with this chapter is the exclusive trademark of the person adopting the brand, and the brand constitutes property under ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

SECTION 58. IC 33-39-1-6, AS AMENDED BY P.L.119-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Special prosecutors may be appointed under this section or in accordance with IC 4-2-7-7.

(b) A circuit or superior court judge:

(1) shall appoint a special prosecutor if:

(A) any person other than the prosecuting attorney or the prosecuting attorney's deputy files a verified petition requesting the appointment of a special prosecutor; and

(B) the prosecuting attorney agrees that a special prosecutor is needed;

(2) may appoint a special prosecutor if:

(A) a person files a verified petition requesting the appointment of a special prosecutor; and

(B) the court, after:

(i) notice is given to the prosecuting attorney; and

(ii) an evidentiary hearing is conducted at which the prosecuting attorney is given an opportunity to be heard;

finds by clear and convincing evidence that the appointment is necessary to avoid an actual conflict of interest or there is probable cause to believe that the prosecutor has committed a crime;

(3) may appoint a special prosecutor if:

(A) the prosecuting attorney files a petition requesting the court to appoint a special prosecutor; and

(B) the court finds that the appointment is necessary to avoid the appearance of impropriety;

(4) may appoint a special prosecutor if:

(A) an elected public official, who is a defendant in a criminal proceeding, files a verified petition requesting a special prosecutor within ten (10) days after the date of the initial hearing; and

(B) the court finds that the appointment of a special prosecutor is in the best interests of justice; and

(5) shall appoint a special prosecutor if:

(A) a previously appointed special prosecutor:

(i) files a motion to withdraw as special prosecutor; or

(ii) has become incapable of continuing to represent the interests of the state; and

(B) the court finds that the facts that established the basis for the initial appointment of a special prosecutor still exist.

The elected prosecuting attorney of the appointing jurisdiction shall receive notice of all pleadings filed and orders issued under this subdivision.

(c) Each person appointed to serve as a special prosecutor:

(1) must consent to the appointment; and

(2) must be:

(A) the prosecuting attorney or a deputy prosecuting attorney in a county other than the county in which the person is to serve as special prosecutor; or

(B) except as provided in subsection (d), a senior prosecuting attorney.

(d) A senior prosecuting attorney may be appointed in the county in which the senior prosecuting attorney previously served if the court finds that an appointment under this subsection would not create the appearance of impropriety.

(e) A person appointed to serve as a special prosecutor has the same powers as the prosecuting attorney of the county. However, the appointing judge shall limit scope of the special prosecutor's duties to include only the investigation or prosecution of a particular case or particular grand jury investigation.

(f) The court shall establish the length of the special prosecutor's term. If the target of an investigation by the special prosecutor is a public servant (as defined in ~~IC 35-41-1-24),~~ **IC 35-31.5-2-261),** the court shall order the special prosecutor to file a report of the investigation with the court at the conclusion of the investigation. The report is a public record.

(g) If the special prosecutor is not regularly employed as a full-time prosecuting attorney or full-time deputy prosecuting attorney, the compensation for the special prosecutor's services:

(1) shall be paid to the special prosecutor from the unappropriated funds of the appointing county; and

(2) may not exceed:

(A) an hourly rate based upon the regular salary of a full-time prosecuting attorney of the appointing circuit;

(B) travel expenses and reasonable accommodation expenses actually incurred; and

(C) other reasonable expenses actually incurred, including the costs of investigation, discovery, and secretarial work, if:

(i) before incurring the other reasonable expenses described in this clause, the special prosecutor submits an application to the court to receive the other reasonable expenses; and

(ii) the court approves the expenses.

The amount of compensation a special prosecutor receives for services performed during a calendar day under subdivision (2)(A) may not exceed the amount of compensation a full-time prosecuting attorney would receive in salary for the calendar day.

(h) If the special prosecutor is regularly employed as a full-time prosecuting attorney or deputy prosecuting attorney, the compensation for the special prosecutor's services:

(1) shall be paid out of the appointing county's unappropriated funds to the treasurer of the county in which the special prosecutor regularly serves; and

(2) must include a per diem equal to the regular salary of a full-time prosecuting attorney of the appointing circuit, travel expenses, and reasonable accommodation expenses actually incurred.

(i) The combination of:

(1) the compensation paid to a senior prosecuting attorney under this chapter; and

(2) retirement benefits that the person appointed as a senior prosecuting attorney is receiving or entitled to receive;

may not exceed the minimum compensation to which a full-time prosecuting attorney is entitled under IC 33-39-6-5.

(j) A senior prosecuting attorney appointed under this chapter may not be compensated as senior prosecuting attorney for more than one hundred (100) calendar days in total during a calendar year if the senior prosecuting attorney receives retirement benefits during the calendar year. However, if the senior prosecuting attorney does not receive retirement benefits during a calendar year, the senior prosecuting attorney may be compensated as a senior prosecuting attorney for not more than two hundred (200) calendar days in total during the calendar year.

SECTION 59. IC 34-6-2-73.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 73.3. "Law enforcement officer", for purposes of IC 34-26-5, has the meaning set forth in ~~IC 35-41-1-17.~~ **IC 35-31.5-2-185.**

SECTION 60. IC 34-6-2-103, AS AMENDED BY P.L.6-2012, SECTION 220, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 103. (a) "Person", for purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

(b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4, means:

(1) an individual;

(2) a governmental entity;
(3) a corporation;
(4) a firm;
(5) a trust;
(6) a partnership; or
(7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

(c) "Person", for purposes of section 44.8 of this chapter, means an adult or a minor.

(d) "Person", for purposes of IC 34-26-4, has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

(e) "Person", for purposes of IC 34-30-5, means any of the following:
(1) An individual.
(2) A corporation.
(3) A partnership.
(4) An unincorporated association.
(5) The state (as defined in IC 34-6-2-140).
(6) A political subdivision (as defined in IC 34-6-2-110).
(7) Any other entity recognized by law.

(f) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:
(1) has qualifications or experience in:
(A) storing, transporting, or handling a hazardous substance or compressed gas;
(B) fighting fires;
(C) emergency rescue; or
(D) first aid care; or
(2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.

(g) "Person", for purposes of IC 34-30-18, includes:
(1) an individual;
(2) an incorporated or unincorporated organization or association;
(3) the state of Indiana;
(4) a political subdivision (as defined in IC 36-1-2-13);
(5) an agency of the state or a political subdivision; or
(6) a group of such persons acting in concert.

(h) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

(i) "Person", for purposes of IC 34-30-10.5, means the following:
(1) A political subdivision (as defined in IC 36-1-2-13).
(2) A volunteer fire department (as defined in IC 36-8-12-2).
(3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.
(4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.
(5) A corporation, a limited liability company, a partnership, an unincorporated association, or any other entity recognized by law.

(j) "Person", for purposes of IC 34-28-7, means:
(1) an individual;
(2) a governmental entity;
(3) a corporation;
(4) a firm;
(5) a trust;
(6) a partnership; or
(7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

(k) "Person", for purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-8.

SECTION 61. IC 34-6-2-120 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 120. (a) "Property", for purposes of IC 34-24-2, has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

(b) "Property", for purposes of IC 34-30-9, includes the following:
(1) Real property.
(2) Private ways.
(3) Waters.
(4) A structure located on property listed in subdivisions (1) through (3).

SECTION 62. IC 34-6-2-148 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 148. "Vehicle", for purposes of IC 34-24-3, has the meaning set forth in ~~IC 35-41-1-28.~~ **IC 35-31.5-2-346.**

SECTION 63. IC 34-12-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, "person" has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

SECTION 64. IC 34-24-1-1, AS AMENDED BY P.L.182-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The following may be seized:
(1) All vehicles (as defined by ~~IC 35-41-1),~~ **IC 35-31.5-2-346),** if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:
(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:
(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(ii) Dealing in methamphetamine (IC 35-48-4-1.1).
(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(vi) Dealing in a counterfeit substance (IC 35-48-4-5).
(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
(viii) Possession of methamphetamine (IC 35-48-4-6.1).
(ix) Dealing in paraphernalia (IC 35-48-4-8.5).
(x) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).
(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars ($100) or more.
(C) Any hazardous waste in violation of IC 13-30-10-1.5.
(D) A bomb (as defined in ~~IC 35-41-1-4.3)~~ **IC 35-31.5-2-31)** or weapon of mass destruction (as defined in ~~IC 35-41-1-29.4)~~ **IC 35-31.5-2-354)** used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by ~~IC 35-41-1-26.5).~~ **IC 35-31.5-2-329).**
(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used

as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:

(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(E) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by ~~IC 35-41-1-23)~~ **IC 35-31.5-2-253)** or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a motor vehicle used by a person who operates the motor vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driver's license is suspended in violation of IC 9-24-19-2 through IC 9-24-19-4, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a motor vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a motor vehicle to be registered in the name of the person whose motor vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(2) IC 35-48-4-1.1 (dealing in methamphetamine).

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.

(6) IC 35-48-4-6 (possession of cocaine or a narcotic

drug) as a Class A felony, Class B felony, or Class C felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid) as a Class C felony.

(e) A motor vehicle operated by a person who is not:

(1) an owner of the motor vehicle; or

(2) the spouse of the person who owns the motor vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 65. IC 34-28-5-1, AS AMENDED BY P.L.101-2009, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this section, "probationary license" refers to a license described in IC 9-24-11-3(b) or IC 9-24-11-3.3(b).

(b) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(c) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(d) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(e) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(f) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

(g) Subsection (h) does not apply to an individual holding a probationary license who is alleged to have committed an infraction under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:

IC 9-19
IC 9-21
IC 9-24
IC 9-25
IC 9-26
IC 9-30-5
IC 9-30-10
IC 9-30-15.

(h) This subsection does not apply to an offense or violation under IC 9-24-6 involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay a fee of seventy dollars ($70) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110);

(5) the agreement is filed in the court in which the action is brought; and

(6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

(i) If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in ~~IC 35-41-1-4.6)~~ **IC 35-31.5-2-50)** instead of paying a monetary judgment for the ordinance violation as described in section 4(e) of this chapter if:

(1) the:

(A) defendant; and

(B) attorney for the municipal corporation;

agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;

(2) the terms of the agreement described in subdivision (1):

(A) include the amount of the judgment the municipal corporation requests that the defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and

(B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

(3) the agreement is filed in the court where the judgment was entered; and

(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection.

SECTION 66. IC 34-28-7-2, AS ADDED BY P.L.90-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Notwithstanding any other law and except as provided in subsection (b), a person may not adopt or enforce an ordinance, a resolution, a policy, or a rule that:

(1) prohibits; or

(2) has the effect of prohibiting;

an employee of the person, including a contract employee, from possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of plain sight in the employee's locked vehicle.

(b) Subsection (a) does not prohibit the adoption or enforcement of an ordinance, a resolution, a policy, or a rule

that prohibits or has the effect of prohibiting an employee of the person, including a contract employee, from possessing a firearm or ammunition:

(1) in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;

(2) on the property of:

(A) a child caring institution;

(B) an emergency shelter care child caring institution;

(C) a private secure facility;

(D) a group home;

(E) an emergency shelter care group home; or

(F) a child care center;

in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470 IAC 3-4.7-19;

(3) on the property of a penal facility (as defined in ~~IC 35-41-1-21);~~ **IC 35-31.5-2-232);**

(4) in violation of federal law;

(5) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));

(6) on the property of a domestic violence shelter;

(7) at a person's residence;

(8) on the property of a person that is:

(A) subject to the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued April 9, 2007; and

(B) licensed by the United States Nuclear Regulatory Commission under Title 10 of the Code of Federal Regulations;

(9) on property owned by:

(A) a public utility (as defined in IC 8-1-2-1) that generates and transmits electric power; or

(B) a department of public utilities created under IC 8-1-11.1; or

(10) in the employee's personal vehicle if the employee, including a contract employee, is a direct support professional who:

(A) works directly with individuals with developmental disabilities to assist the individuals to become integrated into the individuals' community or least restrictive environment; and

(B) uses the employee's personal vehicle while transporting an individual with developmental disabilities.

SECTION 67. IC 35-31.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

ARTICLE 31.5. DEFINITIONS

Chapter 1. General Definitions

Sec. 1. Except as otherwise provided, the definitions in this article apply throughout this title and to all other statutes relating to penal offenses.

Chapter 2. Definitions

Sec. 1. "Abandon", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(1).

Sec. 2. "Access", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

Sec. 3. "Accused", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-2.

Sec. 4. "Administer", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-3.

Sec. 5. "Adoption services", for purposes of IC 35-46-1-22, has the meaning set forth in IC 35-46-1-22(a).

Sec. 6. "Adoptive grandparent", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(b).

Sec. 7. "Adoptive parent", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(a).

Sec. 8. "Adult", for purposes of IC 35-47-10, has the meaning set forth in IC 35-47-10-2.

Sec. 9. "Adult employee" means an employee who is at least eighteen (18) years of age.

Sec. 10. (a) "Advisory sentence", for purposes of IC 35-35-3, means the nonbinding guideline sentence defined in IC 35-50-2-1.3.

(b) "Advisory sentence", for purposes of IC 35-50-2-3 through IC 35-50-2-7, has the meaning set forth in IC 35-50-2-1.3.

Sec. 11. (a) "Agency" means any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of:

(1) the state, a county, a township, a city, a town, a separate municipal corporation, a special taxing district, or a public corporation; or

(2) a state assisted college or state assisted university.

(b) The term does not include any part of the legislative department or the judicial department of state government.

Sec. 12. (a) Except as provided in subsection (b), "agent" means an operator, a manager, an adult employee, or a security agent employed by a store.

(b) "Agent", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-5.

Sec. 13. "Agent contract", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-1.

Sec. 14. "Alcohol abuser", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-2.

Sec. 15. "Alien", for purposes of IC 35-44-5, has the meaning set forth in IC 35-44-5-2.

Sec. 16. "Ammunition", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-2.5.

Sec. 16.5. "Analog", for purposes of section 321 of this chapter, means a new or novel chemical entity, independent of synthetic route or natural origin, having substantially the same:

(1) carbon backbone structure; and

(2) pharmacological mechanism of action;

as a compound specifically defined as a synthetic drug in section 321 of this chapter.

Sec. 17. "Animal", for purposes of IC 35-46-3-15, has the meaning set forth in IC 35-46-3-15(b).

Sec. 18. "Animal fighting contest", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-4.

Sec. 19. "Animal fighting paraphernalia", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-4.3.

Sec. 20. "Apartment complex" means real property consisting of at least five (5) units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least thirty (30) days.

Sec. 21. "Armor-piercing handgun ammunition", for purposes of IC 35-47-5-11, has the meaning set forth in IC 35-47-5-11(a).

Sec. 22. "Attorney", for purposes of IC 35-45-14 has the meaning set forth in IC 35-45-14-1.

Sec. 23. "Audiovisual recording device", for purposes of IC 35-46-8, has the meaning set forth in IC 35-46-8-2.

Sec. 24. "Authorized operator", for purposes of IC 35-43-4-2.7, has the meaning set forth in IC 35-43-4-2.7(b).

Sec. 25. "Bail bond," for purposes of IC 35-33-8, has the meaning set forth in IC 35-33-8-1.

Sec. 26. "Beat", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(2).

Sec. 27. "Benefit identification card", for purposes of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a).

Sec. 28. "Body armor", for purposes of IC 35-47-5-13, has the meaning set forth in IC 35-47-5-13(a).

Sec. 29. "Bodily injury" means any impairment of physical condition, including physical pain.

Sec. 30. "Body piercing", for purposes of IC 35-42-2-7, has the meaning set forth in IC 35-42-2-7(b).

Sec. 31. (a) "Bomb" means an explosive or incendiary device designed to release:

(1) destructive materials or force; or

(2) dangerous gases;

that is detonated by impact, proximity to an object, a timing mechanism, a chemical reaction, ignition, or other predetermined means.

(b) The term does not include the following:

(1) A firearm (as defined in section 133 (a) of this chapter or the ammunition or components for handloading ammunition for a firearm.

(2) Fireworks regulated under IC 22-11-14.

(3) Boating, railroad, and other safety flares.

(4) Propellants used in model rockets or similar hobby activities.

(5) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.

Sec. 32. "Booby trap", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-2.

Sec. 33. "Camera", for purposes of IC 35-45-4-5, has the meaning set forth in IC 35-45-4-5(a)(1).

Sec. 34. "Card skimming device", for purposes of IC 35-43-5-4.3, has the meaning set forth in IC 35-43-5-4.3(a).

Sec. 35. "Cave", for purposes of IC 35-43-1-3, has the meaning set forth in IC 35-43-1-3(a).

Sec. 36. "Certified copy of a certificate of title", for purposes of IC 35-37-4-9, has the meaning set forth in IC 35-37-4-9(a).

Sec. 37. "Charter school", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(c).

Sec. 37.5. "Chemical test", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-1.

Sec. 38. "Child", for purposes of IC 35-47-10, has the meaning set forth in IC 35-47-10-3.

Sec. 39. "Child care provider", for purposes of IC 35-42-1-4, has the meaning set forth in IC 35-42-1-4(a).

Sec. 40. "Child care worker", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(d).

Sec. 41. "Chinese throwing star", for purposes of IC 35-47-5-12, has the meaning set forth in IC 35-47-5-12(b).

Sec. 42. "Claim statement", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(b).

Sec. 43. "Class D felony conviction", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(a).

Sec. 44. "Cloning", for purposes of IC 35-46-5-2, has the meaning set forth in IC 35-46-5-2(b).

Sec. 45. "Code grabbing device", for purposes of IC 35-45-12, has the meaning set forth in IC 35-45-12-1.

Sec. 46. "Coin machine", for purposes of IC 35-43-5 and IC 35-46-1-11.5, has the meaning set forth in IC 35-43-5-1(c).

Sec. 47. "Combative fighting", for purposes of IC 35-45-18, has the meaning set forth in IC 35-45-18-1(a).

Sec. 48. "Community corrections program", for purposes of IC 35-38-2.6, has the meaning set forth in IC 35-38-2.6-2.

Sec. 49. "Community policing volunteer" means a person who is:

(1) not a law enforcement officer; and

(2) actively participating in a plan, system, or strategy:

(A) established by and conducted under the authority of a law enforcement agency; and

(B) in which citizens:

(i) participate with and are guided by the law enforcement agency; and

(ii) work with members of the law enforcement agency to reduce or prevent crime within a defined geographic area.

Sec. 50. "Community restitution or service" means performance of services directly for a:

(1) victim;

(2) nonprofit entity; or

(3) governmental entity;

without compensation, including graffiti abatement, park maintenance, and other community service activities. The term does not include the reimbursement under IC 35-50-5-3 or another law of damages or expenses incurred by a victim or another person as the result of a violation of law.

Sec. 51. "Community transition program" has the meaning set forth in IC 11-8-1-5.5.

Sec. 52. "Component", for purposes of IC 35-42-1-7, has the meaning set forth in IC 35-42-1-7(a).

Sec. 53. (a) "Computer network", for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).

(b) "Computer network", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

Sec. 54. "Computer program", for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).

Sec. 55. (a) "Computer system", for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).

(b) "Computer system", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

Sec. 56. "Confidential communication", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-1(a).

Sec. 57. "Confine", for purposes of IC 35-42-3, has the meaning set forth in IC 35-42-3-1.

Sec. 58. "Constant supervision", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-2.3.

Sec. 59. "Consumer", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-2.

Sec. 60. (a) "Consumer product", for purposes of IC 35-44-2-2, has the meaning set forth in IC 35-44-2-2(a).

(b) "Consumer product", for purposes of IC 35-45-8, has the meaning set forth in IC 35-45-8-1.

Sec. 61. "Constant video monitoring", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(1).

Sec. 62. "Contraband", for purposes of IC 35-44-3-9.3, has the meaning set forth in IC 35-44-3-9.3(a).

Sec. 63. "Contract agency", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-2.5.

Sec. 64. "Controlled substance", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-9.

Sec. 65. "Controlled substance analog", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-9.3.

Sec. 66. "Convenience package", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(2).

Sec. 67. "Correctional professional", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b)(2).

Sec. 68. "Counterfeit substance", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-10.

Sec. 69. "Credit card", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(d).

Sec. 70. "Credit card holder", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(e).

Sec. 71. "Credit institution" means a bank, insurance

company, credit union, savings association, investment trust, industrial loan and investment company, or other organization held out to the public as a place of deposit of funds or a medium of savings or collective investment.

Sec. 72. "Credit restricted felon" means a person who has been convicted of at least one (1) of the following offenses:

(1) Child molesting involving sexual intercourse or deviate sexual conduct (IC 35-42-4-3(a)), if:

(A) the offense is committed by a person at least twenty-one (21) years of age; and

(B) the victim is less than twelve (12) years of age.

(2) Child molesting (IC 35-42-4-3) resulting in serious bodily injury or death.

(3) Murder (IC 35-42-1-1), if:

(A) the person killed the victim while committing or attempting to commit child molesting (IC 35-42-4-3);

(B) the victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or

(C) the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the victim from testifying.

Sec. 73. "Criminal activity", for purposes of IC 35-45-15, has the meaning set forth in IC 35-45-15-1.

Sec. 74. (a) "Criminal gang", for purposes of IC 35-45-9, has the meaning set forth in IC 35-45-9-1.

(b) "Criminal gang", for purposes of IC 35-50-2-15, has the meaning set forth in IC 35-50-2-1.4.

Sec. 75. (a) Except as provided in subsection (b), "crime" means a felony or a misdemeanor.

(b) "Crime", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-3.

Sec. 76. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

(1) A homicide offense under IC 35-42-1.

(2) A battery offense under IC 35-42-2.

(3) Kidnapping or confinement under IC 35-42-3.

(4) Human and sexual trafficking crimes under IC 35-42-3.5.

(5) A sex offense under IC 35-42-4.

(6) Robbery under IC 35-42-5.

(7) Arson or mischief under IC 35-43-1.

(8) Burglary or trespass under IC 35-43-2.

(9) Disorderly conduct under IC 35-45-1.

(10) Intimidation or harassment under IC 35-45-2.

(11) Voyeurism under IC 35-45-4.

(12) Stalking under IC 35-45-10.

(13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.

(14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

Sec. 77. "Crime of deception", for purposes of IC 35-38-1, has the meaning set forth in IC 35-38-1-2.5(a).

Sec. 78. "Crime of domestic violence", for purposes of IC 5-2-6.1 and IC 35-47-4-7, means an offense or the attempt to commit an offense that:

(1) has as an element the:

(A) use of physical force; or

(B) threatened use of a deadly weapon; and

(2) is committed against a:

(A) current or former spouse, parent, or guardian of the defendant;

(B) person with whom the defendant shared a child in common;

(C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or

(D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant.

Sec. 79. "Crime of violence", for purposes of IC 35-50-1-2, has the meaning set forth in IC 35-50-1-2(a).

Sec. 80. "Custodian", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(e).

Sec. 81. "Customer", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(f).

Sec. 82. "Dangerous device", for purposes of IC 35-47-6-1.1, has the meaning set forth in IC 35-47-6-1.1(a).

Sec. 83. "Dangerous gas", for purposes of section 31 of this chapter, means a toxic chemical or its precursors that through chemical action or properties on life processes cause death or permanent injury to human beings. The term does not include the following:

(1) Riot control agents, smoke, and obscuration materials or medical products that are manufactured, possessed, transported, or used in accordance with the laws of the United States and of this state.

(2) Tear gas devices designed to be carried on or about the person that contain not more than one-half (1/2) ounce of the chemical.

Sec. 84. "Data", for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).

Sec. 85. "Deadly force" means force that creates a substantial risk of serious bodily injury.

Sec. 86. (a) Except as provided in subsection (b), "deadly weapon" means the following:

(1) A loaded or unloaded firearm.

(2) A destructive device, weapon, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it:

(A) is used;

(B) could ordinarily be used; or

(C) is intended to be used;

is readily capable of causing serious bodily injury.

(3) An animal (as defined in IC 35-46-3-3) that is:

(A) readily capable of causing serious bodily injury; and

(B) used in the commission or attempted commission of a crime.

(4) A biological disease, virus, or organism that is capable of causing serious bodily injury.

(b) The term does not include:

(1) a taser (as defined in IC 35-47-8-3);

(2) an electronic stun weapon (as defined in IC 35-47-8-1);

(3) a chemical designed to temporarily incapacitate a person; or

(4) another device designed to temporarily incapacitate a person;

if the device described in subdivisions (1) through (4) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's training and while lawfully engaged in the execution of official duties.

Sec. 87. (a) "Dealer", for purposes of IC 35-43-4-2.3, has the meaning set forth in IC 35-43-4-2.3(a).

(b) "Dealer", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-3.

Sec. 88. "Delinquent act", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-4.

Sec. 89. "Delivery", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-11.

Sec. 90. (a) "Dependent", for purposes of IC 35-44-1-3, has the meaning set forth in IC 35-44-1-3(a)(1).

(b) "Dependent", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

Sec. 91. "Designated offense", for purposes of IC 35-33.5, means the following:

(1) A Class A, Class B, or Class C felony that is a controlled substance offense (IC 35-48-4).

(2) Murder (IC 35-42-1-1).

(3) Kidnapping (IC 35-42-3-2).

(4) Criminal confinement (IC 35-42-3-3).

(5) Robbery (IC 35-42-5-1).

(6) Arson (IC 35-43-1-1).

(7) Child solicitation (IC 35-42-4-6).

(8) Human and sexual trafficking crimes under IC 35-42-3.5.

(9) Escape as a Class B felony or Class C felony (IC 35-44-3-5).

(10) An offense that relates to a weapon of mass destruction (as defined in section 354 of this chapter).

(11) An attempt or conspiracy to commit an offense described in subdivisions (1) through (10).

(12) An offense under the law of the United States or in another state or country that is substantially similar to an offense described in subdivisions (1) through (11).

Sec. 92. "Destructive device" has the meaning set forth in IC 35-47.5-2-4.

Sec. 93. "Detonator", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-5.

Sec. 94. "Deviate sexual conduct" means an act involving:

(1) a sex organ of one (1) person and the mouth or anus of another person; or

(2) the penetration of the sex organ or anus of a person by an object.

Sec. 95. "Dispatched firefighter", for purposes of IC 35-44-4, has the meaning set forth in IC 35-44-4-1.

Sec. 96. (a) Except as provided in subsection (b), "dispense", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-12.

(b) "Dispense", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-2.9(a).

Sec. 97. "Dispenser", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-13.

Sec. 98. "Disseminate", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

Sec. 99. "Dissolvable tobacco product", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.3.

Sec. 100. (a) "Distribute", for purposes of IC 35-46-1-10, has the meaning set forth in IC 35-46-1-10(e).

(b) "Distribute", for purposes of IC 35-46-1-10.2, has the meaning set forth in IC 35-46-1-10.2(e).

(c) "Distribute", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-6.

(d) "Distribute", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-14.

(e) "Distribute", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-2.

Sec. 101. "Distributor", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-15.

Sec. 102. "Documentary material", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(b).

Sec. 103. "Domestic animal", for purposes of IC 35-46-3-12(d) has the meaning set forth in IC 35-46-3-12(d).

Sec. 104. (a) "Drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.

(b) "Drug", for purposes of IC 35-50-2-10, has the meaning set forth in IC 35-50-2-10(a)(1).

Sec. 105. "Drug abuser", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-4.

Sec. 106. "Drug or alcohol screening test", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(g).

Sec. 107. "Dwelling" means a building, structure, or other enclosed space, permanent or temporary, movable or fixed, that is a person's home or place of lodging.

Sec. 108. "Earliest possible release date", for purposes of IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

Sec. 109. "Effects of battery" refers to a psychological condition of an individual who has suffered repeated physical or sexual abuse inflicted by another individual who is the:

(1) victim of an alleged crime for which the abused individual is charged in a pending prosecution; and

(2) abused individual's:

(A) spouse or former spouse;

(B) parent;

(C) guardian or former guardian;

(D) custodian or former custodian; or

(E) cohabitant or former cohabitant.

Sec. 110. "Electronic communication", for purposes of IC 35-33.5, means any transfer of signs, signals, writing, images, sounds, data, oral communication, digital information, or intelligence of any nature transmitted in whole or in part by a wire, a radio, or an electromagnetic, a photoelectronic, or a photo-optical system.

Sec. 111. "Electronic gaming device", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(b).

Sec. 112. "Electronic stun weapon", for purposes of IC 35-47-8, has the meaning set forth in IC 35-47-8-1.

Sec. 113. "Emergency call", for purposes of IC 35-45-2-3, has the meaning set forth in IC 35-45-2-3(c).

Sec. 114. "Emergency incident area", for purposes of IC 35-44-4, has the meaning set forth in IC 35-44-4-2.

Sec. 115. "Emergency medical person", for purposes of IC 35-44-3-8.5, has the meaning set forth in IC 35-44-3-8.5(b).

Sec. 116. "Endangered adult", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

Sec. 117. "Endorsement contract", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-1.5.

Sec. 118. "Enterprise", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(c).

Sec. 119. "Entrusted", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(h).

Sec. 120. "Ephedrine", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(3).

Sec. 121. "Episode of criminal conduct", for purposes of IC 35-50-1-2, has the meaning set forth in IC 35-50-1-2(b).

Sec. 122. "Evidence of a previous battery", for purposes of IC 35-37-4-14, has the meaning set forth in IC 35-37-4-14(b).

Sec. 123. "Exception report", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-4.

Sec. 124. "Exert control over property", for purposes of IC 35-43-4, has the meaning set forth in IC 35-43-4-1(a).

Sec. 125. "Explosives", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-7.

Sec. 126. "Extension", for purposes of IC 35-33.5, means an extension of the duration for which a warrant remains effective under IC 35-33.5.

Sec. 127. "Family housing complex" means a building or series of buildings:

(1) that contains at least twelve (12) dwelling units:

(A) where children are domiciled or are likely to be domiciled; and

(B) that are owned by a governmental unit or political subdivision;
(2) that is operated as a hotel or motel (as described in IC 22-11-18-1);
(3) that is operated as an apartment complex; or
(4) that contains subsidized housing.

Sec. 128. (a) An individual is a "family or household member" of another person if the individual:
(1) is a current or former spouse of the other person;
(2) is dating or has dated the other person;
(3) is or was engaged in a sexual relationship with the other person;
(4) is related by blood or adoption to the other person;
(5) is or was related by marriage to the other person;
(6) has or previously had an established legal relationship:
(A) as a guardian of the other person;
(B) as a ward of the other person;
(C) as a custodian of the other person;
(D) as a foster parent of the other person; or
(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or
(7) has a child in common with the other person.

(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.

Sec. 129. "Federal enforcement officer" means any of the following:
(1) A Federal Bureau of Investigation special agent.
(2) A United States Marshals Service marshal or deputy.
(3) A United States Secret Service special agent.
(4) A United States Fish and Wildlife Service special agent.
(5) A United States Drug Enforcement Agency agent.
(6) A Bureau of Alcohol, Tobacco, Firearms and Explosives agent.
(7) A United States Forest Service law enforcement officer.
(8) A United States Department of Defense police officer or criminal investigator.
(9) A United States Customs Service agent.
(10) A United States Postal Service investigator.
(11) A National Park Service law enforcement commissioned ranger.
(12) United States Department of Agriculture, Office of Inspector General special agent.
(13) A United States Citizenship and Immigration Services special agent.
(14) An individual who is:
(A) an employee of a federal agency; and
(B) authorized to make arrests and carry a firearm in the performance of the individual's official duties.

Sec. 130. "Felony conviction", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(b).

Sec. 131. "Fetal tissue", for purposes of IC 35-46-5-1, has the meaning set forth in IC 35-46-5-1(a).

Sec. 132. "Fetus", for purposes of IC 35-42-1-4, has the meaning set forth in IC 35-42-1-4(b).

Sec. 133. (a) Except as provided in subsection (b), "firearm", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.

(b) "Firearm", for purposes of IC 35-47-15, has the meaning set forth in IC 35-47-15-1.

(c) "Firearm", for purposes of IC 35-50-2-11, has the meaning set forth in IC 35-50-2-11(a).

Sec. 134. "Firearm accessory", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.1.

Sec. 135. (a) "Firefighter", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(b).

(b) "Firefighter", for purposes of IC 35-44-4, has the meaning set forth in IC 35-44-4-3.

Sec. 136. "First responder", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(c).

Sec. 137. "Food processing facility" means a facility used to prepare or process animal, plant, or other food ingredients into food products intended for sale or distribution to the general public for human consumption.

Sec. 138. "Forcible felony" means a felony that involves the use or threat of force against a human being, or in which there is imminent danger of bodily injury to a human being.

Sec. 139. "Forensic DNA analysis", for purposes of IC 35-37-4-13, has the meaning set forth in IC 35-37-4-13(a).

Sec. 140. "Gain", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(c).

Sec. 141. "Gambling", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(d).

Sec. 142. "Gambling device", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(e).

Sec. 143. "Gambling information", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(f).

Sec. 144. "Governmental entity" means:
(1) the United States or any state, county, township, city, town, separate municipal corporation, special taxing district, or public school corporation;
(2) any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of any of those entities; or
(3) a state assisted college or state assisted university.

Sec. 145. "Governmental entity served by the public servant", for purposes of IC 35-44-1-3, has the meaning set forth in IC 35-44-1-3(a)(2).

Sec. 146. "Graffiti" means any unauthorized inscription, work, figure, or design that is marked, etched, scratched, drawn, or painted on a component of any building, structure, or other facility.

Sec. 147. "Gun show", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.5.

Sec. 148. "Handgun", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-6.

Sec. 149. "Harm" means loss, disadvantage, or injury or anything so regarded by the person affected, including loss, disadvantage, or injury to any other person in whose welfare the person is interested.

Sec. 150. "Harassment", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-2.

Sec. 151. "Hazing", for purposes of IC 35-42-2-2, has the meaning set forth in IC 35-42-2-2(a).

Sec. 152. "Health care provider", for purposes of IC 35-46-7, has the meaning set forth in IC 35-46-7-1.

Sec. 153. "Hoarding program", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

Sec. 154. "Hoax device", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-8.

Sec. 155. (a) "Home", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-2.

(b) "Home", for purposes of IC 35-38-2.6-6, has the meaning set forth in IC 35-38-2.6-6(a).

Sec. 156. "Home improvement", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-3.

Sec. 157. "Home improvement contract", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-4.

Sec. 158. "Home improvement contract price", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-5.

Sec. 159. "Home improvement supplier", for purposes of

IC 35-43-6, has the meaning set forth in IC 35-43-6-6.

Sec. 160. "Human being" means an individual who has been born and is alive.

Sec. 161. "Human organ", for purposes of IC 35-46-5-1, has the meaning set forth in IC 35-46-5-1(b).

Sec. 162. "Identification number", for purposes of IC 35-43-7, has the meaning set forth in IC 35-43-7-2.

Sec. 163. "Identify theft", for the purposes of IC 35-40-14, has the meaning set forth in IC 35-40-14-1.

Sec. 164. "Identifying information", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(i).

Sec. 165. "Immediate precursor", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-17.

Sec. 166. "Imprison" means to:

(1) confine in a penal facility;

(2) commit to the department of correction; or

(3) assign to a community transition program under IC 11-10-11.5.

Sec. 167. "Incendiary", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-9.

Sec. 168. "Included offense" means an offense that:

(1) is established by proof of the same material elements or less than all the material elements required to establish the commission of the offense charged;

(2) consists of an attempt to commit the offense charged or an offense otherwise included therein; or

(3) differs from the offense charged only in the respect that a less serious harm or risk of harm to the same person, property, or public interest, or a lesser kind of culpability, is required to establish its commission.

Sec. 169. (a) "Individual with mental retardation", for purposes of IC 35-36-2-5(e), has the meaning set forth in IC 35-36-2-5(e).

(b) "Individual with mental retardation", for purposes of IC 35-36-9 and IC 35-50-2, has the meaning set forth in IC 35-36-9-2.

Sec. 170. "Inmate", for purposes of IC 35-43-5-20, has the meaning set forth in IC 35-43-5-20(a).

Sec. 171. "Inmate outside a facility", for purposes of IC 35-44-3-9.3, has the meaning set forth in IC 35-44-3-9.3(b).

Sec. 172. "INSPECT", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-5.2.

Sec. 173. "Instant messaging or chat room program", for purposes of IC 35-42-4-12, has the meaning set forth in IC 35-42-4-12(c).

Sec. 174. "Insurer", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(k).

Sec. 175. "Interactive computer service", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(g).

Sec. 176. "Interception", for purposes of IC 35-33.5, means the intentional recording or acquisition of the contents of an electronic communication by a person other than a sender or receiver of that communication, without the consent of the sender or receiver, by means of any instrument, device, or equipment under this article. This term includes the intentional recording or acquisition of communication through the use of a computer or a fax (facsimile transmission) machine. The term does not include recording or acquiring the contents of a radio transmission that is not:

(1) scrambled or encrypted;

(2) transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of the communication;

(3) carried on a subcarrier or other signal subsidiary to a radio transmission;

(4) transmitted over a communication system provided by a common carrier, unless the communication is a tone only paging system communication; or

(5) transmitted on frequencies allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio.

Sec. 177. "Item of value", for purposes of IC 35-46-5-1, has the meaning set forth in IC 35-46-5-1(c).

Sec. 177.5. "Intoxicated", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-2.

Sec. 178. "Juvenile facility", for purposes of IC 35-44-3-9, has the meaning set forth in IC 35-44-3-9(a).

Sec. 179. "Key facility" means any of the following:

(1) A chemical manufacturing facility.

(2) A refinery.

(3) An electric utility facility, including:

(A) a power plant;

(B) a power generation facility peaker;

(C) an electric transmission facility;

(D) an electric station or substation; or

(E) any other facility used to support the generation, transmission, or distribution of electricity.

However, the term does not include electric transmission land or right-of-way that is not completely enclosed, posted, and maintained by the electric utility.

(4) A water intake structure or water treatment facility.

(5) A natural gas utility facility, including:

(A) an age station;

(B) a compressor station;

(C) an odorization facility;

(D) a main line valve;

(E) a natural gas storage facility; or

(F) any other facility used to support the acquisition, transmission, distribution, or storage of natural gas. However, the term does not include gas transmission pipeline property that is not completely enclosed, posted, and maintained by the natural gas utility.

(6) A gasoline, propane, liquid natural gas (LNG), or other fuel terminal or storage facility.

(7) A transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal. However, the term does not include a railroad track that is not part of a railroad switching yard.

(8) A pulp or paper manufacturing facility.

(9) A pharmaceutical manufacturing facility.

(10) A hazardous waste storage, treatment, or disposal facility.

(11) A telecommunications facility, including a central office or cellular telephone tower site.

(12) A facility:

(A) that is substantially similar to a facility, structure, or station listed in this section; or

(B) whose owner or operator is required to submit a risk management plan under the federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (42 U.S.C. 7412(r)).

Sec. 180. "Knife", for purposes of IC 35-47-5-2.5, has the meaning set forth in IC 35-47-5-2.5(a) and IC 35-47-5-2.5(b).

Sec. 181. "Labeling", for purposes of IC 35-45-8, has the

meaning set forth in IC 35-45-8-2.

Sec. 182. "Laser pointer", for purposes of IC 35-47-4.5, has the meaning set forth in IC 35-47-4.5-2.

Sec. 183. "Law enforcement agency", for purposes of IC 35-47-15, has the meaning set forth in IC 35-47-15-2.

Sec. 184. "Law enforcement animal", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-4.5.

Sec. 185. "Law enforcement officer" means:

(1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;

(2) a deputy of any of those persons;

(3) an investigator for a prosecuting attorney or for the inspector general;

(4) a conservation officer;

(5) an enforcement officer of the alcohol and tobacco commission; or

(6) an enforcement officer of the securities division of the office of the secretary of state.

Sec. 186. (a) "Lawful detention" means:

(1) arrest;

(2) custody following surrender in lieu of arrest;

(3) detention in a penal facility;

(4) detention in a facility for custody of persons alleged or found to be delinquent children;

(5) detention under a law authorizing civil commitment in lieu of criminal proceedings or authorizing such detention while criminal proceedings are held in abeyance;

(6) detention for extradition or deportation;

(7) placement in a community corrections program's residential facility;

(8) electronic monitoring;

(9) custody for purposes incident to any of the above including transportation, medical diagnosis or treatment, court appearances, work, or recreation; or

(10) any other detention for law enforcement purposes.

(b) Except as provided in subsection (a)(7) and (a)(8), the term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail.

Sec. 187. "Licensed health professional", for purposes of IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(2).

Sec. 188. "Loaded", for purposes of IC 35-47-10, has the meaning set forth in IC 35-47-10-4.

Sec. 189. "Loan", for purposes of IC 35-45-7, has the meaning set forth in IC 35-45-7-1.

Sec. 190. "Machine gun" means a weapon that:

(1) shoots; or

(2) can be readily restored to shoot;

automatically more than one (1) shot, without manual reloading, by a single function of the trigger.

Sec. 191. "Make", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(m).

Sec. 192. "Manufacture", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-18.

Sec. 193. "Manufacture of an unlawful telecommunications device", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-1.

Sec. 194. "Manufacturer", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(l).

Sec. 195. "Marijuana", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-19.

Sec. 196. (a) "Matter", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

(b) "Matter", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-3.

Sec. 197. "Mental disease or defect", for purposes of IC 35-41-3-6, has the meaning set forth in IC 35-41-3-6(b).

Sec. 198. "Mentally ill", for purposes of IC 35-36, has the meaning set forth in IC 35-36-1-1.

Sec. 199. "Metering device", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(n).

Sec. 200. "Military recruiter", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(f).

Sec. 201. "Minimum sentence", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(c).

Sec. 202. "Minor", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-4.

Sec. 203. "Misconduct", for purposes of IC 35-44-2-2, has the meaning set forth in IC 35-44-2-2(b).

Sec. 204. "Model glue", for purposes of IC 35-46-6, has the meaning set forth in IC 35-46-6-1.

Sec. 205. "Monitoring device", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-3.

Sec. 206. "Motion picture exhibition facility" has the meaning set forth in IC 35-46-8-3.

Sec. 206.5. "Motorboat", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-3.

Sec. 207. "Motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

Sec. 208. "Mutilate", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(3).

Sec. 209. "Narcotic drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-20.

Sec. 210. "Neglect", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(4).

Sec. 211. "Nonpublic school", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(g).

Sec. 212. (a) "Nudity", for purposes of IC 35-45-4-1 and IC 35-45-4-1.5, has the meaning set forth in IC 35-45-4-1(d).

(b) "Nudity", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-5.

Sec. 213. (a) "Offender", for purposes of IC 35-38-2-2.5, has the meaning set forth in IC 35-38-2-2.5(a).

(b) "Offender", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-4.

Sec. 214. (a) "Offender against children", for purposes of IC 35-42-4-10, has the meaning set forth in IC 35-42-4-10(a).

(b) "Offender against children", for purposes of IC 35-42-4-11, has the meaning set forth in IC 35-42-4-11(a).

Sec. 215. (a) Except as provided in subsections (b) and (c), "offense" means a crime. The term does not include an infraction.

(b) "Offense", for purposes of IC 35-38-7, has the meaning set forth in IC 35-38-7-3.

(c) "Offense", for purposes of IC 35-50-2-11, has the meaning set forth in IC 35-50-2-11(b).

Sec. 216. "Offense relating to a criminal sexual act" means the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child seduction (IC 35-42-4-7).

(5) Prostitution (IC 35-45-4-2).

(6) Patronizing a prostitute (IC 35-45-4-3).

(7) Incest (IC 35-46-1-3).

(8) Sexual misconduct with a minor under IC 35-42-4-9(a).

Sec. 217. "Offense relating to controlled substances" means the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(2) Dealing in methamphetamine (IC 35-48-4-1.1).

(3) Dealing in a schedule I, II, or III controlled

substance (IC 35-48-4-2).
(4) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(5) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
(7) Possession of methamphetamine (IC 35-48-4-6.1).
(8) Possession of a controlled substance (IC 35-48-4-7).
(9) Possession of paraphernalia (IC 35-48-4-8.3).
(10) Dealing in paraphernalia (IC 35-48-4-8.5).
(11) Offenses relating to registration (IC 35-48-4-14).

Sec. 218. "Official proceeding" means a proceeding held or that may be held before a legislative, judicial, administrative, or other agency or before an official authorized to take evidence under oath, including a referee, hearing examiner, commissioner, notary, or other person taking evidence in connection with a proceeding.

Sec. 219. "Operator", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(h).

Sec. 220. "Opiate", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-21.

Sec. 221. "Opium poppy", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-22.

Sec. 222. "Overpass", for purposes of IC 35-42-2-5, has the meaning set forth in IC 35-42-2-5(a).

Sec. 223. "Overpressure device", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-11.

Sec. 224. (a) "Owner", for purposes of IC 35-43-1-3, has the meaning set forth in IC 35-43-1-3(a).

(b) "Owner", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-6.

Sec. 225. "Panhandling", for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-1.

Sec. 226. "Party", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-1.

Sec. 227. "Pattern of racketeering activity", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(d).

Sec. 228. "Party line", for purposes of IC 35-45-2-3, has the meaning set forth in IC 35-45-2-3(b).

Sec. 229. "Patient", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-5.6.

Sec. 230. "Pecuniary interest", for purposes of IC 35-44-1-3 and IC 35-44-1-7, has the meaning set forth in IC 35-44-1-3(a)(3).

Sec. 231. "Peep", for purposes of IC 35-45-4-5, has the meaning set forth in IC 35-45-4-5(a)(2).

Sec. 232. "Penal facility" means a state prison, correctional facility, county jail, penitentiary, house of correction, or any other facility for confinement of persons under sentence, or awaiting trial or sentence, for offenses. The term includes a correctional facility constructed under IC 4-13.5.

Sec. 233. (a) "Performance", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

(b) "Performance", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-7.

Sec. 234. (a) "Person" means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

(b) "Person", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-7.

(c) "Person", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-2.

Sec. 235. "Personally identifying information", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-2.5(a).

Sec. 236. "Plea agreement", for purposes of IC 35-35-3, means an agreement between a prosecuting attorney and a defendant concerning the disposition of a felony or misdemeanor charge.

Sec. 237. "Police radio", for purposes of IC 35-44-3-12, has the meaning set forth in IC 35-44-3-12(c).

Sec. 238. "Polygraph", for purposes of IC 35-37-4.5, has the meaning set forth in IC 35-37-4.5-1.

Sec. 239. "Poppy straw", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-23.

Sec. 240. "Postarrest release", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-5.

Sec. 241. "Postconviction release", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-6.

Sec. 242. (a) "Practitioner", for purposes of IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(3).

(b) Except as provided in subsection (c), "practitioner", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-24.

(c) "Practitioner", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-5.8.

Sec. 243. "Prescription", for purposes of IC 35-45-20, has the meaning set forth in IC 35-45-20-1.

Sec. 244. "Prescription drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-25.

Sec. 244.5. "Prima facie evidence of intoxication", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-4.

Sec. 245. "Principal", for purposes of IC 35-45-7, has the meaning set forth in IC 35-45-7-1.

Sec. 246. "Private area", for purposes of IC 35-45-4-5, has the meaning set forth in IC 35-45-4-5(a)(3).

Sec. 247. "Proceeds", for purposes of IC 35-45-15, has the meaning set forth in IC 35-45-15-4.

Sec. 248. "Product", for purposes of IC 35-43-7, has the meaning set forth in IC 35-43-7-3.

Sec. 249. "Professional sports services contract", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-2.

Sec. 250. "Profit", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(i).

Sec. 251. "Proper person", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-7.

Sec. 252. "Proper reason", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-8.

Sec. 253. (a) Except as provided in subsection (c), "property" means anything of value. The term includes:
(1) a gain or advantage or anything that might reasonably be regarded as such by the beneficiary;
(2) real property, personal property, money, labor, and services;
(3) intangibles;
(4) commercial instruments;
(5) written instruments concerning labor, services, or property;
(6) written instruments otherwise of value to the owner, such as a public record, deed, will, credit card, or letter of credit;
(7) a signature to a written instrument;
(8) extension of credit;
(9) trade secrets;
(10) contract rights, choses-in-action, and other interests in or claims to wealth;
(11) electricity, gas, oil, and water;
(12) captured or domestic animals, birds, and fish;
(13) food and drink; and
(14) human remains.

(b) Property is that "of another person" if the other person has a possessory or proprietary interest in it, even if an accused person also has an interest in that property.

(c) "Property", for purposes of IC 35-47.5, has the

meaning set forth in IC 35-47.5-2-12.

Sec. 254. "Prosecuting attorney", for purposes of IC 35-35-3, includes a deputy prosecuting attorney.

Sec. 255. "Protected person", for purposes of IC 35-37-4, has the meaning set forth in IC 35-37-4-6(c).

Sec. 256. "Pseudoephedrine", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(4).

Sec. 257. "Public court proceeding", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-7.

Sec. 258. "Public park" means any property operated by a political subdivision for park purposes (as defined in IC 36-10-1-2).

Sec. 259. "Public relief or assistance", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(o).

Sec. 260. "Public safety officer", for purposes of IC 35-45-19, has the meaning set forth in IC 35-45-19-2.

Sec. 261. "Public servant" means a person who:

(1) is authorized to perform an official function on behalf of, and is paid by, a governmental entity;

(2) is elected or appointed to office to discharge a public duty for a governmental entity; or

(3) with or without compensation, is appointed in writing by a public official to act in an advisory capacity to a governmental entity concerning a contract or purchase to be made by the entity.

The term does not include a person appointed by the governor to an honorary advisory or honorary military position.

Sec. 262. "Publicly paid costs of representation" means the part of all attorney's fees, expenses, or wages incurred by the county that are:

(1) directly attributable to the defendant's defense; and

(2) not overhead expenditures made in connection with the maintenance or operation of a governmental agency.

Sec. 263. "Public safety officer", for purposes of IC 35-47-4.5, has the meaning set forth in IC 35-47-4.5-3.

Sec. 264. "Publish", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-2.

Sec. 265. "Racketeering activity", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(e).

Sec. 266. "Rate", for purposes of IC 35-45-7, has the meaning set forth in IC 35-45-7-1.

Sec. 267. "Rated capacity", for purposes of IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

Sec. 268. "Receiving", for purposes of IC 35-43-4-1, has the meaning set forth in IC 35-43-4-1(c).

Sec. 269. "Receiving authority", for purposes of IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

Sec. 270. "Recipient", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-6.

Sec. 271. "Recipient representative", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-7.

Sec. 272. "Recommendation", for purposes of IC 35-35-3 and IC 35-38-1, means a proposal that is part of a plea agreement made to a court that:

(1) a felony charge be dismissed; or

(2) a defendant, if the defendant pleads guilty to a felony charge, receive less than the advisory sentence.

Sec. 273. "Recording", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(p).

Sec. 273.5. "Relevant evidence", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-5.

Sec. 274. "Replica", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-8.

Sec. 275. "Reside", for purposes of IC 35-42-4-11, has the meaning set forth in IC 35-42-4-11(b).

Sec. 276. "Residential property", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-1.

Sec. 277. "Residential real property transaction", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-3.

Sec. 278. "Retail", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-9.

Sec. 279. "Retailer", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(5).

Sec. 280. "Sado-masochistic abuse", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-8.

Sec. 281. (a) "Salvia" means salvia divinorum or salvinorin A, including:

(1) all parts of the plant that are classified botanically as salvia divinorum, whether growing or not;

(2) the seeds of the plant;

(3) any extract from any part of the plant; and

(4) every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or extracts, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation of the plant, its seeds, or extracts.

(b) The term does not include any other species in the genus salvia.

Sec. 282. "Sawed-off shotgun", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-10.

Sec. 283. "School bus" means any motor vehicle designed and constructed for the accommodation of more than ten (10) passengers and used for the transportation of Indiana school children.

Sec. 284. "School corporation", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(h).

Sec. 285. "School property" means the following:

(1) A building or other structure owned or rented by:

(A) a school corporation;

(B) an entity that is required to be licensed under IC 12-17.2 or IC 31-27;

(C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or

(D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including the following:

(i) A Head Start program under 42 U.S.C. 9831 et seq.

(ii) A special education preschool program.

(iii) A developmental child care program for preschool children.

(2) The grounds adjacent to and owned or rented in common with a building or other structure described in subdivision (1).

Sec. 286. "Scientific purposes", for purposes of IC 35-43-1-3, has the meaning set forth in IC 35-43-1-3(a).

Sec. 287. "Scientific research facility" means a facility in which research is conducted.

Sec. 288. "Search and rescue dog", for purposes of IC 35-46-3-11.3, has the meaning set forth in IC 35-46-3-11.3(a).

Sec. 289. "Security agent" means a person who has been employed by a store to prevent the loss of property due to theft.

Sec. 290. "Security risk", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-4.5.

Sec. 291. "Self-service display", for purposes of IC 35-46-1-11.8, has the meaning set forth in IC 35-46-1-11.8.

Sec. 292. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes:
(1) serious permanent disfigurement;
(2) unconsciousness;
(3) extreme pain;
(4) permanent or protracted loss or impairment of the function of a bodily member or organ; or
(5) loss of a fetus.

Sec. 293. "Serious violent felon", for purposes of IC 35-47-4-5, has the meaning set forth in IC 35-47-4-5(a).

Sec. 294. "Serious violent felony", for purposes of IC 35-47-4-5, has the meaning set forth in IC 35-47-4-5(b).

Sec. 295. "Service animal", for purposes of IC 35-46-3-11.5, has the meaning set forth in IC 35-46-3-11.5(a).

Sec. 296. "Service provider", for purposes of IC 35-44-1-5, has the meaning set forth in IC 35-44-1-5(a).

Sec. 297. (a) "Sex offense", for purposes of IC 35-38-2-2.5, has the meaning set forth in IC 35-38-2-2.5(b).

(b) "Sex offense", for purposes of IC 35-50-2-14, has the meaning set forth in IC 35-50-2-14(a).

Sec. 298. "Sex offense against a child", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1.8.

Sec. 299. "Sexual activity", for purposes of IC 35-42-4-13, has the meaning set forth in IC 35-42-4-13(b).

Sec. 300. (a) "Sexual conduct", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

(b) "Sexual conduct", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-9.

Sec. 301. "Sexual excitement", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-10.

Sec. 302. "Sexual intercourse" means an act that includes any penetration of the female sex organ by the male sex organ.

Sec. 303. (a) "Sexually violent predator", for purposes of IC 35-38-1-7.5, has the meaning set forth in IC 35-38-1-7.5(a).

(b) "Sexually violent predator", for purposes of IC 35-42-4-10, has the meaning set forth in IC 35-42-4-10(b).

Sec. 304. "Sexually violent predator defendant", for purposes of IC 35-33-8-3.5, has the meaning set forth in IC 35-33-8-3.5(b).

Sec. 305. "Shotgun", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-11.

Sec. 306. "Slug", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(q).

Sec. 307. "Social networking web site" for purposes of IC 35-42-4-12, has the meaning set forth in IC 35-42-4-12(d).

Sec. 308. "Solicit", for purposes of IC 35-42-4-6, has the meaning set forth in IC 35-42-4-6(a).

Sec. 309. "Special education cooperative", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(i).

Sec. 310. "Stalk", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-1.

Sec. 311. "State", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-7.5.

Sec. 312. "State or federally chartered or federally insured financial institution", for purposes of IC 35-43-5-8, has the meaning set forth in IC 35-43-5-8(b).

Sec. 313. "Stepparent", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(j).

Sec. 314. "Store" means a place of business where property or service with respect to property is displayed, rented, sold, or offered for sale.

Sec. 315. "Student athlete", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-3.

Sec. 316. "Stun gun", for purposes of IC 35-47-8, has the meaning set forth in IC 35-47-8-2.

Sec. 317. "Substance offense", for purposes of IC 35-50-2-10, has the meaning set forth in IC 35-50-2-10(a)(2).

Sec. 318. "Superintendent", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-12.

Sec. 319. "Support", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

Sec. 320. "Suspicious order", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(6).

Sec. 321. "Synthetic drug" means:
(1) a substance containing one (1) or more of the following chemical compounds, including an analog of the compound:
(A) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).
(B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).
(C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).
(D) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).
(E) JWH-081 (4-methoxynaphthalen- 1-yl- (1-pentylindol- 3-yl)methanone).
(F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
(G) JWH-200 ((1-(2-morpholin-4-ylethyl) indol-3-yl)- naphthalen-1-yl-methanone).
(H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).
(I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).
(J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
(K) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).
(L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).
(M) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan- 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
(N) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).
(O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5- (2-methyloctan -2-yl)phenol).
(P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan -2-yl)phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.
(Q) WIN 55212-2 ((R)-(+)-[2,3-Dihydro -5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin-6-yl]-1-napthalenylmethanone).
(R) RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).
(S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).
(T) 4-Methylmethcathinone. Other name: mephedrone.
(U) 3,4-Methylenedioxymethcathinone. Other name: methylone.
(V) Fluoromethcathinone.
(W) 4-Methoxymethcathinone. Other name: methedrone.

(X) 4-Ethylmethcathinone (4-EMC).
(Y) Methylenedioxypyrovalerone. Other name: MDPV.
(Z) JWH-007, or 1-pentyl-2-methyl-3 -(1-naphthoyl)indole.
(AA) JWH-098, or 1-pentyl-2-methyl-3 -(4-methoxy-1-naphthoyl)indole.
(BB) JWH-164, or 1-pentyl-3-(7-methoxy -1-naphthoyl)indole.
(CC) JWH-210, or 1-pentyl-3-(4-ethyl -1-naphthoyl)indole.
(DD) JWH-201, or 1-pentyl-3 -(4-methoxyphenylacetyl)indole.
(EE) JWH-203, or 1-pentyl-3 -(2-chlorophenylacetyl)indole.
(FF) AM-694, or 1-(5-fluoropentyl) -3-(2-iodobenzoyl)indole.
(GG) CP 50,556-1, or [(6S,6aR,9R,10aR) -9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2 -yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin -1-yl] acetate.
(HH) Dimethylheptylpyran, or DMHP.
(II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.
(JJ) 6-APB [6-(2-aminopropyl)benzofuran].
(LL) 7-hydroxymitragynine.
(MM) α-PPP [α-pyrrolidinopropiophenone].
(NN) α-PVP (desmethylpyrovalerone).
(OO) AM-251.
(PP) AM-1241.
(QQ) AM-2201.
(RR) AM-2233.
(SS) Buphedrone.
(TT) Butylone.
(UU) CP-47,497-C7.
(VV) CP-47,497-C8.
(WW) Desoxypipradol.
(XX) Ethylone.
(YY) Eutylone.
(ZZ) Flephedrone.
(AAA) JWH-011.
(BBB) JWH-020.
(CCC) JWH-022.
(DDD) JWH-030.
(EEE) JWH-182.
(FFF) JWH-302.
(GGG) MDAI [5,6-methylenedioxy-2-aminoindane].
(HHH) Mitragynine.
(III) Naphyrone.
(JJJ) Pentedrone.
(LLL) Pentylone.
(MMM) Methoxetamine [2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone].

(2) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(3) Any compound structurally derived from 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(4) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(5) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(6) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent.

(7) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(8) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:
(A) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
(B) by substitution at the 3-position with an acyclic alkyl substituent;
(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(9) Any compound determined to be a synthetic drug by rule adopted under IC 25-26-13-4.1.

Sec. 322. "Synthetic identifying information", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(r).

Sec. 323. "Target", for purposes of IC 35-34-2, has the meaning set forth in IC 35-34-2-1.

Sec. 324. "Taser", for purposes of IC 35-47-8, has the meaning set forth in IC 35-47-8-3.

Sec. 325. "Tattoo", for purposes of IC 35-42-2-7, has the meaning set forth in IC 35-42-2-7(a).

Sec. 326. "Telecommunications device", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-3.

Sec. 327. "Telecommunications service", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-4.

Sec. 328. "Telecommunications service provider", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-5.

Sec. 329. "Terrorism" means the unlawful use of force or violence or the unlawful threat of force or violence to intimidate or coerce a government or all or part of the civilian population.

Sec. 330. "Threat", for purposes of IC 35-45-2-1, has the meaning set forth in IC 35-45-2-1(c).

Sec. 331. "Title insurance agent", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-4.

Sec. 332. "Title insurance escrow account", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-5.

Sec. 333. "Title insurer", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-6.

Sec. 334. "Tobacco business", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

Sec. 335. "Torture", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(5).

Sec. 336. "Tournament", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(j).

Sec. 337. "Toy crane machine", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(k).

Sec. 338. "Tumultuous conduct", for purposes of IC 35-45-1, has the meaning set forth in IC 35-45-1-1.

Sec. 339. "Ultimate user", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-27.

Sec. 340. "Unit", for purposes of IC 35-40-14, has the meaning set forth in IC 35-40-14-2.

Sec. 341. "Unlawful assembly", for purposes of IC 35-45-1, has the meaning set forth in IC 35-45-1-1.

Sec. 342. "Unlawful telecommunications device", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-6.

Sec. 343. "Unusual theft", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(7).

Sec. 344. "Utility", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(s).

Sec. 345. "Utter" means to issue, authenticate, transfer, publish, deliver, sell, transmit, present, or use.

Sec. 346. "Vehicle" means a device for transportation by land, water, or air. The term includes mobile equipment with provision for transport of an operator.

Sec. 347. "Vending machine", for purposes of IC 35-43-4-7, has the meaning set forth in IC 35-43-4-7(a).

Sec. 348. (a) "Victim", for purposes of IC 35-38-1-9 and IC 35-38-1-17, means a person who has suffered harm as a result of a crime.

(b) "Victim", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-3.

(c) "Victim", for purposes of IC 35-38-7, has the meaning set forth in IC 35-38-7-4.

(d) "Victim", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-8.

(e) "Victim", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-4.

Sec. 349. "Victim advocate", for purposes IC 35-37-6, has the meaning set forth in IC 35-37-6-3.5.

Sec. 350. "Victim representative", for purposes of IC 35-38-1, has the meaning set forth in IC 35-38-1-2(a).

Sec. 351. "Victim service provider", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-5.

Sec. 352. "Violent offender", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-4.7.

Sec. 353. "Warrant", for purposes of IC 35-33.5, means a warrant authorizing the interception of electronic communication under IC 35-33.5.

Sec. 354. "Weapon of mass destruction" means any chemical device, biological device or organism, or radiological device that is capable of being used for terrorism.

Sec. 355. "Wholesale", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-13.

Sec. 356. "Written instrument", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(t).

Sec. 357. (a) "Youth program center" means the following:

(1) A building or structure that on a regular basis provides recreational, vocational, academic, social, or other programs or services for persons less than eighteen (18) years of age.

(2) The real property on which a building or structure described in subdivision (1) is located.

(b) The term does not include school property (as defined in section 285 of this chapter).

SECTION 68. IC 35-33-1-1.7, AS ADDED BY P.L.44-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.7. (a) A facility having custody of a person arrested for a crime of domestic violence (as described in ~~IC 35-41-1-6.3)~~ **IC 35-31.5-2-78)** shall keep the person in custody for at least eight (8) hours from the time of the arrest.

(b) A person described in subsection (a) may not be released on bail until at least eight (8) hours from the time of the person's arrest.

SECTION 69. IC 35-33-6-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. As used in this chapter:~~

~~"Adult employee" means an employee who is eighteen (18) years old or older.~~

~~"Agent" means an operator, a manager, an adult employee, or a security agent employed by a store.~~

~~"Motion picture exhibition facility" has the meaning set forth in IC 35-46-8-3.~~

~~"Security agent" means a person who has been employed by a store to prevent the loss of property due to theft.~~

~~"Store" means a place of business where property or service with respect to property is displayed, rented, sold, or offered for sale.~~

SECTION 70. IC 35-33-8-6.5, AS ADDED BY P.L.44-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. The court may not release a person arrested for a crime of domestic violence (as described in ~~IC 35-41-1-6.3)~~ **IC 35-31.5-2-78)** on bail until at least eight (8) hours from the time of the person's arrest.

SECTION 71. IC 35-33-8-11, AS ADDED BY P.L.94-2010, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) A court may require a person who has been charged with a crime of domestic violence (as described in ~~IC 35-41-1-6.3)~~ **IC 35-31.5-2-78)** to wear a GPS tracking device as a condition of bail.

(b) A court may order a person who is required to wear a GPS tracking device under subsection (a) to pay any costs associated with the GPS tracking device.

SECTION 72. IC 35-33.5-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Applicability and Definitions).

SECTION 73. IC 35-35-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The court shall not accept a plea of guilty or guilty but mentally ill at the time of the crime without first determining that the defendant:

(1) understands the nature of the charge against ~~him;~~ **the defendant;**

(2) has been informed that by ~~his~~ **the defendant's** plea ~~he~~ **the defendant** waives ~~his~~ **the defendant's** rights to:

(A) a public and speedy trial by jury;

(B) confront and cross-examine the witnesses against ~~him;~~ **the defendant;**

(C) have compulsory process for obtaining witnesses in ~~his~~ **the defendant's** favor; and

(D) require the state to prove ~~his~~ **the defendant's** guilt beyond a reasonable doubt at a trial at which the defendant may not be compelled to testify against himself **or herself;**

(3) has been informed of the maximum possible sentence and minimum sentence for the crime charged and any possible increased sentence by reason of the fact of a prior conviction or convictions, and any possibility of the imposition of consecutive sentences;

(4) has been informed that the person will lose the right to possess a firearm if the person is convicted of a crime of domestic violence ~~(IC 35-41-1-6.3);~~ **(IC 35-31.5-2-78);** and

(5) has been informed that if:

(A) there is a plea agreement as defined by ~~IC 35-35-3-1;~~ **IC 35-31.5-2-236;** and

(B) the court accepts the plea;

the court is bound by the terms of the plea agreement.

(b) A defendant in a misdemeanor case may waive the rights under subsection (a) by signing a written waiver.

(c) Any variance from the requirements of this section that does not violate a constitutional right of the defendant is not a basis for setting aside a plea of guilty.

SECTION 74. IC 35-35-3-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. As used in this chapter:~~

~~"Advisory sentence" means the nonbinding guideline sentence defined in IC 35-50-2-1.3.~~

~~"Plea agreement" means an agreement between a prosecuting attorney and a defendant concerning the disposition of a felony or misdemeanor charge.~~

~~"Prosecuting attorney" includes a deputy prosecuting attorney.~~

~~"Recommendation" means a proposal that is part of a plea agreement made to a court that:~~

~~(1) a felony charge be dismissed; or~~

~~(2) a defendant, if the defendant pleads guilty to a felony charge, receive less than the advisory sentence.~~

~~"Victim" means a person who has suffered harm as a result of a crime.~~

SECTION 75. IC 35-36-2-5, AS AMENDED BY P.L.110-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided by subsection (e), whenever a defendant is found guilty but mentally ill at the time of the crime or enters a plea to that effect that is accepted by the court, the court shall sentence the defendant in the same manner as a defendant found guilty of the offense.

(b) Before sentencing the defendant under subsection (a), the court shall require the defendant to be evaluated by a physician licensed under IC 25-22.5 who practices psychiatric medicine, a licensed psychologist, or a community mental health center (as defined in IC 12-7-2-38). However, the court may waive this requirement if the defendant was evaluated by a physician licensed under IC 25-22.5 who practices psychiatric medicine, a licensed psychologist, or a community mental health center and the evaluation is contained in the record of the defendant's trial or plea agreement hearing.

(c) If a defendant who is found guilty but mentally ill at the time of the crime is committed to the department of correction, the defendant shall be further evaluated and then treated in such a manner as is psychiatrically indicated for the defendant's mental illness. Treatment may be provided by:

(1) the department of correction; or

(2) the division of mental health and addiction after transfer under IC 11-10-4.

(d) If a defendant who is found guilty but mentally ill at the time of the crime is placed on probation, the court may, in accordance with IC 35-38-2-2.3, require that the defendant undergo treatment.

(e) As used in this subsection, "individual with mental retardation" ~~has the meaning set forth in IC 35-36-9-2.~~ **means an individual who, before becoming twenty-two (22) years of age, manifests:**

(1) significantly subaverage intellectual functioning; and

(2) substantial impairment of adaptive behavior;

that is documented in a court ordered evaluative report. If a court determines under IC 35-36-9 that a defendant who is charged with a murder for which the state seeks a death sentence is an individual with mental retardation, the court shall sentence the defendant under IC 35-50-2-3(a).

(f) If a defendant is found guilty but mentally ill, the court shall transmit any information required by the division of state court administration to the division of state court administration for transmission to the NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

SECTION 76. IC 35-38-1-7.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.7. (a) At the time of sentencing, a court shall determine whether a person has committed a crime of domestic violence (as defined in ~~IC 35-41-1-6.3).~~ **IC 35-31.5-2-78).**

(b) A determination under subsection (a) must be based upon:

(1) evidence introduced at trial; or

(2) a factual basis provided as part of a guilty plea.

(c) Upon determining that a defendant has committed a crime of domestic violence, a court shall advise the defendant of the consequences of this finding.

(d) A judge shall record a determination that a defendant has committed a crime of domestic violence on a form prepared by the division of state court administration.

SECTION 77. IC 35-38-1-9, AS AMENDED BY P.L.155-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) As used in this chapter, "recommendation" **has the meaning set forth in IC 35-31.5-2-272,** and "victim" ~~have~~ **has** the ~~meanings~~ **meaning** set ~~out~~ **forth** in ~~IC 35-35-3-1.~~ **IC 35-31.5-2-348.**

(b) The presentence investigation consists of the gathering of information with respect to:

(1) the circumstances attending the commission of the offense;

(2) the convicted person's history of delinquency or criminality, social history, employment history, family situation, economic status, education, and personal habits;

(3) the impact of the crime upon the victim; and

(4) whether the convicted person is licensed or certified in a profession regulated by IC 25.

(c) The presentence investigation may include any matter that the probation officer conducting the investigation believes is relevant to the question of sentence, and must include:

(1) any matters the court directs to be included;

(2) any written statements submitted to the prosecuting attorney by a victim under IC 35-35-3;

(3) any written statements submitted to the probation officer by a victim; and

(4) preparation of the victim impact statement required under section 8.5 of this chapter.

(d) If there are no written statements submitted to the probation officer, the probation officer shall certify to the court:

(1) that the probation officer has attempted to contact the victim; and

(2) that if the probation officer has contacted the victim, the probation officer has offered to accept the written

statements of the victim or to reduce the victim's oral statements to writing, concerning the sentence, including the acceptance of any recommendation.

(e) A presentence investigation report prepared by a probation officer must include the information and comply with any other requirements established in the rules adopted under IC 11-13-1-8.

SECTION 78. IC 35-38-1-17, AS AMENDED BY P.L.1-2010, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Within three hundred sixty-five (365) days after:

(1) a convicted person begins serving the person's sentence;

(2) a hearing is held:

(A) at which the convicted person is present; and

(B) of which the prosecuting attorney has been notified; and

(3) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned;

the court may reduce or suspend the sentence. The court must incorporate its reasons in the record.

(b) If more than three hundred sixty-five (365) days have elapsed since the convicted person began serving the sentence and after a hearing at which the convicted person is present, the court may reduce or suspend the sentence, subject to the approval of the prosecuting attorney. However, if in a sentencing hearing for a convicted person conducted after June 30, 2001, the court could have placed the convicted person in a community corrections program as an alternative to commitment to the department of correction, the court may modify the convicted person's sentence under this section without the approval of the prosecuting attorney to place the convicted person in a community corrections program under IC 35-38-2.6.

(c) The court must give notice of the order to reduce or suspend the sentence under this section to the victim (as defined in ~~IC 35-35-3-1)~~ **IC 35-31.5-2-348)** of the crime for which the convicted person is serving the sentence.

(d) The court may suspend a sentence for a felony under this section only if suspension is permitted under IC 35-50-2-2.

(e) The court may deny a request to suspend or reduce a sentence under this section without making written findings and conclusions.

(f) Notwithstanding subsections (a) and (b), the court is not required to conduct a hearing before reducing or suspending a sentence if:

(1) the prosecuting attorney has filed with the court an agreement of the reduction or suspension of the sentence; and

(2) the convicted person has filed with the court a waiver of the right to be present when the order to reduce or suspend the sentence is considered.

SECTION 79. IC 35-38-2-2.2, AS AMENDED BY P.L.119-2008, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.2. As a condition of probation for a sex offender (as defined in IC 11-8-8-4.5), the court shall:

(1) require the sex offender to register with the local law enforcement authority under IC 11-8-8;

(2) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in ~~IC 35-41-1-24.7),~~ **IC 35-31.5-2-285),** as measured from the property line of the sex offender's residence to the property line of the school property, for the period of probation, unless the sex offender obtains written approval from the court;

(3) require the sex offender to consent:

(A) to the search of the sex offender's personal computer at any time; and

(B) to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and

(4) prohibit the sex offender from:

(A) accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and

(B) deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by clause (A).

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order. However, a court may not allow a sex offender who is a sexually violent predator (as defined in IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 to reside within one thousand (1,000) feet of school property.

SECTION 80. IC 35-41-1-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. The definitions in this chapter apply throughout this title and to all other statutes relating to penal offenses.~~

SECTION 81. IC 35-41-1-3.2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3.2. (a) "Agency" means any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of:~~

~~(1) the state, a county, a township, a city, a town, a separate municipal corporation, a special taxing district, or a public corporation; or~~

~~(2) a state-assisted college or state-assisted university.~~

~~(b) The term does not include any part of the legislative department or the judicial department of state government.~~

SECTION 82. IC 35-41-1-3.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3.4. "Apartment complex" means real property consisting of at least five (5) units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least thirty (30) days.~~

SECTION 83. IC 35-41-1-3.5 IS REPEALED [EFFECTIVE JULY 1, 2012]: ~~Sec. 3.5. "Analog", for purposes of section 26.3 of this chapter, means a new or novel chemical entity, independent of synthetic route or natural origin, having substantially the same:~~

~~(1) carbon backbone structure; and~~

~~(2) pharmacological mechanism of action;~~

~~as a compound specifically defined as a synthetic drug in section 26.3 of this chapter.~~

SECTION 84. IC 35-41-1-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. "Bodily injury" means any impairment of physical condition, including physical pain.~~

SECTION 85. IC 35-41-1-4.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.3. (a) "Bomb" means an explosive or incendiary device designed to release:~~

~~(1) destructive materials or force; or~~

~~(2) dangerous gases;~~

~~that is detonated by impact, proximity to an object, a timing mechanism, a chemical reaction, ignition, or other predetermined means.~~

~~(b) The term does not include the following:~~

~~(1) A firearm (as defined in IC 35-47-1-5) or the ammunition or components for handloading ammunition for a firearm.~~

~~(2) Fireworks regulated under IC 22-11-14.~~

~~(3) Boating, railroad, and other safety flares.~~

~~(4) Propellants used in model rockets or similar hobby activities.~~

~~(5) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps,~~

~~safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.~~

SECTION 86. IC 35-41-1-4.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.4. "Community transition program" has the meaning set forth in IC 11-8-1-5.5.~~

SECTION 87. IC 35-41-1-4.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.6. "Community restitution or service" means performance of services directly for a:~~

~~(1) victim;~~

~~(2) nonprofit entity; or~~

~~(3) governmental entity;~~

~~without compensation, including graffiti abatement, park maintenance, and other community service activities. The term does not include the reimbursement under IC 35-50-5-3 or another law of damages or expenses incurred by a victim or another person as the result of a violation of law.~~

SECTION 88. IC 35-41-1-4.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.7. "Community policing volunteer" means a person who is:~~

~~(1) not a law enforcement officer; and~~

~~(2) actively participating in a plan, system, or strategy:~~

~~(A) established by and conducted under the authority of a law enforcement agency; and~~

~~(B) in which citizens:~~

~~(i) participate with and are guided by the law enforcement agency; and~~

~~(ii) work with members of the law enforcement agency to reduce or prevent crime within a defined geographic area.~~

SECTION 89. IC 35-41-1-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. "Credit institution" means a bank, insurance company, credit union, savings association, investment trust, industrial loan and investment company, or other organization held out to the public as a place of deposit of funds or a medium of savings or collective investment.~~

SECTION 90. IC 35-41-1-5.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5.5. "Credit restricted felon" means a person who has been convicted of at least one (1) of the following offenses:~~

~~(1) Child molesting involving sexual intercourse or deviate sexual conduct (IC 35-42-4-3(a)), if:~~

~~(A) the offense is committed by a person at least twenty-one (21) years of age; and~~

~~(B) the victim is less than twelve (12) years of age.~~

~~(2) Child molesting (IC 35-42-4-3) resulting in serious bodily injury or death.~~

~~(3) Murder (IC 35-42-1-1), if:~~

~~(A) the person killed the victim while committing or attempting to commit child molesting (IC 35-42-4-3);~~

~~(B) the victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or~~

~~(C) the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the person from testifying.~~

SECTION 91. IC 35-41-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. "Crime" means a felony or a misdemeanor.~~

SECTION 92. IC 35-41-1-6.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6.3. "Crime of domestic violence," for purposes of IC 5-2-6.1 and IC 35-47-4-7, means an offense or the attempt to commit an offense that:~~

~~(1) has as an element the:~~

~~(A) use of physical force; or~~

~~(B) threatened use of a deadly weapon; and~~

~~(2) is committed against a:~~

~~(A) current or former spouse, parent, or guardian of the defendant;~~

~~(B) person with whom the defendant shared a child in common;~~

~~(C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or~~

~~(D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant.~~

SECTION 93. IC 35-41-1-6.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:~~

~~(1) A homicide offense under IC 35-42-1.~~

~~(2) A battery offense under IC 35-42-2.~~

~~(3) Kidnapping or confinement under IC 35-42-3.~~

~~(4) Human and sexual trafficking crimes under IC 35-42-3.5.~~

~~(5) A sex offense under IC 35-42-4.~~

~~(6) Robbery under IC 35-42-5.~~

~~(7) Arson or mischief under IC 35-43-1.~~

~~(8) Burglary or trespass under IC 35-43-2.~~

~~(9) Disorderly conduct under IC 35-45-1.~~

~~(10) Intimidation or harassment under IC 35-45-2.~~

~~(11) Voyeurism under IC 35-45-4.~~

~~(12) Stalking under IC 35-45-10.~~

~~(13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.~~

~~(14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.~~

SECTION 94. IC 35-41-1-6.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6.6. "Dangerous gas", for purposes of IC 35-41-1-4.3, means a toxic chemical or its precursors that through chemical action or properties on life processes cause death or permanent injury to human beings. The term does not include the following:~~

~~(1) Riot control agents, smoke, and obscuration materials or medical products that are manufactured, possessed, transported, or used in accordance with the laws of the United States and of this state.~~

~~(2) Tear gas devices designed to be carried on or about the person that contain not more than one-half (1/2) ounce of the chemical.~~

SECTION 95. IC 35-41-1-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. "Deadly force" means force that creates a substantial risk of serious bodily injury.~~

SECTION 96. IC 35-41-1-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8. (a) Except as provided in subsection (b), "deadly weapon" means the following:~~

~~(1) A loaded or unloaded firearm.~~

~~(2) A destructive device, weapon, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.~~

~~(3) An animal (as defined in IC 35-46-3-3) that is:~~

~~(A) readily capable of causing serious bodily injury; and~~

~~(B) used in the commission or attempted commission of a crime.~~

~~(4) A biological disease, virus, or organism that is capable of causing serious bodily injury.~~

~~(b) The term does not include:~~

~~(1) a taser (as defined in IC 35-47-8-3);~~

~~(2) an electronic stun weapon (as defined in IC 35-47-8-1);~~
~~(3) a chemical designed to temporarily incapacitate a person; or~~
~~(4) another device designed to temporarily incapacitate a person;~~
~~if the device described in subdivisions (1) through (4) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's training and while lawfully engaged in the execution of official duties.~~

SECTION 97. IC 35-41-1-8.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8.5. "Destructive device" has the meaning set forth in IC 35-47.5-2-4.~~

SECTION 98. IC 35-41-1-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. "Deviate sexual conduct" means an act involving:~~
~~(1) a sex organ of one person and the mouth or anus of another person; or~~
~~(2) the penetration of the sex organ or anus of a person by an object.~~

SECTION 99. IC 35-41-1-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. "Dwelling" means a building, structure, or other enclosed space, permanent or temporary, movable or fixed, that is a person's home or place of~~ lodging.

SECTION 100. IC 35-41-1-10.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10.3. "The effects of battery" refers to a psychological condition of an individual who has suffered repeated physical or sexual abuse inflicted by another individual who is the:~~
~~(1) victim of an alleged crime for which the abused individual is charged in a pending prosecution; and~~
~~(2) abused individual's:~~
~~(A) spouse or former spouse;~~
~~(B) parent;~~
~~(C) guardian or former guardian;~~
~~(D) custodian or former custodian; or~~
~~(E) cohabitant or former cohabitant.~~

SECTION 101. IC 35-41-1-10.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10.5. "Family housing complex" means a building or series of buildings:~~
~~(1) that contains at least twelve (12) dwelling units:~~
~~(A) where children are domiciled or are likely to be domiciled; and~~
~~(B) that are owned by a governmental unit or political subdivision;~~
~~(2) that is operated as a hotel or motel (as described in IC 22-11-18-1);~~
~~(3) that is operated as an apartment complex; or~~
~~(4) that contains subsidized housing.~~

SECTION 102. IC 35-41-1-10.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10.6. (a) An individual is a "family or household member" of another person if the individual:~~
~~(1) is a current or former spouse of the other person;~~
~~(2) is dating or has dated the other person;~~
~~(3) is or was engaged in a sexual relationship with the other person;~~
~~(4) is related by blood or adoption to the other person;~~
~~(5) is or was related by marriage to the other person;~~
~~(6) has or previously had an established legal relationship:~~
~~(A) as a guardian of the other person;~~
~~(B) as a ward of the other person;~~
~~(C) as a custodian of the other person;~~
~~(D) as a foster parent of the other person; or~~
~~(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or~~
~~(7) has a child in common with the other person.~~
~~(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.~~

SECTION 103. IC 35-41-1-10.8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10.8. "Food processing facility" means a facility used to prepare or process animal, plant, or other food ingredients into food products intended for sale or distribution to the general public for human consumption.~~

SECTION 104. IC 35-41-1-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 11. "Forcible felony" means a felony that involves the use or threat of force against a human being, or in which there is imminent danger of bodily injury to a human being.~~

SECTION 105. IC 35-41-1-12 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12. "Governmental entity" means:~~
~~(1) the United States or any state, county, township, city, town, separate municipal corporation, special taxing district, or public school corporation;~~
~~(2) any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of any of those entities; or~~
~~(3) a state-assisted college or state-assisted university.~~

SECTION 106. IC 35-41-1-12.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12.3. "Graffiti" means any unauthorized inscription, work, figure, or design that is marked, etched, scratched, drawn, or painted on a component of any building, structure, or other facility.~~

SECTION 107. IC 35-41-1-13 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 13. "Harm" means loss, disadvantage, or injury or anything so regarded by the person affected, including loss, disadvantage, or injury to any other person in whose welfare he is interested.~~

SECTION 108. IC 35-41-1-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. "Human being" means an individual who has been born and is alive.~~

SECTION 109. IC 35-41-1-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15. "Imprison" means to:~~
~~(1) confine in a penal facility;~~
~~(2) commit to the department of correction; or~~
~~(3) assign to a community transition program under IC 11-10-11.5.~~

SECTION 110. IC 35-41-1-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16. "Included offense" means an offense that:~~
~~(1) is established by proof of the same material elements or less than all the material elements required to establish the commission of the offense charged;~~
~~(2) consists of an attempt to commit the offense charged or an offense otherwise included therein; or~~
~~(3) differs from the offense charged only in the respect that a less serious harm or risk of harm to the same person, property, or public interest, or a lesser kind of culpability, is required to establish its commission.~~

SECTION 111. IC 35-41-1-16.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16.5. "Key facility" means any of the following:~~
~~(1) A chemical manufacturing facility.~~
~~(2) A refinery.~~
~~(3) An electric utility facility, including:~~
~~(A) a power plant;~~
~~(B) a power generation facility peaker;~~
~~(C) an electric transmission facility;~~
~~(D) an electric station or substation; or~~
~~(E) any other facility used to support the generation, transmission, or distribution of electricity.~~
~~However, the term does not include electric transmission~~

~~land or right-of-way that is not completely enclosed, posted, and maintained by the electric utility.~~
~~(4) A water intake structure or water treatment facility.~~
~~(5) A natural gas utility facility, including:~~
~~(A) an age station;~~
~~(B) a compressor station;~~
~~(C) an odorization facility;~~
~~(D) a main line valve;~~
~~(E) a natural gas storage facility; or~~
~~(F) any other facility used to support the acquisition, transmission, distribution, or storage of natural gas. However, the term does not include gas transmission pipeline property that is not completely enclosed, posted, and maintained by the natural gas utility.~~
~~(6) A gasoline, propane, liquid natural gas (LNG), or other fuel terminal or storage facility.~~
~~(7) A transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal. However, the term does not include a railroad track that is not part of a railroad switching yard.~~
~~(8) A pulp or paper manufacturing facility.~~
~~(9) A pharmaceutical manufacturing facility.~~
~~(10) A hazardous waste storage, treatment, or disposal facility.~~
~~(11) A telecommunications facility, including a central office or cellular telephone tower site.~~
~~(12) A facility:~~
~~(A) that is substantially similar to a facility, structure, or station listed in this section; or~~
~~(B) whose owner or operator is required to submit a risk management plan under the federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (42 U.S.C. 7412(r)).~~

SECTION 112. IC 35-41-1-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 17. (a) "Law enforcement officer" means:~~
~~(1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;~~
~~(2) a deputy of any of those persons;~~
~~(3) an investigator for a prosecuting attorney or for the inspector general;~~
~~(4) a conservation officer;~~
~~(5) an enforcement officer of the alcohol and tobacco commission; or~~
~~(6) an enforcement officer of the securities division of the office of the secretary of state.~~
~~(b) "Federal enforcement officer" means any of the following:~~
~~(1) A Federal Bureau of Investigation special agent.~~
~~(2) A United States Marshals Service marshal or deputy.~~
~~(3) A United States Secret Service special agent.~~
~~(4) A United States Fish and Wildlife Service special agent.~~
~~(5) A United States Drug Enforcement Agency agent.~~
~~(6) A Bureau of Alcohol, Tobacco, Firearms and Explosives agent.~~
~~(7) A United States Forest Service law enforcement officer.~~
~~(8) A United States Department of Defense police officer or criminal investigator.~~
~~(9) A United States Customs Service agent.~~
~~(10) A United States Postal Service investigator.~~
~~(11) A National Park Service law enforcement commissioned ranger.~~
~~(12) United States Department of Agriculture, Office of Inspector General special agent.~~
~~(13) A United States Citizenship and Immigration Services special agent.~~
~~(14) An individual who is:~~
~~(A) an employee of a federal agency; and~~
~~(B) authorized to make arrests and carry a firearm in the performance of the individual's official duties.~~

SECTION 113. IC 35-41-1-18 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 18. (a) "Lawful detention" means:~~
~~(1) arrest;~~
~~(2) custody following surrender in lieu of arrest;~~
~~(3) detention in a penal facility;~~
~~(4) detention in a facility for custody of persons alleged or found to be delinquent children;~~
~~(5) detention under a law authorizing civil commitment in lieu of criminal proceedings or authorizing such detention while criminal proceedings are held in abeyance;~~
~~(6) detention for extradition or deportation;~~
~~(7) placement in a community corrections program's residential facility;~~
~~(8) electronic monitoring;~~
~~(9) custody for purposes incident to any of the above including transportation, medical diagnosis or treatment, court appearances, work, or recreation; or~~
~~(10) any other detention for law enforcement purposes.~~
~~(b) Except as provided in subsection (a)(7) and (a)(8), the term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail.~~

SECTION 114. IC 35-41-1-18.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 18.3. "Machine gun" means a weapon that:~~
~~(1) shoots; or~~
~~(2) can be readily restored to shoot;~~
~~automatically more than one (1) shot, without manual reloading, by a single function of the trigger.~~

SECTION 115. IC 35-41-1-18.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 18.5. "Motor vehicle" has the meaning set forth in IC 9-13-2-105(a).~~

SECTION 116. IC 35-41-1-19 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 19. "Offense" means a crime. The term does not include an infraction.~~

SECTION 117. IC 35-41-1-19.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 19.3. "Offense relating to a criminal sexual act" means the following:~~
~~(1) Rape (IC 35-42-4-1).~~
~~(2) Criminal deviate conduct (IC 35-42-4-2).~~
~~(3) Child molesting (IC 35-42-4-3).~~
~~(4) Child seduction (IC 35-42-4-7).~~
~~(5) Prostitution (IC 35-45-4-2).~~
~~(6) Patronizing a prostitute (IC 35-45-4-3).~~
~~(7) Incest (IC 35-46-1-3).~~
~~(8) Sexual misconduct with a minor under IC 35-42-4-9(a).~~

SECTION 118. IC 35-41-1-19.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 19.4. "Offense relating to controlled substances" means the following:~~
~~(1) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).~~
~~(2) Dealing in methamphetamine (IC 35-48-4-1.1).~~
~~(3) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).~~
~~(4) Dealing in a schedule IV controlled substance (IC 35-48-4-3).~~
~~(5) Dealing in a schedule V controlled substance (IC 35-48-4-4).~~
~~(6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).~~
~~(7) Possession of methamphetamine (IC 35-48-4-6.1).~~
~~(8) Possession of a controlled substance (IC 35-48-4-7).~~

~~(9) Possession of paraphernalia (IC 35-48-4-8.3).~~
~~(10) Dealing in paraphernalia (IC 35-48-4-8.5).~~
~~(11) Offenses relating to registration (IC 35-48-4-14).~~

SECTION 119. IC 35-41-1-20 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 20. "Official proceeding" means a proceeding held or that may be held before a legislative, judicial, administrative, or other agency or before an official authorized to take evidence under oath, including a referee, hearing examiner, commissioner, notary, or other person taking evidence in connection with a proceeding.~~

SECTION 120. IC 35-41-1-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21. "Penal facility" means state prison, correctional facility, county jail, penitentiary, house of correction, or any other facility for confinement of persons under sentence, or awaiting trial or sentence, for offenses. The term includes a correctional facility constructed under IC 4-13.5.~~

SECTION 121. IC 35-41-1-22 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 22. (a) "Person" means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity.~~

~~(b) "Person", for purposes of section 10.6 of this chapter, means an adult or a minor.~~

SECTION 122. IC 35-41-1-23 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 23. (a) "Property" means anything of value. The term includes:~~

~~(1) a gain or advantage or anything that might reasonably be regarded as such by the beneficiary;~~
~~(2) real property, personal property, money, labor, and services;~~
~~(3) intangibles;~~
~~(4) commercial instruments;~~
~~(5) written instruments concerning labor, services, or property;~~
~~(6) written instruments otherwise of value to the owner, such as a public record, deed, will, credit card, or letter of credit;~~
~~(7) a signature to a written instrument;~~
~~(8) extension of credit;~~
~~(9) trade secrets;~~
~~(10) contract rights, choses-in-action, and other interests in or claims to wealth;~~
~~(11) electricity, gas, oil, and water;~~
~~(12) captured or domestic animals, birds, and fish;~~
~~(13) food and drink; and~~
~~(14) human remains.~~

~~(b) Property is that "of another person" if the other person has a possessory or proprietary interest in it, even if an accused person also has an interest in that property.~~

SECTION 123. IC 35-41-1-23.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 23.7. "Public park" means any property operated by a political subdivision for park purposes (as defined in IC 36-10-1-2).~~

SECTION 124. IC 35-41-1-24 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24. "Public servant" means a person who:~~

~~(1) is authorized to perform an official function on behalf of, and is paid by, a governmental entity;~~
~~(2) is elected or appointed to office to discharge a public duty for a governmental entity; or~~
~~(3) with or without compensation, is appointed in writing by a public official to act in an advisory capacity to a governmental entity concerning a contract or purchase to be made by the entity.~~

~~The term does not include a person appointed by the governor to an honorary advisory or honorary military position.~~

SECTION 125. IC 35-41-1-24.2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24.2. (a) "Salvia" means salvia divinorum or salvinorin A, including:~~

~~(1) all parts of the plant that are classified botanically as salvia divinorum, whether growing or not;~~
~~(2) the seeds of the plant;~~
~~(3) any extract from any part of the plant; and~~
~~(4) every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or extracts, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation of the plant, its seeds, or extracts.~~

~~(b) The term does not include any other species in the genus salvia.~~

SECTION 126. IC 35-41-1-24.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24.3. "School bus" means any motor vehicle designed and constructed for the accommodation of more than ten (10) passengers, which is used for the transportation of Indiana school children.~~

SECTION 127. IC 35-41-1-24.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24.7. "School property" means the following:~~

~~(1) A building or other structure owned or rented by:~~
~~(A) a school corporation;~~
~~(B) an entity that is required to be licensed under IC 12-17.2 or IC 31-27;~~
~~(C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or~~
~~(D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including the following:~~
~~(i) A Head Start program under 42 U.S.C. 9831 et seq.~~
~~(ii) A special education preschool program.~~
~~(iii) A developmental child care program for preschool children.~~
~~(2) The grounds adjacent to and owned or rented in common with a building or other structure described in subdivision (1).~~

SECTION 128. IC 35-41-1-24.8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24.8. "Scientific research facility" means a facility in which research is conducted.~~

SECTION 129. IC 35-41-1-25 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 25. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes:~~

~~(1) serious permanent disfigurement;~~
~~(2) unconsciousness;~~
~~(3) extreme pain;~~
~~(4) permanent or protracted loss or impairment of the function of a bodily member or organ; or~~
~~(5) loss of a fetus.~~

SECTION 130. IC 35-41-1-26 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26. "Sexual intercourse" means an act that includes any penetration of the female sex organ by the male sex organ.~~

SECTION 131. IC 35-41-1-26.3, AS AMENDED BY P.L.6-2012, SECTION 224, IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26.3. "Synthetic drug" means:~~

~~(1) a substance containing one (1) or more of the following chemical compounds, including an analog of the compound:~~
~~(A) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).~~
~~(B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).~~
~~(C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).~~
~~(D) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).~~
~~(E) JWH-081 (4-methoxynaphthalen-1-yl-~~

~~(1-pentylindol- 3-yl)methanone).~~
~~(F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).~~
~~(G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).~~
~~(H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).~~
~~(I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).~~
~~(J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).~~
~~(K) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).~~
~~(L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).~~
~~(M) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan- 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).~~
~~(N) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).~~
~~(O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5- (2-methyloctan-2-yl)phenol).~~
~~(P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2 -yl)~~
~~phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.~~
~~(Q) WIN 55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin-6-yl]-1-napthalenylmethanone).~~
~~(R) RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).~~
~~(S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).~~
~~(T) 4-Methylmethcathinone. Other name: mephedrone.~~
~~(U) 3,4-Methylenedioxymethcathinone. Other name: methylone.~~
~~(V) Fluoromethcathinone.~~
~~(W) 4-Methoxymethcathinone. Other name: methedrone.~~
~~(X) 4-Ethylmethcathinone (4-EMC).~~
~~(Y) Methylenedioxypyrovalerone. Other name: MDPV.~~
~~(Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.~~
~~(AA) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.~~
~~(BB) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.~~
~~(CC) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.~~
~~(DD) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole.~~
~~(EE) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.~~
~~(FF) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.~~
~~(GG) CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate.~~
~~(HH) Dimethylheptylpyran, or DMHP.~~
~~(II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.~~
~~(JJ) 6-APB [6-(2-aminopropyl)benzofuran].~~
~~(LL) 7-hydroxymitragynine.~~
~~(MM) α-PPP [α-pyrrolidinopropiophenone].~~
~~(NN) α-PVP (desmethylpyrovalerone).~~
~~(OO) AM-251.~~
~~(PP) AM-1241.~~
~~(QQ) AM-2201.~~
~~(RR) AM-2233.~~
~~(SS) Buphedrone.~~
~~(TT) Butylone.~~
~~(UU) CP-47,497-C7.~~
~~(VV) CP-47,497-C8.~~
~~(WW) Desoxypipradol.~~
~~(XX) Ethylone.~~
~~(YY) Eutylone.~~
~~(ZZ) Flephedrone.~~
~~(AAA) JWH-011.~~
~~(BBB) JWH-020.~~
~~(CCC) JWH-022.~~
~~(DDD) JWH-030.~~
~~(EEE) JWH-182.~~
~~(FFF) JWH-302.~~
~~(GGG) MDAI [5,6-methylenedioxy-2-aminoindane].~~
~~(HHH) Mitragynine.~~
~~(III) Naphyrone.~~
~~(JJJ) Pentedrone.~~
~~(LLL) Pentylone.~~
~~(MMM) Methoxetamine [2-(3-methoxyphenyl)-2-(ethylamino)- cyclohexanone].~~

~~(2) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(3) Any compound structurally derived from 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(4) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(5) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.~~

~~(6) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or~~

~~2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent.~~

~~(7) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.~~

~~(8) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:~~

~~(A) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;~~

~~(B) by substitution at the 3-position with an acyclic alkyl substituent;~~

~~(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or~~

~~(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.~~

~~(9) Any compound determined to be a synthetic drug by rule adopted under IC 25-26-13-4.1.~~

SECTION 132. IC 35-41-1-26.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26.5. "Terrorism" means the unlawful use of force or violence or the unlawful threat of force or violence to intimidate or coerce a government or all or part of the civilian population.~~

SECTION 133. IC 35-41-1-27 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 27. "Utter" means to issue, authenticate, transfer, publish, deliver, sell, transmit, present, or use.~~

SECTION 134. IC 35-41-1-28 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 28. "Vehicle" means a device for transportation by land, water, or air. The term includes mobile equipment with provision for transport of an operator.~~

SECTION 135. IC 35-41-1-29 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 29. (a) "Youth program center" means the following:~~

~~(1) A building or structure that on a regular basis provides recreational, vocational, academic, social, or other programs or services for persons less than eighteen (18) years of age.~~

~~(2) The real property on which a building or structure described in subdivision (1) is located.~~

~~(b) The term does not include school property (as defined in section 24.7 of this chapter).~~

SECTION 136. IC 35-41-1-29.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 29.4. "Weapon of mass destruction" means any chemical device, biological device or organism, or radiological device that is capable of being used for terrorism.~~

SECTION 137. IC 35-42-2-1, AS AMENDED BY P.L.131-2009, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if:

(A) it results in bodily injury to any other person;

(B) it is committed against a law enforcement officer or against a person summoned and directed by the officer while the officer is engaged in the execution of the officer's official duty;

(C) it is committed against an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;

(D) it is committed against a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;

(E) it is committed against a community policing volunteer:

(i) while the volunteer is performing the duties described in ~~IC 35-41-1-4.7;~~ **IC 35-31.5-2-49;** or

(ii) because the person is a community policing volunteer; or

(F) it is committed against the state chemist or the state chemist's agent while the state chemist or the state chemist's agent is performing a duty under IC 15-16-5;

(2) a Class D felony if it results in bodily injury to:

(A) a law enforcement officer or a person summoned and directed by a law enforcement officer while the officer is engaged in the execution of the officer's official duty;

(B) a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(C) a person of any age who has a mental or physical disability and is committed by a person having the care of the person with a mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation;

(D) the other person and the person who commits the battery was previously convicted of a battery in which the victim was the other person;

(E) an endangered adult (as defined in IC 12-10-3-2);

(F) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty;

(G) an employee of a school corporation while the employee is engaged in the execution of the employee's official duty;

(H) a correctional professional while the correctional professional is engaged in the execution of the correctional professional's official duty;

(I) a person who is a health care provider (as defined in IC 16-18-2-163) while the health care provider is engaged in the execution of the health care provider's official duty;

(J) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;

(K) a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;

(L) a community policing volunteer:

(i) while the volunteer is performing the duties described in ~~IC 35-41-1-4.7;~~ **IC 35-31.5-2-49;** or

(ii) because the person is a community policing volunteer;

(M) a family or household member (as defined in ~~IC 35-41-1-10.6)~~ **IC 35-31.5-2-128)** if the person who committed the offense:

(i) is at least eighteen (18) years of age; and

(ii) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense; or

(N) a department of child services employee while the employee is engaged in the execution of the employee's official duty;

(3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon;
(4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;
(5) a Class A felony if it results in the death of a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;
(6) a Class C felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2);
(7) a Class B felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2); and
(8) a Class C felony if it results in bodily injury to a pregnant woman and the person knew the woman was pregnant.

(b) For purposes of this section:
(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and
(2) "correctional professional" means a:
(A) probation officer;
(B) parole officer;
(C) community corrections worker; or
(D) home detention officer.

SECTION 138. IC 35-42-4-7, AS AMENDED BY P.L.125-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "charter school" has the meaning set forth in IC 20-18-2-2.5.

(d) As used in this section, "child care worker" means a person who:
(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility;
(2) is employed by a:
(A) school corporation;
(B) charter school;
(C) nonpublic school; or
(D) special education cooperative;
attended by a child who is the victim of a crime under this chapter; or
(3) is:
(A) affiliated with a:
(i) school corporation;
(ii) charter school;
(iii) nonpublic school; or
(iv) special education cooperative;
attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;
(B) in a position of trust in relation to a child who attends the school or cooperative;
(C) engaged in the provision of care or supervision to a child who attends the school or cooperative; and
(D) at least four (4) years older than the child who is the victim of a crime under this chapter.
The term does not include a student who attends the school or cooperative.

(e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(f) As used in this section, "military recruiter" means a member of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard.

(g) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(h) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

(i) As used in this section, "special education cooperative" has the meaning set forth in IC 20-35-5-1.

(j) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(k) If a person who:
(1) is at least eighteen (18) years of age; and
(2) is:
(A) the:
(i) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or
(ii) child care worker for; or
(B) a military recruiter who is attempting to enlist;
a child at least sixteen (16) years of age but less than eighteen (18) years of age;
engages with the child in sexual intercourse, deviate sexual conduct (as defined in ~~IC 35-41-1-9),~~ **IC 35-31.5-2-94),** or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction, a Class D felony.

SECTION 139. IC 35-47-1-7, AS AMENDED BY P.L.127-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. "Proper person" means a person who:
(1) does not have a conviction for resisting law enforcement under IC 35-44-3-3 within five (5) years before the person applies for a license or permit under this chapter;
(2) does not have a conviction for a crime for which the person could have been sentenced for more than one (1) year;
(3) does not have a conviction for a crime of domestic violence (as defined in ~~IC 35-41-1-6.3),~~ **IC 35-31.5-2-78),** unless a court has restored the person's right to possess a firearm under IC 35-47-4-7;
(4) is not prohibited by a court order from possessing a handgun;
(5) does not have a record of being an alcohol or drug abuser as defined in this chapter;
(6) does not have documented evidence which would give rise to a reasonable belief that the person has a propensity for violent or emotionally unstable conduct;
(7) does not make a false statement of material fact on the person's application;
(8) does not have a conviction for any crime involving an inability to safely handle a handgun;
(9) does not have a conviction for violation of the provisions of this article within five (5) years of the person's application;
(10) does not have an adjudication as a delinquent child for an act that would be a felony if committed by an adult, if the person applying for a license or permit under this chapter is less than twenty-three (23) years of age;
(11) has not been involuntarily committed, other than a temporary commitment for observation or evaluation, to a mental institution by a court, board, commission, or other lawful authority;
(12) has not been the subject of a:
(A) ninety (90) day commitment as a result of proceeding under IC 12-26-6; or
(B) regular commitment under IC 12-26-7; or

(13) has not been found by a court to be mentally incompetent, including being found:
(A) not guilty by reason of insanity;
(B) guilty but mentally ill; or
(C) incompetent to stand trial.

SECTION 140. IC 35-47-5-2.5, AS ADDED BY P.L.72-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) As used in this section, "knife" means an instrument that:
(1) consists of a sharp edged or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and
(2) is intended to be used as a weapon.
(b) The term includes a dagger, dirk, poniard, stiletto, switchblade knife, or gravity knife.
(c) A person who recklessly, knowingly, or intentionally possesses a knife on:
(1) school property (as defined in ~~IC 35-41-1-24.7);~~ **IC 35-31.5-2-285);**
(2) a school bus (as defined in IC 20-27-2-8); or
(3) a special purpose bus (as defined in IC 20-27-2-10);
commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under this section and a Class D felony if the offense results in bodily injury or serious bodily injury to another person.
(d) This section does not apply to a person who possesses a knife:
(1) if:
(A) the knife is provided to the person by the school corporation or possession of the knife is authorized by the school corporation; and
(B) the person uses the knife for a purpose authorized by the school corporation; or
(2) if the knife is secured in a motor vehicle.

SECTION 141. IC 35-47-6-1.1, AS ADDED BY P.L.50-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) As used in this section, "dangerous device" means:
(1) a firearm;
(2) a destructive device (as defined in IC 35-47.5-2-4); or
(3) a weapon of mass destruction ~~(IC 35-41-1-29.4).~~ **(IC 35-31.5-2-354).**
(b) A person who checks an item to be transported on a commercial passenger airline and who:
(1) knows the item contains a dangerous device; and
(2) knowingly or intentionally fails to disclose orally or in writing to the person to whom possession of the item is delivered for carriage that the item contains a dangerous device;
commits undisclosed transport of a dangerous device, a Class A misdemeanor.

SECTION 142. IC 35-47-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who knowingly or intentionally places or disseminates a device or substance with the intent to cause a reasonable person to believe that the device or substance is a weapon of mass destruction (as defined in ~~IC 35-41-1-29.4),~~ **IC 35-31.5-2-354)** commits terroristic mischief, a Class C felony. However, the offense is a Class B felony if, as a result of the terroristic mischief:
(1) a physician prescribes diagnostic testing or medical treatment for any person other than the person who committed the terroristic mischief; or
(2) a person suffers serious bodily injury.

SECTION 143. IC 35-47-15-3, AS ADDED BY P.L.1-2006, SECTION 538, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. As used in this chapter, "law enforcement officer" has the meaning set forth in ~~IC 35-41-1-17(a).~~ **IC 35-31.5-2-185.** The term includes an arson investigator employed by the office of the state fire marshal.

SECTION 144. IC 35-48-2-4, AS AMENDED BY HEA 1196-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The controlled substances listed in this section are included in schedule I.
(b) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:
Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide) (9815)
Acetylmethadol (9601)
Allylprodine (9602)
Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
Alphacetylmethadol (9603)
Alphameprodine (9604)
Alphamethadol (9605)
Alphamethylfentanyl (9814)
Benzethidine (9606)
Beta-hydroxy-3-methylfentanyl (9831). Other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide
Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
Betacetylmethadol (9607)
Betameprodine (9608)
Betamethadol (9609)
Betaprodine (9611)
Clonitazene (9612)
Dextromoramide (9613)
Diampromide (9615)
Diethylthiambutene (9616)
Difenoxin (9168)
Dimenoxadol (9617)
Dimepheptanol (9618)
Dimethylthiambutene (9619)
Dioxaphetyl butyrate (9621)
Dipipanone (9622)
Ethylmethylthiambutene (9623)
Etonitazene (9624)
Etoxeridine (9625)
Furethidine (9626)
Hydroxypethidine (9627)
Ketobemidone (9628)
Levomoramide (9629)
Levophenacylmorphan (9631)
3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenyl-propanimide](9813)
3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9833)
MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
Morpheridine (9632)
N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), including any isomers, salts, or salts of isomers (9818)
N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), including any isomers, salts, or salts of isomers (9834)
Noracymethadol (9633)

Norlevorphanol (9634)
Normethadone (9635)
Norpipanone (9636)
Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
Phenadoxone (9637)
Phenampromide (9638)
Phenomorphan (9647)
Phenoperidine (9641)
PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
Piritramide (9642)
Proheptazine (9643)
Properidine (9644)
Propiram (9649)
Racemoramide (9645)
Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide) (9835)
Tilidine (9750)
Trimeperidine (9646)

(c) Opium derivatives. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Acetorphine (9319)
Acetyldihydrocodeine (9051)
Benzylmorphine (9052)
Codeine methylbromide (9070)
Codeine-N-Oxide (9053)
Cyprenorphine (9054)
Desomorphine (9055)
Dihydromorphine (9145)
Drotebanol (9335)
Etorphine (except hydrochloride salt) (9056)
Heroin (9200)
Hydromorphinol (9301)
Methyldesorphine (9302)
Methyldihydromorphine (9304)
Morphine methylbromide (9305)
Morphine methylsulfonate (9306)
Morphine-N-Oxide (9307)
Myrophine (9308)
Nicocodeine (9309)
Nicomorphine (9312)
Normorphine (9313)
Pholcodine (9314)
Thebacon (9315)

(d) Hallucinogenic substances. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic, psychedelic, or psychogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name: TCPy.
(2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine; 4-Bromo-2, 5-DMA.
(3) 4-Bromo-2, 5-dimethoxphenethylamine (7392). Some trade or other names:
2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus.
(4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name: DOET.
(5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348). Other name: 2C-T-7.
(6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
(7) 4-Methoxyamphetamine (7411). Some trade or other names: 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine; PMA.
(8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other Name: MMDA.
(9) 5-Methoxy-N, N-diisopropyltryptamine, including any isomers, salts, or salts of isomers (7439). Other name: 5-MeO-DIPT.
(10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade and other names: 4-methyl-2, 5-dimethoxy-a-methylphenethylamine; DOM; and STP.
(11) 3, 4-methylenedioxy amphetamine (7400). Other name: MDA.
(12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other names: N-ethyl-alpha-methyl-3,4(methylenedioxy) phenethylamine; N-ethyl MDA; MDE; and MDEA.
(13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
(14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.
(15) Alpha-ethyltryptamine (7249). Some trade and other names: Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
(16) Alpha-methyltryptamine (7432). Other name: AMT.
(17) Bufotenine (7433). Some trade and other names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine.
(18) Diethyltryptamine (7434). Some trade or other names: N, N-Diethyltryptamine; DET.
(19) Dimethyltrytamine (7435). Some trade or other names: DMT.
(20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
(21) Lysergic acid diethylamide (7315). Other name: LSD.
(22) Marijuana (7360).
(23) Mescaline (7381).
(24) Parahexyl (7374). Some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6, 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
(25) Peyote (7415), including:
(A) all parts of the plant that are classified botanically as lophophora williamsii lemaire, whether growing or not;
(B) the seeds thereof;
(C) any extract from any part of the plant; and
(D) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts.
(26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.
(27) N-hydroxy-3,4-methylenedioxyamphetamine (7402). Other names: N-hydroxy-alpha-methyl-3,4 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
(28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.
(29) Psilocybin (7437).
(30) Psilocyn (7438).

(31) Tetrahydrocannabinols (7370), including synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:

(A) π^1 cis or trans tetrahydrocannabinol, and their optical isomers;

(B) π^6 cis or trans tetrahydrocannabinol, and their optical isomers; and

(C) $\pi^{3,4}$ cis or trans tetrahydrocannabinol, and their optical isomers.

Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered. Other name: THC.

(32) Ethylamine analog of phencyclidine (7455). Some trade or other names: N-Ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine; cyclohexamine; PCE.

(33) Pyrrolidine analog of phencyclidine (7458). Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP$_y$; PHP.

(34) Thiophene analog of phencyclidine (7470). Some trade or other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine; TPCP.

(35) Synthetic drugs (as defined in ~~IC 35-41-1-26.3).~~ **IC 35-31.5-2-321).**

(36) Salvia divinorum or salvinorin A, including:

(A) all parts of the plant that are classified botanically as salvia divinorum, whether growing or not;

(B) the seeds of the plant;

(C) any extract from any part of the plant; and

(D) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts.

(e) Depressants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Gamma-hydroxybutyric acid (other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate) (2010)

Mecloqualone (2572)

Methaqualone (2565)

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)

Aminorex (1585). Other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine.

Cathinone (1235). Some trade or other names: 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; and norephedrone.

Fenethylline (1503).

N-Benzylpiperazine (7493). Other names: BZP; and 1-benzylpiperazine.

N-ethylamphetamine (1475)

Methcathinone (1237) Some other trade names: 2-Methylamino-1-Phenylpropan-I-one; Ephedrone; Monomethylpropion; UR 1431.

N, N-dimethylamphetamine (1480). Other names: N, N-alpha-trimethyl-benzeneethanamine; and N, N-alpha-trimethylphenethylamine.

SECTION 145. IC 35-50-5-1.1, AS AMENDED BY P.L.119-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is convicted of a misdemeanor under IC 35-44-1, the court may include in the sentence an order rendering the person incapable of holding a public office of trust or profit for a fixed period of not more than ten (10) years.

(b) If any officer of a governmental entity is convicted of a misdemeanor under IC 35-44-1, the court may enter an order removing the officer from office.

(c) This subsection applies whenever:

(1) the court enters an order under this section that applies to a person who is an officer of a governmental entity (as defined in ~~IC 35-41-1-12);~~ **IC 35-31.5-2-144);** and

(2) a vacancy occurs in the office held by the person as the result of the court's order.

The court must file a certified copy of the order with the person who is entitled under IC 5-8-6 to receive notice of the death of an individual holding the office. The person receiving the copy of the order must give notice of the order in the same manner as if the person had received a notice of the death of the officeholder under IC 5-8-6. The person required or permitted to fill the vacancy that results from a removal under this section must comply with IC 3-13 or IC 20, whichever applies, to fill the vacancy.

SECTION 146. IC 36-2-13-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) As used in this section, "accident and sickness insurance policy" means an insurance policy that provides one (1) or more of the types of insurance described as Class 1(b) or 2(a) insurance under IC 27-1-5-1 on an individual basis or a group basis.

(b) As used in this section, "enrollee" has the meaning set forth in IC 27-13-1-12.

(c) As used in this section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~ **IC 35-31.5-2-186.**

(d) As used in this section, "health maintenance organization" has the meaning set forth in IC 27-13-1-19.

(e) An individual who is:

(1) insured under an accident and sickness insurance policy; or

(2) an enrollee under a health maintenance organization;

shall submit a claim under the policy or plan for expenses resulting from health care services that are rendered to the individual while the individual is subject to lawful detention by a county sheriff.

(f) A county sheriff is not obligated to pay for health care services rendered to an individual while in the lawful detention of the sheriff to the extent that payment for the services is available under:

(1) an accident and sickness insurance policy under which the individual is insured; or

(2) a health maintenance organization under which the individual is an enrollee.

(g) If an individual to whom health care services are rendered while subject to lawful detention by a county sheriff fails or refuses to file a claim for payment of expenses resulting from the health care services, a claim for payment of the expenses may be filed by:

(1) the sheriff; or

(2) the health care provider that rendered the services;

on behalf of the individual with the accident and sickness insurance policy under which the individual is insured or the health maintenance organization under which the individual is an enrollee.

SECTION 147. IC 36-2-13-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) As used in this section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~ **IC 35-31.5-2-186.**

(b) This section applies to a county only if the legislative body for the county elects by ordinance to implement this section.

(c) A person who is:

(1) sentenced under this article for a felony or a misdemeanor;

(2) subject to lawful detention in a county jail for a period of more than seventy-two (72) hours;

(3) not a member of a family that makes less than **one hundred fifty percent** (150%) of the federal income poverty level; and

(4) not detained as a child subject to the jurisdiction of a juvenile court;

shall reimburse the county for the costs described in subsection (d).

(d) A person described in subsection (c) shall reimburse the county for the sum of the following amounts:

(1) The lesser of:

(A) the per diem amount specified under subsection (e); or

(B) thirty dollars ($30);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.

(2) The direct cost of investigating whether the person is indigent.

(3) The cost of collecting the amount for which the person is liable under this section.

(e) The county fiscal body shall fix the per diem described in subsection (d)(1)(A) in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

(f) The county sheriff shall collect the amounts due from a person under this section in conformity with the procedures specified in the ordinance adopted under subsection (b). If the county sheriff does not collect the amount due to the county, the county attorney may collect the amount due.

SECTION 148. IC 36-2-13-15.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15.3. (a) As used in this section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~ **IC 35-31.5-2-186.**

(b) This section applies only:

(1) to a county having a population of less than ~~six~~ **seven** thousand ~~(6,000);~~ **(7,000);** and

(2) if the legislative body for the county elects by ordinance to implement this section.

(c) A person who is:

(1) sentenced under this article for a felony or a misdemeanor;

(2) subject to lawful detention in a county jail for a period of more than six (6) hours;

(3) not a member of a family that makes less than **one hundred fifty percent** (150%) of the federal income poverty level; and

(4) not detained as a child subject to the jurisdiction of a juvenile court;

shall reimburse the county for the costs described in subsection (d).

(d) A person described in subsection (c) shall reimburse the county for the sum of the following amounts:

(1) The lesser of:

(A) the per diem amount specified under subsection (e); or

(B) fifty dollars ($50);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.

(2) The direct cost of investigating whether the person is indigent.

(3) The cost of collecting the amount for which the person is liable under this section.

(e) The county fiscal body shall fix the per diem described in subsection (d)(1)(A) in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

(f) The county sheriff shall collect the amounts due from a person under this section in conformity with the procedures specified in the ordinance adopted under subsection (b). If the county sheriff does not collect the amount due to the county, the county attorney may collect the amount due.

SECTION 149. IC 36-8-10-10.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.6. (a) The sheriff may appoint as a special deputy any person who is employed by a governmental entity as defined in ~~IC 35-41-1~~ **IC 35-31.5-2-144** or private employer, the nature of which employment necessitates that the person have the powers of a law enforcement officer. During the term of ~~his~~ **the special deputy's** appointment and while ~~he~~ **the special deputy** is fulfilling the specific responsibilities for which the appointment is made, a special deputy has the powers, privileges, and duties of a county police officer under this chapter, subject to any written limitations and specific requirements imposed by the sheriff and signed by the special deputy. A special deputy is subject to the direction of the sheriff and shall obey the rules and orders of the department. A special deputy may be removed by the sheriff at any time, without notice and without assigning any cause.

(b) The sheriff shall fix the prerequisites of training, education, and experience for special deputies, subject to the minimum requirements prescribed by this subsection. Applicants must:

(1) be twenty-one (21) years of age or older;

(2) never have been convicted of a felony, or a misdemeanor involving moral turpitude;

(3) be of good moral character; and

(4) have sufficient training to insure the proper performance of their authorized duties.

(c) Except as provided in subsection (d), a special deputy shall wear a uniform the design and color of which is easily distinguishable from the uniforms of the Indiana state police, the regular county police force, and all municipal police and fire forces located in the county.

(d) The sheriff may permit a special deputy to wear the uniform of the regular county police force if the special deputy:

(1) has successfully completed the minimum basic training requirements under IC 5-2-1;

(2) is periodically assigned by the sheriff to duties of a regular county police officer; and

(3) is an employee of the department.

The sheriff may revoke permission for the special deputy to wear the uniform of the regular county police force at any time without cause or notice.

(e) The sheriff may also appoint one (1) legal deputy, who must be a member of the Indiana bar. The legal deputy does not have police powers. The legal deputy may continue to practice law. However, neither the legal deputy nor any attorney in

partnership with ~~him~~ **the legal deputy** may represent a defendant in a criminal case.

(f) The sheriff, for the purpose of guarding prisoners in the county jail:

(1) in counties not having a consolidated city, may appoint special deputies to serve as county jail guards; and

(2) in counties having a consolidated city, shall appoint only special deputies to serve as county jail guards.

This subsection does not affect the rights or liabilities accrued by any county police officer assigned to guard the jail before August 31, 1982.

SECTION 150. IC 36-8-12-2, AS AMENDED BY P.L.174-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter:

"Emergency medical services personnel" means individuals certified by the emergency medical services commission established by IC 16-31-2-1 who:

(1) as a result of a written application, have been elected or appointed to membership in a volunteer fire department; and

(2) have executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the individuals by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training.

"Employee" means a person in the service of another person under a written or implied contract of hire or apprenticeship.

"Employer" means:

(1) a political subdivision;

(2) an individual or the legal representative of a deceased individual;

(3) a firm;

(4) an association;

(5) a limited liability company;

(6) an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5(a); or

(7) a corporation or its receiver or trustee;

that uses the services of another person for pay.

"Essential employee" means an employee:

(1) who the employer has determined to be essential to the operation of the employer's daily enterprise; and

(2) without whom the employer is likely to suffer economic injury as a result of the absence of the essential employee.

"Nominal compensation" means annual compensation of not more than twenty thousand dollars ($20,000).

"Public servant" has the meaning set forth in ~~IC 35-41-1-24.~~ **IC 35-31.5-2-261.**

"Responsible party" has the meaning set forth in IC 13-11-2-191(e).

"Volunteer fire department" means a department or association organized for the purpose of answering fire alarms, extinguishing fires, and providing other emergency services, the majority of members of which receive no compensation or nominal compensation for their services.

"Volunteer firefighter" means a firefighter:

(1) who, as a result of a written application, has been elected or appointed to membership in a volunteer fire department;

(2) who has executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the firefighter by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training as prescribed by the volunteer fire department or the state; and

(3) whose name has been entered on a roster of volunteer firefighters that is kept by the volunteer fire department and that has been approved by the proper officers of the unit.

"Volunteer member" means a member of a volunteer emergency medical services association connected with a unit as set forth in IC 16-31-5-1(6).

SECTION 151. [EFFECTIVE JULY 1, 2012] **(a) In repealing IC 35-41-1-3.5 and IC 35-41-1-26.3 by this act, the general assembly recognizes that IC 35-41-1-3.5 and IC 35-41-1-26.3 were amended by HEA 1196-2012, SECTIONS 10 and 11. The general assembly intends to repeal those provisions.**

(b) This SECTION expires December 31, 2012.

(Reference is to ESB 26 as printed February 14, 2012.)

BRAY	FOLEY
RANDOLPH	PIERCE
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1080–1; filed March 8, 2012, at 4:46 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1080 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 11-8-8-4.5, AS AMENDED BY SEA 4-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony;

(B) the person is not more than:

(I) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who

confined or removed the victim is not the victim's parent or guardian.
(13) Possession of child pornography (IC 35-42-4-4(c)).
(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
(17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less than eighteen (18) years of age.
(18) Sexual misconduct by a service provider with a detained child (IC 35-44-1-5(c)).
~~(18)~~ **(19)** An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(17).~~ **(18).**
~~(19)~~ **(20)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(18).~~ **(19).**

(b) The term includes:
(1) a person who is required to register as a sex offender in any jurisdiction; and
(2) a child who has committed a delinquent act and who:
(A) is at least fourteen (14) years of age;
(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 2. IC 11-8-8-5, AS AMENDED BY P.L.216-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:
(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2).
(3) Child molesting (IC 35-42-4-3).
(4) Child exploitation (IC 35-42-4-4(b)).
(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
(6) Child solicitation (IC 35-42-4-6).
(7) Child seduction (IC 35-42-4-7).
(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
(A) the person is convicted of sexual misconduct with a minor as a Class C felony;
(B) the person is not more than:
(I) four (4) years older than the victim if the offense was committed after June 30, 2007; or
(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
(C) the sentencing court finds that the person should not be required to register as a sex offender.
(9) Incest (IC 35-46-1-3).
(10) Sexual battery (IC 35-42-4-8).
(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
(13) Possession of child pornography (IC 35-42-4-4(c)).
(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.
(18) Murder (IC 35-42-1-1).
(19) Voluntary manslaughter (IC 35-42-1-3).
(20) Sexual misconduct by a service provider with a detained child (IC 35-44-1-5(c)).
~~(20)~~ **(21)** An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(19).~~ **(20).**
~~(21)~~ **(22)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(20).~~ **(21).**

(b) The term includes:
(1) a person who is required to register as a sex or violent offender in any jurisdiction; and
(2) a child who has committed a delinquent act and who:
(A) is at least fourteen (14) years of age;
(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 3. IC 35-42-3.5-1, AS AMENDED BY SEA 4-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors, or transports another person:
(1) to engage the other person in:
(A) forced labor; or
(B) involuntary servitude; or
(2) to force the other person into:
(A) marriage;
(B) prostitution; or
(C) participating in sexual conduct (as defined by IC 35-42-4-4);
commits promotion of human trafficking, a Class B felony.

(b) A person who knowingly or intentionally recruits, harbors, or transports a child less than sixteen (16) years of age with the intent of:
(1) engaging the child in:
(A) forced labor; or
(B) involuntary servitude; or
(2) inducing or causing the child to:
(A) engage in prostitution; or

(B) participate in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking of a minor, a Class B felony. **Except as provided in subsection (e),** it is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or to participate in sexual conduct.

(c) A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than sixteen (16) years of age for the purpose of prostitution or participating in sexual conduct (as defined by IC 35-42-4-4) commits sexual trafficking of a minor, a Class A felony.

(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

(1) forced labor;

(2) involuntary servitude; or

(3) prostitution;

commits human trafficking, a Class C felony.

(e) It is a defense to a prosecution under subsection (b)(2)(B) if:

(1) the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person is less than eighteen (18) years of age; or

(2) all the following apply:

(A) The person is not more than four (4) years older than the victim.

(B) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(C) The crime:

(I) was not committed by a person who is at least twenty-one (21) years of age;

(ii) was not committed by using or threatening the use of deadly force;

(iii) was not committed while armed with a deadly weapon;

(iv) did not result in serious bodily injury;

(v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(vi) was not committed by a person having a position of authority or substantial influence over the victim.

(D) The person has not committed another sex offense (as defined in IC 11-8-8-5.2), including a delinquent act that would be a sex offense if committed by an adult, against any other person.

SECTION 4. IC 35-42-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person:

(1) touches another person when that person is:

~~(1)~~ **(A)** compelled to submit to the touching by force or the imminent threat of force; or

~~(2)~~ **(B)** so mentally disabled or deficient that consent to the touching cannot be given; **or**

(2) touches another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring;

commits sexual battery, a Class D felony.

(b) An offense described in subsection (a) is a Class C felony if:

(1) it is committed by using or threatening the use of deadly force;

(2) it is committed while armed with a deadly weapon; or

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(Reference is to EHB 1080 as reprinted February 28, 2012.)

R. FRYE	ECKERTY
PIERCE	HUME
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 22–1; filed March 8, 2012, at 5:48 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 22 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete line 1.

Page 2, line 28, after "expenses" insert "**,**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 22 as reprinted February 24, 2012.)

NUGENT	McMILLIN
R. YOUNG	DOBIS
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 190–1; filed March 8, 2012, at 5:48 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 190 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning family law and juvenile law.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "committee" refers to the Indiana child custody and support advisory committee established by IC 33-24-11-1.**

(b) The general assembly urges the legislative council to assign to the committee the task of studying the termination of parenting rights of an individual with a child who was conceived as a result of an act of rape by the individual.

(c) If the committee is assigned the topic described in subsection (b), the committee shall issue a report to the legislative council containing the committee's findings and recommendations, including any recommended legislation concerning the topic, not later than November 1, 2012.

(d) This SECTION expires December 31, 2012.

(Reference is to ESB 190 as reprinted February 24, 2012.)

CHARBONNEAU	KUBACKI
LANANE	L. LAWSON
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 115–1; filed March 8, 2012, at 5:49 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 115 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, line 3, after "(a)" insert "**A reference in this section to amendments made to a statute is a reference to amendments made during the 2012 regular session of the general assembly.**

(b)".

Page 2, line 1, delete "(b)" and insert "**(c)**".

Page 2, between lines 15 and 16, begin a new paragraph and insert:

"**(d) The amendments to change the population parameters in IC 5-13-9-5.6 take effect April 1, 2012. Any other amendments to IC 5-13-9-5.6 take effect July 1, 2012.**

(e) The following apply to the indicated sections of the Indiana Code repealed during the 2012 session of the general assembly:

(1) The population parameters in IC 9-23-2-2 refer to the City of Gary from April 1, 2012, to July 1, 2012.

(2) The population parameters in IC 9-23-2-4 refer to the City of Gary from April 1, 2012, to July 1, 2012.

(3) The population parameters in IC 11-10-5-4 refer to the following from April 1, 2012, to July 1, 2012:

(A) Parke County in IC 11-10-5-4(f)(1).

(B) Hendricks County in IC 11-10-5-4(f)(2).

(f) The amendments to change the population parameters in IC 7.1-3-20-16 are effective April 1, 2012.

(g) The amendments to change the population parameters in IC 36-2-13-15.3 are effective April 1, 2012.

(h) The amendments to change the population parameters in IC 36-8-8-7 are effective April 1, 2012.".

Page 23, delete lines 31 through 42.

Page 24, delete lines 1 through 7.

Page 52, delete lines 26 through 42.

Page 53, delete lines 1 through 30.

Page 89, delete lines 8 through 42.

Delete page 90.

Page 91, delete lines 1 through 5.

Page 101, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 80. IC 7.1-3-20-16, AS AMENDED BY HEA 1054-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

(1) was formerly used as part of a union railway station;

(2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and

(3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

(1) on land; or

(2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

(1) was formerly used as part of a passenger and freight railway station; and

(2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to the following:

(1) A town that:

(A) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(B) has a population of more than twenty thousand (20,000) but less than twenty-three thousand ~~(23,000).~~ **seven hundred (23,700).**

(2) A city that has an indoor theater as described in section 26 of this chapter.

(g) The commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than seven hundred (700) feet from a district, that meets the following requirements:

(1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.

(2) A county courthouse is located within the district.

(3) A historic opera house listed on the National Register of Historic Places is located within the district.

(4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's

permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within seven hundred (700) feet of the district. A permit issued under this subsection shall not be transferred. The total number of active permits issued under this subsection may not exceed ten (10) at any time. The cost of an initial permit issued under this subsection is six thousand dollars ($6,000).

(h) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

(1) a town with a population of more than twenty thousand (20,000); or

(2) a city with a population of more than ~~twenty-seven~~ **forty-four** thousand ~~(27,000)~~ **five hundred (44,500)** but less than ~~twenty-seven~~ **forty-five** thousand ~~four hundred (27,400);~~ **(45,000);**

located in a county having a population of more than ~~ninety~~ **one hundred ten** thousand ~~(90,000)~~ **(110,000)** but less than one hundred **eleven** thousand ~~(100,000).~~ **(111,000).** The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars ($35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars ($1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

(1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.

(2) A unit of the National Park Service is partially located within the district.

(3) An international deep water seaport is located within the district.

An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a retailers' permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues five (5) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission.".

Page 125, delete lines 24 through 42.

Delete pages 126 through 127.

Page 128, delete lines 1 through 27.

Page 181, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 180. IC 36-2-2-5, AS AMENDED BY SEA 193-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) To be eligible for election to the executive, a person must meet the qualifications prescribed by IC 3-8-1-21.

(b) A member of the executive must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected.

(c) If the person does not remain a resident of the county and district after taking office, the person forfeits the office. The county fiscal body shall declare the office vacant whenever a member of the executive forfeits office under this subsection.

(d) In a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000);~~ **(270,000);**

one (1) member of the executive shall be elected by the voters of each of the three (3) single-member districts established under section 4(b) or 4(c) of this chapter. In other counties, all three (3) members of the executive shall be elected by the voters of the whole county.".

Page 182, delete lines 1 through 24.

Page 184, delete lines 10 through 42.

Page 185, delete lines 1 through 7.

Page 221, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 218. IC 36-8-8-7, AS AMENDED BY SEA 127-2012, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the system board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September

1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred ~~twenty~~ **ten** thousand ~~(120,000)~~ **110,000** but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the law enforcement department or fire department of a consolidated city; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l) may not be:

(1) retired for purposes of section 10 of this chapter; or

(2) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation.".

Delete pages 222 through 223.

Page 224, delete lines 1 through 19.

Renumber all SECTIONS consecutively.

(Reference is to ESB 115 as printed February 21, 2012.)

LANDSKE	KOCH
ARNOLD	BARTLETT
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 302–1; filed March 8, 2012, at 5:49 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 302 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-10-44, AS AMENDED BY P.L.173-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 44. (a) As used in this section, "designating body" means the fiscal body of:

(1) a county that does not contain a consolidated city; or
(2) a municipality.

(b) As used in this section, "eligible business" means an entity that meets the following requirements:

(1) The entity is engaged in a business that:
(A) operates; **or**
(B) leases qualified property for use in;
one (1) or more facilities **or data centers** dedicated to computing, networking, or data storage activities.

(2) The ~~entity~~ **entity's qualified property** is located ~~in~~ **at** a facility or data center in Indiana **that is located in an area designated as a high technology district area.**

(3) The entity, ~~invests~~ **the lessor of qualified property (if the entity is a lessee), and all lessees of qualified property invest** in the aggregate at least ten million dollars ($10,000,000) in real and personal property ~~in Indiana~~ **at the facility or data center** after June 30, ~~2009.~~ **2012.**

(4) The average ~~employee~~ wage of ~~the entity~~ **employees who are located in the county or municipality and engaged in the operation of the facility or data center** is at least one hundred twenty-five percent (125%) of the county average wage for ~~each~~ **the** county in which the ~~entity conducts business operations.~~ **facility or data center operates.**

(c) As used in this section, "enterprise information technology equipment" means the following:

(1) Hardware supporting computing, networking, or data storage functions, including servers and routers.

(2) Networking systems having an industry designation as equipment within the "enterprise" or "data center" class of networking systems that support the computing, networking, or data storage functions.

(3) Generators and other equipment used to ensure an uninterrupted power supply to equipment described in subdivision (1) or (2).

The term does not include computer hardware designed for single user, workstation, or departmental level use.

(d) As used in this section, "fiscal body" has the meaning set forth in IC 36-1-2-6.

(e) As used in this section, "high technology district area" means all or any part of the area that:

(1) is within the corporate limits of a county or municipality; and

(2) has been designated as a high technology district area by the appropriate designating body under subsection (h).

~~(e)~~ **(f)** As used in this section, "municipality" has the meaning set forth in IC 36-1-2-11.

~~(f)~~ **(g)** As used in this section, "qualified property" means enterprise information technology equipment purchased after June 30, ~~2009,~~ **2012, and any additions to or replacements to such property.**

~~(g)~~ **(h)** Before adopting a final resolution ~~under subsection (h) to provide a property tax exemption,~~ **to designate a high technology district area,** a designating body must first adopt a declaratory resolution provisionally ~~specifying~~ **finding** that ~~qualified property owned by a particular eligible business is exempt from property taxation.~~ **all or a part of the area within the designating body's jurisdiction is a high technology district area.** The ~~designating body shall file a~~ declaratory resolution ~~adopted under this subsection~~ **must include a description of the affected area and must be filed** with the county assessor. ~~After a designating body adopts a declaratory resolution specifying that qualified property owned by a particular eligible business is exempt from property taxation,~~ The designating body shall **then** publish notice of the adoption and the substance of the declaratory resolution in accordance with IC 5-3-1 and file a copy of the notice and the declaratory resolution with each taxing unit in the county. The notice must specify a date when the designating body will receive and hear all remonstrances and objections from interested persons. The designating body shall file the notice and the declaratory resolution with the officers of the taxing units who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date for the public hearing. After the designating body considers the testimony presented at the public hearing, the designating body may adopt a second and final resolution ~~under subsection (h). The second and final resolution under subsection (h) may modify, confirm, or rescind~~ **before January 1, 2017, determining whether to designate a high technology district area and modifying, confirming, or rescinding** the declaratory resolution. **This determination of the designating body is final.**

~~(h) Before January 1, 2017,~~ **(I)** A designating body may, after ~~following the procedures of subsection (g), adopt~~ **adopting** a final resolution ~~providing that qualified property owned by a particular~~ **under subsection (h) designating an area as a high technology district area, enter into an agreement with an** eligible business ~~is exempt from~~ **to grant the eligible business a** property ~~taxation.~~ **tax exemption.** In the case of a county, the exemption applies only to qualified property that is located in unincorporated territory of the county. In the case of a municipality, the exemption applies only to qualified property that is located in the municipality. The property tax exemption applies to the qualified property only if the designating body and the eligible business enter into an agreement concerning the property tax exemption. The agreement must specify the duration of the property tax exemption. The agreement may specify that if the ownership of qualified property is transferred by an eligible business, the transferee is entitled to the property tax exemption on the same terms as the transferor. If a designating body adopts a final resolution under ~~this~~ subsection **(h)** and enters into an agreement with an eligible business, the qualified property owned by the eligible business is exempt from property taxation as provided in the resolution and the agreement.

~~(I)~~ **(j)** If a designating body adopts a final resolution **under subsection (h)** and enters into an agreement under subsection ~~(h)~~ **(I)** to provide a property tax exemption, the property tax exemption continues for the period specified in the agreement, notwithstanding the January 1, 2017, deadline to adopt a final resolution under subsection (h).

(Reference is to ESB 302 as reprinted March 1, 2012.)

CHARBONNEAU	CLERE
BRODEN	CANDELARIA REARDON
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 19–1; filed March 8, 2012, at 5:51 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 19 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-4-4, AS AMENDED BY

P.L.182-2009(ss), SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A general reassessment, involving a physical inspection of all real property in Indiana, shall begin July 1, 2010. ~~and each fifth year thereafter. Each~~ **The** reassessment under this subsection:

(1) shall be completed on or before March 1 of the year that succeeds by two (2) years the year in which the general reassessment begins; and

(2) shall be the basis for taxes payable in the year following the year in which the general assessment is to be completed.

(b) In order to ensure that assessing officials are prepared for a general reassessment of real property, the department of local government finance shall give adequate advance notice of the general reassessment to the assessing officials of each county.

~~(c) For a general reassessment that begins on or after July 1, 2010, the assessed value of real property shall be based on the estimated true tax value of the property on the assessment date that is the basis for taxes payable in the year following the year in which the general reassessment is to be completed.~~

SECTION 2. IC 6-1.1-4-4.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.2. (a) The county assessor of each county shall, before July 1, 2013, and before July 1 of every fourth year thereafter, prepare and submit to the department of local government finance a reassessment plan for the county. The following apply to a reassessment plan prepared and submitted under this section:**

(1) The reassessment plan is subject to approval by the department of local government finance. The department of local government finance shall complete its review and approval of the reassessment plan before March 1 of the year following the year in which the reassessment plan is submitted by the county.

(2) The department of local government finance shall determine the classes of real property to be used for purposes of this section.

(3) Except as provided in subsection (b), the reassessment plan must divide all parcels of real property in the county into four (4) different groups of parcels. Each group of parcels must contain approximately twenty-five percent (25%) of the parcels within each class of real property in the county.

(4) Except as provided in subsection (b), all real property in each group of parcels shall be reassessed under the county's reassessment plan once during each four (4) year cycle.

(5) The reassessment of a group of parcels in a particular class of real property shall begin on July 1 of a year.

(6) The reassessment of parcels:

(A) must include a physical inspection of each parcel of real property in the group of parcels that is being reassessed; and

(B) shall be completed on or before March 1 of the year after the year in which the reassessment of the group of parcels begins.

(7) For real property included in a group of parcels that is reassessed, the reassessment is the basis for taxes payable in the year following the year in which the reassessment is to be completed.

(8) The reassessment plan must specify the dates by which the assessor must submit land values under section 13.6 of this chapter to the county property tax assessment board of appeals.

(9) Subject to review and approval by the department of local government finance, the county assessor may modify the reassessment plan.

(b) A county may submit a reassessment plan that provides for reassessing more than twenty-five percent (25%) of all parcels of real property in the county in a particular year. A plan may provide that all parcels are to be reassessed in one (1) year. However, a plan must cover a four (4) year period. All real property in each group of parcels shall be reassessed under the county's reassessment plan once during each reassessment cycle.

(c) The reassessment of the first group of parcels under a county's reassessment plan shall begin on July 1, 2014, and shall be completed on or before March 1, 2015.

(d) The department of local government finance may adopt rules to govern the reassessment of property under county reassessment plans.

SECTION 3. IC 6-1.1-4-4.5, AS AMENDED BY P.L.112-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4.5. (a) The department of local government finance shall adopt rules establishing a system for annually adjusting the assessed value of real property to account for changes in value in those years since a ~~general~~ reassessment ~~of~~ **under section 4 or 4.2 of this chapter for the** property last took effect.

(b) Subject to subsection (e), the system must be applied to adjust assessed values beginning with the 2006 assessment date and each year thereafter that is not a year in which a reassessment **under section 4 or 4.2 of this chapter for the property** becomes effective.

(c) The rules adopted under subsection (a) must include the following characteristics in the system:

(1) Promote uniform and equal assessment of real property within and across classifications.

(2) Require that assessing officials:

(A) reevaluate the factors that affect value;

(B) express the interactions of those factors mathematically;

(C) use mass appraisal techniques to estimate updated property values within statistical measures of accuracy; and

(D) provide notice to taxpayers of an assessment increase that results from the application of annual adjustments.

(3) Prescribe procedures that permit the application of the adjustment percentages in an efficient manner by assessing officials.

(d) The department of local government finance must review and certify each annual adjustment determined under this section.

(e) In making the annual determination of the base rate to satisfy the requirement for an annual adjustment under subsection (c) for current property taxes first due and payable in 2011 and thereafter, the department of local government finance shall determine the base rate using the methodology reflected in Table 2-18 of Book 1, Chapter 2 of the department of local government finance's Real Property Assessment Guidelines (as in effect on January 1, 2005), except that the department shall adjust the methodology to:

(1) use a six (6) year rolling average adjusted under subdivision (2) instead of a four (4) year rolling average; and

(2) eliminate in the calculation of the rolling average the year among the six (6) years for which the highest market value in use of agricultural land is determined.

(f) For assessment dates after December 31, 2009, an adjustment in the assessed value of real property under this section shall be based on the estimated true tax value of the property on the assessment date that is the basis for taxes payable on that real property.

SECTION 4. IC 6-1.1-4-5, AS AMENDED BY P.L.113-2010, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) A petition for the reassessment of a real property **that is subject to reassessment under section 4 of this chapter and** situated within a township may be filed with the department of local government finance on or before March 31st of any year which is not a general election year and in which no general reassessment of real property is made. A petition for reassessment of real property applies only to the most recent real property assessment date.

(b) The petition for reassessment must be signed by not less than the following percentage of all the owners of taxable real property who reside in the township:

(1) fifteen percent (15%) for a township which does not contain an incorporated city or town;

(2) five percent (5%) for a township containing all or part of an incorporated city or town which has a population of five thousand (5,000) or less;

(3) four percent (4%) for a township containing all or part of an incorporated city which has a population of more than five thousand (5,000) but not exceeding ten thousand (10,000);

(4) three percent (3%) for a township containing all or part of an incorporated city which has a population of more than ten thousand (10,000) but not exceeding fifty thousand (50,000);

(5) two percent (2%) for a township containing all or part of an incorporated city which has a population of more than fifty thousand (50,000) but not exceeding one hundred fifty thousand (150,000); or

(6) one percent (1%) for a township containing all or part of an incorporated city which has a population of more than one hundred fifty thousand (150,000).

The signatures on the petition must be verified by the oath of one (1) or more of the signers. A certificate of the county auditor stating that the signers constitute the required number of resident owners of taxable real property of the township must accompany the petition.

(c) Upon receipt of a petition under subsection (a), the department of local government finance may order a reassessment under section 9 of this chapter or conduct a reassessment under section 31.5 of this chapter.

SECTION 5. IC 6-1.1-4-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 5.5. (a) A petition for the reassessment of a real property group designated under a county's reassessment plan prepared under section 4.2 of this chapter may be filed with the department of local government finance not later than forty-five (45) days after notice of assessment. A petition for reassessment of real property applies only to the most recent real property assessment date.**

(b) The petition for reassessment must be signed by the lesser of one hundred (100) owners of parcels in the group or five percent (5%) of owners of parcels in the group. The signatures on the petition must be verified by the oath of one (1) or more of the signers. A certificate of the county auditor stating that the signers constitute the required number of owners of taxable real property in the group of parcels must accompany the petition.

(c) Upon receipt of a petition under subsection (a), the department of local government finance may order a reassessment under section 9 of this chapter or conduct a reassessment under section 31.5 of this chapter.

SECTION 6. IC 6-1.1-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. If the department of local government finance determines that a petition filed under section 5 **or 5.5** of this chapter has been signed by the required number of petitioners and that the present assessed value of any real property is inequitable, the department of local government finance shall order a reassessment of the real property ~~which has been inequitably assessed.~~ **for which the petition was filed.** The order shall specify the time within which the reassessment shall be completed and the date on which the reassessment shall become effective.

SECTION 7. IC 6-1.1-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9. In order to maintain a just and equitable valuation of real property, the department of local government finance may adopt a resolution declaring its belief that it is necessary to reassess all or a portion of the real property located within this state. If the department of local government finance adopts a reassessment resolution and if either a township or a larger area is involved **(for assessments before March 1, 2015) or one (1) or more groups of parcels under the county's reassessment plan are involved (for assessments after February 28, 2015),** the department shall hold a hearing concerning the necessity for the reassessment at the courthouse of the county in which the property is located. The department of local government finance shall give notice of the time and place of the hearing in the manner provided in section 10 of this chapter. After the hearing, or if the area involved is less than a township **(for assessments before March 1, 2015) or is less than one (1) group of parcels under the county's reassessment plan (for assessments after February 28, 2015),** after the adoption of the resolution of the department of local government finance, the department may order any reassessment it deems necessary. The order shall specify the time within which the reassessment must be completed and the date the reassessment will become effective.

SECTION 8. IC 6-1.1-4-12.4, AS AMENDED BY P.L.146-2008, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12.4. (a) For purposes of this section, the term "oil or gas interest" includes but is not limited to:

(1) royalties;

(2) overriding royalties;

(3) mineral rights; or

(4) working interest;

in any oil or gas located on or beneath the surface of land which lies within this state.

(b) Oil or gas interest is subject to assessment and taxation as real property. Notwithstanding section 4 **or 4.2** of this chapter, each oil or gas interest shall be assessed annually by the assessor of the township in which the oil or gas is located, or the county assessor if there is no township assessor for the township. The township or county assessor shall assess the oil or gas interest to the person who owns or operates the interest.

(c) A piece of equipment is an appurtenance to land if it is incident to and necessary for the production of oil and gas from the land covered by the oil or gas interest. This equipment includes but is not limited to wells, pumping units, lines, treaters, separators, tanks, and secondary recovery facilities. These appurtenances are subject to assessment as real property. Notwithstanding section 4 **or 4.2** of this chapter, each of these appurtenances shall be assessed annually by the assessor of the township in which the appurtenance is located, or the county assessor if there is no township assessor for the township. The township or county assessor shall assess the appurtenance to the person who owns or operates the working interest in the oil or gas interest.

SECTION 9. IC 6-1.1-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 29, 2012 (RETROACTIVE)]: Sec. 13. (a) In assessing or reassessing

land, the land shall be assessed as agricultural land only when it is devoted to agricultural use.

(b) The department of local government finance shall give written notice to each county assessor of:

(1) the availability of the United States Department of Agriculture's soil survey data; and

(2) the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map.

All assessing officials and the property tax assessment board of appeals shall use the data in determining the true tax value of agricultural land. **However, notwithstanding the availability of new soil productivity factors and the department of local government finance's notice of the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map for the March 1, 2012, assessment date, the soil productivity factors used for the March 1, 2011, assessment date shall be used for the March 1, 2012, assessment date. New soil productivity factors shall be used for assessment dates occurring after March 1, 2012.**

(c) The department of local government finance shall by rule provide for the method for determining the true tax value of each parcel of agricultural land.

(d) This section does not apply to land purchased for industrial, commercial, or residential uses.

SECTION 10. IC 6-1.1-4-13.6, AS AMENDED BY P.L.113-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13.6. (a) The county assessor shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the department of local government finance. ~~Not later than July 1, 2011, and every fourth year thereafter,~~ The assessor determining the values of land shall submit the values to the county property tax assessment board of appeals **by the dates specified in the county's reassessment plan under section 4.2 of this chapter.**

(b) If the county assessor fails to determine land values under subsection (a) before the ~~July 1 deadline,~~ **deadlines in the county's reassessment plan under section 4.2 of this chapter,** the county property tax assessment board of appeals shall determine the values. If the county property tax assessment board of appeals fails to determine the values before the land values become effective, the department of local government finance shall determine the values.

(c) The county assessor shall notify all township assessors in the county (if any) of the values. Assessing officials shall use the values determined under this section.

(d) A petition for the review of the land values determined by a county assessor under this section may be filed with the department of local government finance not later than forty-five (45) days after the county assessor makes the determination of the land values. The petition must be signed by at least the lesser of:

(1) one hundred (100) property owners in the county; or

(2) five percent (5%) of the property owners in the county.

(e) Upon receipt of a petition for review under subsection (d), the department of local government finance:

(1) shall review the land values determined by the county assessor; and

(2) after a public hearing, shall:

(A) approve;

(B) modify; or

(C) disapprove;

the land values.

SECTION 11. IC 6-1.1-4-16, AS AMENDED BY P.L.146-2008, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 16. (a) For purposes of making a ~~general~~ reassessment of real property **under section 4 or 4.2 of this chapter** or annual adjustments under section 4.5 of this chapter, a township assessor (if any) and a county assessor may employ:

(1) deputies;

(2) employees; and

(3) technical advisors who are:

(A) qualified to determine real property values;

(B) professional appraisers certified under 50 IAC 15; and

(C) employed either on a full-time or a part-time basis, subject to sections 18.5 and 19.5 of this chapter.

(b) The county council of each county shall appropriate the funds necessary for the employment of deputies, employees, or technical advisors employed under subsection (a) of this section.

SECTION 12. IC 6-1.1-4-17, AS AMENDED BY P.L.182-2009(ss), SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 17. (a) Subject to the approval of the department of local government finance and the requirements of section 18.5 of this chapter, a county assessor may employ professional appraisers as technical advisors for assessments in all townships in the county. The department of local government finance may approve employment under this subsection only if the department is a party to the employment contract and any addendum to the employment contract.

(b) A decision by a county assessor to not employ a professional appraiser as a technical advisor in a ~~general~~ reassessment **under section 4 or 4.2 of this chapter** is subject to approval by the department of local government finance.

(c) As used in this chapter, "professional appraiser" means an individual or firm that is certified under IC 6-1.1-31.7.

SECTION 13. IC 6-1.1-4-20, AS AMENDED BY P.L.146-2008, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 20. The department of local government finance may establish a period, with respect to each ~~general~~ reassessment **under section 4 or 4.2 of this chapter,** that is the only time during which a county assessor may enter into a contract with a professional appraiser. ~~The period set by the department of local government finance may not begin before January 1 of the year the general reassessment begins. If no period is established by the department of local government finance, a county assessor may enter into such a contract only on or after January 1 and before April 16 of the year in which the general reassessment is to commence.~~

SECTION 14. IC 6-1.1-4-21, AS AMENDED BY P.L.146-2008, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) If during a period of general reassessment **under section 4 of this chapter** a county assessor personally makes the real property appraisals, the appraisals of the parcels subject to taxation must be completed as follows:

(1) The appraisal of one-fourth (1/4) of the parcels shall be completed before December 1 of the year in which the general reassessment begins.

(2) The appraisal of one-half (½) of the parcels shall be completed before May 1 of the year following the year in which the general reassessment begins.

(3) The appraisal of three-fourths (3/4) of the parcels shall be completed before October 1 of the year following the year in which the general reassessment begins.

(4) The appraisal of all the parcels shall be completed before March 1 of the second year following the year in which the general reassessment begins.

(b) If a county assessor employs a professional appraiser or a professional appraisal firm to make real property appraisals during a period of general reassessment, the professional

appraiser or appraisal firm must file appraisal reports with the county assessor as follows:

(1) The appraisals for one-fourth (1/4) of the parcels shall be reported before December 1 of the year in which the general reassessment begins.

(2) The appraisals for one-half (½) of the parcels shall be reported before May 1 of the year following the year in which the general reassessment begins.

(3) The appraisals for three-fourths (3/4) of the parcels shall be reported before October 1 of the year following the year in which the general reassessment begins.

(4) The appraisals for all the parcels shall be reported before March 1 of the second year following the year in which the general reassessment begins.

However, the reporting requirements prescribed in this subsection do not apply if the contract under which the professional appraiser, or appraisal firm, is employed prescribes different reporting procedures.

SECTION 15. IC 6-1.1-4-21.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 21.4. (a) The appraisals of the parcels in a group under a county's reassessment plan prepared under section 4.2 of this chapter that are subject to taxation must be completed as follows:**

(1) The appraisal of one-third (1/3) of the parcels shall be completed before October 1 of the year in which the group's reassessment under the county reassessment plan begins.

(2) The appraisal of two-thirds (2/3) of the parcels shall be completed before January 1 of the year following the year in which the group's reassessment under the county reassessment plan begins.

(3) The appraisal of all the parcels shall be completed before March 1 of the year following the year in which the group's reassessment under the county reassessment plan begins.

(b) If a county assessor employs a professional appraiser or a professional appraisal firm to make real property appraisals of a group of parcels under a county's reassessment plan, the professional appraiser or appraisal firm must file appraisal reports with the county assessor by the dates set forth in subsection (a).

SECTION 16. IC 6-1.1-4-22, AS AMENDED BY P.L.136-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 22. (a) If any assessing official assesses or reassesses any real property under this article **(including an annual adjustment under section 4.5 of this chapter),** the official shall give notice to the taxpayer and the county assessor, by mail **or by using electronic mail that includes a secure Internet link to the information in the notice,** of the amount of the assessment or reassessment.

(b) ~~During a period of general reassessment,~~ Each township or county assessor shall ~~mail~~ **provide** the notice required by this section ~~within~~ **by the earlier of:**

(1) ninety (90) days after the assessor:

~~(1)~~ **(A)** completes the appraisal of a parcel; or

~~(2)~~ **(B)** receives a report for a parcel from a professional appraiser or professional appraisal firm; **or**

(2) April 10 of the year containing the assessment date for which the assessment or reassessment first applies.

(c) The notice required by this section is in addition to any required notice of assessment or reassessment included in a property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.

~~(c)~~ **(d)** The notice required by this section must include notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1.

~~(d)~~ **(e)** Notice of the opportunity to appeal the assessed valuation required under subsection ~~(c)~~ **(d)** must include the following:

(1) The procedure that a taxpayer must follow to appeal the assessment or reassessment.

(2) The forms that must be filed for an appeal of the assessment or reassessment.

(3) Notice that an appeal of the assessment or reassessment requires evidence relevant to the true tax value of the taxpayer's property as of the assessment date.

SECTION 17. IC 6-1.1-4-27.5, AS AMENDED BY P.L.172-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 27.5. (a) The auditor of each county shall establish a property reassessment fund. The county treasurer shall deposit all collections resulting from the property taxes that the county levies for the county's property reassessment fund.

~~(b) With respect to the general reassessment of real property that is to commence on July 1, 2010, the county council of each county shall, for property taxes due in 2006, 2007, 2008, and 2009, levy in each year against all the taxable property in the county an amount equal to one-fourth (1/4) of the remainder of:~~

~~(1) the estimated costs referred to in section 28.5(a) of this chapter; minus~~

~~(2) the amount levied under this section by the county council for property taxes due in 2004 and 2005.~~

~~(c)~~ **(b)** With respect to a ~~general~~ reassessment of real property ~~that is to commence on July 1, 2015, and each fifth year thereafter,~~ **under a county's reassessment plan under section 4.2 of this chapter,** the county council of each county shall, for property taxes due ~~in the year that the general reassessment is to commence and the four (4) years preceding that~~ **each** year, levy against all the taxable property in the county an amount equal to ~~one-fifth (1/5) of~~ the estimated costs of the ~~general~~ reassessment under section 28.5 of this chapter **for the group of parcels to be reassessed in that year.**

~~(d)~~ **(c)** The department of local government finance shall give to each county council notice, before January 1 in a year, of the tax levies required by this section for that year.

~~(e)~~ **(d)** The department of local government finance may raise or lower the property tax levy under this section for a year if the department determines it is appropriate because the estimated cost of:

(1) a ~~general~~ reassessment **of one (1) or more groups of parcels under a county's reassessment plan prepared under section 4.2 of this chapter;** or

(2) making annual adjustments under section 4.5 of this chapter;

has changed.

~~(f)~~ **(e)** The county assessor may petition the county fiscal body to increase the levy under subsection (b) ~~or (c)~~ to pay for the costs of:

(1) a ~~general~~ reassessment **of one (1) or more groups of parcels under a county's reassessment plan prepared under section 4.2 of this chapter;**

(2) verification under 50 IAC 21-3-2 of sales disclosure forms forwarded to the county assessor under IC 6-1.1-5.5-3; or

(3) processing annual adjustments under section 4.5 of this chapter.

The assessor must document the needs and reasons for the increased funding.

~~(g)~~ **(f)** If the county fiscal body denies a petition under subsection ~~(f),~~ **(e),** the county assessor may appeal to the department of local government finance. The department of local government finance shall:

(1) hear the appeal; and

(2) determine whether the additional levy is necessary.

SECTION 18. IC 6-1.1-4-28.5, AS AMENDED BY P.L.146-2008, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 28.5. (a) Money assigned to a property reassessment fund under section 27.5 of this chapter may be used only to pay the costs of:

(1) the general reassessment of real property **under section 4 of this chapter or reassessment of one (1) or more groups of parcels under a county's reassessment plan prepared under section 4.2 of this chapter,** including the computerization of assessment records;

(2) payments to assessing officials and hearing officers for county property tax assessment boards of appeals under IC 6-1.1-35.2;

(3) the development or updating of detailed soil survey data by the United States Department of Agriculture or its successor agency;

(4) the updating of plat books;

(5) payments for the salary of permanent staff or for the contractual services of temporary staff who are necessary to assist assessing officials;

(6) making annual adjustments under section 4.5 of this chapter; and

(7) the verification under 50 IAC 21-3-2 of sales disclosure forms forwarded to:

(A) the county assessor; or

(B) township assessors (if any);

under IC 6-1.1-5.5-3.

Money in a property tax reassessment fund may not be transferred or reassigned to any other fund and may not be used for any purposes other than those set forth in this section.

(b) All counties shall use modern, detailed soil maps in the ~~general~~ reassessment of agricultural land.

(c) The county treasurer of each county shall, in accordance with IC 5-13-9, invest any money accumulated in the property reassessment fund. Any interest received from investment of the money shall be paid into the property reassessment fund.

(d) An appropriation under this section must be approved by the fiscal body of the county after the review and recommendation of the county assessor. However, in a county with a township assessor in every township, the county assessor does not review an appropriation under this section, and only the fiscal body must approve an appropriation under this section.

SECTION 19. IC 6-1.1-4-29, AS AMENDED BY P.L.146-2008, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 29. (a) The expenses of a reassessment, except those incurred by the department of local government finance in performing its normal functions, shall be paid by the county in which the reassessed property is situated. These expenses, except for the expenses of:

(1) a general reassessment **of real property under section 4 of this chapter; or**

(2) reassessments of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter;

shall be paid from county funds. The county auditor shall issue warrants for the payment of reassessment expenses. No prior appropriations are required in order for the auditor to issue warrants.

(b) An order of the department of local government finance directing the reassessment of property shall contain an estimate of the cost of making the reassessment. The assessing officials in the county, the county property tax assessment board of appeals, and the county auditor may not exceed the amount so estimated by the department of local government finance.

SECTION 20. IC 6-1.1-4-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 30. **(a)** In making any assessment or reassessment of real property in the interim between general reassessments **under section 4 of this chapter,** the rules, regulations, and standards for assessment are the same as those used in the preceding general reassessment.

(b) In making any assessment or reassessment of real property between reassessments of that real property under a county's reassessment plan prepared under section 4.2 of this chapter, the rules, regulations, and standards for assessment are the same as those used for that real property in the preceding reassessment of that group of parcels under a county's reassessment plan.

SECTION 21. IC 6-1.1-4-31, AS AMENDED BY P.L.113-2010, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 31. (a) The department of local government finance shall periodically check the conduct of:

(1) a general reassessment ~~of property~~ **under section 4 of this chapter;**

(2) a reassessment of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter;

~~(2)~~ **(3)** work required to be performed by local officials under 50 IAC 21; and

~~(3)~~ **(4)** other property assessment activities in the county, as determined by the department.

The department of local government finance may inform township assessors (if any), county assessors, and the presidents of county councils in writing if its check reveals that the general reassessment, **the reassessment of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter,** or other property assessment activities are not being properly conducted, work required to be performed by local officials under 50 IAC 21 is not being properly conducted, or property assessments are not being properly made.

(b) The failure of the department of local government finance to inform local officials under subsection (a) shall not be construed as an indication by the department that:

(1) the general reassessment **under section 4 of this chapter, a reassessment of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter,** or other property assessment activities are being properly conducted;

(2) work required to be performed by local officials under 50 IAC 21 is being properly conducted; or

(3) property assessments are being properly made.

(c) If the department of local government finance:

(1) determines under subsection (a) that a general reassessment **under section 4 of this chapter, a reassessment of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter,** or other assessment activities ~~for a general reassessment year or any other year~~ are not being properly conducted; and

(2) informs:

(A) the township assessor (if any) of each affected township;

(B) the county assessor; and

(C) the president of the county council;

in writing under subsection (a);

the department may order a state conducted assessment or reassessment under section 31.5 of this chapter to begin not less than sixty (60) days after the date of the notice under subdivision (2).

(d) If the department of local government finance:

(1) determines under subsection (a) that work required to be performed by local officials under 50 IAC 21 is not being properly conducted; and

(2) informs:

(A) the township assessor of each affected township (if any);
(B) the county assessor; and
(C) the president of the county council;
in writing under subsection (a);
the department may conduct the work or contract to have the work conducted to begin not less than sixty (60) days after the date of the notice under subdivision (2). If the department determines during the period between the date of the notice under subdivision (2) and the proposed date for beginning the work or having the work conducted that work required to be performed by local officials under 50 IAC 21 is being properly conducted, the department may rescind the order.

(e) If the department of local government finance contracts to have work conducted under subsection (d), the department shall forward the bill for the services to the county and the county shall pay the bill under the same procedures that apply to county payments of bills for assessment or reassessment services under section 31.5 of this chapter.

(f) A county council president who is informed by the department of local government finance under subsection (a) shall provide the information to the board of county commissioners. A board of county commissioners that receives information under this subsection may adopt an ordinance to do either or both of the following:

(1) Determine that:
(A) the information indicates that the county assessor has failed to perform adequately the duties of county assessor; and
(B) by that failure the county assessor forfeits the office of county assessor and is subject to removal from office by an information filed under IC 34-17-2-1(b).

(2) Determine that:
(A) the information indicates that one (1) or more township assessors in the county have failed to perform adequately the duties of township assessor; and
(B) by that failure the township assessor or township assessors forfeit the office of township assessor and are subject to removal from office by an information filed under IC 34-17-2-1(b).

(g) A city-county council that is informed by the department of local government finance under subsection (a) may adopt an ordinance making the determination or determinations referred to in subsection (f).

SECTION 22. IC 6-1.1-4-31.5, AS AMENDED BY P.L.146-2008, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 31.5. (a) As used in this section, "department" refers to the department of local government finance.

(b) If the department makes a determination and informs local officials under section 31(c) of this chapter, the department may order a state conducted assessment or reassessment in the county subject to the time limitation in that subsection.

(c) If the department orders a state conducted assessment or reassessment in a county, the department shall assume the duties of the county assessor. Notwithstanding sections 15 and 17 of this chapter, a county assessor subject to an order issued under this section may not assess property or have property assessed for the assessment or general reassessment **under section 4 of this chapter or under a county's reassessment plan prepared under section 4.2 of this chapter.** Until the state conducted assessment or reassessment is completed under this section, the assessment or reassessment duties of the county assessor are limited to providing the department or a contractor of the department the support and information requested by the department or the contractor.

(d) Before assuming the duties of a county assessor, the department shall transmit a copy of the department's order requiring a state conducted assessment or reassessment to the county assessor, the county fiscal body, the county auditor, and the county treasurer. Notice of the department's actions must be published one (1) time in a newspaper of general circulation published in the county. The department is not required to conduct a public hearing before taking action under this section.

(e) A county assessor subject to an order issued under this section shall, at the request of the department or the department's contractor, make available and provide access to all:

(1) data;
(2) records;
(3) maps;
(4) parcel record cards;
(5) forms;
(6) computer software systems;
(7) computer hardware systems; and
(8) other information;

related to the assessment or reassessment of real property in the county. The information described in this subsection must be provided at no cost to the department or the contractor of the department. A failure to provide information requested under this subsection constitutes a failure to perform a duty related to an assessment or a general reassessment **under section 4 of this chapter or under a county's reassessment plan prepared under section 4.2 of this chapter** and is subject to IC 6-1.1-37-2.

(f) The department may enter into a contract with a professional appraising firm to conduct an assessment or reassessment under this section. If a county entered into a contract with a professional appraising firm to conduct the county's assessment or reassessment before the department orders a state conducted assessment or reassessment in the county under this section, the contract:

(1) is as valid as if it had been entered into by the department; and
(2) shall be treated as the contract of the department.

(g) After receiving the report of assessed values from the appraisal firm acting under a contract described in subsection (f), the department shall give notice to the taxpayer and the county assessor, by mail, of the amount of the assessment or reassessment. The notice of assessment or reassessment:

(1) is subject to appeal by the taxpayer under section 31.7 of this chapter; and
(2) must include a statement of the taxpayer's rights under section 31.7 of this chapter.

(h) The department shall forward a bill for services provided under a contract described in subsection (f) to the auditor of the county in which the state conducted reassessment occurs. The county shall pay the bill under the procedures prescribed by subsection (I).

(I) A county subject to an order issued under this section shall pay the cost of a contract described in subsection (f), without appropriation, from the county property reassessment fund. A contractor may periodically submit bills for partial payment of work performed under the contract. Notwithstanding any other law, a contractor is entitled to payment under this subsection for work performed under a contract if the contractor:

(1) submits to the department a fully itemized, certified bill in the form required by IC 5-11-10-1 for the costs of the work performed under the contract;
(2) obtains from the department:
(A) approval of the form and amount of the bill; and
(B) a certification that the billed goods and services have been received and comply with the contract; and
(3) files with the county auditor:

(A) a duplicate copy of the bill submitted to the department;
(B) proof of the department's approval of the form and amount of the bill; and
(C) the department's certification that the billed goods and services have been received and comply with the contract.

The department's approval and certification of a bill under subdivision (2) shall be treated as conclusively resolving the merits of a contractor's claim. Upon receipt of the documentation described in subdivision (3), the county auditor shall immediately certify that the bill is true and correct without further audit and submit the claim to the county executive. The county executive shall allow the claim, in full, as approved by the department, without further examination of the merits of the claim in a regular or special session that is held not less than three (3) days and not more than seven (7) days after the date the claim is certified by the county fiscal officer if the procedures in IC 5-11-10-2 are used to approve the claim or the date the claim is placed on the claim docket under IC 36-2-6-4 if the procedures in IC 36-2-6-4 are used to approve the claim. Upon allowance of the claim by the county executive, the county auditor shall immediately issue a warrant or check for the full amount of the claim approved by the department. Compliance with this subsection constitutes compliance with IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and payment of a claim in compliance with this subsection is not subject to remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies to a fiscal officer who pays a claim in compliance with this subsection.

(j) Notwithstanding IC 4-13-2, a period of seven (7) days is permitted for each of the following to review and act under IC 4-13-2 on a contract of the department entered into under this section:
(1) The commissioner of the Indiana department of administration.
(2) The director of the budget agency.
(3) The attorney general.

(k) If money in the county's property reassessment fund is insufficient to pay for an assessment or reassessment conducted under this section, the department may increase the tax rate and tax levy of the county's property reassessment fund to pay the cost and expenses related to the assessment or reassessment.

(l) The department or the contractor of the department shall use the land values determined under section 13.6 of this chapter for a county subject to an order issued under this section to the extent that the department or the contractor finds that the land values reflect the true tax value of land, as determined under this article and the rules of the department. If the department or the contractor finds that the land values determined for the county under section 13.6 of this chapter do not reflect the true tax value of land, the department or the contractor shall determine land values for the county that reflect the true tax value of land, as determined under this article and the rules of the department. Land values determined under this subsection shall be used to the same extent as if the land values had been determined under section 13.6 of this chapter. The department or the contractor of the department shall notify the county's assessing officials of the land values determined under this subsection.

(m) A contractor of the department may notify the department if:
(1) a county auditor fails to:
(A) certify the contractor's bill;
(B) publish the contractor's claim;
(C) submit the contractor's claim to the county executive; or
(D) issue a warrant or check for payment of the contractor's bill;
as required by subsection (I) at the county auditor's first legal opportunity to do so;
(2) a county executive fails to allow the contractor's claim as legally required by subsection (I) at the county executive's first legal opportunity to do so; or
(3) a person or an entity authorized to act on behalf of the county takes or fails to take an action, including failure to request an appropriation, and that action or failure to act delays or halts progress under this section for payment of the contractor's bill.

(n) The department, upon receiving notice under subsection (m) from a contractor of the department, shall:
(1) verify the accuracy of the contractor's assertion in the notice that:
(A) a failure occurred as described in subsection (m)(1) or (m)(2); or
(B) a person or an entity acted or failed to act as described in subsection (m)(3); and
(2) provide to the treasurer of state the department's approval under subsection (i)(2)(A) of the contractor's bill with respect to which the contractor gave notice under subsection (m).

(o) Upon receipt of the department's approval of a contractor's bill under subsection (n), the treasurer of state shall pay the contractor the amount of the bill approved by the department from money in the possession of the state that would otherwise be available for distribution to the county, including distributions of admissions taxes or wagering taxes.

(p) The treasurer of state shall withhold from the money that would be distributed under IC 4-33-12-6, IC 4-33-13-5, or any other law to a county described in a notice provided under subsection (m) the amount of a payment made by the treasurer of state to the contractor of the department under subsection (o). Money shall be withheld from any source payable to the county.

(q) Compliance with subsections (m) through (p) constitutes compliance with IC 5-11-10.

(r) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to the payment made in compliance with subsections (m) through (p). This subsection and subsections (m) through (p) must be interpreted liberally so that the state shall, to the extent legally valid, ensure that the contractual obligations of a county subject to this section are paid. Nothing in this section shall be construed to create a debt of the state.

(s) The provisions of this section are severable as provided in IC 1-1-1-8(b).

SECTION 23. IC 6-1.1-8.5-8, AS AMENDED BY P.L.154-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. (a) For purposes of: ~~the~~
(1) a general reassessment under IC 6-1.1-4-4;
(2) a reassessment of a group of parcels under a county's reassessment plan prepared under IC 6-1.1-4-4.2; or
(3) a new assessment;
the department of local government finance shall assess each industrial facility in a qualifying county.

(b) The following may not assess an industrial facility in a qualifying county:
(1) A county assessor.
(2) An assessing official.
(3) A county property tax assessment board of appeals.

SECTION 24. IC 6-1.1-8.7-3, AS AMENDED BY P.L.113-2010, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) ~~Before January 1 of each year that a general reassessment commences under IC 6-1.1-4-4,~~ Two hundred fifty (250) or

more owners of real property in a township may petition the department to assess the real property of an industrial facility in the township. ~~for that general reassessment.~~

(b) An industrial company may at any time petition the department to assess the real property of an industrial facility owned or used by the company.

(c) Before January 1 of any year, the county assessor of the county in which an industrial facility is located may petition the department to assess the real property of the industrial facility for the assessment date in the following year.

SECTION 25. IC 6-1.1-12-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 19. The deduction from assessed value provided by section 18 of this chapter is first available in the year in which the increase in assessed value resulting from the rehabilitation occurs and shall continue for the following four (4) years. In the sixth (6th) year, the county auditor shall add the amount of the deduction to the assessed value of the real property. A:

(1) general reassessment of real property **under IC 6-1.1-4-4; or**

(2) reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

which occurs within the five (5) year period of the deduction does not affect the amount of the deduction.

SECTION 26. IC 6-1.1-12-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 23. The deduction from assessed value provided by section 22 of this chapter is first available after the first assessment date following the rehabilitation and shall continue for the taxes first due and payable in the following five (5) years. In the sixth (6th) year, the county auditor shall add the amount of the deduction to the assessed value of the property. Any:

(1) general reassessment of real property **under IC 6-1.1-4-4; or**

(2) reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

which occurs within the five (5) year period of the deduction does not affect the amount of the deduction.

SECTION 27. IC 6-1.1-12.1-4, AS AMENDED BY HEA 1009-2012, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) Except as provided in section 2(i)(4) of this chapter, and subject to section 15 of this chapter, the amount of the deduction which the property owner is entitled to receive under section 3 of this chapter for a particular year equals the product of:

(1) the increase in the assessed value resulting from the rehabilitation or redevelopment; multiplied by

(2) either of the following:

(A) The percentage prescribed in the table set forth in subsection (d).

(B) A percentage determined under section 17 of this chapter if the designating body elects to use an alternative abatement schedule provided under section 17 of this chapter.

(b) The amount of the deduction determined under subsection (a) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If:

(A) a general reassessment of real property **under IC 6-1.1-4-4; or**

(B) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

occurs within the particular period of the deduction, the amount determined under subsection (a)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the ~~general~~ reassessment.

(2) If an appeal of an assessment is approved that results in a reduction of the assessed value of the redeveloped or rehabilitated property, the amount of any deduction shall be adjusted to reflect the percentage decrease that resulted from the appeal.

The department of local government finance shall adopt rules under IC 4-22-2 to implement this subsection.

(c) Property owners who had an area designated an urban development area pursuant to an application filed prior to January 1, 1979, are only entitled to the deduction for the first through the fifth years as provided in subsection (d)(10). In addition, property owners who are entitled to a deduction under this chapter pursuant to an application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for the first through the tenth years, as provided in subsection (d)(10).

(d) The percentage that may be used in calculating the deduction under subsection (a)(2)(A) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%

(5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%

(6) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	17%

(7) For deductions allowed over a seven (7) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	71%
4th	57%
5th	43%
6th	29%
7th	14%

(8) For deductions allowed over an eight (8) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	75%
4th	63%
5th	50%
6th	38%
7th	25%

8th	13%

(9) For deductions allowed over a nine (9) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	77%
4th	66%
5th	55%
6th	44%
7th	33%
8th	22%
9th	11%

(10) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	95%
3rd	80%
4th	65%
5th	50%
6th	40%
7th	30%
8th	20%
9th	10%
10th	5%

SECTION 28. IC 6-1.1-12.1-4.8, AS AMENDED BY P.L.219-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4.8. (a) A property owner that is an applicant for a deduction under this section must provide a statement of benefits to the designating body.

(b) If the designating body requires information from the property owner for the designating body's use in deciding whether to designate an economic revitalization area, the property owner must provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter. Otherwise, the property owner must submit the completed statement of benefits form to the designating body before the occupation of the eligible vacant building for which the property owner desires to claim a deduction.

(c) The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the eligible vacant building that the property owner or a tenant of the property owner will occupy.

(2) An estimate of the number of individuals who will be employed or whose employment will be retained by the property owner or the tenant as a result of the occupation of the eligible vacant building, and an estimate of the annual salaries of those individuals.

(3) Information regarding efforts by the owner or a previous owner to sell, lease, or rent the eligible vacant building during the period the eligible vacant building was unoccupied.

(4) Information regarding the amount for which the eligible vacant building was offered for sale, lease, or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied.

(d) With the approval of the designating body, the statement of benefits may be incorporated in a designation application. A statement of benefits is a public record that may be inspected and copied under IC 5-14-3.

(e) The designating body must review the statement of benefits required by subsection (a). The designating body shall determine whether an area should be designated an economic revitalization area or whether a deduction should be allowed, after the designating body has made the following findings:

(1) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(2) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(3) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(4) Whether the occupation of the eligible vacant building will increase the tax base and assist in the rehabilitation of the economic revitalization area.

(5) Whether the totality of benefits is sufficient to justify the deduction.

A designating body may not designate an area an economic revitalization area or approve a deduction under this section unless the findings required by this subsection are made in the affirmative.

(f) Except as otherwise provided in this section, the owner of an eligible vacant building located in an economic revitalization area is entitled to a deduction from the assessed value of the building if the property owner or a tenant of the property owner occupies the eligible vacant building and uses it for commercial or industrial purposes. The property owner is entitled to the deduction:

(1) for the first year in which the property owner or a tenant of the property owner occupies the eligible vacant building and uses it for commercial or industrial purposes; and

(2) for subsequent years determined under subsection (g).

(g) The designating body shall determine the number of years for which a property owner is entitled to a deduction under this section. However, subject to section 15 of this chapter, the deduction may not be allowed for more than two (2) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by a resolution adopted not more than sixty (60) days after the designating body receives a copy of the property owner's deduction application from the county auditor.

A certified copy of a resolution under subdivision (2) shall be sent to the county auditor, who shall make the deduction as provided in section 5.3 of this chapter. A determination concerning the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by using the procedure under subdivision (2).

(h) Except as provided in section 2(i)(5) of this chapter and subsection (k), and subject to section 15 of this chapter, the amount of the deduction the property owner is entitled to receive under this section for a particular year equals the product of:

(1) the assessed value of the building or part of the building that is occupied by the property owner or a tenant of the property owner; multiplied by

(2) the percentage set forth in the table in subsection (i).

(i) The percentage to be used in calculating the deduction under subsection (h) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%

(j) The amount of the deduction determined under subsection

(h) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If:

(A) a general reassessment of real property **under IC 6-1.1-4-4; or**

(B) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

occurs within the period of the deduction, the amount of the assessed value determined under subsection (h)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the ~~general~~ reassessment.

(2) If an appeal of an assessment is approved and results in a reduction of the assessed value of the property, the amount of a deduction under this section shall be adjusted to reflect the percentage decrease that resulted from the appeal.

(k) The maximum amount of a deduction under this section may not exceed the lesser of:

(1) the annual amount for which the eligible vacant building was offered for lease or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied; or

(2) an amount, as determined by the designating body in its discretion, that is equal to the annual amount for which similar buildings in the county or contiguous counties were leased or rented or offered for lease or rent during the period the eligible vacant building was unoccupied.

(l) The department of local government finance may adopt rules under IC 4-22-2 to implement this section.

SECTION 29. IC 6-1.1-12.4-2, AS AMENDED BY P.L.146-2008, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) For purposes of this section, an increase in the assessed value of real property is determined in the same manner that an increase in the assessed value of real property is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to a development, redevelopment, or rehabilitation that is first assessed after March 1, 2005, and before March 2, 2007. Except as provided in subsection (h) and sections 4, 5, and 8 of this chapter, an owner of real property that:

(1) develops, redevelops, or rehabilitates the real property; and

(2) creates or retains employment from the development, redevelopment, or rehabilitation;

is entitled to a deduction from the assessed value of the real property.

(c) Subject to section 14 of this chapter, the deduction under this section is first available in the year in which the increase in assessed value resulting from the development, redevelopment, or rehabilitation occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to real property located in a county for a particular year equals the lesser of:

(1) two million dollars ($2,000,000); or

(2) the product of:

(A) the increase in assessed value resulting from the development, rehabilitation, or redevelopment; multiplied by

(B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) A property owner that qualifies for the deduction under this section must file a notice to claim the deduction in the manner prescribed by the department of local government finance under rules adopted by the department of local government finance under IC 4-22-2 to implement this chapter. The township assessor, or the county assessor if there is no township assessor for the township, shall:

(1) inform the county auditor of the real property eligible for the deduction as contained in the notice filed by the taxpayer under this subsection; and

(2) inform the county auditor of the deduction amount.

(e) The county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(f) The amount of the deduction determined under subsection (c)(2) is adjusted to reflect the percentage increase or decrease in assessed valuation that results from:

(1) a general reassessment of real property **under IC 6-1.1-4-4;**

(2) a reassessment under a county's reassessment plan prepared under ~~IC 6-1.1-4-4;~~ **IC 6-1.1-4-4.2;** or

~~(2)~~ **(3)** an annual adjustment under IC 6-1.1-4-4.5.

(g) If an appeal of an assessment is approved that results in a reduction of the assessed value of the real property, the amount of the deduction under this section is adjusted to reflect the percentage decrease that results from the appeal.

(h) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e).

SECTION 30. IC 6-1.1-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. **(a)** A county assessor shall inquire into the assessment of the classes of tangible property in the various townships of the county after March 1 in the year in which ~~the~~ **a** general reassessment **under IC 6-1.1-4-4** becomes effective. The county assessor shall make any changes, whether increases or decreases, in the assessed values which are necessary in order to equalize these values in and between the various townships of the county. In addition, the county assessor shall determine the percent to be added to or deducted from the assessed values in order to make a just, equitable, and uniform equalization of assessments in and between the townships of the county.

(b) A county assessor shall inquire into the assessment of the classes of tangible property in the group of parcels under a county's reassessment plan prepared under IC 6-1.1-4-4.2 after March 1 in the year in which the reassessment of tangible property in that group of parcels becomes effective. The county assessor shall make any changes, whether increases or decreases, in the assessed values that are necessary in order to equalize these values in that group. In addition, the county assessor shall determine the percent to be added to or deducted from the assessed values in order to make a just, equitable, and uniform equalization of assessments in that group.

SECTION 31. IC 6-1.1-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. If a county assessor proposes to change assessments under section 6 of this chapter, the property tax assessment board of appeals shall hold a hearing on the proposed changes before July 15 in the year in which ~~a general assessment~~ **the reassessment** is to commence. It is sufficient notice of the hearing and of any changes in assessments ordered by the board subsequent to the hearing if the board gives notice by publication once either in:

(1) two (2) newspapers which represent different political parties and which are published in the county; or

(2) one (1) newspaper only, if two (2) newspapers which represent different political parties are not published in the county.

SECTION 32. IC 6-1.1-15-4, AS AMENDED BY P.L.219-2007, SECTION 40, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board shall conduct a hearing at its earliest opportunity. The Indiana board may correct any errors that may have been made and adjust the assessment or exemption in accordance with the correction.

(b) If the Indiana board conducts a site inspection of the property as part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board is not required to assess the property in question. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the county assessor. The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing unless the parties agree to a shorter period. With respect to a petition for review filed by a county assessor, the county board that made the determination under review under this section may file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the county board in filing the amicus curiae brief shall be paid from the property reassessment fund under IC 6-1.1-4-27.5. The executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment or exemption is under appeal is subject to assessment by that taxing unit.

(c) If a petition for review does not comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(d) After the hearing, the Indiana board shall give the taxpayer, the county assessor, and any entity that filed an amicus curiae brief:

(1) notice, by mail, of its final determination; and

(2) for parties entitled to appeal the final determination, notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

(e) Except as provided in subsection (f), the Indiana board shall conduct a hearing not later than nine (9) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(f) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a ~~general~~ reassessment of real property takes effect under IC 6-1.1-4-4 **or IC 6-1.1-4-4.2,** the Indiana board shall conduct a hearing not later than one (1) year after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(g) Except as provided in subsection (h), the Indiana board shall make a determination not later than the later of:

(1) ninety (90) days after the hearing; or

(2) the date set in an extension order issued by the Indiana board.

(h) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a ~~general~~ reassessment of real property takes effect under IC 6-1.1-4-4 **or IC 6-1.1-4-4.2,** the Indiana board shall make a determination not later than the later of:

(1) one hundred eighty (180) days after the hearing; or

(2) the date set in an extension order issued by the Indiana board.

(i) The Indiana board may not extend the final determination date under subsection (g) or (h) by more than one hundred eighty (180) days. If the Indiana board fails to make a final determination within the time allowed by this section, the entity that initiated the petition may:

(1) take no action and wait for the Indiana board to make a final determination; or

(2) petition for judicial review under section 5 of this chapter.

(j) A final determination must include separately stated findings of fact for all aspects of the determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(k) The Indiana board may limit the scope of the appeal to the issues raised in the petition and the evaluation of the evidence presented to the county board in support of those issues only if all parties participating in the hearing required under subsection (a) agree to the limitation. A party participating in the hearing required under subsection (a) is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the county board.

(l) The Indiana board may require the parties to the appeal:

(1) to file not more than five (5) business days before the date of the hearing required under subsection (a) documentary evidence or summaries of statements of testimonial evidence; and

(2) to file not more than fifteen (15) business days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

(m) A party to a proceeding before the Indiana board shall provide to all other parties to the proceeding the information described in subsection (l) if the other party requests the information in writing at least ten (10) days before the deadline for filing of the information under subsection (l).

(n) The Indiana board may base its final determination on a stipulation between the respondent and the petitioner. If the final determination is based on a stipulated assessed valuation of tangible property, the Indiana board may order the placement of a notation on the permanent assessment record of the tangible property that the assessed valuation was determined by stipulation. The Indiana board may:

(1) order that a final determination under this subsection has no precedential value; or

(2) specify a limited precedential value of a final determination under this subsection.

SECTION 33. IC 6-1.1-17-1, AS AMENDED BY P.L.1-2010, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the department of local government finance. The statement shall contain:

(1) information concerning the assessed valuation in the political subdivision for the next calendar year;

(2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;

(3) the current assessed valuation as shown on the abstract of charges;

(4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years, ~~excluding years in which a general reassessment occurs, determined~~ **adjusted** according to procedures established by the department of local government finance **to account for reassessment under IC 6-1.1-4-4 or**

IC 6-1.1-4-4.2;

(5) the amount of the political subdivision's assessed valuation reduction determined under section 0.5(d) of this chapter;

(6) for counties with taxing units that cross into or intersect with other counties, the assessed valuation as shown on the most current abstract of property; and

(7) any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.

(b) The estimate of taxes to be distributed shall be based on:

(1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and

(2) any other information at the disposal of the county auditor which might affect the estimate.

(c) The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision.

(d) Subject to subsection (e), after the county auditor sends a certified statement under subsection (a) or an amended certified statement under this subsection with respect to a political subdivision and before the department of local government finance certifies its action with respect to the political subdivision under section 16(f) of this chapter, the county auditor may amend the information concerning assessed valuation included in the earlier certified statement. The county auditor shall send a certified statement amended under this subsection, under the seal of the board of county commissioners, to:

(1) the fiscal officer of each political subdivision affected by the amendment; and

(2) the department of local government finance.

(e) Except as provided in subsection (f), before the county auditor makes an amendment under subsection (d), the county auditor must provide an opportunity for public comment on the proposed amendment at a public hearing. The county auditor must give notice of the hearing under IC 5-3-1. If the county auditor makes the amendment as a result of information provided to the county auditor by an assessor, the county auditor shall give notice of the public hearing to the assessor.

(f) The county auditor is not required to hold a public hearing under subsection (e) if:

(1) the amendment under subsection (d) is proposed to correct a mathematical error made in the determination of the amount of assessed valuation included in the earlier certified statement;

(2) the amendment under subsection (d) is proposed to add to the amount of assessed valuation included in the earlier certified statement assessed valuation of omitted property discovered after the county auditor sent the earlier certified statement; or

(3) the county auditor determines that the amendment under subsection (d) will not result in an increase in the tax rate or tax rates of the political subdivision.

SECTION 34. IC 6-1.1-18-12, AS AMENDED BY P.L.172-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted each year to account for the change in assessed value of real property that results from:

(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; ~~or~~

(2) a general reassessment of real property under IC 6-1.1-4-4; **or**

(3) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2.

(d) The statutes to which subsection (a) refers are:

(1) IC 8-10-5-17;
(2) IC 8-22-3-11;
(3) IC 8-22-3-25;
(4) IC 12-29-1-1;
(5) IC 12-29-1-2;
(6) IC 12-29-1-3;
(7) IC 12-29-3-6;
(8) IC 13-21-3-12;
(9) IC 13-21-3-15;
(10) IC 14-27-6-30;
(11) IC 14-33-7-3;
(12) IC 14-33-21-5;
(13) IC 15-14-7-4;
(14) IC 15-14-9-1;
(15) IC 15-14-9-2;
(16) IC 16-20-2-18;
(17) IC 16-20-4-27;
(18) IC 16-20-7-2;
(19) IC 16-22-14;
(20) IC 16-23-1-29;
(21) IC 16-23-3-6;
(22) IC 16-23-4-2;
(23) IC 16-23-5-6;
(24) IC 16-23-7-2;
(25) IC 16-23-8-2;
(26) IC 16-23-9-2;
(27) IC 16-41-15-5;
(28) IC 16-41-33-4;
(29) IC 20-46-2-3 (before its repeal on January 1, 2009);
(30) IC 20-46-6-5;
(31) IC 20-49-2-10;
(32) IC 36-1-19-1;
(33) IC 23-14-66-2;
(34) IC 23-14-67-3;
(35) IC 36-7-13-4;
(36) IC 36-7-14-28;
(37) IC 36-7-15.1-16;
(38) IC 36-8-19-8.5;
(39) IC 36-9-6.1-2;
(40) IC 36-9-17.5-4;
(41) IC 36-9-27-73;
(42) IC 36-9-29-31;
(43) IC 36-9-29.1-15;
(44) IC 36-10-6-2;
(45) IC 36-10-7-7;
(46) IC 36-10-7-8;
(47) IC 36-10-7.5-19;
(48) IC 36-10-13-5;
(49) IC 36-10-13-7;
(50) IC 36-10-14-4;
(51) IC 36-12-7-7;
(52) IC 36-12-7-8;
(53) IC 36-12-12-10; and
(54) any statute enacted after December 31, 2003, that:

(A) establishes a maximum rate for any part of the:

(i) property taxes; or

(ii) special benefits taxes;

imposed by a political subdivision; and

(B) does not exempt the maximum rate from the adjustment under this section.

(e) The new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP SEVEN of the following STEPS:

STEP ONE: Determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect.

STEP TWO: Except as provided in subsection (g), determine the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect to the year that the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property **under IC 6-1.1-4-4** does not first take effect.

STEP FOUR: Except as provided in subsection (g), compute separately, for each of the calendar years determined in STEP THREE, the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d).

(g) This subsection applies to STEP TWO and STEP FOUR of subsection (e) for taxes first due and payable after 2011. If the assessed value change used in the STEPS was not an increase, the STEPS are applied using instead:

(1) the actual percentage decrease (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property; or

(2) zero (0) if the assessed value did not increase or decrease.

SECTION 35. IC 6-1.1-18-13, AS AMENDED BY P.L.219-2007, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13. (a) The maximum property tax rate levied under IC 20-46-6 by each school corporation for the school corporation's capital projects fund must be adjusted each year to account for the change in assessed value of real property that results from:

(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; ~~or~~

(2) a general reassessment of real property under IC 6-1.1-4-4; **or**

(3) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2.

(b) The new maximum rate under this section is the tax rate determined under STEP SEVEN of the following formula:

STEP ONE: Determine the maximum rate for the school corporation for the year preceding the year in which the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect to the year that the annual adjustment or ~~general~~ **the** reassessment is effective.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property **under IC 6-1.1-4-4** does not first become effective.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(c) The department of local government finance shall compute the maximum rate allowed under subsection (b) and provide the rate to each school corporation.

SECTION 36. IC 6-1.1-18.5-9.8, AS AMENDED BY P.L.172-2011, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9.8. (a) For purposes of determining the property tax levy limit imposed on a city, town, or county under section 3 of this chapter, the city, town, or county's ad valorem property tax levy for a particular calendar year does not include an amount equal to the lesser of:

(1) the amount of ad valorem property taxes that would be first due and payable to the city, town, or county during the ensuing calendar year if the taxing unit imposed the maximum permissible property tax rate per one hundred dollars ($100) of assessed valuation that the civil taxing unit may impose for the particular calendar year under the authority of IC 36-9-14.5 (in the case of a county) or IC 36-9-15.5 (in the case of a city or town); or

(2) the excess, if any, of:

(A) the property taxes imposed by the city, town, or county under the authority of:

IC 3-11-6-9;
IC 8-16-3;
IC 8-16-3.1;
IC 8-22-3-25;
IC 14-27-6-48;
IC 14-33-9-3;
IC 16-22-8-41;
IC 16-22-5-2 through IC 16-22-5-15;
IC 16-23-1-40;
IC 36-8-14;
IC 36-9-4-48;
IC 36-9-14;
IC 36-9-14.5;
IC 36-9-15;
IC 36-9-15.5;

IC 36-9-16;
IC 36-9-16.5;
IC 36-9-17;
IC 36-9-26;
IC 36-9-27-100;
IC 36-10-3-21; or
IC 36-10-4-36;

that are first due and payable during the ensuing calendar year; over

(B) the property taxes imposed by the city, town, or county under the authority of the citations listed in clause (A) that were first due and payable during calendar year 1984.

(b) The maximum property tax rate levied under the statutes listed in subsection (a) must be adjusted each year to account for the change in assessed value of real property that results from:

(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; ~~or~~

(2) a general reassessment of real property under IC 6-1.1-4-4; **or**

(3) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2.

(c) The new maximum rate under a statute listed in subsection (a) is the tax rate determined under STEP SEVEN of the following formula:

STEP ONE: Determine the maximum rate for the political subdivision levying a property tax under the statute for the year preceding the year in which the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect.

STEP TWO: Subject to subsection (e), determine the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect to the year that the annual adjustment or ~~general~~ **the** reassessment is effective.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property **under IC 6-1.1-4-4** does not first become effective.

STEP FOUR: Subject to subsection (e), compute separately, for each of the calendar years determined in STEP THREE, the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(d) The department of local government finance shall compute the maximum rate allowed under subsection (c) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (a).

(e) This subsection applies to STEP TWO and STEP FOUR of subsection (c) for taxes first due and payable after 2011. If the assessed value change used in the STEPS was not an increase, the STEPS are applied using instead:

(1) the actual percentage decrease (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property; or

(2) zero (0) if the assessed value did not increase or decrease.

SECTION 37. IC 6-1.1-18.5-10, AS AMENDED BY P.L.182-2009(ss), SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 10. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit to be used to fund:

(1) community mental health centers under:

(A) IC 12-29-2-1.2, for only those civil taxing units that authorized financial assistance under IC 12-29-1 before 2002 for a community mental health center as long as the tax levy under this section does not exceed the levy authorized in 2002;

(B) IC 12-29-2-2 through IC 12-29-2-5; and

(C) IC 12-29-2-13; or

(2) community mental retardation and other developmental disabilities centers under IC 12-29-1-1;

to the extent that those property taxes are attributable to any increase in the assessed value of the civil taxing unit's taxable property caused by a general reassessment of real property **under IC 6-1.1-4-4 or a reassessment of real property under a reassessment plan prepared under IC 6-1.1-4-4.2** that took effect after February 28, 1979.

(b) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy described in subsection (a).

(c) This subsection applies to property taxes first due and payable after December 31, 2008. Notwithstanding subsections (a) and (b) or any other law, any property taxes imposed by a civil taxing unit that are exempted by this section from the ad valorem property tax levy limits imposed by section 3 of this chapter may not increase annually by a percentage greater than the result of:

(1) the assessed value growth quotient determined under section 2 of this chapter; minus

(2) one (1).

(d) For a county that:

(1) did not impose an ad valorem property tax levy in 2008 for the county general fund to provide financial assistance under IC 12-29-1 (community mental retardation and other developmental disabilities center) or IC 12-29-2 (community mental health center); and

(2) determines for 2009 or a later calendar year to impose a levy as described in subdivision (1);

the ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to the part of the county's general fund levy that is used in the first calendar year for which a determination is made under subdivision (2) to provide financial assistance under IC 12-29-1 or IC 12-29-2. The department of local government finance shall review a county's proposed budget that is submitted under IC 12-29-1-1 or IC 12-29-2-1.2 and make a final determination of the amount to which the levy limits do not apply under this subsection for the first calendar year for which a determination is made under subdivision (2).

(e) The ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to the county's general fund levy in the amount determined by the department of local government finance under subsection (d) in each calendar year following the calendar year for which the determination under subsection (b) is made.

SECTION 38. IC 6-1.1-18.5-13, AS AMENDED BY SEA 115-2012, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13. (a) With respect to

an appeal filed under section 12 of this chapter, the department may find that a civil taxing unit should receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the department the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons. With respect to annexation, consolidation, or other extensions of governmental services in a calendar year, if those increased costs are incurred by the civil taxing unit in that calendar year and more than one (1) immediately succeeding calendar year, the unit may appeal under section 12 of this chapter for permission to increase its levy under this subdivision based on those increased costs in any of the following:

(A) The first calendar year in which those costs are incurred.

(B) One (1) or more of the immediately succeeding four (4) calendar years.

(2) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in which it is in existence. For purposes of this subdivision, costs of operating a court include:

(A) the cost of personal services (including fringe benefits);

(B) the cost of supplies; and

(C) any other cost directly related to the operation of the court.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property ~~or the initial annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5~~ **under IC 6-1.1-4-4** does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in all counties under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

(4) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars ($10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) A levy increase may not be granted under this subdivision for property taxes first due and payable after

December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(6) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents ($0.0167) per one hundred dollars ($100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents ($0.0167) per one hundred dollars ($100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars ($100) of assessed valuation before the increase.

(7) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent ($0.01) per one hundred dollars ($100) of assessed valuation.

(8) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000);

(ii) a city having a population of more than sixty-five thousand (65,000) but less than seventy thousand (70,000);

(iii) a city having a population of more than twenty-nine thousand five hundred (29,500) but less than twenty-nine thousand six hundred (29,600);

(iv) a city having a population of more than thirteen thousand four hundred fifty (13,450) but less than thirteen thousand five hundred (13,500); or

(v) a city having a population of more than eight thousand seven hundred (8,700) but less than nine thousand (9,000); and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents ($0.0667) for each one hundred dollars ($100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

(i) was issued by a federal district court; and

(ii) has not been terminated;

(C) that operates a county jail that fails to meet:

(i) American Correctional Association Jail Construction Standards; and

(ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may

recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township has been required, for the three (3) consecutive years preceding the year for which the appeal under this subdivision is to become effective, to borrow funds under IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the maximum increase in a township's levy that may be allowed under this subdivision is the least of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A township may elect to phase in an approved increase in its levy under this subdivision over a period not to exceed three (3) years. A particular township may appeal to increase its levy under this section not more frequently than every fourth calendar year.

(12) Permission to a city having a population of more than thirty-one thousand five hundred (31,500) but less than thirty-one thousand seven hundred twenty-five (31,725) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief.

(13) A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter due to a natural disaster, an accident, or another unanticipated emergency.

(14) Permission to Jefferson County to increase its levy in excess of the limitations established under section 3 of this chapter if the department finds that the county experienced a property tax revenue shortfall that resulted from an erroneous estimate of the effect of the supplemental deduction under IC 6-1.1-12-37.5 on the county's assessed valuation. An appeal for a levy increase under this subdivision may not be denied because of the amount of cash balances in county funds. The maximum increase in the county's levy that may be approved under this subdivision is three hundred thousand dollars ($300,000).

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under section 3 of this chapter for the city of Goshen for 2012 and thereafter by an amount equal to the greater of zero (0) or the result of:

(1) the city's total pension costs in 2009 for the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7); minus

(2) the sum of:

(A) the total amount of state funds received in 2009 by the city and used to pay benefits to members of the 1925 police pension fund (IC 36-8-6) or the 1937 firefighters' pension fund (IC 36-8-7); plus

(B) any previous permanent increases to the city's levy that were authorized to account for the transfer to the state of the responsibility to pay benefits to members of the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7).

SECTION 39. IC 6-1.1-22.5-6, AS AMENDED BY P.L.89-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) This section applies to property taxes payable under this article on assessments determined for the 2003 assessment date or the assessment date in any later year, **regardless of whether a proceeding to determine the necessity of a reassessment is being conducted under IC 6-1.1-4-5, IC 6-1.1-4-9, or another law.** The county treasurer shall use a provisional statement under this chapter if the county auditor fails to deliver the abstract for that assessment date to the county treasurer under IC 6-1.1-22-5 before March 16 of the year following the assessment date (for property taxes first due and payable before 2011) or April 1 of the year following the assessment date (for property taxes first due and payable after 2010). The amount to be billed for each installment of the provisional statement is the amount determined under section 9 of this chapter. **The billing must be based on the latest assessed values for property certified by the department of local government finance, as adjusted under the procedures specified by the department of local government finance.**

(b) The county treasurer shall give notice of the provisional statement, including disclosure of the method that is to be used in determining the tax liability to be indicated on the provisional statement, by publication one (1) time:

(1) in the form prescribed by the department of local government finance; and

(2) in the manner described in IC 6-1.1-22-4(b).

The notice may be combined with the notice required under section 10 of this chapter.

(c) Subsection (a) applies regardless of whether the county auditor fails to deliver the abstract as provided in IC 6-1.1-22-5(b). Section 7 of this chapter does not apply to this section.

(d) This subsection applies after June 30, 2009. Immediately upon determining to use provisional statements under subsection (a), the county treasurer shall give notice of the determination

to the county fiscal body (as defined in IC 36-1-2-6).

(e) In a county in which an authorizing ordinance is adopted under IC 6-1.1-22-8.1(h), a person may direct the county treasurer to transmit a provisional statement by electronic mail under IC 6-1.1-22-8.1(h).

(f) The department of local government finance may waive the requirement under subsection (a) that a provisional statement must be used for property taxes first due and payable in a calendar year, if:

(1) the county fiscal body or the county treasurer requests the waiver; and

(2) the department of local government finance determines that:

(A) the county will be able to send a property tax statement under IC 6-1.1-22 with a due date that is not later than June 10 of that calendar year; or

(B) the failure to send a property tax statement under IC 6-1.1-22 in a timely manner is due to a change by the county in computer software, and the county will be able to send a property tax statement under IC 6-1.1-22 with a due date that is not later than June 10 of that calendar year.

SECTION 40. IC 6-1.1-22.5-20, AS AMENDED BY P.L.182-2009(ss), SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. For purposes of a provisional statement under section 6 of this chapter, the department of local government finance may adopt emergency rules under IC 4-22-2-37.1 to **do any of the following:**

(1) Provide a methodology for a county treasurer to issue provisional statements with respect to real property, taking into account new construction of improvements placed on the real property, damage, and other losses related to the real property:

~~(1)~~ **(A)** after March 1 of the year preceding the assessment date to which the provisional statement applies; and

~~(2)~~ **(B)** before the assessment date to which the provisional statement applies.

(2) Carry out IC 6-1.1-22.6.

SECTION 41. IC 6-1.1-22.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 22.6. Resolution of Multi-Year Delay in Issuance of Tax Bills

Sec. 1. As used in this chapter, "covered county" refers to a county that is subject to this chapter.

Sec. 2. As used in this chapter, "delayed property taxes" refers to the following:

(1) Property taxes imposed for a year preceding the year in which the county qualifies as a covered county, if the covered county issued a reconciliation statement for the year in which the county qualifies as a covered county.

(2) Property taxes for which a covered county is behind in issuing property tax bills on February 1 in the year that the county qualifies as a covered county.

(3) Property taxes imposed for an assessment date that occurs before the county ceases to be a covered county under section 15 of this chapter.

Sec. 3. As used in this chapter, "eligible taxing unit" refers to the following:

(1) A city.

(2) A town.

(3) A school corporation.

(4) A library district.

Sec. 4. As used in this chapter, "executive" has the meaning set forth in IC 36-1-2-5.

Sec. 5. As used in this chapter, "department" refers to the department of local government finance.

Sec. 6. As used in this chapter, "property tax bill" refers to:

(1) a property tax statement required by IC 6-1.1-22-8.1; or

(2) a reconciling statement;

that conforms to law.

Sec. 7. As used in this chapter, "property taxes" has the meaning set forth in IC 6-1.1-22.5-3.

Sec. 8. As used in this chapter, "provisional statement" has the meaning set forth in IC 6-1.1-22.5-2.

Sec. 9. As used in this chapter, "reconciling statement" has the meaning set forth in IC 6-1.1-22.5-4.

Sec. 10. As used in this chapter, "settlement date" refers to a settlement date specified in IC 6-1.1-27-1.

Sec. 11. As used in this chapter, "special master" refers to an individual or entity employed under this chapter to carry out substantially all of the duties of the county auditor, county treasurer, or county assessor, or any combination of these offices, necessary to issue property tax bills in each year that the county is a covered county, including the year in which the county ceases to be a covered county.

Sec. 12. As used in this chapter, "tax anticipation warrant or obligation" refers to a loan or other evidence of indebtedness issued by a taxing unit in anticipation of the collection of delayed property taxes due to the taxing unit, including evidences of indebtedness with a term of more than one (1) year and debt refunding loans or other evidences of indebtedness issued by a taxing unit in anticipation of the collection of delayed property taxes due to the taxing unit.

Sec. 13. A county becomes subject to this chapter if, in a year after December 31, 2011, the county is at least three (3) years behind in issuing property tax bills on February 1 of that year.

Sec. 14. The general assembly finds that LaPorte County qualified as a county subject to this chapter on February 1, 2012.

Sec. 15. Subject to section 16 of this chapter, a county ceases to be subject to this chapter in the year after the county:

(1) ceases to be behind in issuing property tax bills for all previous years; and

(2) issues a property tax bill for property taxes due that would ordinarily be due in the current year before April 26 of the current year.

Sec. 16. The termination of a county's status as a covered county does not relieve the county from making the payments required under section 18 of this chapter.

Sec. 17. (a) The county treasurer of a covered county shall accept payment of property taxes and special assessments made by debit card, bank card, credit card, or electronic transfer.

(b) The county treasurer of a covered county, or another appropriate official of the covered county, shall contract with a debit card, bank card, credit card, or electronic transfer vendor for acceptance of debit cards, bank cards, credit cards, or electronic transfers for the receipt of tax collections for delayed property taxes. However, if there is a vendor transaction charge, discount fee, or other charge, whether billed to the covered county or charged directly to an account of the covered county, the covered county or the card or electronic payment service vendor may collect a fee from any person using the bank or credit card. The fee is a permitted additional charge under IC 24-4.5-3-202.

(c) This section shall not be construed as limiting the authority of a county to accept payment by debit card, bank

card, credit card, or electronic transfer.

Sec. 18. (a) Subject to subsection (b), a covered county shall set aside in a separate fund on the schedule specified by the department from the funds specified by the department, one million dollars ($1,000,000) for each consecutive year that the county experienced delayed property taxes described in section 2(1) or 2(2) of this chapter before the year in which the county qualifies as a covered county. The Indiana bond bank shall establish the schedule on which the covered county must set aside money under this section.

(b) The amount that must be set aside under subsection (a) for a particular year that the county experienced delayed property taxes is reduced:

(1) to zero (0), if all reconciliation statements for the delayed property taxes covered by subsection (a) and not previously billed are mailed or otherwise transmitted to taxpayers before January 31 of the year immediately following the year that the county becomes a covered county; and

(2) by seventy-five percent (75%), if all reconciliation statements for delayed property taxes covered by subsection (a) and not previously billed are mailed or otherwise transmitted to taxpayers before March 1 of the year immediately following the year that the county becomes a covered county.

(c) The amount set aside under this section for a particular year in which eligible taxing units experienced delayed property taxes shall be used to compensate eligible taxing units for:

(1) interest and other costs incurred by an eligible taxing unit for issuing anticipation warrants or other obligations to fund the eligible taxing unit's operating and capital requirements during a period in which the eligible taxing unit experienced delayed property tax collections; and

(2) interest, at the adjusted rate for the period determined under IC 6-8.1-10-1, on the amount of the delayed property taxes not received by the eligible taxing unit, if the eligible taxing unit self-funded its operating and capital requirements during a period in which the eligible taxing unit experienced delayed property tax collections rather than issue anticipation warrants or other obligations.

(d) The Indiana bond bank or a person or entity designated by the Indiana bond bank shall establish a procedure for determining the amount that is to be distributed to each eligible taxing unit under this section. The procedure must include at least one (1) public hearing in the covered county.

(e) The county auditor of a covered county shall distribute the amount set aside under this section for a particular year among eligible taxing units according to a formula or amount prescribed by the Indiana bond bank or the person or entity designated by the Indiana bond bank.

(f) The amount due to an eligible taxing unit under this section to compensate the eligible taxing unit for delayed property tax collections in a particular year shall be distributed in eight (8) equal installments. Each installment shall be paid on a consecutive settlement date following the date the Indiana bond bank or the person or entity designated by the Indiana bond bank determines the amount to be distributed to the eligible taxing unit.

(g) Any amount set aside under this section that exceeds the amount that the Indiana bond bank or a person or entity designated by the Indiana bond bank requires the covered county to distribute to eligible taxing units shall be transferred back to the funds from which the money was set aside in accordance with the directions of the Indiana bond bank or a person or entity designated by the Indiana bond bank.

(h) An eligible taxing unit, the county auditor and county treasurer of a covered county, and any special master appointed under this chapter shall provide the Indiana bond bank or a person or entity designated by the Indiana bond bank with the information required by the Indiana bond bank or a person or entity designated by the Indiana bond bank to carry out this section.

(i) An amount set aside under this section for distribution to eligible taxing units reduces the amount available to the county governmental unit for other expenditures. The county governmental unit may not impose an additional property tax levy to replace the lost revenue.

Sec. 19. An eligible taxing unit shall apply interest received under section 18 of this chapter:

(1) first, to pay or reimburse a fund for the payment of costs and interest incurred on tax anticipation warrants or obligations issued in anticipation of delayed property taxes; and

(2) thereafter, to obligations that would otherwise require the eligible taxing unit to impose a property tax to pay, as required by the Indiana bond bank or a person or entity designated by the Indiana bond bank.

Sec. 20. (a) Subject to the approval of the department, a county executive of a covered county may employ one (1) or more special masters and the number of deputy special masters needed by the special masters to carry out substantially all of the duties of:

(1) the county auditor;

(2) the county treasurer; or

(3) the county assessor;

or any combination of these offices, as is necessary to issue property tax bills in each year that the county is a covered county, including the year that the county ceases to be a covered county.

(b) The department may:

(1) as a condition of approving the contract, require that the department must be a party to the employment contract and any addendum to the employment contract;

(2) specify the scope of a special master's duties; and

(3) set standards for the selection and conduct of the special master.

However, to expedite the selection of a special master, the county executive may purchase the services of a special master and deputy special masters using any procedure permitted under IC 5-22-6-1.

(c) If the duties of the county auditor, the county treasurer, and the county assessor are assigned to one (1) or more special masters under this section, the assignment of duties shall be delegated among different individuals in such a manner as to maintain adequate accounting internal controls.

Sec. 21. No contract shall be made with any special master before the giving of notice and the receiving of bids from anyone desiring to furnish this service. Notice of the time and place for receiving bids for the contract shall be given by publication by one (1) insertion in two (2) newspapers of general circulation published in the county and representing each of the two (2) leading political parties in the county. If only one (1) newspaper is published in the county, notice in that one (1) newspaper is sufficient to comply with the requirements of this section. The contract shall be awarded to the lowest and best bidder who meets all requirements under law and all standards specified by the department for entering a contract to serve as special master. However, any and all bids may be rejected, and new bids may be asked.

Sec. 22. (a) The county fiscal body of a covered county shall appropriate the funds needed to meet the obligations created by a special master's contract.

(b) The county executive of a covered county shall provide the space and all necessary supplies needed to meet the obligations created by a special master's contract.

Sec. 23. A special master has the powers of a county auditor within the scope of the special master's duties, including the power to employ deputy special masters and terminate employment.

Sec. 24. The county auditor, the county treasurer, the county assessor, and all other officials and employees of a covered county shall provide assistance to a special master, as requested by the special master or the special master's deputies.

Sec. 25. The county council of a covered county may grant a tax credit not exceeding two percent (2%) of delayed property taxes due on a reconciliation statement on any amount of delayed property taxes paid within thirty (30) regular business days after the county treasurer mails or otherwise transmits the property tax bill for the delayed property taxes to the taxpayer or other person authorized to receive the property tax bill. The amount of the credit reduces the amount to be distributed to each taxing unit that imposed the delayed property taxes in proportion to the amount due to each taxing unit. A taxing unit shall allocate the amount of the lost revenue to every fund in proportion to the delayed property taxes due from the property tax bill, other than a debt service fund.

Sec. 26. (a) The department may prescribe forms, adopt emergency rules under IC 6-1.1-22.5-20, issue administrative orders, set deadlines and other timetables for required activities, and issue interpretive bulletins to carry out this chapter, including rules, orders, and bulletins related to the scope of the duties to be performed by a special master under this chapter.

(b) Notwithstanding any other law, the department shall require that:

(1) trending and other adjustments to the assessed value of real property under IC 6-1.1-4-4.5 be applied separately to each assessment date subject to this chapter with the resulting assessments rolled over to be used as the valuation that is adjusted for the following assessment date;

(2) the information required to be submitted to the department or the legislative services agency, or both, under IC 6-1.1-4-18.5, IC 6-1.1-4-19.5, IC 6-1.1-4-25, IC 6-1.1-5.5-3, IC 6-1.1-11-8, IC 6-1.1-31.5-3.5, IC 6-1.1-33.5-3, or IC 36-2-9-20 be submitted separately for each assessment date subject to this chapter not later than sixty (60) days after the information becomes available to the local official possessing the information;

(3) a homestead eligible for a standard deduction under IC 6-1.1-12-37 on which payments on a reconciliation statement subject to this section are delinquent, including an installment payment under IC 6-1.1-22.5-18.5, may not be placed on a list for tax sale for at least twelve (12) months after the payment, including an installment payment under IC 6-1.1-22.5-18.5, is otherwise due;

(4) the period in which property eligible for a deduction or credit provided by law for an assessment date for which delayed property taxes are imposed is extended to the later of July 1 in the year in which the county becomes a covered county or a date that is forty-five (45) days after the reconciliation statement for those taxes is mailed or otherwise transmitted under IC 6-1.1-22.5-12, and that the current owner of the property may file the application for the deduction or credit;

(5) the current owner of property may file a petition under IC 6-1.1-15 for an assessment date for which delayed property taxes are due and payable under a reconciliation statement issued by a covered county as provided in this chapter; and

(6) the fiscal body of a covered county shall establish an installment payment plan in accordance with IC 6-1.1-22.5-18.5 under which taxpayers are required to pay delayed property taxes either:

(A) by paying the delayed property taxes over an installment period (of at least six (6) months) determined by the county fiscal body; or

(B) by making a single payment of the delayed property taxes after the end of a period (of at least six (6) months) determined by the county fiscal body;

as specified by ordinance of the county fiscal body. The fiscal body of a covered county may adopt an ordinance under IC 6-1.1-22.5-18.5 extending the installment period or the due date of the single payment.

Reconciliation statements issued by a covered county after March 15, 2012, must include a statement in at least 10-point bold type that explains a taxpayer's rights under subdivision (4) to file a deduction or credit application. Any overpayment of delayed property taxes that result after the application of a deduction or credit granted after the payment of the delayed property taxes shall be first applied without the filing of a claim under IC 6-1.1-26. The county treasurer shall apply the excess payment first to any delinquent property taxes owed by the taxpayer who owned the property in the year to which the credit or deduction applies, and, second, as a credit against property taxes for the affected property that become first due and payable after the excess payment is determined.

(c) Subject to the requirements of this chapter, the department may set schedules and take other actions necessary or appropriate to provide for the earliest possible issuance of property tax bills for the collection of delayed property taxes and a return to a normal collection cycle for property taxes in covered counties.

Sec. 27. This chapter expires December 31, 2016.

SECTION 42. IC 6-1.1-28-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. (a) The county property tax assessment board shall remain in session until the board's duties are complete.

(b) All expenses and per diem compensation resulting from a session of a county property tax assessment board that is called by the department of local government finance under subsection (c) shall be paid by the county auditor, who shall, without an appropriation being required, draw warrants on county funds not otherwise appropriated.

(c) The department of local government finance may also call a session of the county property tax assessment board after completion of a general reassessment of real property **under IC 6-1.1-4-4 or a reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2.** The department of local government finance shall fix the time for and duration of the session.

SECTION 43. IC 6-1.1-30-17, AS ADDED BY P.L.146-2008, SECTION 268, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Except as provided in subsection (c) and subject to subsection (d), the department of state revenue and the auditor of state shall, when requested by the department of local government finance, withhold a percentage of the distributions of county adjusted gross income tax distributions under IC 6-3.5-1.1,

county option income tax distributions under IC 6-3.5-6, or county economic development income tax distributions under IC 6-3.5-7 that would otherwise be distributed to the county under the schedules in IC 6-3.5-1.1-10, IC 6-3.5-1.1-21.1, IC 6-3.5-6-17, IC 6-3.5-6-17.3, IC 6-3.5-7-16, and IC 6-3.5-7-17.3, if:

(1) local assessing officials have not provided information to the department of local government finance in a timely manner under IC 4-10-13-5(b);

(2) the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25;

(3) the county auditor has not paid a bill for services under IC 6-1.1-4-31.5 to the department of local government finance in a timely manner;

(4) the county assessor has not forwarded to the department of local government finance in a timely manner sales disclosure form data under IC 6-1.1-5.5-3;

(5) the county auditor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a);

(6) by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;

(7) the county does not maintain a certified computer system that meets the requirements of IC 6-1.1-31.5-3.5;

(8) the county auditor has not transmitted the data described in IC 36-2-9-20 to the department of local government finance in the form and on the schedule specified by IC 36-2-9-20;

(9) the county has not established a parcel index numbering system under 50 IAC 23-8-1 in a timely manner; ~~or~~

(10) a county official has not provided other information to the department of local government finance in a timely manner as required by the department of local government finance; **or**

(11) the department of local government finance incurs additional costs to assist a covered county (as defined in IC 6-1.1-22.6-1) to issue tax statements within the time frame specified in IC 6-1.1-22.6-18(b) for each year that the county experienced delayed property taxes (as defined in IC 6-1.1-22.6-2) before the year in which the county qualifies as a covered county.

The percentage to be withheld is the percentage determined by the department of local government finance. **However, the percentage withheld for a reason stated in subdivision (11) may not exceed the percentage needed to reimburse the department of local government finance for the costs incurred by the department of local government finance to take the actions necessary to permit a covered county (as defined in IC 6-1.1-22.6-1) to issue reconciling tax statements for prior year delayed property taxes (as defined in IC 6-1.1-22.6-2) within the time frame specified in IC 6-1.1-22.6-18(b). The county governmental taxing unit of a covered county (as defined in IC 6-1.1-22.6-1) shall reimburse the department of local government finance for these expenses. The amount withheld under subdivision (11) reduces only the amount that would otherwise be distributed to the county governmental taxing unit of a covered county (as defined in IC 6-1.1-22.6-1) and not money distributable to any other political subdivision. The withholding of an amount under subdivision (11) does not relieve the county government of a covered county (as defined in IC 6-1.1-22.6-1) from making bond or lease payments that would otherwise be paid from withheld amounts or providing property tax credits that would otherwise be provided under IC 6-3.5 from withheld amounts. Subdivision (11) does not apply to any county other than a covered county (as defined in IC 6-1.1-22.6-1).**

(b) Except as provided in subsection (e), money not distributed for the reasons stated in subsection (a) shall be distributed to the county when the department of local government finance determines that the failure to:

(1) provide information; or

(2) pay a bill for services;

has been corrected.

(c) The restrictions on distributions under subsection (a) do not apply if the department of local government finance determines that the failure to:

(1) provide information; or

(2) pay a bill for services;

in a timely manner is justified by unusual circumstances.

(d) The department of local government finance shall give the county auditor at least thirty (30) days notice in writing before the department of state revenue or the auditor of state withholds a distribution under subsection (a).

(e) Money not distributed for the reason stated in subsection (a)(3) may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money deposited under this subsection is not subject to distribution under subsection (b).

(f) This subsection applies to a county that will not receive a distribution under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7. At the request of the department of local government finance, an amount permitted to be withheld under subsection (a) may be withheld from any state revenues that would otherwise be distributed to the county or one (1) or more taxing units in the county.

SECTION 44. IC 6-1.1-31-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9. (a) Except as provided in subsection (b), the department of local government finance may not adopt rules for the appraisal of real property:

(1) in a general reassessment **under IC 6-1.1-4-4; or**

(2) in a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

after July 1 of the year before the year in which the ~~general~~ reassessment is scheduled to begin.

(b) If rules ~~for the appraisal of real property in a general reassessment~~ **described in subsection (a)** are timely adopted under subsection (a) and are then disapproved by the attorney general for any reason under IC 4-22-2-32, the department of local government finance may modify the rules to cure the defect that resulted in disapproval by the attorney general, and may then take all actions necessary under IC 4-22-2 to readopt and to obtain approval of the rules. This process may be repeated as necessary until the rules are approved.

SECTION 45. IC 6-1.1-33.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) With respect to any township or county for any year, the department of local government finance may initiate a review to determine whether to order a special reassessment under this chapter. The review may apply to real property or personal property, or both.

(b) If the department of local government finance determines under subsection (a) ~~of this chapter~~ to initiate a review with respect to the real property **subject to reassessment under IC 6-1.1-4-4** within a township or county, or a portion of the real property within a township or county, the division of data analysis of the department shall determine for the real property under consideration and for the township or county the variance between:

(1) the total assessed valuation of the real property within the township or county; and

(2) the total assessed valuation that would result if the real property within the township or county were valued in the manner provided by law.

(c) If the department of local government finance determines under subsection (a) to initiate a review with respect to the real property within a particular cycle under a county's reassessment plan prepared under IC 6-1.1-4-4.2 or a part of the real property within a cycle, the division of data analysis of the department shall determine for the real property under consideration and for all groups of parcels within a particular cycle the variance between:

(1) the total assessed valuation of the real property within all groups of parcels within a particular cycle; and

(2) the total assessed valuation that would result if the real property within all groups of parcels within a particular cycle were valued in the manner provided by law.

~~(c)~~ **(d)** If the department of local government finance determines under subsection (a) ~~of this chapter~~ to initiate a review with respect to personal property within a township or county, or a part of the personal property within a township or county, the division of data analysis of the department shall determine for the personal property under consideration and for the township or county the variance between:

(1) the total assessed valuation of the personal property within the township or county; and

(2) the total assessed valuation that would result if the personal property within the township or county were valued in the manner provided by law.

~~(d)~~ **(e)** The determination of the department of local government finance under section 2 or 3 of this chapter must be based on a statistically valid assessment ratio study.

~~(e)~~ **(f)** If a determination of the department of local government finance to order a special reassessment under this chapter is based on a coefficient of dispersion study, the department shall publish the coefficient of dispersion study for the township or county in accordance with IC 5-3-1-2(j).

~~(f)~~ **(g)** If:

(1) the variance determined under subsection (b), ~~or~~ (c), **or (d)** exceeds twenty percent (20%); and

(2) the department of local government finance determines after holding hearings on the matter that a special reassessment should be conducted;

the department shall contract for a special reassessment to be conducted to correct the valuation of the property.

~~(g)~~ **(h)** If the variance determined under subsection (b), ~~or~~ (c), **or (d)** is twenty percent (20%) or less, the department of local government finance shall determine whether to correct the valuation of the property under:

(1) IC 6-1.1-4-9 and IC 6-1.1-4-10; or

(2) IC 6-1.1-14.

~~(h)~~ **(i)** The department of local government finance shall give notice to a taxpayer, by individual notice or by publication at the discretion of the department, of a hearing concerning the department's intent to cause the assessment of the taxpayer's property to be adjusted under this section. The time fixed for the hearing must be at least ten (10) days after the day the notice is mailed or published. The department may conduct a single hearing under this section with respect to multiple properties. The notice must state:

(1) the time of the hearing;

(2) the location of the hearing; and

(3) that the purpose of the hearing is to hear taxpayers' comments and objections with respect to the department's intent to adjust the assessment of property under this chapter.

~~(i)~~ **(j)** If the department of local government finance determines after the hearing that the assessment of property should be adjusted under this chapter, the department shall:

(1) cause the assessment of the property to be adjusted;

(2) mail a certified notice of its final determination to the county auditor of the county in which the property is located; and

(3) notify the taxpayer as required under IC 6-1.1-14.

~~(j)~~ **(k)** A reassessment or adjustment may be made under this section only if the notice of the final determination is given to the taxpayer within the same period prescribed in IC 6-1.1-9-3 or IC 6-1.1-9-4.

~~(k)~~ **(l)** If the department of local government finance contracts for a special reassessment of property under this chapter, the department shall forward the bill for services of the reassessment contractor to the county auditor, and the county shall pay the bill from the county reassessment fund.

SECTION 46. IC 6-1.1-34-1, AS AMENDED BY P.L.182-2009(ss), SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. In the year after:

(1) a general assessment of real property **under IC 6-1.1-4-4** becomes effective; **or**

(2) a reassessment cycle of real property under a county's reassessment plan prepared under IC 6-1.1-4-4.2 is completed;

the department of local government finance shall compute a new assessment ratio for each school corporation located in a county in which a supplemental county levy is imposed under IC 20-45-7 or IC 20-45-8. In all other years, the department shall compute a new assessment ratio for such a school corporation if the department finds that there has been sufficient reassessment or adjustment of one (1) or more classes of property in the school district. When the department of local government finance computes a new assessment ratio for a school corporation, the department shall publish the new ratio.

SECTION 47. IC 6-1.1-34-7, AS AMENDED BY P.L.182-2009(ss), SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. (a) Each year in which the department of local government finance computes a new assessment ratio for a school corporation, the department shall also compute a new adjustment factor for the school corporation. If the school corporation's assessment ratio for a year is more than ninety-nine percent (99%) but less than one hundred one percent (101%) of the state average assessment ratio for that year, the school corporation's adjustment factor is the number one (1). In all other cases, the school corporation's adjustment factor equals:

(1) the state average assessment ratio for a year; divided by

(2) the school corporation's assessment ratio for that year.

The department of local government finance shall notify the school corporation of its new adjustment factor before March 2 of the year in which the department calculates the new adjustment factor.

(b) This subsection applies in a calendar year after which:

(1) a general reassessment **under IC 6-1.1-4-4** takes effect; **or**

(2) a cycle under a county's reassessment plan prepared under IC 6-1.1-4-4.2 is completed.

If the department of local government finance has not computed a new assessment ratio for a school corporation, the school corporation's adjustment factor is the number one (1) until the department of local government finance notifies the school corporation of the school corporation's new adjustment factor.

SECTION 48. IC 6-1.1-39-5, AS AMENDED BY P.L.146-2008, SECTION 296, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) A declaratory ordinance adopted under section 2 of this chapter and confirmed under section 3 of this chapter must include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. The allocation provision must apply to the entire economic development district. The allocation provisions must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the economic development district be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units. However, if the effective date of the allocation provision of a declaratory ordinance is after March 1, 1985, and before January 1, 1986, and if an improvement to property was partially completed on March 1, 1985, the unit may provide in the declaratory ordinance that the taxes attributable to the assessed value of the property as finally determined for March 1, 1984, shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, part or all of the property tax proceeds in excess of those described in subdivision (1), as specified in the declaratory ordinance, shall be allocated to the unit for the economic development district and, when collected, paid into a special fund established by the unit for that economic development district that may be used only to pay the principal of and interest on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district. The amount not paid into the special fund shall be paid to the respective units in the manner prescribed by subdivision (1).

(3) When the money in the fund is sufficient to pay all outstanding principal of and interest (to the earliest date on which the obligations can be redeemed) on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district, money in the special fund in excess of that amount shall be paid to the respective taxing units in the manner prescribed by subdivision (1).

(b) Property tax proceeds allocable to the economic development district under subsection (a)(2) must, subject to subsection (a)(3), be irrevocably pledged by the unit for payment as set forth in subsection (a)(2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the economic development district that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory ordinance is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Notwithstanding any other law, each assessor shall, upon petition of the fiscal body, reassess the taxable property situated upon or in, or added to, the economic development district effective on the next assessment date after the petition.

(e) Notwithstanding any other law, the assessed value of all taxable property in the economic development district, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located, is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(f) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each:

(1) general reassessment under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4; or**

(2) reassessment of a group of parcels under a reassessment plan prepared under IC 6-1.1-4-4.2;

the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment on the property tax proceeds allocated to the district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1.

(g) As used in this section, "property taxes" means:

(1) taxes imposed under this article on real property; and

(2) any part of the taxes imposed under this article on depreciable personal property that the unit has by ordinance allocated to the economic development district. However, the ordinance may not limit the allocation to taxes on depreciable personal property with any particular useful life or lives.

If a unit had, by ordinance adopted before May 8, 1987, allocated to an economic development district property taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the ordinance continues in effect until an ordinance is adopted by the unit under subdivision (2).

(h) As used in this section, "base assessed value" means:

(1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (f); plus

(2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Subdivision (2) applies only to economic development districts established after June 30, 1997, and to additional areas established after June 30, 1997.

SECTION 49. IC 6-1.1-42-28, AS AMENDED BY P.L.219-2007, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 28. (a) Subject to this section and section 34 of this chapter, the amount of the deduction which the property owner is entitled to receive under this chapter for a particular year equals the product of:

(1) the increase in the assessed value resulting from the remediation and redevelopment in the zone or the location of personal property in the zone, or both; multiplied by

(2) the percentage determined under subsection (b).

(b) The percentage to be used in calculating the deduction under subsection (a) is as follows:

(1) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%

(2) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	17%

(3) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	95%
3rd	80%
4th	65%
5th	50%
6th	40%
7th	30%
8th	20%
9th	10%
10th	5%

(c) The amount of the deduction determined under subsection (a) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If a:

(A) general reassessment of real property **under IC 6-1.1-4-4; or**

(B) reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

occurs within the particular period of the deduction, the amount determined under subsection (a)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the ~~general~~ reassessment.

(2) If an appeal of an assessment is approved that results in a reduction of the assessed value of the redeveloped or rehabilitated property, the amount of any deduction shall be adjusted to reflect the percentage decrease that resulted from the appeal.

(3) The amount of the deduction may not exceed the limitations imposed by the designating body under section 23 of this chapter.

(4) The amount of the deduction must be proportionally reduced by the proportionate ownership of the property by a person that:

(A) has an ownership interest in an entity that contributed; or

(B) has contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management.

The department of local government finance shall adopt rules under IC 4-22-2 to implement this subsection.

SECTION 50. IC 33-26-8-1, AS AMENDED BY P.L.1-2007, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. As used in this chapter, "contractor" means a ~~general~~ reassessment, ~~general~~ reassessment review, or special reassessment contractor of the department of local government finance under IC 6-1.1-4-32 (repealed).

SECTION 51. IC 33-26-8-3, AS AMENDED BY P.L.1-2007, SECTION 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. As used in this chapter, "qualifying official" refers to any of the following:

(1) A county assessor of a qualifying county.

(2) A township assessor of a qualifying county.

(3) The county auditor of a qualifying county.

(4) The treasurer of a qualifying county.

(5) The county surveyor of a qualifying county.

(6) A member of the land valuation committee in a qualifying county.

(7) Any other township or county official in a qualifying county who has possession or control of information necessary or useful for a ~~general~~ reassessment, ~~general~~ reassessment review, or special reassessment of property to which IC 6-1.1-4-32 (repealed) applies, including information in the possession or control of an employee or a contractor of the official.

(8) Any county official in a qualifying county who has control, review, or other responsibilities related to paying claims of a contractor submitted for payment under IC 6-1.1-4-32 (repealed).

SECTION 52. IC 36-2-7-13, AS AMENDED BY P.L.146-2008, SECTION 691, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13. The county fiscal body may grant to the county assessor, in addition to the compensation fixed under IC 36-2-5, a per diem for each day that the assessor is engaged in ~~general~~ reassessment activities **under IC 6-1.1-4-4 or under a reassessment plan prepared under IC 6-1.1-4-4.2.** This section applies regardless of whether professional assessing services are provided under a contract to one (1) or more townships in the county.

SECTION 53. IC 36-6-8-5, AS AMENDED BY P.L.146-2008, SECTION 717, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) When performing the real property reassessment duties ~~prescribed by IC 6-1.1-4,~~ **under IC 6-1.1-4-4 or a county's reassessment plan prepared under IC 6-1.1-4-4.2,** a township assessor may receive per diem compensation, in addition to salary, at a rate fixed by the county fiscal body, for each day that the assessor is engaged in reassessment activities.

(b) Subsection (a) applies regardless of whether professional assessing services are provided to a township under contract.

SECTION 54. IC 36-7-14-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Within thirty (30) days after the close of each calendar year, the redevelopment commissioners shall file with the unit's executive a report setting out their activities during the preceding calendar year.

(b) The report of the commissioners of a municipal redevelopment commission must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, **an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission,** the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commissioners and the results obtained.

(c) The report of the commissioners of a county redevelopment commission must show all the information required by subsection (b), plus the names of any commissioners appointed to or removed from office during the preceding calendar year.

(d) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format under IC 5-14-6.

SECTION 55. IC 36-7-14-39, AS AMENDED BY P.L.203-2011, SECTION 9, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that

allocation area.
(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.
(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.
(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to that allocation area.
(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.
(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.
(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) that are physically located in or physically connected to that allocation area.
(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.
(I) For property taxes first due and payable before January 1, 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:
STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.
STEP TWO: Divide:
(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by
(ii) the STEP ONE sum.
STEP THREE: Multiply:
(i) the STEP TWO quotient; times
(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.
If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter (before its repeal) in the same year.
(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.
(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:
(i) in the allocation area; and
(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.
However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.
(L) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:
(i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.
(ii) Make any reimbursements required under this subdivision.
(iii) Pay any expenses required under this subdivision.
(iv) Establish, augment, or restore any debt service reserve under this subdivision.
The allocation fund may not be used for operating expenses of the commission.
(4) Except as provided in subsection (g), before July 15 of each year, the commission shall do the following:
(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3), plus the amount necessary for other purposes described in subdivision (3).
(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:
(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or
(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).
The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3) or lessors under section 25.3 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (½) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment **of real property in an area under IC 6-1.1-4-4 and after each reassessment in an area under a reassessment plan prepared** under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4.2,** the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment **of the real property in the area** on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, **the reassessment under the reassessment plan,** or **the** annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 56. IC 36-7-15.1-26, AS AMENDED BY P.L.203-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the

net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of

the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

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

(4) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the legislative body of the consolidated city, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (½) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment **of real property in an area under IC 6-1.1-4-4 and after**

each reassessment under a reassessment plan prepared under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4.2,** the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment **of the real property in the area** on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, **reassessment under the reassessment plan,** or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 57. IC 36-7-15.1-36.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 36.3. (a) Within thirty (30) days after the close of each calendar year, the commission shall file with the mayor a report setting out the commission's activities during the preceding calendar year.**

(b) The report required by subsection (a) must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commission and the results obtained.

(c) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format under IC 5-14-6.

SECTION 58. IC 36-7-15.1-53, AS AMENDED BY P.L.203-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 53. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 40 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means:

(1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Except as provided in section 55 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A resolution adopted under section 40 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision must be approved by resolution of the legislative body of the excluded city and must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are

incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 50 of this chapter.

(D) Pay the principal of and interest on bonds issued by the excluded city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 46 of this chapter.

(G) Reimburse the excluded city for expenditures for local public improvements (which include buildings, park facilities, and other items set forth in section 45 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

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

(4) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located, is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (½) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in an

enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers, for purposes of payments from the special zone fund, only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment **of real property in an area under IC 6-1.1-4-4 or reassessment under a county's reassessment plan prepared** under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4.2,** the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment **of the real property in the area** on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, **reassessment under the county's reassessment plan,** or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 59. IC 36-7-30-25, AS AMENDED BY P.L.203-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 25. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base reuse area to which an allocation provision of a declaratory resolution adopted under section 10 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment thereto, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Clause (C) applies only to allocation areas established in a military reuse area after June 30, 1997, and to the part of an allocation area that was established before June 30, 1997, and that is added to an existing allocation area after June 30, 1997.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 10 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 13 of this chapter. The allocation provision may apply to all or part of the military base reuse area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution are made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the military base reuse district and, when collected, paid into an allocation fund for that allocation area that may be used by the military base reuse district and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the military base reuse district or any other entity for the purpose of financing or refinancing military base reuse activities in or directly serving or benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the reuse authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) Pay expenses incurred by the reuse authority, any other department of the unit, or a department of another governmental entity for local public improvements or structures that are in the allocation area or directly serving or benefiting the allocation area, including expenses for the operation and maintenance of these local public improvements or structures if the reuse authority determines those operation and maintenance expenses are necessary or desirable to carry out the purposes of this chapter.

(F) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

Except as provided in clause (E), the allocation fund may not be used for operating expenses of the reuse authority.

(4) Except as provided in subsection (g), before July 15 of each year the reuse authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the unit that established the reuse authority, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess property taxes that the reuse authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the reuse authority has determined that there are no excess property tax proceeds that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess property tax proceeds determined by the reuse authority. The reuse authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (3) or lessors under section 19 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the military base reuse district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the military base reuse district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the reuse authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) that are derived from property in the enterprise zone in the fund. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (½) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment **of real property in an area under IC 6-1.1-4-4 or reassessment under the county's reassessment plan** under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4.2,** the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment **of the real property in the area** on the property tax proceeds allocated to the military base reuse district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base reuse district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds

allocable to the military base reuse district under subsection (b)(3) than would otherwise have been received if the general reassessment, **reassessment under the county's reassessment plan,** or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 60. IC 36-7-30.5-30, AS AMENDED BY HEA 1009-2012, SECTION 246, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 30. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base development area to which an allocation provision of a declaratory resolution adopted under section 16 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment to the declaratory resolution, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 16 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 18 of this chapter. The allocation provision may apply to all or part of the military base development area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the development authority and, when collected, paid into an allocation fund for that allocation area that may be used by the development authority and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the development authority or any other entity for the purpose of financing or refinancing military base development or reuse activities in or directly serving or benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the development authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) For property taxes first due and payable before 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the development authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

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

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; by

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 32 of this chapter (before its repeal) in the same year.

(F) Pay expenses incurred by the development authority for local public improvements or structures that were in the allocation area or directly serving or benefiting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to

property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

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

(4) Except as provided in subsection (g), before July 15 of each year the development authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision(3) plus the amount necessary for other purposes described in subdivisions (2) and (3).

(B) Provide a written notice to the appropriate county auditors and the fiscal bodies and other officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of the excess property taxes that the development authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the development authority has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditors shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the development authority. The development authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (3) or lessors under section 24 of this chapter. Property taxes received by a taxing unit under this subdivision before 2009 are eligible for the property tax replacement credit provided under IC 6-1.1-21 (before its repeal).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the military base development district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the military base development district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the development authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the development authority shall create funds as specified in this subsection. A development authority that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. The development authority shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A development authority that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) that are derived from property in the enterprise zone in the fund. The development authority that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or for other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to an allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (½) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment **of real property in an area under IC 6-1.1-4-4 or reassessment under a reassessment plan prepared** under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4.2,** the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment **of the real property in the area** on the property tax proceeds allocated to the military base development district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base development district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the military base development district under subsection (b)(3) than would otherwise have been received if the general reassessment, **reassessment under the county's reassessment plan,** or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 61. IC 36-7-32-19, AS AMENDED BY P.L.154-2006, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 19. (a) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that the state board of accounts and department of local government finance consider appropriate for the implementation of an allocation area under this chapter.

(b) After each general reassessment **of real property in an area under IC 6-1.1-4-4 or reassessment under a**

reassessment plan prepared under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4.2,** the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment **of the real property in the area** on the property tax proceeds allocated to the certified technology park fund under section 17 of this chapter. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the certified technology park fund under section 17 of this chapter.

SECTION 62. **An emergency is declared for this act.**

(Reference is to ESB 19 as reprinted February 28, 2012.)

BOOTS	THOMPSON
BRODEN	PELATH
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 97–1; filed March 8, 2012, at 6:36 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 97 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, line 1, after "IC 7.1-5-1-3" insert ", AS AMENDED BY SEA 274-2012, SECTION 2,".

Page 1, line 2, delete "It" and insert "Subject to section 6.5 of this chapter, it".

Page 1, line 14, after "IC 7.1-5-1-6" insert ", AS AMENDED BY SEA 274-2012, SECTION 3,".

Page 1, line 15, delete "It" and insert "Subject to section 6.5 of this chapter, it".

(Reference is to ESB 97 as reprinted February 28, 2012.)

M. YOUNG	STEUERWALD
TAYLOR	DVORAK
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 144–1; filed March 8, 2012, at 6:37 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 144 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, after line 9, begin a new paragraph and insert:

"SECTION 2. IC 6-7-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. As used in this chapter, "wholesale price" means the **net** price **shown on an invoice and** at which the manufacturer of the tobacco products sells tobacco products to distributors, excluding any discount or other reduction **that is not shown on the invoice.**".

(Reference is to ESB 144 as printed February 24, 2012.)

KENLEY	ESPICH
SKINNER	CRAWFORD
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1237–1; filed March 8, 2012, at 6:38 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1237 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-5-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies only to residential property. ~~which means real property used in whole or in part as a dwelling of a consumer and includes all fixtures to, structures on, and improvements to the real property.~~

SECTION 2. IC 24-5-11-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. As used in this chapter, "exterior home improvement" means any alteration, repair, replacement, reconstruction, or other modification made to the exterior of residential property, including the exterior of any structure on or fixture or improvement to the property. The term also includes the alteration, repair, replacement, reconstruction, or other modification of a residential roof system.**

SECTION 3. IC 24-5-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a)** As used in this chapter, "home improvement" means any alteration, repair, **replacement, reconstruction,** or other modification of residential property.

(b) The term includes an exterior home improvement.

SECTION 4. IC 24-5-11-6.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.2. As used in this chapter, "insured consumer" refers to a person:**

(1) who is a policyholder or an insured under a:

(A) personal line policy of property and casualty insurance coverage; or

(B) commercial line farm insurance policy that insures residential property; and

(2) who is or may become a consumer who enters into a home improvement contract under this chapter.

SECTION 5. IC 24-5-11-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.5. (a) As used in this chapter, "residential property" means real property that:**

(1) contains one (1) to four (4) units; and

(2) is used in whole or in part as a dwelling of a consumer.

(b) The term includes all fixtures to, structures on, and improvements to the real property.

SECTION 6. IC 24-5-11-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.7. As used in this chapter, "roof system" includes roof coverings, roof sheathing, roof weatherproofing, and insulation.**

SECTION 7. IC 24-5-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The

home improvement supplier shall provide a completed home improvement contract to the consumer before it is signed by the consumer. Except as provided in subsection (c), the contract must contain at a minimum the following:

(1) The name of the consumer and the address of the residential property that is the subject of the home improvement.

(2) The name and address of the home improvement supplier and each of the telephone numbers and names of any agent to whom consumer problems and inquiries can be directed.

(3) The date the home improvement contract was submitted to the consumer and any time limitation on the consumer's acceptance of the home improvement contract.

(4) A reasonably detailed description of the proposed home improvements.

(5) If the description required by subdivision (4) does not include the specifications for the home improvement, a statement that the specifications will be provided to the consumer before commencing any work and that the home improvement contract is subject to the consumer's separate written and dated approval of the specifications.

(6) The approximate starting and completion dates of the home improvements.

(7) A statement of any contingencies that would materially change the approximate completion date.

(8) The home improvement contract price.

(9) Signature lines for the home improvement supplier or the supplier's agent and for each consumer who is to be a party to the home improvement contract with a legible printed or a typed version of that person's name placed directly after or below the signature.

(b) The home improvement contract must be in a form that each consumer who is a party to it can reasonably read and understand.

(c) If a home improvement contract is entered into ~~as a result of~~ **for** damage, loss, or expense that is ~~covered,~~ **to be paid,** in whole or in part, ~~by~~ **from** the proceeds of ~~an~~ **a personal line property and casualty** insurance policy **or a commercial line farm insurance policy that insures residential property,** or **for** damage, loss, or expense for which a third party is liable, the following conditions and requirements apply to the **home improvement** contract:

(1) For the purpose of subsection (a)(4) through (a)(7), the description, completion dates, and statement of contingencies must be prepared for the proposed home improvements to the extent that the damage, loss, or expense is reasonably known by the home improvement supplier.

(2) For the purpose of subsection (a)(4), the requirement that a reasonably detailed description be included in the contract may be satisfied with a statement that the subject real estate will be repaired or restored to the same condition in which the real estate existed before the damage, loss, or expense occurred, or to a comparable condition.

(3) For the purpose of subsection (a)(6), the starting and completion dates may be expressed in terms of the number of days elapsed from the date when sufficient approval of the insurance carrier terms allowing for adequate repair or restoration is obtained.

(4) For the purpose of subsection (a)(8), the **consumer or insured** consumer may agree to a contract price expressed in terms of the **consumer's or insured** consumer's liability for payment after the application of insurance proceeds or payments from a liable third party.

(5) The **consumer or insured** consumer may elect, in writing, to authorize the commencement of work on the home before the **consumer or insured** consumer receives complete specifications. However, a **consumer or an insured** consumer who elects to authorize the commencement of work under this subdivision is obligated for the home improvements specified and agreed to by the insurance carrier.

(6) This subdivision applies to a home improvement contract that is entered into by a home improvement supplier and an insured consumer after June 30, 2012, and that includes one (1) or more exterior home improvements. Before entering into a home improvement contract that is to be paid, in whole or in part, from the proceeds of a personal line property and casualty insurance policy or a commercial line farm insurance policy that insures residential property, the home improvement supplier must inform the insured consumer of the insured consumer's rights under section 10.5(b) of this chapter by doing the following:

(A) Furnishing to the insured consumer the following statement: "You may cancel this contract at any time before midnight on the third business day after you have received written notification from your insurance company that all or any part of the claim or contract is not a covered loss under the insurance policy. See attached notice of cancellation form for an explanation of this right.".

(B) Furnishing to the insured consumer a form, in duplicate, that is captioned "NOTICE OF CANCELLATION" and is attached to the contract but easily detachable, and that contains the following statement in at least 10 point, boldface type:

"NOTICE OF CANCELLATION

If you are notified by your insurance company that all or any part of the claim or contract is not a covered loss under the insurance policy, you may cancel the contract by mailing or delivering a signed and dated copy of this cancellation notice or any other written notice to (name of home improvement supplier) at (address of home improvement supplier's place of business) at any time before midnight on the third business day after you have received such notice from your insurance company. If you cancel the contract, any payments made by you under the contract will be returned to you within ten (10) business days following receipt by (name of home improvement supplier) of your cancellation notice, minus any amounts you may owe for work already done by (name of home improvement supplier).

I HEREBY CANCEL THIS TRANSACTION

_____

(date)

_____

(insured consumer's signature)".

(7) This subdivision applies to a home improvement contract that is entered into as a result of damage, loss, or expense that is to be paid, in whole or in part, from the proceeds of a personal line property and casualty insurance policy or a commercial line farm insurance policy that insures residential property. However, this subdivision does not apply to a consumer and a home improvement supplier that have a prior business relationship. After June 30, 2012, a home improvement supplier may not enter into a home improvement contract to which this subdivision applies unless one (1) or more of the following apply:

(A) The home improvement supplier resides, is domiciled, or is authorized to do business in

Indiana.

(B) The home improvement supplier maintains in Indiana one (1) or more fixed physical locations from which the home improvement supplier engages in or solicits home improvement contracts.

(C) The home improvement supplier has appointed a resident agent in Indiana for service of legal process.

(d) A modification to a home improvement contract is not enforceable against a consumer unless the modification is stated in a writing that is signed by the consumer.

SECTION 8. IC 24-5-11-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 10.5. (a) A home improvement supplier shall not advertise, offer, or promise to pay or rebate any part of an insurance deductible to induce a person to enter into a home improvement contract or otherwise purchase goods or services from the home improvement supplier. Acts prohibited by this subsection include the following:**

(1) Advertising, offering, or promising to grant an allowance or a discount against the home improvement contract price or against other fees or charges.

(2) Advertising, offering, or promising to pay to an insured consumer, or to any other person, any form of compensation, including a gift, prize, bonus, coupon, credit, referral fee, or other item of monetary value for any reason, including the display of a sign or advertisement on residential property.

(b) This subsection applies to a home improvement contract that is entered into by a home improvement supplier and an insured consumer after June 30, 2012, and that includes one (1) or more exterior home improvements. An insured consumer who enters into a home improvement contract for which the home improvement contract price, or charges for other goods and services under the contract, are to be paid, in whole or in part, from the proceeds of a personal line property and casualty insurance policy or a commercial line farm insurance policy that insures residential property, may cancel the contract before midnight on the third business day after the insured consumer has received written notice from the insurance company that any part of the claim or contract is not a covered loss under the insurance policy. An insured consumer who seeks to cancel a home improvement contract under this subsection must provide to the home improvement supplier, at the address specified in the form provided under section 10(c)(6)(B) of this chapter, written notice of the insured consumer's intent not to be bound by the contract. If the notice of cancellation is sent by mail, the notice is effective upon deposit of the notice into the United States mail, with postage prepaid and the notice properly addressed to the home improvement supplier. Subject to subsection (c), not later than ten (10) days after a home improvement contract is cancelled under this subsection, the home improvement supplier shall tender to the insured consumer:

(1) any payment or deposit made by the insured consumer; and

(2) any note or other evidence of indebtedness of the insured consumer.

(c) If:

(1) an insured consumer cancels a home improvement contract under subsection (b); and

(2) the home improvement supplier has performed emergency or temporary services that the insured consumer acknowledged in writing before their performance to be necessary to prevent damage to the residential property;

the home improvement supplier is entitled to the reasonable value of the emergency or temporary services performed.

(d) A home improvement supplier shall not act as a public adjuster (as defined in IC 27-1-27-1).

(Reference is to EHB 1237 as printed February 8, 2012.)

VanNATTER	ECKERTY
MOSES	MRVAN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 234	Conferees:	Dermody and Austin
	Advisors:	Davis and V. Smith

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:44 p.m. with the Speaker in the Chair.

Representative McClain, who had been excused, was present. Representatives Espich and Grubb were excused for the rest of the day.

Upon request of Representatives Dvorak and C. Fry, the Speaker ordered the roll of the House to be called to determine the presence of a quorum. Roll Call 372: 68 present. The Speaker declared a quorum present.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1134 and that the House now concur in the Senate amendments to said bill.

SPEEDY

Roll Call 373: yeas 84, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1169 and that the House now concur in the Senate amendments to said bill.

KOCH

Roll Call 374: yeas 88, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1325 and that the House now concur in the Senate amendments to said bill.

POND

Roll Call 375: yeas 78, nays 12. Motion prevailed.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012; we further recommend that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1080–1, 1092–1, 1123–1, 1149–1, and 1186–1 and Engrossed Senate Bills 19–1, 22–1, 26–1, 32–1, 115–1, 190–1, 298–1, and 302–1.

TORR–1, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee reports are eligible for consideration after March 3–1, 2012–1, and that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours–1, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1080–1, 1092–1, 1123–1, 1149–1, and 1186–1 and Engrossed Senate Bills 19–1, 22–1, 26–1, 32–1, 115–1, 190–1, 298–1, and 302–1.

TORR–1, Chair

Motion prevailed.

Engrossed House Bill 1080–1

The conference committee report was reread. Roll Call 376: yeas 92, nays 0. Report adopted.

Representative Day was excused.

Engrossed House Bill 1092–1

The conference committee report was reread. Roll Call 377: yeas 92, nays 0. Report adopted.

The Speaker yielded the gavel to Representative Crawford.

Engrossed House Bill 1123–1

The conference committee report was reread. Representatives Bauer, Cheatham, C. Fry, Kersey, Klinker, Moses, Pond, Rhoads, Riecken, V. Smith, Thompson, and Wolkins were excused from voting, pursuant to House Rule 47. Roll Call 378: yeas 79, nays 2. Report adopted.

Engrossed House Bill 1149–1

The conference committee report was reread. Roll Call 379: yeas 60, nays 33. Report adopted.

The Acting Speaker yielded the gavel to the Speaker.

Engrossed House Bill 1186–1

The conference committee report was reread. Roll Call 380: yeas 91, nays 0. Report adopted.

Engrossed Senate Bill 19–1

The conference committee report was reread. Roll Call 381: yeas 90, nays 0. Report adopted.

Engrossed Senate Bill 22–1

The conference committee report was reread. Roll Call 382: yeas 92, nays 0. Report adopted.

Engrossed Senate Bill 26–1

The conference committee report was reread. Roll Call 383: yeas 89, nays 2. Report adopted.

Engrossed Senate Bill 32–1

The conference committee report was reread. Roll Call 384: yeas 92, nays 0. Report adopted.

Engrossed Senate Bill 115–1

The conference committee report was reread. Roll Call 385: yeas 92, nays 0. Report adopted.

Engrossed Senate Bill 190–1

The conference committee report was reread. Roll Call 386: yeas 91, nays 0. Report adopted.

Engrossed Senate Bill 298–1

The conference committee report was reread. Roll Call 387: yeas 92, nays 0. Report adopted.

Representative Day, who had been excused, was present.

Engrossed Senate Bill 302–1

The conference committee report was reread. Roll Call 388: yeas 92, nays 1. Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Friday, March 9, 2012 at 10:00 a.m.

THOMPSON

The motion was adopted by a constitutional majority.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bills 1040 and 1141.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 15, 52, 107, 113, 176, and 224.

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1004, 1117, 1141, 1247, 1249, 1270, and 1298 and Senate Enrolled Acts 24, 109, 113, 114, 127, 154, 173, and 286 on March 8.

A meeting of the Committee on Rules and Legislative Procedures was announced.

On the motion of Representative Crawford, the House adjourned at 9:41 p.m., this eighth day of March, 2012, until Friday, March 9, 2012, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

Journal of the House

State of Indiana

117th General Assembly — Second Regular Session

Thirty-seventh Day — **Friday Morning** — **March 9, 2012**

The invocation was offered by Sister Kathryn Huber, Monastery Immaculate Conception, Ferdinand, the guest of Representative Susan Ellspermann.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Ellspermann.

The Speaker ordered the roll of the House to be called:

Austin
Bacon
Baird
Bardon ☐
Bartlett
Battles
Bauer
Behning
Borders
C. Brown
T. Brown
Burton
Candelaria Reardon
Cheatham
Cherry
Clere
Crawford ☐
Crouch
Culver
Davis
Davisson
Day
DeLaney
Dembowski
Dermody
Dobis
Dodge
Dvorak ☐
Eberhart
Ellspermann
Espich
Foley
Friend
Frizzell
C. Fry
R. Frye
GiaQuinta
Goodin
Grubb
Gutwein
Harris
Heaton
Heuer
Hinkle
Karickhoff
Kersey
Kirchhofer
Klinker
Knollman ☐
Koch
Kubacki
L. Lawson
Lehe
Lehman
Leonard
Lutz
Mahan
McClain
McMillin
McNamara
Messmer
Morris
Moseley
Moses
Neese
Niezgodski
Noe
Pelath
Pflum
Pierce
Pond
Porter
Pryor
Reske
Rhoads
Richardson
Riecken
Saunders
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Stevenson
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh ☐
VanNatter
Welch
Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 389: 95 present; 5 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 57

Representative Bosma introduced House Concurrent Resolution 57:

A CONCURRENT RESOLUTION fixing the date for the second regular technical session of the One Hundred Seventeenth General Assembly.

Whereas, IC 2-2.1-1-3.5 authorizes the General Assembly to fix a date for the first regular technical session of the General Assembly;

Whereas, the General Assembly finds that it is in the best interest of the State of Indiana to fix a date for the Technical Session;

Whereas, it is prudent to allow the Speaker of the House of Representatives and the President Pro Tempore of the Senate to jointly order that the Technical Session not convene if they determined its cost and inconvenience do not justify meeting in Technical Session: Therefore,

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

SECTION 1. The date for the Second Regular Technical Session of the One Hundred Seventeenth General Assembly is hereby fixed for Wednesday, May 23, 2012 at 1:30 p.m.

SECTION 2. The Speaker of the House of Representatives and the President Pro Tempore of the Senate may issue a joint order that the General Assembly not convene in Technical Session if they determined that the cost and convenience of meeting in Technical Session are not justified.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Long.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after

March 3, 2012; we further recommend that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 12 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bill 1237–1 and Engrossed Senate Bills 97–1 and 144–1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012, and that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 12 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bill 1237–1 and Engrossed Senate Bills 97–1 and 144–1.

TORR, Chair

Motion prevailed.

Engrossed House Bill 1237–1

The conference committee report was reread. Representative Culver was excused from voting, pursuant to House Rule 47. Roll Call 390: yeas 89, nays 3. Report adopted.

Engrossed Senate Bill 97–1

The conference committee report was reread. Roll Call 391: yeas 93, nays 0. Report adopted.

Representative Crawford, who had been excused, was present.

Engrossed Senate Bill 144–1

The conference committee report was reread. Roll Call 392: yeas 90, nays 5. Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:38 p.m. with the Speaker in the Chair.

A meeting of the Committee on Rules and Legislative Procedures was announced.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
EHB 1279–1; filed March 9, 2012, at 10:51 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1279 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-13-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The department consists of the following divisions:

(1) General services.
(2) Property management.
(3) Information services.
(4) Public works.
~~(5) State land office.~~

(b) The commissioner may do the following:

(1) Organize the department and its divisions.
(2) Transfer or merge functions between divisions in the interest of economy and efficiency.
(3) Terminate certain divisions within the department whenever possible.

(c) The commissioner may exercise direction and supervision over the divisions in the performance of their respective functions, subject to the approval of the governor.

SECTION 2. IC 4-20.5-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. "Land office" refers to the state land office division of the department **of natural resources** established by ~~IC 4-20.5-2-1.~~ **IC 14-18-1.5-1.**

SECTION 3. IC 4-20.5-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. (The State Land Office).

SECTION 4. IC 5-13-6-1, AS AMENDED BY P.L.234-2007, SECTION 295, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) All public funds paid into the treasury of the state or the treasuries of the respective political subdivisions shall be deposited not later than the business day following the receipt of funds on business days of the depository in one (1) or more depositories in the name of the state or political subdivision by the officer having control of the funds.

(b) Except as provided in subsections (d), (f), and (g), all public funds collected by state officers, other than the treasurer of state, shall be deposited with the treasurer of state, or an approved depository selected by the treasurer of state not later than the business day following the receipt of the funds. The treasurer of state shall deposit daily on business days of the depository all public funds deposited with the treasurer of state. Deposits do not relieve any state officer from the duty of maintaining a cashbook under IC 5-13-5-1.

(c) Except as provided in subsection (d), all local officers, except township trustees, who collect public funds of their respective political subdivisions, shall deposit funds not later than the business day following the receipt of funds on business days of the depository in the depository or depositories selected by the several local boards of finance that have jurisdiction of the funds. The public funds collected by township trustees shall be deposited in the designated depository on or before the first and fifteenth day of each month. Public funds deposited under this subsection shall be deposited in the same form in which they were received.

(d) A city (other than a consolidated city) or a town shall deposit funds not later than the next business day following the receipt of the funds in depositories:

(1) selected by the city or town as provided in an ordinance adopted by the city or the town; and
(2) approved as depositories of state funds.

(e) All local investment officers shall reconcile at least monthly the balance of public funds, as disclosed by the records of the local officers, with the balance statements provided by the respective depositories.

(f) An office of:

(1) the department of natural resources; or
(2) the department of state revenue;

that is detached from the main office of the department is not required to deposit funds on the business day following receipt if the funds on hand do not exceed ~~one hundred dollars ($100).~~ **five hundred dollars ($500).** However, the office must deposit the funds on hand not later than the business day following the day that the funds exceed ~~one hundred dollars ($100).~~ **five hundred dollars ($500).**

(g) An office of the legislative branch of state government is not required to deposit funds on the business day following receipt if the funds on hand do not exceed one hundred dollars ($100). However, the office must deposit the funds on hand not later than the business day following the day that the funds exceed one hundred dollars ($100).

SECTION 5. IC 6-1.1-6-19, AS AMENDED BY P.L.66-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. At least once every ~~five (5)~~ **seven (7)** years the state forester, or the state forester's deputy, shall inspect each parcel of land which is classified as native forest land, a forest plantation, or wildlands. On each inspection trip the state forester, or the state forester's deputy, shall, if possible, have the owner go over the parcel with the state forester and shall point out to the owner any needed improvement. In addition, the state forester shall give the owner a written report of the inspection and the state forester's recommendations. A permanent record of each inspection shall be maintained in the office of the state forester.

SECTION 6. IC 6-6-11-12.5, AS AMENDED BY P.L.207-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12.5. (a) The lake and river enhancement fund is established and allocated for the following purposes:

(1) One-half (1/2) of the fund shall be used to pay costs incurred by the department of natural resources in implementing the lake and river enhancement projects required by IC 14-32-7-12(b)(7).

(2) One-half (1/2) of the fund shall be used by the department of natural resources to pay for lake or river (as defined in IC 14-32-7-12) projects, including, but not limited to, projects to:

(A) remove sediment;

(B) control exotic or invasive plants or animals; or

(C) remove logjams or obstructions.

For purposes of this subdivision, the fund may not be used for projects relating to a ~~manmade~~ ditch ~~or waterway.~~ **or manmade channel.**

(b) The fund shall be administered by the director of the department of natural resources.

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

(d) The fund consists of the revenue from the lake and river enhancement fee paid by boat owners and deposited under section 12(c)(1) of this chapter.

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

(f) With the approval of the governor and the budget agency, the money in the fund allocated under subsection (a)(1) may be used to augment and supplement the funds appropriated for the implementation of lake and river enhancement projects required by IC 14-32-7-12(b)(7).

SECTION 7. IC 14-8-2-131.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 131.7. "Inland water" for purposes of IC 14-22-13, includes:**

(1) the waters of the state; and

(2) the boundary waters of the state, except Lake Michigan and the Ohio River.

SECTION 8. IC 14-9-4-1, AS AMENDED BY P.L.167-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following divisions are established within the department:

(1) Accounting.

(2) Administrative support services.

(3) Budget.

(4) Engineering.

(5) Entomology and plant pathology.

(6) Fish and wildlife.

(7) Forestry.

(8) Historic preservation and archeology.

(9) Human resources.

(10) Internal audit.

(11) Land acquisition.

(12) Law enforcement.

(13) Management information systems.

(14) Nature preserves.

(15) Oil and gas.

(16) Outdoor recreation.

(17) Public information and education.

(18) Reclamation.

(19) Reservoir management.

(20) Safety and training.

(21) State parks.

(22) Water.

(23) State land office.

SECTION 9. IC 14-18-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 1.5. The State Land Office

Sec. 1. The state land office is established as a division of the department.

Sec. 2. The director shall provide for the organization and management of the state land office.

Sec. 3. (a) This section does not apply to the following:

(1) An instrument or a document of either of the following:

(A) The Indiana department of transportation.

(B) A state educational institution.

(2) A lease of property for a term of four (4) years or less.

(b) The state land office shall serve as the repository for any instrument relating to past or current ownership or possession of property by the state.

Sec. 4. (a) The state land office shall prepare and maintain property record maps and plats of property owned by the state, whether owned in the past or currently owned.

(b) The maps and plats maintained by the state land office must include the following information:

(1) Maps showing each county and the boundaries of each county.

(2) Plats of each parcel of property owned by the state, showing the metes and bounds of the parcel.

The maps and plats must show the appropriate townships, ranges, sections, parts of sections, and other appropriate geographic information.

(c) The state land office may maintain appropriate materials to assist the state land office in developing and maintaining the property records required by this section, including the following:

(1) Aerial photography.

(2) United States Geographical Survey maps.

(3) Commercial and governmental plat books.

(4) Survey plats and notes prepared for agencies by registered land surveyors.

Sec. 5. (a) Subject to IC 5-14-3, the state land office shall provide copies of records maintained by the state land office.

(b) The director shall establish a reasonable copying charge for copies of records that are not standard-sized documents (as defined by IC 5-14-3-2) provided by the state land office.

Sec. 6. The commission may adopt rules under IC 4-22-2 to implement this chapter.

Sec. 7. (a) The rules adopted by the Indiana department of administration before July 1, 2012, concerning the state land office are considered, after June 30, 2012, rules of the

commission. A reference to the state land office within the Indiana department of administration in a statute, rule, or other document before July 1, 2012, is considered a reference to the state land office within the department.

(b) All powers, duties, assets, liabilities, records, property, appropriations, and employees of the state land office within the Indiana department of administration on June 30, 2012, are transferred to the state land office within the department.

SECTION 10. IC 14-22-6-7, AS AMENDED BY P.L.13-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) This section does not apply to an employee of the department, ~~or~~ an employee of a federal wildlife management agency, **or a person** who:

(1) is acting in the performance of the employee's **or a person's** duties **or in accordance with the conditions of a license;** and

(2) has received the express written consent of the director for the employee's **or person's** action.

(b) ~~A person~~ **An individual** may not knowingly throw or cast the rays of any spotlight or other artificial light:

(1) not required by law on a motor vehicle; and

(2) in search of or upon any wild bird or wild animal;

from a vehicle while the person possesses a firearm, bow, or crossbow, if by throwing or casting the rays a wild bird or wild animal could be killed. This subsection applies even though the animal is not killed, injured, shot at, or otherwise pursued.

(c) ~~A person~~ **An individual** may not take any wildlife, except furbearing mammals, with the aid of illumination of any spotlight, searchlight, or other artificial light.

(d) ~~A person~~ **An individual** may not shine a spotlight, searchlight, or other artificial light for the purpose of taking, attempting to take, or assisting another person to take a deer.

SECTION 11. IC 14-22-6-11, AS AMENDED BY P.L.13-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) This section does not apply to an employee of the department, ~~or an~~ employee of a federal wildlife management agency, **or individual** who:

(1) is acting in the performance of the employee's **or individual's** duties; and

(2) has received the express written consent of the director for the employee's **or individual's** action.

(b) ~~A person~~ **An individual** may not:

(1) use or possess an apparatus designed for use with or on a firearm commonly called a silencer; or

(2) use or possess a device used as a silencer;

in Indiana while in the act of hunting.

SECTION 12. IC 14-22-7-3, AS AMENDED BY P.L.225-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) ~~A person~~ **An individual** may not hunt ~~or take~~ a migratory waterfowl within Indiana without having ~~a~~ **an electronically generated** migratory waterfowl stamp issued by the department. The stamp must be in the possession of each ~~person~~ **individual** hunting ~~or taking~~ a migratory waterfowl. The licensee shall validate the stamp with the signature, in ink, of the licensee on the hunting license on which the electronically generated form of the stamp is attached.

(b) The department shall determine the form of the migratory waterfowl stamp and may create and sell commemorative migratory waterfowl stamps.

~~(c) The department may furnish the commemorative migratory waterfowl stamps or the electronically generated form of the stamps to a clerk of the circuit court or the clerk's designated depositories for issuance or sale in the same manner as hunting licenses are issued or sold under IC 14-22-11.~~

SECTION 13. IC 14-22-7-4, AS AMENDED BY P.L.225-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. ~~A~~ **An electronically generated** stamp shall be issued to each hunting license applicant or holder upon request and the payment of a fee of six dollars and seventy-five cents ($6.75). Each stamp expires on March 31 of the year following issuance.

SECTION 14. IC 14-22-8-4, AS AMENDED BY P.L.225-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) ~~A person~~ **An individual** may not hunt ~~or take~~ a game bird within Indiana without having ~~a~~ **an electronically generated** game bird habitat restoration stamp issued by the department. The stamp must be in the possession of each ~~person~~ **individual** hunting ~~or taking~~ a game bird. The licensee shall validate the stamp with the signature of the licensee on the hunting license on which the electronically generated form of the stamp is attached.

(b) The department shall ~~do the following:~~

~~(1)~~ determine the form of the stamp and may create and sell commemorative game bird habitat restoration stamps.

~~(2) Furnish the commemorative stamps or the electronically generated form of the stamps to a clerk of the circuit court or the clerk's designated depositories for issuance or sale in the same manner as hunting licenses are issued or sold under IC 14-22-11.~~

SECTION 15. IC 14-22-9-1, AS AMENDED BY P.L.165-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as allowed by sections 3 and 11 of this chapter, ~~a person~~ **an individual** may not take fish from waters containing state owned fish, waters of the state, or boundary waters of the state by the following:

(1) Means of:

(A) a weir;

(B) an electric current;

(C) dynamite or other explosive;

(D) a net;

(E) a seine;

(F) a trap; or

(G) any other substance that has a tendency to stupefy or poison fish.

(2) Means of the following:

(A) A firearm.

~~(B) A crossbow.~~

~~(C)~~ **(B)** The hands alone.

(b) The methods or devices in this section may be possessed and used:

(1) under special permit issued by the director under rules that the director provides; or

(2) as otherwise provided by law.

SECTION 16. IC 14-22-9-11, AS ADDED BY P.L.165-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) As used in this section, "motorboat" means a watercraft propelled by:

(1) an internal combustion, steam, or electrical inboard or outboard motor or engine; or

(2) any mechanical means.

The term does not include a personal watercraft.

(b) The department shall establish and implement a ~~pilot~~ program for the purpose of containing and reducing invasive animal species in the Wabash River. In ~~developing~~ **administering** this ~~pilot~~ program, the department may:

(1) allow the taking of a specific invasive animal species by a means described in section ~~1(2)~~ **1(a)(2)** of this chapter;

(2) may require the use of ammunition described in 50 CFR 20.21(j); or

(3) require a hunting or fishing license under

IC 14-22-12-1.

(c) 312 IAC 9-2-2(d), as in effect July 1, 2011, does not apply to this section.

SECTION 17. IC 14-22-10-3, AS AMENDED BY P.L.165-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) ~~A person~~ **An individual** may not take, carry, ship, transport, or accept for shipment or transportation outside Indiana a wild animal protected by Indiana law, except as provided in this article.

(b) ~~A person~~ **An individual** having a license to use a commercial fishing device in Indiana may ship, carry, or transport outside Indiana fish that the ~~person~~ **individual** has legally taken or caught by the commercial fishing device.

(c) ~~A person~~ **An individual** having a license to hunt, trap, or fish in Indiana may ~~do the following:~~

~~(1)~~ carry, transport, or ship outside Indiana, in open season, in one (1) day, a wild animal that the ~~person~~ **individual** has legally taken in open season, not to exceed in number the possession limit of the wild animal.

~~(2) Ship, carry, or take outside Indiana in one (1) week more than two (2) times the possession limit for the wild animal.~~

(d) Hides and furs of furbearing animals legally taken in open season may be shipped or carried outside Indiana in any number:

(1) during the open season; or

(2) after open season as allowed by rule.

(e) ~~A person~~ **An individual** having a breeder's license may ship, carry, or transport outside Indiana a wild animal that the ~~person~~ **individual** has legally possessed under the breeder's license in Indiana.

(f) ~~A person~~ **An individual** may not ship, carry, or transport or accept for transportation or shipment to a place in Indiana or outside Indiana a wild animal unless the wild animal is enclosed in a package or container on which there is clearly, legibly, and conspicuously marked on the outside of the package or container the following information:

(1) The name and address of the shipper and the consignee.

(2) An accurate statement of the number or quantities and kinds of wild animals contained.

The shipper shall produce the license required under this article authorizing the person to take or possess the wild animal. If the wild animal is carried by the licensee personally, the wild animal shall be carried openly for inspection, together with the license.

(g) ~~A person~~ **An individual** having a mussel buyer's license may ship legally taken mussels or mussel shells outside Indiana.

SECTION 18. IC 14-22-11-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. (a) Except as provided in subsection (b), the season for taking raccoons is closed to nonresidents of Indiana.~~

~~(b) The director may open the season on raccoons to the residents of another state on the same days and during the same hours that the raccoon season in the nonresident's state of residence is open to residents of the nonresident's state. However, a nonresident may not take raccoons in Indiana when the season is closed in Indiana even if the raccoon taking season is open in the nonresident's state.~~

SECTION 19. IC 14-22-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A nonresident of Indiana who is

~~(1)~~ on active duty with a branch or department of the armed forces of the United States while stationed in Indiana ~~or~~

~~(2) in the employment of:~~

~~(A) the United States Fish and Wildlife Service; or~~

~~(B) the conservation department of a state, territory, or possession of the United States; and~~

~~in Indiana for the purpose of advising or consulting with the department~~

may hunt or fish in Indiana after obtaining the proper resident license. A nonresident described in this subsection must carry on the nonresident's person, when fishing or hunting, the license and a card or other evidence that identifies the nonresident as ~~a person~~ **an individual** qualified to obtain a license under this subsection.

(b) A nonresident of Indiana who:

(1) is less than eighteen (18) years of age; and

(2) has a parent, grandparent, or legal guardian who is a resident of Indiana;

may hunt, fish, or trap in Indiana after obtaining the proper resident license.

SECTION 20. IC 14-22-12-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. (a) As used in this section, "qualified individual" means an individual who:

(1) is a resident of Indiana;

(2) has served in the armed forces of the United States; and

(3) has a service connected disability, as evidenced by:

(A) records of the United States Department of Veterans Affairs; or

(B) disability retirement benefits awarded to the individual under laws administered by the United States Department of Defense.

(b) A qualified individual is entitled to reduced fee hunting and fishing licenses under this section.

(c) Each year a qualified individual may obtain:

(1) both:

(A) a resident yearly license to fish; and

(B) a resident yearly license to hunt; or

(2) a resident yearly license to hunt and fish;

by paying a reduced license fee of two dollars and seventy-five cents ($2.75) instead of the fee prescribed by section 1 of this chapter.

(d) Each decade a qualified individual may obtain:

(1) both:

(A) a resident license to fish that is valid for ten (10) years; and

(B) a resident license to hunt that is valid for ten (10) years; or

(2) a resident license to hunt and fish that is valid for ten (10) years;

by paying a reduced license fee of twenty-seven dollars and fifty cents ($27.50).

~~(d)~~ **(e)** An applicant for a reduced fee license under this section must do the following:

(1) Request the license from:

(A) the department;

(B) an agent appointed by the director under IC 14-22-11-3; or

(C) the clerk of the circuit court who is an authorized representative of the department under IC 14-22-11-3 in the county in which the individual resides.

(2) Present evidence that the applicant is a qualified individual.

SECTION 21. IC 14-22-13-2, AS AMENDED BY P.L.165-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This section applies to the Ohio River waters of Indiana.

(b) The department may issue to an individual who is a resident **or nonresident** of Indiana a license to use in, and to possess for use in, the water seines, nets, or other commercial fishing gear under rules adopted under IC 4-22-2 upon payment of the following fee:

(1) For an Ohio River commercial fishing license and ten (10) Ohio River commercial gear tags, one hundred twenty-five dollars ($125).

(2) For each block of ten (10) Ohio River commercial fishing gear tags, fifteen dollars ($15).

SECTION 22. IC 14-22-13-2.5, AS ADDED BY P.L.165-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) This section applies to the harvest or sale of the following roe bearing species:

(1) Shovelnose sturgeon.

(2) Paddlefish.

(3) Bowfin.

(b) For the purpose of this subsection, "roe" means the eggs or gametes of a fish listed in subsection (a).

(c) An individual may not harvest, possess, or sell roe without a license issued under this section.

(d) The department may issue to an individual who is a resident **or nonresident** of Indiana a license to harvest, possess, and sell the roe under rules adopted under IC 4-22-2. The individual must leave the roe intact and inside the body of the fish ~~until sold to a licensed roe dealer.~~ **while on the body of water or adjacent to the water being fished, and until processing begins in accordance with 21 CFR 123.** The individual must sell the roe only to a roe dealer licensed by the department. The department shall limit the number of licenses that are available.

(e) The department may issue a person a roe dealer's license to purchase, ~~and~~ process, **and sell** roe. A person may not transport roe outside Indiana except according to the terms of a license issued under this subsection.

(f) The following are the minimum application fees for these licenses:

(1) **Resident and nonresident** roe harvester's ~~license,~~ **license for harvesting on the Ohio River,** one thousand dollars ($1,000).

(2) Resident roe harvester's license for harvesting on inland water of Indiana, one thousand dollars ($1,000).

~~(2)~~ **(3)** Roe dealer's license, five thousand dollars ($5,000).

(g) The commission may set license fees above the minimum fees established under subsection (f). The amount may not be more than is reasonably necessary to generate revenue sufficient to offset the costs incurred by the department in carrying out its responsibilities under this chapter.

(h) The department shall give priority in issuing licenses under this section to applicants who are residents of Indiana.

SECTION 23. IC 14-22-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person engaging in or continuing to engage in the business of ~~taking, catching,~~ selling or bartering live minnows ~~and~~ **or** crayfish for bait shall file an application with the division for a bait dealer's license. The application and the license must be on forms prescribed by the director.

(b) The fee for a license is as follows:

(1) Ten dollars ($10) for residents.

(2) Fifty dollars ($50) for nonresidents.

SECTION 24. IC 14-22-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The director may, with the approval of the commission, designate not more than ~~two (2)~~ **four (4)** days in each year as free sport fishing days. If the director designates ~~two (2) days~~ **more than one (1) day** in a year as free sport fishing days, the days may be consecutive or nonconsecutive.

SECTION 25. IC 14-22-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A license issued under this chapter authorizes the sale of nonmigratory game birds, game mammals, or furbearing mammals for breeding purposes, ~~or~~ for release, ~~and nonmigratory game birds~~ **or** for food purposes. ~~A person~~ **An individual** who:

(1) acquires a ~~game bird, game mammal, or~~ furbearing mammal alive, legally in open season; or

(2) purchases the bird or mammal from a licensed game breeder;

may apply for a breeder's license within five (5) days after acquiring the animal from the licensed game breeder or within five (5) days after the last day of the open season for the animal. Otherwise, the animal shall be released.

SECTION 26. IC 14-22-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section applies to the following:

(1) Marten.

~~(2) Nutria.~~

~~(3)~~ **(2)** Mink.

~~(4)~~ **(3)** Chinchilla.

~~(5)~~ **(4)** Domesticated rabbits, except cottontail.

~~(6) Swamp rabbits.~~

(b) The:

(1) breeding, raising, and producing in captivity; and

(2) marketing;

of an animal listed in subsection (a) is considered an agricultural pursuit. All animals so raised in captivity are considered domestic animals so that a game breeding license is not required to possess such an animal.

(c) A person engaged in the breeding, raising, and producing in captivity and marketing of the furbearing mammals listed in subsection (a) shall, upon request, do the following:

(1) Register with the department.

(2) Make annual reports concerning the number of animals held and sold. These reports are confidential.

SECTION 27. IC 14-22-31-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a) A person~~ **An individual** may not take game birds and exotic mammals on a shooting preserve unless the ~~person~~ **individual** has a hunting license required under this article. ~~except nonresidents of Indiana who must possess a special license to shoot on licensed shooting preserves.~~

~~(b) The department:~~

~~(1) shall issue special licenses; and~~

~~(2) may appoint owners or managers of shooting preserves as agents to sell special licenses.~~

~~(c) A special license expires December 31 of the year issued.~~

~~(d) The fee for a special license is eight dollars and seventy-five cents ($8.75). All fees shall be deposited in the fish and wildlife fund.~~

SECTION 28. IC 14-24-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. All farms and premises located within ~~a part of a township that has been~~ **an area** declared to be an infested area shall be operated and managed according to standards approved by the commission. An agricultural, a horticultural, or a sylvan product capable of producing and disseminating the pest or pathogen shall be destroyed, treated, or otherwise disposed of as the department orders.

SECTION 29. IC 14-24-5-3, AS AMENDED BY P.L.69-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The division shall issue a certificate following an inspection that discloses that the nursery stock is apparently free from pests and pathogens.

(b) The certificate shall be prepared on a commission form and must state the following:

(1) That the nursery stock has been inspected by the division.

(2) That to the best knowledge and belief of the

nurseryman, the nursery stock is free from pests and pathogens.

(c) A copy of the certificate must be attached to each package of nursery stock before shipment of the stock by a nurseryman.

(d) A certificate issued under this section expires ~~September 30~~ **December 31** following the date ~~of issuance.~~ **the certificate becomes effective.**

(e) The division shall communicate to nurserymen that methyl bromide soil fumigation is preferred to produce pest and disease free forest seedlings. Fumigation with methyl bromide of seedling beds before seeding is an official control treatment to assure pest free nursery stock.

SECTION 30. IC 14-25-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a)~~ Whenever a dispute arises between the users of surface water in a watershed area, any party to the dispute may request that the commission mediate the dispute ~~Any party to the dispute may institute mediation proceedings by filing a written request with the commission setting out all the facts relevant to the dispute and requesting a mediation of the dispute.~~

~~(b) Upon receipt of a request for mediation, the commission shall conduct a hearing for the consideration of the facts involved in the dispute. The commission shall notify all interested parties to the dispute concerning the time and place of the hearing.~~

~~(c) In the mediation of the dispute, the commission may do the following:~~

~~(1) Conduct a survey of the water supply in the watershed involved in the dispute.~~

~~(2) Attempt to add additional sources of water for users in the watershed.~~

~~(d) A recommendation of the commission in a mediation proceeding:~~

~~(1) is not binding upon the parties to the dispute; and~~

~~(2) does not preclude or defeat a remedy that the parties to the dispute have to a court of law.~~ **using the mediation provisions under IC 4-21.5-3.5.**

SECTION 31. IC 14-37-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The following shall be deposited in the fund:

(1) Annual fees for oil and gas wells received under IC 14-37-5.

(2) Accrued interest and other investment earnings of the fund.

(3) Civil penalties collected under IC 14-37-13-3.

(4) **Bonds forfeited under IC 14-37-13-2.**

(5) Gifts, grants, donations, or appropriations from any source.

(Reference is to EHB 1279 as reprinted February 22, 2012.)

EBERHART	MISHLER
CHEATHAM	R. YOUNG
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1192–1; filed March 9, 2012, at 11:51 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1192 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-1-5-2.5, AS ADDED BY P.L.229-2011, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) As used in this section, "eligible school corporation" means a school corporation (as defined in IC 36-1-2-17) that satisfies all the conditions required by this section.

(b) As used in this section, "increment" means the annual difference between:

(1) the annual debt service payment for the bonds proposed to be retired or refunded; and

(2) the annual debt service payment for the proposed refunding bonds;

for each year that the bonds that are being retired or refunded would have been outstanding.

(c) In order for a school corporation to be an eligible school corporation under this section, the school corporation must determine that the percentage computed under this subsection for the school corporation is **at least twenty percent (20%) before January 1, 2014, or** at least thirty percent (30%) **after December 31, 2013,** regarding the year for which the latest certified levies have been determined. A school corporation shall compute its percentage as follows:

(1) Compute the amount of credits granted under IC 6-1.1-20.6 against the school corporation's combined levy for the school corporation's:

(A) debt service fund, as described in IC 20-46-7-15;

(B) capital projects fund;

(C) transportation fund;

(D) school bus replacement fund; and

(E) racial balance fund.

(2) Compute the school corporation's combined levy for the school corporation's:

(A) capital projects fund;

(B) transportation fund;

(C) school bus replacement fund; and

(D) racial balance fund.

(3) Divide the amount computed under subdivision (1) by the amount computed under subdivision (2) and express it as a percentage.

A school corporation that desires to be an eligible school corporation under this section must submit a written request for a certification by the department of local government finance that the computation of the school corporation's percentage computed under this subsection is correct. The department of local government finance shall, not later than ten (10) working days after the date the department receives the school corporation's request, certify the percentage computed under this subsection for the school corporation.

(d) A school corporation that desires to be an eligible school corporation under this section must satisfy the following conditions:

(1) The school corporation shall conduct a public hearing and provide notice of the time, date, and place of the hearing, published as required by IC 5-3-1, before the school corporation may adopt ~~an ordinance~~ **a resolution** under this section. At the public hearing, the governing body must provide the following information:

(A) The annual debt service payments, applicable debt service tax rate, and total debt service payments for the bonds proposed to be retired or refunded.

(B) The annual debt service payments, applicable debt service fund tax rate, and total debt service payments for the proposed refunding bonds.

(C) The annual increment for each year that the bonds that are being retired or refunded would have been outstanding and any other benefits to be derived from

issuing the refunding bonds.

(2) **The requirements of this subdivision do not apply to a school corporation that adopts a resolution under subsection (g) before January 1, 2014, and that has a percentage computed under subsection (c) that is at least twenty percent (20%), as certified by the department of local government finance.** If the amount determined under subsection (c)(3) is:

(A) more than forty-five percent (45%), notwithstanding IC 6-1.1-20-3.1(a) and IC 6-1.1-20-3.2(a), the school corporation shall use the petition and remonstrance process prescribed by IC 6-1.1-20-3.1(b) and IC 6-1.1-20-3.2(b) and more individuals must sign the petition for the bond refunding under this section than the number of individuals signing a remonstrance against the bond refunding; or

(B) at least thirty percent (30%) but not more than forty-five percent (45%), the school corporation shall conduct a referendum on a public question regarding the bond refunding using the process for a referendum tax levy under IC 20-46-1 and the bond refunding must be approved by the eligible voters of the school corporation. The question to be submitted to the voters in the referendum must read as follows:

"Shall _____ (insert the name of the school corporation) issue refunding bonds to refund not more than fifty percent (50%) of its outstanding bonds to provide an annual savings to the school's debt service fund that can be transferred from the school's debt service fund to the school's capital projects fund, transportation fund, or school bus replacement fund?".

(3) The requirements of this subdivision apply to a school corporation that adopts a resolution under subsection (g) before January 1, 2014, and that has a percentage computed under subsection (c) that is at least twenty percent (20%), as certified by the department of local government finance. The school corporation must either:

(A) have the distressed unit appeal board approve the school corporation's financial plan for paying any refunding bonds issued under this section, as provided in subsection (e); or

(B) meet all of the following conditions:

(I) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's 2011 ADM ranks in the ten (10) highest among all school corporations.

(ii) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's total assessed valuation for calendar year 2011 ranks in the ten (10) highest among all school corporations.

(iii) The amount of homestead assessed valuation in the school corporation for calendar year 2011 was at least sixty percent (60%) of the total amount of assessed valuation in the school corporation for calendar year 2011.

(e) A school corporation meets the requirement of subsection (d)(3)(A) if:

(1) the school corporation submits to the distressed unit appeal board the school corporation's financial plan for paying any refunding bonds issued under this section; and

(2) the distressed unit appeal board approves the plan after making a determination that the financial plan is feasible.

The distressed unit appeal board must either approve or disapprove the financial plan not more than sixty (60) days after the later of the date the school corporation submits the financial plan under this subsection or the date on which the department of local government finance certifies the percentage computed for the school corporation under subsection (c). The distressed unit appeal board may not unreasonably deny approval of a school corporation's financial plan under this subsection.

(f) Except as provided in ~~subdivision (2)(A),~~ **subsection (d)(2)(A),** IC 6-1.1-20 does not apply to bonds issued under this section.

~~(e)~~ **(g)** A school corporation that desires to be an eligible school corporation under this section must, before July 1, 2013, and notwithstanding any other law, adopt ~~an ordinance~~ **a resolution** that sets forth the following:

(1) The determinations made under subsection (c), **including the department of local government finance's certification of the percentage computed under subsection (c).**

(2) **The requirements of this subdivision do not apply to a resolution adopted under this subsection before January 1, 2014, if the school corporation has a percentage computed under subsection (c) that is at least twenty percent (20%), as certified by the department of local government finance.** The result of the petition remonstrance process under subsection (d)(2)(A) or the result of the vote on the public question under subsection (d)(2)(B), whichever applies.

(3) A determination providing for the:

(A) issuance of bonds to refund not more than fifty percent (50%) of outstanding bonds or leases issued by or on behalf of the school corporation; and

(B) payment of redemption premiums and the costs of the refunding.

(4) With respect to the refunding bonds, the following:

(A) The maximum principal amount.

(B) The maximum interest rate.

(C) The annual lease or debt service payment.

(D) The final maturity date.

(E) The estimated amount of the increment that will occur for each year that the bonds that are being retired or refunded by the issuance of refunding bonds would have been outstanding.

(F) A finding that the annual debt service or lease payment on the refunding bonds will not increase the annual debt service or lease payment above the annual debt service or lease payment approved by the school corporation for the original project.

If the governing body adopts ~~an ordinance~~ **a resolution** under this section, the governing body must publish notice of the adoption of ~~the ordinance~~ **the resolution** as required by IC 5-3-1.

~~(f)~~ **(h)** An eligible school corporation may issue refunding bonds as permitted by this section. In addition, an eligible school corporation may extend the repayment period beyond the repayment period for the bonds that are being retired or refunded by the issuance of refunding bonds. However, the repayment period may be extended only once for a particular bond, and the extension may not exceed ten (10) years **after the latest maturity date for any of the bonds being retired or refunded by the eligible school corporation under this section.**

~~(g)~~ **(I)** Property taxes imposed by an eligible school corporation to pay debt service for bonds permitted by this section shall be considered for purposes of calculating the limits to property tax liability under Article 10, Section 1 of the

Constitution of the State of Indiana and for calculating a person's credit under IC 6-1.1-20.6-7.5. However, property taxes imposed by an eligible school corporation through December 31, 2019, to pay debt service for bonds permitted by this section may not be considered in an eligible county, as used in Article 10, Section 1(h) of the Constitution of the State of Indiana, for purposes of calculating the limits to property tax liability under Article 10, Section 1 of the Constitution of the State of Indiana or for calculating a person's credit under IC 6-1.1-20.6-7.5.

(j) If a school corporation described in subsection (d)(3)(B) issues refunding bonds as permitted by this section, the school corporation must, not more than sixty (60) days after the department of local government finance certifies the school corporation's percentage under subsection (c), report information concerning the refunding to the distressed unit appeal board. The distressed unit appeal board shall make a non-binding review with recommendations regarding the school's financial condition and operating practices.

SECTION 2. IC 5-10-8-6.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.8. (a) This section applies to a school corporation that results from the consolidation, reorganization, or merger, after May 1, 2012, of:**

(1) a school corporation that has elected to provide coverage of health care services for active and retired employees of the school corporation under a state employee health plan; and

(2) a school corporation that has not elected to provide coverage of health care services for active and retired employees of the school corporation under a state employee health plan.

(b) A school corporation that results from a consolidation, reorganization, or merger described in subsection (a) must allow an individual for whom the school corporation described in subsection (a)(1) had (as of the effective date of the consolidation, reorganization, or merger) health insurance liability under a state employee health plan to continue the individual's coverage under the state employee health plan for at least five (5) years, as long as the individual otherwise remains eligible for coverage under the plan.

(c) This SECTION expires January 1, 2018.

SECTION 3. IC 6-1.1-20.3-2, AS AMENDED BY P.L.146-2008, SECTION 202, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "distressed political subdivision" means a political subdivision ~~that expects to have the political subdivision's property tax collections reduced by at least five percent (5%) in a calendar year as a result of the application of the credit under IC 6-1.1-20.6 for that calendar year.~~ **designated as a distressed political subdivision by the board under section 6.5 of this chapter.**

SECTION 4. IC 6-1.1-20.3-4, AS AMENDED BY P.L.146-2008, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The distressed unit appeal board is established.

(b) The distressed unit appeal board consists of the following members:

(1) The director of the office of management and budget or the director's designee. The director or the director's designee shall serve as chairperson of the distressed unit appeal board.

(2) The commissioner of the department of local government finance or the commissioner's designee.

~~(3) The commissioner of the department of state revenue or the commissioner's designee.~~

~~(4)~~ **(3)** The state examiner of the state board of accounts or the state examiner's designee.

~~(5) The following members appointed by the governor:~~

~~(A) One (1) member appointed from nominees submitted by the Indiana Association of Cities and Towns.~~

~~(B) One (1) member appointed from nominees submitted by the Association of Indiana Counties.~~

~~(C) One (1) member appointed from nominees submitted by the Indiana Association of School Superintendents.~~

~~A member nominated and appointed under this subdivision must be an elected official of a political subdivision.~~

~~(6) One (1) member appointed by the governor (in addition to members appointed under subdivision (5)).~~

~~(7) One (1) member appointed by the speaker of the house of representatives. A member appointed under this subdivision serves a term of four (4) years.~~

(4) The state superintendent of public instruction or the superintendent's designee.

(5) An individual appointed by the chairman of the legislative council.

~~(c) The members appointed under subsection (b)(5) and subsection (b)(6) serve at the pleasure of the governor.~~

~~(d)~~ **(c)** Each member of the commission is entitled to reimbursement for:

(1) traveling expenses as provided under IC 4-13-1-4; and

(2) other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 5. IC 6-1.1-20.3-6, AS AMENDED BY P.L.146-2008, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) ~~For property taxes first due and payable in 2008 and thereafter,~~ The fiscal body **and the executive** of a ~~distressed political subdivision may petition the board for relief as authorized under this chapter from the application of the credit under IC 6-1.1-20.6 for a calendar year.~~ **political subdivision may jointly file a petition with the board seeking to have the political subdivision designated as a distressed political subdivision under this chapter.**

~~(b) A petition under subsection (a) must include a proposed financial plan for the distressed political subdivision. The proposed financial plan must include the following:~~

~~(1) Proposed budgets that would enable the distressed political subdivision to cease being a distressed political subdivision.~~

~~(2) Proposed efficiencies, consolidations, cost reductions, uses of alternative or additional revenues, or other actions that would enable the distressed political subdivision to cease being a distressed political subdivision.~~

~~(3) Proposed increases, if any, in the percentage thresholds (specified as a percentage of gross assessed value) at which the credit under IC 6-1.1-20.6 will apply, including any varying percentages for different classes of property.~~

~~(4) Proposed reductions, if any, to the credits under IC 6-1.1-20.6 (by percentages), including any varying percentage reductions for different classes of property.~~

(b) The governing body and the superintendent of a school corporation may jointly file a petition with the board seeking relief under section 8.3 of this chapter.

(c) The board may adopt procedures governing the timing and required content of a petition under subsection (a).

SECTION 6. IC 6-1.1-20.3-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) After the board receives a petition concerning a political subdivision under section 6(a) of this chapter, the board may designate the political subdivision as a distressed political subdivision if at least one (1) of the following conditions applies to the political subdivision:**

(1) The political subdivision has defaulted in payment of principal or interest on any of its bonds or notes.

(2) The political subdivision has failed to make required payments to payroll employees for thirty (30) days or two (2) consecutive payrolls.

(3) The political subdivision has failed to make required payments to judgment creditors for sixty (60) days beyond the date of the recording of the judgment.

(4) The political subdivision, for at least thirty (30) days beyond the due date, has failed to do any of the following:

(A) Forward taxes withheld on the incomes of employees.

(B) Transfer employer or employee contributions due under the Federal Insurance Contributions Act (FICA).

(C) Deposit the political subdivision's minimum obligation payment to a pension fund.

(5) The political subdivision has accumulated a deficit equal to eight percent (8%) or more of the political subdivision's revenues. For purposes of this subdivision, "deficit" means a negative fund balance calculated as a percentage of revenues at the end of a budget year for any governmental or proprietary fund. The calculation must be presented on an accrual basis according to generally accepted accounting principles.

(6) The political subdivision has sought to negotiate a resolution or an adjustment of claims that in the aggregate:

(A) exceed thirty percent (30%) of the political subdivision's anticipated annual revenues; and

(B) are ninety (90) days or more past due.

(7) The political subdivision has carried over interfund loans for the benefit of the same fund at the end of two (2) successive years.

(8) The political subdivision has been severely affected, as determined by the board, as a result of granting the property tax credits under IC 6-1.1-20.6.

(9) In addition to the conditions listed in subdivisions (1) through (8), and in the case of a school corporation, the board may also designate a school corporation as a distressed political subdivision if at least one (1) of the following conditions applies:

(A) The school corporation has:

(I) issued refunding bonds under IC 5-1-5-2.5; or

(ii) adopted a resolution under IC 5-1-5-2.5 making the determinations and including the information specified in IC 5-1-5-2.5(g).

(B) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's 2011 ADM ranks in the highest ten (10) among all school corporations.

(C) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's total assessed valuation for calendar year 2011 ranks in the highest ten (10) among all school corporations.

(D) The amount of homestead assessed valuation in the school corporation for calendar year 2011 was at least sixty percent (60%) of the total amount of assessed valuation in the school corporation for calendar year 2011.

The board may consider whether a political subdivision has fully exercised all the local options available to the political subdivision, such as a local option income tax or a local option income tax rate increase or, in the case of a school corporation, an operating referendum.

(b) If the board designates a political subdivision as distressed under subsection (a), the board shall review the designation annually to determine if the distressed political subdivision meets at least one (1) of the conditions listed in subsection (a).

(c) If the board designates a political subdivision as a distressed political subdivision under subsection (a), the board shall immediately notify:

(1) the treasurer of state; and

(2) the county auditor and county treasurer of each county in which the distressed political subdivision is wholly or partially located;

that the board has designated the political subdivision as a distressed political subdivision.

SECTION 7. IC 6-1.1-20.3-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 7. (a) If the fiscal body of a distressed political subdivision submits a petition under section 6 of this chapter, the board shall review the petition and assist in establishing a financial plan for the distressed political subdivision.~~

~~(b) In reviewing a petition submitted under section 6 of this chapter, the board:~~

~~(1) shall consider:~~

~~(A) the proposed financial plan;~~

~~(B) comparisons to similarly situated political subdivisions;~~

~~(C) the existing revenue and expenditures of political subdivisions in the county; and~~

~~(D) any other factor considered relevant by the board; and~~

~~(2) may establish subcommittees or temporarily appoint nonvoting members to the board to assist in the review.~~

SECTION 8. IC 6-1.1-20.3-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) This section does not apply to a school corporation designated as a distressed political subdivision.**

(b) If the board designates a political subdivision as a distressed political subdivision under section 6.5 of this chapter, the board shall appoint an emergency manager for the distressed political subdivision. An emergency manager serves at the pleasure of the board.

(c) The chairperson of the board shall oversee the activities of an emergency manager.

(d) The distressed political subdivision shall pay the emergency manager's compensation and reimburse the emergency manager for actual and necessary expenses.

SECTION 9. IC 6-1.1-20.3-8 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 8. (a) The board may authorize relief as provided in subsection (b) from the application of the credit under IC 6-1.1-20.6 for a calendar year if the governing body of each political subdivision in the county that is affected by the financial plan has adopted a resolution agreeing to the terms of the financial plan.~~

~~(b) If the conditions of subsection (a) are satisfied, the board may, notwithstanding IC 6-1.1-20.6, do any of the following:~~

~~(1) Increase the percentage thresholds (specified as a percentage of gross assessed value) at which the credit under IC 6-1.1-20.6 applies to a person's property tax liability in the political subdivision.~~

~~(2) Provide for percentage reductions to credits otherwise provided under IC 6-1.1-20.6 in the political subdivision.~~

~~(3) Provide that some or all of the property taxes that:~~
~~(A) are being imposed to pay bonds, leases, or other debt obligations; and~~
~~(B) would otherwise be included in the calculation of the credit under IC 6-1.1-20.6 in the political subdivision;~~
~~shall not be included for purposes of calculating a person's credit under IC 6-1.1-20.6.~~

~~(c) If the board provides relief described in subsection (b), the board shall conduct audits and reviews as necessary to determine whether the affected political subdivision is abiding by the terms of the financial plan agreed to under subsection (a).~~

SECTION 10. IC 6-1.1-20.3-8.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.3. After the board receives a petition concerning a school corporation under section 6(b) of this chapter, the board shall review the school corporation's request for a loan from the counter-cyclical revenue and economic stabilization fund under IC 6-1.1-21.4-3(b). The board shall make a recommendation to the state board of finance regarding the loan request. The board may consider whether a school corporation has attempted to secure temporary cash flow loans from the Indiana bond bank or a financial institution in making its recommendation.**

SECTION 11. IC 6-1.1-20.3-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. (a) This section does not apply to school corporations.**

(b) Notwithstanding any other law, an emergency manager of a distressed political subdivision appointed under section 7.5 of this chapter shall do the following:

(1) Assume and exercise the authority and responsibilities of both the executive and the fiscal body of the political subdivision concerning the adoption, amendment, and enforcement of ordinances and resolutions relating to or affecting the fiscal stability of the political subdivision. However, the emergency manager does not have the power to impose taxes or fees in addition to the taxes or fees authorized by the political subdivision before the political subdivision was designated a distressed political subdivision.

(2) Review the political subdivision's budget.

(3) Review salaries of the political subdivision's employees.

(4) Conduct a financial and compliance audit of the internal operations of the political subdivision.

(5) Develop a written financial plan in consultation with the officials of the political subdivision not later than six (6) months after appointment.

(6) Develop a plan for paying all the political subdivision's outstanding obligations.

(7) Review existing labor contracts.

(8) Adopt a budget for the political subdivision for each calendar or fiscal year, as applicable, that the political subdivision remains a distressed political subdivision.

(9) Review payrolls and other claims against the political subdivision before payment.

(10) Make, approve, or disapprove the following:

(A) A contract.

(B) An expenditure.

(C) A loan.

(D) The creation of any new position.

(E) The filling of any vacant position.

(11) Submit a written report to the board every three (3) months concerning:

(A) actions taken by the emergency manager;

(B) expenditures made by the distressed political subdivision; and

(C) the work that has been done to remove the distressed political subdivision from distressed status.

(12) Petition the board to terminate a political subdivision's status as a distressed political subdivision when the conditions found in section 6.5 of this chapter are no longer applicable to the political subdivision.

(c) An emergency manager of a distressed political subdivision appointed under section 7.5 of this chapter may do the following:

(1) Renegotiate existing labor contracts and act as an agent of the political subdivision in collective bargaining.

(2) Reduce or suspend salaries of the political subdivision's employees.

(3) Enter into agreements with other political subdivisions for the provision of services.

(d) Except as provided in section 13(c) of this chapter, an emergency manager of a distressed political subdivision retains the powers and duties described in subsections (b) and (c) until:

(1) the emergency manager resigns or dies;

(2) the board removes the emergency manager; or

(3) the political subdivision's status as a distressed political subdivision is terminated under section 13(b) of this chapter.

SECTION 12. IC 6-1.1-20.3-8.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.7. A school corporation that is designated a distressed political subdivision may not do any of the following without the approval of the board during the period before the board terminates the school corporation's status as a distressed political subdivision:**

(1) Acquire real property for school building purposes.

(2) Construct new school buildings or remodel or renovate existing school buildings.

(3) Incur a contractual obligation (except for a maintenance contract or an employment contract for a new employee whose employment replaces the employment of a former employee) that requires an expenditure of more than thirty thousand dollars ($30,000).

(4) Purchase or enter into an agreement to purchase personal property at a cost of more than thirty thousand dollars ($30,000).

(5) Adopt or advertise a budget, tax levy, or tax rate for an ensuing budget year.

SECTION 13. IC 6-1.1-20.3-10, AS ADDED BY P.L.146-2008, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. A distressed political subdivision may petition the tax court for judicial review of a ~~final~~ determination of the board **under section 6.5 of this chapter.** The action must be taken to the tax court under IC 6-1.1-15 in the same manner that an action is taken to appeal a final determination of the Indiana board of tax review. The petition must be filed in the tax court not more than forty-five (45) days after the board enters its final determination.

SECTION 14. IC 6-1.1-20.3-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) If:**

(1) an emergency manager of a distressed political subdivision that is not a school corporation;

(2) the fiscal body and executive of the political subdivision jointly; or

(3) the governing body of a school corporation that:

(A) employs a new superintendent; or

(B) has a new member elected or appointed to its governing body;

during the time the school corporation is a distressed political subdivision;

files a petition with the board for termination of the political subdivision's status as a distressed political subdivision, the board shall conduct a public hearing on the question of whether to terminate the political subdivision's status as a distressed political subdivision.

(b) The board shall terminate the political subdivision's status as a distressed political subdivision if the board finds that the conditions found in section 6.5 of this chapter are no longer applicable to the political subdivision.

(c) Notwithstanding any other section of this chapter, not later than ninety (90) days after taking office, a new executive of a distressed political subdivision may petition the board for suspension of the political subdivision's distressed status. The executive must include in its petition a written plan to resolve the applicable issues described in section 6.5 of this chapter. If the board approves the executive's written plan, the board may suspend the political subdivision's distressed status for one hundred eighty (180) days. Suspension under this chapter terminates automatically upon expiration of the one hundred eighty (180) day period. The board may consider a petition to terminate the political subdivision's distressed status during a period of suspension.

SECTION 15. IC 6-1.1-21.4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. As used in this chapter, "ADM" refers to a school corporation's average daily membership as determined under IC 20-43-4-2.**

SECTION 16. IC 6-1.1-21.4-2, AS ADDED BY P.L.131-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "eligible school corporation" refers to **either of the following:**

(1) A school corporation located in a county in which distributions of property tax revenue for 2007 or 2008 to the taxing units (as defined in IC 6-1.1-1-21) of the county:

~~(1)~~ **(A)** have not been made; or

~~(2)~~ **(B)** were delayed by more than sixty (60) days after either due date specified in IC 6-1.1-22-9.

(2) A school corporation that is:

(A) designated by the distressed unit appeal board as a distressed political subdivision under IC 6-1.1-20.3; or

(B) approved for a loan by the distressed unit appeal board under IC 6-1.1-20.3-8.3.

SECTION 17. IC 6-1.1-21.4-3, AS ADDED BY P.L.131-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** An eligible school corporation may apply to the board for a loan from the counter-cyclical revenue and economic stabilization fund.

(b) Subject to subsections (c) and (d) and section 3.5 of this chapter, an eligible school corporation described in section 2(2) of this chapter may apply to the board for a loan. The maximum amount of a loan that the board may approve for the eligible school corporation is the lesser of the following:

(1) Five million dollars ($5,000,000).

(2) The product of:

(A) one thousand dollars ($1,000); multiplied by

(B) the school corporation's 2012 ADM.

(c) At the time the distressed unit appeal board designates a school corporation as a distressed political subdivision under IC 6-1.1-20.3 or recommends under IC 6-1.1-20.3-8.3 that a loan from the fund be approved for a school corporation, the distressed unit appeal board may also recommend to the state board of finance that a loan from the fund to the school corporation be contingent upon any of the following:

(1) The sale of specified unused property by the school board.

(2) The school corporation modifying one (1) or more specified contracts entered into by the school corporation.

(d) In making a loan from the fund to a school corporation, the state board of finance may make the loan contingent upon any condition recommended by the distressed unit appeal board under subsection (c).

SECTION 18. IC 6-1.1-21.4-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. The board may not approve a loan under this chapter after December 31, 2017.**

SECTION 19. IC 6-1.1-21.4-4, AS ADDED BY P.L.131-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board, after review by the budget committee, shall determine the terms of any loan made under this chapter. ~~However,~~ The interest rate on the loan ~~may not exceed one percent (1%).~~ **is the interest rate established by the commissioner of the department of state revenue under IC 6-8.1-10-1 minus two percent (2%), but in no case shall the interest rate be less than one percent (1%).**

(b) The total amount of ~~all~~ loans under this chapter ~~for all calendar years~~ may not exceed **the following:**

(1) Six million dollars ($6,000,000) **for all calendar years ending before January 1, 2012.**

(2) The sum of the amounts approved under section 3(b) of this chapter for all calendar years beginning after December 31, 2011, plus the outstanding balance of all loans that were made under this chapter before 2012.

(c) An eligible school corporation receiving a loan under this chapter must repay the loan within seventy-two (72) months after the date on which the loan is made.

(d) The board may disburse in installments the proceeds of a loan made under this chapter.

(e) An eligible school corporation may repay a loan made under this chapter from any sources of revenue.

(f) The obligation to repay a loan made under this chapter is not a basis for an eligible school corporation to obtain an excessive tax levy under IC 6-1.1-19.

(g) Whenever the board receives a payment on a loan made under this chapter, the board shall deposit the amount paid in the counter-cyclical revenue and economic stabilization fund.

SECTION 20. IC 6-1.1-21.4-6, AS ADDED BY P.L.131-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A loan under this chapter is not bonded indebtedness for purposes of IC 6-1.1-18.5 **or IC 6-1.1-20.**

SECTION 21. IC 6-1.1-21.4-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. Upon the failure of a school corporation to repay any of the school corporation's obligations under this chapter during a calendar year when due, the treasurer of state, upon being notified of the failure by the board, shall pay the unpaid obligations that are due from money in the possession of the state that would otherwise be available for distribution to the school corporation under any other law, deducting the payment from the amount distributed. However, the**

treasurer of state may not impair the rights of the school corporation's bondholders.

SECTION 22. IC 20-26-5-4, AS AMENDED BY HEA 1009-2012, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law. However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars ($3,000) per budget year or one dollar ($1) per pupil, not to exceed twelve thousand five hundred dollars ($12,500), based on the school corporation's previous year's ADM, to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision that are consistent with IC 20-28-9-1.

(C) Classify persons or services described in this

subdivision and to adopt schedules of salaries or compensation that are consistent with IC 20-28-9-1.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) **Subject to IC 20-27-13,** to transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. In accordance with IC 20-26-17, to:

(A) participate in a state employee health plan under IC 5-10-8-6.6 or IC 5-10-8-6.7;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or

contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

SECTION 23. IC 20-27-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 13. Termination of Transportation; Waiver

Sec. 1. As used in this chapter, "eligible student" means an individual who in any part of a school year:

(1) is enrolled in a school corporation;

(2) has legal settlement in the school corporation;

(3) attended school in the school corporation's taxing district; and

(4) is not required by federal or state law to receive transportation services to and from school.

Sec. 2. This chapter applies to a school corporation that carried out a general program in at least one (1) school year beginning after June 30, 2010, to provide transportation to and from school for eligible students.

Sec. 3. Except as provided in section 7 of this chapter, a school corporation described in section 2 of this chapter shall carry out a program to provide transportation to and from school for all eligible students in any part of a school year beginning after June 30, 2012, unless the governing body of the school corporation:

(1) approves the termination of the transportation program; and

(2) provides public notice of the date after which the transportation will no longer be provided under the transportation program;

at least three (3) years before the date after which the transportation will no longer be provided under the transportation program.

Sec. 4. Transportation provided in a transportation program required under section 3 of this chapter may be limited by the school corporation's governing body to children residing a minimum distance from a school if the governing body includes facts in the resolution setting the minimum distance that demonstrate that each child residing less than the minimum distance from the school can safely walk to and from the school unattended by an adult during the regular hours that the child would ordinarily be coming to or from the school.

Sec. 5. Transportation provided under a transportation program required under section 3 of this chapter may be limited by the school corporation's governing body to providing transportation to school immediately before the beginning of an instructional day (as described in IC 20-30-2-2) and from school immediately after the end of an instructional day (as described in IC 20-30-2-2) without additional accommodations for participation in extracurricular activities.

Sec. 6. Transportation provided under a transportation program required under section 3 of this chapter must be otherwise in accordance with applicable law.

Sec. 7. (a) A school corporation may petition the department in writing to waive the requirement imposed by section 3 of this chapter.

(b) A petition under subsection (a) must:

(1) demonstrate that the waiver request was approved by the governing body for the school corporation;

(2) describe the transportation services that will be provided to students who are required by federal or state law to receive transportation services to and from school;

(3) present a written plan that provides for the safe movement of eligible students to and from school; and

(4) include any other information required by the department.

Sec. 8. If a petition complies with section 7 of this chapter, the department shall conduct a public hearing on the petition in the district served by the school corporation after giving notice of the public hearing under IC 5-3-1.

Sec. 9. If, based on the information contained in the petition and provided in the public hearing or otherwise made available to the department, the department determines that the plan presented by the school corporation, with or without revisions required by the department:

(1) will protect the safety of eligible students enrolled in the school corporation; and

(2) is otherwise in accordance with applicable law;

the department may waive the requirements imposed by section 3 of this chapter.

Sec. 10. The department may condition a waiver under section 9 of this chapter on the terms and conditions specified by the department. If a school corporation fails to comply with a term or condition of a waiver or the department discovers facts that indicate that the school corporation's plan:

(1) is not protecting the safety of eligible students enrolled in the school corporation; or

(2) is not otherwise in accordance with applicable law;

the department may issue an order under IC 4-21.5-3 or an emergency or temporary order under IC 4-21.5-4 specifying the actions that must be taken by the school corporation to correct the deficiency. The order may suspend or terminate the waiver granted under section 9 of this chapter beginning on the date specified by the department.

SECTION 24. IC 20-40-2-4, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** Except as provided by **subsection (b) or any other** law, any lawful school expenses payable from any other fund of a school corporation, including debt service and capital outlay, ~~but excluding costs attributable to transportation (as defined in IC 20-40-6-1),~~ may be budgeted in and paid from the fund.

(b) Before January 1, 2018, costs attributable to transportation (as defined in IC 20-40-6-1) may be budgeted in and paid from the fund. After December 31, 2017, costs attributable to transportation (as defined in IC 20-40-6-1) may not be budgeted in and paid from the fund.

SECTION 25. IC 20-40-6-5, AS AMENDED BY P.L.234-2007, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to this chapter **and except as provided in IC 20-40-2-4(b),** the fund is the exclusive fund to be used by a school corporation for the payment of costs attributable to transportation.

(b) Contracted transportation service costs transferred to the school bus replacement fund under IC 20-40-7 are payable from the school bus replacement fund.

SECTION 26. IC 20-46-5-4, AS AMENDED BY P.L.172-2011, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** Each school corporation may levy for a calendar year a property tax for the fund in accordance with the school bus acquisition plan adopted under this chapter. The levy imposed for the March 1, 2011, and January 15, 2012, assessment dates may not exceed the amount approved by the department of local government finance under section 5 of this chapter and IC 6-1.1-17. In setting the levy for the March 1, 2011, and January 15, 2012, assessment dates, the department of local government finance shall evaluate whether the levy proposed by a school

corporation exceeds the reasonable needs of the school corporation to carry out the purposes of the fund and approve a levy that does not exceed the reasonable needs of the school corporation to carry out the purposes of this chapter. In making its determination, the department of local government finance may consider whether a school corporation has in a previous year transferred money from the fund to the school corporation's rainy day fund or a fund other than the school bus replacement fund. **Except as provided in subsection (b),** a levy imposed for an assessment date after January 15, 2012, may not exceed an amount determined by multiplying:

(1) the school corporation's maximum permissible levy determined under this section for the previous year, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy in the immediately preceding year); by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2.

(b) The department of local government finance may, upon petition by a school corporation, adjust the school corporation's levy for the fund to reflect the school corporation's plan adopted or amended under this chapter.

SECTION 27. IC 20-48-1-2, AS AMENDED BY P.L.1-2010, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section, "retirement or severance liability" means the payments anticipated to be required to be made to employees of a school corporation upon or after termination of the employment of the employees by the school corporation under an existing or previous employment agreement.

(b) This section applies to each school corporation that:

(1) did not issue bonds under IC 20-5-4-1.7 before its repeal; or

(2) issued bonds under IC 20-5-4-1.7 (repealed):

(A) before April 14, 2003; or

(B) after April 13, 2003, if an order approving the issuance of the bonds was issued by the department of local government finance before April 14, 2003.

(c) In addition to the purposes set forth in section 1 of this chapter, a school corporation described in subsection (b) may issue bonds to implement solutions to contractual retirement or severance liability. The issuance of bonds for this purpose is subject to the following conditions:

(1) The school corporation may issue bonds under this section only one (1) time.

(2) A school corporation described in subsection (b)(1) or (b)(2)(A) must issue the bonds before July 1, 2006.

(3) The solution to which the bonds are contributing must be reasonably expected to reduce the school corporation's unfunded contractual liability for retirement or severance payments as it existed on June 30, 2001.

(4) The amount of the bonds that may be issued for the purpose described in this section may not exceed:

(A) two percent (2%) of the true tax value of property in the school corporation, for a school corporation that did not issue bonds under IC 20-5-4-1.7 (before its repeal); or

(B) the remainder of:

(i) two percent (2%) of the true tax value of property in the school corporation as of the date that the school corporation issued bonds under IC 20-5-4-1.7 (before its repeal); minus

(ii) the amount of bonds that the school corporation issued under IC 20-5-4-1.7 (before its repeal);

for a school corporation that issued bonds under IC 20-5-4-1.7 (repealed) as described in subsection (b)(2).

(5) Each year that a debt service levy is needed under this section, the school corporation shall reduce the total property tax levy for the school corporation's transportation, school bus replacement, capital projects, and art association and historical society funds, as appropriate, in an amount equal to:

(A) the property tax levy needed for the debt service under this section; **multiplied by**

(B) the adjustment percentage set forth in subsection (f) or (g), as applicable.

The property tax rate for each of these funds shall be reduced each year until the bonds are retired.

(6) The school corporation shall establish a separate debt service fund for repayment of the bonds issued under this section.

(d) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation.

(e) Bonds issued under this section are not subject to the petition and remonstrance process under IC 6-1.1-20 or to the limitations contained in IC 36-1-15.

(f) This subsection applies only if the governing body of a school corporation adopts a resolution specifying that the adjustment percentages under this subsection apply to the school corporation. The adjustment percentage under this subsection is the following:

(1) For property taxes first due and payable in 2013, twenty-five percent (25%).

(2) For property taxes first due and payable in 2014, fifty percent (50%).

(3) For property taxes first due and payable in 2015, seventy-five percent (75%).

(4) For property taxes first due and payable after 2015, one hundred percent (100%).

(g) If the governing body of a school corporation does not adopt a resolution specifying that the adjustment percentages under subsection (f) apply to the school corporation, the adjustment percentage is one hundred percent (100%).

SECTION 28. [EFFECTIVE UPON PASSAGE] **(a) The distressed unit appeal board established by IC 6-1.1-20.3-4 shall report to the budget committee before each of the following dates concerning actions taken by the distressed unit appeal board under IC 5-1-5-2.5, as amended by this act:**

(1) October 1, 2012.

(2) March 1, 2013.

(3) October 1, 2013.

(4) February 1, 2014.

(b) This SECTION expires June 30, 2014.

SECTION 29. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1192 as reprinted February 29, 2012.)

CHERRY	MILLER
GOODIN	HUME
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 223–1; filed March 9, 2012, at 12:31 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 223 respectfully reports that said two committees have conferred and agreed as

follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-20-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) ~~Except as provided in subsection (b),~~ **Upon:**

(1) showing official identification; and

(2) except as provided in subsection (b), receiving consent of the owner or occupant of the premises;

~~the~~ **a** local health officer or the officer's designee may enter ~~upon~~ **any premises at any reasonable time** and inspect, ~~private property, at proper times after due notice, in regard to the possible presence, source, and cause of disease. The local health officer or designee may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable and necessary ways protect the public health.~~ **investigate, evaluate, conduct tests, or take specimens or samples for testing that may be reasonably necessary to determine compliance with public health laws and rules and for the prevention and suppression of disease.**

(b) A local health officer or the officer's designee shall obtain the consent of the owner or the occupant of the premises under subsection (a), except as provided in any of the following circumstances:

(1) Subject to subsection (c), the local health officer or the officer's designee obtains an order from a circuit or superior court in the jurisdiction where the premises is located to authorize the inspection, investigation, evaluation, testing, or taking of specimens or samples for testing.

(2) An emergency condition that poses an imminent and serious threat to the health of an individual or the public and the local health officer or the officer's designee believes that a delay could result in a greater health risk.

(3) Entry by a local health officer or the officer's designee to a public place or an area in plain and open view to determine compliance with public health laws and rules.

(4) Entry under the terms and conditions of a license issued by the local health department at any reasonable time if reasonably necessary to determine compliance with public health laws and rules and the terms and conditions of the license.

(c) A court described in subsection (b)(1) may issue an order to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing if the court finds that the local health officer or the officer's designee, by oath or affirmation, provided reliable information establishing the violation of a public health law or rule at the premises.

~~(b)~~ **(d)** However, a local health officer, or ~~a person acting under~~ the ~~local health officer,~~ **officer's designee,** shall not inspect property in which the local health officer has any interest, whether real, equitable, or otherwise. Any such inspection or any attempt to make such inspection is grounds for removal as provided for in this article.

~~(c)~~ **(e)** This section does not prevent inspection of premises in which a local health officer has an interest if the premises cannot otherwise be inspected. If the premises cannot otherwise be inspected, the county health officer shall inspect the premises personally.

SECTION 2. IC 16-20-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) A local board of health or local health officer may enforce the board's or officer's orders, **citations, and administrative notices** by an action in the circuit or superior court. ~~In the action,~~ The court may ~~enforce the order by injunction.~~ **take any appropriate action in a proceeding under this section, including any of the following:**

(1) Issuing an injunction.

(2) Entering a judgment.

(3) Issuing an order and conditions under IC 16-41-9.

(4) Ordering the suspension or revocation of a license.

(5) Ordering an inspection.

(6) Ordering that a property be vacated.

(7) Ordering that a structure be demolished.

(8) Imposing a penalty not to exceed an amount set forth in IC 36-1-3-8(a)(10).

(9) Imposing court costs and fees under IC 33-37-4-2 and IC 33-37-5.

(10) Ordering the respondent to take appropriate action in a specified time to comply with the order of the local board of health or local health officer.

(11) Ordering a local board of health or local health officer to take appropriate action to enforce an order within a specified time.

(b) The county attorney in which a local board of health or local health officer has jurisdiction shall represent the local health board and local health officer in the action unless the county executive, **local board of health, or health and hospital corporation** employs other legal counsel or the matter has been referred through law enforcement authorities to the prosecuting attorney.

SECTION 3. IC 16-37-3-3, AS AMENDED BY P.L.156-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The physician last in attendance upon the deceased or the person in charge of interment shall file a certificate of death or of stillbirth with the local health officer of the jurisdiction in which the death or stillbirth occurred. **The local health officer shall retain a copy of the certificate of death.**

(b) Notwithstanding subsection (a), beginning January 1, 2011, **for a death occurring after December 31, 2010,** the physician last in attendance upon the deceased or the person in charge of interment shall use the Indiana death registration system established under IC 16-37-1-3.1 to file a certificate of death with the local health officer of the jurisdiction in which the death occurred. ~~The local health officer shall retain a copy of the certificate of death.~~

SECTION 4. IC 16-37-3-5, AS AMENDED BY P.L.156-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) If the person in charge of interment initiates the process, the person in charge of interment shall present a certificate of death to the physician last in attendance upon the deceased, who shall certify the cause of death upon the certificate of death or of stillbirth.

(b) Notwithstanding subsection (a), beginning January 1, 2011, **for a death occurring after December 31, 2010,** using the Indiana death registration system established under IC 16-37-1-3.1, if the person in charge of interment initiates the process, the person in charge of interment shall electronically provide a certificate of death to the physician last in attendance upon the deceased. The physician last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death, using the Indiana death registration system.

SECTION 5. IC 16-38-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The state department may develop and maintain an immunization data registry to collect, store, analyze, release, and report immunization data.

(b) Data in the immunization **data** registry may be used only for the following purposes:

(1) To assure that necessary immunizations are provided and overimmunization is avoided.
(2) To assess immunization coverage rates.
(3) To determine areas of underimmunization and other epidemiological research for disease control purposes.
(4) To document that required immunizations have been provided as required for school or child care admission.
(5) To accomplish other public health purposes as determined by the state department.

(c) The state department may adopt rules under IC 4-22-2 concerning who may input and retrieve information from the immunization data registry.

SECTION 6. IC 16-38-5-2, AS AMENDED BY P.L.161-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A provider, a physician's designee, ~~or~~ a pharmacist's designee, **or a person approved by the state department** may provide immunization data to the immunization data registry in a manner prescribed by the state department and for the purposes allowed under this chapter. ~~unless:~~

(b) An exemption from the immunization data registry shall be granted if:
(1) the patient; or
(2) the patient's parent or guardian, if the patient is less than eighteen (18) years of age;

has completed and filed ~~with the provider, physician's designee, or pharmacist's designee~~ a written immunization data exemption form **with either the person who provides the immunization or the state department.**

~~(b)~~ **(c)** The state department shall create and provide copies of immunization data exemption forms to:
(1) providers who are:
(A) licensed under IC 25; and
(B) authorized within the provider's scope of practice to administer immunizations; and
(2) individuals;

who request the form.

~~(c)~~ **(d)** The state department shall distribute, ~~to providers,~~ upon request, written information to be disseminated to patients that describes the immunization data registry. The written information must include the following:
(1) That the provider may report immunization data to the immunization data registry.
(2) That the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, has a right to exempt disclosure of immunization data to the registry and may prevent disclosure by signing an immunization data exemption form.
(3) That the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, may have the individual's information removed from the immunization data registry.
(4) Instructions on how to have the information removed.

SECTION 7. IC 16-38-5-3, AS AMENDED BY P.L.161-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Records maintained as part of the immunization data registry are confidential.

(b) The state department may release ~~an individual's confidential~~ information **from the immunization data registry** to the individual or to the individual's parent or guardian if the individual is less than eighteen (18) years of age.

(c) Subject to subsection (d), the state department may release information in the immunization data registry concerning an individual to the following **persons or** entities:
(1) The immunization data registry of another state.
(2) A provider or a provider's designee.
(3) A local health department.
(4) An elementary or secondary school that is attended by the individual.
(5) A child care center that is licensed under IC 12-17.2-4 in which the individual is enrolled.
(6) The office of Medicaid policy and planning or a contractor of the office of Medicaid policy and planning.
(7) A child placing agency licensed under IC 31-27.
(8) A college or university (as defined in IC 21-7-13-10) that is attended by the individual.

(d) Before immunization data may be released to **a person or** an entity, the **person or** entity must enter into ~~an~~ **a data use** agreement with the state department that provides that information that identifies a patient will not be released to any other person **or entity** without the written consent of the patient **unless the release is to a person or entity described in subsection (c).**

(e) The state department may release summary statistics regarding information in the immunization data registry ~~if the summary statistics do not reveal the identity of an individual.~~ **to a person or entity that has entered into a data use agreement with the state department.**

~~(f) The state department shall convene a panel to discuss expanding access to the immunization data registry. The panel must include at least one (1) representative of an insurance organization and at least one (1) member of a health maintenance organization. The state department shall submit the recommendations of the panel to the legislative council by October 1, 2009, in an electronic format under IC 5-14-6.~~

SECTION 8. IC 16-46-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The Indiana health care professional recruitment and retention fund is established. The purpose of the fund is to provide loan repayment for student loans incurred by health care professionals to encourage the ~~full-time~~ delivery of health care in shortage areas. The state department shall administer the fund.

(b) The fund consists of the following:
(1) Appropriations by the general assembly.
(2) Repayments by loan recipients from the Indiana medical and nursing distribution loan fund under IC 25-22.5-9 (repealed July 1, 1987).
(3) Gifts to the fund.
(4) Grants from public or private sources.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund.

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

(e) The fund shall be used to do the following:
(1) Provide loan repayment under this chapter.
(2) Pay the costs incurred by the state department in administering this chapter.

The administrative costs paid from the fund under subdivision (2) may not exceed thirty thousand dollars ($30,000) per year.

SECTION 9. IC 16-46-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. In order to be eligible for loan repayment for student loans, a health care professional must meet all of the following conditions:
(1) Hold an unlimited license to practice a health care profession in Indiana that has been declared by the state department to be eligible for loan repayment in a specified fiscal year.
~~(2) Have either:~~
~~(A) completed at least one (1) year of health care professional practice in a shortage area; or~~
~~(B) worked at least one (1) year at a community or migrant health center or maternal and child health clinic in a shortage area.~~
~~(3)~~ **(2)** Practice **in a shortage area** in a health care

profession that has been declared eligible by the state department for loan repayment in a specified fiscal year.

(3) Either:

(A) enter into an agreement with the state department; or

(B) provide the state department with a copy of an agreement that the health professional has entered into with a provider in a shortage area;

to practice in the shortage area for at least one (1) year.

SECTION 10. IC 16-46-5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. **(a)** The state department shall adopt rules under IC 4-22-2 necessary to carry out this chapter.

(b) The state department shall adopt rules under IC 4-22-2 to ensure that a loan repayment provided under this chapter complies with federal law and regulations.

(Reference is to ESB 223 as reprinted February 29, 2012.)

MILLER	T. BROWN
BREAUX	C. FRY
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 407–1; filed March 9, 2012, at 12:31 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 407 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 11-10-3-4, AS AMENDED BY P.L.156-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The department shall establish directives governing:

(1) medical care to be provided to committed individuals, including treatment for mental retardation, alcoholism, and drug addiction;

(2) administration of medical facilities and health centers operated by the department;

(3) medical equipment, supplies, and devices to be available for medical care;

(4) provision of special diets to committed individuals;

(5) acquisition, storage, handling, distribution, and dispensing of all medication and drugs;

(6) the return of unused medications that meet the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6)~~ **IC 25-26-13-25(k)(6)** to the pharmacy that dispensed the medication;

(7) training programs and first aid emergency care for committed individuals and department personnel;

(8) medical records of committed individuals; and

(9) professional staffing requirements for medical care.

(b) The state department of health shall make an annual inspection of every health facility, health center, or hospital:

(1) operated by the department; and

(2) not accredited by a nationally recognized accrediting organization;

and report to the commissioner whether that facility, center, or hospital meets the requirements established by the state department of health. Any noncompliance with those requirements must be stated in writing to the commissioner, with a copy to the governor.

(c) For purposes of IC 4-22-2, the term "directive" as used in this section relates solely to internal policy and procedure not having the force of law.

(d) For purposes of subsection (a)(6), the department:

(1) shall return medication that belonged to a Medicaid recipient; and

(2) may return other unused medication;

to the pharmacy that dispensed the medication if the unused medication meets the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6).~~ **IC 25-26-13-25(k)(6).**

(e) The department may establish directives concerning the return of unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of ~~IC 25-26-13-25(k).~~ **IC 25-26-13-25(l).**

(f) A pharmacist or pharmacy that enters into an agreement with the department to accept the return of:

(1) unused medications that meet the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6);~~ **IC 25-26-13-25(k)(6);** or

(2) unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of ~~IC 25-26-13-25(k);~~ **IC 25-26-13-25(l);**

may negotiate with the department a fee for processing the returns.

SECTION 2. IC 11-12-5-8, AS ADDED BY P.L.174-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) This section applies to the return of:

(1) unused medications that meet the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6);~~ **IC 25-26-13-25(k)(6);** and

(2) unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of ~~IC 25-26-13-25(k).~~ **IC 25-26-13-25(l).**

(b) The county sheriff:

(1) shall return medication that belonged to a Medicaid recipient; and

(2) may return other unused medication;

to the pharmacy that dispensed the medication if the unused medication meets the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6).~~ **IC 25-26-13-25(k)(6).**

(c) The county sheriff may return unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of ~~IC 25-26-13-25(k)~~ **IC 25-26-13-25(l)** to a pharmacy or pharmacist.

(d) A pharmacist or pharmacy that enters into an agreement with the county sheriff to accept the return of:

(1) unused medications that meet the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6);~~ **IC 25-26-13-25(k)(6);** or

(2) unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of ~~IC 25-26-13-25(k);~~ **IC 25-26-13-25(l);**

may negotiate with the county sheriff a fee for processing the returns.

SECTION 3. IC 16-28-11-4, AS AMENDED BY P.L.174-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A health facility, county jail under IC 11-12-5-8, or department of correction facility under IC 11-10-3-4 that possesses unused medication that meets the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6).~~ **IC 25-26-13-25(k)(6):**

(1) shall return medication that belonged to a Medicaid recipient; and

(2) may return other unused medication;

to the pharmacy that dispensed the medication.

(b) An entity participating in a program under IC 25-26-23 may return unused medication to the pharmacy that dispensed the medication if the board of pharmacy adopts a rule allowing this procedure under IC 25-26-23-2.

SECTION 4. IC 25-26-13-17, AS AMENDED BY P.L.98-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) The board shall establish classes of pharmacy permits as follows:

Type I. A retail permit for a pharmacy that provides pharmaceutical care to the general public by the dispensing of a drug or device.

Type II. An institutional permit for hospitals, clinics, health care facilities, sanitariums, nursing homes, or dispensaries that offer pharmaceutical care by dispensing a drug product to an inpatient under a drug order or to an outpatient of the institution under a prescription.

Type III. A permit for a pharmacy that is not:

(A) open to the general public; or

(B) located in an institution listed under a Type II permit;

and provides pharmaceutical care to a patient who is located in an institution or in the patient's home.

Type IV. A permit for a pharmacy not open to the general public that provides pharmaceutical care by dispensing drugs and devices to patients exclusively through the United States Postal Services or other parcel delivery service.

Type V. A permit for a pharmacy that engages exclusively in the preparation and dispensing of diagnostic or therapeutic radioactive drugs.

Type VI. A permit for a pharmacy open to the general public that provides pharmaceutical care by engaging in an activity under a Type I or Type III permit. A pharmacy that obtains a Type VI permit may provide services to:

(A) a home health care patient;

(B) a long term care facility; or

(C) a member of the general public.

(b) ~~Hospitals~~ **A hospital** holding a Type II permit may offer drugs or devices:

(1) to:

(A) an employee, student, **or volunteer of the hospital;**

(B) a retiree who is participating in a retirement, pension, or benefit program administered by the hospital;

(C) an independent contractor who has an exclusive relationship with the hospital;

(D) a member of the hospital's governing board; or

(E) a member of the hospital's medical staff; ~~member or their~~ **and**

(2) to dependents **of the individuals listed in subdivision (1);**

for their own use.

(c) Nothing in this section prohibits a pharmacy holding a permit other than a Type IV permit from delivering drugs or devices through mail, parcel delivery, or hand delivery.

(d) Hospitals holding a Type II permit may operate remote locations within a reasonable distance of the licensed area, as determined by the board, after:

(1) filing an application on a form prepared by the board;

(2) having each location inspected by the board; and

(3) obtaining approval from the board.

(e) Any applicable rule governing the practice of pharmacy in Indiana shall apply to all permits under this section.

SECTION 5. IC 25-26-13-18, AS AMENDED BY P.L.1-2009, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) To be eligible for issuance of a pharmacy permit, an applicant must show to the satisfaction of the board that:

(1) Persons at the location will engage in the bona fide practice of pharmacy. The application must show the number of hours each week, if any, that the pharmacy will be open to the general public.

(2) The pharmacy will maintain a sufficient stock of emergency and frequently prescribed drugs and devices as to adequately serve and protect the public health.

(3) Except as provided in section 19 of this chapter, a registered pharmacist will be in personal attendance and on duty in the licensed premises at all times when the practice of pharmacy is being conducted and that the pharmacist will be responsible for the lawful conduct of the pharmacy.

(4) ~~One (1) pharmacist will have not more than four (4)~~ Certified pharmacy technicians or pharmacy technicians in training certified under IC 25-26-19 **must practice** under ~~the~~ **a licensed** pharmacist's immediate and personal supervision at ~~any time.~~ **all times. A pharmacist may not supervise more than six (6) pharmacy technicians or pharmacy technicians in training at any time.** As used in this ~~clause,~~ **subdivision,** "immediate and personal supervision" means within reasonable visual and vocal distance of the pharmacist.

(5) The pharmacy will be located separate and apart from any area containing merchandise not offered for sale under the pharmacy permit. The pharmacy will:

(A) be stationary;

(B) be sufficiently secure, either through electronic or physical means, or a combination of both, to protect the products contained in the pharmacy and to detect and deter entry during those times when the pharmacy is closed;

(C) be well lighted and ventilated with clean and sanitary surroundings;

(D) be equipped with a sink with hot and cold running water or some means for heating water, a proper sewage outlet, and refrigeration;

(E) have a prescription filling area of sufficient size to permit the practice of pharmacy as practiced at that particular pharmacy; and

(F) have such additional fixtures, facilities, and equipment as the board requires to enable it to operate properly as a pharmacy in compliance with federal and state laws and regulations governing pharmacies.

(b) Prior to opening a pharmacy after receipt of a pharmacy permit, the permit holder shall submit the premises to a qualifying inspection by a representative of the board and shall present a physical inventory of the drug and all other items in the inventory on the premises.

(c) At all times, the wholesale value of the drug inventory on the licensed items must be at least ten percent (10%) of the wholesale value of the items in the licensed area.

SECTION 6. IC 25-26-13-25, AS AMENDED BY P.L.174-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) All original prescriptions, whether in written or electronic format, shall be numbered and maintained in numerical and chronological order, or in a manner approved by the board and accessible for at least two (2) years in the pharmacy. A prescription transmitted from a practitioner by means of communication other than writing must immediately be reduced to writing or recorded in an electronic format by the pharmacist. The files shall be open for inspection to any member of the

board or its duly authorized agent or representative.

(b) A prescription may be electronically transmitted from the practitioner by computer or another electronic device to a pharmacy that is licensed under this article or any other state or territory. An electronic data intermediary that is approved by the board:

(1) may transmit the prescription information between the prescribing practitioner and the pharmacy;

(2) may archive copies of the electronic information related to the transmissions as necessary for auditing and security purposes; and

(3) must maintain patient privacy and confidentiality of all archived information as required by applicable state and federal laws.

(c) Except as provided in subsection (d), a prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may not be refilled without written, electronically transmitted, or oral authorization of a licensed practitioner.

(d) A prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may be refilled by a pharmacist one (1) time without the written, electronically transmitted, or oral authorization of a licensed practitioner if all of the following conditions are met:

(1) The pharmacist has made every reasonable effort to contact the original prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(2) The pharmacist believes that, under the circumstances, failure to provide a refill would be seriously detrimental to the patient's health.

(3) The original prescription authorized a refill but a refill would otherwise be invalid for either of the following reasons:

(A) All of the authorized refills have been dispensed.

(B) The prescription has expired under subsection ~~(g).~~ **(h).**

(4) The prescription for which the patient requests the refill was:

(A) originally filled at the pharmacy where the request for a refill is received and the prescription has not been transferred for refills to another pharmacy at any time; or

(B) filled at or transferred to another location of the same pharmacy or its affiliate owned by the same parent corporation if the pharmacy filling the prescription has full access to prescription and patient profile information that is simultaneously and continuously updated on the parent corporation's information system.

(5) The drug is prescribed for continuous and uninterrupted use and the pharmacist determines that the drug is being taken properly in accordance with IC 25-26-16.

(6) The pharmacist shall document the following information regarding the refill:

(A) The information required for any refill dispensed under subsection (e).

(B) The dates and times that the pharmacist attempted to contact the prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(C) The fact that the pharmacist dispensed the refill without the authorization of a licensed practitioner.

(7) The pharmacist notifies the original prescribing practitioner of the refill and the reason for the refill by the practitioner's next business day after the refill has been made by the pharmacist.

(8) Any pharmacist initiated refill under this subsection may not be for more than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day. However, a pharmacist may dispense a drug in an amount greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day if:

(A) the drug is packaged in a form that requires the pharmacist to dispense the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day; or

(B) the pharmacist documents in the patient's record the amount of the drug dispensed and a compelling reason for dispensing the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day.

(9) Not more than one (1) pharmacist initiated refill is dispensed under this subsection for a single prescription.

(10) The drug prescribed is not a controlled substance.

A pharmacist may not refill a prescription under this subsection if the practitioner has designated on the prescription form the words "No Emergency Refill".

(e) When refilling a prescription, the refill record shall include:

(1) the date of the refill;

(2) the quantity dispensed if other than the original quantity; and

(3) the dispenser's identity on:

(A) the original prescription form; or

(B) another board approved, uniformly maintained, readily retrievable record.

(f) The original prescription form or the other board approved record described in subsection (e) must indicate by the number of the original prescription the following information:

(1) The name and dosage form of the drug.

(2) The date of each refill.

(3) The quantity dispensed.

(4) The identity of the pharmacist who dispensed the refill.

(5) The total number of refills for that prescription.

(g) This subsection does not apply:

(1) unless a patient requests a prescription drug supply of more than thirty (30) days;

(2) to the dispensing of a controlled substance (as defined in IC 35-48-1-9); or

(3) if a prescriber indicates on the prescription that the quantity of the prescription may not be changed.

A pharmacist may dispense, upon request of the patient, personal or legal representative of the patient, or guardian of the patient, not more than a ninety (90) day supply of medication if the patient has completed an initial thirty (30) day supply of the drug therapy and the prescription, including any refills, allows a pharmacist to dispense at least a ninety (90) day supply of the medication. However, a pharmacist shall notify the prescriber of the change in the quantity filled and must comply with state and federal laws and regulations concerning the dispensing limitations concerning a prescription drug. The pharmacist shall inform the customer concerning whether the additional supply of the prescription will be covered under the patient's insurance, if applicable.

~~(g)~~ **(h)** A prescription is valid for not more than one (1) year after the original date of issue.

~~(h)~~ **(I)** A pharmacist may not knowingly dispense a prescription after the demise of the practitioner, unless in the pharmacist's professional judgment it is in the best interest of the patient's health.

~~(i)~~ **(j)** A pharmacist may not knowingly dispense a prescription after the demise of the patient.

~~(j)~~ **(k)** A pharmacist or a pharmacy shall not resell, reuse, or redistribute a medication that is returned to the pharmacy after being dispensed unless the medication:

(1) was dispensed to an individual:

(A) residing in an institutional facility (as defined in 856 IAC 1-28.1-1(6));

(B) in a hospice program under IC 16-25; or

(C) in a county jail or department of correction facility;

(2) was properly stored and securely maintained according to sound pharmacy practices;

(3) is returned unopened and:

(A) was dispensed in the manufacturer's original:

(I) bulk, multiple dose container with an unbroken tamper resistant seal; or

(ii) unit dose package; or

(B) was packaged by the dispensing pharmacy in a:

(I) multiple dose blister container; or

(ii) unit dose package;

(4) was dispensed by the same pharmacy as the pharmacy accepting the return;

(5) is not expired; and

(6) is not a controlled substance (as defined in IC 35-48-1-9), unless the pharmacy holds a Type II permit (as described in section 17 of this chapter).

~~(k)~~ **(l)** A pharmacist or a pharmacy shall not resell, reuse, or redistribute medical devices or medical supplies used for prescription drug therapy that have been returned to the pharmacy after being dispensed unless the medical devices or medical supplies:

(1) were dispensed to an individual in a county jail or department of correction facility;

(2) are not expired; and

(3) are returned unopened and in the original sealed packaging.

~~(l)~~ **(m)** A pharmacist may use the pharmacist's professional judgment as to whether to accept medication for return under this section.

~~(m)~~ **(n)** A pharmacist who violates subsection (d) commits a Class A infraction.

SECTION 7. IC 25-26-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The board shall issue a pharmacy technician certificate to an individual who:

(1) applies to the board in the form and manner prescribed by the board;

(2) is at least eighteen (18) years of age;

(3) has not been convicted of:

(A) a crime that has a direct bearing upon the individual's ability to practice competently; **or**

(B) a felony involving controlled substances;

(4) is not in violation of this chapter or rules adopted by the board under section 4 of this chapter;

(5) has paid the fee set by the board under section 4 of this chapter; and

(6) has completed a program of education and training approved by the board or has passed a certification examination offered by a nationally recognized certification body approved by the board.

(b) For good cause, the board may waive the age requirement under subsection (a)(2).

SECTION 8. IC 25-26-20-4, AS AMENDED BY P.L.204-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsections (b) and (c), unadulterated drugs that meet the requirements set forth in ~~IC 25-26-13-25(j)~~ **IC 25-26-13-25(k)** may be donated without a prescription or drug order to the regional drug repository program by the following:

(1) A pharmacist or pharmacy.

(2) A wholesale drug distributor.

(3) A hospital licensed under IC 16-21.

(4) A health care facility (as defined in IC 16-18-2-161).

(5) A hospice.

(6) A practitioner.

(b) An unadulterated drug that:

(1) was returned under IC 25-26-13-25; and

(2) was prescribed for a Medicaid recipient;

may not be donated under this section unless the Medicaid program has been credited for the product cost of the drug as provided in policies under the Medicaid program.

(c) A controlled drug may not be donated under this section.

SECTION 9. IC 25-26-22-4.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.2. (a) A third party payer may cause an onsite audit to occur at a particular pharmacy location not more than one (1) time per calendar year.**

(b) A company that conducts an audit for a third party payer may conduct an onsite audit at a particular pharmacy location not more than one (1) time per calendar year for each third party payer. However, if the audit results in a finding of a particular problem at the pharmacy, the auditor may return within the calendar year to determine ongoing compliance.

SECTION 10. IC 25-26-22-5, AS ADDED BY P.L.7-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. An auditor conducting an audit shall comply with all of the following:

(1) The contract under which the audit is performed must provide a description of audit procedures that will be followed.

(2) For an onsite audit conducted at a pharmacy's location, the auditor that conducts the audit shall provide written notice to the pharmacy at least two (2) weeks before the initial onsite audit is performed for each audit cycle.

(3) The auditor shall not interfere with the delivery of pharmacist services to a patient and shall use every effort to minimize inconvenience and disruption to pharmacy operations during the audit. This subdivision does not prohibit audits during normal business hours of the pharmacy.

(4) If the audit requires use of clinical or professional judgment, the audit must be conducted by or in consultation with a licensed pharmacist.

(5) The auditor shall allow the use of written or otherwise transmitted hospital, physician, or other health practitioner records to validate a pharmacy record with respect to a prescription for a legend drug.

(6) The auditor shall perform the audit according to the same standards and parameters that the auditor uses to audit all other similarly situated pharmacies on behalf of the third party payer.

(7) The period covered by the audit must not exceed twenty-four (24) months after the date on which the claim that is the subject of the audit was submitted to or adjudicated by the third party payer, and the pharmacy must be permitted to resubmit electronically any claims disputed by the audit. This subdivision does not limit the period for audits under the Medicaid program that are conducted due to a federal requirement.

(8) The audit must not be initiated or scheduled during the first ~~five (5)~~ **seven (7)** calendar days of any month without the voluntary consent of the pharmacy. The consent may not be mandated by a contract or any other means.

(9) Payment to the onsite auditor for conducting the audit must not be based on a percentage of any amount recovered as a result of the audit.

(10) Within twenty-four (24) hours of receiving the notice of an audit, a pharmacy may reschedule the audit to a date not more than fourteen (14) days after the date proposed by the auditor. However, if the auditor is unable to reschedule within the fourteen (14) day period, the auditor shall select and reschedule the audit for a date after the fourteen (14) day period.

(11) This subdivision does not apply to an audit conducted by the Medicaid program. If a clerical error is identified by the auditor during the course of an audit, the auditor shall allow the pharmacy to obtain a prescription that corrects the clerical error from the prescribing physician. However, if the clerical error results in an overpayment to the pharmacy, the overpayment may be recouped by the third party payer.

SECTION 11. IC 25-26-22-6, AS ADDED BY P.L.7-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a) This section does not apply to an audit conducted by the Medicaid, Medicare, or any other federal program.**

(b) Following an audit, the auditor shall provide to the pharmacy written audit reports as follows:

(1) The auditor shall deliver a preliminary audit report to the pharmacy not later than ninety (90) days after the audit is concluded.

(2) The auditor shall provide with the preliminary audit report a written appeal procedure for the pharmacy to follow if the pharmacy desires to appeal a finding contained in the preliminary audit report. **The written appeal procedure must provide for a period of at least thirty (30) days after the pharmacy receives the preliminary audit report during which the pharmacy may file an appeal of findings contained in the preliminary audit report.**

(3) The auditor shall deliver a final audit report to the pharmacy not later than one hundred twenty (120) days after:

(A) the preliminary audit report is received by the pharmacy; or

(B) if an appeal is filed, a final appeal determination is made;

whichever is later.

(4) Each audit report must be signed by the auditor and a pharmacist participating in the audit.

(5) The auditor shall provide a copy of the final audit report to the third party payer.

(c) If requested by the pharmacy, the auditor shall provide the audit report under this section to the pharmacy by a means that allows signature confirmation, including an electronic signature (as defined by IC 25-26-13-2). If the audit report is sent by electronic mail, any other verification system may be used, provided that the receipt is acknowledged by the pharmacy.

SECTION 12. IC 25-26-22-9, AS ADDED BY P.L.7-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. **(a) This section does not apply to an audit conducted by the Medicaid, Medicare, or any other federal program.**

~~(a) A final audit report must first be distributed~~ **(b)** Before recoupment of funds may be made based on an audit finding of overpayment or underpayment:

(1) a final audit report must be distributed; and

(2) except when an audit finds that fraud, willful misrepresentation, or alleged serious abuse has occurred, at least thirty (30) days must elapse after the date on which the final audit report is distributed before the recoupment of funds exceeding ten thousand dollars ($10,000).

~~(b) Except for audits conducted under the Medicaid program,~~ **(c)** Interest on funds described in subsection ~~(a)~~ **(b)** does not accrue during the audit period.

SECTION 13. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.**

(b) During the 2012 legislative interim, the commission shall study:

(1) retail pharmacies;

(2) community pharmacies; and

(3) mail order or Internet based pharmacies (as defined in IC 25-26-18-1);

and any limitations that should be placed in statute concerning the amount of a prescription drug that may be dispensed by the pharmacies.

(c) The commission shall make findings and recommendations concerning the following:

(1) The number of individuals covered under a state employee health plan with a copayment, a coinsurance amount, or other out-of-pocket costs for prescription drugs that exceed:

(A) two hundred dollars ($200) for a one (1) month supply of a single prescription drug; or

(B) five hundred dollars ($500) for a one (1) month supply of more than one (1) prescription drug.

(2) The number of individuals covered under a policy of accident and sickness insurance with a copayment, a coinsurance amount, or other out-of-pocket costs for prescription drugs that exceed:

(A) two hundred dollars ($200) for a one (1) month supply of a single prescription drug; or

(B) five hundred dollars ($500) for a one (1) month supply of more than one (1) prescription drug.

(3) The number of individuals covered under a health maintenance organization contract with a copayment, a coinsurance amount, or other out-of-pocket costs for prescription drugs that exceed:

(A) two hundred dollars ($200) for a one (1) month supply of a single prescription drug; or

(B) five hundred dollars ($500) for a one (1) month supply of more than one (1) prescription drug.

(4) The number of individuals who may become eligible for Medicaid as a result of copayments, coinsurance amounts, or other out-of-pocket costs for prescription drugs as described in this SECTION.

(d) The state personnel department and the Indiana department of insurance shall assist the commission in obtaining the information necessary under subsection (c).

(e) This SECTION expires December 31, 2012.

(Reference is to ESB 407 as reprinted March 1, 2012.)

GROOMS	DAVISSON
BREAUX	WELCH
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

EHB 1360–1; filed March 9, 2012, at 12:54 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1360 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate

amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-11-1.1-1, AS AMENDED BY P.L.153-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The bureau of developmental disabilities services is established within the division.

(b) The bureau shall plan, coordinate, and administer the provision of individualized, integrated community based services for individuals with a developmental disability and their families, within the limits of available resources. The planning and delivery of services must be based on future plans of the individual with a developmental disability rather than on traditional determinations of eligibility for discrete services, with an emphasis on the preferences of the individual with a developmental disability and that individual's family.

(c) Services for individuals with a developmental disability must be services that meet the following conditions:

(1) Are provided under public supervision.

(2) Are designed to meet the developmental needs of individuals with a developmental disability.

(3) Meet all required state and federal standards.

(4) Are provided by qualified personnel.

(5) To the extent appropriate, are provided in home and community based settings in which individuals without disabilities participate.

(6) Are provided in conformity with a service plan developed under IC 12-11-2.1-2.

(d) The bureau shall approve entities to provide community based services and supports **as follows:**

(1) Beginning July 1, 2011, the bureau shall ensure that an entity approved to provide day services, identified day habilitation, including facility based or community based habilitation, prevocational services, or ~~vocational~~ **employment** services under home and community based services waivers is accredited by ~~at least one (1) of the following organizations:~~

~~(1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.~~

~~(2) The Council on Quality and Leadership In Supports for People with Disabilities, or its successor.~~

~~(3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.~~

~~(4) The National Committee for Quality Assurance, or its successor.~~

~~(5) The ISO-9001 human services QA system.~~

~~(6) An independent national accreditation organization approved by the secretary.~~ **an approved national accrediting body described in subsection (j).**

(2) Beginning July 1, 2012, the bureau shall ensure that an entity approved to provide residential habilitation and support services under home and community based services waivers is accredited by an approved national accrediting body. However, if an entity is accredited to provide home and community based services under subdivision (1) other than residential habilitation and support services, the bureau may extend the time that the entity has to comply with this subdivision until the earlier of the following:

(A) The completion of the entity's next scheduled accreditation survey.

(B) July 1, 2015.

(e) **Subject to subsection (k),** the bureau shall **initially** approve, **reapprove,** and monitor community based residential, habilitation, and ~~vocational~~ **employment** service providers that provide alternatives to placement of individuals with a developmental disability in state institutions and health facilities licensed under IC 16-28 for individuals with a developmental disability. The services must simulate, to the extent feasible, patterns and conditions of everyday life that are as close as possible to normal. The community based service categories include the following:

(1) Supervised group living programs, which serve at least four (4) individuals and not more than eight (8) individuals, are funded by Medicaid, and are licensed by the community residential facilities council.

(2) Supported living service arrangements to meet the unique needs of individuals in integrated settings. Supported living service arrangements providing residential services may not serve more than four (4) unrelated individuals in any one (1) setting. However, the head of the bureau shall waive this limitation for a setting providing residential services to more than four (4) unrelated individuals in any one (1) setting if the setting was in existence on June 30, 1999.

(f) To the extent that services described in subsection (e) are available and meet the individual's needs, an individual is entitled to receive services in the least restrictive environment possible.

(g) Community based services under subsection (e)(1) or (e)(2) must consider the needs of and provide choices and options for:

(1) individuals with a developmental disability; and

(2) families of individuals with a developmental disability.

(h) The bureau shall administer a system of service coordination to carry out this chapter.

(I) The bureau may issue orders under IC 4-21.5-3-6 against a provider that violates rules issued by the bureau for programs in which the provider is providing services in accordance with section 11 of this chapter.

(j) For purposes of subsections (d) and (k), "approved national accrediting body" means any of the following:

(1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.

(2) The Council on Quality and Leadership In Supports for People with Disabilities, or its successor.

(3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.

(4) The National Committee for Quality Assurance, or its successor.

(5) The ISO-9001 human services QA system.

(6) The Council on Accreditation, or its successor.

(7) An independent national accreditation organization approved by the secretary.

(k) An entity that is accredited by an approved national accrediting body is not subject to reapproval surveys or routine monitoring surveys by the division, bureau, or bureau of quality improvement services, including any reapproval survey under a home and community based services waiver. However, the bureau may perform validation surveys and complaint investigations of an entity accredited by an approved national accrediting body.

SECTION 2. IC 16-19-3-26, AS AMENDED BY P.L.147-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2012]: Sec. 26. (a) The anatomical gift promotion fund is established. The fund consists of amounts distributed to the fund by the auditor of state under IC 9-18-2-16.

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

(c) The state department shall administer the fund. Any

expenses incurred in administering the fund shall be paid from the fund.

(d) The money in the fund shall be distributed quarterly to the Indiana Donation Alliance Foundation and Donate Life Indiana for the purpose of implementing an organ, tissue, and marrow registry and to promote organ, tissue, and marrow donation. **However, money in the fund may not be distributed under this subsection for any quarter of a year until the annual report for the previous year has been submitted under subsection (f).**

(e) The Indiana Donation Alliance Foundation and Donate Life Indiana shall keep information regarding the identity of an individual who has indicated a desire to make an organ or tissue donation confidential.

(f) The Indiana Donation Alliance Foundation and Donate Life Indiana shall submit an annual **audited** report, including a list of all expenditures, to ~~the chairperson of~~ the:

(1) ~~legislative council;~~ **speaker of the house of representatives;**

(2) president pro tempore of the senate;

~~(2)~~ **(3)** senate health **and provider services** committee; and

~~(3)~~ **(4)** house public health committee;

before ~~March 15.~~ **February 1.** The report must be in an electronic format under IC 5-14-6.

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

(h) This subsection applies if the Indiana Donation Alliance Foundation or Donate Life Indiana loses its status as an organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. The Indiana Donation Alliance Foundation and Donate Life Indiana shall report in an electronic format under IC 5-14-6 to the chairpersons of the senate standing committee, as determined by the president pro tempore of the senate, and the house standing committee, as determined by the speaker of the house of representatives, that have subject matter jurisdiction over health issues. The chairpersons shall review the report and recommend to the state department whether to continue distributions under subsection (d).

(I) Any annual reports that were not submitted by the Indiana Donation Alliance Foundation or Donate Life Indiana before March 15, 2011, under subsection (f) must be submitted before August 1, 2012.

~~(I)~~ **(j)** This section expires July 1, ~~2012.~~ **2014.**

SECTION 3. IC 25-22.5-2-8, AS ADDED BY P.L.149-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The board shall implement a program to investigate and assess a civil penalty of not more than one thousand dollars ($1,000) against a physician licensed under this article for the following violations:

(1) Licensure renewal fraud.

(2) Improper termination of a physician and patient relationship.

(3) Practicing with an expired medical license.

(4) Providing office based anesthesia without the proper accreditation.

(5) Failure to perform duties required for issuing birth or death certificates.

(6) Failure to disclose, or negligent omission of, documentation requested for licensure renewal.

(b) An individual who is investigated by the board and found by the board to have committed a violation specified in subsection (a) may appeal the determination made by the board in accordance with IC 4-21.5.

(c) In accordance with the federal Health Care Quality Improvement Act (42 U.S.C. 11132), the board shall report a disciplinary board action that is subject to reporting to the National Practitioner Data Bank. However, the board may not report board action against a physician for only an administrative penalty described in subsection (a). The board's action concerning disciplinary action or an administrative penalty described in subsection (a) shall be conducted at a hearing that is open to the public.

(d) The physician compliance fund is established to provide funds for administering and enforcing the investigation of violations specified in subsection (a). The fund shall be administered by the Indiana professional licensing agency.

(e) The expenses of administering the physician compliance fund shall be paid from the money in the fund. The fund consists of penalties collected through investigations and assessments by the board concerning violations specified in subsection (a). Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 4. IC 36-1-11-1, AS AMENDED BY P.L.2-2006, SECTION 188, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the disposal of property by:

(1) political subdivisions; and

(2) their agencies.

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

(1) The disposal of property under an urban homesteading program under IC 36-7-17.

(2) The lease of school buildings under IC 20-47.

(3) The sale of land to a lessor in a lease-purchase contract under IC 36-1-10.

(4) The disposal of property by a redevelopment commission established under IC 36-7.

(5) The leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3.

(6) The disposal of a municipally owned utility under IC 8-1.5.

(7) The sale or lease of property by a unit to an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code or the sale or reletting of that property by the nonprofit corporation.

(8) The disposal of surplus property by a hospital established and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.

(9) The sale or lease of property acquired under IC 36-7-13 for industrial development.

(10) The sale, lease, or disposal of property by a local hospital authority under IC 5-1-4.

(11) The sale or other disposition of property by a county or municipality to finance housing under IC 5-20-2.

(12) The disposition of property by a soil and water conservation district under IC 14-32.

(13) The **sale, lease, or** disposal of ~~surplus~~ property by the health and hospital corporation established and operated under IC 16-22-8.

(14) The disposal of personal property by a library board under IC 36-12-3-5(c).

(15) The sale or disposal of property by the historic preservation commission under IC 36-7-11.1.

(16) The disposal of an interest in property by a housing authority under IC 36-7-18.

(17) The disposal of property under IC 36-9-37-26.

(18) The disposal of property used for park purposes under IC 36-10-7-8.

(19) The disposal of textbooks that will no longer be used by school corporations under IC 20-26-12.

(20) The disposal of residential structures or

improvements by a municipal corporation without consideration to:
(A) a governmental entity; or
(B) a nonprofit corporation that is organized to expand the supply or sustain the existing supply of good quality, affordable housing for residents of Indiana having low or moderate incomes.
(21) The disposal of historic property without consideration to a nonprofit corporation whose charter or articles of incorporation allows the corporation to take action for the preservation of historic property. As used in this subdivision, "historic property" means property that is:
(A) listed on the National Register of Historic Places; or
(B) eligible for listing on the National Register of Historic Places, as determined by the division of historic preservation and archeology of the department of natural resources.
(22) The disposal of real property without consideration to:
(A) a governmental agency; or
(B) a nonprofit corporation that exists for the primary purpose of enhancing the environment;
when the property is to be used for compliance with a permit or an order issued by a federal or state regulatory agency to mitigate an adverse environmental impact.
(23) The disposal of property to a person under an agreement between the person and a political subdivision or an agency of a political subdivision under IC 5-23.
(24) The disposal of residential real property pursuant to a federal aviation regulation (14 CFR 150) Airport Noise Compatibility Planning Program as approved by the Federal Aviation Administration.
(Reference is to EHB 1360 as printed February 10, 2012.).

BACON	MILLER
WELCH	BREAUX
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1258–1; filed March 9, 2012, at 1:22 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1258 respectfully reports that said two committees have conferred and agreed as follows to wit:
that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:
Page 2, line 39, after "recipient" insert ",".
Page 2, line 39, strike "and the recipient's spouse,".
Page 2, line 40, strike "in each individual case".
Page 20, between lines 14 and 15, begin a new paragraph and insert:
"SECTION 17. IC 32-36-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This chapter applies to an act or event that occurs within Indiana, regardless of a personality's domicile, residence, or citizenship.
(b) This chapter does not affect rights and privileges recognized under any other law that apply to a news reporting or an entertainment medium.
(c) This chapter does not apply to the following:
(1) The use of a personality's name, voice, signature, photograph, image, likeness, distinctive appearance, gestures, or mannerisms in any of the following:
(A) Literary works, theatrical works, musical compositions, film, radio, or television programs.
(B) Material that has political or newsworthy value.
(C) Original works of fine art.
(D) Promotional material or an advertisement for a news reporting or an entertainment medium that:
(I) uses all or part of a past edition of the medium's own broadcast or publication; and
(ii) does not convey or reasonably suggest that a personality endorses the news reporting or entertainment medium.
(E) An advertisement or commercial announcement for a use described in this subdivision.
(2) The use of a personality's name to truthfully identify the personality as:
(A) the author of a written work; or
(B) a performer of a recorded performance;
under circumstances in which the written work or recorded performance is otherwise rightfully reproduced, exhibited, or broadcast.
(3) The use of a personality's:
(A) name;
(B) voice;
(C) signature;
(D) photograph;
(E) image;
(F) likeness;
(G) distinctive appearance;
(H) gestures; or
(I) mannerisms;
in connection with the broadcast or reporting of an event or a topic of general or public interest.
(4) A personality whose:
(A) name;
(B) voice;
(C) signature;
(D) photograph;
(E) image;
(F) likeness;
(G) distinctive appearance;
(H) gesture; or
(I) mannerisms;
have commercial value solely because the personality has been formally charged with or convicted of a crime.
SECTION 18. IC 32-36-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A person may not use an aspect of a personality's right of publicity for a commercial purpose during the personality's lifetime or for one hundred (100) years after the date of the personality's death without having obtained previous written consent from a person specified in section 17 of this chapter. **If a personality is deceased, the following apply to the rights described in this subsection:**
(1) The rights apply to the personality whether the personality died before, on, or after July 1, 1994.
(2) If the personality died before July 1, 1994, the rights are considered to have existed on and after the date the personality died.
(3) Consistent with section 1(a) of this chapter, a claim for a violation of a personality's right of publicity may not be asserted under this chapter unless the alleged act or event of violation occurs within Indiana.
(4) A claim for a violation of a personality's right of publicity may not be asserted under this chapter unless the alleged act or event of violation occurs after June 30, 1994.

(b) A written consent solicited or negotiated by an athlete agent (as defined in IC 25-5.2-1-2) from a student athlete (as defined in IC 25-5.2-1-2) is void if the athlete agent obtained the consent as the result of an agency contract that:

(1) was void under IC 25-5.2-2-2 or under the law of the state where the agency contract was entered into;

(2) was voided by the student athlete under IC 25-5.2-2-8 or a similar law in the state where the agency contract was entered into; or

(3) was entered into without the notice required under IC 35-46-4-4 or a similar law in the state where the agency contract was entered into.

(c) A written consent for an endorsement contract (as defined in IC 35-46-4-1.5) is void if notice is not given as required by IC 35-46-4-4 or a similar law in the state where the endorsement contract is entered into.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1258 as reprinted February 21, 2012.)

FOLEY	ZAKAS
DeLANEY	BRODEN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 293–1; filed March 9, 2012, at 1:30 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 293 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-4.1-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 2. IC 6-4.1-1-3, AS AMENDED BY P.L.220-2011, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 3. (a) "Class A transferee" means a transferee who is any of the following:

(1) **A** lineal ancestor of the transferor.

(2) **A** lineal descendant of the transferor.

(3) **A** stepchild of the transferor, whether or not the stepchild is adopted by the transferor. This subdivision applies to the estate of an individual who dies after June 30, 2004.

(4) **A** lineal descendant of a stepchild of the transferor, whether or not the stepchild is adopted by the transferor.

(5) A spouse, widow, or widower of a child of the transferor. This subdivision applies to the estate of an individual who dies after December 31, 2011.

(6) A spouse, widow, or widower of a stepchild of the transferor, whether or not the stepchild is adopted by the transferor. This subdivision applies to the estate of an individual who dies after December 31, 2011.

(b) "Class B transferee" means a transferee who is a:

(1) brother or sister of the transferor;

(2) descendant of a brother or sister of the transferor; or

(3) spouse, widow, or widower of a child of the transferor. **This subdivision applies to the estate of an individual who dies before January 1, 2012.**

(c) "Class C transferee" means a transferee, except a surviving spouse, who is neither a Class A nor a Class B transferee.

(d) For purposes of this section, a legally adopted child is to be treated as if the child were the natural child of the child's adopting parent if the adoption occurred before the individual was totally emancipated. However, an individual adopted after being totally emancipated shall be treated as the natural child of the adopting parent if the adoption was finalized before July 1, 2004.

(e) For purposes of this section, if a relationship of loco parentis has existed for at least ten (10) years and if the relationship began before the child's fifteenth birthday, the child is to be considered the natural child of the loco parentis parent.

(f) As used in this section, "stepchild" means a child of the transferor's surviving, deceased, or former spouse who is not a child of the transferor.

SECTION 3. IC 6-4.1-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 4. IC 6-4.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) An inheritance tax is imposed at the time of a decedent's death on certain property interest transfers made by ~~him.~~ **the decedent.** The transfer of a property interest is subject to the tax if:

(1) the property transferred is described in:

~~(i)~~ **(A)** section 2 of this chapter, if the property is transferred by a resident decedent; or

~~(ii)~~ **(B)** section 3 of this chapter, if the property is transferred by a nonresident decedent;

(2) the transfer is described in section 4 of this chapter; and

(3) neither the transfer nor the property is exempt from the inheritance tax under IC 6-4.1-3.

(b) For purposes of this article, a transfer described in section 4 of this chapter is considered a transfer made by the deceased transferor regardless of when the transferee acquires the property interest.

SECTION 5. IC 6-4.1-3-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 6. IC 6-4.1-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 10. **(a) With respect to a taxable transfer or transfers resulting from the death of a decedent who dies before January 1, 2012,** the first one hundred thousand dollars ($100,000) of property interests transferred to a Class A transferee under ~~a~~ **the** taxable transfer or transfers is exempt from the inheritance tax.

(b) With respect to a taxable transfer or transfers resulting from the death of a decedent who dies after December 31, 2011, the first two hundred fifty thousand dollars ($250,000) of property interests transferred to a Class A transferee under the taxable transfer or transfers is exempt from the inheritance tax.

SECTION 7. IC 6-4.1-4-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.2. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 8. IC 6-4.1-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not**

apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.

SECTION 9. IC 6-4.1-5-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.1. (a) This section applies to a property interest transferred by a decedent whose death occurs after December 31, 2012.**

(b) For purposes of determining the amount of inheritance tax imposed under this article, a credit is allowed against the tax imposed under section 1 of this chapter on a decedent's transfer of property interests. The amount of the credit equals the inheritance tax imposed under section 1 of this chapter multiplied by the percentage prescribed in the following table:

YEAR OF INDIVIDUAL'S DEATH	PERCENTAGE OF CREDIT
2013	**10%**
2014	**20%**
2015	**30%**
2016	**40%**
2017	**50%**
2018	**60%**
2019	**70%**
2020	**80%**
2021	**90%**

(c) A person who is liable for inheritance tax imposed under this article may claim the credit allowed under this section at the time the person pays the tax. When the payment is made, the person collecting the tax shall reduce the inheritance tax due by the amount of the credit specified in subsection (b).

SECTION 10. IC 6-4.1-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 11. IC 6-4.1-7-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 12. IC 6-4.1-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 13. IC 6-4.1-9-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 14. IC 6-4.1-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The department of state revenue shall collect the Indiana estate tax and the interest charges imposed under this chapter. The department shall remit the money which it collects under this chapter to the state treasurer, and the state treasurer shall deposit the money in the state general fund.

(b) ~~Before August 15 of each year~~ **Except as provided in subsection (e),** the treasurer of state shall **annually** distribute to each county the amount determined under subsection (c) **or (d)** for the county. **The distribution for a particular state fiscal year must be made before August 15 of the following state fiscal year.** There is appropriated from the state general fund the amount necessary to make the distributions under this ~~section.~~ **subsection.**

(c) **For a state fiscal year ending before July 1, 2012,** the department of state revenue shall determine the inheritance tax replacement amount for each county using the following formula:

STEP ONE: Determine the amount of inheritance tax revenue retained by each county in each state fiscal year beginning with the state fiscal year that began July 1, 1990, and ending with the state fiscal year that ends June 30, 1997.

STEP TWO: Determine the average annual amount of inheritance tax revenue retained by each county using five (5) of the seven (7) state fiscal years described in STEP ONE after excluding the two (2) years in which each county retained its highest and lowest totals of inheritance tax revenue.

STEP THREE: Determine the remainder of the STEP TWO amount minus the amount of inheritance taxes retained by the county during the immediately preceding state fiscal year.

(d) For a state fiscal year beginning after June 30, 2012, and ending before July 1, 2022, the department of state revenue shall determine the inheritance tax replacement amount for each county using the following formula:

STEP ONE: Determine the inheritance tax replacement amount distributed to the county for the state fiscal year that began on July 1, 2011.

STEP TWO: Multiply the amount determined under STEP ONE by the appropriate percentage as follows:

(A) Ninety-one percent (91%) for the state fiscal year beginning July 1, 2012.

(B) Eighty-two percent (82%) for the state fiscal year beginning July 1, 2013.

(C) Seventy-three percent (73%) for the state fiscal year beginning July 1, 2014.

(D) Sixty-four percent (64%) for the state fiscal year beginning July 1, 2015.

(E) Fifty-five percent (55%) for the state fiscal year beginning July 1, 2016.

(F) Forty-five percent (45%) for the state fiscal year beginning July 1, 2017.

(G) Thirty-six percent (36%) for the state fiscal year beginning July 1, 2018.

(H) Twenty-seven percent (27%) for the state fiscal year beginning July 1, 2019.

(I) Eighteen percent (18%) for the state fiscal year beginning July 1, 2020.

(J) Nine percent (9%) for the state fiscal year beginning July 1, 2021.

(e) A county is not entitled to a distribution under subsection (b) for a state fiscal year beginning after June 30, 2022.

SECTION 15. IC 6-4.1-12-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) For an individual who dies after December 31, 2021, there is no inheritance tax imposed on the decedent's transfer of property interests.**

(b) Sections 1 through 12 of this chapter do not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.

SECTION 16. **An emergency is declared for this act.**

(Reference is to ESB 293 as printed February 24, 2012.)

J. SMITH	TURNER
SKINNER	WELCH
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:58 p.m. with the Speaker in the Chair.

Representatives Dvorak and Knollman, who had been excused, were present.

Upon request of Representative Pelath and Goodin, the Speaker ordered the roll of the House to be called to determine the presence of a quorum. Roll Call 393: 69 present. The Speaker declared a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bills 1080, 1123, and 1149.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 19, 22, 97, 115, 144, 190, and 302.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 18 and 311.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has sustained the veto of the Governor on Senate Enrolled Act 215 (of the First Regular Session).

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(c) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 1:

Conferees: Taylor replacing Lanane

JENNIFER L. MERTZ
Principal Secretary of the Senate

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
EHB 1200–1; filed March 9, 2012, at 1:50 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1200 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 11-8-7-2, AS ADDED BY P.L.64-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The department ~~may~~ **shall** establish an automated victim notification system that must do the following:

(1) Automatically notify a registered crime victim when a committed offender who committed the crime against the victim:

(A) is assigned to a:

(I) department facility; or

(ii) county jail or any other facility not operated by the department;

(B) is transferred to a:

(I) department facility; or

(ii) county jail or any other facility not operated by the department;

(C) is given a different security classification;

(D) is released on temporary leave;

(E) is discharged; ~~or~~

(F) has escaped;

(G) has a change in the committed offender's expected date of release from incarceration;

(H) is scheduled to have a parole release hearing;

(I) has requested clemency or pardon consideration;

(J) is to be placed in a minimum security:

(I) facility; or

(ii) work release program;

or is permitted to participate in another minimum security assignment; or

(K) dies during the committed offender's period of incarceration.

(2) Allow a registered crime victim to receive the most recent status report for an offender by calling the automated victim notification system on a toll free telephone number.

(3) Allow a crime victim to register or update the victim's registration for the automated victim notification system by calling a toll free telephone number.

(b) For purposes of subsection (a), ~~if the department establishes an automated victim notification system,~~ a sheriff responsible for the operation of a county jail shall immediately notify the department if a committed offender:

(1) is transferred to another county jail or another facility not operated by the department of correction;

(2) is released on temporary leave;

(3) is discharged; or

(4) has escaped.

Sheriffs and other law enforcement officers and prosecuting attorneys shall cooperate with the department in establishing and maintaining an automated victim notification system.

(c) An automated victim notification system may transmit information to a person by:

(1) telephone;

(2) electronic mail; or

(3) another method as determined by the department.

(d) The department shall provide the opportunity for a registered crime victim to receive periodic status reports concerning the committed offender who committed the crime against the registered crime victim, including reports stating:

(1) the committed offender's projected date of release from imprisonment;

(2) the facility where the committed offender is imprisoned; and

(3) the current security classification of the committed offender.

(e) A registered crime victim may choose to receive a status report described in subsection (d):

(1) annually;

(2) quarterly;

(3) monthly; or

(4) when triggered by an event described in subsection (a)(1).

SECTION 2. IC 11-13-1-8, AS AMENDED BY P.L.1-2007, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

(1) educational and occupational qualifications for employment as a probation officer;

(2) compensation of probation officers;

(3) protection of probation records and disclosure of information contained in those records; ~~and~~

(4) presentence investigation reports;

(5) a schedule of progressive probation incentives and violation sanctions, including judicial review procedures; and

(6) qualifications for probation officers to administer probation violation sanctions under IC 35-38-2-3(e).

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

(1) the implementation and management of probation case classification; and

(2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the department of child services and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

(1) Eligibility standards.

(2) Testing requirements and procedures.

(3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.

(4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.

(5) Development and implementation of individual education programs for eligible children in:

(A) accordance with applicable requirements of state and federal laws and rules; and

(B) coordination with:

(I) individual case plans; and

(ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.

(6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, mental retardation, and developmental disabilities.

(h) The conference shall make recommendations to courts and probation departments concerning:

(1) selection, training, distribution, and removal of probation officers;

(2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and

(3) use of citizen volunteers and public and private agencies.

(I) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center.

SECTION 3. IC 11-13-3-3, AS AMENDED BY P.L.105-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A person sentenced under IC 35-50 shall be released on parole or discharged from the person's term of imprisonment under IC 35-50 without a parole release hearing.

(b) A person sentenced for an offense under laws other than IC 35-50 who is eligible for release on parole, or a person whose parole is revoked and is eligible for reinstatement on parole under rules adopted by the parole board shall, before the date of the person's parole eligibility, be granted a parole release hearing to determine whether parole will be granted or denied. The hearing shall be conducted by one (1) or more of the parole board members. If one (1) or more of the members conduct the hearing on behalf of the parole board, the final decision shall be rendered by the full parole board based upon the record of the proceeding and the hearing conductor's findings. Before the hearing, the parole board shall order an investigation to include the collection and consideration of:

(1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;

(2) official reports of the person's history of criminality;

(3) reports of earlier parole or probation experiences;

(4) reports concerning the person's present commitment that are relevant to the parole release determination;

(5) any relevant information submitted by or on behalf of the person being considered; and

(6) such other relevant information concerning the person as may be reasonably available.

(c) Unless the victim has requested in writing not to be notified, the department shall notify a victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of an offender imprisoned for the commission of a felony when the offender is:

(1) to be discharged from imprisonment;

(2) to be released on parole under IC 35-50-6-1;

(3) to have a parole release hearing under this chapter;

(4) to have a parole violation hearing;

(5) an escaped committed offender; or

(6) to be released from departmental custody under any temporary release program administered by the department, including the following:

(A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a regulated community assignment program.

(B) Assignment to a minimum security work release program.

(d) The department shall make the notification required under subsection (c):

(1) not later than twenty-four (24) hours after the escape of a committed offender;

~~(1)~~ **(2)** at least forty (40) days before: ~~a~~

(A) the discharge **or** release **of a committed offender;** or

(B) the date of a hearing ~~occurs;~~ **concerning a committed offender's possible discharge or release;** and

~~(2)~~ **(3) if the date of a committed offender's discharge or release as referred to in subdivision (2)(A) is changed during the forty (40) day notification period referred to in subdivision (2),** not ~~later~~ **more** than ~~twenty-four (24) hours after the escape of a committed offender.~~ **forty-eight (48) hours after the change in the discharge or release date.**

The department shall supply the information to a victim (or a next of kin of a victim in the appropriate case) and a witness at the address supplied to the department by the victim (or next of kin) or witness. A victim (or next of kin) is responsible for supplying the department with any change of address or telephone number of the victim (or next of kin).

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness, of the right of the victim or witness to receive notification from the department under subsection (c). The probation department for the sentencing court shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department of correction. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days from the receipt of the information from the victim. A victim (or next of kin) is responsible for supplying the department with the correct address and telephone number of the victim (or next of kin).

(f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not have access to the name and address of a victim and a witness. Upon the filing of a motion by any person requesting or objecting to the release of victim information, witness information, or both that is retained by the department, the court shall review the information that is the subject of the motion in camera before ruling on the motion.

(g) The notice required under subsection (c) must specify whether the prisoner is being discharged, is being released on parole, is being released on lifetime parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

(1) The name of the prisoner.

(2) The date of the offense.

(3) The date of the conviction.

(4) The felony of which the prisoner was convicted.

(5) The sentence imposed.

(6) The amount of time served.

(7) The date and location of the interview (if applicable).

(h) The parole board shall adopt rules under IC 4-22-2 and make available to offenders the criteria considered in making parole release determinations. The criteria must include the:

(1) nature and circumstances of the crime for which the offender is committed;

(2) offender's prior criminal record;

(3) offender's conduct and attitude during the commitment; and

(4) offender's parole plan.

(I) The hearing prescribed by this section may be conducted in an informal manner without regard to rules of evidence. In connection with the hearing, however:

(1) reasonable, advance written notice, including the date, time, and place of the hearing shall be provided to the person being considered;

(2) the person being considered shall be given access, in accord with IC 11-8-5, to records and reports considered by the parole board in making its parole release decision;

(3) the person being considered may appear, speak in the person's own behalf, and present documentary evidence;

(4) irrelevant, immaterial, or unduly repetitious evidence shall be excluded; and

(5) a record of the proceeding, to include the results of the parole board's investigation, notice of the hearing, and evidence adduced at the hearing, shall be made and preserved.

(j) If parole is denied, the parole board shall give the person written notice of the denial and the reasons for the denial. The parole board may not parole a person if it determines that there is substantial reason to believe that the person:

(1) will engage in further specified criminal activity; or

(2) will not conform to appropriate specified conditions of parole.

(k) If parole is denied, the parole board shall conduct another parole release hearing not earlier than five (5) years after the date of the hearing at which parole was denied. However, the board may conduct a hearing earlier than five (5) years after denial of parole if the board:

(1) finds that special circumstances exist for the holding of a hearing; and

(2) gives reasonable notice to the person being considered for parole.

(l) The parole board may parole a person who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which that person is imprisoned.

(m) If the board is considering the release on parole of an offender who is serving a sentence of life in prison, a determinate term of imprisonment of at least ten (10) years, or an indeterminate term of imprisonment with a minimum term of at least ten (10) years, in addition to the investigation required under subsection (b), except as provided in subsection (n), the board may order and consider a community investigation, which may include an investigation and report that substantially reflects the attitudes and opinions of:

(1) the community in which the crime committed by the offender occurred;

(2) law enforcement officers who have jurisdiction in the community in which the crime occurred;

(3) the victim of the crime committed by the offender, or if the victim is deceased or incompetent for any reason, the victim's relatives or friends; and

(4) friends or relatives of the offender.

If the board reconsiders for release on parole an offender who was previously released on parole and whose parole was revoked under section 10 of this chapter, the board may use a community investigation prepared for an earlier parole hearing to comply with this subsection. However, the board shall accept and consider any supplements or amendments to any previous statements from the victim or the victim's relatives or friends.

(n) The board shall conduct the community investigation described in subsection (m) if:

(1) the person was convicted of a crime of violence (as defined in IC 35-50-1-2); or

(2) the person is a sex offender (as defined in IC 11-8-8-4.5).

(o) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

SECTION 4. IC 16-41-6-1, AS AMENDED BY P.L.94-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in IC 16-41-8-6, IC 16-41-10-2.5, and subsection (b), a person may not perform a screening or confirmatory test for the antibody or antigen to HIV without the oral or written consent of the individual to be tested or a representative as authorized under IC 16-36-1. A physician ordering the test or the physician's authorized representative shall document whether or not the individual has consented. The test for the antibody or antigen to HIV may not be performed on a woman under section 5 or 6 of this chapter if the woman refuses under section 7 of this chapter to consent to the test.

(b) The test for the antibody or antigen to HIV may be performed if one (1) of the following conditions exists:

(1) If ordered by a physician who has obtained a health care consent under IC 16-36-1 or an implied consent under emergency circumstances and the test is medically necessary to diagnose or treat the patient's condition.

(2) Under a court order based on clear and convincing evidence of a serious and present health threat to others posed by an individual. A hearing held under this subsection shall be held in camera at the request of the individual.

(3) If the test is done on blood collected or tested anonymously as part of an epidemiologic survey under IC 16-41-2-3 or IC 16-41-17-10(a)(5).

(4) The test is ordered under section 4 of this chapter.

(5) The test is required or authorized under IC 11-10-3-2.5.

(c) A court may order a person to undergo testing for HIV under IC 35-38-1-10.5(a) or ~~IC 35-38-2-2.3(a)(16).~~ **IC 35-38-2-2.3(a)(17).**

SECTION 5. IC 31-37-19-1, AS AMENDED BY P.L.146-2008, SECTION 647, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(4) Award wardship to a:

(A) person, other than the department; or

(B) shelter care facility.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian;

to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child.

(b) If the child is removed from the child's home and placed in a foster family home or another facility, the juvenile court shall:

(A) approve a permanency plan for the child;

(B) find whether or not reasonable efforts were made to prevent or eliminate the need for the removal;

(C) designate responsibility for the placement and care of the child with the probation department; and

(D) find whether it:

(I) serves the best interests of the child to be removed; and

(ii) would be contrary to the health and welfare of the child for the child to remain in the home.

(c) If a dispositional decree under this section:

(1) orders or approves removal of a child from the child's home or awards wardship of the child to a:

(A) person other than the department; or

(B) shelter care facility; and

(2) is the first court order in the delinquent child proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;

the court shall include in the decree the appropriate findings and conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).

(d) If the juvenile court orders supervision of the child by the probation department under subsection (a)(1), the child or the child's parent, guardian, or custodian is responsible for any costs resulting from the participation in a rehabilitative service or educational class provided by the probation department. Any costs collected for services provided by the probation department shall be deposited in the county supplemental juvenile probation services fund.

SECTION 6. IC 31-37-19-5, AS AMENDED BY P.L.146-2008, SECTION 650, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

(1) Order supervision of the child by the probation department as a condition of probation under this subdivision. The juvenile court shall after a determination under IC 11-8-8-5 require a child who is adjudicated a delinquent child for an act that would be an offense described in IC 11-8-8-5 if committed by an adult to register with the local law enforcement authority under IC 11-8-8.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

(c) If the juvenile court orders supervision of the child by the probation department under subsection (b)(1), the child or the child's parent, guardian, or custodian is responsible for any costs resulting from the participation in a

rehabilitative service or educational class provided by the probation department. Any costs collected for services or classes provided by the probation department shall be deposited in the county supplemental juvenile probation services fund.

SECTION 7. IC 35-38-1-7.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.8. (a) At the time of sentencing, a court shall determine whether a person is a credit restricted felon (as defined in IC 35-31.5-2-72).**

(b) A determination under subsection (a) must be based upon:

(1) evidence admitted at trial that is relevant to the credit restricted status;

(2) evidence introduced at the sentencing hearing; or

(3) a factual basis provided as part of a guilty plea.

(c) Upon determining that a defendant is a credit restricted felon, a court shall advise the defendant of the consequences of this determination.

SECTION 8. IC 35-38-1-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 31. (a) If a court imposes on a person convicted of a felony a sentence that involves a commitment to the department of correction, the court shall complete an abstract of judgment in an electronic format approved by the department of correction and the division of state court administration. The abstract of judgment must include, but not be limited to:**

(1) each offense the person is convicted of;

(2) the sentence, including whether the sentence includes a suspended sentence, probation, or direct commitment to community corrections; and

(3) whether the person is a credit restricted felon.

(b) If a person convicted of a felony is committed to the department of correction by a court as a result of a violation of the terms of probation or other community placement, the court shall state in the abstract of judgment the specific reasons for revocation if probation, parole, or a community corrections placement has been revoked.

SECTION 9. IC 35-38-2-2.3, AS AMENDED BY P.L.111-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

(1) Work faithfully at suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment.

(2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.

(3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.

(4) Participate in a treatment program, educational class, or rehabilitative service provided by a probation department or by referral to an agency.

~~(4)~~ **(5)** Support the person's dependents and meet other family responsibilities.

~~(5)~~ **(6)** Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.

~~(6)~~ **(7)** Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.

~~(7)~~ **(8)** Pay a fine authorized by IC 35-50.

~~(8)~~ **(9)** Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.

~~(9)~~ **(10)** Report to a probation officer at reasonable times as directed by the court or the probation officer.

~~(10)~~ **(11)** Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.

~~(11)~~ **(12)** Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.

~~(12)~~ **(13)** Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.

~~(13)~~ **(14)** Perform uncompensated work that benefits the community.

~~(14)~~ **(15)** Satisfy other conditions reasonably related to the person's rehabilitation.

~~(15)~~ **(16)** Undergo home detention under IC 35-38-2.5.

~~(16)~~ **(17)** Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:

(A) the person had been convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or

(B) the person had been convicted of an offense relating to a controlled substance and the offense involved:

(I) the delivery by any person to another person; or

(ii) the use by any person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

~~(17)~~ **(18)** Refrain from any direct or indirect contact with an individual and, if convicted of an offense under IC 35-46-3, any animal belonging to the individual.

~~(18)~~ **(19)** Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).

~~(19)~~ **(20)** Periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

~~(20)~~ **(21)** If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

~~(21)~~ **(22)** Refrain from owning, harboring, or training an animal.

~~(22)~~ **(23)** Participate in a reentry court program.

(b) When a person is placed on probation, the person shall be given a written statement specifying:

(1) the conditions of probation; and

(2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.

(d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term of imprisonment under this subsection. When the court orders intermittent service, the court shall state:

(1) the term of imprisonment;

(2) the days or parts of days during which a person is to be confined; and

(3) the conditions.

(e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.

(f) When a court imposes a condition of probation described in subsection ~~(a)(17)~~**: (a)(18):**

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

(g) As a condition of probation, a court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a condition of probation.

(h) If a court imposes a condition of probation described in subsection (a)(4), the person on probation is responsible for any costs resulting from the participation in a program, class, or service. Any costs collected for services provided by the probation department shall be deposited in the county or local supplemental adult services fund.

SECTION 10. IC 35-38-2-3, AS AMENDED BY P.L.106-2010, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The court may revoke a person's probation if:

(1) the person has violated a condition of probation during the probationary period; and

(2) the petition to revoke probation is filed during the probationary period or before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(b) When a petition is filed charging a violation of a condition of probation, the court may:

(1) order a summons to be issued to the person to appear; or

(2) order a warrant for the person's arrest if there is a risk of the person's fleeing the jurisdiction or causing harm to others.

(c) The issuance of a summons or warrant tolls the period of probation until the final determination of the charge.

(d) **Except as provided in subsection (e),** the court shall conduct a hearing concerning the alleged violation. The court may admit the person to bail pending the hearing. **A person who is not admitted to bail pending the hearing may not be held in jail for more than fifteen (15) days without a hearing on the alleged violation of probation.**

(e) A person may admit to a violation of probation and waive the right to a probation violation hearing after being offered the opportunity to consult with an attorney. If the person admits to a violation and requests to waive the probation violation hearing, the probation officer shall advise the person that by waiving the right to a probation violation hearing the person forfeits the rights provided in subsection (f). The sanction administered must follow the schedule of progressive probation violation sanctions adopted by the judicial conference of Indiana under IC 11-13-1-8.

~~(e)~~ **(f) Except as provided in subsection (e),** the state must prove the violation by a preponderance of the evidence. The evidence shall be presented in open court. The person is entitled to confrontation, cross-examination, and representation by counsel.

~~(f)~~ **(g)** Probation may not be revoked for failure to comply with conditions of a sentence that imposes financial obligations on the person unless the person recklessly, knowingly, or intentionally fails to pay.

~~(g)~~ **(h)** If the court finds that the person has violated a condition at any time before termination of the period, and the petition to revoke is filed within the probationary period, the court may impose one (1) or more of the following sanctions:

(1) Continue the person on probation, with or without modifying or enlarging the conditions.

(2) Extend the person's probationary period for not more than one (1) year beyond the original probationary period.

(3) Order execution of all or part of the sentence that was suspended at the time of initial sentencing.

~~(h)~~ **(I)** If the court finds that the person has violated a condition of home detention at any time before termination of the period, and the petition to revoke probation is filed within the probationary period, the court shall:

(1) order one (1) or more sanctions as set forth in subsection ~~(g);~~ **(h);** and

(2) provide credit for time served as set forth under IC 35-38-2.5-5.

~~(I)~~ **(j)** If the court finds that the person has violated a condition during any time before the termination of the period, and the petition is filed under subsection (a) after the probationary period has expired, the court may:

(1) reinstate the person's probationary period, with or without enlarging the conditions, if the sum of the length of the original probationary period and the reinstated probationary period does not exceed the length of the maximum sentence allowable for the offense that is the basis of the probation; or

(2) order execution of all or part of the sentence that was suspended at the time of the initial sentencing.

~~(j)~~ **(k)** If the court finds that the person has violated a condition of home detention during any time before termination of the period, and the petition is filed under subsection (a) after the probation period has expired, the court shall:

(1) order a sanction as set forth in subsection ~~(I);~~ **(j);** and

(2) provide credit for time served as set forth under IC 35-38-2.5-5.

~~(k)~~ **(l)** A judgment revoking probation is a final appealable order.

~~(l)~~ **(m)** Failure to pay fines or costs (including fees) required as a condition of probation may not be the sole basis for commitment to the department of correction.

~~(m)~~ **(n)** Failure to pay fees or costs assessed against a person under IC 33-40-3-6, IC 33-37-2-3(e), or IC 35-33-7-6 is not grounds for revocation of probation.

SECTION 11. IC 35-50-6-3.3, AS AMENDED BY P.L.228-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, a person earns credit time if the person:

(1) is in credit Class I;

(2) has demonstrated a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection (n), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An associate's degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)).

(D) A bachelor's degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)).

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

(1) is in credit Class I;

(2) demonstrates a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a career and technical education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) A certificate of completion of a reformative program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsections (a) and (b) for the same program of study.

(d) The amount of credit time a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

(2) One (1) year for graduation from high school.

(3) One (1) year for completion of an associate's degree.

(4) Two (2) years for completion of a bachelor's degree.

(5) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical education programs approved by the department of correction.

(6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

(7) Not more than a total of six (6) months credit, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

(8) Not more than a total of six (6) months credit time, as determined by the department of correction, for completion of one (1) or more reformative programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn credit time under this subdivision.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more career and technical education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person after subtracting all other credit time earned by the person.

(f) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(g) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(h) Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2).

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor as a Class A felony, Class B felony, or Class C felony (IC 35-42-4-9).

(I) Incest (IC 35-46-1-3).

(J) Sexual battery (IC 35-42-4-8).

(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

(I) The maximum amount of credit time a person may earn under this section is the lesser of:

(1) four (4) years; or

(2) one-third (1/3) of the person's total applicable credit

time.

(j) ~~The amount of~~ Credit time earned under this section ~~is~~ **by an offender serving a sentence for a felony against a person under IC 35-42 or for a crime listed in IC 11-8-8-5 shall be** reduced to the extent that application of the credit time would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program;

in less than forty-five (45) days after the person earns the credit time.

(k) A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(l) A person may not earn credit time:

(1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or

(2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

(m) A person may not earn credit time under this section if the person:

(1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

(n) For a person to earn credit time under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

(Reference is to EHB 1200 as printed February 17, 2012.)

FOLEY	BRAY
PORTER	SIMPSON
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1033–1; filed March 9, 2012, at 1:51 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1033 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-4-18 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 18. Criminal History Providers

Sec. 1. (a) As used in this chapter, "criminal history information" means information:

(1) concerning a criminal conviction in Indiana; and

(2) available in records kept by a clerk of a court with jurisdiction in Indiana.

(b) The term consists of the following:

(1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(2) Information, including a photograph, regarding a sex or violent offender (as defined in IC 11-8-8-5) obtained through sex or violent offender registration under IC 11-8-8.

(3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

(4) A photograph of the person who is the subject of the information described in subdivisions (1) through (3).

(c) The term includes fingerprint information described in IC 10-13-3- 24(f).

Sec. 2. (a) As used in this section, "criminal history provider" means a person or an organization that assembles criminal history reports and either uses the report or provides the report to a person or an organization other than a criminal justice agency or law enforcement agency.

(b) The term does not include the following:

(1) A criminal justice agency.

(2) A law enforcement agency.

(3) Any:

(A) person connected with or employed by:

(I) a newspaper or other periodical issued at regular intervals and having a general circulation; or

(ii) a recognized press association or wire service;

as a bona fide owner, editorial or reportorial employee, who receives income from legitimate gathering, writing, editing, and interpretation of news;

(B) person connected with a licensed radio or television station as an owner or official, or as an editorial or reportorial employee who receives income from legitimate gathering, writing, editing, interpreting, announcing, or broadcasting of news; or

(C) other person who gathers, records, compiles, or disseminates:

(I) criminal history information; or

(ii) criminal history reports;

solely for journalistic purposes.

Sec. 3. As used in this section, "criminal history report" means criminal history information that has been compiled for the purposes of evaluating a particular person's:

(1) character; or

(2) eligibility for:

(A) employment;

(B) housing; or

(C) participation in any activity or transaction.

Sec. 4. As used in this section, "criminal justice agency" has the meaning set forth in IC 10-13-3-6.

Sec. 5. As used in this section, "law enforcement agency" has the meaning set forth in IC 10-13-3-10.

Sec. 6. (a) A criminal history provider may provide only criminal history information that relates to a conviction.

(b) A criminal history provider may not provide information relating to the following:

(1) An infraction, an arrest, or a charge that did not result in a conviction.

(2) A record that has been expunged.

(3) A record that is restricted by a court or the rules of a court.

(4) A record indicating a conviction of a Class D felony if the Class D felony conviction:

(A) has been entered as a Class A misdemeanor

conviction; or

(B) has been converted to a Class A misdemeanor conviction.

(5) A record that the criminal history provider knows is inaccurate.

Sec. 7. A criminal history provider may not include criminal history data in a criminal history report if the criminal history data has not been updated to reflect changes to the official record occurring sixty (60) days or more before the date the criminal history report is delivered.

Sec. 8. (a) The attorney general may bring an action to enforce a violation of section 6 or 7 of this chapter. In addition to any injunctive or other relief, the attorney general may recover a civil penalty of:

(1) not more than one thousand dollars ($1,000) for a first violation; and

(2) not more than five thousand dollars ($5,000) for a second or subsequent violation.

(b) Any person injured by a violation of section 6 or 7 of this chapter may bring an action to recover:

(1) the greater of:

(A) actual damages, including consequential damages; or

(B) liquidated damages of five hundred dollars ($500); and

(2) court costs and reasonable attorney's fees.

SECTION 2. IC 34-28-5-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 15. (a) If a person alleged to have violated a statute defining an infraction:**

(1) is not prosecuted or if the action against the person is dismissed;

(2) is adjudged not to have committed the infraction; or

(3) is adjudged to have committed the infraction and the adjudication is subsequently vacated;

the court in which the action was filed shall order the clerk not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

(b) If a court fails to order the court to restrict information related to the infraction under subsection (a), the person may petition the court to restrict disclosure of the records related to the infraction to a noncriminal justice organization or an individual.

(c) A petition under subsection (b) must be verified and filed in:

(1) the court in which the action was filed, for a person described in subsection (a)(1); or

(2) the court in which the trial was held, for a person described in subsection (a)(2) or (a)(3).

(d) A petition under subsection (b) must be filed not earlier than:

(1) if the person is adjudged to have not committed the infraction, thirty (30) days after the date of judgment;

(2) if the person's adjudication is vacated, three hundred sixty-five (365) days after:

(A) the order vacating the adjudication is final, if there is no appeal or the appeal is terminated before entry of an opinion or memorandum decision; or

(B) the opinion or memorandum decision vacating the adjudication is certified; or

(3) if the person is not prosecuted or the action is dismissed, thirty (30) days after the action is dismissed, if a new action is not filed.

(e) A petition under subsection (b) must set forth:

(1) the date of the alleged violation;

(2) the violation;

(3) the date the action was dismissed, if applicable;

(4) the date of judgment, if applicable;

(5) the date the adjudication was vacated, if applicable;

(6) the basis on which the adjudication was vacated, if applicable;

(7) the law enforcement agency employing the officer who issued the complaint, if applicable;

(8) any other known identifying information, such as the name of the officer, case number, or court cause number;

(9) the date of the petitioner's birth; and

(10) the petitioner's Social Security number.

(f) A copy of a petition under subsection (b) shall be served on the prosecuting attorney.

(g) If the prosecuting attorney wishes to oppose a petition under subsection (b), the prosecuting attorney shall, not later than thirty (30) days after the petition is filed, file a notice of opposition with the court setting forth reasons for opposing the petition. The prosecuting attorney shall attach to the notice of opposition a certified copy of any documentary evidence showing that the petitioner is not entitled to relief. A copy of the notice of opposition and copies of any documentary evidence shall be served on the petitioner in accordance with the Indiana Rules of Trial Procedure. The court may:

(1) summarily grant the petition;

(2) set the matter for hearing; or

(3) summarily deny the petition, if the court determines that:

(A) the petition is insufficient; or

(B) based on documentary evidence submitted by the prosecuting attorney, the petitioner is not entitled to have access to the petitioner's records restricted.

(h) If a notice of opposition is filed under subsection (g) and the court does not summarily grant or summarily deny the petition, the court shall set the matter for a hearing.

(I) After a hearing is held under subsection (h), the court shall grant the petition filed under subsection (b) if the person is entitled to relief under subsection (a).

(j) If the court grants a petition filed under subsection (b), the court shall order the clerk not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

SECTION 3. IC 34-28-5-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 16. (a) This chapter applies only to a person found to have committed an infraction.**

(b) Five (5) years after the date a person satisfies a judgment imposed on a person for the violation of an infraction, the clerk of the court shall prohibit the disclosure of information related to the infraction to a noncriminal justice organization or an individual.

(c) If a person whose records are restricted under this section brings a civil action that might be defended with the contents of the records, the defendant is presumed to have a complete defense to the action.

(d) For the plaintiff to recover in an action described in subsection (c), the plaintiff must show that the contents of the restricted records would not exonerate the defendant.

(e) In an action described in subsection (c), the plaintiff may be required to state under oath whether the disclosure of records relating to an infraction has been restricted.

(f) In an action described in subsection (c), if the plaintiff denies the existence of the records, the defendant may prove the existence of the records in any manner compatible with the law of evidence.

(g) A person whose records have been restricted under this section may legally state on an application for employment or any other document that the person has not been adjudicated to have committed the infraction recorded in the restricted records.

SECTION 4. IC 35-38-8-7, AS ADDED BY P.L.194-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. **(a)** If a court orders a person's records to be restricted under this chapter, the person may legally state on an application for employment or any other document that the person has not been arrested for or convicted of the felony or misdemeanor recorded in the restricted records.

(b) An employer may not ask an employee, contract employee, or applicant whether the person's criminal records have been sealed or restricted. An employer who violates this subsection commits a Class B infraction.

SECTION 5. IC 35-50-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, "Class D felony conviction" means a conviction of a Class D felony in Indiana and a conviction, in any other jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year. However, it does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor **entered** under **IC 35-38-1-1.5 or** section 7(b) **or 7(c)** of this chapter.

(b) As used in this chapter, "felony conviction" means a conviction, in any jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year. However, it does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor under section 7(b) of this chapter.

(c) As used in this chapter, "minimum sentence" means:

(1) for murder, forty-five (45) years;
(2) for a Class A felony, twenty (20) years;
(3) for a Class B felony, six (6) years;
(4) for a Class C felony, two (2) years; and
(5) for a Class D felony, one-half (½) year.

SECTION 6. IC 35-50-2-7, AS AMENDED BY P.L.71-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) A person who commits a Class D felony shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 ½) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) Notwithstanding subsection (a), if a person has committed a Class D felony, the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony if:

(1) the court finds that:
(A) the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and
(B) the prior felony was committed less than three (3) years before the second felony was committed;
(2) the offense is domestic battery as a Class D felony under IC 35-42-2-1.3; or
(3) the offense is possession of child pornography (IC 35-42-4-4(c)).

The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

(c) Notwithstanding subsection (a), the sentencing court may convert a Class D felony conviction to a Class A misdemeanor conviction if, after receiving a verified petition as described in subsection (d) and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person is not a sex or violent offender (as defined in IC 11-8-8-5).
(2) The person was not convicted of a Class D felony that resulted in bodily injury to another person.
(3) The person has not been convicted of perjury under IC 35-44-2-1 or official misconduct under IC 35-44-1-2.
(4) At least three (3) years have passed since the person:
(A) completed the person's sentence; and
(B) satisfied any other obligation imposed on the person as part of the sentence;
for the Class D felony.
(5) The person has not been convicted of a felony since the person:
(A) completed the person's sentence; and
(B) satisfied any other obligation imposed on the person as part of the sentence;
for the Class D felony.
(6) No criminal charges are pending against the person.

(d) A petition filed under subsection (c) must be verified and set forth:

(1) the crime the person has been convicted of;
(2) the date of the conviction;
(3) the date the person completed the person's sentence;
(4) any obligations imposed on the person as part of the sentence;
(5) the date the obligations were satisfied; and
(6) a verified statement that there are no criminal charges pending against the person.

(e) If a person whose Class D felony conviction has been converted to a Class A misdemeanor conviction under subsection (c) is convicted of a felony within five (5) years after the conversion under subsection (c), a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction.

SECTION 7. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

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

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

(c) The legislative council is urged to assign the following topics to a study committee during the 2012 legislative interim:

(1) The provisions of IC 24-4-18, as added by this act, concerning criminal history providers.
(2) The need for any legislation to amend IC 24-4-18, as added by this act, concerning criminal history providers before IC 24-4-18 takes effect on July 1, 2013.

(d) If the topics described in subsection (c) are assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topics, in an electronic format under IC 5-14-6 not later than November 1, 2012.

(e) This SECTION expires December 31, 2012.

(Reference is to EHB 1033 as reprinted February 29, 2012.)

McMILLIN	STEELE
PIERCE	HUME
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1049–1; filed March 9, 2012, at 2:16 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1049 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-2-7-6, AS ADDED BY P.L.222-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) This section applies if the inspector general finds evidence of misfeasance, malfeasance, nonfeasance, misappropriation, fraud, or other misconduct that has resulted in a financial loss to the state or in an unlawful benefit to an individual in the conduct of state business.

(b) If the inspector general finds evidence described in subsection (a), the inspector general shall certify a report of the matter to the attorney general and provide the attorney general with any relevant documents, transcripts, or written statements. Not later than one hundred eighty (180) days after receipt of the report from the inspector general, the attorney general shall do one (1) of the following:

(1) File a civil action (including an action upon a state officer's official bond) to secure for the state the recovery of funds misappropriated, diverted, missing, or unlawfully gained. Upon request of the attorney general, the inspector general shall assist the attorney general in the investigation, preparation, and prosecution of the civil action.

(2) Inform the inspector general that the attorney general does not intend to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. If the attorney general elects not to file a civil action, the attorney general shall return to the inspector general all documents and files initially provided by the inspector general.

(3) Inform the inspector general that the attorney general is diligently investigating the matter and after further investigation may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. However, if more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general, the attorney general loses the authority to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained and shall return to the inspector general all documents and files initially provided by the inspector general.

(c) If the inspector general has found evidence described in subsection (a) and reported to the attorney general under subsection (b) and:

(1) the attorney general has elected under subsection (b)(2) not to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained; or

(2) under subsection (b)(3) more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general under subsection (b) and the attorney general has not filed a civil action;

the inspector general may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained.

(d) If the inspector general has found evidence described in subsection (a), the inspector general may institute forfeiture proceedings under IC 34-24-2 in a court having jurisdiction in a county where property derived from or realized through the misappropriation, diversion, disappearance, or unlawful gain of state funds may be located, unless a prosecuting attorney has already instituted forfeiture proceedings against that property.

(e) The inspector general may directly institute civil proceedings against a person who has failed to pay civil penalties imposed by the ethics commission under IC 4-2-6-12.

SECTION 2. IC 4-6-3-2, AS AMENDED BY P.L.111-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The attorney general shall have charge of and direct the prosecution of all civil actions that are brought in the name of the state of Indiana or any state agency.

(b) In no instance under this section shall the state or a state agency be required to file a bond.

(c) This section does not affect the authority of prosecuting attorneys to prosecute civil actions.

(d) This section does not affect the authority of the inspector general to prosecute a civil action under IC 4-2-7-6 for the recovery of **any of the following:**

(1) Funds misappropriated, diverted, missing, or unlawfully gained.

(2) A civil penalty imposed by the state ethics commission under IC 4-2-6-12.

(e) The attorney general may bring an action to collect unpaid registration fees owed by a commercial dog broker or a commercial dog breeder under IC 15-21.

SECTION 3. IC 5-11-5-1, AS AMENDED BY P.L.176-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Whenever an examination is made under this article, a report of the examination shall be made. The report must include a list of findings and shall be signed and verified by the examiner making the examination. A finding that is critical of an examined entity must be based upon one (1) of the following:

(1) Failure of the entity to observe a uniform compliance guideline established under IC 5-11-1-24(a).

(2) Failure of the entity to comply with a specific law.

A report that includes a finding that is critical of an examined entity must designate the uniform compliance guideline or the specific law upon which the finding is based. The reports shall immediately be filed with the state examiner, and, after inspection of the report, the state examiner shall immediately file one (1) copy with the officer or person examined, one (1) copy with the auditing department of the municipality examined and reported upon, and one (1) copy in an electronic format under IC 5-14-6 of the reports of examination of state agencies, instrumentalities of the state, and federal funds administered by the state with the legislative services agency, as staff to the general assembly. Upon filing, the report becomes a part of the public records of the office of the state examiner, of the office or the person examined, of the auditing department of the municipality examined and reported upon, and of the legislative services agency, as staff to the general assembly. A report is open to public inspection at all reasonable times after it is filed. If an examination discloses malfeasance, misfeasance, or nonfeasance in office or of any officer or employee, a copy of the report, signed and verified, shall be placed by the state examiner with the attorney general **and the inspector general.** The attorney general shall diligently institute and prosecute civil proceedings against the delinquent officer, or upon the officer's

official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(b) Before an examination report is signed, verified, and filed as required by subsection (a), the officer or the chief executive officer of the state office, municipality, or entity examined must have an opportunity to review the report and to file with the state examiner a written response to that report. If a written response is filed, it becomes a part of the examination report that is signed, verified, and filed as required by subsection (a).

(c) Except as required by subsections (b) and (d), it is unlawful for any deputy examiner, field examiner, or private examiner, before an examination report is made public as provided by this section, to make any disclosure of the result of any examination of any public account, except to the state examiner or if directed to give publicity to the examination report by the state examiner or by any court. If an examination report shows or discloses the commission of a crime by any person, it is the duty of the state examiner to transmit and present the examination report to the grand jury of the county in which the crime was committed at its first session after the making of the examination report and at any subsequent sessions that may be required. The state examiner shall furnish to the grand jury all evidence at the state examiner's command necessary in the investigation and prosecution of the crime.

(d) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of the public funds was committed by the officer or an employee of the office.

(e) After receiving a preliminary report under subsection (d), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(f) In an action under subsection (e), the attorney general may attach the defendant's property under IC 34-25-2.

(g) A preliminary report under subsection (d) is confidential until the final report under subsection (a) is issued, unless the attorney general institutes an action under subsection (e) on the basis of the preliminary report.

SECTION 4. IC 5-11-6-1, AS AMENDED BY P.L.176-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The state examiner, personally or through the deputy examiners, field examiners, or private examiners, upon the petition of twenty-five (25) interested taxpayers showing that effective local relief has not and cannot be obtained after due effort, shall make the inquiries, tests, examinations, and investigations that may be necessary to determine whether:

(1) any public contract has been regularly and lawfully executed and performed; or

(2) any public work, building, or structure has been or is being performed, built, or constructed in accordance with the terms and provisions of the contract, and in compliance with the plans and specifications, if any.

Upon a written petition of twenty-five (25) taxpayers, the state examiner may also require all plans, specifications, and estimates to be submitted to the state examiner for corrections and approval before a contract is awarded.

(b) The state examiner, deputy examiner, and any field examiner, when engaged in making an inquiry, test, examination, or investigation under subsection (a), is entitled to examine and inspect any public records, documents, data, contracts, plans, and specifications contained or found in any public office or other place pertaining or relating to the public contract or public work, building, or structure. In addition, subpoenas may be issued to witnesses to appear before the examiner in person or to produce books and papers for inspection and examination. The state examiner, deputy, field, and private examiner may administer oaths and examine witnesses under oath either orally or by interrogatories on all matters under examination and investigation. Under order of the state examiner, the examination may be transcribed, with the reasonable expense paid by the municipality in the same manner as the compensation of the field examiner is paid.

(c) The state examiner, the deputy examiner, and a field examiner may enforce attendance and answers to questions and interrogatories, as provided by law, with respect to examinations and investigations made by the state examiner, deputy examiner, field examiner, or private examiner of public offices.

(d) The state examiner, deputy examiner, any field examiner, and any private examiner, when making an examination or investigation under subsection (a), shall examine, inspect, and test the public works, buildings, or structures in the manner that the examiner sees fit to determine whether it is being performed, built, or constructed according to the contract and plans and specifications.

(e) The state examiner shall file a report covering any examination or investigation that discloses:

(1) fraud, collusion, misconduct, or negligence in the letting or the execution of any public contract or in the performance of any of the terms and conditions of any public contract; or

(2) any failure to comply with the terms or conditions of any public contract in the construction of any public work, building, or structure or to perform, build, or construct it according to the plans and specifications, if any, provided in the contract;

that causes loss, injury, waste, or damage to the state, the municipality, taxing or assessment district, other public entity, or to its citizens, if it is enforceable by assessment or taxation.

(f) The report must meet the following requirements:

(1) The report must be made, signed, and verified in quadruplicate by the examiner making the examination.

(2) The report shall be filed promptly with the state examiner.

After inspection of the report, the state examiner shall file a copy of the report promptly with the attorney general **and the inspector general.**

(g) The attorney general shall diligently institute and prosecute civil proceedings against any or all officers, individuals, and persons in the form and manner that the attorney general determines will secure a proper recovery to the state, municipality, taxing or assessment district, or other public entity injured, defrauded, or damaged by the matters in the report. These prosecutions may be made by the attorney general and the recovery may be had, either upon public official bonds, contractors' bonds, surety or other bonds, or upon individual liability, either upon contract or in tort, as the attorney general determines is wise. No action or recovery in any form or manner, or against any party or parties, precludes further or additional action or recovery in any other form or manner or against another party, either concurrently with or later found necessary, to secure complete recovery and restitution with

respect to all matters exhibited, set out, or described in the report. The suits may be brought in the name of the state on the relation of the attorney general for the benefit of the state, or the municipality, taxing or assessment district, or other public entity that may be proper. The actions brought against any defendants may be joined, as to parties, form, and causes of action, in the manner that the attorney general decides.

(h) Any report described in this section or a copy duly certified by the state examiner shall be taken and received in any and all courts of this state as prima facie evidence of the facts stated and contained in the reports.

(I) If an examination, investigation, or test is made without a petition being first filed and the examination, investigation, or test shows that the terms of the contract are being complied with, then the expense of the examination, investigation, or test shall be paid by the state upon vouchers approved by the state examiner from funds available for contractual service of the state board of accounts. If such a report shows misfeasance, malfeasance, or nonfeasance in public office or shows that the terms of the plans and specifications under which a contract has been awarded are not being complied with, it is unlawful to make the report public until the report has been certified to the attorney general.

(j) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that all of the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of public funds was committed by the officer or an employee of the office.

(k) After receiving a preliminary report under subsection (j), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(l) In an action under subsection (k), the attorney general may attach the defendant's property under IC 34-25-2.

(m) A preliminary report under subsection (j) is confidential until the final report under subsection (e) is issued, unless the attorney general institutes an action under subsection (k) on the basis of the preliminary report.

SECTION 5. IC 5-11-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. If any examination or investigation made by the state examiner personally or through a deputy examiner, field examiner, or private examiner under ~~of~~ this chapter or ~~of~~ **under** any other statute discloses:

(1) malfeasance, misfeasance, or nonfeasance in office or of any officer or employee;

(2) that any public money has been:

(A) unlawfully expended, either by having been expended for a purpose not authorized by law in an amount exceeding that authorized by law, or by having been paid to a person not lawfully entitled to receive it; or

(B) obtained by fraud or in any unlawful manner; or

(3) that any money has been wrongfully withheld from the public treasury;

a duly verified copy of the report shall be submitted by the state examiner to the attorney general, who shall institute and prosecute civil proceedings as provided in section 1 of this chapter, **and to the inspector general.**

SECTION 6. IC 12-23-14-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) The court may require an eligible individual to pay a fee for a service of a program.

(b) If a fee is required, the court shall adopt by court rule a schedule of fees to be assessed for program services.

(c) The fee for program services, **excluding reasonable fees for education or treatment and rehabilitation services,** may not exceed four hundred dollars ($400).

(d) A fee collected **under this chapter** shall be deposited in the city or county user fee fund.

SECTION 7. IC 33-23-16-13, AS ADDED BY P.L.108-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. An individual is eligible to participate in a problem solving court program only if:

(1) the individual meets all of the eligibility criteria established by the board under section 12 of this chapter;

(2) the judge of the problem solving court approves the admission of the individual to the problem solving court program; and

(3) the individual is referred to the problem solving court as a result of at least one (1) of the following:

(A) A condition of a pretrial diversion program authorized by statute or authorized by the judge of the problem solving court and the prosecuting attorney.

(B) The procedure described in section 14 of this chapter.

(C) The procedure described in section 15 of this chapter.

(D) A condition of probation.

(E) A condition of participation in a community corrections program under IC 11-12-1.

(F) A condition of participation in a forensic diversion program under IC 11-12-3.7.

(G) A condition of a community transition program under IC 11-10-11.5.

(H) A condition of parole.

(I) An order in a dispositional decree under IC 31-34-20 to participate in a family dependency drug court if the individual is a parent, guardian, or another household member of a child adjudicated a child in need of services.

(J) A condition of an informal adjustment program under IC 31-37-9.

(K) Involvement in:

(I) a child support proceeding;

(ii) a mental health commitment; or

(iii) a civil protection proceeding.

(L) A condition of an informal adjustment program under IC 31-34-8.

SECTION 8. IC 33-23-16-15, AS AMENDED BY P.L.187-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) A problem solving court may place an individual in a problem solving court program under this section ~~only~~ if

~~(1)~~ the individual is convicted of an offense that is nonsuspendible and the individual meets the conditions for eligibility set forth in section 13(1) and 13(2) of this chapter. ~~and~~

~~(2) the individual agrees to the conditions of participation in the problem solving court program.~~

(b) If the requirements of subsection (a) are met, ~~in the case of an individual,~~ the court may:

(1) order the execution of the individual's nonsuspendible

sentence and stay execution of all or part of the nonsuspendible part of the individual's sentence pending the individual's successful completion of a problem solving court program; and

(2) suspend all or part of the suspendible part of the individual's nonsuspendible sentence, place the individual on probation for the suspended part of the sentence, and require as a condition of probation that the person successfully complete a problem solving court program.

(c) If an individual has been terminated from a problem solving court program under this section as provided in section 14.5 of this chapter, the ~~problem solving~~ court may:

(1) if the person is serving the nonsuspendible part of the person's sentence:

(A) lift the stay of execution of the nonsuspendible part of the individual's sentence and order the individual to serve all or a part of the nonsuspendible sentence; or

(B) otherwise dispose of the case; or

(2) if the individual is serving the suspendible part of the individual's sentence:

(A) order all or a part of the individual's suspendible sentence to be executed; or

(B) otherwise dispose of the case.

(d) If an individual successfully completes a problem solving court program under this section, the ~~problem solving~~ court may:

(1) waive execution of the nonsuspendible part of the individual's sentence; or

(2) otherwise dispose of the case.

SECTION 9. IC 34-6-2-44.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 44.8. (a) An individual is a "family or household member" of another person if the individual:

(1) is a current or former spouse of the other person;

(2) is dating or has dated the other person;

(3) is engaged or was engaged in a sexual relationship with the other person;

(4) is related by blood or adoption to the other person;

(5) is or was related by marriage to the other person;

(6) has or previously had an established legal relationship:

(A) as a guardian of the other person;

(B) as a ward of the other person;

(C) as a custodian of the other person;

(D) as a foster parent of the other person; or

(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); ~~or~~

(7) has a child in common with the other person; **or**

(8) has adopted a child of the other person.

(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), ~~or~~ (a)(7), **or (a)(8)** applies if the individual is a minor child of one (1) of the persons.

SECTION 10. IC 33-23-16-23, AS ADDED BY P.L.108-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) The board shall adopt rules establishing a range of fees that may be assessed to an eligible individual to receive problem solving court services under this chapter.

(b) A court that has established a problem solving court under this chapter may require eligible individuals to pay a fee for problem solving court services.

(c) If a fee is required under subsection (b), the court shall adopt by local court rule a schedule of fees, consistent with the rules adopted by the board under subsection (a), to be assessed for problem solving court services.

(d) The **problem solving court or the** clerk of the court shall collect fees under this section. **If the problem solving court collects fees under this section, the problem solving court shall transfer all collected fees to the clerk of the court not later than fourteen (14) days after the fees are collected.** The clerk **of the court** shall ~~transmit~~ **transfer** the fees within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.

(e) Fees collected under this section must be used only to fund problem solving court services under this chapter.

SECTION 11. IC 33-23-16-23.5, AS ADDED BY P.L.187-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23.5. (a) A parent or guardian of a child:

(1) who is:

(A) adjudicated a delinquent child; or

(B) in a program of informal adjustment approved by a juvenile court under IC 31-37-9; and

(2) who is accepted into a problem solving court program;

is financially responsible for the problem solving court services fee and chemical testing expenses assessed against the child by the problem solving court under this chapter.

(b) A parent or guardian of a child described in subsection (a) shall, before a hearing under subsection (c) concerning payment of fees and expenses assessed against the child, provide financial information to the problem solving court as ordered by the problem solving court.

(c) The problem solving court shall hold a hearing and may order the parent or guardian to pay fees and expenses assessed against a child described in subsection (a) unless the problem solving court makes a specific finding that:

(1) the parent or guardian is unable to pay the fees or expenses; or

(2) justice would not be served by ordering the parent or guardian to pay the fees or expenses.

(d) If a parent or guardian is ordered to pay fees or expenses under this section, the parent or guardian shall pay the fees or expenses to **the problem solving court or** the clerk of the court. The problem solving court shall keep a record of all payments made under this section by each parent or guardian. When a child is discharged from a problem solving court program, the problem solving court shall determine the amount of any unpaid fees or expenses a parent or guardian owes under this section. The problem solving court may reduce the unpaid balance to a final judgment that may be enforced in any court that has appropriate jurisdiction.

SECTION 12. IC 33-34-8-1, AS AMENDED BY P.L.176-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

(1) A township docket fee of five dollars ($5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.

(2) The bailiff's service of process by registered or certified mail fee of thirteen dollars ($13) for each service.

(3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars ($13) for each service.

(4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.

(5) A redocketing fee, if any, of five dollars ($5).

(6) A document storage fee under IC 33-37-5-20.

(7) An automated record keeping fee under IC 33-37-5-21.

(8) A late fee, if any, under IC 33-37-5-22.

(9) A public defense administration fee under IC 33-37-5-21.2.

(10) A judicial insurance adjustment fee under IC 33-37-5-25.

(11) A judicial salaries fee under IC 33-37-5-26.

(12) A court administration fee under IC 33-37-5-27.

(13) Before July 1, 2017, a pro bono legal services fee under IC 33-37-5-31.

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 13. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss), SECTION 391, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ Township of Marion County Small Claims Court (with the name of the township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate. All township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.

(b) The court shall:

(1) semiannually distribute to the auditor of state:

(A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the homeowner protection unit account established by IC 4-6-12-9 and the state user fee fund established under IC 33-37-9;

(B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

(C) sixty percent (60%) of all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2; ~~and~~

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; **and**

(F) one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, by the court under IC 33-37-5-31; and

(2) distribute monthly to the county auditor all document storage fees received by the court.

The remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E) shall be deposited monthly in the township general fund of the township in which the court is located. The county auditor shall deposit fees distributed under subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

(c) The court semiannually shall pay to the township trustee of the township in which the court is located the remaining forty percent (40%) of the court administration fees described under subsection (b)(1)(C) to fund the operations of the small claims court in the trustee's township.

SECTION 14. IC 33-37-4-4, AS AMENDED BY P.L.105-2009, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars ($100) from a party filing a civil action. This subsection does not apply to the following civil actions:

(1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).

(2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).

(3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

(4) Proceedings in paternity under IC 31-14.

(5) Proceedings in small claims court under IC 33-34.

(6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A support and maintenance fee (IC 33-37-5-6).

(3) A document storage fee (IC 33-37-5-20).

(4) An automated record keeping fee (IC 33-37-5-21).

(5) A public defense administration fee (IC 33-37-5-21.2).

(6) A judicial insurance adjustment fee (IC 33-37-5-25).

(7) A judicial salaries fee (IC 33-37-5-26).

(8) A court administration fee (IC 33-37-5-27).

(9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).

(10) A garnishee service fee (IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4)).

(11) For a mortgage foreclosure action filed after June 30, 2009, and before January 1, 2013, a mortgage foreclosure counseling and education fee (IC 33-37-5-30 (before its expiration on January 1, 2013)).

(12) Before July 1, 2017, a pro bono legal services fee (IC 33-37-5-31).

SECTION 15. IC 33-37-4-6, AS AMENDED BY P.L.174-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) For each small claims action, the clerk shall collect the following fees:

(1) From the party filing the action:

(A) a small claims costs fee of thirty-five dollars ($35);

(B) a small claims service fee of ten dollars ($10) for each named defendant that is not a garnishee defendant; and

(C) if the party has named more than three (3) garnishees or garnishee defendants, a small claims garnishee service fee of ten dollars ($10) for each garnishee or garnishee defendant in excess of three (3).

(2) From any party adding a defendant that is not a garnishee defendant, a small claims service fee of ten dollars ($10) for each defendant that is not a garnishee defendant added in the action.

(3) From any party adding a garnishee or garnishee defendant, a small claims garnishee service fee of ten dollars ($10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a small claims garnishee service fee for the first three (3) garnishees named in the action.

However, a clerk may not collect a small claims costs fee, small claims service fee, or small claims garnishee service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee, small claims service fee, and small claims garnishee service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A document storage fee (IC 33-37-5-20).

(3) An automated record keeping fee (IC 33-37-5-21).

(4) A public defense administration fee (IC 33-37-5-21.2).

(5) A judicial insurance adjustment fee (IC 33-37-5-25).

(6) A judicial salaries fee (IC 33-37-5-26).

(7) A court administration fee (IC 33-37-5-27).

(8) Before July 1, 2017, a pro bono legal services fee (IC 33-37-5-31).

SECTION 16. IC 33-37-4-7, AS AMENDED BY P.L.176-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as

provided under subsection (c), the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars ($120) for each action filed under any of the following:

(1) IC 6-4.1-5 (determination of inheritance tax).

(2) IC 29 (probate).

(3) IC 30 (trusts and fiduciaries).

(b) In addition to the probate costs fee collected under subsection (a), the clerk shall collect from the party filing the action the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A document storage fee (IC 33-37-5-20).

(3) An automated record keeping fee (IC 33-37-5-21).

(4) A public defense administration fee (IC 33-37-5-21.2).

(5) A judicial insurance adjustment fee (IC 33-37-5-25).

(6) A judicial salaries fee (IC 33-37-5-26).

(7) A court administration fee (IC 33-37-5-27).

(8) Before July 1, 2017, a pro bono legal services fee (IC 33-37-5-31).

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

(1) Petition to open a safety deposit box.

(2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.

(3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 17. IC 33-37-5-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 31. In each:**

(1) civil action in which the clerk is required to collect a civil costs fee under IC 33-37-4-4(a);

(2) small claims action in which:

(A) a party is required to pay a township docket fee under IC 33-34-8-1(a)(1); or

(B) the clerk is required to collect a small claims costs fee under IC 33-37-4-6; or

(3) probate action in which the clerk is required to collect a probate costs fee under IC 33-37-4-7(a);

the clerk shall, before July 1, 2017, collect a pro bono legal services fee of one dollar ($1).

SECTION 18. IC 33-37-7-2, AS AMENDED BY SEA 287-2012, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-3(a) (juvenile costs fees).

(4) IC 33-37-4-4(a) (civil costs fees).

(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(6) IC 33-37-4-7(a) (probate costs fees).

(7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(7) The following:

(A) For a county operating under the state's automated judicial system, one hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(B) For a county not operating under the state's automated judicial system, eighty percent (80%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance account established by IC 5-2-6-23(h) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and

maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(h) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(I) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(j) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(k) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

(1) The mortgage foreclosure counseling and education fees collected under IC 33-37-5-30 (before its expiration on January 1, 2013).

(2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(m) This subsection applies to a county that is not operating under the state's automated judicial system. The clerk of a circuit court shall distribute monthly to the county auditor twenty percent (20%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a) for deposit in the clerk's record perpetuation fund.

(n) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 19. IC 33-37-7-8, AS AMENDED BY P.L.182-2009(ss), SECTION 396, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected

under IC 33-37-4-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the following:

(1) The late payment fees collected under IC 33-37-5-22.

(2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

(3) The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The DNA sample processing fees collected under IC 33-37-5-26.2.

(3) The court administration fees collected under IC 33-37-5-27.

(h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(I) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26. The funds retained by the city or town shall be prioritized to fund city or town court operations.

(j) The clerk of a city or town court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

(Reference is to EHB 1049 as reprinted February 28, 2012.)

KOCH	BRAY
PIERCE	LANANE
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1002 and that the House now concur in the Senate amendments to said bill.

WOLKINS

Roll Call 394: yeas 61, nays 36. Motion prevailed.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012; we further recommend that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1192–1, 1258–1, 1279–1, and 1360–1 and Engrossed Senate Bills 223–1, and 407.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012, and that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1192–1, 1258–1, 1279–1, and 1360–1 and Engrossed Senate Bills 223–1, and 407.

TORR, Chair

Motion prevailed.

Engrossed House Bill 1192–1

The conference committee report was reread. Roll Call 395: yeas 96, nays 0. Report adopted.

Engrossed House Bill 1258–1

The conference committee report was reread. Roll Call 396: yeas 93, nays 0. Report adopted.

Engrossed House Bill 1279–1

The conference committee report was reread. Roll Call 397: yeas 95, nays 0. Report adopted.

Engrossed House Bill 1360–1

The conference committee report was reread. Roll Call 398: yeas 96, nays 0. Report adopted.

Engrossed Senate Bill 223–1

The conference committee report was reread. Roll Call 399: yeas 96, nays 1. Report adopted.

Engrossed Senate Bill 407–1

The conference committee report was reread. Roll Call 400: yeas 94, nays 2. Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider the question of the adoption of Conference Committee Report 1 for Engrossed senate Bill 224 pursuant to Rule 95.

C. BROWN

Motion prevailed.

Engrossed Senate Bill 224–1

The conference committee report was reread. Roll Call 401: yeas 90, nays 5. Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:03 p.m. with the Speaker in the Chair.

Representatives Behning, Hinkle, Soliday, Speedy, Summers, and Yarde were excused.

Upon request of Representatives GiaQuinta and Austin, the Speaker ordered the roll of the House to be called to determine the presence of a quorum. Roll Call 402: 68 present. The Speaker declared a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 38 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
EHB 1126–1; filed March 9, 2012, at 5:28 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1126 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1.5-3-8.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.1. (a) **As used in** this section, ~~applies~~ **"utility" refers** to ~~all~~ **a** municipally owned:

(1) water ~~utilities~~ **utility;**

(2) wastewater utility; or

(3) combined water and wastewater utility;

that ~~have been taken out of~~ **is not under** the jurisdiction of the commission for the approval of rates and charges.

(b) As used in this section, "works" refers to water or wastewater utility works.

~~(b)~~ **(c)** After the introduction of the ordinance establishing the rates and charges under section 8 of this chapter, but before the ordinance is finally adopted, the municipal legislative body shall hold a public hearing at which users of the ~~waterworks,~~ **works,** owners of property served or to be served by the ~~waterworks,~~ **works,** and other interested persons may be heard concerning the proposed rates and charges. Notice of the hearing, setting forth the proposed schedule of rates and charges, shall be:

(1) published in accordance with IC 5-3-1 (IC 5-3-1-1 through IC 5-3-1-9);

(2) mailed to owners of vacant or unimproved property if the ordinance includes a fee for water **or wastewater** service to vacant or unimproved property; and

(3) mailed to users ~~of the waterworks~~ **of the works for service to property** located outside the municipality's corporate boundaries.

The notice may be mailed in any form so long as the notice of hearing is conspicuous. The hearing may be adjourned from time to time. **Notice mailed under subdivision (3) must include a statement that, following adoption of the ordinance, the users described in subdivision (3) may be entitled to petition the commission under section 8.3 of this chapter to review and adjust the rates and charges imposed on the users if a petition under section 8.2 of this chapter or under IC 36-9-23-26.1 with respect to the same rate ordinance has not been filed.**

~~(c)~~ **(d)** After the hearing, the municipal legislative body shall adopt the ordinance establishing the rates and charges, either as originally introduced or as modified. A copy of the schedule of rates and charges adopted shall be kept on file and available for public inspection in the offices of the board and the municipal clerk. **An ordinance adopted after March 31, 2012, that imposes different rates and charges for service to property located outside the corporate boundaries of the municipality as compared to property located within the corporate boundaries of the municipality must state in plain language the percentage difference between the rates and charges.**

~~(d)~~ **(e)** The rates and charges established for any class of users or property shall be extended to cover any additional property that is subsequently served and falls within the same class, without any hearing or notice.

~~(e)~~ **(f)** The municipal legislative body may change or readjust the rates and charges in the same manner as they were established.

~~(f)~~ **(g)** Rates and charges collected under this chapter are considered revenues of the ~~waterworks.~~ **utility.**

SECTION 2. IC 8-1.5-3-8.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.2. (a) **As used in** this section: ~~applies to all municipally owned water utilities that have been taken out of the jurisdiction of the commission for the approval of rates and charges.~~

(1) "utility"; and

(2) "works";

have the meaning set forth for those terms in section 8.1 of this chapter.

(b) Owners of property connected or to be connected to and served by the ~~waterworks~~ **works** authorized under this chapter

may file a written petition objecting to the rates and charges of the ~~waterworks~~ **utility** so long as:

(1) the petition contains the names and addresses of the petitioners;

(2) the petitioners attended the public hearing provided under section 8.1 of this chapter;

(3) the written petition is filed with the municipal legislative body within five (5) days after the ordinance establishing the rates and charges is adopted under section 8.1 of this chapter; ~~and~~

(4) the written petition states specifically the ground or grounds of objection; **and**

(5) a petition has not been filed with the commission under section 8.3 of this chapter or under IC 36-9-23-26.1 appealing the same rates and charges of the utility.

(c) Unless the objecting petition is abandoned, the municipal clerk shall file in the office of the clerk of the circuit or superior court of the county a copy of the rate ordinance or ordinances together with the petition. The court shall then set the matter for hearing at the earliest date possible, which must be within twenty (20) days after the filing of the petition with the court. The court shall send notice of the hearing by certified mail to the municipality and to the first signer of the petition at the address shown on the petition. All interested parties shall appear in the court without further notice, and the municipality may not conduct any further proceedings concerning the rates and charges until the matters presented by the petition have been heard and determined by the court.

(d) At the discretion and upon direction of the court, the petitioners shall file with the petition a bond in the sum and with the security fixed by the court. The bond must be conditioned on the petitioners' payment of all or part of the costs of the hearing and any damages awarded to the municipality if the petition is denied, as ordered by the court.

(e) Upon the date fixed in the notice, the court shall, without a jury, hear the evidence produced. The court may confirm the decision of the municipal legislative body or sustain the objecting petition. The order of the court is final and conclusive upon all parties to the proceeding and parties who might have appeared at the hearing, subject only to the right of direct appeal. All questions that were presented or might have been presented are considered to have been adjudicated by the order of the court, and no collateral attack upon the decision of the municipal legislative body or order of the court is permitted.

(f) If the court sustains the petition, or if the petition is sustained on appeal, the municipal legislative body shall set the rates and charges in accordance with the decision of the court.

SECTION 3. IC 8-1.5-3-8.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.3. (a) This section applies to a utility that provides service to property located outside the corporate boundaries of the municipality.**

(b) As used in this section:

(1) "utility"; and

(2) "works";

have the meaning set forth for those terms in section 8.1 of this chapter.

(c) This subsection applies if a municipal legislative body adopts an ordinance under section 8.1 of this chapter or under IC 36-9-23-26 that is in effect on March 31, 2012, and that imposes rates and charges on users of the works for service to property located outside the corporate boundaries of the municipality that exceed by more than fifteen percent (15%), but not more than fifty percent (50%), the rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality. Not later than September 30, 2012, the municipality may petition the commission to approve the percentage difference between rates and charges established in the ordinance for property within and property outside the corporate boundaries. In the petition, the municipality shall set forth the following:

(1) The date on which the ordinance took effect.

(2) The percentage difference between rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries of the municipality.

(3) Whether the works that is the subject of the ordinance is a water utility works, a wastewater utility works, or both a water and wastewater utility works.

If the commission determines that a petition filed under this subsection satisfies the requirements of this subsection, the commission shall approve the petition, including the percentage difference between rates and charges described in subdivision (2). If the commission determines that a petition filed under this subsection does not satisfy the requirements of this subsection, the commission shall disapprove the petition. However, if the percentage difference imposed in the ordinance was the subject of an objecting petition that was filed under section 8.2 of this chapter or under IC 36-9-23-26.1 and sustained on final judgment or appeal, as applicable, by a court, the percentage difference is considered approved without the filing of a petition under this subsection.

(d) If a municipality that files, or that is exempt from filing, a petition under subsection (c) adopts an ordinance under section 8.1 of this chapter after March 31, 2012, that imposes rates and charges on users of the works for service to property located outside the corporate boundaries of the municipality that exceed the rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality by more than the sum of the percentage difference approved or considered approved by the commission under subsection (c) plus fifteen percent (15%), either or both of the following may petition the commission to review and adjust, if necessary, the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality:

(1) The municipality.

(2) The lesser of:

(A) ten percent (10%) of all; or

(B) twenty-five (25);

users of the works whose property is located outside the corporate boundaries of the municipality.

A petition filed under this subsection must be filed not more than fourteen (14) days after the date on which the ordinance referred to in this subsection is adopted. A petition may not be filed under this subsection if a petition has already been filed under section 8.2 of this chapter appealing the same rates and charges.

(e) If a municipal legislative body, other than a municipal legislative body described in subsection (c), adopts an ordinance under section 8.1 of this chapter after March 31, 2012, that imposes rates and charges on users of the works for service to property located outside the corporate boundaries of the municipality that exceed the rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality by more than fifteen percent (15%), either or both of the following may petition the commission to review and adjust, if necessary, the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality:

(1) The municipality.

(2) The lesser of:
(A) ten percent (10%) of all; or
(B) twenty-five (25);
users of the works whose property is located outside the corporate boundaries of the municipality.

A petition must be filed not more than fourteen (14) days after the date on which the ordinance is adopted. A petition may not be filed under this subsection if a petition has already been filed under section 8.2 of this chapter or under IC 36-9-23-26.1 appealing the same rates and charges.

(f) The filing of a petition with the commission under subsection (d) or (e) stays the ordinance adopted under section 8.1 of this chapter or under IC 36-9-23-26. The rates and charges in effect before the adoption of the ordinance remain in effect until:
(1) the commission approves or disapproves the petition, or the petition is dismissed under subsection (g); and
(2) if applicable, the commission adjusts the rates and charges imposed by the ordinance on users of the works whose property is located outside the corporate boundaries of the municipality.

(g) The commission shall prescribe the form and manner in which a petition must be filed under subsection (d) or (e). The burden of proof to demonstrate that the proposed rates and charges are nondiscriminatory, reasonable, and just is on the municipality, regardless of who petitions the commission. If the commission fails to approve or disapprove a petition within one hundred twenty (120) days after the petition is filed in the form and manner prescribed by the commission, the petition is dismissed, and the ordinance adopted under section 8.1 of this chapter or under IC 36-9-23-26 takes effect. A petition is automatically disapproved if the petitioner has filed a petition under section 8.2 of this chapter or under IC 36-9-23-26.1 with respect to the same rate ordinance.

(h) For purposes of determining whether the percentage difference between rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and the rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality is nondiscriminatory, reasonable, and just under section 8 of this chapter, the commission:
(1) may consider the benefit and expense to all users of the works of extending the works outside the corporate boundaries of the municipality; and
(2) may not consider any connection fees or capital surcharges imposed on users of the works for service to property that is located outside the corporate boundaries of the municipality that are specifically designated to pay for the costs associated with main extensions to the users of the works.

(I) If the commission determines that the percentage difference between the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and the rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality is not nondiscriminatory, reasonable, and just under section 8 of this chapter, the commission may:
(1) establish nondiscriminatory, reasonable, and just rates and charges for users of the works for service to property located outside the corporate boundaries of the municipality; and
(2) order the municipal legislative body to adopt an ordinance imposing the nondiscriminatory, reasonable, and just rates and charges.

However, with respect to rates and charges imposed in an ordinance that was the subject of an objecting petition filed under section 8.2 of this chapter or under IC 36-9-23-26.1 and sustained on final judgment or appeal, as applicable, by a court, the commission may not establish rates and charges such that the percentage difference between rates and charges established by the commission is less than the percentage difference between rates and charges imposed in the ordinance.

(j) This section does not:
(1) authorize the commission to review or revise rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality; or
(2) otherwise return or subject a utility to the jurisdiction of the commission for the approval of rates and charges.

(k) The commission may adopt rules under IC 4-22-2 to implement this section.

(l) The commission may not impose a fee with respect to proceedings under this section.

SECTION 4. IC 13-26-4-6.1, AS ADDED TO THE INDIANA CODE BY HEA 1117-2012, SEC. 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.1. (a) This section applies to a district that is:
(1) a countywide district; and
(2) established in response to an agreed order entered into **after December 31, 1982,** by the department and the executive and fiscal bodies of the county.

(b) Not later than December 31, 2012, the parties to an agreed order described in subsection (a)(2) shall amend the agreed order to provide for the appointment of trustees as follows:
(1) Beginning July 1, 2013, at least one (1) appointed trustee must reside in the geographic area that is the subject of the department investigation resulting in the agreed order.
(2) Beginning July 1, 2013, an appointed trustee may not be served by a municipal sewer system.
(3) Beginning July 1, 2013, at least one (1) appointed trustee must be an elected official who represents a political subdivision that has territory in the district.

SECTION 5. IC 36-9-23-26, AS AMENDED BY P.L.114-2008, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) After the introduction of the ordinance establishing fees under section 25 of this chapter, but before it is finally adopted, the municipal legislative body shall hold a public hearing at which users of the sewage works, owners of property served or to be served by the works, and other interested persons may be heard concerning the proposed fees. Notice of the hearing, setting forth the proposed schedule of fees, shall be:
(1) published in accordance with IC 5-3-1;
(2) mailed to owners of vacant or unimproved property if the ordinance includes a fee for sewer availability to vacant or unimproved property; and
(3) mailed to users of the sewage works **for service to property** located outside the municipality's corporate boundaries.

The notice may be mailed in any form so long as the notice of the hearing is conspicuous. The hearing may be adjourned from time to time. **Notice mailed under subdivision (3) must include the statement required by IC 8-1.5-3-8.1(c).**

(b) After the hearing, the municipal legislative body shall adopt the ordinance establishing the fees, either as originally introduced or as modified. A copy of the schedule of fees adopted shall be kept on file and available for public inspection in the offices of the board and the municipal clerk. **An ordinance adopted after March 31, 2012, that imposes**

different rates and charges on users of the works for service to property located outside the corporate boundaries of the municipality or to property located within the corporate boundaries of the municipality must state in plain language the percentage difference between the rates and charges, as required by IC 8-1.5-3-8.1(d).

(c) Subject to section 37 of this chapter, the fees established for any class of users or property shall be extended to cover any additional property that is subsequently served and falls within the same class, without any hearing or notice.

(d) The municipal legislative body may change or readjust the fees in the same manner by which they were established.

(e) Fees collected under this chapter are considered revenues of the sewage works.

SECTION 6. IC 36-9-23-26.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.1. (a) Owners of property connected or to be connected to and served by the sewage works authorized under this chapter may file a written petition objecting to the rates and charges of the sewage works so long as:

(1) the petition contains the names and addresses of the petitioners;

(2) the petitioners attended the public hearing provided under section 26 of this chapter;

(3) the written petition is filed with the municipal legislative body within five (5) days after the ordinance establishing the rates and charges is adopted under section 26 of this chapter; ~~and~~

(4) the written petition states specifically the ground or grounds of objection; **and**

(5) the petitioners have not filed a petition with the commission under IC 8-1.5-3-8.3 appealing the same rates and charges of the utility.

(b) Unless the objecting petition is abandoned, the municipal clerk shall file in the office of the clerk of the circuit or superior court of the county a copy of the rate ordinance or ordinances together with the petition. The court shall then set the matter for hearing at the earliest date possible, which must be within twenty (20) days after the filing of the petition with the court. The court shall send notice of the hearing by certified mail to the municipality and to the first signer of the petition at the address shown on the petition. All interested parties shall appear in the court without further notice, and the municipality may not conduct any further proceedings concerning the rates and charges until the matters presented by the petition have been heard and determined by the court.

(c) At the discretion and upon direction of the court, the petitioners shall file with the petition a bond in the sum and with the security fixed by the court. The bond must be conditioned on the petitioners' payment of all or part of the costs of the hearing and any damages awarded to the municipality if the petition is denied, as ordered by the court.

(d) Upon the date fixed in the notice, the court shall, without a jury, hear the evidence produced. The court may confirm the decision of the municipal legislative body or sustain the objecting petition. The order of the court is final and conclusive upon all parties to the proceeding and parties who might have appeared at the hearing, subject only to the right of direct appeal. All questions that were presented or might have been presented are considered to have been adjudicated by the order of the court, and no collateral attack upon the decision of the municipal legislative body or order of the court is permitted.

(e) If the court sustains the petition, or if it is sustained on appeal, the municipal legislative body shall set the rates and charges in accordance with the decision of the court.

SECTION 7. **An emergency is declared for this act.**

(Reference is to EHB 1126 as reprinted February 29, 2012.)

FRIZZELL	MERRITT
PIERCE	RANDOLPH
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 58

Representatives Candelaria Reardon and Soliday introduced House Concurrent Resolution 58:

A CONCURRENT RESOLUTION congratulating the 2012 inductees into The Times Northwest Indiana Business and Industry Hall of Fame.

Whereas, Every year, The Northwest Indiana Times honors a select group of local business and community leaders, recognizing those who have been not only successful in business, but have also committed themselves to using their positions for the good of their neighbors and their communities;

Whereas, This year, The Times has inducted five new members into its Northwest Indiana Business and Industry Hall of Fame, Milford Christianson of Christianson Chevrolet, Wil Davis of the Gary Jet Center, Thomas Gryzbek of Saint Margaret Mercy Healthcare Centers, Steve Pangere of The Pangere Corporation and Culver Roofing Incorporated, and Linda Woloshansky of The Center for Workforce Innovations;

Whereas, Milford Christianson, a life-long resident of Griffith, Indiana, has owned and operated Christianson Chevrolet of Highland with his family since 1951, where Mr. Christianson, aged 89 and a veteran of the Second World War, continues to work 70-hour weeks, and as a result, together with his dedication to "treating his customers right," has kept his family's dealership open and prosperous in spite of difficult economic times;

Whereas, Mr. Christianson's contributions in time and money to schools, universities, churches, civic organizations and charities in Northwest Indiana and across the state, fueled by Mr. Christianson's personal frugality and his practice of donating $50,000 to $100,000 per year to charitable organizations, have been vast and invaluable, including a life-long dedication to Indiana University athletics, continuing personal and financial support of Griffith Public Schools, and 25 years of service as a volunteer firefighter;

Whereas, Wil Davis has owned and operated the Gary Jet Center in Gary, Indiana, for twenty years, a project to which Mr. Davis, as a former helicopter gunship pilot in the United States Navy and a veteran of the Vietnam War, was uniquely well-suited, and which prospers today as a result of his foresight and leadership, managing a fleet of ten charter jet aircraft and handling all fueling and cargo handling operations at the Gary International Airport, and bringing employment and commerce to Gary and the surrounding region;

Whereas, The success of Mr. Davis's business ventures has provided him the opportunity to serve his community through a long-standing commitment to the John Will Anderson Boys & Girls Club of Northwest Indiana, on whose board he has served as a member and as treasurer and chairman, contributing personal and financial support to the organization in order to help local schoolchildren engage in safe, productive and educational activities outside the classroom;

Whereas, Thomas Gryzbek has served as the president of Franciscan Saint Margaret Health since 2004, the capstone in a long career with the Franciscan Alliance that Mr. Gryzbek

undertook as a young man just out of college, feeling initially unprepared for a career in health care, but quickly proving himself to be a talented and hard-working leader as he advanced from his first entry-level position to the positions of executive vice president and chief operating officer before accepting his current post, along the way finding time to earn advanced degrees in law and business with the financial support of the Franciscan Sisters;

Whereas, In addition to the countless patients whose lives Mr. Gryzbek's service as a hospital lawyer and administrator has improved, Mr. Gryzbek on his own initiative founded the Volunteer Advocates for Seniors program, a service, modeled on the Court Appointed Special Advocates program for children, which provides vulnerable elderly patients without other resources with legal counsel and protection, as well as continuing in his dedication to the Catholic Church as a deacon at the St. Andrew Parish in Merrillville, Indiana;

Whereas, Steve Pangere has been the President and Chief Executive Officer of The Pangere Corp. in Gary, Indiana, since 1994, the third generation of Pangere family ownership since Mr. Pangere's grandfather John Pangere, a Greek immigrant to Indiana in 1905, founded the company as an industrial painting concern, having now grown under the leadership of Mr. Pangere's father, Nicholas Pangere, and Mr. Pangere himself to a full-service contractor providing both industrial and commercial service;

Whereas, Beyond Mr. Pangere's iron-clad commitment to his workers, many of whom have known the family for years or decades, and to keeping his family's business in Gary, Mr. Pangere's services to his community includes substantial donations of his own time and money to the cause of assisting the blind and visually-impaired, whose plight Mr. Pangere feels especially acutely as a sufferer of progressive vision loss himself, including his support of The Chicago Lighthouse for People Who are Blind or Visually Impaired, and of the new Pangere Center for Inherited Retinal Diseases;

Whereas, Linda Woloshansky is currently the President and Chief Executive Officer of The Center of Workforce Innovations in Valparaiso, Indiana, whose goal it is to help create an educated and skilled workforce in Northwest Indiana and across the state, a project to which she has committed herself as the daughter of working-class parents well-familiar with the countless benefits skilled, good-paying jobs bring to families, neighborhoods and communities, a goal which Ms. Woloshansky has pursued throughout her professional career as a leader and administrator in private companies, school systems, Indiana state government and non-profit organizations; and

Whereas, Ms. Woloshansky's private contributions to the health and prosperity of her community represent a clear continuation of her professional work, and come through Ms. Woloshansky's active engagement with, among many others, the Porter County Community Foundation for more than a decade: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Milford Christianson, Wil Davis, Thomas Gryzbek, Steve Pangere and Linda Woloshansky on their induction into the Northwest Indiana Times's Northwest Indiana Business and Industry Hall of Fame for 2012, thanks them for their life-long commitments to the success and prosperity of Northwest Indiana, and honors their work on behalf of their neighbors and their communities.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of resolutions to each of the 2012 inductees into the Northwest Indiana Business and Industry Hall of Fame.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Tallian and Mrvan.

House Resolution 88

Representative McNamara introduced House Resolution 88:

A HOUSE RESOLUTION urging the Legislative Council to sponsor a statewide contest to find a replacement for the mural in the House chamber.

Whereas, The mural entitled "The Spirit of Indiana" by Eugene F. Savage displayed in the Indiana House of Representatives has graced that chamber for more than four decades;

Whereas, Although dear to the hearts of all Hoosiers, the persons and things depicted in this historic mural are representative of a society that has long ago disappeared; and

Whereas, Perhaps the time has come to adorn the walls of the House chamber with something more current and relevant to today's Hoosier: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to sponsor a statewide contest to find a replacement for the mural in the House chamber.

The resolution was read a first time and referred to the Committee on Public Policy.

House Resolution 89

Representative Welch introduced House Resolution 89:

A HOUSE RESOLUTION urging the Legislative Council to assign to the Tax and Finance Commission, or to another appropriate committee, the topic of emergency borrowing from the state.

Whereas, Sound public policy requires that Indiana have in a place a comprehensive plan that lays out procedures and conditions for local units of government and school corporations in financial distress to obtain relief in the form of emergency loans from the state: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to assign to the Tax and Finance Commission, or to another appropriate committee, for interim study the topic of developing a comprehensive plan and set of parameters for distressed local units of government and school corporations to borrow funds from the state on an emergency basis.

The resolution was read a first time and referred to the Committee on Ways and Means.

House Resolution 90

Representatives Klinker, Truitt, Grubb, and T. Brown introduced House Resolution 90:

A HOUSE RESOLUTION recognizing the importance of the regional campus of Ivy Tech Community College serving Lafayette, Crawfordsville and Monticello, Indiana.

Whereas, The Lafayette regional campus of Ivy Tech Community College started as the Tippewa Technical Institute in 1968 in the arena of health career vocations;

Whereas, The early roots of Ivy Tech in the Lafayette region are in the Ross Building, recognized by the Indiana Historic Landmarks Foundation, and was formerly a tuberculosis sanatorium and a county nursing home before becoming Ivy Tech's administration building;

Whereas, Griffin Hall is named in honor of George and Mabel Griffin and through their legacy have established the Griffin Endowment Fund to provide scholarships to students in need;

Whereas, Ivy Hall was opened August 2001, consolidating Ivy Tech's campus on the City of Lafayette's southeast side;

Whereas, The Gerald Lampkin Union Apprenticeship Center housing organized labor, including the Indiana Regional Council of Carpenters JATC and Electrical JATC, was established in 2001, providing union trades a home for training new apprentices;

Whereas, The Lafayette regional campus continues to expand its programs and partnerships, including elements such as formal transfer and articulation agreements with Purdue University, Indiana University, Saint Joseph's College, Indiana State University, Western Governors University, Ball State University, IUPUI, and Indiana Wesleyan University;

Whereas, Cultural awareness and academic achievement continues to grow in the Lafayette Community College region through such programs and partnerships as the Hildalgo, Mexico, historic agreement signed in 2009, and the annual Latino Festival, which has drawn over 1,500 people into the Lafayette campus environment;

Whereas, The Lafayette Campus Library is a partnership between the Tippecanoe County Public Library and Ivy Tech, containing both public and college collections, as well as virtual libraries serving both Tippecanoe County and the greater regional area;

Whereas, Ivy Tech students can participate in a wide range of student clubs, organizations and intramural sports through a partnership with the Lafayette Family YMCA and Junior Achievement;

Whereas, The Career Service & Student Support Center serves students and alumni through career exploration, job zones and boards, career fairs, and job search advising;

Whereas, The White County Instructional Center serves Monticello and surrounding communities with first-year college courses as well as dual credit courses for area high school students;

Whereas, The Montgomery County Instructional Center in Crawfordsville will expand and soon move to a new campus to serve the growing needs of the eastern and western I-74 corridor and offer a full associate degree program in business administration;

Whereas, The Agriculture Program Laboratory and Corporate Learning Center Buildings have grown and expanded to serve the students in the Departments of Agriculture, Workforce, and Economic Development;

Whereas, A new Renaissance Place Instructional Center in downtown Lafayette serves downtown residents and business, as well as Purdue University students;

Whereas, The Lafayette Ivy Tech region in 2011 offered and expanded new programs in areas such as Advanced Manufacturing, Health Services, Therapeutic Massage, and Sustainable & Renewable Energy; and

Whereas, In 2011, nearly 400 graduates realized their dreams and participated in the commencement graduation ceremonies in front of over 3,000 of their families and friends: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates and supports the Lafayette regional campus of Ivy Tech Community College in its mission of enabling students and citizens to realize their full potential and supporting regional education and economic development in Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Ivy Tech Community College at Lafayette, Crawfordsville, and Monticello, Indiana.

The resolution was read a first time and adopted by voice vote.

House Resolution 91

Representatives Welch and Sullivan introduced House Resolution 91:

A HOUSE RESOLUTION urging the Legislative Council to assign to the Tax and Finance Commission the topic of changes to Indiana's tax structure.

Whereas, Legislators require an understanding of the direction in which recent fiscal policy has moved the state in order to make sound decisions for the future; and

Whereas, This includes above all an understanding of how different socio-economic groups are impacted by the state's tax policies; Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to assign to the Tax and Finance Commission for interim study the topic of recent changes to Indiana's tax structure with a particular focus on whether the tax code is becoming more regressive, more progressive, or maintaining a consistent impact across socio-economic groups.

The resolution was read a first time and referred to the Committee on Ways and Means.

House Resolution 92

Representatives Welch and Davisson introduced House Resolution 92:

A HOUSE RESOLUTION urging the Legislative Council to assign to an appropriate study committee the topic of vaccinations and immunizations provided by pharmacists.

Whereas, Ensuring the general availability of safely-administered vaccines and immunizations is an important goal of any state's public health policy; and

Whereas, Indiana law currently authorizes pharmacists to administer vaccinations, and it is the responsibility of the General Assembly to maintain standards and regulations with respect to this practice that are conducive to public health and safety; Therefore,

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

SECTION 1. That the Indiana House of Representatives

urges the Legislative Council to assign to an appropriate study committee for interim study the topic of developing a comprehensive plan for pharmacist-administered vaccinations in Indiana, including a review of the different vaccinations and immunizations a pharmacist is authorized to administer.

SECTION 2. That the Legislative Council is urged to make the findings and recommendations of the Center for Disease Control the basis of the committee's study.

The resolution was read a first time and referred to the Committee on Public Health.

House Resolution 93

Representative Welch introduced House Resolution 93:

A HOUSE RESOLUTION urging the Legislative Council to form a new interim study committee for the purpose of studying the topic of revising Indiana statutes governing healthcare practitioners' scope of practice with respect to the increasing need for access to healthcare.

Whereas, Indiana law currently sets limits to the scope of practice of healthcare professionals;

Whereas, These limits may artificially limit the availability of healthcare to patients in need of it; and

Whereas, The complexity of this topic requires its study by a group especially composed for that purpose: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to establish a new interim study committee for the purpose of studying Indiana law governing healthcare practitioners' scope of practice with respect to the increasing need for access to healthcare.

The resolution was read a first time and referred to the Committee on Public Health.

House Resolution 94

Representatives Stevenson and Candelaria Reardon introduced House Resolution 94:

A HOUSE RESOLUTION to recognize WJOB radio for its commitment and service to Northwest Indiana.

Whereas, WJOB (1230 AM) is a news and talk radio station broadcasting from Hammond, Indiana;

Whereas, WJOB is known throughout Northwest Indiana as an institution of the region, and is currently the only radio station in the United States owned by a Hispanic woman;

Whereas, The history of WJOB begins across the state line in Joliet, Illinois, where the first license was issued to the station, then broadcasting under the call letters WWAE, on November 12th, 1923;

Whereas, A short time later, the station moved to its current home in Hammond, where it starting broadcasting under its current call letters WJOB on October 7th, 1940;

Whereas, It was during this time that the station entered a golden age, with a wide range of programming popular throughout the region, including the "Happy Hour" Saturday morning program, and programming in five foreign languages, the Polish Musical Varieties Program, the Hungarian Hour, the Slovak Hour, the Greek Hour, and the Spanish Program;

Whereas, During this time, the station began broadcasting its first African-American program, "Rockin-In-Rhythm," and featured the only African-American newscaster in the country to be heard every Sunday, Paul E.X. Brown;

Whereas, By the early years of the 21st century, the station had fallen on hard times, but under the new ownership of Alexis Vazquez Dedelow and Jim Dedelow quickly rebounded and slowly restored itself to its former stature; and

Whereas, Most recently, WJOB performed one of its greatest public services during the flooding of 2008, when its hosts and newscasters played a major role in directing residents and visitors away from the rising floodwaters: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the rich history of WJOB in Hammond, Indiana, and its contribution to the state's history, thanks the station and its staff for their services to their neighbors and their community, and wishes them the best of success for the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to WJOB in Hammond.

The resolution was read a first time and adopted by voice vote.

House Resolution 95

Representatives Welch and T. Brown introduced House Resolution 95:

A HOUSE RESOLUTION urging the Legislative Council to assign to the Health Finance Commission the study of the presence of automated external defibrillators (AEDs) in the general public and the effect they have on improving public health.

Whereas, Sudden cardiac arrest (SCA) is the leading cause of death in the United States;

Whereas, The Occupational Safety and Health Association (OSHA) estimates that approximately 15 percent of all workplace deaths are attributed to SCA;

Whereas, The national survival rate of SCA is 90% within the first minute of defibrillation shock, 70% within three minutes and only 50% within five minutes;

Whereas, A study by the National Institute of Health revealed that a victim of SCA has double the chance of survival if an automated external defibrillator (AED) is present compared to relying solely on CPR and the local first responder system; and

Whereas, Public Access to Defibrillation programs are endorsed by the American Heart Association, American Red Cross, American College of Emergency Physicians, leading insurance companies, and EMS organizations: Therefore,

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

SECTION 1. That the Legislative Council is urged to assign to the health finance commission the study of the presence of automated external defibrillators (AEDs) in the general public and the effect they have on improving public health.

The resolution was read a first time and referred to the Committee on Public Health.

Senate Concurrent Resolution 7

The Speaker handed down Senate Concurrent Resolution 7, sponsored by Representatives Welch and Noe:

A CONCURRENT RESOLUTION urging the Commission on Mental Health and Addiction to examine the issue of

involuntary commitment of persons with substance use disorders.

Whereas, In 2008, the costs to corrections and the judiciary associated with substance use in Indiana were estimated to be $1.3 billion and the healthcare costs associated with substance use in Indiana were estimated to be $4.8 billion;

Whereas, In 2008, Indiana spent only $70 million to reduce substance use, including, prevention, intervention and research;

Whereas, Cost-benefit analyses of treatment programs show that every $1 spent on treatment results in an average of $7 saved in benefits. These benefits include increased employment, fewer medical expenses, and decreased crime and its related expenses;

Whereas, Over 80% of states' corrections budgets are spent on adults who use substances;

Whereas, Community-based treatment is significantly less expensive than incarceration. Calculations from other states estimate an annual savings of nearly $20,000 per inmate;

Whereas, In 2010, approximately twenty-four thousand (24,000) Hoosiers were admitted to a substance abuse treatment program;

Whereas, Indiana code 12-23-11-1 provides that an individual who is an alcoholic, incapacitated by alcohol, or a drug abuser may be involuntarily committed to the care of the division for treatment;

Whereas, Many Hoosiers with substance use disorders are not aware of substance abuse treatment facility options, nor are their friends and family members;

Whereas, Further study is necessary to determine the reasons why more Hoosiers do not take advantage of treatment options including involuntary commitment: Therefore,

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

SECTION 1. The Commission on Mental Health and Addiction will examine the issue of involuntary commitment of persons with substance use disorders.

SECTION 2. (a) The Commission will examine whether:

(1) the involuntary commitment statute is underutilized,

(2) the state should inform the public, law enforcement, and the judiciary of the current Indiana laws on involuntary commitment, and

(3) the state has adequate resources to provide treatment for persons with substance use disorders.

(b) The Commission shall make recommendations in accordance with this section.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 34

The Speaker handed down Senate Concurrent Resolution 34, sponsored by Representatives M Smith and McMillin:

A CONCURRENT RESOLUTION urging the Governor to designate March 30th as Welcome Home Vietnam Veteran's Day.

Whereas, More than 58,000 members of the United States Armed Forces, including 1,532 Hoosiers, lost their lives in Vietnam, and more than 300,000 members of the Armed Forces were wounded;

Whereas, In 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate the lives and service of the men and women who died, or were declared missing-in-action in the Vietnam War;

Whereas, The Vietnam War was an extremely divisive issue among the people of the United States, and the crossfire of debate about the country's involvement in the war deprived many members of the Armed Forces of public support and appreciation for their patriotic service;

Whereas, Civil discourse in the political affairs of the United States should be encouraged, but it is never too late to say, "I am sorry" and "thank you" to our Vietnam veterans;

Whereas, The establishment of Welcome Home Vietnam Veterans Day is an appropriate way to express appreciation and honor the members of the United States Armed Forces, as well as members of the Red Cross and other service organizations, who bravely served the country and their fellow citizens during the Vietnam War; and

Whereas, On March 30, 2009, Congress proclaimed a national Welcome Home Vietnam Veterans Day and encouraged people of the United States to observe this day with ceremonies and activities that promote awareness of the numerous contributions of veterans who served in Vietnam, and the importance of helping all of America's veterans return home and achieve happy, healthy, and productive lives: Therefore,

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

SECTION 1. That the Indiana General Assembly urges the Governor to declare March 30th Welcome Home Vietnam Veterans Day.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to Paul Collie.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 38

The Speaker handed down Senate Concurrent Resolution 38, sponsored by Representative Porter:

A CONCURRENT RESOLUTION congratulating the North Central Panthers Girls' Basketball team on winning the Class 4A State Championship.

Whereas, The Panthers defeated, number 10 ranked, Columbus North, 50-48 in overtime, to win the Class 4A State Championship on Saturday, March 3, 2012;

Whereas, On the road to the championship the Panthers defeated four of the top nine ranked teams, including previously undefeated Hamilton Southeastern in the sectional opener;

Whereas, The Panthers beat Penn High School, 65-50, at the 4A Northern Semi-State game at Warsaw before moving onto the State Championship game;

Whereas, The team captured their first regional and semi-state championships in seven years since back-to-back state titles in 2004 and 2005;

Whereas, The Panthers finished third in the Metropolitan Interscholastic Conference race with a 5-2 record;

Whereas, This was North Central High School's 58th Indiana High School Athletics Association overall state championship. The last title came in 4A Boys Basketball in 2010; and

Whereas, Coach DeeAnn Ramey, the players, and staff achieved this impressive record and State Championship in Ramey's first year as the Panthers' head coach: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the North Central Panthers Girls' Basketball team on winning the Class 4A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Coach DeeAnn Ramey, the North Central High School Panthers Girls Basketball players, and the staff.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 40

The Speaker handed down Senate Concurrent Resolution 40, sponsored by Representatives Truitt, T. Brown, and Klinker:

A CONCURRENT RESOLUTION recognizing the importance of the regional campuses of Ivy Tech Community College of Indiana.

Whereas, The Lafayette region of Ivy Tech State College started as the Tippewa Technical Institute in 1968 in the arena of health career vocations;

Whereas, The early roots of Ivy Tech in the Lafayette region are in the Ross Building, which is recognized by the Indiana Historic Landmarks Foundation and was formerly a tuberculosis sanitarium and a county nursing home before becoming Ivy Tech's administration building;

Whereas, Griffin Hall is named in honor of George and Mabel Griffin, who, through their legacy, have established the Griffin Endowment Fund to provide scholarships to students in need;

Whereas, Ivy Hall was opened August 2001, consolidating Ivy Tech's campus on Lafayette's southeast side;

Whereas, The Gerald I. Lamkin Union Apprenticeship Center, which houses organized labor including the Indiana Regional Council of Carpenters Joint Apprenticeship and Training Committee and Electrical Joint Apprenticeship and Training Committee, was established in 2001 to provide a home for training new apprentices;

Whereas, The Lafayette regional campus continues to expand its programs and partnerships, including elements such as formal transfer and articulation agreements with Purdue University, Indiana University, Saint Joseph's College, Indiana State University, Western Governors University, Ball State University, Indiana University-Purdue University Indianapolis, and Indiana Wesleyan University;

Whereas, Cultural awareness and academic achievement continue to grow in the Lafayette Community College region through such programs and partnerships as the Hildalgo, Mexico, historic agreement signed in 2009 and the annual Latino Festival, which has drawn over 1,500 people into the Lafayette campus environment;

Whereas, The Lafayette Campus Library is a partnership between the Tippecanoe County Public Library and Ivy Tech, contains both public and college collections as well as virtual libraries, and serves both Tippecanoe County and the greater regional area;

Whereas, Ivy Tech students can participate in a wide range of student clubs and organizations and intramural sports through a partnership with the Lafayette Family YMCA and Junior Achievement;

Whereas, The Career Service and Student Support Center serves students and alumni through career exploration, job zones and boards, and career fairs and by offering job search advice;

Whereas, The White County Instructional Center serves Monticello and surrounding communities with first-year college courses as well as dual credit courses for area high school students;

Whereas, The Montgomery County Instructional Center in Crawfordsville, which is expanding and will soon move to a new campus, serves the growing needs of the eastern and western Interstate 74 corridor and offers a complete associate degree program in business administration;

Whereas, The expanded Agriculture Program Laboratory and Corporate Learning Center Buildings serve the students in the Departments of Agriculture, Workforce, and Economic Development;

Whereas, A new Renaissance Place Instructional Center in downtown Lafayette serves downtown residents and businesses as well as Purdue University students;

Whereas, In 2011, the Lafayette Ivy Tech Region offered new programs in areas such as Advanced Manufacturing, Health Services, Therapeutic Massage, and Sustainable and Renewable Energy; and

Whereas, Nearly 400 graduates realized their dreams in 2011 and participated in commencement ceremonies before more than 3,000 family members and friends: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates and supports the Lafayette regional campus of Ivy Tech Community College of Indiana in its mission to enable students and citizens to realize their full potential and supports regional education and economic development within Indiana.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Ivy Tech Community College campuses in Lafayette, Crawfordsville, and Monticello.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1005 because it conflicts with SEA 127-2012 without properly recognizing the existence of SEA 127-2012, has had Engrossed House Bill 1005 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1005 be corrected as follows:

Page 10, line 20, delete "P.L.130-2008," and insert "SEA 127-2012, SECTION 109,".

Page 10, line 21, delete "SECTION 2,".

Page 12, line 6, delete "public employees' retirement fund.".

Page 12, line 6, reset in roman "Indiana".

Page 12, reset in roman line 7.

(Reference is to EHB 1005 as printed February 24, 2012.)

TORR, Chair
AUSTIN, R.M.M.
MAHAN, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1196 because it conflicts with HEA 1009-2012 without properly recognizing the existence of HEA 1009-2012, has had Engrossed House Bill 1196 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1196 be corrected as follows:

Page 27, line 1, delete "P.L.182-2011," and insert "HEA 1009-2012, SECTION 233,".

Page 27, line 2, delete "SECTION 12,".

Page 32, delete lines 13 through 14, begin a new line double block indented and insert:

"~~(G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone).~~".

Page 32, delete lines 27 through 29, begin a new line double block indented and insert:

"~~(N) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).~~".

(Reference is to EHB 1196 as reprinted February 29, 2012.)

TORR, Chair
AUSTIN, R.M.M.
M. SMITH, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 147 because it conflicts with HEA 1090-2012 without properly recognizing the existence of HEA 1090-2012, has had Engrossed Senate Bill 147 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 147 be corrected as follows:

Page 15, line 1, delete "P.L.1-2010," and insert "HEA 1090-2012, SECTION 16,".

Page 15, line 2, delete "SECTION 33,".

Page 16, line 4, after "section" insert "10.1 or".

Page 16, line 17, after "section" insert "10.1 or".

(Reference is to ESB 147 as reprinted February 28, 2012.)

TORR, Chair
AUSTIN, R.M.M.
TRUITT, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 233 because it conflicts with HEA 1004-2012 without properly recognizing the existence of HEA 1004-2012, has had Engrossed Senate Bill 233 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 233 be corrected as follows:

Page 4, delete lines 11 through 42, begin a new paragraph and insert:

"SECTION 6. IC 3-10-6-7.5, AS AMENDED BY HEA 1004-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) This section applies to a municipal office elected during a municipal or general election.

(b) Except as provided in subsection (c) or (d), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.

(c) If:

(1) there is an election for at least one (1) of a municipality's legislative body members;

(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and

(3) there is no election for an office to be voted on by all voters of the municipality;

the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the municipality in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the municipality shall not be placed on the ballot used for the election of municipal legislative body members under this subsection.

(d) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county. An election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

A resolution adopted under this subsection expires on January 1 of the year following the year the resolution ~~was~~ **is** adopted.

SECTION 7. IC 3-10-7-6, AS AMENDED BY HEA 1004-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a municipal office elected during a municipal or general election.

(b) A municipal election conducted under this chapter shall be held at the time prescribed by IC 3-10-6.

(c) Except as provided in subsection (d) or (e), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.

(d) If:

(1) there is an election for at least one (1) of the town's legislative body members;

(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and

(3) there is no election for an office to be voted on by all voters of the town;

the county election board (or town election board if that board is conducting the election under this chapter) may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the town in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the town shall not be placed on the ballot used for the election of town legislative body members under this subsection.

(e) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in

the county. This subsection applies to a municipal office elected during a municipal or general election. An election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

A resolution adopted under this subsection expires on January 1 of the year following the year the resolution ~~was~~ **is** adopted.".

Delete page 5.

(Reference is to ESB 233 as reprinted March 1, 2012.)

TORR, Chair
AUSTIN, R.M.M.
RICHARDSON, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 275 because it conflicts with HEA 1294-2012 without properly recognizing the existence of HEA 1294-2012, has had Engrossed Senate Bill 275 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 275 be corrected as follows:

Page 2, delete line 42.

Delete pages 3 through 7.

Page 8, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 3. IC 23-2-5-3, AS AMENDED BY HEA1294-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this chapter, "loan broker license" means a license issued by the commissioner authorizing a person to engage in the loan brokerage business.

(b) As used in this chapter, "licensee" means a person that is issued a license under this chapter.

(c) As used in this chapter, "loan broker" means any person who, in return for any consideration from any source procures, attempts to procure, or assists in procuring, a residential mortgage loan from a third party or any other person, whether or not the person seeking the loan actually obtains the loan. "Loan broker" does not include:

(1) any supervised financial organization (as defined in IC 26-1-4-102.5), including a bank, savings bank, trust company, savings association, or credit union;

(2) any other financial institution that is:

(A) regulated by any agency of the United States or any state; and

(B) regularly actively engaged in the business of making consumer loans that are not secured by real estate or taking assignment of consumer sales contracts that are not secured by real estate;

(3) any insurance company;

(4) any person arranging financing for the sale of the person's product; or

(5) a creditor that is licensed under IC 24-4.4-2-402.

(d) As used in this chapter, "loan brokerage business" means a person acting as a loan broker.

(e) As used in this chapter, "mortgage loan origination activities" means performing any of the following activities for compensation or gain in connection with a residential mortgage loan:

(1) Receiving or recording a borrower's or potential borrower's residential mortgage loan application information in any form for use in a credit decision by a creditor.

(2) Offering to negotiate or negotiating terms of a residential mortgage loan.

(f) As used in this chapter, "borrower's residential mortgage loan application information" means the address of the proposed residential real property to be mortgaged and borrower's essential personal and financial information necessary for an informed credit decision to be made on the borrower's mortgage loan application.

(g) As used in this chapter, "mortgage loan originator" means an individual engaged in mortgage loan origination activities. The term does not include a person who:

(1) performs purely administrative or clerical tasks on behalf of a mortgage loan originator or acts as a loan processor or underwriter;

(2) performs only real estate brokerage activities and is licensed in accordance with IC 25-34.1 or the applicable laws of another state, unless the person is compensated by a creditor, a loan broker, a mortgage loan originator, or any agent of a creditor, a loan broker, or a mortgage loan originator; or

(3) is involved only in extensions of credit relating to time share plans (as defined in 11 U.S.C. 101(53D)).

(h) As used in this chapter, "mortgage loan originator license" means a license issued by the commissioner authorizing an individual to act as a mortgage loan originator on behalf of a loan broker licensee.

(I) As used in this chapter, "person" means an individual, a partnership, a trust, a corporation, a limited liability company, a limited liability partnership, a sole proprietorship, a joint venture, a joint stock company, or another group or entity, however organized.

(j) As used in this chapter, "ultimate equitable owner" means a person who, directly or indirectly, owns or controls ten percent (10%) or more of the equity interest in a loan broker licensed or required to be licensed under this chapter, regardless of whether the person owns or controls the equity interest through one (1) or more other persons or one (1) or more proxies, powers of attorney, or variances.

(k) As used in this chapter, "principal manager" means an individual who:

(1) has at least three (3) years of experience:

(A) as a mortgage loan originator; or

(B) in financial services;

that is acceptable to the commissioner; and

(2) is principally responsible for the supervision and management of the employees and business affairs of a loan broker licensee.

(l) As used in this chapter, "principal manager license" means a license issued by the commissioner authorizing an individual to act as:

(1) a principal manager; and

(2) a mortgage loan originator;

on behalf of a loan broker licensee.

(m) As used in this chapter, "bona fide third party fee", with respect to a residential mortgage loan, includes any of the following:

(1) Fees for real estate appraisals. However, if the residential mortgage loan is governed by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 3331 through 3352), the fee for an appraisal performed in connection with the loan is not a bona fide third party fee unless the appraisal is performed by a person that is licensed or certified under IC 25-34.1-3-8.

(2) Fees for title examination, abstract of title, title

insurance, property surveys, or similar purposes.
(3) Notary and credit report fees.
(4) Fees for the services provided by a loan broker in procuring possible business for a creditor if the fees are paid by the creditor.

(n) As used in this chapter, "branch office" means any fixed physical location from which a loan broker licensee holds itself out as engaging in the loan brokerage business.

(o) As used in this chapter, "loan processor or underwriter" means an individual who:
(1) is employed by a loan broker licensee and acts at the direction of, and subject to the supervision of, the loan broker licensee or a licensed principal manager employed by the loan broker licensee; and
(2) performs solely clerical or support duties on behalf of the loan broker licensee, including any of the following activities with respect to a residential mortgage loan application received by the loan broker licensee:
(A) The receipt, collection, distribution, and analysis of information commonly used in the processing or underwriting of a residential mortgage loan.
(B) Communicating with a borrower or potential borrower to obtain the information necessary for the processing or underwriting of a residential mortgage loan, to the extent that the communication does not include:
(I) offering or negotiating loan rates or terms; or
(ii) counseling borrowers or potential borrowers about residential mortgage loan rates or terms.

(p) As used in this chapter, "real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including any of the following:
(1) Acting as a real estate broker ~~or salesperson~~ for a buyer, seller, lessor, or lessee of real property.
(2) Bringing together parties interested in the sale, lease, or exchange of real property.
(3) Negotiating, on behalf of any party, any part of a contract concerning the sale, lease, or exchange of real property, other than in connection with obtaining or providing financing for the transaction.
(4) Engaging in any activity for which the person performing the activity is required to be licensed under IC 25-34.1 or the applicable laws of another state.
(5) Offering to engage in any activity, or to act in any capacity with respect to any activity, described in subdivisions (1) through (4).

(q) As used in this chapter, "registered mortgage loan originator" means a mortgage loan originator who:
(1) is an employee of:
(A) a depository institution;
(B) a subsidiary that is:
(I) owned and controlled by a depository institution; and
(ii) regulated by a federal financial institution regulatory agency (as defined in 12 U.S.C. 3350(6)); or
(C) an institution regulated by the Farm Credit Administration; and
(2) is registered with and maintains a unique identifier with the Nationwide Mortgage Licensing System and Registry.

(r) As used in this chapter, "residential mortgage loan" means a loan that is or will be used primarily for personal, family, or household purposes and that is secured by a mortgage (or another equivalent consensual security interest) on a dwelling (as defined in Section 103(w) of the federal Truth in Lending Act (15 U.S.C. 1602(w)) or on residential real estate on which a dwelling is constructed or intended to be constructed.

(s) As used in this chapter, "personal information" includes any of the following:
(1) An individual's first and last names or first initial and last name.
(2) Any of the following data elements:
(A) A Social Security number.
(B) A driver's license number.
(C) A state identification card number.
(D) A credit card number.
(E) A financial account number or debit card number in combination with a security code, password, or access code that would permit access to the person's account.
(3) With respect to an individual, any of the following:
(A) Address.
(B) Telephone number.
(C) Information concerning the individual's:
(I) income or other compensation;
(ii) credit history;
(iii) credit score;
(iv) assets;
(v) liabilities; or
(vi) employment history.

(t) As used in this chapter, personal information is "encrypted" if the personal information:
(1) has been transformed through the use of an algorithmic process into a form in which there is a low probability of assigning meaning without use of a confidential process or key; or
(2) is secured by another method that renders the personal information unreadable or unusable.

(u) As used in this chapter, personal information is "redacted" if the personal information has been altered or truncated so that not more than the last four (4) digits of:
(1) a Social Security number;
(2) a driver's license number;
(3) a state identification number; or
(4) an account number;
are accessible as part of the personal information.

(v) As used in this chapter, "depository institution" has the meaning set forth in the Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and includes any credit union.

(w) As used in this chapter, "state licensed mortgage loan originator" means any individual who:
(1) is a mortgage loan originator;
(2) is not an employee of:
(A) a depository institution;
(B) a subsidiary that is:
(I) owned and controlled by a depository institution; and
(ii) regulated by a federal financial institution regulatory agency (as defined in 12 U.S.C. 3350(6)); or
(C) an institution regulated by the Farm Credit Administration;
(3) is licensed by a state or by the Secretary of the United States Department of Housing and Urban Development under Section 1508 of the S.A.F.E. Mortgage Licensing Act of 2008 (Title V of P.L.110-289); and
(4) is registered as a mortgage loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(x) As used in this chapter, "unique identifier" means a number or other identifier that:
(1) permanently identifies a mortgage loan originator; and
(2) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the federal financial institution regulatory agencies to facilitate:
(A) the electronic tracking of mortgage loan

originators; and
(B) the uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against mortgage loan originators.
(y) As used in this chapter, "residential real estate" means real property:
(1) that is located in Indiana; and
(2) upon which a dwelling is constructed or intended to be constructed.".
Renumber all SECTIONS consecutively.
(Reference is to ESB 275 as reprinted February 21, 2012.)

TORR, Chair
AUSTIN, R.M.M.
DAVIS, Sponsor

Report adopted.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012; we further recommend that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 3 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1033–1, 1049–1, and 1200–1 and Engrossed Senate Bill 293–1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012, and that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 3 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1033–1, 1049–1, and 1200–1 and Engrossed Senate Bill 293–1.

TORR, Chair

Motion prevailed.

Engrossed House Bill 1033–1

The conference committee report was reread. Roll Call 403: yeas 76, nays 11. Report adopted.

Representatives Dodge and Thompson were excused.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed House Bill 1049–1

The conference committee report was reread. Roll Call 404: yeas 73, nays 14. Report adopted.

Representatives Behning, Speedy, and Summers, who had been excused, were present.

Engrossed House Bill 1200–1

The conference committee report was reread. Roll Call 405: yeas 89, nays 1. Report adopted.

Representatives Dodge, Soliday, Thompson, and Yarde, who had been excused, were present.

Engrossed Senate Bill 293–1

The conference committee report was reread. Roll Call 406: yeas 78, nays 17. Report adopted.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1136	Conferees:	Noe replacing VanDenburgh
EHB 1189	Conferees:	Behning replacing Porter
EHB 1195	Conferees:	Thompson replacing Kersey
EHB 1269	Conferees:	Neese replacing C. Brown
ESB 1	Conferees:	Steuerwald replacing L. Lawson
ESB 257	Conferees:	Burton replacing Pryor

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:50 p.m. with the Speaker in the Chair.

Representative Wolkins was excused.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bills 1033, 1049, 1200, 1258, and 1360.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bills 1192, 1237, and 1279.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 223 and 407.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bill 293.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bill 296.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(c) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1189:

Conferees: Kruse replacing Skinner

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(c) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 1:

Conferees: Delph replacing Taylor

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 233.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 57 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
ESB 1–1; filed March 9, 2012, at 7:42 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 1 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-41-3-2, AS AMENDED BY P.L.189-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **In enacting this section, the general assembly finds and declares that it is the policy of this state to recognize the unique character of a citizen's home and to ensure that a citizen feels secure in his or her own home against unlawful intrusion by another individual or a public servant. By reaffirming the long standing right of a citizen to protect his or her home against unlawful intrusion, however, the general assembly does not intend to diminish in any way the other robust self defense rights that citizens of this state have always enjoyed. Accordingly, the general assembly also finds and declares that it is the policy of this state that people have a right to defend themselves and third parties from physical harm and crime. The purpose of this section is to provide the citizens of this state with a lawful means of carrying out this policy.**

(b) As used in this section, "public servant" means a person described in IC 35-41-1-17, IC 35-31.5-2-129, or IC 35-31.5-2-185.

(c) A person is justified in using reasonable force against ~~another~~ **any other** person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person:

(1) is justified in using deadly force; and
(2) does not have a duty to retreat;

if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

~~(b)~~ **(d)** A person:

(1) is justified in using reasonable force, including deadly force, against ~~another~~ **any other** person; and
(2) does not have a duty to retreat;

if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle.

~~(c)~~ **(e)** With respect to property other than a dwelling, curtilage, or an occupied motor vehicle, a person is justified in using reasonable force against ~~another~~ **any other** person if the person reasonably believes that the force is necessary to immediately prevent or terminate the other person's trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect. However, a person:

(1) is justified in using deadly force; and
(2) does not have a duty to retreat;

only if that force is justified under subsection ~~(a).~~ **(c).**

~~(d)~~ **(f)** A person is justified in using reasonable force, including deadly force, against ~~another~~ **any other** person and does not have a duty to retreat if the person reasonably believes that the force is necessary to prevent or stop the other person from hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight. For purposes of this subsection, an aircraft is considered to be in flight while the aircraft is:

(1) on the ground in Indiana:
  (A) after the doors of the aircraft are closed for takeoff; and
  (B) until the aircraft takes off;
(2) in the airspace above Indiana; or
(3) on the ground in Indiana:
  (A) after the aircraft lands; and
  (B) before the doors of the aircraft are opened after landing.

~~(e)~~ **(g)** Notwithstanding subsections ~~(a), (b) and (c),~~ **(c) through (e),** a person is not justified in using force if:

(1) the person is committing or is escaping after the commission of a crime;
(2) the person provokes unlawful action by another person with intent to cause bodily injury to the other person; or
(3) the person has entered into combat with another person or is the initial aggressor unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

~~(f)~~ **(h)** Notwithstanding subsection ~~(d),~~ **(f),** a person is not justified in using force if the person:

(1) is committing, or is escaping after the commission of, a crime;

(2) provokes unlawful action by another person, with intent to cause bodily injury to the other person; or

(3) continues to combat another person after the other person withdraws from the encounter and communicates the other person's intent to stop hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight.

(i) A person is justified in using reasonable force against a public servant if the person reasonably believes the force is necessary to:

(1) protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force;

(2) prevent or terminate the public servant's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle; or

(3) prevent or terminate the public servant's unlawful trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect.

(j) Notwithstanding subsection (i), a person is not justified in using force against a public servant if:

(1) the person is committing or is escaping after the commission of a crime;

(2) the person provokes action by the public servant with intent to cause bodily injury to the public servant;

(3) the person has entered into combat with the public servant or is the initial aggressor, unless the person withdraws from the encounter and communicates to the public servant the intent to do so and the public servant nevertheless continues or threatens to continue unlawful action; or

(4) the person reasonably believes the public servant is:

(A) acting lawfully; or

(B) engaged in the lawful execution of the public servant's official duties.

(k) A person is not justified in using deadly force against a public servant whom the person knows or reasonably should know is a public servant unless:

(1) the person reasonably believes that the public servant is:

(A) acting unlawfully; or

(B) not engaged in the execution of the public servant's official duties; and

(2) the force is reasonably necessary to prevent serious bodily injury to the person or a third person.

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

(Reference is to ESB 1 as reprinted February 29, 2012.)

M. YOUNG	McMILLIN
DELPH	STEUERWALD
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1189–1; filed March 9, 2012, at 8:16 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1189 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-33-2-10, AS AMENDED BY P.L.43-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended; and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children and missing endangered adults established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. However, if a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults;

(2) may not send the school records without the authorization of the clearinghouse; and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

(e) Notwithstanding subsection (d), if a parent of a child who has enrolled in an accredited nonpublic school is in breach of a contract that conditions release of student records on the payment of outstanding tuition and other fees, the accredited nonpublic school shall provide a requesting school sufficient verbal information to permit the requesting school to make an appropriate placement decision regarding the child.

SECTION 2. IC 20-43-1-1, AS AMENDED BY P.L.229-2011, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article expires ~~January~~ **July** 1, ~~2014.~~ **2013.**

SECTION 3. IC 20-43-1-10, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. "Current ADM" means the ~~initial computed~~ **fall count of** ADM for the school year ending in the calendar year.

SECTION 4. IC 20-43-1-12.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12.3. "Fall count" refers to the first count of ADM in a school year under IC 20-43-4-3, as finally adjusted under IC 20-43-4-2.**

SECTION 5. IC 20-43-1-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 24.5. "Spring count" refers to the second count of ADM in a school year under IC 20-43-4-3, as subsequently adjusted under IC 20-43-4-2.**

SECTION 6. IC 20-43-4-3, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) Subject to subsection (b),** the ~~initial day of the~~ **state board shall make an** ADM count ~~must fall.~~ **of the eligible pupils enrolled in each**

school corporation two (2) times each ~~within the first thirty (30) days of the~~ school year, **with one (1) count date occurring in each of the following periods:**

(1) The fall count of ADM shall be made on a day during September fixed by the state board.

(2) The spring count of ADM shall be made on a day during February fixed by the state board.

(b) However, if extreme patterns of:

(1) student in-migration;

(2) illness;

(3) natural disaster; or

(4) other unusual conditions in a particular school corporation's enrollment;

on either ~~the~~ **a count** day fixed by the state board or ~~on~~ the subsequent adjustment date cause the enrollment to be unrepresentative of the school corporation's enrollment, ~~throughout a school year,~~ the state board may designate another day for determining the school corporation's enrollment.

SECTION 7. [EFFECTIVE JULY 1, 2012] **(a) The department of education shall before November 1, 2012, report to the budget committee:**

(1) the number of students who left a charter school and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year;

(2) the number of students who left a public school maintained by a school corporation and enrolled in a charter school during the 2011 - 2012 school year;

(3) the number of students who:

(A) left a public school maintained by a school corporation; and

(B) enrolled in a nonpublic eligible school (as defined in IC 20-51-1-4.7) during the 2011 - 2012 school year; and

(4) the number of students who:

(A) received a choice scholarship for the 2011 - 2012 school year; and

(B) left a nonpublic eligible school (as defined in IC 20-51-1-4.7) and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year.

(5) The number of students that attended and graduated from a school corporation's or charter school's high school in February of 2012.

(b) This SECTION expires January 1, 2013.

SECTION 8. [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **(a) The following definitions apply throughout this SECTION:**

(1) "Maximum state distribution" has the meaning set forth in IC 20-43-1-18.

(2) "Special distribution" refers to the special distribution to school corporations and charter schools (other than a virtual charter schools) authorized for payment in calendar year 2012 from the amount appropriated by P.L.229-2011, SECTION 9 for distribution for tuition support.

(3) "State tuition support" has the meaning set forth in IC 20-43-1-25.

(b) This SECTION does not authorize the department of education to expend for a state fiscal year more than the distribution for tuition support appropriation in P.L.229-2011, SECTION 9 for that state fiscal year.

(c) For the purpose of state tuition support distributions to school corporations and charter schools in calendar year 2012, the allowable amount of the special distribution is excluded from the calculation of maximum state distribution in IC 20-43-2-3. Neither the amount of state tuition support payable in calendar year 2012 nor the amount of special distributions payable in calendar year 2012 to a school corporation or charter school shall be reduced under IC 20-43-2-3 solely because the sum of:

(1) state tuition support; and

(2) special distributions;

authorized by law for payment in calendar year 2012 exceed the amount specified in IC 20-43-2-2(2).

This SECTION expires July 1, 2013.

SECTION 9. [EFFECTIVE JULY 1, 2012] **(a) Five million dollars ($5,000,000) of the appropriation made by P.L.229-2011, SECTION 9 from the charter school facilities assistance fund for the purpose of total operating expense of the charter school facilities assistance program for the state fiscal year beginning July 1, 2012, and ending June 30, 2013, is added to the appropriation made by P.L.229-2011, SECTION 9 from the state general fund for total operating expense of the distribution for tuition support for the state fiscal year beginning July 1, 2012, and ending June 30, 2013. The amount added by this subsection to the appropriation for the distribution for tuition support:**

(1) reduces the appropriation for total operating expense of the charter school facilities assistance program for the state fiscal year beginning July 1, 2012, and ending June 30, 2013; and

(2) is reassigned to the purposes of the appropriation for distribution for tuition support, including the purposes specified by this SECTION.

(b) Notwithstanding IC 20-24-7.5-3, a new charter school startup grant payable to a charter school that is established and begins enrolling eligible pupils in calendar year 2012 shall be paid in six (6) installments with one (1) installment in each of the last six (6) months of calendar year 2012. For purposes of this distribution, the number two (2) shall be substituted for the number three (3) in IC 20-24-7.5-4(2).

(c) Notwithstanding IC 20-24-7.5-4, a new charter school startup grant paid under IC 20-24-7.5-4 in the state fiscal year beginning July 1, 2012, and ending June 30, 2013, shall be paid from the state general fund and not the charter school facilities assistance fund (IC 20-24-12-4). Notwithstanding any other law, the amount paid for new charter school startup grants in the state fiscal year beginning July 1, 2012, and ending June 30, 2013, is payable from the amount appropriated by P.L.229-2011, SECTION 9 for the total operating expense of the distribution for tuition support for the state fiscal year beginning July 1, 2012, and ending June 30, 2013.

(d) Notwithstanding P.L.229-2011, SECTION 9, five million dollars ($5,000,000) of the total of nine million dollars ($9,000,000) required by P.L.229-2011, SECTION 9 to be transferred after June 30, 2012, and before July 1, 2013, from the common school fund interest balance to the charter school facilities assistance fund (IC 20-24-12-4) shall instead be transferred to the state general fund. The amount transferred from the common school fund interest balance to the state general fund under this subsection reduces the amount that must be transferred to the charter school facilities assistance fund (IC 20-24-12-4).

(e) This SECTION expires July 1, 2013.

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

(Reference is to EHB 1189 as reprinted February 29, 2012.)

THOMPSON	CHARBONNEAU
BEHNING	KRUSE
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

ACTION ON GUBERNATORIAL VETO

House Enrolled Act 1177

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act 1177, enacted during the regular session of the 117th General Assembly, which would require that the majority of the members of the board of trustees of both Indiana University and Ball State University be residents of Indiana, and that all members of the I.U. board be citizens of the United States.

While in practice this may always be the case, to require it by law expresses a narrow and provincial outlook inconsistent with the global role and stature we hope these schools will aspire to and attain. Also, the day may well come when these world-class institutions will want to include illustrious alumni from around the globe on their boards. The universities should not be denied such opportunities, nor future governors prohibited from making such appointments.

Date: May 20, 2011

MITCHELL E. DANIELS, JR.
Governor

The Speaker handed down House Enrolled Act 1177, passed by the First Regular Session of the 117th General Assembly.

AN ACT to amend the Indiana Code concerning higher education.

The merits of House Enrolled Act 1177 and the governor's veto were explained. The question was, Shall House Enrolled Act 1177 pass, the Governor's veto notwithstanding?

Roll Call 407: yeas 25, nays 68. The Governor's veto was sustained.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012; we further recommend that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bill 1126–1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012, and that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bill 1126–1.

TORR, Chair

Motion prevailed.

Engrossed House Bill 1126–1

The conference committee report was reread. Roll Call 408: yeas 93, nays 0. Report adopted.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1171.

GiaQUINTA

Roll Call 409: yeas 77, nays 18. Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1280 Conferees: Torr replacing Bartlett

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
EHB 1195–1; filed March 9, 2012, at 8:52 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1195 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-8-1-23, AS AMENDED BY P.L.146-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 23. (a) ~~Subject to subsection (b),~~ A candidate for the office of county assessor must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; ~~and~~

(2) own real property located in the county upon taking office; **and**

(3) fulfill the requirements of subsections (b) through (d), as applicable.

(b) A candidate for the office of county assessor who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5.

(c) A candidate for the office of county assessor who:

(1) did not hold the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.

(d) A candidate for the office of county assessor who:

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.

SECTION 2. IC 6-1.1-4-39, AS AMENDED BY P.L.146-2008, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 39. (a) For assessment dates after February 28, 2005, except as provided in subsections (c) and (e), the true tax value of real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more and that has more than four (4) rental units is the lowest valuation determined by applying each of the following appraisal

approaches:

(1) Cost approach that includes an estimated reproduction or replacement cost of buildings and land improvements as of the date of valuation together with estimates of the losses in value that have taken place due to wear and tear, design and plan, or neighborhood influences.

(2) Sales comparison approach, using data for generally comparable property.

(3) Income capitalization approach, using an applicable capitalization method and appropriate capitalization rates that are developed and used in computations that lead to an indication of value commensurate with the risks for the subject property use.

(b) The gross rent multiplier method is the preferred method of valuing:

(1) real property that has at least one (1) and not more than four (4) rental units; and

(2) mobile homes assessed under IC 6-1.1-7.

(c) A township assessor (if any) or the county assessor is not required to appraise real property referred to in subsection (a) using the three (3) appraisal approaches listed in subsection (a) if the assessor and the taxpayer agree before notice of the assessment is given to the taxpayer under section 22 of this chapter to the determination of the true tax value of the property by the assessor using one (1) of those appraisal approaches.

(d) To carry out this section, the department of local government finance may adopt rules for assessors to use in gathering and processing information for the application of the income capitalization method and the gross rent multiplier method. **If a taxpayer wishes to have the income capitalization method or the gross rent multiplier method used in the initial formulation of the assessment of the taxpayer's property, the taxpayer must submit the necessary information to the assessor not later than the March 1 assessment date. However, the taxpayer is not prejudiced in any way and is not restricted in pursuing an appeal, if the data is not submitted by March 1.** A taxpayer must verify under penalties for perjury any information provided to the township or county assessor for use in the application of either method. **All information related to earnings, income, profits, losses, or expenditures that is provided to the assessor under this section is confidential under IC 6-1.1-35-9 to the same extent as information related to earnings, income, profits, losses, or expenditures of personal property is confidential under IC 6-1.1-35-9.**

(e) The true tax value of low income rental property (as defined in section 41 of this chapter) is not determined under subsection (a). The assessment method prescribed in section 41 of this chapter is the exclusive method for assessment of that property. This subsection does not impede any rights to appeal an assessment.

SECTION 3. IC 6-1.1-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The powers granted to each county property tax assessment board of appeals under this chapter apply only to the tangible property assessments made with respect to the last preceding assessment date. Before a county property tax assessment board of appeals changes any valuation or adds any tangible property and the value of it to a return or the assessment rolls under this chapter, the board shall give prior notice by mail to the taxpayer. The notice must state a time when and place where the taxpayer may appear before the board. The time stated in the notice must be at least ~~ten (10)~~ **thirty (30)** days after the date the notice is mailed.

SECTION 4. IC 6-1.1-15-1, AS AMENDED BY P.L.172-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A taxpayer may obtain a review by the county board of a county or township official's action with respect to either or both of the following:

(1) The assessment of the taxpayer's tangible property.

(2) A deduction for which a review under this section is authorized by any of the following:

(A) IC 6-1.1-12-25.5.

(B) IC 6-1.1-12-28.5.

(C) IC 6-1.1-12-35.5.

(D) IC 6-1.1-12.1-5.

(E) IC 6-1.1-12.1-5.3.

(F) IC 6-1.1-12.1-5.4.

(b) At the time that notice of an action referred to in subsection (a) is given to the taxpayer, the taxpayer shall also be informed in writing of:

(1) the opportunity for a review under this section, including a preliminary informal meeting under subsection (h)(2) with the county or township official referred to in this subsection; and

(2) the procedures the taxpayer must follow in order to obtain a review under this section.

(c) In order to obtain a review of an assessment or deduction effective for the assessment date to which the notice referred to in subsection (b) applies, the taxpayer must file a notice in writing with the county or township official referred to in subsection (a) not later than forty-five (45) days after the date of the notice referred to in subsection (b).

(d) A taxpayer may obtain a review by the county board of the assessment of the taxpayer's tangible property effective for an assessment date for which a notice of assessment is not given as described in subsection (b). To obtain the review, the taxpayer must file a notice in writing with the township assessor, or the county assessor if the township is not served by a township assessor. The right of a taxpayer to obtain a review under this subsection for an assessment date for which a notice of assessment is not given does not relieve an assessing official of the duty to provide the taxpayer with the notice of assessment as otherwise required by this article. The notice to obtain a review must be filed not later than the later of:

(1) May 10 of the year; or

(2) forty-five (45) days after the date of the tax statement mailed by the county treasurer, regardless of whether the assessing official changes the taxpayer's assessment.

(e) A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (d) after the time prescribed in subsection (d) becomes effective for the next assessment date. A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (c) or (d) remains in effect from the assessment date for which the change is made until the next assessment date for which the assessment is changed under this article.

(f) The written notice filed by a taxpayer under subsection (c) or (d) must include the following information:

(1) The name of the taxpayer.

(2) The address and parcel or key number of the property.

(3) The address and telephone number of the taxpayer.

(g) The filing of a notice under subsection (c) or (d):

(1) initiates a review under this section; and

(2) constitutes a request by the taxpayer for a preliminary informal meeting with the official referred to in subsection (a).

(h) A county or township official who receives a notice for review filed by a taxpayer under subsection (c) or (d) shall:

(1) immediately forward the notice to the county board; and

(2) attempt to hold a preliminary informal meeting with the taxpayer to resolve as many issues as possible by:

(A) discussing the specifics of the taxpayer's assessment or deduction;

(B) reviewing the taxpayer's property record card;
(C) explaining to the taxpayer how the assessment or deduction was determined;
(D) providing to the taxpayer information about the statutes, rules, and guidelines that govern the determination of the assessment or deduction;
(E) noting and considering objections of the taxpayer;
(F) considering all errors alleged by the taxpayer; and
(G) otherwise educating the taxpayer about:
(I) the taxpayer's assessment or deduction;
(ii) the assessment or deduction process; and
(iii) the assessment or deduction appeal process.

(I) Not later than ten (10) days after the informal preliminary meeting, the official referred to in subsection (a) shall forward to the county auditor and the county board the results of the conference on a form prescribed by the department of local government finance that must be completed and signed by the taxpayer and the official. The form must indicate the following:
(1) If the taxpayer and the official agree on the resolution of all assessment or deduction issues in the review, a statement of:
(A) those issues; and
(B) the assessed value of the tangible property or the amount of the deduction that results from the resolution of those issues in the manner agreed to by the taxpayer and the official.
(2) If the taxpayer and the official do not agree on the resolution of all assessment or deduction issues in the review:
(A) a statement of those issues; and
(B) the identification of:
(I) the issues on which the taxpayer and the official agree; and
(ii) the issues on which the taxpayer and the official disagree.

(j) If the county board receives a form referred to in subsection (i)(1) before the hearing scheduled under subsection (k):
(1) the county board shall cancel the hearing;
(2) the county official referred to in subsection (a) shall give notice to the taxpayer, the county board, the county assessor, and the county auditor of the assessment or deduction in the amount referred to in subsection (i)(1)(B); and
(3) if the matter in issue is the assessment of tangible property, the county board may reserve the right to change the assessment under IC 6-1.1-13.

(k) If:
(1) subsection (i)(2) applies; or
(2) the county board does not receive a form referred to in subsection (i) not later than one hundred twenty (120) days after the date of the notice for review filed by the taxpayer under subsection (c) or (d);
the county board shall hold a hearing on a review under this subsection not later than one hundred eighty (180) days after the date of that notice. The county board shall, by mail, give **at least thirty (30) days** notice of the date, time, and place fixed for the hearing to the taxpayer and the county or township official with whom the taxpayer filed the notice for review. The taxpayer and the county or township official with whom the taxpayer filed the notice for review are parties to the proceeding before the county board. **A taxpayer may request a continuance of the hearing by filing, at least twenty (20) days before the hearing date, a request for continuance with the board and the county or township official with evidence supporting a just cause for the continuance. The board shall, not later than ten (10) days after the date the request for a continuance is filed, either find that the taxpayer has demonstrated a just cause for a continuance and grant the taxpayer the continuance, or deny the continuance. A taxpayer may request that the board take action without the taxpayer being present and that the board make a decision based on the evidence already submitted to the board by filing, at least eight (8) days before the hearing date, a request with the board and the county or township official. A taxpayer may withdraw a petition by filing, at least eight (8) days before the hearing date, a notice of withdrawal with the board and the county or township official.**

(l) At the hearing required under subsection (k):
(1) the taxpayer may present the taxpayer's reasons for disagreement with the assessment or deduction; and
(2) the county or township official with whom the taxpayer filed the notice for review must present:
(A) the basis for the assessment or deduction decision; and
(B) the reasons the taxpayer's contentions should be denied.
A penalty of fifty dollars ($50) shall be assessed against the taxpayer if the taxpayer or representative fails to appear at the hearing and, under subsection (k), the taxpayer's request for continuance is denied, or the taxpayer's request for continuance, request for the board to take action without the taxpayer being present, or withdrawal is not timely filed. A taxpayer may appeal the assessment of the penalty to the Indiana board or directly to the tax court.

(m) The official referred to in subsection (a) may not require the taxpayer to provide documentary evidence at the preliminary informal meeting under subsection (h). The county board may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (k). If the action for which a taxpayer seeks review under this section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the property in order to do the following:
(1) Initiate the review.
(2) Prosecute the review.

(n) The county board shall prepare a written decision resolving all of the issues under review. The county board shall, by mail, give notice of its determination not later than one hundred twenty (120) days after the hearing under subsection (k) to the taxpayer, the official referred to in subsection (a), the county assessor, and the county auditor.

(o) If the maximum time elapses:
(1) under subsection (k) for the county board to hold a hearing; or
(2) under subsection (n) for the county board to give notice of its determination;
the taxpayer may initiate a proceeding for review before the Indiana board by taking the action required by section 3 of this chapter at any time after the maximum time elapses.

SECTION 5. IC 6-1.1-15-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18. (a) This section applies to an appeal to which this chapter applies, including any review by the board of tax review or the tax court.**

(b) This section applies to any proceeding pending or commenced after June 30, 2012.

(c) To accurately determine market-value-in-use, a taxpayer or an assessing official may:
(1) in a proceeding concerning residential property, introduce evidence of the assessments of comparable properties located in the same taxing district or within two (2) miles of a boundary of the taxing district; and
(2) in a proceeding concerning property that is not residential property, introduce evidence of the assessments of any relevant, comparable property.
However, in a proceeding described in subdivision (2),

preference shall be given to comparable properties that are located in the same taxing district or within two (2) miles of a boundary of the taxing district. The determination of whether properties are comparable shall be made using generally accepted appraisal and assessment practices.

SECTION 6. IC 6-1.1-35.5-4.5, AS ADDED BY P.L.219-2007, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) The department ~~of local government finance~~ shall:

(1) administer a program for level three assessor-appraiser certifications; ~~and~~

(2) design a curriculum for level three assessor-appraiser certification candidates that:

(A) ~~consists of~~ **specifies educational criteria for acceptable** tested courses offered by:

(i) nationally recognized assessing organizations; ~~and~~

(ii) postsecondary educational institutions; or

(iii) other education delivery organizations;

in each subject matter area of the curriculum; and

(B) requires superior knowledge of assessment administration and property valuation concepts; **and**

(3) carry out a program to approve courses that meet the requirements of the curriculum described in subdivision (2) and approve course sponsors that provide these courses.

Only an approved sponsor may offer a course that meets the curriculum requirements for level three assessor-appraiser certification candidates. The department shall establish procedures and requirements for courses and course sponsors that permit the department to verify that sponsors and courses meet the standards established by the department and that candidates comply with these standards. The department shall maintain a list of approved sponsors and approved courses that meet the criteria for the level three assessor-appraiser certification curriculum designed under subsection (a)(2).

(b) The department of local government finance may adopt rules under IC 4-22-2 to implement this section. **The department of local government may adopt temporary rules in the manner provided for the adoption of emergency rules in IC 4-22-2-37.1 to carry out a program to approve courses that meet the requirements of the curriculum described in subdivision (2) and approve course sponsors that provide these courses. A temporary rule adopted under this subsection expires on the earliest of the following:**

(1) The date specified in the temporary rule.

(2) The date that another temporary rule or rule adopted under IC 4-22-2 supersedes or repeals the temporary rule.

(3) January 1, 2014.

SECTION 7. IC 6-1.1-37-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) If a taxpayer is entitled to a property tax refund or credit because an assessment is decreased, the taxpayer shall also be paid, or credited with, interest on the excess taxes that ~~he~~ **the taxpayer** paid at the rate of four percent (4%) per annum. **However, in the case of an assessment that is decreased by the Indiana board or the Indiana tax court, the taxpayer is not entitled to the greater of five hundred dollars ($500) or twenty percent (20%) of the interest to which the taxpayer would otherwise be entitled on the excess taxes unless the taxpayer affirms, under penalty of perjury, that substantive evidence supporting the taxpayer's position had been:**

(1) presented by the taxpayer to the assessor before; or

(2) introduced by the taxpayer at;

the hearing held by the county property tax assessment board of appeals. An appraisal may not be required by the county property tax assessment board of appeals or the assessor in a proceeding before the county property tax assessment board of appeals or in a preliminary informal meeting under IC 6-1.1-15-1(h)(2).

(b) For purposes of this section and except as provided in subsection (c), the interest shall be computed from the date on which the taxes were paid or due, whichever is later, to the date of the refund or credit.

(c) This subsection applies if a taxpayer who is entitled to a refund or credit does not make a written request for the refund or credit to the county auditor within forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the department of local government finance, the Indiana board, or the tax court that entitles the taxpayer to the refund or credit. In the case of a taxpayer described in this subsection, the interest shall be computed from the date on which the taxes were paid or due to the date that is forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the department of local government finance, the Indiana board of tax review, or the Indiana tax court. In any event, a property tax refund or credit must be issued not later than ninety (90) days after the request is received.

SECTION 8. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This SECTION applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2008 and 2009.

(c) This SECTION applies only to a taxpayer that is an Indiana nonprofit corporation that serves the homeless and to land and improvements that meet all of the following conditions:

(1) The corporation leased land and improvements that served as a homeless shelter that met the physical, emotional, academic, and spiritual needs of children, teens, adults, and families during 2008 and 2009. The corporation timely filed an application under IC 6-1.1-11 for a property tax exemption for the land and improvements and received an exemption from property taxes for the 2007, 2010, and 2011 assessment dates for the land and improvements.

(2) The corporation did not timely file an application under IC 6-1.1-11 for a property tax exemption for the land and improvements described in subdivision (1) for the 2008 and 2009 assessment dates, and as a result the corporation's land and improvements referred to in subdivision (1) were assessed and subject to property taxation for the 2008 and 2009 assessment dates.

(3) For the 2008 and 2009 assessment dates, the land and improvements described in subdivision (1) would have been eligible for a property tax exemption if the corporation had filed an exemption application under IC 6-1.1-11.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is

claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the corporation for all taxes paid for the 2008 and 2009 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in two (2) equal installments over a two (2) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2015.

SECTION 9. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This SECTION applies to an assessment date (as defined in IC 6-1.1-1-2) occurring in 2011.

(c) This SECTION applies only to a taxpayer and property that meet all of the following conditions:

(1) The taxpayer is a church.

(2) The taxpayer's primary property is located at 611 West Berry Street, Fort Wayne, Indiana, and is exempt from property taxation.

(3) The taxpayer received two (2) parcels of property by gift as of March 15, 2011 ("gifted properties").

(4) Notwithstanding that the date the taxpayer became the owner of the gifted properties was after the March 1, 2011, assessment date, for the 2011 assessment date, the taxpayer would have been eligible for a property tax exemption if the taxpayer had been the owner on March 1, 2011, and had owned, occupied, and used the gifted properties for a religious or charitable purpose consistent with the taxpayer's primary property located at 611 West Berry Street, Fort Wayne, Indiana.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b), notwithstanding the date of ownership of the gifted properties by the taxpayer; and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the gifted properties that are subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the taxpayer had owned the gifted properties and had filed an application under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d), notwithstanding the taxpayer's date of ownership of the gifted properties;

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the taxpayer for all taxes paid for the 2011 assessment date with respect to the exempt property.

(h) This SECTION expires January 1, 2013.

SECTION 10. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This SECTION applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2009 and 2010.

(c) This SECTION applies only to a taxpayer that is an Indiana nonprofit corporation that is a foundation supporting the preservation of and education related to the Ford automobile that first used the V-8 engine and to land and improvements that meet all of the following conditions:

(1) The corporation timely filed an application under IC 6-1.1-11 for a property tax exemption for the land and improvements owned, used, and occupied by the corporation for the foundation's purpose and received an exemption from property taxes for the 2011 and 2012 assessment dates.

(2) The corporation did not timely file an application under IC 6-1.1-11 for a property tax exemption for the land and improvements described in subdivision (1) for the 2009 and 2010 assessment dates, and as a result the corporation's land and improvements referred to in subdivision (1) were assessed and subject to property taxation for the 2009 and 2010 assessment dates.

(3) For the 2009 and 2010 assessment dates, the land and improvements described in subdivision (1) would have been eligible for a property tax exemption if the corporation had filed an exemption application under IC 6-1.1-11.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the corporation for all taxes paid for the 2009 and 2010 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in two (2) equal installments over a two (2) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2013.

SECTION 11. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This section applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2009 through 2011.

(c) As used in this SECTION, "taxpayer" refers to an Indiana nonprofit corporation, trust, or other entity that is exempt from Indiana adjusted gross income taxes under IC 6-3-2-2.8(1) and that owns real or personal property, or both, located at one (1) of the following parcels or street addresses in Marion County:

(1) Parcel 1025784 at 3145 North Meridian Street.

(2) Parcels 1054687, 1011724, 1024353, 1060216, and 1092651 at 1544 Columbia Avenue.

(3) Parcel 1009407 at 2455 Dr. Martin Luther King Jr. Street.

(4) 8604 Allisonville Road.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the taxpayer for all taxes paid for the 2009 through 2011 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in three (3) equal installments over a three (3) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2016.

SECTION 12. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This section applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2010 and 2011.

(c) As used in this SECTION, "taxpayer" refers to an Indiana nonprofit corporation, trust, or other entity that is exempt from Indiana adjusted gross income taxes under IC 6-3-2-2.8(1) and that owns real or personal property, or both, located at 2201 East 54th Street (Parcel 8047974) in Marion County.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments,

relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the taxpayer for all taxes paid for the 2010 and 2011 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in two (2) equal installments over a two (2) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2015.

SECTION 13. **An emergency is declared for this act.**

(Reference is to EHB 1195 as printer's error reprinted February 29, 2012.)

M. SMITH	WALKER
THOMPSON	BRODEN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 262–1; filed March 9, 2012, at 8:58 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 262 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-2-6-4, AS AMENDED BY P.L.89-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The commission may do any of the following:

(1) Upon a vote of four (4) members, refer any matter within the inspector general's authority to the inspector general for investigation.

(2) Receive and hear any complaint filed with the commission by the inspector general that alleges a violation of:

(A) this chapter;

(B) a rule adopted under this chapter;

(C) IC 4-2-7;

(D) a rule adopted under IC 4-2-7;

(E) IC 4-2-8; or

(F) a rule adopted under IC 4-2-8.

(3) Obtain information and, upon a vote of four (4) members, compel the attendance and testimony of witnesses and the production of pertinent books and papers by a subpoena enforceable by the circuit or superior court of the county where the subpoena is to be issued.

(4) Recommend legislation to the general assembly relating to the conduct and ethics of state officers, employees, special state appointees, and persons who have business relationships with agencies.

(5) Adopt rules under IC 4-22-2 to implement this chapter.

(6) Accept and file information:

(A) voluntarily supplied; and

(B) that exceeds the requirements of this chapter.

(7) Conduct research.

(b) The commission shall do the following:

(1) Act as an advisory body by issuing advisory opinions to interpret this chapter, IC 4-2-7, or the rules adopted under this chapter or IC 4-2-7, upon:

(A) request of:

(i) a state officer or a former state officer;

(ii) an employee or a former employee;

(iii) a person who has or had a business relationship with an agency;

(iv) a special state appointee or former special state appointee; or

(v) the inspector general; or

(B) motion of the commission.

(2) Conduct its proceedings in the following manner:

(A) When a complaint is filed with the commission, the commission may:

(i) reject, without further proceedings, a complaint that the commission considers frivolous or inconsequential;

(ii) reject, without further proceedings, a complaint that the commission is satisfied has been dealt with appropriately by an agency;

(iii) upon the vote of four (4) members, determine that the complaint does not allege facts sufficient to constitute a violation of this chapter or the code of ethics and dismiss the complaint; or

(iv) forward a copy of the complaint to the attorney general, the prosecuting attorney of the county in which the alleged violation occurred, the state board of accounts, a state officer, the appointing authority, or other appropriate person for action, and stay the commission's proceedings pending the other action.

(B) If a complaint is not disposed of under clause (A), a copy of the complaint shall be sent to the person alleged to have committed the violation.

(C) If the complaint is not disposed of under clause (A), the commission may promptly refer the alleged violation for additional investigation by the inspector general. If the commission finds by a majority vote that probable cause exists to support an alleged violation, it shall set a public hearing on the matter. The respondent shall be notified within fifteen (15) days of the commission's determination. Except as provided in this section, the commission's evidence relating to an investigation is confidential.

(D) A complaint filed with the commission is open for

public inspection after the commission finds that probable cause exists. However, a complaint filed by the inspector general that contains confidential information under IC 4-2-7-8 may be redacted to exclude the confidential information. Every hearing and other proceeding in which evidence is received by the commission is open to the public. Investigative reports by the inspector general that are not filed with the commission may be kept confidential.

(E) A:

(i) complaint that is filed with; or

(ii) proceeding that is held by;

the commission before the commission has found probable cause is confidential unless the target of the investigation elects to have information disclosed, or the commission elects to respond to public statements by the person who filed the complaint.

(F) The commission may acknowledge:

(i) the existence and scope of an investigation before the finding of probable cause; or

(ii) that the commission did not find probable cause to support an alleged violation.

(G) If a hearing is to be held, the respondent may examine and make copies of all evidence in the commission's possession relating to the charges. At the hearing, the charged party shall be afforded appropriate due process protection consistent with IC 4-21.5, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses.

(H) After the hearing, the commission shall state its findings of fact. If the commission, based on a preponderance of the evidence, finds by a majority vote that the respondent has violated this chapter, IC 4-2-7, IC 4-2-8, or a rule adopted under this chapter, IC 4-2-7, or IC 4-2-8, it shall state its findings in writing in a report, which shall be supported and signed by a majority of the commission members and shall be made public.

(I) If the commission, based on a preponderance of the evidence, finds by a majority vote a violation of this chapter, IC 4-2-7, IC 4-2-8, or a rule adopted under this chapter, IC 4-2-7, or IC 4-2-8, the commission may also take any of the actions provided in section 12 of this chapter.

(J) The report required under clause (H) shall be presented to:

(i) the respondent;

(ii) the appointing authority or state officer of the employee, former employee, or special state appointee;

(iii) the appointing authority or state officer of an agency or office that has a business relationship with the person sanctioned; and

(iv) the governor.

(K) The commission may also forward the report to any of the following:

(i) The prosecuting attorney of each county in which the violation occurred.

(ii) The state board of accounts.

(iii) The state personnel director.

(iv) The attorney general.

(v) A state officer.

(vi) The appointing authority of the state employee or agency that has a business relationship with the person sanctioned.

(vii) Any other appropriate person.

(L) If the commission finds the respondent has not violated a code or statutory provision or a rule adopted under this chapter, IC 4-2-7, or IC 4-2-8, it shall dismiss the charges.

(3) Review all conflict of interest disclosures received by the commission under ~~IC 35-44-1-3,~~ **IC 35-44.1-1-4,** maintain an index of those disclosures, and issue advisory opinions and screening procedures as set forth in section 9 of this chapter.

(c) Notwithstanding IC 5-14-3-4(b)(8)(C), the records of the commission concerning the case of a respondent that are not confidential under IC 5-14-3-4(b)(2)(C) shall be available for inspection and copying in accordance with IC 5-14-3.

SECTION 2. IC 4-2-6-13, AS AMENDED BY P.L.89-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Except as provided in subsection (b), a state officer, an employee, or a special state appointee shall not retaliate or threaten to retaliate against an employee, a former employee, a special state appointee, or a former special state appointee because the employee, former employee, special state appointee, or former special state appointee did any of the following:

(1) Filed a complaint with the commission or the inspector general.

(2) Provided information to the commission or the inspector general.

(3) Testified at a commission proceeding.

(b) A state officer, an employee, or a special state appointee may take appropriate action against an employee who took any of the actions listed in subsection (a) if the employee or special state appointee:

(1) did not act in good faith; or

(2) knowingly or recklessly provided false information or testimony to the commission.

(c) A person who violates this section is subject to action under section 12 of this chapter **and criminal prosecution under IC 35-44.2-1-2.**

~~(d) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. In addition to any criminal penalty imposed under IC 35-50-3, a person who commits a misdemeanor under this section is subject to action under section 12 of this chapter.~~

SECTION 3. IC 4-2-6-14, AS AMENDED BY P.L.222-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) A person may not do any of the following:

(1) Knowingly or intentionally induce or attempt to induce, by threat, coercion, suggestion, or false statement, a witness or informant in a commission proceeding or investigation conducted by the inspector general to do any of the following:

(A) Withhold or unreasonably delay the production of any testimony, information, document, or thing.

(B) Avoid legal process summoning the person to testify or supply evidence.

(C) Fail to appear at a proceeding or investigation to which the person has been summoned.

(D) Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in a commission proceeding or investigation to mislead a commissioner or commission employee.

(2) Alter, damage, or remove a record, document, or thing except as permitted or required by law, with the intent to prevent the record, document, or thing from being produced or used in a commission proceeding or investigation conducted by the inspector general.

(3) Make, present, or use a false record, document, or thing with the intent that the record, document, or thing

appear in a commission proceeding or investigation to mislead a commissioner or commission employee.

(b) A person who ~~knowingly or intentionally~~ violates subsection (a) ~~commits a Class A misdemeanor.~~ **is subject to criminal prosecution under IC 35-44.2-1-3.**

SECTION 4. IC 4-2-7-3, AS AMENDED BY P.L.1-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The inspector general shall do the following:

(1) Initiate, supervise, and coordinate investigations.

(2) Recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government.

(3) Receive complaints alleging the following:

(A) A violation of the code of ethics.

(B) Bribery ~~(IC 35-44-1-1).~~ **(IC 35-44.1-1-2).**

(C) Official misconduct ~~(IC 35-44-1-2).~~ **(IC 35-44.1-1-1).**

(D) Conflict of interest ~~(IC 35-44-1-3).~~ **(IC 35-44.1-1-4).**

(E) Profiteering from public service ~~(IC 35-44-1-7).~~ **(IC 35-44.1-1-5).**

(F) A violation of the executive branch lobbying rules.

(G) A violation of a statute or rule relating to the purchase of goods or services by a current or former employee, state officer, special state appointee, lobbyist, or person who has a business relationship with an agency.

(4) If the inspector general has reasonable cause to believe that a crime has occurred or is occurring, report the suspected crime to:

(A) the governor; and

(B) appropriate state or federal law enforcement agencies and prosecuting authorities having jurisdiction over the matter.

(5) Adopt rules under IC 4-22-2 to implement IC 4-2-6 and this chapter.

(6) Adopt rules under IC 4-22-2 and section 5 of this chapter to implement a code of ethics.

(7) Ensure that every:

(A) employee;

(B) state officer;

(C) special state appointee; and

(D) person who has a business relationship with an agency;

is properly trained in the code of ethics.

(8) Provide advice to an agency on developing, implementing, and enforcing policies and procedures to prevent or reduce the risk of fraudulent or wrongful acts within the agency.

(9) Recommend legislation to the governor and general assembly to strengthen public integrity laws, including the code of ethics for state officers, employees, special state appointees, and persons who have a business relationship with an agency, including whether additional specific state officers, employees, or special state appointees should be required to file a financial disclosure statement under IC 4-2-6-8.

(10) Annually submit a report to the legislative council detailing the inspector general's activities. The report must be in an electronic format under IC 5-14-6.

(11) Prescribe and provide forms for statements required to be filed under IC 4-2-6 or this chapter.

(12) Accept and file information that:

(A) is voluntarily supplied; and

(B) exceeds the requirements of this chapter.

(13) Inspect financial disclosure forms.

(14) Notify persons who fail to file forms required under IC 4-2-6 or this chapter.

(15) Develop a filing, a coding, and an indexing system required by IC 4-2-6 and ~~IC 35-44-1-3.~~ **IC 35-44.1-1.**

(16) Prepare interpretive and educational materials and programs.

SECTION 5. IC 4-2-7-6, AS ADDED BY P.L.222-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) This section applies if the inspector general finds evidence of misfeasance, malfeasance, nonfeasance, misappropriation, fraud, or other misconduct that has resulted in a financial loss to the state or in an unlawful benefit to an individual in the conduct of state business.

(b) If the inspector general finds evidence described in subsection (a), the inspector general shall certify a report of the matter to the attorney general and provide the attorney general with any relevant documents, transcripts, or written statements. Not later than one hundred eighty (180) days after receipt of the report from the inspector general, the attorney general shall do one (1) of the following:

(1) File a civil action (including an action upon a state officer's official bond) to secure for the state the recovery of funds misappropriated, diverted, missing, or unlawfully gained. Upon request of the attorney general, the inspector general shall assist the attorney general in the investigation, preparation, and prosecution of the civil action.

(2) Inform the inspector general that the attorney general does not intend to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. If the attorney general elects not to file a civil action, the attorney general shall return to the inspector general all documents and files initially provided by the inspector general.

(3) Inform the inspector general that the attorney general is diligently investigating the matter and after further investigation may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. However, if more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general, the attorney general loses the authority to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained and shall return to the inspector general all documents and files initially provided by the inspector general.

(c) If the inspector general has found evidence described in subsection (a) and reported to the attorney general under subsection (b) and:

(1) the attorney general has elected under subsection (b)(2) not to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained; or

(2) under subsection (b)(3) more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general under subsection (b) and the attorney general has not filed a civil action;

the inspector general may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained.

(d) If the inspector general has found evidence described in subsection (a), the inspector general may institute forfeiture proceedings under IC 34-24-2 in a court having jurisdiction in a county where property derived from or realized through the misappropriation, diversion, disappearance, or unlawful gain of state funds may be located, unless a prosecuting attorney has already instituted forfeiture proceedings against that property.

(e) The inspector general may directly institute civil proceedings against a person who has failed to pay civil penalties imposed by the ethics commission under IC 4-2-6-12.

SECTION 6. IC 4-6-2-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. The attorney general has concurrent jurisdiction with the prosecuting attorney in the prosecution of the following:

(1) Actions in which a person is accused of committing, while a member of an unlawful assembly as defined in IC 35-45-1-1, a homicide (IC 35-42-1).

(2) Actions in which a person is accused of assisting a criminal ~~(IC 35-44-3-2~~ **(IC 35-44.1-2-5),** if the person alleged to have been assisted is a person described in subdivision (1). ~~of this section.~~

(3) Actions in which a sheriff is accused of any offense that involves a failure to protect the life of a prisoner in the sheriff's custody.

SECTION 7. IC 4-6-3-2, AS AMENDED BY P.L.111-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The attorney general shall have charge of and direct the prosecution of all civil actions that are brought in the name of the state of Indiana or any state agency.

(b) In no instance under this section shall the state or a state agency be required to file a bond.

(c) This section does not affect the authority of prosecuting attorneys to prosecute civil actions.

(d) This section does not affect the authority of the inspector general to prosecute a civil action under IC 4-2-7-6 for the recovery of **any of the following:**

(1) Funds misappropriated, diverted, missing, or unlawfully gained.

(2) A civil penalty imposed by the state ethics commission under IC 4-2-6-12.

(e) The attorney general may bring an action to collect unpaid registration fees owed by a commercial dog broker or a commercial dog breeder under IC 15-21.

SECTION 8. IC 4-11-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. An officer who recklessly lends to any person a greater amount of funds than he is authorized by law to lend commits a Class B misdemeanor.~~

SECTION 9. IC 4-13-1.2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. A person who **interferes with the ombudsman is subject to criminal prosecution under IC 35-44.2-1-4.**

~~(1) intentionally interferes with or prevents the completion of the work of the ombudsman;~~

~~(2) knowingly offers compensation to the ombudsman in an effort to affect the outcome of an investigation or a potential investigation;~~

~~(3) knowingly or intentionally retaliates against an offender or another person who provides information to the ombudsman; or~~

~~(4) makes threats because of an investigation or potential investigation against the ombudsman, a person who has filed a complaint, or a person who provides information to the ombudsman;~~

~~commits a Class A misdemeanor.~~

SECTION 10. IC 4-13-4.1-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. (a) Neither the commissioner of the department of administration nor any employee of his department may be financially interested or have any personal beneficial interest in the purchase of any printing, lithographing, paper, binding, stationery, printing materials, or office supplies.~~

~~(b) If the commissioner of the department of administration or an employee of his department knowingly, falsely certifies any bill on account of the public printing, lithographing, binding, stationery, printing material, or office supplies, he commits a Class D felony.~~

SECTION 11. IC 4-13-19-11, AS ADDED BY P.L.182-2009(ss), SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. ~~(a)~~ A person who **interferes with the ombudsman is subject to criminal prosecution under IC 35-44.2-1-5.**

~~(1) except as provided in subsection (b), intentionally interferes with or prevents the completion of the work of an ombudsman;~~

~~(2) knowingly offers compensation to an ombudsman in an effort to affect the outcome of an investigation or a potential investigation;~~

~~(3) knowingly or intentionally retaliates against another person who provides information to an ombudsman; or~~

~~(4) knowingly or intentionally threatens an ombudsman, a person who has filed a complaint, or a person who provides information to an ombudsman, because of an investigation or potential investigation;~~

~~commits interference with the office of the department of child services ombudsman, a Class A misdemeanor.~~

~~(b) Expungement of records held by the department of child services that occurs by statutory mandate, judicial order or decree, administrative review or process, automatic operation of the Indiana Child Welfare Information System (ICWIS) computer system, or in the normal course of business shall not be considered intentional interference or prevention for the purposes of subsection (a).~~

SECTION 12. IC 4-15-10-4, AS AMENDED BY P.L.222-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Any employee may report in writing the existence of:

(1) a violation of a federal law or regulation;

(2) a violation of a state law or rule;

(3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or

(4) the misuse of public resources;

to a supervisor or to the inspector general.

(b) For having made a report under subsection (a), the employee making the report may not:

(1) be dismissed from employment;

(2) have salary increases or employment related benefits withheld;

(3) be transferred or reassigned;

(4) be denied a promotion the employee otherwise would have received; or

(5) be demoted.

(c) Notwithstanding subsections (a) and (b), an employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal, as determined by the employee's appointing authority, the appointing authority's designee, or the ethics commission. However, any state employee disciplined under this subsection is entitled to process an appeal of the disciplinary action under the procedure as set forth in ~~IC 4-15-2-34 through IC 4-15-2-35.5.~~ **IC 4-15-2.2-42.**

(d) An employer who ~~knowingly or intentionally~~ violates this section ~~commits a Class A misdemeanor.~~ **is subject to criminal prosecution under IC 35-44.2-1-1.**

SECTION 13. IC 4-21.5-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) A person who:

(1) cannot speak or understand the English language or who because of hearing, speaking, or other impairment has difficulty in communicating with other persons; and

(2) is a party or witness in any proceeding under this article;

is entitled to an interpreter to assist the person throughout the proceeding under this article.

(b) The interpreter may be retained by the person or may be appointed by the agency before which the proceeding is pending. If an interpreter is appointed by the agency, the fee for the services of the interpreter shall be set by the agency. The fee shall be paid from any funds available to the agency or be paid in any other manner ordered by the agency.

(c) Any agency may inquire into the qualifications and integrity of any interpreter and may disqualify any person from serving as an interpreter.

(d) Every interpreter for another person in a proceeding shall take the following oath:

Do you affirm, under penalties of perjury, that you will justly, truly, and impartially interpret to _____ the oath about to be administered to him (her), the questions that may be asked him (her), and the answers that he (she) shall give to the questions, relative to the cause now under consideration before this agency?

(e) ~~IC 35-44-2-1~~ **IC 35-44.1-2-1** concerning perjury applies to an interpreter.

SECTION 14. IC 4-33-4.5-1, AS ADDED BY P.L.170-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A gaming agent is vested with full police powers and duties to enforce this article.

(b) A gaming agent may issue a summons for an infraction or a misdemeanor violation if the defendant promises to appear by signing the summons. A defendant who signs a summons issued under this subsection but fails to appear is subject to the penalties provided by ~~IC 35-44-3-6.5.~~ **IC 35-44.1-2-10.** Upon the defendant's failure to appear, the court shall issue a warrant for the arrest of the defendant.

(c) In addition to the powers and duties vested under subsection (a), a gaming agent may act as an officer for the arrest of offenders who violate the laws of Indiana if the gaming agent reasonably believes that a crime has been, is being, or is about to be committed or attempted in the gaming agent's presence.

SECTION 15. IC 5-4-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. The bonds prescribed by IC 5-4-1-18 cover the faithful performance of the duties of the officer or employee, including the duty to comply with ~~IC 35-44-1-2~~ **IC 35-44.1-1-1** and the duty to account properly for all monies and property received by virtue of ~~his~~ **the officer's** position or employment.

SECTION 16. IC 5-10.4-3-16, AS ADDED BY P.L.2-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. A person who recklessly violates

~~(1) IC 21-6.1-3-9 (repealed), IC 21-6.1-3-11 (repealed), IC 21-6.1-3-15 (repealed), or IC 21-6.1-3-18 (repealed), before July 1, 2006; or~~

~~(2) section 10, 12, 14, or 15 of this chapter, after June 30, 2006;~~

~~commits a Class A misdemeanor.~~ **section 10, 12, 14, or 15 of this chapter is subject to criminal prosecution under IC 35-44.2-2-4.**

SECTION 17. IC 5-11-5-1, AS AMENDED BY P.L.176-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Whenever an examination is made under this article, a report of the examination shall be made. The report must include a list of findings and shall be signed and verified by the examiner making the examination. A finding that is critical of an examined entity must be based upon one (1) of the following:

(1) Failure of the entity to observe a uniform compliance guideline established under IC 5-11-1-24(a).

(2) Failure of the entity to comply with a specific law.

A report that includes a finding that is critical of an examined entity must designate the uniform compliance guideline or the specific law upon which the finding is based. The reports shall immediately be filed with the state examiner, and, after inspection of the report, the state examiner shall immediately file one (1) copy with the officer or person examined, one (1) copy with the auditing department of the municipality examined and reported upon, and one (1) copy in an electronic format under IC 5-14-6 of the reports of examination of state agencies, instrumentalities of the state, and federal funds administered by the state with the legislative services agency, as staff to the general assembly. Upon filing, the report becomes a part of the public records of the office of the state examiner, of the office or the person examined, of the auditing department of the municipality examined and reported upon, and of the legislative services agency, as staff to the general assembly. A report is open to public inspection at all reasonable times after it is filed. If an examination discloses malfeasance, misfeasance, or nonfeasance in office or of any officer or employee, a copy of the report, signed and verified, shall be placed by the state examiner with the attorney general **and the inspector general.** The attorney general shall diligently institute and prosecute civil proceedings against the delinquent officer, or upon the officer's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(b) Before an examination report is signed, verified, and filed as required by subsection (a), the officer or the chief executive officer of the state office, municipality, or entity examined must have an opportunity to review the report and to file with the state examiner a written response to that report. If a written response is filed, it becomes a part of the examination report that is signed, verified, and filed as required by subsection (a).

(c) Except as required by subsections (b) and (d), it is unlawful for any deputy examiner, field examiner, or private examiner, before an examination report is made public as provided by this section, to make any disclosure of the result of any examination of any public account, except to the state examiner or if directed to give publicity to the examination report by the state examiner or by any court. If an examination report shows or discloses the commission of a crime by any person, it is the duty of the state examiner to transmit and present the examination report to the grand jury of the county in which the crime was committed at its first session after the making of the examination report and at any subsequent sessions that may be required. The state examiner shall furnish to the grand jury all evidence at the state examiner's command necessary in the investigation and prosecution of the crime.

(d) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of the public funds was committed by the officer or an employee of the office.

(e) After receiving a preliminary report under subsection (d), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds

misappropriated, diverted, or unaccounted for.

(f) In an action under subsection (e), the attorney general may attach the defendant's property under IC 34-25-2.

(g) A preliminary report under subsection (d) is confidential until the final report under subsection (a) is issued, unless the attorney general institutes an action under subsection (e) on the basis of the preliminary report.

SECTION 18. IC 5-11-6-1, AS AMENDED BY P.L.176-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The state examiner, personally or through the deputy examiners, field examiners, or private examiners, upon the petition of twenty-five (25) interested taxpayers showing that effective local relief has not and cannot be obtained after due effort, shall make the inquiries, tests, examinations, and investigations that may be necessary to determine whether:

(1) any public contract has been regularly and lawfully executed and performed; or

(2) any public work, building, or structure has been or is being performed, built, or constructed in accordance with the terms and provisions of the contract, and in compliance with the plans and specifications, if any.

Upon a written petition of twenty-five (25) taxpayers the state examiner may also require all plans, specifications, and estimates to be submitted to the state examiner for corrections and approval before a contract is awarded.

(b) The state examiner, deputy examiner, and any field examiner, when engaged in making an inquiry, test, examination, or investigation under subsection (a), is entitled to examine and inspect any public records, documents, data, contracts, plans, and specifications contained or found in any public office or other place pertaining or relating to the public contract or public work, building, or structure. In addition, subpoenas may be issued to witnesses to appear before the examiner in person or to produce books and papers for inspection and examination. The state examiner, deputy, field, and private examiner may administer oaths and examine witnesses under oath either orally or by interrogatories on all matters under examination and investigation. Under order of the state examiner, the examination may be transcribed, with the reasonable expense paid by the municipality in the same manner as the compensation of the field examiner is paid.

(c) The state examiner, the deputy examiner, and a field examiner may enforce attendance and answers to questions and interrogatories, as provided by law, with respect to examinations and investigations made by the state examiner, deputy examiner, field examiner, or private examiner of public offices.

(d) The state examiner, deputy examiner, any field examiner, and any private examiner, when making an examination or investigation under subsection (a), shall examine, inspect, and test the public works, buildings, or structures in the manner that the examiner sees fit to determine whether it is being performed, built, or constructed according to the contract and plans and specifications.

(e) The state examiner shall file a report covering any examination or investigation that discloses:

(1) fraud, collusion, misconduct, or negligence in the letting or the execution of any public contract or in the performance of any of the terms and conditions of any public contract; or

(2) any failure to comply with the terms or conditions of any public contract in the construction of any public work, building, or structure or to perform, build, or construct it according to the plans and specifications, if any, provided in the contract;

that causes loss, injury, waste, or damage to the state, the municipality, taxing or assessment district, other public entity, or to its citizens, if it is enforceable by assessment or taxation.

(f) The report must meet the following requirements:

(1) The report must be made, signed, and verified in quadruplicate by the examiner making the examination.

(2) The report shall be filed promptly with the state examiner.

After inspection of the report, the state examiner shall file a copy of the report promptly with the attorney general **and the inspector general.**

(g) The attorney general shall diligently institute and prosecute civil proceedings against any or all officers, individuals, and persons in the form and manner that the attorney general determines will secure a proper recovery to the state, municipality, taxing or assessment district, or other public entity injured, defrauded, or damaged by the matters in the report. These prosecutions may be made by the attorney general and the recovery may be had, either upon public official bonds, contractors' bonds, surety or other bonds, or upon individual liability, either upon contract or in tort, as the attorney general determines is wise. No action or recovery in any form or manner, or against any party or parties, precludes further or additional action or recovery in any other form or manner or against another party, either concurrently with or later found necessary, to secure complete recovery and restitution with respect to all matters exhibited, set out, or described in the report. The suits may be brought in the name of the state on the relation of the attorney general for the benefit of the state, or the municipality, taxing or assessment district, or other public entity that may be proper. The actions brought against any defendants may be joined, as to parties, form, and causes of action, in the manner that the attorney general decides.

(h) Any report described in this section or a copy duly certified by the state examiner shall be taken and received in any and all courts of this state as prima facie evidence of the facts stated and contained in the reports.

(i) If an examination, investigation, or test is made without a petition being first filed and the examination, investigation, or test shows that the terms of the contract are being complied with, then the expense of the examination, investigation, or test shall be paid by the state upon vouchers approved by the state examiner from funds available for contractual service of the state board of accounts. If such a report shows misfeasance, malfeasance, or nonfeasance in public office or shows that the terms of the plans and specifications under which a contract has been awarded are not being complied with, it is unlawful to make the report public until the report has been certified to the attorney general.

(j) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that all of the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of public funds was committed by the officer or an employee of the office.

(k) After receiving a preliminary report under subsection (j), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(l) In an action under subsection (k), the attorney general may

attach the defendant's property under IC 34-25-2.

(m) A preliminary report under subsection (j) is confidential until the final report under subsection (e) is issued, unless the attorney general institutes an action under subsection (k) on the basis of the preliminary report.

SECTION 19. IC 5-11-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. If any examination or investigation made by the state examiner personally or through a deputy examiner, field examiner, or private examiner under ~~of~~ this chapter or ~~of~~ **under** any other statute discloses:

(1) malfeasance, misfeasance, or nonfeasance in office, or of any officer or employee;

(2) that any public money has been:

(A) unlawfully expended, either by having been expended for a purpose not authorized by law in an amount exceeding that authorized by law, or by having been paid to a person not lawfully entitled to receive it; or

(B) obtained by fraud or in any unlawful manner; or

(3) that any money has been wrongfully withheld from the public treasury;

a duly verified copy of the report shall be submitted by the state examiner to the attorney general, who shall institute and prosecute civil proceedings as provided in section 1 of this chapter, **and to the inspector general.**

SECTION 20. IC 5-11-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who ~~knowingly~~ violates section 1 of this chapter ~~commits a Class D felony.~~ **is subject to criminal prosecution under IC 35-44.2-2-3.**

SECTION 21. IC 5-13-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Every public officer who receives or distributes public funds shall:

(1) keep a cashbook into which the public officer shall enter daily, by item, all receipts of public funds; and

(2) balance the cashbook daily to show funds on hand at the close of each day.

(b) The cashbook is a public record and is open to public inspection in accordance with IC 5-14-3.

(c) A person who violates this section is subject to criminal prosecution under IC 35-44.2-2-2.

SECTION 22. IC 5-13-14-3, AS AMENDED BY P.L.107-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A public servant who **violates the depository duties in this article is subject to criminal prosecution under IC 35-44.2-2-1.** ~~knowingly or intentionally:~~

~~(1) fails to deposit public funds; or~~

~~(2) deposits or draws any check or negotiable order of withdrawal against the funds;~~

~~except in the manner prescribed in this article, commits a Class A misdemeanor. However, the offense is a Class D felony if the amount involved is at least seven hundred fifty dollars ($750), and a Class C felony if the amount involved is at least fifty thousand dollars ($50,000).~~ The public servant also is liable upon the public servant's official bond for any loss or damage that ~~may accrue.~~ **accrues.**

SECTION 23. IC 5-13-14-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. A public servant who knowingly or intentionally fails to perform any duty imposed upon the public servant by this article, other than a duty for which a penalty is imposed by section 3 of this chapter, commits a Class B misdemeanor.~~

SECTION 24. IC 5-14-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency, except as provided by IC 4-15-10, who knowingly or intentionally discloses information classified as confidential by state statute, **including information declared confidential under:**

(1) section 4(a) of this chapter; or

(2) section 4(b) of this chapter if the public agency having control of the information declares it to be confidential;

commits a Class A ~~misdemeanor.~~ **infraction.**

(b) A public employee may be disciplined in accordance with the personnel policies of the agency by which the employee is employed if the employee intentionally, knowingly, or recklessly discloses or fails to protect information classified as confidential by state statute.

(c) A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency who unintentionally and unknowingly discloses confidential or erroneous information in response to a request under IC 5-14-3-3(d) or who discloses confidential information in reliance on an advisory opinion by the public access counselor is immune from liability for such a disclosure.

(d) This section does not apply to any provision incorporated into state law from a federal statute.

SECTION 25. IC 5-16-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. A consultant who files a false disclosure under this chapter is subject to the penalties for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.**

SECTION 26. IC 5-17-1-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. A person making any such bid, offer, proposal, estimate or contract to sell or lease, who knowingly violates this chapter commits a Class D felony and may not be a party to or benefit from any contract with a public body in the state for two (2) years from the date of his conviction.~~

SECTION 27. IC 5-17-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. Any person, officer, board, commissioner, department commission or purchasing agent who knowingly violates any of the terms of this chapter commits a Class D felony.~~

SECTION 28. IC 7.1-2-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) An enforcement officer is vested with full police powers and duties to enforce:

(1) the provisions of this title;

(2) any other law of this state relating to alcohol or alcoholic beverages; and

(3) tobacco laws, including tobacco vending machines.

(b) An enforcement officer may issue a summons for infraction or misdemeanor violations if the defendant promises to appear by signing the summons. A defendant who fails to appear is subject to the penalties provided by ~~IC 35-44-3-6.5.~~ **IC 35-44.1-2-10.** Upon failure to appear, the court shall issue a warrant for the arrest of the defendant.

(c) In addition to the authority of an enforcement officer under subsection (a), an enforcement officer may act as an officer for the arrest of offenders against the laws of this state if the enforcement officer reasonably believes that a crime is or is about to be committed or attempted in the enforcement officer's presence.

SECTION 29. IC 9-30-4-6, AS AMENDED BY P.L.100-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Whenever the bureau suspends or revokes the current driver's license upon receiving a record of the conviction of a person for any offense under the motor vehicle laws not enumerated under subsection (b), the bureau may also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. However, the bureau may not suspend the evidence of registration, unless

otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.

(b) The bureau shall suspend or revoke without notice or hearing the current driver's license and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

(3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.

(4) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(5) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars ($200).

(6) Possession, distribution, manufacture, cultivation, transfer, use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.

(c) The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in ~~subsections~~ **subsection** (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property damage is less than two hundred dollars ($200), the bureau may determine whether the driver's license and certificates of registration and license plates shall be suspended or revoked. The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in subdivisions (2), (3), (4), and (5), and subject to section 6.5 of this chapter, for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's license is suspended or revoked under subsection (b)(6).

(2) Subject to section 6.5 of this chapter, upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or reinstated license may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(3) Subject to section 6.5 of this chapter, for the period ordered by a court under IC 35-48-4-15.

(4) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under ~~IC 35-44-3-3(b)~~ **IC 35-44.1-3-1(b)** and the person:

(A) exceeded the speed limit by at least twenty (20) miles per hour;

(B) committed criminal recklessness with a vehicle (IC 35-42-2-2); or

(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b));

while committing the felony, for one (1) year after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the one (1) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.

(5) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under ~~IC 35-44-3-3(b),~~ **IC 35-44.1-3-1(b),** the person:

(A) exceeded the speed limit by at least twenty (20) miles per hour;

(B) committed criminal recklessness with a vehicle (IC 35-42-2-2); or

(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b);

while committing the felony, and the person has a prior unrelated conviction for a felony under ~~IC 35-44-3-3(b),~~ **IC 35-44.1-3-1(b),** for two (2) years after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the two (2) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

(1) A conviction upon a plea of guilty.

(2) A determination of guilt by a jury or court, even if:

(A) no sentence is imposed; or

(B) a sentence is suspended.

(3) A forfeiture of bail, bond, or collateral deposited to

secure the defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under IC 9-25-6-8 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the bureau under this section or IC 9-25-6-8 may file a petition for a court review.

SECTION 30. IC 10-16-19-1, AS AMENDED BY SEA 26-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This section does not apply to an employee of the state subject to IC 4-15-10-8.

(b) This section applies to an employee of a political subdivision who:

(1) is a member of the civil air patrol; and

(2) has notified the employee's employer in writing that the employee is a member of the civil air patrol.

(c) A political subdivision employer may not discipline an employee:

(1) for being absent from employment by reason of engaging in an emergency service operation that began before the time that the employee was to report to employment; or

(2) for leaving the employee's duty station to engage in an emergency service operation if the emergency service operation began after the employee had reported for work and the employee secured authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation.

(d) A political subdivision employer may require an employee who has been absent from employment as set forth in subsection (c)(1) or (c)(2) to present a written statement from the commander or other officer in charge of the civil air patrol at the time of the absence indicating that the employee was engaged in an emergency service operation at the time of the absence.

(e) An employee who is disciplined by the employee's employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

(1) Payment of back wages.

(2) Reinstatement to the employee's former position.

(3) Fringe benefits wrongly denied or withdrawn.

(4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action.

(f) A public servant (as defined in IC 35-31.5-2-261) who permits or authorizes an employee of a political subdivision under the supervision of the public servant to be absent from employment as set forth in subsection (c) is not considered to have committed a violation of ~~IC 35-44-2-4(b).~~ **IC 35-44.1-1-3(b).**

SECTION 31. IC 11-12-3.7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1) as a Class A felony, Class B felony, or Class C felony.

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a Class A felony, Class B felony, or Class C felony.

(10) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A felony or Class B felony.

(11) Incest (IC 35-46-1-3).

(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).

(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).

(14) Carjacking (IC 35-42-5-2).

(15) Assisting a criminal as a Class C felony ~~(IC 35-44-3-2).~~ **(IC 35-44.1-2-5).**

(16) Escape ~~(IC 35-44-3-5)~~ **(IC 35-44.1-3-4)** as a Class B felony or Class C felony.

(17) Trafficking with an inmate as a Class C felony ~~(IC 35-44-3-9).~~ **(IC 35-44.1-3-5).**

(18) Causing death when operating a motor vehicle (IC 9-30-5-5).

(19) Criminal confinement (IC 35-42-3-3) as a Class B felony.

(20) Arson (IC 35-43-1-1) as a Class A or Class B felony.

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).

(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

(24) A violation of IC 35-47.5 (Controlled explosives) as a Class A or Class B felony.

(25) A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.

(26) Any other crimes evidencing a propensity or history of violence.

SECTION 32. IC 13-18-10-1.4, AS ADDED BY P.L.127-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.4. (a) Subject to subsection (b), an application for approval under section 1 of this chapter must include for each responsible party the disclosure statement referred to in subsection (c) if either or both of the following apply:

(1) State or federal officials at any time alleged that the responsible party committed acts or omissions that constituted a material violation of state or federal environmental law.

(2) Foreign officials at any time alleged that the responsible party committed acts or omissions that:

(A) constituted a material violation of foreign environmental law; and

(B) would have constituted a material violation of state or federal environmental law if the act or omission had occurred in the United States.

(b) Subsection (a):

(1) applies only if the acts or omissions alleged under subsection (a)(1) or (a)(2) presented a substantial endangerment to human health or the environment; and

(2) does not apply to a renewal of an approval under section 1 of this chapter that does not involve construction or expansion as described in section 1 of this chapter.

(c) A responsible party referred to in subsection (a) must make reasonable efforts to provide complete and accurate information to the department in a disclosure statement that

includes the following:

(1) The name and business address of the responsible party.

(2) A description of the responsible party's experience in managing the environmental aspects of the type of facility that will be managed under the permit.

(3) A description of all pending administrative, civil, or criminal enforcement actions filed in the United States against the responsible party alleging any acts or omissions that:

(A) constitute a material violation of state or federal environmental law; and

(B) present a substantial endangerment to human health or the environment.

(4) A description of all pending administrative, civil, or criminal enforcement actions filed in a foreign country against the responsible party alleging any acts or omissions that:

(A) constitute a material violation of foreign environmental law;

(B) would have constituted a material violation of state or federal environmental law if the act or omission on which the action is based had occurred in the United States; and

(C) present a substantial endangerment to human health or the environment.

(5) A description of all finally adjudicated or settled administrative, civil, or criminal enforcement actions in the United States resolved against the responsible party within the five (5) years that immediately precede the date of the application involving acts or omissions that:

(A) constitute a material violation of federal or state environmental law; and

(B) present a substantial endangerment to human health or the environment.

(6) A description of all finally adjudicated or settled administrative, civil, or criminal enforcement actions in a foreign country resolved against the responsible party within the five (5) years that immediately precede the date of the application involving acts or omissions that:

(A) constitute a material violation of foreign environmental law;

(B) would have constituted a material violation of state or federal environmental law if the act or omission on which the action is based had occurred in the United States; and

(C) present a substantial endangerment to human health or the environment.

(7) Identification of all state, federal, or foreign environmental permits:

(A) applied for by the responsible party that were denied; or

(B) previously held by the responsible party that were revoked.

(d) A disclosure statement submitted under subsection (c):

(1) must be executed under oath or affirmation; and

(2) is subject to the penalty for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.**

(e) The department may investigate and verify the information set forth in a disclosure statement submitted under this section.

SECTION 33. IC 13-19-4-3, AS AMENDED BY P.L.114-2008, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) In a disclosure statement required by section 2 of this chapter, the applicant or responsible party shall set forth the following information:

(1) The name and business address of the applicant or responsible party.

(2) A description of the applicant's or responsible party's experience in managing the type of waste that will be managed under the permit.

(3) A description of all civil and administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that:

(A) have resulted in a fine or penalty of more than ten thousand dollars ($10,000) within five (5) years before the date of the submission of the application; or

(B) allege an act or omission that:

(i) constitutes a material violation of the state or federal environmental protection law; and

(ii) presented a substantial endangerment to the public health or the environment.

(4) A description of all pending criminal complaints alleging the violation of any state or federal environmental protection law that have been filed against the applicant or responsible party within five (5) years before the date of submission of the application.

(5) A description of all judgments of criminal conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental protection law.

(6) A description of all judgments of criminal conviction of a felony constituting a crime of moral turpitude under the laws of any state or the United States that are entered against the applicant or responsible party within five (5) years before the date of submission of the application.

(7) The location of all facilities at which the applicant or responsible party manages the type of waste that would be managed under the permit to which the application refers.

(b) A disclosure statement submitted under section 2(1) of this chapter:

(1) must be executed under oath or affirmation; and

(2) is subject to the penalty for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.**

SECTION 34. IC 13-20-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. Before an original permit for the construction or operation of a landfill may be granted, the applicant or a person authorized to act for the applicant under this section must submit a statement in which the applicant or authorized person swears or affirms, subject to the penalty for perjury set forth in ~~IC 35-44-2-1,~~ **IC 35-44.1-2-1,** that, to the best of the applicant's or authorized person's knowledge, there are no unsatisfied and nonappealable judgments requiring the payment of money by the applicant.

SECTION 35. IC 14-34-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) An employee of the department who has a duty under this article may not have a direct or an indirect financial interest in a surface coal mining operation.

(b) In addition to the filings required under ~~IC 35-44-1,~~ **IC 35-44.1,** each member of the commission shall file annually with the director a statement of employment and financial interest on a form prescribed by the department.

(c) A member of the commission may not participate in a proceeding that may affect the member's direct or indirect financial interests.

(d) A person who knowingly violates this section commits a Class A misdemeanor.

SECTION 36. IC 16-19-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The state health commissioner is governed in the performance of the state health commissioner's official duties by IC 4-2-6 and ~~IC 35-44-1-3~~ **IC 35-44.1-1-4** concerning ethics and conflict of interest.

(b) To learn professional skills and to become familiar with new developments in the field of medicine, the state health commissioner may, in an individual capacity as a licensed physician and not in an official capacity as state health commissioner, engage in the practice of medicine if the practice of medicine does not interfere with the performance of the state health commissioner's duties as state health commissioner.

SECTION 37. IC 20-25-3-3, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A member of the board must:

(1) be a resident voter of the school city; and

(2) have been a resident of the school city for at least one (1) year immediately preceding the member's election.

(b) A board member may not:

(1) serve in an elective or appointive office under the board or under the government of the civil city while serving on the board; or

(2) knowingly have a pecuniary interest as described in ~~IC 35-44-1-3(g)~~ **IC 35-44.1-1-4** in a contract or purchase with the school city in which the member is elected.

If, at any time after a member is elected to the board, the board member knowingly acquires a pecuniary interest in a contract or purchase with the school city, the member is disqualified to continue as a member of the board, and a vacancy in the office is created.

(c) Each member of the board shall, before assuming the duties of office, take an oath, before a person qualified to administer oaths, that:

(1) the member possesses all the qualifications required by this chapter for membership on the board;

(2) the member will honestly and faithfully discharge the duties of office;

(3) the member will not, while serving as a member of the board, become interested, directly or indirectly, in any contract with or claim against the school city, except as authorized by law; ~~and~~

(4) in the performance of official duties as a member of the board, including the selection of the board's officers, agents, and employees, the member will not be influenced by any consideration of politics or religion; and

(5) the member will be controlled in the selection of officers, agents, and employees only by considerations of merit, fitness, and qualification.

(d) Board members are entitled to receive compensation not to exceed the amount allowed under ~~IC 20-26-4-6~~ **IC 20-26-4-7** and a per diem not to exceed the rate approved for members of the city-county council established under IC 36-3-4 for attendance at each regular and committee meeting as determined by the board.

SECTION 38. IC 21-9-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. Notwithstanding any other law, it is not a conflict of interest or violation of any other law for a person to serve as a member of the authority. However, a member shall disclose a conflict of interest relating to actions of the authority as required and in a manner provided by ~~IC 35-44-1-3.~~ **IC 35-44.1-1-4.**

SECTION 39. IC 23-2-5-11, AS AMENDED BY P.L.114-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The commissioner may do the following:

(1) Adopt rules under IC 4-22-2 to implement this chapter.

(2) Make investigations and examinations:

(A) in connection with any application for licensure under this chapter or with any license already granted; or

(B) whenever it appears to the commissioner, upon the basis of a complaint or information, that reasonable grounds exist for the belief that an investigation or examination is necessary or advisable for the more complete protection of the interests of the public.

(3) Charge as costs of investigation or examination all reasonable expenses, including a per diem prorated upon the salary of the commissioner or employee and actual traveling and hotel expenses. All reasonable expenses are to be paid by the party or parties under investigation or examination if the party has violated this chapter.

(4) Issue notices and orders, including cease and desist notices and orders, after making an investigation or examination under subdivision (2). The commissioner shall notify the person that an order or notice has been issued, the reasons for it, and that a hearing will be set not later than fifteen (15) business days after the commissioner receives a written request from the person requesting a hearing if the original order issued by the commissioner was a summary suspension, summary revocation, or denial of a license and not later than forty-five (45) business days after the commissioner receives a written request from the person requesting a hearing for all other orders.

(5) Sign all orders, official certifications, documents, or papers issued under this chapter or delegate the authority to sign any of those items to a deputy.

(6) Hold and conduct hearings.

(7) Hear evidence.

(8) Conduct inquiries with or without hearings.

(9) Receive reports of investigators or other officers or employees of the state of Indiana or of any municipal corporation or governmental subdivision within the state.

(10) Administer oaths, or cause them to be administered.

(11) Subpoena witnesses, and compel them to attend and testify.

(12) Compel the production of books, records, and other documents.

(13) Order depositions to be taken of any witness residing within or without the state. The depositions shall be taken in the manner prescribed by law for depositions in civil actions and made returnable to the commissioner.

(14) Order that each witness appearing under the commissioner's order to testify before the commissioner shall receive the fees and mileage allowances provided for witnesses in civil cases.

(15) Provide interpretive opinions or issue determinations that the commissioner will not institute a proceeding or an action under this chapter against a specified person for engaging in a specified act, practice, or course of business if the determination is consistent with this chapter. The commissioner may adopt rules to establish fees for individuals requesting an interpretive opinion or a determination under this subdivision. A person may not request an interpretive opinion or a determination concerning an activity that:

(A) occurred before; or

(B) is occurring on;

the date the opinion or determination is requested.

(16) Subject to subsection (f), designate a multistate automated licensing system and repository, established and operated by a third party, to serve as the sole entity responsible for:

(A) processing applications for:

(i) licenses under this chapter; and

(ii) renewals of licenses under this chapter; and

(B) performing other services that the commissioner determines are necessary for the orderly administration of the division's licensing system.

A multistate automated licensing system and repository

described in this subdivision may include the Nationwide Mortgage Licensing System and Registry established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. The commissioner may take any action necessary to allow the division to participate in a multistate automated licensing system and repository.

(b) If a witness, in any hearing, inquiry, or investigation conducted under this chapter, refuses to answer any question or produce any item, the commissioner may file a written petition with the circuit or superior court in the county where the hearing, investigation, or inquiry in question is being conducted requesting a hearing on the refusal. The court shall hold a hearing to determine if the witness may refuse to answer the question or produce the item. If the court determines that the witness, based upon the witness's privilege against self-incrimination, may properly refuse to answer or produce an item, the commissioner may make a written request that the court grant use immunity to the witness. Upon written request of the commissioner, the court shall grant use immunity to a witness. The court shall instruct the witness, by written order or in open court, that:

(1) any evidence the witness gives, or evidence derived from that evidence, may not be used in any criminal proceedings against that witness, unless the evidence is volunteered by the witness or is not responsive to a question; and

(2) the witness must answer the questions asked and produce the items requested.

A grant of use immunity does not prohibit evidence that the witness gives in a hearing, investigation, or inquiry from being used in a prosecution for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.** If a witness refuses to give the evidence after the witness has been granted use immunity, the court may find the witness in contempt.

(c) In any prosecution, action, suit, or proceeding based upon or arising out of this chapter, the commissioner may sign a certificate showing compliance or noncompliance with this chapter by any person. This shall constitute prima facie evidence of compliance or noncompliance with this chapter and shall be admissible in evidence in any action at law or in equity to enforce this chapter.

(d) If:

(1) a person disobeys any lawful:

(A) subpoena issued under this chapter; or

(B) order or demand requiring the production of any books, accounts, papers, records, documents, or other evidence or information as provided in this chapter; or

(2) a witness refuses to:

(A) appear when subpoenaed;

(B) testify to any matter about which the witness may be lawfully interrogated; or

(C) take or subscribe to any oath required by this chapter;

the circuit or superior court of the county in which the hearing, inquiry, or investigation in question is held, if demand is made or if, upon written petition, the production is ordered to be made, or the commissioner or a hearing officer appointed by the commissioner, shall compel compliance with the lawful requirements of the subpoena, order, or demand, compel the production of the necessary or required books, papers, records, documents, and other evidence and information, and compel any witness to attend in any Indiana county and to testify to any matter about which the witness may lawfully be interrogated, and to take or subscribe to any oath required.

(e) If a person fails, refuses, or neglects to comply with a court order under this section, the person shall be punished for contempt of court.

(f) The commissioner's authority to designate a multistate automated licensing system and repository under subsection (a)(16) is subject to the following:

(1) The commissioner may not require any person that is not required to be licensed under this chapter, or any employee or agent of a person that is not required to be licensed under this chapter, to:

(A) submit information to; or

(B) participate in;

the multistate automated licensing system and repository.

(2) The commissioner may require a person required under this chapter to submit information to the multistate automated licensing system and repository to pay a processing fee considered reasonable by the commissioner.

SECTION 40. IC 23-19-6-2, AS ADDED BY P.L.27-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The commissioner may:

(1) conduct public or private investigations within or outside this state which the commissioner considers necessary or appropriate to determine whether a person has violated, is violating, or is about to violate this article or a rule adopted or order issued under this article, or to aid in the enforcement of this article or in the adoption of rules and forms under this article;

(2) require or permit a person to testify, file a statement, or produce a record, under oath or otherwise as the commissioner determines, as to all the facts and circumstances concerning a matter to be investigated or about which an action or proceeding is to be instituted; and

(3) publish a record concerning an action, proceeding, or an investigation under, or a violation of, this article or a rule adopted or order issued under this article if the commissioner determines it is necessary or appropriate in the public interest and for the protection of investors.

(b) For the purpose of an investigation under this article, the commissioner or the commissioner's designated officer may administer oaths and affirmations, subpoena witnesses, seek compulsion of attendance, take evidence, require the filing of statements, and require the production of any records that the commissioner considers relevant or material to the investigation. Upon order of the commissioner or a hearing officer appointed by the commissioner in any hearing, depositions may be taken in the manner prescribed by law for depositions in civil actions and made returnable to the commissioner or a hearing officer appointed by the commissioner.

(c) If a person does not appear or refuses to testify, file a statement, or produce records, or otherwise does not obey a subpoena as required by this article, the commissioner or hearing officer appointed by the commissioner may apply to the circuit or superior court in the county where the hearing, investigation, or inquiry in question is being conducted to enforce compliance. The court may:

(1) hold the person in contempt;

(2) order the person to appear before the commissioner or hearing officer appointed by the commissioner;

(3) order the person to testify about the matter under investigation or in question;

(4) order the production of records;

(5) grant injunctive relief, including restricting or prohibiting the offer or sale of securities or the providing of investment advice;

(6) impose a civil penalty of not more than twenty thousand dollars ($20,000) for each violation; and

(7) grant any other necessary or appropriate relief.

(d) This section does not preclude a person from applying to

the circuit or superior court in the county where the hearing, investigation, or inquiry in question is being conducted for relief from a request to appear, testify, file a statement, produce records, or obey a subpoena.

(e) If a witness, in any hearing, inquiry, or investigation conducted under this article, refuses to answer any question or produce any item, the commissioner may file a written petition with the circuit or superior court in the county where the hearing, investigation, or inquiry in question is being conducted requesting a hearing on the refusal. The court shall hold a hearing to determine if the witness may refuse to answer the question or produce the item. If the court determines that the witness, based upon the witness's privilege against self-incrimination, may properly refuse to answer or produce an item, the commissioner may make a written request that the court grant use immunity to the witness. Upon written request of the commissioner, the court shall grant use immunity to a witness. The court shall instruct the witness, by written order or in open court, that:

(1) any evidence the witness gives, or evidence derived from that evidence, may not be used in any criminal proceedings against that witness, unless the evidence is volunteered by the witness or is not responsive to a question; and

(2) the witness must answer the questions asked and produce the items requested. A grant of use immunity does not prohibit the use of evidence that the witness gives in a hearing, investigation, or inquiry from being used in a prosecution for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.** If a witness refuses to give the evidence after the witness has been granted use immunity, the court may find the witness in contempt.

(f) At the request of the securities regulator of another state or a foreign jurisdiction, the commissioner may provide assistance if the requesting regulator states that it is conducting an investigation to determine whether a person has violated, is violating, or is about to violate a law or rule of the other state or foreign jurisdiction relating to securities matters that the requesting regulator administers or enforces. The commissioner may provide the assistance by using the authority to investigate and the powers conferred by this section as the commissioner determines is necessary or appropriate. The assistance may be provided without regard to whether the conduct described in the request would also constitute a violation of this article or other law of this state if occurring in this state. In deciding whether to provide the assistance, the commissioner may consider whether the requesting regulator is permitted and has agreed to provide assistance reciprocally within its state or foreign jurisdiction to the commissioner on securities matters when requested; whether compliance with the request would violate or prejudice the public policy of this state; and the availability of resources and employees of the commissioner to carry out the request for assistance.

(g) In any prosecution, action, suit, or proceeding based upon or arising out of or under the provisions of this article, a certificate duly signed by the commissioner showing compliance or noncompliance with the provisions of this article, respecting the security in question or respecting compliance or noncompliance of this article, by any issuer, broker-dealer, investment advisor, or agent, shall constitute prima facie evidence of compliance or noncompliance with the provisions of this article, as the case may be, and shall be admissible in evidence in any action at law or in equity to enforce this article.

(h) Each witness who shall appear before the commissioner or a hearing officer appointed by the commissioner by order shall receive for the witness's attendance the fees and mileage provided for witnesses in civil cases, which shall be audited and paid by the state in the same manner as other expenses of the securities division are audited and paid upon the presentation of proper vouchers sworn to by the witnesses and approved by the commissioner. However, no witnesses subpoenaed at the instance of parties other than the commissioner or a hearing officer appointed by the commissioner shall be entitled to any fee or compensation from the state.

SECTION 41. IC 25-36.5-1-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. (a) A timber buyer who intends to cease doing business as a timber buyer in Indiana and who seeks the return of a deposit of cash or a certificate of deposit that the timber buyer submitted to the department under section 3(b) of this chapter must submit the following to the department:

(1) A written request for the return of the cash or certificate of deposit.

(2) An affidavit meeting the requirements set forth in subsection (b).

(b) To obtain the return of a deposit of cash or a certificate of deposit under this section, a timber buyer must execute an affidavit stating under the penalty for perjury set forth in ~~IC 35-44-2-1~~ **IC 35-44.1-2-1** that the timber buyer:

(1) has ceased doing business as a timber buyer in Indiana;

(2) will not resume business as a timber buyer in Indiana after the date of the affidavit without filing a surety bond or submitting a new deposit of cash or certificate of deposit to the department;

(3) has not purchased, taken, or cut any timber for which the timber grower has not been paid; and

(4) is not a party to an executory contract for the purchase of timber under which the timber buyer has one (1) or more duties that have not been performed.

(c) Upon receiving a written request described in subsection (a)(1) and an affidavit meeting the requirements of subsection (b), the department shall publish a notice of the request in at least one (1) publication commonly read by persons active in forestry in Indiana. The notice must do the following:

(1) Identify the timber buyer requesting the release of the cash or certificate of deposit.

(2) Indicate the date of the request.

(3) State that the cash or certificate of deposit will be released to the timber buyer on a particular date, which must be at least sixty (60) days after the date of publication of the notice, unless the department is informed of a reason why the cash or certificate of deposit should not be released.

(d) On the date set forth under subsection (c)(3) in the notice given by the department, the department shall return the cash or certificate of deposit to the timber buyer unless the department has obtained information indicating that a statement set forth in the timber buyer's affidavit is false.

SECTION 42. IC 31-37-4-3, AS AMENDED BY P.L.3-2008, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1).

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3).

(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(14) Carjacking (IC 35-42-5-2).
(15) Assisting a criminal as a Class C felony ~~(IC 35-44-3-2).~~ **(IC 35-44.1-2-5).**
(16) Escape ~~(IC 35-44-3-5)~~ **(IC 35-44.1-3-4)** as a Class B felony or Class C felony.
(17) Trafficking with an inmate as a Class C felony ~~(IC 35-44-3-9).~~ **(IC 35-44.1-3-5).**
(18) Causing death when operating a motor vehicle (IC 9-30-5-5).
(19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
(20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
(24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.
(25) A controlled substances offense under IC 35-48.
(26) A criminal gang offense under IC 35-45-9.

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a), the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

(1) that the child was taken into custody; and
(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

SECTION 43. IC 34-28-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A person who is dismissed from employment in violation of ~~IC 35-44-3-10~~ **IC 35-44.1-2-11** may bring a civil action, within ninety (90) days of the dismissal, against the employer who dismissed the person:

(1) to recover the wages the person lost as a result of the dismissal; and
(2) to obtain an order requiring reinstatement by the employer.

If the person obtains a judgment against the employer, the court shall award a reasonable attorney's fee to the person's attorney.

SECTION 44. IC 34-46-2-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32. ~~IC 35-44-3-4~~ **IC 35-44.1-2-2** (Concerning inapplicability of obstruction of justice provisions for persons who qualify for certain privileges).

SECTION 45. IC 35-31.5-2-38, AS ADDED BY SEA 26-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 38. "Child", for purposes of IC 35-47-10 **and IC 35-44.1-5-5**, has the meaning set forth in IC 35-47-10-3.

SECTION 46. IC 35-31.5-2-91, AS ADDED BY SEA 26-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 91. "Designated offense", for purposes of IC 35-33.5, means the following:

(1) A Class A, Class B, or Class C felony that is a controlled substance offense (IC 35-48-4).
(2) Murder (IC 35-42-1-1).
(3) Kidnapping (IC 35-42-3-2).
(4) Criminal confinement (IC 35-42-3-3).
(5) Robbery (IC 35-42-5-1).
(6) Arson (IC 35-43-1-1).
(7) Child solicitation (IC 35-42-4-6).
(8) Human and sexual trafficking crimes under IC 35-42-3.5.
(9) Escape as a Class B felony or Class C felony ~~(IC 35-44-3-5).~~ **(IC 35-44.1-3-4).**
(10) An offense that relates to a weapon of mass destruction (as defined in section 354 of this chapter).
(11) An attempt or conspiracy to commit an offense described in subdivisions (1) through (10).
(12) An offense under the law of the United States or in another state or country that is substantially similar to an offense described in subdivisions (1) through (11).

SECTION 47. IC 35-34-1-2.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.4. (a) If an indictment, information, pleading, motion, petition, probable cause affidavit, or other document is required to be verified or sworn under oath before it is submitted to the court in a criminal action, the document meets the requirements of the law as a sworn document if the following form or a substantially similar form is used:

I swear (affirm), under penalty of perjury as specified by ~~IC 35-44-2-1,~~ **IC 35-44.1-2-1,** that the foregoing (the following) representations are true.
Signed _____

(b) If a document complies with subsection (a), the swearing or affirming need not be done before a notary or other officer empowered to administer oaths.

(c) A person who makes a false affirmation or verification under this section may be prosecuted under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.**

SECTION 48. IC 35-34-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Upon request by the prosecuting attorney, the court shall grant use immunity to a witness before the grand jury. The court shall instruct the witness by written order or in open court that any evidence the witness gives before the grand jury, or evidence derived from that evidence, may not be used in any criminal prosecution against that witness, unless the evidence is volunteered by the witness or is not responsive to a question by the grand jury or the prosecutor. The court shall then instruct the witness that ~~he~~ **the witness** must answer the questions asked and produce the items requested.

(b) A grant of use immunity does not prohibit the use of evidence the witness gives in a prosecution for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.**

(c) If a witness refuses to give evidence after ~~he~~ **the witness** has been granted use immunity, ~~he~~ **the witness** shall be brought before the court and the court shall proceed as if the witness had refused in open court.

SECTION 49. IC 35-37-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Upon request of the prosecuting attorney, the court shall grant use immunity to a witness. The court shall instruct the witness, by written order or in open court, that any evidence the witness gives, or evidence derived from that evidence, may not be used in any criminal proceeding against that witness, unless the evidence is volunteered by the witness or is not responsive to a question by the prosecuting attorney. The court shall instruct the witness that ~~he~~ **the witness** must answer the questions asked and produce the items requested.

(b) A grant of use immunity does not prohibit the use of evidence the witness has given in a prosecution for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.**

(c) If a witness refuses to give the evidence after ~~he~~ **the witness** has been granted use immunity, the court may find ~~him~~ **the witness** in contempt.

SECTION 50. IC 35-38-1-7.1, AS AMENDED BY P.L.119-2008, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court may consider the following aggravating circumstances:

(1) The harm, injury, loss, or damage suffered by the victim of an offense was:
(A) significant; and
(B) greater than the elements necessary to prove the commission of the offense.
(2) The person has a history of criminal or delinquent behavior.
(3) The victim of the offense was less than twelve (12) years of age or at least sixty-five (65) years of age at the time the person committed the offense.
(4) The person:
(A) committed a crime of violence (IC 35-50-1-2); and
(B) knowingly committed the offense in the presence or within hearing of an individual who:
(i) was less than eighteen (18) years of age at the time the person committed the offense; and
(ii) is not the victim of the offense.
(5) The person violated a protective order issued against the person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or IC 34-4-5.1 before their repeal), a workplace violence restraining order issued against the person under IC 34-26-6, or a no contact order issued against the person.
(6) The person has recently violated the conditions of any probation, parole, pardon, community corrections placement, or pretrial release granted to the person.
(7) The victim of the offense was:
(A) a person with a disability (as defined in IC 27-7-6-12), and the defendant knew or should have known that the victim was a person with a disability; or
(B) mentally or physically infirm.
(8) The person was in a position having care, custody, or control of the victim of the offense.
(9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2).
(10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.
(11) The person:
(A) committed trafficking with an inmate under ~~IC 35-44-3-9;~~ **IC 35-44.1-3-5;** and
(B) is an employee of the penal facility.

(b) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:

(1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.
(2) The crime was the result of circumstances unlikely to recur.
(3) The victim of the crime induced or facilitated the offense.
(4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.
(5) The person acted under strong provocation.
(6) The person has no history of delinquency or criminal activity, or the person has led a law-abiding life for a substantial period before commission of the crime.
(7) The person is likely to respond affirmatively to probation or short term imprisonment.
(8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.
(9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.
(10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.
(11) The person was convicted of a crime involving the use of force against a person who had repeatedly inflicted physical or sexual abuse upon the convicted person and evidence shows that the convicted person suffered from the effects of battery as a result of the past course of conduct of the individual who is the victim of the crime for which the person was convicted.

(c) The criteria listed in subsections (a) and (b) do not limit the matters that the court may consider in determining the sentence.

(d) A court may impose any sentence that is:
(1) authorized by statute; and
(2) permissible under the Constitution of the State of Indiana;
regardless of the presence or absence of aggravating circumstances or mitigating circumstances.

SECTION 51. IC 35-38-2.5-4.7, AS AMENDED BY P.L.31-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.7. As used in this chapter, "violent offender" means a person who is:

(1) convicted of an offense or attempted offense under IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3, IC 35-43-1-1, ~~IC 35-44-3-5,~~ **IC 35-44.1-3-4,** IC 35-45-10-5, IC 35-47-5-1 (repealed), or IC 35-47.5-5;
(2) charged with an offense or attempted offense listed in IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3, IC 35-42-4, IC 35-43-1-1, ~~IC 35-44-3-5,~~ **IC 35-44.1-3-4,** IC 35-45-10-5, IC 35-46-1-3, IC 35-47-5-1 (repealed), or IC 35-47.5-5; or
(3) a security risk as determined under section 10 of this chapter.

SECTION 52. IC 35-38-2.5-6, AS AMENDED BY P.L.1-2007, SECTION 228, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. An order for home detention of an offender under section 5 of this chapter must include the following:

(1) A requirement that the offender be confined to the offender's home at all times except when the offender is:
(A) working at employment approved by the court or traveling to or from approved employment;
(B) unemployed and seeking employment approved for the offender by the court;
(C) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the offender by the court;
(D) attending an educational institution or a program approved for the offender by the court;
(E) attending a regularly scheduled religious service at a place of worship; or
(F) participating in a community work release or community restitution or service program approved for the offender by the court.
(2) Notice to the offender that violation of the order for home detention may subject the offender to prosecution for the crime of escape under ~~IC 35-44-3-5.~~ **IC 35-44.1-3-4.**
(3) A requirement that the offender abide by a schedule prepared by the probation department, or by a community corrections program ordered to provide supervision of the offender's home detention, specifically setting forth the

times when the offender may be absent from the offender's home and the locations the offender is allowed to be during the scheduled absences.

(4) A requirement that the offender is not to commit another crime during the period of home detention ordered by the court.

(5) A requirement that the offender obtain approval from the probation department or from a community corrections program ordered to provide supervision of the offender's home detention before the offender changes residence or the schedule described in subdivision (3).

(6) A requirement that the offender maintain:

(A) a working telephone in the offender's home; and

(B) if ordered by the court, a monitoring device in the offender's home or on the offender's person, or both.

(7) A requirement that the offender pay a home detention fee set by the court in addition to the probation user's fee required under IC 35-38-2-1 or IC 31-40. However, the fee set under this subdivision may not exceed the maximum fee specified by the department of correction under IC 11-12-2-12.

(8) A requirement that the offender abide by other conditions of probation set by the court under IC 35-38-2-2.3.

(9) A requirement that an offender:

(A) who is convicted of an offense described in IC 10-13-6-10;

(B) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(C) whose sentence does not involve a commitment to the department of correction;

provide a DNA sample.

SECTION 53. IC 35-44 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Offenses Against Public Administration).

SECTION 54. IC 35-44.1 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

ARTICLE 44.1. OFFENSES AGAINST GENERAL PUBLIC ADMINISTRATION

Chapter 1. General Public Administration

Sec. 1. A public servant who knowingly or intentionally:

(1) commits an offense in the performance of the public servant's official duties;

(2) solicits, accepts, or agrees to accept from an appointee or employee any property other than what the public servant is authorized by law to accept as a condition of continued employment;

(3) acquires or divests himself or herself of a pecuniary interest in any property, transaction, or enterprise or aids another person to do so based on information obtained by virtue of the public servant's office that official action that has not been made public is contemplated; or

(4) fails to deliver public records and property in the public servant's custody to the public servant's successor in office when that successor qualifies;

commits official misconduct, a Class D felony.

Sec. 2. (a) A person who:

(1) confers, offers, or agrees to confer on a public servant, either before or after the public servant becomes appointed, elected, or qualified, any property, except property the public servant is authorized by law to accept, with intent to control the performance of an act related to the employment or function of the public servant or because of any official act performed or to be performed by the public servant, former public servant, or person selected to be a public servant;

(2) being a public servant, solicits, accepts, or agrees to accept, either before or after the person becomes appointed, elected, or qualified, any property, except property the person is authorized by law to accept, with intent to control the performance of an act related to the person's employment or function as a public servant;

(3) confers, offers, or agrees to confer on a person any property, except property the person is authorized by law to accept, with intent to cause that person to control the performance of an act related to the employment or function of a public servant;

(4) solicits, accepts, or agrees to accept any property, except property the person is authorized by law to accept, with intent to control the performance of an act related to the employment or function of a public servant;

(5) confers, offers, or agrees to confer any property on a person participating or officiating in, or connected with, an athletic contest, sporting event, or exhibition, with intent that the person will fail to use the person's best efforts in connection with that contest, event, or exhibition;

(6) being a person participating in, officiating in, or connected with an athletic contest, sporting event, or exhibition, solicits, accepts, or agrees to accept any property with intent that the person will fail to use the person's best efforts in connection with that contest, event, or exhibition;

(7) being a witness or informant in an official proceeding or investigation, solicits, accepts, or agrees to accept any property, with intent to:

(A) withhold any testimony, information, document, or thing;

(B) avoid legal process summoning the person to testify or supply evidence; or

(C) absent the person from the proceeding or investigation to which the person has been legally summoned;

(8) confers, offers, or agrees to confer any property on a witness or informant in an official proceeding or investigation, with intent that the witness or informant:

(A) withhold any testimony, information, document, or thing;

(B) avoid legal process summoning the witness or informant to testify or supply evidence; or

(C) absent himself or herself from any proceeding or investigation to which the witness or informant has been legally summoned; or

(9) confers or offers or agrees to confer any property on an individual for:

(A) casting a ballot or refraining from casting a ballot; or

(B) voting for a political party, for a candidate, or for or against a public question;

in an election described in IC 3-5-1-2 or at a convention of a political party authorized under IC 3;

commits bribery, a Class C felony.

(b) It is not a defense that the person whom the accused person sought to control was not qualified to act in the desired way.

Sec. 3. (a) A public servant who knowingly or intentionally:

(1) hires an employee for the governmental entity that the public servant serves; and

(2) fails to assign to the employee any duties, or assigns to the employee any duties not related to the operation of the governmental entity;

commits ghost employment, a Class D felony.

(b) A public servant who knowingly or intentionally assigns to an employee under the public servant's supervision any duties not related to the operation of the governmental entity that the public servant serves commits ghost employment, a Class D felony.

(c) A person employed by a governmental entity who, knowing that the person has not been assigned any duties to perform for the entity, accepts property from the entity commits ghost employment, a Class D felony.

(d) A person employed by a governmental entity who knowingly or intentionally accepts property from the entity for the performance of duties not related to the operation of the entity commits ghost employment, a Class D felony.

(e) Any person who accepts property from a governmental entity in violation of this section and any public servant who permits the payment of property in violation of this section are jointly and severally liable to the governmental entity for that property. The attorney general may bring a civil action to recover that property in the county where the governmental entity is located or the person or public servant resides.

(f) For the purposes of this section, an employee of a governmental entity who voluntarily performs services:

(1) that do not:
(A) promote religion;
(B) attempt to influence legislation or governmental policy; or
(C) attempt to influence elections to public office;

(2) for the benefit of:
(A) another governmental entity; or
(B) an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(3) with the approval of the employee's supervisor; and

(4) in compliance with a policy or regulation that:
(A) is in writing;
(B) is issued by the executive officer of the governmental entity; and
(C) contains a limitation on the total time during any calendar year that the employee may spend performing the services during normal hours of employment;

is considered to be performing duties related to the operation of the governmental entity.

Sec. 4. (a) The following definitions apply throughout this section:

(1) "Dependent" means any of the following:
(A) The spouse of a public servant.
(B) A child, stepchild, or adoptee (as defined in IC 31-9-2-2) of a public servant who is:
(i) unemancipated; and
(ii) less than eighteen (18) years of age.
(C) An individual more than one-half (1/2) of whose support is provided during a year by the public servant.

(2) "Governmental entity served by the public servant" means the immediate governmental entity being served by a public servant.

(3) "Pecuniary interest" means an interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of:
(A) the public servant; or
(B) a dependent of the public servant who:
(i) is under the direct or indirect administrative control of the public servant; or
(ii) receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant.

(b) A public servant who knowingly or intentionally:
(1) has a pecuniary interest in; or
(2) derives a profit from;

a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D felony.

(c) It is not an offense under this section if any of the following apply:

(1) The public servant or the public servant's dependent receives compensation through salary or an employment contract for:
(A) services provided as a public servant; or
(B) expenses incurred by the public servant as provided by law.

(2) The public servant's interest in the contract or purchase and all other contracts and purchases made by the governmental entity during the twelve (12) months before the date of the contract or purchase was two hundred fifty dollars ($250) or less.

(3) The contract or purchase involves utility services from a utility whose rate structure is regulated by the state or federal government.

(4) The public servant:
(A) acts in only an advisory capacity for a state supported college or university; and
(B) does not have authority to act on behalf of the college or university in a matter involving a contract or purchase.

(5) A public servant under the jurisdiction of the state ethics commission (as provided in IC 4-2-6-2.5) obtains from the state ethics commission, following full and truthful disclosure, written approval that the public servant will not or does not have a conflict of interest in connection with the contract or purchase under IC 4-2-6 and this section. The approval required under this subdivision must be:
(A) granted to the public servant before action is taken in connection with the contract or purchase by the governmental entity served; or
(B) sought by the public servant as soon as possible after the contract is executed or the purchase is made and the public servant becomes aware of the facts that give rise to a question of conflict of interest.

(6) A public servant makes a disclosure that meets the requirements of subsection (d) or (e) and is:
(A) not a member or on the staff of the governing body empowered to contract or purchase on behalf of the governmental entity, and functions and performs duties for the governmental entity unrelated to the contract or purchase;
(B) appointed by an elected public servant;
(C) employed by the governing body of a school corporation and the contract or purchase involves the employment of a dependent or the payment of fees to a dependent;
(D) elected; or
(E) a member of, or a person appointed by, the board of trustees of a state supported college or university.

(7) The public servant is a member of the governing board of, or is a physician employed or contracted by, a hospital organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1.

(d) A disclosure must:
(1) be in writing;
(2) describe the contract or purchase to be made by the governmental entity;

(3) describe the pecuniary interest that the public servant has in the contract or purchase;
(4) be affirmed under penalty of perjury;
(5) be submitted to the governmental entity and be accepted by the governmental entity in a public meeting of the governmental entity before final action on the contract or purchase;
(6) be filed within fifteen (15) days after final action on the contract or purchase with:
(A) the state board of accounts; and
(B) if the governmental entity is a governmental entity other than the state or a state supported college or university, the clerk of the circuit court in the county where the governmental entity takes final action on the contract or purchase; and
(7) contain, if the public servant is appointed, the written approval of the elected public servant (if any) or the board of trustees of a state supported college or university (if any) that appointed the public servant.

(e) This subsection applies only to a person who is a member of, or a person appointed by, the board of trustees of a state supported college or university. A person to whom this subsection applies complies with the disclosure requirements of this chapter with respect to the person's pecuniary interest in a particular type of contract or purchase which is made on a regular basis from a particular vendor if the individual files with the state board of accounts and the board of trustees a statement of pecuniary interest in that particular type of contract or purchase made with that particular vendor. The statement required by this subsection must be made on an annual basis.

Sec. 5. (a) As used in this section, "pecuniary interest" has the meaning set forth in section 4(a)(3) of this chapter.

(b) A person who knowingly or intentionally:
(1) obtains a pecuniary interest in a contract or purchase with an agency within one (1) year after separation from employment or other service with the agency; and
(2) is not a public servant for the agency but who as a public servant approved, negotiated, or prepared on behalf of the agency the terms or specifications of:
(A) the contract; or
(B) the purchase;

commits profiteering from public service, a Class D felony.

(c) This section does not apply to negotiations or other activities related to an economic development grant, loan, or loan guarantee.

(d) This section does not apply if the person receives less than two hundred fifty dollars ($250) of the profits from the contract or purchase.

(e) It is a defense to a prosecution under this section that:
(1) the person was screened from any participation in the contract or purchase;
(2) the person has not received a part of the profits of the contract or purchase; and
(3) notice was promptly given to the agency of the person's interest in the contract or purchase.

Chapter 2. Interference with General Government Operations

Sec. 1. (a) A person who:
(1) makes a false, material statement under oath or affirmation, knowing the statement to be false or not believing it to be true; or
(2) has knowingly made two (2) or more material statements, in a proceeding before a court or grand jury, which are inconsistent to the degree that one (1) of them is necessarily false;

commits perjury, a Class D felony.

(b) In a prosecution under subsection (a)(2):
(1) the indictment or information need not specify which statement is actually false; and
(2) the falsity of a statement may be established sufficiently for conviction by proof that the defendant made irreconcilably contradictory statements which are material to the point in question.

Sec. 2. (a) A person who:
(1) knowingly or intentionally induces, by threat, coercion, or false statement, a witness or informant in an official proceeding or investigation to:
(A) withhold or unreasonably delay in producing any testimony, information, document, or thing;
(B) avoid legal process summoning the person to testify or supply evidence; or
(C) absent the person from a proceeding or investigation to which the person has been legally summoned;
(2) knowingly or intentionally in an official criminal proceeding or investigation:
(A) withholds or unreasonably delays in producing any testimony, information, document, or thing after a court orders the person to produce the testimony, information, document, or thing;
(B) avoids legal process summoning the person to testify or supply evidence; or
(C) absents the person from a proceeding or investigation to which the person has been legally summoned;
(3) alters, damages, or removes any record, document, or thing, with intent to prevent it from being produced or used as evidence in any official proceeding or investigation;
(4) makes, presents, or uses a false record, document, or thing with intent that the record, document, or thing, material to the point in question, appear in evidence in an official proceeding or investigation to mislead a public servant; or
(5) communicates, directly or indirectly, with a juror otherwise than as authorized by law, with intent to influence the juror regarding any matter that is or may be brought before the juror;

commits obstruction of justice, a Class D felony.

(b) Subsection (a)(2)(A) does not apply to:
(1) a person who qualifies for a special privilege under IC 34-46-4 with respect to the testimony, information, document, or thing; or
(2) a person who, as:
(A) an attorney;
(B) a physician;
(C) a member of the clergy; or
(D) a husband or wife;

is not required to testify under IC 34-46-3-1.

Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:
(1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;
(2) there has been or there will be tampering with a consumer product introduced into commerce; or
(3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false, commits false reporting, a

Class D felony.

(d) A person who:

(1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;

(2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;

(3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;

(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false;

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false; or

(6) makes a false report of a missing person, knowing the report or information is false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to an innocent person.

Sec. 4. (a) A person who:

(1) with intent to mislead public servants;

(2) in a five (5) year period; and

(3) in one (1) or more official proceedings or investigations;

has knowingly made at least two (2) material statements concerning the person's identity that are inconsistent to the degree that one (1) of them is necessarily false commits false identity statement, a Class A misdemeanor.

(b) It is a defense to a prosecution under this section that the material statements that are the basis of a prosecution under subsection (a) concerning the person's identity are accurate or were accurate in the past.

(c) In a prosecution under subsection (a):

(1) the indictment or information need not specify which statement is actually false; and

(2) the falsity of a statement may be established sufficiently for conviction by proof that the defendant made irreconcilably contradictory statements concerning the person's identity.

Sec. 5. (a) A person not standing in the relation of parent, child, or spouse to another person who has committed a crime or is a fugitive from justice who, with intent to hinder the apprehension or punishment of the other person, harbors, conceals, or otherwise assists the person commits assisting a criminal, a Class A misdemeanor. However, the offense is:

(1) a Class D felony, if the person assisted has committed a Class B, Class C, or Class D felony; and

(2) a Class C felony, if the person assisted has committed murder or a Class A felony, or if the assistance was providing a deadly weapon.

(b) It is not a defense to a prosecution under this section that the person assisted:

(1) has not been prosecuted for the offense;

(2) has not been convicted of the offense; or

(3) has been acquitted of the offense by reason of insanity.

However, the acquittal of the person assisted for other reasons may be a defense.

Sec. 6. A person who falsely represents that the person is a public servant, with intent to mislead and induce another person to submit to false official authority or otherwise to act to the other person's detriment in reliance on the false representation, commits impersonation of a public servant, a Class A misdemeanor. However, a person who falsely represents that the person is:

(1) a law enforcement officer; or

(2) an agent or employee of the department of state revenue, and collects any property from another person;

commits a Class D felony.

Sec. 7. (a) A person who knowingly or intentionally:

(1) possesses a police radio;

(2) transmits over a frequency assigned for police emergency purposes; or

(3) possesses or uses a police radio:

(A) while committing a crime;

(B) to further the commission of a crime; or

(C) to avoid detection by a law enforcement agency;

commits unlawful use of a police radio, a Class B misdemeanor.

(b) Subsection (a)(1) and (a)(2) do not apply to:

(1) a governmental entity;

(2) a regularly employed law enforcement officer;

(3) a common carrier of persons for hire whose vehicles are used in emergency service;

(4) a public service or utility company whose vehicles are used in emergency service;

(5) a person who has written permission from the chief executive officer of a law enforcement agency to possess a police radio;

(6) a person who holds an amateur radio license issued by the Federal Communications Commission if the person is not transmitting over a frequency assigned for police emergency purposes;

(7) a person who uses a police radio only in the person's dwelling or place of business;

(8) a person:

(A) who is regularly engaged in newsgathering activities;

(B) who is employed by a newspaper qualified to receive legal advertisements under IC 5-3-1, a wire service, or a licensed commercial or public radio or television station; and

(C) whose name is furnished by the person's employer to the chief executive officer of a law enforcement agency in the county in which the employer's principal office is located;

(9) a person engaged in the business of manufacturing or selling police radios; or

(10) a person who possesses or uses a police radio during the normal course of the person's lawful business.

(c) As used in this section, "police radio" means a radio that is capable of sending or receiving signals transmitted on frequencies assigned by the Federal Communications Commission for police emergency purposes and that:

(1) can be installed, maintained, or operated in a vehicle; or

(2) can be operated while it is being carried by an individual.

The term does not include a radio designed for use only in a dwelling.

Sec. 8. (a) A person who knowingly or intentionally manufactures and sells or manufactures and offers for sale:

(1) an official badge or a replica of an official badge that is currently used by a law enforcement agency or fire department of the state or of a political subdivision

of the state; or

(2) a document that purports to be an official employment identification that is used by a law enforcement agency or fire department of the state or of a political subdivision of the state;

without the written permission of the chief executive officer of the law enforcement agency commits unlawful manufacture or sale of a police or fire insignia, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is:

(1) a Class D felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to further the commission of an offense under IC 35-44-2-3; and

(2) a Class B felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to further the commission of an offense under IC 35-47-12.

(c) It is a defense to a prosecution under subsection (a)(1) if the area of the badge or replica that is manufactured and sold or manufactured and offered for sale as measured by multiplying the greatest length of the badge by the greatest width of the badge is:

(1) less than fifty percent (50%); or

(2) more than one hundred fifty percent (150%);

of the area of an official badge that is used by a law enforcement agency or fire department of the state or a political subdivision of the state as measured by multiplying the greatest length of the official badge by the greatest width of the official badge.

Sec. 9. (a) A person who, having been released from lawful detention on condition that the person appear at a specified time and place in connection with a charge of a crime, intentionally fails to appear at that time and place commits failure to appear, a Class A misdemeanor. However, the offense is a Class D felony if the charge was a felony charge.

(b) It is no defense that the accused person was not convicted of the crime with which the person was originally charged.

(c) This section does not apply to obligations to appear incident to release under suspended sentence or on probation or parole.

Sec. 10. (a) A person who, having been issued:

(1) a complaint and summons in connection with an infraction or ordinance violation; or

(2) a summons, or summons and promise to appear, in connection with a misdemeanor violation;

notifying the person to appear at a specific time and place, intentionally fails to appear at the specified time and place commits failure to respond to a summons, a Class C misdemeanor.

(b) It is no defense that judgment was entered in favor of the person in the infraction or ordinance proceeding or that the person was acquitted of the misdemeanor for which the person was summoned to appear.

Sec. 11. A person who knowingly or intentionally:

(1) dismisses an employee;

(2) deprives an employee of employment benefits; or

(3) threatens such a dismissal or deprivation;

because the employee has received or responded to a summons, served as a juror, or attended court for prospective jury service commits interference with jury service, a Class B misdemeanor.

Sec. 12. A person who knowingly or intentionally:

(1) dismisses an employee;

(2) deprives an employee of employment benefits; or

(3) threatens such a dismissal or deprivation;

because the employee has received or responded to a subpoena in a criminal proceeding commits interference with witness service, a Class B misdemeanor.

Chapter 3. Detention

Sec. 1. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense under subsection (a) is a:

(1) Class D felony if:

(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or

(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Class C felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Class B felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person; and

(4) Class A felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

(c) For purposes of this section, a law enforcement officer includes an enforcement officer of the alcohol and tobacco commission and a conservation officer of the department of natural resources.

(d) If a person uses a vehicle to commit a felony offense under subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (d) may not be suspended.

(f) If a person is convicted of an offense involving the use of a motor vehicle under:

(1) subsection (b)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) subsection (b)(2); or

(3) subsection (b)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or

registered in the person's name in accordance with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or IC 9-30-4-6(d)(5). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

Sec. 2. (a) As used in this section, "officer" includes the following:

(1) A person employed by:

(A) the department of correction;

(B) a law enforcement agency;

(C) a probation department;

(D) a county jail; or

(E) a circuit, superior, county, probate, city, or town court;

who is required to carry a firearm in performance of the person's official duties.

(2) A law enforcement officer.

(b) A person who:

(1) knows that another person is an officer; and

(2) knowingly or intentionally takes or attempts to take a firearm (as defined in IC 35-47-1-5) or weapon that the officer is authorized to carry from the officer or from the immediate proximity of the officer:

(A) without the consent of the officer; and

(B) while the officer is engaged in the performance of the officer's official duties;

commits disarming a law enforcement officer, a Class C felony. However, the offense is a Class B felony if it results in serious bodily injury to the officer, and the offense is a Class A felony if it results in death to the officer or if a firearm (as defined in IC 35-47-1-5) was taken and the offense results in serious bodily injury to the officer.

Sec. 3. A person who, when ordered by a law enforcement officer to assist the officer in the execution of the officer's duties, knowingly or intentionally, and without a reasonable cause, refuses to assist commits refusal to aid an officer, a Class B misdemeanor.

Sec. 4. (a) A person, except as provided in subsection (b), who intentionally flees from lawful detention commits escape, a Class C felony. However, the offense is a Class B felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

(b) A person who knowingly or intentionally violates a home detention order or intentionally removes an electronic monitoring device or GPS tracking device commits escape, a Class D felony.

(c) A person who knowingly or intentionally fails to return to lawful detention following temporary leave granted for a specified purpose or limited period commits failure to return to lawful detention, a Class D felony. However, the offense is a Class C felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

Sec. 5. (a) As used in this section, "juvenile facility" means the following:

(1) A secure facility (as defined in IC 31-9-2-114) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(2) A shelter care facility (as defined in IC 31-9-2-117) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(b) Except as provided in subsection (d), a person who, without the prior authorization of the person in charge of a penal facility or juvenile facility knowingly or intentionally:

(1) delivers, or carries into the penal facility or juvenile facility with intent to deliver, an article to an inmate or child of the facility;

(2) carries, or receives with intent to carry out of the penal facility or juvenile facility, an article from an inmate or child of the facility;

(3) delivers, or carries to a worksite with the intent to deliver, alcoholic beverages to an inmate or child of a jail work crew or community work crew; or

(4) possesses in or carries into a penal facility or a juvenile facility:

(A) a controlled substance; or

(B) a deadly weapon;

commits trafficking with an inmate, a Class A misdemeanor.

(c) If the person who committed the offense under subsection (b) is an employee of:

(1) the department of correction; or

(2) a penal facility;

and the article is a cigarette or tobacco product (as defined in IC 6-7-2-5), the court shall impose a mandatory five thousand dollar ($5,000) fine under IC 35-50-3-2, in addition to any term of imprisonment imposed under IC 35-50-3-2.

(d) The offense under subsection (b) is a Class C felony if the article is:

(1) a controlled substance;

(2) a deadly weapon; or

(3) a cellular telephone or other wireless or cellular communications device.

Sec. 6. (a) As used in this section, "contraband" means the following:

(1) Alcohol.

(2) A cigarette or tobacco product.

(3) A controlled substance.

(4) An item that may be used as a weapon.

(b) As used in this section, "inmate outside a facility" means a person who is incarcerated in a penal facility or detained in a juvenile facility on a full-time basis as the result of a conviction or a juvenile adjudication but who has been or is being transported to another location to participate in or prepare for a judicial proceeding. The term does not include the following:

(1) An adult or juvenile pretrial detainee.

(2) A person serving an intermittent term of imprisonment or detention.

(3) A person serving a term of imprisonment or detention as:

(A) a condition of probation;

(B) a condition of a community corrections program;

(C) part of a community transition program;

(D) part of a reentry court program;

(E) part of a work release program; or

(F) part of a community based program that is similar to a program described in clauses (A) through (E).

(4) A person who has escaped from incarceration or walked away from secure detention.

(5) A person on temporary leave (as described in IC 11-10-9) or temporary release (as described in IC 11-10-10).

(c) A person who, with the intent of providing contraband to an inmate outside a facility:

(1) delivers contraband to an inmate outside a facility; or

(2) places contraband in a location where an inmate outside a facility could obtain the contraband;

commits trafficking with an inmate outside a facility, a Class

A misdemeanor. However, the offense is a Class D felony if the contraband is an item described in subsection (a)(3), and a Class C felony if the contraband is an item described in subsection (a)(4).

Sec. 7. A person who knowingly or intentionally while incarcerated in a penal facility possesses a device, equipment, a chemical substance, or other material that:

(1) is used; or

(2) is intended to be used;

in a manner that is readily capable of causing bodily injury commits a Class C felony. However, the offense is a Class B felony if the device, equipment, chemical substance, or other material is a deadly weapon.

Sec. 8. A person who knowingly or intentionally possesses a cellular telephone or other wireless or cellular communications device while incarcerated in a county jail commits a Class A misdemeanor.

Sec. 9. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a crime that was committed by the person commits a Class D felony if, at the time of the violation:

(1) the person's lifetime parole has been revoked two

(2) or more times; or

(2) the person has completed the person's sentence, including any credit time the person may have earned.

(b) The offense described in subsection (a) is a Class C felony if the person has a prior unrelated conviction under this section.

Sec. 10. (a) As used in this section, "service provider" means a public servant or other person employed by a governmental entity or another person who provides goods or services to a person who is subject to lawful detention.

(b) A service provider who knowingly or intentionally engages in sexual intercourse or deviate sexual conduct with a person who is subject to lawful detention commits sexual misconduct, a Class C felony.

(c) A service provider at least eighteen (18) years of age who knowingly or intentionally engages in sexual intercourse or deviate sexual conduct with a person who is:

(1) less than eighteen (18) years of age; and

(2) subject to lawful detention;

commits sexual misconduct, a Class B felony.

(d) It is not a defense that an act described in subsection (b) or (c) was consensual.

(e) This section does not apply to sexual intercourse or deviate sexual conduct between spouses.

Chapter 4. Firefighting and Emergency Services

Sec. 1. As used in this chapter, "dispatched firefighter" means a member of:

(1) the fire company having jurisdiction over an emergency incident area; or

(2) a fire company that has entered into a mutual aid agreement with the fire company having jurisdiction over an emergency incident area;

who has been dispatched by the local fire department having jurisdiction over the particular emergency incident area.

Sec. 2. As used in this chapter, "emergency incident area" means the area surrounding a structure, vehicle, property, or area that is:

(1) defined by police or firefighters with flags, barricades, barrier tape, or other markers; or

(2) one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident;

whichever is greater.

Sec. 3. As used in this chapter, "firefighter" has the meaning set forth in IC 9-18-34-1.

Sec. 4. As used in this chapter, "fire protective clothing and fire protective gear" includes any of the following items generally used by firefighters:

(1) Outer fire retardant clothing and headgear.

(2) Fire gloves.

(3) Self contained breathing apparatus.

(4) Emergency medical services protective gear.

(5) Hazardous materials protective gear.

Sec. 5. A person who is not a firefighter who knowingly or intentionally refuses to leave an emergency incident area immediately after being requested to do so by a firefighter or law enforcement officer commits a Class A misdemeanor.

Sec. 6. A firefighter who:

(1) has not been dispatched to an emergency incident area;

(2) enters an emergency incident area; and

(3) refuses to leave an emergency incident area immediately after being requested to do so by a dispatched firefighter or law enforcement officer;

commits a Class C infraction.

Sec. 7. A person other than a firefighter who, with intent to mislead a firefighter or law enforcement officer as to the person's status as a dispatched firefighter, knowingly or intentionally enters an emergency incident area while wearing, transporting, or otherwise possessing a uniform, fire protective clothing, or fire protective gear commits a Class A misdemeanor. However, the offense is a Class D felony if, as a proximate result of the person entering the emergency incident area, a person or firefighter suffers bodily injury.

Sec. 8. A person who knowingly or intentionally obstructs or interferes with a firefighter performing or attempting to perform the firefighter's emergency functions or duties as a firefighter commits obstructing a firefighter, a Class A misdemeanor.

Sec. 9. (a) "Emergency medical person" means a person who holds a certificate issued by the Indiana emergency medical services commission to provide emergency medical services.

(b) A person who knowingly or intentionally obstructs or interferes with an emergency medical person performing or attempting to perform the emergency medical person's emergency functions or duties commits obstructing an emergency medical person, a Class B misdemeanor.

Chapter 5. Illegal Alien Offenses

Sec. 1. This chapter does not apply to the following:

(1) A church or religious organization conducting an activity that is protected by the First Amendment to the United States Constitution.

(2) The provision of assistance for health care items and services that are necessary for the treatment of an emergency medical condition of an individual.

(3) A health care provider (as defined in IC 16-18-2-163(a)) that is providing health care services.

(4) An attorney or other person that is providing legal services.

(5) A person who:

(A) is a spouse of an alien or who stands in relation of parent or child to an alien; and

(B) would otherwise commit an offense under this chapter with respect to the alien.

(6) A provider that:

(A) receives federal or state funding to provide services to victims of domestic violence, sexual assault, human trafficking, or stalking; and

(B) is providing the services described in clause (A).

(7) An employee of Indiana or a political subdivision

(as defined in IC 36-1-2-13) if the employee is acting within the scope of the employee's employment.

(8) An employee of a school acting within the scope of the employee's employment.

Sec. 2. As used in this chapter, "alien" has the meaning set forth in 8 U.S.C. 1101(a).

Sec. 3. (a) A person who knowingly or intentionally:

(1) transports; or

(2) moves;

an alien, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of the law commits transporting an illegal alien, a Class A misdemeanor.

(b) If a violation under this section involves more than nine (9) aliens, the violation is a Class D felony.

Sec. 4. (a) A person who knowingly or intentionally:

(1) conceals;

(2) harbors; or

(3) shields from detection;

an alien in any place, including a building or means of transportation, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law, commits harboring an illegal alien, a Class A misdemeanor.

(b) If a violation under this section involves more than nine (9) aliens, the violation is a Class D felony.

(c) A landlord that rents real property to a person who is an alien does not violate this section as a result of renting the property to the person.

Sec. 5. A person who transports, moves, or cares for a child (as defined in IC 35-47-10-3) who is an alien does not violate this chapter as a result of transporting, moving, or caring for the child.

Sec. 6. A determination by the United States Department of Homeland Security that an alien has come to, entered, or remained in the United States in violation of law is evidence that the alien is in the United States in violation of law.

Sec. 7. A law enforcement officer shall impound a motor vehicle, other than a motor vehicle used in public transportation and owned or operated by the state or a political subdivision, that is used to commit a violation of section 3 or 4 of this chapter.

SECTION 55. IC 35-44.2 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

ARTICLE 44.2. OFFENSES AGAINST STATE PUBLIC ADMINISTRATION

Chapter 1. Interference with State Government

Sec. 1. (a) As used in this section, "supervisor" has the meaning set forth in IC 4-15-10-1.

(b) As used in this section, "violation" means:

(1) a violation of a federal law or regulation;

(2) a violation of a state law or rule;

(3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or

(4) the misuse of public resources.

(c) A state supervisor who knowingly or intentionally:

(1) dismisses from employment;

(2) withholds a salary increase or employment related benefit of;

(3) transfers or reassigns;

(4) denies a promotion that would have been received by; or

(5) demotes;

a state employee in retaliation for the state employee reporting in writing the existence of a violation commits retaliation for reporting a violation, a Class A misdemeanor.

Sec. 2. (a) As used in this section, "state employee" means:

(1) an employee (as defined in IC 4-2-6-1(a)(8));

(2) a special state appointee (as defined in IC 4-2-6-1(a)(16); or

(3) a state officer (as defined in IC 4-2-6-1(a)(17)).

(b) A state employee who knowingly or intentionally retaliates or threatens to retaliate against another state employee or former state employee for:

(1) filing a complaint with the state ethics commission or the inspector general;

(2) providing information to the state ethics commission or the inspector general; or

(3) testifying at a state ethics commission proceeding;

commits retaliation for reporting to the inspector general, a Class A misdemeanor.

(c) It is a defense to a prosecution under this section that the reporting state employee or former state employee:

(1) did not act in good faith; or

(2) knowingly, intentionally, or recklessly provided false information or testimony to the state ethics commission or the inspector general.

Sec. 3. A person who:

(1) knowingly or intentionally induces or attempts to induce, by threat, coercion, suggestion, or false statement, a witness or informant in a state ethics commission proceeding or investigation conducted by the inspector general to do any of the following:

(A) Withhold or unreasonably delay the production of any testimony, information, document, or thing.

(B) Avoid legal process summoning the person to testify or supply evidence.

(C) Fail to appear at a proceeding or investigation to which the person has been summoned.

(D) Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in a state ethics commission proceeding or inspector general investigation to mislead a state ethics commissioner or inspector general employee;

(2) alters, damages, or removes a record, document, or thing except as permitted or required by law, with the intent to prevent the record, document, or thing from being produced or used in a state ethics commission proceeding or inspector general investigation; or

(3) makes, presents, or uses a false record, document, or thing with the intent that the record, document, or thing appear in a state ethics commission proceeding or inspector general investigation to mislead a state ethics commissioner or inspector general employee;

commits obstructing the inspector general, a Class A misdemeanor.

Sec. 4. A person who:

(1) intentionally interferes with or prevents the completion of the work of the department of correction ombudsman;

(2) knowingly offers compensation to the department of correction ombudsman in an effort to affect the outcome of an investigation or a potential investigation;

(3) knowingly or intentionally retaliates against an offender or another person who provides information to the department of correction ombudsman; or

(4) makes threats because of an investigation or potential investigation against:

(A) the department of correction ombudsman;

(B) a person who has filed a complaint; or

(C) a person who provides information to the department of correction ombudsman;

commits obstructing the department of correction ombudsman, a Class A misdemeanor.

Sec. 5. (a) A person who knowingly or intentionally:

(1) interferes with or prevents the completion of the work of a department of child services ombudsman;

(2) offers compensation to a department of child services ombudsman in an effort to affect the outcome of an investigation or a potential investigation;

(3) retaliates against another person who provides information to a department of child services ombudsman; or

(4) threatens a department of child services ombudsman, a person who has filed a complaint, or a person who provides information to a department of child services ombudsman, because of an investigation or potential investigation;

commits interference with the department of child services ombudsman, a Class A misdemeanor.

(b) It is a defense to a prosecution under subsection (a) if the conduct is the expungement of records held by the department of child services that occurs by statutory mandate, judicial order or decree, administrative review or process, automatic operation of the Indiana Child Welfare Information System (ICWIS) computer system or any successor statewide automated child welfare information system, or in the normal course of business.

Sec. 6. A person who interferes with the state examiner is subject to a civil action for an infraction under IC 5-11-1-10.

Sec. 7. A person who refuses to follow the state examiner's directives is subject to a civil action for an infraction under IC 5-11-1-21.

Sec. 8. A person who fails to provide an annual report to the state examiner is subject to a civil action for an infraction under IC 5-11-13-3.

Sec. 9. A state agency's special deputy who makes a false certification of an oath or affirmation is subject to a civil action for an infraction under IC 4-2-4-3.

Sec. 10. A person who makes a false or deficient financial disclosure statement is subject to a civil action for an infraction under IC 4-2-6-8.

Sec. 11. A person who fails to respond to the attorney general upon a demand of an accounting is subject to a civil action for an infraction under IC 4-6-2-6.

Sec. 12. A person who violates commercial driver training school requirements is subject to a civil action for an infraction under IC 5-2-6.5-15.

Sec. 13. A person who fails to follow the publication of notices rules is subject to a civil action for an infraction under IC 5-3-1-9.

Sec. 14. A consultant who fails to file a disclosure concerning a public works project is subject to a civil action for an infraction under IC 5-16-11-11.

Chapter 2. Purchasing Offenses

Sec. 1. A public servant who knowingly or intentionally fails to deposit public funds (as defined in IC 5-13-4-20) not later than one (1) business day following the receipt of the funds, in a depository in the name of the state or political subdivision by the public servant having control of the funds, commits a violation of the depository rule, a Class A misdemeanor. However, the offense is a Class D felony if the amount involved is at least seven hundred fifty dollars ($750), and a Class C felony if the amount involved is at least fifty thousand dollars ($50,000).

Sec. 2. A public servant who receives public funds (as defined in IC 5-13-4-20) and fails to:

(1) keep a cashbook (as defined in IC 5-13-5-1);

(2) not later than one (1) business day following the receipt of the funds, enter into the cashbook, by item, all receipts of public funds; or

(3) balance the cashbook daily to show funds on hand at the close of each day;

commits a violation of the cashbook rule, a Class B misdemeanor.

Sec. 3. (a) This subsection does not apply to the following:

(1) A state educational institution (as defined in IC 21-7-13-32).

(2) A municipality (as defined in IC 36-1-2-11).

(3) A county.

(4) An airport authority operating in a consolidated city.

(5) A capital improvements board of managers operating in a consolidated city.

(6) A board of directors of a public transportation corporation operating in a consolidated city.

(7) A municipal corporation organized under IC 16-22-8-6.

(8) A public library.

(9) A library services authority.

(10) A hospital organized under IC 16-22 or a hospital organized under IC 16-23.

(11) A school corporation (as defined in IC 36-1-2-17).

(12) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).

(13) A municipally owned utility (as defined in IC 8-1-2-1).

(14) A board of an airport authority under IC 8-22-3.

(15) A conservancy district.

(16) A board of aviation commissioners under IC 8-22-2.

(17) A public transportation corporation under IC 36-9-4.

(18) A commuter transportation district under IC 8-5-15.

(19) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(20) A county building authority under IC 36-9-13.

(21) A soil and water conservation district established under IC 14-32.

(22) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.

(23) The commuter rail service board established under IC 8-24-5.

(24) The regional demand and scheduled bus service board established under IC 8-24-6.

(b) A disbursing officer (as described in IC 5-11-10) who knowingly or intentionally pays a claim that is not:

(1) fully itemized; and

(2) properly certified to by the claimant or some authorized person in the claimant's behalf, with the following words of certification: I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid;

commits a violation of the itemization and certification rule, a Class A misdemeanor.

Sec. 4. (a) As used in this section, a "purchase" means:

(1) the purchase of materials, equipment, goods and supplies for at least ten thousand dollars ($10,000); or

(2) the leasing of equipment for at least five thousand dollars ($5,000).

(b) A state purchaser of materials (as described in IC 5-17-1) who fails to advertise (as defined in IC 5-3-1) for, receive, or consider bids for purchase commits unlawful competitive bidding, a Class A misdemeanor.

Sec. 5. A person who knowingly, intentionally, or recklessly violates:

(1) IC 5-10.4-3-10;

(2) IC 5-10.4-3-12;

(3) IC 5-10.4-3-14; or

(4) IC 5-10.4-3-15;

commits improper teacher's retirement fund accounting, a Class A misdemeanor.

Sec. 6. A board of trustees or correctional facility that borrows without legislative approval under IC 4-10-14-1 is subject to a civil action for an infraction under IC 4-10-14-2.

Sec. 7. A person who improperly disposes of a law enforcement vehicle is subject to a civil action for an infraction under IC 5-22-22-9.

Chapter 3. State Public Works Contracting

Sec. 1. A person who violates provisions relating to state public works contracts is subject to criminal prosecution under IC 4-13.6-4-14.

Sec. 2. A person who has a conflict of interest with respect to a hospital bonding authority contract is subject to criminal prosecution under IC 5-1-4-22.

Sec. 3. A member or person employed by the law enforcement academy building commission who has a conflict of interest with respect to an action by the commission is subject to criminal prosecution under IC 5-2-2-11.

Sec. 4. A person who commits a wage scale violation in a state public works contract is subject to criminal prosecution under IC 5-16-7-3.

Sec. 5. A person who unlawfully divides a public works project is subject to a civil action for an infraction under IC 5-16-7-6.

Sec. 6. A person who improperly engages in certain employee organization activities is subject to a civil action for an infraction under IC 4-15-17-9.

Chapter 4. Confidentiality of Records and Meetings

Sec. 1. A person who discloses confidential information is subject to action under IC 5-14-3-10.

Sec. 2. (a) An employee of a state agency who unlawfully discloses a Social Security number is subject to criminal prosecution under IC 4-1-10-8.

(b) An employee of a state agency who makes a false representation to obtain a Social Security number is subject to criminal prosecution under IC 4-1-10-9.

(c) An employee of a state agency who negligently discloses a Social Security number is subject to a civil action for an infraction under IC 4-1-10-10.

Sec. 3. A person who unlawfully discloses confidential inspector general information is subject to criminal prosecution under IC 4-2-7-8.

Sec. 4. A person who unlawfully discloses criminal intelligence information is subject to criminal prosecution under IC 5-2-4-7.

Sec. 5. A person who unlawfully discloses enterprise zone information is subject to criminal prosecution under IC 5-28-15-8.

Sec. 6. A person who unlawfully discloses advance notice of a state examiner investigation is subject to criminal prosecution under IC 5-11-1-18.

Sec. 7. A person who unlawfully destroys certain public records is subject to criminal prosecution under IC 5-15-6-8.

SECTION 56. IC 35-45-6-1, AS AMENDED BY P.L.182-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

(1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.

(2) A violation of IC 35-45-9.

(3) A violation of IC 35-47.

(4) A violation of IC 35-49-3.

(5) Murder (IC 35-42-1-1).

(6) Battery as a Class C felony (IC 35-42-2-1).

(7) Kidnapping (IC 35-42-3-2).

(8) Human and sexual trafficking crimes (IC 35-42-3.5).

(9) Child exploitation (IC 35-42-4-4).

(10) Robbery (IC 35-42-5-1).

(11) Carjacking (IC 35-42-5-2).

(12) Arson (IC 35-43-1-1).

(13) Burglary (IC 35-43-2-1).

(14) Theft (IC 35-43-4-2).

(15) Receiving stolen property (IC 35-43-4-2).

(16) Forgery (IC 35-43-5-2).

(17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).

(18) Bribery ~~(IC 35-44-1-1).~~ **(IC 35-44.1-1-2).**

(19) Official misconduct ~~(IC 35-44-1-2).~~ **(IC 35-44.1-1-1).**

(20) Conflict of interest ~~(IC 35-44-1-3).~~ **(IC 35-44.1-1-4).**

(21) Perjury ~~(IC 35-44-2-1).~~ **(IC 35-44.1-2-1).**

(22) Obstruction of justice ~~(IC 35-44-3-4).~~ **(IC 35-44.1-2-2).**

(23) Intimidation (IC 35-45-2-1).

(24) Promoting prostitution (IC 35-45-4-4).

(25) Professional gambling (IC 35-45-5-3).

(26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).

(27) Promoting professional gambling (IC 35-45-5-4).

(28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(29) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).

(30) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(31) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(32) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(33) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(34) Money laundering (IC 35-45-15-5).

(35) A violation of IC 35-47.5-5.

(36) A violation of any of the following:

(A) IC 23-14-48-9.

(B) IC 30-2-9-7(b).

(C) IC 30-2-10-9(b).

(D) IC 30-2-13-38(f).

SECTION 57. IC 35-47-1-7, AS AMENDED BY SEA 26-2012, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. "Proper person" means a person who:

(1) does not have a conviction for resisting law enforcement under ~~IC 35-44-3-3~~ **IC 35-44.1-3-1** within five (5) years before the person applies for a license or permit under this chapter;
(2) does not have a conviction for a crime for which the person could have been sentenced for more than one (1) year;
(3) does not have a conviction for a crime of domestic violence (as defined in IC 35-31.5-2-78), unless a court has restored the person's right to possess a firearm under IC 35-47-4-7;
(4) is not prohibited by a court order from possessing a handgun;
(5) does not have a record of being an alcohol or drug abuser as defined in this chapter;
(6) does not have documented evidence which would give rise to a reasonable belief that the person has a propensity for violent or emotionally unstable conduct;
(7) does not make a false statement of material fact on the person's application;
(8) does not have a conviction for any crime involving an inability to safely handle a handgun;
(9) does not have a conviction for violation of the provisions of this article within five (5) years of the person's application;
(10) does not have an adjudication as a delinquent child for an act that would be a felony if committed by an adult, if the person applying for a license or permit under this chapter is less than twenty-three (23) years of age;
(11) has not been involuntarily committed, other than a temporary commitment for observation or evaluation, to a mental institution by a court, board, commission, or other lawful authority;
(12) has not been the subject of a:
(A) ninety (90) day commitment as a result of proceeding under IC 12-26-6; or
(B) regular commitment under IC 12-26-7; or
(13) has not been found by a court to be mentally incompetent, including being found:
(A) not guilty by reason of insanity;
(B) guilty but mentally ill; or
(C) incompetent to stand trial.

SECTION 58. IC 35-47-4-5, AS AMENDED BY P.L.151-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:
(1) committing a serious violent felony in:
(A) Indiana; or
(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or
(2) attempting to commit or conspiring to commit a serious violent felony in:
(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or
(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.
(b) As used in this section, "serious violent felony" means:
(1) murder (IC 35-42-1-1);
(2) voluntary manslaughter (IC 35-42-1-3);
(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
(4) battery as a:
(A) Class A felony (IC 35-42-2-1(a)(5));
(B) Class B felony (IC 35-42-2-1(a)(4)); or
(C) Class C felony (IC 35-42-2-1(a)(3));
(5) aggravated battery (IC 35-42-2-1.5);
(6) kidnapping (IC 35-42-3-2);
(7) criminal confinement (IC 35-42-3-3);
(8) rape (IC 35-42-4-1);
(9) criminal deviate conduct (IC 35-42-4-2);
(10) child molesting (IC 35-42-4-3);
(11) sexual battery as a Class C felony (IC 35-42-4-8);
(12) robbery (IC 35-42-5-1);
(13) carjacking (IC 35-42-5-2);
(14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));
(15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);
(16) assisting a criminal as a Class C felony ~~(IC 35-44-3-2.)~~ **(IC 35-44.1-2-5);**
(17) resisting law enforcement as a Class B felony or Class C felony ~~(IC 35-44-3-3);~~ **(IC 35-44.1-3-1);**
(18) escape as a Class B felony or Class C felony ~~(IC 35-44-3-5);~~ **(IC 35-44.1-3-4);**
(19) trafficking with an inmate as a Class C felony ~~(IC 35-44-3-9);~~ **(IC 35-44.1-3-5);**
(20) criminal gang intimidation (IC 35-45-9-4);
(21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);
(22) incest (IC 35-46-1-3);
(23) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
(24) dealing in methamphetamine (IC 35-48-4-1.1);
(25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
(26) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
(27) dealing in a schedule V controlled substance (IC 35-48-4-4).
(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony.

SECTION 59. IC 35-50-1-2, AS AMENDED BY P.L.126-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) As used in this section, "crime of violence" means the following:
(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Aggravated battery (IC 35-42-2-1.5).
(7) Kidnapping (IC 35-42-3-2).
(8) Rape (IC 35-42-4-1).
(9) Criminal deviate conduct (IC 35-42-4-2).
(10) Child molesting (IC 35-42-4-3).
(11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(14) Operating a motor vehicle while intoxicated causing death (IC 9-30-5-5).
(15) Operating a motor vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).
(16) Resisting law enforcement as a felony ~~(IC 35-44-3-3).~~ **(IC 35-44.1-3-1).**
(b) As used in this section, "episode of criminal conduct"

means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

(1) aggravating circumstances in IC 35-38-1-7.1(a); and

(2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the advisory sentence for a felony which is one (1) class of felony higher than the most serious of the felonies for which the person has been convicted.

(d) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(e) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 60. IC 35-50-2-2, AS AMENDED BY P.L.64-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) Except as provided in subsection (i), with respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

(1) The crime committed was a Class A felony or Class B felony and the person has a prior unrelated felony conviction.

(2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.

(3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.

(4) The felony committed was:

(A) murder (IC 35-42-1-1);

(B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;

(C) sexual battery (IC 35-42-4-8) with a deadly weapon;

(D) kidnapping (IC 35-42-3-2);

(E) confinement (IC 35-42-3-3) with a deadly weapon;

(F) rape (IC 35-42-4-1) as a Class A felony;

(G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;

(H) except as provided in subsection (i), child molesting (IC 35-42-4-3) as a Class A or Class B felony, unless:

(i) the felony committed was child molesting as a Class B felony;

(ii) the victim was not less than twelve (12) years old at the time the offense was committed;

(iii) the person is not more than four (4) years older than the victim, or more than five (5) years older than the victim if the relationship between the person and the victim was a dating relationship or an ongoing personal relationship (not including a family relationship);

(iv) the person did not have a position of authority or substantial influence over the victim; and

(v) the person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person;

(I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;

(J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;

(K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;

(L) resisting law enforcement ~~(IC 35-44-3-3)~~ **(IC 35-44.1-3-1)** with a deadly weapon;

(M) escape ~~(IC 35-44-3-5)~~ **(IC 35-44.1-3-4)** with a deadly weapon;

(N) rioting (IC 35-45-1-2) with a deadly weapon;

(O) dealing in cocaine or a narcotic drug (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center;

(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center;

(Q) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center;

(R) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;

(S) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death);

(T) aggravated battery (IC 35-42-2-1.5); or

(U) disarming a law enforcement officer ~~(IC 35-44-3-3.5.~~ **(IC 35-44.1-3-2).**

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of the sentence of a sex or violent offender (as defined in IC 11-8-8-5) that is suspendible under subsection (b), the court shall place the sex or violent offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) or IC 35-48-4-6.1(b)(1)(B) may not be suspended.

(i) If a person is:

(1) convicted of child molesting (IC 35-42-4-3) as a Class A felony against a victim less than twelve (12) years of age; and

(2) at least twenty-one (21) years of age;

the court may suspend only that part of the sentence that is in excess of thirty (30) years.

SECTION 61. IC 35-50-5-1.1, AS AMENDED BY P.L.119-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is convicted of a misdemeanor under ~~IC 35-44-1,~~ **IC 35-44.1-1,** the court may include in the sentence an order rendering the person incapable of holding a public office of trust or profit for a fixed period of not more than ten (10) years.

(b) If any officer of a governmental entity is convicted of a misdemeanor under ~~IC 35-44-1,~~ **IC 35-44.1-1,** the court may enter an order removing the officer from office.

(c) This subsection applies whenever:

(1) the court enters an order under this section that applies to a person who is an officer of a governmental entity (as defined in IC 35-41-1-12); and

(2) a vacancy occurs in the office held by the person as the result of the court's order.

The court must file a certified copy of the order with the person who is entitled under IC 5-8-6 to receive notice of the death of an individual holding the office. The person receiving the copy of the order must give notice of the order in the same manner as if the person had received a notice of the death of the officeholder under IC 5-8-6. The person required or permitted to fill the vacancy that results from a removal under this section must comply with IC 3-13 or IC 20, whichever applies, to fill the vacancy.

SECTION 62. IC 35-51-4-1, AS AMENDED BY HEA 1207-2012, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 4:

IC 4-1-10-8 (Concerning state agencies).

IC 4-1-10-9 (Concerning state agencies).

~~IC 4-2-6-13 (Concerning state officers).~~

~~IC 4-2-6-14 (Concerning state officers).~~

IC 4-2-7-8 (Concerning the inspector general).

IC 4-4-27-8 (Concerning the inspection of grain).

~~IC 4-11-1-6 (Concerning certain loans and mortgages).~~

~~IC 4-13-1.2-11 (Concerning the department of correction ombudsman).~~

~~IC 4-13-4.1-4 (Concerning the department of administration).~~

~~IC 4-13-19-11 (Concerning the department of child services ombudsman).~~

IC 4-13.6-4-14 (Concerning state public works).

~~IC 4-15-10-4 (Concerning certain state employee reports).~~

IC 4-21.5-3-36 (Concerning administrative proceedings).

IC 4-21.5-3-37 (Concerning administrative proceedings).

IC 4-30-3-19 (Concerning the lottery).

IC 4-30-3-19.5 (Concerning the lottery).

IC 4-30-3-19.7 (Concerning the lottery).

IC 4-30-12-5 (Concerning the lottery).

IC 4-30-13-1 (Concerning the lottery).

IC 4-30-14-1 (Concerning the lottery).

IC 4-30-14-2 (Concerning the lottery).

IC 4-30-14-3 (Concerning the lottery).

IC 4-30-14-4 (Concerning the lottery).

IC 4-30-14-5 (Concerning ~~the lottery).~~ **horse racing).**

IC 4-30-14-6 (Concerning the lottery).

IC 4-31-13-3 (Concerning horse racing).

IC 4-31-13-3.5 (Concerning horse racing).

IC 4-31-13-9 (Concerning horse racing).

IC 4-32.2-8-4 (Concerning charity gaming).

IC 4-33-10-1 (Concerning riverboat gambling).

IC 4-33-10-2 (Concerning riverboat gambling).

IC 4-33-10-2.1 (Concerning riverboat gambling).

IC 4-33-10-2.5 (Concerning riverboat gambling).

IC 4-33-22-14 (Concerning boxing and mixed martial arts).

IC 4-33-22-40 (Concerning boxing and mixed martial arts).

IC 4-35-9-2 (Concerning gambling games at racetracks).

IC 4-35-9-3 (Concerning gambling games at racetracks).

IC 4-35-9-4 (Concerning gambling games at racetracks).

IC 4-35-9-5 (Concerning gambling games at racetracks).

IC 4-36-6-5 (Concerning gambling in certain establishments).

SECTION 63. IC 35-51-5-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 5:

IC 5-1-4-22 (Concerning hospital bonding authorities).

IC 5-2-2-11 (Concerning the law enforcement academy building commission).

IC 5-2-4-7 (Concerning criminal intelligence information).

IC 5-10.4-3-16 (Concerning the Indiana state teacher's retirement fund).

IC 5-11-1-18 (Concerning state board of accounts).

~~IC 5-11-10-3 (Concerning certification of claims).~~

~~IC 5-13-14-3 (Concerning public funds).~~

~~IC 5-13-14-4 (Concerning public funds).~~

~~IC 5-14-3-10 (Concerning access to public records).~~

IC 5-15-6-8 (Concerning local public records commissions).

IC 5-16-7-3 (Concerning wage scale of contractor's and subcontractors employees).

IC 5-16-9-5 (Concerning parking for persons with physical disabilities).

~~IC 5-17-1-5 (Concerning public purchases).~~
~~IC 5-17-1-6 (Concerning public purchases).~~
IC 5-28-15-7 (Concerning enterprise zones).
IC 5-28-15-8 (Concerning enterprise zones).

SECTION 64. IC 36-8-12-10.5, AS AMENDED BY P.L.63-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.5. (a) This section does not apply to an employee of the state subject to IC 4-15-10-7.

(b) This section applies to an employee of a political subdivision who:

(1) is a volunteer firefighter or volunteer member; and
(2) has notified the employee's employer in writing that the employee is a volunteer firefighter or volunteer member.

(c) The political subdivision employer may not discipline an employee:

(1) for being absent from employment by reason of responding to a fire or emergency call that was received before the time that the employee was to report to employment;
(2) for leaving the employee's duty station to respond to a fire or an emergency call if the employee has secured authorization from the employee's supervisor to leave the duty station in response to a fire or an emergency call received after the employee has reported to work; or
(3) for:
(A) an injury; or
(B) an absence from work because of an injury;
that occurs while the employee is engaged in emergency firefighting or other emergency response.

However, for each instance of emergency firefighting activity or other emergency response that results in an injury to an employee, subdivision (3) applies only to the period of the employee's absence from work that does not exceed six (6) months from the date of the injury.

(d) The political subdivision employer may require an employee who has been absent from employment as set forth in subsection (c) to present a written statement from the fire chief or other officer in charge of the volunteer fire department, or officer in charge of the volunteer emergency medical services association, at the time of the absence or injury indicating that the employee was engaged in emergency firefighting or emergency activity at the time of the absence or injury.

(e) The political subdivision employer may require an employee who is injured or absent from work as described in subsection (c)(3) to provide evidence from a physician or other medical authority showing:

(1) treatment for the injury at the time of the absence; and
(2) a connection between the injury and the employee's emergency firefighting or other emergency response activities.

(f) To the extent required by federal or state law, information obtained under subsection (e) by a political subdivision employer must be:

(1) retained in a separate medical file created for the employee; and
(2) treated as a confidential medical record.

(g) An employee who is disciplined by the employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

(1) Payment of back wages.
(2) Reinstatement to the employee's former position.
(3) Fringe benefits wrongly denied or withdrawn.
(4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action.

(h) A public servant who permits or authorizes an employee of a political subdivision under the supervision of the public servant to be absent from employment as set forth in subsection (c) is not considered to have committed a violation of ~~IC 35-44-2-4(b).~~ **IC 35-44.1-1-3(b)**.

SECTION 65. [EFFECTIVE JULY 1, 2012] **(a) In repealing IC 4-12-9 by HEA 1002-2012, the general assembly recognizes that IC 4-12-9-2 was amended by SEA 127-2012, SECTION 18. The general assembly intends to repeal IC 4-12-9.**

(b) In repealing IC 15-11-10 by HEA 1002-2012, the general assembly recognizes that IC 15-11-10-3 was amended by SEA 127-2012, SECTION 99. The general assembly intends to repeal IC 15-11-10.

(c) This SECTION expires December 31, 2012.

(Reference is to ESB 262 as printed February 17, 2012.)

BRAY	STEUERWALD
TAYLOR	L. LAWSON
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 257–1; filed March 9, 2012, at 9:02 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 257 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-5-7-1, AS AMENDED BY P.L.94-2008, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) It is a Class C misdemeanor for a minor to knowingly or intentionally make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.

(b) In addition to the penalty under subsection (a), a minor who:

(1) uses a false or altered driver's license or the driver's license of another person as evidence of majority under this section; or
(2) is convicted of purchasing or procuring an alcoholic beverage with or without using a false or altered driver's license;

shall have the minor's driver's license, **permit, or driving privileges** suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.

(c) Upon entering a judgment of conviction for the misdemeanor under this section, the court shall forward a copy of the judgment to the bureau of motor vehicles for the purpose of complying with subsection (b).

SECTION 2. IC 7.1-5-7-7, AS AMENDED BY SEA 274-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Subject to IC 7.1-5-1-6.5, it is a Class C misdemeanor for a minor to knowingly:

(1) possess an alcoholic beverage;
(2) consume ~~it;~~ **an alcoholic beverage;** or
(3) transport ~~it~~ **an alcoholic beverage** on a public

highway when not accompanied by at least one (1) of ~~his~~ **the minor's** parents or guardians.

(b) If a minor is found to have violated subsection (a) while operating a ~~motor~~ vehicle, the court may order the minor's ~~driver's license~~ **driving privileges** suspended for up to one (1) year. However, if the minor is less than eighteen (18) years of age, the court shall order the minor's ~~driver's license~~ **driving privileges** suspended for at least sixty (60) days.

(c) The court shall deliver any order suspending ~~the~~ **a** minor's ~~driver's license~~ **driving privileges** under this section to the bureau of motor vehicles, which shall suspend the minor's ~~driver's license~~ **driving privileges** under IC 9-24-18-12 for the period ordered by the court.

SECTION 3. IC 7.1-5-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) It is a Class C misdemeanor for a minor to recklessly be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished. In addition to other penalties under this subsection, the minor's driver's license, **permit, or driving privileges** shall be suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.

(b) It is a Class C misdemeanor for a permittee to recklessly permit a minor to be in the prohibited place beyond a reasonable time in which an ordinary prudent person can check identification to confirm the age of a patron.

SECTION 4. IC 9-13-2-3, AS AMENDED BY P.L.146-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Except as provided in subsection (b), "antique motor vehicle" means a motor vehicle ~~or motor scooter~~ that is at least twenty-five (25) years old.

(b) "Antique motor vehicle", for purposes of IC 9-19-11-1(6), means a passenger motor vehicle or truck that was manufactured without a safety belt as a part of the standard equipment installed by the manufacturer at each designated seating position, before the requirement of the installation of safety belts in the motor vehicle according to the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208).

SECTION 5. IC 9-13-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. "Certificate of compliance" means ~~a written statement issued by~~ **proof of financial responsibility presented to** the bureau, ~~to a registered owner or operator of a motor vehicle involved~~ in ~~an accident showing compliance with IC 9-25 or with the requirements of~~ **a manner prescribed by** the bureau, **in compliance with IC 9-25 or IC 9-26.**

SECTION 6. IC 9-13-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) "Chauffeur", except as provided in subsection (b), means a person:

~~(1) employed by another person for the principal purpose of operating a motor vehicle registered as having a gross weight of sixteen thousand (16,000) pounds or more for the purpose of transporting property;~~

~~(2)~~ **(1)** operating a motor vehicle registered as having a gross weight of sixteen thousand (16,000) pounds or more for the purpose of transporting property for hire; or

~~(3)~~ **(2)** operating a private bus.

(b) "Chauffeur", for purposes of IC 9-25, means a person:

(1) who is employed for hire for the principal purpose of operating a motor vehicle upon the highways;

(2) who operates a motor vehicle while in use as a carrier of passengers or property for hire; or

(3) who drives or operates a motor vehicle while in use as a school bus for the transportation of pupils to or from school.

SECTION 7. IC 9-13-2-28 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 28. (a) "Commercial driver training school", for purposes of IC 9-24-10-4, has the meaning set forth in IC 5-2-6.5-5.~~

~~(b) This section expires December 31, 2011.~~

SECTION 8. IC 9-13-2-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 31. (a) "Commercial motor vehicle" means, except as provided in subsection (b), a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) has a gross combination weight rating of at least twenty-six thousand one (26,001) pounds, including a towed unit with a gross vehicle weight rating of more than ten thousand (10,000) pounds;

(2) has a gross vehicle weight rating of at least twenty-six thousand one (26,001) pounds;

(3) is designed to transport ~~at least~~ sixteen (16) **or more** passengers, including the driver; or

(4) is:

(A) of any size;

(B) used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act; and

(C) required to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

(b) The bureau of motor vehicles may, by rule, broaden the definition of "commercial motor vehicle" under subsection (a) to include vehicles with a gross declared weight greater than eleven thousand (11,000) pounds but less than twenty-six thousand one (26,001) pounds.

SECTION 9. IC 9-13-2-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 32.5. "Commission board" refers to the commission board of the bureau of motor vehicles.**

SECTION 10. IC 9-13-2-44 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 44. (a) "Disposal facility" means a person, firm, limited liability company, corporation, or other legal entity that, in the course of business, engages in the acquisition and dismantling or demolition of ~~motor~~ vehicles, motorcycles, semitrailers, or recreational vehicles or their remains for the benefit of reusable components and parts or recyclable materials.

(b) The term includes the following enterprises:

(1) An automotive salvage recycler.

(2) A hulk crusher.

(c) The term does not include a scrap metal processor.

SECTION 11. IC 9-13-2-48, AS AMENDED BY P.L.184-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 48. **(a) Except as provided in subsection (b),** "driver's license" means any type of license issued by the state authorizing an individual to operate a motor vehicle on public streets, roads, or highways.

(b) "Driver's license", for purposes of IC 9-28-2, has the meaning set forth in IC 9-28-2-4.

SECTION 12. IC 9-13-2-48.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 48.3. "Driving privileges" means the authority granted to an individual that allows the individual to operate a vehicle of the type and in the manner for which the authority was granted.**

SECTION 13. IC 9-13-2-48.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 48.5. "Driving record" means a record:**

(1) maintained by the bureau as required under IC 9-14-3-7; and

(2) established by the bureau under IC 9-24-18-9.

SECTION 14. IC 9-13-2-72.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 72.7. "Highly restricted personal information", for purposes of IC 9-14-3.5, has the meaning set forth in IC 9-14-3.5-2.5.**

SECTION 15. IC 9-13-2-75 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 75. ~~(a)~~ "Identification number", for purposes of IC 9-18-8-15, has the meaning set forth in IC 9-18-8-15(b).

~~(b) "Identification number", for purposes of IC 9-17-4, has the meaning set forth in IC 9-17-4-0.5.~~

SECTION 16. IC 9-13-2-117.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 117.5. **(a)** "Operate", **except as provided in subsection (b),** ~~for purposes of IC 9-31,~~ means to navigate ~~or otherwise use~~ a ~~motorboat.~~ **vehicle.**

(b) "Operate", for purposes of IC 9-31, means to navigate or otherwise use a motorboat.

SECTION 17. IC 9-13-2-118 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 118. (a) **Except as provided in subsection (b),** "operator", ~~means, except as provided in subsection (b),~~ when used in reference to a ~~motor~~ vehicle, **means** a person, other than a chauffeur or a public passenger chauffeur, who:

(1) drives or is in actual physical control of a ~~motor~~ vehicle upon a highway; or

(2) is exercising control over or steering a motor vehicle being towed by ~~a motor~~ **another** vehicle.

(b) "Operator", for purposes of IC 9-25, means a person other than a chauffeur who is in actual physical control of a motor vehicle. ~~upon a highway of Indiana.~~

SECTION 18. IC 9-13-2-121 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 121. (a) **Except as otherwise provided in this section,** "owner", ~~means, except as otherwise provided in this section,~~ when used in reference to a motor vehicle, **means:**

(1) a person who holds the legal title of a motor vehicle;

~~(2) a person renting or leasing a motor vehicle and having exclusive use of the motor vehicle for more than thirty (30) days;~~ or

~~(3)~~ **(2)** if a motor vehicle is the subject of an agreement for the conditional sale or lease vested in the conditional vendee or lessee, or in the event the mortgagor, with the right of purchase upon the performance of the conditions stated in the agreement and with an immediate right of possession of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor.

(b) "Owner", for purposes of IC 9-21 and IC 9-25, means, when used in reference to a motor vehicle, a person who holds the legal title of a motor vehicle, or if a:

(1) motor vehicle is the subject of an agreement for the conditional sale or lease of the motor vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee; or

(2) mortgagor of a motor vehicle is entitled to possession;

the conditional vendee or lessee or mortgagor is considered to be the owner for the purpose of IC 9-21 and IC 9-25.

(c) "Owner", for purposes of IC 9-22-1, means the last known record titleholder of a vehicle according to the records of the bureau under IC 9-17.

(d) "Owner", for purposes of IC 9-31, means a person, other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person reserved or created by agreement and securing payment or performance of an obligation. The term excludes a lessee under a lease not intended as security.

SECTION 19. IC 9-13-2-123.5, AS ADDED BY P.L.184-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 123.5. "Permit" means ~~any kind of~~ **a** permit issued by the state authorizing an individual to operate ~~a motor~~ **the type of** vehicle **for which the permit was issued** on public streets, roads, or highways **with certain restrictions.**

SECTION 20. IC 9-13-2-143 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 143. "Public passenger chauffeur" means ~~any of the following:~~

~~(1) A person who operates a motor vehicle while in use as a school bus for the transportation of pupils to or from school, or to or from school athletic games or contests.~~

~~(2)~~ a person who operates a motor vehicle ~~other than a medical services vehicle~~ **designed to transport fifteen (15) individuals or more, including the driver,** while in use as a public passenger carrying vehicle **for hire. The term does not include a person who operates a medical services vehicle.**

SECTION 21. IC 9-13-2-148 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 148. "Raw milk", for purposes of IC 9-20-4-2, has the meaning set forth in IC 9-20-4-2(d).~~

SECTION 22. IC 9-13-2-170.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 170.1. "Special identification number", for purposes of IC 9-17-4, has the meaning set forth in IC 9-17-4-0.5.**

SECTION 23. IC 9-13-2-170.3, AS ADDED BY P.L.210-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 170.3. "Special machinery" ~~means a~~ **includes but is not limited to any of the following:**

(1) A portable saw mill. ~~or~~

(2) Well drilling machinery.

(3) A utility service cable trailer.

(4) Any other vehicle that is:

(A) designed to perform a specific function; and

(B) drawn by a motor vehicle.

The term does not include a vehicle that is designed to carry persons.

SECTION 24. IC 9-13-2-184 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 184. (a) "Trailer" means, except as otherwise provided in this section, a vehicle:

(1) without motive power;

(2) designed for carrying persons or property;

(3) designed for being drawn by a motor vehicle; and

(4) so constructed that no part of the weight of the trailer rests upon the towing vehicle.

The term includes pole trailers and two (2) wheeled homemade trailers.

(b) "Trailer", for purposes of IC 9-21, means a vehicle:

(1) with or without motive power;

(2) designed for carrying persons or property;

(3) designed for being drawn by a motor vehicle; and

(4) so constructed that no part of the weight of the trailer rests upon the towing vehicle.

The term does not include pole trailers **or special machinery.**

(c) "Trailer", for purposes of IC 9-21-8-12 through IC 9-21-8-13, means the combination of any motor vehicle towing another vehicle or trailer.

SECTION 25. IC 9-13-2-187 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 187. "Transport operator" means any of the following:

(1) A person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one (1) place to another by the drive away or

tow away methods.

(2) A nonresident dealer **or** manufacturer engaged in the operation or business described in subdivision (1).

(3) A business that prepares newly purchased vehicles of the business and delivers the vehicles to the locations where the vehicles will be based, titled, and registered.

SECTION 26. IC 9-13-2-188.5, AS AMENDED BY HEA 1270-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 188.5. "Truck driver training school" means a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9), **a state educational institution,** or a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12) that:

(1) is located in Indiana; ~~or is a state educational institution;~~

(2) is subject to rules adopted by the bureau under IC 9-24-6-5.5; and

(3) either:

(A) educates or trains a person; or

(B) prepares a person for an examination or a validation given by the bureau;

to operate a truck as a vocation.

SECTION 27. IC 9-14-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. A person who violates this chapter commits a Class C infraction.~~

SECTION 28. IC 9-14-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The bureau shall prescribe and provide all forms necessary to carry out any laws **or rules** administered and enforced by the bureau.

SECTION 29. IC 9-14-2-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. The bureau shall provide notary public service for the convenience of members of the public when applying for a certificate of title, registration, or license.~~

SECTION 30. IC 9-14-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The bureau shall ~~do the following:~~

~~(1) File and index by name~~ **maintain suitable records of:**

(1) each application for a license or permit issued by the bureau; ~~under this title.~~

~~(2) Maintain suitable records of~~ **and**

(2) all licenses and permits issued by the commissioner; under this title.

SECTION 31. IC 9-14-2-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. A person who violates this chapter commits a Class C infraction.~~

SECTION 32. IC 9-14-3-0.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.3. As used in this chapter, "digital signature" has the meaning set forth in IC 5-24-2-1.~~

SECTION 33. IC 9-14-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The bureau shall prepare and deliver, upon request and payment of the fees prescribed in IC 9-29-2-1, a certified copy of any record of the bureau that is not otherwise declared by law to be confidential.

(b) A certified copy of a record obtained under subsection (a) is admissible in a court proceeding as if the copy were the original.

(c) An electronic record of the bureau obtained from the bureau ~~by digital signature~~ that bears an electronic signature is admissible in a court proceeding as if the copy were the original.

SECTION 34. IC 9-14-3-5, AS AMENDED BY P.L.198-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

(1) submitted in writing; or

(2) made electronically through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology;

to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

(1) the Social Security number;

(2) the federal identification number;

(3) the driver's license number;

(4) the digital image of the driver's license applicant;

(5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or

(6) medical or disability information;

of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

(1) to a law enforcement officer;

(2) to an agent or a designee of the department of state revenue;

(3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or

(4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the ~~commission~~ **bureau** may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The ~~commission~~ **bureau** may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 35. IC 9-14-3-6, AS AMENDED BY P.L.80-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Upon the submission to the bureau of a specific written request from an individual or organization for a compilation of specific information requested for the purposes described in subsection (c), the bureau may contract with the individual or organization to compile the requested information from the records of the bureau.

(b) The bureau may charge an amount agreeable to the parties, as described in IC 9-29-2-3.

(c) An individual or organization making a request under this section must certify one (1) of the following:

(1) That the information is required for the purposes of notifying vehicle owners of vehicle defects and recall for modifications, and that the individual or organization will use the information provided only for that purpose.

(2) That the information will be used only for research or statistical reporting purposes and that individual identities will be properly protected in the preparation of the research or reports and not ascertainable from the published reports or research results.

(3) That the information will be used for the purpose of documenting the sale of motor vehicles in Indiana.

(4) That the information will be used for purposes of the federal Selective Service System.

(5) That the information will be used solely for law enforcement purposes by police officers.

(6) That the information will be used to locate a parent described in IC 31-25-3-2(c) as provided under IC 31-25-3-2.

(d) The ~~commission~~ **bureau** may not compile or release information concerning voter registration under this section.

(e) The bureau shall provide the requested information under this section in a format that is agreeable to the parties. ~~including the following formats:~~

~~(1) Printed records.~~

~~(2) Microfiche.~~

~~(3) Computer disk.~~

SECTION 36. IC 9-14-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The bureau shall maintain ~~an operating~~ **a driving** record for each person licensed by the bureau to drive a motor vehicle.

(b) ~~An operating~~ **A driving** record must contain the following:

(1) A person's convictions for any of the following:

(A) A moving traffic violation.

(B) Operating a vehicle without financial responsibility in violation of IC 9-25.

(2) Any administrative penalty imposed by the bureau.

(3) If the driving privileges of a person have been suspended or revoked by the bureau, an entry in the record stating that a notice of suspension or revocation was mailed by the bureau and the date of the mailing of the notice.

(4) Any suspensions, revocations, or reinstatements of a person's driving privileges, license, or permit.

(5) Any requirement that the person may operate only a motor vehicle equipped with ~~an~~ **a** certified ignition interlock device.

(c) An entry in the ~~operating~~ **driving** record of a defendant stating that notice of suspension or revocation was mailed by the bureau to the defendant constitutes prima facie evidence that the notice was mailed to the defendant's address as shown in the ~~official driving record.~~ **records of the bureau.**

(d) ~~An operating~~ **A driving** record maintained under this section:

(1) is not admissible as evidence in any action for damages arising out of a motor vehicle accident; and

(2) may not include voter registration information.

SECTION 37. IC 9-14-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) If the governor, the superintendent of the state police department, or the highest officer located in Indiana of the Federal Bureau of Investigation, the United States Secret Service, or the United States Treasury Department certifies to the bureau that:

(1) an individual named in the ~~certificate~~ **certification** is an officer or employee of a state, county, or city department or bureau with police power;

(2) the nature of the individual's work or duties is of a secret or confidential nature; and

(3) in the course of the individual's work the individual uses the motor vehicle described in the ~~certificate;~~ **certification;**

the bureau shall regard all of the bureau's records concerning the certificate of title or certificate of registration of the motor vehicle and the operating license of the individual described in the ~~certificate~~ **certification** as confidential.

(b) The bureau may disclose the records described in subsection (a) only upon one (1) of the following:

(1) An order of a court of competent jurisdiction made in a cause or matter pending before the court.

(2) The written request of the officer, employee, or a successor of the officer or employee making the ~~certificate.~~ **certification.**

(3) A request of the governor.

SECTION 38. IC 9-14-3.5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. As used in this chapter, "highly restricted personal information" means the following information that identifies an individual:**

(1) Digital photograph or image.

(2) Social Security number.

(3) Medical or disability information.

SECTION 39. IC 9-14-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this chapter, "motor vehicle record" means a record that pertains to:

(1) a driver's license;

(2) a permit;

(3) a ~~motor~~ vehicle **or watercraft** registration;

(4) a ~~motor~~ vehicle **or watercraft** title; or

(5) an identification document issued by the bureau.

SECTION 40. IC 9-14-3.5-5, AS AMENDED BY P.L.184-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "personal information" means information that identifies a person, including an individual's:

(1) digital photograph **or image;**

(2) Social Security number;

(3) driver's license or identification document number;

(4) name;

(5) address (but not the 5-digit zip code);

(6) telephone number; or

(7) medical or disability information.

The term does not include information about vehicular accidents, driving or equipment related violations, and ~~operator's~~ **driver's** license or registration status.

SECTION 41. IC 9-14-3.5-7, AS AMENDED BY P.L.1-2006, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided in sections 8, ~~and~~ 10, **and 10.5** of this chapter:

(1) an officer or employee of the bureau;

(2) an officer or employee of the bureau of motor vehicles commission; or

(3) a contractor of the bureau or the bureau of motor vehicles commission (or an officer or employee of the contractor);

may not knowingly disclose **or otherwise make available** personal information, ~~about a person~~ **including highly restricted personal information** obtained ~~by the bureau~~ in connection with a motor vehicle record.

(b) A person's Social Security number shall not be in any way disclosed on a motor vehicle registration.

SECTION 42. IC 9-14-3.5-10, AS AMENDED BY P.L.97-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. ~~Except as provided in section 10.5 of this chapter,~~ The bureau may disclose **certain** personal information ~~to a person~~ **that is not highly restricted information** if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

(1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.

(2) For use in connection with matters concerning:

(A) motor vehicle or driver safety and theft;

(B) motor vehicle emissions;

(C) motor vehicle product alterations, recalls, or advisories;

(D) performance monitoring of motor vehicles, motor vehicle parts, and dealers;

(E) motor vehicle market research activities, including survey research;

(F) the removal of nonowner records from the original owner records of motor vehicle manufacturers; and

(G) motor fuel theft under IC 24-4.6-5.

(3) For use in the normal course of business by a business or its agents, employees, or contractors, but only:

(A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and

(B) if information submitted to a business is not correct or is no longer correct, to obtain the correct information only for purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.

(5) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, re-disclosed, or used to contact the individuals who are the subject of the personal information.

(6) For use by an insurer, an insurance support organization, or a self-insured entity, or the agents, employees, or contractors of an insurer, an insurance support organization, or a self-insured entity in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by a licensed private investigative agency or licensed security service for a purpose allowed under this section.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2710 et seq.).

(10) For use in connection with the operation of private toll transportation facilities.

(11) For any use in response to requests for individual motor vehicle records when the bureau has obtained the written consent of the person to whom the personal information pertains.

(12) For bulk distribution for surveys, marketing, or solicitations when the bureau has obtained the written consent of the person to whom the personal information pertains.

(13) For use by any person, when the person demonstrates, in a form and manner prescribed by the bureau, that written consent has been obtained from the individual who is the subject of the information.

(14) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

However, this section does not affect the use of anatomical gift information on a person's driver's license or identification document issued by the bureau, nor does ~~it~~ **this section** affect the administration of anatomical gift initiatives in the state.

SECTION 43. IC 9-14-3.5-10.5, AS AMENDED BY P.L.184-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.5. ~~(a) Except as provided in subsections (b) and (c), the bureau may not disclose the following~~ **Highly restricted** personal information ~~from a person's motor vehicle record:~~

~~(1) Driver's license or digital photograph.~~

~~(2) Social Security number.~~

~~(3) Medical or disability information.~~

~~(b) The bureau~~ may ~~disclose the personal information described in subsection (a)~~ **be disclosed only as follows:** ~~if the bureau has~~

(1) With the express written consent of the person to whom the **highly restricted** personal information pertains. ~~to release the information described in subsection (a).~~

~~(c) The bureau may disclose the personal information described in subsection (a) without~~

(2) In the absence of the express written consent of the person to whom the **highly restricted** personal information pertains, if the person requesting the information:

~~(1)~~ **(A)** provides proof of identity; and

~~(2)~~ **(B)** represents that the use of the **highly restricted** personal information will be strictly limited to at least one (1) of the uses set forth in section 10(1), 10(4), 10(6), and 10(9) of this chapter.

SECTION 44. IC 9-14-3.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. A person requesting the disclosure of personal information **or highly restricted personal information** from bureau records who knowingly or intentionally misrepresents the person's identity or makes a false statement to the bureau on an application required to be submitted under this chapter commits a Class C misdemeanor.

SECTION 45. IC 9-14-5-1, AS AMENDED BY P.L.184-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The bureau shall issue a placard to the following:

(1) An individual of any age who:

(A) has a temporary or permanent physical disability that requires the use of a wheelchair, a walker, braces, or crutches **as certified by a health care provider listed in clause (C);**

(B) has temporarily or permanently lost the use of one (1) or both legs;

(C) is certified to be severely restricted in mobility, either temporarily or permanently, due to a pulmonary or cardiovascular disability, arthritic condition, or orthopedic or neurological impairment, by:

(i) a physician having ~~an unlimited~~ **a valid and unrestricted** license to practice medicine;

(ii) a physician who is a commissioned medical officer of the armed forces of the United States or of the United States Public Health Service;

(iii) a physician who is a medical officer of the United States Department of Veterans Affairs;

(iv) a chiropractor ~~licensed~~ **with a valid and unrestricted license** under IC 25-10-1;

(v) a podiatrist ~~licensed~~ **with a valid and unrestricted license** under IC 25-29-1; or

(vi) an advanced practice nurse ~~licensed~~ **with a valid and unrestricted license** under IC 25-23; or

(D) is certified **to be blind or visually impaired** by an optometrist or ophthalmologist ~~licensed~~ **with a valid and unrestricted license** to practice in Indiana. ~~to be blind or visually impaired.~~

(2) Any corporation, limited liability company, partnership, unincorporated association, and any legal successor of the corporation, limited liability company, partnership, or association, empowered by the state or a political subdivision to operate programs, including the provision of transportation, or facilities for persons with physical disabilities.

SECTION 46. IC 9-14-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The certification made by a physician, an optometrist, or an ophthalmologist under section 1(1)(C) or 1(1)(D) of this chapter

must:

(1) be on a form prescribed by the ~~state board of accounts~~ **bureau;** and ~~must~~

(2) state the expected duration of the condition that severely restricts the individual's mobility.

SECTION 47. IC 9-14-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A placard issued under section 1(1) of this chapter expires ~~on the recipient's fourth birthday that follows the date of the placard's issuance if~~ **only upon a physician's certification that** the recipient's disability is **no longer considered to be** permanent. ~~If the disability is permanent, a new physician certification is not required upon expiration of the placard, only reapplication.~~

(b) If the recipient's disability is not permanent, a placard issued under section 1(1) of this chapter expires:

(1) six (6) months after the date of the placard's issuance; or

(2) on the date certified by a physician under section 1(1)(C) or 1(1)(D) of this chapter;

whichever occurs first.

SECTION 48. IC 9-14-5-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. When issuing a placard under this chapter, the bureau shall provide the individual to whom a placard is issued instructions explaining the law governing parking for a person with a physical disability and explaining proper use of the placard.~~

SECTION 49. IC 9-14-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The bureau may establish by rule and charge a fee of not more than five dollars ($5) to cover the cost of issuing a placard **or duplicate placard** under this chapter to ~~a~~ **an** individual having a temporary disability. However, the bureau may not establish or charge a fee for issuing a placard **or duplicate placard** under this chapter to an individual having a permanent disability.

SECTION 50. IC 9-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a)** The commission **board** consists of the following five (5) individuals:

(1) Four (4) individuals, not more than two (2) of whom may be members of the same political party, who:

(A) shall be appointed by the governor;

(B) serve for terms of four (4) years;

(C) may not hold any other public office or serve as a state or local employee while serving as a commission **board** member; and

(D) shall devote as much time as is needed to carry out their duties, but are not required to devote full time to their duties.

(2) The commissioner, who:

(A) shall serve as chairman of the commission **board;** and

(B) is responsible for calling commission **board** meetings.

(b) The commission consists of all:

(1) officers and employees of the license branches under IC 9-16; and

(2) other officers and employees designated as commission employees.

SECTION 51. IC 9-15-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Three (3) commission **board** members constitute a quorum. The consent of three (3) commission **board** members is required before any action may be taken.

SECTION 52. IC 9-15-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Each member of the commission **board** who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). ~~That~~ **A board** member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission **board** who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 53. IC 9-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The commission **board** shall do the following:

~~(1) Develop and continuously update the bureau's policies.~~

~~(2)~~ **(1)** Recommend ~~to the governor~~ legislation ~~that is~~ needed to ~~implement the policies developed by the commission.~~ **operate the license branches.**

~~(3)~~ **(2)** Recommend ~~to the bureau proposed~~ rules ~~that are~~ needed to ~~implement the policies developed by the commission and require those proposed rules to be adopted under IC 4-22-2.~~ **operate the license branches.**

~~(4)~~ **(3)** Review ~~revise, adopt, and submit to the~~ budget ~~agency budget~~ proposals for the commission ~~the bureau,~~ and the license branches operated under IC 9-16, including the budget required by IC 9-16-3-3.

~~(5)~~ **(4)** Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-16. However, there must be at least one (1) full service license branch in each county.

~~(6)~~ **(5)** Establish and adopt minimum standards for the operation and maintenance of each full **or partial** service license branch operated under IC 9-16.

~~(7) Before January 1, 1997, establish and adopt minimum standards for the operation and maintenance of each partial service contractor under IC 9-16. The standards must result in more convenience to the public by providing license branch services at as many walk-up locations as possible without increasing the costs of providing these services.~~

~~(8) Before March 1, 1997, establish and adopt minimum standards for providing license branch services using telephonic, facsimile, electronic, or computer means under IC 9-16.~~

~~(9)~~ **(6)** Administer the state license branch fund established under IC 9-29-14.

SECTION 54. IC 9-15-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The commission **board** may do the following:

(1) Procure insurance against any loss in connection with the commission's operations in the amount the commission **board** considers necessary or desirable.

(2) Contract for the operation of full service license branches under IC 9-16-1-4 and partial services under IC 9-16-1-4.5.

(3) Take any other action necessary to achieve the commission's purpose.

SECTION 55. IC 9-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. IC 34-13-3 applies to a claim or suit in tort against any of the following:

(1) A member of the commission **or commission board.**

(2) An employee of the commission, ~~who is employed at a license branch under IC 9-16,~~ except for an employee employed at a license branch operated under a contract with the commission under IC 9-16-1-4.

SECTION 56. IC 9-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "qualified person" means any of the following:

(1) A motor club that is any of the following:

(A) A domestic corporation.
(B) A foreign corporation qualified to transact business in Indiana under IC 23-1 or IC 23-17.
(2) A financial institution (as defined in IC 28-1-1-3).
(3) A new motor vehicle dealer licensed under IC 9-23-2.
(4) Other persons, including persons licensed under IC 9-23-2 that are not covered by subdivision (3), that the commission determines can meet the ~~standards adopted by the commission under IC 9-15-2-1(7) and the~~ requirements for partial service contractors under section 4.5 of this chapter.

SECTION 57. IC 9-16-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The ~~commission~~ **commissioner** shall operate or be responsible for the administration of all license branches in Indiana under this article.

SECTION 58. IC 9-16-1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. The number of license branches may not be reduced in a county below the number in existence on January 1, 2001, unless the ~~bureau.~~ **commission:**
(1) holds a public hearing in the county; and
(2) receives unlimited public testimony before the commissioner on the merits of closing the branch that the ~~bureau~~ **commission** proposes to close in the county.

SECTION 59. IC 9-16-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The commission may contract with a qualified person for:
(1) the operation of a full service license branch under this section; ~~or~~
(2) ~~providing~~ **the provision of** partial services under section 4.5 of this chapter; **or**
(3) other services to process specific transactions as outlined by the commission.

(b) A contract for the operation of a full service license branch must include the following provisions:
(1) The contractor shall provide a full service license branch, including the following services:
(A) Vehicle titles.
(B) Vehicle registration.
(C) Driver's licenses.
(D) Voter registration as provided in IC 3-7.
(2) The contractor shall provide trained personnel to properly process branch transactions.
(3) The contractor shall do the following:
(A) Collect and transmit all bureau fees and taxes collected at the license branch.
(B) Deposit the taxes collected at the license branch with the **commission to be deposited with the** county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.
(4) The contractor shall generate a transaction volume sufficient to justify the installation of bureau support systems.
(5) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.
(6) The contractor may operate the license branch within a facility used for other purposes.
(7) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.
(8) The commission shall provide support systems ~~and driver's license examiners~~ on the same basis as state operated branches.
~~(9) The commission shall provide the same equipment to contractors as is provided to state operated branches.~~
~~(10)~~ **(9)** The commission must approve each location and physical facility based upon criteria developed by the commission **board.**
~~(11)~~ **(10)** The term of the contract must be for a fixed period.
~~(12)~~ **(11)** The contractor shall agree to provide voter registration services and to perform the same duties imposed on the commission under IC 3-7.

SECTION 60. IC 9-16-1-4.5, AS AMENDED BY P.L.41-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) The commission may contract with a qualified person to provide partial services at a qualified person's location, including locations within a facility used for other purposes, such as electronic titling and title application services and self-serve terminal access.

(b) A contract for providing motor vehicle **title or** registration and renewal services, **or both,** at a location must include the following provisions:
(1) The contractor must provide trained personnel to properly process motor vehicle registration and renewal transactions.
(2) The contractor shall do the following:
(A) Collect and transmit all bureau fees and taxes collected at the contract location.
(B) Deposit the taxes collected at the contract location with the **commission to be deposited with the** county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.
(3) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.
(4) The contractor shall provide:
(A) liability insurance coverage in an amount not to exceed two million dollars ($2,000,000) per occurrence, as prescribed by the commission; and
(B) indemnification of the commission for any liability in excess of the amount of coverage provided under clause (A), not to exceed five million dollars ($5,000,000) per occurrence.
(5) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.
(6) The commission must approve each location and physical facility used by a contractor.
(7) The term of the contract must be for a fixed period.

SECTION 61. IC 9-16-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Notwithstanding IC 5-16, IC 5-17-1, and IC 5-22, the commission may develop a system of procurement that applies only to procurement of equipment, materials, **services,** and goods required for the operation of license branches.

(b) A system of procurement adopted under this section must provide that whenever:
(1) a contract is awarded by acceptance of bids, proposals, or quotations; and
(2) a trust (as defined in IC 30-4-1-1(a)) submits a bid, proposal, or quotation;
the bid, proposal, or quotation must identify each beneficiary of the trust and each settlor empowered to revoke or modify the trust.

(c) This section does not apply to the purchasing, leasing, or disposal of real property.

SECTION 62. IC 9-16-3-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. The manager of each license branch that is staffed by commission employees shall prepare and submit a proposed operating budget for that license branch to the commissioner before August 1 of each year.~~

SECTION 63. IC 9-16-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~Based on the proposed budgets from each of the license branches,~~ The

commission shall develop a statewide license branch budget. If the commission **board** determines that the total of:

(1) revenues from license branch operations; and

(2) appropriations received by the commission;

are insufficient to support license branch operations, the commission shall increase the branch service charges under IC 9-29-3.

SECTION 64. IC 9-16-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. On ~~or before September 1~~ **a date specified by the budget agency** of each even-numbered year, the commission shall submit to the budget agency a proposed budget. The commission shall include, at a minimum, the following information on a county by county basis:

(1) Total estimated revenue. ~~by source.~~

(2) Total estimated expenditures for salaries and fringe benefits.

(3) Total estimated expenditures for other personal services.

(4) Total estimated expenditures for nonpersonal services.

(5) Total estimated expenditures for contractual services.

(6) Total estimated expenditures for supplies and materials.

(7) All other estimated expenditures.

(8) The number of full-time and part-time employees.

(9) Other information the budget agency requires.

SECTION 65. IC 9-16-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. ~~Before October 1 of each even-numbered year,~~ The budget agency shall provide the information received under section 3 of this chapter to the budget committee for the committee's review.

SECTION 66. IC 9-16-4-1, AS AMENDED BY P.L.221-2005, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The commission **board** may develop a separate personnel system for employees of the commission who are assigned to be managers and employees of commission license branches. The system may establish the rights, privileges, powers, and duties of these employees, including a license branch pay scale and benefit package. If the commission **board** does not develop and adopt a license branch personnel system, those employees are subject to the state personnel system under ~~IC 4-15-1.8,~~ **IC 4-15-2.2,** except as provided in IC 9-16-1-7.

SECTION 67. IC 9-16-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The commission **board** may:

(1) develop a retirement program for managers and employees of commission license branches; or

(2) cause managers and employees of commission license branches to be members of the public employees' retirement fund (IC 5-10.3-7).

SECTION 68. IC 9-16-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies to a license branch ~~that furnishes any services other than the issuance of a driver's license or identification card under IC 9-24.~~ **operated by the commission.**

SECTION 69. IC 9-16-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~The commission~~ **License branches** shall offer voter registration services under this chapter, in addition to providing a voter registration application as a part of an application for a motor vehicle driver's license, permit, or identification card under IC 9-24-2.5 and 42 U.S.C. 1973gg-3.

SECTION 70. IC 9-17-1-1, AS AMENDED BY P.L.182-2009(ss), SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article does not apply to:

(1) special machinery;

(2) farm wagons;

(3) a golf cart when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a); or

(4) a motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer;

or any other vehicle that is not registered in accordance with IC 9-18-2.

SECTION 71. IC 9-17-2-1, AS AMENDED BY P.L.131-2008, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This section does not apply to an off-road vehicle that is at least five (5) model years old.

(b) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must obtain a certificate of title for all vehicles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; or

(2) are off-road vehicles;

and that will be operated in Indiana.

(c) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person ~~shall~~ **must** obtain a certificate of title for all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(d) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must obtain a certificate of title for all recreational vehicles owned by the person that:

(1) are subject to the excise tax imposed under IC 6-6-5.1; and

(2) will be operated in Indiana.

(e) **A person must obtain a certificate of title for all vehicles owned by the person not later than sixty (60) days after becoming an Indiana resident.** A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 72. IC 9-17-2-2, AS AMENDED BY P.L.83-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A person applying for a certificate of title for a vehicle must submit an application on a form furnished by the bureau ~~that contains~~ **and provide** the following information:

(1) A full description of the vehicle, **including the make, model, and year of manufacture of the vehicle.**

(2) A statement of ~~the person's title and of~~ any lien or encumbrance on the vehicle.

(3) The vehicle identification number or special identification number of the vehicle.

(4) The former title number, if applicable.

(5) The purchase or acquisition date.

(6) The name, residence address and, if different from the residence address, mailing address, and Social Security number or federal identification number of the person.

~~(3)~~ **(7)** Other information **that** the bureau requires.

(b) This subsection applies only to an individual who receives an interest in a vehicle under IC 9-17-3-9. To obtain a certificate of title for the vehicle, the individual must do the following:

(1) Surrender the certificate of title designating the individual as a transfer on death beneficiary.

(2) Submit proof of the transferor's death.

(3) Submit an application for a certificate of title on a

form furnished by the bureau that meets the requirements of subsection (a).

SECTION 73. IC 9-17-2-3, AS AMENDED BY P.L.131-2008, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The ~~form~~ **application** described under section 2 of this chapter must include the following printed statement:

"I swear or affirm that the information I have entered on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury.".

(b) The person applying for the certificate of title must sign the form directly below the printed statement.

~~(c) The form described under section 2 of this chapter must include the statement required by IC 9-17-3-3.2.~~

SECTION 74. IC 9-17-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. If a certificate of title:

(1) has been previously issued for a vehicle in Indiana, an application for a certificate of title must be accompanied by the previously issued certificate of title, unless otherwise provided; or

(2) has not previously been issued for a vehicle in Indiana, an application for a certificate of title must be accompanied by a manufacturer's certificate of origin as provided in IC 9-17-8, unless otherwise provided **in this chapter.**

SECTION 75. IC 9-17-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The bureau shall retain the evidence of title presented by a person upon which the Indiana certificate of title is issued **in accordance with applicable document and record retention requirements.**

SECTION 76. IC 9-17-2-9, AS AMENDED BY P.L.1-2007, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section does not apply to ~~a motor~~ **an off-road** vehicle requiring a certificate of title under ~~section 1(b)(2) or 1.5 of~~ this chapter.

(b) A person applying for a certificate of title must:

(1) apply for registration of the vehicle described in the application for the certificate of title; or

(2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 77. IC 9-17-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. If the bureau is satisfied that the person applying for a certificate of title is the owner of the vehicle, ~~or is otherwise entitled to have the vehicle registered in the person's name,~~ the bureau may issue a certificate of title for the vehicle.

SECTION 78. IC 9-17-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The bureau shall deliver a certificate of title to the person who owns the vehicle if no lien or encumbrance appears on the certificate of title.

(b) If a lien or an encumbrance appears on the vehicle, the bureau shall deliver the certificate of title to the person ~~named to receive the certificate of title~~ **who holds the lien or encumbrance set forth** in the application for the certificate of title.

SECTION 79. IC 9-17-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) If a certificate of title:

(1) is lost **or stolen;**

(2) is mutilated;

(3) is destroyed; or

(4) becomes illegible;

the person who owns the vehicle or the legal representative or legal successor in interest of the person who owns the vehicle for which the certificate of title was issued, as shown by the records of the bureau, shall immediately apply for and may obtain a duplicate certificate of title.

(b) To obtain a duplicate certificate of title under subsection (a), a person must:

(1) furnish information satisfactory to the bureau concerning the loss, **theft,** mutilation, destruction, or illegibility of the certificate of title; and

(2) pay the fee provided under IC 9-29.

(c) The word "duplicate" shall be printed or stamped in ink on the face of a certificate of title issued under this section.

(d) When a duplicate certificate of title is issued, the previous certificate of title becomes void.

SECTION 80. IC 9-17-3-3.2, AS ADDED BY P.L.131-2008, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.2. ~~The form furnished by the bureau under IC 9-17-2-2 must contain the following language immediately below the signature of the seller:~~

~~"If this~~ **(a) When a certificate of title is available and a** vehicle is sold or transferred to a person other than a dealer licensed in Indiana, the seller or transferor ~~is required to~~ **shall** fill in all blanks **on the certificate of title** relating to buyer information, including the sale price.

(b) The knowing or intentional failure of the seller or transferor to fill in all buyer information is a Class A misdemeanor ~~or~~ **for the first offense and** a Class D felony for the second or subsequent offense under IC 9-17-3-7(c)(2).

SECTION 81. IC 9-17-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A certificate of title for a vehicle held by an Indiana resident who is serving in the armed forces of the United States may be transferred by the **Indiana** resident to another person if the resident authorizes the transfer by a **valid power of attorney or a** letter signed by the **Indiana** resident. **The valid power of attorney or the letter must be accompanied by proof that the Indiana resident is actively serving in the armed forces of the United States and is outside Indiana.**

(b) When the bureau receives the **power of attorney or** letter **and proof** described in subsection (a), the bureau may make the transfer to the person named in the **power of attorney or** letter.

(c) Whenever a transfer described in subsection (a) is made, the **power of attorney or** letter:

(1) must be attached to the certificate of title being transferred; and

(2) becomes a permanent record of the bureau.

(d) The bureau shall use reasonable diligence in determining if the signature of the person who signed the letter described in subsection (a) authorizing the transfer is the signature of the person.

(e) If the bureau is satisfied that the signature is the signature of the person who owns the vehicle described in the certificate of title, the bureau shall issue an appropriate certificate of title over the signature of the bureau and sealed with the seal of the bureau to the person named in the letter.

SECTION 82. IC 9-17-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Whenever a vehicle for which a certificate of title is required by this article is sold under:

(1) an order or a process of an Indiana court; or

(2) any provision of an Indiana statute;

the person who purchases the vehicle may obtain a certificate of title for the vehicle by filing an application for the certificate of title with the bureau and attaching to the application written evidence showing the order, process, or statute under which the person obtained ownership of the vehicle.

(b) The bureau shall use due diligence to ascertain that the sale was in conformity with the order, process, or statute under which the sale occurred and, if the bureau is satisfied, the bureau

shall issue a certificate of title to the person who **obtained or** purchased the vehicle.

(c) An order or a process of an Indiana court described in subsection (a) must include the:

(1) year of manufacture of;

(2) make and model of;

(3) vehicle identification number of; and

(4) name and address of the person who is entitled to; the vehicle.

SECTION 83. IC 9-17-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (b), if the bureau receives notification from another state or a foreign country that a certificate of title for a vehicle that was issued by the bureau has been surrendered by the person who owns the vehicle in conformity with the laws of the other state or country, the bureau may cancel the record of certificate of title in Indiana.

(b) The bureau must retain information necessary to comply with ~~rules adopted under~~ section 8 of this chapter.

SECTION 84. IC 9-17-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The bureau shall: ~~adopt rules under IC 4-22-2 that:~~

(1) enable the owner of a motor vehicle titled in Indiana to determine:

(A) whether that motor vehicle has previously been titled in Indiana; and

(B) if the motor vehicle has previously been titled in Indiana, whether the title was issued **as a salvage title** under IC 9-22-3; and

(2) impose a service charge under IC 9-29-3-19 for services performed by the bureau under this section.

SECTION 85. IC 9-17-4-0.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.3. As used in this chapter, "assembled vehicle" means:

(1) a motor vehicle, excluding a motorcycle, that has had the:

(A) frame;

(B) chassis;

(C) cab; or

(D) body;

replaced **or constructed;** or

(2) a motorcycle that has had the:

(A) frame; or

(B) engine;

replaced **or constructed.**

The term includes but is not limited to glider kits, fiberglass body kits, and vehicle reproductions or replicas and includes motor vehicles that have visible and original vehicle identification numbers.

SECTION 86. IC 9-17-4-0.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. As used in this chapter, **"special** identification number" means a distinguishing number assigned by the bureau to a privately assembled motor vehicle, semitrailer, or recreational vehicle.

SECTION 87. IC 9-17-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. If a motor vehicle, semitrailer, or recreational vehicle has been built, constructed, or assembled by the person who owns the motor vehicle, semitrailer, or recreational vehicle, the person shall:

(1) indicate on a form provided by the bureau the major component parts that have been used to assemble the motor vehicle, semitrailer, or recreational vehicle;

(2) make application through the bureau for ~~an~~ **a special** identification number for the motor vehicle, semitrailer, or recreational vehicle;

(3) after receipt of the **special** identification number described in subdivision (2), stamp or attach the **special** identification number received from the bureau in the manner provided in section ~~2(2)~~ **2(3)** of this chapter; and

(4) apply for a certificate of title for the motor vehicle, semitrailer, or recreational vehicle from the bureau.

SECTION 88. IC 9-17-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A certificate of title may not be issued for a **manufactured or** privately assembled motor vehicle, semitrailer, or recreational vehicle that does not have a ~~distinctive~~ **special** identification number stamped on the motor vehicle, semitrailer, or recreational vehicle or permanently attached to the motor vehicle, semitrailer, or recreational vehicle until the person who owns the motor vehicle, semitrailer, or recreational vehicle has:

(1) an inspection performed under IC 9-17-2-12;

~~(1)~~ **(2)** obtained from the bureau ~~an~~ **a special** identification number designated by the bureau; and

~~(2)~~ **(3)** stamped or permanently attached the **special** identification number in a conspicuous place on the frame of the motor vehicle, semitrailer, or recreational vehicle.

SECTION 89. IC 9-17-4-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. In obtaining an identification number, substantially the same procedure shall be followed as is provided in this article for obtaining a certificate of title from the bureau.~~

SECTION 90. IC 9-17-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A certificate of title issued under this chapter must contain the following:

(1) A description and other evidence of identification of the motor vehicle, semitrailer, or recreational vehicle as required by the bureau.

(2) A statement of any liens or encumbrances that the application shows to be on the certificate of title.

(3) The appropriate notation prominently recorded on the front of the title as follows:

(A) For a vehicle assembled using all new vehicle parts, excluding the vehicle frame, ~~"ASSEMBLED~~ **"RECONSTRUCTED** VEHICLE".

(B) For a vehicle assembled using used parts, "REBUILT VEHICLE".

(C) For a vehicle assembled using a salvage vehicle or parts, "REBUILT SALVAGE".

SECTION 91. IC 9-17-4-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. (a) A person must obtain a body change title whenever a vehicle is altered so that the alteration changes the type of the vehicle, as noted on the:**

(1) current title; or

(2) certificate of origin;

of the vehicle.

(b) To receive a body change title, an applicant must provide:

(1) the former title or certificate of origin;

(2) a properly completed body change affidavit using a bureau designated form; and

(3) proof of a vehicle inspection.

(c) An assembled vehicle and a vehicle that is altered such that the vehicle type is changed must meet all applicable federal and state highway safety requirements before the vehicle may be titled and registered for operation on highways.

SECTION 92. IC 9-17-5-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 5. (a) A security agreement covering a security interest in a vehicle that is not inventory held for sale can be perfected only if the bureau indicates the security interest on the certificate of title or duplicate. Except as otherwise provided in subsections (b) and (c), IC 26-1-9.1 applies to security**

interests in vehicles.

(b) The secured party, upon presentation to the bureau of a properly completed application for certificate of title together with the fee prescribed, may have a notation of the lien made on the face of the certificate of title to be issued by the bureau. The bureau shall:

(1) enter the notation and the date of the notation; and

(2) note the lien and date of lien in the bureau's files.

(c) Whenever a lien is discharged, the holder shall note the discharge on the certificate of title over the signature of the holder.

SECTION 93. IC 9-17-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. If the bureau is satisfied that the person applying for the certificate of title is the owner of the manufactured home or is otherwise entitled to have the manufactured home titled in the person's name, the bureau shall issue an appropriate certificate of title. ~~over the signature of the bureau and sealed with the seal of the bureau.~~

SECTION 94. IC 9-17-7-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. (a) A security agreement covering a security interest in a trailer that is not inventory held for sale can be perfected only if the bureau indicates the security interest on the certificate of title or duplicate. Except as otherwise provided in subsections (b) and (c), IC 26-1-9.1 applies to security interests in trailers.**

(b) The secured party, upon presentation to the bureau of a properly completed application for certificate of title together with the fee prescribed in IC 9-29-4, may have a notation of the lien made on the face of the certificate of title to be issued by the bureau. The bureau shall:

(1) enter the notation and the date of the notation; and

(2) note the lien and date of lien in the bureau's files.

(c) Whenever a lien is discharged, the holder shall note the discharge on the certificate of title over the signature of the holder.

SECTION 95. IC 9-18-1-1, AS AMENDED BY P.L.182-2009(ss), SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article does not apply to the following:

(1) Farm wagons.

(2) Farm tractors.

(3) A new motor vehicle if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:

(A) the new motor vehicle was being transported on a railroad car or semitrailer; and

(B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

(4) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

(5) Off-road vehicles.

(6) Golf carts when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).

(7) Vehicles that are not issued a certificate of title under IC 9-17, unless otherwise provided in this article.

SECTION 96. IC 9-18-2-1, AS AMENDED BY P.L.1-2009, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must register all motor vehicles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; and

(2) will be operated in Indiana.

(b) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must register all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(c) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must register all recreational vehicles owned by the person that:

(1) are subject to the excise tax imposed under IC 6-6-5.1; and

(2) will be operated in Indiana.

(d) A person must ~~produce evidence concerning the date on which~~ **register all vehicles owned by** the person ~~became~~ **not later than sixty (60) days after becoming** an Indiana resident.

(e) Except as provided in subsection (f), an Indiana resident must register all motor vehicles operated in Indiana.

(f) An Indiana resident who has a legal residence in a state that is not contiguous to Indiana may operate a motor vehicle in Indiana for not more than sixty (60) days without registering the motor vehicle in Indiana.

(g) An Indiana resident who has registered a motor vehicle in Indiana in any previous registration year is not required to register the motor vehicle, is not required to pay motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the motor vehicle, and is exempt from property tax on the motor vehicle for any registration year in which:

(1) the Indiana resident is:

(A) an active member of the armed forces of the United States; and

(B) assigned to a duty station outside Indiana; and

(2) the motor vehicle is not operated inside or outside Indiana.

This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

(h) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection (g), the Indiana resident may submit an affidavit that:

(1) states facts demonstrating that the motor vehicle is a motor vehicle described in subsection (g); and

(2) is signed by the owner of the motor vehicle under penalties of perjury;

as sufficient proof that the owner of the motor vehicle is not required to register the motor vehicle during a registration year described in subsection (g). The commission or bureau may not require the Indiana resident to pay any civil penalty or any reinstatement or other fee that is not also charged to other motor vehicles being registered in the same registration year.

SECTION 97. IC 9-18-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. A **person registering a** motor vehicle ~~may be registered~~ in Indiana ~~only if~~ **must have** proof of financial responsibility **that is in effect** in the amounts specified in IC 9-25 ~~is produced~~ **available** for inspection at the time ~~an~~ **the person's** application for registration is made. ~~in a form required by the bureau.~~

SECTION 98. IC 9-18-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. ~~(a) A person who owns a vehicle must sign an application in ink to register the vehicle.~~

~~(b) An application~~ **(a) A person who desires** to register a vehicle **with the bureau** must ~~contain~~ **provide** the following:

(1) The:

(A) name, bona fide residence, and mailing address, including the name of the county, of the person who

owns the vehicle; or

(B) business address, including the name of the county, of the person that owns the vehicle if the person is a firm, a partnership, an association, a corporation, a limited liability company, or a unit of government.

If the vehicle that is being registered has been leased and is subject to the motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5, ~~the application must contain~~ the address of the person who is leasing the vehicle **must be provided.** If the vehicle that is being registered has been leased and is not subject to the motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5, ~~the application must contain~~ the address of the person who owns the vehicle, the person who is the lessor of the vehicle, or the person who is the lessee of the vehicle **must be provided.** If a leased vehicle is to be registered under the International Registration Plan, the registration procedures are governed by the terms of the plan.

(2) A brief description of the vehicle to be registered, including the following information if available:

(A) The name of the manufacturer of the vehicle.

(B) The vehicle identification number.

(C) The manufacturer's rated capacity if the vehicle is a truck, tractor, trailer, or semitrailer.

(D) The type of body of the vehicle.

(E) The model year of the vehicle.

(F) The color of the vehicle.

~~(F)~~ **(G)** Any other information reasonably required by the bureau to enable the bureau to determine if the vehicle may be registered. The bureau may request the person applying for registration to provide the vehicle's odometer reading.

(3) ~~A space on the application in which~~ The person registering the vehicle may indicate the person's desire to donate money to organizations that promote the procurement of organs for anatomical gifts. The ~~space on the application~~ **bureau** must:

(A) allow the person registering the vehicle to indicate the amount the person desires to donate; and

(B) provide that the minimum amount a person may donate is one dollar ($1).

Funds collected under this subdivision shall be deposited with the treasurer of state in a special account. The auditor of state shall monthly distribute the money in the special account to the anatomical gift promotion fund established by IC 16-19-3-26. The bureau may deduct from the funds collected under this subdivision the costs incurred by the bureau in implementing and administering this subdivision.

~~(c)~~ **(b)** The department of state revenue may audit records of persons who register trucks, trailers, semitrailers, buses, and rental cars under the International Registration Plan to verify the accuracy of the application and collect or refund fees due.

SECTION 99. IC 9-18-2-17, AS AMENDED BY P.L.163-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Upon receiving ~~an application~~ **the information** under section 16 of this chapter, the bureau shall:

(1) determine:

(A) the genuineness and regularity of the ~~application;~~ **information;** and

(B) that the person applying for registration is entitled to register the vehicle;

~~(2) file the application;~~

~~(3)~~ **(2)** subject to subsection (b), register the vehicle described in the application; and

~~(4)~~ **(3)** keep a record of the ~~application on suitable index cards~~ **registration of the vehicle** under a distinctive registration number assigned to the vehicle ~~and~~ in ~~any other~~ **a** manner the bureau considers desirable for the convenience of the bureau.

(b) Upon receiving notice, as described in IC 9-21-3.5-10(c), of the failure of an owner of a vehicle to pay a fine, charge, or other assessment for a toll violation documented under IC 9-21-3.5-12, the bureau shall withhold the annual registration of the vehicle that was used in the commission of the toll violation until the owner pays the fine, charge, or other assessment, plus any applicable fees, to:

(1) the bureau; or

(2) the appropriate authority under IC 9-21-3.5 that is responsible for the collection of fines, charges, or other assessments for toll violations under IC 9-21-3.5.

If the owner pays the fine, charge, or assessment, plus any applicable fees, to the bureau as described in subdivision (1), the bureau shall remit the appropriate amount to the appropriate authority under IC 9-21-3.5 that is responsible for the collection of fines, charges, assessments, or fees for toll violations under IC 9-21-3.5.

SECTION 100. IC 9-18-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) ~~A~~ **The** person ~~who registers a vehicle,~~ **whose name appears on the certificate of registration,** except a person who registers a vehicle under the International Registration Plan, shall sign the person's copy of the certificate of registration in ink in the space provided.

(b) A certificate of registration or a legible reproduction of the certificate of registration must be carried:

(1) in the vehicle to which the registration refers; or

(2) by the person driving or in control of the vehicle, who shall display the registration upon the demand of a police officer.

(c) A legible reproduction of the certificate of registration may be made by any photostatic or similar process. ~~The valid stamp must be legible on the reproduced copy.~~

SECTION 101. IC 9-18-2-24 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24. The bureau may destroy applications for registration of motor vehicles that have been on file in the bureau for a period of at least three (3) years.~~

SECTION 102. IC 9-18-2-29.5, AS ADDED BY P.L.210-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 29.5. Before a piece of special machinery is operated off a highway or in a farm field, the person who owns the piece of special machinery must:

(1) register the piece of special machinery with the bureau; and

(2) pay the applicable **special machinery** registration fee.

SECTION 103. IC 9-18-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The bureau may:

(1) prescribe forms; and

(2) adopt rules;

to implement this chapter.

(b) A form prescribed under this section must include the information described in ~~IC 9-18-2-16(b)(3).~~ **IC 9-18-2-16(a)(3).**

SECTION 104. IC 9-18-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~An application~~ **A request** for registration under this chapter must be:

(1) made under the laws governing applications; and

(2) signed for, on behalf of the holder, by the person named in the letter.

SECTION 105. IC 9-18-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Upon

receiving ~~an application and~~ a letter of authorization, the bureau shall determine if the signature on the letter is that of the person who holds the certificate of title for the motor vehicle by comparing the signature on the letter with the signature on the certificate of title.

SECTION 106. IC 9-18-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person may apply for and receive a temporary registration permit for a motor vehicle, semitrailer, trailer designed to be used with a semitrailer, or recreational vehicle.

(b) ~~Except as provided in section 1.5 of this chapter,~~ A temporary registration permit is valid for a period of thirty (30) days from the date of issuance and authorizes the use of the motor vehicle, semitrailer, trailer designed to be used with a semitrailer, or recreational vehicle on the highways if any of the following conditions exist:

(1) The person has purchased or otherwise obtained the vehicle in Indiana and will be titling or registering the vehicle in another state **or foreign country.**

(2) The person is a resident of Indiana and is intending to move to another state and the current vehicle registration or temporary permit will expire before the person moves.

(3) The person is a resident of Indiana and the vehicle registration in another state has expired and the person has applied for an Indiana title for the vehicle.

(4) The person is a manufacturer of semitrailers or trailers designed to be used with a semitrailer that may be leased by the manufacturer to any person, including a motor carrier, for not more than the term of the special registration permit. This subdivision does not prohibit the transportation of property on a semitrailer or trailer operating under a temporary registration permit. A copy of the lease must accompany the semitrailer or trailer.

(5) The person owns and operates the vehicle and the person:

(A) does not operate the vehicle as a lessor; and

(B) moves the empty vehicle from one (1) lessee-carrier to another.

(6) The person owns a vehicle for which emissions testing is required and the vehicle will require further mechanical repairs in order to comply with the emissions testing requirements.

(c) The bureau shall prescribe the form of a temporary registration permit.

(d) A temporary registration permit shall be displayed on a vehicle in a manner determined by the bureau.

(e) The bureau may provide for the bulk issuance of temporary registration permits to manufacturers for the purpose of subsection (b)(4).

(f) Subject to IC 9-25-1-2, a temporary registration permit may be obtained under this section if the owner of the vehicle provides proof of financial responsibility in the amounts specified under IC 9-25 in a form required by the bureau.

SECTION 107. IC 9-18-7-1.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1.5. (a) This section applies to a temporary registration permit obtained:~~

~~(1) for a vehicle that is manufactured in Indiana; and~~

~~(2) by an individual who:~~

~~(A) is a citizen of a foreign country; and~~

~~(B) purchases a vehicle described in subdivision (1) with the intention of registering the vehicle in the foreign country of which the individual is a citizen.~~

~~(b) A temporary registration permit issued under this section is valid for ninety (90) days from the date of issuance and authorizes the use of the vehicle on the highways.~~

~~(c) A temporary registration permit issued under this section shall be manufactured from the same material as a license plate issued under IC 9-18-2. The bureau shall prescribe the form of a temporary registration permit.~~

~~(d) A temporary registration permit shall be displayed on a vehicle in a manner determined by the bureau.~~

~~(e) Subject to IC 9-25-1-2, a temporary registration permit may be obtained under this section if the owner of the vehicle provides proof of financial responsibility in the amounts specified under IC 9-25 in a form required by the bureau.~~

SECTION 108. IC 9-18-11-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. A person engaged in operating at least one (1) fleet of intercity buses may, instead of registering the buses under any other law, register each fleet for operation in Indiana by filing an application with the bureau that contains the following information:~~

~~(1) The total number of miles operated in all states during the preceding year by the intercity buses in the fleet.~~

~~(2) The total number of miles operated in Indiana during the preceding year by the intercity buses in the fleet.~~

~~(3) A description and identification of each intercity bus in the fleet that is to be operated in Indiana during the registration year for which proportional fleet registration is requested.~~

~~(4) Any other information requested by the bureau.~~

SECTION 109. IC 9-18-12-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. (a) An application for the registration of an antique motor vehicle under this chapter must be accompanied by a certificate that indicates that the antique motor vehicle has:~~

~~(1) been inspected for general safety; and~~

~~(2) been found to be in a mechanical condition that the vehicle can be operated safely on the highways.~~

~~(b) The state police department shall make the inspection and issue the certificate under this section.~~

SECTION 110. IC 9-18-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. If a person who owns a military vehicle registers the military vehicle under this chapter, the registration of the military vehicle is for the life of the military vehicle. **A person who owns a military vehicle shall also pay any applicable excise taxes under IC 6-6-5 and IC 6-6-5.5.**

SECTION 111. IC 9-18-14-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. The bureau shall adopt rules under IC 4-22-2 to implement this chapter.~~

SECTION 112. IC 9-18-25-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 establishing the requirements to qualify for participation in the special group recognition license plate program.

(b) Representatives of a special group shall petition the bureau to qualify for participation in the special group recognition license plate program.

(c) Each petition submitted under this section must contain the printed name, address, and signature of at least five hundred (500) members of the special group who pledge to purchase the special group recognition license plate if a special group recognition license plate is issued for the group under this chapter.

(d) **Except as provided in subsection (e),** when a petition containing the information required in subsection (c) is submitted to the bureau, the bureau may design and issue a special group recognition license plate that designates a vehicle as being registered under this chapter by a person (as defined in IC 9-13-2-124) who is a member of the special group.

(e) This subsection expires December 31, 2013. Notwithstanding subsection (d), the bureau may not approve a new special group recognition license plate in accordance with this section until July 15, 2013.

SECTION 113. IC 9-22-1-4, AS AMENDED BY

P.L.191-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsection (c), the ~~person who owns~~ **owner of** an abandoned vehicle or parts is:

(1) responsible for the abandonment; and

(2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

(b) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars ($1,500).

(c) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(d) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned to the previous owner of the vehicle if the previous owner is known.

SECTION 114. IC 9-22-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. When an officer discovers a vehicle in the possession of a person other than the ~~person who owns~~ **owner of** the vehicle and the person cannot establish the right to possession of the vehicle, the vehicle shall be taken to and stored in a suitable place.

SECTION 115. IC 9-22-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. The bureau shall be notified within seventy-two (72) hours of the location and description of a vehicle described in section 5 of this chapter.~~

SECTION 116. IC 9-22-1-7, AS AMENDED BY P.L.191-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. If:

(1) the ~~person who owns~~ **owner** or ~~holds a lien~~ **lienholder** under section 8 of this chapter does not appear and pay all costs; or

(2) the ~~person who owns~~ **owner of** a vehicle cannot be determined by a search conducted under section 19 of this chapter;

the vehicle is considered abandoned and must be disposed of under this chapter.

SECTION 117. IC 9-22-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released. **A towing service shall notify the appropriate public agency of all releases under this section. The notification must include the name, signature, and address of the person that owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and the date of release.**

SECTION 118. IC 9-22-1-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing service shall notify the appropriate public agency of all releases under section 8 of this chapter.~~

SECTION 119. IC 9-22-1-12, AS AMENDED BY P.L.131-2008, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. If a vehicle or a part tagged under section 11 of this chapter is not removed within the applicable period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition **and** missing parts. ~~and other facts that might substantiate the estimated market value of the vehicle or parts.~~ Photographs ~~shall~~ **may** be taken to describe the condition of the vehicle or parts.

SECTION 120. IC 9-22-1-13, AS AMENDED BY P.L.191-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) If ~~in the opinion of the officer~~ **vehicle is a junk vehicle and** the market value of an abandoned vehicle or parts ~~determined in accordance with section 12 of this chapter~~ is less than:

(1) ~~five hundred dollars ($500);~~ **one thousand dollars ($1,000);** or

(2) in a municipality that has adopted an ordinance under subsection (b), the amount established by the ordinance;

the ~~officer~~ **towing service** shall immediately ~~dispose of~~ **transfer** the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs, **if applicable,** relating to the abandoned vehicle shall be ~~forwarded~~ **provided** to the ~~bureau.~~ **storage yard.** A towing service **or storage yard** may dispose of an abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. A city, county, or town that operates a storage yard under IC 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyard or an automotive salvage recycler upon removal of the abandoned vehicle. The public agency **or storage yard** disposing of the vehicle shall retain the original records and photographs for at least two (2) years. **If the vehicle is demolished, a copy of the abandoned vehicle report shall be forwarded to the bureau by the automobile scrap yard after the vehicle has been demolished.**

(b) The legislative body of a municipality (as defined in IC 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under subsection (a). However, the market value established by the ordinance may not be more than seven hundred fifty dollars ($750).

(c) When the bureau receives the report described in subsection (a), the bureau shall note the status of the vehicle in the records of the bureau.

SECTION 121. IC 9-22-1-14, AS AMENDED BY P.L.104-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) If in the opinion of the officer the market value of the abandoned vehicle or parts ~~determined in accordance with section 12 of this chapter~~ is at least:

(1) ~~five hundred dollars ($500);~~ **one thousand dollars ($1,000);** or

(2) in a municipality that has adopted an ordinance under section 13(b) of this chapter, the amount established by the ordinance;

the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.

(b) After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

SECTION 122. IC 9-22-1-17, AS AMENDED BY P.L.191-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. A towing service that tows a vehicle under section ~~5 or~~ 16 of this chapter shall give notice to the public agency that the abandoned vehicle is in the possession of the towing service.

SECTION 123. IC 9-22-1-19, AS AMENDED BY P.L.191-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) Within seventy-two (72) hours after removal of a vehicle to a storage yard or towing service under section ~~5,~~ 13, 14, or 16 of this chapter, the public agency or towing service shall ~~do the following:~~

~~(1) Prepare and forward to the bureau a report containing a description of the vehicle, including the following information concerning the vehicle:~~

~~(A) The make.~~

~~(B) The model.~~
~~(C) The identification number.~~
~~(D) The number of the license plate.~~
~~(2)~~ conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the **last state of record of the vehicle in order to attempt to ascertain the** name and address of the person who owns or holds a lien on the vehicle.

~~(b) Notwithstanding section 4 of this chapter, if the public agency or towing service fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing service:~~
~~(1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and~~
~~(2) subject to subsection (c), may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.~~

~~(c) If the~~ **(b) A** public agency or towing service **that** obtains the name and address of the ~~person who owns~~ **owner of** or ~~holds a lien~~ **lienholder** on a vehicle ~~under subsection (a)(2), within~~ **shall, not later than** seventy-two (72) hours after obtaining the name and address, ~~the public agency or towing service shall, by certified mail~~ notify the person who owns or holds a lien on the vehicle of the:
(1) name;
(2) address; and
(3) telephone number;
of the public agency or towing service. **The notice must be made by certified mail or by means of an electronic service approved by the bureau.** Notwithstanding section 4 of this chapter, ~~and subsection (b)(2),~~ a public agency or towing service that fails to notify ~~a person who owns~~ **the owner of** or ~~holds a lien~~ **lienholder** on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained. ~~under subsection (a)(2).~~

~~(d) A towing service may not collect reimbursement under both subsections (b) and (c) for storage costs incurred during a particular period for one (1) vehicle.~~

SECTION 124. IC 9-22-1-21.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 21.5. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the vehicle has a lien on the vehicle for the reasonable value of the charges for the labor, materials, storage, or repairs.**

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle:
(1) at the request of the person that owns the motor vehicle, trailer, semitrailer, or recreational vehicle;
(2) at the request of an individual, a firm, a partnership, a limited liability company, or a corporation on whose property an abandoned motor vehicle, trailer, semitrailer, or recreational vehicle is located; or
(3) in accordance with this chapter;
has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs. An individual, a firm, a partnership, a limited liability company, or a corporation that obtains a lien for an abandoned vehicle under subdivision (2) must comply with sections 16, 17, and 19 of this chapter.

(c) If:
(1) the charges made under subsection (a) or (b) are not paid; and
(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;
not later than thirty (30) days after the date on which the vehicle is left in or comes into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold earlier than fifteen (15) days after the date the advertisement required by subsection (d) has been placed or fifteen (15) days after notice required by subsection (e) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper that is printed in English and of general circulation in the city or town in which the place of business of the lienholder is located. If the lienholder is located outside the corporate limits of a city or a town, the advertisement must be placed in a newspaper of general circulation in the county in which the place of business of the lienholder is located. The advertisement must contain at least the following information:
(1) A description of the vehicle, including make, type, and manufacturer's identification number.
(2) The amount of the unpaid charges.
(3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person that holds the lien must:
(1) notify the owner of the vehicle and any other person that holds a lien of record at the owner's or other lienholder's last known address by certified mail, return receipt requested; or
(2) if the vehicle is an abandoned vehicle, provide notice as required under subdivision (1) if the location of the owner of the vehicle or a lienholder of record is determined by the bureau in a search under section 19 of this chapter;
that the vehicle will be sold at public auction on a specified date to satisfy the lien imposed by this section.

(f) A person that holds a lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person that holds the lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the lien imposed by this section.

(g) If the owner of a vehicle subject to sale under this section does not claim the vehicle and satisfy the lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder. A person that holds a lien under this section may purchase a vehicle subject to sale under this section.

(h) A person that holds a lien under this section may deduct and retain the amount of the lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the owner of the vehicle if the owner's address or whereabouts are known. If the address or whereabouts of the owner of the vehicle are not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person that holds the lien has a place of business for the use and benefit of the owner of the vehicle.

(i) A person that holds a lien under this section shall execute and deliver to the purchaser of a vehicle under this

section a sales certificate in the form designated by the bureau, setting forth the following information:

(1) The facts of the sale.

(2) The vehicle identification number.

(3) The certificate of title if available.

(4) A certificate from the newspaper showing that the advertisement was made as required under subsection (d).

Whenever the bureau receives an application for certificate of title accompanied by these items from the purchaser, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

(j) A person that knowingly, intentionally, or recklessly violates this section commits a Class A misdemeanor.

SECTION 125. IC 9-22-1-23, AS AMENDED BY P.L.191-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) This section applies to a city, town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice **or the notification made by electronic service** under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice **or the notification made by electronic service** under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 126. IC 9-22-1.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The property owner shall:

(1) request that a search be performed in the records of the bureau for the name and address of the owner of the mobile home and the name and address of any person holding a lien or security interest on the mobile home;

(2) after receiving the results of the search required by subdivision (1), give notice by certified mail, return receipt requested, or in person, to the last known address of the owner of the mobile home, to any lien holder with a perfected security interest in the mobile home and to all other persons known to claim an interest in the mobile home. The notice must include a description of the mobile home, a demand that the mobile home be removed within a specified time not less than ten (10) days after receipt of the notice, and a conspicuous statement that unless the mobile home is removed within that time, the mobile home will be advertised for sale and offered for sale by auction at a specified time and place;

(3) advertise that the mobile home will be offered for sale at public auction in conformity with IC 26-1-7-210 and IC 26-1-2-328. The advertisement of sale must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where the mobile home has been left without permission. The advertisement must include a description of the mobile home, the name of the owner of the mobile home, if ascertainable, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale;

(4) conduct an auction, not less than thirty (30) days after the return receipt is received by the property owner, on the property where the mobile home was left without permission;

(5) provide a reasonable time before the sale for prospective purchasers to examine the mobile home;

(6) sell the mobile home to the highest bidder, if any; and

(7) immediately after the auction, execute an affidavit of sale or disposal ~~in triplicate~~ on a form prescribed by the bureau stating:

(A) that the requirements of this section have been met;

(B) the length of time that the mobile home was left on the property without permission;

(C) any expenses incurred by the property owner, including the expenses of the sale;

(D) the name and address of the purchaser of the mobile home at the auction, if any; and

(E) the amount of the winning bid, if any.

If the auction produces no purchaser, the property owner shall note that fact on the affidavit. The property owner shall list the property owner, or any donee, as the purchaser on the affidavit of sale or disposal.

SECTION 127. IC 9-22-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), ~~and section 14 of this chapter,~~ this chapter applies each year to a motor vehicle, semitrailer, or recreational vehicle manufactured within the last seven (7) model years, including the current model year. The bureau shall establish guidelines for determining the applicability of the model year effective dates for each year.

(b) The bureau may extend the model years to be covered each year by this chapter up to a maximum of fifteen (15) model years, which includes the current model year. ~~after doing the following:~~

~~(1) Conducting a public hearing.~~

~~(2) Giving reasonable notice to known businesses affected by this chapter.~~

SECTION 128. IC 9-22-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The bureau shall issue a certificate of salvage title as proof of ownership for a salvage motor vehicle when the acquiring insurance company, disposal facility, or person does the following:

(1) Applies for the certificate of salvage title.

(2) Pays the appropriate fee under IC 9-29-7.

(3) Surrenders the motor vehicle's original certificate of title ~~The certificate of title must be properly notarized~~ or ~~include the affidavit of the last person who owned the vehicle, the person's legal representative, or legal successor in interest of the vehicle, or~~ other ~~acceptable~~ proof of ownership as determined by the bureau.

SECTION 129. IC 9-22-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A certificate of salvage title issued under section 4 of this chapter must contain the following information:

(1) The same vehicle information as a certificate of title

issued by the ~~department.~~ **bureau.**

(2) The notation "SALVAGE TITLE" prominently recorded on the front and back of the title.

(3) If the motor vehicle is a flood damaged vehicle, the notation "FLOOD DAMAGED" prominently recorded on the front and back of the title.

SECTION 130. IC 9-22-3-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. If a dealer purchases a salvage motor vehicle subject to section 8 of this chapter and applies for a certificate of dealer title, the affidavit attached to the certificate of salvage title must also be attached to the certificate of dealer title. The bureau must retain the affidavit or a microfilm copy of the form for ten (10) years.~~

SECTION 131. IC 9-22-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) If a certificate of salvage title is lost, mutilated, or destroyed or becomes illegible, the person who owns the vehicle or the legal representative or legal successor in interest of the person who owns the motor vehicle, semitrailer, or recreational vehicle for which the certificate of salvage title was issued, as shown by the records of the bureau, ~~of motor vehicles,~~ shall immediately apply for a duplicate certificate of salvage title.

(b) A person described in subsection (a) may obtain a duplicate certificate of salvage title when the person furnishes information concerning the loss, mutilation, destruction, or illegibility satisfactory to the ~~department~~ **bureau** and pays the fee set forth in IC 9-29-7. Upon the issuance of a duplicate certificate of salvage title, the most recent certificate of salvage title issued is considered void by the ~~department.~~ **bureau.**

(c) A certificate of salvage title issued under this section must have recorded upon the title's face and back the words "DUPLICATE SALVAGE TITLE".

(d) If the lost, mutilated, destroyed, or illegible certificate of salvage title contained the notation "FLOOD DAMAGED", the duplicate certificate of salvage title must have recorded upon the title's face and back the words "FLOOD DAMAGED".

SECTION 132. IC 9-22-3-11, AS AMENDED BY P.L.110-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) This section applies to the following persons:

(1) An insurance company that declares a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter and the ownership of which is not evidenced by a certificate of salvage title.

(2) An insurance company that has made and paid an agreed settlement for the loss of a stolen motor vehicle, motorcycle, semitrailer, or recreational vehicle that:

(A) has been recovered by the titled owner; and

(B) meets at least one (1) of the criteria set forth in section 3 of this chapter.

(b) A person who owns or holds a lien upon a vehicle described in subsection (a) shall assign the certificate of title to the insurance company described in subsection (a). The insurance company shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title for each salvage or stolen vehicle subject to this chapter. The insurance company shall surrender the certificate of title to the ~~department~~ **bureau** and pay the fee prescribed under IC 9-29-7 for a certificate of salvage title.

(c) When the owner of a vehicle described in subsection (a) retains possession of the vehicle:

(1) the person who possesses the certificate of title shall surrender the certificate of title to the insurance company described in subdivision (2);

(2) the insurance company that completes an agreed settlement for the vehicle shall:

(A) obtain the certificate of title; and

(B) submit to the bureau:

(i) the certificate of title;

(ii) the appropriate fee; and

(iii) a request for a certificate of salvage title on a form prescribed by the bureau; and

(3) after the bureau has received the items set forth in subdivision (2)(B), the bureau shall issue a certificate of salvage title to the owner.

(d) When a self-insured entity is the owner of a salvage motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, the self-insured entity shall apply to the bureau within thirty-one (31) days after the date of loss for a certificate of salvage title in the name of the self-insured entity's name.

(e) Any other person acquiring a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, which acquisition is not evidenced by a certificate of salvage title, shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title.

(f) A person that violates this section commits a Class D infraction.

SECTION 133. IC 9-22-3-12 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12. The owner of a salvage motor vehicle not covered by this chapter, either because a salvage transaction had taken place before September 1, 1975, or because the vehicle is too old, is not required to obtain a certificate of salvage title for the vehicle.~~

SECTION 134. IC 9-22-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. A scrap metal processor or other appropriate facility that purchases or acquires a salvage motor vehicle that has been totally demolished or destroyed as a result of normal processing performed by a disposal facility is not required to apply for and receive a certificate of salvage title for the vehicle. **The facility or processor that performed the processing that resulted in the vehicle being demolished or destroyed shall surrender the certificate of title, the certificate of authority, or the certificate of salvage title to the bureau.** The disposal facility shall maintain the records prescribed by the bureau for a totally demolished or destroyed vehicle.

SECTION 135. IC 9-22-3-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. (a) This section applies to all salvage motor vehicles.~~

~~(b) Whenever a salvage motor vehicle is totally demolished or destroyed by a disposal facility, scrap metal processor, or other appropriate facility, the facility or processor shall surrender the certificate of title and certificate of salvage title to the bureau.~~

SECTION 136. IC 9-22-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) Except as provided in subsection (b), a certificate of title issued under section 8 ~~9,~~ or 15 of this chapter and a certificate of title subsequently issued must conspicuously bear the designation:

(1) "REBUILT VEHICLE--MILEAGE ~~UNKNOWN"~~ **NOT ACTUAL"** if the motor vehicle is not a flood damaged vehicle; or

(2) "REBUILT FLOOD DAMAGED VEHICLE" if the motor vehicle is a flood damaged vehicle.

(b) An insurance company authorized to do business in Indiana may obtain a certificate of title that does not bear the designation if the company submits to the bureau, in the form and manner the bureau requires, satisfactory evidence that the damage to a recovered stolen motor vehicle did not meet the criteria set forth in section 3 of this chapter.

(c) An affidavit submitted under section 8 ~~or 9~~ of this chapter

must conspicuously bear the designation:

(1) "REBUILT VEHICLE"~~ - MILEAGE UNKNOWN"~~ if the motor vehicle is not a flood damaged vehicle; or

(2) "REBUILT FLOOD DAMAGED VEHICLE" if the motor vehicle is a flood damaged vehicle.

(d) A certificate of title for a salvage motor vehicle issued under subsection (a) may not designate the mileage of the vehicle.

SECTION 137. IC 9-22-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Except as provided in subsection (b), whenever a certificate of title is issued for a ~~motor~~ vehicle that was previously titled in another state or jurisdiction and the certificate of title from the other state or jurisdiction contains a "REBUILT", ~~"RECONSTRUCTED",~~ "RECONDITIONED", "DISTRESSED VEHICLE", or similar designation, a new and subsequent certificate of title must conspicuously bear the designation "REBUILT VEHICLE".

(b) Whenever a certificate of title is issued for a ~~motor~~ vehicle described in subsection (a) that was previously titled in another state or jurisdiction and the certificate of title from the other state or jurisdiction contains a designation that indicates that the ~~motor~~ vehicle is a flood damaged vehicle, a new and subsequent certificate of title must conspicuously bear the designation "REBUILT FLOOD DAMAGED VEHICLE".

SECTION 138. IC 9-22-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. A vehicle that has been designated "JUNK", **"DISMANTLED", "SCRAP", "DESTROYED", or any similar designation** in another state or jurisdiction ~~may~~ **shall** not be titled in Indiana.

SECTION 139. IC 9-22-3-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18.5. (a) This section does not apply to a person who sells, exchanges, or transfers golf carts.**

(b) A seller that is:

(1) a dealer; or

(2) another person who sells, exchanges, or transfers at least five (5) vehicles each year;

may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.

SECTION 140. IC 9-22-3-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. A person who violates section 4, 5, 6, 7, **or** 8 **of this chapter** (or **section** 9 of this chapter **before its repeal)** commits a Class D felony.

SECTION 141. IC 9-22-5-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. The following officers may act for their respective units of government under this chapter:~~

~~(1) The sheriff, for a county.~~

~~(2) The chief of police, for a city.~~

~~(3) A town marshal, for a town.~~

~~(4) A township trustee, for a township.~~

~~(5) A state police officer, for the state.~~

SECTION 142. IC 9-22-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A:

(1) person, firm, corporation, limited liability company, or unit of government upon whose property or in whose possession is found an abandoned ~~motor~~ vehicle; or

(2) person who owns a ~~motor~~ vehicle that has a title that is faulty, lost, or destroyed;

may apply ~~to the sheriff of the county in which the motor vehicle is located~~ **in accordance with this chapter** for authority to sell, give away, or dispose of the ~~motor~~ vehicle for scrap metal.

SECTION 143. IC 9-22-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The application required under section 2 of this chapter shall be made in ~~duplicate upon forms~~ **a manner** prescribed ~~and furnished~~ by the bureau. ~~One (1) copy of~~ The application shall be filed with the bureau. ~~and one (1) copy of the application shall be retained by the sheriff.~~

SECTION 144. IC 9-22-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The application required under section 2 of this chapter must include the following information:

(1) The name and address of the applicant.

(2) The year, make, model, and ~~engine number~~ **vehicle identification number** of the ~~motor~~ vehicle, if ascertainable, together with any other identifying features.

(3) A concise statement of the facts surrounding the abandonment of the ~~motor~~ vehicle, that the title of the ~~motor~~ vehicle is lost or destroyed, or the reasons for the defect of title in the owner of the ~~motor~~ vehicle.

(b) The person making the application required under section 2 of this chapter shall execute an affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.

SECTION 145. IC 9-22-5-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. (a) The sheriff shall examine each application made under section 2 of this chapter. If the sheriff finds that the application:~~

~~(1) is executed in proper form; and~~

~~(2) shows that the motor vehicle described in the application has been abandoned upon the property of the person making the application or that the person making the application is the person who owns the motor vehicle;~~

~~the sheriff shall prepare a written notice.~~

~~(b) The notice required under subsection (a) must include the following information:~~

~~(1) The name and address of the applicant.~~

~~(2) The year, make, model, and engine number of the motor vehicle, if ascertainable, together with any other identifying features of the motor vehicle.~~

~~(3) That the motor vehicle has been abandoned, that the title to the motor vehicle is lost or destroyed, or that there is a defect of the title in the person who owns the motor vehicle.~~

~~(4) That the motor vehicle will be sold for scrap metal unless a claim or protest is made.~~

~~(c) The sheriff shall, within five (5) days after receiving an application required under section 2 of this chapter, cause the notice required under subsection (a) to be distributed as follows:~~

~~(1) Posted at the door of the courthouse for a period of thirty (30) days before sale.~~

~~(2) Published once in a newspaper of general circulation of the county in which the motor vehicle is located at least thirty (30) days before sale.~~

~~(3) Sent to the last person who owned the motor vehicle, if known.~~

SECTION 146. IC 9-22-5-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. If an abandoned motor vehicle for which an application for sale under this chapter has been filed is claimed by the person who owns the motor vehicle before the sale occurs and the person provides satisfactory evidence of ownership to the sheriff, the motor vehicle shall be returned to the person upon payment by the person of the costs of preserving the motor vehicle during the period of abandonment, together with the costs of publication of notice.~~

SECTION 147. IC 9-22-5-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. If a claim or protest is not made before sale, the person who filed the application required under section 2 of this chapter shall, upon payment of the costs of publication~~

~~of notice, be given a certificate of authority to sell the motor vehicle to a licensed junk dealer or an established automobile wrecker for scrap metal. The licensed junk dealer or established automobile wrecker shall accept the sheriff's certificate of authority instead of the certificate of title to the motor vehicle.~~

SECTION 148. IC 9-22-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The certificate of authority **to scrap or dismantle the vehicle** required under ~~section 7 of~~ this chapter shall be made ~~in triplicate~~ on forms prescribed and furnished by the bureau. The certificate of authority must contain the following information:

(1) The name and address of the person who filed the application required under section 2 of this chapter.

(2) The year, make, model, and ~~engine number,~~ **vehicle identification number,** if ascertainable, together with any other identifying features of the ~~motor~~ vehicle that has been authorized to be sold for scrap metal.

SECTION 149. IC 9-22-5-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. The sheriff shall retain one (1) copy of the certificate of authority required under section 7 of this chapter. The sheriff shall send one (1) copy of the certificate of authority to the bureau.~~

SECTION 150. IC 9-22-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. After a certificate of authority required under ~~section 7 of~~ this chapter has been delivered to the bureau ~~under section 9 of this chapter,~~ **by the automobile scrapyard,** a certificate of title may not be issued for the ~~motor~~ vehicle **that is** described in the certificate of authority **and is noted in the records of the bureau as "junk".**

SECTION 151. IC 9-22-5-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 11. A fee may not be charged for the filing of an application under section 2 of this chapter or for the issuance of a certificate of authority under section 7 of this chapter.~~

SECTION 152. IC 9-22-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. The person who:

(1) owns a ~~motor~~ vehicle that has a title that is faulty, lost, or destroyed; and

(2) sells the ~~motor~~ vehicle under this chapter may retain the proceeds of the sale for the person's use and benefit.

SECTION 153. IC 9-22-5-13, AS AMENDED BY P.L.246-2005, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) A person not described in section 12 of this chapter who sells ~~an abandoned motor~~ **a** vehicle under this chapter may retain from the proceeds of sale the cost of publication of notice and the cost of preserving the motor vehicle during the period of the vehicle's abandonment. The person shall pay the remaining balance of the proceeds of the sale to the circuit court clerk of the county in which the ~~abandoned motor~~ vehicle is located.

(b) At any time within ten (10) years after the money is paid to the clerk, the person who owns the ~~abandoned motor~~ vehicle sold under this chapter may make a claim with the clerk for the sale proceeds deposited with the clerk. If ownership of the proceeds is established to the satisfaction of the clerk, the clerk shall pay the proceeds to the person who owns the ~~abandoned motor~~ vehicle.

(c) If a claim for the proceeds of the sale of ~~an abandoned motor~~ **a** vehicle under subsection (b) is not made within ten (10) years, claims for the proceeds are barred. The clerk shall notify the attorney general and upon demand pay the proceeds to the attorney general. The attorney general shall turn the proceeds over to the treasurer of state. The proceeds vest in and escheat to the state general fund.

SECTION 154. IC 9-22-5-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. (a) An individual, a firm, a limited liability company, or a corporation engaged in the business of storing, furnishing supplies for, or repairing motor vehicles, trailers, semitrailers, or recreational vehicles shall obtain the name and address of the person who owns a motor vehicle, trailer, semitrailer, or recreational vehicle that is left in the custody of the individual, firm, limited liability company, or corporation for storage, furnishing of supplies, or repairs at the time the motor vehicle is left.~~

~~(b) The individual, firm, limited liability company, or corporation shall record in a book the following information concerning the motor vehicle:~~

~~(1) The name and address of the person who owns the motor vehicle.~~

~~(2) The license number of the motor vehicle.~~

~~(3) The date on which the motor vehicle was left.~~

~~(c) The book shall be provided and kept by the individual, firm, limited liability company, or corporation and shall be open for inspection by an authorized police officer of the state or of a city or town or by the county sheriff.~~

~~(d) If a motor vehicle, trailer, semitrailer, or recreational vehicle is stored by the week or by the month, only one (1) entry on the book is required for the period of time during which the motor vehicle is stored.~~

SECTION 155. IC 9-22-5-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person who owns the vehicle has a lien on the vehicle to the reasonable value of the charges for the labor, materials, storage, or repairs.~~

~~(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle:~~

~~(1) at the request of the person who owns the motor vehicle, trailer, semitrailer, or recreational vehicle;~~

~~(2) at the request of an individual, a firm, a partnership, a limited liability company, or a corporation on whose property an abandoned motor vehicle, trailer, semitrailer, or recreational vehicle is located; or~~

~~(3) in accordance with IC 9-22-1;~~

~~has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs. An individual, a firm, a partnership, a limited liability company, or a corporation that obtains a lien for an abandoned vehicle under subdivision (2) must comply with IC 9-22-1-4, IC 9-22-1-16, IC 9-22-1-17, and IC 9-22-1-19.~~

~~(c) If:~~

~~(1) the charges made under subsection (a) or (b) are not paid; and~~

~~(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;~~

~~within thirty (30) days from the date on which the vehicle was left in or came into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold before fifteen (15) days after the date the advertisement required by subsection (d) has been placed or after notice required by subsection (e) has been sent, whichever is later.~~

~~(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper of general circulation printed in the English language in the city or town in which the lienholder's place of business is located. The advertisement must contain at least the following information:~~

~~(1) A description of the vehicle, including make, type, and manufacturer's identification number.~~

~~(2) The amount of the unpaid charges.~~

~~(3) The time, place, and date of the sale.~~

~~(e) In addition to the advertisement required under subsection (d), the person who holds the mechanic's lien must:~~

~~(1) notify the person who owns the vehicle and any other person who holds a lien of record at the person's last known address by certified mail, return receipt requested; or~~

~~(2) if the vehicle is an abandoned motor vehicle, provide notice as required under subdivision (1) if the location of the owner of the motor vehicle or a lienholder of record is determined by the bureau in a search under IC 9-22-1-19;~~

~~that the vehicle will be sold at public auction on a specified date to satisfy the lien imposed by this section.~~

~~(f) A person who holds a lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person who holds the lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.~~

~~(g) If the person who owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder for cash. A person who holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.~~

~~(h) A person who holds a mechanic's lien under this section may deduct and retain the amount of the lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person who owns the vehicle if the person's address or whereabouts is known. If the address or whereabouts of the person who owns the vehicle is not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person who holds the mechanic's lien has a place of business for the use and benefit of the person who owns the vehicle.~~

~~(i) A person who holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:~~

~~(1) The facts of the sale.~~

~~(2) The vehicle identification number.~~

~~(3) The certificate of title if available.~~

~~(4) A certificate from the newspaper showing that the advertisement was made as required under subsection (d).~~

~~Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.~~

SECTION 156. IC 9-22-5-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16. (a) This section does not apply to a person who sells, exchanges, or transfers golf carts.~~

~~(b) A seller that is:~~

~~(1) a dealer; or~~

~~(2) another person who sells, exchanges, or transfers at least five (5) vehicles each year;~~

~~may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee, before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.~~

SECTION 157. IC 9-22-5-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 17. A person who recklessly violates section 14 or 15 of this chapter commits a Class A misdemeanor.~~

SECTION 158. IC 9-22-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 6. Mechanic's Liens for Vehicles

Sec. 1. (a) An individual, a firm, a limited liability company, or a corporation engaged in the business of storing, furnishing supplies for, or repairing motor vehicles, trailers, semitrailers, or recreational vehicles shall obtain the name and address of the person that owns a motor vehicle, trailer, semitrailer, or recreational vehicle that is left in the custody of the individual, firm, limited liability company, or corporation for storage, furnishing of supplies, or repairs at the time the vehicle is left.

(b) The individual, firm, limited liability company, or corporation shall record in a book the following information concerning the vehicle described in subsection (a):

(1) The name and address of the person that owns the vehicle.

(2) The license number of the vehicle.

(3) The date on which the vehicle was left.

(c) The book shall be provided and kept by the individual, firm, limited liability company, or corporation and must be open for inspection by an authorized police officer of the state, a city, or a town or by the county sheriff.

(d) If a motor vehicle, trailer, semitrailer, or recreational vehicle is stored by the week or by the month, only one (1) entry on the book is required for the time during which the vehicle is stored.

Sec. 2. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the motor vehicle, trailer, semitrailer, or recreational vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the towing services and other related costs.

(c) If:

(1) the charges made under subsection (a) or (b) are not paid; and

(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;

not later than thirty (30) days after the date on which the vehicle is left in or comes into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold earlier than fifteen (15) days after the date the advertisement required by subsection (d) has been placed or fifteen (15) days after notice required by subsection (e) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper that is printed in English and of general circulation in the city or town in which the lienholder's place of business is located. If the lienholder is located outside the corporate limits of a city or a town, the advertisement must be placed in a newspaper of general circulation in the county in which the place of business of the lienholder is located. The advertisement must contain at least the following information:

(1) A description of the vehicle, including make, type, and manufacturer's identification number.

(2) The amount of the unpaid charges.

(3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person that holds the mechanic's lien must notify the person that owns the vehicle and any other person that holds a lien of record at the person's last known address by certified mail, return receipt requested, that the vehicle will be sold at public auction on a specified date to satisfy the mechanic's lien imposed by this section.

(f) A person that holds a mechanic's lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person that holds the mechanic's lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.

(g) If the person that owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the mechanic's lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder. A person that holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.

(h) A person that holds a mechanic's lien under this section may deduct and retain the amount of the mechanic's lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the mechanic's lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person that owns the vehicle if the person's address or whereabouts are known. If the address or whereabouts of the person that owns the vehicle are not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person that holds the mechanic's lien has a place of business for the use and benefit of the person that owns the vehicle.

(i) A person that holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

(1) The facts of the sale.

(2) The vehicle identification number.

(3) The certificate of title if available.

(4) A certification from the newspaper showing that the advertisement was made as required under subsection (d).

(5) Any other information that the bureau requires.

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

Sec. 3. A person that knowingly, intentionally, or recklessly violates section 1 or 2 of this chapter commits a Class A misdemeanor.

SECTION 159. IC 9-24-1-1, AS AMENDED BY P.L.109-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as **otherwise** provided in ~~section 6 or 7 of~~ this chapter, an individual must have a valid Indiana:

(1) operator's license;

(2) chauffeur's license;

(3) public passenger chauffeur's license;

(4) commercial driver's license;

(5) driver's license listed in subdivision (1), (2), (3), or (4) with a motorcycle endorsement; ~~or~~

(6) learner's permit; **or**

(7) motorcycle learner's permit;

issued to the individual by the bureau under this article to drive upon an Indiana highway the type of motor vehicle for which the license or permit was issued.

SECTION 160. IC 9-24-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ **(a)** The standards set forth in IC 3-5-5 to determine the residence of an individual applying to become a voter apply to the determination of the residence of an individual applying for a license under this article.

~~(c)~~ **(b)** This section does not prevent the ~~commission~~ **bureau** from issuing a license under this article to an individual who is:

(1) not required by this article to reside in Indiana to receive the license; and

(2) otherwise qualified to receive the license.

SECTION 161. IC 9-24-1-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. Except as provided in section 7 of this chapter, an individual must have a valid Indiana chauffeur's license to operate a motor vehicle as a chauffeur upon an Indiana highway.~~

SECTION 162. IC 9-24-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. Except as **otherwise** provided in ~~section 7 of~~ this chapter, an individual must:

(1) have a valid Indiana ~~operator's, chauffeur's, or public passenger chauffeur's~~ **driver's** license; and

(2) be at least eighteen (18) years of age;

to drive a medical services vehicle upon an Indiana highway.

SECTION 163. IC 9-24-1-5, AS AMENDED BY P.L.109-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) An individual must have a valid driver's license that may be any of the following to operate a motorcycle upon a public highway:

(1) An operator's, a chauffeur's, a public passenger chauffeur's, or a commercial driver's license with a motorcycle endorsement.

(2) A motorcycle learner's permit subject to the limitations imposed under IC 9-24-8.

(3) A driver's license from any other jurisdiction that is valid for the operation of a motorcycle in that jurisdiction.

(b) An individual who held a motorcycle operator's license on ~~June 30,~~ **December 31,** 2011, must hold ~~an~~ **a valid** operator's, ~~a~~ chauffeur's, ~~a~~ public passenger chauffeur's, or ~~a~~ commercial driver's license with a motorcycle endorsement in order to operate the motorcycle after ~~June 30,~~ **December 31,** 2011, **without restrictions.**

SECTION 164. IC 9-24-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (b) **or as otherwise provided in this article,** an individual must hold a valid ~~Indiana~~ commercial driver's license ~~issued by the bureau under this article~~ to drive a commercial motor vehicle ~~after March 31, 1992,~~ upon an Indiana highway.

(b) Subsection (a) does not apply ~~to an individual~~ if the individual:

(1) holds a valid driver's license of any type;

(2) is enrolled in a commercial motor vehicle training course approved by the bureau; and

(3) is operating a commercial motor vehicle under the direct supervision of a licensed commercial motor vehicle driver.

SECTION 165. IC 9-24-1-7, AS AMENDED BY SEA 113-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Sections 1 through 5 of this chapter do not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual while operating:

(A) a road roller;
(B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;
(C) a ditch digging apparatus;
(D) a well drilling apparatus;
(E) a concrete mixer; or
(F) a farm tractor, a farm wagon (as defined in IC 9-13-2-60(a)(2)), or an implement of agriculture designed to be operated primarily in a farm field or on farm premises;

that is being temporarily drawn, moved, or propelled on a public highway. However, to operate a farm wagon (as defined in IC 9-13-2-60(a)(2)) on a highway, an individual must be at least fifteen (15) years of age.

(3) A nonresident who:
(A) is at least sixteen (16) years and one (1) month of age;
(B) has in the nonresident's immediate possession a valid ~~operator's~~ **driver's** license that was issued to the nonresident in the nonresident's home state or country; and
(C) is lawfully admitted into the United States;

while operating a motor vehicle ~~in Indiana~~ **upon a public highway** only as an operator.

(4) A nonresident who:
(A) is at least eighteen (18) years of age;
(B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country; and
(C) is lawfully admitted into the United States;

while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:
(A) is at least eighteen (18) years of age; and
(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway, **either as an operator or a public passenger chauffeur.**

(6) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(7) A new resident of Indiana who possesses ~~an unexpired~~ **a valid, unrestricted** driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(8) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

(b) An ordinance adopted under IC 9-21-1-3 (a)(14) or IC 9-21-1-3.3(a) must require that an individual who operates a golf cart in the city, county, or town hold a driver's license.

SECTION 166. IC 9-24-2-1, AS AMENDED BY P.L.1-2006, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) ~~A driver's license or a~~ **The bureau shall suspend the driving privileges or invalidate the** learner's permit ~~may not be issued to~~ **of** an individual less than eighteen (18) years of age who meets any of the following conditions:

(1) Is a habitual truant under IC 20-33-2-11.
(2) Is under at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15.
(3) Is under an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16.
(4) Is considered a dropout under IC 20-33-2-28.5.

(b) At least five (5) days before holding an exit interview under IC 20-33-2-28.5, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian that the student's failure to attend an exit interview under IC 20-33-2-28.5 or return to school if the student does not meet the requirements to withdraw from school under IC 20-33-2-28.5 will result in the revocation or denial of the student's:

(1) driver's license or learner's permit; and
(2) employment certificate.

SECTION 167. IC 9-24-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~A driver's license or a~~ **The bureau shall suspend the driving privileges or invalidate the** learner's permit ~~may not be issued to~~ **of** an individual less than eighteen (18) years of age who is under an order entered by a juvenile court under IC 31-37-19-13 through IC 31-37-19-17 (or IC 31-6-4-15.9(d), IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before their repeal).

SECTION 168. IC 9-24-2-2.5, AS AMENDED BY P.L.3-2008, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) ~~An operator's license or a~~ **The bureau shall suspend the driving privileges or invalidate the** learner's permit ~~may not be issued to~~ **of** an individual who is under an order entered by a court under IC 35-43-1-2(c).

(b) The bureau shall suspend the ~~operator's license~~ **driving privileges** or invalidate the learner's permit of a person who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or IC 35-43-1-2(c).

SECTION 169. IC 9-24-2-3, AS AMENDED BY P.L.184-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The bureau may not issue a **driver's** license or **learner's** permit **or grant driving privileges** to the following individuals:

(1) An individual whose license issued under Indiana law to operate a motor vehicle as an operator, a chauffeur, or a public passenger chauffeur has been suspended, during the period for which the license was suspended, or to an individual whose license has been revoked, until the time the bureau is authorized under Indiana law to issue the individual a new license.
(2) An individual whose learner's permit has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new permit.
(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the public highways.
(4) An individual who is unable to understand highway warnings or direction signs written in the English language.
(5) An individual who is required under this ~~chapter~~ **article** to take an examination unless the person successfully passes the examination.
(6) An individual who is required under IC 9-25 **or any other statute** to deposit **or provide** proof of financial responsibility and who has not deposited **or provided** that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a public highway of Indiana by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under IC 31-14-12-4 or IC 31-16-12-7 (or IC 31-1-11.5-13 or IC 31-6-6.1-16 before their repeal); or

(B) the Title IV-D agency;

ordering that a ~~driving~~ **driver's** license or permit not be issued to the individual.

(9) An individual who has not presented valid documentary evidence to the bureau of the person's legal status in the United States, as required by IC 9-24-9-2.5.

(b) An individual subject to epileptic seizures may not be denied a **driver's** license **or permit** under this section if the individual presents a statement from a licensed physician, **on a form prescribed by the bureau,** that the individual is under medication and is free from seizures while under medication.

SECTION 170. IC 9-24-2-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.1. (a) If a petitioner named in an order issued under section 3(a)(8) of this chapter has a valid commercial ~~driving~~ **driver's** license, the bureau shall not immediately suspend the **person's commercial** driving ~~license~~ **privileges** but **shall** indicate on the ~~driver's~~ **person's** record that the person has ~~a~~ conditional ~~license~~ **driving privileges** to operate a motor vehicle to and from the person's place of employment and in the course of the person's employment.

(b) ~~A~~ Conditional ~~license~~ **driving privileges** described in subsection (a) ~~is~~ **are** valid for thirty (30) days from the date of the notice sent by the bureau. If the person obtains an amended ~~license~~ **order** within the thirty (30) days, the person may continue to operate a motor vehicle ~~on~~ **with** the conditional ~~license~~ **driving privileges** beyond the thirty (30) day period.

(c) If the person does not obtain an amended ~~license~~ **order** within the thirty (30) day period, the bureau shall suspend the person's ~~license.~~ **driving privileges.**

SECTION 171. IC 9-24-2-4, AS AMENDED BY P.L.1-2005, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) If a person is less than eighteen (18) years of age and is a habitual truant, is under a suspension or an expulsion or has withdrawn from school as described in section 1 of this chapter, the bureau shall, upon notification by the person's principal, ~~invalidate~~ **suspend** the person's ~~license or permit~~ **driving privileges** until the earliest of the following:

(1) The person becomes eighteen (18) years of age.

(2) One hundred twenty (120) days after the person is suspended, or the end of a semester during which the person returns to school, whichever is longer.

(3) The suspension, expulsion, or exclusion is reversed after the person has had a hearing under IC 20-33-8.

(b) The bureau shall promptly mail a notice to the person's last known address that states the following:

(1) That the person's driving privileges will be invalidated for a specified period commencing five (5) days after the date of the notice.

(2) That the person has the right to appeal the ~~invalidation~~ **suspension** of ~~a license or permit.~~ **the driving privileges.**

(c) If an aggrieved person believes that:

(1) the information provided was technically incorrect; or

(2) the bureau committed a technical or procedural error;

the aggrieved person may appeal the invalidation of a license under ~~IC 9-25.~~ **section 5 of this chapter.**

(d) If a person satisfies the conditions for reinstatement of a license under this section, the person may submit to the bureau the necessary information certifying that at least one (1) of the events described in subsection (a) has occurred.

(e) Upon certifying the information received under subsection (d), the bureau shall ~~revalidate~~ **reinstate** the person's ~~license or permit.~~ **driving privileges.**

(f) A person may not operate a motor vehicle in violation of this section.

(g) A person whose ~~license or permit is~~ **driving privileges are** ~~invalidated~~ **suspended** under this section may apply for ~~a~~ restricted driving ~~permit~~ **privileges** under IC 9-24-15.

(h) The bureau shall ~~revalidate~~ **reinstate** the ~~license or permit~~ **driving privileges** of a person whose ~~license or permit was~~ **driving privileges were** ~~invalidated~~ **suspended** under this section ~~who~~ **if the person** does the following:

(1) Establishes to the ~~satisfication~~ **satisfaction** of the principal of the school where the action occurred that caused the ~~invalidation~~ **suspension** of the ~~person's license or permit~~ **driving privileges** that the person has:

(A) enrolled in a full-time or part-time program of education; and

(B) participated for thirty (30) or more days in the program of education.

(2) Submits to the bureau a form developed by the bureau that contains:

(A) the verified signature of the principal or the president of the governing body of the school described in subdivision (1); and

(B) notification to the bureau that the person has complied with subdivision (1).

A person may appeal the decision of a principal under subdivision (1) to the governing body of the school corporation where the principal's school is located.

SECTION 172. IC 9-24-2-5, AS AMENDED BY P.L.1-2005, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A person whose driving privileges have been ~~invalidated~~ **suspended** under section 4 of this chapter is entitled to a prompt judicial hearing. The person may file a petition that requests a hearing in a circuit, superior, county, or municipal court in the county where:

(1) the person resides; or

(2) the school attended by the person is located.

(b) The petition for review must:

(1) be in writing; and

(2) be verified by the person seeking review and:

(A) allege specific facts that indicate the suspension or expulsion was improper; or

(B) allege that due to the person's emancipation or dependents that an undue hardship exists that requires the granting of a restricted driving permit.

(c) The hearing conducted by the court under this section shall be limited to the following issues:

(1) Whether the school followed proper procedures when suspending or expelling the person from school, including affording the person due process under IC 20-33-8.

(2) Whether the bureau followed proper procedures in ~~invalidating~~ **suspending** the person's ~~license or permit.~~ **driving privileges.**

(3) Whether an undue hardship exists that requires the granting of ~~a~~ restricted driving ~~permit.~~ **privileges under IC 9-24-15.**

(d) If the court finds:

(1) that the school failed to follow proper procedures when suspending or expelling the person from school; or

(2) that the bureau failed to follow proper procedures in ~~invalidating~~ **suspending** the person's ~~license or permit;~~ **driving privileges;**

the court may order the bureau to reinstate the person's driving privileges.

(e) If the court finds that an undue hardship exists, **and the person otherwise qualifies under IC 9-24-15,** the court may order ~~a~~ restricted driving ~~permit~~ **privileges** limiting the petitioner to essential driving for work and driving between home, work, and school only. The restricted driving ~~permit~~ **privileges** must state the restrictions related to time, territory, and route. If a court orders ~~a~~ restricted driving ~~permit~~ **privileges** for the petitioner, the court shall do the following:

(1) Include in the order a finding of facts that states the petitioner's driving restrictions.

(2) Enter the findings of fact and order in the order book of the court.

(3) Send the bureau a signed copy of the order.

(f) The prosecuting attorney of the county in which a petition has been filed under this section shall represent the state on behalf of the bureau with respect to the petition. A school that is made a party to an action filed under this section is responsible for the school's own representation.

(g) In an action under this section the petitioner has the burden of proof by a preponderance of the evidence.

(h) The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on behalf of the bureau with respect to the appeal.

SECTION 173. IC 9-24-3-1, AS AMENDED BY P.L.145-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue an operator's license to an individual who meets the following conditions:

(1) Satisfies the age requirements set forth in section ~~2 or~~ 2.5 of this chapter.

(2) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau. The form must include an attestation concerning the number of hours of supervised driving practice that the individual has completed if the individual is required under section 2.5 of this chapter to complete a certain number of hours of supervised driving practice in order to receive an operator's license. The:

(A) parent or guardian of an applicant less than eighteen (18) years of age; or

(B) applicant, if the applicant is at least eighteen (18) years of age;

shall attest in writing under penalty of perjury to the time logged in practice driving.

(3) Satisfactorily passes the examination and tests required for issuance of an operator's license under IC 9-24-10.

(4) Pays the fee prescribed by IC 9-29-9.

SECTION 174. IC 9-24-3-2.5, AS AMENDED BY P.L.145-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) Except as provided in section 3 of this chapter, an individual must satisfy the requirements set forth in one (1) of the following subdivisions to receive an operator's license:

(1) The individual meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has held a valid learner's permit for at least one hundred eighty (180) days.

(C) Obtains an instructor's certification that the individual has satisfactorily completed an approved driver education course.

(D) Passes the required examination.

(E) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:

(i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or

(ii) the spouse of the individual who is at least twenty-one (21) years of age.

(2) The individual meets the following conditions:

(A) Is at least sixteen (16) years and two hundred seventy (270) days of age.

(B) Has held a valid learner's permit for at least one hundred eighty (180) days.

(C) Passes the required examination.

(D) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:

(i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or

(ii) the spouse of the individual who is at least twenty-one (21) years of age.

(3) The individual meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age but less than eighteen (18) years of age.

(B) Has previously been a nonresident of Indiana, but, at the time of application, qualifies as an Indiana resident.

(C) ~~Holds an unrevoked~~ **Has held a valid** driver's license, excluding a learner's permit or the equivalent, in the state or a combination of states in which the individual formerly resided for at least one hundred eighty (180) days.

(D) Passes the required examination.

(4) The individual meets the following conditions:

(A) Is at least eighteen (18) years of age.

(B) Has previously been a nonresident of Indiana but, at the time of application, qualifies as an Indiana resident.

(C) ~~Has~~ Held ~~an unrevoked operator's, chauffeur's, commercial~~ **a valid** driver's ~~or public passenger chauffeur's~~ license, **excluding a learner's permit or the equivalent,** from the state of prior residence.

(D) Passes the required examination.

(b) An applicant who is required to complete at least fifty (50) hours of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D) must submit to the commission under ~~IC 9-24-9-2(d)~~ **IC 9-24-9-2(c)** evidence of the time logged in practice driving.

SECTION 175. IC 9-24-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. To receive an operator's license, an individual must surrender to the bureau **any and** all ~~valid operator's, chauffeur's, or other current~~ **driver's** licenses ~~for the operation of a motor vehicle in the individual's possession~~ **or identification cards** issued to the individual by Indiana or any other jurisdiction. ~~The bureau shall return all surrendered licenses to the issuing department together with information that the licensee is licensed in a new jurisdiction.~~

SECTION 176. IC 9-24-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue a chauffeur's license to an individual who meets the following conditions:

(1) Satisfies the age requirements described in section 2 of this chapter.

(2) Has operated a motor vehicle, **excluding operation under a learner's permit,** for more than one (1) year.

(3) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau.

(4) Satisfactorily passes the examination and tests required for issuance of a chauffeur's license under IC 9-24-10.

(5) Pays the fee prescribed in IC 9-29-9.

SECTION 177. IC 9-24-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. ~~(a) An individual holding a valid chauffeur's license is not required to obtain an operator's license.~~

~~(b)~~ To receive a chauffeur's license, an individual must surrender to the bureau ~~any operator's license~~ **all driver's licenses** issued to the individual **by Indiana or any other jurisdiction.**

SECTION 178. IC 9-24-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A chauffeur's license entitles the licensee to operate a motor vehicle, except a motorcycle **or commercial motor vehicle without a proper permit or endorsement,** upon a public highway. A chauffeur's license does not entitle the licensee to operate a motor vehicle as a public passenger chauffeur.

SECTION 179. IC 9-24-4-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.5. Notwithstanding any other law, a person holding a chauffeur's license that is renewed or issued after June 30, 1991, is not entitled by that license to operate a commercial motor vehicle. ~~for more than thirty (30) days following the renewal or issuance.~~

SECTION 180. IC 9-24-5-1, AS AMENDED BY P.L.156-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue a public passenger chauffeur's license to an individual who meets the following conditions:

(1) ~~Satisfies the~~ **Is at least eighteen (18) years of** age. ~~requirements described in section 2 of this chapter.~~

(2) Makes proper application to the bureau under IC 9-24-9, upon a form prescribed by the bureau.

(3) Successfully passes the physical examination given by a practicing physician licensed to practice medicine in Indiana.

(4) Has operated a motor vehicle, **excluding operation under a learner's permit,** for at least two (2) years.

(5) Satisfactorily passes the examination and tests for a public passenger chauffeur's license.

(6) Pays the fee prescribed in IC 9-29-9.

~~(7) Is at least eighteen (18) years of age.~~

SECTION 181. IC 9-24-5-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. An individual must be at least eighteen (18) years of age to receive a public passenger chauffeur's license.~~

SECTION 182. IC 9-24-5-3, AS AMENDED BY P.L.156-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A public passenger chauffeur's license entitles the licensee to operate ~~any~~ **a** motor vehicle, except a commercial **motor** vehicle or a motorcycle **without the proper permit or endorsement,** upon a **public** highway.

SECTION 183. IC 9-24-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. To receive a public passenger chauffeur's license, an individual must surrender ~~to the bureau any operator's license~~ **all driver's licenses** issued to the individual **by Indiana or any other jurisdiction.**

SECTION 184. IC 9-24-5-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.5. Notwithstanding any other law, a person holding a public passenger chauffeur's license that is renewed or issued after June 30, 1991, is not entitled by that license to operate a commercial motor vehicle. ~~for more than thirty (30) days following the renewal or issuance.~~

SECTION 185. IC 9-24-6-0.5, AS ADDED BY P.L.188-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. As used in this chapter, "commercial driver's license learner's permit" means a ~~driver's~~ **learner's** permit that allows an individual, unless otherwise disqualified, to operate a commercial motor vehicle only when accompanied by a person:

(1) who holds a valid commercial driver's license for the type of commercial motor vehicle being driven; and

(2) who occupies a seat beside the individual in order to give instruction to the individual in driving the commercial motor vehicle.

SECTION 186. IC 9-24-6-0.8, AS ADDED BY P.L.45-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.8. As used in this chapter, "downgrade" has the meaning specified in ~~paragraph (4) of~~ the definition of CDL downgrade as set forth in 49 CFR 383.5 as in effect on July 1, 2010.

SECTION 187. IC 9-24-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~(a) Except as provided in subsection (c),~~ This chapter does not apply to a motor vehicle **or the operator of a motor vehicle** that ~~meets the following conditions:~~

~~(1) is used in the transportation of hazardous materials.~~

~~(2)~~ is not ~~defined as~~ a commercial motor vehicle **or is otherwise excepted in 49 CFR 383.3, 49 CFR 390, or 49 CFR 391.**

~~(b) Except as provided in subsection (c), this chapter does not apply to a motor vehicle that meets any of the following conditions:~~

~~(1) Is registered as a recreational vehicle.~~

~~(2) Is used primarily to transport the owner's family members or guests and their possessions for nonbusiness purposes.~~

~~(3) Is registered under IC 9-18 as a farm vehicle or is a farm vehicle that is exempt under 49 U.S.C. 521, 49 U.S.C. 31104, and 49 U.S.C. 31301 through 31306.~~

~~(4) Is utilized as a:~~

~~(A) church bus; or~~

~~(B) bus operated by a nonprofit benevolent or charitable agency;~~

~~that is designed to carry more than fifteen (15) passengers, including the driver, if the vehicle is exempt under 49 U.S.C. 521, 49 U.S.C. 31104, and 49 U.S.C. 31301 through 31306, or applicable federal regulations.~~

~~(c) The bureau may remove the exemptions granted under subsections (a) and (b) if the bureau, upon notice and public hearing, determines that the waiver is in the interest of safety or of keeping Indiana in compliance with federal law, subject to section 3 of this chapter.~~

SECTION 188. IC 9-24-6-2.3, AS ADDED BY P.L.45-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.3. (a) In addition to the requirements of 49 CFR 383.71, an applicant for a new commercial driver's license or a holder of a commercial driver's license must ~~provide the bureau with~~ **have** a copy of a current medical examination report and medical examiner's certificate prepared by a medical examiner **on file with the motor carrier services division of the department of state revenue. If a copy is not on file with the motor carrier services division of the department of state revenue, a copy must be presented to the bureau.**

(b) A commercial driver's license holder must ~~provide the bureau with~~ **have** a copy of a current medical examination report and medical examiner's certificate **on file with the motor carrier services division of the department of state revenue** each time a medical examination report and medical examiner's certificate are obtained by the commercial driver's license holder, regardless of whether the medical examiner certifies the driver as qualified. **If a copy is not on file with the motor carrier services division of the department of state revenue, a copy must be presented to the bureau.**

(c) If a medical examination report does not certify that a commercial driver's license holder meets the physical standards in 49 CFR 391.41 or if the driver is otherwise unqualified, the commercial driver's license or permit holder is disqualified **from operating a commercial motor vehicle.**

(d) The bureau shall make the final determination of whether a commercial driver's license applicant or holder meets the qualifications of 49 CFR 391.41. If the bureau determines that the applicant or holder does not meet the qualifications of 49 CFR 391.41, the applicant or holder is disqualified **from operating a commercial motor vehicle.**

(e) If a commercial driver's license applicant or holder who is disqualified **from operating a commercial motor vehicle** under subsection (c) or (d) attempts to transfer the commercial driver's license to another state, the commercial driver's license applicant or holder remains disqualified **from operating a commercial motor vehicle** until the applicant or holder is able to establish to the bureau's satisfaction that the applicant or holder meets the qualifications of 49 CFR 391.41.

(f) With respect to the self-certification requirements of 49 CFR 383.71(a)(1), a commercial driver's license applicant must certify that the applicant expects to operate only in interstate ~~commerce~~ or ~~only in~~ intrastate commerce, **and whether the applicant is medically excepted.** ~~In either case,~~ **Regardless of the applicant's certification under this subsection,** the applicant remains subject to the requirements of 49 CFR 391.41 **and 49 CFR 383.71,** except as provided for by rule.

(g) This section applies to every commercial driver's license applicant and every commercial driver's license holder regardless of whether the applicant or holder will be operating in excepted commerce, as described in 49 CFR 383.71(a)(1)(ii)(B) and (D).

SECTION 189. IC 9-24-6-5.3, AS AMENDED BY P.L.145-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.3. (a) The owner of a truck driver training school or a state educational institution that operates a truck driver training school as a course of study must notify the bureau:

(1) of a student's completion of a course of the truck driver training school immediately after the student completes the course; or

(2) of the termination of a student's instruction in the truck driver training school immediately after the student's instruction terminates.

~~(b) This subsection expires December 31, 2011. In addition to satisfying the requirements of IC 21-17-3-12(a), the owner of a truck driver training school must retain records relating to each student of the truck driver training school for not less than six (6) years.~~

~~(c) This subsection applies after December 31, 2011.~~ **(b)** The owner of a truck driver training school shall retain records relating to each student of the truck driver training school for at least six (6) years.

SECTION 190. IC 9-24-6-5.5, AS AMENDED BY P.L.145-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.5. ~~(a) This subsection expires December 31, 2011. A truck driver training school accredited by the Indiana commission on proprietary education is subject to rules adopted by the Indiana commission on proprietary education.~~

~~(b) A:~~

~~(1) student of a truck driver training school; and~~

~~(2) truck driver training school;~~

~~are subject to applicable rules adopted by the department of state revenue.~~

~~(c) This subsection applies after December 31, 2011.~~ A:

(1) student of a truck driver training school; and

(2) truck driver training school;

is subject to applicable rules adopted by the bureau.

SECTION 191. IC 9-24-6-6, AS AMENDED BY P.L.9-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The following, if committed while driving a commercial motor vehicle or while holding any class of commercial driver's license **or permit,** are serious traffic violations:

(1) Operating a vehicle at least fifteen (15) miles per hour above the posted speed limit in violation of IC 9-21-5, IC 9-21-6, or IC 9-21-5-14.

(2) Operating a vehicle recklessly as provided in IC 9-21-8-50 and IC 9-21-8-52.

(3) Improper or erratic traffic lane changes in violation of IC 9-21-8-2 through IC 9-21-8-13 and IC 9-21-8-17 through IC 9-21-8-18.

(4) Following a vehicle too closely in violation of IC 9-21-8-14 through IC 9-21-8-16.

(5) In connection with a fatal accident, violating any statute, ordinance, or rule concerning motor vehicle traffic control other than parking statutes, ordinances, or rules.

(6) Operating a vehicle while disqualified under this chapter.

(7) For drivers who are not required to always stop at a railroad crossing, failing to do any of the following:

(A) Slow down and determine that the railroad tracks are clear of an approaching train or other on-track equipment, in violation of IC 9-21-5-4, IC 9-21-8-39, IC 35-42-2-4, or any similar statute.

(B) Stop before reaching the railroad crossing, if the railroad tracks are not clear of an approaching train or other on-track equipment, in violation of IC 9-21-4-16, IC 9-21-8-39, or any similar statute.

(8) For all drivers, whether or not they are required to always stop at a railroad crossing, to do any of the following:

(A) Stopping in a railroad crossing, in violation of IC 9-21-8-50 or any similar statute.

(B) Failing to obey a traffic control device or failing to obey the directions of a law enforcement officer at a railroad crossing, in violation of IC 9-21-8-1 or any similar statute.

(C) Stopping in a railroad crossing because of insufficient undercarriage clearance, in violation of IC 35-42-2-4, IC 9-21-8-50, or any similar statute.

(9) Operating a commercial motor vehicle without having ever obtained a commercial driver's license **or permit.**

(10) Operating a commercial motor vehicle without a commercial driver's license **or permit** in the possession of the individual.

(11) Operating a commercial motor vehicle without holding the proper class or endorsement of a commercial driver's license **or permit** for the operation of the class of the commercial motor vehicle.

(12) Driving a commercial motor vehicle while using a hand-held mobile device as set forth in 49 CFR 383 through 384, and 49 CFR 390 through 392.

(b) Subsection (a)(1) through (a)(11) are intended to comply with the provisions of 49 U.S.C. 31311(a)(10) and regulations adopted under that statute.

SECTION 192. IC 9-24-6-8, AS AMENDED BY P.L.9-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The following, if committed while driving a commercial motor vehicle or while holding any class of commercial driver's license **or permit,** are disqualifying offenses:

(1) Operating a vehicle while under the influence of alcohol in violation of IC 9-30-5-1(a), IC 9-30-5-1(b), or section 15 of this chapter.

(2) Operating a vehicle while under the influence of a controlled substance in violation of IC 9-30-5-1(c).
(3) Leaving the scene of an accident involving the driver's commercial motor vehicle in violation of IC 9-26-1.
(4) Conviction of a felony involving the use of a commercial motor vehicle other than a felony described in subdivision (5).
(5) Use of a commercial motor vehicle in the commission of a felony under IC 35-48 involving manufacturing, distributing, or dispensing of a controlled substance.
(6) Violation of IC 9-30-5-2 through IC 9-30-5-8 involving operating a vehicle while intoxicated.
(7) Refusing to undergo testing for the enforcement of IC 9-30-5-1 or section 15 of this chapter.

SECTION 193. IC 9-24-6-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.5. (a) Except as provided in subsection (b), and in addition to any other penalty imposed for a violation of this chapter, the court that imposes a judgment for violation of an out-of-service order shall order the person receiving the judgment to be disqualified from driving a commercial vehicle as follows:

(1) For at least ~~ninety (90)~~ **one hundred eighty (180)** days but not more than one (1) year, if the judgment is the person's first judgment for violation of an out-of-service order.
(2) For at least ~~one (1) year~~ **two (2) years** but not more than five (5) years, if the judgment is the person's second judgment for violation of an out-of-service order during any ten (10) year period.
(3) For at least three (3) years but not more than five (5) years, if the person has at least two (2) previous judgments for violation of an out-of-service order during any ten (10) year period.

(b) In addition to any other penalty imposed for a violation of this chapter, the court that imposes a judgment upon a person because the person violated an out-of-service order while the person was transporting a hazardous material or while operating a commercial motor vehicle designed or used to transport more than fifteen (15) passengers, including the driver, shall order the person to be disqualified from driving a commercial vehicle as follows:

(1) For at least one hundred eighty (180) days but not more than two (2) years, if the judgment is the person's first judgment for violation of an out-of-service order.
(2) For at least three (3) years but not more than five (5) years, if the person has at least one (1) previous judgment for violation of an out-of-service order that arose out of a separate incident during any ten (10) consecutive years.
(3) For at least three (3) years but not more than five (5) years, if the person has at least two (2) previous judgments for violation of an out-of-service order that arose out of a separate incident during any ten (10) consecutive years.

SECTION 194. IC 9-24-6-20, AS ADDED BY P.L.45-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) The bureau shall downgrade the commercial driver's license of a driver under the following circumstances:

(1) The driver's medical certification or federally granted medical variance expires.
(2) The bureau receives notification that the driver's federally granted medical variance was removed or rescinded.

Not later than sixty (60) days after the occurrence of a circumstance described in subdivision (1) or (2), the bureau shall initiate a downgrade of the driver's commercial driver's license.

(b) To prevent the driver's commercial driver's license from being downgraded:

(1) a driver whose medical certification has expired must submit a current and qualifying medical examination report and medical examiner's certificate not later than sixty (60) days after the bureau has initiated a downgrade; or
(2) a driver whose federally granted medical variance was removed or rescinded must submit a new federally granted medical variance not later than sixty (60) days after the bureau has initiated a downgrade.

(c) The bureau shall provide written notice to a driver at least ten (10) days before initiating a downgrade of the driver's commercial driver's license informing the driver:

(1) that the driver is not medically certified due to the expiration of the driver's medical certificate or because the driver's federally granted medical variance was removed or rescinded; and
(2) how the driver can prevent the driver's commercial driver's license from being downgraded.

(d) The bureau shall not issue a commercial driver's license to an applicant who does not certify:

(1) that the applicant expects to operate only in interstate ~~commerce~~ or ~~only in~~ intrastate commerce; **and**
(2) whether or not the applicant is medically excepted.

SECTION 195. IC 9-24-6.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The hazardous materials endorsement of a driver who applies for renewal of the endorsement may remain valid after the date on which the endorsement would otherwise expire if both of the following conditions are met:

(1) The application for renewal was received by the bureau at least ninety (90) days before the date on which the endorsement expires.
(2) On the date on which the endorsement expires, the bureau has not yet received the results of a background check conducted by the administration or another agency designated to conduct the background check.

(b) Except as provided in subsection (c), an extension under subsection (a) is valid for ninety (90) days after the date on which the endorsement would otherwise expire **if the driver has applied with the Transportation Security Administration for renewal of the hazardous materials endorsement approval.**

(c) Notwithstanding subsection (b), if the bureau receives information from the administration or another agency designated to conduct a background check that requires the bureau to revoke the hazardous materials endorsement of a driver, the bureau shall revoke the endorsement immediately upon receipt of the information.

(d) An extension under subsection (a) may be renewed until:

(1) the bureau receives the results of a background check conducted by the administration or another agency designated to conduct the background check; or
(2) further extensions are barred under regulations adopted to implement the act.

SECTION 196. IC 9-24-7-1, AS AMENDED BY P.L.145-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~(a) This subsection expires June 30, 2010. The bureau shall issue a learner's permit to an individual who meets the following conditions:~~

~~(1) Is at least fifteen (15) years of age.~~
~~(2) If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.~~
~~(3) Is enrolled in an approved driver education course.~~

~~(b) This subsection applies beginning July 1, 2010, and expires September 1, 2011. The bureau shall issue a learner's permit to an individual who meets the following conditions:~~

~~(1) Is at least fifteen (15) years and one hundred eighty (180) days of age.~~

~~(2) If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.~~

~~(3) Is enrolled in an approved driver education course.~~

~~(c) This subsection applies beginning September 1, 2011.~~ **(a)** The bureau shall issue a learner's permit to an individual who: ~~meets the following conditions:~~

(1) is at least fifteen (15) years of age;

(2) if less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1;

(3) is enrolled in an approved driver education course; **and**

(4) has passed a written examination as required under IC 9-24-10.

(b) The bureau shall issue a learner's permit to an individual who:

(1) is at least sixteen (16) years of age;

(2) if less than eighteen (18) years of age, is not ineligible under IC 9-24-2; and

(3) has passed a written examination as required under IC 9-24-10.

SECTION 197. IC 9-24-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The ~~bureau~~ **instructor of an approved driver education course** shall validate **or certify** a learner's permit ~~issued under section 1 of this chapter upon certification by the instructor of an approved driver education course that~~ **when** the holder has satisfactorily completed the course. **If the instructor is unable to certify the actual learner's permit, the instructor may certify that the holder has satisfactorily completed the course in a manner the bureau prescribes.**

SECTION 198. IC 9-24-7-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. The bureau shall issue a validated learner's permit to an individual who is at least sixteen (16) years of age upon passing the required examination.~~

SECTION 199. IC 9-24-7-4, AS AMENDED BY P.L.156-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle **or commercial motor vehicle,** upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor **or student teacher** in the front seat of ~~an automobile~~ **a motor vehicle** equipped with dual controls.

(2) While the holder is participating in practice driving after having commenced an approved driver education course and the seat beside the holder is occupied by a parent, stepparent, or guardian of the holder who holds a valid driver's license.

~~(2)~~ **(3)** If ~~the learner's permit has been validated and~~ the holder is **not participating in an approved driver education course, and is** less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, stepparent, or relative of the holder who is at least twenty-one (21) years of age and holds a valid ~~operator's, chauffeur's, or public passenger chauffeur's~~ **driver's** license.

~~(3)~~ **(4)** If ~~the learner's permit has been validated and~~ the holder is **not participating in an approved driver education course, and is** at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid ~~operator's, chauffeur's, or public passenger chauffeur's~~ **driver's** license.

~~(4) While:~~

~~(A) the holder is enrolled in an approved driver education course;~~

~~(B) the holder is participating in practice driving after having commenced an approved driver education course; and~~

~~(C) the seat beside the holder is occupied by a parent, stepparent, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.~~

SECTION 200. IC 9-24-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A holder of a learner's permit may take ~~an~~ **the skills** examination for an operator's license not later than the expiration date of the learner's permit. ~~Not more than three (3) examinations may be allowed any holder during the period the learner's permit is issued.~~ A holder who does not pass the **skills** examination ~~during the period for which the learner's permit is issued must obtain a new learner's permit and~~ **after a third attempt** is not eligible to take the examination until two (2) months after the ~~issuance of the new permit.~~ **date of the last failed examination.**

SECTION 201. IC 9-24-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The bureau shall issue a motorcycle learner's permit to an individual who meets the following conditions:

(1) The individual holds a valid operator's, chauffeur's, ~~or~~ public passenger chauffeur's, **or commercial driver's** license issued under this article.

(2) The individual passes a written examination developed by the bureau concerning the safe operation of a motorcycle.

(b) A motorcycle learner's permit authorizes the permit's holder to operate a motorcycle upon a highway during a period of one (1) year under the following conditions:

(1) The holder wears a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 as in effect January 1, 1979.

(2) The motorcycle is operated only during daylight hours.

(3) The motorcycle does not carry passengers other than the operator.

(c) A motorcycle learner's permit may be renewed one (1) time for a period of one (1) year. An individual who does not obtain a motorcycle operator endorsement before the expiration of the renewed learner's permit must wait one (1) year to reapply for a new motorcycle learner's permit.

SECTION 202. IC 9-24-8-4, AS AMENDED BY P.L.109-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsections **(b) and** (c), ~~and (d),~~ the bureau shall validate an operator's, a chauffeur's, ~~or~~ a public passenger chauffeur's, **or a commercial driver's** license for motorcycle operation upon a highway by endorsement to a person who: ~~meets the conditions in subsection (b) or (g).~~

~~(b) Except as provided in subsection (g), a person must meet at least one (1) of the following conditions to obtain an endorsement under subsection (a):~~

(1) satisfactorily ~~complete~~ **completes** the written ~~test and:~~

~~(A) satisfactorily complete an~~ **and** approved operational skills ~~test; or~~ **tests;**

~~(B)~~ **(2)** satisfactorily ~~complete~~ **completes** a motorcycle operator safety education course approved by the department of education as set forth in IC 20-30-13-9; **or**

~~(2) Hold~~ **(3) holds** a current motorcycle operator endorsement or motorcycle operator's license from any other jurisdiction and successfully ~~complete~~ **completes** the written test.

The bureau may waive the testing requirements for an

individual who has completed a course described in subdivision (2).

~~(c)~~ **(b)** The bureau may not issue a motorcycle endorsement to an individual less than sixteen (16) years and one hundred eighty (180) days of age.

~~(d)~~ **(c)** If an applicant for a motorcycle license endorsement is less than eighteen (18) years of age, the bureau may not issue a license endorsement described in subsection (a) if the applicant is ineligible under IC 9-24-2-1.

~~(e)~~ **(d)** The bureau shall develop and implement both a written test and an operational skills test ~~that must be designed~~ to determine whether an applicant for a motorcycle endorsement ~~is competent~~ **demonstrates the necessary knowledge and skills** to operate a motorcycle upon a highway. The written test must be made available at license branch locations approved by the bureau. The operational skills test must be given at locations designated by the bureau. The bureau shall adopt rules under IC 4-22-2 to establish standards for persons administering operational skills tests and the provisions of the operational skills test. An individual applying for a motorcycle endorsement must pass the written exam before taking the operational skills test. If an applicant fails to satisfactorily complete either the written or operational tests, the applicant may reapply for and must be offered the examination upon the same terms and conditions as applicants may reapply for and be offered examinations for an operator's license. The bureau shall publish and make available at all locations where an individual may apply for an operator's license information concerning a motorcycle endorsement.

~~(f)~~ **(e)** An individual may apply for a motorcycle endorsement not later than the expiration date of the permit. However, ~~not more than three (3) examinations may be allowed during the period the permit is valid.~~ an individual who holds a learner's permit and does not pass the ~~written and~~ operating skills examination ~~during the period for which the permit is valid must obtain a new learner's permit.~~ **after a third attempt is not eligible to take the examination until two (2) months after the date of the last failed examination.**

~~(g)~~ **(f)** A person who held a valid Indiana motorcycle operator's license on ~~June 30,~~ **December 31,** 2011, may be issued a motorcycle operator's endorsement after ~~June 30,~~ **December 31,** 2011, on a valid Indiana operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license after:

(1) making the appropriate application for endorsement; ~~and~~

(2) passing the appropriate examinations; and

~~(2)~~ **(3)** paying the appropriate fee set forth in IC 9-29-9-7 or IC 9-29-9-8.

SECTION 203. IC 9-24-9-2, AS AMENDED BY P.L.145-2011, SECTION 17, AND AS AMENDED BY P.L.118-2011, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~(a) Before January 1, 2008, each application for a license or permit under this chapter must require the following information:~~

~~(1) The name, date of birth, sex, Social Security number, and mailing address, and, if different from the mailing address, the residence address of the applicant. The applicant shall indicate to the bureau:~~

~~(A) which address the license or permit shall contain; and~~

~~(B) whether the Social Security number or another distinguishing number shall be the distinctive identification number used on the license or permit.~~

~~(2) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.~~

~~(3) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.~~

~~(4) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.~~

~~(5) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.~~

~~The bureau shall maintain records of the information provided under subdivisions (1) through (5).~~

~~(b)~~ **(a)** Except as provided in subsection ~~(c), after December 31, 2007,~~ **(b),** each application for a license or permit under this chapter must require the following information:

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

(4) The applicant's height, weight, hair color, and eye color.

(5) The principal address and mailing address of the applicant.

(6) A:

(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

(ii) identity and lawful status.

(7) Whether the applicant has been subject to fainting spells or seizures.

(8) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.

(9) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.

(10) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.

(11) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.

(12) The signature of the applicant.

The bureau shall maintain records of the information provided under subdivisions (1) through (12).

~~(c)~~ **(b)** For purposes of subsection ~~(b),~~ **(a),** an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

~~(d)~~ **(c)** *In addition to the information required by subsection ~~(b),~~* **(a),** *an applicant who is required to complete at least fifty (50) hours of supervised practice driving under IC 9-24-3-2.5(a)(1)(E) or IC 9-24-3-2.5(a)(2)(D) must submit to the commission evidence of the time logged in practice driving. The bureau shall maintain a record of the time log provided.*

(d) In addition to the information required under subsection ~~(b),~~ **(a),** *an application for a license or permit to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the license or permit. An applicant who wishes*

to have an indication of the applicant's veteran status appear on a license or permit must:

(1) indicate on the application that the applicant:

(A) is a veteran of the armed forces of the United States; and

(B) wishes to have an indication of the applicant's veteran status appear on the license or permit; and

(2) verify the applicant's veteran status by providing proof of discharge.

The bureau shall maintain records of the information provided under this subsection.

SECTION 204. IC 9-24-10-3, AS AMENDED BY P.L.145-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. ~~(a) Except as provided by subsection (b), examinations shall be held in the county where the license branch office in which the application was made is located, within a reasonable length of time following the date of the application.~~

~~(b) After June 30, 2011,~~ An applicant may take any or all of the tests required by section 4(a)(1)(B), 4(a)(1)(C), and 4(a)(2) of this chapter at any **license branch** location in Indiana.

SECTION 205. IC 9-24-10-4, AS AMENDED BY P.L.145-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit **or driver's license** must ~~consist of a test of the applicant's eyesight and knowledge of IC 9-26-1-1.5. All other examinations must~~ include the following:

(1) A test of the following of the applicant:

(A) Eyesight.

(B) Ability to read and understand highway signs regulating, warning, and directing traffic.

(C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5.

(2) An actual demonstration of the applicant's skill in exercising ordinary and reasonable control in the operation of a motor vehicle under the type of permit or license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon Indiana highways. The applicant must provide the motor vehicle used in the examination.

(c) The bureau:

(1) ~~shall~~ **may** waive the actual demonstration required under subsection (a)(2) for a person who has passed a driver's education class and a skills test given by a commercial driver training school or driver education program given by an entity licensed under IC 9-27-6-7; and

(2) may waive the testing, other than testing under subsection (a)(1)(A), of an applicant who has passed:

(A) an examination concerning:

(i) subsection (a)(1)(B); and

(ii) subsection (a)(1)(C); and

(B) a skills test;

given by a commercial driver training school or an entity licensed under IC 9-27-6-7.

(d) The bureau shall adopt rules under IC 4-22-2 specifying requirements for a skills test given under subsection (c) and the testing required under subsection (a)(1)(B) and (a)(1)(C).

(e) An instructor having an endorsement under IC 9-27-6-8 who did not instruct the applicant for the license or permit in driver education is not civilly or criminally liable for a report made in good faith to the:

(1) bureau;

(2) commission; or

(3) driver licensing medical advisory board;

concerning the fitness of the applicant to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.

SECTION 206. IC 9-24-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The bureau shall ~~print,~~ **make available,** for the mandatory use of individuals conducting the examinations, the rules and requirements that must be uniformly and impartially followed in making the examinations.

SECTION 207. IC 9-24-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The bureau shall issue a permit or license to every applicant who meets the following conditions:

(1) Qualifies as required.

(2) Makes the proper application.

(3) Pays the required fee.

(4) Passes the required examinations.

SECTION 208. IC 9-24-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section applies to an individual who has an existing medical condition that causes the individual to appear intoxicated.

(b) An operator's permit or license issued to an individual under this section must bear a ~~distinctive color coding~~ **restriction** on the ~~face of the~~ operator's permit or license.

(c) An individual who wishes to have an operator's permit or license issued under this section must provide a verified certificate from a physician licensed to practice in Indiana attesting to the individual's medical condition. The physician's certificate must be:

(1) provided to the bureau at the time the individual applies for an operator's permit or license under this section;

(2) carried in any vehicle that the individual operates; and

(3) renewed each time the individual's operator's license is renewed.

(d) The bureau shall adopt rules under IC 4-22-2 to carry out this section.

SECTION 209. IC 9-24-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) In addition to any other penalty imposed for a conviction under section 8(c) of this chapter, the court shall recommend that the person's driving privileges be suspended for a fixed period of at least ninety (90) days and not more than two (2) years.

(b) The court shall specify:

(1) the length of the fixed period of suspension; and

(2) the date the fixed period of suspension begins;

whenever the court makes a recommendation under subsection (a). **If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this chapter.**

SECTION 210. IC 9-24-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. The bureau shall, upon receiving a record of conviction of a person under section 8(c) of this chapter, set a period of suspension for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in section 10 of this chapter. **If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this chapter.**

SECTION 211. IC 9-24-12-2, AS AMENDED BY P.L.184-2007, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~(a) Except as provided in section 10 of this chapter, a chauffeur's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.~~

~~(b)~~ **(a)** ~~After December 31, 2005, and~~ Except as provided in subsection ~~(c)~~ **(b)** and sections 10, 11, and 12 of this chapter, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

~~(c)~~ **(b)** Except as provided in ~~subsection (b) and~~ sections 10, 11, and 12 of this chapter, a chauffeur's license issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

SECTION 212. IC 9-24-12-5, AS AMENDED BY P.L.109-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in subsection (b), an individual applying for renewal of an operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch and do the following:

(1) Pass an eyesight examination.

(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or

(B) the applicant holds a valid operator's license, has not reached the applicant's twenty-first birthday, and has active points on the applicant's driving record maintained by the bureau.

(b) The bureau may adopt rules under IC 4-22-2 concerning the ability of a holder of an operator's, a chauffeur's, or a public passenger chauffeur's license to renew the license by mail or by electronic service. If rules are adopted under this subsection, the rules must provide that an individual's renewal of a license by mail or by electronic service is subject to the following conditions:

(1) A valid computerized image of the individual must exist within the records of the bureau.

(2) The previous renewal of the individual's operator's, chauffeur's, or public passenger chauffeur's license must not have been by mail or by electronic service.

(3) The application for or previous renewal of the individual's license must have included a test of the individual's eyesight approved by the bureau.

(4) If the individual were applying for the license renewal in person at a license branch, the individual would not be required under subsection (a)(2) to submit to a written examination.

(5) The individual must be a citizen of the United States, as shown in the records of the bureau.

(6) There must not have been any change in the:

(A) address; or

(B) name;

of the individual since the issuance or previous renewal of the individual's operator's, chauffeur's, or public passenger chauffeur's license.

(7) The operator's, chauffeur's, or public passenger chauffeur's license of the individual must not be:

(A) suspended; or

(B) expired more than one hundred eighty (180) days;

at the time of the application for renewal.

(8) The individual must be less than ~~seventy (70)~~ **seventy-five (75)** years of age at the time of the application for renewal.

(c) An individual applying for the renewal of an operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (b).

SECTION 213. IC 9-24-14-1, AS AMENDED BY P.L.87-2010, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. If a permit or license issued under this article ~~except section 2 of this chapter,~~ is lost or destroyed, and as provided in section 3.5 of this chapter, the individual to whom the permit or license was issued may obtain a replacement if the individual ~~does the following:~~

~~(1) Furnishes proof satisfactory to the bureau that the permit or license was lost or destroyed.~~

~~(2)~~ pays the required fee for a replacement permit or license under IC 9-29-9.

SECTION 214. IC 9-24-14-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. (a) This section applies to replacement licenses issued under the following:~~

~~(1) IC 9-30-4-6.~~

~~(2) IC 9-24-15.~~

~~(3) IC 9-30-5.~~

~~(4) IC 9-30-6.~~

~~(5) IC 9-30-10-9.~~

~~(6) IC 9-30-10-13.~~

~~(b) The bureau may issue a replacement license that is restrictive or conditional if an applicant does the following:~~

~~(1) Applies for a valid replacement license.~~

~~(2) Surrenders all licenses in the applicant's possession.~~

~~(3) Pays the license fee under IC 9-29-9.~~

SECTION 215. IC 9-24-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), this chapter does not apply to the following:

(1) A suspension of a driving license upon the failure of an individual to file security or proof of financial responsibility following an accident as required by or upon the failure of any individual to satisfy a judgment for damages arising out of the use of a motor vehicle on a public highway as provided for in IC 9-25.

(2) When suspension is by reason of:

(A) physical, mental, or emotional instability;

(B) having caused serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the operator's restricted driver's license; or

(C) the applicant has been convicted of involuntary manslaughter or reckless homicide as a result of an automobile accident.

(3) A suspension of the license of an applicant whose license has been previously suspended.

(4) A suspension of the license of an applicant who has failed to use timely appeal procedures provided by the bureau.

(5) After June 30, 2005, a suspension of the license of an applicant whose commercial driver's license has been disqualified under 49 CFR 383.51 or other applicable federal or state law, including an alcohol or a controlled substance conviction under IC 9-30-5-4 or 49 CFR 391.15.

(b) A court may grant a petition for ~~a~~ restricted driving ~~permit~~ **privileges** from an individual who:

(1) received a request for evidence of financial responsibility after:

(A) an accident under IC 9-25-5-2; or

(B) a conviction of a motor vehicle violation under IC 9-25-9-1; and

(2) failed to provide proof of financial responsibility under IC 9-25-6;

if the individual shows by a preponderance of the evidence that the failure to maintain financial responsibility was inadvertent.

SECTION 216. IC 9-24-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. If:

(1) an individual's driving license has been suspended under Indiana motor vehicle law; ~~and~~

(2) because of the nature of the individual's employment the suspension would work an undue hardship and burden upon the individual's family or dependents; **and**

(3) the individual is eligible for restricted driving privileges under section 1 of this chapter;

the individual may file a verified petition for ~~a~~ restricted driving ~~permit~~ **privileges** for the sole purpose of driving to and from work and in the course of employment during the period of the driving license suspension.

SECTION 217. IC 9-24-15-3, AS AMENDED BY P.L.28-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The following information must be included in a petition filed under section 2 of this chapter:

(1) The petitioner's age, place of residence, and occupation.

(2) That the petitioner has never been convicted of a similar offense or been **previously** suspended. ~~for a similar reason.~~

(3) The reason and nature of the hardship or burden upon the petitioner's family or dependents.

(4) The nature of and the necessity of the use of a motor vehicle in the petitioner's employment.

(5) The petitioner's place of employment, hours worked, and route to be traveled for employment purposes.

(6) ~~After June 30, 2005,~~ A certified copy of the petitioner's driving record in Indiana and other states in which the petitioner has held driving privileges, including all states in which the petitioner has held a commercial driver's license.

(7) ~~After June 30, 2005,~~ A verified statement that the petitioner meets eligibility requirements for a restricted license as set forth in section 6.5 of this chapter.

~~(8) Whether the person is a habitual violator of traffic laws under IC 9-30-10.~~

SECTION 218. IC 9-24-15-5, AS AMENDED BY P.L.106-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The issues before the court in a proceeding under this chapter must be considered closed by denial of all matters at issue without the necessity of filing any further pleadings.

(b) Changes of venue from the judge or from the county must be granted a party under the law governing changes of venue in civil causes.

(c) A suspension or revocation under this title remains in full force and effect during the pendency of a cause under this chapter and until the issuance of the restricted driving ~~permit~~ **privileges** by the bureau in accordance with the recommendation of the court.

(d) Records accumulated in the regular course of business and routinely on file in the offices of the prosecuting attorney of the county, sheriff of the county, and bureau may be admitted at the hearing on the petition. The records constitute prima facie evidence of the matters contained on the face of the petition in relation to the petitioner.

(e) Court costs (including fees) for the action on the petition must be charged against the petitioner. The prosecuting attorney of the county is not liable or taxable for any costs (including fees) in any action under this chapter.

SECTION 219. IC 9-24-15-6, AS AMENDED BY P.L.109-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a)** The court shall, after hearing the evidence upon a petition filed under this chapter and without any requests, make, sign, and file special finding of facts in writing. Except as provided in section 6.5 of this chapter, the court may do either of the following:

(1) Refuse to grant the petition.

(2) Make a final determination in the nature of a recommendation to the bureau that the petitioner be granted ~~a~~ restricted driving ~~permit.~~ **privileges.**

The judge of the court shall sign the recommendation and have the recommendation entered in the order book by the clerk of the court, with a copy sent to the bureau.

(b) If the bureau receives an order granting restricted driving privileges to a person who, according to the records of the bureau, is ineligible to receive restricted driving privileges under this chapter, the bureau shall:

(1) grant the person restricted driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for restricted driving privileges; and

(2) send a certified copy of the person's driving record to the prosecuting attorney. The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the order of the court. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the order of the court.

SECTION 220. IC 9-24-15-6.5, AS AMENDED BY P.L.109-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. (a) The court shall grant a petition for ~~a~~ restricted driving ~~permit~~ **privileges** filed under this chapter if all of the following conditions exist:

(1) The person was not convicted of one (1) or more of the following:

(A) A Class D felony under IC 9-30-5-4 before July 1, 1996, or a Class D felony or a Class C felony under IC 9-30-5-4 after June 30, 1996.

(B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or a Class C felony or a Class B felony under IC 9-30-5-5 after June 30, 1996.

(2) The person's driving privileges were suspended under IC 9-30-6-9(c) or IC 35-48-4-15.

(3) The driving that was the basis of the suspension was not in connection with the person's work.

(4) The person does not have a previous conviction for operating while intoxicated.

(5) The person is participating in a rehabilitation program certified by either the division of mental health and addiction or the Indiana judicial center. ~~as a condition of the person's probation.~~

(b) The person filing the petition for ~~a~~ restricted driving ~~permit~~ **privileges** shall include in the petition the information specified in subsection (a) in addition to the information required by sections 3 through 4 of this chapter.

(c) Whenever the court grants a person restricted driving privileges under this chapter, that part of the court's order granting probationary driving privileges shall not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9. In a county that provides for the installation of an ignition interlock device under IC 9-30-8, installation of an ignition interlock device is required as a condition of probationary driving privileges for the entire duration of the probationary driving privileges.

(d) If a court requires installation of a certified ignition interlock device under subsection (c), the court shall order the bureau to record this requirement in the person's ~~operating~~ **driving** record in accordance with IC 9-14-3-7. When the person is no longer required to operate only a motor vehicle equipped with an ignition interlock device, the court shall notify the bureau that the ignition interlock use requirement has expired and order the bureau to update its records accordingly.

SECTION 221. IC 9-24-15-6.7, AS AMENDED BY P.L.109-2011, SECTION 20, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.7. (a) If a petitioner whose driving license or permit is suspended under ~~IC 9-25-6-19, IC 9-25-6-20, or IC 9-25-6-21~~ **IC 9-30-13-6, IC 9-30-13-7, or IC 9-30-13-8** proves to the satisfaction of the court that public transportation is unavailable for travel by the petitioner:

(1) to and from the petitioner's regular place of employment;
(2) in the course of the petitioner's regular employment;
(3) to and from the petitioner's place of worship; or
(4) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time;

the court may grant a petition for ~~a~~ restricted driving ~~permit~~ **privileges** filed under this chapter.

(b) ~~A~~ Restricted driving ~~permit~~ **privileges** issued by the bureau under this section must specify that the restricted driving ~~permit is~~ **privileges are** valid only for purposes of driving under the conditions described in subsection (a).

(c) ~~A~~ Restricted driving ~~permit~~ **privileges** issued by the bureau under this section shall be:

(1) issued in the same manner; and
(2) subject to all requirements;

as other permits under this chapter.

SECTION 222. IC 9-24-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. ~~The bureau shall comply with the court's recommendation.~~ The bureau in issuing ~~a~~ restricted driving ~~permit~~ **privileges** shall be guided by the court's special finding of facts in setting out the petitioner's driving restrictions. The ~~restricted driving permit~~ **recommendation of the court** must set out restrictions as to the time, territory, and route to be included and shall be restricted to the essential requirements of the petitioner in the performance of the petitioner's employment duties.

SECTION 223. IC 9-24-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The petitioner must have **proof of** the **petitioner's** restricted driving ~~permit~~ **privileges** on the petitioner's person while driving a motor vehicle. ~~A~~ Restricted driving ~~permit is~~ **privileges are** valid and in force only after the person gives and maintains in effect proof of financial responsibility in the manner required in IC 9-25.

SECTION 224. IC 9-24-15-9, AS AMENDED BY P.L.109-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. Except as provided in section 6.5 of this chapter, an individual may not ~~receive a~~ **be granted** restricted driving ~~permit~~ **privileges** if the individual's driving privileges are suspended under IC 9-30-5 through IC 9-30-9 or IC 9-30-13-3.

SECTION 225. IC 9-24-15-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) A person who:

(1) has been ~~issued a~~ **granted** restricted driving ~~permit;~~ **privileges;** and
(2) operates a motor vehicle:
(A) in violation of the terms, limitations, or restrictions set out ~~in~~ **by** the ~~restricted driving permit;~~ **court;** and
(B) during the period of suspension of the person's current driving license;

commits a Class B misdemeanor.

(b) The bureau shall, upon receipt of notice of a conviction for a violation of this section, do the following:

(1) Revoke the **person's** restricted driving ~~permit.~~ **privileges.**
(2) Suspend the person's current driving license for two
(2) years in addition to the original existing period of suspension.

In addition, the bureau may not issue ~~another~~ restricted driving ~~permit~~ **privileges** to the person during the original existing or additional period of suspension.

SECTION 226. IC 9-24-16-2, AS AMENDED BY P.L.118-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~(a) Before January 1, 2008, an application for an identification card issued under this chapter must meet the following conditions:~~

~~(1) Be made upon an approved form provided by the bureau, which shall include the mailing address, and if different from the mailing address, the residence address of the applicant.~~
~~(2) Be verified by the applicant before a person authorized to administer oaths and affirmations.~~

~~(b) Except as provided in subsection (c), after December 31, 2007,~~ **(a)** An application for an identification card issued under this chapter must require the following information concerning an applicant:

(1) The full legal name of the applicant.
(2) The applicant's date of birth.
(3) The gender of the applicant.
(4) The applicant's height, weight, hair color, and eye color.
(5) The principal address and mailing address of the applicant.
(6) A:
(A) valid Social Security number; or
(B) verification of an applicant's:
(i) ineligibility to be issued a Social Security number; and
(ii) identity and lawful status.
(7) A digital photograph of the applicant.
(8) The signature of the applicant.

The bureau shall maintain records of the information provided under subdivisions (1) through ~~(6).~~ **(8).**

~~(c)~~ **(b)** The bureau may ~~temporarily~~ invalidate an identification card that the bureau believes to have been issued as a result of fraudulent documentation.

~~(d)~~ **(c)** The bureau:

(1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and
(2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.

~~(e)~~ **(d)** For purposes of subsection ~~(b),~~ **(a),** an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

~~(f)~~ **(e)** In addition to the information required under subsection ~~(b),~~ **(a),** an application for an identification card to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card. An applicant who wishes to have an indication of the applicant's veteran status appear on the identification card must:

(1) indicate on the application that the applicant:
(A) is a veteran of the armed forces of the United States; and
(B) wishes to have an indication of the applicant's veteran status appear on the identification card; and
(2) verify the applicant's veteran status by providing proof of discharge.

The bureau shall maintain records of the information provided under this subsection.

SECTION 227. IC 9-24-16-3, AS AMENDED BY P.L.118-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) Except as provided in subsection ~~(h),~~ **(g),** the front side of an identification card must contain the expiration date of the identification card and the following information about the individual to whom the card is being issued:

(1) Full legal name.
(2) The address of the principal residence.
(3) Date of birth.
(4) Date of issue and date of expiration.
(5) Unique identification number.
(6) Gender.
(7) Weight.
(8) Height.
(9) Color of eyes and hair.
(10) Reproduction of the signature of the individual identified.
(11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).
(12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:
(A) eighteen (18) years of age; and
(B) twenty-one (21) years of age.
(13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.
(14) Digital photograph of the individual.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the permit or license.

(d) If the individual:

(1) has indicated on the application that the individual is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card; and
(2) has provided proof of discharge;

an indication of the individual's veteran status shall be shown on the identification card.

(e) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

~~(f) An identification card issued by the state that does not require a digital photograph must include a statement that the identification card may not be accepted by any federal agency for federal identification or any other federal purpose.~~

~~(g)~~ **(f)** An identification card issued by the state to an individual who:

(1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;
(2) has a pending application for asylum in the United States;
(3) has a pending or approved application for temporary protected status in the United States;
(4) has approved deferred action status; or
(5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

~~(h)~~ **(g)** For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

SECTION 228. IC 9-24-16-4, AS AMENDED BY P.L.162-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsection (b), an identification card ~~issued:~~

~~(1) before January 1, 2006, expires on the fourth birthday of the applicant following the date of issue; and~~
~~(2) after December 31, 2005,~~ expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(b) An identification card issued under this article ~~after December 31, 2007,~~ to an applicant who complies with section 3.5(1)(E) through 3.5(1)(J) of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or
(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:
(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.
(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 229. IC 9-24-16-4.5, AS AMENDED BY P.L.109-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) The bureau may adopt rules under IC 4-22-2 concerning the ability of an individual to renew an identification card under section 5 of this chapter, apply for a replacement identification card under section 9 of this chapter, or apply for a replacement identification card under section 6 of this chapter by electronic service. If rules are adopted under this subsection, the rules must provide that an individual's renewal, amendment, or replacement of an identification card by electronic service is subject to the following conditions:

(1) A valid computerized image or digital photograph of the individual must exist within the records of the bureau.
(2) The individual must be a citizen of the United States, as shown in the records of the bureau.
(3) There must not have been any change in the:
(A) **legal** address; or
(B) name;
of the individual since the issuance or previous renewal of the identification card of the individual.
(4) The identification card of the individual must not be expired more than one hundred eighty (180) days at the time of the application for renewal.

(b) An individual applying for:

(1) the renewal of an identification card; or
(2) a replacement identification card;

must apply in person at a license branch if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (a).

SECTION 230. IC 9-24-16-5, AS AMENDED BY P.L.87-2010, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) An application for renewal of an identification card may be made not more than twelve (12) months before the expiration date of the card. However, when the applicant complies with section 3.5(1)(E) through 3.5(1)(J) of this chapter, an application for renewal of an identification card may be filed not more than one (1) month before the expiration date of the identification card held by the applicant. ~~A renewal application received after the date of expiration is considered to be a new application.~~

(b) Except as provided in subsection ~~(c),~~ **(d),** a renewed card is valid on the birth date of the holder and remains valid for six (6) years.

~~(c) If renewal has not been made within six (6) months after expiration, the bureau shall destroy all records pertaining to the former cardholder.~~

~~(d)~~ **(c)** Renewal may not be granted if the cardholder was issued a driver's license subsequent to the last issuance of an identification card.

~~(e)~~ **(d)** A renewed identification card issued under this article ~~after December 31, 2007,~~ to an applicant who complies with section 3.5(1)(E) through 3.5(1)(J) of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 231. IC 9-24-16-10, AS AMENDED BY P.L.109-2011, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The bureau may adopt rules under IC 4-22-2 and prescribe all forms necessary to implement this chapter. However, the bureau may not impose a fee for the issuance of:

(1) an original;

(2) a renewal of an; or

(3) a replacement;

identification card to an individual described in subsection (b).

(b) An identification card must be issued without the payment of a fee or charge to an individual who:

(1) does not have a valid Indiana driver's license; and

(2) will be at least eighteen (18) years of age ~~at~~ **and eligible to vote in** the next general, municipal, or special election.

SECTION 232. IC 9-24-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The bureau shall verbally ask every individual who applies for a driver's license or an identification card issued under IC 9-24-16 whether the individual desires to make an anatomical gift.

(b) If the individual does desire to make an anatomical gift, the bureau shall ~~assist~~ **provide** the individual ~~in completing~~ the form by which the individual makes the gift.

SECTION 233. IC 9-24-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The bureau shall make available ~~and publicize~~ the anatomical gift program in a separate brochure and by other means the bureau considers necessary.

SECTION 234. IC 9-24-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Each anatomical gift made under this chapter must be made by the donor by acknowledging the making of the anatomical gift by signing the application form for the driver's license or identification card under section 1 of this chapter. If the donor cannot sign, the application form may be signed for the donor:

(1) at the donor's direction and in the donor's presence; and

(2) in the presence of two (2) witnesses who must sign the document in the donor's and each other's presence.

~~(b) The card must state that the document was signed in accordance with this section.~~

~~(c)~~ **(b)** The bureau shall place an identifying symbol on the face of the license or identification card to indicate that the person to whom the license or identification card is issued has acknowledged the making of an anatomical gift on the application form for the license or identification card as set forth in subsection (a).

~~(d)~~ **(c)** Revocation, suspension, or cancellation of the license or expiration of the license or identification card does not invalidate the anatomical gift.

~~(e)~~ **(d)** An anatomical gift is valid if the person acknowledges the making of the anatomical gift by signing the application form for a driver's license or identification card under subsection (a). No other acknowledgment is required to make an anatomical gift.

SECTION 235. IC 9-24-18-1, AS AMENDED BY P.L.100-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person, except a person exempted under IC 9-24-1-7, who knowingly or intentionally operates a motor vehicle upon a highway and has never received a valid driving license commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(b) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person be prohibited from receiving a valid driving license for a fixed period of at least ninety (90) days and not more than two (2) years.

(c) The court shall specify:

(1) the length of the fixed period of the prohibition; and

(2) the date the fixed period of the prohibition begins;

whenever the court makes a recommendation under subsection (b).

(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of operating a motor vehicle while never having received a valid driving license, prohibit the person from receiving a driving license for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in subsection (c). **If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this chapter.**

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued a driving license or permit that was valid at the time of the alleged offense.

SECTION 236. IC 9-24-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A person that has a motor vehicle in the person's custody may not cause or knowingly permit a person to drive the vehicle upon a highway unless the person ~~obtains~~ **holds** a **valid** license or permit under this article.

(b) A person who violates this section commits a Class C infraction.

SECTION 237. IC 9-24-18-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. A person who counterfeits or falsely reproduces a ~~driving~~ **driver's** license

with intent to use the license or to permit another person to use the license commits a Class B misdemeanor.

SECTION 238. IC 9-24-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The bureau may establish a driving record for an Indiana resident who does not hold any type of valid driving license. The driving record shall be established for an unlicensed driver when an abstract of court conviction has been received by the bureau. ~~The record shall be maintained for not less than three (3) years for each unlicensed driver.~~

(b) If an unlicensed driver applies for and receives any type of driving license in Indiana, the person's driving record as an unlicensed driver shall be recorded on the permanent record file. An unlicensed driver who has had at least two (2) traffic violation convictions in Indiana within twenty-four (24) months before applying for any type of driving license may not be issued a license within one (1) year after the date of the second traffic conviction as indicated on the abstract of court conviction record. If the bureau issues a license without knowledge of the second conviction, the bureau shall suspend the license upon learning of the second conviction and notify the person of the reason for the suspension and the term of the suspension.

(c) The bureau shall also certify traffic violation convictions on the driving record of an unlicensed driver who subsequently receives an Indiana driving license.

SECTION 239. IC 9-24-18-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. Upon receipt of a court order under IC 7.1-5-7-7 (minor possessing, consuming, or transporting alcohol or having alcohol present in a bodily substance), the bureau shall suspend the minor's ~~driver's license~~ **driving privileges** for the period ordered by the court.

SECTION 240. IC 9-24-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) In addition to any other penalty imposed for a conviction under this chapter, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(b) The court shall specify:

(1) the length of the fixed period of suspension; and

(2) the date the fixed period of suspension begins;

whenever the court makes a recommendation under subsection (a).

(c) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the recommendation of the court. If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this chapter.

SECTION 241. IC 9-24-19-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a vehicle while the person's driving privilege, permit, or license was suspended, extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in section 5 of this chapter.~~

SECTION 242. IC 9-25-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article does not apply to a judgment in a civil action. ~~or cause of action arising out of an accident occurring before July 1, 1943.~~

SECTION 243. IC 9-25-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. Whenever the proof of financial responsibility filed by a person under this article no longer fulfills the purpose for which the proof was required, the bureau shall require other proof of financial responsibility under this article and shall suspend the ~~operator's or chauffeur's license~~ **driving privileges** and **motor** vehicle registration of the person for whom other proof of financial responsibility is required.

SECTION 244. IC 9-25-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This section does not apply to an electric personal assistive mobility device.

(b) A person may not:

(1) register a **motor** vehicle; or

(2) operate a **motor** vehicle on a public highway;

in Indiana if financial responsibility is not in effect with respect to the motor vehicle under section 4 of this chapter, **or the person is not otherwise insured in order to operate the motor vehicle.**

(c) A person who violates this section is subject to the suspension of the person's current driving ~~license~~ **privileges** or **motor** vehicle registration, or both, under this article.

SECTION 245. IC 9-25-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Financial responsibility in one (1) of the forms required under this chapter must be continuously maintained as long as a motor vehicle is operated on a ~~road, street, or~~ **public** highway in Indiana.

SECTION 246. IC 9-25-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) For the purposes of this article, financial responsibility is in effect with respect to a motor vehicle if:

(1) a motor vehicle liability insurance policy issued with respect to the **motor** vehicle **or operator under IC 9-25-5-7;**

(2) a bond executed with respect to the **motor** vehicle under section 7 of this chapter; or

(3) the status of the owner or operator of the **motor** vehicle as a self-insurer, as recognized by the bureau through the issuance of a certificate of self-insurance under section 11 of this chapter;

provides the ability to respond in damages for liability arising out of the ownership, maintenance, or use of the motor vehicle in amounts at least equal to those set forth in section 5 or 6 of this chapter.

(b) A motor vehicle liability policy under this article must contain the terms, conditions, and provisions required by statute and must be approved by the state insurance commissioner.

SECTION 247. IC 9-25-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. Proof of financial responsibility **meeting the requirements set forth in this article** may be ~~made~~ **filed in a manner prescribed by the bureau** by ~~filing with the bureau the written certificate of~~ an insurance carrier ~~authorized to do business in Indiana certifying that the carrier has issued to or for the benefit~~ of the person ~~furnishing the~~ **for whom** proof ~~and named as the insured a motor vehicle liability policy meeting the requirements of this chapter and having the terms, conditions, and specifications that the bureau requires.~~ **is required.**

SECTION 248. IC 9-25-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If a person is convicted of a traffic offense that requires a court appearance, the court shall require the person to show proof that financial responsibility was in force on the date of the violation in one (1) of the forms described in IC 9-25-4-4 or in the form of a certificate of self-insurance issued under IC 9-25-4-11.

(b) If a person fails to provide proof of financial responsibility as required by this section, the court shall ~~do the following:~~

~~(1)~~ suspend the person's current driving ~~license~~ **privileges** or **motor** vehicle registration, or both.

~~(2) Order the person to immediately surrender the person's current driving license or vehicle registration to the court.~~

(c) A suspension under this section is subject to the same provisions concerning procedure for suspension, duration of suspension, and reinstatement applicable to other suspensions under this ~~chapter.~~ **article.**

SECTION 249. IC 9-25-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. Not more than forty-five (45) days after the bureau receives a copy of an accident report under IC 9-26, the bureau shall send to each person identified in the report as an operator of a **motor** vehicle involved in the accident a request for evidence of financial responsibility under section 3 of this chapter, unless the evidence has already been filed with the bureau. The request for evidence of financial responsibility shall be sent to each person identified in the report as an operator of a **motor** vehicle involved in the accident regardless of fault.

SECTION 250. IC 9-25-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A request for evidence of financial responsibility must do the following:

(1) Direct a person identified under section 2 of this chapter to provide the bureau with evidence that financial responsibility was in effect with respect to the **motor** vehicle operated by the person on the date of the accident described in the accident report.

(2) Instruct the person on how to furnish the bureau with evidence of financial responsibility in compliance with this ~~chapter.~~ **article.**

(3) Warn the person that failure to furnish evidence of financial responsibility to the bureau will result in suspension of the person's current driving ~~license~~ **privileges** or **motor** vehicle registration, or both, under this article.

(b) The bureau shall mail a request for evidence of financial responsibility to a person identified under section 2 of this chapter by first class mail at the address appearing in the records of the bureau.

SECTION 251. IC 9-25-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) To avoid ~~a current driving license~~ suspension **of driving privileges** or **motor** vehicle registration suspension, **or both,** under this article, a person identified under section 2 of this chapter who receives a request for evidence of financial responsibility must ~~provide~~ **ensure that the insurance company of the person provides** the bureau with a certificate of compliance indicating that financial responsibility required by IC 9-25-4-1 was in effect with respect to the motor vehicle, **or the operation of the motor vehicle,** on the date of the accident described in the accident report. **It is the responsibility of the person who receives a request for evidence of financial responsibility to ensure that the insurance company of the person has provided a certificate of compliance.**

(b) Proof that the bureau:

(1) did not receive a certificate of compliance ~~from~~ **for** a person presented with a request for evidence of financial responsibility under section 2 of this chapter within ~~forty-five (45)~~ **forty (40)** days after the date on which the person was presented with the request;

(2) received a certificate of compliance that did not indicate that financial responsibility was in effect with respect to the motor vehicle that the person was operating on the date of the accident described in the accident report; or

(3) suspended ~~a current~~ **the** driving ~~license or~~ **privileges or motor** vehicle registration, **or both,** under IC 9-25-6-3 after presenting a person with a request for evidence of financial responsibility under section 2 of this chapter;

is prima facie evidence in a civil action that the person presented with the request for evidence of financial responsibility did not have **an operator's or** a motor vehicle liability policy in effect with respect to the motor vehicle that the person was operating on the date of the accident described in the accident report.

SECTION 252. IC 9-25-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A person who receives a request for evidence of financial responsibility under section 3 of this chapter shall **ensure that the insurance company of the person** set forth in the certificate of compliance **provides to the bureau** the following information concerning the form of financial responsibility that was in effect with respect to the motor vehicle on the date in question:

(1) If **an operator's or** a motor vehicle liability policy was in effect, the following:

(A) The name and address of the insurer.

(B) The limits of coverage of the policy.

(C) The identification number applying to the policy.

(D) Dates of coverage of the policy.

(E) Other information requested by the bureau.

(2) If a bond was in effect, the following:

(A) The name and address of the bond company or surety.

(B) The face amount of the bond.

(C) Dates the bond was in effect.

(D) Other information requested by the bureau.

(3) If self-insurance was in effect under IC 9-25-4-11, the following:

(A) The date on which the certificate of self-insurance was issued by the bureau.

(B) The name of the person to whom the certificate of self-insurance was issued.

(C) Other information requested by the bureau.

(b) A person who requests information or verification of coverage to complete a certificate of compliance under subsection (a) from:

(1) an insurance company; or

(2) an insurance producer;

is not required to give the company or the producer a reason for requesting the information unless the person has been involved in an accident.

SECTION 253. IC 9-25-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A certificate of compliance that reports the existence of an insurance policy must be ~~signed~~ **executed** by an officer or agent of the insurer. A certificate of compliance that reports the existence of a bond must be ~~signed~~ **executed** by an officer of the bond company or surety.

SECTION 254. IC 9-25-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) An insurance carrier that has issued a motor vehicle liability policy or policies meeting the requirements of this article shall, upon request of the named insured,

~~(1) deliver to the insured for filing; or~~

~~(2)~~ file with the bureau

an appropriate certificate that meets the requirements of this ~~chapter~~ **article** and shows that a policy or policies have been issued.

(b) The issuance of a certificate to serve as proof of financial responsibility under this ~~chapter~~ **article** is conclusive evidence that a motor vehicle liability policy in the certificate cited conforms to all the requirements of this article.

SECTION 255. IC 9-25-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. Whenever an insurance carrier has certified a motor vehicle liability policy under this chapter for the purpose of furnishing evidence of future financial responsibility, the insurance carrier shall give ten (10) days written notice to the bureau before cancellation of the policy. The policy continues in full force and effect until the date of cancellation specified in the notice or until the policy's

expiration. A policy subsequently procured and certified, on the effective date of the policy's certification, terminates the insurance previously certified with respect to a **motor** vehicle designated in both certificates.

SECTION 256. IC 9-25-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A nonresident may give proof of financial responsibility in one (1) of the following ways:

(1) The nonresident owner of a foreign **motor** vehicle may give proof of financial responsibility by ~~filing with the bureau a written certificate of~~ **having** an insurance carrier authorized to transact business in the state in which the motor vehicle described in the certificate is registered **file a certificate of compliance with the bureau.**

(2) A nonresident who does not own a motor vehicle may give proof of financial responsibility by ~~filing with the bureau a written certificate of~~ **having** an insurance carrier authorized to transact business in the state in which the nonresident resides **file a certificate of compliance with the bureau.**

(b) A certificate **of compliance** filed under subsection (a) must conform to this chapter.

~~(c) The bureau shall accept a certificate filed under subsection (a) if the insurance carrier complies with the following:~~

~~(1) Executes a power of attorney authorizing the bureau to accept service on the insurance carrier's behalf of notice of process in an action arising out of a motor vehicle accident in Indiana.~~

~~(2) Adopts a binding resolution declaring that the insurance carrier's policies are considered to comply with Indiana law relating to the terms of motor vehicle liability policies issued in Indiana.~~

~~(3) Agrees to accept as final and binding a judgment of a court of competent jurisdiction in Indiana rendered in an action arising out of a motor vehicle accident.~~

~~(d) If a foreign insurance carrier that has qualified to furnish proof of financial responsibility under subsection (c) defaults in an undertaking or agreement, the bureau may not accept a certificate of the defaulting foreign carrier as long as the default continues, whether the certificate was filed before or after the default.~~

SECTION 257. IC 9-25-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If:

(1) the bureau receives a certificate of compliance ~~from~~ **for** a person identified under IC 9-25-5-2 within forty (40) days after the date on which the bureau mailed the request for evidence of financial responsibility to the person; and

(2) the certificate of compliance indicates that financial responsibility was in effect with respect to the **motor** vehicle **or the operation of the motor vehicle** at the time of the accident described in the accident report;

the bureau may not suspend the person's ~~current~~ driving ~~license.~~ **privileges.**

(b) If:

(1) the bureau receives a certificate of compliance from a person presented with a request for evidence of financial responsibility under IC 9-25-9-1 within forty (40) days after the date on which the person was presented with the request; and

(2) the certificate of compliance indicates that financial responsibility was in effect with respect to the motor vehicle **or the operation of the motor vehicle** that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau may not suspend the person's ~~current~~ driving ~~license.~~ **privileges.**

(c) If:

(1) the bureau receives a certificate of compliance for a person identified under IC 9-25-10 within forty (40) days after the date on which the bureau mailed the request for evidence of financial responsibility to the person; and

(2) the certificate of compliance indicates that financial responsibility was in effect with respect to the motor vehicle or the operation of the motor vehicle for the date requested under IC 9-25-10;

the bureau may not suspend the driving privileges of the person.

SECTION 258. IC 9-25-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) If the bureau finds that a statement as to the existence of financial responsibility in a certificate of compliance received ~~from:~~ **for**

~~(1)~~ a person identified under ~~IC 9-25-5-2; or~~

~~(2) a person presented with a request for evidence of financial responsibility under IC 9-25-9-1;~~ **IC 9-25**

is materially false, the bureau shall take action under subsection (b).

(b) Upon finding that the statement referred to in subsection (a) is false, the bureau shall ~~do the following:~~

~~(1)~~ immediately suspend the person's ~~current~~ driving ~~license or~~ **privileges or motor** vehicle registration, or both,

~~(2) Demand that the person immediately surrender the person's current driving license or vehicle registration, or both, to the bureau.~~ **for at least ninety (90) days and not more than one (1) year.**

SECTION 259. IC 9-25-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) If the bureau:

(1) does not receive a certificate of compliance ~~from~~ **for** a person identified under IC 9-25-5-2 within forty (40) days after the date on which the bureau mailed the request for evidence of financial responsibility to the person; or

(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle operated by the person on the date of the accident referred to in IC 9-25-5-2;

the bureau shall take action under subsection ~~(c).~~ **(d).**

(b) If the bureau:

(1) does not receive a certificate of compliance ~~from~~ **for** a person presented with a request for evidence of financial responsibility under IC 9-25-9-1 within forty (40) days after the date on which the person was presented with the request; or

(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau shall take action under subsection ~~(c).~~ **(d).**

(c) If the bureau:

(1) does not receive a certificate of compliance for a person presented with a request under IC 9-25-10 not later than forty (40) days after the date on which the person was presented with the request; or

(2) receives a certificate that does not indicate that financial responsibility was in effect;

the bureau shall take action under subsection (d).

~~(c)~~ **(d)** Under the conditions set forth in subsection (a), ~~or~~ (b), **or (c),** the bureau shall ~~do the following:~~

~~(1)~~ immediately suspend the person's ~~current~~ driving ~~license~~ **privileges or motor** ~~or~~ vehicle registration, or both, **for at least ninety (90) days and not more than one (1) year.**

~~(2) Demand that the person immediately surrender the person's current driving license or vehicle registration, or both, to the bureau.~~

~~(d)~~ **(e)** Except as provided in subsection ~~(c),~~ **(f),** if subsection (a), ~~or~~ (b), **or (c)** applies to a person, the bureau shall suspend the ~~current~~ driving ~~license~~ **privileges** of the person irrespective of the following:

(1) The sale or other disposition of the motor vehicle by the owner.

(2) The cancellation or expiration of the registration of the motor vehicle.

(3) An assertion by the person that the person did not own the motor vehicle and therefore had no control over whether financial responsibility was in effect with respect to the motor vehicle.

~~(c)~~ **(f)** The bureau shall not suspend the ~~current~~ driving ~~license~~ **privileges** of a person to which subsection (a), ~~or subsection~~ (b), **or (c)** applies if the person, through a certificate of compliance or another communication with the bureau, establishes to the satisfaction of the bureau that the motor vehicle that the person was operating when the accident referred to in subsection (a) took place or when the violation referred to in subsection (b) was committed was:

(1) rented from a rental company; or

(2) owned by the person's employer and operated by the person in the normal course of the person's employment.

SECTION 260. IC 9-25-6-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. If a person violates:

(1) IC 9-25-4;

(2) IC 9-25-5; ~~or~~

(3) section 2 or 3 of this chapter; **or**

(4) IC 9-25-10;

more than one (1) time within a three (3) year period, the person's driving ~~license~~ **privileges** or **motor** vehicle registration may be suspended for not more than one (1) year.

SECTION 261. IC 9-25-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does not apply to judgments entered at least seven (7) years after the date of the accident.

(b) "Judgment", as used in this section, means a judgment in excess of two hundred dollars ($200) for bodily injury, death, or property damages arising out of the use of a motor vehicle upon a public highway.

(c) The bureau shall suspend for a period of not more than seven (7) years from the date of ~~written notification~~ **judgment** the ~~current~~ driving ~~license issued to~~ **privileges of** a person upon receiving a verified report that the person has failed for a period of ~~up to~~ ninety (90) days to satisfy a judgment.

SECTION 262. IC 9-25-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The bureau may not suspend ~~a license~~ **the driving privileges of a person** and shall reinstate ~~a license suspended~~ **the driving privileges of a person** following nonpayment of a judgment whenever a judgment debtor does the following:

(1) Gives proof ~~of~~ **that** the judgment ~~debtor's~~ **debtor will maintain** financial responsibility in the future **for at least three (3) years following reinstatement.**

(2) Obtains an order from the trial court in which the judgment was rendered permitting the payment of the judgment in installments, unless the payment of an installment is in default.

(b) A judgment debtor, upon five (5) days notice to the judgment creditor, may apply to the trial court in which the judgment was obtained for the privilege of paying the judgment in installments. The court, in the court's discretion and without prejudice to other legal remedies the judgment creditor may have, may order the payment of the judgment in installments, fixing the amounts and times of payment of the installments.

(c) Except as provided in subsection (d), if the judgment debtor fails to pay an installment as permitted by the order of the court, upon notice of the default the bureau shall suspend the ~~license~~ **driving privileges** of the judgment debtor. The bureau may not take action for failure to make installment payments for judgments entered at least seven (7) years after the date of the accident. ~~A~~ Suspended ~~license~~ **driving privileges** may not be reinstated until evidence of proof of **future** financial responsibility is presented.

(d) Notwithstanding a default by the judgment debtor in the payment of a judgment or the payment of an installment under subsection (b), whenever the judgment creditor consents in writing, in the form the bureau prescribes, that the judgment debtor be allowed ~~license~~ **driving privileges** and registration, the ~~license~~ **driving privileges** and registration may be allowed by the bureau at the bureau's discretion. The ~~license~~ **driving privileges** and registration may be ~~allowed for six (6) months from the date of a consent under this subsection and may be~~ renewed until the consent is revoked in writing if the judgment debtor furnishes proof under this article ~~of~~ **that** the judgment ~~debtor's~~ **debtor will maintain** financial responsibility in the future **for at least three (3) years following reinstatement.**

SECTION 263. IC 9-25-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. ~~(a)~~ Except as provided in sections 5 and 6 of this chapter, a suspension required in sections 4 and 6 of this chapter remains in effect and no other motor vehicle may be registered in the name of the judgment debtor or a new license issued to the judgment debtor, until the following occur:

(1) The judgment is satisfied or stayed.

(2) The judgment debtor gives proof of **future** financial responsibility ~~in the future~~ **for three (3) years,** as provided in this article.

~~(b) A discharge in bankruptcy following the rendering of a judgment does not relieve the judgment debtor from the requirements of this chapter.~~

SECTION 264. IC 9-25-6-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8. (a) A court shall forward to the bureau a certified abstract of the record of the conviction of a person in the court for a violation of a law relating to motor vehicles.~~

~~(b) If in the opinion of the court a defendant should be deprived of the privilege to operate a motor vehicle upon a public highway, the court shall recommend the suspension of the convicted person's current driving license for a fixed period established by the court not exceeding one (1) year.~~

~~(c) The bureau shall comply with the court's recommendation.~~

~~(d) At the time of a conviction referred to in subsection (a) or IC 9-30-5-7, the court may obtain the defendant's current driving license and return the license to the department.~~

~~(e) An abstract provided for by this section must be in the form prescribed by the bureau and, when certified, shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.~~

SECTION 265. IC 9-25-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. The ~~clerk of a court, or the judge of a~~ court ~~that has no clerk,~~ shall forward to the bureau a certified abstract of the record of a judgment for damages if the rendering and nonpayment of the judgment requires the bureau to suspend or revoke the ~~current~~ driving ~~license in the name~~ **privileges** of the judgment debtor under this article. The abstract shall be forwarded to the bureau immediately upon the expiration of thirty (30) days after the judgment becomes final and has not been stayed or satisfied, as shown by the records of the court.

SECTION 266. IC 9-25-6-10 IS REPEALED [EFFECTIVE

JULY 1, 2012]. ~~Sec. 10. (a) If:~~

~~(1) a criminal proceeding for driving while intoxicated under IC 9-30-5 is deferred under IC 12-23-5-1 through IC 12-23-5-9; or~~

~~(2) a child alleged to be a delinquent child based upon the child's violation of IC 9-30-5 voluntarily attends or is ordered by the court under IC 31-37 (or IC 31-6-4 before its repeal) to attend an alcohol and drug services program;~~

~~the court, within ten (10) days after the defendant or child begins the program, shall forward to the bureau a certified abstract of program enrollment.~~

~~(b) The abstract must state the following:~~

~~(1) The defendant's or child's name, address, date of birth, and driver's license number.~~

~~(2) The name and location of the alcohol and drug services program that the defendant or child is attending.~~

SECTION 267. IC 9-25-6-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 11. If a license is revoked because of a conviction, the bureau may not accept a certificate of insurance unless the certificate covers each motor vehicle registered in the name of the person furnishing proof as the owner. An additional certificate is required before the subsequent registration of a motor vehicle in the name of the person giving proof as the owner.~~

SECTION 268. IC 9-25-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. ~~(a)~~ Whenever ~~a certificate~~ **proof of financial responsibility** is filed showing that a policy has been issued covering all motor vehicles owned by an insured but not insuring the person when operating a motor vehicle not owned by the person, it is unlawful for the person to operate a motor vehicle not owned by the person or not covered by the certificate. ~~The bureau shall designate the restriction under this subsection upon the operator's or chauffeur's license of the person.~~

~~(b) If a person who owns a motor vehicle desires to be relieved of the restriction under subsection (a) and be permitted to drive another motor vehicle, the person who owns the motor vehicle may have the restriction removed upon filing a certificate showing that an operator's policy of liability insurance has been issued to the person.~~

SECTION 269. IC 9-25-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. A:

(1) nonresident may not operate a motor vehicle in Indiana; and

(2) motor vehicle owned by the nonresident may not be operated in Indiana;

until the nonresident or the owner of the motor vehicle has complied with the requirements of this article with respect to proof of financial responsibility. ~~covering the motor vehicle.~~

SECTION 270. IC 9-25-6-14, AS AMENDED BY P.L.210-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) The bureau shall reinstate the ~~current~~ driving ~~license~~ **privileges** or **motor** vehicle registration, or both:

(1) subject to section 15 of this chapter, after ninety (90) days of suspension

~~(A) except as provided in sections 19, 20, and 21(b) of this chapter,~~ if the person has furnished the bureau with a certificate of compliance showing that financial responsibility is in effect with respect to the vehicle; or

~~(B) if the person is no longer an owner of the vehicle or the registration of the vehicle has been canceled or has expired;~~

~~(2) if the person is subject to section 21(b) of this chapter and to IC 9-29-10-1, after thirty (30) days of suspension;~~

~~(3) subject to section 15 of this chapter, when the person furnishes the bureau with a certificate of compliance showing that financial responsibility is in effect with respect to the vehicle if:~~

~~(A) subdivision (1)(B) does not apply; and~~

~~(B) the person fails to furnish the bureau with a certificate of compliance as described in subdivision (1)(A) within ninety (90) days after the current driving license of the person is suspended; or~~

~~(4)~~ **(2)** if financial responsibility was in effect with respect to a **motor** vehicle on the date ~~of the accident~~ **requested** but the ~~person does not provide the~~ bureau ~~with~~ **does not receive** a certificate of compliance indicating this fact until after the person's ~~current~~ driving ~~license is~~ **privileges are** suspended under this ~~chapter,~~ **article,** the person's ~~current~~ driving ~~license~~ **privileges** shall be reinstated when the ~~person provides~~ **bureau receives** the certificate of compliance. ~~to the bureau and complies with section 15 of this chapter.~~

(b) Upon receipt of a certificate of compliance under this section, the bureau shall expunge from the bureau's data base the administrative suspension caused by the failure to notify the bureau that the person had financial responsibility in effect on the date of the violation.

SECTION 271. IC 9-25-6-15, AS AMENDED BY P.L.80-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. ~~(a) Except as provided in subsection (b),~~ A person:

(1) whose ~~current~~ driving ~~license is~~ **privileges are** suspended under this ~~chapter;~~ **article;** and

(2) who seeks the reinstatement of the driving ~~license;~~ **privileges;**

must pay a reinstatement fee to the bureau as provided in IC 9-29-10-1.

~~(b) A person whose driver's license is suspended under section 19 or 20 of this chapter is not required to pay a reinstatement fee to have the person's driving license reinstated.~~

SECTION 272. IC 9-25-6-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. A person whose ~~current~~ driving ~~license is~~ **privileges are** suspended under this ~~chapter~~ **article** may seek a review of the suspension under IC 4-21.5-3-7.

SECTION 273. IC 9-25-6-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 17. If the bureau determines that a person who is required to give proof of financial responsibility in the future under this article because of a conviction, non-satisfaction of a judgment, or for any other reason is or becomes:~~

~~(1) a chauffeur or motor vehicle operator, however designated, in the employ of a person who owns a motor vehicle; or~~

~~(2) a member of the immediate family or household of a person who owns a motor vehicle; and~~

~~the period for which the person's suspension or revocation has elapsed, the bureau may accept proof of future financial responsibility given by the person who owns the motor vehicle instead of requiring proof from the person under a suspension or revocation if it appears that the proof offered will be sufficient to cover any number of persons coming within this classification. The bureau may designate the restrictions imposed by this section on the face of the operator's or chauffeur's license of the person who has been under suspension or revocation.~~

SECTION 274. IC 9-25-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. A person who:

(1) forges or without authority signs **or approves** any certificate to serve as proof of financial responsibility as required by the bureau; or

(2) knowingly files or offers for filing a certificate described in subdivision (1);

commits a Class B misdemeanor.

SECTION 275. IC 9-25-6-19 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 19. (a) The bureau shall, upon receiving an order of a court issued under IC 31-14-12-4 or IC 31-16-12-7 (or IC 31-1-11.5-13(j) or IC 31-6-6.1-16(j) before their repeal), suspend the driving license or permit of the person who is the subject of the order.~~

~~(b) The bureau may not reinstate a driving license or permit suspended under this section until the bureau receives an order allowing reinstatement from the court that issued the order for suspension.~~

~~(c) Upon receiving an order for suspension under subsection (a), the bureau shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:~~

~~(1) That the person's driving privileges are suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the bureau receives an order allowing reinstatement from the court that issued the suspension order.~~

~~(2) That the person has the right to petition for reinstatement of driving privileges to the court that issued the order for suspension.~~

~~(3) That the person may be granted a restricted driving permit under IC 9-24-15-6.7 if the person can prove that public transportation is unavailable for travel by the person:~~

~~(A) to and from the person's regular place of employment;~~

~~(B) in the course of the person's regular employment;~~

~~(C) to and from the person's place of worship; or~~

~~(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.~~

~~(d) Unless a person whose driving license or permit is suspended under this section has been issued a restricted driving permit under IC 9-24-15 as a result of a suspension under this section, a person who operates a motor vehicle in violation of the section commits a Class A infraction.~~

SECTION 276. IC 9-25-6-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19.2. The bureau may suspend the registration of a **motor** vehicle owned by a registrant who provides the bureau with false evidence of financial responsibility under this article.

SECTION 277. IC 9-25-6-20 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 20. (a) If the bureau is advised by the Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either requested a hearing under IC 31-25-4-33 and failed to appear or appeared and was found to be delinquent, the bureau shall promptly mail a notice to the obligor stating the following:~~

~~(1) That the obligor's driving privileges are suspended, beginning twenty (20) business days after the date the notice is mailed, and that the suspension will terminate after the bureau receives a notice from the Title IV-D agency that the obligor has:~~

~~(A) paid the obligor's child support arrearage in full; or~~

~~(B) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.~~

~~(2) That the obligor may be granted a restricted driving permit under IC 9-24-15-6.7 if the obligor can prove that public transportation is unavailable for travel by the obligor:~~

~~(A) to and from the obligor's regular place of employment;~~

~~(B) in the course of the obligor's regular employment;~~

~~(C) to and from the obligor's place of worship; or~~

~~(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.~~

~~(b) The bureau may not reinstate a driving license or permit suspended under this section until the bureau receives a notice from the Title IV-D agency that the obligor has:~~

~~(1) paid the obligor's child support arrearage in full; or~~

~~(2) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.~~

~~(c) Unless an obligor whose driving license or permit is suspended under this section has been issued a restricted driving permit under IC 9-24-15 as a result of a suspension under this section, an obligor who operates a motor vehicle in violation of the section commits a Class A infraction.~~

SECTION 278. IC 9-25-6-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21. (a) Upon receiving an order issued by a court under IC 35-43-4-8(b) concerning a person convicted of fuel theft, the bureau shall do the following:~~

~~(1) Suspend under subsection (b) the driving privileges of the person who is the subject of the order, whether or not the person's current driving license accompanies the order.~~

~~(2) Mail to the last known address of the person who is the subject of the order a notice:~~

~~(A) stating that the person's driving license is being suspended for fuel theft;~~

~~(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and~~

~~(C) stating that the person may be granted a restricted driving permit under IC 9-24-15-6.7 if the person meets the conditions for obtaining a restricted driving permit.~~

~~(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 35-43-4-8(b):~~

~~(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2); and~~

~~(2) terminates thirty (30) days after the suspension begins.~~

~~(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by a restricted driving permit issued to the person under IC 9-24-15-6.7.~~

SECTION 279. IC 9-25-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) This section does not apply to a person who is a resident of Indiana or who operates a **motor** vehicle in Indiana.

(b) A person:

(1) whose ~~operator's~~ **driver's** license or registration was suspended and who is required to prove financial responsibility extending into the future in order to have the person's driving privileges reinstated; and

(2) who no longer operates a **motor** vehicle in Indiana and has become a resident of another state or foreign jurisdiction;

is not required to prove financial responsibility into the future in order to have the person's ~~license~~ **driving privileges** or registration temporarily reinstated to allow licensing or registration in the other state or foreign jurisdiction.

SECTION 280. IC 9-25-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter does not apply to the following:

(1) Persons who have obtained a certificate of self-insurance under IC 9-25-4-11.

(2) Operators of government owned vehicles.

(3) Persons who are exempt under IC 9-25-1-2.

~~(4) A resident of another state who is operating a vehicle~~

~~that is registered in that person's state of residence.~~

SECTION 281. IC 9-25-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A person who knowingly:

(1) operates; or

(2) permits the operation of;

a motor vehicle on a public highway in Indiana **without financial responsibility in effect as set forth in IC 9-25-4-4** commits a Class A infraction. ~~unless financial responsibility is in effect with respect to the motor vehicle under IC 9-25-4-4.~~ However, the offense is a Class C misdemeanor if the person knowingly or intentionally violates this section and has a prior unrelated conviction or judgment under this section.

(b) Subsection (a)(2) applies to:

(1) the owner of a rental company ~~that is referred to in IC 9-25-6-3(c)(1);~~ **under IC 9-25-6-3(f)(1);** and

(2) an employer ~~that is referred to in IC 9-25-6-3(c)(2).~~ **under IC 9-25-6-3(f)(2).**

(c) In addition to any other penalty imposed on a person for violating this section, the court may recommend the suspension of the person's driving privileges for **at least ninety (90) days but not more than** one (1) year. However, if, within the five (5) years preceding the conviction under this section, the person had a prior unrelated conviction under this section, the court shall recommend the suspension of the person's driving privileges for one (1) year.

(d) Upon receiving the recommendation of the court under subsection (c), the bureau shall suspend the person's driving privileges for the period recommended by the court. **If no suspension is recommended by the court, the bureau shall impose the minimum period of suspension required under this article.**

SECTION 282. IC 9-25-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The commissioner is not required to notify the prosecuting attorney of a driver who has had ~~a~~ driving ~~license~~ **privileges** suspended for failure to prove financial responsibility under this article.

SECTION 283. IC 9-25-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) After the bureau receives:

(1) a certified abstract under ~~IC 9-25-6-8~~ **IC 9-30-13-0.5** of the record of conviction of a person for a violation of a law relating to motor vehicles; or

(2) a judgment or an abstract under IC 9-30-3-11 of a case resulting in a conviction, judgment, or forfeiture of security deposit;

the bureau shall determine whether the bureau is required under subsection (b) to send to the person named in the judgment or abstract a request for evidence of financial responsibility.

(b) The bureau shall send a request for evidence of financial responsibility to a person referred to in subsection (a) if at least one (1) of the following applies to the person:

(1) The judgment or abstract referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system, and, not more than one (1) year before the date of the violation referred to in the judgment or abstract, the person committed at least two (2) previous moving traffic violations for which points are assessed by the bureau under the point system.

(2) The judgment or abstract referred to in subsection (a) reports that the person was convicted of:

(A) a misdemeanor; or

(B) a felony;

involving a motor vehicle.

(3) The judgment or abstract referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system and the driver's license of the person was previously suspended for violation of the financial responsibility requirements of IC 9-25.

SECTION 284. IC 9-25-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The request for evidence of financial responsibility presented to a person under section 1 of this chapter must do the following:

(1) Direct the person to **ensure that the insurance company of the person** provide the bureau with evidence that financial responsibility was in effect with respect to the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract.

(2) Instruct the person on how to furnish the bureau with evidence of financial responsibility as specified in this ~~chapter.~~ **article.**

(3) Warn the person that failure **of the insurance company of the person** to ~~furnish~~ **provide** evidence of financial responsibility to the bureau will result in suspension of the person's current driving ~~license~~ **privileges** or **motor** vehicle registration, or both, under this article.

SECTION 285. IC 9-25-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. To avoid ~~a current driving license~~ suspension **of driving privileges** or **motor** vehicle registration suspension under this article, a person presented with a request for evidence of financial responsibility under section 1 of this chapter must ~~provide~~ **ensure that the insurance company of the person provides** the bureau with a certificate of compliance indicating that financial responsibility as required by IC 9-25-4-1 was in effect ~~with respect to the motor vehicle that the person was operating~~ when the person committed the violation described in the judgment or abstract.

SECTION 286. IC 9-25-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A person who is presented with a request for evidence of financial responsibility under section 1 of this chapter shall **direct the insurance company of the person to** set forth in the certificate of compliance the following information concerning the form of financial responsibility that was in effect with respect to the motor vehicle:

(1) If a motor vehicle liability policy was in effect, the following:

(A) The name and address of the insurer.

(B) The limits of coverage of the policy.

(C) The identification number applying to the policy.

(D) A statement confirming that financial responsibility covering the motor vehicle and operator was in effect on the date applicable to section 1(b) of this chapter.

(2) If a bond was in effect, the following:

(A) The name and address of the bond company or surety.

(B) The face amount of the bond.

(3) If self-insurance was in effect under IC 9-25-4-11, the following:

(A) The date on which the certificate of self-insurance was issued by the bureau.

(B) The name of the person to whom the certificate of self-insurance was issued.

SECTION 287. IC 9-25-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A certificate of compliance that is provided to the bureau under this ~~chapter~~ **article** and that reports the existence of an insurance policy must be signed by an officer or agent of the insurer.

(b) The portion of a request for evidence of financial responsibility that is presented to an officer or agent of an

insurer to obtain a certificate of compliance under subsection (a) may not contain information concerning the violation that resulted in the request for evidence of financial responsibility.

(c) An officer or agent of an insurer may not request information concerning a violation that results in a request for evidence of financial responsibility under this ~~chapter.~~ **article.**

(d) A certificate of compliance that is provided to the bureau under this ~~chapter~~ **article** and that reports the existence of a bond must be signed by an officer of the bond company or surety.

SECTION 288. IC 9-25-10-4, AS AMENDED BY P.L.1-2009, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The bureau shall ~~not later than January 1, 2010,~~ establish an electronic registry of previously uninsured motorists to facilitate the random and periodic verification by the bureau of compliance with this article.

SECTION 289. IC 9-25-10-6, AS AMENDED BY P.L.1-2009, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The failure by a previously uninsured motorist to respond **with proof of financial responsibility** to the bureau's request for verification of financial responsibility under this chapter constitutes prima facie evidence of operating a motor vehicle without financial responsibility in violation of this article.

SECTION 290. IC 9-25-10-7, AS AMENDED BY P.L.65-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The bureau shall remove the name of a previously uninsured motorist from the registry not more than five (5) years after the date on which the:

(1) judgment;
(2) conviction; or
(3) administrative action by the bureau;

for which the **previously uninsured** motorist's name is maintained on the registry was entered against the **previously uninsured** motorist.

(b) If a previously uninsured motorist is convicted of a second or subsequent offense under this article or is subject to a second or subsequent administrative action by the bureau under this article, the bureau shall remove the **previously uninsured** motorist's name from the registry not more than five (5) years after the date on which the second or subsequent conviction or the second or subsequent administrative action by the bureau is entered.

SECTION 291. IC 9-26-1-0.5, AS ADDED BY P.L.94-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. For purposes of this chapter, an accident does not require proof of a collision between a driver's **motor** vehicle and another vehicle or another person if the accident involves serious bodily injury to or the death of a person.

SECTION 292. IC 9-26-1-1, AS AMENDED BY P.L.1-2009, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **Except as provided in section 1.5 of this chapter,** the driver of a **motor** vehicle involved in an accident that results in the injury or death of a person or the entrapment of a person in a vehicle shall do the following:

(1) Immediately stop the driver's **motor** vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.
(2) Immediately return to and remain at the scene of the accident until the driver does the following:
(A) Gives the driver's name and address and the registration number of the **motor** vehicle the driver was driving.
(B) Upon request, exhibits the driver's license of the driver to the following:
(i) The person struck.
(ii) The driver or occupant of or person attending each vehicle involved in the accident.
(C) Subject to section 1.5(a) of this chapter, determines the need for and renders reasonable assistance to each person injured or entrapped in the accident, including the removal of, or the making of arrangements for the removal of:
(i) each injured person from the scene of the accident to a physician or hospital for medical treatment; and
(ii) each entrapped person from the vehicle in which the person is entrapped.
(3) Subject to section 1.5(b) of this chapter, immediately give notice of the accident by the quickest means of communication to one (1) of the following:
(A) The local police department, if the accident occurs within a municipality.
(B) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.
~~(4) Within ten (10) days after the accident, forward a written report of the accident to the:~~
~~(A) state police department, if the accident occurs before January 1, 2006; or~~
~~(B) bureau, if the accident occurs after December 31, 2005.~~

SECTION 293. IC 9-26-1-1.5, AS ADDED BY P.L.126-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. (a) If:

(1) the driver of a **motor** vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person as required under section 1(2)(C) of this chapter;
(2) there is another occupant in the **motor** vehicle at the time of the accident who is:
(A) at least:
(i) fifteen (15) years of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or
(ii) eighteen (18) years of age; and
(B) capable of determining the need for and rendering reasonable assistance to injured or entrapped persons as provided in section 1(2)(C) of this chapter; and
(3) the other occupant in the **motor** vehicle knows that the driver of the **motor** vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person;

the **motor** vehicle occupant referred to in subdivisions (2) and (3) shall immediately determine the need for and render reasonable assistance to each person injured or entrapped in the accident as provided in section 1(2)(C) of this chapter.

(b) If:

(1) the driver of a **motor** vehicle is physically incapable of giving immediate notice of an accident as required under section 1(3) of this chapter;
(2) there is another occupant in the **motor** vehicle at the time of the accident who is:
(A) at least:
(i) fifteen (15) years of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or
(ii) eighteen (18) years of age; and
(B) capable of giving notice as provided in section 1(3) of this chapter; and
(3) the other occupant in the **motor** vehicle knows that the

driver of the **motor** vehicle is physically incapable of giving immediate notice of an accident;

the **motor** vehicle occupant referred to in subdivisions (2) and (3) shall immediately give notice of the accident by the quickest means of communication as provided in section 1(3) of this chapter.

(c) If there is more than one (1) **motor** vehicle occupant to whom subsection (a) applies, it is a defense to a prosecution of one (1) **motor** vehicle occupant under subsection (a) that the defendant reasonably believed that another occupant of the **motor** vehicle determined the need for and rendered reasonable assistance as required under subsection (a).

(d) If there is more than one (1) **motor** vehicle occupant to whom subsection (b) applies, it is a defense to a prosecution of one (1) **motor** vehicle occupant under subsection (b) that the defendant reasonably believed that another occupant of the **motor** vehicle gave the notice required under subsection (b).

SECTION 294. IC 9-26-1-2, AS AMENDED BY P.L.54-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The driver of a **motor** vehicle involved in an accident that does not result in injury or death of a person or the entrapment of a person in a **motor** vehicle and that does not involve the transportation of hazardous materials but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the **motor** vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary. If the accident occurs on a federal interstate highway, or on a ramp providing access to or from a federal interstate highway, the driver shall, as soon as safely possible, move the **motor** vehicle off the highway or ramp to a location as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following upon request:

(A) Gives the driver's name and address and the registration number of the **motor** vehicle the driver was driving.

(B) Gives the names and addresses of the owner and any occupants of the **motor** vehicle the driver was driving, if the names or addresses are different from the name and address provided under clause (A).

(C) Provides proof of financial responsibility (as defined in IC 9-25-2-3) for the motor vehicle.

(D) Exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.

~~(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars ($1,000), forward a written report of the accident to the:~~

~~(A) state police department, if the accident occurs before January 1, 2006; or~~

~~(B) bureau, if the accident occurs after December 31, 2005;~~

~~within ten (10) days after the accident.~~

SECTION 295. IC 9-26-1-2.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2.5. Only the following must be included in the written report prepared under sections 1(4) and 2(3) of this chapter by the driver of a motor vehicle involved in an accident:~~

~~(1) The name and address of the driver preparing the report.~~

~~(2) The date of the accident.~~

~~(3) The names and addresses of the drivers of the other vehicles involved in the accident.~~

~~(4) If, on the date of the accident, a motor vehicle liability policy was in effect with respect to the motor vehicle driven by the driver preparing the report, the following:~~

~~(A) The policy number.~~

~~(B) The name of the insurance company that issued the policy.~~

~~(C) The name and signature of an agent of the insurance company, who by signing the report verifies that the policy was in effect with respect to the motor vehicle on the date of the accident.~~

SECTION 296. IC 9-26-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The driver of a **motor** vehicle that collides with an unattended vehicle shall immediately stop and do one (1) of the following:

(1) Locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the **motor** vehicle striking the unattended vehicle.

(2) Leave in a conspicuous place ~~in~~ **on** the vehicle struck a written notice giving the name and address of the driver and the owner of the **motor** vehicle doing the striking and a statement of the circumstances of the accident.

SECTION 297. IC 9-26-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The driver of a **motor** vehicle that causes damage to the property of another person, other than damage to a vehicle, shall do the following:

(1) Immediately stop the **motor** vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Takes reasonable steps to locate and notify the owner or person in charge of the property of the damage.

(B) Gives the person the driver's name and address and the registration number of the **motor** vehicle.

(C) Upon request, exhibits the driver's license of the driver. ~~if the driver is required to have a driving license to operate the vehicle.~~

(b) If after reasonable inquiry the driver of the **motor** vehicle cannot find the owner or person in charge of the damaged property, the driver of the **motor** vehicle shall do the following:

(1) Notify either the ~~sheriff~~ **sheriff's department** of the county in which the damaged property is located or a member of the state police department.

(2) Give the ~~sheriff~~ **sheriff's department** or state police department the information required by this section.

SECTION 298. IC 9-26-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. (a) If:~~

~~(1) the driver of a vehicle is physically incapable of making a written report of an accident as required by this chapter; and~~

~~(2) there was another occupant in the vehicle at the time of the accident capable of making a written report;~~

~~the occupant shall make or cause to be made the report not made by the driver.~~

~~(b) If:~~

~~(1) the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required by this chapter;~~

~~(2) there was no other occupant; and~~

~~(3) the driver is not the owner of the vehicle;~~

~~the owner of the vehicle involved in the accident shall, within five (5) days after the accident, make the report not made by the driver.~~

SECTION 299. IC 9-26-1-7, AS AMENDED BY P.L.210-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) A city or town may by ordinance require that the driver of a **motor** vehicle involved in an accident file with a designated city or

town department

~~(1)~~ a report of the accident. ~~or~~

~~(2) a copy of a report required in this article to be filed with the:~~

~~(A) state police department; or~~

~~(B) bureau.~~

(b) An accident report required to be filed under subsection (a) is for the confidential use of the designated city or town department and subject to IC 9-26-3-4.

SECTION 300. IC 9-26-1-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. The bureau shall, after proper notice is given and a hearing held, revoke or suspend the driver's license of a person who fails to make a report required under section 1(4), 2(3), or 5 of this chapter.~~

SECTION 301. IC 9-26-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The person in charge of a garage or repair shop to which a motor vehicle that shows evidence of having been struck by a bullet is brought shall report to the state police department, within twenty-four (24) hours after the motor vehicle is received, the following information:

(1) The engine number of the **motor** vehicle.

(2) The registration number of the **motor** vehicle.

(3) The name and address of the owner or operator of the **motor** vehicle.

SECTION 302. IC 9-26-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A person removing a wrecked or damaged **motor** vehicle from a street or highway must remove any glass or other foreign material dropped upon the street or highway from the **motor** vehicle.

SECTION 303. IC 9-26-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This section does not apply to the removal of a **motor** vehicle that constitutes a traffic hazard.

(b) The driver of a **motor** vehicle that is used to remove a **motor** vehicle that caused damage to real or personal property, except a **motor** vehicle of another person as described in IC 9-26-1-4, shall give the notification required by IC 9-26-1-4 before removing the **motor** vehicle that caused the damage.

SECTION 304. IC 9-27-6-5, AS ADDED BY P.L.145-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) As used in this section, "**advisory** board" refers to the driver education advisory board established by subsection (b).

(b) The driver education advisory board is established to advise the commissioner in the administration of the policies of the commission and the bureau regarding driver education.

(c) The **advisory** board is composed of seven (7) individuals appointed by the commissioner as follows:

(1) Three (3) members must be driver education professionals endorsed by the bureau under section 8 of this chapter. In the selection of individuals for membership under this subdivision, consideration must be given to driver education instruction performed in urban and rural areas.

(2) One (1) member must be a traffic safety advocate.

(3) One (1) member must be a representative of the bureau.

(4) One (1) member must be a representative of higher education.

(5) One (1) member must be a representative of the insurance industry.

(d) A member of the **advisory** board serves a ~~three (3)~~ **two (2)** year term. A member may not serve more than two (2) consecutive full terms. Each member serves until the member's successor is appointed and qualified.

(e) A member of the **advisory** board may be removed for good cause.

(f) A vacancy on the **advisory** board shall be filled by the appointment by the commissioner of an individual to fill the position to which the vacating member was appointed under subsection (c) for the vacating member's unexpired term.

~~(g) At the first meeting of the board each year, the members shall elect:~~

~~(1) one (1) member to be the board's chairperson;~~

~~(2) one (1) member to be the board's vice chairperson; and~~

~~(3) one (1) member to be the board's secretary.~~

~~The chairperson, vice chairperson, and secretary serve until their successors are elected and qualified.~~

~~(h) A vacancy in the office of chairperson, vice chairperson, or secretary shall be filled by vote of the members. The term of office of a board member chosen to fill a vacancy under this subsection expires at the first meeting of the board the following year.~~

~~(i) The driver education board shall meet at least two (2) times per year. Additional meetings may be convened at the call of the chairperson of the board or the written request of any three (3) members.~~

~~(j) Four (4) members of the board constitute a quorum for doing business. The majority vote of the members who constitute the quorum and are present and voting is required for the passage of a matter put to a vote of the board.~~

~~(k) The bureau shall provide staff and administrative support to the board.~~

~~(l)~~ **(g)** The **advisory** board ~~has the following powers:~~ **shall:**

(1) ~~To~~ consult with and advise the commissioner in the administration of the policies of the commission and the bureau regarding driver education; **and**

(2) ~~To~~ suggest rules regarding the education and training of persons to operate or drive motor vehicles or to prepare a person for an examination or validation for a driver's license.

~~(m)~~ **(h)** A member of the **advisory** board is not subject to liability in a civil action for bodily injury or property damage arising from or thought to have arisen from an action taken in good faith as a member of the **advisory** board.

SECTION 305. IC 9-28-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The bureau may suspend ~~a driver's license issued to~~ **the driving privileges of** a driver licensed under IC 9-24 for failure to meet the conditions of a traffic citation of a jurisdiction in which the traffic offense occurred. This section does not apply if the jurisdiction has not entered into an agreement with Indiana as provided under section 7 of this chapter.

SECTION 306. IC 9-28-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Upon written notification from a jurisdiction that is a party to an agreement entered into under this chapter, the bureau shall take appropriate action against a licensed driver for failure to meet the conditions set out in the citation of the jurisdiction in which the traffic offense occurred.

(b) The bureau shall notify the driver by first class mail of the request by the respective jurisdiction to have the driver's ~~license~~ **driving privileges** suspended. For the purposes of this chapter, a written notice sent to the driver's last registered address with the bureau meets the conditions of due notice.

(c) The driver has fifteen (15) days from the date of notice to satisfy the conditions of the citation issued by the jurisdiction or to request a hearing before a bureau hearing officer to show evidence or present information why the bureau should not suspend the ~~license~~ **driver's driving privileges** for failure to meet the terms of the citation.

(d) Upon holding the hearing, the bureau may suspend the driver's ~~license~~ **driving privileges** until the conditions of the citation are met or a release from the citing jurisdiction is obtained.

(e) If the bureau does not receive information from the driver concerning the notification, the bureau shall suspend the driver's ~~license~~ **driving privileges** until the conditions of the citation are met or a release is obtained.

(f) A driver ~~that has~~ **whose driving privileges have** been suspended for failure to meet the conditions of a citation is not eligible for a hardship license under IC 9-24-15.

(g) The bureau may not suspend ~~a driver's license~~ **driving privileges** under this section for a nonmoving traffic offense occurring in another jurisdiction.

SECTION 307. IC 9-28-5.1-1, AS ADDED BY P.L.93-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. To facilitate the exchange of driver's licenses, the bureau ~~shall~~ **may** negotiate and enter into a reciprocal agreement with a foreign country. However, the bureau may not negotiate or enter into a reciprocal agreement with a country that is listed as a state sponsor of terrorism as determined by the Secretary of State of the United States.

SECTION 308. IC 9-28-5.1-3, AS ADDED BY P.L.93-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A written reciprocity agreement entered into under section 2 of this chapter must require an applicant from the foreign country for an operator's license to possess:

(1) a valid ~~operator's~~ **driver's** license **for the type of vehicle being operated** or the equivalent from the foreign country; or

(2) an international driving permit.

SECTION 309. IC 9-28-5.1-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. The bureau shall report annually in an electronic format under IC 5-14-6 regarding reciprocal agreements entered into under this chapter to the general assembly before February 1 of each year.~~

SECTION 310. IC 9-28-5.1-5, AS ADDED BY P.L.93-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The bureau ~~shall~~ **may** adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 311. IC 9-29-3-0.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.3. If P.L.291-2001 imposes an additional service fee under section 4, 6, 7, 8, 9, 10, 11, 12, 14, or 18 of this chapter that is payable into a fund other than the state motor vehicle technology fund established by IC 9-29-16, the general assembly intends that both the service fees imposed under P.L.291-2001 and P.L.176-2001 shall be collected.~~

SECTION 312. IC 9-29-3-4, AS AMENDED BY P.L.63-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. ~~(a) The service charge for each of the first twelve thousand (12,000) original and renewed vehicle registrations at a license branch each year is one dollar and seventy-five cents ($1.75).~~

~~(b) The service charge for each of the next thirty-eight thousand (38,000) original and renewed vehicle registrations at that license branch each year is one dollar and fifty cents ($1.50).~~

~~(c)~~ **(a)** The **annual** service charge for each ~~additional original or~~ renewed vehicle registration ~~at that license branch each year~~ is one dollar and twenty-five cents ($1.25).

~~(d)~~ **(b)** Fifty cents ($0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

~~(e)~~ **(c)** A service charge that is:

(1) originally imposed under this section; and

(2) increased by a rule adopted by the department;

applies to any original or renewed vehicle registration issued at a license branch.

SECTION 313. IC 9-29-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The service charge for each title, including duplicate **or corrected** titles, is one dollar ($1).

SECTION 314. IC 9-29-5-11, AS AMENDED BY P.L.210-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) This section does not apply to a vehicle or person exempted from registration under IC 9-18.

(b) The ~~license~~ **registration** fee for a piece of special machinery is five dollars ($5). The motor vehicle is exempt from other fees provided under IC 9-18 or this article.

(c) The owner of a vehicle listed in this section is not entitled to a reduction in the five dollar ($5) ~~license~~ **registration** fee because the license is granted at a time that the license period is less than a year.

SECTION 315. IC 9-29-5-12, AS AMENDED BY P.L.210-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. A farm wagon or farm type dry or liquid fertilizer tank trailer or spreader used to transport bulk fertilizer between distribution point and farm and return is exempt from all ~~license~~ **registration** fees when the wagon, trailer, or spreader is drawn or towed on a highway by a:

(1) farm tractor; or

(2) properly registered motor vehicle.

SECTION 316. IC 9-29-5-13, AS AMENDED BY P.L.210-2005, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) This section does not apply to a vehicle or person exempt from registration under IC 9-18.

(b) The ~~license~~ **registration** fee for a motor vehicle, trailer, or semitrailer and tractor operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor:

(1) having a declared gross weight of at least eleven thousand (11,000) pounds; and

(2) used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation;

is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

SECTION 317. IC 9-29-5-13.5, AS AMENDED BY P.L.191-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. (a) This section applies to a truck, trailer, or semitrailer and tractor for which a ~~license~~ **registration** fee provided in section 13(b) of this chapter has been paid.

(b) Except as provided in subsections (d) and (e), if the owner of a truck, trailer, or semitrailer and tractor described in subsection (a) begins to operate the truck, trailer, or semitrailer and tractor in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the ~~license~~ **registration** fee under section 13(b) of this chapter has been paid, the owner shall pay the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight reduced by a credit determined under subsection (c) to license the truck, trailer, or semitrailer and tractor.

(c) The credit provided in subsection (b) equals:

(1) the ~~license~~ **registration** fee paid under section 13(b) of this chapter; reduced by

(2) ~~ten~~ **eight and thirty-three hundredths** percent ~~(10%)~~ **(8.33%)** for each full or partial calendar month that has elapsed in the registration year for which the ~~license~~ **registration** fee has been paid.

The credit may not exceed ninety percent (90%) of the ~~license~~ **registration** fee paid under section 13(b) of this chapter.

(d) Notwithstanding subsections (b) and (e) and IC 9-18-2-4,

a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of seasonal, perishable fruit or vegetables to the first point of processing for a period that consists of not more than a thirty (30) day period in a registration year as provided by IC 9-21-21-4.3(a). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) any ~~license~~ **registration** fee due under section 13(b) of this chapter; and

(2) eight and one-half percent (8.5%) of the ~~license~~ **registration** fee paid under section 13(b) of this chapter.

(e) Notwithstanding subsections (b) and (d) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period that consists of not more than one (1) seventy-one (71) day period in a registration year as provided by IC 9-21-21-4.3(b). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) any ~~license~~ **registration** fee due under section 13(b) of this chapter; and

(2) seventeen percent (17%) of the ~~license~~ **registration** fee paid under section 13(b) of this chapter.

SECTION 318. IC 9-29-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. The fee for a recreational vehicle, **which does not include truck campers (as defined in IC 6-6-5.1-8),** is twenty dollars ($20).

SECTION 319. IC 9-29-5-26.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26.5. The bureau may adopt rules under IC 4-22-2 to establish the fee for a temporary registration permit issued under IC 9-18-7-1.5. However, the amount of the fee may not exceed seventy-five dollars ($75).~~

SECTION 320. IC 9-29-5-34 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 34. A vehicle registered under IC 9-18-21 is subject to an annual registration fee and any other fee or tax required of a person registering a vehicle under this title.~~

SECTION 321. IC 9-29-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. Whenever a permit is issued by the ~~bureau~~ **Indiana department of transportation** under IC 9-20-6, the ~~bureau~~ **Indiana department of transportation** shall fix the fee to be paid. ~~and~~ Upon payment of the fee, the ~~bureau~~ **Indiana department of transportation** shall validate the permit. The revenue from the fee shall be credited to the state highway fund.

SECTION 322. IC 9-29-7-2.5, AS ADDED BY P.L.110-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. The fee for a duplicate **or corrected** certificate of salvage title is four dollars ($4).

SECTION 323. IC 9-30-2-0.1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.1. The amendments made to sections 4 and 5 of this chapter by P.L.99-1996 apply to arrests made after June 30, 1996.~~

SECTION 324. IC 9-30-3-8, AS AMENDED BY P.L.206-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) The court may suspend the driving privileges of a defendant who fails to satisfy a judgment entered against the defendant for:

(1) violation of a traffic ordinance; or

(2) commission of a traffic infraction;

by a date set by the court under IC 34-28-5-6. The court shall forward notice to the bureau indicating that the defendant failed to pay as ordered.

~~(c)~~ **(d)** If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court **or a notice of failure to pay under subsection (c),** either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of, **or until the date payment is received by the court.** The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

~~(d)~~ **(e)** For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer **or the clerk of court** by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

(1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and

(2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination either in an electronic format or upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and information from the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 325. IC 9-30-3-11, AS AMENDED BY P.L.206-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

(1) engage counsel;

(2) a reasonable continuance to engage counsel to subpoena witnesses;

(3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;

(4) testify or not to testify in the defendant's own behalf;

(5) a trial by jury; and

(6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the

defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment in an electronic format or an abstract as prescribed by ~~IC 9-25-6-8.~~ **IC 9-30-13-0.5.** The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information in an electronic format or in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau. ~~of motor vehicles.~~

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars ($100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action.

SECTION 326. IC 9-30-3-12, AS AMENDED BY P.L.106-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) If during any twelve (12) month period a person has committed moving traffic violations for which the person has:

(1) been convicted of at least two (2) traffic misdemeanors;

(2) had at least two (2) traffic judgments entered against the person; or

(3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

the bureau may require the person to attend and satisfactorily complete a defensive driving school program **approved by the bureau.** The person shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a probationary license under ~~IC 9-24-11-3 or~~ IC 9-24-11-3.3 or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a defensive driving school program **approved by the bureau** if either of the following occurs at least twice or if both of the following have occurred when the individual was less than eighteen (18) years of age:

(1) The individual has been convicted of a moving traffic offense (as defined in section 14(a) of this chapter), other than an offense that solely involves motor vehicle equipment.

(2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving ~~license~~ **privileges** of any person who:

(1) fails to attend a defensive driving school program; or

(2) fails to satisfactorily complete a defensive driving school program;

as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost (including fees) for which a person is liable due to a traffic violation if the person enrolls in and completes a defensive driving school or a similar school conducted by an agency of the state or local government.

SECTION 327. IC 9-30-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. In a proceeding, prosecution, or hearing where the prosecuting attorney must prove that the defendant had a prior conviction for an offense under this title, the relevant portions of a certified computer printout or electronic copy as set forth in IC 9-14-3-4 made from the records of the bureau are admissible as prima facie evidence of the prior conviction. However, the prosecuting attorney must establish that the document identifies the defendant by the defendant's ~~driving~~ **driver's** license number or by any other identification method utilized by the bureau.

SECTION 328. IC 9-30-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) If a person has been found to have committed a traffic offense, the court may do the following:

(1) Require the person to attend and satisfactorily complete a driver improvement course that has been approved by the court and the bureau or by the bureau.

(2) Place the person on probation for up to one (1) year.

(3) Suspend the person's ~~driver's license~~ **driving privileges** for up to thirty (30) days.

(b) A driver improvement course required under subsection (a) may be financed by assessing a reasonable charge as determined by the course provider and approved by the bureau.

SECTION 329. IC 9-30-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A person aggrieved by an order or act of the bureau under section 1 or 2 of this chapter may, within fifteen (15) days after notice is given, file a petition in the circuit or superior court of the county in which the person resides. If the person is a nonresident, the person may file a petition for review in the Marion **County** circuit court.

(b) The petitioner must state facts showing how the order or act of the bureau is wrongful or unlawful, but the filing of a petition does not suspend the order or act unless a stay is allowed by a judge of the court pending final determination of the review on a showing of reasonable probability that the order or act is wrongful or unlawful.

(c) The court shall, within six (6) months of the date of the filing of the petition, hear the petition, take testimony, and examine the facts of the case. The court may, in disposing of the issues, modify, affirm, or reverse the order or act of the bureau in whole or in part and shall make an appropriate order. If the petition has not been heard within six (6) months from the date of the filing, the original order or act of the bureau shall be reinstated in full force and effect.

SECTION 330. IC 9-30-4-6, AS AMENDED BY P.L.100-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Whenever the bureau suspends or revokes the current driver's license upon receiving a record of the conviction of a person for any offense under the motor vehicle laws not enumerated under subsection (b), the bureau may also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. However, the bureau may not suspend the evidence of registration, unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.

(b) The bureau shall suspend or revoke without notice or

hearing the current driver's license and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

(3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.

(4) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(5) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars ($200).

(6) Possession, distribution, manufacture, cultivation, transfer, use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.

(c) The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsections (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property damage is less than two hundred dollars ($200), the bureau may determine whether the driver's license and certificates of registration and license plates shall be suspended or revoked. The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in subdivisions (2), (3), (4), and (5), and subject to section 6.5 of this chapter, for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's license is suspended or revoked under subsection (b)(6).

(2) Subject to section 6.5 of this chapter, upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or reinstated license may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(3) Subject to section 6.5 of this chapter, for the period ordered by a court under IC 35-48-4-15.

(4) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under IC 35-44-3-3(b) and the person:

(A) exceeded the speed limit by at least twenty (20) miles per hour;

(B) committed criminal recklessness with a vehicle (IC 35-42-2-2)); or

(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b));

while committing the felony, for one (1) year after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the one (1) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.

(5) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under IC 35-44-3-3(b), the person:

(A) exceeded the speed limit by at least twenty (20) miles per hour;

(B) committed criminal recklessness with a vehicle (IC 35-42-2-2); or

(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b);

while committing the felony, and the person has a prior unrelated conviction for a felony under IC 35-44-3-3(b), for two (2) years after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the two (2) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

(1) A conviction upon a plea of guilty.

(2) A determination of guilt by a jury or court, even if:

(A) no sentence is imposed; or

(B) a sentence is suspended.

(3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under

~~IC 9-25-6-8~~ **IC 9-30-13-0.5** stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the bureau under this section or ~~IC 9-25-6-8~~ **IC 9-30-13-0.5** may file a petition for a court review.

SECTION 331. IC 9-30-4-6.5, AS ADDED BY P.L.100-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. If a person receives a sentence that includes:

(1) a term of incarceration; and

(2) ~~a license~~ suspension **of the person's driving privileges** under this chapter;

the ~~license~~ suspension **of driving privileges** begins on the date the person is released from incarceration and not on the date the person is convicted.

SECTION 332. IC 9-30-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A person whose certificate of registration has been suspended or revoked, with restoration or the issuance of a new certificate being contingent upon the furnishing of proof of financial responsibility, and who, during the suspension or revocation or in the absence of full authorization from the bureau, operates the motor vehicle upon a highway or knowingly permits the motor vehicle to be operated by another person upon a highway except as permitted under this chapter commits a Class C misdemeanor.

(b) A person with ~~a~~ restricted ~~license issued by the bureau~~ **driving privileges** who operates a motor vehicle upon a highway in violation of the terms and conditions specified ~~on~~ **for** the restricted ~~license~~ **driving privileges** commits a Class C misdemeanor.

SECTION 333. IC 9-30-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Upon the filing of a complaint in writing with the bureau against a person holding a current driver's license or **permit or** applying for a ~~current~~ driver's license, **permit,** or ~~a~~ renewal, the bureau may cite the person for a hearing to consider the suspension or revocation of the **person's** license, **permit, or driving privileges** upon any of the following charges:

(1) That the person has committed an offense for the conviction of which mandatory revocation of license is provided.

(2) That the person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or property damage.

(3) That the person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle.

(4) That the person is a reckless or negligent driver of a motor vehicle or has committed a violation of a motor vehicle law.

(b) Whenever the bureau issues a citation upon a complaint in writing for any of the reasons set out in this section, the bureau shall immediately notify the licensee or permit holder ~~of the time and place~~ of the hearing. ~~and afford the person an opportunity of a hearing in the county in which the person so cited and against whom the complaint is filed resides before the bureau or a deputy or an agent of the bureau designated for the purpose of the hearing.~~ The citation must state the time, date, and place where the hearing will be held and that the licensee or permit holder has the right to appear and to be heard. At the hearing the bureau or the deputy or agent may issue an order of suspension or revocation **of,** or decline to suspend **or** revoke, ~~or issue~~ the license, ~~or~~ permit, **or driving privileges of the person.**

(c) The bureau or the deputy or agent may suspend or revoke the ~~current~~ driver's license, **permit, or driving privileges** of a person and any of the certificates of registration and license plates for a motor vehicle or require the person cited to operate for a period of one (1) year under ~~a~~ restricted ~~license~~ **driving privileges** and make the reports the bureau requires.

(d) The bureau or the deputy or agent may subpoena witnesses, administer oaths, and take testimony. The failure of the defendant to appear at the time and place of the hearing after notice as provided in this section does not prevent the hearing, the taking of testimony, and the determination of the matter.

(e) Testimony or a record of suspension or revocation of a ~~current~~ driver's license, **a permit, or driving privileges** in the custody of the bureau following a hearing is not admissible as evidence:

(1) in any court in any action at law for negligence; or

(2) in any civil action brought against a person so cited by the bureau under this chapter.

(f) The bureau may suspend or revoke the license, **permit, or driving privileges** of an Indiana resident for a period of not more than one (1) year upon receiving notice of the conviction of the person in another state of an offense that, if committed in Indiana, would be grounds for the suspension or revocation of the license, **permit, or driving privileges.** The bureau may, upon receiving a record of the conviction in Indiana of a nonresident driver of a motor vehicle of an offense under Indiana motor vehicle laws, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident.

(g) The bureau may not suspend a ~~current~~ driver's license, **a permit, or driving privileges** for more than one (1) year and upon ~~suspending or~~ revoking any license **or permit** shall require that the license **or permit** be surrendered to the bureau.

(h) A suspension or revocation under this section stands pending any proceeding for review of an action of the bureau taken under this section.

(i) In addition to any other power, the bureau may modify, amend, or cancel any order or determination during the time within which a judicial review could be had. A person aggrieved by the order or act may have a judicial review under sections 10 and 11 of this chapter.

SECTION 334. IC 9-30-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Whenever the bureau is authorized or required to give notice under this chapter or any other law regulating the operation of vehicles, unless a different method of giving notice is otherwise expressly prescribed, the notice may be given either by personal delivery to the person to be notified or by deposit with the United States Postal Service of the notice by first class mail.

(b) A person who, after notification, fails to return or surrender to the bureau upon demand a suspended, revoked, or ~~canceled current~~ **invalidated** driver's license, ~~or~~ **permit,** certificate of registration, **or license plate** commits a Class C misdemeanor. The bureau may file ~~an affidavit~~ with the prosecuting attorney of the county in which the person resides **an affidavit** charging the person with the offense.

SECTION 335. IC 9-30-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A person who causes serious bodily injury to another person when operating a ~~motor~~ vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or

(3) while intoxicated;

commits a Class D felony. However, the offense is a Class C felony if the person has a previous conviction of operating while intoxicated within the five (5) years preceding the commission of the offense.

(b) A person who violates subsection (a) commits a separate offense for each person whose serious bodily injury is caused by the violation of subsection (a).

(c) It is a defense under subsection (a)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 336. IC 9-30-5-5, AS AMENDED BY P.L.102-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A person who causes the death of another person when operating a ~~motor~~ vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood; or

(3) while intoxicated;

commits a Class C felony. However, the offense is a Class B felony if the person has a previous conviction of operating while intoxicated within the five (5) years preceding the commission of the offense, or if the person operated the ~~motor~~ vehicle when the person knew that the person's driver's license, driving privilege, or permit is suspended or revoked for a previous conviction for operating a vehicle while intoxicated.

(b) A person at least twenty-one (21) years of age who causes the death of another person when operating a ~~motor~~ vehicle:

(1) with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a Class B felony.

(c) A person who causes the death of a law enforcement animal (as defined in IC 35-46-3-4.5) when operating a ~~motor~~ vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a Class D felony.

(d) A person who violates subsection (a), (b), or (c) commits a separate offense for each person or law enforcement animal whose death is caused by the violation of subsection (a), (b), or (c).

(e) It is a defense under subsection (a)(2), (b)(2), or (c)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 337. IC 9-30-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A person who operates a vehicle in violation of any term of a probationary license issued under this chapter, IC 9-30-6, or IC 9-30-9 commits a Class C infraction.

(b) In addition to any other penalty imposed under this section, the court may suspend the person's driving privileges for a period of not more than one (1) year.

~~(c) The bureau shall send notice of a judgment entered under this section to the court that granted the defendant probationary driving privileges.~~

SECTION 338. IC 9-30-5-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9.5. ~~After June 30, 2005,~~ Probationary driving privileges under this chapter do not apply to ~~a person who holds~~ a commercial driver's license in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

SECTION 339. IC 9-30-5-10, AS AMENDED BY SEA 154-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) In addition to a criminal penalty imposed for an offense under this chapter, IC 35-46-9, or IC 14-15-8 (before its repeal), the court shall, after reviewing the person's bureau driving record and other relevant evidence, recommend the suspension of the person's driving privileges for the fixed period of time specified under this section. The court may require that a period of suspension recommended under this section be imposed, if applicable, before a period of incarceration or after a period of incarceration, or both before and after a period of incarceration, as long as the suspension otherwise complies with the periods established in this section.

(b) If the court finds that the person:

(1) does not have a previous conviction of operating a vehicle or a motorboat while intoxicated; or

(2) has a previous conviction of operating a vehicle or a motorboat while intoxicated that occurred at least ten (10) years before the conviction under consideration by the court;

the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than two (2) years.

(c) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred more than five (5) years but less than ten (10) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one hundred eighty (180) days but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay.

(d) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred less than five (5) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one (1) year but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay. If the court grants probationary driving privileges under this subsection, the court shall order that the probationary driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, the court may grant probationary driving privileges under this subsection without requiring the

installation of an ignition interlock device if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse. The person granted probationary driving privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.

(e) If the conviction under consideration by the court is for an offense under:

(1) section 4 of this chapter;
(2) section 5 of this chapter;
(3) IC 14-15-8-8(b) (before its repeal);
(4) IC 14-15-8-8(c) (before its repeal);
(5) IC 35-46-9-6(b); or
(6) IC 35-46-9-6(c);

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

(g) The bureau shall fix the period of suspension in accordance with the recommendation of the court under this section and in accordance with IC 9-30-6-9. If the court fails to recommend a fixed period of suspension, the bureau shall impose the minimum period of suspension required under this section.

SECTION 340. IC 9-30-5-11, AS AMENDED BY P.L.153-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) If a court grants a person probationary driving privileges under section 12 of this chapter, the person may operate a vehicle only as follows:

(1) To and from the person's place of employment.
(2) For specific purposes in exceptional circumstances.
(3) To and from a court-ordered treatment program.

(b) If the court grants the person probationary driving privileges under section 12(a) of this chapter, that part of the court's order granting probationary driving privileges does not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9.

(c) The court shall notify a person who is granted probationary driving privileges of the following:

(1) That the probationary driving period commences when the bureau issues the probationary ~~license.~~ **driving privileges.**
(2) That the bureau may not issue ~~a~~ probationary ~~license~~ **driving privileges** until the bureau receives a reinstatement fee from the person, if applicable, and the person otherwise qualifies for ~~a license.~~ **valid driving privileges.**

SECTION 341. IC 9-30-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) An order for probationary driving privileges granted under this chapter must include the following:

(1) A requirement that the person may not violate a traffic law.
(2) A restriction of a person's driving privileges providing for automatic execution of the suspension of driving privileges if an order is issued under subsection (b).
(3) A written finding by the court that the court has reviewed the person's driving record and other relevant evidence and found that the person qualifies for ~~a~~ probationary ~~license~~ **driving privileges** under this chapter.
(4) Other reasonable terms of probation.

(b) If the court finds that the person has violated the terms of the order granting probationary driving privileges, the court shall order execution of that part of the sentence concerning the suspension of the person's driving privileges.

SECTION 342. IC 9-30-5-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18. (a) If:**

(1) a criminal proceeding for driving while intoxicated under IC 9-30-5 is deferred under IC 12-23-5-1 through IC 12-23-5-9; or
(2) a child alleged to be a delinquent child based upon the child's violation of IC 9-30-5 voluntarily attends or is ordered by the court under IC 31-37 to attend an alcohol and drug services program;

the court, within ten (10) days after the defendant or child begins the program, shall forward to the bureau a certified abstract of program enrollment.

(b) The abstract must state the following:

(1) The defendant's or child's name, address, date of birth, and driver's license number.
(2) The name and location of the alcohol and drug services program that the defendant or child is attending.

SECTION 343. IC 9-30-6-4.3, AS AMENDED BY P.L.1-2007, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.3. (a) This section applies only to a person whose motor vehicle has been seized under IC 34-24-1-1(15).

(b) If the bureau receives an order from a court recommending that the bureau not register a motor vehicle in the name of a person whose motor vehicle has been seized under IC 34-24-1-1(15), the bureau may not register a motor vehicle in the name of the person whose motor vehicle has been seized until the person proves that the person possesses a ~~current driving~~ **driver's** license **with valid driving privileges.**

SECTION 344. IC 9-30-6-8, AS AMENDED BY SEA 154-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Whenever a judicial officer has determined that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), the clerk of the court shall forward:

(1) a copy of the affidavit; and
(2) a bureau certificate as described in section 16 of this chapter;

to the bureau.

(b) The probable cause affidavit required under section 7(b)(2) of this chapter must do the following:

(1) Set forth the grounds for the arresting officer's belief that there was probable cause that the arrested person was operating a vehicle in violation of IC 9-30-5 or a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).
(2) State that the person was arrested for a violation of IC 9-30-5 or operating a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).
(3) State whether the person:
  (A) refused to submit to a chemical test when offered; or
  (B) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.
(4) Be sworn to by the arresting officer.

(c) Except as provided in subsection (d), if it is determined under subsection (a) that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at the initial hearing of the matter held under IC 35-33-7-1

~~(1)~~ the court shall recommend immediate suspension of the person's driving privileges to take effect on the date the order is entered,

~~(2) the court shall order the person to surrender all driver's licenses, permits, and receipts;~~ and

~~(3) the clerk shall~~ forward ~~the following~~ to the bureau

~~(A) The person's license or permit surrendered under this section or section 3 or 7 of this chapter.~~

~~(B)~~ a copy of the order recommending immediate suspension of driving privileges.

(d) If it is determined under subsection (a) that there is probable cause to believe that a person violated IC 9-30-5, the court may, as an alternative to ~~a license~~ suspension **of the person's driving privileges** under subsection ~~(c)(1),~~ **(c),** issue an order recommending that the person be prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8 until the bureau is notified by a court that the criminal charges against the person have been resolved.

SECTION 345. IC 9-30-6-9, AS AMENDED BY P.L.94-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section does not apply if an ignition interlock device order is issued under section 8(d) of this chapter.

(b) If the affidavit under section 8(b) of this chapter states that a person refused to submit to a chemical test, the bureau shall suspend the driving privileges of the person:

(1) for:

(A) one (1) year; or

(B) if the person has at least one (1) previous conviction for operating while intoxicated, two (2) years; or

(2) until the suspension is ordered terminated under IC 9-30-5.

(c) If the affidavit under section 8(b) of this chapter states that a chemical test resulted in prima facie evidence that a person was intoxicated, the bureau shall suspend the driving privileges of the person:

(1) for one hundred eighty (180) days; or

(2) until the bureau is notified by a court that the charges have been disposed of;

whichever occurs first.

(d) Whenever the bureau is required to suspend a person's driving privileges under this section, the bureau shall immediately do the following:

(1) Mail a notice to the person's last known address that must state that the person's driving privileges will be suspended for a specified period, commencing:

(A) five (5) days after the date of the notice; or

(B) on the date the court enters an order recommending suspension of the person's driving privileges under section 8(c) of this chapter;

whichever occurs first.

(2) Notify the person of the right to a judicial review under section 10 of this chapter.

(e) Notwithstanding IC 4-21.5, an action that the bureau is required to take under this article is not subject to any administrative adjudication under IC 4-21.5.

(f) If a person is granted probationary driving privileges under IC 9-30-5 and the bureau has not received the probable cause affidavit described in section 8(b) of this chapter, the bureau shall suspend the person's driving privileges for a period of thirty (30) days. After the thirty (30) day period has elapsed, the bureau shall, upon receiving a reinstatement fee, if applicable, from the person who was granted probationary driving privileges, issue the **person** probationary ~~license~~ **driving privileges** if the person otherwise qualifies. ~~for a license.~~

(g) If the bureau receives an order granting probationary driving privileges to a person who, **according to the records of the bureau,** has a prior conviction for operating while intoxicated, the bureau shall do the following:

(1) Issue the person ~~a~~ probationary ~~license~~ **driving privileges** and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for ~~a~~ probationary ~~license.~~ **driving privileges.**

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 346. IC 9-30-6-12, AS AMENDED BY P.L.109-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) If a court recommends suspension of ~~the~~ driving privileges under this chapter, IC 9-30-5, or IC 9-30-9,

~~(1)~~ the bureau shall ~~comply~~ **fix the period of suspension in accordance** with the recommendation of ~~suspension, and the driving privileges of the person remain suspended for the period set by~~ the court. ~~and~~

~~(2) the person shall surrender to~~ **If** the court ~~all licenses, permits, or receipts issued to the person, and the court shall immediately forward the licenses, permits, or receipts to~~ **fails to recommend a fixed period of suspension,** the bureau ~~with~~ **shall impose** the ~~abstract~~ **minimum period** of ~~conviction or judgment.~~ **suspension required by statute.**

(b) Except as provided in subsection (c), during the three (3) years following the termination of the suspension the person's driving privileges remain suspended until the person provides proof of future financial responsibility in force under IC 9-25.

(c) If a court recommends suspension of a person's driving privileges for a conviction under IC 9-30-5, during the three (3) years following the termination of the suspension the person's driving privileges remain suspended until the person provides proof of future financial responsibility in force under IC 9-25. However, if a court recommends suspension of the driving privileges of a person who is arrested for or charged with an offense committed under IC 9-30-5, the person is not required to provide proof of future financial responsibility under IC 9-25 unless the person is convicted under IC 9-30-5.

(d) If at any time during the three (3) years following the termination of the suspension imposed under subsection (a) a person who has provided proof of future financial responsibility under IC 9-25 fails to maintain the proof, the bureau shall suspend the person's driving privileges until the person again provides proof of future financial responsibility under IC 9-25.

(e) An agency action under this section is not subject to IC 4-21.5.

SECTION 347. IC 9-30-6-13, AS AMENDED BY P.L.42-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. If a court orders the bureau to rescind an ignition interlock device requirement or reinstate a person's driving privileges under this article, the bureau shall comply with the order. Unless the order for reinstatement is issued under section 11(a)(2) of this chapter, the bureau shall also do the following:

(1) Remove any record of the ignition interlock device requirement or suspension from the ~~bureau's recordkeeping system.~~ **official driving record of the person.**

(2) Reinstate the privileges without cost to the person.

SECTION 348. IC 9-30-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, "license" includes any type of license or permit ~~to operate a motor vehicle~~ issued by the bureau **to operate the type of vehicle being driven.**

SECTION 349. IC 9-30-10-4, AS AMENDED BY P.L.28-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, **and** not arising out of the same incident, ~~and with at least one (1) violation occurring after March 31, 1984,~~ is a habitual violator:

(1) Reckless homicide resulting from the operation of a motor vehicle.

(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

(3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.

(6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, **and** not arising out of the same incident, ~~and with at least one (1) violation occurring after March 31, 1984,~~ is a habitual violator:

(1) Operation of a vehicle while intoxicated.

(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.

(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(5) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), **IC 9-24-19-2, or** IC 9-24-19-3. ~~or IC 9-24-19-5.~~

(6) Operating a motor vehicle without ever having obtained a license to do so.

(7) Reckless driving.

(8) Criminal recklessness involving the operation of a motor vehicle.

(9) Drag racing or engaging in a speed contest in violation of law.

(10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2), ~~IC 9-26-1-1(4),~~ IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.

(11) Any felony under an Indiana motor vehicle statute or any felony in the commission of which a motor vehicle is used.

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, **and** not arising out of the same incident, ~~and with at least one (1) violation occurring after March 31, 1984,~~ is a habitual violator. However, at least one (1) of the judgments must be for a violation enumerated in subsection (a) or (b). A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

(d) For purposes of this section, a judgment includes a judgment in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of the offenses described in subsections (a) and (b).

(e) For purposes of this section, the offense date is used when determining the number of judgments accumulated within a ten (10) year period.

SECTION 350. IC 9-30-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A person who has received a notice under section 5 of this chapter may notify the bureau, in writing, ~~on forms provided by the bureau,~~ that the bureau's records contain a material error with respect to the person's driving record. If a person so notifies the bureau, the bureau shall, within thirty (30) days after the date the notice was received by the bureau, determine whether a material error was made with respect to the person's driving record.

(b) If the bureau determines that a material error was made with respect to the person's driving record, the bureau shall:

(1) prevent the suspension of; or

(2) reinstate;

the person's driving privileges.

(c) The bureau shall notify the prosecuting attorney of the county where the record originated that the bureau has determined that a material error exists. The prosecuting attorney is entitled to respond to the bureau's determination.

(d) An action taken or a determination made by the bureau under this chapter is not subject to IC 4-21.5. However, the person may file a petition for judicial review under this chapter.

SECTION 351. IC 9-30-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) If a person files a petition for judicial review under section 6 of this chapter, the court shall promptly hold a hearing. The petition must be filed and the hearing must be held in accordance with section 7 of this chapter.

(b) If the court finds that the petitioner is not a habitual violator, the court shall order the bureau to reinstate the driving privileges of the person.

(c) If the court finds that the petitioner is a habitual violator, the person's driving privileges remain suspended, unless the court places the person on probation under section 9 of this chapter.

(d) The findings of the court under this section constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the findings and orders of

the court.

SECTION 352. IC 9-30-10-9, AS AMENDED BY P.L.109-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) ~~After June 30, 2005,~~ This section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) If a court finds that a person:

(1) is a habitual violator under section 4(c) of this chapter;

(2) has not been previously placed on probation under this section by a court;

(3) operates a vehicle for commercial or business purposes, and the person's mileage for commercial or business purposes:

(A) is substantially in excess of the mileage of an average driver; and

(B) may have been a factor that contributed to the person's poor driving record; and

(4) does not have:

(A) a judgment for a violation enumerated in section 4(a) of this chapter; or

(B) at least three (3) judgments (singularly or in combination and not arising out of the same incident) of the violations enumerated in section 4(b) of this chapter;

the court may place the person on probation in accordance with subsection (d).

(c) If a court finds that a person:

(1) is a habitual violator under section 4(b) of this chapter;

(2) has not been previously placed on probation under this section by a court;

(3) does not have a judgment for any violation listed in section 4(a) of this chapter;

(4) has had the person's driving privileges suspended under this chapter for at least five (5) consecutive years; and

(5) has not violated the terms of the person's suspension by operating a vehicle;

the court may place the person on probation in accordance with subsection (d). However, if the person has any judgments for operation of a vehicle before July 1, 2001, while intoxicated or with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, or for the operation of a vehicle after June 30, 2001, while intoxicated or with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, the court, before the court places a person on probation under subsection (d), must find that the person has successfully fulfilled the requirements of a rehabilitation program certified by ~~one (1) or both of the following:~~

~~(A)~~ the division of mental health and addiction **or**

~~(B)~~ the Indiana judicial center.

(d) Whenever a court places a habitual violator on probation, the court:

(1) shall record each of the court's findings under this section in writing;

~~(2) shall obtain the person's driver's license or permit and send the license or permit to the bureau;~~

~~(3) shall direct the person to apply to the bureau for a restricted driver's license;~~

~~(4) shall order the bureau to issue the person an appropriate license;~~

~~(5)~~ **(2)** shall ~~place~~ **order the bureau to issue** the person ~~on probation~~ **probationary driving privileges** for a fixed period of not less than three (3) years and not more than ten (10) years;

~~(6)~~ **(3)** shall attach restrictions to the person's driving privileges, including restrictions limiting the person's driving to:

(A) commercial or business purposes or other employment related driving;

(B) specific purposes in exceptional circumstances;

(C) rehabilitation programs; and

(D) specified hours during which the person may drive;

~~(7)~~ **(4)** shall require the person to submit to reasonable monitoring requirements;

~~(8)~~ **(5)** shall order the person to file proof of **future** financial responsibility for three (3) years following the date of being placed on probation; and

~~(9)~~ **(6)** shall impose other appropriate conditions of probation, which must include one (1) or more of the following conditions if the person was determined to be a habitual violator under IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4): ~~and at least one (1) of the offenses occurred within five (5) years prior to the granting of the probationary or restricted license:~~

(A) An order prohibiting the person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while under the influence of any other intoxicating substance.

(B) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

(C) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

(i) The person may operate only a motor vehicle equipped with an ignition interlock device.

(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

(iii) The person must wear a device that detects and records the person's use of alcohol.

(iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

(e) If a court finds that a person:

(1) is a habitual violator under section 4(b) or 4(c) of this chapter;

(2) does not have any judgments for violations under section 4(a) of this chapter;

(3) does not have any judgments or convictions for violations under section 4(b) of this chapter, except for judgments or convictions under section 4(b)(5) of this chapter that resulted from driving on a suspended license that was suspended for:

(A) the commission of infractions only; or

(B) previously driving on a suspended license;

(4) has not been previously placed on probation under this section by a court; and

(5) has had the person's driving privileges suspended under this chapter for at least three (3) consecutive years and has not violated the terms of the person's suspension by operating a vehicle for at least three (3) consecutive years;

the court may place the person on probation under **the conditions described in** subsection ~~(d)~~ **(d)(1) through (d)(5).**

(f) If the bureau receives an order granting probationary driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:

(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 353. IC 9-30-10-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. The court's findings under sections 8 and 9 of this chapter constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the court's findings and orders.~~

SECTION 354. IC 9-30-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) Upon the filing of a petition for revocation of probation, the court shall do the following:

(1) Set a date for a hearing upon the petition that is not earlier than twenty (20) days nor later than forty-five (45) days from the date of the filing of the petition for review.

(2) Hold a hearing on the date set, unless the proceeding is continued by order of the court.

(3) Cause notice of the hearing date to be sent to all parties.

(b) At the hearing, the prosecuting attorney must bear the burden of proof by a preponderance of the evidence to prevail.

(c) If the court finds that the person has violated any terms of the probation, the court shall do the following:

(1) Record each of its findings in writing.

(2) Obtain the person's **driver's** license.

(3) Order the bureau to suspend the person's driving privileges for a period equal to the period of suspension originally imposed under section 5 of this chapter.

(4) Not place the person on probation under section 9 of this chapter.

(d) If the court finds that the person has not violated any of the terms of the person's probation, the court shall do the following:

(1) Record each of the court's findings in writing.

(2) Continue the person on probation for the remainder of the probationary period.

(e) The court's findings under subsection (c) or (d) constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the court's findings and orders.

SECTION 355. IC 9-30-10-13, AS AMENDED BY P.L.109-2011, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) The bureau may ~~issue a license to operate a motor vehicle~~ **issue driving privileges** to a habitual violator whose driving privileges were suspended under section 5(b) of this chapter if the following conditions exist:

(1) The time specified for the person's probation or the restriction or suspension of the person's license has elapsed.

(2) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(3) The person files with the bureau and maintains, for three (3) years after ~~filing~~ **termination of suspension,** proof of **future** financial responsibility in accordance with IC 9-25.

(4) **If the person has a prior conviction for operating while intoxicated,** the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; ~~or while intoxicated (as defined under IC 9-13-2-86)~~ for three (3) years after the bureau issues the driver's license to the person.

(5) The person signs a bureau form by which the person agrees that as a condition to obtaining the driver's license the person will submit to a chemical test at any time during the period three (3) years after the bureau issues the driver's license to the person if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

(b) The bureau may issue a license to operate a motor vehicle to a habitual violator whose driving privileges have been suspended for life if the following conditions exist:

(1) The bureau has received an order for rescission of suspension and reinstatement issued under section 15 of this chapter.

(2) The person to whom the license is to be issued has never been convicted of a violation described in section 4(a) or 17 of this chapter.

(3) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(5) The person:

(A) files with the bureau; and

(B) maintains for three (3) years after ~~filing;~~ **rescission of the suspension;**

proof of **future** financial responsibility in accordance with IC 9-25.

(6) **If the person has a prior conviction for operating while intoxicated,** the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or while intoxicated (as defined under IC 9-13-2-86) for three (3) years after the bureau issues the driver's license to the person.

(7) The person signs a bureau form by which the person agrees that as a condition to obtaining the driver's license the person will submit to a chemical test at any time

during the period three (3) years after the bureau issues the driver's license to the person if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

(c) A habitual violator is not eligible for relief under the hardship provisions of IC 9-24-15.

(d) The bureau shall not issue driving privileges to a person who does not satisfy all of the requirements set forth in subsections (a) and (b).

SECTION 356. IC 9-30-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) Except as provided in subsection (e), a person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if the following conditions exist:

(1) Ten (10) years have elapsed since the date on which an order for the lifetime suspension of the person's driving privileges was issued.

(2) The person has never been convicted of a violation described in section 4(a) of this chapter.

(3) The person has never been convicted of an offense under section 17 of this chapter.

(4) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(b) A petition for rescission and reinstatement under this section must meet the following conditions:

(1) Be verified by the petitioner.

(2) State the petitioner's age, date of birth, and place of residence.

(3) Describe the circumstances leading up to the lifetime suspension of the petitioner's driving privileges.

(4) Aver a substantial change in the petitioner's circumstances of the following:

(A) That indicates the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges are reinstated.

(B) That makes the lifetime suspension of the petitioner's driving privileges unreasonable.

(C) Indicates it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(5) Aver that the requisite amount of time has elapsed since the date on which the order for the lifetime suspension of the person's driving privileges was issued as required under subsections (a) and (e).

~~(5)~~ **(6)** Aver that the petitioner has never been convicted of an offense under section 17 of this chapter.

~~(6)~~ **(7)** Aver that the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

~~(7)~~ **(8)** Aver that the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

~~(8)~~ **(9)** Be filed in a circuit or superior court having jurisdiction in the county where the petitioner resides.

~~(9)~~ **(10)** If the petition is being filed under subsection (e), aver the existence of the conditions listed in subsection (e)(1) through (e)(3).

(c) The petitioner shall serve the prosecuting attorney of the county where the petitioner resides and the bureau with a copy of the petition described in subsection (b). A responsive pleading is not required.

(d) The prosecuting attorney of the county where the petitioner resides shall represent the state in the matter.

(e) A person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if all of the following conditions exist:

(1) Three (3) years have elapsed since the date on which the order for lifetime suspension of the petitioner's driving privileges was issued.

(2) The petitioner's lifetime suspension was the result of driving on a suspended license that was suspended for commission of infractions only or for driving on a suspended license.

(3) The petitioner has never been convicted of a violation described in section 4(a) or 4(b) of this chapter, with the exception of a ~~judgement~~ **judgment** or conviction under section 4(b)(3) of this chapter.

(4) The petitioner has never been convicted of an offense under section 17 of this chapter.

(5) The petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

SECTION 357. IC 9-30-10-15, AS AMENDED BY P.L.28-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) Upon receiving a petition filed under section 14 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following:

(1) The petitioner.

(2) The prosecuting attorney of the county where the petitioner resides.

(3) The bureau.

(b) A court may order the rescission of the order that required the suspension of the petitioner's driving privileges for life and may order the bureau to reinstate the driving privileges of a petitioner whose driving privileges have been suspended for life if, after the hearing of the matter, the court makes the following written findings and conclusions, based on clear and convincing evidence:

(1) That the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(2) That the petitioner has never been convicted of an offense under section 17 of this chapter.

(3) That the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) If the person is petitioning the court under section 14(a) of this chapter that ten (10) years have elapsed since the date on which an order was issued that required the suspension of the petitioner's driving privileges for life.

(5) That there has been a substantial change in the petitioner's circumstances indicating the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges were reinstated.

(6) That there has been a substantial change in the petitioner's circumstances indicating that the suspension of the petitioner's driving privileges for life has become unreasonable.

(7) That it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(8) If the person is petitioning the court under section 14(e) of this chapter:

(A) that three (3) years have elapsed since the date the order was issued that required the suspension of the petitioner's driving privileges for life; and

(B) that the conditions listed under section 14(e) of this chapter are satisfied.

(c) The petitioner has the burden of proof under this section and an order issued under subsection (b) is a final order, appealable by any party to the action.

(d) In an order for reinstatement of driving privileges issued under this section, the court may require the bureau to issue ~~to~~ the prevailing petitioner:

(1) ~~a license to operate a motor vehicle~~ **driving privileges** under section 13(b) of this chapter; or

(2) ~~a~~ restricted driving ~~license~~ **privileges** for a time and subject to conditions specified by the court, which must include one (1) or more of the following conditions if the person was determined to be a habitual violator under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4): ~~and at least one (1) of the offenses occurred within five (5) years prior to the granting of the probationary or restricted license:~~

(A) Specified hours during which the person may drive.

(B) An order prohibiting the person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

(C) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

(D) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

(i) The person may operate only a motor vehicle equipped with an ignition interlock device.

(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

(iii) The person must wear a device that detects and records the person's use of alcohol.

(iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

(e) If a court orders the bureau to issue ~~a~~ restricted **or probationary** driving ~~license~~ **privileges** to a petitioner under subsection (d), the court shall specify the conditions under which the petitioner may be issued ~~a license~~ **driving privileges** to operate a motor vehicle under section 13(b) of this chapter. After the expiration date of the restricted ~~license~~ **or probationary driving privileges** and upon:

(1) fulfillment by the petitioner of the conditions specified by the court; and

(2) the expiration of the restricted ~~license~~ issued **driving privileges** under subsection (d)(2);

the bureau shall issue ~~to~~ the petitioner ~~a license~~ **driving privileges** to operate a motor vehicle under section 13(b) of this chapter.

(f) If the bureau receives an order granting a rescission of the suspension order and reinstatement of driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:

(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 358. IC 9-30-10-17.5, AS ADDED BY P.L.28-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17.5. A person who operates a vehicle or motorized bicycle in violation of conditions of ~~a~~ restricted ~~license~~ **driving privileges** ordered by a court under ~~IC 9-30-10-9(d)(9)~~ **section 9(d)(6)** or ~~IC 9-30-10-15(d)(2)~~ **15(d)(2) of this chapter** commits a Class A misdemeanor.

SECTION 359. IC 9-30-11-6, AS AMENDED BY P.L.153-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The bureau shall reinstate motor vehicle registration that is suspended under this chapter if the following occur:

(1) ~~Any person~~ **The court** presents the bureau ~~or a bureau license branch~~ with adequate proof that all unpaid judgments with respect to the motor vehicle have been paid.

(2) A reinstatement fee under IC 9-29 is paid to the bureau, if applicable.

SECTION 360. IC 9-30-11-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. If the bureau suspends a motor vehicle registration under section 5 of this chapter, the bureau shall send a notice of the suspension to the clerk who sent the referral. Upon receipt of a notice, a clerk shall inform each of the law enforcement agencies that are listed on the referral of the following:~~

~~(1) That the motor vehicle's registration has been suspended.~~

~~(2) That any law enforcement agency may remove the license plate of the motor vehicle fifteen (15) days after the motor vehicle's registration was suspended unless the judgments have been paid.~~

SECTION 361. IC 9-30-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a)** The bureau may suspend or revoke the ~~driver's license or permit~~ **driving privileges** of an individual who ~~pays the fee required for~~ **makes payment to** the ~~driver's license or permit~~ **bureau** with ~~a check~~ **funds** that:

~~(1) is~~ **are** not honored. ~~by the financial institution on which the check is drawn; or~~

~~(2) has had payment stopped by the maker of the check.~~

(b) In addition to the penalties in subsection (a), the bureau may do the following:

(1) Revoke the driver's license or permit of an individual who makes payment to the bureau for a driver's license or permit with funds that are not honored.

(2) Invalidate the title or registration of an individual who makes payment to the bureau for a driver's license or permit with funds that are not honored.

SECTION 362. IC 9-30-12-2, AS AMENDED BY P.L.153-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The bureau may:

(1) reinstate a license, ~~or~~ **a** permit, **or driving privileges** revoked or suspended under section 1 of this chapter; or

(2) revalidate a title or registration that has been invalidated under section ~~3~~ **1** of this chapter;

if the obligation has been satisfied, including the payment of service, collection, and reinstatement fees, if applicable.

SECTION 363. IC 9-30-12-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. The bureau may invalidate a title or~~

~~registration that has been issued by the bureau and the applicable fees have been paid with a check that:~~

~~(1) is not honored by the financial institution on which the check is drawn; or~~

~~(2) has had payment stopped by the maker of the check.~~

SECTION 364. IC 9-30-12-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. The bureau may suspend or revoke the driver's license or permit of an individual who pays the fee required for a vehicle title or registration with a check that:~~

~~(1) is not honored by the financial institution on which the check is drawn; or~~

~~(2) has had payment stopped by the maker of the check.~~

SECTION 365. IC 9-30-13-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) A court shall forward to the bureau a certified abstract of the record of the conviction of a person in the court for a violation of a law relating to motor vehicles.**

(b) If in the opinion of the court a defendant should be deprived of the privilege to operate a motor vehicle upon a public highway, the court shall recommend the suspension of the convicted person's driving privileges for a fixed period established by the court not exceeding one (1) year.

(c) The bureau shall comply with the court's recommendation.

(d) At the time of a conviction referred to in subsection (a) or under IC 9-30-5-7, the court may obtain and destroy the defendant's current driver's license.

(e) An abstract required by this section must be in the form prescribed by the bureau and, when certified, shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.

SECTION 366. IC 9-30-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. For a person who uses a motor vehicle to commit recklessness under IC 35-42-2-2, the judge of the court in which the person is convicted shall recommend that the ~~current driver's license~~ **driving privileges** of the person be suspended for not less than sixty (60) days and not more than two (2) years. **If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this section.**

SECTION 367. IC 9-30-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. For a person who uses a motor vehicle to commit obstruction of traffic under IC 35-42-2-4, the judge of the court in which the person is convicted may recommend that the ~~current driver's license~~ **driving privileges** of the person be suspended for not less than sixty (60) days and not more than two (2) years.

SECTION 368. IC 9-30-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. For a person who uses a motor vehicle to commit criminal mischief under IC 35-43-1-2, the judge of the court in which the person is convicted may recommend that the ~~current driver's license~~ **driving privileges** of the person be suspended for not less than sixty (60) days and not more than two (2) years.

SECTION 369. IC 9-30-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a)** If a person commits any of the following offenses, the court that convicted the person shall recommend the suspension of the person's driving privileges for a fixed period of at least two (2) years and not more than five (5) years:

(1) Involuntary manslaughter resulting from the operation of a motor vehicle (IC 35-42-1-4).

(2) Reckless homicide resulting from the operation of a motor vehicle (IC 35-42-1-5).

(b) If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this section.

SECTION 370. IC 9-30-13-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. If a court fails to recommend a fixed term of suspension for an offense described under section 4 of this chapter, the bureau shall suspend the driver's license of the convicted person under IC 9-30-4-6 for two (2) years.~~

SECTION 371. IC 9-30-13-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6. (a) The bureau shall, upon receiving an order of a court issued under IC 31-14-12-4 or IC 31-16-12-7, suspend the driving privileges of the person who is the subject of the order.**

(b) The bureau may not reinstate driving privileges suspended under this section until the bureau receives an order allowing reinstatement from the court that issued the order for suspension.

(c) Upon receiving an order for suspension under subsection (a), the bureau shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the person's driving privileges are suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the bureau receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the person has the right to petition for reinstatement of driving privileges to the court that issued the order for suspension.

(3) That the person may be granted restricted driving privileges under IC 9-24-15-6.7 if the person otherwise qualifies and can prove that public transportation is unavailable for travel by the person:

(A) to and from the person's regular place of employment;

(B) in the course of the person's regular employment;

(C) to and from the person's place of worship; or

(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.

(d) A person who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the person's driving privileges are suspended under this section; and

(2) the person has been granted restricted driving privileges under IC 9-24-15 as a result of the suspension under this section.

SECTION 372. IC 9-30-13-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7. (a) If the bureau is advised by the Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either requested a hearing under IC 31-25-4-33 and failed to appear or appeared and was found to be delinquent, the bureau shall promptly mail a notice to the obligor stating the following:**

(1) That the obligor's driving privileges are suspended, beginning eighteen (18) business days after the date the notice is mailed, and that the suspension will terminate after the bureau receives a notice from the Title IV-D agency that the obligor has:

(A) paid the obligor's child support arrearage in full; or

(B) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.

(2) That the obligor may be granted restricted driving

privileges under IC 9-24-15-6.7 if the obligor can prove that public transportation is unavailable for travel by the obligor:

(A) to and from the obligor's regular place of employment;

(B) in the course of the obligor's regular employment;

(C) to and from the obligor's place of worship; or

(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.

(b) The bureau may not reinstate driving privileges suspended under this section until the bureau receives a notice from the Title IV-D agency that the obligor has:

(1) paid the obligor's child support arrearage in full; or

(2) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.

(c) An obligor who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the obligor's driving privileges are suspended under this section; and

(2) the obligor has been granted restricted driving privileges under IC 9-24-15 as a result of the suspension under this section.

SECTION 373. IC 9-30-13-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8. (a) Upon receiving an order issued by a court under IC 35-43-4-8(b) concerning a person convicted of fuel theft, the bureau shall do the following:**

(1) Suspend under subsection (b) the driving privileges of the person who is the subject of the order, whether or not the person's current driver's license accompanies the order.

(2) Mail to the last known address of the person who is the subject of the order a notice:

(A) stating that the person's driving privileges are being suspended for fuel theft;

(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and

(C) stating that the person may be granted restricted driving privileges under IC 9-24-15-6.7 if the person meets the conditions for obtaining restricted driving privileges.

(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 35-43-4-8(b):

(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2); and

(2) terminates thirty (30) days after the suspension begins.

(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by restricted driving privileges granted to the person under IC 9-24-15-6.7.

SECTION 374. IC 9-30-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "covered offense" means the following:

(1) An offense:

(A) for which the offender's ~~current~~ driving ~~license~~ **privileges** may be suspended under IC 9-30-13; and

(B) that involved the obstruction of traffic with or the operation of a motor vehicle with alcohol or a controlled substance listed in schedule I or II under IC 35-48-2 in the person's blood.

(2) An offense described under IC 9-30-5 that involved operation of a ~~motor~~ vehicle with alcohol or a controlled substance listed under schedule I or II under IC 35-48-2.

SECTION 375. IC 9-31-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The bureau shall receive payments of:

(1) the ~~use tax~~ **taxes** on watercraft that ~~is~~ **are** required by ~~IC 6-2.5-3-2~~ **IC 6-2.5-3 and IC 6-6-11;** and ~~IC 6-2.5-3-6.~~

(2) any other taxes applicable to watercraft as imposed by Indiana law.

SECTION 376. IC 9-31-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The bureau may utilize the services and facilities of license branches to carry out the bureau's responsibilities under this article. However, an additional charge may not be imposed for the services of license branches under this ~~article.~~ **chapter.**

SECTION 377. IC 9-31-1-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. (a) On January 1, 1992, the employees of the department of natural resources who administer the watercraft registration and title programs are transferred to the bureau of motor vehicles.~~

~~(b) The employees who are transferred under subsection (a) are entitled to have the employees' service with the department of natural resources included for the purpose of computing all applicable employment benefits and will not be adversely affected by the transfer.~~

SECTION 378. IC 9-31-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter does not apply to the following:

(1) A watercraft from a jurisdiction other than Indiana ~~temporarily~~ using the waters of Indiana **for less than sixty (60) consecutive days.**

(2) A ship's lifeboat.

(3) Watercraft other than motorboats unless the owner voluntarily desires to become subject to this chapter.

(4) A watercraft that is a Class 5 or lower motorboat or sailboat under ~~IC 6-6-11-11~~ **IC 6-6-11-10** (the boat excise tax), unless the owner voluntarily desires to become subject to this chapter.

(5) A watercraft that is propelled by an internal combustion, steam, or electrical inboard or outboard motor or engine or by any mechanical means, including sailboats that are equipped with such a motor or engine when the sailboat is in operation whether or not the sails are hoisted, if:

(A) the watercraft was made by an individual for the use of the individual and not for resale; and

(B) the owner does not voluntarily desire to become subject to this chapter.

SECTION 379. IC 9-31-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A manufacturer, importer, dealer, or other person may not sell or otherwise dispose of a new watercraft to a dealer, to be used by the dealer for purposes of display and resale, without delivering to the dealer a manufacturer's or importer's certificate executed under this section and with those assignments on the certificate as are necessary to show title in the purchaser of the watercraft. A dealer may not purchase or acquire a new watercraft without obtaining from the seller of the watercraft the manufacturer's or importer's certificate.

(b) A manufacturer's or importer's certificate of the origin of a watercraft must contain the following information along with ~~the~~ **any** additional information the bureau requires:

(1) A description of the watercraft, including, if applicable, the make, year, length, dry weight, series or model, horsepower rating, hull type, and hull identification

number.

(2) Certification of the date of transfer of the watercraft to a distributor, dealer, or other transferee and the name and address of the transferee.

(3) Certification that this is the first transfer of the new watercraft in ordinary trade and commerce.

(4) The signature and address of a representative of the transferor.

(c) An assignment of a manufacturer's or importer's certificate shall be printed on the reverse side of the manufacturer's or importer's certificate. The assignment form must include the following:

(1) The name and address of the transferee.

(2) A certification that the watercraft is new.

(3) A warranty that the title at the time of delivery is subject only to the liens and encumbrances that are set forth and described in full in the assignment.

SECTION 380. IC 9-31-2-6, AS AMENDED BY P.L.83-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (b), an application for a certificate of title shall be filed with the bureau within thirty-one (31) days after the date of purchase or transfer. The application must be accompanied by the fee prescribed in IC 9-29-15-1.

(b) This subsection applies only to a watercraft acquired by a conveyance subject to section 30 of this chapter. An application for a certificate of title shall be filed with the bureau within sixty (60) days after the date of the transfer under section 30 of this chapter. The application must be accompanied by the fee prescribed in IC 9-29-15-1 **and any other applicable fees and service charges.**

SECTION 381. IC 9-31-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. An application for a certificate of title must be certified by the owner or purchaser of the watercraft and must contain the following information, along with the additional information the bureau requires:

(1) The name and address of the applicant.

~~(2) A statement of how the watercraft was acquired.~~

~~(3)~~ **(2)** The name and address of the previous owner.

~~(4)~~ **(3)** A statement of liens, mortgages, or other encumbrances on the watercraft and the name and address of the holder of the liens, mortgages, or other encumbrances.

~~(5)~~ **(4)** If a lien, mortgage, or other encumbrance is not outstanding, a statement of that fact.

~~(6)~~ **(5)** A description of the watercraft, including, if applicable, the make, year, length, dry weight, series or model, horsepower rating, hull type, and hull identification number.

(6) Any other information that the bureau requires.

SECTION 382. IC 9-31-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. If a watercraft contains a permanent hull identification number placed on the watercraft by the manufacturer of the watercraft, the number shall be used as the hull identification number. If there is no manufacturer's hull identification number or if the manufacturer's hull identification number has been removed or obliterated, the bureau shall, upon a prescribed application that includes information indicating proof of ownership, assign a hull identification number to the watercraft. The assigned hull identification number shall be permanently affixed to or imprinted by the applicant at the place and in the manner designated by the bureau upon the watercraft to which the hull identification number is assigned. The fee prescribed under IC 9-29-15-2 **and any other applicable fees and service charges** shall be paid to the bureau for assigning a hull identification number.

SECTION 383. IC 9-31-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. If a certificate of title was not previously issued in Indiana for the watercraft, the application must be accompanied by one (1) of the following:

(1) A manufacturer's or importer's certificate.

~~(2) A sworn statement of ownership as prescribed by the bureau.~~

~~(3)~~ **(2)** A certificate of registration issued under IC 9-31-3, if purchased by the applicant before January 1, 1986.

~~(4)~~ **(3)** A certificate of title or bill of sale.

~~(5)~~ **(4)** Other evidence of ownership required by the law of another state from which the watercraft is brought into Indiana.

SECTION 384. IC 9-31-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. **(a)** The bureau shall:

(1) retain the evidence of title presented by ~~an applicant on~~ **a person upon** which ~~a~~ **the Indiana** certificate of title is issued **in accordance with applicable document and record retention requirements;** and ~~shall~~

(2) use reasonable diligence in ascertaining whether the facts in the application are true by checking the application and documents accompanying the application with the records of watercraft in the bureau.

(b) An authorized employee of the bureau may inspect a watercraft to determine whether a certificate of title should be issued.

(c) The bureau may reject an application if the bureau is not satisfied:

(1) of the genuineness, regularity, or legality of the application or the truth of a statement made on the application; or

(2) for any other reason authorized by law.

SECTION 385. IC 9-31-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) ~~The bureau shall file each application received.~~ If the bureau is satisfied:

(1) of the genuineness and regularity of an application;

(2) that no tax imposed by ~~IC 6-2.5~~ **Indiana law** is owed as evidenced by the receipt for payment or determination of exemption from the department of state revenue; and

(3) that the applicant is entitled to the issuance of a certificate of title;

the bureau shall issue a certificate of title containing the information required in the application for a certificate of title, as prescribed by section 7 of this chapter, as well as space for the notation and cancellation of a lien, a mortgage, or an encumbrance.

(b) A form for the assignment of the certificate of title must appear on the reverse side of the certificate of title. The assignment form must include a warranty that the signer is the owner of the watercraft and that a mortgage, a lien, or an encumbrance is not on the watercraft except as noted on the face of the certificate of title.

SECTION 386. IC 9-31-2-13 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 13. The bureau shall do the following:~~

~~(1) Prescribe a uniform method of numbering certificates of title.~~

~~(2) Maintain in the office of the bureau indexes for the certificates of title.~~

SECTION 387. IC 9-31-2-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. The bureau may destroy a certificate of title or supporting evidence of a certificate of title covering a watercraft that was on file for ten (10) years after the date of filing.~~

SECTION 388. IC 9-31-2-16, AS AMENDED BY P.L.83-2008, SECTION 11, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) If the transfer of ownership of a watercraft is by operation of law (such as upon inheritance, devise, bequest, transfer on death designation in accordance with section 30 of this chapter, order in bankruptcy, insolvency, replevin, ~~or~~ execution of sale, **or under an order of court),** if a watercraft is sold to satisfy a storage or repair charge, or if repossession is had upon default in performance of the terms of a security agreement, the bureau shall issue to the applicant a certificate of title to the watercraft upon: ~~the following:~~

(1) ~~Compliance with any of the following:~~

~~(A) The surrender of the prior certificate of title.~~

~~(B) The surrender of the manufacturer's or importer's certificate.~~

~~(C) Both of the following:~~

~~(i) The surrender of a certificate of title designating a transfer on death beneficiary.~~

~~(ii) The submission of proof of the death of the transferor.~~

~~(D) the~~ presentation of satisfactory proof to the bureau of ownership and a right of possession ~~to~~ **of** the watercraft;

(2) payment of the fee prescribed under IC 9-29-15-1 **and any other applicable fees and service charges; and**

(3) presentation of an application for certificate of title.

~~(b) A certification by the person or agent of the person to whom possession of the watercraft passed setting forth the facts entitling the person to possession and ownership, together with a copy of the journal entry, court order, or instrument upon which the claim of possession and ownership is founded, is satisfactory proof of ownership and right of possession.~~

~~(c)~~ **(b)** If an applicant cannot produce proof of ownership, the applicant may apply to the bureau and submit evidence of ownership. If the bureau finds the evidence sufficient, the bureau may issue a certificate of title. If, from the records of the ~~department,~~ **bureau,** a lien appears to be on the watercraft, the certificate of title must contain a statement of the lien, unless the application is accompanied by proper evidence of the ~~extinction~~ **satisfaction** of the lien.

SECTION 389. IC 9-31-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) If a watercraft is dismantled, destroyed, or changed in a manner that the watercraft loses the character of a watercraft or changed in a manner that the watercraft is not the watercraft described in the certificate of title, an owner of the watercraft ~~and a person mentioned as owner in the last certificate of title~~ shall surrender the certificate of title to the bureau. The bureau shall, ~~with~~ **upon notification to** the ~~consent of a~~ holder of a lien noted on the certificate of title, enter a cancellation upon the lienholder's records.

(b) Upon the cancellation of a certificate of title in the manner prescribed by subsection (a), the bureau may cancel and destroy the certificates **of title.**

SECTION 390. IC 9-31-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) If a certificate of title is lost or mutilated or becomes illegible, the owner of the watercraft shall apply to the bureau for a duplicate certificate of title upon a form prescribed by the bureau and accompanied by the fee prescribed by IC 9-29-15-1 **and any other applicable fees and service charges.** The person making the application shall certify the application **for the duplicate certificate of title.** Upon receipt of the application, the bureau shall issue a duplicate certificate of title to the person entitled to receive the certificate of title under this chapter. Upon the issuance of a duplicate certificate of title, the previously issued certificate of title becomes void.

(b) Each duplicate certificate of title ~~must contain~~ **shall have** the ~~legend "This is a duplicate certificate.".~~ **word "duplicate" printed or stamped on the certificate of title.** The duplicate certificate of title shall be delivered to the person entitled to possession **of the certificate of title.**

(c) If an original certificate of title is recovered by the owner, the owner shall immediately surrender the original certificate of title to the bureau for cancellation.

SECTION 391. IC 9-31-2-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21. (a) The bureau may provide a commercial lookup service of watercraft title records on a fee basis per transaction and use fee revenues received from the service for necessary expenses.~~

~~(b) The bureau shall furnish information on a title without charge to law enforcement and conservation officers when engaged in official duties.~~

SECTION 392. IC 9-31-2-22 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 22. Manufacturers and importers shall appoint and authorize agents to sign manufacturer's or importer's certificates. The bureau may require that a certified copy of a list containing the names and the facsimile signatures of authorized agents be furnished to the bureau.~~

SECTION 393. IC 9-31-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) Upon receiving knowledge of a stolen watercraft, a law enforcement agency shall immediately furnish the sheriff's department of the county from which the watercraft was stolen, the department of natural resources, law enforcement division, and the bureau with full information concerning the theft.

~~(b) The bureau shall file the record in the numerical order of the manufacturer's hull identification number or assigned hull identification number with the index records of the watercraft. The bureau shall prepare a list of watercraft stolen and recovered as disclosed by the reports submitted to the bureau. The bureau shall distribute the lists as the bureau considers advisable.~~

~~(c)~~ **(b)** If a stolen or converted watercraft is recovered, the owner or recovering agency shall immediately notify the law enforcement agency that received the initial theft report. The law enforcement agency shall immediately notify the bureau, the department of natural resources, the sheriff of the county from which the watercraft was stolen, and other law enforcement agencies in the county. The bureau shall remove the record of the theft or conversion from the file in which the report is recorded.

SECTION 394. IC9-31-2-25 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 25. The bureau shall use due diligence in examining and determining the genuineness, regularity, and legality of every application for a certificate of title for a watercraft and may do the following:~~

~~(1) Make the investigations that are determined necessary or require additional information. An authorized employee of the bureau may inspect a watercraft to determine whether a certificate of title should be issued.~~

~~(2) Reject an application:~~

~~(A) if not satisfied of:~~

~~(i) the application's genuineness, regularity, or legality; or~~

~~(ii) the truth of a statement contained on the application; or~~

~~(B) for any other reason authorized by law.~~

SECTION 395. IC 9-31-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Except as provided in sections 5 and 7 of this chapter, **and in addition to section 4 of this chapter,** a person may not operate or give permission for the operation of a motorboat on the waters of Indiana unless the motorboat is:

(1) registered and numbered under this chapter;

(2) in accordance with applicable federal law; ~~or~~

(3) legally registered in another state; **or**

(4) a boat for which any applicable taxes have been paid under IC 6-6-11.

SECTION 396. IC 9-31-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. Except as provided in sections 5 and 7 of this chapter, **and in addition to section 3 of this chapter,** a motorboat may only be operated on the waters of Indiana if the following conditions are met:

(1) The registration number awarded to the motorboat is in full force and effect.

(2) The identifying number set forth in the certificate of registration is displayed on each side of the bow of the motorboat. However, a motorboat that has a valid marine document issued by the United States Bureau of Customs is not required to display the registration number.

(3) The decals indicating the year and month of expiration of registration and class of boat are attached to the motorboat as provided under IC 6-6-11.

SECTION 397. IC 9-31-3-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15. All records of the bureau made or kept under this chapter are public records and open to inspection by the public and any authorized law enforcement agency of the state.~~

SECTION 398. IC 9-31-3-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 17. (a) The owner of a motorboat, within fifteen (15) days, shall furnish the bureau notice of any of the following:~~

~~(1) The transfer of all or any part of the owner's interest, other than the creation of a security interest in a motorboat registered in Indiana under section 5 or 7 of this chapter.~~

~~(2) The destruction or abandonment of a motorboat.~~

~~(b) Except as provided in subsection (c), a transfer, destruction, or abandonment terminates the certificate of registration for the motorboat.~~

~~(c) If a transfer of a part interest does not affect the owner's right to operate the motorboat, the transfer does not terminate the certificate of registration.~~

SECTION 399. IC 10-11-2-26, AS AMENDED BY P.L.26-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

(1) IC 6-1.1-7-10.
(2) IC 6-6-1.1-1202.
(3) IC 6-6-2.5.
(4) IC 6-6-4.1-12.
(5) IC 8-2.1.
(6) IC 9-18.
(7) IC 9-19.
(8) IC 9-20.
(9) IC 9-21-7-2 through IC 9-21-7-11.
(10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
(11) IC 9-21-8-45 through IC 9-21-8-48.
(12) IC 9-21-9.
(13) IC 9-21-15.
(14) IC 9-21-21.
(15) IC 9-24-1-1 through ~~IC 9-24-1-2.~~ **IC 9-24-1-1.5.**
(16) IC 9-24-1-7.
(17) Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
(18) IC 9-24-4.
(19) IC 9-24-5.
(20) IC 9-24-11-4.
(21) IC 9-24-13-3.
(22) IC 9-24-18-1 through IC 9-24-18-2.
(23) IC 9-25-4-3.
(24) IC 9-28-4.
(25) IC 9-28-5.
(26) IC 9-28-6.
(27) IC 9-29-5-11 through IC 9-29-5-13.
(28) IC 9-29-5-42.
(29) IC 9-29-6-1.
(30) IC 10-14-8.
(31) IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
(32) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

SECTION 400. IC 11-12-3.7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Aggravated battery (IC 35-42-2-1.5).
(7) Battery (IC 35-42-2-1) as a Class A felony, Class B felony, or Class C felony.
(8) Kidnapping (IC 35-42-3-2).
(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a Class A felony, Class B felony, or Class C felony.
(10) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A felony or Class B felony.
(11) Incest (IC 35-46-1-3).
(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(14) Carjacking (IC 35-42-5-2).
(15) Assisting a criminal as a Class C felony (IC 35-44-3-2).
(16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
(17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).
(18) Causing death when operating a ~~motor~~ vehicle (IC 9-30-5-5).
(19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
(20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
(24) A violation of IC 35-47.5 (Controlled explosives) as a Class A or Class B felony.
(25) A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.
(26) Any other crimes evidencing a propensity or history of violence.

SECTION 401. IC 14-15-11-4 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this chapter, "Indiana driver's license" means:

(1) an operator's license;

(2) a chauffeur's license; or

(3) a public passenger chauffeur's license;

that is issued to an individual by the bureau of motor vehicles under ~~IC 9-24-3.~~ **IC 9-24.**

SECTION 402. IC 20-33-8-33, AS ADDED BY P.L.231-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. Before February 1 and before October 1 of each year, except when a hearing has been requested to determine financial hardship under IC 9-24-2-1(a)(4), a principal shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license or learner's permit, or concerning the ~~invalidation~~ **suspension** of ~~a license or permit~~ **driving privileges** under IC 9-24-2-4.

SECTION 403. IC 27-7-5-2, AS AMENDED BY P.L.116-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except as provided in subsections (d) and (f), the insurer shall make available, in each automobile liability or motor vehicle liability policy of insurance which is delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person and for injury to or destruction of property to others arising from the ownership, maintenance, or use of a motor vehicle, or in a supplement to such a policy, the following types of coverage:

(1) in limits for bodily injury or death and for injury to or destruction of property not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death, and for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured motor vehicles for injury to or destruction of property resulting therefrom; or

(2) in limits for bodily injury or death not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy provisions who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death resulting therefrom.

The uninsured and underinsured motorist coverages must be provided by insurers for either a single premium or for separate premiums, in limits at least equal to the limits of liability specified in the bodily injury liability provisions of an insured's policy, unless such coverages have been rejected in writing by the insured. However, underinsured motorist coverage must be made available in limits of not less than fifty thousand dollars ($50,000). At the insurer's option, the bodily injury liability provisions of the insured's policy may be required to be equal to the insured's underinsured motorist coverage. Insurers may not sell or provide underinsured motorist coverage in an amount less than fifty thousand dollars ($50,000). Insurers must make underinsured motorist coverage available to all existing policyholders on the date of the first renewal of existing policies that occurs on or after January 1, 1995, and on any policies newly issued or delivered on or after January 1, 1995. Uninsured motorist coverage or underinsured motorist coverage may be offered by an insurer in an amount exceeding the limits of liability specified in the bodily injury and property damage liability provisions of the insured's policy.

(b) A named insured of an automobile or motor vehicle liability policy has the right, in writing, to:

(1) reject both the uninsured motorist coverage and the underinsured motorist coverage provided for in this section; or

(2) reject either the uninsured motorist coverage alone or the underinsured motorist coverage alone, if the insurer provides the coverage not rejected separately from the coverage rejected.

A rejection of coverage under this subsection by a named insured is a rejection on behalf of all other named insureds, all other insureds, and all other persons entitled to coverage under the policy. No insured may have uninsured motorist property damage liability insurance coverage under this section unless the insured also has uninsured motorist bodily injury liability insurance coverage under this section. Following rejection of either or both uninsured motorist coverage or underinsured motorist coverage, unless later requested in writing, the insurer need not offer uninsured motorist coverage or underinsured motorist coverage in or supplemental to a renewal or replacement policy issued to the same insured by the same insurer or a subsidiary or an affiliate of the originally issuing insurer. Renewals of policies issued or delivered in this state which have undergone interim policy endorsement or amendment do not constitute newly issued or delivered policies for which the insurer is required to provide the coverages described in this section.

(c) A rejection under subsection (b) must specify:

(1) that the named insured is rejecting:

(A) the uninsured motorist coverage;

(B) the underinsured motorist coverage; or

(C) both the uninsured motorist coverage and the underinsured motorist coverage;

that would otherwise be provided under the policy; and

(2) the date on which the rejection is effective.

(d) An insurer is not required to make available the coverage described in subsection (a) in a commercial umbrella or excess liability policy, including a commercial umbrella or excess liability policy that is issued or delivered to a motor carrier (as defined in IC 8-2.1-17-10) that is in compliance with the minimum levels of financial responsibility set forth in 49 CFR Part 387.

(e) A rejection under subsection (b) of uninsured motorist coverage or underinsured motorist coverage in an underlying commercial policy of insurance is also a rejection of uninsured motorist coverage or underinsured motorist coverage in a commercial umbrella or excess liability policy.

(f) An insurer is not required to make available the coverage described in subsection (a) in connection with coverage that:

(1) is related to or included in a commercial policy of property and casualty insurance described in Class 2 or Class 3 of IC 27-1-5-1; and

(2) covers a loss related to a motor vehicle:

(A) of which the insured is not the owner; ~~(as defined in IC 9-13-2-121(a));~~ and

(B) that is used:

(i) by the insured or an agent of the insured; and

(ii) for purposes authorized by the insured.

(g) For purposes of subsection (f), "owner" means:

(1) a person who holds the legal title to a motor vehicle;

(2) a person who rents or leases a motor vehicle and has exclusive use of the motor vehicle for more than thirty (30) days;

(3) the conditional vendee or lessee under an

agreement for the conditional sale or lease of a motor vehicle; or

(4) the mortgagor under an agreement for the conditional sale or lease of a motor vehicle under which the mortgagor has:

(A) the right to purchase; and

(B) an immediate right of possession of;

the motor vehicle upon the performance of the conditions stated in the agreement.

SECTION 404. IC 31-37-4-3, AS AMENDED BY P.L.3-2008, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Aggravated battery (IC 35-42-2-1.5).
(7) Battery (IC 35-42-2-1).
(8) Kidnapping (IC 35-42-3-2).
(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
(10) Sexual misconduct with a minor (IC 35-42-4-9).
(11) Incest (IC 35-46-1-3).
(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(14) Carjacking (IC 35-42-5-2).
(15) Assisting a criminal as a Class C felony (IC 35-44-3-2).
(16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
(17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).
(18) Causing death when operating a ~~motor~~ vehicle (IC 9-30-5-5).
(19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
(20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
(24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.
(25) A controlled substances offense under IC 35-48.
(26) A criminal gang offense under IC 35-45-9.

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a), the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

(1) that the child was taken into custody; and
(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

SECTION 405. IC 31-37-19-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17.2. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be a theft or criminal conversion described in IC 35-43-4-8 (fuel theft).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:

(1) suspend the child's ~~operator's license;~~ **driving privileges;** or
(2) invalidate the child's ~~learner's permit;~~ **driving privileges;**

under ~~IC 9-25-6-21~~ **IC 9-30-13-8** in the same manner as the bureau of motor vehicles is required to suspend the driving privileges of a person convicted of fuel theft.

SECTION 406. IC 31-37-19-18, AS AMENDED BY P.L.109-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. If the court orders invalidation or denial of issuance of ~~a driver's license or permit~~ **driving privileges** as described in IC 31-37-5-7 or section 4, 13, 14, 15, 16, 17, or 17.3 of this chapter (or IC 31-6-4-15.9(c), IC 31-6-4-15.9(d), IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before the repeal of IC 31-6-4-15.9):

(1) the bureau of motor vehicles shall comply with the order for invalidation or denial of issuance; and
(2) the child shall surrender to the court all driver's licenses or permits of the child and the court shall immediately forward the licenses or permits to the bureau of motor vehicles.

If a juvenile court recommends suspension of driving privileges under section 17.3 of this chapter, IC 9-30-6-12(b), IC 9-30-6-12(c), IC 9-30-6-12(d), and IC 9-30-6-12(e) apply to the child's driving privileges.

SECTION 407. IC 31-40-2-1.7, AS ADDED BY P.L.2-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.7. (a) A person may pay a monthly probation user's fee under section 1 or 1.5 of this chapter before the date the payment is required to be made without obtaining the prior approval of a court or a probation department. However, if a delinquent child is discharged from probation before the date the delinquent child was scheduled to be released from probation, any monthly probation user's fee paid in advance for the delinquent child may not be refunded.

(b) A probation department may petition a court to:

(1) impose a probation user's fee on a person; or
(2) increase a person's probation user's fee;

under section 1 or 1.5 of this chapter if the financial ability of the person to pay a probation user's fee changes while the person is on probation.

(c) An order to pay a probation user's fee under section 1 or 1.5 of this chapter:

(1) is a judgment lien that:
(A) attaches to the property of the person subject to the order;
(B) may be perfected;
(C) may be enforced to satisfy any payment that is delinquent under section 1 or 1.5 of this chapter; and
(D) expires;
in the same manner as a judgment lien created in a civil proceeding;
(2) is not discharged by the completion of the person's probationary period or other sentence imposed on the person; and
(3) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5.

(d) A delinquent child placed on probation for more than one (1) delinquent act:

(1) may be required to pay more than one (1) initial

probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to either the probation department or the clerk of the court.

(e) If a court orders a person to pay a probation user's fee under section 1 or 1.5 of this chapter, the court may garnish the wages, salary, and other income earned by the person to enforce the order.

(f) If:

(1) a person is delinquent in paying the person's probation user's fees required under section 1 or 1.5 of this chapter; and

(2) the person's **driving privileges or** driver's license or permit has been suspended or revoked or the person has never been issued a driver's license or permit;

the court may order the bureau of motor vehicles to not issue a driver's license or permit to the person until the person has paid the person's delinquent probation user's fees.

SECTION 408. IC 32-17-13-1, AS AMENDED BY P.L.36-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, "nonprobate transfer" means a valid transfer, effective at death, by a transferor:

(1) whose last domicile was in Indiana; and

(2) who immediately before death had the power, acting alone, to prevent transfer of the property by revocation or withdrawal and:

(A) use the property for the benefit of the transferor; or

(B) apply the property to discharge claims against the transferor's probate estate.

(b) The term does not include a transfer at death (other than a transfer to or from the decedent's probate estate) of:

(1) a survivorship interest in a tenancy by the entireties real estate;

(2) a life insurance policy or annuity;

(3) the death proceeds of a life insurance policy or annuity;

(4) an individual retirement account or a similar account or plan; or

(5) benefits under an employee benefit plan.

(c) With respect to a nonprobate transfer involving a multiple party account, a nonprobate transfer occurs if the last domicile of the depositor whose interest is transferred under IC 32-17-11 was in Indiana.

(d) With respect to a motor vehicle or a watercraft, a nonprobate transfer occurs if the transferee obtains a certificate of title in Indiana for:

(1) the motor vehicle under IC 9-17-2-2(b); or

(2) the watercraft as required by ~~IC 9-31-2-16(a)(1)(C).~~ **IC 9-31-2-16(a).**

(e) A transfer on death transfer completed under IC 32-17-14 is a nonprobate transfer.

SECTION 409. IC 32-33-10-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. This chapter may not be construed to repeal, modify, or amend ~~IC 9-22-5-14~~ **IC 9-22-6-1** or ~~IC 9-22-5-15.~~ **IC 9-22-6-2.**

SECTION 410. IC 33-39-1-8, AS AMENDED BY P.L.101-2009, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

(1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

(2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

(A) intoxication; or

(B) the operation of a ~~motor~~ vehicle;

if the offense involving intoxication or the operation of a ~~motor~~ vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

(1) who is arrested for or charged with an offense under:

(A) IC 7.1-5-7-7(a), if the alleged offense occurred while the person was operating a motor vehicle;

(B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;

(C) IC 35-42-2-2(c)(1);

(D) IC 35-42-2-4(b)(1); or

(E) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

(2) who held a probationary license (as defined in ~~IC 9-24-11-3(b) or~~ IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor;

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;

(3) undergo available medical treatment or counseling and remain in a specified facility required for that purpose;

(4) support the person's dependents and meet other family responsibilities;

(5) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

(6) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(7) report to the prosecuting attorney at reasonable times;

(8) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

(9) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(6):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 411. IC 34-24-1-1, AS AMENDED BY SEA 26-2012, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC 35-48-4-5).

(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(viii) Possession of methamphetamine (IC 35-48-4-6.1).

(ix) Dealing in paraphernalia (IC 35-48-4-8.5).

(x) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars ($100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:

(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(E) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a ~~motor~~ vehicle used by a person who operates the ~~motor~~ vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's ~~driver's license is~~ **driving privileges are** suspended in violation of IC 9-24-19-2 through IC 9-24-19-4, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a ~~motor~~ vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a ~~motor~~ vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a ~~motor~~ vehicle to be registered in the name of the person whose ~~motor~~ vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(2) IC 35-48-4-1.1 (dealing in methamphetamine).

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.

(6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Class A felony, Class B felony, or Class C felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid) as a Class C felony.

(e) A ~~motor~~ vehicle operated by a person who is not:

(1) an owner of the ~~motor~~ vehicle; or

(2) the spouse of the person who owns the ~~motor~~ vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 412. IC 34-28-5-1, AS AMENDED BY SEA 26-2012, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this section, "probationary license" refers to a license described in ~~IC 9-24-11-3(b) or~~ IC 9-24-11-3.3(b).

(b) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(c) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(d) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(e) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(f) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

(g) Subsection (h) does not apply to an individual holding a probationary license who is alleged to have committed an infraction under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:

IC 9-19
IC 9-21
IC 9-24
IC 9-25
IC 9-26
IC 9-30-5
IC 9-30-10
IC 9-30-15.

(h) This subsection does not apply to an offense or violation under IC 9-24-6 involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay a fee of seventy dollars ($70) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110);

(5) the agreement is filed in the court in which the action is brought; and

(6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1(f) before its repeal), the

prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

(i) If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in IC 35-31.5-2-50) instead of paying a monetary judgment for the ordinance violation as described in section 4(e) of this chapter if:

(1) the:

(A) defendant; and

(B) attorney for the municipal corporation;

agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;

(2) the terms of the agreement described in subdivision (1):

(A) include the amount of the judgment the municipal corporation requests that the defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and

(B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

(3) the agreement is filed in the court where the judgment was entered; and

(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection.

SECTION 413. IC 34-30-2-32.5, AS ADDED BY P.L.145-2011, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32.5. (a) This section applies after December 31, 2011.

(b) ~~IC 9-27-6-5(m)~~ **IC 9-27-6-5(h)** (Concerning members of the driver education advisory board).

SECTION 414. IC 35-43-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A conviction for an offense under section 2 of this chapter or section 3 of this chapter that involves exerting unauthorized control over gasoline or motor vehicle fuel:

(1) by operation of a motor vehicle to leave the premises of an establishment at which gasoline or motor vehicle fuel is offered for sale after the gasoline or motor vehicle fuel has been dispensed into the fuel tank of the motor vehicle; and

(2) without payment or authorization of payment by a credit card, debit card, charge card, or similar method of payment;

shall result in the suspension of the driving privileges of the person.

(b) The court imposing **a** sentence for a violation under subsection (a) shall issue an order to the bureau of motor vehicles:

(1) stating that the person has been convicted of an offense under section 2 of this chapter or section 3 of this chapter involving the unauthorized taking of gasoline or motor vehicle fuel; and

(2) ordering the suspension of the person's driving privileges under ~~IC 9-25-6-21.~~ **IC 9-30-13-8.**

The suspension of a person's driving privileges under this section is in addition to other penalties prescribed by IC 35-50-3-2 for a Class A misdemeanor or by IC 35-50-2-7 for a Class D felony.

SECTION 415. IC 35-48-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) If a person is convicted of an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, or conspiracy to commit an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court shall, in addition to any other order the court enters, order that the person's:

(1) ~~operator's~~ **driver's** license be suspended;

(2) existing motor vehicle registrations be suspended; and

(3) ability to register motor vehicles be suspended;

by the bureau of motor vehicles for a period specified by the court of at least six (6) months but not more than two (2) years.

(b) If a person is convicted of an offense described in subsection (a) and the person does not hold ~~an operator's~~ **a driver's** license or a learner's permit, the court shall order that the person may not receive ~~an operator's~~ **a driver's** license or a learner's permit from the bureau of motor vehicles for a period of not less than six (6) months.

SECTION 416. IC 35-50-1-2, AS AMENDED BY P.L.126-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Kidnapping (IC 35-42-3-2).

(8) Rape (IC 35-42-4-1).

(9) Criminal deviate conduct (IC 35-42-4-2).

(10) Child molesting (IC 35-42-4-3).

(11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).

(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).

(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).

(14) Operating a ~~motor~~ vehicle while intoxicated causing death (IC 9-30-5-5).

(15) Operating a ~~motor~~ vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).

(16) Resisting law enforcement as a felony (IC 35-44-3-3).

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

(1) aggravating circumstances in IC 35-38-1-7.1(a); and

(2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the advisory sentence for a felony which is one (1) class of felony higher than the most serious of the felonies for which the person has been convicted.

(d) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from

probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(e) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 417. IC 35-51-9-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 9:

IC 9-14-3.5-15 (Concerning bureau of motor vehicles).
IC 9-14-5-9 (Concerning parking placards for persons with physical disabilities).
IC 9-17-2-15 (Concerning certificates of title).
IC 9-17-2-16 (Concerning certificates of title).
IC 9-17-3-3.2 (Concerning certificates of title).
IC 9-17-3-7 (Concerning certificates of title).
IC 9-17-4-6 (Concerning certificates of title).
IC 9-18-2-42 (Concerning motor vehicle registration and license plates).
IC 9-18-2-44 (Concerning motor vehicle registration and license plates).
IC 9-18-2-45 (Concerning motor vehicle registration and license plates).
IC 9-18-4-8 (Concerning motor vehicle registration and license plates).
IC 9-18-8-11 (Concerning motor vehicle registration and license plates).
IC 9-18-8-12 (Concerning motor vehicle registration and license plates).
IC 9-18-8-13 (Concerning motor vehicle registration and license plates).
IC 9-18-8-14 (Concerning motor vehicle registration and license plates).
IC 9-18-8-15 (Concerning motor vehicle registration and license plates).
IC 9-18-13-9 (Concerning motor vehicle registration and license plates).
IC 9-18-22-6 (Concerning motor vehicle registration and license plates).
IC 9-18-26-11 (Concerning motor vehicle registration and license plates).
IC 9-18-26-13 (Concerning motor vehicle registration and license plates).
IC 9-18-27-9 (Concerning motor vehicle registration and license plates).
IC 9-19-9-5 (Concerning motor vehicle equipment).
IC 9-19-10.5-4 (Concerning motor vehicle equipment).
IC 9-19-10.5-5 (Concerning motor vehicle equipment).
IC 9-20-18-4 (Concerning motor vehicle size and weight regulation).
IC 9-21-5-13 (Concerning traffic regulation).
IC 9-21-6-3 (Concerning traffic regulation).
IC 9-21-8-50 (Concerning traffic regulation).
IC 9-21-8-52 (Concerning traffic regulation).
IC 9-21-8-55 (Concerning traffic regulation).
IC 9-21-8-56 (Concerning traffic regulation).
IC 9-21-8-58 (Concerning traffic regulation).
IC 9-21-12-9 (Concerning traffic regulation).
IC 9-21-12-11 (Concerning traffic regulation).
IC 9-22-1-21.5 (Concerning liens for vehicles).
IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-22-3-32 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-22-3-33 (Concerning abandoned, salvaged, and scrap vehicles).
~~IC 9-22-5-17 (Concerning abandoned, salvaged, and scrap vehicles).~~
IC 9-22-6-3 (Concerning mechanic's liens for vehicles).
IC 9-23-6-1 (Concerning vehicle manufacturers, distributors, and dealers).
IC 9-24-1-8 (Concerning driver's licenses).
IC 9-24-6-16 (Concerning driver's licenses).
IC 9-24-6-17 (Concerning driver's licenses).
IC 9-24-11-8 (Concerning driver's licenses).
IC 9-24-15-11 (Concerning driver's licenses).
IC 9-24-16-12 (Concerning driver's licenses).
IC 9-24-16-13 (Concerning driver's licenses).
IC 9-24-18-1 (Concerning driver's licenses).
IC 9-24-18-2 (Concerning driver's licenses).
IC 9-24-18-7 (Concerning driver's licenses).
IC 9-24-19-2 (Concerning driver's licenses).
IC 9-24-19-3 (Concerning driver's licenses).
IC 9-24-19-4 (Concerning driver's licenses).
IC 9-25-6-18 (Concerning financial responsibility).
IC 9-25-8-2 (Concerning financial responsibility).
IC 9-26-1-8 (Concerning accidents and accident reports).
IC 9-26-1-9 (Concerning accidents and accident reports).
IC 9-26-6-4 (Concerning accidents and accident reports).
IC 9-30-4-7 (Concerning licenses and registrations).
IC 9-30-4-8 (Concerning licenses and registrations).
IC 9-30-4-13 (Concerning licenses and registrations).
IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-4 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).
IC 9-30-6-8.7 (Concerning implied consent).
IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).
IC 9-30-10-16 (Concerning habitual violator of traffic laws).
IC 9-30-10-17 (Concerning habitual violator of traffic laws).
IC 9-30-10-17.5 (Concerning habitual violator of traffic laws).
IC 9-31-2-26 (Concerning watercraft titling and registration).
IC 9-31-2-27 (Concerning watercraft titling and registration).
IC 9-31-2-28 (Concerning watercraft titling and registration).

SECTION 418. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "bureau" refers to the bureau of motor vehicles created by IC 9-14-1-1.**

(b) As used in this SECTION, "committee" refers to the interim study committee on special group recognition license plates established by this SECTION.

(c) As used in this SECTION, "special group recognition

license plate" refers to a license plate that is issued under IC 9-18-25.

(d) There is established the interim study committee on special group recognition license plates.

(e) The committee consists of the following members:

(1) Two (2) members of the majority party of the senate appointed by the president pro tempore of the senate.

(2) Two (2) members of the minority party of the senate appointed by the minority leader of the senate.

(3) Two (2) members of the majority party of the house of representatives appointed by the speaker of the house of representatives.

(4) Two (2) members of the minority party of the house of representatives appointed by the minority leader of the house of representatives.

(5) Two (2) members appointed by the governor, one (1) of whom must have expertise in auditing nonprofit organizations.

(f) The committee shall review policies and procedures concerning the issuance of special group recognition license plates.

(g) The committee shall operate under the rules and guidelines of the legislative council for interim study committees.

(h) Each member of the committee who is not a state employee or is not a member of the general assembly is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the committee who is a state employee but not a member of the general assembly is entitled to the following:

(1) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(2) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the committee who is a member of the general assembly is entitled to the:

(1) per diem;

(2) mileage; and

(3) travel allowances;

paid to legislative members of interim study committees established by the legislative council.

(k) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(l) The committee shall submit a final report to the governor and the legislative council in an electronic format under IC 5-14-6 not later than December 1, 2012.

(m) This SECTION expires December 31, 2012.

SECTION 419. **An emergency is declared for this act**.

(Reference is to ESB 257 as reprinted February 22, 2012.)

WYSS	SOLIDAY
ARNOLD	BURTON
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1003–1; filed March 9, 2012, at 9:11 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1003 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause, begin a new paragraph and insert the following:

SECTION 1. IC 4-2-6-4.3, AS ADDED BY P.L.89-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4.3. ~~(a) This section applies to a commission meeting at which at least three (3) members of the commission are physically present at the place where the meeting is being conducted.~~ The commission may not conduct a hearing under section 4(b)(2)(G) of this chapter ~~under this section.~~ **by using electronic communication under IC 5-14-1.5-3.6.**

~~(b) A commission member may participate in a commission meeting by using a means of communication that permits:~~

~~(1) all other commission members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is being conducted;~~

~~to communicate simultaneously with each other during the meeting.~~

~~(c) A commission member who participates in a meeting under subsection (b) is considered to be present at the meeting.~~

~~(d) A commission member who participates in a meeting under subsection (b) may act as a voting member on official action only if at least two (2) commission members physically present at the place where the meeting is being conducted concur in the official action.~~

~~(e) The memoranda of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting by using a means of communication described in subsection (b); or~~

~~(3) was absent.~~

~~(f) A commission member who participates in a meeting under subsection (b) may not cast the deciding vote on any official action.~~

SECTION 2. IC 4-12-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. The budget committee shall meet at least once during the two (2) ~~months~~ **month** period after adjournment of each regular session of the general assembly sine die ~~except that beginning with July the committee shall meet at least once each month,~~ and upon call of the chairman. The committee shall fix the time and place for such meetings.

SECTION 3. IC 4-13.6-5-8, AS AMENDED BY P.L.177-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) This section applies only to public works contracts bid under section 2 of this chapter.

(b) The division shall solicit sealed bids by public notice inserted once each week for two (2) successive weeks before the final date of submitting bids in:

(1) one (1) newspaper of general circulation in Marion County, Indiana; and

(2) if any part of the project is located in an area outside

Marion County, Indiana, one (1) newspaper of general circulation in that area.

The commissioner shall designate the newspapers for these publications. The commissioner may designate different newspapers according to the nature of the project and may direct that additional notices be published.

(c) The division shall also solicit sealed bids for public works projects by ~~(1) sending notices by mail to prospective contractors known to the division; (2) posting notices on a public bulletin board in its office; and (3)~~ providing electronic access to notices through the computer gateway administered by the office of technology established by IC 4-13.1-2-1 at least seven (7) days before the final date for submitting bids for the public works project.

SECTION 4. IC 4-15-1.5-5, AS AMENDED BY P.L.178-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The commission shall meet in rooms provided by the personnel department and assume the duties of office. Three (3) members of the commission shall constitute a quorum for the transaction of business, and a majority of votes cast shall be required for the adoption or approval of any official action. The commission shall elect one (1) of the members as the chairman and another member as vice-chairman and the persons so elected shall hold office for one (1) year and until their successors are elected and qualified. The commission shall hold **at least one (1) annual meeting and** such regular and special meetings ~~each year~~ **as needed** as ~~it~~ **the commission** may prescribe by rule ~~or resolution shall meet on~~ **or upon** the call of the chairman. ~~and shall hold at least one (1) meeting each month.~~

SECTION 5. IC 5-1.5-2-2.5 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 2.5. (a) This section applies to a meeting of the board at which at least four (4) members of the board are physically present at the place where the meeting is conducted.~~

~~(b) A member of the board may participate in a meeting of the board by using a means of communication that permits:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting.~~

~~(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting by using a means of communication described in subsection (b); and~~

~~(3) was absent.~~

SECTION 6. IC 5-2-6-16, AS AMENDED BY P.L.44-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) As used in this chapter, "local coordinating council" means a countywide citizen body approved and appointed by the commission for a drug free Indiana to plan, monitor, and evaluate comprehensive local alcohol and drug abuse plans.

(b) The commission for a drug free Indiana is established (referred to in this section as "commission"). The criminal justice institute may adopt rules under IC 4-22-2 to administer the commission. The commission must consist of twenty (20) members described under subsections (d) and (e) who have distinguished themselves in their respective fields and who have experience or an interest in attempting to eliminate alcohol and other drug abuse in Indiana.

(c) The commission's purpose is to improve the coordination of alcohol and other drug abuse efforts at both the state and local levels in an effort to eliminate duplication of efforts while ensuring that comprehensive alcohol and other drug programs are available throughout Indiana. The commission's responsibilities include the following:

(1) Establishing an interagency council on drugs to coordinate the alcohol and other drug education, prevention, treatment, and justice programming and funding responsibilities of state agencies, commissions, and boards including the approval of alcohol and other drug plans and funding applications by state agencies, commissions, and boards.

(2) Coordinating the collection of data concerning alcohol and other drug abuse and the needs, programming, and effectiveness of state supported programs and services.

(3) Maintaining a system of support to assist local coordinating councils with technical assistance, guidance, or direct funding resources.

(4) Continuing to assist the development of local coordinating councils to identify community drug programs, coordinate community initiatives, design comprehensive, collaborative community strategies, and monitor anti-drug activities at the local level.

(5) Establishing roles, responsibilities, and performance standards for the local coordinating councils.

(6) Recommending to the governor and general assembly long and short range goals, objectives, and strategies, including legislative proposals to be implemented on the state and local level to reduce drug abuse.

(7) Assisting local communities in the development of citizen based drug related crime control efforts.

(d) The commission must be comprised of the following voting members:

(1) The governor or the governor's designee.

(2) Fifteen (15) members appointed by the governor for a two (2) year term, who have experience or expertise in at least one (1) of the following areas:

(A) Family relations.
(B) Religion.
(C) Education.
(D) Civic or private organizations.
(E) Business.
(F) Media.
(G) Drug treatment.
(H) Medicine.
(I) Local government.
(J) Judiciary.
(K) Law enforcement.
(L) Self-help organizations.
(M) Youth.
(N) A representative of the interagency council against drugs established under subsection (c)(1).
(O) Labor.

(e) Four (4) members of the general assembly shall serve as nonvoting members of the commission. The president pro tempore of the senate shall appoint two (2) senators, both of whom may not be members of the same political party. The speaker of the house of representatives shall appoint two (2) representatives, both of whom may not be members of the same political party.

(f) The governor or the governor's designee shall serve as the chairman of the commission.

(g) The commission shall meet ~~one (1) time per month~~ **quarterly or** at the call of the chairman.

(h) Eight (8) voting members of the commission constitute a quorum. The commission is not prohibited from conducting business as a result of a vacancy in the commission. In the case of a vacancy, a new appointee shall serve for the remainder of the unexpired term. A vacancy shall be filled from the same

group that was represented by the outgoing member.

(i) All appointments of the commission's members are renewable.

(j) A member of the commission who is not a state employee is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) A member of the commission who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 7. IC 5-10.5-3-9 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 9. (a) This section applies to any meeting of the board.~~

~~(b) A member of the board may participate in a meeting of the board using any means of communication that permits:~~

~~(1) all other board members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with the member during the meeting.~~

~~(c) A member of the board who participates in a meeting under subsection (b) is considered to be present at the meeting.~~

~~(d) The memorandum of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting using a means of communication described in subsection (b); or~~

~~(3) was absent.~~

SECTION 8. IC 5-13-12-2, AS AMENDED BY P.L.115-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The board for depositories consists of the governor, the treasurer of state, the auditor of state, the chairperson of the department of financial institutions, the chief examiner of the state board of accounts, and four (4) appointed members. For appointments after June 30, 2010, one (1) member shall be appointed by the speaker of the house of representatives, one (1) member shall be appointed by the president pro tempore of the senate, and two (2) members shall be appointed by the governor. All appointed members must be residents of Indiana. The speaker of the house of representatives shall make the appointment to fill the first vacancy on the board, and the president pro tempore of the senate shall make the appointment to fill the second vacancy on the board that occurs after June 30, 2010. In making the governor's two (2) appointments, the governor shall assure that no more than two (2) of the four (4) appointees identify with the same political party. For appointments after June 30, 2010, all four (4) appointed members must be a chief executive officer or a chief financial officer of a depository at the time of the appointment if the depository is domiciled in Indiana. If the depository is not domiciled in Indiana, the appointee must be the most senior corporate officer of the depository with management or operational responsibility, or both, or the person designated to manage public funds for the depository that is located in Indiana. In making the governor's appointments, the governor shall provide for geographic representation of all regions of Indiana, including both urban and rural communities. In addition, the appointees must, at the time of the appointment, be employed by the following depositories:

(1) One (1) member appointed by the governor who must be the chief executive officer or the chief financial officer of a depository that is a state chartered credit union.

(2) One (1) member appointed by the governor who must be employed by a depository that:

(A) is not a state chartered credit union; and

(B) has total deposits of less than two hundred fifty million dollars ($250,000,000).

(3) The member appointed by the president pro tempore of the senate must be employed by a depository that:

(A) is not a state chartered credit union; and

(B) has total deposits of at least two hundred fifty million dollars ($250,000,000) but less than one billion dollars ($1,000,000,000).

(4) The member appointed by the speaker of the house of representatives must be employed by a depository that:

(A) is not a state chartered credit union; and

(B) has total deposits of at least one billion dollars ($1,000,000,000).

Total deposits shall be determined using the depository's reported deposits based on the information contained in the most recent June 30th FDIC Summary of Deposits, Market Share Selection for Indiana. The term of an appointed member is four (4) years from the effective date of the member's appointment. Each appointed member holds office for the term of this appointment and serves after the expiration of that appointment until the member's successor is appointed and qualified. An appointed member may be reappointed if the individual satisfies the requirements of this subsection at the time of the reappointment. Any appointed member may be removed from office by, and at the pleasure of, the appointing authority.

(b) The officers of the board consist of a chairman, a secretary-investment manager, a vice chairman, and other officers the board determines to be necessary. The governor shall name a member of the board to serve as its chairman. The treasurer of state shall serve as the secretary-investment manager of the board. The board, by majority vote, shall elect the other officers. Officers, except the secretary-investment manager, shall be named or elected for one (1) year terms in January of each year. The members and officers of the board are not entitled to any compensation for their services but are entitled to reimbursement for actual and necessary expenses on the same basis as state employees.

(c) Five (5) members of the board constitute a quorum for the transaction of business, and all actions of the board must be approved by at least a simple majority of those members voting on each individual business issue. The board may adopt, amend, or repeal bylaws and rules for the conduct of its meetings and the number and times of its meetings. The board shall hold a regular meeting at least once ~~each calendar quarter~~ **semiannually** and may hold other regular and special meetings as prescribed in its rules. All meetings of the board are open to the public under IC 5-14-1.5. However, the board shall discuss the following in executive session:

(1) The financial strength of a particular financial institution.

(2) The collateral requirements of a particular financial institution.

(3) Any other matters concerning a particular financial institution.

All records of the board are subject to public inspection under IC 5-14-3. However, records regarding matters that are discussed in executive session are confidential.

(d) Two (2) days notice of the time and place of all meetings to determine and fix the assessment rate to be paid by depositories on account of insurance on public funds or the establishment or redetermination of the reserve for losses of the

insurance fund shall be given by one (1) publication in a newspaper of general circulation printed and published in the city of Indianapolis. The time, place, notice, and waiver requirements for the members of the board for all meetings shall be determined by its rules. The secretary-investment manager of the board shall enter ~~its~~ **the board's** proceedings at length in a record provided for that purpose, and the records of the proceedings shall be approved and signed respectively by the chairman or vice chairman and attested by the secretary-investment manager.

SECTION 9. IC 5-13-12-2.5 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 2.5. (a) This section applies to a meeting of the board for depositories at which at least five (5) members of the board are physically present at the place where the meeting is conducted.~~

~~(b) A member of the board may participate in a meeting of the board by using a means of communication that permits:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting.~~

~~(d) A member who participates in a meeting under subsection (b) may act as a voting member on official action only if that official action is voted upon by at least five (5) members of the board physically present at the place where the meeting is conducted.~~

~~(e) The memoranda of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting by using a means of communication described in subsection (b); and~~

~~(3) was absent.~~

~~(f) A member who participates in a meeting under subsection (b) may not cast the deciding vote on any official action.~~

SECTION 10. IC 5-14-1.5-3, AS AMENDED BY P.L.179-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) Except as provided in section 6.1 of this chapter, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them.

(b) A secret ballot vote may not be taken at a meeting.

(c) A meeting conducted in compliance with ~~IC 5-1.5-2-2.5~~ **section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication** does not violate this section.

~~(d) A member of the governing body of a public agency who is not physically present at a meeting of the governing body but who communicates with members of the governing body during the meeting by telephone, computer, videoconferencing, or any other electronic means of communication:~~

~~(1) may not participate in final action taken at the meeting unless the member's participation is expressly authorized by statute; and~~

~~(2) may not be considered to be present at the meeting unless considering the member to be present at the meeting is expressly authorized by statute.~~

~~(e) The memoranda of a meeting prepared under section 4 of this chapter that a member participates in by using a means of communication described in subsection (d) must state the name of:~~

~~(1) each member who was physically present at the place where the meeting was conducted;~~

~~(2) each member who participated in the meeting by using a means of communication described in this section; and~~

~~(3) each member who was absent.~~

SECTION 11. IC 5-14-1.5-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 3.5. (a) This section applies only to a governing body of a public agency of a political subdivision.**

(b) A member of the governing body of a public agency who is not physically present at a meeting of the governing body but who communicates with members of the governing body during the meeting by telephone, computer, video conferencing, or any other electronic means of communication:

(1) may not participate in final action taken at the meeting unless the member's participation is expressly authorized by statute; and

(2) may not be considered to be present at the meeting unless considering the member to be present at the meeting is expressly authorized by statute.

(c) The memoranda prepared under section 4 of this chapter for a meeting in which a member participates by using a means of communication described in subsection (b) must state the name of:

(1) each member who was physically present at the place where the meeting was conducted;

(2) each member who participated in the meeting by using a means of communication described in subsection (b); and

(3) each member who was absent.

SECTION 12. IC 5-14-1.5-3.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 3.6. (a) This section applies only to a governing body of a public agency of the state, including a body corporate and politic established as an instrumentality of the state.**

(b) A member of the governing body of a public agency who is not physically present at a meeting of the governing body may participate in a meeting of the governing body by electronic communication only if the member uses a means of communication that permits:

(1) the member;

(2) all other members participating in the meeting;

(3) all members of the public physically present at the place where the meeting is conducted; and

(4) if the meeting is conducted under a policy adopted under subsection (g)(7), all members of the public physically present at a public location at which a member participates by means of electronic communication;

to simultaneously communicate with each other during the meeting.

(c) The governing body must fulfill both of the following requirements for a member of the governing body to participate in a meeting by electronic communication:

(1) This subdivision does not apply to committees appointed by a board of trustees of a state educational institution. The minimum number of members who must be physically present at the place where the meeting is conducted must be the greater of:

(A) two (2) of the members; or

(B) one-third (1/3) of the members.

(2) All votes of the governing body during the electronic meeting must be taken by roll call vote.

Nothing in this section affects the public's right under this chapter to attend a meeting of the governing body at the place where the meeting is conducted and the minimum number of members is physically present as provided for in subdivision (1).

(d) Each member of the governing body is required to physically attend at least one (1) meeting of the governing body annually.

(e) Unless a policy adopted by a governing body under subsection (g) provides otherwise, a member who participates in a meeting by electronic communication:

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.

(f) A governing body may not conduct meetings using a means of electronic communication until the governing body:

(1) meets all requirements of this chapter; and

(2) by a favorable vote of a majority of the members of the governing body, adopts a policy under subsection (g) governing participation in meetings of the governing body by electronic communication.

(g) A policy adopted by a governing body to govern participation in the governing body's meetings by electronic communication may do any of the following:

(1) Require a member to request authorization to participate in a meeting of the governing body by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.

(2) Subject to subsection (e), limit the number of members who may participate in any one (1) meeting by electronic communication.

(3) Limit the total number of meetings that the governing body may conduct in a calendar year by electronic communication.

(4) Limit the number of meetings in a calendar year in which any one (1) member of the governing body may participate by electronic communication.

(5) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action.

(6) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.

(7) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings of the governing body, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the governing body's policy includes this provision, a meeting notice must provide the following information:

(A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.

(B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.

(C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.

(8) Require at least a quorum of members to be physically present at the location where the meeting is conducted.

(9) Provide that a member participating by electronic communication may vote on official action only if, subject to subsection (e), a specified number of members:

(A) are physically present at the location where the meeting is conducted; and

(B) concur in the official action.

(10) Establish any other procedures, limitations, or conditions that govern participation in meetings of the governing body by electronic communication and are not in conflict with this chapter.

(h) The policy adopted by the governing body must be posted on the Internet web site of the governing body or the public agency.

(i) Nothing in this section affects a public agency's right to exclude the public from an executive session in which a member participates by electronic communication.

SECTION 13. IC 5-14-1.5-4, AS AMENDED BY P.L.2-2007, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) A governing body of a public agency utilizing an agenda shall post a copy of the agenda at the entrance to the location of the meeting prior to the meeting. A rule, regulation, ordinance, or other final action adopted by reference to agenda number or item alone is void.

(b) As the meeting progresses, the following memoranda shall be kept:

(1) The date, time, and place of the meeting.

(2) The members of the governing body recorded as either present or absent.

(3) The general substance of all matters proposed, discussed, or decided.

(4) A record of all votes taken by individual members if there is a roll call.

(5) Any additional information required under ~~IC 5-1.5-2-2.5.~~ **section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.**

(c) The memoranda are to be available within a reasonable period of time after the meeting for the purpose of informing the public of the governing body's proceedings. The minutes, if any, are to be open for public inspection and copying.

SECTION 14. IC 5-14-1.5-5, AS AMENDED BY P.L.177-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda.

(b) Public notice shall be given by the governing body of a public agency ~~by:~~ **as follows:**

(1) **The governing body of a public agency shall give public notice by** posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held. ~~and~~

(2) **The governing body of a public agency shall give public notice by** delivering notice to all news media which deliver ~~by January 1~~ an annual written request for ~~such~~ **the** notices **not later than December 31** for the next succeeding calendar year to the governing body of the public agency. The governing body shall give notice by one (1) of the following methods, **which shall be determined by the governing body:**

(A) Depositing the notice in the United States mail with postage prepaid.

(B) Transmitting the notice by electronic mail, **if the**

public agency has the capacity to transmit electronic mail.

(C) Transmitting the notice by facsimile (fax).

(3) This subdivision applies only to the governing body of a public agency of a political subdivision described in section 2(a)(2), 2(a)(4), or 2(a)(5) of this chapter that adopts a policy to provide notice under this subdivision. Notice under this subsection is in addition to providing notice under subdivisions (1) and (2). If the governing body adopts a policy under this subdivision, the governing body of a public agency shall give public notice by delivering notice to any person (other than news media) who delivers to the governing body of the public agency an annual written request for the notices not later than December 31 for the next succeeding calendar year. The governing body shall give notice by one (1) of the following methods, which shall be determined by the governing body:

(A) Transmitting the notice by electronic mail, if the public agency has the capacity to send electronic mail.

(B) Publishing the notice on the public agency's Internet web site at least forty-eight (48) hours in advance of the meeting, if the public agency has an Internet web site.

A court may not declare void any policy, decision, or final action under section 7 of this chapter based on a failure to give a person notice under subdivision (3) if the public agency made a good faith effort to comply with subdivision (3). If a governing body comes into existence after ~~January 1,~~ **December 31,** it shall comply with this ~~subdivision~~ **subsection** upon receipt of a written request for notice. In addition, a state agency (as defined in IC 4-13-1-1) shall provide electronic access to the notice through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

(c) Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed. This subsection does not apply to executive sessions.

(d) If a meeting is called to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened disruption of the governmental activity under the jurisdiction of the public agency by any event, then the time requirements of notice under this section shall not apply, but:

(1) news media which have requested notice of meetings **under subsection (b)(2)** must be given the same notice as is given to the members of the governing body; and

(2) the public must be notified by posting a copy of the notice according to ~~this section.~~ **subsection (b)(1).**

(e) This section shall not apply where notice by publication is required by statute, ordinance, rule, or regulation.

(f) This section shall not apply to:

(1) the department of local government finance, the Indiana board of tax review, or any other governing body which meets in continuous session, except that this section applies to meetings of these governing bodies which are required by or held pursuant to statute, ordinance, rule, or regulation; or

(2) the executive of a county or the legislative body of a town if the meetings are held solely to receive information or recommendations in order to carry out administrative functions, to carry out administrative functions, or confer with staff members on matters relating to the internal management of the unit. "Administrative functions" do not include the awarding of contracts, the entering into contracts, or any other action creating an obligation or otherwise binding a county or town.

(g) This section does not apply to the general assembly.

(h) Notice has not been given in accordance with this section if a governing body of a public agency convenes a meeting at a time so unreasonably departing from the time stated in its public notice that the public is misled or substantially deprived of the opportunity to attend, observe, and record the meeting.

SECTION 15. IC 5-14-1.5-7, AS AMENDED BY P.L.179-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) An action may be filed by any person in any court of competent jurisdiction to:

(1) obtain a declaratory judgment;

(2) enjoin continuing, threatened, or future violations of this chapter; or

(3) declare void any policy, decision, or final action:

(A) taken at an executive session in violation of section 3(a) of this chapter;

(B) taken at any meeting of which notice is not given in accordance with section 5 of this chapter;

(C) that is based in whole or in part upon official action taken at any:

(i) executive session in violation of section 3(a) of this chapter;

(ii) meeting of which notice is not given in accordance with section 5 of this chapter; or

(iii) series of gatherings in violation of section 3.1 of this chapter; or

(D) taken at a meeting held in a location in violation of section 8 of this chapter.

The plaintiff need not allege or prove special damage different from that suffered by the public at large.

(b) Regardless of whether a formal complaint or an informal inquiry is pending before the public access counselor, any action to declare any policy, decision, or final action of a governing body void, or to enter an injunction which would invalidate any policy, decision, or final action of a governing body, based on violation of this chapter occurring before the action is commenced, shall be commenced:

(1) prior to the delivery of any warrants, notes, bonds, or obligations if the relief sought would have the effect, if granted, of invalidating the notes, bonds, or obligations; or

(2) with respect to any other subject matter, within thirty (30) days of either:

(A) the date of the act or failure to act complained of; or

(B) the date that the plaintiff knew or should have known that the act or failure to act complained of had occurred;

whichever is later. If the challenged policy, decision, or final action is recorded in the memoranda or minutes of a governing body, a plaintiff is considered to have known that the act or failure to act complained of had occurred not later than the date that the memoranda or minutes are first available for public inspection.

(c) If a court finds that a governing body of a public agency has violated this chapter, it may not find that the violation was cured by the governing body by only having taken final action at a meeting that complies with this chapter.

(d) In determining whether to declare any policy, decision, or final action void, a court shall consider the following factors among other relevant factors:

(1) The extent to which the violation:

(A) affected the substance of the policy, decision, or final action;

(B) denied or impaired access to any meetings that the public had a right to observe and record; and

(C) prevented or impaired public knowledge or understanding of the public's business.

(2) Whether voiding of the policy, decision, or final action

is a necessary prerequisite to a substantial reconsideration of the subject matter.

(3) Whether the public interest will be served by voiding the policy, decision, or final action by determining which of the following factors outweighs the other:

(A) The remedial benefits gained by effectuating the public policy of the state declared in section 1 of this chapter.

(B) The prejudice likely to accrue to the public if the policy, decision, or final action is voided, including the extent to which persons have relied upon the validity of the challenged action and the effect declaring the challenged action void would have on them.

(4) Whether the defendant acted in compliance with an informal inquiry response or advisory opinion issued by the public access counselor concerning the violation.

(e) If a court declares a policy, decision, or final action of a governing body of a public agency void, the court may enjoin the governing body from subsequently acting upon the subject matter of the voided act until it has been given substantial reconsideration at a meeting or meetings that comply with this chapter.

(f) In any action filed under this section, a court shall award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the prevailing party if:

(1) the plaintiff prevails; or

(2) the defendant prevails and the court finds that the action is frivolous and vexatious.

The plaintiff is not eligible for the awarding of attorney's fees, court costs, and other reasonable expenses if the plaintiff filed the action without first seeking and receiving an informal inquiry response or advisory opinion from the public access counselor, unless the plaintiff can show the filing of the action was necessary to prevent a violation of this chapter.

(g) A court may assess a civil penalty under section 7.5 of this chapter only if the plaintiff obtained an advisory opinion from the public access counselor before filing an action under this section as set forth in section 7.5 of this chapter.

~~(g)~~ **(h)** A court shall expedite the hearing of an action filed under this section.

SECTION 16. IC 5-14-1.5-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.5. (a) This section applies only to an individual who is:**

(1) an officer of a public agency; or

(2) employed in a management level position with a public agency.

(b) If an individual with the specific intent to violate the law fails to perform a duty imposed on the individual under this chapter by:

(1) failing to give proper notice of a regular meeting, special meeting, or executive session;

(2) taking final action outside a regular meeting or special meeting;

(3) participating in a secret ballot during a meeting;

(4) discussing in an executive session subjects not eligible for discussion in an executive session;

(5) failing to prepare a memorandum of a meeting as required by section 4 of this chapter; or

(6) participating in at least one (1) gathering of a series of gatherings under section 3.1 of this chapter;

the individual and the public agency are subject to a civil penalty under subsection (f).

(c) A civil penalty may only be imposed as part of an action filed under section 7 of this chapter. A court may not impose a civil penalty under this section unless the public access counselor has issued an advisory opinion:

(1) to the complainant and the public agency;

(2) that finds that the individual or public agency violated this chapter; and

(3) before the action under section 7 of this chapter is filed.

Nothing in this section prevents both the complainant and the public agency from requesting an advisory opinion from the public access counselor.

(d) It is a defense to the imposition of a civil penalty under this section that the individual failed to perform a duty under subsection (b) in reliance on either of the following:

(1) An opinion of the public agency's legal counsel.

(2) An opinion of the attorney general.

(e) Except as provided in subsection (i), in an action filed under section 7 of this chapter, a court may impose a civil penalty against one (1) or more of the following:

(1) The individual named as a defendant in the action.

(2) The public agency named as a defendant in the action.

(f) The court may impose against each defendant listed in subsection (c) the following civil penalties:

(1) Not more than one hundred dollars ($100) for the first violation.

(2) Not more than five hundred dollars ($500) for each additional violation.

A civil penalty imposed under this section is in addition to any other civil or criminal penalty imposed. However, in any one (1) action brought under section 7 of this chapter, a court may impose only one (1) civil penalty against an individual, even if the court finds that the individual committed multiple violations. This subsection does not preclude a court from imposing another civil penalty against an individual in a separate action, but an individual may not be assessed more than one (1) civil penalty in any one (1) action brought under this section.

(g) A court shall distribute monthly to the auditor of state any penalties collected under this section for deposit in the education fund established by IC 5-14-4-14.

(h) An individual is personally liable for a civil penalty imposed on the individual under this section. A civil penalty imposed against a public agency under this section shall be paid from the public agency's budget.

(i) If an officer of a public agency directs an individual who is employed in a management level position to fail to give proper notice as described in subsection (b)(1), the management level employee is not subject to civil penalties under subsection (f).

SECTION 17. IC 5-14-3-3, AS AMENDED BY P.L.2-2007, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must:

(1) identify with reasonable particularity the record being requested; and

(2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute.

(b) A public agency may not deny or interfere with the exercise of the right stated in subsection (a). **Within a reasonable time after the request is received by the agency,** the public agency shall either:

(1) provide the requested copies to the person making the request; or

(2) allow the person to make copies:

(A) on the agency's equipment; or
(B) on the person's own equipment.

(c) Notwithstanding subsections (a) and (b), a public agency may or may not do the following:

(1) In accordance with a contract described in section 3.5 of this chapter, permit a person to inspect and copy through the use of enhanced access public records containing information owned by or entrusted to the public agency.

(2) Permit a governmental entity to use an electronic device to inspect and copy public records containing information owned by or entrusted to the public agency.

(d) Except as provided in subsection (e), a public agency that maintains or contracts for the maintenance of public records in an electronic data storage system shall make reasonable efforts to provide to a person making a request a copy of all disclosable data contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system. This subsection does not apply to an electronic map.

(e) A state agency may adopt a rule under IC 4-22-2, and a political subdivision may enact an ordinance, prescribing the conditions under which a person who receives information on disk or tape under subsection (d) may or may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of information received under subsection (d) in connection with the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses information in a manner contrary to a rule or ordinance adopted under this subsection may be prohibited by the state agency or political subdivision from obtaining a copy or any further data under subsection (d).

(f) Notwithstanding the other provisions of this section, a public agency is not required to create or provide copies of lists of names and addresses (including electronic mail account addresses) unless the public agency is required to publish such lists and disseminate them to the public under a statute. However, if a public agency has created a list of names and addresses (excluding electronic mail account addresses) it must permit a person to inspect and make memoranda abstracts from the list unless access to the list is prohibited by law. The lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to any individual or entity for political purposes and may not be used by any individual or entity for political purposes. In addition, the lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes. The prohibition in this subsection against the disclosure of lists for political or commercial purposes applies to the following lists of names and addresses (including electronic mail account addresses):

(1) A list of employees of a public agency.

(2) A list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution.

(3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:

(A) with respect to disclosure related to a commercial purpose, prohibiting the disclosure of the list to commercial entities for commercial purposes;

(B) with respect to disclosure related to a commercial purpose, specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes; or

(C) with respect to disclosure related to a political purpose, prohibiting the disclosure of the list to individuals and entities for political purposes.

A policy adopted under subdivision (3)(A) or (3)(B) must be uniform and may not discriminate among similarly situated commercial entities. For purposes of this subsection, "political purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question.

(g) A public agency may not enter into or renew a contract or an obligation:

(1) for the storage or copying of public records; or

(2) that requires the public to obtain a license or pay copyright royalties for obtaining the right to inspect and copy the records unless otherwise provided by applicable statute;

if the contract, obligation, license, or copyright unreasonably impairs the right of the public to inspect and copy the agency's public records.

(h) If this section conflicts with IC 3-7, the provisions of IC 3-7 apply.

SECTION 18. IC 5-14-3-4, AS AMENDED BY P.L.170-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.

(10) Application information declared confidential by the board of the Indiana economic development corporation under IC 5-28-16.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of

a public agency.

(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(2)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between the Indiana economic development corporation, the ports of Indiana, the Indiana state department of agriculture, the Indiana finance authority, an economic development commission, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;
(E) threat assessments;
(F) intelligence assessments;
(G) domestic preparedness strategies;
(H) the location of community drinking water wells and surface water intakes;
(I) the emergency contact information of emergency responders and volunteers;
(J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems; and
(K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:
(i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and
(ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):
(A) Telephone number.
(B) Address.
(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:
(A) Telephone number.
(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender that:
(A) contain personal information relating to:
(i) a correctional officer (as defined in IC 5-10-10-1.5);
(ii) a law enforcement officer (as defined in IC 35-31.5-2-185);
(iii) a judge (as defined in IC 33-38-12-3);
~~(ii)~~ **(iv)** the victim of a crime; or
~~(iii)~~ **(v)** a family member of a correctional officer, **law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3),** or ~~the~~ victim of a crime; or
(B) concern or could affect the security of a jail or correctional facility.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:
(A) Name.
(B) Address.
(C) Telephone number.
(D) Electronic mail account address.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:
(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 19. IC 5-14-3-9, AS AMENDED BY P.L.22-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) A denial of disclosure by a public agency occurs when the person making the request is physically present in the office of the agency, makes the request by telephone, or requests enhanced access to a document and:
(1) the person designated by the public agency as being responsible for public records release decisions refuses to permit inspection and copying of a public record when a request has been made; or
(2) twenty-four (24) hours elapse after any employee of the public agency refuses to permit inspection and copying of a public record when a request has been made;

whichever occurs first.

(b) If a person requests by mail or by facsimile a copy or copies of a public record, a denial of disclosure does not occur until seven (7) days have elapsed from the date the public agency receives the request.

(c) If a request is made orally, either in person or by telephone, a public agency may deny the request orally. However, if a request initially is made in writing, by facsimile, or through enhanced access, or if an oral request that has been

denied is renewed in writing or by facsimile, a public agency may deny the request if:

(1) the denial is in writing or by facsimile; and

(2) the denial includes:

(A) a statement of the specific exemption or exemptions authorizing the withholding of all or part of the public record; and

(B) the name and the title or position of the person responsible for the denial.

(d) This subsection applies to a board, a commission, a department, a division, a bureau, a committee, an agency, an office, an instrumentality, or an authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state. If an agency receives a request to inspect or copy a record that the agency considers to be excepted from disclosure under section 4(b)(19) of this chapter, the agency may consult with the counterterrorism and security council established by IC 10-19-8-1. If an agency denies the disclosure of a record or a part of a record under section 4(b)(19) of this chapter, the agency or the counterterrorism and security council shall provide a general description of the record being withheld and of how disclosure of the record would have a reasonable likelihood of threatening the public safety.

(e) A person who has been denied the right to inspect or copy a public record by a public agency may file an action in the circuit or superior court of the county in which the denial occurred to compel the public agency to permit the person to inspect and copy the public record. Whenever an action is filed under this subsection, the public agency must notify each person who supplied any part of the public record at issue:

(1) that a request for release of the public record has been denied; and

(2) whether the denial was in compliance with an informal inquiry response or advisory opinion of the public access counselor.

Such persons are entitled to intervene in any litigation that results from the denial. The person who has been denied the right to inspect or copy need not allege or prove any special damage different from that suffered by the public at large.

(f) The court shall determine the matter de novo, with the burden of proof on the public agency to sustain its denial. If the issue in de novo review under this section is whether a public agency properly denied access to a public record because the record is exempted under section 4(a) of this chapter, the public agency meets its burden of proof under this subsection by establishing the content of the record with adequate specificity and not by relying on a conclusory statement or affidavit.

(g) If the issue in a de novo review under this section is whether a public agency properly denied access to a public record because the record is exempted under section 4(b) of this chapter:

(1) the public agency meets its burden of proof under this subsection by:

(A) proving that the record falls within any one (1) of the categories of exempted records under section 4(b) of this chapter; and

(B) establishing the content of the record with adequate specificity and not by relying on a conclusory statement or affidavit; and

(2) a person requesting access to a public record meets the person's burden of proof under this subsection by proving that the denial of access is arbitrary or capricious.

(h) The court may review the public record in camera to determine whether any part of it may be withheld under this chapter. **However, if the complaint alleges that a public agency denied disclosure of a public record by redacting information in the public record, the court shall conduct an in camera inspection of the public record with the redacted information included.**

(i) In any action filed under this section, a court shall award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the prevailing party if:

(1) the plaintiff substantially prevails; or

(2) the defendant substantially prevails and the court finds the action was frivolous or vexatious.

The plaintiff is not eligible for the awarding of attorney's fees, court costs, and other reasonable expenses if the plaintiff filed the action without first seeking and receiving an informal inquiry response or advisory opinion from the public access counselor, unless the plaintiff can show the filing of the action was necessary because the denial of access to a public record under this chapter would prevent the plaintiff from presenting that public record to a public agency preparing to act on a matter of relevance to the public record whose disclosure was denied.

(j) A court may assess a civil penalty under section 9.5 of this chapter only if the plaintiff obtained an advisory opinion from the public access counselor before filing an action under this section as set forth in section 9.5 of this chapter.

~~(j)~~ **(k)** A court shall expedite the hearing of an action filed under this section.

SECTION 20. IC 5-14-3-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9.5. (a) This section does not apply to any matter regarding:**

(1) the work product of the legislative services agency under personnel rules approved by the legislative council; or

(2) the work product of individual members and the partisan staffs of the general assembly.

(b) As used in subsections (c) through (k), "individual" means:

(1) an officer of a public agency; or

(2) an individual employed in a management level position with a public agency.

(c) If an individual:

(1) continues to deny a request that complies with section 3(b) of this chapter for inspection or copying of a public record after the public access counselor has issued an advisory opinion:

(A) regarding the request for inspection or copying of the public record; and

(B) that instructs the public agency to allow access to the public record; and

(2) denies the request with the specific intent to unlawfully withhold a public record that is subject to disclosure under this chapter;

the individual and the public agency employing the individual are subject to a civil penalty under subsection (h).

(d) If an individual intentionally charges a copying fee that the individual knows exceeds the amount set by statute, fee schedule, ordinance, or court order, the individual is subject to a civil penalty under subsection (h).

(e) A civil penalty may only be imposed as part of an action filed under section 9 of this chapter. A court may not impose a civil penalty under this section unless the public access counselor has issued an advisory opinion:

(1) to the complainant and the public agency;

(2) that instructs the public agency to allow access to the public record; and

(3) before the action under section 9 of this chapter is filed.

Nothing in this section prevents both the person requesting the public record and the public agency from requesting an advisory opinion from the public access counselor.

(f) It is a defense to the imposition of a civil penalty under this section that the individual denied access to a public record in reliance on either of the following:

(1) An opinion of the public agency's legal counsel.

(2) An opinion of the attorney general.

(g) A court may impose a civil penalty for a violation under subsection (c) against one (1) or more of the following:

(1) The individual named as a defendant in the action.

(2) The public agency named as a defendant in the action.

(h) In an action under this section, a court may impose the following civil penalties:

(1) Not more than one hundred dollars ($100) for the first violation.

(2) Not more than five hundred dollars ($500) for each additional violation.

A civil penalty imposed under this section is in addition to any other civil or criminal penalty imposed. However, in any one (1) action brought under this section, a court may impose only one (1) civil penalty against an individual, even if the court finds that the individual committed multiple violations. This subsection does not preclude a court from imposing another civil penalty against an individual in a separate action, but an individual may not be assessed more than one (1) civil penalty in any one (1) action brought under this section.

(i) A court shall distribute monthly to the auditor of state any penalties collected under this section for deposit in the education fund established by IC 5-14-4-14.

(j) An individual is personally liable for a civil penalty imposed on the individual under this section. A civil penalty imposed against a public agency under this section shall be paid from the public agency's budget.

(k) If an officer of a public agency directs an individual who is employed in a management level position to deny a request as described in subsection (c)(1), the management level employee is not subject to civil penalties under subsection (h).

SECTION 21. IC 5-14-4-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14. (a) An education fund is established to provide funds for the program established under section 10(1) of this chapter.**

(b) The fund consists of the following:

(1) Civil penalties collected under IC 5-14-1.5-7.5 and IC 5-14-3-9.5.

(2) Money appropriated by the general assembly.

(3) Grants, gifts, contributions, and money received from any other source.

(c) The treasurer of state shall administer the fund. The following may be paid from money in the fund:

(1) Expenses of administering the fund.

(2) Nonrecurring administrative expenses incurred to carry out the purposes of this section.

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

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

SECTION 22. IC 5-15-5.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

"Commission" means the commission on public records created by this chapter.

"Record" means all documentation of the informational, communicative, or ~~decisionmaking~~ **decision making** processes of state government, its agencies and subdivisions made or received by any agency of state government or its employees in connection with the transaction of public business or government functions, which documentation is created, received, retained, maintained, or filed by that agency or its successors as evidence of its activities or because of the informational value of the data in the documentation, and which is generated on:

(1) paper or paper substitutes;

(2) photographic or chemically based media;

(3) magnetic, **electronic,** or machine readable media; or

(4) any other materials, regardless of form or characteristics.

"Nonrecord materials" means all identical copies of forms, records, reference books, and exhibit materials which are made, or acquired, and preserved solely for reference use, exhibition purposes, or publication and which are not included within the definition of record.

"Personal records" means:

(1) all documentary materials of a private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of a public official, including: diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting government business; or

(2) materials relating to private political associations, and having no relation to or effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of a public official and are not deemed public records.

"Form" means every piece of paper, transparent plate, or film containing information, printed, generated, or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving the state.

"Agency" means any state office, department, division, board, bureau, commission, authority, or other separate unit of state government established by the constitution, law, or by executive or legislative order.

"Public official" means:

(1) an individual holding a state office created by the Constitution of Indiana, by act or resolution of the general assembly, or by the governor;

(2) all officers of the executive and administrative branch of state government; and

(3) all other officers, heads, presidents, or chairmen of agencies of state government.

"Indiana state archives" means the program maintained by the commission for the preservation of those records and other government papers that have been determined by the commission to have sufficient permanent values to warrant their continued preservation by the state.

"Forms management" means the program maintained by the commission to provide continuity of forms design procedures from the form's origin up to its completion as a record by determining the:

(1) form's size, style, and size of type;

(2) format;

(3) type of construction;

(4) number of plies;

(5) quality, weight and type of paper and carbon; and ~~by determining the~~

(6) use of the form for data entry as well as the distribution.

"Information management" means the program maintained by the commission for the application of management techniques

to the purchase, creation, utilization, maintenance, retention, preservation, and disposal of forms and records undertaken to improve efficiency and reduce costs of recordkeeping, including management of filing and microfilming equipment and supplies, filing and information retrieval systems, files, correspondence, reports and forms management, historical documentation, micrographic retention programming, and critical records protection.

"Records center" means a program maintained by the commission primarily for the storage, processing, retrieving, servicing, and security of government records that must be retained for varying periods of time but should not be maintained in an agency's office equipment or space.

"Critical records" means records necessary to:

(1) resume or continue governmental operations;

(2) the reestablishing of the legal and financial responsibilities of government in the state; or ~~to~~

(3) protect and fulfill governmental obligations to the citizens of the state.

"Retention schedule" means a set of instructions prescribing how long, where, and in what form a record series shall be kept.

"Records series" means documents or records that are filed in a unified arrangement and having similar physical characteristics or relating to a similar function or activity.

"Records coordinator" means a person designated by an agency to serve as an information liaison person between the agency and the commission.

SECTION 23. IC 21-9-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) Five (5) members of the board are a quorum for:

(1) the transaction of business at a meeting of the board; or

(2) the exercise of a power or function of the authority.

~~(b) This subsection applies to a meeting of the board at which at least five (5) members of the board are physically present at the place where the meeting is conducted. A member of the board may participate in a meeting of the board by using a means of communication that permits:~~

~~(1) the member;~~

~~(2) all other members participating in the meeting; and~~

~~(3) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting. A member who participates in a meeting described in this subsection is considered to be present at the meeting. If a meeting is held under this subsection, the memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of each member who was physically present at the place where the meeting was conducted, who participated in the meeting by using a means of communication described in this subsection, and who was absent from the meeting.~~

~~(c)~~ **(b)** The affirmative vote of a majority of all the members of the board who are present is necessary for the authority to take action. A vacancy in the membership of the board does not impair the right of a quorum to exercise all the rights and perform all the duties of the authority. An action taken by the board under this article may be authorized by:

(1) resolution at any regular or special meeting; or

(2) unanimous consent of all the members who have not abstained.

A resolution takes effect immediately upon adoption and need not be published or posted.

~~(d)~~ **(c)** The board shall meet at the call of the chairman and as provided in the bylaws of the authority.

~~(e)~~ **(d)** Meetings of the board may be held anywhere in Indiana.

SECTION 24. IC 21-22-3-5 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 5. (a) This section applies to a meeting of the state board or a committee of the state board at which at least a quorum of the board or the committee is physically present at the place where the meeting is conducted.~~

~~(b) A member of the state board or a committee of the state board may participate in a meeting of the state board or a committee of the state board by using a means of communication that permits:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member who participates in a meeting by using a means of communication described in subsection (b) is considered to be present at the meeting.~~

~~(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:~~

~~(1) each member who was physically present at the place where the meeting was conducted;~~

~~(2) each member who participated in the meeting by using a means of communication described in subsection (b); and~~

~~(3) each member who was absent.~~

SECTION 25. IC 21-25-3-8 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 8. (a) This section applies to a meeting of the board of trustees or a committee of the board of trustees at which at least a quorum of the board or the committee is physically present at the place where the meeting is conducted.~~

~~(b) A member of the board or a committee of the board may participate in a meeting of the board or the committee by using a means of communication that permits:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member who participates in a meeting by using a means of communication described in subsection (b) is considered to be present at the meeting.~~

~~(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:~~

~~(1) each member who was physically present at the place where the meeting was conducted;~~

~~(2) each member who participated in the meeting by using a means of communication described in subsection (b); and~~

~~(3) each member who was absent.~~

SECTION 26. IC 21-27-2-2 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 2. (a) This section applies to a meeting of:~~

~~(1) the board of trustees or a committee of the board of trustees of any state educational institution (as defined in IC 21-7-13-32); or~~

~~(2) the commission for higher education established under IC 21-18-2-1.~~

~~(b) A member of the board of trustees or the commission for higher education may participate in a meeting of the board or commission:~~

~~(1) at which at least a quorum is physically present at the place where the meeting is conducted; and~~

~~(2) by using a means of communication that permits:~~

~~(A) all other members participating in the meeting; and~~

~~(B) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member of a committee of the board of trustees may~~

~~participate in a committee meeting by using a means of communication that permits:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(d) A member who participates in a meeting under subsection (b) or (c) is considered to be present at the meeting.~~

~~(e) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:~~

~~(1) each member who was physically present at the place where the meeting was conducted;~~

~~(2) each member who participated in the meeting by using a means of communication described in subsection (b) or (c); and~~

~~(3) each member who was absent.~~

SECTION 27. IC 22-4-18.1-6.5 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 6.5. (a) This section applies to a meeting of the council at which at least half of the members appointed to the council are physically present at the place where the meeting is conducted.~~

~~(b) A member of the council may participate in a meeting of the council using a means of communication that permits:~~

~~(1) all other members of the council participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting and may vote on any matter properly presented during the meeting.~~

~~(d) A member who participates in a meeting under subsection (b) shall confirm in writing not more than five (5) days after the date of the meeting the votes cast by the member during the meeting. The member may send the confirmation by United States mail or facsimile.~~

~~(e) A member shall attend at least three (3) meetings of the council during a calendar year in person.~~

~~(f) The memorandum of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting using a means of communication described in subsection (b); and~~

~~(3) was absent.~~

SECTION 28. IC 25-1-14 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. (Meetings).

SECTION 29. IC 25-37.5-1-2, AS AMENDED BY P.L.158-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except as provided in section 5 of this chapter, every valuable metal dealer in this state shall enter on forms provided **under section 6 of this chapter** by the state police department for each purchase of valuable metal the following information:

(1) The name and address of the dealer.

(2) The date and place of each purchase.

(3) The name, address, age, and driver's license number or Social Security number of the person or persons from whom the valuable metal was purchased.

(4) The valuable metal dealer shall verify the identity of the person from whom the valuable metal was purchased by use of a government issued photographic identification. The dealer shall enter on the form the type of government issued photographic identification used to verify the identity of the person from whom the valuable metal was purchased, together with the:

(A) name of the government agency that issued the photographic identification; and

(B) identification number present on the government issued photographic identification.

(5) The motor vehicle license number of the vehicle or conveyance on which the valuable metal was delivered to the dealer.

(6) The price paid for the metal.

(7) A description and weight of the valuable metal purchased.

(8) The source of the valuable metal.

(9) The photograph described in subsection (b).

After entering the information required in this subsection, the valuable metal dealer shall require the person or persons from whom the valuable metal is purchased to sign the form and verify its accuracy.

(b) In addition to collecting the information described in subsection (a), a valuable metal dealer shall take a photograph of:

(1) the person from whom the valuable metal is being purchased; and

(2) the valuable metal.

(c) A valuable metal dealer shall make and retain a copy of the government issued photographic identification described under subsection (a)(4) used to verify the identity of the person from whom valuable metal was purchased and the photograph described in subsection (b). However, a valuable metal dealer is not required to make a copy of a government issued photographic identification used under subsection (a)(4) to verify the identity of the person from whom valuable metal is purchased if the valuable metal dealer has retained a copy of a person's government issued photographic identification from a prior purchase from the person by the valuable metal dealer.

(d) The completed form, the photograph described in subsection (b), and the copy of the government issued photographic identification described in subsection (c) shall be kept in a separate book or register by the dealer and shall be retained for a period of two (2) years. This book or register shall be made available for inspection by any law enforcement official at any time.

(e) A valuable metal dealer may not accept a damaged or an undamaged metal beer keg if either of the following applies:

(1) The keg is clearly marked as the property of a brewery manufacturer.

(2) The keg's identification markings have been made illegible.

SECTION 30. IC 25-37.5-1-3, AS AMENDED BY P.L.158-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The superintendent of the state police department may adopt rules under IC 4-22-2 as may be necessary to administer and enforce the provisions and intent of this chapter. ~~The superintendent shall also prepare and distribute a list to each valuable metal dealer describing valuable metal products that are particularly susceptible to theft.~~

SECTION 31. IC 25-37.5-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The state police department shall ~~prepare the forms provided for in section 2 of this chapter, shall make a reasonable supply of the forms available at the office of the county sheriff of each county and shall provide the forms to any individual upon request.~~ **publish the following on the state police Internet web site:**

(1) The forms described in section 2(a) of this chapter to be used by valuable metal dealers when purchasing valuable metal.

(2) A list that describes valuable metal products that are particularly susceptible to theft.

(3) The:

(A) statutes; and

(B) rules adopted by the superintendent of the state police department under section 3 of this chapter;

concerning the regulation of valuable metal dealers.

SECTION 32. IC 28-11-1-9.1, AS AMENDED BY HEA 1239-2012 SECTION 107, IS REPEALED [EFFECTIVE JANUARY 1, 2013]: ~~Sec. 9.1. (a) Subject to the policies adopted by the members governing the conduct of meetings, this section applies to all meetings of the members.~~

~~(b) A member may participate in a meeting of the members by using a means of communication that permits:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting for all purposes, including establishing a quorum and voting on all matters to come before the members.~~

~~(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting by using a means of communication described in subsection (b); and~~

~~(3) was absent.~~

SECTION 33. IC 31-26-6-13 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 13. (a) This section applies to a meeting of a regional services council at which at least four (4) voting members of the council are physically present at the place where the meeting is conducted.~~

~~(b) A member of the regional services council may participate in a meeting of the council by using a means of communication that allows:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to communicate simultaneously with each other during the meeting.~~

~~(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting.~~

~~(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting by using a means of communication described in subsection (b); or~~

~~(3) was absent.~~

SECTION 34. IC 34-30-2-14.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14.1. IC 5-14-1.5-7.5 (Concerning a public employee who, acting on the orders of a superior or on the advice of the agency attorney or the attorney general, fails to provide proper notice of a public meeting or executive session).**

SECTION 35. IC 34-30-2-14.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14.2. IC 5-14-3-9.5 (Concerning a public employee who, acting on the orders of a superior or on the advice of the agency attorney or the attorney general, denies or interferes with a person's request for inspection or copying of a public record)**.

(Reference is to EHB 1003 as reprinted February 17, 2012.)

CROUCH	HOLDMAN
DOBIS	ARNOLD
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

A meeting of the Committee on Rules and Legislative Procedures was announced.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 10:47 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bill 1126.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bill 1.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(c) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1269:

Conferees: M. Young replacing Breaux

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(c) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1280:

Conferees: Steele replacing Skinner

JENNIFER L. MERTZ
Principal Secretary of the Senate

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
EHB 1072–1; filed March 9, 2012, at 9:17 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1072 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-10-13-0.1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.1. The amendments made to section 5 of this chapter by P.L.98-1989 apply to boating years beginning~~

~~after December 31, 1989.~~

SECTION 2. IC 4-10-13-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. (a) The department of local government finance shall prepare and publish each year the following report which must contain the following property tax data by counties or by appropriate taxing jurisdictions:~~

~~(1) The tax rates of the various taxing jurisdictions.~~

~~(2) An abstract of taxable real property including a recital of the number of parcels and the gross assessed valuation of nonfarm residential property including improvements thereon, the number of parcels and the gross assessed valuation of commercial and industrial real property, including improvements thereon, the number of parcels and the gross assessed valuation of unimproved real property, the number of parcels and the gross assessed valuation of agricultural acreage including improvements thereon, and the total amount of the gross assessed valuation of real estate and the total assessed valuation of improvements thereon. The abstract shall also include a recital of the total amount of net valuation of real property.~~

~~(3) The total assessed valuation of personal property belonging to steam and electric railways and to public utilities.~~

~~(4) The total number of taxpayers and the total assessed valuation of household goods and personal effects, excluding boats subject to the boat excise tax under IC 6-6-11.~~

~~(5) The total number of units assessed and the assessed valuation of each of the following items of personal property:~~

~~(A) Privately owned, noncommercial passenger cars.~~

~~(B) Commercial passenger cars.~~

~~(C) Trucks and tractors.~~

~~(D) Motorcycles.~~

~~(E) Buses.~~

~~(F) Mobile homes.~~

~~(G) Boats.~~

~~(H) Airplanes.~~

~~(I) Farm machinery.~~

~~(J) Livestock.~~

~~(K) Crops.~~

~~(6) The total number of taxpayers and the total valuation of inventories and other personal property belonging to retail establishments, wholesale establishments, manufacturing establishments, and commercial establishments.~~

~~(b) The department of local government finance is hereby authorized to prescribe and promulgate the forms as are necessary for the obtaining of such information from local assessing officials. The local assessing officials are directed to comply with this section.~~

SECTION 3. IC 4-33-6-1, AS AMENDED BY P.L.233-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) The commission may issue to a person a license to own a riverboat subject to the numerical and geographical limitation of owner's licenses under this section, section 3.5 of this chapter, and IC 4-33-4-17. However, not more than ten (10) owner's licenses may be in effect at any time. Except as provided in subsection (b), those ten (10) licenses are as follows:

(1) Two (2) licenses for a riverboat that operates from the ~~largest~~ city ~~located in the counties described under IC 4-33-1-1(1).~~ **of Gary.**

(2) One (1) license for a riverboat that operates from the ~~second largest~~ city ~~located in the counties described under IC 4-33-1-1(1).~~ **of Hammond.**

(3) One (1) license for a riverboat that operates from the ~~third largest~~ city ~~located in the counties described under IC 4-33-1-1(1).~~ **of East Chicago.**

(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that operate upon the Ohio River from the following counties:

(A) Vanderburgh County.

(B) Harrison County.

(C) Switzerland County.

(D) Ohio County.

(E) Dearborn County.

The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat operating from a county described in this subdivision.

(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2) elections under section 20 of this chapter, and the voters of the city do not vote in favor of permitting riverboat gambling at either of those elections, the license assigned to that city under subsection (a)(2) or (a)(3) may be issued to any city that:

(1) does not already have a riverboat operating from the city; and

(2) is located in a county described in IC 4-33-1-1(1).

(c) In addition to its power to issue owner's licenses under subsection (a), the commission may also enter into a contract under IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf of the commission in a historic hotel district.

(d) A person holding an owner's license may not move the person's riverboat from the county in which the riverboat was docked on January 1, 2007, to any other county.

SECTION 4. IC 5-1-18-6, AS AMENDED BY P.L.219-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A political subdivision that issues bonds or enters into a lease after December 31, 2005, shall supply the department with ~~information concerning the bond issue or lease not later than December 31 of the year in~~ **a debt issuance report not later than one (1) month after the date on** which the bonds are issued or the lease is executed.

SECTION 5. IC 5-1-18-7, AS ADDED BY P.L.199-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided by subsection (b), the ~~bond issue information~~ **debt issuance report** required by section 6 of this chapter must be submitted on a form prescribed by the department and must include **the following information concerning bonds:**

(1) The par value of the bond issue.

(2) A schedule of maturities and interest rates.

(3) The purposes of the bond issue.

(4) The itemized costs of issuance information, including fees for bond counsel, other legal counsel, underwriters, and financial advisors.

(5) The type of bonds that are issued. ~~and~~

(6) Other information as required by the department.

A copy of the official statement and bond covenants, if any, must be supplied with this information.

(b) ~~The department may establish a procedure that permits~~ A political subdivision or a person acting on behalf of a political subdivision ~~to transfer all or part of the information~~ **shall submit the debt issuance report information** described in subsection (a) to the department ~~in a uniform format through a secure connection over the Internet or through other electronic means.~~ **electronically, in the manner prescribed by the department.**

(c) For taxes due and payable for an assessment date after January 15, 2012, the department may not approve an appropriation or a property tax levy that is associated with

a debt unless the debt issuance report for the debt has been submitted to the department, unless the department has granted a waiver under subsection (d).

(d) The department may for good cause grant a waiver to the requirement under subsection (c) and approve an appropriation or a property tax levy, notwithstanding a political subdivision's failure to submit a required debt issuance report.

SECTION 6. IC 5-1-18-8, AS ADDED BY P.L.199-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Except as provided by subsection (b), the lease information required by section 6 of this chapter must be submitted on a form prescribed by the department and must include **the following information concerning leases:**

(1) The term of the lease.

(2) The annual and total amount of lease rental payments due under the lease.

(3) The purposes of the lease.

(4) The itemized costs incurred by the political subdivision with respect to the preparation and execution of the lease, including fees for legal counsel and other professional advisors.

(5) If all or part of the lease rental payments are used by the lessor as debt service payments for bonds issued for the acquisition, construction, renovation, improvement, expansion, or use of a building, structure, or other public improvement for the political subdivision:

(A) the name of the lessor;

(B) the par value of the bond issue; and

(C) the purposes of the bond issue. ~~and~~

(6) Other information as required by the department.

(b) ~~The department may establish a procedure that permits~~ A political subdivision or a person acting on behalf of a political subdivision ~~to transfer all or part of the information~~ **shall submit the debt issuance report information** described in subsection (a) to the department ~~in a uniform format through the Internet or other electronic means, as determined~~ **electronically, in the manner prescribed** by the department.

(c) For taxes due and payable for an assessment date after January 15, 2012, the department may not approve an appropriation or a property tax levy that is associated with a debt unless the debt issuance report for the debt has been submitted to the department, unless the department has granted a waiver under subsection (d).

(d) The department may for good cause grant a waiver to the requirement under subsection (c) and approve an appropriation or a property tax levy, notwithstanding a political subdivision's failure to submit a required debt issuance report.

SECTION 7. IC 5-1-18-9, AS ADDED BY P.L.199-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. **(a) This subsection applies to reporting that occurs before January 1, 2013.** Each political subdivision that has any outstanding bonds or leases shall submit a report to the department before March 1 of 2006 and each year thereafter that includes a summary of all the outstanding bonds of the political subdivision as of January 1 of that year. The report must:

(1) distinguish the outstanding bond issues and leases on the basis of the type of bond or lease, as determined by the department;

(2) include a comparison of the political subdivision's outstanding indebtedness compared to any applicable statutory or constitutional limitations on indebtedness;

(3) include other information as required by the department; and

(4) be submitted on a form prescribed by the department or through the Internet or other electronic means, as determined by the department.

(b) This subsection applies to reporting that occurs after December 31, 2012. The department may annually require each political subdivision to verify to the department that the list of indebtedness and related details in the department's database are current and accurate.

SECTION 8. IC 5-11-1-4, AS AMENDED BY P.L.172-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The state examiner shall require from every municipality and every state or local governmental unit, entity, or instrumentality financial reports covering the full period of each fiscal year. These reports shall be prepared, verified, and filed with the state examiner not later than sixty (60) days after the close of each fiscal year. ~~The reports must be filed electronically, in a manner prescribed by the state examiner that is compatible with the technology employed by the political subdivision.~~ **The reports must be in the form and content prescribed by the state examiner and filed electronically in the manner prescribed under IC 5-14-3.8-7.**

(b) The department of local government finance may not approve the budget of a political subdivision or a supplemental appropriation for a political subdivision until the political subdivision files an annual report under subsection (a) for the preceding calendar year.

SECTION 9. IC 5-11-13-1, AS AMENDED BY P.L.172-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Every state, county, city, town, township, or school official, elective or appointive, who is the head of or in charge of any office, department, board, or commission of the state or of any county, city, town, or township, and every state, county, city, town, or township employee or agent who is the head of, or in charge of, or the executive officer of any department, bureau, board, or commission of the state, county, city, town, or township, and every executive officer by whatever title designated, who is in charge of any state educational institution or of any other state, county, or city institution, shall during the month of January of each year prepare, make, and sign a ~~written or printed~~ certified report, correctly and completely showing the names and business addresses of each and all officers, employees, and agents in their respective offices, departments, boards, commissions, and institutions, and the respective duties and compensation of each, and shall forthwith file said report in the office of the state examiner of the state board of accounts. **The report must also indicate whether the political subdivision offers a health plan, a pension, and other benefits to full-time and part-time employees.** However, no more than one (1) report covering the same officers, employees, and agents need be made from the state or any county, city, town, township, or school unit in any one year. **The certification must be filed electronically in the manner prescribed under IC 5-14-3.8-7.**

(b) The department of local government finance may not approve the budget of a county, city, town, or township or a supplemental appropriation for a county, city, town, or township until the county, city, town, or township files an annual report under subsection (a) for the preceding calendar year.

SECTION 10. IC 5-14-3.8-7, AS ADDED BY P.L.172-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The department may require that prescribed forms be submitted in an electronic format. **The department, working with the office of technology established by IC 4-13.1-2-1 or another organization that is part of a state educational institution, shall develop and maintain a secure, web-based system that facilitates electronic submission of the forms under this section. Political subdivisions shall submit forms under this**

section through the web-based system as prescribed by the department.

SECTION 11. IC 5-28-16-3, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An application requesting a grant or loan from the fund must be targeted to one (1) or more of the areas listed in section 2 of this chapter.

(b) A successful applicant for a grant or loan from the fund must meet the requirements of this section and be approved by the board. An application for a grant or loan from the fund must be made on an application form prescribed by the board. An applicant shall provide all information that the board finds necessary to make the determinations required by this chapter.

(c) All applications for a grant or loan from the fund must include the following:

(1) A fully elaborated technical research or business plan, whichever applies, that is appropriate for review by outside experts as provided in this chapter.

(2) A detailed financial analysis that includes the commitment of resources by other entities that will be involved in the project.

(3) A statement of the economic development potential of the project, such as:

(A) a statement of the way in which support from the fund will lead to significantly increased funding from federal or private sources and from private sector research partners; or

(B) a projection of the jobs to be created.

(4) The identity, qualifications, and obligations of the applicant.

(5) Any other information that the board considers appropriate.

An applicant for a grant or loan from the fund may request that certain information that is submitted by the applicant be kept confidential. **However, an applicant's projection of the jobs to be created by a project may not be kept confidential.** The board shall make a determination of confidentiality as soon as is practicable. If the board determines that the information should not be kept confidential, the applicant may withdraw the application, and the board must return the information before making it part of any public record.

(d) An application for a grant or loan from the fund submitted by an academic researcher must be made through the office of the president of the researcher's academic institution with the express endorsement of the institution's president. An application for a grant or loan from the fund submitted by a private researcher must be made through the office of the highest ranking officer of the researcher's institution with the express endorsement of the institution. Any other application must be made through the office of the highest ranking officer of the entity submitting the application. In the case of an application for a grant or loan from the fund that is submitted jointly by one (1) or more researchers or entities, the application must be endorsed by each institution or entity as required by this subsection.

SECTION 12. IC 6-1.1-1-3, AS AMENDED BY P.L.146-2008, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Except as provided in subsection (b), "assessed value" or "assessed valuation" means an amount equal to:

(1) for assessment dates before March 1, 2001, thirty-three and one-third percent (33 1/3%) of the true tax value of property; and

(2) for assessment dates after February 28, 2001, the true tax value of property.

(b) For purposes of calculating a budget, rate, or levy under IC 6-1.1-17, IC 6-1.1-18, IC 6-1.1-18.5, IC 6-1.1-20, IC 20-46-4, IC 20-46-5, and IC 20-46-6, "assessed value" or "assessed valuation" does not include the **net** assessed value of tangible property excluded and kept separately on a tax duplicate by a county auditor under IC 6-1.1-17-0.5.

SECTION 13. IC 6-1.1-3-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2011 (RETROACTIVE)]: **Sec. 24. (a) In determining the assessed value of various sizes of outdoor advertising signs for the 2011 through 2014 assessment dates, a taxpayer and assessing official shall use the following table without any adjustments:**

Single Pole Structure

Type of Sign	Value Per Structure
At least 48 feet, illuminated	**$5,000**
At least 48 feet, non-illuminated	**$4,000**
At least 26 feet and under 48 feet, illuminated	**$4,000**
At least 26 feet and under 48 feet, non-illuminated	**$3,300**
Under 26 feet, illuminated	**$3,200**
Under 26 feet, non-illuminated	**$2,600**
Other Types of Outdoor Signs	
At least 50 feet, illuminated	**$2,500**
At least 50 feet, non-illuminated	**$1,500**
At least 40 feet and under 50 feet, illuminated	**$2,000**
At least 40 feet and under 50 feet, non-illuminated	**$1,300**
At least 30 feet and under 40 feet, illuminated	**$2,000**
At least 30 feet and under 40 feet, non-illuminated	**$1,300**
At least 20 feet and under 30 feet, illuminated	**$1,600**
At least 20 feet and under 30 feet, non-illuminated	**$1,000**
Under 20 feet, illuminated	**$1,600**
Under 20 feet, non-illuminated	**$1,000**

(b) During the 2012 legislative interim, the commission on state tax and financing policy shall study the assessment of outdoor signs. Before January 1, 2013, the commission shall report to the general assembly on any suggested changes in the law with regard to assessing outdoor signs.

(c) This section expires July 1, 2015.

SECTION 14. IC 6-1.1-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) On or before August 1 of each year, the county auditor of each county shall forward to the department of local government finance the duplicate copies of all approved exemption applications.

(b) The department of local government finance ~~shall~~ **may** review the approved applications forwarded under subsection (a). The department of local government finance may deny an exemption if the department determines that the property is not tax exempt under the laws of this state. However, before denying an exemption, the department of local government finance must give notice to the applicant, and the department must hold a hearing on the exemption application.

~~(c) With respect to the approved applications forwarded under subsection (a), the department shall annually report to the executive director of the legislative services agency:~~

~~(1) the number forwarded;~~

~~(2) the number subjected to field investigation by the department; and~~

~~(3) the number denied by the department;~~

~~during the year ending on July 1 of the year. The department must submit the report under this subsection not later than August 1 of the year and in an electronic format under IC 5-14-6.~~

~~(d)~~ **(c)** The department shall adopt rules under IC 4-22-2 with respect to exempt real property to:

(1) provide just valuations; and

(2) ensure that assessments are:

(A) made; and

(B) recorded;
in accordance with law.

SECTION 15. IC 6-1.1-12-26.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **Sec. 26.1. (a) This section applies only to a solar power device that is installed after December 31, 2011.**

(b) This section does not apply to a solar power device that is owned or operated by a person that provides electricity at wholesale or retail for consideration other than a person that:

(1) participates in a net metering or feed-in-tariff program offered by an electric utility with respect to the solar power device; or

(2) is the owner or host of the solar power device site and a person consumes on the site the equivalent amount of electricity that is generated by the solar power device on an annual basis even if the electricity is sold to a public utility, including a solar power device directly serving a public utility's business operations site.

(c) For purposes of this section, "solar power device" means a device, such as a solar thermal, a photovoltaic, or other solar energy system, that is designed to use the radiant light or heat from the sun to produce electricity.

(d) The owner of real property equipped with a solar power device that is assessed as a real property improvement may have deducted annually from the assessed value of the real property an amount equal to:

(1) the assessed value of the real property with the solar power device included; minus

(2) the assessed value of the real property without the solar power device.

(e) The owner of a solar power device that is assessed as:

(1) distributable property under IC 6-1.1-8; or

(2) personal property;

may have deducted annually the assessed value of the solar power device.

SECTION 16. IC 6-1.1-12-27.1, AS AMENDED BY P.L.113-2010, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 27.1. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 26 **or 26.1** of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, ~~or~~ mobile home, **manufactured home, or solar power device** is subject to assessment. With respect to real property **or a solar power device that is assessed as distributable property under IC 6-1.1-8 or as personal property,** the person must file the statement during the year for which the person desires to obtain the deduction. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, with respect to a mobile home which is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The person must:

(1) own the real property, mobile home, or manufactured home **or own the solar power device;** ~~or~~

(2) be buying the real property, mobile home, ~~or~~ manufactured home, **or solar power device** under contract; **or**

(3) be leasing the real property from the real property owner and be subject to assessment and property taxation with respect to the solar power device;

on the date the statement is filed under this section. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the real property, ~~or~~ mobile home, **manufactured home, or solar power device** is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

SECTION 17. IC 6-1.1-12-37, AS AMENDED BY P.L.172-2011, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 37. (a) The following definitions apply throughout this section:

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

(A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.

(B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.

(C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.

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

(A) that is located in Indiana;

(B) that:

(i) the individual owns;

(ii) the individual is buying under a contract; recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence;

(iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or

(iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and

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

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

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. The deduction provided by this section applies to property taxes first due and payable for an assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

(1) the assessment date; or

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

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

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

(1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or

(2) forty-five thousand dollars ($45,000).

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides

that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

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

(1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;

(2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;

(3) the names of:

(A) the applicant and the applicant's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or

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

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or

(B) if the applicant or the applicant's spouse (if any) do not have a Social Security number, any of the following for that individual:

(i) The last five (5) digits of the individual's driver's license number.

(ii) The last five (5) digits of the individual's state identification card number.

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

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

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

(1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or

(2) is no longer eligible for a deduction under this section on another parcel of property because:

(A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or

(B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

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

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

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

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

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

(j) **A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's**

license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

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

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

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

(3) The property is owned by an entity that is not described in subsection (a)(2)(B).

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

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

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

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

(2) first due and payable in 2010;

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

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

(1) a deck or patio;

(2) a gazebo; or

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

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

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

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

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

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

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

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

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

(o) If:

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

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

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

SECTION 18. IC 6-1.1-12-41, AS AMENDED BY P.L.146-2008, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 41. (a) This section does not apply to assessment years beginning after December 31, 2005.

(b) As used in this section, "assessed value of inventory" means the assessed value determined after the application of any deductions or adjustments that apply by statute or rule to the assessment of inventory, other than the deduction allowed under subsection (f).

(c) As used in this section, "county income tax council" means a council established by IC 6-3.5-6-2.

(d) As used in this section, "fiscal body" has the meaning set forth in IC 36-1-2-6.

(e) As used in this section, "inventory" has the meaning set forth in IC 6-1.1-3-11 (repealed).

(f) An ordinance may be adopted in a county to provide that a deduction applies to the assessed value of inventory located in the county. The deduction is equal to one hundred percent (100%) of the assessed value of inventory located in the county for the appropriate year of assessment. An ordinance adopted under this section in a particular year applies:

(1) if adopted before March 31, 2004, to each subsequent assessment year ending before January 1, 2006; and

(2) if adopted after March 30, 2004, and before June 1, 2005, to the March 1, 2005, assessment date.

An ordinance adopted under this section may be consolidated with an ordinance adopted under ~~IC 6-3.5-7-25 or~~ IC 6-3.5-7-26. The consolidation of an ordinance adopted under this section with an ordinance adopted under IC 6-3.5-7-26 does not cause the ordinance adopted under IC 6-3.5-7-26 to expire after December 31, 2005.

(g) An ordinance may not be adopted under subsection (f) after May 30, 2005. However, an ordinance adopted under this section:

(1) before March 31, 2004, may be amended after March 30, 2004; and

(2) before June 1, 2005, may be amended after May 30, 2005;

to consolidate an ordinance adopted under IC 6-3.5-7-26.

(h) The entity that may adopt the ordinance permitted under subsection (f) is:

(1) the county income tax council if the county option income tax is in effect on January 1 of the year in which an ordinance under this section is adopted;

(2) the county fiscal body if the county adjusted gross income tax is in effect on January 1 of the year in which an ordinance under this section is adopted; or

(3) the county income tax council or the county fiscal body, whichever acts first, for a county not covered by subdivision (1) or (2).

To adopt an ordinance under subsection (f), a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax. The entity that adopts the ordinance shall provide a certified copy of the ordinance to the department of local government finance before February 1.

(i) A taxpayer is not required to file an application to qualify for the deduction permitted under subsection (f).

(j) The department of local government finance shall incorporate the deduction established in this section in the personal property return form to be used each year for filing under IC 6-1.1-3-7 or IC 6-1.1-3-7.5 to permit the taxpayer to enter the deduction on the form. If a taxpayer fails to enter the deduction on the form, the township assessor, or the county assessor if there is no township assessor for the township, shall:

(1) determine the amount of the deduction; and

(2) within the period established in IC 6-1.1-16-1, issue a notice of assessment to the taxpayer that reflects the application of the deduction to the inventory assessment.

(k) The deduction established in this section must be applied to any inventory assessment made by:

(1) an assessing official;

(2) a county property tax board of appeals; or

(3) the department of local government finance.

SECTION 19. IC 6-1.1-15-10, AS AMENDED BY P.L.146-2008, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) If a petition for review to any board or a proceeding for judicial review in the tax court regarding an assessment or increase in assessment is pending, the taxes resulting from the assessment or increase in assessment are, notwithstanding the provisions of IC 6-1.1-22-9, not due until after the petition for review, or the proceeding for judicial review, is finally adjudicated and the assessment or increase in assessment is finally determined. However, even though a petition for review or a proceeding for judicial review is pending, the taxpayer shall pay taxes on the tangible property when the property tax installments come due, unless the collection of the taxes is enjoined under IC 33-26-6-2 pending a final determination in the proceeding for judicial review. The amount of taxes which the taxpayer is required to pay, pending the final determination of the assessment or increase in assessment, shall be based on:

(1) the assessed value reported by the taxpayer on the taxpayer's personal property return if a personal property assessment, or an increase in such an assessment, is involved; or

(2) an amount based on the immediately preceding year's assessment of real property if an assessment, or increase in assessment, of real property is involved.

(b) If the petition for review or the proceeding for judicial review is not finally determined by the last installment date for the taxes, the taxpayer, upon showing of cause by a taxing official or at the tax court's discretion, may be required to post a bond or provide other security in an amount not to exceed the taxes resulting from the contested assessment or increase in assessment.

(c) Each county auditor shall keep separate on the tax duplicate a record of that portion of the assessed value of property that is described in IC 6-1.1-17-0.5(b). When establishing rates and calculating state school support, the department of local government finance shall exclude from assessed value in the county the **net** assessed value of property kept separate on the tax duplicate by the county auditor under IC 6-1.1-17-0.5.

SECTION 20. IC 6-1.1-17-0.5, AS AMENDED BY P.L.182-2009(ss), SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. (a) For purposes of this section, **"net** assessed value" ~~has the meaning set forth in IC 6-1.1-1-3(a).~~ **means assessed value after the application of deductions, exemptions, and abatements.**

(b) The county auditor may exclude and keep separate on the tax duplicate for taxes payable in a calendar year the **net** assessed value of tangible property that meets the following conditions:

(1) The **net** assessed value of the property is at least nine percent (9%) of the **net** assessed value of all tangible property subject to taxation by a taxing ~~unit.~~ **district.**

(2) The property is or has been part of a bankruptcy estate that is subject to protection under the federal bankruptcy code.

(3) The owner of the property has discontinued all business operations on the property.

(4) There is a high probability that the taxpayer will not pay property taxes due on the property in the following year.

(c) This section does not limit, restrict, or reduce in any way the property tax liability on the property.

(d) For each taxing ~~unit~~ **district** located in the county, the county auditor may reduce for a calendar year the taxing ~~unit's~~ **district's net** assessed value that is certified to the department of local government finance under section 1 of this chapter and used to set tax rates for the taxing ~~unit~~ **district** for taxes first due and payable in the immediately succeeding calendar year. The county auditor may reduce a taxing ~~unit's~~ **district's net** assessed value under this subsection only to enable the taxing ~~unit~~ **district** to absorb the effects of reduced property tax collections in the immediately succeeding calendar year that are expected to result from any or a combination of the following:

(1) Successful appeals of the assessed value of property located in the taxing ~~unit.~~ **district.**

(2) Deductions under IC 6-1.1-12-37 and IC 6-1.1-12-37.5 that result from the granting of applications for the standard deduction for the calendar year under IC 6-1.1-12-37 or IC 6-1.1-12-44 after the county auditor certifies **net** assessed value as described in this section.

(3) Deductions that result from the granting of applications for deductions for the calendar year under IC 6-1.1-12-44 after the county auditor certifies **net** assessed value as described in this section.

(4) Reassessments of real property under IC 6-1.1-4-11.5.

Not later than December 31 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and to the department of local government finance. The certified statement must list any adjustments to the amount of the reduction under this subsection and the information submitted under section 1 of this chapter that are necessary. The county auditor shall keep separately on the tax duplicate the amount of any reductions made under this subsection. The maximum amount of the reduction authorized under this subsection is determined under subsection (e).

(e) The amount of the reduction in a taxing ~~unit's~~ **district's net** assessed value for a calendar year under subsection (d) may not exceed two percent (2%) of the **net** assessed value of tangible property subject to assessment in the taxing ~~unit~~ **district** in that calendar year.

(f) The amount of a reduction under subsection (d) may not be offered in a proceeding before the:

(1) county property tax assessment board of appeals;

(2) Indiana board; or

(3) Indiana tax court;

as evidence that a particular parcel has been improperly assessed.

SECTION 21. IC 6-1.1-17-1, AS AMENDED BY P.L.1-2010, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the department of local government finance. The statement shall contain:

(1) information concerning the assessed valuation in the political subdivision for the next calendar year;

(2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;

(3) the current assessed valuation as shown on the abstract of charges;

(4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years, excluding years in which a general reassessment occurs, determined according to procedures established by the department of local government finance;

(5) the amount of the political subdivision's **net** assessed valuation reduction determined under section 0.5(d) of this chapter;

(6) for counties with taxing units that cross into or intersect with other counties, the assessed valuation as shown on the most current abstract of property; and

(7) any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.

(b) The estimate of taxes to be distributed shall be based on:

(1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and

(2) any other information at the disposal of the county auditor which might affect the estimate.

(c) The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision.

(d) Subject to subsection (e), after the county auditor sends a certified statement under subsection (a) or an amended certified statement under this subsection with respect to a political subdivision and before the department of local government finance certifies its action with respect to the political subdivision under section 16(f) of this chapter, the county auditor may amend the information concerning assessed valuation included in the earlier certified statement. The county auditor shall send a certified statement amended under this subsection, under the seal of the board of county commissioners, to:

(1) the fiscal officer of each political subdivision affected by the amendment; and

(2) the department of local government finance.

(e) Except as provided in subsection (f), before the county auditor makes an amendment under subsection (d), the county auditor must provide an opportunity for public comment on the proposed amendment at a public hearing. The county auditor must give notice of the hearing under IC 5-3-1. If the county auditor makes the amendment as a result of information provided to the county auditor by an assessor, the county auditor shall give notice of the public hearing to the assessor.

(f) The county auditor is not required to hold a public hearing under subsection (e) if:

(1) the amendment under subsection (d) is proposed to correct a mathematical error made in the determination of the amount of assessed valuation included in the earlier certified statement;

(2) the amendment under subsection (d) is proposed to add to the amount of assessed valuation included in the earlier certified statement assessed valuation of omitted property discovered after the county auditor sent the earlier certified statement; or

(3) the county auditor determines that the amendment under subsection (d) will not result in an increase in the tax rate or tax rates of the political subdivision.

SECTION 22. IC 6-1.1-17-1, AS AMENDED BY SEA 19-2012, SECTION 33, AND AS AMENDED BY EHB 1072-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the department of local government finance. The statement ~~shall~~ **must** contain:

(1) information concerning the assessed valuation in the political subdivision for the next calendar year;

(2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;

(3) the current assessed valuation as shown on the abstract of charges;

(4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years, adjusted according to procedures established by the department of local government finance to account for reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2;

(5) the amount of the political subdivision's net assessed valuation reduction determined under section 0.5(d) of this chapter;

(6) for counties with taxing units that cross into or intersect with other counties, the assessed valuation as shown on the most current abstract of property; and

(7) any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.

(b) The estimate of taxes to be distributed shall be based on:

(1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and

(2) any other information at the disposal of the county auditor which might affect the estimate.

(c) The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision.

(d) Subject to subsection (e), after the county auditor sends a certified statement under subsection (a) or an amended certified statement under this subsection with respect to a political subdivision and before the department of local government finance certifies its action with respect to the political subdivision under section 16(f) of this chapter, the county auditor may amend the information concerning assessed valuation included in the earlier certified statement. The county auditor shall send a certified statement amended under this subsection, under the seal of the board of county commissioners, to:

(1) the fiscal officer of each political subdivision affected by the amendment; and

(2) the department of local government finance.

(e) Except as provided in subsection (f), before the county auditor makes an amendment under subsection (d), the county auditor must provide an opportunity for public comment on the proposed amendment at a public hearing. The county auditor must give notice of the hearing under IC 5-3-1. If the county auditor makes the amendment as a result of information

provided to the county auditor by an assessor, the county auditor shall give notice of the public hearing to the assessor.

(f) The county auditor is not required to hold a public hearing under subsection (e) if:

(1) the amendment under subsection (d) is proposed to correct a mathematical error made in the determination of the amount of assessed valuation included in the earlier certified statement;

(2) the amendment under subsection (d) is proposed to add to the amount of assessed valuation included in the earlier certified statement assessed valuation of omitted property discovered after the county auditor sent the earlier certified statement; or

(3) the county auditor determines that the amendment under subsection (d) will not result in an increase in the tax rate or tax rates of the political subdivision.

SECTION 23. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss), SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision **or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter,** shall give notice by publication to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested.

~~In the notice,~~ The political subdivision **or appropriate fiscal body** shall also state the time and place at which **the political subdivision or appropriate fiscal body will hold** a public hearing ~~will be held~~ on these items. The **political subdivision or appropriate fiscal body shall publish the** notice ~~shall be published~~ twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. ~~Beginning in 2009, The duties required by this subsection must be completed before September 10 of the calendar year.~~ **The first publication must be before September 14, and the second publication must be before September 21 of the year. The political subdivision shall pay for the publishing of the notice.**

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

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

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

~~(d) This subsection expires January 1, 2009. A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:~~

~~(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.~~

~~(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.~~

~~A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.~~

SECTION 24. IC 6-1.1-17-3.5, AS AMENDED BY P.L.182-2009(ss), SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. (a) This section does not apply to ~~civil~~ taxing units located in a county in which a county board of tax adjustment reviews budgets, tax rates, and tax levies. This section does not apply to a ~~civil~~ taxing unit that has its proposed budget and proposed property tax levy approved under section 20 **or 20.3** of this chapter or IC 36-3-6-9.

(b) This section applies to a ~~civil~~ taxing unit other than a county. If a ~~civil~~ taxing unit will impose property taxes due and payable in the ensuing calendar year, the ~~civil~~ taxing unit shall file **the following information in the manner prescribed by the department of local government finance** with the fiscal body of the county in which the ~~civil~~ taxing unit is located:

(1) A statement of the proposed or estimated tax rate and tax levy for the ~~civil~~ taxing unit for the ensuing budget year. ~~and~~

(2) **In the case of a taxing unit other than a school corporation,** a copy of the ~~civil~~ taxing unit's proposed budget for the ensuing budget year.

(c) In the case of a ~~civil~~ taxing unit located in more than one (1) county, the ~~civil~~ taxing unit shall file the information under subsection (b) with the fiscal body of the county in which the greatest part of the ~~civil~~ taxing unit's net assessed valuation is located.

(d) A ~~civil~~ taxing unit must file the information under subsection (b) ~~at least forty-five (45) days before the civil taxing unit fixes its tax rate and tax levy and adopts its budget under this chapter.~~ **before September 2 of a year.**

(e) A county fiscal body shall complete the following ~~at least fifteen (15) days before the civil taxing unit fixes its tax rate and tax levy and adopts its budget under this chapter:~~ **in a manner prescribed by the department of local government finance before October 2 of a year:**

(1) Review any proposed or estimated tax rate or tax levy ~~or proposed budget~~ filed by a ~~civil~~ taxing unit with the county fiscal body under this section.

(2) In the case of a taxing unit other than a school corporation, review any proposed or estimated budget filed by a taxing unit with the county fiscal body under this section.

~~(2)~~ **(3) In the case of a taxing unit other than a school corporation,** issue a nonbinding recommendation to a ~~civil~~ taxing unit regarding the ~~civil~~ taxing unit's proposed or estimated tax rate or tax levy or proposed budget.

(f) The recommendation under subsection (e) must include a comparison of any increase in the ~~civil~~ taxing unit's budget or tax levy to:

(1) the average increase in Indiana nonfarm personal income for the preceding six (6) calendar years and the average increase in nonfarm personal income for the county for the preceding six (6) calendar years; and

(2) increases in the budgets and tax levies of other ~~civil~~ taxing units in the county.

(g) The department of local government finance must provide each county fiscal body with the most recent available information concerning increases in Indiana nonfarm personal income and increases in county nonfarm personal income.

(h) If a ~~civil~~ taxing unit fails to file the information required by subsection (b) with the fiscal body of the county in which the ~~civil~~ taxing unit is located by the time prescribed in subsection

(d), the most recent annual appropriations and annual tax levy of that ~~civil~~ taxing unit are continued for the ensuing budget year.

(i) If a county fiscal body fails to complete the requirements of subsection (e) before the deadline in subsection (e) for any ~~civil~~ taxing unit subject to this section, the most recent annual appropriations and annual tax levy of the county are continued for the ensuing budget year.

SECTION 25. IC 6-1.1-17-8.5, AS ADDED BY P.L.154-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8.5. (a) If a county auditor reduces a taxing unit's **net** assessed valuation under section 0.5(d) of this chapter, the department of local government finance shall, in the manner prescribed in section 16 of this chapter, review the budget, tax rate, and tax levy of the taxing unit.

(b) The county auditor may appeal to the department of local government finance to reduce a taxing unit's **net** assessed valuation by an amount that exceeds the limits set forth in section 0.5(e) of this chapter. The department of local government finance:

(1) may require the county auditor to submit supporting information with the county auditor's appeal;

(2) shall consider the appeal at the time of the review required by subsection (a); and

(3) may approve, modify and approve, or reject the amount of the reduction sought in the appeal.

SECTION 26. IC 6-1.1-17-16, AS AMENDED BY P.L.182-2009(ss), SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets by fund, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. However, if the department of local government finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b). The department of local government finance shall give the political subdivision ~~written~~ notification **electronically in the manner prescribed by the department of local government finance** specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ten (10) calendar days from the date the political subdivision receives the notice to provide a ~~written~~ response ~~to~~ **electronically in the manner prescribed by** the department of local government ~~finance's Indianapolis office.~~ **finance.** The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error. The department of local government finance shall consider the adjustments as specified in the political subdivision's response if the response is provided as required by this subsection and shall deliver a final decision to the political subdivision.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

(1) no bonds of the building corporation are outstanding; or

(2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

(1) the county auditor;

(2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;

(3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on the statement filed to initiate the appeal; and

(4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

(1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.

(2) If the department:

(A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this chapter; or

(B) fails to act on the appeal before the department certifies its action under subsection (f);

a taxpayer who signed the statement filed to initiate the appeal.

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed by the political subdivision if the increase is:

(1) requested in writing by the officers of the political subdivision;

(2) either:

(A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or

(B) results from an inadvertent mathematical error made in determining the levy; and

(3) published by the political subdivision according to a notice provided by the department.

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

(k) The department of local government finance may hold a hearing under subsection (c) only if the notice required in section 12 of this chapter is published at least ten (10) days before the date of the hearing.

SECTION 27. IC 6-1.1-17-20, AS AMENDED BY P.L.113-2010, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) This section applies to each governing body of a taxing unit that

~~(1)~~ is not comprised of a majority of officials who are elected to serve on the governing body. ~~and~~

~~(2) either:~~

~~(A) is:~~

~~(i) a conservancy district subject to IC 14-33-9;~~

~~(ii) a solid waste management district subject to IC 13-21; or~~

~~(iii) a fire protection district subject to IC 36-8-11-18; or~~

~~(B) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:~~

~~(i) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus~~

~~(ii) one (1).~~

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include ~~(1) a school corporation; or (2)~~ **a public library or** an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a taxing unit is entirely contained within a city or town; or

(2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted ~~at least thirty (30) days before the city or town fiscal body is required to hold budget approval hearings under this chapter.~~ **to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.** However, in the case of a public library that is subject to this section and is described in subdivision (2), the public library shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town.

(d) If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the county where the taxing unit has the most assessed valuation. The proposed budget and levy shall be submitted ~~at least thirty (30) days before the county fiscal body is required to hold budget approval hearings under this chapter.~~ **to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.**

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a taxing unit fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that taxing unit are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any taxing unit subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.

SECTION 28. IC 6-1.1-17-20.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 20.3. (a) This section applies only to the governing body of a public library that:**

(1) is not comprised of a majority of officials who are elected to serve on the governing body; and

(2) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:

(A) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus

(B) one (1).

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) This section does not apply to an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a public library is entirely contained within a city or town; or

(2) the assessed valuation of a public library is not entirely contained within a city or town but the public library was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year. However, the governing body shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels

of real property within the jurisdiction of the public library are located outside the city or town.

(d) If subsection (c) does not apply, the governing body of the public library shall submit its proposed budget and property tax levy to the county fiscal body in the county where the public library has the most assessed valuation. The proposed budget and levy shall be submitted to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the public library. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a public library fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that public library are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any public library subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.

SECTION 29. IC 6-1.1-18-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) If the proper officers of a political subdivision desire to appropriate more money for a particular year than the amount prescribed in the budget for that year as finally determined under this article, they shall give notice of their proposed additional appropriation. The notice shall state the time and place at which a public hearing will be held on the proposal. The notice shall be given once in accordance with IC 5-3-1-2(b).

(b) If the additional appropriation by the political subdivision is made from a fund that receives:

(1) distributions from the motor vehicle highway account established under IC 8-14-1-1 or the local road and street account established under IC 8-14-2-4; or

(2) revenue from property taxes levied under IC 6-1.1;

the political subdivision must report the additional appropriation to the department of local government finance. If the additional appropriation is made from a fund described under this subsection, subsections (f), (g), (h), and (i) apply to the political subdivision.

(c) However, if the additional appropriation is not made from a fund described under subsection (b), subsections (f), (g), (h), and (i) do not apply to the political subdivision. Subsections (f), (g), (h), and (i) do not apply to an additional appropriation made from the cumulative bridge fund if the appropriation meets the requirements under IC 8-16-3-3(c).

(d) A political subdivision may make an additional appropriation without approval of the department of local government finance if the additional appropriation is made from a fund that is not described under subsection (b). However, the fiscal officer of the political subdivision shall report the additional appropriation to the department of local government finance.

(e) After the public hearing, the proper officers of the political subdivision shall file a certified copy of their final proposal and any other relevant information to the department of local government finance.

(f) When the department of local government finance receives a certified copy of a proposal for an additional appropriation under subsection (e), the department shall determine whether sufficient funds are available or will be available for the proposal. The determination shall be made in writing and sent to the political subdivision not more than fifteen (15) days after the department of local government finance receives the proposal.

(g) In making the determination under subsection (f), the department of local government finance shall limit the amount of the additional appropriation to revenues available, or to be made available, which have not been previously appropriated.

(h) If the department of local government finance disapproves an additional appropriation under subsection (f), the department shall specify the reason for its disapproval on the determination sent to the political subdivision.

(i) A political subdivision may request a reconsideration of a determination of the department of local government finance under this section by filing a written request for reconsideration. A request for reconsideration must:

(1) be filed with the department of local government finance within fifteen (15) days of the receipt of the determination by the political subdivision; and

(2) state with reasonable specificity the reason for the request.

The department of local government finance must act on a request for reconsideration within fifteen (15) days of receiving the request.

(j) This subsection applies to an additional appropriation by a political subdivision that must have the political subdivision's annual appropriations and annual tax levy adopted by a city, town, or county fiscal body under IC 6-1.1-17-20 or by a legislative or fiscal body under IC 36-3-6-9. The fiscal or legislative body of the city, town, or county that adopted the political subdivision's annual appropriation and annual tax levy must adopt the additional appropriation by ordinance before the department of local government finance may approve the additional appropriation.

(k) This subsection applies to a public library that:

(1) is required to submit the public library's budgets, tax rates, and tax levies for nonbinding review under IC 6-1.1-17-3.5; and

(2) is not required to submit the public library's budgets, tax rates, and tax levies for binding review and approval under IC 6-1.1-17-20.

If a public library subject to this subsection proposes to make an additional appropriation for a year, and the additional appropriation would result in the budget for the library for that year increasing (as compared to the previous year) by a percentage that is greater than the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the calendar year minus one (1), the additional appropriation must first be approved by the city, town, or county fiscal body described in IC 6-1.1-17-20.3(c) or IC 6-1.1-17-20(d), as appropriate.

SECTION 30. IC 6-1.1-18-12, AS AMENDED BY P.L.172-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted each year to account for the change in assessed value of real property that results from:

(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; or
(2) a general reassessment of real property under IC 6-1.1-4-4.

(d) The statutes to which subsection (a) refers are:
(1) IC 8-10-5-17;
(2) IC 8-22-3-11;
(3) IC 8-22-3-25;
(4) IC 12-29-1-1;
(5) IC 12-29-1-2;
(6) IC 12-29-1-3;
(7) IC 12-29-3-6;
(8) IC 13-21-3-12;
(9) IC 13-21-3-15;
(10) IC 14-27-6-30;
(11) IC 14-33-7-3;
(12) IC 14-33-21-5;
(13) IC 15-14-7-4;
(14) IC 15-14-9-1;
(15) IC 15-14-9-2;
(16) IC 16-20-2-18;
(17) IC 16-20-4-27;
(18) IC 16-20-7-2;
(19) IC 16-22-14;
(20) IC 16-23-1-29;
(21) IC 16-23-3-6;
(22) IC 16-23-4-2;
(23) IC 16-23-5-6;
(24) IC 16-23-7-2;
(25) IC 16-23-8-2;
(26) IC 16-23-9-2;
(27) IC 16-41-15-5;
(28) IC 16-41-33-4;
(29) IC 20-46-2-3 (before its repeal on January 1, 2009);
(30) IC 20-46-6-5;
(31) IC 20-49-2-10;
(32) IC 36-1-19-1;
(33) IC 23-14-66-2;
(34) IC 23-14-67-3;
(35) IC 36-7-13-4;
(36) IC 36-7-14-28;
(37) IC 36-7-15.1-16;
(38) IC 36-8-19-8.5;
(39) IC 36-9-6.1-2;
(40) IC 36-9-17.5-4;
(41) IC 36-9-27-73;
(42) IC 36-9-29-31;
(43) IC 36-9-29.1-15;
(44) IC 36-10-6-2;
(45) IC 36-10-7-7;
(46) IC 36-10-7-8;
(47) IC 36-10-7.5-19;
(48) IC 36-10-13-5;
(49) IC 36-10-13-7;
(50) IC 36-10-14-4;
(51) IC 36-12-7-7;
(52) IC 36-12-7-8;
(53) IC 36-12-12-10;
(54) a statute listed in IC 6-1.1-18.5-9.8; and
~~(54)~~ **(55)** any statute enacted after December 31, 2003, that:
(A) establishes a maximum rate for any part of the:
(i) property taxes; or
(ii) special benefits taxes;
imposed by a political subdivision; and
(B) does not exempt the maximum rate from the adjustment under this section.

(e) **For property tax rates imposed for property taxes first due and payable after December 31, 2012,** the new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP ~~SEVEN~~ **EIGHT** of the following STEPS:
STEP ONE: **Except as provided in subsection (g),** determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.
STEP TWO: ~~Except as provided in subsection (g),~~ Determine the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect.
STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first take effect.
STEP FOUR: ~~Except as provided in subsection (g),~~ Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.
STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).
STEP SIX: Determine the greater of the following:
(A) Zero (0).
(B) The STEP FIVE result.
STEP ~~SIX:~~ **SEVEN:** Determine the greater of the following:
(A) Zero (0).
(B) The result of the STEP TWO percentage minus the STEP ~~FIVE~~ **SIX** percentage.
STEP ~~SEVEN:~~ **EIGHT:** Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP ~~SIX~~ **SEVEN** percentage. ~~increase.~~

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d).

~~(g) This subsection applies to STEP TWO and STEP FOUR of subsection (e) for taxes first due and payable after 2011. If the assessed value change used in the STEPS was not an increase, the STEPS are applied using instead:~~
~~(1) the actual percentage decrease (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property; or~~
~~(2) zero (0) if the assessed value did not increase or decrease.~~

(g) This subsection applies only when calculating the maximum rate for taxes due and payable in calendar year 2013. The STEP ONE result is the greater of the following:
(1) The actual maximum rate established for property taxes first due and payable in calendar year 2012.
(2) The maximum rate that would have been established for property taxes first due and payable in calendar year 2012 if the maximum rate had been established under the formula under this section, as amended in the 2012 session of the general assembly.

SECTION 31. IC 6-1.1-18-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a)**

The following definitions apply throughout this section:

(1) "Covered cumulative or capital projects fund" refers to a fund:

(A) that was listed in a prior cumulative or capital projects fund adjustment law; and

(B) for which the ad valorem property tax rate certified by the department of local government finance for property taxes first due and payable in calendar year 2012 is equal to the maximum tax rate permitted by law after the applicable prior cumulative or capital projects fund adjustment law.

(2) "Fiscal body" has the meaning set forth in IC 36-1-2-6.

(3) "Office" refers to the office of management and budget.

(4) "Prior assessed value adjustment law" refers to section 12 of this chapter, section 13 of this chapter (repealed), and IC 6-1.1-18.5-9.8, as effective on January 1, 2012, before the application of the amendments made by HEA 1072-2012.

(5) "Current assessed value adjustment law" refers to section 12 of this chapter, as effective January 1, 2013, after applying the amendments made by HEA 1072-2012.

(b) Before June 1, 2012, the office shall calculate and certify to a taxing unit's fiscal body (for each of a taxing unit's covered cumulative or capital projects funds) the greater of zero (0) or the result of:

(1) the amount of the property tax levy that could have been imposed for the covered cumulative or capital projects fund for property taxes first due and payable in 2012, if the taxing unit had imposed the maximum property tax rate that would have been permitted by law after applying the current assessed value adjustment law as if the current assessed value adjustment law had been in effect and applied to the calculation in calendar year 2012; minus

(2) the amount of the property tax levy that results from the property tax rate that the department of local government certified under IC 6-1.1-17-16 for the covered cumulative or capital projects fund for property taxes first due and payable in calendar year 2012, after applying the prior assessed value adjustment law.

(c) After receiving the certifications required under subsection (b), the taxing unit's fiscal body may, for one (1) or more of the taxing unit's covered cumulative or capital projects funds, adopt an ordinance or a resolution to request a loan under this section to replace part or all of the amount certified under this section to the taxing unit for the fund or funds. To be eligible for a loan under this section, the resolution must:

(1) identify each covered cumulative or capital projects fund for which the taxing unit is seeking a loan;

(2) specify the amount of the loan that the taxing unit is seeking for each covered cumulative or capital projects fund;

(3) agree to impose a property tax levy in calendar year 2013 for the taxing unit's debt service fund to repay in compliance with this section the total amount loaned; and

(4) be certified and received by the office before July 1, 2012.

(d) If the office receives before July 1, 2012, a certified ordinance or resolution that qualifies the taxing unit for a loan under this section, the office shall, before July 15, 2012, distribute to the taxing unit from the state general fund the lesser of the following for each covered cumulative or capital projects fund for which the taxing unit has requested a loan:

(1) The amount requested.

(2) The amount that the office certified for that fund. No interest or fee may be charged on the amount loaned under this subsection. An amount sufficient to make the distributions required by this section are appropriated to the office from the state general fund in the state fiscal year beginning July 1, 2012, and ending June 30, 2013.

(e) A taxing unit that receives a loan under this section for one (1) or more covered cumulative or capital projects funds shall deposit the loan in the covered cumulative or capital projects funds for which the taxing unit sought a loan, in proportion to the amount received for each fund. The amount deposited may be used for any of the lawful purposes of that fund.

(f) This subsection applies to a taxing unit that receives a loan under this section. The taxing unit is obligated to repay the amount distributed under this section. The taxing unit shall impose a property tax levy for the taxing unit's debt service fund for property taxes first due and payable in calendar year 2013, equal to the total amount loaned to the taxing unit under this section. The property tax levy under this subsection shall be treated as protected taxes (as defined in IC 6-1.1-20.6-9.8). The taxing unit shall repay the total amount loaned to the taxing unit under this section in two (2) equal installments in calendar year 2013 with the first installment due on the June settlement date specified in 6-1.1-27-3 and the second installment due on the December settlement specified in IC 6-1.1-27-3.

(g) This subsection does not apply to grants from the federal government. Upon the failure of a taxing unit to pay an installment of a loan under this section when due, the treasurer of state may withhold the amount of the unpaid installment, on the schedule determined by the office, from any funds held by the state that would otherwise be due to the taxing unit and deposit the amount in the fund from which the loan was made. If the amount is withheld from a distribution to the county auditor under IC 6-3.5 or another statute that provides for the allocation of the distribution among more than one (1) taxing unit, the amount withheld reduces the allocation of only the taxing unit for which the amount was withheld.

(h) The amount of a loan does not create a debt of the taxing unit for purposes of the Constitution of the State of Indiana.

(i) This SECTION expires January 1, 2015.

SECTION 32. IC 6-1.1-18-13, AS AMENDED BY SEA 19-2012, SECTION 35, IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 13. (a) The maximum property tax rate levied under IC 20-46-6 by each school corporation for the school corporation's capital projects fund must be adjusted each year to account for the change in assessed value of real property that results from:~~

~~(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; or~~

~~(2) a general reassessment of real property under IC 6-1.1-4-4.~~

~~(b) The new maximum rate under this section is the tax rate determined under STEP SEVEN of the following formula:~~

~~STEP ONE: Determine the maximum rate for the school corporation for the year preceding the year in which the annual adjustment or general reassessment takes effect.~~

~~STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual~~

~~adjustment or general reassessment is effective.~~

~~STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.~~

~~STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.~~

~~STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).~~

~~STEP SIX: Determine the greater of the following:~~

~~(A) Zero (0).~~

~~(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.~~

~~STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.~~

~~(c) The department of local government finance shall compute the maximum rate allowed under subsection (b) and provide the rate to each school corporation.~~

SECTION 33. IC 6-1.1-18.5-9.8, AS AMENDED BY P.L.172-2011, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9.8. ~~(a)~~ For purposes of determining the property tax levy limit imposed on a city, town, or county under section 3 of this chapter, the city, town, or county's ad valorem property tax levy for a particular calendar year does not include an amount equal to the lesser of:

(1) the amount of ad valorem property taxes that would be first due and payable to the city, town, or county during the ensuing calendar year if the taxing unit imposed the maximum permissible property tax rate per one hundred dollars ($100) of assessed valuation that the civil taxing unit may impose for the particular calendar year under the authority of IC 36-9-14.5 (in the case of a county) or IC 36-9-15.5 (in the case of a city or town); or

(2) the excess, if any, of:

(A) the property taxes imposed by the city, town, or county under the authority of:

IC 3-11-6-9;
IC 8-16-3;
IC 8-16-3.1;
IC 8-22-3-25;
IC 14-27-6-48;
IC 14-33-9-3;
IC 16-22-8-41;
IC 16-22-5-2 through IC 16-22-5-15;
IC 16-23-1-40;
IC 36-8-14;
IC 36-9-4-48;
IC 36-9-14;
IC 36-9-14.5;
IC 36-9-15;
IC 36-9-15.5;
IC 36-9-16;
IC 36-9-16.5;
IC 36-9-17;
IC 36-9-26;
IC 36-9-27-100;
IC 36-10-3-21; or
IC 36-10-4-36;

that are first due and payable during the ensuing calendar year; over

(B) the property taxes imposed by the city, town, or county under the authority of the citations listed in clause (A) that were first due and payable during calendar year 1984.

~~(b) The maximum property tax rate levied under the statutes listed in subsection (a) must be adjusted each year to account for the change in assessed value of real property that results from:~~

~~(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; or~~

~~(2) a general reassessment of real property under IC 6-1.1-4-4.~~

~~(c) The new maximum rate under a statute listed in subsection (a) is the tax rate determined under STEP SEVEN of the following formula:~~

~~STEP ONE: Determine the maximum rate for the political subdivision levying a property tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.~~

~~STEP TWO: Subject to subsection (e), determine the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment is effective.~~

~~STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.~~

~~STEP FOUR: Subject to subsection (e), compute separately, for each of the calendar years determined in STEP THREE, the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.~~

~~STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).~~

~~STEP SIX: Determine the greater of the following:~~

~~(A) Zero (0).~~

~~(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.~~

~~STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.~~

~~(d) The department of local government finance shall compute the maximum rate allowed under subsection (c) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (a).~~

~~(e) This subsection applies to STEP TWO and STEP FOUR of subsection (c) for taxes first due and payable after 2011. If the assessed value change used in the STEPS was not an increase, the STEPS are applied using instead:~~

~~(1) the actual percentage decrease (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property; or~~

~~(2) zero (0) if the assessed value did not increase or decrease.~~

SECTION 34. IC 6-1.1-18.5-9.9 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 9.9. (a) The department of local government finance shall adjust the maximum property tax rate levied under the statutes listed in section 9.8(a) of this chapter, IC 20-46-3-6, or IC 20-46-6-5 in each county for property taxes first due and payable in:~~

~~(1) 2004;~~

~~(2) the year the county first applies the deduction under IC 6-1.1-12-41, if the county first applies that deduction for property taxes first due and payable in 2005 or 2006; and~~

~~(3) 2007, if the county does not apply the deduction under IC 6-1.1-12-41 for any year.~~

~~(b) If the county does not apply the deduction under IC 6-1.1-12-41 for property taxes first due and payable in 2004, the department shall compute the adjustment under subsection (a)(1) to allow a levy for the fund for which the property tax rate is levied that equals the levy that would have applied for the fund if exemptions under IC 6-1.1-10-29(b)(2) (repealed) did not apply for the 2003 assessment date.~~

~~(c) If the county applies the deduction under IC 6-1.1-12-41 for property taxes first due and payable in 2004, the department shall compute the adjustment under subsection (a)(1) to allow a levy for the fund for which the property tax rate is levied that equals the levy that would have applied for the fund if:~~

~~(1) exemptions under IC 6-1.1-10-29(b)(2) (repealed); and~~

~~(2) deductions under IC 6-1.1-12-41;~~

~~did not apply for the 2003 assessment date.~~

~~(d) The department shall compute the adjustment under subsection (a)(2) to allow a levy for the fund for which the property tax rate is levied that equals the levy that would have applied for the fund if deductions under IC 6-1.1-12-41 did not apply for the assessment date of the year that immediately precedes the year for which the adjustment is made.~~

~~(e) The department shall compute the adjustment under subsection (a)(3) to allow a levy for the fund for which the property tax rate is levied that equals the levy that would have applied for the fund if deductions under IC 6-1.1-12-42 did not apply for the 2006 assessment date.~~

SECTION 35. IC 6-1.1-20.6-9.8, AS ADDED BY P.L.172-2011, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9.8. (a) This section applies to property taxes first due and payable after December 31, 2009.

(b) ~~As used in~~ **The following definitions** ~~this section:~~ **apply throughout this section:**

(1) ~~"exempt taxes"~~ **"Debt service obligations of a political subdivision" refers to:**

(A) the principal and interest payable during a calendar year on bonds; and

(B) lease rental payments payable during a calendar year on leases;

of a political subdivision payable from ad valorem property taxes.

(2) "Protected taxes" refers to the following:

(A) Property taxes that are exempted from the application of a credit granted under section 7 or 7.5 of this chapter by section 7(b), 7(c), 7.5(b), or 7.5(c) of this chapter or another law. ~~and (2) "nonexempt taxes"~~

(B) Property taxes imposed by a political subdivision to pay for debt service obligations of a political subdivision that are not exempted from the application of a credit granted under section 7 or 7.5 of this chapter by section 7(b), 7(c), 7.5(b), or 7.5(c) of this chapter or any other law. Property taxes described in this subsection are subject to the credit granted under section 7 or 7.5 of this chapter by section 7(b), 7(c), 7.5(b), or 7.5(c) regardless of their designation as protected taxes.

(3) "Unprotected taxes" refers to property taxes that are not ~~exempt~~ **protected** taxes.

(c) The total amount collected from ~~exempt~~ **protected** taxes shall be allocated to the fund for which the ~~exempt~~ **protected** taxes were imposed as if no credit were granted under section 7 or 7.5 of this chapter. The total amount of the loss in revenue resulting from the granting of credits under section 7 or 7.5 of this chapter must reduce only the amount of ~~nonexempt~~ **unprotected** property taxes distributed to a fund in proportion to the ~~nonexempt~~ **unprotected** rate tax imposed for that fund relative to the total of all ~~nonexempt~~ **unprotected** tax rates imposed by the taxing unit.

SECTION 36. IC 6-1.1-20.6-10, AS AMENDED BY P.L.172-2011, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) As used in this section, "debt service obligations of a political subdivision" refers to:

(1) the principal and interest payable during a calendar year on bonds; and

(2) lease rental payments payable during a calendar year on leases;

of a political subdivision payable from ad valorem property taxes.

(b) Political subdivisions are required by law to fully fund the payment of their debt obligations in an amount sufficient to pay any debt service or lease rentals on outstanding obligations, regardless of any reduction in property tax collections due to the application of tax credits granted under this chapter. ~~If the amount deposited in a fund from which debt service obligations of the political subdivision are paid is reduced as a result of the application of a credit granted under this chapter below the amount needed to meet the debt service obligations of a political subdivision as the obligations come due, the political subdivision may transfer funds from one (1) or more of the other funds of the political subdivision.~~

(c) Upon the failure of a political subdivision to pay any of the political subdivision's debt service obligations during a calendar year when due, the treasurer of state, upon being notified of the failure by a claimant, shall pay the unpaid debt service obligations that are due from money in the possession of the state that would otherwise be available for distribution to the political subdivision under any other law, deducting the payment from the amount distributed. A deduction under this subsection must be made:

(1) first from distributions of county adjusted gross income tax distributions under IC 6-3.5-1.1, county option income tax distributions under IC 6-3.5-6, or county economic development income tax distributions under IC 6-3.5-7 that would otherwise be distributed to the county under the schedule in IC 6-3.5-1.1-10, IC 6-3.5-1.1-21.1, IC 6-3.5-6-16, IC 6-3.5-6-17.3, IC 6-3.5-7-17, and IC 6-3.5-7-17.3; and

(2) second from any other undistributed funds of the political subdivision in the possession of the state.

(d) This section shall be interpreted liberally so that the state shall to the extent legally valid ensure that the debt service obligations of each political subdivision are paid when due. However, this section does not create a debt of the state.

SECTION 37. IC 6-1.1-20.6-11, AS ADDED BY P.L.146-2008, SECTION 227, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. The ~~county auditor of each county shall certify to the~~ department of local government finance

~~(1) the total amount of credits that are allowed under this chapter in the county for the calendar year; and~~

~~(2)~~ **shall annually publish a report on its Internet web site that lists** the amount that each taxing unit's distribution of property taxes will be reduced under section 9.5 of this chapter as a result of the granting of the credits.

~~If the amount of credits granted changes after the date the certification is made, the county auditor shall submit an amended certification to the department of local government finance. The initial certification and the amended certifications shall be submitted to the department of local government finance on the schedule prescribed by the department of local government finance.~~

SECTION 38. IC 6-1.1-21.8-5, AS AMENDED BY

P.L.146-2008, SECTION 245, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The maximum amount that the board may loan to a qualified taxing unit is determined under STEP FOUR of the following formula:

STEP ONE: Determine the amount of the taxpayer's property taxes due and payable in November 2001 that are attributable to the qualified taxing unit as determined by the department of local government finance.

STEP TWO: Multiply the STEP ONE amount by one and thirty-one thousandths (1.031).

STEP THREE: Multiply the STEP TWO product by two (2).

STEP FOUR: Add the STEP ONE amount to the STEP THREE product.

However, in the case of a qualified taxing unit that is a school corporation, the amount determined under STEP FOUR shall be reduced by the board to the extent that the school corporation receives relief in the form of adjustments to the school corporation's **net** assessed valuation under IC 6-1.1-17-0.5 or **assessed valuation under** IC 6-1.1-19-5.3.

SECTION 39. IC 6-1.1-30-17, AS ADDED BY SEA 19-2012, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Except as provided in subsection (c) and subject to subsection (d), the department of state revenue and the auditor of state shall, when requested by the department of local government finance, withhold a percentage of the distributions of county adjusted gross income tax distributions under IC 6-3.5-1.1, county option income tax distributions under IC 6-3.5-6, or county economic development income tax distributions under IC 6-3.5-7 that would otherwise be distributed to the county under the schedules in IC 6-3.5-1.1-10, IC 6-3.5-1.1-21.1, IC 6-3.5-6-17, IC 6-3.5-6-17.3, IC 6-3.5-7-16, and IC 6-3.5-7-17.3, if:

~~(1) local assessing officials have not provided information to the department of local government finance in a timely manner under IC 4-10-13-5(b);~~

~~(2)~~ **(1)** the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25;

~~(3)~~ **(2)** the county auditor has not paid a bill for services under IC 6-1.1-4-31.5 to the department of local government finance in a timely manner;

~~(4)~~ **(3)** the county assessor has not forwarded to the department of local government finance in a timely manner sales disclosure form data under IC 6-1.1-5.5-3;

~~(5)~~ **(4)** the county auditor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a);

~~(6)~~ **(5)** by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;

~~(7)~~ **(6)** the county does not maintain a certified computer system that meets the requirements of IC 6-1.1-31.5-3.5;

~~(8)~~ **(7)** the county auditor has not transmitted the data described in IC 36-2-9-20 to the department of local government finance in the form and on the schedule specified by IC 36-2-9-20;

~~(9)~~ **(8)** the county has not established a parcel index numbering system under 50 IAC 23-8-1 in a timely manner;

~~(10)~~ **(9)** a county official has not provided other information to the department of local government finance in a timely manner as required by the department of local government finance; or

~~(11)~~ **(10)** the department of local government finance incurs additional costs to assist a covered county (as defined in IC 6-1.1-22.6-1) to issue tax statements within the time frame specified in IC 6-1.1-22.6-18(b) for each year that the county experienced delayed property taxes (as defined in IC 6-1.1-22.6-2) before the year in which the county qualifies as a covered county.

The percentage to be withheld is the percentage determined by the department of local government finance. However, the percentage withheld for a reason stated in subdivision ~~(11)~~ **(10)** may not exceed the percentage needed to reimburse the department of local government finance for the costs incurred by the department of local government finance to take the actions necessary to permit a covered county (as defined in IC 6-1.1-22.6-1) to issue reconciling tax statements for prior year delayed property taxes (as defined in IC 6-1.1-22.6-2) within the time frame specified in IC 6-1.1-22.6-18(b). The county governmental taxing unit of a covered county (as defined in IC 6-1.1-22.6-1) shall reimburse the department of local government finance for these expenses. The amount withheld under subdivision ~~(11)~~ **(10)** reduces only the amount that would otherwise be distributed to the county governmental taxing unit of a covered county (as defined in IC 6-1.1-22.6-1) and not money distributable to any other political subdivision. The withholding of an amount under subdivision ~~(11)~~ **(10)** does not relieve the county government of a covered county (as defined in IC 6-1.1-22.6-1) from making bond or lease payments that would otherwise be paid from withheld amounts or providing property tax credits that would otherwise be provided under IC 6-3.5 from withheld amounts. Subdivision ~~(11)~~ **(10)** does not apply to any county other than a covered county (as defined in IC 6-1.1-22.6-1).

(b) Except as provided in subsection (e), money not distributed for the reasons stated in subsection (a) shall be distributed to the county when the department of local government finance determines that the failure to:

(1) provide information; or

(2) pay a bill for services;

has been corrected.

(c) The restrictions on distributions under subsection (a) do not apply if the department of local government finance determines that the failure to:

(1) provide information; or

(2) pay a bill for services;

in a timely manner is justified by unusual circumstances.

(d) The department of local government finance shall give the county auditor at least thirty (30) days notice in writing before the department of state revenue or the auditor of state withholds a distribution under subsection (a).

(e) Money not distributed for the reason stated in subsection ~~(a)(3)~~ **(a)(2)** may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money deposited under this subsection is not subject to distribution under subsection (b).

(f) This subsection applies to a county that will not receive a distribution under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7. At the request of the department of local government finance, an amount permitted to be withheld under subsection (a) may be withheld from any state revenues that would otherwise be distributed to the county or one (1) or more taxing units in the county.

SECTION 40. IC 6-1.1-37-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) If a taxpayer is entitled to a property tax refund or credit because an assessment is decreased, the taxpayer shall also be paid, or credited with, interest on the excess taxes that ~~he~~ **the taxpayer** paid at the rate of four percent (4%) per annum.

(b) For purposes of this section and except as provided in subsection (c), the interest shall be computed from the date on

which the taxes were paid or due, whichever is later, to the date of the refund or credit. **If a taxpayer is sent a provisional tax statement and is later sent a final or reconciling tax statement, interest shall be computed after the date on which the taxes were paid or first due under the provisional tax statement, whichever is later, through the date of the refund or credit.**

(c) This subsection applies if a taxpayer who is entitled to a refund or credit does not make a written request for the refund or credit to the county auditor within forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the department of local government finance, the Indiana board, or the tax court that entitles the taxpayer to the refund or credit. In the case of a taxpayer described in this subsection, the interest shall be computed from the date on which the taxes were paid or due to the date that is forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the department of local government finance, the Indiana board of tax review, or the Indiana tax court. In any event, a property tax refund or credit must be issued not later than ninety (90) days after the request is received.

SECTION 41. IC 6-1.1-41-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A political subdivision that decides to establish a fund under this chapter must:

(1) give notice of the proposal to the affected taxpayers; and

(2) hold a public hearing on the proposal;

before presenting the proposal to the department of local government finance for approval.

(b) Notice of the proposal and of the public hearing shall be given by publication in accordance with IC 5-3-1.

(c) For a cumulative fund authorized under IC 3-11-6 or IC 8-10-5-17, the political subdivision imposing a property tax levy shall post a notice of the proposal and the public hearing in three (3) public places in the political subdivision.

(d) A notice required by this section must describe the tax levy that will be imposed for the fund.

(e) If a political subdivision adopts a proposal to establish a fund or modify a tax rate under this chapter at a public hearing held in accordance with this section, the political subdivision shall publish notice of adoption in accordance with IC 5-3-1-2(i) in a manner prescribed by the department of local government finance.

SECTION 42. IC 6-1.1-41-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. The department of local government finance shall require that a notice of submission under section 3 of this chapter be given to the taxpayers of the county. The notice shall be published in one (1) publication and posted in the same manner as required by section 3 of this chapter.~~

SECTION 43. IC 6-1.1-41-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. Not later than noon thirty (30) days after the publication of the notice **of adoption** required by section 3 of this chapter:

(1) at least ten (10) taxpayers in the taxing district, if the fund is authorized under IC 8-10-5-17, IC 8-16-3-1, IC 8-16-3.1-4, IC 14-27-6-48, IC 14-33-21-2, IC 36-8-14-2, IC 36-9-4-48, or IC 36-10-4-36;

(2) at least twenty (20) taxpayers in a county served by a hospital, if the fund is authorized under IC 16-22-4-1;

(3) at least thirty (30) taxpayers in a tax district, if the fund is authorized under IC 36-10-3-21 or IC 36-10-7.5-19;

(4) at least fifty (50) taxpayers in a municipality, **township, or county,** if subdivision (1), (2), (3), or (5) does not apply; or

(5) at least one hundred (100) taxpayers in the county, if the fund is authorized by IC 3-11-6;

may file a petition with the county auditor stating their objections to an action described in section 2 of this chapter. Upon the filing of the petition, the county auditor shall immediately certify the petition to the department of local government finance.

SECTION 44. IC 6-1.1-41-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) After a hearing upon a proposal **under section 7 of this chapter,** the department of local government finance shall certify approval, disapproval, or modification of the proposal to the county auditor.

(b) A:

(1) taxpayer who signed a petition filed under section 6 of this chapter; or

(2) political subdivision against which a petition under section 6 of this chapter is filed;

may petition for judicial review of the final determination of the department of local government finance under subsection (a). The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (a).

SECTION 45. IC 6-2.3-4-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 7. Gross receipts are exempt from the utility receipts tax if the gross receipts are received by a taxpayer from an electricity supplier (as defined in IC 8-1-2.3-2) as payment of severance damages or other compensation resulting from a change in assigned service area boundaries under IC 8-1-2.3-6(1), IC 8-1-2.3-6(2), or IC 8-1-2.3-6(3).**

SECTION 46. IC 6-2.5-4-5, AS AMENDED BY HEA 1141-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 5. (a) As used in this section, a "power subsidiary" means a corporation which is owned or controlled by one (1) or more public utilities that furnish or sell electrical energy, natural or artificial gas, water, steam, or steam heat and which produces power exclusively for the use of those public utilities.

(b) A power subsidiary or a person engaged as a public utility is a retail merchant making a retail transaction when the subsidiary or person furnishes or sells electrical energy, natural or artificial gas, water, steam, or steam heating service to a person for commercial or domestic consumption.

(c) Notwithstanding subsection (b), a power subsidiary or a person engaged as a public utility is not a retail merchant making a retail transaction in any of the following transactions:

(1) The power subsidiary or person provides, installs, constructs, services, or removes tangible personal property which is used in connection with the furnishing of the services or commodities listed in subsection (b).

(2) The power subsidiary or person sells the services or commodities listed in subsection (b) to another public utility or power subsidiary described in this section or a person described in section 6 of this chapter.

(3) The power subsidiary or person sells the services or commodities listed in subsection (b) to a person for use in manufacturing, mining, production, **processing (after December 31, 2012), repairing (after December 31, 2012),** refining, **recycling (as defined in IC 6-2.5-5-45.8),** oil extraction, mineral extraction, irrigation, agriculture, **floriculture (after December 31, 2012), arboriculture (after December 31, 2012),** or horticulture. However, this exclusion for sales of the services and commodities only applies if the services are consumed as an essential and integral part of an integrated process that produces tangible personal property and those

sales are separately metered for the excepted uses listed in this subdivision, or if those sales are not separately metered but are predominately used by the purchaser for the excepted uses listed in this subdivision.

(4) The power subsidiary or person sells the services or commodities listed in subsection (b) and all the following conditions are satisfied:

(A) The services or commodities are sold to a business that after June 30, 2004:

(i) relocates all or part of its operations to a facility; or

(ii) expands all or part of its operations in a facility;

located in a military base (as defined in IC 36-7-30-1(c)), a military base reuse area established under IC 36-7-30, the part of an economic development area established under IC 36-7-14.5-12.5 that is or formerly was a military base (as defined in IC 36-7-30-1(c)), a military base recovery site designated under IC 6-3.1-11.5, or a qualified military base enhancement area established under IC 36-7-34.

(B) The business uses the services or commodities in the facility described in clause (A) not later than five (5) years after the operations that are relocated to the facility or expanded in the facility commence.

(C) The sales of the services or commodities are separately metered for use by the relocated or expanded operations.

(D) In the case of a business that uses the services or commodities in a qualified military base enhancement area established under IC 36-7-34-4(1), the business must satisfy at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business is a United States Department of Defense contractor.

(iii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

(E) In the case of a business that uses the services or commodities in a qualified military base enhancement area established under IC 36-7-34-4(2), the business must satisfy at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the qualified military base (as defined in IC 36-7-34-3).

However, this subdivision does not apply to a business that substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations in an area described in this subdivision, unless the department determines that the business had existing operations in the area described in this subdivision and that the operations relocated to the area are an expansion of the business's operations in the area.

SECTION 47. IC 6-2.5-5-5.1, AS AMENDED BY P.L.172-2011, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.1. (a) As used in this section, "tangible personal property" includes electrical energy, natural or artificial gas, water, steam, and steam heat.

(b) Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for direct consumption as a material to be consumed in the direct production of other tangible personal property in the person's business of manufacturing, processing, refining, repairing, mining, agriculture, horticulture, floriculture, or arboriculture. This exemption includes transactions involving acquisitions of tangible personal property used in commercial printing.

(c) A refund claim based on the exemption provided by this section for electrical energy, natural or artificial gas, water, steam, and steam heat may not cover transactions that occur more than ~~eighteen (18)~~ **thirty-six (36)** months before the date of the refund claim.

SECTION 48. IC 6-2.5-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) As used in this section, "returnable containers" means containers customarily returned by the buyer of the contents for reuse as containers.

(b) Sales of returnable containers are exempt from the state gross retail tax if the transaction constitutes selling at retail as defined in IC 6-2.5-4-1 and if the returnable containers contain contents.

(c) Sales of returnable containers are exempt from the state gross retail tax if the containers are transferred empty for the purpose of refilling.

(d) Sales of wrapping material and empty containers are exempt from the state gross retail tax if the person acquiring the material or containers acquires them for use as nonreturnable packages for:

(1) selling the contents that ~~he~~ **the person** adds; **or**

(2) shipping or delivering tangible personal property that:

(A) is owned by another person;

(B) is processed or serviced for the owner; and

(C) will be sold by that owner either in the same form or as a part of other tangible personal property produced by that owner in the owner's business of manufacturing, assembling, constructing, refining, or processing.

SECTION 49. IC 6-2.5-5-30, AS AMENDED BY P.L.42-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 30. (a) Sales of tangible personal property are exempt from the state gross retail tax if:

(1) the property constitutes, is incorporated into, or is consumed in the operation of, a device, facility, or structure predominantly used and acquired for the purpose of complying with any state, local, or federal environmental quality statutes, regulations, or standards; and

(2) the person acquiring the property is engaged in the business of manufacturing, processing, refining, mining, **recycling (as defined in section 45.8 of this chapter),** or agriculture.

(b) The portion of the sales price of tangible personal property which is exempt from state gross retail and use taxes under this section equals the product of:

(1) the total sales price; multiplied by

(2) one hundred percent (100%).

SECTION 50. IC 6-2.5-5-45.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **Sec. 45.8. (a) For purposes of this section, IC 6-2.5-4-5, and section 30 of this chapter, the following definitions apply:**

(1) "Recycling" means the processing of recycling materials and other tangible personal property into a product for sale if the product is predominantly composed of recycling materials. The term does not

include the following:

(A) The demolition of improvements to real estate.

(B) The processing of tangible personal property primarily for disposal in a licensed solid waste disposal facility rather than for sale.

(C) The collection of recycling materials by licensed motor vehicles.

(2) "Recycling materials" means tangible personal property, including metal, paper, glass, plastic, textile, or rubber, that:

(A) is considered "scrap" by industry standards or has no more than scrap value;

(B) is a byproduct of another person's manufacturing or production process;

(C) was previously manufactured or incorporated into a product;

(D) would otherwise reasonably be expected to be destined for disposal in a licensed solid waste disposal facility; or

(E) has been removed or diverted from the solid waste stream for sale, use, or reuse as raw materials, regardless of whether or not the materials require subsequent processing or separation from each other.

(3) "Processing of recycling materials" means:

(A) the activities involved in collecting or otherwise receiving recycling materials and other tangible personal property; and

(B) creating a product for sale by changing the original form, use, or composition of the property (whether manually, mechanically, chemically, or otherwise) through weighing, sorting, grading, separating, shredding, crushing, compacting, breaking, cutting, baling, shearing, torching, wire-stripping, or other means.

(b) Transactions involving machinery, tools, and equipment are exempt from the state gross retail tax if:

(1) the person acquiring that property acquires it for direct use in the direct processing of recycling materials; and

(2) the person acquiring that property is occupationally engaged in recycling.

(c) Transactions involving recycling materials and other tangible personal property to be consumed in the processing of recycling materials or to become a part of the product produced by the processing of recycling materials are exempt from the state gross retail tax if:

(1) the person acquiring that property acquires it for direct use in the direct processing of recycling materials; and

(2) the person acquiring that property is occupationally engaged in recycling.

SECTION 51. IC 6-2.5-6-1, AS AMENDED BY P.L.182-2009(ss), SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) Except as otherwise provided in this section, each person liable for collecting the state gross retail or use tax shall file a return for each calendar month and pay the state gross retail and use taxes that the person collects during that month. A person shall file the person's return for a particular month with the department and make the person's tax payment for that month to the department not more than thirty (30) days after the end of that month, if that person's average monthly liability for collections of state gross retail and use taxes under this section as determined by the department for the preceding calendar year did not exceed one thousand dollars ($1,000). If a person's average monthly liability for collections of state gross retail and use taxes under this section as determined by the department for the preceding calendar year exceeded one thousand dollars ($1,000), that person shall file the person's return for a particular month and make the person's tax payment for that month to the department not more than twenty (20) days after the end of that month.

~~(b) If a person files a combined sales and withholding tax report and either this section or IC 6-3-4-8.1 requires sales or withholding tax reports to be filed and remittances to be made within twenty (20) days after the end of each month, then the person shall file the combined report and remit the sales and withholding taxes due within twenty (20) days after the end of each month.~~

~~(c)~~ **(b)** Instead of the twelve (12) monthly reporting periods required by subsection (a), the department may permit a person to divide a year into a different number of reporting periods. The return and payment for each reporting period is due not more than twenty (20) days after the end of the period.

~~(d)~~ **(c)** Instead of the reporting periods required under subsection (a), the department may permit a retail merchant to report and pay the merchant's state gross retail and use taxes for a period covering a calendar year, if the retail merchant's state gross retail and use tax liability in the previous calendar year does not exceed one thousand dollars ($1,000). A retail merchant using a reporting period allowed under this subsection must file the merchant's return and pay the merchant's tax for a reporting period not later than the last day of the month immediately following the close of that reporting period.

~~(e)~~ **(d)** If a retail merchant reports the merchant's adjusted gross income tax, or the tax the merchant pays in place of the adjusted gross income tax, over a fiscal year not corresponding to the calendar year, the merchant may, without prior departmental approval, report and pay the merchant's state gross retail and use taxes over the merchant's fiscal year that corresponds to the calendar year the merchant is permitted to use under subsection ~~(d).~~ **(c).** However, the department may, at any time, require the retail merchant to stop using the fiscal reporting period.

~~(f) If a retail merchant files a combined sales and withholding tax report, the reporting period for the combined report is the shortest period required under:~~

~~(1) this section;~~

~~(2) IC 6-3-4-8; or~~

~~(3) IC 6-3-4-8.1.~~

~~(g)~~ **(e)** If the department determines that a person's:

(1) estimated monthly gross retail and use tax liability for the current year; or

(2) average monthly gross retail and use tax liability for the preceding year;

exceeds five thousand dollars ($5,000), the person shall pay the monthly gross retail and use taxes due by electronic funds transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the tax is due.

~~(h)~~ **(f)** A ~~person that registers as a~~ retail merchant ~~after December 31, 2009,~~ shall report and remit state gross retail and use taxes through the department's online tax filing program. ~~This subsection does not apply to a retail merchant that was a registered retail merchant before January 1, 2010, but adds an additional place of business in accordance with IC 6-2.5-8-1(e) after December 31, 2009.~~

~~(i)~~ **(g)** A person:

(1) who has voluntarily registered as a seller under the Streamlined Sales and Use Tax Agreement;

(2) who is not a Model 1, Model 2, or Model 3 seller (as defined in the Streamlined Sales and Use Tax Agreement); and

(3) whose liability for collections of state gross retail and use taxes under this section for the preceding calendar

year as determined by the department does not exceed one thousand dollars ($1,000);

is not required to file a monthly gross retail and use tax return.

SECTION 52. IC 6-3-1-3.5, AS AMENDED BY P.L.229-2011, SECTION 83, AS AMENDED BY P.L.171-2011, SECTION 4, AND AS AMENDED BY P.L.172-2011, SECTION 53, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars ($1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars ($1,000).

(4) Subtract one thousand dollars ($1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) ~~*for taxable years beginning after December 31, 2004,*~~ one thousand five hundred dollars ($1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004); and

(B) five hundred dollars ($500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars ($40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

(B) two thousand dollars ($2,000).

(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

~~*(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.*~~

~~*(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.*~~

~~*(12)*~~ *(10)* Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

~~*(13)*~~ *(11)* In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

~~*(14)*~~ *(12)* In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

~~*(15)*~~ *(13)* In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

~~*(16) For taxable years beginning after December 31, 1999,*~~ *(14)* Subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

~~*(17)*~~ *(15)* Subtract an amount equal to the lesser of:

(A) ~~*for a taxable year:*~~

~~*(i) including any part of 2004, the amount determined under subsection (f); and*~~

~~*(ii) beginning after December 31, 2004,*~~ two thousand five hundred dollars ($2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

~~*(18)*~~ *(16)* Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

~~*(19)*~~ *(17)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

~~*(20)*~~ *(18)* Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

~~*(21)*~~ *(19)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made

for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

~~(22)~~ *(20)* Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

~~(23)~~ *(21)* Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.

~~(24)~~ *(22)* Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.

~~(25)~~ *(23)* Subtract any amount of a credit (including an advance refund of the credit) that is provided to an individual under 26 U.S.C. 6428 (federal Economic Stimulus Act of 2008) and included in the individual's federal adjusted gross income.

~~(26)~~ *(24)* Add any amount of unemployment compensation excluded from federal gross income, as defined in Section 61 of the Internal Revenue Code, under Section 85(c) of the Internal Revenue Code.

~~(27)~~ *(25)* Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal Revenue Code for the discharge of debt on a qualified principal residence.

~~(28)~~ *(26)* Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract the amount necessary from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

~~(29)~~ *(27)* Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

~~(30)~~ *(28)* Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

~~(31)~~ *(29)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

~~(31)~~ *(30)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

~~(33)~~ *(31)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

~~(34)~~ *(32)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(33) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

~~(35)~~ *(34) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.*

~~(36)~~ *(35) Add the amount excluded from gross income under Section 408(d)(8) of the Internal Revenue Code for a charitable distribution from an individual retirement plan.*

~~(37)~~ *(36) Add the amount deducted from gross income under Section 222 of the Internal Revenue Code for qualified tuition and related expenses.*

~~(38)~~ *(37) Add the amount deducted from gross income under Section* ~~*62(2)(D)*~~ **62(a)(2)(D)** *of the Internal Revenue Code for certain expenses of elementary and secondary school teachers.*

~~(39)~~ *(38) Add the amount excluded from gross income under Section 127 of the Internal Revenue Code as annual employer provided education expenses.*

~~(40)~~ *(39) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.*

~~(41)~~ *(40) Add the monthly amount excluded from gross income under Section 132(f)(1)(A) and 132(f)(1)(B)* **of the Internal Revenue Code** *that exceeds one hundred dollars ($100) a month for a qualified transportation fringe.*

~~(42)~~ *(41) Add the amount deducted from gross income under Section 221 of the Internal Revenue Code that exceeds the amount the taxpayer could deduct under Section 221 of the Internal Revenue Code before it was amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312).*

~~(43)~~ *(42) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue*

Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

~~*(44)*~~ *(43) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.*

~~*(45)*~~ *(44) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).*

~~*(46)*~~ *(45) Add the amount necessary to make the adjusted gross income of any taxpayer for which tax was not imposed on the net recognized built-in gain of an S corporation under Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240) equal to the amount of adjusted gross income that would have been computed before Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240).*

~~*(35)*~~ **(46)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

(11) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(12) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(13) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(14) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(18) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(19) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(20) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

(21) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(22) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(23) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

~~*(19)*~~ **(24)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~*(24)*~~ **(25)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal

Revenue Code.

(11) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(12) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(17) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(18) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(19) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(20) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

(21) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(22) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

~~(18)~~ **(23)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~(23)~~ **(24)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted

gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(11) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(12) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(17) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(18) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(19) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(20) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

(21) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(22) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

~~(18)~~ **(23)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~(23)~~ **(24)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United

States.
(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.
(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.
(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).
(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
(7) Subtract income that is:
(A) exempt from taxation under IC 6-3-2-21.7; and
(B) included in the taxpayer's taxable income under the Internal Revenue Code.
(8) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.
(9) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.
(10) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.
(11) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.
(12) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.
(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.
(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:
(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or
(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);
as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.
(15) Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal Revenue Code for the discharge of debt on a qualified principal residence.
(16) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.
(17) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.
(18) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).
(19) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.
(20) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.
(21) Add the amount necessary to make the adjusted gross

income of any taxpayer for which tax was not imposed on the net recognized built-in gain of an S corporation under Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240) equal to the amount of adjusted gross income that would have been computed before Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

~~*(16)*~~ **(22)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~*(22)*~~ **(23)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

~~*(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:*~~

~~*STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.*~~

~~*STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.*~~

~~*STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.*~~

~~*STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars ($2,500).*~~

~~*STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars ($2,500).*~~

SECTION 53. IC 6-3-1-11, AS AMENDED BY P.L.229-2011, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Except as provided in subsection (d), the term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended and in effect on January 1, 2011.

(b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that are referred to, together with all the other provisions of the Internal Revenue Code in effect on January 1, 2011, that pertain to the provisions specifically mentioned, shall be regarded as incorporated in this article by reference and have the same force and effect as though fully set forth in this article. To the extent the provisions apply to this article, regulations adopted under Section 7805(a) of the Internal Revenue Code and in effect on January 1, 2011, shall be regarded as rules adopted by the department under this article, unless the department adopts specific rules that supersede the regulation.

(c) An amendment to the Internal Revenue Code made by an act passed by Congress before January 1, 2011, that is effective for any taxable year that began before January 1, 2011, and that affects:

(1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);

(2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);

(3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);

(4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue Code);

(5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal Revenue Code); or

(6) taxable income (as defined in Section 832 of the Internal Revenue Code);

is also effective for that same taxable year for purposes of determining adjusted gross income under section 3.5 of this chapter.

(d) The following provisions of the Internal Revenue Code that were amended by the Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) are treated as though they were not amended by the Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312):

(1) Section 1367(a)(2) of the Internal Revenue Code pertaining to an adjustment of basis of the stock of shareholders.

(2) Section ~~871(k)(1)(c)~~ **871(k)(1)(C)** and 871(k)(2)(C) of the Internal Revenue Code pertaining the treatment of certain dividends of regulated investment companies.

(3) Section 897(h)(4)(A)(ii) of the Internal Revenue Code pertaining to regulated investment companies qualified entity treatment.

(4) Section 512(b)(13)(E)(iv) of the Internal Revenue Code pertaining to the modification of tax treatment of certain payments to controlling exempt organizations.

(5) Section 613A(c)(6)(H)(ii) of the Internal Revenue Code pertaining to the limitations on percentage depletion in the case of oil and gas wells.

(6) Section 451(i)(3) of the Internal Revenue Code pertaining to special rule for sales or dispositions to implement Federal Energy Regulatory Commission or state electric restructuring policy for qualified electric utilities.

(7) Section 954(c)(6) of the Internal Revenue Code pertaining to the look-through treatment of payments between related controlled foreign corporation under foreign personal holding company rules.

The department shall develop forms and adopt any necessary rules under IC 4-22-2 to implement this subsection.

SECTION 54. IC 6-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. Returns with respect to taxes imposed by this act shall be made by the following:

(1) Every resident individual having for the taxable year gross income in an amount greater than the modifications provided under IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4).

(2) Every nonresident individual having for the taxable year any gross income from sources within the state of Indiana, except for a team member (as defined in IC 6-3-2-2.7) who is covered by a composite return filed under IC 6-3-2-2.7.

(3) Every corporation having for the taxable year any gross income from sources within the state of Indiana.

(4) **For taxable years beginning after December 31, 2012,** every resident estate having for the taxable year any gross income from sources within the state of Indiana **exceeding the amount provided in Section 6012(a)(3) of the Internal Revenue Code.**

(5) **For taxable years beginning after December 31, 2012,** every resident trust having for the taxable year any

gross income from sources within the state of Indiana **exceeding the amount provided in Section 6012(a)(4) of the Internal Revenue Code.**

(6) **For taxable years beginning after December 31, 2012,** every nonresident estate having for the taxable year any gross income from sources within the state of Indiana **exceeding the amount provided in Section 6012(a)(3) of the Internal Revenue Code.**

(7) **For taxable years beginning after December 31, 2012,** every nonresident trust having for the taxable year any gross income from sources within the state of Indiana **exceeding the amount provided in Section 6012(a)(4) of the Internal Revenue Code.**

SECTION 55. IC 6-3-4-8, AS AMENDED BY P.L.172-2011, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. (a) Except as provided in subsection (d), every employer making payments of wages subject to tax under this article, regardless of the place where such payment is made, who is required under the provisions of the Internal Revenue Code to withhold, collect, and pay over income tax on wages paid by such employer to such employee, shall, at the time of payment of such wages, deduct and retain therefrom the amount prescribed in withholding instructions issued by the department. The department shall base its withholding instructions on the adjusted gross income tax rate for persons, on the total rates of any income taxes that the taxpayer is subject to under IC 6-3.5, and on the total amount of exclusions the taxpayer is entitled to under IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4). However, the withholding instructions on the adjusted gross income of a nonresident alien (as defined in Section 7701 of the Internal Revenue Code) are to be based on applying not more than one (1) withholding exclusion, regardless of the total number of exclusions that IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4) permit the taxpayer to apply on the taxpayer's final return for the taxable year. Such employer making payments of any wages:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and withheld under this section and shall not be liable to any individual for the amount deducted from the individual's wages and paid over in compliance or intended compliance with this section; and

(2) shall make return of and payment to the department monthly of the amount of tax which under this article and IC 6-3.5 the employer is required to withhold.

(b) An employer shall pay taxes withheld under subsection (a) during a particular month to the department no later than thirty (30) days after the end of that month. However, in place of monthly reporting periods, the department may permit an employer to report and pay the tax for

~~(1)~~ a calendar year reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed ~~ten dollars ($10);~~

~~(2) a six (6) month reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed twenty-five dollars ($25); or~~

~~(3) a three (3) month reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed seventy-five dollars ($75).~~ **one thousand dollars ($1,000).**

An employer using a reporting period (other than a monthly reporting period) must file the employer's return and pay the tax for a reporting period no later than the last day of the month immediately following the close of the reporting period. ~~If an employer files a combined sales and withholding tax report, the reporting period for the combined report is the shortest period required under this section, section 8.1 of this chapter, or IC 6-2.5-6-1.~~

(c) For purposes of determining whether an employee is subject to taxation under IC 6-3.5, an employer is entitled to rely on the statement of an employee as to the employee's county of residence as represented by the statement of address in forms claiming exemptions for purposes of withholding, regardless of when the employee supplied the forms. Every employee shall notify the employee's employer within five (5) days after any change in the employee's county of residence.

(d) A county that makes payments of wages subject to tax under this article:

(1) to a precinct election officer (as defined in IC 3-5-2-40.1); and

(2) for the performance of the duties of the precinct election officer imposed by IC 3 that are performed on election day;

is not required, at the time of payment of the wages, to deduct and retain from the wages the amount prescribed in withholding instructions issued by the department.

(e) Every employer shall, at the time of each payment made by the employer to the department, deliver to the department a return upon the form prescribed by the department showing:

(1) the total amount of wages paid to the employer's employees;

(2) the amount deducted therefrom in accordance with the provisions of the Internal Revenue Code;

(3) the amount of adjusted gross income tax deducted therefrom in accordance with the provisions of this section;

(4) the amount of income tax, if any, imposed under IC 6-3.5 and deducted therefrom in accordance with this section; and

(5) any other information the department may require.

Every employer making a declaration of withholding as provided in this section shall furnish the employer's employees annually, but not later than thirty (30) days after the end of the calendar year, a record of the total amount of adjusted gross income tax and the amount of each income tax, if any, imposed under IC 6-3.5, withheld from the employees, on the forms prescribed by the department.

(f) All money deducted and withheld by an employer shall immediately upon such deduction be the money of the state, and every employer who deducts and retains any amount of money under the provisions of this article shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in this article. Any employer may be required to post a surety bond in the sum the department determines to be appropriate to protect the state with respect to money withheld pursuant to this section.

(g) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to employers subject to the provisions of this section, and for these purposes any amount deducted or required to be deducted and remitted to the department under this section shall be considered to be the tax of the employer, and with respect to such amount the employer shall be considered the taxpayer. In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest.

(h) Amounts deducted from wages of an employee during any calendar year in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such employee for the employee's taxable year which begins in such calendar year, and a return made by the employer under subsection (b) shall be accepted by the department as evidence

in favor of the employee of the amount so deducted from the employee's wages. Where the total amount so deducted exceeds the amount of tax on the employee as computed under this article and IC 6-3.5, the department shall, after examining the return or returns filed by the employee in accordance with this article and IC 6-3.5, refund the amount of the excess deduction. However, under rules promulgated by the department, the excess or any part thereof may be applied to any taxes or other claim due from the taxpayer to the state of Indiana or any subdivision thereof. No refund shall be made to an employee who fails to file the employee's return or returns as required under this article and IC 6-3.5 within two (2) years from the due date of the return or returns. In the event that the excess tax deducted is less than one dollar ($1), no refund shall be made.

(i) This section shall in no way relieve any taxpayer from the taxpayer's obligation of filing a return or returns at the time required under this article and IC 6-3.5, and, should the amount withheld under the provisions of this section be insufficient to pay the total tax of such taxpayer, such unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(j) Notwithstanding subsection (b), an employer of a domestic service employee that enters into an agreement with the domestic service employee to withhold federal income tax under Section 3402 of the Internal Revenue Code may withhold Indiana income tax on the domestic service employee's wages on the employer's Indiana individual income tax return in the same manner as allowed by Section 3510 of the Internal Revenue Code.

(k) To the extent allowed by Section 1137 of the Social Security Act, an employer of a domestic service employee may report and remit state unemployment insurance contributions on the employee's wages on the employer's Indiana individual income tax return in the same manner as allowed by Section 3510 of the Internal Revenue Code.

(l) A person who knowingly fails to remit trust fund money as set forth in this section commits a Class D felony.

SECTION 56. IC 6-3-4-8.1, AS AMENDED BY P.L.182-2009(ss), SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8.1. (a) Any entity that is required to file a monthly return and make a monthly remittance of taxes under sections 8, 12, 13, and 15 of this chapter shall file those returns and make those remittances twenty (20) days (rather than thirty (30) days) after the end of each month for which those returns and remittances are filed, if that entity's average monthly remittance for the immediately preceding calendar year exceeds one thousand dollars ($1,000).

(b) The department may require any entity to make the entity's monthly remittance and file the entity's monthly return twenty (20) days (rather than thirty (30) days) after the end of each month for which a return and payment are made if the department estimates that the entity's average monthly payment for the current calendar year will exceed one thousand dollars ($1,000).

(c) If the department determines that a withholding agent is not withholding, reporting, or remitting an amount of tax in accordance with this chapter, the department may require the withholding agent:

(1) to make periodic deposits during the reporting period; and

(2) to file an informational return with each periodic deposit.

~~(d) If a person files a combined sales and withholding tax report and either this section or IC 6-2.5-6-1 requires the sales or withholding tax report to be filed and remittances to be made within twenty (20) days after the end of each month, then the person shall file the combined report and remit the sales and withholding taxes due within twenty (20) days after the end of each month.~~

~~(e)~~ **(d)** If the department determines that an entity's:

(1) estimated monthly withholding tax remittance for the current year; or

(2) average monthly withholding tax remittance for the preceding year;

exceeds five thousand dollars ($5,000), the entity shall remit the monthly withholding taxes due by electronic fund transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the remittance is due.

~~(f)~~ **(e)** An entity that ~~registers to withhold~~ **withholds** taxes ~~after December 31, 2009,~~ shall file the withholding tax report and remit withholding taxes electronically through the department's online tax filing program.

SECTION 57. IC 6-3-4-12, AS AMENDED BY P.L.211-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) Every partnership shall, at the time that the partnership pays or credits amounts to any of its nonresident partners on account of their distributive shares of partnership income, for a taxable year of the partnership, deduct and retain therefrom the amount prescribed in the withholding instructions referred to in section 8 of this chapter. Such partnership so paying or crediting any nonresident partner:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and retained under this section and shall not be liable to such partner for the amount deducted from such payment or credit and paid over in compliance or intended compliance with this section; and

(2) shall make return of and payment to the department monthly whenever the amount of tax due under IC 6-3 and IC 6-3.5 exceeds an aggregate amount of fifty dollars ($50) per month with such payment due on the thirtieth day of the following month, unless an earlier date is specified by section 8.1 of this chapter.

Where the aggregate amount due under IC 6-3 and IC 6-3.5 does not exceed fifty dollars ($50) per month, then such partnership shall make return and payment to the department quarterly, on such dates and in such manner as the department shall prescribe, of the amount of tax which, under IC 6-3 and IC 6-3.5, it is required to withhold.

(b) Every partnership shall, at the time of each payment made by it to the department pursuant to this section, deliver to the department a return upon such form as shall be prescribed by the department showing the total amounts paid or credited to its nonresident partners, the amount deducted therefrom in accordance with the provisions of this section, and such other information as the department may require. Every partnership making the deduction and retention provided in this section shall furnish to its nonresident partners annually, but not later than ~~thirty (30) days~~ **the fifteenth day of the third month** after the end of its taxable year, a record of the amount of tax deducted and retained from such partners on forms to be prescribed by the department.

(c) All money deducted and retained by the partnership, as provided in this section, shall immediately upon such deduction be the money of the state of Indiana and every partnership which deducts and retains any amount of money under the provisions of IC 6-3 shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in IC 6-3. Any partnership may be required to post a surety bond in such sum as the department shall determine to be appropriate to protect the state of Indiana with respect to money deducted and retained pursuant to this section.

(d) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to partnerships subject to the provisions of this section, and for these purposes any amount deducted, or required to be deducted and remitted to the department under this section, shall be considered to be the tax of the partnership, and with respect to such amount it shall be considered the taxpayer.

(e) Amounts deducted from payments or credits to a nonresident partner during any taxable year of the partnership in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such nonresident partner for ~~his~~ **the nonresident partner's** taxable year within or with which the partnership's taxable year ends. A return made by the partnership under subsection (b) shall be accepted by the department as evidence in favor of the nonresident partner of the amount so deducted for ~~his~~ **the nonresident partner's** distributive share.

(f) This section shall in no way relieve any nonresident partner from ~~his~~ **the nonresident partner's** obligations of filing a return or returns at the time required under IC 6-3 or IC 6-3.5, and any unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(g) Instead of the reporting periods required under subsection (a), the department may permit a partnership to file one (1) return and payment each year if the partnership pays or credits amounts to its nonresident partners only one (1) time each year. The return and payment are due ~~not more than thirty (30) days~~ **on or before the fifteenth day of the fourth month** after the end of the year.

(h) A partnership shall file a composite adjusted gross income tax return on behalf of all nonresident individual partners. The composite return must include each nonresident individual partner regardless of whether or not the nonresident individual partner has other Indiana source income.

(i) If a partnership does not include all nonresident partners in the composite return, the partnership is subject to the penalty imposed under IC 6-8.1-10-2.1(j).

SECTION 58. IC 6-3-4-13, AS AMENDED BY P.L.211-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Every corporation which is exempt from tax under IC 6-3 pursuant to IC 6-3-2-2.8(2) shall, at the time that it pays or credits amounts to any of its nonresident shareholders as dividends or as their share of the corporation's undistributed taxable income, withhold the amount prescribed by the department. Such corporation so paying or crediting any nonresident shareholder:

(1) shall be liable to the state of Indiana for the payment of the tax required to be withheld under this section and shall not be liable to such shareholder for the amount withheld and paid over in compliance or intended compliance with this section; and

(2) when the aggregate amount due under IC 6-3 and IC 6-3.5 exceeds one hundred fifty dollars ($150) per quarter, then such corporation shall make return and payment to the department quarterly, on such dates and in such manner as the department shall prescribe, of the amount of tax which, under IC 6-3 and IC 6-3.5, it is required to withhold.

(b) Every corporation shall, at the time of each payment made by it to the department pursuant to this section, deliver to the department a return upon such form as shall be prescribed by the department showing the total amounts paid or credited to its nonresident shareholders, the amount withheld in accordance with the provisions of this section, and such other information as the department may require. Every corporation withholding as provided in this section shall furnish to its nonresident shareholders annually, but not later than the fifteenth day of the third month after the end of its taxable year, a record of the amount of tax withheld on behalf of such shareholders on forms to be prescribed by the department.

(c) All money withheld by a corporation, pursuant to this section, shall immediately upon being withheld be the money of the state of Indiana and every corporation which withholds any amount of money under the provisions of this section shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in IC 6-3. Any corporation may be required to post a surety bond in such sum as the department shall determine to be appropriate to protect the state of Indiana with respect to money withheld pursuant to this section.

(d) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to corporations subject to the provisions of this section, and for these purposes any amount withheld, or required to be withheld and remitted to the department under this section, shall be considered to be the tax of the corporation, and with respect to such amount it shall be considered the taxpayer.

(e) Amounts withheld from payments or credits to a nonresident shareholder during any taxable year of the corporation in accordance with the provisions of this section shall be considered to be a part payment of the tax imposed on such nonresident shareholder for his taxable year within or with which the corporation's taxable year ends. A return made by the corporation under subsection (b) shall be accepted by the department as evidence in favor of the nonresident shareholder of the amount so withheld from the shareholder's distributive share.

(f) This section shall in no way relieve any nonresident shareholder from the shareholder's obligation of filing a return or returns at the time required under IC 6-3 or IC 6-3.5, and any unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(g) Instead of the reporting periods required under subsection (a), the department may permit a corporation to file one (1) return and payment each year if the corporation pays or credits amounts to its nonresident shareholders only one (1) time each year. The withholding return and payment are due on or before the fifteenth day of the ~~third~~ **fourth** month after the end of the taxable year of the corporation.

(h) If a distribution will be made with property other than money or a gain is realized without the payment of money, the corporation shall not release the property or credit the gain until it has funds sufficient to enable it to pay the tax required to be withheld under this section. If necessary, the corporation shall obtain such funds from the shareholders.

(i) If a corporation fails to withhold and pay any amount of tax required to be withheld under this section and thereafter the tax is paid by the shareholders, such amount of tax as paid by the shareholders shall not be collected from the corporation but it shall not be relieved from liability for interest or penalty otherwise due in respect to such failure to withhold under IC 6-8.1-10.

(j) A corporation described in subsection (a) shall file a composite adjusted gross income tax return on behalf of all nonresident shareholders. The composite return must include each nonresident individual shareholder regardless of whether or not the nonresident individual shareholder has other Indiana source income.

(k) If a corporation described in subsection (a) does not include all nonresident shareholders in the composite return, the corporation is subject to the penalty imposed under IC 6-8.1-10-2.1(j).

SECTION 59. IC 6-3-4-16.5, AS ADDED BY P.L.113-2010, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16.5. (a) This section applies to:

(1) Form W-2 federal income tax withholding statements; ~~and~~

(2) Form W-2G certain gambling winnings;

(3) Form 1099-R distributions from pensions, annuities, retirement or profit sharing plans, IRAs, insurance contracts, or like distributions;

~~(2)~~ **(4)** Form WH-3 annual withholding tax reports; **and**

(5) Form WH-18 miscellaneous withholding tax statements for nonresidents;

filed with the department after December 31, ~~2010.~~ **2012.**

(b) If an employer or any person or entity acting on behalf of an employer files more than twenty-five (25):

(1) Form W-2 federal income tax withholding statements;

(2) Form W-2G certain gambling winnings;

(3) Form 1099-R distributions from pensions, annuities, retirement or profit sharing plans, IRAs, insurance contracts, or like distributions; or

(4) Form WH-18 miscellaneous withholding tax statements for nonresidents;

with the department in a calendar year, all ~~Form W-2 federal income tax withholding statements~~ **forms** and Form WH-3 annual withholding tax reports filed with the department in that calendar year by the employer or the person or entity acting on behalf of the employer must be filed in an electronic format specified by the department.

SECTION 60. IC 6-3.1-24-9, AS AMENDED BY P.L.172-2011, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The total amount of tax credits that may be allowed under this chapter in a particular calendar year for qualified investment capital provided during that calendar year may not exceed twelve million five hundred thousand dollars ($12,500,000). The Indiana economic development corporation may not certify a proposed investment plan under section 12.5 of this chapter if the proposed investment would result in the total amount of the tax credits certified for the calendar year exceeding twelve million five hundred thousand dollars ($12,500,000). An amount of an unused credit carried over by a taxpayer from a previous calendar year may not be considered in determining the amount of proposed investments that the Indiana economic development corporation may certify under this chapter.

(b) Notwithstanding the other provisions of this chapter, a taxpayer is not entitled to a credit for providing qualified investment capital to a qualified Indiana business after December 31, ~~2014.~~ **2016.** However, this subsection may not be construed to prevent a taxpayer from carrying over to a taxable year beginning after December 31, ~~2014,~~ **2016,** an unused tax credit attributable to an investment occurring before January 1, ~~2015.~~ **2017.**

SECTION 61. IC 6-3.1-26-26, AS AMENDED BY P.L.182-2009(ss), SECTION 202, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) This chapter applies to taxable years beginning after December 31, 2003.

(b) Notwithstanding the other provisions of this chapter, the corporation may not approve a credit for a qualified investment made after December 31, ~~2013.~~ **2016.** However, this section may not be construed to prevent a taxpayer from carrying an unused tax credit attributable to a qualified investment made before January 1, ~~2014,~~ **2017,** forward to a taxable year beginning after December 31, ~~2013,~~ **2016,** in the manner provided by section 15 of this chapter.

SECTION 62. IC 6-3.1-31.9-23, AS ADDED BY P.L.223-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) This chapter applies to taxable years beginning after December 31, 2006.

(b) Notwithstanding the other provisions of this chapter, the corporation may not approve ~~a~~ **an alternative fuel vehicle manufacturing** credit for a qualified investment made after December 31, ~~2012.~~ **2016.** However, this section may not be construed to prevent a taxpayer from carrying an unused tax credit attributable to a qualified investment made before January 1, ~~2012,~~ **2017,** forward to a taxable year beginning after December 31, ~~2011,~~ **2016,** in the manner provided by section 13 of this chapter.

SECTION 63. IC 6-3.1-33-9, AS ADDED BY P.L.110-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Before January 1, ~~2013,~~ **2017,** a corporation or pass through entity that desires to qualify for the **new employer** credit provided by this chapter may submit an application to the IEDC in the form and manner specified by the IEDC.

(b) The IEDC shall promptly review all applications submitted to the IEDC under this chapter.

(c) If the IEDC determines that an applicant for the tax credit provided by this chapter has furnished reliable evidence, as determined by the IEDC, that the applicant is reasonably capable of:

(1) employing at least ten (10) qualified employees in each month of the period specified in section 10(b) of this chapter during the taxable year; and

(2) meeting the requirements for the tax credit provided by this chapter;

the IEDC may issue the applicant a certificate of approval. If a certificate of approval is issued, the IEDC shall provide a copy of the certificate to the department.

(d) In making a determination of whether an applicant is qualified for a credit under this chapter, the IEDC may consider the following:

(1) The applicant's employment levels in previous years to determine if the applicant is hiring new individuals or rehiring individuals.

(2) Whether the applicant is the successor to part or all of the assets or business operations of another corporation or pass through entity that conducted business operations in Indiana in the same line of business to determine if the applicant is a new Indiana business under this chapter.

(e) If the IEDC determines that the applicant will not employ at least ten (10) qualified employees in each month of the period specified in section 10(b) of this chapter during the taxable year, is not a new Indiana business, or does not meet, or is unlikely to meet, any other requirements for the tax credit provided by this chapter, the IEDC shall notify the applicant of the IEDC's determination.

(f) The IEDC may not issue a certificate of approval under this chapter after December 31, ~~2012.~~ **2016.**

SECTION 64. IC 6-3.5-1.1-2, AS AMENDED BY P.L.77-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The county council of any county in which the county option income tax will not be in effect on December 1 of a year under an ordinance adopted during a previous calendar year may impose the county adjusted gross income tax on the adjusted gross income of county taxpayers of its county.

(b) Except as provided in section 2.3, 2.5, ~~2.6,~~ 2.7, 2.8, 2.9, 3.3, 3.5, 3.6, 24, 25, or 26 of this chapter, the county adjusted gross income tax may be imposed at a rate of one-half of one percent (0.5%), three-fourths of one percent (0.75%), or one percent (1%) on the adjusted gross income of resident county taxpayers of the county. Any county imposing the county adjusted gross income tax must impose the tax on the nonresident county taxpayers at a rate of one-fourth of one percent (0.25%) on their adjusted gross income. If the county council elects to decrease the county adjusted gross income tax, the county council may decrease the county adjusted gross

income tax rate in increments of one-tenth of one percent (0.1%).

(c) To impose the county adjusted gross income tax, the county council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Council imposes the county adjusted gross income tax on the county taxpayers of _____ County. The county adjusted gross income tax is imposed at a rate of _____ percent (_____%) on the resident county taxpayers of the county and one-fourth of one percent (0.25%) on the nonresident county taxpayers of the county.".

(d) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

(e) If the county adjusted gross income tax had previously been adopted by a county under IC 6-3.5-1 (before its repeal on March 15, 1983) and that tax was in effect at the time of the enactment of this chapter, then the county adjusted gross income tax continues in that county at the rates in effect at the time of enactment until the rates are modified or the tax is rescinded in the manner prescribed by this chapter. If a county's adjusted gross income tax is continued under this subsection, then the tax shall be treated as if it had been imposed under this chapter and is subject to rescission or reduction as authorized in this chapter.

SECTION 65. IC 6-3.5-1.1-2.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2.6. (a) This section applies to Parke County.~~

~~(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:~~

~~(1) fund the costs (including pre-trial costs) of a capital trial that has been moved to another county for trial; and~~

~~(2) to repay money borrowed for the purpose described in subdivision (1).~~

~~(c) In addition to the rates permitted by section 2 of this chapter, if the county council makes a determination described in subsection (b), the county council may by ordinance impose the county adjusted gross income tax at a rate not to exceed the lesser of:~~

~~(1) a rate necessary to carry out the purposes of subsection (b); or~~

~~(2) twenty-five hundredths percent (0.25%);~~

~~on the adjusted gross income of county taxpayers.~~

~~(d) The tax imposed under this section may be imposed only until the later of the following:~~

~~(1) The date on which the costs described in subsection (b), including the repayment of money borrowed for the purposes described in subsection (b), are fully paid.~~

~~(2) The date on which an ordinance adopted under subsection (c) is rescinded.~~

~~(e) The term of any borrowing described in subsection (b)(2) may not exceed three (3) years.~~

~~(f) The county treasurer shall establish a capital trial revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the capital trial revenue fund before making a certified distribution under section 11 of this chapter.~~

~~(g) County adjusted gross income tax revenues derived from the tax rate imposed under this section:~~

~~(1) may be used only for the purposes described in this section;~~

~~(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and~~

~~(3) may be pledged for the payment of costs described in subsection (b).~~

~~(h) Notwithstanding any other law, money remaining in the capital trial revenue fund established under subsection (f) after the tax imposed by this section is terminated under subsection (d) shall be transferred to the county general fund to be used for criminal justice costs.~~

SECTION 66. IC 6-3.5-1.1-3, AS AMENDED BY P.L.77-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The county council may increase the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county. To increase the rate, the county council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Council increases the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county from _____ percent (___%) to _____ percent (___%).".

(b) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 67. IC 6-3.5-1.1-3.1, AS AMENDED BY SEA115-2012, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.1. (a) The county council may decrease the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county. To decrease the rate, the county council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Council decreases the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county from _____ percent (___%) to _____ percent (___%).".

(b) A county council may not decrease the county adjusted gross income tax rate if the county or any commission, board, department, or authority that is authorized by statute to pledge the county adjusted gross income tax has pledged the county adjusted gross income tax for any purpose permitted by IC 5-1-14 or any other statute.

(c) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

(d) Notwithstanding IC 6-3.5-7, and except as provided in subsection (e), a county council that decreases the county adjusted gross income tax rate in a year may not in the same year adopt or increase the county economic development income tax under IC 6-3.5-7.

(e) This subsection applies only to LaPorte County. The county council may adopt or increase the county economic development income tax rate under IC 6-3.5-7 in the same year that the county council decreases the county adjusted gross income tax rate if the county economic development income tax rate plus the county adjusted gross income tax rate in effect after the county council decreases the county adjusted gross income tax rate is less than the county adjusted gross income tax rate in

effect before the adoption of an ordinance under this section decreasing the rate of the county adjusted gross income tax.

SECTION 68. IC 6-3.5-1.1-4, AS AMENDED BY P.L.77-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The county adjusted gross income tax imposed by a county council under this chapter remains in effect until rescinded.

(b) Except as provided in subsection (d), the county council may rescind the county adjusted gross income tax by adopting an ordinance to rescind the tax.

(c) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

(d) A county council may not rescind the county adjusted gross income tax or take any action that would result in a civil taxing unit in the county having a smaller certified share than the certified share to which the civil taxing unit was entitled when the civil taxing unit pledged county adjusted gross income tax if the civil taxing unit or any commission, board, department, or authority that is authorized by statute to pledge county adjusted gross income tax has pledged county adjusted gross income tax for any purpose permitted by IC 5-1-14 or any other statute. The prohibition in this section does not apply if the civil taxing unit pledges legally available revenues to fully replace the civil taxing unit's certified share that has been pledged.

SECTION 69. IC 6-3.5-1.1-9, AS AMENDED BY P.L.229-2011, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 9. (a) Revenue derived from the imposition of the county adjusted gross income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount to be distributed to a county during an ensuing calendar year equals the amount of county adjusted gross income tax revenue that the budget agency determines has been:

(1) received from that county for a taxable year ending before the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted for refunds of county adjusted gross income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the budget agency shall certify to the county auditor of each adopting county the amount determined under subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted under subsections (c), (d), (e), (f), **and** (g). ~~and (h).~~ The budget agency shall provide the county council with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years;

(4) adjustments for tax rate changes; and

(5) the amount of excess account balances to be distributed under IC 6-3.5-1.1-21.1.

The budget agency shall also certify information concerning the part of the certified distribution that is attributable to a tax rate under section 24, 25, or 26 of this chapter. This information must be certified to the county auditor, the department, and the department of local government finance not later than September 1 of each calendar year. The part of the certified distribution that is attributable to a tax rate under section 24, 25, or 26 of this chapter may be used only as specified in those provisions.

(c) The budget agency shall certify an amount less than the amount determined under subsection (b) if the budget agency determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The budget agency may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) The budget agency shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The budget agency may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

~~(e) The budget agency shall adjust the certified distribution of a county to provide the county with the distribution required under section 10(b) of this chapter.~~

~~(f)~~ **(e)** This subsection applies to a county that initially imposes, increases, decreases, or rescinds a tax or tax rate under this chapter before November 1 in the same calendar year in which the budget agency makes a certification under this section. The budget agency shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c). If the county imposes, increases, decreases, or rescinds a tax or tax rate under this chapter after the date for which a certification under subsection (b) is based, the budget agency shall adjust the certified distribution of the county after August 1 of the calendar year. The adjustment shall reflect any other adjustment required under subsections (c), (d), ~~(e),~~ **(f), and** (g). ~~and (h).~~ The adjusted certification shall be treated as the county's "certified distribution" for the immediately succeeding calendar year. The budget agency shall certify the adjusted certified distribution to the county auditor for the county and provide the county council with an informative summary of the calculations that revises the informative summary provided in subsection (b) and reflects the changes made in the adjustment.

~~(g)~~ **(f)** The budget agency shall adjust the certified distribution of a county to provide the county with the distribution required under section 3.3 of this chapter beginning not later than the tenth month after the month in which additional revenue from the tax authorized under section 3.3 of this chapter is initially collected.

~~(h)~~ **(g)** This subsection applies in the year in which a county initially imposes a tax rate under section 24 of this chapter. Notwithstanding any other provision, the budget agency shall adjust the part of the county's certified distribution that is attributable to the tax rate under section 24 of this chapter to provide for a distribution in the immediately following calendar year equal to the result of:

(1) the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) in the year in

which the county initially imposes a tax rate under section 24 of this chapter; multiplied by

(2) two (2).

~~(i)~~ **(h)** The budget agency shall before May 1 of every odd-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following two (2) calendar years.

~~(j)~~ **(i)** The budget agency shall before May 1 of every even-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following calendar year.

~~(k)~~ **(j)** The estimates under subsections **(h) and** (i) ~~and (j)~~ must specify the amount of the estimated certified distributions that are attributable to the additional rate authorized under section 24 of this chapter, the additional rate authorized under section 25 of this chapter, the additional rate authorized under section 26 of this chapter, and any other additional rates authorized under this chapter.

SECTION 70. IC 6-3.5-1.1-10, AS AMENDED BY SEA 115-2012, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) ~~Except as provided in subsection (b), one-half (1/2)~~ **One-twelfth (1/12)** of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on ~~May 1 and the other one-half (1/2) on November 1~~ **the first regular business day of each month** of that calendar year.

~~(b) This subsection applies to Porter County, if an ordinance imposing the tax is adopted before July 1 of a year. Notwithstanding section 9 of this chapter the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:~~

~~(1) One-fourth (1/4) on October 1 of the calendar year in which the ordinance was adopted.~~

~~(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.~~

~~(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.~~

~~(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.~~

~~Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be allocated to a civil taxing unit or school corporation as property tax replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or IC 20-44-3. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).~~

~~(c)~~ **(b)** Except for:

(1) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.3 of this chapter;

(2) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5 of this chapter;

(3) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.8 of this chapter;

(4) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;

(5) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter;

(6) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

~~(7) revenue under section 2.6 of this chapter;~~ or

~~(8)~~ **(7)** revenue attributable to a tax rate under section 24, 25, or 26 of this chapter;

distributions made to a county treasurer under ~~subsections~~ **subsection** (a) ~~and (b)~~ shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by ~~subsection (b) and~~ sections 24, 25, and 26 of this chapter, the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

~~(d)~~ **(c)** All distributions from an account established under section 8 of this chapter shall be made by warrants issued by the auditor of the state to the treasurer of the state ordering the appropriate payments.

SECTION 71. IC 6-3.5-1.1-24, AS AMENDED BY HEA 1009-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 24. (a) In a county in which the county adjusted gross income tax is in effect, the county council may ~~*before August 1 of a year,*~~ adopt an ordinance to impose or increase (as applicable) a tax rate under this section.

(b) In a county in which neither the county adjusted gross income tax nor the county option income tax is in effect, the county council may ~~*before August 1 of a year,*~~ adopt an ordinance to impose a tax rate under this section.

(c) ~~*An ordinance adopted under this section takes effect October 1 of the year in which the ordinance is adopted.*~~ If a county council adopts an ordinance to impose or increase a tax rate under this section, **not more than ten (10) days after the vote,** the county auditor shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of the budget agency,** and the **commissioner of the** department of local government finance by certified mail **or in an electronic format approved by the director of the budget agency.**

(d) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(e) The following apply only in the year in which a county council first imposes a tax rate under this section.

(1) The county council shall, in the ordinance imposing the tax rate, specify the tax rate for each of the following two (2) years.

(2) The tax rate that must be imposed in the county ~~*from October 1 of the year in which the tax rate is imposed through September 30 of the following year*~~ *in the first year* is equal to the result of:

(A) the tax rate determined for the county under IC 6-3.5-1.5-1(a) in the year in which the tax rate is increased; multiplied by

(B) two (2).

(3) The tax rate that must be imposed in the county ~~*from October 1 of the following year through September 30 of the year after the following year*~~ *in the second year* is the tax rate determined for the county under IC 6-3.5-1.5-1(b). The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.

(4) The levy limitations in ~~*IC 6-1.1-18.5-3(g), IC 6-1.1-18.5-3(h),*~~ *IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c),* IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year and to property taxes first due and payable in the calendar year after the ensuing calendar year.

(f) The following apply only in a year in which a county council increases a tax rate under this section:

(1) The county council shall, in the ordinance increasing the tax rate, specify the tax rate for the following year.

(2) The tax rate that must be imposed in the county ~~*from October 1 of the year in which the tax rate is increased through September 30 of the following year*~~ is equal to the result of:

(A) the tax rate determined for the county under IC 6-3.5-1.5-1(a) in that year; plus

(B) the tax rate currently in effect in the county under this section.

The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.

(3) The levy limitations in ~~*IC 6-1.1-18.5-3(g), IC 6-1.1-18.5-3(h),*~~ *IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c),* IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year.

(g) The department of local government finance shall determine the following property tax replacement distribution amounts:

STEP ONE: Determine the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) for the county in the preceding year.

STEP TWO: For distribution to each civil taxing unit that in the year had a maximum permissible property tax levy limited under ~~*IC 6-1.1-18.5-3(g),*~~ *IC 6-1.1-18.5-3(b),* determine the result of:

(1) the quotient of:

(A) the part of the amount determined under STEP ONE of IC 6-3.5-1.5-1(a) in the preceding year that was attributable to the civil taxing unit; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP THREE: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county family and children's fund before 2009, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP TWO of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FOUR: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county children's psychiatric residential treatment services fund before 2009, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP THREE of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FIVE: For distribution to the county for community mental health center purposes, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP FOUR of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

Except as provided in subsection (m), the county treasurer shall distribute the portion of the certified distribution that is attributable to a tax rate under this section as specified in this section. The county treasurer shall make the distributions under this subsection at the same time that distributions are made to civil taxing units under section 15 of this chapter.

(h) Notwithstanding sections 3.1 and 4 of this chapter, a county council may not decrease or rescind a tax rate imposed under this chapter.

(i) The tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter; or

(2) the maximum permissible property tax levy under ~~*STEP EIGHT of IC 6-1.1-18.5-3(b).*~~ *IC 6-1.1-18.5-3.*

(j) The tax levy under this section shall not be considered for purposes of the credit under IC 6-1.1-20.6.

(k) A distribution under this section shall be treated as a part of the receiving civil taxing unit's property tax levy for that year for purposes of fixing the budget of the civil taxing unit and for determining the distribution of taxes that are distributed on the basis of property tax levies.

(l) If a county council imposes a tax rate under this section, the portion of county adjusted gross income tax revenue dedicated to property tax replacement credits under section 11 of this chapter may not be decreased.

(m) In the year following the year in a which a county first imposes a tax rate under this section, one-half (1/2) of the tax revenue that is attributable to the tax rate under this section must be deposited in the county stabilization fund established under subsection (o).

(n) A pledge of county adjusted gross income taxes does not apply to revenue attributable to a tax rate under this section.

(o) A county stabilization fund is established in each county that imposes a tax rate under this section. The county stabilization fund shall be administered by the county auditor. If for a year the certified distributions attributable to a tax rate under this section exceed the amount calculated under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section, the excess shall be deposited in the county stabilization fund. Money shall be distributed from the county stabilization fund in a year by the county auditor to political subdivisions entitled to a distribution of tax revenue attributable to the tax rate under this section if:

(1) the certified distributions attributable to a tax rate under this section are less than the amount calculated under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section for a year; or

(2) the certified distributions attributable to a tax rate

under this section in a year are less than the certified distributions attributable to a tax rate under this section in the preceding year.

However, subdivision (2) does not apply to the year following the first year in which certified distributions of revenue attributable to the tax rate under this section are distributed to the county.

(p) Notwithstanding any other provision, a tax rate imposed under this section may not exceed one percent (1%).

(q) A county council must each year hold at least one (1) public meeting at which the county council discusses whether the tax rate under this section should be imposed or increased.

(r) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

SECTION 72. IC 6-3.5-1.1-25, AS AMENDED BY P.L.172-2011, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3) or an enhanced emergency telephone system (as defined in IC 36-8-16-2).

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) If a county council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 24 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 26 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 24 and 26 of this chapter, the county council may also adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety.

(c) A tax rate under this section may not exceed twenty-five hundredths of one percent (0.25%).

(d) If a county council adopts an ordinance to impose a tax rate under this section, **not more than ten (10) days after the vote,** the county auditor shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of the budget agency,** and the **commissioner of the** department of local government finance by certified mail **or in an electronic format approved by the director of the budget agency.**

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsection (k) or (l), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:

(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the attributed allocation amount (as defined in IC 6-3.5-1.1-15) of the county or municipality for the calendar year; divided by

(B) the sum of the attributed allocation amounts of the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 24 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(l) A fire department, volunteer fire department, or

emergency medical services provider that:

(1) provides fire protection or emergency medical services within the county; and

(2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county council for a distribution of tax revenue under this section during the following calendar year. The county council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency medical services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

SECTION 73. IC 6-3.5-1.1-26, AS AMENDED BY P.L.172-2011, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) A county council may impose a tax rate under this section to provide property tax relief to taxpayers in the county. A county council is not required to impose any other tax before imposing a tax rate under this section.

(b) A tax rate under this section may be imposed in increments of five hundredths of one percent (0.05%) determined by the county council. A tax rate under this section may not exceed one percent (1%).

(c) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(d) If a county council adopts an ordinance to impose or increase a tax rate under this section, **not more than ten (10) days after the vote,** the county auditor shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of the budget agency,** and the **commissioner of the** department of local government finance by certified mail **or in an electronic format approved by the director of the budget agency.**

(e) A tax rate under this section may be imposed, increased, decreased, or rescinded by a county council at the same time and in the same manner that the county council may impose or increase a tax rate under section 24 of this chapter.

(f) Tax revenue attributable to a tax rate under this section may be used for any combination of the following purposes, as specified by ordinance of the county council:

(1) Except as provided in subsection (j), the tax revenue may be used to provide local property tax replacement credits at a uniform rate to all taxpayers in the county. The local property tax replacement credits shall be treated for all purposes as property tax levies. The county auditor shall determine the local property tax replacement credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide local property tax replacement credits in that year. A county council may not adopt an ordinance determining that tax revenue shall be used under this subdivision to provide local property tax replacement credits at a uniform rate to all taxpayers in the county unless the county council has done the following:

(A) Made available to the public the county council's best estimate of the amount of property tax replacement credits to be provided under this subdivision to homesteads, other residential property, commercial property, industrial property, and agricultural property.

(B) Adopted a resolution or other statement acknowledging that some taxpayers in the county that do not pay the tax rate under this section will receive a property tax replacement credit that is funded with tax revenue from the tax rate under this section.

(2) The tax revenue may be used to uniformly provide the homestead credit percentage in the county. The homestead credits shall be treated for all purposes as property tax levies. The homestead credits do not reduce the basis for determining any state homestead credit. The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1. The county auditor shall determine the homestead credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide homestead credits in that year.

(3) The tax revenue may be used to provide local property tax replacement credits at a uniform rate for all qualified residential property (as defined in IC 6-1.1-20.6-4 before January 1, 2009, and as defined in section 1 of this chapter after December 31, 2008) in the county. The local property tax replacement credits shall be treated for all purposes as property tax levies. The county auditor shall determine the local property tax replacement credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide local property tax replacement credits in that year.

(4) This subdivision applies only to Lake County. The Lake County council may adopt an ordinance providing that the tax revenue from the tax rate under this section is used for any of the following:

(A) To reduce all property tax levies imposed by the county by the granting of property tax replacement credits against those property tax levies.

(B) To provide local property tax replacement credits in Lake County in the following manner:

(i) The tax revenue under this section that is collected from taxpayers within a particular municipality in Lake County (as determined by the department based on the department's best estimate) shall be used only to provide a local property tax credit against property taxes imposed by that municipality.

(ii) The tax revenue under this section that is collected from taxpayers within the unincorporated area of Lake County (as determined by the department) shall be used only to provide a local property tax credit against property taxes imposed by the county. The local property tax credit for the unincorporated area of Lake County shall be available only to those taxpayers within the unincorporated area of the county.

(C) To provide property tax credits in the following manner:

(i) Sixty percent (60%) of the tax revenue under this section shall be used as provided in clause (B).

(ii) Forty percent (40%) of the tax revenue under this section shall be used to provide property tax replacement credits against property tax levies of the county and each township and municipality in the county. The percentage of the tax revenue distributed under this item that shall be used as credits against the county's levies or against a

particular township's or municipality's levies is equal to the percentage determined by dividing the population of the county, township, or municipality by the sum of the total population of the county, each township in the county, and each municipality in the county.

The Lake County council shall determine whether the credits under clause (A), (B), or (C) shall be provided to homesteads, to all qualified residential property, or to all taxpayers. The department of local government finance, with the assistance of the budget agency, shall certify to the county auditor and the fiscal body of the county and each township and municipality in the county the amount of property tax credits under this subdivision. Except as provided in subsection (g), the tax revenue under this section that is used to provide credits under this subdivision shall be treated for all purposes as property tax levies.

The county council may adopt an ordinance changing the purposes for which tax revenue attributable to a tax rate under this section shall be used in the following year.

(g) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(h) Tax revenue under this section shall be treated as a part of the receiving civil taxing unit's or school corporation's property tax levy for that year for purposes of fixing the budget of the civil taxing unit or school corporation and for determining the distribution of taxes that are distributed on the basis of property tax levies. To the extent the county auditor determines that there is income tax revenue remaining from the tax under this section after providing the property tax replacement credits, the excess shall be credited to a dedicated county account and may be used only for property tax replacement credits under this section in subsequent years.

(i) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(j) A taxpayer that owns an industrial plant located in Jasper County is ineligible for a local property tax replacement credit under this section against the property taxes due on the industrial plant if the assessed value of the industrial plant as of March 1, 2006, exceeds twenty percent (20%) of the total assessed value of all taxable property in the county on that date. The general assembly finds that the provisions of this subsection are necessary because the industrial plant represents such a large percentage of Jasper County's assessed valuation.

SECTION 74. IC 6-3.5-1.5-1, AS AMENDED BY P.L.182-2009(ss), SECTION 215, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The department of local government finance and ~~the department of state revenue (before January 1, 2010) or~~ the budget agency ~~(after December 31, 2009)~~ shall, before ~~July~~ **September** 1 of each year, jointly calculate the county adjusted income tax rate or county option income tax rate (as applicable) that must be imposed in a county to raise income tax revenue in the following year equal to the sum of the following STEPS:

STEP ONE: Determine the greater of zero (0) or the result of:

(1) the department of local government finance's estimate of the sum of the maximum permissible ad valorem property tax levies calculated under IC 6-1.1-18.5 for all civil taxing units in the county for the ensuing calendar year (before any adjustment under IC 6-1.1-18.5-3(g) or IC 6-1.1-18.5-3(h) for the ensuing calendar year); minus

(2) the sum of the maximum permissible ad valorem property tax levies calculated under IC 6-1.1-18.5 for all civil taxing units in the county for the current calendar year.

In the case of a civil taxing unit that is located in more than one (1) county, the department of local government finance shall, for purposes of making the determination under this subdivision, apportion the civil taxing unit's maximum permissible ad valorem property tax levy among the counties in which the civil taxing unit is located.

STEP TWO: This STEP applies only to property taxes first due and payable before January 1, 2009. Determine the greater of zero (0) or the result of:

(1) the department of local government finance's estimate of the family and children property tax levy that will be imposed by the county under IC 12-19-7-4 **(before its repeal)** for the ensuing calendar year (before any adjustment under IC 12-19-7-4(b) **(before its repeal)** for the ensuing calendar year); minus

(2) the county's family and children property tax levy imposed by the county under IC 12-19-7-4 **(before its repeal)** for the current calendar year.

STEP THREE: This STEP applies only to property taxes first due and payable before January 1, 2009. Determine the greater of zero (0) or the result of:

(1) the department of local government finance's estimate of the children's psychiatric residential treatment services property tax levy that will be imposed by the county under IC 12-19-7.5-6 for **(before its repeal)** the ensuing calendar year (before any adjustment under IC 12-19-7.5-6(b) **(before its repeal)** for the ensuing calendar year); minus

(2) the children's psychiatric residential treatment services property tax imposed by the county under IC 12-19-7.5-6 **(before its repeal)** for the current calendar year.

STEP FOUR: Determine the greater of zero (0) or the result of:

(1) the department of local government finance's estimate of the county's maximum community mental health centers property tax levy under IC 12-29-2-2 for the ensuing calendar year (before any adjustment under IC 12-29-2-2(c) for the ensuing calendar year); minus

(2) the county's maximum community mental health centers property tax levy under IC 12-29-2-2 for the current calendar year.

(b) In the case of a county that wishes to impose a tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 (as applicable) for the first time, the department of local government finance and ~~the department of state revenue (before January 1, 2010) or~~ the budget agency ~~(after December 31, 2009)~~ shall jointly estimate the amount that will be calculated under subsection (a) in the second year after the tax rate is first imposed. The department of local government finance and ~~the department of state revenue (before January 1, 2010) or~~ the budget agency ~~(after December 31, 2009)~~ shall calculate the tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 (as applicable) that must be imposed in the county in the second year after the tax rate is first imposed to raise income tax revenue equal to the estimate under this subsection.

(c) The ~~department (before January 1, 2010) or the~~ budget agency ~~(after December 31, 2009)~~ and the department of local government finance shall make the calculations under subsections (a) and (b) based on the best information available

at the time the calculation is made.

(d) Notwithstanding IC 6-3.5-1.1-24(h) and IC 6-3.5-6-30(h), if a county has adopted an income tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 to replace property tax levy growth, the part of the tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 that was used before January 1, 2009, to reduce levy growth in the county family and children's fund property tax levy and the children's psychiatric residential treatment services property tax levy shall instead be used for property tax relief in the same manner that a tax rate under IC 6-3.5-1.1-26 or IC 6-3.5-6-32 is used for property tax relief.

SECTION 75. IC 6-3.5-1.5-2, AS ADDED BY P.L.224-2007, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The department of local government finance shall, before ~~July~~ **September** 1 of each year, certify the amount calculated for a county under section 1 of this chapter to the county auditor.

SECTION 76. IC 6-3.5-6-1.5, AS ADDED BY P.L.113-2010, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 1.5. (a) Notwithstanding any other provision of this chapter, a power granted by this chapter to adopt an ordinance to:

(1) impose, increase, decrease, or rescind a tax or tax rate; or

(2) grant, increase, decrease, rescind, or change a homestead credit or property tax replacement credit authorized under this chapter;

may be exercised at any time in a year before November 1 of that year.

(b) Notwithstanding any other provision of this chapter, an ordinance authorized by this chapter that imposes or increases a tax or a tax rate takes effect as follows:

(1) An ordinance adopted after December 31 of the immediately preceding year and before October 1 of the current year takes effect October 1 of the current year.

(2) An ordinance adopted after September 30 and before October 16 of the current year takes effect November 1 of the current year.

(3) An ordinance adopted after October 15 and before November 1 of the current year takes effect December 1 of the current year.

(c) Notwithstanding any other provision of this chapter, an ordinance authorized by this chapter that decreases or rescinds a tax or a tax rate takes effect as follows:

(1) An ordinance adopted after December 31 of the immediately preceding year and before October 1 of the current year takes effect on the later of October 1 of the current year or the first day of the month in the current year as the month in which the last increase in the tax or tax rate occurred.

(2) An ordinance adopted after September 30 and before October 16 of the current year takes effect on the later of November 1 of the current year or the first day of the month in the current year as the month in which the last increase in the tax or tax rate occurred.

(3) An ordinance adopted after October 15 and before November 1 of the current year takes effect December 1 of the current year.

(d) ~~Notwithstanding any other provision of this chapter,~~ **Except as provided in subsection (e),** an ordinance authorized by this chapter that grants, increases, decreases, rescinds, or changes a homestead credit or property tax replacement credit authorized under this chapter takes effect for and **initially** applies to property taxes first due and payable in the year immediately following the year in which the ordinance is adopted.

(e) This subsection applies only to Miami County. A county income tax council may adopt an ordinance in 2012 to select a different combination of uses specified in section 32(f) of this chapter for tax revenue distributed to the county from a tax rate imposed under section 32 of this chapter (county option income tax rate to provide property tax relief to taxpayers). The county income tax council may provide in the ordinance that the ordinance initially takes effect for and applies to property taxes first due and payable in 2012. This subsection expires January 1, 2013.

SECTION 77. IC 6-3.5-6-8, AS AMENDED BY P.L.77-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The county income tax council of any county in which the county adjusted gross income tax will not be in effect on December 1 of a year under an ordinance adopted during a previous calendar year may impose the county option income tax on the adjusted gross income of county taxpayers of its county.

(b) Except as provided in sections 30, 31, and 32 of this chapter, the county option income tax may initially be imposed at a rate of two-tenths of one percent (0.2%) on the resident county taxpayers of the county and at a rate of five-hundredths of one percent (0.05%) for all other county taxpayers.

(c) To impose the county option income tax, a county income tax council must pass an ordinance. The ordinance must substantially state the following:

"The _____ County Income Tax Council imposes the county option income tax on the county taxpayers of _____ County. The county option income tax is imposed at a rate of two-tenths of one percent (0.2%) on the resident county taxpayers of the county and at a rate of five-hundredths of one percent (0.05%) on all other county taxpayers.".

(d) Except as provided in sections 30, 31, and 32 of this chapter, if the county option income tax is imposed on the county taxpayers of a county, then the county option income tax rate that is in effect for resident county taxpayers of that county increases by one-tenth of one percent (0.1%) on each succeeding October 1 until the rate equals six-tenths of one percent (0.6%).

(e) The county option income tax rate in effect for the county taxpayers of a county who are not resident county taxpayers of that county is at all times one-fourth (1/4) of the tax rate imposed upon resident county taxpayers.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 78. IC 6-3.5-6-9, AS AMENDED BY P.L.77-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) If on ~~March 31~~ **January 1** of a calendar year the county option income tax rate in effect for resident county taxpayers equals six tenths of one percent (0.6%), excluding a tax rate imposed under section 30, 31, or 32 of this chapter, the county income tax council of that county may pass an ordinance to increase its tax rate for resident county taxpayers. If a county income tax council passes an ordinance under this section, its county option income tax rate for resident county taxpayers increases by one-tenth of one percent (0.1%) in the year in which the ordinance is adopted, as provided in section 1.5 of this chapter, and on each succeeding October 1 until its rate reaches a maximum of one percent (1%), excluding a tax rate imposed under section 30, 31, or 32 of this chapter.

(b) The auditor of the county shall record any vote taken on

an ordinance proposed under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 79. IC 6-3.5-6-11, AS AMENDED BY P.L.77-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) This section does not apply to a tax rate imposed under section 30 of this chapter.

(b) The county income tax council of any county may adopt an ordinance to permanently freeze the county option income tax rates at the rate in effect for its county on December 1 of a year.

(c) To freeze the county option income tax rates, a county income tax council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Income Tax Council permanently freezes the county option income tax rates at the rate in effect on December 1 of the current year.".

(d) An ordinance adopted under the authority of this section remains in effect until rescinded.

(e) If a county income tax council rescinds an ordinance as adopted under this section, the county option income tax rate shall automatically increase by one-tenth of one percent (0.1%) until:

(1) the tax rate is again frozen under another ordinance adopted under this section; or

(2) the tax rate equals six-tenths of one percent (0.6%) (if the frozen tax rate equaled an amount less than six-tenths of one percent (0.6%)) or one percent (1%) (if the frozen tax rate equaled an amount in excess of six-tenths of one percent (0.6%)).

(f) The county auditor shall record any vote taken on an ordinance proposed under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 80. IC 6-3.5-6-12, AS AMENDED BY P.L.77-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) The county option income tax imposed by a county income tax council under this chapter remains in effect until rescinded.

(b) Subject to subsection (c), the county income tax council of a county may rescind the county option income tax by passing an ordinance.

(c) A county income tax council may not rescind the county option income tax or take any action that would result in a civil taxing unit in the county having a smaller distributive share than the distributive share to which it was entitled when it pledged county option income tax, if the civil taxing unit or any commission, board, department, or authority that is authorized by statute to pledge county option income tax, has pledged county option income tax for any purpose permitted by IC 5-1-14 or any other statute.

(d) The auditor of a county shall record all votes taken on a proposed ordinance presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 81. IC 6-3.5-6-12.5, AS AMENDED BY P.L.77-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12.5. (a) The county income tax council may adopt an ordinance to decrease the county option income tax rate in effect.

(b) To decrease the county option income tax rate, the county income tax council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Income Tax Council decreases the county option income tax rate from _____ percent (___%) to _____ percent (___%).".

(c) A county income tax council may not decrease the county option income tax if the county or any commission, board, department, or authority that is authorized by statute to pledge the county option income tax has pledged the county option income tax for any purpose permitted by IC 5-1-14 or any other statute.

(d) The county auditor shall record the votes taken on an ordinance under this subsection and, **not more than ten (10) days after the vote,** shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail ~~not more than thirty (30) days after the ordinance is adopted.~~ **or in an electronic format approved by the director of the budget agency.**

(e) Notwithstanding IC 6-3.5-7, a county income tax council that decreases the county option income tax in a year may not in the same year adopt or increase the county economic development income tax under IC 6-3.5-7.

SECTION 82. IC 6-3.5-6-17, AS AMENDED BY P.L.229-2011, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 17. (a) Revenue derived from the imposition of the county option income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount that is to be distributed to a county during an ensuing calendar year equals the amount of county option income tax revenue that the budget agency determines has been:

(1) received from that county for a taxable year ending in a calendar year preceding the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted (as determined after review of the recommendation of the budget agency) for refunds of county option income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the budget agency shall certify to the county auditor of each adopting county the amount determined under subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted, as necessary, under subsections (c), (d), (e), and (f). The budget agency shall provide the county council with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years;

(4) adjustments for tax rate changes; and

(5) the amount of excess account balances to be distributed under IC 6-3.5-6-17.3.

The budget agency shall also certify information concerning the part of the certified distribution that is attributable to a tax rate under section 30, 31, or 32 of this chapter. This information must be certified to the county auditor and to the department of local government finance not later than September 1 of each calendar year. The part of the certified distribution that is attributable to a tax rate under section 30, 31, or 32 of this chapter may be used only as specified in those provisions.

(c) The budget agency shall certify an amount less than the amount determined under subsection (b) if the budget agency determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The budget agency may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) The budget agency shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The budget agency may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

(e) This subsection applies to a county that imposes, increases, decreases, or rescinds a tax or tax rate under this chapter before November 1 in the same calendar year in which the budget agency makes a certification under this section. The budget agency shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c). If the county imposes, increases, decreases, or rescinds a tax or tax rate under this chapter after the date for which a certification under subsection (b) is based, the budget agency shall adjust the certified distribution of the county after August 1 of the calendar year. The adjustment shall reflect any other adjustment required under subsections (c), (d), and (f). The adjusted certification shall be treated as the county's "certified distribution" for the immediately succeeding calendar year. The budget agency shall certify the adjusted certified distribution to the county auditor for the county and provide the county council with an informative summary of the calculations that revises the informative summary provided in subsection (b) and reflects the changes made in the adjustment.

(f) This subsection applies in the year a county initially imposes a tax rate under section 30 of this chapter. Notwithstanding any other provision, the budget agency shall adjust the part of the county's certified distribution that is attributable to the tax rate under section 30 of this chapter to provide for a distribution in the immediately following calendar year equal to the result of:

(1) the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county initially imposes a tax rate under section 30 of this chapter; multiplied by

(2) the following:

(A) In a county containing a consolidated city, one and five-tenths (1.5).

(B) In a county other than a county containing a consolidated city, two (2).

(g) One-twelfth (1/12) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 16 of this chapter to the appropriate county treasurer on the first **regular business** day of each month of that calendar year.

(h) Upon receipt, each monthly payment of a county's certified distribution shall be allocated among, distributed to, and used by the civil taxing units of the county as provided in sections 18 and 19 of this chapter.

(i) All distributions from an account established under section 16 of this chapter shall be made by warrants issued by the auditor of state to the treasurer of state ordering the appropriate payments.

(j) The budget agency shall before May 1 of every odd-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following two (2) calendar years.

(k) The budget agency shall before May 1 of every even-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following calendar year.

(l) The estimates under subsections (j) and (k) must specify the amount of the estimated certified distributions that are attributable to the additional rate authorized under section 30 of this chapter, the additional rate authorized under section 31 of this chapter, the additional rate authorized under section 32 of this chapter, and any other additional rates authorized under this chapter.

SECTION 83. IC 6-3.5-6-28, AS AMENDED BY P.L.77-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 28. (a) This section applies only to Howard County.

(b) Maintaining low property tax rates is essential to economic development, and the use of county option income tax revenues as provided in this section and as needed in the county to fund the operation and maintenance of a jail and juvenile detention center, rather than the use of property taxes, promotes that purpose.

(c) In addition to the rates permitted by sections 8 and 9 of this chapter, the county fiscal body may impose a county option income tax at a rate that does not exceed twenty-five hundredths percent (0.25%) on the adjusted gross income of resident county taxpayers. The tax rate may be adopted in any increment of one hundredth percent (0.01%). Before the county fiscal body may adopt a tax rate under this section, the county fiscal body must make the finding and determination set forth in subsection (d). Section 8(e) of this chapter applies to the application of the additional tax rate to nonresident taxpayers.

(d) In order to impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance:

(1) finding and determining that revenues from the county option income tax are needed in the county to fund the operation and maintenance of a jail, a juvenile detention center, or both; and

(2) agreeing to freeze the part of any property tax levy imposed in the county for the operation of the jail or juvenile detention center, or both, covered by the ordinance at the rate imposed in the year preceding the year in which a full year of additional county option income tax is certified for distribution to the county under this section for the term in which an ordinance is in effect under this section.

(e) If the county fiscal body makes a determination under subsection (d), the county fiscal body may adopt a tax rate under subsection (c). Subject to the limitations in subsection (c), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. ~~As soon as practicable after the adoption of an ordinance under this section,~~ **Not more than ten (10) days after the vote,** the county fiscal body shall send a

certified copy of the ordinance to the county auditor, **the commissioner of the department, the director of the budget agency, and** the **commissioner of the** department of local government finance ~~and the department of state revenue.~~ **by certified mail or in an electronic format approved by the director of the budget agency.**

(f) The county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 18 of this chapter.

(g) County option income tax revenues derived from the tax rate imposed under this section:

(1) may only be used for the purposes described in this section; and

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5.

(h) The department of local government finance shall enforce an agreement under subsection (d)(2).

(i) The budget agency shall adjust the certified distribution of a county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts an increased tax rate under this section and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

(j) The department shall separately designate a tax rate imposed under this section in any tax form as the Howard County jail operating and maintenance income tax.

SECTION 84. IC 6-3.5-6-29, AS AMENDED BY P.L.77-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 29. (a) This section applies only to Scott County. Scott County is a county in which:

(1) maintaining low property tax rates is essential to economic development; and

(2) the use of additional county option income tax revenues as provided in this section, rather than the use of property taxes, to fund:

(A) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(B) the repayment of bonds issued or leases entered into for the purposes described in clause (A), except operation or maintenance;

promotes the purpose of maintaining low property tax rates.

(b) The county fiscal body may impose the county option income tax on the adjusted gross income of resident county taxpayers at a rate, in addition to the rates permitted by sections 8 and 9 of this chapter, not to exceed twenty-five hundredths percent (0.25%). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(c) To impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance finding and determining that additional revenues from the county option income tax are needed in the county to fund:

(1) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(2) the repayment of bonds issued or leases entered into for the purposes described in subdivision (1), except operation or maintenance.

(d) If the county fiscal body makes a determination under subsection (c), the county fiscal body may adopt an additional tax rate under subsection (b). Subject to the limitations in subsection (b), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. ~~As soon as practicable after the adoption of an ordinance under this section,~~ **Not more than ten (10) days after the vote,** the county fiscal body shall send a certified copy of the ordinance to the county auditor, **the commissioner of the department, the director of the budget agency, and** the **commissioner of the** department of local government finance ~~and the department.~~ **by certified mail or in an electronic format approved by the director of the budget agency.**

(e) If the county imposes an additional tax rate under this section, the county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 18 of this chapter.

(f) County option income tax revenues derived from an additional tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged for the repayment of bonds issued or leases entered into to fund the purposes described in subsection (c)(1), except operation or maintenance.

(g) If the county imposes an additional tax rate under this section, the budget agency shall adjust the certified distribution of the county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts the increased tax rate and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

SECTION 85. IC 6-3.5-6-30, AS AMENDED BY P.L.172-2011, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 30. (a) In a county in which the county option income tax is in effect, the county income tax council may adopt an ordinance to impose or increase (as applicable) a tax rate under this section.

(b) In a county in which neither the county option adjusted gross income tax nor the county option income tax is in effect, the county income tax council may adopt an ordinance to impose a tax rate under this section.

(c) If a county income tax council adopts an ordinance to impose or increase a tax rate under this section, **not more than ten (10) days after the vote,** the county auditor shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of the budget agency,** and the **commissioner of the** department of local government finance by certified mail **or in an electronic format approved by the director of the budget agency.**

(d) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(e) The following apply only in the year in which a county income tax council first imposes a tax rate under this section:

(1) The county income tax council shall, in the ordinance imposing the tax rate, specify the tax rate for each of the following two (2) years.

(2) The tax rate that must be imposed in the county in the first year is equal to the result of:

(A) the tax rate determined for the county under IC 6-3.5-1.5-1(a) in that year; multiplied by
(B) the following:
(i) In a county containing a consolidated city, one and five-tenths (1.5).
(ii) In a county other than a county containing a consolidated city, two (2).
(3) The tax rate that must be imposed in the county in the second year is the tax rate determined for the county under IC 6-3.5-1.5-1(b). The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.
(4) The levy limitations in IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c), IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year and to property taxes first due and payable in the calendar year after the ensuing calendar year.

(f) The following apply only in a year in which a county income tax council increases a tax rate under this section:
(1) The county income tax council shall, in the ordinance increasing the tax rate, specify the tax rate for the following year.
(2) The tax rate that must be imposed in the county is equal to the result of:
(A) the tax rate determined for the county under IC 6-3.5-1.5-1(a) in the year the tax rate is increased; plus
(B) the tax rate currently in effect in the county under this section.
The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.
(3) The levy limitations in IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c), IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year.

(g) The department of local government finance shall determine the following property tax replacement distribution amounts:
STEP ONE: Determine the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) for the county in the preceding year.
STEP TWO: For distribution to each civil taxing unit that in the year had a maximum permissible property tax levy limited under IC 6-1.1-18.5-3(b), determine the result of:
(1) the quotient of:
(A) the part of the amount determined under STEP ONE of IC 6-3.5-1.5-1(a) in the preceding year that was attributable to the civil taxing unit; divided by
(B) the STEP ONE amount; multiplied by
(2) the tax revenue received by the county treasurer under this section.
STEP THREE: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county family and children's fund before 2009, determine the result of:
(1) the quotient of:
(A) the amount determined under STEP TWO of IC 6-3.5-1.5-1(a) in the preceding year; divided by
(B) the STEP ONE amount; multiplied by
(2) the tax revenue received by the county treasurer under this section.
STEP FOUR: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county children's psychiatric residential treatment services fund before 2009, determine the result of:
(1) the quotient of:
(A) the amount determined under STEP THREE of IC 6-3.5-1.5-1(a) in the preceding year; divided by
(B) the STEP ONE amount; multiplied by
(2) the tax revenue received by the county treasurer under this section.
STEP FIVE: For distribution to the county for community mental health center purposes, determine the result of:
(1) the quotient of:
(A) the amount determined under STEP FOUR of IC 6-3.5-1.5-1(a) in the preceding year; divided by
(B) the STEP ONE amount; multiplied by
(2) the tax revenue received by the county treasurer under this section.
Except as provided in subsection (m), the county treasurer shall distribute the portion of the certified distribution that is attributable to a tax rate under this section as specified in this section. The county treasurer shall make the distributions under this subsection at the same time that distributions are made to civil taxing units under section 18 of this chapter.

(h) Notwithstanding sections 12 and 12.5 of this chapter, a county income tax council may not decrease or rescind a tax rate imposed under this section.

(i) The tax rate under this section shall not be considered for purposes of computing:
(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter; or
(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3.

(j) The tax levy under this section shall not be considered for purposes of the credit under IC 6-1.1-20.6.

(k) A distribution under this section shall be treated as a part of the receiving civil taxing unit's property tax levy for that year for purposes of fixing its budget and for determining the distribution of taxes that are distributed on the basis of property tax levies.

(l) If a county income tax council imposes a tax rate under this section, the county option income tax rate dedicated to locally funded homestead credits in the county may not be decreased.

(m) In the year following the year in which a county first imposes a tax rate under this section:
(1) one-third (1/3) of the tax revenue that is attributable to the tax rate under this section must be deposited in the county stabilization fund established under subsection (o), in the case of a county containing a consolidated city; and
(2) one-half (1/2) of the tax revenue that is attributable to the tax rate under this section must be deposited in the county stabilization fund established under subsection (o), in the case of a county not containing a consolidated city.

(n) A pledge of county option income taxes does not apply to revenue attributable to a tax rate under this section.

(o) A county stabilization fund is established in each county that imposes a tax rate under this section. The county stabilization fund shall be administered by the county auditor. If for a year the certified distributions attributable to a tax rate under this section exceed the amount calculated under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section, the excess shall be deposited in the county stabilization fund. Money shall be distributed from the county stabilization fund in a year by the county auditor to political subdivisions entitled to a distribution of tax revenue attributable to the tax rate under this section if:

(1) the certified distributions attributable to a tax rate under this section are less than the amount calculated under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section for a year; or

(2) the certified distributions attributable to a tax rate under this section in a year are less than the certified distributions attributable to a tax rate under this section in the preceding year.

However, subdivision (2) does not apply to the year following the first year in which certified distributions of revenue attributable to the tax rate under this section are distributed to the county.

(p) Notwithstanding any other provision, a tax rate imposed under this section may not exceed one percent (1%).

(q) A county income tax council must each year hold at least one (1) public meeting at which the county council discusses whether the tax rate under this section should be imposed or increased.

(r) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(s) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the additional tax rate under this section.

SECTION 86. IC 6-3.5-6-31, AS AMENDED BY P.L.172-2011, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 31. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3) or an enhanced emergency telephone system (as defined in IC 36-8-16-2).

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) The county income tax council may adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety if:

(1) the county income tax council has imposed a tax rate under section 30 of this chapter, in the case of a county containing a consolidated city; or

(2) the county income tax council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 30 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 32 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 30 and 32 of this chapter, in the case of a county other than a county containing a consolidated city.

(c) A tax rate under this section may not exceed the following:

(1) Five-tenths of one percent (0.5%), in the case of a county containing a consolidated city.

(2) Twenty-five hundredths of one percent (0.25%), in the case of a county other than a county containing a consolidated city.

(d) If a county income tax council adopts an ordinance to impose a tax rate under this section, **not more than ten (10) days after the vote,** the county auditor shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of the budget agency,** and the **commissioner of the** department of local government finance by certified mail **or in an electronic format approved by the director of the budget agency.**

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsections (l) and (m), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:

(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the total property taxes being collected in the county by the county or municipality for the calendar year; divided by

(B) the sum of the total property taxes being collected in the county by the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue

attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 30 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the additional tax rate under this section.

(l) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(m) A fire department, volunteer fire department, or emergency medical services provider that:

(1) provides fire protection or emergency medical services within the county; and

(2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county income tax council for a distribution of tax revenue under this section during the following calendar year. The county income tax council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

SECTION 87. IC 6-3.5-6-32, AS AMENDED BY P.L.172-2011, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32. (a) A county income tax council may impose a tax rate under this section to provide property tax relief to taxpayers in the county. A county income tax council is not required to impose any other tax before imposing a tax rate under this section.

(b) A tax rate under this section may be imposed in increments of five-hundredths of one percent (0.05%) determined by the county income tax council. A tax rate under this section may not exceed one percent (1%).

(c) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(d) If a county income tax council adopts an ordinance to impose or increase a tax rate under this section, **not more than ten (10) days after the vote,** the county auditor shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of** the budget agency, and the **commissioner of the** department of local government finance by certified mail **or in an electronic format approved by the director of the budget agency.**

(e) A tax rate under this section may be imposed, increased, decreased, or rescinded at the same time and in the same manner that the county income tax council may impose or increase a tax rate under section 30 of this chapter.

(f) Tax revenue attributable to a tax rate under this section may be used for any combination of the following purposes, as specified by ordinance of the county income tax council:

(1) The tax revenue may be used to provide local property tax replacement credits at a uniform rate to all taxpayers in the county. The local property tax replacement credits shall be treated for all purposes as property tax levies. The county auditor shall determine the local property tax replacement credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide local property tax replacement credits in that year. A county income tax council may not adopt an ordinance determining that tax revenue shall be used under this subdivision to provide local property tax replacement credits at a uniform rate to all taxpayers in the county unless the county council has done the following:

(A) Made available to the public the county council's best estimate of the amount of property tax replacement credits to be provided under this subdivision to homesteads, other residential property, commercial property, industrial property, and agricultural property.

(B) Adopted a resolution or other statement acknowledging that some taxpayers in the county that do not pay the tax rate under this section will receive a property tax replacement credit that is funded with tax revenue from the tax rate under this section.

(2) The tax revenue may be used to uniformly increase (before January 1, 2011) or uniformly provide (after December 31, 2010) the homestead credit percentage in the county. The homestead credits shall be treated for all purposes as property tax levies. The homestead credits do not reduce the basis for determining any state homestead credit. The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1. The county auditor shall determine the homestead credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide homestead credits in that year.

(3) The tax revenue may be used to provide local property tax replacement credits at a uniform rate for all qualified residential property (as defined in IC 6-1.1-20.6-4 before January 1, 2009, and as defined in section 1 of this chapter after December 31, 2008) in the county. The local property tax replacement credits shall be treated for all purposes as property tax levies. The county auditor shall determine the local property tax replacement credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide local property tax replacement credits in that year.

(4) This subdivision applies only to Lake County. The Lake County council may adopt an ordinance providing that the tax revenue from the tax rate under this section is used for any of the following:

(A) To reduce all property tax levies imposed by the county by the granting of property tax replacement credits against those property tax levies.

(B) To provide local property tax replacement credits in Lake County in the following manner:

(i) The tax revenue under this section that is

collected from taxpayers within a particular municipality in Lake County (as determined by the department based on the department's best estimate) shall be used only to provide a local property tax credit against property taxes imposed by that municipality.

(ii) The tax revenue under this section that is collected from taxpayers within the unincorporated area of Lake County (as determined by the department) shall be used only to provide a local property tax credit against property taxes imposed by the county. The local property tax credit for the unincorporated area of Lake County shall be available only to those taxpayers within the unincorporated area of the county.

(C) To provide property tax credits in the following manner:

(i) Sixty percent (60%) of the tax revenue under this section shall be used as provided in clause (B).

(ii) Forty percent (40%) of the tax revenue under this section shall be used to provide property tax replacement credits against property tax levies of the county and each township and municipality in the county. The percentage of the tax revenue distributed under this item that shall be used as credits against the county's levies or against a particular township's or municipality's levies is equal to the percentage determined by dividing the population of the county, township, or municipality by the sum of the total population of the county, each township in the county, and each municipality in the county.

The Lake County council shall determine whether the credits under clause (A), (B), or (C) shall be provided to homesteads, to all qualified residential property, or to all taxpayers. The department of local government finance, with the assistance of the budget agency, shall certify to the county auditor and the fiscal body of the county and each township and municipality in the county the amount of property tax credits under this subdivision. Except as provided in subsection (g), the tax revenue under this section that is used to provide credits under this subdivision shall be treated for all purposes as property tax levies.

The county income tax council may adopt an ordinance changing the purposes for which tax revenue attributable to a tax rate under this section shall be used in the following year.

(g) The tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(h) Tax revenue under this section shall be treated as a part of the receiving civil taxing unit's or school corporation's property tax levy for that year for purposes of fixing the budget of the civil taxing unit or school corporation and for determining the distribution of taxes that are distributed on the basis of property tax levies. To the extent the county auditor determines that there is income tax revenue remaining from the tax under this section after providing the property tax replacement, the excess shall be credited to a dedicated county account and may be used only for property tax replacement under this section in subsequent years.

(i) The department of local government finance, and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(j) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the tax rate under this section.

SECTION 88. IC 6-3.5-6-33, AS AMENDED BY P.L.77-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. (a) This section applies only to Monroe County.

(b) Maintaining low property tax rates is essential to economic development, and the use of county option income tax revenues as provided in this chapter and as needed in the county to fund the operation and maintenance of a juvenile detention center and other facilities to provide juvenile services, rather than the use of property taxes, promotes that purpose.

(c) In addition to the rates permitted by sections 8 and 9 of this chapter, the county fiscal body may impose an additional county option income tax at a rate of not more than twenty-five hundredths percent (0.25%) on the adjusted gross income of resident county taxpayers if the county fiscal body makes the finding and determination set forth in subsection (d). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(d) In order to impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance:

(1) finding and determining that revenues from the county option income tax are needed in the county to fund the operation and maintenance of a juvenile detention center and other facilities necessary to provide juvenile services; and

(2) agreeing to freeze for the term in which an ordinance is in effect under this section the part of any property tax levy imposed in the county for the operation of the juvenile detention center and other facilities covered by the ordinance at the rate imposed in the year preceding the year in which a full year of additional county option income tax is certified for distribution to the county under this section.

(e) If the county fiscal body makes a determination under subsection (d), the county fiscal body may adopt a tax rate under subsection (c). Subject to the limitations in subsection (c), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. ~~As soon as practicable after the adoption of an ordinance under this section,~~ **Not more than ten (10) days after the vote,** the county fiscal body shall send a certified copy of the ordinance to the county auditor, **the commissioner of the department, the director of the budget agency, and the commissioner of** the department of local government finance ~~and the department of state revenue.~~ **by certified mail or in an electronic format approved by the director of the budget agency.**

(f) The county treasurer shall establish a county juvenile detention center revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county juvenile detention center revenue fund before a certified distribution is made under section 18 of this chapter.

(g) County option income tax revenues derived from the tax rate imposed under this section:

(1) may be used only for the purposes described in this section; and

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5.

(h) The department of local government finance shall enforce

an agreement made under subsection (d)(2).

(i) The budget agency shall adjust the certified distribution of a county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts an increased tax rate under this section and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

SECTION 89. IC 6-3.5-7-1.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1.5. As used in this chapter, "capital project" includes substance removal or remedial action in a designated unit.~~

SECTION 90. IC 6-3.5-7-4.3, AS AMENDED BY SEA 115-2012, SECTION 49, IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.3. As used in this chapter, "designated unit" refers to Tippecanoe County.~~

SECTION 91. IC 6-3.5-7-4.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.6. As used in this chapter, "remedial action" has the meaning set forth in IC 13-11-2-185.~~

SECTION 92. IC 6-3.5-7-4.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.7. As used in this chapter, "removal" has the meaning set forth in IC 13-11-2-187.~~

SECTION 93. IC 6-3.5-7-4.8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.8. As used in this chapter, "substance" has the meaning set forth in IC 13-11-2-98 for "hazardous substance".~~

SECTION 94. IC 6-3.5-7-5, AS AMENDED BY SEA 115-2012, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on ~~March 31~~ **October 1** of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on ~~March 31~~ **October 1** of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in ~~subsections (c) (g), (k), (p), and (r)~~ **this section** and section 28 of this chapter, the county economic development income tax may be imposed at a rate of:

(1) one-tenth percent (0.1%);
(2) two-tenths percent (0.2%);
(3) twenty-five hundredths percent (0.25%);
(4) three-tenths percent (0.3%);
(5) thirty-five hundredths percent (0.35%);
(6) four-tenths percent (0.4%);
(7) forty-five hundredths percent (0.45%); or
(8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in ~~subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), (s), (v), (w), (x), or (y),~~ **this section,** the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in ~~subsection (g), (p), (r), (t), (u), (w), (x), or (y),~~ **this section,** the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must adopt an ordinance.

(e) The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county.".

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

~~(g) This subsection applies to Tippecanoe County. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:~~

~~(1) county economic development income tax may be imposed at a rate of:~~

~~(A) fifteen-hundredths percent (0.15%);~~
~~(B) two-tenths percent (0.2%); or~~
~~(C) twenty-five hundredths percent (0.25%); and~~

~~(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);~~

~~if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.~~

~~(h)~~ **(g)** For Jackson County, except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

~~(i)~~ **(h)** For Pulaski County, except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

~~(j)~~ **(i)** For Wayne County, except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

~~(k)~~ **(j)** This subsection applies to Randolph County. Except as provided in subsection ~~(p),~~ **(o),** in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

~~(l)~~ **(k)** For Daviess County, except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

~~(m)~~ **(l)** For:

(1) Elkhart County; or

(2) Marshall County;

except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

~~(n)~~ **(m)** For Union County, except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

~~(o)~~ **(n)** This subsection applies to Knox County. Except as provided in subsection ~~(p),~~ **(o),** in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

~~(p)~~ **(o)** In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1 (repealed) before January 1, 2009, or IC 6-1.1-12-37 after December 31, 2008) or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county, resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42 or from the exclusion in 2008 of inventory from the definition of personal property in IC 6-1.1-1-11.

~~(q)~~ **(p)** If the county economic development income tax is imposed as authorized under subsection ~~(p)~~ **(o)** at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section ~~25(c) or~~ 26 of this chapter to the extent that the certified distribution results from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this section.

~~(r)~~ **(q)** This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection ~~(p),~~ **(o),** in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

~~(s)~~ **(r)** Except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

~~(t)~~ **(s)** This subsection applies to Howard County. Except as provided in subsection ~~(p),~~ **(o),** the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

~~(u)~~ **(t)** This subsection applies to Scott County. Except as provided in subsection ~~(p),~~ **(o),** the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

~~(v)~~ **(u)** This subsection applies to Jasper County. Except as provided in subsection ~~(p),~~ **(o),** the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

~~(w)~~ **(v)** An additional county economic development income tax rate imposed under section 28 of this chapter may not be considered in calculating any limit under this section on the sum of:

(1) the county economic development income tax rate plus the county adjusted gross income tax rate; or

(2) the county economic development tax rate plus the county option income tax rate.

~~(x)~~ **(w)** The income tax rate limits imposed by subsection (c) or ~~(y)~~ **(x)** or any other provision of this chapter do not apply to:

(1) a county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26; or

(2) a county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

For purposes of computing the maximum combined income tax rate under subsection (c) or ~~(y)~~ **(x)** or any other provision of this chapter that may be imposed in a county under IC 6-3.5-1.1, IC 6-3.5-6, and this chapter, a county's county adjusted gross income tax rate or county option income tax rate for a particular year does not include the county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26 or the county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

~~(y)~~ **(x)** This subsection applies to Monroe County. Except as provided in subsection ~~(p),~~ **(o),** if an ordinance is adopted under IC 6-3.5-6-33, the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

~~(z)~~ **(y)** This subsection applies to Perry County. Except as provided in subsection ~~(p),~~ **(o),** if an ordinance is adopted under section 27.5 of this chapter, the county economic development income tax rate plus the county option income tax rate that is in effect on January 1 of a year may not exceed one and seventy-five hundredths percent (1.75%).

(z) This subsection applies to Starke County. Except as provided in subsection (o), if an ordinance is adopted under section 27.6 of this chapter, the county economic development income tax rate plus the county adjusted gross income tax rate that is in effect on January 1 of a year may not exceed two percent (2%).

SECTION 95. IC 6-3.5-7-6, AS AMENDED BY P.L.77-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The body imposing the tax may decrease or increase the county economic development income tax rate imposed upon the county taxpayers as long as the resulting rate does not exceed the rates specified in section 5(b) and 5(c) ~~or 5(g)~~ of this chapter. The rate imposed under this section must be adopted at one (1) of the rates specified in section 5(b) of this chapter. To decrease or increase the rate, the appropriate body must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County _____ increases (decreases) the county economic development income tax rate imposed upon the county taxpayers of the county from _____ percent (___%) to _____ percent (___%).".

(b) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 96. IC 6-3.5-7-7, AS AMENDED BY P.L.77-2011, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The county economic development income tax imposed under this chapter remains in effect until rescinded.

(b) Subject to section 14 of this chapter, the body imposing the county economic development income tax may rescind the tax by adopting an ordinance.

(c) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 97. IC 6-3.5-7-11, AS AMENDED BY P.L.229-2011, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Revenue derived from the imposition of the county economic development income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it.

(b) Before August 2 of each calendar year, the budget agency, shall certify to the county auditor of each adopting county the sum of the amount of county economic development income tax revenue that the budget agency determines has been:

(1) received from that county for a taxable year ending before the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted for refunds of county economic development income tax made in the state fiscal year plus the amount of interest in the county's account that has been accrued and has not been included in a certification made in a preceding year. The amount certified is the county's certified distribution, which shall be distributed on the dates specified in section 16 of this chapter for the following calendar year.

(c) The amount certified under subsection (b) shall be adjusted under subsections (d), (e), (f), **and** (g). ~~and (h).~~ The budget agency shall provide the county council with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years;

(4) adjustments for tax rate changes; and

(5) the amount of excess account balances to be distributed under IC 6-3.5-7-17.3.

(d) The budget agency shall certify an amount less than the amount determined under subsection (b) if the budget agency determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The budget agency may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(e) The budget agency shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The budget agency may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

~~(f) The budget agency shall adjust the certified distribution of a county to provide the county with the distribution required under section 16(b) of this chapter.~~

~~(g)~~ **(f)** The budget agency shall adjust the certified distribution of a county to provide the county with the amount of any tax increase imposed under section ~~25 or~~ 26 of this chapter to provide additional homestead credits as provided in those provisions.

~~(h)~~ **(g)** This subsection applies to a county that imposes, increases, decreases, or rescinds a tax or tax rate under this chapter before November 1 in the same calendar year in which the budget agency makes a certification under this section. The budget agency shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in subsection (b)(1) through (b)(2) in the manner provided in subsection (d). If the county imposes, increases, decreases, or rescinds a tax or tax rate under this chapter after the date for which a certification under subsection (b) is based, the budget agency shall adjust the certified distribution of the county after August 1 of the calendar year. The adjustment shall reflect any other adjustment authorized under subsections (c), (d), (e), **and** (f). ~~and (g).~~ The adjusted certification shall be treated as the county's certified distribution for the immediately succeeding calendar year. The budget agency shall certify the adjusted certified distribution to the county auditor for the county and provide the county council with an informative summary of the calculations that revises the informative summary provided in subsection (c) and reflects the changes made in the adjustment.

~~(i)~~ **(h)** The budget agency shall before May 1 of every odd-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following two (2) calendar years.

~~(j)~~ **(i)** The budget agency shall before May 1 of every even-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following calendar year.

~~(k)~~ **(j)** The estimates under subsections ~~(i) and (j)~~ **(h) and (i)** must specify the amount of the estimated certified distributions that are attributable to any additional rates authorized under this chapter.

SECTION 98. IC 6-3.5-7-12, AS AMENDED BY P.L.199-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 12. (a) Except as provided in sections 23, ~~25,~~ 26, 27, 27.5, **27.6,** and 28 of this chapter, the county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and ~~sections~~ **section** 15 ~~and 25~~ of this chapter, and subject to adjustment as provided in IC 36-8-19-7.5, the amount of the certified distribution that the county and each city or town in a county is entitled to receive ~~during May and November~~ **each month** of each year equals the product of the following:

(1) The amount of the certified distribution for that month; multiplied by

(2) A fraction. The numerator of the fraction equals the sum of:

(A) total property taxes that are first due and payable to the county, city, or town during the calendar year in which the month falls; plus

(B) for a county, the welfare allocation amount.

The denominator of the fraction equals the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus the welfare allocation amount. The welfare allocation amount is an amount equal to the sum of the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund and, if the county received a certified distribution under this chapter in 2008, the property taxes imposed by the county in 2008 for the county's county medical assistance to wards fund, family and children's fund, children's psychiatric residential treatment services fund, county hospital care for the indigent fund, and children with special health care needs county fund.

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before August 2 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

(1) The ordinance is effective January 1 of the following year.

(2) Except as provided in ~~sections 25 and~~ **section** 26 of this chapter, the amount of the certified distribution that the county and each city and town in the county is entitled to receive during ~~May and November~~ **each month** of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

(3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

(1) The county.

(2) A city or town in the county.

(3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The department of local government finance shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) Except as provided in subsection (b)(2)(B), in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the department of local government finance shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In a county having a consolidated city, only the consolidated city is entitled to the certified distribution, subject to the requirements of sections 15 ~~25,~~ and 26 of this chapter.

SECTION 99. IC 6-3.5-7-13.1, AS AMENDED BY SEA 115, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, ~~25,~~ 26, 27, ~~and~~ 27.5, **and 27.6** of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) As used in this subsection, "homestead" means a homestead that is eligible for a standard deduction under IC 6-1.1-12-37. Except as provided in sections 15, 23, ~~25,~~ 26, 27, ~~and~~ 27.5, **and 27.6** of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under

IC 5-1-14-14.
(3) By a county, city, or town for any lawful purpose for which money in any of its other funds may be used.
(4) By a city or county described in IC 36-7.5-2-3(b) for making transfers required by IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30, 2005, in Porter County, the first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county or by eligible municipalities (as defined in IC 36-7.5-1-11.3) in the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. If Porter County ceases to be a member of the northwest Indiana regional development authority under IC 36-7.5 but two (2) or more municipalities in the county have become members of the northwest Indiana regional development authority as authorized by IC 36-7.5-2-3(i), the county treasurer shall continue to transfer the three million five hundred thousand dollars ($3,500,000) to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county. In Porter County, all of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under subdivision (5).
(5) This subdivision applies only in Porter County. All of the tax revenue that results each year from a tax rate increase described in subdivision (4) that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under this subdivision. The following apply to homestead credits provided under this subdivision:
(A) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.
(B) The homestead credits shall be treated for all purposes as property tax levies.
(C) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.
(D) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.
(6) This subdivision applies only in Lake County. The county or a city or town in the county may use county economic development income tax revenue to provide homestead credits in the county, city, or town. The following apply to homestead credits provided under this subdivision:
(A) The county, city, or town fiscal body must adopt an ordinance authorizing the homestead credits. The ordinance must specify the amount of county economic development income tax revenue that will be used to provide homestead credits in the following year.
(B) The county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the ordinance is adopted.
(C) The homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 (repealed) for homesteads in the county, city, or town (for property taxes first due and payable before January 1, 2009) or to provide a homestead credit for homesteads in the county, city, or town (for property taxes first due and payable after December 31, 2008).
(D) The homestead credits shall be treated for all purposes as property tax levies.
(E) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.
(F) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.
(7) For a regional venture capital fund established under section 13.5 of this chapter or a local venture capital fund established under section 13.6 of this chapter.
(8) This subdivision applies only to LaPorte County, if:
(A) the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the northwest Indiana regional development authority; and
(B) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.
Revenue from the county economic development income tax may be used by a county or a city described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the county economic development income tax rate is increased after June 30, 2006, in the county, the first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. All of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under subdivision (9).
(9) This subdivision applies only to LaPorte County. All of the tax revenue that results each year from a tax rate increase described in subdivision (8) that is in excess of the first three million five hundred thousand dollars

($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under this subdivision. The following apply to homestead credits provided under this subdivision:

(A) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.

(B) The homestead credits shall be treated for all purposes as property tax levies.

(C) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(c) As used in this section, an economic development project is any project that:

(1) the county, city, or town determines will:

(A) promote significant opportunities for the gainful employment of its citizens;

(B) attract a major new business enterprise to the unit; or

(C) retain or expand a significant business enterprise within the unit; and

(2) involves an expenditure for:

(A) the acquisition of land;

(B) interests in land;

(C) site improvements;

(D) infrastructure improvements;

(E) buildings;

(F) structures;

(G) rehabilitation, renovation, and enlargement of buildings and structures;

(H) machinery;

(I) equipment;

(J) furnishings;

(K) facilities;

(L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);

(M) operating expenses authorized under subsection (b)(2)(E); or

(N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit;

or any combination of these.

(d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases in effect under section 21 of this chapter, the county or a city or town may not expend money from its economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.

SECTION 100. IC 6-3.5-7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) The executive of a county, city, or town may, subject to the use of the certified distribution permitted under ~~sections 25 and~~ **section** 26 of this chapter:

(1) adopt a capital improvement plan specifying the uses of the revenues to be received under this chapter; or

(2) designate the county or a city or town in the county as the recipient of all or a part of its share of the distribution.

(b) If a designation is made under subsection (a)(2), the county treasurer shall transfer the share or part of the share to the designated unit unless that unit does not have a capital improvement plan.

(c) A county, city, or town that fails to adopt a capital improvement plan may not receive:

(1) its fractional amount of the certified distribution; or

(2) any amount designated under subsection (a)(2);

for the year or years in which the unit does not have a plan. The county treasurer shall retain the certified distribution and any designated distribution for such a unit in a separate account until the unit adopts a plan. Interest on the separate account becomes part of the account. If a unit fails to adopt a plan for a period of three (3) years, then the balance in the separate account shall be distributed to the other units in the county based on property taxes first due and payable to the units during the calendar year in which the three (3) year period expires.

(d) A capital improvement plan must include the following components:

(1) Identification and general description of each project that would be funded by the county economic development income tax.

(2) The estimated total cost of the project.

(3) Identification of all sources of funds expected to be used for each project.

(4) The planning, development, and construction schedule of each project.

(e) A capital improvement plan:

(1) must encompass a period of no less than two (2) years; and

(2) must incorporate projects the cost of which is at least seventy-five percent (75%) of the fractional amount certified distribution expected to be received by the county, city, or town in that period of time.

(f) In making a designation under subsection (a)(2), the executive must specify the purpose and duration of the designation. If the designation is made to provide for the payment of lease rentals or bond payments, the executive may specify that the designation and its duration are irrevocable.

SECTION 101. IC 6-3.5-7-16, AS AMENDED BY SEA 115-2012, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) ~~Except as provided in subsections (b) and (c), on May 1 of each year, one-half (1/2)~~ **One-twelfth (1/12)** of each county's certified distribution for a calendar year shall be distributed from its account established under section 10 of this chapter to the **appropriate** county treasurer ~~The other one-half (1/2) shall be distributed~~ on ~~November 1~~ **the first regular business day of each month** of that calendar year.

~~(b) This subsection applies to Porter County, if the ordinance imposing the tax is adopted before July 1 of a year. Notwithstanding section 11 of this chapter, the initial certified distribution certified for a county under section 11 of this chapter shall be distributed to the county treasurer from the account established for the county under section 10 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 5 of this chapter:~~

~~(1) One-fourth (1/4) on October 1 of the year in which the ordinance was adopted.~~

~~(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.~~

~~(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.~~

~~(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.~~

~~The county auditor and county treasurer shall distribute amounts~~

~~received under this subsection to a county and each city or town in the county in the same proportions as are set forth in section 12 of this chapter. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).~~

~~(c) Before July 1 of each year, a county's certified distribution for additional homestead credits under section 25 or 26 of this chapter for the year shall be distributed from the county's account established under section 10 of this chapter.~~

~~(d)~~ **(b)** All distributions from an account established under section 10 of this chapter shall be made by warrants issued by the auditor of state to the treasurer of state ordering the appropriate payments.

SECTION 102. IC 6-3.5-7-22 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 22. (a) This section only applies to a designated unit.~~

~~(b) The county income tax council may, by ordinance, determine that economic development income tax money is needed in the county to fund substance removal and remedial action, including the repayment of bonds or other debt incurred for substance removal or remedial action, and the actions taken to fund substance removal and remedial action serve a public purpose by promoting public health, welfare, and safety.~~

~~(c) If the county income tax council makes a determination under subsection (b), the county income tax council may adopt a tax rate under section 5(g) of this chapter. The tax rate may not be imposed at a rate or for a time greater than is necessary to fund substance removal and remedial action in the county, including the repayment of bonds or other debt incurred for substance removal or remedial action.~~

~~(d) The county treasurer shall establish a substance removal and remedial action fund to be used only for the purposes described in this section. County economic development income tax revenues derived from the tax rate imposed under section 5(g) of this chapter shall be deposited in the substance removal and remedial action fund before making a certified distribution under section 12 of this chapter.~~

~~(e) The county income tax council may, by ordinance, appropriate or pledge any part of the substance removal and remediation action fund to a political subdivision or to an entity formed by an interlocal cooperation agreement under IC 36-1-7 for the purposes set forth in this chapter in the county.~~

~~(f) The county auditor shall distribute the amount specified in the ordinance to the designated political subdivision or to an entity formed by an interlocal cooperation agreement under IC 36-1-7 from the substance removal and remedial action fund.~~

~~(g) Bonds issued by a political subdivision or an entity formed by an interlocal cooperation agreement under IC 36-1-7 payable from the substance removal and remedial action fund do not constitute debt of a designated unit or a city or town in the designated unit, and the bonds shall contain a statement on their face to that effect and to the effect that the bonds are payable solely from money in the substance removal and remedial action fund, and other available funds, and are not supported by the full faith and credit of the county, city, or town.~~

SECTION 103. IC 6-3.5-7-25 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 25. (a) This section applies only to a county that has adopted an ordinance under IC 6-1.1-12-41(f).~~

~~(b) For purposes of this section, "imposing entity" means the entity that adopted the ordinance under IC 6-1.1-12-41(f).~~

~~(c) The imposing entity may adopt an ordinance to provide for the use of the certified distribution described in section 16(c) of this chapter for the purpose provided in subsection (e). A county income tax council that adopts an ordinance under this subsection shall use the procedures set forth in IC 6-3.5-6 concerning the adoption of an ordinance for the imposition of the county option income tax. Except as provided in subsection (j), an ordinance must be adopted under this subsection after March 31 but before August 1 of a calendar year. The ordinance may provide for an additional rate under section 5(p) of this chapter. An ordinance adopted under this subsection:~~

~~(1) first applies to the certified distribution described in section 16(c) of this chapter made in the calendar year that immediately succeeds the calendar year in which the ordinance is adopted;~~

~~(2) must specify the calendar years to which the ordinance applies; and~~

~~(3) must specify that the certified distribution must be used to provide for:~~

~~(A) uniformly applied increased homestead credits as provided in subsection (f); or~~

~~(B) allocated increased homestead credits as provided in subsection (h).~~

~~An ordinance adopted under this subsection may be combined with an ordinance adopted under section 26 of this chapter.~~

~~(d) If an ordinance is adopted under subsection (c), the percentage of the certified distribution specified in the ordinance for use for the purpose provided in subsection (e) shall be:~~

~~(1) retained by the county auditor under subsection (i); and~~

~~(2) used for the purpose provided in subsection (e) instead of the purposes specified in the capital improvement plans adopted under section 15 of this chapter.~~

~~(e) If an ordinance is adopted under subsection (c), the imposing entity shall use the certified distribution described in section 16(c) of this chapter to increase the homestead credit allowed in the county under IC 6-1.1-20.9 for a year to offset the effect on homesteads in the county resulting from a county deduction for inventory under IC 6-1.1-12-41.~~

~~(f) If the imposing entity specifies the application of uniform increased homestead credits under subsection (c)(3)(A), the county auditor shall, for each calendar year in which an increased homestead credit percentage is authorized under this section, determine:~~

~~(1) the amount of the certified distribution that is available to provide an increased homestead credit percentage for the year;~~

~~(2) the amount of uniformly applied homestead credits for the year in the county that equals the amount determined under subdivision (1); and~~

~~(3) the increased percentage of homestead credit that equates to the amount of homestead credits determined under subdivision (2).~~

~~(g) The increased percentage of homestead credit determined by the county auditor under subsection (f) applies uniformly in the county in the calendar year for which the increased percentage is determined.~~

~~(h) If the imposing entity specifies the application of allocated increased homestead credits under subsection (c)(3)(B), the county auditor shall, for each calendar year in which an increased homestead credit is authorized under this section, determine:~~

~~(1) the amount of the certified distribution that is available to provide an increased homestead credit for the year; and~~

~~(2) an increased percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of increased homestead credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-41 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-41 in the county for the immediately preceding year's assessment date.~~

~~(i) The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. The money shall be distributed to the civil taxing units and school corporations of the county:~~

~~(1) as if the money were from property tax collections; and~~

~~(2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of an increased homestead credit.~~

~~(j) An entity authorized to adopt:~~

~~(1) an ordinance under subsection (c); and~~

~~(2) an ordinance under IC 6-1.1-12-41(f);~~

~~may consolidate the two (2) ordinances. The limitation under subsection (c) that an ordinance must be adopted after January 1 of a calendar year does not apply if a consolidated ordinance is adopted under this subsection. However, notwithstanding subsection (c)(1), the ordinance must state that it first applies to certified distributions in the calendar year in which property taxes are initially affected by the deduction under IC 6-1.1-12-41.~~

SECTION 104. IC 6-3.5-7-25.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 25.5. Subject to the approval of the imposing entity, the county auditor may adjust the increased percentage of homestead credit determined under section 25(h)(2) of this chapter if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the homesteads in the county.~~

SECTION 105. IC 6-3.5-7-26, AS AMENDED BY P.L.77-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) This section applies only to homestead and property tax replacement credits for property taxes first due and payable after calendar year 2006.

(b) The following definitions apply throughout this section:

(1) "Adopt" includes amend.

(2) "Adopting entity" means:

(A) the entity that adopts an ordinance under IC 6-1.1-12-41(f); or

(B) any other entity that may impose a county economic development income tax under section 5 of this chapter.

(3) "Homestead" refers to tangible property that is eligible for a homestead credit under IC 6-1.1-20.9 (repealed) or the standard deduction under IC 6-1.1-12-37.

(4) "Residential" refers to the following:

(A) Real property, a mobile home, and industrialized housing that would qualify as a homestead if the taxpayer had filed for a homestead credit under IC 6-1.1-20.9 (repealed) or the standard deduction under IC 6-1.1-12-37.

(B) Real property not described in clause (A) designed to provide units that are regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more, regardless of whether the tangible property is subject to assessment under rules of the department of local government finance that apply to:

(i) residential property; or

(ii) commercial property.

(c) An adopting entity may adopt an ordinance to provide for the use of the certified distribution described in section ~~16(c)~~ **16** of this chapter for the purpose provided in subsection (e). An adopting entity that adopts an ordinance under this subsection shall use the procedures set forth in IC 6-3.5-6 concerning the adoption of an ordinance for the imposition of the county option income tax. The ordinance may provide for an additional rate under section ~~5(p)~~ **5(o)** of this chapter. An ordinance adopted under this subsection:

(1) first applies to the certified distribution described in section ~~16(c)~~ **16** of this chapter made in the later of the calendar year that immediately succeeds the calendar year in which the ordinance is adopted or calendar year 2007; and

(2) must specify that the certified distribution must be used to provide for one (1) of the following, as determined by the adopting entity:

(A) Uniformly applied homestead credits as provided in subsection (f).

(B) Uniformly applied residential credits as provided in subsection (g).

(C) Allocated homestead credits as provided in subsection (i).

(D) Allocated residential credits as provided in subsection (j).

An ordinance adopted under this subsection may be combined with an ordinance adopted under section 25 of this chapter **(before its repeal).**

(d) If an ordinance is adopted under subsection (c), the percentage of the certified distribution specified in the ordinance for use for the purpose provided in subsection (e) shall be:

(1) retained by the county auditor under subsection (k); and

(2) used for the purpose provided in subsection (e) instead of the purposes specified in the capital improvement plans adopted under section 15 of this chapter.

(e) If an ordinance is adopted under subsection (c), the adopting entity shall use the certified distribution described in section ~~16(c)~~ **16** of this chapter to provide:

(1) if the ordinance grants a credit described in subsection (c)(2)(A) or (c)(2)(C), a homestead credit for homesteads; or

(2) if the ordinance grants a credit described in subsection (c)(2)(B) or (c)(2)(D), a property tax replacement credit for residential property;

for property taxes to offset the effect on homesteads or residential property, as applicable, in the county resulting from the statewide deduction for inventory under IC 6-1.1-12-42 or from the exclusion in 2008 of inventory from the definition of personal property in IC 6-1.1-1-11. The amount of a residential property tax replacement credit granted under this section may not be considered in computing the amount of any homestead credit to which the residential property may be entitled under IC 6-1.1-20.9 (before its repeal) or another law other than IC 6-1.1-20.6.

(f) If the imposing entity specifies the application of uniform homestead credits under subsection (c)(2)(A), the county auditor shall, for each calendar year in which a homestead credit percentage is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide a homestead credit percentage under this section for the year;

(2) the amount of uniformly applied homestead credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the percentage of homestead credit under this section that equates to the amount of homestead credits determined under subdivision (2).

(g) If the imposing entity specifies the application of uniform residential credits under subsection (c)(2)(B), the county auditor shall determine for each calendar year in which a homestead credit percentage is authorized under this section:

(1) the amount of the certified distribution that is available to provide a residential property tax replacement credit percentage for the year;

(2) the amount of uniformly applied residential property

tax replacement credits for the year in the county that equals the amount determined under subdivision (1); and
(3) the percentage of residential property tax replacement credit under this section that equates to the amount of residential property tax replacement credits determined under subdivision (2).

(h) The percentage of homestead credit determined by the county auditor under subsection (f) or the percentage of residential property tax replacement credit determined by the county auditor under subsection (g) applies uniformly in the county in the calendar year for which the percentage is determined.

(i) If the imposing entity specifies the application of allocated homestead credits under subsection (c)(2)(C), the county auditor shall, for each calendar year in which a homestead credit is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide a homestead credit under this section for the year; and
(2) except as provided in subsection (l), a percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of homestead credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the assessment date in 2006 bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the assessment date in 2006.

(j) If the imposing entity specifies the application of allocated residential property tax replacement credits under subsection (c)(2)(D), the county auditor shall determine for each calendar year in which a residential property tax replacement credit is authorized under this section:

(1) the amount of the certified distribution that is available to provide a residential property tax replacement credit under this section for the year; and
(2) except as provided in subsection (l), a percentage of residential property tax replacement credit for each taxing district in the county that allocates to the taxing district an amount of residential property tax replacement credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the assessment date in 2006 bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the assessment date in 2006.

(k) The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the homestead credit or residential property tax replacement credit provided under this section within the county. The money shall be distributed to the civil taxing units and school corporations of the county:

(1) as if the money were from property tax collections; and
(2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of a homestead credit or residential property tax replacement credit under this section.

(l) Subject to the approval of the imposing entity, the county auditor may adjust the increased percentage of:

(1) homestead credit determined under subsection (i)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the homesteads in the county; or
(2) residential property tax replacement credit determined under subsection (j)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the residential property in the county.

SECTION 106. IC 6-3.5-7-27, AS AMENDED BY P.L.77-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 27. (a) This section applies to a county that:

(1) operates a courthouse that is subject to an order that:
(A) is issued by a federal district court;
(B) applies to an action commenced before January 1, 2003; and
(C) requires the county to comply with the federal Americans with Disabilities Act; and
(2) has insufficient revenues to finance the construction, acquisition, improvement, renovation, equipping, and operation of the courthouse facilities and related facilities.

(b) A county described in this section possesses unique fiscal challenges in financing, renovating, equipping, and operating the county courthouse facilities and related facilities because the county consistently has one **(1)** of the highest unemployment rates in Indiana. Maintaining low property tax rates is essential to economic development in the county. The use of economic development income tax revenues under this section for the purposes described in subsection (c) promotes that purpose.

(c) In addition to actions authorized by section 5 of this chapter, a county council may, using the procedures set forth in this chapter, adopt an ordinance to impose an additional county economic development income tax on the adjusted gross income of county taxpayers. The ordinance imposing the additional tax must include a finding that revenues from additional tax are needed to pay the costs of:

(1) constructing, acquiring, improving, renovating, equipping, or operating the county courthouse or related facilities;
(2) repaying any bonds issued, or leases entered into, for constructing, acquiring, improving, renovating, equipping, or operating the county courthouse or related facilities; and
(3) economic development projects described in the county's capital improvement plan.

(d) The tax rate imposed under this section may not exceed twenty-five hundredths percent (0.25%).

(e) If the county council adopts an ordinance to impose an additional tax under this section, the county auditor shall, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the ordinance to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.** The county treasurer shall establish a county facilities revenue fund to be used only for the purposes described in subsection (c)(1) and (c)(2). The amount of county economic development income tax revenues derived from the tax rate imposed under this section that are necessary to pay the costs described in subsection (c)(1) and (c)(2) shall be deposited into the county facilities revenue fund before a certified distribution is made under section 12 of this chapter. The remainder shall be deposited into the economic development income tax funds of the county's units.

(f) County economic development income tax revenues derived from the tax rate imposed under this section may not be used for purposes other than those described in this section.

(g) County economic development income tax revenues derived from the tax rate imposed under this section that are deposited into the county facilities revenue fund may not be considered by the department of local government finance in determining the county's ad valorem property tax levy for an ensuing calendar year under IC 6-1.1-18.5.

(h) Notwithstanding any other law, funds accumulated from the county economic development income tax imposed under

this section and deposited into the county facilities revenue fund or any other revenues of the county may be deposited into a nonreverting fund of the county to be used for operating costs of the courthouse facilities, juvenile detention facilities, or related facilities. Amounts in the county nonreverting fund may not be used by the department of local government finance to reduce the county's ad valorem property tax levy for an ensuing calendar year under IC 6-1.1-18.5.

SECTION 107. IC 6-3.5-7-27.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 27.6. (a) This section applies to Starke County.**

(b) Starke County possesses unique governmental and economic development challenges due to:

(1) the county's predominantly rural geography, demography, and economy;

(2) the county's relatively low tax base and relatively high property tax rates;

(3) the current maximum capacity of the county jail, which was constructed in 1976; and

(4) pending federal class action litigation seeking a mandate to address capacity and living conditions in the county jail.

The use of county economic development income tax revenue under this section is necessary for the county to address jail capacity and appropriate inmate living conditions and to maintain low property tax rates essential to economic development. The use of the economic development income tax revenue under this section for the purposes described in subsections (c) and (d) promotes that purpose.

(c) The county council may, by ordinance, determine that additional county economic development income tax revenue is needed in the county to:

(1) finance, construct, acquire, and equip the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs; and

(2) repay bonds issued or leases entered into for constructing, acquiring, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(d) The county council may, by ordinance, determine that additional county economic development income tax revenue is needed in the county to operate or maintain the facilities described in subsection (c)(1) that are located in the county. The county council may make a determination under this subsection and under subsection (c).

(e) In addition to the rates permitted by section 5 of this chapter, the county council may, subject to subsections (f) and (g), impose the county economic development income tax at a rate not to exceed sixty-five hundredths percent (0.65%) on the adjusted gross income of county taxpayers if the county council:

(1) makes the determination described in subsection (c); or

(2) makes both the determination described in subsection (c) and the determination described in subsection (d).

(f) If the county council makes only the determination under subsection (c), the county council may adopt a tax rate under subsection (e). The tax rate may not exceed the lesser of:

(1) sixty-five hundredths percent (0.65%); or

(2) the tax rate that is necessary to pay the costs of financing, acquiring, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(g) If the county council makes both the determination under subsection (c) and the determination under subsection (d), the county council may adopt a tax rate under subsection (e). The tax rate may not exceed the lesser of:

(1) sixty-five hundredths percent (0.65%); or

(2) the tax rate that is necessary to:

(A) pay the costs of financing, acquiring, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs; and

(B) provide sufficient annual revenues to operate and maintain the facilities described in subsection (c)(1).

(h) A tax rate imposed under this section may be imposed only until the later of:

(1) the date on which the last of any bonds issued or leases entered into to finance the facilities are fully paid; or

(2) the date on which the ordinance under subsection (c) or (d) is repealed or rescinded.

The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (c)(2) may not exceed twenty-five (25) years.

(i) The county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County economic development income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 11 of this chapter.

(j) County economic development income tax revenues derived from the tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible ad valorem property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued or leases entered into for the purposes described in subsection (c).

SECTION 108. IC 6-3.5-7-28, AS AMENDED BY P.L.172-2011, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 28. (a) This section applies only to a county that is a member of a regional development authority under IC 36-7.6.

(b) In addition to the rates permitted by section 5 of this chapter, the entity that imposed the county economic development income tax under section 5 of this chapter (or, in the case of a county that has not imposed the county economic development income tax, the entity that may impose the county economic development income tax under section 5(a)(3) of this chapter) may by ordinance impose an additional county economic development income tax at a rate of:

(1) in the case of a county described in IC 36-7.6-4-2(b)(2), twenty-five thousandths of one percent (0.025%); or

(2) in the case of any other county to which this section applies, five-hundredths of one percent (0.05%);

on the adjusted gross income of county taxpayers.

(c) If an additional county economic development income tax is imposed under this section, the county treasurer shall establish a county regional development authority fund. Notwithstanding any other provision of this chapter, the county

economic development income tax revenues derived from the additional county economic development income tax imposed under this section must be deposited in the county regional development authority fund before any certified distributions are made under section 12 of this chapter.

(d) County economic development income tax revenues derived from the additional county economic development income tax imposed under this section and deposited in the county regional development authority fund:

(1) shall, not more than thirty (30) days after being deposited in the county regional development authority fund, be transferred as provided in IC 36-7.6-4-2 to the development fund of the regional development authority for which the county is a member; and

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy under IC 6-1.1-18.5.

~~(e) Notwithstanding sections 5 and 6 of this chapter, if a county becomes a member of a regional development authority under IC 36-7.6 and imposes an additional county economic development income tax under this section before July 1 of a year, then, notwithstanding section 11 or any other provision of this chapter, the initial certified distribution of the tax revenue that results from the additional tax shall be distributed to the county treasurer from the account established for the county under this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county adopts the ordinance to impose the additional tax:~~

~~(1) One-fourth (1/4) on October 1 of the year in which the ordinance to impose the additional tax is adopted.~~

~~(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance to impose the additional tax is adopted.~~

~~(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance to impose the additional tax is adopted.~~

~~(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance to impose the additional tax is adopted.~~

SECTION 109. IC 6-8.1-9-1, AS AMENDED BY P.L.172-2011, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If a person has paid more tax than the person determines is legally due for a particular taxable period, the person may file a claim for a refund with the department. Except as provided in subsections (f) **and** (g), ~~and (h),~~ in order to obtain the refund, the person must file the claim with the department within three (3) years after the latter of the following:

(1) The due date of the return.

(2) The date of payment.

For purposes of this section, the due date for a return filed for the state gross retail or use tax, the gasoline tax, the special fuel tax, the motor carrier fuel tax, the oil inspection fee, or the petroleum severance tax is the end of the calendar year which contains the taxable period for which the return is filed. The claim must set forth the amount of the refund to which the person is entitled and the reasons that the person is entitled to the refund.

(b) After considering the claim and all evidence relevant to the claim, the department shall issue a decision on the claim, stating the part, if any, of the refund allowed and containing a statement of the reasons for any part of the refund that is denied. The department shall mail a copy of the decision to the person who filed the claim. If the person disagrees with a part of the decision, the person may file a protest and request a hearing with the department. The department shall mail a copy of the decision to the person who filed the protest. If the department allows the full amount of the refund claim, a warrant for the payment of the claim is sufficient notice of the decision.

(c) If the person disagrees with any part of the department's decision, the person may appeal the decision, regardless of whether or not the person protested the tax payment or whether or not the person has accepted a refund. The person must file the appeal with the tax court. The tax court does not have jurisdiction to hear a refund appeal suit, if:

~~(1) the appeal is filed more than three (3) years after the date the claim for refund was filed with the department;~~

~~(2)~~ **(1)** the appeal is filed more than ninety (90) days after the later of the date the department mails:

(A) the decision of denial of the claim to the person; or

(B) the decision made on the protest filed under subsection (b); or

~~(3)~~ **(2)** the appeal is filed both before the decision is issued and before the one hundred eighty-first day after the date the person files the claim for refund with the department.

(d) The tax court shall hear the appeal de novo and without a jury, and after the hearing may order or deny any part of the appealed refund. The court may assess the court costs in any manner that it feels is equitable. The court may enjoin the collection of any of the listed taxes under IC 33-26-6-2. The court may also allow a refund of taxes, interest, and penalties that have been paid to and collected by the department.

(e) With respect to the motor vehicle excise tax, this section applies only to penalties and interest paid on assessments of the motor vehicle excise tax. Any other overpayment of the motor vehicle excise tax is subject to IC 6-6-5.

(f) If a taxpayer's federal income tax liability for a taxable year is modified by the Internal Revenue Service, and the modification would result in a reduction of the tax legally due, the due date by which the taxpayer must file a claim for refund with the department is the later of:

(1) the date determined under subsection (a); or

(2) the date that is one hundred eighty (180) days after the date on which the taxpayer is notified of the modification by the Internal Revenue Service.

(g) If an agreement to extend the assessment time period is entered into under IC 6-8.1-5-2(h), the period during which a person may file a claim for a refund under subsection (a) is extended to the same date to which the assessment time period is extended.

~~(h) If a taxpayer's claim for a refund of gross retail or use tax is based on:~~

~~(1) IC 6-2.5-4-5(c)(3); or~~

~~(2) the exemption provided by IC 6-2.5-5-5.1 for electrical energy, natural or artificial gas, water, steam, and steam heat;~~

~~the person must file the claim with the department within eighteen (18) months after the date of payment.~~

SECTION 110. IC 6-9-2-2, AS AMENDED BY SEA 115-2012, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) The revenue received by the county treasurer under this chapter shall be allocated to the Lake County convention and visitor bureau, Indiana University-Northwest, Purdue University-Calumet, municipal public safety departments, municipal physical and economic development divisions, and the cities and towns in the county as provided in this section. Subsections (b) through (g) do not apply to the distribution of revenue received under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the ~~largest~~ city of ~~the county.~~ **Gary.**

(b) The Lake County convention and visitor bureau shall establish a convention, tourism, and visitor promotion fund (referred to in this chapter as the "promotion fund"). The county

treasurer shall transfer to the Lake County convention and visitor bureau for deposit in the promotion fund thirty-five percent (35%) of the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. The promotion fund consists of:

(1) money in the promotion fund on June 30, 2005;

(2) revenue deposited in the promotion fund under this subsection after June 30, 2005; and

(3) investment income earned on the promotion fund's assets.

Money in the funds established by the bureau may be expended to promote and encourage conventions, trade shows, special events, recreation, and visitors. Money may be paid from the funds established by the bureau, by claim in the same manner as municipalities may pay claims under IC 5-11-10-1.6.

(c) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer to Indiana University-Northwest forty-four and thirty-three hundredths percent (44.33%) of the revenue received under this chapter for that year to be used as follows:

(1) Seventy-five percent (75%) of the revenue received under this subsection may be used only for the university's medical education programs.

(2) Twenty-five percent (25%) of the revenue received under this subsection may be used only for the university's allied health education programs.

(d) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall allocate among the cities and towns throughout the county nine percent (9%) of the revenue received under this chapter for that year as follows:

(1) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(2) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).

(3) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than twenty-nine thousand six hundred (29,600) but less than twenty-nine thousand nine hundred (29,900).

(4) Seventy percent (70%) of the revenue covered by this subsection shall be distributed in equal amounts to each town and each city not receiving a distribution under subdivisions (1) through (3).

The money distributed under this subsection may be used only for tourism and economic development projects. The county treasurer shall make the distributions on or before December 1 of each year.

(e) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer to Purdue University-Calumet nine percent (9%) of the revenue received under this chapter for that year. The money received by Purdue University-Calumet may be used by the university only for nursing education programs.

(f) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer two and sixty-seven hundredths percent (2.67%) of the revenue received under this chapter for that year to the following cities:

(1) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(2) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).

Money transferred under this subsection may be used only for convention facilities located within the city. In addition, the money may be used only for facility marketing, sales, and public relations programs. Money transferred under this subsection may not be used for salaries, facility operating costs, or capital expenditures related to the convention facilities. The county treasurer shall make the transfers on or before December 1 of each year.

(g) This subsection applies to the revenue received from the tax imposed under this chapter in each year that exceeds one million two hundred thousand dollars ($1,200,000). During each year, the county treasurer shall distribute money in the promotion fund as follows:

(1) Eighty-five percent (85%) of the revenue covered by this subsection shall be deposited in the convention, tourism, and visitor promotion fund. The money deposited in the fund under this subdivision may be used only for the purposes for which other money in the fund may be used.

(2) Five percent (5%) of the revenue covered by this subsection shall be transferred to Purdue University-Calumet. The money received by Purdue University-Calumet under this subdivision may be used by the university only for nursing education programs.

(3) Five percent (5%) of the revenue covered by this subsection shall be transferred to Indiana University-Northwest. The money received by Indiana University-Northwest under this subdivision may be used only for the university's medical education programs.

(4) Five percent (5%) of the revenue covered by this subsection shall be transferred to Indiana University-Northwest. The money received by Indiana University-Northwest under this subdivision may be used only for the university's allied health education programs.

(h) This subsection applies only to the distribution of revenue received from the tax imposed under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the ~~largest~~ city of ~~the county.~~ **Gary.** During each year, the county treasurer shall transfer:

(1) seventy-five percent (75%) of the revenues under this subsection to the department of public safety; and

(2) twenty-five percent (25%) of the revenues under this subsection to the division of physical and economic development;

of the ~~largest~~ city of ~~the county.~~ **Gary.**

(i) The Lake County convention and visitor bureau shall assist the county treasurer, as needed, with the calculation of the amounts that must be deposited and transferred under this section.

SECTION 111. IC 6-9-33-8, AS AMENDED BY P.L.229-2011, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) If a tax is imposed under section 3 of this chapter, the county treasurer shall establish a supplemental coliseum improvement fund. The county treasurer shall deposit in this fund all amounts received from the tax imposed under this chapter. Money in this fund:

(1) may be appropriated only to retire or advance refund bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 (referred to in this chapter as

"obligations") to remodel, expand, improve, or acquire an athletic and exhibition coliseum in existence before the effective date of an ordinance adopted under section 3 of this chapter; and

(2) shall be used to make transfers required by subsection (b).

(b) There is established a **food and beverage tax fund, with a** food and beverage tax reserve account, **both** to be administered by the capital improvement board of managers (IC 36-10-8). The money that is deposited in the supplemental coliseum improvement fund after December 31, 2009, and is not needed in a year to make payments on obligations for which a pledge of revenue under this chapter was made before January 1, 2009, shall be transferred to the capital improvement board. The county treasurer shall make the transfer before February 1 of the following year. The capital improvement board shall deposit the money it receives in the board's food and beverage tax **fund** reserve account. Money in the reserve account may not be withdrawn or transferred during the year it is received except to make transfers back to the county to make payments on obligations for which a pledge of revenue under this chapter was made before January 1, 2009. However, the capital improvement board may transfer:

(1) interest earned on money in the reserve account; and

(2) an amount equal to the balance that has been held in the reserve account for at least twelve (12) months;

to the board's ~~capital improvement fund established by IC 36-10-8-12.~~ **food and beverage tax fund and used as provided in subsection (c).**

(c) Excess revenue transferred under subsection (b) to the capital improvement board of managers may be used to provide funding for:

(1) the construction of a capital improvement (as defined in IC 36-10-1-4);

(2) an economic development project as described in:

(A) IC 6-3.5-7-13.1(c)(1) or IC 6-3.5-7-13.1(c)(2)(A) through IC 6-3.5-7-13.1(c)(2)(I); and

(B) IC 6-3.5-7-13.1(c)(2)(K); or

(3) financing a capital improvement or an economic development project described in subdivision (1) or (2).

In carrying out this subsection, the capital improvement board may borrow against future tax revenue that will be collected under this chapter. In addition, the capital improvement board may use an amount not to exceed one hundred thousand dollars ($100,000) annually from the tax revenue collected under this chapter to pay expenses related to investigating a potential capital improvement or economic development project, including feasibility and preliminary engineering studies related to such a capital improvement or economic development project.

(d) Excess revenue transferred under subsection (b) to the capital improvement board of managers may not be used to:

(1) provide funding for improvements initiated before January 1, 2009, that are located in the area bounded on the north by Jefferson Boulevard, on the east by Harrison Street, on the south by Breckenridge Street, and on the west by Ewing Street as those public ways were located on January 1 2009, as part of the Harrison Square project;

(2) provide for debt service or lease payments for a project for which the obligations for the project were incurred before January 1, 2009; or

(3) pay operational expenses for any facilities of the municipality.

SECTION 112. IC 20-46-3-6, AS AMENDED BY P.L.182-2009(ss), SECTION 347, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. Subject to IC 6-1.1-18.5-9.9 **(before its repeal),** the department of local government finance may allow a school corporation to establish a levy. The amount of the levy shall be determined each year and the levy may not exceed the lesser of the following:

(1) The revenue derived from a tax rate of eight and thirty-three hundredths cents ($0.0833) for each one hundred dollars ($100) of assessed valuation within the school corporation.

(2) The revenue derived from a tax rate equal to the difference between the maximum rate allowed for the school corporation's capital projects fund under IC 20-46-6 minus the actual capital projects fund rate that will be in effect for the school corporation for a particular year.

SECTION 113. IC 20-46-4-6, AS AMENDED BY P.L.124-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The levy imposed for an assessment date before January 16, 2011, may not exceed the maximum permissible levy permitted under this section as this section was effective on January 1, 2011.

(b) **Except as provided in subsection (c),** the levy imposed for an assessment date after January 15, 2011, may not exceed the amount determined by multiplying:

(1) the school corporation's maximum permissible levy for the fund for the previous year under this chapter, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy in the immediately preceding year); by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2.

(c) This subsection applies to a school corporation if the school corporation's maximum permissible levy for the fund for calendar year 2009 was at least twenty-four percent (24%) less than the school corporation's maximum permissible levy for the fund for calendar year 2008. For the purposes of determining the school corporation's maximum permissible levy for the fund for calendar year 2013, the amount determined under this subsection shall be used under subsection (b)(1) as the school corporation's maximum permissible levy for the fund for the previous year. The school corporation shall be treated as having a maximum permissible levy for the fund in calendar year 2012 that is equal to the maximum permissible levy for the fund that the school corporation would have had in calendar year 2012 if:

(1) the school corporation's maximum permissible levy is recalculated for calendar year 2009 to eliminate any loss in the school corporation's maximum permissible levy for the fund; and

(2) the school corporation is treated as having levied the entire amount of the school corporation's recalculated maximum permissible levy for the fund in 2009, 2010, and 2011;

as determined by the department of local government finance. The adjustment under this subsection is a permanent adjustment in the school corporation's maximum permissible levy for the fund.

SECTION 114. IC 20-46-6-5, AS ADDED BY P.L.154-2006, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. Subject to IC 6-1.1-18-12 and IC 6-1.1-18.5-9.9 **(before its repeal),** to provide for the fund, the governing body may, for each year in which a plan is in effect, impose a property tax rate that does not exceed forty-one and sixty-seven hundredths cents ($0.4167) on each one hundred dollars ($100) of assessed valuation of the school corporation. The actual rate imposed by the governing

body must be advertised in the same manner as other property tax rates.

SECTION 115. IC 36-1-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section does not apply to a county treasurer governed by IC 36-2-10-23.

(b) As used in this section, "credit card" means a:

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

(c) A payment to a political subdivision or a municipally owned utility for any purpose may be made by any of the following financial instruments that the fiscal body of the political subdivision or the board of the municipally owned utility authorizes for use:

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

(d) If there is a charge to the political subdivision or municipally owned utility for the use of a financial instrument, the political subdivision or municipally owned utility may collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(e) If authorized by the fiscal body of the political subdivision or the board of the municipally owned utility, the political subdivision or municipally owned utility may accept payments under this section with a bank card or credit card under the procedures set forth in this section. However, the procedure authorized for a particular type of payment must be uniformly applied to all payments of the same type.

(f) The political subdivision or municipally owned utility may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. **However, if there is a vendor transaction charge or discount fee, whether billed to the political subdivision or municipally owned utility or charged directly to the political subdivision's or municipally owned utility's account, the political subdivision or municipally owned utility may collect from the person using the card an official fee that may not exceed the transaction charge or discount fee charged to the political subdivision or municipally owned utility by bank or credit card vendors. The fee is a permitted additional charge under IC 24-4.5-3-202.**

(g) The political subdivision or municipally owned utility may pay any applicable bank card or credit card service charge associated with the use of a bank card or credit card under this subsection.

(h) The authorization of the fiscal body of the political subdivision is not required by the bureau of motor vehicles or the bureau of motor vehicles commission to use electronic funds transfer or other financial instruments to transfer funds to the political subdivision.

SECTION 116. IC 36-1-8-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) As used in this section, "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.**

(b) The fiscal body of a political subdivision or the board of a municipally owned utility may adopt a resolution to authorize an electronic funds transfer method of payment of claims. If a proper body adopts a resolution under this subsection, the political subdivision or municipally owned utility may pay money from its funds by electronic funds transfer.

(c) A political subdivision or municipally owned utility that pays a claim by electronic funds transfer shall comply with all other requirements for the payment of claims by political subdivisions or municipal utilities.

SECTION 117. IC 36-2-9-20, AS AMENDED BY P.L.177-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. The county auditor shall:

(1) maintain an electronic data file of the information contained on the tax duplicate for all:
(A) parcels; and
(B) personal property returns;
for each township in the county as of each assessment date;
(2) maintain the electronic data file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:
(A) the legislative services agency; and
(B) the department of local government finance;
(3) transmit the data in the file with respect to the assessment date of each year before March ~~1~~ **16** of the next year to:
(A) the legislative services agency in an electronic format under IC 5-14-6; and
(B) the department of local government finance;
in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and
(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 118. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss), SECTION 401, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Except as provided in subsection (d), the city-county legislative body shall review the proposed operating and maintenance budgets and tax levies and adopt final operating and maintenance budgets and tax levies for each of the following entities in the county:

(1) An airport authority operating under IC 8-22-3.
(2) A public library operating under IC 36-12.
(3) A capital improvement board of managers operating under IC 36-10.
(4) A public transportation corporation operating under IC 36-9-4.
(5) A health and hospital corporation established under IC 16-22-8.
(6) Any other taxing unit (as defined in IC 6-1.1-1-21) that is located in the county and has a governing body that is

not comprised of a majority of officials who are elected to serve on the governing body.

Except as provided in subsection (c), the city-county legislative body may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

(b) The board of each entity listed in subsection (a) shall, after adoption of its proposed budget and tax levies, submit them, along with detailed accounts, to the city clerk before ~~the first day of~~ September ~~of each year.~~ **2.**

(c) The city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town shall review the issuance of bonds of an entity listed in subsection (a). Approval of the city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town is required for the issuance of bonds. The city-county legislative body or the fiscal body of an excluded city or town may not reduce or modify a budget or tax levy of an entity listed in subsection (a) in a manner that would:

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

(2) in any way impair the rights or remedies of the holders of the entity's bonds.

(d) If the assessed valuation of a taxing unit is entirely contained within an excluded city or town (as described in IC 36-3-1-7) that is located in a county having a consolidated city, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body for approval and not the city-county legislative body. Except as provided in subsection (c), the fiscal body of the excluded city or town may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

SECTION 119. IC 36-7-10.1-3, AS AMENDED BY P.L.113-2010, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The legislative body of a municipality or county may by ordinance require the owners of real property located within the municipality or the unincorporated area of the county to cut and remove weeds and other rank vegetation growing on the property. As used in this chapter, "weeds and other rank vegetation" does not include agricultural crops, such as hay and pasture.

(b) An ordinance adopted under subsection (a) must specify the following:

(1) The department of the municipality or county responsible for the administration of the ordinance.

(2) The definitions of weeds and rank vegetation.

(3) The height at which weeds or rank vegetation becomes a violation of the ordinance, specifying the appropriate heights for various types of weeds and rank vegetation.

(4) The procedure for issuing notice to the owner of real property of a violation of the ordinance, **including any procedures for issuing a continuous abatement notice under subsection (d).**

(5) The procedure under which the municipality or county, or its contractors, may enter real property to abate a violation of the ordinance if the owner fails to abate the violation.

(6) The procedure for issuing a bill to the owner of real property for the costs incurred by the municipality or county in abating the violation, including administrative costs and removal costs. The cost of sending notice under subsection (c) is an administrative cost that may be billed to the owner under this subdivision.

(7) The procedure for appealing a notice of violation or a bill issued under the ordinance.

(c) An ordinance adopted under subsection (a) must provide that a notice sent to the property owner must be sent by certified mail, return receipt requested, or an equivalent service permitted under IC 1-1-7-1 to:

(1) the owner of record of real property with a single owner; or

(2) at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice.

(d) If an initial notice of the violation of an ordinance adopted under this section was provided by certified mail or equivalent service under subsection (c), a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail or equivalent service as required under subsection (c). A continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the municipality or county, or its contractors.

SECTION 120. IC 36-7-15.1-16, AS AMENDED BY P.L.146-2008, SECTION 750, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) For the purpose of raising money to carry out this chapter or IC 36-7-15.3, the city-county legislative body may levy each year a special tax upon all property in the redevelopment district. The tax so levied each year shall be certified to the fiscal officers of the city and the county before ~~September 2~~ **November 1** of each year. The tax shall be estimated and entered upon the tax duplicates by the county auditor, and shall be collected and enforced by the county treasurer in the same manner as state and county taxes are estimated, entered, collected, and enforced.

(b) As the tax is collected by the county treasurer, it shall be accumulated and kept in a separate fund to be known as the redevelopment district fund and shall be expended and applied only for the purposes of this chapter or IC 36-7-15.3.

(c) The amount of the special tax levy shall be based on the budget of the department but may not exceed one and sixty-seven hundredths cents ($0.0167) on each one hundred dollars ($100) of taxable valuation in the redevelopment district, except as otherwise provided in this chapter.

(d) The budgets and tax levies under this chapter are subject to review and modification in the manner prescribed by IC 36-3-6.

SECTION 121. IC 36-7-31.3-10, AS AMENDED BY SEA 115-2012, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in the tax area to the professional sports and convention development area fund established for the city or county. The allocation provision must apply to the entire tax area. ~~However, for all tax areas located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000),~~ **The following apply to Allen County:**

(1) The fund required by this subsection is the coliseum professional sports and convention development area fund. This fund shall be administered by the Allen County Memorial Coliseum board of trustees.

(2) The allocation each year must be as follows:

~~(1)~~ **(A)** The first two million six hundred thousand dollars ($2,600,000) shall be transferred to the county treasurer for deposit in the ~~supplemental~~ coliseum ~~improvement~~ **professional sports and convention development area** fund.

~~(2)~~ **(B)** The remaining amount shall be transferred to

the treasurer of the joint county-city capital improvement board in the county.

The resolution must provide the tax area terminates not later than December 31, 2027.

(b) In addition to subsection (a), all of the salary, wages, bonuses, and other compensation that are:

(1) paid during a taxable year to a professional athlete for professional athletic services;

(2) taxable in Indiana; and

(3) earned in the tax area;

shall be allocated to the tax area if the professional athlete is a member of a team that plays the majority of the professional athletic events that the team plays in Indiana in the tax area.

(c) For a tax area that is:

(1) not located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and

(2) not located in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000);

the total amount of state revenue captured by the tax area may not exceed five dollars ($5) per resident of the city or county per year for twenty (20) consecutive years.

(d) For a tax area that is located in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000), the total amount of state revenue captured by the tax area may not exceed six dollars and fifty cents ($6.50) per resident of the city per year for twenty (20) consecutive years.

(e) The resolution establishing the tax area must designate the facility or proposed facility and the facility site for which the tax area is established.

(f) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

SECTION 122. IC 36-8-15-19, AS AMENDED BY SEA 115-2012, SECTION 222, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) This subsection applies to a county that has a population of more than one hundred eighty-five thousand (185,000) but less than two hundred fifty thousand (250,000). For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for that levy may not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.5-6-17. To make such an election, the county fiscal body must adopt an ordinance before ~~September~~ **November** 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the department of local government finance shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of the district and the units participating in the district.

(d) If a unit by ordinance or resolution joins the district or elects to have its public safety agencies served by the district, the department of local government finance shall reduce the maximum permissible ad valorem property tax levy of the unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the unit for public safety communication services in the year in which the ordinance was adopted. If such an ordinance or resolution is adopted, the district shall refer its proposed budget, ad valorem property tax levy, and property tax rate for the following year to the department of local government finance, which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

(e) If a unit by ordinance or resolution withdraws from the district or rescinds its election to have its public safety agencies served by the district, the department of local government finance shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted, the unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the department of local government finance, which shall review and set the budget, levy, and rate as though the unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district.

(g) A county that has adopted an ordinance under section 1(3) of this chapter may not impose an ad valorem property tax levy on property within the district to fund the operation or implementation of the district.

SECTION 123. IC 36-9-4-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 42. (a) A municipality or a public transportation corporation that expends money for the establishment or maintenance of an urban mass transportation system under this chapter may acquire the money for these expenditures:

(1) by issuing bonds under section 43 or 44 of this chapter;

(2) by borrowing money made available for such purposes by any source;

(3) by accepting grants or contributions made available for such purposes by any source;

(4) in the case of a municipality, by appropriation from the general fund of the municipality, or from a special fund that the municipal legislative body includes in the municipality's budget; or

(5) in the case of a public transportation corporation, by levying a tax under section 49 of this chapter or by recommending an election to use revenue from the county option income taxes, as provided in subsection (c).

(b) Money may be acquired under this section for the purpose of exercising any of the powers granted by or incidental to this chapter, including:

(1) studies under section 4, 9, or 11 of this chapter;

(2) grants in aid;

(3) the purchase of buses or real property by a municipality for lease to an urban mass transportation system, including the payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the buses or real property;

(4) the acquisition by a public transportation corporation of property of an urban mass transportation system,

including the payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the property;

(5) the operation of an urban mass transportation system by a public transportation corporation, including the acquisition of additional property for such a system; and

(6) the retirement of bonds issued and outstanding under this chapter.

(c) This subsection applies only to a public transportation corporation located in a county having a consolidated city. In order to provide revenue to a public transportation corporation during a year, the public transportation corporation board may recommend and the county fiscal body may elect to provide revenue to the corporation from part of the certified distribution, if any, that the county is to receive during that same year under IC 6-3.5-6-17. To make the election, the county fiscal body must adopt an ordinance before ~~September~~ **November** 1 of the preceding year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to provide revenue to the corporation. If such an ordinance is adopted, the county fiscal body shall immediately send a copy of the ordinance to the county auditor.

SECTION 127. IC 36-12-12-5, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) If the library board passes a resolution under section 3 of this chapter and the appropriate fiscal body or bodies approve the plan, the library board shall ~~submit the resolution and the plan to the department of local government finance. If the department of local government finance determines that:~~

~~(1) the library board has correctly advertised the plan under section 3(c) of this chapter;~~

~~(2) the plan was adopted by the library board and approved by the appropriate fiscal body or bodies; and~~

~~(3) the plan conforms to the format prescribed by the department;~~

~~the department shall require notice of the submission to be given to the taxpayers of the library district in accordance with IC 5-3-1-2(b).~~ **publish notice of adoption in accordance with IC 5-3-1-2(i).**

(b) Ten (10) or more taxpayers who will be affected by the adopted plan may file a petition with the county auditor of a county in which the library district is located not later than ten (10) days after the publication **of the notice of adoption required by subsection (a),** setting forth the taxpayers' objections to the proposed plan. The county auditor shall immediately certify the petition to the department of local government finance.

SECTION 124. [EFFECTIVE JULY 1, 2013] **(a) The executive of either of the following townships may, upon approval by the township fiscal body, submit a petition to the department of local government finance for an increase in the maximum permissible ad valorem property tax levy under IC 36-8-13 (for township fire protection and emergency services) for property taxes first due and payable in 2013:**

(1) Barkley Township in Jasper County.

(2) Union Township in Jasper County.

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under IC 36-8-13 for a township that submits a petition under this SECTION by the lesser of:

(1) the amount of the increase requested in the petition; or

(2) the amount necessary to increase the township's maximum permissible ad valorem property tax levy under IC 36-8-13 for property taxes first due and payable in 2013 to the amount of the township's maximum permissible ad valorem property tax levy under IC 36-8-13 that applied to taxes first due and payable in 2003.

(c) A township's maximum permissible ad valorem property tax levy under IC 36-8-13 for property taxes first due and payable in 2013, as adjusted under this SECTION, shall be used in the determination of the township's maximum permissible ad valorem property tax levy under IC 36-8-13 for property taxes first due and payable in 2014 and thereafter.

(d) This SECTION expires January 1, 2015.

SECTION 125. [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **(a) IC 6-1.1-12-26.1, as added by this act, applies to property taxes first due and payable after 2012. A deduction statement filed before September 1, 2012, under IC 6-1.1-12-27.1, as amended by this act, is considered timely filed for purposes of obtaining the deduction under IC 6-1.1-12-26.1, as added by this act, in 2012 for property taxes first due and payable in 2013.**

(b) This SECTION expires January 1, 2014.

SECTION 126. [EFFECTIVE JANUARY 1, 2013] **(a) IC 6-2.3-4-7, as added by this act, applies to taxable years beginning after December 31, 2012.**

(b) This SECTION expires January 1, 2015.

SECTION 128. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a fire protection district:**

(1) that was initially established in 2011;

(2) whose maximum levy and cumulative fund rate were first established and approved by the department of local government finance in 2011;

(3) that properly and timely advertised its budget, rates, and levies in 2011 for the 2012 calendar year;

(4) whose budget, rates, and levies were disallowed by the department of local government finance in 2012 due to confusion as to whether the county council that created the fire protection district held a public hearing on the budget, rates, and levies;

(5) whose 2012 budget, rates, and levies were nonetheless timely considered in an open meeting of the county council, and were timely reviewed and approved by the county council; and

(6) that may experience a significant revenue shortfall in 2012 and 2013, requiring the district to seek funds in addition to the amounts available to the district to provide essential fire protection to district residents.

(b) A fire protection district described in this section may borrow a specified amount of money if:

(1) the board of fire trustees of the district finds that:

(A) an emergency exists requiring the expenditure of money not available to the fire district; and

(B) the emergency requiring the expenditure of money is related to paying the operating expenses and obligations of the district; and

(2) the fiscal body of the county approves the expenditure of the money.

(c) A fire protection district shall comply with IC 36-8-11-17 with respect to a borrowing under this section.

(d) The county fiscal body shall levy property taxes in an amount sufficient to cover payments due under the borrowing authorized under this section.

(e) This SECTION expires December 31, 2014.

SECTION 129. [EFFECTIVE UPON PASSAGE] **(a) During the 2012 legislative interim, the commission on state tax and financing policy shall study the topic of whether the value of tax credits under Section 42 of the Internal Revenue Code should be considered in determining the assessed value of low income housing tax credit property.**

(b) Before November 1, 2012, the commission on state tax

and financing policy shall report to the legislative council regarding any recommendations on the study topic described in subsection (a).

(c) This SECTION expires January 1, 2013.

SECTION 130. [EFFECTIVE UPON PASSAGE] **(a) During the 2012 and 2013 legislative interims, the commission on state tax and financing policy (IC 2-5-3) shall study all income tax credits using a schedule that provides for approximately half the credits to be studied each year and for the credits to be studied in the order they were enacted. The commission shall prepare a report that covers each credit and that includes the following:**

(1) A review of the original scope and purpose of the credit and whether the scope or purpose has changed since the credit's enactment.

(2) The economic parameters of the credit, including the credit percentage and credit limits, and whether these parameters have changed since the credit's enactment.

(3) A description of the taxpayers that qualify for the credit and how effective the credit has been in assisting these targeted taxpayers.

(4) The type of activities on which the credit is based and how effective the credit has been in promoting these targeted activities.

(5) The amount of the credits granted over time.

(6) A determination of the dollar amount of credits granted but not taken that can be carried forward.

(7) A summary of audit findings for each credit and whether there has been any misuse of the credit.

(8) Suggested changes in the law with regard to each credit, including whether the credit should be retained or not.

(9) Any other issues related to these income tax credits, as determined by the commission.

The commission on state tax and financing policy shall issue the report in two (2) parts, in an electronic format under IC 5-14-6, to the legislative council, not later than November 1, 2012, and November 1, 2013, respectively.

(b) This SECTION expires January 1, 2014.

SECTION 131. [EFFECTIVE JULY 1, 2012] **(a) The legislative council shall assign to an interim or a statutory study committee during the 2012 legislative interim the topic of more clearly defining what is included in instructional spending by school corporations and what is included in noninstructional spending by school corporations for purposes of IC 20-42.5-3-5.**

(b) The study committee assigned the topic described in subsection (a) shall issue a final report, in an electronic format under IC 5-14-6, to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, not later than November 1, 2012.

(c) This SECTION expires December 31, 2012.

SECTION 132. [EFFECTIVE UPON PASSAGE] **(a) The correction of the references to:**

(1) Internal Revenue Code Section 62(a)(2)(D) that is being made in IC 6-3-1-3.5; and

(2) Internal Revenue Code Section 871(k)(1)(C) that is being made in IC 6-3-1-11;

apply to taxable years beginning after December 31, 2010, notwithstanding the July 1, 2012, effective date of the SECTIONS in this act that make the corrections.

(b) This SECTION expires January 1, 2013.

SECTION 133. [EFFECTIVE JULY 1, 2012] **(a) The administrative rule concerning proof by an individual that a residence is the individual's principal place of residence for purposes of the homestead standard deduction that is set forth at 50 IAC 24-3-2 is void. The publisher of the Indiana Administrative Code shall remove 50 IAC 24-3-2 from the Indiana Administrative Code.**

(b) This SECTION expires July 1, 2014.

SECTION 134. [EFFECTIVE JULY 1, 2012] **(a) In repealing IC 6-3.5-7-4.3 by this act, the general assembly recognizes that IC 6-3.5-7-4.3 was amended by SEA 115-2012, SECTION 49. The general assembly intends to repeal that provision.**

(b) This SECTION expires December 31, 2012.

SECTION 135. **An emergency is declared for this act.**

(Reference is to EHB 1072 as reprinted February 29, 2012.)

ESPICH	HERSHMAN
WELCH	BRODEN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1269–1; filed March 9, 2012, at 10:30p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1269 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Between the title and the enacting clause, begin a new paragraph and insert:

"*Whereas, the separation of powers, both between the branches of the federal government and between federal and state authority, is essential to the preservation of individual liberty;*

Whereas, the United States Constitution creates a federal government of limited and enumerated powers, and reserves to the states or to the people those powers not granted to the federal government;

Whereas, the federal government has enacted many laws that have preempted state laws with respect to health care, and placed increasing strain on state budgets, impairing other responsibilities such as education, infrastructure, and public safety;

Whereas, the member states seek to protect individual liberty and personal control over health care decisions, and believe the best method to achieve these ends is by vesting regulatory authority over health care in the states;

Whereas, by acting in concert, the member states may express and inspire confidence in the ability of each member state to govern health care effectively; and

Whereas, the member states recognize that consent of Congress may be more easily secured if the member states collectively seek consent through an interstate compact: Therefore,".

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

ARTICLE 16.5. THE HEALTH CARE COMPACT

Chapter 1. Definitions

Sec. 1. As used in this article, "commission" refers to the interstate advisory health care commission established by IC 12-16.5-4-1.

Sec. 2. As used in this article, "compact" refers to the health care compact entered into under this article.

Sec. 3. As used in this article, "current year inflation

adjustment factor" means the total gross domestic product deflator, as determined by the United States Department of Commerce's Bureau of Economic Analysis, in the current year divided by the total gross domestic product deflator in federal fiscal year 2010.

Sec. 4. (a) As used in this article, "health care" means care, services, supplies, or plans related to the health of an individual, including the following:

(1) Preventative, diagnostic, therapeutic, rehabilitative, maintenance, and palliative care, including counseling, service, assessment, or procedure concerning the physical or mental condition or functional status of an individual or that affects the structure or function of the body.

(2) Sale or dispensing of a drug, device, equipment, or other item under a prescription.

(3) An individual or group health plan that provides or pays the costs of care, services, or supplies related to the health of an individual.

(b) The term does not include care, services, supplies, or plans provided:

(1) by the United States Department of Defense;

(2) by the United States Department of Veterans Affairs; or

(3) to Native Americans.

Sec. 5. As used in this article, "member state" means a state that has adopted the health care compact law.

Sec. 6. As used in this article, "member state base funding level" means a number determined by the member state to be equal to the total federal spending on health care in the member state during federal fiscal year 2010 and is set forth in IC 12-16.5-3-4.

Sec. 7. As used in this article, "member state current year funding level" means the member state base funding level multiplied by the member state current year population adjustment factor multiplied by the current year inflation adjustment factor.

Sec. 8. As used in this article, "member state current year population adjustment factor" means the average population of the member state in the current year, as determined by the United States Census Bureau, less the average population of the member state in federal fiscal year 2010, divided by the average population of the member state in federal fiscal year 2010 plus one (1).

Chapter 2. Applicability

Sec. 1. This article is effective upon the following:

(1) The adoption of the compact by at least two (2) member states.

(2) The consent of the federal United States Congress without changes by Congress to the following fundamental purposes of the compact:

(A) To secure the right of the member states to regulate health care in the member state's jurisdiction under the compact and to suspend the operation of any conflicting federal laws, rules, regulations, and orders within the member state.

(B) To secure federal funding for member states that choose to invoke the member state's authority under the compact, as set forth in IC 12-16.5-3.

Chapter 3. Health Care Compact

Sec. 1. (a) The governor may enter into the compact on behalf of the state with any other state only after the following occur:

(1) The budget committee reviews the compact and any plan developed under subdivision (2).

(2) The budget agency prepares a plan showing how Indiana will provide access to health care for Indiana residents under the compact.

(3) The budget agency presents the plan described in subdivision (2) to the health finance commission established by IC 2-5-23-3.

(b) The member states shall take joint and separate action to secure the consent of the United States Congress for the compact in order to return the authority to regulate health care to the member states that is consistent with the goals and principles articulated in the compact.

(c) The member states shall improve health care policy within the states' jurisdictions and according to the judgment and discretion of each member state.

Sec. 2. The state legislature of each member state has the primary responsibility to regulate health care in the member state's jurisdiction.

Sec. 3. (a) Each member state, for the member state's jurisdiction, may, to the extent allowed under the Constitution of the United States and the constitution of the member state, suspend by legislation federal laws, regulations, and orders concerning health care that are inconsistent with the laws and regulations adopted by the member state under the compact.

(b) Any federal or state law, regulation, or order concerning health care will remain in effect unless a member state expressly suspends the law, regulation, or order under the member state's authority under the compact.

(c) The member state shall be responsible for implementing any federal law, rule, regulation, or order described in this section that remains in effect in the member state.

Sec. 4. (a) Each member state for each federal fiscal year shall have the right to federal monies in an amount up to the member state current year funding level for the current year, funded by the federal government as mandatory spending and that is not subject to annual appropriation, to support the exercise of the member state authority under the compact. The funding may not be conditional on any action of or regulation, policy, law, or rule that is being adopted by the member state and that is allowed under the Constitution of the United States and the constitution of the member state.

(b) By the start of each federal fiscal year, the federal United States Congress shall establish an initial member state current year funding level for each member state. The initial member state current year funding level must be based on a reasonable estimate. The final member state current year funding level shall be calculated and funding shall be reconciled by the federal United States Congress based on information provided by each member state and audited by the United States Government Accountability Office.

Sec. 5. The member states may fund the commission in a manner agreed upon by the member states.

Sec. 6. The member states may, by unanimous agreement, amend the compact without the prior consent or approval of the federal United States Congress, to the extent the amendment is allowed under the Constitution of the United States and the constitutions of the member states. Any amendment shall be effective unless, not later than one (1) year from the approval of the amendment, the federal United States Congress disapproves of the amendment.

Sec. 7. Any state may join the compact after the date of consent of the compact by the federal United States Congress if the state adopts the compact into law.

Sec. 8. (a) A member state may withdraw from the compact by doing the following:

(1) The member state's governor notifies other member states of the intent to withdraw from the

compact at least six (6) months before the withdrawal may occur.

(2) The member state's legislature adopts legislation to withdraw from the compact.

(b) A member state withdrawing from the compact is liable for any obligations that the withdrawing state may have incurred prior to the date of which the withdrawal is effective.

Sec. 9. The compact shall be dissolved upon the withdrawal from the compact of all but one (1) member state.

Chapter 4. Interstate Advisory Health Care Commission

Sec. 1. (a) The interstate advisory health care commission is established.

(b) The commission consists of members appointed by each member state in a manner determined by each member state. A member state may not appoint more than two (2) members to the commission and may withdraw membership from the commission at any time.

(c) Each commission member is entitled to one (1) vote. The commission may not act unless a majority of the members are present, and an action is not binding unless approved by a majority of the commission's total membership.

Sec. 2. (a) The commission may do the following:

(1) Elect a chairperson from the commission's membership.

(2) Adopt and publish bylaws and policies that are consistent with the compact.

(3) Study issues of health care regulation that are of concern to the member states.

(4) Make non-binding recommendations to the member states, of which the state legislatures of the member states may consider in determining appropriate health care policies for the member state.

(b) The commission shall do the following:

(1) Meet at least one (1) time per calendar year.

(2) Collect information and data to assist member states in the regulation of health care, including assessing the performance of state health care programs and compiling information on the prices of health care.

(c) The commission shall make the information collected under this section available to the legislatures of member states.

(d) Legislatures of the member states may confer additional responsibilities and duties on the commission through legislative action in accordance with the terms of the compact.

(e) The commission may not take any action within a member state.

Sec. 3. A member state may not disclose personal health information of an individual to the commission. The commission may not disclose the personal health information of an individual.

Chapter 5. Participation in Compact

Sec. 1. Indiana's participation in the compact does not include the administration of Medicare (42 U.S.C. 1395 et seq.) unless the General Assembly takes action that specifically authorizes inclusion of the Medicare program in the compact.

(Reference is to EHB 1269 as reprinted printer's error February 29, 2012.)

T. BROWN	M. YOUNG
NEESE	MILLER
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 345–1; filed March 9, 2012, at 10:31 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 345 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-23-24.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. **(a)** The commission shall do the following:

(1) Enhance coordination and cooperation between state and local governments.

(2) Review the effect of any federal or state legislation or any court decisions on local governmental entities.

(3) Act as a forum for consultation among state and local government officials.

(4) Conduct research on intergovernmental issues.

(5) Review studies of intergovernmental issues by universities, research and consulting organizations, and entities.

(6) Issue reports on the commission's activities.

(b) In addition to the duties set forth in subsection (a), the commission shall study the appropriate roles and responsibilities of the state, counties, municipalities, townships, and other political subdivisions in providing 911 and enhanced 911 services in Indiana. In conducting the study required by this subsection, the commission may consult with, or request necessary information or testimony from, local officials, public safety agencies, PSAPs (as defined in IC 36-8-16.7-20), the statewide 911 board established by IC 36-8-16.7-24, providers (as defined in IC 36-8-16.7-19), and any other appropriate witnesses or experts. Not later than November 1, 2012, the commission shall submit to the legislative council and to the budget committee a report of the commission's findings and recommendations as a result of the study conducted under this subsection. The report to the legislative council and the budget committee under this subsection must be in an electronic format under IC 5-14-6.

SECTION 2. IC 5-26-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this article, "system" refers to the Indiana statewide wireless public safety voice and data communications system. The term does not include ~~the~~ **an** enhanced emergency telephone system under IC 36-8-16-2 **(before its repeal on July 1, 2012) or the statewide 911 system under IC 36-8-16.7.**

SECTION 3. IC 6-3.5-1.1-25, AS AMENDED BY P.L.172-2011, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);
(B) convicted of a crime; or
(C) adjudicated as a delinquent child or a child in need of services.
(8) A juvenile detention facility under IC 31-31-8.
(9) A juvenile detention center under IC 31-31-9.
(10) A county jail.
(11) A communications system (as defined in IC 36-8-15-3), ~~or~~ an enhanced emergency telephone system (as defined in IC 36-8-16-2 **(before its repeal on July 1, 2012)), or the statewide 911 system (as defined in IC 36-8-16.7-22).**
(12) Medical and health expenses for jail inmates and other confined persons.
(13) Pension payments for any of the following:
(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.
(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.
(C) A county sheriff or any other member of the office of the county sheriff.
(D) Other personnel employed to provide a service described in this section.

(b) If a county council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 24 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 26 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 24 and 26 of this chapter, the county council may also adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety.

(c) A tax rate under this section may not exceed twenty-five hundredths of one percent (0.25%).

(d) If a county council adopts an ordinance to impose a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsection (k) or (l), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:
(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by
(2) a fraction equal to:
(A) the attributed allocation amount (as defined in IC 6-3.5-1.1-15) of the county or municipality for the calendar year; divided by
(B) the sum of the attributed allocation amounts of the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:
(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter;
(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or
(3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 24 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(l) A fire department, volunteer fire department, or emergency medical services provider that:
(1) provides fire protection or emergency medical services within the county; and
(2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county council for a distribution of tax revenue under this section during the following calendar year. The county council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency medical services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

SECTION 4. IC 6-3.5-6-31, AS AMENDED BY P.L.172-2011, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 31. (a) As used in this section, "public safety" refers to the following:
(1) A police and law enforcement system to preserve public peace and order.
(2) A firefighting and fire prevention system.
(3) Emergency ambulance services (as defined in IC 16-18-2-107).
(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).
(6) A probation department of a court.
(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:
(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);
(B) convicted of a crime; or
(C) adjudicated as a delinquent child or a child in need of services.
(8) A juvenile detention facility under IC 31-31-8.
(9) A juvenile detention center under IC 31-31-9.
(10) A county jail.
(11) A communications system (as defined in IC 36-8-15-3), ~~or~~ an enhanced emergency telephone system (as defined in IC 36-8-16-2 **(before its repeal on July 1, 2012)), or the statewide 911 system (as defined in IC 36-8-16.7-22).**
(12) Medical and health expenses for jail inmates and other confined persons.
(13) Pension payments for any of the following:
(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.
(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.
(C) A county sheriff or any other member of the office of the county sheriff.
(D) Other personnel employed to provide a service described in this section.

(b) The county income tax council may adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety if:
(1) the county income tax council has imposed a tax rate under section 30 of this chapter, in the case of a county containing a consolidated city; or
(2) the county income tax council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 30 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 32 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 30 and 32 of this chapter, in the case of a county other than a county containing a consolidated city.

(c) A tax rate under this section may not exceed the following:
(1) Five-tenths of one percent (0.5%), in the case of a county containing a consolidated city.
(2) Twenty-five hundredths of one percent (0.25%), in the case of a county other than a county containing a consolidated city.

(d) If a county income tax council adopts an ordinance to impose a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsections (l) and (m), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:
(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by
(2) a fraction equal to:
(A) the total property taxes being collected in the county by the county or municipality for the calendar year; divided by
(B) the sum of the total property taxes being collected in the county by the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:
(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter;
(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or
(3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 30 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the additional tax rate under this section.

(l) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(m) A fire department, volunteer fire department, or emergency medical services provider that:
(1) provides fire protection or emergency medical services within the county; and
(2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county income tax council for a distribution of tax revenue under this section during the following calendar year. The county income tax council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A

resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

SECTION 5. IC 6-8.1-15-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Except as provided by section 20 of this chapter, this chapter applies to:

(1) the gross retail tax imposed on mobile telecommunications service under IC 6-2.5-4-6;

(2) the ~~monthly emergency wireless enhanced~~ **statewide** 911 fee imposed on ~~mobile telecommunications~~ **communications** service under ~~IC 36-8-16.5;~~ **IC 36-8-16.7;** and

(3) any other tax, charge, or fee levied by the state or a taxing jurisdiction within Indiana as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunications service, regardless of whether the tax, charge, or fee is imposed on the vendor or customer of the service and regardless of the terminology used to describe the tax, charge, or fee;

on bills for mobile telecommunications service issued to customers after July 31, 2002.

(b) This chapter does not apply to:

(1) any tax, charge, or fee levied upon or measured by the net income, capital stock, net worth, or property value of the provider of mobile telecommunications service;

(2) any tax, charge, or fee that is applied to an equitably apportioned amount that is not determined on a transactional basis;

(3) any tax, charge, or fee that:

(A) represents compensation for a mobile telecommunications service provider's use of public rights-of-way or other public property; and

(B) is not levied by the taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunication service;

(4) any generally applicable business and occupation tax that is imposed by the state, is applied to gross receipts or gross proceeds, is the legal liability of the home service provider, and that statutorily allows the home service provider to elect to use the sourcing method required in this section; or

(5) the determination of the taxing situs of:

(A) prepaid telephone calling service; or

(B) air-ground radiotelephone service as defined in Section 22.99 of Title 47 of the Code of Federal Regulations as in effect June 1, 1999.

SECTION 6. IC 24-5-22-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The following have a right of action against a person who initiates or assists the transmission of a commercial electronic mail message that violates this chapter:

(1) A person who receives the commercial electronic mail message.

(2) An interactive computer service that handles or retransmits the commercial electronic mail message.

(b) This chapter does not provide a right of action against:

(1) an interactive computer service; **or**

~~(2) a telephone company; or~~

~~(3)~~ **(2)** a ~~CMRS~~ **communications service** provider (as defined ~~by IC 36-8-16.5-6);~~ **in IC 8-1-2.6-13);**

whose equipment is used to transport, handle, or retransmit a commercial electronic mail message that violates this chapter.

(c) It is a defense to an action under this section if the defendant shows by a preponderance of the evidence that the violation of this chapter resulted from a good faith error and occurred notwithstanding the maintenance of procedures reasonably adopted to avoid violations of this chapter.

(d) If the plaintiff prevails in an action filed under this section, the plaintiff is entitled to the following:

(1) An injunction to enjoin future violations of this chapter.

(2) Compensatory damages equal to any actual damage proven by the plaintiff to have resulted from the initiation of the commercial electronic mail message. If the plaintiff does not prove actual damage, the plaintiff is entitled to presumptive damages of five hundred dollars ($500) for each commercial electronic mail message that violates this chapter and that is sent by the defendant:

(A) to the plaintiff; or

(B) through the plaintiff's interactive computer service.

(3) The plaintiff's reasonable attorney's fees and other litigation costs reasonably incurred in connection with the action.

(e) A person outside Indiana who:

(1) initiates or assists the transmission of a commercial electronic mail message that violates this chapter; and

(2) knows or should know that the commercial electronic mail message will be received in Indiana;

submits to the jurisdiction of Indiana courts for purposes of this chapter.

SECTION 7. IC 34-30-2-156 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 156. ~~IC 36-8-16-18~~ **IC 36-8-16.7-43** (Concerning **the statewide 911 board, a PSAP, a political subdivision, a communications** service ~~suppliers or telephone companies~~ **provider, a member of the board, or the board chair** for loss, death, or injury related to ~~an enhanced emergency telephone system).~~ **911 service).**

SECTION 8. IC 35-45-5-4.7, AS AMENDED BY P.L.27-2006, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.7. (a) An interactive computer service that handles or retransmits a commercial electronic mail message has a right of action against a person who initiates or assists the transmission of the commercial electronic mail message that violates this chapter.

(b) This chapter does not provide a right of action against:

(1) an interactive computer service;

(2) a telephone company;

(3) a CMRS provider (as defined in ~~IC 36-8-16.5-6);~~ **IC 36-8-16.7-6);**

(4) a cable operator (as defined in 47 U.S.C. 522(5)); or

(5) any other entity that primarily provides connectivity to an operator;

if the entity's equipment is used only to transport, handle, or retransmit information that violates this chapter and is not capable of blocking the retransmission of information that violates this chapter.

(c) It is a defense to an action under this section if the defendant shows by a preponderance of the evidence that the violation of this chapter resulted from a good faith error and occurred notwithstanding the maintenance of procedures reasonably adopted to avoid violating this chapter.

(d) If the plaintiff prevails in an action filed under this section, the plaintiff is entitled to the following:

(1) An injunction to enjoin future violations of this chapter.

(2) Compensatory damages equal to any actual damage proven by the plaintiff to have resulted from the initiation of the commercial electronic mail message. If the plaintiff does not prove actual damage, the plaintiff is entitled to

presumptive damages of five hundred dollars ($500) for each commercial electronic mail message that violates this chapter and that is sent by the defendant:

(A) to the plaintiff; or

(B) through the plaintiff's interactive computer service.

(3) The plaintiff's reasonable attorney's fees and other litigation costs reasonably incurred in connection with the action.

(e) A person outside Indiana who:

(1) initiates or assists the transmission of a commercial electronic mail message that violates this chapter; and

(2) knows or should know that the commercial electronic mail message will be received in Indiana;

submits to the jurisdiction of Indiana courts for purposes of this chapter.

SECTION 9. IC 35-51-36-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following statutes define crimes in IC 36:

IC 36-2-2-13 (Concerning county government).
IC 36-2-6-8 (Concerning county government).
IC 36-2-6-12 (Concerning county government).
IC 36-2-7-18 (Concerning county government).
IC 36-2-8-6 (Concerning county government).
IC 36-2-9-13 (Concerning county government).
IC 36-2-9-14 (Concerning county government).
IC 36-2-9.5-7 (Concerning county government).
IC 36-2-9.5-9 (Concerning county government).
IC 36-2-13-5 (Concerning county government).
IC 36-2-14-10 (Concerning county government).
IC 36-2-14-17 (Concerning county government).
IC 36-2-14-21 (Concerning county government).
IC 36-4-8-13 (Concerning government of cities and towns).
IC 36-7-12-27.5 (Concerning planning and development).
IC 36-7-14-40 (Concerning planning and development).
IC 36-7-15.1-27 (Concerning planning and development).
IC 36-7-30-28 (Concerning planning and development).
IC 36-7-30.5-36 (Concerning planning and development).
IC 36-8-3.5-23 (Concerning public safety).
IC 36-8-10-9 (Concerning public safety).
~~IC 36-8-16-16 (Concerning public safety).~~
~~IC 36-8-16.5-47 (Concerning public safety).~~
~~IC 36-8-16.5-48 (Concerning public safety).~~
~~IC 36-8-16.5-49 (Concerning public safety).~~
IC 36-8-16.7-41 (Concerning public safety).
IC 36-8-16.7-45 (Concerning public safety).
IC 36-8-16.7-46 (Concerning public safety).
IC 36-9-14-7 (Concerning transportation and public works).
IC 36-10-3-39 (Concerning recreation, culture, and community facilities).
IC 36-10-4-5 (Concerning recreation, culture, and community facilities).
IC 36-10-4-40 (Concerning recreation, culture, and community facilities).

SECTION 10. IC 36-7-4-405 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 405. (a) ADVISORY – AREA. Each plan commission shall:

(1) make recommendations to the legislative body or bodies concerning:

(A) the adoption of the comprehensive plan and amendments to the comprehensive plan;

(B) the adoption or text amendment of:

(i) an initial zoning ordinance;

(ii) a replacement zoning ordinance; and

(iii) a subdivision control ordinance;

(C) the adoption or amendment of a PUD district ordinance (as defined in section 1503 of this chapter); and

(D) zone map changes; and

(2) render decisions concerning and approve plats, replats, and amendments to plats of subdivisions under the 700 series of this chapter.

(b) Each plan commission:

(1) shall assign street numbers to lots and structures;

(2) shall renumber lots and structures; and

(3) if the plan commission does not have the power under an ordinance adopted under subsection (c) to name or rename streets, may recommend the naming and renaming of streets to the executive.

(c) The executive shall name or rename streets. However, a unit may provide by ordinance that the plan commission rather than the executive shall name or rename streets. Streets shall be named or renamed so that their names are easy to understand and to avoid duplication or conflict with other names. The plan commission may, by rule, prescribe a numbering system for lots and structures.

(d) This subsection applies to a plan commission having jurisdiction in a county with a population of at least four hundred thousand (400,000). The plan commission shall number structures on highways within the plan commission's jurisdiction to conform with the numbers of structures on streets within cities in the county.

(e) This subsection applies to unincorporated areas subject to the jurisdiction of no plan commission under this article. The county executive:

(1) must approve the assignment of street numbers to lots and structures; and

(2) may number or renumber lots and structures and name or rename streets.

(f) This subsection applies to areas located within a municipality that are subject to the jurisdiction of no plan commission under this article. The executive of the municipality:

(1) must approve the assignment of street numbers to lots and structures; and

(2) may number or renumber lots and structures and name or rename streets.

(g) An executive acting under subsection (e) or (f) shall name or rename streets:

(1) so that their names are easy to understand; and

(2) to avoid duplication or conflict with other names.

(h) If streets are named or renamed or lots and structures are numbered or renumbered under this section, the commission or executive that makes the naming or numbering decision shall notify:

(1) the circuit court clerk or board of registration;

(2) **the statewide 911 board established by IC 36-8-16.7-24 and** the administrator of **an** ~~the~~ enhanced emergency telephone system established under IC 36-8-16 **(before its repeal on July 1, 2012),** if any;

(3) the United States Postal Service; and

(4) any person or body that the commission or executive considers appropriate to receive notice;

of its action no later than the last day of the month following the month in which the action is taken.

(i) Each plan commission shall make decisions concerning development plans and amendments to development plans under the 1400 series of this chapter, unless the responsibility to render decisions concerning development plans has been delegated under section 1402(c) of this chapter.

SECTION 11. IC 36-8-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Emergency Telephone System Fee).

SECTION 12. IC 36-8-16.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Enhanced Wireless Emergency Telephone

Service).

SECTION 13. IC 36-8-16.6-1, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "board" refers to the ~~wireless enhanced~~ **statewide** 911 ~~advisory~~ board established by ~~IC 36-8-16.5-18.~~ **IC 36-8-16.7-24.**

SECTION 14. IC 36-8-16.6-5, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "fund" refers to the ~~wireless emergency telephone system~~ **statewide 911** fund established by ~~IC 36-8-16.5-21(a).~~ **IC 36-8-16.7-29.**

SECTION 15. IC 36-8-16.6-11, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~Subject to section 22 of this chapter,~~ The board shall impose an enhanced prepaid wireless charge on each retail transaction that occurs after June 30, 2010. The amount of the initial charge imposed under this ~~subsection~~ **section** may not exceed one-half (½) of the monthly wireless emergency enhanced 911 fee assessed under IC 36-8-16.5-25.5 **(before its repeal on July 1, 2012). The board shall increase the amount of the charge imposed under this section so that the amount of the charge imposed after June 30, 2012, under this section equals fifty cents ($0.50).**

(b) Subject to legislative approval, **after the increase described in subsection (a) and after June 30, 2012,** the board may increase the enhanced prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter ~~IC 36-8-16,~~ and ~~IC 36-8-16.5.~~ **IC 36-8-16.7.**

(c) A consumer that is the federal government or an agency of the federal government is exempt from the enhanced prepaid wireless charge imposed under this section.

SECTION 16. IC 36-8-16.6-13, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The enhanced prepaid wireless charge is the liability of the consumer and not of the seller or a provider. However, a seller is liable to remit to the ~~board~~ **department** all enhanced prepaid wireless charges that the seller collects from consumers under section 12 of this chapter, including all charges that the seller is considered to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

SECTION 17. IC 36-8-16.6-18, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) The department shall deposit all remitted enhanced prepaid wireless charges in the fund.

(b) The board shall administer money deposited in the fund under this section in the same manner as ~~wireless emergency enhanced~~ **it administers statewide** 911 fees assessed under ~~IC 36-8-16.5-25.5.~~ **IC 36-8-16.7-32.**

SECTION 18. IC 36-8-16.6-20, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) An additional fee relating to the provision of ~~wireless~~ 911 service with respect to prepaid wireless telecommunications service may not be levied by a state agency or local unit of government.

(b) The enhanced prepaid wireless charge imposed by section 12 of this chapter is not considered an additional charge relating to the provision of ~~wireless~~ 911 service for purposes of ~~IC 36-8-16.5-29.~~ **IC 36-8-16.7-32(d).**

SECTION 19. IC 36-8-16.6-22 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 22. (a) Not later than January 1, 2011, the department shall determine the total amount of fees collected and remitted under IC 36-8-16.5-30.5 (b)(2) (as effective in the period beginning July 1, 2008, and ending June 30, 2010) for the period beginning July 1, 2008, and ending June 30, 2010. The board shall provide all information necessary for the department to perform its duties under this subsection.~~

~~(b) Not later than January 1, 2013, the department shall determine the total amount of fees collected and remitted under this chapter for the period beginning July 1, 2010, and ending June 30, 2012.~~

~~(c) If the amount determined under subsection (b) is less than the amount determined under subsection (a) by more than five percent (5%), this chapter expires and sunsets July 1, 2013.~~

SECTION 20. IC 36-8-16.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 16.7. Statewide 911 Services

Sec. 1. As used in this chapter, "affiliate" has the meaning set forth in IC 23-1-43-1. The term includes a parent company or a subsidiary.

Sec. 2. As used in this chapter, "automatic location information" means information that is transmitted while enhanced 911 service is provided and that permits emergency service providers to identify the geographic location of the calling party.

Sec. 3. As used in this chapter, "automatic number identification" has the meaning set forth in 47 CFR 20.3.

Sec. 4. As used in this chapter, "board" refers to the statewide 911 board established by section 24 of this chapter.

Sec. 5. As used in this chapter, "CMRS" refers to commercial mobile radio service (as defined in 47 CFR 20.3).

Sec. 6. As used in this chapter, "CMRS provider" means a person that offers CMRS to users in Indiana.

Sec. 7. (a) As used in this chapter, "communications service" means any service that:

(1) uses telephone numbers or IP addresses or their functional equivalents or successors;

(2) allows access to, or a connection or interface with, a 911 system through the activation or enabling of a device, transmission medium, or technology that is used by a customer to dial, initialize, or otherwise activate the 911 system, regardless of the particular device, transmission medium, or technology employed;

(3) provides or enables real time or interactive communications, other than machine to machine communications; and

(4) is available to a prepaid user or a standard user.

(b) The term includes the following:

(1) Internet protocol enabled services and applications that are provided through wireline, cable, wireless, or satellite facilities, or any other facility or platform that is capable of connecting a 911 communication to a PSAP.

(2) A multiline telephone system.

(3) CMRS.

(4) Interconnected VOIP service and voice over power lines.

(5) Integrated telecommunications service (as defined in 47 CFR 400.2).

Sec. 8. (a) As used in this chapter, except as provided in subsection (b), "customer" means:

(1) the person or entity that contracts with a provider for communications service; or

(2) if the end user of communications service is not the contracting party, the end user of the communications service.

However, subdivision (2) applies only for the purpose of

determining the place of primary use.

(b) The term does not include:

(1) a reseller of communications service; or

(2) a provider other than the customer's provider that has an arrangement with the customer's provider to serve the customer outside the licensed service area of the customer's provider.

Sec. 9. (a) As used in this chapter, "enhanced 911 service" means a communications service that uses the three (3) digit number 911 to send:

(1) automatic number identification or its functional equivalent or successor; and

(2) automatic location information or its functional equivalent or successor;

for reporting police, fire, medical, or other emergency situations.

(b) The term includes both Phase I and Phase II enhanced 911 services, as described in 47 CFR 20.18.

Sec. 10. As used in this chapter, "exchange access facility" means the access from a particular service user's premises to a telephone system.

(b) The term includes:

(1) an access line;

(2) a private branch exchange (PBX) trunk; and

(3) a centrex line trunk equivalent;

that is provided by the service supplier. The term also includes a mobile telephone system access trunk, whether the trunk is provided by a telephone company or a radio common carrier. In the case of a service user receiving interconnected VoIP service, the term refers to the Internet protocol compatible customer premises equipment that enables the service user to access the interconnected VoIP service.

(c) The term does not include:

(1) a service supplier owned and operated telephone pay station line;

(2) a wide area telecommunications service (WATS) line;

(3) a foreign exchange (FX) line; or

(4) an incoming only line.

Sec. 11. As used in this chapter, "executive director" refers to the executive director of the board.

Sec. 12. As used in this chapter, "fund" refers to the statewide 911 fund established by section 29 of this chapter.

Sec. 13. As used in this chapter, "interconnected VOIP service" has the meaning set forth in 47 CFR 9.3.

Sec. 14. As used in this chapter, "local exchange carrier" has the meaning set forth in 47 U.S.C. 153.

Sec. 15. As used in this chapter, "multiline telephone system" means a voice communications service system that includes the following:

(1) Common control units.

(2) Telephone sets.

(3) Control hardware and software.

(4) Adjunct systems.

The term includes network and premises based systems as classified by FCC Part 68 (47 CFR part 68) Requirements.

Sec. 16. As used in this chapter, "place of primary use" means the street address representative of where a customer's use of communications service primarily occurs, which must be:

(1) the residential street address or the primary business street address of the customer or, in the case of a subscriber of interconnected VOIP service, the subscriber's registered location (as defined in 47 CFR 9.3);

(2) within the licensed service area of the customer's provider; and

(3) in the case of:

(A) mobile communications service, determined in the manner provided in IC 6-8.1-15; and

(B) nonmobile communications service, determined in the manner provided in IC 6-2.5-12.

Sec. 17. As used in this chapter, "prepaid user" has the meaning set forth in IC 36-8-16.6-6.

Sec. 18. As used in this chapter, "proprietary information" includes the following:

(1) Customer lists and related information, including information subject to protection under 47 U.S.C. 222.

(2) Technology descriptions, technical information, or trade secrets (as defined in IC 24-2-3-2).

(3) Information that:

(A) concerns the actual or developmental costs of 911 systems; and

(B) is developed, produced, or received internally by a provider or by a provider's employees, directors, officers, or agents.

Sec. 19. (a) As used in this chapter, "provider" means a person or entity, or an affiliate of a person or an entity, that:

(1) offers communications service to users in Indiana; and

(2) provides, or is required by the Federal Communications Commission to provide, a user with direct access to a PSAP through the placement of a 911 communication.

(b) The term includes the following:

(1) Facilities based and nonfacilities based resellers of communications service.

(2) Any other provider of communications service through wireline or wireless means, regardless of whether the provider is subject to regulation by the Indiana utility regulatory commission.

Sec. 20. As used in this chapter, "PSAP" refers to a public safety answering point:

(1) that operates on a twenty-four (24) hour basis; and

(2) whose primary function is to receive incoming requests for emergency assistance and relay those requests to an appropriate responding public safety agency.

Sec. 21. As used in this chapter, "standard user" or "user" refers to:

(1) a communications service user who pays retrospectively for the service and has an Indiana billing address for the service; and

(2) in the case of a nonmobile communications service user, an exchange access facility used in Indiana.

Sec. 22. (a) As used in this chapter, "statewide 911 system" means a communications system that uses the three (3) digit number 911 to send:

(1) automatic number identification or its functional equivalent or successor; and

(2) automatic location information or its functional equivalent or successor;

for reporting police, fire, medical, or other emergency situations.

(b) The term includes the following:

(1) A wireless 911 emergency telephone system funded under IC 36-8-16.5 (before its repeal on July 1, 2012).

(2) An emergency notification system.

(c) The term does not include a wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012).

Sec. 23. As used in this chapter, "VOIP provider" means a provider that offers interconnected VOIP service to users in Indiana.

Sec. 24. (a) The statewide 911 board is established to develop, implement, and oversee the statewide 911 system.

The board is a body corporate and politic, and though it is separate from the state, the exercise by the board of its powers constitutes an essential governmental function.

(b) The following recommendations must be made to the governor concerning the membership of the board:

(1) The executive committees of:

(A) the Indiana chapter of the National Emergency Number Association (NENA); and

(B) the Indiana chapter of the Association of Public Safety Communication Officials International (APCO);

shall jointly recommend three (3) individuals, at least one (1) of whom must have budget experience at the local level.

(2) The facilities based CMRS providers authorized to provide CMRS in Indiana shall jointly recommend one (1) individual.

(3) The Indiana Association of County Commissioners shall recommend one (1) individual who is a county commissioner in Indiana.

(4) The Indiana Sheriffs' Association shall recommend one (1) individual who is a county sheriff in Indiana.

(5) The Indiana Telecommunications Association shall recommend two (2) individuals as follows:

(A) One (1) individual representing a local exchange carrier that serves less than fifty thousand (50,000) local exchange access lines in Indiana.

(B) One (1) individual representing a local exchange carrier that serves at least fifty thousand (50,000) local exchange access lines in Indiana.

(6) The Indiana Cable Telecommunications Association shall recommend one (1) individual representing a VOIP provider.

(7) The Indiana Association of Cities and Towns shall recommend one (1) individual representing municipalities.

(c) The board consists of the following thirteen (13) members:

(1) The treasurer of state or the treasurer's designee. The treasurer of state or the treasurer's designee is chairperson of the board for a term concurrent with the treasurer of state's term of office. However, the treasurer of state's designee serves at the pleasure of the treasurer of state.

(2) Three (3) members for a term of three (3) years who are appointed by the governor after considering the recommendations submitted under subsection (b)(1) by the executive committees of NENA and APCO. At least one (1) member appointed under this subdivision must have budget experience at the local level.

(3) One (1) facilities based CMRS member who is appointed by the governor after considering the recommendation submitted under subsection (b)(2) by the facilities based CMRS providers authorized to provide CMRS in Indiana. A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (6), (7), or (8).

(4) One (1) county commissioner member appointed by the governor after considering the recommendation submitted under subsection (b)(3) by the Indiana Association of County Commissioners.

(5) One (1) county sheriff member appointed by the governor after considering the recommendation submitted under subsection (b)(4) by the Indiana Sheriffs' Association.

(6) One (1) member who represents a local exchange carrier that serves less than fifty thousand (50,000) local exchange access lines in Indiana and who is appointed by the governor after considering the recommendation of the Indiana Telecommunications Association under subsection (b)(5)(A). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (7), or (8).

(7) One (1) member who represents a local exchange carrier that serves at least fifty thousand (50,000) local exchange access lines in Indiana and who is appointed by the governor after considering the recommendation of the Indiana Telecommunications Association under subsection (b)(5)(B). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (6), or (8).

(8) One (1) member who represents a VOIP provider and who is appointed by the governor after considering the recommendation of the Indiana Cable Telecommunications Association under subsection (b)(6). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (6), or (7).

(9) One (1) member who represents municipalities and is appointed by the governor after considering the recommendation of the Indiana Association of Cities and Towns submitted under subsection (b)(7).

(10) The state fire marshal or the state fire marshal's designee.

(11) The superintendent of the state police department or the superintendent's designee.

(d) This subsection applies to a member appointed by the governor under subsection (c)(2) through (c)(9). The governor shall ensure that the terms of the initial members appointed by the governor are staggered so that the terms of not more than five (5) members expire in a single calendar year. After the initial appointments, subsequent appointments shall be for three (3) year terms. A vacancy on the board shall be filled for the vacating member's unexpired term in the same manner as the original appointment, and a member of the board is eligible for reappointment. In making an appointment under subsection (c)(2) through (c)(9), the governor shall take into account the various geographical areas of Indiana, including rural and urban areas. A member appointed by the governor serves at the pleasure of the governor.

(e) A member must be a resident of Indiana.

(f) A member may not vote by proxy.

Sec. 25. A majority of the members of the board constitutes a quorum for the purposes of taking action. A meeting of the board is subject to IC 5-14-1.5.

Sec. 26. (a) Each member of the board who is not a state employee is not entitled to receive the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for travel expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 27. (a) The board may do the following to implement this chapter:

(1) Sue and be sued.
(2) Adopt and alter an official seal.
(3) Adopt and enforce bylaws and rules for:
(A) the conduct of board business; and
(B) the use of board services and facilities.
(4) Subject to subsection (c), acquire, hold, use, and otherwise dispose of the board's income, revenues, funds, and money.
(5) Subject to subsections (b) and (c), enter into contracts, including contracts:
(A) for professional services;
(B) for purchase of supplies or services; and
(C) to acquire office space.
(6) Subject to subsection (c), hire staff.
(7) Adopt rules under IC 4-22-2 to implement this chapter.
(8) Develop, maintain, and update a statewide 911 plan.
(9) Subject to subsection (c), administer the statewide 911 fund established by section 29 of this chapter.
(10) Administer and distribute the statewide 911 fee in accordance with section 37 of this chapter.
(11) Subject to subsection (c), administer statewide 911 grants in accordance with state and federal guidelines.
(12) Obtain from each PSAP operating statistics and other performance measurements, including call statistics by category and emergency medical dispatching (EMD) certifications.
(13) Take other necessary or convenient actions to implement this chapter that are not inconsistent with Indiana law.

(b) A contract for the purchase of communications service or equipment by the board must be awarded through an invitation for bids or a request for proposals as described in IC 5-22. The board shall enter into a cooperative agreement with the Indiana department of administration for the department to administer the board's purchases under this chapter using the department's purchasing agents.

(c) The board shall be considered a state agency for purposes of IC 5-14-3.5. Subject to IC 5-14-3.5-4, the following shall be posted to the Indiana transparency Internet web site in accordance with IC 5-14-3.5-2:
(1) Expenditures by the board, including expenditures for contracts, grants, and leases.
(2) The balance of the statewide 911 fund established by section 29 of this chapter.
(3) A listing of the board's real and personal property that has a value of more than twenty thousand dollars ($20,000).

The board shall cooperate with and provide information to the auditor of state as required by IC 5-14-3.5-8.

Sec. 28. (a) The board shall appoint an executive director of the board to do the following:
(1) Administer, manage, and direct employees of the board.
(2) Approve salaries and allowable expenses for board members, employees, and consultants.
(3) Attend board meetings and record all proceedings of the board. However, the executive director is not considered a member of the board for any purpose, including voting or establishing a quorum.
(4) Maintain books, documents, and papers filed with the board, including minutes.
(5) Perform other duties as directed by the board.

(b) The board shall determine the salary and other compensation of the executive director.

Sec. 29. (a) The statewide 911 fund is established for the purposes of creating and maintaining a uniform statewide 911 system. The board shall administer the fund. The expenses of administering the fund must be paid from money in the fund.

(b) The fund consists of the following:
(1) The statewide 911 fee assessed on users under section 32 of this chapter.
(2) Appropriations made by the general assembly.
(3) Grants and gifts intended for deposit in the fund.
(4) Interest, premiums, gains, or other earnings on the fund.
(5) Enhanced prepaid wireless charges collected and remitted under IC 36-8-16.6-12.
(6) Money from any other source that is deposited in or transferred to the fund.

(c) The treasurer of state may invest money in the fund in the same manner as other funds of the state may be invested under IC 5-13.

(d) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money in the fund:
(1) does not revert at the end of any state fiscal year but remains available for the purposes of the fund in subsequent state fiscal years, notwithstanding IC 4-13-2-19 or any other law; and
(2) is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by:
(A) the state board of finance notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or
(B) the budget agency or any other state agency notwithstanding IC 4-12-1-12 or any other law.

(e) Money in the fund is continuously appropriated for the purposes of the fund.

Sec. 30. (a) The state board of accounts shall audit the fund on an annual basis to determine whether the fund is being managed in accordance with this chapter. For each of the two (2) state fiscal years ending:
(A) June 30, 2013; and
(B) June 30, 2014;
the state board of accounts shall submit, not later than November 1 of each year during which the particular state fiscal year ends, a report of the audit required by this subsection to the budget committee for the budget committee's review. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

(b) On an annual basis, and in conjunction with the board's review under section 38(d) of this chapter of the state board of accounts' annual audit of PSAPs, the board shall review 911 service in Indiana, including the collection, disbursement, and use of the statewide 911 fee assessed under section 32 of this chapter. The purpose of the review is to ensure that the statewide 911 fee:
(1) does not exceed the amount reasonably necessary to provide adequate and efficient 911 service; and
(2) is used only for the purposes set forth in this chapter.

(c) For each of the two (2) calendar years ending:
(A) December 31, 2013; and
(B) December 31, 2014;
the board shall submit, not later than March 1 of the year immediately following the particular calendar year, a summary report of the board's findings under the review required by subsection (b) to the budget committee for the budget committee's review. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

Sec. 31. The board may retain an independent, third party accounting firm or fiscal agent for purposes of processing checks and distributing funds as directed by the board and as allowed by this chapter. The board shall pay for these services as an administrative cost of the board.

Sec. 32. (a) Except as provided in subsections (c) and (e), and subject to subsection (b) and section 48(e) of this chapter, the board shall assess a monthly statewide 911 fee on each standard user that is a customer having a place of primary use in Indiana at a rate that:

(1) ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter; and

(2) provides for the proper development, operation, and maintenance of a statewide 911 system.

The amount of the initial fee assessed under this subsection is ninety cents ($0.90).

(b) The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and obligations under this chapter, subject to the following:

(1) The fee may not be raised or lowered more than one (1) time in a calendar year.

(2) The fee:

(A) may not be raised by an amount that is less than or equal to ten cents ($0.10) without review by the budget committee; and

(B) may not be raised or lowered by an amount that is more than ten cents ($0.10) without legislative approval.

(c) The fee assessed under this section does not apply to a prepaid user in a retail transaction under IC 36-8-16.6.

(d) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. An enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not considered an additional fee relating to the provision of wireless 911 service for purposes of this section.

(e) A user is exempt from the fee if the user is any of the following:

(1) The federal government or an agency of the federal government.

(2) The state or an agency or instrumentality of the state.

(3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.

(4) A user that accesses communications service solely through a wireless data only service plan.

Sec. 33. (a) As part of the provider's normal monthly billing process, a provider:

(1) shall collect the fee from each standard user that is a customer having a place of primary use in Indiana; and

(2) may list the fee as a separate line item on each bill.

If a provider receives a partial payment for a monthly bill from a standard user, the provider shall apply the payment against the amount the standard user owes to the provider before applying the payment against the fee. A provider may not prorate the monthly 911 fee collected from a user.

(b) Subject to subsection (c), a provider shall remit statewide 911 fees collected under this section to the board at the time and in the manner prescribed by the board. However, the board shall require a provider to report to the board, no less frequently than on an annual basis, the amount of fees collected from all of the provider's customers described in subsection (a)(1) and remitted to the board under this section. The board may require a provider to submit a report required under this subsection at the same time that the provider remits fees to the board under this section. The board shall deposit all remitted statewide 911 fees in the fund.

(c) A provider may deduct and retain an amount not to exceed one percent (1%) of statewide 911 fees that the provider collects from users to reimburse the direct costs incurred by the provider in collecting and remitting statewide 911 fees.

Sec. 34. The statewide 911 fee is the liability of the user and not of a provider. However, a provider is liable to remit to the board all statewide 911 fees that the provider collects from users.

Sec. 35. The amount of a statewide 911 fee that is collected by a provider from a user, whether separately stated on an invoice, receipt, or other document, may not be included in the base for measuring any tax, surcharge, or other charge that is imposed by the state, a political subdivision, or other government agency.

Sec. 36. A provider is not required to take legal action to enforce the collection of the 911 fee for which a user is billed. However, the board may initiate a collection action. A court finding for the board in the action may award reasonable costs and attorney fees associated with the collection action.

Sec. 37. (a) Subject to subsection (b), the board shall administer the fund in the following manner:

(1) In each state fiscal year, the board may retain the lesser of:

(A) ten percent (10%) of the statewide 911 fees deposited in the fund in the previous state fiscal year; or

(B) the amount of fees deposited in the fund in the previous state fiscal year that would provide for the operating expenses of the statewide 911 system during the state fiscal year for which the fees are retained;

to pay the board's expenses in administering this chapter and to develop, operate, and maintain a statewide 911 system. The board may decrease the amount of fees retained by the board under this subdivision.

(2) After retaining the amount set forth in subdivision (1), the board shall distribute to the counties, in a manner determined by the board, the remainder of the statewide 911 fees in the fund. However, with respect to any state fiscal year beginning after June 30, 2012, the board shall first ensure a distribution to each county in an amount that is equal to the average annual amount distributed to all PSAPs in the county under IC 36-8-16 (before its repeal on July 1, 2012) and to the county under IC 36-8-16.5 (before its repeal on July 1, 2012) during the three (3) state fiscal years ending:

(A) June 30, 2009;

(B) June 30, 2010; and

(C) June 30, 2011;

increased by a percentage that does not exceed the percent of increase in the United States Department of Labor Consumer Price Index during the twelve (12) months preceding the state fiscal year for which the distribution is made.

(3) If any statewide 911 fees remain in the fund after the distributions ensured under subdivision (2), the board shall distribute the fees as follows:

(A) Ninety percent (90%) of the fees shall be distributed to the counties based upon each county's percentage of the state's population.

(B) Ten percent (10%) of the fees shall be distributed equally among the counties.

(b) The board may not distribute money in the fund in a manner that impairs the ability of the board to fulfill its management and administrative obligations under this chapter.

Sec. 38. (a) A PSAP may use a distribution from a county under this chapter only for the following:

(1) The lease, purchase, or maintenance of

communications service equipment.
(2) Necessary system hardware and software and data base equipment.
(3) Personnel expenses, including wages, benefits, training, and continuing education, only to the extent reasonable and necessary for the provision and maintenance of:
(A) the statewide 911 system; or
(B) a wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012).
(4) Operational costs, including costs associated with:
(A) utilities;
(B) maintenance;
(C) equipment designed to provide backup power or system redundancy, including generators; and
(D) call logging equipment.
(5) An emergency notification system that is approved by the board under section 40 of this chapter.
(6) Connectivity to the Indiana data and communications system (IDACS).
(7) Rates associated with communications service providers' enhanced emergency communications system network services.
(8) Mobile radio equipment used by first responders, other than radio equipment purchased under subdivision (9) as a result of the narrow banding requirements specified by the Federal Communications Commission.
(9) Up to fifty percent (50%) of the costs associated with the narrow banding or replacement of radios or other equipment as a result of the narrow banding requirements specified by the Federal Communications Commission.

(b) A PSAP may not use a distribution from a county under this chapter for the following:
(1) The construction, purchase, renovation, or furnishing of PSAP buildings.
(2) Vehicles.

(c) Not later than January 31 of each year, each PSAP shall submit to the board a report of the following:
(1) All expenditures made during the immediately preceding calendar year from distributions under this chapter.
(2) Call data and statistics for the immediately preceding calendar year, as specified by the board and collected in accordance with any reporting method established or required by the board.

(d) Beginning in 2013, the state board of accounts annually shall audit the expenditures of distributions under this chapter made during the immediately preceding calendar year by each PSAP that receives distributions under this chapter. In conducting an audit under this subsection, the state board of accounts shall determine, in conjunction with the board, whether the expenditures made by each PSAP are in compliance with subsections (a) and (b). The board shall review and further audit any ineligible expenditure identified by the state board of accounts under this subsection or through any other report. If the board verifies that the expenditure did not comply with this section, the board shall ensure that the fund is reimbursed in the dollar amount of the noncomplying expenditure from any source of funding, other than a fund described in subsection (f), that is available to the PSAP or to a unit in which the PSAP is located.

(e) For each of the two (2) calendar years ending:
(A) December 31, 2013; and
(B) December 31, 2014;
the state board of accounts shall submit, not later than March 1 of the year immediately following the particular calendar year, a summary report of the audits required by subsection (d) for the particular calendar year to the budget committee for the budget committee's review. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

(f) A distribution under section 37(a)(2) of this chapter must be deposited by the treasurer of the county in a separate fund set aside for the purposes allowed by subsections (a) and (b). The fund must be known as the _____ (insert name of county) 911 fund. The county treasurer may invest money in the fund in the same manner that other money of the county may be invested, but income earned from the investment must be deposited in the fund set aside under this subsection.

Sec. 39. (a) In cooperation with the board, a provider shall designate a person to coordinate with and provide all relevant information to the board to assist the board in carrying out its duties under this chapter.

(b) A provider shall provide the automatic number identification and any other information, including updates, required by the board to the county, the municipality, an authorized agent of a county or municipality, or the board or the board's authorized agent for purposes of establishing and maintaining a 911 system data base. The board may use confidential information received under this subsection solely for the purpose of providing statewide 911 service.

Sec. 40. (a) As used in this section, "emergency notification system" means an enhanced 911 system capability that provides communications service users within the territory served by a PSAP with a warning, delivered through a device or medium by which users receive communications service from a provider, of an emergency situation through a computerized warning system that uses 911 data base information and technology.

(b) With approval of the board, a county may establish an emergency notification system. If the board approves the establishment of an emergency notification system in a county, a PSAP in the county may use funds distributed to it under this chapter to establish and operate an emergency notification system under this section.

(c) A provider shall provide to a PSAP the necessary user data to enable the PSAP to implement an emergency notification system under this section. The provision of data under this subsection is subject to section 41 of this chapter. In providing data under this subsection, the provider shall provide the following information for each service user in the PSAP's service territory:
(1) The service address of the user.
(2) The class of service provided to the user.
(3) A designation of listed, unlisted, or nonpublished with respect to any telephone number (or other functionally equivalent identification number) associated with the user's service or account.
The provider shall provide this data to the PSAP on a quarterly basis. The provider may charge a reasonable fee to the PSAP for the administrative costs of providing the data.

Sec. 41. (a) A provider shall, upon request, provide to a PSAP the necessary user data to enable the PSAP to implement and operate a 911 system. User data provided to a PSAP for the purpose of implementing or updating a 911 system may be used only to identify:
(1) a user;
(2) a user's place of primary use; or
(3) the information described in both subdivisions (1) and (2);
and may not be used or disclosed by the PSAP, or its agents or employees, for any other purpose unless the data is used

or disclosed under a court order. A person who recklessly, knowingly, or intentionally violates this subsection commits a Class A misdemeanor.

(b) After May 31, 1988, a contract entered into between a provider and a user who has an unlisted or nonpublished telephone number (or other functionally equivalent identification number) may not include a provision that prohibits the provider from providing the user's telephone number (or other functionally equivalent identification number) to a PSAP for inclusion in a 911 system data base. A provider (other than a provider who, before June 1, 1988, has contracted to not divulge a subscriber's unlisted or nonpublished telephone number (or other functionally equivalent identification number)) shall provide a requesting PSAP with the name, telephone number (or other functionally equivalent identification number), and place of primary use for each user of the provider. A PSAP may not release a telephone number (or other functionally equivalent identification number) required to be provided under this subsection to any person except as provided in subsection (a).

(c) A provider may amend or terminate a contract with a user if:

(1) the contract contains a provision that prohibits the provider from providing the user's telephone number (or other functionally equivalent identification number) to a PSAP for inclusion in a 911 system data base;

(2) the exclusion of the telephone number (or other functionally equivalent identification number) from the data base would negate the purpose of this chapter; and

(3) the user is notified of the proposed amendment or termination of a contract at least one hundred eighty (180) days before the provider takes action.

Sec. 42. (a) All proprietary information submitted to the board or the treasurer of state, or to the budget committee under section 48 of this chapter, is confidential. Notwithstanding any other law, proprietary information submitted under this chapter is not subject to subpoena, and proprietary information submitted under this chapter may not be released to a person other than to the submitting provider without the permission of the submitting provider.

(b) General information collected by the board or the treasurer of state may be released or published only in aggregate amounts that do not identify or allow identification of numbers of users or revenues attributable to an individual provider.

Sec. 43. Notwithstanding any other law:

(1) the board;

(2) a PSAP;

(3) a political subdivision;

(4) a provider;

(5) an employee, director, officer, or agent of a PSAP, a political subdivision, or a provider; or

(6) an employee or member of the board, the board chair, the executive director, or an employee, agent, or representative of the board chair;

is not liable for damages in a civil action or subject to criminal prosecution resulting from death, injury, or loss to persons or property incurred by any person in connection with establishing, developing, implementing, maintaining, operating, and providing 911 service, except in the case of willful or wanton misconduct.

Sec. 44. A person may not use 911 service except to make emergency calls that may result in the dispatch of the appropriate response for fire suppression and rescue, emergency medical or ambulance services, hazardous material, disaster or major emergency occurrences, and law enforcement activities.

Sec. 45. (a) This section does not apply to a person that connects to a 911 network using automatic crash notification technology subject to an established protocol.

(b) A person may not connect to a 911 network an automatic alarm, automatic dialer, or other automated alerting device that:

(1) causes the number 911 to be automatically dialed; or

(2) provides through a prerecorded message information regarding obtaining 911 emergency service.

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

Sec. 46. A person who knowingly or intentionally places a 911 call:

(1) for a purpose other than obtaining public safety assistance or emergency services; or

(2) to avoid communications service charges or fees;

commits a Class A misdemeanor.

Sec. 47. (a) For purposes of this section, a PSAP includes a public safety communications system operated and maintained under IC 36-8-15.

(b) As used in this section, "PSAP operator" means:

(1) a political subdivision; or

(2) an agency;

that operates a PSAP. The term does not include any entity described in subsection (c)(1) through (c)(3).

(c) Subject to subsection (d), after December 31, 2014, a county may not contain more than two (2) PSAPs. However, a county may contain one (1) or more PSAPs in addition to the number of PSAPs authorized by this section, as long as any additional PSAPs are operated:

(1) by a state educational institution;

(2) by an airport authority established for a county having a consolidated city; or

(3) in a county having a consolidated city, by an excluded city (as defined in IC 36-3-1-7).

(d) If, on March 15, 2008, a county does not contain more than one (1) PSAP, not including any PSAP operated by an entity described in subsection (c)(1) through (c)(3), an additional PSAP may not be established and operated in the county on or after March 15, 2008, unless the additional PSAP is established and operated by:

(1) a state educational institution;

(2) in the case of a county having a consolidated city, an airport authority established for the county; or

(3) the municipality having the largest population in the county or an agency of that municipality.

(e) Before January 1, 2015, each PSAP operator in a county that contains more than the number of PSAPs authorized by subsection (c) shall enter into an interlocal agreement under IC 36-1-7 with every other PSAP operator in the county to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.

(f) An interlocal agreement required under subsection (e) may include as parties, in addition to the PSAP operators required to enter into the interlocal agreement under subsection (e), any of the following that seek to be served by a county's authorized PSAPs after December 31, 2014:

(1) Other counties contiguous to the county.

(2) Other political subdivisions in a county contiguous to the county.

(3) Other PSAP operators in a county contiguous to the county.

(g) An interlocal agreement required under subsection (e) must provide for the following:

(1) A plan for the:

(A) consolidation;
(B) reorganization; or
(C) elimination;
of one (1) or more of the county's PSAPs, as necessary to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.
(2) A plan for funding and staffing the PSAP or PSAPs that will serve:
(A) the county; and
(B) any areas contiguous to the county, if additional parties described in subsection (f) participate in the interlocal agreement;
after December 31, 2014.
(3) Subject to any applicable state or federal requirements, protocol to be followed by the county's PSAP or PSAPs in:
(A) receiving incoming 911 calls; and
(B) dispatching appropriate public safety agencies to respond to the calls;
after December 31, 2014.
(4) Any other matters that the participating PSAP operators or parties described in subsection (f), if any, determine are necessary to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.
(h) This section may not be construed to require a county to contain a PSAP.
(i) After December 31, 2014, if a county contains more than the number of PSAPs authorized by subsection (c), the county may not receive a distribution under section 37 of this chapter until the county complies with subsection (c).
Sec. 48. (a) The budget committee shall review the statewide 911 system governed by this chapter for the two (2) calendar years ending:
(1) December 31, 2013; and
(2) December 31, 2014.
(b) In conducting the review required by this section, the budget committee may examine the following:
(1) Whether the fund is being administered by the board in accordance with this chapter. In performing a review under this subdivision, the budget committee may consider the audit reports submitted to the budget committee by the state board of accounts under section 30(a) of this chapter.
(2) The collection, disbursement, and use of the statewide 911 fee assessed under section 32 of this chapter. In performing a review under this subdivision, the budget committee may:
(A) examine whether the statewide 911 fee:
(i) is being assessed in an amount that is reasonably necessary to provide adequate and efficient 911 service; and
(ii) is being used only for the purposes set forth in this chapter; and
(B) consider:
(i) the reports submitted to the budget committee by the board under section 30(c) of this chapter; and
(ii) the audit reports submitted to the budget committee by the state board of accounts under section 38(e) of this chapter.
(3) The report submitted to the budget committee by the Indiana advisory commission on intergovernmental relations under IC 4-23-24.2-5(b).
(4) Any other data, reports, or information the budget committee determines is necessary to review the statewide 911 system governed by this chapter.
(c) Subject to section 42 of this chapter, the board, the state board of accounts, political subdivisions, providers, and PSAPs shall provide to the budget committee all relevant data, reports, and information requested by the budget committee to assist the budget committee in carrying out its duties under this section.
(d) After conducting the review required by this section, the budget committee shall, not later than June 1, 2015, report its findings to the legislative council. The budget committee's findings under this subsection:
(1) must include a recommendation as to whether the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, 2015; and
(2) if the budget committee recommends under subdivision (1) that the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, 2015, may include recommendations for the introduction in the general assembly of any legislation that the budget committee determines is necessary to ensure that the statewide 911 system governed by this chapter is managed in a fair and fiscally prudent manner.
A report to the legislative council under this subsection must be in an electronic format under IC 5-14-6.
(e) If the budget committee does not recommend in its report under subsection (d) that the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, 2015, the statewide 911 fee assessed under section 32 of this chapter expires July 1, 2015, and may not be assessed or collected after June 30, 2015.
SECTION 21. IC 36-8-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Emergency Telephone Notification System).
SECTION 22. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in the wireless emergency telephone system fund established by IC 36-8-16.5-21 (before its repeal by this act on July 1, 2012) shall be transferred on July 1, 2012, to the statewide 911 fund established by IC 36-8-16.7-29, as added by this act.**
(b) This SECTION expires January 1, 2013.
SECTION 23. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in a county's wireless emergency telephone system fund established by IC 36-8-16.5-43 (before its repeal by this act on July 1, 2012) shall be transferred on July 1, 2012, by the county treasurer to the county's 911 fund required to be set aside by the county treasurer under IC 36-8-16.7-38(f), as added by this act.**
(b) This SECTION expires January 1, 2013.
SECTION 24. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in an emergency telephone system fund established by a county under IC 36-8-16-13 (before its repeal by this act on July 1, 2012) shall be transferred on July 1, 2012, by the county treasurer to the county's 911 fund required to be set aside by the county treasurer under IC 36-8-16.7-38(f), as added by this act.**
(b) This SECTION expires January 1, 2013.
SECTION 25. **An emergency is declared for this act.**
(Reference is to ESB 345 as printed February 24, 2012.)

HERSHMAN	THOMPSON
TALLIAN	PELATH
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1376 Conferees: Turner replacing Crawford

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1002 because it conflicts with SEA 131-2012 without properly recognizing the existence of SEA 131-2012, has had Engrossed House Bill 1002 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1002 be corrected as follows:

Page 45, line 11, delete "P.L.159-2011," and insert "SEA 131-2012, SECTION 1,".

Page 45, line 12, delete "SECTION 1,".

Page 45, line 14, delete "(h)," and insert "~~(g),~~"

Page 45, delete lines 38 through 39.

Page 73, line 37, after "13-20-8-1" insert ", AS AMENDED BY SEA 131-2012, SECTION 26,".

Page 73, line 39, reset in roman "and IC 13-14-9".

Page 76, line 1, after "13-20-14-6" insert ", AS AMENDED BY SEA 131-2012, SECTION 39,".

Page 76, line 3, delete "IC 13-14-8".

Page 76, line 4, reset in roman "IC 13-14-9".

(Reference is to EHB 1002 as reprinted February 29, 2012.)

TORR, Chair
AUSTIN, R.M.M.
WOLKINS, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1149 because it conflicts with HEA 1186-2012 without properly recognizing the existence of HEA 1186-2012, has had Engrossed House Bill 1149 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1149 be corrected as follows:

In the Conference Committee Report for EHB 1149, Page 7, line 40, delete "P.L.41-2007," and insert "HEA 1186-2012, SECTION 13,".

In the Conference Committee Report for EHB 1149, Page 7, line 41, delete "SECTION 4,".

In the Conference Committee Report for EHB 1149, Page 7, line 45, after "IC 16-39-7)," delete "and" and insert "**and**".

In the Conference Committee Report for EHB 1149, Page 8, line 22, after "certified" insert "advanced".

In the Conference Committee Report for EHB 1149, Page 8, line 22, delete "technician-basic advanced, a".

In the Conference Committee Report for EHB 1149, Page 8, line 23, delete "certified emergency medical technician-intermediate," and insert "technician,".

In the Conference Committee Report for EHB 1149, Page 8, line 24, delete "certified" and insert "licensed".

In the Conference Committee Report for EHB 1149, Page 8, reset in roman lines 30 through 31.

(Reference is to EHB 1149 as printed March 1, 2012, as amended by the Conference Committee Report for EHB 1149.)

TORR, Chair
AUSTIN, R.M.M.
TURNER, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 287 because it conflicts with SEA 127-2012 without properly recognizing the existence of SEA 127-2012, has had Engrossed Senate Bill 287 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 287 be corrected as follows:

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

"SECTION 1. IC 4-1-10-5, AS AMENDED BY SEA 127-2012, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A state agency may disclose the Social Security number of an individual if any of the following apply:

(1) The disclosure of the Social Security number is expressly required by state law, federal law, or a court order.

(2) The individual expressly consents in writing to the disclosure of the individual's Social Security number.

(3) The disclosure of the Social Security number is:

(A) made to comply with:

(i) the USA Patriot Act of 2001 (P.L. 107-56); or

(ii) Presidential Executive Order 13224; or

(B) to a commercial entity for the permissible uses set forth in the:

(i) Drivers Privacy Protection Act (18 U.S.C. 2721 et seq.);

(ii) Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or

(iii) Financial Modernization Act of 1999 (15 U.S.C. 6801 et seq.).

(4) The disclosure of the Social Security number is for the purpose of administration of a state agency employee's or the state agency employee's dependent's health benefits.

(5) The disclosure of the Social Security number is for the purpose of administration of:

(A) a pension fund administered by the board of trustees of the Indiana public retirement system;

(B) a deferred compensation plan or defined contribution plan established under IC 5-10-1.1;

(C) a pension plan established by the state police department under IC 10-12; ~~or~~

(D) the Uniform Commercial Code (IC 26-1) by the office of the secretary of state; **or**

(E) Title IV-D of the federal Social Security Act.

(b) A state agency's disclosure of the Social Security number of an individual in compliance with subsection (a) does not violate IC 5-14-3-4(a)(12).".

Page 2, delete lines 1 through 21.

(Reference is to ESB 287 as printed February 24, 2012.)

TORR, Chair
AUSTIN, R.M.M.
NOE, Sponsor

Report adopted.

Representatives Day and Dodge were excused.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed

House Bill 1205 and that the House now concur in the Senate amendments to said bill.

BEHNING

Representative Goodin was excused from voting, pursuant to House Rule 47. Roll Call 410: yeas 76, nays 15. Motion prevailed.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012; we further recommend that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 30 minutes, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1003–1, 1072–1, 1189–1, and 1195–1 and Engrossed Senate Bills 1–1, 257–1, and 262–1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012, and that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 30 minutes, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1003–1, 1072–1, 1189–1, and 1195–1 and Engrossed Senate Bills 1–1, 257–1, and 262–1.

TORR, Chair

Motion prevailed.

Engrossed House Bill 1003–1

The conference committee report was reread. Roll Call 411: yeas 74, nays 20. Report adopted.

Engrossed House Bill 1189–1

The conference committee report was reread. Roll Call 412: yeas 52, nays 40. Report adopted.

Representative Day, who had been excused, was present.

Engrossed House Bill 1195–1

The conference committee report was reread. Roll Call 413: yeas 53, nays 40. Report adopted.

Engrossed Senate Bill 1–1

The conference committee report was reread. Roll Call 414: yeas 67, nays 26. Report adopted.

Engrossed Senate Bill 262–1

The conference committee report was reread. Roll Call 415: yeas 90, nays 1. Report adopted.

Engrossed House Bill 1072–1

The conference committee report was reread. Roll Call 416: yeas 87, nays 8. Report adopted.

Engrossed Senate Bill 257–1

The conference committee report was reread. Roll Call 417: yeas 68, nays 26. Report adopted.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

ESB 175 Conferees: Koch replacing Bartlett

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
EHB 1376–1; filed March 9, 2012, at 11:39 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1376 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-26-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "office" refers to the office of Medicaid policy and planning established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

SECTION 2. IC 4-10-22-1, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. After the end of each **odd-numbered** state fiscal year, the office of management and budget shall calculate in the customary manner the total amount of state reserves as of the end of the state fiscal year. The office of management and budget shall make the calculation not later than July 31 of each **odd-numbered** year.

SECTION 3. IC 4-10-22-2, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. If:

(1) the total amount of state reserves calculated by the office of management and budget exceeds ~~ten percent (10%)~~ **twelve and five-tenths percent (12.5%)** of the general revenue appropriations for the current state fiscal year; and ~~if~~

(2) the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);

the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later than September 30 of ~~the~~ **each odd-numbered** year.

SECTION 4. IC 4-10-22-3, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. After completing the presentation to the state budget committee described in section 2 of this chapter, the governor shall **do the following:**

(1) If the amount of excess reserves on June 30 of any year is less than fifty million dollars ($50,000,000), the governor shall carry over the excess reserves to each subsequent year until the total excess reserves, including any carryover amount, equal at least fifty million dollars ($50,000,000). In the year that the total excess reserves equal at least fifty million dollars ($50,000,000), the excess reserves shall be used as provided in subdivision (2).

(2) If in any year the amount of the excess reserves is fifty million dollars ($50,000,000) or more, the governor shall do the following:

~~(1)~~ **(A) If the year is calendar year 2012, transfer fifty percent (50%) of the excess reserves as follows:**

(i) To the pension plans for the state police, conservation officers, judges, and prosecuting attorneys to increase the funded amount of each of these plans to eighty percent (80%). The funded amount for each plan described in this item is to be determined as of June 30 of the immediately preceding year, and, if the amount of money available for transfer is less than the amount needed to increase all these plans' funded amount to eighty percent (80%), the transfers shall be made in the priority of each plan's unfunded liability so that the funded amount of the plan with the least unfunded liability is raised to eighty percent (80%) first.

(ii) To the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund, if money remains after satisfying item (i).

If the year begins after December 31, 2012, transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund. ~~and (2)~~ **(B)** Use fifty percent (50%) of any excess reserves for the purposes of providing an automatic taxpayer refund under section 4 of this chapter.

SECTION 5. IC 4-10-22-4, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following apply if sufficient excess state reserves are available to provide an automatic taxpayer refund to each taxpayer eligible for a refund:

(1) To qualify for a refund, a taxpayer:

(A) must have filed an Indiana resident individual adjusted gross income tax return for the **taxpayer's taxable year ending in the calendar year immediately** preceding ~~two (2) taxable years;~~ **the calendar year in which a determination is made under section 1 of this chapter that the state has excess reserves;** and

(B) must have ~~paid individual~~ adjusted gross income tax ~~to the state~~ **liability** for the ~~preceding~~ **taxpayer's** taxable year **ending in the calendar year in which a determination is made under section 1 of this chapter that the state has excess reserves.**

~~Individuals who file a tax return but do not pay any individual adjusted gross income tax to the state are not entitled to a refund.~~

(2) The amount of the refund is determined for each qualifying taxpayer ~~on a pro rata basis, based on the qualifying taxpayer's portion of the total individual adjusted gross income tax liability paid by all qualifying taxpayers in the preceding taxable year.~~ **as follows:**

STEP ONE: Determine the total amount of excess state reserves that under section 3 of this chapter are available to provide automatic taxpayer refunds.

STEP TWO: Determine the total number of taxpayers that qualify for a refund under subdivision (1).

STEP THREE: Determine the result of:

(A) the STEP ONE result; divided by

(B) the STEP TWO result;

as rounded to the nearest dollar.

(3) The refund **is a refundable credit that** shall **first** be applied as a credit against adjusted gross income tax liability in the taxpayer's taxable year in which a refund is provided. **Any remaining unused credit shall be refunded to the taxpayer.** The credit may not be carried forward.

(4) If an individual and the individual's spouse are both qualifying taxpayers for purposes of this section for a taxable year and file a joint Indiana resident individual adjusted gross income tax return for the taxable year:

(A) the individual and the individual's spouse are considered two (2) taxpayers for purposes of determining the amount of the refund under subdivision (2) for a qualifying taxpayer; and

(B) the amount of the refund that the individual and the individual's spouse are entitled to claim is equal to the amount of any refund determined under subdivision (2) for a qualifying taxpayer, multiplied by two (2).

SECTION 6. IC 4-22-2-37.1, AS AMENDED BY SEA 330-2012, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.

(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.

(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.

(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:

(A) the variance procedures are included in the rules; and

(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.
(19) An emergency rule adopted by the office of the secretary of family and social services under ~~IC 12-8-1-12.~~ **IC 12-8-1.5-11.**
(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.
(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).
(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).
(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.
(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.
(30) A rule adopted by the Indiana finance authority:
(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;
(B) under IC 8-15-2-17.2(a)(10):
(i) establishing enforcement procedures; and
(ii) making assessments for failure to pay required tolls;
(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or
(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.
(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.
(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.
(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).
(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.
(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.
(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:
(A) Federal Medicaid waiver program provisions.
(B) Federal programs administered by the office of the secretary.
The authority of the office of the secretary of family and social services and the office of Medicaid policy and planning to adopt a rule described in this subdivision expires December 31, 2012.
(38) An emergency rule adopted by the Indiana board of accountancy or the executive director of the Indiana professional licensing agency under IC 25-2.1-2-16.

(b) The following do not apply to rules described in subsection (a):
(1) Sections 24 through 36 of this chapter.
(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:
(1) accept the rule for filing; and
(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:
(1) The effective date of the statute delegating authority to the agency to adopt the rule.
(2) The date and time that the rule is accepted for filing under subsection (e).
(3) The effective date stated by the adopting agency in the rule.
(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), **(n),** IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, ~~and~~ IC 22-13-2-8(c), **and IC 25-2.1-2-16(c) (as added by SEA 330-2012),** and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:
(1) sections 24 through 36 of this chapter; or
(2) IC 13-14-9;
as applicable.

(h) A rule described in subsection (a)(8), (a)(12), ~~(a)(19), (a)(20), (a)(21),~~ (a)(29), ~~(a)(37),~~ or (a)(38) expires on the earlier of the following dates:
(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

(n) This subsection applies to a rule described in subsection (a)(37). A rule adopted before January 1, 2013, expires on the earliest of the following:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(3) June 30, 2013, at 11:59 p.m.

SECTION 7. IC 12-7-1-5, AS ADDED BY P.L.220-2011, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. Actions taken under IC 12-8-1 **(expired),** IC 12-8-2 **(expired),** IC 12-8-6 **(expired),** and IC 12-8-8 **(expired)** after June 30, 1999, and before December 1, 1999, are legalized and validated to the extent that those actions would have been legal and valid if P.L.7-2000 had been enacted before July 1, 1999.

SECTION 8. IC 12-7-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. "Body", for purposes of ~~IC 12-8-2,~~ **IC 12-8-2.5,** has the meaning set forth in ~~IC 12-8-2-1.~~ **IC 12-8-2.5-1.**

SECTION 9. IC 12-7-2-99, AS AMENDED BY P.L.141-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 99. "A person with a disability" means, for purposes of the following statutes, an individual who has a physical or mental disability and meets the program eligibility requirements of the division of disability and rehabilitative services:

(1) ~~IC 12-8-1-11.~~ **IC 12-8-1.5-10.**

(2) IC 12-12-1.

(3) IC 12-12-6.

SECTION 10. IC 12-7-2-129 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 129. "Member", for purposes of ~~IC 12-8-2,~~ **IC 12-8-2.5,** has the meaning set forth in ~~IC 12-8-2-2.~~ **IC 12-8-2.5-2.**

SECTION 11. IC 12-7-2-134, AS AMENDED BY P.L.117-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 134. "Office" means the following:

(1) Except as provided in subdivisions (2) through (4), the office of Medicaid policy and planning established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

(2) For purposes of IC 12-10-13, the meaning set forth in IC 12-10-13-4.

(3) For purposes of IC 12-15-13, the meaning set forth in IC 12-15-13-0.4.

(4) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-4.

SECTION 12. IC 12-7-2-135 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 135. "Office of the secretary" refers to the office of the secretary of family and social services established by ~~IC 12-8-1-1.~~ **IC 12-8-1.5-1.**

SECTION 13. IC 12-7-2-160 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 160. (a) "Rehabilitation", for purposes of the statutes listed in subsection (b), means a process of providing services to meet the current and future needs of persons with disabilities so that the individuals may prepare for and engage in gainful employment to the extent of their capabilities, as provided in 29 U.S.C. 720.

(b) This section applies to the following statutes:

(1) ~~IC 12-8-1-11.~~ **IC 12-8-1.5-10.**

(2) IC 12-12-1.

(3) IC 12-12-3.

(4) IC 12-12-6.

SECTION 14. IC 12-7-2-172 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 172. (a) Except as provided in subsection (b), "secretary" refers to the secretary of family and social services appointed under ~~IC 12-8-1-2.~~ **IC 12-8-1.5-2.**

(b) "Secretary", for purposes of IC 12-13-14, has the meaning set forth in IC 12-13-14-1.

SECTION 15. IC 12-7-2-186 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 186. "State plan", for purposes of ~~IC 12-8-6,~~ **IC 12-8-6.5,** refers to the state Medicaid plan for the Medicaid program.

SECTION 16. IC 12-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.5. Office of Secretary of Family and Social Services

Sec. 0.3. (a) Actions taken under IC 12-8-1 (expired), after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before January 1, 2008.

(b) Actions taken under IC 12-8-1 (expired) after June 30, 2011, are legalized and validated to the extent that those actions would have been legal and valid if IC 12-8-1 had not expired on June 30, 2011.

Sec. 1. (a) The office of the secretary of family and social services is established.

(b) The office of the secretary includes the following:

(1) The secretary.

(2) Each office.

Sec. 2. The governor shall appoint the secretary of family and social services to coordinate family and social service programs among the divisions.

Sec. 3. (a) The secretary has administrative responsibility for the office of the secretary.

(b) Subject to this article, the secretary may organize an office to perform the duties of the office.

Sec. 4. The secretary may hire personnel necessary to perform the duties of each office.

Sec. 5. (a) The secretary, through the offices, is responsible for coordinating the provision of technical assistance to each division for the following:

(1) Compiling program budgets for each division.

(2) Fiscal performance of each division.

(3) Management and administrative performance of each division.

(4) Program performance of each division.

(b) The secretary, through the offices, is accountable for the following:

(1) Resolution of administrative, jurisdictional, or policy conflicts among the divisions.

(2) The coordination of the activities of each division with other entities, including the general assembly and other state agencies.

(3) Coordination of communication with the federal government and the governments of other states.

(4) Development and ongoing monitoring of a centralized management information system and a centralized training system for orientation and cross-training.
(5) The overall policy development and management of the state Medicaid plan under IC 12-15.
(6) Liaison activities with other governmental entities and private sector agencies.

Sec. 6. (a) The secretary and the commissioner of the state department of health shall cooperate to coordinate family and social services programs with related programs administered by the state department of health.

(b) The secretary, in cooperation with the commissioner of the state department of health, is accountable for the following:
(1) Resolving administrative, jurisdictional, or policy conflicts between a division and the state department of health.
(2) Formulating overall policy for family, health, and social services in Indiana.
(3) Coordinating activities between the programs of the division of family resources and the maternal and child health programs of the state department of health.
(4) Coordinating activities concerning long term care between the division of disability and rehabilitative services and the state department of health.
(5) Developing and implementing a statewide family, health, and social services plan that includes a set of goals and priorities.

Sec. 7. The secretary, through the offices, may do the following:
(1) Employ experts and consultants to carry out the duties of the secretary and the offices.
(2) Utilize, with the consent of the other state agencies, the services and facilities of other state agencies without reimbursement.
(3) Accept in the name of the state, for use in carrying out the purposes of this article, any money or other property received as a gift, by bequest, or otherwise.
(4) Accept voluntary and uncompensated services.
(5) Expend money made available according to policies enforced by the budget agency.
(6) Establish and implement the policies and procedures necessary to implement this article.
(7) Advise the governor concerning rules adopted by a division.
(8) Create advisory bodies to advise the secretary about any matter relating to the implementation of this article.
(9) Perform other acts necessary to implement this article.

Sec. 8. (a) The secretary shall cooperate with the federal Social Security Administration and with any other agency of the federal government in any reasonable manner that may be necessary to qualify for federal aid for assistance to persons who are entitled to assistance under the provisions of the federal Social Security Act.

(b) The secretary shall do the following:
(1) Make reports in the form and containing the information required by the federal Social Security Administration Board or any other agency of the federal government.
(2) Comply with the requirements that the federal Social Security Administration Board or other agency of the federal government finds necessary to assure the correctness and verification of reports.

(c) The secretary shall act as the agent to the federal government in the following:
(1) Welfare matters of mutual concern.
(2) The administration of federal money granted to Indiana to aid the welfare functions of the state.

Sec. 9. (a) Consistent with the powers and duties of the secretary under this article, the secretary may adopt rules under IC 4-22-2 relating to the exercise of those powers and duties.

(b) The secretary may adopt emergency rules under IC 4-22-2-37.1(a)(37) for the following:
(1) Federal Medicaid waiver program provisions.
(2) Federal programs administered by the office of the secretary.

This subsection expires December 31, 2012.

Sec. 10. The office of the secretary is designated as the sole state agency responsible for administering programs concerning the vocational rehabilitation of individuals with a disability under 29 U.S.C. 701 et seq.

Sec. 11. (a) If:
(1) the sums appropriated by the general assembly in the biennial budget to the family and social services administration for the Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program are insufficient to enable the office of the secretary to meet its obligations; and
(2) the failure to appropriate additional funds would:
(A) violate a provision of federal law; or
(B) jeopardize the state's share of federal financial participation applicable to the state appropriations contained in the biennial budget for Medicaid assistance, Medicaid administration, public assistance (TANF), or the IMPACT (JOBS) work program;

then there are appropriated further sums as may be necessary to remedy a situation described in this subsection, subject to the approval of the budget director and the unanimous recommendation of the members of the budget committee. However, before approving a further appropriation under this subsection, the budget director shall explain to the budget committee the factors indicating that a condition described in subdivision (2) would be met.

(b) If:
(1) the sums appropriated by the general assembly in the biennial budget to the family and social services administration for Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program are insufficient to enable the family and social services administration to meet its obligations; and
(2) neither of the conditions in subsection (a)(2) would result from a failure to appropriate additional funds;

then there are appropriated further sums as may be necessary to remedy a situation described in this subsection, subject to the approval of the budget director and the unanimous recommendation of the members of the budget committee. However, before approving a further appropriation under this subsection, the budget director shall explain to the budget committee the factors indicating that a condition described in subdivision (2) would be met.

(c) Notwithstanding IC 12-14 and IC 12-15 (except for a clinical advisory panel established under IC 12-15), and except as provided in subsection (d), the office of the secretary may by rule adjust programs, eligibility standards, and benefit levels to limit expenditures from Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program. The office of the secretary may adopt emergency rules under IC 4-22-2-37.1 to make an adjustment authorized by this subsection. However, adjustments under

this subsection may not:

(1) violate a provision of federal law; or

(2) jeopardize the state's share of federal financial participation applicable to the state appropriations contained in the biennial budget for Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program.

(d) Subject to IC 12-15-21-3, any adjustments made under subsection (c) must:

(1) allow for a licensed provider under IC 12-15 to deliver services within the scope of the provider's license if the benefit is covered under IC 12-15; and

(2) provide access to services under IC 12-15 from a provider under IC 12-15-12.

Sec. 12. (a) Subject to the appropriation limits established by the state's biennial budget for the office of the secretary and its divisions, and after assistance, including assistance under TANF (IC 12-14), medical assistance (IC 12-15), and food stamps (7 U.S.C. 2016(i)), is distributed to persons eligible to receive assistance, the secretary may adopt rules under IC 4-22-2 to offer programs on a pilot or statewide basis to encourage recipients of assistance under IC 12-14 to become self-sufficient and discontinue dependence on public assistance programs. Programs offered under this subsection may do the following:

(1) Develop welfare-to-work programs.

(2) Develop home child care training programs that will enable recipients to work by providing child care for other recipients.

(3) Provide case management and supportive services.

(4) Develop a system to provide for public service opportunities for recipients.

(5) Provide plans to implement the personal responsibility agreement under IC 12-14-2-21.

(6) Develop programs to implement the school attendance requirement under IC 12-14-2-17.

(7) Provide funds for county planning council activities under IC 12-14-22-13 (repealed).

(8) Provide that a recipient may earn up to the federal income poverty level (as defined in IC 12-15-2-1) before assistance under this title is reduced or eliminated.

(9) Provide for child care assistance, with the recipient paying fifty percent (50%) of the local market rate as established under 45 CFR 256 for child care.

(10) Provide for medical care assistance under IC 12-15, if the recipient's employer does not offer the recipient health care coverage.

(b) If the secretary offers a program described in subsection (a), the secretary shall annually report the results and other relevant data regarding the program to the legislative council in an electronic format under IC 5-14-6.

Sec. 13. The office of the secretary shall implement methods to facilitate the payment of providers under IC 12-15.

Sec. 14. The office of the secretary shall improve its system through the use of technology and training of staff to do the following:

(1) Simplify, streamline, and destigmatize the eligibility and enrollment processes in all health programs serving children.

(2) Ensure an efficient provider payment system.

(3) Improve service to families.

(4) Improve data quality for program assessment and evaluation.

Sec. 15. (a) The office of the secretary shall:

(1) cooperate with; and

(2) assist;

a nonprofit organization with the purpose to implement and administer a program to provide health care to uninsured Indiana residents.

(b) The office of the secretary shall assist a nonprofit organization that has the purpose described in subsection (a) with the following:

(1) Determining eligibility of potential participants who have an income of not more than one hundred percent (100%) of the federal poverty level for a program described in this section.

(2) Issuing a plan card that is valid for one (1) year to an individual if:

(A) the office of the secretary has determined the individual is eligible for the program; and

(B) the individual has paid the office of the secretary a registration fee determined by the office.

(3) Operating a toll free telephone number that provides provider referral services for participants in the program.

(4) Implementing the program described in this section to combine the resources of the office of the secretary and the nonprofit organization in a manner that would not result in the additional expenditure of state funds.

SECTION 17. IC 12-8-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.5. Family and Social Services Bodies

Sec. 0.3. (a) Actions taken under IC 12-8-2 (expired), after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before January 1, 2008.

(b) Actions taken under IC 12-8-2 (expired) after June 30, 2011, are legalized and validated to the extent that those actions would have been legal and valid if IC 12-8-2 had not expired on June 30, 2011.

Sec. 1. As used in this chapter, "body" refers to an entity described in section 3 of this chapter.

Sec. 2. As used in this chapter, "member" refers to a member of a body.

Sec. 3. Unless otherwise provided by a statute, this chapter applies to the following:

(1) The following advisory councils:

(A) The division of disability and rehabilitative services advisory council.

(B) The division of family resources advisory council.

(C) The division of mental health and addiction advisory council.

(2) A body:

(A) established by statute for a division; and

(B) whose enabling statute makes this chapter applicable to the body.

Sec. 3.5. Up to five (5) individuals appointed by the secretary to serve on an entity not described in section 3(1) of this chapter may be appointed to serve concurrently on an advisory council described in section 3(1) of this chapter. However, an individual may not serve concurrently on more than one (1) advisory council described in section 3(1) of this chapter.

Sec. 4. (a) This section applies only to a member who by statute is appointed to a fixed term.

(b) The term of an individual serving as a member begins on the latter of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires. If the individual does not succeed a member, the member's term begins as provided in subdivision (2).

(2) The day the individual is appointed.

(c) The term of a member expires on July 1 of the second

year after the expiration of the term of the member's immediate predecessor. If the member has no immediate predecessor, the term of the member expires on July 1 of the second year after the member's term began.

(d) A member may be reappointed for a new term. A reappointed member is the member's own:

(1) successor for purposes of subsection (b); and

(2) immediate predecessor for purposes of subsection (c).

Sec. 5. (a) This section applies only to an individual who serves as a member because of an office the individual holds.

(b) The individual serves as a member until the individual no longer holds the office.

Sec. 6. The appointing authority of a member shall appoint an individual to fill a vacancy in the office of the member.

Sec. 7. Except as provided in another statute, the governor shall appoint a voting member of the body to be the presiding officer of the body.

Sec. 8. Unless otherwise provided by a statute, a member is a voting member.

Sec. 9. A majority of the voting members of the body constitutes a quorum.

Sec. 10. The affirmative vote of a majority of the voting members of the body is required for the body to take any action.

Sec. 11. (a) A member who is not a state employee is entitled to both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) A member who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) A member who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

Sec. 11.5. In addition to the requirements of IC 5-14-1.5, the office of the secretary or a division will make a good faith effort to ensure that members of any body subject to this chapter receive a copy of an agenda at least forty-eight (48) hours before any meeting of the body.

SECTION 18. IC 12-8-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 6.5. Office of Medicaid Policy and Planning

Sec. 0.3. (a) Actions taken under IC 12-8-6 (expired), after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before January 1, 2008.

(b) Actions taken under IC 12-8-6 (expired) after June 30, 2011, are legalized and validated to the extent that those actions would have been legal and valid if IC 12-8-6 had not expired on June 30, 2011.

Sec. 1. The office of Medicaid policy and planning is established.

Sec. 2. The secretary shall appoint an administrator responsible for management of the office.

Sec. 3. The office is designated as the single state agency for administration of the state Medicaid program under IC 12-15.

Sec. 4. The office shall develop and coordinate Medicaid policy for the state.

Sec. 5. The secretary may adopt rules under IC 4-22-2 to implement this chapter and the state Medicaid program.

Sec. 6. (a) For purposes of IC 4-21.5, the secretary is the ultimate authority for the state Medicaid program.

(b) The secretary shall adopt rules under IC 4-22-2 to specify any additional necessary procedures for administrative review of an agency action under IC 4-21.5 and the state Medicaid program.

Sec. 7. The office and the division of mental health and addiction shall develop a written memorandum of understanding that provides the following:

(1) Program responsibilities for the provision of care and treatment for individuals with a mental illness.

(2) Responsibilities to educate and inform vendors of the proper billing procedures.

(3) Responsibilities in administering the state plan.

(4) Responsibilities for Medicaid fiscal and quality accountability and audits for mental health services.

(5) That the division shall recommend options and services to be reimbursed under the state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., individuals with a mental illness cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for individuals with a mental illness.

(8) That the division shall develop rate setting policies for medical assistance services for individuals with a mental illness.

(9) Policies to facilitate communication between the office and the division.

(10) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of mental health services.

Sec. 8. The office and the division of disability and rehabilitative services shall develop a written memorandum of understanding that provides the following:

(1) Program responsibilities for the provision of care and treatment for individuals with a developmental disability and long term care recipients.

(2) Responsibilities to educate and inform vendors of the proper billing procedures.

(3) Responsibilities in administering the state plan.

(4) Responsibilities for Medicaid fiscal and quality accountability and audits for developmental disability and long term care services.

(5) That the division shall recommend options and services to be reimbursed under the state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., individuals with a developmental disability and long term care recipients cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for individuals with a developmental disability and long term care recipients.

(8) That the division shall develop rate setting policies for medical assistance services for individuals with a developmental disability and long term care recipients.

(9) That the office, with the assistance of the division, shall apply for waivers from the United States Department of Health and Human Services to fund community and home based long term care services as alternatives to institutionalization.

(10) Policies to facilitate communication between the office and the division.

(11) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of developmental disability or long term care services.

Sec. 9. The office, the division of family resources, and the department of child services shall develop a written memorandum of understanding that provides the following:

(1) Program responsibilities for the provision of care and treatment for recipients served by the division.

(2) Responsibilities to educate and inform vendors of the proper billing procedures.

(3) Responsibilities in administering the state plan.

(4) Responsibilities for Medicaid fiscal and quality accountability and audits for services administered by the division.

(5) That the division shall recommend options and services to be reimbursed under the Medicaid state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., recipients served by the division cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for recipients served by the division.

(8) That the division shall develop rate setting policies for medical assistance services administered by the division.

(9) Policies to facilitate communication between the office and the division.

(10) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of services.

Sec. 10. (a) The office shall reduce reimbursement rates for over-the-counter drugs by ten percent (10%) not later than July 1, 2001.

(b) The office shall implement a Maximum Allowable Cost schedule for off-patent drugs not later than November 1, 2001.

(c) Not later than January 1, 2002, the office shall implement an information strategy directed to high volume prescribers.

(d) Beginning July 1, 2002, the office shall phase in case management for aged, blind, and disabled Medicaid recipients.

Sec. 11. The office shall adopt emergency rules under IC 4-22-2-37.1 to achieve the reductions needed to avoid expenditures exceeding the Medicaid appropriation made by P.L.224-2003 in the line item appropriation to the FAMILY AND SOCIAL SERVICES ADMINISTRATION, MEDICAID - CURRENT OBLIGATIONS. To the extent that reductions are made to optional Medicaid services as set forth in 42 U.S.C. 1396 et seq., the reductions may be accomplished on a pro rata basis with each optional service being reduced by a proportionate amount. However, the reductions may not be made in a manner that results in the elimination of any optional Medicaid service.

SECTION 19. IC 12-8-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8.5. Divisions and Directors

Sec. 0.3. (a) Actions taken under IC 12-8-8 (expired), after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before January 1, 2008.

(b) Actions taken under IC 12-8-8 (expired) after June 30, 2011, are legalized and validated to the extent that those actions would have been legal and valid if IC 12-8-8 had not expired on June 30, 2011.

Sec. 1. Subject to the approval of the governor, the secretary:

(1) shall appoint each director; and

(2) may terminate the employment of a director.

Sec. 2. (a) A director is the chief administrator of the director's division.

(b) A director is responsible to the secretary for the operation and performance of the director's division.

Sec. 3. A director is the appointing authority for the director's division.

Sec. 4. (a) A director may adopt rules under IC 4-22-2 relating to the operation of the director's division and to implement the programs of the director's division.

(b) Whenever a division is required to adopt rules under IC 4-22-2, the director of the division is the statutory authority that adopts the rules.

Sec. 5. (a) A director is the ultimate authority under IC 4-21.5 for purposes of the operation of the director's division and the programs of the director's division.

(b) The director shall consult with the secretary on issues of family, social services, or health policy arising in a proceeding under IC 4-21.5.

Sec. 6. A director is responsible for development and presentation of the budget of the director's division.

SECTION 20. IC 12-9-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the division.

SECTION 21. IC 12-9-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall be administered by a director appointed under ~~IC 12-8-8-1.~~ **IC 12-8-8.5-1.**

SECTION 22. IC 12-9-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the director.

SECTION 23. IC 12-9-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each member of the council appointed under section 3(2) of this chapter has a fixed term as provided in ~~IC 12-8-2-4.~~ **IC 12-8-2.5-4.**

SECTION 24. IC 12-9-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~IC 12-8-2~~ **IC 12-8-2.5** applies to the council.

SECTION 25. IC 12-9.1-1-2, AS ADDED BY P.L.141-2006, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the division.

SECTION 26. IC 12-9.1-2-1, AS ADDED BY P.L.141-2006, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall be administered by a director appointed under ~~IC 12-8-8-1.~~ **IC 12-8-8.5-1.**

SECTION 27. IC 12-9.1-2-2, AS ADDED BY P.L.141-2006, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~

IC 12-8-8.5 applies to the director.

SECTION 28. IC 12-10-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "office" refers to the office of Medicaid policy and planning established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

SECTION 29. IC 12-12-1-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. (a) The bureau may do the following:

(1) Establish vocational rehabilitation centers separately or in conjunction with community rehabilitation centers.

(2) Contract with governmental units and other public or private organizations to provide any of the vocational rehabilitation services permitted or required by this article, ~~IC 12-8-1-11,~~ **IC 12-8-1.5-10,** IC 12-9-6, and IC 12-11-6.

(3) Provide or contract for the provision of other services that are consistent with the purposes of this article, ~~IC 12-8-1-11,~~ **IC 12-8-1.5-10,** IC 12-9-6, and IC 12-11-6.

(b) When entering into contracts for job development, placement, or retention services, the bureau shall contract with governmental units and other public or private organizations or individuals that are accredited by one (1) of the following organizations:

(1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.

(2) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.

(3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.

(4) The National Commission on Quality Assurance, or its successor.

(5) An independent national accreditation organization approved by the secretary.

(c) To the extent that the accreditation requirements of an accrediting organization listed in subsection (b) do not cover a specific requirement determined by the bureau to be necessary for a contracted service under subsection (a), the bureau shall include these specific requirements as part of the bureau's contract for job development, placement, or retention services.

SECTION 30. IC 12-12.7-2-8, AS ADDED BY P.L.93-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The council consists of at least fifteen (15) but not more than twenty-five (25) members appointed by the governor as follows:

(1) At least twenty percent (20%) of the members must be individuals who:

(A) are parents, including minority parents, of infants or toddlers with disabilities or of children who are less than thirteen (13) years of age with disabilities; and

(B) have knowledge of or experience with programs for infants and toddlers with disabilities.

At least one (1) of the members described in this subdivision must be a parent of an infant or toddler with a disability or of a child less than seven (7) years of age with a disability.

(2) At least twenty percent (20%) of the members must be public or private providers of early intervention services.

(3) At least one (1) member must be a member of the general assembly.

(4) Each of the state agencies involved in the provision of or payment for early intervention services to infants and toddlers with disabilities and their families must be represented by at least one (1) member. The members described in this subdivision must have sufficient authority to engage in policy planning and implementation on behalf of the state agency the member represents.

(5) At least one (1) member must be involved in personnel preparation.

(6) At least one (1) member must:

(A) represent a state educational agency responsible for preschool services to children with disabilities; and

(B) have sufficient authority to engage in policy planning and implementation on behalf of the agency.

(7) At least one (1) member must represent the department of insurance created by IC 27-1-1-1.

(8) At least one (1) member must represent an agency or program that is:

(A) located in Indiana; and

(B) authorized to participate in the Head Start program under 42 U.S.C. 9831 et seq.

(9) At least one (1) member must represent a state agency responsible for child care.

(10) At least one (1) member must represent the office of Medicaid policy and ~~planing~~ **planning** established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

(11) At least one (1) member must be a representative designated by the office of coordinator for education of homeless children and youths.

(12) At least one (1) member must be a state foster care representative from the department of child services established by ~~IC 31-33-1.5-2.~~ **IC 31-25-1-1.**

(13) At least one (1) member must represent the division of mental health and addiction established by IC 12-21-1-1.

(b) To the extent possible, the governor shall ensure that the membership of the council reasonably represents the population of Indiana.

SECTION 31. IC 12-13-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the division.

SECTION 32. IC 12-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall be administered by a director appointed under ~~IC 12-8-8-2.~~ **IC 12-8-8.5-1.**

SECTION 33. IC 12-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each member of the council appointed under section 3(2) of this chapter has a fixed term as provided in ~~IC 12-8-2-4.~~ **IC 12-8-2.5-4.**

SECTION 34. IC 12-13-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~IC 12-8-2~~ **IC 12-8-2.5** applies to the council.

SECTION 35. IC 12-13-15.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The division shall collaborate with the office of Medicaid policy and planning established by ~~IC 12-8-6-1~~ **IC 12-8-6.5-1** and the state department of health established by IC 16-19-1-1 to establish programs that facilitate children's access to oral health services.

SECTION 36. IC 12-14-2-21, AS AMENDED BY P.L.161-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A TANF recipient or the parent or essential person of a TANF recipient, if the TANF recipient is less than eighteen (18) years of age, must sign a personal responsibility agreement to do the following:

(1) Develop an individual self-sufficiency plan with other family members and a caseworker.

(2) Accept any reasonable employment as soon as it becomes available.

(3) Agree to a loss of assistance, including TANF assistance under this article, if convicted of a felony under IC 35-43-5-7 or IC 35-43-5-7.1 for ten (10) years after the conviction.

(4) Subject to section 5.3 of this chapter, understand that additional TANF assistance under this article will not be available for a child born more than ten (10) months after the person qualifies for assistance.

(5) Accept responsibility for ensuring that each child of the person receives all appropriate vaccinations against disease at an appropriate age.
(6) If the person is less than eighteen (18) years of age and is a parent, live with the person's parents, legal guardian, or an adult relative other than a parent or legal guardian in order to receive public assistance.
(7) Subject to ~~IC 12-8-1-12~~ **IC 12-8-1.5-11** and section 5.1 of this chapter, agree to accept assistance for not more than twenty-four (24) months under the TANF program (IC 12-14).
(8) Be available for and actively seek and maintain employment.
(9) Participate in any training program required by the division.
(10) Accept responsibility for ensuring that the person and each child of the person attend school until the person and each child of the person graduate from high school or attain a high school equivalency certificate (as defined in IC 12-14-5-2).
(11) Raise the person's children in a safe, secure home.
(12) Agree not to abuse illegal drugs or other substances that would interfere with the person's ability to attain self-sufficiency.

(b) Except as provided in subsection (c), assistance under the TANF program shall be withheld or denied to a person who does not fulfill the requirements of the personal responsibility agreement under subsection (a).

(c) A person who is granted an exemption under section 23 of this chapter may be excused from specific provisions of the personal responsibility agreement as determined by the director.

SECTION 37. IC 12-15-2-0.5, AS AMENDED BY P.L.1-2010, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. (a) This section applies to a person who qualifies for assistance:
(1) under sections 13 through 16 of this chapter;
(2) under section 6 of this chapter when the person becomes ineligible for medical assistance under IC 12-14-2-5.1 or IC 12-14-2-5.3; or
(3) as an individual with a disability if the person is less than eighteen (18) years of age and otherwise qualifies for assistance.

(b) Notwithstanding any other law, the following may not be construed to limit health care assistance to a person described in subsection (a):
(1) ~~IC 12-8-1-13.~~ **IC 12-8-1.5-12.**
(2) IC 12-14-1-1.
(3) IC 12-14-1-1.5.
(4) IC 12-14-2-5.1.
(5) IC 12-14-2-5.2.
(6) IC 12-14-2-5.3.
(7) IC 12-14-2-17.
(8) IC 12-14-2-18.
(9) IC 12-14-2-20.
(10) IC 12-14-2-21.
(11) IC 12-14-2-24.
(12) IC 12-14-2-25.
(13) IC 12-14-2-26.
(14) IC 12-14-2.5.
(15) IC 12-14-5.5.
(16) Section 21 of this chapter.

SECTION 38. IC 12-21-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the division.

SECTION 39. IC 12-21-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall be administered by a director appointed under ~~IC 12-8-8-1.~~ **IC 12-8-8.5-1.**

SECTION 40. IC 12-21-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the director.

SECTION 41. IC 12-21-2-3, AS AMENDED BY P.L.143-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. In addition to the general authority granted to the director under ~~IC 12-8-8,~~ **IC 12-8-8.5,** the director shall do the following:
(1) Organize the division, create the appropriate personnel positions, and employ personnel necessary to discharge the statutory duties and powers of the division or a bureau of the division.
(2) Subject to the approval of the state personnel department, establish personnel qualifications for all deputy directors, assistant directors, bureau heads, and superintendents.
(3) Subject to the approval of the budget director and the governor, establish the compensation of all deputy directors, assistant directors, bureau heads, and superintendents.
(4) Study the entire problem of mental health, mental illness, and addictions existing in Indiana.
(5) Adopt rules under IC 4-22-2 for the following:
(A) Standards for the operation of private institutions that are licensed under IC 12-25 for the diagnosis, treatment, and care of individuals with psychiatric disorders, addictions, or other abnormal mental conditions.
(B) Licensing or certifying community residential programs described in IC 12-22-2-3.5 for individuals with serious mental illness (SMI), serious emotional disturbance (SED), or chronic addiction (CA) with the exception of psychiatric residential treatment facilities.
(C) Certifying community mental health centers to operate in Indiana.
(D) Establish exclusive geographic primary service areas for community mental health centers. The rules must include the following:
(i) Criteria and procedures to justify the change to the boundaries of a community mental health center's primary service area.
(ii) Criteria and procedures to justify the change of an assignment of a community mental health center to a primary service area.
(iii) A provision specifying that the criteria and procedures determined in items (i) and (ii) must include an option for the county and the community mental health center to initiate a request for a change in primary service area or provider assignment.
(iv) A provision specifying the criteria and procedures determined in items (i) and (ii) may not limit an eligible consumer's right to choose or access the services of any provider who is certified by the division of mental health and addiction to provide public supported mental health services.
(6) Institute programs, in conjunction with an accredited college or university and with the approval, if required by law, of the commission for higher education, for the instruction of students of mental health and other related occupations. The programs may be designed to meet requirements for undergraduate and postgraduate degrees and to provide continuing education and research.
(7) Develop programs to educate the public in regard to the prevention, diagnosis, treatment, and care of all abnormal mental conditions.
(8) Make the facilities of the Larue D. Carter Memorial Hospital available for the instruction of medical students, student nurses, interns, and resident physicians under the

supervision of the faculty of the Indiana University School of Medicine for use by the school in connection with research and instruction in psychiatric disorders.

(9) Institute a stipend program designed to improve the quality and quantity of staff that state institutions employ.

(10) Establish, supervise, and conduct community programs, either directly or by contract, for the diagnosis, treatment, and prevention of psychiatric disorders.

(11) Adopt rules under IC 4-22-2 concerning the records and data to be kept concerning individuals admitted to state institutions, community mental health centers, or other providers.

(12) Compile information and statistics concerning the ethnicity and gender of a program or service recipient.

(13) Establish standards for services described in IC 12-7-2-40.6 for community mental health centers and other providers.

SECTION 42. IC 14-13-2-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.3. As used in this chapter, "parcel" has the meaning set forth in 50 IAC 26-2-31.**

SECTION 43. IC 14-13-2-6, AS AMENDED BY HEA 1264-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (b) and ~~section~~ **sections** 18.5 **and 18.6** of this chapter, the commission may operate in the manner provided in this chapter only in the geographic area within and extending one (1) mile from the bank of the west arm of the Little Calumet River and Burns Waterway in Lake County and Porter County. **However, to address flooding issues within this geographic area, the commission may operate in the manner provided in this chapter in areas that include tributaries to the Little Calumet River and Burns Waterway, including the Deep River watershed, within Lake County.**

(b) The commission does not have the power of eminent domain for the construction of marina facilities north of U.S. Highway 12 or south of that point where the west arm of the Little Calumet River meets Burns Waterway. The commission's activities north of U.S. Highway 12 and within and adjacent to Burns Waterway are restricted to those activities that the commission determines to be necessary for the following:

(1) Channeling and maintenance.

(2) Construction of breakwaters.

SECTION 44. IC 14-13-2-7, AS AMENDED BY HEA 1264-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The commission has:

(1) before July 1, 2012, five (5) members appointed by the governor; and

(2) after June 30, 2012, nine (9) members appointed by the governor.

(b) The following requirements apply to the governor's appointments under subsection (a)(1):

(1) One (1) member must be a representative of the department of natural resources. The member may not be an employee or elected official of a city, town, or county governmental unit.

(2) The remaining four (4) members must meet the following requirements:

(A) Four (4) members must reside in a:

(i) city;

(ii) town; or

(iii) township (if the member resides in an unincorporated area of the county);

that borders the Little Calumet River.

(B) At least three (3) of the members must have a background in:

(i) construction;

(ii) project management; or

(iii) flood control;

or a similar professional background.

(C) A member may not be an employee or elected official of a city, town, or county governmental unit.

(c) The following apply to the membership of the commission after June 30, 2012:

(1) Before August 1, 2012, the governor shall appoint four (4) additional members to the commission for four (4) year terms as follows:

(A) One (1) member nominated by the mayor of a city having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).

(B) One (1) member nominated by the mayor of a city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(C) Two (2) members nominated by the board of county commissioners of Lake County.

(2) Notwithstanding section 8 of this chapter, the term of the member described in subsection (b)(1) expires January 7, 2013. The governor shall appoint one (1) member nominated by the department of natural resources for a four (4) year term beginning January 7, 2013.

(3) Notwithstanding section 8 of this chapter, the terms of the members described in subsection (b)(2) expire January 1, 2014. The governor shall appoint for four (4) year terms beginning January 1, 2014, four (4) members, each of whom must have been nominated by the executive of a municipality located in the watershed other than a city described in subdivision (1).

(4) A member appointed to succeed a member appointed under subdivision (1) or (2) must be nominated by the nominating authority that nominated the member's predecessor, and a member appointed to succeed a member appointed under subdivision (3) must be nominated by the executive of a municipality located in the watershed other than a city described in subdivision (1).

(d) The following apply to a member appointed under subsection (c) and to any member appointed to succeed a member appointed under subsection (c):

(1) After July 31, 2012, not more than five (5) members of the commission may belong to the same political party.

(2) Each member must have a background in:

(A) construction;

(B) project management;

(C) flood control; or

(D) a similar professional background.

(3) A member may not be an employee or elected official of a city, town, or county governmental unit.

~~(4) Neither the two (2) members appointed under subsection (c)(3) nor any two (2) members appointed to succeed them may be from the same municipality.~~

(4) The members:

(A) appointed under subsection (c)(3); or

(B) appointed to succeed members appointed under subsection (c)(3);

must be from different municipalities.

(5) Neither the two (2) members appointed under subsection (c)(1)(C) nor any two (2) members appointed to succeed them may be from the same district created under IC 36-2-2-4(b).

SECTION 45. IC 14-13-2-18.6, AS ADDED BY HEA 1264-2012, SECTION 11, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18.6. (a) Each year, the county treasurer shall add to the property tax statements of a person owning the taxable parcel affected by a special assessment imposed under section 18.5 of this chapter, designating the special assessment in a manner distinct from general taxes, and indicating that the full annual assessment is due in the year the statement is sent.

(b) An assessment imposed under section 18.5 of this chapter shall be collected in the same manner as other special assessments are collected under IC 6-1.1, except for the following:

(1) An assessment is not the personal obligation of the owner of the taxable parcel affected by the assessment, and only the taxable parcel actually affected by an assessment shall be sold for delinquency.

(2) An annual assessment shall be paid in full on or before the date the first installment of property taxes is due.

(c) At the time of each annual tax settlement, the county treasurer shall certify to the county auditor the amount of the special assessments collected.

(d) The county auditor shall pay special assessments collected by the county treasurer under this section to the commission.

(e) Special assessments collected under this section shall be deposited into a segregated account within the fund. Special assessments deposited into the account may not be transferred into other accounts within the fund. Money in the account may be used only for the following purposes:

(1) To pay expenses directly related to the acquisition, construction, or improvement of real property, a facility, a betterment, or an improvement constituting part of a project of the commission, including acquisition of the site for a project.

(2) To pay expenses directly related to the operation, repair, and maintenance of flood protection systems within the watershed.

(3) To repay bonds issued for the purposes described in subdivision (1).

(4) To make the transfers required by subsection (f).

(f) Subject to subsection (g), the commission shall transfer money from the segregated account referred to in subsection (e) to the northwest Indiana regional development authority established by IC 36-7.5-2-1 as follows:

(1) Two million four hundred thirty thousand dollars ($2,430,000) on July 1, 2013.

(2) One million four hundred sixty thousand dollars ($1,460,000) on July 1, 2014.

(3) Nine hundred twenty thousand dollars ($920,000) on July 1, 2015.

(4) Six hundred ninety thousand dollars ($690,000) on July 1, 2016.

(5) Five hundred thousand dollars ($500,000) on July 1, 2017.

(g) The commission may postpone or reduce the amount of a transfer required by subsection (f) by adopting a resolution, with at least two-thirds (2/3) of the members voting in the affirmative, declaring that an emergency exists. For purposes of this subsection, an emergency may include the following:

(1) A determination that the amount of assessments paid before July 1, 2013, is insufficient to make the transfer required under subsection (f)(1) on July 1, 2013.

(2) A demand from the Army Corps of Engineers for payment in an amount that would prevent the commission from complying with the transfer schedule set forth in subsection (f).

(h) The total amount to be transferred to the northwest Indiana regional development authority under the schedule set forth in subsection (f), as amended for the reasons specified in subsection (g), is six million dollars ($6,000,000).

SECTION 46. IC 16-28-15-5, AS ADDED BY P.L.229-2011, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. As used in this chapter, "office" refers to the office of Medicaid policy and planning established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

SECTION 47. IC 20-24-8-5, AS AMENDED BY P.L.90-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

(1) IC 5-11-1-9 (required audits by the state board of accounts).

(2) IC 20-39-1-1 (unified accounting system).

(3) IC 20-35 (special education).

(4) IC 20-26-5-10 (criminal history).

(5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).

(6) IC 20-28-10-12 (nondiscrimination for teacher marital status).

(7) IC 20-28-10-14 (teacher freedom of association).

(8) IC 20-28-10-17 (school counselor immunity).

(9) For conversion charter schools only, IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.

(10) IC 20-33-2 (compulsory school attendance).

(11) IC 20-33-3 (limitations on employment of children).

(12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).

(13) IC 20-33-8-16 (firearms and deadly weapons).

(14) IC 20-34-3 (health and safety measures).

(15) IC 20-33-9 (reporting of student violations of law).

(16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

(17) IC 20-31-3, IC 20-32-4, IC 20-32-5, ~~IC 20-32-6,~~ IC 20-32-8, **and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b)** ~~or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).~~ **(academic standards, accreditation, assessment, and remediation).**

(18) IC 20-33-7 (parental access to education records).

(19) IC 20-31 (accountability for school performance and improvement).

(20) IC 20-30-5-19 (personal financial responsibility instruction).

SECTION 48. IC 20-26-11-8, AS AMENDED BY SEA 283-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a) As used in this section, "attend school" means to:~~

~~(1) physically attend a school in a building owned and operated by a school corporation; or~~

~~(2) be educated onsite at a facility.~~

~~(b) If a student resides in a facility and cannot leave the facility based on a medical decision that the student is a risk to the student or a risk to others, the school corporation in which the facility is located shall provide the student educational services onsite at the facility.~~

~~(c) A student educated onsite at a facility is entitled to the following:~~

~~(1) An educational opportunity comparable to that of a student attending a school operated by the school corporation.~~

~~(2) To receive the same level of educational services from the school corporation in which the facility is located as received by a student who physically attends school in a school operated by the school corporation. Unless provided otherwise in a student's individualized education program, educational services must include at least the~~

~~following:~~

~~(A) An instructional day that meets the requirements of IC 20-30-2-2.~~

~~(B) A school year with a minimum of one hundred eighty (180) student instructional days under IC 20-30-2-3.~~

~~(C) Educationally appropriate textbooks and other materials offered to the student at the same cost assessed to a student attending a school operated by the school corporation.~~

~~(D) Licensed teachers who are qualified to teach the grade level of the student and the subject matter of the student's curriculum.~~

~~(d)~~ **(a)** A student who is placed in a state licensed private or public health care facility or child care facility:

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

(2) by a court order; or

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

may attend school in the school corporation in which the facility is located. If the school corporation in which the facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

~~(e)~~ **(b)** A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

(1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and

(2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as having a disability under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as having a disability under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under IC 20-35-2-1(b)(5).

~~(f)~~ **(c)** A student who is placed in:

(1) an institution operated by the division of disability and rehabilitative services or the division of mental health and addiction; or

(2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection ~~(d)~~ **(a)** or ~~(e)~~ **(b)** or another state is obligated to pay the transfer tuition.

~~(g)~~ **(d)** This subsection applies to a student who is placed:

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

(2) by a court order; or

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

in a foster family home or the home of a relative or other unlicensed caretaker that is not located in the school corporation in which the student has legal settlement. The student may attend school in either the school corporation in which the foster family home or other home is located or the school corporation in which the student has legal settlement. The department of child services and the student's foster parents or caretaker shall make the determination concerning where the student attends school unless that determination is made by a court that has jurisdiction over the student. If a licensed child placing agency is responsible for oversight of the foster family home in which the student is placed or for providing services to the student, the department of child services must consult with the licensed child placing agency concerning the determination of, or the recommendations made to the court concerning, where the student attends school. Except as provided in subsection ~~(h),~~ **(e),** transfer tuition is not required for the student.

~~(h)~~ **(e)** If a student to whom subsection ~~(g)~~ **(d)** applies is attending school in a school corporation that is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay transfer tuition to the school corporation in which the student is enrolled in school if all of the following conditions apply:

(1) The student was previously placed in a child caring institution licensed under IC 31-27-3.

(2) While placed in the child caring institution, the student was enrolled in a school that is:

(A) administered by the school corporation in which the child caring institution is located; and

(B) located at the child caring institution.

(3) The student was moved from the child caring institution to a licensed foster family home supervised by the child caring institution either:

(A) with the approval of the department of child services and the court having jurisdiction over the student in a case under IC 31-34; or

(B) by a court order in a case under IC 31-37.

(4) After moving from the child caring institution to the foster family home, the student continues to attend the school located at the child caring institution.

(5) The legal settlement of the student was determined by a juvenile court under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6.

~~(i)~~ **(f)** A student:

(1) who is placed in a facility, home, or institution described in subsection ~~(d), (e), or (f);~~ **(a), (b), or (c);**

(2) to whom neither subsection ~~(g)~~ **(d)** nor ~~(h)~~ **(e)** applies; and

(3) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support.

SECTION 49. IC 20-27-11-1, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If a student who attends a nonpublic school in a school corporation resides on or along the highway constituting the regular route of a public school bus, the governing body of the school corporation shall provide transportation for the nonpublic school student on the

school bus.

(b) The transportation provided under this section must be from the home of the nonpublic school student or from a point on the regular route nearest or most easily accessible to the home of the nonpublic school student to and from the nonpublic school or to and from the point on the regular route that is nearest or most easily accessible to the nonpublic school **from which the student can walk to and from the nonpublic school.**

SECTION 50. IC 20-28-11.5-8, AS ADDED BY P.L.90-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) To implement this chapter, the state board shall do the following:

(1) Before January 31, 2012, adopt rules under IC 4-22-2 that establish:

(A) the criteria that define each of the four categories of teacher ratings under section ~~4(b)(3)~~ **4(c)(4)** of this chapter;

(B) the measures to be used to determine student academic achievement and growth under section ~~4(b)(2)~~ **4(c)(2)** of this chapter;

(C) standards that define actions that constitute a negative impact on student achievement; and

(D) an acceptable standard for training evaluators.

(2) Before January 31, 2012, work with the department to develop a model plan and release it to school corporations. Subsequent versions of the model plan that contain substantive changes must be provided to school corporations.

(3) Work with the department to ensure the availability of ongoing training on the use of the performance evaluation to ensure that all evaluators and certificated employees have access to information on the plan, the plan's implementation, and this chapter.

(b) A school corporation may adopt the **department's** model plan, **or any other model plan approved by the department,** without the state board's approval.

(c) A school corporation may **substantially** modify the model plan or develop the school corporation's own plan, if the **substantially** modified or developed plan meets the criteria established under this chapter. If a school corporation **substantially** modifies the model plan or develops its own plan, the department may request that the school corporation submit the plan to the department to ensure the plan meets the criteria developed under this chapter. **If the department makes such a request, before submitting a substantially modified or new staff performance evaluation plan to the department, the governing body shall submit the staff performance evaluation plan to the teachers employed by the school corporation for a vote. If at least seventy-five percent (75%) of the voting teachers vote in favor of adopting the staff performance evaluation plan, the governing body may submit the staff performance evaluation plan to the department.**

(d) Each school corporation shall submit its staff performance evaluation plan to the department. The department shall publish the staff performance evaluation plans on the department's Internet web site. A school corporation must submit its staff performance evaluation plan to the department for approval in order to qualify for any grant funding related to this chapter.

~~(c) This subsection applies to a school corporation that has not adopted a staff performance evaluation plan that complies with this chapter before July 1, 2011. Before submitting a staff performance evaluation plan to the department under subsection (b), the governing body shall submit the staff performance evaluation plan to the teachers employed by the school corporation for a vote. If at least seventy-five percent (75%) of the teachers voting vote in favor of adopting the staff performance evaluation plan, the governing body may submit the staff performance evaluation plan to the department under subsection (b).~~

SECTION 51. IC 20-31-2-10, AS ADDED BY P.L.229-2011, SECTION 187, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. "Turnaround academy" means a school that is subject to IC 20-31-9.5 **and for the purpose of federal funding only, is considered a local educational agency.**

SECTION 52. IC 20-31-9.5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) If the state board assigns a special management team to a school, the state board shall enter into a contract with a special management team that includes the following provisions:**

(1) A requirement that the special management team and the governing body conduct a public meeting two (2) times each year to provide a report concerning:

(A) student achievement of affected students; and

(B) the condition of the school property and to address issues related to the school property.

(2) A requirement that the student instruction must be provided by teachers licensed under IC 20-28-5.

(b) Individuals employed by the special management team are entitled to participate in either:

(1) the state teachers' retirement fund created by IC 5-10.4; or

(2) the public employees' retirement fund created by IC 5-10.3.

(c) Employees of a special management team are not required to organize and collectively bargain under IC 20-29-6.

SECTION 53. IC 20-32-8.5-2, AS ADDED BY P.L.109-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a) Except as provided in subsection (b) or (c),** the plan required by this chapter must include the following:

(1) Reading skill standards for grade 1 through grade 3.

(2) An emphasis on a method for making determinant evaluations by grade 3 that might require remedial action for the student, including retention as a last resort, after other methods of remediation have been evaluated or used, or both, if reading skills are below the standard. Appropriate consultation with parents or guardians must be part of the plan.

(3) The fiscal impact of each component of the plan, if any. In determining whether a component has a fiscal impact, consideration shall be given to whether the component will increase costs to the state or a school corporation or require the state or school corporation to reallocate resources.

(b) For a charter school, as defined in IC 20-24-1-4, a plan may include only the following:

(1) A method for making determinant evaluations of reading skills by grade 3.

(2) Retention as a last resort for students reading below grade level as measured by the evaluation or assessment.

(c) This subsection applies to a public school that is not a charter school. A school corporation may receive a waiver of the requirements provided in 511 IAC 6.2-3.1-4(a)(2) if the state board approves an alternative reading plan provided by the school corporation.

SECTION 54. IC 20-49-5-3, AS AMENDED BY SEA 283-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. To assist a school corporation in providing the school corporation's

educational program to a student placed in a facility or home as described in ~~IC 20-26-11-8(d)~~ **IC 20-26-11-8(a)** or ~~IC 20-26-11-8(e)~~ **IC 20-26-11-8(b)** and not later than October 1 of each school year, the state board may advance money to a school corporation in anticipation of the school corporation's receipt of transfer tuition for students described in ~~IC 20-26-11-8(d)~~ **IC 20-26-11-8(a)** or ~~IC 20-26-11-8(e).~~ **IC 20-26-11-8(b).** The amount of the advance may not exceed the amount determined under STEP TWO of the following formula:

STEP ONE: Estimate for the current school year the number of students described in ~~IC 20-26-11-8(d)~~ **IC 20-26-11-8(a)** or ~~IC 20-26-11-8(e)~~ **IC 20-26-11-8(b)** that are transferred to the school corporation.

STEP TWO: Multiply the STEP ONE amount by the school corporation's prior year per student transfer tuition amount.

SECTION 55. IC 20-49-5-5, AS AMENDED BY SEA 283-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A school corporation receiving an advance shall notify the school corporation or auditor of state from which the school corporation receives transfer tuition under IC 20-26-11 for students described in ~~IC 20-26-11-8(d)~~ **IC 20-26-11-8(a)** or ~~IC 20-26-11-8(e)~~ **IC 20-26-11-8(b)** of the amount of interest withheld under section 4 of this chapter. The school corporation or auditor of state shall reimburse the school corporation for the interest expense at the same time the transfer tuition is paid.

SECTION 56. IC 22-4.1-17-6, AS ADDED BY P.L.110-2010, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. As used in this chapter, "secretary" refers to the secretary of family and social services appointed under ~~IC 12-8-1-2.~~ **IC 12-8-1.5-2.**

SECTION 57. IC 31-34-20-5, AS AMENDED BY SEA 283-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This section applies if the department or a juvenile court:

(1) places a child;

(2) changes the placement of a child; or

(3) reviews the implementation of a decree under IC 31-34-21 of a child placed;

in a state licensed private or public health care facility, child care facility, foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

(1) Make findings of fact concerning the legal settlement of the child.

(2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to determine where the child has legal settlement.

(3) Include the findings of fact required by this section in:

(A) the dispositional order;

(B) the modification order; or

(C) the other decree;

making or changing the placement of the child.

(c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under ~~IC 20-26-11-8(g).~~ **IC 20-26-11-8(d).**

(d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.

(e) The department or a juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the department or juvenile court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not affect the legal settlement of the child.

SECTION 58. IC 31-37-19-26, AS AMENDED BY SEA 283-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) This section applies if a juvenile court:

(1) places a child;

(2) changes the placement of a child; or

(3) reviews the implementation of a decree under IC 31-37-20 (or IC 31-6-4-19 before its repeal) of a child placed;

in a state licensed private or public health care facility, child care facility, foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

(1) Make findings of fact concerning the legal settlement of the child.

(2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to determine where the child has legal settlement.

(3) Include the findings of fact required by this section in the:

(A) dispositional order;

(B) modification order; or

(C) other decree;

making or changing the placement of the child.

(c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under ~~IC 20-26-11-8(g).~~ **IC 20-26-11-8(d).**

(d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.

(e) The juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not affect the legal settlement of the child.

SECTION 59. IC 32-33-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A person, a firm, a partnership, an association, a limited liability company, or a corporation maintaining a hospital in Indiana or a hospital owned, maintained, or operated by the state or a political subdivision of the state is entitled to hold a lien for the reasonable value of its services or expenses on any judgment for personal injuries rendered in favor of any person, except: ~~a person covered by:~~

(1) **a person covered by** the provisions of IC 22-3-2 through IC 22-3-6;

(2) **a person covered by** the federal worker's compensation laws; ~~or~~

(3) **a person covered by** the federal liability act; **or**

(4) an eligible person (as defined in IC 34-13-8-1) with respect to a distribution paid from the supplemental state fair relief fund for an occurrence (as defined in IC 34-13-8-2);

who is admitted to the hospital and receives treatment, care, and maintenance on account of personal injuries received as a result of the negligence of any person or corporation. In order to claim the lien, the hospital must at the time or after the judgment is rendered, enter, in writing, upon the judgment docket where the judgment is recorded, the hospital's intention to hold a lien upon the judgment, together with the amount claimed.

SECTION 60. IC 32-33-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person, a firm, a partnership, an association, a limited liability company, or a corporation maintaining a hospital in Indiana or a hospital owned, maintained, or operated by the state or a political subdivision has a lien for all reasonable and necessary charges for hospital care, treatment, and maintenance of a patient (including emergency ambulance services provided by the hospital) upon any cause of action, suit, or claim accruing to

the patient, or in the case of the patient's death, the patient's legal representative, because of the illness or injuries that:

(1) gave rise to the cause of action, suit, or claim; and

(2) necessitated the hospital care, treatment, and maintenance.

(b) The lien provided for in subsection (a):

(1) except as provided in subsection (c), applies to any amount obtained or recovered by the patient by settlement or compromise rendered or entered into by the patient or by the patient's legal representative;

(2) is subject and subordinate to any attorney's lien upon the claim or cause of action;

(3) is not applicable to accidents or injuries within the purview of:

(A) IC 22-3;

(B) 5 U.S.C. 8101 et seq.; ~~or~~

(C) 45 U.S.C. 51 et seq.; **or**

(D) IC 34-13-8 concerning a distribution paid from the supplemental state fair relief fund to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2);

(4) is not assignable; and

(5) must first be reduced by the amount of any medical insurance proceeds paid to the hospital on behalf of the patient after the hospital has made all reasonable efforts to pursue the insurance claims in cooperation with the patient.

(c) If a settlement or compromise that is subject to subsection (b)(1) is for an amount that would permit the patient to receive less than twenty percent (20%) of the full amount of the settlement or compromise if all the liens created under this chapter were paid in full, the liens must be reduced on a pro rata basis to the extent that will permit the patient to receive twenty percent (20%) of the full amount.

SECTION 61. IC 32-33-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A provider has a lien for all reasonable and necessary charges for the provision of emergency ambulance services to a patient upon any cause of action, suit, or claim accruing to the patient, or in the case of the patient's death, the patient's legal representative, because of the illness or injuries that:

(1) gave rise to the cause of action, suit, or claim; and

(2) necessitated the provision of emergency ambulance services.

(b) The lien:

(1) applies to any amount obtained or recovered by the patient by settlement or compromise rendered or entered into by the patient or by the patient's legal representative;

(2) is subject and subordinate to any attorney's lien upon the claim or cause of action; and

(3) is not applicable to accidents or injuries within the purview of:

(A) IC 22-3;

(B) 5 U.S.C. 8101 et seq.; ~~or~~

(C) 45 U.S.C. 51 et seq.; **or**

(D) IC 34-13-8 concerning a distribution paid from the supplemental state fair relief fund to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2).

SECTION 62. IC 34-13-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8. Special Supplemental Relief

Sec. 1. As used in this chapter, "eligible person" refers to a person or the estate of a person that properly filed a claim with the state, in the form prescribed by the attorney general, before December 31, 2011, for physical injury or death resulting from an occurrence.

Sec. 2. As used in this chapter, "occurrence" refers to one (1) or more acts or omissions by the state or employees of the state in connection with a single event occurring after July 31, 2011, and before September 1, 2011, that resulted in the death of seven (7) or more persons.

Sec. 3. As used in this chapter, "supplemental fund" refers to the supplemental state fair relief fund established by section 9 of this chapter.

Sec. 4. (a) Recognizing the special conditions created by an occurrence, it is the intent of the general assembly to provide supplemental relief for victims of the occurrence. It is not the intent of the general assembly to revise the tort claims act in order to address the special situation of the occurrence.

(b) The attorney general may compromise or settle a claim or suit brought against the state or its employees as provided in this chapter.

(c) Only eligible persons are eligible to receive compensation under this chapter.

Sec. 5. (a) The attorney general shall attempt to resolve before January 1, 2013, all claims and suits brought against the state or its employees for an occurrence for an amount that, in the aggregate, does not exceed eleven million dollars ($11,000,000), consisting of:

(1) five million dollars ($5,000,000) paid from the state tort claim fund established to pay claims and expenses under IC 34-13-3-24; and

(2) six million dollars ($6,000,000) to be paid from the supplemental fund.

(b) The attorney general shall attempt to resolve before January 1, 2013, claims or suits for an occurrence as follows:

(1) The estate of an eligible person whose death resulted from an occurrence shall receive seven hundred thousand dollars ($700,000). This amount includes any compensation under this chapter for the eligible person's attorney's fees. The amount distributed to the estate of the eligible person whose death resulted from an occurrence is exempt from inheritance taxes under IC 6-4.1 and shall not be included in the calculation of the amount transferred to a Class A transferee, Class B transferee, or Class C transferee for the purposes of applying the exemptions in IC 6-4.1-3-10, IC 6-4.1-3-11, and IC 6-4.1-3-12.

(2) Except as provided in subdivision (3), each other eligible person who was physically injured as a result of an occurrence shall be compensated (including any compensation under this chapter for the eligible person's attorney's fees) for the physical injury in an amount that does not exceed the least of the following:

(A) The amount of the eligible person's medical expenses incurred as a result of the physical injury.

(B) The amount claimed before the deadline established by the attorney general by the eligible person for medical expenses incurred as a result of the physical injury in relation to the claim filed before December 31, 2011.

(C) Seven hundred thousand dollars ($700,000).

(3) Eligible persons who suffered physical injuries involving permanent paralysis or permanent physical trauma or requiring major and ongoing long-term care shall be compensated for the physical injury in an amount equal to:

(A) the amount of compensation paid under subdivision (2); plus

(B) additional compensation determined under the process established by the attorney general under subdivision (4).

(4) The attorney general shall establish a process for

determining the equitable amount of compensation for eligible persons under subdivision (3). The attorney general shall before January 1, 2013, determine the amount of compensation that each eligible person described in subdivision (3) is entitled to receive under subdivision (3). The attorney general may employ arbitrators, mediators, consultants, and other experts to assist in the process established by the attorney general for determining the compensation for eligible persons under subdivision (3).

Sec. 6. (a) To receive a distribution under this chapter for an occurrence, an eligible person must have already released all governmental entities and public employees from any liability for loss resulting from the occurrence. The release must be in a form that is satisfactory to the attorney general.

(b) A distribution may not be paid under this chapter from the supplemental fund to an eligible person unless the eligible person has entered into an agreement with the state providing that the person will not bring any action against the state based on an indemnification clause.

Sec. 7. The amount payable after December 31, 2011, as provided in section 5(b) of this chapter to an eligible person shall be reduced by any amount that was paid under IC 34-13-3 from the state tort claim fund before January 1, 2012, for the death or physical injury.

Sec. 8. If an eligible person is represented by an attorney regarding compensation from the supplemental fund, the attorney's fees paid to the attorney or attorneys for the representation of the eligible person regarding compensation from the supplemental fund may not exceed, in aggregate, ten percent (10%) of the total compensation paid to the eligible person from the supplemental fund.

Sec. 9. (a) The supplemental state fair relief fund is established for the purpose of providing supplemental relief to the victims of the occurrence.

(b) The supplemental fund consists of grants, donations, and appropriations made by the general assembly. The supplemental fund shall be administered by the attorney general. The treasurer of state shall invest the money in the supplemental fund not currently needed to meet the obligations of the supplemental fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the state general fund. The expenses of administering the supplemental fund shall be paid from the state tort claim fund established to pay claims and expenses under IC 34-13-3-24.

(c) The supplemental fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the supplemental fund by the state board of finance, the budget agency, or any other state agency except as provided in this chapter.

(d) Money in the supplemental fund at the end of a state fiscal year does not revert to the state general fund. Money in the supplemental fund is continually appropriated to the attorney general to carry out the purposes of the supplemental fund.

Sec. 10. (a) The attorney general may use the money in the supplemental fund to pay compensation to eligible persons as provided in this chapter.

(b) After the estate of each eligible person whose death resulted from an occurrence has received seven hundred thousand dollars ($700,000), and each other eligible person who was physically injured as a result of an occurrence has been compensated in the amount determined under section 5(b)(2) of this chapter, the remaining balance in the supplemental fund shall be used to pay compensation for ongoing expenses to eligible persons described in section 5(b)(3) of this chapter according to the process established by the attorney general under section 5(b)(4) of this chapter. Compensation paid from the supplemental fund may not be used for the following:

(1) Expenses covered by insurance.

(2) Expenses covered by another party.

Sec. 11. The expenses incurred by the attorney general in carrying out this chapter (including any expenses for arbitrators, mediators, consultants, or any other experts) shall be paid from the state tort claim fund established to pay claims and expenses under IC 34-13-3-24.

Sec. 12. (a) An eligible person may assign to the attorney general the eligible person's right to pursue a cause of action for the tortious breach of an insurer's duty to deal with an insured person in good faith.

(b) If the insurance commissioner believes that a person has engaged in any of the acts or practices listed in IC 27-4-1-4.5 in relation to an occurrence, the insurance commissioner may issue and cause to be served upon the person a statement of the charges and a notice in writing of a hearing as provided in IC 27-4-1-5. If after a hearing under IC 4-21.5-3, the insurance commissioner determines that the person has engaged in any of the acts or practices listed in IC 27-4-1-4.5 in relation to an occurrence, the insurance commissioner may at the insurance commissioner's discretion order one (1) or more of the remedies provided in IC 27-4-1-6. Notwithstanding IC 27-4-1, the insurance commissioner may take an action under this subsection regarding the commission by a person of a single act or practice listed in IC 27-4-1-4.5 in relation to an occurrence, without having to demonstrate that the act or practice occurs with such frequency as to indicate a general practice by the person.

SECTION 63. IC 34-53-1-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. An insurer may not claim subrogation or reimbursement rights to the proceeds of a distribution paid from the supplemental state fair relief fund under IC 34-13-8 to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2).**

SECTION 64. IC 34-53-1-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) Notwithstanding any statutory right, common law right, or agreement to the contrary, a person who pays benefits or compensation to or on behalf of an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2) does not have a subrogation or other right, including any rights otherwise provided under this chapter, to recover those benefits or compensation paid from the supplemental state fair relief fund by making a claim against the state, or by making a claim, or recovering from payments made to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2) under IC 34-13-8.**

(b) Not later than forty (40) days after a distribution under IC 34-13-8 is paid, a person who believes that the state cannot constitutionally prohibit assertion of a subrogation or other claim described in subsection (a), and who claims the subrogation or other interest against the state, or against a distribution paid from the supplemental state fair relief fund to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2) under IC 34-13-8 must provide written notice to the attorney general and the eligible person of the person's intent to assert that interest. Failure to provide timely written notice to the attorney general under this section constitutes a waiver of the claims described in this section.

SECTION 65. IC 34-55-10-2, AS AMENDED BY P.L.42-2011, SECTION 73, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section does not apply to judgments obtained before October 1, 1977.

(b) The amount of each exemption under subsection (c) applies until a rule is adopted by the department of financial institutions under section 2.5 of this chapter.

(c) The following property of a debtor domiciled in Indiana is exempt:

(1) Real estate or personal property constituting the personal or family residence of the debtor or a dependent of the debtor, or estates or rights in that real estate or personal property, of not more than fifteen thousand dollars ($15,000). The exemption under this subdivision is individually available to joint debtors concerning property held by them as tenants by the entireties.

(2) Other real estate or tangible personal property of eight thousand dollars ($8,000).

(3) Intangible personal property, including choses in action, deposit accounts, and cash (but excluding debts owing and income owing), of three hundred dollars ($300).

(4) Professionally prescribed health aids for the debtor or a dependent of the debtor.

(5) Any interest that the debtor has in real estate held as a tenant by the entireties. The exemption under this subdivision does not apply to a debt for which the debtor and the debtor's spouse are jointly liable.

(6) An interest, whether vested or not, that the debtor has in a retirement plan or fund to the extent of:

(A) contributions, or portions of contributions, that were made to the retirement plan or fund by or on behalf of the debtor or the debtor's spouse:

(i) which were not subject to federal income taxation to the debtor at the time of the contribution; or

(ii) which are made to an individual retirement account in the manner prescribed by Section 408A of the Internal Revenue Code of 1986;

(B) earnings on contributions made under clause (A) that are not subject to federal income taxation at the time of the levy; and

(C) roll-overs of contributions made under clause (A) that are not subject to federal income taxation at the time of the levy.

(7) Money that is in a medical care savings account established under IC 6-8-11.

(8) Money that is in a health savings account established under Section 223 of the Internal Revenue Code of 1986.

(9) Any interest the debtor has in a qualified tuition program, as defined in Section 529(b) of the Internal Revenue Code of 1986, but only to the extent funds in the program are not attributable to:

(A) excess contributions, as described in Section 529(b)(6) of the Internal Revenue Code of 1986, and earnings on the excess contributions;

(B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or

(C) the excess over five thousand dollars ($5,000) of aggregate contributions made by the debtor for all programs under this subdivision and education savings accounts under subdivision (10) having the same designated beneficiary:

(i) not later than one (1) year before; and

(ii) not earlier than two (2) years before;

the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the aggregate contributions.

(10) Any interest the debtor has in an education savings account, as defined in Section 530(b) of the Internal Revenue Code of 1986, but only to the extent funds in the account are not attributable to:

(A) excess contributions, as described in Section 4973(e) of the Internal Revenue Code of 1986, and earnings on the excess contributions;

(B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or

(C) the excess over five thousand dollars ($5,000) of aggregate contributions made by the debtor for all accounts under this subdivision and qualified tuition programs under subdivision (9) having the same designated beneficiary:

(i) not later than one (1) year before; and

(ii) not earlier than two (2) years before;

the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the excess contributions.

(11) The debtor's interest in a refund or a credit received or to be received under the following:

(A) Section 32 of the Internal Revenue Code of 1986 (the federal earned income tax credit).

(B) IC 6-3.1-21-6 (the Indiana earned income tax credit).

(12) A disability benefit awarded to a veteran for a service connected disability under 38 U.S.C. 1101 et seq. This subdivision does not apply to a service connected disability benefit that is subject to child and spousal support enforcement under 42 U.S.C. 659(h)(1)(A)(ii)(V).

(13) Compensation distributed from the supplemental state fair relief fund under IC 34-13-8 to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2). This subdivision applies even if a debtor is not domiciled in Indiana.

(d) A bankruptcy proceeding that results in the ownership by the bankruptcy estate of a debtor's interest in property held in a tenancy by the entireties does not result in a severance of the tenancy by the entireties.

(e) Real estate or personal property upon which a debtor has voluntarily granted a lien is not, to the extent of the balance due on the debt secured by the lien:

(1) subject to this chapter; or

(2) exempt from levy or sale on execution or any other final process from a court.

SECTION 66. [EFFECTIVE UPON PASSAGE] **(a) The definitions in P.L.229-2011, SECTION 1 apply throughout this SECTION.**

(b) The following definitions apply throughout this SECTION:

(1) "2012-2013 school year" means the school year (as defined in IC 20-18-2-17) beginning July 1, 2012, and ending June 30, 2013.

(2) "Charter school" has the meaning set forth in IC 20-24-1-4.

(3) "Current ADM" has the meaning set forth in IC 20-43-1-10.

(4) "Eligible pupil" has the meaning set forth in IC 20-43-1-11.

(5) "School corporation" has the meaning set forth in IC 20-18-2-16.

(c) Augmentation is allowed for the appropriation in P.L.229-2011, SECTION 9 to the department of education for full-day kindergarten, beginning July 1, 2012, and ending June 30, 2013.

(d) Notwithstanding P.L.229-2011, SECTION 9, each school corporation and charter school that applies to the department of education for a grant for full-day kindergarten is entitled to receive a distribution in the 2012-2013 school year from the amount appropriated in P.L.229-2011, SECTION 9 for full-day kindergarten for the state fiscal year beginning July 1, 2012, and ending June 30, 2013, as augmented under this SECTION. The total amount to be distributed to a school corporation or charter school for the 2012-2013 school year equals the result of:

(1) two thousand four hundred dollars ($2,400); multiplied by

(2) the number of eligible pupils who are:

(A) counted in the current ADM of the school corporation in the initial count of ADM in the 2012-2013 school year; and

(B) enrolled in and attending full-day kindergarten on the count date on which the current ADM is determined.

(e) A school corporation or charter school that applies for a grant for full-day kindergarten may not charge a fee for enrolling in or attending full-day kindergarten in the school year beginning July 1, 2012, and ending June 30, 2013.

(f) This SECTION expires July 1, 2013.

SECTION 67. [EFFECTIVE UPON PASSAGE] **(a) There is appropriated to the supplemental state fair relief fund (IC 34-13-8-9) six million dollars ($6,000,000) from the state general fund for its use in carrying out the purposes of the fund.**

(b) Notwithstanding any other law, not later than April 1, 2012, the budget agency shall transfer six million dollars ($6,000,000) from the state general fund to the supplemental state fair relief fund.

(c) This SECTION expires June 30, 2013.

SECTION 68. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "commission" refers to the select commission on education established under subsection (b).**

(b) The select commission on education is established with the following members:

(1) The members of the senate education and career development committee.

(2) The members of the house education committee.

The chairpersons of the senate education and career development committee and the house education committee shall serve as co-chairpersons of the committee.

(c) The committee shall study and evaluate the following issues:

(1) The process of adoption and content of rules adopted by the Indiana state board of education concerning categories or designations of school improvement under IC 20-31-8, including the matrices used for the A-F designations.

(2) Proposed rules, adopted rules, and policies of the department of education and the Indiana state board of education to implement the provisions of P.L.90-2011, concerning teacher evaluations and licensing.

(3) Any other issue that the legislative council or commission considers necessary.

(d) Beginning on or after April 1, 2012, the committee shall meet at least five (5) times before November 30, 2012. The committee shall operate under the legislative council's rules and guidelines for interim study committees.

(e) The committee shall submit the committee's report not later than December 1, 2012.

(f) This SECTION expires December 31, 2012.

SECTION 69. **An emergency is declared for this act.**

(Reference is to EHB 1376 as reprinted February 28, 2012.)

ESPICH	KENLEY
TURNER	TALLIAN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1280–1; filed March 9, 2012, at 11:57 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1280 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 2.5. Regulation of Intrastate Commerce

Sec. 1. This chapter applies to all:

(1) goods grown, manufactured, or made; and

(2) services performed;

in Indiana after July 1, 2012.

Sec. 2. The general assembly declares the following:

(1) The Tenth Amendment to the Constitution of the United States provides that the only powers that the federal government may exercise are those that have been delegated to the federal government in the Constitution of the United States.

(2) The Ninth Amendment to the Constitution of the United States guarantees to the people rights not enumerated in the Constitution and reserves to the people of Indiana those rights.

(3) Under Article I, Section 8, Clause 3 of the Constitution of the United States, the federal government is empowered to regulate commerce among the several states.

(4) The power to regulate intrastate commerce is reserved to the states or the people under the Ninth and Tenth Amendments to the Constitution of the United States.

(5) During the Constitutional Convention, the founders considered a plan that would have authorized the federal government not only to regulate commerce among the several states, but also to regulate any activity having spillover effects across state lines. The founders rejected this latter idea.

(6) All:

(A) goods grown, manufactured, or made in Indiana; and

(B) services performed in Indiana;

when the goods or services are sold, maintained, and retained in Indiana are not subject to the authority of the Congress of the United States under the constitutional power of Congress to regulate commerce among the several states.

SECTION 2. IC 4-3-22-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. As used in this chapter, "continuous process improvement" means a management methodology that combines tools to improve**

process speed and reduce waste with data driven project analysis to provide products and services with improved quality at lower cost.

SECTION 3. IC 4-3-22-6, AS ADDED BY P.L.246-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The division of government efficiency and financial planning is established within the OMB. The director shall appoint, subject to the approval of the governor, a director of the division, who serves at the pleasure of the director of OMB.

(b) The division shall **do the following:**

(1) Conduct operational and procedural audits of state government.

(2) Perform financial planning **and** design and implement efficiency projects. ~~and~~

(3) Advise and assist:

(A) each instrumentality, agency, authority, board, commission, and officer in the executive department of state government; and

(B) each body corporate and politic established as an instrumentality of the state;

to identify and implement continuous process improvement in state government.

(4) Carry out such other responsibilities as may be designated by the director.

SECTION 4. IC 4-21.5-3-1, AS AMENDED BY P.L.6-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section applies to:

(1) the giving of any notice;

(2) the service of any motion, ruling, order, or other filed item; or

(3) the filing of any document with the ultimate authority; in an administrative proceeding under this article.

(b) Except as provided in subsection (c) or as otherwise provided by law, a person shall serve papers by:

(1) United States mail;

(2) personal service;

(3) electronic mail; or

(4) any other method approved by the Indiana Rules of Trial Procedure.

(c) The following shall be served by United States mail or personal service:

(1) The initial notice of a determination under section ~~4, 5, or~~ 6 of this chapter.

(2) A petition for review of an agency action under section 7 of this chapter.

(3) A complaint under section 8 of this chapter.

(d) The agency shall keep a record of the time, date, and circumstances of the service under subsection (b) or (c).

(e) Service shall be made on a person or on the person's counsel or other authorized representative of record in the proceeding. Service on an artificial person or a person incompetent to receive service shall be made on a person allowed to receive service under the rules governing civil actions in the courts. If an ultimate authority consists of more than one (1) individual, service on that ultimate authority must be made on the chairperson or secretary of the ultimate authority. A document to be filed with that ultimate authority must be filed with the chairperson or secretary of the ultimate authority.

(f) If the current address of a person is not ascertainable, service shall be mailed to the last known address where the person resides or has a principal place of business. If the identity, address, or existence of a person is not ascertainable, or a law other than a rule allows, service shall be made by a single publication in a newspaper of general circulation in:

(1) the county in which the person resides, has a principal place of business, or has property that is the subject of the proceeding; or

(2) Marion County, if the place described in subdivision (1) is not ascertainable or the place described in subdivision (1) is outside Indiana and the person does not have a resident agent or other representative of record in Indiana.

(g) A notice given by publication must include a statement advising a person how the person may receive written notice of the proceedings.

(h) The filing of a document with an ultimate authority is complete on the earliest of the following dates that apply to the filing:

(1) The date on which the document is delivered to the ultimate authority:

(A) under subsection (b) or (c); and

(B) in compliance with subsection (e).

(2) The date of the postmark on the envelope containing the document, if the document is mailed to the ultimate authority by United States mail.

(3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the ultimate authority by private carrier.

SECTION 5. IC 4-22-2-19.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 19.7. An agency, to the extent feasible and permitted by law, shall afford the public a meaningful opportunity to comment on proposed rules through the agency's Internet web site. An agency shall consider providing a comment period that exceeds the minimum required by law.**

SECTION 6. IC 4-22-2-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 22.5. (a) This section applies to a rule that an agency intends to adopt under sections 24 through 36 of this chapter.**

(b) Each agency shall maintain a current rulemaking docket that is indexed.

(c) A current rulemaking docket must list each pending rulemaking proceeding. The docket must state or contain:

(1) the subject matter of the proposed rule;

(2) notices related to the proposed rule;

(3) how comments may be made;

(4) the time within which comments may be made;

(5) where comments may be inspected;

(6) requests for a public hearing;

(7) appropriate information about a public hearing, if any, including the names of the persons making the request;

(8) a description of relevant scientific and technical findings related to the proposed rule; and

(9) the timetable for action.

(d) The agency shall maintain the rulemaking docket on the agency's Internet web site. The information must be in an open format that can be easily searched and downloaded. Access to the docket shall, to the extent feasible and permitted by law, provide an opportunity for public comment on the pertinent parts of the rulemaking docket, including relevant scientific and technical findings. Upon request, the agency shall provide a written rulemaking docket.

SECTION 7. IC 4-22-2-23, AS AMENDED BY P.L.215-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) This section does not apply to rules adopted under IC 4-22-2-37.1.

(b) At least twenty-eight (28) days before an agency notifies the public of the agency's intention to adopt a rule under section

24 of this chapter, the agency shall notify the public of its intention to adopt a rule by publishing a notice of intent to adopt a rule in the Indiana Register. The publication notice must include an overview of the intent and scope of the proposed rule and the statutory authority for the rule.

(c) The requirement to publish a notice of intent to adopt a rule under subsection (b) does not apply to rulemaking under IC 13-14-9.

(d) In addition to the procedures required by this article, an agency may solicit comments from the public on the need for a rule, the drafting of a rule, or any other subject related to a rulemaking action, **including members of the public who are likely to be affected because they are the subject of the potential rulemaking or are likely to benefit from the potential rulemaking.** The procedures that the agency may use include the holding of conferences and the inviting of written suggestions, facts, arguments, or views.

(e) The agency shall prepare a written response that contains a summary of the comments received during any part of the rulemaking process. The written response is a public document. The agency shall make the written response available to interested parties upon request.

SECTION 8. IC 4-22-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 10. Document Drafting Standards

Sec. 1. As used in this chapter, "agency" has the meaning set forth in IC 4-22-2-3.

Sec. 2. As used in this chapter, "covered document" means any document that:

(1) is necessary for obtaining any benefit or service administered or provided by an agency, or for filing taxes with an agency;

(2) provides information about any state benefit or service; or

(3) explains to the public how to comply with a requirement an agency administers or enforces.

The term includes (whether in paper or electronic form) a letter, publication, form, notice, or instruction. The term does not include a rule subject to the format, numbering system, standards, and techniques established under IC 4-22-2-42.

Sec. 3. As used in this chapter, "plain writing" means writing that is clear, concise, and well-organized, and follows other best practices appropriate to the subject or field and intended audience.

Sec. 4. An agency shall use plain writing in every covered document that the agency issues or substantially revises.

Sec. 5. An agency must be fully in compliance with this chapter after September 30, 2013.

SECTION 9. IC 8-1-34-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24.5. (a) This section applies to any unit that receives franchise fees paid to the unit under:**

(1) a certificate issued by the commission under this chapter; or

(2) an unexpired local franchise issued by the unit before July 1, 2006;

with respect to a particular calendar year.

(b) For each calendar year, beginning with the calendar year ending December 31, 2012, each unit to which this section applies shall submit to the commission, on a form or in the manner prescribed by the commission, a report that includes the following information for each certificate or local franchise in effect in the unit during the calendar year for which the report is submitted:

(1) The amount of franchise fees paid to the unit under the certificate or local franchise.

(2) The account of the unit into which the franchise fees identified under subdivision (1) were deposited.

(3) The purposes for which any franchise fees received by the unit during:

(A) the calendar year for which the report is submitted; or

(B) a previous calendar year;

were used or spent by the unit during the calendar year for which the report is submitted.

(4) Any other information or data concerning the receipt and use of franchise fees that the commission considers appropriate.

(c) The commission shall prescribe the form of the report and the process, deadlines, and other requirements for submitting the report required under this section.

(d) Upon receiving the annual reports required under this section, the commission shall compile and organize the data and information contained in the reports. The commission shall include a summary of the data and information contained in the reports in the commission's annual report on the communications industry provided to the regulatory flexibility committee established by IC 8-1-2.6-4. However, this subsection does not empower the commission to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

(e) The commission may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this section. An emergency rule adopted by the commission under IC 4-22-2-37.1 expires on the date a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36 and not ninety (90) days after the rule is accepted for filing as provided in IC 4-22-2-37.1(g). However, any emergency rules adopted by the commission under this subsection must take effect by a date that enables a unit subject to this section to comply with this section with respect to the calendar year ending December 31, 2012.

SECTION 10. IC 25-26-13-17, AS AMENDED BY SEA 407-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) The board shall establish classes of pharmacy permits as follows:

~~Type~~ **Category** I. A retail permit for a pharmacy that provides pharmaceutical care to the general public by the dispensing of a drug or device.

~~Type~~ **Category** II. An institutional permit for hospitals, clinics, health care facilities, sanitariums, nursing homes, or dispensaries that offer pharmaceutical care by dispensing a drug product to an inpatient under a drug order or to an outpatient of the institution under a prescription.

~~Type~~ **Category** III. A permit for a pharmacy ~~that is not:~~

~~(A) open to the general public; or~~

~~(B) located in an institution listed under a Type II permit;~~

~~and provides pharmaceutical care to a patient who is located in an institution or in the patient's home.~~

~~Type IV. A permit for a pharmacy not open to the general public that provides pharmaceutical care by dispensing drugs and devices to patients exclusively through the United States Postal Services or other parcel delivery service.~~

~~Type V. A permit for a pharmacy that engages exclusively in the preparation and dispensing of diagnostic or therapeutic radioactive drugs.~~

~~Type VI. A permit for a pharmacy open to the general public that provides pharmaceutical care by engaging in~~

~~an activity under a Type I or Type III permit. A pharmacy that obtains a Type VI permit may provide services to:~~

~~(A) a home health care patient;~~

~~(B) a long term care facility; or~~

~~(C) a member of the general public.~~ **that provides closed door, central fill, mail order, or other processing operations that are not open to the general public but include:**

(A) traditional pharmacy functions; or

(B) nontraditional pharmacy functions, such as infusion, nuclear pharmacy, or sterile compounding.

(b) The board may approve a remote or mobile location for Category I, II, or III permits. Pharmacy practice in a mobile or remote location may include, but is not limited to, telepharmacy, automated dispensing, or delivery of cognitive services.

~~(b)~~ **(c)** A hospital **or hospital system** holding a ~~Type~~ **Category** II permit may offer drugs or devices:

(1) to:

(A) an employee, student, or volunteer of the hospital **or hospital system;**

(B) a retiree who is participating in a retirement, pension, or benefit program administered by the hospital **or hospital system;**

(C) an independent contractor who has an exclusive relationship with the hospital **or hospital system;**

(D) a member of the hospital's **or hospital system's** governing board; or

(E) a member of the hospital's **or hospital system's** medical staff; and

(2) to dependents of the individuals listed in subdivision (1);

for their own use.

~~(c) Nothing in this section prohibits a pharmacy holding a permit other than a Type IV permit from delivering drugs or devices through mail, parcel delivery, or hand delivery.~~

(d) Hospitals holding a ~~Type~~ **Category** II permit may operate remote locations within a reasonable distance of the licensed area, as determined by the board, after:

(1) filing an application on a form prepared by the board;

(2) having each location inspected by the board; and

(3) obtaining approval from the board.

(e) Any applicable rule governing the practice of pharmacy in Indiana shall apply to all permits under this section.

(f) After June 30, 2012, a person with:

(1) a Type I permit shall be treated as holding a Category I permit;

(2) a Type II permit shall be treated as holding a Category II permit; and

(3) a Type III, IV, V, or VI permit shall be treated as holding a Category III permit.

The change in the name of the permit does not change the expiration date of the permit.

(g) After June 30, 2012, a reference in any rule or other document to:

(1) a Type I permit shall be treated as a reference to a Category I permit;

(2) a Type II permit shall be treated as a reference to a Category II permit; or

(3) a Type III, IV, V, or VI permit shall be treated as a reference to a Category III permit.

SECTION 11. IC 25-26-13-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) A pharmacy holding a ~~Type~~ **Category** I or ~~Type VI~~ **Category III** permit may be open to the general public without a pharmacist on duty if the following conditions are met:

(1) Approval is obtained from the board.

(2) All legend drugs and other merchandise that can only be dispensed by a pharmacist are securely locked or secured by an alternative system approved by the board when the pharmacist is absent.

(3) During the pharmacist's absence, a sign at least twenty (20) inches by thirty (30) inches is prominently displayed in the prescription department stating: "Prescription Department Closed, No Pharmacist on Duty".

(4) Only a pharmacist has access to the secured area.

(b) The board may revoke or limit a pharmacy's privilege under this section after a hearing under IC 4-21.5-3.

SECTION 12. IC 25-26-13-20, AS AMENDED BY P.L.98-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) A person desiring to open, establish, operate, or maintain a pharmacy shall apply to the board for a pharmacy permit on a form provided by the board. The applicant shall set forth:

(1) the name and occupation of the persons desiring the permit;

(2) the location, including street address and city, of the pharmacy;

(3) the name of the pharmacist who will qualify the pharmacy by being responsible to the board for the legal operation of the pharmacy under the permit; and

(4) such other information as the board may require.

(b) If the applicant desires to open, establish, operate, or maintain more than one (1) pharmacy, ~~he~~ **the applicant** must file a separate application for each. Each pharmacy must be qualified by a different pharmacist.

(c) The board shall permit a pharmacist to serve as a qualifying pharmacist for more than one (1) pharmacy holding a ~~Type~~ **Category** II pharmacy permit upon the holder of the ~~Type~~ **Category** II permit showing circumstances establishing that:

(1) the permit holder has made a reasonable effort, without success, to obtain a qualifying pharmacist who is not serving as a qualifying pharmacist at another ~~Type~~ **Category** II pharmacy; and

(2) the single pharmacist could effectively fulfill all duties and responsibilities of the qualifying pharmacist at both locations.

(d) The board shall grant or deny an application for a permit not later than one hundred twenty (120) days after the application and any additional information required by the board are submitted.

(e) The board may not issue a pharmacy permit to a person who desires to operate the pharmacy out of a residence.

SECTION 13. IC 25-26-13-25, AS AMENDED BY P.L.174-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) All original prescriptions, whether in written or electronic format, shall be numbered and maintained in numerical and chronological order, or in a manner approved by the board and accessible for at least two (2) years in the pharmacy. A prescription transmitted from a practitioner by means of communication other than writing must immediately be reduced to writing or recorded in an electronic format by the pharmacist. The files shall be open for inspection to any member of the board or **it's the board's** duly authorized agent or representative.

(b) A prescription may be electronically transmitted from the practitioner by computer or another electronic device to a pharmacy that is licensed under this article or any other state or territory. An electronic data intermediary that is approved by the board:

(1) may transmit the prescription information between the prescribing practitioner and the pharmacy;

(2) may archive copies of the electronic information related to the transmissions as necessary for auditing and

security purposes; and

(3) must maintain patient privacy and confidentiality of all archived information as required by applicable state and federal laws.

(c) Except as provided in subsection (d), a prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may not be refilled without written, electronically transmitted, or oral authorization of a licensed practitioner.

(d) A prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may be refilled by a pharmacist one (1) time without the written, electronically transmitted, or oral authorization of a licensed practitioner if all of the following conditions are met:

(1) The pharmacist has made every reasonable effort to contact the original prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(2) The pharmacist believes that, under the circumstances, failure to provide a refill would be seriously detrimental to the patient's health.

(3) The original prescription authorized a refill but a refill would otherwise be invalid for either of the following reasons:

(A) All of the authorized refills have been dispensed.

(B) The prescription has expired under subsection (g).

(4) The prescription for which the patient requests the refill was:

(A) originally filled at the pharmacy where the request for a refill is received and the prescription has not been transferred for refills to another pharmacy at any time; or

(B) filled at or transferred to another location of the same pharmacy or its affiliate owned by the same parent corporation if the pharmacy filling the prescription has full access to prescription and patient profile information that is simultaneously and continuously updated on the parent corporation's information system.

(5) The drug is prescribed for continuous and uninterrupted use and the pharmacist determines that the drug is being taken properly in accordance with IC 25-26-16.

(6) The pharmacist shall document the following information regarding the refill:

(A) The information required for any refill dispensed under subsection (e).

(B) The dates and times that the pharmacist attempted to contact the prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(C) The fact that the pharmacist dispensed the refill without the authorization of a licensed practitioner.

(7) The pharmacist notifies the original prescribing practitioner of the refill and the reason for the refill by the practitioner's next business day after the refill has been made by the pharmacist.

(8) Any pharmacist initiated refill under this subsection may not be for more than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day. However, a pharmacist may dispense a drug in an amount greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day if:

(A) the drug is packaged in a form that requires the pharmacist to dispense the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day; or

(B) the pharmacist documents in the patient's record the amount of the drug dispensed and a compelling reason for dispensing the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day.

(9) Not more than one (1) pharmacist initiated refill is dispensed under this subsection for a single prescription.

(10) The drug prescribed is not a controlled substance.

A pharmacist may not refill a prescription under this subsection if the practitioner has designated on the prescription form the words "No Emergency Refill".

(e) When refilling a prescription, the refill record shall include:

(1) the date of the refill;

(2) the quantity dispensed if other than the original quantity; and

(3) the dispenser's identity on:

(A) the original prescription form; or

(B) another board approved, uniformly maintained, readily retrievable record.

(f) The original prescription form or the other board approved record described in subsection (e) must indicate by the number of the original prescription the following information:

(1) The name and dosage form of the drug.

(2) The date of each refill.

(3) The quantity dispensed.

(4) The identity of the pharmacist who dispensed the refill.

(5) The total number of refills for that prescription.

(g) A prescription is valid for not more than one (1) year after the original date of issue.

(h) A pharmacist may not knowingly dispense a prescription after the demise of the practitioner, unless in the pharmacist's professional judgment it is in the best interest of the patient's health.

(i) A pharmacist may not knowingly dispense a prescription after the demise of the patient.

(j) A pharmacist or a pharmacy shall not resell, reuse, or redistribute a medication that is returned to the pharmacy after being dispensed unless the medication:

(1) was dispensed to an individual:

(A) residing in an institutional facility (as defined in 856 IAC 1-28.1-1(6));

(B) in a hospice program under IC 16-25; or

(C) in a county jail or department of correction facility;

(2) was properly stored and securely maintained according to sound pharmacy practices;

(3) is returned unopened and:

(A) was dispensed in the manufacturer's original:

(i) bulk, multiple dose container with an unbroken tamper resistant seal; or

(ii) unit dose package; or

(B) was packaged by the dispensing pharmacy in a:

(i) multiple dose blister container; or

(ii) unit dose package;

(4) was dispensed by the same pharmacy as the pharmacy accepting the return;

(5) is not expired; and

(6) is not a controlled substance (as defined in IC 35-48-1-9), unless the pharmacy holds a ~~Type~~ **Category** II permit (as described in section 17 of this chapter).

(k) A pharmacist or a pharmacy shall not resell, reuse, or redistribute medical devices or medical supplies used for prescription drug therapy that have been returned to the pharmacy after being dispensed unless the medical devices or medical supplies:

(1) were dispensed to an individual in a county jail or department of correction facility;
(2) are not expired; and
(3) are returned unopened and in the original sealed packaging.

(l) A pharmacist may use the pharmacist's professional judgment as to whether to accept medication for return under this section.

(m) A pharmacist who violates subsection (d) commits a Class A infraction.

SECTION 14. IC 35-48-7-8.1, AS AMENDED BY P.L.42-2011, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8.1. (a) The board shall provide for a controlled substance prescription monitoring program that includes the following components:

(1) Each time a controlled substance designated by the board under IC 35-48-2-5 through IC 35-48-2-10 is dispensed, the dispenser shall transmit to the INSPECT program the following information:
(A) The controlled substance recipient's name.
(B) The controlled substance recipient's or the recipient representative's identification number or the identification number or phrase designated by the INSPECT program.
(C) The controlled substance recipient's date of birth.
(D) The national drug code number of the controlled substance dispensed.
(E) The date the controlled substance is dispensed.
(F) The quantity of the controlled substance dispensed.
(G) The number of days of supply dispensed.
(H) The dispenser's United States Drug Enforcement Agency registration number.
(I) The prescriber's United States Drug Enforcement Agency registration number.
(J) An indication as to whether the prescription was transmitted to the pharmacist orally or in writing.
(K) Other data required by the board.

(2) The information required to be transmitted under this section must be transmitted not more than seven (7) days after the date on which a controlled substance is dispensed.

(3) A dispenser shall transmit the information required under this section by:
(A) uploading to the INSPECT web site;
(B) a computer diskette; or
(C) a CD-ROM disk;
that meets specifications prescribed by the board.

(4) The board may require that prescriptions for controlled substances be written on a one (1) part form that cannot be duplicated. However, the board may not apply such a requirement to prescriptions filled at a pharmacy with a ~~Type~~ **Category** II permit (as described in IC 25-26-13-17) and operated by a hospital licensed under IC 16-21, or prescriptions ordered for and dispensed to bona fide enrolled patients in facilities licensed under IC 16-28. The board may not require multiple copy prescription forms for any prescriptions written. The board may not require different prescription forms for any individual drug or group of drugs. Prescription forms required under this subdivision must be approved by the Indiana board of pharmacy established by IC 25-26-13-3.

(5) The costs of the program.

(b) This subsection applies only to a retail pharmacy. A pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance may not dispense a controlled substance to a person who is not personally known to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance unless the person taking possession of the controlled substance provides documented proof of the person's identification to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance.

SECTION 15. **An emergency is declared for this act.**

(Reference is to EHB 1280 as reprinted February 28, 2012.)

KOCH	HERSHMAN
TORR	STEELE
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1005, 1033, 1040, 1080, 1092, 1123, 1134, 1169, 1186, 1192, 1196, 1237, 1258, 1279, 1325, and 1360 and Senate Enrolled Acts 15, 18, 22, 52, 97, 107, 176, and 298 on March 9.

The House recessed until the fall of the gavel.

RECESS

[*Journal Clerk's Note: During the recess, the hour reached midnight. The calendar day of March 9 ended and the day of March 10 began.*]

Journal of the House

State of Indiana

117th General Assembly Second Regular Session

Thirty-eighth Day **Saturday Morning** **March 10, 2012**

[*Journal Clerk's Note: When the hour reached midnight, the House was in recess.*]

The House reconvened at 12:43 a.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bills 1003, 1072, 1189, and 1195.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 257, 262, and 345.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1002.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill1149.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1200.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 287.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(c) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 175:

Conferees: Landske replacing Lanane

JENNIFER L. MERTZ
Principal Secretary of the Senate

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1200 because it conflicts with SEA 52-2012 without properly recognizing the existence of SEA 52-2012, has had Engrossed House Bill 1200 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1200 be corrected as follows:

In the conference committee report on EHB 1200, page 7, delete lines 49 through 50, begin a new paragraph and insert:

"SECTION 4. IC 16-41-6-1, AS AMENDED BY SEA 52-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this section, "physician's authorized representative" means:

(1) an advanced practice nurse (as defined by IC 25-23-1-1(b)) who is operating in collaboration with a licensed physician; or

(2) an individual acting under the supervision of a licensed physician and within the individual's scope of employment.

(b) If a physician or the physician's authorized representative determines that it is medically necessary to conduct an HIV test on an individual under the care of a physician, the physician or physician's authorized representative may order the test if the physician or the physician's authorized representative:

(1) informs the patient of the test;

(2) provides an explanation of the test; and

(3) informs the patient of the patient's right to refuse the test.

Subject to subsection (d), if the patient refuses the test, the physician or the physician's authorized representative may not perform the test and shall document the patient's refusal in the patient's medical record.

(c) After ordering an HIV test for a patient, the physician or the physician's authorized representative shall:

(1) discuss with the patient the availability of counseling concerning the test results; and

(2) notify the patient of the test results.

If a test conducted under this section indicates that a patient is HIV infected, in addition to the requirements set forth in IC 16-41-2, the physician or the physician's authorized representative shall inform the patient of treatment and referral options available to the patient.

(d) A physician or a physician's authorized representative may order an HIV test to be performed without informing the patient or the patient's representative (as defined in IC 16-36-1-2) of the test or regardless of the patient's or the patient's representative's refusal of the HIV test if any of the

following conditions apply:

(1) If ordered by a physician, consent can be implied due to emergency circumstances and the test is medically necessary to diagnose or treat the patient's condition.

(2) Under a court order based on clear and convincing evidence of a serious and present health threat to others posed by an individual. A hearing held under this subdivision shall be held in camera at the request of the individual.

(3) If the test is done on blood collected or tested anonymously as part of an epidemiologic survey under IC 16-41-2-3 or IC 16-41-17-10(a)(5).

(4) The test is ordered under section 4 of this chapter.

(5) The test is required or authorized under IC 11-10-3-2.5.

(6) The individual upon whom the test will be performed is described in IC 16-41-8-6 or IC 16-41-10-2.5.

(7) A court has ordered the individual to undergo testing for HIV under IC 35-38-1-10.5(a) or ~~IC 35-38-2-2.3(a)(16).~~ **IC 35-38-2-2.3(a)(17).**

(8) Both of the following are met:

(A) The individual is not capable of providing consent and an authorized representative of the individual is not immediately available to provide consent or refusal of the test.

(B) A health care provider acting within the scope of the health care provider's employment comes into contact with the blood or body fluids of the individual in a manner that has been epidemiologically demonstrated to transmit HIV.

(e) The state department shall make HIV testing and treatment information from the federal Centers for Disease Control and Prevention available to health care providers.

(f) The state department may adopt rules under IC 4-22-2 necessary to implement this section.".

In the conference committee report on EHB 1200, page 8, delete lines 1 through 27.

(Reference is to EHB 1200 as printed February 17, 2012, as amended by the Conference Committee Report to EHB 1200.)

TORR, Chair
AUSTIN, R.M.M.
FOLEY, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 26 because it conflicts with HEA 1196-2012 and SEA 262 without properly recognizing the existence of HEA 1196-2012 or SEA 262, has had Engrossed Senate Bill 26 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 26 be corrected as follows:

In the conference committee report on ESB 26, page 52, line 9, delete "**35-44-3-5).**" and insert "**35-44.1-3-4).**".

In the conference committee report on ESB 26, page 88, delete lines 48 through 50, begin a new paragraph and insert:

"SECTION 131. IC 35-41-1-26.3, AS AMENDED BY HEA 1196-2012, SECTION 11, IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26.3. "Synthetic drug" means:~~

~~(1) a substance containing one (1) or more of the following chemical compounds, including an analog of the compound:~~

~~(A) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).~~

~~(B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).~~

~~(C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).~~

~~(D) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).~~

~~(E) JWH-081 (4-methoxynaphthalen- 1-yl-(1-pentylindol- 3-yl)methanone).~~

~~(F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).~~

~~(G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).~~

~~(H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).~~

~~(I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).~~

~~(J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).~~

~~(K) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).~~

~~(L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).~~

~~(M) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan- 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).~~

~~(N) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).~~

~~(O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5- (2-methyloctan-2-yl)phenol).~~

~~(P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2 -yl) phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.~~

~~(Q) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin-6-yl]-1-napthalenylmethanone).~~

~~(R) RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).~~

~~(S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).~~

~~(T) 4-Methylmethcathinone. Other name: mephedrone.~~

~~(U) 3,4-Methylenedioxymethcathinone. Other name: methylone.~~

~~(V) Fluoromethcathinone.~~

~~(W) 4-Methoxymethcathinone. Other name: methedrone.~~

~~(X) 4-Ethylmethcathinone (4-EMC).~~

~~(Y) Methylenedioxypyrovalerone. Other name: MDPV.~~

~~(Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.~~

~~(AA) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.~~

~~(BB) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.~~

~~(CC) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.~~

~~(DD) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole.~~

~~(EE) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.~~

~~(FF) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.~~

~~(GG) CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate.~~
~~(HH) Dimethylheptylpyran, or DMHP.~~
~~(II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.~~
~~(JJ) 6-APB [6-(2-aminopropyl)benzofuran].~~
~~(LL) 7-hydroxymitragynine.~~
~~(MM) α-PPP [α-pyrrolidinopropiophenone].~~
~~(NN) α-PVP (desmethylpyrovalerone).~~
~~(OO) AM-251.~~
~~(PP) AM-1241.~~
~~(QQ) AM-2201.~~
~~(RR) AM-2233.~~
~~(SS) Buphedrone.~~
~~(TT) Butylone.~~
~~(UU) CP-47,497-C7.~~
~~(VV) CP-47,497-C8.~~
~~(WW) Desoxypipradol.~~
~~(XX) Ethylone.~~
~~(YY) Eutylone.~~
~~(ZZ) Flephedrone.~~
~~(AAA) JWH-011.~~
~~(BBB) JWH-020.~~
~~(CCC) JWH-022.~~
~~(DDD) JWH-030.~~
~~(EEE) JWH-182.~~
~~(FFF) JWH-302.~~
~~(GGG) MDAI [5,6-methylenedioxy-2-aminoindane].~~
~~(HHH) Mitragynine.~~
~~(III) Naphyrone.~~
~~(JJJ) Pentedrone.~~
~~(LLL) Pentylone.~~
~~(MMM) Methoxetamine [2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone].~~

~~(2) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(3) Any compound structurally derived from 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(4) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(5) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.~~

~~(6) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent.~~

~~(7) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.~~

~~(8) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:~~

~~(A) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;~~

~~(B) by substitution at the 3-position with an acyclic alkyl substituent;~~

~~(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or~~

~~(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.~~

~~(9) Any compound determined to be a synthetic drug by rule adopted under IC 25-26-13-4.1.~~".

In the conference committee report on ESB 26, delete pages 89 through 91.

In the conference committee report on ESB 26, page 92, delete line 1.

In the conference committee report on ESB 26, page 102, delete lines 34 through 50, begin a new paragraph and insert:

"SECTION 145. IC 35-50-5-1.1, AS AMENDED BY SEA 262-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is convicted of a misdemeanor under IC 35-44.1-1, the court may include in the sentence an order rendering the person incapable of holding a public office of trust or profit for a fixed period of not more than ten (10) years.

(b) If any officer of a governmental entity is convicted of a misdemeanor under IC 35-44.1-1, the court may enter an order removing the officer from office.

(c) This subsection applies whenever:

(1) the court enters an order under this section that applies to a person who is an officer of a governmental entity (as defined in ~~IC 35-41-1-12)~~; **IC 35-31.5-2-144);** and

(2) a vacancy occurs in the office held by the person as the result of the court's order.

The court must file a certified copy of the order with the person who is entitled under IC 5-8-6 to receive notice of the death of an individual holding the office. The person receiving the copy of the order must give notice of the order in the same manner as if the person had received a notice of the death of the officeholder under IC 5-8-6. The person required or permitted to fill the vacancy that results from a removal under this section must comply with IC 3-13 or IC 20, whichever applies, to fill the vacancy.".

In the conference committee report on ESB 26, page 103, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

(Reference is to ESB 26 as printed February 14, 2012, as amended by the Conference Committee Report to ESB 26.)

TORR, Chair
AUSTIN, R.M.M.
FOLEY, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 262 because it conflicts with, SEA 257-2012 and HEA 1258-2012 without properly recognizing the existence of SEA 257-2012 or HEA 1258-2012, has had Engrossed Senate Bill 262 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 262 be corrected as follows:

In the conference committee report for ESB 262, page 21, line 14, after "IC 11-12-3.7-6" insert ", AS AMENDED BY SEA 257-2012, SECTION 400,".

In the conference committee report for ESB 262, page 21, line 43, delete "motor".

In the conference committee report for ESB 262, page 32, line 4, delete "P.L.3-2008," and insert "SEA 257-2012, SECTION 404,".

In the conference committee report for ESB 262, page 32, line 5, delete 'SECTION 240,".

In the conference committee report for ESB 262, page 32, line 31, delete "motor".

In the conference committee report for ESB 262, page 60, delete lines 32 through 51, begin a new paragraph and insert:

"SECTION 56. IC 35-45-6-1, AS AMENDED BY HEA 1258-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

(1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.
(2) A violation of IC 35-45-9.
(3) A violation of IC 35-47.
(4) A violation of IC 35-49-3.
(5) Murder (IC 35-42-1-1).
(6) Battery as a Class C felony (IC 35-42-2-1).
(7) Kidnapping (IC 35-42-3-2).
(8) Human and sexual trafficking crimes (IC 35-42-3.5).
(9) Child exploitation (IC 35-42-4-4).
(10) Robbery (IC 35-42-5-1).
(11) Carjacking (IC 35-42-5-2).
(12) Arson (IC 35-43-1-1).
(13) Burglary (IC 35-43-2-1).
(14) Theft (IC 35-43-4-2).
(15) Receiving stolen property (IC 35-43-4-2).
(16) Forgery (IC 35-43-5-2).
(17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
(18) Bribery ~~(IC 35-44-1-1).~~ **IC 35-44.1-1-2).**
(19) Official misconduct ~~(IC 35-44-1-2).~~ **IC 35-44.1-1-1).**
(20) Conflict of interest ~~(IC 35-44-1-3).~~ **IC 35-44.1-1-4).**
(21) Perjury ~~(IC 35-44-2-1).~~ **(IC 35-44.1-2-1).**
(22) Obstruction of justice ~~(IC 35-44-3-4).~~ **(IC 35-44.1-2-2).**
(23) Intimidation (IC 35-45-2-1).
(24) Promoting prostitution (IC 35-45-4-4).
(25) Professional gambling (IC 35-45-5-3).
(26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).
(27) Promoting professional gambling (IC 35-45-5-4).
(28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(29) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).
(30) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(31) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(33) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).
(34) Money laundering (IC 35-45-15-5).
(35) A violation of IC 35-47.5-5.
(36) A violation of any of the following:
(A) IC 23-14-48-9.
(B) IC 30-2-9-7(b).
(C) IC 30-2-10-9(b).
(D) IC 30-2-13-38(f).
(37) Practice of law by a person who is not an attorney (IC 33-43-2-1).".

In the conference committee report for ESB 262, delete page 61.

In the conference committee report for ESB 262, page 62, delete line 1.

In the conference committee report for ESB 262, page 64, line 4, delete "P.L.126-2008," and insert "SEA 257-2012,".

In the conference committee report for ESB 262, page 64, line 5, delete "12," and insert "416,".

In the conference committee report for ESB 262, page 64, line 24, delete "motor".

In the conference committee report for ESB 262, page 64, line 26, delete "motor".

(Reference is to ESB 262 as printed February 17, 2012, as amended by the Conference Committee Report for ESB 262.)

TORR, Chair
AUSTIN, R.M.M.
STEUERWALD, Sponsor

Report adopted.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and

recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012; we further recommend that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 30 minutes, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1269–1, 1280–1, and 1376–1 and Engrossed Senate Bill 345–1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2012, and that House Rule 164.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 30 minutes, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1269–1, 1280–1, and 1376–1 and Engrossed Senate Bill 345–1.

TORR, Chair

Motion prevailed.

The Speaker yielded the gavel to Representative Grubb.

Engrossed House Bill 1269–1

The conference committee report was reread

HOUSE MOTION

Mr. Speaker: I move that Conference Committee Report–1 on Engrossed House Bill 1269 be tabled.

DeLANEY

Upon request of Representatives DeLaney and Austin, the Speaker ordered the roll of the House to be called. Roll Call 418: yeas 38, nays 57. Motion failed

The question than was on conference committee report 1. Roll Call 419: yeas 58, nays 36. Report adopted.

The Acting Speaker yielded the gavel to the Speaker.

Engrossed House Bill 1280–1

The conference committee report was reread. Roll Call 420: yeas 66, nays 27. Report adopted.

Engrossed Senate Bill 345–1

The conference committee report was reread. Roll Call 421: yeas 62, nays 32. Report adopted.

Representatives Pelath and Pflum were excused.

Engrossed House Bill 1376–1

The conference committee report was reread. Roll Call 422: yeas 76, nays 17. Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bills 1269, 1280, and 1376.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bill 175.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 26.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 262.

JENNIFER L. MERTZ
Principal Secretary of the Senate

ADJOURNMENT OF THE SECOND REGULAR SESSION

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following committee report:

Your committee appointed to ascertain whether the House of Representatives has any further legislative business to transact hereby reports that your Committee has conferred with the House of Representatives and the House of Representatives has no further business to transact with the Senate.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following committee report:

Your committee appointed to confer with the Governor to ascertain whether or not he has any further communications to make to the Senate hereby reports that your Committee has waited upon the Governor and that the Governor has no further communications to make to the Senate.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adjourned the Second Regular Session of the 117th Indiana General Assembly *sine die* on the tenth day of March at 1:22 a.m.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that all requests for interim studies, including those made by resolution, bills which failed to pass both Houses of the General Assembly, or written or oral requests to the Speaker of the House are hereby referred to the Legislative Council for further consideration as it deems necessary or appropriate.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Senate for the

purpose of ascertaining if the Senate has any further legislative business to transact with the House of Representatives.

TORR

Motion prevailed. The Speaker appointed Representatives Richardson, Friend, Stevenson, and Reske.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to ascertain if the Senate has further legislative business to transact with the House of Representatives has performed the duties assigned to them. The committee reports that the Senate has no further legislative business to transact with the House of Representatives.

RICHARDSON STEVENSON
FRIEND RESKE

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Governor for the purpose of ascertaining if the Governor has any further communication to make to the House of Representatives.

TORR

Motion prevailed. The Speaker appointed Representatives Turner, Yarde, Grubb, and C. Fry.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to ascertain if the Governor has further legislative business to transact with the House of Representatives has performed the duties assigned to them. The committee reports that the Governor has no further business with the House of Representatives.

TURNER GRUBB
YARDE C. FRY

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to inform the Senate that the House of Representatives has completed its business and is ready to adjourn.

TORR

Motion prevailed. The Speaker appointed Representatives Knollman, Foley, Day, and Cheatham.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to inform the Senate that the House of Representatives has completed its business and is ready to adjourn has performed the duties assigned to them. The committee reports that they have informed the Senate that the House of Representatives has completed its business and is ready to adjourn.

KNOLLMAN DAY
FOLEY CHEATHAM

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to inform the Governor that the House of Representatives has completed its business and is ready to adjourn.

TORR

Motion prevailed. The Speaker appointed Representatives Dodge, McClain, Dobis, and Crawford.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to inform the Governor that the House of Representatives has completed its business and is ready to adjourn has performed the duties assigned to them. The committee reports that they have informed the Governor that the House of Representatives has completed its business and is ready to adjourn.

DODGE DOBIS
McCLAIN CRAWFORD

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the House of Representatives of the Second Regular Session of the 117th General Assembly do now adjourn *sine die* at 1:35 a.m., this tenth day of March, 2012.

ESPICH

Motion prevailed; the House adjourned *sine die*.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

MESSAGES RECEIVED AFTER ADJOURNMENT OF THE SECOND REGULAR SESSION

MARCH 13, 2012

The Speaker announced that he had signed House Enrolled Acts 1002, 1003, 1049, 1072, 1126, 1149, 1171, 1189, 1195, 1200, 1205, 1269, 1280, and 1376 and Senate Enrolled Acts 1, 19, 26, 32, 115, 144, 147, 175, 190, 223, 224, 233, 257, 262, 275, 287, 293, 296, 302, 311, 345, and 407.

MARCH 14, 2012

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On March 14, 2012, I signed into law House Enrolled Acts 1059, 1065, 1090, 1116, 1141, and 1216.

MITCHELL E. DANIELS, JR.
Governor

MARCH 15, 2012

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On March 15, 2012, I signed into law House Enrolled Acts 1015, 1033, 1040, 1054, 1080, 1091, 1092, 1163, 1173, 1186, 1196, 1201, 1212, 1226, 1237, 1273, 1283, 1294, and 1312.

MITCHELL E. DANIELS, JR.
Governor

MARCH 16, 2012

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On March 16. 2012, I signed into law House Enrolled Acts 1004, 1117, 1128, 1129, 1207, 1220, 1238, 1247, 1249, 1250, 1264, 1270, 1298, and 1367.

MITCHELL E. DANIELS, JR.
Governor

MARCH 19, 2012

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On March 19, 2012, I signed into law House Enrolled Acts 1002, 1003, 1005, 1049, 1072, 1123, 1126, 1134, 1149, 1169, 1171, 1189, 1192, 1195, 1200, 1205, 1258, 1269, 1279, 1280, 1325, and 1360.

MITCHELL E. DANIELS, JR.
Governor

MARCH 20, 2012

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On March 20, 2012, I signed into law House Enrolled Act 1376.

MITCHELL E. DANIELS, JR.
Governor

954 House

Roll Calls
Roll Call Index

INDIANA HOUSE OF REPRESENTATIVES
117TH GENERAL ASSEMBLY
SECOND REGULAR SESSION
2012

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 7 01-11-12

Roll Call 12: FAILED

HB 1001 Torr
Employee's right to work.
Kersey report
Minority report-2

Yeas:	38
Nays:	60
Excused:	1
N/Voting:	1

VOTING YEA: 38

Austin	DeLaney	Lawson, L	Smith, V
Bardon	Dembowski	Moseley	Stemler
Bartlett	Dobis	Moses	Stevenson
Battles	Fry, C	Niezgodski	Sullivan
Bauer	GiaQuinta	Pelath	Summers
Brown,C	Goodin	Pflum	VanDenburgh
Candelaria Reardon	Grubb	Pierce	Welch
Cheatham	Harris	Porter	White
Crawford	Kersey	Pryor	
Day	Klinker	Riecken	

VOTING NAY: 60

Bacon	Ellspermann	Lehe	Saunders
Baird	Espich	Lehman	Smith, M
Behning	Foley	Leonard	Soliday
Borders	Friend	Lutz	Speedy
Brown, T	Frizzell	Mahan	Steuerwald
Burton	Frye, R	McClain	Thompson
Cherry	Gutwein	McMillin	Torr
Clere	Heaton	McNamara	Truitt
Crouch	Heuer	Messmer	Turner
Culver	Hinkle	Morris	Ubelhor
Davis	Karickhoff	Neese	VanNatter
Davisson	Kirchhofer	Noe	Wesco
Dermody	Knollman	Pond	Wolkins
Dodge	Koch	Rhoads	Yarde
Eberhart	Kubacki	Richardson	Mr. Speaker

EXCUSED FROM VOTING: 1

Dvorak

NOT VOTING: 1

Reske

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 7 01-11-12

Roll Call 13: FAILED

HB 1001 Torr
Employee's report to work.
C. Fry report
Minority report-3

Yeas:	38
Nays:	60
Excused:	1
N/Voting:	1

VOTING YEA: 38

Austin	DeLaney	Lawson, L	Smith, V
Bardon	Dembowski	Moseley	Stemler
Bartlett	Dobis	Moses	Stevenson
Battles	Fry, C	Niezgodski	Sullivan
Bauer	GiaQuinta	Pelath	Summers
Brown,C	Goodin	Pflum	VanDenburgh
Candelaria Reardon	Grubb	Pierce	Welch
Cheatham	Harris	Porter	White
Crawford	Kersey	Pryor	
Day	Klinker	Riecken	

VOTING NAY: 60

Bacon	Ellspermann	Lehe	Saunders
Baird	Espich	Lehman	Smith, M
Behning	Foley	Leonard	Soliday
Borders	Friend	Lutz	Speedy
Brown, T	Frizzell	Mahan	Steuerwald
Burton	Frye, R	McClain	Thompson
Cherry	Gutwein	McMillin	Torr
Clere	Heaton	McNamara	Truitt
Crouch	Heuer	Messmer	Turner
Culver	Hinkle	Morris	Ubelhor
Davis	Karickhoff	Neese	VanNatter
Davisson	Kirchhofer	Noe	Wesco
Dermody	Knollman	Pond	Wolkins
Dodge	Koch	Rhoads	Yarde
Eberhart	Kubacki	Richardson	Mr. Speaker

EXCUSED FROM VOTING: 1

Dvorak

NOT VOTING: 1

Reske

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 7 01-11-12

Roll Call 14: FAILED

HB 1001 Torr
Employee's right to work.
Niezgodski report
Minority report-4

Yeas:	38
Nays:	60
Excused:	1
N/Voting:	1

VOTING YEA: 38

Austin	DeLaney	Lawson, L	Smith, V
Bardon	Dembowski	Moseley	Stemler
Bartlett	Dobis	Moses	Stevenson
Battles	Fry, C	Niezgodski	Sullivan
Bauer	GiaQuinta	Pelath	Summers
Brown,C	Goodin	Pflum	VanDenburgh
Candelaria Reardon	Grubb	Pierce	Welch
Cheatham	Harris	Porter	White
Crawford	Kersey	Pryor	
Day	Klinker	Riecken	

VOTING NAY: 60

Bacon	Ellspermann	Lehe	Saunders
Baird	Espich	Lehman	Smith, M
Behning	Foley	Leonard	Soliday
Borders	Friend	Lutz	Speedy
Brown, T	Frizzell	Mahan	Steuerwald
Burton	Frye, R	McClain	Thompson
Cherry	Gutwein	McMillin	Torr
Clere	Heaton	McNamara	Truitt
Crouch	Heuer	Messmer	Turner
Culver	Hinkle	Morris	Ubelhor
Davis	Karickhoff	Neese	VanNatter
Davisson	Kirchhofer	Noe	Wesco
Dermody	Knollman	Pond	Wolkins
Dodge	Koch	Rhoads	Yarde
Eberhart	Kubacki	Richardson	Mr. Speaker

EXCUSED FROM VOTING: 1

Dvorak

NOT VOTING: 1

Reske

Indiana House of Representatives
117th General Assembly
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MEETING DAY 7 01-11-12

Roll Call 15: FAILED

HB 1001 Torr
Employee's right to work.
Bartlett report
Minority report-5

Yeas:	36
Nays:	60
Excused:	1
N/Voting:	3

VOTING YEA: 36

Austin	Day	Kersey	Riecken
Bardon	DeLaney	Klinker	Smith, V
Bartlett	Dembowski	Moseley	Stemler
Battles	Dobis	Moses	Stevenson
Bauer	Fry, C	Niezgodski	Sullivan
Brown,C	GiaQuinta	Pelath	Summers
Candelaria Reardon	Goodin	Pflum	VanDenburgh
Cheatham	Grubb	Pierce	Welch
Crawford	Harris	Pryor	White

VOTING NAY: 60

Bacon	Ellspermann	Lehe	Saunders
Baird	Espich	Lehman	Smith, M
Behning	Foley	Leonard	Soliday
Borders	Friend	Lutz	Speedy
Brown, T	Frizzell	Mahan	Steuerwald
Burton	Frye, R	McClain	Thompson
Cherry	Gutwein	McMillin	Torr
Clere	Heaton	McNamara	Truitt
Crouch	Heuer	Messmer	Turner
Culver	Hinkle	Morris	Ubelhor
Davis	Karickhoff	Neese	VanNatter
Davisson	Kirchhofer	Noe	Wesco
Dermody	Knollman	Pond	Wolkins
Dodge	Koch	Rhoads	Yarde
Eberhart	Kubacki	Richardson	Mr. Speaker

EXCUSED FROM VOTING: 1

Dvorak

NOT VOTING: 3

Lawson, L Porter Reske

Indiana House of Representatives
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Second Regular Session

MEETING DAY 9 01-13-12

Roll Call 19: FAILED

HB 1091 Friend
Delaney Motion Recommit

Yeas:	32
Nays:	53
Excused:	8
N/Voting:	7

VOTING YEA: 32

Austin	DeLaney	Lawson, L	Reske
Bartlett	Dembowski	Moseley	Riecken
Battles	Dobis	Moses	Stemler
Brown,C	Foley	Pelath	Stevenson
Candelaria Reardon	GiaQuinta	Pflum	Sullivan
Cheatham	Harris	Pierce	VanDenburgh
Crawford	Kersey	Porter	Welch
Day	Klinker	Pryor	White

VOTING NAY: 53

Bacon	Eberhart	Kubacki	Smith, M
Baird	Ellspermann	Lehe	Soliday
Behning	Espich	Lehman	Speedy
Borders	Friend	Leonard	Steuerwald
Brown, T	Frizzell	Lutz	Torr
Burton	Fry, C	Mahan	Truitt
Cherry	Frye, R	McClain	Turner
Clere	Goodin	McNamara	Ubelhor
Crouch	Gutwein	Messmer	VanNatter
Culver	Heaton	Morris	Wesco
Davis	Heuer	Neese	Yarde
Davisson	Karickhoff	Noe	
Dermody	Kirchhofer	Rhoads	
Dodge	Koch	Richardson	

EXCUSED FROM VOTING: 8

Bardon	Grubb	Knollman	Smith, V
Dvorak	Hinkle	Pond	Thompson

NOT VOTING: 7

Bauer	Niezgodski	Summers	Mr. Speaker
McMillin	Saunders	Wolkins	

Indiana House of Representatives
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MEETING DAY 10 01-17-12

Roll Call 21: PASSED

HB 1013 Lehman
Golf carts in unincorporated areas.
3rd Reading

Yeas:	91
Nays:	2
Excused:	4
N/Voting:	3

VOTING YEA: 91

Austin	Dermody	Kubacki	Richardson
Bacon	Dodge	Lawson, L	Riecken
Baird	Dvorak	Lehe	Saunders
Bardon	Eberhart	Lehman	Smith, M
Battles	Ellspermann	Leonard	Smith, V
Bauer	Espich	Lutz	Soliday
Behning	Foley	Mahan	Speedy
Borders	Friend	McClain	Steuerwald
Brown,C	Frye, R	McMillin	Sullivan
Brown, T	GiaQuinta	McNamara	Summers
Burton	Goodin	Messmer	Thompson
Candelaria Reardon	Grubb	Morris	Torr
Cheatham	Gutwein	Moseley	Truitt
Cherry	Harris	Moses	Turner
Clere	Heaton	Neese	Ubelhor
Crawford	Heuer	Niezgodski	VanDenburgh
Crouch	Hinkle	Noe	VanNatter
Culver	Karickhoff	Pelath	Welch
Davis	Kersey	Pflum	Wesco
Davisson	Kirchhofer	Pierce	White
Day	Klinker	Porter	Wolkins
DeLaney	Knollman	Reske	Yarde
Dembowski	Koch	Rhoads	

VOTING NAY: 2

Bartlett	Dobis

EXCUSED FROM VOTING: 4

Frizzell	Fry, C	Pond	Stemler

NOT VOTING: 3

Pryor	Stevenson	Mr. Speaker

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MEETING DAY 10 01-17-12

Roll Call 22: PASSED

HB 1019 Karickhoff
Adoption history information.
3rd Reading

Yeas:	94
Nays:	0
Excused:	4
N/Voting:	2

VOTING YEA: 94

Austin	Dermody	Kubacki	Richardson
Bacon	Dobis	Lawson, L	Riecken
Baird	Dodge	Lehe	Saunders
Bardon	Dvorak	Lehman	Smith, M
Bartlett	Eberhart	Leonard	Smith, V
Battles	Ellspermann	Lutz	Soliday
Bauer	Espich	Mahan	Speedy
Behning	Foley	McClain	Steuerwald
Borders	Friend	McMillin	Sullivan
Brown,C	Frye, R	McNamara	Summers
Brown, T	GiaQuinta	Messmer	Thompson
Burton	Goodin	Morris	Torr
Candelaria Reardon	Grubb	Moseley	Truitt
Cheatham	Gutwein	Moses	Turner
Cherry	Harris	Neese	Ubelhor
Clere	Heaton	Niezgodski	VanDenburgh
Crawford	Heuer	Noe	VanNatter
Crouch	Hinkle	Pelath	Welch
Culver	Karickhoff	Pflum	Wesco
Davis	Kersey	Pierce	White
Davisson	Kirchhofer	Porter	Wolkins
Day	Klinker	Pryor	Yarde
DeLaney	Knollman	Reske	
Dembowski	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Frizzell	Fry, C	Pond	Stemler

NOT VOTING: 2

Stevenson	Mr. Speaker

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MEETING DAY 10 01-17-12

Roll Call 23: PASSED

HB 1029 McMillin
Sale of alcohol on federally owned land.
3rd Reading

Yeas:	94
Nays:	1
Excused:	4
N/Voting:	1

VOTING YEA: 94

Austin	Dermody	Lawson, L	Riecken
Bacon	Dobis	Lehe	Saunders
Baird	Dodge	Lehman	Smith, M
Bardon	Dvorak	Leonard	Smith, V
Bartlett	Eberhart	Lutz	Soliday
Battles	Ellspermann	Mahan	Speedy
Bauer	Espich	McClain	Steuerwald
Behning	Foley	McMillin	Stevenson
Borders	Friend	McNamara	Sullivan
Brown,C	Frye, R	Messmer	Summers
Brown, T	GiaQuinta	Morris	Thompson
Burton	Grubb	Moseley	Torr
Candelaria Reardon	Gutwein	Moses	Truitt
Cheatham	Harris	Neese	Turner
Cherry	Heaton	Niezgodski	Ubelhor
Clere	Heuer	Noe	VanDenburgh
Crawford	Hinkle	Pelath	VanNatter
Crouch	Karickhoff	Pflum	Welch
Culver	Kersey	Pierce	Wesco
Davis	Kirchhofer	Porter	White
Davisson	Klinker	Pryor	Wolkins
Day	Knollman	Reske	Yarde
DeLaney	Koch	Rhoads	
Dembowski	Kubacki	Richardson	

VOTING NAY: 1

Goodin

EXCUSED FROM VOTING: 4

Frizzell	Fry, C	Pond	Stemler

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 10 01-17-12

Roll Call 24: PASSED

HB 1040 Grubb
Immunity for fast responders.
3rd Reading

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Austin	Dermody	Kubacki	Richardson
Bacon	Dobis	Lawson, L	Riecken
Baird	Dodge	Lehe	Saunders
Bardon	Dvorak	Lehman	Smith, M
Bartlett	Eberhart	Leonard	Smith, V
Battles	Ellspermann	Lutz	Soliday
Bauer	Espich	Mahan	Speedy
Behning	Foley	McClain	Steuerwald
Borders	Friend	McMillin	Stevenson
Brown,C	Frye, R	McNamara	Sullivan
Brown, T	GiaQuinta	Messmer	Summers
Burton	Goodin	Morris	Thompson
Candelaria Reardon	Grubb	Moseley	Torr
Cheatham	Gutwein	Moses	Truitt
Cherry	Harris	Neese	Turner
Clere	Heaton	Niezgodski	Ubelhor
Crawford	Heuer	Noe	VanDenburgh
Crouch	Hinkle	Pelath	VanNatter
Culver	Karickhoff	Pflum	Welch
Davis	Kersey	Pierce	Wesco
Davisson	Kirchhofer	Porter	White
Day	Klinker	Pryor	Wolkins
DeLaney	Knollman	Reske	Yarde
Dembowski	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Frizzell	Fry, C	Pond	Stemler

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 10 01-17-12

Roll Call 25: PASSED

HB 1052 R. Frye
Statewide bid for emergency services equipment.
3rd Reading

Yeas: 96
Nays: 0
Excused: 4
N/Voting: 0

VOTING YEA: 96

Austin	Dermody	Kubacki	Richardson
Bacon	Dobis	Lawson, L	Riecken
Baird	Dodge	Lehe	Saunders
Bardon	Dvorak	Lehman	Smith, M
Bartlett	Eberhart	Leonard	Smith, V
Battles	Ellspermann	Lutz	Soliday
Bauer	Espich	Mahan	Speedy
Behning	Foley	McClain	Steuerwald
Borders	Friend	McMillin	Stevenson
Brown,C	Frye, R	McNamara	Sullivan
Brown, T	GiaQuinta	Messmer	Summers
Burton	Goodin	Morris	Thompson
Candelaria Reardon	Grubb	Moseley	Torr
Cheatham	Gutwein	Moses	Truitt
Cherry	Harris	Neese	Turner
Clere	Heaton	Niezgodski	Ubelhor
Crawford	Heuer	Noe	VanDenburgh
Crouch	Hinkle	Pelath	VanNatter
Culver	Karickhoff	Pflum	Welch
Davis	Kersey	Pierce	Wesco
Davisson	Kirchhofer	Porter	White
Day	Klinker	Pryor	Wolkins
DeLaney	Knollman	Reske	Yarde
Dembowski	Koch	Rhoads	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Frizzell	Fry, C	Pond	Stemler

NOT VOTING: NONE

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MEETING DAY 10 01-17-12

Roll Call 26: PASSED

HB 1247 Soliday
Operator's license renewal schedule and fees.
3rd Reading

Yeas: 86
Nays: 8
Excused: 4
N/Voting: 2

VOTING YEA: 86

Austin	Dvorak	Lawson, L	Riecken
Bacon	Eberhart	Lehe	Saunders
Baird	Ellspermann	Lehman	Smith, M
Battles	Espich	Leonard	Soliday
Bauer	Foley	Lutz	Speedy
Behning	Friend	Mahan	Steuerwald
Borders	Frye, R	McClain	Stevenson
Brown, T	GiaQuinta	McMillin	Sullivan
Burton	Goodin	McNamara	Thompson
Cheatham	Grubb	Messmer	Torr
Cherry	Gutwein	Morris	Truitt
Clere	Harris	Moseley	Turner
Crouch	Heaton	Moses	Ubelhor
Culver	Heuer	Neese	VanDenburgh
Davis	Hinkle	Niezgodski	VanNatter
Davisson	Karickhoff	Noe	Welch
Day	Kersey	Pelath	Wesco
DeLaney	Kirchhofer	Pflum	White
Dembowski	Klinker	Pierce	Wolkins
Dermody	Knollman	Reske	Yarde
Dobis	Koch	Rhoads	
Dodge	Kubacki	Richardson	

VOTING NAY: 8

Bartlett	Candelaria Reardon	Porter	Smith, V
Brown,C	Crawford	Pryor	Summers

EXCUSED FROM VOTING: 4

Frizzell	Fry, C	Pond	Stemler

NOT VOTING: 2

Bardon Mr. Speaker

Indiana House of Representatives
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MEETING DAY 13 01-20-12

Roll Call 34: PREVAILED

Mahan
Motion to compel attendance and fine absent members.
Motion

Yeas: 56
Nays: 6
Excused: 8
N/Voting: 30

VOTING YEA: 56

Bacon	Ellspermann	Kubacki	Smith, M
Baird	Espich	Lehe	Soliday
Behning	Foley	Lehman	Speedy
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Thompson
Burton	Frye, R	McClain	Torr
Clere	Gutwein	McMillin	Truitt
Crouch	Heaton	McNamara	Turner
Culver	Heuer	Messmer	Ubelhor
Davis	Hinkle	Morris	VanNatter
Davisson	Karickhoff	Noe	Wesco
Dermody	Kirchhofer	Rhoads	Wolkins
Dodge	Knollman	Richardson	Yarde
Eberhart	Koch	Saunders	Mr. Speaker

VOTING NAY: 6

Bauer	DeLaney	Stemler
Cheatham	Grubb	Welch

EXCUSED FROM VOTING: 8

Bardon	Dvorak	Leonard	Neese
Cherry	Fry, C	Moses	Pond

NOT VOTING: 30

Austin	Dobis	Niezgodski	Smith, V
Bartlett	GiaQuinta	Pelath	Stevenson
Battles	Goodin	Pflum	Sullivan
Brown,C	Harris	Pierce	Summers
Candelaria Reardon	Kersey	Porter	VanDenburgh
Crawford	Klinker	Pryor	White
Day	Lawson, L	Reske	
Dembowski	Moseley	Riecken	

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MEETING DAY 14 01-23-12

Roll Call 36: FAILED

HB 1001 Pelath
Motion to strike the enacting words
Rule 91

Yeas:	39
Nays:	59
Excused:	2
N/Voting:	0

VOTING YEA: 39

Austin	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stemler
Battles	Fry, C	Niezgodski	Stevenson
Bauer	GiaQuinta	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White
Day	Klinker	Reske	

VOTING NAY: 59

Bacon	Ellspermann	Lehe	Smith, M
Baird	Espich	Lehman	Soliday
Behning	Foley	Leonard	Speedy
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Thompson
Burton	Frye, R	McClain	Torr
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davis	Karickhoff	Neese	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	Mr. Speaker
Eberhart	Kubacki	Saunders	

EXCUSED FROM VOTING: 2

Dvorak Pond

NOT VOTING: NONE

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MEETING DAY 14 01-23-12

Roll Call 37: PREVAILED

HB 1001 Torr
Employee's right to work.
Torr amendment
2nd Reading Amend. #56

Yeas:	58
Nays:	40
Excused:	2
N/Voting:	0

VOTING YEA: 58

Bacon	Espich	Lehman	Soliday
Behning	Foley	Leonard	Speedy
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Thompson
Burton	Frye, R	McClain	Torr
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davis	Karickhoff	Neese	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	Mr. Speaker
Eberhart	Kubacki	Saunders	
Ellspermann	Lehe	Smith, M	

VOTING NAY: 40

Austin	Day	Klinker	Reske
Baird	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stemler
Battles	Fry, C	Niezgodski	Stevenson
Bauer	GiaQuinta	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White

EXCUSED FROM VOTING: 2

Dvorak Pond

NOT VOTING: NONE

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Roll Call 38: PREVAILED

HB 1001 Torr
Employee's right to work.
Koch amendment
2nd Reading Amend. #52

Yeas:	57
Nays:	41
Excused:	2
N/Voting:	0

VOTING YEA: 57

Baird	Espich	Lehman	Speedy
Behning	Foley	Leonard	Steuerwald
Borders	Friend	Lutz	Thompson
Brown, T	Frizzell	Mahan	Torr
Burton	Frye, R	McClain	Truitt
Cherry	Gutwein	McMillin	Turner
Clere	Heaton	McNamara	Ubelhor
Crouch	Heuer	Messmer	VanNatter
Culver	Hinkle	Morris	Wesco
Davis	Karickhoff	Neese	Wolkins
Davisson	Kirchhofer	Noe	Yarde
Dermody	Knollman	Rhoads	Mr. Speaker
Dodge	Koch	Richardson	
Eberhart	Kubacki	Smith, M	
Ellspermann	Lehe	Soliday	

VOTING NAY: 41

Austin	DeLaney	Moseley	Smith, V
Bacon	Dembowski	Moses	Stemler
Bardon	Dobis	Niezgodski	Stevenson
Bartlett	Fry, C	Pelath	Sullivan
Battles	GiaQuinta	Pflum	Summers
Bauer	Goodin	Pierce	VanDenburgh
Brown,C	Grubb	Porter	Welch
Candelaria Reardon	Harris	Pryor	White
Cheatham	Kersey	Reske	
Crawford	Klinker	Riecken	
Day	Lawson, L	Saunders	

EXCUSED FROM VOTING: 2

Dvorak Pond

NOT VOTING: NONE

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MEETING DAY 14 01-23-12

Roll Call 39: FAILED

HB 1001 Torr
Employee's right to work.
Bauer amendment
2nd Reading Amend. #6

Yeas:	39
Nays:	59
Excused:	2
N/Voting:	0

VOTING YEA: 39

Austin	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stemler
Battles	Fry, C	Niezgodski	Stevenson
Bauer	GiaQuinta	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White
Day	Klinker	Reske	

VOTING NAY: 59

Bacon	Ellspermann	Lehe	Smith, M
Baird	Espich	Lehman	Soliday
Behning	Foley	Leonard	Speedy
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Thompson
Burton	Frye, R	McClain	Torr
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davis	Karickhoff	Neese	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	Mr. Speaker
Eberhart	Kubacki	Saunders	

EXCUSED FROM VOTING: 2

Dvorak Pond

NOT VOTING: NONE

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MEETING DAY 14 01-23-12

Roll Call 40: FAILED

HB 1001 Torr
Employee's right to work.
Bardon amendment
2nd Reading Amend. #4

Yeas: 39
Nays: 59
Excused: 2
N/Voting: 0

VOTING YEA: 39

Austin	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stemler
Battles	Fry, C	Niezgodski	Stevenson
Bauer	GiaQuinta	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White
Day	Klinker	Reske	

VOTING NAY: 59

Bacon	Ellspermann	Lehe	Smith, M
Baird	Espich	Lehman	Soliday
Behning	Foley	Leonard	Speedy
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Thompson
Burton	Frye, R	McClain	Torr
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davis	Karickhoff	Neese	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	Mr. Speaker
Eberhart	Kubacki	Saunders	

EXCUSED FROM VOTING: 2

Dvorak Pond

NOT VOTING: NONE

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 14 01-23-12

Roll Call 41: FAILED

HB 1001 Torr
Employee's right to work.
Bardon amendment
2nd Reading Amend. #29

Yeas: 39
Nays: 59
Excused: 2
N/Voting: 0

VOTING YEA: 39

Austin	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stemler
Battles	Fry, C	Niezgodski	Stevenson
Bauer	GiaQuinta	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White
Day	Klinker	Reske	

VOTING NAY: 59

Bacon	Ellspermann	Lehe	Smith, M
Baird	Espich	Lehman	Soliday
Behning	Foley	Leonard	Speedy
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Thompson
Burton	Frye, R	McClain	Torr
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davis	Karickhoff	Neese	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	Mr. Speaker
Eberhart	Kubacki	Saunders	

EXCUSED FROM VOTING: 2

Dvorak Pond

NOT VOTING: NONE

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 14 01-23-12

Roll Call 42: FAILED

HB 1001 Torr
Employee's right to work.
Moseley amendment
2nd Reading Amend. #48

Yeas: 36
Nays: 58
Excused: 2
N/Voting: 4

VOTING YEA: 36

Austin	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stemler
Battles	Fry, C	Niezgodski	Stevenson
Bauer	GiaQuinta	Pelath	Sullivan
Brown,C	Goodin	Pierce	Summers
Candelaria Reardon	Grubb	Porter	VanDenburgh
Cheatham	Harris	Pryor	Welch
Crawford	Kersey	Reske	White

VOTING NAY: 58

Bacon	Espich	Lehman	Soliday
Baird	Foley	Leonard	Speedy
Behning	Friend	Lutz	Steuerwald
Borders	Frizzell	Mahan	Thompson
Brown, T	Frye, R	McClain	Torr
Burton	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davis	Karickhoff	Neese	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	Mr. Speaker
Eberhart	Kubacki	Saunders	
Ellspermann	Lehe	Smith, M	

EXCUSED FROM VOTING: 2

Dvorak Pond

NOT VOTING: 4

Cherry Day Klinker Pflum

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MEETING DAY 14 01-23-12

Roll Call 43: FAILED

HB 1001 Torr
Employee's right to work.
DeLaney amendment
2nd Reading Amend. #44

Yeas: 34
Nays: 63
Excused: 2
N/Voting: 1

VOTING YEA: 34

Austin	Day	Lawson, L	Smith, V
Bardon	DeLaney	Moseley	Stemler
Bartlett	Dembowski	Moses	Stevenson
Battles	GiaQuinta	Pelath	Sullivan
Bauer	Goodin	Pflum	Summers
Brown,C	Grubb	Pierce	Welch
Candelaria Reardon	Harris	Porter	White
Cheatham	Kersey	Pryor	
Crawford	Klinker	Riecken	

VOTING NAY: 63

Bacon	Espich	Lehman	Smith, M
Baird	Foley	Leonard	Soliday
Behning	Friend	Lutz	Speedy
Borders	Frizzell	Mahan	Steuerwald
Brown, T	Fry, C	McClain	Thompson
Burton	Frye, R	McMillin	Torr
Cherry	Gutwein	McNamara	Truitt
Clere	Heaton	Messmer	Turner
Crouch	Heuer	Morris	Ubelhor
Culver	Hinkle	Neese	VanDenburgh
Davis	Karickhoff	Niezgodski	VanNatter
Davisson	Kirchhofer	Noe	Wesco
Dermody	Knollman	Reske	Wolkins
Dodge	Koch	Rhoads	Yarde
Eberhart	Kubacki	Richardson	Mr. Speaker
Ellspermann	Lehe	Saunders	

EXCUSED FROM VOTING: 2

Dvorak Pond

NOT VOTING: 1

Dobis

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MEETING DAY 14 01-23-12

Roll Call 44: FAILED

HB 1001 Torr
Employee's right to work.
Fry amendment
2nd Reading Amend. #11

Yeas: 37
Nays: 58
Excused: 2
N/Voting: 3

VOTING YEA: 37

Austin	Dembowski	Moseley	Smith, V
Bardon	Dobis	Moses	Stemler
Bartlett	Fry, C	Niezgodski	Stevenson
Battles	GiaQuinta	Pelath	Sullivan
Bauer	Goodin	Pflum	Summers
Brown,C	Grubb	Pierce	Welch
Candelaria Reardon	Harris	Porter	White
Cheatham	Kersey	Pryor	
Day	Klinker	Reske	
DeLaney	Lawson, L	Riecken	

VOTING NAY: 58

Bacon	Ellspermann	Lehman	Soliday
Baird	Foley	Leonard	Speedy
Behning	Friend	Lutz	Steuerwald
Borders	Frizzell	Mahan	Thompson
Brown, T	Frye, R	McClain	Torr
Burton	Gutwein	McMillin	Truitt
Cherry	Heaton	McNamara	Turner
Clere	Heuer	Messmer	Ubelhor
Crouch	Hinkle	Morris	VanNatter
Culver	Karickhoff	Neese	Wesco
Davis	Kirchhofer	Noe	Wolkins
Davisson	Knollman	Rhoads	Yarde
Dermody	Koch	Richardson	Mr. Speaker
Dodge	Kubacki	Saunders	
Eberhart	Lehe	Smith, M	

EXCUSED FROM VOTING: 2

Dvorak Pond

NOT VOTING: 3

Crawford Espich VanDenburgh

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MEETING DAY 14 01-23-12

Roll Call 45: FAILED

HB 1001 Torr
Employee's right to work.
Battles amendment
2nd Reading Amend. #18

Yeas: 39
Nays: 59
Excused: 2
N/Voting: 0

VOTING YEA: 39

Austin	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stemler
Battles	Fry, C	Niezgodski	Stevenson
Bauer	GiaQuinta	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White
Day	Klinker	Reske	

VOTING NAY: 59

Bacon	Ellspermann	Lehe	Smith, M
Baird	Espich	Lehman	Soliday
Behning	Foley	Leonard	Speedy
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Thompson
Burton	Frye, R	McClain	Torr
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davis	Karickhoff	Neese	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	Mr. Speaker
Eberhart	Kubacki	Saunders	

EXCUSED FROM VOTING: 2

Dvorak Pond

NOT VOTING: NONE

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MEETING DAY 14 01-23-12

Roll Call 46: FAILED

HB 1001 Torr
Employee's right to work.
Fry amendment
2nd Reading Amend. #12

Yeas: 35
Nays: 59
Excused: 2
N/Voting: 4

VOTING YEA: 35

Austin	DeLaney	Lawson, L	Reske
Bardon	Dembowski	Moseley	Riecken
Battles	Dobis	Moses	Smith, V
Bauer	Fry, C	Niezgodski	Stevenson
Brown,C	GiaQuinta	Pelath	Sullivan
Candelaria Reardon	Goodin	Pflum	VanDenburgh
Cheatham	Harris	Pierce	Welch
Crawford	Kersey	Porter	White
Day	Klinker	Pryor	

VOTING NAY: 59

Bacon	Ellspermann	Lehe	Smith, M
Baird	Espich	Lehman	Soliday
Behning	Foley	Leonard	Speedy
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Thompson
Burton	Frye, R	McClain	Torr
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davis	Karickhoff	Neese	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	Mr. Speaker
Eberhart	Kubacki	Saunders	

EXCUSED FROM VOTING: 2

Dvorak Pond

NOT VOTING: 4

Bartlett Grubb Stemler Summers

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MEETING DAY 14 01-23-12

Roll Call 47: FAILED

HB 1001 Torr
Employee's right to work.
Moses amendment
2nd Reading Amend. #60

Yeas: 39
Nays: 59
Excused: 2
N/Voting: 0

VOTING YEA: 39

Austin	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stemler
Battles	Fry, C	Niezgodski	Stevenson
Bauer	GiaQuinta	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White
Day	Klinker	Reske	

VOTING NAY: 59

Bacon	Ellspermann	Lehe	Smith, M
Baird	Espich	Lehman	Soliday
Behning	Foley	Leonard	Speedy
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Thompson
Burton	Frye, R	McClain	Torr
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davis	Karickhoff	Neese	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	Mr. Speaker
Eberhart	Kubacki	Saunders	

EXCUSED FROM VOTING: 2

Dvorak Pond

NOT VOTING: NONE

Indiana House of Representatives
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MEETING DAY 15 01-24-12

Roll Call 52: PREVAILED

Motion to compel attendance and fine absent members
Motion

Yeas: 59
Nays: 5
Excused: 3
N/Voting: 33

VOTING YEA: 59

Bacon	Ellspermann	Lehe	Smith, M
Baird	Espich	Lehman	Soliday
Behning	Foley	Leonard	Speedy
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Thompson
Burton	Frye, R	McClain	Torr
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davis	Karickhoff	Neese	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	Mr. Speaker
Eberhart	Kubacki	Saunders	

VOTING NAY: 5

Cheatham	Grubb	Welch
DeLaney	Stemler	

EXCUSED FROM VOTING: 3

Bardon	Pflum	Pond

NOT VOTING: 33

Austin	Dobis	Moseley	Smith, V
Bartlett	Dvorak	Moses	Stevenson
Battles	Fry, C	Niezgodski	Sullivan
Bauer	GiaQuinta	Pelath	Summers
Brown,C	Goodin	Pierce	VanDenburgh
Candelaria Reardon	Harris	Porter	White
Crawford	Kersey	Pryor	
Day	Klinker	Reske	
Dembowski	Lawson, L	Riecken	

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MEETING DAY 16 01-25-12

Roll Call 54: FAILED

HB 1005 Mahan
Nepotism; conflict of interest.
Reske amendment
2nd Reading Amend. #2

Yeas: 38
Nays: 58
Excused: 3
N/Voting: 1

VOTING YEA: 38

Austin	Dembowski	Klinker	Riecken
Bartlett	Dvorak	Lawson, L	Smith, V
Battles	Fry, C	Moseley	Stevenson
Bauer	Frye, R	Moses	Summers
Brown,C	GiaQuinta	Niezgodski	Thompson
Candelaria Reardon	Goodin	Pelath	VanDenburgh
Cheatham	Grubb	Pierce	Welch
Crawford	Gutwein	Porter	White
Day	Harris	Pryor	
DeLaney	Kersey	Reske	

VOTING NAY: 58

Bacon	Eberhart	Lehman	Soliday
Baird	Ellspermann	Leonard	Speedy
Behning	Espich	Lutz	Stemler
Borders	Foley	Mahan	Steuerwald
Brown, T	Friend	McClain	Sullivan
Burton	Frizzell	McMillin	Torr
Cherry	Heaton	McNamara	Truitt
Clere	Heuer	Messmer	Turner
Crouch	Hinkle	Morris	Ubelhor
Culver	Karickhoff	Neese	VanNatter
Davis	Kirchhofer	Noe	Wesco
Davisson	Knollman	Rhoads	Wolkins
Dermody	Koch	Richardson	Yarde
Dobis	Kubacki	Saunders	
Dodge	Lehe	Smith, M	

EXCUSED FROM VOTING: 3

Bardon	Pflum	Pond

NOT VOTING: 1

Mr. Speaker

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Roll Call 55: FAILED

HB 1005 Mahan
Nepotism; conflict of interest.
Pryor amendment
2nd Reading Amend. #1

Yeas: 36
Nays: 59
Excused: 3
N/Voting: 2

VOTING YEA: 36

Austin	DeLaney	Klinker	Reske
Bartlett	Dembowski	Lawson, L	Riecken
Battles	Dvorak	Moseley	Smith, V
Bauer	Fry, C	Moses	Stemler
Brown,C	GiaQuinta	Niezgodski	Stevenson
Candelaria Reardon	Goodin	Pelath	Summers
Cheatham	Grubb	Pierce	VanDenburgh
Crawford	Harris	Porter	Welch
Day	Kersey	Pryor	White

VOTING NAY: 59

Bacon	Eberhart	Kubacki	Saunders
Baird	Ellspermann	Lehe	Smith, M
Behning	Espich	Lehman	Soliday
Borders	Foley	Leonard	Speedy
Brown, T	Friend	Lutz	Steuerwald
Burton	Frizzell	Mahan	Thompson
Cherry	Frye, R	McClain	Torr
Clere	Gutwein	McMillin	Truitt
Crouch	Heaton	McNamara	Turner
Culver	Heuer	Messmer	Ubelhor
Davis	Hinkle	Morris	VanNatter
Davisson	Karickhoff	Neese	Wesco
Dermody	Kirchhofer	Noe	Wolkins
Dobis	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	

EXCUSED FROM VOTING: 3

Bardon	Pflum	Pond

NOT VOTING: 2

Sullivan	Mr. Speaker

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MEETING DAY 16 01-25-12

Roll Call 56: PREVAILED

HB 1058 Baird
Adoption of budget for reorganized school.
Porter amendment
2nd Reading Amend. #1

Yeas: 92
Nays: 3
Excused: 3
N/Voting: 2

VOTING YEA: 92

Austin	Dvorak	Kubacki	Richardson
Bacon	Eberhart	Lawson, L	Riecken
Baird	Ellspermann	Lehe	Saunders
Bartlett	Espich	Lehman	Smith, M
Battles	Foley	Leonard	Smith, V
Bauer	Friend	Lutz	Soliday
Behning	Frizzell	Mahan	Speedy
Borders	Fry, C	McClain	Stemler
Brown, T	Frye, R	McMillin	Steuerwald
Burton	GiaQuinta	McNamara	Stevenson
Candelaria Reardon	Goodin	Messmer	Sullivan
Cheatham	Grubb	Morris	Summers
Cherry	Gutwein	Moseley	Thompson
Clere	Harris	Moses	Torr
Crouch	Heaton	Neese	Truitt
Davis	Heuer	Niezgodski	Ubelhor
Davisson	Hinkle	Noe	VanDenburgh
Day	Karickhoff	Pelath	VanNatter
DeLaney	Kersey	Pierce	Welch
Dembowski	Kirchhofer	Porter	Wesco
Dermody	Klinker	Pryor	White
Dobis	Knollman	Reske	Yarde
Dodge	Koch	Rhoads	Mr. Speaker

VOTING NAY: 3

Culver	Turner	Wolkins

EXCUSED FROM VOTING: 3

Bardon	Pflum	Pond

NOT VOTING: 2

Brown,C	Crawford

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MEETING DAY 16 01-25-12

Roll Call 57: PASSED

HB 1001 Torr
Employee's right to work.

3rd Reading

Yeas:	54
Nays:	44
Excused:	2
N/Voting:	0

VOTING YEA: 54

Baird	Espich	Lehman	Speedy
Behning	Foley	Leonard	Steuerwald
Borders	Friend	Lutz	Thompson
Brown, T	Frizzell	Mahan	Torr
Burton	Frye, R	McClain	Truitt
Cherry	Gutwein	McMillin	Turner
Clere	Heaton	McNamara	Ubelhor
Crouch	Heuer	Morris	VanNatter
Culver	Hinkle	Neese	Wesco
Davis	Kirchhofer	Noe	Wolkins
Davisson	Knollman	Pond	Yarde
Dodge	Koch	Rhoads	Mr. Speaker
Eberhart	Kubacki	Richardson	
Ellspermann	Lehe	Smith, M	

VOTING NAY: 44

Austin	DeLaney	Kersey	Riecken
Bacon	Dembowski	Klinker	Saunders
Bardon	Dermody	Lawson, L	Smith, V
Bartlett	Dobis	Moseley	Soliday
Battles	Dvorak	Moses	Stemler
Bauer	Fry, C	Niezgodski	Stevenson
Brown,C	GiaQuinta	Pelath	Sullivan
Candelaria Reardon	Goodin	Pierce	Summers
Cheatham	Grubb	Porter	VanDenburgh
Crawford	Harris	Pryor	Welch
Day	Karickhoff	Reske	White

EXCUSED FROM VOTING: 2

Messmer Pflum

NOT VOTING: NONE

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MEETING DAY 17 01-26-12

Roll Call 59: FAILED

HB 1112 Lehman
Telecommunications providers.
Pierce amendment
2nd Reading Amend. #1

Yeas:	25
Nays:	66
Excused:	2
N/Voting:	7

VOTING YEA: 25

Austin	Dvorak	Lawson, L	Smith, V
Bacon	Fry, C	Moseley	Sullivan
Bartlett	GiaQuinta	Moses	VanDenburgh
Bauer	Harris	Pflum	Welch
Crawford	Kersey	Pierce	
Day	Klinker	Riecken	
Dembowski	Knollman	Saunders	

VOTING NAY: 66

Baird	Eberhart	Leonard	Speedy
Behning	Ellspermann	Lutz	Stemler
Borders	Espich	Mahan	Steuerwald
Brown, T	Friend	McClain	Stevenson
Burton	Frizzell	McMillin	Summers
Candelaria Reardon	Frye, R	McNamara	Thompson
Cheatham	Goodin	Messmer	Torr
Cherry	Grubb	Morris	Truitt
Clere	Gutwein	Neese	Turner
Crouch	Heaton	Niezgodski	Ubelhor
Culver	Heuer	Pelath	VanNatter
Davis	Hinkle	Pryor	Wesco
Davisson	Kirchhofer	Reske	White
DeLaney	Koch	Rhoads	Wolkins
Dermody	Kubacki	Richardson	Yarde
Dobis	Lehe	Smith, M	
Dodge	Lehman	Soliday	

EXCUSED FROM VOTING: 2

Bardon Pond

NOT VOTING: 7

Battles	Foley	Noe	Mr. Speaker
Brown,C	Karickhoff	Porter	

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Roll Call 60: FAILED

HB 1154 Messmer
Local purchasing and public works.
Riecken amendment
2nd Reading Amend. #1

Yeas:	34
Nays:	58
Excused:	2
N/Voting:	6

VOTING YEA: 34

Austin	Dvorak	Moseley	Stemler
Bartlett	Fry, C	Niezgodski	Stevenson
Battles	GiaQuinta	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Pryor	Welch
Crawford	Kersey	Reske	White
Day	Klinker	Riecken	
DeLaney	Lawson, L	Smith, V	

VOTING NAY: 58

Bacon	Ellspermann	Lehe	Smith, M
Baird	Espich	Lehman	Soliday
Behning	Foley	Leonard	Speedy
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Thompson
Burton	Frye, R	McClain	Torr
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davis	Karickhoff	Neese	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	
Eberhart	Kubacki	Saunders	

EXCUSED FROM VOTING: 2

Bardon Pond

NOT VOTING: 6

Bauer	Dobis	Porter
Dembowski	Moses	Mr. Speaker

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Roll Call 61: FAILED

HB 1201 Dermody
State provision of communication services.
Pierce amendment
2nd Reading Amend. #3

Yeas:	29
Nays:	66
Excused:	2
N/Voting:	3

VOTING YEA: 29

Austin	Dobis	Kersey	Stevenson
Battles	Dvorak	Klinker	Sullivan
Bauer	Ellspermann	Lawson, L	Summers
Borders	Fry, C	Moses	Welch
Crawford	Frye, R	Pflum	White
Day	Grubb	Pierce	
DeLaney	Harris	Riecken	
Dembowski	Heuer	Smith, V	

VOTING NAY: 66

Bacon	Eberhart	Leonard	Saunders
Baird	Espich	Lutz	Smith, M
Bartlett	Foley	Mahan	Speedy
Behning	Friend	McClain	Stemler
Brown,C	Frizzell	McMillin	Steuerwald
Brown, T	GiaQuinta	McNamara	Thompson
Burton	Goodin	Messmer	Torr
Candelaria Reardon	Gutwein	Morris	Truitt
Cheatham	Heaton	Moseley	Turner
Cherry	Hinkle	Neese	Ubelhor
Clere	Karickhoff	Niezgodski	VanDenburgh
Crouch	Kirchhofer	Noe	VanNatter
Culver	Knollman	Porter	Wesco
Davis	Koch	Pryor	Wolkins
Davisson	Kubacki	Reske	Yarde
Dermody	Lehe	Rhoads	
Dodge	Lehman	Richardson	

EXCUSED FROM VOTING: 2

Bardon Pond

NOT VOTING: 3

Pelath	Soliday	Mr. Speaker

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Roll Call 62: FAILED

HB 1173 Ellspermann
Various IOSHA matters.
DeLaney amendment
2nd Reading Amend. #1

Yeas: 45
Nays: 48
Excused: 2
N/Voting: 5

VOTING YEA: 45

Austin	Dvorak	Moseley	Stemler
Bacon	Foley	Moses	Steuerwald
Bartlett	Fry, C	Niezgodski	Stevenson
Battles	GiaQuinta	Pelath	Sullivan
Borders	Goodin	Pflum	Summers
Brown,C	Grubb	Pierce	Torr
Candelaria Reardon	Harris	Porter	VanDenburgh
Cheatham	Hinkle	Pryor	Welch
Crawford	Kersey	Reske	White
Day	Klinker	Riecken	
DeLaney	Lawson, L	Saunders	
Dembowski	McMillin	Smith, V	

VOTING NAY: 48

Baird	Espich	Lehe	Richardson
Behning	Friend	Lehman	Smith, M
Burton	Frizzell	Leonard	Soliday
Clere	Frye, R	Lutz	Speedy
Crouch	Gutwein	Mahan	Thompson
Culver	Heaton	McClain	Truitt
Davis	Heuer	McNamara	Turner
Davisson	Karickhoff	Messmer	Ubelhor
Dermody	Kirchhofer	Morris	VanNatter
Dodge	Knollman	Neese	Wesco
Eberhart	Koch	Noe	Wolkins
Ellspermann	Kubacki	Rhoads	Yarde

EXCUSED FROM VOTING: 2

Bardon Pond

NOT VOTING: 5

Bauer	Cherry	Mr. Speaker
Brown, T	Dobis	

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Roll Call 63: FAILED

HB 1207 Davis
State civil service system.
Pierce amendment
2nd Reading Amend. #1

Yeas: 36
Nays: 57
Excused: 2
N/Voting: 5

VOTING YEA: 36

Austin	Dembowski	Moseley	Riecken
Bartlett	Dobis	Moses	Smith, V
Battles	Dvorak	Niezgodski	Stemler
Bauer	Fry, C	Pelath	Stevenson
Brown,C	Goodin	Pflum	Sullivan
Cheatham	Harris	Pierce	Summers
Crawford	Kersey	Porter	VanDenburgh
Day	Klinker	Pryor	Welch
DeLaney	Lawson, L	Reske	White

VOTING NAY: 57

Bacon	Ellspermann	Lehman	Soliday
Baird	Espich	Leonard	Speedy
Behning	Foley	Lutz	Steuerwald
Borders	Friend	Mahan	Thompson
Brown, T	Frizzell	McClain	Torr
Burton	Frye, R	McMillin	Truitt
Cherry	Gutwein	McNamara	Turner
Clere	Heaton	Messmer	Ubelhor
Crouch	Hinkle	Morris	VanNatter
Culver	Karickhoff	Neese	Wesco
Davis	Kirchhofer	Noe	Wolkins
Davisson	Knollman	Rhoads	Yarde
Dermody	Koch	Richardson	
Dodge	Kubacki	Saunders	
Eberhart	Lehe	Smith, M	

EXCUSED FROM VOTING: 2

Bardon Pond

NOT VOTING: 5

Candelaria Reardon	Grubb	Mr. Speaker
GiaQuinta	Heuer	

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Roll Call 64: PASSED

HB 1018 Ubelhor
Mine electrician certification.

3rd Reading

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Austin	Dodge	Lawson, L	Saunders
Bacon	Dvorak	Lehe	Smith, M
Baird	Eberhart	Lehman	Smith, V
Bartlett	Ellspermann	Leonard	Soliday
Battles	Espich	Lutz	Speedy
Bauer	Foley	Mahan	Stemler
Behning	Friend	McClain	Steuerwald
Borders	Frizzell	McMillin	Stevenson
Brown,C	Fry, C	McNamara	Sullivan
Brown, T	Frye, R	Messmer	Summers
Burton	GiaQuinta	Morris	Thompson
Candelaria Reardon	Goodin	Moseley	Torr
Cheatham	Grubb	Moses	Truitt
Cherry	Gutwein	Neese	Turner
Clere	Harris	Niezgodski	Ubelhor
Crawford	Heaton	Noe	VanDenburgh
Crouch	Heuer	Pelath	VanNatter
Culver	Hinkle	Pflum	Welch
Davis	Karickhoff	Pierce	Wesco
Davisson	Kersey	Porter	White
Day	Kirchhofer	Pryor	Wolkins
DeLaney	Klinker	Reske	Yarde
Dembowski	Knollman	Rhoads	
Dermody	Koch	Richardson	
Dobis	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon Pond

NOT VOTING: 1

Mr. Speaker

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Roll Call 65: PASSED

HB 1034 McMillin
Historic cemeteries.

3rd Reading

Yeas: 95
Nays: 0
Excused: 2
N/Voting: 3

VOTING YEA: 95

Austin	Dobis	Koch	Riecken
Bacon	Dodge	Lawson, L	Saunders
Baird	Dvorak	Lehe	Smith, M
Bartlett	Eberhart	Lehman	Smith, V
Battles	Ellspermann	Leonard	Soliday
Bauer	Espich	Lutz	Speedy
Behning	Foley	Mahan	Stemler
Borders	Friend	McClain	Steuerwald
Brown,C	Frizzell	McMillin	Stevenson
Brown, T	Fry, C	McNamara	Sullivan
Burton	Frye, R	Messmer	Summers
Candelaria Reardon	GiaQuinta	Morris	Thompson
Cheatham	Goodin	Moseley	Torr
Cherry	Grubb	Moses	Truitt
Clere	Gutwein	Neese	Turner
Crawford	Harris	Niezgodski	Ubelhor
Crouch	Heaton	Noe	VanDenburgh
Culver	Heuer	Pelath	VanNatter
Davis	Hinkle	Pflum	Welch
Davisson	Karickhoff	Pierce	Wesco
Day	Kersey	Porter	White
DeLaney	Kirchhofer	Pryor	Wolkins
Dembowski	Klinker	Rhoads	Yarde
Dermody	Knollman	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon Pond

NOT VOTING: 3

Kubacki	Reske	Mr. Speaker

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Roll Call 66: PASSED

HB 1056 R. Frye
Novelty lighters.

3rd Reading

Yeas:	78
Nays:	19
Excused:	3
N/Voting:	0

VOTING YEA: 78

Austin	Dermody	Koch	Riecken
Bacon	Dobis	Kubacki	Saunders
Baird	Dodge	Lawson, L	Smith, M
Bartlett	Ellspermann	Lehe	Smith, V
Battles	Espich	Lehman	Soliday
Bauer	Foley	Lutz	Stemler
Borders	Friend	Mahan	Steuerwald
Brown,C	Fry, C	McNamara	Sullivan
Burton	Frye, R	Moseley	Summers
Candelaria Reardon	GiaQuinta	Moses	Torr
Cheatham	Grubb	Neese	Truitt
Clere	Gutwein	Niezgodski	Turner
Crawford	Harris	Pelath	Ubelhor
Crouch	Heaton	Pflum	VanDenburgh
Culver	Heuer	Pierce	Welch
Davis	Karickhoff	Porter	Wesco
Davisson	Kersey	Pryor	Yarde
Day	Kirchhofer	Reske	Mr. Speaker
DeLaney	Klinker	Rhoads	
Dembowski	Knollman	Richardson	

VOTING NAY: 19

Behning	Frizzell	McMillin	Thompson
Brown, T	Goodin	Messmer	VanNatter
Cherry	Hinkle	Noe	White
Dvorak	Leonard	Speedy	Wolkins
Eberhart	McClain	Stevenson	

EXCUSED FROM VOTING: 3

Bardon	Morris	Pond

NOT VOTING: NONE

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Roll Call 67: PASSED

HB 1058 Baird
Adoption of budget for reorganized school.

3rd Reading

Yeas:	97
Nays:	0
Excused:	2
N/Voting:	1

VOTING YEA: 97

Austin	Dvorak	Lehe	Smith, M
Bacon	Eberhart	Lehman	Smith, V
Baird	Ellspermann	Leonard	Soliday
Bartlett	Espich	Lutz	Speedy
Battles	Foley	Mahan	Stemler
Bauer	Friend	McClain	Steuerwald
Behning	Frizzell	McMillin	Stevenson
Borders	Fry, C	McNamara	Sullivan
Brown,C	Frye, R	Messmer	Summers
Brown, T	GiaQuinta	Morris	Thompson
Burton	Goodin	Moseley	Torr
Candelaria Reardon	Grubb	Moses	Truitt
Cheatham	Gutwein	Neese	Turner
Cherry	Harris	Niezgodski	Ubelhor
Clere	Heaton	Noe	VanDenburgh
Crawford	Heuer	Pelath	VanNatter
Crouch	Hinkle	Pflum	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Porter	White
Davisson	Kirchhofer	Pryor	Wolkins
DeLaney	Klinker	Reske	Yarde
Dembowski	Knollman	Rhoads	Mr. Speaker
Dermody	Koch	Richardson	
Dobis	Kubacki	Riecken	
Dodge	Lawson, L	Saunders	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon	Pond

NOT VOTING: 1

Day

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Roll Call 68: PASSED

HB 1060 Baird
Hazardous waste disposal tax.

3rd Reading

Yeas:	96
Nays:	0
Excused:	2
N/Voting:	2

VOTING YEA: 96

Austin	Dodge	Kubacki	Richardson
Bacon	Dvorak	Lawson, L	Riecken
Baird	Eberhart	Lehe	Saunders
Bartlett	Ellspermann	Lehman	Smith, M
Battles	Espich	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Summers
Cheatham	Grubb	Moseley	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanDenburgh
Davis	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Welch
DeLaney	Kirchhofer	Porter	Wesco
Dembowski	Klinker	Pryor	White
Dermody	Knollman	Reske	Wolkins
Dobis	Koch	Rhoads	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon	Pond

NOT VOTING: 2

Day	Mr. Speaker

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Roll Call 69: PASSED

HB 1064 Dodge
Lake management work group.

3rd Reading

Yeas:	96
Nays:	0
Excused:	2
N/Voting:	2

VOTING YEA: 96

Austin	Dodge	Kubacki	Richardson
Bacon	Dvorak	Lawson, L	Riecken
Baird	Eberhart	Lehe	Saunders
Bartlett	Ellspermann	Lehman	Smith, M
Battles	Espich	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Summers
Cheatham	Grubb	Moseley	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanDenburgh
Davis	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Welch
DeLaney	Kirchhofer	Porter	Wesco
Dembowski	Klinker	Pryor	White
Dermody	Knollman	Reske	Wolkins
Dobis	Koch	Rhoads	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon	Pond

NOT VOTING: 2

Day	Mr. Speaker

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Roll Call 70: PASSED

HB 1065 Borders
Military custody and parenting time matters.
3rd Reading

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Austin	Dvorak	Lehe	Smith, M
Bacon	Eberhart	Lehman	Smith, V
Baird	Ellspermann	Leonard	Soliday
Bartlett	Espich	Lutz	Speedy
Battles	Foley	Mahan	Stemler
Bauer	Friend	McClain	Steuerwald
Behning	Frizzell	McMillin	Stevenson
Borders	Fry, C	McNamara	Sullivan
Brown,C	Frye, R	Messmer	Summers
Brown, T	GiaQuinta	Morris	Thompson
Burton	Goodin	Moseley	Torr
Candelaria Reardon	Grubb	Moses	Truitt
Cheatham	Gutwein	Neese	Turner
Cherry	Harris	Niezgodski	Ubelhor
Clere	Heaton	Noe	VanDenburgh
Crawford	Heuer	Pelath	VanNatter
Crouch	Hinkle	Pflum	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Porter	White
Davisson	Kirchhofer	Pryor	Wolkins
DeLaney	Klinker	Reske	Yarde
Dembowski	Knollman	Rhoads	Mr. Speaker
Dermody	Koch	Richardson	
Dobis	Kubacki	Riecken	
Dodge	Lawson, L	Saunders	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon Pond

NOT VOTING: 1

Day

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Roll Call 71: PASSED

HB 1123 Burton
Thirteenth checks.
3rd Reading

Yeas: 82
Nays: 2
Excused: 14
N/Voting: 2

VOTING YEA: 82

Austin	Eberhart	Lehe	Saunders
Bacon	Ellspermann	Lehman	Smith, M
Baird	Espich	Leonard	Soliday
Bartlett	Foley	Lutz	Speedy
Battles	Friend	Mahan	Stemler
Behning	Frizzell	McClain	Steuerwald
Borders	Fry, C	McMillin	Stevenson
Brown,C	Frye, R	McNamara	Sullivan
Burton	GiaQuinta	Messmer	Summers
Candelaria Reardon	Goodin	Morris	Torr
Cherry	Grubb	Moseley	Truitt
Clere	Gutwein	Neese	Turner
Crouch	Harris	Niezgodski	Ubelhor
Davis	Heaton	Noe	VanDenburgh
Davisson	Heuer	Pelath	VanNatter
Day	Karickhoff	Pflum	Welch
DeLaney	Kirchhofer	Pierce	Wesco
Dermody	Knollman	Porter	White
Dobis	Koch	Pryor	Yarde
Dodge	Kubacki	Reske	
Dvorak	Lawson, L	Richardson	

VOTING NAY: 2

Brown, T Culver

EXCUSED FROM VOTING: 14

Bardon	Hinkle	Pond	Thompson
Bauer	Kersey	Rhoads	Wolkins
Cheatham	Klinker	Riecken	
Dembowski	Moses	Smith, V	

NOT VOTING: 2

Crawford Mr. Speaker

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Roll Call 72: PASSED

HB 1150 Sullivan
Family friendly school designation.
3rd Reading

Yeas: 98
Nays: 0
Excused: 2
N/Voting: 0

VOTING YEA: 98

Austin	Dodge	Lawson, L	Saunders
Bacon	Dvorak	Lehe	Smith, M
Baird	Eberhart	Lehman	Smith, V
Bartlett	Ellspermann	Leonard	Soliday
Battles	Espich	Lutz	Speedy
Bauer	Foley	Mahan	Stemler
Behning	Friend	McClain	Steuerwald
Borders	Frizzell	McMillin	Stevenson
Brown,C	Fry, C	McNamara	Sullivan
Brown, T	Frye, R	Messmer	Summers
Burton	GiaQuinta	Morris	Thompson
Candelaria Reardon	Goodin	Moseley	Torr
Cheatham	Grubb	Moses	Truitt
Cherry	Gutwein	Neese	Turner
Clere	Harris	Niezgodski	Ubelhor
Crawford	Heaton	Noe	VanDenburgh
Crouch	Heuer	Pelath	VanNatter
Culver	Hinkle	Pflum	Welch
Davis	Karickhoff	Pierce	Wesco
Davisson	Kersey	Porter	White
Day	Kirchhofer	Pryor	Wolkins
DeLaney	Klinker	Reske	Yarde
Dembowski	Knollman	Rhoads	Mr. Speaker
Dermody	Koch	Richardson	
Dobis	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon Pond

NOT VOTING: NONE

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Roll Call 73: PASSED

HB 1189 Thompson
Multiple ADM counts.
3rd Reading

Yeas: 82
Nays: 14
Excused: 2
N/Voting: 2

VOTING YEA: 82

Austin	Dodge	Kubacki	Smith, V
Baird	Dvorak	Lawson, L	Soliday
Bartlett	Eberhart	Lehman	Speedy
Battles	Espich	Leonard	Stemler
Bauer	Foley	Lutz	Steuerwald
Behning	Friend	Mahan	Stevenson
Borders	Frizzell	McClain	Sullivan
Brown,C	Fry, C	McMillin	Summers
Brown, T	Frye, R	Messmer	Thompson
Burton	Goodin	Morris	Torr
Candelaria Reardon	Grubb	Moses	Truitt
Cherry	Gutwein	Neese	Turner
Clere	Harris	Niezgodski	Ubelhor
Crawford	Heaton	Noe	VanDenburgh
Culver	Heuer	Pelath	Welch
Davisson	Hinkle	Pflum	Wesco
Day	Kersey	Pierce	White
DeLaney	Kirchhofer	Porter	Wolkins
Dembowski	Klinker	Pryor	Yarde
Dermody	Knollman	Rhoads	
Dobis	Koch	Richardson	

VOTING NAY: 14

Bacon	GiaQuinta	Moseley	Smith, M
Crouch	Karickhoff	Reske	VanNatter
Davis	Lehe	Riecken	
Ellspermann	McNamara	Saunders	

EXCUSED FROM VOTING: 2

Bardon Pond

NOT VOTING: 2

Cheatham Mr. Speaker

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Roll Call 74: PASSED

HB 1196 M. Smith
Synthetic drugs (including "bath salts").
3rd Reading

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Austin	Dodge	Lawson, L	Saunders
Bacon	Dvorak	Lehe	Smith, M
Baird	Eberhart	Lehman	Smith, V
Bartlett	Ellspermann	Leonard	Soliday
Battles	Espich	Lutz	Speedy
Bauer	Foley	Mahan	Stemler
Behning	Friend	McClain	Steuerwald
Borders	Frizzell	McMillin	Stevenson
Brown,C	Fry, C	McNamara	Sullivan
Brown, T	Frye, R	Messmer	Summers
Burton	GiaQuinta	Morris	Thompson
Candelaria Reardon	Goodin	Moseley	Torr
Cheatham	Grubb	Moses	Truitt
Cherry	Gutwein	Neese	Turner
Clere	Harris	Niezgodski	Ubelhor
Crawford	Heaton	Noe	VanDenburgh
Crouch	Heuer	Pelath	VanNatter
Culver	Hinkle	Pflum	Welch
Davis	Karickhoff	Pierce	Wesco
Davisson	Kersey	Porter	White
Day	Kirchhofer	Pryor	Wolkins
DeLaney	Klinker	Reske	Yarde
Dembowski	Knollman	Rhoads	
Dermody	Koch	Richardson	
Dobis	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon Pond

NOT VOTING: 1

Mr. Speaker

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Roll Call 75: PASSED

HB 1200 Foley
Indiana University and Ball State boards.
3rd Reading

Yeas: 94
Nays: 3
Excused: 2
N/Voting: 1

VOTING YEA: 94

Austin	Dodge	Lawson, L	Riecken
Bacon	Dvorak	Lehe	Smith, M
Baird	Eberhart	Lehman	Smith, V
Bartlett	Ellspermann	Leonard	Soliday
Battles	Espich	Lutz	Speedy
Bauer	Foley	Mahan	Stemler
Behning	Friend	McClain	Steuerwald
Borders	Frizzell	McMillin	Stevenson
Brown,C	Frye, R	McNamara	Sullivan
Brown, T	GiaQuinta	Messmer	Summers
Burton	Goodin	Morris	Thompson
Candelaria Reardon	Grubb	Moseley	Torr
Cheatham	Gutwein	Moses	Truitt
Cherry	Harris	Neese	Turner
Clere	Heaton	Niezgodski	Ubelhor
Crawford	Heuer	Noe	VanDenburgh
Crouch	Hinkle	Pelath	VanNatter
Culver	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dermody	Koch	Rhoads	
Dobis	Kubacki	Richardson	

VOTING NAY: 3

Davis Fry, C Saunders

EXCUSED FROM VOTING: 2

Bardon Pond

NOT VOTING: 1

Mr. Speaker

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Roll Call 77: PASSED

SB 4 Steuerwald
Human trafficking.
3rd Reading

Yeas: 95
Nays: 0
Excused: 5
N/Voting: 0

VOTING YEA: 95

Austin	Dobis	Kubacki	Saunders
Bacon	Dodge	Lawson, L	Smith, M
Baird	Eberhart	Lehe	Smith, V
Bardon	Ellspermann	Lehman	Soliday
Bartlett	Espich	Leonard	Speedy
Battles	Foley	Lutz	Stemler
Bauer	Friend	Mahan	Steuerwald
Behning	Frizzell	McClain	Stevenson
Borders	Fry, C	McMillin	Sullivan
Brown,C	Frye, R	McNamara	Summers
Brown, T	GiaQuinta	Messmer	Thompson
Burton	Goodin	Morris	Torr
Candelaria Reardon	Grubb	Moseley	Truitt
Cheatham	Gutwein	Moses	Turner
Cherry	Harris	Neese	Ubelhor
Clere	Heaton	Niezgodski	VanDenburgh
Crawford	Heuer	Noe	VanNatter
Culver	Hinkle	Pierce	Welch
Davis	Karickhoff	Porter	Wesco
Davisson	Kersey	Pryor	White
Day	Kirchhofer	Reske	Wolkins
DeLaney	Klinker	Rhoads	Yarde
Dembowski	Knollman	Richardson	Mr. Speaker
Dermody	Koch	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Crouch	Pelath	Pond
Dvorak	Pflum	

NOT VOTING: NONE

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Roll Call 78: PREVAILED

HB 1007 McMillin
Drug testing of public assistance recipients.
Dvorak amendment
2nd Reading Amend. #3

Yeas: 55
Nays: 40
Excused: 4
N/Voting: 1

VOTING YEA: 55

Austin	DeLaney	Klinker	Pierce
Bardon	Dembowski	Knollman	Porter
Bartlett	Dobis	Koch	Pryor
Battles	Dvorak	Kubacki	Reske
Bauer	Ellspermann	Lawson, L	Riecken
Borders	Fry, C	Mahan	Saunders
Brown,C	GiaQuinta	McNamara	Smith, M
Candelaria Reardon	Goodin	Messmer	Smith, V
Cheatham	Grubb	Moseley	Stemler
Cherry	Harris	Moses	Sullivan
Crawford	Heaton	Neese	Welch
Crouch	Heuer	Niezgodski	White
Culver	Hinkle	Pelath	Yarde
Day	Kersey	Pflum	

VOTING NAY: 40

Bacon	Eberhart	Lehman	Speedy
Baird	Espich	Leonard	Steuerwald
Behning	Foley	Lutz	Thompson
Brown, T	Friend	McClain	Torr
Burton	Frizzell	McMillin	Truitt
Clere	Frye, R	Morris	Turner
Davis	Gutwein	Noe	Ubelhor
Davisson	Karickhoff	Rhoads	VanNatter
Dermody	Kirchhofer	Richardson	Wesco
Dodge	Lehe	Soliday	Wolkins

EXCUSED FROM VOTING: 4

Pond	Stevenson	Summers	VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 79: SUSTAINED

HB 1163 Torr
Bonding, retainage in public works projects.

Ruling of the Chair

Yeas:	57
Nays:	35
Excused:	4
N/Voting:	4

VOTING YEA: 57

Bacon	Ellspermann	Lehe	Smith, M
Baird	Espich	Lehman	Speedy
Behning	Foley	Leonard	Steuerwald
Borders	Friend	Lutz	Thompson
Brown, T	Frizzell	Mahan	Torr
Burton	Frye, R	McClain	Truitt
Cherry	Gutwein	McMillin	Turner
Clere	Heaton	McNamara	Ubelhor
Crouch	Heuer	Messmer	VanNatter
Culver	Hinkle	Morris	Wesco
Davis	Karickhoff	Neese	Wolkins
Davisson	Kirchhofer	Noe	Yarde
Dermody	Knollman	Rhoads	
Dodge	Koch	Richardson	
Eberhart	Kubacki	Saunders	

VOTING NAY: 35

Austin	DeLaney	Kersey	Pryor
Bardon	Dembowski	Klinker	Reske
Bartlett	Dobis	Moseley	Riecken
Battles	Dvorak	Moses	Smith, V
Bauer	Fry, C	Niezgodski	Stemler
Brown,C	GiaQuinta	Pelath	Sullivan
Cheatham	Goodin	Pflum	Welch
Crawford	Grubb	Pierce	White
Day	Harris	Porter	

EXCUSED FROM VOTING: 4

Pond	Stevenson	Summers	VanDenburgh

NOT VOTING: 4

Candelaria Reardon	Lawson, L	Soliday	Mr. Speaker

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Roll Call 80: FAILED

HB 1205 Behning
Superintendent contracts.
Kersey amendment
2nd Reading Amend. #16

Yeas:	36
Nays:	56
Excused:	5
N/Voting:	3

VOTING YEA: 36

Austin	Crouch	Grubb	Pflum
Baird	Day	Harris	Porter
Bardon	DeLaney	Hinkle	Pryor
Bartlett	Dembowski	Kersey	Reske
Battles	Dobis	Klinker	Riecken
Bauer	Dvorak	Moseley	Smith, V
Brown,C	Fry, C	Moses	Stemler
Cheatham	GiaQuinta	Niezgodski	Welch
Crawford	Goodin	Pelath	White

VOTING NAY: 56

Bacon	Espich	Lehman	Smith, M
Behning	Foley	Leonard	Soliday
Borders	Friend	Lutz	Speedy
Brown, T	Frizzell	Mahan	Steuerwald
Burton	Frye, R	McClain	Sullivan
Cherry	Gutwein	McMillin	Thompson
Clere	Heaton	McNamara	Torr
Culver	Heuer	Messmer	Truitt
Davis	Karickhoff	Morris	Turner
Davisson	Kirchhofer	Neese	Ubelhor
Dermody	Knollman	Noe	VanNatter
Dodge	Koch	Rhoads	Wesco
Eberhart	Kubacki	Richardson	Wolkins
Ellspermann	Lehe	Saunders	Yarde

EXCUSED FROM VOTING: 5

Pierce	Stevenson	VanDenburgh
Pond	Summers	

NOT VOTING: 3

Candelaria Reardon	Lawson, L	Mr. Speaker

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Roll Call 81: PREVAILED

HB 1205 Behning
Superintendent contracts.
DeLaney amendment
2nd Reading Amend. #10

Yeas:	92
Nays:	0
Excused:	5
N/Voting:	3

VOTING YEA: 92

Austin	Dembowski	Klinker	Rhoads
Bacon	Dobis	Knollman	Richardson
Baird	Dodge	Koch	Riecken
Bardon	Dvorak	Kubacki	Saunders
Bartlett	Eberhart	Lehe	Smith, M
Battles	Ellspermann	Lehman	Smith, V
Bauer	Espich	Leonard	Soliday
Behning	Foley	Lutz	Speedy
Borders	Friend	Mahan	Stemler
Brown,C	Frizzell	McClain	Steuerwald
Brown, T	Fry, C	McMillin	Sullivan
Burton	Frye, R	McNamara	Thompson
Candelaria Reardon	GiaQuinta	Messmer	Torr
Cheatham	Goodin	Morris	Truitt
Cherry	Grubb	Moses	Turner
Clere	Gutwein	Neese	Ubelhor
Crawford	Harris	Niezgodski	VanNatter
Crouch	Heaton	Noe	Welch
Culver	Heuer	Pelath	Wesco
Davis	Hinkle	Pflum	White
Davisson	Karickhoff	Porter	Wolkins
Day	Kersey	Pryor	Yarde
DeLaney	Kirchhofer	Reske	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Pierce	Stevenson	VanDenburgh
Pond	Summers	

NOT VOTING: 3

Dermody	Lawson, L	Moseley

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Roll Call 82: PREVAILED

HB 1205 Behning
Superintendent contracts.
Crawford amendment
2nd Reading Amend. #21

Yeas:	92
Nays:	0
Excused:	5
N/Voting:	3

VOTING YEA: 92

Austin	Dembowski	Klinker	Reske
Bacon	Dermody	Knollman	Rhoads
Baird	Dobis	Koch	Richardson
Bardon	Dodge	Kubacki	Riecken
Bartlett	Eberhart	Lawson, L	Saunders
Battles	Ellspermann	Lehe	Smith, M
Bauer	Espich	Lehman	Smith, V
Behning	Foley	Leonard	Soliday
Borders	Friend	Lutz	Speedy
Brown,C	Frizzell	Mahan	Stemler
Brown, T	Fry, C	McClain	Steuerwald
Burton	Frye, R	McMillin	Sullivan
Candelaria Reardon	GiaQuinta	McNamara	Thompson
Cheatham	Goodin	Messmer	Torr
Cherry	Grubb	Morris	Truitt
Clere	Gutwein	Moses	Turner
Crawford	Harris	Neese	Ubelhor
Crouch	Heaton	Niezgodski	VanNatter
Culver	Heuer	Noe	Welch
Davis	Hinkle	Pelath	Wesco
Davisson	Karickhoff	Pflum	White
Day	Kersey	Porter	Wolkins
DeLaney	Kirchhofer	Pryor	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Pierce	Stevenson	VanDenburgh
Pond	Summers	

NOT VOTING: 3

Dvorak	Moseley	Mr. Speaker

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Roll Call 83: PASSED

HB 1003 Crouch
State agency issues.

3rd Reading

Yeas: 92
Nays: 0
Excused: 5
N/Voting: 3

VOTING YEA: 92

Austin	Dermody	Knollman	Reske
Bacon	Dobis	Koch	Rhoads
Baird	Dodge	Kubacki	Richardson
Bardon	Dvorak	Lawson, L	Riecken
Bartlett	Eberhart	Lehe	Saunders
Battles	Ellspermann	Lehman	Smith, M
Bauer	Espich	Leonard	Smith, V
Behning	Foley	Lutz	Soliday
Borders	Friend	Mahan	Speedy
Brown,C	Frizzell	McClain	Stemler
Brown, T	Fry, C	McMillin	Steuerwald
Burton	Frye, R	McNamara	Sullivan
Candelaria Reardon	GiaQuinta	Messmer	Thompson
Cherry	Goodin	Morris	Torr
Clere	Grubb	Moseley	Truitt
Crawford	Gutwein	Moses	Turner
Crouch	Heaton	Neese	Ubelhor
Culver	Heuer	Niezgodski	VanNatter
Davis	Hinkle	Noe	Welch
Davisson	Karickhoff	Pelath	Wesco
Day	Kersey	Pflum	White
DeLaney	Kirchhofer	Porter	Wolkins
Dembowski	Klinker	Pryor	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Pierce	Stevenson	VanDenburgh
Pond	Summers	

NOT VOTING: 3

Cheatham	Harris	Mr. Speaker

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Roll Call 84: PASSED

HB 1009 Foley
Technical corrections.

3rd Reading

Yeas: 90
Nays: 2
Excused: 6
N/Voting: 2

VOTING YEA: 90

Austin	Dembowski	Knollman	Rhoads
Bacon	Dermody	Koch	Richardson
Baird	Dobis	Kubacki	Riecken
Bardon	Dodge	Lawson, L	Saunders
Bartlett	Eberhart	Lehe	Smith, M
Battles	Ellspermann	Lehman	Smith, V
Bauer	Espich	Leonard	Soliday
Behning	Foley	Lutz	Stemler
Borders	Friend	Mahan	Steuerwald
Brown,C	Frizzell	McClain	Sullivan
Brown, T	Frye, R	McMillin	Thompson
Burton	GiaQuinta	McNamara	Torr
Candelaria Reardon	Goodin	Messmer	Truitt
Cheatham	Grubb	Morris	Turner
Cherry	Gutwein	Moseley	Ubelhor
Clere	Harris	Moses	VanNatter
Crawford	Heaton	Neese	Welch
Crouch	Heuer	Niezgodski	Wesco
Culver	Hinkle	Noe	White
Davis	Karickhoff	Pflum	Wolkins
Davisson	Kersey	Porter	Yarde
Day	Kirchhofer	Pryor	
DeLaney	Klinker	Reske	

VOTING NAY: 2

Fry, C	Pelath

EXCUSED FROM VOTING: 6

Pierce	Speedy	Summers
Pond	Stevenson	VanDenburgh

NOT VOTING: 2

Dvorak	Mr. Speaker

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Roll Call 85: PASSED

HB 1015 Davisson
Cemetery access.

3rd Reading

Yeas: 90
Nays: 2
Excused: 7
N/Voting: 1

VOTING YEA: 90

Austin	Dermody	Knollman	Rhoads
Bacon	Dobis	Koch	Richardson
Baird	Dodge	Kubacki	Riecken
Bardon	Eberhart	Lawson, L	Saunders
Battles	Ellspermann	Lehe	Smith, M
Bauer	Espich	Lehman	Smith, V
Behning	Foley	Leonard	Soliday
Borders	Friend	Lutz	Stemler
Brown,C	Frizzell	Mahan	Steuerwald
Brown, T	Fry, C	McClain	Sullivan
Burton	Frye, R	McMillin	Thompson
Candelaria Reardon	GiaQuinta	McNamara	Torr
Cheatham	Goodin	Messmer	Truitt
Cherry	Grubb	Morris	Turner
Clere	Gutwein	Moseley	Ubelhor
Crawford	Harris	Neese	VanNatter
Crouch	Heaton	Niezgodski	Welch
Culver	Heuer	Noe	Wesco
Davis	Hinkle	Pelath	White
Davisson	Karickhoff	Pflum	Wolkins
Day	Kersey	Porter	Yarde
DeLaney	Kirchhofer	Pryor	
Dembowski	Klinker	Reske	

VOTING NAY: 2

Bartlett	Moses

EXCUSED FROM VOTING: 7

Dvorak	Pond	Stevenson	VanDenburgh
Pierce	Speedy	Summers	

NOT VOTING: 1

Mr. Speaker

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Roll Call 86: PASSED

HB 1059 Baird
Military family relief fund.

3rd Reading

Yeas: 93
Nays: 0
Excused: 7
N/Voting: 0

VOTING YEA: 93

Austin	Dermody	Koch	Richardson
Bacon	Dobis	Kubacki	Riecken
Baird	Dodge	Lawson, L	Saunders
Bardon	Eberhart	Lehe	Smith, M
Bartlett	Ellspermann	Lehman	Smith, V
Battles	Espich	Leonard	Soliday
Bauer	Foley	Lutz	Stemler
Behning	Friend	Mahan	Steuerwald
Borders	Frizzell	McClain	Sullivan
Brown,C	Fry, C	McMillin	Thompson
Brown, T	Frye, R	McNamara	Torr
Burton	GiaQuinta	Messmer	Truitt
Candelaria Reardon	Goodin	Morris	Turner
Cheatham	Grubb	Moseley	Ubelhor
Cherry	Gutwein	Moses	VanNatter
Clere	Harris	Neese	Welch
Crawford	Heaton	Niezgodski	Wesco
Crouch	Heuer	Noe	White
Culver	Hinkle	Pelath	Wolkins
Davis	Karickhoff	Pflum	Yarde
Davisson	Kersey	Porter	Mr. Speaker
Day	Kirchhofer	Pryor	
DeLaney	Klinker	Reske	
Dembowski	Knollman	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 7

Dvorak	Pond	Stevenson	VanDenburgh
Pierce	Speedy	Summers	

NOT VOTING: NONE

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Roll Call 87: PASSED

HB 1080 R. Frye
Sexual battery.

3rd Reading

Yeas: 92
Nays: 0
Excused: 7
N/Voting: 1

VOTING YEA: 92

Austin	Dermody	Knollman	Reske
Bacon	Dobis	Koch	Rhoads
Baird	Dodge	Kubacki	Richardson
Bardon	Eberhart	Lawson, L	Riecken
Bartlett	Ellspermann	Lehe	Saunders
Battles	Espich	Lehman	Smith, M
Bauer	Foley	Leonard	Smith, V
Behning	Friend	Lutz	Soliday
Borders	Frizzell	Mahan	Stemler
Brown,C	Fry, C	McClain	Steuerwald
Brown, T	Frye, R	McMillin	Sullivan
Burton	GiaQuinta	McNamara	Thompson
Candelaria Reardon	Goodin	Messmer	Torr
Cheatham	Grubb	Morris	Truitt
Cherry	Gutwein	Moseley	Turner
Clere	Harris	Moses	Ubelhor
Crouch	Heaton	Neese	VanNatter
Culver	Heuer	Niezgodski	Welch
Davis	Hinkle	Noe	Wesco
Davisson	Karickhoff	Pelath	White
Day	Kersey	Pflum	Wolkins
DeLaney	Kirchhofer	Porter	Yarde
Dembowski	Klinker	Pryor	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: 7

Dvorak	Pond	Stevenson	VanDenburgh
Pierce	Speedy	Summers	

NOT VOTING: 1

Crawford

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Roll Call 88: PASSED

HB 1090 Friend
Payment of delinquent property taxes.

3rd Reading

Yeas: 92
Nays: 0
Excused: 6
N/Voting: 2

VOTING YEA: 92

Austin	Dermody	Knollman	Reske
Bacon	Dobis	Koch	Rhoads
Baird	Dodge	Kubacki	Richardson
Bardon	Eberhart	Lawson, L	Riecken
Bartlett	Ellspermann	Lehe	Saunders
Battles	Espich	Lehman	Smith, M
Behning	Foley	Leonard	Smith, V
Borders	Friend	Lutz	Soliday
Brown,C	Frizzell	Mahan	Speedy
Brown, T	Fry, C	McClain	Stemler
Burton	Frye, R	McMillin	Steuerwald
Candelaria Reardon	GiaQuinta	McNamara	Sullivan
Cheatham	Goodin	Messmer	Thompson
Cherry	Grubb	Morris	Torr
Clere	Gutwein	Moseley	Truitt
Crawford	Harris	Moses	Turner
Crouch	Heaton	Neese	Ubelhor
Culver	Heuer	Niezgodski	VanNatter
Davis	Hinkle	Noe	Welch
Davisson	Karickhoff	Pelath	Wesco
Day	Kersey	Pflum	White
DeLaney	Kirchhofer	Porter	Wolkins
Dembowski	Klinker	Pryor	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Dvorak	Pond	Summers
Pierce	Stevenson	VanDenburgh

NOT VOTING: 2

Bauer Mr. Speaker

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Roll Call 89: PASSED

HB 1093 Mahan
Public access issues.

3rd Reading

Yeas: 90
Nays: 4
Excused: 6
N/Voting: 0

VOTING YEA: 90

Austin	Dermody	Koch	Rhoads
Bacon	Dobis	Kubacki	Richardson
Baird	Dodge	Lawson, L	Riecken
Bardon	Eberhart	Lehe	Smith, M
Bartlett	Ellspermann	Lehman	Smith, V
Battles	Espich	Leonard	Soliday
Behning	Foley	Lutz	Speedy
Borders	Friend	Mahan	Stemler
Brown,C	Frizzell	McClain	Steuerwald
Brown, T	Frye, R	McMillin	Sullivan
Burton	GiaQuinta	McNamara	Thompson
Candelaria Reardon	Goodin	Messmer	Torr
Cheatham	Grubb	Morris	Truitt
Cherry	Gutwein	Moseley	Turner
Clere	Harris	Moses	Ubelhor
Crawford	Heaton	Neese	VanNatter
Crouch	Heuer	Niezgodski	Welch
Culver	Hinkle	Noe	Wesco
Davis	Karickhoff	Pelath	White
Davisson	Kersey	Pflum	Yarde
Day	Kirchhofer	Porter	Mr. Speaker
DeLaney	Klinker	Pryor	
Dembowski	Knollman	Reske	

VOTING NAY: 4

Bauer	Fry, C	Saunders	Wolkins

EXCUSED FROM VOTING: 6

Dvorak	Pond	Summers
Pierce	Stevenson	VanDenburgh

NOT VOTING: NONE

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Roll Call 90: PASSED

HB 1112 Lehman
Telecommunications providers of last resort.
3rd Reading

Yeas: 80
Nays: 12
Excused: 7
N/Voting: 1

VOTING YEA: 80

Austin	Dodge	Knollman	Reske
Bacon	Eberhart	Koch	Rhoads
Baird	Ellspermann	Kubacki	Richardson
Bardon	Espich	Lehe	Smith, M
Battles	Foley	Lehman	Soliday
Borders	Friend	Leonard	Speedy
Brown,C	Frizzell	Lutz	Stemler
Brown, T	Frye, R	Mahan	Steuerwald
Burton	GiaQuinta	McClain	Sullivan
Candelaria Reardon	Goodin	McMillin	Thompson
Cheatham	Grubb	McNamara	Torr
Cherry	Gutwein	Messmer	Truitt
Clere	Harris	Morris	Turner
Crouch	Heaton	Neese	Ubelhor
Culver	Heuer	Niezgodski	VanNatter
Davis	Hinkle	Noe	Wesco
Davisson	Karickhoff	Pelath	White
DeLaney	Kersey	Pflum	Wolkins
Dermody	Kirchhofer	Porter	Yarde
Dobis	Klinker	Pryor	Mr. Speaker

VOTING NAY: 12

Bartlett	Day	Lawson, L	Riecken
Bauer	Dembowski	Moseley	Smith, V
Crawford	Fry, C	Moses	Welch

EXCUSED FROM VOTING: 7

Behning	Pierce	Stevenson	VanDenburgh
Dvorak	Pond	Summers	

NOT VOTING: 1

Saunders

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Roll Call 91: PASSED

HB 1116 Borders
Military education and training.

3rd Reading

Yeas: 90
Nays: 0
Excused: 7
N/Voting: 3

VOTING YEA: 90

Austin	Dermody	Koch	Rhoads
Bacon	Dobis	Kubacki	Richardson
Baird	Dodge	Lawson, L	Riecken
Bardon	Eberhart	Lehe	Saunders
Bartlett	Ellspermann	Lehman	Smith, M
Battles	Espich	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Borders	Friend	Mahan	Speedy
Brown,C	Frizzell	McClain	Stemler
Brown, T	Fry, C	McMillin	Steuerwald
Burton	Frye, R	McNamara	Sullivan
Candelaria Reardon	GiaQuinta	Messmer	Thompson
Cheatham	Goodin	Morris	Torr
Cherry	Gutwein	Moseley	Truitt
Clere	Harris	Moses	Turner
Crawford	Heaton	Neese	Ubelhor
Crouch	Heuer	Niezgodski	VanNatter
Culver	Hinkle	Noe	Welch
Davis	Karickhoff	Pelath	Wesco
Davisson	Kersey	Pflum	White
Day	Kirchhofer	Porter	Yarde
DeLaney	Klinker	Pryor	
Dembowski	Knollman	Reske	

VOTING NAY: NONE

EXCUSED FROM VOTING: 7

Behning	Pierce	Stevenson	VanDenburgh
Dvorak	Pond	Summers	

NOT VOTING: 3

Grubb	Wolkins	Mr. Speaker

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Roll Call 92: PASSED

HB 1128 Lehe
Corn marketing council.

3rd Reading

Yeas: 90
Nays: 0
Excused: 8
N/Voting: 2

VOTING YEA: 90

Austin	Dermody	Knollman	Reske
Bacon	Dobis	Koch	Rhoads
Baird	Dodge	Kubacki	Richardson
Bardon	Eberhart	Lawson, L	Riecken
Bartlett	Ellspermann	Lehe	Saunders
Battles	Espich	Lehman	Smith, M
Bauer	Foley	Leonard	Smith, V
Borders	Friend	Lutz	Soliday
Brown,C	Frizzell	Mahan	Speedy
Brown, T	Fry, C	McClain	Stemler
Burton	Frye, R	McMillin	Sullivan
Candelaria Reardon	GiaQuinta	McNamara	Thompson
Cheatham	Goodin	Messmer	Torr
Cherry	Grubb	Morris	Truitt
Clere	Gutwein	Moseley	Turner
Crawford	Harris	Moses	Ubelhor
Crouch	Heaton	Neese	VanNatter
Culver	Heuer	Niezgodski	Welch
Davis	Hinkle	Noe	Wesco
Davisson	Karickhoff	Pelath	White
Day	Kersey	Pflum	Yarde
DeLaney	Kirchhofer	Porter	
Dembowski	Klinker	Pryor	

VOTING NAY: NONE

EXCUSED FROM VOTING: 8

Behning	Pierce	Steuerwald	Summers
Dvorak	Pond	Stevenson	VanDenburgh

NOT VOTING: 2

Wolkins	Mr. Speaker

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Roll Call 93: PASSED

HB 1129 Lehe
State chemist issues.

3rd Reading

Yeas: 84
Nays: 7
Excused: 6
N/Voting: 3

VOTING YEA: 84

Austin	Dermody	Knollman	Pierce
Bacon	Dobis	Koch	Pryor
Baird	Dodge	Kubacki	Reske
Bardon	Eberhart	Lawson, L	Rhoads
Battles	Ellspermann	Lehe	Richardson
Bauer	Friend	Lehman	Riecken
Borders	Frizzell	Leonard	Saunders
Brown,C	Fry, C	Lutz	Smith, M
Brown, T	Frye, R	Mahan	Smith, V
Burton	GiaQuinta	McClain	Soliday
Candelaria Reardon	Goodin	McMillin	Speedy
Cheatham	Grubb	McNamara	Stemler
Cherry	Gutwein	Messmer	Steuerwald
Clere	Harris	Morris	Sullivan
Crawford	Heaton	Moseley	Truitt
Crouch	Heuer	Moses	Turner
Davis	Hinkle	Neese	Ubelhor
Davisson	Karickhoff	Niezgodski	VanNatter
Day	Kersey	Noe	Welch
DeLaney	Kirchhofer	Pelath	White
Dembowski	Klinker	Pflum	Yarde

VOTING NAY: 7

Bartlett	Foley	Thompson	Wesco
Culver	Porter	Torr	

EXCUSED FROM VOTING: 6

Behning	Pond	Summers
Dvorak	Stevenson	VanDenburgh

NOT VOTING: 3

Espich	Wolkins	Mr. Speaker

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Roll Call 94: PASSED

HB 1136 Wesco
Child care ministry advisory committee.

3rd Reading

Yeas: 91
Nays: 1
Excused: 6
N/Voting: 2

VOTING YEA: 91

Austin	Dermody	Koch	Reske
Bacon	Dobis	Kubacki	Rhoads
Baird	Dodge	Lawson, L	Richardson
Bardon	Eberhart	Lehe	Riecken
Bartlett	Ellspermann	Lehman	Saunders
Battles	Espich	Leonard	Smith, M
Bauer	Foley	Lutz	Smith, V
Borders	Friend	Mahan	Soliday
Brown,C	Frizzell	McClain	Speedy
Brown, T	Frye, R	McMillin	Stemler
Burton	GiaQuinta	McNamara	Steuerwald
Candelaria Reardon	Goodin	Messmer	Sullivan
Cheatham	Grubb	Morris	Thompson
Cherry	Gutwein	Moseley	Torr
Clere	Harris	Moses	Truitt
Crawford	Heaton	Neese	Turner
Crouch	Heuer	Niezgodski	Ubelhor
Culver	Hinkle	Noe	VanNatter
Davis	Karickhoff	Pelath	Welch
Davisson	Kersey	Pflum	Wesco
Day	Kirchhofer	Pierce	White
DeLaney	Klinker	Porter	Yarde
Dembowski	Knollman	Pryor	

VOTING NAY: 1

Fry, C

EXCUSED FROM VOTING: 6

Behning	Pond	Summers
Dvorak	Stevenson	VanDenburgh

NOT VOTING: 2

Wolkins	Mr. Speaker

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Roll Call 95: PASSED

HB 1148 Messmer
Engineer and land surveyor examinations.
3rd Reading

Yeas: 89
Nays: 3
Excused: 6
N/Voting: 2

VOTING YEA: 89

Austin	Eberhart	Lawson, L	Richardson
Bacon	Ellspermann	Lehe	Riecken
Baird	Espich	Lehman	Saunders
Bardon	Foley	Leonard	Smith, M
Battles	Friend	Lutz	Smith, V
Bauer	Frizzell	Mahan	Soliday
Borders	Fry, C	McClain	Speedy
Brown, T	Frye, R	McMillin	Stemler
Burton	GiaQuinta	McNamara	Steuerwald
Cheatham	Goodin	Messmer	Sullivan
Cherry	Grubb	Morris	Thompson
Clere	Gutwein	Moseley	Torr
Crawford	Harris	Moses	Truitt
Crouch	Heaton	Neese	Turner
Culver	Heuer	Niezgodski	Ubelhor
Davis	Hinkle	Noe	VanNatter
Davisson	Karickhoff	Pelath	Welch
Day	Kersey	Pflum	Wesco
DeLaney	Kirchhofer	Pierce	White
Dembowski	Klinker	Porter	Yarde
Dermody	Knollman	Pryor	
Dobis	Koch	Reske	
Dodge	Kubacki	Rhoads	

VOTING NAY: 3

Bartlett	Brown,C	Candelaria Reardon

EXCUSED FROM VOTING: 6

Behning	Pond	Summers
Dvorak	Stevenson	VanDenburgh

NOT VOTING: 2

Wolkins	Mr. Speaker

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Roll Call 96: PASSED

HB 1154 Messmer
Local purchasing and public works preferences.
3rd Reading

Yeas: 73
Nays: 18
Excused: 6
N/Voting: 3

VOTING YEA: 73

Austin	Eberhart	Kubacki	Smith, M
Bacon	Ellspermann	Lehe	Soliday
Baird	Espich	Lehman	Speedy
Battles	Foley	Leonard	Stemler
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Sullivan
Burton	Frye, R	McClain	Thompson
Cheatham	GiaQuinta	McMillin	Torr
Cherry	Goodin	McNamara	Truitt
Clere	Grubb	Messmer	Turner
Crouch	Gutwein	Morris	Ubelhor
Culver	Heaton	Moses	VanNatter
Davis	Heuer	Neese	Welch
Davisson	Hinkle	Noe	Wesco
Day	Karickhoff	Pflum	White
DeLaney	Kirchhofer	Reske	Yarde
Dermody	Klinker	Rhoads	
Dobis	Knollman	Richardson	
Dodge	Koch	Saunders	

VOTING NAY: 18

Bardon	Dembowski	Moseley	Pryor
Bartlett	Fry, C	Niezgodski	Riecken
Bauer	Harris	Pelath	Smith, V
Brown,C	Kersey	Pierce	
Crawford	Lawson, L	Porter	

EXCUSED FROM VOTING: 6

Behning	Pond	Summers
Dvorak	Stevenson	VanDenburgh

NOT VOTING: 3

Candelaria Reardon	Wolkins	Mr. Speaker

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Roll Call 97: PASSED

HB 1173 Ellspermann
Various IOSHA matters.
3rd Reading

Yeas: 64
Nays: 26
Excused: 6
N/Voting: 4

VOTING YEA: 64

Baird	Espich	Kubacki	Richardson
Borders	Foley	Lehe	Saunders
Brown, T	Friend	Lehman	Smith, M
Burton	Frizzell	Leonard	Smith, V
Cheatham	Frye, R	Lutz	Soliday
Cherry	GiaQuinta	Mahan	Speedy
Clere	Gutwein	McClain	Stemler
Crouch	Harris	McMillin	Steuerwald
Culver	Heaton	McNamara	Thompson
Davis	Heuer	Messmer	Truitt
Davisson	Hinkle	Morris	Turner
Dermody	Karickhoff	Neese	Ubelhor
Dobis	Kirchhofer	Niezgodski	VanNatter
Dodge	Klinker	Noe	Welch
Eberhart	Knollman	Reske	Wesco
Ellspermann	Koch	Rhoads	Yarde

VOTING NAY: 26

Austin	Day	Lawson, L	Pryor
Bacon	DeLaney	Moseley	Riecken
Bardon	Dembowski	Moses	Sullivan
Bartlett	Fry, C	Pelath	Torr
Battles	Goodin	Pflum	White
Candelaria Reardon	Grubb	Pierce	
Crawford	Kersey	Porter	

EXCUSED FROM VOTING: 6

Behning	Pond	Summers
Dvorak	Stevenson	VanDenburgh

NOT VOTING: 4

Bauer	Brown,C	Wolkins	Mr. Speaker

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Roll Call 98: PASSED

HB 1186 T. Brown
Paramedic licensing.
3rd Reading

Yeas: 91
Nays: 0
Excused: 7
N/Voting: 2

VOTING YEA: 91

Austin	Dermody	Knollman	Reske
Bacon	Dobis	Koch	Rhoads
Baird	Dodge	Kubacki	Richardson
Bardon	Eberhart	Lawson, L	Riecken
Bartlett	Ellspermann	Lehe	Saunders
Battles	Espich	Lehman	Smith, M
Bauer	Foley	Leonard	Smith, V
Borders	Friend	Lutz	Soliday
Brown,C	Frizzell	Mahan	Speedy
Brown, T	Fry, C	McClain	Stemler
Burton	Frye, R	McMillin	Steuerwald
Candelaria Reardon	GiaQuinta	McNamara	Sullivan
Cheatham	Goodin	Messmer	Thompson
Cherry	Grubb	Morris	Torr
Clere	Gutwein	Moseley	Truitt
Crawford	Harris	Moses	Turner
Crouch	Heaton	Neese	Ubelhor
Culver	Heuer	Niezgodski	VanNatter
Davis	Hinkle	Noe	Welch
Davisson	Karickhoff	Pelath	Wesco
Day	Kersey	Pflum	White
DeLaney	Kirchhofer	Pierce	Yarde
Dembowski	Klinker	Pryor	

VOTING NAY: NONE

EXCUSED FROM VOTING: 7

Behning	Pond	Stevenson	VanDenburgh
Dvorak	Porter	Summers	

NOT VOTING: 2

Wolkins	Mr. Speaker

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Roll Call 99: PASSED

HB 1190 Crouch
Real property reassessment.

3rd Reading

Yeas:	91
Nays:	1
Excused:	6
N/Voting:	2

VOTING YEA: 91

Austin	Dermody	Knollman	Pryor
Bacon	Dobis	Koch	Reske
Baird	Dodge	Kubacki	Rhoads
Bardon	Eberhart	Lawson, L	Richardson
Bartlett	Ellspermann	Lehe	Riecken
Battles	Espich	Lehman	Saunders
Bauer	Foley	Leonard	Smith, V
Borders	Friend	Lutz	Soliday
Brown,C	Frizzell	Mahan	Speedy
Brown, T	Fry, C	McClain	Stemler
Burton	Frye, R	McMillin	Steuerwald
Candelaria Reardon	GiaQuinta	McNamara	Sullivan
Cheatham	Goodin	Messmer	Thompson
Cherry	Grubb	Morris	Torr
Clere	Gutwein	Moseley	Truitt
Crawford	Harris	Moses	Turner
Crouch	Heaton	Neese	Ubelhor
Culver	Heuer	Niezgodski	VanNatter
Davis	Hinkle	Noe	Welch
Davisson	Karickhoff	Pelath	Wesco
Day	Kersey	Pflum	White
DeLaney	Kirchhofer	Pierce	Yarde
Dembowski	Klinker	Porter	

VOTING NAY: 1

Smith, M

EXCUSED FROM VOTING: 6

Behning	Pond	Summers
Dvorak	Stevenson	VanDenburgh

NOT VOTING: 2

Wolkins	Mr. Speaker

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Roll Call 100: PASSED

HB 1201 Dermody
State provision of communication services.
3rd Reading

Yeas:	71
Nays:	20
Excused:	6
N/Voting:	3

VOTING YEA: 71

Bacon	Eberhart	Kubacki	Reske
Baird	Ellspermann	Lehe	Rhoads
Bartlett	Espich	Lehman	Richardson
Borders	Foley	Leonard	Saunders
Brown,C	Friend	Lutz	Smith, M
Brown, T	Frizzell	McClain	Soliday
Burton	Goodin	McMillin	Speedy
Candelaria Reardon	Grubb	McNamara	Stemler
Cheatham	Gutwein	Messmer	Steuerwald
Cherry	Heaton	Morris	Thompson
Clere	Heuer	Moseley	Torr
Crouch	Hinkle	Neese	Truitt
Culver	Karickhoff	Niezgodski	Turner
Davis	Kersey	Noe	Ubelhor
Davisson	Kirchhofer	Pelath	VanNatter
Dermody	Klinker	Pflum	Wesco
Dobis	Knollman	Porter	Yarde
Dodge	Koch	Pryor	

VOTING NAY: 20

Austin	DeLaney	Harris	Riecken
Bardon	Dembowski	Lawson, L	Smith, V
Battles	Fry, C	Mahan	Sullivan
Crawford	Frye, R	Moses	Welch
Day	GiaQuinta	Pierce	White

EXCUSED FROM VOTING: 6

Behning	Pond	Summers
Dvorak	Stevenson	VanDenburgh

NOT VOTING: 3

Bauer	Wolkins	Mr. Speaker

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Roll Call 102: SUSTAINED

HB 1325 Pond
Sales tax exemption for certain aircraft.

Ruling of the Chair

Yeas:	54
Nays:	35
Excused:	8
N/Voting:	3

VOTING YEA: 54

Bacon	Eberhart	Lehman	Smith, M
Baird	Ellspermann	Leonard	Soliday
Behning	Espich	Lutz	Speedy
Borders	Frizzell	Mahan	Thompson
Brown, T	Frye, R	McClain	Torr
Burton	Gutwein	McMillin	Truitt
Cherry	Heaton	McNamara	Turner
Clere	Heuer	Messmer	Ubelhor
Crouch	Hinkle	Morris	VanNatter
Culver	Karickhoff	Neese	Wesco
Davis	Kirchhofer	Noe	Wolkins
Davisson	Koch	Rhoads	Yarde
Dermody	Kubacki	Richardson	
Dodge	Lehe	Saunders	

VOTING NAY: 35

Austin	Day	Kersey	Pryor
Bardon	DeLaney	Klinker	Reske
Bartlett	Dobis	Lawson, L	Riecken
Battles	Dvorak	Moseley	Stemler
Bauer	Fry, C	Moses	Stevenson
Brown,C	GiaQuinta	Niezgodski	Sullivan
Candelaria Reardon	Goodin	Pelath	Summers
Cheatham	Grubb	Pflum	White
Crawford	Harris	Pierce	

EXCUSED FROM VOTING: 8

Dembowski	Friend	Pond	Steuerwald
Foley	Knollman	Porter	VanDenburgh

NOT VOTING: 3

Smith, V	Welch	Mr. Speaker

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Roll Call 103: PASSED

HB 1365 McNamara
Dual juvenile and criminal jurisdiction.
3rd Reading

Yeas:	93
Nays:	0
Excused:	6
N/Voting:	1

VOTING YEA: 93

Austin	Dobis	Lawson, L	Saunders
Bacon	Dodge	Lehe	Smith, M
Baird	Dvorak	Lehman	Smith, V
Bardon	Eberhart	Leonard	Soliday
Bartlett	Ellspermann	Lutz	Speedy
Battles	Espich	Mahan	Stemler
Bauer	Foley	McClain	Steuerwald
Behning	Frizzell	McMillin	Stevenson
Borders	Fry, C	McNamara	Sullivan
Brown,C	Frye, R	Messmer	Summers
Brown, T	GiaQuinta	Morris	Thompson
Burton	Goodin	Moseley	Torr
Candelaria Reardon	Grubb	Moses	Truitt
Cheatham	Gutwein	Neese	Turner
Cherry	Harris	Niezgodski	Ubelhor
Clere	Heaton	Noe	VanNatter
Crawford	Heuer	Pelath	Welch
Crouch	Hinkle	Pflum	Wesco
Culver	Karickhoff	Pierce	White
Davis	Kersey	Pryor	Wolkins
Davisson	Kirchhofer	Reske	Yarde
Day	Klinker	Rhoads	
DeLaney	Koch	Richardson	
Dermody	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Dembowski	Knollman	Porter
Friend	Pond	VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 104: PASSED

HB 1360 Welch
Anatomical gift promotion fund.

3rd Reading

Yeas: 93
Nays: 0
Excused: 6
N/Voting: 1

VOTING YEA: 93

Austin	Dobis	Lawson, L	Saunders
Bacon	Dodge	Lehe	Smith, M
Baird	Dvorak	Lehman	Smith, V
Bardon	Eberhart	Leonard	Soliday
Bartlett	Ellspermann	Lutz	Speedy
Battles	Espich	Mahan	Stemler
Bauer	Foley	McClain	Steuerwald
Behning	Frizzell	McMillin	Stevenson
Borders	Fry, C	McNamara	Sullivan
Brown,C	Frye, R	Messmer	Summers
Brown, T	GiaQuinta	Morris	Thompson
Burton	Goodin	Moseley	Torr
Candelaria Reardon	Grubb	Moses	Truitt
Cheatham	Gutwein	Neese	Turner
Cherry	Harris	Niezgodski	Ubelhor
Clere	Heaton	Noe	VanNatter
Crawford	Heuer	Pelath	Welch
Crouch	Hinkle	Pflum	Wesco
Culver	Karickhoff	Pierce	White
Davis	Kersey	Pryor	Wolkins
Davisson	Kirchhofer	Reske	Yarde
Day	Klinker	Rhoads	
DeLaney	Koch	Richardson	
Dermody	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Dembowski	Knollman	Porter
Friend	Pond	VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 105: PASSED

HB 1349 Dodge
Drainage boards.

3rd Reading

Yeas: 92
Nays: 0
Excused: 6
N/Voting: 2

VOTING YEA: 92

Austin	Dobis	Kubacki	Richardson
Bacon	Dodge	Lawson, L	Riecken
Baird	Dvorak	Lehe	Saunders
Bardon	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Smith, V
Battles	Espich	Lutz	Soliday
Bauer	Foley	Mahan	Speedy
Behning	Frizzell	McClain	Stemler
Borders	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Summers
Cheatham	Grubb	Moseley	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Pryor	White
DeLaney	Klinker	Reske	Wolkins
Dermody	Koch	Rhoads	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Dembowski	Knollman	Porter
Friend	Pond	VanDenburgh

NOT VOTING: 2

Brown,C Mr. Speaker

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Roll Call 106: PASSED

HB 1299 Davis
Alcoholic beverage matters.

3rd Reading

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

VOTING YEA: 93

Austin	Dobis	Lawson, L	Saunders
Bacon	Dodge	Lehe	Smith, M
Baird	Dvorak	Lehman	Smith, V
Bardon	Eberhart	Leonard	Soliday
Bartlett	Ellspermann	Lutz	Speedy
Battles	Espich	Mahan	Stemler
Bauer	Foley	McClain	Steuerwald
Behning	Frizzell	McMillin	Stevenson
Borders	Fry, C	McNamara	Sullivan
Brown,C	Frye, R	Messmer	Summers
Brown, T	GiaQuinta	Morris	Thompson
Burton	Goodin	Moseley	Torr
Candelaria Reardon	Grubb	Moses	Truitt
Cheatham	Gutwein	Neese	Turner
Cherry	Harris	Niezgodski	Ubelhor
Clere	Heaton	Noe	VanNatter
Crawford	Heuer	Pelath	Welch
Crouch	Hinkle	Pflum	Wesco
Culver	Karickhoff	Pierce	White
Davis	Kersey	Pryor	Wolkins
Davisson	Kirchhofer	Reske	Yarde
Day	Klinker	Rhoads	
DeLaney	Koch	Richardson	
Dermody	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Dembowski	Knollman	VanDenburgh
Friend	Pond	

NOT VOTING: 2

Porter Mr. Speaker

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Roll Call 107: PASSED

HB 1294 Heaton
Various securities division matters.

3rd Reading

Yeas: 93
Nays: 0
Excused: 6
N/Voting: 1

VOTING YEA: 93

Austin	Dobis	Lawson, L	Saunders
Bacon	Dodge	Lehe	Smith, M
Baird	Dvorak	Lehman	Smith, V
Bardon	Eberhart	Leonard	Soliday
Bartlett	Ellspermann	Lutz	Speedy
Battles	Espich	Mahan	Stemler
Bauer	Foley	McClain	Steuerwald
Behning	Frizzell	McMillin	Stevenson
Borders	Fry, C	McNamara	Sullivan
Brown,C	Frye, R	Messmer	Summers
Brown, T	GiaQuinta	Morris	Thompson
Burton	Goodin	Moseley	Torr
Candelaria Reardon	Grubb	Neese	Truitt
Cheatham	Gutwein	Niezgodski	Turner
Cherry	Harris	Noe	Ubelhor
Clere	Heaton	Pelath	VanNatter
Crawford	Heuer	Pflum	Welch
Crouch	Hinkle	Pierce	Wesco
Culver	Karickhoff	Porter	White
Davis	Kersey	Pryor	Wolkins
Davisson	Kirchhofer	Reske	Yarde
Day	Klinker	Rhoads	
DeLaney	Koch	Richardson	
Dermody	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Dembowski	Knollman	Pond
Friend	Moses	VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 108: PASSED

HB 1280 Koch
Regulatory matters.

3rd Reading

Yeas:	69
Nays:	26
Excused:	5
N/Voting:	0

VOTING YEA: 69

Bacon	Dvorak	Kubacki	Smith, M
Baird	Eberhart	Lawson, L	Soliday
Bardon	Ellspermann	Lehe	Speedy
Battles	Espich	Lehman	Stemler
Behning	Foley	Leonard	Steuerwald
Borders	Frizzell	Lutz	Thompson
Brown, T	Frye, R	Mahan	Torr
Burton	Goodin	McClain	Truitt
Cheatham	Grubb	McMillin	Turner
Cherry	Gutwein	McNamara	Ubelhor
Clere	Heaton	Messmer	VanNatter
Crouch	Heuer	Morris	Wesco
Culver	Hinkle	Neese	Wolkins
Davis	Karickhoff	Noe	Yarde
Davisson	Kersey	Reske	Mr. Speaker
Dermody	Kirchhofer	Rhoads	
Dobis	Klinker	Richardson	
Dodge	Koch	Saunders	

VOTING NAY: 26

Austin	DeLaney	Pelath	Stevenson
Bartlett	Fry, C	Pflum	Sullivan
Bauer	GiaQuinta	Pierce	Summers
Brown,C	Harris	Porter	Welch
Candelaria Reardon	Moseley	Pryor	White
Crawford	Moses	Riecken	
Day	Niezgodski	Smith, V	

EXCUSED FROM VOTING: 5

Dembowski	Knollman	VanDenburgh
Friend	Pond	

NOT VOTING: NONE

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Roll Call 109: PASSED

HB 1273 Steuerwald
Administrative law judge study.

3rd Reading

Yeas:	93
Nays:	1
Excused:	5
N/Voting:	1

VOTING YEA: 93

Austin	Dodge	Lehe	Saunders
Bacon	Dvorak	Lehman	Smith, M
Baird	Eberhart	Leonard	Smith, V
Bardon	Ellspermann	Lutz	Soliday
Bartlett	Espich	Mahan	Speedy
Battles	Foley	McClain	Stemler
Bauer	Frizzell	McMillin	Steuerwald
Behning	Fry, C	McNamara	Stevenson
Borders	Frye, R	Messmer	Sullivan
Brown,C	GiaQuinta	Morris	Summers
Burton	Goodin	Moseley	Thompson
Candelaria Reardon	Grubb	Moses	Torr
Cheatham	Gutwein	Neese	Truitt
Cherry	Harris	Niezgodski	Turner
Clere	Heaton	Noe	Ubelhor
Crawford	Heuer	Pelath	VanNatter
Crouch	Hinkle	Pflum	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Porter	White
Davisson	Kirchhofer	Pryor	Wolkins
Day	Klinker	Reske	Yarde
DeLaney	Koch	Rhoads	
Dermody	Kubacki	Richardson	
Dobis	Lawson, L	Riecken	

VOTING NAY: 1

Brown, T

EXCUSED FROM VOTING: 5

Dembowski	Knollman	VanDenburgh
Friend	Pond	

NOT VOTING: 1

Mr. Speaker

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Roll Call 110: PASSED

HB 1264 Soliday
Flood control in Lake County.

3rd Reading

Yeas:	84
Nays:	10
Excused:	5
N/Voting:	1

VOTING YEA: 84

Bacon	Dobis	Lehe	Saunders
Baird	Dodge	Lehman	Smith, M
Bardon	Eberhart	Leonard	Smith, V
Bartlett	Ellspermann	Lutz	Soliday
Bauer	Espich	Mahan	Speedy
Behning	Foley	McClain	Stemler
Brown,C	Frizzell	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Grubb	Morris	Summers
Cheatham	Gutwein	Moseley	Thompson
Cherry	Harris	Moses	Torr
Clere	Heaton	Niezgodski	Truitt
Crawford	Heuer	Noe	Turner
Crouch	Hinkle	Pelath	Ubelhor
Culver	Karickhoff	Pierce	VanNatter
Davis	Kersey	Porter	Welch
Davisson	Kirchhofer	Pryor	Wesco
Day	Klinker	Rhoads	White
DeLaney	Kubacki	Richardson	Wolkins
Dermody	Lawson, L	Riecken	Yarde

VOTING NAY: 10

Austin	Dvorak	Koch	Reske
Battles	Fry, C	Neese	
Borders	Goodin	Pflum	

EXCUSED FROM VOTING: 5

Dembowski	Knollman	VanDenburgh
Friend	Pond	

NOT VOTING: 1

Mr. Speaker

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Roll Call 111: PASSED

HB 1239 Burton
Financial institutions and
consumer credit.
3rd Reading

Yeas:	93
Nays:	1
Excused:	5
N/Voting:	1

VOTING YEA: 93

Austin	Dobis	Lehe	Saunders
Bacon	Dodge	Lehman	Smith, M
Baird	Dvorak	Leonard	Smith, V
Bardon	Eberhart	Lutz	Soliday
Bartlett	Ellspermann	Mahan	Speedy
Battles	Espich	McClain	Stemler
Bauer	Foley	McMillin	Steuerwald
Behning	Frizzell	McNamara	Stevenson
Borders	Frye, R	Messmer	Sullivan
Brown,C	GiaQuinta	Morris	Summers
Brown, T	Goodin	Moseley	Thompson
Burton	Grubb	Moses	Torr
Candelaria Reardon	Gutwein	Neese	Truitt
Cheatham	Harris	Niezgodski	Turner
Cherry	Heaton	Noe	Ubelhor
Clere	Heuer	Pelath	VanNatter
Crawford	Hinkle	Pflum	Welch
Crouch	Karickhoff	Pierce	Wesco
Culver	Kersey	Porter	White
Davis	Kirchhofer	Pryor	Wolkins
Davisson	Klinker	Reske	Yarde
Day	Koch	Rhoads	
DeLaney	Kubacki	Richardson	
Dermody	Lawson, L	Riecken	

VOTING NAY: 1

Fry, C

EXCUSED FROM VOTING: 5

Dembowski	Knollman	VanDenburgh
Friend	Pond	

NOT VOTING: 1

Mr. Speaker

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Roll Call 112: PASSED

HB 1238 Burton
Abandonment of mortgaged property.

3rd Reading

Yeas:	94
Nays:	0
Excused:	5
N/Voting:	1

VOTING YEA: 94

Austin	Dobis	Lawson, L	Riecken
Bacon	Dodge	Lehe	Saunders
Baird	Dvorak	Lehman	Smith, M
Bardon	Eberhart	Leonard	Smith, V
Bartlett	Ellspermann	Lutz	Soliday
Battles	Espich	Mahan	Speedy
Bauer	Foley	McClain	Stemler
Behning	Frizzell	McMillin	Steuerwald
Borders	Fry, C	McNamara	Stevenson
Brown,C	Frye, R	Messmer	Sullivan
Brown, T	GiaQuinta	Morris	Summers
Burton	Goodin	Moseley	Thompson
Candelaria Reardon	Grubb	Moses	Torr
Cheatham	Gutwein	Neese	Truitt
Cherry	Harris	Niezgodski	Turner
Clere	Heaton	Noe	Ubelhor
Crawford	Heuer	Pelath	VanNatter
Crouch	Hinkle	Pflum	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Porter	White
Davisson	Kirchhofer	Pryor	Wolkins
Day	Klinker	Reske	Yarde
DeLaney	Koch	Rhoads	
Dermody	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Dembowski	Knollman	VanDenburgh
Friend	Pond	

NOT VOTING: 1

Mr. Speaker

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Roll Call 113: FAILED

HB 1367 Noe
Deaf and hearing impaired services.
Porter amendment
2nd Reading Amend. #2

Yeas:	42
Nays:	54
Excused:	2
N/Voting:	2

VOTING YEA: 42

Austin	Dembowski	Klinker	Reske
Bardon	Dobis	Lawson, L	Riecken
Bartlett	Dvorak	Leonard	Smith, V
Battles	Fry, C	Moseley	Stemler
Bauer	GiaQuinta	Moses	Stevenson
Brown,C	Goodin	Niezgodski	Sullivan
Candelaria Reardon	Grubb	Pelath	Summers
Cheatham	Gutwein	Pflum	Welch
Crawford	Harris	Pierce	White
Culver	Hinkle	Porter	
DeLaney	Kersey	Pryor	

VOTING NAY: 54

Bacon	Ellspermann	Lehman	Soliday
Baird	Espich	Lutz	Speedy
Behning	Foley	Mahan	Steuerwald
Borders	Friend	McClain	Thompson
Brown, T	Frizzell	McMillin	Torr
Burton	Frye, R	McNamara	Truitt
Cherry	Heaton	Messmer	Turner
Clere	Heuer	Morris	Ubelhor
Crouch	Karickhoff	Neese	VanNatter
Davis	Kirchhofer	Noe	Wesco
Davisson	Knollman	Rhoads	Wolkins
Dermody	Koch	Richardson	Yarde
Dodge	Kubacki	Saunders	
Eberhart	Lehe	Smith, M	

EXCUSED FROM VOTING: 2

Pond	VanDenburgh

NOT VOTING: 2

Day	Mr. Speaker

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Roll Call 114: PREVAILED

HB 1007 McMillin
Drug testing of public assistance recipients.
McMillin amendment
2nd Reading Amend. #6

Yeas:	81
Nays:	15
Excused:	2
N/Voting:	2

VOTING YEA: 81

Austin	Espich	Lehe	Saunders
Bacon	Foley	Lehman	Smith, M
Baird	Friend	Leonard	Smith, V
Battles	Frizzell	Lutz	Soliday
Behning	Frye, R	Mahan	Speedy
Borders	GiaQuinta	McClain	Stemler
Brown, T	Goodin	McMillin	Steuerwald
Burton	Grubb	McNamara	Sullivan
Cheatham	Gutwein	Messmer	Thompson
Cherry	Harris	Morris	Torr
Clere	Heaton	Moseley	Truitt
Crouch	Heuer	Moses	Turner
Culver	Hinkle	Neese	Ubelhor
Davis	Karickhoff	Niezgodski	VanNatter
Davisson	Kersey	Noe	Welch
DeLaney	Kirchhofer	Pelath	Wesco
Dermody	Klinker	Pflum	Wolkins
Dobis	Knollman	Reske	Yarde
Dodge	Koch	Rhoads	
Eberhart	Kubacki	Richardson	
Ellspermann	Lawson, L	Riecken	

VOTING NAY: 15

Bartlett	Crawford	Fry, C	Stevenson
Bauer	Day	Pierce	Summers
Brown,C	Dembowski	Porter	White
Candelaria Reardon	Dvorak	Pryor	

EXCUSED FROM VOTING: 2

Pond	VanDenburgh

NOT VOTING: 2

Bardon	Mr. Speaker

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Roll Call 115: FAILED

HB 1007 McMillin
Drug testing of public assistance recipients.
C. Brown amendment
2nd Reading Amend. #2

Yeas:	39
Nays:	58
Excused:	2
N/Voting:	1

VOTING YEA: 39

Austin	DeLaney	Klinker	Reske
Bardon	Dembowski	Lawson, L	Riecken
Bartlett	Dobis	Moseley	Smith, V
Battles	Dvorak	Moses	Stemler
Bauer	Fry, C	Niezgodski	Stevenson
Brown,C	GiaQuinta	Pelath	Sullivan
Candelaria Reardon	Goodin	Pflum	Summers
Cheatham	Grubb	Pierce	Welch
Crawford	Harris	Porter	White
Day	Kersey	Pryor	

VOTING NAY: 58

Bacon	Ellspermann	Lehe	Smith, M
Baird	Espich	Lehman	Soliday
Behning	Foley	Leonard	Speedy
Borders	Friend	Lutz	Steuerwald
Brown, T	Frizzell	Mahan	Thompson
Burton	Frye, R	McClain	Torr
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davis	Karickhoff	Neese	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	
Eberhart	Kubacki	Saunders	

EXCUSED FROM VOTING: 2

Pond	VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 116: FAILED

HB 1007 McMillin
Drug testing of public assistance recipients.
Goodin amendment
2nd Reading Amend. #4

Yeas: 39
Nays: 58
Excused: 2
N/Voting: 1

VOTING YEA: 39

Austin	Dembowski	Lawson, L	Riecken
Bardon	Dobis	Moseley	Smith, V
Bartlett	Dvorak	Moses	Stemler
Battles	Fry, C	Niezgodski	Stevenson
Bauer	GiaQuinta	Pelath	Sullivan
Borders	Goodin	Pflum	Summers
Brown,C	Grubb	Pierce	Truitt
Candelaria Reardon	Harris	Porter	Welch
Cheatham	Kersey	Pryor	White
Crawford	Klinker	Reske	

VOTING NAY: 58

Bacon	Eberhart	Kubacki	Saunders
Baird	Ellspermann	Lehe	Smith, M
Behning	Espich	Lehman	Soliday
Brown, T	Foley	Leonard	Speedy
Burton	Friend	Lutz	Steuerwald
Cherry	Frizzell	Mahan	Thompson
Clere	Frye, R	McClain	Torr
Crouch	Gutwein	McMillin	Turner
Culver	Heaton	McNamara	Ubelhor
Davis	Heuer	Messmer	VanNatter
Davisson	Hinkle	Morris	Wesco
Day	Karickhoff	Neese	Wolkins
DeLaney	Kirchhofer	Noe	Yarde
Dermody	Knollman	Rhoads	
Dodge	Koch	Richardson	

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 117: PREVAILED

HB 1007 McMillin
Drug testing of public assistance recipients.
Riecken amendment
2nd Reading Amend. #5

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Austin	Dobis	Kubacki	Riecken
Bacon	Dodge	Lawson, L	Saunders
Baird	Dvorak	Lehe	Smith, M
Bardon	Eberhart	Lehman	Smith, V
Bartlett	Ellspermann	Leonard	Soliday
Battles	Espich	Lutz	Speedy
Bauer	Foley	Mahan	Stemler
Behning	Friend	McClain	Steuerwald
Borders	Frizzell	McMillin	Stevenson
Brown,C	Fry, C	McNamara	Sullivan
Brown, T	Frye, R	Messmer	Summers
Burton	GiaQuinta	Morris	Thompson
Candelaria Reardon	Goodin	Moseley	Torr
Cheatham	Grubb	Moses	Truitt
Cherry	Gutwein	Neese	Turner
Clere	Harris	Niezgodski	Ubelhor
Crawford	Heaton	Noe	VanNatter
Crouch	Heuer	Pelath	Welch
Culver	Hinkle	Pflum	Wesco
Davis	Karickhoff	Pierce	White
Davisson	Kersey	Porter	Wolkins
Day	Kirchhofer	Pryor	Yarde
DeLaney	Klinker	Reske	
Dembowski	Knollman	Rhoads	
Dermody	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 118: FAILED

HB 1258 Foley
Various estate planning matters.
Goodin amendment
2nd Reading Amend. #1

Yeas: 33
Nays: 62
Excused: 2
N/Voting: 3

VOTING YEA: 33

Austin	Dembowski	Klinker	Reske
Bardon	Dobis	Knollman	Riecken
Bartlett	Dvorak	Lawson, L	Smith, V
Battles	Fry, C	Moseley	Stemler
Bauer	GiaQuinta	Moses	Stevenson
Brown,C	Goodin	Niezgodski	Summers
Candelaria Reardon	Grubb	Pelath	
Cheatham	Harris	Pflum	
Crawford	Kersey	Pryor	

VOTING NAY: 62

Bacon	Eberhart	Lehman	Soliday
Baird	Ellspermann	Leonard	Speedy
Behning	Espich	Lutz	Steuerwald
Borders	Foley	Mahan	Thompson
Brown, T	Friend	McClain	Torr
Burton	Frizzell	McMillin	Truitt
Cherry	Frye, R	McNamara	Turner
Clere	Gutwein	Messmer	Ubelhor
Crouch	Heaton	Morris	VanNatter
Culver	Heuer	Neese	Welch
Davis	Hinkle	Noe	Wesco
Davisson	Karickhoff	Pierce	White
Day	Kirchhofer	Rhoads	Wolkins
DeLaney	Koch	Richardson	Yarde
Dermody	Kubacki	Saunders	
Dodge	Lehe	Smith, M	

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 3

Porter Sullivan Mr. Speaker

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Roll Call 119: FAILED

HB 1376 Espich
State fiscal matters.
DeLaney amendment
2nd Reading Amend. #1

Yeas: 36
Nays: 60
Excused: 3
N/Voting: 1

VOTING YEA: 36

Austin	Day	Kersey	Reske
Bardon	DeLaney	Klinker	Riecken
Bartlett	Dembowski	Lawson, L	Smith, V
Battles	Dobis	Niezgodski	Stemler
Bauer	Dvorak	Pelath	Stevenson
Brown,C	Fry, C	Pflum	Sullivan
Candelaria Reardon	Goodin	Pierce	Summers
Cheatham	Grubb	Porter	Welch
Crawford	Harris	Pryor	White

VOTING NAY: 60

Bacon	Espich	Lehe	Richardson
Baird	Foley	Lehman	Saunders
Borders	Friend	Leonard	Smith, M
Brown, T	Frizzell	Lutz	Soliday
Burton	Frye, R	Mahan	Speedy
Cherry	GiaQuinta	McClain	Steuerwald
Clere	Gutwein	McMillin	Thompson
Crouch	Heaton	McNamara	Torr
Culver	Heuer	Messmer	Truitt
Davis	Hinkle	Morris	Turner
Davisson	Karickhoff	Moseley	Ubelhor
Dermody	Kirchhofer	Moses	VanNatter
Dodge	Knollman	Neese	Wesco
Eberhart	Koch	Noe	Wolkins
Ellspermann	Kubacki	Rhoads	Yarde

EXCUSED FROM VOTING: 3

Behning Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 120: FAILED

HB 1376 Espich
State fiscal matters.
Goodin amendment
2nd Reading Amend. #4

Yeas: 39
Nays: 56
Excused: 3
N/Voting: 2

VOTING YEA: 39

Austin	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dvorak	Moses	Stemler
Battles	Fry, C	Niezgodski	Stevenson
Bauer	GiaQuinta	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	Truitt
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White
Day	Klinker	Reske	

VOTING NAY: 56

Bacon	Ellspermann	Kubacki	Richardson
Baird	Espich	Lehe	Saunders
Borders	Foley	Lehman	Smith, M
Brown, T	Friend	Leonard	Soliday
Burton	Frizzell	Lutz	Speedy
Cherry	Frye, R	Mahan	Steuerwald
Clere	Gutwein	McClain	Thompson
Crouch	Heaton	McMillin	Torr
Culver	Heuer	McNamara	Turner
Davis	Hinkle	Messmer	Ubelhor
Davisson	Karickhoff	Morris	VanNatter
Dermody	Kirchhofer	Neese	Wesco
Dodge	Knollman	Noe	Wolkins
Eberhart	Koch	Rhoads	Yarde

EXCUSED FROM VOTING: 3

Behning Pond VanDenburgh

NOT VOTING: 2

Dobis Mr. Speaker

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Roll Call 121: FAILED

HB 1376 Espich
State fiscal matters.
Day amendment
2nd Reading Amend. #6

Yeas: 40
Nays: 55
Excused: 3
N/Voting: 2

VOTING YEA: 40

Austin	DeLaney	Kersey	Pryor
Bardon	Dembowski	Klinker	Reske
Bartlett	Dobis	Lawson, L	Riecken
Battles	Dvorak	Moseley	Smith, V
Bauer	Fry, C	Moses	Stemler
Brown,C	GiaQuinta	Niezgodski	Stevenson
Candelaria Reardon	Goodin	Pelath	Sullivan
Cheatham	Grubb	Pflum	Summers
Crawford	Harris	Pierce	Welch
Day	Heuer	Porter	White

VOTING NAY: 55

Bacon	Ellspermann	Lehman	Smith, M
Baird	Espich	Leonard	Soliday
Borders	Foley	Lutz	Speedy
Brown, T	Friend	Mahan	Steuerwald
Burton	Frizzell	McClain	Thompson
Cherry	Frye, R	McMillin	Torr
Clere	Heaton	McNamara	Truitt
Crouch	Hinkle	Messmer	Turner
Culver	Karickhoff	Morris	Ubelhor
Davis	Kirchhofer	Neese	VanNatter
Davisson	Knollman	Noe	Wesco
Dermody	Koch	Rhoads	Wolkins
Dodge	Kubacki	Richardson	Yarde
Eberhart	Lehe	Saunders	

EXCUSED FROM VOTING: 3

Behning Pond VanDenburgh

NOT VOTING: 2

Gutwein Mr. Speaker

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Roll Call 122: FAILED

HB 1376 Espich
State fiscal matters.
DeLaney amendment
2nd Reading Amend. #3

Yeas: 39
Nays: 56
Excused: 3
N/Voting: 2

VOTING YEA: 39

Austin	DeLaney	Knollman	Reske
Bardon	Dembowski	Lawson, L	Riecken
Bartlett	Dobis	Moseley	Smith, V
Battles	Dvorak	Moses	Stemler
Bauer	GiaQuinta	Niezgodski	Stevenson
Brown,C	Goodin	Pelath	Sullivan
Candelaria Reardon	Grubb	Pflum	Summers
Cheatham	Harris	Pierce	Welch
Crawford	Kersey	Porter	White
Day	Klinker	Pryor	

VOTING NAY: 56

Bacon	Ellspermann	Kubacki	Richardson
Baird	Espich	Lehe	Saunders
Borders	Foley	Lehman	Smith, M
Brown, T	Friend	Leonard	Soliday
Burton	Frizzell	Lutz	Steuerwald
Cherry	Fry, C	Mahan	Thompson
Clere	Frye, R	McClain	Torr
Crouch	Gutwein	McMillin	Truitt
Culver	Heaton	McNamara	Turner
Davis	Heuer	Messmer	Ubelhor
Davisson	Hinkle	Morris	VanNatter
Dermody	Karickhoff	Neese	Wesco
Dodge	Kirchhofer	Noe	Wolkins
Eberhart	Koch	Rhoads	Yarde

EXCUSED FROM VOTING: 3

Behning Pond VanDenburgh

NOT VOTING: 2

Speedy Mr. Speaker

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Roll Call 123: PASSED

HB 1002 Wolkins
Eliminate commissions, boards,
and committees.
3rd Reading

Yeas: 97
Nays: 0
Excused: 3
N/Voting: 0

VOTING YEA: 97

Austin	Dodge	Lawson, L	Saunders
Bacon	Dvorak	Lehe	Smith, M
Baird	Eberhart	Lehman	Smith, V
Bardon	Ellspermann	Leonard	Soliday
Bartlett	Espich	Lutz	Speedy
Battles	Foley	Mahan	Stemler
Bauer	Friend	McClain	Steuerwald
Borders	Frizzell	McMillin	Stevenson
Brown,C	Fry, C	McNamara	Sullivan
Brown, T	Frye, R	Messmer	Summers
Burton	GiaQuinta	Morris	Thompson
Candelaria Reardon	Goodin	Moseley	Torr
Cheatham	Grubb	Moses	Truitt
Cherry	Gutwein	Neese	Turner
Clere	Harris	Niezgodski	Ubelhor
Crawford	Heaton	Noe	VanNatter
Crouch	Heuer	Pelath	Welch
Culver	Hinkle	Pflum	Wesco
Davis	Karickhoff	Pierce	White
Davisson	Kersey	Porter	Wolkins
Day	Kirchhofer	Pryor	Yarde
DeLaney	Klinker	Reske	Mr. Speaker
Dembowski	Knollman	Rhoads	
Dermody	Koch	Richardson	
Dobis	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Behning Pond VanDenburgh

NOT VOTING: NONE

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Roll Call 124: PASSED

HB 1004 Richardson
Various election law matters.

3rd Reading

Yeas: 96
Nays: 0
Excused: 3
N/Voting: 1

VOTING YEA: 96

Austin	Dobis	Koch	Rhoads
Bacon	Dodge	Kubacki	Richardson
Baird	Dvorak	Lawson, L	Riecken
Bardon	Eberhart	Lehe	Saunders
Bartlett	Ellspermann	Lehman	Smith, M
Battles	Espich	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Borders	Friend	Mahan	Speedy
Brown,C	Frizzell	McClain	Stemler
Brown, T	Fry, C	McMillin	Steuerwald
Burton	Frye, R	McNamara	Stevenson
Candelaria Reardon	GiaQuinta	Messmer	Sullivan
Cheatham	Goodin	Morris	Summers
Cherry	Grubb	Moseley	Thompson
Clere	Gutwein	Moses	Torr
Crawford	Harris	Neese	Truitt
Crouch	Heaton	Niezgodski	Turner
Culver	Heuer	Noe	Ubelhor
Davis	Hinkle	Pelath	VanNatter
Davisson	Karickhoff	Pflum	Welch
Day	Kersey	Pierce	Wesco
DeLaney	Kirchhofer	Porter	White
Dembowski	Klinker	Pryor	Wolkins
Dermody	Knollman	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Behning Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 125: PASSED

HB 1005 Mahan
Nepotism; conflict of interest.

3rd Reading

Yeas: 70
Nays: 26
Excused: 3
N/Voting: 1

VOTING YEA: 70

Bacon	Dobis	Lawson, L	Smith, M
Baird	Dodge	Lehman	Soliday
Borders	Dvorak	Leonard	Speedy
Brown,C	Eberhart	Lutz	Stemler
Brown, T	Ellspermann	Mahan	Steuerwald
Burton	Espich	McClain	Sullivan
Candelaria Reardon	Foley	McMillin	Torr
Cheatham	Friend	McNamara	Truitt
Cherry	Frizzell	Messmer	Turner
Clere	Heaton	Morris	Ubelhor
Crouch	Heuer	Moses	VanNatter
Culver	Hinkle	Neese	Welch
Davis	Karickhoff	Noe	Wesco
Davisson	Kirchhofer	Porter	Wolkins
Day	Klinker	Reske	Yarde
DeLaney	Knollman	Rhoads	Mr. Speaker
Dembowski	Koch	Richardson	
Dermody	Kubacki	Riecken	

VOTING NAY: 26

Austin	GiaQuinta	Moseley	Smith, V
Bartlett	Goodin	Niezgodski	Stevenson
Battles	Grubb	Pelath	Summers
Bauer	Gutwein	Pflum	Thompson
Crawford	Harris	Pierce	White
Fry, C	Kersey	Pryor	
Frye, R	Lehe	Saunders	

EXCUSED FROM VOTING: 3

Behning Pond VanDenburgh

NOT VOTING: 1

Bardon

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Roll Call 126: PASSED

HB 1016 Rhoads
Design-build projects.

3rd Reading

Yeas: 92
Nays: 1
Excused: 3
N/Voting: 4

VOTING YEA: 92

Austin	Dodge	Kubacki	Rhoads
Bacon	Dvorak	Lawson, L	Richardson
Baird	Eberhart	Lehe	Riecken
Bartlett	Ellspermann	Lehman	Saunders
Battles	Espich	Leonard	Smith, M
Bauer	Foley	Lutz	Smith, V
Borders	Friend	Mahan	Soliday
Brown,C	Frizzell	McClain	Speedy
Brown, T	Fry, C	McMillin	Stemler
Burton	Frye, R	McNamara	Steuerwald
Candelaria Reardon	GiaQuinta	Messmer	Stevenson
Cheatham	Goodin	Morris	Sullivan
Cherry	Grubb	Moseley	Thompson
Clere	Gutwein	Moses	Torr
Crawford	Heaton	Neese	Truitt
Crouch	Heuer	Niezgodski	Turner
Culver	Hinkle	Noe	Ubelhor
Davisson	Karickhoff	Pelath	VanNatter
Day	Kersey	Pflum	Welch
DeLaney	Kirchhofer	Pierce	Wesco
Dembowski	Klinker	Porter	White
Dermody	Knollman	Pryor	Wolkins
Dobis	Koch	Reske	Yarde

VOTING NAY: 1

Davis

EXCUSED FROM VOTING: 3

Behning Pond VanDenburgh

NOT VOTING: 4

Bardon Harris Summers Mr. Speaker

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Roll Call 127: PASSED

HB 1033 McMillin
Conversion of Class D felony to Class A misdemeanor.

3rd Reading

Yeas: 85
Nays: 9
Excused: 4
N/Voting: 2

VOTING YEA: 85

Austin	Dobis	Lehe	Smith, V
Bacon	Dodge	Lehman	Soliday
Baird	Ellspermann	Leonard	Speedy
Bartlett	Espich	Lutz	Stemler
Battles	Foley	Mahan	Steuerwald
Bauer	Friend	McClain	Stevenson
Borders	Frizzell	McMillin	Sullivan
Brown,C	Frye, R	McNamara	Summers
Brown, T	GiaQuinta	Messmer	Thompson
Burton	Gutwein	Morris	Torr
Candelaria Reardon	Harris	Niezgodski	Truitt
Cheatham	Heaton	Noe	Turner
Cherry	Heuer	Pelath	Ubelhor
Clere	Hinkle	Pflum	VanNatter
Crawford	Karickhoff	Pierce	Welch
Crouch	Kersey	Porter	Wesco
Culver	Kirchhofer	Pryor	White
Davis	Klinker	Rhoads	Wolkins
Davisson	Knollman	Richardson	Yarde
Day	Koch	Riecken	
DeLaney	Kubacki	Saunders	
Dermody	Lawson, L	Smith, M	

VOTING NAY: 9

Dvorak	Goodin	Moses
Eberhart	Grubb	Neese
Fry, C	Moseley	Reske

EXCUSED FROM VOTING: 4

Behning Dembowski Pond VanDenburgh

NOT VOTING: 2

Bardon Mr. Speaker

Indiana House of Representatives
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MEETING DAY 19 01-30-12

Roll Call 128: PASSED

HB 1049 Koch
Courts and inspector general matters.

3rd Reading

Yeas:	92
Nays:	3
Excused:	4
N/Voting:	1

VOTING YEA: 92

Austin	Dobis	Koch	Reske
Bacon	Dodge	Kubacki	Rhoads
Baird	Dvorak	Lawson, L	Richardson
Bardon	Eberhart	Lehe	Riecken
Bartlett	Ellspermann	Lehman	Saunders
Battles	Espich	Leonard	Smith, M
Bauer	Foley	Lutz	Smith, V
Borders	Friend	Mahan	Soliday
Brown,C	Frizzell	McClain	Speedy
Brown, T	Frye, R	McMillin	Stemler
Burton	GiaQuinta	McNamara	Steuerwald
Candelaria Reardon	Goodin	Messmer	Sullivan
Cheatham	Grubb	Morris	Thompson
Cherry	Gutwein	Moseley	Torr
Clere	Harris	Moses	Truitt
Crawford	Heaton	Neese	Turner
Crouch	Heuer	Niezgodski	Ubelhor
Culver	Hinkle	Noe	VanNatter
Davis	Karickhoff	Pelath	Welch
Davisson	Kersey	Pflum	Wesco
Day	Kirchhofer	Pierce	White
DeLaney	Klinker	Porter	Wolkins
Dermody	Knollman	Pryor	Yarde

VOTING NAY: 3

Fry, C	Stevenson	Summers

EXCUSED FROM VOTING: 4

Behning	Dembowski	Pond	VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 129: PASSED

HB 1050 Koch
Health care sharing ministries.

3rd Reading

Yeas:	74
Nays:	20
Excused:	4
N/Voting:	2

VOTING YEA: 74

Austin	Foley	Leonard	Saunders
Bacon	Friend	Lutz	Smith, M
Baird	Frizzell	Mahan	Soliday
Battles	Frye, R	McClain	Speedy
Borders	GiaQuinta	McMillin	Stemler
Brown, T	Goodin	McNamara	Steuerwald
Burton	Gutwein	Messmer	Thompson
Cherry	Heaton	Morris	Torr
Clere	Heuer	Moseley	Truitt
Crouch	Hinkle	Moses	Turner
Culver	Karickhoff	Neese	Ubelhor
Davis	Kersey	Niezgodski	VanNatter
Davisson	Kirchhofer	Noe	Welch
Day	Klinker	Pelath	Wesco
Dermody	Knollman	Pflum	White
Dodge	Koch	Reske	Wolkins
Eberhart	Kubacki	Rhoads	Yarde
Ellspermann	Lehe	Richardson	
Espich	Lehman	Riecken	

VOTING NAY: 20

Bardon	Crawford	Grubb	Pryor
Bartlett	DeLaney	Harris	Smith, V
Bauer	Dobis	Lawson, L	Stevenson
Brown,C	Dvorak	Pierce	Sullivan
Candelaria Reardon	Fry, C	Porter	Summers

EXCUSED FROM VOTING: 4

Behning	Dembowski	Pond	VanDenburgh

NOT VOTING: 2

Cheatham	Mr. Speaker

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Roll Call 130: PASSED

HB 1072 Espich
Tax administration.

3rd Reading

Yeas:	90
Nays:	5
Excused:	4
N/Voting:	1

VOTING YEA: 90

Austin	Dvorak	Lawson, L	Riecken
Bacon	Eberhart	Lehe	Saunders
Baird	Ellspermann	Lehman	Smith, M
Battles	Espich	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Borders	Friend	Mahan	Speedy
Brown,C	Frizzell	McClain	Stemler
Brown, T	Frye, R	McMillin	Steuerwald
Burton	GiaQuinta	McNamara	Stevenson
Candelaria Reardon	Goodin	Messmer	Sullivan
Cheatham	Grubb	Morris	Summers
Cherry	Gutwein	Moses	Thompson
Clere	Harris	Neese	Torr
Crawford	Heaton	Niezgodski	Truitt
Crouch	Heuer	Noe	Turner
Culver	Hinkle	Pelath	Ubelhor
Davis	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Welch
Day	Kirchhofer	Porter	Wesco
DeLaney	Klinker	Pryor	White
Dermody	Knollman	Reske	Yarde
Dobis	Koch	Rhoads	
Dodge	Kubacki	Richardson	

VOTING NAY: 5

Bardon	Fry, C	Wolkins
Bartlett	Moseley	

EXCUSED FROM VOTING: 4

Behning	Dembowski	Pond	VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 131: PASSED

HB 1092 Burton
Johnson superior court judge.

3rd Reading

Yeas:	92
Nays:	0
Excused:	4
N/Voting:	4

VOTING YEA: 92

Austin	Dobis	Knollman	Pryor
Bacon	Dodge	Koch	Rhoads
Baird	Dvorak	Kubacki	Richardson
Bardon	Eberhart	Lawson, L	Riecken
Bartlett	Ellspermann	Lehe	Saunders
Battles	Espich	Lehman	Smith, M
Bauer	Foley	Leonard	Smith, V
Borders	Friend	Lutz	Soliday
Brown,C	Frizzell	Mahan	Speedy
Brown, T	Fry, C	McClain	Stemler
Burton	Frye, R	McMillin	Steuerwald
Candelaria Reardon	GiaQuinta	McNamara	Stevenson
Cheatham	Goodin	Messmer	Summers
Cherry	Grubb	Morris	Thompson
Clere	Gutwein	Moseley	Torr
Crawford	Harris	Moses	Truitt
Crouch	Heaton	Neese	Turner
Culver	Heuer	Niezgodski	Ubelhor
Davis	Hinkle	Noe	VanNatter
Davisson	Karickhoff	Pelath	Wesco
Day	Kersey	Pflum	White
DeLaney	Kirchhofer	Pierce	Wolkins
Dermody	Klinker	Porter	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Behning	Dembowski	Pond	VanDenburgh

NOT VOTING: 4

Reske	Sullivan	Welch	Mr. Speaker

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Roll Call 132: PASSED

HB 1102 Davis
Real estate brokers.

3rd Reading

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Austin	Dodge	Kubacki	Richardson
Bacon	Dvorak	Lawson, L	Riecken
Baird	Eberhart	Lehe	Saunders
Bardon	Ellspermann	Lehman	Smith, M
Bartlett	Espich	Leonard	Smith, V
Battles	Foley	Lutz	Soliday
Bauer	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Summers
Cheatham	Grubb	Moseley	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dermody	Knollman	Reske	Yarde
Dobis	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Behning	Dembowski	Pond	VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 133: PASSED

HB 1126 Frizzell
Extraterritorial water and sewer rates.

3rd Reading

Yeas: 93
Nays: 1
Excused: 4
N/Voting: 2

VOTING YEA: 93

Austin	Dodge	Kubacki	Riecken
Bacon	Dvorak	Lawson, L	Smith, M
Baird	Eberhart	Lehe	Smith, V
Bardon	Ellspermann	Lehman	Soliday
Bartlett	Espich	Leonard	Speedy
Battles	Foley	Lutz	Stemler
Bauer	Friend	Mahan	Steuerwald
Borders	Frizzell	McClain	Stevenson
Brown,C	Fry, C	McMillin	Sullivan
Brown, T	Frye, R	McNamara	Summers
Burton	GiaQuinta	Messmer	Thompson
Candelaria Reardon	Goodin	Morris	Torr
Cheatham	Grubb	Moseley	Truitt
Cherry	Gutwein	Moses	Turner
Clere	Harris	Neese	Ubelhor
Crawford	Heaton	Niezgodski	VanNatter
Crouch	Heuer	Noe	Welch
Culver	Hinkle	Pelath	Wesco
Davis	Karickhoff	Pflum	White
Davisson	Kersey	Pierce	Wolkins
Day	Kirchhofer	Porter	Yarde
DeLaney	Klinker	Pryor	
Dermody	Knollman	Reske	
Dobis	Koch	Richardson	

VOTING NAY: 1

Rhoads

EXCUSED FROM VOTING: 4

Behning	Dembowski	Pond	VanDenburgh

NOT VOTING: 2

Saunders Mr. Speaker

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Roll Call 134: PASSED

HB 1132 McNamara
Controlled projects.

3rd Reading

Yeas: 79
Nays: 15
Excused: 4
N/Voting: 2

VOTING YEA: 79

Bacon	Espich	Lehman	Riecken
Baird	Foley	Leonard	Saunders
Bardon	Friend	Lutz	Smith, M
Battles	Frizzell	Mahan	Smith, V
Borders	Fry, C	McClain	Soliday
Brown, T	Frye, R	McMillin	Speedy
Burton	GiaQuinta	McNamara	Steuerwald
Cherry	Gutwein	Messmer	Stevenson
Clere	Harris	Morris	Sullivan
Crouch	Heaton	Moseley	Thompson
Culver	Heuer	Moses	Torr
Davis	Karickhoff	Neese	Truitt
Davisson	Kersey	Niezgodski	Turner
Day	Kirchhofer	Noe	Ubelhor
Dermody	Klinker	Pflum	VanNatter
Dobis	Knollman	Pierce	Welch
Dodge	Koch	Pryor	Wesco
Dvorak	Kubacki	Reske	White
Eberhart	Lawson, L	Rhoads	Yarde
Ellspermann	Lehe	Richardson	

VOTING NAY: 15

Austin	Candelaria Reardon	Goodin	Porter
Bartlett	Cheatham	Grubb	Stemler
Bauer	Crawford	Hinkle	Summers
Brown,C	DeLaney	Pelath	

EXCUSED FROM VOTING: 4

Behning	Dembowski	Pond	VanDenburgh

NOT VOTING: 2

Wolkins Mr. Speaker

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Roll Call 135: PASSED

HB 1133 Eberhart
Rights of publicity.

3rd Reading

Yeas: 85
Nays: 7
Excused: 4
N/Voting: 4

VOTING YEA: 85

Austin	Dodge	Kubacki	Riecken
Bacon	Dvorak	Lawson, L	Saunders
Baird	Eberhart	Lehe	Smith, M
Bartlett	Ellspermann	Lehman	Smith, V
Battles	Espich	Leonard	Soliday
Bauer	Foley	Lutz	Speedy
Borders	Friend	Mahan	Stemler
Brown,C	Frizzell	McNamara	Steuerwald
Brown, T	Fry, C	Messmer	Stevenson
Burton	Frye, R	Morris	Summers
Candelaria Reardon	GiaQuinta	Moses	Torr
Cheatham	Goodin	Neese	Truitt
Clere	Grubb	Niezgodski	Turner
Crawford	Harris	Noe	Ubelhor
Crouch	Heaton	Pelath	VanNatter
Culver	Heuer	Pflum	Welch
Davis	Hinkle	Pierce	Wesco
Davisson	Karickhoff	Porter	White
Day	Kersey	Pryor	Yarde
DeLaney	Kirchhofer	Reske	
Dermody	Klinker	Rhoads	
Dobis	Knollman	Richardson	

VOTING NAY: 7

Bardon	Gutwein	McClain	Thompson
Cherry	Koch	McMillin	

EXCUSED FROM VOTING: 4

Behning	Dembowski	Pond	VanDenburgh

NOT VOTING: 4

Moseley	Sullivan	Wolkins	Mr. Speaker

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Roll Call 136: PASSED

HB 1134 Speedy
Various education matters.

3rd Reading

Yeas:	92
Nays:	2
Excused:	4
N/Voting:	2

VOTING YEA: 92

Austin	Dodge	Kubacki	Rhoads
Bacon	Dvorak	Lawson, L	Richardson
Baird	Eberhart	Lehe	Riecken
Bardon	Ellspermann	Lehman	Saunders
Bartlett	Espich	Leonard	Smith, M
Battles	Foley	Lutz	Soliday
Bauer	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Frye, R	McMillin	Steuerwald
Brown, T	GiaQuinta	McNamara	Stevenson
Burton	Goodin	Messmer	Sullivan
Candelaria Reardon	Grubb	Morris	Summers
Cheatham	Gutwein	Moseley	Thompson
Cherry	Harris	Moses	Torr
Clere	Heaton	Neese	Truitt
Crawford	Heuer	Niezgodski	Turner
Culver	Hinkle	Noe	Ubelhor
Davis	Karickhoff	Pelath	VanNatter
Davisson	Kersey	Pflum	Welch
Day	Kirchhofer	Pierce	Wesco
DeLaney	Klinker	Porter	White
Dermody	Knollman	Pryor	Wolkins
Dobis	Koch	Reske	Yarde

VOTING NAY: 2

Fry, C Smith, V

EXCUSED FROM VOTING: 4

Behning Dembowski Pond VanDenburgh

NOT VOTING: 2

Crouch Mr. Speaker

Indiana House of Representatives
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Roll Call 137: PASSED

HB 1141 Welch
Home energy assistance.

3rd Reading

Yeas:	94
Nays:	0
Excused:	4
N/Voting:	2

VOTING YEA: 94

Austin	Dodge	Kubacki	Richardson
Bacon	Dvorak	Lawson, L	Riecken
Baird	Eberhart	Lehe	Saunders
Bardon	Ellspermann	Lehman	Smith, M
Bartlett	Espich	Leonard	Smith, V
Battles	Foley	Lutz	Soliday
Bauer	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Summers
Cheatham	Grubb	Moseley	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Yarde
Dermody	Knollman	Reske	
Dobis	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Behning Dembowski Pond VanDenburgh

NOT VOTING: 2

Wolkins Mr. Speaker

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Roll Call 138: PASSED

HB 1163 Torr
Bonding and retainage in public
works projects.
3rd Reading

Yeas:	92
Nays:	2
Excused:	4
N/Voting:	2

VOTING YEA: 92

Austin	Dodge	Koch	Rhoads
Bacon	Dvorak	Kubacki	Richardson
Baird	Eberhart	Lawson, L	Riecken
Bardon	Ellspermann	Lehe	Saunders
Bartlett	Espich	Lehman	Smith, M
Battles	Foley	Leonard	Smith, V
Bauer	Friend	Lutz	Soliday
Borders	Frizzell	Mahan	Speedy
Brown, T	Fry, C	McClain	Stemler
Burton	Frye, R	McMillin	Steuerwald
Candelaria Reardon	GiaQuinta	McNamara	Stevenson
Cheatham	Goodin	Messmer	Sullivan
Cherry	Grubb	Morris	Summers
Clere	Gutwein	Moses	Thompson
Crawford	Harris	Neese	Torr
Crouch	Heaton	Niezgodski	Truitt
Culver	Heuer	Noe	Turner
Davis	Hinkle	Pelath	Ubelhor
Davisson	Karickhoff	Pflum	VanNatter
Day	Kersey	Pierce	Welch
DeLaney	Kirchhofer	Porter	Wesco
Dermody	Klinker	Pryor	White
Dobis	Knollman	Reske	Yarde

VOTING NAY: 2

Brown,C Moseley

EXCUSED FROM VOTING: 4

Behning Dembowski Pond VanDenburgh

NOT VOTING: 2

Wolkins Mr. Speaker

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Roll Call 139: PASSED

HB 1169 Koch
School discipline.

3rd Reading

Yeas:	72
Nays:	22
Excused:	4
N/Voting:	2

VOTING YEA: 72

Austin	Dvorak	Koch	Riecken
Bacon	Eberhart	Kubacki	Saunders
Baird	Ellspermann	Lehe	Smith, M
Battles	Espich	Lehman	Soliday
Borders	Foley	Leonard	Speedy
Brown, T	Friend	Lutz	Stemler
Burton	Frizzell	Mahan	Steuerwald
Cheatham	Frye, R	McClain	Sullivan
Cherry	GiaQuinta	McMillin	Thompson
Clere	Goodin	McNamara	Torr
Crouch	Gutwein	Messmer	Truitt
Culver	Heaton	Morris	Turner
Davis	Heuer	Moses	Ubelhor
Davisson	Hinkle	Neese	VanNatter
Day	Karickhoff	Noe	Welch
Dermody	Kirchhofer	Reske	Wesco
Dobis	Klinker	Rhoads	White
Dodge	Knollman	Richardson	Yarde

VOTING NAY: 22

Bardon	DeLaney	Moseley	Pryor
Bartlett	Fry, C	Niezgodski	Smith, V
Bauer	Grubb	Pelath	Stevenson
Brown,C	Harris	Pflum	Summers
Candelaria Reardon	Kersey	Pierce	
Crawford	Lawson, L	Porter	

EXCUSED FROM VOTING: 4

Behning Dembowski Pond VanDenburgh

NOT VOTING: 2

Wolkins Mr. Speaker

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Roll Call 140: PASSED

HB 1192 Cherry
Rainy day fund loans to school corporations.
3rd Reading

Yeas: 91
Nays: 4
Excused: 4
N/Voting: 1

VOTING YEA: 91

Austin	Dvorak	Lawson, L	Riecken
Bacon	Ellspermann	Lehe	Saunders
Baird	Espich	Lehman	Smith, M
Bardon	Foley	Lutz	Smith, V
Bartlett	Friend	Mahan	Soliday
Battles	Frizzell	McClain	Speedy
Bauer	Fry, C	McMillin	Stemler
Borders	Frye, R	McNamara	Steuerwald
Brown,C	GiaQuinta	Messmer	Stevenson
Brown, T	Goodin	Morris	Sullivan
Burton	Grubb	Moseley	Summers
Cheatham	Gutwein	Moses	Thompson
Cherry	Harris	Neese	Torr
Clere	Heaton	Niezgodski	Truitt
Crawford	Heuer	Noe	Turner
Crouch	Hinkle	Pelath	Ubelhor
Culver	Karickhoff	Pflum	VanNatter
Davis	Kersey	Pierce	Welch
Davisson	Kirchhofer	Porter	Wesco
Day	Klinker	Pryor	White
DeLaney	Knollman	Reske	Yarde
Dobis	Koch	Rhoads	Mr. Speaker
Dodge	Kubacki	Richardson	

VOTING NAY: 4

Candelaria Reardon	Dermody	Eberhart	Leonard

EXCUSED FROM VOTING: 4

Behning	Dembowski	Pond	VanDenburgh

NOT VOTING: 1

Wolkins

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Roll Call 141: PASSED

HB 1199 Turner
Inheritance tax.
3rd Reading

Yeas: 78
Nays: 17
Excused: 4
N/Voting: 1

VOTING YEA: 78

Austin	Ellspermann	Lehe	Riecken
Bacon	Espich	Lehman	Saunders
Baird	Foley	Leonard	Smith, M
Battles	Friend	Lutz	Smith, V
Bauer	Frizzell	Mahan	Soliday
Borders	Frye, R	McClain	Speedy
Brown, T	GiaQuinta	McMillin	Stemler
Burton	Goodin	McNamara	Steuerwald
Cheatham	Grubb	Messmer	Thompson
Cherry	Gutwein	Morris	Torr
Clere	Heaton	Moseley	Truitt
Crouch	Heuer	Moses	Turner
Culver	Hinkle	Neese	Ubelhor
Davis	Karickhoff	Niezgodski	VanNatter
Davisson	Kersey	Noe	Welch
Dermody	Kirchhofer	Pelath	Wesco
Dobis	Klinker	Pflum	Yarde
Dodge	Knollman	Reske	Mr. Speaker
Dvorak	Koch	Rhoads	
Eberhart	Kubacki	Richardson	

VOTING NAY: 17

Bardon	Day	Pierce	Summers
Bartlett	DeLaney	Porter	White
Brown,C	Fry, C	Pryor	
Candelaria Reardon	Harris	Stevenson	
Crawford	Lawson, L	Sullivan	

EXCUSED FROM VOTING: 4

Behning	Dembowski	Pond	VanDenburgh

NOT VOTING: 1

Wolkins

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Roll Call 143: PASSED

HB 1367 Noe
Deaf and hearing impaired education services.
3rd Reading

Yeas: 61
Nays: 36
Excused: 2
N/Voting: 1

VOTING YEA: 61

Bacon	Ellspermann	Leonard	Sullivan
Baird	Espich	Lutz	Thompson
Behning	Foley	Mahan	Torr
Borders	Friend	McClain	Truitt
Brown, T	Frizzell	McMillin	Turner
Burton	Frye, R	McNamara	Ubelhor
Cherry	Gutwein	Messmer	VanNatter
Clere	Heaton	Morris	Welch
Crouch	Heuer	Moses	Wesco
Davis	Karickhoff	Noe	White
Davisson	Kirchhofer	Rhoads	Wolkins
Day	Knollman	Saunders	Yarde
Dembowski	Koch	Smith, M	Mr. Speaker
Dermody	Kubacki	Soliday	
Dodge	Lehe	Speedy	
Eberhart	Lehman	Steuerwald	

VOTING NAY: 36

Austin	DeLaney	Kersey	Porter
Bartlett	Dobis	Klinker	Pryor
Battles	Dvorak	Lawson, L	Reske
Bauer	Fry, C	Moseley	Richardson
Brown,C	GiaQuinta	Neese	Riecken
Candelaria Reardon	Goodin	Niezgodski	Smith, V
Cheatham	Grubb	Pelath	Stemler
Crawford	Harris	Pflum	Stevenson
Culver	Hinkle	Pierce	Summers

EXCUSED FROM VOTING: 2

Pond	VanDenburgh

NOT VOTING: 1

Bardon

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Roll Call 144: PASSED

HB 1007 McMillin
Drug testing.
3rd Reading

Yeas: 73
Nays: 23
Excused: 2
N/Voting: 2

VOTING YEA: 73

Bacon	Espich	Lehman	Smith, M
Baird	Foley	Leonard	Soliday
Battles	Friend	Lutz	Speedy
Behning	Frizzell	Mahan	Stemler
Borders	Frye, R	McClain	Steuerwald
Brown, T	Goodin	McMillin	Thompson
Burton	Grubb	McNamara	Torr
Cheatham	Gutwein	Messmer	Truitt
Cherry	Heaton	Morris	Turner
Clere	Heuer	Moseley	Ubelhor
Crouch	Hinkle	Moses	VanNatter
Culver	Karickhoff	Neese	Welch
Davis	Kersey	Niezgodski	Wesco
Davisson	Kirchhofer	Noe	Wolkins
Dermody	Klinker	Reske	Yarde
Dodge	Knollman	Rhoads	Mr. Speaker
Dvorak	Koch	Richardson	
Eberhart	Kubacki	Riecken	
Ellspermann	Lehe	Saunders	

VOTING NAY: 23

Austin	Day	Harris	Smith, V
Bartlett	DeLaney	Lawson, L	Stevenson
Bauer	Dembowski	Pelath	Sullivan
Brown,C	Dobis	Pflum	Summers
Candelaria Reardon	Fry, C	Pierce	White
Crawford	GiaQuinta	Pryor	

EXCUSED FROM VOTING: 2

Pond	VanDenburgh

NOT VOTING: 2

Bardon	Porter

Indiana House of Representatives
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Roll Call 146: PASSED

HB 1011 Foley
Various corrections matters.
3rd Reading

Yeas: 94
Nays: 0
Excused: 2
N/Voting: 4

VOTING YEA: 94

Bacon	Dodge	Kubacki	Saunders
Baird	Dvorak	Lehe	Smith, M
Bartlett	Eberhart	Lehman	Smith, V
Battles	Ellspermann	Leonard	Soliday
Bauer	Espich	Lutz	Speedy
Behning	Foley	Mahan	Stemler
Borders	Friend	McClain	Steuerwald
Brown,C	Frizzell	McMillin	Stevenson
Brown, T	Fry, C	McNamara	Sullivan
Burton	Frye, R	Messmer	Summers
Candelaria Reardon	GiaQuinta	Morris	Thompson
Cheatham	Goodin	Moseley	Torr
Cherry	Grubb	Moses	Truitt
Clere	Gutwein	Neese	Turner
Crawford	Harris	Niezgodski	Ubelhor
Crouch	Heaton	Noe	VanNatter
Culver	Heuer	Pelath	Welch
Davis	Hinkle	Pflum	Wesco
Davisson	Karickhoff	Pierce	White
Day	Kersey	Pryor	Wolkins
DeLaney	Kirchhofer	Reske	Yarde
Dembowski	Klinker	Rhoads	Mr. Speaker
Dermody	Knollman	Richardson	
Dobis	Koch	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 4

Austin Bardon Lawson, L Porter

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 147: PASSED

HB 1047 Lutz
Education study committee.
3rd Reading

Yeas: 92
Nays: 1
Excused: 2
N/Voting: 5

VOTING YEA: 92

Austin	Dobis	Knollman	Rhoads
Bacon	Dodge	Koch	Richardson
Baird	Dvorak	Kubacki	Riecken
Bartlett	Eberhart	Lehe	Saunders
Battles	Ellspermann	Lehman	Smith, M
Bauer	Espich	Leonard	Smith, V
Behning	Foley	Lutz	Soliday
Borders	Friend	Mahan	Speedy
Brown,C	Frizzell	McClain	Stemler
Burton	Fry, C	McMillin	Steuerwald
Candelaria Reardon	Frye, R	McNamara	Stevenson
Cheatham	GiaQuinta	Messmer	Summers
Cherry	Goodin	Morris	Thompson
Clere	Grubb	Moseley	Torr
Crawford	Gutwein	Moses	Truitt
Crouch	Harris	Neese	Turner
Culver	Heaton	Niezgodski	Ubelhor
Davis	Heuer	Noe	VanNatter
Davisson	Hinkle	Pelath	Welch
Day	Karickhoff	Pflum	Wesco
DeLaney	Kersey	Pierce	White
Dembowski	Kirchhofer	Pryor	Wolkins
Dermody	Klinker	Reske	Yarde

VOTING NAY: 1

Brown, T

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 5

Bardon Porter Mr. Speaker
Lawson, L Sullivan

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 148: PASSED

HB 1054 Soliday
Alcoholic beverage permits in or near historic districts.
3rd Reading

Yeas: 93
Nays: 0
Excused: 2
N/Voting: 5

VOTING YEA: 93

Bacon	Dodge	Kubacki	Saunders
Baird	Dvorak	Lehe	Smith, M
Bartlett	Eberhart	Lehman	Smith, V
Battles	Ellspermann	Leonard	Soliday
Bauer	Espich	Lutz	Speedy
Behning	Foley	Mahan	Stemler
Borders	Friend	McClain	Steuerwald
Brown,C	Frizzell	McMillin	Stevenson
Brown, T	Fry, C	McNamara	Sullivan
Burton	Frye, R	Messmer	Summers
Candelaria Reardon	GiaQuinta	Morris	Thompson
Cheatham	Goodin	Moseley	Torr
Cherry	Grubb	Moses	Truitt
Clere	Gutwein	Neese	Turner
Crawford	Harris	Niezgodski	Ubelhor
Crouch	Heaton	Noe	VanNatter
Culver	Heuer	Pelath	Welch
Davis	Hinkle	Pflum	Wesco
Davisson	Karickhoff	Pierce	White
Day	Kersey	Pryor	Wolkins
DeLaney	Kirchhofer	Reske	Yarde
Dembowski	Klinker	Rhoads	
Dermody	Knollman	Richardson	
Dobis	Koch	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 5

Austin Lawson, L Mr. Speaker
Bardon Porter

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MEETING DAY 20 01-31-12

Roll Call 149: PASSED

HB 1087 Thompson
Local income tax for public safety.
3rd Reading

Yeas: 81
Nays: 14
Excused: 2
N/Voting: 3

VOTING YEA: 81

Bacon	Eberhart	Lehman	Smith, M
Baird	Espich	Leonard	Smith, V
Bartlett	Foley	Lutz	Soliday
Battles	Friend	Mahan	Speedy
Bauer	Frizzell	McClain	Stemler
Behning	Frye, R	McMillin	Steuerwald
Brown, T	GiaQuinta	McNamara	Stevenson
Burton	Gutwein	Messmer	Sullivan
Candelaria Reardon	Harris	Morris	Thompson
Cherry	Heaton	Moseley	Torr
Clere	Heuer	Moses	Truitt
Crouch	Hinkle	Neese	Turner
Culver	Karickhoff	Niezgodski	Ubelhor
Davis	Kersey	Noe	VanNatter
Davisson	Kirchhofer	Pelath	Wesco
Day	Klinker	Pflum	White
DeLaney	Knollman	Pierce	Wolkins
Dembowski	Koch	Rhoads	Yarde
Dermody	Kubacki	Richardson	
Dobis	Lawson, L	Riecken	
Dodge	Lehe	Saunders	

VOTING NAY: 14

Austin	Crawford	Goodin	Summers
Borders	Dvorak	Grubb	Welch
Brown,C	Ellspermann	Pryor	
Cheatham	Fry, C	Reske	

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 3

Bardon Porter Mr. Speaker

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Roll Call 150: PASSED

HB 1091 Friend
Agricultural operations.
3rd Reading

Yeas: 57
Nays: 39
Excused: 3
N/Voting: 1

VOTING YEA: 57

Bacon	Ellspermann	Lehe	Speedy
Baird	Espich	Lehman	Stemler
Behning	Friend	Leonard	Steuerwald
Borders	Frizzell	Lutz	Thompson
Brown, T	Frye, R	Mahan	Torr
Burton	Goodin	McNamara	Truitt
Cherry	Grubb	Messmer	Turner
Clere	Gutwein	Morris	Ubelhor
Crouch	Heaton	Neese	VanNatter
Culver	Heuer	Niezgodski	Wesco
Davis	Karickhoff	Noe	Wolkins
Davisson	Kirchhofer	Rhoads	Yarde
Dermody	Knollman	Richardson	
Dobis	Koch	Smith, M	
Dodge	Kubacki	Soliday	

VOTING NAY: 39

Austin	DeLaney	Klinker	Reske
Bardon	Dembowski	Lawson, L	Riecken
Bartlett	Dvorak	McMillin	Saunders
Battles	Eberhart	Moseley	Smith, V
Bauer	Foley	Moses	Stevenson
Brown,C	Fry, C	Pelath	Sullivan
Candelaria Reardon	GiaQuinta	Pflum	Summers
Cheatham	Harris	Pierce	Welch
Crawford	Hinkle	Porter	White
Day	Kersey	Pryor	

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 151: PASSED

HB 1107 Koch
Hydraulic fracturing treatments.
3rd Reading

Yeas: 95
Nays: 0
Excused: 3
N/Voting: 2

VOTING YEA: 95

Austin	Dobis	Koch	Richardson
Bacon	Dodge	Kubacki	Riecken
Baird	Dvorak	Lawson, L	Saunders
Bardon	Eberhart	Lehe	Smith, M
Bartlett	Ellspermann	Lehman	Smith, V
Battles	Espich	Leonard	Soliday
Bauer	Foley	Lutz	Speedy
Behning	Friend	Mahan	Stemler
Borders	Frizzell	McMillin	Steuerwald
Brown,C	Fry, C	McNamara	Stevenson
Brown, T	Frye, R	Messmer	Sullivan
Burton	GiaQuinta	Morris	Summers
Cheatham	Goodin	Moseley	Thompson
Cherry	Grubb	Moses	Torr
Clere	Gutwein	Neese	Truitt
Crawford	Harris	Niezgodski	Turner
Crouch	Heaton	Noe	Ubelhor
Culver	Heuer	Pelath	VanNatter
Davis	Hinkle	Pflum	Welch
Davisson	Karickhoff	Pierce	Wesco
Day	Kersey	Porter	White
DeLaney	Kirchhofer	Pryor	Wolkins
Dembowski	Klinker	Reske	Yarde
Dermody	Knollman	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 2

Candelaria Reardon Mr. Speaker

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Roll Call 152: PASSED

HB 1111 Clere
Historic preservation tax credit.
3rd Reading

Yeas: 96
Nays: 0
Excused: 3
N/Voting: 1

VOTING YEA: 96

Austin	Dermody	Knollman	Rhoads
Bacon	Dobis	Koch	Richardson
Baird	Dodge	Kubacki	Riecken
Bardon	Dvorak	Lawson, L	Saunders
Bartlett	Eberhart	Lehe	Smith, M
Battles	Ellspermann	Lehman	Smith, V
Bauer	Espich	Leonard	Soliday
Behning	Foley	Lutz	Speedy
Borders	Friend	Mahan	Stemler
Brown,C	Frizzell	McMillin	Steuerwald
Brown, T	Fry, C	McNamara	Stevenson
Burton	Frye, R	Messmer	Sullivan
Candelaria Reardon	GiaQuinta	Morris	Summers
Cheatham	Goodin	Moseley	Thompson
Cherry	Grubb	Moses	Torr
Clere	Gutwein	Neese	Truitt
Crawford	Harris	Niezgodski	Turner
Crouch	Heaton	Noe	Ubelhor
Culver	Heuer	Pelath	VanNatter
Davis	Hinkle	Pflum	Welch
Davisson	Karickhoff	Pierce	Wesco
Day	Kersey	Porter	White
DeLaney	Kirchhofer	Pryor	Wolkins
Dembowski	Klinker	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 153: PASSED

HB 1117 Wolkins
Regional waste districts, utilities.
3rd Reading

Yeas: 76
Nays: 20
Excused: 3
N/Voting: 1

VOTING YEA: 76

Austin	Dvorak	Klinker	Reske
Bacon	Eberhart	Knollman	Rhoads
Baird	Ellspermann	Koch	Richardson
Battles	Espich	Kubacki	Riecken
Behning	Foley	Lawson, L	Smith, M
Borders	Friend	Lehe	Soliday
Brown, T	Frizzell	Lehman	Speedy
Burton	Frye, R	Leonard	Steuerwald
Cheatham	GiaQuinta	Lutz	Thompson
Cherry	Goodin	Mahan	Torr
Clere	Grubb	McMillin	Truitt
Crawford	Gutwein	McNamara	Turner
Crouch	Harris	Messmer	Ubelhor
Culver	Heaton	Morris	VanNatter
Davis	Heuer	Neese	Welch
Davisson	Hinkle	Niezgodski	Wesco
Dermody	Karickhoff	Noe	White
Dobis	Kersey	Pelath	Wolkins
Dodge	Kirchhofer	Pryor	Yarde

VOTING NAY: 20

Bardon	Day	Moses	Smith, V
Bartlett	DeLaney	Pflum	Stemler
Bauer	Dembowski	Pierce	Stevenson
Brown,C	Fry, C	Porter	Sullivan
Candelaria Reardon	Moseley	Saunders	Summers

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 154: PASSED

HB 1149 Turner
Smoking ban.

3rd Reading

Yeas: 62
Nays: 35
Excused: 3
N/Voting: 0

VOTING YEA: 62

Austin	Day	Klinker	Soliday
Bacon	DeLaney	Lawson, L	Stemler
Bardon	Dembowski	Leonard	Sullivan
Bartlett	Dobis	McNamara	Summers
Battles	Dvorak	Moseley	Thompson
Bauer	Eberhart	Moses	Torr
Borders	Ellspermann	Neese	Truitt
Brown,C	Foley	Pelath	Turner
Brown, T	Fry, C	Pflum	Ubelhor
Burton	Frye, R	Pierce	VanNatter
Candelaria Reardon	GiaQuinta	Porter	Welch
Cheatham	Harris	Pryor	White
Cherry	Heaton	Reske	Yarde
Clere	Heuer	Riecken	Mr. Speaker
Crawford	Karickhoff	Smith, M	
Crouch	Kersey	Smith, V	

VOTING NAY: 35

Baird	Frizzell	Lehe	Rhoads
Behning	Goodin	Lehman	Richardson
Culver	Grubb	Lutz	Saunders
Davis	Gutwein	Mahan	Speedy
Davisson	Hinkle	McMillin	Steuerwald
Dermody	Kirchhofer	Messmer	Stevenson
Dodge	Knollman	Morris	Wesco
Espich	Koch	Niezgodski	Wolkins
Friend	Kubacki	Noe	

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: NONE

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Roll Call 155: PASSED

HB 1171 GiaQuinta
Relocation of new motor vehicle dealers.

3rd Reading

Yeas: 75
Nays: 21
Excused: 3
N/Voting: 1

VOTING YEA: 75

Austin	Dobis	Kersey	Porter
Bacon	Dodge	Kirchhofer	Pryor
Bartlett	Dvorak	Klinker	Richardson
Battles	Eberhart	Knollman	Riecken
Bauer	Ellspermann	Kubacki	Saunders
Behning	Espich	Lawson, L	Smith, V
Borders	Friend	Lehe	Soliday
Brown,C	Frizzell	Lehman	Speedy
Burton	Fry, C	Leonard	Stemler
Candelaria Reardon	Frye, R	Lutz	Steuerwald
Cheatham	GiaQuinta	Mahan	Stevenson
Clere	Goodin	McMillin	Summers
Crawford	Grubb	Morris	Thompson
Culver	Gutwein	Moseley	Torr
Davis	Harris	Moses	Turner
Davisson	Heaton	Neese	Ubelhor
Day	Heuer	Niezgodski	Welch
DeLaney	Hinkle	Noe	Yarde
Dembowski	Karickhoff	Pflum	

VOTING NAY: 21

Baird	Foley	Reske	Wesco
Bardon	Koch	Rhoads	White
Brown, T	McNamara	Smith, M	Wolkins
Cherry	Messmer	Sullivan	
Crouch	Pelath	Truitt	
Dermody	Pierce	VanNatter	

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 156: PASSED

HB 1195 M. Smith
Property tax appeals.

3rd Reading

Yeas: 94
Nays: 2
Excused: 3
N/Voting: 1

VOTING YEA: 94

Austin	Dermody	Knollman	Riecken
Bacon	Dobis	Koch	Saunders
Baird	Dodge	Kubacki	Smith, M
Bardon	Dvorak	Lawson, L	Smith, V
Bartlett	Eberhart	Lehe	Soliday
Battles	Ellspermann	Lehman	Speedy
Bauer	Espich	Leonard	Stemler
Behning	Foley	Lutz	Steuerwald
Borders	Friend	McMillin	Stevenson
Brown,C	Frizzell	McNamara	Sullivan
Brown, T	Fry, C	Messmer	Summers
Burton	Frye, R	Morris	Thompson
Candelaria Reardon	GiaQuinta	Moseley	Torr
Cheatham	Goodin	Neese	Truitt
Cherry	Grubb	Niezgodski	Turner
Clere	Gutwein	Noe	Ubelhor
Crawford	Harris	Pelath	VanNatter
Crouch	Heaton	Pflum	Welch
Culver	Heuer	Pierce	Wesco
Davis	Hinkle	Porter	White
Davisson	Karickhoff	Pryor	Wolkins
Day	Kersey	Reske	Yarde
DeLaney	Kirchhofer	Rhoads	
Dembowski	Klinker	Richardson	

VOTING NAY: 2

Mahan Moses

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 157: PASSED

HB 1197 M. Smith
Mopeds.

3rd Reading

Yeas: 76
Nays: 20
Excused: 3
N/Voting: 1

VOTING YEA: 76

Austin	Dembowski	Koch	Rhoads
Bacon	Dermody	Kubacki	Richardson
Bardon	Dobis	Lawson, L	Riecken
Bartlett	Dodge	Lehe	Saunders
Battles	Eberhart	Lehman	Smith, M
Bauer	Ellspermann	Lutz	Smith, V
Behning	Espich	Mahan	Soliday
Borders	Fry, C	McMillin	Speedy
Brown,C	GiaQuinta	McNamara	Stemler
Burton	Goodin	Messmer	Sullivan
Cheatham	Harris	Moseley	Summers
Clere	Heaton	Moses	Truitt
Crawford	Heuer	Neese	Turner
Crouch	Hinkle	Niezgodski	Ubelhor
Culver	Karickhoff	Noe	VanNatter
Davis	Kersey	Pflum	Welch
Davisson	Kirchhofer	Porter	White
Day	Klinker	Pryor	Wolkins
DeLaney	Knollman	Reske	Yarde

VOTING NAY: 20

Baird	Foley	Gutwein	Steuerwald
Brown, T	Friend	Leonard	Stevenson
Candelaria Reardon	Frizzell	Morris	Thompson
Cherry	Frye, R	Pelath	Torr
Dvorak	Grubb	Pierce	Wesco

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 158: PASSED

HB 1204 Dermody
Sex and violent offender registry.

3rd Reading

Yeas: 93
Nays: 0
Excused: 3
N/Voting: 4

VOTING YEA: 93

Austin	Dvorak	Lawson, L	Saunders
Bacon	Eberhart	Lehe	Smith, M
Baird	Ellspermann	Lehman	Smith, V
Bardon	Espich	Leonard	Soliday
Battles	Foley	Lutz	Speedy
Bauer	Friend	Mahan	Stemler
Behning	Frizzell	McMillin	Steuerwald
Borders	Fry, C	McNamara	Stevenson
Brown, T	Frye, R	Messmer	Sullivan
Burton	GiaQuinta	Morris	Summers
Candelaria Reardon	Goodin	Moseley	Thompson
Cheatham	Grubb	Moses	Torr
Cherry	Gutwein	Neese	Truitt
Clere	Harris	Niezgodski	Turner
Crouch	Heaton	Noe	Ubelhor
Culver	Heuer	Pelath	VanNatter
Davis	Hinkle	Pflum	Welch
Davisson	Karickhoff	Pierce	Wesco
Day	Kersey	Porter	White
DeLaney	Kirchhofer	Pryor	Wolkins
Dembowski	Klinker	Reske	Yarde
Dermody	Knollman	Rhoads	
Dobis	Koch	Richardson	
Dodge	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

McClain	Pond	VanDenburgh

NOT VOTING: 4

Bartlett	Brown,C	Crawford	Mr. Speaker

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Roll Call 159: PASSED

HB 1205 Behning
Superintendent contracts.

3rd Reading

Yeas: 88
Nays: 6
Excused: 4
N/Voting: 2

VOTING YEA: 88

Austin	Dobis	Kubacki	Richardson
Bacon	Dodge	Lawson, L	Riecken
Baird	Dvorak	Lehe	Saunders
Bardon	Eberhart	Lehman	Smith, M
Bartlett	Espich	Leonard	Smith, V
Battles	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McMillin	Stemler
Brown,C	Fry, C	McNamara	Steuerwald
Brown, T	Frye, R	Messmer	Stevenson
Burton	GiaQuinta	Morris	Summers
Cheatham	Gutwein	Moseley	Thompson
Clere	Harris	Moses	Torr
Crawford	Heaton	Neese	Truitt
Crouch	Heuer	Niezgodski	Turner
Culver	Hinkle	Noe	Ubelhor
Davis	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Welch
Day	Kirchhofer	Porter	Wesco
DeLaney	Klinker	Pryor	White
Dembowski	Knollman	Reske	Wolkins
Dermody	Koch	Rhoads	Yarde

VOTING NAY: 6

Bauer	Cherry	Grubb	
Candelaria Reardon	Ellspermann	Pelath	

EXCUSED FROM VOTING: 4

Goodin	McClain	Pond	VanDenburgh

NOT VOTING: 2

Sullivan	Mr. Speaker

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Roll Call 160: PASSED

HB 1207 Davis
State civil service system.

3rd Reading

Yeas: 59
Nays: 37
Excused: 3
N/Voting: 1

VOTING YEA: 59

Bacon	Eberhart	Kubacki	Smith, M
Baird	Ellspermann	Lehe	Soliday
Behning	Espich	Lehman	Speedy
Borders	Foley	Leonard	Stemler
Brown, T	Friend	Lutz	Steuerwald
Burton	Frizzell	Mahan	Thompson
Cherry	Frye, R	McMillin	Torr
Clere	Gutwein	McNamara	Truitt
Crouch	Heaton	Messmer	Turner
Culver	Heuer	Morris	Ubelhor
Davis	Hinkle	Neese	VanNatter
Davisson	Karickhoff	Noe	Wesco
Day	Kirchhofer	Rhoads	Wolkins
Dermody	Knollman	Richardson	Yarde
Dodge	Koch	Saunders	

VOTING NAY: 37

Austin	Dembowski	Lawson, L	Riecken
Bardon	Dobis	Moseley	Smith, V
Bartlett	Dvorak	Moses	Stevenson
Battles	Fry, C	Niezgodski	Sullivan
Bauer	GiaQuinta	Pelath	Summers
Brown,C	Goodin	Pflum	Welch
Candelaria Reardon	Grubb	Pierce	White
Cheatham	Harris	Porter	
Crawford	Kersey	Pryor	
DeLaney	Klinker	Reske	

EXCUSED FROM VOTING: 3

McClain	Pond	VanDenburgh

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 20 01-31-12

Roll Call 161: PASSED

HB 1211 Crouch
Nursing facility screening and notification.
3rd Reading

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Austin	Dermody	Knollman	Richardson
Bacon	Dobis	Koch	Riecken
Baird	Dodge	Kubacki	Saunders
Bardon	Dvorak	Lawson, L	Smith, M
Bartlett	Eberhart	Lehe	Smith, V
Battles	Ellspermann	Lehman	Soliday
Bauer	Espich	Leonard	Speedy
Behning	Foley	Lutz	Stemler
Borders	Friend	Mahan	Steuerwald
Brown,C	Frizzell	McMillin	Stevenson
Brown, T	Fry, C	McNamara	Sullivan
Burton	Frye, R	Messmer	Summers
Candelaria Reardon	GiaQuinta	Morris	Thompson
Cheatham	Goodin	Moseley	Torr
Cherry	Grubb	Moses	Truitt
Clere	Gutwein	Neese	Turner
Crawford	Harris	Niezgodski	Ubelhor
Crouch	Heaton	Noe	VanNatter
Culver	Heuer	Pelath	Welch
Davis	Hinkle	Pflum	Wesco
Davisson	Karickhoff	Pierce	White
Day	Kersey	Pryor	Wolkins
DeLaney	Kirchhofer	Reske	Yarde
Dembowski	Klinker	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

McClain	Pond	Porter	VanDenburgh

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
117th General Assembly
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MEETING DAY 20 01-31-12

Roll Call 162: PASSED

HB 1212 Kirchhofer
Blue lights on vehicles.

3rd Reading

Yeas: 95
Nays: 0
Excused: 3
N/Voting: 2

VOTING YEA: 95

Austin	Dermody	Knollman	Richardson
Bacon	Dobis	Koch	Riecken
Baird	Dodge	Kubacki	Saunders
Bardon	Dvorak	Lawson, L	Smith, M
Bartlett	Eberhart	Lehe	Smith, V
Battles	Ellspermann	Lehman	Soliday
Bauer	Espich	Leonard	Speedy
Behning	Foley	Lutz	Stemler
Borders	Friend	Mahan	Steuerwald
Brown,C	Frizzell	McMillin	Stevenson
Brown, T	Fry, C	McNamara	Sullivan
Burton	Frye, R	Messmer	Summers
Candelaria Reardon	GiaQuinta	Morris	Thompson
Cheatham	Goodin	Moseley	Torr
Cherry	Grubb	Moses	Truitt
Clere	Gutwein	Niezgodski	Turner
Crawford	Harris	Noe	Ubelhor
Crouch	Heaton	Pelath	VanNatter
Culver	Heuer	Pflum	Welch
Davis	Hinkle	Pierce	Wesco
Davisson	Karickhoff	Porter	White
Day	Kersey	Pryor	Wolkins
DeLaney	Kirchhofer	Reske	Yarde
Dembowski	Klinker	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 2

Neese Mr. Speaker

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 20 01-31-12

Roll Call 163: PASSED

HB 1216 Kirchhofer
Self-donated blood.

3rd Reading

Yeas: 95
Nays: 0
Excused: 3
N/Voting: 2

VOTING YEA: 95

Austin	Dobis	Koch	Richardson
Bacon	Dodge	Kubacki	Riecken
Baird	Dvorak	Lawson, L	Saunders
Bardon	Eberhart	Lehe	Smith, M
Bartlett	Ellspermann	Lehman	Smith, V
Battles	Espich	Leonard	Soliday
Bauer	Foley	Lutz	Speedy
Behning	Friend	Mahan	Stemler
Borders	Frizzell	McMillin	Steuerwald
Brown,C	Fry, C	McNamara	Stevenson
Brown, T	Frye, R	Messmer	Sullivan
Burton	GiaQuinta	Morris	Summers
Cheatham	Goodin	Moseley	Thompson
Cherry	Grubb	Moses	Torr
Clere	Gutwein	Neese	Truitt
Crawford	Harris	Niezgodski	Turner
Crouch	Heaton	Noe	Ubelhor
Culver	Heuer	Pelath	VanNatter
Davis	Hinkle	Pflum	Welch
Davisson	Karickhoff	Pierce	Wesco
Day	Kersey	Porter	White
DeLaney	Kirchhofer	Pryor	Wolkins
Dembowski	Klinker	Reske	Yarde
Dermody	Knollman	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 2

Candelaria Reardon Mr. Speaker

Indiana House of Representatives
117th General Assembly
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MEETING DAY 20 01-31-12

Roll Call 164: PASSED

HB 1220 Rhoads
Commission for higher education.

3rd Reading

Yeas: 60
Nays: 35
Excused: 3
N/Voting: 2

VOTING YEA: 60

Bacon	Dodge	Koch	Saunders
Baird	Eberhart	Kubacki	Smith, M
Behning	Ellspermann	Lehe	Soliday
Borders	Espich	Lehman	Speedy
Brown, T	Foley	Leonard	Stemler
Burton	Friend	Lutz	Steuerwald
Cherry	Frizzell	Mahan	Thompson
Clere	Frye, R	McMillin	Torr
Crouch	GiaQuinta	McNamara	Truitt
Culver	Gutwein	Messmer	Turner
Davis	Heaton	Morris	Ubelhor
Davisson	Heuer	Neese	VanNatter
DeLaney	Karickhoff	Noe	Wesco
Dembowski	Kirchhofer	Rhoads	Wolkins
Dermody	Knollman	Richardson	Yarde

VOTING NAY: 35

Austin	Day	Lawson, L	Reske
Bardon	Dobis	Moseley	Riecken
Bartlett	Dvorak	Moses	Smith, V
Battles	Goodin	Niezgodski	Stevenson
Bauer	Grubb	Pelath	Sullivan
Brown,C	Harris	Pflum	Summers
Candelaria Reardon	Hinkle	Pierce	Welch
Cheatham	Kersey	Porter	White
Crawford	Klinker	Pryor	

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 2

Fry, C Mr. Speaker

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 165: PASSED

HB 1221 Karickhoff
Spotlighting; fish and wildlife license suspension.
3rd Reading

Yeas: 92
Nays: 2
Excused: 3
N/Voting: 3

VOTING YEA: 92

Austin	Dermody	Klinker	Rhoads
Bacon	Dobis	Knollman	Richardson
Baird	Dodge	Koch	Riecken
Bardon	Dvorak	Kubacki	Saunders
Bartlett	Eberhart	Lawson, L	Smith, M
Battles	Ellspermann	Lehe	Smith, V
Bauer	Espich	Lehman	Soliday
Behning	Foley	Leonard	Speedy
Borders	Friend	Lutz	Stemler
Brown, T	Frizzell	Mahan	Steuerwald
Burton	Fry, C	McNamara	Stevenson
Candelaria Reardon	Frye, R	Messmer	Sullivan
Cheatham	GiaQuinta	Morris	Summers
Cherry	Goodin	Moseley	Thompson
Clere	Grubb	Neese	Torr
Crawford	Gutwein	Niezgodski	Truitt
Crouch	Harris	Noe	Turner
Culver	Heaton	Pelath	Ubelhor
Davis	Heuer	Pflum	VanNatter
Davisson	Hinkle	Pierce	Welch
Day	Karickhoff	Porter	White
DeLaney	Kersey	Pryor	Wolkins
Dembowski	Kirchhofer	Reske	Yarde

VOTING NAY: 2

McMillin Wesco

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 3

Brown,C Moses Mr. Speaker

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 166: PASSED

HB 1222 Yarde
Dealer services division of the secretary of state.
3rd Reading

Yeas: 96
Nays: 0
Excused: 3
N/Voting: 1

VOTING YEA: 96

Austin	Dermody	Knollman	Rhoads
Bacon	Dobis	Koch	Richardson
Baird	Dodge	Kubacki	Riecken
Bardon	Dvorak	Lawson, L	Saunders
Bartlett	Eberhart	Lehe	Smith, M
Battles	Ellspermann	Lehman	Smith, V
Bauer	Espich	Leonard	Soliday
Behning	Foley	Lutz	Speedy
Borders	Friend	Mahan	Stemler
Brown,C	Frizzell	McMillin	Steuerwald
Brown, T	Fry, C	McNamara	Stevenson
Burton	Frye, R	Messmer	Sullivan
Candelaria Reardon	GiaQuinta	Morris	Summers
Cheatham	Goodin	Moseley	Thompson
Cherry	Grubb	Moses	Torr
Clere	Gutwein	Neese	Truitt
Crawford	Harris	Niezgodski	Turner
Crouch	Heaton	Noe	Ubelhor
Culver	Heuer	Pelath	VanNatter
Davis	Hinkle	Pflum	Welch
Davisson	Karickhoff	Pierce	Wesco
Day	Kersey	Porter	White
DeLaney	Kirchhofer	Pryor	Wolkins
Dembowski	Klinker	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 167: PASSED

HB 1224 Cherry
Charity gaming.
3rd Reading

Yeas: 87
Nays: 9
Excused: 3
N/Voting: 1

VOTING YEA: 87

Austin	Dobis	Klinker	Rhoads
Bacon	Dodge	Knollman	Richardson
Baird	Dvorak	Kubacki	Riecken
Bardon	Eberhart	Lawson, L	Saunders
Battles	Ellspermann	Lehe	Smith, M
Bauer	Espich	Lehman	Smith, V
Behning	Foley	Leonard	Soliday
Brown,C	Friend	Lutz	Speedy
Burton	Frizzell	Mahan	Stemler
Candelaria Reardon	Fry, C	McMillin	Stevenson
Cheatham	Frye, R	McNamara	Sullivan
Cherry	GiaQuinta	Messmer	Summers
Clere	Goodin	Morris	Torr
Crawford	Grubb	Moses	Truitt
Crouch	Gutwein	Neese	Ubelhor
Culver	Harris	Niezgodski	VanNatter
Davis	Heaton	Pelath	Welch
Davisson	Heuer	Pflum	Wesco
Day	Hinkle	Pierce	White
DeLaney	Karickhoff	Porter	Wolkins
Dembowski	Kersey	Pryor	Yarde
Dermody	Kirchhofer	Reske	

VOTING NAY: 9

Bartlett	Koch	Steuerwald
Borders	Moseley	Thompson
Brown, T	Noe	Turner

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 168: PASSED

HB 1225 Lehman
Septic tanks and sewer systems.
3rd Reading

Yeas: 71
Nays: 24
Excused: 3
N/Voting: 2

VOTING YEA: 71

Austin	Ellspermann	Lehe	Smith, V
Bacon	Espich	Lehman	Soliday
Baird	Friend	Leonard	Speedy
Battles	Frizzell	Lutz	Stemler
Behning	Frye, R	Mahan	Steuerwald
Borders	Goodin	McMillin	Sullivan
Brown, T	Grubb	McNamara	Thompson
Burton	Gutwein	Messmer	Torr
Cheatham	Heaton	Morris	Truitt
Cherry	Heuer	Neese	Turner
Clere	Hinkle	Niezgodski	Ubelhor
Crouch	Karickhoff	Noe	VanNatter
Culver	Kersey	Pelath	Welch
Davis	Kirchhofer	Reske	Wesco
Davisson	Klinker	Rhoads	White
Dermody	Knollman	Richardson	Wolkins
Dodge	Koch	Riecken	Yarde
Eberhart	Kubacki	Smith, M	

VOTING NAY: 24

Bardon	Day	Fry, C	Pierce
Bartlett	DeLaney	GiaQuinta	Porter
Bauer	Dembowski	Harris	Pryor
Brown,C	Dobis	Moseley	Saunders
Candelaria Reardon	Dvorak	Moses	Stevenson
Crawford	Foley	Pflum	Summers

EXCUSED FROM VOTING: 3

McClain Pond VanDenburgh

NOT VOTING: 2

Lawson, L Mr. Speaker

Indiana House of Representatives
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Roll Call 169: PASSED

HB 1226 Lehman
Insurance matters.
3rd Reading

Yeas: 91
Nays: 5
Excused: 2
N/Voting: 2

VOTING YEA: 91

Austin	Dvorak	Kubacki	Riecken
Bacon	Eberhart	Lehe	Saunders
Baird	Ellspermann	Lehman	Smith, M
Bartlett	Espich	Leonard	Smith, V
Battles	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Cheatham	Goodin	Morris	Summers
Cherry	Grubb	Moseley	Thompson
Clere	Gutwein	Moses	Torr
Crawford	Harris	Neese	Truitt
Crouch	Heaton	Niezgodski	Turner
Culver	Heuer	Noe	Ubelhor
Davis	Hinkle	Pelath	VanNatter
Davisson	Karickhoff	Pflum	Welch
Day	Kersey	Porter	Wesco
Dembowski	Kirchhofer	Pryor	White
Dermody	Klinker	Reske	Wolkins
Dobis	Knollman	Rhoads	Yarde
Dodge	Koch	Richardson	

VOTING NAY: 5

Bardon	Candelaria Reardon	Pierce
Bauer	DeLaney	

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 2

Lawson, L Mr. Speaker

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Roll Call 170: PASSED

HB 1237 Morris
Home improvement contracts.

3rd Reading

Yeas: 82
Nays: 13
Excused: 4
N/Voting: 1

VOTING YEA: 82

Austin	Dodge	Kubacki	Richardson
Bacon	Eberhart	Lawson, L	Riecken
Baird	Ellspermann	Lehe	Saunders
Bardon	Espich	Lehman	Smith, M
Battles	Foley	Leonard	Soliday
Behning	Friend	Lutz	Speedy
Borders	Frizzell	Mahan	Stemler
Brown, T	Frye, R	McClain	Steuerwald
Burton	GiaQuinta	McMillin	Sullivan
Cheatham	Goodin	McNamara	Thompson
Cherry	Grubb	Messmer	Torr
Clere	Gutwein	Morris	Truitt
Crawford	Heaton	Moseley	Turner
Crouch	Heuer	Neese	Ubelhor
Davis	Hinkle	Niezgodski	Welch
Davisson	Karickhoff	Noe	Wesco
Day	Kersey	Pelath	White
DeLaney	Kirchhofer	Pflum	Wolkins
Dembowski	Klinker	Pryor	Yarde
Dermody	Knollman	Reske	
Dobis	Koch	Rhoads	

VOTING NAY: 13

Bartlett	Dvorak	Pierce	Summers
Bauer	Fry, C	Porter	
Brown,C	Harris	Smith, V	
Candelaria Reardon	Moses	Stevenson	

EXCUSED FROM VOTING: 4

Culver	Pond	VanDenburgh	VanNatter

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 20 01-31-12

Roll Call 171: PASSED

HB 1241 Ellspermann
Economic development incentives.

3rd Reading

Yeas: 85
Nays: 13
Excused: 2
N/Voting: 0

VOTING YEA: 85

Austin	Eberhart	Lawson, L	Smith, M
Bacon	Ellspermann	Lehe	Smith, V
Baird	Espich	Lehman	Soliday
Bartlett	Foley	Leonard	Speedy
Battles	Friend	Lutz	Stemler
Behning	Frizzell	Mahan	Steuerwald
Borders	Frye, R	McClain	Sullivan
Brown, T	GiaQuinta	McMillin	Thompson
Burton	Goodin	McNamara	Torr
Cheatham	Grubb	Messmer	Truitt
Cherry	Gutwein	Morris	Turner
Clere	Harris	Moses	Ubelhor
Crawford	Heaton	Neese	VanNatter
Crouch	Heuer	Niezgodski	Welch
Culver	Hinkle	Noe	Wesco
Davis	Karickhoff	Pelath	White
Davisson	Kersey	Pierce	Wolkins
Dembowski	Kirchhofer	Reske	Yarde
Dermody	Klinker	Rhoads	Mr. Speaker
Dobis	Knollman	Richardson	
Dodge	Koch	Riecken	
Dvorak	Kubacki	Saunders	

VOTING NAY: 13

Bardon	Day	Pflum	Summers
Bauer	DeLaney	Porter	
Brown,C	Fry, C	Pryor	
Candelaria Reardon	Moseley	Stevenson	

EXCUSED FROM VOTING: 2

Pond	VanDenburgh

NOT VOTING: NONE

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Roll Call 172: PASSED

HB 1249 Clere
Land banks.

3rd Reading

Yeas: 95
Nays: 0
Excused: 2
N/Voting: 3

VOTING YEA: 95

Austin	Dobis	Kubacki	Richardson
Bacon	Dodge	Lawson, L	Riecken
Baird	Dvorak	Lehe	Saunders
Bardon	Ellspermann	Lehman	Smith, M
Bartlett	Espich	Leonard	Smith, V
Battles	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Summers
Cheatham	Grubb	Moseley	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dermody	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pond	VanDenburgh

NOT VOTING: 3

Bauer	Eberhart	Mr. Speaker

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Roll Call 173: PASSED

HB 1250 Mahan
State government nepotism.

3rd Reading

Yeas: 92
Nays: 4
Excused: 2
N/Voting: 2

VOTING YEA: 92

Austin	Dobis	Kubacki	Rhoads
Bacon	Dodge	Lawson, L	Richardson
Baird	Dvorak	Lehe	Riecken
Bardon	Eberhart	Lehman	Saunders
Battles	Ellspermann	Leonard	Smith, M
Behning	Espich	Lutz	Smith, V
Borders	Foley	Mahan	Soliday
Brown,C	Friend	McClain	Speedy
Brown, T	Frizzell	McMillin	Stemler
Burton	Frye, R	McNamara	Steuerwald
Candelaria Reardon	GiaQuinta	Messmer	Stevenson
Cheatham	Grubb	Morris	Sullivan
Cherry	Gutwein	Moseley	Torr
Clere	Harris	Moses	Truitt
Crawford	Heaton	Neese	Turner
Crouch	Heuer	Niezgodski	Ubelhor
Culver	Hinkle	Noe	VanNatter
Davis	Karickhoff	Pelath	Welch
Davisson	Kersey	Pflum	Wesco
Day	Kirchhofer	Pierce	White
DeLaney	Klinker	Porter	Wolkins
Dembowski	Knollman	Pryor	Yarde
Dermody	Koch	Reske	Mr. Speaker

VOTING NAY: 4

Bartlett	Fry, C	Goodin	Summers

EXCUSED FROM VOTING: 2

Pond	VanDenburgh

NOT VOTING: 2

Bauer	Thompson

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Roll Call 174: PASSED

HB 1258 Foley
Various estate planning matters.

3rd Reading

Yeas:	96
Nays:	0
Excused:	2
N/Voting:	2

VOTING YEA: 96

Austin	Dermody	Knollman	Rhoads
Bacon	Dobis	Koch	Richardson
Baird	Dodge	Kubacki	Riecken
Bardon	Dvorak	Lawson, L	Saunders
Bartlett	Eberhart	Lehe	Smith, M
Battles	Ellspermann	Lehman	Smith, V
Bauer	Espich	Leonard	Soliday
Behning	Foley	Lutz	Speedy
Borders	Friend	Mahan	Stemler
Brown,C	Frizzell	McClain	Steuerwald
Brown, T	Fry, C	McMillin	Stevenson
Burton	Frye, R	McNamara	Sullivan
Candelaria Reardon	GiaQuinta	Messmer	Summers
Cheatham	Goodin	Morris	Thompson
Cherry	Grubb	Moses	Torr
Clere	Gutwein	Neese	Truitt
Crawford	Harris	Niezgodski	Turner
Crouch	Heaton	Noe	Ubelhor
Culver	Heuer	Pelath	VanNatter
Davis	Hinkle	Pflum	Welch
Davisson	Karickhoff	Pierce	Wesco
Day	Kersey	Porter	White
DeLaney	Kirchhofer	Pryor	Wolkins
Dembowski	Klinker	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 2

Moseley Mr. Speaker

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 175: PASSED

HB 1265 Ubelhor
Hunting preserves.

3rd Reading

Yeas:	56
Nays:	40
Excused:	2
N/Voting:	2

VOTING YEA: 56

Bacon	Ellspermann	Kubacki	Rhoads
Baird	Espich	Lehe	Richardson
Behning	Foley	Lehman	Smith, M
Borders	Friend	Leonard	Speedy
Brown, T	Frizzell	Lutz	Steuerwald
Burton	Frye, R	Mahan	Thompson
Cherry	Goodin	McClain	Torr
Clere	Grubb	McMillin	Truitt
Crouch	Gutwein	McNamara	Turner
Culver	Heaton	Messmer	Ubelhor
Davis	Heuer	Morris	VanNatter
Davisson	Karickhoff	Neese	Wesco
Dodge	Kirchhofer	Niezgodski	Wolkins
Eberhart	Knollman	Noe	Yarde

VOTING NAY: 40

Austin	DeLaney	Koch	Riecken
Bardon	Dembowski	Lawson, L	Saunders
Bartlett	Dermody	Moseley	Smith, V
Battles	Dobis	Moses	Soliday
Bauer	Dvorak	Pelath	Stemler
Brown,C	Fry, C	Pflum	Stevenson
Candelaria Reardon	GiaQuinta	Pierce	Sullivan
Cheatham	Hinkle	Porter	Summers
Crawford	Kersey	Pryor	Welch
Day	Klinker	Reske	White

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 2

Harris Mr. Speaker

Indiana House of Representatives
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Roll Call 176: PASSED

HB 1269 Neese
Health care compact.

3rd Reading

Yeas:	62
Nays:	35
Excused:	2
N/Voting:	1

VOTING YEA: 62

Bacon	Ellspermann	Lehman	Smith, M
Baird	Espich	Leonard	Soliday
Battles	Foley	Lutz	Speedy
Behning	Friend	Mahan	Stemler
Borders	Frizzell	McClain	Steuerwald
Brown, T	Frye, R	McMillin	Thompson
Burton	Gutwein	McNamara	Truitt
Cherry	Heaton	Messmer	Turner
Clere	Heuer	Morris	Ubelhor
Crouch	Hinkle	Neese	VanNatter
Culver	Karickhoff	Noe	Wesco
Davis	Kirchhofer	Reske	Wolkins
Davisson	Knollman	Rhoads	Yarde
Dermody	Koch	Richardson	Mr. Speaker
Dodge	Kubacki	Riecken	
Eberhart	Lehe	Saunders	

VOTING NAY: 35

Austin	DeLaney	Kersey	Porter
Bardon	Dembowski	Klinker	Pryor
Bartlett	Dobis	Lawson, L	Smith, V
Bauer	Dvorak	Moseley	Stevenson
Brown,C	Fry, C	Moses	Sullivan
Candelaria Reardon	GiaQuinta	Niezgodski	Summers
Cheatham	Goodin	Pelath	Welch
Crawford	Grubb	Pflum	White
Day	Harris	Pierce	

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 1

Torr

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 177: PASSED

HB 1270 Clere
Commission for higher education.

3rd Reading

Yeas:	60
Nays:	33
Excused:	4
N/Voting:	3

VOTING YEA: 60

Bacon	Ellspermann	Kubacki	Richardson
Baird	Espich	Lehe	Saunders
Behning	Foley	Lehman	Smith, M
Borders	Friend	Leonard	Soliday
Brown, T	Frizzell	Lutz	Speedy
Burton	Frye, R	Mahan	Steuerwald
Cherry	Goodin	McClain	Thompson
Clere	Gutwein	McMillin	Torr
Crouch	Heaton	McNamara	Truitt
Culver	Heuer	Messmer	Turner
Davis	Hinkle	Morris	Ubelhor
Davisson	Karickhoff	Neese	VanNatter
Dermody	Kirchhofer	Noe	Wesco
Dodge	Knollman	Reske	Wolkins
Eberhart	Koch	Rhoads	Yarde

VOTING NAY: 33

Austin	DeLaney	Klinker	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stemler
Battles	Dvorak	Niezgodski	Stevenson
Bauer	Fry, C	Pelath	Sullivan
Brown,C	GiaQuinta	Pflum	Summers
Cheatham	Grubb	Pierce	
Crawford	Harris	Porter	
Day	Kersey	Pryor	

EXCUSED FROM VOTING: 4

Pond VanDenburgh Welch White

NOT VOTING: 3

Candelaria Reardon Lawson, L Mr. Speaker

Indiana House of Representatives
117th General Assembly
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MEETING DAY 20 01-31-12

Roll Call 178: PASSED

HB 1279 Eberhart
Various natural resources matters.

3rd Reading

Yeas:	83
Nays:	12
Excused:	4
N/Voting:	1

VOTING YEA: 83

Austin	Dvorak	Knollman	Reske
Bacon	Eberhart	Koch	Rhoads
Baird	Ellspermann	Kubacki	Richardson
Battles	Espich	Lehe	Riecken
Behning	Foley	Lehman	Saunders
Borders	Friend	Leonard	Smith, M
Brown, T	Frizzell	Lutz	Soliday
Burton	Fry, C	Mahan	Speedy
Candelaria Reardon	Frye, R	McClain	Stemler
Cheatham	GiaQuinta	McMillin	Steuerwald
Cherry	Goodin	McNamara	Sullivan
Clere	Grubb	Messmer	Thompson
Crouch	Gutwein	Morris	Torr
Culver	Harris	Moseley	Truitt
Davis	Heaton	Moses	Turner
Davisson	Heuer	Neese	Ubelhor
Day	Hinkle	Niezgodski	VanNatter
Dembowski	Karickhoff	Noe	Wesco
Dermody	Kersey	Pelath	Wolkins
Dobis	Kirchhofer	Pflum	Yarde
Dodge	Klinker	Pierce	

VOTING NAY: 12

Bardon	Brown,C	Lawson, L	Smith, V
Bartlett	Crawford	Porter	Stevenson
Bauer	DeLaney	Pryor	Summers

EXCUSED FROM VOTING: 4

Pond	VanDenburgh	Welch	White

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 179: PASSED

HB 1283 Richardson
Libraries and historic records.

3rd Reading

Yeas:	95
Nays:	0
Excused:	2
N/Voting:	3

VOTING YEA: 95

Austin	Dodge	Kubacki	Richardson
Bacon	Dvorak	Lawson, L	Riecken
Baird	Eberhart	Lehe	Saunders
Bardon	Ellspermann	Lehman	Smith, M
Bartlett	Espich	Leonard	Smith, V
Battles	Foley	Lutz	Soliday
Bauer	Friend	Mahan	Speedy
Behning	Frizzell	McClain	Stemler
Borders	Fry, C	McMillin	Steuerwald
Brown,C	Frye, R	McNamara	Stevenson
Brown, T	GiaQuinta	Messmer	Sullivan
Burton	Goodin	Morris	Summers
Candelaria Reardon	Grubb	Moseley	Thompson
Cheatham	Gutwein	Moses	Torr
Cherry	Harris	Neese	Truitt
Clere	Heaton	Niezgodski	Turner
Crawford	Heuer	Noe	Ubelhor
Crouch	Hinkle	Pelath	VanNatter
Culver	Karickhoff	Pflum	Welch
Davis	Kersey	Pierce	Wesco
Davisson	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dobis	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pond	VanDenburgh

NOT VOTING: 3

Day	Dermody	Mr. Speaker

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 180: PASSED

HB 1298 Davis
Transportation of food products.

3rd Reading

Yeas:	96
Nays:	0
Excused:	2
N/Voting:	2

VOTING YEA: 96

Austin	Dobis	Koch	Rhoads
Bacon	Dodge	Kubacki	Richardson
Baird	Dvorak	Lawson, L	Riecken
Bardon	Eberhart	Lehe	Saunders
Bartlett	Ellspermann	Lehman	Smith, M
Battles	Espich	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Cheatham	Goodin	Morris	Summers
Cherry	Grubb	Moseley	Thompson
Clere	Gutwein	Moses	Torr
Crawford	Harris	Neese	Truitt
Crouch	Heaton	Niezgodski	Turner
Culver	Heuer	Noe	Ubelhor
Davis	Hinkle	Pelath	VanNatter
Davisson	Karickhoff	Pflum	Welch
Day	Kersey	Pierce	Wesco
DeLaney	Kirchhofer	Porter	White
Dembowski	Klinker	Pryor	Wolkins
Dermody	Knollman	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pond	VanDenburgh

NOT VOTING: 2

Candelaria Reardon Mr. Speaker

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 181: PASSED

HB 1307 Harris
Funding for aviation facilities.

3rd Reading

Yeas:	96
Nays:	0
Excused:	2
N/Voting:	2

VOTING YEA: 96

Austin	Dobis	Koch	Rhoads
Bacon	Dodge	Kubacki	Richardson
Baird	Dvorak	Lawson, L	Riecken
Bardon	Eberhart	Lehe	Saunders
Bartlett	Ellspermann	Lehman	Smith, M
Battles	Espich	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Cheatham	Goodin	Morris	Summers
Cherry	Grubb	Moseley	Thompson
Clere	Gutwein	Moses	Torr
Crawford	Harris	Neese	Truitt
Crouch	Heaton	Niezgodski	Turner
Culver	Heuer	Noe	Ubelhor
Davis	Hinkle	Pelath	VanNatter
Davisson	Karickhoff	Pflum	Welch
Day	Kersey	Pierce	Wesco
DeLaney	Kirchhofer	Porter	White
Dembowski	Klinker	Pryor	Wolkins
Dermody	Knollman	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pond	VanDenburgh

NOT VOTING: 2

Candelaria Reardon Mr. Speaker

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 182: PASSED

HB 1312 Ellspermann
Sale of poultry at farmer's markets.

3rd Reading

Yeas: 73
Nays: 24
Excused: 2
N/Voting: 1

VOTING YEA: 73

Austin	Ellspermann	Lehman	Soliday
Bacon	Espich	Leonard	Speedy
Baird	Foley	Lutz	Stemler
Behning	Friend	Mahan	Steuerwald
Borders	Frizzell	McClain	Sullivan
Brown, T	Frye, R	McMillin	Thompson
Burton	GiaQuinta	McNamara	Torr
Candelaria Reardon	Goodin	Messmer	Truitt
Cherry	Gutwein	Morris	Turner
Clere	Heaton	Neese	Ubelhor
Crouch	Heuer	Niezgodski	VanNatter
Culver	Hinkle	Noe	Welch
Davis	Karickhoff	Pierce	Wesco
Davisson	Kirchhofer	Reske	White
Dembowski	Klinker	Rhoads	Wolkins
Dermody	Knollman	Richardson	Yarde
Dobis	Koch	Riecken	
Dodge	Kubacki	Saunders	
Eberhart	Lehe	Smith, M	

VOTING NAY: 24

Bardon	Crawford	Harris	Pflum
Bartlett	Day	Kersey	Porter
Battles	DeLaney	Lawson, L	Pryor
Bauer	Dvorak	Moseley	Smith, V
Brown,C	Fry, C	Moses	Stevenson
Cheatham	Grubb	Pelath	Summers

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 183: PASSED

HB 1325 Pond
Sales and use tax exemption for certain aircraft.

3rd Reading

Yeas: 89
Nays: 8
Excused: 2
N/Voting: 1

VOTING YEA: 89

Austin	Dodge	Lawson, L	Saunders
Bacon	Eberhart	Lehe	Smith, M
Baird	Ellspermann	Lehman	Smith, V
Bardon	Espich	Leonard	Soliday
Battles	Foley	Lutz	Speedy
Bauer	Friend	Mahan	Stemler
Behning	Frizzell	McClain	Steuerwald
Borders	Frye, R	McMillin	Stevenson
Brown, T	GiaQuinta	McNamara	Sullivan
Burton	Goodin	Messmer	Thompson
Candelaria Reardon	Grubb	Morris	Torr
Cheatham	Gutwein	Moseley	Truitt
Cherry	Harris	Moses	Turner
Clere	Heaton	Neese	Ubelhor
Crawford	Heuer	Niezgodski	VanNatter
Crouch	Hinkle	Noe	Welch
Culver	Karickhoff	Pelath	Wesco
Davis	Kersey	Pflum	White
Davisson	Kirchhofer	Pryor	Wolkins
Day	Klinker	Reske	Yarde
Dembowski	Knollman	Rhoads	
Dermody	Koch	Richardson	
Dobis	Kubacki	Riecken	

VOTING NAY: 8

Bartlett	DeLaney	Fry, C	Porter
Brown,C	Dvorak	Pierce	Summers

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 184: PASSED

HB 1326 Rhoads
Various education matters.

3rd Reading

Yeas: 79
Nays: 17
Excused: 2
N/Voting: 2

VOTING YEA: 79

Austin	Dobis	Koch	Riecken
Bacon	Dodge	Kubacki	Saunders
Baird	Dvorak	Lehe	Smith, M
Bardon	Eberhart	Lehman	Soliday
Battles	Ellspermann	Leonard	Speedy
Behning	Espich	Lutz	Stemler
Borders	Foley	Mahan	Steuerwald
Brown, T	Friend	McClain	Sullivan
Burton	Frizzell	McMillin	Thompson
Cheatham	Frye, R	McNamara	Torr
Cherry	GiaQuinta	Messmer	Truitt
Clere	Grubb	Morris	Turner
Crouch	Gutwein	Moseley	Ubelhor
Culver	Heaton	Moses	VanNatter
Davis	Heuer	Neese	Welch
Davisson	Hinkle	Niezgodski	Wesco
Day	Karickhoff	Noe	White
DeLaney	Kirchhofer	Reske	Wolkins
Dembowski	Klinker	Rhoads	Yarde
Dermody	Knollman	Richardson	

VOTING NAY: 17

Bartlett	Fry, C	Pelath	Stevenson
Bauer	Goodin	Pflum	Summers
Brown,C	Harris	Porter	
Candelaria Reardon	Kersey	Pryor	
Crawford	Lawson, L	Smith, V	

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: 2

Pierce Mr. Speaker

Indiana House of Representatives
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MEETING DAY 20 01-31-12

Roll Call 185: PASSED

HB 1376 Espich
State fiscal matters.

3rd Reading

Yeas: 96
Nays: 2
Excused: 2
N/Voting: 0

VOTING YEA: 96

Austin	Dobis	Koch	Rhoads
Bacon	Dodge	Kubacki	Richardson
Baird	Dvorak	Lawson, L	Riecken
Bardon	Eberhart	Lehe	Saunders
Bartlett	Ellspermann	Lehman	Smith, M
Battles	Espich	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Summers
Cheatham	Grubb	Moseley	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Davis	Hinkle	Pelath	VanNatter
Davisson	Karickhoff	Pflum	Welch
Day	Kersey	Pierce	Wesco
DeLaney	Kirchhofer	Porter	White
Dembowski	Klinker	Pryor	Yarde
Dermody	Knollman	Reske	Mr. Speaker

VOTING NAY: 2

Culver Wolkins

EXCUSED FROM VOTING: 2

Pond VanDenburgh

NOT VOTING: NONE

Indiana House of Representatives
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MEETING DAY 24 02-14-12

Roll Call 190: PASSED

SB 13 T. Brown
Cash assistance point of service and drug reports.
3rd Reading

Yeas: 94
Nays: 0
Excused: 3
N/Voting: 3

VOTING YEA: 94

Baird	Dvorak	Lawson, L	Riecken
Bardon	Eberhart	Lehe	Saunders
Bartlett	Ellspermann	Leonard	Smith, M
Battles	Espich	Lutz	Smith, V
Bauer	Foley	Mahan	Soliday
Behning	Friend	McClain	Speedy
Borders	Frizzell	McMillin	Stemler
Brown,C	Fry, C	McNamara	Steuerwald
Brown, T	Frye, R	Messmer	Stevenson
Burton	GiaQuinta	Morris	Summers
Cheatham	Goodin	Moseley	Thompson
Cherry	Grubb	Moses	Torr
Clere	Gutwein	Neese	Truitt
Crawford	Harris	Niezgodski	Turner
Crouch	Heaton	Noe	Ubelhor
Culver	Heuer	Pelath	VanDenburgh
Davis	Hinkle	Pflum	VanNatter
Davisson	Karickhoff	Pierce	Welch
Day	Kersey	Pond	Wesco
DeLaney	Kirchhofer	Porter	White
Dembowski	Klinker	Pryor	Wolkins
Dermody	Knollman	Reske	Yarde
Dobis	Koch	Rhoads	
Dodge	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Austin Bacon Sullivan

NOT VOTING: 3

Candelaria Reardon Lehman Mr. Speaker

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MEETING DAY 24 02-14-12

Roll Call 191: PASSED

SB 114 Steuerwald
Driving while suspended.
3rd Reading

Yeas: 94
Nays: 0
Excused: 3
N/Voting: 3

VOTING YEA: 94

Baird	Dvorak	Lawson, L	Richardson
Bardon	Eberhart	Lehe	Riecken
Bartlett	Ellspermann	Lehman	Saunders
Battles	Espich	Leonard	Smith, M
Bauer	Foley	Lutz	Smith, V
Behning	Friend	Mahan	Soliday
Borders	Frizzell	McClain	Speedy
Brown,C	Fry, C	McMillin	Stemler
Brown, T	Frye, R	McNamara	Steuerwald
Burton	GiaQuinta	Messmer	Summers
Cheatham	Goodin	Morris	Thompson
Cherry	Grubb	Moseley	Torr
Clere	Gutwein	Moses	Truitt
Crawford	Harris	Neese	Turner
Crouch	Heaton	Niezgodski	Ubelhor
Culver	Heuer	Noe	VanDenburgh
Davis	Hinkle	Pelath	VanNatter
Davisson	Karickhoff	Pflum	Welch
Day	Kersey	Pierce	Wesco
DeLaney	Kirchhofer	Pond	White
Dembowski	Klinker	Porter	Wolkins
Dermody	Knollman	Pryor	Yarde
Dobis	Koch	Reske	
Dodge	Kubacki	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Austin Bacon Sullivan

NOT VOTING: 3

Candelaria Reardon Stevenson Mr. Speaker

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MEETING DAY 24 02-14-12

Roll Call 192: PASSED

SB 148 Heaton
Portable electronics insurance.
3rd Reading

Yeas: 63
Nays: 33
Excused: 3
N/Voting: 1

VOTING YEA: 63

Baird	Ellspermann	Knollman	Rhoads
Battles	Espich	Koch	Richardson
Behning	Foley	Kubacki	Saunders
Borders	Friend	Lawson, L	Soliday
Brown,C	Frizzell	Lehe	Speedy
Burton	Frye, R	Lehman	Stemler
Cheatham	GiaQuinta	Lutz	Steuerwald
Cherry	Grubb	Mahan	Torr
Clere	Gutwein	McClain	Truitt
Crouch	Harris	McMillin	Turner
Culver	Heaton	McNamara	Ubelhor
Davisson	Heuer	Messmer	VanDenburgh
Dembowski	Hinkle	Neese	Welch
Dobis	Karickhoff	Pierce	White
Dodge	Kirchhofer	Pond	Yarde
Eberhart	Klinker	Reske	

VOTING NAY: 33

Bardon	Dermody	Niezgodski	Stevenson
Bartlett	Dvorak	Noe	Summers
Bauer	Fry, C	Pelath	Thompson
Brown, T	Goodin	Pflum	VanNatter
Candelaria Reardon	Kersey	Porter	Wesco
Crawford	Leonard	Pryor	Wolkins
Davis	Morris	Riecken	
Day	Moseley	Smith, M	
DeLaney	Moses	Smith, V	

EXCUSED FROM VOTING: 3

Austin Bacon Sullivan

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 24 02-14-12

Roll Call 193: PASSED

SB 154 Koch
Operating a motorboat while intoxicated.
3rd Reading

Yeas: 95
Nays: 0
Excused: 3
N/Voting: 2

VOTING YEA: 95

Baird	Dodge	Lawson, L	Richardson
Bardon	Dvorak	Lehe	Riecken
Bartlett	Eberhart	Lehman	Saunders
Battles	Ellspermann	Leonard	Smith, M
Bauer	Espich	Lutz	Smith, V
Behning	Foley	Mahan	Soliday
Borders	Friend	McClain	Speedy
Brown,C	Frizzell	McMillin	Stemler
Brown, T	Fry, C	McNamara	Steuerwald
Burton	Frye, R	Messmer	Stevenson
Candelaria Reardon	GiaQuinta	Morris	Summers
Cheatham	Goodin	Moseley	Thompson
Cherry	Grubb	Moses	Torr
Clere	Gutwein	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanDenburgh
Davis	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Welch
Day	Kirchhofer	Pond	Wesco
DeLaney	Klinker	Porter	White
Dembowski	Knollman	Pryor	Wolkins
Dermody	Koch	Reske	Yarde
Dobis	Kubacki	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Austin Bacon Sullivan

NOT VOTING: 2

Harris Mr. Speaker

Indiana House of Representatives
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MEETING DAY 24 02-14-12

Roll Call 194: PASSED

SB 212 Cherry
Utility facility relocation.

3rd Reading

Yeas:	96
Nays:	0
Excused:	3
N/Voting:	1

VOTING YEA: 96

Baird	Dodge	Kubacki	Rhoads
Bardon	Dvorak	Lawson, L	Richardson
Bartlett	Eberhart	Lehe	Riecken
Battles	Ellspermann	Lehman	Saunders
Bauer	Espich	Leonard	Smith, M
Behning	Foley	Lutz	Smith, V
Borders	Friend	Mahan	Soliday
Brown,C	Frizzell	McClain	Speedy
Brown, T	Fry, C	McMillin	Stemler
Burton	Frye, R	McNamara	Steuerwald
Candelaria Reardon	GiaQuinta	Messmer	Stevenson
Cheatham	Goodin	Morris	Summers
Cherry	Grubb	Moseley	Thompson
Clere	Gutwein	Moses	Torr
Crawford	Harris	Neese	Truitt
Crouch	Heaton	Niezgodski	Turner
Culver	Heuer	Noe	Ubelhor
Davis	Hinkle	Pelath	VanDenburgh
Davisson	Karickhoff	Pflum	VanNatter
Day	Kersey	Pierce	Welch
DeLaney	Kirchhofer	Pond	Wesco
Dembowski	Klinker	Porter	White
Dermody	Knollman	Pryor	Wolkins
Dobis	Koch	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Austin Bacon Sullivan

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 24 02-14-12

Roll Call 195: PASSED

SB 274 McMillin
Immunity for certain alcohol offenses.

3rd Reading

Yeas:	96
Nays:	0
Excused:	3
N/Voting:	1

VOTING YEA: 96

Baird	Dvorak	Lawson, L	Richardson
Bardon	Eberhart	Lehe	Riecken
Bartlett	Ellspermann	Lehman	Saunders
Battles	Espich	Leonard	Smith, M
Bauer	Foley	Lutz	Smith, V
Behning	Friend	Mahan	Soliday
Borders	Frizzell	McClain	Speedy
Brown, T	Fry, C	McMillin	Stemler
Burton	Frye, R	McNamara	Steuerwald
Candelaria Reardon	GiaQuinta	Messmer	Stevenson
Cheatham	Goodin	Morris	Summers
Cherry	Grubb	Moseley	Thompson
Clere	Gutwein	Moses	Torr
Crawford	Harris	Neese	Truitt
Crouch	Heaton	Niezgodski	Turner
Culver	Heuer	Noe	Ubelhor
Davis	Hinkle	Pelath	VanDenburgh
Davisson	Karickhoff	Pflum	VanNatter
Day	Kersey	Pierce	Welch
DeLaney	Kirchhofer	Pond	Wesco
Dembowski	Klinker	Porter	White
Dermody	Knollman	Pryor	Wolkins
Dobis	Koch	Reske	Yarde
Dodge	Kubacki	Rhoads	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Austin Bacon Sullivan

NOT VOTING: 1

Brown,C

Indiana House of Representatives
117th General Assembly
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MEETING DAY 26 02-20-12

Roll Call 198: PREVAILED

SB 234 M. Smith
Synthetic drugs including "bath salts".
McMillin amendment
2nd Reading Amend. #1

Yeas:	94
Nays:	0
Excused:	4
N/Voting:	2

VOTING YEA: 94

Austin	Dermody	Kubacki	Saunders
Bacon	Dobis	Lawson, L	Smith, M
Baird	Dodge	Lehe	Smith, V
Bardon	Dvorak	Lehman	Soliday
Bartlett	Eberhart	Leonard	Speedy
Battles	Ellspermann	Lutz	Stemler
Bauer	Espich	Mahan	Steuerwald
Behning	Foley	McClain	Stevenson
Borders	Friend	McMillin	Sullivan
Brown,C	Fry, C	McNamara	Summers
Brown, T	Frye, R	Messmer	Thompson
Burton	GiaQuinta	Moseley	Torr
Candelaria Reardon	Goodin	Neese	Truitt
Cheatham	Grubb	Niezgodski	Turner
Cherry	Gutwein	Noe	Ubelhor
Clere	Harris	Pelath	VanDenburgh
Crawford	Heaton	Pflum	VanNatter
Crouch	Heuer	Pierce	Welch
Culver	Hinkle	Pond	Wesco
Davis	Karickhoff	Porter	White
Davisson	Kersey	Pryor	Wolkins
Day	Kirchhofer	Reske	Yarde
DeLaney	Klinker	Rhoads	
Dembowski	Koch	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Knollman Morris Moses Richardson

NOT VOTING: 2

Frizzell Mr. Speaker

Indiana House of Representatives
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MEETING DAY 26 02-20-12

Roll Call 199: PASSED

SB 26 Foley
Title 35 definitions.

3rd Reading

Yeas:	90
Nays:	2
Excused:	4
N/Voting:	4

VOTING YEA: 90

Austin	Dermody	Kubacki	Saunders
Bacon	Dobis	Lawson, L	Smith, M
Baird	Dodge	Lehe	Smith, V
Bardon	Dvorak	Lehman	Soliday
Bartlett	Eberhart	Leonard	Stemler
Battles	Ellspermann	Lutz	Steuerwald
Bauer	Espich	Mahan	Stevenson
Behning	Foley	McClain	Sullivan
Borders	Friend	McMillin	Summers
Brown,C	Frizzell	McNamara	Thompson
Brown, T	Frye, R	Messmer	Torr
Burton	GiaQuinta	Moseley	Truitt
Cheatham	Goodin	Neese	Turner
Cherry	Grubb	Niezgodski	Ubelhor
Clere	Gutwein	Noe	VanDenburgh
Crawford	Heaton	Pflum	VanNatter
Crouch	Heuer	Pierce	Welch
Culver	Hinkle	Pond	Wesco
Davis	Karickhoff	Porter	White
Davisson	Kersey	Pryor	Wolkins
Day	Kirchhofer	Reske	Yarde
DeLaney	Klinker	Rhoads	
Dembowski	Koch	Riecken	

VOTING NAY: 2

Fry, C Pelath

EXCUSED FROM VOTING: 4

Knollman Morris Moses Richardson

NOT VOTING: 4

Candelaria Reardon Harris Speedy Mr. Speaker

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 26 02-20-12

Roll Call 200: PASSED

SB 32 Foley
Guardianships.

3rd Reading

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Austin	Dermody	Koch	Riecken
Bacon	Dobis	Kubacki	Saunders
Baird	Dodge	Lawson, L	Smith, M
Bardon	Dvorak	Lehe	Smith, V
Bartlett	Eberhart	Lehman	Soliday
Battles	Ellspermann	Leonard	Speedy
Bauer	Espich	Lutz	Stemler
Behning	Foley	Mahan	Steuerwald
Borders	Friend	McClain	Stevenson
Brown,C	Frizzell	McMillin	Sullivan
Brown, T	Fry, C	McNamara	Summers
Burton	Frye, R	Messmer	Thompson
Candelaria Reardon	GiaQuinta	Moseley	Torr
Cheatham	Goodin	Neese	Truitt
Cherry	Grubb	Niezgodski	Turner
Clere	Gutwein	Noe	Ubelhor
Crawford	Harris	Pelath	VanDenburgh
Crouch	Heaton	Pflum	VanNatter
Culver	Heuer	Pierce	Welch
Davis	Hinkle	Pond	Wesco
Davisson	Karickhoff	Porter	White
Day	Kersey	Pryor	Wolkins
DeLaney	Kirchhofer	Reske	Yarde
Dembowski	Klinker	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Knollman Morris Moses Richardson

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 26 02-20-12

Roll Call 201: PASSED

SB 52 T. Brown
HIV testing.

3rd Reading

Yeas: 89
Nays: 6
Excused: 4
N/Voting: 1

VOTING YEA: 89

Austin	Dobis	Kubacki	Saunders
Bacon	Dodge	Lawson, L	Smith, M
Baird	Dvorak	Lehe	Smith, V
Bardon	Eberhart	Lehman	Soliday
Battles	Ellspermann	Leonard	Speedy
Bauer	Espich	Lutz	Stemler
Behning	Foley	Mahan	Steuerwald
Borders	Friend	McClain	Stevenson
Brown,C	Frizzell	McMillin	Sullivan
Brown, T	Frye, R	McNamara	Thompson
Burton	GiaQuinta	Messmer	Torr
Candelaria Reardon	Goodin	Moseley	Truitt
Cheatham	Grubb	Neese	Turner
Cherry	Gutwein	Niezgodski	Ubelhor
Clere	Harris	Noe	VanDenburgh
Crouch	Heaton	Pelath	VanNatter
Culver	Heuer	Pflum	Welch
Davis	Hinkle	Pierce	Wesco
Davisson	Karickhoff	Pond	Wolkins
Day	Kersey	Pryor	Yarde
DeLaney	Kirchhofer	Reske	
Dembowski	Klinker	Rhoads	
Dermody	Koch	Riecken	

VOTING NAY: 6

Bartlett Fry, C Summers
Crawford Porter White

EXCUSED FROM VOTING: 4

Knollman Morris Moses Richardson

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 26 02-20-12

Roll Call 202: PASSED

SB 127 Niezgodski
Indiana public retirement system.

3rd Reading

Yeas: 91
Nays: 0
Excused: 4
N/Voting: 5

VOTING YEA: 91

Austin	Dodge	Kubacki	Riecken
Bacon	Dvorak	Lawson, L	Saunders
Baird	Eberhart	Lehe	Smith, M
Bardon	Ellspermann	Lehman	Smith, V
Bartlett	Espich	Leonard	Soliday
Battles	Foley	Lutz	Speedy
Behning	Friend	Mahan	Stemler
Borders	Frizzell	McClain	Steuerwald
Brown, T	Fry, C	McMillin	Stevenson
Burton	Frye, R	McNamara	Sullivan
Cheatham	GiaQuinta	Messmer	Summers
Cherry	Goodin	Moseley	Thompson
Clere	Grubb	Neese	Torr
Crawford	Gutwein	Niezgodski	Truitt
Crouch	Harris	Noe	Turner
Culver	Heaton	Pelath	Ubelhor
Davis	Heuer	Pflum	VanDenburgh
Davisson	Hinkle	Pierce	VanNatter
Day	Karickhoff	Pond	Welch
DeLaney	Kersey	Porter	Wesco
Dembowski	Kirchhofer	Pryor	White
Dermody	Klinker	Reske	Yarde
Dobis	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Knollman Morris Moses Richardson

NOT VOTING: 5

Bauer Candelaria Reardon Mr. Speaker
Brown,C Wolkins

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 26 02-20-12

Roll Call 203: PASSED

SB 157 Foley
Power of attorney and attorney in fact.

3rd Reading

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Austin	Dermody	Koch	Riecken
Bacon	Dobis	Kubacki	Saunders
Baird	Dodge	Lawson, L	Smith, M
Bardon	Dvorak	Lehe	Smith, V
Bartlett	Eberhart	Lehman	Soliday
Battles	Ellspermann	Leonard	Speedy
Bauer	Espich	Lutz	Stemler
Behning	Foley	Mahan	Steuerwald
Borders	Friend	McClain	Stevenson
Brown,C	Frizzell	McMillin	Sullivan
Brown, T	Fry, C	McNamara	Summers
Burton	Frye, R	Messmer	Thompson
Candelaria Reardon	GiaQuinta	Moseley	Torr
Cheatham	Goodin	Neese	Truitt
Cherry	Grubb	Niezgodski	Turner
Clere	Gutwein	Noe	Ubelhor
Crawford	Harris	Pelath	VanDenburgh
Crouch	Heaton	Pflum	VanNatter
Culver	Heuer	Pierce	Welch
Davis	Hinkle	Pond	Wesco
Davisson	Karickhoff	Porter	White
Day	Kersey	Pryor	Wolkins
DeLaney	Kirchhofer	Reske	Yarde
Dembowski	Klinker	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Knollman Morris Moses Richardson

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 26 02-20-12

Roll Call 204: PASSED

SB 182 Karickhoff
State educational institutions; credit transfers.
3rd Reading

Yeas: 91
Nays: 2
Excused: 4
N/Voting: 3

VOTING YEA: 91

Austin	Dermody	Kubacki	Saunders
Bacon	Dobis	Lawson, L	Smith, M
Baird	Dodge	Lehe	Smith, V
Bardon	Eberhart	Lehman	Soliday
Bartlett	Ellspermann	Lutz	Speedy
Battles	Espich	Mahan	Stemler
Bauer	Foley	McClain	Steuerwald
Behning	Friend	McMillin	Stevenson
Borders	Frizzell	McNamara	Sullivan
Brown,C	Frye, R	Messmer	Summers
Brown, T	GiaQuinta	Moseley	Thompson
Burton	Goodin	Neese	Torr
Cheatham	Grubb	Niezgodski	Truitt
Cherry	Gutwein	Noe	Turner
Clere	Harris	Pelath	Ubelhor
Crawford	Heaton	Pflum	VanDenburgh
Crouch	Heuer	Pierce	VanNatter
Culver	Hinkle	Pond	Welch
Davis	Karickhoff	Porter	Wesco
Davisson	Kersey	Pryor	White
Day	Kirchhofer	Reske	Wolkins
DeLaney	Klinker	Rhoads	Yarde
Dembowski	Koch	Riecken	

VOTING NAY: 2

Dvorak Leonard

EXCUSED FROM VOTING: 4

Knollman Morris Moses Richardson

NOT VOTING: 3

Candelaria Reardon Fry, C Mr. Speaker

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 26 02-20-12

Roll Call 205: PASSED

SB 237 Foley
Noncode statutes.
3rd Reading

Yeas: 93
Nays: 2
Excused: 4
N/Voting: 1

VOTING YEA: 93

Austin	Dermody	Kubacki	Smith, M
Bacon	Dobis	Lawson, L	Smith, V
Baird	Dodge	Lehe	Soliday
Bardon	Dvorak	Lehman	Speedy
Bartlett	Eberhart	Leonard	Stemler
Battles	Ellspermann	Lutz	Steuerwald
Bauer	Espich	Mahan	Stevenson
Behning	Foley	McClain	Sullivan
Borders	Friend	McMillin	Summers
Brown,C	Frizzell	McNamara	Thompson
Brown, T	Frye, R	Messmer	Torr
Burton	GiaQuinta	Moseley	Truitt
Candelaria Reardon	Goodin	Neese	Turner
Cheatham	Grubb	Niezgodski	Ubelhor
Cherry	Gutwein	Noe	VanDenburgh
Clere	Harris	Pflum	VanNatter
Crawford	Heaton	Pierce	Welch
Crouch	Heuer	Pond	Wesco
Culver	Hinkle	Porter	White
Davis	Karickhoff	Pryor	Wolkins
Davisson	Kersey	Reske	Yarde
Day	Kirchhofer	Rhoads	
DeLaney	Klinker	Riecken	
Dembowski	Koch	Saunders	

VOTING NAY: 2

Fry, C Pelath

EXCUSED FROM VOTING: 4

Knollman Morris Moses Richardson

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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Roll Call 206: PASSED

SB 256 Dermody
Correctional professionals assistance fund.
3rd Reading

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Austin	Dermody	Koch	Riecken
Bacon	Dobis	Kubacki	Saunders
Baird	Dodge	Lawson, L	Smith, M
Bardon	Dvorak	Lehe	Smith, V
Bartlett	Eberhart	Lehman	Soliday
Battles	Ellspermann	Leonard	Speedy
Bauer	Espich	Lutz	Stemler
Behning	Foley	Mahan	Steuerwald
Borders	Friend	McClain	Stevenson
Brown,C	Frizzell	McMillin	Sullivan
Brown, T	Fry, C	McNamara	Summers
Burton	Frye, R	Messmer	Thompson
Candelaria Reardon	GiaQuinta	Moseley	Torr
Cheatham	Goodin	Neese	Truitt
Cherry	Grubb	Niezgodski	Turner
Clere	Gutwein	Noe	Ubelhor
Crawford	Harris	Pelath	VanDenburgh
Crouch	Heaton	Pflum	VanNatter
Culver	Heuer	Pierce	Welch
Davis	Hinkle	Pond	Wesco
Davisson	Karickhoff	Porter	White
Day	Kersey	Pryor	Wolkins
DeLaney	Kirchhofer	Reske	Yarde
Dembowski	Klinker	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Knollman Morris Moses Richardson

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 26 02-20-12

Roll Call 207: PASSED

SB 330 Heaton
Certified public accountants.
3rd Reading

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Austin	Dermody	Koch	Riecken
Bacon	Dobis	Kubacki	Saunders
Baird	Dodge	Lawson, L	Smith, M
Bardon	Dvorak	Lehe	Smith, V
Bartlett	Eberhart	Lehman	Soliday
Battles	Ellspermann	Leonard	Speedy
Bauer	Espich	Lutz	Stemler
Behning	Foley	Mahan	Steuerwald
Borders	Friend	McClain	Stevenson
Brown,C	Frizzell	McMillin	Sullivan
Brown, T	Fry, C	McNamara	Summers
Burton	Frye, R	Messmer	Thompson
Candelaria Reardon	GiaQuinta	Moseley	Torr
Cheatham	Goodin	Neese	Truitt
Cherry	Grubb	Niezgodski	Turner
Clere	Gutwein	Noe	Ubelhor
Crawford	Harris	Pelath	VanDenburgh
Crouch	Heaton	Pflum	VanNatter
Culver	Heuer	Pierce	Welch
Davis	Hinkle	Pond	Wesco
Davisson	Karickhoff	Porter	White
Day	Kersey	Pryor	Wolkins
DeLaney	Kirchhofer	Reske	Yarde
Dembowski	Klinker	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Knollman Morris Moses Richardson

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 27 02-21-12

Roll Call 209: PASSED

SB 107 Neese
Deadline for adoption of salary ordinances.
3rd Reading

Yeas: 86
Nays: 3
Excused: 5
N/Voting: 6

VOTING YEA: 86

Austin	Dodge	Lawson, L	Saunders
Bacon	Dvorak	Lehe	Smith, M
Battles	Eberhart	Lehman	Smith, V
Behning	Ellspermann	Lutz	Soliday
Borders	Foley	Mahan	Speedy
Brown,C	Friend	McClain	Steuerwald
Brown, T	Frizzell	McMillin	Stevenson
Burton	Fry, C	McNamara	Sullivan
Candelaria Reardon	Frye, R	Messmer	Summers
Cheatham	GiaQuinta	Morris	Thompson
Cherry	Goodin	Moseley	Torr
Clere	Grubb	Moses	Truitt
Crawford	Gutwein	Neese	Turner
Crouch	Heaton	Niezgodski	Ubelhor
Culver	Heuer	Noe	VanDenburgh
Davis	Hinkle	Pelath	VanNatter
Davisson	Karickhoff	Pflum	Welch
Day	Kersey	Pierce	Wesco
DeLaney	Kirchhofer	Pond	Wolkins
Dembowski	Klinker	Pryor	Yarde
Dermody	Koch	Reske	
Dobis	Kubacki	Rhoads	

VOTING NAY: 3

Bardon Bartlett White

EXCUSED FROM VOTING: 5

Espich Knollman Stemler
Harris Richardson

NOT VOTING: 6

Baird Leonard Riecken
Bauer Porter Mr. Speaker

Indiana House of Representatives
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MEETING DAY 27 02-21-12

Roll Call 210: PASSED

SB 111 Torr
Group personal excess and umbrella insurance.
3rd Reading

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

VOTING YEA: 93

Austin	Dermody	Lawson, L	Saunders
Bacon	Dobis	Lehe	Smith, M
Baird	Dodge	Lehman	Smith, V
Bardon	Dvorak	Lutz	Soliday
Bartlett	Eberhart	Mahan	Speedy
Battles	Ellspermann	McClain	Steuerwald
Bauer	Foley	McMillin	Stevenson
Behning	Friend	McNamara	Sullivan
Borders	Frizzell	Messmer	Summers
Brown,C	Fry, C	Morris	Thompson
Brown, T	Frye, R	Moseley	Torr
Burton	GiaQuinta	Moses	Truitt
Candelaria Reardon	Goodin	Neese	Turner
Cheatham	Grubb	Niezgodski	Ubelhor
Cherry	Gutwein	Noe	VanDenburgh
Clere	Heaton	Pelath	VanNatter
Crawford	Heuer	Pflum	Welch
Crouch	Hinkle	Pierce	Wesco
Culver	Karickhoff	Pond	White
Davis	Kersey	Porter	Wolkins
Davisson	Kirchhofer	Pryor	Yarde
Day	Klinker	Reske	
DeLaney	Koch	Rhoads	
Dembowski	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Espich Knollman Stemler
Harris Richardson

NOT VOTING: 2

Leonard Mr. Speaker

Indiana House of Representatives
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MEETING DAY 27 02-21-12

Roll Call 211: PASSED

SB 113 Lehman
Golf carts in unincorporated areas.
3rd Reading

Yeas: 82
Nays: 10
Excused: 5
N/Voting: 3

VOTING YEA: 82

Austin	Dermody	Lehe	Smith, M
Bacon	Dodge	Lehman	Smith, V
Baird	Dvorak	Lutz	Soliday
Battles	Eberhart	Mahan	Speedy
Bauer	Ellspermann	McClain	Steuerwald
Behning	Foley	McMillin	Stevenson
Borders	Friend	McNamara	Sullivan
Brown,C	Frizzell	Messmer	Thompson
Burton	Fry, C	Morris	Torr
Candelaria Reardon	Frye, R	Moseley	Truitt
Cheatham	GiaQuinta	Moses	Turner
Cherry	Gutwein	Neese	Ubelhor
Clere	Heaton	Niezgodski	VanDenburgh
Crawford	Heuer	Noe	VanNatter
Crouch	Hinkle	Pflum	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Pond	White
Davisson	Kirchhofer	Reske	Wolkins
Day	Klinker	Rhoads	Yarde
DeLaney	Koch	Riecken	
Dembowski	Kubacki	Saunders	

VOTING NAY: 10

Bartlett	Goodin	Pelath	Summers
Brown, T	Grubb	Porter	
Dobis	Lawson, L	Pryor	

EXCUSED FROM VOTING: 5

Espich Knollman Stemler
Harris Richardson

NOT VOTING: 3

Bardon Leonard Mr. Speaker

Indiana House of Representatives
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MEETING DAY 27 02-21-12

Roll Call 212: PASSED

SB 168 Soliday
Liability for underground storage tank fees.
3rd Reading

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

VOTING YEA: 93

Austin	Dermody	Lawson, L	Saunders
Bacon	Dobis	Lehe	Smith, M
Baird	Dodge	Lehman	Smith, V
Bardon	Dvorak	Lutz	Soliday
Bartlett	Eberhart	Mahan	Speedy
Battles	Ellspermann	McClain	Steuerwald
Bauer	Foley	McMillin	Stevenson
Behning	Friend	McNamara	Sullivan
Borders	Frizzell	Messmer	Summers
Brown,C	Fry, C	Morris	Thompson
Brown, T	Frye, R	Moseley	Torr
Burton	GiaQuinta	Moses	Truitt
Candelaria Reardon	Goodin	Neese	Turner
Cheatham	Grubb	Niezgodski	Ubelhor
Cherry	Gutwein	Noe	VanDenburgh
Clere	Heaton	Pelath	VanNatter
Crawford	Heuer	Pflum	Welch
Crouch	Hinkle	Pierce	Wesco
Culver	Karickhoff	Pond	White
Davis	Kersey	Porter	Wolkins
Davisson	Kirchhofer	Pryor	Yarde
Day	Klinker	Reske	
DeLaney	Koch	Rhoads	
Dembowski	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Espich Knollman Stemler
Harris Richardson

NOT VOTING: 2

Leonard Mr. Speaker

Indiana House of Representatives
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Second Regular Session

MEETING DAY 27 02-21-12

Roll Call 213: PASSED

SB 225 T. Brown
Hospital assessment fee matters.

3rd Reading

Yeas: 93
Nays: 0
Excused: 6
N/Voting: 1

VOTING YEA: 93

Austin	Dermody	Lawson, L	Saunders
Bacon	Dobis	Lehe	Smith, M
Baird	Dodge	Lehman	Smith, V
Bardon	Dvorak	Leonard	Soliday
Bartlett	Eberhart	Lutz	Speedy
Battles	Ellspermann	Mahan	Steuerwald
Bauer	Foley	McClain	Stevenson
Behning	Friend	McMillin	Sullivan
Borders	Frizzell	McNamara	Summers
Brown,C	Fry, C	Messmer	Thompson
Brown, T	Frye, R	Morris	Torr
Burton	GiaQuinta	Moseley	Truitt
Candelaria Reardon	Goodin	Moses	Turner
Cheatham	Grubb	Neese	Ubelhor
Cherry	Gutwein	Niezgodski	VanDenburgh
Clere	Heaton	Noe	VanNatter
Crawford	Heuer	Pelath	Welch
Crouch	Hinkle	Pflum	Wesco
Culver	Karickhoff	Pierce	White
Davis	Kersey	Pond	Wolkins
Davisson	Kirchhofer	Pryor	Yarde
Day	Klinker	Reske	
DeLaney	Koch	Rhoads	
Dembowski	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Espich	Knollman	Richardson
Harris	Porter	Stemler

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 27 02-21-12

Roll Call 214: PASSED

SB 234 M. Smith
Synthetic drugs (including "bath salts").

3rd Reading

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

VOTING YEA: 93

Austin	Dermody	Lawson, L	Riecken
Bacon	Dobis	Lehe	Saunders
Baird	Dodge	Lehman	Smith, M
Bardon	Dvorak	Leonard	Smith, V
Bartlett	Eberhart	Lutz	Soliday
Battles	Ellspermann	Mahan	Speedy
Bauer	Foley	McClain	Steuerwald
Behning	Friend	McMillin	Stevenson
Borders	Frizzell	McNamara	Summers
Brown,C	Fry, C	Messmer	Thompson
Brown, T	Frye, R	Morris	Torr
Burton	GiaQuinta	Moseley	Truitt
Candelaria Reardon	Goodin	Moses	Turner
Cheatham	Grubb	Neese	Ubelhor
Cherry	Gutwein	Niezgodski	VanDenburgh
Clere	Heaton	Noe	VanNatter
Crawford	Heuer	Pelath	Welch
Crouch	Hinkle	Pflum	Wesco
Culver	Karickhoff	Pierce	White
Davis	Kersey	Pond	Wolkins
Davisson	Kirchhofer	Porter	Yarde
Day	Klinker	Pryor	
DeLaney	Koch	Reske	
Dembowski	Kubacki	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Espich	Knollman	Stemler
Harris	Richardson	

NOT VOTING: 2

Sullivan Mr. Speaker

Indiana House of Representatives
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MEETING DAY 27 02-21-12

Roll Call 215: PASSED

SB 259 Dermody
School consolidation executive session.

3rd Reading

Yeas: 62
Nays: 31
Excused: 5
N/Voting: 2

VOTING YEA: 62

Bacon	Ellspermann	Lehe	Soliday
Baird	Foley	Lehman	Speedy
Behning	Friend	Leonard	Steuerwald
Borders	Frizzell	Mahan	Thompson
Brown, T	Frye, R	McClain	Torr
Burton	GiaQuinta	McMillin	Truitt
Cherry	Goodin	McNamara	Turner
Clere	Gutwein	Messmer	Ubelhor
Crouch	Heaton	Morris	VanNatter
Culver	Heuer	Neese	Welch
Davis	Hinkle	Noe	Wesco
Davisson	Karickhoff	Pelath	White
Dermody	Kirchhofer	Pond	Wolkins
Dobis	Klinker	Rhoads	Yarde
Dodge	Koch	Saunders	
Eberhart	Kubacki	Smith, M	

VOTING NAY: 31

Bardon	Day	Lutz	Reske
Bartlett	DeLaney	Moseley	Riecken
Battles	Dembowski	Moses	Smith, V
Bauer	Dvorak	Niezgodski	Stevenson
Brown,C	Fry, C	Pflum	Sullivan
Candelaria Reardon	Grubb	Pierce	Summers
Cheatham	Kersey	Porter	VanDenburgh
Crawford	Lawson, L	Pryor	

EXCUSED FROM VOTING: 5

Espich	Knollman	Stemler
Harris	Richardson	

NOT VOTING: 2

Austin Mr. Speaker

Indiana House of Representatives
117th General Assembly
Second Regular Session

MEETING DAY 27 02-21-12

Roll Call 216: PASSED

SB 262 Steuerwald
IC 4 and IC 5 revision.

3rd Reading

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

VOTING YEA: 93

Austin	Dobis	Lehe	Saunders
Bacon	Dodge	Lehman	Smith, M
Baird	Dvorak	Leonard	Smith, V
Bardon	Eberhart	Lutz	Soliday
Bartlett	Ellspermann	Mahan	Speedy
Battles	Foley	McClain	Steuerwald
Bauer	Friend	McMillin	Stevenson
Behning	Frizzell	McNamara	Sullivan
Borders	Fry, C	Messmer	Summers
Brown,C	Frye, R	Morris	Thompson
Brown, T	GiaQuinta	Moseley	Torr
Burton	Goodin	Moses	Truitt
Cheatham	Grubb	Neese	Turner
Cherry	Gutwein	Niezgodski	Ubelhor
Clere	Heaton	Noe	VanDenburgh
Crawford	Heuer	Pelath	VanNatter
Crouch	Hinkle	Pflum	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Pond	White
Davisson	Kirchhofer	Porter	Wolkins
Day	Klinker	Pryor	Yarde
DeLaney	Koch	Reske	
Dembowski	Kubacki	Rhoads	
Dermody	Lawson, L	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Espich	Knollman	Stemler
Harris	Richardson	

NOT VOTING: 2

Candelaria Reardon Mr. Speaker

Indiana House of Representatives
117th General Assembly
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MEETING DAY 27 02-21-12

Roll Call 217: PASSED

SB 275 Davis
Real estate brokers.

3rd Reading

Yeas: 94
Nays: 0
Excused: 5
N/Voting: 1

VOTING YEA: 94

Austin	Dermody	Lawson, L	Riecken
Bacon	Dobis	Lehe	Saunders
Baird	Dodge	Lehman	Smith, M
Bardon	Dvorak	Leonard	Smith, V
Bartlett	Eberhart	Lutz	Soliday
Battles	Ellspermann	Mahan	Speedy
Bauer	Foley	McClain	Steuerwald
Behning	Friend	McMillin	Stevenson
Borders	Frizzell	McNamara	Sullivan
Brown,C	Fry, C	Messmer	Summers
Brown, T	Frye, R	Morris	Thompson
Burton	GiaQuinta	Moseley	Torr
Candelaria Reardon	Goodin	Moses	Truitt
Cheatham	Grubb	Neese	Turner
Cherry	Gutwein	Niezgodski	Ubelhor
Clere	Heaton	Noe	VanDenburgh
Crawford	Heuer	Pelath	VanNatter
Crouch	Hinkle	Pflum	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Pond	White
Davisson	Kirchhofer	Porter	Wolkins
Day	Klinker	Pryor	Yarde
DeLaney	Koch	Reske	
Dembowski	Kubacki	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Espich	Knollman	Stemler
Harris	Richardson	

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 27 02-21-12

Roll Call 218: PASSED

SB 283 Thompson
Nonpublic alternative schools; residential facilities.

3rd Reading

Yeas: 66
Nays: 27
Excused: 5
N/Voting: 2

VOTING YEA: 66

Austin	Ellspermann	Leonard	Soliday
Bacon	Foley	Lutz	Speedy
Baird	Friend	Mahan	Steuerwald
Behning	Frizzell	McClain	Sullivan
Borders	Frye, R	McMillin	Thompson
Burton	Goodin	McNamara	Torr
Cheatham	Gutwein	Messmer	Truitt
Cherry	Heaton	Morris	Turner
Clere	Heuer	Neese	Ubelhor
Crouch	Hinkle	Noe	VanNatter
Culver	Karickhoff	Pelath	Welch
Davis	Kirchhofer	Pflum	Wesco
Davisson	Klinker	Pond	White
Dermody	Koch	Reske	Wolkins
Dobis	Kubacki	Rhoads	Yarde
Dodge	Lehe	Saunders	
Eberhart	Lehman	Smith, M	

VOTING NAY: 27

Bardon	Day	Kersey	Pryor
Bartlett	DeLaney	Lawson, L	Riecken
Battles	Dembowski	Moseley	Smith, V
Bauer	Dvorak	Moses	Stevenson
Brown,C	Fry, C	Niezgodski	Summers
Candelaria Reardon	GiaQuinta	Pierce	VanDenburgh
Crawford	Grubb	Porter	

EXCUSED FROM VOTING: 5

Espich	Knollman	Stemler
Harris	Richardson	

NOT VOTING: 2

Brown, T	Mr. Speaker

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MEETING DAY 27 02-21-12

Roll Call 219: PASSED

SB 315 Messmer
Charity gaming.

3rd Reading

Yeas: 76
Nays: 19
Excused: 4
N/Voting: 1

VOTING YEA: 76

Bacon	Ellspermann	Lehman	Richardson
Baird	Foley	Leonard	Saunders
Battles	Friend	Lutz	Smith, M
Bauer	Frizzell	Mahan	Smith, V
Behning	Frye, R	McClain	Soliday
Borders	GiaQuinta	McMillin	Speedy
Brown, T	Goodin	McNamara	Steuerwald
Burton	Grubb	Messmer	Stevenson
Cheatham	Gutwein	Morris	Sullivan
Cherry	Heaton	Moses	Thompson
Clere	Heuer	Neese	Torr
Crouch	Hinkle	Niezgodski	Truitt
Culver	Karickhoff	Noe	Ubelhor
Davisson	Kersey	Pelath	VanNatter
Dembowski	Kirchhofer	Pflum	Welch
Dermody	Klinker	Pierce	Wesco
Dobis	Koch	Pond	White
Dodge	Kubacki	Reske	Wolkins
Eberhart	Lehe	Rhoads	Yarde

VOTING NAY: 19

Austin	Crawford	Fry, C	Riecken
Bardon	Davis	Lawson, L	Summers
Bartlett	Day	Moseley	Turner
Brown,C	DeLaney	Porter	VanDenburgh
Candelaria Reardon	Dvorak	Pryor	

EXCUSED FROM VOTING: 4

Espich	Harris	Knollman	Stemler

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 27 02-21-12

Roll Call 220: PASSED

SB 24 Noe
Mental health issues.

3rd Reading

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Austin	Dermody	Lawson, L	Richardson
Bacon	Dobis	Lehe	Riecken
Baird	Dodge	Lehman	Saunders
Bardon	Dvorak	Leonard	Smith, M
Bartlett	Eberhart	Lutz	Smith, V
Battles	Ellspermann	Mahan	Soliday
Bauer	Foley	McClain	Speedy
Behning	Friend	McMillin	Steuerwald
Borders	Frizzell	McNamara	Stevenson
Brown,C	Fry, C	Messmer	Sullivan
Brown, T	Frye, R	Morris	Summers
Burton	GiaQuinta	Moseley	Thompson
Candelaria Reardon	Goodin	Moses	Torr
Cheatham	Grubb	Neese	Truitt
Cherry	Gutwein	Niezgodski	Turner
Clere	Heaton	Noe	Ubelhor
Crawford	Heuer	Pelath	VanDenburgh
Crouch	Hinkle	Pflum	VanNatter
Culver	Karickhoff	Pierce	Welch
Davis	Kersey	Pond	Wesco
Davisson	Kirchhofer	Porter	White
Day	Klinker	Pryor	Wolkins
DeLaney	Koch	Reske	Yarde
Dembowski	Kubacki	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Espich	Harris	Knollman	Stemler

NOT VOTING: 1

Mr. Speaker

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Roll Call 221: PASSED

SB 231 Turner
Contracting with persons that invest in Iran.
3rd Reading

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Austin	Dermody	Lawson, L	Riecken
Bacon	Dobis	Lehe	Saunders
Baird	Dodge	Lehman	Smith, M
Bardon	Dvorak	Leonard	Smith, V
Bartlett	Eberhart	Lutz	Soliday
Battles	Ellspermann	Mahan	Speedy
Bauer	Foley	McClain	Steuerwald
Behning	Friend	McMillin	Stevenson
Borders	Frizzell	McNamara	Sullivan
Brown,C	Fry, C	Messmer	Summers
Brown, T	Frye, R	Morris	Thompson
Burton	GiaQuinta	Moseley	Torr
Candelaria Reardon	Goodin	Moses	Truitt
Cheatham	Grubb	Neese	Turner
Cherry	Gutwein	Niezgodski	Ubelhor
Clere	Heaton	Pelath	VanDenburgh
Crawford	Heuer	Pflum	VanNatter
Crouch	Hinkle	Pierce	Welch
Culver	Karickhoff	Pond	Wesco
Davis	Kersey	Porter	White
Davisson	Kirchhofer	Pryor	Wolkins
Day	Klinker	Reske	Yarde
DeLaney	Koch	Rhoads	Mr. Speaker
Dembowski	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Espich Harris Knollman Stemler

NOT VOTING: 1

Noe

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Roll Call 222: PASSED

SB 257 Soliday
Motor vehicle law.
3rd Reading

Yeas: 84
Nays: 11
Excused: 4
N/Voting: 1

VOTING YEA: 84

Bacon	Dodge	Lawson, L	Richardson
Baird	Dvorak	Lehe	Riecken
Bardon	Eberhart	Lehman	Saunders
Battles	Ellspermann	Leonard	Smith, M
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Steuerwald
Brown, T	Frye, R	McMillin	Stevenson
Burton	GiaQuinta	McNamara	Sullivan
Cheatham	Goodin	Messmer	Thompson
Cherry	Grubb	Morris	Torr
Clere	Gutwein	Moses	Truitt
Crouch	Heaton	Neese	Turner
Culver	Heuer	Niezgodski	Ubelhor
Davis	Hinkle	Noe	VanDenburgh
Davisson	Karickhoff	Pelath	VanNatter
Day	Kersey	Pflum	Welch
DeLaney	Kirchhofer	Pierce	Wesco
Dembowski	Klinker	Pond	White
Dermody	Koch	Reske	Wolkins
Dobis	Kubacki	Rhoads	Yarde

VOTING NAY: 11

Austin	Candelaria Reardon	Moseley	Smith, V
Bartlett	Crawford	Porter	Summers
Brown,C	Fry, C	Pryor	

EXCUSED FROM VOTING: 4

Espich Harris Knollman Stemler

NOT VOTING: 1

Mr. Speaker

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Roll Call 224: PREVAILED

SB 130 Wolkins
Environmental board consolidation.
Committee Report

Yeas: 58
Nays: 36
Excused: 3
N/Voting: 3

VOTING YEA: 58

Bacon	Eberhart	Lehe	Saunders
Baird	Ellspermann	Lehman	Smith, M
Behning	Espich	Leonard	Soliday
Borders	Foley	Lutz	Speedy
Brown, T	Friend	Mahan	Steuerwald
Burton	Frizzell	McClain	Thompson
Cherry	Frye, R	McMillin	Torr
Clere	Gutwein	McNamara	Truitt
Crouch	Heaton	Messmer	Turner
Culver	Heuer	Morris	Ubelhor
Davis	Hinkle	Neese	VanNatter
Davisson	Karickhoff	Noe	Wolkins
Dermody	Kirchhofer	Pond	Yarde
Dobis	Koch	Rhoads	
Dodge	Kubacki	Richardson	

VOTING NAY: 36

Austin	DeLaney	Klinker	Reske
Bardon	Dembowski	Lawson, L	Riecken
Bartlett	Dvorak	Moseley	Smith, V
Battles	Fry, C	Moses	Stevenson
Bauer	GiaQuinta	Niezgodski	Sullivan
Candelaria Reardon	Goodin	Pelath	Summers
Cheatham	Grubb	Pflum	VanDenburgh
Crawford	Harris	Pierce	Welch
Day	Kersey	Pryor	White

EXCUSED FROM VOTING: 3

Knollman Stemler Wesco

NOT VOTING: 3

Brown,C Porter Mr. Speaker

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Roll Call 225: PREVAILED

SB 286 McNamara
Department of child services.
Committee Report

Yeas: 57
Nays: 38
Excused: 4
N/Voting: 1

VOTING YEA: 57

Bacon	Ellspermann	Lehman	Soliday
Baird	Espich	Leonard	Speedy
Behning	Foley	Lutz	Steuerwald
Borders	Friend	Mahan	Thompson
Brown, T	Frizzell	McClain	Torr
Burton	Frye, R	McMillin	Truitt
Cherry	Gutwein	McNamara	Turner
Clere	Heaton	Messmer	Ubelhor
Crouch	Heuer	Morris	VanNatter
Culver	Hinkle	Neese	Wesco
Davis	Karickhoff	Noe	Wolkins
Davisson	Kirchhofer	Rhoads	Yarde
Dermody	Koch	Richardson	
Dodge	Kubacki	Saunders	
Eberhart	Lehe	Smith, M	

VOTING NAY: 38

Austin	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stevenson
Battles	Dvorak	Niezgodski	Sullivan
Bauer	Fry, C	Pelath	Summers
Brown,C	GiaQuinta	Pflum	VanDenburgh
Candelaria Reardon	Goodin	Pierce	Welch
Cheatham	Harris	Porter	White
Crawford	Kersey	Pryor	
Day	Klinker	Reske	

EXCUSED FROM VOTING: 4

Grubb Knollman Pond Stemler

NOT VOTING: 1

Mr. Speaker

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Roll Call 226: PREVAILED

SB 22 McMillin
Conservancy district director compensation.
2nd Reading Amend. #1

Yeas:	49
Nays:	44
Excused:	5
N/Voting:	2

VOTING YEA: 49

Baird	Espich	Leonard	Speedy
Borders	Friend	Mahan	Stevenson
Brown, T	Fry, C	McMillin	Torr
Burton	GiaQuinta	McNamara	Truitt
Candelaria Reardon	Goodin	Morris	VanDenburgh
Clere	Heuer	Moseley	VanNatter
Culver	Hinkle	Moses	Welch
Davis	Kersey	Niezgodski	White
Day	Kirchhofer	Pelath	Wolkins
Dembowski	Klinker	Porter	Yarde
Dobis	Lawson, L	Reske	
Dvorak	Lehe	Smith, M	
Eberhart	Lehman	Soliday	

VOTING NAY: 44

Austin	DeLaney	Koch	Richardson
Bacon	Dermody	Kubacki	Riecken
Bartlett	Dodge	Lutz	Saunders
Battles	Ellspermann	McClain	Smith, V
Behning	Foley	Messmer	Steuerwald
Brown,C	Frizzell	Neese	Sullivan
Cheatham	Frye, R	Noe	Summers
Cherry	Gutwein	Pflum	Thompson
Crawford	Harris	Pierce	Turner
Crouch	Heaton	Pryor	Ubelhor
Davisson	Karickhoff	Rhoads	Wesco

EXCUSED FROM VOTING: 5

Bardon	Knollman	Stemler
Grubb	Pond	

NOT VOTING: 2

Bauer	Mr. Speaker

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Roll Call 227: FAILED

SB 296 Behning
Scholarship program eligibility.
2nd Reading Amend. #1

Yeas:	36
Nays:	55
Excused:	6
N/Voting:	3

VOTING YEA: 36

Austin	Dembowski	Lawson, L	Reske
Bartlett	Dobis	Moseley	Riecken
Battles	Dvorak	Moses	Smith, V
Bauer	Fry, C	Niezgodski	Stevenson
Candelaria Reardon	GiaQuinta	Pelath	Sullivan
Cheatham	Goodin	Pflum	Summers
Crawford	Harris	Pierce	VanDenburgh
Day	Kersey	Porter	Welch
DeLaney	Klinker	Pryor	White

VOTING NAY: 55

Bacon	Eberhart	Lehman	Smith, M
Baird	Ellspermann	Leonard	Soliday
Behning	Espich	Lutz	Speedy
Borders	Foley	Mahan	Steuerwald
Brown, T	Friend	McClain	Thompson
Burton	Frizzell	McMillin	Torr
Cherry	Frye, R	McNamara	Truitt
Clere	Gutwein	Messmer	Turner
Crouch	Heaton	Morris	Ubelhor
Culver	Karickhoff	Neese	VanNatter
Davis	Kirchhofer	Noe	Wesco
Davisson	Koch	Rhoads	Wolkins
Dermody	Kubacki	Richardson	Yarde
Dodge	Lehe	Saunders	

EXCUSED FROM VOTING: 6

Bardon	Heuer	Pond
Grubb	Knollman	Stemler

NOT VOTING: 3

Brown,C	Hinkle	Mr. Speaker

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Roll Call 228: PASSED

SB 249 Truitt
Record of marriage.
3rd Reading

Yeas:	93
Nays:	0
Excused:	5
N/Voting:	2

VOTING YEA: 93

Austin	Dermody	Lehe	Saunders
Bacon	Dodge	Lehman	Smith, M
Baird	Dvorak	Leonard	Smith, V
Bardon	Eberhart	Lutz	Soliday
Bartlett	Ellspermann	Mahan	Speedy
Battles	Espich	McClain	Steuerwald
Bauer	Foley	McMillin	Stevenson
Behning	Friend	McNamara	Sullivan
Borders	Frizzell	Messmer	Summers
Brown,C	Fry, C	Morris	Thompson
Brown, T	Frye, R	Moseley	Torr
Burton	GiaQuinta	Moses	Truitt
Candelaria Reardon	Goodin	Neese	Turner
Cheatham	Gutwein	Niezgodski	Ubelhor
Cherry	Harris	Noe	VanDenburgh
Clere	Heaton	Pelath	VanNatter
Crawford	Hinkle	Pflum	Welch
Crouch	Karickhoff	Pierce	Wesco
Culver	Kersey	Porter	White
Davis	Kirchhofer	Pryor	Wolkins
Davisson	Klinker	Reske	Yarde
Day	Koch	Rhoads	
DeLaney	Kubacki	Richardson	
Dembowski	Lawson, L	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Grubb	Knollman	Stemler
Heuer	Pond	

NOT VOTING: 2

Dobis	Mr. Speaker

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Roll Call 230: PASSED

SB 22 McMillin
Conservancy district director
compensation.
3rd Reading

Yeas:	76
Nays:	22
Excused:	1
N/Voting:	1

VOTING YEA: 76

Austin	Eberhart	Lawson, L	Riecken
Bacon	Ellspermann	Lehe	Saunders
Baird	Espich	Lehman	Smith, M
Battles	Friend	Leonard	Soliday
Bauer	Frizzell	Lutz	Speedy
Behning	Fry, C	Mahan	Stemler
Borders	Frye, R	McClain	Steuerwald
Brown, T	GiaQuinta	McMillin	Stevenson
Burton	Goodin	McNamara	Sullivan
Candelaria Reardon	Grubb	Morris	Torr
Cheatham	Gutwein	Moseley	Truitt
Clere	Harris	Niezgodski	Turner
Culver	Heaton	Noe	Ubelhor
Davis	Heuer	Pelath	VanNatter
Dembowski	Karickhoff	Pflum	Welch
Dermody	Kirchhofer	Pond	Wesco
Dobis	Klinker	Porter	White
Dodge	Koch	Reske	Wolkins
Dvorak	Kubacki	Richardson	Yarde

VOTING NAY: 22

Bardon	Davisson	Messmer	Smith, V
Bartlett	Day	Moses	Summers
Brown,C	DeLaney	Neese	Thompson
Cherry	Foley	Pierce	VanDenburgh
Crawford	Hinkle	Pryor	
Crouch	Kersey	Rhoads	

EXCUSED FROM VOTING: 1

Knollman

NOT VOTING: 1

Mr. Speaker

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Roll Call 231: PASSED

SB 115 Koch
Classification of political subdivisions.
3rd Reading

Yeas: 96
Nays: 1
Excused: 1
N/Voting: 2

VOTING YEA: 96

Austin	Dermody	Kubacki	Rhoads
Bacon	Dobis	Lawson, L	Richardson
Baird	Dodge	Lehe	Riecken
Bardon	Dvorak	Lehman	Saunders
Bartlett	Eberhart	Leonard	Smith, M
Battles	Ellspermann	Lutz	Smith, V
Bauer	Espich	Mahan	Soliday
Behning	Foley	McClain	Speedy
Borders	Friend	McMillin	Steuerwald
Brown,C	Frizzell	McNamara	Stevenson
Brown, T	Frye, R	Messmer	Sullivan
Burton	GiaQuinta	Morris	Summers
Candelaria Reardon	Goodin	Moseley	Thompson
Cheatham	Grubb	Moses	Torr
Cherry	Gutwein	Neese	Truitt
Clere	Harris	Niezgodski	Turner
Crawford	Heaton	Noe	Ubelhor
Crouch	Heuer	Pelath	VanDenburgh
Culver	Hinkle	Pflum	VanNatter
Davis	Karickhoff	Pierce	Welch
Davisson	Kersey	Pond	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Koch	Reske	Yarde

VOTING NAY: 1

Fry, C

EXCUSED FROM VOTING: 1

Knollman

NOT VOTING: 2

Stemler Mr. Speaker

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Roll Call 232: PASSED

SB 119 Koch
Redistricting technical corrections.
3rd Reading

Yeas: 92
Nays: 7
Excused: 0
N/Voting: 1

VOTING YEA: 92

Austin	Dodge	Kubacki	Rhoads
Bacon	Dvorak	Lawson, L	Richardson
Baird	Eberhart	Lehe	Riecken
Bartlett	Ellspermann	Lehman	Saunders
Battles	Espich	Leonard	Smith, M
Behning	Foley	Lutz	Smith, V
Borders	Friend	Mahan	Soliday
Brown,C	Frizzell	McClain	Speedy
Brown, T	Frye, R	McMillin	Stemler
Burton	GiaQuinta	McNamara	Steuerwald
Cheatham	Goodin	Messmer	Sullivan
Cherry	Grubb	Morris	Thompson
Clere	Gutwein	Moseley	Torr
Crawford	Harris	Moses	Truitt
Crouch	Heaton	Neese	Turner
Culver	Heuer	Niezgodski	Ubelhor
Davis	Hinkle	Noe	VanDenburgh
Davisson	Karickhoff	Pelath	VanNatter
Day	Kersey	Pflum	Welch
DeLaney	Kirchhofer	Pierce	Wesco
Dembowski	Klinker	Pond	White
Dermody	Knollman	Pryor	Wolkins
Dobis	Koch	Reske	Yarde

VOTING NAY: 7

Bardon	Candelaria Reardon	Porter	Summers
Bauer	Fry, C	Stevenson	

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Mr. Speaker

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Roll Call 233: PASSED

SB 132 Wolkins
Water utility resource data.
3rd Reading

Yeas: 71
Nays: 27
Excused: 0
N/Voting: 2

VOTING YEA: 71

Austin	Espich	Lehe	Riecken
Bacon	Foley	Leonard	Smith, M
Baird	Friend	Lutz	Soliday
Battles	Frizzell	Mahan	Speedy
Bauer	Frye, R	McClain	Stemler
Borders	Goodin	McMillin	Stevenson
Brown, T	Grubb	McNamara	Sullivan
Burton	Gutwein	Messmer	Thompson
Cheatham	Heaton	Morris	Torr
Cherry	Heuer	Moses	Turner
Clere	Hinkle	Neese	Ubelhor
Culver	Karickhoff	Niezgodski	VanNatter
Davis	Kersey	Noe	Welch
Davisson	Kirchhofer	Pflum	Wesco
Dermody	Klinker	Pierce	White
Dobis	Knollman	Pond	Wolkins
Dodge	Koch	Reske	Yarde
Ellspermann	Kubacki	Rhoads	

VOTING NAY: 27

Bardon	Day	Harris	Saunders
Bartlett	DeLaney	Lehman	Smith, V
Behning	Dembowski	Moseley	Steuerwald
Brown,C	Dvorak	Pelath	Summers
Candelaria Reardon	Eberhart	Porter	Truitt
Crawford	Fry, C	Pryor	VanDenburgh
Crouch	GiaQuinta	Richardson	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Lawson, L Mr. Speaker

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Roll Call 234: PASSED

SB 143 Espich
State fiscal matters.
3rd Reading

Yeas: 97
Nays: 2
Excused: 0
N/Voting: 1

VOTING YEA: 97

Austin	Dodge	Lehe	Smith, M
Bacon	Dvorak	Lehman	Smith, V
Baird	Eberhart	Leonard	Soliday
Bardon	Ellspermann	Lutz	Speedy
Bartlett	Espich	Mahan	Stemler
Battles	Foley	McClain	Steuerwald
Bauer	Friend	McMillin	Stevenson
Behning	Frizzell	McNamara	Sullivan
Borders	Fry, C	Messmer	Summers
Brown,C	Frye, R	Morris	Thompson
Brown, T	GiaQuinta	Moseley	Torr
Burton	Goodin	Moses	Truitt
Candelaria Reardon	Grubb	Neese	Turner
Cheatham	Gutwein	Niezgodski	Ubelhor
Cherry	Harris	Noe	VanDenburgh
Clere	Heaton	Pelath	VanNatter
Crawford	Heuer	Pflum	Welch
Crouch	Hinkle	Pierce	Wesco
Davis	Karickhoff	Pond	White
Davisson	Kersey	Porter	Wolkins
Day	Kirchhofer	Pryor	Yarde
DeLaney	Klinker	Reske	Mr. Speaker
Dembowski	Knollman	Richardson	
Dermody	Koch	Riecken	
Dobis	Kubacki	Saunders	

VOTING NAY: 2

Culver Rhoads

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Lawson, L

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Roll Call 235: PASSED

SB 156 Koch
Partition.

3rd Reading

Yeas: 98
Nays: 0
Excused: 0
N/Voting: 2

VOTING YEA: 98

Austin	Dobis	Kubacki	Riecken
Bacon	Dodge	Lehe	Saunders
Baird	Dvorak	Lehman	Smith, M
Bardon	Eberhart	Leonard	Smith, V
Bartlett	Ellspermann	Lutz	Soliday
Battles	Espich	Mahan	Speedy
Bauer	Foley	McClain	Stemler
Behning	Friend	McMillin	Steuerwald
Borders	Frizzell	McNamara	Stevenson
Brown,C	Fry, C	Messmer	Sullivan
Brown, T	Frye, R	Morris	Summers
Burton	GiaQuinta	Moseley	Thompson
Candelaria Reardon	Goodin	Moses	Torr
Cheatham	Grubb	Neese	Truitt
Cherry	Gutwein	Niezgodski	Turner
Clere	Harris	Noe	Ubelhor
Crawford	Heaton	Pelath	VanDenburgh
Crouch	Heuer	Pflum	VanNatter
Culver	Hinkle	Pierce	Welch
Davis	Karickhoff	Pond	Wesco
Davisson	Kersey	Porter	White
Day	Kirchhofer	Pryor	Wolkins
DeLaney	Klinker	Reske	Yarde
Dembowski	Knollman	Rhoads	
Dermody	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Lawson, L Mr. Speaker

Indiana House of Representatives
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MEETING DAY 29 02-27-12

Roll Call 236: PASSED

SB 176 Foley
Immediate detention orders.

3rd Reading

Yeas: 85
Nays: 13
Excused: 0
N/Voting: 2

VOTING YEA: 85

Austin	Dvorak	Kubacki	Rhoads
Bacon	Eberhart	Lawson, L	Richardson
Baird	Ellspermann	Lehe	Riecken
Battles	Espich	Lehman	Saunders
Bauer	Foley	Leonard	Smith, M
Behning	Friend	Lutz	Soliday
Borders	Frizzell	Mahan	Speedy
Burton	Fry, C	McClain	Stemler
Cheatham	Frye, R	McMillin	Steuerwald
Cherry	GiaQuinta	McNamara	Sullivan
Clere	Goodin	Messmer	Thompson
Crawford	Grubb	Morris	Torr
Crouch	Gutwein	Moseley	Truitt
Culver	Harris	Moses	Turner
Davis	Heaton	Neese	Ubelhor
Davisson	Heuer	Niezgodski	VanNatter
Day	Hinkle	Noe	Welch
DeLaney	Karickhoff	Pelath	Wesco
Dembowski	Kirchhofer	Pflum	Yarde
Dermody	Klinker	Pierce	
Dobis	Knollman	Pond	
Dodge	Koch	Reske	

VOTING NAY: 13

Bardon	Candelaria Reardon	Smith, V	White
Bartlett	Kersey	Stevenson	
Brown,C	Porter	Summers	
Brown, T	Pryor	VanDenburgh	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Wolkins Mr. Speaker

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MEETING DAY 29 02-27-12

Roll Call 237: PASSED

SB 190 Kubacki
Denial of parenting rights of persons convicted of rape.

3rd Reading

Yeas: 99
Nays: 0
Excused: 0
N/Voting: 1

VOTING YEA: 99

Austin	Dobis	Kubacki	Richardson
Bacon	Dodge	Lawson, L	Riecken
Baird	Dvorak	Lehe	Saunders
Bardon	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Smith, V
Battles	Espich	Lutz	Soliday
Bauer	Foley	Mahan	Speedy
Behning	Friend	McClain	Stemler
Borders	Frizzell	McMillin	Steuerwald
Brown,C	Fry, C	McNamara	Stevenson
Brown, T	Frye, R	Messmer	Sullivan
Burton	GiaQuinta	Morris	Summers
Candelaria Reardon	Goodin	Moseley	Thompson
Cheatham	Grubb	Moses	Torr
Cherry	Gutwein	Neese	Truitt
Clere	Harris	Niezgodski	Turner
Crawford	Heaton	Noe	Ubelhor
Crouch	Heuer	Pelath	VanDenburgh
Culver	Hinkle	Pflum	VanNatter
Davis	Karickhoff	Pierce	Welch
Davisson	Kersey	Pond	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dermody	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Mr. Speaker

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Roll Call 238: PASSED

SB 192 Soliday
Sales of motorcycles on Sunday.

3rd Reading

Yeas: 68
Nays: 31
Excused: 0
N/Voting: 1

VOTING YEA: 68

Austin	Dermody	Kersey	Niezgodski
Bacon	Dobis	Kirchhofer	Pelath
Baird	Dodge	Klinker	Pflum
Bardon	Eberhart	Knollman	Pierce
Battles	Ellspermann	Koch	Pond
Borders	Espich	Kubacki	Reske
Brown, T	Foley	Lawson, L	Riecken
Burton	Friend	Lehe	Saunders
Candelaria Reardon	Frizzell	Leonard	Soliday
Cherry	Frye, R	Mahan	Speedy
Clere	GiaQuinta	McClain	Stemler
Crouch	Grubb	McMillin	Stevenson
Culver	Gutwein	McNamara	Sullivan
Davisson	Heaton	Messmer	Ubelhor
Day	Heuer	Moseley	VanDenburgh
DeLaney	Hinkle	Moses	White
Dembowski	Karickhoff	Neese	Yarde

VOTING NAY: 31

Bartlett	Fry, C	Pryor	Torr
Bauer	Goodin	Rhoads	Truitt
Behning	Harris	Richardson	Turner
Brown,C	Lehman	Smith, M	VanNatter
Cheatham	Lutz	Smith, V	Welch
Crawford	Morris	Steuerwald	Wesco
Davis	Noe	Summers	Wolkins
Dvorak	Porter	Thompson	

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 29 02-27-12

Roll Call 239: PASSED

SB 193 Dermody
Local elected officials.

3rd Reading

Yeas: 99
Nays: 0
Excused: 0
N/Voting: 1

VOTING YEA: 99

Austin	Dobis	Kubacki	Richardson
Bacon	Dodge	Lawson, L	Riecken
Baird	Dvorak	Lehe	Saunders
Bardon	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Smith, V
Battles	Espich	Lutz	Soliday
Bauer	Foley	Mahan	Speedy
Behning	Friend	McClain	Stemler
Borders	Frizzell	McMillin	Steuerwald
Brown,C	Fry, C	McNamara	Stevenson
Brown, T	Frye, R	Messmer	Sullivan
Burton	GiaQuinta	Morris	Summers
Candelaria Reardon	Goodin	Moseley	Thompson
Cheatham	Grubb	Moses	Torr
Cherry	Gutwein	Neese	Truitt
Clere	Harris	Niezgodski	Turner
Crawford	Heaton	Noe	Ubelhor
Crouch	Heuer	Pelath	VanDenburgh
Culver	Hinkle	Pflum	VanNatter
Davis	Karickhoff	Pierce	Welch
Davisson	Kersey	Pond	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dermody	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 29 02-27-12

Roll Call 240: PASSED

SB 255 R. Frye
Various homeland security matters.

3rd Reading

Yeas: 99
Nays: 0
Excused: 0
N/Voting: 1

VOTING YEA: 99

Austin	Dobis	Kubacki	Richardson
Bacon	Dodge	Lawson, L	Riecken
Baird	Dvorak	Lehe	Saunders
Bardon	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Smith, V
Battles	Espich	Lutz	Soliday
Bauer	Foley	Mahan	Speedy
Behning	Friend	McClain	Stemler
Borders	Frizzell	McMillin	Steuerwald
Brown,C	Fry, C	McNamara	Stevenson
Brown, T	Frye, R	Messmer	Sullivan
Burton	GiaQuinta	Morris	Summers
Candelaria Reardon	Goodin	Moseley	Thompson
Cheatham	Grubb	Moses	Torr
Cherry	Gutwein	Neese	Truitt
Clere	Harris	Niezgodski	Turner
Crawford	Heaton	Noe	Ubelhor
Crouch	Heuer	Pelath	VanDenburgh
Culver	Hinkle	Pflum	VanNatter
Davis	Karickhoff	Pierce	Welch
Davisson	Kersey	Pond	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dermody	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 29 02-27-12

Roll Call 241: PREVAILED

SB 298 Speedy
Mortgages and liens on real property.
Pelath amendment
2nd Reading Amend. #1

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Austin	Dobis	Kubacki	Richardson
Bacon	Dodge	Lawson, L	Riecken
Baird	Dvorak	Lehe	Saunders
Bardon	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Smith, V
Battles	Espich	Lutz	Soliday
Bauer	Foley	Mahan	Speedy
Behning	Friend	McClain	Stemler
Borders	Frizzell	McMillin	Steuerwald
Brown,C	Fry, C	McNamara	Stevenson
Brown, T	Frye, R	Messmer	Sullivan
Burton	GiaQuinta	Morris	Thompson
Candelaria Reardon	Goodin	Moseley	Torr
Cheatham	Grubb	Moses	Truitt
Cherry	Gutwein	Neese	Turner
Clere	Harris	Niezgodski	Ubelhor
Crawford	Heaton	Noe	VanDenburgh
Crouch	Heuer	Pelath	VanNatter
Culver	Hinkle	Pflum	Welch
Davis	Karickhoff	Pierce	Wesco
Davisson	Kersey	Pond	White
Day	Kirchhofer	Porter	Yarde
DeLaney	Klinker	Pryor	Mr. Speaker
Dembowski	Knollman	Reske	
Dermody	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Summers

NOT VOTING: 1

Wolkins

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MEETING DAY 29 02-27-12

Roll Call 242: PASSED

SB 268 Behning
Advisory committee on early education.

3rd Reading

Yeas: 96
Nays: 0
Excused: 3
N/Voting: 1

VOTING YEA: 96

Austin	Dermody	Koch	Rhoads
Bacon	Dobis	Kubacki	Richardson
Baird	Dodge	Lawson, L	Riecken
Bardon	Dvorak	Lehe	Saunders
Bartlett	Eberhart	Lehman	Smith, M
Battles	Ellspermann	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Thompson
Cheatham	Grubb	Moseley	Torr
Cherry	Gutwein	Moses	Truitt
Clere	Harris	Neese	Turner
Crawford	Heaton	Niezgodski	Ubelhor
Crouch	Heuer	Noe	VanDenburgh
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Pond	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Espich	Porter	Summers

NOT VOTING: 1

Mr. Speaker

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Roll Call 243: PASSED

SB 271 Foley
Security deposits and motor vehicle liens.
3rd Reading

Yeas: 96
Nays: 0
Excused: 3
N/Voting: 1

VOTING YEA: 96

Austin	Dermody	Koch	Rhoads
Bacon	Dobis	Kubacki	Richardson
Baird	Dodge	Lawson, L	Riecken
Bardon	Dvorak	Lehe	Saunders
Bartlett	Eberhart	Lehman	Smith, M
Battles	Ellspermann	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Thompson
Cheatham	Grubb	Moseley	Torr
Cherry	Gutwein	Moses	Truitt
Clere	Harris	Neese	Turner
Crawford	Heaton	Niezgodski	Ubelhor
Crouch	Heuer	Noe	VanDenburgh
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Pond	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Espich Porter Summers

NOT VOTING: 1

Mr. Speaker

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Roll Call 244: PASSED

SB 273 Cherry
Regulation of outdoor stage equipment.
3rd Reading

Yeas: 92
Nays: 5
Excused: 3
N/Voting: 0

VOTING YEA: 92

Austin	Dembowski	Klinker	Reske
Bacon	Dermody	Knollman	Rhoads
Baird	Dobis	Koch	Richardson
Bardon	Dodge	Kubacki	Riecken
Bartlett	Dvorak	Lawson, L	Smith, M
Battles	Eberhart	Lehe	Smith, V
Bauer	Ellspermann	Leonard	Soliday
Behning	Foley	Lutz	Speedy
Borders	Friend	Mahan	Stemler
Brown,C	Frizzell	McClain	Steuerwald
Brown, T	Fry, C	McMillin	Stevenson
Burton	Frye, R	McNamara	Sullivan
Candelaria Reardon	GiaQuinta	Messmer	Thompson
Cheatham	Goodin	Moseley	Truitt
Cherry	Grubb	Moses	Turner
Clere	Gutwein	Neese	Ubelhor
Crawford	Harris	Niezgodski	VanDenburgh
Crouch	Heaton	Noe	VanNatter
Culver	Heuer	Pelath	Welch
Davis	Hinkle	Pflum	Wesco
Davisson	Karickhoff	Pierce	White
Day	Kersey	Pond	Yarde
DeLaney	Kirchhofer	Pryor	Mr. Speaker

VOTING NAY: 5

Lehman Saunders Wolkins
Morris Torr

EXCUSED FROM VOTING: 3

Espich Porter Summers

NOT VOTING: NONE

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Roll Call 245: PASSED

SB 309 Truitt
Local purchasing and public works preferences.
3rd Reading

Yeas: 73
Nays: 23
Excused: 3
N/Voting: 1

VOTING YEA: 73

Bacon	Ellspermann	Lehman	Stemler
Baird	Foley	Leonard	Stevenson
Bardon	Friend	Lutz	Sullivan
Behning	Frizzell	Mahan	Thompson
Borders	Frye, R	McClain	Torr
Brown, T	GiaQuinta	McMillin	Truitt
Burton	Grubb	McNamara	Turner
Cherry	Gutwein	Messmer	Ubelhor
Clere	Heaton	Morris	VanDenburgh
Crouch	Heuer	Neese	VanNatter
Culver	Hinkle	Noe	Welch
Davisson	Karickhoff	Pflum	Wesco
Day	Kersey	Pond	White
DeLaney	Kirchhofer	Rhoads	Wolkins
Dembowski	Klinker	Richardson	Yarde
Dermody	Knollman	Saunders	Mr. Speaker
Dobis	Koch	Smith, M	
Dodge	Kubacki	Soliday	
Eberhart	Lehe	Speedy	

VOTING NAY: 23

Austin	Cheatham	Harris	Pierce
Bartlett	Crawford	Lawson, L	Pryor
Battles	Davis	Moseley	Reske
Bauer	Dvorak	Moses	Riecken
Brown,C	Fry, C	Niezgodski	Smith, V
Candelaria Reardon	Goodin	Pelath	

EXCUSED FROM VOTING: 3

Espich Porter Summers

NOT VOTING: 1

Steuerwald

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Roll Call 246: PASSED

SB 311 Truitt
Cost benefit analysis for administrative rules.
3rd Reading

Yeas: 96
Nays: 0
Excused: 3
N/Voting: 1

VOTING YEA: 96

Austin	Dermody	Koch	Rhoads
Bacon	Dobis	Kubacki	Richardson
Baird	Dodge	Lawson, L	Riecken
Bardon	Dvorak	Lehe	Saunders
Bartlett	Eberhart	Lehman	Smith, M
Battles	Ellspermann	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Thompson
Cheatham	Grubb	Moseley	Torr
Cherry	Gutwein	Moses	Truitt
Clere	Harris	Neese	Turner
Crawford	Heaton	Niezgodski	Ubelhor
Crouch	Heuer	Noe	VanDenburgh
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Pond	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Espich Porter Summers

NOT VOTING: 1

Mr. Speaker

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Roll Call 247: PASSED

SB 362 Speedy
White River park foundation.

3rd Reading

Yeas:	96
Nays:	0
Excused:	3
N/Voting:	1

VOTING YEA: 96

Austin	Dermody	Koch	Rhoads
Bacon	Dobis	Kubacki	Richardson
Baird	Dodge	Lawson, L	Riecken
Bardon	Dvorak	Lehe	Saunders
Bartlett	Eberhart	Lehman	Smith, M
Battles	Ellspermann	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Thompson
Cheatham	Grubb	Moseley	Torr
Cherry	Gutwein	Moses	Truitt
Clere	Harris	Neese	Turner
Crawford	Heaton	Niezgodski	Ubelhor
Crouch	Heuer	Noe	VanDenburgh
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Pond	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Espich Porter Summers

NOT VOTING: 1

Mr. Speaker

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Roll Call 248: PASSED

SB 370 Foley
Funeral services courtesy cards.

3rd Reading

Yeas:	96
Nays:	0
Excused:	3
N/Voting:	1

VOTING YEA: 96

Austin	Dermody	Koch	Rhoads
Bacon	Dobis	Kubacki	Richardson
Baird	Dodge	Lawson, L	Riecken
Bardon	Dvorak	Lehe	Saunders
Bartlett	Eberhart	Lehman	Smith, M
Battles	Ellspermann	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Thompson
Cheatham	Grubb	Moseley	Torr
Cherry	Gutwein	Moses	Truitt
Clere	Harris	Neese	Turner
Crawford	Heaton	Niezgodski	Ubelhor
Crouch	Heuer	Noe	VanDenburgh
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Pond	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Espich Porter Summers

NOT VOTING: 1

Mr. Speaker

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Roll Call 249: PASSED

SB 371 R. Frye
Emergency medical services matters.

3rd Reading

Yeas:	85
Nays:	11
Excused:	3
N/Voting:	1

VOTING YEA: 85

Austin	Dobis	Lawson, L	Riecken
Bacon	Dodge	Lehe	Smith, M
Baird	Dvorak	Lehman	Soliday
Bardon	Eberhart	Leonard	Speedy
Bartlett	Ellspermann	Lutz	Stemler
Battles	Foley	Mahan	Steuerwald
Bauer	Friend	McClain	Stevenson
Behning	Frizzell	McMillin	Sullivan
Borders	Fry, C	McNamara	Thompson
Brown, T	Frye, R	Messmer	Torr
Burton	GiaQuinta	Morris	Truitt
Candelaria Reardon	Grubb	Moseley	Turner
Cheatham	Gutwein	Neese	Ubelhor
Cherry	Heaton	Niezgodski	VanDenburgh
Clere	Heuer	Noe	VanNatter
Crouch	Karickhoff	Pelath	Welch
Culver	Kersey	Pflum	Wesco
Davisson	Kirchhofer	Pierce	White
Day	Klinker	Pond	Yarde
DeLaney	Knollman	Reske	
Dembowski	Koch	Rhoads	
Dermody	Kubacki	Richardson	

VOTING NAY: 11

Brown,C	Goodin	Moses	Smith, V
Crawford	Harris	Pryor	Wolkins
Davis	Hinkle	Saunders	

EXCUSED FROM VOTING: 3

Espich Porter Summers

NOT VOTING: 1

Mr. Speaker

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Roll Call 250: PASSED

SB 378 Thompson
Conservancy district contracts.

3rd Reading

Yeas:	96
Nays:	0
Excused:	3
N/Voting:	1

VOTING YEA: 96

Austin	Dermody	Koch	Rhoads
Bacon	Dobis	Kubacki	Richardson
Baird	Dodge	Lawson, L	Riecken
Bardon	Dvorak	Lehe	Saunders
Bartlett	Eberhart	Lehman	Smith, M
Battles	Ellspermann	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Thompson
Cheatham	Grubb	Moseley	Torr
Cherry	Gutwein	Moses	Truitt
Clere	Harris	Neese	Turner
Crawford	Heaton	Niezgodski	Ubelhor
Crouch	Heuer	Noe	VanDenburgh
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Pond	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Espich Porter Summers

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 29 02-27-12

Roll Call 251: PASSED

SB 402 Foley
Indiana uniform law commission.

3rd Reading

Yeas:	92
Nays:	4
Excused:	3
N/Voting:	1

VOTING YEA: 92

Austin	Dermody	Kubacki	Richardson
Bacon	Dobis	Lawson, L	Riecken
Baird	Dodge	Lehe	Saunders
Bartlett	Eberhart	Lehman	Smith, M
Battles	Ellspermann	Leonard	Smith, V
Bauer	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Stemler
Brown,C	Frye, R	McMillin	Steuerwald
Brown, T	GiaQuinta	McNamara	Stevenson
Burton	Goodin	Messmer	Sullivan
Candelaria Reardon	Grubb	Morris	Thompson
Cheatham	Gutwein	Moseley	Torr
Cherry	Harris	Moses	Truitt
Clere	Heaton	Neese	Turner
Crawford	Heuer	Niezgodski	Ubelhor
Crouch	Hinkle	Noe	VanDenburgh
Culver	Karickhoff	Pflum	VanNatter
Davis	Kersey	Pierce	Welch
Davisson	Kirchhofer	Pond	Wesco
Day	Klinker	Pryor	White
DeLaney	Knollman	Reske	Wolkins
Dembowski	Koch	Rhoads	Yarde

VOTING NAY: 4

Bardon Dvorak Fry, C Pelath

EXCUSED FROM VOTING: 3

Espich Porter Summers

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 30 02-28-12

Roll Call 253: PASSED

SB 18 Kirchhofer
Duty to support a child.

3rd Reading

Yeas:	67
Nays:	28
Excused:	3
N/Voting:	2

VOTING YEA: 67

Bacon	Ellspermann	Lehe	Soliday
Baird	Espich	Lehman	Speedy
Behning	Foley	Leonard	Stemler
Borders	Friend	Lutz	Steuerwald
Brown, T	Fry, C	Mahan	Sullivan
Burton	Frye, R	McClain	Thompson
Cherry	Grubb	McMillin	Torr
Clere	Gutwein	McNamara	Truitt
Crouch	Heaton	Messmer	Turner
Culver	Heuer	Morris	Ubelhor
Davis	Hinkle	Neese	VanNatter
Davisson	Karickhoff	Noe	Welch
Dermody	Kirchhofer	Pond	Wesco
Dobis	Klinker	Rhoads	White
Dodge	Knollman	Richardson	Wolkins
Dvorak	Koch	Riecken	Yarde
Eberhart	Kubacki	Smith, M	

VOTING NAY: 28

Austin	Day	Lawson, L	Porter
Bardon	DeLaney	Moseley	Pryor
Bartlett	Dembowski	Moses	Reske
Battles	GiaQuinta	Niezgodski	Smith, V
Candelaria Reardon	Goodin	Pelath	Stevenson
Cheatham	Harris	Pflum	Summers
Crawford	Kersey	Pierce	VanDenburgh

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 2

Bauer Mr. Speaker

Indiana House of Representatives
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MEETING DAY 30 02-28-12

Roll Call 254: PASSED

SB 19 Richardson
Real property reassessment.

3rd Reading

Yeas:	96
Nays:	0
Excused:	3
N/Voting:	1

VOTING YEA: 96

Austin	Dobis	Kubacki	Rhoads
Bacon	Dodge	Lawson, L	Richardson
Baird	Dvorak	Lehe	Riecken
Bardon	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Smith, V
Battles	Espich	Lutz	Soliday
Bauer	Foley	Mahan	Speedy
Behning	Friend	McClain	Stemler
Borders	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Summers
Cheatham	Grubb	Moseley	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanDenburgh
Davis	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Welch
Day	Kirchhofer	Pond	Wesco
DeLaney	Klinker	Porter	White
Dembowski	Knollman	Pryor	Wolkins
Dermody	Koch	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 30 02-28-12

Roll Call 255: PASSED

SB 56 Speedy
Ball State board of trustees.

3rd Reading

Yeas:	92
Nays:	2
Excused:	3
N/Voting:	3

VOTING YEA: 92

Bacon	Dobis	Koch	Reske
Baird	Dodge	Kubacki	Rhoads
Bardon	Dvorak	Lawson, L	Richardson
Bartlett	Eberhart	Lehe	Riecken
Battles	Ellspermann	Lehman	Smith, M
Bauer	Espich	Leonard	Smith, V
Behning	Foley	Lutz	Soliday
Borders	Friend	Mahan	Speedy
Brown, T	Fry, C	McClain	Stemler
Burton	Frye, R	McMillin	Steuerwald
Candelaria Reardon	GiaQuinta	McNamara	Stevenson
Cheatham	Goodin	Messmer	Sullivan
Cherry	Grubb	Morris	Summers
Clere	Gutwein	Moses	Thompson
Crawford	Harris	Neese	Torr
Crouch	Heaton	Niezgodski	Truitt
Culver	Heuer	Noe	Turner
Davis	Hinkle	Pelath	Ubelhor
Davisson	Karickhoff	Pflum	VanDenburgh
Day	Kersey	Pierce	VanNatter
DeLaney	Kirchhofer	Pond	Welch
Dembowski	Klinker	Porter	Wesco
Dermody	Knollman	Pryor	Yarde

VOTING NAY: 2

Moseley White

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 3

Austin Wolkins Mr. Speaker

Indiana House of Representatives
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MEETING DAY 30 02-28-12

Roll Call 256: PASSED

SB 97 Steuerwald
Public intoxication.

3rd Reading

Yeas: 95
Nays: 0
Excused: 3
N/Voting: 2

VOTING YEA: 95

Austin	Dodge	Lawson, L	Richardson
Bacon	Dvorak	Lehe	Riecken
Baird	Eberhart	Lehman	Smith, M
Bardon	Ellspermann	Leonard	Smith, V
Bartlett	Espich	Lutz	Soliday
Battles	Foley	Mahan	Speedy
Bauer	Friend	McClain	Stemler
Behning	Fry, C	McMillin	Steuerwald
Borders	Frye, R	McNamara	Stevenson
Brown, T	GiaQuinta	Messmer	Sullivan
Burton	Goodin	Morris	Summers
Candelaria Reardon	Grubb	Moseley	Thompson
Cheatham	Gutwein	Moses	Torr
Cherry	Harris	Neese	Truitt
Clere	Heaton	Niezgodski	Turner
Crawford	Heuer	Noe	Ubelhor
Crouch	Hinkle	Pelath	VanDenburgh
Culver	Karickhoff	Pflum	VanNatter
Davis	Kersey	Pierce	Welch
Davisson	Kirchhofer	Pond	Wesco
Day	Klinker	Porter	White
DeLaney	Knollman	Pryor	Wolkins
Dembowski	Koch	Reske	Yarde
Dermody	Kubacki	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 2

Dobis Mr. Speaker

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Roll Call 257: PASSED

SB 98 Espich
County highway maintenance funding.

3rd Reading

Yeas: 93
Nays: 1
Excused: 4
N/Voting: 2

VOTING YEA: 93

Austin	Dodge	Lawson, L	Riecken
Bacon	Dvorak	Lehe	Smith, M
Baird	Eberhart	Lehman	Smith, V
Bardon	Ellspermann	Leonard	Soliday
Bartlett	Espich	Lutz	Stemler
Battles	Foley	Mahan	Steuerwald
Bauer	Friend	McClain	Stevenson
Behning	Fry, C	McMillin	Sullivan
Borders	Frye, R	McNamara	Summers
Brown, T	GiaQuinta	Messmer	Thompson
Burton	Goodin	Morris	Torr
Candelaria Reardon	Grubb	Moses	Truitt
Cheatham	Gutwein	Neese	Turner
Cherry	Harris	Niezgodski	Ubelhor
Clere	Heaton	Noe	VanDenburgh
Crawford	Heuer	Pelath	VanNatter
Crouch	Hinkle	Pflum	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Pond	White
Davisson	Kirchhofer	Porter	Wolkins
Day	Klinker	Pryor	Yarde
DeLaney	Knollman	Reske	
Dembowski	Koch	Rhoads	
Dermody	Kubacki	Richardson	

VOTING NAY: 1

Moseley

EXCUSED FROM VOTING: 4

Brown,C Frizzell Saunders Speedy

NOT VOTING: 2

Dobis Mr. Speaker

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MEETING DAY 30 02-28-12

Roll Call 258: PASSED

SB 109 Heaton
Deposit of public funds by local units.
3rd Reading

Yeas: 95
Nays: 0
Excused: 3
N/Voting: 2

VOTING YEA: 95

Austin	Dodge	Lawson, L	Richardson
Bacon	Dvorak	Lehe	Riecken
Baird	Eberhart	Lehman	Smith, M
Bardon	Ellspermann	Leonard	Smith, V
Bartlett	Espich	Lutz	Soliday
Battles	Foley	Mahan	Speedy
Bauer	Friend	McClain	Stemler
Behning	Fry, C	McMillin	Steuerwald
Borders	Frye, R	McNamara	Stevenson
Brown, T	GiaQuinta	Messmer	Sullivan
Burton	Goodin	Morris	Summers
Candelaria Reardon	Grubb	Moseley	Thompson
Cheatham	Gutwein	Moses	Torr
Cherry	Harris	Neese	Truitt
Clere	Heaton	Niezgodski	Turner
Crawford	Heuer	Noe	Ubelhor
Crouch	Hinkle	Pelath	VanDenburgh
Culver	Karickhoff	Pflum	VanNatter
Davis	Kersey	Pierce	Welch
Davisson	Kirchhofer	Pond	Wesco
Day	Klinker	Porter	White
DeLaney	Knollman	Pryor	Wolkins
Dembowski	Koch	Reske	Yarde
Dermody	Kubacki	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 2

Dobis Mr. Speaker

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MEETING DAY 30 02-28-12

Roll Call 259: PASSED

SB 133 Wolkins
Underground storage tanks.

3rd Reading

Yeas: 96
Nays: 0
Excused: 3
N/Voting: 1

VOTING YEA: 96

Austin	Dobis	Kubacki	Rhoads
Bacon	Dodge	Lawson, L	Richardson
Baird	Dvorak	Lehe	Riecken
Bardon	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Smith, V
Battles	Espich	Lutz	Soliday
Bauer	Foley	Mahan	Speedy
Behning	Friend	McClain	Stemler
Borders	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Summers
Cheatham	Grubb	Moseley	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanDenburgh
Davis	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Welch
Day	Kirchhofer	Pond	Wesco
DeLaney	Klinker	Porter	White
Dembowski	Knollman	Pryor	Wolkins
Dermody	Koch	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 1

Mr. Speaker

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Roll Call 260: PASSED

SB 142 Espich
Property tax issues.

3rd Reading

Yeas:	95
Nays:	0
Excused:	3
N/Voting:	2

VOTING YEA: 95

Austin	Dobis	Lawson, L	Richardson
Bacon	Dodge	Lehe	Riecken
Baird	Dvorak	Lehman	Smith, M
Bardon	Eberhart	Leonard	Smith, V
Bartlett	Ellspermann	Lutz	Soliday
Battles	Espich	Mahan	Speedy
Bauer	Foley	McClain	Stemler
Behning	Friend	McMillin	Steuerwald
Borders	Fry, C	McNamara	Stevenson
Brown, T	Frye, R	Messmer	Sullivan
Burton	GiaQuinta	Morris	Summers
Candelaria Reardon	Goodin	Moseley	Thompson
Cheatham	Grubb	Moses	Torr
Cherry	Gutwein	Neese	Truitt
Clere	Harris	Niezgodski	Turner
Crawford	Heaton	Noe	Ubelhor
Crouch	Heuer	Pelath	VanDenburgh
Culver	Hinkle	Pflum	VanNatter
Davis	Karickhoff	Pierce	Welch
Davisson	Kersey	Pond	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Koch	Reske	Yarde
Dermody	Kubacki	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 2

Knollman Mr. Speaker

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Roll Call 261: PASSED

SB 144 Espich
Sales tax on tobacco tax stamping equipment.

3rd Reading

Yeas:	87
Nays:	7
Excused:	3
N/Voting:	3

VOTING YEA: 87

Austin	Eberhart	Lehman	Smith, M
Bacon	Ellspermann	Lutz	Smith, V
Bartlett	Espich	Mahan	Soliday
Battles	Foley	McClain	Speedy
Bauer	Friend	McMillin	Stemler
Behning	Frye, R	McNamara	Steuerwald
Borders	GiaQuinta	Messmer	Stevenson
Burton	Goodin	Morris	Sullivan
Cheatham	Grubb	Moseley	Summers
Cherry	Gutwein	Moses	Thompson
Clere	Harris	Neese	Torr
Crawford	Heaton	Niezgodski	Truitt
Crouch	Heuer	Noe	Turner
Culver	Hinkle	Pelath	Ubelhor
Davis	Karickhoff	Pflum	VanDenburgh
Davisson	Kersey	Pierce	VanNatter
Day	Kirchhofer	Pond	Welch
Dembowski	Klinker	Porter	Wesco
Dermody	Koch	Reske	White
Dobis	Kubacki	Rhoads	Wolkins
Dodge	Lawson, L	Richardson	Yarde
Dvorak	Lehe	Riecken	

VOTING NAY: 7

Bardon	Candelaria Reardon	Fry, C	Pryor
Brown, T	DeLaney	Leonard	

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 3

Baird Knollman Mr. Speaker

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Roll Call 262: PASSED

SB 147 Truitt
Local government financial matters.

3rd Reading

Yeas:	94
Nays:	0
Excused:	3
N/Voting:	3

VOTING YEA: 94

Austin	Dobis	Lawson, L	Riecken
Bacon	Dodge	Lehe	Smith, M
Baird	Dvorak	Lehman	Smith, V
Bardon	Eberhart	Leonard	Soliday
Bartlett	Ellspermann	Lutz	Speedy
Battles	Espich	Mahan	Stemler
Bauer	Foley	McClain	Steuerwald
Behning	Friend	McMillin	Stevenson
Borders	Fry, C	McNamara	Sullivan
Brown, T	Frye, R	Messmer	Summers
Burton	GiaQuinta	Morris	Thompson
Candelaria Reardon	Goodin	Moseley	Torr
Cheatham	Grubb	Moses	Truitt
Cherry	Gutwein	Neese	Turner
Clere	Harris	Niezgodski	Ubelhor
Crawford	Heaton	Pelath	VanDenburgh
Crouch	Heuer	Pflum	VanNatter
Culver	Hinkle	Pierce	Welch
Davis	Karickhoff	Pond	Wesco
Davisson	Kersey	Porter	White
Day	Kirchhofer	Pryor	Wolkins
DeLaney	Klinker	Reske	Yarde
Dembowski	Koch	Rhoads	
Dermody	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 3

Knollman Noe Mr. Speaker

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Roll Call 263: PASSED

SB 152 Pond
Allen circuit court.

3rd Reading

Yeas:	94
Nays:	0
Excused:	3
N/Voting:	3

VOTING YEA: 94

Austin	Dodge	Lehe	Riecken
Bacon	Dvorak	Lehman	Smith, M
Baird	Eberhart	Leonard	Smith, V
Bardon	Ellspermann	Lutz	Soliday
Bartlett	Espich	Mahan	Speedy
Battles	Foley	McClain	Stemler
Bauer	Friend	McMillin	Steuerwald
Behning	Fry, C	McNamara	Stevenson
Borders	Frye, R	Messmer	Sullivan
Brown, T	GiaQuinta	Morris	Summers
Burton	Goodin	Moseley	Thompson
Candelaria Reardon	Grubb	Moses	Torr
Cheatham	Gutwein	Neese	Truitt
Clere	Harris	Niezgodski	Turner
Crawford	Heaton	Noe	Ubelhor
Crouch	Heuer	Pelath	VanDenburgh
Culver	Hinkle	Pflum	VanNatter
Davis	Karickhoff	Pierce	Welch
Davisson	Kersey	Pond	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Koch	Reske	Yarde
Dermody	Kubacki	Rhoads	
Dobis	Lawson, L	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 3

Cherry Knollman Mr. Speaker

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Roll Call 264: PASSED

SB 173 Soliday
Airport boards.

3rd Reading

Yeas: 91
Nays: 4
Excused: 3
N/Voting: 2

VOTING YEA: 91

Austin	Dobis	Kubacki	Rhoads
Bacon	Dodge	Lawson, L	Richardson
Baird	Dvorak	Lehe	Riecken
Bardon	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Soliday
Battles	Espich	Lutz	Speedy
Bauer	Foley	Mahan	Stemler
Behning	Friend	McClain	Steuerwald
Borders	Fry, C	McMillin	Stevenson
Brown, T	Frye, R	McNamara	Sullivan
Burton	GiaQuinta	Messmer	Thompson
Candelaria Reardon	Goodin	Morris	Torr
Cheatham	Grubb	Moseley	Truitt
Cherry	Gutwein	Moses	Turner
Clere	Harris	Neese	Ubelhor
Crouch	Heaton	Niezgodski	VanDenburgh
Culver	Heuer	Noe	VanNatter
Davis	Hinkle	Pelath	Welch
Davisson	Karickhoff	Pflum	Wesco
Day	Kersey	Pierce	White
DeLaney	Kirchhofer	Pond	Wolkins
Dembowski	Klinker	Porter	Yarde
Dermody	Koch	Reske	

VOTING NAY: 4

Crawford	Pryor	Smith, V	Summers

EXCUSED FROM VOTING: 3

Brown,C	Frizzell	Saunders

NOT VOTING: 2

Knollman	Mr. Speaker

Indiana House of Representatives
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Roll Call 265: PASSED

SB 191 Soliday
Local government investments.

3rd Reading

Yeas: 95
Nays: 0
Excused: 3
N/Voting: 2

VOTING YEA: 95

Austin	Dobis	Kubacki	Richardson
Bacon	Dodge	Lawson, L	Riecken
Baird	Dvorak	Lehe	Smith, M
Bardon	Eberhart	Lehman	Smith, V
Bartlett	Ellspermann	Leonard	Soliday
Battles	Espich	Lutz	Speedy
Bauer	Foley	Mahan	Stemler
Behning	Friend	McClain	Steuerwald
Borders	Fry, C	McMillin	Stevenson
Brown, T	Frye, R	McNamara	Sullivan
Burton	GiaQuinta	Messmer	Summers
Candelaria Reardon	Goodin	Morris	Thompson
Cheatham	Grubb	Moseley	Torr
Cherry	Gutwein	Moses	Truitt
Clere	Harris	Neese	Turner
Crawford	Heaton	Niezgodski	Ubelhor
Crouch	Heuer	Noe	VanDenburgh
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Pond	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dermody	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C	Frizzell	Saunders

NOT VOTING: 2

Porter	Mr. Speaker

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MEETING DAY 30 02-28-12

Roll Call 266: PASSED

SB 201 T. Brown
Transfer of human organisms exemption.

3rd Reading

Yeas: 84
Nays: 11
Excused: 3
N/Voting: 2

VOTING YEA: 84

Austin	Dobis	Koch	Richardson
Bacon	Dodge	Kubacki	Riecken
Baird	Dvorak	Lehe	Smith, M
Bardon	Eberhart	Lehman	Soliday
Battles	Ellspermann	Leonard	Speedy
Bauer	Espich	Lutz	Stemler
Behning	Foley	Mahan	Steuerwald
Borders	Friend	McClain	Stevenson
Brown, T	Frye, R	McMillin	Sullivan
Burton	GiaQuinta	McNamara	Summers
Cheatham	Goodin	Messmer	Thompson
Cherry	Grubb	Morris	Torr
Clere	Gutwein	Moses	Truitt
Crouch	Harris	Neese	Turner
Culver	Heaton	Niezgodski	Ubelhor
Davis	Heuer	Noe	VanDenburgh
Davisson	Hinkle	Pelath	VanNatter
Day	Karickhoff	Pflum	Welch
DeLaney	Kirchhofer	Pond	Wesco
Dembowski	Klinker	Reske	Wolkins
Dermody	Knollman	Rhoads	Yarde

VOTING NAY: 11

Bartlett	Kersey	Pierce	Smith, V
Crawford	Lawson, L	Porter	White
Fry, C	Moseley	Pryor	

EXCUSED FROM VOTING: 3

Brown,C	Frizzell	Saunders

NOT VOTING: 2

Candelaria Reardon	Mr. Speaker

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Roll Call 267: PASSED

SB 246 Foley
Lab technician testimony in criminal cases.

3rd Reading

Yeas: 95
Nays: 0
Excused: 3
N/Voting: 2

VOTING YEA: 95

Austin	Dodge	Lawson, L	Richardson
Bacon	Dvorak	Lehe	Riecken
Baird	Eberhart	Lehman	Smith, M
Bardon	Ellspermann	Leonard	Smith, V
Bartlett	Espich	Lutz	Soliday
Battles	Foley	Mahan	Speedy
Bauer	Friend	McClain	Stemler
Behning	Fry, C	McMillin	Steuerwald
Borders	Frye, R	McNamara	Stevenson
Brown, T	GiaQuinta	Messmer	Sullivan
Burton	Goodin	Morris	Summers
Cheatham	Grubb	Moseley	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanDenburgh
Davis	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Welch
Day	Kirchhofer	Pond	Wesco
DeLaney	Klinker	Porter	White
Dembowski	Knollman	Pryor	Wolkins
Dermody	Koch	Reske	Yarde
Dobis	Kubacki	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C	Frizzell	Saunders

NOT VOTING: 2

Candelaria Reardon	Mr. Speaker

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MEETING DAY 30 02-28-12

Roll Call 268: PASSED

SB 267 Behning
Education concerning child abuse.

3rd Reading

Yeas: 95
Nays: 0
Excused: 3
N/Voting: 2

VOTING YEA: 95

Austin	Dobis	Kubacki	Rhoads
Bacon	Dodge	Lawson, L	Richardson
Baird	Dvorak	Lehe	Riecken
Bardon	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Smith, V
Battles	Espich	Lutz	Soliday
Bauer	Foley	Mahan	Speedy
Behning	Friend	McClain	Steuerwald
Borders	Fry, C	McMillin	Stevenson
Brown, T	Frye, R	McNamara	Sullivan
Burton	GiaQuinta	Messmer	Summers
Candelaria Reardon	Goodin	Morris	Thompson
Cheatham	Grubb	Moseley	Torr
Cherry	Gutwein	Moses	Truitt
Clere	Harris	Neese	Turner
Crawford	Heaton	Niezgodski	Ubelhor
Crouch	Heuer	Noe	VanDenburgh
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Pond	White
DeLaney	Klinker	Porter	Wolkins
Dembowski	Knollman	Pryor	Yarde
Dermody	Koch	Reske	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 2

Stemler Mr. Speaker

Indiana House of Representatives
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Roll Call 269: PASSED

SB 280 Thompson
School finance.

3rd Reading

Yeas: 72
Nays: 25
Excused: 3
N/Voting: 0

VOTING YEA: 72

Bacon	Dvorak	Lehman	Smith, M
Baird	Eberhart	Leonard	Soliday
Behning	Ellspermann	Lutz	Speedy
Borders	Espich	Mahan	Stemler
Brown, T	Foley	McClain	Steuerwald
Burton	Friend	McMillin	Sullivan
Cherry	Frye, R	McNamara	Thompson
Clere	Gutwein	Messmer	Torr
Crouch	Heaton	Morris	Truitt
Culver	Heuer	Moseley	Turner
Davis	Hinkle	Moses	Ubelhor
Davisson	Karickhoff	Neese	VanNatter
Day	Kirchhofer	Niezgodski	Welch
DeLaney	Klinker	Noe	Wesco
Dembowski	Knollman	Pond	White
Dermody	Koch	Rhoads	Wolkins
Dobis	Kubacki	Richardson	Yarde
Dodge	Lehe	Riecken	Mr. Speaker

VOTING NAY: 25

Austin	Crawford	Lawson, L	Smith, V
Bardon	Fry, C	Pelath	Stevenson
Bartlett	GiaQuinta	Pflum	Summers
Battles	Goodin	Pierce	VanDenburgh
Bauer	Grubb	Porter	
Candelaria Reardon	Harris	Pryor	
Cheatham	Kersey	Reske	

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: NONE

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Roll Call 270: PASSED

SB 293 Turner
Inheritance tax.

3rd Reading

Yeas: 80
Nays: 17
Excused: 3
N/Voting: 0

VOTING YEA: 80

Austin	Eberhart	Lehman	Riecken
Bacon	Ellspermann	Leonard	Smith, M
Baird	Espich	Lutz	Smith, V
Battles	Foley	Mahan	Soliday
Behning	Friend	McClain	Speedy
Borders	Frye, R	McMillin	Stemler
Brown, T	Goodin	McNamara	Steuerwald
Burton	Grubb	Messmer	Sullivan
Candelaria Reardon	Gutwein	Morris	Thompson
Cheatham	Heaton	Moseley	Torr
Cherry	Heuer	Moses	Truitt
Clere	Hinkle	Neese	Turner
Crouch	Karickhoff	Niezgodski	Ubelhor
Culver	Kersey	Noe	VanDenburgh
Davis	Kirchhofer	Pelath	VanNatter
Davisson	Klinker	Pflum	Welch
Dermody	Knollman	Pond	Wesco
Dobis	Koch	Reske	Wolkins
Dodge	Kubacki	Rhoads	Yarde
Dvorak	Lehe	Richardson	Mr. Speaker

VOTING NAY: 17

Bardon	DeLaney	Lawson, L	Summers
Bartlett	Dembowski	Pierce	White
Bauer	Fry, C	Porter	
Crawford	GiaQuinta	Pryor	
Day	Harris	Stevenson	

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: NONE

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Roll Call 271: PASSED

SB 298 Speedy
Mortgages and liens on real property.

3rd Reading

Yeas: 96
Nays: 0
Excused: 3
N/Voting: 1

VOTING YEA: 96

Austin	Dobis	Kubacki	Rhoads
Bacon	Dodge	Lawson, L	Richardson
Baird	Dvorak	Lehe	Riecken
Bardon	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Smith, V
Battles	Espich	Lutz	Soliday
Bauer	Foley	Mahan	Speedy
Behning	Friend	McClain	Stemler
Borders	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Summers
Cheatham	Grubb	Moseley	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanDenburgh
Davis	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Welch
Day	Kirchhofer	Pond	Wesco
DeLaney	Klinker	Porter	White
Dembowski	Knollman	Pryor	Wolkins
Dermody	Koch	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 1

Mr. Speaker

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Roll Call 272: PASSED

SB 301 Soliday
Extra heavy duty highways.

3rd Reading

Yeas: 95
Nays: 0
Excused: 3
N/Voting: 2

VOTING YEA: 95

Austin	Dodge	Lawson, L	Richardson
Bacon	Dvorak	Lehe	Riecken
Baird	Eberhart	Lehman	Smith, M
Bardon	Ellspermann	Leonard	Smith, V
Bartlett	Espich	Lutz	Soliday
Battles	Foley	Mahan	Speedy
Bauer	Friend	McClain	Stemler
Behning	Fry, C	McMillin	Steuerwald
Borders	Frye, R	McNamara	Stevenson
Brown, T	GiaQuinta	Messmer	Sullivan
Burton	Goodin	Morris	Summers
Candelaria Reardon	Grubb	Moseley	Thompson
Cheatham	Gutwein	Moses	Torr
Cherry	Harris	Neese	Truitt
Clere	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanDenburgh
Davis	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Welch
Day	Kirchhofer	Pond	Wesco
DeLaney	Klinker	Porter	White
Dembowski	Knollman	Pryor	Wolkins
Dermody	Koch	Reske	Yarde
Dobis	Kubacki	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 2

Crawford Mr. Speaker

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Roll Call 273: PASSED

SB 307 VanNatter
Fire protection territories.

3rd Reading

Yeas: 96
Nays: 0
Excused: 3
N/Voting: 1

VOTING YEA: 96

Austin	Dobis	Kubacki	Rhoads
Bacon	Dodge	Lawson, L	Richardson
Baird	Dvorak	Lehe	Riecken
Bardon	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Smith, V
Battles	Espich	Lutz	Soliday
Bauer	Foley	Mahan	Speedy
Behning	Friend	McClain	Stemler
Borders	Fry, C	McMillin	Steuerwald
Brown, T	Frye, R	McNamara	Stevenson
Burton	GiaQuinta	Messmer	Sullivan
Candelaria Reardon	Goodin	Morris	Summers
Cheatham	Grubb	Moseley	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Hinkle	Pelath	VanDenburgh
Davis	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Welch
Day	Kirchhofer	Pond	Wesco
DeLaney	Klinker	Porter	White
Dembowski	Knollman	Pryor	Wolkins
Dermody	Koch	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Frizzell Saunders

NOT VOTING: 1

Mr. Speaker

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Roll Call 274: PASSED

SB 329 Messmer
Eminent domain filing deadlines.

3rd Reading

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Austin	Dobis	Kubacki	Richardson
Bacon	Dodge	Lawson, L	Riecken
Baird	Dvorak	Lehe	Smith, M
Bardon	Eberhart	Lehman	Smith, V
Bartlett	Ellspermann	Leonard	Soliday
Battles	Espich	Lutz	Speedy
Bauer	Foley	McClain	Stemler
Behning	Friend	McMillin	Steuerwald
Borders	Fry, C	McNamara	Stevenson
Brown, T	Frye, R	Messmer	Sullivan
Burton	GiaQuinta	Morris	Summers
Candelaria Reardon	Goodin	Moseley	Thompson
Cheatham	Grubb	Moses	Torr
Cherry	Gutwein	Neese	Truitt
Clere	Harris	Niezgodski	Turner
Crawford	Heaton	Noe	Ubelhor
Crouch	Heuer	Pelath	VanDenburgh
Culver	Hinkle	Pflum	VanNatter
Davis	Karickhoff	Pierce	Welch
Davisson	Kersey	Pond	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dermody	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Brown,C Frizzell Mahan Saunders

NOT VOTING: 1

Mr. Speaker

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Roll Call 275: PASSED

SB 345 Thompson
Statewide 911 system.

3rd Reading

Yeas: 66
Nays: 29
Excused: 4
N/Voting: 1

VOTING YEA: 66

Bacon	Dodge	Lawson, L	Soliday
Baird	Eberhart	Lehe	Speedy
Battles	Espich	Lehman	Steuerwald
Behning	Foley	Leonard	Sullivan
Borders	Friend	Lutz	Thompson
Brown, T	Frye, R	McClain	Torr
Burton	GiaQuinta	McMillin	Truitt
Cheatham	Gutwein	McNamara	Turner
Cherry	Heaton	Messmer	Ubelhor
Clere	Heuer	Moseley	VanDenburgh
Crouch	Hinkle	Noe	VanNatter
Culver	Karickhoff	Pelath	Welch
Davis	Kirchhofer	Pond	Wesco
Davisson	Klinker	Reske	Wolkins
Dembowski	Knollman	Rhoads	Yarde
Dermody	Koch	Richardson	
Dobis	Kubacki	Smith, M	

VOTING NAY: 29

Austin	Dvorak	Moses	Smith, V
Bardon	Ellspermann	Neese	Stemler
Bartlett	Fry, C	Niezgodski	Stevenson
Bauer	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	White
Crawford	Harris	Porter	
Day	Kersey	Pryor	
DeLaney	Morris	Riecken	

EXCUSED FROM VOTING: 4

Brown,C Frizzell Mahan Saunders

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 30 02-28-12

Roll Call 276: FAILED

SB 286 McNamara
Department of child services.
Bardon motion
Motion to recommit

Yeas: 39
Nays: 55
Excused: 6
N/Voting: 0

VOTING YEA: 39

Austin	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stemler
Battles	Dvorak	Niezgodski	Stevenson
Bauer	Fry, C	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White
Day	Klinker	Reske	

VOTING NAY: 55

Bacon	Eberhart	Lehman	Soliday
Baird	Ellspermann	Leonard	Speedy
Behning	Espich	Lutz	Steuerwald
Borders	Friend	McClain	Thompson
Brown, T	Frye, R	McMillin	Torr
Burton	Gutwein	McNamara	Truitt
Cherry	Heaton	Messmer	Turner
Clere	Heuer	Morris	Ubelhor
Crouch	Karickhoff	Neese	VanNatter
Culver	Kirchhofer	Noe	Wesco
Davis	Knollman	Pond	Wolkins
Davisson	Koch	Rhoads	Yarde
Dermody	Kubacki	Richardson	Mr. Speaker
Dodge	Lehe	Smith, M	

EXCUSED FROM VOTING: 6

Foley	GiaQuinta	Mahan
Frizzell	Hinkle	Saunders

NOT VOTING: NONE

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Roll Call 277: PREVAILED

SB 286 McNamara
Department of child services.
Noe amendment
2nd Reading Amend. #26

Yeas: 93
Nays: 0
Excused: 6
N/Voting: 1

VOTING YEA: 93

Austin	Dermody	Lehman	Smith, V
Bacon	Dodge	Leonard	Soliday
Baird	Dvorak	Lutz	Speedy
Bardon	Eberhart	McClain	Stemler
Bartlett	Ellspermann	McMillin	Steuerwald
Battles	Espich	McNamara	Stevenson
Bauer	Friend	Messmer	Sullivan
Behning	Fry, C	Morris	Summers
Borders	Frye, R	Moseley	Thompson
Brown,C	Goodin	Moses	Torr
Brown, T	Grubb	Neese	Truitt
Burton	Gutwein	Niezgodski	Turner
Candelaria Reardon	Harris	Noe	Ubelhor
Cheatham	Heaton	Pelath	VanDenburgh
Cherry	Heuer	Pflum	VanNatter
Clere	Karickhoff	Pierce	Welch
Crawford	Kersey	Pond	Wesco
Crouch	Kirchhofer	Porter	White
Culver	Klinker	Pryor	Wolkins
Davis	Knollman	Reske	Yarde
Davisson	Koch	Rhoads	Mr. Speaker
Day	Kubacki	Richardson	
DeLaney	Lawson, L	Riecken	
Dembowski	Lehe	Smith, M	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Foley	GiaQuinta	Mahan
Frizzell	Hinkle	Saunders

NOT VOTING: 1

Dobis

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Roll Call 278: FAILED

SB 286 McNamara
Department of child services.
Summers amendment
2nd Reading Amend. #25

Yeas: 40
Nays: 54
Excused: 6
N/Voting: 0

VOTING YEA: 40

Austin	Day	Klinker	Reske
Bardon	DeLaney	Lawson, L	Riecken
Bartlett	Dembowski	Moseley	Smith, V
Battles	Dobis	Moses	Stemler
Bauer	Dvorak	Niezgodski	Stevenson
Borders	Fry, C	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White

VOTING NAY: 54

Bacon	Ellspermann	Leonard	Speedy
Baird	Espich	Lutz	Steuerwald
Behning	Friend	McClain	Thompson
Brown, T	Frye, R	McMillin	Torr
Burton	Gutwein	McNamara	Truitt
Cherry	Heaton	Messmer	Turner
Clere	Heuer	Morris	Ubelhor
Crouch	Karickhoff	Neese	VanNatter
Culver	Kirchhofer	Noe	Wesco
Davis	Knollman	Pond	Wolkins
Davisson	Koch	Rhoads	Yarde
Dermody	Kubacki	Richardson	Mr. Speaker
Dodge	Lehe	Smith, M	
Eberhart	Lehman	Soliday	

EXCUSED FROM VOTING: 6

Foley	GiaQuinta	Mahan
Frizzell	Hinkle	Saunders

NOT VOTING: NONE

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Roll Call 279: FAILED

SB 286 McNamara
Department of child services.
Crawford amendment
2nd Reading Amend. #6

Yeas: 40
Nays: 54
Excused: 6
N/Voting: 0

VOTING YEA: 40

Austin	Day	Klinker	Reske
Bardon	DeLaney	Lawson, L	Riecken
Bartlett	Dembowski	Moseley	Smith, V
Battles	Dobis	Moses	Stemler
Bauer	Dvorak	Niezgodski	Stevenson
Borders	Fry, C	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White

VOTING NAY: 54

Bacon	Ellspermann	Leonard	Speedy
Baird	Espich	Lutz	Steuerwald
Behning	Friend	McClain	Thompson
Brown, T	Frye, R	McMillin	Torr
Burton	Gutwein	McNamara	Truitt
Cherry	Heaton	Messmer	Turner
Clere	Heuer	Morris	Ubelhor
Crouch	Karickhoff	Neese	VanNatter
Culver	Kirchhofer	Noe	Wesco
Davis	Knollman	Pond	Wolkins
Davisson	Koch	Rhoads	Yarde
Dermody	Kubacki	Richardson	Mr. Speaker
Dodge	Lehe	Smith, M	
Eberhart	Lehman	Soliday	

EXCUSED FROM VOTING: 6

Foley	GiaQuinta	Mahan
Frizzell	Hinkle	Saunders

NOT VOTING: NONE

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Roll Call 280: FAILED

SB 286 McNamara
Department of child services.
Bartlett amendment
2nd Reading Amend. #2

Yeas: 37
Nays: 54
Excused: 6
N/Voting: 3

VOTING YEA: 37

Austin	Dembowski	Moseley	Stemler
Bardon	Dobis	Moses	Stevenson
Bartlett	Dvorak	Niezgodski	Sullivan
Battles	Fry, C	Pelath	Summers
Brown,C	Goodin	Pflum	VanDenburgh
Candelaria Reardon	Grubb	Pierce	Welch
Cheatham	Harris	Pryor	White
Crawford	Kersey	Reske	
Day	Klinker	Riecken	
DeLaney	Lawson, L	Smith, V	

VOTING NAY: 54

Bacon	Eberhart	Lehman	Soliday
Baird	Ellspermann	Leonard	Speedy
Behning	Espich	Lutz	Steuerwald
Borders	Friend	McClain	Thompson
Brown, T	Frye, R	McMillin	Torr
Burton	Gutwein	McNamara	Truitt
Cherry	Heaton	Messmer	Turner
Clere	Heuer	Morris	Ubelhor
Crouch	Karickhoff	Neese	VanNatter
Culver	Kirchhofer	Noe	Wesco
Davis	Knollman	Pond	Yarde
Davisson	Koch	Rhoads	Mr. Speaker
Dermody	Kubacki	Richardson	
Dodge	Lehe	Smith, M	

EXCUSED FROM VOTING: 6

Foley	GiaQuinta	Mahan
Frizzell	Hinkle	Saunders

NOT VOTING: 3

Bauer	Porter	Wolkins

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Roll Call 281: FAILED

SB 286 McNamara
Department of child services.
Bartlett amendment
2nd Reading Amend. #3

Yeas: 39
Nays: 53
Excused: 6
N/Voting: 2

VOTING YEA: 39

Austin	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stemler
Battles	Dvorak	Niezgodski	Stevenson
Bauer	Fry, C	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White
Day	Klinker	Reske	

VOTING NAY: 53

Bacon	Ellspermann	Leonard	Speedy
Baird	Espich	Lutz	Steuerwald
Behning	Friend	McClain	Thompson
Borders	Frye, R	McMillin	Torr
Burton	Gutwein	McNamara	Truitt
Cherry	Heaton	Messmer	Turner
Clere	Heuer	Morris	Ubelhor
Crouch	Karickhoff	Neese	VanNatter
Culver	Kirchhofer	Noe	Wesco
Davis	Knollman	Pond	Yarde
Davisson	Koch	Rhoads	Mr. Speaker
Dermody	Kubacki	Richardson	
Dodge	Lehe	Smith, M	
Eberhart	Lehman	Soliday	

EXCUSED FROM VOTING: 6

Foley	GiaQuinta	Mahan
Frizzell	Hinkle	Saunders

NOT VOTING: 2

Brown, T	Wolkins

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Roll Call 282: FAILED

SB 286 McNamara
Department of child services.
Bartlett amendment
2nd Reading Amend. #4

Yeas: 39
Nays: 52
Excused: 7
N/Voting: 2

VOTING YEA: 39

Austin	DeLaney	Lawson, L	Riecken
Bardon	Dembowski	Moseley	Smith, V
Bartlett	Dobis	Moses	Stemler
Battles	Dvorak	Niezgodski	Stevenson
Bauer	Fry, C	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White
Day	Klinker	Reske	

VOTING NAY: 52

Bacon	Dodge	Kubacki	Smith, M
Baird	Eberhart	Lehe	Soliday
Behning	Ellspermann	Lehman	Speedy
Borders	Espich	Leonard	Steuerwald
Brown, T	Friend	Lutz	Thompson
Burton	Frye, R	McClain	Torr
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Karickhoff	Neese	VanNatter
Davis	Kirchhofer	Noe	Wesco
Davisson	Knollman	Rhoads	Yarde
Dermody	Koch	Richardson	Mr. Speaker

EXCUSED FROM VOTING: 7

Foley	GiaQuinta	Mahan	Saunders
Frizzell	Hinkle	Pond	

NOT VOTING: 2

Morris	Wolkins

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Roll Call 283: FAILED

SB 286 McNamara
Department of child services.
Crawford amendment
2nd Reading Amend. #5

Yeas: 40
Nays: 52
Excused: 7
N/Voting: 1

VOTING YEA: 40

Austin	Day	Klinker	Reske
Bardon	DeLaney	Lawson, L	Riecken
Bartlett	Dembowski	Moseley	Smith, V
Battles	Dobis	Moses	Stemler
Bauer	Dvorak	Niezgodski	Stevenson
Borders	Fry, C	Pelath	Sullivan
Brown,C	Goodin	Pflum	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White

VOTING NAY: 52

Bacon	Eberhart	Lehe	Smith, M
Baird	Ellspermann	Lehman	Soliday
Behning	Espich	Leonard	Speedy
Brown, T	Friend	Lutz	Steuerwald
Burton	Frye, R	McClain	Thompson
Cherry	Gutwein	McMillin	Torr
Clere	Heaton	McNamara	Truitt
Crouch	Heuer	Messmer	Turner
Culver	Karickhoff	Morris	Ubelhor
Davis	Kirchhofer	Neese	VanNatter
Davisson	Knollman	Noe	Wesco
Dermody	Koch	Rhoads	Yarde
Dodge	Kubacki	Richardson	Mr. Speaker

EXCUSED FROM VOTING: 7

Foley	GiaQuinta	Mahan	Saunders
Frizzell	Hinkle	Pond	

NOT VOTING: 1

Wolkins

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Roll Call 284: FAILED

SB 286 McNamara
Department of child services.
L. Lawson amendment
2nd Reading Amend. #8

Yeas: 39
Nays: 52
Excused: 8
N/Voting: 1

VOTING YEA: 39

Austin	DeLaney	Klinker	Riecken
Bardon	Dembowski	Lawson, L	Smith, V
Bartlett	Dobis	Moseley	Stemler
Battles	Dvorak	Moses	Stevenson
Bauer	Fry, C	Niezgodski	Sullivan
Brown,C	Goodin	Pelath	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Heuer	Pryor	White
Day	Kersey	Reske	

VOTING NAY: 52

Bacon	Dodge	Lehe	Smith, M
Baird	Eberhart	Lehman	Soliday
Behning	Ellspermann	Leonard	Speedy
Borders	Espich	Lutz	Steuerwald
Brown, T	Friend	McClain	Thompson
Burton	Frye, R	McMillin	Torr
Cherry	Gutwein	McNamara	Truitt
Clere	Heaton	Messmer	Turner
Crouch	Karickhoff	Morris	Ubelhor
Culver	Kirchhofer	Neese	VanNatter
Davis	Knollman	Noe	Wesco
Davisson	Koch	Rhoads	Yarde
Dermody	Kubacki	Richardson	Mr. Speaker

EXCUSED FROM VOTING: 8

Foley	GiaQuinta	Mahan	Pond
Frizzell	Hinkle	Pflum	Saunders

NOT VOTING: 1

Wolkins

Indiana House of Representatives
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Roll Call 285: PREVAILED

SB 286 McNamara
Department of child services.
L. Lawson amendment
2nd Reading Amend. #9

Yeas: 91
Nays: 0
Excused: 8
N/Voting: 1

VOTING YEA: 91

Austin	Dembowski	Kubacki	Riecken
Bacon	Dermody	Lawson, L	Smith, M
Baird	Dobis	Lehe	Smith, V
Bardon	Dodge	Lehman	Soliday
Bartlett	Dvorak	Leonard	Speedy
Battles	Eberhart	Lutz	Stemler
Bauer	Ellspermann	McClain	Steuerwald
Behning	Espich	McMillin	Stevenson
Borders	Friend	McNamara	Sullivan
Brown,C	Fry, C	Messmer	Summers
Brown, T	Frye, R	Morris	Thompson
Burton	Goodin	Moseley	Torr
Candelaria Reardon	Grubb	Moses	Truitt
Cheatham	Gutwein	Neese	Turner
Cherry	Harris	Niezgodski	Ubelhor
Clere	Heaton	Noe	VanDenburgh
Crawford	Heuer	Pelath	VanNatter
Crouch	Karickhoff	Pierce	Welch
Culver	Kersey	Porter	Wesco
Davis	Kirchhofer	Pryor	White
Davisson	Klinker	Reske	Yarde
Day	Knollman	Rhoads	Mr. Speaker
DeLaney	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 8

Foley	GiaQuinta	Mahan	Pond
Frizzell	Hinkle	Pflum	Saunders

NOT VOTING: 1

Wolkins

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Roll Call 286: FAILED

SB 286 McNamara
Department of child services.
Crawford amendment
2nd Reading Amend. #1

Yeas: 38
Nays: 52
Excused: 8
N/Voting: 2

VOTING YEA: 38

Austin	DeLaney	Lawson, L	Smith, V
Bardon	Dembowski	Moseley	Stemler
Bartlett	Dobis	Moses	Stevenson
Battles	Dvorak	Niezgodski	Sullivan
Bauer	Fry, C	Pelath	Summers
Brown,C	Goodin	Pierce	VanDenburgh
Candelaria Reardon	Grubb	Porter	Welch
Cheatham	Harris	Pryor	White
Crawford	Kersey	Reske	
Day	Klinker	Riecken	

VOTING NAY: 52

Bacon	Eberhart	Lehe	Smith, M
Behning	Ellspermann	Lehman	Soliday
Borders	Espich	Leonard	Speedy
Brown, T	Friend	Lutz	Steuerwald
Burton	Frye, R	McClain	Thompson
Cherry	Gutwein	McMillin	Torr
Clere	Heaton	McNamara	Truitt
Crouch	Heuer	Messmer	Turner
Culver	Karickhoff	Morris	Ubelhor
Davis	Kirchhofer	Neese	VanNatter
Davisson	Knollman	Noe	Wesco
Dermody	Koch	Rhoads	Yarde
Dodge	Kubacki	Richardson	Mr. Speaker

EXCUSED FROM VOTING: 8

Foley	GiaQuinta	Mahan	Pond
Frizzell	Hinkle	Pflum	Saunders

NOT VOTING: 2

Baird Wolkins

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Roll Call 287: FAILED

SB 286 McNamara
Department of child services.
Riecken amendment
2nd Reading Amend. #23

Yeas: 37
Nays: 53
Excused: 9
N/Voting: 1

VOTING YEA: 37

Austin	DeLaney	Lawson, L	Stemler
Bardon	Dembowski	Moseley	Stevenson
Bartlett	Dobis	Moses	Sullivan
Battles	Dvorak	Niezgodski	Summers
Bauer	Fry, C	Pierce	VanDenburgh
Brown,C	Goodin	Porter	Welch
Candelaria Reardon	Grubb	Pryor	White
Cheatham	Harris	Reske	
Crawford	Kersey	Riecken	
Day	Klinker	Smith, V	

VOTING NAY: 53

Bacon	Eberhart	Lehman	Speedy
Baird	Ellspermann	Leonard	Steuerwald
Behning	Espich	Lutz	Thompson
Borders	Friend	McClain	Torr
Brown, T	Frye, R	McMillin	Truitt
Burton	Gutwein	McNamara	Turner
Cherry	Heaton	Messmer	Ubelhor
Clere	Heuer	Morris	VanNatter
Crouch	Karickhoff	Neese	Wesco
Culver	Kirchhofer	Noe	Yarde
Davis	Knollman	Rhoads	Mr. Speaker
Davisson	Koch	Richardson	
Dermody	Kubacki	Smith, M	
Dodge	Lehe	Soliday	

EXCUSED FROM VOTING: 9

Foley	Hinkle	Pflum
Frizzell	Mahan	Pond
GiaQuinta	Pelath	Saunders

NOT VOTING: 1

Wolkins

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Roll Call 288: FAILED

SB 286 McNamara
Department of child services.
Austin amendment
2nd Reading Amend. #13

Yeas: 35
Nays: 54
Excused: 9
N/Voting: 2

VOTING YEA: 35

Austin	DeLaney	Lawson, L	Smith, V
Bardon	Dembowski	Moseley	Stemler
Bartlett	Dobis	Moses	Stevenson
Battles	Dvorak	Niezgodski	Sullivan
Bauer	Goodin	Pierce	Summers
Brown,C	Grubb	Porter	VanDenburgh
Cheatham	Harris	Pryor	Welch
Crawford	Kersey	Reske	White
Day	Klinker	Riecken	

VOTING NAY: 54

Bacon	Eberhart	Lehe	Soliday
Baird	Ellspermann	Lehman	Speedy
Behning	Espich	Leonard	Steuerwald
Borders	Friend	Lutz	Thompson
Brown, T	Fry, C	McClain	Torr
Burton	Frye, R	McMillin	Truitt
Cherry	Gutwein	McNamara	Turner
Clere	Heaton	Messmer	Ubelhor
Crouch	Heuer	Morris	VanNatter
Culver	Karickhoff	Neese	Wesco
Davis	Kirchhofer	Noe	Yarde
Davisson	Knollman	Rhoads	Mr. Speaker
Dermody	Koch	Richardson	
Dodge	Kubacki	Smith, M	

EXCUSED FROM VOTING: 9

Foley	Hinkle	Pflum
Frizzell	Mahan	Pond
GiaQuinta	Pelath	Saunders

NOT VOTING: 2

Candelaria Reardon Wolkins

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Roll Call 289: FAILED

SB 286 McNamara
Department of child services.
DeLaney amendment
2nd Reading Amend. #15

Yeas: 38
Nays: 51
Excused: 8
N/Voting: 3

VOTING YEA: 38

Austin	DeLaney	Klinker	Riecken
Bardon	Dembowski	Lawson, L	Smith, V
Bartlett	Dobis	Moseley	Stemler
Battles	Dvorak	Moses	Sullivan
Bauer	Fry, C	Niezgodski	Summers
Brown,C	Goodin	Pelath	VanDenburgh
Candelaria Reardon	Grubb	Pierce	Welch
Cheatham	Harris	Porter	White
Crawford	Heuer	Pryor	
Day	Kersey	Reske	

VOTING NAY: 51

Bacon	Dodge	Lehe	Soliday
Baird	Eberhart	Lehman	Speedy
Behning	Ellspermann	Leonard	Steuerwald
Borders	Espich	Lutz	Thompson
Brown, T	Friend	McClain	Torr
Burton	Frye, R	McMillin	Truitt
Cherry	Gutwein	McNamara	Turner
Clere	Heaton	Messmer	Ubelhor
Crouch	Karickhoff	Neese	VanNatter
Culver	Kirchhofer	Noe	Wesco
Davis	Knollman	Rhoads	Yarde
Davisson	Koch	Richardson	Mr. Speaker
Dermody	Kubacki	Smith, M	

EXCUSED FROM VOTING: 8

Foley	GiaQuinta	Mahan	Pond
Frizzell	Hinkle	Pflum	Saunders

NOT VOTING: 3

Morris Stevenson Wolkins

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Roll Call 290: FAILED

SB 286 McNamara
Department of child services.
Day amendment
2nd Reading Amend. #7

Yeas: 37
Nays: 53
Excused: 8
N/Voting: 2

VOTING YEA: 37

Austin	DeLaney	Lawson, L	Smith, V
Bardon	Dembowski	Moseley	Stemler
Bartlett	Dobis	Moses	Sullivan
Battles	Dvorak	Niezgodski	Summers
Bauer	Fry, C	Pelath	VanDenburgh
Brown,C	Goodin	Pierce	Welch
Candelaria Reardon	Grubb	Porter	White
Cheatham	Harris	Pryor	
Crawford	Kersey	Reske	
Day	Klinker	Riecken	

VOTING NAY: 53

Bacon	Eberhart	Lehman	Speedy
Baird	Ellspermann	Leonard	Steuerwald
Behning	Espich	Lutz	Thompson
Borders	Friend	McClain	Torr
Brown, T	Frye, R	McMillin	Truitt
Burton	Gutwein	McNamara	Turner
Cherry	Heaton	Messmer	Ubelhor
Clere	Heuer	Morris	VanNatter
Crouch	Karickhoff	Neese	Wesco
Culver	Kirchhofer	Noe	Yarde
Davis	Knollman	Rhoads	Mr. Speaker
Davisson	Koch	Richardson	
Dermody	Kubacki	Smith, M	
Dodge	Lehe	Soliday	

EXCUSED FROM VOTING: 8

Foley	GiaQuinta	Mahan	Pond
Frizzell	Hinkle	Pflum	Saunders

NOT VOTING: 2

Stevenson Wolkins

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Roll Call 291: PREVAILED

SB 286 McNamara
Department of child services.
C. Brown
2nd Reading Amend. #19

Yeas: 89
Nays: 0
Excused: 8
N/Voting: 3

VOTING YEA: 89

Austin	Dembowski	Kubacki	Riecken
Bacon	Dermody	Lawson, L	Smith, M
Baird	Dobis	Lehe	Smith, V
Bardon	Dodge	Lehman	Speedy
Bartlett	Dvorak	Leonard	Stemler
Battles	Eberhart	Lutz	Steuerwald
Bauer	Ellspermann	McClain	Sullivan
Behning	Espich	McMillin	Summers
Borders	Friend	McNamara	Thompson
Brown,C	Fry, C	Messmer	Torr
Brown, T	Frye, R	Morris	Truitt
Burton	Goodin	Moseley	Turner
Candelaria Reardon	Grubb	Moses	Ubelhor
Cheatham	Gutwein	Neese	VanDenburgh
Cherry	Harris	Niezgodski	VanNatter
Clere	Heaton	Noe	Welch
Crawford	Heuer	Pelath	Wesco
Crouch	Karickhoff	Pierce	White
Culver	Kersey	Porter	Yarde
Davis	Kirchhofer	Pryor	Mr. Speaker
Davisson	Klinker	Reske	
Day	Knollman	Rhoads	
DeLaney	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 8

Foley	GiaQuinta	Mahan	Pond
Frizzell	Hinkle	Pflum	Saunders

NOT VOTING: 3

Soliday Stevenson Wolkins

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Roll Call 293: PASSED

SB 15 T. Brown
Brain injury services and case management services.
3rd Reading

Yeas: 91
Nays: 0
Excused: 5
N/Voting: 4

VOTING YEA: 91

Bacon, Baird, Bartlett, Battles, Bauer, Behning, Borders, Brown, T, Burton, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Eberhart, Ellspermann, Foley, Friend, Frizzell, Fry, C, Frye, R, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moseley, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, Smith, M, Smith, V, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins, Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bardon, Brown,C, Dvorak, Espich, Lawson, L

NOT VOTING: 4

Austin, Candelaria Reardon, Summers, Mr. Speaker

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Roll Call 294: PASSED

SB 128 Burton
Administration of public retirement plans.
3rd Reading

Yeas: 93
Nays: 0
Excused: 6
N/Voting: 1

VOTING YEA: 93

Austin, Bacon, Baird, Bartlett, Battles, Bauer, Behning, Borders, Brown, T, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Eberhart, Ellspermann, Foley, Friend, Frizzell, Fry, C, Frye, R, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moseley, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, Smith, M, Smith, V, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Summers, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Wesco, White, Wolkins, Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon, Brown,C, Dvorak, Espich, Lawson, L, Welch

NOT VOTING: 1

Mr. Speaker

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Roll Call 295: PASSED

SB 131 Wolkins
Environmental matters.
3rd Reading

Yeas: 93
Nays: 0
Excused: 6
N/Voting: 1

VOTING YEA: 93

Austin, Bacon, Baird, Bartlett, Battles, Bauer, Behning, Borders, Brown, T, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Eberhart, Ellspermann, Foley, Friend, Frizzell, Fry, C, Frye, R, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moseley, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, Smith, M, Smith, V, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Summers, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins, Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon, Brown,C, Dvorak, Espich, Lawson, L, Welch

NOT VOTING: 1

Mr. Speaker

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Roll Call 296: PASSED

SB 223 T. Brown
State department of health matters.
3rd Reading

Yeas: 93
Nays: 0
Excused: 6
N/Voting: 1

VOTING YEA: 93

Austin, Bacon, Baird, Bartlett, Battles, Bauer, Behning, Borders, Brown, T, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Eberhart, Ellspermann, Foley, Friend, Frizzell, Fry, C, Frye, R, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moseley, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, Smith, M, Smith, V, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Summers, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins, Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon, Brown,C, Dvorak, Espich, Lawson, L, Porter

NOT VOTING: 1

Mr. Speaker

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Roll Call 297: FAILED

SB 233 Richardson
Various election law matters.
Austin amendment
2nd Reading Amend. #1

Yeas: 39
Nays: 55
Excused: 3
N/Voting: 3

VOTING YEA: 39

Austin	Dobis	Leonard	Riecken
Bartlett	Dvorak	Moseley	Smith, V
Battles	Fry, C	Moses	Stemler
Bauer	GiaQuinta	Niezgodski	Stevenson
Brown,C	Goodin	Pelath	Sullivan
Cheatham	Grubb	Pflum	Summers
Crawford	Harris	Pierce	VanDenburgh
Day	Kersey	Porter	Welch
DeLaney	Klinker	Pryor	White
Dembowski	Lawson, L	Reske	

VOTING NAY: 55

Bacon	Ellspermann	Kubacki	Richardson
Baird	Espich	Lehe	Smith, M
Behning	Foley	Lehman	Soliday
Borders	Friend	Lutz	Speedy
Brown, T	Frizzell	Mahan	Steuerwald
Burton	Frye, R	McClain	Thompson
Cherry	Gutwein	McMillin	Truitt
Clere	Heaton	McNamara	Turner
Crouch	Heuer	Messmer	Ubelhor
Culver	Hinkle	Morris	VanNatter
Davisson	Karickhoff	Neese	Wesco
Dermody	Kirchhofer	Noe	Wolkins
Dodge	Knollman	Pond	Yarde
Eberhart	Koch	Rhoads	

EXCUSED FROM VOTING: 3

Davis Saunders Torr

NOT VOTING: 3

Bardon Candelaria Reardon Mr. Speaker

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Roll Call 298: PREVAILED

SB 302 Clere
Technology equipment property tax exemption.
Truitt amendment
2nd Reading Amend. #3

Yeas: 90
Nays: 0
Excused: 7
N/Voting: 3

VOTING YEA: 90

Austin	Dvorak	Lawson, L	Riecken
Bacon	Eberhart	Lehe	Smith, M
Baird	Ellspermann	Lehman	Smith, V
Bartlett	Espich	Leonard	Soliday
Bauer	Foley	Lutz	Speedy
Behning	Friend	McClain	Stemler
Borders	Frizzell	McMillin	Steuerwald
Brown,C	Fry, C	Messmer	Stevenson
Brown, T	Frye, R	Morris	Sullivan
Burton	GiaQuinta	Moseley	Summers
Cheatham	Grubb	Moses	Thompson
Cherry	Gutwein	Neese	Torr
Clere	Harris	Niezgodski	Truitt
Crawford	Heaton	Noe	Turner
Crouch	Heuer	Pelath	Ubelhor
Culver	Hinkle	Pflum	VanDenburgh
Davisson	Karickhoff	Pierce	VanNatter
Day	Kersey	Pond	Welch
DeLaney	Kirchhofer	Porter	Wesco
Dembowski	Klinker	Pryor	White
Dermody	Knollman	Reske	Mr. Speaker
Dobis	Koch	Rhoads	
Dodge	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 7

Bardon	Davis	McNamara	Yarde
Battles	Goodin	Saunders	

NOT VOTING: 3

Candelaria Reardon Mahan Wolkins

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Roll Call 299: FAILED

SB 384 Behning
School accreditation.
VanDenburgh amendment
2nd Reading Amend. #21

Yeas: 34
Nays: 59
Excused: 5
N/Voting: 2

VOTING YEA: 34

Bartlett	Dvorak	Moseley	Riecken
Bauer	Fry, C	Moses	Smith, V
Brown,C	GiaQuinta	Niezgodski	Stevenson
Candelaria Reardon	Goodin	Pelath	Sullivan
Cheatham	Grubb	Pflum	Summers
Crawford	Harris	Pierce	VanDenburgh
DeLaney	Kersey	Porter	White
Dembowski	Klinker	Pryor	
Dobis	Lawson, L	Reske	

VOTING NAY: 59

Austin	Eberhart	Lehe	Soliday
Bacon	Ellspermann	Leonard	Speedy
Baird	Espich	Lutz	Stemler
Battles	Friend	Mahan	Steuerwald
Behning	Frizzell	McClain	Thompson
Borders	Frye, R	McMillin	Torr
Brown, T	Gutwein	McNamara	Truitt
Burton	Heaton	Messmer	Turner
Cherry	Heuer	Morris	Ubelhor
Clere	Hinkle	Neese	VanNatter
Crouch	Karickhoff	Noe	Welch
Culver	Kirchhofer	Pond	Wesco
Davisson	Knollman	Rhoads	Wolkins
Dermody	Koch	Richardson	Yarde
Dodge	Kubacki	Smith, M	

EXCUSED FROM VOTING: 5

Bardon	Foley	Saunders
Davis	Lehman	

NOT VOTING: 2

Day Mr. Speaker

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Roll Call 300: PREVAILED

SB 384 Behning
School accreditation.
Sullivan amendment
2nd Reading Amend. #19

Yeas: 94
Nays: 0
Excused: 5
N/Voting: 1

VOTING YEA: 94

Austin	Dvorak	Lehe	Smith, M
Bacon	Eberhart	Leonard	Smith, V
Baird	Ellspermann	Lutz	Soliday
Bartlett	Espich	Mahan	Speedy
Battles	Friend	McClain	Stemler
Bauer	Frizzell	McMillin	Steuerwald
Behning	Fry, C	McNamara	Stevenson
Borders	Frye, R	Messmer	Sullivan
Brown,C	GiaQuinta	Morris	Summers
Brown, T	Goodin	Moseley	Thompson
Burton	Grubb	Moses	Torr
Candelaria Reardon	Gutwein	Neese	Truitt
Cheatham	Harris	Niezgodski	Turner
Cherry	Heaton	Noe	Ubelhor
Clere	Heuer	Pelath	VanDenburgh
Crawford	Hinkle	Pflum	VanNatter
Crouch	Karickhoff	Pierce	Welch
Culver	Kersey	Pond	Wesco
Davisson	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dermody	Koch	Rhoads	Mr. Speaker
Dobis	Kubacki	Richardson	
Dodge	Lawson, L	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bardon	Foley	Saunders
Davis	Lehman	

NOT VOTING: 1

Day

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Roll Call 301: PREVAILED

SB 384 Behning
School accreditation.
Porter amendment
2nd Reading Amend. #11

Yeas: 81
Nays: 11
Excused: 5
N/Voting: 3

VOTING YEA: 81

Austin	Dvorak	Lawson, L	Reske
Bacon	Ellspermann	Lehe	Rhoads
Baird	Espich	Leonard	Riecken
Bartlett	Friend	Lutz	Smith, V
Battles	Fry, C	Mahan	Soliday
Bauer	Frye, R	McClain	Stemler
Borders	GiaQuinta	McMillin	Steuerwald
Burton	Goodin	McNamara	Stevenson
Candelaria Reardon	Grubb	Messmer	Sullivan
Cheatham	Gutwein	Morris	Summers
Cherry	Harris	Moseley	Thompson
Clere	Heaton	Moses	Truitt
Crawford	Heuer	Neese	Ubelhor
Crouch	Hinkle	Niezgodski	VanDenburgh
Culver	Karickhoff	Noe	Welch
Davisson	Kersey	Pelath	White
DeLaney	Kirchhofer	Pflum	Wolkins
Dembowski	Klinker	Pierce	Yarde
Dermody	Knollman	Pond	
Dobis	Koch	Porter	
Dodge	Kubacki	Pryor	

VOTING NAY: 11

Behning	Frizzell	Speedy	VanNatter
Brown, T	Richardson	Torr	Wesco
Eberhart	Smith, M	Turner	

EXCUSED FROM VOTING: 5

Bardon	Foley	Saunders
Davis	Lehman	

NOT VOTING: 3

Brown,C	Day	Mr. Speaker

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Roll Call 302: FAILED

SB 384 Behning
School accreditation.
Porter amendment
2nd Reading Amend. #1

Yeas: 37
Nays: 56
Excused: 5
N/Voting: 2

VOTING YEA: 37

Austin	Dvorak	Moseley	Smith, V
Bartlett	Fry, C	Moses	Stemler
Battles	GiaQuinta	Niezgodski	Stevenson
Bauer	Goodin	Pelath	Summers
Brown,C	Grubb	Pflum	VanDenburgh
Cheatham	Harris	Pierce	Welch
Crawford	Hinkle	Porter	White
DeLaney	Kersey	Pryor	
Dembowski	Klinker	Reske	
Dobis	Lawson, L	Riecken	

VOTING NAY: 56

Bacon	Ellspermann	Leonard	Soliday
Baird	Espich	Lutz	Speedy
Behning	Friend	Mahan	Steuerwald
Borders	Frizzell	McClain	Sullivan
Brown, T	Frye, R	McMillin	Thompson
Burton	Gutwein	McNamara	Torr
Cherry	Heaton	Messmer	Truitt
Clere	Heuer	Morris	Turner
Crouch	Karickhoff	Neese	Ubelhor
Culver	Kirchhofer	Noe	VanNatter
Davisson	Knollman	Pond	Wesco
Dermody	Koch	Rhoads	Wolkins
Dodge	Kubacki	Richardson	Yarde
Eberhart	Lehe	Smith, M	Mr. Speaker

EXCUSED FROM VOTING: 5

Bardon	Foley	Saunders
Davis	Lehman	

NOT VOTING: 2

Candelaria Reardon Day

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Roll Call 303: FAILED

SB 384 Behning
School accreditation.
VanDenburgh amendment
2nd Reading Amend. #22

Yeas: 36
Nays: 57
Excused: 4
N/Voting: 3

VOTING YEA: 36

Austin	Dembowski	Hinkle	Porter
Bartlett	Dobis	Kersey	Pryor
Battles	Dvorak	Klinker	Reske
Bauer	Fry, C	Lawson, L	Riecken
Brown,C	GiaQuinta	Moses	Smith, V
Candelaria Reardon	Goodin	Niezgodski	Stevenson
Cheatham	Grubb	Pelath	Summers
Crawford	Gutwein	Pflum	VanDenburgh
DeLaney	Harris	Pierce	White

VOTING NAY: 57

Bacon	Espich	Mahan	Steuerwald
Baird	Foley	McClain	Sullivan
Behning	Friend	McMillin	Thompson
Borders	Frizzell	McNamara	Torr
Brown, T	Frye, R	Messmer	Truitt
Burton	Heaton	Morris	Turner
Cherry	Heuer	Neese	Ubelhor
Clere	Karickhoff	Noe	VanNatter
Crouch	Kirchhofer	Pond	Welch
Culver	Knollman	Rhoads	Wesco
Davisson	Koch	Richardson	Wolkins
Dermody	Kubacki	Smith, M	Yarde
Dodge	Lehe	Soliday	
Eberhart	Leonard	Speedy	
Ellspermann	Lutz	Stemler	

EXCUSED FROM VOTING: 4

Bardon	Davis	Lehman	Saunders

NOT VOTING: 3

Day	Moseley	Mr. Speaker

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Roll Call 304: FAILED

SB 384 Behning
School accreditation.
V. Smith amendment
2nd Reading Amend. #7

Yeas: 31
Nays: 60
Excused: 5
N/Voting: 4

VOTING YEA: 31

Austin	Dembowski	Moseley	Reske
Bartlett	Dobis	Moses	Riecken
Battles	Dvorak	Niezgodski	Smith, V
Bauer	GiaQuinta	Pelath	Stemler
Brown,C	Harris	Pflum	Stevenson
Candelaria Reardon	Kersey	Pierce	Summers
Cheatham	Klinker	Porter	VanDenburgh
Crawford	Lawson, L	Pryor	

VOTING NAY: 60

Bacon	Ellspermann	Lehe	Soliday
Baird	Espich	Leonard	Speedy
Behning	Friend	Lutz	Steuerwald
Borders	Frizzell	Mahan	Sullivan
Brown, T	Frye, R	McClain	Thompson
Burton	Goodin	McMillin	Torr
Cherry	Gutwein	McNamara	Truitt
Clere	Heaton	Messmer	Turner
Crouch	Heuer	Morris	Ubelhor
Culver	Hinkle	Neese	VanNatter
Davisson	Karickhoff	Noe	Welch
DeLaney	Kirchhofer	Pond	Wesco
Dermody	Knollman	Rhoads	White
Dodge	Koch	Richardson	Wolkins
Eberhart	Kubacki	Smith, M	Yarde

EXCUSED FROM VOTING: 5

Bardon	Foley	Saunders
Davis	Lehman	

NOT VOTING: 4

Day	Fry, C	Grubb	Mr. Speaker

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Roll Call 305: FAILED

SB 384 Behning
School accreditation.
V. Smith amendment
2nd Reading Amend. #13

Yeas: 33
Nays: 57
Excused: 6
N/Voting: 4

VOTING YEA: 33

Bartlett	Dobis	Lawson, L	Riecken
Battles	Dvorak	Moseley	Smith, V
Bauer	Fry, C	Moses	Stemler
Brown,C	GiaQuinta	Niezgodski	Stevenson
Candelaria Reardon	Goodin	Pelath	Summers
Cheatham	Grubb	Pierce	VanDenburgh
Crawford	Harris	Porter	
DeLaney	Kersey	Pryor	
Dembowski	Klinker	Reske	

VOTING NAY: 57

Bacon	Friend	Mahan	Sullivan
Baird	Frizzell	McClain	Thompson
Behning	Frye, R	McMillin	Torr
Borders	Gutwein	McNamara	Truitt
Brown, T	Heaton	Messmer	Turner
Burton	Heuer	Morris	Ubelhor
Cherry	Hinkle	Neese	VanNatter
Clere	Karickhoff	Noe	Welch
Culver	Kirchhofer	Pond	Wesco
Davisson	Knollman	Rhoads	White
Dermody	Koch	Richardson	Wolkins
Dodge	Kubacki	Smith, M	Yarde
Eberhart	Lehe	Soliday	
Ellspermann	Leonard	Speedy	
Espich	Lutz	Steuerwald	

EXCUSED FROM VOTING: 6

Bardon	Foley	Pflum
Davis	Lehman	Saunders

NOT VOTING: 4

Austin	Crouch	Day	Mr. Speaker

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Roll Call 306: FAILED

SB 384 Behning
School accreditation.
VanDenburgh amendment
2nd Reading Amend. #23

Yeas: 42
Nays: 50
Excused: 6
N/Voting: 2

VOTING YEA: 42

Austin	Dobis	Lawson, L	Smith, V
Bartlett	Dvorak	McNamara	Stemler
Battles	Ellspermann	Moseley	Stevenson
Bauer	Fry, C	Moses	Sullivan
Brown,C	GiaQuinta	Niezgodski	Summers
Candelaria Reardon	Goodin	Pelath	Truitt
Cheatham	Grubb	Pierce	VanDenburgh
Crawford	Harris	Porter	Welch
Crouch	Hinkle	Pryor	White
DeLaney	Kersey	Reske	
Dembowski	Klinker	Riecken	

VOTING NAY: 50

Bacon	Espich	Leonard	Soliday
Baird	Friend	Lutz	Speedy
Behning	Frizzell	Mahan	Steuerwald
Borders	Frye, R	McClain	Thompson
Brown, T	Gutwein	McMillin	Torr
Burton	Heaton	Messmer	Turner
Cherry	Heuer	Morris	Ubelhor
Clere	Karickhoff	Neese	VanNatter
Culver	Kirchhofer	Noe	Wesco
Davisson	Knollman	Pond	Wolkins
Dermody	Koch	Rhoads	Yarde
Dodge	Kubacki	Richardson	
Eberhart	Lehe	Smith, M	

EXCUSED FROM VOTING: 6

Bardon	Foley	Pflum
Davis	Lehman	Saunders

NOT VOTING: 2

Day	Mr. Speaker

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Roll Call 307: FAILED

SB 384 Behning
School accreditation.
Kersey amendment
2nd Reading Amend. #31

Yeas: 35
Nays: 57
Excused: 6
N/Voting: 2

VOTING YEA: 35

Austin	Dembowski	Klinker	Reske
Bartlett	Dobis	Lawson, L	Riecken
Battles	Dvorak	Moseley	Smith, V
Bauer	Fry, C	Moses	Stemler
Brown,C	GiaQuinta	Niezgodski	Stevenson
Candelaria Reardon	Goodin	Pelath	Summers
Cheatham	Grubb	Pierce	VanDenburgh
Crawford	Harris	Porter	Welch
DeLaney	Kersey	Pryor	

VOTING NAY: 57

Bacon	Espich	Lutz	Steuerwald
Baird	Friend	Mahan	Sullivan
Behning	Frizzell	McClain	Thompson
Borders	Frye, R	McMillin	Torr
Brown, T	Gutwein	McNamara	Truitt
Burton	Heaton	Messmer	Turner
Cherry	Heuer	Morris	Ubelhor
Clere	Hinkle	Neese	VanNatter
Crouch	Karickhoff	Noe	Wesco
Culver	Kirchhofer	Pond	White
Davisson	Knollman	Rhoads	Wolkins
Dermody	Koch	Richardson	Yarde
Dodge	Kubacki	Smith, M	
Eberhart	Lehe	Soliday	
Ellspermann	Leonard	Speedy	

EXCUSED FROM VOTING: 6

Bardon	Foley	Pflum
Davis	Lehman	Saunders

NOT VOTING: 2

Day	Mr. Speaker

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Roll Call 308: FAILED

SB 384 Behning
School accreditation.
Porter amendment
2nd Reading Amend. #5

Yeas: 33
Nays: 55
Excused: 6
N/Voting: 6

VOTING YEA: 33

Bartlett	Dobis	Lawson, L	Stemler
Battles	Dvorak	Moses	Stevenson
Bauer	Fry, C	Niezgodski	Summers
Brown,C	GiaQuinta	Pelath	Truitt
Candelaria Reardon	Goodin	Pierce	VanDenburgh
Cheatham	Grubb	Porter	White
Crawford	Harris	Reske	
DeLaney	Kersey	Riecken	
Dembowski	Klinker	Smith, V	

VOTING NAY: 55

Bacon	Ellspermann	Leonard	Soliday
Baird	Espich	Lutz	Speedy
Behning	Friend	Mahan	Steuerwald
Borders	Frizzell	McClain	Sullivan
Brown, T	Frye, R	McMillin	Thompson
Burton	Gutwein	McNamara	Torr
Cherry	Heaton	Messmer	Turner
Clere	Heuer	Morris	Ubelhor
Crouch	Karickhoff	Neese	VanNatter
Culver	Kirchhofer	Noe	Welch
Davisson	Knollman	Pond	Wesco
Dermody	Koch	Rhoads	Wolkins
Dodge	Kubacki	Richardson	Yarde
Eberhart	Lehe	Smith, M	

EXCUSED FROM VOTING: 6

Bardon	Foley	Pflum
Davis	Lehman	Saunders

NOT VOTING: 6

Austin	Hinkle	Pryor
Day	Moseley	Mr. Speaker

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Roll Call 309: FAILED

SB 384 Behning
School accreditation.
Porter amendment
2nd Reading Amend. #6

Yeas: 36
Nays: 56
Excused: 6
N/Voting: 2

VOTING YEA: 36

Austin	Dembowski	Klinker	Reske
Bartlett	Dobis	Lawson, L	Riecken
Battles	Dvorak	Moseley	Smith, V
Bauer	Fry, C	Moses	Stemler
Borders	GiaQuinta	Niezgodski	Stevenson
Brown,C	Goodin	Pelath	Summers
Candelaria Reardon	Grubb	Pierce	VanDenburgh
Cheatham	Harris	Porter	Welch
Crawford	Kersey	Pryor	White

VOTING NAY: 56

Bacon	Ellspermann	Lehe	Smith, M
Baird	Espich	Leonard	Soliday
Behning	Friend	Lutz	Speedy
Brown, T	Frizzell	Mahan	Steuerwald
Burton	Frye, R	McClain	Sullivan
Cherry	Gutwein	McMillin	Thompson
Clere	Heaton	McNamara	Torr
Crouch	Heuer	Messmer	Truitt
Culver	Hinkle	Morris	Turner
Davisson	Karickhoff	Neese	Ubelhor
DeLaney	Kirchhofer	Noe	VanNatter
Dermody	Knollman	Pond	Wesco
Dodge	Koch	Rhoads	Wolkins
Eberhart	Kubacki	Richardson	Yarde

EXCUSED FROM VOTING: 6

Bardon	Foley	Pflum
Davis	Lehman	Saunders

NOT VOTING: 2

Day	Mr. Speaker

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Roll Call 311: PREVAILED

HR 44 Richardson
Honoring Laura Bartlett upon her retirement.

Adoption of Resolution

Yeas: 97
Nays: 0
Excused: 3
N/Voting: 0

VOTING YEA: 97

Austin	Dodge	Lehman	Smith, M
Bacon	Eberhart	Leonard	Smith, V
Baird	Ellspermann	Lutz	Soliday
Bartlett	Espich	Mahan	Speedy
Battles	Foley	McClain	Stemler
Bauer	Friend	McMillin	Steuerwald
Behning	Frizzell	McNamara	Stevenson
Borders	Fry, C	Messmer	Sullivan
Brown,C	Frye, R	Morris	Summers
Brown, T	GiaQuinta	Moseley	Thompson
Burton	Goodin	Moses	Torr
Candelaria Reardon	Grubb	Neese	Truitt
Cheatham	Gutwein	Niezgodski	Turner
Cherry	Harris	Noe	Ubelhor
Clere	Heaton	Pelath	VanDenburgh
Crawford	Heuer	Pflum	VanNatter
Crouch	Hinkle	Pierce	Welch
Culver	Karickhoff	Pond	Wesco
Davis	Kersey	Porter	White
Davisson	Kirchhofer	Pryor	Wolkins
Day	Klinker	Reske	Yarde
DeLaney	Koch	Rhoads	Mr. Speaker
Dembowski	Kubacki	Richardson	
Dermody	Lawson, L	Riecken	
Dobis	Lehe	Saunders	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Bardon	Dvorak	Knollman

NOT VOTING: NONE

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Roll Call 312: PASSED

SB 1 McMillin
Self-defense.

3rd Reading

Yeas: 74
Nays: 24
Excused: 2
N/Voting: 0

VOTING YEA: 74

Bacon	Ellspermann	Lutz	Smith, M
Baird	Espich	Mahan	Soliday
Bartlett	Foley	McClain	Speedy
Battles	Friend	McMillin	Stemler
Behning	Frizzell	McNamara	Steuerwald
Borders	Frye, R	Messmer	Thompson
Brown, T	GiaQuinta	Morris	Torr
Burton	Goodin	Moses	Truitt
Cheatham	Grubb	Neese	Turner
Cherry	Gutwein	Niezgodski	Ubelhor
Clere	Heaton	Noe	VanDenburgh
Crouch	Heuer	Pelath	VanNatter
Culver	Karickhoff	Pflum	Welch
Davis	Kirchhofer	Pierce	Wesco
Davisson	Koch	Pond	Wolkins
Dermody	Kubacki	Reske	Yarde
Dodge	Lehe	Rhoads	Mr. Speaker
Dvorak	Lehman	Richardson	
Eberhart	Leonard	Saunders	

VOTING NAY: 24

Austin	DeLaney	Kersey	Riecken
Bauer	Dembowski	Klinker	Smith, V
Brown,C	Dobis	Lawson, L	Stevenson
Candelaria Reardon	Fry, C	Moseley	Sullivan
Crawford	Harris	Porter	Summers
Day	Hinkle	Pryor	White

EXCUSED FROM VOTING: 2

Bardon	Knollman

NOT VOTING: NONE

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Roll Call 313: PASSED

SB 175 Richardson
Absentee ballots.

3rd Reading

Yeas: 95
Nays: 0
Excused: 2
N/Voting: 3

VOTING YEA: 95

Austin	Dodge	Lehe	Riecken
Bacon	Dvorak	Lehman	Saunders
Baird	Eberhart	Leonard	Smith, M
Bartlett	Ellspermann	Lutz	Smith, V
Battles	Espich	Mahan	Soliday
Behning	Foley	McClain	Speedy
Borders	Friend	McMillin	Stemler
Brown,C	Frizzell	McNamara	Steuerwald
Brown, T	Fry, C	Messmer	Stevenson
Burton	Frye, R	Morris	Sullivan
Candelaria Reardon	GiaQuinta	Moseley	Summers
Cheatham	Goodin	Moses	Thompson
Cherry	Grubb	Neese	Torr
Clere	Gutwein	Niezgodski	Truitt
Crawford	Harris	Noe	Turner
Crouch	Heaton	Pelath	Ubelhor
Culver	Heuer	Pflum	VanDenburgh
Davis	Hinkle	Pierce	VanNatter
Davisson	Karickhoff	Pond	Welch
Day	Kersey	Porter	Wesco
DeLaney	Kirchhofer	Pryor	White
Dembowski	Klinker	Reske	Wolkins
Dermody	Koch	Rhoads	Yarde
Dobis	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon	Knollman

NOT VOTING: 3

Bauer	Lawson, L	Mr. Speaker

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Roll Call 314: PASSED

SB 224 T. Brown
Various health and human services.

3rd Reading

Yeas:	96
Nays:	0
Excused:	3
N/Voting:	1

VOTING YEA: 96

Austin	Dobis	Koch	Richardson
Bacon	Dodge	Kubacki	Riecken
Baird	Dvorak	Lehe	Saunders
Bartlett	Eberhart	Lehman	Smith, M
Battles	Ellspermann	Leonard	Smith, V
Bauer	Espich	Lutz	Soliday
Behning	Foley	Mahan	Speedy
Borders	Friend	McClain	Stemler
Brown,C	Frizzell	McMillin	Steuerwald
Brown, T	Fry, C	McNamara	Stevenson
Burton	Frye, R	Messmer	Sullivan
Candelaria Reardon	GiaQuinta	Morris	Summers
Cheatham	Goodin	Moseley	Thompson
Cherry	Grubb	Moses	Torr
Clere	Gutwein	Neese	Truitt
Crawford	Harris	Niezgodski	Turner
Crouch	Heaton	Noe	Ubelhor
Culver	Heuer	Pelath	VanDenburgh
Davis	Hinkle	Pflum	VanNatter
Davisson	Karickhoff	Pierce	Welch
Day	Kersey	Pond	Wesco
DeLaney	Kirchhofer	Pryor	White
Dembowski	Klinker	Reske	Wolkins
Dermody	Knollman	Rhoads	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Bardon Lawson, L Porter

NOT VOTING: 1

Mr. Speaker

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Roll Call 315: PASSED

SB 233 Richardson
Various election law matters.

3rd Reading

Yeas:	96
Nays:	1
Excused:	2
N/Voting:	1

VOTING YEA: 96

Bacon	Dodge	Kubacki	Richardson
Baird	Dvorak	Lehe	Riecken
Bartlett	Eberhart	Lehman	Saunders
Battles	Ellspermann	Leonard	Smith, M
Bauer	Espich	Lutz	Smith, V
Behning	Foley	Mahan	Soliday
Borders	Friend	McClain	Speedy
Brown,C	Frizzell	McMillin	Stemler
Brown, T	Fry, C	McNamara	Steuerwald
Burton	Frye, R	Messmer	Stevenson
Candelaria Reardon	GiaQuinta	Morris	Sullivan
Cheatham	Goodin	Moseley	Summers
Cherry	Grubb	Moses	Thompson
Clere	Gutwein	Neese	Torr
Crawford	Harris	Niezgodski	Truitt
Crouch	Heaton	Noe	Turner
Culver	Heuer	Pelath	Ubelhor
Davis	Hinkle	Pflum	VanDenburgh
Davisson	Karickhoff	Pierce	VanNatter
Day	Kersey	Pond	Welch
DeLaney	Kirchhofer	Porter	Wesco
Dembowski	Klinker	Pryor	White
Dermody	Knollman	Reske	Wolkins
Dobis	Koch	Rhoads	Yarde

VOTING NAY: 1

Austin

EXCUSED FROM VOTING: 2

Bardon Lawson, L

NOT VOTING: 1

Mr. Speaker

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Roll Call 316: PASSED

SB 286 McNamara
Department of child services.

3rd Reading

Yeas:	98
Nays:	0
Excused:	2
N/Voting:	0

VOTING YEA: 98

Austin	Dodge	Lehe	Saunders
Bacon	Dvorak	Lehman	Smith, M
Baird	Eberhart	Leonard	Smith, V
Bartlett	Ellspermann	Lutz	Soliday
Battles	Espich	Mahan	Speedy
Bauer	Foley	McClain	Stemler
Behning	Friend	McMillin	Steuerwald
Borders	Frizzell	McNamara	Stevenson
Brown,C	Fry, C	Messmer	Sullivan
Brown, T	Frye, R	Morris	Summers
Burton	GiaQuinta	Moseley	Thompson
Candelaria Reardon	Goodin	Moses	Torr
Cheatham	Grubb	Neese	Truitt
Cherry	Gutwein	Niezgodski	Turner
Clere	Harris	Noe	Ubelhor
Crawford	Heaton	Pelath	VanDenburgh
Crouch	Heuer	Pflum	VanNatter
Culver	Hinkle	Pierce	Welch
Davis	Karickhoff	Pond	Wesco
Davisson	Kersey	Porter	White
Day	Kirchhofer	Pryor	Wolkins
DeLaney	Klinker	Reske	Yarde
Dembowski	Knollman	Rhoads	Mr. Speaker
Dermody	Koch	Richardson	
Dobis	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon Lawson, L

NOT VOTING: NONE

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Roll Call 317: PASSED

SB 287 Noe
Department of child services.

3rd Reading

Yeas:	97
Nays:	0
Excused:	2
N/Voting:	1

VOTING YEA: 97

Austin	Dodge	Lehe	Saunders
Bacon	Dvorak	Lehman	Smith, M
Baird	Eberhart	Leonard	Smith, V
Bartlett	Ellspermann	Lutz	Soliday
Battles	Espich	Mahan	Speedy
Bauer	Foley	McClain	Stemler
Behning	Friend	McMillin	Steuerwald
Borders	Frizzell	McNamara	Stevenson
Brown,C	Fry, C	Messmer	Sullivan
Brown, T	Frye, R	Morris	Summers
Burton	GiaQuinta	Moseley	Thompson
Candelaria Reardon	Goodin	Moses	Torr
Cheatham	Grubb	Neese	Truitt
Cherry	Gutwein	Niezgodski	Turner
Clere	Harris	Noe	Ubelhor
Crawford	Heaton	Pelath	VanDenburgh
Crouch	Heuer	Pflum	VanNatter
Culver	Hinkle	Pierce	Welch
Davis	Karickhoff	Pond	Wesco
Davisson	Kersey	Porter	White
Day	Kirchhofer	Pryor	Wolkins
DeLaney	Klinker	Reske	Yarde
Dembowski	Knollman	Rhoads	
Dermody	Koch	Richardson	
Dobis	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon Lawson, L

NOT VOTING: 1

Mr. Speaker

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Roll Call 318: PASSED

SB 296 Behning
Certified scholarship program
eligibility.
3rd Reading

Yeas: 61
Nays: 35
Excused: 2
N/Voting: 2

VOTING YEA: 61

Bacon	Espich	Leonard	Speedy
Baird	Foley	Lutz	Steuerwald
Behning	Friend	Mahan	Thompson
Borders	Frizzell	McClain	Torr
Brown, T	Frye, R	McMillin	Truitt
Burton	Gutwein	McNamara	Turner
Cherry	Heaton	Messmer	Ubelhor
Clere	Heuer	Morris	VanDenburgh
Crouch	Hinkle	Neese	VanNatter
Culver	Karickhoff	Noe	Wesco
Davis	Kirchhofer	Pond	Wolkins
Davisson	Knollman	Rhoads	Yarde
Dermody	Koch	Richardson	Mr. Speaker
Dodge	Kubacki	Saunders	
Eberhart	Lehe	Smith, M	
Ellspermann	Lehman	Soliday	

VOTING NAY: 35

Austin	Dembowski	Klinker	Reske
Bartlett	Dobis	Moseley	Riecken
Battles	Dvorak	Moses	Smith, V
Bauer	Fry, C	Niezgodski	Stemler
Brown,C	GiaQuinta	Pelath	Stevenson
Candelaria Reardon	Goodin	Pflum	Summers
Cheatham	Grubb	Pierce	Welch
Crawford	Harris	Porter	White
DeLaney	Kersey	Pryor	

EXCUSED FROM VOTING: 2

Bardon Lawson, L

NOT VOTING: 2

Day Sullivan

Indiana House of Representatives
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MEETING DAY 32 03-01-12

Roll Call 319: PASSED

SB 302 Clere
Taxation.

3rd Reading

Yeas: 96
Nays: 0
Excused: 3
N/Voting: 1

VOTING YEA: 96

Austin	Dobis	Koch	Rhoads
Bacon	Dodge	Kubacki	Riecken
Baird	Dvorak	Lehe	Saunders
Bartlett	Eberhart	Lehman	Smith, M
Battles	Ellspermann	Leonard	Smith, V
Bauer	Espich	Lutz	Soliday
Behning	Foley	Mahan	Speedy
Borders	Friend	McClain	Stemler
Brown,C	Frizzell	McMillin	Steuerwald
Brown, T	Fry, C	McNamara	Stevenson
Burton	Frye, R	Messmer	Sullivan
Candelaria Reardon	GiaQuinta	Morris	Summers
Cheatham	Goodin	Moseley	Thompson
Cherry	Grubb	Moses	Torr
Clere	Gutwein	Neese	Truitt
Crawford	Harris	Niezgodski	Turner
Crouch	Heaton	Noe	Ubelhor
Culver	Heuer	Pelath	VanDenburgh
Davis	Hinkle	Pflum	VanNatter
Davisson	Karickhoff	Pierce	Welch
Day	Kersey	Pond	Wesco
DeLaney	Kirchhofer	Porter	White
Dembowski	Klinker	Pryor	Wolkins
Dermody	Knollman	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Bardon Lawson, L Richardson

NOT VOTING: 1

Mr. Speaker

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Roll Call 320: PASSED

SB 322 Steuerwald
Tort immunity for DOC employees and
others.
3rd Reading

Yeas: 96
Nays: 1
Excused: 2
N/Voting: 1

VOTING YEA: 96

Austin	Dodge	Kubacki	Richardson
Bacon	Dvorak	Lehe	Riecken
Baird	Eberhart	Lehman	Saunders
Battles	Ellspermann	Leonard	Smith, M
Bauer	Espich	Lutz	Smith, V
Behning	Foley	Mahan	Soliday
Borders	Friend	McClain	Speedy
Brown,C	Frizzell	McMillin	Stemler
Brown, T	Fry, C	McNamara	Steuerwald
Burton	Frye, R	Messmer	Stevenson
Candelaria Reardon	GiaQuinta	Morris	Sullivan
Cheatham	Goodin	Moseley	Summers
Cherry	Grubb	Moses	Thompson
Clere	Gutwein	Neese	Torr
Crawford	Harris	Niezgodski	Truitt
Crouch	Heaton	Noe	Turner
Culver	Heuer	Pelath	Ubelhor
Davis	Hinkle	Pflum	VanDenburgh
Davisson	Karickhoff	Pierce	VanNatter
Day	Kersey	Pond	Welch
DeLaney	Kirchhofer	Porter	Wesco
Dembowski	Klinker	Pryor	White
Dermody	Knollman	Reske	Wolkins
Dobis	Koch	Rhoads	Yarde

VOTING NAY: 1

Bartlett

EXCUSED FROM VOTING: 2

Bardon Lawson, L

NOT VOTING: 1

Mr. Speaker

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Roll Call 321: PASSED

SB 384 Behning
School accreditation.

3rd Reading

Yeas: 53
Nays: 45
Excused: 2
N/Voting: 0

VOTING YEA: 53

Baird	Foley	Lutz	Sullivan
Behning	Friend	Mahan	Thompson
Borders	Frizzell	McClain	Torr
Brown, T	Frye, R	McMillin	Truitt
Burton	Gutwein	Messmer	Turner
Cherry	Heaton	Morris	Ubelhor
Clere	Heuer	Noe	VanNatter
Culver	Karickhoff	Pond	Wesco
Davis	Kirchhofer	Rhoads	Wolkins
Davisson	Knollman	Richardson	Yarde
Dermody	Koch	Smith, M	Mr. Speaker
Dodge	Kubacki	Soliday	
Eberhart	Lehe	Speedy	
Espich	Lehman	Steuerwald	

VOTING NAY: 45

Austin	Dembowski	Leonard	Riecken
Bacon	Dobis	McNamara	Saunders
Bartlett	Dvorak	Moseley	Smith, V
Battles	Ellspermann	Moses	Stemler
Bauer	Fry, C	Neese	Stevenson
Brown,C	GiaQuinta	Niezgodski	Summers
Candelaria Reardon	Goodin	Pelath	VanDenburgh
Cheatham	Grubb	Pflum	Welch
Crawford	Harris	Pierce	White
Crouch	Hinkle	Porter	
Day	Kersey	Pryor	
DeLaney	Klinker	Reske	

EXCUSED FROM VOTING: 2

Bardon Lawson, L

NOT VOTING: NONE

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Roll Call 322: PASSED

SB 407 Welch
Pharmacies.

3rd Reading

Yeas:	97
Nays:	0
Excused:	2
N/Voting:	1

VOTING YEA: 97

Austin	Dodge	Lehe	Saunders
Bacon	Dvorak	Lehman	Smith, M
Baird	Eberhart	Leonard	Smith, V
Bartlett	Ellspermann	Lutz	Soliday
Battles	Espich	Mahan	Speedy
Bauer	Foley	McClain	Stemler
Behning	Friend	McMillin	Steuerwald
Borders	Frizzell	McNamara	Stevenson
Brown,C	Fry, C	Messmer	Sullivan
Brown, T	Frye, R	Morris	Summers
Burton	GiaQuinta	Moseley	Thompson
Candelaria Reardon	Goodin	Moses	Torr
Cheatham	Grubb	Neese	Truitt
Cherry	Gutwein	Niezgodski	Turner
Clere	Harris	Noe	Ubelhor
Crawford	Heaton	Pelath	VanDenburgh
Crouch	Heuer	Pflum	VanNatter
Culver	Hinkle	Pierce	Welch
Davis	Karickhoff	Pond	Wesco
Davisson	Kersey	Porter	White
Day	Kirchhofer	Pryor	Wolkins
DeLaney	Klinker	Reske	Yarde
Dembowski	Knollman	Rhoads	
Dermody	Koch	Richardson	
Dobis	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon Lawson, L

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 33 03-05-12

Roll Call 324: PREVAILED

HC 14 Messmer
Honoring Private Richard Taylor & Lt.
Colonel Don C. Faith.
Adoption of Resolution

Yeas:	91
Nays:	0
Excused:	5
N/Voting:	4

VOTING YEA: 91

Austin	Dodge	Lawson, L	Riecken
Bacon	Dvorak	Lehe	Saunders
Baird	Ellspermann	Lehman	Smith, M
Bartlett	Foley	Leonard	Smith, V
Battles	Friend	Lutz	Soliday
Bauer	Frizzell	Mahan	Speedy
Borders	Fry, C	McClain	Steuerwald
Brown, T	Frye, R	McMillin	Stevenson
Burton	GiaQuinta	McNamara	Sullivan
Candelaria Reardon	Goodin	Messmer	Summers
Cheatham	Grubb	Morris	Thompson
Cherry	Gutwein	Moseley	Torr
Clere	Harris	Moses	Truitt
Crawford	Heaton	Neese	Turner
Crouch	Heuer	Niezgodski	Ubelhor
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pierce	Welch
Davisson	Kersey	Pond	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dermody	Koch	Rhoads	Mr. Speaker
Dobis	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bardon Eberhart Stemler
Behning Pflum

NOT VOTING: 4

Brown,C Espich Noe VanDenburgh

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Roll Call 325: PREVAILED

HC 18 Moseley
Urging General Assembly to fly the
POW/MIA flag.
Adoption of Resolution

Yeas:	94
Nays:	0
Excused:	4
N/Voting:	2

VOTING YEA: 94

Austin	Dvorak	Lehe	Saunders
Bacon	Eberhart	Lehman	Smith, M
Baird	Ellspermann	Leonard	Smith, V
Bartlett	Foley	Lutz	Soliday
Battles	Friend	Mahan	Speedy
Bauer	Frizzell	McClain	Steuerwald
Borders	Fry, C	McMillin	Stevenson
Brown, T	Frye, R	McNamara	Sullivan
Burton	GiaQuinta	Messmer	Summers
Candelaria Reardon	Goodin	Morris	Thompson
Cheatham	Grubb	Moseley	Torr
Cherry	Gutwein	Moses	Truitt
Clere	Harris	Neese	Turner
Crawford	Heaton	Niezgodski	Ubelhor
Crouch	Heuer	Noe	VanDenburgh
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pierce	Welch
Davisson	Kersey	Pond	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dermody	Koch	Rhoads	Mr. Speaker
Dobis	Kubacki	Richardson	
Dodge	Lawson, L	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bardon Behning Pflum Stemler

NOT VOTING: 2

Brown,C Espich

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Roll Call 326: PREVAILED

HR 17 Yarde
Urging INDOT to rename part of SR 8 for
John Martin Smith.
Adoption of Resolution

Yeas:	93
Nays:	0
Excused:	4
N/Voting:	3

VOTING YEA: 93

Austin	Dvorak	Lehe	Saunders
Bacon	Eberhart	Lehman	Smith, M
Baird	Ellspermann	Leonard	Smith, V
Bartlett	Foley	Lutz	Soliday
Battles	Friend	Mahan	Speedy
Bauer	Frizzell	McClain	Steuerwald
Borders	Fry, C	McMillin	Stevenson
Brown, T	Frye, R	McNamara	Sullivan
Burton	GiaQuinta	Messmer	Summers
Candelaria Reardon	Goodin	Morris	Thompson
Cheatham	Grubb	Moseley	Torr
Cherry	Gutwein	Moses	Truitt
Clere	Harris	Neese	Turner
Crawford	Heaton	Niezgodski	Ubelhor
Crouch	Heuer	Noe	VanDenburgh
Culver	Hinkle	Pelath	VanNatter
Davis	Karickhoff	Pierce	Welch
Davisson	Kersey	Pond	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dermody	Koch	Rhoads	
Dobis	Kubacki	Richardson	
Dodge	Lawson, L	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bardon Behning Pflum Stemler

NOT VOTING: 3

Brown,C Espich Mr. Speaker

Indiana House of Representatives
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Roll Call 328: PREVAILED

HB 1015 Davisson
Cemetery access.

Concur

Yeas: 83
Nays: 1
Excused: 6
N/Voting: 10

VOTING YEA: 83

Austin	Dobis	Knollman	Rhoads
Bacon	Dodge	Koch	Richardson
Baird	Dvorak	Kubacki	Riecken
Bartlett	Eberhart	Lawson, L	Smith, M
Battles	Ellspermann	Lehe	Soliday
Bauer	Espich	Lehman	Speedy
Behning	Friend	Leonard	Steuerwald
Borders	Frizzell	Lutz	Sullivan
Brown, T	Frye, R	Mahan	Summers
Burton	GiaQuinta	McClain	Thompson
Candelaria Reardon	Goodin	McMillin	Truitt
Cheatham	Grubb	McNamara	Turner
Cherry	Gutwein	Messmer	Ubelhor
Clere	Harris	Morris	VanDenburgh
Crouch	Heaton	Neese	VanNatter
Culver	Heuer	Niezgodski	Welch
Davis	Hinkle	Noe	Wesco
Davisson	Karickhoff	Pelath	White
DeLaney	Kersey	Pond	Wolkins
Dembowski	Kirchhofer	Pryor	Yarde
Dermody	Klinker	Reske	

VOTING NAY: 1

Moses

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: 10

Brown,C	Moseley	Smith, V	Mr. Speaker
Crawford	Pierce	Stevenson	
Day	Porter	Torr	

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Roll Call 329: PREVAILED

HB 1054 Soliday
Alcoholic beverage matters.

Concur

Yeas: 81
Nays: 7
Excused: 6
N/Voting: 6

VOTING YEA: 81

Bacon	Eberhart	Lehe	Rhoads
Baird	Ellspermann	Lehman	Richardson
Battles	Espich	Leonard	Smith, M
Bauer	Friend	Lutz	Soliday
Behning	Frizzell	Mahan	Speedy
Brown,C	Frye, R	McClain	Steuerwald
Burton	GiaQuinta	McMillin	Stevenson
Candelaria Reardon	Grubb	McNamara	Sullivan
Cheatham	Gutwein	Messmer	Summers
Cherry	Harris	Morris	Truitt
Clere	Heaton	Moseley	Turner
Crawford	Heuer	Moses	Ubelhor
Crouch	Hinkle	Neese	VanDenburgh
Culver	Karickhoff	Niezgodski	VanNatter
Davisson	Kersey	Noe	Welch
DeLaney	Kirchhofer	Pelath	White
Dembowski	Klinker	Pierce	Wolkins
Dermody	Knollman	Pond	Yarde
Dobis	Koch	Porter	
Dodge	Kubacki	Pryor	
Dvorak	Lawson, L	Reske	

VOTING NAY: 7

Austin	Brown, T	Goodin	Wesco
Borders	Davis	Thompson	

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: 6

Bartlett	Riecken	Torr
Day	Smith, V	Mr. Speaker

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Roll Call 330: PREVAILED

HB 1059 Baird
Military family relief fund.

Concur

Yeas: 91
Nays: 0
Excused: 6
N/Voting: 3

VOTING YEA: 91

Austin	Dobis	Kubacki	Rhoads
Bacon	Dodge	Lawson, L	Richardson
Baird	Dvorak	Lehe	Riecken
Bartlett	Eberhart	Lehman	Smith, M
Battles	Ellspermann	Leonard	Soliday
Bauer	Espich	Lutz	Speedy
Behning	Friend	Mahan	Steuerwald
Borders	Frizzell	McClain	Stevenson
Brown,C	Frye, R	McMillin	Sullivan
Brown, T	GiaQuinta	McNamara	Summers
Burton	Goodin	Messmer	Thompson
Candelaria Reardon	Grubb	Morris	Truitt
Cheatham	Gutwein	Moseley	Turner
Cherry	Harris	Moses	Ubelhor
Clere	Heaton	Neese	VanDenburgh
Crawford	Heuer	Niezgodski	VanNatter
Crouch	Hinkle	Noe	Welch
Culver	Karickhoff	Pelath	Wesco
Davis	Kersey	Pierce	White
Davisson	Kirchhofer	Pond	Wolkins
DeLaney	Klinker	Porter	Yarde
Dembowski	Knollman	Pryor	Mr. Speaker
Dermody	Koch	Reske	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: 3

Day	Smith, V	Torr

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Roll Call 331: PREVAILED

HB 1090 Friend
Payment of delinquent property taxes.

Concur

Yeas: 92
Nays: 0
Excused: 6
N/Voting: 2

VOTING YEA: 92

Austin	Dermody	Koch	Reske
Bacon	Dobis	Kubacki	Rhoads
Baird	Dodge	Lawson, L	Richardson
Bartlett	Dvorak	Lehe	Riecken
Battles	Eberhart	Lehman	Smith, M
Bauer	Ellspermann	Leonard	Smith, V
Behning	Espich	Lutz	Soliday
Borders	Friend	Mahan	Speedy
Brown,C	Frizzell	McClain	Steuerwald
Brown, T	Frye, R	McMillin	Stevenson
Burton	GiaQuinta	McNamara	Sullivan
Candelaria Reardon	Goodin	Messmer	Summers
Cheatham	Grubb	Morris	Thompson
Cherry	Gutwein	Moseley	Truitt
Clere	Harris	Moses	Turner
Crawford	Heaton	Neese	Ubelhor
Crouch	Heuer	Niezgodski	VanDenburgh
Culver	Hinkle	Noe	VanNatter
Davis	Karickhoff	Pelath	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Pond	White
DeLaney	Klinker	Porter	Wolkins
Dembowski	Knollman	Pryor	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: 2

Torr	Mr. Speaker

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Roll Call 332: PREVAILED

HB 1091 Friend
Agricultural operations.

Concur

Yeas: 58
Nays: 35
Excused: 6
N/Voting: 1

VOTING YEA: 58

Bacon	Eberhart	Koch	Smith, M
Baird	Ellspermann	Kubacki	Soliday
Behning	Espich	Lehe	Speedy
Borders	Friend	Lehman	Steuerwald
Brown, T	Frizzell	Lutz	Thompson
Burton	Frye, R	Mahan	Torr
Cherry	Goodin	McClain	Truitt
Clere	Grubb	McNamara	Turner
Crouch	Gutwein	Messmer	Ubelhor
Culver	Heaton	Morris	VanNatter
Davis	Hinkle	Neese	Wesco
Davisson	Karickhoff	Noe	Wolkins
Dermody	Kirchhofer	Pond	Yarde
Dobis	Klinker	Rhoads	
Dodge	Knollman	Richardson	

VOTING NAY: 35

Austin	DeLaney	McMillin	Riecken
Bartlett	Dembowski	Moseley	Smith, V
Battles	Dvorak	Moses	Stevenson
Bauer	GiaQuinta	Niezgodski	Sullivan
Brown,C	Harris	Pelath	Summers
Candelaria Reardon	Heuer	Pierce	VanDenburgh
Cheatham	Kersey	Porter	Welch
Crawford	Lawson, L	Pryor	White
Day	Leonard	Reske	

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: 1

Mr. Speaker

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Roll Call 333: PREVAILED

HB 1128 Lehe
Corn marketing council.

Concur

Yeas: 90
Nays: 1
Excused: 6
N/Voting: 3

VOTING YEA: 90

Bacon	Dodge	Lehe	Riecken
Baird	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Smith, V
Battles	Espich	Lutz	Soliday
Bauer	Friend	Mahan	Speedy
Behning	Frizzell	McClain	Steuerwald
Borders	Frye, R	McMillin	Stevenson
Brown,C	GiaQuinta	McNamara	Sullivan
Brown, T	Goodin	Messmer	Summers
Burton	Grubb	Morris	Thompson
Candelaria Reardon	Gutwein	Moseley	Torr
Cheatham	Harris	Moses	Truitt
Cherry	Heaton	Neese	Turner
Clere	Heuer	Niezgodski	Ubelhor
Crawford	Hinkle	Noe	VanDenburgh
Crouch	Karickhoff	Pelath	VanNatter
Culver	Kersey	Pierce	Welch
Davis	Kirchhofer	Pond	Wesco
Davisson	Klinker	Porter	White
Day	Knollman	Pryor	Wolkins
DeLaney	Koch	Reske	Yarde
Dembowski	Kubacki	Rhoads	
Dermody	Lawson, L	Richardson	

VOTING NAY: 1

Dvorak

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: 3

Austin	Dobis	Mr. Speaker

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Roll Call 334: PREVAILED

HB 1129 Lehe
State chemist issues.

Concur

Yeas: 93
Nays: 0
Excused: 6
N/Voting: 1

VOTING YEA: 93

Austin	Dobis	Lawson, L	Riecken
Bacon	Dodge	Lehe	Smith, M
Baird	Dvorak	Lehman	Smith, V
Bartlett	Eberhart	Leonard	Soliday
Battles	Ellspermann	Lutz	Speedy
Bauer	Espich	Mahan	Steuerwald
Behning	Friend	McClain	Stevenson
Borders	Frizzell	McMillin	Sullivan
Brown,C	Frye, R	McNamara	Summers
Brown, T	GiaQuinta	Messmer	Thompson
Burton	Goodin	Morris	Torr
Candelaria Reardon	Grubb	Moseley	Truitt
Cheatham	Gutwein	Moses	Turner
Cherry	Harris	Neese	Ubelhor
Clere	Heaton	Niezgodski	VanDenburgh
Crawford	Heuer	Noe	VanNatter
Crouch	Hinkle	Pelath	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Pond	White
Davisson	Kirchhofer	Porter	Wolkins
Day	Klinker	Pryor	Yarde
DeLaney	Knollman	Reske	
Dembowski	Koch	Rhoads	
Dermody	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: 1

Mr. Speaker

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Roll Call 335: PREVAILED

HB 1163 Torr
Bonding and retainage in public
works projects.
Concur

Yeas: 93
Nays: 0
Excused: 6
N/Voting: 1

VOTING YEA: 93

Austin	Dobis	Lawson, L	Riecken
Bacon	Dodge	Lehe	Smith, M
Baird	Dvorak	Lehman	Smith, V
Bartlett	Eberhart	Leonard	Soliday
Battles	Ellspermann	Lutz	Speedy
Bauer	Espich	Mahan	Steuerwald
Behning	Friend	McClain	Stevenson
Borders	Frizzell	McMillin	Sullivan
Brown,C	Frye, R	McNamara	Summers
Brown, T	GiaQuinta	Messmer	Thompson
Burton	Goodin	Morris	Torr
Candelaria Reardon	Grubb	Moseley	Truitt
Cheatham	Gutwein	Moses	Turner
Cherry	Harris	Neese	Ubelhor
Clere	Heaton	Niezgodski	VanDenburgh
Crawford	Heuer	Noe	VanNatter
Crouch	Hinkle	Pelath	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Pond	White
Davisson	Kirchhofer	Porter	Wolkins
Day	Klinker	Pryor	Yarde
DeLaney	Knollman	Reske	
Dembowski	Koch	Rhoads	
Dermody	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: 1

Mr. Speaker

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Roll Call 336: PREVAILED

HB 1173 Ellspermann
Various IOSHA matters.

Concur

Yeas:	75
Nays:	17
Excused:	6
N/Voting:	2

VOTING YEA: 75

Bacon	Dodge	Koch	Smith, M
Baird	Eberhart	Kubacki	Smith, V
Bartlett	Ellspermann	Lawson, L	Soliday
Bauer	Espich	Lehe	Speedy
Behning	Friend	Lehman	Steuerwald
Borders	Frizzell	Leonard	Sullivan
Brown, T	Frye, R	Lutz	Thompson
Burton	GiaQuinta	Mahan	Torr
Cherry	Grubb	McClain	Truitt
Clere	Gutwein	McMillin	Turner
Crouch	Harris	McNamara	Ubelhor
Culver	Heaton	Messmer	VanDenburgh
Davis	Heuer	Morris	VanNatter
Davisson	Hinkle	Neese	Welch
Day	Karickhoff	Noe	Wesco
DeLaney	Kersey	Pond	White
Dembowski	Kirchhofer	Reske	Wolkins
Dermody	Klinker	Rhoads	Yarde
Dobis	Knollman	Richardson	

VOTING NAY: 17

Austin	Dvorak	Pelath	Stevenson
Brown,C	Goodin	Pierce	Summers
Candelaria Reardon	Moseley	Porter	
Cheatham	Moses	Pryor	
Crawford	Niezgodski	Riecken	

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: 2

Battles Mr. Speaker

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Roll Call 337: PREVAILED

HB 1196 M. Smith
Synthetic drugs (including "bath salts").
Concur

Yeas:	94
Nays:	0
Excused:	6
N/Voting:	0

VOTING YEA: 94

Austin	Dobis	Lawson, L	Riecken
Bacon	Dodge	Lehe	Smith, M
Baird	Dvorak	Lehman	Smith, V
Bartlett	Eberhart	Leonard	Soliday
Battles	Ellspermann	Lutz	Speedy
Bauer	Espich	Mahan	Steuerwald
Behning	Friend	McClain	Stevenson
Borders	Frizzell	McMillin	Sullivan
Brown,C	Frye, R	McNamara	Summers
Brown, T	GiaQuinta	Messmer	Thompson
Burton	Goodin	Morris	Torr
Candelaria Reardon	Grubb	Moseley	Truitt
Cheatham	Gutwein	Moses	Turner
Cherry	Harris	Neese	Ubelhor
Clere	Heaton	Niezgodski	VanDenburgh
Crawford	Heuer	Noe	VanNatter
Crouch	Hinkle	Pelath	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Pond	White
Davisson	Kirchhofer	Porter	Wolkins
Day	Klinker	Pryor	Yarde
DeLaney	Knollman	Reske	Mr. Speaker
Dembowski	Koch	Rhoads	
Dermody	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: NONE

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Roll Call 338: PREVAILED

HB 1201 Dermody
State provision of communication services.
Concur

Yeas:	71
Nays:	22
Excused:	6
N/Voting:	1

VOTING YEA: 71

Bacon	Dodge	Kubacki	Richardson
Baird	Eberhart	Lehe	Smith, M
Behning	Ellspermann	Lehman	Smith, V
Borders	Espich	Leonard	Soliday
Brown,C	Friend	Lutz	Speedy
Brown, T	Frizzell	McClain	Steuerwald
Burton	Frye, R	McMillin	Summers
Candelaria Reardon	Goodin	McNamara	Thompson
Cheatham	Grubb	Messmer	Torr
Cherry	Gutwein	Morris	Truitt
Clere	Heaton	Moseley	Turner
Crouch	Heuer	Neese	Ubelhor
Culver	Hinkle	Noe	VanDenburgh
Davis	Karickhoff	Pelath	VanNatter
Davisson	Kirchhofer	Pond	Wesco
DeLaney	Klinker	Pryor	Wolkins
Dermody	Knollman	Reske	Yarde
Dobis	Koch	Rhoads	

VOTING NAY: 22

Austin	Dembowski	Mahan	Stevenson
Bartlett	Dvorak	Moses	Sullivan
Battles	GiaQuinta	Niezgodski	Welch
Bauer	Harris	Pierce	White
Crawford	Kersey	Porter	
Day	Lawson, L	Riecken	

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: 1

Mr. Speaker

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Roll Call 339: PREVAILED

HB 1212 Kirchhofer
Blue lights on vehicles.

Concur

Yeas:	93
Nays:	0
Excused:	6
N/Voting:	1

VOTING YEA: 93

Austin	Dobis	Lawson, L	Riecken
Bacon	Dodge	Lehe	Smith, M
Baird	Dvorak	Lehman	Smith, V
Bartlett	Eberhart	Leonard	Soliday
Battles	Ellspermann	Lutz	Speedy
Bauer	Espich	Mahan	Steuerwald
Behning	Friend	McClain	Stevenson
Borders	Frizzell	McMillin	Sullivan
Brown,C	Frye, R	McNamara	Summers
Brown, T	GiaQuinta	Messmer	Thompson
Burton	Goodin	Morris	Torr
Candelaria Reardon	Grubb	Moseley	Truitt
Cheatham	Gutwein	Moses	Turner
Cherry	Harris	Neese	Ubelhor
Clere	Heaton	Niezgodski	VanDenburgh
Crawford	Heuer	Noe	VanNatter
Crouch	Hinkle	Pelath	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Pond	White
Davisson	Kirchhofer	Porter	Wolkins
Day	Klinker	Pryor	Yarde
DeLaney	Knollman	Reske	
Dembowski	Koch	Rhoads	
Dermody	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: 1

Mr. Speaker

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Roll Call 340: PREVAILED

HB 1216 Kirchhofer
Self-donated blood.

Concur

Yeas:	93
Nays:	0
Excused:	6
N/Voting:	1

VOTING YEA: 93

Austin	Dobis	Lawson, L	Riecken
Bacon	Dodge	Lehe	Smith, M
Baird	Dvorak	Lehman	Smith, V
Bartlett	Eberhart	Leonard	Soliday
Battles	Ellspermann	Lutz	Speedy
Bauer	Espich	Mahan	Steuerwald
Behning	Friend	McClain	Stevenson
Borders	Frizzell	McMillin	Sullivan
Brown,C	Frye, R	McNamara	Summers
Brown, T	GiaQuinta	Messmer	Thompson
Burton	Goodin	Morris	Torr
Candelaria Reardon	Grubb	Moseley	Truitt
Cheatham	Gutwein	Moses	Turner
Cherry	Harris	Neese	Ubelhor
Clere	Heaton	Niezgodski	VanDenburgh
Crawford	Heuer	Noe	VanNatter
Crouch	Hinkle	Pelath	Welch
Culver	Karickhoff	Pierce	Wesco
Davis	Kersey	Pond	White
Davisson	Kirchhofer	Porter	Wolkins
Day	Klinker	Pryor	Yarde
DeLaney	Knollman	Reske	
Dembowski	Koch	Rhoads	
Dermody	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Fry, C	Saunders
Foley	Pflum	Stemler

NOT VOTING: 1

Mr. Speaker

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Roll Call 342: PREVAILED

HB 1220 Rhoads
Commission for higher education.

Concur

Yeas:	62
Nays:	21
Excused:	16
N/Voting:	1

VOTING YEA: 62

Bacon	Ellspermann	Lehe	Smith, M
Baird	Foley	Lehman	Soliday
Borders	Friend	Leonard	Speedy
Brown, T	Frizzell	Lutz	Stemler
Burton	Frye, R	Mahan	Steuerwald
Cheatham	GiaQuinta	McClain	Sullivan
Cherry	Goodin	McMillin	Torr
Clere	Gutwein	McNamara	Truitt
Crouch	Harris	Messmer	Turner
Culver	Heaton	Morris	Ubelhor
Davisson	Heuer	Neese	VanDenburgh
Dembowski	Hinkle	Noe	VanNatter
Dermody	Karickhoff	Pond	Wesco
Dobis	Kirchhofer	Rhoads	Yarde
Dodge	Klinker	Richardson	
Eberhart	Koch	Saunders	

VOTING NAY: 21

Austin	Kersey	Pflum	Summers
Bartlett	Lawson, L	Porter	Welch
Battles	Moseley	Reske	White
Bauer	Moses	Riecken	
Brown,C	Niezgodski	Smith, V	
Crawford	Pelath	Stevenson	

EXCUSED FROM VOTING: 16

Bardon	Day	Fry, C	Pierce
Behning	DeLaney	Grubb	Pryor
Candelaria Reardon	Dvorak	Knollman	Thompson
Davis	Espich	Kubacki	Wolkins

NOT VOTING: 1

Mr. Speaker

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Roll Call 343: PREVAILED

HB 1247 Soliday
Operator's license renewal schedule and fees.
Concur

Yeas:	73
Nays:	15
Excused:	11
N/Voting:	1

VOTING YEA: 73

Bacon	Friend	Lutz	Speedy
Baird	Frizzell	Mahan	Stemler
Borders	Fry, C	McClain	Steuerwald
Brown, T	Frye, R	McMillin	Stevenson
Burton	GiaQuinta	McNamara	Sullivan
Cheatham	Goodin	Messmer	Torr
Cherry	Grubb	Morris	Truitt
Clere	Gutwein	Moseley	Turner
Crouch	Heaton	Moses	Ubelhor
Culver	Heuer	Neese	VanDenburgh
Davisson	Hinkle	Noe	VanNatter
DeLaney	Karickhoff	Pflum	Welch
Dembowski	Kirchhofer	Pond	Wesco
Dermody	Klinker	Reske	White
Dobis	Koch	Rhoads	Wolkins
Dodge	Lawson, L	Richardson	Yarde
Eberhart	Lehe	Saunders	
Ellspermann	Lehman	Smith, M	
Foley	Leonard	Soliday	

VOTING NAY: 15

Austin	Brown,C	Niezgodski	Riecken
Bartlett	Crawford	Pelath	Smith, V
Battles	Harris	Pierce	Summers
Bauer	Kersey	Porter	

EXCUSED FROM VOTING: 11

Bardon	Davis	Espich	Pryor
Behning	Day	Knollman	Thompson
Candelaria Reardon	Dvorak	Kubacki	

NOT VOTING: 1

Mr. Speaker

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Roll Call 344: PREVAILED

HB 1273 Steuerwald
Administrative law judge study.

Concur

Yeas:	87
Nays:	1
Excused:	11
N/Voting:	1

VOTING YEA: 87

Austin	Eberhart	Lehman	Saunders
Bacon	Ellspermann	Leonard	Smith, M
Baird	Foley	Lutz	Smith, V
Bartlett	Friend	Mahan	Soliday
Battles	Frizzell	McClain	Speedy
Bauer	Fry, C	McMillin	Stemler
Borders	Frye, R	McNamara	Steuerwald
Brown,C	GiaQuinta	Messmer	Stevenson
Brown, T	Goodin	Morris	Sullivan
Burton	Grubb	Moseley	Summers
Cheatham	Gutwein	Moses	Torr
Cherry	Harris	Neese	Truitt
Clere	Heaton	Niezgodski	Turner
Crawford	Heuer	Noe	Ubelhor
Crouch	Hinkle	Pelath	VanDenburgh
Culver	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Welch
DeLaney	Kirchhofer	Pond	Wesco
Dembowski	Klinker	Porter	White
Dermody	Koch	Rhoads	Wolkins
Dobis	Lawson, L	Richardson	Yarde
Dodge	Lehe	Riecken	

VOTING NAY: 1

Reske

EXCUSED FROM VOTING: 11

Bardon	Davis	Espich	Pryor
Behning	Day	Knollman	Thompson
Candelaria Reardon	Dvorak	Kubacki	

NOT VOTING: 1

Mr. Speaker

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Roll Call 345: PREVAILED

HB 1294 Heaton
Various securities division matters.

Concur

Yeas: 88
Nays: 0
Excused: 11
N/Voting: 1

VOTING YEA: 88

Austin	Eberhart	Lehman	Riecken
Bacon	Ellspermann	Leonard	Saunders
Baird	Foley	Lutz	Smith, M
Bartlett	Friend	Mahan	Smith, V
Battles	Frizzell	McClain	Soliday
Bauer	Fry, C	McMillin	Speedy
Borders	Frye, R	McNamara	Stemler
Brown,C	GiaQuinta	Messmer	Steuerwald
Brown, T	Goodin	Morris	Stevenson
Burton	Grubb	Moseley	Sullivan
Cheatham	Gutwein	Moses	Summers
Cherry	Harris	Neese	Torr
Clere	Heaton	Niezgodski	Truitt
Crawford	Heuer	Noe	Turner
Crouch	Hinkle	Pelath	Ubelhor
Culver	Karickhoff	Pflum	VanDenburgh
Davisson	Kersey	Pierce	VanNatter
DeLaney	Kirchhofer	Pond	Welch
Dembowski	Klinker	Porter	Wesco
Dermody	Koch	Reske	White
Dobis	Lawson, L	Rhoads	Wolkins
Dodge	Lehe	Richardson	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 11

Bardon	Davis	Espich	Pryor
Behning	Day	Knollman	Thompson
Candelaria Reardon	Dvorak	Kubacki	

NOT VOTING: 1

Mr. Speaker

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Roll Call 346: PREVAILED

HB 1312 Ellspermann
Sale of poultry at farmer's markets.

Concur

Yeas: 69
Nays: 19
Excused: 11
N/Voting: 1

VOTING YEA: 69

Austin	Foley	Mahan	Smith, M
Bacon	Friend	McClain	Soliday
Baird	Frizzell	McMillin	Stemler
Borders	Frye, R	McNamara	Steuerwald
Brown, T	GiaQuinta	Messmer	Stevenson
Burton	Goodin	Morris	Sullivan
Cherry	Gutwein	Moseley	Torr
Clere	Heaton	Moses	Truitt
Crouch	Heuer	Neese	Turner
Culver	Hinkle	Noe	Ubelhor
Davisson	Karickhoff	Pflum	VanNatter
DeLaney	Kirchhofer	Pierce	Welch
Dembowski	Klinker	Pond	Wesco
Dermody	Koch	Reske	Wolkins
Dobis	Lehe	Rhoads	Yarde
Dodge	Lehman	Richardson	
Eberhart	Leonard	Riecken	
Ellspermann	Lutz	Saunders	

VOTING NAY: 19

Bartlett	Crawford	Lawson, L	Smith, V
Battles	Fry, C	Niezgodski	Summers
Bauer	Grubb	Pelath	VanDenburgh
Brown,C	Harris	Porter	White
Cheatham	Kersey	Pryor	

EXCUSED FROM VOTING: 11

Bardon	Davis	Espich	Speedy
Behning	Day	Knollman	Thompson
Candelaria Reardon	Dvorak	Kubacki	

NOT VOTING: 1

Mr. Speaker

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Roll Call 347: PREVAILED

HB 1367 Noe
Deaf and hard of hearing education services.
Concur

Yeas: 54
Nays: 36
Excused: 10
N/Voting: 0

VOTING YEA: 54

Bacon	Foley	Mahan	Steuerwald
Baird	Friend	McClain	Sullivan
Borders	Frizzell	McMillin	Torr
Brown, T	Frye, R	McNamara	Truitt
Burton	Gutwein	Morris	Turner
Cherry	Heaton	Moses	Ubelhor
Clere	Heuer	Neese	VanNatter
Crouch	Karickhoff	Noe	Welch
Culver	Kirchhofer	Pond	Wesco
Davisson	Koch	Rhoads	Wolkins
Dermody	Lehe	Richardson	Yarde
Dodge	Lehman	Smith, M	Mr. Speaker
Eberhart	Leonard	Soliday	
Ellspermann	Lutz	Speedy	

VOTING NAY: 36

Austin	Dobis	Klinker	Reske
Bartlett	Dvorak	Lawson, L	Riecken
Battles	Fry, C	Moseley	Saunders
Bauer	GiaQuinta	Niezgodski	Smith, V
Brown,C	Goodin	Pelath	Stemler
Cheatham	Grubb	Pflum	Stevenson
Crawford	Harris	Pierce	Summers
DeLaney	Hinkle	Porter	VanDenburgh
Dembowski	Kersey	Pryor	White

EXCUSED FROM VOTING: 10

Bardon	Davis	Knollman	Thompson
Behning	Day	Kubacki	
Candelaria Reardon	Espich	Messmer	

NOT VOTING: NONE

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Roll Call 349: PREVAILED

HB 1005 Mahan
Nepotism; conflict of interest.

Concur

Yeas: 62
Nays: 19
Excused: 19
N/Voting: 0

VOTING YEA: 62

Bacon	Dobis	Lehe	Richardson
Baird	Dvorak	Lehman	Riecken
Behning	Eberhart	Leonard	Soliday
Borders	Foley	Lutz	Stemler
Brown,C	Friend	Mahan	Steuerwald
Brown, T	Frizzell	McClain	Sullivan
Burton	Harris	McMillin	Torr
Candelaria Reardon	Heaton	McNamara	Truitt
Cherry	Heuer	Messmer	Turner
Clere	Hinkle	Morris	VanDenburgh
Crouch	Karickhoff	Moses	VanNatter
Culver	Kirchhofer	Neese	Wesco
Davisson	Klinker	Noe	Wolkins
Day	Knollman	Pierce	Mr. Speaker
DeLaney	Koch	Reske	
Dermody	Kubacki	Rhoads	

VOTING NAY: 19

Battles	GiaQuinta	Niezgodski	Stevenson
Bauer	Goodin	Pflum	Summers
Cheatham	Gutwein	Porter	Thompson
Fry, C	Kersey	Saunders	White
Frye, R	Moseley	Smith, V	

EXCUSED FROM VOTING: 19

Austin	Dembowski	Lawson, L	Speedy
Bardon	Dodge	Pelath	Ubelhor
Bartlett	Ellspermann	Pond	Welch
Crawford	Espich	Pryor	Yarde
Davis	Grubb	Smith, M	

NOT VOTING: NONE

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Roll Call 350: PREVAILED

HB 1065 Borders
Military custody and parenting time matters.
Concur

Yeas: 76
Nays: 0
Excused: 23
N/Voting: 1

VOTING YEA: 76

Bacon	Eberhart	Kubacki	Porter
Baird	Foley	Lehe	Reske
Battles	Friend	Lehman	Rhoads
Bauer	Frizzell	Leonard	Richardson
Behning	Fry, C	Lutz	Riecken
Borders	Frye, R	Mahan	Saunders
Brown,C	GiaQuinta	McClain	Smith, V
Brown, T	Goodin	McMillin	Soliday
Burton	Grubb	McNamara	Stemler
Cheatham	Gutwein	Messmer	Steuerwald
Cherry	Heaton	Morris	Stevenson
Crouch	Heuer	Moseley	Sullivan
Culver	Hinkle	Moses	Summers
Davisson	Karickhoff	Neese	Truitt
Day	Kersey	Niezgodski	VanDenburgh
DeLaney	Kirchhofer	Noe	VanNatter
Dermody	Klinker	Pflum	Wesco
Dobis	Knollman	Pierce	White
Dvorak	Koch	Pond	Wolkins

VOTING NAY: NONE

EXCUSED FROM VOTING: 23

Austin	Davis	Lawson, L	Torr
Bardon	Dembowski	Pelath	Turner
Bartlett	Dodge	Pryor	Ubelhor
Candelaria Reardon	Ellspermann	Smith, M	Welch
Clere	Espich	Speedy	Yarde
Crawford	Harris	Thompson	

NOT VOTING: 1

Mr. Speaker

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Roll Call 351: PREVAILED

HB 1116 Borders
Military education and training.
Concur

Yeas: 79
Nays: 0
Excused: 21
N/Voting: 0

VOTING YEA: 79

Bacon	Foley	Lehe	Richardson
Baird	Friend	Lehman	Riecken
Battles	Frizzell	Leonard	Saunders
Bauer	Fry, C	Lutz	Smith, V
Behning	Frye, R	Mahan	Soliday
Borders	GiaQuinta	McClain	Stemler
Brown,C	Goodin	McMillin	Steuerwald
Brown, T	Grubb	McNamara	Stevenson
Burton	Gutwein	Messmer	Sullivan
Cheatham	Harris	Morris	Summers
Cherry	Heaton	Moseley	Torr
Crouch	Heuer	Moses	Truitt
Culver	Hinkle	Neese	VanDenburgh
Davisson	Karickhoff	Niezgodski	VanNatter
Day	Kersey	Noe	Wesco
DeLaney	Kirchhofer	Pflum	White
Dermody	Klinker	Pierce	Wolkins
Dobis	Knollman	Pond	Yarde
Dvorak	Koch	Reske	Mr. Speaker
Eberhart	Kubacki	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 21

Austin	Davis	Pelath	Turner
Bardon	Dembowski	Porter	Ubelhor
Bartlett	Dodge	Pryor	Welch
Candelaria Reardon	Ellspermann	Smith, M	
Clere	Espich	Speedy	
Crawford	Lawson, L	Thompson	

NOT VOTING: NONE

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Roll Call 352: PREVAILED

HB 1226 Lehman
Insurance matters.
Concur

Yeas: 79
Nays: 0
Excused: 20
N/Voting: 1

VOTING YEA: 79

Bacon	Foley	Lehe	Rhoads
Baird	Friend	Lehman	Richardson
Battles	Frizzell	Leonard	Riecken
Bauer	Fry, C	Lutz	Saunders
Behning	Frye, R	Mahan	Smith, V
Borders	GiaQuinta	McClain	Soliday
Brown,C	Goodin	McMillin	Stemler
Brown, T	Grubb	McNamara	Steuerwald
Burton	Gutwein	Messmer	Stevenson
Cheatham	Harris	Morris	Sullivan
Cherry	Heaton	Moseley	Summers
Crouch	Heuer	Moses	Torr
Culver	Hinkle	Neese	Truitt
Davisson	Karickhoff	Niezgodski	VanDenburgh
Day	Kersey	Noe	VanNatter
DeLaney	Kirchhofer	Pflum	Wesco
Dermody	Klinker	Pierce	White
Dobis	Knollman	Pond	Wolkins
Dvorak	Koch	Porter	Yarde
Eberhart	Kubacki	Reske	

VOTING NAY: NONE

EXCUSED FROM VOTING: 20

Austin	Crawford	Espich	Speedy
Bardon	Davis	Lawson, L	Thompson
Bartlett	Dembowski	Pelath	Turner
Candelaria Reardon	Dodge	Pryor	Ubelhor
Clere	Ellspermann	Smith, M	Welch

NOT VOTING: 1

Mr. Speaker

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Roll Call 353: PREVAILED

HB 1238 Burton
Abandonment of mortgaged property.
Concur

Yeas: 79
Nays: 0
Excused: 20
N/Voting: 1

VOTING YEA: 79

Bacon	Eberhart	Kubacki	Rhoads
Baird	Foley	Lehe	Richardson
Bartlett	Friend	Lehman	Riecken
Battles	Frizzell	Leonard	Saunders
Bauer	Fry, C	Lutz	Smith, V
Behning	Frye, R	McClain	Soliday
Borders	GiaQuinta	McMillin	Stemler
Brown,C	Goodin	McNamara	Steuerwald
Brown, T	Grubb	Messmer	Stevenson
Burton	Gutwein	Morris	Sullivan
Cheatham	Harris	Moseley	Summers
Cherry	Heaton	Moses	Torr
Crouch	Heuer	Neese	Truitt
Culver	Hinkle	Niezgodski	VanDenburgh
Davisson	Karickhoff	Noe	VanNatter
Day	Kersey	Pflum	Wesco
DeLaney	Kirchhofer	Pierce	White
Dermody	Klinker	Pond	Wolkins
Dobis	Knollman	Porter	Yarde
Dvorak	Koch	Reske	

VOTING NAY: NONE

EXCUSED FROM VOTING: 20

Austin	Davis	Lawson, L	Speedy
Bardon	Dembowski	Mahan	Thompson
Candelaria Reardon	Dodge	Pelath	Turner
Clere	Ellspermann	Pryor	Ubelhor
Crawford	Espich	Smith, M	Welch

NOT VOTING: 1

Mr. Speaker

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Roll Call 354: PREVAILED

HB 1250 Mahan
State government nepotism.

Concur

Yeas:	77
Nays:	5
Excused:	18
N/Voting:	0

VOTING YEA: 77

Bacon	Eberhart	Lehman	Richardson
Baird	Foley	Leonard	Riecken
Battles	Friend	Lutz	Saunders
Bauer	Frizzell	Mahan	Smith, V
Behning	Frye, R	McClain	Soliday
Borders	GiaQuinta	McMillin	Stemler
Brown,C	Grubb	McNamara	Steuerwald
Brown, T	Gutwein	Messmer	Stevenson
Burton	Harris	Morris	Sullivan
Cheatham	Heaton	Moseley	Torr
Cherry	Heuer	Moses	Truitt
Clere	Hinkle	Neese	VanDenburgh
Crouch	Karickhoff	Niezgodski	VanNatter
Culver	Kersey	Noe	Wesco
Davisson	Kirchhofer	Pflum	Wolkins
Day	Klinker	Pierce	Yarde
DeLaney	Knollman	Pond	Mr. Speaker
Dermody	Koch	Porter	
Dobis	Kubacki	Reske	
Dvorak	Lehe	Rhoads	

VOTING NAY: 5

Bartlett	Goodin	White
Fry, C	Summers	

EXCUSED FROM VOTING: 18

Austin	Dembowski	Pelath	Turner
Bardon	Dodge	Pryor	Ubelhor
Candelaria Reardon	Ellspermann	Smith, M	Welch
Crawford	Espich	Speedy	
Davis	Lawson, L	Thompson	

NOT VOTING: NONE

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MEETING DAY 34 03-06-12

Roll Call 355: PREVAILED

HB 1283 Richardson
Libraries and historic matters.

Concur

Yeas:	78
Nays:	2
Excused:	19
N/Voting:	1

VOTING YEA: 78

Bacon	Eberhart	Kubacki	Rhoads
Baird	Foley	Lehe	Richardson
Bartlett	Friend	Lehman	Riecken
Battles	Frizzell	Lutz	Saunders
Bauer	Fry, C	Mahan	Soliday
Behning	Frye, R	McClain	Stemler
Borders	GiaQuinta	McMillin	Steuerwald
Brown, T	Goodin	McNamara	Stevenson
Burton	Grubb	Messmer	Sullivan
Cheatham	Gutwein	Morris	Summers
Cherry	Harris	Moseley	Torr
Clere	Heaton	Moses	Truitt
Crouch	Heuer	Neese	VanDenburgh
Culver	Hinkle	Niezgodski	VanNatter
Davisson	Karickhoff	Noe	Wesco
Day	Kersey	Pflum	White
DeLaney	Kirchhofer	Pierce	Wolkins
Dermody	Klinker	Pond	Yarde
Dobis	Knollman	Porter	
Dvorak	Koch	Reske	

VOTING NAY: 2

Brown,C	Smith, V

EXCUSED FROM VOTING: 19

Austin	Dembowski	Leonard	Thompson
Bardon	Dodge	Pelath	Turner
Candelaria Reardon	Ellspermann	Pryor	Ubelhor
Crawford	Espich	Smith, M	Welch
Davis	Lawson, L	Speedy	

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 36 03-08-12

Roll Call 358: PREVAILED

HB 1004 Richardson
Various election law matters.

Concur

Yeas:	92
Nays:	0
Excused:	4
N/Voting:	4

VOTING YEA: 92

Austin	Dobis	Lehe	Richardson
Bacon	Dvorak	Lehman	Riecken
Baird	Eberhart	Leonard	Saunders
Bartlett	Ellspermann	Lutz	Smith, M
Battles	Espich	Mahan	Smith, V
Bauer	Friend	McClain	Soliday
Borders	Frizzell	McMillin	Speedy
Brown,C	Fry, C	McNamara	Steuerwald
Brown, T	Frye, R	Messmer	Stevenson
Burton	Goodin	Morris	Sullivan
Candelaria Reardon	Grubb	Moseley	Summers
Cheatham	Gutwein	Moses	Thompson
Cherry	Harris	Neese	Torr
Clere	Heuer	Niezgodski	Truitt
Crawford	Hinkle	Noe	Turner
Crouch	Karickhoff	Pelath	Ubelhor
Culver	Kersey	Pflum	VanDenburgh
Davis	Kirchhofer	Pierce	VanNatter
Davisson	Klinker	Pond	Welch
Day	Knollman	Porter	Wesco
DeLaney	Koch	Pryor	White
Dembowski	Kubacki	Reske	Wolkins
Dermody	Lawson, L	Rhoads	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bardon	Behning	Heaton	Stemler

NOT VOTING: 4

Dodge	Foley	GiaQuinta	Mr. Speaker

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Roll Call 359: PREVAILED

HB 1117 Wolkins
Regional waste districts, utilities.

Concur

Yeas:	62
Nays:	30
Excused:	5
N/Voting:	3

VOTING YEA: 62

Bacon	Eberhart	Koch	Richardson
Baird	Ellspermann	Kubacki	Smith, M
Battles	Espich	Lawson, L	Soliday
Borders	Friend	Lehe	Speedy
Brown, T	Frizzell	Lehman	Steuerwald
Burton	Fry, C	Leonard	Thompson
Cheatham	Frye, R	Lutz	Torr
Cherry	Goodin	Mahan	Truitt
Clere	Grubb	McClain	Turner
Crouch	Gutwein	McMillin	Ubelhor
Culver	Heuer	McNamara	VanNatter
Davis	Hinkle	Messmer	Wesco
Davisson	Karickhoff	Morris	Wolkins
Dermody	Kirchhofer	Noe	Yarde
Dobis	Klinker	Pond	
Dvorak	Knollman	Rhoads	

VOTING NAY: 30

Austin	GiaQuinta	Pflum	Stevenson
Bartlett	Harris	Pierce	Sullivan
Bauer	Kersey	Porter	Summers
Brown,C	Moseley	Pryor	VanDenburgh
Candelaria Reardon	Moses	Reske	Welch
Crawford	Neese	Riecken	White
DeLaney	Niezgodski	Saunders	
Dembowski	Pelath	Smith, V	

EXCUSED FROM VOTING: 5

Bardon	Day	Stemler
Behning	Heaton	

NOT VOTING: 3

Dodge	Foley	Mr. Speaker

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Roll Call 360: PREVAILED

HB 1249 Clere
Land banks and tax sales process.

Concur

Yeas:	94
Nays:	0
Excused:	4
N/Voting:	2

VOTING YEA: 94

Austin	Dodge	Lehe	Riecken
Bacon	Dvorak	Lehman	Saunders
Baird	Eberhart	Leonard	Smith, M
Bartlett	Ellspermann	Lutz	Smith, V
Battles	Espich	Mahan	Soliday
Bauer	Friend	McClain	Speedy
Borders	Frizzell	McMillin	Steuerwald
Brown,C	Fry, C	McNamara	Stevenson
Brown, T	Frye, R	Messmer	Sullivan
Burton	GiaQuinta	Morris	Summers
Candelaria Reardon	Goodin	Moseley	Thompson
Cheatham	Grubb	Moses	Torr
Cherry	Gutwein	Neese	Truitt
Clere	Harris	Niezgodski	Turner
Crawford	Heuer	Noe	Ubelhor
Crouch	Hinkle	Pelath	VanDenburgh
Culver	Karickhoff	Pflum	VanNatter
Davis	Kersey	Pierce	Welch
Davisson	Kirchhofer	Pond	Wesco
Day	Klinker	Porter	White
DeLaney	Knollman	Pryor	Wolkins
Dembowski	Koch	Reske	Yarde
Dermody	Kubacki	Rhoads	
Dobis	Lawson, L	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bardon	Behning	Heaton	Stemler

NOT VOTING: 2

Foley	Mr. Speaker

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Roll Call 361: PREVAILED

HB 1270 Clere
Higher education.

Concur

Yeas:	55
Nays:	38
Excused:	3
N/Voting:	4

VOTING YEA: 55

Bacon	Eberhart	Lehman	Saunders
Baird	Ellspermann	Leonard	Smith, M
Behning	Espich	Lutz	Soliday
Borders	Friend	Mahan	Steuerwald
Brown, T	Frizzell	McClain	Thompson
Burton	Frye, R	McMillin	Torr
Cherry	Gutwein	McNamara	Truitt
Clere	Heuer	Messmer	Turner
Crouch	Karickhoff	Morris	Ubelhor
Culver	Kirchhofer	Neese	VanNatter
Davis	Knollman	Noe	Wesco
Davisson	Koch	Pond	White
Dermody	Kubacki	Rhoads	Yarde
Dodge	Lehe	Richardson	

VOTING NAY: 38

Austin	Dembowski	Klinker	Reske
Bartlett	Dobis	Lawson, L	Riecken
Battles	Dvorak	Moseley	Smith, V
Bauer	Fry, C	Moses	Stevenson
Brown,C	GiaQuinta	Niezgodski	Sullivan
Candelaria Reardon	Goodin	Pelath	Summers
Cheatham	Grubb	Pflum	VanDenburgh
Crawford	Harris	Pierce	Welch
Day	Hinkle	Porter	
DeLaney	Kersey	Pryor	

EXCUSED FROM VOTING: 3

Bardon	Heaton	Stemler

NOT VOTING: 4

Foley	Speedy	Wolkins	Mr. Speaker

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Roll Call 362: PREVAILED

HB 1298 Davis
Transportation of food products.

Concur

Yeas:	92
Nays:	0
Excused:	4
N/Voting:	4

VOTING YEA: 92

Austin	Dodge	Kubacki	Rhoads
Bacon	Dvorak	Lawson, L	Richardson
Baird	Eberhart	Lehe	Riecken
Bartlett	Ellspermann	Lehman	Saunders
Battles	Espich	Leonard	Smith, M
Bauer	Foley	Lutz	Smith, V
Behning	Friend	Mahan	Soliday
Borders	Frizzell	McClain	Steuerwald
Brown,C	Fry, C	McMillin	Stevenson
Brown, T	Frye, R	McNamara	Sullivan
Burton	GiaQuinta	Messmer	Summers
Cheatham	Goodin	Morris	Thompson
Cherry	Grubb	Moseley	Torr
Clere	Gutwein	Moses	Truitt
Crouch	Harris	Neese	Turner
Culver	Heuer	Niezgodski	Ubelhor
Davis	Hinkle	Noe	VanDenburgh
Davisson	Karickhoff	Pelath	VanNatter
Day	Kersey	Pflum	Welch
DeLaney	Kirchhofer	Pierce	Wesco
Dembowski	Klinker	Pond	White
Dermody	Knollman	Pryor	Wolkins
Dobis	Koch	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bardon	Heaton	Porter	Stemler

NOT VOTING: 4

Candelaria Reardon	Crawford	Speedy	Mr. Speaker

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Roll Call 363: PREVAILED

HB 1040 Grubb
Immunity for fast responders.

Conference Report #1

Yeas:	94
Nays:	0
Excused:	5
N/Voting:	1

VOTING YEA: 94

Austin	Dodge	Lawson, L	Riecken
Bacon	Dvorak	Lehe	Saunders
Baird	Eberhart	Lehman	Smith, M
Bartlett	Ellspermann	Leonard	Smith, V
Battles	Espich	Lutz	Soliday
Bauer	Foley	Mahan	Steuerwald
Behning	Friend	McClain	Stevenson
Borders	Frizzell	McMillin	Sullivan
Brown,C	Fry, C	McNamara	Summers
Brown, T	Frye, R	Messmer	Thompson
Burton	GiaQuinta	Morris	Torr
Candelaria Reardon	Goodin	Moseley	Truitt
Cheatham	Grubb	Moses	Turner
Cherry	Gutwein	Neese	Ubelhor
Clere	Harris	Niezgodski	VanDenburgh
Crouch	Heuer	Noe	VanNatter
Culver	Hinkle	Pelath	Welch
Davis	Karickhoff	Pflum	Wesco
Davisson	Kersey	Pierce	White
Day	Kirchhofer	Pond	Wolkins
DeLaney	Klinker	Porter	Yarde
Dembowski	Knollman	Pryor	Mr. Speaker
Dermody	Koch	Reske	
Dobis	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bardon	Heaton	Stemler
Crawford	Speedy	

NOT VOTING: 1

Rhoads

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Roll Call 364: PREVAILED

HB 1141 Welch
Home energy assistance.

Conference Report #1

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

VOTING YEA: 93

Austin	Dobis	Lawson, L	Saunders
Bacon	Dodge	Lehe	Smith, M
Baird	Dvorak	Lehman	Smith, V
Bartlett	Eberhart	Leonard	Soliday
Battles	Ellspermann	Lutz	Steuerwald
Bauer	Foley	Mahan	Stevenson
Behning	Friend	McClain	Sullivan
Borders	Frizzell	McMillin	Summers
Brown,C	Fry, C	McNamara	Thompson
Brown, T	Frye, R	Messmer	Torr
Burton	GiaQuinta	Morris	Truitt
Candelaria Reardon	Goodin	Moseley	Turner
Cheatham	Grubb	Moses	Ubelhor
Cherry	Gutwein	Neese	VanDenburgh
Clere	Harris	Niezgodski	VanNatter
Crawford	Heuer	Noe	Welch
Crouch	Hinkle	Pelath	Wesco
Culver	Karickhoff	Pflum	White
Davis	Kersey	Pierce	Wolkins
Davisson	Kirchhofer	Pond	Yarde
Day	Klinker	Porter	Mr. Speaker
DeLaney	Knollman	Pryor	
Dembowski	Koch	Reske	
Dermody	Kubacki	Riecken	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bardon	Richardson	Stemler
Heaton	Speedy	

NOT VOTING: 2

Espich	Rhoads

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Roll Call 365: PREVAILED

SB 15 T. Brown
Brain injury services and Medicaid.

Conference Report #1

Yeas: 92
Nays: 0
Excused: 6
N/Voting: 2

VOTING YEA: 92

Austin	Dermody	Koch	Pryor
Bacon	Dobis	Kubacki	Reske
Baird	Dodge	Lawson, L	Riecken
Bartlett	Dvorak	Lehe	Saunders
Battles	Eberhart	Lehman	Smith, M
Bauer	Ellspermann	Leonard	Smith, V
Behning	Foley	Lutz	Soliday
Borders	Friend	Mahan	Steuerwald
Brown,C	Frizzell	McClain	Stevenson
Brown, T	Fry, C	McMillin	Sullivan
Burton	Frye, R	McNamara	Summers
Candelaria Reardon	GiaQuinta	Messmer	Thompson
Cheatham	Goodin	Morris	Torr
Cherry	Grubb	Moseley	Truitt
Clere	Gutwein	Moses	Turner
Crawford	Harris	Neese	Ubelhor
Crouch	Heuer	Niezgodski	VanDenburgh
Culver	Hinkle	Noe	VanNatter
Davis	Karickhoff	Pelath	Welch
Davisson	Kersey	Pflum	Wesco
Day	Kirchhofer	Pierce	White
DeLaney	Klinker	Pond	Wolkins
Dembowski	Knollman	Porter	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Rhoads	Speedy
Heaton	Richardson	Stemler

NOT VOTING: 2

Espich	Mr. Speaker

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Roll Call 366: PREVAILED

SB 52 T. Brown
HIV testing.

Conference Report #1

Yeas: 92
Nays: 1
Excused: 5
N/Voting: 2

VOTING YEA: 92

Austin	Dermody	Kubacki	Reske
Bacon	Dobis	Lawson, L	Riecken
Baird	Dodge	Lehe	Saunders
Bartlett	Dvorak	Lehman	Smith, M
Battles	Eberhart	Leonard	Smith, V
Bauer	Ellspermann	Lutz	Soliday
Behning	Foley	Mahan	Speedy
Borders	Friend	McClain	Steuerwald
Brown,C	Frizzell	McMillin	Stevenson
Brown, T	Frye, R	McNamara	Sullivan
Burton	GiaQuinta	Messmer	Summers
Candelaria Reardon	Goodin	Morris	Thompson
Cheatham	Grubb	Moseley	Torr
Cherry	Gutwein	Moses	Truitt
Clere	Harris	Neese	Turner
Crawford	Heuer	Niezgodski	Ubelhor
Crouch	Hinkle	Noe	VanDenburgh
Culver	Karickhoff	Pelath	VanNatter
Davis	Kersey	Pflum	Welch
Davisson	Kirchhofer	Pierce	Wesco
Day	Klinker	Pond	White
DeLaney	Knollman	Porter	Wolkins
Dembowski	Koch	Pryor	Yarde

VOTING NAY: 1

Fry, C

EXCUSED FROM VOTING: 5

Bardon	Rhoads	Stemler
Heaton	Richardson	

NOT VOTING: 2

Espich	Mr. Speaker

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Roll Call 367: PREVAILED

SB 107 Neese
Deadline for adoption of salary ordinances.
Conference Report #1

Yeas: 94
Nays: 0
Excused: 5
N/Voting: 1

VOTING YEA: 94

Austin	Dobis	Kubacki	Riecken
Bacon	Dodge	Lawson, L	Saunders
Baird	Dvorak	Lehe	Smith, M
Bartlett	Eberhart	Lehman	Smith, V
Battles	Ellspermann	Leonard	Soliday
Bauer	Espich	Lutz	Speedy
Behning	Foley	Mahan	Steuerwald
Borders	Friend	McClain	Stevenson
Brown,C	Frizzell	McMillin	Sullivan
Brown, T	Fry, C	McNamara	Summers
Burton	Frye, R	Messmer	Thompson
Candelaria Reardon	GiaQuinta	Morris	Torr
Cheatham	Goodin	Moseley	Truitt
Cherry	Grubb	Moses	Turner
Clere	Gutwein	Neese	Ubelhor
Crawford	Harris	Niezgodski	VanDenburgh
Crouch	Heuer	Noe	VanNatter
Culver	Hinkle	Pelath	Welch
Davis	Karickhoff	Pflum	Wesco
Davisson	Kersey	Pierce	White
Day	Kirchhofer	Pond	Wolkins
DeLaney	Klinker	Porter	Yarde
Dembowski	Knollman	Pryor	
Dermody	Koch	Reske	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bardon	Rhoads	Stemler
Heaton	Richardson	

NOT VOTING: 1

Mr. Speaker

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Roll Call 368: PREVAILED

SB 113 Lehman
Golf carts in unincorporated areas.
Conference Report #1

Yeas: 85
Nays: 10
Excused: 4
N/Voting: 1

VOTING YEA: 85

Bacon	Dvorak	Lawson, L	Smith, M
Baird	Eberhart	Lehe	Smith, V
Battles	Ellspermann	Lehman	Soliday
Bauer	Espich	Leonard	Speedy
Behning	Foley	Lutz	Steuerwald
Borders	Friend	Mahan	Stevenson
Brown,C	Frizzell	McClain	Sullivan
Burton	Fry, C	McMillin	Thompson
Candelaria Reardon	Frye, R	McNamara	Torr
Cherry	GiaQuinta	Messmer	Truitt
Clere	Grubb	Morris	Turner
Crawford	Gutwein	Moseley	Ubelhor
Crouch	Harris	Moses	VanDenburgh
Culver	Heuer	Neese	VanNatter
Davis	Hinkle	Niezgodski	Welch
Davisson	Karickhoff	Noe	Wesco
Day	Kersey	Pflum	White
DeLaney	Kirchhofer	Pierce	Wolkins
Dembowski	Klinker	Pond	Yarde
Dermody	Knollman	Reske	
Dobis	Koch	Richardson	
Dodge	Kubacki	Saunders	

VOTING NAY: 10

Austin	Cheatham	Porter	Summers
Bartlett	Goodin	Pryor	
Brown, T	Pelath	Riecken	

EXCUSED FROM VOTING: 4

Bardon	Heaton	Rhoads	Stemler

NOT VOTING: 1

Mr. Speaker

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Roll Call 369: PREVAILED

SB 176 Foley
Courts and court officers.
Conference Report #1

Yeas: 93
Nays: 2
Excused: 4
N/Voting: 1

VOTING YEA: 93

Austin	Dobis	Kubacki	Richardson
Bacon	Dodge	Lawson, L	Riecken
Baird	Dvorak	Lehe	Saunders
Bartlett	Eberhart	Lehman	Smith, M
Battles	Ellspermann	Leonard	Smith, V
Bauer	Espich	Lutz	Soliday
Behning	Foley	Mahan	Speedy
Borders	Friend	McClain	Steuerwald
Brown,C	Frizzell	McMillin	Stevenson
Brown, T	Fry, C	McNamara	Sullivan
Burton	Frye, R	Messmer	Summers
Candelaria Reardon	GiaQuinta	Morris	Thompson
Cheatham	Goodin	Moseley	Torr
Cherry	Grubb	Moses	Truitt
Clere	Gutwein	Neese	Turner
Crawford	Harris	Niezgodski	Ubelhor
Crouch	Heuer	Noe	VanNatter
Culver	Hinkle	Pelath	Welch
Davis	Karickhoff	Pflum	Wesco
Davisson	Kersey	Pierce	Wolkins
Day	Kirchhofer	Pond	Yarde
DeLaney	Klinker	Porter	
Dembowski	Knollman	Pryor	
Dermody	Koch	Reske	

VOTING NAY: 2

VanDenburgh	White

EXCUSED FROM VOTING: 4

Bardon	Heaton	Rhoads	Stemler

NOT VOTING: 1

Mr. Speaker

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Roll Call 370: FAILED

SB 224 T. Brown
Emergency ambulance services report.
Conference Report #1

Yeas: 45
Nays: 49
Excused: 4
N/Voting: 2

VOTING YEA: 45

Bacon	Ellspermann	Lehman	Torr
Baird	Espich	Lutz	Truitt
Behning	Foley	McClain	Turner
Brown, T	Friend	McMillin	Ubelhor
Burton	Frizzell	McNamara	VanNatter
Cherry	Gutwein	Neese	Welch
Clere	Heuer	Noe	Wesco
Culver	Hinkle	Pond	Wolkins
Davis	Karickhoff	Richardson	Yarde
Davisson	Kirchhofer	Smith, M	
Dermody	Koch	Soliday	
Dodge	Lehe	Thompson	

VOTING NAY: 49

Austin	Dvorak	Leonard	Riecken
Bartlett	Eberhart	Mahan	Saunders
Bauer	Fry, C	Messmer	Smith, V
Borders	Frye, R	Morris	Speedy
Brown,C	GiaQuinta	Moseley	Steuerwald
Candelaria Reardon	Goodin	Moses	Stevenson
Cheatham	Grubb	Niezgodski	Sullivan
Crawford	Harris	Pelath	Summers
Crouch	Kersey	Pflum	VanDenburgh
Day	Klinker	Pierce	White
DeLaney	Knollman	Porter	
Dembowski	Kubacki	Pryor	
Dobis	Lawson, L	Reske	

EXCUSED FROM VOTING: 4

Bardon	Heaton	Rhoads	Stemler

NOT VOTING: 2

Battles	Mr. Speaker

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Roll Call 373: PREVAILED

HB 1134 Speedy
School transportation.
Concur

Yeas: 84
Nays: 0
Excused: 5
N/Voting: 11

VOTING YEA: 84

Bacon	Dvorak	Kubacki	Pryor
Baird	Eberhart	Lawson, L	Reske
Bartlett	Ellspermann	Lehe	Rhoads
Bauer	Foley	Lehman	Richardson
Behning	Friend	Leonard	Riecken
Borders	Frizzell	Lutz	Saunders
Brown,C	Fry, C	Mahan	Smith, M
Brown, T	Frye, R	McClain	Speedy
Burton	GiaQuinta	McMillin	Stevenson
Cheatham	Goodin	McNamara	Sullivan
Cherry	Gutwein	Messmer	Thompson
Clere	Harris	Morris	Torr
Crawford	Heaton	Moseley	Truitt
Crouch	Heuer	Moses	Turner
Culver	Hinkle	Neese	Ubelhor
Davis	Karickhoff	Niezgodski	VanNatter
Davisson	Kersey	Noe	Welch
DeLaney	Kirchhofer	Pelath	Wesco
Dermody	Klinker	Pflum	White
Dobis	Knollman	Pierce	Wolkins
Dodge	Koch	Pond	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bardon	Grubb	VanDenburgh
Espich	Stemler	

NOT VOTING: 11

Austin	Day	Smith, V	Summers
Battles	Dembowski	Soliday	Mr. Speaker
Candelaria Reardon	Porter	Steuerwald	

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Roll Call 374: PREVAILED

HB 1169 Koch
School discipline.

Concur

Yeas:	88
Nays:	0
Excused:	5
N/Voting:	7

VOTING YEA: 88

Bacon	Dodge	Kubacki	Reske
Baird	Dvorak	Lawson, L	Rhoads
Bartlett	Eberhart	Lehe	Richardson
Bauer	Ellspermann	Lehman	Riecken
Behning	Foley	Leonard	Saunders
Borders	Friend	Lutz	Smith, M
Brown,C	Frizzell	Mahan	Soliday
Brown, T	Fry, C	McClain	Speedy
Burton	Frye, R	McMillin	Steuerwald
Candelaria Reardon	GiaQuinta	McNamara	Stevenson
Cheatham	Goodin	Messmer	Sullivan
Cherry	Gutwein	Morris	Thompson
Clere	Harris	Moseley	Torr
Crawford	Heaton	Moses	Truitt
Crouch	Heuer	Neese	Turner
Culver	Hinkle	Niezgodski	Ubelhor
Davis	Karickhoff	Noe	VanNatter
Davisson	Kersey	Pelath	Welch
DeLaney	Kirchhofer	Pflum	Wesco
Dembowski	Klinker	Pierce	White
Dermody	Knollman	Pond	Wolkins
Dobis	Koch	Pryor	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bardon	Grubb	VanDenburgh
Espich	Stemler	

NOT VOTING: 7

Austin	Day	Smith, V	Mr. Speaker
Battles	Porter	Summers	

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Roll Call 375: PREVAILED

HB 1325 Pond
Sales and use tax exemptions.

Concur

Yeas:	78
Nays:	12
Excused:	5
N/Voting:	5

VOTING YEA: 78

Bacon	Eberhart	Lehman	Richardson
Baird	Ellspermann	Lutz	Saunders
Battles	Foley	Mahan	Smith, M
Bauer	Friend	McClain	Soliday
Behning	Frizzell	McMillin	Speedy
Borders	Frye, R	McNamara	Steuerwald
Brown, T	GiaQuinta	Messmer	Stevenson
Burton	Goodin	Morris	Sullivan
Candelaria Reardon	Gutwein	Moses	Thompson
Cheatham	Heaton	Neese	Truitt
Cherry	Heuer	Niezgodski	Turner
Clere	Hinkle	Noe	Ubelhor
Crouch	Karickhoff	Pelath	VanNatter
Culver	Kirchhofer	Pflum	Welch
Davis	Klinker	Pierce	Wesco
Davisson	Knollman	Pond	White
Dembowski	Koch	Porter	Wolkins
Dermody	Kubacki	Pryor	Yarde
Dobis	Lawson, L	Reske	
Dodge	Lehe	Rhoads	

VOTING NAY: 12

Bartlett	DeLaney	Harris	Moseley
Brown,C	Dvorak	Kersey	Smith, V
Crawford	Fry, C	Leonard	Summers

EXCUSED FROM VOTING: 5

Bardon	Grubb	VanDenburgh
Espich	Stemler	

NOT VOTING: 5

Austin	Riecken	Mr. Speaker
Day	Torr	

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Roll Call 376: PREVAILED

HB 1080 R. Frye
Sex offenders.

Conference Report #1

Yeas:	92
Nays:	0
Excused:	5
N/Voting:	3

VOTING YEA: 92

Bacon	Dodge	Lawson, L	Rhoads
Baird	Dvorak	Lehe	Richardson
Bartlett	Eberhart	Lehman	Riecken
Battles	Ellspermann	Leonard	Saunders
Bauer	Foley	Lutz	Smith, M
Behning	Friend	Mahan	Smith, V
Borders	Frizzell	McClain	Soliday
Brown,C	Fry, C	McMillin	Speedy
Brown, T	Frye, R	McNamara	Steuerwald
Burton	GiaQuinta	Messmer	Stevenson
Candelaria Reardon	Goodin	Morris	Sullivan
Cheatham	Gutwein	Moseley	Summers
Cherry	Harris	Moses	Thompson
Clere	Heaton	Neese	Torr
Crawford	Heuer	Niezgodski	Truitt
Crouch	Hinkle	Noe	Turner
Culver	Karickhoff	Pelath	Ubelhor
Davis	Kersey	Pflum	VanNatter
Davisson	Kirchhofer	Pierce	Welch
DeLaney	Klinker	Pond	Wesco
Dembowski	Knollman	Porter	White
Dermody	Koch	Pryor	Wolkins
Dobis	Kubacki	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bardon	Grubb	VanDenburgh
Espich	Stemler	

NOT VOTING: 3

Austin	Day	Mr. Speaker

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Roll Call 377: PREVAILED

HB 1092 Burton
Johnson superior court and Wabash city court.
Conference Report #1

Yeas:	92
Nays:	0
Excused:	6
N/Voting:	2

VOTING YEA: 92

Bacon	Dodge	Lawson, L	Rhoads
Baird	Dvorak	Lehe	Richardson
Bartlett	Eberhart	Lehman	Riecken
Battles	Ellspermann	Leonard	Saunders
Bauer	Foley	Lutz	Smith, M
Behning	Friend	Mahan	Smith, V
Borders	Frizzell	McClain	Soliday
Brown,C	Fry, C	McMillin	Speedy
Brown, T	Frye, R	McNamara	Steuerwald
Burton	GiaQuinta	Messmer	Stevenson
Candelaria Reardon	Goodin	Morris	Sullivan
Cheatham	Gutwein	Moseley	Summers
Cherry	Harris	Moses	Thompson
Clere	Heaton	Neese	Torr
Crawford	Heuer	Niezgodski	Truitt
Crouch	Hinkle	Noe	Turner
Culver	Karickhoff	Pelath	Ubelhor
Davis	Kersey	Pflum	VanNatter
Davisson	Kirchhofer	Pierce	Welch
DeLaney	Klinker	Pond	Wesco
Dembowski	Knollman	Porter	White
Dermody	Koch	Pryor	Wolkins
Dobis	Kubacki	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Espich	Stemler
Day	Grubb	VanDenburgh

NOT VOTING: 2

Austin	Mr. Speaker

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Roll Call 378: PREVAILED

HB 1123 Burton
Public pensions.

Conference Report #1

Yeas:	79
Nays:	2
Excused:	18
N/Voting:	1

VOTING YEA: 79

Bacon	Dvorak	Lehe	Richardson
Baird	Eberhart	Lehman	Saunders
Bartlett	Ellspermann	Leonard	Smith, M
Battles	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Steuerwald
Brown,C	Frye, R	McMillin	Stevenson
Burton	GiaQuinta	McNamara	Sullivan
Candelaria Reardon	Goodin	Messmer	Summers
Cherry	Gutwein	Morris	Torr
Clere	Harris	Moseley	Truitt
Crawford	Heaton	Neese	Turner
Crouch	Heuer	Niezgodski	Ubelhor
Davis	Hinkle	Noe	VanNatter
Davisson	Karickhoff	Pelath	Welch
DeLaney	Kirchhofer	Pflum	Wesco
Dembowski	Knollman	Pierce	White
Dermody	Koch	Porter	Yarde
Dobis	Kubacki	Pryor	Mr. Speaker
Dodge	Lawson, L	Reske	

VOTING NAY: 2

Brown, T Culver

EXCUSED FROM VOTING: 18

Bardon	Fry, C	Pond	Thompson
Bauer	Grubb	Rhoads	VanDenburgh
Cheatham	Kersey	Riecken	Wolkins
Day	Klinker	Smith, V	
Espich	Moses	Stemler	

NOT VOTING: 1

Austin

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Roll Call 379: PREVAILED

HB 1149 Turner
Smoking ban.

Conference Report #1

Yeas:	60
Nays:	33
Excused:	6
N/Voting:	1

VOTING YEA: 60

Bacon	Dobis	Klinker	Reske
Bartlett	Dodge	Lawson, L	Richardson
Battles	Dvorak	Leonard	Riecken
Bauer	Eberhart	McNamara	Smith, M
Borders	Ellspermann	Messmer	Smith, V
Brown,C	Foley	Moseley	Soliday
Brown, T	Fry, C	Moses	Summers
Candelaria Reardon	Frye, R	Neese	Thompson
Cheatham	GiaQuinta	Niezgodski	Torr
Cherry	Gutwein	Pelath	Truitt
Clere	Harris	Pflum	Turner
Crawford	Heaton	Pierce	Ubelhor
Crouch	Heuer	Pond	Welch
DeLaney	Karickhoff	Porter	White
Dembowski	Kersey	Pryor	Mr. Speaker

VOTING NAY: 33

Baird	Goodin	Mahan	Stevenson
Behning	Hinkle	McClain	Sullivan
Burton	Kirchhofer	McMillin	VanNatter
Culver	Knollman	Morris	Wesco
Davis	Koch	Noe	Wolkins
Davisson	Kubacki	Rhoads	Yarde
Dermody	Lehe	Saunders	
Friend	Lehman	Speedy	
Frizzell	Lutz	Steuerwald	

EXCUSED FROM VOTING: 6

Bardon	Espich	Stemler
Day	Grubb	VanDenburgh

NOT VOTING: 1

Austin

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Roll Call 380: PREVAILED

HB 1186 T. Brown
Emergency medical services personnel.

Conference Report #1

Yeas:	91
Nays:	0
Excused:	6
N/Voting:	3

VOTING YEA: 91

Bacon	Dodge	Lehe	Richardson
Baird	Dvorak	Lehman	Riecken
Bartlett	Eberhart	Leonard	Saunders
Battles	Ellspermann	Lutz	Smith, M
Bauer	Foley	Mahan	Smith, V
Behning	Friend	McClain	Soliday
Borders	Frizzell	McMillin	Speedy
Brown,C	Fry, C	McNamara	Steuerwald
Brown, T	Frye, R	Messmer	Stevenson
Burton	GiaQuinta	Morris	Sullivan
Candelaria Reardon	Goodin	Moseley	Summers
Cheatham	Gutwein	Moses	Thompson
Cherry	Harris	Neese	Torr
Clere	Heaton	Niezgodski	Truitt
Crawford	Heuer	Noe	Turner
Crouch	Hinkle	Pelath	Ubelhor
Culver	Karickhoff	Pflum	VanNatter
Davis	Kersey	Pierce	Welch
Davisson	Kirchhofer	Pond	Wesco
DeLaney	Klinker	Porter	White
Dembowski	Knollman	Pryor	Wolkins
Dermody	Koch	Reske	Yarde
Dobis	Kubacki	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Espich	Stemler
Day	Grubb	VanDenburgh

NOT VOTING: 3

Austin	Lawson, L	Mr. Speaker

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Roll Call 381: PREVAILED

SB 19 Richardson
Property taxes.

Conference Report #1

Yeas:	90
Nays:	0
Excused:	6
N/Voting:	4

VOTING YEA: 90

Bacon	Eberhart	Lehman	Riecken
Baird	Ellspermann	Leonard	Saunders
Bartlett	Foley	Lutz	Smith, M
Battles	Friend	Mahan	Smith, V
Bauer	Frizzell	McClain	Soliday
Behning	Fry, C	McMillin	Speedy
Borders	Frye, R	McNamara	Steuerwald
Brown, T	GiaQuinta	Messmer	Stevenson
Burton	Goodin	Morris	Sullivan
Candelaria Reardon	Gutwein	Moseley	Summers
Cheatham	Harris	Moses	Thompson
Cherry	Heaton	Neese	Torr
Clere	Heuer	Niezgodski	Truitt
Crawford	Hinkle	Noe	Turner
Crouch	Karickhoff	Pelath	Ubelhor
Culver	Kersey	Pflum	VanNatter
Davis	Kirchhofer	Pierce	Welch
Davisson	Klinker	Pond	Wesco
DeLaney	Knollman	Porter	White
Dembowski	Koch	Pryor	Wolkins
Dermody	Kubacki	Reske	Yarde
Dodge	Lawson, L	Rhoads	
Dvorak	Lehe	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Espich	Stemler
Day	Grubb	VanDenburgh

NOT VOTING: 4

Austin	Brown,C	Dobis	Mr. Speaker

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Roll Call 382: PREVAILED

SB 22 McMillin
Conservancy district director compensation.
Conference Report #1

Yeas: 92
Nays: 0
Excused: 6
N/Voting: 2

VOTING YEA: 92

Bacon	Dodge	Lawson, L	Rhoads
Baird	Dvorak	Lehe	Richardson
Bartlett	Eberhart	Lehman	Riecken
Battles	Ellspermann	Leonard	Saunders
Bauer	Foley	Lutz	Smith, M
Behning	Friend	Mahan	Smith, V
Borders	Frizzell	McClain	Soliday
Brown,C	Fry, C	McMillin	Speedy
Brown, T	Frye, R	McNamara	Steuerwald
Burton	GiaQuinta	Messmer	Stevenson
Candelaria Reardon	Goodin	Morris	Sullivan
Cheatham	Gutwein	Moseley	Summers
Cherry	Harris	Moses	Thompson
Clere	Heaton	Neese	Torr
Crawford	Heuer	Niezgodski	Truitt
Crouch	Hinkle	Noe	Turner
Culver	Karickhoff	Pelath	Ubelhor
Davis	Kersey	Pflum	VanNatter
Davisson	Kirchhofer	Pierce	Welch
DeLaney	Klinker	Pond	Wesco
Dembowski	Knollman	Porter	White
Dermody	Koch	Pryor	Wolkins
Dobis	Kubacki	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Espich	Stemler
Day	Grubb	VanDenburgh

NOT VOTING: 2

Austin	Mr. Speaker

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Roll Call 383: PREVAILED

SB 26 Foley
Organizes definitions in Title 35.
Conference Report #1

Yeas: 89
Nays: 2
Excused: 6
N/Voting: 3

VOTING YEA: 89

Bacon	Dvorak	Lehman	Saunders
Baird	Eberhart	Leonard	Smith, M
Bartlett	Ellspermann	Lutz	Smith, V
Battles	Foley	Mahan	Soliday
Bauer	Friend	McClain	Speedy
Behning	Frizzell	McMillin	Steuerwald
Borders	Frye, R	McNamara	Stevenson
Brown, T	GiaQuinta	Messmer	Sullivan
Burton	Goodin	Morris	Summers
Candelaria Reardon	Gutwein	Moseley	Thompson
Cheatham	Harris	Moses	Torr
Cherry	Heaton	Neese	Truitt
Clere	Heuer	Niezgodski	Turner
Crawford	Hinkle	Noe	Ubelhor
Crouch	Karickhoff	Pflum	VanNatter
Culver	Kersey	Pierce	Welch
Davis	Kirchhofer	Pond	Wesco
Davisson	Klinker	Porter	White
DeLaney	Knollman	Pryor	Wolkins
Dembowski	Koch	Reske	Yarde
Dermody	Kubacki	Rhoads	
Dobis	Lawson, L	Richardson	
Dodge	Lehe	Riecken	

VOTING NAY: 2

Fry, C	Pelath

EXCUSED FROM VOTING: 6

Bardon	Espich	Stemler
Day	Grubb	VanDenburgh

NOT VOTING: 3

Austin	Brown,C	Mr. Speaker

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Roll Call 384: PREVAILED

SB 32 Foley
Guardianships.
Conference Report #1

Yeas: 92
Nays: 0
Excused: 6
N/Voting: 2

VOTING YEA: 92

Bacon	Dodge	Lawson, L	Rhoads
Baird	Dvorak	Lehe	Richardson
Bartlett	Eberhart	Lehman	Riecken
Battles	Ellspermann	Leonard	Saunders
Bauer	Foley	Lutz	Smith, M
Behning	Friend	Mahan	Smith, V
Borders	Frizzell	McClain	Soliday
Brown,C	Fry, C	McMillin	Speedy
Brown, T	Frye, R	McNamara	Steuerwald
Burton	GiaQuinta	Messmer	Stevenson
Candelaria Reardon	Goodin	Morris	Sullivan
Cheatham	Gutwein	Moseley	Summers
Cherry	Harris	Moses	Thompson
Clere	Heaton	Neese	Torr
Crawford	Heuer	Niezgodski	Truitt
Crouch	Hinkle	Noe	Turner
Culver	Karickhoff	Pelath	Ubelhor
Davis	Kersey	Pflum	VanNatter
Davisson	Kirchhofer	Pierce	Welch
DeLaney	Klinker	Pond	Wesco
Dembowski	Knollman	Porter	White
Dermody	Koch	Pryor	Wolkins
Dobis	Kubacki	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Espich	Stemler
Day	Grubb	VanDenburgh

NOT VOTING: 2

Austin	Mr. Speaker

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Roll Call 385: PREVAILED

SB 115 Koch
Classification of political subdivisions.
Conference Report #1

Yeas: 92
Nays: 0
Excused: 6
N/Voting: 2

VOTING YEA: 92

Bacon	Dodge	Lawson, L	Rhoads
Baird	Dvorak	Lehe	Richardson
Bartlett	Eberhart	Lehman	Riecken
Battles	Ellspermann	Leonard	Saunders
Bauer	Foley	Lutz	Smith, M
Behning	Friend	Mahan	Smith, V
Borders	Frizzell	McClain	Soliday
Brown,C	Fry, C	McMillin	Speedy
Brown, T	Frye, R	McNamara	Steuerwald
Burton	GiaQuinta	Messmer	Stevenson
Candelaria Reardon	Goodin	Morris	Sullivan
Cheatham	Gutwein	Moseley	Summers
Cherry	Harris	Moses	Thompson
Clere	Heaton	Neese	Torr
Crawford	Heuer	Niezgodski	Truitt
Crouch	Hinkle	Noe	Turner
Culver	Karickhoff	Pelath	Ubelhor
Davis	Kersey	Pflum	VanNatter
Davisson	Kirchhofer	Pierce	Welch
DeLaney	Klinker	Pond	Wesco
Dembowski	Knollman	Porter	White
Dermody	Koch	Pryor	Wolkins
Dobis	Kubacki	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Espich	Stemler
Day	Grubb	VanDenburgh

NOT VOTING: 2

Austin	Mr. Speaker

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Roll Call 386: PREVAILED

SB 190 Kubacki
Study of terminating parenting rights.

Conference Report #1

Yeas:	91
Nays:	0
Excused:	6
N/Voting:	3

VOTING YEA: 91

Bacon	Dodge	Lawson, L	Rhoads
Baird	Dvorak	Lehe	Richardson
Bartlett	Eberhart	Lehman	Riecken
Battles	Ellspermann	Leonard	Saunders
Bauer	Foley	Lutz	Smith, M
Behning	Friend	Mahan	Smith, V
Borders	Frizzell	McClain	Soliday
Brown,C	Fry, C	McMillin	Speedy
Brown, T	Frye, R	McNamara	Steuerwald
Burton	GiaQuinta	Messmer	Stevenson
Candelaria Reardon	Goodin	Morris	Sullivan
Cheatham	Gutwein	Moseley	Summers
Cherry	Harris	Moses	Thompson
Clere	Heaton	Neese	Torr
Crawford	Heuer	Niezgodski	Truitt
Crouch	Hinkle	Noe	Turner
Culver	Karickhoff	Pelath	Ubelhor
Davis	Kersey	Pflum	VanNatter
Davisson	Kirchhofer	Pierce	Wesco
DeLaney	Klinker	Pond	White
Dembowski	Knollman	Porter	Wolkins
Dermody	Koch	Pryor	Yarde
Dobis	Kubacki	Reske	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Espich	Stemler
Day	Grubb	VanDenburgh

NOT VOTING: 3

Austin	Welch	Mr. Speaker

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Roll Call 387: PREVAILED

SB 298 Speedy
Mortgages and liens on real property.

Conference Report #1

Yeas:	92
Nays:	0
Excused:	6
N/Voting:	2

VOTING YEA: 92

Bacon	Dodge	Lawson, L	Rhoads
Baird	Dvorak	Lehe	Richardson
Bartlett	Eberhart	Lehman	Riecken
Battles	Ellspermann	Leonard	Saunders
Bauer	Foley	Lutz	Smith, M
Behning	Friend	Mahan	Smith, V
Borders	Frizzell	McClain	Soliday
Brown,C	Fry, C	McMillin	Speedy
Brown, T	Frye, R	McNamara	Steuerwald
Burton	GiaQuinta	Messmer	Stevenson
Candelaria Reardon	Goodin	Morris	Sullivan
Cheatham	Gutwein	Moseley	Summers
Cherry	Harris	Moses	Thompson
Clere	Heaton	Neese	Torr
Crawford	Heuer	Niezgodski	Truitt
Crouch	Hinkle	Noe	Turner
Culver	Karickhoff	Pelath	Ubelhor
Davis	Kersey	Pflum	VanNatter
Davisson	Kirchhofer	Pierce	Welch
DeLaney	Klinker	Pond	Wesco
Dembowski	Knollman	Porter	White
Dermody	Koch	Pryor	Wolkins
Dobis	Kubacki	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bardon	Espich	Stemler
Day	Grubb	VanDenburgh

NOT VOTING: 2

Austin	Mr. Speaker

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Roll Call 388: PREVAILED

SB 302 Clere
Information technology equipment exemption.
Conference Report #1

Yeas:	92
Nays:	1
Excused:	5
N/Voting:	2

VOTING YEA: 92

Bacon	Dodge	Lawson, L	Rhoads
Baird	Dvorak	Lehe	Richardson
Bartlett	Eberhart	Lehman	Riecken
Battles	Ellspermann	Leonard	Saunders
Bauer	Foley	Lutz	Smith, M
Behning	Friend	Mahan	Smith, V
Borders	Frizzell	McClain	Soliday
Brown,C	Fry, C	McMillin	Speedy
Brown, T	Frye, R	McNamara	Steuerwald
Burton	GiaQuinta	Messmer	Stevenson
Candelaria Reardon	Goodin	Morris	Sullivan
Cheatham	Gutwein	Moseley	Summers
Cherry	Harris	Moses	Thompson
Clere	Heaton	Neese	Torr
Crawford	Heuer	Niezgodski	Truitt
Crouch	Hinkle	Noe	Turner
Culver	Karickhoff	Pelath	Ubelhor
Davis	Kersey	Pflum	VanNatter
Davisson	Kirchhofer	Pierce	Welch
Day	Klinker	Pond	Wesco
Dembowski	Knollman	Porter	White
Dermody	Koch	Pryor	Wolkins
Dobis	Kubacki	Reske	Yarde

VOTING NAY: 1

DeLaney

EXCUSED FROM VOTING: 5

Bardon	Grubb	VanDenburgh
Espich	Stemler	

NOT VOTING: 2

Austin	Mr. Speaker

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Roll Call 390: PREVAILED

HB 1237 Morris
Home improvement contracts.

Conference Report #1

Yeas:	89
Nays:	3
Excused:	6
N/Voting:	2

VOTING YEA: 89

Austin	Eberhart	Lehman	Riecken
Bacon	Ellspermann	Leonard	Saunders
Baird	Espich	Lutz	Smith, M
Bartlett	Foley	Mahan	Smith, V
Battles	Friend	McClain	Soliday
Bauer	Frizzell	McMillin	Speedy
Behning	Frye, R	McNamara	Stemler
Borders	GiaQuinta	Messmer	Steuerwald
Brown, T	Goodin	Morris	Stevenson
Burton	Grubb	Moseley	Sullivan
Candelaria Reardon	Gutwein	Moses	Thompson
Cheatham	Harris	Neese	Torr
Cherry	Heaton	Niezgodski	Truitt
Clere	Heuer	Noe	Turner
Crouch	Hinkle	Pelath	Ubelhor
Davis	Karickhoff	Pflum	VanNatter
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Pond	White
DeLaney	Klinker	Porter	Wolkins
Dembowski	Koch	Pryor	Yarde
Dermody	Kubacki	Reske	
Dobis	Lawson, L	Rhoads	
Dodge	Lehe	Richardson	

VOTING NAY: 3

Brown,C	Fry, C	Summers

EXCUSED FROM VOTING: 6

Bardon	Culver	Knollman
Crawford	Dvorak	VanDenburgh

NOT VOTING: 2

Welch	Mr. Speaker

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Roll Call 391: PREVAILED

SB 97 Steuerwald
Public intoxication.

Conference Report #1

Yeas:	93
Nays:	0
Excused:	5
N/Voting:	2

VOTING YEA: 93

Austin	Dodge	Lehe	Riecken
Bacon	Eberhart	Lehman	Saunders
Baird	Ellspermann	Leonard	Smith, M
Bartlett	Espich	Lutz	Smith, V
Battles	Foley	Mahan	Soliday
Bauer	Friend	McClain	Speedy
Behning	Frizzell	McMillin	Stemler
Borders	Fry, C	McNamara	Steuerwald
Brown,C	Frye, R	Messmer	Stevenson
Brown, T	GiaQuinta	Morris	Sullivan
Burton	Goodin	Moseley	Summers
Candelaria Reardon	Grubb	Moses	Thompson
Cheatham	Gutwein	Neese	Torr
Cherry	Harris	Niezgodski	Truitt
Clere	Heaton	Noe	Turner
Crouch	Heuer	Pelath	Ubelhor
Culver	Hinkle	Pflum	VanNatter
Davis	Karickhoff	Pierce	Wesco
Davisson	Kersey	Pond	White
Day	Kirchhofer	Porter	Wolkins
DeLaney	Klinker	Pryor	Yarde
Dembowski	Koch	Reske	
Dermody	Kubacki	Rhoads	
Dobis	Lawson, L	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bardon	Dvorak	VanDenburgh
Crawford	Knollman	

NOT VOTING: 2

Welch	Mr. Speaker

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Roll Call 392: PREVAILED

SB 144 Espich
Sales and tobacco products taxes.

Conference Report #1

Yeas:	90
Nays:	5
Excused:	4
N/Voting:	1

VOTING YEA: 90

Austin	Eberhart	Lehe	Saunders
Bacon	Ellspermann	Lehman	Smith, M
Baird	Espich	Lutz	Smith, V
Bartlett	Foley	Mahan	Soliday
Battles	Friend	McClain	Speedy
Bauer	Frizzell	McMillin	Stemler
Behning	Fry, C	McNamara	Steuerwald
Borders	Frye, R	Messmer	Stevenson
Brown,C	GiaQuinta	Morris	Sullivan
Burton	Goodin	Moseley	Summers
Cheatham	Grubb	Moses	Thompson
Cherry	Gutwein	Neese	Torr
Clere	Harris	Niezgodski	Truitt
Crawford	Heaton	Noe	Turner
Crouch	Heuer	Pelath	Ubelhor
Culver	Hinkle	Pflum	VanNatter
Davis	Karickhoff	Pierce	Welch
Davisson	Kersey	Pond	Wesco
Day	Kirchhofer	Porter	White
Dembowski	Klinker	Reske	Wolkins
Dermody	Koch	Rhoads	Yarde
Dobis	Kubacki	Richardson	
Dodge	Lawson, L	Riecken	

VOTING NAY: 5

Brown, T	DeLaney	Pryor
Candelaria Reardon	Leonard	

EXCUSED FROM VOTING: 4

Bardon	Dvorak	Knollman	VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 394: PREVAILED

HB 1002 Wolkins
Elimination of commissions, boards,
and committees.
Concur

Yeas:	61
Nays:	36
Excused:	2
N/Voting:	1

VOTING YEA: 61

Bacon	Ellspermann	Lehman	Soliday
Baird	Espich	Leonard	Speedy
Behning	Foley	Lutz	Steuerwald
Borders	Friend	Mahan	Thompson
Brown, T	Frizzell	McClain	Torr
Burton	Frye, R	McMillin	Truitt
Cherry	Grubb	McNamara	Turner
Clere	Gutwein	Messmer	Ubelhor
Crouch	Heaton	Morris	VanNatter
Culver	Heuer	Neese	Wesco
Davis	Hinkle	Noe	Wolkins
Davisson	Karickhoff	Pond	Yarde
Dermody	Kirchhofer	Rhoads	Mr. Speaker
Dobis	Knollman	Richardson	
Dodge	Koch	Saunders	
Eberhart	Lehe	Smith, M	

VOTING NAY: 36

Austin	DeLaney	Kubacki	Reske
Bartlett	Dembowski	Moseley	Riecken
Battles	Dvorak	Moses	Smith, V
Bauer	Fry, C	Niezgodski	Stemler
Brown,C	GiaQuinta	Pelath	Stevenson
Candelaria Reardon	Goodin	Pflum	Sullivan
Cheatham	Harris	Pierce	Summers
Crawford	Kersey	Porter	Welch
Day	Klinker	Pryor	White

EXCUSED FROM VOTING: 2

Bardon	VanDenburgh

NOT VOTING: 1

Lawson, L

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Roll Call 395: PREVAILED

HB 1192 Cherry
Local government.

Conference Report #1

Yeas:	96
Nays:	0
Excused:	2
N/Voting:	2

VOTING YEA: 96

Austin	Dobis	Koch	Rhoads
Bacon	Dodge	Kubacki	Richardson
Baird	Dvorak	Lehe	Riecken
Bartlett	Eberhart	Lehman	Saunders
Battles	Ellspermann	Leonard	Smith, M
Bauer	Espich	Lutz	Smith, V
Behning	Foley	Mahan	Speedy
Borders	Friend	McClain	Stemler
Brown,C	Frizzell	McMillin	Steuerwald
Brown, T	Fry, C	McNamara	Stevenson
Burton	Frye, R	Messmer	Sullivan
Candelaria Reardon	GiaQuinta	Morris	Summers
Cheatham	Goodin	Moseley	Thompson
Cherry	Grubb	Moses	Torr
Clere	Gutwein	Neese	Truitt
Crawford	Harris	Niezgodski	Turner
Crouch	Heaton	Noe	Ubelhor
Culver	Heuer	Pelath	VanNatter
Davis	Hinkle	Pflum	Welch
Davisson	Karickhoff	Pierce	Wesco
Day	Kersey	Pond	White
DeLaney	Kirchhofer	Porter	Wolkins
Dembowski	Klinker	Pryor	Yarde
Dermody	Knollman	Reske	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon	VanDenburgh

NOT VOTING: 2

Lawson, L	Soliday

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Roll Call 396: PREVAILED

HB 1258 Foley
Various estate administration matters.
Conference Report #1

Yeas: 93
Nays: 0
Excused: 2
N/Voting: 5

VOTING YEA: 93

Austin	Dvorak	Lehe	Riecken
Bacon	Eberhart	Lehman	Saunders
Baird	Ellspermann	Leonard	Smith, M
Battles	Espich	Lutz	Smith, V
Bauer	Foley	Mahan	Soliday
Behning	Friend	McClain	Speedy
Borders	Frizzell	McMillin	Stemler
Brown,C	Fry, C	McNamara	Steuerwald
Brown, T	Frye, R	Messmer	Stevenson
Burton	GiaQuinta	Morris	Sullivan
Candelaria Reardon	Goodin	Moseley	Summers
Cheatham	Grubb	Moses	Torr
Cherry	Gutwein	Neese	Truitt
Clere	Harris	Niezgodski	Turner
Crawford	Heaton	Noe	Ubelhor
Crouch	Heuer	Pelath	VanNatter
Culver	Hinkle	Pflum	Welch
Davis	Karickhoff	Pierce	Wesco
Davisson	Kersey	Pond	White
Day	Kirchhofer	Porter	Wolkins
DeLaney	Klinker	Pryor	Yarde
Dembowski	Knollman	Reske	
Dermody	Koch	Rhoads	
Dobis	Kubacki	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon VanDenburgh

NOT VOTING: 5

Bartlett Lawson, L Mr. Speaker
Dodge Thompson

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Roll Call 397: PREVAILED

HB 1279 Eberhart
Various natural resources matters.
Conference Report #1

Yeas: 95
Nays: 0
Excused: 2
N/Voting: 3

VOTING YEA: 95

Austin	Dobis	Kubacki	Richardson
Bacon	Dvorak	Lehe	Riecken
Baird	Eberhart	Lehman	Saunders
Bartlett	Ellspermann	Leonard	Smith, M
Battles	Espich	Lutz	Smith, V
Bauer	Foley	Mahan	Soliday
Behning	Friend	McClain	Speedy
Borders	Frizzell	McMillin	Stemler
Brown,C	Fry, C	McNamara	Steuerwald
Brown, T	Frye, R	Messmer	Stevenson
Burton	GiaQuinta	Morris	Sullivan
Candelaria Reardon	Goodin	Moseley	Summers
Cheatham	Grubb	Moses	Thompson
Cherry	Gutwein	Neese	Torr
Clere	Harris	Niezgodski	Truitt
Crawford	Heaton	Noe	Turner
Crouch	Heuer	Pelath	Ubelhor
Culver	Hinkle	Pflum	VanNatter
Davis	Karickhoff	Pierce	Welch
Davisson	Kersey	Pond	Wesco
Day	Kirchhofer	Porter	White
DeLaney	Klinker	Pryor	Wolkins
Dembowski	Knollman	Reske	Yarde
Dermody	Koch	Rhoads	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon VanDenburgh

NOT VOTING: 3

Dodge Lawson, L Mr. Speaker

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Roll Call 398: PREVAILED

HB 1360 Welch
Health matters.
Conference Report #1

Yeas: 96
Nays: 0
Excused: 2
N/Voting: 2

VOTING YEA: 96

Austin	Dobis	Koch	Rhoads
Bacon	Dodge	Kubacki	Richardson
Baird	Dvorak	Lehe	Riecken
Bartlett	Eberhart	Lehman	Saunders
Battles	Ellspermann	Leonard	Smith, M
Bauer	Espich	Lutz	Smith, V
Behning	Foley	Mahan	Soliday
Borders	Friend	McClain	Speedy
Brown,C	Frizzell	McMillin	Stemler
Brown, T	Fry, C	McNamara	Steuerwald
Burton	Frye, R	Messmer	Stevenson
Candelaria Reardon	GiaQuinta	Morris	Sullivan
Cheatham	Goodin	Moseley	Summers
Cherry	Grubb	Moses	Thompson
Clere	Gutwein	Neese	Torr
Crawford	Harris	Niezgodski	Truitt
Crouch	Heaton	Noe	Turner
Culver	Heuer	Pelath	Ubelhor
Davis	Hinkle	Pflum	VanNatter
Davisson	Karickhoff	Pierce	Welch
Day	Kersey	Pond	Wesco
DeLaney	Kirchhofer	Porter	White
Dembowski	Klinker	Pryor	Wolkins
Dermody	Knollman	Reske	Yarde

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bardon VanDenburgh

NOT VOTING: 2

Lawson, L Mr. Speaker

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Roll Call 399: PREVAILED

SB 223 T. Brown
State department of health matters.
Conference Report #1

Yeas: 96
Nays: 1
Excused: 2
N/Voting: 1

VOTING YEA: 96

Austin	Dobis	Koch	Reske
Bacon	Dodge	Kubacki	Rhoads
Baird	Dvorak	Lawson, L	Richardson
Bartlett	Eberhart	Lehe	Riecken
Battles	Ellspermann	Lehman	Saunders
Bauer	Espich	Leonard	Smith, M
Behning	Foley	Lutz	Smith, V
Borders	Friend	Mahan	Soliday
Brown,C	Frizzell	McClain	Speedy
Brown, T	Fry, C	McMillin	Stemler
Burton	Frye, R	McNamara	Steuerwald
Candelaria Reardon	GiaQuinta	Messmer	Stevenson
Cheatham	Goodin	Morris	Sullivan
Cherry	Grubb	Moseley	Summers
Clere	Gutwein	Moses	Thompson
Crawford	Harris	Neese	Torr
Crouch	Heaton	Niezgodski	Truitt
Culver	Heuer	Noe	Turner
Davis	Hinkle	Pelath	Ubelhor
Davisson	Karickhoff	Pflum	VanNatter
Day	Kersey	Pierce	Welch
DeLaney	Kirchhofer	Pond	Wesco
Dembowski	Klinker	Porter	Wolkins
Dermody	Knollman	Pryor	Yarde

VOTING NAY: 1

White

EXCUSED FROM VOTING: 2

Bardon VanDenburgh

NOT VOTING: 1

Mr. Speaker

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Roll Call 400: PREVAILED

SB 407 Welch
Pharmacy matters.

Conference Report #1

Yeas:	94
Nays:	2
Excused:	2
N/Voting:	2

VOTING YEA: 94

Austin	Dobis	Lehe	Riecken
Bacon	Dodge	Lehman	Saunders
Baird	Dvorak	Leonard	Smith, M
Bartlett	Ellspermann	Lutz	Smith, V
Battles	Foley	Mahan	Soliday
Bauer	Friend	McClain	Speedy
Behning	Frizzell	McMillin	Stemler
Borders	Frye, R	McNamara	Steuerwald
Brown,C	GiaQuinta	Messmer	Stevenson
Brown, T	Goodin	Morris	Sullivan
Burton	Grubb	Moseley	Summers
Candelaria Reardon	Gutwein	Moses	Thompson
Cheatham	Harris	Neese	Torr
Cherry	Heaton	Niezgodski	Truitt
Clere	Heuer	Noe	Turner
Crawford	Hinkle	Pelath	Ubelhor
Crouch	Karickhoff	Pflum	VanNatter
Culver	Kersey	Pierce	Welch
Davis	Kirchhofer	Pond	Wesco
Davisson	Klinker	Porter	White
Day	Knollman	Pryor	Wolkins
DeLaney	Koch	Reske	Yarde
Dembowski	Kubacki	Rhoads	
Dermody	Lawson, L	Richardson	

VOTING NAY: 2

Eberhart Fry, C

EXCUSED FROM VOTING: 2

Bardon VanDenburgh

NOT VOTING: 2

Espich Mr. Speaker

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Roll Call 401: PREVAILED

SB 224 T. Brown
Emergency ambulance services report.

Conference Report #1

Yeas:	90
Nays:	5
Excused:	2
N/Voting:	3

VOTING YEA: 90

Austin	Dobis	Lawson, L	Riecken
Bacon	Dodge	Lehe	Smith, M
Baird	Eberhart	Lehman	Smith, V
Battles	Ellspermann	Leonard	Soliday
Bauer	Foley	Lutz	Speedy
Behning	Friend	Mahan	Stemler
Borders	Frizzell	McClain	Steuerwald
Brown,C	Frye, R	McMillin	Stevenson
Brown, T	GiaQuinta	McNamara	Sullivan
Burton	Goodin	Messmer	Summers
Candelaria Reardon	Grubb	Morris	Thompson
Cheatham	Gutwein	Moses	Torr
Cherry	Harris	Neese	Truitt
Clere	Heaton	Niezgodski	Turner
Crawford	Heuer	Noe	Ubelhor
Crouch	Hinkle	Pflum	VanNatter
Culver	Karickhoff	Pierce	Welch
Davis	Kersey	Pond	Wesco
Davisson	Kirchhofer	Porter	White
Day	Klinker	Pryor	Wolkins
DeLaney	Knollman	Reske	Yarde
Dembowski	Koch	Rhoads	
Dermody	Kubacki	Richardson	

VOTING NAY: 5

Bartlett Fry, C Saunders
Dvorak Moseley

EXCUSED FROM VOTING: 2

Bardon VanDenburgh

NOT VOTING: 3

Espich Pelath Mr. Speaker

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Roll Call 403: PREVAILED

HB 1033 McMillin
Criminal history and sentencing.

Conference Report #1

Yeas:	76
Nays:	11
Excused:	8
N/Voting:	5

VOTING YEA: 76

Austin	Dembowski	Knollman	Pryor
Bacon	Dobis	Koch	Rhoads
Baird	Dvorak	Kubacki	Richardson
Bartlett	Ellspermann	Lawson, L	Riecken
Battles	Espich	Lehe	Saunders
Borders	Foley	Lehman	Smith, M
Brown,C	Friend	Lutz	Smith, V
Brown, T	Frizzell	Mahan	Stemler
Burton	Fry, C	McClain	Steuerwald
Candelaria Reardon	Frye, R	McMillin	Sullivan
Cheatham	GiaQuinta	McNamara	Torr
Cherry	Gutwein	Messmer	Truitt
Clere	Harris	Morris	Turner
Crawford	Heaton	Niezgodski	Ubelhor
Crouch	Heuer	Noe	VanNatter
Culver	Karickhoff	Pflum	Welch
Davisson	Kersey	Pierce	Wesco
Day	Kirchhofer	Pond	White
DeLaney	Klinker	Porter	Wolkins

VOTING NAY: 11

Davis	Goodin	Moseley	Reske
Dermody	Grubb	Moses	Stevenson
Eberhart	Leonard	Neese	

EXCUSED FROM VOTING: 8

Bardon	Hinkle	Speedy	VanDenburgh
Behning	Soliday	Summers	Yarde

NOT VOTING: 5

Bauer	Pelath	Mr. Speaker
Dodge	Thompson	

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Roll Call 404: PREVAILED

HB 1049 Koch
Courts, inspector general, and pro bono
legal services fees.
Conference Report #1

Yeas:	73
Nays:	14
Excused:	10
N/Voting:	3

VOTING YEA: 73

Austin	Dermody	Lawson, L	Richardson
Bacon	Dobis	Lehe	Riecken
Baird	Ellspermann	Lutz	Saunders
Bartlett	Foley	Mahan	Smith, M
Battles	Friend	McClain	Smith, V
Bauer	Frizzell	McMillin	Steuerwald
Borders	Frye, R	McNamara	Sullivan
Brown,C	GiaQuinta	Messmer	Torr
Burton	Gutwein	Morris	Truitt
Candelaria Reardon	Harris	Neese	Turner
Cherry	Heaton	Niezgodski	Ubelhor
Clere	Heuer	Noe	VanNatter
Crawford	Karickhoff	Pflum	Welch
Crouch	Kersey	Pierce	Wesco
Culver	Kirchhofer	Pond	White
Davisson	Klinker	Porter	Wolkins
Day	Knollman	Pryor	
DeLaney	Koch	Reske	
Dembowski	Kubacki	Rhoads	

VOTING NAY: 14

Brown, T	Eberhart	Grubb	Moses
Cheatham	Espich	Lehman	Stevenson
Davis	Fry, C	Leonard	
Dvorak	Goodin	Moseley	

EXCUSED FROM VOTING: 10

Bardon	Hinkle	Summers	Yarde
Behning	Soliday	Thompson	
Dodge	Speedy	VanDenburgh	

NOT VOTING: 3

Pelath	Stemler	Mr. Speaker

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Roll Call 405: PREVAILED

HB 1200 Foley
Various correction matters.

Conference Report #1

Yeas:	89
Nays:	1
Excused:	7
N/Voting:	3

VOTING YEA: 89

Austin	Dermody	Koch	Reske
Bacon	Dobis	Kubacki	Rhoads
Baird	Dvorak	Lawson, L	Richardson
Bartlett	Eberhart	Lehe	Riecken
Battles	Ellspermann	Lehman	Saunders
Bauer	Espich	Leonard	Smith, M
Behning	Foley	Lutz	Smith, V
Borders	Friend	Mahan	Speedy
Brown,C	Frizzell	McClain	Steuerwald
Brown, T	Fry, C	McMillin	Stevenson
Burton	Frye, R	McNamara	Sullivan
Candelaria Reardon	GiaQuinta	Messmer	Summers
Cheatham	Goodin	Morris	Torr
Cherry	Grubb	Moseley	Truitt
Clere	Gutwein	Moses	Turner
Crawford	Harris	Neese	Ubelhor
Crouch	Heaton	Niezgodski	VanNatter
Culver	Heuer	Noe	Welch
Davis	Karickhoff	Pflum	Wesco
Davisson	Kersey	Pierce	Wolkins
Day	Kirchhofer	Pond	
DeLaney	Klinker	Porter	
Dembowski	Knollman	Pryor	

VOTING NAY: 1

White

EXCUSED FROM VOTING: 7

Bardon	Hinkle	Thompson	Yarde
Dodge	Soliday	VanDenburgh	

NOT VOTING: 3

Pelath	Stemler	Mr. Speaker

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Roll Call 406: PREVAILED

SB 293 Turner
Inheritance tax.

Conference Report #1

Yeas:	78
Nays:	17
Excused:	3
N/Voting:	2

VOTING YEA: 78

Bacon	Ellspermann	Lehman	Riecken
Baird	Espich	Leonard	Saunders
Battles	Foley	Lutz	Smith, M
Behning	Friend	Mahan	Smith, V
Borders	Frizzell	McClain	Soliday
Brown, T	Frye, R	McMillin	Speedy
Burton	GiaQuinta	McNamara	Stemler
Candelaria Reardon	Goodin	Messmer	Steuerwald
Cheatham	Grubb	Morris	Thompson
Cherry	Gutwein	Moseley	Torr
Clere	Heaton	Moses	Truitt
Crouch	Heuer	Neese	Turner
Culver	Karickhoff	Niezgodski	Ubelhor
Davis	Kersey	Noe	VanNatter
Davisson	Kirchhofer	Pelath	Welch
Dermody	Klinker	Pflum	Wesco
Dobis	Knollman	Pond	Yarde
Dodge	Koch	Reske	Mr. Speaker
Dvorak	Kubacki	Rhoads	
Eberhart	Lehe	Richardson	

VOTING NAY: 17

Bartlett	DeLaney	Pierce	Summers
Bauer	Dembowski	Porter	White
Brown,C	Fry, C	Pryor	
Crawford	Harris	Stevenson	
Day	Lawson, L	Sullivan	

EXCUSED FROM VOTING: 3

Bardon	Hinkle	VanDenburgh

NOT VOTING: 2

Austin	Wolkins

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Roll Call 407: SUSTAINED

HE 1177 Foley
Board of trustees for universities.

Veto Action

Yeas:	25
Nays:	68
Excused:	4
N/Voting:	3

VOTING YEA: 25

Austin	Crawford	Moses	Smith, V
Bartlett	Dobis	Niezgodski	Stemler
Battles	Dvorak	Pelath	Summers
Borders	Harris	Pierce	White
Brown,C	Kersey	Porter	
Candelaria Reardon	Lawson, L	Pryor	
Cheatham	Moseley	Riecken	

VOTING NAY: 68

Bacon	Foley	Lehe	Saunders
Baird	Friend	Lehman	Smith, M
Behning	Frizzell	Leonard	Soliday
Brown, T	Fry, C	Lutz	Speedy
Burton	Frye, R	Mahan	Steuerwald
Cherry	GiaQuinta	McClain	Stevenson
Clere	Goodin	McMillin	Sullivan
Crouch	Grubb	McNamara	Thompson
Culver	Gutwein	Messmer	Torr
Davis	Heaton	Morris	Truitt
Davisson	Heuer	Neese	Turner
Day	Karickhoff	Noe	Ubelhor
DeLaney	Kirchhofer	Pflum	VanNatter
Dembowski	Klinker	Pond	Welch
Dermody	Knollman	Reske	Wesco
Eberhart	Koch	Rhoads	Yarde
Ellspermann	Kubacki	Richardson	Mr. Speaker

EXCUSED FROM VOTING: 4

Bardon	Hinkle	VanDenburgh	Wolkins

NOT VOTING: 3

Bauer	Dodge	Espich

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Roll Call 408: PREVAILED

HB 1126 Frizzell
Water and wastewater issues.

Conference Report #1

Yeas:	93
Nays:	0
Excused:	4
N/Voting:	3

VOTING YEA: 93

Austin	Dobis	Lehe	Riecken
Bacon	Dvorak	Lehman	Saunders
Baird	Eberhart	Leonard	Smith, M
Bartlett	Ellspermann	Lutz	Smith, V
Battles	Foley	Mahan	Soliday
Bauer	Friend	McClain	Speedy
Behning	Frizzell	McMillin	Stemler
Borders	Fry, C	McNamara	Steuerwald
Brown,C	Frye, R	Messmer	Stevenson
Brown, T	GiaQuinta	Morris	Sullivan
Burton	Goodin	Moseley	Summers
Candelaria Reardon	Grubb	Moses	Thompson
Cheatham	Gutwein	Neese	Torr
Cherry	Harris	Niezgodski	Truitt
Clere	Heaton	Noe	Turner
Crawford	Heuer	Pelath	Ubelhor
Crouch	Karickhoff	Pflum	VanNatter
Culver	Kersey	Pierce	Welch
Davis	Kirchhofer	Pond	Wesco
Davisson	Klinker	Porter	White
Day	Knollman	Pryor	Yarde
DeLaney	Koch	Reske	
Dembowski	Kubacki	Rhoads	
Dermody	Lawson, L	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bardon	Hinkle	VanDenburgh	Wolkins

NOT VOTING: 3

Dodge	Espich	Mr. Speaker

Indiana House of Representatives
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Roll Call 409: PREVAILED

HB 1171 GiaQuinta
Relocation of new motor vehicle dealers.
Concur

Yeas:	77
Nays:	18
Excused:	4
N/Voting:	1

VOTING YEA: 77

Austin	Dvorak	Lawson, L	Smith, M
Bacon	Eberhart	Lehe	Smith, V
Bartlett	Ellspermann	Lehman	Soliday
Battles	Espich	Leonard	Speedy
Bauer	Friend	Lutz	Stemler
Behning	Frizzell	Mahan	Steuerwald
Borders	Frye, R	McClain	Stevenson
Brown,C	GiaQuinta	McMillin	Summers
Burton	Goodin	Morris	Thompson
Candelaria Reardon	Grubb	Moseley	Torr
Cheatham	Gutwein	Neese	Turner
Cherry	Harris	Niezgodski	Ubelhor
Clere	Heaton	Noe	Welch
Crawford	Heuer	Pelath	Wesco
Culver	Karickhoff	Pflum	White
Davis	Kersey	Pond	Yarde
Day	Kirchhofer	Porter	Mr. Speaker
DeLaney	Klinker	Pryor	
Dembowski	Knollman	Richardson	
Dobis	Kubacki	Riecken	

VOTING NAY: 18

Baird	Foley	Moses	Sullivan
Brown, T	Fry, C	Pierce	Truitt
Crouch	Koch	Reske	VanNatter
Davisson	McNamara	Rhoads	
Dermody	Messmer	Saunders	

EXCUSED FROM VOTING: 4

Bardon	Hinkle	VanDenburgh	Wolkins

NOT VOTING: 1

Dodge

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Roll Call 410: PREVAILED

HB 1205 Behning
School employee contracts.
Concur

Yeas:	76
Nays:	15
Excused:	7
N/Voting:	2

VOTING YEA: 76

Austin	Eberhart	Lehe	Richardson
Bacon	Ellspermann	Lehman	Riecken
Baird	Espich	Leonard	Saunders
Battles	Foley	Lutz	Smith, M
Behning	Friend	Mahan	Soliday
Borders	Frizzell	McClain	Speedy
Brown, T	Frye, R	McMillin	Stemler
Burton	GiaQuinta	McNamara	Steuerwald
Cheatham	Gutwein	Messmer	Sullivan
Cherry	Heaton	Morris	Thompson
Clere	Heuer	Moseley	Torr
Crouch	Karickhoff	Moses	Truitt
Culver	Kersey	Neese	Turner
Davis	Kirchhofer	Noe	Ubelhor
Davisson	Klinker	Pflum	VanNatter
DeLaney	Knollman	Pierce	Welch
Dembowski	Koch	Pond	Wesco
Dermody	Kubacki	Reske	White
Dvorak	Lawson, L	Rhoads	Yarde

VOTING NAY: 15

Bartlett	Crawford	Niezgodski	Smith, V
Bauer	Fry, C	Pelath	Stevenson
Brown,C	Grubb	Porter	Summers
Candelaria Reardon	Harris	Pryor	

EXCUSED FROM VOTING: 7

Bardon	Dodge	Hinkle	Wolkins
Day	Goodin	VanDenburgh	

NOT VOTING: 2

Dobis Mr. Speaker

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MEETING DAY 37 03-09-12

Roll Call 411: PREVAILED

HB 1003 Crouch
Public access issues.
Conference Report #1

Yeas:	74
Nays:	20
Excused:	6
N/Voting:	0

VOTING YEA: 74

Bacon	Ellspermann	Lehman	Saunders
Baird	Espich	Leonard	Smith, M
Battles	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Steuerwald
Brown, T	Frye, R	McMillin	Sullivan
Burton	GiaQuinta	McNamara	Thompson
Candelaria Reardon	Gutwein	Messmer	Torr
Cherry	Harris	Morris	Truitt
Clere	Heaton	Moses	Turner
Crouch	Heuer	Neese	Ubelhor
Culver	Karickhoff	Noe	VanNatter
Davis	Kersey	Pflum	Welch
DeLaney	Kirchhofer	Pierce	Wesco
Dembowski	Klinker	Pond	White
Dermody	Knollman	Reske	Yarde
Dobis	Koch	Rhoads	Mr. Speaker
Dvorak	Kubacki	Richardson	
Eberhart	Lehe	Riecken	

VOTING NAY: 20

Austin	Crawford	Lawson, L	Pryor
Bartlett	Davisson	Moseley	Smith, V
Bauer	Fry, C	Niezgodski	Stemler
Brown,C	Goodin	Pelath	Stevenson
Cheatham	Grubb	Porter	Summers

EXCUSED FROM VOTING: 6

Bardon	Dodge	VanDenburgh
Day	Hinkle	Wolkins

NOT VOTING: NONE

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Roll Call 412: PREVAILED

HB 1189 Thompson
School finance.
Conference Report #1

Yeas:	52
Nays:	40
Excused:	6
N/Voting:	2

VOTING YEA: 52

Baird	Foley	Lehman	Smith, M
Behning	Friend	Leonard	Soliday
Borders	Frizzell	Lutz	Speedy
Brown, T	Frye, R	Mahan	Steuerwald
Burton	Gutwein	McClain	Sullivan
Cherry	Heaton	McMillin	Thompson
Clere	Heuer	Messmer	Torr
Culver	Karickhoff	Morris	Truitt
Davis	Kirchhofer	Neese	Turner
Davisson	Knollman	Noe	Ubelhor
Dermody	Koch	Pond	VanNatter
Eberhart	Kubacki	Rhoads	Wesco
Espich	Lehe	Richardson	Yarde

VOTING NAY: 40

Austin	Dembowski	Klinker	Pryor
Bacon	Dobis	Lawson, L	Reske
Bartlett	Dvorak	McNamara	Riecken
Battles	Ellspermann	Moseley	Saunders
Bauer	Fry, C	Moses	Smith, V
Candelaria Reardon	GiaQuinta	Niezgodski	Stemler
Cheatham	Goodin	Pelath	Stevenson
Crawford	Grubb	Pflum	Summers
Crouch	Harris	Pierce	Welch
DeLaney	Kersey	Porter	White

EXCUSED FROM VOTING: 6

Bardon	Dodge	VanDenburgh
Day	Hinkle	Wolkins

NOT VOTING: 2

Brown,C Mr. Speaker

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Roll Call 413: PREVAILED

HB 1195 M. Smith
Property taxes.

Conference Report #1

Yeas: 53
Nays: 40
Excused: 5
N/Voting: 2

VOTING YEA: 53

Bacon	Ellspermann	Lutz	Speedy
Baird	Espich	McClain	Steuerwald
Behning	Foley	McMillin	Thompson
Borders	Friend	McNamara	Torr
Brown, T	Frizzell	Messmer	Truitt
Burton	Gutwein	Neese	Turner
Cheatham	Heaton	Niezgodski	Ubelhor
Cherry	Karickhoff	Noe	VanNatter
Clere	Kersey	Pond	Welch
Crouch	Kirchhofer	Pryor	Wesco
Culver	Knollman	Rhoads	Yarde
Davis	Koch	Richardson	
Davisson	Kubacki	Smith, M	
Eberhart	Lehe	Soliday	

VOTING NAY: 40

Austin	Dermody	Lawson, L	Porter
Bartlett	Dvorak	Lehman	Reske
Battles	Fry, C	Leonard	Riecken
Bauer	Frye, R	Mahan	Saunders
Brown,C	GiaQuinta	Morris	Smith, V
Candelaria Reardon	Goodin	Moseley	Stemler
Crawford	Grubb	Moses	Stevenson
Day	Harris	Pelath	Sullivan
DeLaney	Heuer	Pflum	Summers
Dembowski	Klinker	Pierce	White

EXCUSED FROM VOTING: 5

Bardon	Hinkle	Wolkins
Dodge	VanDenburgh	

NOT VOTING: 2

Dobis	Mr. Speaker

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Roll Call 414: PREVAILED

SB 1 McMillin
Self-defense.

Conference Report #1

Yeas: 67
Nays: 26
Excused: 5
N/Voting: 2

VOTING YEA: 67

Bacon	Espich	Lutz	Saunders
Baird	Foley	Mahan	Smith, M
Behning	Friend	McClain	Soliday
Borders	Frizzell	McMillin	Speedy
Brown, T	Frye, R	McNamara	Stemler
Burton	Grubb	Messmer	Steuerwald
Cheatham	Gutwein	Morris	Thompson
Cherry	Heaton	Moses	Torr
Clere	Heuer	Neese	Truitt
Crouch	Karickhoff	Niezgodski	Turner
Culver	Kirchhofer	Noe	Ubelhor
Davis	Knollman	Pelath	VanNatter
Davisson	Koch	Pflum	Welch
Dermody	Kubacki	Pond	Wesco
Dvorak	Lehe	Reske	Yarde
Eberhart	Lehman	Rhoads	Mr. Speaker
Ellspermann	Leonard	Richardson	

VOTING NAY: 26

Austin	DeLaney	Klinker	Smith, V
Bartlett	Dembowski	Lawson, L	Stevenson
Bauer	Dobis	Moseley	Sullivan
Brown,C	Fry, C	Pierce	Summers
Candelaria Reardon	GiaQuinta	Porter	White
Crawford	Harris	Pryor	
Day	Kersey	Riecken	

EXCUSED FROM VOTING: 5

Bardon	Hinkle	Wolkins
Dodge	VanDenburgh	

NOT VOTING: 2

Battles	Goodin

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Roll Call 415: PREVAILED

SB 262 Steuerwald
IC 4 and IC 5 code revision.

Conference Report #1

Yeas: 90
Nays: 1
Excused: 5
N/Voting: 4

VOTING YEA: 90

Austin	Eberhart	Lehman	Riecken
Bacon	Ellspermann	Leonard	Saunders
Baird	Espich	Lutz	Smith, M
Bauer	Foley	Mahan	Smith, V
Behning	Friend	McClain	Soliday
Borders	Frizzell	McMillin	Speedy
Brown,C	Fry, C	McNamara	Stemler
Brown, T	Frye, R	Messmer	Steuerwald
Burton	GiaQuinta	Morris	Stevenson
Candelaria Reardon	Grubb	Moseley	Sullivan
Cheatham	Gutwein	Moses	Summers
Cherry	Harris	Neese	Thompson
Clere	Heaton	Niezgodski	Torr
Crawford	Heuer	Noe	Truitt
Crouch	Karickhoff	Pelath	Turner
Culver	Kersey	Pflum	Ubelhor
Davis	Kirchhofer	Pierce	VanNatter
Davisson	Klinker	Pond	Welch
Day	Knollman	Porter	Wesco
DeLaney	Koch	Pryor	White
Dembowski	Kubacki	Reske	Yarde
Dermody	Lawson, L	Rhoads	
Dvorak	Lehe	Richardson	

VOTING NAY: 1

Bartlett

EXCUSED FROM VOTING: 5

Bardon	Hinkle	Wolkins
Dodge	VanDenburgh	

NOT VOTING: 4

Battles	Dobis	Goodin	Mr. Speaker

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Roll Call 416: PREVAILED

HB 1072 Espich
Tax administration.

Conference Report #1

Yeas: 87
Nays: 8
Excused: 5
N/Voting: 0

VOTING YEA: 87

Austin	Dvorak	Lawson, L	Rhoads
Bacon	Eberhart	Lehe	Richardson
Baird	Ellspermann	Lehman	Riecken
Battles	Espich	Leonard	Smith, M
Bauer	Foley	Lutz	Smith, V
Behning	Friend	Mahan	Soliday
Borders	Frizzell	McClain	Speedy
Brown,C	Frye, R	McMillin	Steuerwald
Brown, T	GiaQuinta	McNamara	Sullivan
Burton	Goodin	Messmer	Summers
Cheatham	Grubb	Morris	Thompson
Cherry	Gutwein	Moses	Torr
Clere	Harris	Neese	Truitt
Crawford	Heaton	Niezgodski	Turner
Crouch	Heuer	Noe	Ubelhor
Culver	Karickhoff	Pelath	VanNatter
Davis	Kersey	Pflum	Welch
Davisson	Kirchhofer	Pierce	Wesco
Day	Klinker	Pond	White
DeLaney	Knollman	Porter	Yarde
Dembowski	Koch	Pryor	Mr. Speaker
Dermody	Kubacki	Reske	

VOTING NAY: 8

Bartlett	Dobis	Moseley	Stemler
Candelaria Reardon	Fry, C	Saunders	Stevenson

EXCUSED FROM VOTING: 5

Bardon	Hinkle	Wolkins
Dodge	VanDenburgh	

NOT VOTING: NONE

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Roll Call 417: PREVAILED

SB 257 Soliday
Motor vehicle law.

Conference Report #1

Yeas:	68
Nays:	26
Excused:	5
N/Voting:	1

VOTING YEA: 68

Bacon	Eberhart	Lehe	Saunders
Baird	Ellspermann	Lehman	Smith, M
Behning	Espich	Leonard	Soliday
Borders	Foley	Lutz	Speedy
Brown, T	Friend	Mahan	Stemler
Burton	Frizzell	McClain	Steuerwald
Cheatham	Frye, R	McMillin	Sullivan
Cherry	GiaQuinta	McNamara	Thompson
Clere	Grubb	Messmer	Torr
Crouch	Gutwein	Morris	Truitt
Culver	Heaton	Neese	Turner
Davis	Heuer	Noe	Ubelhor
Davisson	Karickhoff	Pflum	VanNatter
DeLaney	Kirchhofer	Pond	Welch
Dembowski	Knollman	Reske	Wesco
Dermody	Koch	Rhoads	White
Dobis	Kubacki	Richardson	Yarde

VOTING NAY: 26

Austin	Day	Lawson, L	Pryor
Bartlett	Dvorak	Moseley	Riecken
Battles	Fry, C	Moses	Smith, V
Bauer	Goodin	Niezgodski	Stevenson
Brown,C	Harris	Pelath	Summers
Candelaria Reardon	Kersey	Pierce	
Crawford	Klinker	Porter	

EXCUSED FROM VOTING: 5

Bardon	Hinkle	Wolkins
Dodge	VanDenburgh	

NOT VOTING: 1

Mr. Speaker

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Roll Call 418: FAILED

HB 1269 Neese
Health care compact.
DeLaney motion to table
Table CCR-1

Yeas:	38
Nays:	57
Excused:	5
N/Voting:	0

VOTING YEA: 38

Austin	Dembowski	Lawson, L	Riecken
Bartlett	Dobis	Moseley	Smith, V
Battles	Dvorak	Moses	Stemler
Bauer	Fry, C	Niezgodski	Stevenson
Brown,C	GiaQuinta	Pelath	Sullivan
Candelaria Reardon	Goodin	Pflum	Summers
Cheatham	Grubb	Pierce	Welch
Crawford	Harris	Porter	White
Day	Kersey	Pryor	
DeLaney	Klinker	Reske	

VOTING NAY: 57

Bacon	Espich	Leonard	Soliday
Baird	Foley	Lutz	Speedy
Behning	Friend	Mahan	Steuerwald
Borders	Frizzell	McClain	Thompson
Brown, T	Frye, R	McMillin	Torr
Burton	Gutwein	McNamara	Truitt
Cherry	Heaton	Messmer	Turner
Clere	Heuer	Morris	Ubelhor
Crouch	Karickhoff	Neese	VanNatter
Culver	Kirchhofer	Noe	Wesco
Davis	Knollman	Pond	Yarde
Davisson	Koch	Rhoads	Mr. Speaker
Dermody	Kubacki	Richardson	
Eberhart	Lehe	Saunders	
Ellspermann	Lehman	Smith, M	

EXCUSED FROM VOTING: 5

Bardon	Hinkle	Wolkins
Dodge	VanDenburgh	

NOT VOTING: NONE

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Roll Call 419: PREVAILED

HB 1269 Neese
Health care compact.

Conference Report #1

Yeas:	58
Nays:	36
Excused:	5
N/Voting:	1

VOTING YEA: 58

Bacon	Espich	Leonard	Smith, M
Baird	Foley	Lutz	Soliday
Behning	Friend	Mahan	Speedy
Borders	Frizzell	McClain	Steuerwald
Brown, T	Frye, R	McMillin	Thompson
Burton	Gutwein	McNamara	Torr
Cherry	Heaton	Messmer	Truitt
Clere	Heuer	Morris	Turner
Crouch	Karickhoff	Neese	Ubelhor
Culver	Kirchhofer	Noe	VanNatter
Davis	Knollman	Pond	Wesco
Davisson	Koch	Reske	Yarde
Dermody	Kubacki	Rhoads	Mr. Speaker
Eberhart	Lehe	Richardson	
Ellspermann	Lehman	Saunders	

VOTING NAY: 36

Austin	DeLaney	Kersey	Pryor
Bartlett	Dembowski	Klinker	Riecken
Battles	Dobis	Lawson, L	Smith, V
Bauer	Dvorak	Moseley	Stemler
Brown,C	Fry, C	Niezgodski	Stevenson
Candelaria Reardon	GiaQuinta	Pelath	Sullivan
Cheatham	Goodin	Pflum	Summers
Crawford	Grubb	Pierce	Welch
Day	Harris	Porter	White

EXCUSED FROM VOTING: 5

Bardon	Hinkle	Wolkins
Dodge	VanDenburgh	

NOT VOTING: 1

Moses

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Roll Call 420: PREVAILED

HB 1280 Koch
Regulatory matters.

Conference Report #1

Yeas:	66
Nays:	27
Excused:	5
N/Voting:	2

VOTING YEA: 66

Bacon	Ellspermann	Kubacki	Saunders
Baird	Espich	Lehe	Smith, M
Behning	Foley	Lehman	Soliday
Borders	Friend	Leonard	Speedy
Brown, T	Frizzell	Lutz	Stemler
Burton	Frye, R	Mahan	Steuerwald
Candelaria Reardon	Goodin	McClain	Thompson
Cherry	Grubb	McMillin	Torr
Clere	Gutwein	McNamara	Truitt
Crouch	Harris	Messmer	Turner
Culver	Heaton	Morris	Ubelhor
Davis	Heuer	Neese	VanNatter
Davisson	Karickhoff	Noe	Welch
Dembowski	Kirchhofer	Pond	Wesco
Dermody	Klinker	Reske	Yarde
Dobis	Knollman	Rhoads	
Eberhart	Koch	Richardson	

VOTING NAY: 27

Austin	Day	Moseley	Riecken
Bartlett	DeLaney	Niezgodski	Smith, V
Battles	Dvorak	Pelath	Stevenson
Bauer	Fry, C	Pflum	Sullivan
Brown,C	GiaQuinta	Pierce	Summers
Cheatham	Kersey	Porter	White
Crawford	Lawson, L	Pryor	

EXCUSED FROM VOTING: 5

Bardon	Hinkle	Wolkins
Dodge	VanDenburgh	

NOT VOTING: 2

Moses Mr. Speaker

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Roll Call 421: PREVAILED

SB 345 Thompson
Statewide 911 system.

Conference Report #1

Yeas:	62
Nays:	32
Excused:	5
N/Voting:	1

VOTING YEA: 62

Bacon	Dobis	Klinker	Pond
Baird	Eberhart	Knollman	Rhoads
Battles	Ellspermann	Koch	Riecken
Behning	Espich	Kubacki	Smith, M
Borders	Foley	Lehe	Soliday
Brown, T	Friend	Leonard	Thompson
Burton	Frizzell	Lutz	Torr
Cheatham	Frye, R	Mahan	Truitt
Cherry	GiaQuinta	McClain	Turner
Clere	Grubb	McMillin	Ubelhor
Culver	Gutwein	Messmer	Welch
Davis	Heaton	Moseley	Wesco
Davisson	Heuer	Moses	White
DeLaney	Karickhoff	Niezgodski	Yarde
Dembowski	Kersey	Noe	
Dermody	Kirchhofer	Pelath	

VOTING NAY: 32

Austin	Dvorak	Neese	Smith, V
Bartlett	Fry, C	Pflum	Speedy
Bauer	Goodin	Pierce	Stemler
Brown,C	Harris	Porter	Steuerwald
Candelaria Reardon	Lawson, L	Pryor	Stevenson
Crawford	Lehman	Reske	Sullivan
Crouch	McNamara	Richardson	Summers
Day	Morris	Saunders	VanNatter

EXCUSED FROM VOTING: 5

Bardon	Hinkle	Wolkins
Dodge	VanDenburgh	

NOT VOTING: 1

Mr. Speaker

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Roll Call 422: PREVAILED

HB 1376 Espich
State and local administration.

Conference Report #1

Yeas:	76
Nays:	17
Excused:	7
N/Voting:	0

VOTING YEA: 76

Austin	Eberhart	Kubacki	Richardson
Bacon	Ellspermann	Lehe	Saunders
Baird	Espich	Lehman	Smith, M
Battles	Foley	Leonard	Soliday
Behning	Friend	Lutz	Speedy
Borders	Frizzell	Mahan	Stemler
Brown, T	Frye, R	McClain	Steuerwald
Burton	GiaQuinta	McMillin	Sullivan
Candelaria Reardon	Goodin	McNamara	Thompson
Cherry	Grubb	Messmer	Torr
Clere	Gutwein	Morris	Truitt
Crouch	Heaton	Moseley	Turner
Davis	Heuer	Moses	Ubelhor
Davisson	Karickhoff	Neese	VanNatter
DeLaney	Kersey	Niezgodski	Welch
Dembowski	Kirchhofer	Noe	Wesco
Dermody	Klinker	Pond	White
Dobis	Knollman	Reske	Yarde
Dvorak	Koch	Rhoads	Mr. Speaker

VOTING NAY: 17

Bartlett	Culver	Pierce	Stevenson
Bauer	Day	Porter	Summers
Brown,C	Fry, C	Pryor	
Cheatham	Harris	Riecken	
Crawford	Lawson, L	Smith, V	

EXCUSED FROM VOTING: 7

Bardon	Hinkle	Pflum	Wolkins
Dodge	Pelath	VanDenburgh	

NOT VOTING: NONE

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STATE OF INDIANA

JOURNAL
OF THE
SENATE

117TH GENERAL ASSEMBLY

SECOND REGULAR SESSION
Convening November 22, 2011
Reconvening January 4, 2012
Adjourning March 10, 2012

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David C. Long, ***President Pro Tempore***

Sue Landske, ***Assistant President Pro Tempore***

Connie Lawson, ***Majority Floor Leader***

Johnny Nugent, ***Majority Floor Leader Emeritus***

Mike Delph, ***Assistant Majority Floor Leader-Communications***

Brent E. Steele, ***Assistant Majority Floor Leader-Parliamentary Affairs***

James W. Merritt, Jr., ***Majority Caucus Chair***

Richard D. Bray, ***Assistant Majority Caucus Chair***

Carlin Yoder, ***Assistant Majority Caucus Chair***

Brandt E. Hershman, ***Majority Whip***

Travis Holdman, ***Assistant Majority Whip***

Vi Simpson, ***Minority Floor Leader***

Timothy S. Lanane, ***Assistant Minority Floor Leader***

Richard D. Young, Jr., ***Minority Leader Emeritus***

James Arnold, ***Minority Caucus Chair***

Jean D. Breaux, ***Assistant Minority Caucus Chair***

Lindel O. Hume, ***Minority Whip***

Earline S. Rogers, ***Minority Whip***

Jennifer L. Mertz, ***Principal Secretary***

Diane Marshall, ***Assistant Majority Secretary***

Jeff Papa, ***Chief of Staff and Chief Counsel to Majority Caucus***

Gene R. Leeuw, ***Parliamentarian***

Emma Keys, ***Deputy Minority Secretary***

Bernice Corley, ***Minority Attorney***

C. William Hart, ***Principal Doorkeeper***

Brett James, ***Postmaster***

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

First Meeting Day Tuesday Afternoon November 22, 2011

The members of the Senate of the One Hundred and Seventeenth General Assembly of the State of Indiana assembled in the Senate Chambers in the State House in the City of Indianapolis on Tuesday, the twenty-second day of November, 2011, A.D., at 1:32 p.m., being the day fixed by law for the convening of the Second Regular Session of the General Assembly, viz:

"...the second regular session of each term of the General Assembly shall convene on the third Tuesday after the first Monday of November of each odd-numbered year for the purpose of establishing the first day of the second regular session."

The Senate was called to order by the Honorable Rebecca S. Skillman, Lieutenant Governor and President of the Senate.

Prayer was offered by Senator Dennis K. Kruse.

The Pledge of Allegiance to the Flag was led by Senator Susan Glick.

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

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 1: present 50. The Chair announced a quorum present.

SENATE MOTION

Madam President: I move that Senators Eckerty, Glick, Taylor, and R. Young be appointed as a committee of four members of the Senate to notify the House of Representatives that the Senate has met, has formed a quorum, and is now prepared to proceed with legislative business and to receive any communications which the House of Representatives may transmit. Senator Eckerty shall serve as Chair of the Committee.

LONG

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee appointed to notify the House of Representatives that the Senate has met, has formed a quorum and is organized and ready for the transaction of legislative business respectfully reports that it has so informed the House of Representatives.

ECKERTY, Chair
GLICK
TAYLOR
R. YOUNG

Report adopted.

SENATE MOTION

Madam President: I move that Senators Grooms, Smith, Skinner, and Arnold be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Governor and to notify him of the convening of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly. Senator Grooms shall serve as Chair of the Committee.

LONG

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The committee appointed to act with a like committee of the House of Representatives to wait upon the Governor to notify him of the convening of both Houses of the General Assembly, to inform him that they are ready to transact legislative business, and to learn from him when it will suit his

convenience to submit whatever communication he may have to offer to the General Assembly has performed the duties assigned to it. The Committee begs leave to report that it has learned that the Governor will communicate with the General Assembly on a date and at a time to be fixed at a later date.

GROOMS, Chair
SMITH
SKINNER
ARNOLD

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 2

Senate Concurrent Resolution 2, introduced by Senator Wyss:

A CONCURRENT RESOLUTION memorializing Dan Wheldon.

Whereas, Thirty-three-year-old Dan Wheldon died on Sunday, October 16, 2011, doing what he loved to do;

Whereas, Dan died from injuries he sustained in a fiery, 15-car crash during the season-ending IndyCar race at the Las Vegas Motor Speedway;

Whereas, Dan Wheldon came from a racing family;

Whereas, Born in Emberton, England, where his father was a go-kart racer and his mother was the timer at a local track, Dan began racing go-karts at the age of four;

Whereas, Dan Wheldon burst onto the IndyCar scene as a talented newcomer in 2002, won Rookie of the Year honors in 2003, won his first Indianapolis 500 race just two years later, and was the IndyCar Series champion that same year;

Whereas, Dan Wheldon earned his second Indy 500 crown in 2011 during the 100th year celebration of the "Greatest Spectacle in Racing", becoming only the 18th driver in the history of the race to win it more than once;

Whereas, Although his career was cut tragically short, lasting only eight seasons, Dan posted 134 career starts, collected 26 top-three finishes, 93 top-ten finishes, and five pole positions, and won the Rolex 24 Hours at Daytona;

Whereas, Dan was the driver of the Army National Guard IndyCar during the 2009 and 2010 seasons, and his popularity among soldiers went well beyond what he accomplished on the track;

Whereas, When he wasn't racing, Dan Wheldon visited soldiers at Walter Reed Army Medical Center and veterans hospitals around the country, something he continued to do even after he stopped driving the Army National Guard IndyCar following the 2010 season;

Whereas, Dan Wheldon also served as a spokesperson for the National Guard Youth Challenge Program, which supports at-risk teenagers and young adults around the country;

Whereas, Dan Wheldon was a champion away from the track as well;

Whereas, A strong supporter of the Alzheimer's Association, a cause he championed when his mother developed early onset Alzheimer's in her mid-50s, he added the organization's logo to his car at the Indy 500 to help promote greater awareness of the disease;

Whereas, Dan Wheldon's fun-loving personality made him one of IndyCar's most popular drivers and helped him develop a special bond with fans in Indianapolis and St. Petersburg, Florida, the American cities that he called home;

Whereas, Dan's accomplishments on the racetrack were exceeded only by his love for his family and his devotion to his wife, Susie, and his sons, Sebastian and Oliver;

Whereas, Dan Wheldon represented IndyCar with respect and integrity and will be remembered as a great racer and a kind and giving person; and

Whereas, Dan Wheldon was an outstanding ambassador for the sport of racing, the Indianapolis Motor Speedway, and the city of Indianapolis: Therefore,

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

SECTION 1. That the Indiana General Assembly and the Motor Sports Caucus express their heartfelt sympathy to Susie Wheldon and her children in their hour of grief and acknowledge the many contributions Dan Wheldon made to auto racing and the people of the world. He truly made the world a better place in which to live.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Dan Wheldon's wife, Susie, his children, Sebastian and Oliver, his parents, and the Indianapolis Motor Speedway.

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

Senate Resolution 1

Senate Resolution 1, introduced by Senator Long:

A SENATE RESOLUTION to authorize the Postmaster of the Indiana Senate to receive from the Postmaster of the City of Indianapolis all mail belonging to the Senate.

Whereas, The Postmaster of the Indiana Senate is hereby authorized to receive from the Postmaster of the City of

Indianapolis all mail which may belong to the Indiana Senate and to the several members and employees thereof and which may be directed to the general delivery or care of the Senate: Therefore,

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

SECTION 1. That the Secretary of the Senate be directed to send a certified copy of this Resolution to the Postmaster of the City of Indianapolis.

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

House Concurrent Resolution 1

House Concurrent Resolution 1, sponsored by Senators Long and Simpson:

A CONCURRENT RESOLUTION to allow the House of Representatives and the Senate of the 117th Indiana General Assembly to adjourn and recess separately throughout the Second Regular Session for periods in excess of three (3) consecutive days as the need, in the judgement of the Speaker of the House of Representatives and the President *Pro Tempore* of the Senate, respectively, may arise.

Whereas, The Indiana House of Representatives and the Senate met for the purpose of organization of each House to conduct the public business of the people of the State of Indiana;

Whereas, The House of Representatives and the Senate operate on their own respective schedules, having been separated from each other pursuant to IC 2-2.1-1-2(c)(2);

Whereas, During the consideration of legislative business, each House may, in the respective judgment of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, deem it necessary to adjourn and recess for periods in excess of three (3) consecutive days and to operate on a schedule different from the other House;

Whereas, Article 4, Section 10 of the Constitution of the State of Indiana states that neither House shall, without the consent of the other, adjourn for more than three (3) consecutive days;

Whereas, Each House desires to consent to any adjournment or recess by the other House which might last more than three (3) days during the Second Regular Session of the 117th Indiana General Assembly;

Whereas, The House of Representatives and the Senate intend to recess after November 22, 2011 to conduct legislative business; Therefore,

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

SECTION 1. That each House of the 117th Indiana General Assembly hereby consents to any adjournment or recess of the other House during the Second Regular Session of the 117th Indiana General Assembly for a period in excess of three (3) days, where such recess or adjournment is approved, in the case of the House of Representatives, by the Speaker of the House of Representatives or, in the case of the Senate, by the President Pro Tempore of the Senate.

The resolution was read in full and placed upon its passage. The question was, Shall the resolution pass? Roll Call 2: yeas 49, nays 0. The resolution was declared passed. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 1 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that a committee of four members of this House be appointed by the Speaker to notify the Senate that the House of Representatives has met, has formed a quorum, and in now prepared to proceed with legislative business and to receive any communications which the Senate may transmit."

The Speaker has appointed Representatives Torr, McMillin, Tyler, and Pryor.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that a committee of four members of this House be appointed by the Speaker to act with a like committee of the Senate, to wait upon the Governor and to notify him of the organization of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business."

The Speaker has appointed Representatives Mahan, Richardson, Crawford, and Austin.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Wednesday, January 4, 2012.

LONG

Motion prevailed.

The Senate adjourned at 1:54 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Second Meeting Day Wednesday Afternoon January 4, 2012

The Senate convened at 1:32 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Travis L. Holdman.

The Pledge of Allegiance to the Flag was led by Senator Holdman.

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

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele ▶
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 3: present 49; excused 1. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

PRESIDENT PRO TEMPORE REPORT OF COMMITTEE, SUBCOMMITTEE AND CHAIRPERSON APPOINTMENTS

Madam President: Pursuant to Rule 31(a) of the Standing Rules and Orders of the Senate of the 117th General Assembly, President Pro Tempore David C. Long hereby announces and reports the attached committee, subcommittee and chairperson appointments:

Commerce and Economic Develop

Senator M. Young, Chair	Senator Taylor, RMM
Senator Walker, RM	Senator Mrvan
Senator Grooms	Senator Rogers
Senator Leising	
Senator Smith	
Senator Waltz	

Energy and Environmental Affairs

Senator Gard, Chair	Senator Tallian, RMM
Senator Buck, RM	Senator Breaux
Senator Bray	Senator Randolph
Senator Charbonneau	
Senator Eckerty	
Senator Schneider	

LONG

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 148, currently assigned to the Committee on Commerce and Economic Development, be reassigned to the Committee on Insurance and Financial Institutions.

LONG

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 20, currently assigned to the Committee on Commerce and Economic Development, be reassigned to the Committee on Public Policy.

LONG

Report adopted.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 1 — M. Young, Charbonneau, Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 246 — Bray (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 247 — Bray (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 248 — Leising (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 249 — Alting (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 250 — Alting (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 252 — Tomes (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 253 — Glick (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 254 — Glick (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 255 — Wyss, Arnold (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 256 — Wyss, Arnold (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 257 — Arnold (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 258 — Alting, Arnold (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 259 — Alting (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 260 — Alting, Arnold (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 261 — Taylor, Simpson, Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Skinner, Tallian, R. Young (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 262 — Bray (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 263 — Bray (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 264 — Head (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 265 — Head (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 266 — Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor, R. Young (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 267 — Rogers (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 268 — Rogers (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 270 — Yoder (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 271 — Tallian (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 272 — Lanane (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 273 — Lanane (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 274 — Merritt (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 275 — Merritt (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 276 — Merritt (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning

taxation.

SB 277 — Simpson (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 278 — Simpson (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

SB 279 — Charbonneau (Pensions and Labor)
A BILL FOR AN ACT concerning pensions.

SB 280 — Charbonneau (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

SB 281 — Walker (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 282 — Walker (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 283 — Kruse (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 284 — Kruse (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 2 — Head (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 3 — Head (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 5 — Head (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 6 — Tomes (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 7 — Tomes (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 8 — Boots (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 9 — Boots (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 10 — Landske (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 11 — Arnold, Steele (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 12 — Miller (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 13 — Miller (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 14 — Tomes (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 15 — Miller, Becker (Health and Provider Services)
A BILL FOR AN ACT concerning health.

SB 16 — Steele (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 17 — Steele (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 18 — Steele (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 19 — Boots (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 20 — Boots (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 21 — Lanane (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 22 — Nugent (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 23 — Nugent (Energy and Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 24 — Lawson (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 25 — Kenley (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 26 — Bray (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 27 — Leising, Paul (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

SB 28 — Mrvan (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 29 — Mrvan (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 30 — Leising (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 31 — Paul (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 32 — Bray (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning probate.

SB 33 — Walker (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 34 — Walker (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 35 — Kruse (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 36 — Waterman (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 37 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning elections. (Vehicle Bill)

SB 38 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration. (Vehicle Bill)

SB 39 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration. (Vehicle Bill)

SB 40 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco. (Vehicle Bill)

SB 41 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles. (Vehicle Bill)

SB 42 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning health. (Vehicle Bill)

SB 43 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning education. (Vehicle Bill)

SB 44 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning education. (Vehicle Bill)

SB 45 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning higher education. (Vehicle Bill)

SB 46 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety. (Vehicle Bill)

SB 47 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law. (Vehicle Bill)

SB 48 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning local government. (Vehicle Bill)

SB 49 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure. (Vehicle Bill)

SB 50 — Simpson (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

SB 51 — Becker (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 52 — Becker, Miller (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 53 — Eckerty (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 54 — Eckerty (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 55 — Eckerty (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 56 — Eckerty (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

SB 57 — Banks, Yoder, Schneider, Kruse, Walker, Smith (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 58 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure. (Vehicle Bill)

SB 59 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law. (Vehicle Bill)

SB 60 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles. (Vehicle Bill)

SB 61 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law. (Vehicle Bill)

SB 62 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation. (Vehicle Bill)

SB 63 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities. (Vehicle Bill)

SB 64 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning higher education. (Vehicle Bill)

SB 65 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

SB 66 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

SB 67 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration. (Vehicle Bill)

SB 68 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning elections. (Vehicle Bill)

SB 69 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning local government. (Vehicle Bill)

SB 70 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning education. (Vehicle Bill)

SB 71 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning education. (Vehicle Bill)

SB 72 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning health. (Vehicle Bill)

SB 73 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning health. (Vehicle Bill)

SB 74 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning local government. (Vehicle Bill)

SB 75 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning local government. (Vehicle Bill)

SB 76 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure. (Vehicle Bill)

SB 77 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure. (Vehicle Bill)

SB 78 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles. (Vehicle Bill)

SB 79 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco. (Vehicle Bill)

SB 80 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco. (Vehicle Bill)

SB 81 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

SB 82 — Long (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning elections. (Vehicle Bill)

SB 83 — Leising (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 84 — Leising (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 85 — Banks, Yoder (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SJR 2 — Boots (Judiciary)
A JOINT RESOLUTION proposing an amendment to Article 7 of the Constitution of the State of Indiana concerning courts and court officers.

SJR 3 — Simpson (Rules and Legislative Procedure)
A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle joint resolution)

SJR 4 — Long (Rules and Legislative Procedure)
A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle joint resolution)

SJR 5 — Long (Rules and Legislative Procedure)
A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle joint resolution)

SJR 6 — Long (Rules and Legislative Procedure)
A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle joint resolution)

SJR 7 — Long (Rules and Legislative Procedure)
A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana.(Vehicle Joint Resolution)

SJR 8 — Long (Rules and Legislative Procedure)
A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 9 — Long (Rules and Legislative Procedure)
A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle joint resolution)

SB 131 — Gard (Energy and Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 167 — Randolph (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 228 — Eckerty (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 229 — Smith (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 230 — Smith (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 231 — Wyss, Broden, M. Young (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 232 — M. Young (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 233 — Alting (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 234 — Alting, Merritt (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 235 — Grooms (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

SB 236 — Delph (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 237 — M. Young, Arnold, Banks, Taylor (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

SB 238 — Randolph (Energy and Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 239 — Randolph (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 240 — Walker (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 241 — Walker (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 242 — Breaux (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 243 — Grooms, Holdman, Waterman (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 244 — Waterman, Steele, Leising, Hume, Head, Tomes, Grooms (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

SB 245 — Waterman (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 269 — Yoder (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 4 — Head, Banks, Walker (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 86 — Steele (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning

natural and cultural resources.

SB 87 — Steele (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 88 — Kruse (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 89 — Kruse (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 90 — Kruse (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 91 — Gard (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 92 — Gard (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 93 — Lanane (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 94 — Lanane (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 95 — Lanane (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 96 — M. Young (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 97 — M. Young, Taylor (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 98 — Kenley (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

SB 99 — Delph (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly and to make an appropriation.

SB 100 — Broden (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 101 — Broden (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 102 — Broden (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 103 — Mrvan (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 104 — Mrvan (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 105 — Boots (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 106 — Boots (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 107 — Zakas (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 108 — Zakas (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 109 — Holdman (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 110 — Holdman (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 111 — Holdman (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 112 — Holdman (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 113 — Holdman (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 114 — Bray (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 115 — Landske, Lawson, Arnold, Lanane (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

SB 116 — Arnold (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 117 — Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor, R. Young (Elections)

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

SB 118 — Landske (Elections)

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

SB 119 — Landske (Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

SB 120 — Yoder (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 121 — Yoder, Holdman (Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 122 — Becker (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 123 — Leising (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SJR 10 — M. Young, Waltz (Tax and Fiscal Policy)

A JOINT RESOLUTION proposing an amendment to Article 10 of the Constitution of the State of Indiana.

SJR 11 — Delph (Elections)

A JOINT RESOLUTION proposing an amendment to Article 4 of the Constitution of the State of Indiana concerning the general assembly.

SJR 12 — Simpson (Judiciary)

A JOINT RESOLUTION proposing an amendment to the bill of rights.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 5

Senate Concurrent Resolution 5, introduced by Senator Leising:

A CONCURRENT RESOLUTION urging Congress to defund planning grants for state insurance exchanges under the Patient Protection and Affordable Care Act.

Whereas, The federal government has enacted the Patient Protection and Affordable Care Act (PPACA) ostensibly for the purpose of making health insurance more affordable for American citizens;

Whereas, PPACA includes a provision requiring the creation of health insurance exchanges (exchanges) in each state; at the exchanges, only health insurance policies that meet certain requirements determined by the federal government may be bought and sold;

Whereas, Exchanges may be established by each state only subject to approval by appointed federal officials;

Whereas, If a state does not establish an exchange, appointed federal officials will establish one in that state;

Whereas, State created PPACA exchanges put states in the position of ceding their resources and sovereignty to the service of the federal government, sacrificing their ability to flexibly serve their own citizens;

Whereas, 26 states are suing to have PPACA struck down partly due to the arguable unconstitutionality of the individual mandate, and briefs submitted by the federal government in Florida v. U.S. Department of Health and Human Services make clear that exchanges are a key part of the individual mandate;

Whereas, The United States Supreme Court states, in part, in its recent ruling in Bond v. United States, "Federalism secures the freedom of the individual. It allows States to respond, through the enactment of positive law, to the initiative of those who seek a voice in shaping the destiny of their own times without having to rely solely upon the political processes that control a remote central power," effectively instructing state leaders that they share in the responsibility to preserve liberty;

Whereas, Judge Vinson, in his order of March 3, 2011, staying his original decision in Florida v. U.S. Department of Health and Human Services striking down the PPACA as unconstitutional, stated in footnote 7 that "the severity of that injury [from the PPACA] is undercut by the fact that at least eight of the plaintiff states have represented that they will continue to implement and fully comply with the Act's requirements, in an abundance of caution while this case is on appeal, irrespective of my ruling," clearly implying that as states continue to plan exchanges in preparation for PPACA implementation, the perceived harm to states is reduced, making it less likely the PPACA will ultimately be declared unconstitutional;

Whereas, The U.S. Department of Health and Human Services recently released 70 pages of new rules regarding exchanges that required 172 pages to summarize and clarify, including numerous references to future rulemaking, bringing into question the idea that states have significant flexibility in the establishment of exchanges;

Whereas, If the PPACA is struck down, states planning PPACA exchanges will have participated in wasting millions of dollars of taxpayer funds in planning defunct exchanges;

Whereas, Despite claims by some that states can create PPACA compliant exchanges that enjoy the benefits of market forces, these exchanges would be completely artificial devices offering insurance products regulated in their essential characteristics by the federal government, making exchanges anything but free markets;

Whereas, PPACA health insurance exchanges will continue to be subject to the arbitrary whims of the federal bureaucracy which, having extensive ongoing rulemaking authority, can render any plan for a state exchange today, no matter how rational and well-designed, obsolete, and irrelevant at a later date;

Whereas, The PPACA does not clearly and unequivocally preempt state law, containing only a vague provision that seems to say that federal law does not preempt state laws preserving free enterprise health care systems; however, the establishment of exchanges necessitates that state laws conform to PPACA, and states establishing exchanges will actively participate in the preemption of their own laws;

Whereas, There is no penalty for a state in allowing the federal government to implement an exchange, and doing so puts federal officials in the position of asking a state for permission to operate an exchange rather than states supplicating to appointed federal officials; and

Whereas, States can, and should, develop and implement their own state-based health reform solutions that are tailored to the targeted needs of their citizens without the mandates within PPACA: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly believes it is not in the best interest of Indiana for any state official to participate in planning or establishing health insurance exchanges as provided for in the federal Patient Protection and Affordable Care Act.

SECTION 2. That the Indiana General Assembly urges Congress to defund planning grants to states for the establishment of PPACA health insurance exchanges by the states.

SECTION 3. That copies of this resolution be transmitted by the Secretary of the Senate to the President of the United States, the appropriate leadership of the United States Congress and the United States Department of Health and Human Services, and all the members of the Indiana Congressional delegation.

The resolution was read in full and referred to the Committee on Health and Provider Services.

Senate Resolution 2

Senate Resolution 2, introduced by Senator Holdman:

A SENATE RESOLUTION urging the legislative council to establish an interim study committee to study commercialism in schools.

Whereas, Schools have become an attractive new arena for marketers who wish to establish brand recognition and brand loyalties;

Whereas, During these times of declining funding for public education, selling advertising space in schools has become a new and profitable fund-raising technique; and

Whereas, Commercialism in schools raises many legal and ethical questions that need to be answered: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study commercialism in schools.

SECTION 2. That the committee, if established, shall study the following:

(1) The extent of commercialism and the advertisement of consumer products in schools.

(2) The effect school commercialism or advertising has on a student.

(3) Whether, and to what extent, school commercialism or advertising should be regulated.

SECTION 3. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Education and Career Development.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 124 — Head (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 125 — Tallian (Tax and Fiscal Policy)

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning state offices and administration.

SB 126 — Tallian, Kruse (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 127 — Tallian (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 128 — Walker (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 129 — Waterman (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 130 — Gard (Energy and Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 132 — Gard (Energy and Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

SB 133 — Gard (Energy and Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 134 — Lawson (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 135 — Zakas (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 136 — Zakas (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 137 — Zakas (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 138 — Kenley, Steele, Arnold, Taylor (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 139 — Kenley (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 140 — Kenley (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 141 — Kenley (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 142 — Kenley (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 143 — Kenley (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 144 — Kenley (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 145 — Miller (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 146 — Delph (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 147 — Holdman (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 148 — Holdman (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 149 — Boots (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 150 — Boots (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

SJR 13 — M. Young (Judiciary)
A JOINT RESOLUTION proposing an amendment to Article 7 of the Constitution of the State of Indiana concerning courts and court officers.

SJR 14 — Delph (Judiciary)
A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana concerning courts and court officers.

SB 151 — Kruse (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 152 — Kruse (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 153 — Steele (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 154 — Steele (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 155 — Steele (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 156 — Steele (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 157 — Steele (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 158 — Leising (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 159 — Smith (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 160 — Smith (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 161 — Randolph, Rogers (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 162 — Randolph (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 163 — Randolph, Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Rogers, Simpson, Skinner, Tallian, Taylor, R. Young (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

SB 164 — Randolph (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 165 — Randolph (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 166 — Randolph (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

SB 168 — Randolph (Energy and Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 169 — Hume (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 170 — Lawson (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 171 — Lawson (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections and to make an appropriation.

SB 172 — Lawson (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 173 — Lawson (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

SB 174 — Lawson (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 175 — M. Young (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 176 — M. Young, Bray (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 177 — M. Young (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 178 — M. Young (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 179 — Banks, Kruse (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 180 — Banks (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 181 — Banks, Kruse (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 182 — Banks (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

SB 183 — Banks, Kruse (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 184 — Grooms, Holdman (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 185 — Grooms (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 186 — Grooms (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 187 — Grooms (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 188 — Taylor (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 189 — Taylor, Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, R. Young (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 190 — Charbonneau (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 191 — Charbonneau (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 192 — Charbonneau (Commerce & Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 193 — Arnold, Lawson (Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 194 — Arnold (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 195 — Waltz (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 196 — Waltz (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 197 — Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor, R. Young (Commerce & Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 198 — Eckerty (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 199 — Delph (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 200 — Zakas (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 201 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 202 — Miller (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 203 — Breaux (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 204 — Breaux, Arnold, Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor, R. Young (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

SB 205 — Breaux, Simpson, Arnold, Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Skinner, Tallian, Taylor, R. Young (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 206 — Breaux, Arnold, Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor, R. Young (Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 207 — Landske (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 208 — Landske (Homeland Security, Transportation and Veterans Affairs)

A BILL FOR AN ACT to the Indiana Code concerning motor vehicles and to make an appropriation.

SB 209 — Landske (Homeland Security, Transportation and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 210 — Gard (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 211 — Gard (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

SB 212 — Gard (Utilities & Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 213 — Skinner (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 214 — Skinner, Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Tallian, Taylor, R. Young (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 215 — Skinner (Appropriations)

A BILL FOR AN ACT concerning taxation.

SB 216 — Skinner (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 217 — Skinner (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 218 — Skinner (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 219 — Skinner (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation and to make an appropriation.

SB 220 — Skinner (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 221 — Buck (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 222 — Buck (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 223 — Miller (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 224 — Miller (Health and Provider Services)
A BILL FOR AN ACT concerning health.

SB 225 — Miller (Health and Provider Services)
A BILL FOR AN ACT concerning human services.

SB 226 — Miller (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 227 — Breaux (Utilities & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

RESOLUTIONS ON FIRST READING

Senate Resolution 3

Senate Resolution 3, introduced by Senators Buck, Holdman, and Banks:

A SENATE RESOLUTION urging the legislative council to establish an interim study committee to study the creation of an industrial zone for automotive related industry.

Whereas, The area bounded by State Road 28 on the south, U.S. Highway 24 on the north, Interstate 69 on the east, and U.S. Highway 31 on the west has a history rich in automotive innovation and technological discovery;

Whereas, The creation of an industrial zone for automotive related industries would help the area generate new businesses;

Whereas, An industrial zone dealing with automotive related industries would help reduce the already high unemployment rate in the region by generating new jobs; and

Whereas, Possible incentives that may be studied by an interim study committee would include tax credits and regulatory relief programs to entice new industries into this zone: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study the possibility of creating an industrial zone for automotive related industry.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Commerce and Economic Development.

Senate Resolution 4

Senate Resolution 4, introduced by Senator Randolph:

A SENATE RESOLUTION urging the government of Turkey to cease its discrimination against the Ecumenical Patriarchate, to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate.

Whereas, The Ecumenical Patriarchate, located in Istanbul, Turkey, is the sacred See that presides in a spirit of brotherhood over a communion of the self-governing churches of the Orthodox Christian world;

Whereas, The See is led by Ecumenical Patriarch Bartholomew, who is 270th in direct succession to St. Andrew the Apostle and holds titular primacy as primus inter pares, meaning "first among equals," in the community of Orthodox churches worldwide;

Whereas, In 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, bringing together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region;

Whereas, In 1997, the Congress of the United States awarded Ecumenical Patriarch Bartholomew a Congressional Gold Medal;

Whereas, Following the September 11, 2001, terrorist attacks on our nation, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders condemning the attacks as "anti-religious";

Whereas, In November 2005, the Ecumenical Patriarch, along with Christian, Jewish, and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further promote peace and stability in southeastern Europe, the Caucasus region, and Central Asia via religious leaders' interfaith dialogue, understanding, and action;

Whereas, The Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide, with more than 2 million members in the United States;

Whereas, Since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims;

Whereas, This religious coexistence is in jeopardy because the government of Turkey refuses to recognize the rights and religious freedoms of the Ecumenical Patriarchate, which is considered a minority religion by the Turkish government;

Whereas, The Turkish government has limited eligibility to hold the office of Ecumenical Patriarch to only Turkish nationals;

Whereas, From the millions of Orthodox Christians living in Turkey at the turn of the 20th century, there are fewer than 3,000 of the Ecumenical Patriarch's flock in Turkey today, due to the continued policies of minority discrimination during this period by the Turkish government;

Whereas, The Turkish government has reneged on its agreement to reopen the Theological School on the island of Halki, closed by the government in 1971, impeding training for Orthodox Christian clergy;

Whereas, The Turkish government has confiscated nearly 94 percent of the properties of the Ecumenical Patriarchate and has placed a 42 percent tax, retroactive to 1999, on the Hospital of Baloukli and Home for the Elderly, a charity hospital run by the Ecumenical Patriarchate;

Whereas, The European Union, a group of nations with a common goal of promoting peace and the well-being of its people, began accession negotiations with Turkey on October 3, 2005;

Whereas, The European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights;

Whereas, The Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union;

Whereas, Orthodox Christians in Indiana and throughout the United States stand to lose their spiritual leader due to the continued actions of the Turkish government; and

Whereas, In November 2006, the Archons of the Ecumenical Patriarchate of the order of St. Andrew the Apostle, a group of laymen, each of whom has been honored with a Patriarchal title, or "offikion," by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, sent an American delegation to Turkey to meet with Turkish government officials and the United States Ambassador to the Republic of Turkey regarding the Turkish government's treatment of the Ecumenical Patriarchate: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate urges the Turkish government to uphold and safeguard religious and human rights without compromise, cease its discrimination against the Ecumenical Patriarchate, grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession, and the right to train clergy of all nationalities, and respect the property rights and human rights of the Ecumenical Patriarchate.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the President of the United States, the United States Ambassador to the Republic of Turkey, and the Ambassador of the Republic of Turkey to the United States.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 5

Senate Resolution 5, introduced by Senator Grooms:

A SENATE RESOLUTION urging that the POW/MIA flag be flown at state buildings and private residences.

Whereas, More than 83,000 Americans are missing in action from World War II, the Korean War, the Cold War, the Vietnam War, and the 1991 Gulf War;

Whereas, In 1990, the 101st Congress officially recognized the POW/MIA flag;

Whereas, Congress designated the flag as "the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for the families and the Nation" (Public Law 101-355);

Whereas, United States House Resolution 1119, SEC. 1054, states that the POW/MIA flag shall be displayed at specified locations each year on POW/MIA flag display days;

Whereas, The POW/MIA flag display days are Armed Forces Day (the third Saturday in May), Memorial Day (the last Monday in May), Flag Day (June 14), Independence Day (July 4), National POW/MIA Recognition Day (the third Friday in September), and Veterans Day (November 11);

Whereas, The POW/MIA flag has flown over the White House on National POW/MIA Recognition Day since 1982; with the exception of the American flag, the POW/MIA flag is the only flag to fly over the White House and continually over the Capitol rotunda; and

Whereas, The message of the POW/MIA flag is spread only when the flag is visible: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate urges that the POW/MIA flag be flown from state buildings and private residences in accordance with federal regulations in recognition of those still missing as a result of armed conflicts around the world. The people of the state of Indiana recognize the great sacrifice these brave men and women made for their country and the sacrifices their families continue to make.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the Indiana state headquarters of the Veterans of Foreign Wars at Fort Benjamin Harrison.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

HCR 2 Senator Alting
Recognizing Happy Hollow Elementary School for being named a National Blue Ribbon School.

HCR 3 Senator Steele
Urging the United States Congress to adopt the Veterans Remembered Flag.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 2

House Concurrent Resolution 2, sponsored by Senator Alting:

A CONCURRENT RESOLUTION recognizing Happy Hollow Elementary School for being named a National Blue Ribbon School.

Whereas, Happy Hollow Elementary School, West Lafayette, has been named a National Blue Ribbon School by the United States Department of Education;

Whereas, Each year since 1982, the United States Department of Education has honored over 200 of America's finest public and private elementary schools;

Whereas, The Blue Ribbon School Award gives national recognition to a diverse group of public and private schools that are unusually effective in meeting local, state, and national goals and in educating their students;

Whereas, The program is made up of the Elementary School Recognition Program and the Secondary School Recognition Program, recognizing elementary and secondary schools in alternate years;

Whereas, The Blue Ribbon School Award recognizes excellence in leadership, teaching and student environment, curriculum and instruction, parent and community support, and organizational vitality;

Whereas, Happy Hollow Elementary School is one of America's finest public schools;

Whereas, Happy Hollow Elementary School is an outstanding elementary school that has repeatedly demonstrated clear vision, shared sense of mission, up-to-date curriculum, strong family involvement, and commitment to high standards; and

Whereas, Happy Hollow Elementary School was only one of nine schools in Indiana to be honored as a National Blue Ribbon School for the year 2011: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the faculty, administration, staff, and families of Happy Hollow Elementary School for the school's selection as a 2011 National Blue Ribbon School by the United States Department of Education.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Margaret Psarros, principal of Happy Hollow Elementary School, Kathy Mugg and Sue Stan, fifth grade teachers at Happy Hollow Elementary School, Dr. Rocky D. Killion, superintendent of the West Lafayette School Corporation, and the members of the board of trustees of the West Lafayette Community School Corporation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 3

House Concurrent Resolution 3, sponsored by Senator Steele:

A CONCURRENT RESOLUTION urging the United States Congress to adopt the Veterans Remembered Flag.

Whereas, Our veterans deserve to be treated with honor and respect;

Whereas, A flag is a symbol of recognition for a group or an ideal;

Whereas, There are flags for all branches of the United States Armed Services, prisoners of war, and those missing in action; however, there is no flag to honor the millions of former military personnel who have bravely served our nation;

Whereas, As a group, veterans represent the most honorable ideal and deserve a special symbol representing them;

Whereas, It is estimated that there are 20,400,000 living veterans who served in our nation's military; these brave individuals comprise a significant portion of our country's population;

Whereas, A Veterans Remembered Flag will remind all people of the brave warriors who bled and died for freedom around the world in such places as Yorktown and Lexington, Gettysburg and Appomattox, Normandy and the Argonne, Iwo Jima and Okinawa, Seoul and the Chosin Reservoir, Saigon and Pleiku, and Bagram and Baghdad;

Whereas, The citizens of the United States owe an immense debt of gratitude to our veterans for the sacrifices they have made to secure the safety of our country; and

Whereas, The Veterans Remembered Flag will memorialize and honor all past, present, and future veterans and provide an enduring symbol of support: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the need for a Veterans Remembered Flag recognizing the more than 20,000,000 living men and women who served and the many who died defending our great nation.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the President of the United States and the members of the Indiana Congressional delegation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 2 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 2 and 3 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author, Senator Yoder be added as third author, and Senators Delph and Randolph be added as coauthors of Senate Bill 84.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author, Senator Delph be added as third author, and Senators Grooms, Waterman, Gard, Becker, Randolph, Skinner, Steele, Smith, and Arnold be added as coauthors of Senate Bill 83.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as coauthor of Senate Bill 54.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as coauthor of Senate Bill 198.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Walker and Head be added as coauthors of Senate Bill 55.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as coauthor of Senate Bill 57.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Nugent be added as second author and Senator Banks be added as coauthor of Senate Bill 6.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second author of Senate Bill 269.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Boots be added as second author and Senator Walker be added as coauthor of Senate Bill 25.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author and Senator Broden be added as coauthor of Senate Bill 140.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 133.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 131.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be removed as coauthor of Senate Bill 57.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Bill 193.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Charbonneau and Randolph be added as coauthors of Senate Bill 193.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as second author of Senate Bill 257.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author and Senator R. Young be added as coauthor of Senate Bill 170.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Leising be added as second author of Senate Bill 92.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, January 5, 2012.

LONG

Motion prevailed.

The Senate adjourned at 2:25 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Third Meeting Day Thursday Afternoon January 5, 2012

The Senate convened at 1:31 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Patricia L. Miller.

The Pledge of Allegiance to the Flag was led by Senator Miller.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent ▶
Breaux	Paul
Broden ▶	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele ▶
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 4: present 47; excused 3. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 285 — Lawson (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 286 — Lawson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 287 — Lawson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 288 — Rogers, Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Randolph, Simpson, Skinner, Tallian, Taylor, R. Young (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 289 — Rogers (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

SB 290 — Rogers, Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Randolph, Simpson, Skinner, Tallian, Taylor, R. Young (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 291 — R. Young (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 292 — R. Young (Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 293 — Smith (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 294 — Holdman (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 295 — Holdman (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 296 — Leising (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 297 — Leising (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 298 — Zakas (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 299 — Zakas (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 300 — Charbonneau (Energy and Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 301 — Charbonneau (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 302 — Charbonneau (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 303 — Becker, Gard (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 304 — Breaux (Utilities & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

SB 305 — Breaux (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 306 — Landske (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 307 — Hershman (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 308 — Hershman (Utilities & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

SB 309 — Hershman, Paul (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 310 — Hershman, Miller (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

SB 311 — Hershman (Energy and Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 312 — Hershman (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 313 — Hershman (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 314 — Holdman, Hershman (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 315 — Head (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 316 — Head (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 317 — Landske (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 318 — Glick (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 319 — Lanane (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 320 — Lanane (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 321 — Wyss, Lawson, Hershman (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 4, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-14-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If a person is arrested or summoned for an offense, the following information shall be made available for inspection and copying:

(1) Information that identifies the person including the person's name, age, and address.

(2) Information concerning any charges on which the arrest or summons is based.

(3) Information relating to the circumstances of the arrest or the issuance of the summons, such as the:

(A) time and location of the arrest or the issuance of the summons;

(B) investigating or arresting officer (other than an undercover officer or agent); and

(C) investigating or arresting law enforcement agency.

(b) If a person is received in a jail or lock-up, the following information shall be made available for inspection and copying:

(1) Information that identifies the person including the person's name, age, and address.

(2) Information concerning the reason for the person being placed in the jail or lock-up, including the name of the person on whose order the person is being held.

(3) The time and date that the person was received and the time and date of the person's discharge or transfer.

(4) The amount of the person's bail or bond, if it has been fixed.

(c) An agency shall maintain a daily log or record that lists suspected crimes, accidents, or complaints, and the following information shall be made available for inspection and copying:

(1) The time, substance, and location of all complaints or requests for assistance received by the agency.

(2) The time and nature of the agency's response to all complaints or requests for assistance.

(3) If the incident involves an alleged crime or infraction:

(A) the time, date, and location of occurrence;

(B) the name and age of any victim, unless the victim is a victim of a crime under IC 35-42-4 **or IC 35-42-3.5;**

(C) the factual circumstances surrounding the incident; and

(D) a general description of any injuries, property, or weapons involved.

The information required in this subsection shall be made available for inspection and copying in compliance with this chapter. The record containing the information must be created not later than twenty-four (24) hours after the suspected crime, accident, or complaint has been reported to the agency.

(d) This chapter does not affect IC 5-2-4, IC 10-13-3, or IC 5-11-1-9.".

Renumber all SECTIONS consecutively.

(Reference is to SB 4 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

M. YOUNG

Report adopted.

SENATE MOTION

Madam President: I move that Senator Banks be added as coauthor of Senate Bill 253.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Senate Bill 148.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 265.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Boots, Banks, and Kruse be added as coauthors of Senate Bill 269.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as second author of Senate Bill 89.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 6.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 122.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as coauthor of Senate Resolution 5.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Miller, Eckerty, and Holdman be added as coauthors of Senate Bill 229.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author of Senate Bill 195.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as coauthor of Senate Bill 234.

ALTING

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 271, currently assigned to the Committee on Corrections, Criminal, and Civil Matters, be reassigned to the Committee on Insurance and Financial Institutions.

LONG

Report adopted.

SENATE MOTION

Madam President: I move that Senator Banks be removed as second author of Senate Bill 4.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as second author and Senators Tallian, Simpson, Banks, Holdman, Miller, Eckerty, Delph, Tomes, Zakas, Landske, Glick, Waterman, M. Young, and Mrvan be added as coauthors of Senate Bill 4.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Banks, Becker, Boots, Buck, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Kruse, Landske, Lawson, Leising, Long, Merritt, Miller, Mishler, Nugent, Paul, Schneider, Simpson, Smith, Tomes, Walker, Waltz, Waterman, Wyss, and Yoder be added as coauthors of Senate Bill 1.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as second author and Senators Mrvan and Yoder be added as coauthors of Senate Bill 136.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Nugent and Tomes be added as coauthors of Senate Bill 169.

HUME

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Senate Bill 293.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author, Senator Yoder be added as third author, and Senator Mrvan be added as coauthor of Senate Bill 297.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Schneider be added as coauthor of Senate Bill 269.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author and Senator Schneider be added as third author of Senate Bill 236.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 9, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 2:06 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Fourth Meeting Day Monday Afternoon January 9, 2012

The Senate convened at 1:41 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Dennis K. Kruse.

The Pledge of Allegiance to the Flag was led by Senator Kruse.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 5: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 251 — Tomes (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 322 — Tomes (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 323 — Lawson, Steele (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 324 — Landske (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 325 — Taylor (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 326 — Buck (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 327 — Merritt (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

SB 328 — Merritt (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 329 — Hume (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 330 — Yoder (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 331 — Yoder (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 332 — Buck (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 333 — Smith (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 334 — Grooms (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 335 — Grooms (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 336 — Waltz (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

SB 337 — Waltz (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 338 — Leising (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 339 — Yoder (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 340 — Banks, Walker (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 341 — Banks, Kruse, Walker (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 342 — Broden (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 343 — Broden (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 344 — Hershman (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 345 — Hershman (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

SB 346 — Tallian (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 347 — Tallian (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 348 — Broden (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 349 — Broden, Arnold, Breaux, Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor, R. Young (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 350 — Gard (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 351 — R. Young (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 352 — Walker (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 353 — Walker (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 354 — Paul (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

SB 355 — Charbonneau (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 356 — Charbonneau (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 357 — Becker (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 358 — Skinner (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation and to make an appropriation.

SB 359 — Skinner (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 360 — R. Young (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

SB 361 — Merritt, Holdman (Utilities & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

SB 362 — Merritt (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 363 — Simpson (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 364 — Breaux (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 365 — Breaux (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 366 — Simpson (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning

state offices and administration.

SB 367 — Mrvan (Utilities & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 368 — Mrvan (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 369 — Mrvan (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 370 — Mishler (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 371 — Mishler (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 372 — Simpson (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 373 — Schneider (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 374 — Kruse (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 375 — Waterman, Steele (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 376 — Waterman (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 377 — Waterman (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 378 — Simpson (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 379 — Head, Grooms (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

SB 380 — Yoder (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 381 — Yoder (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

SB 382 — Glick, Head (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 383 — Glick, Head (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 384 — Kruse (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 385 — Rogers, Kenley, Charbonneau, Randolph (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 386 — R. Young, Randolph (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 387 — R. Young, Randolph (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 388 — Wyss (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 389 — Waltz (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 390 — Waltz (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 391 — Miller (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 392 — Banks, Kruse (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

SB 393 — Merritt (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 394 — Merritt (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

SB 395 — Walker (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 396 — Mishler (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning

insurance.

SB 397 — Mishler (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 398 — Mishler (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 399 — Waterman (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 400 — Waterman (Utilities & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

SB 401 — Lanane (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 402 — Simpson (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

SB 403 — Simpson (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 404 — Delph (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 405 — Delph (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 406 — Eckerty (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

SB 407 — Grooms (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 408 — Waltz (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 409 — Waltz (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 410 — Tallian (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 411 — Delph (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 412 — Merritt (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

SB 413 — Yoder (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 414 — Buck, Merritt (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 415 — Schneider, Head (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

RESOLUTIONS ON FIRST READING

Senate Resolution 6
Senate Resolution 6, introduced by Senator Delph:

A SENATE RESOLUTION urging the Legislative Council to assign an interim study committee to study Indiana's grand jury system.

Whereas, Indiana's grand jury system is in need of review to determine whether the system should be changed or eliminated: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to assign the Commission on Courts, or other appropriate committee the task of studying the grand jury system and making recommendations as to whether it should be changed or eliminated.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council through the Executive Director of the Legislative Services Agency.

The resolution was read in full and referred to the Committee on Judiciary.

Senate Resolution 7
Senate Resolution 7, introduced by Senators Banks and Yoder:

A SENATE RESOLUTION urging the legislative council to stablish an interim study committee to more clearly define what is included in instructional and noninstructional spending by school corporations.

Whereas, All Hoosiers want state and local tax dollars spent for public education to be used in a way that maximizes effective instruction and learning; and

Whereas, In order for these tax dollars to be used in the most efficient manner, it becomes necessary for those creating the educational budgets to have a better understanding of the scope of the categories involved in funding education: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to more clearly define what is included in instructional and noninstructional spending by school corporations.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Tax and Fiscal Policy.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 272, currently assigned to the Committee on Commerce and Economic Development, be reassigned to the Committee on Tax and Fiscal Policy.

LONG

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 302, currently assigned to the Committee on Commerce and Economic Development, be reassigned to the Committee on Tax and Fiscal Policy.

LONG

Report adopted.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 133, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 14, delete "chapter:" and insert "**chapter as follows:**".

Page 3, line 15, delete "if" and insert "**If**".

Page 3, line 20, delete "prevention; or" and insert "**prevention.**".

Page 3, line 21, delete "after providing:" and insert "**If the owner or operator fails**".

Page 3, delete line 22.

Page 3, run in lines 21 through 23.

Page 3, delete lines 25 through 27 and insert "**prevention. The commissioner must give the owner or operator:**

(i) a written warning; and

(ii) at least thirty (30) days to take corrective action to bring the underground storage tank into compliance.

(C) If the owner or operator fails to register an underground petroleum storage tank or pay annual registration fees that are due under IC 13-23-12. The commissioner must give the owner or operator at least thirty (30) days to take corrective action to bring the underground storage tank into compliance.".

(Reference is to SB 133 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 269, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 4.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 119, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 193, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 115, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line, begin a new paragraph and insert:

"SECTION 1. IC 1-1-3.5-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) Notwithstanding any other bill enacted during the 2012 regular session of the Indiana general assembly, this subsection applies to each SECTION of each bill enacted during the 2012 regular session of the Indiana general assembly that satisfies all the following:**

(1) The SECTION amends a noncode statute or a provision of the Indiana Code.

(2) The SECTION takes effect before April 1, 2012.

(3) The SECTION contains an amendment to a population parameter.

The amendment to a population parameter in a SECTION described in this subsection takes effect April 1, 2012, and the amendment to other provisions in a SECTION described in this subsection take effect as otherwise provided in the bill described in this subsection.

(b) Notwithstanding any other bill enacted during the 2012 regular session of the Indiana general assembly, this subsection applies to each SECTION of each bill enacted during the 2012 regular session of the Indiana general assembly that satisfies all the following:

(1) The SECTION enacts a noncode statute or a new provision of the Indiana Code.

(2) The SECTION takes effect before April 1, 2012.

(3) The SECTION contains a population parameter.

Notwithstanding section 3 of this chapter, a population parameter in a SECTION described in this subsection refers to the population of the described political subdivisions as tabulated following the 2010 Decennial Census and delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor during 2011.".

Page 127, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 109. IC 11-12-6-11.1 IS amended TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11.1. (a) The minimum allocation amount under this chapter, which represents the dollar amount each county was entitled to receive under level 3 funding in state fiscal year 1998, is as follows:

Adams County	14,000
Allen County	129,500
Bartholomew County	35,000
Benton County	3,500
Blackford County	14,000
Boone County	14,000
Brown County	3,500
Carroll County	7,000
Cass County	17,500
Clark County	49,000
Clay County	7,000
Clinton County	17,500
Crawford County	3,500
Daviess County	7,000
Dearborn County	35,000
Decatur County	24,500
Dekalb County	24,500
Delaware County	35,000
Dubois County	45,500
Elkhart County	52,500
Fayette County	10,500
Floyd County	21,000
Fountain County	7,000
Franklin County	7,000
Fulton County	14,000
Gibson County	24,500
Grant County	28,000
Greene County	17,500
Hamilton County	28,000
Hancock County	10,500
Harrison County	24,500
Hendricks County	24,500
Henry County	17,500
Howard County	66,500
Huntington County	10,500
Jackson County	45,500
Jasper County	14,000
Jay County	7,000
Jefferson County	21,000
Jennings County	10,500
Johnson County	31,500
Knox County	14,000
Kosciusko County	42,000
LaGrange County	7,000
Lake County	234,500
LaPorte County	35,000
Lawrence County	52,500
Madison County	101,500
Marion County	294,000
Marshall County	35,000
Martin County	3,500
Miami County	24,500
Monroe County	35,000
Montgomery County	24,500
Morgan County	31,500
Newton County	7,000
Noble County	28,000
Ohio County	3,500
Orange County	7,000
Owen County	7,000
Parke County	7,000
Perry County	14,000
Pike County	10,500
Porter County	42,000
Posey County	14,000
Pulaski County	10,500
Putnam County	14,000
Randolph County	10,500
Ripley County	17,500
Rush County	7,000
St. Joseph County	112,000
Scott County	31,500

Shelby County	17,500
Spencer County	10,500
Starke County	10,500
Steuben County	14,000
Sullivan County	7,000
Switzerland County	7,000
Tippecanoe County	56,000
Tipton County	3,500
Union County	3,500
Vanderburgh County	161,000
Vermillion County	14,000
Vigo County	42,000
Wabash County	21,000
Warren County	7,000
Warrick County	21,000
Washington County	31,500
Wayne County	38,500
Wells County	10,500
White County	14,000
Whitley County	17,500

(b) The multiplier under this chapter for each county, which represents each county's approximate proportion of the total state population, is as follows:

Adams County	~~.0055~~**.0053**
Allen County	~~.0546~~**.0548**
Bartholomew County	~~.0117~~**.0118**
Benton County	~~.0015~~**.0014**
Blackford County	~~.0023~~**.0020**
Boone County	~~.0076~~**.0087**
Brown County	~~.0025~~**.0024**
Carroll County	~~.0033~~**.0031**
Cass County	~~.0067~~**.0060**
Clark County	~~.0159~~**.0170**
Clay County	~~.0044~~**.0041**
Clinton County	~~.0056~~**.0051**
Crawford County	~~.0018~~**.0017**
Daviess County	.0049
Dearborn County	~~.0076~~**.0077**
Decatur County	.0040
Dekalb County	~~.0066~~**.0065**
Delaware County	~~.0195~~**.0181**
Dubois County	.0065
Elkhart County	~~.0301~~**.0305**
Fayette County	~~.0042~~**.0037**
Floyd County	~~.0116~~**.0115**
Fountain County	~~.0030~~**.0027**
Franklin County	.0036
Fulton County	~~.0034~~**.0032**
Gibson County	~~.0053~~**.0052**
Grant County	~~.0121~~**.0108**
Greene County	~~.0055~~**.0051**
Hamilton County	~~.0301~~**.0423**
Hancock County	~~.0091~~**.0108**
Harrison County	~~.0056~~**.0061**
Hendricks County	~~.0171~~**.0224**
Henry County	~~.0080~~**.0076**
Howard County	~~.0140~~**.0128**
Huntington County	~~.0063~~**.0057**
Jackson County	~~.0068~~**.0065**
Jasper County	~~.0049~~**.0052**
Jay County	~~.0036~~**.0033**
Jefferson County	~~.0052~~**.0050**
Jennings County	~~.0045~~**.0044**
Johnson County	~~.0189~~**.0215**
Knox County	~~.0065~~**.0059**
Kosciusko County	~~.0122~~**.0119**
LaGrange County	.0057
Lake County	~~.0797~~**.0765**
LaPorte County	~~.0181~~**.0172**
Lawrence County	~~.0076~~**.0071**
Madison County	~~.0219~~**.0203**
Marion County	~~.1415~~**.1393**
Marshall County	~~.0074~~**.0073**
Martin County	~~0017~~**.0016**
Miami County	~~.0059~~**.0057**
Monroe County	~~.0198~~**.0213**
Montgomery County	~~.0062~~**.0059**
Morgan County	~~.0110~~**.0106**
Newton County	~~.0024~~**.0022**
Noble County	~~.0076~~**.0073**
Ohio County	.0009
Orange County	~~.0032~~**.0031**
Owen County	.~~0036~~**.0033**
Parke County	.~~0028~~**.0027**
Perry County	.~~0031~~**.0030**
Pike County	.~~0021~~**.0020**
Porter County	.~~0241~~**.0253**
Posey County	.~~0045~~**.0040**
Pulaski County	.~~0023~~**.0021**
Putnam County	.0059
Randolph County	~~.0045~~**.0040**
Ripley County	.0044
Rush County	~~.0030~~**.0027**
St. Joseph County	~~.0437~~**.0412**
Scott County	~~.0038~~**.0037**
Shelby County	~~.0071~~**.0069**
Spencer County	~~.0034~~**.0032**
Starke County	~~.0039~~**.0036**
Steuben County	~~.0055~~**.0053**
Sullivan County	~~.0036~~**.0033**
Switzerland County	~~.0015~~**.0016**
Tippecanoe County	~~.0245~~**.0266**
Tipton County	~~.0027~~**.0025**
Union County	.0012
Vanderburgh County	~~.0283~~**.0277**
Vermillion County	~~.0028~~**.0025**
Vigo County	~~.0174~~**.0166**
Wabash County	~~.0058~~**.0051**
Warren County	~~.0014~~**.0013**
Warrick County	~~.0086~~**.0092**
Washington County	~~.0045~~**.0044**
Wayne County	~~.0117~~**.0106**
Wells County	~~.0045~~**.0043**
White County	~~.0042~~**.0038**

Whitley County .0051".

Page 163, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 169. IC 33-41-1-1 IS amended TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) To facilitate and expedite the trial of causes, the judge of each circuit, superior, probate, and juvenile court of each county shall appoint an official reporter.

(b) The official reporter shall, when required by the recorder's appointing judge, do the following:

(1) Be promptly present in the appointing judge's court.

(2) Record the oral evidence given in all causes by any approved method, including both questions and answers.

(3) Note all rulings of the judge concerning the admission and rejection of evidence and the objections and exceptions to the admission and rejection of evidence.

(4) Write out the instructions of the court in jury trials.

(c) In counties in which the circuit or probate court sits as a juvenile court, the official reporter of the circuit court or probate court, as the case may be:

(1) shall report the proceedings of the juvenile court as part of the reporter's duties as reporter of the circuit or probate court; and

(2) except as provided in subsection (d), may not receive additional compensation for the reporter's services for reporting the proceedings of the juvenile court.

(d) In counties in which a circuit court has juvenile jurisdiction and where there is a juvenile referee and the circuit judge is the judge of the juvenile court, the salary of the juvenile court reporter is one hundred twenty-five dollars ($125) per month in addition to any compensation the reporter receives as reporter of the circuit court.

(e) The official reporters of juvenile courts shall:

(1) be paid the same amount for their services and in the same manner;

(2) have the same duties; and

(3) be subject to the same restrictions;

as is provided for by law for the official reporters of the other courts. However, in a county having a population of more than ~~two~~ **six** hundred ~~fifty~~ thousand ~~(250,000),~~ **(600,000),** the judge of the juvenile court may appoint court reporters as necessary for compliance with the law in regard to the reporting of cases and facilitating and expediting the trial of causes, each of whom is entitled to receive a salary of at least three hundred dollars ($300) per month.".

Page 166, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 171. IC 35-47-3-2 IS amended TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) This section applies only to firearms which are not required to be registered in the National Firearms Registration and Transfer Record.

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause if a return has not already occurred under the terms of IC 35-33-5. If the rightful ownership is not known the law enforcement agency holding the firearm shall make a reasonable attempt to ascertain the rightful ownership and cause the return of the firearm. However, nothing in this chapter shall be construed as requiring the return of firearms to rightful owners who have been convicted for the misuse of firearms. In such cases, the court may provide for the return of the firearm in question or order that the firearm be at once delivered:

(1) except as provided in subdivision (2), to the sheriff's department of the county in which the offense occurred; or

(2) to the city or town police force that confiscated the firearm, if:

(A) a member of the city or town police force confiscated the firearm; and

(B) the city or town has a population of more than two thousand five hundred (2,500) and less than ~~two~~ **six** hundred ~~fifty~~ thousand ~~(250,000).~~ **(600,000).**

(c) The receiving law enforcement agency shall dispose of firearms under subsection (b), at the discretion of the law enforcement agency, not more than one hundred twenty (120) days following receipt by use of any of the following procedures:

(1) Public sale of the firearms to the general public as follows:

(A) Notice of the sale shall be:

(i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and

(ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days prior to the sale.

(B) Disposition of the firearm shall be by public auction in a place convenient to the general public, with disposition going to the highest bidder. However, no firearm shall be transferred to any bidder if that bidder is not lawfully eligible to receive and possess firearms according to the laws of the United States and Indiana.

(C) All handguns transferred under this subdivision shall also be transferred according to the transfer procedures set forth in this article.

(D) Money collected pursuant to the sales shall first be used to defray the necessary costs of administering this subdivision with any surplus to be:

(i) deposited into the receiving law enforcement agency's firearms training fund, if the law enforcement agency is a county law enforcement agency, or into a continuing education fund established under IC 5-2-8-2, if the law enforcement agency is a city or town law enforcement agency; and

(ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties, if the law enforcement agency is a county law enforcement agency, or for law enforcement purposes, if the law enforcement agency is a city or town law enforcement agency.

(2) Sale of the firearms to a licensed firearms dealer as follows:

(A) Notice of the sale must be:

(i) posted for ten (10) days in the county courthouse

in a place readily accessible to the general public; and
(ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days before the sale.
(B) Disposition of the firearm shall be by auction with disposition going to the highest bidder who is a licensed firearms dealer.
(C) Money collected from the sales shall first be used to defray the necessary costs of administering this subdivision and any surplus shall be:
(i) deposited into the receiving law enforcement agency's firearms training fund or other appropriate training activities fund; and
(ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties.
(3) Sale or transfer of the firearms to another law enforcement agency.
(4) Release to the state police department laboratory or other forensic laboratory administered by the state or a political subdivision (as defined in IC 36-1-2-13) for the purposes of research, training, and comparison in conjunction with the forensic examination of firearms evidence.
(5) Destruction of the firearms.

(d) Notwithstanding the requirement of this section mandating disposal of firearms not more than one hundred twenty (120) days following receipt, the receiving law enforcement agency may at its discretion hold firearms it may receive until a sufficient number has accumulated to defray the costs of administering this section if a delay does not exceed one hundred eighty (180) days from the date of receipt of the first firearm in the sale lot. In any event, all confiscated firearms shall be disposed of as promptly as possible.

(e) When a firearm is delivered to the state police department laboratory or other forensic laboratory under subsection (c)(4) and the state police department laboratory or other forensic laboratory determines the laboratory has no further need for the firearm in question, the laboratory shall return the firearm to the law enforcement agency for disposal under subsection (c).

SECTION 172. IC 35-47-3-3 IS amended TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) This section applies to firearms that are required to be registered in the National Firearms Registration and Transfer Record.

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause, if such return has not already occurred under the terms of IC 35-33-5, and if such owner remains lawfully entitled to possess such firearms according to applicable United States and Indiana statutes. If rightful ownership is not known, the law enforcement agency holding the firearm shall make a reasonable and diligent effort to ascertain the rightful ownership and cause the return of the firearm being held, providing the owner remains lawfully entitled to possess such firearms.

(c) Firearms that are not returnable under this section shall be at once delivered to:
(1) the sheriff's department of the county in which the offense occurred, unless subdivision (2) applies; or
(2) the city or town police force that confiscated the firearm if:
(A) a member of the city or town police force confiscated the firearm; and
(B) the city or town has a population of more than two thousand five hundred (2,500) and less than ~~two~~ **six** hundred ~~fifty~~ thousand ~~(250,000);~~ **(600,000);**
following final disposition of the cause.

(d) When firearms are sent to a law enforcement agency under subsection (c), the law enforcement agency may upon request release the firearms to the state police department laboratory or other forensic laboratory administered by the state or a political subdivision (as defined in IC 36-1-2-13) for the purposes of research, training, and comparison in conjunction with the forensic examination of firearms evidence.

(e) The receiving law enforcement agency or laboratory shall cause the registry of such firearms in the United States National Firearms Registration and Transfer Record within thirty (30) days following receipt from the court.

(f) The court may order such firearms as are not returnable destroyed, specifying the exact manner of destruction and requiring the receiving law enforcement agency or laboratory to make due return to the ordering court the time, date, method of destruction, and disposition of the remains of the destroyed firearm.

(g) No portion of this section shall be construed as requiring the receiving law enforcement agency or laboratory to retain firearms which are inoperable or unserviceable, or which the receiving law enforcement agency or laboratory may choose to transfer as public property in the ordinary course of lawful commerce and exchange.".

Renumber all SECTIONS consecutively.

(Reference is to SB 115 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LANDSKE, Chair

Report adopted.

SENATE BILLS ON SECOND READING

Senate Bill 4

Senator Head called up Senate Bill 4 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Senate Bill 4.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Boots be added as

coauthor of Senate Bill 110.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Bill 193.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 193.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as coauthor of Senate Bill 127.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author and Senator Holdman be added as coauthor of Senate Bill 251.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as coauthor of Senate Bill 271.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be removed as second author of Senate Bill 323.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be removed as author of Senate Bill 323 and that Senator Steele be substituted therefor.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be added as second author of Senate Bill 323.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be removed as second author of Senate Bill 361.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be removed as author of Senate Bill 361 and that Senator Holdman be substituted therefor.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second author of Senate Bill 361.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Broden and Arnold be added as coauthors of Senate Bill 234.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as coauthor of Senate Bill 162.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as coauthor of Senate Bill 216.

SKINNER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as coauthor of Senate Bill 216.

SKINNER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 305.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 234.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lawson and Landske be added as coauthors of Senate Bill 233.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Bill 83.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lanane and Steele be added as coauthors of Senate Bill 4.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as second author of Senate Bill 404.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as second author of Senate Bill 276.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Yoder be added as second author of Senate Bill 296.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as coauthor of Senate Bill 4.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 326.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 32.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Smith, Eckerty, Lawson, Gard, and Wyss be added as coauthors of Senate Bill 110.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second author and Senators Schneider and M. Young be added as coauthors of Senate Bill 146.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Grooms be added as second author of Senate Bill 270.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as coauthor of Senate Bill 269.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 235.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author, Senator Lanane be added as third author, and Senators Gard and Merritt be added as coauthors of Senate Bill 226.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as second author of Senate Resolution 6.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 4.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author, Senator Simpson be added as third author, and Senator Taylor be added as coauthor of Senate Bill 274.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 10, 2012.

LONG

Motion prevailed.

The Senate adjourned at 2:14 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Fifth Meeting Day Tuesday Afternoon January 10, 2012

The Senate convened at 2:23 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Pastor Roy Hoe, Charity Community Church, Clarksville.

The Pledge of Allegiance to the Flag was led by Senator Ronald T. Grooms.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting ▶	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith ▶
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 6: present 48; excused 2. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 7

Senate Concurrent Resolution 7, introduced by Senator Simpson:

A CONCURRENT RESOLUTION urging the Commission on Mental Health and Addiction to examine the issue of involuntary commitment of persons with substance use disorders.

Whereas, In 2008, the costs to corrections and the judiciary associated with substance use in Indiana were estimated to be $1.3 billion and the healthcare costs associated with substance use in Indiana were estimated to be $4.8 billion;

Whereas, In 2008, Indiana spent only $70 million to reduce substance use, including, prevention, intervention and research;

Whereas, Cost-benefit analyses of treatment programs show that every $1 spent on treatment results in an average of $7 saved in benefits. These benefits include increased employment, fewer medical expenses, and decreased crime and its related expenses;

Whereas, Over 80% of states' corrections budgets are spent on adults who use substances;

Whereas, Community-based treatment is significantly less expensive than incarceration. Calculations from other states estimate an annual savings of nearly $20,000 per inmate;

Whereas, In 2010, approximately twenty-four thousand (24,000) Hoosiers were admitted to a substance abuse treatment program;

Whereas, Indiana code 12-23-11-1 provides that an individual who is an alcoholic, incapacitated by alcohol, or a drug abuser may be involuntarily committed to the care of the division for treatment;

Whereas, Many Hoosiers with substance use disorders are not aware of substance abuse treatment facility options, nor are their friends and family members;

Whereas, Further study is necessary to determine the reasons why more Hoosiers do not take advantage of treatment options including involuntary commitment: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Commission on Mental Health and Addiction will examine the issue of involuntary commitment of persons with substance use disorders.

SECTION 2. (a) The Commission will examine whether:
(1) the involuntary commitment statute is underutilized,
(2) the state should inform the public, law enforcement, and the judiciary of the current Indiana laws on involuntary commitment,

and
(3) the state has adequate resources to provide treatment for persons with substance use disorders.

(b) The Commission shall make recommendations in accordance with this section.

The resolution was read in full and referred to the Committee on Health and Provider Services.

Senate Resolution 8

Senate Resolution 8, introduced by Senator Simpson:

A SENATE RESOLUTION urging the Legislative Council to direct a 2012 interim study committee to study public financing options for campaigns in Indiana.

Whereas, According to a Gallup poll from October 2011, over the past 14 years, Americans' trust in their state governments decreased from 68% to 57%, with the absolute low during this period being 51% at the end of 2009;

Whereas, In Indiana during the 2009 legislative session, special interests spent more than $25 million lobbying lawmakers;

Whereas, In 39 states contributions to candidates from individuals, political parties, political action committees (PACs), corporations and unions are typically limited. In the case of corporations and unions such contributions are prohibited outright. On the federal level, caps on contributions have existed since the 1970s;

Whereas, In Indiana there are currently no limits on how much individuals and PACs can donate to candidates;

Whereas, 25 states have found it necessary to institute some form of public financing for campaigns through tax incentives, direct subsidies to candidates, and subsidies to political parties;

Whereas, Indiana provides no options for candidates to obtain public funding for their campaigns and, as a result, many candidates rely on private donations from special interest groups: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to direct a 2012 interim study committee to study public financing options for campaigns in Indiana

SECTION 2. That the Secretary of the Senate is directed to transmit a copy of this Resolution to the Chair of the Legislative Council.

The resolution was read in full and referred to the Committee on Elections.

Senate Resolution 9

Senate Resolution 9, introduced by Senator Leising:

A SENATE RESOLUTION urging the legislative council to establish a study committee to study the changes to Indiana law requiring undocumented students to pay out-of-state tuition rates to attend Indiana's seven public institutions of higher education.

Whereas, Children of immigrants are the fastest growing segment of the child population in the United States;

Whereas, Recent changes to Indiana law requiring undocumented students to pay out-of-state tuition rates to attend state universities could potentially triple the cost of higher education for these students;

Whereas, Many of these children are enrolled in our schools and have been contributing to our communities and our state for many years;

Whereas, These students' parents, who may have brought them to Indiana as young children and have been Indiana taxpayers for many years, will be unable to afford out-of-state tuition rates and will not be eligible for tuition assistance;

Whereas, Many of these undocumented children are unaware of their legal status once they become 18 years of age;

Whereas, It creates a bigger problem for our communities when our young people are not educated;

Whereas, Since Indiana is required by law to provide a kindergarten through 12th grade education for these children, allowing them to continue their education and obtain an affordable college education will enable them to become successful members of Indiana society; and

Whereas, These students have grown up in our country and are ready to give back, and making a college education unaffordable will make it nearly impossible for them to do so: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study the changes to Indiana law requiring that undocumented students to pay out-of-state tuition rates to attend state universities.

SECTION 2. That the committee, if established, should study ways to allow these students to obtain an affordable college education, including allowing a state educational institution to charge resident tuition to an individual who can prove that the individual was a resident of Indiana for at least three consecutive years immediately before seeking admission to the state institution of higher education and that the individual graduated from a high school located in Indiana.

SECTION 3. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Education and Career Development.

Senate Resolution 10

Senate Resolution 10, introduced by Senator Leising:

A SENATE RESOLUTION urging the Legislative Council to establish a study committee to study the cause of and solutions for higher than state average unemployment rates and lower than state average per capita income in certain Hoosier counties.

Whereas, Many Hoosier communities are suffering from high unemployment and enduring economic hardship;

Whereas, Certain Indiana counties have been hit harder by our worsening economy;

Whereas, Historically, Indiana has relied heavily on manufacturing to provide jobs for Hoosiers;

Whereas, When these jobs were no longer available, certain areas were unable to recover;

Whereas, In order to help Hoosiers struggling with unemployment, Indiana should determine the reasons why certain areas are more affected by job loss and why these areas are unable to fully recover;

Whereas, In order to rebuild our economic base, we must determine how to best attract and retain new businesses in Indiana; and

Whereas, Once we understand the problems, we will be better prepared to find workable solutions to them: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate urges the Legislative Council to establish a study committee to study the cause of and solutions for higher than state average unemployment rates and lower than state average per capita income in certain Hoosier counties.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Commerce and Economic Development.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 257, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, between lines 34 and 35, begin a new paragraph and insert the following:

"SECTION 12. IC 9-13-2-48, AS AMENDED BY P.L.184-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 48. **(a) Except as provided in subsection (b),** "driver's license" means any type of license issued by the state authorizing an individual to operate a motor vehicle on public streets, roads, or highways.

(b) "Driver's license", for purposes of IC 9-28-2, has the meaning set forth in IC 9-28-2-4.

SECTION 13. IC 9-13-2-48.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 48.3. "Driving privileges" means the authority granted to an individual that allows the individual to operate a vehicle of the type and in the manner for which the authority was granted.**

SECTION 14. IC 9-13-2-48.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 48.5. "Driving record" means a record:**

(1) maintained by the bureau as required under IC 9-14-3-7; and

(2) established by the bureau under IC 9-24-18-9.".

Page 6, line 42, delete "sixteen (16)" and insert "**fifteen (15) individuals**".

Page 6, line 42, delete "more" and insert "**more,**".

Page 7, line 1, delete "passengers,".

Page 13, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 45. IC 9-14-3.5-5, AS AMENDED BY P.L.184-2007, SECTION 10, IS amended TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "personal information" means information that identifies a person, including an individual's:

(1) digital photograph **or image;**

(2) Social Security number;

(3) driver's license or identification document number;

(4) name;

(5) address (but not the 5-digit zip code);

(6) telephone number; or

(7) medical or disability information.

The term does not include information about vehicular accidents, driving or equipment related violations, and ~~operator's~~ **driver's** license or registration status.".

Page 29, line 25, after "who" insert "**obtained or**".

Page 31, line 17, delete "**IC 9-17-2-12(c);**" and insert "**IC 9-17-2-12;**".

Page 32, line 29, delete "prescribed in IC 9-29-4," and insert "**prescribed,**".

Page 33, line 8, delete "vehicles." and insert "**trailers.**".
Page 38, line 24, after "license" insert "**plate**".
Page 47, line 35, delete "." and insert "**or foreign country.**".
Page 57, line 11, strike "or decal".
Page 67, line 13, delete "If the properly identified" and insert "**The release under section 9.5 of this chapter must state the name, signature, and address of the person that owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing service shall notify the appropriate public agency of all releases under section 9.5 of this chapter.**".
Page 67, delete lines 14 through 17.
Page 67, line 26, delete "The release under section 8.5" and insert "**If the properly identified person that owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released.**".
Page 67, delete lines 27 through 31.
Page 70, line 19, delete "who" and insert "**that**".
Page 70, line 19, delete "mechanic's".
Page 70, line 25, delete "who" and insert "**that**".
Page 70, line 32, delete "mechanic's".
Page 70, line 35, delete "mechanic's".
Page 70, line 36, after "4," insert "**16,**".
Page 71, line 24, delete "who" and insert "**that**".
Page 71, line 24, delete "mechanic's".
Page 71, line 25, delete "who" and insert "**that**".
Page 71, line 31, delete "IC 9-22-1-9;" and insert "**section 19 of this chapter;**".
Page 71, line 34, delete "who" and insert "**that**".
Page 71, line 34, delete "mechanic's".
Page 71, line 36, delete "who" and insert "**that**".
Page 71, line 37, delete "mechanic's".
Page 71, line 39, delete "mechanic's".
Page 71, line 41, delete "mechanic's".
Page 72, line 1, delete "who" and insert "**that**".
Page 72, line 1, delete "mechanic's".
Page 72, line 3, delete "who" and insert "**that**".
Page 72, line 3, delete "mechanic's".
Page 72, line 4, delete "mechanic's".
Page 72, line 7, delete "mechanic's".
Page 72, line 13, delete "who" and insert "**that**".
Page 72, line 13, delete "mechanic's".
Page 72, line 15, delete "who" and insert "**that**".
Page 72, line 15, delete "mechanic's".
Page 72, between lines 26 and 27, begin a new paragraph and insert:
"**(j) A person that knowingly, intentionally, or recklessly violates this section commits a Class A misdemeanor.**".
Page 75, line 29, delete "salvage motor".
Page 75, line 30, delete "salvage".
Page 76, line 22, delete "salvage motor".
Page 76, line 31, delete "salvage motor".
Page 76, line 32, delete "salvage motor".
Page 76, line 37, delete "salvage motor".
Page 78, line 38, delete "salvage motor".
Page 79, line 29, strike "motor".
Page 79, between lines 40 and 41, begin a new paragraph and insert:
"SECTION 221. IC 9-22-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The application required under section 2 of this chapter must include the following information:
(1) The name and address of the applicant.
(2) The year, make, model, and engine number of the ~~motor~~ vehicle, if ascertainable, together with any other identifying features.
(3) A concise statement of the facts surrounding the abandonment of the ~~motor~~ vehicle, that the title of the ~~motor~~ vehicle is lost or destroyed, or the reasons for the defect of title in the owner of the ~~motor~~ vehicle.
(b) The person making the application required under section 2 of this chapter shall execute an affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.".
Page 81, line 13, delete "abandoned".
Page 81, line 14, strike "motor".
Page 81, line 23, delete "abandoned".
Page 81, line 24, strike "motor".
Page 81, line 31, after "who" insert ":".
Page 81, line 32, reset in roman "(1) owns a".
Page 81, line 32, reset in roman "vehicle that has a title that is faulty, lost, or".
Page 81, reset in roman line 33.
Page 81, line 34, reset in roman "(2)".
Page 81, line 34, reset in roman "the".
Page 81, line 34, delete "an abandoned".
Page 81, line 34, strike "motor".
Page 81, line 38, reset in roman "not described in section 12 of this".
Page 81, line 39, reset in roman "chapter".
Page 81, line 39, strike "an abandoned motor" and insert "**a**".
Page 82, line 4, strike "abandoned motor".
Page 82, line 8, strike "abandoned motor".
Page 82, line 9, strike "an abandoned motor" and insert "**a**".
Page 85, line 24, delete "who" and insert "**that**".
Page 85, line 27, delete "motor".
Page 85, line 31, delete "motor".
Page 85, line 32, delete "who" and insert "**that**".
Page 86, line 3, delete "who" and insert "**that**".
Page 86, line 9, delete "who" and insert "**that**".
Page 86, line 40, delete "who" and insert "**that**".
Page 86, line 40, delete "must:" and insert "**must**".
Page 86, line 41, delete "(1)".
Page 86, line 41, delete "who" and insert "**that**".
Page 86, line 42, delete "who" and insert "**that**".
Page 86, run in lines 40 through 41.
Page 87, line 1, delete "requested; or" and insert "**requested,**".
Page 87, delete lines 2 through 5.
Page 87, run in lines 1 through 6.
Page 87, line 8, delete "who" and insert "**that**".
Page 87, line 10, delete "who" and insert "**that**".
Page 87, line 14, delete "who" and insert "**that**".

Page 87, line 17, delete "who" and insert "**that**".
Page 87, line 19, delete "who" and insert "**that**".
Page 87, line 25, delete "who" and insert "**that**".
Page 87, line 27, delete "who" and insert "**that**".
Page 87, line 29, delete "who" and insert "**that**".
Page 87, line 31, delete "who" and insert "**that**".
Page 87, line 32, delete "who" and insert "**that**".
Page 87, between lines 40 and 41, begin a new line block indented and insert:

"**(5) Any other information that the bureau requires.**".

Page 88, line 2, delete "who" and insert "**that**".
Page 99, line 33, after "commercial" insert "**motor**".
Page 115, delete lines 5 through 42.
Page 116, delete lines 1 through 7.
Page 117, line 11, delete "a".
Page 117, line 12, delete "license and for the renewal of".
Page 117, delete lines 16 through 29, begin a new line block indented and insert:

"**(1) If the license was previously issued or renewed after May 14, 2007, and before January 1, 2008, the license expires at midnight on the birthday of the holder that occurs five (5) years following the date of issuance.**

(2) If the license was previously issued or renewed after December 31, 2007, and before January 1, 2009, the license expires at midnight on the birthday of the holder that occurs six (6) years following the date of issuance.

(3) If the license was previously issued or renewed after December 31, 2005, and before January 1, 2007, the license expires at midnight on the birthday of the holder that occurs four (4) years following the date of issuance.

This subsection does not apply to the issuance or renewal of an operator's license that contains an expiration date after 2012.".

Page 117, line 39, delete "(before its repeal)".
Page 117, line 39, strike "at midnight of the twenty-first birthday of".
Page 117, line 40, strike "the holder." and insert "**in accordance with IC 9-24-11-3(e).**".
Page 124, line 34, after "permit" insert "**privileges**".
Page 124, line 34, reset in roman "issued".
Page 124, line 34, delete "privileges granted".
Page 124, line 38, after "permit" insert "**privileges**".
Page 124, line 38 reset in roman "issued".
Page 124, line 38, delete "privileges granted".
Page 125, line 3, reset in roman "issuing".
Page 125, line 4, delete "granting".
Page 125, line 38, reset in roman "issue".
Page 125, line 38, delete "grant".
Page 142, line 41, after "(a)" insert ",".
Page 142, line 41, strike "or subsection".
Page 142, line 41, after "(b)" insert ", **or (c)**".
Page 143, line 38, reset in roman "in the future.".
Page 143, line 38, after "future" delete ".".
Page 144, line 14, before "financial" insert "**future**".
Page 144, line 26, reset in roman "in the".
Page 144, line 27, reset in roman "future.".
Page 144, line 27, after "future" delete ".".
Page 160, line 11, before "vehicle" insert "**motor**".
Page 160, line 13, after "place" strike "in" and insert "**on**".
Page 170, line 33, reset in roman "IC 9-24-11-3 or".
Page 170, delete lines 35 through 42, begin a new paragraph and insert the following:

"**(c) Notwithstanding subsection (a), the fee for the renewal of an operator's license issued under IC 9-24 that contains a 2012 expiration date is as follows:**

(1) If the license was previously issued or renewed after May 14, 2007, and before January 1, 2008, the fee is seven dollars and fifty cents ($7.50).

(2) If the license was previously issued or renewed after December 31, 2007, and before January 1, 2009, the fee is nine dollars ($9).

(3) If the license was previously issued or renewed after December 31, 2005, and before January 1, 2007, the fee is six dollars ($6).

This subsection does not apply to the renewal of an operator's license that contains an expiration date after 2012.".

Page 171, delete lines 1 through 3.
Page 174, line 35, reset in roman "driving".
Page 174, line 35, delete "driver's".
Page 174, line 35, strike "license" and insert "**privileges**".
Page 178, line 17, delete ".".
Page 178, line 17, reset in roman "in the future".
Page 178, line 17, after "future" insert ".".
Page 182, line 6, delete ":".
Page 182, line 7, delete "(1)".
Page 182, run in lines 6 through 7.
Page 182, line 9, delete "person; or" and insert "**person.**".
Page 182, delete lines 10 through 11.
Page 188, line 8, reset in roman "issues".
Page 188, line 8, delete "grants".
Page 188, line 9, reset in roman "issue".
Page 188, line 9, delete "grant".
Page 191, line 18, reset in roman "issue".
Page 191, line 18, delete "grant".
Page 191, line 25, reset in roman "Issue".
Page 191, line 25, delete "Grant".
Page 197, line 15, delete "grant" and insert "**issue**".
Page 199, line 3, delete "Grant" and insert "**Issue**".
Page 200, line 8, delete "grant" and insert "**issue**".
Page 201, line 32, delete "grant" and insert "**issue**".
Page 204, line 23, reset in roman "issue".
Page 204, line 23, delete "grant".
Page 205, line 22, reset in roman "issue".
Page 205, line 22, delete "grant".
Page 205, line 25, reset in roman "issued".
Page 205, line 25, delete "granted".
Page 205, line 31, reset in roman "issued".
Page 205, line 32, delete "granted".
Page 205, line 33, reset in roman "issue".
Page 205, line 33, delete "grant".
Page 205, line 40, delete "Grant" and insert "**Issue**".

Page 210, line 29, delete "agency:" and insert "**agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.**".

Page 210, delete lines 30 through 32.

Page 211, line 4, delete "agency:" and insert "**agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.**".

Page 211, delete lines 5 through 7.

Page 216, line 25, strike "or".

Page 216, line 25, after "sale" insert ",".

Page 217, line 32, after "IC 9-29-15-1" delete "and" and insert " **and**".

Page 222, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 493. IC 14-15-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this chapter, "Indiana driver's license" means:

(1) an operator's license;

(2) a chauffeur's license; or

(3) a public passenger chauffeur's license;

that is issued to an individual by the bureau of motor vehicles under ~~IC 9-24-3.~~ **IC 9-24.**".

Page 226, line 30, strike "operator's license;" and insert "**driving privileges;**".

Page 226, line 31, strike "learner's permit;" and insert "**driving privileges;**".

Page 226, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 499. IC 31-37-19-18, AS AMENDED BY P.L.109-2011, SECTION 39, IS amended TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. If the court orders invalidation or denial of issuance of ~~a driver's license or permit~~ **driving privileges** as described in IC 31-37-5-7 or section 4, 13, 14, 15, 16, 17, or 17.3 of this chapter (or IC 31-6-4-15.9(c), IC 31-6-4-15.9(d), IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before the repeal of IC 31-6-4-15.9):

(1) the bureau of motor vehicles shall comply with the order for invalidation or denial of issuance; and

(2) the child shall surrender to the court all driver's licenses or permits of the child and the court shall immediately forward the licenses or permits to the bureau of motor vehicles.

If a juvenile court recommends suspension of driving privileges under section 17.3 of this chapter, IC 9-30-6-12(b), IC 9-30-6-12(c), IC 9-30-6-12(d), and IC 9-30-6-12(e) apply to the child's driving privileges.

SECTION 500. IC 31-40-2-1.7, AS ADDED BY P.L.2-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.7. (a) A person may pay a monthly probation user's fee under section 1 or 1.5 of this chapter before the date the payment is required to be made without obtaining the prior approval of a court or a probation department. However, if a delinquent child is discharged from probation before the date the delinquent child was scheduled to be released from probation, any monthly probation user's fee paid in advance for the delinquent child may not be refunded.

(b) A probation department may petition a court to:

(1) impose a probation user's fee on a person; or

(2) increase a person's probation user's fee;

under section 1 or 1.5 of this chapter if the financial ability of the person to pay a probation user's fee changes while the person is on probation.

(c) An order to pay a probation user's fee under section 1 or 1.5 of this chapter:

(1) is a judgment lien that:

(A) attaches to the property of the person subject to the order;

(B) may be perfected;

(C) may be enforced to satisfy any payment that is delinquent under section 1 or 1.5 of this chapter; and

(D) expires;

in the same manner as a judgment lien created in a civil proceeding;

(2) is not discharged by the completion of the person's probationary period or other sentence imposed on the person; and

(3) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5.

(d) A delinquent child placed on probation for more than one (1) delinquent act:

(1) may be required to pay more than one (1) initial probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to either the probation department or the clerk of the court.

(e) If a court orders a person to pay a probation user's fee under section 1 or 1.5 of this chapter, the court may garnish the wages, salary, and other income earned by the person to enforce the order.

(f) If:

(1) a person is delinquent in paying the person's probation user's fees required under section 1 or 1.5 of this chapter; and

(2) the person's **driving privileges or** driver's license or permit ~~has~~ **have** been suspended or revoked or the person has never been issued a driver's license or permit;

the court may order the bureau of motor vehicles to not issue a driver's license or permit to the person until the person has paid the person's delinquent probation user's fees.".

Page 232, line 4, strike "drivers' license is" and insert "**driving privileges are**".

Page 241, between lines 4 and 5, begin a new line block indented and insert:

"**IC 9-22-1-21.5 (Concerning liens on vehicles).**".

Renumber all SECTIONS consecutively.

(Reference is to SB 257 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 19, has had the same

under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 7, delete "January 1, 2013," and insert "**July 1, 2013, and before July 1 of every fourth year thereafter,**".

Page 2, line 12, after "finance." insert "**The department of local government finance shall complete its review and approval of the reassessment plan before March 1 of the year following the year in which the reassessment plan is submitted by the county.**".

Page 2, between lines 36 and 37, begin a new line block indented and insert:

"**(8) The reassessment plan must specify the dates by which the assessor must submit land values under section 13.6 of this chapter to the county property tax assessment board of appeals.**

(9) Subject to review and approval by the department of local government finance, the county assessor may modify the reassessment plan.".

Page 2, line 41, delete "and provide that" and insert "**.**".

Page 2, delete line 42.

Page 3, delete lines 1 through 2.

Page 3, line 3, delete "within each class of real property in the county.".

Page 3, line 7, delete "2013," and insert "**2014,**".

Page 3, line 8, delete "2014." and insert "**2015.**".

Page 6, line 3, delete "2014)" and insert "**2015)**".

Page 6, line 5, delete "2014)," and insert "**2015),**".

Page 6, line 11, delete "2014)" and insert "**2015)**".

Page 6, line 13, delete "2014)," and insert "**2015),**".

Page 7, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 9. IC 6-1.1-4-13.6, AS AMENDED BY P.L.113-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13.6. (a) The county assessor shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the department of local government finance. ~~Not later than July 1, 2011, and every fourth year thereafter,~~ The assessor determining the values of land shall submit the values to the county property tax assessment board of appeals **by the dates specified in the county's reassessment plan under section 4.2 of this chapter.**

(b) If the county assessor fails to determine land values under subsection (a) before the ~~July 1 deadline,~~ **deadlines in the county's reassessment plan under section 4.2 of this chapter,** the county property tax assessment board of appeals shall determine the values. If the county property tax assessment board of appeals fails to determine the values before the land values become effective, the department of local government finance shall determine the values.

(c) The county assessor shall notify all township assessors in the county (if any) of the values. Assessing officials shall use the values determined under this section.

(d) A petition for the review of the land values determined by a county assessor under this section may be filed with the department of local government finance not later than forty-five (45) days after the county assessor makes the determination of the land values. The petition must be signed by at least the lesser of:

(1) one hundred (100) property owners in the county; or

(2) five percent (5%) of the property owners in the county.

(e) Upon receipt of a petition for review under subsection (d), the department of local government finance:

(1) shall review the land values determined by the county assessor; and

(2) after a public hearing, shall:

(A) approve;

(B) modify; or

(C) disapprove;

the land values.".

Page 9, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 15. IC 6-1.1-4-22, AS AMENDED BY P.L.136-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 22. (a) If any assessing official assesses or reassesses any real property under this article **(including an annual adjustment under section 4.5 of this chapter)** the official shall give notice to the taxpayer and the county assessor, by mail **or by using electronic mail that includes a secure Internet link to the information in the notice,** of the amount of the assessment or reassessment.

(b) ~~During a period of general reassessment,~~ Each township or county assessor shall ~~mail~~ **provide** the notice required by this section ~~within~~ **by the earlier of:**

(1) ninety (90) days after the assessor:

~~(1)~~ **(A)** completes the appraisal of a parcel; or

~~(2)~~ **(B)** receives a report for a parcel from a professional appraiser or professional appraisal firm; **or**

(2) April 10 of the year containing the assessment date for which the assessment or reassessment first applies.

(c) The notice required by this section is in addition to any required notice of assessment or reassessment included in a property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.

~~(c)~~ **(d)** The notice required by this section must include notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1.

~~(d)~~ **(e)** Notice of the opportunity to appeal the assessed valuation required under subsection ~~(c)~~ **(d)** must include the following:

(1) The procedure that a taxpayer must follow to appeal the assessment or reassessment.

(2) The forms that must be filed for an appeal of the assessment or reassessment.

(3) Notice that an appeal of the assessment or reassessment requires evidence relevant to the true tax value of the taxpayer's property as of the assessment date.".

Page 10, delete lines 1 through 7.

Page 10, strike lines 14 through 22.

Page 10, line 23, strike "(c)" and insert "**(b)**".

Page 10, line 32, strike "(d)" and insert "**(c)**".

Page 10, line 35, strike "(e)" and insert "**(d)**".

Page 11, line 1, strike "(f)" and insert "**(e)**".

Page 11, line 2, strike "or (c)".

Page 11, line 12, strike "(g)" and insert "**(f)**".

Page 11, line 12, strike "(f)," and insert "**(e),**".

Page 13, line 20, delete "reassessment" and insert "reassessment, **the reassessment of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter,**".

Renumber all SECTIONS consecutively.

(Reference is to SB 19 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 144, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, after line 9, begin a new paragraph and insert:

"SECTION 2. IC 6-7-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. As used in this chapter, "wholesale price" means the **net** price **shown on an invoice and** at which the manufacturer of the tobacco products sells tobacco products to distributors, excluding any discount or other reduction **that is not shown on the invoice.**".

(Reference is to SB 144 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 172, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, after "to" strike "subsection" and insert "**subsections**".

Page 1, line 9, delete "," and insert "**and (g),**".

(Reference is to SB 172 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 11, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 5, Nays 4.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

STEELE, Chair

Report adopted.

The Senate recessed for the remarks of United States Congressman Marlin Stutzman.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 6, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, after "a" insert "**detachable**".

Page 1, line 6, strike "propelled" and insert "**ejected from the handle as a projectile**".

Page 1, line 7, strike "hand pressure applied to a button, device containing" and insert "**means of**".

Page 1, line 7, after "gas," insert "**a**".

Page 1, line 7, after "or" insert "**any**".

Page 1, line 8, after "device" insert "**contained**".

(Reference is to SB 6 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 253, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 6 through 7 and insert: "**performed while an active member of any of the following:**

(1) The armed forces of the United States.

(2) A reserve component of the armed forces of the United States.

(3) The National Guard.".

Page 2, delete lines 13 through 14 and insert: "**performed while an active member of any of the following:**

(1) The armed forces of the United States.

(2) A reserve component of the armed forces of the United States.

(3) The National Guard.".

Page 2, line 16, delete "enlisted in the military" and insert "**a**

member of the armed forces of the United States.".

Page 2, delete line 17.

(Reference is to SB 253 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 255, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, delete lines 41 through 42, begin a new paragraph and insert:

"**(b) If the commission withholds funding under subsection (a), and notwithstanding section 7(a)(1) of this chapter, the commission may use the balance of the withheld funding for purposes of hazardous material training, mitigation, preparedness, and recovery.**".

Page 4, delete lines 1 through 3.

(Reference is to SB 255 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 31, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 68, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-8-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **Except as provided in section 2.5 of this chapter,** a request filed under section 1 of this chapter must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence mailing address of each petitioner.

(c) This subsection applies to a petition filed during the period:

(1) beginning on the date that a congressional district plan has been adopted under IC 3-3; and

(2) ending on the date that the part of the act or order issued under IC 3-3-2 establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under IC 3-3.

SECTION 2. IC 3-8-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) Notwithstanding section 2 of this chapter, a candidate may file a request to be placed on the ballot without the petitions and signatures required by section 2 of this chapter if the candidate pays a fee of ten thousand dollars ($10,000) at the time the request is filed under this chapter.**

(b) A candidate filing a request under this section must file the request in person:

(1) with the election division; or

(2) as permitted or required by section 1 of this chapter, with the secretary of state.

(c) For the 2012 primary election, the following apply:

(1) Notwithstanding IC 3-8-2-4 and section 5 of this chapter, a request filed under this section for the 2012 primary election must be filed not later than noon, Indianapolis time, March 30, 2012.

(2) Notwithstanding IC 3-8-2-17 and section 8 of this chapter, the election division shall, not later than April 6, 2012, transmit to each county election board a certified list containing the name of each person qualified as a candidate for nomination for the office of President of the United States and the name of the political party whose nomination the candidate is seeking.

SECTION 3. **An emergency is declared for this act.**

(Reference is to SB 68 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Elections.

LONG, Chair

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that subsequent to the adoption of the Homeland Security, Transportation and Veterans Affairs Committee Report on Janauary 10, 2012, Senate Bill 31 was reassigned to the Committee on Appropriations.

LONG

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 140, currently assigned to the Committee on Appropriations, be reassigned to the Committee on Tax and Fiscal Policy.

LONG

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 4 and 5 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

HCR 4 Senator Gard
Honoring Josh Bleill.
HCR 5 Senator Hume
Honoring Otwell Elementary on its selection as a National Blue Ribbon School.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 4

House Concurrent Resolution 4, sponsored by Senator Gard:

A CONCURRENT RESOLUTION honoring Josh Bleill.

Whereas, Josh Bleill's life changed forever on October 15, 2006, when an improvised explosive device struck his Humvee during a patrol in Fallujah, Iraq;

Whereas, Two Marines were killed in the explosion, and Lance Corporal Bleill suffered a broken jaw, a crushed hip, and multiple broken bones;

Whereas, Lance Corporal Bleill also lost both of his legs;

Whereas, Josh Bleill recovered from his injuries in a hospital room in the National Naval Medical Center in Bethesda, Maryland;

Whereas, Bleill, a Greenfield native who played lacrosse at Purdue University and enjoyed water skiing while growing up, was facing the biggest challenge of his life — learning to live with artificial legs;

Whereas, Through dedication, hard work, and a strong belief in God, Josh overcame his injuries;

Whereas, Josh Bleill moved back home to Indiana in August, 2008 and was married to his wife Nikki in 2009;

Whereas, Josh joined the Indianapolis Colts as the team's community spokesperson;

Whereas, Josh Bleill has written a book entitled "One Step at a Time: A Young Marine's Story of Courage, Hope and a New Life in the NFL" in an effort to reach out to others who must recover from traumatic injury and to help them realize they can make a difference in the world and that their injuries do not mean their lives are over;

Whereas, Always a Marine, Josh believes that he is beginning a new mission and that his faith in God will help him accomplish this mission as well; and

Whereas, Josh Bleill's faith was truly tested by his severe injuries, but he recovered both physically and mentally and has become a stronger, more dedicated person because of his experiences: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly honors Josh Bleill for the sacrifices he made in defense of his country and for his courage and his dedication to recovering from his injuries. Josh has been able to see the good in what happened to him and to move forward. He has dedicated his life to helping others.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Josh Bleill and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 5

House Concurrent Resolution 5, sponsored by Senator Hume:

A CONCURRENT RESOLUTION honoring Otwell Elementary School on its selection as a National Blue Ribbon School.

Whereas, The state of Indiana takes great pride in the accomplishments of its educational institutions;

Whereas, Otwell Elementary School is an outstanding elementary school that has repeatedly demonstrated clear vision, shared sense of mission, up-to-date curriculum, strong family involvement, and commitment to high standards;

Whereas, Each year since 1982, the United States Department of Education has honored America's finest public and private elementary schools as National Blue Ribbon Schools;

Whereas, The National Blue Ribbon School Award recognizes excellence in leadership, teaching and student environment, curriculum and instruction, parent and community support, and organizational vitality;

Whereas, The program is made up of the Elementary School Recognition Program and the Secondary School Recognition Program, recognizing elementary and secondary schools in alternate years;

Whereas, To be selected as a recipient of the National Blue Ribbon School award, a school is required to endure a week of exams and interviews from different educational groups as part of the selection process;

Whereas, Otwell Elementary School passed the test with flying colors and was honored as one of Indiana's National Blue Ribbon Schools for the year 2011; and

Whereas, Out of more than 130,000 eligible schools in the United States, Otwell Elementary School was one of only 305 schools to receive this prestigious award, which was a first for any Pike County school: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the faculty, administration, staff, and families of Otwell Elementary School for its selection as a National Blue Ribbon School by the United States Department of Education.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Otwell Elementary School Principal Rick Fears and Pike County School Corporation Superintendent Dr. Joan Keller.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 4

Senator Head called up Engrossed Senate Bill 4 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 7: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Steuerwald, Foley, Lawson, and Welch.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 329.

HUME

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Nugent be removed as coauthor of Senate Bill 169.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Nugent be added as second author of Senate Bill 169.

HUME

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as coauthor of Senate Bill 6.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Charbonneau, Miller, Mrvan, and Taylor be appointed to act with a like committee of the House of Representatives to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on January 10, 2012.

Senator Charbonneau shall serve as chairman of the committee.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Arnold, Banks, and Becker be added as coauthors of Senate Bill 31.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 68 and that Senator Delph be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 215.

SKINNER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 136.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as cosponsors of House Concurrent Resolution 4.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second author, Senator Delph be added as third author, and Senators Holdman and Smith be added as coauthors of Senate Bill 19.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 182.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 85.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 340.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Resolution 7.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Schneider be added as coauthor of Senate Bill 183.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be removed as second author of Senate Bill 414.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be removed as author of Senate Bill 414 and that Senator Merritt be substituted therefor.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 97.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be removed as coauthor of Senate Bill 229.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 109.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Arnold, Becker, Grooms, Merritt, Paul, Rogers, Smith, and Wyss be added as coauthors of Senate Bill 253.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be removed as coauthor of Senate Bill 229.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 52.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 231.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Becker, Boots, Bray, Breaux, Broden, Buck, Gard, Grooms, Hershman, Kenley, Lawson, Leising, Long, Merritt, Mishler, Nugent, Paul, Randolph, Rogers, Schneider, Skinner, Smith, Taylor, Waltz, Yoder, and R. Young be added as coauthors of Engrossed Senate Bill 4.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Broden and Buck be added as coauthors of Senate Bill 19.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as coauthor of Senate Bill 271.

TALLIAN

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 8

Senate Concurrent Resolution 8, introduced by Senator Long:

A CONCURRENT RESOLUTION to convene a Joint Session of the 117th General Assembly of the State of Indiana.

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That a joint convention of the Senate and House of Representatives be convened, to meet in the Chamber of the House of Representatives at 7:00 p.m. on Tuesday, January 10, 2012, to receive the Governor's message which will be given in compliance with Article 5, Section 13 of the Constitution of the State of Indiana and the President Pro Tempore is directed to appoint a committee of four members of the Senate and transmit this resolution to the House of Representatives and report to the Senate such action as the House of Representatives may take.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bosma and Bauer.

3:07 p.m.

The Senate recessed until the fall of the gavel for a Joint Convention with the members of the House of Representatives.

RECESS

The message of Governor Mitchell E. Daniels, Jr., is recorded in the House Journal.

The Senate reconvened at 7:40 p.m., with Senator Lawson in the Chair.

SENATE MOTION

Madam President: I move we adjourn until 1:15 p.m., Wednesday, January 11, 2012.

LANDSKE

Motion prevailed.

The Senate adjourned at 7:41 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Sixth Meeting Day Wednesday Afternoon January 11, 2012

The Senate convened at 1:16 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Travis L. Holdman.

The Pledge of Allegiance to the Flag was led by Senator Holdman.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent ▶
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman ▶
Kruse	Wyss ▶
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 8: present 47; excused 3. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

SENATE MOTION

Madam President: I move that Senators Bray, Broden, Charbonneau, Delph, Glick, Head, Holdman, Kenley, Lanane, Randolph, Rogers, Steele, Tallian, M. Young, and Zakas be appointed to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on January 11, 2012.

Senator Bray shall serve as chairman of the committee.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as coauthor of Senate Bill 127.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 305.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Paul be added as coauthor of Senate Bill 318.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author of Senate Bill 31.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be removed as coauthor of Senate Bill 162.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 162.

RANDOLPH

Motion prevailed.

1:25 p.m.

The Senate recessed until the fall of the gavel for a Joint

Convention with the members of the House of Representatives.

RECESS

The message of Chief Justice Randall T. Shepard, is recorded in the House Journal.

The Senate reconvened at 2:34 p.m., with Senator Long in the Chair.

SENATE MOTION

Madam President: I move we adjourn until 11:15 a.m., Thursday, January 12, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 2:35 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Seventh Meeting Day Thursday Morning January 12, 2012

The Senate convened at 11:16 a.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Dr. Randall Morris, Kennard Baptist Church.

The Pledge of Allegiance to the Flag was led by Senator Gene D. Eckerty.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting ▶	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray ▶	Nugent ▶
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 9: present 47; excused 3. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 110, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 9, delete line 42.
Delete pages 10 through 12.
Page 13, delete lines 1 through 21.
Page 29, line 17, after "hundred" insert "**fifty**".
Page 29, line 17, strike "(200,000)" and insert "**(250,000)**".
Page 29, line 17, strike "three" and insert "**two**".
Page 29, line 18, after "hundred" insert "**seventy**".
Page 29, line 18, strike "(300,000)." and insert "(**270,000).**".
Page 29, line 35, after "two hundred" insert "**fifty**".
Page 29, line 35, strike "(200,000)" and insert "**(250,000)**".
Page 29, line 35, strike "three" and insert "**two**".
Page 29, line 36, before "thousand" insert "**seventy**".
Page 29, line 36, strike "(300,000)." and insert "(**270,000).**".
Page 31, line 30, after "hundred" insert "**fifty**".
Page 31, line 30, strike "(200,000)" and insert "**(250,000)**".
Page 31, line 31, strike "three" and insert "**two**".
Page 31, line 31, after "hundred" insert "**seventy**".
Page 31, line 31, strike "(300,000);" and insert "(**270,000);**".
Renumber all SECTIONS consecutively.
(Reference is to SB 110 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 6, Nays 3.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 191, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, strike "four" and insert "**five**".
Page 1, line 8, strike "six hundred fifty".
Page 1, line 9, strike "(4,650)" and insert "**(5,000)**".
Page 1, line 9, strike "(5,000);" and insert "**one hundred (5,100);**".
Page 1, line 13, strike "six" and insert "**five**".
Page 1, line 13, strike "three hundred".
Page 1, line 14, strike "(6,300)" and insert "**(5,000)**".
Page 1, line 15, after "hundred" insert "**forty**".
Page 1, line 15, strike "(100,000)" and insert "**(140,000)**".
Page 1, line 16, strike "five" and insert "**fifty**".
Page 1, line 16, strike "(105,000);" and insert "**(150,000);**".
(Reference is to SB 191 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 170, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 42, after "evaluation." insert "**The term does not include the responsibilities of the executive, legislative body, or fiscal body, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.**".

Page 6, line 31, after "chapter." insert "**A unit may adopt a policy that includes more stringent or detailed requirements than those set forth in this chapter and that does not conflict with this chapter.**".

Page 8, line 32, after "chapter." insert "**A unit may adopt a policy that includes more stringent or detailed requirements than those set forth in this chapter and that does not conflict with this chapter.**".

(Reference is to SB 170 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 223, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 35, after "Practice" insert "**in a shortage area**".

(Reference is to SB 223 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 15, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, between lines 2 and 3, begin a new line double block indented and insert:

"**(E) One (1) psychologist licensed under IC 25-33 who works in neuro-rehabilitation.**".

(Reference is to SB 15 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 13, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 225, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 52, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "Unless".

Page 1, delete line 5.

Page 1, line 6, delete "IC 16-36-1-2) refuses in writing to have".

Page 1, line 6, strike "a screening or confirmatory".

Page 1, line 7, strike "test for the antibody or antigen to HIV".

Page 1, line 9, delete "performed, a physician may perform the".

Page 1, line 10, delete "screening or test. The".

Page 1, line 10, strike "physician ordering the test or the physician's".

Page 1, strike line 11.

Page 1, line 12, strike "has".

Page 1, line 15, delete "refused." and insert "**As used in this section, "physician's authorized representative" means an individual who is acting:**

(1) under the supervision of a licensed physician; and

(2) within the individual's scope of employment.

(b) If a physician or the physician's authorized representative determines that it is medically necessary to conduct an HIV test on an individual under the care of a physician, the physician or physician's authorized representative may order the test if the physician or the physician's authorized representative:

(1) informs the patient of the test;

(2) provides an explanation of the test; and

(3) informs the patient of the patient's right to refuse the test.

Subject to subsection (d), if the patient refuses the test, the physician or the physician's authorized representative may

not perform the test and shall document the patient's refusal in the patient's medical record.

(c) After ordering an HIV test for a patient, the physician or the physician's authorized representative shall:

(1) discuss with the patient the availability of counseling concerning the test results; and

(2) notify the patient of the test results.

If a test conducted under this section indicates that a patient is HIV infected, in addition to the requirements set forth in IC 16-41-2, the physician or the physician's authorized representative shall inform the patient of treatment and referral options available to the patient.

(d) A physician or a physician's authorized representative may order a HIV test to be performed without informing the patient or the patient's representative (as defined in IC 16-36-1-2) of the test or regardless of the patient or the representative of the patient's refusal of the HIV test if any of the following conditions apply:".

Page 1, line 16, strike "(b)".

Page 1, line 16, delete "If one (1) of the following conditions exists, a".

Page 1, line 16, strike "test for the".

Page 1, line 17, strike "antibody or antigen to HIV may be performed".

Page 2, line 1, delete "regardless of the individual's written".

Page 2, delete line 2.

Page 2, line 3, after "physician" insert ",".

Page 2, line 3, strike "who has obtained a health care".

Page 2, line 4, strike "under IC 16-36-1 or".

Page 2, line 4, strike "implied consent".

Page 2, line 4, after "implied consent under" insert "**can be implied due to**".

Page 2, line 4, reset in roman "emergency".

Page 2, line 5, reset in roman "circumstances".

Page 2, after line 20, begin a new line block indented and insert:

"**(8) Both of the following are met:**

(A) The individual is not capable of providing consent and an authorized representative of the individual is not immediately available to provide consent or refusal of the test.

(B) A health care provider acting within the scope of the health care provider's employment comes into contact with the blood or body fluids of an individual in a manner that has been epidemiologically demonstrated to transmit HIV.

(e) The state department shall make HIV testing and treatment information from the federal Centers for Disease Control and Prevention available to health care providers.

(f) The state department may adopt rules under IC 4-22-2 necessary to implement this section.".

(Reference is to SB 52 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 224, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "IC 16-19-1-1" and insert "**IC 16-19-1-1, the division of fire and building safety established by IC 10-19-7-1,**".

Page 1, line 4, delete "jointly".

Page 2, line 2, delete "potential benefits of combining ambulance".

Page 2, line 3, delete "services with the".

(Reference is to SB 224 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 287, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 9, line 33, after "office" delete ".".

Page 12, line 8, delete "alternative" and insert "**alternatives**".

Page 72, line 38, delete "or facility".

Page 80, line 5, delete "or facility".

Page 84, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 126. IC 31-27-5-30, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDEDTO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 30. A court order granted under section 29(b)(2) of this chapter expires upon the later of the following:

(1) Sixty (60) days after the order is issued.

(2) When a final departmental decision is issued under sections 20 through ~~22~~ **21** of this chapter if notice of an enforcement action is issued under section 19 of this chapter.

SECTION 127. IC 31-27-5-32, AS ADDED BY P.L.146-2006, SECTION 38, IS AMENDEDTO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32. (a) A licensee shall operate a group home in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 19 through ~~22~~ **21** of this chapter, the department may revoke the license when the department finds that a licensee has committed a violation under subsection (a).".

Renumber all SECTIONS consecutively.

(Reference is to SB 287 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 32, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 22, delete "signed in" and insert "**verified.**".

Page 3, delete lines 23 through 24.

Page 3, line 27, after "person." insert "**The extension of a guardianship under this section does not place the protected person under a legal disability.**".

(Reference is to SB 32 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 176, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 128, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 232, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 2.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 54, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 14, delete "attempts" and insert "**wants**".

Page 2, line 16, delete ", in addition to paying the owner of the" and insert "**:**

(1) the state educational institution must submit the state educational institution's plan to obtain the property through the use of eminent domain, which must include the state educational institution's intended use for the property, to the:

(A) budget committee; and

(B) budget agency;

(2) after the plan described in subdivision (1) is reviewed by the budget committee, the budget agency must approve or disapprove the plan; and

(3) if the budget agency approves the plan under subdivision (2), in addition to paying the owner of the property:

(A) the fair market value of the property;

(B) the fair market value of all improvements pertaining to the property; and

(C) any other damages to which the owner of the property is entitled;

the state educational institution must pay the owner of the business the capitalized value of the estimated future earnings of the business after the date the state educational institution would acquire the property;

before the state educational institution may acquire the property.".

Page 2, delete lines 17 through 27.

Page 2, line 42, delete "earnings" and insert "**income**".

Page 3, line 4, delete "earnings;" and insert "**income;**".

Page 3, line 10, delete "earnings" and insert "**income**".

Page 3, line 22, delete "earnings" and insert "**income**".

Page 3, line 27, delete "earnings" and insert "**income**".

(Reference is to SB 54 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 6, Nays 4.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 286, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 10 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 19 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 35 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 48 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 49 with "[EFFECTIVE UPON PASSAGE]".

Page 9, line 12, after "services" insert "**or the proposed guardian**".

Page 9, line 13, delete "is going" and insert "**has approved**".

Page 9, line 14, delete "to provide".

Page 9, line 15, delete "minor or incapacitated" and insert "**protected**".

Page 9, line 16, delete "The" and insert "**If the guardian will be provided assistance as a component of child services, the**".

Page 9, line 17, delete "minor or incapacitated" and insert "**protected**".

Page 9, line 19, delete "minor or incapacitated" and insert "**protected**".

Page 9, line 20, delete "minor or incapacitated" and insert "**protected**".

Page 9, line 23, delete "minor's" and insert "**protected person's**".

Page 9, line 25, delete "minor" and insert "**protected person**".

Page 14, line 1, strike "who is less than eighteen (18) years of age".

Page 14, line 20, after "is" insert "**in**".

Page 14, delete line 21 and insert "**restrictive, most family like, and most appropriate setting available and close to the parent's home, consistent with the best interests and special needs of the child.**".

Page 16, line 32, delete "IC 31-37-20-3;" and insert "**IC 31-37-20-3 if the child is placed in a child caring institution, group home, or private secure facility;**".

Page 16, line 33, delete "recommendations." and insert "**recommendations to the court.**".

Page 16, line 36, delete "complete," and insert "**approved by the local office or court,**".

Page 16, line 39, delete "an out-of-home residence or facility" and insert "**a child caring institution, group home, or private secure facility**".

Page 16, line 41, delete "recommendations." and insert "**recommendations to the court.**".

Page 22, line 15, after "located;" insert "**or**".

Page 22, line 32, delete "of" and insert "**or**".

` Page 24, line 29, delete "July 1, 2012." and insert "**the effective date of this chapter.**".

Page 24, line 37, delete "IC 31-28-5.7;" and insert "**IC 31-28-5.7 and rules of the department adopted under IC 31-28-5.7-2;**".

Page 24, line 40, delete "July 1, 2012." and insert "**the effective date of this chapter.**".

Page 27, line 6, delete "youth" and insert "**youth, as defined in IC 31-28-5.8-4,**".

Page 27, line 7, delete "is less than twenty (20) years of age and".

Page 27, line 9, delete "adoption assistance or".

Page 27, line 13, delete "who" and insert "**who:**

(A)".

Page 27, line 14, delete "child, including" and insert "**child;**

(B) is a protected person under".

Page 27, delete line 15.

Page 27, line 16, delete "IC 31-34-21-7.5(c)(1)(E)".

Page 27, line 16, delete "IC 29-3-8-9 applies and the" and insert "**IC 29-3-8-9(f) applies; and**

(C)".

Page 27, line 17, delete "assistance".

Page 27, line 17, after "approved" insert "**for assistance**".

Page 27, line 35, after "has" insert "**completed**".

Page 27, line 35, delete "including" and insert "**including training in:**

(1)".

Page 27, line 37, delete "neglect as" and insert "**neglect; and**

(2) early childhood, child, and adolescent development; as".

Page 38, line 14, delete "IC 31-33-27-4." and insert "**IC 31-33-27-5.**".

Page 40, line 22, after "of" insert "**a person as**".

Page 45, delete lines 19 through 23, begin a new paragraph and insert:

"SECTION 57. IC 31-34-10-6 IS AMENDEDTO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. ~~Except if a petition is filed under IC 31-34-1-6,~~ The juvenile court shall determine whether the parent, guardian, or custodian admits or denies the allegations of the petition. A failure to respond constitutes a denial.".

Page 59, line 8, delete "will" and insert "**shall**".

Page 60, line 8, delete "or designee of the director." and insert "**of the department or the director's designee in writing prior to the placement.**".

(Reference is to SB 286 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 26, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 27, line 30, after "(d)," insert "**and** (e);".

Page 27, line 30, delete "(e),".

Page 27, line 30, strike "and (h);".

Page 54, line 21, delete "bond" means a bond executed by a person who" and insert "**bond," for purposes of IC 35-33-8, has the meaning set forth in IC 35-33-8-1.**".

Page 54, delete lines 22 through 27.

Page 67, line 38, delete "IC 35-36-9," and insert "**IC 35-36-9 and IC 35-50-2,**".

Page 67, line 38, delete "means an individual who, before becoming twenty-two" and insert "**has the meaning set forth in IC 35-36-9-2.**".

Page 67, delete lines 39 through 42.

Page 70, line 6, delete "IC 35-47-5-2.5(a)." and insert "**IC 35-47-5-2.5(a) and IC 35-47-5-2.5(b).**".

Page 74, line 39, delete ""Polygraph" means a device that permanently and" and insert "**"Polygraph", for purposes of IC 35-37-4.5, has the meaning set forth in IC 35-37-4.5-1.**".

Page 74, delete lines 40 through 42.

Page 75, delete line 1.

Page 77, line 25, delete "IC 35-5-3," and insert "**IC 35-35-3 and IC 35-38-1,**".

Page 82, line 8, delete "means a person" and insert "**has the meaning set forth in IC 35-34-2-1.**".

Page 82, delete lines 9 through 10.

Page 84, delete lines 34 through 40.

Page 85, delete lines 16 through 20.

Page 87, line 14, strike "has the meaning set forth in".

Page 87, line 14, delete "IC 35-31.5-2-169." and insert "**means an individual who, before becoming twenty-two (22) years of age, manifests:**

(1) significantly subaverage intellectual functioning; and

(2) substantial impairment of adaptive behavior;

that is documented in a court ordered evaluative report.".

Page 87, delete lines 24 through 37.

Page 111, delete lines 15 through 19.

Renumber all SECTIONS consecutively.

(Reference is to SB 26 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 127, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 61, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 14-18-2-3 IS AMENDEDTO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) As used in this section, "inn" means a public facility that has the following:

(1) At least twenty (20) rooms for the accommodation of overnight guests.

(2) A dining room that offers table service for at least forty (40) individuals at one (1) time during normal dining hours.

(b) A lease and contract authorized by this chapter must include in its terms the following provisions and conditions:

(1) The legal description of the leasehold. A survey for the description is not required.

(2) The term of the lease. The term may not exceed forty (40) years with two (2) additional options to renew of thirty (30) years each.

(3) Provision for the submission of complete plans and specifications to the department for review and written approval before beginning any construction.

(4) The manner of payment of rental.

(5) The facilities provided will be available to the public without discrimination and at charges designed to make the facilities available to a maximum number of the citizens of Indiana.

(6) That the rates and fees charged for goods and services on the leased area will be in accord with those charged at similar developments in the area.

(7) The disposition of the leasehold and improvements at the termination of the lease.

(8) If the lease and contract concerns state owned land under the management and control of the department, including state parks, a prohibition on the sale or public display of alcoholic beverages on the premises. **However, the lease and contract may permit the retail sale of alcoholic beverages on the premises of an inn or dining room:**

(A) for consumption on the licensed premises; and

(B) if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(9) If the lease and contract concerns federally owned land under the control and management of the department, the lease and contract may permit the retail sale of alcoholic beverages on the premises of an inn:

(A) for consumption on the licensed premises; and

(B) if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(c) A lease and contract may prescribe other terms and conditions that the department considers necessary and advisable to carry out the intent and purposes of this chapter.

SECTION 2. IC 14-18-3-3 IS AMENDEDTO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A lease and contract authorized by section 2 of this chapter must include in its terms the following provisions and conditions:

(1) The legal description of the leasehold.

(2) The term of the lease, which may not exceed forty (40) years.

(3) A stipulation that the lessor shall build and maintain access roads to a lodging and food facility constructed and operated by the lessee.

(4) Specifications controlling the construction of any lodging and food facility to be constructed and operated by a lessee that state the following:

(A) The number and size of sleeping rooms and bathroom facilities.

(B) The size and capacity of the kitchen and dining facilities.

(C) The size of patio, lobby, lounge, and meeting room areas.

(D) The type and quality of construction.

(E) Other criteria and specifications that the department considers necessary and advisable.

(5) The manner of payment of rental.

(6) A stipulation that the department has control and supervision over the following:

(A) The maximum rates to be charged guests using the lodging and food facility.

(B) The sanitary conditions of the facility.

(C) The quality of food and service furnished the guests of the facility.

(D) The structural maintenance of the facility.

(7) The disposition of the leasehold and improvements at the expiration of the lease.

~~(8) A prohibition on the sale of alcoholic beverages on the premises.~~

(b) The lease and contract may prescribe other terms and conditions that the department considers necessary and advisable to carry out the intent and purposes of this chapter.

(Reference is to SB 61 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Agriculture and Natural Resources.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The committee to act with a like committee of the House of Representatives to wait upon the Governor to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly begs leave to report that it has performed the duties assigned to it.

CHARBONNEAU, Chair
MILLER
MRVAN
TAYLOR
Committee of the Senate

Report adopted.

SENATE MOTION

Madam President: I move that Senator Hershman be removed as coauthor of Senate Bill 293.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second author and Senators Head, Miller, and Holdman be added as coauthors of Senate Bill 293.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author, Senator Kenley be added as third author, and Senators Mishler, Rogers, and Breaux be added as coauthors of Senate Bill 280.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Miller and Holdman be added as coauthors of Senate Bill 92.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 119.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as coauthor of Senate Bill 215.

SKINNER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as coauthor of Senate Bill 11.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 52.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author and Senator Banks be added as coauthor of Senate Bill 373.

SCHNEIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as third author and Senator Banks be added as coauthor of Senate Bill 415.

SCHNEIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as coauthor of Senate Bill 138.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as coauthor of Senate Bill 183.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as third author of Senate Bill 15.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author of Senate Bill 12.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author of Senate Bill 13.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author and Senator Breaux be added as third author of Senate Bill 225.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 223.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be added as second author of Senate Bill 119.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Schneider and Randolph be added as coauthors of Senate Bill 361.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be removed as coauthor of Senate Bill 127.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second author of Senate Bill 127.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author and Senator Skinner be added as coauthor of Senate Bill 144.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 287.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 286.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Gard and Miller be added as coauthors of Senate Bill 170.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second author and Senator Randolph be added as coauthor of Senate Bill 172.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Banks be removed as coauthor of Senate Bill 253.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Banks be added as second author of Senate Bill 253.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 19.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 61 and that Senator Tallian be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 61.

TALLIAN

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that subsequent to the adoption of the Corrections, Criminal, and Civil Matters Committee Report on January 12, 2012, Senate Bill 54 was reassigned to the Committee on Approprations.

LONG

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 17, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 11:41 a.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Eighth Meeting Day Tuesday Afternoon January 17, 2012

The Senate convened at 1:44 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Pastor John Pearce, First Baptist Church, Crothersville.

The Pledge of Allegiance to the Flag was led by Senator James C. Smith, Jr.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 10: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 12

Senate Resolution 12, introduced by Senator Simpson:

A SENATE RESOLUTION urging the Legislative Council to assign the Judiciary Committee the task of studying alternatives to civil marriage and make recommendations.

Whereas, Indiana's Constitution was ordained by the People exercising their right to choose their own government, and it is essential that the hallmarks of Indiana's constitution - personal freedom and absolute equality before the law - govern all laws that pass the General Assembly;

Whereas, Civil marriage, created by and regulated through the power of the State, has long been considered a "civil right;"

Whereas, Civil marriage enhances the welfare of the community, provides for the orderly distribution of property, ensures that children and adults are cared for and supported whenever possible from private rather than public funds and anchors an ordered society by encouraging stable relationships over transient ones;

Whereas, Without the right to a civil marriage or anything substantially similar, many Hoosiers are excluded from the full range of human experience and denied full protection of the laws for their avowed commitment to an intimate and lasting human relationship;

Whereas, House Joint Resolution 6, which passed the One Hundred Seventeenth General Assembly, states that only marriage between one man and one woman shall be valid or recognized as a marriage in Indiana and provides that a legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized;

Whereas, The language of House Joint Resolution 6 may greatly affect unmarried Hoosiers' right to enter into contracts, make medical decisions, dispose of property through probate, or enjoy equal access under the law;

Whereas, Civil marriage is central to the lives of individuals and the welfare of the community, and it is essential to study civil marriage alternatives to promote equity and full protection of the law for all in Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to assign the Judiciary Committee the task of studying alternatives to civil marriage and make recommendations.

SECTION 2. The Secretary of State is hereby directed to transmit a copy of this Resolution to the Legislative Council through the Executive Director of the Legislative Services Agency.

The resolution was read in full and referred to the Committee on Judiciary.

Senate Resolution 13

Senate Resolution 13, introduced by Senator Simpson:

A SENATE RESOLUTION urging the legislative council to establish an interim study committee to study the issue of explosive materials regulations.

Whereas, The National Fire Protection Association (NFPA) is a non-profit organization that develops various codes and standards;

Whereas, The NFPA Explosive Materials Code (NFPA 495) sets the maximum allowable ground vibration levels and the maximum noise levels at any dwelling, public building, school, church, or commercial or institutional building adjacent to a blast site;

Whereas, Indiana has fully incorporated the NFPA Explosive Materials Code. (See 675 IAC 26-3-1);

Whereas, According to the NFPA and Indiana law the peak particle velocity (vibration) in a building adjacent to a blast site shall not exceed 1.25 in/sec;

Whereas, According to the NFPA and Indiana law air overpressure (noise) shall not exceed 134 decibels in a building adjacent to a blast site;

Whereas, Despite these regulations, noise and vibration from blast sites in Indiana have been disruptive to adjacent buildings;

Whereas, Further study of explosive materials regulations is necessary to determine whether more stringent rules are necessary to regulate blast sites: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to establish an interim study committee to review explosive materials regulations, and consider whether Indiana should implement standards more stringent than those written by the NFPA.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 62, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 23-1-44-8, AS AMENDED BY P.L.133-2009, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A shareholder is entitled to dissent from, and obtain payment of the fair value of the shareholder's shares in the event of, any of the following corporate actions:

(1) Consummation of a plan of merger to which the corporation is a party if:

(A) shareholder approval is required for the merger by IC 23-1-40-3 or the articles of incorporation; and

(B) the shareholder is entitled to vote on the merger.

(2) Consummation of a plan of share exchange to which the corporation is a party as the corporation whose shares will be acquired, if the shareholder is entitled to vote on the plan.

(3) Consummation of a sale or exchange of all, or substantially all, of the property of the corporation other than in the usual and regular course of business, if the shareholder is entitled to vote on the sale or exchange, including a sale in dissolution, but not including a sale pursuant to court order or a sale for cash pursuant to a plan by which all or substantially all of the net proceeds of the sale will be distributed to the shareholders within one (1) year after the date of sale.

(4) The approval of a control share acquisition under IC 23-1-42.

(5) Any corporate action taken pursuant to a shareholder vote to the extent the articles of incorporation, bylaws, or a resolution of the board of directors provides that voting or nonvoting shareholders are entitled to dissent and obtain payment for their shares.

(6) The adoption of an amendment to the articles of incorporation of:

(A) a corporation that is not a flexible purpose corporation to convert the corporation into a flexible purpose corporation under IC 23-21-4; or

(B) a flexible purpose corporation to terminate the corporation's status as a flexible purpose corporation under IC 23-31-5.

(b) This section does not apply to the holders of shares of any class or series if, on the date fixed to determine the shareholders entitled to receive notice of and vote at the meeting of shareholders at which the merger, plan of share exchange, or sale or exchange of property is to be acted on, the shares of that class or series were a covered security under Section 18(b)(1)(A) or 18(b)(1)(B) of the Securities Act of 1933, as amended.

(c) The articles of incorporation as originally filed or any amendment to the articles of incorporation may limit or eliminate the right to dissent and obtain payment for any class or series of preferred shares. However, any limitation or elimination contained in an amendment to the articles of incorporation that limits or eliminates the right to dissent and obtain payment for

any shares:

(1) that are outstanding immediately before the effective date of the amendment; or

(2) that the corporation is or may be required to issue or sell after the effective date of the amendment under any exchange or other right existing immediately before the effective date of the amendment;

does not apply to any corporate action that becomes effective within one (1) year of the effective date of the amendment if the action would otherwise afford the right to dissent and obtain payment.

(d) A shareholder:

(1) who is entitled to dissent and obtain payment for the shareholder's shares under this chapter; or

(2) who would be so entitled to dissent and obtain payment but for the provisions of subsection (b);

may not challenge the corporate action creating (or that, but for the provisions of subsection (b), would have created) the shareholder's entitlement.

(e) Subsection (d) does not apply to a corporate action that was approved by less than unanimous consent of the voting shareholders under IC 23-1-29-4.5(b) if both of the following apply:

(1) The challenge to the corporate action is brought by a shareholder who did not consent and as to whom notice of the approval of the corporate action was not effective at least ten (10) days before the corporate action was effected.

(2) The proceeding challenging the corporate action is commenced not later than ten (10) days after notice of the approval of the corporate action is effective as to the shareholder bringing the proceeding.

SECTION 2. IC 23-19-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. (a) The offer or sale of a security by an issuer is exempt from IC 23-19-3-1 through IC 23-19-3-6 and IC 23-19-5-4 if the offer or sale is conducted in accordance with each of the following requirements:**

(1) The aggregate amount sold within the previous twelve (12) month period in reliance upon this exemption is not more than one million dollars ($1,000,000).

(2) The aggregate amount sold to any investor in reliance upon this exemption within the previous twelve (12) month period does not exceed ten thousand dollars ($10,000).

(3) In the case of a transaction involving an intermediary between the issuer and the investor, the intermediary complies with subsection (b).

(4) In the case of a transaction not involving an intermediary between the issuer and the investor, the issuer complies with subsection (c).

(b) If the issuer uses an intermediary, the intermediary shall:

(1) warn investors, including on the intermediary's Internet web site used for the offer and sale of a security that is exempt under subsection (a), of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity;

(2) warn investors that they are subject to the restriction on sales requirement described under subsection (d);

(3) take reasonable measures to reduce the risk of fraud with respect to an offer or sale that is exempt under subsection (a);

(4) ensure that the issuer is organized in Indiana and is subject to the laws of Indiana;

(5) provide the commissioner with the intermediary's physical address, the intermediary's Internet web site address, and the names of the intermediary and employees of the intermediary, and keep this information up to date;

(6) provide the commissioner with continuous investor level access to the intermediary's Internet web site;

(7) require each potential investor to answer questions demonstrating:

(A) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

(B) an understanding of the risk of illiquidity; and

(C) an understanding of other areas as the commissioner determines by rule;

(8) carry out a background check on the issuer's principals;

(9) provide the commissioner and potential investors with notice of the offering, not later than the first day securities are offered to potential investors, including:

(A) the issuer's name, legal status, physical address, and Internet web site address;

(B) the names of the issuer's principals;

(C) the stated purpose and intended use of the proceeds of the offering sought by the issuer; and

(D) the target offering amount and the deadline to reach the target offering amount;

(10) outsource cash management functions to a qualified third party custodian, such as a broker-dealer registered under IC 23-19-4-1 or an insured depository institution;

(11) maintain such books and records as the commissioner determines appropriate;

(12) make available on the intermediary's Internet web site a method of communication that permits the issuer and investors to communicate with each other;

(13) provide the commissioner with a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and

(14) not offer investment advice.

(c) If an issuer does not use an intermediary, the issuer shall:

(1) warn investors, including on the issuer's Internet web site used for the offer and sale of such securities, of the speculative nature generally applicable to investments in startups, emerging businesses, and small

issuers, including risks in the secondary market related to illiquidity;

(2) warn investors that they are subject to the restriction on sales requirement described under subsection (d);

(3) take reasonable measures to reduce the risk of fraud with respect to such transaction;

(4) be organized in Indiana and subject to the laws of Indiana;

(5) provide the commissioner with the issuer's physical address, the issuer's Internet web site address, and the names of the principals and employees of the issuer, and keep such information up to date;

(6) provide the commissioner with continuous investor level access to the issuer's Internet web site;

(7) require each potential investor to answer questions demonstrating:

(A) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

(B) an understanding of the risk of illiquidity; and

(C) an understanding of other areas the commissioner determines appropriate by rule;

(8) provide the commissioner with notice of the offering, not later than the first day securities are offered to potential investors, including:

(A) the stated purpose and intended use of the proceeds of the offering sought by the issuer; and

(B) the target offering amount and the deadline to reach the target offering amount;

(9) outsource cash management functions to a qualified third party custodian, such as a broker-dealer registered under IC 23-19-4-1 or an insured depository institution;

(10) maintain books and records as the commissioner determines appropriate;

(11) make available on the issuer's Internet web site a method of communication that permits the issuer and investors to communicate with each other;

(12) not offer investment advice;

(13) provide the commissioner with a notice upon completion of the offering, which must include the aggregate offering amount and the number of purchasers; and

(14) disclose to potential investors, on the issuer's Internet web site, that the issuer has an interest in the issuance.

(d) With respect to a transaction involving the issuance of securities described under this section, a purchaser may not transfer the securities during the one (1) year period beginning on the date of purchase, unless the securities are sold to:

(1) the issuer; or

(2) an accredited investor.

(e) With respect to a transaction described under this section involving an intermediary, the intermediary may not be required to register as a broker-dealer under IC 23-19-4-1 solely because of participation in the transaction.

(f) This section may not be construed as preventing an issuer from raising capital through methods not described under this section.

(g) The commissioner may by rule establish disqualification provisions under which an issuer is not eligible to use the exemption under this section based on the disciplinary history of the issuer or the issuer's predecessors, affiliates, officers, directors, or persons fulfilling similar roles. The commissioner may also establish disqualification provisions under which an intermediary is not eligible to act as an intermediary in connection with an offering using the exemption under this section based on the disciplinary history of the intermediary or the intermediary's predecessors, affiliates, officers, directors, or persons fulfilling similar roles.

SECTION 3. IC 23-21 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

ARTICLE 21. FLEXIBLE PURPOSE CORPORATIONS

Chapter 1. Definitions

Sec. 1. (a) The definitions set forth in this chapter apply throughout this article.

(b) The definitions set forth in IC 23-1-20 apply throughout this article unless the context clearly denotes otherwise.

Sec. 2. "Benefit enforcement proceeding" means a claim or an action brought directly by a flexible purpose corporation, or derivatively on behalf of a flexible purpose corporation, against a director or officer for:

(1) failure to pursue the general public benefit purpose of the flexible purpose corporation or any specific public benefit purpose set forth in the articles of incorporation or bylaws of the flexible purpose corporation or otherwise adopted by the board of directors of the flexible purpose corporation; or

(2) a violation of a duty or standard of conduct under this article.

Sec. 3. "Flexible purpose corporation" means a corporation organized under this article that:

(1) has elected to become subject to this article; and

(2) has not terminated its status as a flexible purpose corporation under IC 23-21-5.

Sec. 4. "General public benefit" means a material, positive impact on society or the environment taken as a whole.

Sec. 5. "Public benefit" means a general or specific public benefit.

Sec. 6. "Specific public benefit" means a benefit that serves one (1) or more public welfare, religious, charitable, scientific, literary, or educational purposes, or other purpose or benefit beyond the strict interest of the shareholders of the flexible purpose corporation, including:

(1) providing low income or underserved individuals or communities with beneficial products or services;

(2) promoting economic opportunity for individuals or communities beyond the creation of jobs in the normal course of business;

(3) preserving or improving the environment;

(4) improving human health;

(5) promoting the arts, sciences, or advancement of knowledge;

(6) increasing the flow of capital to entities with a public benefit purpose; and

(7) conferring any other particular benefit on society or the environment.

Sec. 7. "Subsidiary" means, in relation to an individual, an entity in which the individual either:

(1) owns, directly or indirectly, equity interests that entitle the individual to cast a majority of the votes entitled to be cast generally in an election of directors or members of the governing body of the entity; or

(2) otherwise owns or controls voting or contractual power to exercise effective governing control of the entity.

The percentage of ownership of equity interests or ownership or control of power to exercise control shall be calculated as if all outstanding rights to acquire equity interests in the entity had been exercised.

Chapter 2. Application

Sec. 1. This article applies to every corporation that has elected to become a flexible purpose corporation in accordance with this article.

Sec. 2. The existence of a provision of this article does not itself create an implication that a contrary or different rule of law applies to a corporation that is not a flexible purpose corporation. This article may not be construed to affect a statute or rule of law that applies to a corporation that is not a flexible purpose corporation.

Sec. 3. IC 23-1 (the Indiana business corporation law) applies to a corporation that has elected to become a flexible purpose corporation under this article, unless a provision of IC 23-1 conflicts with a provision of this article. In that case, the provisions of this article control over IC 23-1.

Chapter 3. Formation of a Flexible Purpose Corporation

Sec. 1. A flexible purpose corporation may be formed in accordance with IC 23-1 and this article. The articles of incorporation, as initially filed or as amended, must state that the corporation is a flexible purpose corporation.

Chapter 4. Election of Status After Formation

Sec. 1. (a) A corporation that was not formed as a flexible purpose corporation may become a flexible purpose corporation by amending the corporation's articles of incorporation so that the articles contain, in addition to matters required by IC 23-1, a statement that the corporation is a flexible purpose corporation. An amendment to the articles of incorporation to create a flexible purpose corporation shall be submitted to the shareholders in accordance with the procedures set forth in IC 23-1-38. To be adopted, the amendment must receive the affirmative votes of two-thirds (2/3) of the members entitled to vote.

(b) A corporation's board of directors, or the incorporators if a board of directors has not been selected, may not amend the corporation's articles of incorporation to create a flexible purpose corporation without shareholder action.

(c) Action taken under ths chapter may entitle a shareholder to dissenters' rights under IC 23-1-44.

Chapter 5. Termination of Status

Sec. 1. (a) A flexible purpose corporation may terminate its status as a flexible purpose corporation and cease to be subject to this article by amending the flexible purpose corporation's articles of incorporation in accordance with IC 23-1-38. An amendment to terminate a corporation's status as a flexible purpose corporation must receive the affirmative votes of two-thirds (2/3) of the members entitled to vote. A flexible purpose corporation's board of directors, or the incorporators if a board of directors has not been selected, may not amend the flexible purpose corporation's articles of incorporation to remove its status as a flexible purpose corporation without shareholder action.

(b) Action taken under this chapter may entitle a shareholder to dissenters' rights under IC 23-1-44.

Chapter 6. Corporate Purposes

Sec. 1. A flexible purpose corporation must have as one (1) of its purposes the purpose of providing a general public benefit. The articles of incorporation of a flexible purpose corporation may also identify one (1) or more specific public benefits that is the purpose of the flexible purpose corporation to provide. A public benefit may also be set forth in the bylaws or in a resolution adopted by the board of directors. This public purpose is in addition to the flexible purpose corporation's public purpose under IC 23-1-22-1 and any other purpose set forth in the articles of incorporation.

Sec. 2. The provision of a public benefit under section 1 of this chapter is in the best interests of the flexible purpose corporation.

Sec. 3. A flexible purpose corporation may amend its articles of incorporation in accordance with IC 23-1-38 to add, amend, or delete the identification of a specific public benefit that is the purpose of the flexible purpose corporation to provide. An amendment to the articles of incorporation under this section must receive the affirmative votes of two-thirds (2/3) of the members entitled to vote.

Chapter 7. Standard of Conduct for Directors

Sec. 1. (a) Subject to IC 23-1-35, in discharging the duties of their respective positions and in considering the best interests of the flexible purpose corporation, the board of directors, a committee of the board, and an individual director of a flexible purpose corporation:

(1) shall consider the effects of any corporate action upon:

(A) the shareholders of the flexible purpose corporation;

(B) the:

(i) employees and workforce of the flexible purpose corporation; and

(ii) subsidiaries and suppliers of the flexible purpose corporation;

(C) the interests of customers as beneficiaries of the general or specific public benefit purposes of the flexible purpose corporation;

(D) the community, including each community in which an office or facility of the flexible purpose corporation, its subsidiaries, or its suppliers are

located;

(E) the local and global environment;

(F) the short term and long term interests of the flexible purpose corporation, including benefits that may accrue to the flexible purpose corporation from the flexible purpose corporation's long term plans, and the possibility that these interests and the general and specific public benefit purposes of the flexible purpose corporation may be best served by the continued independence of the flexible purpose corporation; and

(G) the ability of the flexible purpose corporation to accomplish its general and specific public benefit purpose;

(2) may consider:

(A) the resources, intent, and potential future conduct of any person seeking to acquire control of the flexible purpose corporation; and

(B) other pertinent factors or the interests of any other person that they consider appropriate; and

(3) are not required to give priority to a particular interest referred to in subdivisions (1) and (2) over another interest, unless the flexible purpose corporation has stated its intention to give priority to that interest in connection with a specific public benefit purpose identified in the flexible purpose corporation's articles of incorporation.

(b) The consideration of interests in the manner required by subsection (a) does not constitute a violation of IC 23-1-35 and does not create a conflict of interest.

(c) In any proceeding brought by or on behalf of a flexible purpose corporation or brought by or on behalf of the shareholders of a flexible purpose corporation, a director is not personally liable for monetary damages for:

(1) any action taken as a director if the director performed the duties of the office in compliance with IC 23-1 and this chapter; or

(2) failure of the flexible purpose corporation to provide a general public benefit or any specific public benefit specified in the flexible purpose corporation's articles of incorporation, bylaws, or resolution adopted by the board of directors.

Chapter 8. Limitation of Liability

Sec. 1. (a) An officer of a flexible purpose corporation is not liable for an action taken that the officer believes, in the officer's good faith business judgment, is consistent with:

(1) the public benefit specified in the articles of incorporation, bylaws, or resolution adopted by the board of directors; and

(2) the requirements of any third-party standard that are in effect for the corporation at the time the action is taken.

(b) The liability provided by this chapter is in addition to any indemnification provided under IC 23-1-37.

Chapter 9. Right of Action

Sec. 1. The:

(1) duties of a director or officer under this article;

(2) obligation of a flexible purpose corporation to prepare and make available the annual benefit report required under IC 23-21-10; and

(3) duty of the flexible purpose corporation to provide a public benefit;

may be enforced only in a benefit enforcement proceeding. A person may bring an action or otherwise assert a claim only against a flexible purpose corporation or its directors or officers in connection with their duties under this article in a benefit enforcement proceeding under section 2 of this chapter.

Sec. 2. A benefit enforcement proceeding may be commenced or maintained only:

(1) directly by the flexible purpose corporation; or

(2) derivatively by:

(A) a shareholder of the flexible purpose corporation;

(B) a director of the flexible purpose corporation; or

(C) another person as specified in the flexible purpose corporation's articles of incorporation, the flexible purpose corporation's bylaws, or resolution adopted by the flexible purpose corporation's board of directors.

Chapter 10. Annual Benefit Report

Sec. 1. A flexible purpose corporation shall prepare an annual benefit report that includes all the following:

(1) A narrative description of the manner in which the flexible purpose corporation provided or attempted to provide the public benefit set forth in the flexible purpose corporation's articles of incorporation, the flexible purpose corporation's bylaws, or resolution adopted by the flexible purpose corporation's board of directors.

(2) The extent to which the public benefit was actually provided.

(3) Any particular circumstances that hindered the flexible purpose corporation in providing the public benefit.

Sec. 2. The benefit report shall be made available annually to each shareholder of the flexible purpose corporation:

(1) not later than one hundred twenty (120) days after the end of the flexible purpose corporation's fiscal year; or

(2) at the same time that the flexible purpose corporation delivers any other annual report to its shareholders.

Sec. 3. A flexible purpose corporation shall post its most recent benefit report on a publicly accessible portion of its Internet web site, if any. If a flexible purpose corporation does not have an Internet web site, it shall make a written or electronic copy of its most recent benefit report available upon written request from any person. A flexible purpose corporation is not required to publicly disclose to persons other than its shareholders any proprietary, confidential, or individual compensation information contained in its benefit report if any third party standard adopted by the directors of the flexible purpose corporation permits the omission of this information from public disclosure.

SECTION 4. IC 34-30-2-96.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 96.1. IC 23-21 (Concerning the liability of an officer and director of a flexible purpose corporation for an action taken to provide a public benefit).**

(Reference is to SB 62 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Commerce and Economic Development.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 130, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 9 with "[EFFECTIVE JANUARY 1, 2013]".

Replace the effective dates in SECTIONS 11 through 106 with "[EFFECTIVE JANUARY 1, 2013]".

Page 1, line 15, delete "IC 13-13-8-1);" and insert "**IC 13-13-8-1) and the financial assurance board;**".

Page 11, line 6, reset in roman "through".

Page 11, line 6, delete "and (c)" and insert "**(d)**".

Page 11, reset in roman lines 25 through 26.

Page 11, line 25, strike "(f)" and insert "**(c)**".

Page 11, line 27, delete "(c)" and insert "**(d)**".

Page 11, delete lines 36 through 39.

Page 13, line 35, delete "abolished:" and insert "**abolished on January 1, 2013:**".

Page 13, delete line 42.

Page 14, delete line 1.

Page 14, line 6, delete "After" and insert "**On and after**".

Page 14, line 13, delete "the expiration term of the abolished entities on".

Page 14, line 14, delete "Members" and insert "**The initial members**".

Page 14, line 19, after "Sec. 4." insert "**(a)**".

Page 14, delete lines 22 through 23.

Page 14, line 24, delete "(B)" and insert "**(A)**".

Page 14, line 25, delete "(C)" and insert "**(B)**".

Page 14, line 26, delete "(D)" and insert "**(C)**".

Page 14, line 27, delete "(E)" and insert "**(D)**".

Page 15, between lines 7 and 8, begin a new paragraph and insert:

"**(b) An individual appointed under subsection (a)(2) must possess knowledge, experience, or education qualifying the individual to represent the constituency the individual is being recommended to represent.**".

Page 15, line 36, after "the" insert "**Indiana**".

Page 16, between lines 20 and 21, begin a new paragraph and insert:

"**Sec. 12. (a) The board shall select, from a list of three (3) qualified individuals recommended by the governor, an independent third party who is not an employee of the state to serve as technical secretary of the board.**

(b) Between meetings of the board, the department shall do the following:

(1) Handle correspondence.

(2) Make or arrange for investigations and surveys.

(3) Obtain, assemble, or prepare reports and data as directed by the board.

(c) The technical secretary shall review all materials prepared for the board by the department to make any necessary revisions. Provisions of this chapter concerning terms of appointment, vacancies, and compensation of appointed board members apply to the technical secretary. The technical secretary is not a voting member of the board.

Sec. 13. (a) The board may select, from a list of three (3) qualified individuals recommended by the governor, an independent third party who is not an employee of the state to serve as legal counsel.

(b) The legal counsel shall do the following:

(1) Advise the board on legal matters or proceedings arising from the exercise of the board's duties.

(2) Review all materials prepared for the board by the department for legal accuracy and sufficiency and direct the department to make any necessary revisions.

(c) Provisions of this chapter concerning terms of appointment, vacancies, and compensation of appointed board members apply to the legal counsel. The legal counsel is not a voting member of the board.

Sec. 14. The board may establish advisory committees for the purpose of giving advice on any matters pertaining to the business of the board. A member appointed to an advisory committee shall serve at the pleasure of the board and is not entitled to a salary, per diem, or reimbursement of expenses.".

Page 16, line 21, delete "Sec. 12." and insert "**Sec. 15.**".

Page 19, line 32, strike "appropriate".

Page 21, line 12, strike "solid waste management board or air pollution control".

Page 21, line 24, reset in roman "following:".

Page 21, line 24, delete "board.".

Page 21, line 25, reset in roman "(1)".

Page 21, line 25, after "A" insert "**The**".

Page 21, line 25, reset in roman "board.".

Page 21, reset in roman lines 26 through 27.

Page 23, line 20, strike "a" and insert "**the**".

Page 30, line 7, strike "solid waste".

Page 30, line 8, strike "management".

Page 34, line 5, strike "water pollution control".

Page 41, delete line 42.

Delete page 42.

Page 43, delete lines 1 through 12.

Page 43, line 22, reset in roman "following".

Page 43, line 22, delete "board" and insert "**boards**".

Page 43, line 24, reset in roman "(1) The".

Page 43, line 24, after "boards." insert "**board.**".

Page 43, reset in roman lines 25 through 26.

Renumber all SECTIONS consecutively.

(Reference is to SB 130 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 1.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 11 through 12.
Page 1, line 13, delete "(2)" and insert "**(1)**".
Page 1, line 16, delete "(3)" and insert "**(2)**".
Page 2, line 2, delete "(4)" and insert "**(3)**".
Page 2, line 4, delete "(5)" and insert "**(4)**".
Page 2, line 6, delete "(6)" and insert "**(5)**".
(Reference is to SB 1 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 132, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning water resources.

Page 2, line 10, delete "collect, at a minimum," and insert "**collect**".
Page 2, delete lines 19 through 21.
Page 2, line 22, delete "(5)" and insert "**(4)**".
Page 2, line 25, delete "(6)" and insert "**(5)**".
Page 2, delete lines 28 through 29.
Page 3, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 36-9-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 30, 2008 (RETROACTIVE)]: Sec. 10. **(a)** "Watercourse" includes lakes, rivers, streams, and any other body of water.

(b) The term does not include an underground aquifer or water in an underground aquifer.

SECTION 3. IC 36-9-2-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20. This chapter may not be construed to authorize a unit to regulate conduct that is regulated by a state agency.**

SECTION 4. IC 36-9-2-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. A municipal ordinance:**

(1) enacted before, on, or after March 31, 2008; and

(2) that purports to authorize a unit to regulate conduct under this chapter that is regulated by a state agency; is void.".

Renumber all SECTIONS consecutively.
(Reference is to SB 132 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 5, Nays 1.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 311, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-3-22-13, AS ADDED BY P.L.246-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) The OMB shall perform a cost benefit analysis upon each proposed rule and provide to:

(1) the governor; and
(2) the administrative rules oversight committee established under IC 2-5-18;

an assessment of the rule's effect on Indiana business.

(b) After June 30, 2005, the cost benefit analysis performed by the OMB under this section with respect to any proposed rule that has an impact of at least five hundred thousand dollars ($500,000) shall replace and be used for all purposes under IC 4-22-2 in lieu of the fiscal analysis previously performed by the legislative services agency under IC 4-22-2.

(c) In preparing a cost benefit analysis under this section, the OMB shall include in its analysis verified data gathered from interested parties. A cost benefit analysis prepared under this section is a public document. The OMB shall make public documents available to interested parties at least thirty (30) days before presenting the cost benefit analysis to the governor and the administrative rules oversight committee under subsection (a).

SECTION 2. IC 4-3-22-13.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13.1. This section applies to a rule that has been finally adopted under:**

(1) IC 4-22-2; and
(2) IC 13-4-9;

after June 30, 2012.

(b) As used in this section, "committee" refers to the administrative rules oversight committee established by IC 2-5-18-4.

(c) For each rule to which this section applies, the OMB shall perform a cost benefit analysis of the rule with respect to the period encompassing the first three (3) years following the date on which the rule was finally adopted. Except as otherwise required by the governor or the committee under

subsection (f), the OMB shall submit a cost benefit analysis prepared under this section to:

(1) the governor; and

(2) the committee;

not later than six (6) months after the third anniversary of the date on which the rule was finally adopted.

(d) A cost benefit analysis prepared under this section must include the following with respect to the three (3) year period covered by the analysis:

(1) The cost benefit analysis for the rule prepared under section 13 of this chapter before the rule's final adoption, including the information required by Financial Management Circular #2010-4.

(2) A statement of the number of regulated persons, classified by industry sector, subject to the rule.

(3) A comparison of:

(A) the cost benefit analysis for the rule prepared under section 13 of this chapter before the rule's implementation; and

(B) the actual costs and benefits of the rule during the first three (3) years of the rule's implementation.

(4) For each element of the rule that is also the subject of restrictions or requirements imposed under federal law, a comparison of:

(A) the restrictions or requirements imposed under the rule; and

(B) the restrictions or requirements imposed under federal law.

(5) Any other information that the governor or the committee may require with respect to a cost benefit analysis under this section.

(e) In preparing a cost benefit analysis under this section, the OMB shall include in its analysis verified data gathered from interested parties. A cost benefit analysis prepared under this section is a public document. The OMB shall make public documents available to interested parties at least thirty (30) days before presenting the cost benefit analysis to the governor and the committee under subsection (c).

(f) The governor or the committee, or both, may prescribe:

(1) the form of a cost benefit analysis; and

(2) the process, deadlines, and other requirements for submitting a cost benefit analysis;

required under this section.

(Reference is to SB 311 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Senate Resolution 3, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Senate Bill 362, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete line 9.

Page 1, line 10, delete "(2)" and insert "**(1)**".

Page 1, line 13, delete "(3)" and insert "**(2)**".

Page 2, line 1, delete "(4)" and insert "**(3)**".

Page 2, line 6, delete "following:" and insert "**members of the commission appointed under section 6 of this chapter.**".

Page 2, delete lines 7 through 11.

(Reference is to SB 362 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Senate Bill 370, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "The" and insert "**Beginning January 1, 2013, the**".

Page 2, line 25, delete "of one (1) year." and insert "**consistent with other licenses issued by the board, to be established by the board.**".

(Reference is to SB 370 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 271, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 111, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 148, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 10, line 12, delete "or" and insert "**and**".

(Reference is to SB 148 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 215, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 3, after "property." insert "**The county may pay the refund to the taxpayer over a two (2) year period from the date the county determines that the property qualifies for the exemption.**".

(Reference is to SB 215 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KENLEY, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 7 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 8 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

HCR 7 Senator Holdman
Recognizing South Adams High School and South Adams School Corporation for their work on the "Dots in Blue" Water: Making a World of Difference" project.

HCR 8 Senator Rogers
Commemorating Dr. Martin Luther King, Jr. Day.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 7

House Concurrent Resolution 7, sponsored by Senator Holdman:

A CONCURRENT RESOLUTION recognizing South Adams High School and South Adams School Corporation for their work on the "Dots in Blue Water: Making a World of Difference" project.

Whereas, The students at South Adams High School developed and funded a program known as "Dots in Blue Water: Making a World of Difference" to deliver village-sized water purifiers to Haiti;

Whereas, The concept behind the project was that students could learn the same lessons while designing a water purification system for those in need in the impoverished country of Haiti as they could while doing the typical science labs on electricity and chemistry;

Whereas, This idea was the beginning of the "Dots in Blue Water: Making a World of Difference" project that would develop, test, assemble, and deliver automobile battery powered water purification units to Haiti that could turn impure water into drinkable water;

Whereas, Members of the research department, development department, and marketing department reported to the group each Friday on the progress they were making in solving the problem;

Whereas, The project soon became a school corporation-wide effort: science units were developed in electrochemistry, watershed environmental impact, and microbiology; language arts students wrote expository essays about Haiti and its culture, arguing both sides of United States policy in sending aid to Haiti after the 2010 earthquake; foreign language classes translated purifier assembly instructions and made instructional videos; math students computed materials costs and analyzed statistics regarding water treatment; music classes promoted Haitian and Caribbean music; and art students designed posters and T-shirts for fundraising;

Whereas, During their time in Haiti, the members of the "Dots in Blue Water: Making a World of Difference" project assembled five water purifiers and completely installed two purifiers;

Whereas, One of the purifiers was installed in the village of Chambrun, providing drinking water to 5,000 people, and the second purifier was installed on the roof of the school on the Nehemiah Vision Ministry compound, which will allow over 400 students from the village of Chambrun who are enrolled at the school to have access to clean drinking water during the entire school year;

Whereas, One of the assembled purifiers was installed in the small, remote village of Bouzi, where poor drinking water had led to a life-threatening cholera outbreak;

Whereas, The remaining two assembled purifiers will be installed in an elementary school and an assisted living facility near the capital of Port-au-Prince; and

Whereas, The students and faculty of the "Dots in Blue Water: Making a World of Difference" project have helped the struggling people of Haiti improve their lives and rebuild their country: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the efforts put forth by the students and faculty of the South Adams School Corporation and South Adams High School to help the people of Haiti improve their lives.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to South Adams High School teachers Michael Baer (Earth and Space, Physics, Integrated Chemistry-Physics), Myron Schwartz (Chemistry, A.P. Chemistry, Integrated Chemistry-Physics), Josh Roby (Biology, Advanced Biology), Jeff Lehman (Health, Weight Training), Ashley Koons Fosnaugh (South Adams Middle School 7th grade Global Studies), J.D. Kellar (South Adams Elementary School Technology), Kristi Geimer (formerly 3rd grade at South Adams Elementary School and now at Jericho ATCFMI, and students Gregg Buuck, Kylie Cisney, Kara Delong, Mallory Eicher, Lindsey Graber, Samantha Schwartz, Kara Siddons, and Caylie Yoder.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 8

House Concurrent Resolution 8, sponsored by Senator Rogers:

A CONCURRENT RESOLUTION commemorating Dr. Martin Luther King, Jr. Day.

Whereas, Dr. Martin Luther King, Jr. was one of our nation's truly great leaders;

Whereas, Dr. Martin Luther King, Jr. had many dreams: of an America where "justice rolls down like waters and righteousness like a mighty stream," where neighbors look "beyond the external accidents and discern those inner qualities that make all men human and, therefore, brothers," and of a time when "this nation will rise up and live out the true meaning of its creed, 'we hold these truths to be self evident: that all men are created equal'";

Whereas, Dr. Martin Luther King, Jr. dreamt of a better society where "the sons of former slaves and the sons of former slave owners will be able to sit together at the table of brotherhood";

Whereas, Dr. Martin Luther King, Jr. believed that liberty, justice, and freedom were the "inalienable rights" to which all men, women, and children are entitled;

Whereas, Dr. Martin Luther King, Jr. was a spiritual man who believed that all people are created equal in the sight of God and in the dignity and self-worth of every individual;

Whereas, Dr. Martin Luther King, Jr. gave his life defending his beliefs;

Whereas, The visions of Dr. Martin Luther King, Jr. continue to bring hope and inspiration to people of all nations;

Whereas, Dr. Martin Luther King, Jr., a recipient of the Nobel Prize, is a national hero whose birthday is celebrated as a day of peace, love, and understanding by a grateful nation; and

Whereas, All Americans must continue to gather inspiration from the life of Dr. Martin Luther King, Jr. and strive to realize his dreams: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That it is fitting and proper that Dr. Martin Luther King, Jr. be remembered and recognized by future generations of Americans.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family of Dr. Martin Luther King, Jr.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE BILLS ON SECOND READING

Senate Bill 6

Senator Tomes called up Senate Bill 6 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 11

Senator Arnold called up Senate Bill 11 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 15

Senator Miller called up Senate Bill 15 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 15–1)

Madam President: I move that Senate Bill 15 be amended to read as follows:

Page 3, between lines 4 and 5, begin a new line double block indented and insert:

"**(F) One (1) individual who is a caregiver of a consumer of brain injury services.**".

(Reference is to SB 15 as printed January 13, 2012.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 19

Senator Boots called up Senate Bill 19 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 26

Senator Bray called up Senate Bill 26 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 26–1)

Madam President: I move that Senate Bill 26 be amended to read as follows:

Page 67, delete lines 35 through 36.

(Reference is to SB 26 as printed January 13, 2012.)

BRAY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 32

Senator Bray called up Senate Bill 32 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 52

Senator Becker called up Senate Bill 52 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 115

Senator Landske called up Senate Bill 115 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 119

Senator Landske called up Senate Bill 119 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 128

Senator Walker called up Senate Bill 128 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 133

Senator Gard called up Senate Bill 133 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 133–1)

Madam President: I move that Senate Bill 133 be amended to read as follows:

Page 3, line 1, delete "IC 13-23-1-4(a)" and insert "**section 4(a) of this chapter**".

Page 3, between lines 20 and 21, begin a new line double block indented and insert:

"**The commissioner must give the owner or operator written notice before implementing a temporary order under this clause.**".

Page 3, delete lines 34 through 37.

Page 3, line 38, delete "(d)" and insert "**(c)**".

Page 3, line 42, delete "(e)" and insert "**(d)**".

(Reference is to SB 133 as printed January 10, 2012.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 144

Senator Kenley called up Senate Bill 144 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 170

Senator Lawson called up Senate Bill 170 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 172

Senator Lawson called up Senate Bill 172 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 176

Senator M. Young called up Senate Bill 176 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 176–1)

Madam President: I move that Senate Bill 176 be amended to read as follows:

Page 1, after line 11, begin a new paragraph and insert:

"SECTION 2. IC 12-26-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9. If it is determined that there were not reasonable grounds to believe that an individual had a mental illness and was dangerous when taken into custody and transported to a facility to be detained under section 1.5 of this chapter, the costs of transportation to the facility and care and maintenance in the facility during the period of detention shall be paid by the county in which the individual was taken into custody.**".

(Reference is to SB 176 as printed January 13, 2012.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Senate Bill 191

Senator Charbonneau called up Senate Bill 191 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 191–1)

Madam President: I move that Senate Bill 191 be amended to read as follows:

Page 2, delete lines 27 through 30, begin a new line block indented and insert:

"**(6) state a date on which the policy expires, which may not exceed four (4) years.**".

Page 2, delete lines 31 through 33, begin a new paragraph and insert:

"**(b) A policy adopted by a fiscal body under subsection (a) remains in effect only through the date of expiration established in the policy, which may not exceed four (4) years.**".

Page 2, delete lines 41 through 42, begin a new paragraph and insert:

"**(d) An ordinance adopted by a fiscal body under subsection (c) and the power to make an investment described in subsection (c) expire on the date on which the policy expires, which may not exceed four (4) years.**".

Page 3, delete lines 1 through 2.

(Reference is to SB 191 as printed January 13, 2012.)

CHARBONNEAU

Motion prevailed. The bill was ordered engrossed.

Senate Bill 193

Senator Arnold called up Senate Bill 193 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 193–2)

Madam President: I move that Senate Bill 193 be amended to read as follows:

Page 2, line 31, delete "A declaration of candidacy that does not" and insert "**The circuit court clerk shall reject a declaration of candidacy that does not include a statement of economic interests.**".

Page 2, delete line 32.

Page 3, line 20, delete "A" and insert "**The circuit court clerk shall reject a**".

Page 3, line 22, after "statement" insert "**.**".

Page 3, line 22, delete "is invalid.".

(Reference is to SB 193 as printed January 10, 2012.)

ARNOLD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 225

Senator Miller called up Senate Bill 225 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 253

Senator Glick called up Senate Bill 253 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 255

Senator Wyss called up Senate Bill 255 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 287

Senator Lawson called up Senate Bill 287 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 287–1)

Madam President: I move that Senate Bill 287 be amended to read as follows:

Page 92, line 20, delete "department" and insert "department.".

Page 92, line 20, strike "or a".

Page 92, line 21, delete "local".

Page 92, line 21, strike "office.".

Page 92, line 42, delete "department" and insert "department.".

Page 92, line 42, strike "or a".

Page 93, line 1, delete "local".

Page 93, line 1, strike "office.".

Page 93, line 26, delete "department" and insert "department.".

Page 93, line 26, strike "or a".

Page 93, line 27, delete "local".

Page 93, line 27, strike "office.".

(Reference is to SB 287 as printed January 13, 2012.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Bray be removed as coauthor of Senate Bill 271.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author of Senate Bill 271.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 62 and that Senator Delph be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author of Senate Bill 286.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Yoder be added as coauthor of Senate Bill 265.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author of Senate Bill 287.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second author of Senate Bill 147.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Gard, Delph, and Schneider be added as coauthors of Senate Bill 54.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second author of Senate Bill 109.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author of Senate Bill 402.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 165.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author of Senate Bill 168.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 226.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Banks be added as coauthor of Senate Bill 138.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 232.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be removed as coauthor of Senate Bill 110.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be added as second author of Senate Bill 110.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 268.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 267.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 18.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 170.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Delph, Banks, and Schneider be added as coauthors of Senate Bill 89.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 176.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Merritt, Becker, and Lanane be added as coauthors of Senate Bill 231.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 26.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as second author and Senator Hume be added as coauthor of Senate Bill 191.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 133.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Schneider be added as coauthor of Senate Bill 253.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Schneider and Buck be added as coauthors of Senate Bill 311.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 234.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 286.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 287.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 231.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Tomes, Boots, Holdman, Charbonneau, and Smith be added as coauthors of Senate Bill 54.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as second author and Senator Tallian be added as third author of Senate Bill 128.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author and Senator Rogers be added as coauthor of Senate Bill 224.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lanane, Hume, and Rogers be added as coauthors of Senate Bill 1.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second author of Senate Bill 273.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as coauthor of Senate Bill 273.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Senate Bill 273.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as coauthor of Senate Bill 273.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 54.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author and Senator Head be added as coauthor of Senate Bill 355.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second author and Senator Holdman be added as coauthor of Senate Bill 302.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that the following resolution be adopted:

SR 11 Senator Alting
Congratulating Ed Eiler on his retirement.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 11

Senate Resolution 11, introduced by Senator Alting:

A SENATE RESOLUTION congratulating Superintendent Dr. Ed Eiler on his retirement.

Whereas, Superintendent Dr. Ed Eiler is retiring from the Lafayette School Corporation after 36 years of dedicated service;

Whereas, Dr. Eiler was hired on April 19, 1976 as the Business Manager of the Lafayette School Corporation and quickly added the role of Director of Personnel. He continued serving in both positions even as he became the Associate Superintendent for Business in 1988 and Assistant Superintendent in 1995;

Whereas, One year later, Dr. Eiler was named Superintendent of the Lafayette School Corporation where he remained until his retirement 16 years later;

Whereas, Dr. Eiler earned Outstanding Superintendent of the Year from Indiana Music Educators Association for 1999-2000, Administrator of the Year in 2002 from the Indiana Association of Educational Office Professionals, and District IV Superintendent of the Year in 2005 from the Indiana Association of Public School Superintendents;

Whereas, Dr. Eiler has been appointed to serve on the Indiana State Board of Education. He is also involved in several

organizations including, United Way Board of Greater Lafayette, Tippecanoe County Board of Health, Tippecanoe County Historical Association, The Community Foundation of Greater Lafayette, Public Schools Foundation of Tippecanoe County, Hanna Community Center, Tippecanoe County Juvenile Justice Commission, and the Federated Church;

Whereas, He is a frequent speaker for the Indiana Association of School Business Officials (IASBO). IASBO is a professional organization which strives for the promotion and union of those individuals involved in school business affairs such as finance, accounting, purchasing, maintenance and operations, human resources, facilities and grounds, food service, technology, and transportation; and

Whereas, Upon his retirement, Dr. Ed Eiler will have dedicated 36 years to the Lafayette School Corporation, 16 of those years serving as Superintendent. He has definitely made an unforgettable mark on the school and the lives he touched during his tenure: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates Dr. Ed Eiler on his retirement from Lafayette School Corporation.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dr. Ed Eiler.

The resolution was read in full and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The committee appointed to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly begs leave to report that it has performed the duties assigned to it.

BRAY, Chair	KENLEY
BRODEN	LANANE
CHARBONNEAU	RANDOLPH
DELPH	ROGERS
GLICK	STEELE
HEAD	TALLIAN
HOLDMAN	M. YOUNG
	ZAKAS

Committee of the Senate

Report adopted.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 353.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, January 19, 2012.

LONG

Motion prevailed.

The Senate adjourned at 2:26 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Ninth Meeting Day Thursday Afternoon January 19, 2012

The Senate convened at 2:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Matthew Barnes, Capitol Ministries.

The Pledge of Allegiance to the Flag was led by Senator James R. Arnold.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M. ▶
Lawson	Young, R.
Leising	Zakas

Roll Call 11: present 49; excused 1. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 9

Senate Concurrent Resolution 9, introduced by Senator Delph:

A CONCURRENT RESOLUTION petitioning the United States Department of Transportation to hold hearings on the placement of the entire state of Indiana in the Central Time Zone.

Whereas, The Uniform Time Act of 1966 (15 U.S.C. 260 et seq.) delegates to the Secretary of the United States Department of Transportation the responsibility of designating standard time zones in the United States;

Whereas, Indiana is presently divided between the Central Time Zone and the Eastern Time Zone;

Whereas, Considerations of geography indicate that the entire state of Indiana should be located in the Central Time Zone;

Whereas, The observance of time in the Central Time Zone would return most of Indiana to normal times for daylight and darkness;

Whereas, Relocation of the time zone boundary will provide that most Hoosiers will observe the same time year round;

Whereas, Request for changes in the designated time zones must be made by a local unit of government or a state government to the Secretary of the United States Department of Transportation;

Whereas, The Secretary of the United States Department of Transportation may make changes in time zone boundaries, subject to public hearings in the communities affected, at the request of the highest political authority of the state;

Whereas, The time that should be observed in Indiana has been a continuing issue of controversy;

Whereas, The general assembly finds that it would be in the best interest of the citizens of Indiana to be located in the Central Time Zone;

Whereas, Placement of the entire state of Indiana in the Central Time Zone should be the "default" time zone placement of Indiana; and

Whereas, Placement of the entire state of Indiana in the Central Time Zone should not prejudice the ability of certain counties under the federal law to seek to be placed in the Eastern Time Zone: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly hereby petitions the United States Department of Transportation to initiate proceedings under the Uniform Time Act of 1966 to hold

hearings in the appropriate locations in Indiana on the placement and restoration of the entire state of Indiana in the Central Time Zone.

SECTION 2. That this petition should not prejudice, in any way, the ability of any Indiana county to seek to be placed in the Eastern Time Zone under the procedures prescribed by federal law.

SECTION 3. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to Sue Dillon, Central Time Coalition, and the United States Department of Transportation.

The resolution was read in full and referred to the Committee on Commerce and Economic Development.

Senate Resolution 14

Senate Resolution 14, introduced by Senator Merritt:

A SENATE RESOLUTION urging the legislative council to establish an interim study committee to study increases in long-term health care insurance premiums.

Whereas, Many Americans are without health insurance, and more are underinsured because of the effects of rising health care costs;

Whereas, The costs of health insurance have risen dramatically for individuals; and

Whereas, The lack of health care insurance interferes with a person's ability to obtain adequate health care to meet the person's needs: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate urges the legislative council to establish an interim study committee to study increases in long-term health care insurance premiums.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council through the Executive Director of the Legislative Services Agency.

The resolution was read in full and referred to the Committee on Health and Provider Services.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 273, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 26, delete "commission." and insert "**commission, regardless of whether the location qualifies as a regulated place of amusement or entertainment.**".

Page 2, line 32, after "platforms," insert "**overhead assemblies,**".

Page 5, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 10. IC 22-14-3-3, AS AMENDED BY P.L.1-2006, SECTION 374, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. To qualify for an amusement and entertainment permit, an applicant must:

(1) submit an application sworn or affirmed under penalties of perjury on forms provided by the division upon request;

(2) provide:

(A) the applicant's full name and address;

(B) the full name and address of each of the applicant's partners (if the applicant is a partnership), members or managers, if any (if the applicant is a limited liability company), and principal officers (if the applicant is a corporation);

(C) an indication of whether the applicant is an owner, lessee, occupant, or agent for the place covered by the application;

(D) a description of the place covered by the application, including a description of every building and room covered by the application; and

(E) any information required under the commission's rules;

(3) demonstrate through an inspection that the place covered by the application complies with applicable fire safety laws; ~~and~~

(4) pay the fee set under IC 22-12-6-7; **and**

(5) after June 30, 2012, comply with IC 22-15-8, if an outdoor performance will be conducted with outdoor stage equipment at the place covered by the application.

SECTION 11. IC 22-14-3-4, AS AMENDED BY P.L.1-2006, SECTION 375, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The division may modify an amusement and entertainment permit with a special event endorsement that covers one (1) or more events not specified in the initial permit.

(b) To qualify for a special event endorsement, an applicant must:

(1) provide the information required by the commission;

(2) demonstrate through an inspection that the special events covered by the application will be conducted in compliance with applicable fire safety laws; ~~and~~

(3) pay the inspection fee set under IC 22-12-6-7; **and**

(4) after June 30, 2012, comply with IC 22-15-8, if the special event is an outdoor performance that will be conducted with outdoor stage equipment at the place covered by the application.".

Page 6, line 6, delete "and".

Page 6, line 9, after "engineer" insert "**(if section 3 of this chapter applies) or another qualified person, as determined under the commission's rules (if section 3 of this chapter does not apply)**".

Page 6, line 12, delete "division." and insert "**division;**

(G) states that the outdoor stage equipment will be operated, maintained, and inspected in conformity with applicable equipment laws after the outdoor stage equipment is installed; and

(H) states that an outdoor performance will not be conducted with outdoor stage equipment under weather or other conditions that exceed the limitations specified in applicable equipment laws and in the permit issued for the outdoor stage equipment.".

Page 7, delete lines 4 through 15, begin a new paragraph and insert:

"**Sec. 8. (a) To assure the safety of the public and persons operating or using outdoor stage equipment, the commission shall require the person to whom a permit is issued to provide for inspection of the installation, maintenance, and operation of outdoor stage equipment at appropriate intervals by qualified personnel, as determined under the commission's rules to assure compliance with applicable equipment laws and the terms and conditions of a permit issued by the division under this chapter or by an approved unit under IC 36-8-2-14. The commission shall require that inspections be conducted in conformity with the standards specified by the commission. The commission may require that verification of inspection be provided to the division in the form and under the conditions specified in the commission's rules.**

(b) An inspector for the division shall be allowed entry and access to every place where outdoor stage equipment is installed (including outdoor stage equipment installed under a permit issued by a county, city, or town under a regulatory program approved by the commission) to determine compliance with applicable equipment laws.".

Page 9, line 9, delete "IC 22-12-1-17.5." and insert "**IC 22-12-1-17.7.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 273 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 2.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 231, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 301, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 109, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-13-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. **Except as provided as provided in IC 5-13-9-5.3,** "deposit accounts" means any of the following:

(1) Any account subject to withdrawal by negotiable orders of withdrawal, unlimited as to amount or number, and without penalty, including NOW accounts.

(2) Passbook savings accounts.

(3) Certificates of deposit.

(4) Money market deposit accounts.

(5) Any interest bearing account that is authorized to be set up and offered by a financial institution in the course of its respective business.".

Page 1, line 3, after "(a)" insert "**For purposes of this section, "deposit account" does not include a deposit account described in IC 5-13-4-7(5).**

(b)".

Page 1, line 10, delete "deposits" and insert "**deposit accounts**".

Page 1, line 14, delete "deposits" and insert "**deposit accounts**".

Page 2, line 14, strike "(b)" and insert "**(c)**".

Page 2, line 14, strike "(a)" and insert "**(b)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 109 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 302, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections,

Criminal, and Civil Matters, to which was referred Senate Bill 154, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 262, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 156, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 1, delete "and" and insert "**,**".

Page 4, line 2, after "record," insert "**and irrevocable licenses,**".

(Reference is to SB 156 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 114, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 249, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 6, Nays 3.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 195, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 6, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 105, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 25, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 1.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 155, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

Page 2, after line 10, begin a new paragraph and insert:

"SECTION 2. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 155 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 31, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 7, after "(a)." insert "**The director shall each year provide a report to the state budget committee concerning the grant program under this chapter.**".

(Reference is to SB 31 as printed January 11, 2012.)
and when so amended that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Technology, to which was referred Senate Bill 361, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"**Sec. 3. As used in this chapter, "I-Light" refers to the high speed communications network that connects state educational institutions and private postsecondary educational institutions throughout Indiana. The term includes the networks, and any successor networks, known at any time as I-Light or I-Light 2, or any other version or iteration of those names, or by any other designation.**".

Page 1, line 10, delete "3." and insert "**4.**".

Page 2, line 1, delete "I-Light (as defined in IC 21-28-5-14)." and insert "**I-Light.**".

Page 2, line 2, delete "4." and insert "**5.**".

Page 2, line 3, delete "the state may not" and insert "**I-Light may not be used to**".

Page 2, line 6, after "prohibit" insert "**the use of I-Light for**".

Page 2, line 7, delete "state from providing" and insert "**provision of**".

Page 2, line 10, delete "state from providing" and insert "**provision of**".

Page 2, delete lines 14 through 24.

Page 3, line 6, after "networks" insert "**, and any successor networks,**".

(Reference is to SB 361 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

MERRITT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Technology, to which was referred Senate Bill 212, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-23-2-5, AS AMENDED BY P.L.35-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The department, through the commissioner or the commissioner's designee, shall:

(1) develop, continuously update, and implement:
(A) long range comprehensive transportation plans;
(B) work programs; and
(C) budgets;
to assure the orderly development and maintenance of an efficient statewide system of transportation;
(2) implement the policies, plans, and work programs adopted by the department;
(3) organize by creating, merging, or abolishing divisions;
(4) evaluate and utilize whenever possible improved transportation facility maintenance and construction techniques;
(5) carry out public transportation responsibilities, including:
(A) developing and recommending public transportation policies, plans, and work programs;
(B) providing technical assistance and guidance in the area of public transportation to political subdivisions with public transportation responsibilities;
(C) developing work programs for the utilization of federal mass transportation funds;
(D) furnishing data from surveys, plans, specifications, and estimates required to qualify a state agency or political subdivision for federal mass transportation funds;
(E) conducting or participating in any public hearings to qualify urbanized areas for an allocation of federal mass transportation funding;
(F) serving, upon designation of the governor, as the state agency to receive and disburse any state or federal mass transportation funds that are not directly allocated to an urbanized area;
(G) entering into agreements with other states, regional agencies created in other states, and municipalities in other states for the purpose of improving public transportation service to the citizens; and
(H) developing and including in its own proposed transportation plan a specialized transportation services plan for the elderly and persons with disabilities;
(6) provide technical assistance to units of local government with road and street responsibilities;
(7) develop, undertake, and administer the program of research and extension required under IC 8-17-7;
(8) allow public testimony in accordance with section 17 of this chapter whenever the department holds a public hearing (as defined in section 17 of this chapter); and

(9) adopt rules under IC 4-22-2 to reasonably and cost effectively manage the right-of-way of the state highway system by establishing a formal procedure for highway improvement projects that involve the relocation of utility facilities by providing for an exchange of information among the department, utilities, and the department's highway construction contractors.

(b) Rules adopted under subsection (a)(9):

(1) shall not unreasonably affect the cost, or impair the safety or reliability, of a utility service; **and**

(2) must require a utility to provide information concerning all authorized representatives of the utility for purposes of highway improvement projects and improvement projects undertaken by local units of government.

(c) A civil action may be prosecuted by or against the department, a department highway construction contractor, or a utility to recover costs and expenses directly resulting from willful violation of the rules. Nothing in this section or in subsection (a)(9) shall be construed as granting authority to the department to adopt rules establishing fines, assessments, or other penalties for or against utilities or the department's highway construction contractors.

(d) Based on information provided by utilities under rules described in subsection (b)(2), the department shall establish and publish on the department's Internet web site a searchable database of authorized representatives of utilities for purposes of improvement projects that involve the relocation of utility facilities. A utility that provides information described in subsection (b)(2) shall:

(1) update the information provided to the department on an annual basis; and

(2) notify the department of any change in the information not more than thirty (30) days after the change occurs.

SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committee" refers to the regulatory flexibility committee established under IC 8-1-2.6-4.**

(b) As used in this SECTION, "improvement project" means a project undertaken by a unit of local government that involves the relocation of a utility's facility.

(c) The general assembly urges the legislative council to assign the committee the task of studying the topic of utility facility relocation in improvement projects, including:

(1) the appropriate management of an improvement project, including preconstruction communications and planning, scheduling, development of work plans, and expectations and obligations of parties to the improvement project;

(2) the appropriateness of applying rules of the Indiana department of transportation concerning utility facility relocation codified at 105 IAC 13 to improvement projects; and

(3) the appropriateness of creating a civil right of action for purposes of improvement projects similar to the civil right of action created at IC 8-23-2-5(c) for highway improvement projects undertaken by the Indiana department of transportation.

(d) If the committee is assigned the topic described in subsection (c), the committee shall issue a final report to the legislative council containing the commission's findings and recommendations, if any, not later than November 1, 2012.

(e) This SECTION expires June 30, 2013.

SECTION 3. **An emergency is declared for this act.**

(Reference is to SB 212 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MERRITT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 54, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 16, delete ":" and insert "**, the state educational institution must, before the state educational institution may acquire the property, pay to the owner of the property:**

(1) the fair market value of the real property and the fair market value of all improvements pertaining to the real property; and

(2) compensation for the loss of the value of the business as a going concern, unless the state educational institution establishes either of the following by a preponderance of evidence:

(A) The loss of the value of the business as a going concern is not caused by the taking of the property or by injury to the owner's remaining property.

(B) The loss of the value of the business as a going concern can be reasonably prevented or mitigated by relocating the business or trade in the same or a similar and reasonably suitable location.

The compensation required under this subdivision does not include any compensation for a loss to the value of the business as a going concern that is mitigated under clause (B) or that could be prevented if the owner of the property takes the actions and adopts the policies that a reasonable prudent person of a similar age and under similar conditions as the owner would take and adopt in preserving the value of the business as a going concern.".

Page 2, delete lines 17 through 37.

Page 3, line 10, delete "capitalized value of the estimated future income of" and insert "**compensation for the loss of the value of the business as a going concern**".

Page 3, line 11, delete "the business".

Page 3, line 13, delete "future" and insert "**compensation for the loss of the value of the business as a going concern;**".

Page 3, delete line 14.

Page 3, line 19, delete "capitalized" and insert "**compensation for the loss of the value of the business as a going concern**".

Page 3, line 20, delete "value of the estimated future income of the business".

Page 3, line 30, after "(A)" insert "**except as provided in subsection (a)(2),**".

Page 3, line 31, delete "capitalized value of the estimated" and insert "**compensation for the loss of the value of the business as a going concern**".

Page 3, line 32, delete "future income of the business".

Page 3, line 36, delete "capitalized value of the" and insert "**compensation for the loss of the value of the business as a going concern**".

Page 3, line 37, delete "estimated future income".

(Reference is to SB 54 as printed January 13, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 4.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 142, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-4-39, AS AMENDED BY P.L.146-2008, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 39. (a) For assessment dates after February 28, 2005, except as provided in subsections (c) and (e), the true tax value of real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more and that has more than four (4) rental units is the lowest valuation determined by applying each of the following appraisal approaches:

(1) Cost approach that includes an estimated reproduction or replacement cost of buildings and land improvements as of the date of valuation together with estimates of the losses in value that have taken place due to wear and tear, design and plan, or neighborhood influences.

(2) Sales comparison approach, using data for generally comparable property.

(3) Income capitalization approach, using an applicable capitalization method and appropriate capitalization rates that are developed and used in computations that lead to an indication of value commensurate with the risks for the subject property use.

(b) The gross rent multiplier method is the preferred method of valuing:

(1) real property that has at least one (1) and not more than four (4) rental units; and

(2) mobile homes assessed under IC 6-1.1-7.

(c) A township assessor (if any) or the county assessor is not required to appraise real property referred to in subsection (a) using the three (3) appraisal approaches listed in subsection (a) if the assessor and the taxpayer agree before notice of the assessment is given to the taxpayer under section 22 of this chapter to the determination of the true tax value of the property by the assessor using one (1) of those appraisal approaches.

(d) To carry out this section, the department of local government finance may adopt rules for assessors to use in gathering and processing information for the application of the income capitalization method and the gross rent multiplier method. **If a taxpayer wishes to have the income capitalization method or the gross rent multiplier method used in the initial formulation of the assessment of the taxpayer's property, the taxpayer must submit the necessary information to the assessor not later than the March 1 assessment date. However, the taxpayer shall not be prejudiced in any way, or restricted in pursuing an appeal, if the data is not submitted by March 1.** A taxpayer must verify under penalties for perjury any information provided to the township or county assessor for use in the application of either method. **Information provided to the assessor under this section is confidential as provided in IC 6-1.1-35-9.**

(e) The true tax value of low income rental property (as defined in section 41 of this chapter) is not determined under subsection (a). The assessment method prescribed in section 41 of this chapter is the exclusive method for assessment of that property. This subsection does not impede any rights to appeal an assessment.".

Page 2, delete lines 1 through 37.

Page 3, line 24, after "(p)." insert "**Only one (1) filing fee must be paid for a review, if the appeal involves contiguous parcels and all those parcels are covered by the appeal.**".

Page 3, line 32, after "(p)." insert "**Only one (1) filing fee must be paid for a review, if the appeal involves contiguous parcels and all those parcels are covered by the appeal.**".

Page 6, line 27, after "county" delete "or" and insert "**treasurer**".

Page 6, line 28, delete "township official with whom the notice is filed".

Page 6, line 33, delete "assessor" and insert "**county treasurer**".

Page 7, line 13, delete "has a duration of not more" and insert "**specifies that it expires forty-five (45) days after receiving a final determination in the proceeding or review, including any subsequent appeal from the final determination in the proceeding or review, or two (2) years after the power of attorney is executed, whichever is later.**".

Page 7, delete line 14.

Page 7, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-37-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) If a taxpayer is entitled to a property tax refund or credit because an assessment is decreased, the taxpayer shall also be paid, or credited with, interest on the excess taxes that ~~he~~ **the taxpayer** paid at the rate of four percent (4%) per annum. **However, in the case of an assessment that is decreased by the Indiana board or the Indiana tax court, the taxpayer is not entitled to interest on the excess taxes unless the taxpayer affirms, under penalty of perjury, that substantive evidence supporting the taxpayer's position had been:**

(1) presented by the taxpayer to the assessor before; or
(2) introduced by the taxpayer at;
the hearing before the county property tax assessment board of appeals.

(b) For purposes of this section and except as provided in subsection (c), the interest shall be computed from the date on which the taxes were paid or due, whichever is later, to the date of the refund or credit.

(c) This subsection applies if a taxpayer who is entitled to a refund or credit does not make a written request for the refund or credit to the county auditor within forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the department of local government finance, the Indiana board, or the tax court that entitles the taxpayer to the refund or credit. In the case of a taxpayer described in this subsection, the interest shall be computed from the date on which the taxes were paid or due to the date that is forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the department of local government finance, the Indiana board of tax review, or the Indiana tax court. In any event, a property tax refund or credit must be issued not later than ninety (90) days after the request is received.".

Delete page 8.

Renumber all SECTIONS consecutively.

(Reference is to SB 142 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 280, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 46 with "[EFFECTIVE JULY 1, 2013]".

Page 6, line 31, delete "2012," and insert "**2013,**".

Page 11, line 42, delete "beginning after June 30,".

Page 11, line 42, strike "2012.".

Page 11, line 42, after "thereafter." insert "**beginning after June 30, 2013.**".

Page 12, line 24, delete "2013." and insert "**2014.**".

Page 12, line 29, delete "2013," and insert "**2014,**".

Page 12, line 32, delete "2012," and insert "**2013,**".

Page 12, line 40, delete "2012," and insert "**2013,**".

Page 13, line 1, delete "2012," and insert "**2013,**".

Page 14, line 22, delete "2012," and insert "**2013,**".

Page 14, line 32, delete "were" and insert "**are**".

Page 14, line 33, delete "existed" and insert "**exists**".

Page 14, delete lines 36 through 42.

Page 15, delete line 1.

Page 15, line 2, delete "(3)" and insert "**(2)**".

Page 15, line 3, delete "2012." and insert "**2013.**".

Page 15, line 12, delete "2012." and insert "**2013.**".

Page 15, line 26, delete "2012." and insert "**2013.**".

Page 16, line 19, delete ", IC 20-43-4-4,".

Page 16, line 20, delete "2012." and insert "**2013.**".

Page 16, line 22, delete "2011" and insert "**2012**".

Page 16, line 24, delete "2012." and insert "**2013.**".

Page 16, line 25, delete "2012," and insert "**2013,**".

Page 17, line 7, delete "2012," and insert "**2013,**".

Page 17, line 15, delete "2011" and insert "**2012**".

Page 17, line 16, delete "2012);" and insert "**2013);**".

Page 17, line 18, delete "2013" and insert "**2014**".

Page 17, between lines 31 and 32, begin a new line block indented and insert:

"**(4) In February of each year, the department shall determine the result of:**

(A) the total amount of the distributions that would have been received by the school corporation during the months of January and February if the distributions had been based on the January count of that year instead of the count made in the preceding September; minus

(B) the total amount of the distributions received by a school corporation during the months of January and February of that year.

(5) If the result determined under subdivision (4) is positive, the school corporation shall receive an additional distribution in March equal to the result determined under subdivision (4).

(6) If the result determined under subdivision (4) is negative, the distributions otherwise received by the school corporation in March, April, May, and June of that year shall be proportionately reduced so that the total reduction is equal to the result determined under subdivision (4).

(7) In January of each year, the department shall determine the result of:

(A) the total amount of the distributions that would have been received by the school corporation during the months of October, November, and December of the preceding year if the school corporation's ADM for each of those months had included students:

(i) who, after the September count date and before the January count date, left a charter school or nonpublic eligible school (as defined in IC 20-51-1-4.7); and

(ii) were enrolled during the month in a public school maintained by the school corporation; minus

(B) the total amount of the distributions received by a school corporation during the months of October, November, and December of the preceding year.

(8) If the result determined under subdivision (7) is positive, the school corporation shall receive an additional distribution in March equal to the result determined under subdivision (7).

(9) In September of each year, the department shall determine the result of:

(A) the total amount of the distributions that would have been received by the school corporation during

the months of February, March, April, May, and June of the year if the school corporation's ADM for each of those months had included students:

(i) who, after the January count date and before the end of the school year, left a charter school or nonpublic eligible school (as defined in IC 20-51-1-4.7); and

(ii) who were enrolled during the month in a public school maintained by the school corporation; minus

(B) the total amount of the distributions received by a school corporation during the months of February, March, April, May, and June of the year.

(10) If the result determined under subdivision (9) is positive, the school corporation shall receive an additional distribution in November equal to the result determined under subdivision (9).

(11) In January of each year, the department shall determine the result of:

(A) the total amount of the distributions that would have been received by the school corporation during the months of October, November, and December of the preceding year if the school corporation's ADM for each of those months had not included students:

(i) who, after the September count date and before the January count date, left a public school maintained by the school corporation; and

(ii) who were enrolled during the month in a charter school or nonpublic eligible school (as defined in IC 20-51-1-4.7); minus

(B) the total amount of the distributions received by a school corporation during the months of October, November, and December of the preceding year.

(12) If the result determined under subdivision (11) is negative, the distributions otherwise received by the school corporation in March, April, May, and June of that year shall be proportionately reduced so that the total reduction is equal to the result determined under subdivision (11).

(13) In September of each year, the department shall determine the result of:

(A) the total amount of the distributions that would have been received by the school corporation during the months of February, March, April, May, and June of the year if the school corporation's ADM for each of those months had not included students:

(i) who, after the January count date and before the end of the school year, left a public school maintained by the school corporation; and

(ii) were enrolled during the month in a charter school or nonpublic eligible school (as defined in IC 20-51-1-4.7); minus

(B) the total amount of the distributions received by a school corporation during the months of February, March, April, May, and June of the year.

(14) If the result determined under subdivision (13) is negative, the distributions otherwise received by the school corporation in November and December of that year and January and February of the following year shall be proportionately reduced so that the total reduction is equal to the result determined under subdivision (12).".

Page 18, delete lines 21 through 38.

Page 19, delete lines 31 through 42.

Delete page 20.

Page 21, delete lines 1 through 17.

Page 23, line 37, reset in roman "December 1".

Page 23, line 37, delete "the latest ADM count".

Page 23, line 38, delete "date".

Page 23, delete lines 41 through 42.

Page 24, delete lines 1 through 16.

Page 24, line 19, after "6." insert "**(a)**".

Page 24, between lines 34 and 35, begin a new paragraph and insert:

"**(b) Before February 1 of each calendar year, the department shall determine the result of:**

(1) the total amount of the special education grant that would have been received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and in January 1 of the current calendar year if the grant had been based on the count of students with disabilities that was made on the immediately preceding December 1; minus

(2) the total amount of the special education grant received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and in January 1 of the current calendar year.

If the result determined under this subsection is positive, the school corporation shall receive an additional special education grant distribution in February equal to the result determined under this subsection. If the result determined under this subsection is negative, the special education grant distributions that otherwise would be received by the school corporation in February, March, April, and May shall be proportionately reduced so that the total reduction is equal to the result determined under this subsection.

(c) The special education grant distributions made in February, March, April, May, and June of a calendar year shall be based on the count of students with disabilities that was made on the immediately preceding December 1.".

Page 30, after line 8, begin a new paragraph and insert:

"SECTION 46. IC 20-51-4-6, AS ADDED BY P.L.92-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) If an eligible individual enrolls in an eligible school for less than an entire school year, the choice scholarship provided under this chapter for that school year shall be reduced on a prorated basis to reflect the shorter school term.

(b) An eligible individual is entitled to only one (1) choice scholarship for each school year. If the eligible individual leaves the eligible school for which the eligible individual was awarded a choice scholarship and enrolls in another eligible school, the eligible individual is responsible for the payment of any tuition required for the remainder of that school year.

(c) If an eligible individual who was awarded a choice scholarship leaves the nonpublic eligible school for which the eligible individual was awarded a choice scholarship and in that school year enrolls in a public school maintained by a school corporation, the eligible school shall pay to the treasurer of state for deposit in the state general fund an amount determined in the following STEPS:

STEP ONE: Determine the amount of the choice scholarship awarded to the eligible individual for the school year.

STEP TWO: Determine the result of:

(A) the eligible school's total number of school days in that school year minus the number of days in that school year in which the eligible individual was enrolled in the eligible school; divided by

(B) the eligible school's total number of school days in that school year.

STEP THREE: Multiply the STEP ONE result by the STEP TWO result.

SECTION 47. [EFFECTIVE JULY 1, 2012] **(a) The department of education shall before November 1, 2012, report to the state budget committee:**

(1) the number of students who left a charter school and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year; and

(2) the number of students who:

(A) received a choice scholarship for the 2011 - 2012 school year; and

(B) left a nonpublic eligible school (as defined in IC 20-51-1-4.7) and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year.

(b) This SECTION expires January 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to SB 280 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 1.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 143, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-10-22-1, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. After the end of each **odd-numbered** state fiscal year, the office of management and budget shall calculate in the customary manner the total amount of state reserves as of the end of the state fiscal year. **However, for purposes of this chapter, the office of management and budget may not include in the total amount of state reserves any amounts in the state tuition reserve fund under IC 4-12-1-15.7.** The office of management and budget shall make the calculation not later than July 31 of each **odd-numbered** year.

SECTION 2. IC 4-10-22-2, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. If:

(1) the total amount of state reserves calculated by the office of management and budget exceeds ten percent (10%) of the general revenue appropriations for the current state fiscal year;

(2) the state tuition reserve fund under IC 4-12-1-15.7 has a balance equal to at least ten percent (10%) of the state tuition support appropriation for the following calendar year; and ~~if~~

(3) the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);

the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later than September 30 of the **odd-numbered** year.

SECTION 3. IC 4-10-22-3, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. After completing the presentation to the state budget committee described in section 2 of this chapter, the governor shall **do the following:**

(1) If the amount of the excess reserves is less than one hundred million dollars ($100,000,000), transfer one hundred percent (100%) of the excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund.

(2) If the amount of the excess reserves is one hundred million dollars ($100,000,000) or more:

~~(1)~~ **(A)** transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund; and

~~(2)~~ **(B)** use fifty percent (50%) of any excess reserves for the purposes of providing an automatic taxpayer refund under section 4 of this chapter.

SECTION 4. IC 4-10-22-4, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following apply if sufficient excess state reserves are available to provide an automatic taxpayer refund to each taxpayer eligible for a refund:

(1) To qualify for a refund, a taxpayer:

(A) must have filed an Indiana resident individual adjusted gross income tax return for the preceding two (2) taxable years; and

(B) must have paid individual adjusted gross income tax to the state for the preceding taxable year.

Individuals who file a tax return but do not pay any individual adjusted gross income tax to the state are not entitled to a refund.

(2) The amount of the refund is determined for each qualifying taxpayer ~~on a pro rata basis, based on the~~

~~qualifying taxpayer's portion of the total individual adjusted gross income tax liability paid by all qualifying taxpayers in the preceding taxable year.~~ **as follows:**

STEP ONE: Determine the total amount of excess state reserves that under section 3 of this chapter are available to provide automatic taxpayer refunds.

STEP TWO: Determine the total number of taxpayers that qualify for a refund as provided in subdivision (1).

STEP THREE: Determine the result of:

(A) the STEP ONE result; divided by

(B) the STEP TWO result;

as rounded to the nearest dollar.

(3) The refund shall be applied as a credit against adjusted gross income tax liability in the taxpayer's taxable year in which a refund is provided. The credit may not be carried forward.

SECTION 5. **An emergency is declared for this act.**".

Delete page 2.

(Reference is to SB 143 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 98, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, after line 5, begin a new paragraph and insert:

"SECTION 2. IC 36-4-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) This section does not prohibit:

(1) the city works board from making long term contracts for utility services under IC 36-9; or

(2) a department from issuing bonds or other obligations authorized by law.

(b) **Except as provided in subsection (c),** a city department, officer, or employee may not obligate the city to any extent beyond the amount of money appropriated for that department, officer, or employee. An obligation made in violation of this section is void.

(c) A city department, officer, or employee may obligate the city beyond the amount of money appropriated for that department, officer, or employee if the obligation is made under an interlocal cooperation agreement entered into by the city and one (1) or more political subdivisions or governmental entities under IC 36-1-7. An obligation described in this subsection may be terminated:

(1) if the city provides notice of the termination of the obligation at least one (1) year before the termination of the obligation; or

(2) the city and the political subdivisions or governmental entities that have entered into the interlocal cooperation agreement otherwise agree to the termination.".

Renumber all SECTIONS consecutively.

(Reference is to SB 98 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 355, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, after "a" reset in roman "political subdivision".

Page 1, line 8, delete "civil taxing unit".

Page 1, delete lines 10 through 12.

Page 2, between lines 24 and 25, begin a new line block indented and insert:

"**(4) The state superintendent of public instruction or the superintendent's designee.**

(5) An individual appointed by the chairperson of the legislative council.".

Page 2, line 40, delete "civil taxing unit" and insert "**political subdivision**".

Page 2, line 41, delete "civil taxing unit" and insert "**political subdivision**".

Page 3, line 22, delete "civil taxing unit" and insert "**political subdivision**".

Page 3, line 23, delete "civil taxing unit" and insert "**political subdivision**".

Page 3, line 25, delete "civil taxing unit:" and insert "**political subdivision:**".

Page 3, line 26, delete "civil taxing unit" and insert "**political subdivision**".

Page 3, line 28, delete "civil taxing unit" and insert "**political subdivision**".

Page 3, line 30, delete "civil taxing unit" and insert "**political subdivision**".

Page 3, line 33, delete "civil taxing unit," and insert "**political subdivision,**".

Page 3, line 39, delete "civil taxing unit's" and insert "**political subdivision's**".

Page 3, line 41, delete "civil taxing unit" and insert "**political subdivision**".

Page 3, line 42, delete "civil taxing unit's" and insert "**political subdivision's**".

Page 4, line 6, delete "civil taxing unit" and insert "**political subdivision**".

Page 4, line 8, delete "civil taxing unit's" and insert "**political subdivision's**".

Page 4, line 11, delete "civil taxing unit" and insert "**political subdivision**".

Page 4, between lines 13 and 14, begin a new line block indented and insert:

"(8) As a result of granting the property tax credits under IC 6-1.1-20.6, the political subdivision has had to reduce its levy for all funds, except its debt service funds, by at least seventy-five percent (75%) regarding the year for which the latest certified levies have been determined. This percentage shall be computed as follows:

(A) Compute the amount of credits granted under IC 6-1.1-20.6 against the political subdivision's combined levy for all of its funds.

(B) Compute the political subdivision's combined levy for all of its funds, except debt service funds.

(C) Divide the amount computed under clause (A) by the amount computed under clause (B) and express the amount as a percentage.

(9) The political subdivision has had two (2) successive referenda fail that would have resulted in property taxes that would not be considered for purposes of the credit for excessive property taxes under IC 6-1.1-20.6.

(10) In the case of a school corporation, the school corporation has had two (2) successive general fund referenda fail.

The board may consider whether a political subdivision has fully exercised all the local options available to the political subdivision, such as a local option income tax or a local option income tax rate increase or, in the case of a school corporation, an operating referendum.".

Page 4, line 14, delete "civil taxing unit" and insert "**political subdivision**".

Page 4, line 18, delete "civil taxing unit" and insert "**political subdivision**".

Page 4, line 25, delete "civil taxing unit" and insert "**political subdivision**".

Page 5, line 3, delete "civil taxing unit" and insert "**political subdivision**".

Page 6, line 2, delete "civil taxing unit" and insert "**political subdivision**".

Page 6, line 5, delete "civil taxing unit." and insert "**political subdivision.**".

Page 6, line 7, delete "civil taxing unit" and insert "**political subdivision**".

Page 6, line 8, delete "civil taxing unit" and insert "**political subdivision**".

Page 6, line 10, delete "civil taxing unit's" and insert "**political subdivision's**".

Page 6, line 11, delete "civil taxing unit's" and insert "**political subdivision's**".

Page 6, line 13, delete "civil taxing unit." and insert "**political subdivision.**".

Page 6, line 15, delete "civil taxing unit" and insert "**political subdivision**".

Page 6, line 17, delete "civil taxing unit's" and insert "**political subdivision's**".

Page 6, line 20, delete "civil taxing unit" and insert "**political subdivision**".

Page 6, line 21, delete "civil taxing unit" and insert "**political subdivision**".

Page 6, line 23, delete "civil taxing".

Page 6, line 24, delete "unit" and insert "**political subdivision**".

Page 6, line 33, delete "civil taxing unit" and insert "**political subdivision**".

Page 6, line 34, delete "civil taxing unit's" and insert "**political subdivision's**".

Page 6, line 37, delete "civil taxing unit." and insert "**political subdivision.**".

Page 6, line 41, delete "civil taxing unit" and insert "**political subdivision**".

Page 6, line 42, delete "civil taxing unit's" and insert "**political subdivision's**".

Page 7, line 2, delete "civil taxing units" and insert "**political subdivisions**".

Page 7, between lines 3 and 4, begin a new line block indented and insert:

"(4) In the case of a school corporation, one (1) or more of the following:

(A) Enter into a contract with the treasurer of state to provide a loan with interest from the counter-cyclical revenue and economic stabilization fund (IC 4-10-18) or the common school fund of the state (IC 20-49-3) on the terms determined by the emergency manager and the treasurer of state. The treasurer of state is authorized to make the loan to the extent money is available in the fund.

(B) Authorize the use of unobligated reserves or other balances in a construction fund, sinking fund, bond fund, or debt service fund, to the extent permitted under the school corporation's agreements with the holders of any bonds, leases, or other obligations of the school corporation or a holding company for the school corporation.

(C) Authorize fund to fund transfers from and to any statutory fund.".

Page 7, line 9, delete "civil taxing unit's" and insert "**political subdivision's**".

Page 7, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 10. IC 6-1.1-20.3-8.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8.7. A school corporation that receives emergency financial relief may not do any of the following without the approval of the board during the period before the board terminates the school corporation's status as a distressed school corporation:**

(1) Acquire real property for school building purposes.

(2) Construct new school buildings or remodel or renovate existing school buildings.

(3) Incur a contractual obligation (except an employment contract for a new employee whose employment replaces the employment of a former employee) that requires an expenditure of more than ten thousand dollars ($10,000).

(4) Purchase or enter into an agreement to purchase personal property at a cost of more than ten thousand dollars ($10,000).

(5) Adopt or advertise a budget, tax levy, or tax rate for an ensuing budget year.".

Page 7, line 13, reset in roman "distressed political".

Page 7, line 14, reset in roman "subdivision".

Page 7, line 14, delete "civil taxing unit".

Page 7, line 25, delete "or".

Page 7, line 26, delete "civil taxing" and insert "**political subdivision**".

Page 7, line 27, delete "unit".

Page 7, line 28, after "chapter;" insert "**or**".

Page 7, between lines 28 and 29, begin a new line block indented and insert the following:

"**(3) a school corporation that has a new:**

(A) superintendent employed; or

(B) member elected or appointed to its governing body;

during the time a school corporation is a distressed political subdivision;".

Page 7, line 29, delete "civil taxing" and insert "**political subdivision's**".

Page 7, line 30, delete "unit's".

Page 7, line 32, delete "civil taxing unit's" and insert "**political subdivision's**".

Page 7, line 33, delete "civil taxing unit's" and insert "**political subdivision's**".

Page 7, line 36, delete "civil taxing unit." and insert "**political subdivision.**".

Page 7, line 40, delete "civil taxing unit's" and insert "**political subdivision's**".

Page 8, line 1, delete "civil taxing" and insert "**political subdivision's**".

Page 8, line 2, delete "unit's".

Page 8, line 5, delete "civil taxing unit's" and insert "**political subdivision's**".

Renumber all SECTIONS consecutively.

(Reference is to SB 355 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 147, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 16, line 18, after "established" insert "**for excess tax payments**".

Page 16, line 18, delete "board for depositories under subsection (c)" and insert "**commissioner of the department of state revenue under IC 6-8.1-10-1**".

Page 16, line 19, delete "for each year".

Page 16, delete lines 33 through 42.

Page 17, line 12, after "by" insert "**IC 36-2-9-2.5, IC 36-2-9.5-2.5,**".

Page 17, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 9. IC 36-2-9-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. (a) As used in this section, "training courses" refers to training courses related to the office of county auditor that are developed by the Association of Indiana Counties and approved by the state board of accounts.**

(b) An individual elected to the office of county auditor after November 6, 2012, shall complete at least:

(1) fifteen (15) hours of training courses within one (1) year; and

(2) forty (40) hours of training courses within three (3) years;

after beginning the county auditor's term.

SECTION 10. IC 36-2-9.5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. (a) As used in this section, "training courses" refers to training courses related to the office of county auditor that are developed by the Association of Indiana Counties and approved by the state board of accounts.**

(b) An individual elected to the office of county auditor after November 6, 2012, shall complete at least:

(1) fifteen (15) hours of training courses within one (1) year; and

(2) forty (40) hours of training courses within three (3) years;

after beginning the county auditor's term.".

Renumber all SECTIONS consecutively.

(Reference is to SB 147 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 174, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, line 19, delete "If the county election board approves the language".

Page 5, line 20, delete "of a public question under this subsection" and insert "**For a public question voted on by voters**".

Page 5, line 30, delete "recommend that" and insert "**approve**".

Page 5, line 30, delete "be used".

Page 5, line 32, delete "recommend modifications to" and insert "**modify**".

Page 5, delete lines 36 through 39, begin a new line blocked left and insert:

"**The department of local government finance shall certify its approval or recommendations to the county election board**

not more than ten (10) days after the language of the public question is submitted to the department for review. If the department of local government finance recommends a modification to the ballot language, the county election board shall, after reviewing the recommendations of the department of local government finance, submit modified ballot language to the department for the department's approval or recommendation of any additional modifications. The public question may not be certified under IC 3-10-9-3 unless the department of local government finance has first certified the department's final approval of the ballot language for the public question.".

Page 5, delete lines 40 through 42.

Page 6, delete lines 1 through 4.

Page 6, line 23, after "(2)" insert "**This subdivision applies only to a reorganization voted on by voters after December 31, 2012.**".

(Reference is to SB 174 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 402, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 2, after "(6)" insert "**A current or former law professor with expertise in commercial law appointed by the chief justice of Indiana.**

(7)".

Page 2, line 2, after "governor" insert "**, not more than three (3) of whom may be from the same political party**".

Page 2, line 3, delete "Each" and insert "**Except for the member appointed under section 3(6) of this chapter, each**".

Page 2, line 3, after "be" insert "**:**

(1)".

Page 2, line 4, delete "." and insert "**;**

(2) an attorney in good standing admitted to the practice of law in another state; or

(3) a current or former law professor at a law school located in Indiana.".

Page 2, line 30, after "3(6)" insert "**and 3(7)**".

(Reference is to SB 402 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 274, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "(a)".

Page 1, delete lines 12 through 15.

Page 1, line 17, delete "(a)".

Page 2, delete lines 7 through 10.

Page 2, line 14, after "based" insert "**solely**".

Page 2, line 14, delete "under".

Page 2, line 15, delete "section 3 or 6 of this chapter or IC 7.1-5-7-7" and insert "**involving alcohol described in subsection (b)**".

Page 2, line 39, delete "chapter;" and insert "**chapter if the offense involved a state of intoxication caused by the person's use of alcohol;**".

Page 2, line 40, delete "chapter;" and insert "**chapter if the offense involved the person being, or becoming, intoxicated as a result of the person's use of alcohol;**".

Page 2, between lines 41 and 42, begin a new paragraph and insert:

"**(c) A person may not initiate or maintain an action against a law enforcement officer based on a failure to comply with this section.**".

Page 3, delete lines 16 through 42.

Delete pages 4 through 12.

Renumber all SECTIONS consecutively.

(Reference is to SB 274 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 24, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 13, delete "IC 12-21-4-3(8)." and insert "**section 3(8) of this chapter.**".

Page 3, line 14, delete "IC 12-21-4-3(8)(C)," and insert "**section 3(8)(C) of this chapter,**".

Page 3, line 21, delete "IC 12-21-4-3(1) through IC 12-21-4-3(7)" and insert "**section 3(1) through 3(7) of this chapter**".

Page 3, line 23, delete "IC 12-21-4-3(1) through IC 12-21-4-3(7)." and insert "**section 3(1) through 3(7) of this chapter.**".

Page 3, line 24, delete "IC 12-21-4-3(1)" and insert "**section 3(1) through 3(7) of this chapter**".

Page 3, line 25, delete "through IC 12-21-4-3(7)".

Page 3, line 30, after "of the" insert "**appointed**".

Page 3, line 31, after "of the" insert "**appointed**".

Page 6, line 27, after "(b)," delete "a".

Page 7, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 23. IC 25-1-1.1-4, AS ADDED BY P.L.155-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the following:

(1) IC 25-2.5 (acupuncturists).
(2) IC 25-10 (chiropractors).
(3) IC 25-13 (dental hygienists).
(4) IC 25-14 (dentists).
(5) IC 25-14.5 (dietitians).
(6) IC 25-17.3 (genetic counselors).
(7) IC 25-19 (health facility and residential care facility administrators).
(8) IC 25-21.8 (massage therapists).
(9) IC 25-22.5 (physicians).
(10) IC 25-23 (nurses).
(11) IC 25-23.5 (occupational therapists).
(12) IC 25-23.6 (social workers, marriage and family therapists, and counselors).
~~(12)~~ **(13)** IC 25-24 (optometrists).
~~(13)~~ **(14)** IC 25-26 (pharmacists).
~~(14)~~ **(15)** IC 25-27 (physical therapists).
~~(15)~~ **(16)** IC 25-27.5 (physician assistants).
~~(16)~~ **(17)** IC 25-29 (podiatrists).
~~(17)~~ **(18)** IC 25-33 (psychologists).
~~(18)~~ **(19)** IC 25-34.5 (respiratory care practitioners).
~~(19)~~ **(20)** IC 25-35.6 (speech pathologists and audiologists).
~~(20)~~ **(21)** IC 25-38.1 (veterinarians).

(b) As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual.

SECTION 24. IC 25-23.6-10.5-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.5. (a) The board shall exempt an individual from the requirements set forth in this article and grant the individual a clinical addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:**

(1) Holds:
(A) before December 31, 2012, a master's or doctor's degree in a human services or behavioral science discipline from an eligible postsecondary educational institution; or
(B) a valid:
(i) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or
(ii) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board.
(2) Furnishes satisfactory evidence to the board that the individual does not have a:
(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or
(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.
(3) Files an initial application to the board before December 31, 2012.

(b) The board shall exempt an individual from the requirements set forth in this article and grant the individual a clinical addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Holds, before December 31, 2012, a master's or doctor's degree in a human services or behavioral science discipline from an eligible postsecondary educational institution.
(2) Has at least five (5) years of clinical addiction counseling experience.
(3) Furnishes satisfactory evidence to the board that the individual does not have a:
(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or
(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.
(4) Holds a license in good standing as a:
(A) clinical social worker under IC 25-23.6-5-2;
(B) marriage and family therapist under IC 25-23.6-8-1;
(C) mental health counselor under IC 25-23.6-8.5-1; or
(D) psychologist under IC 25-33-1-5.1.
(5) Files an initial application with the board before December 31, 2012.

(c) The board shall exempt an individual from the requirements set forth in this article and grant the individual an addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Holds a valid:
(A) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or
(B) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board.
(2) Has at least ten (10) years of addiction counseling experience.

(3) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(4) Files an initial application with the board before December 31, 2012.

(d) The board shall exempt an individual from the requirements set forth in this article and grant the individual an addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Has at least three (3) years of addiction counseling experience.

(2) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Holds a license in good standing as a:

(A) social worker under IC 25-23.6-5-1;

(B) clinical social worker under IC 25-23.6-5-2;

(C) marriage and family therapist under IC 25-23.6-8-1;

(D) mental health counselor under IC 25-23.6-8.5-1; or

(E) psychologist under IC 25-33-1-5.1.

(4) Files an initial application with the board before December 31, 2012.

(e) The board may exempt an individual from the requirements set forth in this article and grant the individual a clinical addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Holds, before December 31, 2012, a bachelor's degree in a human services or behavioral science discipline from an eligible postsecondary educational institution.

(2) Holds the following:

(A) A Level IV certification from the Indiana Counselors Association on Alcohol and Drug Abuse.

(B) Certification at the Internationally Certified Advanced Alcohol and Other Drug Abuse Counselor level from the International Certification and Reciprocity Consortium.

(C) The level of certification from the National Association of Alcohol and Drug Abuse Counselors that the board determines is similar to the Level IV certification from the Indiana Counselors Association on Alcohol and Drug Abuse.

(3) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(4) Has at least twenty (20) years of clinical addiction counseling experience.

(5) Files an initial application to the board before December 31, 2012.

(f) This section expires December 31, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to SB 24 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 72, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-18-2-1.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.6. "Abortion inducing drug", for purposes of IC 16-34-3, has the meaning set forth in IC 16-34-3-1.**

SECTION 2. IC 16-18-2-101.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 101.5. "Drug label", for purposes of IC 16-34-3, has the meaning set forth in IC 16-34-3-2.**

SECTION 3. IC 16-34-2-1.5, AS ADDED BY P.L.193-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. (a) The state department shall:

(1) develop written materials setting forth; and

(2) post Internet web site links ~~concerning materials described in this section~~ on the state department's Internet web site **leading to;**

the content described in subsection (b).

(b) The **content that must be set forth in written materials developed by the** state department ~~shall post~~ **under subsection (a) and to which** Internet web site links ~~relating to materials that~~ **posted on the state department's Internet web site under subsection (a) must lead must** include the following:

(1) Objective scientific information concerning the probable anatomical and physiological characteristics of a fetus every two (2) weeks of gestational age, including the following:

(A) Realistic pictures in color for each age of the fetus, including the dimensions of the fetus.

(B) Whether there is any possibility of the fetus surviving outside the womb.

(2) Objective scientific information concerning the medical risks associated with each abortion procedure, including the

following:

(A) The risks of infection and hemorrhaging.

(B) The potential danger:

(i) to a subsequent pregnancy; or

(ii) of infertility.

(3) Information concerning the medical risks associated with carrying the child to term.

(4) Information that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care.

(5) Information that the biological father is liable for assistance in support of the child, regardless of whether the biological father has offered to pay for an abortion.

(6) Information regarding telephone 211 dialing code services for accessing human services as described in IC 8-1-19.5, and the types of services that are available through this service.

(c) In complying with subsection (b)(6), the state department shall consult with the recognized 211 service providers and the Indiana utility regulatory commission as required by IC 8-1-19.5-9.

(d) In the development of the written materials described in this section, the state department shall use information and pictures that are available to the state department at no cost or nominal cost. The state department may charge a fee to a provider who requests the materials to defray the cost of printing and distributing the materials.

SECTION 4. IC 16-34-3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 3. Abortion Inducing Drugs

Sec. 1. (a) As used in this chapter, "abortion inducing drug" means a medicine, drug, or substance prescribed or dispensed with the intent of terminating a clinically diagnosable pregnancy with the knowledge that the termination will, with reasonable likelihood, cause the death of the fetus. The term includes the off-label use of a drug known to have abortion inducing properties if the drug is prescribed with the intent of causing an abortion.

(b) The term does not include a drug or substance that may be known to cause an abortion when the drug is being prescribed for another medical indication.

Sec. 2. As used in this chapter, "drug label" means the pamphlet or document accompanying an abortion inducing drug that:

(1) outlines the protocol tested and authorized by the federal Food and Drug Administration;

(2) sets forth how the drug is to be used; and

(3) has been agreed upon by the drug manufacturer applying for authorization of the drug by the federal Food and Drug Administration.

Sec. 3. (a) It is unlawful for an individual to knowingly give, sell, dispense, administer, prescribe, or otherwise provide an abortion inducing drug to a pregnant woman for the purpose of inducing an abortion or enabling an individual to induce an abortion unless the individual meets the following requirements:

(1) Is a physician licensed under IC 25-22.5.

(2) Follows the drug label protocol for the abortion inducing drug.

(b) Before giving, selling, dispensing, administering, prescribing, or otherwise providing an abortion inducing drug to a pregnant woman, a physician licensed under IC 25-22.5 shall do the following:

(1) Examine in person the pregnant woman.

(2) Provide the following information to the pregnant woman:

(A) An explanation of the process in administering the abortion inducing drug and possible side effects that could occur.

(B) The information required in IC 16-34-2-1.1.

(C) If using an agreement described in subdivision (3)(B), the name and telephone number of the physician with whom the treating physician has entered into the agreement.

(3) Either have:

(A) admitting privileges at a hospital located in the county where the abortion inducing drug is being provided or a contiguous county; or

(B) an agreement with another physician licensed under IC 25-22.5 who has the admitting privileges described in clause (A) concerning the management of possible complications arising from the use of an abortion inducing drug.

(4) Obtain written consent from the pregnant woman concerning the use of an abortion inducing drug.

(c) A physician licensed under IC 25-22.5 who gives, sells, dispenses, administers, prescribes, or otherwise provides an abortion inducing drug to a pregnant woman shall schedule a follow-up appointment with the woman approximately fourteen (14) days after administration of the abortion inducing drug to:

(1) confirm that the pregnancy is terminated by conducting ultrasound imaging; and

(2) assess the degree of bleeding experienced by the pregnant woman.

(d) The physician described in subsection (c) shall make a reasonable effort to ensure that the pregnant woman returns for the follow-up appointment described in subsection (c), including recording in the pregnant woman's medical records the date, the time, and a brief description of the efforts by the physician and the physician's staff, and the name of the individual who performed the efforts.

Sec. 4. A person who intentionally, knowingly, or recklessly violates this chapter commits an unlawful activity related to an abortion inducing drug, a Class A misdemeanor. A pregnant woman upon whom a drug induced abortion is performed may not be assessed a penalty under this section.

(Reference is to SB 72 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Health and Provider Services.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 63, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-10-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 37. (a) This section does not apply to:

(1) the lease of a dwelling unit within a public housing project by the tenant of that dwelling unit; **or**

(2) a lease entered into or renewed by the ports of Indiana under IC 8-10 with a political subdivision or other governmental entity after March 31, 2012, of real property, including improvements, that is:

(A) part of a port or project (as defined in IC 8-10-1-2); and

(B) owned by the state or the ports of Indiana.

(b) If real property that is exempt from taxation is leased to another whose property is not exempt and the leasing of the real property does not make it taxable, the leasehold estate and the appurtenances to the leasehold estate shall be assessed and taxed as if they were real property owned by the lessee or ~~his~~ **an** assignee **of the lessee.**

(c) If personal property that is exempt from taxation is leased to another whose property is not exempt and the leasing of the personal property does not make it taxable, the leased personal property shall be assessed and taxed as if it were personal property owned by the lessee or ~~his~~ assignee **of the lessee.**

(d) This subsection applies to property described in subsection (b) or (c) that is the subject of a lease entered into or renewed by the ports of Indiana under IC 8-10 after March 31, 2012, other than a lease described in subsection (a)(2). Any taxes that:

(1) are imposed under this article on the property during the term of the lease; and

(2) remain unpaid upon the expiration of the lease;

remain the liability of the lessee that is party to the expired lease. The unpaid taxes are not a liability of the ports of Indiana or a subsequent lessee or occupant of the property.

SECTION 2. IC 8-10-1-1, AS AMENDED BY P.L.98-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~In order to promote the agricultural, industrial, and commercial development of the state and to provide for the general welfare by the construction and operation, in cooperation with the federal government, or otherwise, of a modern port system with terminal facilities to accommodate water, rail, truck, air-borne, and other forms of transportation,~~ The ports of Indiana is hereby authorized and empowered to:

(1) acquire, construct, maintain, and operate ~~in cooperation with the federal government, or otherwise, at such locations as shall be approved by the governor,~~ **ports,** projects, ~~including without limitation public ports with~~ terminal facilities, and traffic exchange points **to accommodate water, rail, truck, air, and other forms of transportation** throughout Indiana, ~~for all forms of transportation,~~ giving particular attention to the benefits which may accrue to the state and its citizens; ~~from all forms of transportation,~~ and

(2) issue revenue bonds of the state payable solely from revenues to pay the cost of such projects.

The ports of Indiana's powers are not limited to ports and may be exercised throughout Indiana for projects that enhance, foster, aid, provide, or promote economic development, public-private partnerships, and other **agricultural,** industrial, commercial, business, and transportation purposes, **and the general welfare of the state.**

SECTION 3. IC 8-10-1-2, AS AMENDED BY P.L.98-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "commission" shall mean the commission created by section 3(b) of this chapter, or, if said commission shall be abolished, the board, body, or commission succeeding to the principal functions thereof, or to whom the powers given by this chapter to the commission shall be given by law.

(b) The word "port" shall include any combination of:

(1) any place or places on Lake Michigan, the Ohio River, the Wabash River, or other water bodies, natural or artificial, in which water-borne vessels capable of carrying articles of commerce over navigable bodies of water may be loaded, unloaded, or accommodated; and

(2) nonmaritime port and traffic exchange points throughout Indiana for the transfer of goods and passengers between all modes of transportation;

at locations approved by the governor.

(c) The word "project" shall include:

(1) any **land,** facilities, adjuncts, and appurtenances, ~~necessary or useful to operate a modern port,~~ whether or not permanently situated at the port, including:

(A) the dredging of approaches to a port; and

(B) breakwaters, inner harbors, outer harbors, channels, canals, turning basins, docks, wharves, piers, quays, slips, loading, unloading, handling and storage equipment, warehouses, refrigerating plants and equipment, elevators for the handling and storage of grain, coal, and other bulk commodities, terminal buildings or facilities, railroad equipment and trackage, roadways, airplane landing fields, parking lots, garages, automotive equipment, tugs, ferries, maintenance and construction vessels, communication systems, sewers, drains, works for the treatment of sewage, garbage, and wastes, and the furnishing of utility service necessary to serve the property under the jurisdiction or control of the ports of Indiana and other buildings and facilities which the ports of Indiana may deem necessary for the

operation of the port; and

(2) any other ~~project~~ **land or facility** located in Indiana, other than at a port, that the ports of Indiana finds will enhance, foster, aid, provide, or promote economic development, public-private partnerships, and other industrial, commercial, business, and transportation purposes.

(d) The word "cost" as applied to a port or project means:

(1) the cost of **acquisition,** construction, **rehabilitation, or improvement;**

(2) the cost of acquisition of all land, rights-of-way, property, rights, easements and interests, including lands under water and riparian rights acquired by the ports of Indiana for construction;

(3) the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which buildings or structures may be moved;

(4) the cost of relocating public roads;

(5) the cost of land or easements for roads;

(6) the cost of all machinery and equipment;

(7) financing charges;

(8) interest prior to and during construction and for not exceeding two (2) years after the estimated date of completion of construction;

(9) the cost of engineering and legal expenses, plans, specifications, surveys, and estimates of cost, traffic, and revenues;

(10) other expenses necessary or incident to determining the feasibility or practicability of constructing any such project;

(11) administrative expense;

(12) other expenses as may be necessary or incident to the acquisition or construction of the project, the financing, **including by issuing bonds,** of the acquisition or construction, and the placing of the project in operation, including the amount authorized in the resolution of the commission providing for the issuance of revenue bonds to be paid into any special funds from the proceeds of the bonds; and

(13) any obligation, cost, or expense incurred by any governmental agency or person for surveys, borings, the preparation of plans and specifications, and other engineering services, or any other cost described in this section that is incurred in connection with the acquisition or construction of a project may be regarded as part of the cost of the project and may be reimbursed out of the proceeds of revenue bonds as authorized by this chapter.

(e) The word "owner" shall include all individuals, copartnerships, associations, or corporations having any title or interest in any property, rights, easements, and other interests authorized to be acquired by this chapter.

(f) The word "revenues" shall mean all fees, tolls, rentals, gifts, grants, moneys, and all other funds coming into the possession or under the control of the ports of Indiana by virtue of the terms and provisions of this article, but shall not include real property or personal property other than money, nor the proceeds from the sale of bonds issued under provisions of this chapter.

(g) The word "public roads" shall include all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.

(h) "Ports of Indiana" means the ports of Indiana created by section 3(a) of this chapter.

SECTION 4. IC 8-10-1-4, AS AMENDED BY P.L.98-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. Revenue bonds issued under the provisions of this article:

(1) do not constitute a debt of the ports of Indiana, the state, or any political subdivision of the state, or a pledge of the faith and credit of the ports of Indiana, the state, or any political subdivision of the state;

(2) are payable solely from the funds pledged for their payment as authorized in this article, unless the bonds are refunded by refunding bonds issued under the provisions of this chapter, which shall be payable solely from funds pledged for their payment as authorized in this article; ~~and~~

(3) must contain on their face a statement to the effect that the bonds, as to both principal and interest, are not an obligation of the ports of Indiana, the state, or of any political subdivision of the state, but are payable solely from revenues pledged for their payment; **and**

(4) may be sold at public sale in the manner provided in IC 21-32-3 for the bonds of a state educational institution or at private sale in the manner determined by the ports of Indiana.

All expenses incurred in carrying out the provisions of this article are payable solely from funds provided under the authority of this article and nothing in this article shall be construed to authorize the ports of Indiana to incur indebtedness or liability on behalf of or payable by the state or any political subdivision of the state.

SECTION 5. IC 8-10-1-7, AS AMENDED BY P.L.98-2008, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. The ports of Indiana is authorized and empowered to do the following:

(1) To adopt an official seal which shall not be the seal of the state of Indiana.

(2) To maintain a principal office and sub-offices at such place or places within the state as it may designate.

(3) To sue and be sued, and to plead and be impleaded in the name of the ports of Indiana. However, actions at law against the ports of Indiana shall be brought in the circuit court of the county in which the principal office of the ports of Indiana is located or in the circuit court of the county in which the cause of action arose, if the county is located within the state. All summonses and legal notices of every kind shall be served on the ports of Indiana by leaving a copy thereof at the principal office of the ports of Indiana with the person in charge thereof or with the secretary of the ports of Indiana. However, no such action shall be deemed commenced until a copy of the summons and complaint, cross complaint, petition, bill, or pleading is served upon the attorney general of Indiana.

(4) To acquire, lease, **sell, transfer,** construct, maintain, repair, police, and operate a port or project as provided in this chapter, and to establish rules and regulations for the use of the port or project, and other property subject to the jurisdiction and control of the ports of Indiana.
(5) To issue both taxable and tax exempt revenue bonds of the state, payable solely from revenues, as herein provided, for the purpose of paying all or any part of the cost of a port or project.
(6) To acquire, lease, **sell, transfer,** and operate tugboats, locomotives, and any and every kind of motive power and conveyances or appliances necessary or proper to carry passengers, goods, wares, merchandise, or articles of commerce in, on, or around the port or project.
(7) To fix and revise from time to time and to collect fees, rentals, tolls, and other charges for the use of any port or project.
(8) To acquire, obtain option on, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties under this chapter.
(9) To designate the location and establish, limit, and control points of ingress to and egress from a port or project.
(10) To lease to others for development or operation such portions of any port or project, on such terms and conditions as the ports of Indiana shall deem advisable.
(11) To make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter. When the cost of any such contract for construction, or for the purchase of equipment, materials, or supplies, involves an expenditure of more than twenty-five thousand dollars ($25,000), the ports of Indiana shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in the county where the construction will occur and in such other publications as the ports of Indiana shall determine. The notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The ports of Indiana may reject any and all bids. A bond with good and sufficient surety as shall be approved by the ports of Indiana shall be required of all contractors in an amount equal to at least fifty percent (50%) of the contract price conditioned upon the faithful performance of the contract.
(12) To construct, assemble, or otherwise build, own, lease, operate, manage, or otherwise control any project throughout Indiana for the purpose of promoting economic growth and development throughout Indiana, retaining existing employment within Indiana, and attracting new employment opportunities within Indiana.
(13) To employ a chief executive, consulting engineers, superintendents, and such other engineers, construction and accounting experts, attorneys, and other employees and agents as may be necessary in its judgment, and to fix their compensation and title, but no compensation of any employee of the ports of Indiana shall exceed the compensation of the highest paid officer or employee of the state.
(14) To receive and accept from any federal agency grants for or in aid of the construction of any port or project, and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made.
(15) To provide coverage for its employees under the provisions of IC 22-3-2 through IC 22-3-6, and IC 22-4.
(16) To do all acts and things necessary or proper to carry out the powers expressly granted in this article.
(17) To hold, use, administer, and expend such sum or sums as may herein or hereafter be appropriated or transferred to the ports of Indiana.

SECTION 6. IC 8-10-1-10, AS AMENDED BY P.L.98-2008, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The ports of Indiana is hereby authorized and empowered to acquire by purchase whenever the ports of Indiana shall deem such purchase expedient, any land, property, rights, rights of way, franchises, easements, and other interests in lands, including lands under water and riparian rights, as the ports of Indiana may deem necessary or convenient for the construction and operation of any port or project, upon such terms and at such price as may be considered by the ports of Indiana to be reasonable and can be agreed upon between the ports of Indiana and the owner thereof, and to take title thereto in the name of the state.

(b) **Except as provided in subsection (e),** the ports of Indiana is hereby further authorized and empowered to sell, transfer, and convey any such land or any interest therein so acquired, or any portion thereof, when the same shall no longer be needed for such purposes. The ports of Indiana is further authorized and empowered to transfer and convey any such lands or interest therein as may be necessary or convenient for the construction and operation of any port or project, or as otherwise required under the provisions of this article. However, ~~no such sale shall be made without first obtaining the approval of the governor, and~~ a sale may not be made at less than the appraised value established by ~~three (3)~~ **one (1)** independent ~~appraisers~~ **appraiser** appointed by the ~~governor.~~ **ports of Indiana, after considering current market data provided by the ports of Indiana.** The ports of Indiana shall be authorized to restrict the use of any land so sold by the ports of Indiana and provide for a reversion to the ports of Indiana in the event the land shall not be used for the purpose represented by the purchaser, and such restrictions and reversions shall be set out in appropriate covenants in the deeds of conveyance, which deeds shall be subject to the approval of the governor.

(c) The ports of Indiana shall also be authorized to lease, or grant options to lease, to others for development any portion of the land owned by the ports of Indiana, on such terms as the ports of Indiana shall determine to be advantageous. All such leases or options to lease ~~which leases~~ **that** cover a period of more than four (4) years, ~~shall be~~ **other than a lease for a self-liquidating or nonrecourse project (as defined in IC 8-10-4-1), are** subject to the approval of the governor. Leases of lands under the jurisdiction or control of the ports of Indiana shall be made only for such uses and purposes as are calculated to contribute to the growth and development of ports, terminal facilities, and projects under the jurisdiction or control of the ports of Indiana. In the event the ports of Indiana shall lease to others a building or structure financed by the issuance of revenue bonds under IC 8-10-4, the transaction must be structured as a self-liquidating or nonrecourse project (as defined in IC 8-10-4-1).

(d) No tenant, lessee, licensee, owner of real estate located within a port or project, or other person or entity has any right, claim, title, or interest in any real estate, personal property, or common property owned by the ports of Indiana, a port, a project, or the state, unless a written agreement entered into by the ports of Indiana expressly provides:

(1) the exact nature and extent of the right, claim, title, or interest;

(2) all the conditions under which the right, claim, title, or interest is granted; and

(3) a legal or complete description of the specific property.

(e) The ports of Indiana is authorized and empowered to transfer and convey:

(1) any lands or interest obtained with the proceeds of bonds issued under IC 8-10-4; or

(2) any lands or interest upon which a project financed with the proceeds of bonds issued under IC 8-10-4 is located;

at a price and in the manner determined by the ports of Indiana.

SECTION 7. IC 8-10-1-13, AS AMENDED BY P.L.98-2008, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Subject to the approval of the governor, the ports of Indiana is hereby authorized to provide by resolution of the commission, at one (1) time or from time to time, for the issuance of revenue bonds of the state for the purpose of paying all or any part of the cost of a port or project under this chapter or IC 8-10-4. The principal of and the interest on such bonds shall be payable solely from the revenues specifically pledged to the payment thereof. The bonds of each issue shall be dated, shall bear interest at any rate, shall mature at such time or times not exceeding ~~thirty-five (35)~~ **forty (40)** years from the date thereof, as may be determined by the ports of Indiana, and may be made redeemable before maturity, at the option of the ports of Indiana, at such price or prices and under such terms and conditions as may be fixed by the ports of Indiana in the authorizing resolution.

(b) The ports of Indiana shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest which may be at any bank or trust company within or without the state.

(c) The bonds shall be signed in the name of the ports of Indiana by the chairman or vice chairman of the commission or chief executive of the ports of Indiana, or by the facsimile signature of the chairman or vice chairman of the commission or chief executive of the ports of Indiana and the official seal of the ports of Indiana or facsimile thereof, shall be affixed thereto and attested by the secretary-treasurer of the commission, and any coupons attached thereto shall bear the facsimile signature of the chairman of the commission. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until such delivery.

(d) All bonds issued under this article shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state of Indiana.

(e) The bonds may be issued in coupon or in registered form, or both, as the ports of Indiana may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest.

(f) **Except as provided in IC 8-10-4,** the bonds shall be sold at public sale in accordance with IC 21-32-3 ~~except as provided in IC 8-10-4.~~ **or at private sale in the manner determined by the ports of Indiana.**

(g) No action to contest the validity of any bonds issued by the ports of Indiana under this article shall be commenced more than thirty (30) days following the adoption of the resolution approving the bonds as provided in this article.

(h) The ports of Indiana shall cooperate with and use the assistance of the Indiana finance authority established under IC 4-4-11 in the issuance of the bonds under this chapter or IC 8-10-4.

SECTION 8. IC 8-10-1-18, AS AMENDED BY P.L.98-2008, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. All money received pursuant to the authority of this chapter, whether as proceeds from the sale of bonds, from revenues, or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this chapter, but prior to the time when needed for use may be invested to the extent and in the manner provided by IC 5-13-10.5, insofar as applicable. Such funds shall be kept in depositories designated as depositories for funds of the state **under IC 5-13-9 and** as selected by the ports of Indiana. ~~in the manner provided by the governing statutes in so far as applicable.~~ The resolution of the commission authorizing the issuance of bonds or the trust agreement securing such bonds shall provide that any officer to whom, or any bank or trust company to which, such money shall be entrusted, shall act as trustee of such money and shall hold and apply the same for the purposes hereof, subject to the provisions of this chapter and of the authorizing resolution or trust agreement.

SECTION 9. IC 8-10-1-22, AS AMENDED BY P.L.98-2008, SECTION 32, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2012]: Sec. 22. (a) The ports of Indiana shall cause an audit of its books and accounts to be made at least once each year by **independent** certified public accountants, and the cost thereof may be treated as a part of the cost of construction or of operations of the ports and projects of the ports of Indiana. ~~The accounts, books, and records of the ports of Indiana shall be audited annually by the state board of accounts, and the cost of such audit may be treated as a part of the cost of construction or of operations of the ports and projects of the ports of Indiana.~~

(b) The ports of Indiana shall, following the close of each fiscal year, submit an annual report of its activities **and a copy of the audit conducted under subsection (a)** for the preceding year to the governor, the budget committee, **the state board of accounts,** and the general assembly. An annual report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6. ~~Each report shall set forth a complete operating and financial statement for the ports of Indiana during the fiscal year it covers.~~

SECTION 10. IC 8-10-1-27, AS AMENDED BY P.L.98-2008, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 27. (a) The exercise of the powers granted by this article will be in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions.

(b) As the operation and maintenance of a port or project by the ports of Indiana will constitute the performance of essential governmental functions, the ports of Indiana shall not be required to pay any taxes or assessments upon any port or project or any property acquired or used by the ports of Indiana under the provisions of this article or upon the income therefrom. The bonds issued by the ports of Indiana, the interest thereon, the proceeds received by a holder from the sale of such bonds to the extent of the holder's cost of acquisition, or proceeds received upon redemption prior to maturity or proceeds received at maturity, and the receipt of such interest and proceeds shall be exempt from taxation in the state of Indiana for all purposes except the financial institutions tax imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1.

(c) Notwithstanding any other statute, a lessee's leasehold estate in land that is part of a port and that is owned by the state or the ports of Indiana is exempt from property taxation. However, an exemption under this subsection is not available for land not located at a port.

(d) This subsection applies to leases entered into or renewed after March 31, 2012, with a political subdivision or other governmental entity. Notwithstanding IC 6-1.1-10-37 or any other statute, a leasehold estate of a political subdivision or other governmental entity in real property, including improvements, that is part of a port or project and that is owned by the state or the ports of Indiana is exempt from property taxation.

SECTION 11. IC 8-10-2-2, AS AMENDED BY P.L.98-2008, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) In addition to the powers conferred upon the ports of Indiana by other provisions of this article, the ports of Indiana, whenever the ports of Indiana finds that the economic welfare of the state would thereby be benefited by additional employment opportunities, or by additional diversification of industry within the state, or by increased income or prosperity to the state and its residents, or for any other reason, shall have the power to acquire, construct, maintain, repair, police, and lease to others such facilities for manufacturing, storage, or processing of goods, or for the carrying on of commercial, business, or recreational activities as the ports of Indiana further finds will increase the traffic into or out of the project. ~~Any such facilities and the site thereof shall not be exempt from property taxation, and the lessee in any lease thereof shall agree to pay all property taxes levied on such facilities and the site thereof.~~

(b) In exercising the powers granted in this section, the ports of Indiana shall have all the powers granted to it by this article, in connection with a project, and the term "project", as used in IC 8-10-1, shall be deemed to include facilities, adjuncts, and appurtenances of the character referred to in this section.

(c) It is further declared that the acquisition, construction, maintenance, repair, policing of, and leasing to others of such facilities under the conditions set forth in this section is a public purpose.

(d) Nothing in this section shall authorize the ports of Indiana to take, condemn, or disturb any property right or interest in property, existing on March 10, 1967, including permits and authorities to fill and reclaim submerged lands, or any facilities constituting all or part of any operating property or any private or public port. The ports of Indiana shall make reimbursement for any actual damage to any public or private facilities, including but not limited to breakwaters, water intakes, wharves, piers, boat docks, warehouses, and pipeline equipment resulting from the exercise by it of any powers granted to it by this section.

SECTION 12. **An emergency is declared for this act.**

(Reference is to SB 63 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

LONG, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1013, 1019, 1029, 1040, 1052, and 1247 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 235, currently assigned to the Committee on Judiciary, be reassigned to the Committee on Tax and Fiscal Policy.

LONG

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that, pursuant to Senate Rule 76, I have receieved permission from Senator M. Young for Senator Charbonneau to call Senate Bill 1 on second reading January 19, 2012.

LONG

Report adopted.

RESOLUTIONS ON SECOND READING

Senate Resolution 3

Senator Buck called up Senate Resolution 3 for second reading. The resolution was read a second time and adopted by voice vote.

SENATE BILLS ON SECOND READING

Senate Bill 1

Senator Charbonneau called up Senate Bill 1 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 110

Senator Holdman called up Senate Bill 110 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 110–1)

Madam President: I move that Senate Bill 110 be amended to read as follows:

Page 20, line 24, delete "two percent (2%)" and insert "**five percent (5%)**".

Page 22, line 22, delete "two percent (2%)" and insert "**five percent (5%)**".

(Reference is to SB 110 as printed January 13, 2012.)

HOLDMAN

Motion prevailed.

SENATE MOTION
(Amendment 110–2)

Madam President: I move that Senate Bill 110 be amended to read as follows:

Page 2, delete lines 14 through 22.

Page 19, delete lines 41 through 42.

Page 20, delete lines 1 through 12.

Page 33, delete lines 10 through 23.

Renumber all SECTIONS consecutively.

(Reference is to SB 110 as printed January 13, 2012.)

HOLDMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 111

Senator Holdman called up Senate Bill 111 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 111–1)

Madam President: I move that Senate Bill 111 be amended to read as follows:

Page 4, after line 24, begin a new paragraph and insert:

"**Sec. 12. This chapter expires July 1, 2017.**".

(Reference is to SB 111 as printed January 18, 2012.)

HOLDMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 127

Senator Tallian called up Senate Bill 127 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 130

Senator Gard called up Senate Bill 130 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 130–1)

Madam President: I move that Senate Bill 130 be amended to read as follows:

Page 14, line 15, delete "seventeen (17)" and insert "**fifteen (15)**".

Page 14, delete lines 35 through 38.

Page 14, line 39, delete "(J)" and insert "**(I)**".

Page 14, line 41, delete "(K)" and insert "**(J)**".

Page 22, line 12, strike "a" and insert "**the**".

Page 43, line 14, delete "." and insert ":".

Page 43, line 25, reset in roman "boards;".

Page 43, line 25, delete "board;".

(Reference is to SB 130 as printed January 18, 2012.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 148

Senator Holdman called up Senate Bill 148 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 215

Senator Skinner called up Senate Bill 215 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 257

Senator Arnold called up Senate Bill 257 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 257–1)

Madam President: I move that Senate Bill 257 be amended to

read as follows:

Page 59, line 9, delete "is".

Page 67, line 42, delete "REPEALED" and insert "AMENDED TO READ AS FOLLOWS".

Page 68, line 1, delete "]." and insert "]:".

Page 68, line 1, reset in roman "Sec. 8. If the properly identified person who owns or holds a lien".

Page 68, reset in roman lines 2 through 4.

Page 68, line 4, after "released." insert "**A towing service shall notify the appropriate public agency of all releases under this section. The notification must include the name, signature, and address of the person that owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and the date of release.**".

Page 68, delete lines 5 through 12.

Page 68, delete lines 19 through 25.

Page 83, line 11, strike "abandoned".

Page 95, line 23, strike "invalidated" and insert "**suspended**".

Page 95, line 27, strike "invalidated" and insert "**suspended**".

Page 100, line 39, after "permit" insert "**or**".

Page 105, line 10, delete "." and insert "**or permit.**".

Page 105, line 12, after "license" insert "**or permit**".

Page 105, line 14, after "license" insert "**or permit**".

Page 210, line 30, delete "IC 31-16-15-2" and insert "**IC 31-16-15-0.5**".

Page 211, line 4, delete "IC 31-16-15-2" and insert "**IC 31-16-15-0.5**".

Page 217, line 29, delete "IC 9-29-15-1and" and insert "IC 9-29-15-1 **and**".

Renumber all SECTIONS consecutively.

(Reference is to SB 257 as printed January 11, 2012.)

ARNOLD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 362

Senator Merritt called up Senate Bill 362 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 128, which is eligible for third reading, be returned to second reading for purposes of amendment.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 255, which is eligible for third reading, be returned to second reading for purposes of amendment.

WYSS

Motion prevailed.

ENGROSSED SENATE BILLS
ON THIRD READING

Engrossed Senate Bill 6

Senator Tomes called up Engrossed Senate Bill 6 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 12: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ubelhor and Eberhart.

Engrossed Senate Bill 11

Senator Arnold called up Engrossed Senate Bill 11 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 13: yeas 38, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ubelhor and Lawson.

Engrossed Senate Bill 19

Senator Boots called up Engrossed Senate Bill 19 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 14: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Richardson.

Engrossed Senate Bill 52

Senator Becker called up Engrossed Senate Bill 52 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 15: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown, C. Brown, and Crouch.

Engrossed Senate Bill 133

Senator Gard called up Engrossed Senate Bill 133 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 16: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Wolkins.

Engrossed Senate Bill 144

Senator Kenley called up Engrossed Senate Bill 144 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 17: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Espich and Crawford.

Engrossed Senate Bill 172

Senator Lawson called up Engrossed Senate Bill 172 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 18: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Baird.

Engrossed Senate Bill 191

Senator Charbonneau called up Engrossed Senate Bill 191 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 19: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Soliday and Moseley.

Engrossed Senate Bill 193

Senator Arnold called up Engrossed Senate Bill 193 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 20: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dermody and Dobis.

Engrossed Senate Bill 253

Senator Glick called up Engrossed Senate Bill 253 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 21: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Heuer.

Engrossed Senate Bill 287

Senator Lawson called up Engrossed Senate Bill 287 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 22: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Noe and McNamara.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 362, which is eligible for third reading, be returned to second reading for purposes of amendment.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 110, which is eligible for third reading, be returned to second reading for purposes of amendment.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be removed as third author of Senate Bill 274.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be removed as second author of Senate Bill 274.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as second author and Senator Head be added as third author of Senate Bill 274.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as third author and Senator Tallian be added as coauthor of Engrossed Senate Bill 191.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Engrossed Senate Bill 111.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Engrossed Senate Bill 52.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Delph and Becker be added as coauthors of Senate Bill 11.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as coauthor of Engrossed Senate Bill 19.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as coauthor of Senate Bill 362.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as coauthor of Senate Bill 31.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as coauthor of Engrossed Senate Bill 6.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 182.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Schneider be added as coauthor of Senate Bill 179.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as coauthor of Senate Bill 298.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as

second author of Senate Bill 330.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Engrossed Senate Bill 115.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Tomes, Head, and Lanane be added as coauthors of Engrossed Senate Bill 253.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Engrossed Senate Bill 170.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 370.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 114.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Engrossed Senate Bill 172.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as second author of Engrossed Senate Bill 26.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Engrossed Senate Bill 32.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 63 and that Senator Charbonneau be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 72 and that Senator Holdman be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Bill 234.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 234.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 226.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Buck, Steele, and Zakas be added as coauthors of Engrossed Senate Bill 253.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Senate Bill 24.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 98.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author, Senator Lanane be added as third author, and Senator Broden be added as coauthor of Senate Bill 298.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 402.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Bill 11.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author of Senate Bill 311.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 311.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Leising be added as second author of Senate Bill 192.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Banks and Kruse be added as coauthors of Senate Bill 54.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Leising be added as second author and Senators Randolph and Kruse be added as coauthors of Senate Bill 212.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 223.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Engrossed Senate Bill 144.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waltz be added as second author of Senate Bill 362.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lanane and Randolph be added as coauthors of Senate Bill 274.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as second author of Senate Bill 111.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 156.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Boots be added as coauthor of Senate Bill 353.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Bill 302.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author and Senator Randolph be added as coauthor of Senate Bill 190.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 315.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Bill 265.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author and Senator Tallian be added as coauthor of Senate Bill 130.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 132.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 12:00 p.m., Friday, January 20, 2012.

LONG

Motion prevailed.

The Senate adjourned at 4:24 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Tenth Meeting Day Friday Afternoon January 20, 2012

The Senate convened at 12:36 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Dr. Anthony Slutz, Thompson Road Baptist Church, Indianapolis.

The Pledge of Allegiance to the Flag was led by Senator Connie Lawson.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 23: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 10

Senate Concurrent Resolution 10, introduced by Senators Nugent, Steele, Walker, and Paul:

A CONCURRENT RESOLUTION urging INDOT to name State Road 11, from mile marker 44 to mile marker 45, the Trooper Earl L. Brown Memorial Mile.

Whereas, Trooper Brown was born on January 4, 1913 and began his appointment as a state trooper on October 16, 1940;

Whereas, Assigned to the Seymour post, he served faithfully for nearly 15 years;

Whereas, While investigating a report of a suspicious male, Trooper Earl L. Brown was tragically killed on August 31, 1955. He was the ninth Indiana State Trooper to be killed in the line of duty; and

Whereas, In recognition of his bravery and service to all Hoosiers, the Indiana General Assembly urges INDOT to name State Road 11, from mile marker 44 to mile marker 45, the Trooper Earl L. Brown Memorial Mile: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly urges the Department of Transportation to name State Road 11, from mile marker 44 to mile marker 45, the Trooper Earl L. Brown Memorial Mile.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the family of Trooper Earl L. Brown and the Department of Transportation.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 298, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, reset in roman "ten (10)".

Page 1, line 3, delete "five (5)".

Page 1, line 5, delete "." and insert "**unless an action to foreclose is brought or maintained on or before ten (10) years after the last installment of the debt secured by the lien becomes due, as shown by the record of the lien.**".

Page 1, line 11, reset in roman "ten (10)".

Page 1, line 11, delete "five (5)".

Page 1, line 11, reset in roman "However, a lien or".

Page 1, reset in roman lines 12 through 15.

Page 2, reset in roman line 1.

Page 2, line 7, delete "six (6)" and insert "**ten (10)**".

Page 2, line 8, delete "." and insert "**unless an action to foreclose is brought or maintained on or before ten (10) years after the date on which the mortgage or lien was executed.**".

Page 2, line 16, delete "six (6)" and insert "**ten (10)**".

Page 2, line 17, delete "." and insert "**unless an action to foreclose is brought or maintained on or before ten (10) years after the date on which the mortgage or vendor's lien was recorded.**".

Page 2, line 33, delete "six".

Page 2, line 34, delete "(6)" and insert "**ten (10)**".

Page 2, line 36, delete "six (6)" and insert "**ten (10)**".

Page 3, line 7, delete "six (6)" and insert "**ten (10)**".

(Reference is to SB 298 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 330, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 118, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 25, after "election" insert "**in Indiana**".

Page 5, line 14, after "state" delete ", legislative,".

Page 5, line 14, after "primary" delete ",".

Page 5, line 15, delete "municipal, special,".

Page 7, delete lines 32 through 42.

Page 8, delete lines 1 through 33.

Renumber all SECTIONS consecutively.

(Reference is to SB 118 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 233, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 69, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-7-31.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 31.5. Professional Motorsports Development Area

Sec. 1. This chapter applies only to the town of Speedway.

Sec. 2. As used in this chapter, "budget agency" means the budget agency established by IC 4-12-1.

Sec. 3. As used in this chapter, "budget committee" has the meaning set forth in IC 4-12-1-3.

Sec. 4. As used in this chapter, "covered taxes" means the part of the following taxes attributable to the operation of facilities located in a tax area designated under this chapter:

(1) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.

(2) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.

(3) A county option income tax imposed under IC 6-3.5.

(4) An admissions tax imposed under IC 6-9.

Sec. 5. As used in this chapter, "department" refers to the department of state revenue.

Sec. 6. As used in this chapter, "designating body" means the town legislative body that may establish a tax area under this chapter.

Sec. 7. As used in this chapter, "tax area" means a geographic area established as a professional motorsports development area under this chapter.

Sec. 8. As used in this chapter, "taxpayer" means a person that is liable for a covered tax.

Sec. 9. (a) A designating body may designate as part of a professional motorsports development area any area in the town in which there is located or is to be located a facility used for professional motorsports racing events. The area may also include parts of the town that will serve as a commercial gateway to such a facility.

(b) A tax area must include at least one (1) facility described in subsection (a).

Sec. 10. (a) A tax area must be initially established by resolution of the town legislative body following a public hearing. Notice of the public hearing must be provided in accordance with IC 5-3-1.

(b) In establishing the tax area, the designating body must make the following findings:

(1) There are capital improvements that will be undertaken or have been undertaken in the tax area that:

(A) will have a positive synergistic effect on the activities of a facility described in section 9(a) of this chapter; or

(B) will promote or enhance the development of a commercial gateway to a facility described in section 9(a) of this chapter.

(2) The capital improvements that will be undertaken or that have been undertaken in the tax area will benefit the public health and welfare and will be of public utility and benefit.

(3) The capital improvements that will be undertaken or that have been undertaken in the tax area will protect or increase state and local tax bases and tax revenues.

(c) The tax area established under this chapter is a special taxing district authorized by the general assembly to enable the designating body to provide special benefits to taxpayers in the tax area by promoting economic development that is of public use and benefit.

(d) A tax area may be expanded by following the same procedures described in subsections (a) and (b).

Sec. 11. (a) A resolution establishing or expanding a tax area must provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in the tax area to the professional motorsports development area fund established for the town. The allocation provision must apply to the entire tax area. The resolution must state an expiration date for the tax area, which must be not later than thirty (30) years from the date of the adoption of the resolution.

(b) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

Sec. 12. (a) Upon adoption of a resolution establishing or expanding a tax area under this chapter, the designating body shall submit the resolution to the budget committee for review and recommendation to the budget agency.

(b) The budget committee shall meet not later than sixty (60) days after receipt of a resolution under subsection (a) and shall make a recommendation on the resolution to the budget agency.

Sec. 13. (a) The budget agency must approve the resolution adopted under section 12(a) of this chapter before covered taxes may be allocated under section 11 of this chapter.

(b) When considering a resolution, the budget committee and the budget agency must make the following findings:

(1) The facility specified under the resolution hosts or will host at least one (1) major motorsports racing event each year that will attract at least one hundred thousand (100,000) paid spectators to the event.

(2) The capital improvements specified under the resolution are economically sound and will benefit the people of Indiana by protecting or increasing state and local tax bases and tax revenues for at least the duration of the tax area established under this chapter.

(3) The political subdivisions affected by the capital improvements specified under the resolution have committed significant resources toward completion of the improvement.

(c) In approving the resolution, the budget agency may:

(1) determine and impose a base amount for each of the covered taxes that will not be allocated to the professional motorsports development area fund; and

(2) determine and impose a maximum amount of covered taxes described in section 4(1) and 4(2) of this chapter that may be captured from the professional motorsports development area and allocated to the professional motorsports development area fund.

(d) Revenues from the tax area may not be allocated until the budget agency approves the resolution adopted under section 12(a) of this chapter.

Sec. 14. When the designating body adopts an allocation provision, the county auditor shall notify the department by certified mail of the adoption of the provision and shall include with the notification a complete list of the following:

(1) Employers in the tax area.

(2) Street names and the range of street numbers of each street in the tax area.

The county auditor shall update the list before July 1 of each year.

Sec. 15. If a tax area is established under this chapter, a state fund known as the professional motorsports development area fund is established for that tax area. The fund shall be administered by the department. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

Sec. 16. Subject to section 13(c)(1) of this chapter, covered taxes attributable to a taxing area under section 11 of this chapter shall be deposited in the professional motorsports development area fund.

Sec. 17. On or before the twentieth day of each month, all amounts held in the professional motorsports development area fund shall be distributed to the town clerk-treasurer.

Sec. 18. The department shall notify the town clerk-treasurer of the amount of taxes to be distributed to the town clerk-treasurer. The town legislative body, by notice to the department, may decline the receipt of all or any part of the covered taxes, if that action will not impair the ability to pay outstanding obligations payable from those covered taxes. The notice by the town legislative body must specify which covered taxes are being declined and the amount that the town has elected not to receive. The department shall distribute the covered taxes declined by the town proportionately to the funds and the political subdivisions that would have received the covered taxes if the covered taxes had not been allocated to a tax area under this chapter.

Sec. 19. All distributions from the professional motorsports development area fund for the town shall be made by warrants issued by the auditor of state to the treasurer of state ordering those payments to the town clerk-treasurer.

Sec. 20. The resolution establishing the tax area under section 12(a) of this chapter must designate the use of the funds. The funds are to be used, as directed by the town redevelopment commission, only for the following:

(1) Capital improvements that are located in or directly serve and benefit the tax area.

(2) Financing or refinancing capital improvements described in subdivision (1) or the payment of bonds or leases for capital improvements described in subdivision (1).

(3) Providing financial assistance, in the manner that best serves the purposes of this chapter, including grants and loans, to enable private enterprise to improve, develop, or redevelop property in or directly serving or benefiting the tax area or otherwise providing social and economic benefit to the town.

Sec. 21. The designating body shall repay to the professional motorsports development area fund any amount that is distributed to the designating body and used for a purpose that is not described in this chapter. The department shall distribute the covered taxes repaid to the professional motorsports development area fund under this section proportionately to the funds and the political subdivisions that would have received the covered taxes if the covered taxes had not been allocated to the tax area under this chapter.

Sec. 22. The general assembly finds that the town of Speedway is subject to special circumstances that justify special legislation allowing the town of Speedway to establish a tax area under this chapter.

(Reference is to SB 69 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

LONG, Chair

Report Adopted.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 15 Senator Simpson
Honoring the many accomplishments of Dr. David Baker.

SR 16 Senator Zakas
Congratulating Jordan Ford on 50 years of business.

SCR 11 Senator Nugent
Promoting the literacy program in Dearborn County.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 16

Senate Resolution 16, introduced by Senator Zakas:

A SENATE RESOLUTION congratulating Jordan Ford on 50 years of business.

Whereas, Jordan Ford, located in Mishawaka, is celebrating its 50th year as one of Ford's premier dealerships;

Whereas, Started by Jordan Kapson in 1961, Jordan Ford was the largest volume Ford dealer in the United States in 2010, and has been one of the top three largest volume dealerships for eighteen of the past twenty years;

Whereas, Craig Kapson, Jordan Kapson's only son, helped grow the family business by opening it up to fleet sales several years ago with Conrail, and the fleet business has grown remarkably since then;

Whereas, As a sign of its commitment to excellence and customer service, Jordan Ford has never lost an operating segment and continues to be Ford's top fleet retailer;

Whereas, Edsel Ford, Ford Motor Company director and the great grandson of the company's founder, Henry Ford, visited Jordan Ford in Mishawaka and commemorated the 50- year anniversary of Jordan Ford by personally presenting a 50- year award in recognition and celebration of the company's heritage and success; and

Whereas, Jordan Ford looks forward to continued success as one of Ford's premiere dealerships: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates Jordan Ford on 50 years of business.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Craig Kapson at Jordan Ford in Mishawaka.

The resolution was read in full and adopted by voice vote.

Senate Resolution 15

Senate Resolution 15, introduced by Senator Simpson:

A SENATE RESOLUTION honoring the many accomplishments of Dr. David Baker.

Whereas, Born on December 21, 1931 in Indianapolis, Indiana, Dr. David Baker is a virtuoso performer on multiple musical instruments. He serves as Distinguished Professor of Music and Chairman of the Jazz Department at Indiana University School of Music;

Whereas, Dr. David Baker received his bachelor's degree and master's degree in music education from Indiana University;

Whereas, Dr. David Baker serves as the conductor and artistic director of the Smithsonian Jazz Masterworks Orchestra;

Whereas, Dr. David Baker has taught and performed throughout the United States, Canada, Europe, Australia, New Zealand, and Japan;

Whereas, Dr. David Baker has been nominated for the Pulitzer Prize and a Grammy Award;

Whereas, Dr. David Baker has received numerous awards including the National Association of Jazz Educators Hall of Fame Award (1981), President's Award for Distinguished Teaching from Indiana University (1986), the American Jazz Masters Award from the National Endowment of the Arts (2000), and an Emmy Award for his musical score for the PBS documentary, For Gold and Glory (2003) and;

Whereas, Dr. David Baker has created more than 2,000 compositions including jazz and symphonic works, chamber music, and ballet and film scores. Other publications include 65 recordings, 70 books, and 400 articles: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate honors the accomplishments of Dr. David Baker.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Dr. David Baker and the Indiana University School of Music.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 11

Senate Concurrent Resolution 11, introduced by Senator Nugent:

A CONCURRENT RESOLUTION promoting the literacy program in Dearborn County.

Whereas, Dearborn County has created Black, White, and Read, a program to support and increase literacy awareness in a community reading program;

Whereas, Black, White, and Read programs will unite and uplift hundreds of citizens in Dearborn County, Indiana;

Whereas, A community read is a shared reading and discussion amongst a wide variety of community members. It can bring together individuals from various backgrounds, education and socio-economic levels;

Whereas, The Dearborn Community Read will feature "The Great Gatsby" by F. Scott Fitzgerald, a widely regarded paragon of the Great American Novel and a literary classic; and "Black Beauty" by Anna Sewell, which teaches animal welfare and how to treat people with kindness, sympathy, and respect;

Whereas, The culmination of this year-long reading program will facilitate healthy families by working with the entire family unit developing life skills, literacy skills, and a strong commitment to family wholeness;

Whereas, The Hoosier Hills Literacy League, in collaboration with the Aurora Public Library District, Dearborn Highlands Arts Council, Friends of the Lawrenceburg Public Library, IVY Tech Community College, and Lawrenceburg Public Library District, have resolved to bring this community reading project to the citizens of Dearborn County, Indiana; and

Whereas, Black, White, and Read is a program that can break down barriers of every different sort, as well as improve and encourage literacy awareness: Therefore;

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly promotes the literacy program, Black, White, and Read in Dearborn County, Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Dearborn County Library Board.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative McMillin.

SENATE BILLS ON SECOND READING

Senate Bill 269

Senator Yoder called up Senate Bill 269 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 269–14)

Madam President: I move that Senate Bill 269 be amended to read as follows:

Page 3, line 20, delete "shall" and insert "**may**".

(Reference is to SB 269 as printed January 10, 2012.)

YODER

Motion prevailed.

SENATE MOTION
(Amendment 269–12)

Madam President: I move that Senate Bill 269 be amended to read as follows:

Page 2, between lines 1 and 2, begin a new line block indented and insert:

"**(6) An employee of an employer in the construction industry.**".

Page 2, between lines 9 and 10, begin a new paragraph and insert:

"**Sec. 4. As used in this chapter "employer in the construction industry" refers to either of the following:**

(1) An employer engaged in the building and construction industry as defined by Section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)).

(2) An employer that does any of the following at a construction site or quarry:

(A) Delivers concrete, sand, gravel, asphalt, dirt, ready-mix, or aggregate.
(B) Services or repairs construction equipment.
(C) Provides traffic control.
(D) Does landscaping.
(E) Removes construction related waste or debris.
(F) Does any other work at a construction site.".

Page 2, line 10, delete "4." and insert "**5.**".
Page 2, line 18, delete "5." and insert "**6.**".
Page 2, line 27, delete "6." and insert "**7.**".
Page 2, line 41, delete "7." and insert "**8.**".
Page 3, line 7, delete "8." and insert "**9.**".
Page 3, line 11, delete "section 7" and insert "**section 8**".
Page 3, line 12, delete "9." and insert "**10.**".
Page 3, line 13, delete "section 7" and insert "**section 8**".
Page 3, line 15, delete "10." and insert "**11.**".
Page 3, line 23, delete "11." and insert "**12.**".
Page 3, line 41, delete "12." and insert "**13.**".
Page 3, line 41, delete "7 through 11" and insert "**8 through 12**".

Page 4, between lines 4 and 5 begin a new paragraph and insert:

"**Sec. 13. The provisions of this chapter are severable as provided in IC 1-1-1-8(b).**".

(Reference is to SB 269 as printed January 10, 2012.)

WALTZ

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 24: yeas 12, nays 38.

Motion failed.

SENATE MOTION
(Amendment 269–16)

Madam President: I move that Senate Bill 269 be amended to read as follows:

Page 3, line 17, delete "general" and insert "**general, the department of labor,**".

Page 3, line 19, delete "general" and insert "**general, department of labor,**".

Page 3, between lines 22 and 23, begin a new line blocked left and insert:

"**In addition to any other remedy available under this chapter, if the department of labor determines that a violation or a threatened violation of this chapter has occurred, the department of labor may issue an administrative order providing for any of the civil remedies described in section 11 of this chapter. The department of labor may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to carry out its responsibilities under this chapter.**".

Page 3, delete lines 30 through 33, begin a new line block indented and insert:

"**(1) The greater of:**
(A) actual and consequential damages resulting from the violation or threatened violation; or
(B) liquidated damages of not more than one thousand dollars ($1,000).".

Page 3, line 34, delete "(3)" and insert "**(2)**".
Page 3, line 35, delete "(4)" and insert "**(3)**".
Page 3, line 36, delete "(5)" and insert "**(4)**".
(Reference is to SB 269 as printed January 10, 2012.)

HERSHMAN

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 25: yeas 31, nays 19.

Motion prevailed.

SENATE MOTION
(Amendment 269–17)

Madam President: I move that Senate Bill 269 be amended to read as follows:

Page 2, line 6, after "3." insert "**Nothing in this chapter is intended, or should be construed, to change or affect any law concerning collective bargaining or collective bargaining agreements in the building and construction industry other than:**
(1) a law that permits agreements that would require membership in a labor organization;
(2) a law that permits agreements that would require the payment of dues, fees, assessments, or other charges of any kind or amount to a labor organization; or
(3) a law that permits agreements that would require the payment to a charity or a third party of an amount that is equivalent to or a pro rata part of dues, fees, assessment, or other charges required of members of a labor organization;
as a condition of employment.
Sec. 4.".

Page 2, line 10, delete "4." and insert "**5.**".
Page 2, line 18, delete "5." and insert "**6.**".
Page 2, line 27, delete "6." and insert "**7.**".
Page 2, line 41, delete "7." and insert "**8.**".
Page 3, line 7, delete "8." and insert "**9.**".
Page 3, line 11, delete "7" and insert "**8**".
Page 3, line 12, delete "9." and insert "**10.**".
Page 3, line 13, delete "7" and insert "**8**".
Page 3, line 15, delete "10." and insert "**11.**".
Page 3, line 23, delete "11." and insert "**12.**".
Page 3, line 41, delete "12." and insert "**13.**".
Page 3, line 41, delete "7" and insert "**8**".
Page 3, line 41, delete "11" and insert "**12**".
(Reference is to SB 269 as printed January 10, 2012.)

HERSHMAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 26: yeas 30, nays 20.

Motion prevailed.

SENATE MOTION
(Amendment 269–5)

Madam President: I move that Senate Bill 269 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE

JANUARY 1, 2013]".

Page 2, line 41, delete ":".

Page 2, line 42, delete "(1)".

Page 2, run in lines 41 through 42.

Page 2, line 42, delete ";" and insert "**.**".

Delete pages 3 through 4.

Renumber all SECTIONS consecutively.

(Reference is to SB 269 as printed January 10, 2012.)

TALLIAN

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 27: yeas 13, nays 37.

Motion failed.

SENATE MOTION
(Amendment 269–2)

Madam President: I move that Senate Bill 269 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JANUARY 1, 2013]".

Page 4, line 1, delete "March 14, 2012;" and insert "**January 1, 2013;**".

Page 4, line 4, delete "March 14, 2012." and insert "**January 1, 2013.**".

Page 4, delete line 5.

(Reference is to SB 269 as printed January 10, 2012.)

TALLIAN

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 28: yeas 14, nays 36.

Motion failed.

SENATE MOTION
(Amendment 269–11)

Madam President: I move that Senate Bill 269 be amended to read as follows:

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"**Sec. 8. (a) As used in this section, "actual representation expenses" refers only to those actual expenses incurred by a labor organization in processing a grievance of an employee.**

(b) As used in this section, "nonmember employee" refers to an employee who is:

(1) a member of the bargaining unit of the employer with which a labor organization has a contract; and

(2) not a member of the labor organization.

(c) Subject to subsection (d), a labor organization may collect actual representation expenses from a nonmember employee.

(d) A labor organization may collect actual representation expenses from a nonmember employee only if the nonmember employee has specifically requested in writing to be represented by the labor organization in processing the grievance. However, such a request does not require the nonmember employee to pay any expenses incurred by the labor organization in the course of general contract negotiations or collective bargaining.

(e) An assessment and collection of actual representation expenses under this section is not considered a violation of section 7 of this chapter.

(f) This section is not intended to interfere with rights guaranteed employees generally under the federal Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401 et seq.).".

Page 3, line 7, delete "8." and insert "**9.**".

Page 3, line 12, delete "9." and insert "**10.**".

Page 3, line 15, delete "10." and insert "**11.**".

Page 3, line 23, delete "11." and insert "**12.**".

Page 3, line 41, delete "12." and insert "**13.**".

Page 3, line 41, delete "7 through 11" and insert "**7 through 12**".

(Reference is to SB 269 as printed January 10, 2012.)

TALLIAN

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 29: yeas 16, nays 33.

Motion failed.

SENATE MOTION
(Amendment 269–8)

Madam President: I move that Senate Bill 269 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-7-5-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 11. A person that is an association of persons that:**

(1) has established fees or dues for membership; and

(2) has filed a registration statement under IC 2-7-2 to engage in lobbying on behalf of the association's members;

shall accept as a member of the association a person that meets all requirements for membership. The association may not require the payment of fees or dues as a condition of membership.".

Renumber all SECTIONS consecutively.

(Reference is to SB 269 as printed January 10, 2012.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 30: yeas15, nays 35.

Motion failed.

SENATE MOTION
(Amendment 269–3)

Madam President: I move that Senate Bill 269 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JANUARY 1, 2013]".

Page 3, delete lines 41 through 42, begin a new paragraph and insert:

"**Sec. 12. (a) Sections 7 through 11 of this chapter apply only to a written or oral contract or agreement entered into after January 1, 2013.**

(b) Sections 7 through 11 of this chapter do not apply to or abrogate the following:

(1) A written or oral contract or agreement in effect on January 1, 2013.

(2) A modification, renewal, or extension of a written or oral contract or agreement described in subdivision (1).".

Page 4, delete lines 1 through 5.

(Reference is to SB 269 as printed January 10, 2012.)

TALLIAN

Upon request of Senator Lanane the President ordered the roll of the Senate to be called. Roll Call 31: yeas 13, nays 37.

Motion failed.

SENATE MOTION
(Amendment 269–4)

Madam President: I move that Senate Bill 269 be amended to read as follows:

Page 3, line 15, after "Sec. 10." insert "**(a)**".

Page 3, line 22, delete "enforce compliance" and insert "**file an action in the circuit or superior court of the county in which the violation or threatened violation occurred**".

Page 3, between lines 22 and 23, begin a new paragraph and insert:

"**(b) A person that violates this chapter is subject to a civil penalty of not more than one thousand dollars ($1,000).**".

Page 3, delete lines 23 through 40.

Page 3, line 41, delete "12." and insert "**11.**".

Page 3, line 41, delete "11" and insert "**10**".

(Reference is to SB 269 as printed January 10, 2012.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 32: yeas 14, nays 36.

Motion failed.

SENATE MOTION
(Amendment 269–13)

Madam President: I move that Senate Bill 269 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE NOVEMBER 5, 2012]".

Page 4, line 1, delete "March 14," and insert "**November 5,**".

Page 4, line 4, delete "March 14," and insert "**November 5,**".

Page 4, delete line 5, begin a new paragraph and insert:

"**Sec. 13. (a) Except as provided in subsection (b), this chapter expires November 7, 2012.**

(b) This chapter does not expire if the following public question is approved by the voters of Indiana at the November 6, 2012, general election:

"Should it be unlawful for an employer to require an individual to become or remain a member of a labor organization or pay dues, fees, assessments, or other charges of any kind or amount to a labor organization as a condition of employment or continuation of employment (a "right to work" law)?".

Sec. 14. IC 1-1-1-8 does not apply to this chapter.

SECTION 2. [EFFECTIVE JULY 1, 2012] **(a) The county election board of each county shall place the following public question on the ballot at the November 2012 general election:**

"Should it be unlawful for an employer to require an individual to become or remain a member of a labor organization or pay dues, fees, assessments, or other charges of any kind or amount to a labor organization as a condition of employment or continuation of employment (a "right to work" law)?".

(b) Each county election board shall:

(1) tabulate the votes cast on the public question stated in subsection (a); and

(2) certify the results under IC 3-12-4-9.

(c) IC 3 applies to the public question required by this SECTION except where IC 3 conflicts with this SECTION.

(d) The secretary of state shall certify the results of the vote in each county on the public question required by this SECTION to each of the following:

(1) The speaker of the house of representatives.

(2) The minority leader of the house of representatives.

(3) The president pro tempore of the senate.

(4) The minority leader of the senate.

(5) The governor.

(e) This SECTION expires July 1, 2013.".

(Reference is to SB 269 as printed January 10, 2012.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 33: yeas 14, nays 36.

Motion failed. The bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Boots be added as second author of Senate Bill 230.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second author of Senate Bill 142.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 143.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 235.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Resolution 10.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as coauthor of Senate Bill 311.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 69 and that Senator M. Young be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Arnold, Broden, Glick, Lanane, Head, and Miller be added as coauthors of Senate Bill 233.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mishler be added as second author of Senate Bill 351.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Buck, Bray, Charbonneau, Eckerty, Holdman, Schneider, Tallian, and Breaux be added as coauthors of Senate Bill 168.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 256.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Bill 54.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second author of Senate Bill 378.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 11.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Engrossed Senate Bill 253.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 23, 2012.

LONG

Motion prevailed.

The Senate adjourned at 2:30 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Eleventh Meeting Day Monday Afternoon January 23, 2012

The Senate convened at 2:01 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Dennis K. Kruse.

The Pledge of Allegiance to the Flag was led by Senator Kruse.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 34: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

SENATE MOTION

Madam President: I move that Senate Bill 68, assigned to the Senate Committee on Elections, be withdrawn from further consideration by the Senate.

DELPH

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 203, currently assigned to the Committee on Corrections, Criminal, and Civil Matters, be reassigned to the Committee on Health and Provider Services.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 18

Senate Resolution 18, introduced by Senators Rogers and Delph:

A SENATE RESOLUTION urging the preservation of Gary Theodore Roosevelt's High School Athletic Program.

Whereas, Gary Roosevelt High School opened in 1930 and was Gary's exclusive school for black students;

Whereas, Since 1950, Roosevelt has won 25 state titles in boys' basketball, boys' cross country, boys' track and girls' track;

Whereas, Two state basketball championships and two state runner-up banners hang in the gym at Gary Roosevelt;

Whereas, Gary Roosevelt has several notable alumni athletes including: George Taliaferro, the first African-American drafted in the NFL; Glenn Robinson, a professional basketball All-Star; Lee Calhoun, a two-time Olympic gold medalist; Chuck Adkins, an Olympic boxing gold medalist; and Dick Barnett, who played 14 seasons as a professional basketball player and won titles with the Knicks;

Whereas, Gary Roosevelt is one of seven Indiana schools in its sixth year of academic probation;

Whereas, The Indiana Department of Education selected EdisonLearning, a turnaround school operator, to develop a four year improvement plan that will be implemented starting next year;

Whereas, EdisonLearning has said the future of Gary Roosevelt Panthers' athletic program is "up in the air" which leaves the well-known athletic program in question;

Whereas, The communications director of the Indiana Department of Education stated that "EdisionLearning walked into this with their eyes wide open, understanding they would be operating the school next year. There is nothing that precludes the turnaround school operators from including sports and other extracurricular activities in their written plans and goals for State Board approval." Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate calls upon EdisonLearning to take into consideration the rich tradition and history of Gary Roosevelt High School in determining the future of its athletic program.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Gary Community School Corporation, EdisonLearning, the Indiana Department of Education and the Indiana State Board of Education.

The resolution was read in full and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 131, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 12, delete ""Clean" and insert ""Clean".

Page 3, delete lines 16 through 42.

Page 4, delete lines 1 through 13.

Page 5, line 42, delete "16" and insert "16,".

Page 6, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 13. IC 13-11-2-195.7, AS ADDED BY P.L.178-2009, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 195.7. (a) "Sale" or "sell", for purposes of sections ~~126(c)~~ **126(b)** and 194(c) of this chapter and IC 13-20.5, means a transfer for consideration of title or of the right to use by a:

(1) lease or sales contract, including transactions conducted through sales outlets, catalogs, or the Internet or any other similar electronic means either inside or outside Indiana; and

(2) person that conducts the transaction and controls the delivery of a video display device to a consumer in Indiana.

(b) The term does not include a manufacturer's or distributor's wholesale transaction with a distributor or retailer.".

Page 8, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 21. IC 13-13-7-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. (a) If a vacancy occurs among the members of the council or panel, the appointing authority of the member whose position is vacant shall fill the vacancy by appointment.~~

~~(b) Except as provided in subsection (c), if the appointing authority does not fill a vacancy within sixty (60) days after the date the vacancy occurs, the vacancy shall be filled by appointment by the chairman of the legislative council.~~

~~(c) Subsection (b) does not apply to a member of the council who is also a member of the panel.~~".

Page 9, delete lines 1 through 3.

Page 10, line 34, after "(c)" insert "**(d)**".

Page 10, line 34, reset in roman "The department may issue a septage management permit that".

Page 10, line 35, reset in roman "incorporates".

Page 10, line 36, reset in roman "approval of a land application site.".

Page 10, line 37, delete "(d)" and insert "**(e)**".

Page 11, line 26, strike "vehicle or".

Page 12, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 34. IC 13-19-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The goal of the state is to ~~reduce the amount of solid waste incinerated and disposed of in landfills in Indiana by:~~

~~(1) thirty-five percent (35%) before January 1, 1996; and~~

~~(2) fifty percent (50%) before January 1, 2001;~~

~~through the application and encouragement of solid waste source reduction, recycling, and other alternatives to incineration and landfill disposal.~~ **encourage solid waste source reduction, recycling, and other alternatives to conserve environmental resources. The department shall produce an annual report on the state of the environment.**".

Page 12, delete lines 26 through 33.

Page 15, between lines 7 and 8, begin a new line block indented and insert:

"**(6) A facility that:**

(A) manufactures tires; and

(B) keeps five thousand (5,000) or fewer waste tires indoors in an enclosed structure.".

Page 15, delete lines 31 through 37.

Page 16, after line 42, begin a new paragraph and insert:

"SECTION 43. IC 13-20-13-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. ~~A waste tire that is stored at a facility that:~~

~~(1) does not process waste tires; or~~

~~(2) processes waste tires by cutting or shredding the waste tires;~~

~~is not solid waste if the facility is registered under this chapter and the waste tires are stored in accordance with this chapter and rules adopted under this chapter.~~ **A person that obtains a certificate of registration under this chapter is not required to obtain a solid waste processing facility permit referred to in section 2 of this chapter:**

(1) for activities covered under the registration, including the:

(A) baling;

(B) transferring;

(C) cutting; or

(D) shredding;

of waste tires; or

(2) if the person stores or processes waste tires in a facility in accordance with this chapter and the rules adopted under this chapter.".

Page 17, line 25, after "transporter" insert "**, as defined in IC 13-11-2-252,**".

Page 21, line 27, after "section" insert ":".

Page 21, line 27, strike "is:".

Page 21, line 28, after "(1)" insert "**is**".

Page 22, line 5, reset in roman "March".

Page 22, line 5, delete "December".

Page 22, line 6, before "of" insert "**December 31**".

Page 26, line 2, delete "and".

Page 26, line 3, delete "defects." and insert "**defects; and**".

Page 26, between lines 3 and 4, begin a new line double block indented and insert:

"**(D) any existing restrictive covenants, as defined in IC 13-11-2-193.5.**".

Page 26, delete lines 9 through 20.

Renumber all SECTIONS consecutively.

(Reference is to SB 131 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 248, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning education.

Page 1, delete lines 1 though 4.

Page 1, line 5, delete "Sec. 1." and insert "SECTION 1. [EFFECTIVE JULY 1, 2012] **(a)**".

Page 1, line 5, delete "chapter," and insert "**SECTION,**".

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"**(b) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

(c) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(d) The legislative council is urged to assign the following topics to a study committee during the 2012 legislative interim:

(1) The use of balanced calendars by school corporations.

(2) Procedures for the implementation or discontinuance of the use of balanced calendars, including the use of referenda.

(e) If the topics described in subsection (d) are assigned to a study committee, the study committee shall determine whether legislation should be enacted to address the topics, and if so, the study committee shall recommend proposed legislation.

(f) This SECTION expires December 31, 2012.".

Delete pages 2 through 4.

Renumber all SECTIONS consecutively.

(Reference is to SB 248 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 175, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 15, after "(d)" insert "**A form submitted by a voter after June 30, 2012, must conform to this subsection.**".

Page 4, line 15, delete "require" and insert "**request**".

Page 4, line 16, delete ", except for a voter" and insert "**:**

(1) provide the last four (4) digits of the voter's Social Security number; or

(2) state that the voter does not have a Social Security number.".

Page 4, delete lines 17 through 18.

Page 4, line 26, delete "The voter identification number required under section" and insert "**The information provided by the voter under section 5.1(d) of this chapter.**".

Page 4, delete line 27.

Page 5, line 26, delete "This subsection does not apply to a voter submitting an" and insert "**A voter's failure to provide the information requested under section 5.1(d) of this chapter does not affect a voter's ability to receive an absentee ballot. A county election board may not deny an application because the voter has not provided the information requested under section 5.1(d) of this chapter as a part of the voter's application for an absentee ballot.**".

Page 5, delete lines 27 through 37.

Page 6, delete lines 33 through 42.

Page 7, delete lines 1 through 2, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

(b) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(c) The legislative council is urged to assign the following topics to a study committee during the 2012 legislative interim:

(1) Ballot security for an absentee ballot transmitted to and from a voter by mail.

(2) Connection of the statewide voter registration list established under IC 3-7-26.3 and files maintained by the department of state revenue.

(d) If the topics described in subsection (c) are assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topics, in an electronic format under IC 5-14-6 not later than November 1, 2012.

(e) This SECTION expires December 31, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to SB 175 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 168, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "property on" and insert "**the property of an owner or operator,**".

Page 1, line 4, delete "which an underground storage tank is located,".

Page 1, line 13, after "received," insert "**in order to perfect the lien,**".

Page 3, line 28, before "transferor" delete "the" and insert "The".

Page 3, line 30, delete "transferee:" and insert "**:**".

Page 3, line 31, after "(A)" insert "**transferee**".

Page 3, line 35, delete "the".

Page 3, line 37, delete "the".

Page 3, after line 38, begin a new line block indented and insert:

"**(3) The transferee pays all applicable tank fees under IC 13-23-12-1, including past due fees and interest for each tank not more than thirty (30) days after receiving notice of the indebtedness.**".

(Reference is to SB 168 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Senate Resolution 10, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Senate Bill 192, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 322, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 256, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 5.

Page 2, delete lines 36 through 38.

Page 3, line 28, delete "Subject to".

Page 3, line 29, delete "the approval of the commissioner, monetary" and insert "Monetary".

Page 3, line 38, delete "otherwise" and insert "**defined by a written protocol approved by the commissioner.**".

Page 3, delete line 39.

Page 3, line 40, delete "The fund shall be administered by the fund board.".

Renumber all SECTIONS consecutively.

(Reference is to SB 256 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 329, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 14, strike "twenty (20)" and insert "**forty-five (45)**".

Page 1, line 15, delete "the party receives the written notice of the filing of the".

Page 1, line 16, delete "report sent by".

Page 1, line 16, after "clerk" insert "**mails the report**".

Page 2, line 8, strike "Twenty (20)" and insert "**Forty-five (45)**".

Page 2, line 8, delete "latest".

Page 2, line 8, delete "a party receives the".

Page 2, line 9, delete "written notice sent by".

Page 2, line 9, delete "by certified mail" and insert "**mails the report**".

Page 2, line 10, delete "concerning the" and insert "**,**".

Page 2, line 10, strike "filing of the report of the".

Page 2, line 11, strike "appraisers".

(Reference is to SB 329 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 157, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 30-5-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The attorney in fact shall keep complete records of all transactions entered into by the attorney in fact on behalf of the principal:

(1) for six (6) years after the date of the transaction; or

(2) until the records are delivered to the successor attorney in fact;

whichever occurs first.

(b) Except as otherwise stated in the power of attorney, the attorney in fact is not required to render an accounting. The attorney in fact shall render a written accounting if an accounting is ordered by a court, requested by the principal, a guardian appointed for the principal, **a child of the principal,** or, upon the death of the principal, the personal representative of the principal's estate, or an heir or legatee of the principal.

(c) An attorney in fact shall deliver an accounting requested under subsection (b) to:

(1) the principal;

(2) a guardian appointed for the principal;

(3) the personal representative of the principal's estate;

(4) an heir of the principal after the death of the principal; or

(5) a legatee of the principal after the death of the principal;

not later than sixty (60) days after the date the attorney in fact receives the written request for an accounting. In the event of the principal's death, an accounting under this subsection must be requested not later than nine (9) months after the date of the principal's death.

(d) Not more than one (1) accounting is required under this section in each twelve (12) month period unless the court, in its discretion, orders additional accountings.

(e) If an attorney in fact fails to deliver an accounting as required under subsection (c), the person requesting the accounting may initiate an action in mandamus to compel the attorney in fact to render the accounting. The court may award the attorney's fees and court costs incurred under this subsection to the person requesting the accounting if the court finds that the attorney in fact failed to render an accounting as required under this section without just cause.".

Renumber all SECTIONS consecutively.

(Reference is to SB 157 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

SENATE BILLS ON SECOND READING

Senate Bill 362

Senator Merritt called up Senate Bill 362 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 362–1)

Madam President: I move that Senate Bill 362 be amended to read as follows:

Page 2, line 5, after "comprised" delete "of" and insert "**of: (1)**".

Page 2, line 6, delete "chapter." and insert "**chapter; and (2) any other directors that the members of the commission appoint.**".

(Reference is to SB 362 as printed January 18, 2012.)

MERRITT

Motion prevailed. The bill was ordered engrossed.

Senate Bill 370

Senator Mishler called up Senate Bill 370 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 370–1)

Madam President: I move that Senate Bill 370 be amended to read as follows:

Page 3, line 27, after "advertising" insert "**Indiana**".

(Reference is to SB 370 as printed January 18, 2012.)

MISHLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 18

Senator Steele called up Senate Bill 18 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 18–1)

Madam President: I move that Senate Bill 18 be amended to read as follows:

Page 1, line 2, after "18." insert "**(a)**".

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"**(b) This subsection does not apply to a child who is emancipated or incapacitated. If the child:**

(1) is at least nineteen (19) years of age;

(2) is enrolled in a secondary school or has attended a secondary school within the prior four (4) months; and

(3) has not graduated from a secondary school;

the duty to support a child under this article, which does not include support for educational needs, continues until the child becomes twenty-one (21) years of age, graduates from a secondary school, or has not attended a secondary school within the prior four (4) months, whichever occurs first.

(c) A child who is receiving child support under an order issued before July 1, 2012, may file a petition for educational needs until the child becomes twenty-one (21) years of age.

(d) A child who is receiving child support under an order issued after June 30, 2012, may file a petition for educational needs until the child becomes nineteen (19) years of age.".

(Reference is to SB 18 as printed January 11, 2012.)

STEELE

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 1

Senator M. Young called up Engrossed Senate Bill 1 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 35: yeas 45, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives McMillin and Turner.

Engrossed Senate Bill 15

Senator Miller called up Engrossed Senate Bill 15 for third reading:

A BILL FOR AN ACT concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 36: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

Engrossed Senate Bill 26

Senator Bray called up Engrossed Senate Bill 26 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 37: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Pierce.

Engrossed Senate Bill 32

Senator Bray called up Engrossed Senate Bill 32 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 38: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Foley.

Engrossed Senate Bill 111

Senator Holdman called up Engrossed Senate Bill 111 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 39: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Torr.

Engrossed Senate Bill 115

Senator Landske called up Engrossed Senate Bill 115 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 40: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the

bill. House sponsors: Representatives Koch and Richardson.

Engrossed Senate Bill 119

Senator Landske called up Engrossed Senate Bill 119 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 41: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch and Richardson.

Engrossed Senate Bill 127

Senator Tallian called up Engrossed Senate Bill 127 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 42: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Niezgodski and Gutwein.

Engrossed Senate Bill 130

Senator Gard called up Engrossed Senate Bill 130 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 43: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Wolkins.

Engrossed Senate Bill 148

Senator Holdman called up Engrossed Senate Bill 148 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 44: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Heaton, Mahan, and GiaQuinta.

Engrossed Senate Bill 170

Senator Lawson called up Engrossed Senate Bill 170 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 45: yeas 39, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Mahan.

Engrossed Senate Bill 176

Senator M. Young called up Engrossed Senate Bill 176 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 46: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Foley.

Engrossed Senate Bill 215

Senator Skinner called up Engrossed Senate Bill 215 for third reading:

A BILL FOR AN ACT concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 47: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Kersey.

Engrossed Senate Bill 225

Senator Miller called up Engrossed Senate Bill 225 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 48: yeas 50, nays 0. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

Engrossed Senate Bill 257

Senator Arnold called up Engrossed Senate Bill 257 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 49: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Soliday and DeLaney.

SENATE BILLS ON SECOND READING

Senate Bill 13

Senator Miller called up Senate Bill 13 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 13–1)

Madam President: I move that Senate Bill 13 be amended to read as follows:

Page 1, strike lines 14 through 17.

Page 2, strike lines 1 through 3.

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"**(b) The following establishments shall post a sign next to each automated teller machine or point of sale terminal located on the premises informing a potential user that the automated teller machine or point of sale terminal may not be used to receive cash assistance benefits under the Title IV-A assistance program:**".

Page 2, line 24, strike "(d) An establishment described in subsection (c)(1) through".

Page 2, line 25, delete "(c)(7)".

Page 2, line 25, strike "shall post a sign next to each automated teller machine or point".

Page 2, strike lines 26 through 29.

Page 2, line 30, strike "(e)" and insert "**(c)**".

Page 2, line 32, strike "(d);" and insert "**(b);**".

Page 2, line 35, delete "(d)" and insert "**(b)**".

Page 2, line 36, delete "program;" and insert "program".

Page 2, line 36, reset in roman "in violation of subsection".

Page 2, line 36, after "(d);" insert "**(b);**".

Page 2, line 38, strike "(f)" and insert "**(d)**".

(Reference is to SB 13 as printed January 13, 2012.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 24

Senator Lawson called up Senate Bill 24 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 24–1)

Madam President: I move that Senate Bill 24 be amended to read as follows:

Page 11, line 21, after "(f)" insert "**An exemption under this section from this article does not include exempting the individual from paying any application or renewal fees.**

(g)".

(Reference is to SB 24 as printed January 20, 2012.)

LAWSON

Motion prevailed.

SENATE MOTION
(Amendment 24–2)

Madam President: I move that Senate Bill 24 be amended to read as follows:

Page 8, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 24. IC 25-23.6-8-2.7, AS AMENDED BY P.L.177-2009, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.7. (a) As used in this section, "first available examination" means the first examination after the date of:

(1) graduation; or

(2) moving into Indiana;

that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the individual chooses to meet a deadline that is less than thirty (30) days after either of those events.

(b) An applicant for a license as a marriage and family therapist under section 1 of this chapter must have at least two (2) years of **postdegree** clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services. The applicant's clinical experience must include one thousand (1,000) hours of postdegree clinical experience and two hundred (200) hours of postdegree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

(c) If an individual applies for, takes, and passes the first available examination, the individual may not count more than five hundred (500) hours of the postdegree clinical experience that is:

(1) required under subsection (b); and

(2) accumulated before taking the examination toward licensure as a marriage and family therapist.

(d) If an individual does not pass the first available examination, the individual may:

(1) retain the hours accumulated before taking the examination;

(2) continue working; and

(3) not accumulate any additional hours toward licensure as a marriage and family therapist until passing the examination.

(e) If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a marriage and family therapist until the individual passes the examination.

(f) When obtaining the clinical experience required under subsection (b), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

(1) Unmarried couples.

(2) Married couples.

(3) Separating or divorcing couples.

(4) Family groups, including children.

(g) A doctoral internship may be applied toward the supervised work experience requirement.

(h) Except as provided in subsection (i), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(i) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

(1) the work is the independent private practice of marriage and family therapy; and

(2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.".

Renumber all SECTIONS consecutively.

(Reference is to SB 24 as printed January 20, 2012.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 31

Senator Paul called up Senate Bill 31 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 98

Senator Kenley called up Senate Bill 98 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 105

Senator Boots called up Senate Bill 105 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 109

Senator Holdman called up Senate Bill 109 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 114

Senator Bray called up Senate Bill 114 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 143

Senator Kenley called up Senate Bill 143 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 143–2)

Madam President: I move that Senate Bill 143 be amended to read as follows:

Page 1, line 3, delete "JANUARY 1, 2013]:" and insert "UPON PASSAGE]:".

Page 1, line 3, after "end" insert "**of the state fiscal year ending June 30, 2013, and after the end**".

Page 1, line 4, after "year" delete "," and insert "**thereafter,**".

Page 1, line 14, delete "JANUARY 1, 2013]:" and insert "UPON PASSAGE]:".

Page 1, line 16, after "budget" insert "**under section 1 of this chapter**".

Page 2, line 10, strike "the" and insert "**2013 and September 30 of each**".

Page 2, line 10, after "year" delete "." and insert "**thereafter.**".

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "school corporation" has the meaning set forth in IC 20-43-1-23.**

(b) In addition to the amounts appropriated in P.L.229-2011, SECTION 9, for DISTRIBUTIONS FOR TUITION SUPPORT, three hundred twenty-seven million dollars ($327,000,000) is appropriated for the state fiscal year beginning July 1, 2012, and ending June 30, 2013, to make additional tuition support distributions to school corporations during 2012.

(c) The total amount of the additional tuition support distribution that a school corporation is entitled to receive under this SECTION during 2012 is equal to the result of the following STEPS:

STEP ONE: Determine the result of:

(A) the tuition support distribution that would otherwise be received in 2012 by the school corporation, without considering the distributions made under this SECTION; divided by

(B) the total amount of tuition support distributions that would otherwise be received in 2012 by all school corporations, without considering the distributions made under this SECTION.

STEP TWO: Multiply the STEP ONE result by three hundred twenty-seven million dollars ($327,000,000).

(d) The additional tuition support distribution that a school corporation is entitled to receive under this SECTION shall be made monthly in six (6) equal amounts during the last six (6) months of 2012.

(e) In determining a school corporation's previous year revenue under IC 20-43-3-4 for purposes of calculating the school corporation's tuition support distributions under IC 20-43 for 2013, the amount distributed in 2012 to the school corporation as an additional tuition support distribution under this SECTION shall also be included in the school corporation's previous year revenue.

(f) This SECTION expires January 1, 2015.".

Renumber all SECTIONS consecutively.

(Reference is to SB 143 as printed January 20, 2012.)

BRODEN

Upon request of Senator Broden the President ordered the roll of the Senate to be called. Roll Call 50: yeas 14, nays 36.

Motion failed.

SENATE MOTION
(Amendment 143–1)

Madam President: I move that Senate Bill 143 be amended to read as follows:

Page 1, line 7, after "budget" insert "**:**

(1)".

Page 1, line 9, delete "IC 4-12-1-15.7." and insert "**IC 4-12-1-15.7; and**

(2) for purposes of calculating the state reserves under this chapter, shall reduce the amount of the state reserves by the total amount of federal advances under Section 1201 of the federal Social Security Act (42 U.S.C. 1321), or any similar federal law, including interest that has accrued on those advances, that must be returned (determined as of the end of the state fiscal year).".

Page 1, line 9, beginning with "The office" begin a new line blocked left.

Page 2, line 13, delete "After" and insert "**(a) Except as provided in subsection (b),** after".

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"**(b) Notwithstanding any other law and in addition to all other requirements under this chapter, no transfers or automatic taxpayer refunds may be made under this chapter unless the unfunded accrued liability of each of the following pension funds is less than fifteen percent (15%):**

(A) The public employees' retirement fund.

(B) The Indiana state teachers' retirement fund.

(C) The Indiana judges' retirement fund.

(D) The prosecuting attorneys retirement fund.

(E) The state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement fund.

(F) The legislators' retirement system.

(G) The Indiana state police pension trust.".

(Reference is to SB 143 as printed January 20, 2012.)

BRODEN

Motion failed. The bill was ordered engrossed.

Senate Bill 154

Senator Steele called up Senate Bill 154 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 156

Senator Steele called up Senate Bill 156 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 156–1)

Madam President: I move that Senate Bill 156 be amended to read as follows:

Page 4, line 5, after "a" insert "**title or**".

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"**(j) As used in this subsection, "real estate professional" has the meaning set forth in IC 23-1.5-1-13.5. If the court has ordered that some or all of the property be sold at auction and, at any time before the property is sold at auction, all parties inform the court in writing that they:**

(1) wish to sell some or all of the property through a real estate professional;

(2) have jointly selected a real estate professional; and

(3) have agreed upon a listing price for the property;

the court shall rescind its order that the property, or a part of the property, be sold at auction and permit the property to be sold through a real estate professional. If some or all of the property has not been sold at the expiration of the listing agreement with the real estate professional, upon petition by any party, the court shall order the property to be sold at auction in accordance with subsection (c).".

Page 5, delete lines 25 through 28, begin a new paragraph, and insert:

"SECTION 10. IC 32-17-4-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. (a) The commissioners shall report to the court regarding their activities under this chapter.~~

~~(b) The commissioners shall make the report required under this section:~~

~~(1) in open court; or~~

~~(2) by signing and swearing to the report before a person authorized to administer oaths.~~

~~(c) A report filed under this section must specify the shares assigned to each party by:~~

~~(1) divisions;~~

~~(2) lots;~~

~~(3) metes and bounds; or~~

~~(4) plats.~~".

(Reference is to SB 156 as printed January 20, 2012.)

STEELE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 212

Senator Gard called up Senate Bill 212 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 223

Senator Miller called up Senate Bill 223 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 223–2)

Madam President: I move that Senate Bill 223 be amended to read as follows:

Page 4, after line 37, begin a new line block indented and insert:

"**(3) Either:**

(A) enter into an agreement with the state department; or

(B) provide the state department with a copy of an agreement that the health professional has entered into with a provider in a shortage area;

to practice in the shortage area for at least one (1) year.

SECTION 6. IC 16-46-5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. **(a)** The state department shall adopt rules under IC 4-22-2 necessary to carry out this chapter.

(b) The state department shall adopt rules under IC 4-22-2 to ensure that a loan repayment provided under this chapter complies with federal law and regulations.".

Renumber all SECTIONS consecutively.

(Reference is to SB 223 as printed January 13, 2012.)

SIMPSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 232

Senator M. Young called up Senate Bill 232 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 232–3)

Madam President: I move that Senate Bill 232 be amended to read as follows:

Page 2, delete lines 14 through 42.

Delete pages 3 through 6.

Page 7, delete lines 1 through 40.

Page 10, reset in roman line 16.

Page 10, line 17, reset in roman "to another labor market to join a spouse who".

Page 10, line 17, after "who" insert ":".

Page 10, line 18, after "market," begin a new line double block indented and insert:

"**(A) is a member of the armed forces of the United States on active duty (as defined in 10 U.S.C. 101(d)(1)); and**

(B) was required by the armed forces to relocate to that labor market;".

Page 10, line 18, beginning with "shall" begin a new line block indented.

Page 10, line 18, reset in roman "shall not be disqualified for that voluntary".

Page 10, reset in roman lines 19 through 22.

Page 10, line 23, reset in roman "(8)".

Page 10, line 23, delete "(7)".

Page 11, delete lines 24 through 42.

Delete pages 12 through 17.

Page 18, delete lines 1 through 31.

Page 19, delete lines 29 through 42.

Delete pages 20 through 21.

Page 22, delete line 1.

Renumber all SECTIONS consecutively.

(Reference is to SB 232 as printed January 13, 2012.)

SKINNER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 233

Senator Alting called up Senate Bill 233 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 249

Senator Alting called up Senate Bill 249 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 255

Senator Wyss called up Senate Bill 255 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 255–1)

Madam President: I move that Senate Bill 255 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 21.

Page 4, line 20, delete "the 290 IAC 1 or 290 IAC 2," and insert "**290 IAC 1-1 or 290 IAC 1-2,**".

Page 4, delete lines 40 through 42.

Delete pages 5 through 10.

Renumber all SECTIONS consecutively.

(Reference is to SB 255 as printed January 11, 2012.)

WYSS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 262

Senator Bray called up Senate Bill 262 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 274

Senator Merritt called up Senate Bill 274 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 301

Senator Charbonneau called up Senate Bill 301 for second

reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 302

Senator Charbonneau called up Senate Bill 302 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 355

Senator Charbonneau called up Senate Bill 355 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 355–1)

Madam President: I move that Senate Bill 355 be amended to read as follows:

Page 7, line 33, after "corporation," insert "**and to the extent the authority exists outside this chapter, an emergency manager may do**".

Page 9, line 17, after "subdivision's" delete "unit's".

(Reference is to SB 355 as printed January 20, 2012.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 402

Senator Simpson called up Senate Bill 402 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 128

Senator Walker called up Senate Bill 128 for second reading. The bill was reread a second time by title. There being no amendments, the bill was ordered engrossed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 10 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 9 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 269

Senator Yoder called up Engrossed Senate Bill 269 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 51: yeas 28, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Torr, Bosma, and Culver.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 113.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Banks and Kruse be added as coauthors of Senate Bill 231.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as second author of Engrossed Senate Bill 301.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as second author and Senators Eckerty, Leising, Kruse, Tomes, Buck, Hume, Walker, M. Young, and Banks be added as coauthors of Senate Bill 72.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as third author of Senate Bill 302.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be removed as coauthor of Engrossed Senate Bill 233.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as second author and Senators Becker, Delph, and Hume be added as coauthors of Engrossed Senate Bill 233.

ATLING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as coauthor of Senate Bill 154.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 156.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Boots and Skinner be added as coauthors of Engrossed Senate Bill 232.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 334.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Banks be added as coauthor of Senate Bill 243.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators M. Young, Delph, and Walker be added as cosponsors of House Concurrent Resolution 10.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 174.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as coauthor of Engrossed Senate Bill 31.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be added as second author of Senate Bill 118.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 155.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 154.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 156.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as third author of Senate Bill 270.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 176.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be removed as coauthor of Senate Bill 54.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author and Senators Lawson, Bray, and M. Young be added as coauthors of Senate Bill 54.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 22.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as coauthor of Senate Bill 31.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as coauthor of Engrossed Senate Bill 15.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as third author of Senate Bill 355.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as second author of Senate Bill 345.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mishler be added as second author of Senate Bill 344.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Zakas and Bray be added as coauthors of Engrossed Senate Bill 1.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as coauthor of Senate Bill 301.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 347.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as coauthor of Senate Bill 262.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mishler be added as third author of Senate Bill 310.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 131.

GARD

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 35(c), the following technical corrections are to be made to Engrossed Senate Bill 130.

Page 14, line 22, delete "twelve (12) members," and insert **"eleven (11) members,".**

Page 22, line 17, reset in roman "a".

Page 22, line 18, delete "the".

Page 43, line 10, delete "law." and insert "law:".

(Reference is to ESB 130 as reprinted January 20, 2012.)

LONG

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 35(c), the following technical corrections are to be made to Engrossed

Senate Bill 269.

Page 3, line 42, delete "11" and insert **"12".**

(Reference is to ESB 269 as reprinted January 21, 2012.)

LONG

Report adopted.

SENATE MOTION

Madam President: I move that Senator Walker be added as second author of Engrossed Senate Bill 105.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 24, 2012.

LONG

Motion prevailed.

The Senate adjourned at 6:33 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Twelfth Meeting Day Tuesday Afternoon January 24, 2012

The Senate convened at 1:47 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Pastor Jeff Pflug, Faith Lutheran Church, Madison.

The Pledge of Allegiance to the Flag was led by Senator James C. Smith, Jr.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 52: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 327, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 5. IC 9-18-3-6, AS AMENDED BY P.L.109-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The bureau may issue distinctive permanent plates under this chapter to each of the following:

(1) The state police department.
(2) The department of natural resources.
(3) County police departments.
(4) City police departments.
(5) The department of correction, for designated departmental vehicles used by correctional police officers appointed under IC 11-8-9-1.
(6) An elected constable of a small claims court, as set forth in IC 33-34-6-4.".

Renumber all SECTIONS consecutively.

(Reference is to SB 327 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 371, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 234, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an

emergency rule.
(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.
(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.
(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.
(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:
(A) the variance procedures are included in the rules; and
(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.
(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.
(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.
(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).
(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).
(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.
(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.
(30) A rule adopted by the Indiana finance authority:
(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;
(B) under IC 8-15-2-17.2(a)(10):
(i) establishing enforcement procedures; and
(ii) making assessments for failure to pay required tolls;
(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or
(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.
(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.
(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.
(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).
(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.
(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.
(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:
(A) Federal Medicaid waiver program provisions.
(B) Federal programs administered by the office of the secretary.

(38) An emergency rule adopted by the Indiana board of pharmacy declaring a substance to be a synthetic drug under IC 25-26-13-4.1.

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and

(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(5) The statutory effective date for an emergency rule set forth in the statute authorizing the agency to adopt emergency rules.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), ~~and~~ (l), **and (n),** a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

(n) A rule described in subsection (a)(38) expires on June 30 of the year following the year in which it is filed with the publisher under this section.

SECTION 3. IC 16-31-3-14, AS AMENDED BY P.L.182-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.

(3) Censure of a certificate holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars ($500) per day per violation.

(B) If the certificate holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate without additional proceedings.

(6) Placement of a certificate holder on probation status and requirement of the certificate holder to:

(A) report regularly to the department of homeland security upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department of homeland security;

(C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the department of homeland security may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder, has had disciplinary action taken against the applicant or the applicant's certificate to practice in another state or jurisdiction, or has practiced without a certificate in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder to submit to a reasonable physical or mental examination if the certificate holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate issued under this article if the individual who holds or is applying for the certificate is convicted of any of the following:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** as a Class D felony under

IC 35-48-4-11.

(9) Maintaining a common nuisance under IC 35-48-4-13.

(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (12).

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

(p) For purposes of this section, "certificate holder" means a person who holds:

(1) an unlimited certificate;

(2) a limited or probationary certificate; or

(3) an inactive certificate.

SECTION 4. IC 16-31-3-14.5, AS AMENDED BY P.L.182-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or permanently revoke a certificate under procedures provided by section 14 of this chapter if the individual who holds the certificate issued under this title is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) A crime of violence (as defined in IC 35-50-1-2(a)).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

SECTION 5. IC 20-28-5-8, AS AMENDED BY P.L.155-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a

nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

(1) Kidnapping (IC 35-42-3-2).
(2) Criminal confinement (IC 35-42-3-3).
(3) Rape (IC 35-42-4-1).
(4) Criminal deviate conduct (IC 35-42-4-2).
(5) Child molesting (IC 35-42-4-3).
(6) Child exploitation (IC 35-42-4-4(b)).
(7) Vicarious sexual gratification (IC 35-42-4-5).
(8) Child solicitation (IC 35-42-4-6).
(9) Child seduction (IC 35-42-4-7).
(10) Sexual misconduct with a minor (IC 35-42-4-9).
(11) Incest (IC 35-46-1-3).
(12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(13) Dealing in methamphetamine (IC 35-48-4-1.1).
(14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(17) Dealing in a counterfeit substance (IC 35-48-4-5).
(18) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** (IC 35-48-4-10(b)).
(19) Possession of child pornography (IC 35-42-4-4(c)).
(20) Homicide (IC 35-42-1).
(21) Voluntary manslaughter (IC 35-42-1-3).
(22) Reckless homicide (IC 35-42-1-5).
(23) Battery as any of the following:
(A) A Class A felony (IC 35-42-2-1(a)(5)).
(B) A Class B felony (IC 35-42-2-1(a)(4)).
(C) A Class C felony (IC 35-42-2-1(a)(3)).
(24) Aggravated battery (IC 35-42-2-1.5).
(25) Robbery (IC 35-42-5-1).
(26) Carjacking (IC 35-42-5-2).
(27) Arson as a Class A felony or a Class B felony (IC 35-43-1-1(a)).
(28) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(29) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (28).
(30) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (28).

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 6. IC 22-15-5-16, AS AMENDED BY P.L.182-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
(2) engaged in fraud or material deception in the course of professional services or activities;
(3) advertised services or goods in a false or misleading manner;
(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
(5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
(6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
(7) continued to practice although the practitioner has become unfit to practice due to:
(A) professional incompetence;
(B) failure to keep abreast of current professional theory or practice;
(C) physical or mental disability; or
(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
(8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
(9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
(10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
(11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
(12) allowed a license issued by the department to be:
(A) used by another person; or
(B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

(1) Permanent revocation of a practitioner's license.
(2) Suspension of a practitioner's license.
(3) Censure of a practitioner.
(4) Issuance of a letter of reprimand.
(5) Assess a civil penalty against the practitioner in accordance with the following:
(A) The civil penalty may not be more than one thousand dollars ($1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.
(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.
(6) Place a practitioner on probation status and require the practitioner to:
(A) report regularly to the department upon the matters that are the basis of probation;
(B) limit practice to those areas prescribed by the department;
(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.
The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:
(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
(2) Possession of methamphetamine under IC 35-48-4-6.1.
(3) Possession of a controlled substance under IC 35-48-4-7(a).
(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** as a Class D felony under IC 35-48-4-11.
(9) Maintaining a common nuisance under IC 35-48-4-13.
(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in subdivisions (1) through (12).

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:
(1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
(2) Dealing in methamphetamine under IC 35-48-4-1.1.
(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
(8) Dealing in a counterfeit substance under IC 35-48-4-5.
(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in subdivisions (1) through (11).

(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

(1) Court reporters.

(2) Transcripts.

(3) Certification of documents.

(4) Photo duplication.

(5) Witness attendance and mileage fees.

(6) Postage.

(7) Expert witnesses.

(8) Depositions.

(9) Notarizations.

SECTION 7. IC 24-26-13-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) The board may adopt an emergency rule to declare that a substance is a synthetic drug.**

(b) The board may adopt an emergency rule declaring a substance to be a synthetic drug if the board finds that the substance:

(1) has been scheduled or emergency scheduled by the United States Drug Enforcement Administration; or

(2) has been scheduled, emergency scheduled, or criminalized by another state.

(c) A rule adopted under this section becomes effective thirty (30) days after it is filed with the publisher under IC 4-22-2-37.1.

(d) A rule adopted under this section expires on June 30 of the year following the year in which it is filed with the publisher under IC 4-22-2-37.1.

(e) The board may readopt under this section an emergency rule that has expired.

SECTION 7. IC 25-1-1.1-2, AS AMENDED BY P.L.138-2011, SECTION 6, AND P.L.182-2011, SECTION 6, AND AS AMENDED BY P.L.155-2011, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. *Notwithstanding IC 25-1-7,* a board, a commission, or a committee may suspend, *deny,* or revoke a license or certificate issued under this title by the board, the commission, or the committee *without an investigation by the office of the attorney general* if the individual who holds the license or certificate is convicted of any of the following *and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:*

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, ~~or~~ hashish, *salvia, or a synthetic* ~~*cannabinoid*~~ **drug** as a Class D felony under IC 35-48-4-11.

(9) Maintaining a common nuisance under IC 35-48-4-13.

(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

~~(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).~~

(13) A sex crime under IC 35-42-4.

(14) A felony that reflects adversely on the individual's fitness to hold a professional license.

(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

SECTION 8. IC 25-1-1.1-3, AS AMENDED BY P.L.182-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).

(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 9. IC 35-41-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. "Analog", for purposes of section 26.3 of this chapter, means a new or novel chemical entity, independent of synthetic route or natural origin, having substantially the same:**

(1) carbon backbone structure; and

(2) pharmacological mechanism of action;

as a compound specifically defined as a synthetic drug in section 26.3 of this chapter.".

Page 1, line 3, strike "cannabinoid"" and insert "**drug**"".

Page 1, line 5, delete "analogue or homologue" and insert "**analog:**".

Page 1, delete line 6.

Page 2, line 3, delete "**naphthalen-1-ylmethanone).**" and insert "**naphthalen-1-yl-methanone).**".

Page 3, between lines 22 and 23, begin a new line double block indented and insert the following:

"**(JJ) 6-APB [6-(2-aminopropyl)benzofuran].**
(LL) 7-hydroxymitragynine.
(MM) α-PPP [α-pyrrolidinopropiophenone].
(NN) α-PVP (desmethylpyrovalerone).
(OO) AM-251.
(PP) AM-1241.
(QQ) AM-2201.
(RR) AM-2233.
(SS) Buphedrone.
(TT) Butylone.
(UU) CP-47,497-C7.
(VV) CP-47,497-C8.
(WW) Desoxypipradol.
(XX) Ethylone.
(YY) Eutylone.
(ZZ) Flephedrone.
(AAA) JWH-011.
(BBB) JWH-020.
(CCC) JWH-022.
(DDD) JWH-030.
(EEE) JWH-182.
(FFF) JWH-302.
(GGG) MDAI [5,6-methylenedioxy-2-aminoindane].
(HHH) Mitragynine.
(III) Naphyrone.
(JJJ) Pentedrone.
(LLL) Pentylone.
(MMM) Methoxetamine [2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone.]".

Page 3, line 27, delete "cycloalkylethy" and insert "**cycloalkylethyl**".

Page 3, line 33, delete "3-(1-naphthoyl)173" and insert "**3-(1-naphthoyl)**".

Page 4, between lines 27 and 28, begin a new line block indented and insert:

"**(8) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene**

ring systems, whether or not the compound is further modified:

(A) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one (1) or more other univalent substituents;

(B) by substitution at the 3-position with an acyclic alkyl substituent;

(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(9) Any compound determined to be synthetic drug by rule adopted under IC 25-26-13-4.1.".

Page 9, line 27, strike "cannabinoids" and insert "**drugs**".

Page 11, after line 32, begin a new paragraph and insert:

"SECTION 11. IC 35-48-4-8.5, AS AMENDED BY P.L.182-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) A person who keeps for sale, offers for sale, delivers, or finances the delivery of a raw material, an instrument, a device, or other object that is intended to be or that is designed or marketed to be used primarily for:

(1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance;

(2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance;

(3) enhancing the effect of a controlled substance;

(4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance;

(5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance by individuals; or

(6) any purpose announced or described by the seller that is in violation of this chapter;

commits a Class A infraction for dealing in paraphernalia.

(b) A person who knowingly or intentionally violates subsection (a) commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated judgment or conviction under this section.

(c) A person who recklessly keeps for sale, offers for sale, or delivers an instrument, a device, or other object that is to be used primarily for:

(1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance;

(2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance;

(3) enhancing the effect of a controlled substance;

(4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance;

(5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance by individuals; or

(6) any purpose announced or described by the seller that is in violation of this chapter;

commits reckless dealing in paraphernalia, a Class B misdemeanor. However, the offense is a Class D felony if the person has a previous judgment or conviction under this section.

(d) This section does not apply to the following:

(1) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid,~~ **drug,** or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(2) Items marketed for or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.

SECTION 12. IC 35-48-4-10, AS AMENDED BY P.L.182-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug,** pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug,** pure or adulterated;

commits dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug,** a Class A misdemeanor, except as provided in subsection (b).

(b) The offense is:

(1) a Class D felony if:

(A) the recipient or intended recipient is under eighteen (18) years of age;

(B) the amount involved is:

(i) more than thirty (30) grams but less than ten (10) pounds of marijuana or more than two (2) grams but less than three hundred (300) grams of hash oil, hashish, **or** salvia; ~~or a synthetic cannabinoid,~~ or

(ii) more than two (2) grams of a synthetic drug; or

(C) the person has a prior conviction of an offense

involving marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug;** and

(2) a Class C felony if:

(A) the amount involved is ten (10) pounds or more of marijuana or three hundred (300) or more grams of hash oil, hashish, **or** salvia, ~~or a synthetic cannabinoid,~~ or the person delivered or financed the delivery of marijuana, hash oil, hashish, **or** salvia: ~~or a synthetic cannabinoid:~~

~~(A)~~ **(i)** on a school bus; or

~~(B)~~ **(ii)** in, on, or within one thousand (1,000) feet of

~~(i)~~ school property,

~~(ii)~~ a public park,

~~(iii)~~ a family housing complex, or

~~(iv)~~ a youth program center; **or**

(B) the amount involved is more than two (2) grams of a synthetic drug and the person delivered or financed the delivery of the synthetic drug:

(i) on a school bus; or

(ii) in, on, or within one thousand (1,000) feet of school property, a public park, a family housing complex, or a youth program center.

SECTION 13. IC 35-48-4-11, AS AMENDED BY P.L.138-2011, SECTION 17, AND AS AMENDED BY P.L.182-2011, SECTION 17, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. A person who:

(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug;**

(2) knowingly or intentionally grows or cultivates marijuana; or

(3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

commits possession of marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug,** a Class A misdemeanor. However, the offense is a Class D felony ~~*(i)*~~ if the amount involved is more than thirty (30) grams of marijuana or two (2) grams of hash oil, hashish, salvia, or a synthetic ~~cannabinoid,~~ **drug,** or ~~*(ii)*~~ if the person has a prior conviction of an offense involving marijuana, hash oil, or hashish, salvia, or a synthetic ~~cannabinoid.~~ **drug.**

SECTION 14. IC 35-48-4-12, AS AMENDED BY P.L.182-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. If a person who has no prior conviction of an offense under this article or under a law of another jurisdiction relating to controlled substances pleads guilty to possession of marijuana, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** as a Class A misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under such conditions as the court determines. Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

SECTION 15. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 234 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill 398, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 12, after "certificate," insert "**registration,**".

Page 6, line 22, strike "pesticides.".

Page 6, line 23, after "only." insert "**pesticide products.**".

Page 11, line 24, after "any pesticide" insert "**product**".

Page 11, line 24, before "containers" insert "**product**".

Page 13, line 27, strike "pesticides." and insert "**pesticide products.**".

Page 15, delete lines 30 through 38.

Page 24, line 23, strike "Class C" and insert "**Class A**".

Page 24, line 23, reset in roman "infraction".

Page 24, line 24, delete "misdemeanor".

Page 24, delete lines 37 through 42.

Page 25, delete line 1.

Renumber all SECTIONS consecutively.

(Reference is to SB 398 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill 350, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 3. IC 6-2.5-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) Except as provided in subsection (b), a distributor that prepays the state gross retail tax under this chapter shall separately state the amount of tax prepaid on the invoice the distributor issues to its purchaser or recipient. The purchaser or recipient shall pay to the distributor an amount equal to the prepaid tax.

(b) A distributor that:

(1) prepays the state gross retail tax under this chapter;

(2) is a retail merchant; and

(3) sells gasoline that is exempt from the gross retail tax, as evidenced by a purchaser's exemption certificate issued by the department;

may not require the exempt purchaser to pay the gross retail taxes prepaid in the gasoline sold to the exempt purchaser. A distributor that has prepaid gross retail taxes and has not been reimbursed because the gasoline is sold to an exempt purchaser may file a claim for a refund, ~~(in addition to any claim for a refund under section 6 of this chapter),~~ if the amount of unreimbursed prepaid gross retail taxes exceeds five hundred dollars ($500). A claim for a refund must be on the form approved by the department and include all supporting documentation reasonably required by the department. If a distributor files a completed refund claim form that includes all supporting documentation, the department shall authorize the auditor of state to issue a warrant for the refund.

SECTION 4. IC 15-15-12-13, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. As used in this chapter, "producer" means a person engaged in the business of producing and marketing corn in Indiana under:

(1) the producer's own name; **or**

(2) the name of an entity in which the producer has ownership.".

Page 4, line 35, after "producers;" insert "**and**".

Page 4, delete line 36.

Page 4, line 37, delete "(5)" and insert "**(4)**".

Page 4, line 38, delete "years; and" and insert "**years.**".

Page 4, delete lines 39 through 40.

Page 7, delete lines 27 through 42, begin a new paragraph and insert:

"(b) The first purchaser of a quantity of corn shall deduct the assessment on the corn from the money to be paid to the producer based on the sale of the corn. A first purchaser shall accumulate assessments collected under this subsection throughout each of the following periods:

(1) January, February, and March.

(2) April, May, and June.

(3) July, August, and September.

(4) October, November, and December.

(c) At the end of each period, the first purchaser shall remit to the council all assessments collected during the period. A first purchaser who remits all assessments collected during a period within thirty (30) days after the end of the period is entitled to retain three percent (3%) of the total of the assessments as a handling fee.

(d) The assessment on the sale of the corn must occur when the payment for the corn is received by the producer.".

Page 8, line 1, delete "(d)" and insert "**(e)**".

Page 9, after line 16, begin a new paragraph and insert:

"SECTION 10. IC 34-30-24-1, AS ADDED BY P.L.122-2006, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, "E85" has the meaning set forth in IC 6-6-1.1-103.

(b) As used in this chapter, "flexible fuel vehicle" means any vehicle that is equipped to operate when fueled entirely by E85.

(c) As used in this chapter, "incompatible motor fuel" means a motor fuel that is not compatible with use in a motor as determined by the manufacturer of the motor.

(d) As used in this chapter, "motor fuel outlet" means a location where motor fuel is sold at retail to the public.

~~(c)~~ **(e)** As used in this chapter, "qualified person or entity" means any person or entity that sells, supplies, distributes, manufactures, or refines E85.

(f) As used in this chapter, "retail dealer" means a person who sells motor fuel at retail.

SECTION 11. IC 34-30-24-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3. A retail dealer is immune from civil liability for property damages that result from the use in a motor of an incompatible motor fuel dispensed by the retail dealer at a motor fuel outlet if the incompatible motor fuel:**

(1) conformed to standards and specifications for the motor fuel as established under applicable federal and state laws;

(2) was selected for use in the motor by a person other than:

(A) the retail dealer; or

(B) an employee or agent of the retail dealer; and

(3) was dispensed from a motor fuel pump that conspicuously displayed a label that correctly identified the type of motor fuel that was dispensed from the pump.".

Renumber all SECTIONS consecutively.

(Reference is to SB 350 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 388, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 376, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 11-9-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

(b) **Except as provided in subsection (d),** the parole board shall submit to the governor its recommendation regarding an application for commutation of sentence, pardon, reprieve, or

remission of fine or forfeiture. Before submitting its recommendation, the parole board shall do all of the following:

(1) Notify:

(A) the sentencing court;

(B) the victim of the crime for which the person was convicted (or the next of kin of the victim if the victim is deceased or incompetent for any reason), unless the victim has made a written request not to be notified; and

(C) the prosecuting attorney of the county where the conviction was obtained.

(2) Conduct an investigation, which must include the collection of records, reports, and other information relevant to consideration of the application.

(3) Conduct a hearing where the petitioner and other interested persons are given an opportunity to appear and present information regarding the application. The hearing may be conducted in an informal manner without regard to formal rules of evidence.

(c) The notice to a victim or the next of kin of a victim that is sent under subsection (b)(1) must comply with the requirements for notices to victims that are established under IC 11-13-3-3.

(d) The parole board may not make a recommendation to the governor regarding an application for commutation of sentence, pardon, reprieve, or remission of fine or forfeiture concerning a person who has received a sentence of life without the possibility of parole. If the parole board receives an application from a person who has received a sentence of life without the possibility of parole, the parole board shall forward the application to the governor without recommendation. Unless requested to do so by the governor, the parole board may not conduct an investigation under subsection (b)(2) or conduct a hearing under subsection (b)(3) concerning a person who has received a sentence of life without the possibility of parole.

SECTION 2. IC 11-13-9-2, AS AMENDED BY P.L.228-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) As used in this section, **the years of an inmate's** confinement ~~is~~ **are** "consecutive" if:

(1) the inmate has remained in the continuous custody of the department for the requisite length of time; or

(2) the inmate would have remained in the continuous custody of the department for the requisite length of time, but:

(A) was released from the custody of the department on the basis of an erroneous court order; and

(B) returned to the custody of the department not later than seventy-two (72) hours after the erroneous court order was rescinded.

(b) Notwithstanding any other law, as soon as practicable after an inmate has been confined to the custody of the department for:

(1) twenty-five (25) consecutive years;

(2) twenty-four (24) consecutive years if the inmate has received one (1) year of credit time under IC 35-50-6-3.3;

(3) twenty-three (23) consecutive years if the inmate has received two (2) years of credit time under IC 35-50-6-3.3;

(4) twenty-two (22) consecutive years if the inmate has received three (3) years of credit time under IC 35-50-6-3.3; or

(5) twenty-one (21) consecutive years if the inmate has received four (4) years of credit time under IC 35-50-6-3.3;

the department shall identify the inmate. ~~to the parole board and provide the parole board with the inmate's offender progress report.~~

(c) If the inmate identified in subsection (b):

(1) has not been deprived of any good time credit in the prior six (6) months; and

(2) has graduated at least from high school or has obtained:

(A) a general equivalency degree; or

(B) a state of Indiana general educational development (GED) diploma;

the department shall release the inmate.

SECTION 3. IC 11-13-9-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. Upon receipt of the material described in section 2 of this chapter, the parole board shall set a hearing to determine whether the circumstances warrant the inmate's discharge from the custody of the department.~~

SECTION 4. IC 11-13-9-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. The parole board shall consider all relevant factors in determining whether the inmate is to be discharged under this chapter and must consider a community investigation report submitted to the parole board. The parole board shall give special consideration to an inmate who demonstrates each of the following:~~

~~(1) A good conduct history during confinement.~~

~~(2) Proof that the inmate will have suitable living quarters in a community if the inmate is discharged.~~

~~(3) Proof that one (1) or more employers in the area in which the inmate would reside if discharged have offered to employ the inmate for at least thirty (30) hours a week on the same terms as the employer employs other employees.~~

~~(4) Proof that the inmate:~~

~~(A) is at least a high school graduate; or~~

~~(B) has obtained:~~

~~(i) a general equivalency degree; or~~

~~(ii) a state of Indiana general educational development (GED) diploma.~~

SECTION 5. IC 11-13-9-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. (a) If the parole board determines that the inmate:~~

~~(1) has been properly rehabilitated; and~~

~~(2) has suitable plans to carry out if discharged;~~

~~the parole board shall discharge the inmate from the custody of the department. An inmate who is released from confinement under this subsection must be placed on parole as described in subsection (b).~~

~~(b) An inmate who is discharged from the department under this section shall be placed on parole as follows:~~

~~(1) An inmate who is required to be placed on parole for the remainder of the inmate's life under IC 35-50-6-1(c) shall be placed on parole for the remainder of the inmate's life.~~

~~(2) An inmate who is:~~

~~(A) not an inmate described in subdivision (1); and~~

~~(B) not required to serve a period of probation;~~
~~shall be placed on parole for two (2) years.~~

SECTION 6. IC 11-13-9-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. If the parole board denies an inmate's request to be discharged under this chapter, the inmate may petition for a new review not earlier than one (1) year after the parole board denies the request.~~

SECTION 7. IC 11-13-9-7, AS ADDED BY P.L.119-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The ~~parole board or the~~ department shall notify a registered crime victim in accordance with IC 11-8-7-2 if an inmate is discharged **or released** under this chapter.

(Reference is to SB 376 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 1.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 97, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill 61, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 1.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill 378, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill 22, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill 351, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

MISHLER, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 19

Senate Resolution 19, introduced by Senator Arnold:

A SENATE RESOLUTION recognizing the valuable contribution of the Indiana Sheriffs' Association.

Whereas, The Indiana Sheriffs' Association was established in 1930 to promote better communication and exchange between the sheriffs and other law enforcement personnel;

Whereas, For the past 80 years with the support of its membership and supporters, the Indiana Sheriffs' Association has proven itself to be an asset to both those in law enforcement and the citizens of Indiana;

Whereas, In 1977 the Association was incorporated as a not for profit organization and began to focus on providing education and training for sheriffs and department personnel throughout the state that was not otherwise available;

Whereas, Effective January 1, 2003, Zachary's Law requires sheriff departments to jointly establish and maintain the Indiana Sheriffs' Sex Offender Registry;

Whereas, The Indiana Sheriffs' Association website serves as an important resource for detailed information about individuals who by law must register as sex or violent offenders when moving into an Indiana county: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate recognizes the valuable contribution of the Indiana Sheriffs' Association.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Stephen Luce, Executive Director of the Indiana Sheriffs' Association.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

HCR 9 Senator Head
Honoring the members of the Youth Advisory Council.
HCR 10 Senator Miller
Honoring Marty Chitwood.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 9

House Concurrent Resolution 9, sponsored by Senator Head:

A CONCURRENT RESOLUTION honoring the members of the Youth Advisory Council.

Whereas, The Youth Advisory Council provides information to the General Assembly from young people concerning issues that are important to the youth of Indiana, and submits an annual legislative report to the General Assembly regarding these issues;

Whereas, Created by House Enrolled Act 1162 in 2008, the Council consists of 22 Hoosiers ages 16 - 22 from across Indiana;

Whereas, The actions and involvement of the members of the Youth Advisory Council demonstrate the importance of individuals from different backgrounds, political ideologies, and areas of expertise engaging in policy discussions about government;

Whereas, These bright young people are very involved in the democratic process and are eager to help youth across Indiana;

Whereas, In addition to representing the voice of Indiana youth to the General Assembly, the members' involvement in the Council provides them with a firsthand civics lesson; and

Whereas, It is through the service of dedicated young people such as the members of the Youth Advisory Council that Indiana will grow and improve as a state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks these outstanding young people for their participation in the democratic process and for supporting their communities and their state.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Council members Tyler Brannon, Mitchell Hadley, Layton Hopper, Paige Newhouse, Karsen Corn, Bryton Hiatt, Amanda Myers, Juliana Pajdo, James Shank, Joseph Trost, Morgan Weller, Darian White, Bailey Trela, Kaitlyn Walker, James Wells, and Timothy Wright, Jr.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 10

House Concurrent Resolution 10, sponsored by Senator Miller:

A CONCURRENT RESOLUTION honoring Marty Chitwood.

Whereas, Marty Chitwood has dedicated her life to helping children;

Whereas, Marty has spent time nurturing children as a school nurse and as a volunteer at Riley Hospital for Children in Indianapolis;

Whereas, In the 1960s, Marty Chitwood worked as a secretary at V. O. Isom Elementary School in Greenwood and often also worked as a school nurse;

Whereas, As a school nurse, Marty Chitwood comforted children at a time when they needed someone who could help them feel better;

Whereas, Marty was the perfect person for that job;

Whereas, When Marty began volunteering at Riley Hospital for Children in the late 1990s, she had a difficult time providing comfort for children who were suffering with cancer;

Whereas, However, Marty overcame her difficulty by focusing on the needs of the children;

Whereas, The children whose lives Marty Chitwood has touched are extremely grateful for the kindness and tenderness she gave them at a time in their lives when they needed it most;

Whereas, Marty Chitwood is a beacon of compassion and hope for the children and their families whose needs extend beyond medical treatment; and

Whereas, The actions of Marty Chitwood have helped to improve the quality of life of children who are suffering: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks Marty Chitwood for her years of dedicated service to the children of Indiana and the compassion and love she has shown them over the years. The time she has spent with these children has helped bring some joy into their lives at a time when they have known mostly pain.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Marty Chitwood and her family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

RESOLUTIONS ON SECOND READING

Senate Resolution 10

Senator Leising called up Senate Resolution 10 for second reading. The resolution was read a second time and adopted by voice vote.

SENATE BILLS ON SECOND READING

Senate Bill 25

Senator Kenley called up Senate Bill 25 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 54

Senator Eckerty called up Senate Bill 54 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 54–2)

Madam President: I move that Senate Bill 54 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 21-34-3-4, AS ADDED BY P.L.2-2007, SECTION 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The board of trustees of a state educational institution may:

(1) acquire, under this article or any other applicable law, by:
(A) purchase (for cash or on contract);
(B) lease or sublease for a period not exceeding forty (40) years that the board of trustees approves;
(C) condemnation;
(D) trade or exchange;
(E) gift, devise, or bequest; or
(F) other means; and
(2) improve;

real property (improved or unimproved) and personal property that the board of trustees determines necessary for the purposes set forth in subsection (b) on the terms and conditions and subject to the liens and encumbrances that the board of trustees approves.

(b) Any action may be taken under subsection (a) that the board of trustees of the state educational institution considers necessary for:

(1) carrying on the educational research, the public service programs, or the statutory responsibilities of the state educational institution and the various divisions of the state educational institution under the jurisdiction of the board of trustees; or
(2) managing, operating, or servicing the state educational institution.

(c) If a state educational institution acquires property through condemnation under subsection (a), the state educational institution shall comply with IC 32-24-1, IC 32-24-3-2, IC 32-24-3-3, and IC 32-24-3-4.

(Reference is to SB 54 as printed January 20, 2012.)

TALLIAN

Motion failed.

SENATE MOTION
(Amendment 54–1)

Madam President: I move that Senate Bill 54 be amended to read as follows:

Page 4, after line 5, begin a new paragraph and insert:

"**(c) If:**

(1) the state educational institution pays the:
(A) owner of the property; or
(B) owner of the business;
compensation for the loss of the value of the business as a going concern under subsection (a)(2) or (b)(4)(A); and
(2) the owner of the property or owner of the business subsequently reopens the business or opens a substantially similar business;

the owner of the property or owner of the business shall repay to the state educational institution an amount equal to the compensation paid for the loss of the value of the business as a going concern.".

(Reference is to SB 54 as printed January 20, 2012.)

TAYLOR

Upon request of Senator Taylor the President ordered the roll of the Senate to be called. Roll Call 53: yeas 9, nays 40.

Motion failed. The bill was ordered engrossed.

Senate Bill 142

Senator Kenley called up Senate Bill 142 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 142–1)

Madam President: I move that Senate Bill 142 be amended to read as follows:

Page 7, line 18, after "determination" insert "**, refund, or credit**".

Page 7, line 20, delete "two (2)" and insert "**three (3)**".

Page 7, line 21, delete "later." and insert "**earlier.**".

Page 7, line 35, after "appeals." insert "**An appraisal may not be required by the county property tax assessment board of appeals or the assessor in a proceeding before the county property tax assessment board of appeals or in a preliminary informal meeting under IC 6-1.1-15-1(h)(2).**".

(Reference is to SB 142 as printed January 20, 2012.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 147

Senator Holdman called up Senate Bill 147 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 147–1)

Madam President: I move that Senate Bill 147 be amended to read as follows:

Page 15, line 21, after "tax" insert "**or special assessments**".

Page 15, line 21, delete "exceeds" and insert "**exceed**".

Page 16, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 8. IC 6-1.1-37-9, AS AMENDED BY P.L.1-2010, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section applies when:

(1) an assessment is made or increased after the date or dates on which the taxes for the year for which the assessment is made were originally due;

(2) the assessment upon which a taxpayer has been paying taxes under IC 6-1.1-15-10(a)(1) or IC 6-1.1-15-10(a)(2) while a petition for review or a judicial proceeding has been pending is less than the assessment that results from the final determination of the petition for review or judicial proceeding; or

(3) the collection of certain ad valorem property taxes has been enjoined under IC 33-26-6-2, and under the final determination of the petition for judicial review the taxpayer is liable for at least part of those taxes.

(b) Except as provided in subsections (c) and (g), a taxpayer shall pay interest on the taxes the taxpayer is required to pay as a result of an action or a determination described in subsection (a) at the rate ~~of ten percent (10%) per year~~ **established by the commissioner of the department of state revenue under IC 6-8.1-10-1** from the original due date or dates for those taxes to:

(1) the date of payment; or

(2) the date on which penalties for the late payment of a tax installment may be charged under subsection (e) or (f);

whichever occurs first.

(c) Except as provided in subsection (g), a taxpayer shall pay interest on the taxes the taxpayer is ultimately required to pay in excess of the amount that the taxpayer is required to pay under IC 6-1.1-15-10(a)(1) while a petition for review or a judicial proceeding has been pending at the overpayment rate established under Section 6621(c)(1) of the Internal Revenue Code in effect on the original due date or dates for those taxes from the original due date or dates for those taxes to:

(1) the date of payment; or

(2) the date on which penalties for the late payment of a tax installment may be charged under subsection (e) or (f);

whichever occurs first.

(d) With respect to an action or determination described in subsection (a), the taxpayer shall pay the taxes resulting from that action or determination and the interest prescribed under subsection (b) or (c) on or before:

(1) the next May 10; or

(2) the next November 10;

whichever occurs first.

(e) A taxpayer shall, to the extent that the penalty is not waived under section 10.7 of this chapter, begin paying the penalty prescribed in section 10 of this chapter on the day after the date for payment prescribed in subsection (d) if:

(1) the taxpayer has not paid the amount of taxes resulting from the action or determination; and

(2) the taxpayer either:

(A) received notice of the taxes the taxpayer is required to pay as a result of the action or determination at least thirty (30) days before the date for payment; or

(B) voluntarily signed and filed an assessment return for the taxes.

(f) If subsection (e) does not apply, a taxpayer who has not paid the amount of taxes resulting from the action or determination shall, to the extent that the penalty is not waived under section 10.7 of this chapter, begin paying the penalty prescribed in section 10 of this chapter on:

(1) the next May 10 which follows the date for payment prescribed in subsection (d); or

(2) the next November 10 which follows the date for payment prescribed in subsection (d);

whichever occurs first.

(g) A taxpayer is not subject to the payment of interest on real property assessments under subsection (b) or (c) if:

(1) an assessment is made or increased after the date or dates on which the taxes for the year for which the assessment is made were due;

(2) the assessment or the assessment increase is made as the result of error or neglect by the assessor or by any other official involved with the assessment of property or the collection of property taxes; and

(3) the assessment:

(A) would have been made on the normal assessment date if the error or neglect had not occurred; or

(B) increase would have been included in the assessment on the normal annual assessment date if the error or neglect had not occurred.".

Renumber all SECTIONS consecutively.

(Reference is to SB 147 as printed January 20, 2012.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 147–2)

Madam President: I move that Senate Bill 147 be amended to read as follows:

Page 2, delete lines 2 through 3 and insert "**depositories:**

(1) designated by the state board of finance as eligible to receive state deposits; and

(2) having a principal office or branch within the county where the political subdivision has its principal office.

If there are fewer than three (3) eligible depositories with a principal office or branch in the county where the political subdivision has its principal office, the board of finance of the political subdivision may designate eligible depositories with a principal office or branch in any adjoining county.".

Page 2, line 30, delete "(c)".

Page 2, line 30, strike "The investing officer shall maintain the deposits as follows:".

Page 2, strike lines 31 through 42.

(Reference is to SB 147 as printed January 20, 2012.)

WALKER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 155

Senator Steele called up Senate Bill 155 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 155–1)

Madam President: I move that Senate Bill 155 be amended to read as follows:

Page 2, line 8, after "hiring" insert "**, the retention in a position,**".

(Reference is to SB 155 as printed January 20, 2012.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Senate Bill 271

Senator Tallian called up Senate Bill 271 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 271–1)

Madam President: I move that Senate Bill 271 be amended to read as follows:

Page 1, line 3, delete "not:" and insert "**not require, but may accept,**".

Page 1, delete lines 4 through 5.

Page 1, run in lines 3 through 6.

Page 1, line 7, after "tenant." insert "**If a landlord accepts a lien on a motor vehicle as security under this section, the landlord must:**

(1) file or record the lien under IC 32-33; and

(2) comply with the requirements of IC 32-31-3 concerning security deposits;

in order to enforce the lien.".

(Reference is to SB 271 as printed January 18, 2012.)

TALLIAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 361

Senator Holdman called up Senate Bill 361 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 361–1)

Madam President: I move that Senate Bill 361 be amended to read as follows:

Page 2, between lines 20 and 21, begin a new line block indented and insert:

"**(3) The provision of communications service to member licensees of Indiana Public Broadcasting Stations, Inc., for the direct benefit of public broadcasting.**".

(Reference is to SB 361 as printed January 20, 2012.)

HOLDMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 231

Senator Wyss called up Senate Bill 231 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 231–1)

Madam President: I move that Senate Bill 231 be amended to read as follows:

Page 3, line 23, after "is" insert "**, at the time the financial institution extends credit,**".

(Reference is to SB 231 as printed January 20, 2012.)

WYSS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 298

Senator Zakas called up Senate Bill 298 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 298–1)

Madam President: I move that Senate Bill 298 be amended to read as follows:

Page 1, line 14, strike "However, a lien or mortgage".

Page 1, strike line 15.

Page 2, strike lines 1 through 4.

Page 4, line 34, delete "a record" and insert "**an**".

(Reference is to SB 298 as printed January 20, 2012.)

ZAKAS

Motion prevailed. The bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 262, which is eligible for third reading, be returned to second reading for purposes of amendment.

BRAY

Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 13

Senator Miller called up Engrossed Senate Bill 13 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 54: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

Engrossed Senate Bill 18

Senator Steele called up Engrossed Senate Bill 18 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 55: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kirchhofer, McMillin, and Steuerwald.

Engrossed Senate Bill 24

Senator Lawson called up Engrossed Senate Bill 24 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 56: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Noe, C. Brown, and T. Brown.

Engrossed Senate Bill 31

Senator Paul called up Engrossed Senate Bill 31 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 57: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Baird.

Engrossed Senate Bill 98

Senator Kenley called up Engrossed Senate Bill 98 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 58: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Espich and Crawford.

Engrossed Senate Bill 105

Senator Boots called up Engrossed Senate Bill 105 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 59: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and Turner.

Engrossed Senate Bill 109

Senator Holdman called up Engrossed Senate Bill 109 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 60: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Heaton and Burton.

Engrossed Senate Bill 114

Senator Bray called up Engrossed Senate Bill 114 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 61: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Steuerwald.

Engrossed Senate Bill 128

Senator Walker called up Engrossed Senate Bill 128 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 62: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Burton and M. Smith.

Engrossed Senate Bill 143

Senator Kenley called up Engrossed Senate Bill 143 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 63: yeas 36, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Espich and Crawford.

Engrossed Senate Bill 154

Senator Steele called up Engrossed Senate Bill 154 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 64: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch, Ubelhor, and Welch.

Engrossed Senate Bill 156

Senator Steele called up Engrossed Senate Bill 156 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 65: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Koch.

Engrossed Senate Bill 212

Senator Gard called up Engrossed Senate Bill 212 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 66: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Cherry.

Engrossed Senate Bill 232

Senator M. Young called up Engrossed Senate Bill 232 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 67: yeas 42, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Gutwein and Leonard.

Engrossed Senate Bill 233

Senator Alting called up Engrossed Senate Bill 233 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 68: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Richardson, Truitt, and Klinker.

Engrossed Senate Bill 249

Senator Alting called up Engrossed Senate Bill 249 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 69: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Truitt and Klinker.

Engrossed Senate Bill 255

Senator Wyss called up Engrossed Senate Bill 255 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 70: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative R. Frye.

Engrossed Senate Bill 274

Senator Merritt called up Engrossed Senate Bill 274 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 71: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative McMillin.

Engrossed Senate Bill 301

Senator Charbonneau called up Engrossed Senate Bill 301 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 72: yeas 45, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Soliday, Speedy, and Harris.

Engrossed Senate Bill 302

Senator Charbonneau called up Engrossed Senate Bill 302 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 73: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Clere, Friend, and Dobis.

Engrossed Senate Bill 362

Senator Merritt called up Engrossed Senate Bill 362 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 74: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Speedy.

Engrossed Senate Bill 370

Senator Mishler called up Engrossed Senate Bill 370 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 75: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Summers.

Engrossed Senate Bill 402

Senator Simpson called up Engrossed Senate Bill 402 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 76: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the

bill. House sponsor: Representative Foley.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 302.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as third author of Engrossed Senate Bill 301.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 234.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Engrossed Senate Bill 274.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 25.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Zakas and Tomes be added as coauthors of Engrossed Senate Bill 233.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as coauthor of Senate Bill 88.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as coauthor of Engrossed Senate Bill 128.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Engrossed Senate Bill 154.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Engrossed Senate Bill 98.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as coauthor of Senate Bill 234.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Steele, Tomes, and Hume be added as coauthors of Senate Bill 97.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske and Lanane be added as coauthors of Engrossed Senate Bill 105.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Engrossed Senate Bill 31.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as coauthor of Engrossed Senate Bill 156.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 235.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 203.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as coauthors of Senate Resolution 19.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as coauthor of Senate Bill 234.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be added as second author of Senate Bill 277.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Simpson and Taylor be added as coauthors of Engrossed Senate Bill 302.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators M. Young and Delph be added as coauthors of Engrossed Senate Bill 362.

MERRITT

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that pursuant to Senate Rule 35(c), the following technical corrections are to be made to Engrossed Senate Bill 109.

Page 1, line 2, after "Except" delete "as provided".
(Reference is to ESB 109 as printed January 20, 2012.)

LONG, Chair

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 1:00 p.m., Wednesday, January 25, 2012.

LONG

Motion prevailed.

The Senate adjourned at 4:54 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Thirteenth Meeting Day Wednesday Afternoon January 25, 2012

The Senate convened at 1:03 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Travis L. Holdman.

The Pledge of Allegiance to the Flag was led by Senator Holdman.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent ▶
Breaux ▶	Paul
Broden ▶	Randolph
Buck	Rogers
Charbonneau	Schneider ▶
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman ▶
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 77: present 45; excused 5 . [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 201, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-128.5, AS ADDED BY P.L.126-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 128.5. (a) "Fetal stem cell" means any of the following types of stem cells taken from a fetus that was either miscarried or stillborn from any of the following sources:

(1) Placenta.
(2) Umbilical cord.
(3) Amniotic fluid.
(4) Fetal tissue.

(b) The term does not include any cells that are taken as the result of an abortion. ~~unless the cells are permissible for use under applicable federal law.~~".

Page 2, line 12, delete "," and insert "**(as defined in IC 16-18-2-128.5),**".

Page 2, after line 13, begin a new paragraph and insert:

"**(d) Any person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified third party under this section for purposes of embryonic stem cell research commits unlawful use of an embryo, a Class C felony.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 201 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 2, delete "IC 12-8-1.5-11." and insert "**IC 12-8-1.5-11 or in order to comply with the federal Patient Protection and Affordable Care Act.**".

Page 4, strike lines 11 through 16.

Page 5, line 22, strike "(a)(19), (a)(20),".

Page 5, line 23, strike "(a)(21)," and insert "**or**".

Page 5, line 23, after "(a)(29)" delete ",".

Page 5, line 23, strike "or (a)(37)".

Page 7, line 42, delete "(a)".

Page 8, delete lines 3 through 5.

Page 10, line 2, delete "(a)".

Page 10, delete lines 5 through 9.

Page 11, line 17, delete "." and insert "**to levels appropriated by the general assembly in the biennial budget. However, if there are additional appropriations under subsection (a) or**

(b), the office of the secretary may by rule adjust programs, eligibility standards, and benefit levels to limit expenditures from Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program to levels that are further appropriated under subsection (a) or (b).".

Page 18, line 33, delete "emergency rules under" and insert "**rules**".

Page 18, line 34, delete "IC 4-22-2-37.1".

Page 27, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

(Reference is to SB 12 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 152, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JULY 1, 2013]".

(Reference is to SB 152 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 321, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 30 through 42 and insert:

"**an expenditure for making an improvement to real property located in Indiana that is related to constructing a new, or modernizing an existing, multimodal transportation facility that increases efficiency in the intermodal transportation of goods.**".

Delete page 3.

Page 4, delete lines 1 through 37.

Page 5, line 19, delete "twenty-five million dollars" and insert "**ten million dollars ($10,000,000)**".

Page 5, line 20, delete "($25,000,000)".

Page 5, line 20, delete "However, the".

Page 5, delete lines 21 through 25.

(Reference is to SB 321 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 1.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 140, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 113, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete line 17.

Page 2, line 1, delete "(2)" and insert "**(1)**".

Page 2, line 5, delete "and".

Page 2, line 6, delete "(3)" and insert "**(2)**".

Page 2, line 9, delete "traffic." and insert "**traffic;**

(3) must limit the use of golf carts on a highway under the jurisdiction of the county or on a highway in the state highway system as set forth in subdivision (1) to the period from sunrise to sunset; and

(4) must set a limit as to the number of passengers (other than the operator) that may be permitted on a golf cart.".

(Reference is to SB 113 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

WYSS, Chair

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 235, currently assigned to the Committee on Tax and Fiscal Policy, be reassigned to the Committee on Appropriations.

LONG

Report adopted.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Engrossed Senate Bill 155.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senate Bill 405, assigned to the Senate Committee on Elections, be withdrawn from further consideration by the Senate.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as third author of Senate Bill 190.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Engrossed Senate Bill 355.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 10.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 322.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Engrossed Senate Bill 147.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 293.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 248.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Zakas, Steele, and Randolph be added as coauthors of Senate Bill 246.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as coauthor of Senate Bill 243.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 2:00 p.m., Thursday, January 26, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 1:17 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Fourteenth Meeting Day Thursday Afternoon January 26, 2012

The Senate convened at 2:19 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Patricia L. Miller.

The Pledge of Allegiance to the Flag was led by Senator Miller.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler ▶
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse ▶	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 78: present 48; excused 2. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 23

Senate Resolution 23, introduced by Senator Landske:

A SENATE RESOLUTION urging the Legislative Council to assign to the Census Data Study Committee the study of the organization and operation of the voter registration process, including the operation of county boards of voter registration.

Whereas, Article 2, Section 14(c) of the Constitution of the State of Indiana requires the General Assembly to provide for the registration of all persons entitled to vote;

Whereas, The registration of voters is supervised by various officials depending upon the county, including circuit court clerks, boards of registration, and boards of elections and registration; and

Whereas, A review of the voter registration process as it currently operates in Indiana, including a review of the best practices in voter registration, may assist in making the registration of voters more accurate, efficient, and uniform throughout Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate urges the Legislative Council to assign to the Census Data Study Committee the study of the organization and operation of the voter registration process, including the operation of county boards of voter registration.

SECTION 2. That, if the topic is assigned to the Census Data Study Committee, the committee shall issue a final report when directed to do so by the Legislative Council.

The resolution was read in full and referred to the Committee on Elections.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

HB 1001 — Yoder, Boots, Walker, Banks (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 10, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 6, delete lines 3 through 9.

(Reference is to SB 10 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 243, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Resolution 6, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: Yeas 6, Nays 2.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 334, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 6, line 19, after "(g)" insert "**This subsection does not apply:**

(1) unless a patient requests a prescription drug supply of more than thirty (30) days;

(2) to the dispensing of a controlled substance (as defined in IC 35-48-1-9); or

(3) if a prescriber indicates on the prescription that the quantity of the prescription may not be changed.".

Page 6, line 19, delete "may," and insert "**may dispense,**".

Page 6, line 19, after "the" delete ".".

Page 6, line 20, delete "(1) patient;" and insert "**patient,**".

Page 6, line 21, delete "(2)".

Page 6, line 21, delete "patient;" and insert "**patient,**".

Page 6, line 22, delete "(3)".

Page 6, line 22, delete "patient;" and insert "**patient,**".

Page 6, run in lines 19 through 23.

Page 6, line 23, delete "dispense".

Page 6, line 24, after "if" insert "**the patient has completed an initial thirty (30) day supply of the drug therapy and**".

Page 6, line 28, after "drug." insert "**The pharmacist shall inform the customer concerning whether the additional supply of the prescription will be covered under the patient's insurance, if applicable.**".

Page 8, after line 8, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.**

(b) During the 2012 legislative interim, the commission shall study the issue of mail order and Internet based pharmacies (as defined in IC 25-26-18-1) and any limitations that should be placed in statute concerning the amount of a prescription drug that may be dispensed by a mail order or Internet pharmacy.

(c) This SECTION expires December 31, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to SB 334 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 1.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 72, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 3. IC 16-21-2-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.6. (a) This section establishes a pilot program in Allen County concerning physical plant requirements for abortion clinics.**

(b) The entities to which this section applies include abortion clinics holding a license under this chapter on July 1, 2012.

(c) An abortion clinic must meet the following requirements:

(1) Be constructed, arranged, modified, or maintained to ensure the safety and well-being of patients, employees, and visitors to the clinic.

(2) Provide a physical plant and equipment that meet state fire prevention and building safety codes or rules established by the fire prevention and building safety commission or the state department.

(3) Provide a safe and healthy environment that minimizes infection exposure and risk to patients, employees, and visitors to the clinic.

(d) The state department shall inspect an abortion clinic at least one (1) time per calendar year.

(e) Beginning January 1, 2013, 410 IAC 26-17-2(f) does not apply to an abortion clinic located in Allen County.

(f) During the 2014 interim, the state department shall report to the health finance commission established by IC 2-5-23-3 concerning the implementation and effects of this section.

(g) This section expires July 1, 2015.".

Page 4, line 23, after "Sec. 4." insert "**This chapter does not affect a physician's duty to comply with patient privacy laws or the federal Health Insurance Portability and Accountability Act (42 U.S.C. 201 et seq.).**

Sec. 5.".

Renumber all SECTIONS consecutively.

(Reference is to SB 72 as printed January 20, 2012.)
and when so amended that said bill do pass.
Committee Vote: Yeas 5, Nays 4.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 407, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 4, after "times." insert "**A pharmacist may not supervise more than six (6) pharmacy technicians or pharmacy technicians in training at any time.**".

Page 2, line 4, strike "clause," and insert "**subdivision,**".

Page 2, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 2. IC 25-26-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The board shall issue a pharmacy technician certificate to an individual who:

(1) applies to the board in the form and manner prescribed by the board;
(2) is at least eighteen (18) years of age;
(3) has not been convicted of:
(A) a crime that has a direct bearing upon the individual's ability to practice competently; **or**
(B) a felony involving controlled substances;
(4) is not in violation of this chapter or rules adopted by the board under section 4 of this chapter;
(5) has paid the fee set by the board under section 4 of this chapter; and
(6) has completed a program of education and training approved by the board or has passed a certification examination offered by a nationally recognized certification body approved by the board.

(b) For good cause, the board may waive the age requirement under subsection (a)(2).".

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 407 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 190, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "IC 31-35-3.5," and insert "**IC 31-13-4,**".

Page 1, delete lines 7 through 17, begin a new paragraph and insert:

"SECTION 2. IC 31-13-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 4. Child Conceived as a Result of an Act of Rape

Sec. 1. (a) This section does not apply if the biological parents of a child were married at the time the child was conceived.

(b) If:

(1) an individual who:
(A) is the biological parent of a child; or
(B) alleges to be the biological parent of a child;
seeks custody, parenting time, or contact with the child; and
(2) the court finds by clear and convincing evidence that:
(A) the child was conceived as the result of an act of rape; and
(B) the individual described under subdivision (1) was the perpetrator of the act of rape;

the court shall deny the individual custody, parenting time, and contact with the child.

(c) If a court denies an individual custody, parenting time, and contact with a child under this section, a court may not require the individual to pay child support for the child.

Sec. 2. (a) The court may order a party to pay to the prevailing party a reasonable amount for:

(1) the cost of maintaining an action under this chapter; and
(2) attorney's fees, including amounts for legal services provided and costs incurred, before the commencement of the proceedings or after entry of judgment.

(b) The court may order the amount under subsection (a) to be paid directly to the attorney of the prevailing party, who may enforce the order in the attorney's name.".

Delete pages 2 through 3.

(Reference is to SB 190 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 353, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE JANUARY 1, 2013]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) A person is a retail merchant making a retail transaction when ~~he~~ **the person** engages in selling at retail.

(b) A person is engaged in selling at retail when, in the ordinary course of ~~his~~ **the person's** regularly conducted trade or business, ~~he:~~ **the person:**

(1) acquires tangible personal property for the purpose of resale; and

(2) transfers that property to another person for consideration.

(c) For purposes of determining what constitutes selling at retail, it does not matter whether:

(1) the property is transferred in the same form as when it was acquired;

(2) the property is transferred alone or in conjunction with other property or services; or

(3) the property is transferred conditionally or otherwise.

(d) Notwithstanding subsection (b), a person is not selling at retail if ~~he~~ **the person** is making a wholesale sale as described in section 2 of this chapter.

(e) The gross retail income received from selling at retail is only taxable under this article to the extent that the income represents:

(1) the price of the property transferred, without the rendition of any service; and

(2) except as provided in subsection (g), any bona fide charges which are made for preparation, fabrication, alteration, modification, finishing, completion, delivery, or other service performed in respect to the property transferred before its transfer and which are separately stated on the transferor's records.

For purposes of this subsection, a transfer is considered to have occurred after delivery of the property to the purchaser.

(f) Notwithstanding subsection (e):

(1) in the case of retail sales of ~~gasoline (as defined in IC 6-6-1.1-103) and~~ special fuel (as defined in IC 6-6-2.5-22), the gross retail income received from selling at retail is the total sales price of the ~~gasoline or~~ special fuel minus the part of that price attributable to tax imposed under ~~IC 6-6-1.1,~~ IC 6-6-2.5 or ~~Section 4041(a) or~~ Section 4081 of the Internal Revenue Code; and

(2) in the case of retail sales of cigarettes (as defined in IC 6-7-1-2), the gross retail income received from selling at retail is the total sales price of the cigarettes including the tax imposed under IC 6-7-1.

(g) Gross retail income does not include income that represents charges for serving or delivering food and food ingredients furnished, prepared, or served for consumption at a location, or on equipment, provided by the retail merchant. However, the exclusion under this subsection only applies if the charges for the serving or delivery are stated separately from the price of the food and food ingredients when the purchaser pays the charges.".

Page 2, line 15, after "department" insert "**electronically**".

Page 2, line 38, after "period" insert "**through the department's online tax filing program**".

Page 4, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 4. IC 6-2.5-7-10, AS AMENDED BY P.L.182-2009(ss), SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 10. (a) Each refiner or terminal operator and each qualified distributor that has received a prepayment of the state gross retail tax under this chapter shall remit the tax received to the department semimonthly, through the department's online tax filing system, according to the following schedule:

(1) On or before the tenth day of each month for prepayments received after the fifteenth day and before the end of the preceding month.

(2) On or before the twenty-fifth day of each month for prepayments received after the end of the preceding month and before the sixteenth day of the month in which the prepayments are made.

(b) Before the end of each month, each refiner or terminal operator and each qualified distributor shall file a report **electronically** covering the prepaid taxes received and the gallons of gasoline sold or shipped during the preceding month. The report must include the following:

(1) The number of gallons of gasoline sold or shipped during the preceding month, identifying each purchaser or receiver as required by the department.

(2) The amount of tax prepaid by each purchaser or receiver.

(3) Any other information reasonably required by the department.

SECTION 5. IC 6-2.5-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 11. Each distributor that prepays the state gross retail tax under this chapter shall file a monthly report with the department. The report shall be filed **electronically and** no later than the last day of the month following the month that the report covers. The report must include the following:

(1) The number of gallons of gasoline purchased or received by the distributor from each refiner, terminal operator, or another distributor.

(2) The amount of state gross retail tax prepaid to each refiner, terminal operator, or distributor.

(3) The number of gallons of gasoline sold to each distributor, retail merchant, exempt purchaser, or other person and the amount of state gross retail tax collected from each distributor, retail merchant, or other person identifying the location of each distributor, retail merchant, exempt purchaser, or other person, as required by the department.

(4) Any other information reasonably required by the department.".

Page 4, line 31, after "period." insert "**The notice shall be published on the department's Internet web site, published in the Indiana Register, and provided to registered distributers, refiners, and terminal operators by an electronic mail message that includes a direct link to the notice on the department's Internet web site.**".

Page 4, line 35, strike "twenty-five percent".

Page 4, line 36, strike "(25%)" and insert "**fifteen percent (15%)**".

Page 4, line 36, after "determination." insert "**A new prepayment rate may not take effect until the immediately**

following first or fifteenth day of the month, whichever is earlier.".

Page 4, line 38, delete "attorney general" and insert "**department**".

Page 4, line 38, delete "provide to the" and insert "**determine**".

Page 4, line 39, delete "department".

Page 5, line 1, delete "provided".

Page 5, line 1, strike "to" and insert "**determined by**".

Page 5, line 1, delete "by the attorney" and insert ".".

Page 5, delete line 2.

Renumber all SECTIONS consecutively.

(Reference is to SB 353 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

HERSHMAN, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 17

Senate Resolution 17, introduced by Senator Lanane:

A SENATE RESOLUTION congratulating the Wapahani High School Girls' Volleyball Team for winning the 2011 Indiana High School Association Class 2A Girls' State Volleyball Championship.

Whereas, Wapahani upset top-ranked Muncie Burris High School (3-1) in the opening match of the Class 2A Sectional 40. Muncie Burris had won 14 straight girls volleyball state titles;

Whereas, Wapahani defeated Eastern Greene High School 25-16, 28-26, and 25-14 at Worthen Arena on the campus of Ball State University, in the state championship game on November 5th, 2011;

Whereas, Wapahani High School, with this victory, won their second girls' volleyball state title;

Whereas, The Wapahani High School Girls' Volleyball Team finished 2011 with a record of 30-6;

Whereas, The Wapahani High School Team was led by Head Coach Mike Lingenfelter, Assistant Coaches Anna Dick, Mike Dodrill, Randy Gardner, Aaron Harrison, Kent Hughes, and Stewart Peck, Principal Dr. Chad Briggs, Athletic Director Mark Fahey, Student Manager Connor Cole, and includes team members Katie Foster, Brittany Cline, Harley Barrett, Kiley Lingenfelter, Addie Reynolds, Mackenzie Evans, Courtney Masters, Kylie Castor, Lindi Thomas, Taylor Richardson, Sierra Reed, Courtney Mitchell, Paige Williamson, Cate Wheeldon, Shawna Estep, Caitlyn Curry, Amanda Parsons, and Courtlinn Boggs: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the General Assembly congratulates the Wapahani High School Girls' Volleyball Team for its accomplishment in winning the 2011 IHSAA Class 2A Girls' State Volleyball Championship and extends its congratulations to the team members, coaching staff, their family, and the school.

SECTION 2. That the Secretary of the Senate shall transmit a copy of this resolution to each team member, each member of the coaching staff, the Athletic Director, and the Principal.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 11

House Concurrent Resolution 11, sponsored by Senator Wyss:

A CONCURRENT RESOLUTION declaring Brandon Vinson an Honorary Firefighter in the State of Indiana.

Whereas, Brandon Vinson was born into a fire fighting family that includes his grandfather, his father and his uncle;

Whereas, Brandon has demonstrated his ability to fit in with the firefighters at any station in the fire department by enjoying such things as Harley-Davidson motorcycles, trucks, boats, camping, and video games;

Whereas, Brandon has demonstrated great courage and tenacious determination in his battle with cystic fibrosis, worthy of a firefighter; and,

Whereas, Brandon is well-known for being conscientious and trustworthy by everyone who has met him: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana House of Representatives does hereby congratulate and declare Brandon Vinson an Honorary Firefighter in the State of Indiana, and commends his undeniable strength and fighting spirit that serves as an inspiration to all Hoosiers.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Brandon Vinson.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 303, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, delete lines 12 through 42.
Delete pages 9 through 11.
Page 12, delete lines 1 through 7.
Page 12, delete lines 29 through 42.
Page 13, delete lines 1 through 26.
Page 14, delete lines 8 through 42.
Delete pages 15 through 16.
Renumber all SECTIONS consecutively.
(Reference is to SB 303 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 5, Nays 4.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 237, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 345, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 18, line 33, strike "Subject to section 22 of".
Page 18, line 34, strike "this chapter,".
Page 18, line 34, delete "the" and insert "The".
Page 18, line 38, after "**IC 36-8-16.7-32.**" insert "**After March 14, 2012, the board shall increase the amount of the charge imposed under this subsection so that the amount of the charge imposed under this subsection equals the monthly statewide 911 fee assessed under IC 36-8-16.7-32.**".
Page 18, line 39, after "approval," insert "**after the increase described in subsection (a),**".
Page 19, delete lines 21 through 36, begin a new paragraph and insert:
"SECTION 21. IC 36-8-16.6-22 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 22. (a) Not later than January 1, 2011, the department shall determine the total amount of fees collected and remitted under IC 36-8-16.5-30.5 (b)(2) (as effective in the period beginning July 1, 2008, and ending June 30, 2010) for the period beginning July 1, 2008, and ending June 30, 2010. The board shall provide all information necessary for the department to perform its duties under this subsection.~~
~~(b) Not later than January 1, 2013, the department shall determine the total amount of fees collected and remitted under this chapter for the period beginning July 1, 2010, and ending June 30, 2012.~~
~~(c) If the amount determined under subsection (b) is less than the amount determined under subsection (a) by more than five percent (5%), this chapter expires and sunsets July 1, 2013.~~".
Page 21, line 9, delete "send automatic number identification and automatic" and insert "**send:**
(1) automatic number identification or its functional equivalent or successor; and
(2) automatic location information or its functional equivalent or successor;
for reporting police, fire, medical, or other emergency situations.".
Page 21, delete lines 10 through 11.
Page 22, line 39, delete "send automatic number identification and" and insert "**send:**
(1) automatic number identification or its functional equivalent or successor; and
(2) automatic location information or its functional equivalent or successor;
for reporting police, fire, medical, or other emergency situations.".
Page 22, delete lines 40 through 41.
Page 23, delete lines 1 through 5, begin a new line block indented and insert:
"**(1) A wireless 911 emergency telephone system funded under IC 36-8-16.5 (before its repeal on July 1, 2012).**
(2) An emergency notification system.
(c) The term does not include a wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012).".
Page 23, line 21, delete "individuals." and insert "**individuals, at least one (1) of whom must have budget experience at the local level.**".
Page 23, line 25, delete "individual." and insert "**individual who is a county commissioner in Indiana.**".
Page 23, line 27, delete "individual." and insert "**individual who is a county sheriff in Indiana.**".
Page 23, line 37, delete "individual." and insert "**individual representing a VOIP provider.**".
Page 23, between lines 37 and 38, begin a new line block indented and insert:
"**(7) The Indiana Association of Cities and Towns shall recommend one (1) individual representing municipalities.**".
Page 23, line 38, delete "eleven (11)" and insert "**thirteen (13)**".
Page 24, after line 42, begin a new line block indented and insert:
"**(9) One (1) member who represents municipalities and is appointed by the governor after considering the recommendation of the Indiana Association of Cities and Towns submitted under subsection (b)(7).**
(10) One (1) member who represents a department or agency providing firefighting or fire prevention services in Indiana.".
Page 25, line 1, delete "(9)" and insert "**(11)**".
Page 25, line 4, delete "(c)(8)." and insert "**(c)(10).**".
Page 25, line 6, delete "four (4)" and insert "**five (5)**".
Page 25, line 13, delete "(c)(8)," and insert "**(c)(10),**".
Page 25, line 18, delete "(c)(8)." and insert "**(c)(10).**".
Page 26, between lines 19 and 20, begin a new line block

indented and insert:

"**(11) Administer statewide 911 grants in accordance with state and federal guidelines.**

(12) Obtain from each PSAP operating statistics and other performance measurements, including call statistics by category and emergency medical dispatching (EMD) certifications.".

Page 26, line 20, delete "(11)" and insert "**(13)**".

Page 27, delete lines 36 through 37, begin a new paragraph and insert:

"**(e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money in the fund:**

(1) does not revert at the end of any state fiscal year but remains available for the purposes of the fund in subsequent state fiscal years, notwithstanding IC 4-13-2-19 or any other law; and

(2) is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by:

(A) the state board of finance notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or

(B) the budget agency or any other state agency notwithstanding IC 4-12-1-12 or any other law.".

Page 28, line 13, after "(e)," insert "**and subject to subsection (b),**".

Page 28, line 25, delete "Subject to legislative approval, the" and insert "**The**".

Page 28, line 27, delete "chapter." and insert "**chapter, subject to the following:**

(1) The fee may not be raised or lowered more than one (1) time in a calendar year.

(2) The fee may not be raised or lowered more than ten cents ($0.10) by an adjustment without legislative approval.".

Page 29, delete lines 19 through 24.

Page 29, line 38, delete "The" and insert "**(a) Subject to subsection (b), the**".

Page 29, line 40, delete "two percent (2%)" and insert "**fifteen percent (15%)**".

Page 29, line 42, delete "chapter." and insert "**chapter and to develop, operate, and maintain a statewide 911 system.**".

Page 30, line 5, delete "In" and insert "**However, in**".

Page 30, line 6, delete "consider the following:" and insert "**ensure that the distribution to a PSAP with respect to any state fiscal year beginning after June 30, 2012, is at least equal to the average annual amount distributed to the PSAP under IC 36-8-16 (before its repeal on July 1, 2012) and under IC 36-8-16.5 (before its repeal on July 1, 2012) during the three (3) state fiscal years ending:**

(1) June 30, 2009;

(2) June 30, 2010; and

(3) June 30, 2011;

increased by a percentage that does not exceed the percent of increase in the United States Department of Labor Consumer Price Index during the twelve (12) months preceding the state fiscal year for which the distribution is made.".

Page 30, delete lines 7 through 14.

Page 30, line 15, begin a new paragraph and insert "**(b)**".

Page 30, between lines 36 and 37, begin a new line block indented and insert:

"**(8) Rates associated with communications service providers' enhanced emergency communications system network services.**

(9) Mobile radio equipment used by first responders.

(10) Up to fifty percent (50%) of the costs associated with the narrow banding or replacement of equipment as a result of the narrow banding requirements specified by the Federal Communications Commission.".

Page 30, line 37, delete "(8)" and insert "**(11)**".

Page 31, delete lines 1 through 2.

Page 31, line 4, delete "all expenditures made during the" and insert "**the following:**

(1) All expenditures made during the immediately preceding calendar year from distributions under section 37(2) of this chapter.

(2) Call data and statistics for the immediately preceding calendar year, as specified by the board and collected in accordance with any reporting method established or required by the board.".

Page 31, delete lines 5 through 6.

Page 31, line 14, after "(b)." insert "**The board shall review and further audit any ineligible expenditure identified by the state board of accounts under this subsection or through any other report. If the board verifies that the expenditure did not comply with this section, the board shall ensure that the fund is reimbursed in the dollar amount of the noncomplying expenditure from any source of funding, other than a fund described in subsection (e), that is available to the PSAP or to a unit in which the PSAP is located.**".

Page 36, between lines 18 and 19, begin a new paragraph and insert:

"**(i) After December 31, 2014, if a county contains more than the number of PSAPs authorized by subsection (c), the county may not receive a distribution under IC 36-8-16.7-37 for any PSAP in the county until the county complies with subsection (c).**".

(Reference is to SB 345 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 344, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "$ 7,500" and insert "**$5,000**".

Page 1, line 10, delete "$ 6,000" and insert "**$4,000**".

Page 1, line 11, delete "$ 6,000" and insert "**$4,000**".

Page 1, line 13, delete "$ 4,950" and insert "**$3,300**".

Page 1, line 14, delete "$4,800" and insert "**$3,200**".

Page 1, line 15, delete "$3,900" and insert "**$2,600**".

Page 2, line 2, delete "$3,750" and insert "**$2,500**".
Page 2, line 3, delete "$2,250" and insert "**$1,500**".
Page 2, line 4, delete "$3,000" and insert "**$2,000**".
Page 2, line 6, delete "$1,950" and insert "**$1,300**".
Page 2, line 7, delete "$3,000" and insert "**$2,000**".
Page 2, line 9, delete "$1,950" and insert "**$1,300**".
Page 2, line 10, delete "$2,400" and insert "**$1,600**".
Page 2, line 12, delete "$1,500" and insert "**$1,000**".
Page 2, line 13, delete "$2,400" and insert "**$1,600**".
Page 2, line 14, delete "$1,500" and insert "**$1,000**".

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-12-26.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **Sec. 26.1. (a) This section applies only to a solar power device that is installed after December 31, 2011.**

(b) This section does not apply to a solar power device that is owned or operated by a person that provides electricity at wholesale or retail for consideration other than a person that:

(1) participates in a net metering or feed-in-tariff program offered by an electric utility with respect to the solar power device; or

(2) is the owner or host of the solar power device site and a person consumes on the site the equivalent amount of electricity that is generated by the solar power device on an annual basis even if the electricity is sold to a public utility, including a solar power device directly serving a public utility's business operations site.

(c) For purposes of this section, "solar power device" means a device, such as a solar thermal, a photovoltaic, or other solar energy system, that is designed to use the radiant light or heat from the sun to produce electricity.

(d) The owner of real property equipped with a solar power device that is assessed as a real property improvement may have deducted annually from the assessed value of the real property an amount equal to:

(1) the assessed value of the real property with the solar power device included; minus

(2) the assessed value of the real property without the solar power device.

(e) The owner of a solar power device that is assessed as:

(1) distributable property under IC 6-1.1-8; or

(2) personal property;

may have deducted annually the assessed value of the solar power device.

SECTION 4. IC 6-1.1-12-27.1, AS AMENDED BY P.L.113-2010, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 27.1. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 26 **or 26.1** of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, ~~or~~ mobile home, **manufactured home, or solar power device** is subject to assessment. With respect to real property **or a solar power device that is assessed as distributable property under IC 6-1.1-8 or as personal property,** the person must file the statement during the year for which the person desires to obtain the deduction. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, with respect to a mobile home which is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The person must:

(1) own the real property, mobile home, or manufactured home **or own the solar power device;** ~~or~~

(2) be buying the real property, mobile home, ~~or~~ manufactured home, **or solar power device** under contract; **or**

(3) be leasing the real property from the real property owner and be subject to assessment and property taxation with respect to the solar power device;

on the date the statement is filed under this section. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the real property, ~~or~~ mobile home, **manufactured home, or solar power device** is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.".

Page 4, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 6-2.5-5-5.1, AS AMENDED BY P.L.172-2011, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.1. (a) As used in this section, "tangible personal property" includes electrical energy, natural or artificial gas, water, steam, and steam heat.

(b) Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for direct consumption as a material to be consumed in the direct production of other tangible personal property in the person's business of manufacturing, processing, refining, repairing, mining, agriculture, horticulture, floriculture, or arboriculture. This exemption includes transactions involving acquisitions of tangible personal property used in commercial printing.

(c) A refund claim based on the exemption provided by this section for electrical energy, natural or artificial gas, water, steam, and steam heat may not cover transactions that occur more than ~~eighteen (18)~~ **thirty-six (36)** months before the date of the refund claim.

SECTION 6. IC 6-2.5-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) As used in this section, "returnable containers" means containers customarily returned by the buyer of the contents for reuse as containers.

(b) Sales of returnable containers are exempt from the state gross retail tax if the transaction constitutes selling at retail as defined in IC 6-2.5-4-1 and if the returnable containers contain contents.

(c) Sales of returnable containers are exempt from the state gross retail tax if the containers are transferred empty for the purpose of refilling.

(d) Sales of wrapping material and empty containers are exempt from the state gross retail tax if the person acquiring the material or containers acquires them for use as nonreturnable packages for:

(1) selling the contents that ~~he~~ **the person** adds; **or**

(2) shipping or delivering tangible personal property that:

(A) is owned by another person;

(B) is processed or serviced for the owner; and

(C) will be sold by that owner either in the same form or as a part of other tangible personal property produced by that owner in the owner's business of manufacturing, assembling, constructing, refining, or processing.".

Page 5, delete lines 18 through 42.

Delete page 6.

Page 7, delete lines 1 through 11.

Page 34, delete lines 8 through 42.

Delete pages 35 through 43.

Page 44, delete lines 1 through 19.

Page 45, line 10, delete "JULY 1, 2012]:" and insert "JANUARY 1, 2013]:".

Page 53, delete line 42.

Delete pages 54 through 57.

Page 58, delete lines 1 through 4.

Page 58, delete lines 26 through 35.

Page 59, delete lines 5 through 42.

Page 60, delete lines 1 through 11, begin a new paragraph and insert:

"SECTION 46. IC 6-3.1-29-6, AS AMENDED BY P.L.175-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. As used in this chapter, "integrated coal gasification powerplant" means a facility that satisfies all the following requirements:

(1) The facility is located in Indiana and is a newly constructed energy generating plant.

(2) The facility converts coal into synthesis gas that can be used as a fuel to generate energy or as a substitute for natural gas.

(3) The facility uses the synthesis gas as a fuel to generate electric energy or produces synthesis gas that can be used as a substitute for natural gas.

(4) The facility is dedicated primarily to production of electricity or gas:

(A) for use by energy utilities serving Indiana retail electric or gas utility consumers; **or**

(B) for sale to or use by the Indiana finance authority under IC 4-4-11.6.

SECTION 47. IC 6-3.1-29-19, AS AMENDED BY P.L.182-2009(ss), SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) The corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all the following:

(1) A detailed description of the project that is the subject of the agreement.

(2) The first taxable year for which the credit may be claimed.

(3) The maximum tax credit amount that will be allowed for each taxable year.

(4) A requirement that the taxpayer shall maintain operations at the project location for at least ten (10) years during the term that the tax credit is available.

(5) If the facility is an integrated coal gasification powerplant, a requirement that the taxpayer shall pay an average wage to its employees at the integrated coal gasification powerplant, other than highly compensated employees, in each taxable year that a tax credit is available, that equals at least one hundred twenty-five percent (125%) of the average county wage in the county in which the integrated coal gasification powerplant is located.

(6) For a project involving a qualified investment in an integrated coal gasification powerplant, a requirement that the taxpayer will maintain at the location where the qualified investment is made, during the term of the tax credit, a total payroll that is at least equal to the payroll that existed on the date that the taxpayer placed the integrated coal gasification powerplant into service.

(7) A requirement that:

(A) one hundred percent (100%) of the coal used:

(i) at the integrated coal gasification powerplant, for a project involving a qualified investment in an integrated coal gasification powerplant; or

(ii) as fuel in a fluidized bed combustion unit, in a project involving a qualified investment in a fluidized bed combustion technology, if the unit is dedicated primarily to serving Indiana retail electric utility consumers;

must be Indiana coal, unless the applicant wishes to assign the tax credit as allowed under section 20.5(c) of this chapter or elects to receive a refundable tax credit under section 20.7 of this chapter and the applicant certifies to the corporation that partial use of other coal **or other feedstock** is necessary to result in lower rates for Indiana retail utility customers; or

(B) seventy-five percent (75%) of the coal used as fuel in a fluidized bed combustion unit must be Indiana coal, in a project involving a qualified investment in a fluidized bed combustion technology, if the unit is not dedicated primarily to serving Indiana retail electric utility consumers.

(8) A requirement that the taxpayer obtain from the commission a determination under IC 8-1-8.5-2 that public convenience and necessity require, or will require:

(A) the construction of the taxpayer's integrated coal gasification powerplant, in the case of a project involving a qualified investment in an integrated coal gasification powerplant; or

(B) the installation of the taxpayer's fluidized bed combustion unit, in the case of a project involving a

qualified investment in a fluidized bed combustion technology.

(b) A taxpayer must comply with the terms of the agreement described in subsection (a) to receive an annual installment of the tax credit awarded under this chapter. The corporation shall annually determine whether the taxpayer is in compliance with the agreement. If the corporation determines that the taxpayer is in compliance, the corporation shall issue a certificate of compliance to the taxpayer.".

Page 61, delete lines 19 through 42.

Delete page 62.

Page 63, delete lines 1 through 32.

Page 67, delete lines 33 through 42.

Page 68, delete lines 1 through 13.

Page 70, delete lines 13 through 18, begin a new paragraph and insert:

"SECTION 60. [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)] **(a) IC 6-1.1-12-26.1, as added by this act, applies to property taxes first due and payable after 2012. A deduction statement filed before September 1, 2012, under IC 6-1.1-12-27.1, as amended by this act, is considered timely filed for purposes of obtaining the deduction under IC 6-1.1-12-26.1, as added by this act, in 2012 for property taxes first due and payable in 2013.**

(b) This SECTION expires January 1, 2014.

SECTION 61. [EFFECTIVE UPON PASSAGE] **(a) During the 2012 and 2013 legislative interims, the commission on state tax and financing policy (IC 2-5-3) shall study all income tax credits using a schedule that provides for approximately half the credits to be studied each year and for the credits to be studied in the order they were enacted. The commission shall prepare a report that covers each credit and that includes the following:**

(1) A review of the original scope and purpose of the credit and whether the scope or purpose has changed since the credit's enactment.

(2) The economic parameters of the credit, including the credit percentage and credit limits, and whether these parameters have changed since the credit's enactment.

(3) A description of the taxpayers that qualify for the credit and how effective the credit has been in assisting these targeted taxpayers.

(4) The type of activities on which the credit is based and how effective the credit has been in promoting these targeted activities.

(5) The amount of the credits granted over time.

(6) A determination of the dollar amount of credits granted but not taken that can be carried forward.

(7) A summary of audit findings for each credit and whether there has been any misuse of the credit.

(8) Suggested changes in the law with regard to each credit, including whether the credit should be retained or not.

(9) Any other issues related to these income tax credits, as determined by the commission.

The commission on state tax and financing policy shall issue the report in two (2) parts, in an electronic format under IC 5-14-6, to the legislative council, not later than November 1, 2012, and November 1, 2013, respectively.

(b) This SECTION expires January 1, 2014.

SECTION 62. [EFFECTIVE JULY 1, 2012] **(a) The general assembly urges the legislative council to assign to an interim or a statutory study committee during the 2012 legislative interim the topic of more clearly defining what is included in instructional spending by school corporations and what is included in noninstructional spending by school corporations for purposes of IC 20-42.5-3-5.**

(b) If the topic described in subsection (a) is assigned to an interim or a statutory study committee under subsection (a), the study committee shall issue a final report, in an electronic format under IC 5-14-6, to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, not later than November 1, 2012.

(c) This SECTION expires December 31, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to SB 344 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 260, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 7, delete "are" and insert "**is**".

Page 4, line 13, delete "programs," and insert "**programs registered with the United States Department of Labor, Bureau of Apprenticeship and Training,**".

Page 4, line 13, delete "any" and insert "**all**".

Page 4, line 13, after "required" insert "**work experience and**".

(Reference is to SB 260 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 258, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and

Career Development, to which was referred Senate Bill 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-7-13-29.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 29.5. "Research intensive campus" means a campus of a state educational institution that is classified or designated as a Research University (very high research activity) or a Research University (high research activity) or an equivalent successor designation that is established by the Carnegie Foundation for the Advancement of Teaching.**

SECTION 2. IC 21-19-3-3, AS ADDED BY P.L.2-2007, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 3. Not more than six (6) of the nonstudent members of the board of trustees may be of the same sex. ~~At least one (1) member of the board of trustees must be a resident of and reside in Delaware County.~~".

Page 1, line 2, delete "JULY" and insert "JANUARY 1, 2012 (RETROACTIVE)]:".

Page 1, line 3, delete "1, 2012]:".

Page 1, after line 5, begin a new paragraph and insert:

"SECTION 4. IC 21-20-3-4, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Three (3) members of the board of trustees shall be elected by the alumni of Indiana University under this chapter. In the year in which the term of any member of the board of trustees elected by the alumni expires, a successor to the trustee shall be elected by the alumni of Indiana University, to serve for a term of three (3) years beginning July 1 next succeeding the election.

(b) When a vacancy occurs in the membership of the board of trustees who are elected by the alumni, because of death, resignation, or any other reason, the vacancy shall be filled by ~~election by the alumni,~~ **selection by the Indiana University alumni association executive council** for the unexpired term.

SECTION 5. IC 21-20-3-6, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. ~~A registry of the names and addresses of the alumni of Indiana University shall be kept, and corrected from time to time, by the president of Indiana University or the president's designated representative.~~ The alumni of Indiana University consist of those persons who have been awarded a degree by the board of trustees of Indiana University as recommended by the faculty.

SECTION 6. IC 21-20-3-8, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The election of members of the board of trustees shall be held at Indiana University on the secular day immediately preceding July 1. ~~at 9 a.m.~~ At that time trustees shall be elected to:

(1) serve for a term of three (3) years from July 1 next succeeding the trustee's election; and

(2) complete any unexpired term or terms.

SECTION 7. IC 21-20-3-9, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. ~~(a) Each alumnus may send to the librarian, over the alumnus's signature, at any time before the election of a trustee or trustees, the vote for the trustee or trustees that the alumnus would be entitled to cast if personally present at the election. The ballots and the containers in which the ballots are submitted must be:~~

~~(1) prepared and furnished by the librarian; and~~

~~(2) designed as to enable the librarian to ascertain the name of the voter, and to determine whether the voter is entitled to participate in the election, without knowing for whom the voter casts a ballot.~~

~~(b) The librarian shall deliver all votes cast in the election, to be opened and counted at the election, together with the votes cast by those alumni who are personally present and entitled to vote at the election.~~

~~(c) An alumnus may not cast more than one (1) vote.~~ **The university librarian shall conduct the elections to select the three (3) alumni members of the board of trustees. All alumni (as described in section 6 of this chapter) are eligible to participate in the election either by electronic or printed ballot, and each eligible individual may cast only one (1) vote. A request for a printed ballot must be made in writing to the university librarian not later than May 1 of an election year. The university librarian may adopt rules and regulations as necessary to carry out this section.**

SECTION 8. IC 21-20-3-12, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) The governor shall appoint five (5) members of the board of trustees for terms of three (3) years.

(b) Whenever a vacancy occurs in the membership of the board of trustees who are appointed by the governor because of death **or** resignation ~~removal from the state,~~ or for any other reason, the vacancy shall be filled by an appointment of the governor for the unexpired term.

SECTION 9. IC 21-20-3-15, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. The board of trustees shall declare vacant the seat of any trustee who is:

(1) absent **without sufficient excuse** from two (2) successive meetings of the board of trustees; or

(2) guilty of any gross immorality or breach of the bylaws **of the trustees** of Indiana University.

SECTION 10. IC 21-20-3-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16. (a) This section applies if an emergency is declared by the faculty after a session of the board of trustees has been called that the board of trustee members who do not reside in Monroe County failed to attend.~~

~~(b) Three (3) trustees who reside in Monroe County may fill vacancies in the faculty of Indiana University and the board of trustees. If there are not three (3) trustees in attendance after an emergency is declared, the:~~

~~(1) trustees who attend; and~~

~~(2) members of the faculty who attend;~~

~~shall fill the vacancies.~~

~~(c) Appointments made under this section expire at the next~~

~~meeting of the board of trustees.~~

SECTION 11. IC 21-20-4-5, AS AMENDED BY P.L.3-2008, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The secretary of the board of trustees shall:

(1) keep a true record of the proceedings of the board of trustees; **and**

(2) certify copies of the record of the proceedings of the board of trustees. ~~and~~

~~(3) maintain:~~

~~(A) an account of the students in Indiana University by the students' classes, including the students' respective ages and places of residence; and~~

~~(B) a list of all graduates.~~

SECTION 12. IC 21-20-5-1, AS ADDED BY P.L.2-2007, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The board of trustees shall ~~annually meet in Bloomington, at least three (3) days before the annual commencement of Indiana University.~~ **hold meetings at the dates, times, and places upon which the board of trustees agrees.**

SECTION 13. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 56 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 182, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "shall:" and insert "**shall**".

Page 1, line 5, delete "(1)".

Page 1, run in lines 4 through 5.

Page 1, line 7, delete "for:" and insert "**for**".

Page 1, line 8, delete "(A)".

Page 1, run in lines 7 through 8.

Page 1, line 9, delete "IC 21-42-1-3); and" and insert "**IC 21-42-1-3). The commission shall create a state course numbering system into which each state educational institution shall map the state educational institution's unique course numbers.**".

Page 1, delete lines 10 through 15.

Page 2, line 2, delete "institution shall" and insert "**institution, in collaboration with the commission for higher education,** shall:".

Page 2, line 2, strike "identify".

Page 2, line 2, delete "and publish", begin a new line block indented and insert:

"**(1) not later than December 1, 2012, create and report to the commission for higher education a statewide transfer general education core, to be implemented not later than May 15, 2013. The core must be based upon a set of core competencies, translated into**".

Page 2, line 3, strike "of".

Page 2, line 3, strike "general education courses,".

Page 2, line 3, delete "including" and insert "**in areas agreed upon by the state educational institutions, which apply for credit toward undergraduate degrees, including associate degrees and baccalaureate degrees at all campuses of state educational institutions; and**".

Page 2, delete lines 4 through 5.

Page 2, strike line 6.

Page 2, line 7, strike "at".

Page 2, line 7, delete "the".

Page 2, line 7, strike "state educational institution.", begin a new line block indented and insert:

"**(2) jointly establish statewide standards for use by all state educational institutions to document an individual's completion of the statewide transfer general education core on the individual's transcripts.**".

Page 2, line 10, delete "a state educational institution publishes" and insert "**May 15, 2013,**".

Page 2, delete lines 11 through 13.

Page 2, line 14, delete "(2)".

Page 2, line 14, after "the" insert "**statewide transfer**".

Page 2, run in lines 10 through 14.

Page 2, line 15, delete "curriculum" and insert "**core**".

Page 2, line 17, after "the" insert "**statewide transfer**".

Page 2, line 18, delete "curriculum of another" and insert "**core at the**".

Page 2, line 21, after "of the" insert "**statewide transfer**".

Page 2, line 21, delete "curriculum" and insert "**core**".

Page 2, line 23, after "the" insert "**statewide transfer**".

Page 2, line 24, delete "curriculum" and insert "**core**".

Page 2, line 26, before "general" insert "**statewide transfer**".

Page 2, line 26, delete "curriculum" and insert "**core**".

Page 2, delete lines 33 through 37.

Page 2, line 38, delete "(d)" and insert "**(c)**".

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 182 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

KRUSE, Chair

Report adopted.

SENATE BILLS ON SECOND READING

Senate Bill 22

Senator Nugent called up Senate Bill 22 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 61

Senator Tallian called up Senate Bill 61 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 97

Senator M. Young called up Senate Bill 97 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 131

Senator Gard called up Senate Bill 131 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 132

Senator Gard called up Senate Bill 132 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 132–1)

Madam President: I move that Senate Bill 132 be amended to read as follows:

Page 2, line 3, delete "water utility's:" and insert "**following:**

"**(1) The types of use of the water resources used by the water utility in providing water service to the water utility's Indiana customers.**

(2) The water utility's operations and maintenance costs in providing water service to the water utility's Indiana customers.".

Page 2, delete lines 4 through 6.

Page 2, between lines 23 and 24, begin a new line block indented and insert:

"**(6) The amount of funding received, including the purpose of the funding, from the following sources:**

(A) A state revolving loan program under IC 13-18.

(B) The office of community and rural affairs established by IC 4-4-9.7-4.

(C) United States Department of Agriculture rural development loans and grants.

(D) The Indiana bond bank.

(E) The issuance of any debt instruments for the purpose of raising capital to fund infrastructure projects.".

Page 2, line 26, delete "The" and insert "**Subject to subsection (d)(1), the**".

Page 2, line 27, after "reports" and insert "**, along with the recommendations described in subsection (d)(2),**".

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"**(d) In making the reports required under subsection (c), the commission shall:**

(1) use aggregated data in a manner that:

(A) protects the confidential information of individual water utilities; and

(B) is consistent with IC 5-14-3-4; and

(2) include in the reports recommendations concerning:

(A) the efficient use of financial resources by water utilities;

(B) necessary infrastructure investments by water utilities; and

(C) actions designed to minimize impacts on the rates and charges imposed on water and wastewater customers.".

Page 3, delete lines 11 through 22.

Renumber all SECTIONS consecutively.

(Reference is to SB 132 as printed January 18, 2012.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 157

Senator Steele called up Senate Bill 157 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 168

Senator Randolph called up Senate Bill 168 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 174

Senator Lawson called up Senate Bill 174 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 174–1)

Madam President: I move that Senate Bill 174 be amended to read as follows:

Page 10, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 9. IC 36-4-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. Notwithstanding section 1 of this chapter, for purposes of local government administration under this title, a municipality reorganized under IC 36-1.5 may, subject to the approval of the department of local government finance:**

(1) be classified and described as set forth in the reorganization plan adopted under IC 36-1.5-4; and

(2) maintain characteristics of any of the reorganizing political subdivisions.".

Renumber all SECTIONS consecutively.

(Reference is to SB 174 as printed January 20, 2012.)

LAWSON

Motion prevailed.

SENATE MOTION
(Amendment 174–5)

Madam President: I move that Senate Bill 174 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-1.5-4-5, AS AMENDED BY P.L.113-2010, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) Except as provided in subsection (b), a reorganization approved under this chapter takes effect when all of the following have

occurred:

(1) The later of:

(A) the date that a copy of a joint certification from the county election board in each county in which reorganizing political subdivisions are located that indicates that:

(i) the reorganization has been approved by the voters of each reorganizing political subdivision; or

(ii) in the case of a reorganization described in section **1(a)(7) or** 1(a)(9) of this chapter, the reorganization has been approved as set forth in section 32(b) **or 32(c)** of this chapter;

is recorded as required by section 31 of this chapter; or

(B) the date specified in the finally adopted plan of reorganization.

(2) The appointed or elected officers of the reorganized political subdivision are elected (as prescribed by section 36 of this chapter) or appointed and qualified, if:

(A) the reorganized political subdivision is a new political subdivision and reorganizing political subdivisions are not being consolidated into one (1) of the reorganizing political subdivisions;

(B) the reorganized political subdivision will have different boundaries than any of the reorganizing political subdivisions;

(C) the reorganized political subdivision will have different appointment or election districts than any of the reorganizing political subdivisions; or

(D) the finally adopted plan of reorganization requires new appointed or elected officers before the reorganization becomes effective.

(b) A reorganization approved under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A consolidation that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(c) Notwithstanding subsection (b) as that subsection existed on December 31, 2009, a reorganization that took effect January 2, 2010, because of the application of subsection (b), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without the adoption of an amended reorganization plan.

SECTION 2. IC 36-1.5-4-10, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 10. (a) The legislative body of a political subdivision may initiate a proposed reorganization under this chapter by adopting a resolution that:

(1) proposes a reorganization; **and**

(2) names the political subdivisions that would be reorganized in the proposed reorganization. ~~and~~

~~(3) only in the case of a proposed reorganization described in section 1(a)(9) of this chapter, states whether the vote on the public question regarding the reorganization shall be:~~

~~(A) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or~~

~~(B) conducted on a countywide basis under section 30(b) of this chapter, with a rejection threshold.~~

(b) The clerk of the political subdivision adopting the resolution shall certify the resolution to the clerk of each political subdivision named in the resolution.

SECTION 3. IC 36-1.5-4-12, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. (a) If a petition is certified to the legislative body of a political subdivision under section 11 of this chapter, the legislative body shall conduct a public hearing on the proposed reorganization not sooner than five (5) days after publishing a notice of the public hearing under IC 5-3-1. Not more than thirty (30) days after the conclusion of the public hearing the legislative body shall adopt a resolution, substantially in the form prescribed by the department of local government finance, to do any of the following:

(1) Decline to participate in the proposed reorganization.

(2) Propose a reorganization with the political subdivisions named in the petition.

(3) Propose a reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in the petition.

~~(b) In the case of a resolution adopted under this section proposing a reorganization described in section 1(a)(9) of this chapter, the resolution must also state whether the vote on the public question regarding the reorganization shall be:~~

~~(1) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or~~

~~(2) conducted on a countywide basis under section 30(b) of this chapter, with a rejection threshold.~~

~~(c)~~ **(b)** The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

SECTION 4. IC 36-1.5-4-13, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13. (a) The legislative body of a political subdivision that receives a certified resolution under section 10 or 12 of this chapter may do any of the following:

(1) Adopt a resolution declining to participate in a proposed reorganization.

(2) Adopt a substantially identical resolution proposing to participate in a proposed reorganization with the political subdivisions named in a resolution certified to the political subdivision.

(3) Adopt a resolution proposing to participate in a proposed reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in a resolution certified to the political subdivision.

~~(b) In the case of a resolution adopted under this section proposing to participate in a proposed reorganization described in section 1(a)(9) of this chapter, the resolution must also state whether the vote on the public question regarding the reorganization shall be:~~

~~(1) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or~~

~~(2) conducted on a countywide basis under section 30(b) of~~

~~this chapter, with a rejection threshold.~~

~~(c)~~ **(b)** The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.".

Page 1, line 3, delete "[EFFECTIVE JULY 1, 2012]" and insert "[EFFECTIVE JANUARY 1, 2013]".

Page 2, between lines 21 and 22, begin a new line block indented and insert:

"**(8) This subdivision applies only to a reorganization described in section 1(a)(7) of this chapter that is voted on by voters after December 31, 2012, regardless of when the plan of reorganization is adopted. The reorganization committee shall include in the reorganization plan an approval threshold, specified as a percentage, that applies for purposes of section 32(b) of this chapter. The approval threshold must be the same for each municipality that is a party to the proposed reorganization and to each township that is a party to the proposed reorganization. The approval threshold must be greater than fifty percent (50%), but not more than fifty-five percent (55%).**

(9) This subdivision applies only to a reorganization described in section 1(a)(7) of this chapter that is voted on by voters after December 31, 2012, regardless of when the plan of reorganization is adopted. The reorganization committee shall determine and include in the reorganization plan the percentage of voters in both the municipality and the township voting on the public question regarding the proposed reorganization who must vote in favor of the proposed reorganization for the public question to be approved. This percentage is referred to in this chapter as the "municipality-township vote approval percentage". The municipality-township vote approval percentage must be greater than fifty percent (50%).".

Page 2, line 22, strike "(8)" and insert "**(10)**".

Page 2, line 23, strike "if the legislative bodies of the reorganizing political".

Page 2, strike lines 24 through 26.

Page 2, line 27, strike "threshold,".

Page 2, line 28, strike "rejection" and insert "**approval**".

Page 2, line 29, strike "32(b)" and insert "**32(c)**".

Page 2, line 30, strike "rejection" and insert "**approval**".

Page 2, line 32, after "reorganization." insert "**The approval threshold must be greater than fifty percent (50%), but not more than fifty-five percent (55%).**".

Page 2, line 33, before "In" strike "(9)" and insert "**(11)**".

Page 2, line 42, strike "(10)" and insert "**(12)**".

Page 3, line 1, strike "(e)." and insert "**(d).**".

Page 3, strike lines 2 through 7.

Page 3, line 8, strike "(d)" and insert "**(c)**".

Page 3, line 26, strike "(e)" and insert "**(d)**".

Page 3, line 27, strike "June 30,".

Page 3, line 28, delete "2012," and insert "**December 31, 2012,**".

Page 4, line 15, delete "(f)" and insert "**(e)**".

Page 4, line 16, delete "(e)" and insert "**(d)**".

Page 5, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 6. IC 36-1.5-4-23.5, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 23.5. The following apply if the legislative bodies of all political subdivisions that have been presented with a plan of reorganization under ~~section 18(d)~~ **section 18(c)** of this chapter have not adopted a plan of reorganization, either as presented by the reorganization committee or as modified by all of the political subdivisions, within one (1) year after the initial plan of reorganization is presented:

(1) Not later than one (1) month after the end of the one (1) year period in which the legislative bodies must adopt a plan of reorganization, the reorganization committee shall submit a final plan of reorganization to the legislative bodies of the political subdivisions.

(2) Not later than one (1) month after receiving the final plan of reorganization under subdivision (1), each of the legislative bodies must:

(A) hold a hearing on the final plan of reorganization; and

(B) adopt either a resolution approving the final plan of reorganization or a resolution rejecting the final plan of reorganization.

If a legislative body does not adopt a resolution under this subdivision within the one (1) month period, the failure to adopt a resolution is considered to be an approval of the final plan of reorganization.

(3) If a legislative body adopts a resolution approving the final plan of reorganization, the legislative body shall certify its approval under section 23 of this chapter.

(4) If any of the legislative bodies adopts a resolution rejecting the final plan of reorganization, the registered voters of a political subdivision in which the final plan of reorganization was rejected by a legislative body under subdivision (2) may submit a petition to the clerk of the circuit court approving the final plan of reorganization and requesting that a public question be held on the final plan of reorganization. The petition must be submitted not later than one hundred eighty (180) days after the legislative body voted to reject the final plan of reorganization. If the petition is signed by at least ten percent (10%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election:

(A) the political subdivision is considered to have approved the holding of the public question on the final plan of reorganization, notwithstanding the vote by the legislative body rejecting the final plan of reorganization; and

(B) the clerk of the circuit court shall certify approval of the final plan of the reorganization and the holding of the public question in the manner specified in section 23 of this chapter.".

Page 5, line 5, delete "A" and insert "**For a public question voted on by voters after June 30, 2012,** a".

Page 6, delete lines 5 through 42, begin a new paragraph and insert:

"SECTION 7. IC 36-1.5-4-30, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 30. (a) Except as provided in ~~subsection~~ **subsections** (b) **and (c),** at the same time that election results are certified under IC 3, the circuit court clerk of each of the counties in which a public question under this chapter is on the ballot shall jointly issue, in the form prescribed by the state election board, a certificate declaring whether the public question is approved or rejected by a majority of the voters voting on the public question in each of the reorganizing political subdivisions. In addition to any other requirements in IC 3 concerning filing of the certification, the certification shall be sent to each of the following:

(1) The clerk of each of the reorganizing political subdivisions.

(2) The county auditor of each county in which a reorganizing political subdivision is located.

(3) The county recorder of each county in which a reorganizing political subdivision is located.

(4) The state board of accounts.

(5) The department of local government finance.

(6) The department of state revenue.

(7) The budget agency.

(8) If any of the reorganizing political subdivisions is a school corporation, the department of education.

(b) In the case of a public question on a reorganization described in section 1(a)(7) of this chapter that is voted on by voters after December 31, 2012:

(1) the public question on a plan of reorganization shall be placed on the ballot for consideration by the voters of the reorganizing municipality and township;

(2) the vote on the public question by the voters of a reorganizing municipality and township shall be tabulated by determining the sum of the votes of voters who reside in:

(A) each reorganizing municipality and not the reorganizing township;

(B) the reorganizing township and not the reorganizing municipality; and

(C) both the reorganizing municipality and the reorganizing township;

(3) the vote on the public question by the voters of:

(A) each reorganizing municipality; and

(B) each reorganizing township (excluding the voters of the reorganizing municipalities);

shall be tabulated separately; and

(4) the circuit court clerk shall issue, in a form prescribed by the state election board, separate certificates regarding whether the public question is approved or rejected by the voters of:

(A) each reorganizing municipality and township as set forth in subdivision (2);

(B) each reorganizing municipality; and

(C) each reorganizing township, excluding the voters of the reorganizing municipalities;

voting on the public question.

~~(b)~~ **(c)** In the case of a public question on a reorganization described in section 1(a)(9) of this chapter:

(1) the public question on a plan of reorganization shall be placed on the ballot for consideration by the voters of the entire county;

(2) the vote on the public question by the voters of the entire county shall be tabulated;

(3) ~~if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold,~~ the vote on the public question by the voters of:

(A) each reorganizing municipality; and

(B) the county (excluding the voters of the reorganizing municipalities);

shall be tabulated separately; and

(4) the circuit court clerk shall issue, in a form prescribed by the state election board, separate certificates regarding whether the public question is approved or rejected by the voters of:

(A) the entire county;

(B) each reorganizing municipality; ~~(if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold);~~ and

(C) the county, excluding the voters of the reorganizing municipalities; ~~(if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold);~~

voting on the public question.

SECTION 8. IC 36-1.5-4-32, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 32. (a) This subsection does not apply to a reorganization described in section **1(a)(7) or** 1(a)(9) of this chapter. A reorganization as specified in the plan of reorganization is approved if a majority of the voters in each reorganizing political subdivision voting on the public question approve the public question on the reorganization. **If a reorganizing political subdivision includes the territory of another reorganizing political subdivision,** the vote of voters of a reorganizing political subdivision ~~(for example, a city)~~ who also are voters in a second reorganizing political subdivision ~~(for example, a township)~~ that is geographically larger than the first political subdivision and that includes the territory of the first political subdivision shall be included only in the tally of votes for the first reorganizing political subdivision in which the voters reside.

(b) This subsection applies only to a reorganization described in section 1(a)(7) of this chapter. This subsection applies only to a reorganization voted on by voters after December 31, 2012. In the case of a proposed reorganization between a municipality and a township, the reorganization is approved only if:

(1) the percentage of all voters voting on the public question who:

(A) reside in:

(i) the reorganizing municipality and not the reorganizing township;

(ii) the reorganizing township and not the reorganizing municipality; and

(iii) both the reorganizing municipality and the reorganizing township; and

(B) vote in favor of the proposed reorganization;

is greater than fifty percent (50%);

(2) the percentage of voters of the reorganizing municipality voting on the public question in favor of the reorganization equals or exceeds the approval threshold included in the final reorganization plan, which must be greater than fifty percent (50%) but not more than fifty-five percent (55%); and

(3) the percentage of voters who reside within the reorganizing township but do not reside within the reorganizing municipality and who vote on the public question in favor of the reorganization equals or exceeds the approval threshold included in the final reorganization plan, which must be greater than fifty percent (50%) but not more than fifty-five percent (55%).

If the reorganization is not approved, the reorganization is terminated. In tabulating the votes under subdivisions (2) and (3), the vote of voters of a reorganizing municipality who are also voters in the reorganizing township shall be included only in the tally of votes for the municipality in which the voters reside.

~~(b)~~ **(c)** ~~This subsection applies~~ **The following apply** only to a reorganization described in section 1(a)(9) of this chapter.

(1) In the case of a public question voted on by voters before January 1, 2013, the reorganization is approved only if:

~~(1)~~ **(A)** the percentage of voters voting on the public question who vote, on a countywide basis, in favor of the proposed reorganization is at least equal to the countywide vote approval percentage specified in the final reorganization plan;

~~(2)~~ **(B)** ~~if~~ the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, **and** the percentage of voters of the county (excluding the voters of the reorganizing municipalities) voting on the public question who vote against the reorganization is less than the rejection threshold included in the final reorganization plan; and

~~(3)~~ **(C)** ~~if~~ the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, **and** the percentage of voters of each reorganizing municipality voting on the public question who vote against the reorganization is less than the rejection threshold included in the final reorganization plan.

(2) In the case of a public question voted on by voters after December 31, 2012, the reorganization is approved only if all of the following requirements are met:

(A) More than fifty percent (50%) of the voters in the county voting on the public question vote (on a countywide basis) in favor of the proposed reorganization.

(B) The percentage of voters of the reorganizing county (excluding the voters of the reorganizing municipalities) voting on the public question in favor of the reorganization equals or exceeds the approval threshold included in the final reorganization plan. The approval threshold must be greater than fifty percent (50%) but not more than fifty-five percent (55%).

(C) The percentage of voters of each reorganizing municipality voting on the public question in favor of the reorganization equals or exceeds the approval threshold included in the final reorganization plan. The approval threshold must be greater than fifty percent (50%) but not more than fifty-five percent (55%).

If the reorganization is not approved, the reorganization is terminated. ~~If the legislative bodies of the reorganizing political subdivisions have agreed that the vote in the public question shall be conducted with a rejection threshold, then~~ In tabulating the votes under ~~subdivisions (2) and (3),~~ **subsection (c)(1)(B), (c)(1)(C), (c)(2)(B), and (c)(2)(C),** the vote of voters of a reorganizing municipality who also are voters in the county shall be included only in the tally of votes for the municipality in which the voters reside.

SECTION 9. IC 36-1.5-4-34, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 34. (a) This section applies if:

(1) in the case of a reorganization that is not described in section **1(a)(7) or** 1(a)(9) of this chapter, the majority of the voters of each of the reorganizing political subdivisions voting on the public question approve the public question concerning the reorganization; or

(2) in the case of a reorganization described in section **1(a)(7) or** 1(a)(9) of this chapter, the reorganization is approved as set forth in section 32(b) **or 32(c)** of this chapter.

(b) The political subdivisions are reorganized in the form and under the conditions specified by the legislative bodies of the reorganizing political subdivisions in the plan of reorganization filed with the county recorder under this chapter.".

Page 7, delete lines 1 through 20.

Renumber all SECTIONS consecutively.

(Reference is to SB 174 as printed January 20, 2012.)

LAWSON

Upon request of Senator Buck the President ordered the roll of the Senate to be called. Roll Call 79: yeas 27, nays 21.

Motion prevailed.

SENATE MOTION
(Amendment 174–4)

Madam President: I move that Senate Bill 174 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new

paragraph and insert:

"SECTION 1. IC 36-1.5-2-6 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 6. "Reorganization committee" refers to a committee established under this article to assist reorganizing political subdivisions with developing a plan of reorganization.~~

SECTION 2. IC 36-1.5-4-15 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 15. Not later than thirty (30) days after the clerk of the last political subdivision to adopt a reorganization resolution under this chapter has certified the substantially identical resolution to all of the political subdivisions named in the resolution, the reorganizing political subdivisions shall appoint the number of individuals specified in section 16 of this chapter to serve on a reorganization committee to develop a plan of reorganization for the reorganizing political subdivisions.~~

SECTION 3. IC 36-1.5-4-16 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 16. (a) Members shall be appointed to a reorganization committee as follows:~~

~~(1) In accordance with an agreement adopted by the reorganizing political subdivisions. An agreement under this subdivision must provide that not more than a simple majority of the members appointed by each political subdivision may be members of the same political party.~~

~~(2) If an agreement does not provide for the membership of a reorganization committee under this chapter, three (3) members shall be appointed by the executive of each political subdivision participating in the reorganization. Not more than two (2) of the members appointed by an executive of a political subdivision may be members of the same political party.~~

~~(b) The members of a reorganization committee serve at the pleasure of the appointing authority. The reorganization committee shall select a chairperson and any other officers that the reorganization committee determines necessary from the members of the reorganization committee.~~

~~(c) The members of a reorganization committee serve without compensation. The members, however, are entitled to reimbursement from the reorganizing political subdivisions for the necessary expenses incurred in the performance of their duties.~~

~~(d) The reorganizing political subdivisions shall provide necessary office space, supplies, and staff to the reorganization committee. The reorganizing political subdivisions may employ attorneys, accountants, consultants, and other professionals for the reorganization committee.~~

~~(e) Except as otherwise provided in an agreement adopted by the reorganizing political subdivisions, claims for expenditures for the reorganization committee shall be made to the fiscal officer for the reorganizing political subdivision with the largest population. The fiscal officer shall pay the necessary expenditures and obtain reimbursement from the reorganizing political subdivisions:~~

~~(1) in accordance with an agreement adopted by the reorganizing political subdivisions; or~~

~~(2) in the absence of an agreement, in proportion to the population of each reorganizing political subdivision.~~

SECTION 4. IC 36-1.5-4-17 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 17. A reorganization committee may do the following:~~

~~(1) Adopt procedures governing the internal management of the reorganization committee.~~

~~(2) Conduct public hearings on the plan of reorganization as the reorganization committee determines necessary or appropriate.~~

~~(3) Review the books and records of any reorganizing political subdivision.~~

~~(4) Administer oaths.~~

~~(5) Issue and enforce subpoenas and discovery orders under IC 4-21.5.~~".

Page 1, line 3, after "committee" insert "**(before January 1, 2013) or the legislative bodies of the reorganizing political subdivisions (after December 31, 2012)**".

Page 2, line 17, after "committee" insert "**(before January 1, 2013)**".

Page 2, line 17, after "determines" insert "**or the legislative bodies of the reorganizing political subdivisions (after December 31, 2012) determine**".

Page 2, line 20, after "committee" delete ";" and insert "**(before January 1, 2013);**".

Page 2, line 27, after "committee" insert "**(before January 1, 2013) or the legislative bodies of the reorganizing political subdivisions (after December 31, 2012)**".

Page 2, line 34, after "committee" insert "**(before January 1, 2013) or the legislative bodies of the reorganizing political subdivisions (after December 31, 2012)**".

Page 3, line 1, strike "(e)." and insert "**(f).**".

Page 3, line 7, after "threshold." insert "**This subsection expires January 1, 2013.**".

Page 3, line 16, after "resolution." insert "**This subsection expires January 1, 2013.**

(e)".

Page 3, line 17, after "2010," insert "**and before January 1, 2013, or prepared by the legislative bodies of the reorganizing political subdivisions after December 31, 2012,**".

Page 3, line 21, after "committee" delete "." and insert "**(before January 1, 2013) or (after December 31, 2012) not more than thirty (30) days after the plan of reorganization is prepared by the legislative bodies of the reorganizing political subdivisions.**".

Page 3, line 26, strike "(e)" and insert "**(f)**".

Page 3, line 28, after "2012," insert "**and before January 1, 2013,**".

Page 3, line 29, after "reorganization." insert "**The legislative bodies of the reorganizing political subdivisions preparing a reorganization plan after December 31, 2012, must include in the plan of reorganization a fiscal impact analysis of the proposed reorganization.**".

Page 4, line 15, delete "(f)" and insert "**(g)**".

Page 4, line 15, after "committee" insert "**(before January 1, 2013) or the legislative bodies of the reorganizing political subdivisions (after December 31, 2012)**".

Page 4, line 16, delete "(e)" and insert "**(f)**".

Page 4, line 20, after "committee" insert "**(before January 1,**

2013) or the legislative bodies of the reorganizing political subdivisions (after December 31, 2012)".

Page 4, line 35, after "committee" insert "**(before January 1, 2013) or to the legislative bodies of the reorganizing political subdivisions (after December 31, 2012)**".

Page 4, line 42, after "committee" delete "." and insert "**(before January 1, 2013) or by the legislative bodies of the reorganizing political subdivisions (after December 31, 2012).**".

Page 5, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 6. IC 36-1.5-4-19, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 19. The legislative body of each of the reorganizing political subdivisions shall provide for the following:

(1) Consideration of a plan of reorganization ~~presented by a reorganization committee~~ in the form of a resolution incorporating the plan of reorganization in full or by reference.

(2) Reading of the resolution incorporating the plan of reorganization in at least two (2) separate meetings of the legislative body of the political subdivision.

(3) Conducting a public hearing on the plan of reorganization:

(A) not sooner than five (5) days after notice of the public hearing is published under IC 5-3-1; and

(B) before the legislative body takes final action on the resolution to adopt the plan of reorganization.

SECTION 7. IC 36-1.5-4-20, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 20. At a public hearing on a plan of reorganization conducted under section 19 of this chapter, or in a public meeting held not more than thirty (30) days after the public hearing concludes, a legislative body of a reorganizing political subdivision shall do one (1) of the following:

(1) Adopt the plan of reorganization. ~~as presented to the legislative body.~~

(2) Adopt the plan of reorganization with modifications.

(3) Reject the plan of reorganization. ~~and order a reorganization committee to submit a new plan of reorganization within thirty (30) days after the legislative body rejects the plan of reorganization.~~

SECTION 8. IC 36-1.5-4-22, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 22. The legislative body of each reorganizing political subdivision shall take any of the actions described in section 20 of this chapter on a revised plan of reorganization ~~submitted by a reorganization committee~~ and each resolution modifying a plan of reorganization or revised plan of reorganization in the same manner as the legislative body may take action on the initially submitted plan of reorganization.

SECTION 9. IC 36-1.5-4-23, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 23. The legislative body of a reorganizing political subdivision shall certify the legislative body's final action on a plan of reorganization or revised plan of reorganization, as modified by the legislative body, in the manner prescribed by the department of local government finance, to the following:

~~(1) The chair of the reorganization committee.~~

~~(2)~~ **(1)** The clerk of each reorganizing political subdivision.

~~(3)~~ **(2)** The county fiscal officer of each county in which a reorganizing political subdivision is located.

~~(4)~~ **(3)** The county recorder of each county in which a reorganizing political subdivision is located.

SECTION 10. IC 36-1.5-4-23.5, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23.5. ~~The following apply~~ If the legislative bodies of all political subdivisions that have been presented with ~~a~~ **an initial** plan of reorganization under section ~~18(d)~~ **18** of this chapter have not adopted a **final** plan of reorganization ~~either as presented by the reorganization committee or as modified by all of the political subdivisions,~~ within one (1) year after the initial plan of reorganization is presented,

~~(1) Not later than one (1) month after the end of the one (1) year period in which the legislative bodies must adopt a plan of reorganization, the reorganization committee shall submit a final plan of reorganization to the legislative bodies of the political subdivisions.~~

~~(2) Not later than one (1) month after receiving the final plan of reorganization under subdivision (1), each of the legislative bodies must:~~

~~(A) hold a hearing on the final plan of reorganization; and~~

~~(B) adopt either a resolution approving the final plan of reorganization or a resolution rejecting the final plan of reorganization.~~

~~If a legislative body does not adopt a resolution under this subdivision within the one (1) month period, the failure to adopt a resolution is considered to be an approval of the final plan of reorganization.~~

~~(3) If a legislative body adopts a resolution approving the final plan of reorganization, the legislative body shall certify its approval under section 23 of this chapter.~~

~~(4) If any of the legislative bodies adopts a resolution rejecting the final plan of reorganization,~~ the registered voters of a political subdivision in which the ~~final~~ **initial** plan of reorganization was ~~rejected by~~ **presented to** a legislative body ~~under subdivision (2)~~ **but not adopted** may submit a petition to the clerk of the circuit court approving ~~the~~ **a** final plan of reorganization and requesting that a public question be held on the final plan of reorganization. The petition must be submitted not later than one hundred eighty (180) days after **the date that is one (1) year after** the **initial plan of reorganization was presented to the** legislative body. ~~voted to reject the final plan of reorganization.~~ If the petition is signed by at least ten percent (10%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election:

(A) the political subdivision is considered to have approved the holding of the public question on the final plan of reorganization, notwithstanding the vote by the legislative body rejecting the final plan of reorganization; and

(B) the clerk of the circuit court shall certify approval of the final plan of the reorganization and the holding of the public question in the manner specified in section 23 of this chapter.".

Page 7, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 13. IC 36-1.5-4-33, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 33. Except in the case of a reorganization described in section 1(a)(9) of this chapter, if a reorganization is not approved by the majority of the voters in each reorganizing political subdivision voting on the public question, the reorganization is terminated. A political subdivision in which voters of the political subdivision approved the reorganization may continue with a reorganization with another political subdivision in which the reorganization was approved only if a new plan of reorganization is approved by the voters of each political subdivision in the manner provided by this chapter. ~~The reorganization committee shall adopt a plan to specify how matters related to the termination of the reorganization shall be handled.~~".

Renumber all SECTIONS consecutively.

(Reference is to SB 174 as printed January 20, 2012.)

HEAD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 175

Senator M. Young called up Senate Bill 175 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 192

Senator Charbonneau called up Senate Bill 192 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 224

Senator Miller called up Senate Bill 224 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 224–2)

Madam President: I move that Senate Bill 224 be amended to read as follows:

Page 2, line 3, after "(6)" insert "**How ambulance coverage is affected by ambulances that are subject to geographic or jurisdictional limits within a county, city, town, or township.**

(7) Procedures or policies for determining to which hospital a patient is transported.

(8)".

Page 2, line 4, after "(b)" insert "**In preparing the report required by subsection (a), the agencies described in subsection (a) shall consult with entities that may be affected by the proposals being considered for the report.**

(c)".

(Reference is to SB 224 as printed January 13, 2012.)

MILLER

Motion prevailed.

SENATE MOTION
(Amendment 224–1)

Madam President: I move that Senate Bill 224 be amended to read as follows:

Page 1, line 11, delete "who will" and insert "**what type of health care emergency service provider should**".

(Reference is to SB 224 as printed January 13, 2012.)

GROOMS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 234

Senator Alting called up Senate Bill 234 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 234–1)

Madam President: I move that Senate Bill 234 be amended to read as follows:

Page 18, line 16, delete "IC 24-26-13-4.1" and insert "IC 25-26-13-4.1".

Page 20, line 40, delete "analog: of" and insert "**analog of:**".

Page 23, line 23, after "cycloalkylethyl" insert "**, 1-(N-methyl-2-piperindinyl)methyl or**".

Page 23, delete line 24.

(Reference is to SB 234 as printed January 25, 2012.)

MERRITT

Motion prevailed. The bill was ordered engrossed.

Senate Bill 248

Senator Leising called up Senate Bill 248 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 256

Senator Wyss called up Senate Bill 256 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 262

Senator Bray called up Senate Bill 262 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 262–1)

Madam President: I move that Senate Bill 262 be amended to

read as follows:

Page 7, line 31, strike "IC 35-44-1-3." and insert "**IC 35-44.1-1.**".

Page 7, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 5. IC 4-2-7-6, AS ADDED BY P.L.222-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) This section applies if the inspector general finds evidence of misfeasance, malfeasance, nonfeasance, misappropriation, fraud, or other misconduct that has resulted in a financial loss to the state or in an unlawful benefit to an individual in the conduct of state business.

(b) If the inspector general finds evidence described in subsection (a), the inspector general shall certify a report of the matter to the attorney general and provide the attorney general with any relevant documents, transcripts, or written statements. Not later than one hundred eighty (180) days after receipt of the report from the inspector general, the attorney general shall do one (1) of the following:

(1) File a civil action (including an action upon a state officer's official bond) to secure for the state the recovery of funds misappropriated, diverted, missing, or unlawfully gained. Upon request of the attorney general, the inspector general shall assist the attorney general in the investigation, preparation, and prosecution of the civil action.

(2) Inform the inspector general that the attorney general does not intend to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. If the attorney general elects not to file a civil action, the attorney general shall return to the inspector general all documents and files initially provided by the inspector general.

(3) Inform the inspector general that the attorney general is diligently investigating the matter and after further investigation may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. However, if more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general, the attorney general loses the authority to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained and shall return to the inspector general all documents and files initially provided by the inspector general.

(c) If the inspector general has found evidence described in subsection (a) and reported to the attorney general under subsection (b) and:

(1) the attorney general has elected under subsection (b)(2) not to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained; or

(2) under subsection (b)(3) more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general under subsection (b) and the attorney general has not filed a civil action;

the inspector general may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained.

(d) If the inspector general has found evidence described in subsection (a), the inspector general may institute forfeiture proceedings under IC 34-24-2 in a court having jurisdiction in a county where property derived from or realized through the misappropriation, diversion, disappearance, or unlawful gain of state funds may be located, unless a prosecuting attorney has already instituted forfeiture proceedings against that property.

(e) The inspector general may directly institute civil proceedings against a person who has failed to pay civil penalties imposed by the ethics commission under IC 4-2-6-12.".

Page 8, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 7. IC 4-6-3-2, AS AMENDED BY P.L.111-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The attorney general shall have charge of and direct the prosecution of all civil actions that are brought in the name of the state of Indiana or any state agency.

(b) In no instance under this section shall the state or a state agency be required to file a bond.

(c) This section does not affect the authority of prosecuting attorneys to prosecute civil actions.

(d) This section does not affect the authority of the inspector general to prosecute a civil action under IC 4-2-7-6 for the recovery of **any of the following:**

(1) Funds misappropriated, diverted, missing, or unlawfully gained.

(2) A civil penalty imposed by the state ethics commission under IC 4-2-6-12.

(e) The attorney general may bring an action to collect unpaid registration fees owed by a commercial dog broker or a commercial dog breeder under IC 15-21.".

Page 11, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 17. IC 5-11-5-1, AS AMENDED BY P.L.176-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Whenever an examination is made under this article, a report of the examination shall be made. The report must include a list of findings and shall be signed and verified by the examiner making the examination. A finding that is critical of an examined entity must be based upon one (1) of the following:

(1) Failure of the entity to observe a uniform compliance guideline established under IC 5-11-1-24(a).

(2) Failure of the entity to comply with a specific law.

A report that includes a finding that is critical of an examined entity must designate the uniform compliance guideline or the specific law upon which the finding is based. The reports shall immediately be filed with the state examiner, and, after inspection of the report, the state examiner shall immediately file one (1) copy with the officer or person examined, one (1) copy with the auditing department of the municipality examined and reported upon, and one (1) copy in an electronic format under IC 5-14-6 of the reports of examination of state agencies, instrumentalities of the state, and federal funds administered by the state with the legislative services agency, as staff to the general assembly. Upon filing, the report becomes a part of the

public records of the office of the state examiner, of the office or the person examined, of the auditing department of the municipality examined and reported upon, and of the legislative services agency, as staff to the general assembly. A report is open to public inspection at all reasonable times after it is filed. If an examination discloses malfeasance, misfeasance, or nonfeasance in office or of any officer or employee, a copy of the report, signed and verified, shall be placed by the state examiner with the attorney general **and the inspector general.** The attorney general shall diligently institute and prosecute civil proceedings against the delinquent officer, or upon the officer's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(b) Before an examination report is signed, verified, and filed as required by subsection (a), the officer or the chief executive officer of the state office, municipality, or entity examined must have an opportunity to review the report and to file with the state examiner a written response to that report. If a written response is filed, it becomes a part of the examination report that is signed, verified, and filed as required by subsection (a).

(c) Except as required by subsections (b) and (d), it is unlawful for any deputy examiner, field examiner, or private examiner, before an examination report is made public as provided by this section, to make any disclosure of the result of any examination of any public account, except to the state examiner or if directed to give publicity to the examination report by the state examiner or by any court. If an examination report shows or discloses the commission of a crime by any person, it is the duty of the state examiner to transmit and present the examination report to the grand jury of the county in which the crime was committed at its first session after the making of the examination report and at any subsequent sessions that may be required. The state examiner shall furnish to the grand jury all evidence at the state examiner's command necessary in the investigation and prosecution of the crime.

(d) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of the public funds was committed by the officer or an employee of the office.

(e) After receiving a preliminary report under subsection (d), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(f) In an action under subsection (e), the attorney general may attach the defendant's property under IC 34-25-2.

(g) A preliminary report under subsection (d) is confidential until the final report under subsection (a) is issued, unless the attorney general institutes an action under subsection (e) on the basis of the preliminary report.

SECTION 18. IC 5-11-6-1, AS AMENDED BY P.L.176-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The state examiner, personally or through the deputy examiners, field examiners, or private examiners, upon the petition of twenty-five (25) interested taxpayers showing that effective local relief has not and cannot be obtained after due effort, shall make the inquiries, tests, examinations, and investigations that may be necessary to determine whether:

(1) any public contract has been regularly and lawfully executed and performed; or

(2) any public work, building, or structure has been or is being performed, built, or constructed in accordance with the terms and provisions of the contract, and in compliance with the plans and specifications, if any.

Upon a written petition of twenty-five (25) taxpayers the state examiner may also require all plans, specifications, and estimates to be submitted to the state examiner for corrections and approval before a contract is awarded.

(b) The state examiner, deputy examiner, and any field examiner, when engaged in making an inquiry, test, examination, or investigation under subsection (a), is entitled to examine and inspect any public records, documents, data, contracts, plans, and specifications contained or found in any public office or other place pertaining or relating to the public contract or public work, building, or structure. In addition, subpoenas may be issued to witnesses to appear before the examiner in person or to produce books and papers for inspection and examination. The state examiner, deputy, field, and private examiner may administer oaths and examine witnesses under oath either orally or by interrogatories on all matters under examination and investigation. Under order of the state examiner, the examination may be transcribed, with the reasonable expense paid by the municipality in the same manner as the compensation of the field examiner is paid.

(c) The state examiner, the deputy examiner, and a field examiner may enforce attendance and answers to questions and interrogatories, as provided by law, with respect to examinations and investigations made by the state examiner, deputy examiner, field examiner, or private examiner of public offices.

(d) The state examiner, deputy examiner, any field examiner, and any private examiner, when making an examination or investigation under subsection (a), shall examine, inspect, and test the public works, buildings, or structures in the manner that the examiner sees fit to determine whether it is being performed, built, or constructed according to the contract and plans and specifications.

(e) The state examiner shall file a report covering any examination or investigation that discloses:

(1) fraud, collusion, misconduct, or negligence in the letting or the execution of any public contract or in the

performance of any of the terms and conditions of any public contract; or

(2) any failure to comply with the terms or conditions of any public contract in the construction of any public work, building, or structure or to perform, build, or construct it according to the plans and specifications, if any, provided in the contract;

that causes loss, injury, waste, or damage to the state, the municipality, taxing or assessment district, other public entity, or to its citizens, if it is enforceable by assessment or taxation.

(f) The report must meet the following requirements:

(1) The report must be made, signed, and verified in quadruplicate by the examiner making the examination.

(2) The report shall be filed promptly with the state examiner.

After inspection of the report, the state examiner shall file a copy of the report promptly with the attorney general **and the inspector general.**

(g) The attorney general shall diligently institute and prosecute civil proceedings against any or all officers, individuals, and persons in the form and manner that the attorney general determines will secure a proper recovery to the state, municipality, taxing or assessment district, or other public entity injured, defrauded, or damaged by the matters in the report. These prosecutions may be made by the attorney general and the recovery may be had, either upon public official bonds, contractors' bonds, surety or other bonds, or upon individual liability, either upon contract or in tort, as the attorney general determines is wise. No action or recovery in any form or manner, or against any party or parties, precludes further or additional action or recovery in any other form or manner or against another party, either concurrently with or later found necessary, to secure complete recovery and restitution with respect to all matters exhibited, set out, or described in the report. The suits may be brought in the name of the state on the relation of the attorney general for the benefit of the state, or the municipality, taxing or assessment district, or other public entity that may be proper. The actions brought against any defendants may be joined, as to parties, form, and causes of action, in the manner that the attorney general decides.

(h) Any report described in this section or a copy duly certified by the state examiner shall be taken and received in any and all courts of this state as prima facie evidence of the facts stated and contained in the reports.

(i) If an examination, investigation, or test is made without a petition being first filed and the examination, investigation, or test shows that the terms of the contract are being complied with, then the expense of the examination, investigation, or test shall be paid by the state upon vouchers approved by the state examiner from funds available for contractual service of the state board of accounts. If such a report shows misfeasance, malfeasance, or nonfeasance in public office or shows that the terms of the plans and specifications under which a contract has been awarded are not being complied with, it is unlawful to make the report public until the report has been certified to the attorney general.

(j) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that all of the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of public funds was committed by the officer or an employee of the office.

(k) After receiving a preliminary report under subsection (j), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(l) In an action under subsection (k), the attorney general may attach the defendant's property under IC 34-25-2.

(m) A preliminary report under subsection (j) is confidential until the final report under subsection (e) is issued, unless the attorney general institutes an action under subsection (k) on the basis of the preliminary report.

SECTION 19. IC 5-11-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. If any examination or investigation made by the state examiner personally or through a deputy examiner, field examiner, or private examiner under ~~of~~ this chapter or ~~of~~ **under** any other statute discloses:

(1) malfeasance, misfeasance, or nonfeasance in office, or of any officer or employee;

(2) that any public money has been:

(A) unlawfully expended, either by having been expended for a purpose not authorized by law in an amount exceeding that authorized by law, or by having been paid to a person not lawfully entitled to receive it; or

(B) obtained by fraud or in any unlawful manner; or

(3) that any money has been wrongfully withheld from the public treasury;

a duly verified copy of the report shall be submitted by the state examiner to the attorney general, who shall institute and prosecute civil proceedings as provided in section 1 of this chapter, **and to the inspector general.**".

Page 15, line 35, delete "IC 35-42-2-2));" and insert "IC 35-42-2-2);".

Page 31, line 18, delete "IC 35-44.1-3-5)." and insert "**(IC 35-44.1-3-5).**".

Page 45, line 13, delete "Subdivision" and insert "**Subsection**".

Page 63, line 36, delete "class" and insert "**Class**".

Page 66, line 10, strike "(IC 35-44-1-1)." and insert "**(IC 35-44.1-1-2).**".

Renumber all SECTIONS consecutively.

(Reference is to SB 262 as printed January 20, 2012.)

BRAY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 273

Senator Lanane called up Senate Bill 273 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 273–1)

Madam President: I move that Senate Bill 273 be amended to read as follows:

Page 2, line 24, delete "or Class 2".

Page 2, line 25, delete "structure".

Page 4, line 13, delete "(a)." and insert "**(a) or to adopt a schedule of fees related to an application or an inspection for outdoor stage equipment, or both.**".

Page 6, line 32, after "engineer" insert "**or architect**".

Page 7, line 10, after "engineer" insert "**or an architect**".

Page 7, delete lines 33 through 36, begin a new line block indented and insert:

"**(1) be prepared by:**

(A) a professional engineer registered under IC 25-31; or

(B) an architect registered under IC 25-4;

who is competent to design the installation covered by the application as determined by the division;".

Page 7, line 38, after "engineer" insert "**or architect**".

Page 7, line 39, after "engineer's" insert "**or architect's**".

Page 7, line 41, after "engineer" insert "**or architect**".

Page 7, line 42, after "engineer's" insert "**or architect's**".

Page 10, line 7, after "or" insert "**by**".

Page 10, line 11, after "or" insert "**by**".

(Reference is to SB 273 as printed January 20, 2012.)

LANANE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 286

Senator Lawson called up Senate Bill 286 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 286–5)

Madam President: I move that Senate Bill 286 be amended to read as follows:

Page 12, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 7. IC 31-9-2-28, AS AMENDED BY P.L.133-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 28. **(a)** "Court appointed special advocate", for purposes of IC 31-15-6, IC 31-17-6, IC 31-19-16, IC 31-19-16.5, IC 31-28-5, and the juvenile law, means a community volunteer who:

(1) has completed a training program approved by the court;

(2) has been appointed by a court to represent and protect the best interests of a child; and

(3) may research, examine, advocate, facilitate, and monitor a child's situation.

(b) "Court appointed special advocate", for purposes of IC 31-33, IC 31-34, IC 31-35, and IC 31-37, means a community volunteer who:

(1) has completed a training program approved by the court that includes training in:

(A) the identification and treatment of child abuse and neglect; and

(B) early childhood, child, and adolescent development;

as required by 42 U.S.C. 5106a(b)(2)(B)(xiii);

(2) has been appointed by a court to represent and protect the best interests of a child; and

(3) may research, examine, advocate, facilitate, and monitor a child's situation.".

Page 12, line 36, strike "(a)".

Page 13, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 11. IC 31-9-2-50, AS AMENDED BY P.L.1-2010, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 50. **(a)** "Guardian ad litem", for purposes of IC 31-15-6, IC 31-19-16, IC 31-19-16.5, IC 31-28-5, and the juvenile law, means an attorney, a volunteer, or an employee of a county program designated under IC 33-24-6-4 who is appointed by a court to:

(1) represent and protect the best interests of a child; and

(2) provide the child with services requested by the court, including:

(A) researching;

(B) examining;

(C) advocating;

(D) facilitating; and

(E) monitoring;

the child's situation.

A guardian ad litem who is not an attorney must complete the same court approved training program that is required for a court appointed special advocate under section 28 of this chapter.

(b) "Guardian ad litem", for purposes of IC 31-33, IC 31-34, IC 31-35 and IC 31-37, means an attorney, a volunteer, or an employee of a county program designated under IC 33-24-6-4 who:

(1) is appointed by a court to represent and protect the best interests of a child;

(2) is appointed by a court to provide the child with services requested by the court, including:

(A) researching;

(B) examining;

(C) advocating;

(D) facilitating; and

(E) monitoring;

the child's situation; and

(3) has completed training appropriate for the person's role, including training in:

(A) the identification and treatment of child abuse and neglect; and

(B) early childhood, child, and adolescent development;

as required by 42 U.S.C. 5106a(b)(2)(B)(xiii).

A guardian ad litem who is not an attorney must complete the same court approved training program that is required for a court appointed special advocate under section 28 of this chapter.".

Page 14, line 17, delete "IC 31-37-19-1.5 and IC 31-34-15-2," and insert "**IC 31-25-2-23,**".

Page 14, line 18, delete "process for evaluating" and insert "**committee that reviews**".

Page 14, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 12. IC 31-9-2-117, AS AMENDED BY P.L.145-2006, SECTION 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 117. (a) Except as provided in subsection (b), "shelter care facility", for purposes of the juvenile law, means a place of residence that:

(1) is licensed under the laws of any state; and

(2) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health.

(b) "Shelter care facility", for purposes of IC 31-27-3 and IC 31-27-5, means a child caring institution or group home that provides temporary service for not more than ~~sixty (60)~~ **twenty (20)** consecutive days to a child:

(1) who is admitted to a residential facility on an emergency basis;

(2) for twenty-four (24) hours a day; and

(3) who **is:**

~~(A) is not the child, stepchild, grandchild, niece, nephew, or sibling of the individual providing care and supervision;~~

~~(B) is separated from the child's parent, stepparent, guardian, custodian, or other relative; and~~

~~(C) is:~~

~~(i)~~ **(A)** receiving care and supervision under an order of a juvenile court;

~~(ii)~~ **(B)** voluntarily placed by the parent or guardian of the child; or

~~(iii)~~ **(C)** self-referred.".

Page 15, line 4, delete "IC 31-28-5.8-1;" and insert "**IC 31-28-5.8;**".

Page 18, line 31, delete "IC 31-28-5.8-1." and insert "**IC 31-28-5.8.**".

Page 21, line 13, delete "JULY 1, 2012]:" and insert "UPON PASSAGE]:".

Page 21, line 39, after "provides" insert "**for older youth**".

Page 22, line 16, after "and" insert "**the**".

Page 23, line 20, delete "lease" and insert "**least**".

Page 23, line 33, after "whom the" insert "**older**".

Page 23, line 35, after "the" insert "**older**".

Page 27, delete lines 37 through 42.

Page 28, delete lines 1 through 4, begin a new paragraph and insert:

"SECTION 49. IC 31-33-7-6.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 6.5. Child abuse or neglect information may be expunged under IC 31-39-8 if the probative value of the information is so doubtful as to outweigh its validity. Child abuse or neglect information shall be expunged if it is determined to be unsubstantiated after:~~

~~(1) an assessment by the department of a report of a child who may be a victim of child abuse or neglect; or~~

~~(2) a court proceeding.~~".

Page 30, line 29, after "is" insert "**the**".

Page 31, line 8, delete "of county or".

Page 31, line 9, delete "counties".

Page 32, line 10, after "7." insert "~~(a)~~".

Page 32, line 23, delete "near fatality or the".

Page 33, between lines 20 and 21, begin a new line block indented and insert:

"**(13) The prosecuting attorney from the county where the child fatality occurred, as a nonvoting member.**".

Page 33, line 28, after "If" strike "a".

Page 36, line 2, strike "or".

Page 36, between lines 3 and 4, begin a new line block indented and insert:

"**(4) assessed by the department for alleged abuse or neglect that resulted in the fatality; or**

(5) determined by a coroner in the region served by the local child fatality review team to be the result of a homicide, suicide, or accident;".

Page 39, delete lines 4 through 12.

Page 40, line 6, delete "electronic or".

Page 40, line 6, delete "records," and insert "**or**".

Page 40, line 6, delete "form, or" and insert "**form or in**".

Page 42, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 53. IC 31-34-1-9, AS AMENDED BY P.L.131-2009, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. A child in need of services under section 1, 2, 3, 4, 5, ~~6,~~ 7, or 8 of this chapter includes a child with a disability who:

(1) is deprived of nutrition that is necessary to sustain life; or

(2) is deprived of medical or surgical intervention that is necessary to remedy or ameliorate a life threatening medical condition;

if the nutrition or medical or surgical intervention is generally provided to similarly situated children with or without disabilities.".

Page 43, line 27, delete "forty-eight (48) hours" and insert "**ten (10) days**".

Page 53, delete lines 41 through 42.

Page 54, delete lines 1 through 16.

Page 59, line 3, delete "jurisdiction" and insert "**jurisdictional**".

Page 59, line 6, delete "2" and insert "**4**".

Page 60, line 12, after "services" insert "**to be provided by the entity**".

Renumber all SECTIONS consecutively.

(Reference is to SB 286 as printed January 13, 2012.)

LAWSON

Motion prevailed.

SENATE MOTION
(Amendment 286–7)

Madam President: I move that Senate Bill 286 be amended to read as follows:

Page 35, between lines 37 and 38, begin a new paragraph and insert:

"**(d) The department shall annually prepare a report of all child fatalities in Indiana that are the result of child abuse or neglect. The report must include the following information:**

(1) A summary of the information gathered under subsection (a) for all child abuse or neglect fatalities.

(2) Demographic information regarding victims, perpetrators, and households involved in child abuse or neglect fatalities.

(3) An analysis of the primary risk factors involved in child abuse or neglect fatalities.

(4) A summary of the most frequent causes of child abuse or neglect fatalities.

(5) A description of the manner in which the data was assembled.

The department shall post the report prepared under this subsection to the department's Internet web site.".

(Reference is to SB 286 as printed January 13, 2012.)

LAWSON

Motion prevailed.

SENATE MOTION
(Amendment 286–6)

Madam President: I move that Senate Bill 286 be amended to read as follows:

Page 38, delete lines 40 through 42.

Page 39, delete lines 1 through 3.

Page 40, delete lines 24 through 30.

Page 40, line 31, delete "(c)" and insert "**(b)**".

(Reference is to SB 286 as printed January 13, 2012.)

HEAD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 322

Senator Tomes called up Senate Bill 322 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 329

Senator Hume called up Senate Bill 329 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 350

Senator Gard called up Senate Bill 350 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 378

Senator Simpson called up Senate Bill 378 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 246, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 12, delete "omnibus" and insert "**trial**".

Page 2, delete lines 3 through 25, begin a new paragraph, and insert:

"**Sec. 4. If the prosecuting attorney does not comply with section 2 of this chapter, the prosecuting attorney may not introduce the laboratory report into evidence without the testimony of the person who conducted the test and prepared the laboratory report.**

Sec. 5. If the prosecuting attorney complies with section 2 of this chapter and the defendant does not comply with section 3 of this chapter, the defendant waives the right to confront and cross-examine the person who prepared the laboratory report.".

(Reference is to SB 246 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 285, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 8, after "a" insert "**three (3) year**".

Page 3, line 19, after "section." insert "**The role of the department of local government finance in the pilot program is to develop the framework for the continuation of a more thorough nonbinding review in all counties without the direct involvement of the department of local government finance.**".

Page 5, line 15, after "county." insert "**The department of local government finance may establish appropriate procedures and conduct the appropriate analysis that meets the department's requirements for the review of a unit's budget under IC 6-1.1-17.**".

(Reference is to SB 285 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 277, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 88, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, line 32, after "IC 6-1.1-15." insert "**The county auditor shall inform the property owner of the right to appeal to the county property tax board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.**".

(Reference is to SB 88 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 89, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 83, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 268, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 259, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 265, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 293, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 12, delete lines 40 through 42.

Delete pages 13 through 17.

Renumber all SECTIONS consecutively.

(Reference is to SB 293 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 315, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 6 through 7.

Page 1, line 8, delete "(3)" and insert "**(2)**".

Page 1, line 9, delete "(4)" and insert "**(3)**".

Page 1, line 11, delete "(5)" and insert "**(4)**".

Page 1, line 13, delete "(6)" and insert "**(5)**".

Page 2, delete lines 6 through 7.

Page 2, line 8, delete "(3)" and insert "**(2)**".

Page 2, line 9, delete "(4)" and insert "**(3)**".

Page 2, line 11, delete "(5)" and insert "**(4)**".

Page 2, line 12, delete "(6)" and insert "**(5)**".

Page 2, delete lines 20 through 21.

Page 2, line 22, delete "(B)" and insert "**(A)**".

Page 2, line 24, delete "(C)" and insert "**(B)**".

Page 5, delete lines 21 through 42.

Page 6, delete lines 1 through 6.

Page 6, delete line 22.

Page 6, line 23, delete "(4)" and insert "**(3)**".

Page 6, line 25, delete "(5) A description of the location and type of allowable" and insert "**(4) An estimate of the number and approximate locations of the raffle events and door prize**".

Page 6, line 27, delete "(6)" and insert "**(5)**".

Page 6, line 31, delete "(7)" and insert "**(6)**".

Page 6, line 35, delete "(8)" and insert "**(7)**".

Page 7, delete lines 10 through 13.

Page 7, line 14, delete "(d)" and insert "**(c)**".

Page 7, line 16, delete "allowable" and insert "**raffle events and door prize**".

Page 7, delete lines 23 through 27, begin a new paragraph and insert:

"**(d) A license issued under this section authorizes a qualified organization to:**

(1) conduct door prize drawings at a raffle event held under the license; and

(2) conduct raffles at a door prize event held under the license.".

Page 8, line 1, delete "allowable" and insert "**raffle events and door prize**".

Page 8, line 4, delete "an allowable" and insert "**a raffle or door prize**".

Page 8, line 15, delete "allowable" and insert "**raffle events and door prize**".

Page 8, line 26, delete "allowable" and insert "**raffle events and door prize**".

Page 8, line 28, delete "allowable events" and insert "**each raffle or door prize event**".

Page 8, line 29, delete "." and insert "**maintained by a financial institution physically located in Indiana.**".

Page 8, line 36, delete "allowable" and insert "**raffle events and door prize**".

Page 8, line 38, delete "allowable" and insert "**raffle or door prize**".

Page 12, line 16, delete "an allowable" and insert "**a raffle or door prize**".

Page 12, line 17, delete "An allowable" and insert "**A raffle or door prize**".

Page 12, line 19, delete "allowable".

Page 12, line 19, after "events" insert "**under an annual comprehensive charity gaming license**".

Page 12, line 21, after "may" insert "**not conduct a raffle or door prize event under an annual comprehensive charity gaming license until the affiliate has been in existence in Indiana for three (3) years.**".

Page 12, delete lines 22 through 23.

Page 12, line 27, after "commission" insert "**;**".

Page 12, line 27, delete "(as in effect on January 1,".

Page 12, delete line 28.

Page 12, line 29, delete "an allowable" and insert "**a raffle or door prize**".

Page 12, line 34, delete "allowable".

Page 12, line 34, after "events" insert "**under the annual comprehensive charity gaming license**".

Page 12, line 34, delete "." and insert "**through any combination of its Indiana affiliates.**".

Page 12, delete lines 37 through 41.

Page 12, line 42, delete "(5)" and insert "**(3)**".

Page 13, line 1, delete "this article" and insert "**IC 4-32.2-4-8, IC 4-32.2-4-9, or IC 4-32.2-4-10**".

Page 13, line 3, delete "(6)" and insert "**(4)**".

Page 13, line 5, delete "this article" and insert "**IC 4-32.2-4-8, IC 4-32.2-4-9, or IC 4-32.2-4-10**".

Page 13, delete lines 8 through 9.

Page 13, line 13, delete "an allowable" and insert "**a raffle or door prize**".

Page 13, line 16, delete "allowable" and insert "**raffle or door prize**".

Page 13, line 20, delete "allowable" and insert "**raffle or door prize**".

Page 13, line 23, delete "The type of allowable event" and insert "**Whether**".

Page 13, line 24, delete "." and insert "**a raffle event or a door prize event.**".

Page 13, line 26, delete "allowable" and insert "**raffle or door prize**".

Page 13, line 27, delete "allowable" and insert "**raffle or door prize**".

Page 13, line 28, delete "allowable" and insert "**raffle or door prize**".

Page 13, line 30, delete "allowable" and insert "**raffle or door prize**".

Page 13, line 31, delete "an allowable" and insert "**a raffle or door prize**".

Page 13, line 33, after "may" insert "**not**".

Page 13, line 33, delete "allowable" and insert "**raffle or door prize**".

Page 13, line 34, delete "allowable" and insert "**raffle or door prize**".

Page 14, line 6, delete "any allowable" and insert "**a raffle event or door prize**".

Page 17, line 17, delete "allowable".

Page 17, line 17, after "events" insert "**conducted under the annual comprehensive charity gaming license**".

Page 17, line 19, after "IC 4-32.2-5-3(b)(5)" insert "**with respect to the events described in subdivision (1)**".

Page 17, line 22, delete "allowable".

Page 17, line 23, after "affiliates" insert "**under the qualified organization's annual comprehensive charity gaming license**".

Page 17, line 25, after "taken" insert "**with respect to the events described in subdivision (1)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 315 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 165, has had the same under

consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 24, delete lines 2 through 17, begin a new paragraph and insert:

"SECTION 17. IC 6-1.1-37-10.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.1. (a) The fiscal body of a county may, before July 1, 2012, adopt an ordinance to have this section apply throughout the county. If the fiscal body of a county adopts an ordinance under this subsection, the ordinance applies after June 30, 2012, and until July 1, 2013, and the fiscal body shall deliver a copy of the ordinance to the county treasurer and the county auditor.**

(b) The county treasurer of a county to which this section applies shall waive all interest and penalties added before January 1, 2012, to a delinquent property tax installment or special assessment on a tract or an item of real property if:

(1) all of the delinquent taxes and special assessments on the tract or item of real property were first due and payable before January 1, 2012; and

(2) before July 1, 2013, the taxpayer has paid:

(A) all of the delinquent taxes and special assessments described in subdivision (1); and

(B) all of the taxes and special assessments that are first due and payable on the tract or item of real property after December 31, 2011, and before July 1, 2013 (and any interest and penalties on these taxes and special assessments).

(c) The county treasurer of a county to which this section applies shall waive interest and penalties as provided in subsection (b) if the conditions of subsection (b) are satisfied, notwithstanding any payment arrangement entered into by the county treasurer and the taxpayer under IC 6-1.1-24-1.2 or under any other law.".

Renumber all SECTIONS consecutively.

(Reference is to SB 165 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Technology, to which was referred Senate Bill 308, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-32.4-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.2. As used in this chapter, "communications service provider" has the meaning set forth in IC 8-1-32.6-3.**".

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 5. IC 8-1-32.4-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. As used in this chapter, "successor provider" means a provider that:~~

~~(1) holds a certificate of territorial authority issued by the commission; and~~

~~(2) is, or is designated to become, the provider of last resort for a defined geographic area previously served by an exiting provider.~~".

Page 2, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 7. IC 8-1-32.4-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. (a) Except as provided in IC 8-1-32.6-8 or section 16 of this chapter, if:~~

~~(1) the commission receives notice of an exiting provider's decision to cease operation in all or part of the service area covered by the provider's certificate of territorial authority; and~~

~~(2) there is not another provider that:~~

~~(A) holds a certificate of territorial authority in the area; and~~

~~(B) has facilities sufficient to provide basic telecommunications service in the area;~~

~~the commission shall conduct a formal proceeding to determine the successor provider for the area.~~

~~(b) After determining the successor provider for the affected area under subsection (a), the commission shall, if applicable, allow the following with respect to the successor provider:~~

~~(1) A reasonable time, determined by the commission and in accordance with industry practices, in which to:~~

~~(A) modify, construct, or obtain the facilities; or~~

~~(B) deploy an approved alternative technology;~~

~~necessary to serve the customers of the exiting provider.~~

~~(2) A temporary exemption from any lawful obligation to unbundle the successor provider's network elements. The exemption under this subdivision shall continue for a period determined by the commission to be reasonably necessary to allow the successor provider to:~~

~~(A) modify, construct, or obtain the facilities; or~~

~~(B) deploy an alternative technology;~~

~~that will allow the successor provider to serve the customers of the exiting provider.~~

~~(3) A temporary exemption from any lawful obligation to provide telecommunications service for resale within the affected area. The exemption under this subdivision shall continue for a period determined by the commission to be reasonably necessary to allow the successor provider to:~~

~~(A) modify, construct, or obtain the facilities; or~~

~~(B) deploy an alternative technology;~~

~~that will allow the successor provider to serve the customers of the exiting provider.~~

~~(c) The successor provider is entitled to obtain funding from a state universal service fund to support the provider's assumption of obligations as the provider of last resort for the area. This section does not prohibit a provider from voluntarily:~~

~~(1) serving customers in the affected area; or~~

~~(2) purchasing the facilities of the exiting provider.~~

~~(d) A customer within the defined geographic area to be served by the successor provider is considered to have applied for basic telecommunications service from the successor provider on the effective date of the commission's designation of the successor provider. Each right, privilege, and obligation applicable to customers of the successor provider applies to a customer transferred to the successor provider under this section. A customer transferred to the successor provider under this section is subject to the successor provider's terms of service as specified in an applicable tariff or contract. This section does not prohibit a customer from seeking, at any time, service from a provider other than the successor provider.~~

SECTION 8. IC 8-1-32.4-15, AS ADDED BY P.L.27-2006, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. ~~(a) The commission may, on its own motion or on the petition of an interested party, institute an expedited proceeding under this section if the commission determines that:~~

~~(1) a facilities based local exchange carrier has a certificate of territorial authority to provide local exchange service in a defined geographic area;~~

~~(2) there is not another provider that:~~

~~(A) holds a certificate of territorial authority in the area; and~~

~~(B) has facilities sufficient to provide local exchange service in the area; and~~

~~(3) the facilities based local exchange carrier has:~~

~~(A) ceased providing local exchange service to the customers in the area; or~~

~~(B) abandoned the operation of the carrier's facilities in the area that are used to provide local exchange service.~~

~~(b) In a proceeding under this section,~~ **(a)** The commission may declare in accordance with IC 8-1-2-113 that an emergency exists ~~and~~ **in an area in Indiana that is not served by any communications service provider offering voice service through any technology or medium. If the commission declares an emergency under this section, the commission may** issue any order necessary to protect the health, safety, and welfare of affected ~~customers~~ **residents or businesses** and ~~to~~ **may** expedite the ~~restoration or continuation~~ **availability** of ~~local exchange~~ **voice** service to the affected ~~customers. An order issued under this subsection may: (1) provide for the temporary operation of the facilities based local exchange carrier's facilities by any provider, including a provider that has not been issued a certificate of territorial authority by the commission; (2) authorize one (1) or more third parties to enter the premises of any abandoned facilities; or (3) grant temporary waivers from quality of service requirements for any provider: (A) providing service under subdivision (1); or (B) designated as a successor provider by the commission under subsection (c). (c) Except as provided in IC 8-1-32.6-8 or section 16 of this chapter, the commission may act under section 14 of this chapter to designate a successor provider in any proceeding under this section.~~ **residents or businesses.**

(b) If the commission authorizes a communications service provider to offer voice service under this section, the commission shall permit the communications service provider to offer the voice service through any available technology or medium determined by the communications service provider.

SECTION 9. IC 8-1-32.4-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 17. (a) Subject to subsection (b), upon notice to the commission by an incumbent local exchange carrier that is the provider of last resort in one (1) or more parts of the incumbent local exchange carrier's service area, the incumbent local exchange carrier is relieved of its obligation as the provider of last resort in any part of the incumbent local exchange carrier's service area in which there are at least two (2) ETC eligible communications service providers, one (1) of which may be the incumbent local exchange carrier, offering a voice service through any technology or medium, including any of the following:**

(1) Wire communication (as defined in 47 U.S.C. 153).

(2) Internet Protocol enabled services.

(3) Commercial mobile service (as defined in 47 U.S.C. 332).

(b) After June 30, 2014, upon notice to the commission by an incumbent local exchange carrier that is the provider of last resort in one (1) or more parts of the incumbent local exchange carrier's service area, the incumbent local exchange carrier is relieved of its provider of last resort obligation with respect to any part of its service area identified in the incumbent local exchange carrier's notice to the commission under this subsection.

(c) Relief from a provider of last resort obligation under this chapter does not affect an incumbent local exchange carrier's obligations under federal law.

(d) As used in this section, "ETC eligible communications service provider" means a communications service provider that provides, using any available technology or medium, the voice telephony services described in 47 CFR 54.101, regardless of whether the communications service provider has been designated as an eligible telecommunications carrier.

SECTION 10. IC 8-1-32.6-8, AS ADDED BY P.L.27-2006, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) ~~Notwithstanding IC 8-1-32.4-14,~~ The commission may not require a communications service provider, including a provider of last resort, to provide any communications service to the occupants of multitenant real estate if the owner, operator, or developer of the multitenant real estate does any of the following to the benefit of another communications service provider:

(1) Permits only one (1) communications service provider to install the provider's facilities or equipment during the construction or development phase of the multitenant real estate.

(2) Accepts or agrees to accept incentives or rewards that:

(A) are offered by a communications service provider to the owner, operator, developer, or occupants of the multitenant real estate; and

(B) are contingent upon the provision of communications service by that provider to the occupants of the multitenant real estate, to the exclusion of any services provided by other communications service providers.

(3) Collects from the occupants of the multitenant real estate any charges for the provision of communications service to the occupants, including charges collected through rent, fees, or dues.

(4) Enters into an agreement with a communications service provider that is prohibited by section 7 of this chapter.

(b) This subsection applies to a communications service provider that is relieved under subsection (a) of an obligation to provide communications service to the occupants of multitenant real estate. This section does not prohibit the communications service provider from voluntarily offering service to the occupants of the multitenant real estate. However, the commission shall not exercise jurisdiction over the terms, conditions, rates, or availability of any communications service voluntarily offered by a communications service provider under this subsection.".

Delete pages 3 through 4.

(Reference is to SB 308 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

MERRITT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 226, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-12-15 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 15. Distressed School Fund

Sec. 1. As used in this chapter, "board" refers to the distressed unit appeals board established by IC 6-1.1-20.3-4.

Sec. 2. As used in this chapter, "distressed school corporation" refers to a school corporation designated as a distressed school corporation by the board under IC 6-1.1-20.3-6.5.

Sec. 3. As used in this chapter, "fund" refers to the distressed school fund established by section 4 of this chapter.

Sec. 4. The distressed school fund is established. The fund shall be administered by the budget agency.

Sec. 5. (a) The fund consists of the following:

(1) appropriations made to the fund by the general assembly;

(2) grants, gifts, and donations intended for deposit in the fund; and

(3) principal repaid to the fund from a loan granted under this chapter.

(b) Money in the fund is appropriated for the purposes of the fund.

Sec. 6. Expenses of administering the fund shall be paid from money in the fund.

Sec. 7. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

Sec. 8. (a) Except as provided in subsection (b), money in the fund at the end of a fiscal year does not revert to the state general fund.

(b) Money in the fund at the end of the state fiscal year ending June 30, 2016, and at the end of each state fiscal year thereafter reverts to the state general fund.

Sec. 9. The fund shall be used as a revolving fund to make loans to school corporations that are designated by the board as distressed school corporations.

Sec. 10. If the board authorizes under IC 6-1.1-20.3-6.5 a loan from the fund to a distressed school corporation, the distressed school corporation may apply for a loan in a form approved by the budget agency. As part of the application, the school corporation shall submit a plan for the distressed school corporation's use of the loan proceeds and for the repayment of the loan. Within sixty (60) days after receipt of each application, the budget agency shall, after review by the budget committee, make a final determination concerning the application.

Sec. 11. The budget agency shall establish procedures for application to the fund for a loan.

Sec. 12. Subject to this chapter, the budget agency, after review by the budget committee, may loan money to a distressed school corporation on the terms established by the budget agency. The budget agency may not make a loan under this chapter after December 31, 2015.

Sec. 13. The budget agency may authorize a loan to a school corporation that makes an application if:

(1) the applicant has been designated as a distressed school corporation by the board;

(2) the board has authorized a loan to the school corporation from the fund;

(3) the budget agency approves the accuracy and completeness of the application;

(4) the budget agency determines that there is a need for the loan;

(5) the budget agency determines that there is an adequate method of repayment for the loan; and

(6) there is sufficient money in the fund to make the loan.

Sec. 14. The amount of a loan under this chapter may not exceed the amount of the loan recommended by the board.

Sec. 15. The following apply to a loan under this chapter:

(1) Interest must be charged on the loan, but the rate of interest on the loan may not exceed a rate equal to the prime rate minus one percent (1%).

(2) A distressed school corporation may repay the loan in equal installments over a term specified by the budget agency, but not more than ten (10) years.

(3) The outstanding balance of the loan may be prepaid without penalty.

Sec. 16. In establishing the terms of a loan under this chapter, the budget agency shall consider the plan developed by the board and the distressed school corporation to move the distressed school corporation out of its distressed status.

Sec. 17. If a distressed school corporation fails to make a loan repayment under this chapter when due, the treasurer of state, upon being notified of the failure by the budget agency, shall pay the unpaid debt service obligations that are due from the funds of the state only to the extent of the amounts appropriated for the calendar year for distribution to the distressed school corporation from state funds, deducting the payment from the appropriated amounts. A deduction under this subsection must be made:

(1) first from all funds except state tuition support; and

(2) second from state tuition support.

Sec. 18. Money repaid on a loan under this chapter shall be deposited in the fund.

SECTION 2. IC 5-1-5-2.5, AS ADDED BY P.L.229-2011, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) As used in this section, "eligible school corporation" means a school corporation (as defined in IC 36-1-2-17) that satisfies all the conditions required by this section.

(b) As used in this section, "increment" means the annual difference between:

(1) the annual debt service payment for the bonds proposed to be retired or refunded; and

(2) the annual debt service payment for the proposed refunding bonds;

for each year that the bonds that are being retired or refunded would have been outstanding.

(c) In order for a school corporation to be an eligible school corporation under this section, the school corporation must determine that the percentage computed under this subsection for the school corporation is at least thirty percent (30%) regarding the year for which the latest certified levies have been determined. A school corporation shall compute its percentage as follows:

(1) Compute the amount of credits granted under IC 6-1.1-20.6 against the school corporation's combined levy for the school corporation's:

(A) debt service fund, as described in IC 20-46-7-15;

(B) capital projects fund;

(C) transportation fund;

(D) school bus replacement fund; and

(E) racial balance fund.

(2) Compute the school corporation's combined levy for the school corporation's:

(A) capital projects fund;

(B) transportation fund;

(C) school bus replacement fund; and

(D) racial balance fund.

(3) Divide the amount computed under subdivision (1) by the amount computed under subdivision (2) and express it as a percentage.

(d) A school corporation that desires to be an eligible school corporation under this section must satisfy the following conditions:

(1) The school corporation shall conduct a public hearing and provide notice of the time, date, and place of the hearing, published as required by IC 5-3-1, before the school corporation may adopt an ordinance under this section. At the public hearing, the governing body must provide the following information:

(A) The annual debt service payments, applicable debt service tax rate, and total debt service payments for the bonds proposed to be retired or refunded.

(B) The annual debt service payments, applicable debt service fund tax rate, and total debt service payments for the proposed refunding bonds.

(C) The annual increment for each year that the bonds that are being retired or refunded would have been outstanding and any other benefits to be derived from issuing the refunding bonds.

(2) **The requirements of this subdivision do not apply to a school corporation that adopts an ordinance under subsection (e) before January 1, 2016.** If the amount determined under subsection (c)(3) is:

(A) more than forty-five percent (45%), notwithstanding IC 6-1.1-20-3.1(a) and IC 6-1.1-20-3.2(a), the school corporation shall use the petition and remonstrance process prescribed by IC 6-1.1-20-3.1(b) and IC 6-1.1-20-3.2(b) and more individuals must sign the petition for the bond refunding under this section than the number of individuals signing a remonstrance against the bond refunding; or

(B) at least thirty percent (30%) but not more than forty-five percent (45%), the school corporation shall conduct a referendum on a public question regarding the bond refunding using the process for a referendum tax levy under IC 20-46-1 and the bond refunding must be approved by the eligible voters of the school corporation. The question to be submitted to the voters in the referendum must read as follows:

"Shall _____ (insert the name of the school corporation) issue refunding bonds to refund not more than fifty percent (50%) of its outstanding bonds to provide an annual savings to the school's debt service fund that can be transferred from the school's debt service fund to the school's capital projects fund, transportation fund, or school bus replacement fund?".

Except as provided in subdivision (2)(A), IC 6-1.1-20 does not apply to bonds issued under this section.

(e) A school corporation that desires to be an eligible school corporation under this section must, before July 1, 2013, and

notwithstanding any other law, adopt an ordinance that sets forth the following:

(1) The determinations made under subsection (c).

(2) **The requirements of this subdivision do not apply to an ordinance adopted under this subdivision before January 1, 2016.** The result of the petition remonstrance process under subsection (d)(2)(A) or the result of the vote on the public question under subsection (d)(2)(B), whichever applies.

(3) A determination providing for the:

(A) issuance of bonds to refund not more than fifty percent (50%) of outstanding bonds or leases issued by or on behalf of the school corporation; and

(B) payment of redemption premiums and the costs of the refunding.

(4) With respect to the refunding bonds, the following:

(A) The maximum principal amount.

(B) The maximum interest rate.

(C) The annual lease or debt service payment.

(D) The final maturity date.

(E) The estimated amount of the increment that will occur for each year that the bonds that are being retired or refunded by the issuance of refunding bonds would have been outstanding.

(F) A finding that the annual debt service or lease payment on the refunding bonds will not increase the annual debt service or lease payment above the annual debt service or lease payment approved by the school corporation for the original project.

If the governing body adopts an ordinance under this section, the governing body must publish notice of the adoption of the ordinance as required by IC 5-3-1.

(f) An eligible school corporation may issue refunding bonds as permitted by this section. In addition, an eligible school corporation may extend the repayment period beyond the repayment period for the bonds that are being retired or refunded by the issuance of refunding bonds. However, the repayment period may be extended only once for a particular bond, and the extension may not exceed ten (10) years.

(g) Property taxes imposed by an eligible school corporation to pay debt service for bonds permitted by this section shall be considered for purposes of calculating the limits to property tax liability under Article 10, Section 1 of the Constitution of the State of Indiana and for calculating a person's credit under IC 6-1.1-20.6-7.5. However, property taxes imposed by an eligible school corporation through December 31, 2019, to pay debt service for bonds permitted by this section may not be considered in an eligible county, as used in Article 10, Section 1(h) of the Constitution of the State of Indiana, for purposes of calculating the limits to property tax liability under Article 10, Section 1 of the Constitution of the State of Indiana or for calculating a person's credit under IC 6-1.1-20.6-7.5.

SECTION 3. IC 6-1.1-20.3-2, AS AMENDED BY P.L.146-2008, SECTION 202, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, "distressed ~~political subdivision"~~ **school corporation"** means a ~~political subdivision that expects to have the political subdivision's property tax collections reduced by at least five percent (5%) in a calendar year as a result of the application of the credit under IC 6-1.1-20.6 for that calendar year.~~ **school corporation designated as a distressed school corporation by the board under section 6.5 of this chapter.**

SECTION 4. IC 6-1.1-20.3-4, AS AMENDED BY P.L.146-2008, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The distressed unit appeal board is established.

(b) The distressed unit appeal board consists of the following members:

(1) The director of the office of management and budget or the director's designee. The director or the director's designee shall serve as chairperson of the distressed unit appeal board.

(2) The commissioner of the department of local government finance or the commissioner's designee.

~~(3) The commissioner of the department of state revenue or the commissioner's designee.~~

~~(4)~~ **(3)** The state examiner of the state board of accounts or the state examiner's designee.

~~(5) The following members appointed by the governor:~~

~~(A) One (1) member appointed from nominees submitted by the Indiana Association of Cities and Towns.~~

~~(B) One (1) member appointed from nominees submitted by the Association of Indiana Counties.~~

~~(C) One (1) member appointed from nominees submitted by the Indiana Association of School Superintendents.~~

~~A member nominated and appointed under this subdivision must be an elected official of a political subdivision.~~

~~(6) One (1) member appointed by the governor (in addition to members appointed under subdivision (5)).~~

~~(7) One (1) member appointed by the speaker of the house of representatives. A member appointed under this subdivision serves a term of four (4) years.~~

(4) The state superintendent of public instruction or the superintendent's designee.

(5) An individual appointed by the chairman of the legislative council.

~~(c) The members appointed under subsection (b)(5) and subsection (b)(6) serve at the pleasure of the governor.~~

~~(d)~~ **(c)** Each member of the commission is entitled to reimbursement for:

(1) traveling expenses as provided under IC 4-13-1-4; and

(2) other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 5. IC 6-1.1-20.3-6, AS AMENDED BY P.L.146-2008, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) ~~For property taxes first due and payable in 2008 and thereafter, the fiscal body of a distressed political subdivision may petition the board for relief as authorized under this chapter from the application of the credit under IC 6-1.1-20.6 for a calendar year.~~ **The governing body of a school corporation may file a**

petition with the board seeking to have the school corporation designated as a distressed school corporation under this chapter.

~~(b) A petition under subsection (a) must include a proposed financial plan for the distressed political subdivision. The proposed financial plan must include the following:~~

~~(1) Proposed budgets that would enable the distressed political subdivision to cease being a distressed political subdivision.~~

~~(2) Proposed efficiencies, consolidations, cost reductions, uses of alternative or additional revenues, or other actions that would enable the distressed political subdivision to cease being a distressed political subdivision.~~

~~(3) Proposed increases, if any, in the percentage thresholds (specified as a percentage of gross assessed value) at which the credit under IC 6-1.1-20.6 will apply, including any varying percentages for different classes of property.~~

~~(4) Proposed reductions, if any, to the credits under IC 6-1.1-20.6 (by percentages), including any varying percentage reductions for different classes of property.~~

~~(c)~~ **(b)** The board may adopt procedures governing the timing and required content of a petition under subsection (a).

SECTION 6. IC 6-1.1-20.3-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.5. (a) After the board receives a petition concerning a school corporation under section 6 of this chapter, the board may designate the school corporation as a distressed school corporation if any of the following conditions are satisfied:**

(1) The school corporation has:

(A) issued refunding bonds under IC 5-1-5-2.5; or

(B) adopted an ordinance under IC 5-1-5-2.5 making the determinations and including the information specified in IC 5-1-5-2.5(e).

(2) The school corporation has had two (2) successive general fund referenda fail.

(3) The school corporation has been severely affected, as determined by the board, as a result of the granting of property tax credits under IC 6-1.1-20.6.

(b) If the board designates a school corporation as a distressed school corporation under subsection (a), the board shall immediately notify:

(1) the school corporation; and

(2) the budget agency;

that the board has designated the school corporation as a distressed political subdivision.

(c) The board may before January 1, 2016, authorize a loan to the school corporation from the distressed school fund under IC 4-12-15. If the board authorizes a loan to the school corporation under this subsection, the board shall recommend to the state budget committee and the budget agency:

(1) the term of the loan, not to exceed ten (10) years; and

(2) the rate of interest that will be charged on the loan. Interest must be charged on a loan authorized under this subsection, but the rate of interest on the loan may not exceed a rate equal to the prime rate minus one percent (1%). A loan authorized under this subsection is subject to review by the state budget committee and approval by the budget agency under IC 4-12-15.

SECTION 7. IC 6-1.1-20.3-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. (a) If the fiscal body of a distressed political subdivision submits a petition under section 6 of this chapter, the board shall review the petition and assist in establishing a financial plan for the distressed political subdivision.~~

~~(b) In reviewing a petition submitted under section 6 of this chapter, the board:~~

~~(1) shall consider:~~

~~(A) the proposed financial plan;~~

~~(B) comparisons to similarly situated political subdivisions;~~

~~(C) the existing revenue and expenditures of political subdivisions in the county; and~~

~~(D) any other factor considered relevant by the board; and~~

~~(2) may establish subcommittees or temporarily appoint nonvoting members to the board to assist in the review.~~

SECTION 8. IC 6-1.1-20.3-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8. (a) The board may authorize relief as provided in subsection (b) from the application of the credit under IC 6-1.1-20.6 for a calendar year if the governing body of each political subdivision in the county that is affected by the financial plan has adopted a resolution agreeing to the terms of the financial plan.~~

~~(b) If the conditions of subsection (a) are satisfied, the board may, notwithstanding IC 6-1.1-20.6, do any of the following:~~

~~(1) Increase the percentage thresholds (specified as a percentage of gross assessed value) at which the credit under IC 6-1.1-20.6 applies to a person's property tax liability in the political subdivision.~~

~~(2) Provide for percentage reductions to credits otherwise provided under IC 6-1.1-20.6 in the political subdivision.~~

~~(3) Provide that some or all of the property taxes that:~~

~~(A) are being imposed to pay bonds, leases, or other debt obligations; and~~

~~(B) would otherwise be included in the calculation of the credit under IC 6-1.1-20.6 in the political subdivision;~~

~~shall not be included for purposes of calculating a person's credit under IC 6-1.1-20.6.~~

~~(c) If the board provides relief described in subsection (b), the board shall conduct audits and reviews as necessary to determine whether the affected political subdivision is abiding by the terms of the financial plan agreed to under subsection (a).~~

SECTION 9. IC 6-1.1-20.3-10, AS ADDED BY P.L.146-2008, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. A ~~distressed political subdivision~~ **school corporation** may petition the tax court for judicial review of a ~~final~~ determination of the board **under section 6.5 of this chapter.** The action must be taken to the tax court under IC 6-1.1-15 in the same manner that an action is taken to appeal a final determination of the Indiana board of tax review. The petition must be filed in the tax court not more than forty-five (45) days after the board enters its final determination.

SECTION 10. IC 20-26-5-4, AS AMENDED BY P.L.90-2011, SECTION 11, AND AS AMENDED BY P.L.200-2011, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law. However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars ($3,000) per budget year or one dollar ($1) per pupil, not to exceed twelve thousand five hundred dollars ($12,500), based on the school corporation's previous year's ADM, to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic

coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision *that are consistent with IC 20-28-9-1.*

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation *that are consistent with IC 20-28-9-1.*

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) **Subject to IC 20-27-13,** to transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. *In accordance with IC 20-26-17,* to:

(A) participate in a state employee health plan under IC 5-10-8-6.6 or IC 5-10-8-6.7;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid,

money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

SECTION 11. IC 20-27-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 13. Termination of Transportation; Waiver

Sec. 1. As used in this chapter, "eligible student" means an individual who in any part of a school year:

(1) is enrolled in a school corporation;

(2) has legal settlement in the school corporation;

(3) attended school in the school corporation's taxing district; and

(4) is not required by federal or state law to receive transportation services to and from school.

Sec. 2. This chapter applies to a school corporation that carried out a general program in at least one (1) school year beginning after June 30, 2010, to provide transportation to and from school for eligible students.

Sec. 3. Except as provided in section 7 of this chapter, a school corporation described in section 2 of this chapter shall carry out a program to provide transportation to and from school for all eligible students in any part of a school year beginning after June 30, 2012, unless the governing body of the school corporation:

(1) approves the termination of the transportation program; and

(2) provides public notice of the date after which the transportation will no longer be provided under the transportation program;

at least three (3) years before the date after which the transportation will no longer be provided under the transportation program.

Sec. 4. Transportation provided in a transportation program required under section 3 of this chapter may be limited by the school corporation's governing body to children residing a minimum distance from a school if the governing body includes facts in the resolution setting the minimum distance that demonstrate that each child residing less than the minimum distance for the school can safely walk to and from the school unattended by an adult during the regular hours that the child would ordinarily be coming to or from the school.

Sec. 5. Transportation provided under a transportation program required under section 3 of this chapter may be limited by the school corporation's governing body to providing transportation to school immediately before the beginning of an instructional day (described in IC 20-30-2-2) and from school immediately after the end of an instructional day (described in IC 20-30-2-2) without additional accommodations for participation in extracurricular activities.

Sec. 6. Transportation provided under a transportation program required under section 3 of this chapter must be otherwise in accordance with applicable law.

Sec. 7. (a) A school corporation may petition the department in writing to waive the requirement imposed by section 3 of this chapter.

(b) A petition under subsection (a) must:

(1) demonstrate that the waiver request was approved by the governing body for the school corporation;

(2) describe the transportation services that will be provided to students who are required by federal or state law to receive transportation services to and from school;

(3) present a written plan that provides for the safe movement of eligible students to and from school; and

(4) include any other information required by the department.

Sec. 8. If a petition complies with section 7 of this chapter, the department shall conduct a public hearing on the petition in the district served by the school corporation after giving notice of the public hearing under IC 5-3-1.

Sec. 9. If, based on the information contained in the petition and provided in the public hearing or otherwise made available to the department, the department determines that the plan presented by the school corporation, with or without revisions required by the department:

(1) will protect the safety of eligible students enrolled in the school corporation; and

(2) is otherwise in accordance with applicable law;

the department may waive the requirements imposed by section 3 of this chapter.

Sec. 10. The department may condition a waiver under section 9 of this chapter on the terms and conditions specified by the department. If a school corporation fails to comply with a term or condition of a waiver or the department discovers facts that indicate that the school corporation's plan:

(1) is not protecting the safety of eligible students enrolled in the school corporation; or

(2) is not otherwise in accordance with applicable law;

the department may issue an order under IC 4-21.5-3 or an emergency or temporary order under IC 4-21.5-4 specifying the actions that must be taken by the school corporation to correct the deficiency. The order may suspend or terminate the waiver granted under section 9 of this chapter beginning on the date specified by the department.

SECTION 12. IC 20-40-2-4, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** Except as provided by **subsection (b) or any other** law, any lawful school expenses payable from any other fund of a school corporation, including debt service and capital outlay, ~~but excluding costs attributable to transportation (as defined in IC 20-40-6-1),~~ may be budgeted in and paid from the fund.

(b) Before January 1, 2016, costs attributable to transportation (as defined in IC 20-40-6-1) may be budgeted in and paid from the fund. After December 31, 2015, costs attributable to transportation (as defined in IC 20-40-6-1) may not be budgeted in and paid from the fund.

SECTION 13. IC 20-40-6-5, AS AMENDED BY P.L.234-2007, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to this chapter **and except as provided in IC 20-40-2-4(b),** the fund is the exclusive fund to be used by a school corporation for the payment of costs attributable to transportation.

(b) Contracted transportation service costs transferred to the school bus replacement fund under IC 20-40-7 are payable from the school bus replacement fund.

SECTION 14. IC 20-46-5-4, AS AMENDED BY P.L.172-2011, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a)** Each school corporation may levy for a calendar year a property tax for the fund in accordance with the school bus acquisition plan adopted under this chapter. The levy imposed for the March 1, 2011, and January 15, 2012, assessment dates may not exceed the amount approved by the department of local government finance under section 5 of this chapter and IC 6-1.1-17. In setting the levy for the March 1, 2011, and January 15, 2012, assessment dates, the department of local government finance shall evaluate whether the levy proposed by a school corporation exceeds the reasonable needs of the school corporation to carry out the purposes of the fund and approve a levy that does not exceed the reasonable needs of the school corporation to carry out the purposes of this chapter. In making its determination, the department of local government finance may consider whether a school corporation has in a previous year transferred money from the fund to the school corporation's rainy day fund or a fund other than the school bus replacement fund. **Except as provided in subsections (b) and (c),** a levy imposed for an assessment date after January 15, 2012, may not exceed an amount determined by multiplying:

(1) the school corporation's maximum permissible levy determined under this section for the previous year, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy in the immediately preceding year); by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2.

(b) The department of local government finance may, upon petition by a school corporation, adjust the school corporation's levy for the fund to reflect the school corporation's plan adopted or amended under this chapter.

(c) In addition to the amount that a school corporation may levy for a year under the school corporation's maximum permissible levy determined under subsection (a), the school corporation may also levy an amount equal to the following:

(1) For property taxes first due and payable in 2013, an amount equal to:

(A) seventy-five percent (75%); multiplied by

(B) the amount of the pension neutrality line item, if any, for the school corporation's school bus replacement fund budget order for the 2011 budget year.

(2) For property taxes first due and payable in 2014, an amount equal to:

(A) fifty percent (50%); multiplied by

(B) the amount of the pension neutrality line item, if any, for the school corporation's school bus replacement fund budget order for the 2011 budget year.

(3) For property taxes first due and payable in 2015, an amount equal to:

(A) twenty-five percent (25%); multiplied by

(B) the amount of the pension neutrality line item, if any, for the school corporation's school bus replacement fund budget order for the 2011 budget year.

Any additional amounts that may be levied or are levied by a school corporation under this subsection for a year shall not be considered for purposes of determining the school corporation's maximum permissible levy under subsection (a) for the following year. This subsection expires January 1, 2017.

SECTION 15. [EFFECTIVE JULY 1, 2012] **(a) There is appropriated to the distressed school fund established by IC 4-12-15-4, as added by this act, ten million dollars ($10,000,000) from the state general fund for the period beginning July 1, 2012, and ending June 30, 2016. The amounts appropriated under this SECTION may be used by the budget agency only for the purposes of making loans authorized from the distressed school fund. The budget agency may not make a loan from the distressed school fund after December 31, 2015.**

(b) This SECTION expires July 1, 2016.".

Delete pages 2 through 21.

Page 22, delete lines 1 through 25.

Renumber all SECTIONS consecutively.

(Reference is to SB 226 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 13, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 280, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education finance and to make an appropriation.

Replace the effective dates in SECTIONS 1 through 42 with "[EFFECTIVE JULY 1, 2012]".

Page 5, line 9, strike "calendar" and insert "**state fiscal**".

Page 5, line 30, strike "calendar" and insert "**state fiscal**".

Page 6, line 31, delete "2013," and insert "**2012,**".

Page 7, line 3, strike "(d)" and insert "**(e)**".

Page 7, line 5, strike "(e)" and insert "**(f)**".

Page 7, line 8, strike "(f)" and insert "**(g)**".

Page 11, line 42, delete "2013." and insert "**2012.**".

Page 12, line 29, delete "2014," and insert "**2013,**".

Page 12, line 32, delete "2013," and insert "**2012,**".

Page 12, line 40, delete "2013," and insert "**2012,**".

Page 13, line 1, delete "2013," and insert "**2012,**".

Page 14, line 22, delete "2013," and insert "**2012,**".

Page 14, between lines 35 and 36, begin a new line block indented and insert:

"**(2) Except as otherwise provided, the distributions for basic tuition support, honors diploma awards, primetime distributions, special education grants, career and technical education grants, choice scholarships, and Mitch Daniels early graduation scholarships that were provided for under this article (as this article existed on January 1, 2012) for calendar year 2013 shall instead be made during the state fiscal year 2012 beginning July 1, 2012.**".

Page 14, line 36, delete "(2)" and insert "**(3)**".

Page 14, line 37, delete "2013." and insert "**2012.**".

Page 15, line 4, delete "2013." and insert "**2012.**".

Page 15, line 18, delete "2013." and insert "**2012.**".

Page 15, line 22, delete "2013," and insert "**2012,**".

Page 15, line 26, delete "2014," and insert "**2013,**".

Page 16, line 12, delete "2013." and insert "**2012.**".

Page 16, line 14, delete "2012" and insert "**2011**".

Page 16, line 16, delete "2013." and insert "**2012.**".

Page 16, line 17, delete "2013," and insert "**2012,**".

Page 16, line 41, delete "2013," and insert "**2012,**".

Page 17, line 7, delete "2012" and insert "**2011**".

Page 17, line 8, delete "2013);" and insert "**2012);**".

Page 17, line 10, delete "2014" and insert "**2013,**".

Page 19, line 37, delete "(12)." and insert "**(13).**".

Page 22, line 38, strike "seven (7) in 2012 and".

Page 22, line 38, strike "2013." and insert "**the state fiscal year beginning July 1, 2012.**".

Page 24, line 23, delete "in".

Page 24, line 23, delete "1".

Page 24, line 30, delete "in".

Page 24, line 30, delete "1".

Page 28, line 20, delete ":" and insert "**zero.**".

Page 28, strike lines 21 through 23.

Page 31, after line 18, begin a new paragraph and insert:

"SECTION 45. [EFFECTIVE JULY 1, 2012] **(a) For the fiscal year beginning July 1, 2012, and ending June 30, 2013, there is appropriated to the department of education thirty million nine hundred thousand dollars ($30,900,000) from the state general fund for distribution for tuition support, total operating expense, beginning July 1, 2012, and ending June 30, 2013. This appropriation is in addition to the appropriation for tuition support that was made by P.L.229-2011.**

(b) This SECTION expires July 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to SB 280 as printed January 20, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 210, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-17-20, AS AMENDED BY P.L.113-2010, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) This section applies to each governing body of a taxing unit that:

(1) is not comprised of a majority of officials who are elected to serve on the governing body; and

(2) either:

(A) is:

(i) a conservancy district subject to IC 14-33-9;

(ii) a solid waste management district subject to IC 13-21; or

(iii) a fire protection district subject to IC 36-8-11-18; or

(B) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:

(i) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus

(ii) one (1).

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include:

(1) a school corporation; or

(2) an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a taxing unit is entirely contained within a city or town; or

(2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted at least thirty (30) days before the city or town fiscal body is required to hold budget approval hearings under this chapter. However, in the case of a public library that is subject to this section and is described in subdivision (2), the public library shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town.

(d) If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the county where the taxing unit has the most assessed valuation. The proposed budget and levy shall be submitted at least thirty (30) days before the county fiscal body is required to hold budget approval hearings under this chapter.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a taxing unit fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that taxing unit are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any taxing unit subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.

(h) In the case of a solid waste management district subject to IC 13-21:

(1) the district shall submit the district's proposed budget for the 2013 budget year and thereafter to:

(A) the executive; and

(B) the fiscal body;

of each county and municipality located within the district;

(2) each county that is a member of the district shall for the 2013 budget year and thereafter determine the amount of funding from all sources that the county will provide to the district for that budget year;

(3) except as provided in IC 13-21-7-1(d), a district may not levy a property tax that is first due and payable after 2012; and

(4) after 2012, a district may not impose a fee or charge:

(A) that is a flat charge for each residence or building in use in the county; or

(B) that is otherwise imposed on a uniform basis on all residents or property owners.".

Page 5, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 22. (a) For property taxes first due and payable in 2013, the department of local government finance shall increase the maximum permissible ad valorem property tax levy of each county that is a member of a solid waste management district under IC 13-21 by an amount equal to:**

(1) the part of the district's maximum permissible ad valorem property tax levy for 2012 that was imposed in the county; multiplied by

(2) the assessed value growth quotient under IC 6-1.1-18.5-2 for 2013.

(b) Each maximum permissible ad valorem property tax levy, after the adjustments made under subsection (a), becomes the maximum permissible ad valorem property tax levy for the county for purposes of determining the county's maximum permissible ad valorem property tax levy after 2013.".

Page 5, line 41, after "department" insert "**of education, with assistance from the department of environmental management,**".

Page 6, line 2, after "department" insert "**of education**".

Page 6, line 22, after "department" insert "**of education, with assistance from the department of environmental management,**".

Page 6, line 26, after "department" insert "**of education**".

Page 6, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 7. IC 13-21-1-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012] **Sec. 4. (a) In 2013 and every fifth year thereafter, the legislative council shall assign to an interim study committee or a statutory study committee the topics of:**

(1) assessing the continued need for solid waste management districts; and

(2) determining whether any changes should be made to the statutes governing solid waste management districts.

(b) The interim study committee or statutory study committee to which the study topics described in subsection (a) are assigned shall issue a final report, in an electronic format under IC 5-14-6, to the legislative council containing the committee's findings and recommendations, including any recommended legislation concerning the topics, not later than November 1 of the year in which the topics are assigned.

SECTION 8. IC 13-21-3-10, AS AMENDED BY P.L.214-2005, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A controller selected under section 9 of this chapter shall do the following:

(1) Be the official custodian of all district money and, subject to the terms of any resolution or trust indenture under which bonds are issued under this article, deposit and invest all district money in the same manner as other county money is deposited and invested under IC 5-13.

(2) Be responsible to the board for the fiscal management of the district.

(3) Be responsible for the proper safeguarding and accounting of the district's money.

(4) Subject to subsection (c), issue warrants approved by the board after a properly itemized and verified claim has been presented to the board on a claim docket.

(5) Make financial reports of district money and present the reports to the board for the board's approval.

(6) Prepare the district's **proposed** annual budget **that will be submitted to each county that is a member of the district.**

(7) Perform any other duties:

(A) prescribed by the board; and

(B) consistent with this chapter.

(b) A controller selected under section 9 of this chapter:

(1) does not exercise any sovereign authority of the state; and

(2) does not hold a lucrative office for purposes of Article 2, Section 9 of the Constitution of the State of Indiana.

(c) The board may, by resolution, authorize the controller to make claim payments for:

(1) payroll;

(2) the state solid waste management fee imposed by IC 13-20-22-1; and

(3) certain specific vendors identified in the resolution;

without the claims being first approved by the board if before payment the claims are approved in writing by the chairperson of the board or in the absence of the chairperson another member of the board designated by the chairperson. The claims shall be reviewed and allowed by the board at the board's next regular or special meeting.

SECTION 9. IC 13-21-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The board of each district shall appoint and convene a solid waste management advisory committee of citizens not later than thirty (30) days after the board has been established. The committee must include the following:

(1) Representatives of the solid waste management industry operating in the district.

(2) Representatives of the environmental community and other citizens who are:

(A) knowledgeable about and interested in environmental issues; and

(B) not employed directly or indirectly by the solid waste management industry.

(b) At least fifty percent (50%) of the members of an advisory committee must be made up of the representatives of the environmental community and other citizens. All members of the committee must be residents of the district.

(c) In the resolution establishing an advisory committee, the board shall specify the terms of the members and the purposes of the committee. Each advisory committee shall do the following:

(1) Study the subjects and problems specified by the board and recommend to the board additional problems in need of study and discussion.

(2) If invited by the board to do so, participate, without the right to vote, in the deliberations of the board.

(d) An advisory committee shall report only to the board. Reports of the committee must:

(1) accompany a final district plan when the plan is submitted to the commissioner under IC 13-21-5; and

(2) be made available to members of the public.

(e) An advisory committee may choose to study and report on matters that are not specified by the board if the committee determines a study is warranted.

(f) An advisory committee and board shall conduct at least two (2) joint meetings each year to discuss current and future issues. The advisory committee shall submit into the record at the next meeting of the board advice on the topics discussed at the joint meeting.

(g) An advisory committee shall do the following:

(1) Meet after the first publication of the district's proposed annual budget **that will be submitted to each county that is a member of the district.**

(2) Submit written comments concerning the proposed budget at a public hearing that is held to review the proposed budget.".

Delete page 7.

Page 8, delete lines 1 through 14.

Page 9, line 35, after "law." insert "**The power to adopt a resolution under this subdivision does not authorize a district to require a permit prohibited by section 14(b)(5) of this chapter or to impose a fee prohibited by section 14(b)(5) of this chapter.**".

Page 11, line 28, after "department" delete "." and insert "**of education.**".

Page 12, line 4, delete "." and insert "**or impose a fee or charge that is first due and payable after 2012 and that:**

(1) is a flat charge for each residence or building in use in the county; or

(2) is otherwise imposed on a uniform basis on all residents or property owners.".

Page 12, delete lines 5 through 42, begin a new paragraph and insert:

"SECTION 11. IC 13-21-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) A board may do the following:

(1) Enter into agreements concerning and acquire by any lawful means real property or interests in real and personal property needed for the purposes of this section or IC 13-21-9.

(2) Enter into financing agreements to purchase, lease as lessee, construct, remodel, rebuild, enlarge, or substantially improve facilities.

(3) Lease facilities to users or developers with or without an option to purchase.

(4) Sell facilities to users or developers for consideration, which may be paid in installments or otherwise.

(5) Make direct loans to users or developers for the cost of acquisition, construction, or installation of facilities, including real property, machinery, or equipment. If loans are made, the development bonds must be secured by the pledge of one (1) or more bonds or other secured or unsecured debt obligations of the users or developers.

(6) Enter into agreements with users or developers to allow the users or developers to wholly or partially acquire, construct, or modify facilities to be acquired by the district.

(7) **Before July 1, 2012,** issue waste management development bonds under IC 13-21-9 to do the following:

(A) Accomplish the purposes of this section and IC 13-21-9.

(B) Secure payment of the development bonds as provided in IC 13-21-9.

(b) This section or IC 13-21-9 does not authorize the district's financing of facilities for a developer unless any agreement that exists between a developer and a user is fully disclosed to and approved by the board.

SECTION 12. IC 13-21-3-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. (a) ~~This section does not apply to the following:~~

~~(1) A nonreverting capital fund established under section 12(24) of this chapter.~~

~~(2) A fund established under IC 13-21-7-8.~~

~~(3) The waste management district bond fund established under IC 13-21-7-10.~~

~~(4) A fund established to secure the payment of principal and interest under IC 13-21-12-1(12).~~

~~(b)~~ At the end of each year the district shall prepare a report that provides the following information:

(1) For each fund that contains district money:

(A) the cash balance at the end of the year;

(B) a list of all encumbrances on the fund that the district is legally obligated to pay;

(C) a copy of documentation that supports each encumbrance listed in clause (B);

(D) the fund balance obtained by subtracting the amount under clause (B) from the amount under clause (A); ~~and~~

(E) the total expenditures from the fund for the year; **and**

(F) any other financial information required by the department.

(2) The total of all fund balances calculated under subdivision (1)(D).

(3) The total of all fund expenditures reported under subdivision (1)(E).

(4) Any programmatic information required by the department.

(5) The total amount of expenditures by the district for the year.

(6) The per capita expenditures by the district for the year.

(7) The amount of expenditures by the district for the year for personnel costs.

(8) The amount of expenditures by the district for the year for program costs (excluding personnel costs).

(9) The total amount of solid waste (in tons) disposed of in the district for the year.

(10) The total amount of expenditures by the district for the year, divided by the total amount of solid waste (in tons) disposed of in the district for the year.

(11) The total amount of recycling (in tons) carried out in the district in the year.

(12) The total amount of expenditures by the district for the year, divided by the total amount of recycling (in tons) carried out in the district in the year.

~~(c)~~ **(b)** The district shall provide the report ~~developed~~ **prepared** under subsection ~~(b)~~ **(a):**

(1) to ~~the department,~~ the department of local government finance **in a format prescribed by the department;** and ~~the environmental quality service~~

(2) to the legislative council **in an electronic format under IC 5-14-6;**

by February 1 of the year following the year for which the report is made.

(c) The district shall publish the report prepared under subsection (a) on an Internet web site maintained by the district or on the Internet web sites maintained by the counties that are members of the district.

SECTION 13. IC 13-21-3-14, AS AMENDED BY P.L.220-2011, SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) This section does not apply to a contract executed before April 1, 1998.

(b) Except as provided in subsection (d) and section 14.5 of this chapter, the powers of a district do not include the following:

(1) The power of eminent domain.

(2) Except as provided in subsection (c), the power to exclusively control the collection or disposal of any solid waste or recyclables within the district by means that include the following:

(A) Franchising.

(B) Establishing a territory or territories within the district in which a person may provide service.

(3) The power to establish the type of service that a person must provide for the collection or disposal of solid waste or recyclables within the district.

(4) The power to establish fees that a person must charge for the collection or disposal of solid waste or recyclables within the district.

(5) **Except as expressly granted by statute,** the power to:

(A) issue permits for ~~an~~ **a solid waste management** activity that:

(i) is already permitted by a state **or federal** agency; ~~except as expressly granted by statute.~~ **or**

(ii) is not regulated by any state or federal agency; or

(B) require the payment of a fee for a solid waste management activity that:

(i) is already permitted by a state or federal agency; or

(ii) is not regulated by a state or federal agency.

This subdivision does not prohibit a district from imposing a user fee or charge to reimburse the district for the cost of service provided by the district to the payer of the user fee or charge.

(6) The power to impose a fee or charge that is first due and payable after 2012 and that:

(A) is a flat charge for each residence or building in use in the county; or

(B) is otherwise imposed on a uniform basis on all residents or property owners.

(c) If one (1) or more of the governmental entities in a district, at the time of the formation of the district, is a party to a contract providing that the persons contracted with have the exclusive right to collect or dispose of solid waste within the jurisdiction of the governmental entity, the district may enter into an extension of that contract.

(d) Subsection ~~(b) does~~ **(b)(1) through (b)(4) does** not apply to activities conducted as part of a household hazardous waste collection and disposal project.".

Page 13, delete lines 1 through 31.

Page 17, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 18. IC 13-21-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. **(a)** Before the board of a district may adopt an annual budget, the budget must be:

(1) approved by the department of local government finance; and

(2) sent to:

(A) the executive; and

(B) the fiscal body;

of each county and municipality located within the district as a matter of record.

The district's budget is subject to the amount of funding provided by the counties that are located within the district.

(b) Each county that is located within the district shall, for the 2013 budget year and thereafter, determine the amount of funding from all sources that the county will provide to the district for that budget year.

SECTION 19. IC 13-21-3-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 23. (a) The department shall adopt rules to establish minimum service levels for:**

(1) recycling; and

(2) the collection of household hazardous waste, electronic waste, tires, and white goods;

that must be provided in each district. In setting the minimum service levels, the department shall consider the population of a district, the population density of a district, the availability of public and private programs to achieve the minimum service levels, and other factors considered appropriate by the district. The minimum service levels may be met by a district through any combination of public or private programs.

(b) The rules adopted by the department must include a process through which:

(1) a district may apply to the department for a waiver of the minimum service levels; and

(2) the department may grant such a waiver.

(c) A district is responsible for ensuring that the minimum service levels under this section are satisfied through any combination of public or private programs. Each county is responsible for providing the county's proportionate share of the level of funding sufficient for the district to achieve the minimum service levels.".

Page 18, delete lines 1 through 40.

Page 19, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 22. IC 13-21-7-4 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 4. (a) At:~~

~~(1) the time fixed for the hearing; or~~

~~(2) any time before that;~~

~~any person owning real or personal property within the district may file a written remonstrance with the board.~~

~~(b) At the hearing, which may be adjourned as necessary, the board shall hear all persons interested in the proceedings and all remonstrances filed.~~

~~(c) After considering the remonstrances, the board shall:~~

~~(1) take final action determining the public utility and benefit of the proposed proceedings; and~~

~~(2) either:~~

~~(A) confirm;~~

~~(B) modify and confirm; or~~

~~(C) rescind;~~

~~the resolution.~~

~~(d) The final action of the board shall be recorded.~~

~~(e) The action of the board is final and conclusive upon all persons. However, any person who:~~

~~(1) has remonstrated in writing; and~~

~~(2) is aggrieved by the decision of the board;~~

~~may take an appeal as provided in section 5 of this chapter.~~

SECTION 23. IC 13-21-7-5 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 5. (a) If the board takes final action confirming the resolution in an original or modified form, a person who has filed a written remonstrance with the board as~~

~~provided in section 4 of this chapter may appeal to the circuit or superior court of the county in which the person resides.~~

~~(b) Within ten (10) days after the final action of the board, the remonstrator must file in the office of the clerk of the court the following:~~

~~(1) A copy of the resolution of the board.~~

~~(2) The remonstrance.~~

~~(3) A surety bond conditioned to pay the costs of the appeal if the appeal is determined against the remonstrator.~~

~~(c) The only ground of remonstrance of which the court has jurisdiction on appeal is the question of whether it will be of public utility and benefit to construct, modify, or acquire the proposed facility. The burden of proof is upon the remonstrator. The cause shall be summarily tried by the court without a jury.~~

~~(d) The court shall do the following:~~

~~(1) Consolidate and hear all remonstrances upon which an appeal are taken as one (1) cause of action.~~

~~(2) Hear and determine the cause within thirty (30) days after the time of filing the appeal.~~

~~(3) Upon the date fixed for hearing:~~

~~(A) hear evidence upon the remonstrances; and~~

~~(B) confirm the final action of the board on the resolution or sustain the remonstrance.~~

SECTION 24. IC 13-21-7-6 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 6. On adopting a resolution ordering the issuance of waste management district bonds, the board shall certify a copy of:~~

~~(1) the resolution; and~~

~~(2) the approval;~~

~~to the controller of the district, who shall prepare the bonds.~~

SECTION 25. IC 13-21-7-7 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 7. (a) The waste management district bonds:~~

~~(1) are special obligations of the district; and~~

~~(2) are not, in any respect, a corporate obligation or indebtedness of the units that comprise the district.~~

~~(b) The waste management district bonds issued under this chapter or IC 13-9.5-9-3 (before its repeal) and the interest on the bonds are payable out of a special tax levied upon all of the property of the district and any other revenues made available for that purpose under this article. The waste management district bonds must recite these terms on the face of the bonds together with the purpose for which the bonds are issued.~~".

Page 19, line 38, delete "July 1," and insert "**February 1, 2012,**".

Page 19, line 39, delete "2012,".

Page 20, after line 42, begin a new paragraph and insert:

"SECTION 29. IC 13-21-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** A board may finance the cost of facilities by borrowing money and issuing revenue bonds under this chapter **before July 1, 2012.**

(b) After June 30, 2012, the authority of a board to finance the cost of facilities by borrowing money and issuing revenue bonds under this chapter is transferred to each county that is a member of the district.

SECTION 30. IC 13-21-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The resolution adopted under section 2 of this chapter may also **before July 1, 2012,** authorize the issuance of waste management development bonds payable solely from:

(1) revenues and receipts derived from a financing agreement; or

(2) payments made under a guaranty agreement by a developer, user, or any other person.

(b) The waste management development bonds are not in any respect a general obligation of the district.

(c) After June 30, 2012, the authority of a board to issue waste management development bonds under this chapter is transferred to each county that is a member of the district.

SECTION 31. IC 13-21-14-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. A district may not impose a fee under this chapter that is first due and payable after 2012 and that:**

(1) is a flat charge for each residence or building in use in the county; or

(2) is otherwise imposed on a uniform basis on all residents or property owners.

SECTION 32. IC 13-21-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The board may fix the solid waste management fees on the basis of the following:

~~(1) A flat charge for each residence or building in use in the waste management district.~~

~~(2)~~ **(1)** The weight or volume of the refuse received.

~~(3)~~ **(2)** The average number of containers or bags of refuse received.

~~(4)~~ **(3)** The relative difficulty associated with the collection or management of the solid waste received.

~~(5)~~ **(4)** Any other criteria that the board determines to be logically related to the service.

~~(6)~~ **(5)** Any combination of these criteria.

SECTION 33. IC 13-21-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]:

Chapter 16. County Solid Waste Management Fees

Sec. 1. (a) A county fiscal body may establish solid waste management fees that apply to all persons owning real property or generating solid waste within the county who are benefited by solid waste management, solid waste collection, a facility for solid waste disposal, or a facility for solid waste processing.

(b) The county fiscal body may change and readjust fees as necessary.

Sec. 2. A fee imposed by a county fiscal body under this chapter may be imposed only as:

(1) a flat charge for each residence or building in use in the county; or

(2) otherwise imposed on a uniform basis on all residents or property owners.

Sec. 3. The collection of the fees authorized by this chapter may be effectuated through a periodic billing system.

Sec. 4. (a) Fees shall be established only by the adoption of an ordinance by the county fiscal body after public notice and a public hearing before the county fiscal body at which:

(1) all persons using facilities, owning property, or generating solid waste within the district who are benefited by solid waste management; and

(2) other interested persons;

have an opportunity to be heard concerning the proposed fees.

(b) After the introduction of an ordinance fixing fees and before the ordinance is adopted, public notice of the hearing, setting forth the schedule of fees, shall be given. The hearing may be adjourned as necessary.

(c) After the hearing, the ordinance establishing fees, either as originally introduced or as amended, shall be passed and put into effect.

(d) A copy of the schedule of fees established shall be kept:

(1) on file in the office of the county executive; and

(2) open to inspection by all interested persons.

(e) The fees established extend to cover any additional territory later served that falls within the same class without the necessity of a hearing or notice.

(f) A change or readjustment of fees may be made in the same manner as the fees were originally established.

Sec. 5. An action to contest:

(1) the validity of the fees adopted; or

(2) the procedure by which the fees were adopted;

must be brought within thirty (30) days following the adoption of the fees under section 4 of this chapter.

Sec. 6. Fees imposed under this chapter may be used only, together with any other revenues, to pay any of the following:

(1) The cost of facilities for solid waste management.

(2) The operation and maintenance of facilities, including making grants to a solid waste management district serving the county.

(3) The charges that may be pledged to the payment of principal of and interest on waste management facility or revenue bonds.

Sec. 7. (a) If a fee established is not paid within the time fixed by the county, the amount, together with:

(1) a penalty of twenty-five dollars ($25); and

(2) reasonable attorney's fees;

may be recovered in a civil action in the name of the county.

(b) If a fee that is imposed on a lot, parcel of land, or building is not paid within the time fixed by the county, the amount of the fee, together with a penalty of twenty-five dollars ($25) and reasonable attorney's fees, is a lien on the lot, parcel of land, or building. The liens:

(1) attach;

(2) are recorded; and

(3) shall be collected and enforced;

in substantially the same manner as provided in IC 36-9-23-31 through IC 36-9-23-32.

Sec. 8. A county may not exercise its authority under this chapter to impose a fee on the:

(1) owner of real or personal property that is used solely as a transfer station; or

(2) operation of a transfer station.

SECTION 34. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 210 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 6.

KENLEY, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 165.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Bill 92.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as second author of Senate Bill 248.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Buck and Kruse be added as coauthors of Engrossed Senate Bill 155.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Charbonneau and Rogers be added as coauthors of Senate Bill 165.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hume and R. Young be added as coauthors of Senate Bill 309.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Randolph and Tallian be added as coauthors of Senate Bill 235.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 175.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as third author of Senate Bill 234.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as coauthor of Senate Bill 234.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 322.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author of Senate Bill 157.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 376.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as second author and Senator Arnold be added as coauthor of Senate Bill 327.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Grooms be added as coauthor of Senate Bill 286.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be added as second author, Senator Hume be added as third author, and Senator Broden be added as coauthor of Senate Bill 107.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Bill 280.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Leising be added as second author and Senator R. Young be added as coauthor of Senate Bill 350.

GARD

Motion prevailed.

ENGROSSED SENATE BILLS
ON THIRD READING

Engrossed Senate Bill 25

Senator Kenley called up Engrossed Senate Bill 25 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 80: yeas 39, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Cherry.

Engrossed Senate Bill 54

Senator Eckerty called up Engrossed Senate Bill 54 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 81: yeas 34, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Wolkins and Mahan.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 9, line 41, before "The" insert "**The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts.**".

Page 12, line 24, before "The" insert "**The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts.**".

(Reference is to SB 235 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 152, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 283, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 8, delete "modify" and insert "**waive**".

Page 2, line 8, delete "a" and insert "**an accredited**".

Page 2, line 9, after "nonpublic" insert "**alternative**".

Page 2, line 11, delete "have" and insert "**have:**

(1)".

Page 2, line 11, delete "school" and insert "**school;**

(2) been expelled; or

(3) been sent to the nonpublic alternative school due to the students' lack of success in the public school environment;".

Page 2, line 11, beginning with "to" begin a new line blocked left.

Page 2, line 12, after "nonpublic" insert "**alternative**".

Page 2, line 12, delete "The modified".

Page 2, delete lines 13 through 14.

Page 2, line 15, after "nonpublic" insert "**alternative**".

Page 2, line 16, after "IC 20-31-8-4." insert "**However, the nonpublic alternative school must comply with all state reporting requirements and submit a school improvement growth model on the anniversary date of the nonpublic alternative school's original accreditation.**".

Page 2, delete lines 17 through 29, begin a new paragraph and insert:

"SECTION 2. IC 20-26-11-8, AS AMENDED BY P.L.159-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. **(a) As used in this section, "attend school" means to:**

(1) physically attend a school in a building owned and operated by a school corporation; or

(2) be educated onsite at a facility.

(b) If a student resides in a facility and cannot leave the facility based on a medical decision that the student is a risk to the student or a risk to others, the school corporation in which the facility is located shall provide the student educational services onsite at the facility.

(c) A student educated onsite at a facility is entitled to the following:

(1) An educational opportunity comparable to that of a student attending a school operated by the school corporation.

(2) To receive the same level of educational services from the school corporation in which the facility is located as received by a student who physically attends school in a school operated by the school corporation. Unless provided otherwise in a student's individualized education program, educational services must include at least the following:

(A) An instructional day the meets the requirements of IC 20-30-2-2.

(B) A school year with a minimum of one hundred eighty (180) student instructional days under IC 20-30-2-3.

(C) Educationally appropriate textbooks and other materials offered to the student at the same cost assessed to a student attending a school operated by the school corporation.

(D) Licensed teachers who are qualified to teach the grade level of the student and the subject matter of the student's curriculum.

~~(a)~~ **(d)** A student who is placed in a state licensed private or public health care facility or child care facility:

(1) by or with the consent of the department of child services;

(2) by a court order; or

(3) by a child placing agency licensed by the department of child services;

may attend school in the school corporation in which the facility is located. If the school corporation in which the facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

~~(b)~~ **(e)** A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

(1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and

(2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as having a disability under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as having a disability under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under IC 20-35-2-1(b)(5).

~~(c)~~ **(f)** A student who is placed in:

(1) an institution operated by the division of disability and rehabilitative services or the division of mental health and addiction; or

(2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection ~~(a)~~ **(d)** or ~~(b)~~ **(e)** or another state is obligated to pay the transfer tuition.

~~(d)~~ **(g)** This subsection applies to a student who is placed:

(1) by or with the consent of the department of child services;

(2) by a court order; or

(3) by a child placing agency licensed by the department of child services;

in a foster family home or the home of a relative or other unlicensed caretaker that is not located in the school corporation in which the student has legal settlement. The student may attend school in either the school corporation in which the foster family home or other home is located or the school corporation in which the student has legal settlement. The department of child services and the student's foster parents or caretaker shall make the determination concerning where the student attends school unless that determination is made by a court that has jurisdiction over the student. If a licensed child placing agency is responsible for oversight of the foster family home in which the student is placed or for providing services to the student, the department of child services must consult with the licensed child placing agency concerning the determination of, or the recommendations made to the court concerning, where the student attends school. Except as provided in subsection ~~(e),~~ **(h),** transfer tuition is not required for the student.

~~(e)~~ **(h)** If a student to whom subsection ~~(d)~~ **(g)** applies is attending school in a school corporation that is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay transfer tuition to the school corporation in which the student is enrolled in school if all of the following conditions apply:

(1) The student was previously placed in a child caring institution licensed under IC 31-27-3.

(2) While placed in the child caring institution, the student was enrolled in a school that is:

(A) administered by the school corporation in which the child caring institution is located; and

(B) located at the child caring institution.

(3) The student was moved from the child caring institution to a licensed foster family home supervised by the child caring institution either:

(A) with the approval of the department of child services and the court having jurisdiction over the student in a case under IC 31-34; or

(B) by a court order in a case under IC 31-37.

(4) After moving from the child caring institution to the foster family home, the student continues to attend the school located at the child caring institution.

(5) The legal settlement of the student was determined by a juvenile court under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6.

~~(f)~~ **(i)** A student:

(1) who is placed in a facility, home, or institution described in subsection ~~(a), (b), or (c),~~ **(d), (e), or (f);**

(2) to whom neither subsection ~~(d)~~ **(g)** nor ~~(e)~~ **(h)** applies; and

(3) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support.

SECTION 3. IC 20-26-11-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 31. (a) This section applies to a school corporation that enrolls a student who has legal settlement in another school corporation for the purpose of the student receiving services from an accredited nonpublic alternative high school described in IC 20-19-2-10(f).**

(b) A school corporation is entitled to receive state tuition support for a student described in subsection (a) in an amount equal to either:

(1) the amount received by the school corporation that enrolls the student if the student is included in the school corporation's ADM; or

(2) the amount received by the school corporation in which the student has legal settlement if the student is included in that school corporation's ADM;

whichever is greater.

SECTION 4. IC 20-26-13-10, AS AMENDED BY P.L.43-2009, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. Except as provided in section 11 of this chapter, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; ~~and~~

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort; **and**

(C) the number of students who have enrolled in the high school after or while receiving services from a nonpublic alternative school described in IC 20-19-2-10(f).

STEP THREE: Subtract from the sum determined under STEP TWO the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

(B) Removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

(C) Withdrawal because of a long term medical condition or death.

(D) Detention by a law enforcement agency or the department of correction.

(E) Placement by a court order or the department of child services.

(F) Enrollment in a virtual school.

(G) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.

(H) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing children and missing endangered adults.

(I) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

STEP FOUR: Determine the total number of students determined under STEP TWO who have graduated during the current reporting year or a previous reporting year.

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

SECTION 5. IC 20-49-5-3, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. To assist a school corporation in providing the school corporation's educational program to a student placed in a facility or home as described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or ~~IC 20-26-11-8(b)~~ **IC 20-26-11-8(e)** and not later than October 1 of each school year, the state board may advance money to a school corporation in anticipation of the school corporation's receipt of transfer tuition for students described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or ~~IC 20-26-11-8(b).~~ **IC 20-26-11-8(e).** The amount of the advance may not exceed the amount determined under STEP TWO of the following formula:

STEP ONE: Estimate for the current school year the number of students described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or ~~IC 20-26-11-8(b)~~ **IC 20-26-11-8(e)** that are transferred to the school corporation.

STEP TWO: Multiply the STEP ONE amount by the school corporation's prior year per student transfer tuition amount.

SECTION 6. IC 20-49-5-5, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A school corporation receiving an advance shall notify the school corporation or auditor of state from which the school corporation receives transfer tuition under IC 20-26-11 for students described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or ~~IC 20-26-11-8(b)~~ **IC 20-26-11-8(e)** of the amount of interest withheld under section 4 of this chapter. The school corporation or auditor of state shall reimburse the school corporation for the interest expense at the same time the transfer tuition is paid.

SECTION 7. IC 31-34-20-5, AS AMENDED BY P.L.146-2008, SECTION 604, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This section applies if the department or a juvenile court:

(1) places a child;

(2) changes the placement of a child; or

(3) reviews the implementation of a decree under IC 31-34-21 of a child placed;

in a state licensed private or public health care facility, child care facility, foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

(1) Make findings of fact concerning the legal settlement of the child.

(2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to determine where the child has legal settlement.

(3) Include the findings of fact required by this section in:

(A) the dispositional order;

(B) the modification order; or

(C) the other decree;

making or changing the placement of the child.

(c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under ~~IC 20-26-11-8(d).~~ **IC 20-26-11-8(g).**

(d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.

(e) The department or a juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the department or juvenile court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not affect the legal settlement of the child.

SECTION 8. IC 31-37-19-26, AS AMENDED BY P.L.159-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) This section applies if a juvenile court:

(1) places a child;

(2) changes the placement of a child; or

(3) reviews the implementation of a decree under IC 31-37-20 (or IC 31-6-4-19 before its repeal) of a child placed;

in a state licensed private or public health care facility, child care facility, foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

(1) Make findings of fact concerning the legal settlement of the child.

(2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to determine where the child has legal settlement.

(3) Include the findings of fact required by this section in the:

(A) dispositional order;

(B) modification order; or

(C) other decree;

making or changing the placement of the child.

(c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under ~~IC 20-26-11-8(d).~~ **IC 20-26-11-8(g).**

(d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.

(e) The juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not affect the legal settlement of the child.".

Renumber all SECTIONS consecutively.

(Reference is to SB 283 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

YODER, Acting Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 24, after "(b)." insert "**If the virtual instruction course is provided by the school corporation under subsection (b), the school corporation must fund the virtual instruction course through the school corporation's resources, and the school corporation is not entitled to any additional funding because the school corporation provides the virtual instruction course.**".

Page 2, after line 42, begin a new paragraph and insert:

"**Sec. 6.5. If a state educational institution (as defined in IC 21-7-13-32) provides a virtual instruction course under this chapter that is a dual enrollment course or a dual credit course, that course may not be counted for purposes of any component of the higher education funding formula (as established by the commission for higher education) that is determined by or based on the increase in dual enrollment courses or dual credit courses.**".

Page 3, line 9, delete "provider." and insert "**provider, to the extent that the data may be transferred under the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g).**".

(Reference is to SB 179 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

YODER, Acting Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 236, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Page 2, line 33, after "to" insert "**a charter school or**".

Page 2, line 36, delete "Tuesday after Labor Day, the first" and insert "**fourth**".

Page 2, line 37, delete "September;" and insert "**August;**".

Page 3, line 4, delete "Labor Day" and insert "**the fourth Monday in August**".

Page 3, line 11, delete "Labor Day" and insert "**the fourth Monday in August**".

Page 3, line 23, delete "Labor Day" and insert "**the fourth Monday in August**".

Page 3, delete lines 28 through 42.

Page 4, delete lines 1 through 9.

Page 4, line 15, delete "annually" and insert "**for at least two (2) consecutive school years**".

Page 4, delete line 42.

Page 5, delete lines 1 through 3.

Page 5, delete lines 12 through 42.
Delete pages 6 through 8.
Renumber all SECTIONS consecutively.
(Reference is to SB 236 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 6, Nays 2.

YODER, Acting Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 267, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, after "with" insert "**the department of child services and**".
Page 1, line 4, after "in" insert "**child abuse, including**".
Page 1, line 6, after "(1)" insert "**research and evidence based**".
Page 1, line 6, after "child" insert "**abuse and child**".
Page 1, line 7, after "child" insert "**abuse and child**".
Page 1, between lines 8 and 9, begin a new line blocked left and insert:
"**To identify or develop models under this subsection, the department may not hire additional staff members or expend funds not already included in the department's budget.**".
Page 1, line 12, after "child" insert "**abuse and child**".
Page 1, line 12, delete "prekindergarten" and insert "**grade 2**".
Page 1, line 14, after "child" insert "**abuse and child**".
Page 1, line 15, after "child" insert "**abuse and child**".
Page 2, line 1, after "being" insert "**abused or**".
Page 2, line 2, after "child" insert "**abuse and child**".
Page 2, line 5, after "child" insert "**abuse and child**".
Page 2, line 7, after "of" insert "**abuse or**".
Page 2, line 12, after "of" insert "**abuse or**".
Page 2, after line 13, begin a new paragraph and insert:
"**(e) A school that chooses to use the model educational materials developed under subsection (a) shall inform the parents of students in the grade levels in which the materials will be used, in writing and by posting on the school's Internet web site, that a parent may:**
(1) examine and review the model educational materials before the materials are taught; and
(2) choose to remove the parent's child from a class in which the model educational materials are taught.".
(Reference is to SB 267 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 1.

YODER, Acting Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 413, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, line 17, delete "and".
Page 7, between lines 18 and 19, begin a new line block indented and insert:
"**(3) include any clarification or response from the publisher of a curricular material related to the department's summary review provided under subdivision (2); and**".
Page 7, line 19, delete "(3)" and insert "**(4)**".
(Reference is to SB 413 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 3.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 312, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 3.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 384, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 1.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 198, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 5, Nays 4.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 392, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning higher education.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committee" refers to an interim study committee to which the legislative council assigns the topics of study described in subsection (c).**

(b) As used in this SECTION, "state educational institution" has the meaning set forth in IC 21-7-13-32.

(c) The general assembly urges the legislative council to assign the following topics pertaining to state educational grading practices to an appropriate committee:

(1) Grading practices for courses that are required to fill general education requirements at the state educational institution.

(2) Whether the grade distribution for a required course at a state educational institution may differ depending upon whether the course is taught by a:

(A) tenured faculty member;

(B) faculty member who is on a tenure track; or

(C) contract instructors.

(3) Whether grading practices for required courses taught at a state educational institution have changed during the five (5) most recent academic years.

(4) Any other issue pertaining to grading practices at a state educational institution that the legislative council determines is appropriate.

(d) If the topics described in subsection (c) are assigned to a committee under subsection (c), the committee shall, not later than November 1, 2012, issue a final report to the legislative council concerning the findings and recommendations of the committee concerning the topics described in subsection (c).

(e) This SECTION expires December 31, 2012.

SECTION 2. **An emergency is declared for this act.**

(Reference is to SB 392 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 296, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-51-1-4.5, AS ADDED BY P.L.92-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. "Eligible individual", **for purposes of the choice scholarship program under IC 20-51-4,** refers to an individual who:

(1) has legal settlement in Indiana;

(2) is at least five (5) years of age and less than twenty-two (22) years of age on the date in the school year specified in IC 20-33-2-7;

(3) either has been or is currently enrolled in an accredited school;

(4) is a member of a household with an annual income of not more than one hundred fifty percent (150%) of the amount required for the individual to qualify for the federal free or reduced price lunch program; and

(5) ~~either:~~ **meets at least one (1) of the following conditions:**

(A) **The individual** was enrolled in grade 1 through 12 in a school corporation that did not charge the individual transfer tuition for at least two (2) semesters immediately preceding the first semester for which the individual receives a choice scholarship under IC 20-51-4. ~~or~~

(B) **The individual** received a scholarship from a scholarship granting organization under IC 20-51-3 ~~or~~ **in a preceding school year, including a school year that does not immediately precede a school year in which the individual receives a scholarship from a scholarship granting organization under IC 20-51-3, but only if the individual did not initially meet the requirement for the scholarship specified in section 5(5) of this chapter by qualifying under section 5(5)(E) of this chapter.**

(C) The individual received a choice scholarship under IC 20-51-4 in a preceding school year, including a school year that does not immediately precede a school year in which the individual receives ~~a scholarship from a scholarship granting organization under IC 20-51-3 or~~ a choice scholarship under IC 20-51-4.".

Page 2, line 5, delete "kindergarten or grade 8." and insert "kindergarten.".

Page 2, after line 14, begin a new line double block indented and insert:

"**(E) The individual is enrolling in grade 8.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 296 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 309, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, after line 9, begin a new paragraph and insert:

"SECTION 6. IC 36-9-15-2 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A county fiscal body may establish cumulative building funds under IC 6-1.1-41 or sinking funds in the same manner as cumulative funds are established under IC 6-1.1-41 for the:

(1) construction, repair, remodeling, enlarging, and equipment of:

(A) a county jail; or

(B) a juvenile detention center to be operated under IC 31-31-9;

(2) purchase, lease, or payment of all or part of the purchase price of motor vehicles for the use of a community corrections program; or

~~(2)~~ **(3)** in a county having a consolidated city, purchase, lease, or payment of all or part of the purchase price of motor vehicles for **the** use of the sheriff's department.

(b) The county fiscal body may levy taxes to provide money for:

(1) cumulative building funds established under this chapter in compliance with IC 6-1.1-41; or

(2) sinking funds established under this chapter in the same manner a tax is levied for a cumulative fund under IC 6-1.1-41.

(c) IC 6-1.1-41 applies to a sinking fund under this chapter to the same extent as if the sinking fund was a cumulative fund.

SECTION 7. IC 36-9-16-3, AS AMENDED BY P.L.34-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A unit may establish cumulative capital improvement funds to provide money for one (1) or more of the following purposes:

(1) To acquire land or rights-of-way to be used for public ways or sidewalks.

(2) To construct and maintain public ways or sidewalks.

(3) To acquire land or rights-of-way for the construction of sanitary or storm sewers, or both.

(4) To construct and maintain sanitary or storm sewers, or both.

(5) To acquire, by purchase or lease, or to pay all or part of the purchase price of a utility.

(6) To purchase or lease land, buildings, or rights-of-way for the use of any utility that is acquired or operated by the unit.

(7) To purchase or acquire land, with or without buildings, for park or recreation purposes.

(8) To purchase, lease, or pay all or part of the purchase price of motor vehicles for the use of **any combination of** the police, **a community corrections program,** or **the** fire department, ~~or both,~~ including ambulances and firefighting vehicles with the necessary equipment, ladders, and hoses.

(9) To retire in whole or in part any general obligation bonds of the unit that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of cumulative capital improvement funds.

(10) To purchase or lease equipment and other nonconsumable personal property needed by the unit for any public transportation use.

(11) In a county or a consolidated city, to purchase or lease equipment to be used to illuminate a public way or sidewalk.

(12) The fund may be used for any of the following purposes:

(A) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:

(i) Computer hardware.

(ii) Computer software.

(iii) Wiring and computer networks.

(iv) Communication access systems used to connect with computer networks or electronic gateways.

(B) To pay for the services of full-time or part-time computer maintenance employees.

(C) To conduct nonrecurring inservice technology training of unit employees.

(13) To purchase body armor (as defined in IC 35-47-5-13(a)) for active members of a police department under:

(A) IC 36-5-7-7;

(B) IC 36-8-4-4.5;

(C) IC 36-8-9-9; and

(D) IC 36-8-10-4.5.

SECTION 8. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 309 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 307, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 5, delete "hold" and insert "**do the following: (1) Hold**".

Page 2, line 8, delete "(1)", begin a new line double block indented and insert "**(A)**".

Page 2, line 12, delete "(2)", begin a new line double block indented and insert "**(B)**".

Page 2, line 17, delete "(3)", begin a new line double block indented and insert "**(C)**".

Page 2, line 21, delete "(4)", begin a new line double block indented and insert "**(D)**".

Page 2, line 23, delete "(5)", begin a new line double block indented and insert "**(E)**".

Page 2, between lines 24 and 25, begin a new line block indented and insert:

"**(2) Hold at least one (1) additional public hearing before adopting an ordinance or a resolution to form a territory, to receive public comment on the proposed ordinance or resolution.**".

Page 2, line 25, delete "hearing" and insert "**hearings**".

Page 2, line 25, delete "is" and insert "**are**".

Page 2, line 26, after "(a)(4)." insert "**The legislative body must give notice of the hearings under IC 5-3-1.**".

Page 2, line 27, after "required" insert "**for a hearing**".

Page 2, line 27, strike "this section" and insert "**subsection (b)(2)**".

(Reference is to SB 307 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 107, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-3-6-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 10. (a) As used in this section, "compensation" means the total of all money paid to a member of the city fiscal body for performing duties as a member of the city fiscal body, regardless of the source of funds from which the money is paid. The term includes all employee benefits paid to a member, including life insurance, health insurance, disability insurance, retirement benefits, and pension benefits.**

(b) A member of the city fiscal body may waive the officer's compensation for any year by filing a notice that satisfies the following:

(1) The notice is in writing.

(2) The notice states in substance all of the following:

(A) That the individual is a member of the city fiscal body.

(B) The calendar year covered by the notice.

(C) That the member waives compensation under this section.

(D) That the member understands that the notice is irrevocable beginning January 1 of the year covered by the notice.

(3) The notice is signed by the member of the city fiscal body who wants to waive compensation.

(c) A member of the city fiscal body who wants to waive compensation under this section must file the notice with the city fiscal officer before January 1 of the year covered by the notice.

(d) A notice filed under this section is irrevocable beginning January 1 of the year covered by the notice.

(e) A member of the city fiscal body who files a notice under this section:

(1) is not entitled to compensation for duties performed in the year covered by the notice; and

(2) may not be paid compensation for duties performed in the year covered by the notice.".

Page 1, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 3. IC 36-4-7-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12. (a) As used in this section, "compensation" means the total of all money paid to a member of the city fiscal body for performing duties as a member of the city fiscal body, regardless of the source of funds from which the money is paid. The term includes all employee benefits paid to a member, including life insurance, health insurance, disability insurance, retirement benefits, and pension benefits.**

(b) A member of the city fiscal body may waive the officer's compensation for any year by filing a notice that satisfies the following:

(1) The notice is in writing.

(2) The notice states in substance all of the following:

(A) That the individual is a member of the city fiscal body.

(B) The calendar year covered by the notice.

(C) That the member waives compensation under this section.

(D) That the member understands that the notice is irrevocable beginning January 1 of the year covered by the notice.

(3) The notice is signed by the member of the city fiscal body who wants to waive compensation.

(c) A member of the city fiscal body who wants to waive compensation under this section must file the notice with the city fiscal officer before January 1 of the year covered by the notice.

(d) A notice filed under this section is irrevocable beginning January 1 of the year covered by the notice.

(e) A member of the city fiscal body who files a notice under this section:

(1) is not entitled to compensation for duties performed in the year covered by the notice; and

(2) may not be paid compensation for duties performed in the year covered by the notice.".

Renumber all SECTIONS consecutively.

(Reference is to SB 107 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 92, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, delete lines 39 through 40, begin a new paragraph and insert:

"**(g) A court may assess a civil penalty under section 7.5 of this chapter only if the plaintiff obtained an advisory opinion from the public access counselor before filing an action under this section as set forth in section 7.5 of this chapter.**".

Page 6, line 8, delete "knowingly and intentionally" and insert "**with specific intent to violate the law**".

Page 6, line 22, delete "(d)." and insert "**(f).**".

Page 6, between lines 22 and 23, begin a new paragraph and insert:

"**(c) A civil penalty may only be imposed as part of an action filed under section 7 of this chapter. A court may not impose a civil penalty under this section unless the public access counselor has issued an advisory opinion:**

(1) to the complainant and the public agency;

(2) that finds that the individual or public agency violated this chapter; and

(3) before the action under section 7 of this chapter is filed.

Nothing in this section prevents both the complainant and the public agency from requesting an advisory opinion from the public access counselor.

(d) It is a defense to the imposition of a civil penalty under this section that the individual failed to perform a duty under subsection (b) in reliance on either of the following:

(1) An opinion of the public agency's legal counsel.

(2) An opinion of the attorney general.".

Page 6, line 23, delete "(c)" and insert "**(e)**".

Page 6, line 23, delete "(g)," and insert "**(i),**".

Page 6, line 27, delete "(d)" and insert "**(f)**".

Page 6, line 28, delete "(c)" and insert "**(e)**".

Page 6, line 42, delete "(e)" and insert "**(g)**".

Page 7, line 3, delete "(f)" and insert "**(h)**".

Page 7, line 8, delete "(g)" and insert "**(i)**".

Page 7, line 11, delete "(d)." and insert "**(f).**".

Page 7, line 27, after "agency," insert "**considering the public agency's workload and difficulty in fulfilling the request,**".

Page 10, between lines 34 and 35, begin a new line block indented and insert:

"**(14) Education records, as defined by the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, of students at state educational institutions. However, a student at a state educational institution is entitled to access to the student's own education records as required by the Family Educational Rights and Privacy Act.**".

Page 17, line 40, delete "without the information redacted." and insert "**with the redacted information included.**".

Page 18, delete lines 14 through 15, begin a new paragraph and insert:

"**(j) A court may assess a civil penalty under section 9.5 of this chapter only if the plaintiff obtained an advisory opinion from the public access counselor before filing an action under this section as set forth in section 9.5 of this chapter.**".

Page 18, delete lines 24 through 34, begin a new paragraph and insert:

"**(b) If an individual:**

(1) continues to deny a request that complies with section 3(a) of this chapter for inspection or copying of a public record after the public access counselor has issued an advisory opinion:

(A) regarding the request for inspection or copying of the public record; and

(B) that instructs the public agency to allow access to the public record; and

(2) denies the request with the specific intent to unlawfully withhold a public record that is subject to disclosure under this chapter;

the individual and the public agency employing the individual are subject to a civil penalty under subsection (g).

(c) If an individual intentionally charges a copying fee that the individual knows exceeds the amount set by statute, fee schedule, ordinance, or court order, the individual is subject to a civil penalty under subsection (g).

(d) A civil penalty may only be imposed as part of an action filed under section 9 of this chapter. A court may not impose a civil penalty under this section unless the public access counselor has issued an advisory opinion:

(1) to the complainant and the public agency;

(2) that instructs the public agency to allow access to the public record; and

(3) before the action under section 9 of this chapter is filed.

Nothing in this section prevents both the person requesting the public record and the public agency from requesting an advisory opinion from the public access counselor.

(e) It is a defense to the imposition of a civil penalty under this section that the individual denied access to a public record in reliance on either of the following:

(1) An opinion of the public agency's legal counsel.

(2) An opinion of the attorney general.".

Page 18, line 35, delete "(d)" and insert "**(f)**".

Page 18, line 39, delete "(e)" and insert "**(g)**".

Page 19, line 12, delete "(f)" and insert "**(h)**".

Page 19, line 15, delete "(g)" and insert "**(i)**".

Page 19, line 20, delete "(h)" and insert "**(j)**".

Page 19, line 23, delete "(e)." and insert "**(g).**".

Page 20, delete lines 3 through 42.

Delete page 21.

Page 22, delete lines 1 through 15.

Page 22, line 19, after "superior" delete "," and insert "**or on the advice of the agency attorney or the attorney general,**".

Page 22, line 24, after "superior" delete "," and insert "**or on the advice of the agency attorney or the attorney general,**".

Renumber all SECTIONS consecutively.

(Reference is to SB 92 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 337, has had the same under consideration and begs leave to report the same back to the

Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 3. IC 20-33-3-32, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32. This chapter may not prevent a child of any age from singing, playing, or performing in a studio, circus, theatrical, or musical exhibition, concert, or festival, in radio and television broadcasts, or as a live or photographic model. Employment certificates are not required for employment or appearances set forth in this section, but a child less than eighteen (18) years of age may not be employed except under the following conditions:

(1) The activities described in this section must not:

(A) be detrimental to the life, health, safety, or welfare of the child; or

(B) interfere with the schooling of the child.

Provision shall be made for education equivalent to full-time school attendance in the public schools for children less than sixteen (16) years of age.

(2) A:

(A) parent; **or**

(B) person who:

(i) is at least eighteen (18) years of age; and

(ii) has received permission from the child's parent to accompany the child;

shall accompany a child less than sixteen (16) years of age at all rehearsals, appearances, and performances.

(3) The employment or appearance may not be in a cabaret, dance hall, night club, tavern, or other similar place.".

Page 2, line 18, after "(c)" delete "A" and insert "**For** a".

Page 2, line 18, after "(b)" insert ",".

Page 2, line 18, strike "is a hazardous occupation violation".

Page 2, line 19, strike "subject to".

Page 2, line 19, delete "sections 40.3 and".

Page 2, line 19, strike "41 of this chapter." and insert "**an individual who is an employer, a firm, a limited liability company, or a corporation is subject to the following civil penalties to be assessed by the department of labor:**

(1) Fifty dollars ($50) for the first violation.

(2) Two hundred fifty dollars ($250) for the second violation.

(3) One thousand dollars ($1,000) for the third and subsequent violations.".

Page 3, line 38, delete "or 36(b)".

Page 3, line 39, delete "is" and insert "**may be**".

Page 3, line 41, delete "One" and insert "**Up to one**".

Page 3, line 42, delete "Five" and insert "**Up to five**".

Page 4, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 11. IC 20-33-3-42, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 42. (a) There is established an employment of youth fund to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

(b) One-half (1/2) of the employment of youth fund each year shall be used for the purpose of the education provision of this subsection, and may be used to award grants to provide educational programs. The remaining one-half (1/2) of the employment of youth fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section 39 of this chapter.

(c) The employment of youth fund shall be administered by the department of labor. The expenses of administering the employment of youth fund shall be paid from money in the fund. The treasurer of state shall invest the money in the employment of youth fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the employment of youth fund. Money in the employment of youth fund at the end of a state fiscal year does not revert to the state general fund.

(d) Revenue received from civil penalties under this ~~section~~ **chapter** shall be deposited in the employment of youth fund.

(e) All inspectors hired to enforce this chapter shall also be available to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.".

Page 5, delete lines 15 through 42.

Delete pages 6 through 17.

Renumber all SECTIONS consecutively.

(Reference is to SB 337 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 275, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 56 with "[EFFECTIVE JULY 1, 2014]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-20-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) An eligible entity shall establish an affordable housing fund advisory committee consisting of the following eleven (11) members:

(1) One (1) member appointed by the executive of the eligible entity to represent the interests of low income families.

(2) One (1) member appointed by the executive of the eligible entity to represent the interests of owners of subsidized, multifamily housing communities.

(3) One (1) member appointed by the executive of the eligible entity to represent the interests of banks and other financial institutions.

(4) One (1) member appointed by the executive of the eligible entity to represent the interests of the eligible entity.

(5) One (1) member appointed by the executive of the eligible entity to represent real estate brokers. ~~or salespersons.~~ The member appointed under this subdivision must be nominated to the executive by the local realtors' association.

(6) One (1) member appointed by the executive of the eligible entity to represent construction trades. The member appointed under this subdivision must be nominated to the executive by the local building trades council.

(7) Five (5) members appointed by the legislative body of the eligible entity to represent the community at large. Members appointed under this subdivision must be nominated to the legislative body after a general call for nominations from township trustees, community development corporations, neighborhood associations, community based organizations, and other social services agencies.

(b) Members of the affordable housing fund advisory committee serve for a term of four (4) years, and are eligible for reappointment. If a vacancy exists on the committee, the appointing authority that appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy. A committee member may be removed at any time by the appointing authority that appointed the committee member.

(c) The affordable housing fund advisory committee shall make recommendations to the eligible entity regarding:

(1) the development of policies and procedures for the uses of the affordable housing fund; and

(2) long term sources of capital for the affordable housing fund, including:

(A) revenue from:

(i) development ordinances;

(ii) fees; or

(iii) taxes;

(B) financial market based income;

(C) revenue derived from private sources; and

(D) revenue generated from grants, gifts, donations, or income in any other form from a:

(i) government program;

(ii) foundation; or

(iii) corporation.".

Page 8, line 30, delete "who," and insert "**who:**

(A)".

Page 8, line 33, delete "acts." and insert "acts; **and**

(B) is acting in association with and under the auspices of a managing broker.".

Page 9, line 2, strike "or salesperson".

Page 9, line 9, strike "or".

Page 9, line 10, strike "salesperson".

Page 9, line 17, after "than" insert "**lots and land or**".

Page 9, line 33, strike "salesperson" and insert "**broker**".

Page 9, line 34, delete "licensed under" and insert "**whom the Indiana real estate commission holds responsible for the actions of licensees who are affiliated with the managing broker.**".

Page 9, delete line 35.

Page 11, line 5, strike "and".

Page 11, line 7, delete "." and insert "; **and**

(17) adopt rules under IC 4-22-2 governing education, including prelicensing, postlicensing, and continuing education.".

Page 12, line 9, strike "and salespersons".

Page 14, delete lines 29 through 35.

Page 15, line 37, strike "principal" and insert "**managing**".

Page 15, line 39, strike "or salesperson".

Page 16, line 8, strike "principal" and insert "**managing**".

Page 16, line 10, strike "or salesperson".

Page 16, line 23, strike "principal" and insert "**managing**".

Page 16, line 30, strike "principal" and insert "**managing**".

Page 16, line 32, strike "or salesperson".

Page 17, line 17, delete "During the first two (2) years after" and insert "**An individual who applies for a broker's license after July 1, 2014, must, during the first two (2) years after the license is issued, take and pass at least thirty (30) hours of postlicensing education focused on the practical matters of real estate transactions instead of the continuing education requirements under IC 25-34.1-9.**".

Page 17, delete lines 18 through 21.

Page 17, line 41, strike "broker-salesperson" and insert "**broker**".

Page 17, line 42, strike "as a broker-salesperson".

Page 18, line 1, strike "principal" and insert "**managing**".

Page 18, line 2, strike "principal" and insert "**managing**".

Page 18, line 3, strike "principal" and insert "**managing**".

Page 18, line 4, strike "broker-salesperson" and insert "**broker**".

Page 18, line 4, strike "principal" and insert "**managing**".

Page 18, delete lines 6 through 9.

Page 19, between lines 16 and 17, begin a new paragraph and insert:

"**(e) Beginning July 1, 2014, a person who was licensed as a salesperson under section 3.1 of this chapter, before its repeal, and who applies for reactivation must complete the twenty-four (24) hour course required to become a broker under this article. The course described under this subsection may count toward the person's continuing education requirements.**

(f) Beginning July 1, 2014, a broker licensed on or after July 1, 2014, who becomes inactive before completing the thirty (30) hour postlicensing education required under section 4.1(f) of this chapter, must complete the thirty (30) hours of postlicensure education before reactivation of the broker's license.

SECTION 18. IC 25-34.1-3-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 10.5. (a) For purposes of this section, "referral status" means that the commission has granted an applicant of a license a waiver under IC 25-34.1-9-19 as a result of the applicant meeting the requirements under IC 25-34.1-9-19(2).**

(b) For purposes of this section, "salesperson" has the meaning set forth in IC 25-34.1-1-2(5) (before that subdivision was removed).

(c) For purposes of this section, "salesperson's license" means a license issued under IC 25-34.1-3-3.1 (before its repeal).

(d) An individual whose salesperson's license is in referral status on June 30, 2014, may continue to make referrals to a licensed broker on and after July 1, 2014. However, an individual whose salesperson's license is in referral status on June 30, 2014, may not perform acts beyond making referrals to a licensed broker unless the individual has been issued a broker's license under subsection (e).

(e) An individual whose salesperson's license is in referral status on June 30, 2014, must:

(1) complete at least twenty-four (24) hours of the education described in IC 25-34.1-5-5;

(2) meet the requirements to be licensed as a broker under IC 25-34.1-3-4.1; and

(3) attest to the commission that the salesperson has completed the twenty-four (24) hours of education required under subdivision (1);

before the commission may issue the individual a broker's license.

(f) If:

(1) a broker is licensed under this article on or after July 1, 2014; and

(2) the broker's license is placed on referral status before the broker completes the thirty (30) hours of postlicensing education required under section 4.1(f) of this chapter;

the broker must complete the thirty (30) hours of postlicensing education before the broker's license may be moved from referral status and the broker may perform acts beyond making referrals to licensed brokers.".

Page 20, strike lines 39 through 42.

Page 21, line 1, strike "(e)" and insert "**(d)**".

Page 21, line 1, after "or" insert "**out-of-state commercial**".

Page 21, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 18. IC 25-34.1-4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. To become a managing broker, a person must:**

(1) hold a broker's license for at least two (2) years; and

(2) take and pass at least twenty-four (24) hours of broker management courses approved by the commission.".

Page 21, line 7, strike "associated".

Page 21, line 39, strike "associated".

Page 22, line 5, strike "associated".

Page 22, line 23, strike "principal" and insert "**managing**".

Page 22, line 34, after "principal" insert "**managing**".

Page 22, line 36, strike "salesperson" and insert "**broker**".

Page 23, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 24. IC 25-34.1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 4.5. License Transition

Sec. 1. After June 30, 2014, the board may not issue a new salesperson license under this article.

Sec. 2. An individual who holds a salesperson's license under this article may not, after June 30, 2014, sell, buy, trade, exchange, option, lease, rent, manage, list, or appraise real estate or negotiate or offer to perform any of those acts in Indiana or with respect to real estate situated in Indiana for consideration without a broker's license under this article. However, a salesperson whose license is in referral status (as defined in IC 25-34.1-3-10.5) may continue making referrals to a licensed broker.

Sec. 3. To obtain a brokers license, an individual holding a license as a salesperson on June 30, 2012, must:

(1) complete at least twenty-four (24) hours of education required under IC 25-34.1-5-5 to be licensed as a broker; and

(2) meet the requirements to be licensed as a broker under IC 25-34.1-3-4.1.

Sec. 4. Notwithstanding any other law concerning education or continuing education for salespersons, a salesperson may obtain the twenty-four (24) hours of commission approved education required under section 3 of this chapter at any time after June 30, 2012, and before July 1, 2014. The licensee must attest to the commission that the licensee has completed the additional twenty-four (24) hours of education.

Sec. 5. The commission shall issue a broker's license to a licensed salesperson who meets the requirements under sections 3 and 4 of this chapter.

Sec. 6. For the period beginning July 1, 2012, and ending June 30, 2014, notwithstanding any other law concerning continuing education, the twenty-four (24) hours of additional education required under section 3 of this chapter may be used to meet the continuing education requirement for a salesperson under IC 25-34.1-9-11.

Sec. 7. An individual who is a principal broker on June 30, 2014, becomes a managing broker on July 1, 2014.

Sec. 8. This chapter expires December 31, 2014.".

Page 24, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 27. IC 25-34.1-5-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12. (a) The real estate education advisory council established by IC 25-34.1-9-2 shall make recommendations to the commission concerning the following:**

(1) Requirements for sponsors of courses.

(2) Requirements for instructors to be used by sponsors in providing courses.

(3) Requirements for the curricula for education courses required under this chapter.

(4) Rules to implement this chapter.

(5) Other issues identified by the commission in implementing this chapter.

(b) The commission shall approve all prelicensing courses.

(c) The commission may, with the advice of the council, approve online education required for licensing under this article.".

Page 25, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 30. IC 25-34.1-8-7.5, AS AMENDED BY P.L.77-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) The investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. The fund shall be administered by the attorney general and the professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of:

(1) money from a fee imposed upon licensed or certified appraisers and real estate brokers ~~and salespersons~~ under IC 25-34.1-2-7 and IC 25-34.1-3-9.5;

(2) civil penalties deposited in the fund under IC 24-5-23.5-9(d);

(3) registration fees imposed on appraisal management companies under IC 25-34.1-11-15; and

(4) civil penalties deposited under IC 25-34.1-11-17.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Except as otherwise provided in this subsection, money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the investigative fund exceeds seven hundred fifty thousand dollars ($750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars ($750,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against real estate and appraisal fraud under this article. The attorney general shall receive five dollars ($5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5, and the licensing agency shall receive any amount that exceeds five dollars ($5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5.".

Page 25, line 12, strike "(a)".

Page 25, line 13, delete "selected" and insert "**recommended by**".

Page 25, line 14, delete "from members of".

Page 25, line 14, after "realtors" delete "," and insert "**and**".

Page 25, strike line 22.

Page 25, line 23, strike "geographic areas of Indiana.".

Page 25, delete lines 25 through 42.

Page 26, delete lines 1 through 14.

Page 26, line 21, strike "in".

Page 26, line 21, delete "prelicensing" and insert "**postlicensing**".

Page 26, line 26, delete "IC 25-1-4-0.2," and insert "**IC 25-1-4,**".

Page 26, line 27, delete "prelicensing " and insert "**postlicensing**".

Page 26, line 35, strike "before the end of each".

Page 26, line 36, strike "renewal period." and insert "**each year.**".

Page 27, between lines 22 and 23, begin a new paragraph and insert:

"**(c) An individual who applies for a broker's license after July 1, 2014, must, during the first two (2) years after the license is issued, take and pass at least thirty (30) hours of postlicensing education focused on the practical matters of real estate transactions instead of the continuing education requirements of this chapter.**

(d) For license renewal, a managing broker must complete at least twelve (12) hours of continuing education each year. At least four (4) hours of the continuing education must be dedicated to the necessary business and management skills and legal knowledge needed by a managing broker. The commission shall develop or approve the continuing education courses for managing brokers.".

Page 27, line 25, delete "(a) Notwithstanding section".

Page 27, delete lines 26 through 28.

Page 27, line 29, delete "(b)" and insert "**(a)**".

Page 27, run in lines 25 through 29.

Page 27, line 30, delete "2012," and insert "**2013,**".

Page 27, line 30, delete "2013," and insert "**2014,**".

Page 27, line 31, delete "sixteen (16)" and insert "**eight (8)**".

Page 27, line 32, delete "each year." and insert "**.**".

Page 27, delete lines 33 through 36.

Page 27, line 37, delete "(d)" and insert "**(b)**".

Page 27, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 35. IC 25-34.1-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) The approval for a sponsor for

~~(1) a salesperson's course expires December 31 each odd-numbered year; and~~

~~(2)~~ a broker's course expires December 31 each even-numbered year.

(b) A sponsor must submit:

(1) a letter requesting renewal of approval; and

(2) the renewal fee;

at least thirty (30) days before a sponsor's approval expires.".

Page 28, line 18, after "IC 25-34.1-3-10(d)" delete "." and insert "**and applicable requirements under IC 25-34.1-3-10.5.**".

Page 28, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 38. IC 25-34.1-10-7.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7.5. As used in this chapter, "managing broker" means a broker who manages a branch office or who acts on behalf of a principal broker.~~

SECTION 39. IC 25-34.1-10-7.8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7.8. As used in this chapter, "principal broker" means the individual broker (including the broker designated or representative of a partnership, corporation, or limited liability company) whom the Indiana real estate commission shall hold responsible for the actions of licensees who are affiliated with the individual broker.~~".

Page 28, delete lines 23 through 33.

Page 29, line 9, strike "principal".

Page 29, line 10, reset in roman "managing".

Page 35, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 44. IC 32-28-12.5-2, AS ADDED BY P.L.78-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. As used in this chapter, "fees or commissions" means compensation owed to a ~~principal~~ **managing** broker for performing services requiring a license under IC 25-34.1-3-2.".

Page 41, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 52. IC 32-28-12.5-12, AS ADDED BY P.L.78-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A notice of lien recorded under this chapter must:

(1) state:

(A) the name of the claimant;

(B) the name of the owner of the commercial real estate upon which the lien is claimed;

(C) a legal description of the commercial real estate upon which the lien is claimed;

(D) the amount for which the lien is claimed; and

(E) the license number of the ~~principal~~ **managing** broker's license under IC 25-34.1;

(2) contain a statement that the information contained in the notice is true and accurate to the knowledge of the signatory;

(3) be signed by the ~~principal~~ **managing** broker or by a person authorized to sign on behalf of the ~~principal~~ **managing** broker; and

(4) be verified.".

Renumber all SECTIONS consecutively.

(Reference is to SB 275 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 13.

Page 2, line 2, delete "IC 22-3-6-4," and insert "**IC 22-3-6-1(k),**".

Page 2, line 19, strike "hospital or facility that is a medical service".

Page 2, line 20, strike "provider" and insert "**medical services facility**".

Page 2, line 24, strike "hospital or facility".

Page 2, line 25, strike "that is a medical service provider," and insert "**medical services facility,**".

Page 2, delete lines 37 through 39.

Page 2, line 41, after "Sec. 5.2." insert "**(a) The worker's compensation board may adopt rules under IC 4-22-2 to certify one (1) or more data bases to be used to determine the pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under worker's compensation.**".

Page 2, line 41, beginning with "(a)" begin a new paragraph.

Page 2, line 41, strike "(a)" and insert "**(b)**".

Page 3, line 15, reset in roman "at a rate not more than the charges made".

Page 3, line 16, reset in roman "by eighty percent (80%) of the medical service providers".

Page 3, line 16, delete "as".

Page 3, line 17, delete "determined under IC 22-3-6-4".

Page 3, strike lines 24 through 26.

Page 3, line 27, strike "(b)" and insert "**(c)**".

Page 3, line 42, strike "(c)" and insert "**(d)**".

Page 4, line 2, strike "(a)(1)" and insert "**(b)(1)**".

Page 4, line 2, strike "(a)(4)" and insert "**(b)(3) or rules adopted under subsection (a)**".

Page 4, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 4. IC 22-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a)** An employer required to carry insurance under IC 22-3-2-5 and section 1 of this chapter shall file with the worker's compensation board, in the form prescribed by ~~it, within~~ **the board, not later than** ten (10) days after the termination of the employer's insurance by expiration or cancellation, evidence of the employer's compliance with section 1 of this chapter and other provisions relating to the insurance under IC 22-3-2 through IC 22-3-6. ~~and~~

(b) An employer making a filing under this section after June 30, 2012, shall pay a filing fee in the amount of ~~ten~~ **two** dollars ~~($10) before July 1, 1992; and five dollars ($5) on and after July 1, 1992 and before July 1, 1995.~~ **($2). The filing fee must be:**

(1) deposited in the worker's compensation supplemental administrative fund established by section 6 of this chapter; and

(2) used to offset a part of the board's expenses related to the administration of health care provider reimbursement disputes.

(c) Proof of renewal of an existing insurance policy may be filed every three (3) years, but the filing fee **specified in subsection (b)** for the policy shall be paid annually.

(d) An insurance carrier filing evidence of an employer's compliance under this section on behalf of an employer may update the board's records and pay the fee required by this section on the last business day of each quarter or at another time the board specifies by rule.

(e) An employer coming under the compensation provisions of IC 22-3-2 through IC 22-3-6 shall ~~in a like manner~~ file ~~like~~ evidence of compliance ~~on the employer's part.~~ **with those provisions as specified in this section.**".

Page 6, line 25, strike "in the construction".

Page 6, line 26, strike "trades".

Page 9, between lines 35 and 36, begin a new paragraph and insert:

"**(j) "Medical services facility" means a hospital, clinic, surgery center, nursing home, rehabilitation center, or other health care facility that provides services, treatment, or supplies to an employee under IC 22-3-2 through IC 22-3-6.**".

Page 9, line 36, strike "(j)" and insert "**(k)**".

Page 9, line 39, after "community" delete "." and insert ",".

Page 9, line 39, reset in roman "equal to or".

Page 9, reset in roman lines 40 through 41.

Page 9, delete line 42.

Page 10, delete lines 1 through 20.

Page 11, line 28, strike "IC 22-3-2-14.5." and insert "**section 34.5 of this chapter.**".

Page 11, line 42, strike "IC 22-3-2-14.5." and insert "**section 34.5 of this chapter.**".

Page 12, line 9, strike "in the construction".

Page 12, line 10, strike "trades".

Page 15, between lines 30 and 31, begin a new paragraph and insert:

"**(l) As used in this chapter, "medical services facility" means a hospital, clinic, surgery center, nursing home, rehabilitation center, or other health care facility that provides services, treatment, or supplies to an employee under this chapter.**".

Page 15, line 31, strike "(l)" and insert "**(m)**".

Page 15, line 34, after "community" delete "." and insert ",".

Page 15, reset in roman lines 35 through 37.

Page 15, delete lines 38 through 42.

Page 16, delete lines 1 through 16.

Page 18, delete lines 14 through 23.

Page 18, line 24, reset in roman "(g)".

Page 18, line 24, delete "(i)".

Page 18, line 37, strike "hospital or facility that is a medical service".

Page 18, line 38, strike "provider" and insert "**medical services facility**".

Page 18, line 42, strike "hospital or facility".

Page 19, line 1, strike "that is a medical service provider," and insert "**medical services facility,**".

Page 19, delete lines 9 through 11.

Page 19, line 13, after "Sec. 17.2." insert "**(a) The worker's compensation board may adopt rules under IC 4-22-2 to certify one (1) or more data bases to be used to determine the pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under this chapter.**".

Page 19, line 13, beginning with "(a)" begin a new paragraph.

Page 19, line 13, strike "(a)" and insert "**(b)**".

Page 19, line 28, reset in roman "at a rate not more than the charges made".

Page 19, line 29, reset in roman "by eighty percent (80%) of the medical service providers".

Page 19, line 29, delete "as".

Page 19, line 30, delete "determined under IC 22-3-7-9.1".

Page 19, strike lines 37 through 39.

Page 19, line 40, strike "(b)" and insert "**(c)**".

Page 20, line 13, strike "(c)" and insert "**(d)**".

Page 20, line 15, strike "(a)(1)" and insert "**(b)(1)**".

Page 20, line 15, strike "(a)(4)" and insert "**(b)(3) or rules adopted under subsection (a)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 230 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Senate Bill 62, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning the general assembly.

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE JULY 1, 2012] **(a) The legislative council shall assign the following topics for study to an interim committee of the general assembly in 2012:**

(1) The advisability of creating an exemption to Indiana's securities laws for issues of securities that do not exceed approximately one million dollars ($1,000,000) in aggregate annually and, if so, what additional statutory provisions would be necessary or advisable to facilitate this proposed exemption.

(2) The advisability of providing for a type of profit-seeking business association, sometimes referred to as a flexible purpose corporation, that would allow the business entity's management to pursue in addition an objective other than maximization of profits for its shareholders, partners, or members without incurring liability for violation of the management's fiduciary duty and, if so, what statutory provisions would be necessary or advisable to facilitate this proposed form of business association.

(b) The legislative council may create separate study committees to examine any of the topics described in subsection (a).

(c) This SECTION expires December 31, 2012.".

Delete pages 2 through 12.

(Reference is to SB 62 as printed January 18, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 173, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 12, after "or" insert "**majority**".

Page 1, line 13, delete "or".

Page 1, line 14, after "officer;" insert "**or**".

Page 1, between lines 14 and 15, begin a new line double block indented and insert:

"**(E) an employee with managerial or supervisory responsibilities;**".

Page 2, line 16, after "or" insert "**majority**".

Page 2, line 17, delete "or".

Page 2, line 18, after "officer;" insert "**or**".

Page 2, between lines 18 and 19, begin a new line double block indented and insert:

"**(E) an employee with managerial or supervisory responsibilities;**".

Page 2, line 32, after "or" insert "**majority**".

Page 2, line 33, delete "or".

Page 2, line 34, after "officer;" insert "**or**".

Page 2, between lines 34 and 35, begin a new line double block indented and insert:

"**(E) an employee with managerial or supervisory responsibilities;**".

Page 3, line 10, after "or" insert "**majority**".

Page 3, line 11, delete "or".

Page 3, line 12, after "officer;" insert "**or**".

Page 3, between lines 12 and 13, begin a new line double block indented and insert:

"**(E) an employee with managerial or supervisory responsibilities;**".

(Reference is to SB 173 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LAWSON, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 223, which is eligible for third reading, be returned to second reading for purposes of amendment.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 174, which is eligible for third reading, be returned to second reading for purposes of amendment.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 20 Senator Delph
Congratulating the Carmel High School girls softball team on their 2011 State Championship.

SR 21 Senator Delph
Congratulating the Carmel High School boys swimming and diving team on their 2011 State Championship.

SR 22 Senator Delph
Congratulating the Carmel High School 2011 girls swimming team on their 25th consecutive State Championship.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 20

Senate Resolution 20, introduced by Senator Delph:

A SENATE RESOLUTION congratulating the Carmel High School girls softball team on their 2011 State Championship.

Whereas, Top-ranked Carmel High School was victorious over Avon in the Class 4A girls softball State Championship game;

Whereas, Kennedy Haynes' double to the right center field in the bottom of the eighth inning scored the winning run. Haynes' one-out game-winner reached just outside of the right fielder's glove to score Shannon Hall from second base;

Whereas, The win against Avon gave Carmel the State Championship Title, Carmel's second State Softball Championship since 1994;

Whereas, The girls softball team's state title marks the sixth IHSAA state championship for Carmel High School for the school year;

Whereas, Carmel pitcher Katie Osborn struck out 11 Avon batters in eight innings of excitement, finishing the season 18-2;

Whereas, Members of the Indiana High School Athletic Association executive committee announced Ali Bourgerie as the winner of the 2011 Class 4A Mental Attitude Award in softball. The award is presented each year to an outstanding senior. Bourgerie is a four-year letter winner for the Greyhounds; and

Whereas, The Greyhounds received a much deserved State Championship win for their hours of dedication and love of the sport both on and off the field: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates Carmel High School girls softball team on their 2011 State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Carmel High School Girls Softball Team, Head Coach Emily Good, Athletic Director Jim Inskeep, and the Carmel Clay school board.

The resolution was read in full and adopted by voice vote.

Senate Resolution 21

Senate Resolution 21, introduced by Senator Delph:

A SENATE RESOLUTION congratulating the Carmel High School boys swimming and diving team on their 2011 State Championship.

Whereas, The Carmel High School boys swimming and diving team captured a back-to-back Indiana High School Athletic Association State title;

Whereas, With five consecutive wins from 1989-1994, repeat titles in 1996 and 1997, and the amazing 25-championship streak for the girls' team, it is safe to say the Carmel swimming program follows a trend unlike any other of its kind;

Whereas, After their victory in 2010, the team's confidence soared and they were committed to defending their Championship title;

Whereas, Greyhounds Senior Matt Gerth won the 200 Freestyle with a time of 1:39:08. Gerth capped off the meet as the anchor for the 400 Freestyle relay, coming from behind to win the championship with a time of 3:06:90. Kiernan McGreehan, Jon Astashinsky, and Max McKay comprised the rest of the unstoppable relay team;

Whereas, Though Gerth was one of the main stars for the Greyhounds, the rest of the team was equally impressive and Head Coach Chris Plumb was very pleased with the way the team dominated; and

Whereas, It took hard work and confidence for the Carmel High School boys swim team to sweep the competition on their way to a back-to-back State Championship title. Their victory is well-deserved: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates the Carmel High School boys swimming and diving team on their 2011 State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Carmel High School boys swimming and diving team, Head Coach Mike Bostic, Athletic Director Jim Inskeep, and the Carmel Clay board of directors.

The resolution was read in full and adopted by voice vote.

Senate Resolution 22

Senate Resolution 22, introduced by Senator Delph:

A SENATE RESOLUTION congratulating the Carmel High School girls swimming team on their 25th consecutive State Championship.

Whereas, For the 25th consecutive year, the Carmel High School girls swim team claimed the State Championship title;

Whereas, Blowing the competition out of the water with 382 points to the runner-up's 230 points, the highly motivated Greyhounds won eight of the eleven swimming events;

Whereas, Most of the team joins the Carmel swimming program at the age of eight, with dreams of competing at the high school level. It is a tradition, mind set, and competitive fire that is instilled at a young age and burns deep within;

Whereas, Carmel's swim team has won the State Championship in consecutive years as a result of their hard work. The ladies often attend practice at 5:30 a.m., swimming countless laps and dedicating their minds, bodies, and hearts to achieving greatness for themselves and the prior generations who paved the way;

Whereas, The Carmel swimming team molds and shapes these ladies for the future so they can go on to college level swimming knowing that the ladies following will keep the tradition going; and

Whereas, Winning every state championship since 1987 takes years of hard work and dedication. The Carmel girls' Championship is well-deserved: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana State Senate congratulates Carmel High School girls swimming team on their 25th consecutive State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Carmel High School girls swimming team, Head Coach Chris Plumb, Athletic Director Jim Inskeep, and the Carmel Clay board of directors.

The resolution was read in full and adopted by voice vote.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bill 1001 and the same is herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 11 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 2:00 p.m., Monday, January 30, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 4:15 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Fifteenth Meeting Day Monday Afternoon January 30, 2012

The Senate convened at 3:01 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Dr. Roy Blackwood, Second Reformed Presbyterian Church, Indianapolis.

The Pledge of Allegiance to the Flag was led by Senator Scott M. Schneider.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 82: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

SENATE MOTION

Madam President: I move that pursuant to Senate Rule 5(b), Senate Rule 5(a) be suspended as it applies to Engrossed House Bill 1001 and that EHB 1001 be listed first on the Senate calendar for consideration on second reading and third reading and that EHB 1001 be the first bill called for action each day it is eligible on the Senate calendar.

HERSHMAN

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred the motion of Senator Hershman requesting suspension of Senate Rule 5(a) for Engrossed House Bill 1001 to be listed first on the Senate calendar for consideration on second reading and third reading and that EHB 1001 be the first bill called for action each day it is eligible on the Senate calendar, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said motion be adopted.

LONG, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 12

Senate Concurrent Resolution 12, introduced by Senator Grooms:

A CONCURRENT RESOLUTION urging the legislative council to establish an interim study committee to study the creation of an industrial zone.

Whereas, The area around Clark County Airport has a rich history in the field of aviation;

Whereas, The creation of an aviation related industrial zone would help the area generate new businesses;

Whereas, An industrial zone dealing with aviation related industries would help reduce the unemployment rate in the region by generating new jobs; and

Whereas, Possible incentives that may be studied by an interim study committee include tax credits and regulatory relief programs to entice new industries into this zone: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the legislative council is urged to establish an interim study committee to study the possibility of creating an industrial zone for aviation related industry.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Commerce and Economic Development.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1001, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 6, Nays 1.

BOOTS, Chair

Report adopted.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SCR 14 Senator Merritt
Designating March 30th as Welcome Home Vietnam Veterans Day in Indiana.
SR 24 Senator Holdman
Recognizing South Adams High School and South Adams School Corporation for their work on the "Dots in Blue Water: Making a World of Difference" project.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 14

Senate Concurrent Resolution 14, introduced by Senator Merritt:

A CONCURRENT RESOLUTION designating March 30th as Welcome Home Vietnam Veterans Day in Indiana.

Whereas, More than 58,000 members of the United States Armed Forces, including 1,532 Hoosiers, lost their lives in Vietnam, and more than 300,000 members of the Armed Forces were wounded;

Whereas, In 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate the lives and service of the men and women who died, or were declared missing-in-action in the Vietnam War;

Whereas, The Vietnam War was an extremely divisive issue among the people of the United States, and the crossfire of debate about the country's involvement in the war deprived many members of the Armed Forces of public support and appreciation for their patriotic service;

Whereas, Civil discourse in the political affairs of the United States should be encouraged, but it is never too late to say, "I am sorry" and "thank you" to our Vietnam veterans;

Whereas, The establishment of Welcome Home Vietnam Veterans Day is an appropriate way to express appreciation and honor the members of the United States Armed Forces, as well as members of the Red Cross and other service organizations, who bravely served the country and their fellow citizens during the Vietnam War; and

Whereas, On March 30, 2009, Congress proclaimed a national Welcome Home Vietnam Veterans Day and encouraged people of the United States to observe this day with ceremonies and activities that promote awareness of the numerous contributions of veterans who served in Vietnam, and the importance of helping all of America's veterans return home and achieve happy, healthy, and productive lives: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly declares March 30th Welcome Home Vietnam Veterans Day.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Paul Collie.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative M. Smith.

Senate Resolution 24

Senate Resolution 24, introduced by Senator Holdman:

A SENATE RESOLUTION recognizing South Adams High School and South Adams School Corporation for their work on the "Dots in Blue Water: Making a World of Difference" project.

Whereas, The students at South Adams High School developed and funded a program known as "Dots in Blue Water: Making a World of Difference" to deliver village-sized water purifiers to Haiti;

Whereas, The concept behind the project was that students could learn the same lessons while designing a water purification system for those in need in the impoverished country of Haiti, as they could while doing the typical science labs on electricity and chemistry;

Whereas, This idea was the beginning of the "Dots in Blue Water: Making a World of Difference" project that would develop, test, assemble, and deliver automobile battery powered water purification units to Haiti that could turn impure water into drinkable water;

Whereas, Members of the research department, development department, and marketing department reported to the group each Friday on the progress they were making in solving the problem;

Whereas, The project soon became a school corporation-wide effort: science units were developed in electrochemistry, watershed environmental impact, and microbiology; language arts students wrote expository essays about Haiti and its culture, arguing both sides of the United States policy in sending aid to Haiti after the 2010 earthquake; foreign language classes translated purifier assembly instructions and made instructional videos; math students computed materials costs and analyzed statistics regarding water treatment; music classes promoted Haitian and Carribean music; and art students designed posters and T-shirts for fund-raising;

Whereas, During their time in Haiti, the members of the "Dots in Blue Water: Making a World of Difference" project assembled five water purifiers and completely installed two purifiers;

Whereas, One of the purifiers was installed in the village of Chambrun, providing drinking water to 5,000 people, and the second purifier was installed on the roof of the school of the Nehemiah Vision Ministry compound, which will allow over 400 students from the village of Chambrun who are enrolled at the school, to have access to clean drinking water during the entire school year;

Whereas, One of the assembled purifiers was installed in the small, remote village of Bouzi, where poor drinking water had led to a life-threatening cholera outbreak;

Whereas, The remaining two assembled purifiers will be installed in an elementary school and an assisted living facility near the capital of Port-au-Prince; and

Whereas, The students and faculty of the "Dots in Blue Water: Making a World of Difference" project have helped the struggling people of Haiti improve their lives and rebuild their country: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate acknowledges the efforts put forth by the students and faculty of the South Adams School Corporation and South Adams High School to help the people of Haiti improve their lives.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to South Adams High School teachers Michael Baer (Earth and Space, Physics, Integrated Chemistry-Physics), Myron Schwartz (Chemistry, A.P. Chemistry, Integrated Chemistry-Physics), Josh Roby (Biology, Advanced Biology), Jeff Lehman (Health Weight Training), Ashley Koons Fosnaugh (South Adams Middle School 7th grade Global Studies), J.D. Kellar (South Adams Elementary School Technology), Kristi Geimer (formerlry 3rd grade at South Adams Elementary School and now at Jericho ATCFMI), and students Gregg Buuck, Kylie Cisney, Kara Delong, Mallory Eicher, Lindsey Graber, Samantha Schwartz, Kara Siddons, and Caylie Yoder.

The resolution was read in full and adopted by voice vote.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1003, 1009, 1015, 1059, 1080, 1090, 1093, 1112, 1116, 1128, 1129, 1136, 1148, 1154, 1173, 1186, 1190, and 1201 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1018, 1034, 1056, 1058, 1060, 1064, 1065, 1123, 1150, 1189, 1196, and 1200 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bill 4 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 147

Senator Holdman called up Engrossed Senate Bill 147 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 83: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Truitt and Mahan.

Engrossed Senate Bill 155

Senator Steele called up Engrossed Senate Bill 155 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 84: yeas 49, nays 1. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Koch.

Engrossed Senate Bill 231

Senator Wyss called up Engrossed Senate Bill 231 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 85: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Turner, Davis, and Candelaria-Reardon.

Engrossed Senate Bill 271

Senator Tallian called up Engrossed Senate Bill 271 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 86: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Day.

Engrossed Senate Bill 298

Senator Zakas called up Engrossed Senate Bill 298 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 87: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Speedy.

Engrossed Senate Bill 355

Senator Charbonneau called up Engrossed Senate Bill 355 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 88: yeas 45, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Soliday, Foley, and Dobis.

Engrossed Senate Bill 361

Senator Holdman called up Engrossed Senate Bill 361 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 89: yeas 46, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Dermody.

Engrossed Senate Bill 142

Senator Kenley called up Engrossed Senate Bill 142 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 90: yeas 43, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Espich and Crawford.

SENATE BILLS ON SECOND READING

Senate Bill 10

Senator Landske called up Senate Bill 10 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 10–1)

Madam President: I move that Senate Bill 10 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

ARTICLE 4.5. ART THERAPISTS

Chapter 1. Activity by Nonregistered Art Therapists

Sec. 1. As used in this article, "art therapy" means the use of the creative process, visual art media, and psychotherapeutic principles within the therapeutic relationship with a patient in the assessment and treatment

of emotional, cognitive, psychosocial, physical, neurological, and developmental disorders in children, adolescents, adults, families, and other groups.

Sec. 2. (a) As used in the section, "practitioner" means a person that holds:

(1) an unlimited license, certificate, registration, or permit;

(2) a limited or probationary license, certificate, registration, or permit;

(3) a temporary license, certificate, registration, or permit; or

(4) an intern permit;

issued by a board regulating a profession or an occupation.

(b) This chapter does not prohibit a practitioner from performing art therapy functions if the practitioner is acting within the scope of the practitioner's license, permit, registration, or certificate.

Sec. 3. Except as provided in section 2 of this chapter, an individual may not:

(1) profess to be a registered art therapist or art therapist;

(2) use the initials "ATR", or any other words, letters, abbreviations, or insignia indicating or implying that the individual is a registered art therapist; or

(3) practice art therapy;

unless the individual holds and maintains the registration credentialing administered by the Art Therapy Credentials Board.

Sec. 4. An individual who knowingly, recklessly, or intentionally violates section 3 of this chapter commits a Class B misdemeanor.".

Page 6, after line 2, begin a new paragraph and insert:

"SECTION 15. IC 35-51-25-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 25:

IC 25-2.1-13-3 (Concerning accountants).
IC 25-2.5-3-4 (Concerning acupuncturists).
IC 25-4.5-1-4 (Concerning art therapists).
IC 25-5.1-4-2 (Concerning athletic trainers).
IC 25-5.2-2-12 (Concerning athlete agents).
IC 25-6.1-7-1 (Concerning auctioneers and auctions).
IC 25-6.1-7-2 (Concerning auctioneers and auctions).
IC 25-8-15.4-25 (Concerning beauty culture).
IC 25-10-1-11 (Concerning chiropractors).
IC 25-11-1-12 (Concerning collection agencies).
IC 25-13-1-3 (Concerning dental hygienists).
IC 25-14-1-25 (Concerning dentists).
IC 25-14-4-6 (Concerning dentists).
IC 25-14.5-7-2 (Concerning dietitians).
IC 25-16-1-18 (Concerning employment services).
IC 25-17.3-5-3 (Concerning genetic counselors).
IC 25-17.6-8-2 (Concerning geologists).
IC 25-18-1-19 (Concerning distress sales).
IC 25-20-1-21 (Concerning hearing aid dealers).
IC 25-20.7-5-1 (Concerning interior designers).
IC 25-21.5-5-10 (Concerning land surveyors).
IC 25-21.5-13-2 (Concerning land surveyors).
IC 25-21.8-7-1 (Concerning massage therapists).
IC 25-22.5-8-2 (Concerning physicians).
IC 25-22.5-8-3 (Concerning physicians).
IC 25-23-1-27 (Concerning nurses).
IC 25-23.5-3-2 (Concerning occupational therapists).
IC 25-23.6-3-3 (Concerning marriage and family therapists).
IC 25-23.6-4-4 (Concerning marriage and family therapists).
IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
IC 25-23.6-4.7-7 (Concerning marriage and family therapists).
IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
IC 25-23.6-11-1 (Concerning marriage and family therapists).
IC 25-23.6-11-2 (Concerning marriage and family therapists).
IC 25-23.6-11-3 (Concerning marriage and family therapists).
IC 25-23.7-7-5 (Concerning manufactured home installers).
IC 25-24-1-18 (Concerning optometrists).
IC 25-24-3-17 (Concerning optometrists).
IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-27-1-12 (Concerning physical therapists).
IC 25-27.5-7-2 (Concerning physician assistants).
IC 25-28.5-1-31 (Concerning plumbers).
IC 25-29-9-1 (Concerning podiatrists).
IC 25-30-1-21 (Concerning private investigator firms, security guards, and polygraph examiners).
IC 25-30-1.3-23 (Concerning private investigator firms, security guards, and polygraph examiners).
IC 25-31-1-13 (Concerning engineers).
IC 25-31-1-27 (Concerning engineers).
IC 25-31.5-8-7 (Concerning soil scientists).
IC 25-33-1-15 (Concerning psychologists).
IC 25-34.5-3-2 (Concerning respiratory care specialists).
IC 25-35.6-3-10 (Concerning speech pathologists and audiologists).
IC 25-36.1-1-2 (Concerning surgical technologists).
IC 25-36.5-1-10 (Concerning timber buyers).
IC 25-36.5-1-15 (Concerning timber buyers).
IC 25-38.1-4-10 (Concerning veterinarians).

IC 25-38.1-4-11 (Concerning veterinarians).
IC 25-39-5-1 (Concerning water well drilling contractors).
IC 25-39-5-7 (Concerning water well drilling contractors).
IC 25-41-1-2 (Concerning behavior analysts).".
Renumber all SECTIONS consecutively.
(Reference is to SB 10 as printed January 27, 2012.)

BREAUX

Motion failed. The bill was ordered engrossed.

Senate Bill 12

Senator Miller called up Senate Bill 12 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 12–2)

Madam President: I move that Senate Bill 12 be amended to read as follows:

Page 5, delete line 42, begin a new paragraph and insert:

"SECTION 3. IC 12-7-1-5, AS ADDED BY P.L.220-2011, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. Actions taken under IC 12-8-1 **(expired),** IC 12-8-2 **(expired),** IC 12-8-6 **(expired),** and IC 12-8-8 **(expired)** after June 30, 1999, and before December 1, 1999, are legalized and validated to the extent that those actions would have been legal and valid if P.L.7-2000 had been enacted before July 1, 1999.".

Page 6, delete lines 1 through 7.

Page 10, line 21, after "(JOBS)" insert "**work**".

Renumber all SECTIONS consecutively.

(Reference is to SB 12 as printed January 26, 2012.)

MILLER

Motion prevailed.

SENATE MOTION
(Amendment 12–3)

Madam President: I move that Senate Bill 12 be amended to read as follows:

Page 27, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 40. [EFFECTIVE UPON PASSAGE] **(a) An emergency rule adopted by the office of the secretary of family and social services using its authority under IC 4-22-2-37.1 expires June 30, 2012. The office of the secretary shall submit a list of all the rules described in this subsection to the publisher of the Indiana Administrative Code and the Indiana Register not later than June 30, 2012.**

(b) To the extent the office used an emergency rule described in subsection (a) to amend a rule that previously existed, the previous rule is restored on July 1, 2012, and the publisher of the Indiana Administrative Code and the Indiana Register shall print the rule as the rule existed before the emergency rule took effect.

(c) To the extent necessary, the publisher of the Indiana Administrative Code and the Indiana Register shall remove the rules described in subsection (a) from the Indiana Administrative Code.

(d) This SECTION expires December 31, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to SB 12 as printed January 26, 2012.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 91: yeas 13, nays 37.

Motion failed.

SENATE MOTION
(Amendment 12–1)

Madam President: I move that Senate Bill 12 be amended to read as follows:

Page 6, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 5. IC 12-7-2-25, AS AMENDED BY P.L.143-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. **(a) "Case management", for purposes of IC 12-9-5-3.5, has the meaning set forth in IC 12-9-5-3.5(a).**

(b) "Case management", for purposes of IC 12-10-1 and IC 12-10-10, has the meaning set forth in IC 12-10-10-1.".

Page 20, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 22. IC 12-9-5-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. (a) As used in this section, "case management" means the provision of assistance and support to an individual to develop community connections for the individual. Case management fosters the use of natural supports for an individual receiving services. For adults, case management assists the individual in finding a career path that leads to employment.**

(b) The case manager is responsible for the appropriate use of resources in assisting an individual with obtaining and maintaining Medicaid and other appropriate resources. Case management services, provided either directly or under a contract with the division, must be provided by an individual who is independent of:

(1) the division; and

(2) any entity providing to the individual services that are not case management services.

(c) If the division contracts for the provision of case management services, the division shall enter into a contract with more than one (1) provider so that an individual receiving case management services has a choice of providers, regardless of where the individual is located in Indiana, and to ensure that services are provided in an independent manner.

(d) If, after June 30, 2012, the division contracts for the provision of case management services, any contract entered into may not be for a term that exceeds one (1) year, with a maximum of one (1) renewal for a one (1) year term, without rebidding the contract or contracts.

(e) Each year the division shall report to the commission on developmental disabilities created by IC 2-5-27.2-1 on the provision of case management services to individuals

receiving services from the division. The report must include information on:

(1) the number of contracts entered into for the provision of case management services;

(2) the number of clients served; and

(3) feedback on the clients' satisfaction with the availability and appropriateness of case management services received.".

Renumber all SECTIONS consecutively.

(Reference is to SB 12 as printed January 26, 2012.)

BREAUX

Motion failed. The bill was ordered engrossed.

Senate Bill 56

Senator Eckerty called up Senate Bill 56 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 83

Senator Leising called up Senate Bill 83 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 83–1)

Madam President: I move that Senate Bill 83 be amended to read as follows:

Page 2, delete lines 8 through 42.

Delete pages 3 through 5.

(Reference is to SB 83 as printed January 27, 2012.)

SCHNEIDER

Upon request of Senator Skinner the President ordered the roll of the Senate to be called. Roll Call 92: yeas 27, nays 23.

Motion prevailed. The bill was ordered engrossed.

Senate Bill 89

Senator Kruse called up Senate Bill 89 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 89–1)

Madam President: I move that Senate Bill 89 be amended to read as follows:

Page 1, delete lines 4 through 5 and insert "**offer instruction on various theories of the origin of life. The curriculum for the course must include theories from multiple religions, which may include, but is not limited to, Christianity, Judaism, Islam, Hinduism, Buddhism, and Scientology.**".

(Reference is to SB 89 as printed January 27, 2012.)

SIMPSON

Motion prevailed.

SENATE MOTION
(Amendment 89–6)

Madam President: I move that Senate Bill 89 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-28-9-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. The provisions of section 1(b)(2) of this chapter do not apply to a science teacher who is required to teach creation science under IC 20-30-6-18 as a part of the science curriculum.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 89 as printed January 27, 2012.)

SKINNER

Upon request of Senator Skinner the President ordered the roll of the Senate to be called. Roll Call 93: yeas 14, nays 36.

Motion failed. The bill was ordered engrossed.

Senate Bill 92

Senator Gard called up Senate Bill 92 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 113

Senator Holdman called up Senate Bill 113 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 140

Senator Kenley called up Senate Bill 140 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 140–1)

Madam President: I move that Senate Bill 140 be amended to read as follows:

Page 5, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 8. IC 6-8.1-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The attorney general and the respective county prosecuting attorneys have concurrent jurisdiction in conducting criminal prosecutions of tax matters. Either the attorney general or the respective prosecuting attorney may initiate criminal tax proceedings, and appear before grand juries to report violations, give legal advice, or interrogate witnesses.

(b) **Except as provided in subsection (c),** upon request by the department, the attorney general shall prosecute a civil action to collect unpaid taxes, penalties, and interest and to enforce the department's powers.

(c) The attorney general, with the assistance of the department of state revenue, shall represent the state and the department of state revenue in all civil actions (including proceedings in a United States bankruptcy court) concerning:

(1) the determination or collection of slot machine wagering tax due under IC 4-35; or

(2) a claim for the refund of slot machine wagering tax due under IC 4-35.".

Renumber all SECTIONS consecutively.

(Reference is to SB 140 as printed January 26, 2012.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 152

Senator Kruse called up Senate Bill 152 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 165

Senator Randolph called up Senate Bill 165 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 173

Senator Lawson called up Senate Bill 173 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 182

Senator Banks called up Senate Bill 182 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 190

Senator Charbonneau called up Senate Bill 190 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 201

Senator Miller called up Senate Bill 201 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 223

Senator Miller called up Senate Bill 223 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 223–3)

Madam President: I move that Senate Bill 223 be amended to read as follows:

Page 3, line 26, delete ".".

Page 3, line 26, reset in roman "that".

Page 3, reset in roman lines 27 through 28.

(Reference is to SB 223 as reprinted January 24, 2012.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 226

Senator Miller called up Senate Bill 226 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 226–1)

Madam President: I move that Senate Bill 226 be amended to read as follows:

Page 3, line 23, after "state" delete "," and insert "**and the budget agency shall take appropriate action to collect the loan repayment. However, the treasurer of state and the budget agency may not impair the rights of the distressed school corporation's bondholders.**".

Page 3, delete lines 24 through 31.

(Reference is to SB 226 as printed January 27, 2012.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 230

Senator Smith called up Senate Bill 230 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 230–1)

Madam President: I move that Senate Bill 230 be amended to read as follows:

Page 2, line 7, delete "facility (as" and insert "**facility** (as".

Page 3, reset in roman lines 13 through 15.

Page 3, line 33, delete "(b)(3)" and insert "**(b)(4)**".

Page 19, reset in roman lines 19 through 21.

Page 19, line 39, delete "(b)(3)" and insert "**(b)(4)**".

(Reference is to SB 230 as printed January 27, 2012.)

BOOTS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 235

Senator Grooms called up Senate Bill 235 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 235–2)

Madam President: I move that Senate Bill 235 be amended to read as follows:

Page 2, line 5, delete "A" and insert "**Before July 1, 2020, a**".

Page 2, line 42, after "collected" insert "**before July 1, 2020,**".

Page 4, line 4, delete "A" and insert "**Before July 1, 2020, a**".

Page 4, line 40, delete "A" and insert "**Before July 1, 2020, a**".

Page 5, line 19, delete "A" and insert "**Before July 1, 2020, a**".

Page 5, line 40, after "shall" insert "**, before July 1, 2020,**".

Page 9, line 26, after "collected" insert "**before July 1, 2020,**".

Page 12, line 12, after "collected" insert "**before July 1, 2020,**".

(Reference is to SB 235 as printed January 27, 2012.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 236

Senator Delph called up Senate Bill 236 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 237

Senator M. Young called up Senate Bill 237 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 246

Senator Bray called up Senate Bill 246 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 258

Senator Alting called up Senate Bill 258 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 259

Senator Alting called up Senate Bill 259 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 260

Senator Alting called up Senate Bill 260 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 265

Senator Head called up Senate Bill 265 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 267

Senator Rogers called up Senate Bill 267 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 268

Senator Rogers called up Senate Bill 268 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 275

Senator Merritt called up Senate Bill 275 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 275–2)

Madam President: I move that Senate Bill 275 be amended to read as follows:

Page 9, line 41, reset in roman "who:".

Page 10, line 30, delete "lots and land or".

Page 10, line 31, delete "." and insert "**or lots and land.**".

Page 11, line 5, delete "Indiana".

Page 11, line 6, delete "real estate".

Page 11, line 13, delete "[EFFECTIVE" and insert "[EFFECTIVE JULY 1, 2012]:".

Page 11, line 14, delete "JULY 1, 2014]:".

Page 18, line 30, delete "July 1, 2014," and insert "**June 30, 2014,**".

Page 18, line 39, strike "board" and insert "**commission**".

Page 19, line 1, strike "board" and insert "**commission**".

Page 20, line 19, after "fulfill the" insert ":

(A)".

Page 20, line 20, after "period" insert "; **or**

(B) postlicensing education requirements as described in subsection (f);

whichever is applicable,".

Page 20, line 32, delete "on or".

Page 20, line 32, delete "July 1," and insert "**June 30,**".

Page 21, line 6, delete "IC 25-34.1-3-3.1" and insert "**section 3.1 of this chapter**".

Page 21, line 7, delete "An individual whose salesperson's license is in referral status" and insert "**Subject to subsection (e), the following applies to an individual whose salesperson's license is in referral status on June 30, 2014:**

(1) On July 1, 2014, the salesperson's license of the individual becomes a broker's license under this article.

(2) The individual may continue to make referrals to a licensed broker after June 30, 2014.

(e) An individual whose salesperson's license becomes a broker's license under subsection (d) may only make referrals to a licensed broker and may not perform any other act that requires a broker's license under this article unless the individual does all of the following:

(1) Completes at least twenty-four (24) hours of the education described in IC 25-34.1-5-5.

(2) Meets the requirements to be a licensed broker under IC 25-34.1-3-4.1.

(3) Attests to the commission that the individual has completed the twenty-four (24) hours of education described in subdivision (1).".

Page 21, delete lines 8 through 23.

Page 21, line 25, delete "on or after July 1," and insert "**after June 30,**".

Page 21, line 32, after "acts" insert "**that require a broker's license under this article**".

Page 23, line 23, delete "To" and insert "**Except as provided in IC 25-34.1-4-6, to**".

Page 23, line 24, delete "a person" and insert "**an individual**".

Page 23, line 31, delete "." and insert "**who is associated with the managing broker.**".

Page 24, line 29, after "associated salesperson" delete "broker".

Page 24, line 29, after "broker" delete ";" and insert "**whose license the managing broker is holding;**".

Page 25, line 34, delete "After June 30, 2014," and insert "**Beginning July 1, 2014,**".

Page 25, line 34, delete "board" and insert "**commission**".

Page 25, line 41, delete "However, a salesperson whose license is".

Page 25, delete line 42.

Page 26, delete line 1.

Page 26, line 2, delete "brokers" and insert "**broker's**".

Page 26, line 3, after "on" insert "**or after**".

Page 26, line 5, delete "required under" and insert "**described in**".

Page 26, line 6, after "(2)" insert "**except for the requirement under IC 25-34.1-3-4.1(a)(2),**".

Page 27, line 37, delete [EFFECTIVE JULY 1, 2014]:" and insert "[EFFECTIVE JULY 1, 2012]:".

Page 28, line 2, delete "chapter." and insert "**article.**".

Page 29, line 2, after "IC 25-34.1-3-4.1" insert "**,**".

Page 31, line 22, delete "July 1," and insert "**June 30,**".

Page 31, line 26, after "requirements" delete "of" and insert "**under**".

Page 31, line 35, delete "[EFFECTIVE JULY 1, 2014]:" and insert "[EFFECTIVE JULY 1, 2012]:".

(Reference is to SB 275 as printed January 27, 2012.)

MERRITT

Motion prevailed. The bill was ordered engrossed.

Senate Bill 277

Senator Simpson called up Senate Bill 277 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 280

Senator Charbonneau called up Senate Bill 280 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 280–1)

Madam President: I move that Senate Bill 280 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Page 11, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 11. IC 20-33-2-10, AS AMENDED BY P.L.43-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended; and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children and missing endangered adults established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. **An accredited nonpublic school is required to send a former student's records that are requested under subsection (b) regardless of whether the former student of the accredited nonpublic school or the former student's parent or guardian owes an outstanding debt to the accredited nonpublic school.** ~~However,~~ If a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults;

(2) may not send the school records without the authorization of the clearinghouse; and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

(e) The department may revoke the accreditation of an accredited nonpublic school that does not send a former student's records to a requesting school as required under subsection (d).".

Page 31, after line 37, begin a new paragraph and insert:

"SECTION 47. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 280 as printed January 27, 2012.)

SIMPSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 285

Senator Lawson called up Senate Bill 285 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 293

Senator Smith called up Senate Bill 293 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 296

Senator Leising called up Senate Bill 296 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 296–1)

Madam President: I move that Senate Bill 296 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-32-1-1, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article applies only to the following:

(1) Public schools.

(2) Nonpublic schools that voluntarily have become accredited under IC 20-19-2-8.

IC 20-32-5-17 applies to a nonpublic school that enrolls an eligible individual on a choice scholarship granted under IC 20-51-4.

SECTION 2. IC 20-32-5-17, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) If a nonpublic school seeks accreditation as authorized under IC 20-19-2-8(a)(5) **or a nonpublic school enrolls an eligible individual on a choice scholarship granted under IC 20-51-4,** the governing body of the nonpublic school is entitled to acquire at no charge from the department:

(1) the ISTEP program test; and

(2) the scoring reports used by the department.

(b) The nonpublic school ~~seeking accreditation~~ **described in subsection (a)** must:

(1) administer the ISTEP program test to its students at the same time that school corporations administer the test; and

(2) make available to the department the results of the ISTEP program testing.

(c) A nonpublic school that enrolls an eligible individual who enrolls in the nonpublic school on a choice scholarship granted under IC 20-51-4 shall administer the ISTEP program test to eligible individuals who enroll in the nonpublic school on the same basis as students who enroll in a school corporation. The nonpublic school shall report to the department the results of each assessment administered to a choice scholarship student under this section. This section does not require a nonpublic school to administer an ISTEP program test to any student who is not enrolled in the nonpublic school on a choice scholarship granted under IC 20-51-4.

(d) The department annually shall compile the scores attained by eligible individuals granted choice scholarships under IC 20-51-4. The scores of choice scholarship students must be aggregated as follows:

(1) By state.

(2) By school district, which must include all choice scholarship students who have legal settlement in the school district.

(3) By nonpublic school or school corporation in which the choice scholarship students are enrolled.

(e) The department shall disaggregate the choice scholarship student performance data described in subsection (d) according to the following categories:

(1) Age.

(2) Race and ethnicity.

(3) Gender.

(4) Students who have participated in the choice scholarship program at least three (3) years.

(5) Students who have participated in the choice scholarship program for more than one (1) year and less than three (3) years.

(6) Students who have participated in the choice scholarship program for less than one (1) year.

(7) Economically disadvantaged students category described in IC 20-51-4-4(2)(A) and IC 20-51-4-4(2)(B).

(f) The department shall:

(1) post the student performance data required under subsections (d) and (e) on its Internet web site;

(2) submit to the legislative council a report containing the data in an electronic format under IC 5-14-6; and

(3) by the first day of February each year distribute the data to the parent of each eligible individual who received a choice scholarship.

In reporting student performance data under this subsection, the department may not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department may not report performance data for any group that contains fewer than ten (10) students. When the executive director of the legislative services agency receives the report under subdivision (2), the executive director shall send a copy of the report to each member of the legislative council, using the member's senate or house of representatives electronic mail address.

(g) The department shall provide the parent of each choice scholarship student with information comparing the student's performance on the assessments administered under this section with the average performance of similar students enrolled in the school operated by the school corporation where the student has legal settlement that the choice scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.

SECTION 3. IC 20-39-1-1, AS ADDED BY P.L.2-2006, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a)** All public school governing bodies shall adopt and fully and accurately implement a single, unified accounting system as prescribed by the state board and the state board of accounts.

(b) A nonpublic school that enrolls an eligible individual on a choice scholarship granted under IC 20-51-4 shall adopt and implement uniform financial accounting standards as prescribed by the state board and the state board of accounts.

SECTION 4. IC 20-39-2-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4. This section applies only to school years ending after July 1, 2012. Before September 2 in each subsequent year immediately following the end of a school year in which a nonpublic school enrolled an eligible individual on a choice scholarship granted under IC 20-51-4,**

the nonpublic school shall submit to the department all the following:

(1) An independent financial audit of the nonpublic school conducted by an independent certified public accountant licensed under IC 25-2.1, accompanied by the auditor's statement that the report is free of material misstatements and fairly presents pupil costs. The audit under this subdivision is limited in scope to those records that are necessary for the department to make payments under IC 20-51-4. The auditor shall conduct the audit, including determining sample sizes and evaluating financial viability, in accordance with standards for the competent practice of accounting, as determined under the rules adopted by the state board of accountancy. The department may not require an auditor to comply with standards that exceed the scope of the standards for the competent practice of accounting, as determined under the rules adopted by the state board of accountancy.

(2) Evidence of sound fiscal and internal control practices, as prescribed by the state board and the state board of accounts by rule. An auditor engaged to evaluate the nonpublic school's fiscal and internal control practices shall conduct the evaluation, including determining sample sizes, in accordance with the attestation standards for the competent practice of accounting, as determined under the rules adopted by the state board of accountancy.

SECTION 5. IC 20-51-1-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.7. "Choice scholarship" refers to a scholarship granted under IC 20-51-4.**".

Page 3, after line 8, begin a new paragraph and insert:

"SECTION 7. IC 20-51-4-3, AS AMENDED BY P.L.172-2011, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) An eligible school may not discriminate on the basis of race, color, or national origin.

(b) An eligible school shall abide by the school's written admission policy fairly and without discrimination with regard to students who:

(1) apply for; or

(2) are awarded;

scholarships under this chapter.

(c) If the number of applicants for enrollment in an eligible school under a choice scholarship exceeds the number of choice scholarships available to the eligible school, the eligible school must draw at random in a public meeting the applications of applicants who are entitled to a choice scholarship from among the applicants who meet the requirements for admission to the eligible school.

(d) An eligible school may use not more than three percent (3%) of the amount provided under a choice scholarship each year for the administrative expenses of carrying out the school's educational program, including:

(1) determining the eligibility of students to participate;

(2) providing information about the program and the schools involved to parents of eligible students;

(3) selecting students to receive scholarships;

(4) determining the amount of scholarships and issuing the scholarships to eligible students;

(5) compiling and maintaining financial and programmatic records; and

(6) providing funds to assist parents in meeting expenses that might otherwise preclude the participation of their child in the program.

~~(d)~~ **(e)** The department shall make random visits to at least five percent (5%) of eligible schools and charter schools to verify that the eligible school or charter school complies with the provisions of ~~IC 20-51-4,~~ **this chapter,** the ~~Constitutions~~ **Constitution** of the State of Indiana, and the **Constitution of the** United States.

~~(e)~~ **(f)** Each eligible school, public school, and charter school shall grant the department reasonable access to its premises, including access to the school's grounds, buildings, and property.

~~(f)~~ **(g)** Each year the principal of each eligible school shall certify under penalties of perjury to the department that the eligible school is complying with the requirements of this chapter, **IC 20-32-5-17, IC 20-39-1-1, and IC 20-39-2-4.** The department shall develop a process for eligible schools to follow to make certifications.".

Renumber all SECTIONS consecutively.

(Reference is to SB 296 as printed January 27, 2012.)

SKINNER

Motion failed. The bill was ordered engrossed.

Senate Bill 303

Senator Becker called up Senate Bill 303 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 303–1)

Madam President: I move that Senate Bill 303 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 7.

Page 8, delete lines 1 through 11.

Page 8, delete lines 31 through 32.

Page 9, delete lines 12 through 13.

Renumber all SECTIONS consecutively.

(Reference is to SB 303 as printed January 27, 2012.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 307

Senator Hershman called up Senate Bill 307 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 308

Senator Hershman called up Senate Bill 308 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 308–1)

Madam President: I move that Senate Bill 308 be amended to read as follows:

Page 1, delete lines 1 through 5.

Page 2, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to the regulatory flexibility committee established under IC 8-1-2.6-4 the following issues for further study:**

(1) The obligations of providers of last resort under Indiana law, including the obligations of incumbent local exchange carriers designated as providers of last resort.

(2) The interaction and overlap, if any, between:

(A) IC 8-1-32.4 and other statutes governing providers of last resort; and

(B) federal laws and regulations governing eligible telecommunications carriers.

(3) The impact of the following orders of the Federal Communications Commission, including related Further Notices of Proposed Rulemaking and other related proceedings, on Indiana telecommunications policies and the need, if any, to amend the policies to ensure universal voice and broadband service in Indiana:

(A) Connect America Fund, WC Docket 10-90.

(B) A National Broadband Plan for Our Future, GN Docket No. 09-51.

(c) Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135.

(D) High-Cost Universal Service Support, WC Docket No. 05-337.

(E) Developing an Unified Intercarrier Compensation Regime, CC Docket No. 01-92.

(F) Federal-State Joint Board on Universal Service, CC Docket No. 96-45.

(G) Lifeline and Link-Up, WC Docket No. 03-109.

(H) Mobility Fund, WT Docket No. 10-208.

(b) The regulatory flexibility committee shall report its findings and recommendations, if any, to the general assembly in an electronic format under IC 5-14-6 not later than November 1, 2012.

(c) This SECTION expires December 31, 2012.

SECTION 5. **An emergency is declared for this act.**".

Delete pages 3 through 6.

Renumber all SECTIONS consecutively.

(Reference is to SB 308 as printed January 27, 2012.)

R. YOUNG

Motion failed. The bill was ordered engrossed.

Senate Bill 309

Senator Hershman called up Senate Bill 309 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 311

Senator Hershman called up Senate Bill 311 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 311–2)

Madam President: I move that Senate Bill 311 be amended to read as follows:

Page 1, delete lines 15 through 17, begin a new paragraph and insert:

"**(c) In preparing a cost benefit analysis under this section, the OMB shall consider in its analysis any verified data provided voluntarily by interested parties and regulated persons. A cost benefit analysis prepared under this section is a public document, subject to the following:**

(1) This subsection does not empower the OMB or an agency to require an interested party or a regulated person to provide any materials, documents, or other information in connection with a cost benefit analysis under this section. If an interested party or a regulated person voluntarily provides materials, documents, or other information to the OMB or an agency in connection with a cost benefit analysis under this section, the OMB or the agency, as applicable, shall ensure the adequate protection of any:

(A) information that is confidential under IC 5-14-3-4; or

(B) confidential and proprietary business plans and other confidential information.

The OMB and any agency involved in proposing the rule, or in administering the rule upon the rule's adoption, shall exercise all necessary caution to avoid disclosure of any confidential information supplied to the OMB or the agency by an interested party or a regulated person.

(2) The OMB shall make the cost benefit analysis and other related public documents available to interested parties and regulated persons at least thirty (30) days before presenting the cost benefit analysis to the governor and the administrative rules oversight committee under subsection (a).".

Page 2, delete lines 1 through 4.

Page 2, line 7, delete "This section applies to a rule that has been" and insert "**(a) This section applies to a rule that:**

(1) has been adopted under IC 4-22-2 or IC 13-14-9; and

(2) has taken effect;

after December 31, 2011.".

Page 2, delete lines 8 through 11.

Page 2, line 17, delete "date on" and insert "**rule's effective date.**".

Page 2, line 18, delete "which the rule was finally adopted.".

Page 2, line 23, delete "date" and insert "**rule's effective date.**".

Page 2, delete line 24.

Page 2, line 29, delete "final".

Page 3, delete lines 8 through 14, begin a new paragraph and insert:

"**(e) In preparing a cost benefit analysis under this section, the OMB shall consider in its analysis any verified data provided voluntarily by interested parties and regulated persons. A cost benefit analysis prepared under this section is a public document, subject to the following:**

(1) This subsection does not empower the OMB or an agency to require an interested party or a regulated person to provide any materials, documents, or other information. If an interested party or a regulated person voluntarily provides materials, documents, or other information to the OMB or an agency in connection with a cost benefit analysis under this section, the OMB or the agency, as applicable, shall ensure the adequate protection of any:

(A) information that is confidential under IC 5-14-3-4; or

(B) confidential and proprietary business plans and other confidential information.

The OMB and any agency involved in administering the rule shall exercise all necessary caution to avoid disclosure of any confidential information supplied to the OMB or the agency by an interested party or a regulated person.

(2) The OMB shall make the cost benefit analysis and other related public documents available to interested parties and regulated persons at least thirty (30) days before presenting the cost benefit analysis to the governor and the committee under subsection (c).".

(Reference is to SB 311 as printed January 18, 2012.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 311–4)

Madam President: I move that Senate Bill 311 be amended to read as follows:

Page 1, line 17, delete "parties." and insert "**parties and from nonprofit corporations whose members may be affected by the proposed rule.**".

Page 2, line 2, after "parties" insert "**and to nonprofit corporations whose members may be affected by the proposed rule**".

Page 2, line 7, after "13.1." insert "**(a)**".

Page 2, line 10, delete "IC 13-4-9" and insert "**IC 13-14-9;**".

Page 3, line 10, delete "parties." and insert "**parties and from nonprofit corporations whose members may be affected by the rule.**".

Page 3, line 12, after "parties" insert "**and to nonprofit corporations whose members may be affected by the rule**".

(Reference is to SB 311 as printed January 18, 2012.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 312

Senator Hershman called up Senate Bill 312 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 312–2)

Madam President: I move that Senate Bill 312 be amended to read as follows:

Page 5, line 16, delete "activity";" and insert "**activity" that is consistent with the definition in IC 35-45-9-1.**".

Page 9, line 9, strike "principal".

Page 9, line 10, strike "of the".

Page 9, line 10, after "school" insert "**or school corporation administration**".

(Reference is to SB 312 as printed January 27, 2012.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 315

Senator Head called up Senate Bill 315 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 315–1)

Madam President: I move that Senate Bill 315 be amended to read as follows:

Page 4, delete lines 39 through 42.

Page 5, delete lines 1 through 14.

Page 12, delete lines 5 through 6.

Page 12, line 7, delete "(3)" and insert "**(2)**".

Page 12, line 8, delete "or".

Page 12, line 8, after "IC 4-32.2-4-10" insert "**, or IC 4-32.2-4-11**".

Page 12, line 11, delete "(4)" and insert "**(3)**".

Page 12, line 13, delete "or".

Page 12, line 14, after "IC 4-32.2-4-10" insert "**, or IC 4-32.2-4-11**".

Renumber all SECTIONS consecutively.

(Reference is to SB 315 as printed January 27, 2012.)

HEAD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 321

Senator Wyss called up Senate Bill 321 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 321–3)

Madam President: I move that Senate Bill 321 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert the following:

"**Sec. 1. As used in this chapter, "corporation" means the Indiana economic development corporation established by IC 5-28-3-1.**

Sec. 2. As used in this chapter, "director" means the president of the corporation.".

Page 1, line 5, delete "1." and insert "**3.**".

Page 1, line 12, delete "2." and insert "**4.**".

Page 1, line 13, delete "6" and insert "**8**".
Page 1, line 14, delete "3." and insert "**5.**".
Page 2, line 5, delete "4." and insert "**6.**".
Page 2, line 8, delete "5." and insert "**7.**".
Page 2, line 8, after "credits" insert "**,**".
Page 2, line 9, delete "granted under section 9 of" and insert "**the making of credit awards by the corporation, and the conditions set forth in**".
Page 2, delete lines 26 through 33 and insert:

"**Sec. 8. (a) For purposes of this chapter, a qualified expenditure is an expenditure for one (1) or more of the following purposes:**

(1) Making an improvement to real property located in Indiana that is related to constructing a new, or modernizing an existing, transportation or logistical distribution facility.

(2) Improving the transportation of goods on Indiana highways, limited to the following:

(A) Upgrading terminal facilities that serve tractors (as defined in IC 9-13-2-180) and semitrailers (as defined in IC 9-13-2-164).

(B) Improving paved access to terminal facilities.

(C) Adding new maintenance areas.

(D) Purchasing new shop equipment having a useful life of at least five (5) years, such as diagnostic equipment, oil delivery systems, air compressors, and truck lifts.

(3) Improving the transportation of goods by rail, limited to the following:

(A) Upgrading or building mainline, secondary, yard, and spur trackage.

(B) Upgrading or replacing bridges to obtain higher load bearing capability.

(C) Upgrading or replacing grade crossings to increase visibility for motorists, including improvements to roadway surfaces, signage and traffic signals, and signal system upgrades and replacements to meet Federal Railroad Administration Positive Train Control regulations.

(D) Upgrading fueling facilities, including upgrading fueling and sanding locomotives or tanks, pumps, piping, containment areas, track pans, lighting, and security.

(E) Upgrading team track facilities, including railroad owned warehouses, loading docks, and transfer stations for loading and unloading freight.

(F) Upgrading shop facilities, including upgrading structures, inspection pits, drop pits, cranes, employee fall protection, lighting, climate control, and break rooms.

(4) Improving the transportation of goods by water, limited to the following:

(A) Upgrading or replacing a permanent waterside dock.

(B) Upgrading or building a new terminal facility that serves waterborne transportation.

(C) Improving paved access to a waterborne terminal facility.

(D) Purchasing new equipment having a useful life of at least five (5) years, including diagnostic equipment, an oil delivery system, an air compressor, or a barge lift.

(5) Improving the transportation of goods by air, limited to the following:

(A) Upgrading or building a new cargo building, apron, hangar, warehouse facility, freight forwarding facility, cross-dock distribution facility, or aircraft maintenance facility.

(B) Improving paved access to a terminal or cargo facility.

(C) Upgrading a fueling facility.

(6) Improving warehousing and logistical capabilities, limited to the following:

(A) Upgrading warehousing facilities, including upgrading loading dock doors and loading dock plates, fueling equipment, fueling installations, or dolly drop pads for trailers.

(B) Improving logistical distribution by purchasing new equipment, limited to the following:

(I) Picking modules (systems of racks, conveyors, and controllers).

(ii) Racking equipment.

(iii) Warehouse management systems, including scanning or coding equipment.

(iv) Security equipment.

(v) Temperature control and monitoring equipment.

(vi) Dock levelers and pallet levelers and inverters.

(vii) Conveyors and related controllers, scales, and like equipment.

(viii) Packaging equipment.

(ix) Moving, separating, sorting, and picking equipment.

A qualified expenditure does not include an expenditure for maintenance expenses.

Sec. 9. (a) The corporation may make credit awards under this chapter if the new qualified expenditures will substantially enhance the logistics industry, create new jobs, preserve existing jobs that otherwise would be lost, increase wages in Indiana, and improve the overall Indiana economy.

(b) A person that proposes a project that involves new qualified expenditures in Indiana may apply to the corporation to enter into an agreement for a tax credit under this chapter. The director shall prescribe the form of the application. After receipt of an application, the corporation may enter into an agreement with the applicant for a credit under this chapter if the corporation determines that the applicant's project will substantially enhance the logistics industry and all the following conditions exist:

(1) The project will create new jobs, preserve existing jobs that otherwise would be lost, or increase wages in Indiana.

(2) The project is economically sound and will improve the Indiana economy.

(3) Receiving the tax credit is a major factor in the applicant's decision to go forward with the project and

not receiving the tax credit will result in the applicant not creating new jobs in Indiana.

(4) Awarding the tax credit will result in an overall positive fiscal impact to the state, as certified by the budget agency using the best available data.

(c) Determinations under this section shall be made by the corporation.

Sec. 10. The corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all the following:

(1) A detailed description of the new qualified expenditures and the project that is the subject of the agreement.

(2) The first taxable year for which the credit may be claimed.

(3) The amount of the taxpayer's state tax liability for each tax in the taxable year of the taxpayer that immediately preceded the first taxable year in which the credit may be claimed.

(4) The maximum tax credit amount that will be allowed for each taxable year.

(5) A requirement that the taxpayer shall annually report to the corporation the number of new employees who are performing jobs not previously performed by an employee, the average wage of the new employees, the average wage of all employees at the location where the new qualified expenditures are made, and any other information the director needs to perform the director's duties under this chapter.

(6) A requirement that the director is authorized to verify with the appropriate state agencies the amounts reported under subdivision (5), and that after doing so shall issue a certificate to the taxpayer stating that the amounts have been verified.

(7) A requirement that the taxpayer will maintain at the location where the new qualified expenditures are made during the term of the tax credit a total payroll that is at least equal to the payroll level that existed before the qualified expenditures were made.

(8) Any other performance conditions that the corporation determines are appropriate.

(c) If the director determines that a taxpayer who has received a credit under this chapter is not complying with the requirements of the tax credit agreement or all the provisions of this chapter, the director shall, after giving the taxpayer an opportunity to explain the noncompliance, notify the corporation and the department of state revenue of the noncompliance and request an assessment. The department of state revenue, with the assistance of the director, shall state the amount of the assessment, which may not exceed the sum of any previously allowed credits under this chapter. After receiving the notice, the department of state revenue shall make an assessment against the taxpayer under IC 6-8.1.

Sec. 11. (a) A taxpayer that:

(1) is awarded a tax credit under this chapter by the corporation; and

(2) complies with the conditions set forth in this chapter and the agreement entered into by the corporation and the taxpayer under this chapter;

is entitled to a credit award under this chapter.

(b) The total amount of a tax credit award for a taxable year under this chapter is a percentage determined by the corporation, not to exceed twenty-five percent (25%) of the amount of the new qualified expenditures made by the taxpayer in Indiana during that taxable year.

(c) The corporation shall certify the amount of the new qualified expenditures that are eligible for a credit under this chapter.

(d) A taxpayer claiming a credit under this chapter shall submit to the department of state revenue a copy of the director's certificate of verification under this chapter for the taxable year. However, failure to submit a copy of the certificate does not invalidate a claim for a credit.".

Page 2, line 34, delete "7." and insert "**12.**".

Page 3, line 6, delete "8." and insert "**13.**".

Page 3, line 14, delete "9." and insert "**14.**".

Page 3, line 20, after "that" insert "**have been approved by the corporation;**".

Page 3, delete lines 21 and 22.

Page 4, line 11, delete "10." and insert "**15.**".

Page 4, between lines 29 and 30, begin a new paragraph and insert the following:

"**Sec. 16. On a biennial basis, the corporation shall provide for an evaluation of the tax credit program established by this chapter. The evaluation must include an assessment of the effectiveness of the program in substantially enhancing the logistics industry, creating new jobs, increasing wages in Indiana, and improving the overall Indiana economy. The evaluation may include a review of the practices and experiences of other states with similar programs. The director shall submit a report on the evaluation to the governor, the president pro tempore of the senate, and the speaker of the house of representatives after June 30 and before November 1 in each odd-numbered year. The report provided to the president pro tempore of the senate and the speaker of the house of representatives must be in an electronic format under IC 5-14-6.**".

(Reference is to SB 321 as printed January 26, 2012.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 321–1)

Madam President: I move that Senate Bill 321 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3.1-33-4, AS ADDED BY P.L.110-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a) This subsection applies to taxable years beginning after December 31, 2009, and before January 1, 2013.** As used in this chapter, "new Indiana business" means a corporation or pass through entity that: ~~after December 31, 2009:~~

(1) either:

(A) locates or relocates the operations of a business enterprise in Indiana;

(B) incorporates or otherwise first organizes in Indiana; or

(C) expands the entity's operation of a business enterprise in Indiana;

(2) employs at least ten (10) qualified employees;

(3) makes an application to the IEDC under this chapter; and

(4) is issued a certificate of approval by the IEDC under this chapter.

(b) This subsection applies to taxable years beginning after December 31, 2012. As used in this chapter, "new Indiana business" means a corporation or pass through entity:

(1) that:

(A) locates or relocates the operations of a business enterprise in Indiana;

(B) incorporates or otherwise first organizes in Indiana; or

(C) expands the entity's operation of a business enterprise in Indiana;

(2) that employs at least one (1) qualified employee;

(3) that makes an application to the IEDC under this chapter; and

(4) that is issued a certificate of approval by the IEDC under this chapter.

SECTION 2. IC 6-3.1-33-5, AS ADDED BY P.L.110-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "qualified employee" means an individual who is:

(1) a full-time employee (as defined in IC 6-3.1-13-4) first hired by a new Indiana business during the period specified in section 10(b) of this chapter;

(2) a resident of Indiana; and

(3) not more than a five percent (5%) shareholder, partner, member, or owner of the applicant;

as determined by the IEDC. The term does not include rehired individuals, individuals employed to fill positions vacated as the result of a layoff that occurred during the previous two (2) years, ~~or~~ individuals employed in the same business operation before and after a change of business ownership, **or, after December 31, 2012, individuals hired as seasonal workers (as defined in IC 22-4-8-4(b)).**

SECTION 3. IC 6-3.1-33-9, AS ADDED BY P.L.110-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Before January 1, ~~2013,~~ **2015,** a corporation or pass through entity that desires to qualify for the credit provided by this chapter may submit an application to the IEDC in the form and manner specified by the IEDC.

(b) The IEDC shall promptly review all applications submitted to the IEDC under this chapter.

(c) **This subsection applies to taxable years beginning after December 31, 2009, and before January 1, 2013.** If the IEDC determines that an applicant for the tax credit provided by this chapter has furnished reliable evidence, as determined by the IEDC, that the applicant is reasonably capable of:

(1) employing at least ten (10) qualified employees in each month of the period specified in section 10(b) of this chapter during the taxable year; and

(2) meeting the requirements for the tax credit provided by this chapter;

the IEDC may issue the applicant a certificate of approval. If a certificate of approval is issued, the IEDC shall provide a copy of the certificate to the department.

(d) This subsection applies to taxable years beginning after December 31, 2012. If the IEDC determines that an applicant for the tax credit provided by this chapter has furnished reliable evidence, as determined by the IEDC, that the applicant is reasonably capable of:

(1) employing at least one (1) qualified employee in each month of the period specified in section 10(b) of this chapter during the taxable year; and

(2) meeting the requirements for the tax credit provided by this chapter;

the IEDC may issue the applicant a certificate of approval. If a certificate of approval is issued, the IEDC shall provide a copy of the certificate to the department.

~~(d)~~ **(e)** In making a determination of whether an applicant is qualified for a credit under this chapter, the IEDC may consider the following:

(1) The applicant's employment levels in previous years to determine if the applicant is hiring new individuals or rehiring individuals.

(2) Whether the applicant is the successor to part or all of the assets or business operations of another corporation or pass through entity that conducted business operations in Indiana in the same line of business to determine if the applicant is a new Indiana business under this chapter.

~~(e)~~ **(f) This subsection applies to taxable years beginning after December 31, 2009, and before January 1, 2013.** If the IEDC determines that the applicant will not employ at least ten (10) qualified employees in each month of the period specified in section 10(b) of this chapter during the taxable year, is not a new Indiana business, or does not meet, or is unlikely to meet, any other requirements for the tax credit provided by this chapter, the IEDC shall notify the applicant of the IEDC's determination.

(g) This subsection applies to taxable years beginning after December 31, 2012. If the IEDC determines that the applicant will not employ at least one (1) qualified employee in each month of the period specified in section 10(b) of this chapter during the taxable year, is not a new Indiana business, or does not meet, or is unlikely to meet, any other requirements for the tax credit provided by this chapter, the IEDC shall notify the applicant of the IEDC's determination.

~~(f)~~ **(h)** The IEDC may not issue a certificate of approval under this chapter after December 31, ~~2012.~~ **2014.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 321 as printed January 26, 2012.)

TAYLOR

Upon request of Senator Taylor the President ordered the roll

of the Senate to be called. Roll Call 94: yeas 13, nays 37.

Motion failed.

SENATE MOTION
(Amendment 321–2)

Madam President: I move that Senate Bill 321 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-10-1, AS AMENDED BY P.L.229-2011, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The department shall account for all state gross retail and use taxes that it collects.

(b) The department shall deposit those collections in the following manner:

(1) Ninety-nine and ~~eight~~ **one** hundred ~~forty-eight~~ **seventy-eight** thousandths percent ~~(99.848%)~~ **(99.178%)** of the collections shall be paid into the state general fund.

(2) Twenty-nine thousandths of one percent (0.029%) of the collections shall be deposited into the industrial rail service fund established under IC 8-3-1.7-2.

(3) One hundred twenty-three thousandths of one percent (0.123%) of the collections shall be deposited into the commuter rail service fund established under IC 8-3-1.5-20.5.

(4) Sixty-seven hundredths of one percent (0.67%) shall be paid into the state general fund and distributed monthly to each county and to each city or town as provided in IC 8-14-2-4.5.".

Page 4, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 3. IC 8-14-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. (a) Each month the auditor of state shall distribute to counties in Indiana the amounts deposited under IC 6-2.5-10-1(b)(4) during the previous month. The amount each county is entitled to receive each month (to be suballocated to the county and to each city and town in the county) is equal to:**

(1) the result of:

(A) the total county road mileage and city and town street mileage within the county; divided by

(B) the total county road mileage and city and town street mileage within Indiana; multiplied by

(2) the amount deposited under IC 6-2.5-10-1(b)(4) during the previous month.

(b) The auditor of state shall further determine the suballocation among a county and the cities and towns within the county as follows:

(1) The amount each city or town within the county is entitled to receive each month is equal to:

(A) the result of:

(I) the total street mileage in the county that is within the city or town; divided by

(ii) the total county road mileage and city and street mileage within the county; multiplied by

(B) the amount distributed to the county for the month under subsection (a).

(2) The amount the county is entitled to receive is equal to:

(A) the amount distributed to the county for the month under subsection (a); minus

(B) the amounts distributed to cities and towns in the county under subdivision (1).

(C) Amounts distributed under this section may be used by counties, cities, and towns only for the same purposes for which money from the local road and street account may be used by counties, cities, and towns under section 5 of this chapter.".

Renumber all SECTIONS consecutively.

(Reference is to SB 321 as printed January 26, 2012.)

SKINNER

Motion failed. The bill was ordered engrossed.

Senate Bill 330

Senator Yoder called up Senate Bill 330 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 330–1)

Madam President: I move that Senate Bill 330 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.
(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.
(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.
(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:
(A) the variance procedures are included in the rules; and
(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.
(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.
(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.
(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).
(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).
(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.
(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.
(30) A rule adopted by the Indiana finance authority:
(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;
(B) under IC 8-15-2-17.2(a)(10):
(I) establishing enforcement procedures; and
(ii) making assessments for failure to pay required tolls;
(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or
(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.
(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.
(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.
(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).
(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.
(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.
(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:
(A) Federal Medicaid waiver program provisions.
(B) Federal programs administered by the office of the secretary.
(38) An emergency rule adopted by the Indiana board of accountancy or the executive director of the Indiana professional licensing agency under IC 25-2.1-2-16.

(b) The following do not apply to rules described in subsection (a):
(1) Sections 24 through 36 of this chapter.
(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and

(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), ~~or~~ (a)(37), **or (a)(38)** expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(I) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.".

Delete page 2.

Page 3, delete lines 1 through 7.

Page 3, line 11, delete "IC 4-22-2-38 to bring another rule into conformity with part or all" and insert "**IC 4-22-2-37.1 to incorporate by reference into a rule the latest statement, edition, or compilation**".

Page 3, line 25, delete "IC 4-22-2-38" and insert "**IC 4-22-2-37.1**".

Page 3, line 32, delete "IC 4-22-2-38" and insert "**IC 4-22-2-37.1**".

Renumber all SECTIONS consecutively.

(Reference is to SB 330 as printed January 20, 2012.)

YODER

Motion prevailed. The bill was ordered engrossed.

The President of the Senate yielded the gavel to Senator Long.

Senate Bill 337

Senator Waltz called up Senate Bill 337 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 345

Senator Hershman called up Senate Bill 345 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 345–1)

Madam President: I move that Senate Bill 345 be amended to read as follows:

Replace the effective dates in SECTIONS 16 through 17 with "[EFFECTIVE JULY 1, 2012]".

Replace the effective dates in SECTIONS 19 through 20 with "[EFFECTIVE JULY 1, 2012]".

Page 1, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 1. IC 5-26-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this article, "system" refers to the Indiana statewide wireless public safety voice and data communications system. The term does not include ~~the~~ **an** enhanced emergency telephone system under IC 36-8-16-2 **(before its repeal on July 1, 2012) or the statewide 911 system under IC 36-8-16.7.**".

Page 2, delete lines 19 through 22, begin a new line block indented and insert:

"(11) A communications system (as defined in IC 36-8-15-3 **(before its expiration on July 1, 2016)),** ~~or~~ an enhanced emergency telephone system (as defined in IC 36-8-16-2 **(before its repeal on July 1, 2012)), or the statewide 911 system (as defined in IC 36-8-16.7-22).**".

Page 7, delete lines 27 through 30, begin a new line block indented and insert:

"(11) A communications system (as defined in IC 36-8-15-3 **(before its expiration on July 1, 2016)),** ~~or~~ an enhanced emergency telephone system (as defined in IC 36-8-16-2 **(before its repeal on July 1, 2012)), or the statewide 911 system (as defined in IC 36-8-16.7-22).**".

Page 12, line 21, delete "a statewide 911".

Page 12, line 21, strike "system)." and insert "**911 service).**".

Page 16, delete lines 17 through 19, begin a new line block indented and insert:

"(2) **the statewide 911 board established by IC 36-8-16.7-24 and** the administrator of **an** ~~the~~ enhanced emergency telephone system established under IC 36-8-16 **(before its repeal on July 1, 2012),** if any;".

Page 18, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 18. IC 36-8-16.6-11, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~Subject to section 22 of this chapter,~~ The board shall impose an enhanced prepaid wireless charge on each retail transaction that occurs after June 30, 2010. The amount of the initial charge imposed under this ~~subsection~~ **section** may not exceed one-half (½) of the monthly wireless emergency enhanced 911 fee assessed under IC 36-8-16.5-25.5 **(before its repeal on July 1, 2012). The board shall increase the amount of the charge imposed under this section so that the amount of the charge imposed after June 30, 2012, under this section equals fifty cents ($0.50).**

(b) Subject to legislative approval, **after the increase described in subsection (a) and after June 30, 2012,** the board may increase the enhanced prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter ~~IC 36-8-16,~~ and ~~IC 36-8-16.5.~~ **IC 36-8-16.7.**

(c) A consumer that is the federal government or an agency of thefederal government is exempt from the enhanced prepaid wireless charge imposed under this section.".

Page 19, delete lines 1 through 8.

Page 27, line 37, delete "board" and insert "**treasurer of state**".

Page 27, line 38, delete "In".

Page 27, delete lines 39 through 42.

Page 28, delete lines 1 through 19.

Page 28, line 20, delete "(e)" and insert "**(d)**".

Page 28, line 32, delete "(f)" and insert "**(e)**".

Page 28, line 34, delete "board shall select a third party to" and insert "**state board of accounts shall**".

Page 29, line 13, delete "PSAPs" and insert "**county treasurers**".

Page 30, line 39, delete "each PSAP" and insert "**counties**".

Page 30, line 42, delete "PSAP" and insert "**county**".

Page 31, line 2, delete "the PSAP" and insert "**all PSAPs in the county**".

Page 31, line 3, after "and" insert "**to the county**".

Page 31, delete lines 6 through 8, begin a new line double block indented and insert:

"**(A) June 30, 2009;**

(B) June 30, 2010; and

(C) June 30, 2011;".

Page 31, line 16, delete "under section 37(2)" and insert "**from a county under**".

Page 31, line 17, delete "of".

Page 32, line 2, delete "under section 37(2) of" and insert "**from a county under**".

Page 32, line 10, delete "section 37(2) of".

Page 32, line 17, delete "section 37(2) of".

Page 32, line 19, delete "section 37(2) of".

Page 32, line 32, delete "in which the PSAP is".

Page 32, line 33, delete "located".

Page 33, line 17, delete "section".

Page 33, line 18, delete "37(2) of".

Page 35, line 27, delete "knowing" and insert "**knowingly**".

Page 37, line 37, delete "IC 36-8-16.7-37 for any PSAP in the" and insert "**section 37 of this chapter**".

Page 37, line 38, delete "county".

Page 38, line 15, after "remain" insert "**on June 30, 2012,**".

Page 38, line 17, delete "on July 1, 2012, shall be transferred" and insert "**shall be transferred on July 1, 2012,**".

Page 38, line 21, after "remain" insert "**on June 30, 2012,**".

Page 38, line 23, delete "on July 1, 2012, shall be transferred to the statewide 911" and insert "**shall be transferred on July 1, 2012, by the county treasurer to the county's 911 fund required to be set aside by the county treasurer under IC 36-8-16.7-38(e), as added by this act.**".

Page 38, delete lines 24 through 31.

Page 38, line 34, after "remain" insert "**on June 30, 2012,**".

Page 38, line 36, delete "on July 1, 2012, shall be transferred to the statewide 911" and insert "**shall be transferred on July 1, 2012, by the county treasurer to the county's 911 fund required to be set aside by the county treasurer under IC 36-8-16.7-38(e), as added by this act.**".

Page 38, delete lines 37 through 42.

Page 39, delete lines 1 through 14.

Page 39, line 15, delete "(c)" and insert "**(b)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 345 as printed January 27, 2012.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 351

Senator R. Young called up Senate Bill 351 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 351–1)

Madam President: I move that Senate Bill 351 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 14-22-13-2, AS AMENDED BY P.L.165-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This section applies to the Ohio River waters of Indiana.

(b) The department may issue to an individual who is a resident **or nonresident** of Indiana a license to use in, and to possess for use in, the water seines, nets, or other commercial fishing gear under rules adopted under IC 4-22-2 upon payment of the following fee:

(1) For an Ohio River commercial fishing license and ten (10) Ohio River commercial gear tags, one hundred twenty-five dollars ($125).

(2) For each block of ten (10) Ohio River commercial fishing gear tags, fifteen dollars ($15).".

Page 1, line 12, reset in roman "may".

Page 1, line 12, delete "shall".

Page 1, line 15, strike "until sold to a".

Page 1, line 16, strike "licensed roe dealer." and insert "**while on the body of water or adjacent to the water being fished, and until processing begins in accordance with 21 CFR 123.**".

Page 2, line 3, after "purchase" insert ",".

Page 2, line 3, strike "and".

Page 2, line 3, after "process" insert ", **and sell**".

Page 2, line 8, strike "Roe" and insert "**Resident and nonresident roe**".

Page 2, line 8, strike "license," and insert "**license for harvesting on the Ohio River,**".

Page 2, between lines 8 and 9, begin a new line block indented and insert:

"**(2) Resident roe harvester's license for harvesting on inland water of Indiana, one thousand dollars ($1,000).**".

Page 2, line 9, strike "(2)" and insert "**(3)**".

Page 2, after line 14, begin a new paragraph and insert:

"**(h) The department shall give priority in issuing licenses under this section to applicants who are residents of Indiana.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 351 as printed January 25, 2012.)

R. YOUNG

Motion prevailed. The bill was ordered engrossed.

Senate Bill 353

Senator Walker called up Senate Bill 353 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 353–2)

Madam President: I move that Senate Bill 353 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]:

Chapter 3.5. Collection of Use Tax on Gasoline

Sec. 1. As used in this chapter, "distributor" means a person who is the first purchaser of gasoline from a refiner, a terminal operator, or supplier, regardless of the location of the purchase.

Sec. 2. As used in this chapter, "E85" has the meaning set forth in IC 6-6-1.1-103.

Sec. 3. As used in this chapter, "federal gasoline tax" means the excise tax imposed under Section 4081 of the Internal Revenue Code.

Sec. 4. As used in this chapter, "gasoline" has the meaning set forth in IC 6-6-1.1-103(g).

Sec. 5. As used in this chapter, "Indiana gasoline tax" means the tax imposed under IC 6-6-1.1.

Sec. 6. As used in this chapter, "metered pump" means a stationary pump that is capable of metering the amount of gasoline or special fuel dispensed from it and that is capable of simultaneously calculating and displaying the price of the gasoline or special fuel dispensed.

Sec. 7. As used in this chapter, "purchase or shipment" means a sale or delivery of gasoline, but does not include:

(1) an exchange transaction between refiners, terminal operators, or a refiner and terminal operator; or

(2) a delivery by pipeline, ship, or barge to a refiner or terminal operator.

Sec. 8. As used in this chapter, "price per unit before the addition of state and federal taxes" means an amount that equals the remainder of:

(1) the total price per unit; minus

(2) the gasoline use tax, Indiana gasoline, and federal gasoline taxes that are part of the total price per unit.

Sec. 9. As used in this chapter, "qualified distributor" means a distributor who:

(1) is a licensed distributor under IC 6-6-1.1; and

(2) holds an unrevoked permit issued under section 17 of this chapter.

Sec. 10. As used in this chapter, "refiner" means a person who manufactures or produces gasoline by any process involving substantially more than the blending of gasoline.

Sec. 11. As used in this chapter, "terminal operator" means a person that:

(1) stores gasoline in tanks and equipment used in receiving and storing gasoline from interstate or intrastate pipelines pending wholesale bulk reshipment; or

(2) stores gasoline at a boat terminal transfer that is a dock or tank, or equipment contiguous to a dock or tank, including equipment used in the unloading of gasoline from a ship or barge and used in transferring the gasoline to a tank pending wholesale bulk reshipment.

Sec. 12. As used in this chapter, "total price per unit" means the price per unit at which gasoline is actually sold, including the gasoline use, Indiana gasoline, and federal gasoline taxes that are part of the sales price.

Sec. 13. As used in this chapter, "unit" means the unit of measure, such as a gallon or a liter, by which gasoline is sold.

Sec. 14. As used in this chapter, "use tax rate" means a rate per gallon of gasoline determined by the department under section 15 of this chapter and used to calculate the use tax due on the retail sale of gasoline under section 16 of this chapter, notwithstanding the collection procedures set forth in this chapter.

Sec. 15. (a) Before the twentieth day of each month, the department shall determine and provide to:

(1) each refiner and terminal operator and each qualified distributor known to the department to be required to collect payments of the gasoline use tax under this chapter; and

(2) any other person that makes a request;

a notice of the gasoline use tax rate to be used during the following month. The notice shall be published on the

department's Internet web site, published in the Indiana Register, and provided to registered distributers, refiners, and terminal operators by an electronic mail message that includes a direct link to the notice on the department's Internet web site.

(b) In determining the gasoline use tax rate under this section, the department shall use:

(1) the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes, the Indiana gasoline use tax, and the Indiana gross retail tax; multiplied by

(2) seven percent (7%).

To determine the statewide average retail price, the department shall use a data service that updates the most recent retail price of gasoline no less often than monthly. The gasoline use tax rate per gallon of gasoline determined by the department under this section shall be rounded to the nearest one-tenth of one cent ($0.001).

(c) The department, after approval by the office of management and budget, may determine a new gasoline use tax rate if the department finds that the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the gasoline use tax, has changed by at least fifteen percent (15%) since the most recent determination. A notice of the new gasoline use tax rate shall be provided as required under subsection (a). A new payment rate under this subsection may not take effect until the immediately following first or sixteenth day of the month that follows by at least ten (10) days the date of the notice of the new rate.

Sec. 16. A qualified distributor, a refiner, or a terminal operator that sells gasoline for delivery to a retail merchant located in Indiana shall remit the gasoline use tax to the department for each gallon of gasoline sold. The person shall remit that amount regardless of the amount of gasoline use tax that the person has actually collected under this chapter. However, the person is entitled to deduct and retain the amounts prescribed in section 28 of this chapter, IC 6-2.5-6-10, and IC 6-2.5-6-11.

Sec. 17. (a) A distributor desiring to receive gasoline within Indiana must hold an uncancelled permit issued by the department to collect payments of gasoline use tax from purchasers and recipients of gasoline.

(b) To obtain a permit, a distributor must file with the department a sworn application containing information that the department reasonably requires.

(c) The department may refuse to issue a permit to a distributor if:

(1) the application is filed by a distributor whose permit has previously been cancelled for cause;

(2) the application is not filed in good faith, as determined by the department; or

(3) the application is filed by a person as a subterfuge for the real person in interest whose permit has previously been cancelled for cause.

(d) A permit may not be issued unless the application is accompanied by an audited and current financial statement and a license fee of one hundred dollars ($100).

(e) A permit issued under this section is not assignable and is valid only for the distributor in whose name it is issued. If there is a change in name or ownership, the distributor must apply for a new permit.

(f) The department may revoke a distributor's permit for good cause.

(g) Before being denied a permit under subsection (c) or before having a permit revoked under subsection (f), a distributor is entitled to a hearing after five (5) days written notice. At the hearing, the distributor may appear in person or by counsel and present testimony.

(h) The department shall keep a record of all qualified distributors.

Sec. 18. (a) The department may require a distributor to file, concurrently with the filing of an application for a permit, a bond:

(1) in an amount of at least two thousand dollars ($2,000) and not more than a three (3) month gasoline use tax liability for the distributor, as estimated by the department;

(2) in cash or with a surety company approved by the department;

(3) upon which the distributor is the principal obligor and the state is the obligee; and

(4) conditioned upon the prompt filing of true electronic reports and payment of all gasoline use taxes collected by the distributor, together with any penalties and interest, and upon faithful compliance with this chapter.

The department shall determine the amount of the distributor's bond, if any.

(b) If after a hearing (after at least five (5) days written notice) the department determines that the amount of a distributor's bond is insufficient, the distributor shall upon written demand of the department file a new bond.

(c) The department may require a distributor to file a new bond with a satisfactory surety in the same form and amount if:

(1) liability upon the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or

(2) in the opinion of the department, any surety on the old bond becomes unsatisfactory.

(d) If a new bond obtained under subsection (b) or (c) is unsatisfactory, the department shall cancel the permit of the distributor. If the new bond is satisfactorily furnished, the department shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(e) Sixty (60) days after making a written request for release to the department, the surety of a bond furnished by a distributor is released from any liability to the state accruing on the bond. The release does not affect any liability accruing before expiration of the sixty (60) day period. The department shall promptly notify the distributor furnishing the bond that the surety has requested release. Unless the distributor obtains a new bond that meets the requirements of this section and files the new bond with the department within the sixty (60) day period, the department shall cancel

the distributor's permit.

(f) The department may require a distributor to furnish audited annual financial statements to determine if any change is required in the amount of the distributor's bond.

Sec. 19. (a) Except as provided in section 23 of this chapter, at the time of purchase or shipment of gasoline from a refiner or terminal operator to a distributor that is not a qualified distributor, the refiner or terminal operator shall collect and the distributor shall pay to the refiner or terminal operator the gasoline use tax in an amount determined under subsection (d).

(b) At the time of purchase or shipment of gasoline from a qualified distributor to a retail merchant, the qualified distributor shall collect and the retail merchant shall pay to the qualified distributor the gasoline use tax in an amount determined under subsection (d).

(c) If gasoline is delivered to a retail outlet for resale and the gasoline use tax in the amount determined under subsection (d) has not been paid on the gasoline, the refiner, terminal operator, or qualified distributor making the delivery shall pay to the department the gasoline use tax in an amount determined under subsection (d). A bulk plant is not considered to be a retail outlet.

(d) The amount of tax that must be paid under this section equals:

(1) the gasoline use tax rate per gallon of gasoline; multiplied by

(2) the number of invoiced gallons purchased or shipped.

(e) A purchaser or receiver of gasoline that makes a payment under this chapter is not subject to any liability to the state for the amount of the payment.

Sec. 20. (a) Each refiner or terminal operator and each qualified distributor that is required to remit gasoline use tax under this chapter shall remit the tax due to the department semimonthly, through the department's online tax filing system, according to the following schedule:

(1) On or before the tenth day of each month for gasoline sold after the fifteenth day and before the end of the preceding month.

(2) On or before the twenty-fifth day of each month for gasoline sold after the end of the preceding month and before the sixteenth day of the month in which the gasoline was sold.

(b) Before the end of each month, each refiner or terminal operator and each qualified distributor shall file an electronic report covering the taxes owed and the gallons of gasoline sold or shipped during the preceding month. The report must include the following:

(1) The number of gallons of gasoline sold or shipped during the preceding month, identifying each purchaser or receiver as required by the department.

(2) The amount of tax paid by each purchaser or recipient.

(3) Any other information reasonably required by the department.

(c) The gasoline use tax collected under this chapter shall be deposited in the same manner as state gross retail and use taxes are required to be deposited under IC 6-2.5-10-1.

Sec. 21. Each distributor that pays the gasoline use tax under this chapter shall file monthly an electronic report with the department. The report shall be filed not later than the last day of the month following the month that the report covers. The report must include the following:

(1) The number of gallons of gasoline purchased or received by the distributor from each refiner, terminal operator, or another distributor.

(2) The amount of gasoline use tax paid to each refiner, terminal operator, or distributor.

(3) The number of gallons of gasoline sold to each distributor, retail merchant, exempt purchaser, or other person and the amount of gasoline use tax collected from each distributor, retail merchant, or other person identifying the location of each distributor, retail merchant, exempt purchaser, or other person, as required by the department.

(4) Any other information reasonably required by the department.

Sec. 22. (a) Except as provided in subsection (b), a distributor that pays the gasoline use tax under this chapter shall separately state the amount of tax paid on the invoice the distributor issues to its purchaser or recipient. The purchaser or recipient shall pay to the distributor an amount equal to the gasoline use tax paid.

(b) A distributor that:

(1) pays the gasoline use tax under this chapter;

(2) is a retail merchant; and

(3) sells gasoline that is exempt from the gasoline use tax, as evidenced by a purchaser's exemption certificate issued by the department;

may not require the exempt purchaser to pay the gasoline use taxes paid on the gasoline sold to the exempt purchaser. A distributor that has paid gasoline use taxes and has not been reimbursed because the gasoline is sold to an exempt purchaser may file a claim for a refund, if the amount of unreimbursed gasoline use taxes exceeds five hundred dollars ($500). A claim for a refund must be on the form approved by the department and must include all supporting documentation reasonably required by the department. If a distributor files a completed refund claim form that includes all supporting documentation, the department shall authorize the auditor of state to issue a warrant for the refund.

Sec. 23. (a) If a purchase or shipment of gasoline is made to a distributor (other than a qualified distributor) outside Indiana for shipment into and subsequent sale or use by the distributor within Indiana, the distributor shall make the payment required by section 19 of this chapter directly to the department. The distributor shall pay the tax and submit the electronic report according to the schedule set forth in section 20 of this chapter.

(b) If a purchase or shipment is made within Indiana for shipment and subsequent sale outside Indiana, the purchase or shipment is exempt from the gasoline use tax payment requirements of section 19 of this chapter. In such a case, if the gasoline use tax has already been paid on the purchase or shipment, the distributor (including a qualified distributor)

may claim a credit for that gasoline use tax against the amount required to be remitted if the distributor provides evidence that the shipment and subsequent sale were outside Indiana.

Sec. 24. (a) A refiner, terminal operator, or distributor (including a qualified distributor) that fails to remit the tax or file the returns or reports required by this chapter is subject to the penalties set forth in IC 6-8.1-10.

(b) A distributor that fails to file the reports required by section 21 of this chapter is subject to the penalties set forth in IC 6-8.1-10.

Sec. 25. A retail merchant shall display on the pump the total price per unit of the gasoline. A retail merchant may not advertise the gasoline at a price that is different than the price that the retail merchant is required to display on the metered pump.

Sec. 26. If a sale of gasoline is exempt from the gasoline use tax, the person who pays the tax to the retail merchant may file a claim for refund with the department. The person must file the claim on the form, in the manner, and with the supporting documentation, prescribed by the department. If a person properly files a claim for refund, the department shall refund to the person the gasoline use tax collected with respect to the exempt transaction.

Sec. 27. (a) Each person required to remit the gasoline use tax under this chapter shall, in the manner prescribed in IC 6-2.5-6, report electronically to the department the following information:

(1) The total number of gallons of gasoline sold during the period covered by the report.

(2) The total number of gallons of E85 sold during the period covered by the report.

(3) The total amount of money received which represents state and federal taxes imposed under this article, IC 6-6-1.1, or Section 4081 of the Internal Revenue Code from the sale of gasoline described in subdivision (1) during the period covered by the report.

Sec. 28. (a) As used in this section, "qualified reporting period" refers to a reporting period beginning after December 31 and ending before April 1 of each year.

(b) Subject to subsections (c) and (d), for qualified reporting periods beginning after December 31, 2012, and ending before July 1, 2020, a person that remits the gasoline use tax to the department is entitled to deduct from the amount of gasoline use tax required to be remitted an amount equal to the product of:

(1) eighteen cents ($0.18); multiplied by

(2) the number of gallons of E85 sold to a purchaser or recipient during the period covered by the person's report.

For purposes of this section, a payment of the gasoline use tax is presumed to occur on the date on which it is invoiced.

(c) The total amount of deductions allowed under subsection (b) may not exceed the amount of money that the budget agency determines is available in the E85 deduction reimbursement fund established under IC 15-15-12-30.5 for the deductions for all persons required to remit the gasoline use tax in a particular qualified reporting period. A person is not required to apply for an allocation of deductions under subsection (b). Before August 1 of each year, the budget agency shall estimate whether the amount of deductions from the immediately preceding qualified reporting period that are subject to reimbursement under IC 15-15-12-30.5(f) and the deductions expected to be reported under subsection (b) for the qualified reporting periods beginning after December 31 and ending before April 1 of the following year will exceed the amount of money available in the E85 deduction reimbursement fund for the deductions. If the budget agency determines that the amount of money in the retail merchant E85 deduction reimbursement fund is insufficient to cover the amount of the deductions expected to be reported, the budget agency shall publish in the Indiana Register a notice that the deduction program under subsection (b) is suspended with respect to the qualified reporting periods occurring in the following calendar year and that no deductions will be granted for retail transactions occurring in the qualified reporting periods occurring in the following calendar year.

(d) The budget agency may suspend the deduction program under subsection (b) for a particular year at any time during a qualified reporting period if the budget agency determines that the amount of money in the E85 deduction reimbursement fund and the amount of money that will be transferred to the fund on July 1 will not be sufficient to provide the deductions expected to occur before the deduction program for the year ends on March 31. The budget agency shall immediately provide notice to all persons that remitted the gasoline use tax in the preceding month of the decision to suspend the deduction program for that year.

Sec. 29. (a) The gasoline use tax collected under this chapter is considered equivalent to the state gross retail tax that would be collected by a retail merchant in a retail sale and replaces the obligation of the retail merchant to collect the state gross retail tax on the sale of gasoline.

(b) The exemptions set forth in IC 6-2.5-5 apply to the gasoline use tax imposed by this chapter.".

Page 2, line 3, after "chapter." insert "**However, in the case of sales of gasoline (as defined in IC 6-6-1.1-103), a person shall collect the gasoline use tax as provided in IC 6-2.5-3.5.**".

Page 2, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 3. IC 6-2.5-6-10, AS AMENDED BY P.L.146-2008, SECTION 313, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 10. (a) In order to compensate retail merchants **and those required to remit gasoline use tax** for collecting and timely remitting the state gross retail tax, ~~and~~ the state use tax, **and the gasoline use tax,** every retail merchant, except a retail merchant referred to in subsection (c) **or a person required to remit the gasoline use tax,** is entitled to deduct and retain from the amount of those taxes otherwise required to be remitted under IC 6-2.5-7-5, **IC 6-2.5-3.5,** or under this chapter, if timely remitted, a retail merchant's collection allowance.

(b) The allowance equals a percentage of the retail merchant's state gross retail and use tax **or the person's gasoline use tax** liability accrued during a calendar year, specified as follows:

(1) Seventy-three hundredths percent (0.73%), if the retail merchant's state gross retail and use tax **or gasoline use tax** liability accrued during the state fiscal year ending on June 30 of the immediately preceding calendar year did not exceed sixty thousand dollars ($60,000).

(2) Fifty-three hundredths percent (0.53%), if the retail merchant's state gross retail and use tax **or gasoline use tax** liability accrued during the state fiscal year ending on June 30 of the immediately preceding calendar year:

(A) was greater than sixty thousand dollars ($60,000); and

(B) did not exceed six hundred thousand dollars ($600,000).

(3) Twenty-six hundredths percent (0.26%), if the retail merchant's state gross retail and use tax liability **or gasoline use tax** accrued during the state fiscal year ending on June 30 of the immediately preceding calendar year was greater than six hundred thousand dollars ($600,000).

(c) A retail merchant described in IC 6-2.5-4-5 or IC 6-2.5-4-6 is not entitled to the allowance provided by this section. **A retail merchant is not entitled to the allowance provided by this section with respect to gasoline use taxes imposed by IC 6-2.5-3.5.**

SECTION 4. IC 6-2.5-7-1, AS AMENDED BY P.L.1-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Kerosene" has the same meaning as the definition contained in IC 16-44-2-2.

~~(c) "Gasoline" has the same meaning as the definition contained in IC 6-6-1.1-103.~~

~~(d)~~ (c) "Special fuel" has the same meaning as the definition contained in IC 6-6-2.5-22.

~~(e) "E85" has the meaning set forth in IC 6-6-1.1-103.~~

~~(f)~~ **(d)** "Unit" means the unit of measure, such as a gallon or a liter, by which ~~gasoline or~~ special fuel is sold.

~~(g)~~ **(e)** "Metered pump" means a stationary pump which is capable of metering the amount of ~~gasoline or~~ special fuel dispensed from it and which is capable of simultaneously calculating and displaying the price of the ~~gasoline or~~ special fuel dispensed.

~~(h) "Indiana gasoline tax" means the tax imposed under IC 6-6-1.1.~~

~~(i)~~ **(f)** "Indiana special fuel tax" means the tax imposed under IC 6-6-2.5.

~~(j) "Federal gasoline tax" means the excise tax imposed under Section 4081 of the Internal Revenue Code.~~

~~(k)~~ **(g)** "Federal special fuel tax" means the excise tax imposed under Section 4041 of the Internal Revenue Code.

~~(l)~~ **(h)** "Price per unit before the addition of state and federal taxes" means an amount which equals the remainder of:

(1) the total price per unit; minus

(2) the state gross retail, Indiana ~~gasoline or~~ special fuel, and federal ~~gasoline or~~ special fuel taxes which are part of the total price per unit.

~~(m)~~ **(i)** "Total price per unit" means the price per unit at which ~~gasoline or~~ special fuel is actually sold, including the state gross retail, Indiana ~~gasoline or~~ special fuel, and federal ~~gasoline or~~ special fuel taxes which are part of the sales price.

~~(n) "Distributor" means a person who is the first purchaser of gasoline from a refiner, a terminal operator, or supplier, regardless of the location of the purchase.~~

~~(o) "Prepayment rate" means a rate per gallon of gasoline determined by the department under section 14 of this chapter for use in calculating prepayment amounts of gross retail tax under section 9 of this chapter.~~

~~(p) "Purchase or shipment" means a sale or delivery of gasoline, but does not include:~~

~~(1) an exchange transaction between refiners, terminal operators, or a refiner and terminal operator; or~~

~~(2) a delivery by pipeline, ship, or barge to a refiner or terminal operator.~~

~~(q) "Qualified distributor" means a distributor who:~~

~~(1) is a licensed distributor under IC 6-6-1.1; and~~

~~(2) holds an unrevoked permit issued under section 7 of this chapter.~~

~~(r) "Refiner" means a person who manufactures or produces gasoline by any process involving substantially more than the blending of gasoline.~~

~~(s) "Terminal operator" means a person that:~~

~~(1) stores gasoline in tanks and equipment used in receiving and storing gasoline from interstate or intrastate pipelines pending wholesale bulk reshipment; or~~

~~(2) stores gasoline at a boat terminal transfer that is a dock or tank, or equipment contiguous to a dock or tank, including equipment used in the unloading of gasoline from a ship or barge and used in transferring the gasoline to a tank pending wholesale bulk reshipment.~~

SECTION 5. IC 6-2.5-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. Except as provided in section 2.5 of this chapter, a retail merchant who uses a metered pump to dispense ~~gasoline or~~ special fuel shall display on the pump the total price per unit of the ~~gasoline or~~ special fuel. Subject to the provisions of section 2.5 of this chapter, a retail merchant may not advertise the ~~gasoline or~~ special fuel at a price that is different than the price that ~~he~~ **the retail merchant** is required to display on the metered pump.

SECTION 6. IC 6-2.5-7-3, AS AMENDED BY P.L.146-2008, SECTION 314, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. ~~(a) With respect to the sale of gasoline which is dispensed from a metered pump, a retail merchant shall collect, for each unit of gasoline sold, state gross retail tax in an amount equal to the product, rounded to the nearest one-tenth of one cent ($0.001), of:~~

~~(1) the price per unit before the addition of state and federal taxes; multiplied by~~

~~(2) seven percent (7%).~~

~~The retail merchant shall collect the state gross retail tax prescribed in this section even if the transaction is exempt from taxation under IC 6-2.5-5.~~

~~(b)~~ With respect to the sale of special fuel or kerosene which is dispensed from a metered pump, unless the purchaser provides an exemption certificate in accordance with IC 6-2.5-8-8, a retail merchant shall collect, for each unit of special fuel or kerosene

sold, state gross retail tax in an amount equal to the product, rounded to the nearest one-tenth of one cent ($0.001), of:

(1) the price per unit before the addition of state and federal taxes; multiplied by

(2) seven percent (7%).

Unless the exemption certificate is provided, the retail merchant shall collect the state gross retail tax prescribed in this section even if the transaction is exempt from taxation under IC 6-2.5-5.

SECTION 7. IC 6-2.5-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) If a sale of ~~gasoline or~~ special fuel is exempt from the state gross retail tax, the person who pays the tax to the retail merchant may file a claim for refund with the department. The person must file the claim on the form, in the manner, and with the supporting documentation, prescribed by the department. If a person properly files a claim for refund, the department shall refund to ~~him~~ **the person** the state gross retail tax collected with respect to the exempt transaction.

(b) Notwithstanding the other provisions of this section, the department may prescribe simplified procedures to make adjustments for exempt transactions.

SECTION 8. IC 6-2.5-7-5, AS AMENDED BY P.L.148-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) Each retail merchant who dispenses ~~gasoline or~~ special fuel from a metered pump shall, in the manner prescribed in IC 6-2.5-6, report to the department the following information:

~~(1) The total number of gallons of gasoline sold from a metered pump during the period covered by the report.~~

~~(2) The total amount of money received from the sale of gasoline described in subdivision (1) during the period covered by the report.~~

~~(3) That portion of the amount described in subdivision (2) which represents state and federal taxes imposed under this article, IC 6-6-1.1, or Section 4081 of the Internal Revenue Code.~~

~~(4)~~ **(1)** The total number of gallons of special fuel sold from a metered pump during the period covered by the report.

~~(5)~~ **(2)** The total amount of money received from the sale of special fuel during the period covered by the report.

~~(6)~~ **(3)** That portion of the amount described in subdivision ~~(5)~~ **(2)** that represents state and federal taxes imposed under this article, IC 6-6-2.5, or Section 4041 of the Internal Revenue Code.

~~(7) The total number of gallons of E85 sold from a metered pump during the period covered by the report.~~

(b) Concurrently with filing the report, the retail merchant shall remit the state gross retail tax in an amount which equals six and fifty-four hundredths percent (6.54%) of the gross receipts, including state gross retail taxes, but excluding Indiana and federal ~~gasoline and~~ special fuel taxes, received by the retail merchant from the sale of the ~~gasoline and~~ special fuel that is covered by the report and on which the retail merchant was required to collect state gross retail tax. The retail merchant shall remit that amount regardless of the amount of state gross retail tax which the merchant has actually collected under this chapter. However, the retail merchant is entitled to deduct and retain the amounts prescribed in ~~subsection (c),~~ IC 6-2.5-6-10 and IC 6-2.5-6-11.

~~(c) A retail merchant is entitled to deduct from the amount of state gross retail tax required to be remitted under subsection (b) the amount determined under STEP THREE of the following formula:~~

~~STEP ONE: Determine:~~

~~(A) the sum of the prepayment amounts made during the period covered by the retail merchant's report; minus~~

~~(B) the sum of prepayment amounts collected by the retail merchant, in the merchant's capacity as a qualified distributor, during the period covered by the retail merchant's report.~~

~~STEP TWO: Subject to subsections (d) and (f), for qualified reporting periods beginning after June 30, 2009, and ending before July 1, 2020, determine the product of:~~

~~(A) eighteen cents ($0.18); multiplied by~~

~~(B) the number of gallons of E85 sold at retail by the retail merchant during the period covered by the retail merchant's report.~~

~~STEP THREE: Add the amounts determined under STEPS ONE and TWO.~~

~~For purposes of this section, a prepayment of the gross retail tax is presumed to occur on the date on which it is invoiced.~~

~~(d) The total amount of deductions allowed under subsection (c) STEP TWO may not exceed the amount of money that the budget agency determines is available in the retail merchant E85 deduction reimbursement fund established under IC 15-15-12-30.5 for the deductions for all retail merchants in a particular qualified reporting period. A retail merchant is not required to apply for an allocation of deductions under subsection (c) STEP TWO. Before August 1 of each year, the budget agency shall estimate whether the amount of deductions from the immediately preceding qualified reporting period that are subject to reimbursement under IC 15-15-12-30.5(f) and the deductions expected to be reported under subsection (c) STEP TWO for the qualified reporting periods beginning after December 31 and ending before April 1 of the following year will exceed the amount of money available in the retail merchant E85 deduction reimbursement fund for the deductions. If the budget agency determines that the amount of money in the retail merchant E85 deduction reimbursement fund is insufficient to cover the amount of the deductions expected to be reported, the budget agency shall publish in the Indiana Register a notice that the deduction program under subsection (c) STEP TWO is suspended with respect to the qualified reporting periods occurring in the following calendar year and that no deductions will be granted for retail transactions occurring in the qualified reporting periods occurring in the following calendar year.~~

~~(e) As used in this section, "qualified reporting period" refers to a reporting period beginning after December 31 and ending before April 1 of each year.~~

~~(f) The budget agency may suspend the deduction program under subsection (c) STEP TWO for a particular year at any time during a qualified reporting period if the budget agency determines that the amount of money in the retail merchant E85~~

~~deduction reimbursement fund and the amount of money that will be transferred to the fund on July 1 will not be sufficient to reimburse the deductions expected to occur before the deduction program for the year ends on March 31. The budget agency shall immediately provide notice to the participating retail merchants of the decision to suspend the deduction program for that year.~~

SECTION 9. IC 6-2.5-7-6 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 6. (a) If the deduction under section 5(c) of this chapter exceeds the amount of gross retail tax required to be remitted under section 5(b) of this chapter, the retail merchant is entitled to a credit. The credit shall be used as follows:~~

~~(1) First, the credit shall be applied against gross retail and use tax liability of the retail merchant that is required to be remitted under IC 6-2.5-6.~~

~~(2) Second, any amount remaining shall be applied against the gasoline tax liability of the retail merchant, as determined under IC 6-6-1.1, excluding any liability for gasoline delivered to a taxable marine facility.~~

~~A retail merchant may file a claim for a refund instead of taking a credit or for a refund of any excess tax payment remaining after the credits allowed by this section. In addition, a retail merchant may file a claim for a refund under section 12 of this chapter.~~

~~(b) A retail merchant that is entitled to a refund under this section must file a claim for the refund on the form approved by the department and must include any supporting documentation reasonably required by the department. If a retail merchant files a completed refund claim form that includes all supporting documentation, the excess tax payment that is not refunded within ninety (90) days accrues interest as provided in IC 6-8.1-9-2.~~

~~(c) Before the fifth day of each month, the department shall determine and notify the treasurer of state of the amount of credits applied during the preceding month against the gasoline tax under this section. The treasurer of state shall transfer from the general fund:~~

~~(1) to the highway, road, and street fund, twenty-five percent (25%) of the amount set forth in the department's notice; and~~

~~(2) to the motor fuel tax fund of the motor vehicle highway account, seventy-five percent (75%) of the amount set forth in the department's notice.~~

SECTION 10. IC 6-2.5-7-7 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 7. (a) A distributor desiring to receive gasoline within Indiana without prepaying gross retail tax must hold an uncancelled permit issued by the department to collect prepayments of gross retail tax from retail merchants.~~

~~(b) To obtain a permit, a distributor must file with the department a sworn application containing information that the department reasonably requires.~~

~~(c) The department may refuse to issue a permit to a distributor if:~~

~~(1) the application is filed by a distributor whose permit has previously been cancelled for cause;~~

~~(2) the application is not filed in good faith, as determined by the department; or~~

~~(3) the application is filed by some person as a subterfuge for the real person in interest whose permit has previously been cancelled for cause.~~

~~(d) A permit may not be issued unless the application is accompanied by an audited and current financial statement and a license fee of one hundred dollars ($100).~~

~~(e) A permit issued under this section is not assignable and is valid only for the distributor in whose name it is issued. If there is a change in name or ownership, the distributor must apply for a new permit.~~

~~(f) The department may revoke a distributor's permit for good cause.~~

~~(g) Before being denied a permit under subsection (e) or before having a permit revoked under subsection (f), a distributor is entitled to a hearing after five (5) days written notice. At the hearing the distributor may appear in person or by counsel and present testimony.~~

~~(h) The department shall keep a record of all qualified distributors.~~

SECTION 11. IC 6-2.5-7-8 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 8. (a) The department may require a distributor to file, concurrently with the filing of an application for a permit, a bond:~~

~~(1) in an amount of not less than two thousand dollars ($2,000) nor more than a three (3) month prepayment tax liability for the distributor, as estimated by the department;~~

~~(2) in cash or with a surety company approved by the department;~~

~~(3) upon which the distributor is the principal obligor and the state is the obligee; and~~

~~(4) conditioned upon the prompt filing of true reports and payment of all prepayment of gross retail taxes collected by the distributor, together with any penalties and interest, and upon faithful compliance with this chapter.~~

~~The department shall determine the amount of the distributor's bond, if any.~~

~~(b) If after a hearing (after at least five (5) days written notice) the department determines that the amount of a distributor's bond is insufficient, the distributor shall upon written demand of the department file a new bond.~~

~~(c) The department may require a distributor to file a new bond with a satisfactory surety in the same form and amount if:~~

~~(1) liability upon the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or~~

~~(2) in the opinion of the department any surety on the old bond becomes unsatisfactory.~~

~~(d) If a new bond obtained under subsection (b) or (c) is unsatisfactory, the department shall cancel the permit of the distributor. If the new bond is satisfactorily furnished, the department shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.~~

~~(e) Sixty (60) days after making a written request for release to the department, the surety of a bond furnished by a distributor is released from any liability to the state accruing on the bond. The release does not affect any liability accruing before expiration of the sixty (60) day period. The department shall promptly notify the distributor furnishing the bond that the surety~~

~~has requested release. Unless the distributor obtains a new bond that meets the requirements of this section and files the new bond with the department within the sixty (60) day period, the department shall cancel the distributor's permit.~~

~~(f) The department may require a distributor to furnish audited annual financial statements to determine if any change is required in the amount of the distributor's bond.~~

SECTION 12. IC 6-2.5-7-9 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 9. (a) Except as provided in section 13 of this chapter, at the time of purchase or shipment of gasoline from a refiner or terminal operator, a distributor who is not a qualified distributor shall prepay to the refiner or terminal operator the state gross retail tax in an amount determined under subsection (d).~~

~~(b) At the time of purchase or shipment of gasoline from a qualified distributor, a retail merchant shall prepay to the qualified distributor the state gross retail tax in an amount determined under subsection (d).~~

~~(c) If gasoline is delivered to a retail outlet for resale and the gross retail tax in the amount determined under subsection (d) has not been prepaid on the gasoline, the refiner, terminal operator, or qualified distributor making the delivery shall prepay to the department the gross retail tax in an amount determined under subsection (d). A bulk plant is not considered to be a retail outlet.~~

~~(d) The amount of tax that must be prepaid under this section equals:~~

~~(1) the prepayment rate per gallon of gasoline; multiplied by~~

~~(2) the number of invoiced gallons purchased or shipped.~~

~~(e) A purchaser or receiver of gasoline that makes a prepayment under this chapter is not subject to any liability to the state for the amount of the prepayment.~~

SECTION 13. IC 6-2.5-7-10 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 10. (a) Each refiner or terminal operator and each qualified distributor that has received a prepayment of the state gross retail tax under this chapter shall remit the tax received to the department semimonthly, through the department's online tax filing system, according to the following schedule:~~

~~(1) On or before the tenth day of each month for prepayments received after the fifteenth day and before the end of the preceding month.~~

~~(2) On or before the twenty-fifth day of each month for prepayments received after the end of the preceding month and before the sixteenth day of the month in which the prepayments are made.~~

~~(b) Before the end of each month, each refiner or terminal operator and each qualified distributor shall file a report covering the prepaid taxes received and the gallons of gasoline sold or shipped during the preceding month. The report must include the following:~~

~~(1) The number of gallons of gasoline sold or shipped during the preceding month, identifying each purchaser or receiver as required by the department.~~

~~(2) The amount of tax prepaid by each purchaser or receiver.~~

~~(3) Any other information reasonably required by the department.~~

SECTION 14. IC 6-2.5-7-11 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 11. Each distributor that prepays the state gross retail tax under this chapter shall file a monthly report with the department. The report shall be filed no later than the last day of the month following the month that the report covers. The report must include the following:~~

~~(1) The number of gallons of gasoline purchased or received by the distributor from each refiner, terminal operator, or another distributor.~~

~~(2) The amount of state gross retail tax prepaid to each refiner, terminal operator, or distributor.~~

~~(3) The number of gallons of gasoline sold to each distributor, retail merchant, exempt purchaser, or other person and the amount of state gross retail tax collected from each distributor, retail merchant, or other person identifying the location of each distributor, retail merchant, exempt purchaser, or other person, as required by the department.~~

~~(4) Any other information reasonably required by the department.~~

SECTION 15. IC 6-2.5-7-12 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 12. (a) Except as provided in subsection (b), a distributor that prepays the state gross retail tax under this chapter shall separately state the amount of tax prepaid on the invoice the distributor issues to its purchaser or recipient. The purchaser or recipient shall pay to the distributor an amount equal to the prepaid tax.~~

~~(b) A distributor that:~~

~~(1) prepays the state gross retail tax under this chapter;~~

~~(2) is a retail merchant; and~~

~~(3) sells gasoline that is exempt from the gross retail tax, as evidenced by a purchaser's exemption certificate issued by the department;~~

~~may not require the exempt purchaser to pay the gross retail taxes prepaid in the gasoline sold to the exempt purchaser. A distributor that has prepaid gross retail taxes and has not been reimbursed because the gasoline is sold to an exempt purchaser may file a claim for a refund (in addition to any claim for a refund under section 6 of this chapter), if the amount of unreimbursed prepaid gross retail taxes exceeds five hundred dollars ($500). A claim for a refund must be on the form approved by the department and include all supporting documentation reasonably required by the department. If a distributor files a completed refund claim form that includes all supporting documentation, the department shall authorize the auditor of state to issue a warrant for the refund.~~

SECTION 16. IC 6-2.5-7-13 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 13. (a) If a purchase or shipment of gasoline is made to a distributor (other than a qualified distributor) outside Indiana for shipment into and subsequent sale or use by the distributor within Indiana, the distributor shall make the prepayment required by section 9 of this chapter directly to the department. The distributor shall pay the tax and submit the report according to the schedule set forth in section 10 of this chapter.~~

~~(b) If a purchase or shipment is made within Indiana for shipment and subsequent sale outside Indiana, the purchase or shipment is exempt from the prepayment requirements of section 9 of this chapter.~~

SECTION 17. IC 6-2.5-7-14 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 14. (a) Before June 10 and December 10 of each year, the department shall determine and provide to:~~

~~(1) each refiner and terminal operator and each qualified distributor known to the department to be required to collect prepayments of the state gross retail tax under this chapter; and~~

~~(2) any other person that makes a request;~~

~~a notice of the prepayment rate to be used during the following six (6) month period. The department, after approval by the office of management and budget, may determine a new prepayment rate if the department finds that the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax, has changed by at least twenty-five percent (25%) since the most recent determination.~~

~~(b) In determining the prepayment rate under this section, the department shall use the most recent retail price of gasoline available to the department.~~

~~(c) The prepayment rate per gallon of gasoline determined by the department under this section is the amount per gallon of gasoline determined under STEP FOUR of the following formula:~~

~~STEP ONE: Determine the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax.~~

~~STEP TWO: Determine the product of the following:~~

~~(A) The STEP ONE amount.~~

~~(B) The Indiana gross retail tax rate.~~

~~(c) Eighty percent (80%).~~

~~STEP THREE: Determine the lesser of:~~

~~(A) the STEP TWO result; or~~

~~(B) the product of:~~

~~(i) the prepayment rate in effect on the day immediately preceding the day on which the prepayment rate is redetermined under this section; multiplied by~~

~~(ii) one hundred twenty-five percent (125%).~~

~~STEP FOUR: Round the STEP THREE result to the nearest one-tenth of one cent ($0.001).~~

SECTION 18. IC 6-2.5-7-15 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 15. (a) A refiner, terminal operator, or distributor (including a qualified distributor) that fails to remit the tax or file the returns or reports required by this chapter is subject to the penalties set forth in IC 6-8.1-10.~~

~~(b) A distributor that fails to file the reports required by section 11 of this chapter is subject to the penalties set forth in IC 6-8.1-10.~~

SECTION 19. IC 15-15-12-30.5, AS ADDED BY P.L.148-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 30.5. (a) The ~~retail merchant~~ E85 deduction reimbursement fund is established. The fund consists of:

(1) assessments transferred by the council for deposit in the fund under section 32.5 of this chapter;

(2) gifts; and

(3) grants.

(b) Except as provided in subsection (g), money in the fund may only be used for the purposes described in subsection (d).

(c) On May 1, the budget agency shall determine the sum of all ~~retail merchant~~ deductions allowed under ~~IC 6-2.5-7-5(d)~~ **IC 6-2.5-3.5-28** in the immediately preceding qualified reporting period (as defined in ~~IC 6-2.5-7-5(e)).~~ **IC 6-2.5-3.5-28).**

(d) The budget agency shall transfer the amount determined under subsection (c) from the fund for deposit. The amount transferred under this subsection shall be deposited in the same manner as state gross retail and use taxes are required to be deposited under IC 6-2.5-10-1.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) If the amount of money in the fund on May 1 is insufficient to reimburse the state for all ~~retail merchant~~ deductions allowed under ~~IC 6-2.5-7-5(d)~~ **IC 6-2.5-3.5-28** in the immediately preceding qualified reporting period (as defined in ~~IC 6-2.5-7-5(e)),~~ **(IC 6-2.5-3.5-28),** the budget agency shall deduct from any amounts transferred for deposit into the fund in the remainder of that calendar year an amount sufficient to cure the insufficiency. The budget agency shall transfer any amounts deducted under this subsection for deposit in the same manner as state gross retail and use taxes are required to be deposited under IC 6-2.5-10-1.

(g) If the ~~retail merchant~~ E85 deduction program is terminated, any balance in the fund must be transferred to the council.

SECTION 20. IC 15-15-12-32.5, AS ADDED BY P.L.148-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 32.5. ~~(a) On July 1, 2010, the council shall transfer five hundred thousand dollars ($500,000) to the budget agency for deposit in the retail merchant E85 deduction reimbursement fund established by section 30.5 of this chapter.~~

~~(b)~~ On July 1, 2011, and each year thereafter, the council shall transfer to the budget agency for deposit in the ~~retail merchant~~ E85 deduction reimbursement fund established by section 30.5 of this chapter an amount equal to the difference between:

(1) five hundred thousand dollars ($500,000); minus

(2) the balance remaining in the fund on June 30.

~~However, the amount transferred under this subsection may not exceed five hundred thousand dollars ($500,000).~~

SECTION 21. [EFFECTIVE JULY 1, 2012] **(a) Before December 20, 2012, and for purposes of IC 6-2.5-3.5, as added by this act, the department of state revenue shall publish the gasoline use tax rate prescribed by IC 6-2.5-3.5, as added by this act, that will apply to sales of gasoline in January 2013.**

(b) Each retail merchant covered by IC 6-2.5-7, shall, before January 1, 2013, for sales made before January 1, 2013, take an inventory of the gasoline in storage on the commencement of business on January 1, 2013, and reconcile

the amount of gross retail taxes owed on sales of gasoline through December 31, 2012, in the manner and on the forms prescribed by the department of state revenue. The reconciliation shall be filed with the department of state revenue before March 1, 2013, and shall be accompanied by a payment for any gross retail taxes owed on gasoline sold through December 31, 2012, or by a claim for a credit, if the retail merchant's reconciliation indicates the retail merchant has overpaid gross retail taxes on gasoline sold through December 31, 2012.

(c) This SECTION expires January 1, 2014.".

Delete pages 3 through 8.

Renumber all SECTIONS consecutively.

(Reference is to SB 353 as printed January 27, 2012.)

WALKER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 371

Senator Mishler called up Senate Bill 371 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 384

Senator Kruse called up Senate Bill 384 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 392

Senator Banks called up Senate Bill 392 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 398

Senator Mishler called up Senate Bill 398 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 398–1)

Madam President: I move that Senate Bill 398 be amended to read as follows:

Page 14, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 20. IC 15-17-2-58, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 58. "Milk producer" means a person that does the following:

(1) Operates a dairy farm.

(2) Provides, sells, or offers raw milk for sale to a milk plant, receiving station, **consumer,** or transfer station.

SECTION 21. IC 15-18-1-21, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) **Except as provided in section 21.5 of this chapter,** a person may not offer, display for sale, sell, deliver, or have possession of with intent to sell or deliver milk or milk products for human consumption unless every particle of the final mixture of the milk or milk products used in processing or manufacture has been thoroughly pasteurized by equipment approved by the board.

(b) The provisions of this chapter governing pasteurization do not apply to a person selling or offering for sale cheddar cheese that has been made from unpasteurized milk if:

(1) the cheese was made from unpasteurized milk and has been cured or ripened for at least sixty (60) days at a controlled temperature of at least thirty-five (35) degrees Fahrenheit; or

(2) the cheese is manufactured solely to be made into processed cheese that is pasteurized during the blending or manufacturing process.

Varieties of cheese other than that of the cheddar type made from unpasteurized milk must be ripened for the time and under the conditions prescribed by rule of the board. Cheese made from unpasteurized milk and offered or displayed for sale to the consumer must be labeled by the manufacturer or distributor with the manufacturer's or distributor's name and address or an equivalent identifying number or symbol and with the date of manufacture or a statement to the effect that the cheese has been cured or ripened for at least sixty (60) days.

(c) A pasteurizer of any milk or milk products must be equipped with accurate indicating thermometers and accurate recording thermometers and, for vat pasteurization equipment, an accurate airspace thermometer of a type approved by the board. Each recording thermometer chart must be dated and numbered and must show the amount in gallons, the kind of product pasteurized, the accurate readings of the indicating thermometers and airspace thermometers, the time the reading was made, and the operator's initials. Each chart may not be used for more than one (1) day of operations. The records of the pasteurization of each batch pasteurized must be retained for at least ninety (90) days.

SECTION 22. IC 15-18-1-21.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 21.5. (a) Notwithstanding any other law, a milk producer who holds a permit under this chapter may register with the department for the purposes described in subsection (d).**

(b) Notwithstanding any other law, a milk producer who does not have a permit under this chapter may register with the department for the purposes described in subsection (d) if the milk producer milks fewer than twenty (20) cows.

(c) The department may not specify additional requirements for registration under this section.

(d) Upon request of a milk producer described in subsection (a) or (b), the department shall register the producer as a person who may sell raw milk as described in this subsection. A milk producer (as defined under IC 15-17-2-58) may sell raw milk and raw milk products to a consumer for human consumption on the milk producer's dairy farm if all the following apply:

(1) The milk producer is registered under this subsection.

(2) For each sale, either the milk producer or the consumer provides a sanitary container for the milk that has been prepared in a sanitary manner and the container is filled in a sanitary manner.

(3) At the place where the milk is sold, the milk producer displays a sign that is easy for a consumer to read and that states, "Raw Milk products are sold here. Raw Milk products are not pasteurized.".

(4) The raw milk or raw milk product is prominently labeled, in at least a one-half (½) inch font, "This product contains Raw Milk. Consume at your own risk.".

Renumber all SECTIONS consecutively.

(Reference is to SB 398 as printed January 25, 2012.)

WATERMAN

Upon request of Senator Waterman the President ordered the roll of the Senate to be called. Roll Call 95: yeas 30, nays 20.

Motion prevailed. The bill was ordered engrossed.

Senate Bill 407

Senator Grooms called up Senate Bill 407 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 413

Senator Yoder called up Senate Bill 413 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 413–1)

Madam President: I move that Senate Bill 413 be amended to read as follows:

Page 15, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 23. IC 20-26-7-1, AS AMENDED BY P.L.91-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a) As used in this section:**

(1) "charter school" includes an entity seeking final approval from a sponsor to operate a charter school; and

(2) "school calendar year" refers to the period during which student instructional days are conducted under IC 20-30-2-2.

~~(a)~~ **(b)** If a governing body of a school corporation determines that any real or personal property:

(1) is no longer needed for school purposes; or

(2) should, in the interests of the school corporation, be exchanged for other property;

the governing body may sell or exchange the property in accordance with IC 36-1-11 **and subsections (d) through (m).**

~~(b)~~ **(c)** Money derived from the sale or exchange of property under this section shall be placed in any school fund:

(1) established under applicable law; and

(2) that the governing body considers appropriate.

~~(c)~~ **(d)** A governing body may not make a covenant that prohibits the sale of real property to another educational institution.

~~(d)~~ **(e)** This subsection does not apply to a school building that on July 1, 2011, is leased or loaned by the school corporation that owns the school building to another entity, **until the term of the lease or loan in effect on July 1, 2011, expires.** A governing body shall make available for lease or purchase to any charter school ~~(as defined in IC 20-24-1-4)~~ any school building owned by the school corporation that:

(1) ~~either: (A)~~ is not **regularly** used ~~in whole or in part~~ **during the school calendar year** for classroom instruction **or student extracurricular activities** at the time the charter school seeks to lease the building ~~or~~ **and** ~~(B)~~ appears on the list compiled by the department under subsection ~~(e);~~ **(f);** ~~and~~

(2) was previously used for classroom instruction; **and**

(3) is not under contract for construction or improvement on the date the charter school seeks to lease the school building, unless the governing body plans to enter into a contract for construction or improvement to allow the regular use of the school building during the school calendar year for classroom instruction or student extracurricular activities within two (2) years.

~~in order for the charter school to conduct classroom instruction.~~

~~(e)~~ **(f)** Each governing body shall inform the department whenever a school building that was previously used for classroom instruction is closed, unused, or unoccupied. The department shall maintain a list of closed, unused, or unoccupied school buildings and make the list available on the department's Internet web site. Each school corporation shall provide a list of closed, unused, or unoccupied buildings to the department by the date set by the department. The department must update the list **at least once** each year before August 31.

(g) The failure of a superintendent to place an unused school building on the department's list under subsection (f) or to transfer control of an unused school building on the list to a charter school that properly requests the school building is considered willful neglect of duty under IC 20-28-5-7.

~~(f) A school building that appears for the first time on the department's list under subsection (e) shall be designated as "Unavailable until (a date two (2) years after the school building first appears on the list)" if the governing body of the school corporation that owns the school building indicates the school building may be reclaimed during that period for classroom instruction, which must begin not later than one (1) year after the school building is reclaimed. If the school building remains unused for classroom instruction one (1) year after being reclaimed, the governing body shall place the school building on the department's list. A governing body may reclaim a school building only one (1) time under this subsection.~~

~~(g)~~ **(h)** If a charter school wishes to use a school building on the list created under subsection ~~(e),~~ **(f),** the charter school shall send a letter of intent to the department. The department shall notify the school corporation of the charter school's intent, and the school corporation that owns the school building shall lease the school building to the charter school for one dollar ($1) per year for as long as the charter school uses the school building for classroom instruction or for a term at the charter school's

discretion, or sell the school building to the charter school for one dollar ($1). The charter school must begin to use the school building for classroom instruction not later than two (2) years after acquiring the school building. If the school building is not used for classroom instruction within two (2) years after acquiring the school building, the school building shall be placed on the department's list under subsection ~~(c).~~ **(f).** If during the term of the lease the charter school closes or ceases using the school building for classroom instruction, the school building shall be placed on the department's list under subsection ~~(c).~~ **(f).**

~~(h)~~ **(I)** During the term of a lease under subsection ~~(g),~~ **(h),** the charter school is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. The school corporation is responsible for any debt incurred for or liens that attached to the school building before the charter school leased the school building.

(j) A school corporation retains any debt associated with a school building if the school corporation sells the building to a charter school under subsection (h).

~~(I)~~ **(k)** If a school building appears on the department's list under subsection ~~(c)~~ **(f)** for at least forty-eight (48) months, the school corporation may sell or otherwise dispose of the school building in any manner the governing body considers appropriate.

(l) A school corporation or governing body may not lease or sell any closed, unused, or unoccupied school building except as specifically provided in this section.

(m) If any closed, unused, or unoccupied school building is or has been leased or sold in contravention of this section, the lease or sale is or shall be invalid and the building must be placed on the department's list under subsection (f) immediately.".

Delete page 16.

Page 17, delete lines 1 through 21.

Renumber all SECTIONS consecutively.

(Reference is to SB 413 as printed January 27, 2012.)

YODER

Motion prevailed.

SENATE MOTION
(Amendment 413–2)

Madam President: I move that Senate Bill 413 be amended to read as follows:

Page 16, line 18, delete "The failure of" and insert "**If**".

Page 16, line 18, after "superintendent" insert "**or governing body fails**".

Page 16, line 21, delete "building is considered willful" and insert "**building, the department shall order the governing body to hold a public hearing to discuss the failure to place the unused school building on the department's list or to transfer control of the unused school building. The governing body shall send minutes of the hearing to the department to demonstrate the governing body's compliance with the order. One hundred eighty (180) days after the date of the department's order, if the governing body has not held the required public hearing, the department may withhold a portion of the state funding due to the school corporation until the hearing has been held.**".

Page 16, delete line 22.

(Reference is to SB 413 as printed January 27, 2012.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 413–3)

Madam President: I move that Senate Bill 413 be amended to read as follows:

Page 15, line 26, delete "and".

Page 15, between lines 26 and 27, begin a new line block indented and insert:

"**(2) may sell to an organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code for at least the building's fair market value if:**

(A) the organization petitions the governing body to purchase the building;

(B) the governing body agrees to the sale;

(C) the governing body gives notice of the sale; and

(D) one hundred eighty (180) days after the date on which the governing body gives notice under clause (c), no charter school has indicated an interest in the building; and".

Page 15, line 27, delete "(2)" and insert "**(3)**".

Page 15, line 27, after "nonprofit" insert "**organization that is not described in subdivision (2)**".

(Reference is to SB 413 as printed January 27, 2012.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 22

Senator Nugent called up Engrossed Senate Bill 22 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 96: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives McMillin, Dobis, and R. Frye.

Engrossed Senate Bill 61

Senator Tallian called up Engrossed Senate Bill 61 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 97: yeas 41, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Davis, Pelath, Moseley, and Soliday.

Engrossed Senate Bill 97

Senator M. Young called up Engrossed Senate Bill 97 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 98: yeas 30, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Steuerwald.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 173.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 152.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 384.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 337.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 230.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 312.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 307.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 56.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as coauthor of Senate Bill 113.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senate Bill 62, assigned to the Senate Committee on Commerce and Economic Development, be withdrawn from further consideration by the Senate.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 324.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 353.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mishler be removed as author of Engrossed Senate Bill 398 and that Senator Banks be substituted therefor.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Yoder be added as second author, Senator Tomes be added as third author, and Senators Waterman, R. Young, and Steele be added as coauthors of Engrossed Senate Bill 398.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as coauthor of Engrossed Senate Bill 398.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as coauthor of Engrossed Senate Bill 234.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 311, which is eligible for third reading, be returned to second reading for purposes of amendment.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 321.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as second author and Senators Randolph and Taylor be added as coauthors of Engrossed Senate Bill 308.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Engrossed Senate Bill 307.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author and Senator Randolph be added as coauthor of Engrossed Senate Bill 312.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as second author of Engrossed Senate Bill 315.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 259.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 283.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 321.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 260, which is eligible for third reading, be returned to second reading for purposes of amendment.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as second author and Senator Wyss be added as coauthor of

Senate Bill 371.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 226.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Engrossed Senate Bill 275.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 165.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be removed as coauthor of Senate Bill 83.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 173.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 407.

GROOMS

Motion prevailed.

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On January 30, 2012, I signed the following enrolled act into law: SEA 4.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 27th day of January, 2012, signed Senate Enrolled Act 4.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on January 30, 2012, signed Senate Enrolled Act 4.

DAVID C. LONG
President Pro Tempore

SENATE MOTION

Madam President: I move we adjourn until 12:00 p.m., Tuesday, January 31, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 7:37 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Sixteenth Meeting Day Tuesday Afternoon January 31, 2012

The Senate convened at 12:17 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator James A. Tomes.

The Pledge of Allegiance to the Flag was led by Senator Tomes.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 99: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 13 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1002, 1004, 1005, 1016, 1033, 1049, 1050, 1072, 1092, 1102, 1126, 1132, 1133, 1134, 1141, 1163, 1169, 1192, 1199, 1238, 1239, 1264, 1273, 1280, 1294, 1299, 1349, 1360, and 1365 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Lanane be added as second author of Engrossed Senate Bill 56.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be removed as coauthor of Senate Bill 88.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as second author of Senate Bill 88.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as second author of Engrossed Senate Bill 152.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as second author of Senate Bill 283.

KRUSE

Motion prevailed.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1001

Senator Yoder called up Engrossed House Bill 1001 for

second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1001–10)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 3, line 13, after "Sec. 8." insert "**(a)**".

Page 3, line 14, delete "or remain".

Page 3, line 15, after "(2)" insert "**begin to**".

Page 3, line 16, delete ";" and insert "**, except for maintaining existing membership by paying the appropriate representative fees as required under subsection (b);**".

Page 3, between lines 20 and 21, begin a new paragraph and insert:

"**(b) This chapter does not prohibit an employer and a labor organization from entering into and enforcing a contract that requires an employee, who either:**

(1) was a member of the labor organization on the effective date of the contract; or

(2) voluntarily became a member of the labor organization during the term of the contract;

to maintain the employee's membership in the labor organization for the duration of the contract as a condition of the employee's continued employment.".

(Reference is to EHB 1001 as printed January 30, 2012.)

SIMPSON

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 100: yeas 15, nays 35.

Motion failed.

SENATE MOTION
(Amendment 1001–7)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 4, between lines 28 and 29, begin a new paragraph and insert:

"**Sec. 14. (a) As used in this section, "agreement" refers to an oral or written agreement, and includes an agreement that results from a contractual alternative dispute resolution proceeding.**

(b) Notwithstanding sections 8 through 12 of this chapter, an employer may file a written election with the department of labor stating that the employer elects not to be covered by this chapter. Upon the filing of an election under this section, the employer and a labor organization that represents any of the employer's employees are not subject to the prohibitions and penalties of this chapter.

(c) An election made under this section remains in effect:

(1) for one (1) year after the date the election is filed, unless the employer is a party to an agreement with a labor organization; and

(2) if an agreement between the employer and a labor organization is in effect, the election continues through the term of the agreement.

(d) An employer may revoke an election made under this section by submitting a written revocation to the department of labor stating that the employer elects to be covered by this chapter. An employer may not revoke its election during the term of an agreement with a labor organization. If an agreement with a labor organization is in effect, the employer may submit a written revocation of its election with the department of labor not:

(1) more than ninety (90) days; and

(2) less than sixty (60) days;

before the expiration of the agreement. The revocation becomes effective upon the expiration of the agreement.

(e) An employer may assign its right to make the election provided for in this section to a multi-employer association to which the employer has assigned its bargaining rights. Such an assignment must be set forth in a written document signed by the employer.

(f) All elections, revocations, assignments, and communications between an employer and the department of labor under this section are public records subject to IC 5-14-3.".

(Reference is to EHB 1001 as printed January 30, 2012.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 101: yeas 14, nays 36.

Motion failed.

SENATE MOTION
(Amendment 1001–8)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE NOVEMBER 5, 2012]".

Page 4, line 25, delete "March 14," and insert "**November 5,**".

Page 4, line 28, delete "March 14," and insert "**November 5,**".

Page 4, delete line 29, begin a new paragraph and insert:

"**Sec. 14. (a) Except as provided in subsection (b), this chapter expires November 7, 2012.**

(b) This chapter does not expire if the following public question is approved by the voters of Indiana at the November 6, 2012, general election:

"Should it be unlawful for an employer to require an individual to become or remain a member of a labor organization or pay dues, fees, assessments, or other charges of any kind or amount to a labor organization as a condition of employment or continuation of employment (a "right to work" law)?".

Sec. 15. IC 1-1-1-8 does not apply to this chapter.

SECTION 2. [EFFECTIVE JULY 1, 2012] **(a) The county election board of each county shall place the following public question on the ballot at the November 2012 general election:**

"Should it be unlawful for an employer to require an individual to become or remain a member of a labor organization or pay dues, fees, assessments, or other charges of any kind or amount to a labor organization as a condition of employment or continuation of employment (a "right to work" law)?".

(b) Each county election board shall:

(1) tabulate the votes cast on the public question stated in subsection (a); and

(2) certify the results under IC 3-12-4-9.

(c) IC 3 applies to the public question required by this SECTION except where IC 3 conflicts with this SECTION.

(d) The secretary of state shall certify the results of the vote in each county on the public question required by this SECTION to each of the following:

(1) The speaker of the house of representatives.

(2) The minority leader of the house of representatives.

(3) The president pro tempore of the senate.

(4) The minority leader of the senate.

(5) The governor.

(e) This SECTION expires July 1, 2013.".

(Reference is to EHB 1001 as printed January 30, 2012.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 102: yeas 14, nays 36.

Motion failed. The bill was ordered engrossed.

SENATE BILLS ON SECOND READING

Senate Bill 72

Senator Holdman called up Senate Bill 72 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 72–1)

Madam President: I move that Senate Bill 72 be amended to read as follows:

Page 1, delete lines 5 through 8.

Page 3, line 17, after "cost." insert "**Except as provided in subsection (e), in distributing the written materials developed under subsection (a), it is sufficient for the state department to post the written materials on the state department's Internet web site.**

(e)".

Page 3, line 18, after "requests" insert "**a printed copy of**".

Page 3, line 18, after "materials" insert "**developed under subsection (a) from the state department**".

Page 3, delete lines 34 through 41.

Page 3, line 42, delete "Sec. 3." and insert "**Sec. 2.**".

Page 4, line 4, delete "meets the following requirements:".

Page 4, line 5, delete "(1) Is" and insert "**is**".

Page 4, run in lines 4 and 5.

Page 4, delete lines 6 through 7.

Page 5, line 7, delete "Sec. 4." and insert "**Sec. 3.**".

Page 5, line 10, delete "Sec. 5." and insert "**Sec. 4.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 72 as printed January 27, 2012.)

HOLDMAN

Motion prevailed.

SENATE MOTION
(Amendment 72–7)

Madam President: I move that Senate Bill 72 be amended to read as follows:

Page 4, line 10, after "IC 25-22.5" insert "**who is providing care to a patient for an abortion clinic**".

(Reference is to SB 72 as printed January 27, 2012.)

LEISING

Motion prevailed.

SENATE MOTION
(Amendment 72–3)

Madam President: I move that Senate Bill 72 be amended to read as follows:

Page 1, delete lines 5 through 8.

Page 3, delete lines 34 through 41.

Page 3, line 42, delete "Sec. 3." and insert "**Sec. 2.**".

Page 4, line 4, delete "meets the following requirements:".

Page 4, line 5, delete "(1) Is" and insert "**is**".

Page 4, run in lines 4 through 5.

Page 4, delete lines 6 through 7.

Page 4, delete lines 33 through 42.

Page 5, delete lines 1 through 6.

Page 5, line 7, delete "Sec. 4." and insert "**Sec. 3.**".

Page 5, line 10, delete "Sec. 5." and insert "**Sec. 4.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 72 as printed January 27, 2012.)

SIMPSON

The Chair ordered a division of the Senate. Yeas 13, nays 37.

Motion failed.

SENATE MOTION
(Amendment 72–4)

Madam President: I move that Senate Bill 72 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-22-17-5.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5.5. (a) This section does not apply to hospitals licensed under IC 16-21-2 or ambulatory surgical centers licensed under IC 16-21-2.~~

~~(b) An agency of the state may not:~~

~~(1) enter into a contract with; or~~

~~(2) make a grant to;~~

~~any entity that performs abortions or maintains or operates a facility where abortions are performed that involves the expenditure of state funds or federal funds administered by the state.~~

~~(c) Any appropriation by the state:~~

~~(1) in a budget bill;~~

~~(2) under IC 5-19-1-3.5; or~~

~~(3) in any other law of the state;~~

~~to pay for a contract with or grant made to any entity that performs abortions or maintains or operates a facility where abortions are performed is canceled; and the money appropriated~~

~~is not available for payment of any contract with or grant made to the entity that performs abortions or maintains or operates a facility where abortions are performed.~~

~~(d) For any contract with or grant made to an entity that performs abortions or maintains or operates a facility where abortions are performed covered under subsection (b), the budget agency shall make a determination that funds are not available, and the contract or grant shall be terminated under section 5 of this chapter.~~".

Renumber all SECTIONS consecutively.

(Reference is to SB 72 as printed January 27, 2012.)

TALLIAN

Motion failed. The bill was ordered engrossed.

Senate Bill 88

Senator Kruse called up Senate Bill 88 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 107

Senator Zakas called up Senate Bill 107 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 107–2)

Madam President: I move that Senate Bill 107 be amended to read as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 17.

Page 2, delete lines 33 through 42.

Page 3, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

(Reference is to SB 107 as printed January 27, 2012.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 110

Senator Holdman called up Senate Bill 110 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 110–6)

Madam President: I move that Senate Bill 110 be amended to read as follows:

Page 7, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 7. IC 16-22-2-11, AS AMENDED BY P.L.80-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in section 12 **or 14** of this chapter, whenever a vacancy occurs on the governing board, the existing governing board shall submit a list of the following:

(1) At least one (1) but not more than three (3) candidates for each vacancy to be filled to the appointing authority.

(2) Qualifications for assessment of a candidate for each vacancy.

(b) For each vacancy, the appointing authority may do one (1) of the following:

(1) Appoint one (1) of the candidates submitted by the governing board.

(2) Request and receive from the governing board a second list of at least one (1) but not more than three (3) candidates.

(3) Appoint an individual who meets the requirements concerning board members and who was not named in the initial list submitted by the governing board.

The appointing authority shall consider the list of qualifications submitted by the governing board under subsection (a)(2) when making an appointment.

(c) If the appointing authority requests and receives a second list of candidates under subsection (b)(2), the appointing authority may do one (1) of the following:

(1) Appoint one (1) candidate named in the second list.

(2) Appoint an individual who meets the requirements concerning board members and who was not named in the second list of candidates submitted by the governing board.

(d) The appointment for a vacancy shall be made not more than sixty (60) days after submission of the initial list of candidates under subsection (a).

(e) If the vacancy occurred due to the expiration of a member's term and the vacancy is not filled within sixty (60) days of the expiration date, the member whose term expired is automatically reappointed for another term.

(f) Each candidate submitted by the governing board must meet the requirements concerning governing board members.

SECTION 8. IC 16-22-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to governing boards of a county hospital in a county having a population of more than:

(1) ~~eighteen~~ **seventeen** thousand ~~(18,000)~~ **three hundred fifty (17,350)** but less than eighteen thousand ~~three hundred (18,300);~~ **(18,000);**

(2) ~~twenty-seven~~ **twenty-six** thousand ~~four hundred (27,400)~~ **(26,000)** but less than ~~twenty-seven~~ **twenty-six** thousand five hundred ~~(27,500);~~ **(26,500);** and

(3) ~~forty-one~~ **forty-two** thousand ~~(41,000)~~ **three hundred (42,300)** but less than forty-three thousand (43,000).

(b) The appointing authority shall appoint a member to fill a vacancy on the governing board within sixty (60) days after the vacancy occurs.

(c) Notwithstanding subsections (a) and (b), the county executive's appointments to the governing body of a county hospital located in a county described in subsection (a)(1) shall be made under section 14 of this chapter if a single county commissioner holds office as the executive of the county under IC 36-2-2.5.

SECTION 9. IC 16-22-2-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) This section applies to the governing board of a county hospital established and operated under this chapter in a county in which a single county commissioner holds office under**

IC 36-2-2.5 as the county executive.

(b) This section governs only appointments to the governing board of a county hospital that are made by the county executive as appointing authority under this chapter. This section does not affect appointments to the governing board of a county hospital that are to be made by:

(1) an appointing authority under this chapter other than the county executive; or

(2) an appointing board under section 8 of this chapter.

(c) This section does not apply to appointments made to increase the size of a governing board under section 7 of this chapter.

(d) Except as provided in subsection (g), whenever a vacancy to be filled by the county executive occurs on the governing board, the existing governing board shall submit to the county executive the following:

(1) A list of three (3) candidates to fill the vacancy.

(2) A list of qualifications for assessment of the three (3) candidates for the vacancy.

(e) The county executive shall appoint one (1) of the candidates submitted by the governing board. The county executive shall consider the list of qualifications submitted by the governing board under subsection (d)(2) when making the appointment.

(f) The appointment for a vacancy shall be made not more than sixty (60) days after submission of the list of candidates under subsection (d).

(g) If the vacancy is due to the expiration of a member's term and the existing governing board determines to seek the reappointment of the member to the governing board, the existing governing board shall submit the member's name to the county executive for reappointment. Upon receiving the governing board's submission, the county executive shall reappoint the member for another term. If the county executive does not reappoint the member within sixty (60) days after the executive's receipt of the governing board's submission, the member whose term expired is automatically reappointed for another term.

SECTION 10. IC 16-22-2-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) This section applies to the governing board of a county hospital established and operated under this chapter in a county:**

(1) in which a single county commissioner holds office under IC 36-2-2.5 as the county executive; and

(2) the county executive has membership on the governing board under section 3, 3.1, 4, or 5 of this chapter.

(b) Following the decrease in the number of county commissioners from three (3) to one (1) upon the assumption of office by the initial single county commissioner under IC 36-2-2.5, the three (3) memberships on the hospital's governing board previously held by the three (3) county commissioners in their capacity as county executive shall be filled as follows:

(1) The initial single county commissioner, and each subsequent single county commissioner under IC 36-2-2.5, shall serve as a member of the county hospital's governing board in the commissioner's capacity as county executive.

(2) The two (2) remaining memberships shall be filled using the procedure for filling governing board vacancies set forth in section 14(d) of this chapter. After the initial appointment of these two (2) members, any vacancy in these memberships will be filled under section 14(d) of this chapter or section 14(g) of this chapter, as appropriate.".

Page 11, delete lines 29 through 41, begin a new paragraph and insert:

"**(c) If an ordinance is adopted under this section:**

(1) the county auditor shall certify the adoption of the ordinance to the county election board under IC 3-10-9; and

(2) a public question shall be held in the county on whether the executive and legislative structure and functions of the county should be reorganized under IC 36-2-2.5.

The public question shall be placed on the ballot in accordance with IC 3-10-9.".

Page 11, line 42, delete "2(e)" and insert "**2(c)**".

Page 12, line 21, after "which" delete ":" and insert "**a local public question under IC 36-2-2.4 making the county executive a single county commissioner has been approved by the voters of the county.**".

Page 12, delete lines 22 through 28.

Page 12, line 34, delete "ordinance or".

Page 12, line 35, delete "or IC 36-2-2.6".

Page 12, line 38, delete "ordinance or".

Page 12, line 38, after "IC 36-2-2.4" delete "or".

Page 12, line 39, delete "IC 36-2-2.6".

Page 14, between lines 29 and 30, begin a new paragraph and insert:

"**(e) Appointments to and the membership of a governing board of a county hospital established and operated under IC 16-22-2 in a county in which a single county commissioner holds office as the executive of the county are governed by IC 16-22-2-14 and IC 16-22-2-15.**".

Page 19, delete lines 32 through 42.

Page 20, delete lines 1 through 29.

Page 21, delete lines 21 through 42, begin a new paragraph and insert:

"**(c) If an ordinance is adopted under this section:**

(1) the county auditor shall certify the adoption of the ordinance to the county election board under IC 3-10-9; and

(2) a public question shall be held in the county under section 5 of this chapter on whether the executive and legislative structure and functions of the county should be reorganized under section 6 of this chapter.".

Page 22, delete lines 1 through 15.

Page 22, line 16, delete "6." and insert "**5.**".

Page 22, line 16, delete "4(d)" and insert "**4**".

Page 22, line 17, delete "or a sufficient petition is certified under section 5(b) of this" and insert "**,**".

Page 22, line 18, delete "chapter,".

Page 22, line 32, delete "7" and insert "**6**".

Page 22, line 34, delete "7." and insert "**6.**".
Page 22, line 34, delete "an ordinance is adopted by a".
Page 22, delete line 35.
Page 22, line 36, delete "described in section 4(c) of this chapter or if".
Page 22, line 38, delete "6" and insert "**5**".
Page 23, line 20, delete "ordinance or".
Page 23, line 24, delete "ordinance or".
Page 23, line 27, delete "ordinance or".
Page 23, line 31, delete "ordinance or".
Page 24, line 34, delete "ordinance or".
Page 24, line 41, delete "ordinance or".
Page 26, line 21, after "which" delete ":".
Page 26, delete lines 22 through 25.
Page 26, line 26, delete "(B)".
Page 26, run in lines 21 through 26.
Page 26, line 26, delete "or IC 36-2-2.6".
Page 26, line 35, delete "ordinance".
Page 26, line 36, before "local" delete "or".
Page 26, line 36, delete "or IC 36-2-2.6".
Page 27, line 15, delete "ordinance or".
Page 27, line 15, after "IC 36-2-2.4" delete "or".
Page 27, line 16, delete "IC 36-2-2.6".
Page 28, line 22, after "which" delete ":".
Page 28, delete lines 23 through 26.
Page 28, line 27, delete "(B)".
Page 28, run in lines 22 through 27.
Page 28, line 27, delete "or IC 36-2-2.6".
Page 29, line 13, delete "ordinance or".
Page 29, line 14, delete "or IC 36-2-2.6".
Page 29, line 16, delete "ordinance or".
Page 29, line 17, delete "or IC 36-2-2.6".
Page 33, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 28. IC 36-9-27-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except in a county having a consolidated city **or as provided in subsection (d),** the drainage board consists of either:

(1) the county executive; or
(2) three (3) or five (5) persons, at least one (1) of whom must be a member of the executive, appointed by the executive;

at the option of the executive. Appointees under subdivision (2) must be resident freeholders of the county who are knowledgeable in drainage matters. Freeholders appointed to the board serve for terms of three (3) years, with their initial appointments made so as to provide for staggering of terms on an annual basis. In addition, the county surveyor serves on the board as an ex officio, nonvoting member.

(b) In a county having a consolidated city, the board of public works of the consolidated city comprises the drainage board, subject to IC 36-3-4-23.

(c) In a county having a consolidated city, the department of public works of the consolidated city has all the powers, duties, and responsibilities of the county surveyor under this chapter, subject to IC 36-3-4-23.

(d) The following apply in a county that is subject to IC 36-2-2.5:

(1) The drainage board consists of:
(A) the single county commissioner; and
(B) two (2) or four (4) persons (as determined by the county council) who are appointed by the county council. A member appointed under this clause may be a member of the county council.

(2) Appointees under subdivision (1)(B) must be resident freeholders of the county who are knowledgeable in drainage matters.

(3) The freeholders appointed to the drainage board serve for terms of three (3) years, with the freeholders' initial appointments made so as to provide for staggering of terms on an annual basis.

(4) The county surveyor serves on the drainage board as an ex officio, nonvoting member.

(5) The terms of members serving on the drainage board at the time the first single county commissioner is elected under IC 36-2-2.5 expire on January 1 of the year following that election, and the county council shall make the appointments to the board as provided in this subsection.".

Page 34, delete lines 1 through 8.
Renumber all SECTIONS consecutively.
(Reference is to SB 110 as reprinted January 20, 2012.)

HOLDMAN

Motion prevailed.

SENATE MOTION
(Amendment 110–4)

Madam President: I move that Senate Bill 110 be amended to read as follows:

Page 33, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 25. IC 36-9-27-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except in a county having a consolidated city **or as provided in subsection (d),** the drainage board consists of either:

(1) the county executive; or
(2) three (3) or five (5) persons, at least one (1) of whom must be a member of the executive, appointed by the executive;

at the option of the executive. Appointees under subdivision (2) must be resident freeholders of the county who are knowledgeable in drainage matters. Freeholders appointed to the board serve for terms of three (3) years, with their initial appointments made so as to provide for staggering of terms on an annual basis. In addition, the county surveyor serves on the board as an ex officio, nonvoting member.

(b) In a county having a consolidated city, the board of public works of the consolidated city comprises the drainage board, subject to IC 36-3-4-23.

(c) In a county having a consolidated city, the department of public works of the consolidated city has all the powers, duties, and responsibilities of the county surveyor under this chapter, subject to IC 36-3-4-23.

(d) The following apply in a county that is subject to IC 36-2-2.5:

(1) The drainage board consists of:

(A) the single county commissioner; and

(B) two (2) or four (4) persons (as determined by the county council) who are appointed by the county council. A member appointed under this clause may be a member of the county council.

(2) Appointees under subdivision (1)(B) must be resident freeholders of the county who are knowledgeable in drainage matters.

(3) The freeholders appointed to the drainage board serve for terms of three (3) years, with the freeholders' initial appointments made so as to provide for staggering of terms on an annual basis.

(4) The county surveyor serves on the drainage board as an ex officio, nonvoting member.

(5) The terms of members serving on the drainage board at the time the first single county commissioner is elected under IC 36-2-2.5 expire on January 1 of the year following that election, and the county council shall make the appointments to the board as provided in this subsection.".

Page 34, delete lines 1 through 8.

Renumber all SECTIONS consecutively.

(Reference is to SB 110 as reprinted January 20, 2012.)

HOLDMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 174

Senator Lawson called up Senate Bill 174 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 174–6)

Madam President: I move that Senate Bill 174 be amended to read as follows:

Page 6, line 41, after "committee" insert "**(before January 1, 2013) or the legislative bodies of the reorganizing political subdivisions (after December 31, 2012)**".

Page 7, line 11, after "committee" insert "**(before January 1, 2013) or the legislative bodies of the reorganizing political subdivisions (after December 31, 2012)**".

Page 8, line 7, delete "**(f)**" and insert "**(d)**".

Page 8, line 13, delete "This subsection".

Page 8, delete line 14.

Page 8, line 15, delete "(c)".

Page 8, line 15, strike "Upon completion of the plan of reorganization, the".

Page 8, strike lines 16 through 22.

Page 8, line 23, strike "resolution.".

Page 8, line 23, delete "This subsection expires January 1, 2013.".

Page 8, line 24, strike "(e)" and insert "**(c)**".

Page 8, line 39, delete "(f)" and insert "**(d)**".

Page 8, line 39, strike "A reorganization committee must include in the plan of".

Page 8, line 40, strike "reorganization submitted to a political subdivision after".

Page 8, line 41, delete "December 31, 2012, and before January 1, 2013,".

Page 8, line 41, strike "a".

Page 8, line 42, delete "fiscal impact analysis of the proposed reorganization.".

Page 9, line 32, delete "(g) A reorganization committee (before January 1, 2013) or the" and insert "**(e) The**".

Page 9, line 33, delete "(after" and insert "**preparing a plan of reorganization after**".

Page 9, line 34, delete "2012)" and insert "**2012,**".

Page 9, line 35, delete "(f)" and insert "**(d)**".

Page 9, line 39, delete "reorganization committee (before".

Page 9, line 40, delete "January 1, 2013) or the".

Page 9, line 41, delete "(after December 31, 2012) has" and insert "**have**".

Page 10, delete line 14.

Page 10, line 15, delete "(after".

Page 10, line 16, delete "December 31, 2012)".

Page 10, line 22, delete "the reorganization committee".

Page 10, line 23, delete "(before January 1, 2013) or by".

Page 10, line 24, delete "(after December 31, 2012)." and insert "**.**".

Page 11, line 38, delete "JULY 1, 2012]:" and "JANUARY 1, 2013]:".

Page 11, line 40, after "reorganization" insert "**prepared**".

Page 11, line 40, delete "18(c)" and insert "**18**".

(Reference is to SB 174 as reprinted January 27, 2012.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 179

Senator Banks called up Senate Bill 179 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 179–3)

Madam President: I move that Senate Bill 179 be amended to read as follows:

Page 3, after line 27, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2012] **(a) Before December 1, 2012, the department of education shall conduct an audit of school corporations to determine each school corporation's ability to comply with IC 20-32-4.5, as added by this act. The audit must determine whether a school corporation has appropriate technological capabilities and enough equipment to accommodate the students who will be completing virtual instruction courses.**

(b) This SECTION expires January 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to SB 179 as printed January 27, 2012.)

ROGERS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 210

Senator Gard called up Senate Bill 210 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 210–2)

Madam President: I move that Senate Bill 210 be amended to read as follows:

Page 8, line 16, delete "education," and insert "**environmental management,**".

Page 8, line 17, delete "environmental management," and insert "**education,**".

Page 8, line 21, delete "education" and insert "**environmental management**".

Page 8, line 40, delete "education," and insert "**environmental management,**".

Page 8, line 41, delete "environmental management," and insert "**education,**".

Page 9, line 3, delete "education" and insert "**environmental management**".

Page 14, line 34, delete "education." and insert "**environmental management.**".

Page 17, line 12, after "to" reset in roman "the department".

Page 17, line 12, delete "," and insert "**and to**".

(Reference is to SB 210 as printed January 27, 2012.)

GARD

Motion prevailed.

SENATE MOTION
(Amendment 210–1)

Madam President: I move that Senate Bill 210 be amended to read as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 33.

Page 4, line 25, after "year;" insert "**and**".

Page 4, delete lines 26 through 28.

Page 4, line 29, delete "(4)" and insert "**(3)**".

Page 4, delete lines 34 through 42.

Delete pages 5 through 7.

Page 8, delete lines 1 through 4.

Page 12, line 18, delete "For property taxes first due and payable before 2013, the" and insert "The".

Page 12, line 23, delete "(before its repeal)." and insert ".".

Page 12, line 24, reset in roman "except as provided in sections 15 and 15.5 of this".

Page 12, line 25, reset in roman "chapter,".

Page 12, line 29, reset in roman "taxes.".

Page 12, line 29, delete "revenue.".

Page 14, line 26, delete "that are imposed to pay" and insert ",".

Page 14, line 27, delete "bonds described in IC 13-21-7-9(b),".

Page 14, line 28, delete "that are imposed to pay bonds described" and insert ".".

Page 14, delete line 29.

Page 15, delete line 10.

Page 15, run in lines 9 through 11.

Page 18, delete lines 28 through 42.

Delete pages 19 through 21.

Page 22, delete lines 1 through 31.

Page 23, line 26, delete "Each county is".

Page 23, delete lines 27 through 42.

Page 24, delete line 1.

Delete page 26.

Page 27, delete lines 1 through 16.

Page 30, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 23. [EFFECTIVE UPON PASSAGE] **(a) The commission on state tax and financing policy established under IC 2-5-3 shall, during the interim in 2012 between sessions of the general assembly, study issues related to the financing of solid waste management districts.**

(b) This SECTION expires January 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to SB 210 as printed January 27, 2012.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 103: yeas 24, nays 26.

Motion failed.

SENATE MOTION
(Amendment 210–5)

Madam President: I move that Senate Bill 210 be amended to read as follows:

Page 8, line 4, after "." insert "**Property tax revenue raised by the county as a result of the increase in its maximum levy under this section must be transferred to the solid waste management district for that county for the district's use.**".

Page 30, between lines 9 and 10, begin a new paragraph and insert:

"**Sec. 9. The county shall transfer all revenue received from fees or otherwise relating to solid waste management and recycling to the solid waste management district for that county for the district's use.**".

(Reference is to SB 210 as printed January 27, 2012.)

STEELE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 243

Senator Grooms called up Senate Bill 243 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 243–6)

Madam President: I move that Senate Bill 243 be amended to read as follows:

Page 2, line 29, after "commits" insert "**unlawful hunting while using a silencer,**".

Page 2, after line 29, begin a new paragraph and insert:

"SECTION 3. IC 14-22-38-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. A person**

who recklessly, knowingly, or intentionally violates IC 14-22-10-1(1) by hunting on privately owned land without the consent of the owner or tenant while using or possessing:

(1) an apparatus designed for use with or on a firearm commonly called a silencer; or

(2) a device used as a silencer;

commits unauthorized hunting on private land with a silencer, a Class B misdemeanor.

SECTION 4. IC 35-51-14-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 14:

IC 14-9-8-19 (Concerning the department of natural resources).
IC 14-15-3-31 (Concerning watercraft).
IC 14-15-4-4 (Concerning watercraft accidents).
IC 14-15-8-8 (Concerning operating a watercraft while intoxicated).
IC 14-15-8-9 (Concerning operating a watercraft while intoxicated).
IC 14-15-9-8 (Concerning divers).
IC 14-15-11-11 (Concerning motorboat operators).
IC 14-15-12-13 (Concerning personal watercraft).
IC 14-16-1-29 (Concerning off-road vehicles).
IC 14-17-4-8 (Concerning property acquisition).
~~IC 14-20-1-25 (Concerning state museums and historic sites).~~
IC 14-21-1-16 (Concerning historic preservation and archeology).
IC 14-21-1-26 (Concerning historic preservation and archeology).
IC 14-21-1-26.5 (Concerning historic preservation and archeology).
IC 14-21-1-27 (Concerning historic preservation and archeology).
IC 14-21-1-28 (Concerning historic preservation and archeology).
IC 14-21-1-36 (Concerning historic preservation and archeology).
IC 14-21-2-5 (Concerning historic preservation and archeology).
IC 14-22-13-10 (Concerning commercial fishing licenses).
IC 14-22-17-4 (Concerning fish and wildlife).
IC 14-22-32-3 (Concerning fish and wildlife).
IC 14-22-34-12 (Concerning fish and wildlife).
IC 14-22-37-2 (Concerning fish and wildlife).
IC 14-22-37-3 (Concerning fish and wildlife).
IC 14-22-38-1 (Concerning fish and wildlife).
IC 14-22-38-3 (Concerning fish and wildlife).
IC 14-22-38-4 (Concerning fish and wildlife).
IC 14-22-38-4.5 (Concerning fish and wildlife).
IC 14-22-38-6 (Concerning fish and wildlife).
IC 14-22-40-6 (Concerning fish and wildlife).
IC 14-23-7-5 (Concerning forestry).
IC 14-24-11-4 (Concerning entomology and plant pathology).
IC 14-26-7-8 (Concerning lakes and reservoirs).
IC 14-27-6-52 (Concerning levees, dams, and drainage).
IC 14-29-8-5 (Concerning rivers, streams, and waterways).
IC 14-31-3-15 (Concerning nature preserves).
IC 14-31-3-16 (Concerning nature preserves).
IC 14-31-3-17 (Concerning nature preserves).
IC 14-31-3-19 (Concerning nature preserves).
IC 14-31-3-20 (Concerning nature preserves).
IC 14-31-3-21 (Concerning nature preserves).
IC 14-34-2-6 (Concerning surface coal mining and reclamation).
IC 14-34-16-6 (Concerning surface coal mining and reclamation).
IC 14-34-16-7 (Concerning surface coal mining and reclamation).
IC 14-37-13-6 (Concerning oil and gas).".

(Reference is to SB 243 as printed January 27, 2012.)

HEAD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 260

Senator Alting called up Senate Bill 260 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 260–2)

Madam President: I move that Senate Bill 260 be amended to read as follows:

Page 3, line 10, delete "2012," and insert "**2014,**".
Page 4, line 6, delete "2012," and insert "**2014,**".
(Reference is to SB 260 as printed January 27, 2012.)

DELPH

Motion prevailed. The bill was ordered engrossed.

Senate Bill 283

Senator Kruse called up Senate Bill 283 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 283–1)

Madam President: I move that Senate Bill 283 be amended to read as follows:

Page 6, delete lines 13 through 42.
Page 7, delete lines 1 through 21.
Renumber all SECTIONS consecutively.
(Reference is to SB 283 as printed January 27, 2012.)

YODER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 311

Senator Hershman called up Senate Bill 311 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 311–6)

Madam President: I move that Senate Bill 311 be amended to

read as follows:

Page 1, line 17, delete "parties and regulated persons." and insert "**parties, regulated persons, and nonprofit corporations whose members may be affected by the proposed rule.**".

Page 2, line 21, delete "parties and" and insert "**parties, regulated persons, and nonprofit corporations whose members may be affected by the proposed rule**".

Page 2, line 22, delete "regulated persons".

Page 3, line 30, delete "parties and regulated persons." and insert "**parties, regulated persons, and nonprofit corporations whose members may be affected by the rule.**".

Page 4, line 7, delete "parties and" and insert "**parties, regulated persons, and nonprofit corporations whose members may be affected by the rule**".

Page 4, line 8, delete "regulated persons".

(Reference is to SB 311 as reprinted January 30, 2012.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 327

Senator Merritt called up Senate Bill 327 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 334

Senator Grooms called up Senate Bill 334 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 334–1)

Madam President: I move that Senate Bill 334 be amended to read as follows:

Page 8, line 26, after "(c)" insert "**The commission shall make findings and recommendations concerning the following:**

(1) The number of individuals covered under a state employee health plan with a copayment, a coinsurance amount, or other out-of-pocket costs for prescription drugs that exceed:

(A) two hundred dollars ($200) for a one (1) month supply of a single prescription drug; or

(B) five hundred dollars ($500) for a one (1) month supply of more than one (1) prescription drug.

(2) The number of individuals covered under a policy of accident and sickness insurance with a copayment, a coinsurance amount, or other out-of-pocket costs for prescription drugs that exceed:

(A) two hundred dollars ($200) for a one (1) month supply of a single prescription drug; or

(B) five hundred ($500) for a one (1) month supply of more than one (1) prescription drug.

(3) The number of individuals covered under a health maintenance organization contract with a copayment, a coinsurance amount, or other out-of-pocket costs for prescription drugs that exceed:

(A) two hundred dollars ($200) for a one (1) month supply of a single prescription drug; or

(B) five hundred ($500) for a one (1) month supply of more than one (1) prescription drug.

(4) The number of individuals who may become eligible for Medicaid as a result of copayments, coinsurance amounts, or other out-of-pocket costs for prescription drugs as described in this section.

(d) The state personnel department and the Indiana department of insurance shall assist the commission in obtaining the information necessary under subsection (c).

(e)".

(Reference is to SB 334 as printed January 27, 2012.)

GROOMS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 344

Senator Hershman called up Senate Bill 344 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 344–5)

Madam President: I move that Senate Bill 344 be amended to read as follows:

Page 4, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-18.5-3, AS AMENDED BY P.L.172-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A civil taxing unit may not impose an ad valorem property tax levy for an ensuing calendar year that exceeds the amount determined in the last STEP of the following STEPS:

STEP ONE: Determine the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year.

STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

STEP THREE: Determine the lesser of one and fifteen hundredths (1.15) or the quotient (rounded to the nearest ten-thousandth (0.0001)), of the assessed value of all taxable property subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year, divided by the assessed value of all taxable property that is subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the preceding calendar year.

STEP FOUR: Determine the greater of the amount determined in STEP THREE or one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by the amount determined in STEP FOUR.

STEP SIX: Add the amount determined under STEP TWO to the amount of an excessive levy appeal granted under section 13 of this chapter for the ensuing calendar year.

STEP SEVEN: Determine the greater of STEP FIVE or STEP SIX.

(b) This subsection applies only to property taxes first due and payable after December 31, 2007. This subsection applies only to a civil taxing unit that is located in a county for which a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24 or a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30. Notwithstanding any provision in this section, ~~or~~ any other section of this chapter, **or IC 12-20-21-3,** and except as provided in subsection (c), the maximum permissible ad valorem property tax levy calculated under this section for the ensuing calendar year for a civil taxing unit subject to this section is equal to the civil taxing unit's maximum permissible ad valorem property tax levy for the current calendar year.

(c) This subsection applies only to property taxes first due and payable after December 31, 2007. In the case of a civil taxing unit that:

(1) is partially located in a county for which a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24 or a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30; and

(2) is partially located in a county that is not described in subdivision (1);

the department of local government finance shall, notwithstanding subsection (b), adjust the portion of the civil taxing unit's maximum permissible ad valorem property tax levy that is attributable (as determined by the department of local government finance) to the county or counties described in subdivision (2). The department of local government finance shall adjust this portion of the civil taxing unit's maximum permissible ad valorem property tax levy so that, notwithstanding subsection (b), this portion is allowed to increase as otherwise provided in this section. If the department of local government finance increases the civil taxing unit's maximum permissible ad valorem property tax levy under this subsection, any additional property taxes imposed by the civil taxing unit under the adjustment shall be paid only by the taxpayers in the county or counties described in subdivision (2).".

Page 48, line 12, after "(f)" delete "," and insert "**and**".

Page 48, line 12, strike "and (h),".

Page 49, strike lines 31 through 37.

Page 50, line 14, after "(c)." insert "**However, the assessed value growth quotient under IC 6-1.1-18.5 applies in determining the maximum levy:**

(1) after 2012, for a township to which subsection (e) does not apply; and

(2) after 2014, for a township to which subsection (e) applies.".

Page 50, line 36, delete "two (2)." and insert "**four and five-tenths (4.5).**".

Renumber all SECTIONS consecutively.

(Reference is to SB 344 as printed January 27, 2012.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 344–1)

Madam President: I move that Senate Bill 344 be amended to read as follows:

Page 52, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 29. IC 36-7-10.1-3, AS AMENDED BY P.L.113-2010, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The legislative body of a municipality or county may by ordinance require the owners of real property located within the municipality or the unincorporated area of the county to cut and remove weeds and other rank vegetation growing on the property. As used in this chapter, "weeds and other rank vegetation" does not include agricultural crops, such as hay and pasture.

(b) An ordinance adopted under subsection (a) must specify the following:

(1) The department of the municipality or county responsible for the administration of the ordinance.

(2) The definitions of weeds and rank vegetation.

(3) The height at which weeds or rank vegetation becomes a violation of the ordinance, specifying the appropriate heights for various types of weeds and rank vegetation.

(4) The procedure for issuing notice to the owner of real property of a violation of the ordinance, **including any procedures for issuing a continuous abatement notice under subsection (d).**

(5) The procedure under which the municipality or county, or its contractors, may enter real property to abate a violation of the ordinance if the owner fails to abate the violation.

(6) The procedure for issuing a bill to the owner of real property for the costs incurred by the municipality or county in abating the violation, including administrative costs and removal costs. The cost of sending notice under subsection (c) is an administrative cost that may be billed to the owner under this subdivision.

(7) The procedure for appealing a notice of violation or a bill issued under the ordinance.

(c) An ordinance adopted under subsection (a) must provide that a notice sent to the property owner must be sent by certified mail, return receipt requested, or an equivalent service permitted under IC 1-1-7-1 to:

(1) the owner of record of real property with a single owner; or

(2) at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice.

(d) If an initial notice of the violation of an ordinance adopted under this section was provided by certified mail or equivalent service under subsection (c), a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail or equivalent service as required under subsection (c). A continuous abatement notice serves as notice to the real property owner

that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the municipality or county, or its contractors.".

Renumber all SECTIONS consecutively.

(Reference is to SB 344 as printed January 27, 2012.)

HOLDMAN

Motion prevailed.

SENATE MOTION
(Amendment 344–3)

Madam President: I move that Senate Bill 344 be amended to read as follows:

Page 2, delete lines 21 through 25 and insert:

"SECTION 2. IC 6-1.1-4-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 40. The value of federal income tax credits awarded under Section 42 of the Internal Revenue Code **after December 31, 2012,** ~~may not~~ **shall** be considered in determining the assessed value of low income housing tax credit property.".

(Reference is to SB 344 as printed January 27, 2012.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 344–6)

Madam President: I move that Senate Bill 344 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-4-11.6-10, AS ADDED BY P.L.2-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. As used in this chapter, "retail end use customer" means a customer who acquires energy at retail for the customer's own consumption:

(1) from a gas utility that must apply to the commission under IC 8-1-2-42 for approval of gas cost changes; or

(2) under a program approved by the commission through which the customer purchases gas that would be subject to price adjustments under IC 8-1-2-42 if the gas were sold by a gas utility.

The term does not include a natural gas utility's transportation customer that purchases at least fifty thousand (50,000) dekatherms of natural gas annually from an entity other than the natural gas utility.".

Renumber all SECTIONS consecutively.

(Reference is to SB 344 as printed January 27, 2012.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 376

Senator Waterman called up Senate Bill 376 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 376–1)

Madam President: I move that Senate Bill 376 be amended to read as follows:

Page 2, line 15, after "has" insert "**:**

(1)".

Page 2, line 16, delete "." and insert "**under IC 35-50; or**

(2) been convicted of any of the following:

(A) Child molesting (IC 35-42-4-3) as a Class A felony.

(B) Murder (IC 35-42-1-1).

(C) Voluntary manslaughter (IC 35-42-1-3).

(D) Battery (IC 35-42-2-1) as a Class A felony.

(E) Criminal deviate conduct (IC 35-42-4-2) as a Class A felony.

(F) Kidnapping (IC 35-42-3-2) as a Class A felony.

(G) Neglect of a dependent (IC 35-46-1-4) as a Class A felony.

(H) Robbery (IC 35-42-5-1) as a Class A felony.

(I) Rape (IC 35-42-4-1) as a Class A felony.

(J) An offense substantially similar to the offenses described in this subdivision.".

Page 2, line 16, beginning with "If" begin a new line blocked left.

Page 2, line 17, delete "who has received a sentence of life without the possibility of parole," and insert "**described in subdivision (1) or (2),**".

Page 2, line 22, delete "who has received a sentence of life without the" and insert "**described in subdivision (1) or (2).**".

Page 2, delete line 23.

(Reference is to SB 376 as printed January 25, 2012.)

STEELE

Motion prevailed.

SENATE MOTION
(Amendment 376–2)

Madam President: I move that Senate Bill 376 be amended to read as follows:

Page 3, line 6, delete ".".

Page 3, line 6, reset in roman "to the parole board and".

Page 3, reset in roman line 7.

Page 3, delete lines 8 through 42, begin a new paragraph and insert:

"SECTION 3. IC 11-13-9-3, AS ADDED BY P.L.119-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Upon receipt of the material described in section 2 of this chapter, the parole board shall set a hearing to determine whether the circumstances warrant the inmate's ~~discharge~~ **transfer or release.** ~~from the custody of the department.~~

SECTION 4. IC 11-13-9-4, AS ADDED BY P.L.119-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The parole board shall consider all relevant factors in determining whether the inmate is to be ~~discharged~~ **transferred or released** under this chapter and must consider a community investigation report submitted to the parole board. The parole board shall give special consideration to an inmate who demonstrates each of the following:

(1) A good conduct history during confinement, **including the successful completion of a transitional program, if**

applicable.

(2) Proof that the inmate will have suitable living quarters in a community if the inmate is ~~discharged.~~ **released.**

(3) Proof that one (1) or more employers in the area in which the inmate would reside if ~~discharged~~ **released** have offered to employ the inmate for at least thirty (30) hours a week on the same terms as the employer employs other employees.

(4) Proof that the inmate:

(A) is at least a high school graduate; or

(B) has obtained:

(i) a general equivalency degree; or

(ii) a state of Indiana general educational development (GED) diploma.

SECTION 5. IC 11-13-9-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. (a) As used in this section, "transitional program" means a program operated by the department that helps an inmate reenter the community after a period of incarceration and that may provide a range of necessary reintegration services. The term includes an alternative transitional program, as determined by the parole board, whose conditions may include home detention or GPS monitoring for an inmate who has been denied participation in a traditional transitional program due to a medical condition.**

(b) If the parole board determines that the inmate:

(1) has been properly rehabilitated; and

(2) has suitable plans to carry out if released;

the parole board shall transfer the inmate to a transitional program for a period of one (1) year.

(c) An inmate who successfully completes a transitional program is eligible to seek release under section 5 of this chapter.

SECTION 6. IC 11-13-9-5, AS ADDED BY P.L.119-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) If the parole board determines that the inmate:

(1) has been properly rehabilitated; ~~and~~

(2) has suitable plans to carry out if ~~discharged,~~ **released; and**

(3) has successfully completed a transitional program under section 4.5 of this chapter;

the parole board shall ~~discharge~~ **release** the inmate from the custody of the department. An inmate who is released from confinement under this subsection must be placed on parole as described in subsection (b).

(b) An inmate who is ~~discharged~~ **released** from the department under this section shall be placed on parole as follows:

(1) An inmate who is required to be placed on parole for the remainder of the inmate's life under IC 35-50-6-1(e) shall be placed on parole for the remainder of the inmate's life.

(2) An inmate who is:

(A) not an inmate described in subdivision (1); and

(B) not required to serve a period of probation;

shall be placed on parole for ~~two (2) years.~~ **one (1) year.**

SECTION 7. IC 11-13-9-6, AS ADDED BY P.L.119-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. If the parole board denies an inmate's request to be ~~discharged~~ **transferred or released** under this chapter, the inmate may petition for a new review not earlier than one (1) year after the parole board denies the request.".

Page 4, delete lines 1 through 17.

Page 4, line 22, strike "discharged.".

Page 4, line 22, delete "or".

Page 4, line 22, after "released" insert "**or transferred**".

Renumber all SECTIONS consecutively.

(Reference is to SB 376 as printed January 25, 2012.)

STEELE

Motion prevailed. The bill was ordered engrossed.

2:24 p.m.

The Chair declared a recess until the fall of the gavel.

RECESS

The Senate reconvened at 3:32 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senator Buck be added as second author of Engrossed Senate Bill 334.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 107.

ZAKAS

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 35(c), the following technical corrections are to be made to Engrossed Senate Bill 353.

Page 3, line 13, delete "distributers," and insert "**distributors,**".

(Reference is to ESB 353 as reprinted January 31, 2012.)

LONG, Chair

Report adopted.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 10

Senator Landske called up Engrossed Senate Bill 10 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 104: yeas 43, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Frizzell and White.

Engrossed Senate Bill 12

Senator Miller called up Engrossed Senate Bill 12 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 105: yeas 44, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Clere and T. Brown.

Engrossed Senate Bill 56

Senator Eckerty called up Engrossed Senate Bill 56 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 106: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Speedy.

Engrossed Senate Bill 83

Senator Leising called up Engrossed Senate Bill 83 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 107: yeas 45, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Rhoads and Thompson.

Engrossed Senate Bill 89

Senator Kruse called up Engrossed Senate Bill 89 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 108: yeas 28, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thompson and Turner.

Engrossed Senate Bill 92

Senator Gard called up Engrossed Senate Bill 92 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

After discussion, Senator Gard withdrew the call.

Engrossed Senate Bill 113

Senator Holdman called up Engrossed Senate Bill 113 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 109: yeas 41, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Lehman.

Engrossed Senate Bill 131

Senator Gard called up Engrossed Senate Bill 131 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 110: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the

bill. House sponsor: Representative Wolkins.

Engrossed Senate Bill 132

Senator Gard called up Engrossed Senate Bill 132 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning water resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 111: yeas 37, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Wolkins.

Engrossed Senate Bill 140

Senator Kenley called up Engrossed Senate Bill 140 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 112: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Espich and Crawford.

Engrossed Senate Bill 152

Senator Kruse called up Engrossed Senate Bill 152 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 113: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Pond, Heuer, Morris, and GiaQuinta.

Engrossed Senate Bill 157

Senator Steele called up Engrossed Senate Bill 157 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 114: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Koch.

Engrossed Senate Bill 165

Senator Randolph called up Engrossed Senate Bill 165 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 115: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Soliday, Harris, Wolkins, and Espich.

Engrossed Senate Bill 168

Senator Randolph called up Engrossed Senate Bill 168 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 116: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Soliday, Wolkins, Harris, and Espich.

Engrossed Senate Bill 173

Senator Lawson called up Engrossed Senate Bill 173 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 117: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Soliday.

Engrossed Senate Bill 175

Senator M. Young called up Engrossed Senate Bill 175 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 118: yeas 40, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Richardson and Behning.

Engrossed Senate Bill 182

Senator Banks called up Engrossed Senate Bill 182 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 119: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Karickhoff, Turner, Klinker, and Porter.

Engrossed Senate Bill 190

Senator Charbonneau called up Engrossed Senate Bill 190 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 120: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kubacki and Ellspermann.

Engrossed Senate Bill 192

Senator Charbonneau called up Engrossed Senate Bill 192 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 121: yeas 37, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Soliday, Messmer, and Dobis.

Engrossed Senate Bill 201

Senator Miller called up Engrossed Senate Bill 201 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 122: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative T. Brown.

Engrossed Senate Bill 223

Senator Miller called up Engrossed Senate Bill 223 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 123: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative T. Brown.

Engrossed Senate Bill 224

Senator Miller called up Engrossed Senate Bill 224 for third reading:

A BILL FOR AN ACT concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 124: yeas 46, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

Engrossed Senate Bill 226

Senator Miller called up Engrossed Senate Bill 226 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 125: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Speedy and Cherry.

Engrossed Senate Bill 230

Senator Smith called up Engrossed Senate Bill 230 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 126: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lehman and Torr.

Engrossed Senate Bill 234

Senator Alting called up Engrossed Senate Bill 234 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 127: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative M. Smith.

Engrossed Senate Bill 235

Senator Grooms called up Engrossed Senate Bill 235 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 128: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Stemler, Koch, and Davisson.

The President of the Senate yielded the gavel to Senator Long.

Engrossed Senate Bill 236

Senator Delph called up Engrossed Senate Bill 236 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 129: yeas 25, nays 25. The bill was declared failed for lack of a constitutional majority.

Engrossed Senate Bill 237

Senator M. Young called up Engrossed Senate Bill 237 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 130: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Foley.

Engrossed Senate Bill 246

Senator Bray called up Engrossed Senate Bill 246 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 131: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Koch.

Engrossed Senate Bill 248

Senator Leising called up Engrossed Senate Bill 248 for third reading:

A BILL FOR AN ACT concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 132: yeas 36, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Rhoads and Thompson.

Engrossed Senate Bill 256

Senator Wyss called up Engrossed Senate Bill 256 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 133: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dermody and Steuerwald.

Engrossed Senate Bill 258

Senator Alting called up Engrossed Senate Bill 258 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 134: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Davis.

Engrossed Senate Bill 259

Senator Alting called up Engrossed Senate Bill 259 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 135: yeas 46, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dermody, Truitt, and Klinker.

Engrossed Senate Bill 262

Senator Bray called up Engrossed Senate Bill 262 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 136: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Steuerwald and Lawson.

Engrossed Senate Bill 265

Senator Head called up Engrossed Senate Bill 265 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 137: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch, Neese, and Porter.

Engrossed Senate Bill 267

Senator Rogers called up Engrossed Senate Bill 267 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 138: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning and Lawson.

Engrossed Senate Bill 268

Senator Rogers called up Engrossed Senate Bill 268 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 139: yeas 42, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning, V. Smith, and VanDenburgh.

Engrossed Senate Bill 273

Senator Lanane called up Engrossed Senate Bill 273 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 140: yeas 45, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Cherry and DeLaney.

Engrossed Senate Bill 275

Senator Merritt called up Engrossed Senate Bill 275 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 141: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair

instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Davis and Clere.

Engrossed Senate Bill 277

Senator Simpson called up Engrossed Senate Bill 277 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 142: yeas 45, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Turner and Welch.

Engrossed Senate Bill 280

Senator Charbonneau called up Engrossed Senate Bill 280 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 143: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thompson and Goodin.

Engrossed Senate Bill 285

Senator Lawson called up Engrossed Senate Bill 285 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 144: yeas 46, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thompson and Steuerwald.

Engrossed Senate Bill 286

Senator Lawson called up Engrossed Senate Bill 286 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 145: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives McNamara and Noe.

Engrossed Senate Bill 293

Senator Smith called up Engrossed Senate Bill 293 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 146: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Turner, McMillin, Grubb, and Welch.

Engrossed Senate Bill 296

Senator Leising called up Engrossed Senate Bill 296 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 147: yeas 34, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning and Frizzell.

Engrossed Senate Bill 303

Senator Becker called up Engrossed Senate Bill 303 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 148: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Crouch.

Engrossed Senate Bill 307

Senator Hershman called up Engrossed Senate Bill 307 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 149: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives VanNatter and Welch.

Engrossed Senate Bill 308

Senator Hershman called up Engrossed Senate Bill 308 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 150: yeas 43, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lehman, DeLaney, VanNatter, and Stevenson.

Engrossed Senate Bill 309

Senator Hershman called up Engrossed Senate Bill 309 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 151: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Truitt and Grubb.

Engrossed Senate Bill 312

Senator Hershman called up Engrossed Senate Bill 312 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 152: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and Klinker.

Engrossed Senate Bill 315

Senator Head called up Engrossed Senate Bill 315 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 153: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Messmer.

Engrossed Senate Bill 321

Senator Wyss called up Engrossed Senate Bill 321 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 154: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thompson and Stemler.

Engrossed Senate Bill 322

Senator Tomes called up Engrossed Senate Bill 322 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 155: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Steuerwald.

Engrossed Senate Bill 329

Senator Hume called up Engrossed Senate Bill 329 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 156: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Messmer and Battles.

Engrossed Senate Bill 330

Senator Yoder called up Engrossed Senate Bill 330 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 157: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Heaton, Austin, Ubelhor, and Welch.

Engrossed Senate Bill 337

Senator Waltz called up Engrossed Senate Bill 337 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 158: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative McNamara.

Engrossed Senate Bill 345

Senator Hershman called up Engrossed Senate Bill 345 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 159: yeas 46, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thompson, Soliday, and Welch.

SENATE MOTION

Madam President: I move that Senator Buck be added as third author of Engrossed Senate Bill 322.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 265.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Steele and Leising be added as coauthors of Engrossed Senate Bill 315.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 293.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 280.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Bill 273.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Engrossed Senate Bill 258.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 267.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 268.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as second author and Senator Steele be added as third author of Engrossed Senate Bill 262.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Simpson and Lanane be added as coauthors of Engrossed Senate Bill 235.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as coauthor of Engrossed Senate Bill 190.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske, Wyss, and Paul be added as coauthors of Engrossed Senate Bill 234.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as coauthor of Engrossed Senate Bill 190.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as coauthor of Engrossed Senate Bill 182.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as third author of Engrossed Senate Bill 132.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 165.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Leising and Delph be added as coauthors of Engrossed Senate Bill 182.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Becker and Miller be added as coauthors of Engrossed Senate Bill 190.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Engrossed Senate Bill 165.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Engrossed Senate Bill 83.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Engrossed Senate Bill 168.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Schneider be added as coauthor of Engrossed Senate Bill 293.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Engrossed Senate Bill 140.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Engrossed Senate Bill 321.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Charbonneau, Simpson, and Tallian be added as coauthors of Engrossed Senate Bill 345.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske and Boots be added as coauthors of Engrossed Senate Bill 337.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 9:45 a.m., Wednesday, February 1, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 7:51 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Seventeenth Meeting Day Wednesday Morning February 1, 2012

The Senate convened at 10:02 a.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Greggory F. Walker.

The Pledge of Allegiance to the Flag was led by Senator Walker.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 160: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

SENATE MOTION

Madam President: I move that Senators Kruse, Long, Schneider, and Smith be added as cosponsors of Engrossed House Bill 1001.

YODER

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 25

Senate Resolution 25, introduced by Senator Schneider:

A SENATE RESOLUTION urging the legislative council to establish an interim study committee to study Common Core Standards.

Whereas, Common Core Standards are an attempt to ensure that all students are college and career ready in literacy no later than by the end of high school;

Whereas, However, not everyone is convinced that these Common Core Standards are in the best interests of Indiana's students;

Whereas, Further study is required before adopting the Common Core Standards for Indiana schools; and

Whereas, The committee, if established, should examine how these Common Core Standards relate to the standards currently in use in Indiana's schools: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study the value of adopting Common Core Standards.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Education and Career Development.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

HB 1002 — Lawson, Landske (Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

HB 1003 — Holdman (Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1004 — Landske, Lawson (Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1005 — Lawson, Holdman (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1009 — M. Young, Banks, Arnold, Taylor (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

HB 1013 — Holdman (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1015 — Bray, R. Young (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1016 — Mishler (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1018 — Steele, Hume (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1019 — Broden (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1029 — Paul (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1033 — Steele (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1034 — Paul (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1040 — Miller (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1049 — Bray, Steele, Lanane (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1050 — Holdman (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1052 — Nugent (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1056 — Eckerty, Glick (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1058 — Boots, Broden (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1059 — Paul (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

HB 1060 — Lawson (Energy and Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1064 — Buck, Glick, Arnold (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

HB 1065 — Waterman, Tomes (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1072 — Kenley (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1080 — Eckerty (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1090 — Head (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1092 — Bray (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1093 — Gard, Holdman (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1102 — Merritt (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1112 — Hershman (Utilities & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

HB 1116 — Waterman, Tomes (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1123 — Kenley, Charbonneau (Appropriations)
A BILL FOR AN ACT concerning pensions.

HB 1126 — Merritt, Bray (Utilities & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

HB 1128 — Gard (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1129 — Mishler (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1132 — Hershman (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1133 — Kenley, Bray (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1134 — Miller (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1136 — Holdman (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1141 — Kenley, Simpson, Broden, Alting (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make appropriations and to make an appropriation.

HB 1148 — M. Young (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1150 — Kruse, Simpson, Rogers (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1154 — Hershman (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1163 — Banks, Kenley, Simpson (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1169 — Kruse (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1173 — Walker (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1186 — Miller (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1189 — Charbonneau, Rogers (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1190 — Hershman (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1192 — Gard, Kenley, Charbonneau, Miller (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1196 — Merritt (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1199 — Hershman, Banks (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1200 — Bray, Simpson (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

HB 1201 — Holdman, Merritt, Randolph (Utilities & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

HB 1238 — Holdman (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1239 — Paul, Holdman (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

HB 1247 — Wyss, Arnold (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1264 — Landske, Mrvan, Tallian (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1273 — Bray, Lawson (Judiciary)
A BILL FOR AN ACT concerning state offices and administration.

HB 1280 — Hershman (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1294 — Smith (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations and to make an appropriation.

HB 1299 — Alting (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1349 — Kruse (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1360 — Miller, Breaux (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1365 — Bray, M. Young (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SENATE MOTION

Madam President: I move that the following resolution be adopted:

HCR 13 Senator Tomes
Recognizing the USS LST Ship Memorial, Evansville.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 13

House Concurrent Resolution 13, sponsored by Senators Tomes and Becker:

A CONCURRENT RESOLUTION recognizing the USS LST Ship Memorial, Evansville.

Whereas, The USS LST 325, one of 1,051 LSTs built during World War II, is an amphibious vessel designed to land battle-ready tanks, troops, and supplies directly onto enemy shores;

Whereas, The USS LST 325, built in a Philadelphia ship yard and commissioned on February 1, 1943, participated in the invasions of Sicily, Salerno, and Normandy;

Whereas, During the invasion of Normandy, the USS LST 325 made over 40 round trip missions between England and France ferrying troops, supplies, and the wounded;

Whereas, Given to the Greek Navy in 1964, the USS LST 325 was decommissioned in 1999;

Whereas, In 2000, the USS LST 325 was acquired from the Greek Navy by the USS LST Ship Memorial;

Whereas, The ship was repaired and sailed back to the United States, where it is the only near fully restored and fully operational LST and one of only a few surviving vessels that participated in the D-Day Invasion in 1944; and

Whereas, It is through memorials such as the one dedicated to the USS LST 325 that Hoosiers are reminded of the sacrifices made by others so that they may be free: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the USS LST Ship Memorial and acknowledges the contributions made to the community by the dedicated staff of this historical monument.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the executive director and the board of directors of the USS LST Ship Memorial.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1007, 1011, 1047, 1054, 1087, 1091, 1107, 1111, 1117, 1149, 1171, 1195, 1197, 1204, 1205, 1207, 1211, 1212, 1216, 1220, 1221, 1222, 1224, 1225, 1226, 1237, 1241, 1249, 1250, 1258, 1265, 1269, 1270, 1279, 1283, 1298, 1307, 1312, 1325, 1326, 1367, and 1376 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1001

Senator Yoder called up Engrossed House Bill 1001 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 161: yeas 28, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Senator Hershman be added as cosponsor of Engrossed House Bill 1001.

YODER

Motion prevailed.

11:50 a.m.

The Chair declared a recess until the fall of the gavel.

RECESS

The Senate reconvened at 12:25 p.m., with Senator Long in the Chair.

ENGROSSED SENATE BILLS
ON THIRD READING

Engrossed Senate Bill 72

Senator Holdman called up Engrossed Senate Bill 72 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 162: yeas 36, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Ellspermann.

Engrossed Senate Bill 88

Senator Kruse called up Engrossed Senate Bill 88 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 163: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dodge, Yarde, Pond, and Turner.

Engrossed Senate Bill 107

Senator Zakas called up Engrossed Senate Bill 107 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 164: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Neese.

Engrossed Senate Bill 174

Senator Lawson called up Engrossed Senate Bill 174 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 165: yeas 40, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Torr and Mahan.

Engrossed Senate Bill 179

Senator Banks called up Engrossed Senate Bill 179 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 166: yeas 38, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Heuer and Behning.

Senator Long yielded the gavel to Senator Landske.

Engrossed Senate Bill 210

Senator Gard called up Engrossed Senate Bill 210 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 167: yeas 25, nays 25.

The bill was declared failed for lack of a constitutional majority.

Senator Landske yielded the gavel to Senator Long.

Engrossed Senate Bill 243

Senator Grooms called up Engrossed Senate Bill 243 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 168: yeas 42, nays 8. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Davisson, Ubelhor, Goodin, and Rhoads.

Engrossed Senate Bill 260

Senator Alting called up Engrossed Senate Bill 260 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 169: yeas 23, nays 27.

The bill was declared defeated.

Engrossed Senate Bill 283

Senator Kruse called up Engrossed Senate Bill 283 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 170: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thompson, Behning, Rhoads, and Sullivan.

Engrossed Senate Bill 311

Senator Hershman called up Engrossed Senate Bill 311 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 171: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Truitt and VanNatter.

Engrossed Senate Bill 327

Senator Merritt called up Engrossed Senate Bill 327 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 172: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Soliday.

Engrossed Senate Bill 334

Senator Grooms called up Engrossed Senate Bill 334 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 173: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Davisson and Clere.

Engrossed Senate Bill 344

Senator Hershman called up Engrossed Senate Bill 344 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 174: yeas 28, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Espich and Welch.

Engrossed Senate Bill 350

Senator Gard called up Engrossed Senate Bill 350 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 175: yeas 46, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Lehe.

Engrossed Senate Bill 351

Senator R. Young called up Engrossed Senate Bill 351 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 176: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Cheatham and Davisson.

Engrossed Senate Bill 353

Senator Walker called up Engrossed Senate Bill 353 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 177: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dermody and Goodin.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that, pursuant to Senate Rule 76, I have received permission from Senator Mishler for Senator Arnold to call Engrossed Senate Bill 371 on third reading February 1, 2012.

LONG

Report adopted.

Engrossed Senate Bill 371

Senator Arnold called up Engrossed Senate Bill 371 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 178: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative R. Frye.

The President of the Senate announced that Senator Mishler was excused for the remainder of the day.

Engrossed Senate Bill 376

Senator Waterman called up Engrossed Senate Bill 376 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 179: yeas 47, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Borders and Koch.

Engrossed Senate Bill 378

Senator Simpson called up Engrossed Senate Bill 378 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 180: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Steuerwald and Welch.

Engrossed Senate Bill 384

Senator Kruse called up Engrossed Senate Bill 384 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 181: yeas 42, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning, Yarde, Heuer, and Porter.

Engrossed Senate Bill 392

Senator Banks called up Engrossed Senate Bill 392 for third reading:

A BILL FOR AN ACT concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 182: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Behning.

Engrossed Senate Bill 407

Senator Grooms called up Engrossed Senate Bill 407 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 183: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Welch, Davisson, and Stemler.

Engrossed Senate Bill 413

Senator Yoder called up Engrossed Senate Bill 413 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 184: yeas 31, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning and Thompson.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

HB 1007 — Head, Banks (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1011 — Bray, Head, Taylor, Hume (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections and to make an appropriation.

HB 1047 — Kruse (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1054 — Charbonneau, Merritt, Wyss (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1087 — Hershman, Arnold (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1091 — Steele, Leising (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1107 — Gard (Energy and Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1111 — Merritt, Mishler, Broden (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1117 — Gard, Leising (Utilities & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1149 — Gard, Alting, Simpson (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1171 — Wyss (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1195 — Walker (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1197 — Becker (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

HB 1204 — Steele, Arnold (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

HB 1205 — Kruse (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1207 — Boots (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1211 — Becker, Leising, Broden, Simpson (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1212 — Merritt (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1216 — Miller (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1220 — Leising, Yoder, Banks (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

HB 1221 — Steele, Buck (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1222 — Wyss, Arnold (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1224 — Alting, Boots (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

HB 1225 — Holdman, Gard (Energy and Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1226 — Paul (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1237 — Eckerty, Yoder (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1241 — Leising (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

HB 1249 — Merritt, Holdman, Breaux (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1250 — Lawson, Holdman (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1258 — Zakas, Glick, Broden (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning probate.

HB 1265 — Yoder, Banks (Rules and Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1269 — Miller (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1270 — Kruse, Kenley (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1279 — Mishler (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1283 — Gard, Simpson (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1298 — Holdman, Paul (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1307 — Charbonneau, Rogers, Randolph (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1312 — R. Young (Commerce & Economic Development)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1325 — Hershman, M. Young (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1326 — Yoder (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1367 — Lawson (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1376 — Kenley (Appropriations)
A BILL FOR AN ACT concerning amend the Indiana Code. (Vehicle Bill)

SENATE MOTION

Madam President: I move that Senator Tomes be added as coauthor of Engrossed Senate Bill 243.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Engrossed Senate Bill 210.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be removed as second sponsor of Engrossed House Bill 1093.

GARD

Motion prevailed.

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 1st day of February, 2012, signed House Enrolled Act 1001.

REBECCA S. SKILLMAN
Lieutenant Governor

SENATE MOTION

Madam President: I move that Senator Holdman be removed as sponsor of Engrossed House Bill 1093 and that Senator Gard be substituted therefor.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as second sponsor of Engrossed House Bill 1093.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 3:30 p.m., Monday, February 6, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 2:49 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

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State of Indiana

117th General Assembly Second Regular Session

Eighteenth Meeting Day Monday Afternoon February 6, 2012

The Senate convened at 3:31 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Dennis K. Kruse.

The Pledge of Allegiance to the Flag was led by Senator Kruse.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting ▶	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent ▶
Breaux	Paul ▶
Broden	Randolph
Buck	Rogers ▶
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard ▶	Smith
Glick	Steele
Grooms	Tallian ▶
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume ▶	Waltz
Kenley	Waterman ▶
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 185: present 42; excused 8. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 26

Senate Resolution 26, introduced by Senator Grooms:

A RESOLUTION urging the legislative council to establish an interim study committee to study increased penalties for battery of a licensed security guard.

Whereas, Battery committed against a security guard while the guard is performing the guard's duties should warrant harsher penalties;

Whereas, Security guards often patrol areas that previously had been patrolled by police officers, including shopping malls, workplaces, apartment buildings, neighborhoods, banks, and highly congested public places;

Whereas, These private security guards often lack adequate training to deal with situations that may arise in these areas; and

Whereas, Further study is necessary to determine if harsher penalties are required for battery of a licensed security guard: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study increased penalties for battery of a licensed security guard.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Corrections, Criminal, and Civil Matters.

SENATE MOTION

Madam President: I move that Senator Kenley be removed as sponsor of Engrossed House Bill 1072 and that Senator Hershman be substituted therefor.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1367.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as cosponsor of Engrossed House Bill 1072.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as cosponsor of Engrossed House Bill 1050.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 7, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 3:39 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

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State of Indiana

117th General Assembly Second Regular Session

Nineteenth Meeting Day Tuesday Afternoon February 7, 2012

The Senate convened at 1:30 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Dr. Ronald Manahan, President of Grace College.

The Pledge of Allegiance to the Flag was led by Senator Ryan D. Mishler.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent ▶
Breaux ▶	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume ▶	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 186: present 47; excused 3. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 27

Senate Resolution 27, introduced by Senator Yoder:

A SENATE RESOLUTION urging the legislative council to establish an interim study committee to study child seduction involving a law enforcement officer.

Whereas, The topic of child seduction involving a law enforcement officer should be studied: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study child seduction involving a law enforcement officer.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Corrections, Criminal, and Civil Matters.

Senate Resolution 29

Senate Resolution 29, introduced by Senators Walker, Boots, and Charbonneau:

A SENATE RESOLUTION urging the Legislative Council to assign an interim study committee the study of laws restricting or regulating commerce in the state of Indiana on Sundays.

Whereas, There are several laws in Indiana that restrict or regulate commerce on Sundays, including, but not limited to, the laws restricting alcohol sales and the sale of motorcycles; and

Whereas, It would be prudent to study the economic impact of these laws: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate urges the Legislative Council to assign an interim study committee the study of laws restricting or regulating commerce in the state of Indiana on Sundays.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council through the Executive Director of the Legislative Services Agency.

The resolution was read in full and referred to the Committee on Commerce and Economic Development.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Engrossed House Bill 1132, currently assigned to the

Committee on Local Government, be reassigned to the Committee on Tax and Fiscal Policy.

LONG

Report adopted.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Engrossed House Bill 1154, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Engrossed House Bill 1163, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Engrossed House Bill 1016, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 6, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Engrossed House Bill 1241, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 6, line 9, delete "Incentives" and insert "**Incentive**".

Page 8, line 17, delete "incentives" and insert "**incentive**".

Page 8, line 42, delete "15" and insert "**16**".

(Reference is to HB 1241 as reprinted January 31, 2012.)
and when so amended that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.
Committee Vote: Yeas 9, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Engrossed House Bill 1237, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 24-5-11-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. As used in this chapter, "exterior home improvement" means any alteration, repair, replacement, reconstruction, or other modification made to the exterior of residential property, including the exterior of any structure on or fixture or improvement to the property. The term also includes the alteration, repair, replacement, reconstruction, or other modification of a residential roof system.**".

Page 1, line 11, delete "the alteration, repair, replacement," and insert "**an exterior home improvement.**".

Page 1, delete line 12.

Page 4, line 4, delete "2012." and insert "**2012, that includes one (1) or more exterior home improvements.**".

Page 5, line 39, delete "2012." and insert "**2012, that includes one (1) or more exterior home improvements.**".

Page 6, delete lines 22 through 29, begin a new paragraph and insert:

"**(c) If:**

(1) an insured consumer cancels a home improvement contract under subsection (b); and

(2) the home improvement supplier has performed emergency or temporary services that the insured consumer acknowledged in writing before their performance to be necessary to prevent damage to the residential property;

the home improvement supplier is entitled to the reasonable value of the emergency or temporary services performed.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1237 as reprinted January 28, 2012.)
and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 1.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Engrossed House Bill 1312, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1034, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1015, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 32, delete "descendants" and insert "**invitees**".

(Reference is to HB 1015 as printed January 23, 2012.)

and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred Senate Concurrent Resolution 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: Yeas 6, Nays 0.

M. YOUNG, Chair

Report adopted.

SENATE MOTION

Madam President: I move that the following resolution be adopted:

SR 28 Senator Landske
Congratulating the Izaak Walton League of America on 90 years of defending the outdoors.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 28

Senate Resolution 28, introduced by Senator Landske:

A SENATE RESOLUTION congratulating the Izaak Walton League of America on 90 years of defending the outdoors.

Whereas, On January 14, 1922, fifty-four ambitious sportsmen gathered to discuss the deterioration of America's top fishing streams;

Whereas, Wildlife habitat was being destroyed across the country and our nation's forests and wilderness were quickly vanishing. Knowing that action needed to be taken to preserve the wildlife the group formed an organization to combat water pollution and protect the country's forests, a step that would unknowingly lead to many victories for conservation of land;

Whereas, Ninety years later, the 39,000 members of the Izaak Walton League of America are building on the foundation of those who preceded them in responding to conservation challenges;

Whereas, The League has been at the forefront of every major clean water battle in the United States. Spearheading conservation of land and waters for the benefit of all Americans, including creation of the Upper Mississippi National Wildlife and Fish Refuge and Superior National Forest and Boundary Waters Canoe Area Wilderness;

Whereas, The 250 chapters are in communities across America, working to introduce youth and families to conservation and outdoor recreation. Chapter members build nature trails, restore stream banks, and plant trees. League chapters also award more than $125,000 in scholarships each year to college students working toward natural resource degrees; and

Whereas, The Izaak Walton League of America has embodied the tradition of grassroots conservation activism with their 90 years of service to defending our nation's wildlife and land. Starting as a group of fifty-four visionary sportsmen to growing to an amazing number of 39,000 members, they truly deserve to be honored in their crusade to better our land: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates the Izaak Walton League of America on 90 years of defending the outdoors.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Izaak Walton League of America.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senator Rogers be removed as cosponsor of Engrossed House Bill 1367.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added

as cosponsor of Engrossed House Bill 1264.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as cosponsor of Engrossed House Bill 1195.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as cosponsor of Engrossed House Bill 1376.

KENLEY

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Engrossed House Bill 1280, currently assigned to the Committee on Corrections, Criminal, and Civil Matters, be reassigned to the Committee on Tax and Fiscal Policy.

LONG

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 9, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 1:42 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Twentieth Meeting Day Thursday Afternoon February 9, 2012

The Senate convened at 1:34 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Greggory F. Walker.

The Pledge of Allegiance to the Flag was led by Senator Walker.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent ▶
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider ▶
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman ▶	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 187: present 47; excused 3. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Technology, to which was referred Engrossed House Bill 1112, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

MERRITT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Engrossed House Bill 1005, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete line 15, begin a new paragraph and insert:

"**Sec. 4. (a) An individual who is serving as a volunteer firefighter for a volunteer fire department or a fire department that provides fire protection services to a unit:**

(1) under a contract, excluding a mutual aid agreement; or

(2) as the unit's fire department;

may not assume or hold an elected office of a unit that receives services from the department in which the volunteer firefighter serves.

(b) An individual who serves as a volunteer firefighter in a department that provides fire service to more than one (1) unit, excluding fire service provided under mutual aid agreements, may not assume or hold an elected office of any unit that receives fire service from the department.".

Page 2, delete lines 1 through 3.

Page 2, line 9, after "from" insert "**assuming or**".

Page 2, delete lines 12 through 15, begin a new line block indented and insert:

"**(2) a volunteer firefighter from assuming or holding an elected office of a unit other than the unit receiving services from the department in which the volunteer firefighter serves; or**".

Page 2, line 16, after "who" insert "**assumes or**".

Page 2, delete lines 19 through 27, begin a new paragraph and insert:

"**Sec. 7. (a) Notwithstanding sections 4 and 5 of this chapter:**

(1) a volunteer firefighter who assumes or holds an elected office on January 1, 2013, may continue to hold the elected office and serve as a volunteer firefighter; and

(2) a government employee who assumes or holds an elected office on January 1, 2013, may continue to hold the elected office and be employed as a government employee;

until the term of the elected office that the volunteer firefighter or government employee is serving on January 1, 2013, expires.

(b) After the expiration of the term of the elected office that the volunteer firefighter referred to in subsection (a) is serving on January 1, 2013, the volunteer firefighter is subject to section 4 of this chapter with respect to serving as a volunteer firefighter and assuming or holding an elected office of the unit that receives services from the department in which the volunteer firefighter serves.

(c) After the expiration of the term of the elected office that the government employee referred to in subsection (a) is serving on January 1, 2013, the government employee is subject to section 5 of this chapter with respect to assuming or holding an elected office and being employed by the unit that employs the government employee.".

Page 3, line 15, delete "that complies with" and insert "**under**".

Page 3, line 16, delete "that complies with" and insert "**under**".

Page 5, between lines 27 and 28, begin a new paragraph and insert:

"**Sec. 9. (a) This chapter establishes minimum requirements regarding employment of relatives. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:**

(1) include requirements that are more stringent or detailed than any provision in this chapter; and

(2) apply to individuals who are exempted or excluded from the application of this chapter.

The unit may prohibit the employment of a relative that is not otherwise prohibited by this chapter.

(b) The annual report filed by a unit with the state board of accounts under IC 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.".

Page 5, line 28, delete "9. Except as otherwise provided in this chapter, individuals" and insert "**10. Individuals**".

Page 5, line 32, delete "10." and insert "**11. (a)**".

Page 5, line 32, delete "subsection" and insert "**section**".

Page 5, delete lines 37 through 42, begin a new paragraph and insert:

"**(b) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual may remain employed by a unit and maintain the individual's position or rank even if the individual's employment would violate section 10 of this chapter.**

(c) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual described in subsection (b) may not:

(1) be promoted to a position; or

(2) be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department;

if the new position would violate section 10 of this chapter.".

Page 6, delete line 1.

Page 6, line 2, delete "11." and insert "**12.**".

Page 6, line 7, delete "12. A" and insert "**13. Unless the policy adopted under section 9 of this chapter provides otherwise, a**".

Page 6, line 10, delete "13. An" and insert "**14. Unless the policy adopted under section 9 of this chapter provides otherwise, an**".

Page 6, line 21, delete "14." and insert "**15.**".

Page 6, line 22, after "residence," insert "**unless the policy adopted under section 9 of this chapter provides otherwise**".

Page 6, line 29, delete "15. (a)" and insert "**16.**".

Page 6, delete lines 34 through 40.

Page 6, line 41, delete "16." and insert "**17.**".

Page 6, line 42, delete "that complies with" and insert "**under**".

Page 7, line 3, delete "17." and insert "**18.**".

Page 7, line 3, delete "that complies" and insert "**under**".

Page 7, line 4, delete "with".

Page 7, between lines 33 and 34, begin a new paragraph and insert:

"**Sec. 4. (a) This chapter establishes minimum requirements regarding contracting with a unit. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:**

(1) include requirements that are more stringent or detailed than any provision in this chapter; and

(2) apply to individuals who are exempted or excluded from the application of this chapter.

The unit may prohibit the employment of a relative that is not otherwise prohibited by this chapter.

(b) The annual report filed by a unit with the state board of accounts under IC 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.".

Page 7, line 34, delete "4." and insert "**5.**".

Page 8, line 32, delete "5. (a)" and insert "**6.**".

Page 8, delete lines 37 through 42.

Page 9, delete line 1.

Page 9, line 2, delete "6." and insert "**7.**".

Page 9, line 3, delete "that complies with" and insert "**under**".

Page 9, line 6, delete "7." and insert "**8.**".

Page 9, line 6, delete "that complies with" and insert "**under**".

Page 9, line 13, delete "is in compliance with" and insert "**has adopted a policy under**".

(Reference is to HB 1005 as printed January 13, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Engrossed House Bill 1283, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions and state and local administration.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 1-2-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 13. State Rifle

Sec. 1. The "Grouseland Rifle" made by Colonel John Small of Vincennes, Indiana, between 1803 and 1812 is designated the official rifle of the state of Indiana.

Sec. 2. Any:

(1) duplication or reproduction; or

(2) sale of any duplication or reproduction;

of the "Grouseland Rifle" must be authorized by the Grouseland Foundation of Vincennes, Indiana.".

Page 2, line 13, delete "State" and insert "**Indiana**".

Page 5, line 1, reset in roman "shall".

Page 5, line 1, delete "may".

Page 5, line 8, reset in roman "shall".

Page 5, line 8, delete "may".

Renumber all SECTIONS consecutively.

(Reference is to HB 1283 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1065, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 3, delete ", for good cause shown,".

Page 2, line 10, delete "and good cause shown," and insert "**,**".

Page 2, line 39, delete ", for good cause shown,".

Page 3, line 4, delete "and good cause shown," and insert "**,**".

(Reference is to HB 1065 as printed January 11, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1216, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "blood donations" and insert "**donation**".

(Reference is to HB 1216 as printed January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1360, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 9, delete "house;" and insert "**house of representatives;**".

Page 2, line 10, delete "tem" and insert "**tempore**".

Page 2, line 11, after "health" insert "**and provider services**".

(Reference is to HB 1360 as printed January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1092, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1009, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1148, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1250, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"**Sec. 1. This chapter does not prohibit the continuation of a job assignment that existed on July 1, 2012.**".

Page 1, line 5, delete "1." and insert "**2.**".

Page 1, line 5, delete "means an authority, a" and insert "**has the meaning set forth in IC 4-2-6-1.**

Sec. 3. As used in this chapter, "appointing authority" means:

(1) an elected officer;

(2) the head of an agency, a department, a division, a board, or a commission; or

(3) an individual or group of individuals who have the power by law or by lawfully delegated authority to make appointments.

Sec. 4. As used in this chapter, "direct line of supervision" means the chain of command in which the superior affects or has the authority to affect, the terms and conditions of the subordinate's employment, including making decisions about work assignments, compensation, grievances, advancements, or performance evaluation.".

Page 1, delete lines 6 through 16.

Page 1, line 17, delete "2." and insert "**5.**".

Page 2, line 1, after "part-time," insert "**temporary,**".

Page 2, line 2, delete "contractual employment." and insert "**hourly.**".

Page 2, line 4, delete "3." and insert "**6. (a)**".

Page 2, delete lines 6 through 12, begin a new line block indented and insert:

"**(1) A spouse.**

(2) A parent or stepparent.

(3) A child or stepchild.

(4) A brother, sister, stepbrother, or stepsister.

(5) A niece or nephew.

(6) An aunt or uncle.

(7) A daughter-in-law or son-in-law.

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.".

Page 2, line 13, delete "4." and insert "**7.**".

Page 2, line 13, delete "means" and insert "**has the meaning set forth in IC 4-2-6-1.**

Sec. 8. An individual employed in an agency may not hire a relative.

Sec. 9. (a) Except as provided in subsection (b), an individual may not be employed in the same agency in which an individual's relative is the appointing authority.

(b) An individual may be employed in the same agency in which the individual's relative is the appointing authority, if the individual has been employed in the same agency for at least twelve (12) consecutive months immediately preceding the date the individual's relative becomes the appointing authority.

Sec. 10. Except as provided in section 9(b) of this chapter, an individual may not be placed in a relative's direct line of supervision.

Sec. 11. An individual employed in an agency may not contract with or supervise the work of a business entity of which a relative is a partner, executive officer, or sole proprietor.".

Page 2, delete lines 14 through 39.

Page 2, line 40, delete "8." and insert "**12.**".

Page 2, line 40, after "who" insert "**knowingly**".

(Reference is to HB 1250 as printed January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

BOOTS, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 19

House Concurrent Resolution 19, sponsored by Senator Banks:

A CONCURRENT RESOLUTION honoring Melanie Park.

Whereas, Melanie Park is Indiana's 2012 Teacher of the Year;

Whereas, Melanie Park, a reading remediation teacher for grades six, seven, and eight at Riverview Middle School in Huntington, has been teaching for over 10 years and is well known for her enthusiasm and passion for education;

Whereas, In addition to her classroom duties, Melanie Park also teaches an online course for teachers on methods to teach writing;

Whereas, Melanie believes "all students, regardless of their life circumstances, can learn", according to Dr. Tony Bennett, Superintendent of Public Instruction, and she serves as an effective and inspirational teacher who will be remembered by her students;

Whereas, Melanie Park earned her undergraduate degree and Master of Science in language education at Indiana University in Bloomington;

Whereas, As Indiana's 2012 Teacher of the Year, Melanie Park is the state's nominee for the 2012 National Teacher of the Year honor; and

Whereas, It is fitting that excellence in our state's teachers be given widespread recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That on behalf of the people of Indiana, we congratulate Melanie Park on being selected Indiana's 2012 Teacher of the Year.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Melanie Park and the principal of Riverview Middle School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 17

House Concurrent Resolution 17, sponsored by Senators Waterman and Skinner:

A CONCURRENT RESOLUTION marking the 100th anniversary of the Girl Scouts.

Whereas, Juliette Gordon Low dreamed of an organization that would give each girl an opportunity to develop physically, mentally, and spiritually;

Whereas, The Girl Scouts helped girls emerge from isolated home environments and enter into the world of community service and the open air;

Whereas, Girl Scouts hiked, camped, learned to tell time by the stars, and studied first aid;

Whereas, The organization was founded on March 12, 1912, in Savannah, Georgia, when Juliette Gordon Low gathered 18 girls together to register the first troop of American Girl Guides;

Whereas, The organization's name was changed to the Girl Scouts the following year;

Whereas, By 1920, the Girl Scouts had nearly 70,000 members nationwide, including in the territory of Hawaii;

Whereas, Juliette Gordon Low encouraged girls to prepare for traditional homemaking, for possible future roles as professional women in the arts, sciences, and business, and for active citizenship outside the home;

Whereas, The Girl Scouts organization welcomed girls with disabilities with open arms at a time when they were often excluded from many other activities;

Whereas, From the seed planted by Juliette Gordon Low and those original 18 girls, Girl Scouting has grown to an organization of 3.2 million Girl Scouts — 2.3 million girl members and 880,000 adult members who work primarily as volunteers;

Whereas, For 100 years, participation in the Girl Scouts has helped girls "develop their full individual potential, relate to others with increasing understanding, skill, and respect, develop values to guide their actions and provide the foundation for sound decision-making, and contribute to the improvement of society through their abilities, leadership skills, and cooperation with others"; and

Whereas, The Girl Scouts of the USA have declared 2012 "the Year of the Girl: a celebration of girls, recognition of their leadership potential, and a commitment to creating a coalition of like-minded organizations and individuals in support of balanced leadership in the workplace and in communities across the country"; and

Whereas, Since 1912, Girl Scouting has influenced the lives of more than 50 million American women who have participated in the organization in their youth: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the Girl Scouts on the occasion of the 100th anniversary of the organization's founding and to thank the group for the strong positive influence it has had on the American woman.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Becky Buse, Girl Scouts of Central Indiana.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 4

Senate Concurrent Resolution 4, introduced by Senator Lawson:

A CONCURRENT RESOLUTION memorializing Galen Goode.

Whereas, The state of Indiana and the Indiana Commission on Mental Health and Addiction understand the importance of providing behavioral health services within our communities;

Whereas, Galen Goode previously served as Chief Executive Officer of Hamilton Center, Inc., for over 22 years until his passing in October, 2011, and worked in the behavioral health industry for more than 42 years;

Whereas, Through strong advocacy efforts, Galen Goode was instrumental in helping Indiana's community mental health centers enhance the level of service provided to clients;

Whereas, Galen Goode spent countless hours working on the integration of behavioral health and developmentally disabled individuals and the coordination of behavioral health services with hospital based services;

Whereas, Galen Goode played a major role in developing policy initiatives aimed at reforming Indiana's mental health system, including his work as a long-time member of the Commission on Mental Health;

Whereas, Galen Goode was extensively involved in community service programs and activities in both Terre Haute

and Sullivan, Indiana;

Whereas, The members of the Indiana Commission on Mental Health and Addiction support and approve this resolution professing Galen Goode's years of dedicated service to the people of Indiana and Indiana's mental health system; and

Whereas, Galen Goode exemplified dedication and compassion in working to improve the care of Indiana's citizens who are mentally ill or developmentally disabled or have other chronic health conditions: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana Commission on Mental Health and Addiction, as established by the Indiana General Assembly, acknowledges the many contributions Galen Goode made to our state and its citizens through his dedication and hard work in representing Indiana's most vulnerable Hoosiers in need of health related services.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the family of Galen Goode.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives C. Brown and Noe.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1015

Senator Bray called up Engrossed House Bill 1015 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1016

Senator Mishler called up Engrossed House Bill 1016 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1034

Senator Paul called up Engrossed House Bill 1034 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 11 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 16, 17, 19, and 20 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 15 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Eckerty be added as cosponsor of Engrossed House Bill 1065.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as cosponsor of Engrossed House Bill 1116.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as cosponsor of Engrossed House Bill 1123.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as cosponsor of Engrossed House Bill 1116.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Bray, Broden, Glick, Steele, Randolph, and Lanane be added as cosponsors of Engrossed House Bill 1065.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Banks be added as second sponsor of Engrossed House Bill 1016.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as cosponsor of Engrossed House Bill 1134.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as third sponsor of Engrossed House Bill 1126.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as cosponsor of Engrossed House Bill 1016.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as second sponsor and Senator Hershman be added as cosponsor of Engrossed House Bill 1367.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Miller and Lawson be added as cosponsors of Engrossed House Bill 1123.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Wyss, Yoder, M. Young, R. Young, and Zakas be added as cosponsors of House Concurrent Resolution 17.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as cosponsor of Engrossed House Bill 1199.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as cosponsor of Engrossed House Bill 1058.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Paul be added as second sponsor of Engrossed House Bill 1154.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be removed as second sponsor of Engrossed House Bill 1367.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Rogers and Charbonneau be added as cosponsors of Engrossed House Bill 1090.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Senate Concurrent Resolution 4.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1090.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as cosponsor of Engrossed House Bill 1237.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

HCR 16 Senator Becker
Honoring the 1961-1962 Evansville Benjamin

Bosse High School men's basketball team.

HCR 20 Senator Bray
Honoring the Martinsville High School Spell Bowl team and the East Middle School Spell Bowl team.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 16

House Concurrent Resolution 16, sponsored by Senators Becker and Tomes:

A CONCURRENT RESOLUTION honoring the 1961-1962 Evansville Benjamin Bosse High School men's basketball team.

Whereas, The Bulldogs of Evansville Benjamin Bosse High School were crowned state high school basketball champions for the 1961-1962 season with a dramatic 84-81 win over East Chicago Washington High School in the title game at Butler Fieldhouse;

Whereas, The Bulldogs won the '62 title in the first year of Jim Myers's tenure as head coach, continually motivated and encouraged to become better athletes and better men by Coach Myers, a tough-minded but caring veteran of the Pacific Theater of the Second World War;

Whereas, Four of the Bulldogs' starting five went on to play for Division I universities, with several Indiana schools among them, including Indiana University and Valparaiso;

Whereas, Two of the Bulldogs' starters have been inducted into the Indiana Basketball Hall of Fame, forward Gary Grieger in 2007, and guard Jerry Southwood in 2011;

Whereas, The strength of the Bulldogs' bench was just as integral to the squad's championship season, with Jerry Southwood recalling that their success rested on one fact, that, "in a word, it was a team: T-E-A-M";

Whereas, On the road to the title game in Indianapolis, the Bulldogs demonstrated all of their skill and endurance in an impressive string of victories over North Posey High School (92-56), Reitz High School (68-57), Rex Mundi High School (57-54), North High School (88-71), Fort Branch High School (76-61), Castle High School (84-53), Jasper High School (70-68), Seymour High School (77-57), and Madison High School (79-75), before moving on to defeat East Chicago Washington for the championship;

Whereas, The Bulldogs' dominating 24-2 season was only achieved through the hard work and dedication of every player on the team and their coaches, including Eric Sullivan (guard), Bob Adams (guard), Charles Wey (guard), David Riggs (guard), Bob Guenther (center), Jerry Southwood (guard), Gary Grieger (forward), Jerry Polley (forward), Charles Given (forward), John Wilson (guard), Ken Rakow (center), Gene Lockyear (forward), Alfred "Al" Buck (assistant coach), Jerry Canterbury (assistant coach), and Jim Myers (head coach); and,

Whereas, March 17th, 2012, will mark the 50th anniversary of the Bulldogs' title victory over East Chicago Washington: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly honors the 1961-1962 men's basketball team of Evansville Benjamin Bosse High School on the occasion of the 50th anniversary of the Bulldogs' state title, congratulates the team's players and coaches on their victory, and commends them for their contribution to the proud and cherished legacy of excellence in Indiana basketball.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of the team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 20

House Concurrent Resolution 20, sponsored by Senator Bray:

A CONCURRENT RESOLUTION honoring the Martinsville High School Spell Bowl team and the East Middle School Spell Bowl team.

Whereas, The people of Indiana take great pride in the accomplishments of their children;

Whereas, The Martinsville High School Spell Bowl team took first place in the 2011 Spell Bowl State Finals at Purdue University;

Whereas, The high school team placed first in Class 1 with a perfect score of 90, beating runner-up Penn High School by one point;

Whereas, The Martinsville spellers have finished first in the Spell Bowl State Finals nine times and placed in one of the top two spots for the last 18 consecutive years;

Whereas, The East Middle School Spell Bowl team placed second in Class 2 of the 2011 Spell Bowl State Finals, losing by just two points to Thomas Jefferson Middle School;

Whereas, Even though the team consisted of only three veteran members, the team members handled themselves exceptionally well;

Whereas, This year is the seventh time the East Middle School team has been runner-up in the Spell Bowl State Finals and the 14th time the team has competed at the state level;

Whereas, The members of both teams and their coaches have worked long and hard to achieve this honor; and

Whereas, Excellence and effort in the field of academics deserves special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Martinsville High School Spell Bowl team and the East Middle School Spell Bowl team on their recent successes and wishes the teams continued success in future competitions.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to high school team members Allison Cox, Christa Cheatham, Steven Fish, Evan Like, Danielle McDougal, Jake Mock, Isaac Mock, Michele Poindexter, Stephanie Schneck, Casey Whitaker, and Olivia Wooten; middle school team members Ali Wilt, Eli Mock, Zackary Swoboda, Olivia Herbert, Kaitlin Gephart, Libby Scott, Joseph McGuire, and Larry Kresse, coaches Wayne Babbitt and Jenny Babbitt, Martinsville High School principal Don Alkire, East Middle School principal Eric Bowlen, and Superintendent Ron Furniss.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that the following resolution be adopted:

HCR 15 Senator Steele
Honoring the high school and junior high school algebra students in the Brown County Schools for their outstanding performance on the 2011 end-of-course Algebra I assessment test.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 15

House Concurrent Resolution 15, sponsored by Senator Steele:

A CONCURRENT RESOLUTION honoring the high school and junior high school algebra students in the Brown County Schools for their outstanding performance on the 2011 end-of-course Algebra I assessment test.

Whereas, The Brown County Schools have been working hard to improve the math scores of the schools' students for several years;

Whereas, All the hard work paid off recently when the end-of-course Algebra I assessment scores from spring 2011 at Brown County High School were the highest among Indiana public schools and earned the schools the number 5 position among all Indiana schools;

Whereas, The pass rate for all Brown County Schools high school and junior high school students who took the 2011 Algebra I ECA (end of course assessment) was 96.7 percent;

Whereas, 100 percent of the participating junior high students passed the test in 2011, an accomplishment that only 213 middle schools have achieved;

Whereas, Of the 138 Brown County High School students who took the test, 132 passed, giving them a 95.7 percent passing rate, ranking the high school fifth among Indiana's grade 9 - 12 schools; and

Whereas, Academic accomplishments such as this deserve special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Brown County Schools and the students taking the 2011 Algebra I ECA on their outstanding accomplishment and urges the schools and the students to continue to set their goals high.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Mr. David Shaffer, Superintendent of the Brown County Schools.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senator Landske be added as cosponsor of Engrossed House Bill 1034.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 13, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 2:05 p.m.

JENNIFER L. MERTZ	REBECCA S. SKILLMAN
Secretary of the Senate	President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Twenty-first Meeting Day Monday Afternoon February 13, 2012

The Senate convened at 1:32 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Rabbi Benjamin Sendrow, Congregation Shaarey Tefilla, Carmel.

The Pledge of Allegiance to the Flag was led by Senator Michael A. Delph.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent ▶
Breaux	Paul ▶
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane ▶	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 188: present 47; excused 3. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 31

Senate Resolution 31, introduced by Senator Lawson:

A SENATE RESOLUTION encouraging the continued use of vaccines in children, adolescents, and adults to ensure the safety and health of Hoosiers.

Whereas, The Centers for Disease Control and Prevention continue to report vaccination as one of the best ways to eliminate the serious effects of preventable diseases;

Whereas, The Center for Disease Control and Prevention, in their 2010 National Immunization Survey, found an increase in the administration of vaccines for various diseases including; measles, mumps, rubella, rotavirus, pneumococcal disease, hepatitis A, and haemophilus influenza type B;

Whereas, National Immunization Survey results indicated that the vaccines boast successful defense rates against polio virus, chickenpox, and the entire hepatitis B series, all of which have remained stable at 90% or higher;

Whereas, The Advisory Committee on Immunization Practices, as operated by the Center for Disease Control and Prevention, reports that adolescents between 13 and 17 years of age routinely receive immunizations for menigococcal conjugate, tetanus, diphtheria, and acellular pertussis;

Whereas, Vaccinating children and school age adolescents improves the health of the community by reducing serious communicable disease risks throughout the state of Indiana by minimizing or eliminating outbreaks;

Whereas, The Women in Government Foundation, Inc. is a national non-profit, non-partisan organization of female state legislators that provides leadership opportunities, networking expert forums, and educational resources to address and resolve complex public policy issues. Women in Government Foundation, Inc. has made it a major policy initiative to emphasize the importance of lifetime vaccinations, in order to save lives and encourage a healthier population; and

Whereas, The continued use of vaccinations for children, adolescents, and adults will ensure the safety and health of Indiana residents: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate encourages the continued use of vaccines for the citizens of Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Women in Government Foundation, Inc.

The resolution was read in full and referred to the Committee on Health and Provider Services.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Engrossed House Bill 1004, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 3. IC 3-11-4-17, AS AMENDED BY P.L.198-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. Upon receipt of an application for an absentee ballot, a circuit court clerk shall file the application in the clerk's office and record all of the following **in the statewide voter registration list maintained under IC 3-7-26.3:**

(1) The voter's name.

(2) The date the application is received.

(3) The date the ballot is sent to the voter.

(4) If mailed, the address to which the ballot is sent.

(5) If transmitted by fax, the fax number to which the ballot is faxed.

(6) The date the ballot is marked before the clerk or otherwise received from the voter.

(7) The combined total number of absentee ballots sent by the county to absent uniformed services voters and overseas voters.

(8) The total number of absentee ballots returned by voters described in subdivision (7) in time to be counted.

(9) The total number of absentee ballots described in subdivision (7) that were counted in whole or in part.

(10) Any other information that is necessary or advisable.".

Page 4, line 18, after "appointed" delete ",".

Renumber all SECTIONS consecutively.

(Reference is to HB 1004 as reprinted January 28, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 3.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1123, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions and to make an appropriation.

Replace the effective dates in SECTIONS 1 through 4 with "[EFFECTIVE JUNE 20, 2012]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-3-22-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18. The OMB shall, not later than December 1 each year, submit to the state budget committee the following reports concerning postemployment benefits (as defined in IC 5-10-16-5):**

(1) The report prepared by the OMB for state agencies under IC 5-10-16-7.

(2) Reports received from state educational institutions under IC 21-38-3-13.

SECTION 2. IC 5-10-8-6, AS AMENDED BY P.L.229-2011, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The state police department, conservation officers of the department of natural resources, and the state excise police may establish common and unified plans of self-insurance for their employees, including retired employees, as separate entities of state government. These plans may be administered by a private agency, business firm, limited liability company, or corporation. **Any modification to:**

(1) eligibility requirements;

(2) required premiums; or

(3) any other plan provisions;

that affects the amount of the state's contribution to the plan or that affects the post-employment liability under the plan may not be made unless modification is first reviewed by the state budget committee and approved by the budget agency.

(b) Except as provided in this section and IC 5-10-14, the state agencies listed in subsection (a) may not pay as the employer part of benefits for any employee or retiree an amount greater than that paid for other state employees for group insurance.

(c) This subsection applies to a health benefit plan for an individual described in subsection (a). After June 30, 2011, at least one (1) time in each state fiscal year, the budget agency shall determine the average amount of contributions made under IC 5-10-8.5-15 and IC 5-10-8.5-16 to participants in a health reimbursement arrangement or other separate fund under IC 5-10-8.5 in the immediately preceding state fiscal year. In the state fiscal year beginning July 1, 2011, the amount determined under this section must exclude contributions made to persons described in IC 5-10-8.5-15(c) and IC 5-10-8.5-16(f). An amount equal to the average amount determined under this subsection multiplied by the number of participants (other than retired participants) in the plans described in subsection (a) shall be transferred to the plans described in subsection (a). The amount transferred under this subsection shall be proportionally allocated to each plan relative to the number of members in each plan. The amount allocated to a plan under this subsection shall be allocated among the participants in the plan in the same manner as other employer contributions. Funds shall be used only to reduce unfunded other post-employment benefit (OPEB) liability and not to increase benefits or reduce premiums.

(d) Trust funds may be established to carry out the purposes of this section. A trust fund established under this subsection is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from a trust fund established under this subsection by the state board of finance, the budget agency, or any other state agency. Money in a trust fund established under this subsection does not revert to the state general fund at the end of any state fiscal year. A trust fund established under this subsection consists of appropriations,

revenues, or transfers to the trust fund under IC 4-12-1. Contributions to a trust fund established under this subsection are irrevocable. A trust fund established under this subsection must be limited to providing prefunding of annual required contributions and to cover OPEB liability for covered individuals. Funds may be used only for these purposes and not to increase benefits or reduce premiums. A trust fund established under this subsection shall be established to comply with and be administered in a manner that satisfies the Internal Revenue Code requirements concerning a trust fund for prefunding annual required contributions and for covering OPEB liability for covered individuals. All assets in a trust fund established under this subsection:

(1) are dedicated exclusively to providing benefits to covered individuals and their beneficiaries according to the terms of the health plan; and

(2) are exempt from levy, sale, garnishment, attachment, or other legal process.

A trust fund established under this subsection shall be administered by the agency employing the covered individuals. The expenses of administering a trust fund shall be paid from money in the trust fund. The treasurer of state shall invest the money in a trust fund established under this subsection not currently needed to meet the obligations of the trust fund in the same manner as other public money may be invested.

SECTION 3. IC 5-10-8-7, AS AMENDED BY P.L.2-2007, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The state, excluding state educational institutions, may not purchase or maintain a policy of group insurance, except:

(1) life insurance for the state's employees;

(2) long term care insurance under a long term care insurance policy (as defined in IC 27-8-12-5), for the state's employees;

(3) an accident and sickness insurance policy (as defined in IC 27-8-5.6-1) that covers individuals to whom coverage is provided by a local unit under section 6.6 of this chapter; or

(4) an insurance policy that provides coverage that supplements coverage provided under a United States military health care plan.

(b) With the consent of the governor, the state personnel department may establish self-insurance programs to provide group insurance other than life or long term care insurance for state employees and retired state employees. The state personnel department may contract with a private agency, business firm, limited liability company, or corporation for administrative services. A commission may not be paid for the placement of the contract. The department may require, as part of a contract for administrative services, that the provider of the administrative services offer to an employee terminating state employment the option to purchase, without evidence of insurability, an individual policy of insurance.

(c) Notwithstanding subsection (a), with the consent of the governor, the state personnel department may contract for health services for state employees and individuals to whom coverage is provided by a local unit under section 6.6 of this chapter through one (1) or more prepaid health care delivery plans.

(d) The state personnel department shall adopt rules under IC 4-22-2 to establish long term and short term disability plans for state employees (except employees who hold elected offices (as defined by IC 3-5-2-17)). The plans adopted under this subsection may include any provisions the department considers necessary and proper and must:

(1) require participation in the plan by employees with six (6) months of continuous, full-time service;

(2) require an employee to make a contribution to the plan in the form of a payroll deduction;

(3) require that an employee's benefits under the short term disability plan be subject to a thirty (30) day elimination period and that benefits under the long term plan be subject to a six (6) month elimination period;

(4) prohibit the termination of an employee who is eligible for benefits under the plan;

(5) provide, after a seven (7) day elimination period, eighty percent (80%) of base biweekly wages for an employee disabled by injuries resulting from tortious acts, as distinguished from passive negligence, that occur within the employee's scope of state employment;

(6) provide that an employee's benefits under the plan may be reduced, dollar for dollar, if the employee derives income from:

(A) Social Security;

(B) the public employees' retirement fund;

(C) the Indiana state teachers' retirement fund;

(D) pension disability;

(E) worker's compensation;

(F) benefits provided from another employer's group plan; or

(G) remuneration for employment entered into after the disability was incurred.

(The department of state revenue and the department of workforce development shall cooperate with the state personnel department to confirm that an employee has disclosed complete and accurate information necessary to administer subdivision (6).);

(7) provide that an employee will not receive benefits under the plan for a disability resulting from causes specified in the rules; and

(8) provide that, if an employee refuses to:

(A) accept work assignments appropriate to the employee's medical condition;

(B) submit information necessary for claim administration; or

(C) submit to examinations by designated physicians;

the employee forfeits benefits under the plan.

(e) This section does not affect insurance for retirees under IC 5-10.3 or IC 5-10.4.

(f) The state may pay part of the cost of self-insurance or prepaid health care delivery plans for its employees.

(g) A state agency may not provide any insurance benefits to its employees that are not generally available to other state employees, unless specifically authorized by law.

(h) The state may pay a part of the cost of group medical and life coverage for its employees.

(i) To carry out the purposes of this section, a trust fund may be established. The trust fund established under this subsection is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the trust fund established under this subsection by the state board of finance, the budget agency, or any other state agency. Money in a trust fund established under this subsection does not revert to the state general fund at the end of any state fiscal year. The trust fund established under this subsection consists of appropriations, revenues, or transfers to the trust fund under IC 4-12-1. Contributions to the trust fund are irrevocable. The trust fund must be limited to providing prefunding of annual required contributions and to cover OPEB liability for covered individuals. Funds may be used only for these purposes and not to increase benefits or reduce premiums. The trust fund shall be established to comply with and be administered in a manner that satisfies the Internal Revenue Code requirements concerning a trust fund for prefunding annual required contributions and for covering OPEB liability for covered individuals. All assets in the trust fund established under this subsection:

(1) are dedicated exclusively to providing benefits to covered individuals and their beneficiaries according to the terms of the health plan; and

(2) are exempt from levy, sale, garnishment, attachment, or other legal process.

The trust fund established under this subsection shall be administered by the state personnel department. The expenses of administering the trust fund shall be paid from money in the trust fund. The treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the trust fund in the same manner as other public money may be invested.

SECTION 4. IC 5-10-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 16. OPEB Reports

Sec. 1. This chapter applies to a state agency that provides or sponsors a postemployment benefit.

Sec. 2. As used in this chapter, "GASB" refers to the Governmental Accounting Standards Board.

Sec. 3. As used in this chapter, "OMB" refers to the office of management and budget established by IC 4-3-22-3.

Sec. 4. As used in this chapter, "OPEB" refers to a postemployment benefit.

Sec. 5. As used in this chapter, "postemployment benefit" means any of the following:

(1) Health, prescription drug, dental, vision, and life insurance coverage for retired employees.

(2) Long-term care coverage, life insurance, and death benefits that are not offered as part of a pension or retirement plan.

(3) Long-term disability insurance for employees.

(4) Any other benefit, other than a pension or retirement plan, or a termination incentive, provided to a former employee.

Sec. 6. As used in this section, "state agency" has the meaning set forth in IC 6-1.1-1-18.

Sec. 7. Each state agency shall cooperate with the OMB and provide to the OMB the information necessary for the OMB to prepare an OPEB report for state agencies. Each state agency shall provide information required under GASB Statements 43 and 45 and any other information requested by the OMB or the state budget committee.

SECTION 5. IC 21-38-3-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13. A state educational institution that provides or sponsors a postemployment benefit (as defined in IC 5-10-16-5) shall submit to the office of management and budget not later than November 1 each year an OPEB (as defined in IC 5-10-16-4) report for the state educational institution. Each state educational institution shall provide information required under GASB Statements 43 and 45 and any other information requested by the OMB or the state budget committee.**".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"**(f) There is appropriated to the Indiana public retirement system nineteen million six hundred thousand dollars ($19,600,000) from the state general fund for deposit in the fund to cover the amounts paid under this SECTION. The auditor of state shall make the distribution to the Indiana public retirement system before July 1, 2012.**".

Page 2, line 15, delete "(f)" and insert "**(g)**".

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"**(f) There is appropriated to the Indiana public retirement system eight million eight hundred thousand dollars ($8,800,000) from the state general fund for deposit in the fund to cover the amounts paid under this SECTION regarding state employees. The auditor of state shall make the distribution to the Indiana public retirement system before July 1, 2012.**".

Page 3, line 6, delete "(f)" and insert "**(g)**".

Page 3, line 14, after "Indiana" insert "**public**".

Page 3, after line 42, begin a new paragraph and insert:

"**(g) There is appropriated to the Indiana public retirement system sixty-one thousand dollars ($61,000) from the state general fund for deposit in the plan to cover the amounts paid under this SECTION. The auditor of state shall make the distribution to the Indiana public retirement system before July 1, 2012.**".

Page 4, line 1, delete "(g)" and insert "**(h)**".

Page 4, between lines 18 and 19, begin a new paragraph and insert:

"**(e) There is appropriated to the trustee one hundred fifty-seven thousand five hundred dollars ($157,500) from the state general fund for deposit in the trust fund to cover the amounts paid under this SECTION. The auditor of state shall make the distribution to the trustee before July 1, 2012.**".

Page 4, line 19, delete "(e)" and insert "**(f)**".

Page 4, after line 19, begin a new paragraph and insert:

"SECTION 10. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1123 as printed January 17, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1090, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-24-1.2, AS AMENDED BY P.L.113-2010, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. (a) Except as provided in subsection (c), a tract or an item of real property may not be removed from the list certified under section 1 of this chapter before the tax sale unless all:

(1) delinquent taxes and special assessments due before the date the list on which the property appears was certified under section 1 of this chapter; and

(2) penalties due on the delinquency, interest, and costs directly attributable to the tax sale;

have been paid in full.

(b) A county treasurer may accept partial payments of delinquent property taxes, assessments, penalties, interest, or costs under subsection (a) after the list of real property is certified under section 1 of this chapter. However, a partial payment does not remove a tract or an item from the list certified under section 1 of this chapter unless the taxpayer complies with subsection (a) or (c) before the date of the tax sale.

(c) ~~The~~ **A** county auditor ~~in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ may remove a tract or an item of real property from the list certified under section 1 of this chapter before the tax sale if the county treasurer and the taxpayer agree to a mutually satisfactory arrangement for the payment of the delinquent taxes.

(d) The county ~~treasurer~~ **auditor** may remove the tract or item from the list certified under section 1 of this chapter if the arrangement described in subsection (c):

(1) is in writing;

(2) is signed by the taxpayer; and

(3) requires the taxpayer to pay the delinquent taxes in full ~~within one (1)~~ **not later than the last business day before July 1 of the** year ~~of~~ **after** the date the agreement is signed.

(e) If the taxpayer fails to make a payment under the arrangement described in subsection (c):

(1) the arrangement is void; and

(2) the county auditor shall immediately place the tract or item of real property on the list of real property eligible for sale at a tax sale.

~~(f) If the tract or item of real property subject to a payment arrangement is within the jurisdiction of a:~~

~~(1) city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000);~~

~~(2) city having a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800); or~~

~~(3) city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000);~~

~~the county auditor shall notify the mayor of the city of the arrangement.~~

(f) If the county auditor acts under subsection (e) with respect to a tract or item subject to an arrangement described in subsection (c), the taxpayer may not enter into another arrangement under subsection (c) with respect to that tract or item after the due date of the payment referred to in subsection (d) and before the date that succeeds by five (5) years the date on which the original arrangement would have expired if the arrangement had not become void under subsection (e).

SECTION 2. IC 6-1.1-24-2, AS AMENDED BY P.L.146-2008, SECTION 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In addition to the delinquency list required under section 1 of this chapter, each county auditor shall prepare a notice. The notice shall contain the following:

(1) A list of tracts or real property eligible for sale under this chapter.

(2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder, subject to the right of redemption.

(3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:

(A) the delinquent taxes and special assessments on each tract or item of real property;

(B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;

(C) all penalties due on the delinquencies;

(D) an amount prescribed by the county auditor that equals the sum of:

(i) the greater of twenty-five dollars ($25) or postage and publication costs; and

(ii) any other actual costs incurred by the county that are directly attributable to the tax sale; and

(E) any unpaid costs due under subsection (b) from a prior tax sale.

(4) A statement that a person redeeming each tract or item of real property after the sale must pay:

(A) one hundred ten percent (110%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed not more than six (6) months after the date of sale;

(B) one hundred fifteen percent (115%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed more than six (6) months after the date of sale;

(C) the amount by which the purchase price exceeds the minimum bid on the tract or item of real property plus ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid; and

(D) all taxes and special assessments on the tract or item of real property paid by the purchaser after the tax sale plus interest at the rate of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property.

(5) A statement for informational purposes only, of the location of each tract or item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The township assessor, or the county assessor if there is no township assessor for the township, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the key number or street address does not invalidate an otherwise valid sale.

(6) A statement that the county does not warrant the accuracy of the street address or common description of the property.

(7) A statement indicating:

(A) the name of the owner of each tract or item of real property with a single owner; or

(B) the name of at least one (1) of the owners of each tract or item of real property with multiple owners.

(8) A statement of the procedure to be followed for obtaining or objecting to a judgment and order of sale, that must include the following:

(A) A statement:

(i) that the county auditor and county treasurer will apply on or after a date designated in the notice for a court judgment against the tracts or real property for an amount that is not less than the amount set under subdivision (3), and for an order to sell the tracts or real property at public auction to the highest bidder, subject to the right of redemption; and

(ii) indicating the date when the period of redemption specified in IC 6-1.1-25-4 will expire.

(B) A statement that any defense to the application for judgment must be:

(i) filed with the court; and

(ii) served on the county auditor and the county treasurer;

before the date designated as the earliest date on which the application for judgment may be filed.

(C) A statement that the county auditor and the county treasurer are entitled to receive all pleadings, motions, petitions, and other filings related to the defense to the application for judgment.

(D) A statement that the court will set a date for a hearing at least seven (7) days before the advertised date and that the court will determine any defenses to the application for judgment at the hearing.

(9) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all tracts and real property have been offered for sale.

(10) A statement that the sale will take place at the times and dates designated in the notice. Whenever the public auction is to be conducted as an electronic sale, the notice must include a statement indicating that the public auction will be conducted as an electronic sale and a description of the procedures that must be followed to participate in the electronic sale.

(11) A statement that a person redeeming each tract or item after the sale must pay the costs described in IC 6-1.1-25-2(e).

(12) If a county auditor and county treasurer have entered into an agreement under IC 6-1.1-25-4.7, a statement that the county auditor will perform the duties of the notification and title search under IC 6-1.1-25-4.5 and the notification and petition to the court for the tax deed under IC 6-1.1-25-4.6.

(13) A statement that, if the tract or item of real property is sold for an amount more than the minimum bid and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.

(14) If a determination has been made under subsection (d), a statement that tracts or items will be sold together.

(15) With respect to a tract or an item of real property that is subject to sale under this chapter after June 30, 2012, and before July 1, 2013, a statement declaring whether an ordinance adopted under IC 6-1.1-37-10.1 is in effect in the county and, if applicable, an explanation of the circumstances in which penalties on the delinquent taxes and special assessments will be waived.

(b) If within sixty (60) days before the date of the tax sale the county incurs costs set under subsection (a)(3)(D) and those costs are not paid, the county auditor shall enter the amount of costs that remain unpaid upon the tax duplicate of the property for which the costs were set. The county treasurer shall mail notice of unpaid costs entered upon a tax duplicate under this subsection to the owner of the property identified in the tax duplicate.

(c) The amount of unpaid costs entered upon a tax duplicate under subsection (b) must be paid no later than the date upon which the next installment of real estate taxes for the property is due. Unpaid costs entered upon a tax duplicate under subsection (b) are a lien against the property described in the tax duplicate, and amounts remaining unpaid on the date the next installment of real estate taxes is due may be collected in the same manner that delinquent property taxes are collected.

(d) The county auditor and county treasurer may establish the condition that a tract or item will be sold and may be redeemed under this chapter only if the tract or item is sold or redeemed

together with one (1) or more other tracts or items. Property may be sold together only if the tract or item is owned by the same person.

SECTION 3. IC 6-1.1-24-4, AS AMENDED BY P.L.89-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Not less than twenty-one (21) days before the earliest date on which the application for judgment and order for sale of real property eligible for sale may be made, the county auditor shall send a notice of the sale by certified mail, return receipt requested, to:

(1) the owner of record of real property with a single owner; or

(2) at least one (1) of the owners, as of the date of certification, of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date that the tax sale list is certified. In addition, the county auditor shall mail a duplicate notice to the owner of record, as described in subdivisions (1) and (2), by first class mail to the owners from whom the certified mail return receipt was not signed and returned. Additionally, the county auditor may determine that mailing a first class notice to or serving a notice on the property is a reasonable step to notify the owner, if the address of the owner is not the same address as the physical location of the property. If both notices are returned due to incorrect or insufficient addresses, the county auditor shall research the county auditor records to determine a more complete or accurate address. If a more complete or accurate address is found, the county auditor shall resend the notices to the address that is found in accordance with this section. Failure to obtain a more complete or accurate address does not invalidate an otherwise valid sale. The county auditor shall prepare the notice in the form prescribed by the state board of accounts. The notice must set forth the key number, if any, of the real property and a street address, if any, or other common description of the property other than a legal description. The notice must include the statement set forth in section 2(a)(4) of this chapter. **With respect to a tract or an item of real property that is subject to sale under this chapter after June 30, 2012, and before July 1, 2013, the notice must include a statement declaring whether an ordinance adopted under IC 6-1.1-37-10.1 is in effect in the county and, if applicable, an explanation of the circumstances in which penalties on the delinquent taxes and special assessments will be waived.** The county auditor must present proof of this mailing to the court along with the application for judgment and order for sale. Failure by an owner to receive or accept the notice required by this section does not affect the validity of the judgment and order. The owner of real property shall notify the county auditor of the owner's correct address. The notice required under this section is considered sufficient if the notice is mailed to the address or addresses required by this section.

(b) In addition to the notice required under subsection (a) for real property on the list prepared under section 1(a)(2) or 1.5(d) of this chapter, the county auditor shall prepare and mail the notice required under section 2.2 of this chapter no later than forty-five (45) days after the county auditor receives the certified list from the county treasurer under section 1(a) of this chapter.

(c) On or before the day of sale, the county auditor shall list, on the tax sale record required by IC 6-1.1-25-8, all properties that will be offered for sale.

SECTION 4. IC 6-1.1-24-5, AS AMENDED BY P.L.89-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) When a tract or an item of real property is subject to sale under this chapter, it must be sold in compliance with this section.

(b) The sale must:

(1) be held at the times and place stated in the notice of sale; and

(2) not extend beyond one hundred seventy-one (171) days after the list containing the tract or item of real property is certified to the county auditor.

(c) A tract or an item of real property may not be sold under this chapter to collect:

(1) delinquent personal property taxes; or

(2) taxes or special assessments which are chargeable to other real property.

(d) A tract or an item of real property may not be sold under this chapter if all the delinquent taxes, penalties, and special assessments on the tract or an item of real property and the amount prescribed by section 2(a)(3)(D) of this chapter, reflecting the costs incurred by the county due to the sale, are paid before the time of sale.

(e) The county treasurer shall sell the tract or **item of** real property, subject to the right of redemption, to the highest bidder at public auction **whose bid exceeds the minimum bid specified in subsection (f) or (g), as applicable.**

(f) ~~However,~~ **Except as provided in subsection (g),** a tract or an item of real property may not be sold for an amount which is less than the sum of:

(1) the delinquent taxes and special assessments on each tract or item of real property;

(2) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, regardless of whether the taxes and special assessments are delinquent;

(3) all penalties which are due on the delinquencies;

(4) the amount prescribed by section 2(a)(3)(D) of this chapter reflecting the costs incurred by the county due to the sale;

(5) any unpaid costs which are due under section 2(b) of this chapter from a prior tax sale; and

(6) other reasonable expenses of collection, including title search expenses, uniform commercial code expenses, and reasonable attorney's fees incurred by the date of the sale.

The amount of penalties due on the delinquencies under subdivision (3) must be adjusted in accordance with IC 6-1.1-37-10.1, if applicable.

(g) If an ordinance adopted under section 15(a) of this chapter is in effect in the county in which a tract or an item of real property is located, the tract or item of real property may not be sold for an amount that is less than the lesser of:

(1) the amount determined under subsection (f); or

(2) seventy-five percent (75%) of the gross assessed value of the tract or item of real property, as determined on the most recent assessment date.

~~(f)~~ **(h)** For purposes of the sale, it is not necessary for the county treasurer to first attempt to collect the real property taxes or special assessments out of the personal property of the owner of the tract or real property.

~~(g)~~ **(i)** The county auditor shall serve as the clerk of the sale.

~~(h)~~ **(j)** Real property certified to the county auditor under section 1(a)(2) of this chapter must be offered for sale in a different phase of the tax sale or on a different day of the tax sale than the phase or day during which other real property is offered for sale.

~~(i)~~ **(k)** The public auction required under subsection (e) may be conducted by electronic means, at the option of the county treasurer. The electronic sale must comply with the other statutory requirements of this section. If an electronic sale is conducted under this subsection, the county treasurer shall provide access to the electronic sale by providing computer terminals open to the public at a designated location. A county treasurer who elects to conduct an electronic sale may receive electronic payments and establish rules necessary to secure the payments in a timely fashion. The county treasurer may not add an additional cost of sale charge to a parcel for the purpose of conducting the electronic sale.

SECTION 5. IC 6-1.1-24-6, AS AMENDED BY P.L.89-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) When a tract or an item of real property is offered for sale under this chapter and an amount is not received equal to or in excess of the minimum sale price prescribed in section ~~5(c)~~ **5** of this chapter, the county executive acquires a lien in the amount of the minimum sale price. This lien attaches on the day after the last date on which the tract or item was offered for sale.

(b) When a county executive acquires a lien under this section, the county auditor shall issue a tax sale certificate to the county executive in the manner provided in section 9 of this chapter. The county auditor shall date the certificate the day that the county executive acquires the lien. When a county executive acquires a certificate under this section, the county executive has the same rights as a purchaser.

(c) When a lien is acquired by a county executive under this section, no money shall be paid by the county executive. However, each of the taxing units having an interest in the taxes on the tract shall be charged with the full amount of all delinquent taxes due them.

(d) This section shall apply to any tract or an item of real property offered for sale under this chapter in 2006, and an amount was not received equal to or in excess of the minimum sale price prescribed in section ~~5(c)~~ **5** of this chapter, if the county executive finds that the tract or item of real property meets the definition of a brownfield as set forth in IC 13-11-2-19.3.

SECTION 6. IC 6-1.1-24-6.1, AS AMENDED BY P.L.73-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) The county executive may do the following:

(1) By resolution, identify properties:

(A) that are described in section 6.7(a) of this chapter; and

(B) concerning which the county executive desires to offer to the public the certificates of sale acquired by the county executive under section 6 of this chapter.

(2) In conformity with IC 5-3-1-4, publish:

(A) notice of the date, time, and place for a public sale; and

(B) a listing of parcels on which certificates will be offered by parcel number and minimum bid amount;

once each week for three (3) consecutive weeks, with the final advertisement being not less than thirty (30) days before the sale date. The expenses of the publication shall be paid out of the county general fund.

(3) Sell each certificate of sale covered by the resolution for a price that:

(A) is less than the minimum sale price prescribed by section ~~5(c)~~ **5** of this chapter; and

(B) includes any costs to the county executive directly attributable to the sale of the certificate of sale.

(b) Notice of the list of properties prepared under subsection (a) and the date, time, and place for the public sale of the certificates of sale shall be published in accordance with IC 5-3-1. The notice must:

(1) include a description of the property by parcel number and common address;

(2) specify that the county executive will accept bids for the certificates of sale for the price referred to in subsection (a)(3);

(3) specify the minimum bid for each parcel;

(4) include a statement that a person redeeming each tract or item of real property after the sale of the certificate must pay:

(A) the amount of the minimum bid under section ~~5(c)~~ **5** of this chapter for which the tract or item of real property was last offered for sale;

(B) ten percent (10%) of the amount for which the certificate is sold;

(C) the attorney's fees and costs of giving notice under IC 6-1.1-25-4.5;

(D) the costs of a title search or of examining and updating the abstract of title for the tract or item of real property;

(E) all taxes and special assessments on the tract or item of real property paid by the purchaser after the sale of the certificate plus interest at the rate of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property; and

(F) all costs of sale, advertising costs, and other expenses of the county directly attributable to the sale of certificates of sale; and

(5) include a statement that, if the certificate is sold for an amount more than the minimum bid under section ~~5(c)~~ **5** of this chapter for which the tract or item of real property was last offered for sale and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.

SECTION 7. IC 6-1.1-24-6.3, AS AMENDED BY P.L.89-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. (a) The sale of certificates of sale under this chapter must be held at the time and place stated in the notice of sale.

(b) A certificate of sale may not be sold under this chapter if the following are paid before the time of sale:

(1) All the delinquent taxes, penalties, and special assessments on the tract or an item of real property.

(2) The amount prescribed by section 2(a)(3)(D) of this chapter, reflecting the costs incurred by the county due to the sale.

(c) The county executive shall sell the certificate of sale, subject to the right of redemption, to the highest bidder at public auction. The public auction may be conducted as an electronic sale in conformity with section ~~5(i)~~ **5(k)** of this chapter.

(d) The county auditor shall serve as the clerk of the sale.

SECTION 8. IC 6-1.1-24-6.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.4. (a) When a certificate of sale is sold under this chapter, the purchaser at the sale shall immediately pay the amount of the bid to the county treasurer. The county treasurer shall apply the payment in the following manner:

(1) First, to the taxes, special assessments, penalties, and costs described in section ~~5(c)~~ **5(f)** of this chapter.

(2) Second, to other delinquent property taxes in the manner provided in IC 6-1.1-23-5(b).

(3) Third, to a separate "tax sale surplus fund".

(b) The:

(1) owner of record of the real property at the time the tax deed is issued who is divested of ownership by the issuance of a tax deed; or

(2) purchaser of the certificate or the purchaser's assignee, upon redemption of the tract or item of real property;

may file a verified claim for money that is deposited in the tax sale surplus fund. If the claim is approved by the county auditor and the county treasurer, the county auditor shall issue a warrant to the claimant for the amount due.

(c) An amount deposited in the tax sale surplus fund shall be transferred by the county auditor to the county general fund and may not be disbursed under subsection (b) if it is claimed more than three (3) years after the date of its receipt.

(d) Upon the assignment of the certificate of sale to the purchaser, the county auditor shall indicate on the certificate the amount for which the certificate of sale was sold.

SECTION 9. IC 6-1.1-24-7, AS AMENDED BY P.L.73-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) When real property is sold under this chapter, the purchaser at the sale shall immediately pay the amount of the bid to the county treasurer. The county treasurer shall apply the payment in the following manner:

(1) first, to the taxes, special assessments, penalties, and costs described in section ~~5(c)~~ **5(f)** of this chapter;

(2) second, to other delinquent property taxes in the manner provided in IC 6-1.1-23-5(b); and

(3) third, to a separate "tax sale surplus fund".

(b) If:

(1) a tract or an item of real property sold under section 5 of this chapter is located in a county in which an ordinance adopted under section 15 of this chapter is in effect in the county; and

(2) the sales price of the tract or item of real property is less than the amount specified in section 5(f) of this chapter;

in addition to the application of any payment received under subsection (a)(1), each taxing unit having an interest in the taxes on the tract shall be charged with the part of the tax due to the taxing unit equal to an amount that bears the same relationship to the tax due to the taxing unit as the amount determined under section 5(f) of this chapter minus the selling price bears to the amount determined under section 5(f) of this chapter.

~~(b)~~ **(c)** The:

(1) owner of record of the real property at the time the tax deed is issued who is divested of ownership by the issuance of a tax deed; or

(2) tax sale purchaser or purchaser's assignee, upon redemption of the tract or item of real property;

may file a verified claim for money which is deposited in the tax sale surplus fund. If the claim is approved by the county auditor and the county treasurer, the county auditor shall issue a warrant to the claimant for the amount due.

~~(c)~~ **(d)** If the person who claims money deposited in the tax sale surplus fund under subsection ~~(b)~~ **(c)** is:

(1) a person described in subsection ~~(b)(1)~~ **(c)(1)** who acquired the property from a delinquent taxpayer after the property was sold at a tax sale under this chapter; or

(2) a person not described in subsection ~~(b)(1),~~ **(c)(1),** including a person who acts under a power of attorney executed by the person described in subsection ~~(b)(1);~~ **(c)(1);**

the county auditor may issue a warrant to the person only as directed by the court having jurisdiction over the tax sale of the parcel for which the surplus claim is made.

~~(d)~~ **(e)** A court may direct the issuance of a warrant only:

(1) on petition by the claimant; and

(2) within three (3) years after the date of sale of the parcel in the tax sale.

~~(e)~~ **(f)** An amount deposited in the tax sale surplus fund shall be transferred by the county auditor to the county general fund and may not be disbursed under subsection ~~(b)~~ **(c)** if it is not claimed within the three (3) year period after the date of its receipt.

~~(f)~~ **(g)** If an amount applied to taxes under this section is later paid out of the county general fund to the purchaser or the purchaser's successor due to the invalidity of the sale, all the taxes shall be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale.

~~(g)~~ **(h)** When a refund is made to any purchaser or purchaser's successor by reason of the invalidity of a sale, the county auditor shall, at the December settlement immediately following the refund, deduct the amount of the refund from the gross

collections in the taxing district in which the land lies and shall pay that amount into the county general fund.

SECTION 10. IC 6-1.1-24-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Whenever:

(1) a tract is offered for sale under this chapter; and

(2) no bid is received for the minimum sale price set under section ~~5(c)~~ **5** of this chapter;

the county auditor shall prepare a certified statement of the actual costs incurred by the county described in section 2(a)(3)(D) of this chapter.

(b) The county auditor shall place the amount specified in the certified statement prepared under subsection (a) on the tax duplicate of the tract offered but not sold at the sale. The amount shall be collected as real property taxes are collected and paid into the county general fund.

SECTION 11. IC 6-1.1-24-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) The fiscal body of a county may adopt an ordinance authorizing the county treasurer to accept a bid on a tract or an item of real property offered for sale under this chapter that is greater than or equal to the lesser of:**

(1) the amount determined under section 5(f) of this chapter for the tract or item of real property; or

(2) seventy-five percent (75%) of the gross assessed value of the tract or item of real property, as determined on the most recent assessment date.

(b) If the fiscal body of a county adopts an ordinance under subsection (a) or repeals an ordinance adopted under subsection (a), the fiscal body shall promptly deliver a copy of the ordinance to the county treasurer and the county auditor.

SECTION 12. IC 6-1.1-25-3, AS AMENDED BY P.L.169-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), when real property is redeemed and the certificate of sale is surrendered to the county auditor, the auditor shall issue a warrant to the purchaser or purchaser's assignee in an amount equal to the amount received by the county treasurer for redemption.

(b) When real property sold under IC 6-1.1-24-6.1 is redeemed and the certificate of sale is surrendered to the county auditor, the auditor shall issue a warrant to the purchaser of the certificate of sale or the purchaser's assignee in an amount equal to:

(1) the amount received by the county treasurer for redemption; minus

(2) if the certificate of sale was sold for less than the minimum bid under ~~IC 6-1.1-24-5(c),~~ **IC 6-1.1-24-5,** an amount equal to the difference between the minimum bid under ~~IC 6-1.1-24-5(c)~~ **IC 6-1.1-24-5** and the amount for which the certificate was sold.

(c) The county auditor shall indorse the certificate and preserve it as a public record. If a certificate of sale is lost and the auditor is satisfied that the certificate did exist, the county auditor may make payment in the manner provided in this section.

SECTION 13. IC 6-1.1-25-4, AS AMENDED BY P.L.42-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The period for redemption of real property sold under IC 6-1.1-24 is:

(1) one (1) year after the date of sale;

(2) one hundred twenty (120) days after the date of sale to a purchasing agency qualified under IC 36-7-17; or

(3) one hundred twenty (120) days after the date of sale of real property on the list prepared under IC 6-1.1-24-1(a)(2) or IC 6-1.1-24-1.5.

(b) Subject to IC 6-1.1-24-9(d), the period for redemption of real property:

(1) on which the county executive acquires a lien under IC 6-1.1-24-6; and

(2) for which the certificate of sale is not sold under IC 6-1.1-24-6.1;

is one hundred twenty (120) days after the date the county executive acquires the lien under IC 6-1.1-24-6.

(c) The period for redemption of real property:

(1) on which the county executive acquires a lien under IC 6-1.1-24-6; and

(2) for which the certificate of sale is sold under IC 6-1.1-24;

is one hundred twenty (120) days after the date of sale of the certificate of sale under IC 6-1.1-24.

(d) When a deed for real property is executed under this chapter, the county auditor shall cancel the certificate of sale and file the canceled certificate in the office of the county auditor. If real property that appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale and an amount that is at least equal to the minimum sale price required under ~~IC 6-1.1-24-5(c)~~ **IC 6-1.1-24-5** is not received, the county auditor shall issue a deed to the real property, subject to this chapter.

(e) When a deed is issued to a county executive under this chapter, the taxes and special assessments for which the real property was offered for sale, and all subsequent taxes, special assessments, interest, penalties, and cost of sale shall be removed from the tax duplicate in the same manner that taxes are removed by certificate of error.

(f) A tax deed executed under this chapter vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law and the lien of the state or a political subdivision for taxes and special assessments which accrue subsequent to the sale and which are not removed under subsection (e). However, subject to subsection (g), the estate is subject to:

(1) all easements, covenants, declarations, and other deed restrictions shown by public records;

(2) laws, ordinances, and regulations concerning governmental police powers, including zoning, building, land use, improvements on the land, land division, and environmental protection; and

(3) liens and encumbrances created or suffered by the grantee.

(g) A tax deed executed under this chapter for real property sold in a tax sale:

(1) does not operate to extinguish an easement recorded before the date of the tax sale in the office of the recorder of the county in which the real property is located, regardless of whether the easement was taxed under this article separately from the real property; and

(2) conveys title subject to all easements recorded before the date of the tax sale in the office of the recorder of the county in which the real property is located.

(h) A tax deed executed under this chapter is prima facie evidence of:

(1) the regularity of the sale of the real property described in the deed;

(2) the regularity of all proper proceedings; and

(3) valid title in fee simple in the grantee of the deed.

(i) A county auditor is not required to execute a deed to the county executive under this chapter if the county executive determines that the property involved contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property. The county executive may enter the property to conduct environmental investigations.

(j) If the county executive makes the determination under subsection (i) as to any interest in an oil or gas lease or separate mineral rights, the county treasurer shall certify all delinquent taxes, interest, penalties, and costs assessed under IC 6-1.1-24 to the clerk, following the procedures in IC 6-1.1-23-9. After the date of the county treasurer's certification, the certified amount is subject to collection as delinquent personal property taxes under IC 6-1.1-23. Notwithstanding IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an interest shall be zero (0) until production commences.

(k) When a deed is issued to a purchaser of a certificate of sale sold under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that taxes are removed by certificate of error, remove from the tax duplicate the taxes, special assessments, interest, penalties, and costs remaining due as the difference between the amount of the last minimum bid under ~~IC 6-1.1-24-5(c)~~ **IC 6-1.1-24-5** and the amount paid for the certificate of sale.

SECTION 14. IC 6-1.1-25-4.6, AS AMENDED BY P.L.89-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than six (6) months after the expiration of the period of redemption:

(1) the purchaser, the purchaser's assignee, the county executive, or the purchaser of the certificate of sale under IC 6-1.1-24 may; or

(2) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor shall, upon the request of the purchaser or the purchaser's assignee;

file a verified petition in the same court and under the same cause number in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition shall be given to the same parties and in the same manner as provided in section 4.5 of this chapter, except that, if notice is given by publication, only one (1) publication is required. The notice required by this section is considered sufficient if the notice is sent to the address required by section 4.5(d) of this chapter. Any person owning or having an interest in the tract or real property may file a written objection to the petition with the court not later than thirty (30) days after the date the petition was filed. If a written objection is timely filed, the court shall conduct a hearing on the objection.

(b) Not later than sixty-one (61) days after the petition is filed under subsection (a), the court shall enter an order directing the county auditor (on the production of the certificate of sale and a copy of the order) to issue to the petitioner a tax deed if the court finds that the following conditions exist:

(1) The time of redemption has expired.

(2) The tract or real property has not been redeemed from the sale before the expiration of the period of redemption specified in section 4 of this chapter.

(3) Except with respect to a petition for the issuance of a tax deed under a sale of the certificate of sale on the property under IC 6-1.1-24-6.1, all taxes and special assessments, penalties, and costs have been paid.

(4) The notices required by this section and section 4.5 of this chapter have been given.

(5) The petitioner has complied with all the provisions of law entitling the petitioner to a deed.

The county auditor shall execute deeds issued under this subsection in the name of the state under the county auditor's name. If a certificate of sale is lost before the execution of a deed, the county auditor shall issue a replacement certificate if the county auditor is satisfied that the original certificate existed.

(c) Upon application by the grantee of a valid tax deed in the same court and under the same cause number in which the judgment of sale was entered, the court shall enter an order to place the grantee of a valid tax deed in possession of the real estate. The court may enter any orders and grant any relief that is necessary or desirable to place or maintain the grantee of a valid tax deed in possession of the real estate.

(d) Except as provided in subsections (e) and (f), if:

(1) the verified petition referred to in subsection (a) is timely filed; and

(2) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure of the petitioner under subsection (a) to fulfill the notice requirement of subsection (a);

the court shall order the return of the amount, if any, by which the purchase price exceeds the minimum bid on the property under ~~IC 6-1.1-24-5(c)~~ **IC 6-1.1-24-5** minus a penalty of twenty-five percent (25%) of that excess. The petitioner is prohibited from participating in any manner in the next succeeding tax sale in the county under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the county general fund.

(e) Notwithstanding subsection (d), in all cases in which:

(1) the verified petition referred to in subsection (a) is timely filed;

(2) the petitioner under subsection (a) has made a bona fide attempt to comply with the statutory requirements under

subsection (b) for the issuance of the tax deed but has failed to comply with these requirements;

(3) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure to comply with these requirements; and

(4) the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24 files a claim with the county auditor for refund not later than thirty (30) days after the entry of the order of the court refusing to direct the county auditor to execute and deliver the tax deed;

the county auditor shall not execute the deed but shall refund the purchase money minus a penalty of twenty-five percent (25%) of the purchase money from the county treasury to the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the county general fund. All the delinquent taxes and special assessments shall then be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale. The tract or item of real property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under IC 6-1.1-24.

(f) Notwithstanding subsections (d) and (e), the court shall not order the return of the purchase price or any part of the purchase price if:

(1) the purchaser or the purchaser of the certificate of sale under IC 6-1.1-24 has failed to provide notice or has provided insufficient notice as required by section 4.5 of this chapter; and

(2) the sale is otherwise valid.

(g) A tax deed executed under this section vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law, and the lien of the state or a political subdivision for taxes and special assessments that accrue subsequent to the sale. However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. The deed is prima facie evidence of:

(1) the regularity of the sale of the real property described in the deed;

(2) the regularity of all proper proceedings; and

(3) valid title in fee simple in the grantee of the deed.

(h) A tax deed issued under this section is incontestable except by appeal from the order of the court directing the county auditor to issue the tax deed filed not later than sixty (60) days after the date of the court's order.

SECTION 15. IC 6-1.1-37-9, AS AMENDED BY P.L.1-2010, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 9. (a) This section applies when:

(1) an assessment is made or increased after the date or dates on which the taxes for the year for which the assessment is made were originally due;

(2) the assessment upon which a taxpayer has been paying taxes under IC 6-1.1-15-10(a)(1) or IC 6-1.1-15-10(a)(2) while a petition for review or a judicial proceeding has been pending is less than the assessment that results from the final determination of the petition for review or judicial proceeding; or

(3) the collection of certain ad valorem property taxes has been enjoined under IC 33-26-6-2, and under the final determination of the petition for judicial review the taxpayer is liable for at least part of those taxes.

(b) Except as provided in subsections (c) and (g), a taxpayer shall pay interest on the taxes the taxpayer is required to pay as a result of an action or a determination described in subsection (a) at the rate of ten percent (10%) per year from the original due date or dates for those taxes to:

(1) the date of payment; or

(2) the date on which penalties for the late payment of a tax installment may be charged under subsection (e) or (f);

whichever occurs first.

(c) Except as provided in subsection (g), a taxpayer shall pay interest on the taxes the taxpayer is ultimately required to pay in excess of the amount that the taxpayer is required to pay under IC 6-1.1-15-10(a)(1) while a petition for review or a judicial proceeding has been pending at the overpayment rate established under Section 6621(c)(1) of the Internal Revenue Code in effect on the original due date or dates for those taxes from the original due date or dates for those taxes to:

(1) the date of payment; or

(2) the date on which penalties for the late payment of a tax installment may be charged under subsection (e) or (f);

whichever occurs first.

(d) With respect to an action or determination described in subsection (a), the taxpayer shall pay the taxes resulting from that action or determination and the interest prescribed under subsection (b) or (c) on or before:

(1) the next May 10; or

(2) the next November 10;

whichever occurs first.

(e) A taxpayer shall, to the extent that the penalty is not waived under section **10.1 or** 10.7 of this chapter, begin paying the penalty prescribed in section 10 of this chapter on the day after the date for payment prescribed in subsection (d) if:

(1) the taxpayer has not paid the amount of taxes resulting from the action or determination; and

(2) the taxpayer either:

(A) received notice of the taxes the taxpayer is required to pay as a result of the action or determination at least thirty (30) days before the date for payment; or

(B) voluntarily signed and filed an assessment return for the taxes.

(f) If subsection (e) does not apply, a taxpayer who has not paid the amount of taxes resulting from the action or determination shall, to the extent that the penalty is not waived under section **10.1 or** 10.7 of this chapter, begin paying the penalty prescribed in section 10 of this chapter on:

(1) the next May 10 which follows the date for payment prescribed in subsection (d); or

(2) the next November 10 which follows the date for payment prescribed in subsection (d);

whichever occurs first.

(g) A taxpayer is not subject to the payment of interest on real property assessments under subsection (b) or (c) if:

(1) an assessment is made or increased after the date or dates on which the taxes for the year for which the assessment is made were due;

(2) the assessment or the assessment increase is made as the result of error or neglect by the assessor or by any other official involved with the assessment of property or the collection of property taxes; and

(3) the assessment:

(A) would have been made on the normal assessment date if the error or neglect had not occurred; or

(B) increase would have been included in the assessment on the normal annual assessment date if the error or neglect had not occurred.

SECTION 16. IC 6-1.1-37-10, AS AMENDED BY P.L.3-2008, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 10. (a) Except as provided in sections ~~10.5~~ **10.1** and 10.7 of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty shall be added to the unpaid portion in the year of the initial delinquency. The penalty is equal to an amount determined as follows:

(1) If:

(A) an installment of real property taxes is completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous installment for the same parcel;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(2) If:

(A) an installment of personal property taxes is completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous installment for a personal property tax return for property in the same taxing district;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(3) If subdivision (1) or (2) does not apply, the amount of the penalty is equal to ten percent (10%) of the amount of delinquent taxes.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates of the first and second installments in each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8.1, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) Subject to subsections (g) and (h), a payment to the county treasurer is considered to have been paid by the due date if the payment is:

(1) received on or before the due date by the county treasurer or a collecting agent appointed by the county treasurer;

(2) deposited in United States first class mail:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) postmarked by the United States Postal Service as mailed on or before the due date;

(3) deposited with a nationally recognized express parcel carrier and is:

(A) properly addressed to the principal office of the county treasurer; and

(B) verified by the express parcel carrier as:

(i) paid in full for final delivery; and

(ii) received by the express parcel carrier on or before the due date;

(4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date; or

(5) made by an electronic funds transfer and the taxpayer's bank account is charged on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

(g) If a payment is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the payment is considered to

have made the payment on or before the due date if the person can show by reasonable evidence that the payment was deposited in the United States mail on or before the due date.

(h) If a payment is sent via the United States mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the payment is considered to have made the payment on or before the due date if the person:

(1) can show by reasonable evidence that the payment was deposited in the United States mail, or with the express parcel carrier, on or before the due date; and

(2) makes a duplicate payment within thirty (30) days after the date the person is notified that the payment was not received.

SECTION 17. IC 6-1.1-37-10.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.1. (a) The fiscal body of a county may, before July 1, 2012, adopt an ordinance to have this section apply throughout the county. If the fiscal body of a county adopts an ordinance under this subsection, the ordinance applies after June 30, 2012, and until July 1, 2013, and the fiscal body shall deliver a copy of the ordinance to the county treasurer and the county auditor.**

(b) The county treasurer of a county to which this section applies shall waive all interest and penalties added before January 1, 2012, to a delinquent property tax installment or special assessment on a tract or an item of real property if:

(1) all of the delinquent taxes and special assessments on the tract or item of real property were first due and payable before January 1, 2012; and

(2) before July 1, 2013, the taxpayer has paid:

(A) all of the delinquent taxes and special assessments described in subdivision (1); and

(B) all of the taxes and special assessments that are first due and payable on the tract or item of real property after December 31, 2011, and before July 1, 2013 (and any interest and penalties on these taxes and special assessments).

(c) The county treasurer of a county to which this section applies shall waive interest and penalties as provided in subsection (b) if the conditions of subsection (b) are satisfied, notwithstanding any payment arrangement entered into by the county treasurer and the taxpayer under IC 6-1.1-24-1.2 or under any other law.".

Delete pages 2 through 24.

Page 25, delete lines 1 through 41.

Renumber all SECTIONS consecutively.

(Reference is to HB 1090 as printed January 23, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 16

Senate Concurrent Resolution 16, introduced by Senator Steele:

A CONCURRENT RESOLUTION honoring Margret Robb on being named Chief Judge of the Court of Appeals and winning the Bar's David Hamacher Public Service Award.

Whereas, For twenty years, Chief Judge-Elect Margret Robb has been engaged in the general practice of law. Most recently, she was selected as one of the 2010 recipients of the Indiana University Alumni Association President's Award;

Whereas, Margret Robb has both a bachelor's and master's degree in business economics from Purdue University, earned her Juris Doctorate magna cum laude from the Indiana University School of Law-Indianapolis, and graduated from the Graduate Program for Indiana Judges;

Whereas, Recognizing her important contributions to the appellate practice, Chief Judge Margret Robb was awarded the Indiana State Bar Association's David Hamacher Public Service Award at the ISBA's annual meeting;

Whereas, The David Hamacher Public Service Award, sponsored by the state bar's Appellate Practice Section, honors high moral character and ethical standards, service to the community and peacemaking qualities;

Whereas, In addition to her many accomplishments, Judge Robb is also the recipient of the Antoinette Dakin Leach Award from the Indianapolis Bar Association's Women and the Law Division, which honors outstanding women in the legal profession;

Whereas, The Appellate Practice Section cited Chief Judge Margret Robb's dedication to the practice of law, her commitment to Continuing Legal Education on state and national levels, and many contributions to community service;

Whereas, Margret Robb has been selected by the Court of Appeals of Indiana as Chief Judge of the Court, making her the first woman to serve as the leader of the Court of Appeals of Indiana; and

Whereas, Chief Judge Margret Robb has held numerous other positions within the state and national bar associations and legal related organizations. She has received numerous awards for her contributions to the judicial system, and as Chief Judge of the Court of Appeals, she will continue to make her mark on the legal system: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly congratulates Margret Robb on being named Chief Judge of the Court of Appeals and on being awarded the Bar's David Hamacher Public Service Award.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Chief Judge Margret Robb.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Koch.

Senate Concurrent Resolution 13

Senate Concurrent Resolution 13, introduced by Senator Gard:

A CONCURRENT RESOLUTION congratulating the Indiana Gators 12/u Softball Team on their 2011 United States Fastpitch Association Fall World Series victory.

Whereas, The Indiana Gators 12/u softball team won the 2011 United States Fastpitch Association (USFA)Fall World Series;

Whereas, The team, based out of New Palestine, Indiana, traveled to Birmingham, Alabama to compete in the USFA Fall World Series after winning the 2011 USFA State Championship;

Whereas, After a disappointing loss in their first game, the girls bounced back, winning their next six games, including the Championship game, where they outscored their opponent 4-2;

Whereas, The only team to compete from Indiana achieved their remarkable victories over highly ranked and successful teams and organizations from across the country;

Whereas, Although the team of twelve girls come from all corners of central Indiana, they have formed a connection with one another that makes them a force to be reckoned with; and

Whereas, The Indiana Gators made history when they won the USFA World Series. They are the first team, of any age, to win from the state of Indiana and their accomplishment is well-deserved: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly congratulates the Indiana Gators 12/u Softball Team on their 2011 USFA World Series victory.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the members of the Indiana Gators.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Cherry.

RESOLUTIONS ON SECOND READING

Senate Resolution 6

Senator Delph called up Senate Resolution 6 for second reading. The resolution was read a second time and adopted by voice vote.

Senate Concurrent Resolution 12

Senator Grooms called up Senate Concurrent Resolution 12 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Stemler, Clere, Rhoads, Goodin, and Davisson.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1009

Senator M. Young called up Engrossed House Bill 1009 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1065

Senator Waterman called up Engrossed House Bill 1065 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1112

Senator Hershman called up Engrossed House Bill 1112 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1148

Senator M. Young called up Engrossed House Bill 1148 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1163

Senator Banks called up Engrossed House Bill 1163 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1163–4)

Madam President: I move that Engrossed House Bill 1163 be amended to read as follows:

Page 3, line 14, after "a" insert "**natural person,**".
Page 5, line 6, after "said" insert "**the**".
Page 5, line 6, reset in roman "contractor".
Page 5, line 6, after "contractor" insert ".".
Page 5, line 6, delete "all".
Page 5, line 6, strike "contractors.".
(Reference is to EHB 1163 as printed February 8, 2012.)

BANKS

Motion prevailed.

SENATE MOTION
(Amendment 1163–2)

Madam President: I move that Engrossed House Bill 1163 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-9-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 2.5. Registration by Certain State, City, or County Contractors

Sec. 1. The definitions in IC 4-13-2.5 apply throughout this chapter.

Sec. 2. (a) The following apply throughout this chapter:

(1) A person with any ownership interest in or distributive share of a business entity of more than seven and one-half percent (7.5%) is an "affiliated person" of the business entity.

(2) An executive employee of a business entity is an "affiliated person" of the business entity.

(3) The spouse of an individual described in subdivision (1) or (2) is an "affiliated person" of the business entity of which the individual described in subdivision (1) or (2) is an affiliated person.

(4) A minor child of an individual described in subdivision (1) or (2) is an "affiliated person" of the business entity of which the individual described in subdivision (1) or (2) is an affiliated person.

(5) A subsidiary of a business entity is an "affiliated person" of the business entity.

(6) A member of the same unitary business group as a business entity is an "affiliated person" of the business entity.

(7) An organization that:

(A) is recognized by the United States Internal Revenue Service as a tax exempt organization described in Section 501(c) of the Internal Revenue Code; and

(B) is established by:

(i) a business entity;

(ii) a person who is an affiliated person of a business entity under subdivision (1), (2), (3), or (4); or

(iii) an entity that is an affiliated person of a business entity under subdivision (5) or (6);

is an "affiliated person" of the business entity.

(8) A political action committee of which:

(A) a business entity is a sponsor; or

(B) an organization that is an affiliated person of a business entity under subdivision (7) is a sponsor;

is an "affiliated person" of the business entity.

(b) For purposes of section 7 of this chapter:

(1) a business entity's "annual aggregate offers for contracts" is the total amount of money that the business entity would be paid under the contracts for which the business entity is making offers in a certain year; and

(2) a business entity's "annual aggregate total value of contracts" is the total amount of money that the business entity is paid in a certain year under the contracts that the business entity has entered into.

Sec. 3. As used in this chapter, "business entity" refers to any of the following:

(1) A:

(A) sole proprietorship;

(B) partnership;

(C) limited liability partnership;

(D) limited liability company; or

(E) corporation;

doing business for profit.

(2) Any other person doing business for profit, regardless of the person's legal organization.

Sec. 4. As used in this chapter, "executive employee" refers to any of the following:

(1) The president of a business entity.

(2) The chairman of a business entity.

(3) The chief executive officer of a business entity.

(4) An employee of a business entity:

(A) who has executive decision making authority over the long term and day to day affairs of the business entity; or

(B) whose compensation is determined directly, in whole or in part, by:

(i) the awarding of contracts by the state, a city, or a county to the business entity; or

(ii) payments made under contracts awarded by the state, a city, or a county to the business entity.

Sec. 5. As used in this chapter, "registrant" refers to a person registered under this chapter.

Sec. 6. As used in this chapter, "sponsor" refers to an individual or organization that contributes at least thirty-three percent (33%) of the total funding of a political action committee.

Sec. 7. (a) This section applies to the following:

(1) A business entity whose annual aggregate offers for contracts with the state exceed one hundred thousand dollars ($100,000).

(2) A business entity whose annual aggregate offers for contracts with the state, combined with the business entity's annual aggregate total value of contracts with the state, exceed one hundred thousand dollars ($100,000).

(3) A business entity whose annual aggregate total value of contracts with the state exceeds one hundred thousand dollars ($100,000).

(4) A business entity whose annual aggregate offers for contracts with a city or county exceed fifty thousand dollars ($50,000).

(5) A business entity whose annual aggregate offers for contracts with a city or county, combined with the business entity's annual aggregate total value of contracts with a city or county, exceed fifty thousand dollars ($50,000).

(6) A business entity whose annual aggregate total value of contracts with a city or county exceeds fifty thousand dollars ($50,000).

(b) A business entity described in subsection (a) shall register with the department as provided in this chapter.

(c) A business entity making an offer that will cause the business entity to meet the description set forth in subsection (a)(1), (a)(2), (a)(4), or (a)(5) shall register with the department before submitting the offer whose value causes the business entity to meet the description set forth in subsection (a)(1), (a)(2), (a)(4), or (a)(5).

(d) A business entity that is described in subsection (c) has a continuing duty to ensure that the registration of the business entity is accurate during the period that:

(1) begins on the date of registration; and

(2) ends on the day after the date the contract for which the business entity made the offer is awarded.

If a change makes information reported by the business entity in registering under this chapter no longer accurate, the change must be reported to the department under subsection (f)(2) not later than two (2) business days after the change.

(e) A business entity described in subsection (a)(3) or (a)(6) shall maintain the business entity's registration under this chapter and has a continuing duty to ensure that the registration is accurate for the longer of the following:

(1) Four (4) years after the date of the award of any contract awarded to the business entity while the business entity met the description set forth in subsection (a)(3) or (a)(6).

(2) One (1) year after the expiration or termination of any contract awarded to the business entity while the business entity met the description set forth in subsection (a)(3) or (a)(6).

(f) If a change makes information reported by a business entity in registering under this chapter no longer accurate, the business entity must report the change to the department:

(1) except as provided in subdivision (2), not later than ten (10) days after the change; or

(2) if the business entity has a pending offer for a contract, not later than two (2) business days after the change.

(g) A business entity required to register under this chapter, to ensure the continuing accuracy of the information reported by the business entity in registering under this chapter, shall notify the department of:

(1) any change in information relating to an affiliated person of the business entity; or

(2) any other material change.

Sec. 8. (a) This section applies to a business entity that, on July 1, 2012, is described by section 7(a) of this chapter.

(b) A business entity described in subsection (a) on July 1, 2012, shall register as provided in this chapter not later than September 1, 2012.

(c) This section expires January 1, 2014.

Sec. 9. (a) The registration required under this chapter and any changes to that registration must be made electronically. The department may adopt rules under IC 4-22-2 providing for electronic registration and electronic changes in registration under this chapter.

(b) The registration of a business entity under this chapter must contain substantially the following information:

(1) The registrant's name and business address.

(2) The name and address of each of the registrant's affiliated persons and a description of the affiliation for each affiliated person.

(c) The individual:

(1) registering for a business entity under this chapter; or

(2) changing the registration of a business entity under this chapter;

must certify, subject to the penalties for perjury, that, to the best of the individual's knowledge and belief, the information stated is true.

(d) The department shall provide a registration certificate to a person that registers under this chapter.

(e) A registration certificate provided under subsection (d) must be:

(1) electronic;

(2) accessible to the registrant through the department's Internet web site; and

(3) protected by a password.

Sec. 10. (a) For purposes of this section, a data base maintained under this section is "searchable" if the data base can be searched for the following terms:

(1) Affiliated person.

(2) Registrant.

(3) State agency.

(4) City or county.

(b) The department shall provide for information that registrants are required to report in registering under this chapter to be posted on the Indiana transparency portal and to be kept in a searchable data base containing all information required to be submitted to the department under this chapter.

(c) The data base maintained under subsection (b) must be fully accessible to the election division, as determined by the election division, the department, and the Indiana transparency portal.

(d) The name of a minor child may not be placed in a location in the data base maintained under subsection (b) that is accessible to the public. Public information in the data base relating to a minor child:

(1) must be designated as relating to a minor child; and

(2) must provide a link to all contributions made by anyone reporting the same residential address as the minor child.

Sec. 11. A registrant shall provide a copy of the registration certificate provided by the department under section 9(d) of this chapter to each affiliated person of the registrant whose identity is required to be disclosed under this chapter. A registrant shall provide a copy of the registration certificate to an affiliated person under this section by first class mail or hand delivery not later than ten (10) days after the registrant's registration under this chapter.

Sec. 12. (a) At the time a registrant makes a contribution to a political action committee, the registrant shall inform the political action committee that the person is registered with the department under this chapter.

(b) An affiliated person of a registrant shall notify any political action committee to which the affiliated person makes a contribution that the affiliated person is an affiliated person of a registrant under this chapter.

Sec. 13. (a) During the period described in subsection (b):

(1) a registrant who has a contract; and

(2) affiliated persons of the registrant described in subdivision (1);

shall not make a contribution to an individual who holds a state, city, or county office or is a candidate for a state, city, or county office.

(b) The prohibition on contributions under this section:

(1) begins on the date on which the contract is awarded to the registrant; and

(2) ends on the later of the following:

(A) Four (4) years after the date on which a contract is awarded to the registrant.

(B) One (1) year after the date of the expiration or termination of the contract.

Sec. 14. (a) During the period described in subsection (b):

(1) a registrant who has no contracts but has an offer for a contract pending; and

(2) affiliated persons of the registrant described in subdivision (1);

shall not make a contribution to an individual who holds a state, city, or county office or is a candidate for a state, city, or county office.

(b) The prohibition on contributions under this section:

(1) begins on the date of issuance of the solicitation to which the registrant responded in submitting the offer; and

(2) ends on the day after the date on which the contract for which the registrant submitted the offer is awarded.

Sec. 15. (a) A candidate or a candidate's committee that receives a contribution from a person who is prohibited from making a contribution under section 13 or 14 of this chapter shall pay an amount equal to the value of the contribution to the election division not later than thirty (30) days after receiving the contribution.

(b) The election division shall deposit payments made under this section in the campaign finance enforcement account established by IC 3-6-4.1-24.

SECTION 2. IC 4-2-6-10.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 10.2. The following may not solicit political contributions on behalf of a candidate for public office, unless the soliciting individual is the candidate for public office:**

(1) An appointing authority.

(2) An employee who has purchasing or procurement authority on behalf of the agency that employs the employee.

SECTION 3. IC 4-13-1-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16.5. (a) As used in this section, "covered transaction" means the award of a contract under:**

(1) IC 4-13.6-5-7;

(2) IC 4-13.6-6;

(3) IC 5-16-1;

(4) IC 8-10-1; or

(5) IC 8-23-9.

(b) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income that are set forth in IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(c) Before October 1, 2013, and each year thereafter, the commissioner shall compile, make available for public inspection, and submit to the legislative council a report for the preceding state fiscal year stating:

(1) for the contractors awarded contracts in covered transactions; and

(2) for the subcontractors with which the contractors referred to in subdivision (1) enter into subcontracts in connection with contracts awarded in covered transactions;

the percentage of the employees of the contractors and subcontractors who work on the contracts that are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 4. IC 4-13-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 2.5. Political Contributions of Offerors and Contractors

Sec. 1. This chapter applies to:

(1) every offer submitted to a state agency, a city, or a county; and

(2) every contract awarded by a state agency, a city, or a county;

after June 30, 2012.

Sec. 2. (a) As used in this chapter, "contract" refers to a contract for:

(1) goods;

(2) services, including professional services;

(3) a public works project; or

(4) a highway project;

awarded by a state agency, city, or county.

(b) A contract awarded by a state agency, a city, or a county under:

(1) IC 4-13.6;

(2) IC 5-22;

(3) IC 5-23;

(4) IC 8-23; or

(5) any other statute;

is considered a contract for purposes of this chapter.

Sec. 3. As used in this chapter, "city" has the meaning set forth in IC 36-1-2-3.

Sec. 4. As used in this chapter, "contract officer" refers to:

(1) an individual who is a purchasing agent under IC 5-22;

(2) the state officer or employee responsible for awarding a contract; or

(3) the city or county officer or employee responsible for awarding a contract.

Sec. 5. As used in this chapter, "contractor" refers to a person who has been awarded a contract with a state agency, a city, or a county.

Sec. 6. As used in this chapter, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

Sec. 7. (a) As used in this chapter, "offer" means a response to a solicitation.

(b) The term includes a bid, a proposal, and a quote.

Sec. 8. As used in this chapter, "offeror" means a person who submits an offer to a state agency, a city, or a county.

Sec. 9. (a) As used in this chapter, "solicitation" means the procedure by which a state agency, a city, or a county invites persons to submit an offer to enter into a contract with the state agency, city, or county.

(b) The term includes an invitation for bids, a request for proposals, and a request for quotes.

Sec. 10. As used in this chapter, "state agency" refers to any of the following:

(1) A state agency (as defined in IC 4-13-1-1(b)).

(2) An entity that was established by the general assembly as a body corporate and politic and that is governed by a body, any of whose members is:

(A) the governor; or

(B) appointed by the governor.

Sec. 11. Every offer submitted to a state agency, a city, or a county, and every contract entered into by a state agency, a city, or a county must contain the following:

(1) A certification by the offeror or contractor that either:

(A) the offeror or contractor is not required to register with the department under IC 3-9-2.5; or

(B) the offeror or contractor has registered with the department under IC 3-9-2.5 and acknowledges a continuing duty to update the registration.

(2) A statement acknowledging that the contract is voidable under section 13 or 14 of this chapter for the offeror's or contractor's failure to comply with this chapter or IC 3-9-2.5.

Sec. 12. (a) A person that:

(1) is required to register with the department under IC 3-9-2.5; and

(2) submits an offer;

must submit, along with the offer, a copy of the registration certificate provided to the person by the department under IC 3-9-2.5-9.

(b) A contracting officer may not accept an offer from a person described in subsection (a) unless a copy of the person's registration certificate is submitted with the offer.

Sec. 13. If a person that is required to register with the department under IC 3-9-2.5 knowingly or intentionally fails to register with the department under IC 3-9-2.5, or knowingly or intentionally fails to disclose to the department material information that the person is required to disclose under IC 3-9-2.5, in addition to the person being subject to any penalty under this chapter or IC 3-9-2.5:

(1) the person, with respect to any offer submitted by the person, is nonresponsible; and

(2) a contract awarded to the person is voidable by the contract officer if the contract officer considers the voiding of the contract to be in the best interest of the state, city, or county.

Sec. 14. (a) This section applies to a contract with a person who violates IC 3-9-2.5-13 or IC 3-9-2.5-14.

(b) A contract with the state, a city, or a county that is described in subsection (a) is voidable by the contract officer of the state, city, or county if the contract officer considers the voiding of the contract to be in the best interest of the state, city, or county.

(c) If the person referred to in subsection (a) violates IC 3-9-2.5-13 or IC 3-9-2.5-14 more than two (2) times:

(1) the contract described in subsection (a) is terminated by operation of law; and

(2) the person referred to in subsection (a) is considered a nonresponsible offeror for three (3) years after the date of the person's latest violation of IC 3-9-2.5-13 or IC 3-9-2.5-14.

SECTION 5. IC 4-13.6-6-2.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.8. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income that are set forth in IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions

(1) through (3) proves that the person is not a resident of Indiana.

(b) When entering a bid under this chapter or a contract for professional services without bids under IC 4-13.6-5-7 for a public works project, each contractor shall provide the division with information on the number of residents of Indiana who will be employed by the contractor and the number of residents of Indiana who will be employed by any subcontractor of the contractor.

(c) A contract for a public works project may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least eighty percent (80%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least eighty percent (80%) of the employees who work on the subcontract.

(d) Before August 15, 2013, and each year thereafter, the division shall file with the commissioner a report for the preceding year stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract who are residents of Indiana.

(e) A contract awarded under this chapter for a public works project is terminated if the division determines that the contractor has failed to:

(1) employ residents of Indiana as at least eighty percent (80%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least eighty percent (80%) of the employees who work on the subcontract.

(f) A contractor or subcontractor who fails to employ residents of Indiana as at least eighty percent (80%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed in excess of the number of nonresident employees permitted by this section.

(g) If:

(1) a contract or subcontract awarded under this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds, as determined by the federal agency providing the funds, for the contract;

employing eighty percent (80%) Indiana residents for the contract or any subcontract becomes a goal for the contract, and subsections (a) through (f) do not apply.".

Page 3, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 9. IC 5-16-1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income that are set forth in IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(b) When entering into a contract under this chapter, each contractor shall provide the state or commission with information on the number of residents of Indiana who will be employed by the contractor and the number of residents of Indiana who will be employed by any subcontractor of the contractor.

(c) A contract for a public works project under this chapter may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least eighty percent (80%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least eighty percent (80%) of the employees who work on the subcontract.

(d) Before August 15, 2013, and each year thereafter, the state or a commission entering into contracts under this chapter shall file with the commissioner of the Indiana department of administration a report stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract who are residents of Indiana.

(e) A contract awarded under this chapter for a public works project is terminated if the state or commission determines that the contractor has failed to:

(1) employ residents of Indiana as at least eighty percent (80%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least eighty percent (80%) of the employees who work on the subcontract.

(f) A contractor or subcontractor who fails to employ residents of Indiana as at least eighty percent (80%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed in excess of the number of nonresident employees permitted by this section.

(g) If:

(1) a contract or subcontract awarded under this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds, as determined by the federal agency providing the funds, for the contract;

employing eighty percent (80%) Indiana residents for the contract or any subcontract becomes a goal for the contract, and subsections (a) through (f) do not apply.".

Page 7, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 15. IC 8-10-1-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.7. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income that are set forth in IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(b) When entering into a contract under this chapter, each contractor shall provide the commission with information on the number of residents of Indiana who will be employed by the contractor and the number of residents of Indiana who will be employed by any subcontractor of the contractor.

(c) A contract for a public works project under this chapter may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least eighty percent (80%) of the employees of the contractor who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least eighty percent (80%) of the employees who work on the subcontract.

(d) Before August 15, 2013, and each year thereafter, the commission shall file with the commissioner of the Indiana department of administration a report stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract who are residents of Indiana.

(e) A contract awarded under this chapter for a public works project is terminated if the commission determines that the contractor has failed to:

(1) employ residents of Indiana as at least eighty percent (80%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least eighty percent (80%) of the employees who work on the subcontract.

(f) A contractor or subcontractor who fails to employ residents of Indiana as at least eighty percent (80%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed in excess of the number of nonresident employees permitted by this section.

(g) If:

(1) a contract or subcontract awarded under this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds, as determined by the federal agency providing the funds, for the contract;

employing eighty percent (80%) Indiana residents for the contract or any subcontract becomes a goal for the contract, and subsections (a) through (f) do not apply.

SECTION 16. IC 8-23-9-4.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.6. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income that are set forth in IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(b) When entering into a contract under this chapter, each contractor shall provide the department with information on

the number of residents of Indiana who will be employed by the contractor and the number of residents of Indiana who will be employed by any subcontractor of the contractor.

(c) A contract for a public works project under this chapter may not be awarded to a contractor who does not:

(1) employ residents of Indiana as at least eighty percent (80%) of the employees of the contractor who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least eighty percent (80%) of the employees working on the subcontract.

(d) Before August 15, 2013, and each year thereafter, the department shall file with the commissioner of the Indiana department of administration a report stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract who are residents of Indiana.

(e) A contract awarded under this chapter for a public works project is terminated if the department determines that the contractor has failed to:

(1) employ residents of Indiana as at least eighty percent (80%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least eighty percent (80%) of the employees who work on the subcontract.

(f) A contractor or subcontractor who fails to employ residents of Indiana as at least eighty percent (80%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed in excess of the number of nonresident employees permitted by this section.

(g) If:

(1) a contract or subcontract awarded under this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds, as determined by the federal agency providing the funds, for the contract;

employing eighty percent (80%) Indiana residents for the contract or any subcontract becomes a goal for the contract, and subsections (a) through (f) do not apply.".

Page 9, after line 35, begin a new paragraph and insert:

"SECTION 19. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1163 as printed February 8, 2012.)

ARNOLD

Upon request of Senator Taylor the President ordered the roll of the Senate to be called. Roll Call 189: yeas 12, nays 34.

Motion failed. The bill was ordered engrossed.

The Senate recessed for the remarks of United States Congressman Buschon.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1216

Senator Miller called up Engrossed House Bill 1216 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1360

Senator Miller called up Engrossed House Bill 1360 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1016

Senator Mishler called up Engrossed House Bill 1016 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 190: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 21

House Concurrent Resolution 21, sponsored by Senators Simpson and Steele:

A CONCURRENT RESOLUTION honoring Viola J. Taliaferro for her faithful service and success as a judge.

Whereas, Viola J. Taliaferro was born in Virginia and graduated from high school at age 14;

Whereas, Viola J. Taliaferro received her B.S. from Virginia State College in 1947;

Whereas, Viola J. Taliaferro received a Doctor of Jurisprudence from Indiana University School of Law in 1977;

Whereas, Viola J. Taliaferro has worked with high school students in Maryland for over 25 years;

Whereas, Viola J. Taliaferro started practicing law in 1977 and retired as a judge in 2004, combining for over 27 years;

Whereas, Viola J. Taliaferro was an innovator in juvenile justice initiatives in Bloomington, IN and around the state of Indiana through her work with the Indiana State Bar Association and other legal organizations around the state;

Whereas, Viola J. Taliaferro placed a special emphasis on the equal treatment of children of color during her law career;

Whereas, Viola J. Taliaferro received the Neal-Marshall Award for Afro-American Affairs from Indiana University in 1990;

Whereas, Viola J. Taliaferro received the Women in the Law Award from the Indiana State Bar Association in 1993;

Whereas, Viola J. Taliaferro, in 1997, earned the Women in the Law Achievement Award and Women in the Law Committee from the Indiana State Bar Association;

Whereas, In 1997, the Civil Rights for Children Committee of the Indiana State Bar Association created The Honorable Viola J. Taliaferro Awar;

Whereas, Viola J. Taliaferro was named Woman of the Year by Monroe County Commissioners in 2000;

Whereas, Viola J. Taliaferro was named Woman of the Year by the Bloomington Commission on Status of Women in 2000;

Whereas, Viola J. Taliaferro was named Judge of the Year by the Indiana Correctional Association in 2000;

Whereas, Viola J. Taliaferro was awarded the National Association of Black Women President's Award in 2001;

Whereas, Viola J. Taliaferro was named Judge of the Year by the National Court Appointed Special Advocate Association in 2004;

Whereas, Governor Joe Kernan awarded Viola J. Taliaferro the Sagamore of the Wabash Award in 2004; and,

Whereas, Viola J. Taliaferro was named a 2011 Black History Month Living Legend by the City of Bloomington: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the House of Representatives commemorates Viola J. Taliaferro for her many years of dedicated service to her community as a teacher, administrator, lawyer, judge and advocate.

SECTION 2. That the Principal Clerk of the House transmit a copy of this resolution to Viola J. Taliaferro.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 22

House Concurrent Resolution 22, sponsored by Senators Simpson and Steele:

A CONCURRENT RESOLUTION honoring George Taliaferro for being an ambassador for civil and human rights.

Whereas, George Taliaferro was born on January 8th 1927, in Gates, Tennessee;

Whereas, George Taliaferro attended Roosevelt High School in Gary, Indiana;

Whereas, George Taliaferro was a State Finalist in high-jump, pole vault, and broad jump in 1945;

Whereas, George Taliaferro graduated from Roosevelt High School in 1945;

Whereas, George Taliaferro attended Indiana University on a full-ride athletic scholarship;

Whereas, George Taliaferro met with Indiana University President Herman Wells about Bloomington area restaurants that refused to serve African Americans;

Whereas, The result of the meeting was President Wells telling local restaurants that all Indiana University students would be banned from patronizing their establishment if they practiced discrimination based on race;

Whereas, George Taliaferro was named Indiana University football team MVP, All-Big Ten and All-American in 1947;

Whereas, George Taliaferro was a first team All American Halfback in 1948;

Whereas, George Taliaferro was inducted into the Helm's College Football Hall of Fame in 1967;

Whereas, George Taliaferro was inducted into the Indiana Football Hall of Fame in 1976;

Whereas, George Taliaferro was inducted into the National College Football Foundation's Hall of Fame in 1981;

Whereas, George Taliaferro was the first African American football player to be drafted into the National Football League in 1949;

Whereas, George Taliaferro was the Los Angeles Dons' Rookie of the Year in 1949;

Whereas, George Taliaferro was a Pro Bowl Member in 1951, 1952, and 1953;

Whereas, George Taliaferro retired from football in 1955;

Whereas, George Taliaferro graduated from Howard University with a master's degree in social work in 1962;

Whereas, George Taliaferro emphasized working with prisoners, ex-offenders, and people addicted to drugs in his chosen field of social work;

Whereas, George Taliaferro served as Special Assistant to Indiana University President John W. Ryan from 1972-1983;

Whereas, George Taliaferro assisted in the development of equal opportunity programs and policies for staff and students at Indiana University;

Whereas, George Taliaferro served as coordinator of the state wide Affirmative Action Plan for Indiana Universities' eight-campus system;

Whereas, George Taliaferro has served a total of 45 years in higher education, 20 with Indiana University;

Whereas, George Taliaferro has served on the Board of Directors for the Big Brothers and Big Sisters of Monroe County of which he is the president and founder;

Whereas, George Taliaferro is a lifetime member of the National Association for the Advancement of Colored People (NAACP); and,

Whereas, George Taliaferro served on the Board of Directors as Chairman at the Children's Organ Transplant Association (COTA): Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana House of Representatives honors the trail-blazing efforts of George Taliaferro in taking the lead in bring the civil rights movement to Indiana, offering inmates a second chance at rehabilitation, and providing roads for African American athletes to pursue their dreams.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to George Taliaferro.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 21 and 22 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 4 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator R. Young be added as second sponsor of Engrossed House Bill 1279.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as second sponsor of Engrossed House Bill 1112.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Bray, Broden, Charbonneau, Delph, Glick, Head, Hershman, Holdman, Kenley, Lanane, Long, Randolph, Simpson, Tallian, Taylor, M. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 16.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as cosponsor of Engrossed House Bill 1123.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1250.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as cosponsor of Engrossed House Bill 1312.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Banks be added as second sponsor of Engrossed House Bill 1312.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as second sponsor and Senator Tallian be added as cosponsor of Engrossed House Bill 1148.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as cosponsor of Engrossed House Bill 1220.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as cosponsor of Engrossed House Bill 1237.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 14, 2012.

LONG

Motion prevailed.

The Senate adjourned at 3:01 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Twenty-second Meeting Day Tuesday Afternoon February 14, 2012

The Senate convened at 1:32 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Travis L. Holdman.

The Pledge of Allegiance to the Flag was led by Senator Holdman.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 191: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Engrossed House Bill 1224, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Engrossed House Bill 1003, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Engrossed House Bill 1186, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 12.

Page 2, delete lines 26 through 42.

Delete pages 3 through 8.

Page 9, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 2. IC 16-18-2-266 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 266. "Paramedic", for purposes of IC 16-31, means an individual who:

(1) is:

(A) affiliated with a certified paramedic organization;

(B) employed by a sponsoring hospital approved by the commission; or

(C) employed by a supervising hospital with a contract for inservice education with a sponsoring hospital approved by the commission;

(2) has completed a prescribed course in advanced life support; and

(3) has been ~~certified~~ **licensed** by the Indiana emergency medical services commission.".

Page 11, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 5. IC 16-31-2-7, AS AMENDED BY P.L.20-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The commission shall do the following:

(1) Develop and promote, in cooperation with state, regional, and local public and private organizations, agencies, and persons, a statewide program for the provision of emergency medical services that must include the following:

(A) Preparation of state, regional, and local emergency ambulance service plans.

(B) Provision of consultative services to state, regional, and local organizations and agencies in developing and

implementing emergency ambulance service programs.

(C) Promotion of a statewide system of emergency medical service facilities by developing minimum standards, procedures, and guidelines in regard to personnel, equipment, supplies, communications, facilities, and location of such centers.

(D) Promotion of programs for the training of personnel providing emergency medical services and programs for the education of the general public in first aid techniques and procedures. The training shall be held in various local communities of the state and shall be conducted by agreement with publicly and privately supported educational institutions or hospitals licensed under IC 16-21, wherever appropriate.

(E) Promotion of coordination of emergency communications, resources, and procedures throughout Indiana and, in cooperation with interested state, regional, and local public and private agencies, organizations, and persons, the development of an effective state, regional, and local emergency communications system.

(F) Organizing and sponsoring a statewide emergency medical services conference to provide continuing education for persons providing emergency medical services.

(2) Regulate, inspect, and certify **or license** services, facilities, and personnel engaged in providing emergency medical services as provided in this article.

(3) Adopt rules required to implement an approved system of emergency medical services.

(4) Adopt rules concerning triage and transportation protocols for the transportation of trauma patients consistent with the field triage decision scheme of the American College of Surgeons Committee on Trauma.

(5) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.

(6) Employ necessary administrative staff.

SECTION 6. IC 16-31-2-12, AS ADDED BY P.L.101-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. The commission may impose a reasonable fee for the issuance of a certification **or license** under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.

SECTION 7. IC 16-31-3-1, AS AMENDED BY P.L.74-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), a person other than:

(1) a licensed physician;

(2) a registered nurse or an individual acting under the supervision of a licensed physician; or

(3) a person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

may not furnish, operate, conduct, maintain, advertise, or otherwise be engaged in providing emergency medical services, except for the use of an automated external defibrillator, as a part of the regular course of doing business, either paid or voluntary, unless that person holds a valid certificate **or license** issued by the commission.

(b) A:

(1) licensed physician;

(2) registered nurse or an individual acting under the supervision of a licensed physician; or

(3) person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

who operates a business of transporting emergency patients by ambulance or using a nontransporting emergency medical services vehicle must hold a valid certificate issued by the commission under this article.

SECTION 8. IC 16-31-3-2, AS AMENDED BY P.L.71-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The commission shall establish standards for persons required to be certified **or licensed** by the commission to provide emergency medical services. To be certified **or licensed,** a person must meet the following minimum requirements:

(1) The personnel certified **or licensed** under this chapter must do the following:

(A) Meet the standards for education and training established by the commission by rule.

(B) Successfully complete a basic or an inservice course of education and training on sudden infant death syndrome that is certified by the commission in conjunction with the state health commissioner.

(C) Beginning January 1, 2009, successfully complete a basic or an inservice course of education and training on autism that is certified by the commission.

(2) Ambulances to be used must conform with the requirements of the commission and must either be:

(A) covered by insurance issued by a company licensed to do business in Indiana in the amounts and under the terms required in rules adopted by the commission; or

(B) owned by a governmental entity covered under IC 34-13-3.

(3) Emergency ambulance service shall be provided in accordance with rules adopted by the commission. However, the rules adopted under this chapter may not prohibit the dispatch of an ambulance to aid an emergency patient because an emergency medical technician is not immediately available to staff the ambulance.

(4) Ambulances must be equipped with a system of emergency medical communications approved by the commission. The emergency medical communication system must properly integrate and coordinate appropriate local and state emergency communications systems and reasonably available area emergency medical facilities with the general public's need for emergency medical services.

(5) Emergency medical communications shall be provided in accordance with rules adopted by the commission.

(6) A nontransporting emergency medical services vehicle must conform with the commission's requirements.".

Page 11, after line 42, begin a new paragraph and insert:

"SECTION 10. IC 16-31-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(b) As used in this section, "volunteer firefighter" has the meaning set forth in IC 36-8-12-2.

(c) A certificate **or paramedic license** is not required for a volunteer fire department or volunteer firefighter to engage in extrication or rescue services.

SECTION 11. IC 16-31-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The commission may not withhold certification **or licensure** from a person providing emergency medical services that include extrication and rescue services because the person is not affiliated with a hospital, law enforcement agency, or fire department.

SECTION 12. IC 16-31-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. An application for a certificate **or license** must be made upon the forms, provide the information, and be in accordance with the procedures prescribed by the commission.

SECTION 13. IC 16-31-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. Except as otherwise provided in this chapter, all certificates **and licenses** are valid for a period specified by the commission unless earlier suspended, revoked, or terminated.".

Page 12, line 3, after "certificate" insert "**or license**".

Page 12, line 4, after "certificate" insert "**or license**".

Page 12, line 6, after "certificate" insert "**or license**".

Page 12, line 7, delete "," and insert "**or license,**".

Page 12, line 9, delete "." and insert "**or licensure.**".

Page 12, line 12, after "certificate" insert "**or a paramedic license**".

Page 12, line 14, delete "," and insert "**or license,**".

Page 12, line 28, after "certificate" insert "**or license**".

Page 12, line 34, after "certificate" insert "**or a paramedic license**".

Page 12, line 36, delete "," and insert "**or license,**".

Page 13, line 6, after "certificate" insert "**or license**".

Page 13, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 15. IC 16-31-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. A certificate **or license** issued under this chapter is not assignable or transferable.

SECTION 16. IC 16-31-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. An official entry made upon a certificate **or license** may not be defaced, removed, or obliterated.

SECTION 17. IC 16-31-3-13.5, AS ADDED BY P.L.101-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. The commission may impose a reasonable fee for the issuance of a certification **or license** under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.

SECTION 18. IC 16-31-3-14, AS AMENDED BY P.L.182-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) A person holding a certificate **or license** issued under this article must comply with the applicable standards and rules established under this article. A certificate holder **or license holder** is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder **or license holder:**

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate **or license,** including cheating on a certification **or licensure** examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder **or license holder** should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder **or license holder** becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder **or license holder** is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's **or license holder's** ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's **or license holder's** name or a certificate **or license** issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate **or license** issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate **or license** is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder **or license holder** is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate **or license holder's license** for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate **or license holder's license** for a period not to exceed seven (7) years.

(3) Censure of a certificate holder **or license holder.**

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder **or license holder** in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars ($500) per day per violation.

(B) If the certificate holder **or license holder** fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate **or license holder's license** without additional proceedings.

(6) Placement of a certificate holder **or license holder** on probation status and requirement of the certificate holder **or license holder** to:

(A) report regularly to the department of homeland security upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department of homeland security;

(C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder **or license holder.**

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder **or license holder** has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate **or license,** including cheating on the certification **or licensure** examination, the department of homeland security may rescind the certificate **or license** if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate **or license** for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification **or licensure** to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder **or license holder,** has had disciplinary action taken against the applicant or the applicant's certificate **or license** to practice in another state or jurisdiction, or has practiced without a certificate **or license** in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder **or license holder** to submit to a reasonable physical or mental examination if the certificate holder's **or license holder's** physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder **or license holder** liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate **or license** may not be denied, revoked, or suspended because the applicant, ~~or~~ certificate holder, **or license holder** has been convicted of an offense. The acts from which the applicant's, ~~or~~ certificate holder's, **or license holder's** conviction resulted may be considered as to whether the applicant or certificate holder **or license holder** should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate **or license** issued under this article if the individual who holds or is applying for the certificate **or license** is convicted of any of the following:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid as a Class D felony under IC 35-48-4-11.

(9) Maintaining a common nuisance under IC 35-48-4-13.

(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (12).

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate **or license holder's license** under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder **or license holder** would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder **or license holder** were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified **or licensed** under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate **or license** that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate **or license** that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate, **and a license holder may not surrender the license holder's license,** without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate **or license.**

(p) For purposes of this section, "certificate holder" means a person who holds:

(1) an unlimited certificate;

(2) a limited or probationary certificate; or

(3) an inactive certificate.

(q) For purposes of this section, "license holder" means a person who holds:

(1) an unlimited license;

(2) a limited or probationary license; or

(3) an inactive license.

SECTION 19. IC 16-31-3-14.5, AS AMENDED BY P.L.182-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification **or licensure** or permanently revoke a certificate **or license** under procedures provided by section 14 of this chapter if the individual who holds the certificate **or license** issued under this title is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) A crime of violence (as defined in IC 35-50-1-2(a)).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

SECTION 20. IC 16-31-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. A person who is not certified **or licensed** under this chapter and identifies or holds out to other persons that the person is:

(1) certified **or licensed** under this chapter; or

(2) authorized to do any act allowed under this chapter;

commits a Class C misdemeanor.

SECTION 21. IC 16-31-3-17, AS AMENDED BY P.L.1-2009, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) The department of homeland security established by IC 10-19-2-1 may issue an order to a person who has practiced without a certificate **or license** in violation of this article imposing a civil penalty of not more than five hundred dollars ($500) per occurrence.

(b) A decision of the department of homeland security under subsection (a) may be appealed to the commission under IC 4-21.5-3-7.".

Page 13, between lines 16 and 17, begin a new line block indented and insert:

"**(2) Requirements and procedures for the licensure of paramedics.**".

Page 13, line 17, strike "(2)" and insert "**(3)**".

Page 13, line 19, delete "licensed".

Page 13, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 24. IC 16-31-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.

(b) An act or omission of a paramedic, an emergency medical technician-intermediate, an emergency medical technician-basic advanced, an emergency medical technician, or a person with equivalent certification **or licensure** from another state that is performed or made while providing advanced life support or basic life support to a patient or trauma victim does not impose liability upon the paramedic, the emergency medical technician-intermediate, the emergency medical technician-basic advanced, an emergency medical technician, the person with equivalent certification **or licensure** from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

(1) in connection with a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

SECTION 25. IC 16-31-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The emergency medical services restitution fund is established for the purpose of reimbursing persons who:

(1) are certified **or licensed** under IC 16-31-3; and

(2) provided emergency medical services to individuals injured as a result of an accident caused by an individual who:

(A) was operating a vehicle while intoxicated at the time the accident occurred; and

(B) was subsequently convicted under IC 9-30-5 of that offense.".

Delete pages 14 through 16.

Page 17, delete lines 1 through 13.

Page 17, line 25, delete "licensed".

Page 17, line 25, reset in roman "(as defined in IC 16-18-2-266)".

Page 17, line 25, delete "licensed" and insert ",".

Page 17, line 26, delete "under IC 16-31-3.2,".

Page 20, between lines 2 and 3, begin a new line block indented and insert:

"**(27) A respiratory care practitioner practicing the practitioner's profession under IC 25-34.5.**".

Page 20, delete lines 28 through 42.

Page 21, delete lines 1 through 3.

Page 21, delete line 42.

Delete pages 22 through 24, begin a new paragraph and insert:

"SECTION 28. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.**

(b) The commission shall study during the 2012 legislative interim issues concerning the licensing of paramedics.

(c) This SECTION expires December 31, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1186 as printed January 23, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Engrossed House Bill 1129, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 17, line 13, delete "quality" and insert "**quantity**".

Page 25, after line 2, begin a new paragraph and insert:

"SECTION 43. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "board" refers to the Indiana state board of animal health established by IC 15-17-3-1.**

(b) The board shall conduct a study of the issue of farmers selling unpasteurized milk to consumers.

(c) The study required by subsection (b) must be concluded before November 1, 2012.

(d) At the conclusion of the study, the board shall prepare a report setting forth the results of the study not later than December 1, 2012. The board shall:

(1) present the report to:

(A) the governor; and

(B) the legislative council in an electronic format under IC 5-14-6; and

(2) make copies of the report available to the public.

(e) This SECTION expires June 30, 2013.

SECTION 44. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1129 as reprinted January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Resolution 26, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Engrossed House Bill 1349, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning natural resources.

Page 1, line 1, delete "IC 36-9-27-2 IS AMENDED TO READ AS" and insert "[EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "study committee" refers to the water resources study committee established by IC 2-5-25-1.**

(b) The general assembly urges the legislative council to assign to the study committee, for study during the 2012 legislative interim, the topic of drainage laws, including:

(1) The effects of drainage laws on private land owners' rights.

(2) The liability of all landowners within a watershed.

(c) If the topic of drainage laws is assigned to the water resources study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, not later than November 1, 2012.

(d) This SECTION expires June 30, 2013.".

Page 1, delete lines 2 through 17.

Delete pages 2 through 5.

(Reference is to HB 1349 as printed January 23, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Engrossed House Bill 1279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 11, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 20. IC 14-22-12-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. (a) As used in this section, "qualified individual" means an individual who:

(1) is a resident of Indiana;

(2) has served in the armed forces of the United States; and

(3) has a service connected disability, as evidenced by:

(A) records of the United States Department of Veterans Affairs; or

(B) disability retirement benefits awarded to the individual under laws administered by the United States Department of Defense.

(b) A qualified individual is entitled to reduced fee hunting and fishing licenses under this section.

(c) Each year a qualified individual may obtain:

(1) both:

(A) a resident yearly license to fish; and

(B) a resident yearly license to hunt; or

(2) a resident yearly license to hunt and fish;

by paying a reduced license fee of two dollars and seventy-five cents ($2.75) instead of the fee prescribed by section 1 of this chapter.

(d) Each decade a qualified individual may obtain:

(1) both:

(A) a resident license to fish that is valid for ten (10) years; and

(B) a resident license to hunt that is valid for ten (10) years; or

(2) a resident license to hunt and fish that is valid for ten (10) years;

by paying a reduced license fee of twenty-seven dollars and fifty cents ($27.50).

~~(d)~~ **(e)** An applicant for a reduced fee license under this section must do the following:

(1) Request the license from:

(A) the department;

(B) an agent appointed by the director under IC 14-22-11-3; or

(C) the clerk of the circuit court who is an authorized representative of the department under IC 14-22-11-3 in the county in which the individual resides.

(2) Present evidence that the applicant is a qualified individual.

SECTION 21. IC 14-22-13-2, AS AMENDED BY P.L.165-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This section applies to the Ohio River waters of Indiana.

(b) The department may issue to an individual who is a resident **or nonresident** of Indiana a license to use in, and to possess for use in, the water seines, nets, or other commercial fishing gear under rules adopted under IC 4-22-2 upon payment of the following fee:

(1) For an Ohio River commercial fishing license and ten (10) Ohio River commercial gear tags, one hundred twenty-five dollars ($125).

(2) For each block of ten (10) Ohio River commercial fishing gear tags, fifteen dollars ($15).

SECTION 22. IC 14-22-13-2.5, AS ADDED BY P.L.165-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) This section applies to the harvest or sale of the following roe bearing species:

(1) Shovelnose sturgeon.

(2) Paddlefish.

(3) Bowfin.

(b) For the purpose of this subsection, "roe" means the eggs or gametes of a fish listed in subsection (a).

(c) An individual may not harvest, possess, or sell roe without a license issued under this section.

(d) The department may issue to an individual who is a resident **or nonresident** of Indiana a license to harvest, possess, and sell the roe under rules adopted under IC 4-22-2. The individual must leave the roe intact and inside the body of the

fish ~~until sold to a licensed roe dealer.~~ **while on the body of water or adjacent to the water being fished, and until processing begins in accordance with 21 CFR 123.** The individual must sell the roe only to a roe dealer licensed by the department. The department shall limit the number of licenses that are available.

(e) The department may issue a person a roe dealer's license to purchase, ~~and~~ process, **and sell** roe. A person may not transport roe outside Indiana except according to the terms of a license issued under this subsection.

(f) The following are the minimum application fees for these licenses:

(1) **Resident and nonresident** roe harvester's ~~license,~~ **license for harvesting on the Ohio River,** one thousand dollars ($1,000).

(2) Resident roe harvester's license for harvesting on inland water of Indiana, one thousand dollars ($1,000).

~~(2)~~ **(3)** Roe dealer's license, five thousand dollars ($5,000).

(g) The commission may set license fees above the minimum fees established under subsection (f). The amount may not be more than is reasonably necessary to generate revenue sufficient to offset the costs incurred by the department in carrying out its responsibilities under this chapter.

(h) The department shall give priority in issuing licenses under this section to applicants who are residents of Indiana.".

Page 12, delete lines 1 through 28.

Page 14, delete lines 8 through 34.

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Engrossed House Bill 1018, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Engrossed House Bill 1128, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1325, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 11, after "by" delete "this" and insert "**the**".

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-5-37, AS AMENDED BY P.L.193-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]: Sec. 37. **(a)** Transactions involving tangible personal property are exempt from the state gross retail tax, if the tangible personal property:

(1) is leased, owned, or operated by a professional racing team; and

(2) comprises any part of a professional motor racing vehicle, excluding tires and accessories.

(b) Transactions involving tangible personal property are exempt from the state gross retail tax, if the tangible personal property:

(1) is leased, owned, or operated by a company that is engaged in offering a competitive racing experience during a competitive racing event; and

(2) comprises any part of a two-seater Indianapolis 500 style race car, excluding tires and accessories.".

Page 4, line 14, after "by" delete "this" and insert "**the**".

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 4. IC 6-2.5-5-45 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 45. Transactions involving tangible personal property (including excise tax meter machines and related accessories, such as re-packers, cutters, and supplies) are exempt from the state gross retail tax if the property is acquired:**

(1) by a person that is required to affix excise tax stamps under IC 6-7; and

(2) for the exclusive purpose of complying with IC 6-7.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1325 as printed January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1141, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-12-1-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14.5. (a) The mortgage foreclosure multistate settlement fund is established for the purpose of depositing and distributing money received under a multistate agreement related to litigation concerning mortgage foreclosure activities by creditors and mortgage servicers. The fund consists of:**

(1) money that:

(A) is received by the state under the multistate agreement related to litigation concerning mortgage foreclosure activities; and

(B) is designated by the attorney general for deposit in the fund;

(2) appropriations made to the fund by the general assembly; and

(3) grants, gifts, and donations intended for deposit in the fund.

(b) The fund shall be administered by the budget agency. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(c) Money in the fund may be used only to make transfers to the state general fund under subsection (d).

(d) Not later than September 1 of each year, the department of state revenue shall certify to the budget agency and the auditor of state the additional amount of gross retail tax revenue that would have been collected in the preceding state fiscal year if the exemption under IC 6-2.5-5-16.5(b) for home energy acquired through home energy assistance had not been in effect during that preceding state fiscal year. The auditor of state shall, before September 1 of each year, transfer from the fund to the state general fund an amount equal to the lesser of:

(1) the amount certified by the department of state revenue under this subsection; or

(2) the balance in the fund.

(e) The state general fund is not liable for payment of a shortfall in expenditures, transfers, or distributions from the fund or any other fund due to a delay, reduction, or cancellation of payments scheduled to be received by the state under the multistate agreement related to litigation concerning mortgage foreclosure activities.".

Page 3, line 32, delete "2013," and insert "**2020,**".

Page 4, line 4, delete "2013," and insert "**2020,**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1141 as printed January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Engrossed House Bill 1107, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Engrossed House Bill 1060, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

GARD, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 15

Senate Concurrent Resolution 15, introduced by Senators Breaux, Merritt, and Taylor:

A CONCURRENT RESOLUTION honoring the 2012 Super Bowl Host Committee and the city of Indianapolis for their efforts in hosting Super Bowl XLVI.

Whereas, The Super Bowl Host Committee served as the city's ambassador to incoming Super Bowl fans and as a manager of local resources such as city services, event venues, accommodations, and thousands of volunteers;

Whereas, The Super Bowl Host Committee was capably led by Chairman Mark Miles and CEO Allison Melangton;

Whereas, The Super Bowl Host Committee partnered with Keep Indianapolis Beautiful Inc. and the John H. Boner Community Center to plant 2,876 trees in the community, exceeding the goal of 2012 trees;

Whereas, The Super Bowl Host Committee helped manage the Near East Side Legacy Project which raised more than $154 million through public and private partners to revitalize Indianapolis' Near Eastside;

Whereas, The Super Bowl Host Committee designated twenty Super Celebration sites around Central Indiana to showcase Hoosier hospitality;

Whereas, By all accounts, the hosting of Super Bowl XLVI was a complete success, and demonstrated that Indianapolis is a world-class city;

Whereas, There were over 1.1 million visitors to Super Bowl Village and over 265,000 visitors to the NFL experience;

Whereas, The Super Bowl Host Committee was comprised of 35 staff members and 150 volunteer co-chairs who oversaw over 8,000 volunteers;

Whereas, The Nielson ratings indicated that Super Bowl XLVI was the most watched event in television history: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly honors the Super Bowl Host Committee and the city of Indianapolis for their efforts in hosting Super Bowl XLVI.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Super Bowl Host Committee Chairman Mark Miles and CEO Allison Melangton.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bosma, Bartlett, and Noe.

Senate Resolution 36

Senate Resolution 36, introduced by Senator Head:

A SENATE RESOLUTION congratulating the Lewis Cass High School Marching Band for their continued success over the past 30 years.

Whereas, The Lewis Cass Marching Kings have won seven state championships, and are the only high school band in the state of Indiana to go to the state finals for 30 consecutive years, where they placed within the top five twenty-nine times;

Whereas, The marching band is competitive, and travels to numerous competitions to perform. They have played at the Indy 500, a Chicago Bears game, the Mardi Gras parade in New Orleans, Disney World's Magic Kingdom night parade, and even in Canada. The Marching Kings were also recently presented with the Spirit of Cass County Award;

Whereas, The Lewis Cass High School Marching Band has been consistently ushered to first place by their talented and dedicated directors. Current band director, Mike Clark, has instilled professionalism, respectfulness, and responsibility in his students. The articulated team goal is that it's not all about winning, but about entertaining the audience and enjoying the performance;

Whereas, In addition to its marching band, Lewis Cass also has a very talented concert band, which has won several first place medals in the Indiana State School Music Association's (ISSMA) Solo and Ensemble contests;

Whereas, The band's "Sleigh Ride" song has become so popular that people come from across the country to hear the seasonal tune, which has been played at every December concert dating back 38 years; and

Whereas, The hard work of the students in the band is commendable and the dedication of their band director has produced tremendous success. Their efforts are to be recognized, as their accomplishments are well-deserved: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate recognizes the continued success of the Lewis Cass High School Marching Band.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Lewis Cass High School Marching Band and Director, Mike Clark.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senators Schneider, M. Young, Delph, Miller, and Gard be added as coauthors of Senate Concurrent Resolution 15.

BREAUX

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 13 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 23 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 23

House Concurrent Resolution 23, sponsored by Senator Broden:

A CONCURRENT RESOLUTION memorializing Representative Tom Kromkowski.

Whereas, The Indiana House of Representatives, South Bend, and the state of Indiana lost a valued friend with the death of former Representative Tom Kromkowski on Wednesday, September 7, 2011;

Whereas, Representative Kromkowski represented the West Side of South Bend in the Indiana House of Representatives for 26 years;

Whereas, In addition to serving in the House of Representatives, Tom Kromkowski worked for AM General for 29 years, retiring in January of 2004;

Whereas, Tom Kromkowski, a South Bend native, was born on September 2, 1942, to Bert and Virginia (Buzalski) Kromkowski;

Whereas, A graduate of St. Joseph's High School in 1960, Tom Kromkowski married Janeen K. Beard at St. John the Baptist Church in South Bend on August 10, 1963;

Whereas, Representative Kromkowski served his country honorably in the United States Army and was a veteran of Vietnam;

Whereas, Representative Kromkowski was also a member of the VFW, the M.R. Polish Falcons of America, and the Westside Democratic and Civic Club of South Bend, and he served as chairman of the United Auto Workers of St. Joseph-LaPorte County C.A.P. Council;

Whereas, Representative Kromkowski was a member of St. John the Baptist Catholic Church; and

Whereas, The death of Tom Kromkowski leaves a void that cannot be filled in the hearts of his family, friends, and former constituents: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly expresses its heartfelt sympathy to the family of Representative Tom Kromkowski and expresses its gratitude for his years of dedicated and honorable service to his constituency and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family of Tom Kromkowski.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 32 Senator Banks
Congratulating Jeremy Gulley on being named 2011 Citizen of the Year by the Herald Press.

SR 33 Senator Banks
Recognizing the hard work of the students of Marion High School who participated in the Young Entrepreneur's Program.

SR 34 Senator Banks
Recognizing the students of the Whitko High School Art Department who participated in the 42nd World School Children's Art Exhibition in the Republic of China, Taipai.

SR 35 Senator Head
Honoring the Ivy Tech-Logansport Electric Vehicle Club.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 32

Senate Resolution 32, introduced by Senator Banks:

A SENATE RESOLUTION congratulating Jeremy Gulley on being named 2011 Citizen of the Year by The Herald Press.

Whereas, Huntington North High School Principal Jeremy Gulley has been named 2011 Citizen of the Year by The Herald Press;

Whereas, Principal Gulley received a warm hero's welcome by the entire student body upon returning in September 2011;

Whereas, Gulley was deployed for 11 months to the Khost Province of Afghanistan with the United States Army;

Whereas, Gulley was chosen along with 60 other Hoosier soldiers to travel to Afghanistan to teach Afghani students modern agricultural techniques;

Whereas, Among their lessons, the students learned about crops, how to maintain fresh vegetation in greenhouses, and how to raise poultry to gather their eggs. He introduced greenhouses to students of six different Afghani schools; and

Whereas, Principal Gulley put Huntington on the map from halfway across the world. Students, parents, and teachers of Huntington North High School are extremely fortunate to have Jeremy Gulley as the leader of their school: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates Jeremy Gulley on being named 2011 Citizen of the Year by The Herald Press.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Jeremy Gulley.

The resolution was read in full and adopted by voice vote.

Senate Resolution 33

Senate Resolution 33, introduced by Senator Banks:

A SENATE RESOLUTION recognizing the hard work of the students of Marion High School who participated in the Young Entrepreneur's Program.

Whereas, In an effort to promote business and life skills which will provide students with a competitive advantage in the next phase of their academic futures, fifteen of Marion High School's students have put hours of hard work into producing an effective business plan for a competition hosted by the Young Entrepreneur's Program (YEP);

Whereas, YEP is dedicated to nurturing new generations of entrepreneurs. In furtherance of this goal, YEP put on a competition at Indiana Wesleyan University where students presented their final business plans as budding young entrepreneurs;

Whereas, The students attended hour-long sessions twice a week after school, to learn from Grant County professionals and to work together on their projects under the guidance of volunteer mentors from the Indiana Wesleyan University Students in Free Enterprise team;

Whereas, The participants from Marion High School utilized their creativity and innovative thinking skills to create a comprehensive business proposal. This opportunity provides these students with a competitive advantage among their peers in future academic endeavors;

Whereas, The team that placed first place presented a business plan for the "12+ 1 Bakery" on December 12, 2011. The team members included Corey Deaton, Miranda Fuchs, and Megan Swan;

Whereas, Kirby Kohlmorgan, Chynna Fry, and Chari Redwine, the authors of the "Flair" business plan, were awarded second place;

Whereas, Tyler Humbles, Mariah Powell, Audrey Walt, Meredith Kuczora, Jessica Snyder, Emon Jones, Jaimee Maddox, Aaron Messer, and Taleeza Foudray are to be congratulated for all of their hard work on their projects; and

Whereas, In choosing to participate in the Young Entrepreneurs' Program, these students have demonstrated ambition and maturity that is to be recognized and complimented. These high school students dedicate their time and hard work to sharpening their academic skills and honing their aptitude for business management and entrepreneurship: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates the student participants in the Young Entrepreneurs Program on their commitment to excellence.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Marion High School students who competed in the Young Entrepreneurs Program.

The resolution was read in full and adopted by voice vote.

Senate Resolution 34

Senate Resolution 34, introduced by Senator Banks:

A SENATE RESOLUTION recognizing the students of the Whitko High School Art Department who participated in the 42nd World School Children's Art Exhibition in the Republic of China, Taipai.

Whereas, In an effort to promote international communication and friendship that crosses borders and promotes cultural understanding among the younger generation, the Republic of China sponsored the 42nd international art contest;

Whereas, The competition was open to students from 48 different countries from ages six through fifteen;

Whereas, Whitko High School was one of five high schools representing the United States in the exhibition. The awards received by students this year made for a total of 27 state, 37 national, and 140 international awards to date; and

Whereas, The art students at Whitko High School have used their talents of artistic expression and creativity to represent the state of Indiana, as well as out country, in an international competition: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate honors the Whitko High School Art Department and the students that participated in the 42nd World School Children's Art Exhibition.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Art Director, Walter C. Malicki, and the art students who participated in the Exhibition.

The resolution was read in full and adopted by voice vote.

Senate Resolution 35

Senate Resolution 35, introduced by Senator Head:

A SENATE RESOLUTION honoring the Ivy Tech-Logansport Electric Vehicle Club.

Whereas, The Electric Vehicle Club is a group of students at Ivy Tech-Logansport that have been designing and building an electric go-cart which surpasses the speed and acceleration capabilities of a gas-powered model;

Whereas, Such impressive speed and acceleration capabilities will put them on par with the national and international competitors at their next two competitions;

Whereas, The Electric Vehicle Club will have the privilege of participating in an international 100-lap race at the Indianapolis Motor Speedway on May 7, at which time the speedway will celebrate its 100 year anniversary. The team will be demonstrating the design, battery efficiency, speed, and community outreach aspects of their go-cart;

Whereas, The vehicle entered into the competition is crafted entirely by students. The club's objective for participating in the contest is to educate the public about the benefits and advancements in electric powered transportation technology;

Whereas, The Electric Vehicle Club is partially funded through U.S. Department of Energy grants, but raises it's own funds through sponsorships and individual contributions. Their willingness to actively seek funding for their projects demonstrates their strong commitment to this technology; and

Whereas, The innovative thinking and passion for development and technological advancement is exemplary, and the optimism among the project team about their prospects of success in the upcoming races are to be acknowledged: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate honors the Ivy Tech-Logansport Electric Vehicle Club for their hard work and dedication to the creation of an electric go-cart.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Electric Vehicle Club President, Jeff Marshall, and Ivy Tech President, Thomas Snyder.

The resolution was read in full and adopted by voice vote.

Senator Long yielded the gavel to the President of the Senate.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1154

Senator Hershman called up Engrossed House Bill 1154 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1154–1)

Madam President: I move that Engrossed House Bill 1154 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-16-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. For purposes of this chapter, a product is considered to be "manufactured in the United States" if the following apply:**

(1) In the case of an iron, steel, or foundry product, all manufacturing takes place in the United States. However, it is not necessary for metallurgical processes involving the refinement of steel additives to take place in the United States.

(2) In the case of a product other than a product described in subdivision (1), both of the following apply:

(A) All the manufacturing processes for the product take place in the United States.

(B) All the manufacturing processes for all components of the product take place in the United States, regardless of the origin of subcomponents of each product component.

SECTION 2. IC 5-16-8-2, AS AMENDED BY P.L.6-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~(a)~~ Each public agency shall require that every contract for the construction, reconstruction, alteration, repair, improvement, or maintenance of public works ~~contain~~ **contains** a provision that, if any steel ~~or~~ **products,** foundry products, **or other products** are to be used or supplied in the performance of the contract or subcontract, only steel ~~or~~ **products,** foundry products, **and other products** made in the United States shall be used or supplied in the performance of the contract or any of the subcontracts. ~~unless the head of the public agency determines, in writing, that the cost of steel or foundry products is considered to be unreasonable.~~

~~(b) The head of each public agency shall issue rules which provide that, for purposes of subsection (a), the bid or offered price of any steel or foundry products of domestic origin is not considered unreasonable if the price does not exceed the sum of:~~

~~(1) the bid or offered price of like steel or foundry products of foreign origin (including any applicable duty); plus~~

~~(2) a differential of fifteen percent (15%) of the bid or offered price of the steel or foundry products of foreign origin.~~

~~However, the fifteen percent (15%) differential provided by subdivision (2) may be increased to twenty-five percent (25%), if the head of the public agency determines that use of steel or foundry products of domestic origin would benefit the local or state economy through improved job security and employment opportunity. Whenever the head of a public agency determines that the differential should be increased above fifteen percent (15%) for a particular project, the head of the agency shall file a report with the governor and the legislative services agency detailing the reasons for such determination and the probable impact on the economy of the use of domestic steel or foundry castings in the project. A report filed under this subsection with the legislative services agency must be in an electronic format under IC 5-14-6.~~

SECTION 3. IC 5-16-8-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. A person may not be considered responsible for purposes of awarding a public**

works contract by a public agency if a court with jurisdiction or a federal or state agency determines that the person has intentionally done either of the following:

(1) The person has affixed to a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States;

a label bearing the words "Made in America" or any other words with the same meaning.

(2) The person has represented that a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States;

was manufactured in the United States.

SECTION 4. IC 5-16-8-4, AS AMENDED BY P.L.6-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a) A provision contained in a contract under section 2 of** this chapter does not apply **to a particular product** if the head of the public agency ~~determines, in writing, that steel or foundry products are~~ **makes a written determination that any of the following apply:**

(1) The application of section 2 of this chapter with respect to the product is inconsistent with the public interest.

(2) The product is not produced in the United States in sufficient quantities **or of a satisfactory quality** to meet the requirements of the contract.

(3) Requiring that the product be made in the United States will increase the cost of the overall project by more than twenty-five percent (25%).

(b) If a determination is made under subsection (a), the head of the public agency must do the following before the determination becomes effective:

(1) Publish notice:

(A) in the Indiana Register, if the public agency is a state agency; or

(B) under IC 5-3-1 if the public agency is not a state agency;

giving a detailed explanation of the reasons why section 2 of this chapter cannot be applied with respect to the particular product. The notice must state that the public will be provided an opportunity to comment on the proposed determination for a period that ends on the fifteenth day after the date the notice is published.

(2) Consider all comments received during the comment period in deciding whether the proposed determination should become effective.

(c) The head of a public agency may modify or withdraw a proposed determination based on comments received under subsection (b).

(d) If the head of a public agency, in consultation with the United States Trade Representative, determines that:

(1) a foreign nation is a party to an agreement with the United States, and under that agreement the head of an agency of the United States has waived the requirements of section 2 of this chapter; and

(2) the foreign nation has violated the terms of the agreement with the United States by discriminating against products:

(A) manufactured in the United States; and

(B) covered by this chapter and the agreement;

the head of the public agency may not make a determination under subsection (a) with respect to a product made in the foreign nation.

SECTION 5. IC 5-22-15-7, AS AMENDED BY P.L.122-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) An offeror may claim one (1) of the following types of preference for which the offeror is eligible:

(1) An Indiana business preference under rules adopted under section 20 of this chapter or IC 4-13.6-6-2.5.

(2) A preference for supplies as provided by sections 16, 18, 19, and 24 of this chapter.

(3) An Indiana small business preference as provided by section 23 of this chapter.

(4) An Indiana farm product preference as provided by section 23.5 of this chapter.

(b) An offeror may not claim more than one (1) preference as provided by sections 16, 18, 19, and 24 of this chapter for a given supply item.

~~(c) This section does not:~~

~~(1) apply to; or~~

~~(2) limit;~~

~~action of the Indiana department of administration under rules adopted under section 21 of this chapter.~~".

Page 3, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 7. IC 5-22-15-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21. (a) This section does not apply to the state lottery commission created by IC 4-30-3-1.~~

~~(b) A governmental body shall adopt rules to promote the purchase of supplies manufactured in the United States.~~

~~(c) Rules adopted under subsection (b) shall provide that supplies manufactured in the United States shall be specified and purchased unless the governmental body determines that any of the following apply:~~

~~(1) The supplies are not manufactured in the United States in reasonably available quantities.~~

~~(2) The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured outside the United States.~~

~~(3) The quality of the supplies is substantially less than the quality of comparably priced available supplies manufactured outside the United States.~~

~~(4) The purchase of supplies manufactured in the United States is not in the public interest.~~

SECTION 8. IC 5-22-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 15.5. Purchasing Supplies Manufactured in the United States

Sec. 1. As used in this chapter, "product" refers to a supply item.

Sec. 2. For purposes of this chapter, a product is considered to be "manufactured in the United States" if the following apply:

(1) In the case of an iron, steel, or foundry product, all manufacturing takes place in the United States. However, it is not necessary for metallurgical processes involving the refinement of steel additives to take place in the United States.

(2) In the case of a product other than a product described in subdivision (1), both of the following apply:

(A) All the manufacturing processes for the product take place in the United States.

(B) All the manufacturing processes for all components of the product take place in the United States, regardless of the origin of subcomponents of each product component.

Sec. 3. (a) A governmental body shall adopt rules to promote the purchase of products manufactured in the United States.

(b) Except as provided in section 4 of this chapter, rules adopted under subsection (a) must provide that products manufactured in the United States shall be specified and purchased.

Sec. 4. (a) Rules adopted under section 3 of this chapter do not apply to a particular product if the purchasing agency determines that any of the following apply:

(1) The application of this section with respect to the product is inconsistent with the public interest.

(2) The product is not produced in the United States in sufficient quantities or of a satisfactory quality to meet the requirements of the purchase.

(3) Requiring that the product be made in the United States will increase the cost of the overall purchase by more than twenty-five percent (25%).

(b) If a determination is made under subsection (a), the purchasing agency must do the following before the determination becomes effective:

(1) Publish notice:

(A) in the Indiana Register, if the purchasing agency is a state agency; or

(B) under IC 5-3-1 if the purchasing agency is not a state agency;

giving a detailed explanation of the reasons why section 3 of this chapter cannot be applied with respect to the particular product. The notice must state that the public will be provided an opportunity to comment on the proposed determination for a period that ends on the fifteenth day after the date the notice is published.

(2) Consider all comments received during the comment period in deciding whether the proposed determination should become effective.

(c) The purchasing agency may modify or withdraw a proposed determination based on comments received under subsection (b).

(d) If the purchasing agency, in consultation with the United States Trade Representative, determines that:

(1) a foreign nation is a party to an agreement with the United States and under that agreement the head of an agency of the United States has waived the requirements of section 3 of this chapter; and

(2) the foreign nation has violated the terms of the agreement with the United States by discriminating against products:

(A) manufactured in the United States; and

(B) covered by this chapter and the agreement;

the purchasing agency may not make a determination under subsection (a) with respect to a product made in the foreign nation.

Sec. 5. A person may not be considered responsible for purposes of awarding a contract under this article if a court with jurisdiction or a federal or state agency determines that the person has intentionally done either of the following:

(1) The person has affixed to a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States;

a label bearing the words "Made in America" or any other words with the same meaning.

(2) The person has represented that a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States;

was manufactured in the United States.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1154 as printed February 8, 2012.)

LANANE

Upon request of Senator Lanane the President ordered the roll of the Senate to be called. Roll Call 192: yeas 14, nays 36.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1312

Senator R. Young called up Engrossed House Bill 1312 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1312–2)

Madam President: I move that Engrossed House Bill 1312 be amended to read as follows:

Page 2, line 18, strike "section 12(b) of this chapter;" and insert "**IC 16-42-2-3;**".

Page 2, delete line 42, begin a new paragraph and insert:

"**(g) The department shall adopt rules that:**

(1) incorporate by reference 9 CFR 381.10(c) (allowing poultry products slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmer's market, and at a roadside stand); and

(2) require that poultry processed under this section be frozen at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10.".

Page 3, delete lines 1 through 4.
(Reference is to EHB 1312 as printed February 8, 2012.)

R. YOUNG

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1009

Senator M. Young called up Engrossed House Bill 1009 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 193: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1015

Senator Bray called up Engrossed House Bill 1015 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 194: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1065

Senator Waterman called up Engrossed House Bill 1065 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 195: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1112

Senator Hershman called up Engrossed House Bill 1112 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 196: yeas 44, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1148

Senator M. Young called up Engrossed House Bill 1148 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 197: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1163

Senator Banks called up Engrossed House Bill 1163 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 198: yeas 38, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1015.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as cosponsor of Engrossed House Bill 1141.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Broden, Lanane,

Rogers, and Merritt be added as cosponsors of Engrossed House Bill 1059.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Becker, Boots, Bray, Broden, Buck, Charbonneau, Eckerty, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Simpson, Skinner, Smith, Steele, Tallian, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 15.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as second sponsor of Engrossed House Bill 1136.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as second sponsor and Senator Becker be added as third sponsor of Engrossed House Bill 1003.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1112.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as cosponsor of Engrossed House Bill 1005.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as second sponsor of Engrossed House Bill 1050.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as cosponsor of Engrossed House Bill 1005.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1141.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as cosponsor of Engrossed House Bill 1123.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be removed as third sponsor of Engrossed House Bill 1163.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 16, 2012.

LONG

Motion prevailed.

The Senate adjourned at 2:43 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Twenty-third Meeting Day Thursday Afternoon February 16, 2012

The Senate convened at 1:32 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Pastor Ross O'Dell, Evangelical Presbyterian Church, Columbia City.

The Pledge of Allegiance to the Flag was led by Senator James E. Banks.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent ▶
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 199: present 49; excused 1. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 38

Senate Resolution 38, introduced by Senator Schneider:

A SENATE RESOLUTION urging the legislative council to establish an interim study committee to study Common Core State Standards.

Whereas, The Common Core State Standards are uniform education standards developed by the states;

Whereas, Indiana currently has nationally and internationally recognized rigorous educational standards;

Whereas, It is the desire of Indiana to set and maintain rigorous standards for Indiana's students, and any new standards must represent the level of rigor Indiana's students will need to succeed in the 21st Century;

Whereas, Questions have been raised about the rigors of Common Core State Standards compared with the current Indiana education standards, and further study should examine the implementation of currently adopted Common Core State Standards and the appropriateness of adopting future Common Core State Standards in Indiana; and

Whereas, The committee, if established, should examine how the Common Core State Standards relate to Indiana's current standards, ensuring that the Common Core State Standards are at least as rigorous as Indiana's nationally recognized standards, and examine the impact, if any, of national standards to locally developed education standards: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study the value of adopting Common Core State Standards.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Education and Career Development.

Senate Resolution 40

Senate Resolution 40, introduced by Senator Landske:

A SENATE RESOLUTION calling on the Indiana Department of Education to report to the General Assembly, not later than January 1, 2013, on the compliance of school corporation governing bodies having single member electoral districts with the requirements under IC 20-23-8-8 that the districts be reapportioned and district boundaries changed, if necessary, following the 2010 federal decennial census.

Whereas, IC 20-23-8-8 requires that the electoral districts of a school corporation governing body in which the members are elected solely by the voters of a single district be as near as practicable equal in population;

Whereas, IC 20-23-8-8 also requires that, in order to preserve the required population equality, the single member electoral districts of a school corporation governing body be reapportioned and their boundaries changed, if necessary, by resolution of the school corporation governing body before the election next following the effective date of a subsequent decennial census;

Whereas, It has come to the attention of the Indiana Senate that not all school corporation governing bodies are reapportioning their single member districts after each federal decennial census as IC 20-23-8-8 requires, and that, in at least one instance, a school corporation governing body has not adopted a plan for the board's electoral districts since 1964; and

Whereas, It has further come to the attention of the Indiana Senate that, to the extent single member districts have not been reapportioned after each federal decennial census as IC 20-23-8-8 requires, those districts have, over time, become more and more unequal in population, and in some instances, the deviation between the single member districts is greater than 90%, a situation that raises concerns under the Equal Protection Clause of the Constitution of the United States and the Constitution of the State of Indiana: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate calls on the Indiana Department of Education to report to the General Assembly, not later than January 1, 2013, on the compliance of school corporation governing bodies with the requirements of IC 20-23-8-8, following the 2010 federal decennial census. The report must be submitted in an electronic format under IC 5-14-6 to the Executive Director of the Legislative Services Agency and to the members of the Census Data Advisory Committee (as established under IC 2-5-19-2).

The resolution was read in full and referred to the Committee on Elections.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Engrossed House Bill 1002, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 6, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 6. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.

(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.

(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.

(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:

(A) the variance procedures are included in the rules; and

(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.
(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.
(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.
(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).
(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).
(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.
(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.
(30) A rule adopted by the Indiana finance authority:
(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;
(B) under IC 8-15-2-17.2(a)(10):
(i) establishing enforcement procedures; and
(ii) making assessments for failure to pay required tolls;
(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or
(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.
~~(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.~~
~~(32)~~ **(31)** An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.
~~(33)~~ **(32)** An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).
~~(34)~~ **(33)** A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.
~~(35)~~ **(34)** An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.
~~(36)~~ **(35)** An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
~~(37)~~ **(36)** An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:
(A) Federal Medicaid waiver program provisions.
(B) Federal programs administered by the office of the secretary.

(b) The following do not apply to rules described in subsection (a):
(1) Sections 24 through 36 of this chapter.
(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:
(1) accept the rule for filing; and
(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:
(1) The effective date of the statute delegating authority to the agency to adopt the rule.
(2) The date and time that the rule is accepted for filing under subsection (e).
(3) The effective date stated by the adopting agency in the rule.
(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or
(2) IC 13-14-9;
as applicable.

(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:
(1) The expiration date stated by the adopting agency in the rule.
(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.".

Page 6, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 8. IC 4-23-2.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The Indiana arts commission trust fund is established to support the programs and the administrative budget of the commission.

(b) The fund consists of the following:
(1) Appropriations of the general assembly from revenue sources determined by the general assembly and in an amount determined by the general assembly.
(2) Donations to the fund from public or private sources.
(3) Interest and dividends on assets of the fund.
(4) Money transferred to the fund from other funds.
(5) Fees from the Indiana arts trust license plate issued under IC 9-18-41.
(6) Money from other sources that the ~~board~~ **commission** may acquire.".

Page 11, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 25. IC 4-23-28-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) Funding for the commission shall be derived from funds appropriated to the ~~department of workforce development.~~ **civil rights commission.**

(b) If money is appropriated under subsection (a), the money does not revert to the state general fund at the end of a state fiscal year but remains available to the ~~department of workforce development~~ **civil rights commission** until the purpose for which it was appropriated is fulfilled.".

Page 11, line 19, delete "TO".

Page 11, line 19, after "CHAPTER" insert "TO".

Page 27, delete lines 21 through 22.

Page 29, delete lines 4 through 5, begin a new paragraph and insert:

"SECTION 52. IC 6-3.1-13.5-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14. (a) A tax credit may not be awarded under this chapter for a capital investment made after December 31, 2016. However, this subsection may not be construed to prevent a taxpayer from carrying over to a taxable year beginning after December 31, 2016, an unused tax credit attributable to a taxable year beginning before January 1, 2017.**

(b) This chapter expires January 1, 2020.".

Page 30, line 38, strike "the board or".

Page 37, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 71. IC 14-8-2-279.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 279.5. "Task force", for purposes of:~~
~~(1) IC 14-25-14, has the meaning set forth in IC 14-25-14-1; and~~
~~(2) IC 14-25-16, has the meaning set forth in IC 14-25-16-1.~~".

Page 46, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 97. IC 20-40-15-6, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Before February 15 of each year, each school corporation shall file a report with the state superintendent's special assistant for technology.

(b) A report filed under this section must:
(1) be prepared in the form prescribed by the special assistant for technology; and
(2) include a list of expenditures made by the school corporation during the preceding calendar year from the school corporation's:
(A) fund for purposes described in this chapter;
(B) capital projects fund for purposes described in IC 20-40-8-13; and
(C) debt service fund to provide financing for any equipment or facilities used to provide educational technology programs.

(c) Before April 1 of each year, the special assistant for technology shall
~~(1)~~ compile the information contained in the reports filed under this section. ~~and~~
~~(2) present that compilation to the educational technology council.~~".

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as reprinted January 28, 2012.)
and when so amended that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Engrossed House Bill 1264, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill

do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Engrossed House Bill 1052, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1269, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 35, delete "shall" and insert "**may**".

(Reference is to HB 1269 as printed January 25, 2012.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 7, Nays 3.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1273, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "assign to an existing study".

Page 1, line 3, delete "committee, for study" and insert "**study,**".

Page 1, line 8, delete "assigned to an existing study committee" and insert "**studied**".

Page 2, line 4, delete "assigned to an interim or statutory study committee" and insert "**studied**".

(Reference is to HB 1273 as printed January 23, 2012.)

and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1238, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1049, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 11, delete lines 40 through 42.

Delete page 12.

(Reference is to HB 1049 as printed January 25, 2012.)

and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1258, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1173, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 40, delete "Neither the commissioner nor any employee or" and insert "**This section does not apply to a subpoena requesting only documents or other records. Neither the commissioner nor any employee or former employee of the department is subject to subpoena for purposes of inquiry into any occupational safety and health inspection, except in the following circumstances:**

(1) An enforcement proceeding is brought under this chapter.

(2) An action is filed in which the department is a party.

(3) The commissioner consents in writing to waive the exemption provided by this section.

(4) A court finds that:

(A) the information sought is essential to the underlying case;

(B) there are no reasonable alternative means for acquiring the information; and

(C) a significant injustice would occur if the requested testimony was not available.".

Page 2, delete lines 41 through 42.

Delete page 3.

(Reference is to HB 1173 as printed January 23, 2012.)

and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1033, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 24-4-18 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 18. Criminal History Providers

Sec. 1. As used in this section, "criminal history information" has the meaning set forth for "criminal history data" in IC 10-13-3-5.

Sec. 2. As used in this section, "criminal history provider" means a person in the business of providing criminal history information to a person that is not a criminal justice agency or law enforcement agency. The term does not include a criminal justice agency or a law enforcement agency.

Sec. 3. As used in this section, "criminal justice agency" has the meaning set forth in IC 10-13-3-6.

Sec. 4. As used in this section, "law enforcement agency" has the meaning set forth in IC 10-13-3-10.

Sec. 5. A criminal history provider may provide only criminal history information that relates to a conviction. A criminal history provider may not provide information relating to an arrest or a charge that did not result in a conviction.

Sec. 6. (a) A criminal history provider shall update its records at least one (1) time per calendar year.

(b) When a criminal history provider updates its records, the provider shall remove from its records any information:

(1) the provider knows to be inaccurate; or

(2) that relates to criminal history information:

(A) that has been expunged;

(B) that has been restricted; or

(C) to which access has been limited;

under IC 35-38-5 or any other law.

Sec. 7. (a) The attorney general may bring an action to enforce a violation of section 5 or 6 of this chapter. In addition to any injunctive or other relief, the attorney general may recover a civil penalty of not more than one thousand dollars ($1,000) for a first violation, and of not more than five thousand dollars ($5,000) for a second or subsequent violation.

(b) Any person injured by a violation of section 5 or 6 of this chapter may bring an action to recover:

(1) the greater of:

(A) actual damages, including consequential damages; or

(B) liquidated damages of five hundred dollars ($500); and

(2) court costs and reasonable attorney's fees.

SECTION 2. IC 35-38-8-2, AS ADDED BY P.L.194-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. This chapter applies only to a person:

(1) convicted of ~~a misdemeanor~~ **one (1) or more misdemeanors** or ~~a~~ Class D ~~felony~~ **felonies** that did not result in injury to a person; or

(2) adjudicated a delinquent child for committing ~~an offense~~ **one (1) or more offenses** that, if committed by an adult, would be ~~a misdemeanor~~ **misdemeanors** or Class D ~~felony~~ **felonies** that did not result in injury to a person.

SECTION 3. IC 35-38-8-4, AS ADDED BY P.L.194-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The court shall grant a petition under this chapter if the court finds:

(1) the person is:

(A) not a sex or violent offender; or

(B) a sex or violent offender, but the offender's status as a sex or violent offender is solely due to the offender's conviction for sexual misconduct with a minor (IC 35-42-4-9) and the offender proved that the defense described in IC 35-42-4-9(e) applies to the offender;

(2) the person was:

(A) convicted of ~~a misdemeanor~~ **one (1) or more misdemeanors** or ~~a~~ Class D ~~felony~~ **felonies** that did not result in injury to a person; or

(B) adjudicated a delinquent child for committing ~~an offense~~ **one (1) or more offenses** that, if committed by an adult, would be ~~a misdemeanor~~ **misdemeanors** or Class D ~~felony~~ **felonies** not resulting in injury to a person;

(3) eight (8) years have passed since the person completed the person's sentence and satisfied any other obligation imposed on the person as part of the sentence; and

(4) the person has not been convicted of a felony since the person completed the person's sentence and satisfied any other obligation imposed on the person as part of the sentence.

SECTION 4. IC 35-38-8-5, AS ADDED BY P.L.194-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. If the court grants the petition of a person under this chapter, the court shall do the following:

(1) Order:

(A) the department of correction; and

(B) each:

(i) law enforcement agency; and

(ii) other person;

who incarcerated, provided treatment for, or provided other services for the person under an order of the court;

to prohibit the release of the person's records or information relating to the ~~misdemeanor,~~ **misdemeanors,** nonviolent Class D ~~felony~~ **felonies,** or juvenile ~~adjudication~~ **adjudications** described in section 2 of this chapter, in the

person's records to a noncriminal justice agency without a court order.

(2) Order any:

(A) state;

(B) regional; or

(C) local;

central repository for criminal history information to prohibit the release of the person's records or information relating to the ~~misdemeanor~~ **misdemeanors,** nonviolent Class D ~~felony~~ **felonies,** or juvenile ~~adjudication~~ **adjudications** described in section 2 of this chapter, in the person's records to a noncriminal justice agency without a court order.

SECTION 5. IC 35-38-8-7, AS ADDED BY P.L.194-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. **(a)** If a court orders a person's records to be restricted under this chapter, the person may legally state on an application for employment or any other document that the person has not been arrested for or convicted of the felony or misdemeanor recorded in the restricted records.

(b) An employer may not ask an employee, contract employee, or applicant whether the person's criminal records have been sealed or restricted. An employer who violates this subsection commits a Class B infraction.".

Page 2, line 29, delete "subsections (a) and (d)," and insert "**subsection (a),**".

Page 2, line 31, after "after" insert "**receiving a verified petition as described in subsection (d) and after conducting**".

Page 2, between lines 36 and 37, begin a new line block indented and insert:

"**(3) The person has not been convicted of perjury under IC 35-44-2-1 or official misconduct under IC 35-44-1-2.**".

Page 2, line 37, before "At" delete "(3)" and insert "**(4)**".

Page 2, line 42, delete "(4)" and insert "**(5)**".

Page 3, between lines 5 and 6, begin a new line block indented and insert:

"**(6) No criminal charges are pending against the person.**

(d) A petition filed under subsection (c) must be verified and set forth:

(1) the crime the person has been convicted of;

(2) the date of the conviction;

(3) the date the person completed the person's sentence;

(4) any obligations imposed on the person as part of the sentence;

(5) the date the obligations were satisfied; and

(6) a verified statement that there are no criminal charges pending against the person.".

Page 3, line 6, delete "(d)" and insert "**(e)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1033 as printed January 23, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1298, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 6, after "adopted" insert "**by the state department of health with respect to the storage and transportation of a particular food**".

Page 1, line 8, delete "with respect to the storage and transportation of a" and insert "**.**".

Page 1, delete line 9.

Page 1, after line 17, begin a new paragraph and insert:

"**Sec. 4. As used in this chapter, "local health department" refers to a local health department established under IC 16-20 or the health and hospital corporation created under IC 16-22-8.**".

Page 2, line 1, delete "4." and insert "**5.**".

Page 2, line 21, delete "5." and insert "**6.**".

Page 2, line 25, delete "6." and insert "**7.**".

Page 2, line 27, delete "5" and insert "**6**".

Page 3, line 6, delete "5" and insert "**6**".

Page 3, line 14, delete "5" and insert "**6**".

Page 3, line 26, delete "7." and insert "**8.**".

Page 3, line 40, delete "IC 8-2.1-27-7" and insert "**IC 8-2.1-27-8**".

(Reference is to HB 1298 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1136, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1050, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1211, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1059, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 11, after "(a)." insert "**The director shall each year provide a report to the budget committee concerning the grant program under this chapter.**".

(Reference is to HB 1059 as printed January 17, 2012.)
and when so amended that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1247, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.
Committee Vote: Yeas 10, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1207, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 6, Nays 3.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Engrossed House Bill 1226, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 87, delete lines 7 through 29.

Renumber all SECTIONS consecutively.

(Reference is to HB 1226 as printed January 23, 2012.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 1.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Engrossed House Bill 1239, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Engrossed House Bill 1294, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

PAUL, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 18

Senate Concurrent Resolution 18, introduced by Senators Lawson and Bray:

A CONCURRENT RESOLUTION recognizing the 175th anniversary of DePauw University.

Whereas, On January 10, 1837, the Indiana Methodist Episcopal conference proposed a charter for a new "seminary of learning" which would later become known as DePauw University;

Whereas, Generations of exceptionally talented students have since joined peers from across the nation and the world in attaining a quality liberal arts education from DePauw University;

Whereas, Throughout its proud history, DePauw University's dedicated faculty members, who are devoted to teaching and recognized for their scholarship, encounter students in intentionally small settings which promote intellectual rigor and transformation;

Whereas, The DePauw University School of Music, established in 1884, is the oldest institution for post-secondary

music instruction in Indiana and one of the first created in the nation. The school produces musicians that enrich culture, arts, creative endeavors, and the quality of life on campus and throughout the country;

Whereas, DePauw University has bridged its campus to the world from the 1877 arrival of the University's first international students to its current international enrollment and study-abroad programs;

Whereas, DePauw University's rich social tradition offers students extraordinary leadership opportunities marked by a culture of engagement in student organizations and service to others; and

Whereas, DePauw University alumni, as enlightened citizens and leaders, are engaged at the forefront of their fields and meaningfully impact their communities, states, nations, and world: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly recognizes DePauw University on their 175th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Brian Casey, President of DePauw University.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Baird.

Senate Resolution 41

Senate Resolution 41, introduced by Senator Head:

A SENATE RESOLUTION congratulating the Wabash College Football Team on a successful 2011 season, which included winning the Monon Bell Classic.

Whereas, The rivalry between Wabash College and DePauw University is one of the oldest rivalries in college football, dating back to 1890, the first year these two teams met;

Whereas, In 1932, the Monon Railroad donated its locomotive bell, weighing in at approximately 100 pounds, to be used as the trophy to be awarded to the winning team each year. Since that time, this rivalry game has been known as the Monon Bell Classic;

Whereas, Traditionally, the Monon Bell Classic is held in November each year. To date, 118 games have been played in the series. In addition to drawing sellout crowds locally, alumni from both schools gather in locations across the United States to watch the game each year; and

Whereas, In 2011, Wabash claimed the Monon Bell in a 45-7 victory. Wabash currently leads DePauw in the series with an overall record of 56-53-9: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates the Wabash College Football Team on its accomplishments during the 2011 season, including winning the Monon Bell Classic.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dr. Patrick White, President of Wabash College, and to Head Coach Erik Raeburn.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 17

Senate Concurrent Resolution 17, introduced by Senator Simpson:

A CONCURRENT RESOLUTION honoring the Indiana University Crimson All-Girl Cheerleaders on winning the All-Girl Division 1 2012 UCA College National Championship.

Whereas, The Indiana University Crimson All-Girl Cheerleaders won the 2012 Division 1 All-Girl National Championship in Orlando, Florida;

Whereas, The team impressively defeated Morehead State, San Diego State, Minnesota, Florida State, Southern Florida, Western Kentucky, Rutgers, and Temple in the final round;

Whereas, The team is comprised of 35 members, 25 of whom are from Indiana and 4 are natives of Bloomington;

Whereas, 5 members of the team were named to the 2012 Team USA All-Girl Squad, which will compete in April for its second-straight world championship medal. These members include Angela Stilwell, Caity Hinshaw, Natalie Skizas, Kirby Lynch and Courtney Bryne; and

Whereas, Some of the team's other accomplishments include the Collegiate Leadership Award and the Most Collegiate Award at the 2011 UCA Summer Camp: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly honors the Indiana University Crimson All-Girl Cheerleaders on winning the All-Girl Division 1 2012 UCA College National Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the coaching staff of the Indiana University Crimson All-Girl Cheerleaders and each member of the team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage

of the resolution. House sponsors: Representatives Welch and Pierce.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1220, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 12, delete "IC 21-18-9-7" and insert "IC 21-18-9-8".

Page 1, line 14, delete "7." and insert "**8.**".

Page 1, line 15, delete "or proposed".

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"**(b) In providing justification under subsection (a):**

(1) if the state educational institution documents that the additional credit hours are required by:

(A) specific program standards established by external accreditation bodies; or

(B) occupational certification or licensure;

the commission shall accept the justification; and

(2) if the state educational institution documents that the additional credit hours are related to:

(A) employer requirements; or

(B) enhanced program quality and content;

the commission may accept the justification.".

Page 2, line 7, delete "(b)" and insert "**(c)**".

Page 2, line 7, delete "periodic".

Page 2, line 9, delete "section." and insert "**section at least every three (3) years.**

(d) A proposal submitted to the commission under section 5 of this chapter must provide justification for a degree that requires more than:

(1) sixty (60) credit hours for an associate degree; or

(2) one hundred twenty (120) credit hours for a baccalaureate degree.".

(Reference is to HB 1220 as printed January 11, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1200, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "a Research" and insert "**an RU/VH (Research**".

Page 1, line 5, after "high" insert "**research activity)) or an RU/H (Research University (high research activity))**".

Page 1, delete line 6.

Page 1, run in lines 5 through 7.

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 21-19-3-3, AS ADDED BY P.L.2-2007, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 3. Not more than six (6) of the nonstudent members of the board of trustees may be of the same sex. ~~At least one (1) member of the board of trustees must be a resident of and reside in Delaware County.~~".

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 13. IC 21-38-3-1, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

(1) Ball State University.

(2) Indiana University.

(3) Indiana State University.

(4) Purdue University.

(5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may employ:

(1) officers;

(2) faculty;

(3) employees;

(4) consultants; and

(5) counsel;

necessary or convenient to aid in the formulation and implementation of the state educational institution's policies and to execute the will of the board of trustees within its particular institution.

(c) This subsection does not apply to the board of trustees with respect to a:

(1) member of a fire department established; or

(2) police officer appointed;

by the board of trustees of a state educational institution. The board of trustees may not impose or allow any mandatory or presumptive age limits in the hiring, the retention in a position, or the continuation of employment of any employee of the institution described under subsection (b)(1), (b)(2), or (b)(5).".

Renumber all SECTIONS consecutively.

(Reference is to HB 1200 as printed January 17, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1189, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 20-24-7-2, AS AMENDED BY P.L.146-2008, SECTION 460, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Not later than the ~~date~~ **dates** established by the department for determining ADM, ~~and after May 31 each year,~~ the organizer shall submit to the department the following information on a form prescribed by the department:

(1) The number of students enrolled in the charter school.

(2) The name and address of each student.

(3) The name of the school corporation in which the student has legal settlement.

(4) The name of the school corporation, if any, that the student attended during the immediately preceding school year.

(5) The grade level in which the student will enroll in the charter school.

The department shall verify the accuracy of the information reported.

(b) This subsection applies after ~~December 31~~ **June 30** of the calendar year in which a charter school begins its initial operation. The department shall distribute to the organizer the state tuition support distribution. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution of state tuition support under IC 20-43-2 to other school corporations.

SECTION 2. IC 20-24-7-3, AS AMENDED BY P.L.146-2008, SECTION 461, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) This section applies to a conversion charter school.

(b) Beginning not more than sixty (60) days after the department receives the information reported under section 2(a) of this chapter, the department shall distribute to the organizer:

(1) tuition support and other state funding for any purpose for students enrolled in the conversion charter school;

(2) a proportionate share of state and federal funds received:

(A) for students with disabilities; or

(B) for staff services for students with disabilities;

enrolled in the conversion charter school; and

(3) a proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state categorical aid and are enrolled in the conversion charter school;

for the ~~second~~ **first** six (6) months of the ~~calendar~~ **state fiscal** year in which the conversion charter school is established. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution to the governing body of the school corporation in which the conversion charter school is located. A distribution to the governing body of the school corporation in which the conversion charter school is located is reduced by the amount distributed to the conversion charter school. This subsection does not apply to a conversion charter school after ~~December 31~~ **June 30** of the ~~calendar~~ **state fiscal** year in which the conversion charter school is established.

(c) This subsection applies during the second six (6) months of the ~~calendar~~ **state fiscal** year in which a conversion charter school is established. A conversion charter school may apply for an advance from the charter school advancement account under IC 20-49-7 in the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the ~~result under subsection (d) STEP ONE (A).~~ **number of students who:**

(A) are enrolled in the conversion charter school; and

(B) were counted in the ADM of the previous year for the school corporation in which the conversion charter school is located.

STEP TWO: Determine the difference between:

(A) the conversion charter school's current ADM; minus

(B) the STEP ONE amount.

STEP THREE: Determine the quotient of:

(A) the STEP TWO amount; divided by

(B) the conversion charter school's current ADM.

STEP FOUR: Determine the product of:

(A) the STEP THREE amount; multiplied by

(B) the quotient of:

(i) the ~~subsection (d) STEP TWO amount;~~ **total amount of excise tax revenue and the school corporation's certified distribution of county adjusted gross income tax revenue under IC 6-3.5-1.1 that is to be used as property tax replacement credits, to which the school corporation in which the conversion charter school is located is entitled for the second six (6) months of the calendar year in which the conversion charter school is established;** divided by

(ii) two (2).

SECTION 3. IC 20-24-7-4, AS AMENDED BY P.L.91-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Services that a school corporation provides to a charter school, including transportation, may be provided at not more than one hundred three percent (103%) of the actual cost of the services.

(b) This subsection applies to a sponsor that is a state educational institution described in ~~IC 20-24-1-7(2).~~ **IC 20-24-1-9(2).** In a ~~calendar~~ **state fiscal** year, a state educational institution may receive from the organizer of a charter school sponsored by the state educational institution an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the ~~calendar~~ **state fiscal** year from basic tuition support (as defined in IC 20-43-1-8).

(c) This subsection applies to the executive of a consolidated city that sponsors a charter school. In a ~~calendar~~ **state fiscal** year, the executive may collect from the organizer of a charter school sponsored by the executive an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the ~~calendar~~ **state fiscal** year for basic tuition support.

(d) This subsection applies to a sponsor that is a nonprofit college or university that is approved by the state board of

education. In a ~~calendar~~ **state fiscal** year, a private college or university may collect from the organizer of a charter school sponsored by the private college or university an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the ~~calendar~~ **state fiscal** year for basic tuition support.

(e) This subsection applies to the charter board. In a ~~calendar~~ **state fiscal** year, the charter school board may collect from the organizer of a charter school sponsored by the charter board an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the ~~calendar~~ **state fiscal** year for basic tuition support.

(f) A sponsor's administrative fee may not include any costs incurred in delivering services that a charter school may purchase at its discretion from the sponsor. The sponsor shall use its funding provided under this section exclusively for the purpose of fulfilling sponsoring obligations.

(g) Except for oversight services, a charter school may not be required to purchase services from its sponsor as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.

(h) A charter school may choose to purchase services from its sponsor. In that event, the charter school and sponsor shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning the services to be provided by the sponsor and any service fees to be charged to the charter school. A sponsor may not charge more than market rates for services provided to a charter school.

(i) Not later than ninety (90) days after the end of each fiscal year, each sponsor shall provide to each charter school it sponsors an itemized accounting of the actual costs of services purchased by the charter school from the sponsor. Any difference between the amount initially charged to the charter school and the actual cost shall be reconciled and paid to the owed party. If either party disputes the itemized accounting, any charges included in the accounting, or charges to either party, either party may request a review by the department. The requesting party shall pay the costs of the review.

SECTION 4. IC 20-24-7-6.5, AS ADDED BY P.L.229-2011, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. (a) Subject to subsection (b) and with the approval of a majority of the members of the governing body, a school corporation may distribute any part of the following to a conversion school sponsored by the school corporation in the amount and under the terms and conditions adopted by a majority of the members of the governing body:

(1) State tuition support and other state distributions to the school corporation.

(2) Any other amount deposited in the school corporation's general fund.

(b) The total amount that may be transferred under subsection (a) in a ~~calendar~~ **state fiscal** year to a particular conversion charter school may not exceed the result determined under STEP FOUR of the following formula:

STEP ONE: Determine the result of:

(A) the amount of state tuition support that the school corporation is eligible to receive in the ~~calendar~~ **state fiscal** year; divided by

(B) the current ADM of the school corporation for the ~~calendar~~ **state fiscal** year.

STEP TWO: Determine the result of:

(A) the amount of state tuition support that the conversion charter school is eligible to receive in the ~~calendar~~ **state fiscal** year; divided by

(B) the current ADM of the conversion charter school for the ~~calendar~~ **state fiscal** year.

STEP THREE: Determine the greater of zero (0) or the result of:

(A) the STEP ONE amount; minus

(B) the STEP TWO amount.

STEP FOUR: Determine the result of:

(A) the STEP THREE amount; multiplied by

(B) the current ADM of the conversion charter school for the ~~calendar~~ **state fiscal** year.

SECTION 5. IC 20-24-7-9, AS AMENDED BY P.L.146-2008, SECTION 463, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section applies if:

(1) a sponsor:

(A) revokes a charter before the end of the term for which the charter is granted; or

(B) does not renew a charter; or

(2) a charter school otherwise terminates its charter before the end of the term for which the charter is granted.

(b) Any state funds that remain to be distributed to the charter school in the ~~calendar~~ **state fiscal** year in which an event described in subsection (a) occurs shall be distributed as follows:

(1) First, to the common school loan fund to repay any existing obligations of the charter school under IC 20-49-7.

(2) Second, to the entities that distributed the funds to the charter school. A distribution under this subdivision shall be on a pro rata basis.

(c) If the funds described in subsection (b) are insufficient to repay all existing obligations of the charter school under IC 20-49-7, the state shall repay any remaining obligations of the charter school under IC 20-49-7 from the amount appropriated for state tuition support distributions.

SECTION 6. IC 20-24-7-13, AS AMENDED BY P.L.229-2011, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) As used in this section, "virtual charter school" means any charter school, including a conversion charter school, that provides for the delivery of more than fifty percent (50%) of instruction to students through:

(1) virtual distance learning;

(2) online technologies; or

(3) computer based instruction.

(b) Beginning with the 2011-2012 school year, a virtual charter school may apply for sponsorship with any statewide sponsor in accordance with the sponsor's guidelines.

(c) Before January 1, 2012, a virtual charter school is entitled to receive funding from the state in an amount equal to the sum of ~~(1)~~ the product of:

~~(A)~~ **(1)** the number of students included in the virtual charter school's ADM; multiplied by

~~(B)~~ **(2)** eighty percent (80%) of statewide average basic tuition support.

(d) ~~After December 31, 2011,~~ **For state fiscal years beginning after June 30, 2012,** a virtual charter school is entitled to receive funding from the state in an amount equal to the sum of:

(1) the product of:

(A) the number of students included in the virtual charter school's ADM; multiplied by

(B) eighty-seven and five-tenths percent (87.5%) of the school's foundation amount determined under IC 20-43-5-4; plus

(2) the total of any special education grants under IC 20-43-7 to which the virtual charter school is entitled.

~~After December 31, 2011,~~ A virtual charter school is entitled to receive special education grants under IC 20-43-7 calculated in the same manner as special education grants are calculated for other school corporations.

~~(d)~~ **(e)** The department shall adopt rules under IC 4-22-2 to govern the operation of virtual charter schools.

~~(e)~~ **(f)** Beginning in 2009, the department shall before December 1 of each year submit an annual report to the budget committee concerning the program under this section.

~~(f)~~ **(g)** This subsection does not apply to students who were enrolled in a virtual charter school during the 2010-2011 school year. Each school year, at least sixty percent (60%) of the students who are enrolled in virtual charter schools under this section for the first time must have been included in the state's ADM count for the previous school year.

SECTION 7. IC 20-24-7.5-3, AS ADDED BY P.L.229-2011, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **If** a charter school ~~is eligible for a one (1) time grant under this chapter~~ **does not receive tuition support** in the first ~~calendar~~ **state fiscal** year immediately following the ~~calendar~~ **state fiscal** year in which the charter school is established and begins enrolling eligible pupils, **the charter school is eligible for a one (1) time grant under section 4 of this chapter**.

SECTION 8. IC 20-24-7.5-4, AS ADDED BY P.L.229-2011, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A charter school's new charter school startup grant is equal to the result of:

(1) the amount of basic tuition support determined for the charter school under IC 20-43-6-3 for the ~~calendar~~ **state fiscal** year that immediately follows the ~~calendar~~ **state fiscal** year in which the charter school is established and begins enrolling eligible pupils; divided by

(2) three (3).

The grant shall be paid from the charter school facilities assistance fund established by IC 20-24-12.

SECTION 9. IC 20-26-11-13, AS AMENDED BY P.L.229-2011, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) As used in this section, the following terms have the following meanings:

(1) "Class of school" refers to a classification of each school or program in the transferee corporation by the grades or special programs taught at the school. Generally, these classifications are denominated as kindergarten, elementary school, middle school or junior high school, high school, and special schools or classes, such as schools or classes for special education, career and technical education, or career education.

(2) "Special equipment" means equipment that during a school year:

(A) is used only when a child with disabilities is attending school;

(B) is not used to transport a child to or from a place where the child is attending school;

(C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized education program for the child; and

(D) is not used for or by any child who is not a child with disabilities.

(3) "Student enrollment" means the following:

(A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee school corporation on a date determined by the state board.

(B) The total number of students enrolled in a class of school in a transferee school corporation on a date determined by the state board.

However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (1/2) student. The state board may select a different date for counts under this subdivision. However, the same date shall be used for all school corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under section 6 of this chapter, transfer tuition from the transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's ADM for a school year, allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school: ~~for, except as provided in clause (C), the calendar year in which the school year ends:~~

(A) State tuition support distributions **received during the calendar year in which the school year ends.**

(B) Property tax levies under IC 20-45-7 and IC 20-45-8 **for the calendar year in which the school year ends.**

(C) The sum of the following excise tax revenue received for deposit in the calendar year in which the school year begins:

(i) Financial institution excise tax revenue (IC 6-5.5).

(ii) Motor vehicle excise taxes (IC 6-6-5).

(iii) Commercial vehicle excise taxes (IC 6-6-5.5).

(iv) Boat excise tax (IC 6-6-11).

(v) Aircraft license excise tax (IC 6-6-6.5).

(D) Allocations to the transferee school under IC 6-3.5.

STEP THREE: Determine the greater of:

(A) zero (0); or

(B) the result of subtracting the STEP TWO amount from the STEP ONE amount.

If a child is placed in an institution or facility in Indiana by or with the approval of the department of child services, the institution or facility shall charge the department of child services for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

(c) Operating costs shall be determined for each class of school where a transfer student is enrolled. The operating cost for each class of school is based on the total expenditures of the transferee corporation for the class of school from its general fund expenditures as specified in the classified budget forms prescribed by the state board of accounts. This calculation excludes:

(1) capital outlay;

(2) debt service;

(3) costs of transportation;

(4) salaries of board members;

(5) contracted service for legal expenses; and

(6) any expenditure that is made from extracurricular account receipts;

for the school year.

(d) The capital cost of special equipment for a school year is equal to:

(1) the cost of the special equipment; divided by

(2) the product of:

(A) the useful life of the special equipment, as determined under the rules adopted by the state board; multiplied by

(B) the number of students using the special equipment during at least part of the school year.

(e) When an item of expense or cost described in subsection (c) cannot be allocated to a class of school, it shall be prorated to all classes of schools on the basis of the student enrollment of each class in the transferee corporation compared with the total student enrollment in the school corporation.

(f) Operating costs shall be allocated to a transfer student for each school year by dividing:

(1) the transferee school corporation's operating costs for the class of school in which the transfer student is enrolled; by

(2) the student enrollment of the class of school in which the transfer student is enrolled.

When a transferred student is enrolled in a transferee corporation for less than the full school year of student attendance, the transfer tuition shall be calculated by the part of the school year for which the transferred student is enrolled. A school year of student attendance consists of the number of days school is in session for student attendance. A student, regardless of the student's attendance, is enrolled in a transferee school unless the student is no longer entitled to be transferred because of a change of residence, the student has been excluded or expelled from school for the balance of the school year or for an indefinite period, or the student has been confirmed to have withdrawn from school. The transferor and the transferee corporation may enter into written agreements concerning the amount of transfer tuition due in any school year. If an agreement cannot be reached, the amount shall be determined by the state board, and costs may be established, when in dispute, by the state board of accounts.

(g) A transferee school shall allocate revenues described in subsection (b) STEP TWO to a transfer student by dividing:

(1) the total amount of revenues received; by

(2) the ADM of the transferee school for the school year that ends in the calendar year in which the revenues are received.

However, for state tuition support distributions or any other state distribution computed using less than the total ADM of the transferee school, the transferee school shall allocate the revenues to the transfer student by dividing the revenues that the transferee school is eligible to receive in a calendar year by the student count used to compute the state distribution.

(h) Instead of the payments provided in subsection (b), the transferor corporation or state owing transfer tuition may enter into a long term contract with the transferee corporation governing the transfer of students. The contract may:

(1) be entered into for a period of not more than five (5) years with an option to renew;

(2) specify a maximum number of students to be transferred; and

(3) fix a method for determining the amount of transfer tuition and the time of payment, which may be different from that provided in section 14 of this chapter.

(i) A school corporation may negotiate transfer tuition agreements with a neighboring school corporation that can accommodate additional students. Agreements under this section may:

(1) be for one (1) year or longer; and

(2) fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 14 of this chapter.

A school corporation may not transfer a student under this section without the prior approval of the child's parent.

SECTION 10. IC 20-26-11-23, AS AMENDED BY P.L.182-2009(ss), SECTION 317, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) If a transfer is ordered to commence in a school year, where the transferor corporation has net additional costs over savings (on account of any transfer ordered) allocable to the ~~calendar~~ **state fiscal** year in which the school year begins, and where the transferee corporation does not have budgeted funds for the net additional costs, the net additional costs may be recovered by one (1) or more of the following methods in addition to any other methods provided by applicable law:

(1) An emergency loan made under IC 20-48-1-7 to be paid, out of the debt service levy and fund, or a loan from

any state fund made available for the net additional costs.

(2) An advance in the ~~calendar~~ **state fiscal** year of state funds, which would otherwise become payable to the transferee corporation after such calendar year under law.

(3) A grant or grants in the ~~calendar~~ **state fiscal** year from any funds of the state made available for the net additional costs.

(b) The net additional costs must be certified by the department of local government finance. Repayment of any advance or loan from the state shall be made from state tuition support distributions or other money available to the school corporation.

SECTION 11. IC 20-33-2-10, AS AMENDED BY P.L.43-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended; and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children and missing endangered adults established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. **An accredited nonpublic school is required to send a former student's records that are requested under subsection (b) regardless of whether the former student of the accredited nonpublic school or the former student's parent or guardian owes an outstanding debt to the accredited nonpublic school.** ~~However,~~ If a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults;

(2) may not send the school records without the authorization of the clearinghouse; and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

(e) The department may revoke the accreditation of an accredited nonpublic school that does not send a former student's records to a requesting school as required under subsection (d).

SECTION 12. IC 20-33-5-9.5, AS ADDED BY P.L.229-2011, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9.5. (a) This section applies to reimbursements made under this chapter in ~~calendar~~ **a state fiscal** year ~~2012. and thereafter.~~ **beginning after June 30, 2012.**

(b) The amount of reimbursement that a school corporation or an accredited nonpublic school is entitled to receive under section 7 of this chapter in a ~~calendar~~ **state fiscal** year is equal to the amount determined in the following STEPS:

STEP ONE: Determine the amount appropriated to make reimbursements under this chapter for the state fiscal year. ~~ending in the calendar year.~~

STEP TWO: Determine the total number of eligible students for which reimbursement was requested under either section 7 or 9 of this chapter before November 1 of the ~~previous calendar~~ **state fiscal** year by all school corporations and accredited nonpublic schools.

STEP THREE: Divide the result determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Multiply:

(A) the STEP THREE result; by

(B) the number of eligible students for which reimbursement was requested under section 7 or 9 of this chapter before November 1 of the ~~previous calendar~~ **state fiscal** year by the school corporation or the accredited nonpublic school.

SECTION 13. IC 20-43-1-1, AS AMENDED BY P.L.229-2011, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article expires ~~January 1, 2014.~~ **July 1, 2014.**

SECTION 14. IC 20-43-1-7, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. "ADM of the previous year" means:

(1) for previous years ending before January 1, 2013, the initial computed ADM for the school year ending in the preceding calendar year **(as adjusted under IC 20-43-4-2); and**

(2) for previous years ending after December 31, 2012, the average of the number of eligible pupils counted on each of the count dates in the school year ending in that previous year (as adjusted under IC 20-43-4-2).

SECTION 15. IC 20-43-1-10, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. "Current ADM" means:

(1) for distributions made under this article before October 1, 2012, the initial computed ADM for the school year ending in the calendar year; **and**

(2) for distributions made under this article after September 30, 2012, the most recently computed ADM that under IC 20-43-3-7 is to be used for purposes of calculating a distribution (as adjusted under IC 20-43-4-2).

SECTION 16. IC 20-43-1-18 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 18. "Maximum state distribution" refers to the amount determined under IC 20-43-2-2.~~

SECTION 17. IC 20-43-1-25, AS AMENDED BY P.L.229-2011, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. "State tuition support" means the amount of state funds to be distributed to:

(1) a school corporation other than a virtual charter school in any ~~calendar~~ **state fiscal** year under this article for all grants, distributions, and awards described in IC 20-43-2-3; and

(2) a virtual charter school in any ~~calendar~~ **state fiscal** year under IC 20-43-6-3.

SECTION 18. IC 20-43-2-1, AS AMENDED BY P.L.146-2008, SECTION 481, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The department shall distribute the amount appropriated by the general assembly for distribution as state tuition support in accordance with this article. If the appropriations for distribution as state tuition support are more than required under this article, any excess shall revert to the state general fund. The appropriations for state tuition support shall be made each ~~calendar~~ **state fiscal** year under a schedule set by the budget agency and approved by the governor. However, the schedule must provide:

(1) for at least twelve (12) payments;

(2) that one (1) payment shall be made at least every forty (40) days; and

(3) the total of the payments in each ~~calendar~~ **state fiscal** year must equal the amount required under this article.

SECTION 19. IC 20-43-2-2, AS AMENDED BY P.L.229-2011, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The maximum state distribution for a ~~calendar~~ **state fiscal** year for all school corporations for the purposes described in section 3 of this chapter is

~~(1) six billion two hundred forty-seven million eight hundred thousand dollars ($6,247,800,000) in 2011;~~

~~(2) six billion two hundred seventy-seven million eight hundred thousand dollars ($6,277,800,000) in 2012; and~~

~~(3) six billion three hundred thirty-nine million six hundred thousand dollars ($6,339,600,000) in 2013.~~ **the amount appropriated by the general assembly for those purposes for that state fiscal year.**

SECTION 20. IC 20-43-2-3, AS AMENDED BY P.L.229-2011, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. If the total amount to be distributed:

(1) as basic tuition support;

(2) for honors diploma awards;

(3) for primetime distributions;

(4) for special education grants; ~~and~~

(5) for career and technical education grants;

(6) for choice scholarships; and

(7) for Mitch Daniels early graduation scholarships;

for a particular **state fiscal** year exceeds the ~~maximum state distribution~~ **amounts appropriated by the general assembly for those purposes** for ~~a calendar~~ **the state fiscal** year, the amount to be distributed for state tuition support under this article to each school corporation during each of the last six (6) months of the **state fiscal** year shall be proportionately reduced so that the total reductions equal the amount of the excess.

SECTION 21. IC 20-43-2-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8. (a) Beginning July 1, 2012, distributions for basic tuition support, honors diploma awards, primetime distributions, special education grants, career and technical education grants, choice scholarships, and Mitch Daniels early graduation scholarships shall be made on a state fiscal year basis rather than a calendar year basis.**

(b) The following is the intent of the general assembly:

(1) The distributions for basic tuition support, honors diploma awards, primetime distributions, special education grants, career and technical education grants, choice scholarships, and Mitch Daniels early graduation scholarships that are provided for under this article (as this article exists on January 1, 2012) for calendar year 2012 shall be made only during the first six (6) months of calendar year 2012.

(2) Except as otherwise provided, the distributions for basic tuition support, honors diploma awards, primetime distributions, special education grants, career and technical education grants, choice scholarships, and Mitch Daniels early graduation scholarships that were provided for under this article (as this article existed on January 1, 2012) for calendar year 2013 shall instead be made during the state fiscal year 2012 beginning July 1, 2012.

(3) IC 20-43-3-7 and IC 20-43-3-8 apply to the distributions made after June 30, 2012.

(c) The department shall make any adjustments required to carry out the change from distributions made on a calendar year basis to distributions made on a state fiscal year basis.

SECTION 22. IC 20-43-3-4, AS AMENDED BY P.L.229-2011, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) **This subsection applies to the determination of a school corporation's previous year revenue for purposes of determining distributions under this article before July 1, 2012.** A school corporation's previous year revenue equals the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the sum of the following:

(A) The school corporation's basic tuition support actually received for the year that precedes the current year.

(B) For 2012, the restoration grant (IC 20-43-12 (repealed)) actually received for 2011.

(C) For 2012, the small school grant (IC 20-43-12.2 (repealed)) actually received for 2011.

STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school corporation's state tuition support under any combination of subsection ~~(b)~~ **(c)** or IC 20-30-2-4.

(b) This subsection applies to the determination of a school corporation's previous year revenue for purposes of determining distributions under this article after June 30, 2012. A school corporation's previous year revenue equals the amount determined under STEP TWO of the following formula:

STEP ONE: For purposes of making determinations for:

(A) the state fiscal year beginning July 1, 2012, determine the product of the school corporation's basic tuition support actually received for the first six (6) months of 2012 multiplied by two (2); or

(B) a state fiscal year beginning after June 30, 2013, determine the school corporation's basic tuition support actually received for the state fiscal year that immediately precedes the current state fiscal year.

STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school corporation's state tuition support under any combination of subsection (c) or IC 20-30-2-4.

~~(b)~~ **(c)** A school corporation's previous year revenue must be reduced if:

(1) the school corporation's state tuition support for special education or career and technical education is reduced as a result of a complaint being filed with the department after December 31, 1988, because the school program overstated the number of children enrolled in special education programs or career and technical education programs; and

(2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

The amount of the reduction equals the amount the school corporation would have received in state tuition support for special education and career and technical education because of the overstatement.

SECTION 23. IC 20-43-3-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7. (a) This section applies to distributions under this article that:**

(1) are computed in any part based on a count of students under IC 20-43-4-2 or IC 20-43-4-4.5; and

(2) are made after June 30, 2012.

(b) The number of eligible pupils counted on the September count date of 2011 (as adjusted under IC 20-43-4-2) applies to distributions made in July, August, September, and October of 2012.

(c) After June 30, 2012, the number of eligible pupils counted on the September count date (as adjusted under IC 20-43-4-2) applies to distributions made in November and December of the year in which the September count is made and in January and February of the year following the year in which the September count is made.

(d) Except as provided in subsection (b), the number of eligible pupils counted on the January count date (as adjusted under IC 20-43-4-2) applies to distributions made in March, April, May, June, July, August, September, and October of the year in which the January count is made.

(e) If the state board subsequently adjusts under IC 20-43-4-2 a count used for a distribution under this article, the department shall adjust subsequent distributions to the school corporation that are affected by the adjusted count, on the schedule determined by the department, to reflect the differences between the distribution that the school corporation received and the distribution that the school corporation would have received if the adjusted count had been used.

SECTION 24. IC 20-43-3-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8. Distributions under this article that are computed in any part based on a count of students under IC 20-43-4-2, IC 20-43-4-4, or IC 20-43-4-4.5, and that are made after June 30, 2012, shall be reconciled as follows:**

(1) In October of each year, the department shall determine the result of:

(A) the total amount of the distributions that would have been received by the school corporation during the months of July, August, September, and October if the distributions had been based on the September count of that year instead of:

(i) the count made in September of 2011 (in the case of a determination made in October of 2012); or

(ii) the count made in the preceding January (in the case of a determination made in October of 2013, and each October thereafter); minus

(B) the total amount of the distributions received by a school corporation during the months of July, August, September, and October of that year.

(2) If the result determined under subdivision (1) is positive, the school corporation shall receive an additional distribution in November equal to the result determined under subdivision (1).

(3) If the result determined under subdivision (1) is negative, the distributions otherwise received by the school corporation in November, December, January, and February shall be proportionately reduced so that the total reduction is equal to the result determined under subdivision (1).

(4) In February of each year, the department shall determine the result of:

(A) the total amount of the distributions that would have been received by the school corporation during the months of January and February if the distributions had been based on the January count of that year instead of the count made in the preceding September; minus

(B) the total amount of the distributions received by a school corporation during the months of January and February of that year.

(5) If the result determined under subdivision (4) is positive, the school corporation shall receive an additional distribution in March equal to the result determined under subdivision (4).

(6) If the result determined under subdivision (4) is negative, the distributions otherwise received by the school corporation in March, April, May, and June of that year shall be proportionately reduced so that the total reduction is equal to the result determined under subdivision (4).

(7) In January of each year, the department shall determine the result of:

(A) the total amount of the distributions that would have been received by the school corporation during the months of October, November, and December of the preceding year if the school corporation's ADM for each of those months had included students:

(i) who, after the September count date and before the January count date, left a charter school or nonpublic eligible school (as defined in IC 20-51-1-4.7); and

(ii) were enrolled during the month in a public school maintained by the school corporation; minus

(B) the total amount of the distributions received by a school corporation during the months of October, November, and December of the preceding year.

(8) If the result determined under subdivision (7) is positive, the school corporation shall receive an additional distribution in March equal to the result determined under subdivision (7).

(9) In September of each year, the department shall determine the result of:

(A) the total amount of the distributions that would have been received by the school corporation during the months of February, March, April, May, and June of the year if the school corporation's ADM for each of those months had included students:

(i) who, after the January count date and before the end of the school year, left a charter school or nonpublic eligible school (as defined in IC 20-51-1-4.7); and

(ii) who were enrolled during the month in a public school maintained by the school corporation; minus

(B) the total amount of the distributions received by a school corporation during the months of February, March, April, May, and June of the year.

(10) If the result determined under subdivision (9) is positive, the school corporation shall receive an additional distribution in November equal to the result determined under subdivision (9).

(11) In January of each year, the department shall determine the result of:

(A) the total amount of the distributions that would have been received by the school corporation during the months of October, November, and December of the preceding year if the school corporation's ADM for each of those months had not included students:

(i) who, after the September count date and before the January count date, left a public school maintained by the school corporation; and

(ii) who were enrolled during the month in a charter school or nonpublic eligible school (as defined in IC 20-51-1-4.7); minus

(B) the total amount of the distributions received by a school corporation during the months of October, November, and December of the preceding year.

(12) If the result determined under subdivision (11) is negative, the distributions otherwise received by the school corporation in March, April, May, and June of that year shall be proportionately reduced so that the total reduction is equal to the result determined under subdivision (11).

(13) In September of each year, the department shall determine the result of:

(A) the total amount of the distributions that would have been received by the school corporation during the months of February, March, April, May, and June of the year if the school corporation's ADM for each of those months had not included students:

(i) who, after the January count date and before the end of the school year, left a public school maintained by the school corporation; and

(ii) were enrolled during the month in a charter school or nonpublic eligible school (as defined in IC 20-51-1-4.7); minus

(B) the total amount of the distributions received by a school corporation during the months of February, March, April, May, and June of the year.

(14) If the result determined under subdivision (13) is negative, the distributions otherwise received by the school corporation in November and December of that year and January and February of the following year shall be proportionately reduced so that the total reduction is equal to the result determined under subdivision (13).

SECTION 25. IC 20-43-4-2, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A school corporation's ADM is the number of eligible pupils enrolled in:

(1) the school corporation; or

(2) a transferee corporation;

on ~~a day to be~~ **the days** fixed ~~annually~~ **in September and in January** by the state board **for a count of students under section 3 of this chapter** and as subsequently adjusted not later than ~~January 30~~ **the date specified** under the rules adopted by the state board. **The state board may adjust the school's count of eligible pupils if the state board determines that the count is unrepresentative of the school corporation's enrollment.**

SECTION 26. IC 20-43-4-3, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a)** The initial day of the ADM count **in a school year** must fall within ~~the first thirty (30) days of the school year.~~ **the month of September each year.**

(b) The second day of the ADM count in a school year must fall within the month of January.

(c) However, if extreme patterns of:

(1) student in-migration;

(2) illness;

(3) natural disaster; or

(4) other unusual conditions in a particular school corporation's enrollment;

on either the **September count** day **or January count day** fixed by the state board or on the subsequent adjustment date, cause the enrollment to be unrepresentative of the school corporation's

enrollment, ~~throughout a school year,~~ the state board may designate another day for determining the school corporation's enrollment.

SECTION 27. IC 20-43-4-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. (a) This section applies to a count of individuals required under this article that is not described in section 2 or 4 of this chapter.**

(b) The state board shall monitor changes that occur in the number of students counted under this article. The state board:

(1) shall require a count of students two (2) times per school year on the same days that ADM counts are conducted under sections 2 and 3 of this chapter; and

(2) may adjust the counts as provided in section 2 of this chapter.

SECTION 28. IC 20-43-5-1, AS AMENDED BY P.L.234-2007, SECTION 241, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A school corporation's transition to foundation revenue per adjusted ADM for a ~~calendar~~ **state fiscal** year is the amount determined under section 9 of this chapter.

SECTION 29. IC 20-43-5-2, AS AMENDED BY P.L.234-2007, SECTION 242, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The following amounts must be determined under this chapter to calculate a school corporation's transition to foundation revenue per adjusted ADM for a ~~calendar~~ **state fiscal** year:

(1) The school corporation's complexity index for the ~~calendar~~ **state fiscal** year under section 3 of this chapter.

(2) The school corporation's foundation amount for the ~~calendar~~ **state fiscal** year under section 4 of this chapter.

(3) The school corporation's previous year revenue foundation amount for the ~~calendar~~ **state fiscal** year under section 5 of this chapter.

(4) The school corporation's transition to foundation amount for the ~~calendar~~ **state fiscal** year under section 6 of this chapter.

(5) The school corporation's transition to foundation revenue for the ~~calendar~~ **state fiscal** year under section 7 of this chapter.

SECTION 30. IC 20-43-5-5, AS AMENDED BY P.L.182-2009(ss), SECTION 335, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A school corporation's previous year revenue foundation amount for a ~~calendar~~ **state fiscal** year is equal to the result of:

(1) the school corporation's previous year revenue; divided by

(2) the school corporation's adjusted ADM for the previous year.

SECTION 31. IC 20-43-5-6, AS AMENDED BY P.L.229-2011, SECTION 210, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A school corporation's transition to foundation amount for a ~~calendar~~ **state fiscal** year is equal to the result determined under STEP TWO of the following formula:

STEP ONE: Determine the difference of:

(A) the school corporation's foundation amount; minus

(B) the lesser of:

(i) the school corporation's previous year revenue foundation amount; or

(ii) the result of the school corporation's foundation amount multiplied by one and two-tenths (1.2).

STEP TWO: A school corporation's STEP TWO amount is the following:

(A) For a charter school located outside Marion County that has previous year revenue that is not greater than zero (0), the charter school's STEP TWO amount is the quotient of:

(i) the school corporation's transition to foundation revenue for the ~~calendar~~ **state fiscal** year where the charter school is located; divided by

(ii) the school corporation's current ADM.

(B) For a charter school located in Marion County that has previous year revenue that is not greater than zero (0), the charter school's STEP TWO amount is the weighted average of the transition to foundation revenue for the school corporations where the students counted in the current ADM of the charter school have legal settlement, as determined under item (iv) of the following formula:

(i) Determine the transition to foundation revenue for each school corporation where a student counted in the current ADM of the charter school has legal settlement.

(ii) For each school corporation identified in item (i), divide the item (i) amount by the school corporation's current ADM.

(iii) For each school corporation identified in item (i), multiply the item (ii) amount by the number of students counted in the current ADM of the charter school that have legal settlement in the particular school corporation.

(iv) Determine the sum of the item (iii) amounts for the charter school.

(C) The STEP TWO amount for a school corporation that is not a charter school described in clause (A) or (B) is the following:

(i) The school corporation's foundation amount for the ~~calendar~~ **state fiscal** year if the STEP ONE amount is zero (0) or greater.

(ii) The amount determined under subsection (b), if the school corporation's STEP ONE amount is less than zero (0).

(b) For the purposes of STEP TWO (C)(ii) in subsection (a), determine the result of:

(1) the result determined for the school corporation under STEP ONE (B) of subsection (a); minus

(2) the result of:

(A) the absolute value of the STEP ONE amount; divided by

(B) ~~seven (7) in 2012 and~~ six (6) in ~~2013.~~ **the state fiscal year beginning July 1, 2012.**

SECTION 32. IC 20-43-5-7, AS AMENDED BY P.L.229-2011, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. A school corporation's transition to foundation revenue for a ~~calendar~~ **state fiscal** year is equal to the product of:

(1) the school corporation's transition to foundation amount for the ~~calendar~~ **state fiscal** year; multiplied by

(2) the school corporation's current ADM.

SECTION 33. IC 20-43-5-9, AS AMENDED BY P.L.234-2007, SECTION 247, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. A school corporation's transition to foundation revenue per adjusted ADM for a ~~calendar~~ **state fiscal** year is the quotient of:

(1) the school corporation's transition to foundation revenue for the ~~calendar~~ **state fiscal** year; divided by

(2) the school corporation's current adjusted ADM.

SECTION 34. IC 20-43-6-1, AS AMENDED BY P.L.182-2009(ss), SECTION 338, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Subject to the amount appropriated by the general assembly for state tuition support and IC 20-43-2, the amount that a school corporation is entitled to receive in basic tuition support for a **state fiscal** year is the amount determined in section 3 of this chapter.

SECTION 35. IC 20-43-6-3, AS AMENDED BY P.L.229-2011, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A school corporation's basic tuition support for a **state fiscal** year is the amount determined under the applicable provision of this section.

(b) The school corporation's basic tuition support for a **state fiscal** year is equal to the school corporation's transition to foundation revenue for the year.

(c) This subsection applies to students of a virtual charter school. A virtual charter school's basic tuition support for a **state fiscal** year for those students is the amount determined under IC 20-24-7-13.

SECTION 36. IC 20-43-7-1, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. In addition to the amount a school corporation is entitled to receive in basic tuition support, each school corporation is entitled to receive a grant for special education programs **for the state fiscal year.** The amount of the special education grant is based on the count of eligible pupils enrolled in special education programs on December 1 of the preceding **state fiscal** year in:

(1) the school corporation; or

(2) a transferee corporation.

SECTION 37. IC 20-43-7-6, AS AMENDED BY P.L.182-2009(ss), SECTION 340, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a)** A school corporation's special education grant for a ~~calendar~~ **state fiscal** year is equal to the sum of the following:

(1) The nonduplicated count of pupils in programs for severe disabilities multiplied by eight thousand three hundred fifty dollars ($8,350).

(2) The nonduplicated count of pupils in programs of mild and moderate disabilities multiplied by two thousand two hundred sixty-five dollars ($2,265).

(3) The duplicated count of pupils in programs for communication disorders multiplied by five hundred thirty-three dollars ($533).

(4) The cumulative count of pupils in homebound programs multiplied by five hundred thirty-three dollars ($533).

(5) The nonduplicated count of pupils in special preschool education programs multiplied by two thousand seven hundred fifty dollars ($2,750).

(b) Before February 1 of each calendar year, the department shall determine the result of:

(1) the total amount of the special education grant that would have been received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year if the grant had been based on the count of students with disabilities that was made on the immediately preceding December 1; minus

(2) the total amount of the special education grant received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year.

If the result determined under this subsection is positive, the school corporation shall receive an additional special education grant distribution in February equal to the result determined under this subsection. If the result determined under this subsection is negative, the special education grant distributions that otherwise would be received by the school corporation in February, March, April, and May shall be proportionately reduced so that the total reduction is equal to the result determined under this subsection.

(c) The special education grant distributions made in February, March, April, May, and June of a calendar year shall be based on the count of students with disabilities that was made on the immediately preceding December 1.

SECTION 38. IC 20-43-8-2, AS AMENDED BY P.L.234-2007, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Before December 1 of each year, the department of workforce development shall provide the department with a report, to be used to determine career and technical education grant amounts in the ~~second calendar~~ **state fiscal** year **beginning** after the year in which the report is provided, listing whether the labor market demand for each generally recognized labor category is more than moderate, moderate, or less than moderate. In the report, the department of workforce development shall categorize each of the career and technical education programs using the following four (4) categories:

(1) Programs that address employment demand for individuals in labor market categories that are projected to need more than a moderate number of individuals.

(2) Programs that address employment demand for individuals in labor market categories that are projected to need a moderate number of individuals.

(3) Programs that address employment demand for individuals in labor market categories that are projected to need less than a moderate number of individuals.

(4) All programs not covered by the employment demand categories of subdivisions (1) through (3).

(b) Before December 1 of each year, the department of workforce development shall provide the department with a report, to be used to determine grant amounts that will be distributed under this chapter in the ~~second calendar~~ **state fiscal** year **beginning** after the year in which the report is provided, listing whether the average wage level for each generally recognized labor category for which career and technical education programs are offered is a high wage, a moderate wage, or a less than moderate wage.

(c) In preparing the labor market demand report under subsection (a) and the average wage level report under subsection (b), the department of workforce development shall, if possible, list the labor market demand and the average wage level for specific regions, counties, and municipalities.

(d) If a new career and technical education program is created by rule of the state board, the department of workforce development shall determine the category in which the program should be included.

SECTION 39. IC 20-43-8-9, AS AMENDED BY P.L.234-2007, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. A school corporation's career and technical education grant for a ~~calendar~~ **state fiscal** year is the sum of the following amounts:

STEP ONE: For each career and technical education program provided by the school corporation:

(A) the number of credit hours of the program (either one (1) credit, two (2) credits, or three (3) credits); multiplied by

(B) the number of students enrolled in the program; multiplied by

(C) the following applicable amount:

(i) Four hundred fifty dollars ($450), in the case of a program described in section 5 of this chapter (more than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.

(ii) Three hundred seventy-five dollars ($375), in the case of a program described in section 5 of this chapter (more than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.

(iii) Three hundred dollars ($300), in the case of a program described in section 5 of this chapter (more than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.

(iv) Three hundred seventy-five dollars ($375), in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.

(v) Three hundred dollars ($300), in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.

(vi) Two hundred twenty-five dollars ($225), in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.

(vii) Three hundred dollars ($300), in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.

(viii) Two hundred twenty-five dollars ($225), in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.

(ix) One hundred fifty dollars ($150), in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.

STEP TWO: The number of pupils described in section 8 of this chapter (all other programs) multiplied by two hundred fifty dollars ($250).

STEP THREE: The number of pupils participating in a career and technical education program in which pupils from multiple schools are served at a common location multiplied by one hundred fifty dollars ($150).

SECTION 40. IC 20-43-9-6, AS AMENDED BY P.L.229-2011, SECTION 217, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A school corporation's primetime distribution for a ~~calendar~~ **state fiscal** year under this chapter is the amount determined by the following formula:

STEP ONE: Determine the applicable target pupil/teacher ratio for the school corporation as follows:

(A) If the school corporation's complexity index is less than one and one-tenth (1.1), the school corporation's target pupil/teacher ratio is eighteen to one (18:1).

(B) If the school corporation's complexity index is at least one and one-tenth (1.1) but less than one and three-tenths (1.3), the school corporation's target pupil/teacher ratio is fifteen (15) plus the result determined in item (iii) to one (1):

(i) Determine the result of one and three-tenths (1.3) minus the school corporation's complexity index.

(ii) Determine the item (i) result divided by two-tenths (0.2).

(iii) Determine the item (ii) result multiplied by three (3).

(C) If the school corporation's complexity index is at least one and three-tenths (1.3), the school corporation's target pupil/teacher ratio is fifteen to one (15:1).

STEP TWO: Determine the result of:

(A) the ADM of the school corporation in kindergarten through grade 3 for the current school year; divided by

(B) the school corporation's applicable target pupil/teacher ratio, as determined in STEP ONE.

STEP THREE: Determine the result of:

(A) the basic tuition support for the year multiplied by seventy-five hundredths (0.75); divided by

(B) the school corporation's ADM.

STEP FOUR: Determine the result of:

(A) the STEP THREE result; multiplied by

(B) the ADM of the school corporation in kindergarten through grade 3 for the current school year.

STEP FIVE: Determine the result of:

(A) the STEP FOUR result; divided by

(B) the staff cost amount.

STEP SIX: Determine the greater of zero (0) or the result of:

(A) the STEP TWO amount; minus

(B) the STEP FIVE amount.

STEP SEVEN: Determine the result of:

(A) the STEP SIX amount; multiplied by

(B) the staff cost amount.

STEP EIGHT: Determine the greater of the STEP SEVEN amount or **zero (0).**

~~(A) for 2012, fifty percent (50%) of the school corporation's guaranteed primetime amount; or~~

~~(B) for 2013, zero (0).~~

STEP NINE: A school corporation's amount under this STEP is the following:

(A) If the amount the school corporation received under this chapter in the previous ~~calendar~~ **state fiscal** year is greater than zero (0), the amount under this STEP is the lesser of:

(i) the STEP EIGHT amount; or

(ii) the amount the school corporation received under this chapter for the previous ~~calendar~~ **state fiscal** year multiplied by one hundred seven and one-half percent (107.5%).

(B) If the amount the school corporation received under this chapter in the previous ~~calendar~~ **state fiscal** year is not greater than zero (0), the amount under this STEP is the STEP EIGHT amount.

SECTION 41. IC 20-43-10-2, AS AMENDED BY P.L.229-2011, SECTION 219, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A school corporation's honors diploma award for a ~~calendar~~ **state fiscal** year is the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the number of the school corporation's eligible pupils who successfully completed an academic honors diploma program in the school year ending in the previous ~~calendar~~ **state fiscal** year.

STEP TWO: Determine the result of:

(A) the number of the school corporation's eligible pupils who successfully completed a Core 40 diploma with technical honors program in the school year ending in the previous ~~calendar~~ **state fiscal** year; minus

(B) the number of eligible pupils who would otherwise be double counted under both clause (A) and STEP ONE.

STEP THREE: Determine the sum of the number of eligible students determined under STEP ONE and the number of eligible students determined under STEP TWO.

STEP FOUR: Multiply the STEP THREE amount by nine hundred dollars ($900).

(b) An amount received by a school corporation as an honors diploma award may be used only for:

(1) any:

(A) staff training;

(B) program development;

(C) equipment and supply expenditures; or

(D) other expenses;

directly related to the school corporation's honors diploma program; and

(2) the school corporation's program for high ability students.

(c) A governing body that does not comply with this section for a school year is not eligible to receive an honors diploma award for the following school year.

SECTION 42. IC 20-49-7-4, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this chapter, "operational costs" means costs other than construction costs incurred by:

(1) a charter school other than a conversion charter school during the second six (6) months of the ~~calendar~~ **state fiscal** year in which the charter school begins its initial operation; or

(2) a charter school, including a conversion charter school, during the second six (6) months of a ~~calendar~~ **state fiscal** year in which the charter school's most recent enrollment reported under IC 20-24-7-2(a) divided by the charter school's previous year's ADM is at least one and fifteen-hundredths (1.15).

SECTION 43. IC 20-51-4-5, AS ADDED BY P.L.92-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The state tuition support amount to be used in ~~section 3(2)~~ **section 4(2)** of this chapter for an eligible individual is the amount determined under the last STEP of the following formula:

STEP ONE: Determine the school corporation in which the eligible individual has legal settlement.

STEP TWO: Determine the amount of state tuition support that the school corporation identified under STEP ONE is eligible to receive under IC 20-43 for the ~~calendar~~ **state fiscal** year in which the current school year begins, excluding amounts provided for special education grants under IC 20-43-7 and career and technical education grants under IC 20-43-8.

STEP THREE: Determine the result of:

(A) the STEP TWO amount; divided by

(B) the current ADM (as defined in IC 20-43-1-10) for the school corporation identified under STEP ONE for the ~~calendar~~ **state fiscal** year used in STEP TWO.

SECTION 44. IC 20-51-4-6, AS ADDED BY P.L.92-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2012]: Sec. 6. (a) If an eligible individual enrolls in an eligible school for less than an entire school year, the choice scholarship provided under this chapter for that school year shall be reduced on a prorated basis to reflect the shorter school term.

(b) An eligible individual is entitled to only one (1) choice scholarship for each school year. If the eligible individual leaves the eligible school for which the eligible individual was awarded a choice scholarship and enrolls in another eligible school, the eligible individual is responsible for the payment of any tuition required for the remainder of that school year.

(c) If an eligible individual who was awarded a choice scholarship leaves the nonpublic eligible school for which the eligible individual was awarded a choice scholarship and in that school year enrolls in a public school maintained by a school corporation, the eligible school shall pay to the treasurer of state for deposit in the state general fund an amount determined in the following STEPS:

STEP ONE: Determine the amount of the choice scholarship awarded to the eligible individual for the school year.

STEP TWO: Determine the result of:

(A) the eligible school's total number of school days in that school year minus the number of days in that school year in which the eligible individual was enrolled in the eligible school; divided by

(B) the eligible school's total number of school days in that school year.

STEP THREE: Multiply the STEP ONE result by the STEP TWO result.

SECTION 45. [EFFECTIVE JULY 1, 2012] **(a) The department of education shall, before November 1, 2012, report to the state budget committee:**

(1) the number of students who left a charter school and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year; and

(2) the number of students who:

(A) received a choice scholarship for the 2011 - 2012 school year; and

(B) left a nonpublic eligible school (as defined in IC 20-51-1-4.7) and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year.

(b) This SECTION expires January 1, 2013.

SECTION 46. [EFFECTIVE JULY 1, 2012] **(a) For the fiscal year beginning July 1, 2012, and ending June 30, 2013, there is appropriated to the department of education thirty million nine hundred thousand dollars ($30,900,000) from the state general fund for distribution for tuition support, total operating expense, beginning July 1, 2012, and ending June 30, 2013. This appropriation is in addition to the appropriation for tuition support that was made by P.L.229-2011.**

(b) This SECTION expires July 1, 2013.

SECTION 47. **An emergency is declared for this act.**".

Delete pages 2 through 42.

Renumber all SECTIONS consecutively.

(Reference is to HB 1189 as printed January 17, 2012.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 36.

Page 6, delete lines 20 through 39, begin a new paragraph and insert:

"SECTION 2. IC 9-14-2-2, AS AMENDED BY P.L.145-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The bureau may adopt and enforce rules under IC 4-22-2 that are necessary to carry out this title.

(b) The rules adopted under IC 4-22-2 by the Indiana commission on proprietary education established by IC 21-17-2-1 **(before its repeal)** concerning truck driver training schools are considered, after December 31, 2011, rules of the bureau.

(c) The rules adopted under IC 4-22-2 by the Indiana criminal justice institute established by IC 5-2-6-3 concerning commercial driver training schools are considered, after December 31, 2011, rules of the bureau.

(d) The rules adopted under IC 4-22-2 by the department of state revenue established by IC 6-8.1-2-1 concerning a student of a truck driver training school and a truck driver training school are considered, after December 31, 2011, rules of the bureau.

(e) The rules adopted under IC 4-22-2 by the Indiana state board of education established by IC 20-19-2-2 concerning driver education are considered, after December 31, 2011, rules of the bureau.".

Page 8, line 19, strike "and".

Page 8, between lines 19 and 20, begin a new line block indented and insert:

"**(7) the commission on postsecondary proprietary education; and**".

Page 8, line 20, strike "(7)" and insert "**(8)**".

Page 9, between lines 21 and 22, begin a new line double block indented and insert:

"**(H) The commission on postsecondary proprietary education.**".

Page 12, line 17, after ""Postsecondary" insert "**credit bearing**".

Page 12, line 18, delete "credit bearing".

Page 25, line 40, strike "costs in consultation with the commission." and insert "**costs.**".

Page 29, line 15, delete "commission for" and insert "**commission on**".

Page 30, line 9, delete "IC 21-16" and insert "**IC 21-17**".

Page 32, line 42, delete "commission for higher education" and insert "**commission on postsecondary proprietary education**".

Page 33, line 14, after "commission" insert "**on postsecondary proprietary education**".

Page 33, lines 31, after "commission" insert "**on postsecondary proprietary education**".

Page 33, lines 36, delete "commission." and insert "**commission on postsecondary proprietary education.**".

Page 34, line 26, delete "for higher" and insert "**on postsecondary proprietary**".

Page 38, delete lines 30 through 32, begin a new paragraph and insert:

"**Sec. 11. The commission may cooperate in developing training programs concerning grant program requirements with the:**

(1) commission on postsecondary proprietary education; or

(2) state workforce innovation council.".

Page 38, delete lines 37 through 42, begin a new paragraph and insert:

"**Sec. 2. (a) The commission on postsecondary proprietary education consists of the following seven (7) members:**

(1) The state superintendent or the superintendent's designee.

(2) The executive officer of the commission for higher education or the executive officer's designee.

(3) Five (5) members appointed by the governor.

(b) The members appointed by the governor under subsection (a) serve for a term of four (4) years.

(c) Not more than three (3) of the members appointed by the governor may be members of one (1) political party.

(d) Of the five (5) members appointed by the governor:

(1) one (1) must have been engaged for a period of at least five (5) years immediately preceding appointment in an executive or a managerial position in a postsecondary proprietary educational institution subject to IC 21-18.5-6;

(2) one (1) must have been engaged in administering or managing an industrial employee training program for a period of at least five (5) years immediately preceding appointment; and

(3) three (3) must be representatives of the public at large who are not representatives of the types of postsecondary credit bearing proprietary educational institutions to be accredited.

For purposes of subdivision (3), an elected or appointed state or local official or a member of a private or public school may not be appointed as a representative of the public at large.

(e) An appointment to fill a vacancy occurring on the commission on postsecondary proprietary education is for the unexpired term.".

Page 39, delete lines 1 through 13.

Page 39, line 14, after "3." insert "**(a)**".

Page 39, line 15, after "education" insert "**who is not a state employee**".

Page 39, between lines 21 and 22, begin a new paragraph and insert:

"**(b) Each member of the commission on postsecondary proprietary education who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.**".

Page 39, line 33, delete "5." and insert "**6.**".

Page 40, line 30, delete "paid." and insert "**paid, including a statement concerning the existence of the career college student assurance fund established under section 6 of this chapter.**".

Page 41, between lines 1 and 2, begin a new paragraph and insert:

"**Sec. 6. (a) The career college student assurance fund is established to provide indemnification to a student or an enrollee of a postsecondary credit bearing proprietary educational institution who suffers loss or damage as a result of:**

(1) the failure or neglect of the postsecondary credit bearing proprietary educational institution to faithfully perform all agreements, express or otherwise, with the student, enrollee, one (1) or both of the parents of the student or enrollee, or a guardian of the student or enrollee as represented by the application for the institution's accreditation and the materials submitted in support of that application;

(2) the failure or neglect of the postsecondary credit bearing proprietary educational institution to maintain and operate a course or courses of instruction or study in compliance with the standards of this chapter; or

(3) an agent's misrepresentation in procuring the student's enrollment.

(b) The commission on postsecondary proprietary education shall administer the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for providing money for reimbursements allowed under this chapter.

(f) Upon the fund acquiring fifty thousand dollars ($50,000), the balance in the fund must not become less than fifty thousand dollars ($50,000). If:

(1) a claim against the fund is filed that would, if paid in full, require the balance of the fund to become less than fifty thousand dollars ($50,000); and

(2) the commission on postsecondary proprietary education determines that the student is eligible for a reimbursement under the fund;

the commission on postsecondary proprietary education shall prorate the amount of the reimbursement to ensure that the

balance of the fund does not become less than fifty thousand dollars ($50,000), and the student is entitled to receive that balance of the student's claim from the fund as money becomes available in the fund from contributions to the fund required under this chapter.

(g) The commission on postsecondary proprietary education shall ensure that all outstanding claim amounts described in subsection (f) are paid as money in the fund becomes available in the chronological order of the outstanding claims.

(h) A claim against the fund may not be construed to be a debt of the state.

Sec. 7. (a) Except as otherwise provided in this section, each postsecondary credit bearing proprietary educational institution shall make quarterly contributions to the fund. The quarters begin January 1, April 1, July 1, and October 1.

(b) For each quarter, each postsecondary credit bearing proprietary educational institution shall make a contribution equal to the STEP THREE amount derived under the following formula:

STEP ONE: Determine the total amount of tuition and fees earned during the quarter.

STEP TWO: Multiply the STEP ONE amount by one-tenth of one percent (0.1%).

STEP THREE: Add the STEP TWO amount and sixty dollars ($60).

(c) After June 30, 2012, upon the career college student assurance fund achieving at least an initial balance of one million dollars ($1,000,000), a postsecondary credit bearing proprietary educational institution that contributes to the career college student assurance fund when the initial quarterly contribution is required under this chapter after the fund's establishment is not required to make contributions to the fund.

(d) The commission on postsecondary proprietary education shall determine the number of quarterly contributions required for the career college student assurance fund to initially accumulate one million dollars ($1,000,000).

(e) Except as provided in subsections (a), (b), and (f), a postsecondary credit bearing proprietary educational institution that begins making contributions to the career college student assurance fund after the initial quarterly contribution as required under this section shall make contributions to the fund for the same number of quarters as determined by the commission on proprietary education under subsection (d).

(f) If, after a career college student assurance fund acquires one million dollars ($1,000,000), the balance in the fund becomes less than five hundred thousand dollars ($500,000), all postsecondary credit bearing proprietary educational institutions not required to make contributions to the career college student assurance fund as described in subsection (c) or (e) shall make contributions to the career college student assurance fund for the number of quarters necessary for the fund to accumulate one million dollars ($1,000,000).".

Page 41, line 2, delete "6." and insert "**8.**".

Page 41, line 13, delete "7." and insert "**9.**".

Page 41, line 20, delete "8." and insert "**10.**".

Page 41, line 37, delete "on postsecondary".

Page 41, line 38, delete "proprietary education".

Page 41, line 40, delete "9." and insert "**11.**".

Page 43, line 9, delete "10." and insert "**12.**".

Page 44, delete lines 3 through 6, begin a new paragraph and insert:

"**Sec. 13. Accreditation may be revoked by the commission on postsecondary proprietary education:**

(1) for cause upon notice and an opportunity for a hearing before the commission on postsecondary proprietary education; and

(2) for the accredited postsecondary credit bearing proprietary educational institution failing to make the appropriate quarterly contributions to the career college student assurance fund not later than forty-five (45) days after the end of a quarter.".

Page 44, line 7, delete "12." and insert "**14.**".

Page 44, line 28, delete "13." and insert "**15.**".

Page 44, line 33, delete "14." and insert "**16.**".

Page 45, line 10, delete "15." and insert "**17.**".

Page 45, line 36, delete "16." and insert "**18.**".

Page 46, between lines 10 and 11, begin a new paragraph and insert:

"**Sec. 19. The fact that the career college student assurance fund exists does not limit or impair a right of recovery and the amount of damages or other relief to which a plaintiff may be entitled.**

Sec. 20. (a) This section applies to claims against the balance of the career college student assurance fund.

(b) A student or an enrollee of a postsecondary credit bearing proprietary educational institution who believes that the student or enrollee has suffered loss or damage resulting from any of the occurrences described in section 6(a) of this chapter may request the commission on postsecondary proprietary education to file a claim with the commission on postsecondary proprietary education against the balance of the fund.

(c) A claim under this section is limited to a refund of the claimant's applicable tuition and fees.

(d) All claims must be filed not later than five (5) years after the occurrence resulting in the loss or damage to the claimant occurs.

(e) Upon the filing of a claim under this section, the commission on postsecondary proprietary education shall review the records submitted by the appropriate postsecondary credit bearing proprietary educational institution described under section 12 of this chapter and shall investigate the claim.

(f) Upon a determination by the commission on postsecondary proprietary education that a claimant shall be reimbursed under the career college student assurance fund, the commission on postsecondary proprietary education shall prioritize the reimbursements under the following guidelines:

(1) A student's educational loan balances.

(2) Federal grant repayment obligations of the student.

(3) Other expenses paid directly by the student.".

Page 46, line 11, delete "17." and insert "**21.**".

Page 46, line 15, delete "18." and insert "**22.**".

Page 46, line 19, delete "19." and insert "**23.**".

Page 46, line 24, delete "20." and insert "**24.**".

Page 46, line 28, delete "21." and insert "**25.**".

Page 46, line 34, delete "22." and insert "**26.**".

Page 47, line 6, delete "23." and insert "**27.**".

Page 49, line 1, delete "career".

Page 49, line 2, delete "college".

Page 52, line 39, delete "career college".

Page 60, delete lines 30 through 31, begin a new paragraph and insert:

"**Sec. 39. (a) The proprietary educational institution accreditation fund is established.**

(b) The proprietary educational institution accreditation fund shall be administered by the council.

(c) Money in the proprietary educational institution accreditation fund at the end of a state fiscal year does not revert to the general fund.

(d) All fees collected by the council under this chapter shall be deposited in the proprietary educational institution accreditation fund.

(e) Money in the proprietary educational institution accreditation fund shall be used by the council to administer this chapter.".

Page 61, line 35, delete "IC 21-18.5-6-21" and insert "**IC 21-18.5-6-25**".

Page 61, delete lines 37 through 38, begin a new paragraph and insert:

"SECTION 65. IC 35-51-22-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 22:

IC 22-1-1-22 (Concerning the department of labor).

IC 22-2-2-11 (Concerning wages, hours, and benefits).

IC 22-2-7-7 (Concerning wages, hours, and benefits).

IC 22-3-1-5 (Concerning worker's compensation system).

IC 22-4-11.5-10 (Concerning unemployment compensation system).

IC 22-4-19-6 (Concerning unemployment compensation system).

IC 22-4-29-14 (Concerning unemployment compensation system).

IC 22-4-34-3 (Concerning unemployment compensation system).

IC 22-4-34-4 (Concerning unemployment compensation system).

IC 22-4-34-5 (Concerning unemployment compensation system).

IC 22-4.1-4-4 (Concerning department of workforce development).

IC 22-4.1-21-38 (Concerning postsecondary proprietary educational institution accreditation).

IC 22-5-1-1 (Concerning unlawful labor practices).

IC 22-6-2-13 (Concerning labor relations).

IC 22-7-1-3 (Concerning labor organizations).

IC 22-8-1.1-24.2 (Concerning occupational health and safety).

IC 22-8-1.1-49 (Concerning occupational health and safety).

IC 22-9.5-10-1 (Concerning Indiana fair housing).

IC 22-11-14-3 (Concerning building and safety regulations).

IC 22-11-14-6 (Concerning building and safety regulations).

IC 22-11-14.5-9 (Concerning building and safety regulations).

IC 22-11-14.5-10 (Concerning building and safety regulations).

IC 22-11-14.5-11 (Concerning building and safety regulations).

IC 22-11-14.5-12 (Concerning building and safety regulations).

IC 22-11-15-6 (Concerning building and safety regulations).

IC 22-11-17-3 (Concerning building and safety regulations).

IC 22-11-17-4 (Concerning building and safety regulations).

IC 22-11-18-5 (Concerning building and safety regulations).

IC 22-11-20-6 (Concerning building and safety regulations).

IC 22-15-4-7 (Concerning building and equipment laws).

IC 22-15-7-9 (Concerning building and equipment laws).".

Page 62, delete lines 2 though 24, begin a new paragraph and insert:

"SECTION 67. [EFFECTIVE JULY 1, 2012] **(a) The commission on postsecondary proprietary education established under IC 21-18.5-5-1, as added by this act, may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 22-4.1-21, as added by this act.**

(b) Notwithstanding IC 4-22-2-37.1(g), a temporary rule adopted under this SECTION expires on the occurrence of the earlier of:

(1) the date the commission on postsecondary proprietary education adopts rules under IC 4-22-2; or

(2) July 1, 2013.

(c) This SECTION expires January 1, 2014.".

Page 62, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 69. [EFFECTIVE JULY 1, 2012] **(a) Not later than July 5, 2012, the auditor of state shall transfer the balance that remains on June 30, 2012, in the career college student assurance fund established under IC 21-17-3-8, as repealed by this act, as follows:**

(1) Three hundred thousand dollars ($300,000) to the career college student assurance fund established by IC 21-18.5-6-6, as added by this act.

(2) The remainder of the money not transferred under subdivision (1) to the student assurance fund established by IC 22-4.1-21-18, as added by this act.

(b) This SECTION expires January 1, 2013.

SECTION 70. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committee" refers to an interim study committee to which the legislative council assigns the topics of study described in subsection (b).**

(b) The general assembly urges the legislative council to assign the following topics pertaining to the implementation of this act to an appropriate committee:

(1) Study whether additional legislative changes are necessary to assist with the transfer of responsibilities from the Indiana commission on proprietary education established under IC 21-17-2-1, as repealed by this act, to the:

(A) state workforce innovation council under IC 22-4.1-21, as added by this act; and

(B) commission on postsecondary proprietary education under IC 21-18.5-6, as added by this act.

(2) Study whether a postsecondary credit bearing proprietary institution, as defined in IC 21-18.5-2-12, as added by this act, should be required to provide a surety bond to the commission on postsecondary proprietary education as established by IC 21-18.5-5-1, as added by this act.

(3) Study issues relating to the career college student assurance fund established in IC 21-18.5-6-6, as added by this act.

(4) Study any other issue pertaining to the accreditation of a postsecondary credit bearing proprietary educational institution, as defined in IC 21-18.5-2-12, as added by this act, or a postsecondary proprietary educational institution, as defined in IC 22-4.1-21-9, as added by this act, that the legislative council determines is appropriate.

(c) If the topics described in subsection (b) are assigned to a committee under subsection (b), the committee shall, not later than November 1, 2012, issue a final report to the legislative council concerning the findings and recommendations of the committee concerning the topics described in subsection (b).

(d) This SECTION expires December 31, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1270 as reprinted January 31, 2012.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 6, Nays 3.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1134, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 10, after "school." insert "**However, a fee may be charged for transportation to and from an athletic, a social, or another school sponsored function.**".

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 20-27-6-1, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter does not apply to:

(1) a nonpublic school or to a nonpublic school bus driver contract executed for a nonpublic school; **or**

(2) an educational service center (as defined by IC 20-20-1-2) or a school bus driver contract executed for an educational service center.".

Page 2, line 39, delete "and lubricant" and insert "**lubricant and cooling system fluids**".

Page 2, line 41, delete "and".

Page 2, line 41, after "lubricant" insert "**and cooling system fluids**".

Page 3, line 6, delete "and lubricant" and insert "**lubricant and cooling system fluids**".

Page 3, line 22, delete "standards by an operator certified by the International" and insert "**standards.**".

Page 3, delete line 23.

Page 3, line 27, after "from" delete "its" and insert "**the school corporation's**".

Page 3, line 27, after "to" delete "its" and insert "**the school corporation's**".

Page 3, line 29, after "from" delete "its" and insert "**the school corporation's**".

Page 3, line 29, after "to" delete "its" and insert "**the school corporation's**".

Page 3, after line 39, begin a new paragraph and insert:

"SECTION 6. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1134 as printed January 25.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 3.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1058, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Resolution 9, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said

resolution do pass.
Committee Vote: Yeas 6, Nays 3.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1047, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 6, Nays 2.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Engrossed House Bill 1054, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-3-2-2, AS AMENDED BY P.L.186-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) ~~Except as provided in subsection (b),~~ The commission may issue a brewer's permit **for a brewery that manufactures more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana. The commission may issue a permit under this subsection** only to:

(1) an individual;
(2) a partnership, all the partners of which are bona fide residents of Indiana;
(3) a limited liability company, all the members of which are bona fide residents of Indiana; or
(4) a corporation organized and existing under the laws of Indiana and having authority under its charter to manufacture or sell beer.

The permit does not limit the number of barrels of beer in a calendar year that the brewer may manufacture for sale or distribution outside Indiana.

(b) The commission may issue a brewer's permit to a brewer for a brewery that manufactures not more than thirty thousand (30,000) barrels of beer in a calendar year **for sale or distribution within Indiana. The commission may issue a permit under this subsection only** to:

(1) an individual;
(2) a partnership organized and existing under the laws of Indiana;
(3) a limited liability company organized and existing under the laws of Indiana; or
(4) a corporation organized and existing under the laws of Indiana.

The permit does not limit the number of barrels of beer in a calendar year that the brewer may manufacture for sale or distribution outside Indiana.

SECTION 2. IC 7.1-3-2-7, AS AMENDED BY P.L.186-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

(1) Manufacture beer.
(2) Place beer in containers or bottles.
(3) Transport beer.
(4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
(5) If the brewer's brewery manufactures not more than thirty thousand (30,000) barrels of beer in a calendar year **for sale or distribution within Indiana, the permit holder may** do the following:
(A) Sell and deliver beer to a person holding a retailer or a dealer permit under this title.
(B) Be the proprietor of a restaurant.
(C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).
(D) Transfer beer directly from the brewery to the restaurant by means of:
(i) bulk containers; or
(ii) a continuous flow system.
(E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.
(F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.
(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must furnish the minimum food requirements prescribed by the commission.
(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.
(I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause ~~only~~ at ~~the~~ **any** address for which the **brewer holds a** brewer's permit ~~was~~ issued under this chapter **if the address is located within the same city boundaries in which the beer was manufactured.**
(6) If the brewer's brewery manufactures more than thirty thousand (30,000) barrels of beer in a calendar year **for sale or distribution within Indiana, the permit holder may** own a portion of the corporate stock of another brewery that:
(A) is located in the same county as the brewer's brewery;

(B) manufactures less than thirty thousand (30,000) barrels of beer in a calendar year; and

(C) is the proprietor of a restaurant that operates under subdivision (5).

(7) Provide complimentary samples of beer that are:

(A) produced by the brewer; and

(B) offered to consumers for consumption on the brewer's premises.

(8) Own a portion of the corporate stock of a sports corporation that:

(A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and

(B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.

(9) For beer described in IC 7.1-1-2-3(a)(4):

(A) may allow transportation to and consumption of the beer on the licensed premises; and

(B) may not sell, offer to sell, or allow sale of the beer on the licensed premises.".

Page 4, after line 37, begin a new paragraph and insert:

"SECTION 4. IC 7.1-3-22-1, AS AMENDED BY P.L.186-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This section applies to a brewer that manufactures more than thirty thousand (30,000) barrels of beer in a calendar year **for sale or distribution within Indiana.**

(b) The commission may issue and have outstanding only one (1) brewer's permit for each unit of population of this state of one hundred and seventy-five thousand (175,000) or major fraction thereof. The commission, however, shall not issue more than four (4) brewer's permits in the same congressional district.

SECTION 5. IC 7.1-3-23-23, AS AMENDED BY P.L.186-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) This section applies to a brewer that manufactures more than thirty thousand (30,000) barrels of beer in a calendar year **for sale or distribution within Indiana.**

(b) The commission shall revoke the permit of a brewer or beer wholesaler who holds an interest in another permit in violation of IC 7.1-5-9-3.

SECTION 6. IC 7.1-4-4.1-14, AS AMENDED BY P.L.186-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) This section applies to the following permits:

(1) Brewer's permit for the manufacture of more than thirty thousand (30,000) barrels of beer in a calendar year **for sale or distribution within Indiana.**

(2) Distiller's permit.

(3) Malt manufacturer's permit.

(4) Rectifier's permit.

(5) Vintner's permit.

(6) Wine bottler's permit.

(b) A permit fee of two thousand dollars ($2,000) is annually imposed for the issuance of each permit described in subsection (a).

SECTION 7. IC 7.1-4-4.1-16, AS AMENDED BY P.L.186-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. The annual fee for a brewer's permit for the manufacture of not more than thirty thousand (30,000) barrels of beer in a calendar year **for sale or distribution within Indiana** is five hundred dollars ($500).

SECTION 8. IC 7.1-5-9-3, AS AMENDED BY P.L.186-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) This section applies to a brewer that manufactures more than thirty thousand (30,000) barrels of beer in a calendar year **for sale or distribution within Indiana.**

(b) It is unlawful for the holder of a brewer's or beer wholesaler's permit to have an interest in a liquor permit of any type under this title.

SECTION 9. IC 7.1-5-9-10, AS AMENDED BY P.L.186-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) Except as provided in subsection (b), it is unlawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a manufacturer's or wholesaler's permit of any type.

(b) It is lawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a brewer's permit for a brewery that manufactures not more than thirty thousand (30,000) barrels of beer in a calendar year **for sale or distribution within Indiana.**

SECTION 10. IC 14-18-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) As used in this section, "inn" means a public facility that has the following:

(1) At least twenty (20) rooms for the accommodation of overnight guests.

(2) A dining room that offers table service for at least forty (40) individuals at one (1) time during normal dining hours.

(b) A lease and contract authorized by this chapter must include in its terms the following provisions and conditions:

(1) The legal description of the leasehold. A survey for the description is not required.

(2) The term of the lease. The term may not exceed forty (40) years with two (2) additional options to renew of thirty (30) years each.

(3) Provision for the submission of complete plans and specifications to the department for review and written approval before beginning any construction.

(4) The manner of payment of rental.

(5) The facilities provided will be available to the public without discrimination and at charges designed to make the facilities available to a maximum number of the citizens of Indiana.

(6) That the rates and fees charged for goods and services on the leased area will be in accord with those charged at similar developments in the area.

(7) The disposition of the leasehold and improvements at the termination of the lease.

(8) **Except as provided in subsection (e),** if the lease and contract concerns state owned land under the management

and control of the department, including state parks, a prohibition on the sale or public display of alcoholic beverages on the premises.

~~(9) If the lease and contract concerns federally owned land under the control and management of the department, the~~

(c) A lease and contract **authorized by this chapter** may permit **in its terms** the retail sale of alcoholic beverages **for consumption** on the **licensed** premises of an inn **if:**

~~(A) for consumption on the licensed premises and~~

~~(B) if~~

(1) the lease and contract concerns federally owned land under the control and management of the department; and

(2) the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(d) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of a public golf course if:

(1) the lease and contract concerns federally owned land that is:

(A) under the control and management of the department; and

(B) located on Brookville Reservoir; and

(2) the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(e) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of a pavilion located within Indiana Dunes State Park if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(f) The retail sale of alcoholic beverages on licensed premises described in subsections (c), (d), and (e) is subject to any other applicable alcoholic beverage provisions under the Indiana Code and any rule adopted to implement any other applicable alcoholic beverage provisions under the Indiana Code.

~~(c)~~ **(g)** A lease and contract may prescribe other terms and conditions that the department considers necessary and advisable to carry out the intent and purposes of this chapter.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1054 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1212, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, after "include" insert "**an authorized emergency vehicle or**".

Page 1, line 10, delete "a".

Page 2, line 4, after "A" insert "**funeral escort**".

Page 2, line 4, after "an" insert "**authorized**".

Page 3, line 17, after "lights" delete "," and insert "**or an authorized emergency vehicle,**".

(Reference is to HB 1212 as printed January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

WYSS, Chair

Report adopted.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 39 Senator Head
Congratulating the Ancilla College athletic department and the Ounce of Prevention Foundation on the success of their Chargers for Change event.

HCR 24 Senator Schneider
Congratulating Bishop Chatard on its Class 3A State Championship.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 39

Senate Resolution 39, introduced by Senators Head and Mishler:

A SENATE RESOLUTION congratulating the Ancilla College athletic department and the Ounce of Prevention Foundation on the success of their Chargers for Change event.

Whereas, Ancilla College and the Ounce of Prevention Foundation hosted basketball games at the LifePlex, rasing funds to support the fight against breast cancer. All of the proceeds were used to benefit the Saint Joseph Regional Medical Center in Plymouth;

Whereas, Chargers for Change is an initiative created by the Ancilla College athletic department to help serve those in the local community who lack access to valuable resources. The Ounce of Prevention Foundation is a local foundation dedicated to raising money to assist in the fight against breast cancer. The collaboration between the organizations demonstrates a proud partnership;

Whereas, The articulated goal of the event was to raise awareness, raise money, and most of all, raise spirits. The contributed proceeds from this Chargers for Change event have been, and will continue to be, a huge asset in reducing the devastating effects that breast cancer causes many Hoosiers in our communities; and

Whereas, The tireless efforts of these two organizations have resulted in a tremendous impact on the community, and are deserving of recognition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate honors the success of the Chargers for Change event, hosted by the Ancilla College athletic department and the Ounce of Prevention Foundation.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Athletic Director of Ancilla College, Gene Reese.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 24

House Concurrent Resolution 24, sponsored by Senator Schneider:

A CONCURRENT RESOLUTION congratulating the Bishop Chatard High School football team on its state championship.

Whereas, For the second consecutive year, Bishop Chatard High School of Indianapolis defeated South Bend St. Joseph's to win the Class 3A state football championship;

Whereas, The victory was the Trojans' 11th state football title, which is also the most football titles won by any Indiana high school;

Whereas, On the road to the state championship, the Trojans won their 11th consecutive sectional championship and 11th consecutive regional championship;

Whereas, The Trojans finished the 2011 season at 13-2, scoring 521 points while holding their opponents to 163 points;

Whereas, Senior quarterback and co-captain Max Van Vliet overcame torn anterior cruciate ligaments in both knees to lead the Trojans, throwing 28 touchdown passes, rushing for another six touchdowns, and throwing only seven interceptions;

Whereas, Max VanVliet, who maintains a 4.04 grade point average, ranks 17th in his senior class of 180 students, and is a member of the National Honor Society, won the Phil N. Eskew Mental Attitude Award for Class 3A, the second consecutive Trojan to win this honor in this class;

Whereas, Seniors Myles Malone-Wright, Andrew Ciresi, Sam Giudice, Daniel Sahm, Max VanVliet, Ryan Kleinschmidt, Nick Traub, Greg Wood, Elijah Evans, Ben Paugh, Joe Sullivan, Chris Shrack, Andy McGinnis, Brent Kelly-Hooks, Zach Burns, Alex Bill, Okenna Oruche, Will Naddy, Jordan Penry, Kyle Sprunger, Daniel Bowes, Dan Buhler, Luke McHugh, Ben Wagner, Sid Anvoots, Chris Goetz, Max Polak, Aaron Hepp, Alex Ney, Daniel Wagner, Daniel Scheidler, Sean Blanford, and Matt Hurrle helped to guide and support the underclassmen throughout the season;

Whereas, Head Coach Vince Lorenzano, supported by talented and dedicated assistant coaches, has guided five of his teams to a state championship title in eight years as Trojans head coach;

Whereas, The Trojans were cared for by committed professional physicians, trainers, and student trainers;

Whereas, The Trojans were enthusiastically supported by the student body, faculty, administrators, parents and families, and the entire Bishop Chatard community; and

Whereas, An outstanding achievement such as this deserves special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Bishop Chatard Trojans on their Class 3A state football championship and wishes them continued success both on and off the field.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to all team members and managers, assistant coaches Clifford Brooks, Rob Doyle, Matt Jennings, Kevin King, Travis Lucas, John Norris, Jimmy Pappas, Nick Svarczkopf, Kevin Shine, Nate Vannice, David Whittemore, and Todd Finnell, head coach Vince Lorenzano, athletic director Mike Ford, assistant athletic director Mike Harmon, principal Dr. John Atha, and superintendent of Catholic Schools for the Archdiocese of Indianapolis Ron Costello.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

RESOLUTIONS ON SECOND READING

Senate Resolution 26

Senator Grooms called up Senate Resolution 26 for second reading. The resolution was read a second time.

Upon request of Senator Grooms the President ordered the roll of the Senate to be called. Roll Call 200: yeas 48, nays 0.

The resolution was adopted.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1003

Senator Holdman called up Engrossed House Bill 1003 for

second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1003–1)

Madam President: I move that Engrossed House Bill 1003 be amended to read as follows:

Page 11, line 15, after "(1)" insert "**This subdivision does not apply to committees appointed by a board of trustees of a state educational institution.**".

Page 13, line 10, delete "(g)" and insert "**(h)**".

Page 13, line 12, delete "(h)" and insert "**(i)**".

Page 13, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 14. IC 5-15-5.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

"Commission" means the commission on public records created by this chapter.

"Record" means all documentation of the informational, communicative, or ~~decisionmaking~~ **decision making** processes of state government, its agencies and subdivisions made or received by any agency of state government or its employees in connection with the transaction of public business or government functions, which documentation is created, received, retained, maintained, or filed by that agency or its successors as evidence of its activities or because of the informational value of the data in the documentation, and which is generated on:

(1) paper or paper substitutes;

(2) photographic or chemically based media;

(3) magnetic, **electronic,** or machine readable media; or

(4) any other materials, regardless of form or characteristics.

"Nonrecord materials" means all identical copies of forms, records, reference books, and exhibit materials which are made, or acquired, and preserved solely for reference use, exhibition purposes, or publication and which are not included within the definition of record.

"Personal records" means:

(1) all documentary materials of a private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of a public official, including: diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting government business; or

(2) materials relating to private political associations, and having no relation to or effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of a public official and are not deemed public records.

"Form" means every piece of paper, transparent plate, or film containing information, printed, generated, or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving the state.

"Agency" means any state office, department, division, board, bureau, commission, authority, or other separate unit of state government established by the constitution, law, or by executive or legislative order.

"Public official" means:

(1) an individual holding a state office created by the Constitution of Indiana, by act or resolution of the general assembly, or by the governor;

(2) all officers of the executive and administrative branch of state government; and

(3) all other officers, heads, presidents, or chairmen of agencies of state government.

"Indiana state archives" means the program maintained by the commission for the preservation of those records and other government papers that have been determined by the commission to have sufficient permanent values to warrant their continued preservation by the state.

"Forms management" means the program maintained by the commission to provide continuity of forms design procedures from the form's origin up to its completion as a record by determining the:

(1) form's size, style, and size of type;

(2) format;

(3) type of construction;

(4) number of plies;

(5) quality, weight and type of paper and carbon; and ~~by determining the~~

(6) use of the form for data entry as well as the distribution.

"Information management" means the program maintained by the commission for the application of management techniques to the purchase, creation, utilization, maintenance, retention, preservation, and disposal of forms and records undertaken to improve efficiency and reduce costs of recordkeeping, including management of filing and microfilming equipment and supplies, filing and information retrieval systems, files, correspondence, reports and forms management, historical documentation, micrographic retention programming, and critical records protection.

"Records center" means a program maintained by the commission primarily for the storage, processing, retrieving, servicing, and security of government records that must be retained for varying periods of time but should not be maintained in an agency's office equipment or space.

"Critical records" means records necessary to:

(1) resume or continue governmental operations;

(2) the reestablishing of the legal and financial responsibilities of government in the state; or ~~to~~

(3) protect and fulfill governmental obligations to the citizens of the state.

"Retention schedule" means a set of instructions prescribing how long, where, and in what form a record series shall be kept.

"Records series" means documents or records that are filed in a unified arrangement and having similar physical characteristics or relating to a similar function or activity.

"Records coordinator" means a person designated by an agency to serve as an information liaison person between the agency and the commission.".

Delete page 14.

Page 15, delete lines 1 through 40.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1003 as printed February 15, 2012.)

HOLDMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1004

Senator Landske called up Engrossed House Bill 1004 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1004–1)

Madam President: I move that Engrossed House Bill 1004 be amended to read as follows:

Page 3, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 4. IC 3-11-10-26.3, AS AMENDED BY P.L.225-2011, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26.3. (a) A county election board may adopt a resolution to authorize the circuit court clerk to establish satellite offices in the county where voters may cast absentee ballots before an absentee voter board.

(b) To be adopted under this section, a resolution must be adopted by the ~~unanimous~~ **majority** vote of the board's entire membership.

(c) A resolution adopted under this section must do the following:

(1) State the locations of the satellite offices.

(2) State the hours at which absentee voting may occur at the satellite offices.

(d) The resolution may contain other provisions the board considers useful.

(e) If a resolution is adopted under this section for a primary election, the locations of the satellite offices and the hours at which absentee voting may occur at the satellite offices established for the primary election must be used for the subsequent general or municipal election.

(f) If a resolution is adopted under this section, the procedure for casting an absentee ballot at a satellite office must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk.

(g) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

(h) A satellite office established by a circuit court clerk under this section must comply with the polling place accessibility requirements of IC 3-11-8.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1004 as printed February 14, 2012.)

BREAUX

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 201: yeas 14, nays 35.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1018

Senator Steele called up Engrossed House Bill 1018 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1129

Senator Mishler called up Engrossed House Bill 1129 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1186

Senator Miller called up Engrossed House Bill 1186 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1186–1)

Madam President: I move that Engrossed House Bill 1186 be amended to read as follows:

Page 5, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 7. IC 16-31-2-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) The commission may adopt initial rules for the licensure of paramedics in the same manner that emergency rules are adopted under IC 4-22-2-37.1. A rule adopted under this section expires on the earlier of the following:**

(1) The date that the rule is superseded, amended, or repealed by a permanent rule adopted under IC 4-22-2 or another rule adopted under this article.

(2) June 30, 2013.

(b) This section expires July 1, 2013.".

Page 22, after line 3, begin a new paragraph and insert:

"SECTION 30. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1186 as printed February 15, 2012.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1349

Senator Kruse called up Engrossed House Bill 1349 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1123

Senator Kenley called up Engrossed House Bill 1123 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1224

Senator Alting called up Engrossed House Bill 1224 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1034

Senator Paul called up Engrossed House Bill 1034 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 202: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1312

Senator R. Young called up Engrossed House Bill 1312 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 203: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 24 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 15 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 13, 114, 148, and 212 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed with amendments Engrossed Senate Bills 154 and 274 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on February 1, 2012, signed House Enrolled Act 1001.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on February 14, 2012, signed House Enrolled Act 1016.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on February 16, 2012, signed House Enrolled Acts: 1009, 1112, and 1148.

DAVID C. LONG
President Pro Tempore

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1186.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Banks be added as cosponsor of Engrossed House Bill 1205.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Banks be added as cosponsor of Engrossed House Bill 1150.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Merritt and Breaux be added as coauthors of Senate Concurrent Resolution 18.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1060.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kruse, Leising, and Banks be added as coauthors of Senate Resolution 38.

SCHNEIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be removed as cosponsor of Engrossed House Bill 1192.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be removed as sponsor of Engrossed House Bill 1192 and that Senator Miller be substituted therefor.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be removed as third sponsor of Engrossed House Bill 1192.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be removed as second sponsor of Engrossed House Bill 1192.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second sponsor and Senator Gard be added as third sponsor of Engrossed House Bill 1192.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Zakas, Arnold, and Mishler be added as cosponsors of House Concurrent Resolution 23.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as cosponsor of Engrossed House Bill 1129.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1238.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as cosponsor of Engrossed House Bill 1186.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hume and Taylor be added as cosponsors of Engrossed House Bill 1033.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Charbonneau and Holdman be added as cosponsors of Engrossed House Bill 1111.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second sponsor of Engrossed House Bill 1376.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be removed as sponsor of Engrossed House Bill 1224 and that Senator Head be substituted therefor.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as third sponsor of Engrossed House Bill 1224.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as cosponsor of Engrossed House Bill 1312.

R. YOUNG

Motion prevailed.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on February 16, 2012, signed Senate Enrolled Acts: 13, 148, and 212.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 15th day of February, 2012, signed House Enrolled Act 1016.

REBECCA S. SKILLMAN
Lieutenant Governor

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 20, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 2:45 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Twenty-fourth Meeting Day Monday Afternoon February 20, 2012

The Senate convened at 2:03 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Patricia L. Miller.

The Pledge of Allegiance to the Flag was led by Senator Miller.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 204: present 50. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 19

Senate Concurrent Resolution 19, introduced by Senators Banks, Kruse, Wyss, Holdman, and Glick:

A CONCURRENT RESOLUTION urging the Legislative Council to assign an interim study committee to review the current oversight structure applicable to IPFW.

Whereas, IPFW is a growing campus with a diverse student population and numerous academic offerings; and

Whereas, Under the current structure, IPFW operates independently, but is overseen by Purdue University: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly urges the Legislative Council to assign an interim study committee to review the current oversight structure applicable to IPFW and to make recommendations for any changes in the current structure that the committee determines should be considered.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council through the Executive Director of the Legislative Services Agency.

The resolution was read in full and referred to the Committee on Education and Career Development.

Senate Resolution 42

Senate Resolution 42, introduced by Senator Yoder:

A SENATE RESOLUTION urging the Legislative Council to assign to the Child Custody and Support Advisory Committee, or another appropriate committee, the study of various Department of Child Services matters.

Whereas, The safety of Hoosier children is paramount. It is important to study the effectiveness of the Department of Child Services as it relates to the protection of our state's most vulnerable children; and

Whereas, In order to determine the effectiveness of the Department of Child Services, it is important to study the relationship between the Department, IARCCA, and the providers with whom they work. In addition, consideration should be given to the efficiency of the ombudsman program: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate urges the Legislative Council to assign to the Child Custody and Support Advisory Committee, or another committee, the study of the above topics, and any additional Department of Child Services matters as deemed appropriate.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council through the Executive Director of the Legislative Services Agency.

The resolution was read in full and referred to the Committee on Judiciary.

Senate Resolution 44

Senate Resolution 44, introduced by Senator Waterman:

A SENATE RESOLUTION affirming support for increasing Taiwan's international space and participation in and contribution to, the global community.

Whereas, The Republic of China (Taiwan) has achieved economic and social stability and in the last two decades, been lauded as a beacon of democracy for Asia, dramatically improved its record on human rights, and taken great steps forward to enter the world arena as a trusted partner;

Whereas, Indiana has a strong cultural and economic relationship with Taiwan since establishing sister-state relations with Taiwan on November 6, 1979;

Whereas, Taiwan's absence from international organizations dealing with climate change has impeded Taiwan's ability to respond to natural disasters like Typhoon Morakot, which struck Taiwan in the summer of 2009 during an unusually bad typhoon season in the Pacific region;

Whereas, The Taiwan government is grateful for the assistance and condolences of the international community in the wake of Typhoon Morakot as dozens of international organizations and nations stepped up to help, including the United States, which supplied military equipment for rescue and recovery operations, the European Union, Japan, and the Chinese mainland;

Whereas, Since 2001, aviation safety has become a major global concern. Taiwan is a key air transport hub in the Asia-Pacific region, with over 1.35 million flights passing through the Taipei Information Region, and has the world's 15th largest airport by cargo volume, Taoyuan International Airport; and

Whereas, The Taiwan government has undertaken a policy of "flexible diplomacy" in its international relations and a pragmatic approach to China, having completed a number of cross-strait liberalization measures, including regular, direct passenger flights between mainland China and Taiwan and other goodwill measures resulting in reciprocal gestures and rapproachment between Taipei and Beijing: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate affirms its support for the participation of Taiwan in the United Nations Framework Convention on Climate Change (UNFCCC) and the International Civil Aviation Organization (ICAO) to increase Taiwan's contribution to the global community.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit copies of this Resolution to U.S. Secretary of State, Hilary Clinton; Executive Secretary of the UNFCCC, Christiana Figueres; Raymond Benjamin, Secretary General of the ICAO; and the Taipei Economic and Cultural Officer in Chicago, Illinois.

The resolution was read in full and referred to the Committee on Appropriations.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Technology, to which was referred Engrossed House Bill 1201, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 20, delete "for the direct benefit of students, faculty, and staff." and insert "**in furtherance of education or research for the direct benefit of students, faculty, or staff. The provision of communications service under this subdivision may include the provision of communications service to a person that is not a state educational institution or a private postsecondary educational institution if:**

(A) the person has a research and development relationship with a state educational institution or a private postsecondary educational institution; and

(B) the communications service required by and provided to the person:

(i) is a one (1) gigabit per second or greater network connection;

(ii) is used in furtherance of the research and development relationship only;

(iii) is provided only for a specific research and development project;

(iv) is provided only for the limited duration of the specific research and development project; and

(v) is not provided in competition with private sector communications service providers' provision of communications service.

(3) The provision of communications service to member licensees of Indiana Public Broadcasting Stations, Inc., for the direct benefit of public broadcasting.".

Page 3, line 8, delete "(a)," and insert "**(a) and IC 8-1-32.7-5(b)(2),**".

(Reference is to HB 1201 as printed January 23, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MERRITT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1190, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended

as follows:

Replace the effective date in SECTION 11 with "[EFFECTIVE JULY 1, 2012]".

Page 2, delete lines 4 through 42, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-4-4.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.2. (a) The county assessor of each county shall, before July 1, 2013, and before July 1 of every fourth year thereafter, prepare and submit to the department of local government finance a reassessment plan for the county. The following apply to a reassessment plan prepared and submitted under this section:**

(1) The reassessment plan is subject to approval by the department of local government finance. The department of local government finance shall complete its review and approval of the reassessment plan before March 1 of the year following the year in which the reassessment plan is submitted by the county.

(2) The department of local government finance shall determine the classes of real property to be used for purposes of this section.

(3) Except as provided in subsection (b), the reassessment plan must divide all parcels of real property in the county into four (4) different groups of parcels. Each group of parcels must contain approximately twenty-five percent (25%) of the parcels within each class of real property in the county.

(4) different groups of parcels. Each group of parcels must contain approximately twenty-five (25%) of the parcels within each class of real property in the county.

(5) Except as provided in subsection (b), all real property in each group of parcels shall be reassessed under the county's reassessment plan once during each four (4) year cycle.

(6) The reassessment of a group of parcels in a particular class of real property must begin on July 1 of a year.

(7) The reassessment of parcels:

(A) must include a physical inspection of each parcel of real property in the group of parcels that is being reassessed; and

(B) must be completed on or before March 1 of the year after the year in which the reassessment of the group of parcels begins.

(8) For real property included in a group of parcels that is reassessed, the reassessment is the basis for taxes payable in the year following the year in which the reassessment is to be completed.

(9) The reassessment plan must specify the dates by which the assessor must submit land values under section 13.6 of this chapter to the county property tax assessment board of appeals.

(10) Subject to review and approval by the department of local government finance, the county assessor may modify the reassessment plan.

(b) A county may submit a reassessment plan that provides for reassessing more than twenty-five percent (25%) of all parcels of real property in the county in a particular year. A plan may provide that all parcels are to be reassessed in one (1) year. However, a plan must cover a four (4) year period. All real property in each group of parcels must be reassessed under the county's reassessment plan once during each reassessment cycle.

(c) The reassessment of the first group of parcels under a county's reassessment plan shall begin on July 1, 2014, and must be completed on or before March 1, 2015.".

Page 3, delete lines 1 through 8.

Page 4, line 13, strike "a".

Page 4, line 14, after "property" insert "**that is**".

Page 4, line 14, after "chapter" insert "**and**".

Page 5, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 7. IC 6-1.1-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9. In order to maintain a just and equitable valuation of real property, the department of local government finance may adopt a resolution declaring its belief that it is necessary to reassess all or a portion of the real property located within this state. If the department of local government finance adopts a reassessment resolution and if either a township or a larger area is involved **(for assessments before March 1, 2015) or one (1) or more groups of parcels under the county's reassessment plan are involved (for assessments after February 28, 2015),** the department shall hold a hearing concerning the necessity for the reassessment at the courthouse of the county in which the property is located. The department of local government finance shall give notice of the time and place of the hearing in the manner provided in section 10 of this chapter. After the hearing, or if the area involved is less than a township **(for assessments before March 1, 2015) or is less than one (1) group of parcels under the county's reassessment plan (for assessments after February 28, 2015),** after the adoption of the resolution of the department of local government finance, the department may order any reassessment it deems necessary. The order shall specify the time within which the reassessment must be completed and the date the reassessment will become effective.".

Page 6, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 9. IC 6-1.1-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 29, 2012 (RETROACTIVE)]: Sec. 13. (a) In assessing or reassessing land, the land shall be assessed as agricultural land only when it is devoted to agricultural use.

(b) The department of local government finance shall give written notice to each county assessor of:

(1) the availability of the United States Department of Agriculture's soil survey data; and

(2) the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map.

All assessing officials and the property tax assessment board of appeals shall use the data in determining the true tax value of agricultural land. **However, notwithstanding the availability of new soil productivity factors and the department of local**

government finance's notice of the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map for the March 1, 2012, assessment date, the soil productivity factors used for the March 1, 2011, assessment date shall be used for the March 1, 2012, assessment date. New soil productivity factors shall be used for assessment dates occurring after March 1, 2012.

(c) The department of local government finance shall by rule provide for the method for determining the true tax value of each parcel of agricultural land.

(d) This section does not apply to land purchased for industrial, commercial, or residential uses.

SECTION 10. IC 6-1.1-4-13.6, AS AMENDED BY P.L.113-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13.6. (a) The county assessor shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the department of local government finance. ~~Not later than July 1, 2011, and every fourth year thereafter,~~ The assessor determining the values of land shall submit the values to the county property tax assessment board of appeals **by the dates specified in the county's reassessment plan under section 4.2 of this chapter.**

(b) If the county assessor fails to determine land values under subsection (a) before the ~~July 1 deadline,~~ **deadlines in the county's reassessment plan under section 4.2 of this chapter,** the county property tax assessment board of appeals shall determine the values. If the county property tax assessment board of appeals fails to determine the values before the land values become effective, the department of local government finance shall determine the values.

(c) The county assessor shall notify all township assessors in the county (if any) of the values. Assessing officials shall use the values determined under this section.

(d) A petition for the review of the land values determined by a county assessor under this section may be filed with the department of local government finance not later than forty-five (45) days after the county assessor makes the determination of the land values. The petition must be signed by at least the lesser of:

(1) one hundred (100) property owners in the county; or

(2) five percent (5%) of the property owners in the county.

(e) Upon receipt of a petition for review under subsection (d), the department of local government finance:

(1) shall review the land values determined by the county assessor; and

(2) after a public hearing, shall:

(A) approve;

(B) modify; or

(C) disapprove;

the land values.".

Page 8, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 14. IC 6-1.1-4-21.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 21.4. (a) The appraisals of the parcels in a group under a county's reassessment plan prepared under section 4.2 of this chapter that are subject to taxation must be completed as follows:**

(1) The appraisal of one-third (1/3) of the parcels must be completed before October 1 of the year in which the group's reassessment under the county reassessment plan begins.

(2) The appraisal of two-thirds (2/3) of the parcels must be completed before January 1 of the year following the year in which the group's reassessment under the county reassessment plan begins.

(3) The appraisal of all the parcels must be completed before March 1 of the year following the year in which the group's reassessment under the county reassessment plan begins.

(b) If a county assessor employs a professional appraiser or a professional appraisal firm to make real property appraisals of a group of parcels under a county's reassessment plan, the professional appraiser or appraisal firm must file appraisal reports with the county assessor by the dates set forth in subsection (a).

SECTION 15. IC 6-1.1-4-22, AS AMENDED BY P.L.136-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 22. (a) If any assessing official assesses or reassesses any real property under this article **(including an annual adjustment under section 4.5 of this chapter)** the official shall give notice to the taxpayer and the county assessor, by mail **or by using electronic mail that includes a secure Internet link to the information in the notice,** of the amount of the assessment or reassessment.

(b) ~~During a period of general reassessment,~~ Each township or county assessor shall ~~mail~~ **provide** the notice required by this section ~~within~~ **by the earlier of:**

(1) ninety (90) days after the assessor:

~~(1)~~ **(A)** completes the appraisal of a parcel; or

~~(2)~~ **(B)** receives a report for a parcel from a professional appraiser or professional appraisal firm; **or**

(2) April 10 of the year containing the assessment date for which the assessment or reassessment first applies.

(c) The notice required by this section is in addition to any required notice of assessment or reassessment included in a property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.

~~(c)~~ **(d)** The notice required by this section must include notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1.

~~(d)~~ **(e)** Notice of the opportunity to appeal the assessed valuation required under subsection ~~(c)~~ **(d)** must include the following:

(1) The procedure that a taxpayer must follow to appeal the assessment or reassessment.

(2) The forms that must be filed for an appeal of the assessment or reassessment.

(3) Notice that an appeal of the assessment or reassessment requires evidence relevant to the true tax value of the taxpayer's property as of the assessment date.

SECTION 16. IC 6-1.1-4-27.5, AS AMENDED BY P.L.172-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 27.5. (a) The auditor of each county shall establish a property

reassessment fund. The county treasurer shall deposit all collections resulting from the property taxes that the county levies for the county's property reassessment fund.

~~(b) With respect to the general reassessment of real property that is to commence on July 1, 2010, the county council of each county shall, for property taxes due in 2006, 2007, 2008, and 2009, levy in each year against all the taxable property in the county an amount equal to one-fourth (1/4) of the remainder of:~~

~~(1) the estimated costs referred to in section 28.5(a) of this chapter; minus~~

~~(2) the amount levied under this section by the county council for property taxes due in 2004 and 2005.~~

~~(c)~~ **(b)** With respect to a ~~general~~ reassessment of real property ~~that is to commence on July 1, 2015, and each fifth year thereafter,~~ **under a county's reassessment plan under section 4.2 of this chapter,** the county council of each county shall, for property taxes due ~~in the year that the general reassessment is to commence and the four (4) years preceding that~~ **each** year, levy against all the taxable property in the county an amount equal to ~~one-fifth (1/5) of~~ the estimated costs of the ~~general~~ reassessment under section 28.5 of this chapter **for the group of parcels to be reassessed in that year.**

~~(d)~~ **(c)** The department of local government finance shall give to each county council notice, before January 1 in a year, of the tax levies required by this section for that year.

~~(e)~~ **(d)** The department of local government finance may raise or lower the property tax levy under this section for a year if the department determines it is appropriate because the estimated cost of:

(1) a ~~general~~ reassessment **of one (1) or more groups of parcels under a county's reassessment plan prepared under section 4.2 of this chapter;** or

(2) making annual adjustments under section 4.5 of this chapter;

has changed.

~~(f)~~ **(e)** The county assessor may petition the county fiscal body to increase the levy under subsection (b) ~~or (c)~~ to pay for the costs of:

(1) a ~~general~~ reassessment **of one (1) or more groups of parcels under a county's reassessment plan prepared under section 4.2 of this chapter;**

(2) verification under 50 IAC 21-3-2 of sales disclosure forms forwarded to the county assessor under IC 6-1.1-5.5-3; or

(3) processing annual adjustments under section 4.5 of this chapter.

The assessor must document the needs and reasons for the increased funding.

~~(g)~~ **(f)** If the county fiscal body denies a petition under subsection ~~(f),~~ **(e),** the county assessor may appeal to the department of local government finance. The department of local government finance shall:

(1) hear the appeal; and

(2) determine whether the additional levy is necessary.".

Delete page 9.

Page 10, delete lines 1 through 37.

Page 12, delete lines 15 through 42 and insert:

"SECTION 19. IC 6-1.1-4-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 30. **(a)** In making any assessment or reassessment of real property in the interim between general reassessments **under section 4 of this chapter,** the rules, regulations, and standards for assessment are the same as those used in the preceding general reassessment.

(b) In making any assessment or reassessment of real property between reassessments of that real property under a county's reassessment plan prepared under section 4.2 of this chapter, the rules, regulations, and standards for assessment are the same as those used for that real property in the preceding reassessment of that group of parcels under a county's reassessment plan.

SECTION 20. IC 6-1.1-4-31, AS AMENDED BY P.L.113-2010, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 31. (a) The department of local government finance shall periodically check the conduct of:

(1) a general reassessment ~~of property~~ **under section 4 of this chapter;**

(2) a reassessment of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter;

~~(2)~~ **(3)** work required to be performed by local officials under 50 IAC 21; and

~~(3)~~ **(4)** other property assessment activities in the county, as determined by the department.

The department of local government finance may inform township assessors (if any), county assessors, and the presidents of county councils in writing if its check reveals that the general reassessment, **the reassessment of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter,** or other property assessment activities are not being properly conducted, work required to be performed by local officials under 50 IAC 21 is not being properly conducted, or property assessments are not being properly made.

(b) The failure of the department of local government finance to inform local officials under subsection (a) shall not be construed as an indication by the department that:

(1) the general reassessment **under section 4 of this chapter, a reassessment of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter,** or other property assessment activities are being properly conducted;

(2) work required to be performed by local officials under 50 IAC 21 is being properly conducted; or

(3) property assessments are being properly made.

(c) If the department of local government finance:

(1) determines under subsection (a) that a general reassessment **under section 4 of this chapter, a reassessment of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter,** or other assessment activities ~~for a general reassessment year or any other year~~ are not being properly conducted; and

(2) informs:

(A) the township assessor (if any) of each affected township;

(B) the county assessor; and
(C) the president of the county council;
in writing under subsection (a);
the department may order a state conducted assessment or reassessment under section 31.5 of this chapter to begin not less than sixty (60) days after the date of the notice under subdivision (2).

(d) If the department of local government finance:
(1) determines under subsection (a) that work required to be performed by local officials under 50 IAC 21 is not being properly conducted; and
(2) informs:
(A) the township assessor of each affected township (if any);
(B) the county assessor; and
(C) the president of the county council;
in writing under subsection (a);
the department may conduct the work or contract to have the work conducted to begin not less than sixty (60) days after the date of the notice under subdivision (2). If the department determines during the period between the date of the notice under subdivision (2) and the proposed date for beginning the work or having the work conducted that work required to be performed by local officials under 50 IAC 21 is being properly conducted, the department may rescind the order.

(e) If the department of local government finance contracts to have work conducted under subsection (d), the department shall forward the bill for the services to the county and the county shall pay the bill under the same procedures that apply to county payments of bills for assessment or reassessment services under section 31.5 of this chapter.

(f) A county council president who is informed by the department of local government finance under subsection (a) shall provide the information to the board of county commissioners. A board of county commissioners that receives information under this subsection may adopt an ordinance to do either or both of the following:
(1) Determine that:
(A) the information indicates that the county assessor has failed to perform adequately the duties of county assessor; and
(B) by that failure the county assessor forfeits the office of county assessor and is subject to removal from office by an information filed under IC 34-17-2-1(b).
(2) Determine that:
(A) the information indicates that one (1) or more township assessors in the county have failed to perform adequately the duties of township assessor; and
(B) by that failure the township assessor or township assessors forfeit the office of township assessor and are subject to removal from office by an information filed under IC 34-17-2-1(b).

(g) A city-county council that is informed by the department of local government finance under subsection (a) may adopt an ordinance making the determination or determinations referred to in subsection (f).

SECTION 21. IC 6-1.1-4-31.5, AS AMENDED BY P.L.146-2008, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 31.5. (a) As used in this section, "department" refers to the department of local government finance.

(b) If the department makes a determination and informs local officials under section 31(c) of this chapter, the department may order a state conducted assessment or reassessment in the county subject to the time limitation in that subsection.

(c) If the department orders a state conducted assessment or reassessment in a county, the department shall assume the duties of the county assessor. Notwithstanding sections 15 and 17 of this chapter, a county assessor subject to an order issued under this section may not assess property or have property assessed for the assessment or general reassessment **under section 4 of this chapter or under a county's reassessment plan prepared under section 4.2 of this chapter.** Until the state conducted assessment or reassessment is completed under this section, the assessment or reassessment duties of the county assessor are limited to providing the department or a contractor of the department the support and information requested by the department or the contractor.

(d) Before assuming the duties of a county assessor, the department shall transmit a copy of the department's order requiring a state conducted assessment or reassessment to the county assessor, the county fiscal body, the county auditor, and the county treasurer. Notice of the department's actions must be published one (1) time in a newspaper of general circulation published in the county. The department is not required to conduct a public hearing before taking action under this section.

(e) A county assessor subject to an order issued under this section shall, at the request of the department or the department's contractor, make available and provide access to all:
(1) data;
(2) records;
(3) maps;
(4) parcel record cards;
(5) forms;
(6) computer software systems;
(7) computer hardware systems; and
(8) other information;
related to the assessment or reassessment of real property in the county. The information described in this subsection must be provided at no cost to the department or the contractor of the department. A failure to provide information requested under this subsection constitutes a failure to perform a duty related to an assessment or a general reassessment **under section 4 of this chapter or under a county's reassessment plan prepared under section 4.2 of this chapter** and is subject to IC 6-1.1-37-2.

(f) The department may enter into a contract with a professional appraising firm to conduct an assessment or reassessment under this section. If a county entered into a contract with a professional appraising firm to conduct the county's assessment or reassessment before the department orders a state conducted assessment or reassessment in the county under this section, the contract:

(1) is as valid as if it had been entered into by the department; and

(2) shall be treated as the contract of the department.

(g) After receiving the report of assessed values from the appraisal firm acting under a contract described in subsection (f), the department shall give notice to the taxpayer and the county assessor, by mail, of the amount of the assessment or reassessment. The notice of assessment or reassessment:

(1) is subject to appeal by the taxpayer under section 31.7 of this chapter; and

(2) must include a statement of the taxpayer's rights under section 31.7 of this chapter.

(h) The department shall forward a bill for services provided under a contract described in subsection (f) to the auditor of the county in which the state conducted reassessment occurs. The county shall pay the bill under the procedures prescribed by subsection (i).

(i) A county subject to an order issued under this section shall pay the cost of a contract described in subsection (f), without appropriation, from the county property reassessment fund. A contractor may periodically submit bills for partial payment of work performed under the contract. Notwithstanding any other law, a contractor is entitled to payment under this subsection for work performed under a contract if the contractor:

(1) submits to the department a fully itemized, certified bill in the form required by IC 5-11-10-1 for the costs of the work performed under the contract;

(2) obtains from the department:

(A) approval of the form and amount of the bill; and

(B) a certification that the billed goods and services have been received and comply with the contract; and

(3) files with the county auditor:

(A) a duplicate copy of the bill submitted to the department;

(B) proof of the department's approval of the form and amount of the bill; and

(C) the department's certification that the billed goods and services have been received and comply with the contract.

The department's approval and certification of a bill under subdivision (2) shall be treated as conclusively resolving the merits of a contractor's claim. Upon receipt of the documentation described in subdivision (3), the county auditor shall immediately certify that the bill is true and correct without further audit and submit the claim to the county executive. The county executive shall allow the claim, in full, as approved by the department, without further examination of the merits of the claim in a regular or special session that is held not less than three (3) days and not more than seven (7) days after the date the claim is certified by the county fiscal officer if the procedures in IC 5-11-10-2 are used to approve the claim or the date the claim is placed on the claim docket under IC 36-2-6-4 if the procedures in IC 36-2-6-4 are used to approve the claim. Upon allowance of the claim by the county executive, the county auditor shall immediately issue a warrant or check for the full amount of the claim approved by the department. Compliance with this subsection constitutes compliance with IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and payment of a claim in compliance with this subsection is not subject to remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies to a fiscal officer who pays a claim in compliance with this subsection.

(j) Notwithstanding IC 4-13-2, a period of seven (7) days is permitted for each of the following to review and act under IC 4-13-2 on a contract of the department entered into under this section:

(1) The commissioner of the Indiana department of administration.

(2) The director of the budget agency.

(3) The attorney general.

(k) If money in the county's property reassessment fund is insufficient to pay for an assessment or reassessment conducted under this section, the department may increase the tax rate and tax levy of the county's property reassessment fund to pay the cost and expenses related to the assessment or reassessment.

(l) The department or the contractor of the department shall use the land values determined under section 13.6 of this chapter for a county subject to an order issued under this section to the extent that the department or the contractor finds that the land values reflect the true tax value of land, as determined under this article and the rules of the department. If the department or the contractor finds that the land values determined for the county under section 13.6 of this chapter do not reflect the true tax value of land, the department or the contractor shall determine land values for the county that reflect the true tax value of land, as determined under this article and the rules of the department. Land values determined under this subsection shall be used to the same extent as if the land values had been determined under section 13.6 of this chapter. The department or the contractor of the department shall notify the county's assessing officials of the land values determined under this subsection.

(m) A contractor of the department may notify the department if:

(1) a county auditor fails to:

(A) certify the contractor's bill;

(B) publish the contractor's claim;

(C) submit the contractor's claim to the county executive; or

(D) issue a warrant or check for payment of the contractor's bill;

as required by subsection (i) at the county auditor's first legal opportunity to do so;

(2) a county executive fails to allow the contractor's claim as legally required by subsection (i) at the county executive's first legal opportunity to do so; or

(3) a person or an entity authorized to act on behalf of the county takes or fails to take an action, including failure to request an appropriation, and that action or failure to act delays or halts progress under this section for payment of the contractor's bill.

(n) The department, upon receiving notice under subsection (m) from a contractor of the department, shall:

(1) verify the accuracy of the contractor's assertion in the notice that:

(A) a failure occurred as described in subsection (m)(1) or (m)(2); or

(B) a person or an entity acted or failed to act as described in subsection (m)(3); and

(2) provide to the treasurer of state the department's approval under subsection (i)(2)(A) of the contractor's bill with respect to which the contractor gave notice under subsection (m).

(o) Upon receipt of the department's approval of a contractor's bill under subsection (n), the treasurer of state shall pay the contractor the amount of the bill approved by the department from money in the possession of the state that would otherwise be available for distribution to the county, including distributions of admissions taxes or wagering taxes.

(p) The treasurer of state shall withhold from the money that would be distributed under IC 4-33-12-6, IC 4-33-13-5, or any other law to a county described in a notice provided under subsection (m) the amount of a payment made by the treasurer of state to the contractor of the department under subsection (o). Money shall be withheld from any source payable to the county.

(q) Compliance with subsections (m) through (p) constitutes compliance with IC 5-11-10.

(r) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to the payment made in compliance with subsections (m) through (p). This subsection and subsections (m) through (p) must be interpreted liberally so that the state shall, to the extent legally valid, ensure that the contractual obligations of a county subject to this section are paid. Nothing in this section shall be construed to create a debt of the state.

(s) The provisions of this section are severable as provided in IC 1-1-1-8(b).".

Delete page 13.

Page 14, delete lines 1 through 30.

Page 16, line 10, reset in roman "The".

Page 16, line 10, delete "A".

Page 16, line 10, reset in roman "prescribed by".

Page 16, line 10, delete "determined under".

Page 16, line 12, reset in roman "the method set forth in"

Page 16, line 12, delete "an alternative abatement schedule".

Page 16, line 13, delete "provided under".

Page 16, line 18, reset in roman "general".

page 16, line 35, reset in roman "(d)(10).".

Page 16, line 35, delete "(d)(5).".

Page 26, line 37, delete ";" and insert ",".

Page 26, line 37, strike "excluding".

Page 26, line 38, strike "years in which a general reassessment".

Page 26, line 38, delete "under IC 6-1.1-4-4".

Page 26, line 38, strike "occurs,".

Page 26, line 39, strike "determined".

Page 26, line 40, delete ";" and insert "**to account for reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2;**".

Page 30, line 6, after "general" insert "**the**".

Page 30, line 12, strike "general" and insert "**the**".

Page 30, line 12, after "reassessment" insert "**under IC 6-1.1-4-4 or IC 6-1.1-4-4.2**".

Page 30, line 13, after "general" insert "**the**".

Page 30, line 18, delete "or IC 6-1.1-4-4.2".

Page 31, line 21, after "general" insert "**the**".

Page 31, line 27, after "general" insert "**the**".

Page 31, line 29, after "general" insert "**the**".

Page 33, line 24, after "general" insert "**the**".

Page 33, line 30, after "general" insert "**the**".

Page 33, line 32, strike "general" and insert "**the**".

Page 33, line 36, delete "or IC 6-1.1-4-4.2".

Page 34, line 41, delete "county's".

Page 67, line 35, after "area" insert "**under IC 6-1.1-4-4** ".

Page 85, after line 9, begin a new paragraph and insert:

"SECTION 52. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1190 as printed January 23, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Technology, to which was referred Engrossed House Bill 1117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-2-125 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 125. (a) As used in this section, "not-for-profit utility" means a public water or sewer utility that:

(1) does not have shareholders;

(2) does not engage in any activities for the profit of its trustees, directors, incorporators, or members; and

(3) is organized and conducts its affairs for purposes other than the pecuniary gain of its trustees, directors, incorporators, or members.

The term does not include a conservancy district established under IC 14-33 or, for purposes of subsections (f), (g), (h), (i), (j), and (k), a utility company owned, operated, or held in trust by a consolidated city.

(b) As used in this section, "sewage disposal system" means a privy, cesspool, septic tank, or other similar structure. The term includes a septic tank soil absorption system (as defined in IC 13-11-2-199.5). The term does not include a sewer system operated by a not-for-profit public sewer utility.

~~(b)~~ **(c)** A not-for-profit utility shall be required to furnish reasonably adequate services and facilities. The charge made by any not-for-profit utility for any service rendered or to be rendered, either directly or in connection with the service, must be nondiscriminatory, reasonable, and just. Each discriminatory, unjust, or unreasonable charge for the service is prohibited and unlawful.

~~(c)~~ **(d)** A reasonable and just charge for water or sewer service within the meaning of this section is a charge that will produce sufficient revenue to pay all legal and other necessary expense

incident to the operation of the not-for-profit utility's system, including the following:

(1) Maintenance and repair costs.

(2) Operating charges.

(3) Interest charges on bonds or other obligations.

(4) Provision for a sinking fund for the liquidation of bonds or other evidences of indebtedness.

(5) Provision for a debt service reserve for bonds or other obligations in an amount not to exceed the maximum annual debt service on the bonds or obligations.

(6) Provision of adequate funds to be used as working capital.

(7) Provision for making extensions and replacements.

(8) The payment of any taxes that may be assessed against the not-for-profit utility or its property.

The charges must produce an income sufficient to maintain the not-for-profit utility's property in sound physical and financial condition to render adequate and efficient service. A rate too low to meet these requirements is unlawful.

~~(d)~~ **(e)** Except as provided in ~~subsection (e),~~ **subsections (f) and (h),** a not-for-profit public sewer utility may require connection to its sewer system of property producing sewage or similar waste and require the discontinuance of use of ~~privies, cesspools, septic tanks, and similar structures,~~ **a sewage disposal system** if:

(1) there is an available sanitary sewer within three hundred (300) feet of the property line; and

(2) the utility has given written notice by certified mail to the property owner at the address of the property at least ninety (90) days before the date for connection stated in the notice.

The notice given under subdivision (2) must also inform the property owner, other than an owner of property located in a consolidated city, that the property owner may qualify for an exemption as set forth in subsection (f).

~~(c) A not-for profit sewer utility may not require connection to its sewer system of property producing sewage or similar waste and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures if the source of the waste is more than five hundred (500) feet from the point of connection to its sewer system.~~

(f) Subject to subsection (h), a property owner is exempt from the requirement to connect to a not-for-profit public sewer utility's sewer system and to discontinue use of a sewage disposal system if the following conditions are met:

(1) The property owner's sewage disposal system was new at the time of installation and approved in writing by the local health department.

(2) The property owner, at the property owner's expense, obtains and provides to the not-for-profit public sewer utility a certification from the local health department or the department's designee that the sewage disposal system is functioning satisfactorily. If the local health department or the department's designee denies the issuance of a certificate to the property owner, the property owner may appeal the denial to the board of the local health department. The decision of the board is final and binding.

(3) The property owner provides the not-for-profit public sewer utility with:

(A) the written notification of potential qualification for the exemption described in subsection (i); and

(B) the certification described in subdivision (2);

within the time limits set forth in subsection (i).

(g) If a property owner, within the time allowed under subsection (i), notifies a not-for-profit public sewer utility in writing that the property owner qualifies for the exemption under this section, the not-for-profit public sewer utility shall, until the property owner's eligibility for an exemption under this section is determined, suspend the requirement that the property owner discontinue use of a sewage disposal system and connect to the not-for-profit public sewer utility's sewer system.

(h) A property owner who qualifies for the exemption provided under this section may not be required to connect to the not-for-profit public sewer utility's sewer system for a period of ten (10) years beginning on the date the new sewage disposal system was installed. A property owner may apply for two (2) five (5) year extensions of the exemption provided under this section by following the procedures set forth in subsections (f) and (g). If ownership of an exempt property is transferred during a valid exemption period, including during an extension of an initial exemption:

(1) the exemption applies to the subsequent owner of the property for the remainder of the exemption period during which the transfer occurred; and

(2) the subsequent owner may apply for any remaining extensions.

However, the total period during which a property may be exempt from the requirement to connect to a district's sewer system under this section may not exceed twenty (20) years, regardless of ownership of the property.

(i) To qualify for an exemption under this section, a property owner must:

(1) within sixty (60) days after the date of the written notice given to the property owner under subsection (h), notify the not-for-profit public sewer utility in writing that the property owner qualifies for the exemption under this section; and

(2) within sixty (60) days after the not-for-profit public sewer utility receives the written notice provided under subdivision (1), provide the not-for-profit public sewer utility with the certification required under subsection (f)(2).

(j) When a property owner who qualifies for an exemption under this section subsequently discontinues use of the property owner's sewage disposal system and connects to the not-for-profit public sewer utility's sewer system, the property owner may be required to pay only the following to connect to the sewer system:

(1) The connection fee the property owner would have paid if the property owner connected to the sewer system on the first date the property owner could have connected to the sewer system.

(2) Any additional costs:

(A) considered necessary by; and

(B) supported by documentary evidence provided by;

the not-for-profit public sewer utility.

(k) A not-for-profit public sewer utility may not require a property owner to connect to the not-for-profit public sewer utility's sewer system if:

(1) the property is located on at least ten (10) acres;

(2) the owner can demonstrate the availability of at least two (2) areas on the property for the collection and treatment of sewage that will protect human health and the environment;

(3) the waste stream from the property is limited to domestic sewage from a residence or business;

(4) the system used to collect and treat the domestic sewage has a maximum design flow of seven hundred fifty (750) gallons per day; and

(5) the owner, at the owner's expense, obtains and provides to the district a certification from the local health department or the department's designee that the system is functioning satisfactorily.

(l) A property owner who connects to a not-for-profit public sewer utility's sewer system may provide, at the owner's expense, labor, equipment, materials, or any combination of labor, equipment, and materials from any source to accomplish the connection to the sewer system, subject to inspection and approval by the not-for-profit public sewer utility.

(m) This section does not prohibit the state department of health, a local health department, or a county health officer from proceeding under IC 16-41-20 to declare a dwelling served by a sewage disposal system a public nuisance and pursuing all available remedies.

SECTION 2. IC 8-1-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A public utility, except in cities of the third class, engaged in the production, transmission, delivery, or furnishing of heat, light, water, or power or for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid sewage or furnishing facilities for transmission of intelligence by electricity to towns and cities and to the public in general or for the furnishing of elevator or warehouse service, either directly or indirectly, to or for the public, for the purpose of enabling it to perform its functions, may appropriate and condemn lands of individuals and private corporations, or any easement in any lands, necessary to the carrying out of its objects, whether the same be for its building, structures, dams, line of poles, wires, mains, conduits, and pipelines, or right-of-way to accommodate railway siding or switch tracks connecting its plant or plants with the tracks of any common carrier, overflowage by backwater from its dams, waste, or sluiceways.

(b) However, within the limits of any incorporated town or city, the authority to appropriate does not:

(1) extend to lands situated in any city block in which more than fifty percent (50%) of the frontage is devoted to residence purposes;

(2) extend to common carriers engaged in the transportation of freight or passengers; or

(3) give to any public utility any right or authority to:

(A) appropriate any land or easement within the corporate limits of any city for overflowage by backwater from any dam;

(B) appropriate or acquire any dam, race, or sluiceway existing on May 31, 1921, or any interest in either, except to use water for condensation purposes;

(C) appropriate or acquire any pipeline laid or contained within the limits of private property; or

(D) authorize any corporation developing hydroelectric power to unreasonably interfere with or disturb the natural flow of the stream from which power may be derived. Lands or easements in lands acquired by appropriation and condemnation shall be held and enjoyed by the company for those purposes as though the land or easement had been acquired by purchase.

(c) If a not-for-profit sewer utility (as described in IC 8-1-2-125(a)) appropriates or condemns land to acquire an easement or right-of-way necessary to carry out the not-for-profit sewer utility's objectives, the easement or right-of-way may not exceed fifty (50) feet in width.

~~(c)~~ **(d)** The appropriation and condemnation of lands and easements in lands authorized by this section must be done under the terms and conditions and in the manner prescribed by IC 32-24-1.

SECTION 3. IC 13-11-2-270 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 270. "Youth camp", for purposes of IC 13-26-11-2, means an area or a tract of land established, operated, or maintained to provide more than seventy-two (72) continuous hours of outdoor group living experiences:**

(1) away from established residences; and

(2) for educational, recreational, sectarian, or health purposes;

for at least ten (10) children who are less than eighteen (18) years of age and not accompanied by a parent or guardian.

SECTION 4. IC 13-26-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. (a) Before a representative may file a petition to establish a district, the representative must provide notice to all owners of property to be served by the proposed district that is the subject of the petition.**

(b) Notice under subsection (a) must be provided as follows:

(1) Beginning at least thirty (30) days before the date on which a public meeting under subsection (c) is scheduled, by publication of notice one (1) time each week for three (3) consecutive weeks in at least two (2) newspapers of general circulation in each of the counties, in whole or in part, in the proposed district. If there is only one (1) newspaper of general circulation in a county, a single publication each week for three (3) consecutive weeks satisfies the requirement of this subdivision.

(2) Either:

(A) by United States mail, postage prepaid, mailed to each freeholder within the proposed district; or

(B) by broadcasting at least three (3) public service announcements each day for fourteen (14) days on at least two (2) radio stations operating in each of the counties, in whole or in part, in the proposed district;

beginning at least fourteen (14) days before the date on which a public meeting under subsection (c) is scheduled.

(c) After providing notice under subsection (b), a representative that seeks to file a petition to establish a district must conduct a public meeting to discuss and receive comments on the proposed district.

(d) A representative may not file a petition to establish a district:

(1) more than one hundred eighty (180) or less than sixty (60) days after providing notice under subsection (b); or

(2) less than thirty (30) days after a meeting held under subsection (c).

SECTION 5. IC 13-26-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A petition to establish a district under this chapter must state the following:

(1) The proposed name of the district.

(2) The place in which the district's principal office is to be located.

(3) The following information:

(A) The need for the proposed district.

(B) The purpose to be accomplished.

(C) How the district will be conducive to the public health, safety, convenience, or welfare, including a specific statement of how:

(i) water supply, for a water district;

(ii) sewage collection, disposal, and treatment, for a sewage district; or

(iii) solid waste disposal, recovery, or treatment, for a solid waste district;

is currently being provided.

(D) Whether there is any outstanding indebtedness for the purpose proposed in the proposed district, including a statement as to how the current situation creates or adds to pollution or health hazards or impedes development in the area.

(4) An accurate description of the territory to be included in the district, which does not have to be given by metes and bounds or by legal subdivisions. The territory does not have to be contiguous, but the territory must be so situated that the public health, safety, convenience, or welfare will be promoted by the establishment as a single district of the territory described.

(5) The petitioner's recommendations on:

(A) the manner of selection;

(B) the number; and

(C) the term, not exceeding four (4) years;

of the members of the board of trustees.

(6) The plan for financing the cost of the operations of the district until the district is in receipt of revenue from the district's operations or proceeds from the sale of bonds.

(7) Estimates of the following:

(A) The costs of accomplishing the purpose of the district.

(B) The costs of operating and maintaining the works.

(C) The sources of the funding of these costs.

(D) The rates and charges that will be required.

(E) The median income for households in the proposed district based on the most recent federal decennial census.

(8) A summary of alternatives to creating the district.

SECTION 6. IC 13-26-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a)** An appointed trustee does not have to be a resident of the district.

(b) An appointed trustee must:

(1) own real property within the district;

(2) be a trustee appointed under section 4 or 5 of this chapter; or

(3) be an elected official who represents a political subdivision that has territory in the district.

SECTION 7. IC 13-26-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8. (a) When the board of a district conducts a public hearing or meeting, the board shall allow any person an opportunity to be heard:**

(1) in the presence of others who are present to testify; and

(2) in accordance with subsection (b).

(b) The board may limit testimony at a public hearing or meeting to a reasonable time stated at the opening of the public hearing or meeting.

SECTION 8. IC 13-26-5-2, AS AMENDED BY P.L.1-2009, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A district may do the following:

(1) Sue or be sued.

(2) Make contracts in the exercise of the rights, powers, and duties conferred upon the district.

(3) Adopt and alter a seal and use the seal by causing the seal to be impressed, affixed, reproduced, or otherwise used. However, the failure to affix a seal does not affect the validity of an instrument.

(4) Adopt, amend, and repeal the following:

(A) Bylaws for the administration of the district's affairs.

(B) Rules and regulations for the following:

(i) The control of the administration and operation of the district's service and facilities.

(ii) The exercise of all of the district's rights of ownership.

(5) Construct, acquire, lease, operate, or manage works and obtain rights, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property, whether real, personal, or mixed, of a person or an eligible entity.

(6) Assume in whole or in part any liability or obligation of:

(A) a person;

(B) a nonprofit water, sewage, or solid waste project system; or

(C) an eligible entity;

including a pledge of part or all of the net revenues of a works to the debt service on outstanding bonds of an entity in whole or in part in the district and including a right on the part of the district to indemnify and protect a contracting party from loss or liability by reason of the failure of the district to perform an agreement assumed by the district or to act or discharge an obligation.

(7) Fix, alter, charge, and collect reasonable rates and other charges in the area served by the district's facilities to every person whose premises are, whether directly or indirectly, supplied with water or provided with sewage or solid waste services by the facilities for the purpose of providing for the following:

(A) The payment of the expenses of the district.

(B) The construction, acquisition, improvement, extension, repair, maintenance, and operation of the district's facilities and properties.

(C) The payment of principal or interest on the district's obligations.

(D) To fulfill the terms of agreements made with:

(i) the purchasers or holders of any obligations; or

(ii) a person or an eligible entity.

(8) Except as provided in ~~section~~ **sections** 2.5 **and 2.6** of this chapter, require connection to the district's sewer system of property producing sewage or similar waste, and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures if:

(A) there is an available sanitary sewer within three hundred (300) feet of the property line;

(B) the district has given written notice by certified mail to the property owner at the address of the property at least ninety (90) days before a date for connection to be stated in the notice; and

(C) if the property is located outside the district's territory:

(i) the district has obtained and provided to the property owner (along with the notice required by clause (B)) a letter of recommendation from the local health department that there is a possible threat to the public's health; and

(ii) if the property is also located within the extraterritorial jurisdiction of a municipal sewage works under IC 36-9-23 or a public sanitation department under IC 36-9-25, the municipal works board or department of public sanitation has acknowledged in writing that the property is within the municipal sewage works or department of public sanitation's extraterritorial jurisdiction, but the municipal works board or department of public sanitation is unable to provide sewer service.

However, a district may not require the owner of a property described in this subdivision to connect to the district's sewer system if the property is already connected to a sewer system that has received an NPDES permit and has been determined to be functioning satisfactorily.

(9) Provide by ordinance for reasonable penalties for failure to connect and also apply to the circuit or superior court of the county in which the property is located for an order to force connection, with the cost of the action, including reasonable attorney's fees of the district, to be assessed by the court against the property owner in the action.

(10) Refuse the services of the district's facilities if the rates or other charges are not paid by the user.

(11) Control and supervise all property, works, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to the district.

(12) Construct, acquire by purchase or otherwise, operate, lease, preserve, and maintain works considered necessary to accomplish the purposes of the district's establishment within or outside the district and enter into contracts for the operation of works owned, leased, or held by another entity, whether public or private.

(13) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease as lessee or lessor, use, and sell interests in real and personal property or franchises within or outside the district for:

(A) the location or protection of works;

(B) the relocation of buildings, structures, and improvements situated on land required by the district or for any other necessary purpose; or

(C) obtaining or storing material to be used in constructing and maintaining the works.

(14) Upon consent of two-thirds (2/3) of the members of the board, merge or combine with another district into a single district on terms so that the surviving district:

(A) is possessed of all rights, franchises, and authority of the constituent districts; and

(B) is subject to all the liabilities, obligations, and duties of each of the constituent districts, with all rights of creditors of the constituent districts being preserved unimpaired.

(15) Provide by agreement with another eligible entity for the joint construction of works the district is authorized to construct if the construction is for the district's own benefit and that of the other entity. For this purpose the cooperating entities may jointly appropriate land either within or outside their respective borders if all subsequent proceedings, actions, powers, liabilities, rights, and duties are those set forth by statute.

(16) Enter into contracts with a person, an eligible entity, the state, or the United States to provide services to the contracting party for any of the following:

(A) The distribution or purification of water.

(B) The collection or treatment of sanitary sewage.

(C) The collection, disposal, or recovery of solid waste.

(17) Make provision for, contract for, or sell the district's byproducts or waste.

(18) Exercise the power of eminent domain, **including for purposes of siting sewer or water utility infrastructure, but only after the district attempts to use existing public**

rights-of-way or easements.

(19) Remove or change the location of a fence, building, railroad, canal, or other structure or improvement located within or outside the district. If:

(A) it is not feasible or economical to move the building, structure, or improvement situated in or upon land acquired; and

(B) the cost is determined by the board to be less than that of purchase or condemnation;

the district may acquire land and construct, acquire, or install buildings, structures, or improvements similar in purpose to be exchanged for the buildings, structures, or improvements under contracts entered into between the owner and the district.

(20) Employ consulting engineers, superintendents, managers, and other engineering, construction, and accounting experts, attorneys, bond counsel, employees, and agents that are necessary for the accomplishment of the district's purpose and fix their compensation.

(21) Procure insurance against loss to the district by reason of damages to the district's properties, works, or improvements resulting from fire, theft, accident, or other casualty or because of the liability of the district for damages to persons or property occurring in the operations of the district's works and improvements or the conduct of the district's activities.

(22) Exercise the powers of the district without obtaining the consent of other eligible entities. However, the district shall:

(A) restore or repair all public or private property damaged in carrying out the powers of the district and place the property in the property's original condition as nearly as practicable; or

(B) pay adequate compensation for the property.

(23) Dispose of, by public or private sale or lease, real or personal property determined by the board to be no longer necessary or needed for the operation or purposes of the district.

SECTION 9. IC 13-26-5-2.5, AS AMENDED BY P.L.123-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) As used in this section, "septic tank soil absorption system" has the meaning set forth in IC 13-11-2-199.5.

(b) Subject to subsection (d), ~~and except as provided in subsection (e),~~ a property owner is exempt from the requirement to connect to a district's sewer system and to discontinue use of a septic tank soil absorption system if the following conditions are met:

(1) The property owner's septic tank soil absorption system was new at the time of installation and was approved in writing by the local health department.

(2) The property owner, at the property owner's own expense, obtains and provides to the district a certification from the local health department or the department's designee that the septic tank soil absorption system is functioning satisfactorily. If the local health department or the department's designee denies the issuance of a certificate to the property owner, the property owner may appeal the denial to the board of the local health department. The decision of the board is final and binding.

(3) The property owner provides the district with:

(A) the written notification of potential qualification for the exemption described in subsection ~~(g),~~ **(f);** and

(B) the certification described in subdivision (2);

within the time limits set forth in subsection ~~(g).~~ **(f).**

(c) If a property owner, within the time allowed under subsection ~~(g),~~ **(f),** notifies a district in writing that the property owner qualifies for the exemption under this section, the district shall, until the property owner's eligibility for an exemption under this section is determined, suspend the requirement that the property owner discontinue use of a septic tank soil absorption system and connect to the district's sewer system.

(d) A property owner who qualifies for the exemption provided under this section may not be required to connect to the district's sewer system for a period of ten (10) years beginning on the date the new septic tank soil absorption system was installed. **A property owner may apply for two (2) five (5) year extensions of the exemption provided under this section by following the procedures set forth in subsections (b) and (c).** If ownership of ~~the~~ **an exempt** property ~~passes from the owner who qualified for the exemption to another person~~ **is transferred** during ~~the~~ **a valid** exemption period, **including during an extension of an initial exemption:**

(1) the exemption ~~does not apply~~ **applies** to the subsequent owner of the property **for the remainder of the exemption period during which the transfer occurred; and**

(2) the subsequent owner may apply for any remaining extensions.

However, the total period during which a property may be exempt from the requirement to connect to a district's sewer system under this section may not exceed twenty (20) years, regardless of ownership of the property.

~~(e) The district may require a property owner who qualifies for the exemption under this section to discontinue use of a septic tank soil absorption system and connect to the district's sewer system if the district credits the unamortized portion of the original cost of the property owner's septic tank soil absorption system against the debt service portion of the customer's monthly bill. The amount that the district must credit under this subsection is determined in STEP TWO of the following formula:~~

~~STEP ONE: Multiply the original cost of the property owner's septic tank soil absorption system by a fraction, the numerator of which is ninety-six (96) months minus the age in months of the property owner's septic system, and the denominator of which is ninety-six (96) months.~~

~~STEP TWO: Determine the lesser of four thousand eight hundred dollars ($4,800) or the result of STEP ONE.~~

~~The district shall apportion the total credit amount as determined in STEP TWO against the debt service portion of the property owner's monthly bill over a period to be determined by the district, but not to exceed twenty (20) years, or two hundred forty (240) months.~~

~~(f)~~ **(e)** A district that has filed plans with the department to create or expand a sewage district shall, within ten (10) days after

filing the plans, provide written notice to affected property owners:

(1) that the property owner may be required to discontinue the use of a septic tank soil absorption system;

(2) that the property owner may qualify for an exemption from the requirement to discontinue the use of the septic tank soil absorption system; and

(3) of the procedures to claim an exemption.

~~(g)~~ **(f)** To qualify for an exemption under this section, a property owner must:

(1) within sixty (60) days after the date of the written notice given to the property owner under subsection ~~(f),~~ **(e),** notify the district in writing that the property owner qualifies for the exemption under this section; and

(2) within sixty (60) days after the district receives the written notice provided under subdivision (1), provide the district with the certification required under subsection (b)(2).

~~(h)~~ **(g)** When a property owner who qualifies for an exemption under this section subsequently discontinues use of the property owner's septic tank soil absorption system and connects to the district's sewer system, the property owner may be required to pay only the following to connect to the sewer system:

(1) The connection fee the property owner would have paid if the property owner connected to the sewer system on the first date the property owner could have connected to the sewer system.

(2) Any additional costs:

(A) considered necessary by; and

(B) supported by documentary evidence provided by;

the district.

(h) A property owner who connects to a district's sewer system may provide, at the owner's expense, labor, equipment, materials, or any combination of labor, equipment, and materials from any source to accomplish the connection to the sewer system, subject to inspection and approval by the board or a designee of the board.

(i) This section does not prohibit the state department of health, a local health department, or a county health officer from proceeding under IC 16-41-20 to declare a dwelling served by a septic tank soil absorption system a public nuisance and pursuing all available remedies.

SECTION 10. IC 13-26-5-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.6. A district may not require the owner of a property described in section 2(8) of this chapter to connect to the district's sewer system if:**

(1) the property is located on at least ten (10) acres;

(2) the owner can demonstrate the availability of at least two (2) areas on the property for the collection and treatment of sewage that will protect human health and the environment;

(3) the waste stream from the property is limited to domestic sewage from a residence or business;

(4) the system used to collect and treat the domestic sewage has a maximum design flow of seven hundred fifty (750) gallons per day; and

(5) the owner, at the owner's expense, obtains and provides to the district a certification from the local health department or the department's designee that the system is functioning satisfactorily.

SECTION 11. IC 13-26-11-2, AS AMENDED BY P.L.189-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except as provided in subsection (b), the rates or charges for a sewage works may be determined based on **a combination of** the following **factors:**

(1) A flat charge for each connection. **If a board uses a flat charge as a factor to determine a rate or charge for a sewage works, the board must:**

(A) prepare a concise written statement that summarizes the calculations and processes used to determine the amount of the flat charge; and

(B) provide a copy of the written statement to each person who:

(i) is required to pay the rate or charge; and

(ii) requests a paper copy of the summary.

(2) The amount of water used on the premises.

(3) The number and size of water outlets on the premises.

(4) The amount, strength, or character of sewage discharged into the sewers.

(5) The size of sewer connections.

(6) Whether the property served has been or will be required to pay separately for the cost of any of the facilities of the works.

(7) A combination of these or other factors that the board determines is necessary to establish nondiscriminatory, just, and equitable rates or charges.

(b) ~~If a campground is billed for sewage service at a flat rate under subsection (a), the campground may instead elect to be billed for the sewage service under this subsection by installing,~~ **A campground or youth camp may be billed for sewage service at a flat rate or by installing,** at the campground's **or youth camp's** expense, a meter to measure the actual amount of sewage discharged by the campground **or youth camp** into the sewers. If a campground **or youth camp** elects to be billed by use of a meter:

(1) the rate charged by a board for the metered sewage service may not exceed the rate charged to residential customers for equivalent usage; and

(2) the amount charged by a board for the campground's **or youth camp's** monthly sewage service for the period beginning September 1 and ending May 31 must be equal to ~~the greater of:~~

~~(A)~~ the actual amount that would be charged for the sewage discharged during the month by the campground **or youth camp** as measured by the meter. ~~or~~

~~(B) the lowest monthly charge paid by the campground for sewage service during the previous period beginning June 1 and ending August 31.~~

(c) If a campground **or youth camp** does not install a meter under subsection (b) and is billed for sewage service at a flat rate, ~~under subsection (a),~~ for a calendar year beginning after December 31, 2004:

(1) each campsite at the campground may not equal more than one-third (1/3) of one (1) resident equivalent unit; **and**

(2) each bed at the youth camp may not equal more than one-eighth (1/8) of one (1) residential equivalent unit.

The basic monthly charge for the campground's **or youth camp's** sewage service must be equal to the number of the campground's **or youth camp's** resident equivalent units multiplied by the rate charged by the board for a resident unit.

(d) The board may impose additional charges on a campground **or youth camp** under subsections (b) and (c) if the board incurs additional costs that are caused by any unique factors that apply to providing sewage service for the campground **or youth camp,** including, but not limited to:

(1) the installation of:

(A) oversized pipe; or

(B) any other unique equipment;

necessary to provide sewage service for the campground **or youth camp;** and

(2) concentrations of biochemical oxygen demand (BOD) that exceed federal pollutant standards.

SECTION 12. IC 13-26-11-13, AS AMENDED BY P.L.123-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) The ordinance establishing the initial rates or charges, either as:

(1) originally introduced; or

(2) modified and amended;

shall be passed and put into effect after the hearing.

(b) A copy of the schedule of the rates and charges established must be:

(1) kept on file in the office of the district; and

(2) open to public inspection.

(c) Whenever the board acts under section 8(b) of this chapter, to change or readjust the rates and charges, the board shall mail, either separately or along with a periodic billing statement, a notice of the new rates and charges to each user affected by the change or readjustment. In the case of a sewage district, if the change or readjustment increases the rates and charges by the amount specified in section 15(c) of this chapter, the notice required by this subsection:

(1) must include a statement of a ~~freeholder's~~ **ratepayer's** rights under section 15 of this chapter; and

(2) shall be mailed within the time specified in section 15(c) of this chapter.

(d) Following the passage of an ordinance under subsection (a), the lesser of fifty (50) or ten percent (10%) of the ratepayers of the district may file a written petition objecting to the initial rates and charges of the district. A petition filed under this subsection must:

(1) contain the name and address of each petitioner;

(2) be filed with a member of the district authority, in the county where at least one (1) petitioner resides, not later than thirty (30) days after the district adopts the ordinance; and

(3) set forth the grounds for the ratepayers' objection.

(e) The district authority shall set the matter for public hearing not less than ten (10) business days but not later than twenty (20) business days after the petition has been filed. The district authority shall send notice of the hearing by certified mail to the district and the first listed petitioner and publish the notice of the hearing in a newspaper of general circulation in each county in the district.

(f) Upon the date fixed in the notice, the district authority shall hear the evidence produced and determine the following:

(1) Whether the board of trustees of the district, in adopting the ordinance establishing sewer rates and charges, followed the procedure required by this chapter.

(2) Whether the sewer rates and charges established by the board by ordinance are just and equitable rates and charges, according to the standards set forth in section 9 of this chapter.

(g) After the district authority hears the evidence produced and makes the determinations set forth in subsection (f), the district authority, by a majority vote, shall:

(1) sustain the ordinance establishing the rates and charges;

(2) sustain the petition; or

(3) make any other ruling appropriate in the matter, subject to the standards set forth in section 9 of this chapter.

(h) The order of the district authority may be appealed by the district or a petitioner to the circuit court of the county in which the district is located. The court shall try the appeal without a jury and shall determine one (1) or both of the following:

(1) Whether the board of trustees of the district, in adopting the ordinance establishing sewer rates and charges, followed the procedure required by this chapter.

(2) Whether the sewer rates and charges established by the board by ordinance are just and equitable rates and charges, according to the standards set forth in section 9 of this chapter.

Either party may appeal the circuit court's decision in the same manner that other civil cases may be appealed.

SECTION 13. IC 13-26-11-15, AS AMENDED BY P.L.71-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) A district authority is established in each regional sewage district established under this article. A district authority:

(1) must consist of an odd number of members;

(2) must consist of at least three (3) members; and

(3) may not include as a member any person who serves on the board of trustees of the district.

(b) The district authority of a regional sewage district consists of the following members:

(1) In the case of a regional sewage district located in one (1) county, the following members:

(A) If no members of the county executive are trustees of the regional sewage district, the county executive of the county.

(B) If:

(i) one (1) or more members of the county executive are trustees of the regional sewage district; and

(ii) no members of the county fiscal body are trustees of the regional sewage district;

the members of the county fiscal body.

(C) If the regional sewage district's board of trustees consists of one (1) or more members of the county executive and one (1) or more members of the county fiscal body, three (3) members appointed as follows:

(i) Two (2) members appointed by the county executive. If not all of the members of the county executive are trustees of the district, the county executive may appoint either or both of the two (2) members required by this item from among the county executive's own membership, subject to subsection (a)(3).

(ii) One (1) member appointed by the county fiscal body. If not all of the members of the county fiscal body are trustees of the district, the county fiscal body may appoint the member required by this item from among the county fiscal body's own membership, subject to subsection (a)(3).

(2) In the case of a regional sewage district located in more than one (1) county, the following members:

(A) If:

(i) an odd number of counties are part of the regional sewage district; and

(ii) each county in the district has at least one (1) county executive member who is not a trustee of the regional sewage district;

one (1) county executive member, appointed by that member's county executive, from each county in which the district is located, subject to subsection (a)(3).

(B) If an even number of counties are part of the regional sewage district, the following members:

(i) Two (2) county executive members, appointed by those members' county executive, from the county that has the largest number of customers served by the district's sewer system. However, if the county that has the largest number of customers served by the district's sewer system does not have at least two (2) members of its executive who are not also trustees of the district, the county executive of that county may appoint one (1) or more of the members required by this item from outside the county executive's own membership in order to comply with subsection (a)(3).

(ii) One (1) county executive member, appointed by that member's county executive, from each county, other than the county described in item (i), in which the district is located. However, if a county described in this item does not have at least one (1) member of its executive who is not also a trustee of the district, the county executive of that county may appoint the member required by this item from outside the county executive's own membership in order to comply with subsection (a)(3).

(C) If an odd number of counties are part of the regional sewage district and an odd number of those counties in the district do not have at least one (1) county executive member who is not also a trustee of the district, the following members:

(i) One (1) county executive member, appointed by that member's county executive, from each county that has at least one (1) county executive member who is not also a trustee of the district, subject to subsection (a)(3).

(ii) One (1) member appointed by the county executive of each county that does not have at least one (1) county executive member who is not also a trustee of the district. A member appointed under this item must be appointed from outside the appointing county executive's own membership, subject to subsection (a)(3).

(c) If a district adopts an ordinance increasing sewer rates and charges at a rate that is greater than five percent (5%) per year, as calculated from the rates and charges in effect from the date of the district's last rate increase, the district shall mail, either separately or along with a periodic billing statement, a notice of the new rates and charges to each user of the sewer system who is affected by the increase. The notice:

(1) shall be mailed not later than seven (7) days after the district adopts the ordinance increasing the rates and charges; and

(2) must include a statement of a ~~freeholder's~~ **ratepayer's** rights under this section.

(d) If subsection (c) applies, fifty (50) ~~freeholders~~ **ratepayers** of the district or ten percent (10%) of the district's ~~freeholders,~~ **ratepayers,** whichever is fewer, may file a written petition objecting to the rates and charges of the district. A petition filed under this subsection must:

(1) contain the name and address of each petitioner;

(2) be filed with a member of the district authority, in the county where at least one (1) petitioner resides, not later than thirty (30) days after the district adopts the ordinance establishing the rates and charges; and

(3) set forth the grounds for the ~~freeholders'~~ **ratepayers'** objection.

If a petition meeting the requirements of this subsection is filed, the district authority shall investigate and conduct a public hearing on the petition. If more than one (1) petition concerning a particular increase in rates and charges is filed, the district authority shall consider the objections set forth in all the petitions at the same public hearing.

(e) The district authority shall set the matter for public hearing not less than ten (10) business days but not later than twenty (20) business days after the petition has been filed. The district authority shall send notice of the hearing by certified mail to the district and the first listed petitioner and publish the notice of the hearing in a newspaper of general circulation in each county in the district.

(f) Upon the date fixed in the notice, the district authority shall hear the evidence produced and determine the following:

(1) Whether the board of trustees of the district, in adopting the ordinance increasing sewer rates and charges, followed the procedure required by this chapter.

(2) Whether the increased sewer rates and charges established by the board by ordinance are just and equitable rates and charges, according to the standards set forth in section 9 of this chapter.

(g) After the district authority hears the evidence produced and makes the determinations set forth in subsection (f), the district authority, by a majority vote, shall:

(1) sustain the ordinance establishing the rates and charges;

(2) sustain the petition; or

(3) make any other ruling appropriate in the matter, subject to the standards set forth in section 9 of this chapter.

(h) The order of the district authority may be appealed by the district or a petitioner to the circuit court of the county in which the district is located. The court shall try the appeal without a jury and shall determine one (1) or both of the following:

(1) Whether the board of trustees of the district, in adopting the ordinance increasing sewer rates and charges, followed the procedure required by this chapter.

(2) Whether the increased sewer rates and charges established by the board by ordinance are just and equitable rates and charges, according to the standards set forth in section 9 of this chapter.

Either party may appeal the circuit court's decision in the same manner that other civil cases may be appealed.

SECTION 14. IC 16-20-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) A person shall not institute, permit, or maintain any conditions that may transmit, generate, or promote disease.

(b) A health officer, upon ~~hearing of~~ **receiving a complaint asserting** the existence of ~~such~~ unlawful conditions **described in subsection (a)** within the officer's jurisdiction, shall **document the complaint as provided in subsection (d). Upon verifying the information contained in the complaint, the health officer shall** order the abatement of those conditions. The order must:

(1) be in writing; ~~if demanded;~~

(2) specify the conditions that may transmit disease; and

(3) name the shortest reasonable time for abatement.

(c) If a person refuses or neglects to obey an order issued under this section, the attorney representing the county of the health jurisdiction where the offense occurs shall, upon receiving the information from the health officer, institute proceedings in the courts for enforcement. An order may be enforced by injunction. If the action concerning public health is a criminal offense, a law enforcement authority with jurisdiction over the place where the offense occurred shall be notified.

(d) A complaint made under subsection (b) must include adequate details to allow the health officer to verify the existence of the unlawful conditions that are the subject of the complaint. A health officer shall provide a copy of a complaint upon request to the person who is the subject of the complaint.

(e) A person who provides false information upon which a health officer relies in issuing an order under this section commits a Class C infraction.

SECTION 15. IC 16-41-25-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4. Before a local health department may act on an application for a residential septic system permit, the local health department shall inform the applicant for a residential septic system permit if the property is located in the service district of a regional sewage district.**

SECTION 16. IC 32-21-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. An owner may prepare or use a disclosure form that contains the information required in the disclosure form under section 7 of this chapter and any other information the owner determines is appropriate, **including whether the subject property is located in a regional sewage district.**

(Reference is to HB 1117 as reprinted January 31, 2012.)
and when so amended that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

MERRITT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1092, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete line 10, begin a new paragraph and insert:

"**(c) Notwithstanding IC 33-38-5, the part of the total salary and benefits that would otherwise be paid by the state for the judge of the new Johnson superior court No. 4 may not be paid by the auditor of state until the auditor of state receives a resolution of the board of county commissioners of Johnson County that sets forth the board's determination that a building in existence on January 1, 2012, has been rehabilitated and is ready as a place for the court added by section 3 of this chapter to hold sessions.**".

(Reference is to HB 1092 as printed January 25, 2012.)
and when so amended that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 21

Senate Concurrent Resolution 21, introduced by Senator Merritt:

A CONCURRENT RESOLUTION honoring the first responders to the Indiana State Fair Grandstand stage collapse on August 13, 2011.

Whereas, On August 13, 2011, hundreds of first responders from the Indianapolis Fire Department, Indianapolis Metropolitan Police Department, Indiana State Police, and

Emergency Medical Services arrived at the scene of the Indiana State Fairgrounds in response to a report of the collapse of the grandstand stage;

Whereas, As thousands of concert attendees attempted to escape the collapse, dozens of firefighters, police, and emergency medical technicians raced in to assist the injured, never once pausing to consider that their own safety was at risk;

Whereas, The rapid arrival of the first responders set the tone for the entire rescue effort. The leadership and confidence of these first responders commanded respect and put the injured victims at ease, knowing their safety was in the hands of knowledgeable professionals;

Whereas, After an unexpected event that yielded a number of victims that even the most seasoned professionals would find daunting to attend to at one time, firefighters, police, and emergency medical technicians were able to locate, triage, treat, and transport forty-six victims in just one hour;

Whereas, An overwhelming outpouring of assistance was demonstrated by volunteers and off-duty firemen who arrived on the scene to assist the rest of the response units. Individuals took on roles that went far beyond their official duties, accelerating the rescue efforts; and

Whereas, The heroics of the men and women who responded to this tragedy inspires us all. In the wake of an emergency of a magnitude that Indianapolis has not seen in many years, these individuals provided extraordinary response efforts while saving lives and promoting public safety: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly honors the heroic acts of the first responders to the Indiana State Fair tragedy on August 13, 2011.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to all of the individuals who responded to the events on August 13, 2011.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Cherry.

Senate Resolution 30

Senate Resolution 30, introduced by Senator Smith:

A SENATE RESOLUTION congratulating Megan Gilliam on winning Grand Champion in Junior Showmanship at the Switzerland County Fair.

Whereas, Megan Gilliam and her hermit crab, Speedy, took home top honors at the Switzerland County Fair;

Whereas, Hermit crabs are decapod crustaceans of the superfamily Paguroidea. This classification places them in the pocket pet category of the Switzerland County Fair;

Whereas, The award of Grand Champion signifies the highest award available for a participant in any given category. The Junior Showmanship title indicates the class in which an animal and its handler are assigned, based on certain qualifying criteria;

Whereas, The care of hermit crabs requires a substantial level of maturity and commitment in order to ensure the animal a long and healthy life. Megan's choice to take on this responsibility speaks volumes about her character;

Whereas, Hermit crabs molt, and thus an appropriately sized shell must be provided upon the release of the old one. Provision of a unsuitable shell could compromise both the safety and the growth of the crab. Hermit crabs also require the presence of a heat lamp during cold months, as they are cold blooded creatures;

Whereas, Megan's passion for caring for animals extends beyond her love for Speedy. Currently, she also cares for a rabbit, a guinea pig, fish, a dog, and a rat. When Megan is not busy tending to the needs of her many pets, she also enjoys learning about bugs in her 4-H bug club where she boasts a successful competition record and competed last year at the state level;

Whereas, The preservation of the natural world is of ever-increasing importance to our society. Megan's dedication and passion for education in this area provides a major contribution to the preservation of our nation's natural resources; and

Whereas, Megan Gilliam is congratulated for her success in the Switzerland County Junior Showman competition in the Pocket Pet Division and is encouraged to continue her pursuit of knowledge and the loyal care of animals: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates Megan Gilliam for her Grand Champion hermit crab, Speedy.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Megan Gilliam.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that the following resolution be adopted:

SCR 20 Senator Broden

Honoring former Mishawaka Common Council Member, John Gleissner.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 20

Senate Concurrent Resolution 20, introduced by Senator Broden:

A CONCURRENT RESOLUTION honoring former Mishawaka Common Council Member, John Gleissner.

Whereas, John Gleissner served 24 years as an at-large member of the Mishawaka Common Council and served four years as Council President;

Whereas, John Gleissner is the longest serving councilman in Mishawaka history. Over the course of his tenure he saw roughly 2,500 ordinances come before the council and served with 31 other council members;

Whereas, John Gleissner grew up in Mishawaka and returned in 1967 to start his first job as a teacher. He won Teach of the Year for School City of Mishawaka in 1994 and retired as a social studies teacher from John Young Middle School in 2005; and

Whereas, Since leaving the council, John Gleissner has joined the St. Joseph County Parks Board: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly honors former Mishawaka Common Council Member, John Gleissner.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to John Gleissner and the Mishawaka Common Council.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative C. Fry.

Senator Long yielded the gavel to the President of the Senate.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1047

Senator Kruse called up Engrossed House Bill 1047 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1049

Senator Bray called up Engrossed House Bill 1049 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1050

Senator Holdman called up Engrossed House Bill 1050 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1052

Senator Nugent called up Engrossed House Bill 1052 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1054

Senator Charbonneau called up Engrossed House Bill 1054 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1059

Senator Paul called up Engrossed House Bill 1059 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1060

Senator Lawson called up Engrossed House Bill 1060 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1090

Senator Head called up Engrossed House Bill 1090 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1090–3)

Madam President: I move that Engrossed House Bill 1090 be amended to read as follows:

Page 8, line 1, delete "exceeds" and insert "**is at least**".

Page 14, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 12. IC 6-1.1-25-2, AS AMENDED BY P.L.89-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The total amount of money required for the redemption of real property equals:

(1) the sum of the amounts prescribed in subsections (b) through ~~(e),~~ **(f);** or

(2) the amount prescribed in subsection ~~(f),~~ **(g);**

reduced by any amounts held in the name of the taxpayer or the purchaser in the tax sale surplus fund.

(b) Except as provided in subsection ~~(f),~~ **(g),** the total amount required for redemption includes:

(1) one hundred ten percent (110%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if the tract or item of real property is redeemed not more than six (6) months after the date of sale; or

(2) one hundred fifteen percent (115%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if the tract or item of real property is redeemed more than six (6) months but not more than one (1) year after the date of sale.

(c) Except as provided in subsection ~~(f),~~ **(g),** in addition to the amount required under subsection (b), the total amount required for redemption includes the amount by which the purchase price exceeds the minimum bid on the real property plus ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid on the property.

(d) Except as provided in subsection ~~(f),~~ **(g),** in addition to the amount required under subsections (b) and (c), the total amount required for redemption includes all taxes and special assessments upon the property paid by the purchaser after the sale plus ten percent (10%) interest per annum on those taxes and special assessments.

(e) Except as provided in subsection ~~(f),~~ **(g),** in addition to the amounts required under subsections (b), (c), and (d), the total amount required for redemption includes the following costs, if certified before redemption and not earlier than thirty (30) days after the date of sale of the property being redeemed by the payor to the county auditor on a form prescribed by the state board of accounts, that were incurred and paid by the purchaser, the purchaser's assignee, or the county, before redemption:

(1) The attorney's fees and costs of giving notice under section 4.5 of this chapter.

(2) The costs of a title search or of examining and updating the abstract of title for the tract or item of real property.

(f) The total amount required for redemption includes, in addition to the amounts required under subsections (b) and (e), all taxes, special assessments, interest, penalties, and fees on the property that accrued after the sale.

~~(f)~~ **(g)** With respect to a tract or item of real property redeemed under section 4(c) of this chapter, instead of the amounts stated in subsections (b) through ~~(e),~~ **(f),** the total amount required for redemption is the amount determined under IC 6-1.1-24-6.1(b)(4).".

Page 15, line 4, after "to" insert "**subsection (l) and**".

Page 16, between lines 40 and 41, begin a new paragraph and insert:

"**(l) If a tract or item of real property did not sell at a tax sale and the county treasurer and the owner of real property agree before the expiration of the period for redemption under subsection (b) to a mutually satisfactory arrangement for the payment of the entire amount required for redemption under section 2 of this chapter before the expiration of a period for redemption extended under this subsection:**

(1) the county treasurer may extend the period for redemption; and

(2) except as provided in subsection (m), the extended period for redemption expires one (1) year after the date of the agreement.

(m) If the owner of real property fails to meet the terms of an agreement entered into with the county treasurer under subsection (l), the county treasurer may terminate the agreement after providing thirty (30) days written notice to the owner. If the county treasurer gives notice under this subsection, the extended period for redemption established under subsection (l) expires thirty (30) days after the date of the notice.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1090 as printed February 14, 2012.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1107

Senator Gard called up Engrossed House Bill 1107 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1128

Senator Gard called up Engrossed House Bill 1128 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1128–1)

Madam President: I move that Engrossed House Bill 1128 be amended to read as follows:

Page 5, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 6. IC 15-15-12-19, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) If a member of the council elected or appointed under section 21(a), 21(b), 21(c), or 21(d) of this chapter ceases to meet one (1) or more of the qualifications set forth in section 17(b) of this chapter, the member's term of office terminates and the member's office becomes vacant.

(b) Whenever an elected council member's office becomes vacant before the expiration of the member's term of office, the council shall fill the vacancy by appointing a replacement member who meets the qualifications set forth in section 17(b) of this chapter. The appointee shall serve for the remainder of the unexpired term.

~~(c) Whenever the office of a council member appointed under section 21(e), 21(g), or 21(h) of this chapter becomes vacant before the expiration of the member's term of office, the dean of agriculture shall fill the vacancy by appointing a replacement member who represents the group from which the member was originally appointed. The appointee shall serve for the remainder~~

~~of the unexpired term.~~

~~(d)~~ **(c)** Whenever the office of a member appointed under section **21(e),** 21(f), **21(g), or 21(h)** of this chapter becomes vacant, the appointing authority who appointed the member shall fill the vacancy.

An appointee under this subsection shall serve for the remainder of the unexpired term.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1128 as printed February 15, 2012.)

GARD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1141

Senator Kenley called up Engrossed House Bill 1141 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1141–1)

Madam President: I move that Engrossed House Bill 1141 be amended to read as follows:

Page 2, line 5, delete "employees" and insert "**employees'**".

Page 2, line 5, delete "The treasurer of".

Page 2, delete lines 6 through 8.

Page 2, line 9, delete "contracts from the fund.".

Page 2, delete line 13, and insert "**office of the lieutenant governor to be used exclusively for assistance to individuals who own a home under programs administered by the state to supply home energy through the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq.**".

Page 2, line 16, delete "would" and insert "**was**".

Page 2, line 17, delete "have been".

Page 2, line 18, after "IC 6-2.5-5-16.5(b)" insert "**(before its repeal)**".

Page 2, line 19, delete "not".

Page 2, line 20, delete "The auditor of state shall, before" and insert "**The budget agency shall allot money from the fund each year to be used exclusively for assistance to individuals who own a home under programs administered by the state to supply home energy through the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq. The amount allotted must be the amount certified by the department of state revenue under this subsection.**".

Page 2, delete lines 21 through 25.

Page 4, strike lines 33 through 37.

Page 4, line 38, strike "30,".

Page 4, line 38, delete "2012,".

Page 4, line 38, strike "and before July 1,".

Page 4, line 38, delete "2020,".

Page 4, line 38, strike "through home".

Page 4, strike line 39.

Page 4, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 3. IC 6-2.5-5-16.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 16.5. (a) The following definitions apply throughout this section:~~

~~(1) "Home energy" means electricity, oil, gas, coal, propane, or any other fuel for use as the principal source of heating or cooling in residential dwellings.~~

~~(2) "Home energy assistance" means programs administered by the state to supply home energy through the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8261 et seq.~~

~~(b) Transactions involving home energy are exempt from the state gross retail tax if the person acquiring the home energy acquires it after June 30, 2006, and before July 1, 2009, through home energy assistance.~~".

Page 5, delete lines 1 through 11.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1141 as printed February 15, 2012.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1173

Senator Walker called up Engrossed House Bill 1173 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1220

Senator Leising called up Engrossed House Bill 1220 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1237

Senator Eckerty called up Engrossed House Bill 1237 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1250

Senator Lawson called up Engrossed House Bill 1250 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1250–2)

Madam President: I move that Engrossed House Bill 1250 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-2-6-1, AS AMENDED BY P.L.2-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

(1) "Advisory body" means an authority, a board, a commission, a committee, a task force, or other body designated by any name of the executive department that is authorized only to make nonbinding recommendations.

(2) "Agency" means an authority, a board, a branch, a bureau, a commission, a committee, a council, a department, a division, an office, a service, or other instrumentality of the executive, including the administrative, department of state government. The term includes a body corporate and politic set up as an instrumentality of the state and a private, nonprofit, government related corporation. The term does not include any of the following:

(A) The judicial department of state government.

(B) The legislative department of state government.

(C) A state educational institution.

(D) A political subdivision.

(3) "Appointing authority" means **the following:**

(A) Except as provided in clause (B), the chief administrative officer of an agency. The term does not include a state officer.

(B) For purposes of section 16 of this chapter, "appointing authority" means:

(i) an elected officer;

(ii) the chief administrative officer of an agency; or

(iii) an individual or group of individuals who have the power by law or by lawfully delegated authority to make appointments.

(4) "Assist" means to:

(A) help;

(B) aid;

(C) advise; or

(D) furnish information to;

a person. The term includes an offer to do any of the actions in clauses (A) through (D).

(5) "Business relationship" includes the following:

(A) Dealings of a person with an agency seeking, obtaining, establishing, maintaining, or implementing:

(i) a pecuniary interest in a contract or purchase with the agency; or

(ii) a license or permit requiring the exercise of judgment or discretion by the agency.

(B) The relationship a lobbyist has with an agency.

(C) The relationship an unregistered lobbyist has with an agency.

(6) "Commission" refers to the state ethics commission created under section 2 of this chapter.

(7) "Compensation" means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.

(8) "Direct line of supervision" means the chain of command in which the superior affects, or has the authority to affect, the terms and conditions of the subordinate's employment, including making decisions about work assignments, compensation, grievances, advancements, or performance evaluation.

~~(8)~~ **(9)** "Employee" means an individual, other than a state officer, who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.

~~(9)~~ **(10)** "Employer" means any person from whom a state officer or employee or the officer's or employee's spouse received compensation. For purposes of this chapter, a customer or client of a self-employed individual in a sole proprietorship or a professional practice is not considered to be an employer.

~~(10)~~ **(11)** "Financial interest" means an interest:

(A) in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or

(B) involving property or services.

The term includes an interest arising from employment or prospective employment for which negotiations have begun. The term does not include an interest of a state officer or employee in the common stock of a corporation unless the combined holdings in the corporation of the state officer or the employee, that individual's spouse, and that individual's unemancipated children are more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee.

~~(11)~~ **(12)** "Information of a confidential nature" means information:

(A) obtained by reason of the position or office held; and

(B) which:

(i) a public agency is prohibited from disclosing under IC 5-14-3-4(a);

(ii) a public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed; or

(iii) is not in a public record, but if it were, would be confidential.

~~(12)~~ **(13)** "Person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

~~(13)~~ **(14)** "Political subdivision" means a county, city, town, township, school district, municipal corporation, special taxing district, or other local instrumentality. The term includes an officer of a political subdivision.

~~(14)~~ **(15)** "Property" has the meaning set forth in IC 35-41-1-23.

(16) "Relative"means any of the following:

(A) A spouse.

(B) A parent or stepparent.

(C) A child or stepchild.

(D) A brother, sister, stepbrother, or stepsister.

(E) A niece or nephew.

(F) An aunt or uncle.

(G) A daughter-in-law or son-in-law.

For purposes of this subdivision, an adopted child of an individual is treated as a natural child of the individual. For purposes of this subdivision, the terms "brother" and "sister" include a brother or sister by the half blood.

~~(15)~~ **(17)** "Represent" means to do any of the following on behalf of a person:

(A) Attend an agency proceeding.

(B) Write a letter.

(C) Communicate with an employee of an agency.

~~(16)~~ **(18)** "Special state appointee" means a person who is:

(A) not a state officer or employee; and

(B) elected or appointed to an authority, a board, a commission, a committee, a council, a task force, or other body designated by any name that:

(i) is authorized by statute or executive order; and

(ii) functions in a policy or an advisory role in the executive (including the administrative) department of state government, including a separate body corporate and politic.

~~(17)~~ **(19)** "State officer" means any of the following:

(A) The governor.

(B) The lieutenant governor.

(C) The secretary of state.

(D) The auditor of state.

(E) The treasurer of state.

(F) The attorney general.

(G) The superintendent of public instruction.

~~(18)~~ **(20)** The masculine gender includes the masculine and feminine.

~~(19)~~ **(21)** The singular form of any noun includes the plural wherever appropriate.

(b) The definitions in IC 4-2-7 apply throughout this chapter.".

Page 1, line 1, delete "IC 4-15-7.1" and insert "IC 4-2-6-16".

Page 1, line 2, delete "CHAPTER" and insert "SECTION".

Page 1, delete line 4.

Page 1, line 5, delete "1." and insert "**16. (a)**".

Page 1, run in lines 3 through 5.

Page 1, delete lines 7 through 17, begin a new paragraph and insert:

"**(b) As used in this section, "employed" refers to all employment, including full-time, part-time, temporary, intermittent, or hourly. The term includes service as a state officer or special state appointee.**".

Page 2, delete lines 1 through 23.

Page 2, line 24, delete "Sec. 8." and insert "**(c)**".

Page 2, line 26, delete "Sec. 9. (a)" and insert "**(d)**".

Page 2, line 26, delete "(b)," and insert "**(e),**".

Page 2, line 29, delete "(b)" and insert "**(e)**".

Page 2, line 34, delete "Sec. 10." and insert "**(f)**".

Page 2, line 34, delete "section 9(b) of this chapter," and insert "**subsection (e),**".

Page 2, line 37, delete "Sec. 11." and insert "**(g)**".

Page 2, line 40, delete "Sec. 12." and insert "**(h)**".

Page 2, line 42, delete "IC 4-2-6-12" and insert "**section 12 of this chapter.**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1250 as printed February 10, 2012.)

TALLIAN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1258

Senator Zakas called up Engrossed House Bill 1258 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1258–1)

Madam President: I move that Engrossed House Bill 1258 be amended to read as follows:

Page 20, delete lines 15 through 30.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1258 as printed February 17, 2012.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1273

Senator Bray called up Engrossed House Bill 1273 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1283

Senator Gard called up Engrossed House Bill 1283 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1283–2)

Madam President: I move that Engrossed House Bill 1283 be amended to read as follows:

Page 1, delete lines 13 through 15.

Page 2, delete lines 1 through 6.

Page 2, line 26, reset in roman "shall".

Page 2, line 26, delete "must".

Page 2, line 29, reset in roman "appointed on".

Page 2, line 30, reset in roman "recommendation of the Indiana historical society".

Page 2, line 30, delete "," and insert ".".

Page 2, line 31, delete "a".

Page 2, line 32, delete "historian.".

Page 13, delete lines 16 through 32.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1283 as printed February 10, 2012.)

GARD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1211

Senator Becker called up Engrossed House Bill 1211 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1212

Senator Merritt called up Engrossed House Bill 1212 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1018

Senator Steele called up Engrossed House Bill 1018 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 205: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1123

Senator Kenley called up Engrossed House Bill 1123 for third reading:

A BILL FOR AN ACT concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 206: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1154

Senator Hershman called up Engrossed House Bill 1154 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 207: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1186

Senator Miller called up Engrossed House Bill 1186 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 208: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1216

Senator Miller called up Engrossed House Bill 1216 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 209: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1349

Senator Kruse called up Engrossed House Bill 1349 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 210: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1360

Senator Miller called up Engrossed House Bill 1360 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 211: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 25 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Buck be added as second sponsor of Engrossed House Bill 1349.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1273.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as second sponsor of Engrossed House Bill 1173.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as third sponsor of Engrossed House Bill 1018.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as cosponsor of Engrossed House Bill 1128.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as cosponsor of Engrossed House Bill 1107.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1298.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be removed as sponsor of Engrossed House Bill 1090 and that Senator Kenley be substituted therefor.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as cosponsor of Engrossed House Bill 1054.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as cosponsor of Engrossed House Bill 1325.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as cosponsor of Engrossed House Bill 1003.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1273.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as second sponsor and Senators Kenley, Steele, Mishler, Charbonneau, and Banks be added as cosponsors of Engrossed House Bill 1034.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as cosponsor of Engrossed House Bill 1002.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senate Resolution 25, assigned to the Senate Committee on Education and Career Development, be withdrawn from further consideration by the Senate.

SCHNEIDER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 21, 2012.

LONG

Motion prevailed.

The Senate adjourned at 3:03 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Twenty-fifth Meeting Day Tuesday Afternoon February 21, 2012

The Senate convened at 1:33 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Pastor Jim Capps, Zionsville Presbyterian Church.

The Pledge of Allegiance to the Flag was led by Senator Michael A. Delph.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 212: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 47

Senate Resolution 47, introduced by Senator Simpson:

A SENATE RESOLUTION urging the Indiana Commission on Mental Health and Addiction to study: 1) how it is determined whether a family and/or child is eligible for services by the Department of Child Services (DCS); 2) the wrap-around services available to families involved in DCS proceedings; 3) the follow-up provided by DCS staff to determine whether services were provided and the adequacy of those services; and 4) the communication between family court and DCS to collaborate on families' involvement in each entity.

Whereas, Concerning a combined safety measurement including the timeliness of initiating a response to child maltreatment and the absence of the recurrence of substantiated maltreatment, Indiana was successful in 54.5% of cases. This was less than the 95% 2008 federal benchmark according to the U.S. Department of Health and Human Services;

Whereas, In 2009 there were 38 abuse and neglect fatalities, 9 of which occurred in families with at least one prior child protective services substantiated investigation;

Whereas, According to DCS, the most common stress factors ranked in order of frequency for abuse cases were: 1) heavy child care responsibilities; 2) lack of parenting skills; 3) mental health problems; 4) domestic violence; and 5) pregnancy/new child;

Whereas, Navigating the child welfare system and knowing how to access services can be confusing to families;

Whereas, Wrap-around services have been shown to reduce the recurrence of abuse and help families, through individualized care, to keep multi-problem youth in their homes with families as opposed to an institutionalized setting; and

Whereas, DCS has developed strong collaboration efforts with many external partners including the Division of Mental Health and Substance Abuse, the Family and Social Services Administration, the Indiana Juvenile Judges Association, the Indiana Court Appointed Special Advocate program as well as other programs. Nevertheless, Indiana does not currently have any formal policy requirements related to ongoing consultation with external partners linked to agency planning: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Commission on Mental Health and Addiction to study: 1) how it is determined whether a family and/or child is eligible for services by the Department of Child Services (DCS); 2) the wrap-around services available to families involved in DCS proceedings; 3) the follow-up provided by DCS staff to determine whether services were provided and the adequacy of those services; and 4) the communication between family court and DCS to collaborate on families' involvement in

each entity.

SECTION 2. The Commission shall make recommendations in accordance with this section.

The resolution was read in full and referred to the Committee on Judiciary.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1011, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Page 5, line 29, after "year." insert **"The amount withheld under this section shall be deposited in the probation improvement fund established under IC 11-13-2.5.**".

Page 7, delete lines 10 through 14.

Page 7, line 15, delete "9." and insert "**8.**".

Page 7, line 28, delete "10." and insert "**9.**".

Page 7, line 30, delete "11." and insert "**10.**".

Page 9, delete line 40.

Page 12, delete lines 1 through 2.

(Reference is to HB 1011 as printed January 28, 2012.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 3.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Concurrent Resolution 10, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: 7 Yeas, 0 Nays.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1197, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-28.5-1.3 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 1.3. As used in this chapter, "motor scooter" has the meaning set forth in IC 9-13-2-104.~~".

Page 5, reset in roman line 22.

Page 5, line 23, after "bicycle." insert "**moped.**".

Page 5, line 24, delete "(e) (d)" and insert "(e)".

Page 5, line 26, delete "(f) (e)" and insert "(f)".

Page 5, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 14. IC 9-13-2-109 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 109. ~~"Motorized bicycle"~~ **"Moped"** means a ~~two (2) or three (3) wheeled~~ **motor** vehicle ~~that is propelled by an internal combustion engine or a battery powered motor, and if powered by an internal combustion engine, has the following: (1) An engine rating of not more than two (2) horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters. (2) An automatic transmission. (3) A maximum design speed of not more than twenty-five (25) miles per hour on a flat surface.~~ **with motive power that:**

(1) has a seat or saddle for the use of the rider;

(2) is designed to travel on not more than three (3) wheels in contact with the ground; and

(3) is not capable of being operated at a speed greater than thirty (30) miles per hour on a flat surface.

The term does not include an electric personal assistive mobility device.".

Page 6, delete lines 1 through 4.

Page 7, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 16. IC 9-17-1-1, AS AMENDED BY P.L.182-2009(ss), SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. This article does not apply to farm wagons, a golf cart when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a), ~~or~~ a motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer, **or, except where specifically provided otherwise, a moped.**

SECTION 17. IC 9-17-2-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 1.7. (a) Notwithstanding any other law, a person may apply to the bureau for a certificate of title for a moped. However, a person is not required to obtain a certificate of title from the bureau for a moped before the person may operate the moped upon a highway.**

(b) The bureau may adopt rules under IC 4-22-2 to determine the indication of ownership for a moped for purposes of obtaining a certificate of title for the moped under this article.".

Page 8, line 17, after "fee." insert "**The bureau may adopt rules under IC 4-22-2 to determine the requirements for registering a moped with the bureau.**".

Page 14, line 10, strike "twenty-five (25)" and insert "**thirty (30)**".

Page 14, line 27, after "individual" insert "**driving or**".

Page 14, line 27, delete "under IC 9-21-11-12".

Page 14, line 37, reset in roman "permit".

Page 14, line 37, after "permit" insert "**or an**".

Page 14, line 38, delete "card" and insert "**card, as applicable,**".

Page 15, line 1, after "or the" insert "**identification card or**".

Page 15, line 1, delete "permit" and insert "**permit, as applicable,**".

Page 15, delete lines 4 through 7.

Renumber all SECTIONS consecutively.

(Reference is to HB 1197 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Engrossed House Bill 1171, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "JULY 1, 2012]" and insert "UPON PASSAGE]".

Page 2, line 16, strike "in" and insert "**before the dealer services division of the secretary of state**".

Page 2, strike line 17.

Page 2, line 18, strike "is located".

Page 2, line 21, strike "circuit court" and insert "**dealer services division of the secretary of state**".

Page 2, line 23, strike "civil".

Page 2, line 23, strike "on the court's docket." and insert "**pending before the dealer services division of the secretary of state.**".

Page 2, line 26, strike "court" and insert "**dealer services division of the secretary of state**".

Page 3, line 5, delete "and" and insert "**or**".

Page 3, after line 8, begin a new paragraph and insert:

"SECTION 2. IC 9-23-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a) As used in this section, "division" refers to the dealer services division of the secretary of state.**

(b) A dealer who is injured by an unfair practice set forth in IC 9-23-3 may ~~sue for relief in a court of competent jurisdiction and may recover damages or may receive injunctive relief, or both, and may recover the cost of the suit, including reasonable attorney's fees.~~ **file a complaint or petition with the division.**

(c) A dealer may not file a complaint or petition with the division based on an alleged violation of IC 9-23-3 or IC 9-23-5 by a manufacturer or distributor unless the dealer serves a demand for mediation upon the manufacturer or distributor:

(1) before; or

(2) at the same time as;

filing the complaint or petition. A demand for mediation must be in writing and served upon the manufacturer or distributor by certified mail at an address designated for the manufacturer or distributor in the licensor's records. The demand for mediation must contain a brief statement of the dispute and the relief sought by the dealer serving the demand.

(d) Not later than twenty (20) days after the date the demand for mediation is served under subsection (c), the parties shall mutually select an independent mediator and meet with the mediator for the purpose of attempting to resolve the dispute. The meeting place must be within Indiana at a location selected by the mediator. The mediator may extend the period in which the meeting must occur for good cause shown by either party or upon stipulation of the parties.

SECTION 3. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1171 as reprinted January 31, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

WYSS, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 43

Senate Resolution 43, introduced by Senator Grooms:

A SENATE RESOLUTION congratulating New Albany-Floyd County School Corporation on their recognition as a national Professional Learning Community model school.

Whereas, New Albany-Floyd County Consolidated School Corporation was recently named as the only Indiana school district to be recognized by Solution Tree for its quality and success in creating a professional learning community (PLC);

Whereas, Professional Learning Communities at Work are schools and districts where educators understand that the key to improving student learning is an ongoing process of learning for the adults who are charged with teaching these students;

Whereas, New Albany-Floyd County School Corporation has made learning a fundamental purpose, established a collaborative culture combined with job-embedded professional development, and based the schools' effectiveness on results instead of intentions;

Whereas, School districts are recognized based on strict criteria. After three years of implementing the PLC at Work process, the school corporation has begun to see tangible results; and

Whereas, Impressive test score improvement and the strong example being set by New Albany-Floyd County School Corporation are worthy of recognition: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates the New Albany-Floyd County School Corporation for their recognition as a national Professional Learning Community model school.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to New Albany-Floyd County School Corporation.

The resolution was read in full and adopted by voice vote.

Senate Resolution 37

Senate Resolution 37, introduced by Senator Randolph:

A SENATE RESOLUTION honoring Annie Burns Hicks, the first African-American teacher in Hammond, Indiana.

Whereas, Annie Burns Hicks attended Maywood Schools in Hammond, Indiana;

Whereas, Annie Burns Hicks graduated from Hammond High School, entered Ball State Teacher's College in Muncie, Indiana and eventually obtained a Master's Degree from DePaul University in Chicago, Illinois;

Whereas, In 1958, Annie Burns Hicks applied for a teacher's position with the Hammond school system, but was initially denied because she was African-American;

Whereas, Annie Burns Hicks filed a lawsuit against this discriminatory practice and was eventually hired as the first African-American teacher in the Hammond public school system, paving the way for other teachers to follow; and

Whereas, Annie Burns Hicks co-authored the first full day kindergarten program in Hammond, Indiana, instituted a formal reading program into Maywood's full day kindergarten, and worked in the first Head Start staff program: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate honors Annie Burns Hicks, the 2 first African-American teacher in Hammond, Indiana.

SECTION 2. The Secretary of the Senate shall transmit a copy of 4 this resolution to Annie Burns Hicks and Maywood Elementary 5 School.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 45 Senator Banks
Extending gratitude to Helena Chemical for choosing to develop their terminal in Huntington County.

SR 46 Senator Becker
Urging the Governor to designate November as COPD awareness month.

SR 48 Senator Lanane
Honoring John Williams upon his retirement from the Social Security Administration (SSA) in Anderson, Indiana where he was the Public Affairs Specialist for East-Central Indiana.

HCR 25 Senator Becker
Recognizing the Main Yard Site Remediation Project.

LONG

Motion prevailed.

Senate Resolution 45

Senate Resolution 45, introduced by Senator Banks:

A SENATE RESOLUTION extending gratitude to Helena Chemical for choosing to develop their terminal in Huntington County.

Whereas, Helena Chemical is anticipating the grand opening of their $21.5 million terminal in Huntington, Indiana in the spring of 2012;

Whereas, Helena Chemical is a division of Marubeni Corporation, based in Tokyo. Their Huntington terminal includes a new rail yard on the main Norfolk Southern line, making it the first new rail yard in Huntington County in 35 years;

Whereas, The company will provide fertilizer products for the 96-acre lot to support Helena's retail and wholesale accounts, and be a preferred link to the supply chain growers; and

Whereas, The Huntington terminal allows Helena Chemical to grow and sustain growth as a company. The plant will provide gainful employment and an opportunity for Huntington County: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana State Senate extends gratitude to Helena Chemical for developing their terminal in Huntington County.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Helena Chemical.

The resolution was read in full and adopted by voice vote.

Senate Resolution 46

Senate Resolution 46, introduced by Senators Becker, Gard and Miller:

A SENATE RESOLUTION urging the Governor to designate November as COPD awareness month.

Whereas, Chronic Obstructive Pulmonary Disease (COPD) is a term used to describe airflow obstruction that is associated mainly with emphysema and chronic bronchitis;

Whereas, COPD affects an estimated 24 million people and kills more than 120,000 Americans every year. On average, one person dies from COPD every four minutes, an alarming statistic for a disease many have not learned about;

Whereas, In 2010, the National Center for Health Statistics released a report stating that in 2008 COPD became the third leading cause of death in the United States;

Whereas, Pulmonary experts predict that, by the year 2020, COPD will become the third leading cause of death worldwide;

Whereas, COPD currently accounts for 1.5 million emergency room visits, 726,000 hospitalizations, and 8 million physician office and hospital outpatient visits, all of which are a detriment to the U.S. economy; COPD costs the nation an estimated $42.6 billion in direct and indirect medical costs annually;

Whereas, Research has identified a hereditary protein deficiency called Alpha-1 Antitrypsin; people with this deficiency tend to develop COPD, even without exposure to smoking or environmental triggers;

Whereas, Recently, the death rate for women with COPD has surpassed the death rate of men with COPD. Women over the age of 40 are the fastest-growing segment of the population developing this irreversible disease, due in large part to the equalization of opportunities for men and women to smoke over the past several generations;

Whereas, There is currently no cure for COPD. Spirometry testing and medical treatments exist to address symptom relief and possibly slow the progression of the disease; and

Whereas, Until there is a cure, the best approaches to preventing COPD and its considerable health, societal, and mortality impacts lie with education, awareness, and expanded delivery of detection and management protocols: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate urges the Governor to designate the month of November as COPD Awareness Month in the state of Indiana in recognition of this deadly disease and its effects on the citizens of this state.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the American Lung Association.

The resolution was read in full and adopted by voice vote.

Senate Resolution 48

Senate Resolution 48, introduced by Senator Lanane:

A SENATE RESOLUTION honoring John Williams upon his retirement from the Social Security Administration (SSA) in Anderson, Indiana where he was the Public Affairs Specialist for East-Central Indiana.

Whereas, On February 11, 2012, John Williams retired from the SSA after 38 years of public service;

Whereas, Williams spent all of his career stationed at the Anderson Social Security office providing community outreach and public education to residents of Madison County and surrounding communities;

Whereas, Beginning in 1984, Williams served as Social Security's Public Affairs Specialist for East-Central Indiana working in 25 counties serviced by the Anderson, Columbus, Kokomo, Marion, Muncie, and Richmond Social Security districts;

Whereas, Williams gave several community presentations and participated in numerous volunteer activities sponsored by community organizations that provide social and advocacy services to senior citizens and people who have disabilities;

Whereas, During his career, Williams received several Regional SSA and area community awards recognizing his ongoing efforts to provide high quality Social Security outreach and public education to residents of East-Central Indiana; and

Whereas, Williams consistently served the public in a friendly, courteous, and professional manner: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate honors John Williams upon his retirement from the Social Security Administration (SSA) in Anderson, Indiana where he was the Public Affairs Specialist for East-Central Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to John Williams.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 25

House Concurrent Resolution 25, sponsored by Senator Becker:

A CONCURRENT RESOLUTION recognizing the Main Yard Site Remediation Project.

Whereas, The National Association of Environmental Professionals (NAEP) named the Main Yard Site Remediation Project as the recipient of its 2011 National Environmental Excellence Award in the category of Environmental Stewardship;

Whereas, The project transformed the 4.5-acre abandoned General Waste Products site that was plagued by environmental impacts caused by more than 150 years of heavily industrialized use into safe, beautiful public parks and productive commercial properties;

Whereas, The project was a joint effort by the City of Evansville, the Evansville Department of Parks and Recreation, the Evansville Department of Metropolitan Development, and other city agencies and officials, the Evansville Greenway and Remediation Trust, and Apex Companies, LLC, which performed the environmental remediation of the property under the Indiana Department of Environmental Management's Voluntary Remediation Program;

Whereas, Together with the River Yard Site Remediation Project, the Main Yard Site Remediation Project will protect cultural history on the Ohio River's banks by preserving a historic riverfront ship building facility used in the Normandy D-Day invasion of World War II and create an important transportation option that will allow for the possible use of river traffic to move freight and materials; and

Whereas, The Main Yard Site Remediation Project proves that with hard work, perseverance, and cooperation, even contaminated industrial areas can be transformed into beautiful, useful areas: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks the Main Yard Site Remediation Project for turning a contaminated industrial area into safe, beautiful public parks and productive commercial properties.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the city of Evansville, the Evansville Department of Parks and Recreation, the Evansville Department of Metropolitan Development, the Evansville Greenway and Remediation Trust, and Apex Companies, LLC.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 26 and 28 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed with amendments Engrossed Senate Bills 26, 32, 52, 127, and 157 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 182, 237, 256, and 330 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 12 and 21 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 21st day of February, 2012, signed Senate Enrolled Acts: 13, 148, and 212.

REBECCA S. SKILLMAN
Lieutenant Governor

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1058

Senator Boots called up Engrossed House Bill 1058 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1200

Senator Bray called up Engrossed House Bill 1200 for second reading. The bill was read a second time by title. There being no

amendments, the bill was ordered engrossed.

Engrossed House Bill 1207

Senator Boots called up Engrossed House Bill 1207 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1207–1)

Madam President: I move that Engrossed House Bill 1207 be amended to read as follows:

Page 3, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 5. IC 4-21.5-7-6, AS AMENDED BY P.L.99-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) An environmental law judge hired after July 1, 1995, and the director must:

(1) be attorneys admitted to the bar of Indiana;

(2) have at least five (5) years of experience practicing administrative or environmental law in Indiana;

(3) be independent of the department of environmental management; and

(4) be subject to all provisions applicable to an administrative law judge under this article.

(b) The director or an environmental law judge may be removed for cause under:

(1) this article;

(2) ~~IC 4-15-2,~~ **IC 4-15-2.2,** through application of the standards for removal for **just** cause of a person in the state **classified** service (as ~~defined~~ **described** in ~~IC 4-15-2-3.8);~~ **IC 4-15-2.2-23);** or

(3) applicable provisions of the code of judicial conduct.

(c) The director may appoint a special environmental law judge. The special environmental law judge must meet the requirements of subsection (a).".

Page 4, delete lines 1 through 11.

Page 23, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 41. IC 14-10-2-2, AS AMENDED BY P.L.99-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The commission shall appoint administrative law judges. An administrative law judge:

(1) is subject to ~~IC 4-15-2;~~ **IC 4-15-2.2;** and

(2) may be removed for cause under:

(A) IC 4-21.5;

(B) ~~IC 4-15-2,~~ **IC 4-15-2.2,** through application of the standards for removal for **just** cause of a person in the state **classified** service (as ~~defined~~ **described** in ~~IC 4-15-2-3.8);~~ **IC 4-15-2.2-23);** or

(C) applicable provisions of the code of judicial conduct.

(b) The commission shall create a division of hearings. The division of hearings shall assist the commission in performing the functions of this section. The director of the division of hearings may appoint a special administrative law judge.

(c) A person who is not appointed by:

(1) the director of the division of hearings; or

(2) the commission;

may not act as an administrative law judge.".

Page 24, delete lines 1 through 5.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1207 as printed February 17, 2012.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 213: yeas 23, nays 26.

Motion failed. The bill was ordered engrossed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 28

House Concurrent Resolution 28, sponsored by Senator Becker:

A CONCURRENT RESOLUTION honoring Chief Justice Randall T. Shepard on the occasion of his retirement from the Indiana Supreme Court.

Whereas, Chief Justice Randall T. Shepard will retire from the Indiana Supreme Court in March, 2012;

Whereas, Appointed to the Supreme Court in 1985 by Governor Robert Orr, Chief Justice Shepard was selected as chief justice in 1987;

Whereas, Popular with Hoosiers who voted to retain him three times in statewide elections, Chief Justice Shepard received the highest number of votes ever cast for a state supreme court justice in Indiana in 2008;

Whereas, As the longest-serving state court chief justice in the United States, Chief Justice Shepard has been a dominant figure in our state during his tenure and has received national recognition, as exemplified by his appointment by U.S. Supreme Court Chief Justice John Roberts, Jr. to the United States Judicial Conference Advisory Committee on Civil Rules, making him the only state court justice among the membership of the committee;

Whereas, Chief Justice Shepard garnered statewide attention when Governor Mitch Daniels appointed him and former Governor Joseph Kernan to head a commission studying local government reforms;

Whereas, The highlights of Chief Justice Shepard's tenure in the Supreme Court include reforms to give the Supreme Court

discretion over which cases it hears, the webcasting of all of its oral arguments, the development of jury instructions in everyday English, and the development of an online self-service legal center that includes a video on representing yourself in court;

Whereas, In addition to his work with the court, Chief Justice Shepard created the "Courts in the Classroom" program to allow school children an opportunity to learn about the work of the judicial branch;

Whereas, Chief Justice Shepard has also been active in numerous state and national commissions, and has taught as an adjunct professor at numerous schools, including Indiana University School of Law in Bloomington and Yale University;

Whereas, Before his service on the Supreme Court, Chief Justice Shepard was a Vanderburgh County Superior Court judge and was a candidate for mayor of Evansville in 1979 and for the Indiana General Assembly in 1974 and 1976;

Whereas, Chief Justice Shepard is a graduate of Princeton University, Yale Law School, and the University of Virginia Law School; and

Whereas, Chief Justice Randall T. Shepard has served the court and his state admirably for many years: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks Chief Justice Randall Shepard for his years of dedicated service to the courts and the citizens of Indiana and wishes him well in retirement.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Chief Justice Shepard and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 30 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 17 and 18 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 29 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1238

Senator Holdman called up Engrossed House Bill 1238 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1238–1)

Madam President: I move that Engrossed House Bill 1238 be amended to read as follows:

Page 10, line 10, delete "mortgaged" and insert "**one (1) or more of the following constitute prima facie evidence that mortgaged property is abandoned:**".

Page 10, delete lines 11 through 12.

(Reference is to EHB 1238 as printed February 17, 2012.)

HOLDMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1298

Senator Holdman called up Engrossed House Bill 1298 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1298–3)

Madam President: I move that Engrossed House Bill 1298 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 5, delete "means:" and insert "**means a motor vehicle that is:**

(1) subject to inspection under IC 8-2.1-24, including under rules prescribed under IC 8-2.1-24; and

(2) engaged in the transportation of food.".

Page 2, delete lines 6 through 23.

Page 3, line 15, delete "health or a local health department." and insert "**health.**".

Page 3, line 17, after "(d)" insert "**,**".

Page 3, line 39, delete "or a local health department".

Page 4, after line 2, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**".

(Reference is to EHB 1298 as printed February 17, 2012.)

BECKER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1279

Senator Mishler called up Engrossed House Bill 1279 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1279–3)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 10, delete lines 6 through 42.

Page 11, delete lines 1 through 8.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 15, 2012.)

MISHLER

Motion prevailed.

SENATE MOTION
(Amendment 1279–4)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 6, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 10. IC 14-22-6-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 11. (a) This section does not apply to an employee of the department or an employee of a federal wildlife management agency who:~~

~~(1) is acting in the performance of the employee's duties; and~~

~~(2) has received the express written consent of the director for the employee's action.~~

~~(b) A person may not:~~

~~(1) use or possess an apparatus designed for use with or on a firearm commonly called a silencer; or~~

~~(2) use or possess a device used as a silencer;~~

~~in Indiana while in the act of hunting.~~".

Page 7, delete lines 1 through 8.

Page 15, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 29. IC 14-22-38-4, AS AMENDED BY P.L.2-2008, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A person who:

(1) unlawfully takes or possesses a deer or wild turkey;

(2) takes or possesses a deer or wild turkey by illegal methods or with illegal devices; or

(3) except as provided in subsections (c) and (d), sells, offers to sell, purchases, or offers to purchase a deer or wild turkey or a part of a deer or wild turkey;

shall reimburse the state five hundred dollars ($500) for the first violation and one thousand dollars ($1,000) for each subsequent violation.

(b) The money shall be deposited in the conservation officers fish and wildlife fund. This penalty is in addition to any other penalty under the law.

(c) Notwithstanding section 6 of this chapter, if a properly tagged deer is brought to a meat processing facility and the owner of the deer:

(1) fails to pick up the processed deer within a reasonable time; or

(2) notifies the meat processing facility that the owner does not want the processed deer;

the deer meat may be given away by the meat processing facility to another person. The meat processing facility may charge the person receiving the deer meat a reasonable and customary processing fee.

(d) Notwithstanding section 6 of this chapter, deer meat and products from farm raised deer that meet the requirements under IC 15-17 may be sold to the public.

(e) In addition to the reimbursement required under subsection (a), a person who recklessly, knowingly, or intentionally violates subsection (a)(1) or (a)(2) while using or possessing:

(1) an apparatus commonly called a silencer that is designed for use with or on a firearm; or

(2) a device used as a silencer;

commits unlawful hunting while using a silencer, a Class C misdemeanor.

SECTION 30. IC 14-22-38-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. A person who recklessly, knowingly, or intentionally violates IC 14-22-10-1(1) by hunting on privately owned land without the consent of the owner or tenant while using or possessing:**

(1) an apparatus commonly called a silencer that is designed for use with or on a firearm; or

(2) a device used as a silencer;

commits unauthorized hunting on private land with a silencer, a Class B misdemeanor.".

Page 16, after line 41, begin a new paragraph and insert:

"SECTION 35. IC 35-51-14-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 14:

IC 14-9-8-19 (Concerning the department of natural resources).

IC 14-15-3-31 (Concerning watercraft).

IC 14-15-4-4 (Concerning watercraft accidents).

IC 14-15-8-8 (Concerning operating a watercraft while intoxicated).

IC 14-15-8-9 (Concerning operating a watercraft while intoxicated).

IC 14-15-9-8 (Concerning divers).

IC 14-15-11-11 (Concerning motorboat operators).

IC 14-15-12-13 (Concerning personal watercraft).

IC 14-16-1-29 (Concerning off-road vehicles).
IC 14-17-4-8 (Concerning property acquisition).
~~IC 14-20-1-25 (Concerning state museums and historic sites).~~
IC 14-21-1-16 (Concerning historic preservation and archeology).
IC 14-21-1-26 (Concerning historic preservation and archeology).
IC 14-21-1-26.5 (Concerning historic preservation and archeology).
IC 14-21-1-27 (Concerning historic preservation and archeology).
IC 14-21-1-28 (Concerning historic preservation and archeology).
IC 14-21-1-36 (Concerning historic preservation and archeology).
IC 14-21-2-5 (Concerning historic preservation and archeology).
IC 14-22-13-10 (Concerning commercial fishing licenses).
IC 14-22-17-4 (Concerning fish and wildlife).
IC 14-22-32-3 (Concerning fish and wildlife).
IC 14-22-34-12 (Concerning fish and wildlife).
IC 14-22-37-2 (Concerning fish and wildlife).
IC 14-22-37-3 (Concerning fish and wildlife).
IC 14-22-38-1 (Concerning fish and wildlife).
IC 14-22-38-3 (Concerning fish and wildlife).
IC 14-22-38-4 (Concerning fish and wildlife).
IC 14-22-38-4.5 (Concerning fish and wildlife).
IC 14-22-38-6 (Concerning fish and wildlife).
IC 14-22-40-6 (Concerning fish and wildlife).
IC 14-23-7-5 (Concerning forestry).
IC 14-24-11-4 (Concerning entomology and plant pathology).
IC 14-26-7-8 (Concerning lakes and reservoirs).
IC 14-27-6-52 (Concerning levees, dams, and drainage).
IC 14-29-8-5 (Concerning rivers, streams, and waterways).
IC 14-31-3-15 (Concerning nature preserves).
IC 14-31-3-16 (Concerning nature preserves).
IC 14-31-3-17 (Concerning nature preserves).
IC 14-31-3-19 (Concerning nature preserves).
IC 14-31-3-20 (Concerning nature preserves).
IC 14-31-3-21 (Concerning nature preserves).
IC 14-34-2-6 (Concerning surface coal mining and reclamation).
IC 14-34-16-6 (Concerning surface coal mining and reclamation).
IC 14-34-16-7 (Concerning surface coal mining and reclamation).
IC 14-37-13-6 (Concerning oil and gas).".

Renumber all SECTIONS consecutively.
(Reference is to EHB 1279 as printed February 15, 2012.)

HOLDMAN

Motion prevailed.

SENATE MOTION
(Amendment 1279–1)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 7. IC 14-8-2-131.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 131.7. "Inland water" for purposes of IC 14-22-13, includes:**

(1) the waters of the state; and

(2) the boundary waters of the state, except Lake Michigan and the Ohio River.".

Renumber all SECTIONS consecutively.
(Reference is to EHB 1279 as printed February 15, 2012.)

R. YOUNG

Motion prevailed.

SENATE MOTION
(Amendment 1279–2)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 14, line 36, strike "(2) Nutria.".
Page 14, line 37, strike "(3)" and insert "**(2)**".
Page 14, line 38, strike "(4)" and insert "**(3)**".
Page 14, line 39, strike "(5)" and insert "**(4)**".
(Reference is to EHB 1279 as printed February 15, 2012.)

R. YOUNG

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1003

Senator Holdman called up Engrossed House Bill 1003 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 214: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1047

Senator Kruse called up Engrossed House Bill 1047 for third reading:

A BILL FOR AN ACT concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 215: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1050

Senator Holdman called up Engrossed House Bill 1050 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 216: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1052

Senator Nugent called up Engrossed House Bill 1052 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 217: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1054

Senator Charbonneau called up Engrossed House Bill 1054 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 218: yeas 43, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1060

Senator Lawson called up Engrossed House Bill 1060 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 219: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1090

Senator Kenley called up Engrossed House Bill 1090 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 220: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1107

Senator Gard called up Engrossed House Bill 1107 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 221: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1128

Senator Gard called up Engrossed House Bill 1128 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 222: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1129

Senator Mishler called up Engrossed House Bill 1129 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 223: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1141

Senator Kenley called up Engrossed House Bill 1141 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 224: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1173

Senator Walker called up Engrossed House Bill 1173 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 225: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1211

Senator Becker called up Engrossed House Bill 1211 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 226: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1212

Senator Merritt called up Engrossed House Bill 1212 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 227: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1220

Senator Leising called up Engrossed House Bill 1220 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 228: yeas 39, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1237

Senator Eckerty called up Engrossed House Bill 1237 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 229: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1250

Senator Lawson called up Engrossed House Bill 1250 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 230: yeas 43, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1273

Senator Bray called up Engrossed House Bill 1273 for third reading:

A BILL FOR AN ACT concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 231: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1283

Senator Gard called up Engrossed House Bill 1283 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 232: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 30

House Concurrent Resolution 30, sponsored by Senator Holdman:

A CONCURRENT RESOLUTION honoring the United Ways of Indiana.

Whereas, Charitable giving and volunteerism are of incredible value to our state and are strongly endorsed and encouraged by the Indiana General Assembly;

Whereas, There are 62 local United Way and United Fund organizations and their partners spanning all corners of Indiana who have provided services in all 92 counties;

Whereas, Local and state policymakers have served as volunteers with United Ways and their partner organizations;

Whereas, Their efforts help to understand community needs, obtain critical resources, and generate the needed local results;

Whereas, United Ways assist with the specific needs and aspirations of their respective communities, including United Way network goals of long term social changes that produce healthy, educated, and financially stable individuals and families;

Whereas, United Ways continue to be a force behind Indiana's 211 information and referral service, which last year connected over 500,000 Hoosiers to government, community, and faith-based services;

Whereas, United Way organizations advocate for lasting change that improves the conditions for all, including our most vulnerable neighbors;

Whereas, Collectively, United Way organizations mobilize thousands of volunteers each year, strengthening the fiber of our communities and mobilizing the caring power of people; and

Whereas, United Way organizations are responsible for garnering charitable contributions that reinvest nearly $100,000,000 annually back to the local residents and communities they serve: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to express its heartfelt gratitude to the United Way volunteers, donors, staff, and community partners for their outstanding contributions to the state of Indiana and their tireless efforts to make Indiana communities stronger and more viable places to live.

SECTION 2. That the Indiana General Assembly urges Governor Daniels to declare February 22, 2012, "United Way Day" in Indiana.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of the Board of the Indiana Association of United Way.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that the following resolution be adopted:

HCR 26 Senator Banks
Honoring the Parkview Whitley Hospital nursing staff.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 26

House Concurrent Resolution 26, sponsored by Senators Banks and Long:

A CONCURRENT RESOLUTION honoring the Parkview Whitley Hospital nursing staff.

Whereas, The Parkview Whitley Hospital nursing staff has received some much deserved national recognition for its nursing services;

Whereas, The Parkview Whitley Hospital nursing staff has been named a 2011 recipient of the National Database of Nursing Quality Indicators (NDNQI) Award for Outstanding Nursing Quality for a Community Hospital;

Whereas, This award recognizes hospitals that improve patient outcomes and maintain high nurse job satisfaction, and recognizes six categories of hospitals based on performance: academic; teaching; community; rehabilitation; pediatric; and psychiatric;

Whereas, Parkview Whitley Hospital in Columbia City is one of only six hospitals recognized out of more than 1,700 nationwide, which is about one-third of all hospitals in the United States;

Whereas, This award is given to a staff that demonstrates superior results across a broad range of nursing performance indicators;

Whereas, Strategies employed at Parkview Whitley Hospital include the use of NDNQI data to drive optimal results for patients; interventions/strategies for falls, pressure ulcers, and infections; investment in training and data collection for patient safety; and use of nurses in driving design of patient care areas; and

Whereas, The Parkview Whitley Hospital nursing staff is committed to continuous improvement, outstanding teamwork, effective leadership, and evidence-based practices: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Parkview Whitley Hospital nursing staff on receiving the NDNQI Award for Outstanding Nursing Quality for a Community Hospital in 2011 and thanks the nursing staff for its dedicated service to Hoosiers.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the administrator of Parkview Whitley Hospital and the nursing staff of Parkview Whitley Hospital.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1211.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as second sponsor of Engrossed House Bill 1212.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as cosponsor of Engrossed House Bill 1059.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1107.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1054.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1049.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1052.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1238.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Holdman, Grooms, Banks, Kruse, Head, and Walker be added as cosponsors of Engrossed House Bill 1279.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as cosponsor of Engrossed House Bill 1047.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as cosponsors of House Concurrent Resolution 28.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as cosponsor of Engrossed House Bill 1298.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as cosponsor of Engrossed House Bill 1173.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1072.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1087.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Zakas and R. Young be added as cosponsors of Engrossed House Bill 1196.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Arnold and Wyss be added as cosponsors of Engrossed House Bill 1197.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as cosponsor of Engrossed House Bill 1224.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as cosponsor of Engrossed House Bill 1294.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as cosponsor of Engrossed House Bill 1237.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as cosponsor of Engrossed House Bill 1239.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as cosponsor of Engrossed House Bill 1226.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1220.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as cosponsor of Engrossed House Bill 1212.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as cosponsor of Engrossed House Bill 1136.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as cosponsor of Engrossed House Bill 1050.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as cosponsor of Engrossed House Bill 1283.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as cosponsor of Engrossed House Bill 1273.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as cosponsor of Engrossed House Bill 1250.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 23, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 4:45 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Twenty-sixth Meeting Day Thursday Afternoon February 23, 2012

The Senate convened at 1:47 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Pastor Richard Clark, Central Christian Church, Carmel.

The Pledge of Allegiance to the Flag was led by Senator Michael A. Delph.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 233: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 25

Senate Concurrent Resolution 25, introduced by Senators Walker and Simpson:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the part of Indiana Highway 46 between Columbus and Nashville in honor of Marine Sergeant Jeremy McQueary.

Whereas, Marine Sergeant Jeremy McQueary, 27, of Nashville, Indiana, was killed by an improvised explosive device on February 18, 2011 during a combat offensive in the Helmand Province of Afghanistan;

Whereas, Sgt. McQueary was serving his first tour in Afghanistan, after serving two previous tours in Iraq;

Whereas, From an early age, Sgt. McQueary was inclined to join the Marine Corps. He was inspired by his late father, Dallas McQueary, who worked as a Bartholomew County Sheriff's reserve deputy, and motivated by a strong desire to serve. In addition, he comes from a long line of military veterans;

Whereas, Following his early graduation from Columbus East High School in 2002, Sgt. McQueary enlisted in the U.S. Marine Corps;

Whereas, Sgt. McQueary's courageous service earned him a Combat Action Ribbon, along with additional service decorations;

Whereas, Sgt. McQueary will receive a Purple Heart, a prestigious honor bestowed upon those who have been wounded or killed while serving with the U.S. Military;

Whereas, Sgt. McQueary is survived by his wife, Rae McQueary; their son, Hadley; his mother, Deborah Kleinschmidt; and his sister, Rebecca Willison; and

Whereas, Marine Sergeant Jeremy McQueary's service to our country shall never be forgotten, and his legacy should be preserved by naming the part of Indiana Highway 46 between Columbus and Nashville after the fallen hero: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly urges the Indiana Department of Transportation to name the part of Indiana Highway 46 between Columbus and Nashville in honor of Marine Sergeant Jeremy McQueary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Rae McQueary, Deborah Kleinschmidt, Rebecca Willison, and the Indiana Department of Transportation.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

Senate Resolution 49

Senate Resolution 49, introduced by Senator Head:

A SENATE RESOLUTION urging the legislative council to establish an interim study committee to study the development and establishment of a program to test for the use of controlled substances by an individual who is at least 18 years of age and receives assistance under the Temporary Assistance for Needy Families program for the individual or on behalf of a child.

Whereas, Testing for controlled substances for recipients of assistance under the Temporary Assistance for Needy Families program requires further study: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study the development and establishment of a program to test for the use of controlled substances by an individual who is at least 18 years of age and receives assistance under the Temporary Assistance for Needy Families program for the individual or on behalf of a child.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Health and Provider Services.

Senate Resolution 50

Senate Resolution 50, introduced by Senator Yoder:

A SENATE RESOLUTION urging the Legislative Council to assign to an appropriate study committee the issues raised with regard to using property needing environmental remediation for residential purposes and expanding the use of tax increment financing for the payment of the environmental remediation and related costs associated with this type of project.

Whereas, There is a considerable amount of property, especially in cities and towns, that will be best used in the future for residential purposes, but the property needs environmental remediation;

Whereas, Environmental remediation of certain properties may not be cost effective for a private developer when the best future use is residential; and

Whereas, It is necessary to expand the use of tax increment financing to address issues related to the environmental remediation of property when the best future use is residential: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to assign to an appropriate study committee the issues raised with regard to using property needing environmental remediation for residential purposes and expanding the use of tax increment financing for the payment of the environmental remediation and related costs associated with this type of project.

The resolution was read in full and referred to the Committee on Energy and Environmental Affairs.

Senate Resolution 54

Senate Resolution 54, introduced by Senator Miller:

A SENATE RESOLUTION urging the legislative council to require the Department of Child Services to report their policies regarding child abuse and neglect to the Health Finance Commission.

Whereas, Children are Indiana's most precious resource;

Whereas, It is essential to provide for the health, safety, and well-being of Indiana's children; and

Whereas, Child abuse causes unspeakable pain and suffering to our most vulnerable citizens: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to require the Department of Child Services to report their policies regarding child abuse and neglect to the Health Finance Commission.

SECTION 2. That before October 31, 2012, the Department of Child Services shall report orally and in writing the following information to the Health Finance Commission:

(1) The Department's policies and procedures for removing a child from the home of a parent, guardian, or custodian in cases of alleged or substantiated child abuse or neglect.

(2) The number of reports filed against a parent, guardian, or custodian before the Department removes a child from the home.

(3) The number of substantiated claims of child abuse or neglect in 2011 and the action taken by the Department for each claim.

The resolution was read in full and referred to the Committee on Health and Provider Services.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 31, 32, 33, 34, 35, and 36 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed with amendments Engrossed Senate Bills 24, 107, 111, 113, 234, 257, 262, 275, 283, and 315 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 20 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 168, 225, 231, and 259 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Engrossed House Bill 1149, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 8 with "[EFFECTIVE JULY 1, 2012]".

Page 3, delete lines 1 through 2.

Page 3, line 3, delete "(6)" and insert "**(5)**".

Page 3, line 5, delete "February 3," and insert "**June 30,**".

Page 3, line 16, delete "the sale of either:" and insert "**:**".

Page 3, line 17, after "(i)" insert "**the sale of**".

Page 3, line 18, after "(ii)" insert "**the sale of**".

Page 3, line 22, delete "(7)" and insert "**(6)**".

Page 3, line 24, delete "February 3," and insert "**June 30,**".

Page 3, line 38, delete "(8)" and insert "**(7)**".

Page 3, line 39, delete "before February 3," and insert "**on June 30,**".

Page 4, line 11, delete "(9)" and insert "**(8)**".

Page 4, line 25, delete "February 3," and insert "**June 30,**".

Page 4, line 27, delete "(10)" and insert "**(9)**".

Page 4, line 41, delete "An" and insert "**The owner, operator, or manager of an**".

Page 5, line 2, after "require" insert "**the owner, operator, or manager of**".

Page 5, line 16, delete "or".

Page 5, line 17, after "safety" insert "**, or a law enforcement officer**".

Page 5, line 31, delete "The" and insert "**In addition to the requirements under subsection (b), the**".

Page 6, between lines 4 and 5, begin a new paragraph and insert:

"**(e) The division of fire and building safety may enforce this chapter by filing a civil action under IC 22-12-7-13.**".

Page 6, line 13, delete "A person, owner, manager, or employer" and insert "**An owner, a manager, or an employer**".

Page 6, line 30, delete "normal".

Page 7, delete lines 10 through 15.

Page 8, delete line 42.

(Reference is to HB 1149 as reprinted January 28, 2012.)
and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 2.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1326, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 28, after "superintendent" insert "**of public instruction**".

Page 3, delete lines 23 through 31.

Page 4, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 8. IC 12-32-1-3, AS ADDED BY P.L.171-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) As used in this chapter, "state or local public benefit" has the meaning set forth in 8 U.S.C. 1621.

(b) The term includes:

(1) a postsecondary education award, including a scholarship, a grant, or financial aid, **except for a scholarship, a grant, or financial aid that is awarded to an international student with bona fide legal status who is enrolled in a state educational institution;** and

(2) **except for an individual who was enrolled in a state educational institution on or before July 1, 2011,** the resident tuition rate (as determined by the state educational institution).".

Page 14, delete lines 12 through 14, begin a new paragraph and insert:

"SECTION 36. IC 20-20-17-6, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The department may award grants to school corporations:

(1) upon review of the applications received under section 5 of this chapter;

~~(2) upon receipt of the recommendations from the advisory committee under section 10 of this chapter;~~

~~(3)~~ **(2)** subject to available money; and

~~(4)~~ **(3)** in accordance with the following priorities:

(A) To the extent possible, to achieve geographic balance throughout Indiana and to include urban, suburban, and rural school corporations.

(B) To address a documented need for new or expanded school intervention or career counseling programs, including considering the percentage of students within the school corporation who are designated as at risk students.

(C) To promote innovative methods for initiating or expanding school intervention or career counseling programs.

(D) To reward school corporations that propose school intervention or career counseling programs that demonstrate the greatest potential for replication and implementation in Indiana.

(E) To lower school counselor/student ratios where the ratios are excessively high.

SECTION 37. IC 20-20-17-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. (a) An advisory committee composed of five (5) members is established.~~

~~(b) The state superintendent shall appoint the members of the advisory committee.~~

~~(c) The state superintendent shall:~~

~~(1) convene the advisory committee; and~~

~~(2) act as chair of the advisory committee.~~

~~The state superintendent may not be a member of the advisory committee.~~

~~(d) An employee of:~~

~~(1) the governor; or~~

~~(2) the department of education;~~

~~is eligible for appointment to the advisory committee.~~

~~(e) A member of the advisory committee serves at the pleasure of the appointing authority.~~

~~(f) A member of the advisory committee is not entitled to the following:~~

~~(1) The minimum salary per diem provided in IC 4-10-11-2.1(b).~~

~~(2) Reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.~~

~~(g) The advisory committee shall do the following:~~

~~(1) Assist the department in developing the guidelines described in section 9 of this chapter.~~

~~(2) Establish standards for qualifying for a grant under this chapter.~~

~~(3) Review grant applications and make recommendations to the state superintendent concerning the awarding of grants.~~

~~(4) Evaluate the impact and results of the various school intervention and career counseling programs receiving grants under this chapter.~~".

Page 17, line 42, after "IC 20-32-8," insert "**and IC 20-32-8.5-2(b).**".

Page 18, strike lines 1 through 3.

Page 18, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 60. IC 20-26-7-1, AS AMENDED BY P.L.91-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:Sec. 1. (a) If a governing body of a school corporation determines that any real or personal property:

(1) is no longer needed for school purposes; or

(2) should, in the interests of the school corporation, be exchanged for other property;

the governing body may sell or exchange the property in accordance with IC 36-1-11.

(b) Money derived from the sale or exchange of property under this section shall be placed in any school fund:

(1) established under applicable law; and

(2) that the governing body considers appropriate.

(c) A governing body may not make a covenant that prohibits the sale of real property to another educational institution.

(d) This subsection does not apply to a school building that on July 1, 2011, is leased or loaned by the school corporation that owns the school building to another entity. A governing body shall make available for lease or purchase to any charter school (as defined in IC 20-24-1-4) any school building owned by the school corporation that:

(1) either:

(A) is not used in whole or in part for classroom instruction at the time the charter school seeks to lease the building; or

(B) appears on the list compiled by the department under subsection (e); and

(2) was previously used for classroom instruction;

in order for the charter school to conduct classroom instruction.

(e) Each governing body shall inform the department whenever a school building that was previously used for classroom instruction is closed, unused, or unoccupied. The department shall maintain a list of closed, unused, or unoccupied school buildings and make the list available on the department's Internet web site. Each school corporation shall provide a list of closed, unused, or unoccupied buildings to the department by the date set by the department. The department must update the list each year before August 31.

(f) A school building that appears for the first time on the department's list under subsection (e) shall be designated as "Unavailable until (a date two (2) years after the school building first appears on the list)" if the governing body of the school corporation that owns the school building indicates the school building may be reclaimed during that period for classroom instruction, which must begin not later than one (1) year after the school building is reclaimed. If the school building remains unused for classroom instruction one (1) year after being reclaimed, the governing body shall place the school building on the department's list. A governing body may reclaim a school building only one (1) time under this subsection.

(g) If a charter school wishes to use a school building on the list created under subsection (e), the charter school shall send a letter of intent to the department. The department shall notify the school corporation of the charter school's intent, and the school corporation that owns the school building shall lease the school building to the charter school for one dollar ($1) per year for as

long as the charter school uses the school building for classroom instruction or for a term at the charter school's discretion, or sell the school building to the charter school for one dollar ($1). The charter school must begin to use the school building for classroom instruction not later than two (2) years after acquiring the school building. If the school building is not used for classroom instruction within two (2) years after acquiring the school building, the school building shall be placed on the department's list under subsection (e). If during the term of the lease the charter school closes or ceases using the school building for classroom instruction, the school building shall be placed on the department's list under subsection (e).

(h) During the term of a lease under subsection (g), the charter school is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. The school corporation is responsible for any debt incurred for or liens that attached to the school building before the charter school leased the school building.

(i) If a school building appears on the department's list under subsection (e) for at least forty-eight (48) months, the school corporation may sell or otherwise dispose of the school building in any manner the governing body considers appropriate.

(j) This subsection and subsection (k) apply if a governing body believes that there is little likelihood that a charter school is interested in leasing or purchasing a school building that was previously used for classroom instruction. The governing body shall:

(1) inform the department; and

(2) send notice by certified mail to each charter school sponsor and a statewide organization representing charter schools;

that the governing body wishes to dispose of a school building to which this subsection applies without placing the school building on the list maintained by the department under subsection (e).

(k) Not later than thirty (30) days after sending notice under subsection (j), if a charter school sponsor or a statewide organization representing charter schools does not respond to the notice objecting to the school building's disposal, the state superintendent may grant the governing body a waiver from being placed on the department's list and the governing body may dispose of the school building in any lawful manner. If a charter school sponsor or a statewide organization representing charter schools objects to the school building's disposal, the governing body shall place the school building on the department's list under subsection (e).".

Page 22, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 67. IC 20-30-5-7, AS AMENDED BY P.L.86-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. Each school corporation shall include in the school corporation's curriculum the following studies:

(1) Language arts, including:

(A) English;

(B) grammar;

(C) composition;

(D) speech; ~~and~~

(E) second languages; **and**

(F) cursive writing.

(2) Mathematics.

(3) Social studies and citizenship, including the:

(A) constitutions;

(B) governmental systems; and

(C) histories;

of Indiana and the United States, including a study of the Holocaust in each high school United States history course.

(4) Sciences.

(5) Fine arts, including music and art.

(6) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.

(7) Additional studies selected by each governing body, subject to revision by the state board.".

Page 25, delete lines 8 through 21.

Page 25, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 79. IC 20-32-8.5-2, AS ADDED BY P.L.109-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a) Except as provided in subsection (b),** the plan required by this chapter must include the following:

(1) Reading skill standards for grade 1 through grade 3.

(2) An emphasis on a method for making determinant evaluations by grade 3 that might require remedial action for the student, including retention as a last resort, after other methods of remediation have been evaluated or used, or both, if reading skills are below the standard. Appropriate consultation with parents or guardians must be part of the plan.

(3) The fiscal impact of each component of the plan, if any. In determining whether a component has a fiscal impact, consideration shall be given to whether the component will increase costs to the state or a school corporation or require the state or school corporation to reallocate resources.

(b) For a charter school, a plan required by this chapter may include only the following:

(1) A method for making determinant evaluations of reading skills by grade 3.

(2) Retention as a last resort for students reading below grade level as measured by the evaluation or assessment.".

Page 25, after line 34, begin a new paragraph and insert:

"SECTION 81. IC 21-14-11-1, AS ADDED BY P.L.209-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a) This section does not apply to an individual who was enrolled in a state educational institution on or before July 1, 2011.**

(b) An individual who is not lawfully present in the United States is not eligible to pay the resident tuition rate that is determined by the state educational institution.

SECTION 82. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "balanced calendar" refers to a calendar for a school year in which:**

(1) any break between instructional days does not exceed six (6) weeks; or

(2) the instructional days are divided into quarters.

(b) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(c) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(d) The legislative council is urged to assign the following topics to a study committee during the 2012 legislative interim:

(1) The use of balanced calendars by school corporations.

(2) Procedures for the implementation or discontinuance of the use of balanced calendars, including the use of referenda.

(e) If the topics described in subsection (d) are assigned to a study committee, the study committee shall determine whether legislation should be enacted to address the topics, and if so, the study committee shall recommend proposed legislation.

(f) This SECTION expires December 31, 2012.

SECTION 83. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committee" refers to an interim study committee to which the legislative council assigns the topics of study described in subsection (c).**

(b) As used in this SECTION, "state educational institution" has the meaning set forth in IC 21-7-13-32.

(c) The general assembly urges the legislative council to assign the following topics pertaining to state educational institution grading practices to an appropriate committee:

(1) Grading practices for courses that are required to fill general education requirements at a state educational institution.

(2) Whether the grade distribution for a required course at a state educational institution may differ depending upon whether the course is taught by a:

(A) tenured faculty member;

(B) faculty member who is on a tenure track; or

(C) contract instructor.

(3) Whether grading practices for required courses taught at a state educational institution have changed during the five (5) most recent academic years.

(4) Any other issue pertaining to grading practices at a state educational institution that the legislative council determines is appropriate.

(d) If the topics described in subsection (c) are assigned to a committee under subsection (c), the committee shall, not later than November 1, 2012, issue a final report to the legislative council concerning the findings and recommendations of the committee concerning the topics described in subsection (c).

(e) This SECTION expires December 31, 2012.

SECTION 84. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1326 as reprinted January 31, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 4.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1134, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 4 through 17.

Page 2, delete line 42.

Delete page 3.

Page 4, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1134 as printed February 17, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1376, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 2-5-26-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "office" refers to the office of Medicaid policy and planning established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

SECTION 2. IC 4-10-22-1, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. After the end of each **odd-numbered** state fiscal year, the office of management and budget shall calculate in the customary manner the total amount of state reserves as of the end of the state fiscal year. The office of management and budget shall make the calculation not later than July 31 of each **odd-numbered** year.

SECTION 3. IC 4-10-22-2, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. If:

(1) the total amount of state reserves calculated by the office of management and budget exceeds ~~ten percent (10%)~~ **fourteen percent (14%)** of the general revenue appropriations for the current state fiscal year; and ~~if~~

(2) the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);

the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made

not later than September 30 of ~~the~~ **each odd-numbered** year.

SECTION 4. IC 4-10-22-3, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. After completing the presentation to the state budget committee described in section 2 of this chapter, the governor shall **do the following:**

(1) If the amount of the excess reserves is less than one hundred million dollars ($100,000,000), transfer one hundred percent (100%) of the excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund.

(2) If the amount of the excess reserves is one hundred million dollars ($100,000,000) or more:

~~(1)~~ **(A)** transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund; and

~~(2)~~ **(B)** use fifty percent (50%) of any excess reserves for the purposes of providing an automatic taxpayer refund under section 4 of this chapter.

SECTION 5. IC 4-10-22-4, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following apply if sufficient excess state reserves are available to provide an automatic taxpayer refund to each taxpayer eligible for a refund:

(1) To qualify for a refund, a taxpayer:

(A) must have filed an Indiana resident individual adjusted gross income tax return for the preceding two (2) taxable years; and

(B) must have paid individual adjusted gross income tax to the state for the preceding taxable year.

Individuals who file a tax return but do not pay any individual adjusted gross income tax to the state are not entitled to a refund.

(2) The amount of the refund is determined for each qualifying taxpayer ~~on a pro rata basis, based on the qualifying taxpayer's portion of the total individual adjusted gross income tax liability paid by all qualifying taxpayers in the preceding taxable year.~~ **as follows:**

STEP ONE: Determine the total amount of excess state reserves that under section 3 of this chapter are available to provide automatic taxpayer refunds.

STEP TWO: Determine the total number of taxpayers that qualify for a refund under subdivision (1).

STEP THREE: Determine the result of:

(A) the STEP ONE result; divided by

(B) the STEP TWO result;

as rounded to the nearest dollar.

(3) The refund shall be applied as a credit against adjusted gross income tax liability in the taxpayer's taxable year in which a refund is provided. The credit may not be carried forward.

SECTION 6. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.

(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.

(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.

(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:

(A) the variance procedures are included in the rules; and

(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(19) An emergency rule adopted by the office of the secretary of family and social services under ~~IC 12-8-1-12.~~ **IC 12-8-1.5-11.**

(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.
(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).
(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).
(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.
(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.
(30) A rule adopted by the Indiana finance authority:
(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;
(B) under IC 8-15-2-17.2(a)(10):
(i) establishing enforcement procedures; and
(ii) making assessments for failure to pay required tolls;
(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or
(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.
(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.
(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.
(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).
(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.
(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.
(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:
(A) Federal Medicaid waiver program provisions.
(B) Federal programs administered by the office of the secretary.

(b) The following do not apply to rules described in subsection (a):
(1) Sections 24 through 36 of this chapter.
(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:
(1) accept the rule for filing; and
(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:
(1) The effective date of the statute delegating authority to the agency to adopt the rule.
(2) The date and time that the rule is accepted for filing under subsection (e).
(3) The effective date stated by the adopting agency in the rule.
(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:
(1) sections 24 through 36 of this chapter; or
(2) IC 13-14-9;
as applicable.

(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), or (a)(37) expires on the earlier of the

following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

SECTION 7. IC 12-7-1-5, AS ADDED BY P.L.220-2011, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. Actions taken under IC 12-8-1 **(expired),** IC 12-8-2 **(expired),** IC 12-8-6 **(expired),** and IC 12-8-8 **(expired)** after June 30, 1999, and before December 1, 1999, are legalized and validated to the extent that those actions would have been legal and valid if P.L.7-2000 had been enacted before July 1, 1999.

SECTION 8. IC 12-7-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. "Body", for purposes of ~~IC 12-8-2,~~ **IC 12-8-2.5,** has the meaning set forth in ~~IC 12-8-2-1.~~ **IC 12-8-2.5-1.**

SECTION 9. IC 12-7-2-99, AS AMENDED BY P.L.141-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 99. "A person with a disability" means, for purposes of the following statutes, an individual who has a physical or mental disability and meets the program eligibility requirements of the division of disability and rehabilitative services:

(1) ~~IC 12-8-1-11.~~ **IC 12-8-1.5-10.**

(2) IC 12-12-1.

(3) IC 12-12-6.

SECTION 10. IC 12-7-2-129 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 129. "Member", for purposes of ~~IC 12-8-2,~~ **IC 12-8-2.5,** has the meaning set forth in ~~IC 12-8-2-2.~~ **IC 12-8-2.5-2.**

SECTION 11. IC 12-7-2-134, AS AMENDED BY P.L.117-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 134. "Office" means the following:

(1) Except as provided in subdivisions (2) through (4), the office of Medicaid policy and planning established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

(2) For purposes of IC 12-10-13, the meaning set forth in IC 12-10-13-4.

(3) For purposes of IC 12-15-13, the meaning set forth in IC 12-15-13-0.4.

(4) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-4.

SECTION 12. IC 12-7-2-135 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 135. "Office of the secretary" refers to the office of the secretary of family and social services established by ~~IC 12-8-1-1.~~ **IC 12-8-1.5-1.**

SECTION 13. IC 12-7-2-160 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 160. (a) "Rehabilitation", for purposes of the statutes listed in subsection (b), means a process of providing services to meet the current and future needs of persons with disabilities so that the individuals may prepare for and engage in gainful employment to the extent of their capabilities, as provided in 29 U.S.C. 720.

(b) This section applies to the following statutes:

(1) ~~IC 12-8-1-11.~~ **IC 12-8-1.5-10.**

(2) IC 12-12-1.

(3) IC 12-12-3.

(4) IC 12-12-6.

SECTION 14. IC 12-7-2-172 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 172. (a) Except as provided in subsection (b), "secretary" refers to the secretary of family and social services appointed under ~~IC 12-8-1-2.~~ **IC 12-8-1.5-2.**

(b) "Secretary", for purposes of IC 12-13-14, has the meaning set forth in IC 12-13-14-1.

SECTION 15. IC 12-7-2-186 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 186. "State plan", for purposes of ~~IC 12-8-6,~~ **IC 12-8-6.5,** refers to the state Medicaid plan for the Medicaid program.

SECTION 16. IC 12-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.5. Office of Secretary of Family and Social Services

Sec. 0.3. (a) Actions taken under IC 12-8-1 (expired), after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before January 1, 2008.

(b) Actions taken under IC 12-8-1 (expired) after June 30, 2011, are legalized and validated to the extent that those actions would have been legal and valid if IC 12-8-1 had not expired on June 30, 2011.

Sec. 1. (a) The office of the secretary of family and social services is established.

(b) The office of the secretary includes the following:

(1) The secretary.

(2) Each office.

Sec. 2. The governor shall appoint the secretary of family and social services to coordinate family and social service programs among the divisions.

Sec. 3. (a) The secretary has administrative responsibility for the office of the secretary.

(b) Subject to this article, the secretary may organize an office to perform the duties of the office.

Sec. 4. The secretary may hire personnel necessary to perform the duties of each office.

Sec. 5. (a) The secretary, through the offices, is responsible for coordinating the provision of technical assistance to each division for the following:

(1) Compiling program budgets for each division.
(2) Fiscal performance of each division.
(3) Management and administrative performance of each division.
(4) Program performance of each division.

(b) The secretary, through the offices, is accountable for the following:
(1) Resolution of administrative, jurisdictional, or policy conflicts among the divisions.
(2) The coordination of the activities of each division with other entities, including the general assembly and other state agencies.
(3) Coordination of communication with the federal government and the governments of other states.
(4) Development and ongoing monitoring of a centralized management information system and a centralized training system for orientation and cross-training.
(5) The overall policy development and management of the state Medicaid plan under IC 12-15.
(6) Liaison activities with other governmental entities and private sector agencies.

Sec. 6. (a) The secretary and the commissioner of the state department of health shall cooperate to coordinate family and social services programs with related programs administered by the state department of health.

(b) The secretary, in cooperation with the commissioner of the state department of health, is accountable for the following:
(1) Resolving administrative, jurisdictional, or policy conflicts between a division and the state department of health.
(2) Formulating overall policy for family, health, and social services in Indiana.
(3) Coordinating activities between the programs of the division of family resources and the maternal and child health programs of the state department of health.
(4) Coordinating activities concerning long term care between the division of disability and rehabilitative services and the state department of health.
(5) Developing and implementing a statewide family, health, and social services plan that includes a set of goals and priorities.

Sec. 7. The secretary, through the offices, may do the following:
(1) Employ experts and consultants to carry out the duties of the secretary and the offices.
(2) Utilize, with the consent of the other state agencies, the services and facilities of other state agencies without reimbursement.
(3) Accept in the name of the state, for use in carrying out the purposes of this article, any money or other property received as a gift, by bequest, or otherwise.
(4) Accept voluntary and uncompensated services.
(5) Expend money made available according to policies enforced by the budget agency.
(6) Establish and implement the policies and procedures necessary to implement this article.
(7) Advise the governor concerning rules adopted by a division.
(8) Create advisory bodies to advise the secretary about any matter relating to the implementation of this article.
(9) Perform other acts necessary to implement this article.

Sec. 8. (a) The secretary shall cooperate with the federal Social Security Administration and with any other agency of the federal government in any reasonable manner that may be necessary to qualify for federal aid for assistance to persons who are entitled to assistance under the provisions of the federal Social Security Act.

(b) The secretary shall do the following:
(1) Make reports in the form and containing the information required by the federal Social Security Administration Board or any other agency of the federal government.
(2) Comply with the requirements that the federal Social Security Administration Board or other agency of the federal government finds necessary to assure the correctness and verification of reports.

(c) The secretary shall act as the agent to the federal government in the following:
(1) Welfare matters of mutual concern.
(2) The administration of federal money granted to Indiana to aid the welfare functions of the state.

Sec. 9. (a) Consistent with the powers and duties of the secretary under this article, the secretary may adopt rules under IC 4-22-2 relating to the exercise of those powers and duties.

(b) The secretary may adopt emergency rules under IC 4-22-2-37.1(a)(37) for the following:
(1) Federal Medicaid waiver program provisions.
(2) Federal programs administered by the office of the secretary.

Notwithstanding any other law, emergency rules adopted under this subsection expire June 30, 2013.

Sec. 10. The office of the secretary is designated as the sole state agency responsible for administering programs concerning the vocational rehabilitation of individuals with a disability under 29 U.S.C. 701 et seq.

Sec. 11. (a) If:
(1) the sums appropriated by the general assembly in the biennial budget to the family and social services administration for the Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program are insufficient to enable the office of the secretary to meet its obligations; and
(2) the failure to appropriate additional funds would:
(A) violate a provision of federal law; or
(B) jeopardize the state's share of federal financial participation applicable to the state appropriations contained in the biennial budget for Medicaid assistance, Medicaid administration, public assistance (TANF), or the IMPACT (JOBS) work program;

then there are appropriated further sums as may be necessary to remedy a situation described in this subsection, subject to the approval of the budget director and the unanimous recommendation of the members of the budget committee. However, before approving a further appropriation under this subsection, the budget director shall explain to the budget committee the factors indicating that a condition described in subdivision (2) would be met.

(b) If:

(1) the sums appropriated by the general assembly in the biennial budget to the family and social services administration for Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program are insufficient to enable the family and social services administration to meet its obligations; and

(2) neither of the conditions in subsection (a)(2) would result from a failure to appropriate additional funds;

then there are appropriated further sums as may be necessary to remedy a situation described in this subsection, subject to the approval of the budget director and the unanimous recommendation of the members of the budget committee. However, before approving a further appropriation under this subsection, the budget director shall explain to the budget committee the factors indicating that a condition described in subdivision (2) would be met.

(c) Notwithstanding IC 12-14 and IC 12-15 (except for a clinical advisory panel established under IC 12-15), and except as provided in subsection (d), the office of the secretary may by rule adjust programs, eligibility standards, and benefit levels to limit expenditures from Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program. The office of the secretary may adopt emergency rules under IC 4-22-2-37.1 to make an adjustment authorized by this subsection. However, adjustments under this subsection may not:

(1) violate a provision of federal law; or

(2) jeopardize the state's share of federal financial participation applicable to the state appropriations contained in the biennial budget for Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program.

(d) Subject to IC 12-15-21-3, any adjustments made under subsection (c) must:

(1) allow for a licensed provider under IC 12-15 to deliver services within the scope of the provider's license if the benefit is covered under IC 12-15; and

(2) provide access to services under IC 12-15 from a provider under IC 12-15-12.

Sec. 12. (a) Subject to the appropriation limits established by the state's biennial budget for the office of the secretary and its divisions, and after assistance, including assistance under TANF (IC 12-14), medical assistance (IC 12-15), and food stamps (7 U.S.C. 2016(i)), is distributed to persons eligible to receive assistance, the secretary may adopt rules under IC 4-22-2 to offer programs on a pilot or statewide basis to encourage recipients of assistance under IC 12-14 to become self-sufficient and discontinue dependence on public assistance programs. Programs offered under this subsection may do the following:

(1) Develop welfare-to-work programs.

(2) Develop home child care training programs that will enable recipients to work by providing child care for other recipients.

(3) Provide case management and supportive services.

(4) Develop a system to provide for public service opportunities for recipients.

(5) Provide plans to implement the personal responsibility agreement under IC 12-14-2-21.

(6) Develop programs to implement the school attendance requirement under IC 12-14-2-17.

(7) Provide funds for county planning council activities under IC 12-14-22-13 (repealed).

(8) Provide that a recipient may earn up to the federal income poverty level (as defined in IC 12-15-2-1) before assistance under this title is reduced or eliminated.

(9) Provide for child care assistance, with the recipient paying fifty percent (50%) of the local market rate as established under 45 CFR 256 for child care.

(10) Provide for medical care assistance under IC 12-15, if the recipient's employer does not offer the recipient health care coverage.

(b) If the secretary offers a program described in subsection (a), the secretary shall annually report the results and other relevant data regarding the program to the legislative council in an electronic format under IC 5-14-6.

Sec. 13. The office of the secretary shall implement methods to facilitate the payment of providers under IC 12-15.

Sec. 14. The office of the secretary shall improve its system through the use of technology and training of staff to do the following:

(1) Simplify, streamline, and destigmatize the eligibility and enrollment processes in all health programs serving children.

(2) Ensure an efficient provider payment system.

(3) Improve service to families.

(4) Improve data quality for program assessment and evaluation.

Sec. 15. (a) The office of the secretary shall:

(1) cooperate with; and

(2) assist;

a nonprofit organization with the purpose to implement and administer a program to provide health care to uninsured Indiana residents.

(b) The office of the secretary shall assist a nonprofit organization that has the purpose described in subsection (a) with the following:

(1) Determining eligibility of potential participants who have an income of not more than one hundred percent (100%) of the federal poverty level for a program described in this section.

(2) Issuing a plan card that is valid for one (1) year to an individual if:

(A) the office of the secretary has determined the individual is eligible for the program; and

(B) the individual has paid the office of the secretary a registration fee determined by the office.

(3) Operating a toll free telephone number that provides provider referral services for participants in the program.

(4) Implementing the program described in this section to combine the resources of the office of the secretary and the nonprofit organization in a manner that would not result in the additional expenditure of state funds.

SECTION 17. IC 12-8-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.5. Family and Social Services Bodies

Sec. 0.3. (a) Actions taken under IC 12-8-2 (expired), after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before January 1, 2008.

(b) Actions taken under IC 12-8-2 (expired) after June 30, 2011, are legalized and validated to the extent that those actions would have been legal and valid if IC 12-8-2 had not expired on June 30, 2011.

Sec. 1. As used in this chapter, "body" refers to an entity described in section 3 of this chapter.

Sec. 2. As used in this chapter, "member" refers to a member of a body.

Sec. 3. Unless otherwise provided by a statute, this chapter applies to the following:

(1) The following advisory councils:

(A) The division of disability and rehabilitative services advisory council.

(B) The division of family resources advisory council.

(C) The division of mental health and addiction advisory council.

(2) A body:

(A) established by statute for a division; and

(B) whose enabling statute makes this chapter applicable to the body.

Sec. 3.5. Up to five (5) individuals appointed by the secretary to serve on an entity not described in section 3(1) of this chapter may be appointed to serve concurrently on an advisory council described in section 3(1) of this chapter. However, an individual may not serve concurrently on more than one (1) advisory council described in section 3(1) of this chapter.

Sec. 4. (a) This section applies only to a member who by statute is appointed to a fixed term.

(b) The term of an individual serving as a member begins on the latter of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires. If the individual does not succeed a member, the member's term begins as provided in subdivision (2).

(2) The day the individual is appointed.

(c) The term of a member expires on July 1 of the second year after the expiration of the term of the member's immediate predecessor. If the member has no immediate predecessor, the term of the member expires on July 1 of the second year after the member's term began.

(d) A member may be reappointed for a new term. A reappointed member is the member's own:

(1) successor for purposes of subsection (b); and

(2) immediate predecessor for purposes of subsection (c).

Sec. 5. (a) This section applies only to an individual who serves as a member because of an office the individual holds.

(b) The individual serves as a member until the individual no longer holds the office.

Sec. 6. The appointing authority of a member shall appoint an individual to fill a vacancy in the office of the member.

Sec. 7. Except as provided in another statute, the governor shall appoint a voting member of the body to be the presiding officer of the body.

Sec. 8. Unless otherwise provided by a statute, a member is a voting member.

Sec. 9. A majority of the voting members of the body constitutes a quorum.

Sec. 10. The affirmative vote of a majority of the voting members of the body is required for the body to take any action.

Sec. 11. (a) A member who is not a state employee is entitled to both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) A member who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) A member who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

Sec. 11.5. In addition to the requirements of IC 5-14-1.5, the office of the secretary or a division will make a good faith effort to ensure that members of any body subject to this chapter receive a copy of an agenda at least forty-eight (48) hours before any meeting of the body.

SECTION 18. IC 12-8-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 6.5. Office of Medicaid Policy and Planning

Sec. 0.3. (a) Actions taken under IC 12-8-6 (expired), after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before

January 1, 2008.

(b) Actions taken under IC 12-8-6 (expired) after June 30, 2011, are legalized and validated to the extent that those actions would have been legal and valid if IC 12-8-6 had not expired on June 30, 2011.

Sec. 1. The office of Medicaid policy and planning is established.

Sec. 2. The secretary shall appoint an administrator responsible for management of the office.

Sec. 3. The office is designated as the single state agency for administration of the state Medicaid program under IC 12-15.

Sec. 4. The office shall develop and coordinate Medicaid policy for the state.

Sec. 5. The secretary may adopt rules under IC 4-22-2 to implement this chapter and the state Medicaid program.

Sec. 6. (a) For purposes of IC 4-21.5, the secretary is the ultimate authority for the state Medicaid program.

(b) The secretary shall adopt rules under IC 4-22-2 to specify any additional necessary procedures for administrative review of an agency action under IC 4-21.5 and the state Medicaid program.

Sec. 7. The office and the division of mental health and addiction shall develop a written memorandum of understanding that provides the following:

(1) Program responsibilities for the provision of care and treatment for individuals with a mental illness.

(2) Responsibilities to educate and inform vendors of the proper billing procedures.

(3) Responsibilities in administering the state plan.

(4) Responsibilities for Medicaid fiscal and quality accountability and audits for mental health services.

(5) That the division shall recommend options and services to be reimbursed under the state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., individuals with a mental illness cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for individuals with a mental illness.

(8) That the division shall develop rate setting policies for medical assistance services for individuals with a mental illness.

(9) Policies to facilitate communication between the office and the division.

(10) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of mental health services.

Sec. 8. The office and the division of disability and rehabilitative services shall develop a written memorandum of understanding that provides the following:

(1) Program responsibilities for the provision of care and treatment for individuals with a developmental disability and long term care recipients.

(2) Responsibilities to educate and inform vendors of the proper billing procedures.

(3) Responsibilities in administering the state plan.

(4) Responsibilities for Medicaid fiscal and quality accountability and audits for developmental disability and long term care services.

(5) That the division shall recommend options and services to be reimbursed under the state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., individuals with a developmental disability and long term care recipients cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for individuals with a developmental disability and long term care recipients.

(8) That the division shall develop rate setting policies for medical assistance services for individuals with a developmental disability and long term care recipients.

(9) That the office, with the assistance of the division, shall apply for waivers from the United States Department of Health and Human Services to fund community and home based long term care services as alternatives to institutionalization.

(10) Policies to facilitate communication between the office and the division.

(11) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of developmental disability or long term care services.

Sec. 9. The office, the division of family resources, and the department of child services shall develop a written memorandum of understanding that provides the following:

(1) Program responsibilities for the provision of care and treatment for recipients served by the division.

(2) Responsibilities to educate and inform vendors of the proper billing procedures.

(3) Responsibilities in administering the state plan.

(4) Responsibilities for Medicaid fiscal and quality accountability and audits for services administered by the division.

(5) That the division shall recommend options and services to be reimbursed under the Medicaid state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., recipients served by the division cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for recipients served by the division.

(8) That the division shall develop rate setting policies for medical assistance services administered by the division.

(9) Policies to facilitate communication between the office and the division.

(10) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of services.

Sec. 10. (a) The office shall reduce reimbursement rates for over-the-counter drugs by ten percent (10%) not later than July 1, 2001.

(b) The office shall implement a Maximum Allowable Cost schedule for off-patent drugs not later than November 1, 2001.

(c) Not later than January 1, 2002, the office shall implement an information strategy directed to high volume prescribers.

(d) Beginning July 1, 2002, the office shall phase in case management for aged, blind, and disabled Medicaid recipients.

Sec. 11. The office shall adopt emergency rules under IC 4-22-2-37.1 to achieve the reductions needed to avoid expenditures exceeding the Medicaid appropriation made by P.L.224-2003 in the line item appropriation to the FAMILY AND SOCIAL SERVICES ADMINISTRATION, MEDICAID - CURRENT OBLIGATIONS. To the extent that reductions are made to optional Medicaid services as set forth in 42 U.S.C. 1396 et seq., the reductions may be accomplished on a pro rata basis with each optional service being reduced by a proportionate amount. However, the reductions may not be made in a manner that results in the elimination of any optional Medicaid service.

SECTION 19. IC 12-8-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8.5. Divisions and Directors

Sec. 0.3. (a) Actions taken under IC 12-8-8 (expired), after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before January 1, 2008.

(b) Actions taken under IC 12-8-8 (expired) after June 30, 2011, are legalized and validated to the extent that those actions would have been legal and valid if IC 12-8-8 had not expired on June 30, 2011.

Sec. 1. Subject to the approval of the governor, the secretary:

(1) shall appoint each director; and

(2) may terminate the employment of a director.

Sec. 2. (a) A director is the chief administrator of the director's division.

(b) A director is responsible to the secretary for the operation and performance of the director's division.

Sec. 3. A director is the appointing authority for the director's division.

Sec. 4. (a) A director may adopt rules under IC 4-22-2 relating to the operation of the director's division and to implement the programs of the director's division.

(b) Whenever a division is required to adopt rules under IC 4-22-2, the director of the division is the statutory authority that adopts the rules.

Sec. 5. (a) A director is the ultimate authority under IC 4-21.5 for purposes of the operation of the director's division and the programs of the director's division.

(b) The director shall consult with the secretary on issues of family, social services, or health policy arising in a proceeding under IC 4-21.5.

Sec. 6. A director is responsible for development and presentation of the budget of the director's division.

SECTION 20. IC 12-9-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the division.

SECTION 21. IC 12-9-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall be administered by a director appointed under ~~IC 12-8-8-1.~~ **IC 12-8-8.5-1.**

SECTION 22. IC 12-9-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the director.

SECTION 23. IC 12-9-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each member of the council appointed under section 3(2) of this chapter has a fixed term as provided in ~~IC 12-8-2-4.~~ **IC 12-8-2.5-4.**

SECTION 24. IC 12-9-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~IC 12-8-2~~ **IC 12-8-2.5** applies to the council.

SECTION 25. IC 12-9.1-1-2, AS ADDED BY P.L.141-2006, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the division.

SECTION 26. IC 12-9.1-2-1, AS ADDED BY P.L.141-2006, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall be administered by a director appointed under ~~IC 12-8-8-1.~~ **IC 12-8-8.5-1.**

SECTION 27. IC 12-9.1-2-2, AS ADDED BY P.L.141-2006, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the director.

SECTION 28. IC 12-10-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "office" refers to the office of Medicaid policy and planning established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

SECTION 29. IC 12-12-1-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. (a) The bureau may do the following:

(1) Establish vocational rehabilitation centers separately or in conjunction with community rehabilitation centers.

(2) Contract with governmental units and other public or private organizations to provide any of the vocational rehabilitation services permitted or required by this article, ~~IC 12-8-1-11,~~ **IC 12-8-1.5-10,** IC 12-9-6, and IC 12-11-6.

(3) Provide or contract for the provision of other services that are consistent with the purposes of this article, ~~IC 12-8-1-11,~~ **IC 12-8-1.5-10,** IC 12-9-6, and IC 12-11-6.

(b) When entering into contracts for job development, placement, or retention services, the bureau shall contract with governmental units and other public or private organizations or individuals that are accredited by one (1) of the following organizations:

(1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.

(2) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.

(3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.

(4) The National Commission on Quality Assurance, or its successor.

(5) An independent national accreditation organization approved by the secretary.

(c) To the extent that the accreditation requirements of an accrediting organization listed in subsection (b) do not cover a specific requirement determined by the bureau to be necessary for a contracted service under subsection (a), the bureau shall include these specific requirements as part of the bureau's contract for job development, placement, or retention services.

SECTION 30. IC 12-12.7-2-8, AS ADDED BY P.L.93-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The council consists of at least fifteen (15) but not more than twenty-five (25) members appointed by the governor as follows:

(1) At least twenty percent (20%) of the members must be individuals who:

(A) are parents, including minority parents, of infants or toddlers with disabilities or of children who are less than thirteen (13) years of age with disabilities; and

(B) have knowledge of or experience with programs for infants and toddlers with disabilities.

At least one (1) of the members described in this subdivision must be a parent of an infant or toddler with a disability or of a child less than seven (7) years of age with a disability.

(2) At least twenty percent (20%) of the members must be public or private providers of early intervention services.

(3) At least one (1) member must be a member of the general assembly.

(4) Each of the state agencies involved in the provision of or payment for early intervention services to infants and toddlers with disabilities and their families must be represented by at least one (1) member. The members described in this subdivision must have sufficient authority to engage in policy planning and implementation on behalf of the state agency the member represents.

(5) At least one (1) member must be involved in personnel preparation.

(6) At least one (1) member must:

(A) represent a state educational agency responsible for preschool services to children with disabilities; and

(B) have sufficient authority to engage in policy planning and implementation on behalf of the agency.

(7) At least one (1) member must represent the department of insurance created by IC 27-1-1-1.

(8) At least one (1) member must represent an agency or program that is:

(A) located in Indiana; and

(B) authorized to participate in the Head Start program under 42 U.S.C. 9831 et seq.

(9) At least one (1) member must represent a state agency responsible for child care.

(10) At least one (1) member must represent the office of Medicaid policy and planing established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

(11) At least one (1) member must be a representative designated by the office of coordinator for education of homeless children and youths.

(12) At least one (1) member must be a state foster care representative from the department of child services established by ~~IC 31-33-1.5-2.~~ **IC 31-25-1-1.**

(13) At least one (1) member must represent the division of mental health and addiction established by IC 12-21-1-1.

(b) To the extent possible, the governor shall ensure that the membership of the council reasonably represents the population of Indiana.

SECTION 31. IC 12-13-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the division.

SECTION 32. IC 12-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall be administered by a director appointed under ~~IC 12-8-8-2.~~ **IC 12-8-8.5-1.**

SECTION 33. IC 12-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each member of the council appointed under section 3(2) of this chapter has a fixed term as provided in ~~IC 12-8-2-4.~~ **IC 12-8-2.5-4.**

SECTION 34. IC 12-13-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~IC 12-8-2~~ **IC 12-8-2.5** applies to the council.

SECTION 35. IC 12-13-15.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The division shall collaborate with the office of Medicaid policy and planning established by ~~IC 12-8-6-1~~ **IC 12-8-6.5-1** and the state department of health established by IC 16-19-1-1 to establish programs that facilitate children's access to oral health services.

SECTION 36. IC 12-14-2-21, AS AMENDED BY P.L.161-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A TANF recipient or the parent or essential person of a TANF recipient, if the TANF recipient is less than eighteen (18) years of age, must sign a personal responsibility agreement to do the following:

(1) Develop an individual self-sufficiency plan with other family members and a caseworker.

(2) Accept any reasonable employment as soon as it becomes available.

(3) Agree to a loss of assistance, including TANF assistance under this article, if convicted of a felony under IC 35-43-5-7 or IC 35-43-5-7.1 for ten (10) years after the conviction.

(4) Subject to section 5.3 of this chapter, understand that additional TANF assistance under this article will not be available for a child born more than ten (10) months after the person qualifies for assistance.

(5) Accept responsibility for ensuring that each child of the person receives all appropriate vaccinations against disease at an appropriate age.

(6) If the person is less than eighteen (18) years of age and is a parent, live with the person's parents, legal guardian, or an adult relative other than a parent or legal guardian in order to receive public assistance.

(7) Subject to ~~IC 12-8-1-12~~ **IC 12-8-1.5-11** and section 5.1 of this chapter, agree to accept assistance for not more than twenty-four (24) months under the TANF program (IC 12-14).

(8) Be available for and actively seek and maintain employment.

(9) Participate in any training program required by the division.

(10) Accept responsibility for ensuring that the person and each child of the person attend school until the person and each child of the person graduate from high school or attain a high school equivalency certificate (as defined in IC 12-14-5-2).

(11) Raise the person's children in a safe, secure home.

(12) Agree not to abuse illegal drugs or other substances that would interfere with the person's ability to attain self-sufficiency.

(b) Except as provided in subsection (c), assistance under the TANF program shall be withheld or denied to a person who does not fulfill the requirements of the personal responsibility agreement under subsection (a).

(c) A person who is granted an exemption under section 23 of this chapter may be excused from specific provisions of the personal responsibility agreement as determined by the director.

SECTION 37. IC 12-15-2-0.5, AS AMENDED BY P.L.1-2010, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. (a) This section applies to a person who qualifies for assistance:

(1) under sections 13 through 16 of this chapter;

(2) under section 6 of this chapter when the person becomes ineligible for medical assistance under IC 12-14-2-5.1 or IC 12-14-2-5.3; or

(3) as an individual with a disability if the person is less than eighteen (18) years of age and otherwise qualifies for assistance.

(b) Notwithstanding any other law, the following may not be construed to limit health care assistance to a person described in subsection (a):

(1) ~~IC 12-8-1-13.~~ **IC 12-8-1.5-12.**

(2) IC 12-14-1-1.

(3) IC 12-14-1-1.5.

(4) IC 12-14-2-5.1.

(5) IC 12-14-2-5.2.

(6) IC 12-14-2-5.3.

(7) IC 12-14-2-17.

(8) IC 12-14-2-18.

(9) IC 12-14-2-20.

(10) IC 12-14-2-21.

(11) IC 12-14-2-24.

(12) IC 12-14-2-25.

(13) IC 12-14-2-26.

(14) IC 12-14-2.5.

(15) IC 12-14-5.5.

(16) Section 21 of this chapter.

SECTION 38. IC 12-21-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the division.

SECTION 39. IC 12-21-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall be administered by a director appointed under ~~IC 12-8-8-1.~~ **IC 12-8-8.5-1.**

SECTION 40. IC 12-21-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the director.

SECTION 41. IC 12-21-2-3, AS AMENDED BY P.L.143-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. In addition to the general authority granted to the director under ~~IC 12-8-8,~~ **IC 12-8-8.5,** the director shall do the following:

(1) Organize the division, create the appropriate personnel positions, and employ personnel necessary to discharge the statutory duties and powers of the division or a bureau of the division.

(2) Subject to the approval of the state personnel department, establish personnel qualifications for all deputy directors, assistant directors, bureau heads, and superintendents.

(3) Subject to the approval of the budget director and the governor, establish the compensation of all deputy directors, assistant directors, bureau heads, and superintendents.

(4) Study the entire problem of mental health, mental illness, and addictions existing in Indiana.

(5) Adopt rules under IC 4-22-2 for the following:

(A) Standards for the operation of private institutions that are licensed under IC 12-25 for the diagnosis, treatment, and care of individuals with psychiatric disorders, addictions, or other abnormal mental conditions.

(B) Licensing or certifying community residential programs described in IC 12-22-2-3.5 for individuals with serious mental illness (SMI), serious emotional disturbance (SED), or chronic addiction (CA) with the exception of psychiatric residential treatment facilities.

(C) Certifying community mental health centers to operate in Indiana.

(D) Establish exclusive geographic primary service areas for community mental health centers. The rules must include the following:

(i) Criteria and procedures to justify the change to the boundaries of a community mental health center's primary service area.

(ii) Criteria and procedures to justify the change of an assignment of a community mental health center to a primary service area.

(iii) A provision specifying that the criteria and procedures determined in items (i) and (ii) must include an option for the county and the community mental health center to initiate a request for a change in primary service area or provider assignment.

(iv) A provision specifying the criteria and procedures determined in items (i) and (ii) may not limit an eligible consumer's right to choose or access the services of any provider who is certified by the division of mental health and addiction to provide public supported mental health services.

(6) Institute programs, in conjunction with an accredited college or university and with the approval, if required by law, of the commission for higher education, for the instruction of students of mental health and other related occupations. The programs may be designed to meet requirements for undergraduate and postgraduate degrees and to provide continuing education and research.

(7) Develop programs to educate the public in regard to the prevention, diagnosis, treatment, and care of all abnormal mental conditions.

(8) Make the facilities of the Larue D. Carter Memorial Hospital available for the instruction of medical students, student nurses, interns, and resident physicians under the supervision of the faculty of the Indiana University School of Medicine for use by the school in connection with research and instruction in psychiatric disorders.

(9) Institute a stipend program designed to improve the quality and quantity of staff that state institutions employ.

(10) Establish, supervise, and conduct community programs, either directly or by contract, for the diagnosis, treatment, and prevention of psychiatric disorders.

(11) Adopt rules under IC 4-22-2 concerning the records and data to be kept concerning individuals admitted to state institutions, community mental health centers, or other providers.

(12) Compile information and statistics concerning the ethnicity and gender of a program or service recipient.

(13) Establish standards for services described in IC 12-7-2-40.6 for community mental health centers and other providers.

SECTION 42. IC 16-28-15-5, AS ADDED BY P.L.229-2011, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. As used in this chapter, "office" refers to the office of Medicaid policy and planning established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

SECTION 43. IC 22-4.1-17-6, AS ADDED BY P.L.110-2010, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. As used in this chapter, "secretary" refers to the secretary of family and social services appointed under ~~IC 12-8-1-2.~~ **IC 12-8-1.5-2.**

SECTION 44. IC 32-33-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A person, a firm, a partnership, an association, a limited liability company, or a corporation maintaining a hospital in Indiana or a hospital owned, maintained, or operated by the state or a political subdivision of the state is entitled to hold a lien for the reasonable value of its services or expenses on any judgment for personal injuries rendered in favor of any person, except: ~~a person covered by:~~

(1) **a person covered by** the provisions of IC 22-3-2 through IC 22-3-6;

(2) **a person covered by** the federal worker's compensation laws; ~~or~~

(3) **a person covered by** the federal liability act; **or**

(4) an eligible person (as defined in IC 34-13-3-14(b)(1)) with respect to an award made from the supplemental state fair award fund (as established by IC 34-13-3-14.1(c)) under IC 34-13-3-14(c) for an occurrence (as defined in IC 34-13-3-14(b)(2));

who is admitted to the hospital and receives treatment, care, and maintenance on account of personal injuries received as a result of the negligence of any person or corporation. In order to claim the lien, the hospital must at the time or after the judgment is rendered, enter, in writing, upon the judgment docket where the judgment is recorded, the hospital's intention to hold a lien upon the judgment, together with the amount claimed.

SECTION 45. IC 32-33-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person, a firm, a partnership, an association, a limited liability company, or a corporation maintaining a hospital in Indiana or a hospital owned, maintained, or operated by the state or a political subdivision has a lien for all reasonable and necessary charges for hospital care, treatment, and maintenance of a patient (including emergency ambulance services provided by the hospital) upon any cause of action, suit, or claim accruing to the patient, or in the case of the patient's death, the patient's legal representative, because of the illness or injuries that:

(1) gave rise to the cause of action, suit, or claim; and

(2) necessitated the hospital care, treatment, and maintenance.

(b) The lien provided for in subsection (a):

(1) except as provided in subsection (c), applies to any amount obtained or recovered by the patient by settlement or compromise rendered or entered into by the patient or by the patient's legal representative;

(2) is subject and subordinate to any attorney's lien upon the claim or cause of action;

(3) is not applicable to accidents or injuries within the purview of:

(A) IC 22-3;

(B) 5 U.S.C. 8101 et seq.; ~~or~~

(C) 45 U.S.C. 51 et seq.; **or**

(D) IC 34-13-3-14 concerning an award made from the supplemental state fair award fund (as established by IC 34-13-3-14.1(c)) to an eligible person (as defined in IC 34-13-3-14(b)(1)) for an occurrence (as defined in IC 34-13-3-14(b)(2));

(4) is not assignable; and

(5) must first be reduced by the amount of any medical insurance proceeds paid to the hospital on behalf of the patient after the hospital has made all reasonable efforts to

pursue the insurance claims in cooperation with the patient.

(c) If a settlement or compromise that is subject to subsection (b)(1) is for an amount that would permit the patient to receive less than twenty percent (20%) of the full amount of the settlement or compromise if all the liens created under this chapter were paid in full, the liens must be reduced on a pro rata basis to the extent that will permit the patient to receive twenty percent (20%) of the full amount.

SECTION 46. IC 32-33-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A provider has a lien for all reasonable and necessary charges for the provision of emergency ambulance services to a patient upon any cause of action, suit, or claim accruing to the patient, or in the case of the patient's death, the patient's legal representative, because of the illness or injuries that:

(1) gave rise to the cause of action, suit, or claim; and

(2) necessitated the provision of emergency ambulance services.

(b) The lien:

(1) applies to any amount obtained or recovered by the patient by settlement or compromise rendered or entered into by the patient or by the patient's legal representative;

(2) is subject and subordinate to any attorney's lien upon the claim or cause of action; and

(3) is not applicable to accidents or injuries within the purview of:

(A) IC 22-3;

(B) 5 U.S.C. 8101 et seq.; ~~or~~

(C) 45 U.S.C. 51 et seq.; **or**

(D) IC 34-13-3-14(c) concerning an award made from the supplemental state fair award fund (as established by IC 34-13-3-14.1(c)) to an eligible person (as defined in IC 34-13-3-14(b)(1)) for an occurrence (as defined in IC 34-13-3-14(b)(2)).".

Delete pages 2 through 3.

Page 4, delete lines 1 through 6.

Page 4, line 24, delete "ten million dollars ($10,000,000)." and insert "eleven million dollars ($11,000,000)**, consisting of five million dollars ($5,000,000) paid from the state tort claim fund and six million dollars ($6,000,000) to be paid from the supplemental state fair award fund (as established by section 14.1(c) of this chapter).**".

Page 5, between lines 21 and 22, begin a new paragraph and insert:

"**(d) If an eligible person is represented by an attorney in connection with the occurrence, the attorney's fees may not exceed ten percent (10%) of any award made from the supplemental state fair award fund (as established by section 14.1(c) of this chapter) under this section.**

SECTION 49. IC 34-13-3-14.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14.1. (a) Recognizing the special emergency created by the state fair disaster of 2011, it is the intent of the general assembly to provide supplemental relief funds for victims of an occurrence (as defined in section 14(b)(2) of this chapter). It is not the intent of the general assembly to revise the tort claims act in order to address this special occurrence.**

(b) As used in this section "fund" means the supplemental state fair award fund established by subsection (c).

(c) The supplemental state fair award fund is established for the purpose of providing supplemental relief funds to the victims of an occurrence (as defined in section 14(b)(2) of this chapter) in accordance with section 14(c) of this chapter. The fund consists of grants, donations, and appropriations made by the general assembly. The fund shall be administered by the attorney general. The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency. The attorney general may use the money in the fund to pay a claim by an eligible person (as defined in section 14(b)(1) of this chapter) for ongoing personal care expenses of the eligible person that are directly related to and resulting from the occurrence. The fund may not be used for the following:

(1) Expenses covered by insurance.

(2) Expenses covered by another party.

(3) Attorney's fees.

A claim may not be paid from the fund until after all other claims by the eligible person against all other parties have been denied, settled, or adjudicated. A claim may not be paid from the fund to a person unless the person enters into an agreement with the state providing that the person will not bring any action against the state based on an indemnification clause.

(d) The state has a right of subrogation in the amount of any claim paid from the fund to pursue reimbursement for the proceeds of any insurance claim or monetary judgment recovered or recoverable by the eligible person.

(e) In addition to the subrogation rights, the state is entitled to a lien in the amount of the award on a recovery made by or on behalf of the eligible person.

(f) The state may:

(1) recover the amount of a claim paid in a separate action; or

(2) intervene in an action brought by or on behalf of the eligible person.

(g) The expenses of administering the fund shall be paid from money in the fund.

(h) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the state general fund.

(i) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, this section expires July 1, 2052, and any balance remaining in the fund on June 30, 2052, shall be transferred to the state general fund.

(j) Money in the fund is continually appropriated to the attorney general to carry out the purposes of the fund.

SECTION 50. IC 34-53-1-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. An insurer may not claim subrogation or reimbursement rights to the proceeds**

of an award made from the supplemental state fair award fund (as established by IC 34-13-3-14.1(c)) under IC 34-13-3-14(c) to an eligible person (as defined in IC 34-13-3-14(b)(1)) for an occurrence (as defined in IC 34-13-3-14(b)(2)).

SECTION 51. IC 34-53-1-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) Notwithstanding any statutory right, common law right, or agreement to the contrary, a person who pays benefits or compensation to or on behalf of an eligible person (as defined in IC 34-13-3-14(b)(1)) for an occurrence (as defined in IC 34-13-3-14(b)(2)) does not have a subrogation or other right, including any rights otherwise provided under this chapter, to recover those benefits or compensation paid from the supplemental state fair award fund (as established by IC 34-13-3-14.1(c)) by making a claim against the state, or by making a claim, or recovering from payments made to an eligible person (as defined in IC 34-13-3-14(b)(1)) for an occurrence (as defined in IC 34-13-3-14(b)(2)) under IC 34-13-3-14(c).**

(b) Not later than forty (40) days after a distribution under IC 34-13-3-14(c), a person who believes that the state cannot constitutionally prohibit assertion of a subrogation or other claim described in subsection (a), and who claims the subrogation or other interest against the state, or against an award made from the supplemental state fair award fund (as established by IC 34-13-3-14.1(c)) to an eligible person (as defined in IC 34-13-3-14(b)(1)) for an occurrence (as defined in IC 34-13-3-14(b)(2)) under IC 34-13-3-14(c) must provide written notice to the attorney general and the eligible person of the person's intent to assert that interest. Failure to provide timely written notice to the attorney general under this section constitutes a waiver of the claims described in this section.

SECTION 52. IC 34-55-10-2, AS AMENDED BY P.L.42-2011, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section does not apply to judgments obtained before October 1, 1977.

(b) The amount of each exemption under subsection (c) applies until a rule is adopted by the department of financial institutions under section 2.5 of this chapter.

(c) The following property of a debtor domiciled in Indiana is exempt:

(1) Real estate or personal property constituting the personal or family residence of the debtor or a dependent of the debtor, or estates or rights in that real estate or personal property, of not more than fifteen thousand dollars ($15,000). The exemption under this subdivision is individually available to joint debtors concerning property held by them as tenants by the entireties.

(2) Other real estate or tangible personal property of eight thousand dollars ($8,000).

(3) Intangible personal property, including choses in action, deposit accounts, and cash (but excluding debts owing and income owing), of three hundred dollars ($300).

(4) Professionally prescribed health aids for the debtor or a dependent of the debtor.

(5) Any interest that the debtor has in real estate held as a tenant by the entireties. The exemption under this subdivision does not apply to a debt for which the debtor and the debtor's spouse are jointly liable.

(6) An interest, whether vested or not, that the debtor has in a retirement plan or fund to the extent of:

(A) contributions, or portions of contributions, that were made to the retirement plan or fund by or on behalf of the debtor or the debtor's spouse:

(i) which were not subject to federal income taxation to the debtor at the time of the contribution; or

(ii) which are made to an individual retirement account in the manner prescribed by Section 408A of the Internal Revenue Code of 1986;

(B) earnings on contributions made under clause (A) that are not subject to federal income taxation at the time of the levy; and

(C) roll-overs of contributions made under clause (A) that are not subject to federal income taxation at the time of the levy.

(7) Money that is in a medical care savings account established under IC 6-8-11.

(8) Money that is in a health savings account established under Section 223 of the Internal Revenue Code of 1986.

(9) Any interest the debtor has in a qualified tuition program, as defined in Section 529(b) of the Internal Revenue Code of 1986, but only to the extent funds in the program are not attributable to:

(A) excess contributions, as described in Section 529(b)(6) of the Internal Revenue Code of 1986, and earnings on the excess contributions;

(B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or

(C) the excess over five thousand dollars ($5,000) of aggregate contributions made by the debtor for all programs under this subdivision and education savings accounts under subdivision (10) having the same designated beneficiary:

(i) not later than one (1) year before; and

(ii) not earlier than two (2) years before;

the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the aggregate contributions.

(10) Any interest the debtor has in an education savings account, as defined in Section 530(b) of the Internal Revenue Code of 1986, but only to the extent funds in the account are not attributable to:

(A) excess contributions, as described in Section 4973(e) of the Internal Revenue Code of 1986, and earnings on the excess contributions;

(B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or

(C) the excess over five thousand dollars ($5,000) of aggregate contributions made by the debtor for all accounts under this subdivision and qualified tuition programs under subdivision (9) having the same designated beneficiary:

(i) not later than one (1) year before; and

(ii) not earlier than two (2) years before;

the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the excess contributions.

(11) The debtor's interest in a refund or a credit received or to be received under the following:

(A) Section 32 of the Internal Revenue Code of 1986 (the federal earned income tax credit).

(B) IC 6-3.1-21-6 (the Indiana earned income tax credit).

(12) A disability benefit awarded to a veteran for a service connected disability under 38 U.S.C. 1101 et seq. This subdivision does not apply to a service connected disability benefit that is subject to child and spousal support enforcement under 42 U.S.C. 659(h)(1)(A)(ii)(V).

(13) Compensation awarded from the supplemental state fair award fund (as established by IC 34-13-3-14.1(c)) under IC 34-13-3-14(c) to an eligible person (as defined in IC 34-13-3-14(b)(1)) for an occurrence (as defined in IC 34-13-3-14(b)(2)). This subdivision applies even if a debtor is not domiciled in Indiana.

(d) A bankruptcy proceeding that results in the ownership by the bankruptcy estate of a debtor's interest in property held in a tenancy by the entireties does not result in a severance of the tenancy by the entireties.

(e) Real estate or personal property upon which a debtor has voluntarily granted a lien is not, to the extent of the balance due on the debt secured by the lien:

(1) subject to this chapter; or

(2) exempt from levy or sale on execution or any other final process from a court.".

Page 6, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 54. [EFFECTIVE UPON PASSAGE]. **(a) There is appropriated to the supplemental state fair award fund (as established by IC 34-13-3-14.1(c)) six million dollars ($6,000,000) from the state general fund for its use in carrying out the purposes of the fund.**

(b) Notwithstanding any other law, not later than April 1, 2012, the state budget agency shall transfer six million dollars ($6,000,000) from the state general fund to the supplemental state fair award fund.

(c) This SECTION expires June 30, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1376 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 1.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1196, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1040, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, after line 34, begin a new paragraph and insert:

"SECTION 2. IC 34-31-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 10. Limitation on Liability Arising From the Public Use of School Facilities for Physical Fitness Activities

Sec. 1. The limitation on liability provided in this chapter is in addition to any immunity or limitation on liability provided by the Indiana tort claims act (IC 34-13-3).

Sec. 2. (a) This chapter does not apply to activities if the participant is paid to participate in the activity.

(b) This chapter does not apply to a school that does not comply with the requirements concerning signs and warning notices set forth in this chapter.

Sec. 3. As used in this chapter, "inherent risk of a physical fitness activity" means a condition, danger, or hazard that is an integral part of:

(1) a physical fitness activity;

(2) the use of exercise equipment; or

(3) the use of a facility provided by a school;

as determined by a reasonable person considering the nature of the activity, equipment, or facility. The term includes the negligent acts of a participant that may contribute to injury to the participant or others, including failing to follow instructions, failing to exercise reasonable caution while engaging in activity, or failing to obey written warnings or postings.

Sec. 4. As used in this chapter, "participant" means a person who is engaging in a school physical fitness activity. The term does not include:

(1) a student; or

(2) a school employee or other person providing, directing, or supervising the school physical fitness activity.

Sec. 5. As used in this chapter, "school" means a public school (as defined in IC 20-18-2-15) or an accredited nonpublic school (as defined in IC 20-18-2-12).

Sec. 6. As used in this chapter, "school physical fitness activity" means an activity in which the general public is invited to use school property, school equipment, or a school facility to participate in a physical fitness activity, including

participation in sports, weightlifting, running, swimming, diving, bicycling, or any other similar activity, whether or not the member of the public pays to participate in the activity.

Sec. 7. Except as provided in sections 8 through 10 of this chapter, a school is not liable for the death or injury of a participant that results from an inherent risk of a physical fitness activity, and a participant or the representative of a participant may not:

(1) make a claim against;

(2) bring or maintain an action against; or

(3) recover damages from;

a school for injury, loss, damage, or death of a participant that results from the inherent risk of a physical fitness activity.

Sec. 8. Section 7 of this chapter does not prevent or limit the liability of a school:

(1) that has actual knowledge of, or that reasonably should have known of, a dangerous condition on the school property or affecting the facilities or equipment used in the school physical fitness activity;

(2) that fails to properly train a school employee or other person providing, directing, or supervising the school physical fitness activity, if the act or omission of the school employee or other person proximately causes the loss; or

(3) for an act or omission that is the result of willful, wanton, or intentional misconduct.

Sec. 9. Section 7 of this chapter does not prevent or limit a school's liability to a participant if the school receives monetary consideration for a school physical fitness activity from any person other than a government agency unless the school:

(1) posts and maintains a sign on which is printed the warning notice set forth in section 11 of this chapter; or

(2) has received a signed release from the participant indicating that the participant has received written notice of the warning set forth in section 11 of this chapter.

Sec. 10. If there is a written contract between a school and a participant for the provision of a school physical fitness activity, section 7 of this chapter does not prevent or limit the liability of the school unless the contract contains the warning notice set forth in section 11 of this chapter.

Sec. 11. (a) The warning notice described in sections 9 and 10 of this chapter must state the following:

"WARNING

Under Indiana law, a school is not liable for an injury to, or the death of, a participant in physical fitness activities at this location if the death or injury results from the inherent risks of the physical fitness activity. Inherent risks of physical fitness activities include risks of injury inherent in exercise, the nature of a sport, the use of exercise equipment, and the use of a facility provided by a school. Inherent risks also include the potential that you may act in a negligent manner that may contribute to your injury or death, or that other participants may act in a manner that may result in injury or death to you.

You are assuming the risk of participating in this physical fitness activity at this location."

(b) If the warning notice set forth in subsection (a) is posted on a sign as described in section 9 of this chapter, the warning must be posted in letters at least one (1) inch in height on a sign placed in a location where participants will likely be present.

(c) If the warning notice set forth in subsection (a) is included in a written contract as described section 10 of this chapter, the notice must be in at least 14 point bold face type.".

(Reference is to HB 1040 as printed January 11, 2012.) and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1087, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 9 with "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 1 through 17.

Delete pages 2 through 5.

Page 6, delete line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-26-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this article, "system" refers to the Indiana statewide wireless public safety voice and data communications system. The term does not include ~~the~~ **an** enhanced emergency telephone system under IC 36-8-16-2 **(before its repeal on July 1, 2012) or the statewide 911 system under IC 36-8-16.7.**".

Page 6, delete lines 29 through 31 and insert:

"(11) A communications system (as defined in IC 36-8-15-3 **(before its expiration on July 1, 2016)),** ~~or~~ an enhanced emergency telephone system (as defined in IC 36-8-16-2 **(before its repeal on July 1, 2012)), or the statewide 911 system (as defined in IC 36-8-16.7-22).**".

Page 9, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 3. IC 6-3.5-6-18, AS AMENDED BY P.L.135-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

(1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;

(2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b) **(before its expiration on July 1, 2016);**

(3) fund the operation of a public transportation corporation as provided in an election, if any, made by the

county fiscal body under IC 36-9-4-42;

(4) fund the operation of a public library in a county containing a consolidated city as provided in an election, if any, made by the county fiscal body under IC 36-3-7-6;

(5) make payments permitted under IC 36-7-14-25.5 or IC 36-7-15.1-17.5;

(6) make payments permitted under subsection (i);

(7) make distributions of distributive shares to the civil taxing units of a county; and

(8) make the distributions permitted under sections 27, 28, 29, 30, 31, 32, and 33 of this chapter.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

(1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-3-7-6, IC 36-7-14-25.5, IC 36-7-15.1-17.5, IC 36-8-15-19(b) **(before its expiration on July 1, 2016),** and IC 36-9-4-42 from the county's certified distribution for that same calendar year; and

(2) the amount of an additional tax rate imposed under section 27, 28, 29, 30, 31, 32, or 33 of this chapter.

The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

(1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for the calendar year in which the month falls.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter (other than revenues attributable to a tax rate imposed under section 30, 31, or 32 of this chapter) to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.".

Page 9, delete lines 32 through 34, begin a new line block indented and insert:

"(11) A communications system (as defined in IC 36-8-15-3 **before its expiration on July 1, 2016),** ~~or~~ an enhanced emergency telephone system (as defined in IC 36-8-16-2 **(before its repeal on July 1, 2012)), or the statewide 911 system (as defined in IC 36-8-16.7-22).**".

Page 14, delete lines 19 through 24, begin a new paragraph and insert:

"SECTION 7. IC 34-30-2-156 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 156. ~~IC 36-8-16-18~~ **IC 36-8-16.7-43** (Concerning **the statewide 911 board, a PSAP, a political subdivision, a communications** service ~~suppliers or telephone companies~~ **provider, a member of the board, or the board chair** for loss, death, or injury related to ~~an enhanced emergency telephone system).~~ **911 service).**".

Page 16, line 12, delete "IC 36-8-16.7-40" and insert "**IC 36-8-16.7-41**".

Page 16, line 13, delete "IC 36-8-16.7-43" and insert "**IC 36-8-16.7-45**".

Page 16, line 14, delete "IC 36-8-16.7-44" and insert "**IC 36-8-16.7-46**".

Page 16, delete line 15.

Page 16, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 10. IC 36-1-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter:

"Leasing agent" means the board or officer of a political subdivision or agency with the power to lease structures.

"Parking facility" refers to a parking facility as defined in

IC 36-9-1.

"Structure" means:

(1) a building used in connection with the operation of a political subdivision; or

(2) a parking facility.

The term includes the site, the equipment, and appurtenances to the building or parking facility.

"System" means:

(1) a computer (as defined in IC 36-8-15-4 **before its expiration on July 1, 2016);**

(2) a communications system (as defined in IC 36-8-15-3(1) **before its expiration on July 1, 2016);** or

(3) mobile or remote equipment that is coordinated by or linked with a computer or communications system.

"Transportation project" means a road or highway project jointly undertaken by the Indiana department of transportation and any county through which a toll road project under IC 8-15-2 passes. A transportation project must be located within an area described in IC 8-15-2-1(a)(3) or IC 8-15-2-1(a)(4).".

Page 17, delete lines 38 through 40, begin a new line block indented and insert:

"(2) **the statewide 911 board established by IC 36-8-16.7-24 and** the administrator of **an** ~~the~~ enhanced emergency telephone system established under IC 36-8-16 **(before its repeal on July 1, 2012),** if any;".

Page 18, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 12. IC 36-8-15-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires July 1, 2016.**

SECTION 13. IC 36-8-15.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 15.1. Public Communications Systems; Transitional Matters

Sec. 1. (a) Notwithstanding the expiration of IC 36-8-15 on July 1, 2016:

(1) a public safety communications systems and computer facilities district created by IC 36-8-15-7(a) (before its expiration on July 1, 2016); and

(2) a public safety communications systems district created under IC 36-8-15-7(b) (before its expiration on July 1, 2016);

remain in existence until such time as all bonds, loans, lease payments, or other obligations that were issued, obtained, or incurred by the district before July 1, 2016, are satisfied according to their terms.

(b) Notwithstanding the expiration of IC 36-8-15-14 on July 1, 2016, all taxable property located within:

(1) a public safety communications systems and computer facilities district created by IC 36-8-15-7(a) (before its expiration on July 1, 2016); and

(2) a public safety communications systems district created under IC 36-8-15-7(b) (before its expiration on July 1, 2016);

remains subject to a special benefit tax as provided for by IC 36-8-15-14 (before its expiration on July 1, 2016) until such time as revenue from the tax is no longer needed by the district to satisfy any obligations that were issued, obtained, or incurred by the district before July 1, 2016, to pay the costs of a project, as described in IC 36-8-15-14 (before its expiration on July 1, 2016).

(c) Notwithstanding the expiration of IC 36-8-15-18 on July 1, 2016, all property located within a public safety communications systems and computer facilities district in a county having a consolidated city remains subject to a special tax as provided for by IC 36-8-15-18 (before its expiration on July 1, 2016) until such time as revenue from the special tax is no longer needed by the district to satisfy any bonds that were issued by the district before July 1, 2016.

(d) Notwithstanding the expiration of IC 36-8-15-19 on July 1, 2016, all property located within a public safety communications systems district in a county described in IC 36-8-15-19(a) remains subject to an ad valorem property tax as provided for by IC 36-8-15-19(a) (before its expiration on July 1, 2016) until such time as revenue from the tax is no longer needed by the district to satisfy any obligations that were issued, obtained, or incurred by the district before July 1, 2016, to fund the operation of the district, as described in IC 36-8-15-19(a) (before its expiration on July 1, 2016).

(e) After June 30, 2016, a public safety communications systems and computer facilities district created by IC 36-8-15-7 (before its expiration on July 1, 2016) may not pledge revenue from any bonds issued or taxes levied under IC 36-8-15 (before its expiration on July 1, 2016) before July 1, 2016.

Sec. 2. Not later than November 1 of each year:

(1) a public safety communications systems and computer facilities district created by IC 36-8-15-7 (before its expiration on July 1, 2016); and

(2) each public safety communications systems district created under IC 36-8-15-7(b) (before its expiration on July 1, 2016);

shall report in an electronic format under IC 5-14-6 to the general assembly whether and to what extent all bonds, loans, lease payments, or other obligations that were issued, obtained, or incurred by the district before July 1, 2016, are satisfied according to their terms. If the general assembly determines, based on all reports submitted under this subsection, that all bonds, loans, lease payments, or other obligations that were issued, obtained, or incurred by all districts before July 1, 2016, are satisfied according to their terms, the general assembly may introduce legislation during a subsequent legislative session to amend this chapter to provide for the expiration or repeal of this chapter.".

Page 18, delete lines 23 through 37, begin a new paragraph and insert:

"SECTION 18. IC 36-8-16.6-11, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~Subject to section 22 of this chapter,~~ The board shall impose an enhanced prepaid wireless charge on each retail transaction that occurs after June 30, 2010. The amount of the initial charge imposed under this ~~subsection~~ **section** may not exceed one-half (1/2) of the monthly wireless emergency enhanced 911 fee

assessed under IC 36-8-16.5-25.5 **(before its repeal on July 1, 2012). The board shall increase the amount of the charge imposed under this section so that the amount of the charge imposed after June 30, 2012, under this section equals fifty cents ($0.50).**

(b) Subject to legislative approval, **after the increase described in subsection (a) and after June 30, 2012,** the board may increase the enhanced prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter ~~IC 36-8-16,~~ and ~~IC 36-8-16.5.~~ **IC 36-8-16.7.**

(c) A consumer that is the federal government or an agency of the federal government is exempt from the enhanced prepaid wireless charge imposed under this section.".

Page 19, line 13, delete "IC 36-8-16.7-32(b)." and insert "**IC 36-8-16.7-32(d).**".

Page 19, delete lines 14 through 28, begin a new paragraph and insert:

"SECTION 21. IC 36-8-16.6-22 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 22. (a) Not later than January 1, 2011, the department shall determine the total amount of fees collected and remitted under IC 36-8-16.5-30.5 (b)(2) (as effective in the period beginning July 1, 2008, and ending June 30, 2010) for the period beginning July 1, 2008, and ending June 30, 2010. The board shall provide all information necessary for the department to perform its duties under this subsection.~~

~~(b) Not later than January 1, 2013, the department shall determine the total amount of fees collected and remitted under this chapter for the period beginning July 1, 2010, and ending June 30, 2012.~~

~~(c) If the amount determined under subsection (b) is less than the amount determined under subsection (a) by more than five percent (5%), this chapter expires and sunsets July 1, 2013.~~".

Page 21, delete lines 2 through 4 and insert "**number 911 to send:**

(1) automatic number identification or its functional equivalent or successor; and

(2) automatic location information or its functional equivalent or successor;

for reporting police, fire, medical, or other emergency situations.".

Page 22, delete lines 32 through 35 and insert "**number 911 to send:**

(1) automatic number identification or its functional equivalent or successor; and

(2) automatic location information or its functional equivalent or successor;

for reporting police, fire, medical, or other emergency situations.".

Page 22, delete lines 37 through 40, begin a new line block indented and insert:

"**(1) A wireless 911 emergency telephone system funded under IC 36-8-16.5 (before its repeal on July 1, 2012).**

(2) An emergency notification system.

(c) The term does not include a wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012).".

Page 23, line 8, delete "for the purposes of subsection (c):" and insert "**concerning the membership of the board:**".

Page 23, delete lines 9 through 35, begin a new line block indented and insert:

"**(1) The executive committees of:**

(A) the Indiana chapter of the National Emergency Number Association (NENA); and

(B) the Indiana chapter of the Association of Public Safety Communication Officials International (APCO);

shall jointly recommend three (3) individuals, at least one (1) of whom must have budget experience at the local level.

(2) The CMRS providers authorized to provide CMRS in Indiana shall jointly recommend one (1) individual.

(3) The Indiana Association of County Commissioners shall recommend one (1) individual who is a county commissioner in Indiana.

(4) The Indiana Sheriff's Association shall recommend one (1) individual who is a county sheriff in Indiana.

(5) The Indiana Telecommunications Association shall recommend two (2) individuals as follows:

(A) One (1) individual representing a local exchange carrier that serves less than fifty thousand (50,000) local exchange access lines in Indiana.

(B) One (1) individual representing a local exchange carrier that serves at least fifty thousand (50,000) local exchange access lines in Indiana.

(6) The Indiana Cable Telecommunications Association shall recommend one (1) individual representing a VOIP provider.

(7) The Indiana Association of Cities and Towns shall recommend one (1) individual representing municipalities.

(c) The board consists of the following thirteen (13) members:

(1) The treasurer of state or the treasurer's designee. The treasurer of state or the treasurer's designee is chairperson of the board for a term concurrent with the treasurer of state's term of office. However, the treasurer of state's designee serves at the pleasure of the treasurer of state.

(2) Three (3) members for a term of three (3) years who are appointed by the governor after considering the recommendations submitted under subsection (b)(1) by the executive committees of NENA and APCO. At least one (1) member appointed under this subdivision must have budget experience at the local level.

(3) One (1) CMRS member who is appointed by the governor after considering the recommendation submitted under subsection (b)(2) by the CMRS providers authorized to provide CMRS in Indiana. A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (6), (7), or (8).

(4) One (1) county commissioner member appointed by the governor after considering the recommendation submitted under subsection (b)(3) by the Indiana Association of County Commissioners.

(5) One (1) county sheriff member appointed by the governor after considering the recommendation submitted under subsection (b)(4) by the Indiana Sheriffs' Association.

(6) One (1) local exchange carrier member that serves less than fifty thousand (50,000) local exchange access lines in Indiana appointed by the governor after considering the recommendation of the Indiana Telecommunications Association under subsection (b)(5)(A). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (7), or (8).

(7) One (1) local exchange carrier member that serves at least fifty thousand (50,000) local exchange access lines in Indiana appointed by the governor after considering the recommendation of the Indiana Telecommunications Association under subsection (b)(5)(B). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (6), or (8).

(8) One (1) VOIP provider who is appointed by the governor after considering the recommendation of the Indiana Cable Telecommunications Association under subsection (b)(6). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (6), or (7).

(9) One (1) member who represents municipalities and is appointed by the governor after considering the recommendation of the Indiana Association of Cities and Towns submitted under subsection (b)(7).

(10) One (1) member who represents a department or agency providing firefighting or fire prevention services in Indiana.

(11) The superintendent of the state police department or the superintendent's designee.".

Delete page 24.

Page 25, delete lines 1 through 6.

Page 25, between lines 20 and 21, begin a new paragraph and insert:

"**(e) This subsection applies to a member appointed under subsection (c)(2) through (c)(10). A member shall submit the name of a designee to the board. The board shall maintain a list of approved designees. A member may appoint a listed designee to fill the member's position under subsection (c) or to act on behalf of the member at a meeting of the board. The designee serves at the pleasure of the appointing member.**".

Page 25, line 21, delete "(e)" and insert "**(f)**".

Page 25, between lines 21 and 22, begin a new paragraph and insert:

"**(g) A member or a designee may vote by proxy.**".

Page 26, delete lines 3 through 20, begin a new line block indented and insert:

"**(4) Acquire, hold, use, and otherwise dispose of the board's income, revenues, funds, and money.**

(5) Enter into contracts, including contracts:

(A) for professional services;

(B) for purchase of supplies or services; and

(C) to acquire office space.

(6) Hire staff.

(7) Adopt rules under IC 4-22-2 to implement this chapter.

(8) Develop, maintain, and update a statewide 911 plan.

(9) Administer the statewide 911 fund established by section 29 of this chapter.

(10) Administer and distribute the statewide 911 fee in accordance with section 37 of this chapter.

(11) Administer statewide 911 grants in accordance with state and federal guidelines.

(12) Obtain from each PSAP operating statistics and other performance measurements, including call statistics by category and emergency medical dispatching (EMD) certifications.

(13) Take other necessary or convenient actions to implement this chapter that are not inconsistent with Indiana law.".

Page 26, line 21, delete "board" and insert "**treasurer of state**".

Page 26, delete line 24, begin a new line block indented and insert:

"**(2) Approve salaries and allowable expenses for board members, employees, and consultants.**".

Page 26, line 32, delete "board" and insert "**treasurer of state**".

Page 27, line 9, delete "board" and insert "**treasurer of state**".

Page 27, line 10, delete "In".

Page 27, delete lines 11 through 42, begin a new paragraph and insert:

"**(d) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money in the fund:**

(1) does not revert at the end of any state fiscal year but remains available for the purposes of the fund in subsequent state fiscal years, notwithstanding IC 4-13-2-19 or any other law; and

(2) is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by:

(A) the state board of finance notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or

(B) the budget agency or any other state agency notwithstanding IC 4-12-1-12 or any other law.".

Page 28, delete lines 1 through 3.

Page 28, line 4, delete "(f)" and insert "**(e)**".

Page 28, line 6, delete "board shall select a third party to" and insert "**state board of accounts shall**".

Page 28, delete lines 21 through 37, begin a new paragraph and insert:

"**Sec. 32. (a) Except as provided in subsections (c) and (e), and subject to subsection (b), the board shall assess a monthly statewide 911 fee on each user that is a customer having a place of primary use (as determined in the manner provided by IC 6-8.1-15) in Indiana at a rate that:**

(1) ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter; and

(2) provides for proper development, operation, and maintenance of a statewide 911 system.

The amount of the initial fee assessed under this subsection is one dollar ($1).

(b) The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and obligations under this chapter, subject to the following:

(1) The fee may not be raised or lowered more than one (1) time in a calendar year.

(2) The fee may not be raised or lowered more than ten cents ($0.10) by an adjustment without legislative approval.

(c) The fee assessed under this section does not apply to a prepaid user in a retail transaction under IC 36-8-16.6.

(d) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. An enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not considered an additional fee relating to the provision of wireless 911 service for purposes of this section.

(e) A user is exempt from the wireless emergency enhanced 911 fee if the user is any of the following:

(1) The federal government or an agency of the federal government.

(2) The state or an agency or instrumentality of the state.

(3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.".

Page 29, line 6, delete "statewide".

Page 29, line 26, delete "attorney's" and insert "**attorney**".

Page 29, delete lines 28 through 42, begin a new paragraph and insert:

"**Sec. 37. (a) Subject to subsection (b), the board shall administer the fund in the following manner:**

(1) The board may use fifteen percent (15%) of the statewide 911 fees deposited in the fund to recover the board's expenses in administering this chapter and to develop, operate, and maintain a statewide 911 system. However, the board may increase or decrease this percentage to allow for full recovery of administration expenses.

(2) The board shall distribute the remainder of the statewide 911 fees deposited in the fund to counties in an amount determined by the board. However, in determining a distribution under this subdivision, the board shall ensure that the distribution to a county with respect to any state fiscal year beginning after June 30, 2012, is at least equal to the average annual amount distributed to all PSAPs in the county under IC 36-8-16 (before its repeal on July 1, 2012) and to the county under IC 36-8-16.5 (before its repeal on July 1, 2012) during the three (3) state fiscal years ending:

(A) June 30, 2009;

(B) June 30, 2010; and

(C) June 30, 2011;

increased by a percentage that does not exceed the percent of increase in the United States Department of Labor Consumer Price Index during the twelve (12) months preceding the state fiscal year for which the distribution is made.

(b) The board may not distribute money in the fund in a manner that impairs the ability of the board to fulfill its management and administrative obligations under this chapter.

Sec. 38. (a) A PSAP may use a distribution from a county under this chapter only for the following:

(1) The lease, purchase, or maintenance of communications service equipment.

(2) Necessary system hardware and software and data base equipment.

(3) Personnel expenses, including wages, benefits, training, and continuing education.

(4) Consumer education concerning 911 service.

(5) Operational costs, including costs associated with:

(A) utilities;

(B) maintenance;

(C) equipment designed to provide backup power or system redundancy, including generators; and

(D) call logging equipment.

(6) An emergency notification system under section 40 of this chapter.

(7) Connectivity to the Indiana data communications system (IDACS).

(8) Rates associated with communications service providers' enhanced emergency communications system network services.

(9) Mobile radio equipment used by first responders.

(10) Up to fifty percent (50%) of the costs associated with the narrow banding or replacement of equipment as a result of the narrow banding requirements specified by the Federal Communications Commission.

(11) Other expenses approved by the board.

(b) A PSAP may not use a distribution from a county under this chapter for the following:

(1) Construction, purchase, renovation, or furnishing of PSAP buildings.

(2) Vehicles.

(c) Not later than January 31 of each year, each PSAP shall submit to the board a report of the following:

(1) All expenditures made during the immediately preceding calendar year from distributions under this chapter.

(2) Call data and statistics for the immediately preceding calendar year, as specified by the board and collected in accordance with any reporting method established or required by the board.

(d) Beginning July 1, 2013, the state board of accounts annually shall audit the expenditures of distributions under this chapter made during the immediately preceding calendar year by each PSAP that receives distributions under this chapter. In conducting an audit under this subsection, the state board of accounts shall determine, in conjunction with the board, whether the expenditures made by each PSAP are in compliance with subsections (a) and (b). The board shall review and further audit any ineligible expenditure identified by the state board of accounts under this subsection or through any other report. If the board

verifies that the expenditure did not comply with this section, the board shall ensure that the fund is reimbursed in the dollar amount of the noncomplying expenditure from any source of funding, other than a fund described in subsection (e), that is available to the PSAP or to a unit in which the PSAP is located.

(e) A distribution under section 37(a)(2) of this chapter must be deposited by the treasurer of the county in a separate fund set aside for the purposes allowed by subsections (a) and (b). The fund must be known as the _____ (insert name of county) 911 fund. The county treasurer may invest money in the fund in the same manner that other money of the county may be invested, but income earned from the investment must be deposited in the fund set aside under this subsection.".

Delete page 30.

Page 31, delete lines 1 through 5.

Page 31, delete lines 18 through 32, begin a new paragraph and insert:

"**Sec. 40. (a) As used in this section, "emergency notification system" means an enhanced 911 system capability that provides communications service users within the territory served by a PSAP with a warning, delivered through a device or medium by which users receive communications service from a provider, of an emergency situation through a computerized warning system that uses 911 data base information and technology.**

(b) A county may establish an emergency notification system. A PSAP in the county may use funds distributed to it under this chapter to establish and operate an emergency notification system under this section.

(c) A provider shall provide to a PSAP the necessary user data to enable the PSAP to implement an emergency notification system under this section. The provision of data under this subsection is subject to section 41 of this chapter. In providing data under this subsection, the provider shall provide the following information for each service user in the PSAP's service territory:

(1) The service address of the user.

(2) The class of service provided to the user.

(3) A designation of listed, unlisted, or nonpublished with respect to any telephone number (or other functionally equivalent identification number) associated with the user's service or account.

The provider shall provide this data to the PSAP on a quarterly basis. The provider may charge a reasonable fee to the PSAP for the administrative costs of providing the data

Sec. 41. (a) A provider shall, upon request, provide to a PSAP the necessary user data to enable the PSAP to implement and operate a 911 system. User data provided to a PSAP for the purpose of implementing or updating a 911 system may be used only to identify:

(1) a user;

(2) a user's place of primary use (as determined in the manner provided by IC 6-8.1-15); or

(3) the information described in both subdivisions (1) and (2);

and may not be used or disclosed by the PSAP, or its agents or employees, for any other purpose unless the data is used or disclosed under a court order. A person who recklessly, knowingly, or intentionally violates this subsection commits a Class A misdemeanor.".

Page 32, line 19, delete "41." and insert "**42.**".

Page 32, line 30, delete "42." and insert "**43.**".

Page 33, line 3, delete "43. (a)" and insert "**44.**".

Page 33, delete lines 8 through 9.

Page 33, line 10, delete "44." and insert "**45.**".

Page 33, line 20, delete "45." and insert "**46. (a)**".

Page 33, between lines 25 and 26, begin a new paragraph and insert:

"**(b) A person who places repeated nonemergency 911 calls commits a Class D felony if the repeated nonemergency 911 calls result in a delayed response to an emergency 911 call that results in injury or death.**

(c) A person who makes a false request for public safety assistance or emergency services to a PSAP through placement of a 911 call commits a Class D felony. The offense is a Class C felony if an emergency services provider suffers serious bodily injury in responding to the 911 call.".

Page 33, line 26, delete "46." and insert "**47.**".

Page 33, line 28, after "IC 36-8-15" insert "**(before its expiration on July 1, 2016)**".

Page 34, delete lines 2 through 15, begin a new paragraph and insert:

"**(d) If, on March 15, 2008, a county does not contain more than one (1) PSAP, not including any PSAP operated by an entity described in subsection (c)(1) through (c)(3), an additional PSAP may not be established and operated in the county on or after March 15, 2008, unless the additional PSAP is established and operated by:**

(1) a state educational institution;

(2) in the case of a county having a consolidated city, an airport authority established for the county; or

(3) the municipality having the largest population in the county or an agency of that municipality.".

Page 35, delete lines 20 through 31, begin a new paragraph and insert:

"**(i) After December 31, 2014, if a county contains more than the number of PSAPs authorized by subsection (c), the county may not receive a distribution under section 37 of this chapter until the county complies with subsection (c).**".

Page 35, delete lines 34 through 39, begin a new paragraph and insert:

"SECTION 24. IC 36-9-13-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. As used in this chapter, "system" means any of the following:

(1) A computer (as defined in IC 36-8-15-4 **before its expiration on July 1, 2016).**

(2) A communications system (as defined in IC 36-8-15-3(1) **before its expiration on July 1, 2016).**

(3) Mobile or remote equipment that is coordinated by or linked with a computer or communication system.

(4) Upon the request of:

(A) the fiscal body of an eligible entity having a fiscal body; or

(B) the governing body of an eligible entity not having a fiscal body;

security services provided by human or nonhuman means.

SECTION 25. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in the wireless emergency telephone system fund established by IC 36-8-16.5-21 (before its repeal by this act on July 1, 2012) shall be transferred on July 1, 2012, to the statewide 911 fund established by IC 36-8-16.7-29, as added by this act.**

(b) This SECTION expires January 1, 2013.

SECTION 26. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in a county's wireless emergency telephone system fund established by IC 36-8-16.5-43 (before its repeal by this act on July 1, 2012) shall be transferred on July 1, 2012, by the county treasurer to the county's 911 fund required to be set aside by the county treasurer under IC 36-8-16.7-38(e), as added by this act.**

(b) This SECTION expires January 1, 2013.

SECTION 27. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in an emergency telephone system fund established by a county under IC 36-8-16-13 (before its repeal by this act on July 1, 2012) shall be transferred on July 1, 2012, by the county treasurer to the county's 911 fund required to be set aside by the county treasurer under IC 36-8-16.7-38(e), as added by this act.**

(b) This SECTION expires January 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1087 as printed January 28, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 2.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1247, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1280, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 18.

Page 4, delete lines 26 through 42, begin a new paragraph and insert:

"SECTION 2. IC 4-3-22-6, AS ADDED BY P.L.246-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The division of government efficiency and financial planning is established within the OMB. The director shall appoint, subject to the approval of the governor, a director of the division, who serves at the pleasure of the director of OMB.

(b) The division shall **do the following:**

(1) Conduct operational and procedural audits of state government.

(2) Perform financial planning and design and implement efficiency projects. ~~and~~

(3) Advise and assist:

(A) each instrumentality, agency, authority, board, commission, and officer in the executive department of state government; and

(B) each body corporate and politic established as an instrumentality of the state;

to identify and implement continuous process improvement in state government.

(4) Carry out such other responsibilities as may be designated by the director.

SECTION 3. IC 4-3-22-13, AS ADDED BY P.L.246-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) The OMB shall perform a cost benefit analysis upon each proposed rule and provide to:

(1) the governor; and

(2) the administrative rules oversight committee established under IC 2-5-18;

an assessment of the rule's effect on Indiana business.

(b) After June 30, 2005, the cost benefit analysis performed by the OMB under this section with respect to any proposed rule that has an impact of at least five hundred thousand dollars ($500,000) shall replace and be used for all purposes under IC 4-22-2 in lieu of the fiscal analysis previously performed by the legislative services agency under IC 4-22-2.

(c) In preparing a cost benefit analysis under this section, the OMB shall consider in its analysis any verified data provided voluntarily by interested parties, regulated persons, and nonprofit corporations whose members may be affected by the proposed rule. A cost benefit analysis prepared under this section is a public document, subject to the following:

(1) This subsection does not empower the OMB or an agency to require an interested party or a regulated person to provide any materials, documents, or other information in connection with a cost benefit analysis under this section. If an interested party or a regulated person voluntarily provides materials, documents, or other information to the OMB or an agency in connection with a cost benefit analysis under this section, the OMB or the agency, as applicable, shall ensure the adequate protection of any:

(A) information that is confidential under IC 5-14-3-4; or

(B) confidential and proprietary business plans and other confidential information.

The OMB and any agency involved in proposing the

rule, or in administering the rule upon the rule's adoption, shall exercise all necessary caution to avoid disclosure of any confidential information supplied to the OMB or the agency by an interested party or a regulated person.

(2) The OMB shall make the cost benefit analysis and other related public documents available to interested parties, regulated persons, and nonprofit corporations whose members may be affected by the proposed rule at least thirty (30) days before presenting the cost benefit analysis to the governor and the administrative rules oversight committee under subsection (a).

SECTION 4. IC 4-3-22-13.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13.1. (a) This section applies to a rule that:**

(1) has been adopted under IC 4-22-2 or IC 13-14-9; and

(2) has taken effect;

after December 31, 2011.

(b) As used in this section, "committee" refers to the administrative rules oversight committee established by IC 2-5-18-4.

(c) For each rule to which this section applies, the OMB shall perform a cost benefit analysis of the rule with respect to the period encompassing the first three (3) years following the rule's effective date. Except as otherwise required by the governor or the committee under subsection (f), the OMB shall submit a cost benefit analysis prepared under this section to:

(1) the governor; and

(2) the committee;

not later than six (6) months after the third anniversary of the rule's effective date.

(d) A cost benefit analysis prepared under this section must include the following with respect to the three (3) year period covered by the analysis:

(1) The cost benefit analysis for the rule prepared under section 13 of this chapter before the rule's adoption, including the information required by Financial Management Circular #2010-4.

(2) A statement of the number of regulated persons, classified by industry sector, subject to the rule.

(3) A comparison of:

(A) the cost benefit analysis for the rule prepared under section 13 of this chapter before the rule's implementation; and

(B) the actual costs and benefits of the rule during the first three (3) years of the rule's implementation.

(4) For each element of the rule that is also the subject of restrictions or requirements imposed under federal law, a comparison of:

(A) the restrictions or requirements imposed under the rule; and

(B) the restrictions or requirements imposed under federal law.

(5) Any other information that the governor or the committee may require with respect to a cost benefit analysis under this section.

(e) In preparing a cost benefit analysis under this section, the OMB shall consider in its analysis any verified data provided voluntarily by interested parties, regulated persons, and nonprofit corporations whose members may be affected by the rule. A cost benefit analysis prepared under this section is a public document, subject to the following:

(1) This subsection does not empower the OMB or an agency to require an interested party or a regulated person to provide any materials, documents, or other information. If an interested party or a regulated person voluntarily provides materials, documents, or other information to the OMB or an agency in connection with a cost benefit analysis under this section, the OMB or the agency, as applicable, shall ensure the adequate protection of any:

(A) information that is confidential under IC 5-14-3-4; or

(B) confidential and proprietary business plans and other confidential information.

The OMB and any agency involved in administering the rule shall exercise all necessary caution to avoid disclosure of any confidential information supplied to the OMB or the agency by an interested party or a regulated person.

(2) The OMB shall make the cost benefit analysis and other related public documents available to interested parties, regulated persons, and nonprofit corporations whose members may be affected by the rule at least thirty (30) days before presenting the cost benefit analysis to the governor and the committee under subsection (c).

(f) The governor or the committee, or both, may prescribe:

(1) the form of a cost benefit analysis; and

(2) the process, deadlines, and other requirements for submitting a cost benefit analysis;

required under this section.

SECTION 5. IC 4-21.5-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 2.7. Qualifications and Training of Administrative Law Judges and Other Hearing Officers

Sec. 1. The state personnel department shall:

(1) adopt classifications and qualifications for administrative law judges and other hearing officers in the executive department of state government; and

(2) develop appropriate training programs for administrative law judges and other hearing officers in the executive department of state government.

Sec. 2. The qualifications adopted under section 1 of this chapter are in addition to any other requirements specified by statute.

Sec. 3. The qualifications adopted under section 1 of this chapter do not apply to the ultimate authority for an agency or a member of the ultimate authority for an agency when the ultimate authority is a panel of individuals.

SECTION 6. IC 4-22-2-19.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2012]: **Sec. 19.7. An agency, to the extent feasible and permitted by law, shall afford the public a meaningful opportunity to comment through the Internet on proposed rules. An agency shall consider providing a comment period that exceeds the minimum required by law.**".

Delete pages 5 through 14.

Page 15, delete lines 1 through 8.

Page 16, line 8, reset in roman "may".

Page 16, line 8, delete "shall".

Page 16, delete lines 40 through 42.

Page 17, delete lines 1 through 22.

Page 17, line 23, delete "6. (a) An agency must be fully in compliance with this" and insert "**4.**".

Page 17, delete line 24.

Page 17, line 25, delete "(b)".

Page 17, run in lines 23 through 25.

Page 17, line 27, delete "7. (a)" and insert "**5.**".

Page 17, line 28, delete "section" and insert "**chapter**".

Page 17, delete lines 29 through 34.

Page 26, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 18. [EFFECTIVE UPON PASSAGE] **(a) The state personnel department shall before November 1, 2012, report in an electronic format under IC 5-14-6 to the administrative rules oversight commission concerning the:**

(1) classifications and qualifications for administrative law judges; and

(2) training programs for administrative law judges and other hearing officers;

adopted and developed under IC 4-21.5-2.7, as added by this act.

(b) This SECTION expires January 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1280 as reprinted January 28, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 3.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1072, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-13-0.1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.1. The amendments made to section 5 of this chapter by P.L.98-1989 apply to boating years beginning after December 31, 1989.~~".

Page 6, delete lines 10 through 42.

Page 7, delete lines 1 through 29.

Page 8, delete lines 34 through 42.

Page 9, delete lines 1 through 38.

Page 10, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 16. IC 6-1.1-3-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2011 (RETROACTIVE)]: **Sec. 24. (a) In determining the assessed value of various sizes of outdoor advertising signs for the 2011 through 2014 assessment dates, a taxpayer and assessing official shall use the following table without any adjustments:**

Single Pole Structure	
Type of Sign	**Value Per Structure**
At least 48 feet, illuminated	**$5,000**
At least 48 feet, non-illuminated	**$4,000**
At least 26 feet and under 48 feet, illuminated	**$4,000**
At least 26 feet and under 48 feet, non-illuminated	**$3,300**
Under 26 feet, illuminated	**$3,200**
Under 26 feet, non-illuminated	**$2,600**
Other Types of Outdoor Signs	
At least 50 feet, illuminated	**$2,500**
At least 50 feet, non-illuminated	**$1,500**
At least 40 feet and under 50 feet, illuminated	**$2,000**
At least 40 feet and under 50 feet, non-illuminated	**$1,300**
At least 30 feet and under 40 feet, illuminated	**$2,000**
At least 30 feet and under 40 feet, non-illuminated	**$1,300**
At least 20 feet and under 30 feet, illuminated	**$1,600**
At least 20 feet and under 30 feet, non-illuminated	**$1,000**
Under 20 feet, illuminated	**$1,600**
Under 20 feet, non-illuminated	**$1,000**

(b) During the 2012 legislative interim, the commission on state tax and financing policy shall study the assessment of outdoor signs. Before January 1, 2013, the commission shall report to the general assembly on any suggested changes in the law with regard to assessing outdoor signs.

(c) This section expires July 1, 2015.

SECTION 17. IC 6-1.1-4-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 40. The value of federal income tax credits awarded under Section 42 of the Internal Revenue Code **after December 31, 2012,** ~~may not~~ **shall** be considered in determining the assessed value of low income housing tax credit property.".

Page 10, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 19. IC 6-1.1-12-26.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **Sec. 26.1. (a) This section applies only to a solar power device that is installed after December 31, 2011.**

(b) This section does not apply to a solar power device that is owned or operated by a person that provides electricity at wholesale or retail for consideration other than a person that:

(1) participates in a net metering or feed-in-tariff program offered by an electric utility with respect to the solar power device; or

(2) is the owner or host of the solar power device site and a person consumes on the site the equivalent amount of electricity that is generated by the solar power device on an annual basis even if the electricity is sold to a public utility, including a solar power device directly serving a public utility's business operations site.

(c) For purposes of this section, "solar power device" means a device, such as a solar thermal, a photovoltaic, or other solar energy system, that is designed to use the radiant light or heat from the sun to produce electricity.

(d) The owner of real property equipped with a solar power device that is assessed as a real property improvement may have deducted annually from the assessed value of the real property an amount equal to:

(1) the assessed value of the real property with the solar power device included; minus

(2) the assessed value of the real property without the solar power device.

(e) The owner of a solar power device that is assessed as:

(1) distributable property under IC 6-1.1-8; or

(2) personal property;

may have deducted annually the assessed value of the solar power device.

SECTION 20. IC 6-1.1-12-27.1, AS AMENDED BY P.L.113-2010, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 27.1. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 26 **or 26.1** of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, ~~or~~ mobile home, **manufactured home, or solar power device** is subject to assessment. With respect to real property **or a solar power device that is assessed as distributable property under IC 6-1.1-8 or as personal property,** the person must file the statement during the year for which the person desires to obtain the deduction. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, with respect to a mobile home which is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The person must:

(1) own the real property, mobile home, or manufactured home **or own the solar power device;** ~~or~~

(2) be buying the real property, mobile home, ~~or~~ manufactured home, **or solar power device** under contract; **or**

(3) be leasing the real property from the real property owner and be subject to assessment and property taxation with respect to the solar power device;

on the date the statement is filed under this section. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the real property, ~~or~~ mobile home, **manufactured home, or solar power device** is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.".

Page 12, delete lines 26 through 42.

Delete pages 13 through 15.

Page 16, delete lines 1 through 16.

Page 27, line 2, after "include" delete ":".

Page 27, delete lines 4 through 5.

Page 27, line 6, strike "(2)".

Page 27, run in lines 2 through 6.

Page 27, line 17, after "chapter." insert "**to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.**".

Page 27, reset in roman lines 18 through 23.

Page 27, line 24, reset in roman "or town.".

Page 27, line 24, delete "to the city or town fiscal body in the manner prescribed by".

Page 27, delete lines 25 through 26.

Page 28, delete lines 7 through 42.

Page 29, delete lines 1 through 28.

Page 34, delete lines 3 through 42.

Delete pages 35 through 38.

Page 39, delete lines 1 through 23.

Page 43, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 40. IC 6-2.3-4-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 7. Gross receipts are exempt from the utility receipts tax if the gross receipts are received by a taxpayer from an electricity supplier (as defined in IC 8-1-2.3-2) as payment of severance damages or other compensation resulting from a change in assigned service area boundaries under IC 8-1-2.3-6(1), IC 8-1-2.3-6(2), or IC 8-1-2.3-6(3).**

SECTION 41. IC 6-2.5-4-5, AS AMENDED BY P.L.32-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 5. (a) As used in this section, a "power subsidiary" means a corporation which is owned or controlled by one (1) or more public utilities that furnish or sell electrical energy, natural or artificial gas, water, steam, or steam heat and which produces power exclusively for the use of those public utilities.

(b) A power subsidiary or a person engaged as a public utility is a retail merchant making a retail transaction when the subsidiary or person furnishes or sells electrical energy, natural or artificial gas, water, steam, or steam heating service to a person for commercial or domestic consumption.

(c) Notwithstanding subsection (b), a power subsidiary or a person engaged as a public utility is not a retail merchant making a retail transaction in any of the following transactions:

(1) The power subsidiary or person provides, installs, constructs, services, or removes tangible personal property which is used in connection with the furnishing of the services or commodities listed in subsection (b).

(2) The power subsidiary or person sells the services or commodities listed in subsection (b) to another public utility or power subsidiary described in this section or a person described in section 6 of this chapter.

(3) The power subsidiary or person sells the services or commodities listed in subsection (b) to a person for use in manufacturing, mining, production, **processing (after December 31, 2012), repairing (after December 31, 2012),** refining, **recycling (as defined in IC 6-2.5-5-45),** oil extraction, mineral extraction, irrigation, agriculture, **floriculture (after December 31, 2012), arboriculture (after December 31, 2012),** or horticulture. However, this exclusion for sales of the services and commodities only applies if the services are consumed as an essential and integral part of an integrated process that produces tangible personal property and those sales are separately metered for the excepted uses listed in this subdivision, or if those sales are not separately metered but are predominately used by the purchaser for the excepted uses listed in this subdivision.

(4) The power subsidiary or person sells the services or commodities listed in subsection (b) and all the following conditions are satisfied:

(A) The services or commodities are sold to a business that after June 30, 2004:

(i) relocates all or part of its operations to a facility; or

(ii) expands all or part of its operations in a facility;

located in a military base (as defined in IC 36-7-30-1(c)), a military base reuse area established under IC 36-7-30, the part of an economic development area established under IC 36-7-14.5-12.5 that is or formerly was a military base (as defined in IC 36-7-30-1(c)), a military base recovery site designated under IC 6-3.1-11.5, or a qualified military base enhancement area established under IC 36-7-34.

(B) The business uses the services or commodities in the facility described in clause (A) not later than five (5) years after the operations that are relocated to the facility or expanded in the facility commence.

(C) The sales of the services or commodities are separately metered for use by the relocated or expanded operations.

(D) In the case of a business that uses the services or commodities in a qualified military base enhancement area established under IC 36-7-34-4(1), the business must satisfy at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business is a United States Department of Defense contractor.

(iii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

(E) In the case of a business that uses the services or commodities in a qualified military base enhancement area established under IC 36-7-34-4(2), the business must satisfy at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the qualified military base (as defined in IC 36-7-34-3).

However, this subdivision does not apply to a business that substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations in an area described in this subdivision, unless the department determines that the business had existing operations in the area described in this subdivision and that the operations relocated to the area are an expansion of the business's operations in the area.

(5) The power subsidiary or person sells services or commodities that:

(A) are referred to in subsection (b); and

(B) qualify as home energy (as defined in IC 6-2.5-5-16.5);

to a person who acquires the services or commodities after June 30, 2006, and before July 1, 2009, through home energy assistance (as defined in IC 6-2.5-5-16.5).

SECTION 42. IC 6-2.5-5-5.1, AS AMENDED BY P.L.172-2011, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.1. (a) As used in this section, "tangible personal property" includes electrical energy, natural or artificial gas, water, steam, and steam heat.

(b) Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for direct consumption as a material to be consumed in the direct production of other tangible personal property in the person's business of manufacturing, processing, refining, repairing, mining, agriculture, horticulture, floriculture, or arboriculture. This exemption includes transactions involving acquisitions of tangible personal property used in commercial printing.

(c) A refund claim based on the exemption provided by this section for electrical energy, natural or artificial gas, water, steam, and steam heat may not cover transactions that occur more than ~~eighteen (18)~~ **thirty-six (36)** months before the date of the refund claim.

SECTION 43. IC 6-2.5-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) As used in this section, "returnable containers" means containers customarily returned by the buyer of the contents for reuse as containers.

(b) Sales of returnable containers are exempt from the state gross retail tax if the transaction constitutes selling at retail as defined in IC 6-2.5-4-1 and if the returnable containers contain contents.

(c) Sales of returnable containers are exempt from the state gross retail tax if the containers are transferred empty for the purpose of refilling.

(d) Sales of wrapping material and empty containers are exempt from the state gross retail tax if the person acquiring the material or containers acquires them for use as nonreturnable packages for:

(1) selling the contents that ~~he~~ **the person** adds; **or**

(2) shipping or delivering tangible personal property that:

(A) is owned by another person;

(B) is processed or serviced for the owner; and

(C) will be sold by that owner either in the same form or as a part of other tangible personal property produced by that owner in the owner's business of manufacturing, assembling, constructing, refining, or processing.

SECTION 44. IC 6-2.5-5-30, AS AMENDED BY P.L.42-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 30. (a) Sales of tangible personal property are exempt from the state gross retail tax if:

(1) the property constitutes, is incorporated into, or is consumed in the operation of, a device, facility, or structure predominantly used and acquired for the purpose of complying with any state, local, or federal environmental quality statutes, regulations, or standards; and

(2) the person acquiring the property is engaged in the business of manufacturing, processing, refining, mining, **recycling (as defined in section 45 of this chapter),** or agriculture.

(b) The portion of the sales price of tangible personal property which is exempt from state gross retail and use taxes under this section equals the product of:

(1) the total sales price; multiplied by

(2) one hundred percent (100%).

SECTION 45. IC 6-2.5-5-45 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **Sec. 45. (a) For purposes of this section, IC 6-2.5-4-5, and section 30 of this chapter, the following definitions apply:**

(1) "Recycling" means the processing of recycling materials and other tangible personal property into a product for sale if the product is predominantly composed of recycling materials. The term does not include the following:

(A) The demolition of improvements to real estate.

(B) The processing of tangible personal property primarily for disposal in a licensed solid waste disposal facility rather than for sale.

(C) The collection of recycling materials by licensed motor vehicles.

(2) "Recycling materials" means tangible personal property, including metal, paper, glass, plastic, textile, or rubber, that:

(A) is considered "scrap" by industry standards or has no more than scrap value;

(B) is a byproduct of another person's manufacturing or production process;

(C) was previously manufactured or incorporated into a product;

(D) would otherwise reasonably be expected to be destined for disposal in a licensed solid waste disposal facility; or

(E) has been removed or diverted from the solid waste stream for sale, use, or reuse as raw materials, regardless of whether or not the materials require subsequent processing or separation from each other.

(3) "Processing of recycling materials" means:

(A) the activities involved in collecting or otherwise receiving recycling materials and other tangible personal property; and

(B) creating a product for sale by changing the original form, use, or composition of the property (whether manually, mechanically, chemically, or otherwise) through weighing, sorting, grading, separating, shredding, crushing, compacting, breaking, cutting, baling, shearing, torching, wire-stripping, or other means.

(b) Transactions involving machinery, tools, supplies, and equipment are exempt from the state gross retail tax if:

(1) the person acquiring that property acquires it for use in recycling; and

(2) the person acquiring that property is occupationally engaged in recycling.

(c) Transactions involving recycling materials and other tangible personal property to be consumed in the processing of recycling materials or to become a part of the product produced by the processing of recycling materials are exempt from the state gross retail tax if:

(1) the person acquiring that property acquires it for use in recycling; and

(2) the person acquiring that property is occupationally engaged in recycling.".

Page 43, line 16, delete "P.L.229-2011" and insert "HEA 1009-2012, SECTION 47,".

Page 43, delete lines 17 through 18.

Page 43, line 19, delete "AND" and insert "IS".

Page 64, delete lines 25 through 42.

Page 65, delete lines 1 through 23, begin a new paragraph and insert:

"SECTION 45. IC 6-3.1-24-9, AS AMENDED BY P.L.172-2011, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The total amount of tax credits that may be allowed under this chapter in a particular calendar year for qualified investment capital provided during that calendar year may not exceed twelve million five hundred thousand dollars ($12,500,000). The Indiana economic development corporation may not certify a proposed investment plan under section 12.5 of this chapter if the proposed investment would result in the total amount of the tax credits certified for the calendar year exceeding twelve million five hundred thousand dollars ($12,500,000). An amount of an unused credit carried over by a taxpayer from a previous calendar year may not be considered in determining the amount

of proposed investments that the Indiana economic development corporation may certify under this chapter.

(b) Notwithstanding the other provisions of this chapter, a taxpayer is not entitled to a credit for providing qualified investment capital to a qualified Indiana business after December 31, ~~2014.~~ **2016.** However, this subsection may not be construed to prevent a taxpayer from carrying over to a taxable year beginning after December 31, ~~2014,~~ **2016,** an unused tax credit attributable to an investment occurring before January 1, ~~2015.~~ **2017.**".

Page 65, line 30, delete "2015." and insert "**2016.**".

Page 65, line 33, delete "2016," and insert "**2017,**".

Page 65, line 34, delete "2015," and insert "**2016,**".

Page 65, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 47. IC 6-3.1-31.9-23, AS ADDED BY P.L.223-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) This chapter applies to taxable years beginning after December 31, 2006.

(b) Notwithstanding the other provisions of this chapter, the corporation may not approve ~~a~~ **an alternative fuel vehicle manufacturing** credit for a qualified investment made after December 31, ~~2012.~~ **2016.** However, this section may not be construed to prevent a taxpayer from carrying an unused tax credit attributable to a qualified investment made before January 1, ~~2012,~~ **2017,** forward to a taxable year beginning after December 31, ~~2011,~~ **2016,** in the manner provided by section 13 of this chapter.

SECTION 48. IC 6-3.1-33-9, AS ADDED BY P.L.110-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Before January 1, ~~2013,~~ **2017,** a corporation or pass through entity that desires to qualify for the **new employer** credit provided by this chapter may submit an application to the IEDC in the form and manner specified by the IEDC.

(b) The IEDC shall promptly review all applications submitted to the IEDC under this chapter.

(c) If the IEDC determines that an applicant for the tax credit provided by this chapter has furnished reliable evidence, as determined by the IEDC, that the applicant is reasonably capable of:

(1) employing at least ten (10) qualified employees in each month of the period specified in section 10(b) of this chapter during the taxable year; and

(2) meeting the requirements for the tax credit provided by this chapter;

the IEDC may issue the applicant a certificate of approval. If a certificate of approval is issued, the IEDC shall provide a copy of the certificate to the department.

(d) In making a determination of whether an applicant is qualified for a credit under this chapter, the IEDC may consider the following:

(1) The applicant's employment levels in previous years to determine if the applicant is hiring new individuals or rehiring individuals.

(2) Whether the applicant is the successor to part or all of the assets or business operations of another corporation or pass through entity that conducted business operations in Indiana in the same line of business to determine if the applicant is a new Indiana business under this chapter.

(e) If the IEDC determines that the applicant will not employ at least ten (10) qualified employees in each month of the period specified in section 10(b) of this chapter during the taxable year, is not a new Indiana business, or does not meet, or is unlikely to meet, any other requirements for the tax credit provided by this chapter, the IEDC shall notify the applicant of the IEDC's determination.

(f) The IEDC may not issue a certificate of approval under this chapter after December 31, ~~2012.~~ **2016.**".

Page 66, delete lines 37 through 42.

Page 67, delete lines 1 through 25.

Page 68, delete lines 26 through 42.

Delete pages 69 through 73.

Page 74, delete lines 1 through 10.

Page 75, delete lines 26 through 42.

Delete page 76.

Page 77, delete lines 1 through 38.

Page 78, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 57. IC 6-3.5-1.1-9, AS AMENDED BY P.L.229-2011, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 9. (a) Revenue derived from the imposition of the county adjusted gross income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount to be distributed to a county during an ensuing calendar year equals the amount of county adjusted gross income tax revenue that the budget agency determines has been:

(1) received from that county for a taxable year ending before the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted for refunds of county adjusted gross income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the budget agency shall certify to the county auditor of each adopting county the amount determined under subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted under subsections (c), (d), (e), (f), **and** (g). ~~and (h).~~ The budget agency shall provide the county council with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years;

(4) adjustments for tax rate changes; and

(5) the amount of excess account balances to be distributed under IC 6-3.5-1.1-21.1.

The budget agency shall also certify information concerning the part of the certified distribution that is attributable to a tax rate under section 24, 25, or 26 of this chapter. This information must be certified to the county auditor, the department, and the department of local government finance not later than September 1 of each calendar year. The part of the certified distribution that is attributable to a tax rate under section 24, 25, or 26 of this chapter may be used only as specified in those provisions.

(c) The budget agency shall certify an amount less than the amount determined under subsection (b) if the budget agency determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The budget agency may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) The budget agency shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The budget agency may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

~~(e) The budget agency shall adjust the certified distribution of a county to provide the county with the distribution required under section 10(b) of this chapter.~~

~~(f)~~ **(e)** This subsection applies to a county that initially imposes, increases, decreases, or rescinds a tax or tax rate under this chapter before November 1 in the same calendar year in which the budget agency makes a certification under this section. The budget agency shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c). If the county imposes, increases, decreases, or rescinds a tax or tax rate under this chapter after the date for which a certification under subsection (b) is based, the budget agency shall adjust the certified distribution of the county after August 1 of the calendar year. The adjustment shall reflect any other adjustment required under subsections (c), (d), ~~(e),~~ **(f), and** (g). ~~and (h).~~ The adjusted certification shall be treated as the county's "certified distribution" for the immediately succeeding calendar year. The budget agency shall certify the adjusted certified distribution to the county auditor for the county and provide the county council with an informative summary of the calculations that revises the informative summary provided in subsection (b) and reflects the changes made in the adjustment.

~~(g)~~ **(f)** The budget agency shall adjust the certified distribution of a county to provide the county with the distribution required under section 3.3 of this chapter beginning not later than the tenth month after the month in which additional revenue from the tax authorized under section 3.3 of this chapter is initially collected.

~~(h)~~ **(g)** This subsection applies in the year in which a county initially imposes a tax rate under section 24 of this chapter. Notwithstanding any other provision, the budget agency shall adjust the part of the county's certified distribution that is attributable to the tax rate under section 24 of this chapter to provide for a distribution in the immediately following calendar year equal to the result of:

(1) the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county initially imposes a tax rate under section 24 of this chapter; multiplied by

(2) two (2).

~~(i)~~ **(h)** The budget agency shall before May 1 of every odd-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following two (2) calendar years.

~~(j)~~ **(i)** The budget agency shall before May 1 of every even-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following calendar year.

~~(k)~~ **(j)** The estimates under subsections **(h) and** (i) ~~and (j)~~ must specify the amount of the estimated certified distributions that are attributable to the additional rate authorized under section 24 of this chapter, the additional rate authorized under section 25 of this chapter, the additional rate authorized under section 26 of this chapter, and any other additional rates authorized under this chapter.".

Page 80, line 12, delete "P.L.77-2011," and insert "HEA 2009-2012, SECTION 54,".

Page 80, delete line 13.

Page 80, line 14, delete "CORRECTED AND".

Page 93, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 60. IC 6-3.5-6-1.5, AS ADDED BY P.L.113-2010, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 1.5. (a) Notwithstanding any other provision of this chapter, a power granted by this chapter to adopt an ordinance to:

(1) impose, increase, decrease, or rescind a tax or tax rate; or

(2) grant, increase, decrease, rescind, or change a homestead credit or property tax replacement credit authorized under this chapter;

may be exercised at any time in a year before November 1 of that year.

(b) Notwithstanding any other provision of this chapter, an ordinance authorized by this chapter that imposes or increases a tax or a tax rate takes effect as follows:

(1) An ordinance adopted after December 31 of the immediately preceding year and before October 1 of the current year takes effect October 1 of the current year.

(2) An ordinance adopted after September 30 and before October 16 of the current year takes effect November 1 of the current year.

(3) An ordinance adopted after October 15 and before November 1 of the current year takes effect December 1 of the current year.

(c) Notwithstanding any other provision of this chapter, an ordinance authorized by this chapter that decreases or rescinds a tax or a tax rate takes effect as follows:

(1) An ordinance adopted after December 31 of the immediately preceding year and before October 1 of the current year takes effect on the later of October 1 of the current year or the first day of the month in the current year as the month in which the last increase in the tax or tax rate occurred.

(2) An ordinance adopted after September 30 and before October 16 of the current year takes effect on the later of November 1 of the current year or the first day of the month in the current year as the month in which the last increase in the tax or tax rate occurred.

(3) An ordinance adopted after October 15 and before November 1 of the current year takes effect December 1 of the current year.

(d) ~~Notwithstanding any other provision of this chapter,~~ **Except as provided in subsection (e),** an ordinance authorized by this chapter that grants, increases, decreases, rescinds, or changes a homestead credit or property tax replacement credit authorized under this chapter takes effect for and **initially** applies to property taxes first due and payable in the year immediately following the year in which the ordinance is adopted.

(e) This subsection applies only to Miami County. A county income tax council may adopt an ordinance in 2012 to select a different combination of uses specified in section 32(f) of this chapter for tax revenue distributed to the county from a tax rate imposed under section 32 of this chapter (county option income tax rate to provide property tax relief to taxpayers). The county income tax council may provide in the ordinance that the ordinance initially takes effect for and applies to property taxes first due and payable in 2012. This subsection expires January 1, 2013.".

Page 115, delete lines 10 through 27.

Page 121, between lines 29 and 30, begin a new paragraph and insert:

"**(z) This subsection applies to Starke County. Except as provided in subsection (o), if an ordinance is adopted under section 27.6 of this chapter, the county economic development income tax rate plus the county adjusted gross income tax rate that is in effect on January 1 of a year may not exceed two percent (2%).**".

Page 123, line 2, after "(f)" delete "," and insert "**and**".

Page 123, line 2, after "(g)" delete "," and insert ".".

Page 123, line 2, strike "and (h).".

Page 123, strike lines 26 through 28.

Page 123, line 29, strike "(g)" and insert "**(f)**".

Page 123, line 33, strike "(h)" and insert "**(g)**".

Page 124, line 4, after "(e)" delete "," and insert "**and**".

Page 124, line 4, after "(f)" delete "," and insert ".".

Page 124, line 4, strike "and (g).".

Page 124, line 12, strike "(i)" and insert "**(h)**".

Page 124, line 16, strike "(j)" and insert "**(i)**".

Page 124, line 20, strike "(k)" and insert "**(j)**".

Page 124, line 20, strike "(i) and (j)" and insert "**(h) and (i)**".

Page 124, line 26, after "27.5," insert "**27.6,**".

Page 126, line 23, strike "and".

Page 126, line 23, after "27.5" insert ", **and 27.6**".

Page 126, line 28, strike "and".

Page 126, line 28, after "27.5" insert ", **and 27.6**".

Page 134, delete lines 38 through 42.

Delete pages 135 through 139.

Page 140, delete lines 1 through 20.

Page 143, line 20, strike "16(c)" and insert "**16**".

Page 143, line 28, strike "16(c)" and insert "**16**".

Page 144, line 8, strike "16(c)" and insert "**16**".

Page 148, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 57. IC 6-3.5-7-27.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 27.6. (a) This section applies to Starke County.**

(b) Starke County possesses unique governmental and economic development challenges due to:

(1) the county's predominantly rural geography, demography, and economy;

(2) the county's relatively low tax base and relatively high property tax rates;

(3) the current maximum capacity of the county jail, which was constructed in 1976; and

(4) pending federal class action litigation seeking a mandate to address capacity and living conditions in the county jail.

The use of county economic development income tax revenue under this section is necessary for the county to address jail capacity and appropriate inmate living conditions and to maintain low property tax rates essential to economic development. The use of the economic development income tax revenue under this section for the purposes described in subsections (c) and (d) promotes that purpose.

(c) The county council may, by ordinance, determine that additional county economic development income tax revenue is needed in the county to:

(1) finance, construct, acquire, and equip the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs; and

(2) repay bonds issued or leases entered into for constructing, acquiring, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(d) The county council may, by ordinance, determine that additional county economic development income tax revenue is needed in the county to operate or maintain the facilities described in subsection (c)(1) that are located in the county. The county council may make a determination under this

subsection and under subsection (c).

(e) In addition to the rates permitted by section 5 of this chapter, the county council may, subject to subsections (f) and (g), impose the county economic development income tax at a rate not to exceed sixty-five hundredths percent (0.65%) on the adjusted gross income of county taxpayers if the county council:

(1) makes the determination described in subsection (c); or

(2) makes both the determination described in subsection (c) and the determination described in subsection (d).

(f) If the county council makes only the determination under subsection (c), the county council may adopt a tax rate under subsection (e). The tax rate may not exceed the lesser of:

(1) sixty-five hundredths percent (0.65%); or

(2) the tax rate that is necessary to pay the costs of financing, acquiring, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(g) If the county council makes both the determination under subsection (c) and the determination under subsection (d), the county council may adopt a tax rate under subsection (e). The tax rate may not exceed the lesser of:

(1) sixty-five hundredths percent (0.65%); or

(2) the tax rate that is necessary to:

(A) pay the costs of financing, acquiring, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs; and

(B) provide sufficient annual revenues to operate and maintain the facilities described in subsection (c)(1).

(h) A tax rate imposed under this section may be imposed only until the later of:

(1) the date on which the last of any bonds issued or leases entered into to finance the facilities are fully paid; or

(2) the date on which the ordinance under subsection (c) or (d) is repealed or rescinded.

The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (c)(2) may not exceed twenty-five (25) years.

(i) The county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County economic development income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 11 of this chapter.

(j) County economic development income tax revenues derived from the tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible ad valorem property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued or leases entered into for the purposes described in subsection (c).".

Page 149, delete lines 23 through 42, begin a new paragraph and insert:

"SECTION 95. IC 6-7-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. As used in this chapter, "wholesale price" means the **net** price **shown on an invoice and** at which the manufacturer of the tobacco products sells tobacco products to distributors, excluding any discount or other reduction **that is not shown on the invoice.**

SECTION 96. IC 6-8.1-9-1, AS AMENDED BY P.L.172-2011, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If a person has paid more tax than the person determines is legally due for a particular taxable period, the person may file a claim for a refund with the department. Except as provided in subsections (f) **and** (g), ~~and (h),~~ in order to obtain the refund, the person must file the claim with the department within three (3) years after the latter of the following:

(1) The due date of the return.

(2) The date of payment.

For purposes of this section, the due date for a return filed for the state gross retail or use tax, the gasoline tax, the special fuel tax, the motor carrier fuel tax, the oil inspection fee, or the petroleum severance tax is the end of the calendar year which contains the taxable period for which the return is filed. The claim must set forth the amount of the refund to which the person is entitled and the reasons that the person is entitled to the refund.

(b) After considering the claim and all evidence relevant to the claim, the department shall issue a decision on the claim, stating the part, if any, of the refund allowed and containing a statement of the reasons for any part of the refund that is denied. The department shall mail a copy of the decision to the person who filed the claim. If the person disagrees with a part of the decision, the person may file a protest and request a hearing with the department. The department shall mail a copy of the decision to the person who filed the protest. If the department allows the full amount of the refund claim, a warrant for the payment of the claim is sufficient notice of the decision.

(c) If the person disagrees with any part of the department's decision, the person may appeal the decision, regardless of whether or not the person protested the tax payment or whether or not the person has accepted a refund. The person must file the appeal with the tax court. The tax court does not have jurisdiction to hear a refund appeal suit, if:

~~(1) the appeal is filed more than three (3) years after the date the claim for refund was filed with the department;~~

~~(2)~~ **(1)** the appeal is filed more than ninety (90) days after the later of the date the department mails:

(A) the decision of denial of the claim to the person; or

(B) the decision made on the protest filed under subsection (b); or

~~(3)~~ **(2)** the appeal is filed both before the decision is issued

and before the one hundred eighty-first day after the date the person files the claim for refund with the department.

(d) The tax court shall hear the appeal de novo and without a jury, and after the hearing may order or deny any part of the appealed refund. The court may assess the court costs in any manner that it feels is equitable. The court may enjoin the collection of any of the listed taxes under IC 33-26-6-2. The court may also allow a refund of taxes, interest, and penalties that have been paid to and collected by the department.

(e) With respect to the motor vehicle excise tax, this section applies only to penalties and interest paid on assessments of the motor vehicle excise tax. Any other overpayment of the motor vehicle excise tax is subject to IC 6-6-5.

(f) If a taxpayer's federal income tax liability for a taxable year is modified by the Internal Revenue Service, and the modification would result in a reduction of the tax legally due, the due date by which the taxpayer must file a claim for refund with the department is the later of:

(1) the date determined under subsection (a); or

(2) the date that is one hundred eighty (180) days after the date on which the taxpayer is notified of the modification by the Internal Revenue Service.

(g) If an agreement to extend the assessment time period is entered into under IC 6-8.1-5-2(h), the period during which a person may file a claim for a refund under subsection (a) is extended to the same date to which the assessment time period is extended.

~~(h) If a taxpayer's claim for a refund of gross retail or use tax is based on:~~

~~(1) IC 6-2.5-4-5(c)(3); or~~

~~(2) the exemption provided by IC 6-2.5-5-5.1 for electrical energy, natural or artificial gas, water, steam, and steam heat;~~

~~the person must file the claim with the department within eighteen (18) months after the date of payment.~~".

Delete pages 150 through 154.

Page 155, delete lines 1 through 22, begin a new paragraph and insert:

"SECTION 105. IC 6-9-33-8, AS AMENDED BY P.L.229-2011, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) If a tax is imposed under section 3 of this chapter, the county treasurer shall establish a supplemental coliseum improvement fund. The county treasurer shall deposit in this fund all amounts received from the tax imposed under this chapter. Money in this fund:

(1) may be appropriated only to retire or advance refund bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 (referred to in this chapter as "obligations") to remodel, expand, improve, or acquire an athletic and exhibition coliseum in existence before the effective date of an ordinance adopted under section 3 of this chapter; and

(2) shall be used to make transfers required by subsection (b).

(b) There is established a **food and beverage tax fund, with a** food and beverage tax reserve account, **both** to be administered by the capital improvement board of managers (IC 36-10-8). The money that is deposited in the supplemental coliseum improvement fund after December 31, 2009, and is not needed in a year to make payments on obligations for which a pledge of revenue under this chapter was made before January 1, 2009, shall be transferred to the capital improvement board. The county treasurer shall make the transfer before February 1 of the following year. The capital improvement board shall deposit the money it receives in the board's food and beverage tax **fund** reserve account. Money in the reserve account may not be withdrawn or transferred during the year it is received except to make transfers back to the county to make payments on obligations for which a pledge of revenue under this chapter was made before January 1, 2009. However, the capital improvement board may transfer:

(1) interest earned on money in the reserve account; and

(2) an amount equal to the balance that has been held in the reserve account for at least twelve (12) months;

to the board's ~~capital improvement fund established by IC 36-10-8-12.~~ **food and beverage tax fund and used as provided in subsection (c).**

(c) Excess revenue transferred under subsection (b) to the capital improvement board of managers may be used to provide funding for:

(1) the construction of a capital improvement (as defined in IC 36-10-1-4);

(2) an economic development project as described in:

(A) IC 6-3.5-7-13.1(c)(1) or IC 6-3.5-7-13.1(c)(2)(A) through IC 6-3.5-7-13.1(c)(2)(I); and

(B) IC 6-3.5-7-13.1(c)(2)(K); or

(3) financing a capital improvement or an economic development project described in subdivision (1) or (2).

In carrying out this subsection, the capital improvement board may borrow against future tax revenue that will be collected under this chapter. In addition, the capital improvement board may use an amount not to exceed one hundred thousand dollars ($100,000) annually from the tax revenue collected under this chapter to pay expenses related to investigating a potential capital improvement or economic development project, including feasibility and preliminary engineering studies related to such a capital improvement or economic development project.

(d) Excess revenue transferred under subsection (b) to the capital improvement board of managers may not be used to:

(1) provide funding for improvements initiated before January 1, 2009, that are located in the area bounded on the north by Jefferson Boulevard, on the east by Harrison Street, on the south by Breckenridge Street, and on the west by Ewing Street as those public ways were located on January 1 2009, as part of the Harrison Square project;

(2) provide for debt service or lease payments for a project for which the obligations for the project were incurred before January 1, 2009; or

(3) pay operational expenses for any facilities of the municipality.

SECTION 106. IC 6-9-43 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 43. Town of Fishers Food and Beverage Tax

Sec. 1. This chapter applies to the Town of Fishers.

Sec. 2. The definitions in IC 6-9-12-1 apply throughout this chapter.

Sec. 3. (a) The fiscal body of the town may adopt an ordinance not later than September 30, 2012, to impose an excise tax, known as the town food and beverage tax, on transactions described in section 4 of this chapter.

(b) If the town fiscal body adopts an ordinance under subsection (a), the town fiscal body shall immediately send a certified copy of the ordinance to the department of state revenue.

(c) If the town fiscal body adopts an ordinance under subsection (a), the town food and beverage tax applies to transactions that occur after the last day of the month that succeeds the month in which the ordinance is adopted.

Sec. 4. (a) Except as provided in subsection (c), a tax imposed under section 3 of this chapter applies to a transaction in which food or beverage is furnished, prepared, or served:

(1) for consumption at a location or on equipment provided by a retail merchant;

(2) in the town; and

(3) by a retail merchant for consideration.

(b) Transactions described in subsection (a)(1) include transactions in which food or beverage is:

(1) served by a retail merchant off the merchant's premises;

(2) food sold in a heated state or heated by a retail merchant;

(3) made of two (2) or more food ingredients, mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or

(4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or package used to transport the food).

(c) The town food and beverage tax does not apply to the furnishing, preparing, or serving of a food or beverage in a transaction that is exempt, or to the extent the transaction is exempt, from the state gross retail tax imposed by IC 6-2.5.

Sec. 5. The town food and beverage tax imposed on a food or beverage transaction described in section 4 of this chapter equals one percent (1%) of the gross retail income received by the merchant from the transaction. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

Sec. 6. A tax imposed under this chapter shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed with the payment of the tax imposed under this chapter may be made on a separate return or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

Sec. 7. The amounts received from the tax imposed under this chapter shall be paid monthly by the treasurer of state to the town fiscal officer upon warrants issued by the auditor of state.

Sec. 8. (a) If a tax is imposed under section 3 of this chapter by a town, the town fiscal officer shall establish a food and beverage tax receipts fund.

(b) The town fiscal officer shall deposit in this fund all amounts received under this chapter.

(c) Money earned from the investment of money in the fund becomes a part of the fund.

Sec. 9. Money in the food and beverage tax receipts fund shall be used by the town:

(1) to reduce the town's property tax levy for a particular year at the discretion of the town, but this use does not reduce the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for the town; or

(2) for any legal or corporate purpose of the town, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4.

Revenue derived from the imposition of a tax under this chapter may be treated by the town as additional revenue for the purpose of fixing its budget for the budget year during which the revenues are to be distributed to the town.

Sec. 10. With respect to obligations for which a pledge has been made under section 9 of this chapter, the general assembly covenants with the holders of the obligations that this chapter will not be repealed or amended in a manner that will adversely affect the imposition or collection of the tax imposed under this chapter if the payment of any of the obligations is outstanding.

SECTION 107. IC 8-14-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) All funds allocated to cities and towns from the motor vehicle highway account shall be used by the cities and towns for the construction, reconstruction, repair, maintenance, oiling, sprinkling, snow removal, weed and tree cutting, and cleaning of their highways as herein defined, and including also any curbs, and the city's or town's share of the cost of the separation of the grades of crossing of public highways and railroads, the purchase or lease of highway construction and maintenance equipment, the purchase, erection, operation and maintenance of traffic signs and signals, and safety zones and devices; and the painting of structures, objects, surfaces in highways for purposes of safety and traffic regulation. All of such funds shall be budgeted as provided by law.

(b) In addition to purposes for which funds may be expended under ~~subsections~~ **subsection** (a), ~~and (c) of this section,~~ monies allocated to cities and towns under this chapter may be expended for **the following purposes:**

(1) Law enforcement purposes, subject to the following limitations:

~~(1)~~ **(A)** For cities and towns with a population of less

than five thousand (5,000), no more than fifteen percent (15%) may be spent for law enforcement purposes.

~~(2)~~ **(B)** For cities and towns other than those specified in ~~subdivision (1) of this subsection,~~ **clause (A),** no more than ten percent (10%) may be spent for law enforcement purposes.

(2) The payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects.

(3) Any purpose for which money may be used under IC 8-14-2.

~~(c) In addition to purposes for which funds may be expended under subsections (a) and (b) of this section, monies allocated to cities and towns under this chapter may be expended for the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects.~~

SECTION 108. IC 8-14-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **Except as provided in section 5.5 of this chapter,** money from the local road and street account shall be used exclusively by the cities, towns, and counties for:

(1) engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems;

(2) the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects;

(3) any local costs required to undertake a recreational or reservoir road project under IC 8-23-5; or

(4) the purchase, rental, or repair of highway equipment.

SECTION 109. IC 8-14-2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. In addition to the purposes described in section 5 of this chapter, money from the local road and street account allocated to cities and towns may be used for any purpose for which money may be used under IC 8-14-1.**".

Page 156, delete lines 21 through 42.

Delete pages 157 through 160.

Page 161, delete lines 1 through 27.

Page 163, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 117. IC 36-7-15.1-16, AS AMENDED BY P.L.146-2008, SECTION 750, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) For the purpose of raising money to carry out this chapter or IC 36-7-15.3, the city-county legislative body may levy each year a special tax upon all property in the redevelopment district. The tax so levied each year shall be certified to the fiscal officers of the city and the county before ~~September 2~~ **November 1** of each year. The tax shall be estimated and entered upon the tax duplicates by the county auditor, and shall be collected and enforced by the county treasurer in the same manner as state and county taxes are estimated, entered, collected, and enforced.

(b) As the tax is collected by the county treasurer, it shall be accumulated and kept in a separate fund to be known as the redevelopment district fund and shall be expended and applied only for the purposes of this chapter or IC 36-7-15.3.

(c) The amount of the special tax levy shall be based on the budget of the department but may not exceed one and sixty-seven hundredths cents ($0.0167) on each one hundred dollars ($100) of taxable valuation in the redevelopment district, except as otherwise provided in this chapter.

(d) The budgets and tax levies under this chapter are subject to review and modification in the manner prescribed by IC 36-3-6.

SECTION 118. IC 36-7-31.3-10, AS AMENDED BY P.L.182-2009(ss), SECTION 511, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in the tax area to the professional sports and convention development area fund established for the city or county. The allocation provision must apply to the entire tax area. ~~However, for all tax areas located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000),~~ **The following apply to Allen County:**

(1) The fund required by this subsection is the coliseum professional sports and convention development area fund. This fund shall be administered by the Allen County Memorial Coliseum board of trustees.

(2) The allocation each year must be as follows:

~~(1)~~ **(A)** The first two million six hundred thousand dollars ($2,600,000) shall be transferred to the county treasurer for deposit in the ~~supplemental~~ coliseum ~~improvement~~ **professional sports and convention development area** fund.

~~(2)~~ **(B)** The remaining amount shall be transferred to the treasurer of the joint county-city capital improvement board in the county.

The resolution must provide the tax area terminates not later than December 31, 2027.

(b) In addition to subsection (a), all of the salary, wages, bonuses, and other compensation that are:

(1) paid during a taxable year to a professional athlete for professional athletic services;

(2) taxable in Indiana; and

(3) earned in the tax area;

shall be allocated to the tax area if the professional athlete is a member of a team that plays the majority of the professional athletic events that the team plays in Indiana in the tax area.

(c) For a tax area that is:

(1) not located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and

(2) not located in a city having a population of more than one hundred ~~five~~ thousand ~~(105,000) and~~ **(100,000) but** less than one hundred ~~twenty~~ **ten** thousand ~~(120,000);~~ **(110,000);**

the total amount of state revenue captured by the tax area may not exceed five dollars ($5) per resident of the city or county per year for twenty (20) consecutive years.

(d) For a tax area that is located in a city having a population of more than one hundred ~~five~~ thousand ~~(105,000) and~~ **(100,000) but** less than one hundred ~~twenty~~ **ten** thousand ~~(120,000),~~ **(110,000),** the total amount of state revenue captured by the tax area may not exceed six dollars and fifty cents ($6.50) per resident of the city per year for twenty (20) consecutive years.

(e) The resolution establishing the tax area must designate the facility or proposed facility and the facility site for which the tax area is established.

(f) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

SECTION 119. IC 36-7-37.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 37.2. Residential Historic Rehabilitation Grant Program

Sec. 1. This chapter applies to any county (in the case of the unincorporated area of the county), city, or town in which a Section 42 of the Internal Revenue Code low income housing tax credit property is located.

Sec. 2. The definitions set forth in IC 6-3.1-22 apply throughout this chapter.

Sec. 3. (a) The fiscal body of a county, city, or town may adopt an ordinance to establish a residential historic rehabilitation grant program.

(b) The grant program shall be administered by the redevelopment commission of the county, city, or town.

(c) Grants may be made only to pay for qualified expenditures of a taxpayer that qualifies for a residential historic rehabilitation income tax credit under IC 6-3.1-22.

(d) A redevelopment commission may require a taxpayer to apply for a grant on a form prescribed by the redevelopment commission.

Sec. 4. (a) If the fiscal body of a county, city, or town adopts an ordinance to establish a residential historic rehabilitation grant program, the fiscal body shall also establish a residential historic rehabilitation grant fund.

(b) The fund consists of money attributable to the increment determined under section 5 of this chapter. Interest earned on money in the fund shall be credited to the fund.

(c) Money in the fund must be appropriated by the county's, city's, or town's fiscal body before the money may be used to provide a grant under this chapter.

Sec. 5. (a) If the fiscal body of a county, city, or town adopts an ordinance to establish a residential historic rehabilitation grant program, the auditor of the county shall determine the amount of property taxes attributable to any increase in the assessed value of each low income housing tax credit property located in the unincorporated area of the county, city, or town as a result of considering the value of federal income tax credits awarded under Section 42 of the Internal Revenue Code after December 31, 2012, in determining the assessed value of low income housing tax credit property as provided in IC 6-1.1-4-40.

(b) The amount of property taxes determined under subsection (a) shall be treated as a property tax levy separate from the county's, city's, or town's property tax levy and in the same manner as if the amount were a tax increment finance levy for the redevelopment commission.

(c) The amount of property taxes determined under this section shall be deposited in the county's, city's, or town's residential historic rehabilitation grant fund.

SECTION 120. IC 36-8-15-19, AS AMENDED BY P.L.182-2009(ss), SECTION 440, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) This subsection applies to a county that has a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty** thousand ~~(200,000).~~ **(250,000).** For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for that levy may not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.5-6-17. To make such an election, the county fiscal body must adopt an ordinance before ~~September~~ **November** 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the department of local government finance shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of the district and the units participating in the district.

(d) If a unit by ordinance or resolution joins the district or elects to have its public safety agencies served by the district, the department of local government finance shall reduce the maximum permissible ad valorem property tax levy of the unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the unit for public safety communication services in the year in which the ordinance was adopted. If such an ordinance or resolution is adopted, the district shall refer its proposed budget, ad valorem property tax levy, and property tax rate for the following year to the department of local government finance, which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

(e) If a unit by ordinance or resolution withdraws from the district or rescinds its election to have its public safety agencies served by the district, the department of local government finance shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being

levied by the district within that unit. If such an ordinance or resolution is adopted, the unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the department of local government finance, which shall review and set the budget, levy, and rate as though the unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district.

(g) A county that has adopted an ordinance under section 1(3) of this chapter may not impose an ad valorem property tax levy on property within the district to fund the operation or implementation of the district.

SECTION 121. IC 36-9-4-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 42. (a) A municipality or a public transportation corporation that expends money for the establishment or maintenance of an urban mass transportation system under this chapter may acquire the money for these expenditures:

(1) by issuing bonds under section 43 or 44 of this chapter;

(2) by borrowing money made available for such purposes by any source;

(3) by accepting grants or contributions made available for such purposes by any source;

(4) in the case of a municipality, by appropriation from the general fund of the municipality, or from a special fund that the municipal legislative body includes in the municipality's budget; or

(5) in the case of a public transportation corporation, by levying a tax under section 49 of this chapter or by recommending an election to use revenue from the county option income taxes, as provided in subsection (c).

(b) Money may be acquired under this section for the purpose of exercising any of the powers granted by or incidental to this chapter, including:

(1) studies under section 4, 9, or 11 of this chapter;

(2) grants in aid;

(3) the purchase of buses or real property by a municipality for lease to an urban mass transportation system, including the payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the buses or real property;

(4) the acquisition by a public transportation corporation of property of an urban mass transportation system, including the payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the property;

(5) the operation of an urban mass transportation system by a public transportation corporation, including the acquisition of additional property for such a system; and

(6) the retirement of bonds issued and outstanding under this chapter.

(c) This subsection applies only to a public transportation corporation located in a county having a consolidated city. In order to provide revenue to a public transportation corporation during a year, the public transportation corporation board may recommend and the county fiscal body may elect to provide revenue to the corporation from part of the certified distribution, if any, that the county is to receive during that same year under IC 6-3.5-6-17. To make the election, the county fiscal body must adopt an ordinance before ~~September~~ **November** 1 of the preceding year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to provide revenue to the corporation. If such an ordinance is adopted, the county fiscal body shall immediately send a copy of the ordinance to the county auditor.

SECTION 122. [EFFECTIVE JULY 1, 2013] **(a) The executive of either of the following townships may, upon approval by the township fiscal body, submit a petition to the department of local government finance for an increase in the maximum permissible ad valorem property tax levy under IC 36-8-13 (for township fire protection and emergency services) for property taxes first due and payable in 2013:**

(1) Barkley Township in Jasper County.

(2) Union Township in Jasper County.

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under IC 36-8-13 for a township that submits a petition under this SECTION by the lesser of:

(1) the amount of the increase requested in the petition; or

(2) the amount necessary to increase the township's maximum permissible ad valorem property tax levy under IC 36-8-13 for property taxes first due and payable in 2013 to the amount of the township's maximum permissible ad valorem property tax levy under IC 36-8-13 that applied to taxes first due and payable in 2003.

(c) A township's maximum permissible ad valorem property tax levy under IC 36-8-13 for property taxes first due and payable in 2013, as adjusted under this SECTION, shall be used in the determination of the township's maximum permissible ad valorem property tax levy under IC 36-8-13 for property taxes first due and payable in 2014 and thereafter.

(d) This SECTION expires January 1, 2015.

SECTION 123. [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)] **(a) IC 6-1.1-12-26.1, as added by this act, applies to property taxes first due and payable after 2012. A deduction statement filed before September 1, 2012, under IC 6-1.1-12-27.1, as amended by this act, is considered timely filed for purposes of obtaining the deduction under IC 6-1.1-12-26.1, as added by this act, in 2012 for property taxes first due and payable in 2013.**

(b) This SECTION expires January 1, 2014.

SECTION 124. [EFFECTIVE JANUARY 1, 2013] **(a) IC 6-2.3-4-7, as added by this act, applies to taxable years beginning after December 31, 2012.**

(b) This SECTION expires January 1, 2015.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1072 as reprinted January 28, 2012.)

and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 4.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1269, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 32, delete "or".

Page 4, line 1, after "Americans" delete "." and insert "**; or**

(4) under the federal Medicare program (42 U.S.C. 1395 et seq.).".

Page 4, between lines 33 and 34, begin a new paragraph and insert:

"**Sec. 2. The compact created under this article does not apply to the federal Medicare program (42 U.S.C. 1395 et seq.).**".

Page 4, line 35, after "may" insert "**, after review of the compact by the budget committee,**".

Page 5, line 7, delete "by legislation, suspend all" and insert "**to the extent allowed under the Constitution of the United States and the constitution of the member state, suspend by legislation**".

Page 5, line 15, delete "the funding for" and insert "**implementing**".

Page 5, line 24, after "rule" insert "**that is**".

Page 5, line 25, after "state" delete "." and insert "**and that is allowed under the Constitution of the United States and the constitution of the member state.**".

Page 5, line 39, after "Congress" delete "." and insert "**, to the extent the amendment is allowed under the Constitution of the United States and the constitutions of the member states.**".

Page 7, line 8, delete "that violates the member state's state law." and insert "**.**".

(Reference is to EHB 1269 as printed February 17, 2012.)
and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 4.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1264, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, delete lines 8 through 9, begin a new line block indented and insert:

"**(7) the board for proprietary education; and**".

Page 5, delete lines 12 through 13, begin a new line double block indented and insert:

"**(H) The board for proprietary education.**".

Page 6, line 38, delete "commission on postsecondary" and insert "**board for**".

Page 7 line 7, delete "commission on" and insert "**board for proprietary education**".

Page 7, line 8, delete "postsecondary proprietary education".

Page 7, line 14, delete "commission on postsecondary" and insert "**board for**".

Page 7, line 17, delete "commission on postsecondary" and insert "**board for**".

Page 7, line 20, after "education" delete "commission on" and insert "**board for**".

Page 7, line 21, delete "postsecondary".

Page 9, line 4, delete "commission on postsecondary" and insert "**board for**".

Page 11, line 30, strike "commission".

Page 11, line 30, delete "on postsecondary" and insert "**board for**".

Page 12, line 15, strike "commission on".

Page 12, line 15, delete "postsecondary" and insert "**board for**".

Page 21, line 32, after "educational" delete "costs" and insert "costs.".

Page 21, line 32, after "commission." delete "costs.".

Page 23, line 1, delete "commission on postsecondary" and insert "**board for**".

Page 25, line 7, delete "commission on".

Page 25, line 8, delete " postsecondary" and insert "**board for**".

Page 26, line 28, delete "commission on postsecondary" and insert "**board for**".

Page 27, line 12, delete "commission on postsecondary" and insert "**board for**".

Page 27, line 42, delete "commission on".

Page 28, line 1, delete "postsecondary" and insert **"board for**".

Page 28, line 24, delete "commission on postsecondary" and insert "**board for**".

Page 28, delete lines 31 through 42, begin a new paragraph and insert:

"**(h) Proceedings pending before the Indiana commission on proprietary education on July 1, 2012, shall be transferred from the Indiana commission on proprietary education to:**

(1) the board for proprietary education established by IC 21-18.5-5-1 for a proceeding pertaining to a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12); or

(2) the state workforce innovation council if the proceeding pertains to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9).".

Page 29, line 6, delete "commission on postsecondary" and insert "**board for**".

Page 29, line 24, delete "commission on postsecondary" and insert "**board for**".

Page 29, line 29, delete "commission on postsecondary" and insert "**board for**".

Page 30, line 20, delete "commission on" and insert "**board for proprietary education.**".

Page 30, delete line 21.

Page 31, between lines 31 and 32, begin a new line block indented and insert:

"**(6) Determine annually the maximum higher education award (IC 21-12-3) and freedom of choice award (IC 21-12-4), subject to approval by the budget agency with review by the budget committee.**".

Page 31, line 32, delete "(6)" and insert "**(7)**".

Page 31, line 35, delete "(7)" and insert "**(8)**".

Page 31, line 37, delete "(8)" and insert "**(9)**".

Page 31, line 39, delete "(9)" and insert "**(10)**".

Page 31, line 42, delete "(10)" and insert "**(11)**".

Page 32, between lines 5 and 6, begin a new line block indented and insert:

"**(12) One (1) time every year, submit a report to the budget committee that provides data and statistical information regarding the number of individuals who received assistance under IC 21-12, IC 21-13, and IC 21-14.**".

Page 34, line 26, delete "commission on postsecondary" and insert "**board for**".

Page 34, delete lines 28 through 29, begin a new paragraph and insert:

"**Chapter 5. Board for Proprietary Education**".

Page 34, line 30, delete "commission on postsecondary" and insert "**board for**".

Page 34, line 32, delete "commission on postsecondary" and insert "**board for**".

Page 34, line 41, delete "one (1)" and insert "**the same**".

Page 35, line 16, delete "commission on postsecondary" and insert "**board for**".

Page 35, line 18, delete "commission on postsecondary" and insert "**board for**".

Page 35, line 26, delete "commission on postsecondary" and insert "**board for**".

Page 35, delete lines 33 through 42, begin a new paragraph and insert:

"**Sec. 4. (a) The board for proprietary education may select officers from the board for proprietary education's membership as the board for proprietary education considers necessary.**

(b) The board for proprietary education may adopt reasonable rules under IC 4-22-2 to implement this chapter and IC 21-18.5-6.

(c) The board for proprietary education:

(1) may meet as necessary upon call of the chairperson; and

(2) shall meet at least four (4) times a year.".

Page 36, delete line 1.

Page 36, line 2, delete "6." and insert "**5.**".

Page 36, line 4, delete "commission on postsecondary" and insert "**board for**".

Page 36, line 16, delete "commission on postsecondary" and insert "**board for**".

Page 37, line 5, delete "commission on postsecondary" and insert "**board for**".

Page 37, line 11, delete "commission on postsecondary" and insert "**board for**".

Page 37, line 13, delete "commission on postsecondary" and insert "**board for**".

Page 37, line 32, delete "commission on postsecondary" and insert "**board for**".

Page 38, line 6, delete "commission on postsecondary" and insert "**board for**".

Page 38, line 9, delete "commission on postsecondary" and insert "**board for**".

Page 38, line 16, delete "commission on postsecondary" and insert "**board for**".

Page 38, line 42, delete "commission on postsecondary" and insert "**board for**".

Page 39, line 9, delete "commission on" and insert "**board for**".

Page 39, line 21, delete "commission on postsecondary" and insert "**board for**".

Page 39, line 27, delete "commission on postsecondary" and insert "**board for**".

Page 39, line 32, delete "6" and insert "**8**".

Page 40, line 5, delete "commission on postsecondary" and insert "**board for**".

Page 40, line 8, delete "commission on postsecondary" and insert "**board for**".

Page 40, line 16, delete "commission on postsecondary" and insert "**board for**".

Page 41, line 5, delete "commission on postsecondary" and insert "**board for**".

Page 41, line 8, delete "commission on postsecondary" and insert "**board for**".

Page 41, line 22, delete "commission on" and insert "**board for**".

Page 41, line 23, delete "postsecondary".

Page 41, line 24, delete "commission on postsecondary" and insert "**board for**".

Page 41, line 33, delete "commission on" and insert "**board for**".

Page 41, line 34, delete "postsecondary".

Page 41, line 38, delete "commission on postsecondary" and insert "**board for**".

Page 41, line 41, delete "commission".

Page 41, line 42, delete "on postsecondary" and insert "**board for**".

Page 42, line 10, delete "commission on postsecondary" and insert "**board for proprietary education.**".

Page 42, delete line 11.

Page 42, line 20, delete "commission on" and insert "**board for proprietary education:**".

Page 42, delete line 21.

Page 42, line 23, delete "commission on postsecondary" and insert "**board for**".

Page 42, line 33, delete "commission on postsecondary" and insert "**board for**".

Page 42, line 36, delete "commission on postsecondary" and insert "**board for**".

Page 42, line 39, delete "commission on postsecondary" and insert "**board for**".

Page 43, line 4, delete "commission on postsecondary" and insert "**board for**".

Page 43, line 37, delete "commission on postsecondary" and insert "**board for**".

Page 43, line 42, delete "commission on" and insert "**board for**".

Page 44, line 1, delete "postsecondary".

Page 44, line 18, delete "commission" and insert "**board for proprietary education**".

Page 44, line 19, delete "commission".

Page 44, line 20, delete "on postsecondary" and insert "**board for**".

Page 44, line 22, delete "commission".

Page 44, line 23, delete "on postsecondary" and insert "**board for**".

Page 44, line 28, delete "commission on" and insert "**board for proprietary education:**".

Page 44, delete line 29.

Page 45, line 1, delete "commission on postsecondary" and insert "**board for**".

Page 45, line 2, delete "commission on postsecondary" and insert "**board for**".

Page 45, line 8, delete "commission" and insert "**board for**".

Page 45, line 9, delete "on postsecondary".

Page 45, line 15, delete "commission on" and insert "**board for**".

Page 45, line 16, delete "postsecondary".

Page 45, line 31, delete "commission on postsecondary" and insert "**board for**".

Page 45, line 34, delete "commission on postsecondary" and insert "**board for**".

Page 46, line 11, delete "commission on postsecondary" and insert "**board for**".

Page 46, line 14, delete "commission on" and insert "**board for**".

Page 46, line 15, delete "postsecondary".

Page 46, line 16, delete "commission on postsecondary" and insert "**board for**".

Page 48, line 25, delete "commission on postsecondary" and insert "**board for**".

Page 49, delete lines 8 through 15, begin a new paragraph and insert:

"**Sec. 10. (a) The office for career and technical schools is established to carry out the responsibilities of the council under this chapter.**

(b) The council may employ and fix compensation for necessary administrative staff with the approval of the department.

(c) The council may adopt reasonable rules under IC 4-22-2 to implement this chapter.

(d) The council may adopt and use a seal, the description of which shall be filed with the office of the secretary of state, and which may be used for the authentication of the acts of the council.".

Page 62, line 15, delete "commission" and insert "**board for**".

Page 62, line 16, delete "on postsecondary".

Page 62, line 23, delete "commission on postsecondary" and insert "**board for**".

Page 62, line 31, delete "commission on postsecondary" and insert "**board for**".

Page 63, line 18, delete "commission on postsecondary" and insert "**board for**".

Page 63, line 20, after "proprietary" insert "**educational**".

Page 63, line 23, delete "commission on postsecondary" and insert "**board for**".

(Reference is to EHB 1270 as printed February 17, 2012.)
and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 4.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Technology, to which was referred Engrossed House Bill 1126, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1.5-3-8, AS AMENDED BY P.L.172-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A municipality owning a utility under this chapter shall furnish reasonably adequate services and facilities.

(b) The rates and charges made by a municipality for a service rendered or to be rendered, either directly or in connection therewith, must be nondiscriminatory, reasonable, and just.

(c) "Reasonable and just rates and charges for services" means rates and charges that produce sufficient revenue to:

(1) pay all the legal and other necessary expenses incident to the operation of the utility, including:

(A) maintenance costs;

(B) operating charges;

(C) upkeep;

(D) repairs;

(E) depreciation;

(F) interest charges on bonds or other obligations, including leases; and

(G) costs associated with the acquisition of utility property under IC 8-1.5-2;

(2) provide a sinking fund for the liquidation of bonds or other obligations, including leases;

(3) provide a debt service reserve for bonds or other obligations, including leases, in an amount established by the municipality, not to exceed the maximum annual debt service on the bonds or obligations or the maximum annual lease rentals;

(4) provide adequate money for working capital;

(5) provide adequate money for making extensions and replacements to the extent not provided for through depreciation in subdivision (1); and

(6) provide money for the payment of any taxes that may be assessed against the utility.

(d) It is the intent of this section that the rates and charges produce an income sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient service. Rates and charges too low to meet these requirements are unlawful.

(e) The board may recommend to the municipal legislative body rates and charges sufficient to include a reasonable return on the utility plant of the municipality.

(f) Rates and charges established under this section are subject to the approval of:

(1) the municipal legislative body by ordinance; and

(2) the commission, in accordance with the procedures set forth in IC 8-1-2.

The commission shall approve rates and charges that are sufficient, in addition to the cash revenue requirements set forth in subsection (c), to include a reasonable return on the utility plant of the municipality if the legislative body so elects.

(g) Except for a municipally owned utility taxed under IC 6-1.1-8-3, the commission shall approve rates and charges sufficient to compensate the municipality for taxes that would be due the municipality on the utility property were it privately owned. These rates and charges in lieu of taxes may be transferred to the municipal general fund, if the legislative body so elects.

(h) The commission shall grant a request that an increase in rates and charges not be effective until after the occurrence of a future event if the legislative body so requests.

(i) A municipality that acquires and operates a utility under IC 8-1.5-2 by exercising the power of eminent domain may not impose a special rate, charge, surcharge, or other fee, other than rates and charges approved under this section or otherwise authorized by law, on the customers of the utility in order to pay for the costs associated with acquiring the utility through the exercise of the power of eminent domain.

(j) As used in this subsection, "works" has the meaning set forth in section 8.1(b) of this chapter. For purposes of determining whether the percentage difference between the rates and charges imposed on:

(1) users of a works for service to property located outside the corporate boundaries of a municipality; and

(2) users of the same works for service to property located within the corporate boundaries of the municipality;

are nondiscriminatory, reasonable, and just, the commission may consider the benefit and expense to all users of the works of extending the works outside the corporate boundaries of the municipality, including the rates and charges that users outside the corporate boundaries of the municipality would incur to establish a separate works.".

Page 2, line 16, delete "the users described in subdivision".

Page 2, line 17, delete "(3) do not file".

Page 2, line 18, delete "ordinance." and insert "**ordinance has not been filed.**".

Page 3, line 18, delete "the petitioners have not filed".

Page 3, line 18, after "petition" insert "**has not been filed**".

Page 4, line 21, delete "ten" and insert "**fifteen percent (15%)**".

Page 4, line 22, delete "percent (10%)".

Page 4, line 35, after "adopted." insert "**A petition may not be filed under this section if a petition has already been filed under section 8.2 of this chapter appealing the same rates and charges.**".

Page 5, line 10, delete "considered approved." and insert "**dismissed, and the ordinance adopted under section 8.1 of this chapter takes effect.**".

Page 5, line 14, after "that" insert "**the difference between**".

Page 5, line 16, delete "are not reasonable" and insert "**and the rates and charges imposed on users for service to property located within the corporate boundaries of the municipality is not nondiscriminatory, reasonable,**".

Page 5, line 17, delete "just," and insert "**just under section 8 of this chapter,**".

Page 5, between lines 30 and 31, begin a new paragraph and insert:

"**(i) The commission may not impose a fee with respect to proceedings under this section.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1126 as printed January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MERRITT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1195, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-4-39, AS AMENDED BY P.L.146-2008, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 39. (a) For assessment dates after February 28, 2005, except as provided in subsections (c) and (e), the true tax value of real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more and that has more than four (4) rental units is the lowest valuation determined by applying each of the following appraisal approaches:

(1) Cost approach that includes an estimated reproduction or replacement cost of buildings and land improvements as of the date of valuation together with estimates of the losses in value that have taken place due to wear and tear, design and plan, or neighborhood influences.

(2) Sales comparison approach, using data for generally comparable property.

(3) Income capitalization approach, using an applicable capitalization method and appropriate capitalization rates that are developed and used in computations that lead to an indication of value commensurate with the risks for the subject property use.

(b) The gross rent multiplier method is the preferred method of valuing:

(1) real property that has at least one (1) and not more than four (4) rental units; and

(2) mobile homes assessed under IC 6-1.1-7.

(c) A township assessor (if any) or the county assessor is not required to appraise real property referred to in subsection (a) using the three (3) appraisal approaches listed in subsection (a) if the assessor and the taxpayer agree before notice of the assessment is given to the taxpayer under section 22 of this chapter to the determination of the true tax value of the property by the assessor using one (1) of those appraisal approaches.

(d) To carry out this section, the department of local government finance may adopt rules for assessors to use in gathering and processing information for the application of the income capitalization method and the gross rent multiplier method. **If a taxpayer wishes to have the income capitalization method or the gross rent multiplier method used in the initial formulation of the assessment of the taxpayer's property, the taxpayer must submit the necessary information to the assessor not later than the March 1 assessment date. However, the taxpayer is not prejudiced in any way and is not restricted in pursuing an appeal, if the data is not submitted by March 1.** A taxpayer must verify under penalties for perjury any information provided to the township or county assessor for use in the application of either method. **Information provided to the assessor under this section is confidential as provided in IC 6-1.1-35-9.**

(e) The true tax value of low income rental property (as defined in section 41 of this chapter) is not determined under subsection (a). The assessment method prescribed in section 41 of this chapter is the exclusive method for assessment of that property. This subsection does not impede any rights to appeal an assessment.

SECTION 2. IC 6-1.1-15-1, AS AMENDED BY P.L.172-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A taxpayer may obtain a review by the county board of a county or township official's action with respect to either or both of the following:

(1) The assessment of the taxpayer's tangible property.

(2) A deduction for which a review under this section is authorized by any of the following:

(A) IC 6-1.1-12-25.5.

(B) IC 6-1.1-12-28.5.

(C) IC 6-1.1-12-35.5.

(D) IC 6-1.1-12.1-5.

(E) IC 6-1.1-12.1-5.3.

(F) IC 6-1.1-12.1-5.4.

(b) At the time that notice of an action referred to in subsection (a) is given to the taxpayer, the taxpayer shall also be informed in writing of:

(1) the opportunity for a review under this section, including a preliminary informal meeting under subsection (h)(2) with the county or township official referred to in this subsection; and

(2) the procedures the taxpayer must follow in order to obtain a review under this section.

(c) In order to obtain a review of an assessment or deduction effective for the assessment date to which the notice referred to in subsection (b) applies, the taxpayer must file a notice in writing with the county or township official referred to in subsection (a) not later than forty-five (45) days after the date of the notice referred to in subsection (b).

(d) A taxpayer may obtain a review by the county board of the assessment of the taxpayer's tangible property effective for an assessment date for which a notice of assessment is not given as described in subsection (b). To obtain the review, the taxpayer must file a notice in writing with the township assessor, or the county assessor if the township is not served by a township assessor. The right of a taxpayer to obtain a review under this subsection for an assessment date for which a notice of assessment is not given does not relieve an assessing official of the duty to provide the taxpayer with the notice of assessment as otherwise required by this article. The notice to obtain a review must be filed not later than the later of:

(1) May 10 of the year; or

(2) forty-five (45) days after the date of the tax statement mailed by the county treasurer, regardless of whether the assessing official changes the taxpayer's assessment.

(e) A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (d) after the time prescribed in subsection (d) becomes effective for the next assessment date. A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (c) or (d) remains in effect from the assessment date for which the change is made until the next assessment date for which the assessment is changed under this article.

(f) The written notice filed by a taxpayer under subsection (c) or (d) must include the following information:

(1) The name of the taxpayer.

(2) The address and parcel or key number of the property.

(3) The address and telephone number of the taxpayer.

(g) The filing of a notice under subsection (c) or (d):

(1) initiates a review under this section; and

(2) constitutes a request by the taxpayer for a preliminary informal meeting with the official referred to in subsection (a).

(h) A county or township official who receives a notice for review filed by a taxpayer under subsection (c) or (d) shall:

(1) immediately forward the notice to the county board; and

(2) attempt to hold a preliminary informal meeting with the taxpayer to resolve as many issues as possible by:

(A) discussing the specifics of the taxpayer's assessment or deduction;
(B) reviewing the taxpayer's property record card;
(C) explaining to the taxpayer how the assessment or deduction was determined;
(D) providing to the taxpayer information about the statutes, rules, and guidelines that govern the determination of the assessment or deduction;
(E) noting and considering objections of the taxpayer;
(F) considering all errors alleged by the taxpayer; and
(G) otherwise educating the taxpayer about:
(i) the taxpayer's assessment or deduction;
(ii) the assessment or deduction process; and
(iii) the assessment or deduction appeal process.

(i) Not later than ~~ten (10)~~ **thirty (30)** days after the informal preliminary meeting, the official referred to in subsection (a) shall forward to the county auditor and the county board the results of the conference on a form prescribed by the department of local government finance that must be completed and signed by the taxpayer and the official. The form must indicate the following:

(1) If the taxpayer and the official agree on the resolution of all assessment or deduction issues in the review, a statement of:
(A) those issues; and
(B) the assessed value of the tangible property or the amount of the deduction that results from the resolution of those issues in the manner agreed to by the taxpayer and the official.

(2) If the taxpayer and the official do not agree on the resolution of all assessment or deduction issues in the review:
(A) a statement of those issues; and
(B) the identification of:
(i) the issues on which the taxpayer and the official agree; and
(ii) the issues on which the taxpayer and the official disagree.

(j) If the county board receives a form referred to in subsection (i)(1) before the hearing scheduled under subsection (k):

(1) the county board shall cancel the hearing;
(2) the county official referred to in subsection (a) shall give notice to the taxpayer, the county board, the county assessor, and the county auditor of the assessment or deduction in the amount referred to in subsection (i)(1)(B); and
(3) if the matter in issue is the assessment of tangible property, the county board may reserve the right to change the assessment under IC 6-1.1-13.

(k) If:

(1) subsection (i)(2) applies; or
(2) the county board does not receive a form referred to in subsection (i) not later than one hundred twenty (120) days after the date of the notice for review filed by the taxpayer under subsection (c) or (d);

the county board shall hold a hearing on a review under this subsection not later than one hundred eighty (180) days after the date of that notice. The county board shall, by mail, give notice of the date, time, and place fixed for the hearing to the taxpayer and the county or township official with whom the taxpayer filed the notice for review. The taxpayer and the county or township official with whom the taxpayer filed the notice for review are parties to the proceeding before the county board. **A taxpayer may request a continuance of the hearing by filing, at least twenty (20) days before the hearing date, a request for continuance with the board and the county or township official with evidence supporting a just cause for the continuance. The board shall, within ten (10) days from the date the request for a continuance is filed, either find that the taxpayer has demonstrated a just cause for a continuance and grant the taxpayer the continuance or deny the continuance. A taxpayer may request that the board take action without the taxpayer being present and that the board make a decision based on the evidence already submitted to the board by filing, at least eight (8) days before the hearing date, a request with the board and the county or township official. A taxpayer may withdraw a petition by filing, at least eight (8) days before the hearing date, a notice of withdrawal with the board and the county or township official.**

(l) At the hearing required under subsection (k):

(1) the taxpayer may present the taxpayer's reasons for disagreement with the assessment or deduction; and
(2) the county or township official with whom the taxpayer filed the notice for review must present:
(A) the basis for the assessment or deduction decision; and
(B) the reasons the taxpayer's contentions should be denied.

A penalty of fifty dollars ($50) shall be assessed against the taxpayer, if the taxpayer or representative fails to appear at the hearing and, under subsection (k), a request for continuance was denied, or a request for continuance, a request for the board to take action without the taxpayer being present, or a withdrawal was not timely filed.

(m) The official referred to in subsection (a) may not require the taxpayer to provide documentary evidence at the preliminary informal meeting under subsection (h). The county board may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (k). If the action for which a taxpayer seeks review under this section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the property in order to do the following:

(1) Initiate the review.
(2) Prosecute the review.

(n) The county board shall prepare a written decision resolving all of the issues under review. The county board shall, by mail, give notice of its determination not later than one hundred twenty (120) days after the hearing under subsection (k) to the taxpayer, the official referred to in subsection (a), the county assessor, and the county auditor.

(o) If the maximum time elapses:

(1) under subsection (k) for the county board to hold a hearing; or

(2) under subsection (n) for the county board to give notice of its determination;

the taxpayer may initiate a proceeding for review before the Indiana board by taking the action required by section 3 of this chapter at any time after the maximum time elapses.".

Page 1, line 9, after "taxpayer" insert "**or an assessing official**".

Page 1, line 10, after "properties" insert "**located in the same taxing district**".

Page 1, after line 10, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-37-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) If a taxpayer is entitled to a property tax refund or credit because an assessment is decreased, the taxpayer shall also be paid, or credited with, interest on the excess taxes that ~~he~~ **the taxpayer** paid at the rate of four percent (4%) per annum. **However, in the case of an assessment that is decreased by the Indiana board or the Indiana tax court, the taxpayer is not entitled to interest on the excess taxes unless the taxpayer affirms, under penalty of perjury, that substantive evidence supporting the taxpayer's position had been:**

(1) presented by the taxpayer to the assessor before; or

(2) introduced by the taxpayer at;

the hearing before the county property tax assessment board of appeals. An appraisal may not be required by the county property tax assessment board of appeals or the assessor in a proceeding before the county property tax assessment board of appeals or in a preliminary informal meeting under IC 6-1.1-15-1(h)(2).

(b) For purposes of this section and except as provided in subsection (c), the interest shall be computed from the date on which the taxes were paid or due, whichever is later, to the date of the refund or credit.

(c) This subsection applies if a taxpayer who is entitled to a refund or credit does not make a written request for the refund or credit to the county auditor within forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the department of local government finance, the Indiana board, or the tax court that entitles the taxpayer to the refund or credit. In the case of a taxpayer described in this subsection, the interest shall be computed from the date on which the taxes were paid or due to the date that is forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the department of local government finance, the Indiana board of tax review, or the Indiana tax court. In any event, a property tax refund or credit must be issued not later than ninety (90) days after the request is received.

SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This SECTION applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2008 and 2009.

(c) This SECTION applies only to a taxpayer that is an Indiana nonprofit corporation that serves the homeless and to land and improvements that meet all of the following conditions:

(1) The corporation leased land and improvements that served as a homeless shelter that met the physical, emotional, academic, and spiritual needs of children, teens, adults, and families during 2008 and 2009. The corporation timely filed an application under IC 6-1.1-11 for a property tax exemption for the land and improvements and received an exemption from property taxes for the 2007, 2010, and 2011 assessment dates for the land and improvements.

(2) The corporation did not timely file an application under IC 6-1.1-11 for a property tax exemption for the land and improvements described in subdivision (1) for the 2008 and 2009 assessment dates, and as a result the corporation's land and improvements referred to in subdivision (1) were assessed and subject to property taxation for the 2008 and 2009 assessment dates.

(3) For the 2008 and 2009 assessment dates, the land and improvements described in subdivision (1) would have been eligible for a property tax exemption if the corporation had filed an exemption application under IC 6-1.1-11.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the corporation for all taxes paid for the 2008 and 2009 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in two (2) equal installments over a two (2) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2015.

SECTION 7. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This SECTION applies to an assessment date (as defined in IC 6-1.1-1-2) occurring in 2011.

(c) This SECTION applies only to a taxpayer and property that meet all of the following conditions:

(1) The taxpayer is an Episcopal Church.

(2) The taxpayer's primary property is located at 611 West Berry Street Fort Wayne, Indiana, and is exempt from property taxation.

(3) The taxpayer received two (2) parcels of property by gift as of March 15, 2011 ("gifted properties").

(4) Notwithstanding that the date the taxpayer became the owner of the gifted properties was after the March 1, 2011, assessment date, for the 2011 assessment date, the taxpayer would have been eligible for a property tax exemption if the taxpayer had been the owner on March 1, 2011, and had owned, occupied, and used the gifted properties for a religious or charitable purpose consistent with the taxpayer's primary property located at 611 West Berry Street Fort Wayne, Indiana.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b), notwithstanding the date of ownership of the gifted properties by the taxpayer; and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the gifted properties that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the taxpayer had owned the gifted properties and had filed an application under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d), notwithstanding the taxpayer's date of ownership of the gifted properties;

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the taxpayer for all taxes paid for the 2011 assessment date with respect to the exempt property.

(h) This SECTION expires January 1, 2013.

SECTION 8. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This SECTION applies to an assessment date (as defined in IC 6-1.1-1-2) occurring in 2009.

(c) This SECTION applies only to a taxpayer that is an Indiana nonprofit corporation that is a foundation supporting the preservation of and education related to the Ford automobile that first used the V-8 engine and to land and improvements that meet all of the following conditions:

(1) The corporation timely filed an application under IC 6-1.1-11 for a property tax exemption for the land and improvements owned, used, and occupied by the corporation for the foundation's purpose and received an exemption from property taxes for the 2010 through 2012 assessment dates.

(2) The corporation did not timely file an application under IC 6-1.1-11 for a property tax exemption for the land and improvements described in subdivision (1) for the 2009 assessment date, and as a result the corporation's land and improvements referred to in subdivision (1) were assessed and subject to property taxation for the 2009 assessment date.

(3) For the 2009 assessment date, the land and improvements described in subdivision (1) would have been eligible for a property tax exemption if the corporation had filed an exemption application under IC 6-1.1-11.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or

refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the corporation for all taxes paid for the 2009 assessment date with respect to the exempt property.

(h) This SECTION expires January 1, 2013.

SECTION 9. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This section applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2009 through 2011.

(c) As used in this SECTION, "taxpayer" refers to an Indiana nonprofit corporation, trust, or other entity that is exempt from Indiana adjusted gross income taxes under IC 6-3-2-2.8(1) that owns real or personal property, or both, located at one (1) of the following parcels or street addresses in Marion County:

(1) Parcel 1025784 at 3145 North Meridian Street.

(2) Parcels 1054687, 1011724, 1024353, 1060216, and 1092651 at 1544 Columbia Avenue.

(3) Parcel 1009407 at 2455 Dr. Martin Luther King Jr. Street.

(4) 8604 Allisonville Road.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the corporation for all taxes paid for the 2009 through 2011 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in three (3) equal installments over a three (3) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2016.

SECTION 10. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This section applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2010 and 2011.

(c) As used in this SECTION, "taxpayer" refers to an Indiana nonprofit corporation, trust, or other entity that is exempt from Indiana adjusted gross income taxes under IC 6-3-2-2.8(1) that owns real or personal property, or both, located at 2201 East 54th Street (Parcel 8047974).

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the corporation for all taxes paid for the 2010 and 2011 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in two (2) equal installments over a two (2) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2015.

SECTION 11. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1195 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1091, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, after "Sec. 9.5." insert "**(a)**".

Page 1, line 4, after "action" insert "**:**

(1)".

Page 1, line 6, delete "initiated maliciously, or groundless,".

Page 1, line 6, after "award" delete "the".

Page 1, line 7, delete "expenses of litigation, including" and insert "**court costs and**".

Page 1, line 8, delete "." and insert "**; or**

(2) was a nuisance under this chapter and that the defense of the nuisance action was frivolous, the court shall award court costs, including reasonable attorney's fees, to the plaintiff in the action.

(b) Reasonable attorney's fees under subsection (a):

(1) shall be calculated based on the reasonable and customary hourly rates charged in the county in which the action occurred; and

(2) may include fees for only one (1) attorney, no matter how many attorneys were actually employed by the party.

(c) The determination that an action was initiated or maintained frivolously may not be based on the mere fact that a party did not prevail.".

Page 1, delete lines 9 through 17.

Page 2, delete lines 1 through 26.

Renumber all SECTIONS consecutively.

(Reference is to HB 1091 as reprinted February 1, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1080, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 11-8-8-4.5, AS ADDED BY P.L.216-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2).
(3) Child molesting (IC 35-42-4-3).
(4) Child exploitation (IC 35-42-4-4(b)).
(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
(6) Child solicitation (IC 35-42-4-6).
(7) Child seduction (IC 35-42-4-7).
(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
(A) the person is convicted of sexual misconduct with a minor as a Class C felony;
(B) the person is not more than:
(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
(C) the sentencing court finds that the person should not be required to register as a sex offender.
(9) Incest (IC 35-46-1-3).
(10) Sexual battery (IC 35-42-4-8).
(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
(13) Possession of child pornography (IC 35-42-4-4(c)).
(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.
(18) Sexual misconduct by a service provider (IC 35-44-1-5).
~~(18)~~ **(19)** An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(17).~~ **(18).**
~~(19)~~ **(20)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(18).~~ **(19).**

(b) The term includes:
(1) a person who is required to register as a sex offender in any jurisdiction; and
(2) a child who has committed a delinquent act and who:
(A) is at least fourteen (14) years of age;
(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 2. IC 11-8-8-5, AS AMENDED BY P.L.216-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:
(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2).
(3) Child molesting (IC 35-42-4-3).
(4) Child exploitation (IC 35-42-4-4(b)).
(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
(6) Child solicitation (IC 35-42-4-6).
(7) Child seduction (IC 35-42-4-7).
(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
(A) the person is convicted of sexual misconduct with a minor as a Class C felony;
(B) the person is not more than:
(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
(C) the sentencing court finds that the person should not be required to register as a sex offender.
(9) Incest (IC 35-46-1-3).
(10) Sexual battery (IC 35-42-4-8).
(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
(13) Possession of child pornography (IC 35-42-4-4(c)).
(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.
(18) Murder (IC 35-42-1-1).
(19) Voluntary manslaughter (IC 35-42-1-3).
(20) Sexual misconduct by a service provider (IC 35-44-1-5).
~~(20)~~ **(21)** An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(19).~~ **(20).**

~~(21)~~ **(22)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(20).~~ **(21).**

(b) The term includes:

(1) a person who is required to register as a sex or violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 3. [EFFECTIVE JULY 1, 2012] **(a) The general assembly urges the legislative council to study, during the 2012 legislative interim, the topic of sexual battery.**

(b) If the topic of sexual battery is studied under subsection (a), the study committee to which the topic is assigned shall consider whether the touching of a person who is unaware that the touching is occurring should be classified as sexual battery, and, if so, under which circumstances.

(c) If the topic of sexual battery is studied under subsection (a), the study committee to which the topic is assigned shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, not later than November 1, 2012.

(d) This SECTION expires December 31, 2012.

(Reference is to HB 1080 as printed January 23, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1222, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, line 10, delete "IC 9-32-13," and insert "**IC 9-32-12,**".

Page 24, line 22, after "vehicle" insert "**sales**".

Page 24, line 26, delete "six (6)" and insert "**three (3)**".

Page 29, line 42, delete "3" and insert "**2**".

Page 31, line 21, delete "section 2(a)(5)(C)" and insert "**section 1(a)(5)(C)**".

Page 36, line 8, delete "vehicles" and insert "**a vehicle being**".

Page 36, line 8, delete "to or from an address" and insert "**for purposes of sale by a licensed Indiana dealer.**".

Page 36, delete line 9.

Page 46, line 34, delete "landline".

Page 51, line 1, delete "before" and insert "**after**".

Page 65, line 22, delete "not public" and insert "**confidential**".

Page 68, line 7, after "article" insert "**, or its predecessor,**".

Page 68, line 14, after "article" insert "**, or its predecessor,**".

Page 78, line 13, after "compliance" insert "**or noncompliance**".

Page 80, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 77. IC 23-17-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The secretary of state may commence a proceeding under section 2 of this chapter to administratively dissolve a corporation if the following occur:

(1) The corporation does not pay within sixty (60) days after they are due any taxes or penalties imposed by this article or other law.

(2) The corporation does not deliver the corporation's annual report to the secretary of state within sixty (60) days after the report is due.

(3) The corporation is without a registered agent or registered office in Indiana for at least sixty (60) days.

(4) The corporation does not notify the secretary of state within sixty (60) days that the corporation's:

(A) registered agent or registered office has been changed;

(B) registered agent has resigned; or

(C) registered office has been discontinued.

(5) The corporation's period of duration, if any, stated in the corporation's articles of incorporation expires.

(6) The secretary receives credible evidence that the corporation is engaged in:

(A) illegal activity; or

(B) activity not authorized by the corporation's articles of incorporation.".

Page 86, line 28, delete "[EFFECTIVE JULY 1, 2012] (a) As used in this" and insert "**An emergency is declared for this act.**".

Page 86, delete lines 29 through 42.

Delete page 87.

Renumber all SECTIONS consecutively.

(Reference is to HB 1222 as reprinted January 31, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BRAY, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 28

Senate Concurrent Resolution 28, introduced by Senators Mishler, Zakas, Merritt, Broden, and Arnold:

A CONCURRENT RESOLUTION congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

Whereas, Penn-Harris-Madison School Corporation superintendent Dr. Jerry Thacker has been named Indiana's 2012 Superintendent of the Year by the Indiana Association of Public School Superintendents;

Whereas, Dr. Jerry Thacker was selected from seven District Superintendents of the Year in recognition of Penn-Harris-Madison School Corporation's many accomplishments under his exemplary leadership;

Whereas, During the 2009-2010 school year, every elementary and middle school in Dr. Thacker's district achieved Adequate Yearly Progress, five of the schools were 4-Star schools, and Penn High School was named one of 25 exemplary AP schools in Indiana. The district is among the top 5 percent in the state for SAT and AP scores;

Whereas, Dr. Thacker's innovative direction led to his district's creative use of available resources to boost instructional programs, and to save millions of dollars on energy costs, property, casualty, and health insurance;

Whereas, Dr. Thacker has served on the board of directors for the Project Future Economic Development Group for St. Joseph County, and as a Commissioner for the St. Joseph County Area Plan Commission.

Whereas, Dr. Thacker has worked in Educational Administration for twenty-one years, in positions ranging from administrator in the Metropolitan School Corporation of Lawrence Township, superintendent of Logansport Community School Corporation, to his current position of superintendent of Penn-Harris-Madison School Corporation, one of the best high schools in the nation according to U.S. News and World Report; and

Whereas, Dr. Jerry Thacker's innovation and dedication to academic excellence and growth has earned him the much-deserved title of 2012 Indiana Superintendent of the Year: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly recognizes Dr. Jerry Thacker on being named 2012 Indiana Superintendent of the Year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dr. Jerry Thacker and to the chairman of the Penn-Harris-Madison school board.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives C. Fry, Neese, Wesco, and Dvorak.

House Concurrent Resolution 36

House Concurrent Resolution 36, sponsored by Senator Hume:

A CONCURRENT RESOLUTION recognizing the Schnitzelbank Restaurant.

Whereas, The Schnitzelbank Restaurant in Jasper is a family-owned business that has served traditional German dishes for 51 years at its Southern Indiana location;

Whereas, The Schnitzelbank Restaurant's bratwurst sandwich won the Indiana Office of Tourism Development's Super 46 Sandwich contest by garnering 63% of the vote in the final round over the Mile High Club sandwich from Rock Cola 50s Cafe;

Whereas, The contest, promoted by the Indiana Office of Tourism Development, the Indianapolis Super Bowl Host Committee, and the publishers of Indianapolis Monthly, was designed to showcase Indiana food and restaurants to Super Bowl visitors;

Whereas, Due to the increased interest in this delicious bratwurst sandwich, the restaurant used 100 pounds of bratwurst each week, up from the 30 pounds that is usually used during the traditionally slow month of January; and

Whereas, Special accomplishments deserve special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Schnitzelbank Restaurant for the selection of its bratwurst sandwich as the winner of the Indiana Office of Tourism Development's Super 46 Sandwich contest and wishes the restaurant and its owners and employees continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Hanselman family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 55

Senate Resolution 55, introduced by Senator Rogers:

A SENATE RESOLUTION memorializing former Indiana United States Congresswoman, Katie Hall.

Whereas, Former United States Congresswoman, Katie Hall passed away February 20, 2012;

Whereas, Katie Hall was born in Mound Bayou, Mississippi in 1938, received her bachelor's degree from Mississippi State, and received her master's degree from Indiana University in Bloomington;

Whereas, Katie Hall served one term in the Indiana House of Representatives from 1974 to 1976 and later held a seat in the Indiana State Senate from 1976 to 1982;

Whereas, Katie Hall became the first African-American woman elected to Congress from Indiana when she was elected to Indiana's 1st District in 1982;

Whereas, While in the U. S. House of Representatives, Hall was one of the sponsors of legislation that established a national holiday for Dr. Martin Luther King Jr.; and

Whereas, Following a narrow defeat for re-election to Congress, Hall served as Gary's city clerk from 1988 until 2003: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana State Senate memorializes former United States Congresswoman, Katie Hall.

SECTION 2. The Secretary of the Senate is hereby directed to trasmit a copy of this resolution to the family of Katie Hall.

The resolution was read in full and adopted by standing vote.

House Concurrent Resolution 35

House Concurrent Resolution 35, sponsored by Senators Grooms and Smith:

A CONCURRENT RESOLUTION honoring the Providence High School girls soccer team.

Whereas, The Providence High School girls soccer team won the Indiana High School Athletic Association Class A championship on Saturday, October 29, at the Kuntz Memorial Soccer Stadium in Indianapolis;

Whereas, The girls' victory marks the first time that Providence High School has won an IHSAA championship;

Whereas, In its first appearance in the Class A state finals, number one ranked Providence won the state title by defeating number five ranked Mishawaka Marian 1-0;

Whereas, This outstanding defensive game was tied at the end of regulation and two overtime periods, sending the match into a penalty kick shootout;

Whereas, Providence scored on three of the four shots taken, while Mishawaka Marian scored on only one of its four attempts;

Whereas, Senior Casey Marlin was among the top goal scorers in Indiana with 37 goals this season, and set the school career scoring record with 96 points;

Whereas, Casey Marlin and Leah Mattingly were named First Team All State by the Indiana Coaches of Girls Sports Association with Kelsey Rogers being named to the Third Team All State;

Whereas, Casey Marlin was named to the Indiana Coaches of Girls Sports Association Academic All State First Team and Kelsey Rogers and Erin Wallace were recognized with honorable mentions;

Whereas, Head Coach Dave Smith was named Class 1A Coach of the Year and District 5 Coach of the Year by the Indiana Coaches of Girls Sports Association; and

Whereas, Outstanding accomplishments such as these deserve special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Providence High School girls soccer team on its state championship and wishes the members success both on and off the soccer field.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to all team members, Head Coach Dave Smith, assistant coaches Abbey Smith and Bobby Holland, Athletic Director Mickey Golembeski, Principal Melinda K. Ernstberger, and School president Joan Hurley.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1111, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 35.

Delete page 3.

Page 4, delete lines 1 through 20.

Page 4, line 31, reset in roman "7(c)".

Page 4, line 31, delete "7(d)".

Page 5, delete lines 16 through 42, begin a new paragraph and insert:

"SECTION 3. IC 6-3.1-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) **Subject to section 14(b) of this chapter,** the division shall provide the certifications referred to in section 8(3) and 8(4) of this chapter if a taxpayer's proposed preservation or rehabilitation plan complies with the standards of the division and the taxpayer's preservation or rehabilitation work complies with the plan.

(b) The taxpayer may appeal a decision by the division under this chapter to the review board.".

Page 6, delete lines 1 through 2.

Page 6, line 5, strike "allowed" and insert "**certified**".

Page 6, line 5, after "chapter" insert "**by the division for a particular state fiscal year (excluding any credit amounts that are carried over from a previous year)**".

Page 6, line 5, delete "the following".

Page 6, delete line 6.

Page 6, line 10, delete "(1) Four" and insert "four".

Page 6, run in lines 5 through 10.

Page 6, line 11, after "year" insert ".".

Page 6, line 11, strike "that begins".

Page 6, line 11, delete "after June 30,".

Page 6, line 11, strike "1999,".

Page 6, delete lines 12 through 14, begin a new paragraph and insert:

"**(b) After June 30, 2012, the division may not certify an additional tax credit under this chapter until each tax credit certified under this chapter before July 1, 2012, has been claimed (in whole or in part) by a taxpayer. In addition, after June 30, 2012, the division may not, in any particular state fiscal year, certify an additional tax credit under this chapter unless the tax credit may be certified for that particular state fiscal year.**".

Page 6, line 15, delete "(b)" and insert "**(c)**".

Page 6, line 15, delete "allowed" and insert "**certified by the division**".

Page 6, line 18, delete "allowed to" and insert "**certified by the division for**".

Page 6, line 21, delete "(c)" and insert "**(d)**".

Page 6, line 24, delete "If".

Page 6, delete lines 25 through 29.

Page 6, line 30, delete "(d)" and insert "**(e)**".

Page 6, line 31, delete "allowed" and insert "**certified**".

Page 6, line 35, delete "allowed" and insert "**certified**".

Page 6, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 12. IC 36-7-11.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 11.6. Local Tax Credits for Preservation or Rehabilitation of Historic Property

Sec. 1. As used in this chapter, "designating body" means the following:

(1) The fiscal body of a county.

(2) The fiscal body of a municipality.

Sec. 2. As used in this chapter, "historic property" means property that:

(1) is located in Indiana;

(2) is at least fifty (50) years old;

(3) has been vacant for at least one (1) year before the taxpayer made the qualified expenditures for preservation or rehabilitation of the property;

(4) is owned by the taxpayer; and

(5) is listed in the register of Indiana historic sites and historic structures.

Sec. 3. As used in this chapter, "local income tax liability" means a taxpayer's total tax liability incurred under IC 6-3.5 in the county in which a credit is granted under this chapter.

Sec. 4. As used in this chapter, "pass through entity" means:

(1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);

(2) a partnership;

(3) a limited liability company; or

(4) a limited liability partnership.

Sec. 5. As used in this chapter, "preservation" has the meaning set forth in IC 6-3.1-16-3.

Sec. 6. As used in this chapter, "qualified expenditures" has the meaning set forth in IC 6-3.1-16-4.

Sec. 7. As used in this chapter, "rehabilitation" has the meaning set forth in IC 6-3.1-16-5.

Sec. 8. As used in this chapter, "vacant" means, with respect to a historic property, that at least fifty percent (50%) of the usable interior floor space of the historic property is not occupied as a residence or actively used in a trade or business.

Sec. 9. (a) A designating body may adopt an ordinance to authorize a credit under this chapter.

(b) An ordinance adopted under this section to authorize a credit under this chapter must specify the following:

(1) Whether the credit will apply to:

(A) a taxpayer's local income tax liability; or

(B) a taxpayer's property tax liability.

(2) The qualified expenditures that are eligible for the credit.

(3) The percentage of the credit. However, the credit percentage may not exceed twenty percent (20%).

(4) Subject to this chapter, any other conditions that must be satisfied before a taxpayer may claim a credit under this chapter, including any conditions under which the credit may be recaptured.

(5) The annual limit, if any, on the amount of credits that may be claimed under the ordinance.

Sec. 10. (a) If a designating body authorizes a credit under this chapter, a taxpayer is entitled to a credit against the taxpayer's local income tax liability or property tax liability (as specified in the ordinance adopted by the designating body) for the year in which the taxpayer completes the preservation or rehabilitation of the historic property.

(b) The amount of the credit is equal to:

(1) the percentage specified in the ordinance adopted by the designating body; multiplied by

(2) the amount of the qualified expenditures that:

(A) the taxpayer makes for the preservation or rehabilitation of historic property; and

(B) are eligible for the credit, as specified in the ordinance adopted by the designating body.

Sec. 11. (a) An ordinance adopted under section 9 of this chapter by a designating body that is a municipal fiscal body may allow a credit under this chapter only for the preservation or rehabilitation of historic property that is located within the municipality.

(b) An ordinance adopted under section 9 of this chapter by a designating body that is a county fiscal body may allow a credit under this chapter only for the preservation or rehabilitation of historic property that is located within the county and that is not located within a municipality.

Sec. 12. (a) If a pass through entity is entitled to a credit under this chapter but does not have tax liability against which the credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a credit equal to:

(1) the credit determined for the pass through entity for the year; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

(b) The credit provided under subsection (a) is in addition to a credit to which a shareholder, partner, or member of a pass through entity is otherwise entitled under this chapter. However, a pass through entity and a shareholder, partner, or member of the pass through entity may not claim more than one (1) credit for the same qualified expenditure.

Sec. 13. If the credit provided by this chapter exceeds a taxpayer's tax liability for the year for which the credit is first claimed, the excess may be carried over to succeeding years and used as a credit against the tax (as specified in the ordinance adopted by the designating body) otherwise due and payable by the taxpayer during those years. Each time that the credit is carried over to a succeeding year, the credit is to be reduced by the amount that was used as a credit during the immediately preceding year.

Sec. 14. (a) If a taxpayer claims a credit authorized by a designating body that is a municipal fiscal body, the amount of the local income tax distributions or property tax distributions (as appropriate) otherwise to be received by the municipality shall be reduced by the amount of the credit.

(b) If a taxpayer claims a credit authorized by a designating body that is a county fiscal body, the amount of the local income tax distributions or property tax distributions (as appropriate) otherwise to be received by the county unit shall be reduced by the amount of the credit.

Sec. 15. The department of state revenue and the department of local government finance shall adopt any forms that are necessary for a taxpayer to claim a credit under this chapter.".

Delete pages 7 through 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1111 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1367, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, after "budget" insert "**, in consultation with the Indiana School for the Deaf, the department of education, the state department of health, and the office of the secretary of family and social services,**".

Page 1, line 4, delete "determine" and insert "**recommend to the general assembly through the budget process**".

Page 1, line 6, after "IC 20-35-11." insert "**Until the center for deaf and hard of hearing education is established and operating, the Indiana School for the Deaf shall continue to provide those services that will be transferred from the Indiana School for the Deaf to the center for deaf and hard of hearing education or local education agencies at the time the center is established and operating.**".

Page 7, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 7. IC 8-1-2.8-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. A surcharge shall be collected on the regular monthly bill that a LEC sends to each of its customers. The surcharge may be separately identified on customers' bills as a special surcharge for the provision of services, including telecommunications devices as provided in section 10(4) of this chapter, to **deaf, hard of** hearing, ~~impaired~~ and speech impaired persons.".

Page 8, line 28, after "to" insert "**persons who are deaf, hard of**".

Page 8, line 29, after "hearing" insert ",".

Page 8, line 29, after "hearing" strike "impaired".

Page 8, line 29, after "speech impaired" insert ".".

Page 8, line 29, strike "persons.".

Page 11, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 14. IC 20-22-2-1, AS ADDED BY P.L.1-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. **(a)** The Indiana School for the Deaf is established as a state educational resource center that includes the following:

(1) A residential and day school.

(2) **Until the center for deaf and hard of hearing education is established and operating,** outreach services.

(3) **Until the center for deaf and hard of hearing education is established and operating,** consultative services to local educational agencies to assist the agencies in meeting the needs of locally enrolled students with hearing disabilities.

(b) The state board of finance and the budget agency may not transfer for use by or for the center for deaf and hard of hearing education any appropriation made to the Indiana School for the Deaf by P.L.229-2011.".

Page 12, delete lines 1 through 15.

Page 12, line 30, after "3." insert "**(a)**".

Page 12, between lines 31 and 32, begin a new paragraph and insert:

"**(b) The purpose of this article is to support parental choice under the Constitution of the State of Indiana, including the full continuum of communication options (including American sign language, other forms of sign language, cued speech, listening and spoken language (oral), or any combination of these skills).**".

Page 12, delete line 42.

Page 13, delete lines 1 through 2.

Page 13, line 3, delete "(3)" and insert "**(2)**".

Page 13, delete lines 4 through 13, begin a new line block indented and insert:

"**(3) Providing family support.**

(4) Developing child assessment service models, consistent with federal and state early childhood intervention and special education law, for the following:

(A) Audiological assessments.

(B) Social and developmental assessments.

(C) Communication (including language) assessments.

(D) Academic achievement assessments.

(5) Providing assessments of instruction, acoustics, and other environmental aspects.".

Page 13, line 29, after "budget," insert "**in consultation with the Indiana School for the Deaf, the department of education, the state department of health, and the office of the secretary of family and social services,**".

Page 13, line 31, after "hearing" insert "**education**".

Page 13, line 37, delete "A parent organization associated with the Indiana School" and insert "**The Parent Teacher Counselor Organization of the Indiana School for the Deaf.**".

Page 13, delete line 38.

Page 13, line 41, delete "The" and insert "**A representative of the**".

Page 13, delete line 42.

Page 14, line 1, delete "(6)" and insert "**(5)**".

Page 14, line 2, delete "(7)" and insert "**(6)**".

Page 14, line 3, delete "(8)" and insert "**(7)**".

Page 14, line 4, delete "(9)" and insert "**(8)**".

Page 14, line 4, delete "(IC 12-12.7-2)." and insert "**IC 12-12.7-2.**".

Page 14, line 5, delete "(10)" and insert "**(9)**".

Page 14, line 5, after "The" insert "**deaf and hard of hearing services (DHHS) program within the**".

Page 14, line 7, delete "(11)" and insert "**(10)**".

Page 14, line 8, delete "(12)" and insert "**(11)**".

Page 14, line 9, delete "(13) The" and insert "**(12) A representative of the**".

Page 14, line 10, delete "(14)" and insert "**(13)**".

Page 14, line 11, delete "(15)" and insert "**(14)**".

Page 14, between lines 11 and 12, begin a new line block indented and insert:

"**(15) The director of the outreach program of the Indiana School for the Deaf.**".

Page 14, line 28, after "deaf and" delete "the".

Page 14, line 31, after "deaf and" delete "the".

Page 14, line 34, delete "(1)" and insert "**(2)**".

Page 14, line 39, delete "After receiving the transition plan under subsection (a), the" and insert "**The**".

Page 14, line 41, after "post the" insert "**final**".

Page 15, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 18. [EFFECTIVE UPON PASSAGE] **(a) The state board of education shall, before October 1, 2012, make recommendations to the legislative council (in an electronic format under IC 5-14-6) and to the budget committee concerning the unique and appropriate methods of evaluation and accountability that should be applied to the Indiana School for the Blind and Visually Impaired and the Indiana School for the Deaf. The state board of education shall include in its recommendation any proposed statutory changes or rule changes that the state board believes to be appropriate.**

(b) This SECTION expires July 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1367 as reprinted January 31, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1192, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 7 with "[EFFECTIVE UPON PASSAGE]".

Page 1, after the enacting clause and before line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-1-5-2.5, AS ADDED BY P.L.229-2011, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) As used in this section, "eligible school corporation" means a school corporation (as defined in IC 36-1-2-17) that satisfies all the conditions required by this section.

(b) As used in this section, "increment" means the annual difference between:

(1) the annual debt service payment for the bonds proposed to be retired or refunded; and

(2) the annual debt service payment for the proposed refunding bonds;

for each year that the bonds that are being retired or refunded would have been outstanding.

(c) In order for a school corporation to be an eligible school corporation under this section, the school corporation must determine that the percentage computed under this subsection for the school corporation is **at least twenty percent (20%) before January 1, 2018, or** at least thirty percent (30%) **after December 31, 2017,** regarding the year for which the latest certified levies have been determined. A school corporation shall compute its percentage as follows:

(1) Compute the amount of credits granted under IC 6-1.1-20.6 against the school corporation's combined levy for the school corporation's:

(A) debt service fund, as described in IC 20-46-7-15;

(B) capital projects fund;

(C) transportation fund;

(D) school bus replacement fund; and

(E) racial balance fund.

(2) Compute the school corporation's combined levy for the school corporation's:

(A) capital projects fund;

(B) transportation fund;

(C) school bus replacement fund; and

(D) racial balance fund.

(3) Divide the amount computed under subdivision (1) by the amount computed under subdivision (2) and express it as a percentage.

A school corporation that desires to be an eligible school corporation under this section must submit a written request for a certification by the department of local government finance that the computation of the school corporation's percentage computed under this subsection is correct. The department of local government finance shall, not later than thirty (30) days after the date the department receives the school corporation's request, certify the percentage computed under this subsection for the school corporation.

(d) A school corporation that desires to be an eligible school corporation under this section must satisfy the following conditions:

(1) The school corporation shall conduct a public hearing and provide notice of the time, date, and place of the hearing, published as required by IC 5-3-1, before the school corporation may adopt ~~an ordinance~~ **a resolution** under this section. At the public hearing, the governing body must provide the following information:

(A) The annual debt service payments, applicable debt service tax rate, and total debt service payments for the bonds proposed to be retired or refunded.

(B) The annual debt service payments, applicable debt service fund tax rate, and total debt service payments for the proposed refunding bonds.

(C) The annual increment for each year that the bonds that are being retired or refunded would have been outstanding and any other benefits to be derived from issuing the refunding bonds.

(2) **The requirements of this subdivision do not apply to a school corporation that adopts a resolution under subsection (e) before January 1, 2018, and that has a percentage computed under subsection (c) that is at least twenty percent (20%), as certified by the department of local government finance.** If the amount determined under subsection (c)(3) is:

(A) more than forty-five percent (45%), notwithstanding IC 6-1.1-20-3.1(a) and IC 6-1.1-20-3.2(a), the school corporation shall use the petition and remonstrance process prescribed by IC 6-1.1-20-3.1(b) and IC 6-1.1-20-3.2(b) and more individuals must sign the petition for the bond refunding under this section than the number of individuals signing a remonstrance against the bond refunding; or

(B) **at least twenty percent (20%) before January 1, 2018, or** at least thirty percent (30%) **after December 31, 2017,** but not more than forty-five percent (45%), the school corporation shall conduct a referendum on a public question regarding the bond refunding using the process for a referendum tax levy under IC 20-46-1 and the bond refunding must be approved by the eligible voters of the school corporation. The question to be submitted to the voters in the referendum must read as follows:

"Shall _____ (insert the name of the school corporation) issue refunding bonds to refund not more than fifty percent (50%) of its outstanding bonds to provide an annual savings to the school's debt service fund that can be transferred from the school's debt service fund to the school's capital

projects fund, transportation fund, or school bus replacement fund?".

Except as provided in subdivision (2)(A), IC 6-1.1-20 does not apply to bonds issued under this section.

(e) A school corporation that desires to be an eligible school corporation under this section must, before July 1, 2013, and notwithstanding any other law, adopt ~~an ordinance~~ **a resolution** that sets forth the following:

(1) The determinations made under subsection (c), **including the department of local government finance's certification of the percentage computed under subsection (c).**

(2) **The requirements of this subdivision do not apply to a resolution adopted under this subsection before January 1, 2018, if the school corporation has a percentage computed under subsection (c) that is at least twenty percent (20%), as certified by the department of local government finance.** The result of the petition remonstrance process under subsection (d)(2)(A) or the result of the vote on the public question under subsection (d)(2)(B), whichever applies.

(3) A determination providing for the:

(A) issuance of bonds to refund not more than fifty percent (50%) of outstanding bonds or leases issued by or on behalf of the school corporation; and

(B) payment of redemption premiums and the costs of the refunding.

(4) With respect to the refunding bonds, the following:

(A) The maximum principal amount.

(B) The maximum interest rate.

(C) The annual lease or debt service payment.

(D) The final maturity date.

(E) The estimated amount of the increment that will occur for each year that the bonds that are being retired or refunded by the issuance of refunding bonds would have been outstanding.

(F) A finding that the annual debt service or lease payment on the refunding bonds will not increase the annual debt service or lease payment above the annual debt service or lease payment approved by the school corporation for the original project.

If the governing body adopts ~~an ordinance~~ **a resolution** under this section, the governing body must publish notice of the adoption of ~~the ordinance~~ **the resolution** as required by IC 5-3-1.

(f) An eligible school corporation may issue refunding bonds as permitted by this section. In addition, an eligible school corporation may extend the repayment period beyond the repayment period for the bonds that are being retired or refunded by the issuance of refunding bonds. However, the repayment period may be extended only once for a particular bond, and the extension may not exceed ten (10) years.

(g) Property taxes imposed by an eligible school corporation to pay debt service for bonds permitted by this section shall be considered for purposes of calculating the limits to property tax liability under Article 10, Section 1 of the Constitution of the State of Indiana and for calculating a person's credit under IC 6-1.1-20.6-7.5. However, property taxes imposed by an eligible school corporation through December 31, 2019, to pay debt service for bonds permitted by this section may not be considered in an eligible county, as used in Article 10, Section 1(h) of the Constitution of the State of Indiana, for purposes of calculating the limits to property tax liability under Article 10, Section 1 of the Constitution of the State of Indiana or for calculating a person's credit under IC 6-1.1-20.6-7.5.

SECTION 2. IC 5-10-8-6.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.8. (a) This section applies to a school corporation that results from the consolidation, reorganization, or merger, after May 1, 2012, of:**

(1) a school corporation that has elected to provide coverage of health care services for active and retired employees of the school corporation under a state employee health plan; and

(2) a school corporation that has not elected to provide coverage of health care services for active and retired employees of the school corporation under a state employee health plan.

(b) A school corporation that results from a consolidation, reorganization, or merger described in subsection (a) must allow an individual for whom the school corporation described in subsection (a)(1) had (as of the effective date of the consolidation, reorganization, or merger) health insurance liability under a state employee health plan to continue the individual's coverage under the state employee health plan for at least five (5) years.

(c) This SECTION expires January 1, 2018.

SECTION 3. IC 6-1.1-20.3-2, AS AMENDED BY P.L.146-2008, SECTION 202, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "distressed political subdivision" means a political subdivision ~~that expects to have the political subdivision's property tax collections reduced by at least five percent (5%) in a calendar year as a result of the application of the credit under IC 6-1.1-20.6 for that calendar year.~~ **designated as a distressed political subdivision by the board under section 6.5 of this chapter.**

SECTION 4. IC 6-1.1-20.3-4, AS AMENDED BY P.L.146-2008, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The distressed unit appeal board is established.

(b) The distressed unit appeal board consists of the following members:

(1) The director of the office of management and budget or the director's designee. The director or the director's designee shall serve as chairperson of the distressed unit appeal board.

(2) The commissioner of the department of local government finance or the commissioner's designee.

~~(3) The commissioner of the department of state revenue or the commissioner's designee.~~

~~(4)~~ **(3)** The state examiner of the state board of accounts or the state examiner's designee.

~~(5) The following members appointed by the governor:~~

~~(A) One (1) member appointed from nominees submitted by the Indiana Association of Cities and Towns.~~

~~(B) One (1) member appointed from nominees submitted by the Association of Indiana Counties.~~

~~(C) One (1) member appointed from nominees submitted by the Indiana Association of School Superintendents.~~

~~A member nominated and appointed under this subdivision must be an elected official of a political subdivision.~~

~~(6) One (1) member appointed by the governor (in addition to members appointed under subdivision (5)).~~

~~(7) One (1) member appointed by the speaker of the house of representatives. A member appointed under this subdivision serves a term of four (4) years.~~

(4) The state superintendent of public instruction or the superintendent's designee.

(5) An individual appointed by the chairman of the legislative council.

~~(c) The members appointed under subsection (b)(5) and subsection (b)(6) serve at the pleasure of the governor.~~

~~(d)~~ **(c)** Each member of the commission is entitled to reimbursement for:

(1) traveling expenses as provided under IC 4-13-1-4; and

(2) other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 5. IC 6-1.1-20.3-6, AS AMENDED BY P.L.146-2008, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) ~~For property taxes first due and payable in 2008 and thereafter,~~ The fiscal body **and the executive** of a ~~distressed political subdivision may petition the board for relief as authorized under this chapter from the application of the credit under IC 6-1.1-20.6 for a calendar year.~~ **political subdivision may jointly file a petition with the board seeking to have the political subdivision designated as a distressed political subdivision under this chapter.**

~~(b) A petition under subsection (a) must include a proposed financial plan for the distressed political subdivision. The proposed financial plan must include the following:~~

~~(1) Proposed budgets that would enable the distressed political subdivision to cease being a distressed political subdivision.~~

~~(2) Proposed efficiencies, consolidations, cost reductions, uses of alternative or additional revenues, or other actions that would enable the distressed political subdivision to cease being a distressed political subdivision.~~

~~(3) Proposed increases, if any, in the percentage thresholds (specified as a percentage of gross assessed value) at which the credit under IC 6-1.1-20.6 will apply, including any varying percentages for different classes of property.~~

~~(4) Proposed reductions, if any, to the credits under IC 6-1.1-20.6 (by percentages), including any varying percentage reductions for different classes of property.~~

(b) The governing body and the superintendent of a school corporation may jointly file a petition with the board seeking relief under section 8.3 of this chapter.

(c) The board may adopt procedures governing the timing and required content of a petition under subsection (a).

SECTION 6. IC 6-1.1-20.3-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) After the board receives a petition concerning a political subdivision under section 6(a) of this chapter, the board may designate the political subdivision as a distressed political subdivision if at least one (1) of the following conditions applies to the political subdivision:**

(1) The political subdivision has defaulted in payment of principal or interest on any of its bonds or notes.

(2) The political subdivision has failed to make required payments to payroll employees for thirty (30) days or two (2) consecutive payrolls.

(3) The political subdivision has failed to make required payments to judgment creditors for sixty (60) days beyond the date of the recording of the judgment.

(4) The political subdivision, for at least thirty (30) days beyond the due date, has failed to do any of the following:

(A) Forward taxes withheld on the incomes of employees.

(B) Transfer employer or employee contributions due under the Federal Insurance Contributions Act (FICA).

(C) Deposit the political subdivision's minimum obligation payment to a pension fund.

(5) The political subdivision has accumulated a deficit equal to eight percent (8%) or more of the political subdivision's revenues. For purposes of this subdivision, "deficit" means a negative fund balance calculated as a percentage of revenues at the end of a budget year for any governmental or proprietary fund. The calculation must be presented on an accrual basis according to generally accepted accounting principles.

(6) The political subdivision has sought to negotiate a resolution or an adjustment of claims that in the aggregate:

(A) exceed thirty percent (30%) of the political subdivision's anticipated annual revenues; and

(B) are ninety (90) days or more past due.

(7) The political subdivision has carried over interfund loans for the benefit of the same fund at the end of two (2) successive years.

(8) The political subdivision has been severely affected, as determined by the board, as a result of granting the property tax credits under IC 6-1.1-20.6.

(9) In addition to the conditions listed in subdivisions (1) through (8), and in the case of a school corporation, the board may also designate a school corporation as a distressed political subdivision if at least one (1) of the following conditions applies:

(A) The school corporation has:

(i) issued refunding bonds under IC 5-1-5-2.5; or

(ii) adopted a resolution under IC 5-1-5-2.5 making the determinations and including the information specified in IC 5-1-5-2.5(e).

(B) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's 2011 ADM ranks in the highest ten (10) among all school corporations.

(C) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's total assessed valuation for calendar year 2011 ranks in the highest ten (10) among all school corporations.

(D) The amount of homestead assessed valuation in the school corporation for calendar year 2011 was at least sixty percent (60%) of the total amount of assessed valuation in the school corporation for calendar year 2011.

The board may consider whether a political subdivision has fully exercised all the local options available to the political subdivision, such as a local option income tax or a local option income tax rate increase or, in the case of a school corporation, an operating referendum.

(b) If the board designates a political subdivision as distressed under subsection (a), the board shall review the designation annually to determine if the distressed political subdivision meets at least one (1) of the conditions listed in subsection (a).

(c) If the board designates a political subdivision as a distressed political subdivision under subsection (a), the board shall immediately notify:

(1) the treasurer of state; and

(2) the county auditor and county treasurer of each county in which the distressed political subdivision is wholly or partially located;

that the board has designated the political subdivision as a distressed political subdivision.

SECTION 7. IC 6-1.1-20.3-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 7. (a) If the fiscal body of a distressed political subdivision submits a petition under section 6 of this chapter, the board shall review the petition and assist in establishing a financial plan for the distressed political subdivision.~~

~~(b) In reviewing a petition submitted under section 6 of this chapter, the board:~~

~~(1) shall consider:~~

~~(A) the proposed financial plan;~~

~~(B) comparisons to similarly situated political subdivisions;~~

~~(C) the existing revenue and expenditures of political subdivisions in the county; and~~

~~(D) any other factor considered relevant by the board; and~~

~~(2) may establish subcommittees or temporarily appoint nonvoting members to the board to assist in the review.~~

SECTION 8. IC 6-1.1-20.3-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) This section does not apply to a school corporation designated as a distressed political subdivision.**

(b) If the board designates a political subdivision as a distressed political subdivision under section 6.5 of this chapter, the board shall appoint an emergency manager for the distressed political subdivision. An emergency manager serves at the pleasure of the board.

(c) The chairperson of the board shall oversee the activities of an emergency manager.

(d) The distressed political subdivision shall pay the emergency manager's compensation and reimburse the emergency manager for actual and necessary expenses.

SECTION 9. IC 6-1.1-20.3-8 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 8. (a) The board may authorize relief as provided in subsection (b) from the application of the credit under IC 6-1.1-20.6 for a calendar year if the governing body of each political subdivision in the county that is affected by the financial plan has adopted a resolution agreeing to the terms of the financial plan.~~

~~(b) If the conditions of subsection (a) are satisfied, the board may, notwithstanding IC 6-1.1-20.6, do any of the following:~~

~~(1) Increase the percentage thresholds (specified as a percentage of gross assessed value) at which the credit under IC 6-1.1-20.6 applies to a person's property tax liability in the political subdivision.~~

~~(2) Provide for percentage reductions to credits otherwise provided under IC 6-1.1-20.6 in the political subdivision.~~

~~(3) Provide that some or all of the property taxes that:~~

~~(A) are being imposed to pay bonds, leases, or other debt obligations; and~~

~~(B) would otherwise be included in the calculation of the credit under IC 6-1.1-20.6 in the political subdivision;~~

~~shall not be included for purposes of calculating a person's credit under IC 6-1.1-20.6.~~

~~(c) If the board provides relief described in subsection (b), the board shall conduct audits and reviews as necessary to determine whether the affected political subdivision is abiding by the terms of the financial plan agreed to under subsection (a).~~

SECTION 10. IC 6-1.1-20.3-8.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.3. After the board receives a petition concerning a school corporation under section 6(b) of this chapter, the board shall review the school corporation's request for a loan from the counter-cyclical revenue and economic stabilization fund under IC 6-1.1-21.4-3(b). The board shall make a recommendation to the state board of finance regarding the loan request. The board may consider whether a school corporation has attempted to secure temporary cash flow loans from the Indiana bond bank or a financial institution in making its recommendation.**

SECTION 11. IC 6-1.1-20.3-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. (a) This section does not apply to school corporations.**

(b) Notwithstanding any other law, an emergency manager of a distressed political subdivision appointed under section 7.5 of this chapter shall do the following:

(1) Assume and exercise the authority and responsibilities of both the executive and the fiscal body of the political subdivision concerning the adoption, amendment, and enforcement of ordinances and resolutions relating to or affecting the fiscal stability of the political subdivision. However, the emergency manager does not have the power to impose taxes or fees in addition to the taxes or fees authorized by the political subdivision before the political subdivision was designated a distressed political subdivision.

(2) Review the political subdivision's budget.

(3) Review salaries of the political subdivision's employees.

(4) Conduct a financial and compliance audit of the internal operations of the political subdivision.

(5) Develop a written financial plan in consultation with the officials of the political subdivision not later than six

(6) months after appointment.

(6) Develop a plan for paying all the political subdivision's outstanding obligations.

(7) Review existing labor contracts.

(8) Adopt a budget for the political subdivision for each calendar or fiscal year, as applicable, that the political subdivision remains a distressed political subdivision.

(9) Review payrolls and other claims against the political subdivision before payment.

(10) Make, approve, or disapprove the following:

(A) A contract.

(B) An expenditure.

(C) A loan.

(D) The creation of any new position.

(E) The filling of any vacant position.

(11) Submit a written report to the board every three

(3) months concerning:

(A) actions taken by the emergency manager;

(B) expenditures made by the distressed political subdivision; and

(C) the work that has been done to remove the distressed political subdivision from distressed status.

(12) Petition the board to terminate a political subdivision's status as a distressed political subdivision when the conditions found in section 6.5 of this chapter are no longer applicable to the political subdivision.

(c) An emergency manager of a distressed political subdivision appointed under section 7.5 of this chapter may do the following:

(1) Renegotiate existing labor contracts and act as an agent of the political subdivision in collective bargaining.

(2) Reduce or suspend salaries of the political subdivision's employees.

(3) Enter into agreements with other political subdivisions for the provision of services.

(d) Except as provided in section 13(c) of this chapter, an emergency manager of a distressed political subdivision retains the powers and duties described in subsections (b) and (c) until:

(1) the emergency manager resigns or dies;

(2) the board removes the emergency manager; or

(3) the political subdivision's status as a distressed political subdivision is terminated under section 13(b) of this chapter.

SECTION 12. IC 6-1.1-20.3-8.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.7. A school corporation that is designated a distressed political subdivision may not do any of the following without the approval of the board during the period before the board terminates the school corporation's status as a distressed political subdivision:**

(1) Acquire real property for school building purposes.

(2) Construct new school buildings or remodel or renovate existing school buildings.

(3) Incur a contractual obligation (except an employment contract for a new employee whose employment replaces the employment of a former employee) that requires an expenditure of more than ten thousand dollars ($10,000).

(4) Purchase or enter into an agreement to purchase personal property at a cost of more than ten thousand dollars ($10,000).

(5) Adopt or advertise a budget, tax levy, or tax rate for an ensuing budget year.

SECTION 13. IC 6-1.1-20.3-10, AS ADDED BY P.L.146-2008, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. A distressed political subdivision may petition the tax court for judicial review of a ~~final~~ determination of the board **under section 6.5 of this chapter.** The action must be taken to the tax court under IC 6-1.1-15 in the same manner that an action is taken to appeal a final determination of the Indiana board of tax

review. The petition must be filed in the tax court not more than forty-five (45) days after the board enters its final determination.

SECTION 14. IC 6-1.1-20.3-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) If:**

(1) an emergency manager of a distressed political subdivision that is not a school corporation;

(2) the fiscal body and executive of the political subdivision jointly; or

(3) the governing body of a school corporation that:

(A) employs a new superintendent; or

(B) has a new member elected or appointed to its governing body;

during the time the school corporation is a distressed political subdivision;

files a petition with the board for termination of the political subdivision's status as a distressed political subdivision, the board shall conduct a public hearing on the question of whether to terminate the political subdivision's status as a distressed political subdivision.

(b) The board shall terminate the political subdivision's status as a distressed political subdivision if the board finds that the conditions found in section 6.5 of this chapter are no longer applicable to the political subdivision.

(c) Notwithstanding any other section of this chapter, not later than ninety (90) days after taking office, a new executive of a distressed political subdivision may petition the board for suspension of the political subdivision's distressed status. The executive must include in its petition a written plan to resolve the applicable issues described in section 6.5 of this chapter. If the board approves the executive's written plan, the board may suspend the political subdivision's distressed status for one hundred eighty (180) days. Suspension under this chapter terminates automatically upon expiration of the one hundred eighty (180) day period. The board may consider a petition to terminate the political subdivision's distressed status during a period of suspension.".

Page 1, line 16, delete "meets the following criteria:" and insert "**is:**

(A) designated by the distressed unit appeal board as a distressed political subdivision under IC 6-1.1-20.3; or

(B) approved for a loan by the distressed unit appeal board under IC 6-1.1-20.3-8.3.".

Page 1, delete line 17.

Page 2, delete lines 1 through 18.

Page 2, line 24, after "to" insert "**subsections (c) and (d) and**".

Page 2, line 26, after "loan" delete "for the 2012-2013 school year." and insert "**.**".

Page 2, between lines 32 and 33, begin a new paragraph and insert:

"**(c) At the time the distressed unit appeal board designates a school corporation as a distressed political subdivision under IC 6-1.1-20.3 or recommends under IC 6-1.1-20.3-8.3 that a loan from the fund be approved for a school corporation, the distressed unit appeal board may also recommend to the state board of finance that a loan from the fund to the school corporation be contingent upon any of the following:**

(1) The sale of specified unused property by the school board.

(2) The school corporation modifying one (1) or more specified contracts entered into by the school corporation.

(d) In making a loan from the fund to a school corporation, the state board of finance may make the loan contingent upon any condition recommended by the distressed unit appeal board under subsection (c).".

Page 2, line 36, delete "2012." and insert "**2017.**".

Page 2, line 41, strike "may not exceed one" and insert "**is the interest rate established by the commissioner of the department of state revenue under IC 6-8.1-10-1 minus two percent (2%).**".

Page 2, strike line 42.

Page 3, line 7, after "2011" delete "." and insert "**, plus the outstanding balance of all loans that were made under this chapter before 2012.**".

Page 3, line 34, after "distributed." insert "**However, the treasurer of state may not impair the rights of the school corporation's bondholders.**".

Page 3, after line 34, begin a new paragraph and insert:

"SECTION 21. IC 20-26-5-4, AS AMENDED BY P.L.90-2011, SECTION 11, AND AS AMENDED BY P.L.200-2011, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law. However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars ($3,000) per budget year or one dollar ($1) per pupil, not to exceed twelve thousand five hundred dollars ($12,500), based on the school corporation's previous year's ADM, to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision *that are consistent with IC 20-28-9-1.*

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation *that are consistent with IC 20-28-9-1.*

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) **Subject to IC 20-27-13,** to transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. *In accordance with IC 20-26-17,* to:

(A) participate in a state employee health plan under IC 5-10-8-6.6 or IC 5-10-8-6.7;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or

is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

SECTION 22. IC 20-27-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 13. Termination of Transportation; Waiver

Sec. 1. As used in this chapter, "eligible student" means an individual who in any part of a school year:

(1) is enrolled in a school corporation;

(2) has legal settlement in the school corporation;

(3) attended school in the school corporation's taxing district; and

(4) is not required by federal or state law to receive transportation services to and from school.

Sec. 2. This chapter applies to a school corporation that carried out a general program in at least one (1) school year beginning after June 30, 2010, to provide transportation to and from school for eligible students.

Sec. 3. Except as provided in section 7 of this chapter, a school corporation described in section 2 of this chapter shall carry out a program to provide transportation to and from school for all eligible students in any part of a school year beginning after June 30, 2012, unless the governing body of the school corporation:

(1) approves the termination of the transportation program; and

(2) provides public notice of the date after which the transportation will no longer be provided under the transportation program;

at least three (3) years before the date after which the transportation will no longer be provided under the transportation program.

Sec. 4. Transportation provided in a transportation program required under section 3 of this chapter may be limited by the school corporation's governing body to children residing a minimum distance from a school if the governing body includes facts in the resolution setting the minimum distance that demonstrate that each child residing less than the minimum distance from the school can safely walk to and from the school unattended by an adult during the regular hours that the child would ordinarily be coming to or from the school.

Sec. 5. Transportation provided under a transportation program required under section 3 of this chapter may be limited by the school corporation's governing body to providing transportation to school immediately before the beginning of an instructional day (as described in IC 20-30-2-2) and from school immediately after the end of an instructional day (as described in IC 20-30-2-2) without additional accommodations for participation in extracurricular activities.

Sec. 6. Transportation provided under a transportation program required under section 3 of this chapter must be otherwise in accordance with applicable law.

Sec. 7. (a) A school corporation may petition the department in writing to waive the requirement imposed by section 3 of this chapter.

(b) A petition under subsection (a) must:

(1) demonstrate that the waiver request was approved by the governing body for the school corporation;

(2) describe the transportation services that will be provided to students who are required by federal or state law to receive transportation services to and from school;

(3) present a written plan that provides for the safe movement of eligible students to and from school; and

(4) include any other information required by the department.

Sec. 8. If a petition complies with section 7 of this chapter, the department shall conduct a public hearing on the petition in the district served by the school corporation after giving notice of the public hearing under IC 5-3-1.

Sec. 9. If, based on the information contained in the petition and provided in the public hearing or otherwise made available to the department, the department determines that the plan presented by the school corporation, with or without revisions required by the department:

(1) will protect the safety of eligible students enrolled in

the school corporation; and

(2) is otherwise in accordance with applicable law;

the department may waive the requirements imposed by section 3 of this chapter.

Sec. 10. The department may condition a waiver under section 9 of this chapter on the terms and conditions specified by the department. If a school corporation fails to comply with a term or condition of a waiver or the department discovers facts that indicate that the school corporation's plan:

(1) is not protecting the safety of eligible students enrolled in the school corporation; or

(2) is not otherwise in accordance with applicable law;

the department may issue an order under IC 4-21.5-3 or an emergency or temporary order under IC 4-21.5-4 specifying the actions that must be taken by the school corporation to correct the deficiency. The order may suspend or terminate the waiver granted under section 9 of this chapter beginning on the date specified by the department.

SECTION 23. IC 20-40-2-4, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** Except as provided by **subsection (b) or any other** law, any lawful school expenses payable from any other fund of a school corporation, including debt service and capital outlay, ~~but excluding costs attributable to transportation (as defined in IC 20-40-6-1),~~ may be budgeted in and paid from the fund.

(b) Before January 1, 2018, costs attributable to transportation (as defined in IC 20-40-6-1) may be budgeted in and paid from the fund. After December 31, 2017, costs attributable to transportation (as defined in IC 20-40-6-1) may not be budgeted in and paid from the fund.

SECTION 24. IC 20-40-6-5, AS AMENDED BY P.L.234-2007, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to this chapter **and except as provided in IC 20-40-2-4(b),** the fund is the exclusive fund to be used by a school corporation for the payment of costs attributable to transportation.

(b) Contracted transportation service costs transferred to the school bus replacement fund under IC 20-40-7 are payable from the school bus replacement fund.

SECTION 25. IC 20-46-5-4, AS AMENDED BY P.L.172-2011, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** Each school corporation may levy for a calendar year a property tax for the fund in accordance with the school bus acquisition plan adopted under this chapter. The levy imposed for the March 1, 2011, and January 15, 2012, assessment dates may not exceed the amount approved by the department of local government finance under section 5 of this chapter and IC 6-1.1-17. In setting the levy for the March 1, 2011, and January 15, 2012, assessment dates, the department of local government finance shall evaluate whether the levy proposed by a school corporation exceeds the reasonable needs of the school corporation to carry out the purposes of the fund and approve a levy that does not exceed the reasonable needs of the school corporation to carry out the purposes of this chapter. In making its determination, the department of local government finance may consider whether a school corporation has in a previous year transferred money from the fund to the school corporation's rainy day fund or a fund other than the school bus replacement fund. **Except as provided in subsection (b),** a levy imposed for an assessment date after January 15, 2012, may not exceed an amount determined by multiplying:

(1) the school corporation's maximum permissible levy determined under this section for the previous year, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy in the immediately preceding year); by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2.

(b) The department of local government finance may, upon petition by a school corporation, adjust the school corporation's levy for the fund to reflect the school corporation's plan adopted or amended under this chapter.

SECTION 26. IC 20-48-1-2, AS AMENDED BY P.L.1-2010, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section, "retirement or severance liability" means the payments anticipated to be required to be made to employees of a school corporation upon or after termination of the employment of the employees by the school corporation under an existing or previous employment agreement.

(b) This section applies to each school corporation that:

(1) did not issue bonds under IC 20-5-4-1.7 before its repeal; or

(2) issued bonds under IC 20-5-4-1.7 (repealed):

(A) before April 14, 2003; or

(B) after April 13, 2003, if an order approving the issuance of the bonds was issued by the department of local government finance before April 14, 2003.

(c) In addition to the purposes set forth in section 1 of this chapter, a school corporation described in subsection (b) may issue bonds to implement solutions to contractual retirement or severance liability. The issuance of bonds for this purpose is subject to the following conditions:

(1) The school corporation may issue bonds under this section only one (1) time.

(2) A school corporation described in subsection (b)(1) or (b)(2)(A) must issue the bonds before July 1, 2006.

(3) The solution to which the bonds are contributing must be reasonably expected to reduce the school corporation's unfunded contractual liability for retirement or severance payments as it existed on June 30, 2001.

(4) The amount of the bonds that may be issued for the purpose described in this section may not exceed:

(A) two percent (2%) of the true tax value of property in the school corporation, for a school corporation that did not issue bonds under IC 20-5-4-1.7 (before its repeal); or

(B) the remainder of:

(i) two percent (2%) of the true tax value of property in the school corporation as of the date that the school corporation issued bonds under IC 20-5-4-1.7 (before its repeal); minus

(ii) the amount of bonds that the school corporation issued under IC 20-5-4-1.7 (before its repeal);

for a school corporation that issued bonds under IC 20-5-4-1.7 (repealed) as described in subsection (b)(2).

(5) Each year that a debt service levy is needed under this section, the school corporation shall reduce the total property tax levy for the school corporation's transportation, school bus replacement, capital projects, and art association and historical society funds, as appropriate, in an amount equal to:

(A) the property tax levy needed for the debt service under this section; **multiplied by**

(B) the adjustment percentage set forth in subsection (f) or (g), as applicable.

The property tax rate for each of these funds shall be reduced each year until the bonds are retired.

(6) The school corporation shall establish a separate debt service fund for repayment of the bonds issued under this section.

(d) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation.

(e) Bonds issued under this section are not subject to the petition and remonstrance process under IC 6-1.1-20 or to the limitations contained in IC 36-1-15.

(f) This subsection applies only if the governing body of a school corporation adopts a resolution specifying that the adjustment percentages under this subsection apply to the school corporation. The adjustment percentage under this subsection is the following:

(1) For property taxes first due and payable in 2013, twenty-five percent (25%).

(2) For property taxes first due and payable in 2014, fifty percent (50%).

(3) For property taxes first due and payable in 2015, seventy-five percent (75%).

(4) For property taxes first due and payable after 2015, one hundred percent (100%).

(g) If the governing body of a school corporation does not adopt a resolution specifying that the adjustment percentages under subsection (f) apply to the school corporation, the adjustment percentage is one hundred percent (100%).

SECTION 27. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1192 as printed January 25, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1205, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Concurrent Resolution 19, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 10, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1150, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1116, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Resolution 38, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: Yeas 10, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1169, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning education.

Page 1, delete lines 1 through 12, begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE JULY 1, 2012] **(a) The legislative council is urged to create a study commission with the following members to study the issue of best practices for student discipline:**

(1) Four (4) members of the house of representatives, not more than two (2) of whom may be members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

(2) Four (4) members of the senate, not more than two (2) of whom may be members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.

(3) The state superintendent of public instruction or the superintendent's designee.

(4) A member of the governing body of a school corporation, nominated by the Indiana School Board Association and appointed by the speaker of the house of representatives.

(5) A superintendent of a school corporation, nominated by the Indiana Association of Public School Superintendents and appointed by the president pro tempore of the senate.

(6) A public school principal, nominated by the Indiana Association of School Principals and appointed by the speaker of the house of representatives.

(7) A public school teacher, nominated by the Indiana State Teachers Association and appointed by the president pro tempore of the senate.

(8) A parent of a public school student, nominated by the department of education and appointed by the speaker of the house of representatives.

(b) The study commission shall operate under the policies governing study committees adopted by the legislative council.

(c) This SECTION expires December 31, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1169 as printed January 25, 2012.)
and when so amended that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1365, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "Dual Juvenile Jurisdiction and Criminal Jurisdiction" and insert **"Sentencing Alternatives for Certain Offenders Under Criminal Court Jurisdiction**".

Page 1, delete lines 6 through 12, begin a new line block indented and insert:

"**(1) An offender who:**

(A) is less than eighteen (18) years of age;

(B) has been waived to a court with criminal jurisdiction under IC 31-30-3; and

(C) is charged as an adult offender.

(2) An offender who:

(A) is less than eighteen (18) years of age; and

(B) does not come under the jurisdiction of a juvenile court because the offender is charged with an offense listed in IC 31-30-1-4.".

Page 1, line 14, delete "a juvenile" and insert "**an**".

Page 1, line 14, delete "or delinquent offender".

Page 2, line 4, delete "a directly committed offender:" and insert "**an offender is:**".

Page 2, line 5, delete "is".

Page 2, line 6, delete "allegedly committed" and insert "**charged with**".

Page 2, line 8, delete "is".

Page 2, line 11, delete "exercise dual jurisdiction of both the criminal laws" and insert "**, upon its own motion, a motion of the prosecuting attorney, or a motion of the offender's legal representative, impose a sentence upon the conviction of the offender under this chapter. However, the court may not impose a sentence on an offender until the probation department of the court has conducted a presentence investigation concerning the offender and reported its findings to the court or the department of correction has conducted a diagnostic evaluation of the offender and reported its findings to the court.**

(b) If a court elects to impose a sentence upon conviction of an offender under subsection (a) and, before the offender is sentenced, the department of correction determines that

there is space available for the offender in a juvenile facility of the division of youth services of the department and the department agrees to place the offender in the juvenile facility, the sentencing court may:

(1) impose an appropriate criminal sentence on the offender under IC 35-50-2;

(2) suspend the criminal sentence imposed, notwithstanding IC 35-50-2-2 and IC 35-50-2-2.1;

(3) order the offender to be placed into the custody of the department of correction to be placed in the juvenile facility of the division of youth services; and

(4) provide that the successful completion of the placement of the offender in the juvenile facility is a condition of the suspended criminal sentence.".

Page 2, delete lines 12 through 33.

Page 2, line 34, delete "a juvenile".

Page 2, line 35, delete "offender, delinquent offender, or directly committed" and insert "**an**".

Page 2, line 40, after "a" insert "**review**".

Page 3, line 1, after "finds" insert "**by a preponderance of the evidence**".

Page 3, line 1, after "a" insert "**review**".

Page 3, line 2, delete "juvenile offender, delinquent offender, or directly".

Page 3,line 3, delete "committed".

Page 3, delete lines 6 through 10, begin a new line block indented and insert:

"**(1) continue the offender's placement in the juvenile facility under section 2(b) of this chapter;**

(2) order execution of all or part of the offender's previously suspended criminal sentence in an adult facility recommended by the department of correction; or

(3) make any other modifications to the sentence imposed on the offender under section 2(b) of this chapter the court considers appropriate.".

Page 3, line 11, delete "a" and insert "**an offender placed in a juvenile facility under section 2(b) of this chapter**".

Page 3, delete line 12.

Page 3, line 13, before "and" delete "offender".

Page 3, line 14, delete ":" and insert "**the department determines the offender is no longer amenable to treatment within any juvenile facility of the division of youth services.**".

Page 3, delete lines 15 through 22.

Page 3, line 23, delete "a" and insert "**an**".

Page 3, delete line 24.

Page 3, line 25, before "court" insert "**sentencing**".

Page 3, delete lines 27 through 42, begin new paragraph and insert:

"**Sec. 5. (a) At the request of a sentencing court, the department of correction shall provide a progress report to the sentencing court concerning an offender sentenced and placed in a juvenile facility under section 2(b) of this chapter. When the offender becomes eighteen (18) years of age:**

(1) the department shall notify the sentencing court; and

(2) the sentencing court shall hold a review hearing concerning the offender before the offender becomes nineteen (19) years of age.

(b) After a hearing conducted under subsection (a), the sentencing court may:

(1) discharge the offender if the sentencing court finds that the objectives of the sentence imposed on the offender have been met;

(2) order execution of all or part of the offender's suspended criminal sentence in an adult facility of the department of correction; or

(3) place the offender:

(A) in home detention under IC 35-38-2.5;

(B) in a community corrections program under IC 35-38-2.6;

(C) on probation under IC 35-50-7; or

(D) in any other appropriate alternative sentencing program.

Sec. 6. (a) At any time before an offender placed in a juvenile facility under section 2(b) of this chapter becomes twenty-one (21) years of age, the department of correction may transfer the offender to an adult facility if the department of correction believes the offender is a safety or security risk to:

(1) the other offenders or the staff at the juvenile facility; or

(2) the public.

(b) If the department of correction transfers an offender to an adult facility under this section, the department shall notify the sentencing court of the circumstances of the transfer.

Sec. 7. If the suspension of a criminal sentence is revoked under this chapter, all time served by an offender in a juvenile facility of the division of youth services of the department of correction shall be credited toward any criminal sentence imposed on the offender under this chapter.".

Delete page 4.

(Reference is to HB 1365 as reprinted January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Engrossed House Bill 1249, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning the general assembly.

Page 1, line 1, delete "IC 2-5-35 IS ADDED TO THE INDIANA CODE AS" and insert "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 2 through 17 and insert "**(a) The general assembly urges the legislative council to assign to an existing study committee, for study during the 2012 legislative interim, the following topics:**

(1) Land banks.

(2) Indiana's tax sales process.

(b) If the topic is assigned to an existing study committee under subsection (a), the study committee shall do the following:".

Page 2, delete lines 1 through 3.

Page 2, between lines 14 and 15, begin a new line block indented and insert:

"**(7) Reducing the amount of time needed to complete the tax sales process.**".

Page 2, line 15, delete "(7)" and insert "**(8)**".

Page 2, line 15, delete "." and insert "**and the tax sales process.**".

Page 2, line 16, delete "Sec. 7." and insert "**(c)**".

Page 2, line 16, delete "chapter" and insert "**SECTION**".

Page 2, line 16, delete "2014." and insert "**2013.**".

Page 2, after line 16, begin a new paragraph and insert:

"SECTION 2. **An emergency is declared for this act.**".

(Reference is to HB 1249 as printed January 27, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1189, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-10.1-10, AS AMENDED BY P.L.2-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A county may establish a county school safety commission.

(b) The members of the commission are as follows:

(1) The school safety specialist for each school corporation located in whole or in part in the county.

(2) The judge of the court having juvenile jurisdiction in the county or the judge's designee.

(3) The sheriff of the county or the sheriff's designee.

(4) The chief officer of every other law enforcement agency in the county, or the chief officer's designee.

(5) A representative of the juvenile probation system, appointed by the judge described under subdivision (2).

(6) Representatives of community agencies that work with children within the county.

(7) A representative of the Indiana state police district that serves the county.

(8) A representative of the Prosecuting Attorneys Council of Indiana who specializes in the prosecution of juveniles.

(9) Other appropriate individuals selected by the commission.

(c) If a commission is established, the school safety specialist of the school corporation having the largest ADM (as defined in IC 20-18-2-2), **as determined in the fall count of ADM in the school year ending in the current calendar year,** in the county shall convene the initial meeting of the commission.

(d) The members shall annually elect a chairperson.

(e) A commission shall perform the following duties:

(1) Perform a cumulative analysis of school safety needs within the county.

(2) Coordinate and make recommendations for the following:

(A) Prevention of juvenile offenses and improving the reporting of juvenile offenses within the schools.

(B) Proposals for identifying and assessing children who are at high risk of becoming juvenile offenders.

(C) Methods to meet the educational needs of children who have been detained as juvenile offenders.

(D) Methods to improve communications among agencies that work with children.

(E) Methods to improve security and emergency preparedness.

(F) Additional equipment or personnel that are necessary to carry out safety plans.

(G) Any other topic the commission considers necessary to improve school safety within the school corporations within the commission's jurisdiction.

(3) Provide assistance to the school safety specialists on the commission in developing and requesting grants for safety plans.

(4) Provide assistance to the school safety specialists on the commission and the participating school corporations in developing and requesting grants for school safe haven programs under section 7 of this chapter.

(5) Assist each participating school corporation in carrying out the school corporation's safety plans.

(f) The affirmative votes of a majority of the voting members of the commission are required for the commission to take action on a measure.

SECTION 2. IC 20-18-2-2, AS AMENDED BY P.L.2-2006, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. "ADM", ~~has the meaning set forth in IC 20-43-1-6.~~ **except as otherwise provided by law, refers to the fall count of eligible pupils under IC 20-43-4-3 conducted in the school year ending in the current calendar**

year.

SECTION 3. IC 20-18-2-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.7. "Current ADM" has the meaning set forth in IC 20-43-1-10.**

SECTION 4. IC 20-18-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. "Fall count" has the meaning set forth in IC 20-43-1-12.3.**

SECTION 5. IC 20-18-2-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18.5. "Spring count" has the meaning set forth in IC 20-43-1-24.5.**

SECTION 6. IC 20-20-13-17, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. The total technology plan grant amount to a qualifying school corporation is the amount determined by the department, with advice from the educational technology council established by IC 20-20-14-2, multiplied by the school corporation's **current** ADM, **as determined in:**

(1) a calendar year ending before January 1, 2013, in the fall count of students in the school year ending in the current calendar year; and

(2) a calendar year ending after December 31, 2012, in the spring count of students in the school year ending in the current calendar year.

The amount is one hundred dollars ($100). However, for the purposes of determining the **current** ADM of a school corporation, students who are transferred under IC 20-33-4 or IC 20-26-11 shall be counted as students having legal settlement in the transferee corporation and not having legal settlement in the transferor corporation.

SECTION 7. IC 20-20-13-19, AS ADDED BY P.L.218-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) The department shall list all school corporations in Indiana according to assessed valuation for property tax purposes per student in **current** ADM, **as determined in section 17 of this chapter,** beginning with the school corporation having the lowest assessed valuation for property tax purposes per student in **current** ADM. For purposes of the list made under this section, the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1 and the Indiana School for the Deaf established by IC 20-22-2-1 shall be considered to have the lowest assessed valuation for property tax purposes per student in **current** ADM during the six (6) year period beginning July 1, 2001.

(b) The department must prepare a revised list under subsection (a) before a new series of grants may begin.

(c) The department shall determine those school corporations to be placed in a group to receive a grant in a fiscal year under sections 13 through 24 of this chapter as follows:

(1) Beginning with the school corporation that is first on the list developed under subsection (a), the department shall continue sequentially through the list and place school corporations that qualify for a grant under section 15 of this chapter in a group until the cumulative total **current** ADM of all school corporations in the group depletes the money that is available for grants in the fiscal year.

(2) Each fiscal year the department shall develop a new group by continuing sequentially through the list beginning with the first qualifying school corporation on the list that was not placed in a group in the prior fiscal year.

(3) If the final group developed from the list contains substantially fewer students in **current** ADM than available money, the department shall:

(A) prepare a revised list of school corporations under subsection (a); and

(B) place in the group qualifying school corporations from the top of the revised list.

(4) The department shall label the groups with sequential numbers beginning with "group one".

SECTION 8. IC 20-23-7-12, AS AMENDED BY P.L.179-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) As used in this section, "county" means the county in which the school township is located.

(b) As used in this section, "school township" means a school township in Indiana that:

(1) for the last full school semester immediately preceding:

(A) the adoption of a preliminary resolution by the township trustee and the township board under subsection (f); or

(B) the adoption of a resolution of disapproval by the township trustee and the township board under subsection (g);

had ~~an~~ **a current** ADM of at least six hundred (600) students in kindergarten through grade 12 in the public schools of the school township; or

(2) is part of a township in which there were more votes cast for township trustee outside the school township than inside the school township in the general election at which the trustee was elected and that preceded the adoption of the preliminary or disapproving resolution.

(c) As used in this section, "township board" means the township board of a township in which the school township is located.

(d) As used in this section, "township trustee" means the township trustee of the township in which the school township is located.

(e) In a school township, a metropolitan school district may be created by complying with this section. A metropolitan school district created under this section shall have the same boundaries as the school township. After a district has been created under this section, the school township that preceded the metropolitan school district is abolished. The procedures or provisions governing the creation of a metropolitan school district under another section of this chapter do not apply to the creation of a district under this section. After a metropolitan school district is

created under this section, the district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 2 of this chapter.

(f) Except as provided in subsection (g), a metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At the meeting, the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice:

(A) by two (2) publications one (1) week apart in a newspaper of general circulation published in the school township; or

(B) if there is no newspaper as described in clause (A), in a newspaper of general circulation in the county;

of the adoption of the resolution setting forth the text of the resolution.

(2) On the thirtieth day after the date of the last publication of the notice under subdivision (1) and if a protest has not been filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day after the date of the last publication of the notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district must be created in the township in accordance with the preliminary resolution, then an election must be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall both be adopted at a meeting of the township trustee and township board in which the township trustee and each member of the township board received or waived a written notice of the date, time, place, and purpose of the meeting. The resolution and the proof of service or waiver of the notice shall be made a part of the records of the township board.

(g) Except as provided in subsection (f), a metropolitan school district may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, not more than ten (10) days after the filing of a petition:

(A) adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f); or

(B) adopt a resolution disapproving the creation of the district.

(3) If either the township trustee or a majority of township board members vote in favor of disapproving the resolution, an election must be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of an election:

(1) by two (2) publications one (1) week apart in a newspaper of general circulation in the school township; or

(2) if a newspaper described in subdivision (1) does not exist, in a newspaper of general circulation published in the county.

The notice must provide that on a day and time named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township regarding whether a metropolitan school district shall be created in the township. The election shall be held not less than twenty (20) days and not more than thirty (30) days after the last publication of the notice unless a primary or general election will be conducted not more than six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. If the election is to be a special election, the township trustee shall give notice not more than thirty (30) days after the filing of the petition or the adoption of the disapproving resolution.

(i) On the day and time named in the notice, the polls shall be opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under IC 20-23-7 be formed in the _____ School Township of _____ County, Indiana?". The name of the school township shall be inserted in the blanks.

(j) The votes cast in the election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder. If the

special election is not conducted at a primary or general election, the school township shall pay the expense of holding the election out of the school general fund that is appropriated for this purpose.

(k) A metropolitan school district shall, subject to section 7 of this chapter, be created on the thirtieth day after the date of the adoption of the confirming resolution under subsection (f) or an election held under subsection (h). If a public official fails to do the official's duty within the time prescribed in this section, the failure does not invalidate the proceedings taken under this section. An action to contest the validity of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of _____ Township, _____ County, Indiana". The first metropolitan board of education in a metropolitan school district created under this section consists of five (5) members. The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. The ex officio members serve without compensation or reimbursement for expenses, other than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and 8.1 of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until January 1 following the election of a metropolitan school board at the first general election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent of the district provided in this chapter.".

Page 1, line 3, after "than" insert "**each of**".

Page 1, line 4, after "ADM" delete ",".

Page 1, line 5 after "year," insert "**under IC 20-43-4-3 and IC 20-43-4-3.5,**".

Page 1, line 16, strike "This subsection applies after".

Page 1, line 16, delete "June 30".

Page 1, line 16, strike "of the".

Page 1, line 17, strike "the calendar year in which a charter school begins its initial operation.".

Page 2, line 1, after "distribute" insert "**state tuition support distributions**".

Page 2, line 1, after "organizer" insert ".".

Page 2, line 1, strike "the state tuition support".

Page 2, line 2, strike "distribution.".

Page 2, line 2, delete "The" and insert "**Subject to IC 20-43-4-9,** the".

Page 2, delete lines 6 through 42.

Delete pages 3 through 31, begin a new paragraph and insert:

"SECTION 10. IC 20-24-7-3, AS AMENDED BY P.L.146-2008, SECTION 461, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) This section applies to a conversion charter school.

(b) Beginning not more than sixty (60) days after the department receives the information reported under section 2(a) of this chapter, the department shall distribute to the organizer:

~~(1) tuition support and other state funding for any purpose for students enrolled in the conversion charter school;~~

~~(2)~~ **(1)** a proportionate share of state and federal funds received:

(A) for students with disabilities; or

(B) for staff services for students with disabilities;

enrolled in the conversion charter school; and

~~(3)~~ **(2)** a proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state categorical aid and are enrolled in the conversion charter school;

for the second six (6) months of the calendar year in which the conversion charter school is established. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution to the governing body of the school corporation in which the conversion charter school is located. A distribution to the governing body of the school corporation in which the conversion charter school is located is reduced by the amount distributed to the conversion charter school. This subsection does not apply to a conversion charter school after December 31 of the calendar year in which the conversion charter school is established.

~~(c) This subsection applies during the second six (6) months of the calendar year in which a conversion charter school is~~

~~established. A conversion charter school may apply for an advance from the charter school advancement account under IC 20-49-7 in the amount determined under STEP FOUR of the following formula:~~

~~STEP ONE: Determine the result under subsection (d) STEP ONE (A).~~

~~STEP TWO: Determine the difference between:~~

~~(A) the conversion charter school's current ADM minus~~

~~(B) the STEP ONE amount.~~

~~STEP THREE: Determine the quotient of:~~

~~(A) the STEP TWO amount; divided by~~

~~(B) the conversion charter school's current ADM.~~

~~STEP FOUR: Determine the product of:~~

~~(A) the STEP THREE amount; multiplied by~~

~~(B) the quotient of:~~

~~(i) the subsection (d) STEP TWO amount; divided by~~

~~(ii) two (2).~~

SECTION 11. IC 20-24-7-4, AS AMENDED BY P.L.91-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Services that a school corporation provides to a charter school, including transportation, may be provided at not more than one hundred three percent (103%) of the actual cost of the services.

(b) This subsection applies to a sponsor that is a state educational institution described in ~~IC 20-24-1-7(2).~~ **IC 20-24-1-9(2).** In a ~~calendar~~ **state fiscal** year, a state educational institution may receive from the organizer of a charter school sponsored by the state educational institution an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the ~~calendar~~ **state fiscal** year from basic tuition support (as defined in IC 20-43-1-8).

(c) This subsection applies to the executive of a consolidated city that sponsors a charter school. In a ~~calendar~~ **state fiscal** year, the executive may collect from the organizer of a charter school sponsored by the executive an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the ~~calendar~~ **state fiscal** year for basic tuition support.

(d) This subsection applies to a sponsor that is a nonprofit college or university that is approved by the state board of education. In a ~~calendar~~ **state fiscal** year, a private college or university may collect from the organizer of a charter school sponsored by the private college or university an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the ~~calendar~~ **state fiscal** year for basic tuition support.

(e) This subsection applies to the charter board. In a ~~calendar~~ **state fiscal** year, the charter school board may collect from the organizer of a charter school sponsored by the charter board an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the ~~calendar~~ **state fiscal** year for basic tuition support.

(f) A sponsor's administrative fee may not include any costs incurred in delivering services that a charter school may purchase at its discretion from the sponsor. The sponsor shall use its funding provided under this section exclusively for the purpose of fulfilling sponsoring obligations.

(g) Except for oversight services, a charter school may not be required to purchase services from its sponsor as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.

(h) A charter school may choose to purchase services from its sponsor. In that event, the charter school and sponsor shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning the services to be provided by the sponsor and any service fees to be charged to the charter school. A sponsor may not charge more than market rates for services provided to a charter school.

(i) Not later than ninety (90) days after the end of each fiscal year, each sponsor shall provide to each charter school it sponsors an itemized accounting of the actual costs of services purchased by the charter school from the sponsor. Any difference between the amount initially charged to the charter school and the actual cost shall be reconciled and paid to the owed party. If either party disputes the itemized accounting, any charges included in the accounting, or charges to either party, either party may request a review by the department. The requesting party shall pay the costs of the review.

SECTION 12. IC 20-24-7-6.5, AS ADDED BY P.L.229-2011, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. (a) Subject to subsection (b) and with the approval of a majority of the members of the governing body, a school corporation may distribute any part of the following to a conversion school sponsored by the school corporation in the amount and under the terms and conditions adopted by a majority of the members of the governing body:

(1) State tuition support and other state distributions to the school corporation.

(2) Any other amount deposited in the school corporation's general fund.

(b) The total amount that may be transferred under subsection (a) in a ~~calendar~~ **state fiscal** year to a particular conversion charter school may not exceed the result determined under STEP FOUR of the following formula:

STEP ONE: Determine the result of:

(A) the amount of state tuition support that the school corporation is eligible to receive in the ~~calendar~~ **state fiscal** year; divided by

(B) the ~~current~~ **fall count of** ADM of the school corporation ~~for~~ **conducted in** the **current** calendar year.

STEP TWO: Determine the result of:

(A) the amount of state tuition support that the conversion charter school is eligible to receive in the ~~calendar~~ **state fiscal** year; divided by

(B) the ~~current~~ **fall count of** ADM of the conversion

charter school ~~for~~ **conducted in** the ~~calendar~~ **state fiscal** year.

STEP THREE: Determine the greater of zero (0) or the result of:

(A) the STEP ONE amount; minus

(B) the STEP TWO amount.

STEP FOUR: Determine the result of:

(A) the STEP THREE amount; multiplied by

(B) the ~~current~~ **fall count of** ADM of the conversion charter school ~~for~~ **conducted in** the ~~calendar~~ **state fiscal** year.

SECTION 13. IC 20-24-7-9, AS AMENDED BY P.L.146-2008, SECTION 463, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) This section applies if:

(1) a sponsor:

(A) revokes a charter before the end of the term for which the charter is granted; or

(B) does not renew a charter; or

(2) a charter school otherwise terminates its charter before the end of the term for which the charter is granted.

(b) Any state funds that remain to be distributed to the charter school in the ~~calendar~~ **state fiscal** year in which an event described in subsection (a) occurs shall be distributed as follows:

(1) First, to the common school loan fund to repay any existing obligations of the charter school under IC 20-49-7 **(repealed) or IC 20-49-5-7.**

(2) Second, to the entities that distributed the funds to the charter school. A distribution under this subdivision shall be on a pro rata basis.

(c) If the funds described in subsection (b) are insufficient to repay all existing obligations of the charter school under IC 20-49-7 **(repealed) or IC 20-49-5-7,** the state shall repay any remaining obligations of the charter school under IC 20-49-7 **(repealed) or IC 20-49-5-7** from the amount appropriated for state tuition support distributions.

SECTION 14. IC 20-24-7-13, AS AMENDED BY P.L.229-2011, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) As used in this section, "virtual charter school" means any charter school, including a conversion charter school, that provides for the delivery of more than fifty percent (50%) of instruction to students through:

(1) virtual distance learning;

(2) online technologies; or

(3) computer based instruction.

(b) ~~Beginning with the 2011-2012 school year,~~ A virtual charter school may apply for sponsorship with any statewide sponsor in accordance with the sponsor's guidelines.

~~(c) Before January 1, 2012, a virtual charter school is entitled to receive funding from the state in an amount equal to the sum of:~~

~~(1) the product of:~~

~~(A) the number of students included in the virtual charter school's ADM; multiplied by~~

~~(B) eighty percent (80%) of statewide average basic tuition support.~~

~~(d)~~ **(c)** ~~After December 31, 2011,~~ **For state fiscal years beginning after June 30, 2012,** a virtual charter school is entitled to receive funding **in a month** from the state in an amount equal to the sum of:

(1) the product of:

(A) the number of students included in the virtual charter school's **current** ADM; multiplied by

(B) **the result of:**

(i) eighty-seven and five-tenths percent (87.5%) of the school's foundation amount determined under IC 20-43-5-4; **divided by**

(ii) twelve (12); plus

(2) the total of any special education grants under IC 20-43-7 to which the virtual charter school is entitled **for the month.**

~~After December 31, 2011,~~ **For state fiscal years beginning after June 30, 2012,** a virtual charter school is entitled to receive special education grants under IC 20-43-7 calculated in the same manner as special education grants are calculated for other school corporations.

(d) The department shall adopt rules under IC 4-22-2 to govern the operation of virtual charter schools.

(e) Beginning in 2009, the department shall before December 1 of each year submit an annual report to the budget committee concerning the program under this section.

(f) ~~This subsection does not apply to students who were enrolled in a virtual charter school during the 2010-2011 school year.~~ Each school year, at least sixty percent (60%) of the students who are enrolled in virtual charter schools under this section for the first time must have been included in the state's **fall count of** ADM ~~count for~~ **conducted in** the previous school year.

SECTION 15. IC 20-24-7.5 IS REPEALED [EFFECTIVE JULY 1, 2013]. (New Charter School Startup Grant).

SECTION 16. IC 20-24.5-2-10, AS AMENDED BY P.L.146-2008, SECTION 464, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. A laboratory school that:

(1) is operated without an agreement; and

(2) has an ADM **in the fall count of a school year** of not more than seven hundred fifty (750);

must be treated as a charter school for purposes of funding under IC 20-20-33 and IC 20-43.

SECTION 17. IC 20-24.5-2-11, AS ADDED BY P.L.2-2007, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. A student who attends a laboratory school full time may not be counted in **current** ADM or ADA by any school corporation when the student's attendance is not regulated under an agreement.

SECTION 18. IC 20-25-12-5, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The **initial** approved general fund budget for each school for a school year must be, as nearly as is reasonable and practicable, proportionate to the total general fund budget for the school city in the same ratio as the school's estimated **current** ADM **for the fall count in the school year** compares to the school city's estimated **current** ADM for **the fall count for** that school year.

SECTION 19. IC 20-26-5-4, AS AMENDED BY P.L.90-2011, SECTION 11, AND AS AMENDED BY P.L.200-2011, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law. However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars ($3,000) per budget year or one dollar ($1) per pupil, not to exceed twelve thousand five hundred dollars ($12,500), based on the school corporation's **ADM of the** previous ~~year's ADM,~~ **year (as defined in IC 20-43-1-7)** to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long

term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision *that are consistent with IC 20-28-9-1.*

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation *that are consistent with IC 20-28-9-1.*

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or

agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. *In accordance with IC 20-26-17,* to:

(A) participate in a state employee health plan under IC 5-10-8-6.6 or IC 5-10-8-6.7;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance; to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

SECTION 20. IC 20-26-11-11, AS AMENDED BY P.L.159-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) A school corporation may enter into an agreement with:

(1) a nonprofit corporation that operates a federally approved education program; or

(2) a nonprofit corporation that:

(A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(B) for its classroom instruction, employs teachers who are certified by the department;

(C) employs other professionally and state licensed staff as appropriate; and

(D) educates children who:

(i) have been suspended, expelled, or excluded from a public school in that school corporation and have been found to have an emotional disturbance;

(ii) have been placed with the nonprofit corporation by court order;

(iii) have been referred by a local health department;

(iv) have been placed in a state licensed private or public health care or child care facility as described in section 8 of this chapter; or

(v) have been placed by or with the consent of the department under IC 20-35-6-2;

in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon that may not exceed the total of:

(1) the transfer tuition costs for the student that otherwise would be payable to the transferee corporation; and

(2) a proportionate amount of any state or local distributions to the transferee corporation that are computed in any part using **current** ADM or any other student count in which the student is included, if the transferee corporation includes the student in the transferee corporation's **current** ADM for ~~a school year.~~ **the period in which the student is being educated by the nonprofit**

corporation.

(c) If a school corporation that is a transferor corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon, which may not exceed the total of:

(1) the transfer tuition costs that otherwise would be payable to a transferee school corporation; and

(2) a proportionate amount of any state or local distributions to the transferor corporation that are computed in any part using **current** ADM or any other student count in which the student is included, if the transferor corporation includes the student in the transferor corporation's ADM for ~~a school year.~~ **the period in which the student is being educated by the nonprofit corporation.**

SECTION 21. IC 20-26-11-13, AS AMENDED BY P.L.229-2011, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) As used in this section, the following terms have the following meanings:

(1) "Class of school" refers to a classification of each school or program in the transferee corporation by the grades or special programs taught at the school. Generally, these classifications are denominated as kindergarten, elementary school, middle school or junior high school, high school, and special schools or classes, such as schools or classes for special education, career and technical education, or career education.

(2) "Special equipment" means equipment that during a school year:

(A) is used only when a child with disabilities is attending school;

(B) is not used to transport a child to or from a place where the child is attending school;

(C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized education program for the child; and

(D) is not used for or by any child who is not a child with disabilities.

(3) "Student enrollment" means the following:

(A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee school corporation on a date determined by the state board.

(B) The total number of students enrolled in a class of school in a transferee school corporation on a date determined by the state board.

However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (1/2) student. The state board may select a different date for counts under this subdivision. However, the same date shall be used for all school corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under section 6 of this chapter, transfer tuition from the transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's **current** ADM, ~~for a school year,~~ allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school: ~~for, except as provided in clause (C), the calendar year in which the school year ends:~~

(A) State tuition support distributions **received during the calendar year in which the school corporation ends.**

(B) Property tax levies under IC 20-45-7 and IC 20-45-8 **for the calendar year in which the school corporation ends.**

(C) The sum of the following excise tax revenue received for deposit in the calendar year in which the school year begins:

(i) Financial institution excise tax revenue (IC 6-5.5).

(ii) Motor vehicle excise taxes (IC 6-6-5).

(iii) Commercial vehicle excise taxes (IC 6-6-5.5).

(iv) Boat excise tax (IC 6-6-11).

(v) Aircraft license excise tax (IC 6-6-6.5).

(D) Allocations to the transferee school under IC 6-3.5.

STEP THREE: Determine the greater of:

(A) zero (0); or

(B) the result of subtracting the STEP TWO amount from the STEP ONE amount.

If a child is placed in an institution or facility in Indiana by or with the approval of the department of child services, the institution or facility shall charge the department of child services for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

(c) Operating costs shall be determined for each class of school where a transfer student is enrolled. The operating cost for each class of school is based on the total expenditures of the transferee corporation for the class of school from its general fund expenditures as specified in the classified budget forms prescribed by the state board of accounts. This calculation excludes:

(1) capital outlay;

(2) debt service;

(3) costs of transportation;

(4) salaries of board members;

(5) contracted service for legal expenses; and

(6) any expenditure that is made from extracurricular account receipts;

for the school year.

(d) The capital cost of special equipment for a school year is equal to:

(1) the cost of the special equipment; divided by

(2) the product of:

(A) the useful life of the special equipment, as determined under the rules adopted by the state board; multiplied by

(B) the number of students using the special equipment during at least part of the school year.

(e) When an item of expense or cost described in subsection (c) cannot be allocated to a class of school, it shall be prorated to all classes of schools on the basis of the student enrollment of each class in the transferee corporation compared with the total student enrollment in the school corporation.

(f) Operating costs shall be allocated to a transfer student for each school year by dividing:

(1) the transferee school corporation's operating costs for the class of school in which the transfer student is enrolled; by

(2) the student enrollment of the class of school in which the transfer student is enrolled.

When a transferred student is enrolled in a transferee corporation for less than the full school year of student attendance, the transfer tuition shall be calculated by the part of the school year for which the transferred student is enrolled. A school year of student attendance consists of the number of days school is in session for student attendance. A student, regardless of the student's attendance, is enrolled in a transferee school unless the student is no longer entitled to be transferred because of a change of residence, the student has been excluded or expelled from school for the balance of the school year or for an indefinite period, or the student has been confirmed to have withdrawn from school. The transferor and the transferee corporation may enter into written agreements concerning the amount of transfer tuition due in any school year. If an agreement cannot be reached, the amount shall be determined by the state board, and costs may be established, when in dispute, by the state board of accounts.

(g) A transferee school shall allocate revenues described in subsection (b) STEP TWO to a transfer student by dividing:

(1) the total amount of revenues received **during a period;** by

(2) the **current** ADM of the transferee school for the ~~school year that ends in the calendar year~~ **period** in which the revenues are received.

However, for state tuition support distributions or any other state distribution computed using less than the total **current** ADM of the transferee school, the transferee school shall allocate the revenues to the transfer student by dividing the revenues that the transferee school is eligible to receive ~~in a calendar year~~ **during the period** by the student count used to compute the state distribution.

(h) Instead of the payments provided in subsection (b), the transferor corporation or state owing transfer tuition may enter into a long term contract with the transferee corporation governing the transfer of students. The contract may:

(1) be entered into for a period of not more than five (5) years with an option to renew;

(2) specify a maximum number of students to be transferred; and

(3) fix a method for determining the amount of transfer tuition and the time of payment, which may be different from that provided in section 14 of this chapter.

(i) A school corporation may negotiate transfer tuition agreements with a neighboring school corporation that can accommodate additional students. Agreements under this section may:

(1) be for one (1) year or longer; and

(2) fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 14 of this chapter.

A school corporation may not transfer a student under this section without the prior approval of the child's parent.

SECTION 22. IC 20-26-11-22, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 22. (a) The transferee corporation is entitled to receive from the transferor corporation transfer tuition for each transferred student for each school year calculated in two (2) parts:

(1) operating cost; and

(2) capital cost.

These costs must be allocated on a per student basis separately for each class of school.

(b) The operating cost for each class of school must be based on the total expenditures of the transferee corporation for the class from its general fund expenditures as set out on the classified budget forms prescribed by the state board of accounts, excluding from the calculation capital outlay, debt service, costs of transportation, salaries of board members, contracted service for legal expenses, and any expenditure that is made out of the general fund from extracurricular account receipts, for the school year.

(c) The capital cost for each class of school must consist of the lesser of the following alternatives:

(1) The capital cost must be based on an amount equal to five percent (5%) of the cost of transferee corporation's physical plant, equipment, and all items connected to the physical plant or equipment, including:

(A) buildings, additions, and remodeling to the buildings, excluding ordinary maintenance; and

(B) on-site and off-site improvements such as walks, sewers, waterlines, drives, and playgrounds;

that have been paid or are obligated to be paid in the future out of the general fund, capital projects fund, or debt service fund, including principal and interest, lease rental payments, and funds that were legal predecessors to these

funds. If an item of the physical plant, equipment, appurtenances, or part of the item is more than twenty (20) years old at the beginning of the school year, the capital cost of the item shall be disregarded in making the capital cost computation.

(2) The capital cost must be based on the amount budgeted from the general fund for capital outlay for physical plant, equipment, and appurtenances and the amounts levied for the debt service fund and the capital projects fund for the calendar year in which the school year ends.

(d) If an item of expense or cost cannot be allocated to a class of school, the item shall be prorated to all classes of schools on the basis of the ADM of each class in the transferee corporation, **as determined in the fall count of ADM in the school year,** compared to the total **current** ADM therein, **as determined in the fall count of ADM in the school year.**

(e) The transfer tuition for each student transferred for each school year shall be calculated by dividing the transferee school corporation's total operating costs and the total capital costs for the class of school in which the student is enrolled by the ADM of students therein, **as determined in the fall count of ADM in the school year.** If a transferred student is enrolled in a transferee corporation for less than the full school year, the transfer tuition shall be calculated by the proportion of such school year for which the transferred student is enrolled. A school year for this purpose consists of the number of days school is in session for student attendance. A student shall be enrolled in a transferee school, whether or not the student is in attendance, unless the:

(1) student's residence is outside the area of students transferred to the transferee corporation;

(2) student has been excluded or expelled from school; or

(3) student has been confirmed as a school dropout.

The transferor and transferee corporations may enter into written agreements concerning the amount of transfer tuition. If an agreement cannot be reached, the amount shall be determined by the state superintendent, with costs to be established, where in dispute, by the state board of accounts.

(f) The transferor corporation shall pay the transferee corporation, when billed, the amount of book rental due from transferred students who are unable to pay the book rental amount. The transferor corporation is entitled to collect the amount of the book rental from the appropriate township trustee, from its own funds, or from any other source, in the amounts and manner provided by law.

SECTION 23. IC 20-26-11-23, AS AMENDED BY P.L.182-2009(ss), SECTION 317, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) If a transfer is ordered to commence in a school year, where the transferor corporation has net additional costs over savings (on account of any transfer ordered) allocable to the ~~calendar~~ **state fiscal** year in which the school year begins, and where the transferee corporation does not have budgeted funds for the net additional costs, the net additional costs may be recovered by one (1) or more of the following methods in addition to any other methods provided by applicable law:

(1) An emergency loan made under IC 20-48-1-7 to be paid, out of the debt service levy and fund, or a loan from any state fund made available for the net additional costs.

(2) An advance in the ~~calendar~~ **state fiscal** year of state funds, which would otherwise become payable to the transferee corporation after such ~~calendar~~ **state fiscal** year under law.

(3) A grant or grants in the calendar year from any funds of the state made available for the net additional costs.

(b) The net additional costs must be certified by the department of local government finance. Repayment of any advance or loan from the state shall be made from state tuition support distributions or other money available to the school corporation.

SECTION 24. IC 20-26-11-30, AS ADDED BY P.L.133-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 30. (a) This section applies to a student who resided in a school corporation where the student had legal settlement for at least two (2) consecutive school years immediately before moving to an adjacent school corporation.

(b) A school corporation in which a student had legal settlement for at least two (2) consecutive years as described in subsection (a):

(1) shall allow the student to attend an appropriate school within the school corporation in which the student formerly resided;

(2) may not request the payment of transfer tuition for the student from the school corporation in which the student currently resides and has legal settlement or from the student's parent; and

(3) shall include the student in the school corporation's **current** ADM;

if the principal and superintendent in both school corporations jointly agree to enroll the student in the school.

(c) If a student enrolls under this section in a school described in subsection (b)(1), the student's parent must provide for the student's transportation to school.

(d) A student to whom this section applies may not enroll primarily for athletic reasons in a school in a school corporation in which the student does not have legal settlement. However, a decision to allow a student to enroll in a school corporation in which the student does not have legal settlement is not considered a determination that the student did not enroll primarily for athletic reasons.

SECTION 25. IC 20-29-6-12.5, AS ADDED BY P.L.229-2011, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12.5. (a) Before August 1 of the first year of the state budget biennium, the department shall provide the parties with an estimate of the general fund revenue available for bargaining in the school corporation from the school funding formula.

(b) Within thirty (30) days after the date of the ~~first state~~ **fall count of** ADM ~~count date~~ of the school year in the first year of the state budget biennium, the department shall provide the parties with a certification of estimated general fund revenue available for bargaining from the school funding formula. A school employer that has passed a general fund operating referendum under IC 20-46-1 must have that amount certified by the department of local government finance. The school corporation must obtain the certification before the commencement of bargaining. These certifications must be the basis for determinations throughout impasse proceedings under this chapter.

SECTION 11. IC 20-33-2-10, AS AMENDED BY P.L.43-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended; and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children and missing endangered adults established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. **An accredited nonpublic school shall send a former student's records that are requested under subsection (b) regardless of whether the former student of the accredited nonpublic school or the former student's parent or guardian owes an outstanding debt to the accredited nonpublic school.** ~~However,~~ If a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults;

(2) may not send the school records without the authorization of the clearinghouse; and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

(e) The department may revoke the accreditation of an accredited nonpublic school that does not send a former student's records to a requesting school as required under subsection (d).

SECTION 26. IC 20-33-5-9.5, AS ADDED BY P.L.229-2011, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9.5. (a) This section applies to reimbursements made under this chapter in ~~calendar~~ **state fiscal** year ~~2012 and thereafter.~~ **beginning after June 30, 2012.**

(b) The amount of reimbursement that a school corporation or an accredited nonpublic school is entitled to receive under section 7 of this chapter in a ~~calendar~~ **state fiscal** year is equal to the amount determined in the following STEPS:

STEP ONE: Determine the amount appropriated to make reimbursements under this chapter for the state fiscal year. ~~ending in the calendar year.~~

STEP TWO: Determine the total number of eligible students for which reimbursement was requested under either section 7 or 9 of this chapter before November 1 of the previous calendar year by all school corporations and accredited nonpublic schools.

STEP THREE: Divide the result determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Multiply:

(A) the STEP THREE result; by

(B) the number of eligible students for which reimbursement was requested under section 7 or 9 of this chapter before November 1 of the ~~previous calendar~~ **state fiscal** year by the school corporation or the accredited nonpublic school.

SECTION 27. IC 20-40-8-1, AS AMENDED BY P.L.229-2011, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "calendar year distribution" means ~~the sum of the following:~~

~~(1)~~ a school corporation's

~~(A)~~ state tuition support ~~and~~

~~(B) maximum permissible tuition support levy (as defined in IC 20-45-1-15 before its repeal);~~

determined for the calendar year **using the fall count of ADM for the school corporation in the school year ending in the calendar year.**

~~(2) The sum of the following excise tax revenue of the school corporation for the immediately preceding calendar year:~~

~~(A) Financial institution excise tax revenue (IC 6-5.5).~~

~~(B) Motor vehicle excise taxes (IC 6-6-5).~~

~~(C) Commercial vehicle excise taxes (IC 6-6-5.5).~~

~~(D) Boat excise tax (IC 6-6-11).~~

~~(E) Aircraft license excise tax (IC 6-6-6.5).~~

SECTION 28. IC 20-43-1-1, AS AMENDED BY P.L.229-2011, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article expires ~~January~~ **July** 1, ~~2014.~~ **2013.**

SECTION 29. IC 20-43-1-6, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. "ADM" refers to average daily membership determined under ~~IC 20-43-4-2.~~ **IC 20-43-4.**

SECTION 30. IC 20-43-1-7, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. "ADM of the previous year" means:

(1) for previous years ending before January 1, 2013, the initial computed ADM for the school year ending in the preceding calendar year **(as adjusted under IC 20-43-4-2); and**

(2) for previous years ending after December 31, 2012, the number of eligible pupils counted on the count date that is effective for the month in which a calculation using the term is applied, as subsequently adjusted (if applicable) under IC 20-43-4-2.

SECTION 31. IC 20-43-1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.5. "Attending" means physical or virtual presence of a student with the expectation of continued services in the education programs for which the student is registered.**

SECTION 32. IC 20-43-1-10, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. "Current ADM" means:

(1) for distributions made under this article before January 1, 2013, the ~~initial computed~~ **fall count of** ADM for the school year ending in the calendar year; **and**

(2) for distributions made under this article after December 31, 2012, the number of eligible pupils enrolled in a school corporation as:

(A) determined in the most recent count of eligible pupils in effect (as determined by the department under IC 20-43-4-9); and

(B) subsequently adjusted (if applicable) under IC 20-43-4-2.

SECTION 33. IC 20-43-1-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 11.5. "Enrolled" means to be:**

(1) registered with a school corporation to attend educational programs offered by or through the school corporation; and

(2) attending these educational programs and receiving educational services.

SECTION 34. IC 20-43-1-12.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12.3. "Fall count" refers to the first count of ADM in a school year under IC 20-43-4-3, as finally adjusted under IC 20-43-4-2.**

SECTION 35. IC 20-43-1-18 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 18. "Maximum state distribution" refers to the amount determined under IC 20-43-2-2.~~

SECTION 36. IC 20-43-1-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 24.5. "Spring count" refers to the second count of ADM in a school year under IC 20-43-4-3, as subsequently adjusted under IC 20-43-4-2.**

SECTION 37. IC 20-43-1-25, AS AMENDED BY P.L.229-2011, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. "State tuition support" means the amount of state funds to be distributed to:

(1) a school corporation other than a virtual charter school in any ~~calendar~~ **state fiscal** year under this article for all grants, distributions, and awards described in IC 20-43-2-3; and

(2) a virtual charter school in any ~~calendar~~ **state fiscal** year under IC 20-43-6-3.

SECTION 38. IC 20-43-2-1, AS AMENDED BY P.L.146-2008, SECTION 481, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The department shall distribute the amount appropriated by the general assembly for distribution as state tuition support in accordance with this article. If the appropriations for distribution as state tuition support are more than required under this article, any excess shall revert to the state general fund. The appropriations for state tuition support shall be made each ~~calendar~~ **state fiscal** year under a schedule set by the budget agency and approved by the governor. However, **notwithstanding P.L.229-2011, SECTION 9,** the schedule must provide:

(1) for at least twelve (12) payments;

(2) that one (1) payment shall be made ~~at least every forty (40) days;~~ **each month;** and

(3) the total of the payments in each ~~calendar~~ **state fiscal** year must equal the amount required under this article.

SECTION 39. IC 20-43-2-2, AS AMENDED BY P.L.229-2011, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The maximum state distribution for a ~~calendar~~ **state fiscal** year for all school corporations for the purposes described in section 3 of this chapter is

~~(1) six billion two hundred forty-seven million eight hundred thousand dollars ($6,247,800,000) in 2011;~~

~~(2) six billion two hundred seventy-seven million eight hundred thousand dollars ($6,277,800,000) in 2012; and~~

~~(3) six billion three hundred thirty-nine million six hundred thousand dollars ($6,339,600,000) in 2013.~~ **the amount appropriated by the general assembly for those purposes for that state fiscal year.**

SECTION 40. IC 20-43-2-3, AS AMENDED BY P.L.229-2011, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. If the total amount to be distributed:

(1) as basic tuition support;

(2) for honors diploma awards;

(3) for primetime distributions;
(4) for special education grants; ~~and~~
(5) for career and technical education grants;
(6) for choice scholarships;
(7) for Mitch Daniels early graduation scholarships;
(8) for a fiscal year transition grant under IC 20-43-13; and
(9) for a school corporation estimated distribution grant under IC 20-43-4-3.5 and IC 20-43-4-9.

for a particular **state fiscal** year exceeds the ~~maximum state distribution~~ **amounts appropriated by the general assembly for those purposes** for ~~a calendar~~ **the state fiscal** year, the amount to be distributed for state tuition support under this article to each school corporation during each of the last six (6) months of the **state fiscal** year shall be proportionately reduced so that the total reductions equal the amount of the excess.

SECTION 41. IC 20-43-2-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8. (a) Beginning July 1, 2012, distributions for state tuition support shall be made on a state fiscal year basis rather than a calendar year basis.**

(b) The following is the intent of the general assembly:

(1) The distributions for state tuition support that are provided for under this article (as this article exists on January 1, 2012) for calendar year 2012 shall be made only during the first six (6) months of calendar year 2012.

(2) Except as otherwise provided, the distributions for state tuition support that were provided for under this article (as this article existed on January 1, 2012) for calendar year 2013 shall instead be made during the state fiscal year 2012 beginning July 1, 2012.

(3) IC 20-43-3-7 and IC 20-43-3-8 apply to the distributions made after June 30, 2012.

(c) The department shall make any adjustments required to carry out the change from distributions made on a calendar year basis to distributions made on a state fiscal year basis.

SECTION 42. IC 20-43-3-4, AS AMENDED BY P.L.229-2011, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) **This subsection applies to the determination of a school corporation's previous year revenue for purposes of determining distributions under this article before July 1, 2012.** A school corporation's previous year revenue equals the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the sum of the following:

(A) The school corporation's basic tuition support actually received for the year that precedes the current year.

(B) For 2012, the restoration grant (IC 20-43-12 (repealed)) actually received for 2011.

(C) For 2012, the small school grant (IC 20-43-12.2 (repealed)) actually received for 2011.

STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school corporation's state tuition support under any combination of subsection ~~(b)~~ **(c)** or IC 20-30-2-4.

(b) This subsection applies to the determination of a school corporation's previous year revenue for purposes of determining distributions under this article after June 30, 2012. A school corporation's previous year revenue equals the amount determined under STEP TWO of the following formula:

STEP ONE: For purposes of making determinations for:

(A) the state fiscal year beginning July 1, 2012, determine the product of the school corporation's basic tuition support actually received for the first six (6) months of 2012 multiplied by two (2); or

(B) a state fiscal year beginning after June 30, 2013, determine the school corporation's basic tuition support actually received for the state fiscal year that immediately precedes the current state fiscal year.

STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school corporation's state tuition support under any combination of subsection (c) or IC 20-30-2-4.

~~(b)~~ **(c)** A school corporation's previous year revenue must be reduced if:

(1) the school corporation's state tuition support for special education or career and technical education is reduced as a result of a complaint being filed with the department after December 31, 1988, because the school program overstated the number of children enrolled in special education programs or career and technical education programs; and

(2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

The amount of the reduction equals the amount the school corporation would have received in state tuition support for special education and career and technical education because of the overstatement.

SECTION 43. IC 20-43-4-2, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A school corporation's ADM is the number of eligible pupils enrolled in:

(1) the school corporation; or

(2) a transferee corporation;

on ~~a day to be~~ **the days** fixed ~~annually~~ by the state board **under section 3 of this chapter,** ~~and~~ as subsequently adjusted ~~not later than January 30~~ under the rules adopted by the state board. **The state board may adjust the school's count of eligible pupils if the state board determines that the count is unrepresentative of the school corporation's enrollment.**

SECTION 44. IC 20-43-4-3, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) Subject to subsection**

(b), the ~~initial day of the~~ **state board shall make an** ADM count ~~must fall:~~ **of the eligible pupils enrolled in each school corporation two (2) times each** ~~within the first thirty (30) days of the~~ school year, **with one (1) count date occurring in each of the following periods:**

(1) The fall count of ADM shall be made on a day fixed by the state board during September.

(2) The spring count of ADM shall be made on a day fixed by the state board during February.

(b) However, if extreme patterns of:

(1) student in-migration;

(2) illness;

(3) natural disaster; or

(4) other unusual conditions in a particular school corporation's enrollment;

on either ~~the~~ **a count** day fixed by the state board or ~~on~~ the subsequent adjustment date cause the enrollment to be unrepresentative of the school corporation's enrollment, ~~throughout a school year,~~ the state board may designate another day for determining the school corporation's enrollment.

SECTION 45. IC 20-43-4-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 3.5. (a) This section applies to a school corporation (including a charter school) only in the following:**

(1) In the initial year in which the school corporation begins operation.

(2) In the year in which a school year begins in which the school corporation adds another grade.

(3) In a year in which a school year begins in which the school corporation estimates the fall count of ADM will exceed the immediately preceding spring count of ADM by at least fifteen percent (15%).

(b) A school corporation shall submit to the department an estimated count of eligible pupils in the form and on the schedule specified by the state board. The count must estimate as accurately as possible the anticipated number of eligible pupils who are likely to be included in the school corporation's fall count of ADM for the school year beginning in the calendar year.

(c) Using the estimates submitted by the school corporation and any other information available to the state board, the state board shall estimate the number of eligible pupils who are likely to be included in the fall ADM count of the school corporation in the school year beginning in the calendar year. The state board may adjust the estimate provided by a school corporation as the state board determines necessary.

(d) After the fall count of ADM, the state board shall adjust the estimated count of ADM under this section to reflect the actual count of eligible pupils determined in the fall count. If the state board adjusts the fall count under section 2 of this chapter, the state board shall make the same adjustment to the estimated count.

SECTION 46. IC 20-43-4-4, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a)** The state board shall monitor changes that occur after the fall **count of** ADM ~~count~~ in the number of students enrolled in programs for children with disabilities. The state board shall:

(1) before December 2 of that same year; and

(2) before April 2 of the following calendar year;

make an adjusted count of students enrolled in programs for children with disabilities The state superintendent shall certify the December adjusted count to the budget committee before February 5 of the following year and the April adjusted count not later than May 31 immediately after the date of the April adjusted count. **The state board may adjust the school's count of students enrolled in programs for children with disabilities if the state board determines that the count is unrepresentative of the school corporation's enrollment.**

(b) The department shall distribute special education grants under IC 20-43-7 using only the count specified in IC 20-43-7-1.

SECTION 47. IC 20-43-4-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. IC 20-43-8-1 applies to a count of students for career and technical education grants.**

SECTION 48. IC 20-43-4-6, AS AMENDED BY P.L.234-2007, SECTION 239, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) In determining ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis if the pupil:

(1) is enrolled in a public school and a nonpublic school;

(2) has legal settlement in a school corporation; and

(3) receives instructional services from the school corporation.

(b) For purposes of this section, full-time equivalency is calculated as follows:

STEP ONE: Determine the result of:

(A) the number of days instructional services will be provided to the pupil, not to exceed one hundred eighty (180); divided by

(B) one hundred eighty (180).

STEP TWO: Determine the result of:

(A) the pupil's public school instructional time (as defined in IC 20-30-2-1); divided by

(B) the actual public school regular instructional day (as defined in IC 20-30-2-2).

STEP THREE: Determine the result of:

(A) the STEP ONE result; multiplied by

(B) the STEP TWO result.

STEP FOUR: Determine the lesser of one (1) or the result of:

(A) the STEP THREE result; multiplied by

(B) one and five hundredths (1.05).

However, the state board may, by rule adopted under IC 4-22-2, specify an equivalent formula if the state board determines that the equivalent formula would more accurately reflect the instructional services provided by a school corporation during a period that a particular ADM count is in effect for the school corporation.

SECTION 49. IC 20-43-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9. (a) This subsection applies to the calculation of state tuition support distributions that are:**

(1) made before January 1, 2013; and

(2) based on the current ADM of a school corporation. The fall count of ADM for the school year ending June 30, 2012, as adjusted by the state board under section 2 of this chapter, shall be used to compute state tuition support distributions.

(b) Subject to subsection (c), this subsection applies to the calculation of state tuition support distributions that are:

(1) made after December 31, 2012; and

(2) based on the current ADM of a school corporation. The fall count of ADM for the school year ending in the current calendar year, as adjusted by the state board under section 2 of this chapter, shall be used to compute state tuition support distributions made in the first six (6) months of the calendar year, and the spring count of ADM for the school year ending in the current calendar year, as adjusted by the state board under section 2 of this chapter, shall be used to compute state tuition support distributions made in the second six (6) months of the calendar year.

(c) This subsection applies only to the calculation of basic tuition support distributions to a school corporation, including a conversion charter school or other charter school, for the first six (6) months of a school year that begins in the year if section 3.5(a) of this chapter applies to the school corporation in the year. A school corporation is entitled to a distribution of basic tuition support in conformity with this subsection for the first six (6) months of a school year that begins in a year to which section 3.5(a) of this chapter applies. The count of students made under section 3.5 of this chapter, as subsequently adjusted under section 3.5 of this chapter, shall be treated as the current ADM of the school corporation for the calculation of the school corporation's basic tuition support for that period. However, distributions to the school corporation shall not begin until after the first day the school corporation conducts regular classes, as determined by the department. The amount withheld for the school corporation before that date shall be paid to the school corporation on a schedule determined under subsection (d).

(d) If the state board adjusts a count of ADM after a distribution is made under this article, the adjusted count retroactively applies to the amount of state tuition support distributed to a school corporation affected by the adjusted count. The department shall settle any overpayment or underpayment of state tuition support resulting from an adjusted count of ADM on the schedule determined by the department.

SECTION 50. IC 20-43-5-1, AS AMENDED BY P.L.234-2007, SECTION 241, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A school corporation's transition to foundation revenue per adjusted ADM for a ~~calendar~~ **state fiscal** year is the amount determined under section 9 of this chapter.

SECTION 51. IC 20-43-5-2, AS AMENDED BY P.L.234-2007, SECTION 242, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The following amounts must be determined under this chapter to calculate a school corporation's transition to foundation revenue per adjusted ADM for a ~~calendar~~ **state fiscal** year:

(1) The school corporation's complexity index for the ~~calendar~~ **state fiscal** year under section 3 of this chapter.

(2) The school corporation's foundation amount for the ~~calendar~~ **state fiscal** year under section 4 of this chapter.

(3) The school corporation's previous year revenue foundation amount for the ~~calendar~~ **state fiscal** year under section 5 of this chapter.

(4) The school corporation's transition to foundation amount for the ~~calendar~~ **state fiscal** year under section 6 of this chapter.

(5) The school corporation's transition to foundation revenue for the ~~calendar~~ **state fiscal** year under section 7 of this chapter.

SECTION 52. IC 20-43-5-4, AS AMENDED BY P.L.229-2011, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A school corporation's foundation amount ~~for a calendar year~~ is the result determined under STEP THREE of the following formula:

STEP ONE: The STEP ONE amount is:

(A) in 2012, four thousand two hundred eighty dollars ($4,280); and

(B) in 2013, four thousand four hundred five dollars ($4,405).

STEP TWO: Multiply the STEP ONE amount by the school corporation's complexity index.

STEP THREE: Determine the sum of the STEP TWO amount and the following:

(A) Zero dollars ($0), if the school corporation's current ADM is less than five hundred (500).

(B) One hundred fifty dollars ($150), if the school corporation's current ADM is at least five hundred (500) and is not more than one thousand (1,000).

(C) The result of one hundred fifty thousand dollars ($150,000) divided by the school corporation's current ADM, if the school corporation's current ADM is more than one thousand (1,000).

SECTION 53. IC 20-43-5-5, AS AMENDED BY P.L.182-2009(ss), SECTION 335, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A school

corporation's previous year revenue foundation amount for a ~~calendar~~ **state fiscal** year is equal to the result of:

(1) the school corporation's previous year revenue; divided by

(2) the school corporation's ~~adjusted~~ ADM for the previous year.

SECTION 54. IC 20-43-5-6, AS AMENDED BY P.L.229-2011, SECTION 210, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A school corporation's transition to foundation amount for a ~~calendar~~ **state fiscal** year is equal to the result determined under STEP TWO of the following formula:

STEP ONE: Determine the difference of:

(A) the school corporation's foundation amount; minus

(B) the lesser of:

(i) the school corporation's previous year revenue foundation amount; or

(ii) the result of the school corporation's foundation amount multiplied by one and two-tenths (1.2).

STEP TWO: A school corporation's STEP TWO amount is the following:

(A) For a charter school located outside Marion County that has previous year revenue that is not greater than zero (0), the charter school's STEP TWO amount is the quotient of:

(i) the school corporation's transition to foundation revenue for the ~~calendar~~ **state fiscal** year where the charter school is located; divided by

(ii) the school corporation's current ADM.

(B) For a charter school located in Marion County that has previous year revenue that is not greater than zero (0), the charter school's STEP TWO amount is the weighted average of the transition to foundation revenue for the school corporations where the students counted in the current ADM of the charter school have legal settlement, as determined under item (iv) of the following formula:

(i) Determine the transition to foundation revenue for each school corporation where a student counted in the current ADM of the charter school has legal settlement.

(ii) For each school corporation identified in item (i), divide the item (i) amount by the school corporation's current ADM.

(iii) For each school corporation identified in item (i), multiply the item (ii) amount by the number of students counted in the current ADM of the charter school that have legal settlement in the particular school corporation.

(iv) Determine the sum of the item (iii) amounts for the charter school.

(C) The STEP TWO amount for a school corporation that is not a charter school described in clause (A) or (B) is the following:

(i) The school corporation's foundation amount for the ~~calendar~~ **state fiscal** year if the STEP ONE amount is zero (0) or greater.

(ii) The amount determined under subsection (b), if the school corporation's STEP ONE amount is less than zero (0).

(b) For the purposes of STEP TWO (C)(ii) in subsection (a), determine the result of:

(1) the result determined for the school corporation under STEP ONE (B) of subsection (a); minus

(2) the result of:

(A) the absolute value of the STEP ONE amount; divided by

(B) ~~seven (7) in 2012 and~~ six (6) in ~~2013.~~ **the state fiscal year beginning July 1, 2012.**

SECTION 55. IC 20-43-5-7, AS AMENDED BY P.L.229-2011, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. A school corporation's transition to foundation revenue for a ~~calendar~~ **state fiscal** year is equal to the product of:

(1) the school corporation's transition to foundation amount for the ~~calendar~~ **state fiscal** year; multiplied by

(2) the school corporation's current ADM.

SECTION 56. IC 20-43-5-9, AS AMENDED BY P.L.234-2007, SECTION 247, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. A school corporation's transition to foundation revenue per adjusted ADM for a ~~calendar~~ **state fiscal** year is the quotient of:

(1) the school corporation's transition to foundation revenue for the ~~calendar~~ **state fiscal** year; divided by

(2) the school corporation's current adjusted ADM.

SECTION 57. IC 20-43-6-1, AS AMENDED BY P.L.182-2009(ss), SECTION 338, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Subject to the amount appropriated by the general assembly for state tuition support and IC 20-43-2, the amount that a school corporation is entitled to receive in basic tuition support for a **state fiscal** year is the amount determined in section 3 of this chapter.

SECTION 58. IC 20-43-6-3, AS AMENDED BY P.L.229-2011, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A school corporation's basic tuition support for a ~~year~~ **month** is the amount determined under the applicable provision of this section.

(b) The school corporation's basic tuition support for a ~~year~~ **month** is equal to the **result of:**

(1) the school corporation's transition to foundation revenue; ~~for the year.~~ **divided by**

(2) twelve (12).

(c) This subsection applies to students of a virtual charter school. A virtual charter school's basic tuition support for a ~~year~~ **month** for those students is the amount determined under IC 20-24-7-13.

SECTION 59. IC 20-43-7-1, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2012]: Sec. 1. In addition to the amount a school corporation is entitled to receive in basic tuition support, each school corporation is entitled to receive a grant for special education programs **for the state fiscal year.** The amount of the special education grant is based on the count of eligible pupils enrolled in special education programs on December 1 of the preceding **state fiscal** year in:

(1) the school corporation; or

(2) a transferee corporation.

SECTION 60. IC 20-43-7-6, AS AMENDED BY P.L.182-2009(ss), SECTION 340, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A school corporation's special education grant for a ~~calendar~~ **state fiscal** year is equal to the sum of the following:

(1) The nonduplicated count of pupils in programs for severe disabilities multiplied by eight thousand three hundred fifty dollars ($8,350).

(2) The nonduplicated count of pupils in programs of mild and moderate disabilities multiplied by two thousand two hundred sixty-five dollars ($2,265).

(3) The duplicated count of pupils in programs for communication disorders multiplied by five hundred thirty-three dollars ($533).

(4) The cumulative count of pupils in homebound programs multiplied by five hundred thirty-three dollars ($533).

(5) The nonduplicated count of pupils in special preschool education programs multiplied by two thousand seven hundred fifty dollars ($2,750).

SECTION 61. IC 20-43-8-1, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Pupil enrollment under this chapter shall be determined at the same time that a school corporation's **fall count of** ADM is determined.

SECTION 62. IC 20-43-8-2, AS AMENDED BY P.L.234-2007, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Before December 1 of each year, the department of workforce development shall provide the department with a report, to be used to determine career and technical education grant amounts in the ~~second calendar~~ **state fiscal** year **beginning** after the year in which the report is provided, listing whether the labor market demand for each generally recognized labor category is more than moderate, moderate, or less than moderate. In the report, the department of workforce development shall categorize each of the career and technical education programs using the following four (4) categories:

(1) Programs that address employment demand for individuals in labor market categories that are projected to need more than a moderate number of individuals.

(2) Programs that address employment demand for individuals in labor market categories that are projected to need a moderate number of individuals.

(3) Programs that address employment demand for individuals in labor market categories that are projected to need less than a moderate number of individuals.

(4) All programs not covered by the employment demand categories of subdivisions (1) through (3).

(b) Before December 1 of each year, the department of workforce development shall provide the department with a report, to be used to determine grant amounts that will be distributed under this chapter in the ~~second calendar~~ **state fiscal** year **beginning** after the year in which the report is provided, listing whether the average wage level for each generally recognized labor category for which career and technical education programs are offered is a high wage, a moderate wage, or a less than moderate wage.

(c) In preparing the labor market demand report under subsection (a) and the average wage level report under subsection (b), the department of workforce development shall, if possible, list the labor market demand and the average wage level for specific regions, counties, and municipalities.

(d) If a new career and technical education program is created by rule of the state board, the department of workforce development shall determine the category in which the program should be included.

SECTION 63. IC 20-43-8-9, AS AMENDED BY P.L.234-2007, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. A school corporation's career and technical education grant for a ~~calendar~~ **state fiscal** year is the sum of the following amounts:

STEP ONE: For each career and technical education program provided by the school corporation:

(A) the number of credit hours of the program (either one (1) credit, two (2) credits, or three (3) credits); multiplied by

(B) the number of students enrolled in the program; multiplied by

(C) the following applicable amount:

(i) Four hundred fifty dollars ($450), in the case of a program described in section 5 of this chapter (more than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.

(ii) Three hundred seventy-five dollars ($375), in the case of a program described in section 5 of this chapter (more than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.

(iii) Three hundred dollars ($300), in the case of a program described in section 5 of this chapter (more than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.

(iv) Three hundred seventy-five dollars ($375), in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.

(v) Three hundred dollars ($300), in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.

(vi) Two hundred twenty-five dollars ($225), in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.

(vii) Three hundred dollars ($300), in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.

(viii) Two hundred twenty-five dollars ($225), in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.

(ix) One hundred fifty dollars ($150), in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.

STEP TWO: The number of pupils described in section 8 of this chapter (all other programs) multiplied by two hundred fifty dollars ($250).

STEP THREE: The number of pupils participating in a career and technical education program in which pupils from multiple schools are served at a common location multiplied by one hundred fifty dollars ($150).

SECTION 64. IC 20-43-9-6, AS AMENDED BY P.L.229-2011, SECTION 217, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A school corporation's primetime distribution for a ~~calendar year~~ **month** under this chapter is the **result of the** amount determined by the following formula **divided by twelve (12):**

STEP ONE: Determine the applicable target pupil/teacher ratio for the school corporation as follows:

(A) If the school corporation's complexity index is less than one and one-tenth (1.1), the school corporation's target pupil/teacher ratio is eighteen to one (18:1).

(B) If the school corporation's complexity index is at least one and one-tenth (1.1) but less than one and three-tenths (1.3), the school corporation's target pupil/teacher ratio is fifteen (15) plus the result determined in item (iii) to one (1):

(i) Determine the result of one and three-tenths (1.3) minus the school corporation's complexity index.

(ii) Determine the item (i) result divided by two-tenths (0.2).

(iii) Determine the item (ii) result multiplied by three (3).

(C) If the school corporation's complexity index is at least one and three-tenths (1.3), the school corporation's target pupil/teacher ratio is fifteen to one (15:1).

STEP TWO: Determine the result of:

(A) the **current** ADM of the school corporation in kindergarten through grade 3; ~~for the current school year;~~ divided by

(B) the school corporation's applicable target pupil/teacher ratio, as determined in STEP ONE.

STEP THREE: Determine the result of:

(A) the basic tuition support for the ~~year~~ **month** multiplied by ~~seventy-five hundredths (0.75);~~ **nine (9);** divided by

(B) the school corporation's **current** ADM.

STEP FOUR: Determine the result of:

(A) the STEP THREE result; multiplied by

(B) the **current** ADM of the school corporation in kindergarten through grade 3. ~~for the current school year.~~

STEP FIVE: Determine the result of:

(A) the STEP FOUR result; divided by

(B) the staff cost amount.

STEP SIX: Determine the greater of zero (0) or the result of:

(A) the STEP TWO amount; minus

(B) the STEP FIVE amount.

STEP SEVEN: Determine the result of:

(A) the STEP SIX amount; multiplied by

(B) the staff cost amount.

STEP EIGHT: Determine the greater of the STEP SEVEN amount or **zero (0).**

~~(A) for 2012, fifty percent (50%) of the school corporation's guaranteed primetime amount; or~~

~~(B) for 2013, zero (0).~~

STEP NINE: A school corporation's amount under this STEP is the following:

(A) If the amount the school corporation received under this chapter in the previous ~~calendar~~ **state fiscal** year is greater than zero (0), the amount under this STEP is the lesser of:

(i) the STEP EIGHT amount; or

(ii) the amount the school corporation received under this chapter for the previous ~~calendar~~ **state fiscal** year multiplied by one hundred seven and one-half percent (107.5%).

(B) If the amount the school corporation received under this chapter in the previous ~~calendar~~ **state fiscal** year is not greater than zero (0), the amount under this STEP is the STEP EIGHT amount.

SECTION 41. IC 20-43-10-2, AS AMENDED BY P.L.229-2011, SECTION 219, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A school corporation's honors diploma award for a ~~calendar~~ **state fiscal** year is the amount determined under STEP FOUR of the

following formula:

STEP ONE: Determine the number of the school corporation's eligible pupils who successfully completed an academic honors diploma program in the school year ending in the previous ~~calendar~~ **state fiscal** year.

STEP TWO: Determine the result of:

(A) the number of the school corporation's eligible pupils who successfully completed a Core 40 diploma with technical honors program in the school year ending in the previous ~~calendar~~ **state fiscal** year; minus

(B) the number of eligible pupils who would otherwise be double counted under both clause (A) and STEP ONE.

STEP THREE: Determine the sum of the number of eligible students determined under STEP ONE and the number of eligible students determined under STEP TWO.

STEP FOUR: Multiply the STEP THREE amount by nine hundred dollars ($900).

(b) An amount received by a school corporation as an honors diploma award may be used only for:

(1) any:

(A) staff training;

(B) program development;

(C) equipment and supply expenditures; or

(D) other expenses;

directly related to the school corporation's honors diploma program; and

(2) the school corporation's program for high ability students.

(c) A governing body that does not comply with this section for a school year is not eligible to receive an honors diploma award for the following school year.

SECTION 65. IC 20-43-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 13. Fiscal Year Transition Grant

Sec. 1. This chapter applies to all school corporations.

Sec. 2. A school corporation's grant under this chapter for the period after June 30, 2012, and before January 1, 2013 is determined by the following formula:

STEP ONE: Determine the sum of the school corporation's state tuition support (excluding the grant under this chapter) actually received for the first six (6) months of calendar year 2012.

STEP TWO: Determine the sum of the school corporation's state tuition support (excluding the grant under this chapter) for the second six (6) months of calendar year 2012.

STEP THREE: Determine the greater of zero (0) or the difference of the STEP ONE amount minus the STEP TWO amount.

SECTION 66. IC 20-45-7-19, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. Before July 11 of each year, the state superintendent shall certify to the county auditor:

(1) the consolidated ADA ratio of the qualified school corporations;

(2) the number of pupils in **current** ADM of each qualified school corporation for the immediately preceding school year, **as determined:**

(A) for a calendar year ending before January 1, 2013, in the fall count of ADM for the school year ending in the calendar year; and

(B) for a calendar year ending after December 31, 2012, in the spring count of ADM for the school year ending in the calendar year; and

(3) an estimate of these statistics for the succeeding school year.

SECTION 67. IC 20-45-7-26, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. The entitlement of each qualified school corporation from the fund for each calendar year is the greater of:

(1) the amount of its entitlement for calendar year 2000 from the tax levied under this chapter; or

(2) an amount equal to twenty-seven dollars and fifty cents ($27.50) times its **current** ADM **as determined in the fall count of ADM conducted in the school year ending in the current calendar year.**

SECTION 68. IC 20-45-8-18, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) Before July 11 of each year, the state superintendent shall deliver to the county auditor a certified statement of:

(1) for a calendar year ending before January 1, 2013, the **fall count of** ADM in grades 1 through 12 residing in each qualified school corporation for the ~~immediately preceding~~ school year **ending in the calendar year; and**

(2) for a calendar year ending after December 31, 2012, the spring count of ADM in grades 1 through 12 residing in each qualified school corporation for the school year ending in the calendar year.

(b) Upon the receipt of the information, the county auditor shall compute the amount to be distributed to each of the qualified school corporations from the receipts of the tax levy, based on the formula set forth in this chapter.

(c) The county auditor shall annually issue a warrant to the county treasurer ordering the payment to the respective qualified school corporations the various amounts in the fund at each semiannual tax settlement period during the year in which the tax has been collected.

(d) The qualified school corporations and the proper officials and employees of the qualified school corporations shall receive the receipts distributed by the county treasurer in the same manner as other tax receipts are received.

SECTION 69. IC 20-45-8-22, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 22. (a) The amount to be raised by the tax shall be determined in any calendar year by the county auditor and certified to by the board of county

commissioners before the time for making the county budgets in the year.

(b) The amount is the total of the entitlements of all qualified school corporations.

(c) The entitlement of each qualified school corporation calculated in a calendar year is an amount equal to the result determined under STEP TWO of the following formula:

STEP ONE: Calculate the quotient of:

(A) the total amount deposited in the fund in calendar year 1979 or the first year in which a deposit was made, whichever is later; divided by

(B) **for:**

(i) a calendar year ending before January 1, 2013, the total ADM of the immediately preceding school year of qualified school corporations that received money from the fund in 1979, **as determined in the fall count of ADM for the school year ending in the immediately preceding calendar year; and**

(ii) a calendar year beginning after December 31, 2012, the total ADM of the immediately preceding school year of qualified school corporations that received money from the fund in 1979, as determined in the spring count of ADM for the school year ending in the immediately preceding calendar year.

STEP TWO: Calculate the product of:

(A) the STEP ONE result; multiplied by

(B) **for:**

(i) a calendar year ending before January 1, 2013, the ADM of the immediately preceding school year of the qualified school corporation that received money from the fund in 1979, **as determined in the fall count of ADM for the school year ending in the immediately preceding calendar year; and**

(ii) a calendar year beginning after December 31, 2012, the total ADM of the immediately preceding school year of qualified school corporations that received money from the fund in 1979, as determined in the spring count of ADM for the school year ending in the immediately preceding calendar year.

SECTION 70. IC 20-49-3-8, AS AMENDED BY P.L.146-2008, SECTION 529, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. The fund may be used to make advances:

(1) to school corporations, including school townships, under IC 20-49-4 and IC 20-49-5; **and**

(2) under IC 20-49-6. ~~and~~

~~(3) to charter schools under IC 20-24-7-3(c) and IC 20-49-7.~~

SECTION 71. IC 20-49-4-7, AS AMENDED BY P.L.113-2010, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. As used in this chapter, "school building construction program" means the purchase, lease, or financing of land, the construction and equipping of school buildings, and the remodeling, repairing, or improving of school buildings by a school corporation:

(1) that sustained a loss from a disaster;

(2) whose adjusted assessed valuation (as determined under IC 6-1.1-34-8) per **current** ADM is within the lowest forty percent (40%) of the assessed valuation per **current** ADM when compared with all school corporation adjusted assessed valuation (as adjusted (if applicable) under IC 6-1.1-34-8) per **current** ADM; or

(3) with an advance under this chapter outstanding on July 1, 1993, that bears interest of at least seven and one-half percent (7.5%).

The term does not include facilities used or to be used primarily for interscholastic or extracurricular activities.

SECTION 72. IC 20-49-5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7. (a) A charter school, including a conversion charter school, that has received an advance for operational costs from the common school fund under IC 20-49-7 (before its repeal) is not required to make principal or interest payments during the state fiscal years beginning:**

(1) July 1, 2011; and

(2) July 1, 2012;

notwithstanding contrary terms in the charter school and state board advance agreement.

(b) The repayment term of the advance shall be extended by two (2) years to provide for the waiver described in subsection (a) even though it may make the repayment term for the advance longer than twenty (20) years.

SECTION 73. IC 20-49-7 IS REPEALED [EFFECTIVE JULY 1, 2013]. (Charter School Advancement Account).

SECTION 74. IC 20-51-4-5, AS ADDED BY P.L.92-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The state tuition support amount to be used in ~~section 3(2)~~ **section 4(2)** of this chapter for an eligible individual is the amount determined under the last STEP of the following formula:

STEP ONE: Determine the school corporation in which the eligible individual has legal settlement.

STEP TWO: Determine the amount of state tuition support that the school corporation identified under STEP ONE ~~is~~ **would be** eligible to receive under IC 20-43 for the calendar year in which the current school year begins **if:**

(A) for a calendar year ending before January 1, 2013, the fall count of eligible students conducted in the school corporation in the school year ending in the calendar year were used to compute the state tuition support distribution to the school corporation for the entire calendar year; and

(B) for a calendar year beginning after December 31, 2012, the spring count of eligible students conducted in the school corporation in the school year ending in the calendar year were used to compute the state tuition support distribution to the school corporation

for the entire calendar year;

excluding amounts provided for special education grants under IC 20-43-7 and career and technical education grants under IC 20-43-8.

STEP THREE: Determine the result of:

(A) the STEP TWO amount; divided by

(B) the current ADM ~~(as defined in IC 20-43-1-10)~~ for the school corporation identified under STEP ONE for the calendar year used in STEP TWO.

SECTION 75. IC 21-7-13-5, AS ADDED BY P.L.2-2007, SECTION 243, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. **"Current** ADM" has the meaning set forth in ~~IC 20-43-1-6.~~ **IC 20-43-1-10.**

SECTION 76. IC 21-43-5-14, AS ADDED BY P.L.234-2007, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. Ivy Tech Community College is entitled to reimbursement for the costs incurred to deliver courses under this chapter that are taken:

(1) at an Ivy Tech Community College site; and

(2) by a student for whom Ivy Tech Community College has waived tuition under this chapter or IC 21-14-8.

The school corporation in which the student described in subdivision (2) resides shall pay the individual's tuition to Ivy Tech Community College for each ~~year~~ **month** the student is included in the school corporation's **current** ADM.

SECTION 77. IC 21-43-6-2, AS AMENDED BY P.L.3-2008, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) To be eligible to earn a high school diploma, an individual participating in the program established under this chapter must be either:

(1) at least nineteen (19) years of age and not enrolled in a high school; or

(2) at least seventeen (17) years of age and have consent from the high school the individual attended most recently.

(b) The school corporation in which an individual described in this subdivision has legal settlement shall pay the individual's costs for high school level courses taken at Ivy Tech Community College during each ~~year~~ **month** the individual is included in the school corporation's **current** ADM.

SECTION 78. IC 21-43-7-2, AS AMENDED BY P.L.3-2008, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) To be eligible to earn a high school diploma, an individual participating in the program established under this chapter must be either:

(1) at least nineteen (19) years of age and not enrolled in a high school; or

(2) at least seventeen (17) years of age and have consent from the high school the individual attended most recently.

(b) The school corporation in which an individual described in this subdivision has legal settlement shall pay the individual's tuition for high school level courses taken at Vincennes University during each ~~year~~ **month** the individual is included in the school corporation's **current** ADM.

SECTION 79. IC 21-43-8-2, AS AMENDED BY P.L.3-2008, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) To be eligible to earn a high school diploma, an individual participating in the program established under this chapter must be either:

(1) at least nineteen (19) years of age and not enrolled in a school corporation; or

(2) at least seventeen (17) years of age and have consent from the high school the individual attended most recently.

(b) The school corporation in which an individual to whom this subdivision applies resides shall pay the individual's tuition for high school level courses taken at the state educational institution during each ~~year~~ **month** the individual is included in the school corporation's **current** ADM.

SECTION 80. [EFFECTIVE JULY 1, 2012] **(a) The department of education shall before November 1, 2012, report to the budget committee:**

(1) the number of students who left a charter school and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year; and

(2) the number of students who:

(A) received a choice scholarship for the 2011 - 2012 school year; and

(B) left a nonpublic eligible school (as defined in IC 20-51-1-4.7) and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year.

(b) This SECTION expires January 1, 2013.".

Page 32, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1189 as printed February 17, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

SENATE MOTION

Madam President: I move that the following memorial resolutions be adopted:

SCR 26	Senator Delph Memorializing Gordon St. Angelo.
HCR 31	Senator Arnold Honoring the life of Ann Spevak.
HCR 32	Senator Arnold Honoring the life of Robert E. Miller of Michigan City.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 26

Senate Concurrent Resolution 26, introduced by Senator Delph:

A CONCURRENT RESOLUTION memorialzing Gordon St. Angelo.

Whereas, Gordon St. Angelo, dedicated philanthropist and pioneer of Indiana school choice, died Tuesday, October 19, 2011 at St. Vincent Indianapolis Hospital;

Whereas, Gordon St. Angelo ran the Indianapolis based Milton Friedman and Rose D. Friedman Foundation, now known as the Friedman Foundation for Educational Choice;

Whereas, In 1996, Gordon St. Angelo worked closely with Nobel Laureate Milton and his wife Rose to establish the organization which serves as an advanced system of K-12 education where every parent, regardless of race, origin or family income is free to choose the learning environment that best fits their child;

Whereas, After serving as President and Chief Executive officer since 1997, St. Angelo became the president Emeritus of the Friedman Foundation for Educational Choice in January 2009;

Whereas, Gordon St. Angelo also dedicated 25 years to the Lilly Endowment serving as Senior Program Officer of Community Development, and overseeing free-market economic development in North and South America, as well as other public policy and community development interests;

Whereas, St. Angelo previously served as the chairman of the board for both the Indianapolis Star's Jefferson Awards and the Civic Theatre. He then went on to serve as a Board Member and Vice President of the Indianapolis Airport Authority;

Whereas, Gordon St. Angelo is survived by his three sons, Paul, Kurt, and John St. Angelo; and

Whereas, Gordon St. Angelo was a notable and inspirational figure in Indiana. His dedication and service to the state of Indiana will not be forgotten: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly honors the life of Gordon St. Angelo.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Paul St. Angelo, Kurt St. Angelo, and John St. Angelo.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Torr.

House Concurrent Resolution 31

House Concurrent Resolution 31, sponsored by Senator Arnold:

A CONCURRENT RESOLUTION honoring the life of Ann Spevak of LaPorte.

Whereas, Ann Spevak was born on July 13th, 1928, in LaPorte, and passed away in her hometown on October 12th, 2011, aged 83:

Whereas, Ms. Spevak is survived by a family of loving nieces, nephews, grand-nieces and grand-nephews;

Whereas, In her professional life, Ms. Spevak worked for many years as a legal secretary for a number of local law firms;

Whereas, Ms. Spevak committed herself to helping her neighbors and bettering her community through local civic involvement as a dedicated member of the LaPorte Falcons Club, St. Joseph Catholic Church and its Funeral Choir, and the Swanson Activity Center for Older Adults;

Whereas, Moreover, Ms. Spevak devoted herself to her community through a life-long engagement in local government, having been elected Clerk of the LaPorte Circuit Court in 1994 and serving until 1998, serving two terms as a LaPorte County Councilwoman, and a member of the LaPorte Democratic Civic Club and the Michigan City Women's Democratic Club; and,

Whereas, Those who met her will remember her always as a kind-hearted, hard-working friend, neighbor and family member: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives honors the life of Ann Spevak of LaPorte, extends to her family the sincerest condolences of its members on the occasion of her passing, and expresses its thanks for a lifetime of dedicated service to her neighbors and to her community.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 32

House Concurrent Resolution 32, sponsored by Senator Arnold:

A CONCURRENT RESOLUTION honoring the life of Robert E. Miller of Michigan City.

Whereas, Robert E. Miller was born on January 17th, 1932, in South Bend, and passed away on October 18th, 2011, at his home in Michigan City;

Whereas, Mr. Miller attended Central Catholic High School;

Whereas, Mr. Miller was offered a scholarship to play football for the University of Idaho, but instead he chose to serve his country in the Army during the Korean War;

Whereas, On his return home, Mr. Miller was able to attend his beloved University of Notre Dame with the help of a G.I. Bill scholarship, from which he graduated in 1955 with a Bachelor of Science in Commerce, and the title of Bengal Bouts Boxing Champion;

Whereas, In 1956 Mr. Miller married Gertrude "Gerti" Miller, nee Kramer, the love of his life, who survives him and continues to reside in Michigan City;

Whereas, Mr. Miller began his professional career as a teacher at Coolspring Elementary School in Michigan City, later moving on to positions as a counselor at Barker Junior High and as the principal of Krueger Junior High;

Whereas, Mr. Miller concluded his professional life as a career counselor for all Michigan City Area Schools, retiring with fond memories of Representative Scott Pelath's father as his favorite student;

Whereas, Outside of his professional service to the community, Mr. Miller committed himself to local political and civic work, serving for sixteen years as a LaPorte County Councilor, and an active member of the Moose Family Center #980, the American Legion, Disabled American Veterans, the Saint Joseph Young Men's Society, the Young Democrats, the Coolspring Democratic Club, the Polish Business and Professional Club, the Indiana Retired Teachers Association, R.S.V.P. of LaPorte County, and the board of his retirement community, The Arbors in Michigan City; and,

Whereas, For his lifelong service to his neighbors and community, Mr. Miller was named a Sagamore of the Wabash by Governor Joe Kernan in 2004: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana House of Representatives recognizes and honors the life and work of Scott E. Miller, extends to his family the sincerest condolences of its members on the occasion of his passing, and expresses its thanks for a lifetime of dedicated service to his neighbors and to his community.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Mr. Miller's family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

HCR 29 Senator Banks
Honoring Ivory West, Keaton Irwin, and the Whitko High School art department.

HCR 33 Senator Banks
Honoring Jim Argerbright.

HCR 34 Senator Banks
Honoring John Lefever.

SR 51 Senator Glick
Honoring Colton Strawser on being named a top youth volunteer for the state of Indiana.

SR 52 Senator Delph
Congratulating the Carmel High School boys tennis team on their 2011 State Championship.

SCR 22 Senator Zakas
Honoring John C. Schalliol on his retirement as director of the South Bend Airport following 51 years of dedicated service to the field of aviation.

SCR 24 Senator Charbonneau
Recognizing Margaretta Meyer's 103rd birthday.

SCR 27 Senator Delph
Recognizing the 175th Anniversary of the City of Carmel.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 29

House Concurrent Resolution 29, sponsored by Senator Banks:

A CONCURRENT RESOLUTION honoring Ivory West, Keaton Irwin, and the Whitko High School art department.

Whereas, Students from the Whitko High School art department recently participated in the 42nd World School Children's Art Exhibition;

Whereas, The exhibition is designed to "promote mutual understanding and friendship among the young generation of the

world through the exchange of children's artwork";

Whereas, The exhibition is open to children ages 6-15, with entries in oil paintings, watercolors, pencil sketches, crayon drawings, pastels, collages, and graphic designs;

Whereas, Through the exhibition children learn to express themselves through the creative process and overcome social communication obstacles by breaking the language barrier;

Whereas, Sixty countries participated in the 2011 exhibition at the National Taiwan Arts Education Center in the Republic of China;

Whereas, Whitko High School art students Ivory West and Keaton Irwin received selected medals for their artwork; and

Whereas, It is through international interactions such as the 42nd World School Children's Art Exhibition that the youth of our nation and state will learn to create a better, more understanding world: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the General Assembly congratulates Ivory West, Keaton Irwin, and the Whitko High School art department on their participation in the 42nd World School Children's Art Exhibition in Taiwan, Republic of China, and to acknowledge the medals received by Ivory West and Keaton Irwin.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Ivory West, Keaton Irwin, art instructor Walter Malicki, principal Parrish Kruger, and Whitko Community Schools Superintendent Steve Clason.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 33

House Concurrent Resolution 33, sponsored by Senator Banks:

A CONCURRENT RESOLUTION honoring Jim Argerbright.

Whereas, Jim Argerbright was a valued member of the Whitley County Economic Development Corporation, and he participated in every major community initiative and economic development project for the past 20 years;

Whereas, Some projects spearheaded by Jim Argerbright were the extension of the sewer and water infrastructure in the U.S. 30 industrial corridor, the establishment of Park 30 Business Center and Rail Connect Business Park, and the attraction of high growth companies like Chromasource, Steel Dynamics, and Triad Metals to the local business community;

Whereas, A graduate of Purdue University with a degree in agricultural economics, Jim Argerbright serves as Vice President of commercial and agriculture lending for STAR Financial Bank;

Whereas, In addition to his service on the Whitley County Economic Development Corporation, Jim Argerbright has contributed to his community with his involvement in the Whitley County Redevelopment Commission, where he currently serves as Vice Chairman; the Whitley County Ducks Unlimited; and Whitley County 4-H Auctions, where he serves as Chairman;

Whereas, Jim Argerbright served on the Whitley County Economic Development Corporation Board of Directors from 2005-2011, holding the positions of Vice Chairman and Treasurer during that time; and

Whereas, Jim Argerbright has served his community with distinction and honor: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the many contributions made by Jim Argerbright and encourages him to continue working for the good of the community and its citizens.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Jim Argerbright.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 34

House Concurrent Resolution 34, sponsored by Senator Banks:

A CONCURRENT RESOLUTION honoring John Lefever.

Whereas, John Lefever was a valued member of the Whitley County Economic Development Corporation, participating in every major community initiative and economic development project for the past 20 years;

Whereas, Some projects spearheaded by John Lefever include the extension of the sewer and water infrastructure in the U.S. 30 industrial corridor, the establishment of the Park 30 Business Center and the Rail Connect Business Park, and the attraction

of high growth companies such as ChromaSource, Steel Dynamics, and Triad Metals to the local business community;

Whereas, A graduate of Heidelberg University with a degree in elementary education, John Lefever serves as President and CEO of STAR Insurance, a subsidiary of STAR Financial Group;

Whereas, John Lefever also serves on the STAR Financial Bank board of directors, STAR executive committee, and manages the 60-employee insurance team;

Whereas, In addition to his service with the Whitley County Economic Development Corporation, John Lefever has contributed to his community as a member of the Whitley County Council; past president of the Old Settlers Days Association; a founding member of the Whitley County YMCA; a member of the Fort Wayne Metro YMCA Finance Committee; and a founding board member and current member of the Whitley County Community Foundation;

Whereas, John Lefever served on the Whitley County Economic Development Corporation board of directors from 1994 - 2011, holding the positions of chairman, vice chairman, and treasurer;

Whereas, John Lefever received the 1987 Citizen of the Year award for his participation in the development of the Whitley County 911 program; and

Whereas, John Lefever has served his community with distinction and honor: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the many contributions made by John Lefever and encourages him to continue working for the good of the community and its citizens.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to John Lefever.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 51

Senate Resolution 51, introduced by Senator Glick:

A SENATE RESOLUTION honoring Colton Strawser on being named a top youth volunteer for the state of Indiana.

Whereas, Colton Strawser, a resident of Wolcottville, Indiana and a junior at Lakeland High School, has achieved national recognition for exemplary volunteer service by receiving a 2012 Prudential Spirit of Community Award;

Whereas, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities;

Whereas, Mr. Strawser earned this award by giving generously of his time and energy to the nonprofit organization PC's for Youth, an organization dedicated to providing free computers to students;

Whereas, Mr. Strawser has been volunteering with the organization since 2008, and now serves as PC's for Youth's executive director. Mr. Strawser has expanded the program to provide free computers to five counties in Northeast Indiana; and

Whereas, The success of the state of Indiana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mr. Strawser who use their considerable talents and resources to serve others: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate honors Colton Strawser on being named a top youth volunteer for the state of Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Colton Strawser.

The resolution was read in full and adopted by voice vote.

Senate Resolution 52

Senate Resolution 52, introduced by Senator Delph:

A SENATE RESOLUTION congratulating the Carmel High School boys tennis team on their 2011 State Championship.

Whereas, Carmel High School swept their opponent, third ranked North Central, 5-0 to claim their second straight State Championship in boys tennis. The team finished 18-0 during the 2011 season and only lost three points all year;

Whereas, Freshman Sameer Kumar finished his season undefeated with a record of 20-0. Juniors Charlie Emhardt and Patrick Farrell also remained perfect, each with a record of 23-0. Seniors Connor Dunn, Mihir Kumar, and Elliott Yee, along with Junior Chris Quammen, each sustained just a single loss all season;

Whereas, In addition to a near perfect season, Junior Connor Dunn is the recipient of the Mental Attitude Award in boys tennis. The award is presented by the IHSAA executive committee each year to an outstanding senior participant in the boys tennis state finals. Dunn, who played number one doubles for Carmel, has been named to various all-state and all-conference teams. He maintains a 3.91 GPA academically and has been named a National Merit Scholar Commend student; and

Whereas, The fourth championship in nine years for Carmel Coach Mike Bostic put the boys tennis team in the running as one of the most talented boys tennis teams in Indiana history: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates the Carmel High School boys tennis team on their 2011 State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Carmel High School boys tennis team, Head Coach Mike Bostic, Athletic Director Jim Inskeep, and the Carmel Clay school board.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 22

Senate Concurrent Resolution 22, introduced by Senator Zakas, Broden, Mishler, and Arnold:

A CONCURRENT RESOLUTION honoring John C. Schalliol on his retirement as director of the South Bend Airport following 51 years of dedicated service in the field of aviation.

Whereas, After four years of service in the U.S. Navy Civil Engineering Corps, Purdue University graduate, John C. Schalliol, began his aviation career as an engineer in the Airport Design Section of Clyde E. Williams & Associates, Inc.;

Whereas, Mr. Schalliol began his tenure with the St. Joseph County Airport Authority in 1977 as the Airport Engineer, and subsequently rose to Executive Director in 1981. John Schalliol was successful in directing numerous capital improvements and securing substantial land acquisitions, valued at over $85 million and $20 million, respectively;

Whereas, This commitment to growth and development attracted various airlines, a bus service, and the South Shore Railroad, expanding the operation to a multi-modal regional transportation hub;

Whereas, Due to his exceptional leadership in his 8 years as a Board Member of the American Association of Airport Executives, John was named the honored recipient of the Distinguished Service Award in 2000. He also served in the capacity of President of the AAAE Great Lakes Chapter, and President of the Aviation Association of Indiana, where he was awarded "Man of the Year" in 1984. Furthermore, John C. Schalliol currently sits on a project panel, a part of the Aviation Cooperative Research Program as operated under the National Transportation Research Board;

Whereas, Previously John C. Schalliol served on the Board of Project Future. Currently, he acts as President of the Industrial Foundation of South Bend, is a member of the St. Joseph County Hotel-Motel Tax Board, and was the Ideal Baldoni Distinguished Service Award recipient in 2006;

Whereas, John C. Schalliol also remains an active alumnus of Purdue University, serving on the Advisory Committee for the School of Aviation Technology, and was named a "Distinguished Alumni" in 1994;

Whereas, A clear commitment to public service was shown in John's role as Transportation Chairman for the 1987 International Summer Special Olympics, which was held in South Bend; and

Whereas, John. C. Schalliol has provided outstanding leadership and passion in the field aviation, translating that into decades of growth and improvements, which have left a permanent imprint on the South Bend Airport that will be felt for years to come: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana Senate congratulates John C. Schalliol on his retirement after 31 years of service to the South Bend Airport, along with his numerous career accomplishments in the field of aviation.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to John C. Schalliol and to the chairman of the St. Joseph County Airport Authority.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Bauer.

Senate Concurrent Resolution 24

Senate Concurrent Resolution 24, introduced by Senator Charbonneau:

A CONCURRENT RESOLUTION recognizing Margaretta Meyer's 103rd birthday.

Whereas, Margaretta Meyer was born in 1909 in Rensselaer. She has two sons, James and Richard, two grandsons and three

great-grandchildren. Margaretta was married for 64 years to her late husband Wesley Meyer, whom she met while teaching third and fourth grade at Barkley Township School where he was principal;

Whereas, Margaretta continues to maintain an active lifestyle. She is an active member of her local church, picking up a neighbor each week before service. Margaretta has attended almost every event held at First Nazarene Church of DeMotte since the church's inception. Until recently, she was the resident pianist for the church for decades, sharing music and joy through her piano playing talents;

Whereas, Friends find Margaretta Meyer to be selfless, thankful, and kind. Margaretta is an independent and productive member of society, and she continues to be a shining light in the lives of others;

Whereas, She continues to enjoy doing daily chores, including caring for her vegetable garden and her many flowers and decorative bushes throughout the summer; and

Whereas, Margaretta attributes her long and healthy life to strong family genes and her strong faith in God. Her practical outlook on life, and appreciation for simple things allow her to continue enjoying life at only 103 years young: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly congratulates Margaretta Meyer on the celebration of 103 years of life.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Margaretta Meyer.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Gutwein.

Senate Concurrent Resolution 27

Senate Concurrent Resolution 27, introduced by Senator Delph and Schneider:

A CONCURRENT RESOLUTION recognizing the 175th Anniversary of the City of Carmel.

Whereas, Carmel was founded on April 13, 1837 by Quaker Pioneers under the name Bethlehem. The name was later changed to Carmel in 1846 when a post office was approved for the community;

Whereas, When Carmel incorporated in 1874 it had an estimated population of 150. That number has since risen to 79,191 as of the last census;

Whereas, In 1924, one of the first traffic signals in the United States was installed at the intersection of Main Street and Range Line Road. The traffic signal was the first in Indiana, an invention of local resident Leslie Haines;

Whereas, In 2000, Carmel further revolutionized the flow of traffic by introducing the widespread use of roundabouts, which received the Climate Protection Award by the U.S. Conference of Mayors. Boasting over 80 roundabouts, Carmel has more roundabouts than any other state, and is now known as the unofficial roundabout capital of the country;

Whereas, Carmel High School opened in 1887 with a mere 40 students. Carmel is now the second largest school in the state with a population of 4,400 students. Carmel High School won their 100th IHSAA championship in 2011, making them the winningest school in the state of Indiana; and

Whereas, Carmel has grown from its humble beginnings to become the 8th largest city in Indiana, one of the best places to live according to CNN Money Magazine, and one of the "Best Cities to Relocate to in America" according to CNBC. With their dedication to the community, the school systems, and environmental initiatives, Carmel certainly earns the title of one of the best places to live: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly congratulates Carmel on their 175th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Jim Brainard, Carmel Mayor; and the Carmel City Council.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Torr.

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 10

Senator Nugent called up Senate Concurrent Resolution 10 for second reading. The resolution was read a second time.

Upon request of Senator Nugent the President ordered the roll of the Senate to be called. Roll Call 234: yeas 48, nays 0.

The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Koch and Goodin.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1005

Senator Lawson called up Engrossed House Bill 1005 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1005–10)

Madam President: I move that Engrossed House Bill 1005 be amended to read as follows:

Page 1, line 2, delete "[EFFECTIVE JULY". and insert "[EFFECTIVE JANUARY 1, 2013]".

Page 1, line 3, delete "1, 2012]".

Page 1, line 8, after "executive" insert "**or a member of the executive body**".

Page 2, line 5, after "receives" insert "**fire protection**".

Page 2, delete lines 8 through 12, begin a new paragraph and insert:

"**(b) An individual who:**

(1) is an employee of a unit, serving as a full-time, paid firefighter; or

(2) serves as a volunteer firefighter;

in a department that provides fire protection services to more than one (1) unit, excluding fire protection services provided under mutual aid agreements, may not assume or hold an elected office of any unit that receives fire protection services from the department.".

Page 2, delete lines 21 through 24, begin a new line block indented and insert:

"**(2) a full-time, paid firefighter or volunteer firefighter from assuming or holding an elected office of a unit other than a unit that receives fire protection services from the department in which the volunteer firefighter serves; or**".

Page 2, line 41, after "receives" insert "**fire protection**".

Page 3, delete lines 8 through 41, begin a new paragraph and insert:

"SECTION 2. IC 5-11-13-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.1. (a) This section applies to a unit (as defined in IC 36-1-2-23).**

(b) A report under section 1 of this chapter that is submitted after December 31, 2012, must include a statement by the executive (as defined in IC 36-1-2-5) of the unit regarding whether the unit has implemented a policy under IC 36-1-20.2 and IC 36-1-21. If a unit does not implement a policy under IC 36-1-20.2 and IC 36-1-21, the department of local government finance may not approve the unit's budget or any additional appropriations for the unit for the ensuing calendar year.".

Page 8, line 35, delete "the employment of a relative that is not" and insert "**or restrict an individual from entering into a contract with the unit that is not otherwise prohibited or restricted by this chapter.**".

Page 8, delete line 36.

Page 12, line 23, strike "public employees' retirement fund." and insert "**Indiana public retirement system.**".

(Reference is to EH 1005 as printed February 10, 2012.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1092

Senator Bray called up Engrossed House Bill 1092 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1171

Senator Wyss called up Engrossed House Bill 1171 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1171–1)

Madam President: I move that Engrossed House Bill 1171 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JANUARY 1, 2013]".

Page 3, delete line 42.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1171 as printed February 22, 2012.)

LANANE

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1190

Senator Hershman called up Engrossed House Bill 1190 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1197

Senator Becker called up Engrossed House Bill 1197 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1201

Senator Holdman called up Engrossed House Bill 1201 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1226

Senator Paul called up Engrossed House Bill 1226 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1239

Senator Paul called up Engrossed House Bill 1239 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1239–1)

Madam President: I move that Engrossed House Bill 1239 be

amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions and consumer credit.

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 2. IC 22-5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 7. Prohibition Concerning the Use of Credit Reports for Employment Purposes

Sec. 1. As used in this chapter, "credit report" means a written, oral, or other communication of information by a consumer reporting agency concerning the:

(1) creditworthiness;

(2) credit standing; or

(3) credit capacity;

of a consumer.

Sec. 2. As used in this chapter, "trade secret" has the meaning set forth in IC 24-2-3-2.

Sec. 3. (a) Except as provided in subsection (b), an employer may not use a credit report:

(1) in the process of hiring a prospective employee; or

(2) in determining whether to continue the employment of an employee.

(b) An employer may use a credit report for employment purposes if:

(1) the information contained in the credit report is substantially job related in that the employment position or prospective employment position of the individual for whom the credit report is sought has access to:

(A) money;

(B) other assets; or

(C) trade secrets or other confidential information; or

(2) the employment position of the individual for whom the report is sought is a:

(A) managerial position;

(B) position in the office of the attorney general created by IC 4-6-1-2;

(C) sworn law enforcement position; or

(D) position for which the information contained in the report is required to be disclosed by law or to be obtained by the employer.

(c) This section does not apply to a person or business subject to:

(1) the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or

(2) state or federal statutes or regulations implementing the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

if the person or business is subject to oversight by a state or federal regulatory agency with respect to the person's or business's compliance with subdivision (1) or (2).

Sec. 4. (a) An employee or prospective employee may bring a civil action against an employer to enforce section 3 of this chapter.

(b) In an action brought under subsection (a) in which an employer is found to have violated section 3 of this chapter, the court may do the following:

(1) Award:

(A) actual damages; and

(B) court costs and reasonable attorney's fees;

to the prevailing employee or prospective employee.

(2) Enjoin the employer from committing further violations of section 3 of this chapter.

Sec. 5. This chapter does not limit an employee's or prospective employee's rights or remedies under any other state or federal law.".

Page 70, line 26, delete "saving" and insert "**savings**".

Page 76, line 29, delete "saving" and insert "**savings**".

Page 88, line 9, delete "low-income" and insert "**low income**".

Page 104, line 17, after "close-out" reset in roman "fee".

Page 109, line 29, delete "IC 28-1-8-3(b) of this chapter," and insert "**IC 28-1-8-3(b),**".

Page 123, line 30, delete "made." and insert "~~made; and~~".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1239 as printed February 17, 2012.)

TAYLOR

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1325

Senator Hershman called up Engrossed House Bill 1325 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1325–8)

Madam President: I move that Engrossed House Bill 1325 be amended to read as follows:

Page 4, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 6-2.5-5-46 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 46. (a) For purposes of this section, "aircraft" refers to an aircraft with a country of registration that is outside the United States and is:**

(1) certified by the Federal Aviation Administration as having a minimum landing weight of at least five thousand (5,000) pounds; or

(2) equipped with a turboprop or turbojet power plant.

(b) Transactions involving tangible personal property (including materials, parts, equipment, and engines) are exempt from the state gross retail tax, if the property is:

(1) used;

(2) consumed; or

(3) installed;

in furtherance of, or in, the repair, maintenance, refurbishment, remodeling, or remanufacturing of an aircraft or an avionics systems of an aircraft.

(c) The exemption provided by this section applies to a transaction only if the retail merchant, at the time of the transaction, possesses a valid repair station certificate issued by the Federal Aviation Administration under 14 CFR 145 et seq. or other applicable law or regulation.

SECTION 6. [EFFECTIVE JULY 1, 2012] **(a) The commission on state tax and financing policy established under IC 2-5-3 shall, during the 2012 legislative interim, study issues related to whether the exemption provided by IC 6-2.5-5-46, as added by this act, should be made to apply to all aircraft and avionic devices.**

(b) Before November 1, 2012, the commission on state tax and financing policy shall report its findings and any recommendations concerning the study topic described in subsection (a) in a final report to the legislative council in an electronic format under IC 5-14-6.

(c) This SECTION expires January 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1325 as printed February 15, 2012.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1049, which is eligible for third reading, be returned to second reading for purposes of amendment.

BRAY

Motion prevailed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1004

Senator Landske called up Engrossed House Bill 1004 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 235: yeas 31, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

The President of the Senate announced that Senator Mishler was excused for the day.

Engrossed House Bill 1058

Senator Boots called up Engrossed House Bill 1058 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 236: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1059

Senator Paul called up Engrossed House Bill 1059 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 237: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1207

Senator Boots called up Engrossed House Bill 1207 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 238: yeas 36, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1238

Senator Holdman called up Engrossed House Bill 1238 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 239: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1258

Senator Zakas called up Engrossed House Bill 1258 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 240: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1298

Senator Holdman called up Engrossed House Bill 1298 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 241: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On February 22, 2012, I signed the following enrolled acts into law: SEA 13, 148, and 212.

MITCHELL E. DANIELS, JR.
Governor

SENATE MOTION

Madam President: I move that pursuant to Senate Rule 5(b), Senate Rule 5(a) be suspended as it applies to Engrossed House Bill 1367 and that EHB 1367 be listed first on the Senate calendar for consideration on second reading and third reading each day it is eligible and that EHB 1367 be the first bill called for action each day it is eligible on the Senate calendar.

LAWSON

Motion prevailed.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on February 22, 2012, signed House Enrolled Acts: 1018, 1034, and 1154.

DAVID C. LONG
President Pro Tempore

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 113 and that a conference committee be appointed to confer with a like committee of the House.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be removed as cosponsor of Engrossed House Bill 1116.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be removed as sponsor of Engrossed House Bill 1116 and that Senator Glick be substituted therefor.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be removed as second sponsor of Engrossed House Bill 1116.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as second sponsor and Senator Tomes be added as third sponsor of Engrossed House Bill 1116.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be removed as cosponsor of Engrossed House Bill 1059.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second sponsor of Engrossed House Bill 1059.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Rogers, Schneider, Simpson, Skinner, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as coauthors of Senate Resolution 37.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1238.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1200.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1126.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as cosponsor of Engrossed House Bill 1205.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Schneider be added as cosponsor of Engrossed House Bill 1005.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as cosponsor of Engrossed House Bill 1059.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Boots be added as second sponsor of Engrossed House Bill 1190.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1092.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as cosponsor of Engrossed House Bill 1190.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1171.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1197.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1197.

BECKER

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 113:
Conferees: Holdman, Chair and Arnold
Advisors: Head

LONG
Date: 2/22/2012
Time: 3:38 p.m.

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 27, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 3:17 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Twenty-seventh Meeting Day Monday Afternoon February 27, 2012

The Senate convened at 3:36 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Steve Yeaton, Batesville Christian Church.

The Pledge of Allegiance to the Flag was led by Senator Jean D. Leising.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks ▶	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 242: present 49; excused 1. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1349:
Conferees: Kruse and R. Young
Advisor: Gard

LONG
Date: 2/27/2012
Time: 10:55 a.m.

Report adopted.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 56 Senator Lanane
Honoring Lois Rockhill on her retirement as executive director of Second Harvest Food Bank.

SR 57 Senator Hume
Congratulating the Schnitzelbank Restaurant located in Jasper, Indiana for its bratwurst sandwich winning the Super 46 Sandwich Contest.

SR 58 Senator Zakas
Congratulating Pat Miller Bateman on 50 years working the Indiana elections.

SR 59 Senator Banks
Honoring Ted Little on his retirement from the Wabash County Council after 28 years of dedicated service to the community.

SR 60 Senator Zakas
Congratulating Indiana law enforcement officers Ken Ryan and Keith Waltz on receiving national honors.

SR 61 Senator Zakas
Congratulating John F. Dille on being named one of the Giants of Broadcasting for 2011.

SCR 29 Senator Zakas
Congratulating the Penn High School Volleyball team on a second consecutive State Championship.

SCR 30 Senator Delph
Congratulating the Carmel High School football team on their excellent 2011 season including a state championship victory.

HCR 37 Senator Bray
Congratulating the Martinsville High School Academic Decathlon Team for capturing the state championship for the large school division in the Hoosier Academic Decathlon state championship.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 56

Senate Resolution 56, introduced by Senators Lanane, Eckerty, Holdman, Leising, Buck, Paul, and Banks:

A SENATE RESOLUTION honoring Lois Rockhill on her retirement as executive director of Second Harvest Food Bank.

Whereas, Lois Rockhill graduated from Anderson College in 1965 with a bachelor's degree in sociology and social work;

Whereas, Lois Rockhill spent two years as a community developer in the Peace Corps in Turkey and she served as a social worker at various locations including a public welfare department, children's home, and a social service agency before earning her master's degree in 1988;

Whereas, Lois Rockhill began working at Second Harvest Food Bank in 1989 and has spent the last 23 years working as executive director of the organization;

Whereas, Second Harvest Food Bank has grown significantly since Rockhill began as executive director. Second Harvest distributed 450,000 pounds of food in 1989 compared to 9.5 million pounds of food distributed in 2011;

Whereas, While at Second Harvest, Rockhill has written a monthly column on hunger and poverty for the Herald Bulletin in Anderson, which has frequently been picked up by other newspapers in the region;

Whereas, Lois Rockhill served for many years as a member of a national task force addressing child hunger in the United States. She has served on the board of directors of the Audubon Society in East Central Indiana, the Nuclear Weapons Peace Campaign, and chaired a Clinical Pastoral Education steering committee;

Whereas, Lois Rockhill served was an officer with the United Way of Delaware County Executive Directors Council, the Purdue Extension Services in Madison County, and currently serves on the board of the Indiana food bank association; and

Whereas, Lois Rockhill's compassionate dedication to the mission of Second Harvest Food Bank has resulted in the alleviation of hunger for literally thousands of families in east central Indiana: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate honors Lois Rockhill on her retirement as executive director of Second Harvest Food Bank.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Lois Rockhill.

The resolution was read in full and adopted by voice vote.

Senate Resolution 57

Senate Resolution 57, introduced by Senator Hume:

A SENATE RESOLUTION congratulating the Schnitzelbank Restaurant located in Jasper, Indiana for its bratwurst sandwich winning the Super 46 Sandwich Contest.

Whereas, The Schnitzelbank Restaurant was started by Larry and Betty Hanselman on the site of the Schnitzelbank Dance Hall in Jasper, Indiana in 1961 and currently is co-owned by Allen and Ellen Hanselman;

Whereas, Since that time, the Schnitzelbank Restaurant has honored the tradition of German heritage in Southern Indiana, with its serving of traditional German dishes, full stock of German beers and wine, and music playing from their glockenspiel;

Whereas, For 51 years, the Schnitzelbank Restaurant has been owned and operated by three generations of the Hanselman Family; and

Whereas, The Schnitzelbank Bratwurst "Bratzel" sandwich bested 45 other sandwiches to win the Indiana Office of Tourism Development's Super 46 Sandwich contest, in a competition designed to showcase Indiana food and restaurants to Super Bowl XLVI visitors: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana State Senate congratulates the Schnitzelbank Restaurant for the selection of its bratwurst sandwich as the winner of the Indiana Office of Tourism Development's Super 46 Sandwich contest.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Hanselman family.

The resolution was read in full and adopted by voice vote.

Senate Resolution 58

Senate Resolution 58, introduced by Senator Zakas:

A SENATE RESOLUTION congratulating Pat Miller Bateman on 50 years working the Indiana elections.

Whereas, In November 2011, Pat Miller Bateman of Granger, Indiana, celebrated 50 years of working Indiana elections, a job she considers her patriotic duty to the people of Indiana;

Whereas, Bateman's dedication to free and fair elections led her to work nearly every job, including inspector, judge, clerk, and sheriff;

Whereas, One of the roles Bateman found particularly fulfilling was serving as inspector; a role that calls for prepping the polling site, overseeing operations, handling paperwork, and attending meetings covering new election laws;

Whereas, With 50 years of working Indiana elections, Pat Miller Bateman has seen just about everything, from

identification woes to an entire crew of precinct workers who called in sick, leaving her to work the poll alone; and

Whereas, Despite the ups and downs of Indiana elections, Pat Miller Bateman continues to enjoy contributing to her community and her state: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates Pat Miller Bateman on 50 years of working Indiana elections.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Pat Miller Bateman.

The resolution was read in full and adopted by voice vote.

Senate Resolution 59

Senate Resolution 59, introduced by Senator Banks:

A SENATE RESOLUTION honoring Ted Little on his retirement from the Wabash County Council after 28 years of dedicated service to the community.

Whereas, For nearly three decades, Ted Little has been a strong voice in the Wabash County community. He has been an extraordinary representative and community leader, while serving as a member of the County Council;

Whereas, In recognition of his stance on term limits, Ted has decided to step down from his at-large seat on the Wabash County Council, rather than run for re-election. As an advocate for term limits at the state and federal levels, Ted Little has decided to follow by example, moving aside to allow room for new leadership; and

Whereas, Ted's absence will be sorely felt, as his leadership has ushered the county through many challenges. The satisfaction and honor Ted felt to serve his community is undoubtedly mutual: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Ted Little on his retirement from the Wabash County Council following 28 years as a public servant.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ted Little.

The resolution was read in full and adopted by voice vote.

Senate Resolution 60

Senate Resolution 60, introduced by Senators Zakas, Arnold, Broden, and Mishler:

A SENATE RESOLUTION congratulating Indiana law enforcement officers Ken Ryan and Keith Waltz on receiving national honors.

Whereas, South Bend Police Department Patrolman Ken Ryan and LaPorte County Sheriff's Department Deputy Keith Waltz participated in the National Police Shooting Championships and in the National Rifle Association event;

Whereas, After becoming the first Michiana area officer to win the National Police Shooting Championships, Patrolman Ryan defended his title, winning his second straight championship in his division. In addition, Deputy Waltz also clinched his division, taking home the title;

Whereas, The two officers continued their winning streak at the National Rifle Association event in Albuquerque, New Mexico;

Whereas, As a prior champion, Patrolman Ryan competed in the Classified Division, while Deputy Waltz competed in the Unclassified Division, as a newcomer;

Whereas, Each officer excelled in his respective division, earning top honors in each of the open, service, and distinguished classes. Moreover, Patrolman Ryan and Deputy Waltz were each named overall Grand Champions of their divisions;

Whereas, During the four-day event the policemen fired more than 580 rounds, using eight different types of firearms, in events that included shooting handguns at targets 50 yards away; and

Whereas, Amongst fierce competition against some of the best shooters in the field of law enforcement, Patrolman Ryan and Deputy Waltz both secured victories at the National Police Shooting Championships sponsored by the National Rifle Association: Therefore;

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates Patrolman Ken Ryan and Deputy Keith Waltz on receiving national honors.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Patrolman Ken Ryan and Deputy Keith Waltz.

The resolution was read in full and adopted by voice vote.

Senate Resolution 61

Senate Resolution 61, introduced by Senators Zakas, Yoder, and Mishler:

A SENATE RESOLUTION congratulating John F. Dille on being named one of the Giants of Broadcasting for 2011.

Whereas, John F. Dille III, President and CEO of Federated Media, has been named one of the 2011 Giants of Broadcasting by the Library of American Broadcasting. The award recognizes individuals who have played pivotal roles in creating and advancing the electronic arts;

Whereas, John F. Dille, among his many awards, was honored with a National Radio Award from the National Association of Broadcasters in 2005, inducted into the Indiana Broadcaster Hall of Fame in 2008, recognized in 2010 with the IBA Lifetime Achievement Award, and most recently in April of 2011, received the Ward L. Quaal Pioneer award given by the Broadcaster Foundation of America;

Whereas, Involved in media for most of his life, John F. Dille started in journalism as a copy boy for The Washington Post and then joined Thomson Newspapers as a reporter in England, Scotland, and Wales. After serving in the U.S. Army, he returned to Indiana and went to work for his family's newspaper, radio, and television stations;

Whereas, He currently teaching Business and the Future of Journalism at the Walter Cronkite School of Journalism and Mass Communications at Arizona State University; and

Whereas, John F. Dille continues to impact the future of media and journalism in a positive manner, and is an outstanding example for the generations of journalists to follow: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates John F. Dille on being named one of the 2011 Giants of Broadcasting.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to John F. Dille and to Brandon Erlacher, Publisher of the Elkhart Truth.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 29

Senate Concurrent Resolution 29, introduced by Senators Zakas, Mishler, and Broden:

A CONCURRENT RESOLUTION congratulating the Penn High School Volleyball Team on a second consecutive State Championship.

Whereas, The Penn High School Class 4-A Volleyball team claimed first place at the 2011 High School Volleyball State Championship, ending their season with a 38-1 record and earning their second consecutive state title;

Whereas, The Kingsmen competed against Avon, a team ranked first in the state and third in the nation;

Whereas, The Penn High Kingsmen came into the season as the unranked underdogs, built their reputation with a nearly undefeated season, and finally reigned supreme against Avon;

Whereas, Senior Kaitlyn Hickey led the Kingsmen with eighteen kills, three aces and eight digs. She was also the deserving recipient of the Indiana High School Athletic Association's Mental Attitude Award; and

Whereas, After much perseverance the Penn High School Kingsmen fought tenaciously against the tough and relentless competition for the Championship title: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly congratulates the Penn High School Volleyball team on their 2011 State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Head Coach Sarah Hendricks and Penn High School Principal, Steve Hope.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Dvorak and Fry.

Senate Concurrent Resolution 30

Senate Concurrent Resolution 30, introduced by Senator Delph:

A CONCURRENT RESOLUTION congratulating the Carmel High School football team on their excellent 2011 season, including a state championship victory.

Whereas, The Carmel High School football team captured their first 5A State Championship victory at Lucas Oil Stadium, with a score of 54-0;

Whereas, Brandon Denning passed for 143 yards and ran for 60 yards to help Carmel defeat Penn High School. Adam Kehoe set a 5A record with 11 catches, 123 receiving yards and a touchdown. Jalen Duncan added 110 rushing yards to the Greyhounds' total of 438 yards, making it the most lopsided 5A title game ever;

Whereas, The rest of the team was equally impressive and Head Coach Kevin Wright was proud of the way his team dominated;

Whereas, The team boasted an impressive overall season record of 8-1. Their decisive victory secured the team's first state title since 2007, and the seventh in the school's history;

Whereas, After four consecutive unsuccessful attempts at the title, the team's determination soared and they were committed to obtaining the Championship title; and

Whereas, It took hard work, confidence, and teamwork for the Carmel High football team to sweep the competition on their way to a State Championship title at Lucas Oil Stadium, and their victory is well-deserved: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly congratulates the Carmel High School football team on their 2011 State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Carmel High School football team, Head Coach Kevin Wright, Athletic Director Jim Inskeep, and the Carmel Clay board of directors.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Torr and Richardson.

House Concurrent Resolution 37

House Concurrent Resolution 37, sponsored by Senator Bray:

A CONCURRENT RESOLUTION congratulating the Martinsville High School Academic Decathlon Team for capturing the state championship for the large school division in the Hoosier Academic Decathlon.

Whereas, The Martinsville High School Academic Decathlon Team captured the state championship in the large school division for the fifteenth consecutive year;

Whereas, This victory entitles the Martinsville team to represent their school and their state at the national competition to be held in Albuquerque, New Mexico, in April, 2012;

Whereas, The Martinsville High School Academic Decathlon Team scored 38,657 points out of a possible 60,000 points on the road to the championship, besting the second place team by 2,839 points;

Whereas, In addition to the championship title, the team garnered 35 individual medals and seven plaques for placing at the top in seven of the ten categories;

Whereas, Students compete against each other based on their grade point average and teams are grouped into honors, scholastic, and varsity categories based on their scores;

Whereas, All contestants participate in all events;

Whereas, Coach Wayne Babbitt emphasizes that, even though individuals have accomplished great things, the championship was a total team effort;

Whereas, Coach Babbitt also stressed that, in addition to the honor of winning, the value of the Academic Decathlon is that it prepares the participants for college and later life by emphasizing good study skills and learning new subjects; and

Whereas, This state title is a continuation of the long line of successes achieved by the Martinsville High School academic teams: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Martinsville High School Academic Decathlon Team for capturing the state championship for the large school division in the Hoosier Academic Decathlon for the fifteenth consecutive year and wishes them continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Olivia Wooten, Morgan Lane, Stephen Fish, Elliott Guist, Emerson Watson, and Stephanie Schneck, Coach Wayne Babbitt, and Don Alkire, principal of Martinsville High School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that the following memorial resolution be adopted:

SR 63 Senator Delph
Memorializing Henry Karlson.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 63

Senate Resolution 63, introduced by Senator Delph:

A SENATE RESOLUTION memorializing Henry Karlson.

Whereas, Henry Carl Karlson II was born on August 17, 1943 in Evanston, Illinois to Ruby and Henry C. Karlson;

Whereas, Henry graduated from Evanston High School in 1961. He went on to attend the University of Illinois where he earned a bachelors degree magna cum laude in 1965, a juris doctorate in 1968, and an L.L.M in 1977;

Whereas, Henry joined the United States Army Jag School in 1968 and went on active duty as a Trial Court Judge in Vietnam. Henry served 8 years in the JAG Corps as a defense attorney, trial counsel, and trial judge;

Whereas, He later returned to the University of Illinois to student teach and earn his L.L.M. In 1977, he began teaching as a law professor at Robert H. McKinney School of Law, formerly Indiana University Law School of Indianapolis. He taught criminal law, evidence, trial practice, and a seminar dealing with child abuse. He is remembered at the law school for his

interaction with the students as he often engaged the students in lively debates, challenging them to view issues from different points of view;

Whereas, Professor Karlson co-authored a book on child abuse, and many of his articles on the topic have appeared in the APSAC Handbook on Child Maltreatment, the Indiana Law Review, the Journal of Child Abuse and Neglect, the Annals of Emergency Medicine, and the Defense Law Journal;

Whereas, Professor Karlson presented over one hundred continuing legal education programs to judges and attorneys throughout Indiana. He was qualified as an expert witness on proper methods for questioning very young children, and on the issue of lawyer competency. He was a member of the Association of Counsel for Children, American Professional Society on the Abuse of Children, Association of Trial Lawyers of America, Order of the Coif, Indiana Supreme Court Committee on Rules of Evidence, and Board of Examiners of the National Board of Trial Advocacy;

Whereas, Professor Karlson passed away on October 25, 2010. He was a beloved husband to his wife, Nancy Karlson, for 42 years, and a devoted father to their children, Elizabeth and Henry; and

Whereas, Professor Karlson was highly regarded in the legal profession. He was a powerful advocate and dedicated person. He held high principles and introduced others to those standards. He constantly provided for the less fortunate, especially children. His dedication to his family, teachings, and beliefs made him a remarkable leader who will be missed by many: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate memorializes the life of Henry C. Karlson II.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Nancy Karlson, Liz Karlson, and Gary Roberts.

The resolution was read in full and adopted by standing vote.

Senate Concurrent Resolution 23

Senate Concurrent Resolution 23, introduced by Senator Wyss:

A CONCURRENT RESOLUTION recognizing the 122nd Fighter Wing "Blacksnakes".

Whereas, The 122nd Fighter Wing, located in Fort Wayne, is a group of citizen airmen who serve their state and their country honorably and with great distinction;

Whereas, A four-time recipient of the Air Force Outstanding Unit Award, three in the past ten years, the 122nd Fighter Wing is a combat-proven unit that has deployed more than 2,300 personnel to 32 locations since September 11, 2001;

Whereas, Due to its strategic location near several superb, realistic training areas, the 122nd Fighter Wing is invaluable during Air Sovereignty Alert missions with response times of less than ten minutes to major metropolitan areas such as Chicago, Detroit, Cincinnati, and Indianapolis;

Whereas, There is only one other Air National Guard unit in the country that has a longer record of mishap free flight time than the 122nd Fighter Wing, whose safety record dates back to 1989 with more than 72,000 flight hours logged since the last major aircraft mishap, including six deployments of F-16 aircraft to Southwest Asia in support of Operation Southern Watch and Operation Iraqi Freedom;

Whereas, An integral part of the Fort Wayne community, the Base Community Council provides a strong military and community bond that goes beyond a mutual understanding;

Whereas, The 122nd Flight Wing provides services to the community, including Honor Flight support for World War II veterans and aircraft flybys commemorating numerous events statewide, including 4th of July celebrations, Memorial Day events, and the Three Rivers Festival in downtown Fort Wayne;

Whereas, In return, community business leaders provide unparalleled support to the base;

Whereas, The 122nd Fighter Wing plays a major role in stimulating the local economy as well by bringing in approximately 60 million dollars through base pay and entitlements, facilities construction and upgrades, and aircraft sustainment;

Whereas, The 122nd Fighter Wing also provides 24 hour crash, fire, and rescue mutual aid to Fort Wayne International Airport and, through the U. S. Department of Defense STARBASE Program, will educate more than 600 fifth grade students in 2012 in the science, technology, engineering, and math disciplines; and

Whereas, The 122nd Fighter Wing "Blacksnakes" are wonderful neighbors whose dedication and love of country help protect us and ensure that we will continue to live in the land of the free and the home of the brave: Therefore,

Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly acknowledges the many contributions that the 122nd Fighter Wing has made to the Fort Wayne community and the state of Indiana. The General Assembly appreciates 122nd Fighter Wing bravery in time of war and its compassion for all people.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the members of the Indiana Congressional delegation, the U. S. Secretary of Defense, the U. S. Secretary of the Air Force, and the Adjutant General.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Lehman, GiaQuinta, and Espich.

Senate Resolution 64

Senate Resolution 64, introduced by Senator Waterman:

A SENATE RESOLUTION honoring Jeff Watson and J&L Bruins.

Whereas, Jeff Watson, Bedford native and Spencer resident, has spent the last 23 1/2 years raising and interacting with bears while educating the public on conservation and proper bear etiquette for those hunting, hiking, fishing, and recreating in bear country through his company with J & L Bruins;

Whereas, J&L Bruins currently has four full grown brown bears and has traveled the county talking to millions of people about bears and bear behavior;

Whereas, J&L Bruins has always placed a high priority on bear safety education, bear habitat, and bear disposition and has always made this a part of their mission;

Whereas, Brody the Bear, a 1400 pound Alaskan brown bear, is one of Jeff's bears that has been in or on countless news programs, entertainment programs, and international magazines, including: the cover of National Geographic Magazine, July 2001; The Tonight Show, on NBC; The Today Show, also on NBC; Good Morning America, on ABC; Walker, Texas Ranger, on CBS; The Jeff Corwin Experience, on Animal Planet; Amazing Animal Videos, also on Animal Planet; P.T. Barnum, on A&E, and Motion Picture Grizzly Park;

Whereas, J&L Bruins has brought film, media, and conservation crews from Great Britain, Tokyo, Los Angeles, New York, and every place in between to see their bears, thus generating thousands of dollars of revenue for Indiana businesses;

Whereas, J&L is a lawfully USDA licensed entity and has an exceptional track record of providing the appropriate care for their animals as required by the Animal Welfare Act: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate acknowledges and commends Jeff Watson and J&L Bruins for their achievements, efforts, and the economic development they have brought to the state.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Jeff Watson.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 38

House Concurrent Resolution 38, sponsored by Senators Buck and Hershman:

A CONCURRENT RESOLUTION honoring the Western High School Marching Band.

Whereas, The Western High School Marching Panthers of Russiaville have a rich tradition of musical excellence that dates back decades;

Whereas, Since 1979, the Western High School Marching Panthers have continuously earned Gold Ratings and have attained a total of 12 ISSMA State Championships, an accomplishment shared by only one other marching band in Indiana;

Whereas, The Western High School Marching Panthers are the 2011 Class C State Champions, a title they have won each year since 2008;

Whereas, The Western High School Marching Panthers won their first Class C state championship in 1982 and followed it with wins in 1983, 1984, 1985, 1990, 1991, and 1996;

Whereas, The Western High School Marching Panthers also won the Class B state championship in 1988; and

Whereas, The consistency and dedication of the students, staff, parents, and school administration at Western High School, as well as the support of the community, have greatly contributed to the success of the Western High School Marching Panthers: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Western High School Marching Panthers on their 2011 Class C state championship and wishes them continued success.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of the Western High School Marching Band, band directors Brian Caldwell and Keith Whitford, principal Rick Davis, and Western School Corporation superintendent Randy McCracken.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 37 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bill 249 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1349. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Dodge, Chair and Pflum
Advisors: Richardson and Battles

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 38, 39, and 40 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1367

Senator Lawson called up Engrossed House Bill 1367 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1367–1)

Madam President: I move that Engrossed House Bill 1367 be amended to read as follows:

Page 13, line 7, after "choice" insert "**,**".

Page 13, line 8, delete " under the Constitution of the State of Indiana,".

Page 13, line 31, after "Providing" insert "**classroom**".

(Reference is to EHB 1367 as printed February 24, 2012.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1040

Senator Miller called up Engrossed House Bill 1040 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1080

Senator Eckerty called up Engrossed House Bill 1080 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1080–1)

Madam President: I move that Engrossed House Bill 1080 be amended to read as follows:

Page 4, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 3. IC 35-42-3.5-1, AS AMENDED BY SEA 4-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors, or transports another person:

(1) to engage the other person in:
(A) forced labor; or
(B) involuntary servitude; or
(2) to force the other person into:
(A) marriage;
(B) prostitution; or
(C) participating in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking, a Class B felony.

(b) A person who knowingly or intentionally recruits, harbors, or transports a child less than sixteen (16) years of age with the intent of:

(1) engaging the child in:
(A) forced labor; or
(B) involuntary servitude; or
(2) inducing or causing the child to:
(A) engage in prostitution; or
(B) participate in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking of a minor, a Class B felony. **Except as provided in subsection (e),** it is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or to participate in sexual conduct.

(c) A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than sixteen (16) years of age for the purpose of prostitution or participating in sexual conduct (as defined by IC 35-42-4-4) commits sexual trafficking of a minor, a Class A felony.

(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

(1) forced labor;
(2) involuntary servitude; or
(3) prostitution;

commits human trafficking, a Class C felony.

(e) It is a defense to a prosecution under subsection (b)(2)(B) if:

(1) the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person is less than eighteen (18) years of age; or

(2) all the following apply:

(A) The person is not more than four (4) years older than the victim.

(B) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(C) The crime:

(i) was not committed by a person who is at least twenty-one (21) years of age;

(ii) was not committed by using or threatening the use of deadly force;

(iii) was not committed while armed with a deadly weapon;

(iv) did not result in serious bodily injury;

(v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(vi) was not committed by a person having a position of authority or substantial influence over the victim.

(D) The person has not committed another sex offense (as defined in IC 11-8-8-5.2), including a delinquent act that would be a sex offense if committed by an adult, against any other person.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1080 as printed February 24, 2012.)

HEAD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1091

Senator Steele called up Engrossed House Bill 1091 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1111

Senator Merritt called up Engrossed House Bill 1111 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1116

Senator Glick called up Engrossed House Bill 1116 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1116–2)

Madam President: I move that Engrossed House Bill 1116 be amended to read as follows:

Page 1, delete lines 6 through 7 and insert "**performed while an active member of any of the following:**

(1) The armed forces of the United States.

(2) A reserve component of the armed forces of the United States.

(3) The National Guard.".

Page 2, delete lines 13 through 14 and insert "**performed while an active member of any of the following:**

(1) The armed forces of the United States.

(2) A reserve component of the armed forces of the United States.

(3) The National Guard.".

Page 2, line 16, delete "enlisted in the military" and insert "**a member of the armed forces of the United States.**".

Page 2, delete line 17.

(Reference is to EHB 1116 as printed February 24, 2012.)

GLICK

Motion prevailed.

SENATE MOTION
(Amendment 1116–1)

Madam President: I move that Engrossed House Bill 1116 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10.4-4-8, AS AMENDED BY P.L.115-2009, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) This subsection applies to a member who retires before July 1, 1980. A member who had completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to credit for that service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if before or during the leave of absence the member pays into the fund the member's contributions. Time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter.

(b) This subsection applies to a member who retires after June 30, 1980. A member who completed four (4) years of approved college teacher education before voluntary or involuntary induction into military service is entitled to credit for the member's active military service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if the following conditions are met:

(1) The member has an honorable discharge.

(2) Except as provided in subsection (g), the member returns to active teaching service not later than twenty-four (24) months after the completion of active military service.

(3) The member has at least ten (10) years of in-state service credit.

The time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the

hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(c) This subsection applies to a member who retires after May 1, 1989. A member who had begun but had not completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to service credit in an amount equal to the duration of the member's active military service if the following conditions are met:

(1) The member has an honorable discharge.

(2) Except as provided in subsection (g), the member returns to a four (4) year approved college teacher training program not later than twenty-four (24) months after the completion of active military service and subsequently completes that program.

(3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(d) This subsection applies to a member who retires after May 1, 1991, and who is employed at a state educational institution. A member who had begun but had not completed baccalaureate or post-baccalaureate education before voluntary or involuntary induction into military service is entitled to the member's active military service credit for the member's active military service in an amount equal to the duration of the member's military service if the following conditions are met:

(1) The member received an honorable discharge.

(2) Except as provided in subsection (g), the member returns to baccalaureate or post-baccalaureate education not later than twenty-four (24) months after completion of active military service and subsequently completes that education.

(3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(e) For purposes of this section, a member returns to active teaching service on the earlier of:

(1) the date on which the member signs a teacher's contract; or

(2) the date on which the member is first employed in a position covered by this article.

(f) For purposes of this section, a member returns to:

(1) a teacher training program; or

(2) baccalaureate or post-baccalaureate education;

on the date the member registers for or enrolls in classes that the member attends.

(g) The board shall extend the twenty-four (24) month deadline contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines that an illness, an injury, or a disability related to the member's military service prevented the member from returning to active teaching service or to a teacher education program not later than twenty-four (24) months after the member's discharge from military service. However, the board may not extend the deadline beyond forty-eight (48) months after the member's discharge.

(h) If a member retires and the board subsequently determines that the member is entitled to additional service credit due to the extension of a deadline under subsection (g), the board shall recompute the member's benefit. However, the additional service credit may be used only in the computation of benefits to be paid after the date of the board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.

(i) Notwithstanding any provision of this section, a member is entitled to military service credit and benefits in the amount and to the extent required by the federal Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later amendments.

(j) Subject to this section, an active member may purchase not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:

(1) The member has at least one (1) year of credited service in the fund.

(2) The member serves on active duty in the armed services of the United States for at least six (6) months.

(3) The member receives an honorable discharge from the armed services.

(4) Before the member retires, the member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of:

(i) the member's salary at the time the member actually makes a contribution for the service credit;

(ii) a rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and

(iii) the number of years of service credit the member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance or receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw

the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

(k) The following apply to the purchase of service credit under subsection (j):

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

(l) This subsection applies to a member who retires after June 30, 2006. A member may not receive credit under this section for service for which the member receives service credit under the terms of a military or another governmental retirement plan.

(m) This subsection applies to a member regardless of whether the member retires before July 1, 2012, or after June 30, 2012. Notwithstanding any other provision of this section, a member who:

(1) has at least ten (10) years of in-state teaching service;

(2) served on active duty in the armed services of the United States;

(3) received an honorable discharge;

(4) is not entitled to receive a pension for service in the armed services of the United States; and

(5) is not entitled to military service credit under subsections (a) through (g) for purposes of determining eligibility for, or the computation of, benefits under this chapter;

is entitled to service credit in an amount equal to the duration of the member's military service. However, not more than six (6) years of service credit may be granted under this subsection.

(n) The service credit granted under subsection (m) may be used only:

(1) after the board determines that the member is eligible for the service credit; and

(2) in the computation of benefits to be paid after:

(A) June 30, 2012, in the case of a member who is a World War II veteran (as defined in 42 U.S.C. 1012); or

(B) June 30, 2014, in the case of any other member.".

Page 4, after line 29, begin a new paragraph and insert:

"SECTION 4. IC 36-8-8-8.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8.2. (a) This section applies to a fund member regardless of whether the fund member retires before July 1, 2012, or after June 30, 2012.**

(b) If the requirements of subsection (d) are satisfied, a fund member who:

(1) completes at least one (1) year of active service for which the 1977 fund gives credit;

(2) serves on active duty in the armed services of the United States for at least six (6) months;

(3) receives an honorable discharge from the armed services of the United States;

(4) is not entitled to receive a benefit from the armed services of the United States or another governmental retirement system for the active duty service; and

(5) has not received credit in the 1977 fund for the active duty service under another section of this chapter;

is entitled to service credit in the 1977 fund in an amount equal to the length of the fund member's military service. However, not more than six (6) years of service credit in the 1977 fund may be granted under this section.

(c) The service credit granted under this section may be used only:

(1) after the system board determines that the fund member is eligible for the service credit in the 1977 fund; and

(2) in the computation of benefits to be paid after:

(A) June 30, 2012, in the case of a fund member who is a World War II veteran (as defined by 42 U.S.C. 1012); or

(B) June 30, 2014, in the case of any other fund member.

(d) A fund member is entitled to receive service credit in the 1977 fund for the active duty service described in subsection (b) if the fund member pays:

(1) in a lump sum; or

(2) in a series of payments determined by the system board, not to exceed five (5) annual payments;

the amount the fund member would have contributed to the 1977 fund if the fund member had been a member of the 1977 fund during the active duty service.

(e) If a fund member is entitled to receive service credit under subsection (d), the fund member's employer must contribute to the 1977 fund the amount the system board determines necessary to amortize the active duty service liability over a period determined by the system board, but not to exceed ten (10) years.

(f) An amortization schedule for contributions paid under subsection (d) must include interest at a rate determined by the system board.

(g) A fund member who:

(1) terminates service before satisfying the requirements for eligibility to receive a retirement benefit payment from the 1977 fund; or

(2) receives a retirement benefit for the same service from another retirement system, other than under the federal Social Security Act;

may withdraw the fund member's contributions made under this section plus accumulated interest after submitting to the 1977 fund a properly completed application for a refund.

(h) The following apply to the granting of service credit in the 1977 fund under this section:

(1) The system board may not grant credit for the service if doing so would exceed the limitations set forth in Section 415 of the Internal Revenue Code.

(2) A fund member may not claim the service credit for purposes of determining eligibility or computing benefits unless the fund member has made all payments required under subsection (d).

(i) To the extent permitted by the Internal Revenue Code and applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a rollover of a distribution from any of the following:

(1) A qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code.

(2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.

(4) An individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code.

(j) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a trustee to trustee transfer from either of the following:

(1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code.

(k) Notwithstanding any provision in this section, a fund member is entitled to service credit and benefits in the amount and to the extent required by the federal Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.).

(l) Before implementing this section, the system board may request from the Internal Revenue Service any rulings or determination letters that the system board considers necessary or appropriate.

SECTION 5. IC 36-8-8-8.3, AS ADDED BY P.L.19-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8.3. (a) This section applies to a fund member who, after June 30, 2009, completes service for which the 1977 fund gives credit.

(b) A fund member may purchase not more than two (2) years of service credit for the fund member's service on active duty in the armed services if the fund member meets the following conditions:

(1) The fund member has at least one (1) year of credited service in the fund.

(2) The fund member serves on active duty in the armed services of the United States for at least six (6) months.

(3) The fund member receives an honorable discharge from the armed services.

(4) Before the fund member retires, the fund member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of the following:

(i) The salary of a first class patrolman or firefighter at the time the fund member actually makes a contribution for the service credit.

(ii) A rate, determined by the actuary of the 1977 fund, that is based on the age of the fund member at the time the fund member actually makes a contribution for service credit and that is computed to result in a contribution amount that approximates the actuarial present value of the retirement benefit attributable to the service credit purchased.

(iii) The number of years of service credit the fund member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the 1977 fund, for the period from the fund member's initial membership in the 1977 fund to the date payment is made by the fund member.

(c) A fund member must have at least twenty (20) years of service before a fund member may receive a benefit based on a service credit purchased under this section. A fund member's years of service may not exceed thirty-two (32) years with the inclusion of the service credit purchased under this section.

(d) A fund member may not receive service credit under this section:

(1) for service credit received under IC 36-8-5-7 **or section 8.2 of this chapter;** or

(2) if the military service for which the fund member requests credit also qualifies the fund member for a benefit in a military or another governmental retirement system.

(e) A fund member who:

(1) terminates service before satisfying the eligibility requirements necessary to receive a retirement benefit payment from the 1977 fund; or

(2) receives a retirement benefit for the same service from another retirement system, other than under the federal Social Security Act;

may withdraw the fund member's contributions made under this section plus accumulated interest after submitting to the fund a properly completed application for a refund.

(f) The following apply to the purchase of service credit under this section:

(1) The ~~PERF~~ **system** board may allow a fund member to make periodic payments of the contributions required for the purchase of the service credit. The ~~PERF~~ **system** board shall determine the length of the period during which the payments must be made.

(2) The ~~PERF~~ **system** board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A fund member may not claim the service credit for purposes of determining eligibility or computing benefits unless the fund member has made all payments required for the purchase of the service credit.

(g) To the extent permitted by the Internal Revenue Code and applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section,

a rollover of a distribution from any of the following:

(1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.

(2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state under Section 457(b) of the Internal Revenue Code.

(4) An individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code.

(h) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing service credit under this section, a trustee to trustee transfer from any of the following:

(1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1116 as printed February 24, 2012.)

LANANE

Upon request of Senator Skinner the President ordered the roll of the Senate to be called. Roll Call 243: yeas 13, nays 36.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1117

Senator Gard called up Engrossed House Bill 1117 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1117–7)

Madam President: I move that Engrossed House Bill 1117 be amended to read as follows:

Page 1, line 11, after "include" insert "**a regional district established under IC 13-26,**".

Page 1, line 12, after "IC 14-33" insert "**,**".

Page 3, line 11, after "system" insert "**is a septic tank soil absorption system that**".

Page 4, line 17, delete "(h)," and insert "**(e),**".

Page 4, line 23, delete "subsection-(f)(2)." and insert "**subsection (f)(2).**".

Page 5, delete lines 17 through 21, begin a new paragraph and insert:

"**(m) This section does not affect the authority of the state department of health, a local health department, or a county health officer with respect to a sewage disposal system.**".

Page 11, line 1, strike "reasonable penalties" and insert "**a reasonable penalty, not to exceed one hundred dollars ($100) per day,**".

Page 15, delete lines 23 through 27, begin a new paragraph and insert:

"**(i) This section does not affect the authority of the state department of health, a local health department, or a county health officer with respect to a septic tank soil absorption system.**".

(Reference is to EHB 1117 as printed February 21, 2012.)

GARD

Motion prevailed.

SENATE MOTION
(Amendment 1117–9)

Madam President: I move that Engrossed House Bill 1117 be amended to read as follows:

Page 22, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 14. IC 13-26-14-4, AS AMENDED BY P.L.71-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. Rates, fees, or charges made, assessed, or established by the district are a lien, in the same manner established under IC 36-9-23 for municipal sewage works, on a lot, parcel of land, or building that is connected with or uses the works of the district. Liens under this chapter:

(1) attach;

(2) are recorded;

(3) are subject to the same penalties, interest, and reasonable attorney's fees on recovery; and

(4) shall be collected **and** enforced; ~~and, if necessary, foreclosed;~~

in substantially the same manner as provided in IC 36-9-23-31 through IC 36-9-23-34. **A lien under this chapter that is the only lien on a property may not be foreclosed.**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1117 as printed February 21, 2012.)

HOLDMAN

Motion prevailed.

SENATE MOTION
(Amendment 1117–8)

Madam President: I move that Engrossed House Bill 1117 be amended to read as follows:

Page 8, line 33, after "(a)" insert "**This section does not apply to a district described in section 6.1 of this chapter.**

(b)".

Page 8, line 35, delete "(b)" and insert "**(c)**".

Page 8, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 7. IC 13-26-4-6.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.1. (a) This section applies to a district that is:**

(1) a countywide district; and

(2) established in response to an agreed order entered into by the department and the executive and fiscal bodies of the county.

(b) Not later than December 31, 2012, the parties to an agreed order described in subsection (a)(2) shall amend the agreed order to provide for the appointment of trustees as follows:

(1) Beginning July 1, 2013, at least one (1) appointed trustee must reside in the geographic area that is the subject of the department investigation resulting in the agreed order.

(2) Beginning July 1, 2013, an appointed trustee may not be served by a municipal sewer system.(3) Beginning July 1, 2013, at least one (1) appointed trustee must be an elected official who represents a political subdivision that has territory in the district.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1117 as printed February 21, 2012.)

HOLDMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1134

Senator Miller called up Engrossed House Bill 1134 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1169

Senator Kruse called up Engrossed House Bill 1169 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1192

Senator Miller called up Engrossed House Bill 1192 for second reading. The bill was read a second time by title.

After discussion, Senator Miller withdrew the call.

Engrossed House Bill 1205

Senator Kruse called up Engrossed House Bill 1205 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1205–1)

Madam President: I move that Engrossed House Bill 1205 be amended to read as follows:

Page 1, delete lines 1 through 11.

Page 1, line 15, delete "following information" and insert "**names of the charter school's governing body**".

Page 1, line 15, delete "site:" and insert "**site.**".

Page 1, delete lines 16 through 17.

Page 2, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1205 as printed February 24, 2012.)

SCHNEIDER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1247

Senator Wyss called up Engrossed House Bill 1247 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1247–1)

Madam President: I move that Engrossed House Bill 1247 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 9-24-12-1, AS AMENDED BY P.L.87-2010, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **Notwithstanding subsection (c) and** except as provided in ~~subsections~~ **subsection** (b) and ~~(d) and section~~ **sections** 10, **11, and 12** of this chapter, **the expiration date of** an operator's license ~~issued under this article before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.~~ **that is the renewal license for a license that contains a 2012 expiration date is as follows:**

(1) If the license was previously issued or renewed after May 14, 2007, and before January 1, 2008, the renewal license expires at midnight on the birthday of the holder that occurs in 2017.

(2) If the license was previously issued or renewed after December 31, 2007, and before January 1, 2009, the renewal license expires at midnight on the birthday of the holder that occurs in 2018.

(3) If the license was previously issued or renewed after December 31, 2005, and before January 1, 2007, the renewal license expires at midnight on the birthday of the holder that occurs in 2016.".

Page 2, delete lines 1 through 6.

(Reference is to EHB 1247 as printed February 24, 2012.)

ARNOLD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1249

Senator Merritt called up Engrossed House Bill 1249 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1249–1)

Madam President: I move that Engrossed House Bill 1249 be amended to read as follows:

Page 1, line 8, delete "do" and insert "**study**".

(Reference is to EHB 1249 as printed February 24, 2012.)

MERRITT

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1264

Senator Landske called up Engrossed House Bill 1264 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1269

Senator Miller called up Engrossed House Bill 1269 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1269–2)

Madam President: I move that Engrossed House Bill 1269 be

amended to read as follows:

Page 3, line 39, delete "may, after review of the compact by the" and insert "**may enter into the compact on behalf of the state with any other state only after the following occur:**

(1) The budget committee reviews the compact.

(2) The office of the secretary of family and social services and the department of insurance develop and publish a plan that specifies how Indiana will provide access to health care for Indiana residents if Indiana decides not to participate in a federal program as allowed under the compact.".

Page 3, delete lines 40 through 41.

(Reference is to EHB 1269 as printed February 24, 2012.)

LANANE

After discussion, Senator Miller withdrew the call.

Engrossed House Bill 1270

Senator Kruse called up Engrossed House Bill 1270 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1270–1)

Madam President: I move that Engrossed House Bill 1270 be amended to read as follows:

Page 38, line 24, delete "one million" and insert "**five hundred thousand**".

Page 38, line 25, delete "($1,000,000)," and insert "**($500,000),**".

Page 38, line 32, delete "one million dollars" and insert "**five hundred thousand dollars ($500,000).**".

Page 38, delete line 33.

Page 38, line 41, delete "one" and insert "**five hundred thousand dollars ($500,000),**".

Page 38, line 42, delete "million dollars ($1,000,000),".

Page 39, line 1, delete "five hundred thousand dollars ($500,000)," and insert "**two hundred fifty thousand dollars ($250,000),**".

Page 39, line 6, delete "one million dollars" and insert "**five hundred thousand dollars ($500,000).**".

Page 39, delete line 7.

(Reference is to EHB 1270 as printed February 24, 2012.)

KRUSE

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1280

Senator Hershman called up Engrossed House Bill 1280 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1280–3)

Madam President: I move that Engrossed House Bill 1280 be amended to read as follows:

Page 2, line 14, delete "The" and insert "**Except as provided in subsection (e),** the".

Page 2, line 19, after "business." insert "**The OMB shall submit the cost benefit analysis to the administrative rules oversight committee in an electronic format under IC 5-14-6.**".

Page 3, line 2, before "The" insert "**If an agency has adopted rules to implement IC 5-14-3-4, interested parties and regulated persons must submit the information in accordance with the confidentiality rules adopted by the agency to ensure proper processing of confidentiality claims.**".

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"**(d) If the OMB or an agency is unable to obtain verified data for the cost benefit analysis described in subsection (c), the OMB shall state in the cost benefit analysis which data were unavailable for purposes of the cost benefit analysis.**

(e) If the OMB finds that a proposed rule is:

(1) an adoption or incorporation by reference of a federal law, regulation, or rule that has no substantive effect on the scope or intended application of the federal law or rule; or

(2) a technical amendment with no substantive effect on an existing Indiana rule;

the OMB may not prepare a cost benefit analysis of the rule under this section. The agency shall submit the proposed rule to the OMB with a statement explaining how the proposed rule meets the requirements of this subsection. If the OMB finds that the rule meets the requirements of this subsection, the OMB shall provide its findings to the governor and to the committee in an electronic format under IC 5-14-6. If the agency amends or modifies the proposed rule after the OMB finds that a cost benefit may not be prepared for the rule, the agency shall resubmit the proposed rule to the OMB either for a new determination that the rule meets the requirements of this subsection, or for the OMB to prepare a cost benefit analysis of the rule under this section.".

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"**(b) This section does not apply to a rule for which the OMB has not performed a cost benefit analysis under section 13(e) of this chapter.**".

Page 3, line 20, delete "(b)" and insert "**(c)**".

Page 3, line 23, delete "(c)" and insert "**(d)**".

Page 3, line 27, delete "(f)," and insert "**(g),**".

Page 3, line 32, after "date." insert "**The OMB shall submit the cost benefit analysis to the committee in an electronic format under IC 5-14-6.**".

Page 3, line 33, delete "(d)" and insert "**(e)**".

Page 4, line 15, after "section" insert "**as requested in writing**".

Page 4, line 16, delete "(e)" and insert "**(f)**".

Page 4, line 33, before "The" insert "**If an agency has adopted rules to implement IC 5-14-3-4, interested parties and regulated persons must submit the information in accordance with the confidentiality rules adopted by the agency to ensure proper processing of confidentiality claims.**".

Page 4, line 42, delete "(c)." and insert "**(d)**".

Page 4, after line 42, begin a new paragraph and insert:

"**(g) If the OMB or an agency is unable to obtain verified data for the cost benefit analysis described in subsection (e),**

the OMB shall describe in the cost benefit analysis which data were unavailable for purposes of the cost benefit analysis.".

Page 5, line 1, delete "(f)" and insert "**(h)**".

Page 5, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 6. IC 4-21.5-3-1, AS AMENDED BY P.L.32-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section applies to:

(1) the giving of any notice;

(2) the service of any motion, ruling, order, or other filed item; or

(3) the filing of any document with the ultimate authority; in an administrative proceeding under this article.

(b) Except as provided in subsection (c) or as otherwise provided by law, a person shall serve papers by:

(1) United States mail;

(2) personal service;

(3) electronic mail; or

(4) any other method approved by the Indiana Rules of Trial Procedure.

(c) The following shall be served by United States mail or personal service:

(1) The initial notice of a determination under section ~~4, 5, or~~ 6 of this chapter.

(2) A petition for review of an agency action under section 7 of this chapter.

(3) A complaint under section 8 of this chapter.

(d) The agency shall keep a record of the time, date, and circumstances of the service under subsection (b) or (c).

(e) Service shall be made on a person or on the person's counsel or other authorized representative of record in the proceeding. Service on an artificial person or a person incompetent to receive service shall be made on a person allowed to receive service under the rules governing civil actions in the courts. If an ultimate authority consists of more than one (1) individual, service on that ultimate authority must be made on the chairperson or secretary of the ultimate authority. A document to be filed with that ultimate authority must be filed with the chairperson or secretary of the ultimate authority.

(f) If the current address of a person is not ascertainable, service shall be mailed to the last known address where the person resides or has a principal place of business. If the identity, address, or existence of a person is not ascertainable, or a law other than a rule allows, service shall be made by a single publication in a newspaper of general circulation in:

(1) the county in which the person resides, has a principal place of business, or has property that is the subject of the proceeding; or

(2) Marion County, if the place described in subdivision (1) is not ascertainable or the place described in subdivision (1) is outside Indiana and the person does not have a resident agent or other representative of record in Indiana.

(g) A notice given by publication must include a statement advising a person how the person may receive written notice of the proceedings.

(h) The filing of a document with an ultimate authority is complete on the earliest of the following dates that apply to the filing:

(1) The date on which the document is delivered to the ultimate authority under subsection (b), (c), or (e).

(2) The date of the postmark on the envelope containing the document, if the document is mailed to the ultimate authority by United States mail.

(3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the ultimate authority by private carrier.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1280 as printed February 24, 2012.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1365

Senator Bray called up Engrossed House Bill 1365 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1376

Senator Kenley called up Engrossed House Bill 1376 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1376–8)

Madam President: I move that Engrossed House Bill 1376 be amended to read as follows:

Page 3, between lines 15 and 16, begin a new line block indented and insert:

"**(4) If an individual and the individual's spouse are both qualifying taxpayers for purposes of this section for a taxable year and file a joint Indiana resident individual adjusted gross income tax return for the taxable year:**

(A) the individual and the individual's spouse are considered two (2) taxpayers for purposes of determining the amount of the refund under subdivision (2) for a qualifying taxpayer; and

(B) the amount of the refund that the individual and the individual's spouse are entitled to claim is equal to the amount of any refund determined under subdivision (2) for a qualifying taxpayer, multiplied by two (2).".

(Reference is to EHB 1376 as printed February 24, 2012.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 1376–9)

Madam President: I move that Engrossed House Bill 1376 be amended to read as follows:

Page 28, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 42. IC 14-13-2-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.3. As used in this chapter, "parcel" has the meaning set forth in 50 IAC 26-2-31.**

SECTION 43. IC 14-13-2-6, AS AMENDED BY HEA 1264-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (b) and ~~section~~ **sections** 18.5 **and 18.6** of this chapter, the commission may operate in the manner provided in this chapter only in the geographic area within and extending one (1) mile from the bank of the west arm of the Little Calumet River and Burns Waterway in Lake County and Porter County. **However, to address flooding issues within this geographic area, the commission may operate in the manner provided in this chapter in areas that include tributaries to the Little Calumet and Burns Waterways, including the Deep River watershed, within Lake County.**

(b) The commission does not have the power of eminent domain for the construction of marina facilities north of U.S. Highway 12 or south of that point where the west arm of the Little Calumet River meets Burns Waterway. The commission's activities north of U.S. Highway 12 and within and adjacent to Burns Waterway are restricted to those activities that the commission determines to be necessary for the following:

(1) Channeling and maintenance.

(2) Construction of breakwaters.

SECTION 44. IC 14-13-2-7, AS AMENDED BY HEA 1264-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The commission has:

(1) before July 1, 2012, five (5) members appointed by the governor; and

(2) after June 30, 2012, nine (9) members appointed by the governor.

(b) The following requirements apply to the governor's appointments under subsection (a)(1):

(1) One (1) member must be a representative of the department of natural resources. The member may not be an employee or elected official of a city, town, or county governmental unit.

(2) The remaining four (4) members must meet the following requirements:

(A) Four (4) members must reside in a:

(i) city;

(ii) town; or

(iii) township (if the member resides in an unincorporated area of the county);

that borders the Little Calumet River.

(B) At least three (3) of the members must have a background in:

(i) construction;

(ii) project management; or

(iii) flood control;

or a similar professional background.

(C) A member may not be an employee or elected official of a city, town, or county governmental unit.

(c) The following apply to the membership of the commission after June 30, 2012:

(1) Before August 1, 2012, the governor shall appoint four (4) additional members to the commission for four (4) year terms as follows:

(A) One (1) member nominated by the mayor of a city having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).

(B) One (1) member nominated by the mayor of a city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(C) Two (2) members nominated by the board of county commissioners of Lake County.

(2) Notwithstanding section 8 of this chapter, the term of the member described in subsection (b)(1) expires January 7, 2013. The governor shall appoint one (1) member nominated by the department of natural resources for a four (4) year term beginning January 7, 2013.

(3) Notwithstanding section 8 of this chapter, the terms of the members described in subsection (b)(2) expire January 1, 2014. The governor shall appoint for four (4) year terms beginning January 1, 2014, four (4) members, each of whom must have been nominated by the executive of a municipality located in the watershed other than a city described in subdivision (1).

(4) A member appointed to succeed a member appointed under subdivision (1) or (2) must be nominated by the nominating authority that nominated the member's predecessor, and a member appointed to succeed a member appointed under subdivision (3) must be nominated by the executive of a municipality located in the watershed other than a city described in subdivision (1).

(d) The following apply to a member appointed under subsection (c) and to any member appointed to succeed a member appointed under subsection (c):

(1) After July 31, 2012, not more than five (5) members of the commission may belong to the same political party.

(2) Each member must have a background in:

(A) construction;

(B) project management;

(C) flood control; or

(D) a similar professional background.

(3) A member may not be an employee or elected official of a city, town, or county governmental unit.

~~(4) Neither the two (2) members appointed under subsection (c)(3) nor any two (2) members appointed to succeed them may be from the same municipality.~~

(4) The members:

(A) appointed under subsection (c)(3); or

(B) appointed to succeed members appointed under subsection (c)(3);

must be from different municipalities.

(5) Neither the two (2) members appointed under subsection (c)(1)(C) nor any two (2) members appointed to succeed them may be from the same district created under IC 36-2-2-4(b).

SECTION 45. IC 14-13-2-18.6, AS ADDED BY HEA 1264-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18.6. (a) Each year, the county treasurer shall add to the property tax statements of a person owning the taxable parcel affected by a special assessment imposed under section 18.5 of this chapter, designating the special assessment in a manner distinct from general taxes, and indicating that the full annual assessment is due in the year the statement is sent.

(b) An assessment imposed under section 18.5 of this chapter shall be collected in the same manner as other special assessments are collected under IC 6-1.1, except for the following:

(1) An assessment is not the personal obligation of the owner of the taxable parcel affected by the assessment, and only the taxable parcel actually affected by an assessment shall be sold for delinquency.

(2) An annual assessment shall be paid in full on or before the date the first installment of property taxes is due.

(c) At the time of each annual tax settlement, the county treasurer shall certify to the county auditor the amount of the special assessments collected.

(d) The county auditor shall pay special assessments collected by the county treasurer under this section to the commission.

(e) Special assessments collected under this section shall be deposited into a segregated account within the fund. Special assessments deposited into the account may not be transferred into other accounts within the fund. Money in the account may be used only for the following purposes:

(1) To pay expenses directly related to the acquisition, construction, or improvement of real property, a facility, a betterment, or an improvement constituting part of a project of the commission, including acquisition of the site for a project.

(2) To pay expenses directly related to the operation, repair, and maintenance of flood protection systems within the watershed.

(3) To repay bonds issued for the purposes described in subdivision (1).

(4) To make the transfers required by subsection (f).

(f) Subject to subsection (g), the commission shall transfer money from the segregated account referred to in subsection (e) to the northwest Indiana regional development authority established by IC 36-7.5-2-1 as follows:

(1) Two million four hundred thirty thousand dollars ($2,430,000) on July 1, 2013.

(2) One million four hundred sixty thousand dollars ($1,460,000) on July 1, 2014.

(3) Nine hundred twenty thousand dollars ($920,000) on July 1, 2015.

(4) Six hundred ninety thousand dollars ($690,000) on July 1, 2016.

(5) Five hundred thousand dollars ($500,000) on July 1, 2017.

(g) The commission may postpone or reduce the amount of a transfer required by subsection (f) by adopting a resolution, with at least two-thirds (2/3) of the members voting in the affirmative, declaring that an emergency exists. For purposes of this subsection, an emergency may include the following:

(1) A determination that the amount of assessments paid before July 1, 2013, is insufficient to make the transfer required under subsection (f)(1) on July 1, 2013.

(2) A demand from the Army Corps of Engineers for payment in an amount that would prevent the commission from complying with the transfer schedule set forth in subsection (f).

(h) The total amount to be transferred to the northwest Indiana regional development authority under the schedule set forth in subsection (f), as amended for the reasons specified in subsection (g), is six million dollars ($6,000,000).".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1376 as printed February 24, 2012.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 1376–11)

Madam President: I move that Engrossed House Bill 1376 be amended to read as follows:

Page 29, delete lines 7 through 11, begin a new line block indented and insert:

"**(4) an eligible person (as defined in IC 34-13-8-1) with respect to a distribution paid from the supplemental state fair relief fund for an occurrence (as defined in IC 34-13-8-2);**".

Page 29, delete line 42, begin a new line double block indented and insert:

"**(D) IC 34-13-8 concerning a distribution paid from the supplemental state fair relief fund to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2);**".

Page 30, delete lines 1 through 4.

Page 30, delete lines 35 through 42, begin a new line double block indented and insert:

"**(D) IC 34-13-8 concerning a distribution paid from the supplemental state fair relief fund to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2).**

SECTION 47. IC 34-13-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8. Special Supplemental Relief

Sec. 1. As used in this chapter, "eligible person" refers to a person or the estate of a person that properly filed a claim with the state, in the form prescribed by the attorney general, before December 31, 2011, for physical injury or death resulting from an occurrence.

Sec. 2. As used in this chapter, "occurrence" refers to one (1) or more acts or omissions by the state or employees of the state in connection with a single event occurring after July 31, 2011, and before September 1, 2011, that resulted in the death of seven (7) or more persons.

Sec. 3. As used in this chapter, "supplemental fund" refers to the supplemental state fair relief fund established by section 9 of this chapter.

Sec. 4. (a) Recognizing the special conditions created by an occurrence, it is the intent of the general assembly to provide supplemental relief for victims of the occurrence. It is not the intent of the general assembly to revise the tort claims act in order to address the special situation of the occurrence.

(b) The attorney general may compromise or settle a claim or suit brought against the state or its employees as provided in this chapter.

(c) Only eligible persons are eligible to receive compensation under this chapter.

Sec. 5. (a) The attorney general shall attempt to resolve before January 1, 2013, all claims and suits brought against the state or its employees for an occurrence for an amount that, in the aggregate, does not exceed eleven million dollars ($11,000,000), consisting of:

(1) five million dollars ($5,000,000) paid from the state tort claim fund established to pay claims and expenses under IC 34-13-3-24; and

(2) six million dollars ($6,000,000) to be paid from the supplemental fund.

(b) The attorney general shall attempt to resolve before January 1, 2013, claims or suits for an occurrence as follows:

(1) The estate of an eligible person whose death resulted from an occurrence shall receive seven hundred thousand dollars ($700,000), including any compensation under this chapter for the eligible person's attorney's fees.

(2) Except as provided in subdivision (3), each other eligible person who was physically injured as a result of an occurrence shall be compensated (including any compensation under this chapter for the eligible person's attorney's fees) for the physical injury in an amount that does not exceed the least of the following:

(A) The amount of the eligible person's losses.

(B) The amount claimed by the eligible person in relation to the claim filed before December 31, 2011.

(C) Seven hundred thousand dollars ($700,000).

(3) Eligible persons who suffered physical injuries involving permanent paralysis or permanent physical trauma or requiring major and ongoing long-term care shall be compensated for the physical injury in an amount equal to:

(A) the amount of compensation paid under subdivision (2); plus

(B) additional compensation determined under the process established by the attorney general under subdivision (4).

(4) The attorney general shall establish a process for determining the equitable amount of compensation for eligible persons under subdivision (3). The attorney general shall before January 1, 2013, determine the amount of compensation that each eligible person described in subdivision (3) is entitled to receive under subdivision (3). The attorney general may employ arbitrators, mediators, consultants, and other experts to assist in the process established by the attorney general for determining the compensation for eligible persons under subdivision (3).

Sec. 6. (a) To receive a distribution under this chapter for an occurrence, an eligible person must have already released all governmental entities and public employees from any liability for loss resulting from the occurrence. The release must be in a form that is satisfactory to the attorney general.

(b) A distribution may not be paid under this chapter from the supplemental fund to an eligible person unless the eligible person has entered into an agreement with the state providing that the person will not bring any action against the state based on an indemnification clause.

Sec. 7. The amount payable after December 31, 2011, as provided in section 5(b) of this chapter to an eligible person shall be reduced by any amount that was paid under IC 34-13-3 from the state tort claim fund before January 1, 2012, for the death or physical injury.

Sec. 8. If an eligible person is represented by an attorney regarding compensation from the supplemental fund, the attorney's fees paid to the attorney or attorneys for the representation of the eligible person regarding compensation from the supplemental fund may not exceed, in aggregate, ten percent (10%) of the total compensation paid to the eligible person from the supplemental fund.

Sec. 9. (a) The supplemental state fair relief fund is established for the purpose of providing supplemental relief to the victims of the occurrence.

(b) The supplemental fund consists of grants, donations, and appropriations made by the general assembly. The supplemental fund shall be administered by the attorney general. The treasurer of state shall invest the money in the supplemental fund not currently needed to meet the obligations of the supplemental fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the state general fund. The expenses of administering the supplemental fund shall be paid from the state tort claim fund established to pay claims and expenses under IC 34-13-3-24.

(c) The supplemental fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the supplemental fund by the state board of finance, the budget agency, or any other state agency except as provided in this chapter.

(d) Money in the supplemental fund at the end of a state fiscal year does not revert to the state general fund. Money in the supplemental fund is continually appropriated to the attorney general to carry out the purposes of the supplemental fund.

Sec. 10. (a) The attorney general may use the money in the supplemental fund to pay compensation to eligible persons as provided in this chapter.

(b) After the estate of each eligible person whose death resulted from an occurrence has received seven hundred thousand dollars ($700,000), and each other eligible person who was physically injured as a result of an occurrence has been compensated in the amount determined under section 5(b)(2) of this chapter, the remaining balance in the

supplemental fund shall be used to pay compensation for ongoing personal care expenses to eligible persons described in section 5(b)(3) of this chapter according to the process established by the attorney general under section 5(b)(4) of this chapter. Compensation paid from the supplemental fund may not be used for the following:

(1) Expenses covered by insurance.

(2) Expenses covered by another party.

Sec. 11. The expenses incurred by the attorney general in carrying out this chapter (including any expenses for arbitrators, mediators, consultants, or any other experts) shall be paid from the state tort claim fund established to pay claims and expenses under IC 34-13-3-24.

Sec. 12. (a) An eligible person may assign to the attorney general the eligible person's right to pursue a cause of action for the tortious breach of an insurer's duty to deal with an insured person in good faith.

(b) If the insurance commissioner believes that a person has engaged in any of the acts or practices listed in IC 27-4-1-4.5 in relation to an occurrence, the insurance commissioner may issue and cause to be served upon the person a statement of the charges and a notice in writing of a hearing as provided in IC 27-4-1-5. If after a hearing under IC 4-21.5-3, the insurance commissioner determines that the person has engaged in any of the acts or practices listed in IC 27-4-1-4.5 in relation to an occurrence, the insurance commissioner may at the insurance commissioner's discretion order one (1) or more of the remedies provided in IC 27-4-1-6. Notwithstanding IC 27-4-1, the insurance commissioner may take an action under this subsection regarding the commission by a person of a single act or practice listed in IC 27-4-1-4.5 in relation to an occurrence, without having to demonstrate that the act or practice occurs with such frequency as to indicate a general practice by the person.".

Delete page 31 through 32.

Page 33, delete lines 1 through 35.

Page 33, line 39, delete "an award made" and insert "**a distribution paid**".

Page 33, line 40, delete "award" and insert "**relief**".

Page 33, line 40, delete "(as established by".

Page 33, line 41, delete "IC 34-13-3-14.1(c))".

Page 33, line 41, delete "IC 34-13-3-14(c)" and insert "**IC 34-13-8**".

Page 33, line 42, delete "IC 34-13-3-14(b)(1))" and insert "**IC 34-13-8-1)**".

Page 34, line 1, delete "IC 34-13-3-14(b)(2))." and insert "**IC 34-13-8-2).**".

Page 34, line 7, delete "IC 34-13-3-14(b)(1))" and insert "**IC 34-13-8-1)**".

Page 34, line 8, delete "IC 34-13-3-14(b)(2))" and insert "**IC 34-13-8-2)**".

Page 34, line 11, delete "award" and insert "**relief**".

Page 34, line 11, delete "(as established by IC 34-13-3-14.1(c))".

Page 34, line 14, delete "IC 34-13-3-14(b)(1))" and insert "**IC 34-13-8-1)**".

Page 34, line 15, delete "IC 34-13-3-14(b)(2))" and insert "**IC 34-13-8-2)**".

Page 34, line 15, delete "IC 34-13-3-14(c)." and insert "**IC 34-13-8.**".

Page 34, line 17, "IC 34-13-3-14(c)," and insert "**IC 34-13-8 is paid,**".

Page 34, line 20, delete "an award made" and insert "**a distribution paid**".

Page 34, line 21, delete "award" and insert "**relief**".

Page 34, line 21, delete "(as established by".

Page 34, line 22, delete "IC 34-13-3-14.1(c))".

Page 34, line 23, delete "IC 34-13-3-14(b)(1))" and insert "**IC 34-13-8-1)**".

Page 34, line 24, delete "IC 34-13-3-14(b)(2))" and insert "**IC 34-13-8-2)**".

Page 34, line 24, delete "IC 34-13-3-14(c)" and insert "**IC 34-13-8**".

Page 36, delete lines 38 through 42, begin a new line block indented, and insert:

"**(13) Compensation distributed from the supplemental state fair relief fund under IC 34-13-8 to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2). This subdivision applies even if a debtor is not domiciled in Indiana.**".

Page 37, delete line 1.

Page 38, line 10, delete "award" and insert "**relief**".

Page 38, line 10, delete "(as".

Page 38, line 11, delete "established by IC 34-13-3-14.1(c))" and insert "**(IC 34-13-8-9)**".

Page 38, line 17, delete "award" and insert "**relief**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1376 as printed February 24, 2012.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 1376–2)

Madam President: I move that Engrossed House Bill 1376 be amended to read as follows:

Page 6, between lines 2 and 3, begin a new line block indented and insert:

"**This subdivision expires December 31, 2012.**".

Page 11, delete lines 33 and 34, and begin a new line blocked left and insert:

"This subsection expires December 31, 2012.".

(Reference is to EHB 1376 as printed February 24, 2012.)

MILLER

Motion prevailed.

SENATE MOTION
(Amendment 1376–1)

Madam President: I move that Engrossed House Bill 1376 be amended to read as follows:

Page 6, between lines 2 and 3, begin a new line block indented and insert:

"**An emergency rule adopted under this subdivision that is effective for more than one (1) year must also go**

through the general rulemaking process under sections 24 through 36 of this chapter.".

Page 11, line 33, before "Notwithstanding" insert "**An emergency rule adopted under this subsection that is effective for more than one (1) year must also go through the general rulemaking process under IC 4-22-2-24 through IC 4-22-2-36.**".

(Reference is to EHB 1376 as printed February 24, 2012.)

MILLER

Motion prevailed.

SENATE MOTION
(Amendment 1376–7)

Madam President: I move that Engrossed House Bill 1376 be amended to read as follows:

Page 1, delete lines 5 through 17, begin a new paragraph and insert:

"SECTION 2. IC 4-10-22 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. (Use of Excess Reserves).".

SECTION 3. IC 4-10-22-1.1, IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.1 (a) Notwithstanding the repeal of this chapter January 1, 2013, any automatic taxpayer refund from 2012 shall be granted under the provisions of this chapter as in effect on July 1, 2012.**

(b) This section expires January 1, 2017.".

Page 2, delete lines 1 through 9.

Page 38, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 55. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "school corporation" has the meaning set forth in IC 20-43-1-23.**

(b) In addition to the amounts appropriated in P.L.229-2011, SECTION 9, for DISTRIBUTIONS FOR TUITION SUPPORT, one hundred fifty million dollars ($150,000,000) is appropriated for the state fiscal year beginning July 1, 2012, and ending June 30, 2013, to make additional tuition support distributions to school corporations during 2012.

(c) The total amount of the additional tuition support distribution that a school corporation is entitled to receive under this SECTION during 2012 is equal to the result determined under STEP TWO of the following STEPS:

STEP ONE: Determine the result of:

(A) the tuition support distribution that would otherwise be received in 2012 by the school corporation, without considering the distributions made under this SECTION; divided by

(B) the total amount of tuition support distributions that would otherwise be received in 2012 by all school corporations, without considering the distributions made under this SECTION.

STEP TWO: Multiply the STEP ONE result by one hundred fifty million dollars ($150,000,000).

(d) The additional tuition support distribution that a school corporation is entitled to receive under this SECTION shall be made monthly in six (6) equal amounts during the last six (6) months of 2012.

(e) In determining a school corporation's previous year revenue under IC 20-43-3-4 for purposes of calculating the school corporation's tuition support distributions under IC 20-43 for 2013, the amount distributed in 2012 to the school corporation as an additional tuition support distribution under this SECTION shall also be included in the school corporation's previous year revenue.

(f) This SECTION expires January 1, 2015.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1376 as printed February 24, 2012.)

BRODEN

Upon request of Senator Broden the President ordered the roll of the Senate to be called. Roll Call 244: yeas 13, nays 36.

Motion failed.

SENATE MOTION
(Amendment 1376–12)

Madam President: I move that Engrossed House Bill 1376 be amended to read as follows:

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 3. IC 4-10-22-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.1. For purposes of this chapter, the office of management and budget, when calculating the total amount of state reserves under section 1 of this chapter, shall not consider a balance of two hundred million dollars ($200,000,000) in the counter-cyclical revenue and economic stabilization fund established by IC 4-10-18-2.**".

Page 38, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 54. [EFFECTIVE UPON PASSAGE] **(a) The auditor of state shall before May 1, 2012, transfer two hundred million dollars ($200,000,000) from the state general fund to the counter-cyclical revenue and economic stabilization fund established by IC 4-10-18-2.**

(b) This SECTION expires July 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1376 as printed February 24, 2012.)

TALLIAN

Motion failed.

SENATE MOTION
(Amendment 1376–13)

Madam President: I move that Engrossed House Bill 1376 be amended to read as follows:

Page 28, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 43. IC 20-33-2-6, AS ADDED BY P.L.242-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A student is bound by the requirements of this chapter from the earlier of the date on which the student officially enrolls in a school or, except as provided in

section 8 of this chapter, the beginning of the fall school term for the school year in which the student becomes ~~seven (7)~~ **six (6)** years of age until the date on which the student:

(1) graduates;

(2) becomes eighteen (18) years of age; or

(3) becomes sixteen (16) years of age but is less than eighteen (18) years of age and the requirements under section 9 of this chapter concerning an exit interview are met enabling the student to withdraw from school before graduation;

whichever occurs first.

SECTION 44. IC 20-33-2-7, AS ADDED BY P.L.246-2005, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) In addition to the requirements of sections 4 through 6 of this chapter, a student must be at least five (5) years of age on:

(1) July 1 of the 2005-2006 school year; or

(2) August 1 of the 2006-2007 school year or any subsequent school year;

to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (c), the governing body of the school corporation shall adopt a procedure affording a parent of a student who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent for enrollment of the student in kindergarten at an age earlier than the age set forth in this subsection.

(b) In addition to the requirements of sections 4 through 6 of this chapter and subsection (a), and subject to subsection (c), if a student enrolls in school as allowed under section 6 of this chapter and has not attended kindergarten, the superintendent shall make a determination as to whether the student shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (c).

(c) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent under subsection (a).

(2) Establish criteria by which a governing body may adopt a model assessment that may be used in making the determination under subsection (b).

(d) Beginning with the 2012-2013 school year, a student shall enroll in a kindergarten program that is at least a half-day program not later than the fall term of the school year in which the student becomes six (6) years of age.

SECTION 45. IC 20-33-2-8, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. A student is not bound by the requirements of this chapter until the student becomes ~~seven (7)~~ **six (6)** years of age, if, upon request of the superintendent of the school corporation, the parent of a student who would otherwise be subject to compulsory school attendance under section 6 of this chapter certifies to the superintendent that the parent intends to:

(1) enroll the student in a nonaccredited, nonpublic school; or

(2) begin providing the student with instruction equivalent to that given in the public schools as permitted under section 28 of this chapter;

not later than the date on which the student becomes ~~seven (7)~~ **six (6)** years of age.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1376 as printed February 24, 2012.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 245: yeas 13, nays 35.

Motion failed.

SENATE MOTION
(Amendment 1376–3)

Madam President: I move that Engrossed House Bill 1376 be amended to read as follows:

Page 7, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 7. IC 5-10.4-6-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 11. (a) In addition to any other cost of living increase provided under this chapter or IC 5-10.2-5, the pension portion (plus postretirement increases to the pension portion) provided by employer or state contributions of the monthly benefit payable after December 31, 2012, to a member of the fund (or to a survivor or beneficiary of a member of the fund) who retired before January 1, 1980, and has at least twenty (20) years of creditable service may not be less than five hundred dollars ($500).**

(b) The increases specified in this section:

(1) are based on the date of the member's latest retirement;

(2) do not apply to benefits payable in a lump sum; and

(3) are in addition to any other increase provided by law.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1376 as printed February 24, 2012.)

LANANE

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1049

Senator Bray called up Engrossed House Bill 1049 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 1049–2)

Madam President: I move that Engrossed House Bill 1049 be amended to read as follows:

Page 11, after line 39, begin a new paragraph and insert:

"SECTION 11. IC 34-26-5-3, AS AMENDED BY P.L.130-2009, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The division of state court administration shall:

(1) develop and adopt:

(A) a petition for an order for protection;

(B) an order for protection, including:

(i) orders issued under this chapter;
(ii) ex parte orders;
(iii) no contact orders under IC 31 and IC 35;
(iv) forms relating to workplace violence restraining orders under IC 34-26-6; ~~and~~
(v) forms relating to a child protective order under IC 31-34-2.3; **and**
(vi) forms relating to victims of serious crimes protection orders under IC 34-26-7;

(C) a confidential form;
(D) a notice of modification or extension for an order for protection, a no contact order, a workplace violence restraining order, ~~or~~ a child protective order, **or a victims of serious crimes protection orders;**
(E) a notice of termination for an order for protection, a no contact order, a workplace violence restraining order, ~~or~~ a child protective order, **or a victims of serious crimes protection orders;** and
(F) any other uniform statewide forms necessary to maintain an accurate registry of orders; and

(2) provide the forms under subdivision (1) to the clerk of each court authorized to issue the orders.

(b) In addition to any other required information, a petition for an order for protection must contain a statement listing each civil or criminal action involving:
(1) either party; or
(2) a child of either party.

(c) The following statements must be printed in boldface type or in capital letters on an order for protection, a no contact order, a workplace violence restraining order, ~~or~~ a child protective order, **or a victims of serious crimes protection orders:**

VIOLATION OF THIS ORDER IS PUNISHABLE BY CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.
IF SO ORDERED BY THE COURT, THE RESPONDENT IS FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S RESIDENCE OR RESIDENCE OF ANY CHILD WHO IS THE SUBJECT OF THE ORDER, EVEN IF INVITED TO DO SO BY THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT IS THE ORDER FOR PROTECTION VOIDED.
PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT STATE OR TRIBAL LAND.
PURSUANT TO 18 U.S.C. 922(g), ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF THE PROTECTED PERSON IS:
(A) THE RESPONDENT'S CURRENT OR FORMER SPOUSE;
(B) A CURRENT OR FORMER PERSON WITH WHOM THE RESPONDENT RESIDED WHILE IN AN INTIMATE RELATIONSHIP; OR
(C) A PERSON WITH WHOM THE RESPONDENT HAS A CHILD.
INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.

(d) The clerk of the circuit court, or a person or entity designated by the clerk of the circuit court, shall provide to a person requesting an order for protection:
(1) the forms adopted under subsection (a);
(2) all other forms required to petition for an order for protection, including forms:
(A) necessary for service; and
(B) required under IC 31-21 (or IC 31-17-3 before its repeal); and
(3) clerical assistance in reading or completing the forms and filing the petition.

Clerical assistance provided by the clerk or court personnel under this section does not constitute the practice of law. The clerk of the circuit court may enter into a contract with a person or another entity to provide this assistance. A person, other than a person or other entity with whom the clerk has entered into a contract to provide assistance, who in good faith performs the duties the person is required to perform under this subsection is not liable for civil damages that might otherwise be imposed on the person as a result of the performance of those duties unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct.

(e) A petition for an order for protection must be:
(1) verified or under oath under Trial Rule 11; and
(2) issued on the forms adopted under subsection (a).

(f) If an order for protection is issued under this chapter, the clerk shall comply with IC 5-2-9.

(g) After receiving a petition for an order for protection, the clerk of the circuit court shall immediately enter the case in the Indiana protective order registry established by IC 5-2-9-5.5.

SECTION 12. IC 34-26-5-18, AS AMENDED BY P.L.1-2010, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. The following orders are required to be entered into the Indiana data and communication system (IDACS) by a county sheriff or local law enforcement agency:
(1) A no contact order issued under IC 31-32-13 in a juvenile case.
(2) A no contact order issued under IC 31-34-20 in a child in need of services (CHINS) case.
(3) A no contact order issued under IC 31-34-25 in a CHINS case.
(4) A no contact order issued under IC 31-37-19 in a delinquency case.
(5) A no contact order issued under IC 31-37-25 in a delinquency case.
(6) A no contact order issued under IC 33-39-1-8 in a criminal case.
(7) An order for protection issued under this chapter.
(8) A workplace violence restraining order issued under IC 34-26-6.

(9) A no contact order issued under IC 35-33-8-3.2 in a criminal case.

(10) A no contact order issued under IC 35-38-2-2.3 in a criminal case.

(11) A child protective order issued under IC 31-34-2.3.

(12) A foreign protective order registered under section 17 of this chapter.

(13) A victims of serious crimes protection order issued under IC 34-26-7.

SECTION 13. IC 34-26-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 7. Victims of Serious Crimes Protection Order

Sec. 1. As used in this chapter, "family member" means the spouse, child, sibling, parent, grandparent, or grandchild of the victim of a serious crime. The term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

Sec. 2. As used in this chapter, "serious offender" means a person who has been convicted of one (1) or more of the following crimes:

(1) Murder (IC 35-42-1-1).

(2) Rape (IC 35-42-4-1).

(3) Criminal deviate conduct (IC 35-42-4-2).

(4) Child molesting (IC 35-42-4-3).

(5) An attempt or conspiracy to commit a crime described in this section.

(6) A crime committed in another jurisdiction that is substantially similar to a crime described in this section.

Sec. 3. As used in this chapter, "victim" or "victim of a serious crime" means a person who is the victim of a crime described in section 2 of this chapter.

Sec. 4. (a) A victim or family member may obtain a permanent order for protection against the serious offender who committed a crime described in section 2 of this chapter against the victim by filing a verified petition that demonstrates:

(1) that the petitioner is a family member or victim of a serious crime; and

(2) that the respondent has been convicted of committing the offense against the victim.

(b) A petition may be filed under this chapter not earlier than six (6) months before the earliest possible release date of the serious offender, as determined by the department of correction.

(c) The petition shall include:

(1) the name of the victim and every family member who desires to be named in the order for protection;

(2) the name of the serious offender; and

(3) a cause number or other identifying information that relates to the crime of which the serious offender has been convicted.

(d) A copy of the petition shall be served on:

(1) the serious offender; and

(2) every family member named in the petition who has not joined the petition.

Sec. 5. (a) A court shall hold a hearing not more than fifteen (15) days after a petition for an order for protection is filed under this chapter. The respondent may file a response denying that:

(1) the respondent is a serious offender who has been convicted of an offense described in section 2 of this chapter against the victim; or

(2) a person named as a family member in the petition is a family member.

(b) The court shall receive testimony and may make independent inquiry. If the court finds by clear and convincing evidence that the respondent is a serious offender who has been convicted of an offense described in section 2 of this chapter against the victim, the judge shall issue an order for protection prohibiting the serious offender from having contact with the victim or a family member.

(c) If the victim or a family member requests to be excluded from coverage of the order for protection, the court shall exclude that person from the order for protection.

Sec. 6. An order for protection issued under this chapter is permanent. However, upon petition by the victim or a family member, the court may modify the order for protection to:

(1) include an additional family member or victim; or

(2) remove a family member who does not wish to be included in the order for protection.

Sec. 7. The court shall order a petitioner or the attorney for a petitioner to deliver a copy of each:

(1) order for protection;

(2) modification of an order for protection; and

(3) termination of an order for protection, if applicable;

to a law enforcement agency that is requested by a petitioner and approved by the court. The copies under subdivisions (1) through (3) must be delivered by the close of the business day on which the order is granted. Each law enforcement agency shall make information on the existence and status of an order available to appropriate law enforcement officers.

Sec. 8. An intentional violation of an order for protection issued under this chapter is punishable as set forth under IC 35-46-1-15.1.

Sec. 9. (a) The division of state court administration shall develop forms, instructions, and rules for the scheduling of hearings and other procedures under this chapter. A party to an action under this chapter must use the forms developed by the division of state court administration.

(b) An order for protection issued under this chapter must be issued on forms adopted and approved by the division of state court administration and must be consistent with IC 34-26-5-3. However, an order for protection issued under this section is not rendered unenforceable solely because it is not issued on forms adopted and approved by the division of state court administration.

(c) Information in an order for protection under this chapter must be transmitted to the Indiana data and communication system (IDACS) as required under IC 34-26-5-18.

Sec. 10. A filing fee may not be charged for a petition or a responsive pleading filed under this chapter.".

(Reference is to EHB 1049 as printed February 17, 2012.)

STEELE

Motion prevailed.

SENATE MOTION
(Amendment 1049–1)

Madam President: I move that Engrossed House Bill 1049 be amended to read as follows:

Page 11, after line 39, begin a new paragraph and insert:

"SECTION 11. IC 33-34-8-1, AS AMENDED BY P.L.176-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

(1) A township docket fee of five dollars ($5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.

(2) The bailiff's service of process by registered or certified mail fee of thirteen dollars ($13) for each service.

(3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars ($13) for each service.

(4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.

(5) A redocketing fee, if any, of five dollars ($5).

(6) A document storage fee under IC 33-37-5-20.

(7) An automated record keeping fee under IC 33-37-5-21.

(8) A late fee, if any, under IC 33-37-5-22.

(9) A public defense administration fee under IC 33-37-5-21.2.

(10) A judicial insurance adjustment fee under IC 33-37-5-25.

(11) A judicial salaries fee under IC 33-37-5-26.

(12) A court administration fee under IC 33-37-5-27.

(13) Before July 1, 2020, a pro bono legal services fee under IC 33-37-5-31.

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 12. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss), SECTION 391, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ Township of Marion County Small Claims Court (with the name of the township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate. All township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.

(b) The court shall:

(1) semiannually distribute to the auditor of state:

(A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the homeowner protection unit account established by IC 4-6-12-9 and the state user fee fund established under IC 33-37-9;

(B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

(C) sixty percent (60%) of all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2; ~~and~~

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; **and**

(F) one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2020, by the court under IC 33-37-5-31; and

(2) distribute monthly to the county auditor all document storage fees received by the court.

The remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E) shall be deposited monthly in the township general fund of the township in which the court is located. The county auditor shall deposit fees distributed under subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

(c) The court semiannually shall pay to the township trustee of the township in which the court is located the remaining forty percent (40%) of the court administration fees described under subsection (b)(1)(C) to fund the operations of the small claims court in the trustee's township.

SECTION 13. IC 33-37-4-4, AS AMENDED BY P.L.105-2009, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars ($100) from a party filing a civil action. This subsection does not apply to the following civil actions:

(1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).

(2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).

(3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

(4) Proceedings in paternity under IC 31-14.

(5) Proceedings in small claims court under IC 33-34.

(6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A support and maintenance fee (IC 33-37-5-6).

(3) A document storage fee (IC 33-37-5-20).

(4) An automated record keeping fee (IC 33-37-5-21).
(5) A public defense administration fee (IC 33-37-5-21.2).
(6) A judicial insurance adjustment fee (IC 33-37-5-25).
(7) A judicial salaries fee (IC 33-37-5-26).
(8) A court administration fee (IC 33-37-5-27).
(9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
(10) A garnishee service fee (IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4)).
(11) For a mortgage foreclosure action filed after June 30, 2009, and before January 1, 2013, a mortgage foreclosure counseling and education fee (IC 33-37-5-30 (before its expiration on January 1, 2013)).
(12) Before July 1, 2020, a pro bono legal services fee (IC 33-37-5-31).

SECTION 14. IC 33-37-4-6, AS AMENDED BY P.L.174-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) For each small claims action, the clerk shall collect the following fees:

(1) From the party filing the action:
(A) a small claims costs fee of thirty-five dollars ($35);
(B) a small claims service fee of ten dollars ($10) for each named defendant that is not a garnishee defendant; and
(C) if the party has named more than three (3) garnishees or garnishee defendants, a small claims garnishee service fee of ten dollars ($10) for each garnishee or garnishee defendant in excess of three (3).
(2) From any party adding a defendant that is not a garnishee defendant, a small claims service fee of ten dollars ($10) for each defendant that is not a garnishee defendant added in the action.
(3) From any party adding a garnishee or garnishee defendant, a small claims garnishee service fee of ten dollars ($10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a small claims garnishee service fee for the first three (3) garnishees named in the action.

However, a clerk may not collect a small claims costs fee, small claims service fee, or small claims garnishee service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee, small claims service fee, and small claims garnishee service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
(2) A document storage fee (IC 33-37-5-20).
(3) An automated record keeping fee (IC 33-37-5-21).
(4) A public defense administration fee (IC 33-37-5-21.2).
(5) A judicial insurance adjustment fee (IC 33-37-5-25).
(6) A judicial salaries fee (IC 33-37-5-26).
(7) A court administration fee (IC 33-37-5-27).
(8) Before July 1, 2020, a pro bono legal services fee (IC 33-37-5-31).

SECTION 15. IC 33-37-4-7, AS AMENDED BY P.L.176-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided under subsection (c), the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars ($120) for each action filed under any of the following:

(1) IC 6-4.1-5 (determination of inheritance tax).
(2) IC 29 (probate).
(3) IC 30 (trusts and fiduciaries).

(b) In addition to the probate costs fee collected under subsection (a), the clerk shall collect from the party filing the action the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
(2) A document storage fee (IC 33-37-5-20).
(3) An automated record keeping fee (IC 33-37-5-21).
(4) A public defense administration fee (IC 33-37-5-21.2).
(5) A judicial insurance adjustment fee (IC 33-37-5-25).
(6) A judicial salaries fee (IC 33-37-5-26).
(7) A court administration fee (IC 33-37-5-27).
(8) Before July 1, 2020, a pro bono legal services fee (IC 33-37-5-31).

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

(1) Petition to open a safety deposit box.
(2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.
(3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 16. IC 33-37-5-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 31. In each:**

(1) civil action in which the clerk is required to collect a civil costs fee under IC 33-37-4-4(a);
(2) small claims action in which:
(A) a party is required to pay a township docket fee under IC 33-34-8-1(a)(1); or
(B) the clerk is required to collect a small claims costs fee under IC 33-37-4-6; or
(3) probate action in which the clerk is required to collect a probate costs fee under IC 33-37-4-7(a);

the clerk shall, before July 1, 2020, collect a pro bono legal services fee of one dollar ($1).

SECTION 17. IC 33-37-7-2, AS AMENDED BY P.L.229-2011, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).
(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-3(a) (juvenile costs fees).
(4) IC 33-37-4-4(a) (civil costs fees).
(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
(6) IC 33-37-4-7(a) (probate costs fees).
(7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
(3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
(7) The following:
(A) For a county operating under the state's automated judicial system, one hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).
(B) For a county not operating under the state's automated judicial system, eighty percent (80%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.
(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance account established by IC 5-2-6-23(h) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.
(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.
(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(i) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.
(2) The judicial salaries fees collected under IC 33-37-5-26.
(3) The DNA sample processing fees collected under IC 33-37-5-26.2.
(4) The court administration fees collected under IC 33-37-5-27.

(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(k) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county,

or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(m) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

(1) The mortgage foreclosure counseling and education fees collected under IC 33-37-5-30 (before its expiration on January 1, 2013).

(2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(n) This subsection applies to a county that is not operating under the state's automated judicial system. The clerk of a circuit court shall distribute monthly to the county auditor twenty percent (20%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a) for deposit in the clerk's record perpetuation fund.

(o) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2020, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 18. IC 33-37-7-8, AS AMENDED BY P.L.182-2009(ss), SECTION 396, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the following:

(1) The late payment fees collected under IC 33-37-5-22.

(2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

(3) The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The DNA sample processing fees collected under IC 33-37-5-26.2.

(3) The court administration fees collected under IC 33-37-5-27.

(h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26. The funds retained by the city or town shall be prioritized to fund city or town court operations.

(j) The clerk of a city or town court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2020, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.".

(Reference is to EHB 1049 as printed February 17, 2012.)

GROOMS

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1005

Senator Lawson called up Engrossed House Bill 1005 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 246: yeas 30, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1092

Senator Bray called up Engrossed House Bill 1092 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 247: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1171

Senator Wyss called up Engrossed House Bill 1171 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 248: yeas 26, nays 23. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair

instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1190

Senator Hershman called up Engrossed House Bill 1190 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 249: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1197

Senator Becker called up Engrossed House Bill 1197 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 250: yeas 29, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1201

Senator Holdman called up Engrossed House Bill 1201 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 251: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1226

Senator Paul called up Engrossed House Bill 1226 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 252: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1239

Senator Paul called up Engrossed House Bill 1239 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 253: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1279

Senator Mishler called up Engrossed House Bill 1279 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 254: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 114 because it conflicts with HEA 1009-2012 without properly recognizing the existence of HEA 1009-2012, has had Engrossed Senate Bill 114 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 114 be corrected as follows:

Page 1, delete lines 1 through 13, begin a new paragraph and insert:

"SECTION 1. IC 9-24-19-2, AS AMENDED BY HEA 1009-2012, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A person who: ~~operates a motor vehicle upon a highway when the person~~

(1) knows that the person's driving privilege, license, or permit is suspended or revoked; **and**

(2) ~~commits a Class A misdemeanor if,~~ **operates a motor vehicle upon a highway** less than ten (10) years ~~before~~ **after** the date on which ~~the person operates the motor vehicle knowing that the person's driving privilege, license,~~

~~or permit is suspended or revoked,~~ judgment was entered against the person for a prior unrelated ~~(1) infraction under~~ **violation of** section 1 of this chapter, ~~or (2) offense or infraction under: (A)~~ this section, ~~(B)~~ IC 9-1-4-52 (repealed July 1, 1991), or ~~(C)~~ IC 9-24-18-5(a) (repealed July 1, 2000);

commits a Class A misdemeanor.".

(Reference is to ESB 114 as printed February 10, 2012.)

LONG, Chair
SIMPSON, R.M.M.
BRAY

Report adopted.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 52 and that a conference committee be appointed to confer with a like committee of the House.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 22 and that a conference committee be appointed to confer with a like committee of the House.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 107 and that a conference committee be appointed to confer with a like committee of the House.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Delph and Buck be added as cosponsors of Engrossed House Bill 1279.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1222.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1116.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as cosponsor of Engrossed House Bill 1189.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1080.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1326.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1365.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1195.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1376.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1117.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as cosponsor of Engrossed House Bill 1192.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1134.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as cosponsor of Engrossed House Bill 1169.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as cosponsor of Engrossed House Bill 1205.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Yoder, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 23.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1091.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as cosponsor of Engrossed House Bill 1080.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second sponsor of Engrossed House Bill 1269.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author of Senate Resolution 54.

MILLER

Motion prevailed.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on February 23, 2012, signed Senate Enrolled Acts: 168, 225, 231, 256, 259, and 330 and House Enrolled Acts: 1047, 1050, 1052, 1060, 1107, and 1211.

DAVID C. LONG
President Pro Tempore

SENATE MOTION

Madam President: I move we adjourn until 12:00 p.m., Tuesday, February 28, 2012.

LONG

Motion prevailed.

The Senate adjourned at 6:32 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Twenty-eighth Meeting Day Tuesday Afternoon February 28, 2012

The Senate convened at 12:47 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Dr. Henry Smith, Indiana Wesleyan.

The Pledge of Allegiance to the Flag was led by Senator James E. Banks.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 255: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 65

Senate Resolution 65, introduced by Senator Gard:

A SENATE RESOLUTION urging the Legislative Council to assign an interim study committee the topic of extraterritorial jurisdiction granted to municipalities under IC 36-9-2-19.

Whereas, Municipalities have authority to regulate conduct on property as much as ten miles outside the corporate boundaries under IC 36-9-2-19;

Whereas, Indiana citizens who reside outside those corporate boundaries have no representation in the municipal bodies that adopt the ordinances;

Whereas, Many of these powers are also vested in other units of state and local government; and

Whereas, It would be prudent to study the impact of this redundant authority on nonmunicipal residents and businesses: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate urges the Legislative Council to assign an interim study committee the topic of extraterritorial jurisdiction granted to municipalities under IC 36-9-2-19.

The resolution was read in full and referred to the Committee on Energy and Environmental Affairs.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 52:
Conferees: Becker, Chair and Breaux
Advisors: Miller and Rogers

LONG
Date: 2/28/2012
Time: 9:26 a.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 107:
Conferees: Zakas, Chair and Hume
Advisor: Lawson

LONG
Date: 2/28/2012
Time: 9:25 a.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 22:
Conferees: Nugent, Chair and R. Young
Advisors: Mishler and Hume

LONG
Date: 2/28/2012
Time: 9:27 a.m.

Report adopted.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 257, filed February 23, 2012, be withdrawn from further consideration by the Senate.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SCR 31 Senator Steele
Commemorating the 75th Anniversary of the Wildlife and Sportfish Restoration Programs.
SCR 32 Senator Steele
Honoring Robert Gipson decorated World War II hero.
SCR 33 Senator Hershman
Congratulating Joseph Ruhl for being named the top science educator in the country by the National Science Teaching Association.
HCR 39 Senator Kruse
Honoring Paul Oaks.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 31

Senate Concurrent Resolution 31, introduced by Senators Steele and Hume:

A CONCURRENT RESOLUTION commemorating the 75th Anniversary of the Wildlife and Sportfish Restoration Programs.

Whereas, More than a century ago, hunters, anglers and trappers were among the first conservationists who realized America's natural resources were in peril and could not sustain unregulated harvest and habitat destruction;

Whereas, Hunters, anglers and trappers took it upon themselves to support laws that stopped excessive harvest of fish and wildlife, established game and fish agencies to protect fish, wildlife, and their habitat, and supported special fishing and hunting license fees to help fund the new agencies' efforts to provide for healthy natural resources for future generations;

Whereas, The Senate then and now recognizes that the primary authority to protect and manage fish and resident wildlife within their borders resides in the state fish and wildlife agencies;

Whereas, This user pay-public benefit system became known as the Wildlife and Sport Fish Restoration Program, which began 75 years ago with the passage of the Federal Aid in Wildlife Restoration Act in 1937, and then was bolstered with the passage of the Federal Aid in Sport Fish Restoration Act in 1950 (later expanded by the Wallop-Breaux amendment to the Sport Fish Restoration Act 1984);

Whereas, The combined contribution of the Wildlife and Sport Fish Restoration Programs to state fish and wildlife agencies exceeds $13 billion since 1939 (the first year money was distributed to the states) - more than any other single conservation effort in American history-which constitutes, collectively, the American System of Conservation Funding;

Whereas, The manufacturers of firearms, ammunition, hunting, fishing, and boating equipment have collected excise taxes on firearms, ammunition, archery equipment, manufactured fishing tackle, electric trolling motors, marine electronics and motorboat fuel, and distributed these funds to the states through the U.S. Fish and Wildlife Service;

Whereas, The manufacturers of firearms, ammunition, hunting, fishing, and boating equipment have supported the Wildlife and Sport Fish Restoration Programs and continue to exhibit a spirit of cooperation with the state fish and wildlife agencies; and

Whereas, This cooperative partnership between industry, hunters, anglers, trappers, boaters, recreational shooters, the U.S. Fish and Wildlife Service, and state natural resource agencies has resulted in the most successful model of fish and wildlife management in the world, restoring populations from coast to coast: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the 75th Anniversary of America's hunters, anglers, trappers, boaters, recreational shooters, industry, state fish and wildlife agencies, and the U.S. Fish and Wildlife Service for their leading role in restoring healthy populations of fish, wildlife and other natural resources supported by the American System of Conservation Funding.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Robert Carter, Director of the Indiana Department of Natural Resources; the Indiana

Congressional delegation; and the Congressional Sportsmen's Foundation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Messmer and Grubb.

Senate Concurrent Resolution 32

Senate Concurrent Resolution 32, introduced by Senator Steele:

A CONCURRENT RESOLUTION honoring Robert Gipson, decorated World War II hero.

Whereas, Robert Gipson began active duty in the U.S. Army on July 27, 1944 and continued his service through April 10, 1947. He also served in the Air Force from 1948 through 1949, when he received an honorable discharge;

Whereas, Mr. Gipson attended basic training in Arkansas, after which he was assigned to the front lines in La Havre, France;

Whereas, Robert served as a member of the C Co., 2nd Inf. Reg., 5th Division, 3rd Army. Amongst heavy resistance and a great loss of troops, several men, including Robert Gipson, were captured and taken as prisoners of war. During his capture, Robert and his fellow soldiers were forced by German soldiers to travel in boxcars and march on foot, along cobblestone roads, in the midst of U.S. bombing and strafing. The marching continued for several days, until the U.S. men were liberated just outside of Berlin;

Whereas, Because of his heroic bravery, Robert Gipson was presented with two Bronze Stars, a Purple Heart, the POW Medal, the Good Conduct Medal, the American Campaign Medal, the European-African-Middle Eastern Campaign Medal, the WWII Victory Medal, the Combat Infantry Badge, and the Honorable Service Lapel Button WWII;

Whereas, Along with his wife Dolores, Robert has two daughters, Robin and Debra and a son, Bobby. Robert is a retired Ford Motor Company worker, and a member of the VFW Post 6195, the American Legion Post 13, the Masonic Lodge, and is one of the founding members of the Brown County Honor Guard; and

Whereas, Robert Gipson made great personal sacrifices to protect the freedoms we enjoy today. He fought valiantly for this country and deserves to be recognized for this commitment: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly honors and thanks Robert Gipson, a decorated World War II veteran, for his service to our country.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Robert Gipson, the American Legion Post 13, and the VFW Post 6195 in Nashville, Indiana.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Koch.

Senate Concurrent Resolution 33

Senate Concurrent Resolution 33, introduced by Senator Hershman:

A CONCURRENT RESOLUTION congratulating Joseph Ruhl for being named the top science educator in the country by the National Science Teaching Association.

Whereas, Joseph Ruhl teaches biology at Jefferson High School in Lafayette. An outstanding educator, Mr. Ruhl teaches courses in beginning biology, human genetics, and science research;

Whereas, As the head of the science department, Joseph Ruhl is responsible for purposing the teaching schedule, tracking the budget, communicating professional development opportunities to teachers, and serving as a liaison between the teachers and the administration;

Whereas, In order to remain current on teaching methods, Joseph frequently sharpens his skills by attending workshops and professional conventions;

Whereas, Joseph's incorporation of multimedia in the classroom has proved to be an extremely effective learning tool for his students. Joseph has written numerous papers on this technique, and has educated other science teachers on the benefits of using multimedia tools for teaching through his presentations at conferences sponsored by various groups, including the Hoosier Association of Science Teachers, Inc. and the National Association of Biology Teachers;

Whereas, Joseph was previously recognized with the Outstanding Biology Teacher of Indiana Award, the Presidential Award for Excellence in Science Teaching, and the Purdue University School of Science Distinguished Alumnus Award for Excellence in K-12 Teaching; and

Whereas, Joseph Ruhl's passionate teaching style has ignited a love of science in many of his current and former students. In our increasingly complex technological world, ensuring high school students have sufficient knowledge of science is of ever-increasing importance: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Joseph Ruhl for being named the top science educator in the country by the National Science Teaching Association.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Joseph Ruhl.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Truitt, Klinker, and T. Brown.

House Concurrent Resolution 39

House Concurrent Resolution 39, sponsored by Senators Kruse and Glick:

A CONCURRENT RESOLUTION honoring Paul Oakes.

Whereas, Paul Oakes is the first and number one fan of the Indianapolis Colts;

Whereas, An Anderson native and a player in the Brooklyn Dodgers baseball organization, Paul Oakes made the telephone call that forever changed the future of Indianapolis;

Whereas, As chairman of the Stadium Commission seeking to bring a National Football League team to Indianapolis in 1977, Paul Oakes was asked to contact Colts owner Robert Irsay to see if there was interest in moving the team to Indianapolis;

Whereas, As a life insurance salesman, Paul Oakes was used to making "cold calls", but he was not prepared for Robert Irsay's positive response;

Whereas, That one phone call set into motion a years-long effort to bring the Colts to Indianapolis;

Whereas, Accompanied by Mayor William Hudnut, Frank McKinney, Jr., chairman of a major Indianapolis bank, and Jim Morris, vice president of Lilly Endowment, Paul Oakes headed to Skokie, Illinois, to meet with Robert Irsay;

Whereas, Although the Colts' move to Indianapolis would not happen until 1984, it was the efforts of Paul Oakes that made it happen;

Whereas, Governor Mitch Daniels describes Paul Oakes as "the perfect example of the public citizen who accomplishes great things for his town, city, or state without holding office or seeking glory"; and

Whereas, Paul Oakes worked diligently to bring professional sports to Indianapolis and helped change the city forever: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks Paul Oakes for his years of dedicated service to the city of Indianapolis and the state of Indiana. The efforts of Paul Oakes resulted in bringing the Colts to Indianapolis and establishing the city as a rising star in the sports world.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Paul Oakes and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 119, 192, 255, 268, 271, 309, 362, 370, and 378 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed with amendments Engrossed Senate Bills 22, 115, 132, 143, 156, 176, 190, 193, 273, 311, 371, and 402 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 24.

LAWSON

Roll Call 256: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 111.

HOLDMAN

Roll Call 257: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 154.

STEELE

Roll Call 258: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 157.

STEELE

Roll Call 259: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 315.

HEAD

Roll Call 260: yeas 50, nays 0. Motion prevailed.

RESOLUTIONS ON SECOND READING

Senate Resolution 9

Senator Leising called up Senate Resolution 9 for second reading. The resolution was read a second time and adopted by voice vote.

Senate Resolution 38

Senator Schneider called up Senate Resolution 38 for second reading. The resolution was read a second time and adopted by voice vote.

Senate Concurrent Resolution 19

Senator Banks called up Senate Concurrent Resolution 19 for second reading. The resolution was read a second time and adopted by voice vote.

The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Espich.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1002

Senator Lawson called up Engrossed House Bill 1002 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1002–2)

Madam President: I move that Engrossed House Bill 1002 be amended to read as follows:

Page 10, line 23, strike "(a)(37)" and insert "**(a)(36)**".

Page 32, delete lines 7 through 11.

Page 34, delete lines 4 through 9, begin a new paragraph and insert:

"SECTION 53. IC 6-3.1-15-1, AS AMENDED BY P.L.1-2005, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "buddy system project" ~~has the meaning set forth in IC 20-20-15-4(1)(A).~~ **means a statewide computer project placing computers in homes of public school students (commonly referred to as the "buddy system project") and any other educational technology program or project jointly authorized by the state superintendent of public instruction and the governor.**".

Page 48, line 37, reset in roman "subdivisions".

Page 48, line 38, reset in roman "(1) through".

Page 48, line 38, delete "this subsection." and insert "**(2).**".

Page 49, delete lines 4 though 27, begin a new paragraph and insert:

"SECTION 89. IC 20-20-13-7, AS AMENDED BY P.L.2-2006, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Notwithstanding any other law, a school corporation is not entitled to:

(1) receive any money under this chapter; ~~or IC 20-20-15;~~

(2) use money from the school corporation's capital projects fund for educational technology equipment under IC 20-40-8; or

(3) receive an advance from the common school fund for an educational technology program under IC 20-49-4;

unless the school corporation develops a three (3) year technology plan.

(b) Each technology plan must include at least the following information:

(1) A description of the school corporation's intent to integrate technology into the school corporation's curriculum.

(2) A plan for providing inservice training.

(3) A schedule for maintaining and replacing educational technology equipment.

(4) A description of the criteria used to select the appropriate educational technology equipment for the appropriate use.

(5) Other information requested by the department after consulting with the budget agency.

(c) The department shall develop guidelines concerning the development of technology plans. The guidelines developed under this subsection are subject to the approval of the governor.".

Page 50, delete lines 28 through 33, begin a new line double block indented and insert:

"(E) That the school corporation, either through its own or the school's initiative, ~~or through donations made to the corporation for educational technology under IC 20-20-15 on behalf of the school corporation,~~ is able to provide a part of the costs attributable to purchasing the necessary technology equipment.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1002 as printed February 17, 2012.)

LAWSON

Motion prevailed.

SENATE MOTION
(Amendment 1002–5)

Madam President: I move that Engrossed House Bill 1002 be amended to read as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 2-5-1.2-1, AS AMENDED BY HEA 1009-2012, SECTION 4, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b) or otherwise in this article, this chapter applies to all committees established under this article.

(b) This chapter does not apply to the following:

(1) The legislative council and code revision commission (IC 2-5-1.1).

(2) The public officers compensation advisory commission (IC 2-5-1.6).

~~(2)~~ **(3)** The commission on interstate cooperation (IC 2-5-2).

~~(3)~~ **(4)** The commission on state tax and financing policy (IC 2-5-3).

~~(4)~~ **(5)** The natural resources study committee (IC 2-5-5).

~~(5)~~ **(6)** The pension management oversight commission (IC 2-5-12).

~~(6)~~ **(7)** The probate code study commission (IC 2-5-16).

~~(7)~~ **(8)** The administrative rules oversight committee (IC 2-5-18).

~~(8)~~ **(9)** The census data advisory committee (IC 2-5-19).

~~(9)~~ **(10)** The commission on military and veterans affairs (IC 2-5-20).

~~(10)~~ **(11)** A committee covered by IC 2-5-21.

~~(11)~~ **(12)** The health finance commission (IC 2-5-23).

~~(12)~~ **(13)** The water resources study committee (IC 2-5-25).

~~(13)~~ **(14)** The select joint commission on Medicaid oversight (IC 2-5-26).

~~(14)~~ **(15)** The commission on developmental disabilities (IC 2-5-27.2).

~~(15)~~ **(16)** The youth advisory council (IC 2-5-29).

~~(16)~~ **(17)** The unemployment insurance oversight committee (IC 2-5-30).

~~(17)~~ **(18)** The criminal law and sentencing policy study committee (IC 2-5-33.4).".

Page 2, delete lines 1 through 16.

Page 31, delete lines 24 through 34, begin a new paragraph and insert:

"SECTION 45. IC 5-28-28-4, AS ADDED BY P.L.222-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this chapter, "tax credit" means a state tax liability credit under any of the following:

(1) IC 6-3.1-7.

(2) IC 6-3.1-13.

(3) IC 6-3.1-13.5 **(until January 1, 2020).**

(4) IC 6-3.1-26.

(5) IC 6-3.1-27.

(6) IC 6-3.1-28.

(7) IC 6-3.1-30.".

Page 33, delete lines 13 through 36, begin a new paragraph and insert:

"SECTION 51. IC 6-3.1-1-3, AS AMENDED BY P.L.223-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A taxpayer (as defined in the following laws), pass through entity (as defined in the following laws), or shareholder, partner, or member of a pass through entity may not be granted more than one (1) tax credit under the following laws for the same project:

(1) IC 6-3.1-10 (enterprise zone investment cost credit).

(2) IC 6-3.1-11 (industrial recovery tax credit).

(3) IC 6-3.1-11.5 (military base recovery tax credit).

(4) IC 6-3.1-11.6 (military base investment cost credit).

(5) IC 6-3.1-13.5 (capital investment tax credit) **(before its expiration on January 1, 2020).**

(6) IC 6-3.1-19 (community revitalization enhancement district tax credit).

(7) IC 6-3.1-24 (venture capital investment tax credit).

(8) IC 6-3.1-26 (Hoosier business investment tax credit).

(9) IC 6-3.1-31.9 (Hoosier alternative fuel vehicle manufacturer tax credit).

If a taxpayer, pass through entity, or shareholder, partner, or member of a pass through entity has been granted more than one (1) tax credit for the same project, the taxpayer, pass through entity, or shareholder, partner, or member of a pass through entity must elect to apply only one (1) of the tax credits in the manner and form prescribed by the department.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1002 as printed February 17, 2012.)

LAWSON

Motion prevailed.

SENATE MOTION
(Amendment 1002–4)

Madam President: I move that Engrossed House Bill 1002 be amended to read as follows:

Page 6, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 6. IC 4-21.5-7-3, AS AMENDED BY P.L.99-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) The office of environmental adjudication is established to review, under this article, agency actions of the department of environmental management, actions of a board described in IC 13-14-9-1, and challenges to rulemaking actions by a board described in IC 13-14-9-1 made pursuant to IC 4-22-2-44 or IC 4-22-2-45.

(b) The office of environmental adjudication shall:

(1) conduct adjudicatory hearings required to implement:

(A) air pollution control laws (as defined in IC 13-11-2-6), water pollution control laws (as defined in IC 13-11-2-261), environmental management laws (as defined in IC 13-11-2-71), and IC 13-19;

(B) rules of **the board (as defined in IC 13-13-8-1) and the financial assurance board; and**

~~(i) the air pollution control board;~~

~~(ii) the water pollution control board;~~

~~(iii) the solid waste management board; and~~

~~(iv) the financial assurance board; and~~

(C) agency action of the department of environmental management; and

(2) notify a board referred to in subdivision (1)(B) of a final order of the office of environmental adjudication that interprets:

(A) a rule of the board; or

(B) a statute under which a rule of the board is authorized.

SECTION 7. IC 4-22-2-28.1, AS AMENDED BY P.L.110-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 28.1. (a) This section applies to the following:

(1) A rule for which the notice required by section 23 of this chapter or by IC 13-14-9-3 is published by an agency or ~~by any of~~ the ~~boards (as defined in IC 13-11-2-18).~~ **board (as defined in IC 13-13-8-1).**

(2) A rule for which:

(A) the notice required by IC 13-14-9-3; or

(B) an appropriate later notice for circumstances described in subsection (g);

is published by the department of environmental management after June 30, 2006.

(b) As used in this section, "coordinator" refers to the small business regulatory coordinator assigned to a rule by an agency under subsection (e).

(c) As used in this section, "director" refers to the director or other administrative head of an agency.

(d) As used in this section, "small business" has the meaning set forth in IC 5-28-2-6.

(e) For each rulemaking action and rule finally adopted as a result of a rulemaking action by an agency under this chapter, the agency shall assign one (1) staff person to serve as the agency's small business regulatory coordinator with respect to the proposed or adopted rule. The agency shall assign a staff person to a rule under this subsection based on the person's knowledge of, or experience with, the subject matter of the rule. A staff person may serve as the coordinator for more than one (1) rule proposed or adopted by the agency if the person is qualified by knowledge or experience with respect to each rule. Subject to subsection (f):

(1) in the case of a proposed rule, the notice of intent to adopt the rule published under section 23 of this chapter; or

(2) in the case of a rule proposed by the department of environmental management or ~~any of the boards (as defined in IC 13-11-2-18)~~ **the board (as defined in IC 13-13-8-1),** the notice published under IC 13-14-9-3 or the findings published under IC 13-14-9-8(b)(1), whichever applies;

must include the name, address, telephone number, and electronic mail address of the small business coordinator for the proposed rule, the name, address, telephone number, and electronic mail address of the small business ombudsman designated under IC 5-28-17-5, and a statement of the resources available to regulated entities through the small business ombudsman designated under IC 5-28-17-5. Subject to subsection (f), in the case of a rule finally adopted, the final rule, as published in the Indiana Register, must include the name, address, telephone number, and electronic mail address of the coordinator.

(f) This subsection applies to a rule adopted by the department of environmental management or ~~any of the boards (as defined in IC 13-11-2-18)~~ **the board (as defined in IC 13-13-8-1)** under IC 13-14-9. Subject to subsection (g), the department shall include in the notice provided under IC 13-14-9-3 or in the findings published under IC 13-14-9-8(b)(1), whichever applies, and in the publication of the final rule in the Indiana Register:

(1) a statement of the resources available to regulated entities through the technical and compliance assistance program established under IC 13-28-3;

(2) the name, address, telephone number, and electronic mail address of the ombudsman designated under IC 13-28-3-2;

(3) if applicable, a statement of:

(A) the resources available to small businesses through the small business stationary source technical assistance program established under IC 13-28-5; and

(B) the name, address, telephone number, and electronic mail address of the ombudsman for small business designated under IC 13-28-5-2(3); and

(4) the information required by subsection (e).

The coordinator assigned to the rule under subsection (e) shall work with the ombudsman described in subdivision (2) and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under subsection (h) and IC 13-28-3. If applicable, the coordinator assigned to the rule under subsection (e) shall work with the ombudsman referred to in subdivision (3)(B) to coordinate the provision of services required under subsection (h) and IC 13-28-5.

(g) If the notice provided under IC 13-14-9-3 is not published as allowed by IC 13-14-9-7, the department of environmental management shall publish in the notice provided under IC 13-14-9-4 the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3. If neither the notice under IC 13-14-9-3 nor the notice under IC 13-14-9-4 is published as allowed by IC 13-14-9-8, the department of environmental management shall publish in the commissioner's written findings under IC 13-14-9-8(b) the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3.

(h) The coordinator assigned to a rule under subsection (e) shall serve as a liaison between the agency and any small business subject to regulation under the rule. The coordinator shall provide guidance to small businesses affected by the rule on the following:

(1) Any requirements imposed by the rule, including any reporting, record keeping, or accounting requirements.

(2) How the agency determines or measures compliance with the rule, including any deadlines for action by regulated entities.

(3) Any penalties, sanctions, or fines imposed for noncompliance with the rule.

(4) Any other concerns of small businesses with respect to the rule, including the agency's application or enforcement of the rule in particular situations. However, in the case of a rule adopted under IC 13-14-9, the coordinator assigned to the rule may refer a small business with concerns about the application or enforcement of the rule in a particular situation to the ombudsman designated under IC 13-28-3-2 or, if applicable, under IC 13-28-5-2(3).

(i) The coordinator assigned to a rule under subsection (e) shall provide guidance under this section in response to questions and concerns expressed by small businesses affected by the rule. The coordinator may also issue general guidelines or informational pamphlets to assist small businesses in complying with the rule. Any guidelines or informational pamphlets issued under this subsection shall be made available:

(1) for public inspection and copying at the offices of the agency under IC 5-14-3; and

(2) electronically through electronic gateway access.

(j) The coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall deliver the record, along with any accompanying documents submitted by small businesses, to the director:

(1) not later than ten (10) days after the date on which the rule is submitted to the publisher under section 35 of this chapter; and

(2) before July 15 of each year during which the rule remains in effect.

The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

(k) Not later than November 1 of each year, the director shall:

(1) compile the records received from all of the agency's coordinators under subsection (j);

(2) prepare a report that sets forth:

(A) the number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved;

(B) the number of complaints or questions reported under clause (A) that were resolved to the satisfaction of the agency and the small businesses involved;

(C) the total number of staff serving as coordinators under this section during the most recent state fiscal year;

(D) the agency's costs in complying with this section during the most recent state fiscal year; and

(E) the projected budget required by the agency to comply with this section during the current state fiscal year; and

(3) deliver the report to the legislative council in an electronic format under IC 5-14-6 and to the small business ombudsman designated by IC 5-28-17-5.

SECTION 8. IC 4-22-2-28.2, AS ADDED BY P.L.239-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 28.2. (a) This section applies to a violation described in subsection (c) that occurs after June 30, 2005. However, in the case of a violation of a rule adopted under IC 13-14-9 by the department of environmental management or ~~any of~~ the ~~boards~~ **board** (as defined in ~~IC 13-11-2-18),~~ **IC 13-13-8-1),** the procedures set forth in IC 13-30-4-3 and IC 13-30-7 apply instead of this section.

(b) As used in this section, "small business" has the meaning set forth in section 28.1(d) of this chapter.

(c) Except as provided in subsection (d), a small business that voluntarily provides notice to an agency of the small business's actual or potential violation of a rule adopted by the agency under this chapter is immune from civil or criminal liability resulting from an agency action relating to the violation if the small business does the following:

(1) Provides written notice of the violation to the agency not later than forty-five (45) days after the small business knew or should have known that the violation occurred.

(2) Corrects the violation within a time agreed to by the agency and the small business. However, the small business shall be given at least ninety (90) days after the date of the notice described in subdivision (1) to correct the violation. The small business may correct the violation at any time before the expiration of the period agreed to under this subdivision.

(3) Cooperates with any reasonable request by the agency in any investigation initiated in response to the notice.

(d) A small business is not immune from civil or criminal liability relating to a violation of which the small business provides notice under subsection (c) if any of the following apply:

(1) The violation resulted in serious harm or in imminent and substantial endangerment to the public health, safety, or welfare.

(2) The violation resulted in a substantial economic benefit that afforded the small business a clear advantage over the small business's competitors.

(3) The small business has a pattern of continuous or repeated violations of the rule at issue or any other rules of the agency.

(e) Information that a small business provides under this section, including actions and documents that identify or describe the small business, to an agency in providing notice of the small business's actual or potential violation of a rule adopted by the agency is confidential, unless a clear and immediate danger to the public health, safety, or welfare or to the environment exists. Information described in this subsection may not be made available for use by the agency for purposes other than the purposes of this section without the consent of the small business.

(f) Voluntary notice of an actual or a potential violation of a rule that is provided by a small business under subsection (c) is not admissible as evidence in a proceeding, other than an agency proceeding, to prove liability for the rule violation or the effects of the rule violation.

SECTION 9. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
(4) An emergency rule adopted by the ~~solid waste management~~ **environmental rules** board under IC 13-22-2-3 and classifying a waste as hazardous.
(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.
(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.
(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.
(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
(13) An emergency rule adopted by the ~~air pollution control board, the solid waste management board, or the water pollution control~~ **environmental rules** board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:
(A) the variance procedures are included in the rules; and
(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.
(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.
(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.
(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).
(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).
(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.
(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.
(30) A rule adopted by the Indiana finance authority:
(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;
(B) under IC 8-15-2-17.2(a)(10):
(i) establishing enforcement procedures; and
(ii) making assessments for failure to pay required tolls;
(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or
(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.
(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.
(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.
(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).
(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.
(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.
(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:
(A) Federal Medicaid waiver program provisions.
(B) Federal programs administered by the office of the secretary.

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and

(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.".

Page 39, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 69. IC 13-11-2-17, AS AMENDED BY P.L.159-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 17. (a) "Board", except as provided in subsections (b) through ~~(h),~~ **(d),** refers to **the environmental rules board established by IC 13-13-8-3.**

~~(1) the air pollution control board;~~

~~(2) the water pollution control board; or~~

~~(3) the solid waste management board.~~

~~(b) "Board", for purposes of IC 13-17, refers to the air pollution control board.~~

~~(c) "Board", for purposes of IC 13-18, refers to the water pollution control board.~~

~~(d) "Board", for purposes of:~~

~~(1) IC 13-19;~~

~~(2) IC 13-20;~~

~~(3) IC 13-22;~~

~~(4) IC 13-23, except IC 13-23-11;~~

~~(5) IC 13-24; and~~

~~(6) IC 13-25;~~

~~refers to the solid waste management board.~~

~~(e)~~ **(b)** "Board", for purposes of IC 13-21, refers to the board of directors of a solid waste management district.

~~(f)~~ **(c)** "Board", for purposes of **IC 13-14,** IC 13-23-11, **and IC 13-30-2-1,** refers to the underground storage tank financial assurance board.

~~(g)~~ **(d)** "Board", for purposes of IC 13-26, refers to the board of trustees of a regional water, sewage, or solid waste district.

~~(h) "Board", for purposes of IC 13-27 and IC 13-27.5, refers to the clean manufacturing technology board.~~

SECTION 70. IC 13-11-2-18 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 18. "Boards" refers to all of the following:~~

~~(1) The air pollution control board.~~

~~(2) The water pollution control board.~~

~~(3) The solid waste management board.~~

SECTION 71. IC 13-11-2-165 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 165. "Pollution control laws" refers to the following:

(1) IC 13-12-4 and IC 13-12-5.

(2) IC 13-17, except for the following:

(A) IC 13-17-3-15.

(B) IC 13-17-7.

(C) IC 13-17-8-10.
(D) IC 13-17-10.
(E) IC 13-17-11.
(F) IC 13-17-13.
(3) IC 13-18, except for the following:
(A) IC 13-18-12 and IC 13-18-13.
(B) IC 13-18-15 through IC 13-18-20.
(4) ~~IC 13-19-2 and~~ IC 13-19-3.
(5) IC 13-20-16 and IC 13-20-17.

SECTION 72. IC 13-12-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. To the fullest extent possible:

(1) the policies, rules, and statutes of the state shall be interpreted and administered in accordance with the policies set forth in this chapter; and
(2) all state agencies shall do the following:
(A) Use a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making that may have an impact on the environment.
(B) Identify and develop methods and procedures that will ensure that unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations.
(C) Include in every recommendation or report on proposals for legislation and other major state actions significantly affecting the quality of the human environment a detailed statement by the responsible official on the following:
(i) The environmental impact of the proposed action.
(ii) Any adverse environmental effects that cannot be avoided should the proposal be implemented.
(iii) Alternatives to the proposed action.
(iv) The relationship between local short term uses of the environment and the maintenance and enhancement of long term productivity.
(v) Any irreversible and irretrievable commitments of resources that would be involved if the proposed action should be implemented.
Before making a detailed statement, the responsible state official shall consult with and obtain the comments of each state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of the statement and the comments and views of the appropriate federal, state, and local agencies that are authorized to develop and enforce environmental standards shall be made available to the governor and to the public and must accompany the proposal through the agency review processes. The ~~air pollution control board, water pollution control board, and solid waste management~~ board shall by rule define the actions that constitute a major state action significantly affecting the quality of the human environment.
(D) Study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources.
(E) Recognize the long range character of environmental problems and, where consistent with the policy of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize state cooperation in anticipating and preventing a decline in the quality of the environment.
(F) Make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment.
(G) Initiate and use ecological information in the planning and development of resource oriented projects.

SECTION 73. IC 13-13-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 8. Environmental Rules Board

Sec. 1. As used in this chapter, "board" refers to the environmental rules board established by section 3 of this chapter.

Sec. 2. (a) The following entities are abolished on January 1, 2013:
(1) The air pollution control board (established by IC 13-17-2 before its repeal).
(2) The water pollution control board (established by IC 13-18-1 before its repeal).
(3) The solid waste management board (established by IC 13-19-2 before its repeal).

(b) All powers, duties, and liabilities are transferred from the entities abolished under subsection (a) to the environmental rules board established by section 3 of this chapter effective January 1, 2013.

(c) On and after January 1, 2013, a reference to an entity abolished under subsection (a) in a statute or rule shall be treated as a reference to the environmental rules board.

(d) The rules adopted by the entities abolished under subsection (a) shall be treated, administered, and implemented as follows:
(1) The rules adopted before January 1, 2013, by the air pollution control board abolished under subsection (a)(1):
(A) shall be treated as though the rules were adopted by the environmental rules board; and
(B) shall be administered and implemented by the air pollution control division of the department described in IC 13-13-3-2(1).
(2) The rules adopted before January 1, 2013, by the water pollution control board abolished under subsection (a)(2):
(A) shall be treated as though the rules were adopted by the environmental rules board; and
(B) shall be administered and implemented by the water pollution control division of the department described in IC 13-13-3-2(2).
(3) The rules adopted before January 1, 2013, by the solid waste management board abolished under

subsection (a)(3):

(A) shall be treated as though the rules were adopted by the environmental rules board; and

(B) shall be administered and implemented by the solid waste management division of the department described in IC 13-13-3-2(3).

(e) A member of an entity abolished under subsection (a) may serve until December 31, 2012. The initial members of the environmental rules board shall be appointed under section 4 of this chapter not later than December 31, 2012.

Sec. 3. The environmental rules board is established as an independent board.

Sec. 4. (a) The board consists of the following sixteen (16) members:

(1) The following ex officio members:

(A) The commissioner. The commissioner, or the commissioner's designee, serves as a nonvoting member of the board.

(B) The commissioner of the state department of health.

(C) The director of the department of natural resources.

(D) The lieutenant governor.

(E) The secretary of commerce or the secretary's designee.

(2) The following eleven (11) members, who shall be appointed by the governor based on recommendations from representative constituencies:

(A) One (1) representative of agriculture.

(B) One (1) representative of manufacturing.

(C) One (1) representative of environmental interests.

(D) One (1) representative of labor.

(E) One (1) representative of local government.

(F) One (1) representative of small business.

(G) One (1) health professional who holds a license to practice in Indiana.

(H) One (1) representative of the solid waste management industry.

(I) One (1) representative of a public utility that engages in the production and transmission of electricity.

(J) Two (2) representatives of the general public, who cannot qualify to sit on the board under any of the other clauses in this subdivision.

(b) An individual appointed under subsection (a)(2) must possess knowledge, experience, or education qualifying the individual to represent the constituency the individual is being recommended to represent.

Sec. 5. Except as provided in section 4(a)(1)(A) of this chapter, an ex officio member of the board may designate in writing a technical representative to serve as a voting member of the board when the ex officio member is unable to attend a board meeting.

Sec. 6. Not more than six (6) of the appointed members of the board may be members of the same political party.

Sec. 7. (a) An appointed member of the board serves a term of four (4) years.

(b) The term of each member of the board continues until a successor is appointed and qualified.

(c) If a vacancy occurs in the appointed membership of the board, the governor shall appoint a member not later than ninety (90) days after the vacancy occurs for the remainder of the unexpired term created by the vacancy. The board shall suspend the exercise of the board's duties if the vacancy has not been filled within ninety (90) days after the vacancy occurs.

(d) The governor may remove an appointed member of the board for cause. Cause includes the repeated failure to attend meetings.

Sec. 8. (a) Ex officio members of the board serve without additional compensation.

(b) Each appointed member of the board is entitled to the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) The per diem salary and mileage reimbursement are valid claims against the department.

Sec. 9. Eight (8) members of the board, five (5) of whom must be appointed members of the board, constitute a quorum. A quorum must be present to transact business at a meeting of the board. Meetings of the board are subject to the public meeting requirements under IC 5-14-1.5.

Sec. 10. The governor shall annually select:

(1) one (1) of the appointed members of the board to serve as chairperson; and

(2) another of the appointed members to serve as vice chairperson.

Sec. 11. Each member of the board shall fully disclose any potential conflicts of interest relating to permits or enforcement orders under the:

(1) federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990;

(2) federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.);

(3) federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the federal Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601 through 9675);

(4) federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(5) federal Safe Drinking Water Act (42 U.S.C. 300f through 300j).

Sec. 12. (a) The board shall select, from a list of three (3) qualified individuals recommended by the governor, an independent third party who is not an employee of the state to serve as technical secretary of the board.

(b) Between meetings of the board, the department shall do the following:

(1) Handle correspondence.

(2) Make or arrange for investigations and surveys.

(3) Obtain, assemble, or prepare reports and data as directed by the board.

(c) The technical secretary shall review all materials prepared for the board by the department to make any necessary revisions. Provisions of this chapter concerning terms of appointment, vacancies, and compensation of appointed board members apply to the technical secretary. The technical secretary is not a voting member of the board.

Sec. 13. (a) The board may select, from a list of three (3) qualified individuals recommended by the governor, an independent third party who is not an employee of the state to serve as legal counsel.

(b) The legal counsel shall do the following:

(1) Advise the board on legal matters or proceedings arising from the exercise of the board's duties.

(2) Review all materials prepared for the board by the department for legal accuracy and sufficiency and direct the department to make any necessary revisions.

(c) Provisions of this chapter concerning terms of appointment, vacancies, and compensation of appointed board members apply to the legal counsel. The legal counsel is not a voting member of the board.

Sec. 14. The board may establish advisory committees for the purpose of giving advice on any matters pertaining to the business of the board. A member appointed to an advisory committee shall serve at the pleasure of the board and is not entitled to a salary, per diem, or reimbursement of expenses.

Sec. 15. The board shall adopt rules under IC 4-22-2 and IC 13-14-9 that are consistent with the purposes of this title.

SECTION 74. IC 13-14-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The department shall assure accomplishment of the comprehensive, long term programs established by the ~~boards.~~ **board.**

SECTION 75. IC 13-14-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The department shall procure compliance with standards and rules adopted by the ~~boards.~~ **board.**

SECTION 76. IC 13-14-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The commissioner shall prepare the proposed budget of the department and the ~~boards.~~ **board.**

SECTION 77. IC 13-14-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. The commissioner may propose financing a structure to the ~~boards.~~ **board.**

SECTION 78. IC 13-14-1-9, AS AMENDED BY P.L.172-2011, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9. (a) The commissioner shall issue permits, licenses, orders, and variances as authorized by:

(1) this title;

(2) other statutes; and

(3) rules of the ~~boards.~~ **board.**

(b) If the commissioner is notified by the department of state revenue that a person is on the most recent tax warrant list, the commissioner may not issue a permit or license to the applicant until:

(1) the applicant provides a statement to the commissioner from the department of state revenue indicating that the applicant's tax warrant has been satisfied; or

(2) the commissioner receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 79. IC 13-14-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. The commissioner shall enforce rules consistent with the purposes of:

(1) air pollution control laws;

(2) water pollution control laws;

(3) IC 13-18-9;

(4) IC 13-18-10;

~~(5) IC 13-19-2;~~

~~(6)~~ **(5)** IC 13-19-3; and

~~(7)~~ **(6)** IC 36-9-30.

SECTION 80. IC 13-14-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The department may have a designated agent, upon presentation of proper credentials, enter upon private or public property to inspect for and investigate possible violations of any of the following:

(1) Air pollution control laws.

(2) Water pollution control laws.

(3) Environmental management laws.

(4) IC 13-18-9.

(5) IC 13-18-10.

~~(6) IC 13-19-2.~~

~~(7)~~ **(6)** IC 13-19-3.

~~(8)~~ **(7)** Any rule adopted by ~~one (1) of~~ the ~~boards.~~ **board.**

SECTION 81. IC 13-14-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The department may do the following:

(1) Represent the state in all matters pertaining to plans, procedures, or negotiations for interstate compacts or other governmental arrangements for environmental protection.

(2) Conduct, convoke, attend, or participate in official or unofficial conferences or hearings within or outside Indiana concerning any matter within the scope of the power and duties of the ~~boards~~ **board** or the department.

SECTION 82. IC 13-14-2-6, AS AMENDED BY P.L.78-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. Except as provided in IC 13-14-6, the commissioner may proceed in court, by appropriate action, to:

(1) enforce any final order of the commissioner or ~~of one (1) of~~ the ~~boards;~~ **board;**

(2) collect any penalties or fees;

(3) procure or secure compliance with this title or any other law that the department has the duty or power to enforce;

(4) procure compliance with any standard or rule ~~of one (1)~~ of the ~~boards;~~ **board;**

(5) enforce a restrictive covenant (as defined in IC 13-11-2-193.5) in accordance with the terms of the covenant if the covenant is:

(A) executed before July 1, 2009;
(B) approved by the commissioner; and
(C) created in connection with any:
(i) remediation;
(ii) closure;
(iii) cleanup;
(iv) corrective action; or
(v) determination exercising enforcement discretion or of no further action being required;
approved by the department under this title; or
(6) enforce a restrictive covenant (as defined in IC 13-11-2-193.5) in accordance with the terms of the covenant if the covenant is:
(A) executed after June 30, 2009; and
(B) created in connection with any of the following approved by the department under this title:
(i) A remediation.
(ii) A closure.
(iii) A cleanup.
(iv) A corrective action.
(v) A determination exercising enforcement discretion or of no further action being required.

SECTION 83. IC 13-14-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) Each person:
(1) discharging; or
(2) proposing to discharge or emit;
contaminants that could affect environmental quality shall furnish to the department the reasonable technical or monitoring program reports that the ~~boards specify~~ **board specifies** by rule.
(b) An affidavit of the responsible officer or person in charge of the operation involved must accompany each report.

SECTION 84. IC 13-14-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The ~~boards~~ **board** shall adopt rules under IC 4-22-2 **and IC 13-14-9** to administer this chapter and IC 13-30-7.

SECTION 85. IC 13-14-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The:
(1) governor may assign to ~~any of~~ the ~~boards~~ **board** the adoption of rules in any area not provided for by law as of September 1, 1985; or
(2) board may directly exercise that power until a specific agency for the exercise of the power is created.

SECTION 86. IC 13-14-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~boards~~ **board** may:
(1) adopt;
(2) repeal;
(3) rescind; or
(4) amend;
rules and standards by proceeding in the manner prescribed in IC 4-22-2 and IC 13-14-9.

SECTION 87. IC 13-14-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) The department may propose to the ~~boards~~ **board** the:
(1) adoption;
(2) repeal;
(3) rescission; or
(4) amendment;
of any rule or standard.
(b) The rules proposed by the department must be adopted by the ~~appropriate~~ board under IC 4-22-2 and IC 13-14-9 before the rules become effective.

SECTION 88. IC 13-14-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) Any person may present written proposals for the adoption, amendment, or repeal of a rule by ~~one (1) of~~ the ~~boards.~~ **board.** A proposal presented under this section must be:
(1) supported by a statement of reasons; and
(2) accompanied by a petition signed by at least two hundred (200) persons.
(b) If the board ~~with rulemaking authority in the subject area to which the rule pertains~~ finds that the proposal:
(1) is not plainly devoid of merit; and
(2) does not deal with a subject on which a hearing was held within the previous six (6) months of the submission of the proposal;
the board shall give notice and hold a hearing on the proposal.

SECTION 89. IC 13-14-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. (a) Without limiting the generality of the regulatory authority of the ~~boards~~ **board** under this title, the ~~appropriate~~ board may adopt rules under IC 4-22-2 and IC 13-14-9 prescribing the following:
(1) Standards or requirements for discharge or emission specifying the maximum permissible short term and long term concentrations of various contaminants of the air, water, or land.
(2) Procedures for the administration of a system of permits for:
(A) the discharge of any contaminants;
(B) the construction, installation, or modification of any:
(i) facility;
(ii) equipment; or
(iii) device;
that may be designed to control or prevent pollution; or
(C) the operation of any:
(i) facility;
(ii) equipment; or
(iii) device;
to control or to prevent pollution.
(3) Standards and conditions for the use of any fuel or vehicle determined to constitute an air pollution hazard.
(4) Standards for the filling or sealing of abandoned:
(A) water wells;
(B) water holes; and
(C) drainage holes;
to protect ground water against contamination.
(5) Alert criteria and abatement standards for pollution episodes or emergencies constituting an acute danger to health or to the environment, including priority lists for terminating activities that contribute to the hazard, whether or not the activities would meet all discharge requirements of the board under normal conditions.

(6) Requirements and procedures for the inspection of any equipment, facility, vehicle, vessel, or aircraft that may cause or contribute to pollution.

(7) Requirements and standards for equipment and procedures for:

(A) monitoring contaminant discharges at their sources;

(B) the collection of samples; and

(C) the collection, reporting, and retention, in accordance with record retention schedules adopted under IC 5-15-5.1, of data resulting from that monitoring.

(8) Standards or requirements to control:

(A) the discharge; or

(B) the pretreatment;

of contaminants introduced or discharged into publicly owned treatment works.

(b) If the ~~solid waste management board or air pollution control~~ board is required to adopt new rules or amend existing rules to implement an amendment to the federal Resource Conservation and Recovery Act or an amendment to or addition of a National Emission Standard for Hazardous Air Pollutants under the federal Clean Air Act, the board shall adopt the new rules or amend the existing rules not more than nine (9) months after the date the federal law becomes effective. This subsection does not limit ~~a~~ **the** board's authority to amend at any time the rules adopted under this subsection.

SECTION 90. IC 13-14-9-1, AS AMENDED BY P.L.204-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) Except as provided in sections 8 and 14 of this chapter, this chapter applies to the following:

(1) ~~A~~ **The** board.

(2) The underground storage tank financial assurance board established by IC 13-23-11-1.

(b) In addition to the requirements of IC 4-22-2 and IC 13-14-8, a board may not adopt a rule except in accordance with this chapter.

SECTION 91. IC 13-14-9-14, AS AMENDED BY P.L.159-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 14. (a) Except as provided in subsection (g), sections 1 through 13 of this chapter do not apply to a rule adopted under this section.

(b) The ~~water pollution control~~ board may use the procedures in this section to adopt a rule to establish new water quality standards for a community served by a combined sewer that has:

(1) an approved long term control plan; and

(2) an approved use attainability analysis that supports the use of a CSO wet weather limited use subcategory established under IC 13-18-3-2.5.

(c) After the department approves the long term control plan and use attainability analysis, the department shall publish in the Indiana Register a notice of adoption of a proposed rule to establish a CSO wet weather limited use subcategory for the area defined by the approved use attainability analysis.

(d) The notice under subsection (c) must include the following:

(1) Suggested rule language that amends the designated use to allow for a CSO wet weather limited use subcategory in accordance with IC 13-18-3-2.5.

(2) A written comment period of at least thirty (30) days.

(3) A notice of public hearing before the ~~water pollution control~~ board.

(e) The department shall include the following in the written materials to be considered by the ~~water pollution control~~ board at the public hearing referred to in subsection (d)(3):

(1) The full text of the proposed rule as most recently prepared by the department.

(2) Written responses of the department to written comments received during the comment period referred to in subsection (d)(2).

(3) The letter prepared by the department approving the long term control plan and use attainability analysis.

(f) At the public hearing referred to in subsection (d)(3), the board may:

(1) adopt the proposed rule to establish a new water quality standard amending the designated use to allow for a CSO wet weather limited use subcategory;

(2) adopt the proposed rule with amendments;

(3) reject the proposed rule; or

(4) determine to reconsider the proposed rule at a subsequent board meeting.

(g) If the board adopts the proposed rule with amendments under subsection (f)(2), the amendments must meet the logical outgrowth requirements of section 10 of this chapter, except that the board, in determining whether the amendments are a logical outgrowth of comments provided to the board, and in considering whether the language of comments provided to the board fairly apprised interested persons of the specific subjects and issues contained in the amendments, shall consider the comments provided to the board at the public hearing referred to in subsection (d)(3).

(h) The department shall submit a new water quality standard established in a rule adopted under subsection (f) to the United States Environmental Protection Agency for approval.

SECTION 92. IC 13-14-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The department shall, subject to the approval of ~~all three (3) of~~ the ~~boards,~~ **board,** develop written procedures for the separate storage and security of files containing records excepted from disclosure requirements under IC 5-14-3-4.

SECTION 93. IC 13-14-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The ~~boards~~ **board** shall adopt rules requiring the execution of a confidentiality agreement with persons employed, contracted, or subcontracted by the department that is enforceable by:

(1) the state; and

(2) the submitter of the information.

SECTION 94. IC 13-14-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The money on deposit in the environmental management special fund shall be used exclusively for the purposes of the department and the ~~boards.~~ **board.** The revenues accruing to the fund are appropriated to the department for purposes of this title.

However, expenditures for projects authorized by the department or ~~a~~ **the** board must be approved by the governor and the budget agency.

SECTION 95. IC 13-14-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) The auditor of state shall issue a report on the fund not later than ten (10) working days following the last day of each four (4) month period.

(b) The report must:

(1) include the beginning and ending balance, disbursements, and receipts, including accrued interest or other investment earnings of the fund;

(2) comply with accounting standards under IC 4-13-2-7(a)(1); and

(3) be available to the public.

(c) The auditor of state shall forward copies of the report to the following:

(1) The commissioner.

(2) The standing committees of the house of representatives and the senate concerned with the environment.

(3) The ~~air pollution control~~ board.

~~(4) The water pollution control board.~~

~~(5) The solid waste management board.~~

SECTION 96. IC 13-15-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~air pollution control~~ board shall establish requirements for the issuance of permits to control air pollution, noise, and atomic radiation, including the following:

(1) Permits to control or limit the emission of any contaminants into the atmosphere.

(2) Permits for the construction, installation, or modification of facilities, equipment, or devices to control or limit any discharge, emission, or disposal of contaminants into the air.

(3) Permits for the operation of facilities, equipment, or devices to control or limit the discharge, emission, or disposal of any contaminants into the environment.

SECTION 97. IC 13-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The ~~water pollution control~~ board shall establish requirements for the issuance of permits to control water pollution and atomic radiation, including the following:

(1) Permits to control or limit the discharge of any contaminants into state waters or into a publicly owned treatment works.

(2) Permits for the construction, installation, or modification of facilities, equipment, or devices to control or limit any discharge, emission, or disposal of contaminants into the waters of Indiana or into a publicly owned treatment works.

(3) Permits for the operation of facilities, equipment, or devices to control or limit the discharge, emission, or disposal of any contaminants into the waters of Indiana or into a publicly owned treatment works.

However, the ~~water pollution control~~ board may not require a permit under subdivision (2) for any facility, equipment, or device constructed, installed, or modified as part of a surface coal mining operation that is operated under a permit issued under IC 14-34.

SECTION 98. IC 13-15-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The ~~solid waste management~~ board shall establish requirements for the issuance of permits to control solid waste, hazardous waste, and atomic radiation, including the following:

(1) Permits to control or limit the disposal of any contaminants onto or into the land.

(2) Permits for the construction, installation, or modification of facilities, equipment, or devices:

(A) to control or limit any discharge, emission, or disposal of contaminants into the land; or

(B) for the storage, treatment, processing, transferring, or disposal of solid waste or hazardous waste.

(3) Permits for the operation of facilities, equipment, or devices:

(A) to control or limit the discharge, emission, transfer, or disposal of any contaminants into the land; or

(B) for the storage, transportation, treatment, processing, transferring, or disposal of solid waste or hazardous waste.

SECTION 99. IC 13-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) ~~Each~~ **The** board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to establish requirements and procedures for the issuance of permits.

(b) In rules for the issuance of permits, ~~each~~ **the** board may do the following:

(1) Prescribe standards for the discharge, emission, or disposal of contaminants and the operation of any facility, equipment, or device.

(2) Impose the conditions that are considered necessary to accomplish the purposes of this title.

SECTION 100. IC 13-15-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) The ~~boards~~ **board** may adopt rules under IC 4-22-2 and IC 13-14-9 to allow the department to issue permits that do the following:

(1) Provide incentives to owners and operators of facilities to assess the pollution emitted by the facilities into all environmental media.

(2) Provide incentives to owners and operators of facilities to implement the most innovative and effective pollution control or pollution prevention strategies while maintaining enforceable performance goals.

(3) Provide incentives to owners and operators of facilities to reduce pollution levels at the facilities below the levels required by law.

(4) Consolidate environmental requirements into one (1) permit that would otherwise be included in more than one (1) permit.

(5) Reduce the time and money spent by owners and operators of facilities and the department on administrative tasks that do not benefit the environment.

(6) Provide owners and operators of facilities with as much operational flexibility as can reasonably be provided while being consistent with enforcement of permit requirements.

(b) The rules adopted under this section may provide for permits that contain the following:

(1) Authorization of emission trading.

(2) Consolidated reporting mechanisms.

(3) Third party certifications.

(4) Multimedia regulation.

(5) Other conditions consistent with subsection (a).

(c) The rules adopted under this section must provide that a permit issued under the rules adopted under this section meets the following criteria:

(1) Activities conducted under the permit must result in greater overall environmental protection than would otherwise be achieved under applicable law.

(2) Upon issuance of a permit, all limits, conditions, and standards contained in the permit are enforceable under IC 13-30-3.

(3) The permit applicant must give notice in accordance with IC 13-15-8, and the commissioner shall give notice to the public and provide an opportunity to comment on the proposed permit in accordance with IC 13-15-5.

(d) The rules adopted under this section must allow the department to give priority to applications involving permits that are issued as described in this section based on:

(1) the degree of environmental benefit that may be obtained under the permit;

(2) the potential application of any innovative control technologies or regulatory procedures that may be made available to other permit applicants and permit holders; and

(3) other criteria that the ~~boards~~ **board** may establish.

(e) The rules adopted under this section must be consistent with federal law for federally authorized or delegated permit programs.

SECTION 101. IC 13-15-3-5, AS AMENDED BY P.L.78-2009, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) Whenever a permit is required by any rule of ~~one (1) of~~ the ~~boards~~ **board** under IC 13-15-1 for the construction, installation, operation, or modification of any facility, equipment, or device, the permit may be issued only after the department staff has:

(1) approved the plans and specifications; and

(2) determined that the facility, equipment, or device meets the requirement of the rule.

(b) Notwithstanding subsection (a) and subject to subsection (c), a person to whom a permit has been issued may not start the construction, installation, operation, or modification of a facility, equipment, or a device until the person has obtained any approval required by any:

(1) county;

(2) city; or

(3) town;

in which the facility, equipment, or device is located.

(c) Subsection (b) applies only to an approval required in an applicable ordinance, rule, or regulation in effect at the time the person submits the permit application to the issuing state agency.

SECTION 102. IC 13-15-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) When a person holding a valid permit concerning an activity of a continuing nature has made a timely and sufficient application for a renewal or a new permit in accordance with rules of ~~one (1) of~~ the ~~boards,~~ **board,** the existing permit does not expire until a final determination on the application has been made by the department. However, the commissioner may seek injunctive relief with regard to the continuing activity of the permit applicant while the permit application is pending if the continuing activity of the permit applicant constitutes a threat to the public health, safety, or welfare.

(b) An application for renewal of a hazardous waste disposal facility operating permit under IC 13-22-3 must be submitted at least one hundred eighty (180) days before the expiration of the facility's current permit to be considered timely under this section.

SECTION 103. IC 13-15-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) Notwithstanding the periods specified in sections 1 through 4 of this chapter and this section, a person proposing to construct, modify, or operate any equipment, facility, or pollution control device that is demonstrated to achieve pollution control or pollution prevention in excess of applicable federal, state, or local requirements may apply to the commissioner for an interim permit to construct, modify, or operate the equipment, facility, or pollution control device.

(b) The commissioner shall approve or deny the interim permit not later than sixty (60) days after receipt of the application for an interim permit, unless the applicant and the commissioner agree that a longer review period is necessary.

~~(c) The boards shall adopt rules under IC 4-22-2 to implement this section before January 1, 1997. The rules may not allow an interim construction or operation permit pending a final permit determination if an interim permit is not allowed under federal law for a federally authorized or delegated permit program.~~

~~(d)~~ **(c)** This section does not relieve a person from complying with:

(1) the permit requirements provided under this title; and

(2) rules adopted under this title;

to the extent that this title and the rules are not inconsistent with this section.

SECTION 104. IC 13-15-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) This section applies to a facility that:

(1) has been issued an operating permit by the ~~air pollution~~ board; or

(2) is operating without a permit but has made a timely and complete application for a permit under IC 13-17-8-10.

(b) The ~~air pollution control~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** as part of the operating permit program established under 42 U.S.C. 7661 through 7661f providing that a facility may make changes without a permit revision if the following conditions exist:

(1) The changes are not modifications under any provision of Title I of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the federal Clean Air Act Amendments of 1990 (P.L.101-549).

(2) The changes do not exceed emissions:

(A) expressed as a rate of emissions; or

(B) expressed as total emissions;

allowable under the permit.

(3) The facility provides the commissioner with written notification at least seven (7) days before the proposed changes are made. However, the ~~air pollution control~~ board may adopt rules that provide a different period for notifications that involve emergency situations.

SECTION 105. IC 13-15-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) ~~Each~~ **The** board may adopt rules under IC 4-22-2 **and IC 13-14-9** establishing:

(1) conditions for the issuance of a permit under this chapter; and

(2) requirements for the operation of nuclear facilities.

(b) Rules adopted by the ~~air pollution control~~ board may relate to:

(1) air pollution from nuclear facilities; ~~Rules adopted by the water pollution control board may relate to~~

(2) water pollution from nuclear facilities; **or**

(3) ~~Rules adopted by the solid waste management board may relate to~~ other environmental problems associated with nuclear facilities.

~~(c) The boards may not adopt rules that establish contradictory conditions and requirements.~~

SECTION 106. IC 13-15-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. A person proposing to construct:

(1) a nuclear powered generating facility; or

(2) a nuclear fuel reprocessing plant;

shall file with the ~~technical secretary of each~~ board an environmental feasibility report, on a form prescribed by the ~~boards,~~ **board,** concurrently with the filing of the preliminary safety analysis required to be filed with the United States Atomic Energy Commission.

SECTION 107. IC 13-15-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) The commissioner, on behalf of ~~each~~ **the** board, may conduct a public hearing at a time and place to be determined by the department on the environmental effects of the proposed operation.

(b) A person affected by the proposed construction may participate in the hearing to the extent and in the manner that the board prescribes.

SECTION 108. IC 13-15-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) ~~Each~~ **The** board shall adopt rules and standards under section 2 of this chapter to protect the citizens of Indiana from the hazards of radiation.

(b) Each permit required under this chapter according to rules adopted by the ~~boards~~ **board** must specify the maximum allowable level of radioactive discharge.

(c) Each permit issued must include a requirement for:

(1) appropriate procedures of monitoring any discharge; and

(2) a report of each discharge to the department.

SECTION 109. IC 13-15-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~solid waste management~~ board shall adopt rules to establish a department operated training and certification program for the following:

(1) Operators of solid waste incinerators and waste to energy facilities.

(2) Operators of land disposal sites.

(3) Operators of facilities described under IC 13-15-1-3 whose operation could have an adverse impact on the environment if not operated properly.

SECTION 110. IC 13-15-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) The waste facility operator trust fund is established. The ~~solid waste management~~ board shall deposit fees collected under this chapter in the fund.

(b) Money in the fund shall be used for paying the expenses of the training and certification program described in this chapter.

SECTION 111. IC 13-15-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter. The rules must include the following:

(1) Requirements for certification that consider any training that is required by state rule or federal regulation.

(2) Mandatory testing and retraining.

(3) Recognition of training programs that the ~~solid waste management~~ board approves to serve as a training program that this chapter requires. A recognized training program may be offered by an employer or by any other provider.

(4) Recognition of an interim period for which existing facility operators must obtain certification.

SECTION 112. IC 13-15-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) The ~~solid waste management~~ board shall establish by rule and cause to be collected fees for the following:

(1) Examination of applicants for certification.

(2) Issuance, renewal, or transfer of a certificate.

(3) Restoration of an expired certificate when that action is authorized by law.

(4) Issuance of certificates by reciprocity or endorsement for out-of-state applicants.

(5) Issuance of board or committee reciprocity or endorsements for resident practitioners who apply to another state for a certificate.

(b) A fee may not be less than fifty dollars ($50) unless the fee is collected under a rule adopted by the ~~solid waste management~~ board that sets a fee for miscellaneous expenses incurred by the department on behalf of the operators the ~~solid waste management~~ board regulates. The fees may not be less than are required to pay all of the costs, both direct and indirect, of the operation of the department under this chapter.

(c) A fee may not be charged to an operator employed by a solid waste facility that is wholly owned and operated by a unit of local government.

SECTION 113. IC 13-15-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) For the payment of fees under this chapter, the ~~solid waste management~~ board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check.

(b) If:

(1) the ~~solid waste management~~ board receives an uncertified personal check for the payment of a fee; and

(2) the check does not clear the bank;

the ~~solid waste management~~ board may void the license, registration, or certificate for which the check was received.

(c) Unless designated by rule, a fee is not refundable or transferable.

SECTION 114. IC 13-15-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The environmental management permit operation fund is established for the purpose of providing money for permitting and directly associated activities of the following programs of the department and ~~boards:~~ **the board:**

(1) National Pollutant Discharge Elimination System program.

(2) Solid waste program.

(3) Hazardous waste program.

(4) Safe drinking water program.

SECTION 115. IC 13-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. This chapter applies to fees established under this title by ~~any of the following:~~ **the board.**

~~(1) The air pollution control board.~~

~~(2) The water pollution control board.~~

~~(3) The solid waste management board.~~

SECTION 116. IC 13-16-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. A fee established by ~~one (1) of~~ the ~~boards~~ **board** under this chapter for a type or class of permit may be based on the average of the costs specified in section 2 of this chapter for all permits of that type or class.

SECTION 117. IC 13-16-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The ~~boards~~ **board** shall periodically review the fees established under this chapter. ~~A~~ **The** board may change the amount of a fee if the board determines, based upon the factors set forth in section 2 of this chapter, that the amount of the fee is not appropriate.

SECTION 118. IC 13-17-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. It is the intent and purpose of air pollution control laws to maintain the purity of the air resource of Indiana, which shall be consistent with protection of the public health and welfare and the public enjoyment of the air resource, physical property and other resources, flora and fauna, maximum employment, and full industrial development of Indiana. The ~~air pollution control~~ board and the department shall safeguard the air resource through the prevention, abatement, and control of air pollution by all practical and economically feasible methods.

SECTION 119. IC 13-17-2 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. (Establishment of Air Pollution Control Board).

SECTION 120. IC 13-17-3-6 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 6. The board shall develop operating policies governing the implementation of air pollution control laws by the commissioner.~~

SECTION 121. IC 13-17-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 11. The board may adopt rules under IC 4-22-2 **and IC 13-14-9** under discretionary authority granted to the state by:

(1) the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L.101-549); or

(2) a regulation adopted under the federal Clean Air Act.

SECTION 122. IC 13-17-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~air pollution control~~ board may adopt rules for the control of emissions from vehicles. However, the board must, before adopting the rules, forward to each member of the general assembly a copy of the proposed rules. The rules may prescribe requirements for the following:

(1) The installation and use of equipment designed to reduce or eliminate emissions.

(2) The proper maintenance of that equipment and of vehicles.

SECTION 123. IC 13-17-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The ~~air pollution control~~ board shall adopt fees to be collected under the operating permit program. The annual aggregate amount of fees collected under the operating permit program from all sources subject to the operating permit program must be sufficient to cover only the direct and indirect reasonable costs of the following permit program activities:

(1) Preparing rules, regulations, and guidance regarding implementation and enforcement of the program.

(2) Reviewing and acting on the following:

(A) An application for an operating permit.

(B) An operating permit revision.

(C) An operating permit renewal.

(3) The general administrative cost of running the operating permit program.

(4) Implementing and enforcing the terms of a permit granted under the operating permit program. However, court costs for enforcement actions are not included under this subdivision.

(5) Emissions and ambient monitoring.

(6) Modeling analyses and demonstrations.

(7) Preparing inventories and tracking emissions.

(8) Developing and administering a small business stationary source technical and environmental compliance assistance program.

SECTION 124. IC 13-17-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~air pollution control~~ board may adopt rules under IC 4-22-2 **and IC 13-14-9** to establish categories of sources or facilities that may be effectively restricted through specific requirements established by the rules to emit less than the amount of air pollutants for which a Title V air operating permit is required.

SECTION 125. IC 13-18-1 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. (Establishment of Water Pollution Control Board).

SECTION 126. IC 13-18-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~water pollution control~~ board shall adopt rules for the control and prevention of pollution in waters of Indiana with any substance:

(1) that is deleterious to:

(A) the public health; or

(B) the prosecution of any industry or lawful occupation; or

(2) by which:

(A) any fish life or any beneficial animal or vegetable life may be destroyed; or

(B) the growth or propagation of fish life or beneficial animal or vegetable life is prevented or injuriously affected.

SECTION 127. IC 13-18-3-3 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 3. The board shall develop operating policies governing the implementation of the water pollution control laws by the department.~~

SECTION 128. IC 13-18-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. The ~~water pollution control~~ board shall adopt rules providing that whenever a person submits plans to a unit concerning the design or construction of:

(1) a sanitary sewer or public water main, if:

(A) a professional engineer who is registered under IC 25-31 prepared the plans;

(B) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and

(C) all other requirements specified in rules adopted by the water pollution control board are met; or

(2) a sanitary sewer extension for and within a subdivision, if:

(A) a qualified land surveyor who is registered under IC 25-21.5 prepared the plans;

(B) the subdivision is being laid out or having been laid out by the land surveyor subject to IC 25-21.5-7;

(C) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and

(D) all other requirements specified in rules adopted by the ~~water pollution control~~ board are met;

the plans are not required to be submitted to any state agency for a permit, permission, or review, unless required by federal law.

SECTION 129. IC 13-18-11-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1.5. The ~~department~~ **board** shall adopt regulations to implement certification programs for operators of water treatment plants or water distribution systems. The certification program for the operators shall be classified in accordance with the complexity, size, and source of the water for the treatment system and the complexity and size for the distribution system.

SECTION 130. IC 13-18-12-1, AS AMENDED BY P.L.159-2011, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~water pollution control~~ board and the department shall regulate persons who provide septage management services.

SECTION 131. IC 13-18-12-2.5, AS ADDED BY P.L.223-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2.5. (a) The department and the ~~boards~~ **board** may allow a person to use industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute to be land applied if:

(1) the industrial waste products are not hazardous wastes;

(2) the industrial waste products:

(A) have a beneficial use (as defined in 327 IAC 6.1-2-6); or

(B) otherwise provide a benefit to the process of creating the soil amendments or soil substitute or to the final soil amendment, soil substitute, or material to be land applied, such as bulking;

(3) the finished soil amendment, soil substitute, or material to be land applied satisfies the applicable criteria in 327 IAC 6.1;

(4) the finished soil amendment, soil substitute, or material to be land applied has a beneficial use;

(5) the requirements of subsection (b) are satisfied; and

(6) the person pays a permit fee in an amount determined by the department that does not exceed the costs incurred by the department to issue the permit.

(b) The department:

(1) may allow the use of industrial waste products:

(A) in a land application operation; or

(B) as ingredients in a soil amendment or soil substitute to be land applied;

on the same basis as other materials under the rules concerning land application and marketing and distribution permits;

(2) may not:

(A) discriminate against the use of industrial waste products on the basis that the industrial waste products lack biological carbon;

(B) impose requirements beyond applicable criteria in 327 IAC 6.1, unless additional requirements are necessary for the protection of human health and the environment;

(C) require that the finished soil amendment, soil substitute, or material to be land applied must be of a particular economic value; or

(D) for any pollutant that has a pollutant limit or concentration in 327 IAC 6.1, require that an industrial waste product or the finished soil amendment, soil substitute, or material to be land applied satisfies:

(i) the department's risk integrated system of closures nonrule policy document; or

(ii) any other standards other than criteria in 327 IAC 6.1; ~~and~~

(3) for any pollutant present in the industrial waste products that does not have a pollutant limit or concentration in 327 IAC 6.1, shall consider the benefits of

the finished soil amendment, soil substitute, or material to be land applied as compared to the measurable risks to human health and the environment based on the anticipated use of the finished soil amendment, soil substitute, or material to be land applied; and

(4) shall require an application for a permit for the land application of industrial waste products to include characterization of individual industrial waste products at the point of waste generation before mixing the waste streams.

(c) The board may adopt rules for pollutant limits or concentrations for pollutants for which limits or concentrations do not exist in 327 IAC 6.1 as of July 1, 2011.

SECTION 132. IC 13-19-2 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. (Establishment of Solid Waste Management Board).

SECTION 133. IC 13-19-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~solid waste management~~ board shall do the following:

(1) Except as provided in sections 3 through 4 of this chapter, adopt rules under IC 4-22-2 **and IC 13-14-9** to regulate solid and hazardous waste and atomic radiation in Indiana, including rules necessary to the implementation of the federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended.

(2) Develop operating policy concerning the activities of the department.

(3) Carry out other duties imposed by law.

SECTION 134. IC 13-19-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The department and the ~~boards~~ **board** shall allow a person to use foundry sand that meets Type III criteria under 329 IAC 10-9 for the following activities in accordance with guidance without requiring the person to obtain any permits from the department:

(1) As a daily cover for litter and vermin control at a landfill in accordance with any applicable permits issued for the landfill.

(2) As a protective cover for a landfill leachate system in accordance with any applicable permits issued for the landfill.

(3) For use as capped embankments for ground and sight barriers under ten thousand (10,000) cubic yards or embankments for airports, bridges, or overpasses.

(4) For use:

(A) in a land application operation; or

(B) as a soil amendment;

if the application or amendment does not include the operation of a landfill.

(5) As a structural fill base capped by clay, asphalt, or concrete for the following:

(A) Roads.

(B) Road shoulders.

(C) Parking lots.

(D) Floor slabs.

(E) Utility trenches.

(F) Bridge abutments.

(G) Tanks and vaults.

(H) Construction or architectural fill.

(I) Other similar uses.

(6) As a raw material constituent incorporated into another product, including the following:

(A) Flowable fill.

(B) Concrete.

(C) Asphalt.

(D) Brick.

(E) Block.

(F) Portland cement.

(G) Glass.

(H) Roofing materials.

(I) Rock wool.

(J) Plastics.

(K) Fiberglass.

(L) Mineral wool.

(M) Lightweight aggregate.

(N) Paint.

(O) Plaster.

(P) Other similar products.

SECTION 135. IC 13-19-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 10. The board may adopt rules under IC 4-22-2 **and IC 13-14-9** to administer this chapter.

SECTION 136. IC 13-20-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter.

SECTION 137. IC 13-20-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The ~~solid waste management~~ board may adopt rules under IC 4-22-2 **and IC 13-14-9** to administer this chapter.

SECTION 138. IC 13-20-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter.

SECTION 139. IC 13-20-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. (a) The department shall establish a uniform transfer station inspection program to protect the health of the residents of Indiana and the environment of Indiana:

(1) for transfer stations located:

(A) inside Indiana; and

(B) outside Indiana;

that receive municipal waste and that engage in waste transfer activities; and

(2) under rules adopted by the ~~solid waste management~~ board.

(b) The ~~solid waste management~~ board shall establish fees payable by the transfer stations inspected. The amount of a fee imposed for the inspection of a transfer station may not exceed the cost of time and materials directly expended by:

(1) the department; or

(2) a contractor hired by the department;

for conducting the inspection of the transfer station.

SECTION 140. IC 13-20-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The

~~solid waste management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to regulate the construction and operation of incinerators under IC 13-14-8. The rules must incorporate by reference pertinent rules adopted by the ~~air pollution control~~ board **concerning air pollution control.**

SECTION 141. IC 13-20-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) The department, in accordance with IC 13-15, shall operate a permit program for all incinerators subject to regulation under the rules of the ~~air pollution control board and the solid waste management~~ board.

(b) The department shall issue permits for an incinerator that is in compliance with construction and operating rules adopted by the ~~solid waste management board and the air pollution control~~ board.

(c) The department shall grant operating authority under a permit issued by the department only after the owner of the incinerator has:

(1) complied with all construction and pre-operational standards established by pertinent rules; and

(2) submitted the results of a pre-operational emissions test that demonstrate that the incinerator's performance complies with all pertinent rules.

(d) The pre-operational emissions test required by this section shall be conducted under the supervision of the department. In addition, the report of the results of the pre-operational emissions test must contain a certification that the test was performed in compliance with the following:

(1) All pertinent rules.

(2) The pre-operational emissions test plan submitted with the permit application.

SECTION 142. IC 13-20-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The ~~solid waste management~~ board may adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter.

SECTION 143. IC 13-20-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. To register a composting facility for vegetative matter with the department, a person must submit an application to the department that contains the following:

(1) A:

(A) legal description; and

(B) topographic map;

of the site on which the composting facility will be located.

(2) A description of the composting facility that indicates the area to be served by the composting operation.

(3) An estimate of the volume of materials that will be processed annually by the composting facility.

(4) Any other information that the department or the ~~solid waste management~~ board requires by rule.

SECTION 144. IC 13-20-10-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 10. The board may adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter.

SECTION 145. IC 13-20-13-9, AS AMENDED BY P.L.204-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9. (a) The department may use money in the fund to assist the department in:

(1) removing waste tires from sites where waste tires have been disposed of improperly;

(2) properly managing waste tires;

(3) performing surveillance and enforcement activities used to implement proper waste tire management; and

(4) conducting the waste tire education program under section 15 of this chapter.

(b) The department may use money in the fund to provide grants and loans to entities to establish and operate programs involving the following:

(1) Recycling or reuse of waste tires.

(2) Using waste tires as a source of fuel.

(3) Developing markets for waste tires and products containing recycled or reused waste tires.

(c) The ~~department~~ **board** may adopt rules under IC 4-22-2 **and IC 13-14-9** necessary to implement this section.

SECTION 146. IC 13-20-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) Except as provided in:

(1) rules adopted under subsection (d); and

(2) section 10 of this chapter;

a whole waste tire may not be disposed of at a solid waste landfill.

(b) The department may approve shredded or ground up tires for use as daily cover for a solid waste landfill.

(c) Material approved under subsection (b) is exempt from IC 13-20-22 and IC 13-21-13.

(d) The ~~solid waste management~~ board shall adopt rules that allow for the incidental disposal of small amounts of whole waste tires at solid waste landfills.

(e) The rules adopted under subsection (d) may allow a landfill operator to meet the requirements of the rule by employing procedures designed to achieve the objectives of subsection (d) in lieu of a numeric standard.

SECTION 147. IC 13-20-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 and ~~IC 13-14-8~~ **IC 13-14-9** to implement this chapter.

SECTION 148. IC 13-20-14-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9.5. (a) Except as provided in rules adopted under subsection (c), an operator of a transfer station shall remove whole waste tires present in solid waste that is being transferred from a vehicle or container to another vehicle or container at the transfer station.

(b) Whole waste tires removed by an operator of a transfer station under subsection (a) shall be disposed of as provided in this chapter.

(c) The ~~solid waste management~~ board shall adopt rules that allow for the incidental transfer of small amounts of whole waste tires under subsection (a).

(d) The rules adopted under subsection (c) may allow a transfer station operator to meet the requirements of the rule by employing procedures designed to achieve the objectives of subsection (c) in lieu of a numeric standard.

SECTION 149. IC 13-20-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~solid waste management board~~ **department** shall administer and implement this chapter to protect the public health, safety, and welfare from the toxic effects and environmental dangers of PCB. The board shall adopt the rules required by this chapter under IC 4-22-2 **and IC 13-14-9.**

SECTION 150. IC 13-22-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter through IC 13-22-8, IC 13-22-11.5, and IC 13-22-13 through IC 13-22-14.

SECTION 151. IC 13-22-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. The board shall do the following:

(1) Adopt rules under IC 4-22-2 **and IC 13-14-9** setting standards for closure and postclosure monitoring and maintenance plans.

(2) Include in the rules a requirement for prior notice of closure and a time limit for completion of closure.

SECTION 152. IC 13-22-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The board shall adopt rules under IC 4-22-2 **and IC 13-14-9** setting standards for corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a hazardous waste facility. The standards must require that corrective action be taken beyond the facility boundary where necessary to protect human health and the environment, unless the owner or operator of the facility concerned demonstrates to the satisfaction of the commissioner that, despite the best efforts of the owner or operator, the owner or operator is unable to obtain the necessary permission to undertake that action. The rules adopted under this section apply to the following:

(1) All facilities operating under permits issued under IC 13-22-3 or IC 13-7-8.5 (before its repeal).

(2) All landfills, surface impoundments, and waste piles, including any new units, replacements of existing units, and lateral expansions of existing units, that receive hazardous waste after July 26, 1982.

SECTION 153. IC 13-22-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** on standards of financial responsibility for the following:

(1) Closure.

(2) Postclosure monitoring at hazardous waste facilities.

(3) Any required corrective action at those facilities.

(b) The rules adopted under this section must reflect the provisions for financial responsibility prescribed by section 2 of this chapter.

SECTION 154. IC 13-23-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) The department shall establish and operate an underground storage tank release detection, prevention, and correction program under this article according to rules adopted by the ~~solid waste management~~ board.

(b) The department may contract with another state agency to jointly operate the program under a memorandum of agreement that:

(1) may be amended;

(2) must contain the specific duties of the department and the contracting agency; and

(3) is available to the public for inspection.

SECTION 155. IC 13-25-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The ~~solid waste management~~ board shall adopt rules establishing criteria for determining the commissioner's priorities in selecting hazardous substance response sites. Until these rules have been adopted, the commissioner shall give priority to those sites presenting a significant threat to public health and environment.

SECTION 156. IC 13-27-8-3, AS ADDED BY P.L.100-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) The following **boards** may adopt rules to implement this chapter to the extent consistent with federal law:

(1) The ~~boards.~~ **board.**

(2) The underground storage tank financial assurance board established by IC 13-23-11-1.

(b) The rules adopted ~~by the entities~~ under subsection (a) may establish the following:

(1) Eligibility requirements for participation in environmental performance based programs.

(2) Compliance methods and schedules that:

(A) differ from compliance methods and schedules that apply to nonparticipants in environmental performance based programs under rules adopted by the boards;

(B) apply only to participants in environmental performance based programs; and

(C) include any of the following:

(i) Changes to monitoring and reporting requirements and schedules.

(ii) Streamlined submission requirements for permit renewals.

(iii) Prioritized applications.

(iv) Authorization to make without prior governmental approval certain operational changes that do not result in additional environmental impact.

(3) Recognition incentives to encourage participation in environmental performance based programs.

(4) Other incentives consistent with the policies of this title and federal law to encourage participation in environmental performance based programs.

(5) Requirements for participants in environmental performance based programs to implement any of the following:

(A) Continuous improvement environmental systems.

(B) Pollution prevention and waste minimization programs developed under IC 13-27-7.

SECTION 157. IC 13-28-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. ~~Each of the regulatory boards within the department~~ **The board** may adopt rules under IC 4-22-2 **and IC 13-14-9** as required to implement the compliance program described in this article.

SECTION 158. IC 13-29-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13. The ~~solid waste management~~ board shall adopt under IC 4-22-2 **and IC 13-14-9** the rules necessary to implement this chapter.

SECTION 159. IC 13-30-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. A person may not do any of the following:

(1) Discharge, emit, cause, allow, or threaten to discharge, emit, cause, or allow any contaminant or waste, including any noxious odor, either alone or in combination with contaminants from other sources, into:

(A) the environment; or

(B) any publicly owned treatment works;

in any form that causes or would cause pollution that violates or would violate rules, standards, or discharge or emission requirements adopted by the ~~appropriate~~ board under the environmental management laws.

(2) Increase the quantity or strength of a discharge of contaminants into the waters or construct or install a sewer or sewage treatment facility or a new outlet for contaminants into the waters of Indiana without prior approval of the department.

(3) Deposit any contaminants upon the land in a place and manner that creates or would create a pollution hazard that violates or would violate a rule adopted by ~~one (1) of~~ the ~~boards.~~ **board.**

(4) Deposit or cause or allow the deposit of any contaminants or solid waste upon the land, except through the use of sanitary landfills, incineration, composting, garbage grinding, or another method acceptable to the ~~solid waste management~~ board.

(5) Dump or cause or allow the open dumping of garbage or of any other solid waste in violation of rules adopted by the ~~solid waste management~~ board.

(6) Dispose of solid waste in, upon, or within the limits of or adjacent to a public highway, state park, state nature preserve, or recreation area or in or immediately adjacent to a lake or stream, except:

(A) in proper containers provided for sanitary storage of the solid waste; or

(B) as a part of a sanitary landfill operation or other land disposal method approved by the department.

(7) Construct, install, operate, conduct, or modify, without prior approval of the department, any equipment or facility of any type that may:

(A) cause or contribute to pollution; or

(B) be designed to prevent pollution.

However, the commissioner or the ~~appropriate~~ board may approve experimental uses of any equipment, facility, or pollution control device that is considered necessary for the further development of the state of the art of pollution control.

(8) Conduct any salvage operation or open dump by open burning or burn, cause, or allow the burning of any solid waste in a manner that violates either:

(A) the air pollution control laws; or

(B) the rules adopted by the ~~air pollution control~~ board.

(9) Commence construction of a proposed hazardous waste facility without having first:

(A) filed an application for; and

(B) received;

a permit from the department.

(10) Commence or engage in the operation of a hazardous waste facility without having first obtained a permit from the department.

(11) Deliver any hazardous waste to a hazardous waste facility that:

(A) is not approved; or

(B) does not hold a permit from the department.

(12) Cause or allow the transportation of a hazardous waste without a manifest if a manifest is required by law.

(13) Violate any:

(A) condition;

(B) limitation; or

(C) stipulation;

placed upon a certificate of environmental compatibility by the hazardous waste facility site approval authority or any other provision of IC 13-22-10.

(14) Apply or allow the application of used oil to any ground surface, except for purposes of treatment in accordance with a permit issued by the department under any of the following:

(A) IC 13-15, except IC 13-15-9.

(B) IC 13-17-11.

(C) IC 13-18-18.

(D) IC 13-20-1.

(15) Commence construction of a solid waste incinerator without first obtaining a permit from the department under IC 13-20-8.

(16) Commence operation of a solid waste incinerator without first obtaining the approval of the department under IC 13-20-8.

SECTION 160. IC 13-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 11. An order of the commissioner under this chapter may do any of the following:

(1) Include a direction to cease and desist from violations of the following:

(A) Environmental management laws.

(B) Air pollution control laws.

(C) Water pollution control laws.

(D) A rule adopted by ~~one (1) of~~ the ~~boards.~~ **board.**

(E) A rule adopted by the underground storage tank financial assurance board created by IC 13-23-11-1.

(2) Impose monetary penalties in accordance with the following:

(A) Environmental management laws.

(B) Air pollution control laws.

(C) Water pollution control laws.

(3) Mandate corrective action, including corrective action to be taken beyond the boundaries of the area owned or controlled by the person to whom the order is directed, to alleviate the violation.

(4) Revoke a permit or condition or modify the terms of a permit.

SECTION 161. IC 13-30-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) Subject to IC 13-14-6 and except as provided in IC 13-23-14-2 and IC 13-23-14-3, a person who violates:

(1) any provision of:

(A) environmental management laws;

(B) air pollution control laws;

(C) water pollution control laws;

(D) IC 13-18-14-1; ~~or~~

(E) a rule or standard adopted by ~~one (1) of~~ the ~~boards;~~ **board;** or

(F) a rule or standard adopted by the underground storage tank financial assurance board created by IC 13-23-11-1; or

(2) any determination, permit, or order made or issued by the commissioner under:

(A) environmental management laws or IC 13-7 (before its repeal);

(B) air pollution control laws or IC 13-1-1 (before its repeal); or

(C) water pollution control laws or IC 13-1-3 (before its repeal);

is liable for a civil penalty not to exceed twenty-five thousand dollars ($25,000) per day of any violation.

(b) The department may:

(1) recover the civil penalty described in subsection (a) in a civil action commenced in any court with jurisdiction; and

(2) request in the action that the person be enjoined from continuing the violation.

SECTION 162. IC 13-30-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The ~~boards~~ **following** shall adopt rules under IC 4-22-2 **and IC 13-14-9** to administer this chapter:

(1) The board.

(2) The underground storage tank financial assurance board created by IC 13-23-11-1.".

Page 46, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 163. IC 16-18-2-372 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 372. "Water board", for purposes of IC 16-41, refers to the ~~water pollution control~~ board established by ~~IC 13-18-1-1.~~ **IC 13-13-8-3.**

SECTION 164. IC 16-20-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) If a multiple county sewer, water, wastewater, or similar district has been established under IC 13-26 or IC 13-3-2 (before its repeal), the affected counties may by concurrent resolution of each county executive establish an area board of health for the sole purposes of administering and enforcing, consistent with environmental management laws (as defined in IC 13-11-2-71), all state and local environmental statutes, rules, and ordinances relative to the maintenance of a high quality environmental level in the district.

(b) Area boards of health created under this chapter have jurisdiction with the ~~boards identified in IC 13-11-2-18~~ **board established under IC 13-13-8** and the department of environmental management within the uniform inspection and enforcement area established under section 5 of this chapter.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1002 as printed February 17, 2012.)

GARD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1033

Senator Steele called up Engrossed House Bill 1033 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1033–3)

Madam President: I move that Engrossed House Bill 1033 be amended to read as follows:

Page 2, line 38, strike "shall" and insert "**may**".

Page 3, between lines 18 and 19, begin a new line blocked left and insert:

"**If a court uses its discretion to deny a petition that would otherwise qualify under this section, the court shall set forth in detail its specific reasons for denying the petition.**".

(Reference is to EHB 1033 as printed February 17, 2012.)

BRAY

Upon request of Senator Taylor the President ordered the roll of the Senate to be called. Roll Call 261: yeas 39, nays 11.

Motion prevailed.

SENATE MOTION
(Amendment 1033–2)

Madam President: I move that Engrossed House Bill 1033 be amended to read as follows:

Page 1, line 9, delete "in the business of providing" and insert "**or organization that assembles**".

Page 1, line 10, delete "information to a person that is not" and insert "**reports and either uses the report or provides the report to a person or organization other than**".

Page 1, line 13, after "section," insert "**"criminal history report" means criminal history information that has been compiled for the purposes of evaluating a particular person's:**

(1) character; or

(2) eligibility for:

(A) employment;

(B) housing; or

(C) participation in any activity or transaction.

Sec. 4. As used in this section,".

Page 1, line 15, delete "4." and insert "**5.**".

Page 1, line 17, delete "5." and insert "**6. (a)**".

Page 2, line 1, delete "A", begin a new paragraph and insert: "**(b) A**".

Page 2, line 2, delete "to an" and insert "**to the following:**

(1) An".

Page 2, between lines 3 and 4, begin a new line block indented and insert:

"**(2) A record that has been expunged.**

(3) A record that is restricted by the rules of a court.

(4) A record that has been restricted or expunged under IC 35-38-5 or restricted or expunged under another law.

(5) A record that the criminal history provider knows is inaccurate.

Sec. 7. A criminal history provider may not include criminal history data in a criminal history report if the criminal history data has not been updated to reflect changes to the official record occurring sixty (60) days or more before the date the criminal history report is delivered.".

Page 2, delete lines 4 through 13.

Page 2, line 14, delete "7." and insert "**8.**".

Page 2, line 15, delete "5 or 6" and insert "**6 or 7**".

Page 2, line 20, delete "5 or 6" and insert "**6 or 7**".

(Reference is to EHB 1033 as printed February 17, 2012.)

STEELE

Motion prevailed.

SENATE MOTION
(Amendment 1033–5)

Madam President: I move that Engrossed House Bill 1033 be amended to read as follows:

Page 2, line 2, after "an" insert "**infraction, an**".

Page 2, line 2, after "arrest" insert "**,**".

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 2. IC 34-28-5-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 15. (a) If a person alleged to have violated a statute defining an infraction:**

(1) is not prosecuted or if the action against the person is dismissed;

(2) is adjudged not to have committed the infraction; or

(3) is adjudged to have committed the infraction and the adjudication is subsequently vacated;

the court in which the action was filed shall order the clerk not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

(b) If a court fails to order the court to restrict information related to the infraction under subsection (a), the person may petition the court to restrict disclosure of the records related to the infraction to a noncriminal justice organization or an individual.

(c) A petition under subsection (a) must be verified and filed in:

(1) the court in which the action was filed, for a person described in subsection (a)(1); or

(2) the court in which the trial was held, for a person described in subsection (a)(2) or (a)(3).

(d) A petition under subsection (b) must be filed not earlier than:

(1) if the person is adjudged to have not committed the infraction, thirty (30) days from the date of judgment;

(2) if the person's adjudication is vacated, three hundred sixty-five (365) days after:

(A) the order vacating the adjudication is final, if there is no appeal or the appeal is terminated before entry of an opinion or memorandum decision; or

(B) the opinion or memorandum decision vacating the adjudication is certified; or

(3) if the person is not prosecuted or the action is dismissed, thirty (30) days after the action is dismissed, if a new action is not filed.

(e) A petition under subsection (b) must set forth:

(1) the date of the alleged violation;

(2) the violation;

(3) the date the action was dismissed, if applicable;

(4) the date of judgment, if applicable;

(5) the date the adjudication was vacated, if applicable;

(6) the basis on which the adjudication was vacated, if applicable;

(7) the law enforcement agency employing the officer who issued the complaint, if applicable;

(8) any other known identifying information, such as the name of the officer, case number, or court cause number;

(9) the date of the petitioner's birth; and

(10) the petitioner's Social Security number.

(f) A copy of a petition under subsection (b) shall be served on the prosecuting attorney.

(g) If the prosecuting attorney wishes to oppose a petition under subsection (b), the prosecuting attorney shall, not later than thirty (30) days after the petition is filed, file a notice of opposition with the court setting forth reasons for opposing the petition. The prosecuting attorney shall attach to the notice of opposition a certified copy of any documentary evidence showing that the petitioner is not entitled to relief. A copy of the notice of opposition and copies of any documentary evidence shall be served on the petitioner in accordance with the Indiana Rules of Trial Procedure. The court may:

(1) summarily grant the petition;

(2) set the matter for hearing; or

(3) summarily deny the petition, if the court determines that:

(A) the petition is insufficient; or

(B) based on documentary evidence submitted by the prosecuting attorney, the petitioner is not entitled to have access to the petitioner's records restricted.

(h) If a notice of opposition is filed under subsection (g) and the court does not summarily grant or summarily deny the petition, the court shall set the matter for a hearing.

(i) After a hearing is held under subsection (h), the court shall grant the petition filed under subsection (b) if the person is entitled to relief under subsection (a).

(j) If the court grants a petition filed under subsection (b), the court shall order the clerk not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

SECTION 3. IC 34-28-5-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2012]: **Sec. 16. (a) This chapter applies only to a person found to have committed an infraction.**

(b) Five (5) years after the date a person satisfies a judgment imposed on a person for the violation of an infraction, the clerk of the court shall prohibit the disclosure of information related to the infraction to a noncriminal justice organization or an individual.

(c) If a person whose records are restricted under this section brings a civil action that might be defended with the contents of the records, the defendant is presumed to have a complete defense to the action.

(d) For the plaintiff to recover in an action described in subsection (c), the plaintiff must show that the contents of the restricted records would not exonerate the defendant.

(e) In an action described in subsection (c), the plaintiff may be required to state under oath whether the disclosure of records relating to an infraction has been restricted.

(f) In an action described in subsection (c), if the plaintiff denies the existence of the records, the defendant may prove the existence of the records in any manner compatible with the law of evidence.

(g) A person whose records have been restricted under this section may legally state on an application for employment or any other document that the person has not been adjudicated to have committed the infraction recorded in the restricted records.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1033 as printed February 17, 2012.)

STEELE

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1072

Senator Hershman called up Engrossed House Bill 1072 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1072–3)

Madam President: I move that Engrossed House Bill 1072 be amended to read as follows:

Page 143, delete lines 8 through 11, begin a new paragraph and insert:

"(d) In any fiscal year, a political subdivision may transfer ~~under~~ **any unused and unencumbered funds specified in subsection (b)(2)(A) from any fiscal year at any time to the rainy day fund.**

(e) In any fiscal year, at any time, a political subdivision may transfer under this chapter any other unobligated cash balances not otherwise identified in section 5 of this chapter **or in subsection (b)(2)(A) if the amount is identified in an ordinance or resolution establishing the rainy day fund and the amount is** not more than ten percent (10%) of the political subdivision's total annual budget for that fiscal year, ~~adopted~~ **certified** under IC 6-1.1-17, to the rainy day fund. **The balances may be from any fiscal year.**".

Page 143, line 12, delete "(e)" and insert "~~(e)~~ **(f)**".

Page 143, line 17, delete "(f)" and insert "~~(f)~~ **(g)**".

Page 143, line 20, delete "(g)" and insert "~~(g)~~ **(h)**".

Page 143, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 101. IC 36-1-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section does not apply to a county treasurer governed by IC 36-2-10-23.

(b) As used in this section, "credit card" means a:

(1) credit card;
(2) debit card;
(3) charge card; or
(4) stored value card.

(c) A payment to a political subdivision or a municipally owned utility for any purpose may be made by any of the following financial instruments that the fiscal body of the political subdivision or the board of the municipally owned utility authorizes for use:

(1) Cash.
(2) Check.
(3) Bank draft.
(4) Money order.
(5) Bank card or credit card.
(6) Electronic funds transfer.
(7) Any other financial instrument authorized by the fiscal body.

(d) If there is a charge to the political subdivision or municipally owned utility for the use of a financial instrument, the political subdivision or municipally owned utility may collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(e) If authorized by the fiscal body of the political subdivision or the board of the municipally owned utility, the political subdivision or municipally owned utility may accept payments under this section with a bank card or credit card under the procedures set forth in this section. However, the procedure authorized for a particular type of payment must be uniformly applied to all payments of the same type.

(f) The political subdivision or municipally owned utility may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. **However, if there is a vendor transaction charge or discount fee, whether billed to the political subdivision or municipally owned utility or charged directly to the political subdivision's or municipally owned utility's account, the political subdivision or municipally owned utility shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the political subdivision or municipally owned utility by bank or credit card vendors during the most recent collection period. This fee may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.**

(g) The political subdivision or municipally owned utility may pay any applicable bank card or credit card service charge associated with the use of a bank card or credit card under this subsection.

(h) The authorization of the fiscal body of the political subdivision is not required by the bureau of motor vehicles or the

bureau of motor vehicles commission to use electronic funds transfer or other financial instruments to transfer funds to the political subdivision.

SECTION 102. IC 36-1-8-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) As used in this section, "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.**

(b) The fiscal body of a political subdivision or the board of a municipally owned utility may adopt a resolution to authorize an electronic funds transfer method of payment of claims. If a proper body adopts a resolution under this subsection, the political subdivision or municipally owned utility may pay money from its funds by electronic funds transfer.

(c) A political subdivision or municipally owned utility that pays a claim by electronic funds transfer shall comply with all other requirements for the payment of claims by political subdivisions or municipal utilities.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1072 as printed February 24, 2012.)

HEAD

Motion prevailed.

SENATE MOTION
(Amendment 1072–10)

Madam President: I move that Engrossed House Bill 1072 be amended to read as follows:

Page 152, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 112. [EFFECTIVE UPON PASSAGE] **(a) This section applies to a fire protection district:**

(1) that was initially established in 2011;

(2) whose maximum levy and cumulative fund rate were first established and approved by the department of local government finance in 2011;

(3) that properly and timely advertised its budget, rates and levies in 2011 for the 2012 calendar year;

(4) whose budget, rates and levies were disallowed by the department of local government finance in 2012 due to confusion as to whether the county council that created the fire protection district held a public hearing on said budget, rates, and levies;

(5) whose 2012 budget, rates, and levies were nonetheless timely considered in an open meeting of the county council, and were timely reviewed and approved by the county council; and

(6) that may experience a significant revenue shortfall in 2012 and 2013, requiring the district to seek funds in addition to the amounts available to the district to provide essential fire protection to district residents.

(b) A fire protection district described in this section may borrow a specified amount of money if:

(1) the board of fire trustees of the district finds that:

(A) an emergency exists requiring the expenditure of money not available to the fire district; and

(B) the emergency requiring the expenditure of money is related to paying the operating expenses and obligations of the district; and

(2) the fiscal body of the county approves the expenditure of the money.

(c) A fire protection district shall comply with IC 36-8-11-17 with respect to a borrowing under this section.

(d) The county fiscal body shall levy property taxes in an amount sufficient to cover payments due under the borrowing authorized under this section.

(e) This section expires December 31, 2014.".

Renumber all SECTIONS consecutively.

(Reference is to EHB as printed February 24, 2012.)

HEAD

Motion prevailed.

SENATE MOTION
(Amendment 1072–1)

Madam President: I move that Engrossed House Bill 1072 be amended to read as follows:

Page 8, delete lines 25 through 30.

Page 147, delete lines 21 through 24.

Page 147, line 25, delete "Sec. 2." and insert "**Sec. 1.**".

Page 147, line 27, delete "Sec. 3." and insert "**Sec. 2.**".

Page 147, line 38, delete "Sec. 4." and insert "**Sec. 3.**".

Page 147, line 42, delete "attributable to the increment" and insert "**appropriated to the fund by the fiscal body of the county, city, or town, and any donations or grants made to the fund.**".

Page 148, line 1, delete "determined under section 5 of this chapter.".

Page 148, delete lines 6 through 23.

Page 152, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 111. [EFFECTIVE UPON PASSAGE] **(a) During the 2012 legislative interim, the commission on state tax and financing policy shall study the topic of whether the value of tax credits under Section 42 of the Internal Revenue Code should be considered in determining the assessed value of low income housing tax credit property.**

(b) Before November 1, 2012, the commission on state tax and financing policy shall report to the legislative council regarding any recommendations on the study topic described in subsection (a).

(c) This SECTION expires January 1, 2013.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1072 as printed February 24, 2012.)

WALKER

Motion prevailed.

SENATE MOTION
(Amendment 1072–6)

Madam President: I move that Engrossed House Bill 1072 be amended to read as follows:

Page 17, line 42, after "20" insert "**or 20.3**".

Page 23, line 14, after "(2)" insert "**a public library or**".

Page 23, line 40, after "chapter." insert "**to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.**".

Page 24, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 26. IC 6-1.1-17-20.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 20.3. (a) This section applies only to the governing body of a public library that:**

(1) is not comprised of a majority of officials who are elected to serve on the governing body; and

(2) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:

(A) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus

(B) one (1).

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) This section does not apply to an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a public library is entirely contained within a city or town; or

(2) the assessed valuation of a public library is not entirely contained within a city or town but the public library was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year. However, the governing body shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town.

(d) If subsection (c) does not apply, the governing body of the public library shall submit its proposed budget and property tax levy to the county fiscal body in the county where the public library has the most assessed valuation. The proposed budget and levy shall be submitted to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the public library. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a public library fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that public library are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any public library subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.".

Page 25, between lines 38 and 39, begin a new paragraph and insert:

"**(k) This subsection applies to a public library that:**

(1) is required to submit the public library's budgets, tax rates, and tax levies for nonbinding review under IC 6-1.1-17-3.5; and

(2) is not required to submit the public library's budgets, tax rates, and tax levies for binding review and approval under IC 6-1.1-17-20.

If a public library subject to this subsection proposes to make an additional appropriation for a year, and the additional appropriation would result in the budget for the library for that year increasing (as compared to the previous year) by a percentage that is greater than the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the calendar year minus one (1), the additional appropriation must first be approved by the city, town, or county fiscal body described in IC 6-1.1-17-20.3(c) or IC 6-1.1-17-20(d), as appropriate.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1072 as printed February 24, 2012.)

GARD

Motion prevailed.

SENATE MOTION
(Amendment 1072–16)

Madam President: I move that Engrossed House Bill 1072 be amended to read as follows:

Page 37, line 6, delete "weighing, sorting, grading, separating,".

Page 37, line 9, delete "supplies,".

Page 37, line 11, after "for" insert "**direct**".

Page 37, line 20, after "for" insert "**direct**".

(Reference is to EHB 1072 as printed February 24, 2012.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1072–15)

Madam President: I move that Engrossed House Bill 1072 be amended to read as follows:

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 3. IC 4-33-6-1, AS AMENDED BY P.L.233-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) The commission may issue to a person a license to own a riverboat subject to the numerical and geographical limitation of owner's licenses under this section, section 3.5 of this chapter, and IC 4-33-4-17. However, not more than ten (10) owner's licenses may be in effect at any time. Except as provided in subsection (b), those ten (10) licenses are as follows:

(1) Two (2) licenses for a riverboat that operates from the ~~largest~~ city ~~located in the counties described under IC 4-33-1-1(1).~~ **of Gary.**

(2) One (1) license for a riverboat that operates from the ~~second largest~~ city ~~located in the counties described under IC 4-33-1-1(1).~~ **of Hammond.**

(3) One (1) license for a riverboat that operates from the ~~third largest~~ city ~~located in the counties described under IC 4-33-1-1(1).~~ **of East Chicago.**

(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that operate upon the Ohio River from the following counties:

(A) Vanderburgh County.

(B) Harrison County.

(C) Switzerland County.

(D) Ohio County.

(E) Dearborn County.

The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat operating from a county described in this subdivision.

(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2) elections under section 20 of this chapter, and the voters of the city do not vote in favor of permitting riverboat gambling at either of those elections, the license assigned to that city under subsection (a)(2) or (a)(3) may be issued to any city that:

(1) does not already have a riverboat operating from the city; and

(2) is located in a county described in IC 4-33-1-1(1).

(c) In addition to its power to issue owner's licenses under subsection (a), the commission may also enter into a contract under IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf of the commission in a historic hotel district.

(d) A person holding an owner's license may not move the person's riverboat from the county in which the riverboat was docked on January 1, 2007, to any other county.".

Page 3, line 27, after "department" delete "." and insert "**, unless the department has granted a waiver under subsection (d).**

(d) The department may for good cause grant a waiver to the requirement under subsection (c) and approve an appropriation or a property tax levy, notwithstanding a political subdivision's failure to submit a required debt issuance report.".

Page 4, line 19, after "department" delete "." and insert "**, unless the department has granted a waiver under subsection (d).**

(d) The department may for good cause grant a waiver to the requirement under subsection (c) and approve an appropriation or a property tax levy, notwithstanding a political subdivision's failure to submit a required debt issuance report.".

Page 23, line 40, after "chapter." insert "**to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.**".

Page 69, line 1, delete "2009-2012," and insert "**1009-2012,**".

Page 137, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 96. IC 6-9-2-2, AS AMENDED BY SEA 115-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) The revenue received by the county treasurer under this chapter shall be allocated to the Lake County convention and visitor bureau, Indiana University-Northwest, Purdue University-Calumet, municipal public safety departments, municipal physical and economic development divisions, and the cities and towns in the county as provided in this section. Subsections (b) through (g) do not apply to the distribution of revenue received under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the ~~largest~~ city of ~~the county.~~ **Gary.**

(b) The Lake County convention and visitor bureau shall establish a convention, tourism, and visitor promotion fund (referred to in this chapter as the "promotion fund"). The county treasurer shall transfer to the Lake County convention and visitor bureau for deposit in the promotion fund thirty-five percent (35%) of the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. The promotion fund consists of:

(1) money in the promotion fund on June 30, 2005;

(2) revenue deposited in the promotion fund under this subsection after June 30, 2005; and

(3) investment income earned on the promotion fund's assets.

Money in the funds established by the bureau may be expended to promote and encourage conventions, trade shows, special events, recreation, and visitors. Money may be paid from the funds established by the bureau, by claim in the same manner as municipalities may pay claims under IC 5-11-10-1.6.

(c) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer to Indiana University-Northwest forty-four and thirty-three hundredths percent (44.33%) of the revenue received under this chapter for that year to be used as follows:

(1) Seventy-five percent (75%) of the revenue received under this subsection may be used only for the university's medical education programs.

(2) Twenty-five percent (25%) of the revenue received under this subsection may be used only for the university's

allied health education programs.

(d) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall allocate among the cities and towns throughout the county nine percent (9%) of the revenue received under this chapter for that year as follows:

(1) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(2) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).

(3) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than twenty-nine thousand six hundred (29,600) but less than twenty-nine thousand nine hundred (29,900).

(4) Seventy percent (70%) of the revenue covered by this subsection shall be distributed in equal amounts to each town and each city not receiving a distribution under subdivisions (1) through (3).

The money distributed under this subsection may be used only for tourism and economic development projects. The county treasurer shall make the distributions on or before December 1 of each year.

(e) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer to Purdue University-Calumet nine percent (9%) of the revenue received under this chapter for that year. The money received by Purdue University-Calumet may be used by the university only for nursing education programs.

(f) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer two and sixty-seven hundredths percent (2.67%) of the revenue received under this chapter for that year to the following cities:

(1) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(2) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).

Money transferred under this subsection may be used only for convention facilities located within the city. In addition, the money may be used only for facility marketing, sales, and public relations programs. Money transferred under this subsection may not be used for salaries, facility operating costs, or capital expenditures related to the convention facilities. The county treasurer shall make the transfers on or before December 1 of each year.

(g) This subsection applies to the revenue received from the tax imposed under this chapter in each year that exceeds one million two hundred thousand dollars ($1,200,000). During each year, the county treasurer shall distribute money in the promotion fund as follows:

(1) Eighty-five percent (85%) of the revenue covered by this subsection shall be deposited in the convention, tourism, and visitor promotion fund. The money deposited in the fund under this subdivision may be used only for the purposes for which other money in the fund may be used.

(2) Five percent (5%) of the revenue covered by this subsection shall be transferred to Purdue University-Calumet. The money received by Purdue University-Calumet under this subdivision may be used by the university only for nursing education programs.

(3) Five percent (5%) of the revenue covered by this subsection shall be transferred to Indiana University-Northwest. The money received by Indiana University-Northwest under this subdivision may be used only for the university's medical education programs.

(4) Five percent (5%) of the revenue covered by this subsection shall be transferred to Indiana University-Northwest. The money received by Indiana University-Northwest under this subdivision may be used only for the university's allied health education programs.

(h) This subsection applies only to the distribution of revenue received from the tax imposed under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the ~~largest~~ city of ~~the county.~~ **Gary.** During each year, the county treasurer shall transfer:

(1) seventy-five percent (75%) of the revenues under this subsection to the department of public safety; and

(2) twenty-five percent (25%) of the revenues under this subsection to the division of physical and economic development;

of the ~~largest~~ city of ~~the county.~~ **Gary.**

(i) The Lake County convention and visitor bureau shall assist the county treasurer, as needed, with the calculation of the amounts that must be deposited and transferred under this section.".

Page 142, delete lines 9 through 27.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1072 as printed February 24, 2012.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1072–11)

Madam President: I move that Engrossed House Bill 1072 be amended to read as follows:

Page 139, delete lines 11 through 42.

Delete page 140.

Page 141, delete lines 1 through 15.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1072 as printed February 24, 2012.)

SMITH

The Chair ordered a division of the Senate. Yeas 29, nays 21.

Motion prevailed.

SENATE MOTION
(Amendment 1072–5)

Madam President: I move that Engrossed House Bill 1072 be amended to read as follows:

Page 10, after line 42, begin a new paragraph and insert:

"SECTION 17. IC 6-1.1-12-37, AS AMENDED BY P.L.172-2011, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 37. (a) The following definitions apply throughout this section:

(1) "Dwelling" means any of the following:

(A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.

(B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.

(C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.

(2) "Homestead" means an individual's principal place of residence:

(A) that is located in Indiana;

(B) that:

(i) the individual owns;

(ii) the individual is buying under a contract; recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence;

(iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or

(iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and

(C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Except as provided in subsection (k), the term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. The deduction provided by this section applies to property taxes first due and payable for an assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

(1) the assessment date; or

(2) any date in the same year after an assessment date that a statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

(c) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

(1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or

(2) forty-five thousand dollars ($45,000).

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

(1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;

(2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;

(3) the names of:

(A) the applicant and the applicant's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or

(B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or

(B) if the applicant or the applicant's spouse (if any) do not have a Social Security number, any of the following for that individual:

(i) The last five (5) digits of the individual's driver's license number.

(ii) The last five (5) digits of the individual's state identification card number.

(iii) If the individual does not have a driver's license or a state identification card, the last five (5) digits of a control number that is on a document issued to the individual by the federal government and determined by the department of local government finance to be acceptable.

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. With respect to real property, the statement must be completed and dated in the calendar year for which the person desires to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.

(f) If an individual who is receiving the deduction provided by this section or who otherwise qualifies property for a deduction under this section:

(1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or

(2) is no longer eligible for a deduction under this section on another parcel of property because:

(A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or

(B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

(g) The department of local government finance shall adopt rules or guidelines concerning the application for a deduction under this section.

(h) This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on March 1 in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on March 1 in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection (n), the county auditor may not grant an individual or a married couple a deduction under this section if:

(1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and

(2) the applications claim the deduction for different property.

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or IC 6-3.5.

(j) **A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence.** The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

(k) As used in this section, "homestead" includes property that satisfies each of the following requirements:

(1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

(2) The property is the principal place of residence of an individual.

(3) The property is owned by an entity that is not described in subsection (a)(2)(B).

(4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.

(5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described in subsection (k) with respect to property taxes that are:

(1) imposed for an assessment date in 2009; and

(2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual residing on the property is not claiming the deduction for any other property.

(m) For assessments dates after 2009, the term "homestead" includes:

(1) a deck or patio;

(2) a gazebo; or

(3) another residential yard structure, as defined in rules adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

(1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.

(2) A statement made under penalty of perjury that the following are true:

(A) That the individual and the individual's spouse maintain separate principal places of residence.

(B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.

(C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

(1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction;

the county auditor shall inform the property owner of the county auditor's determination in writing. **If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.**".

Page 152, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 113. [EFFECTIVE JULY 1, 2012] **(a) The administrative rule concerning proof by an individual that a residence is the individual's principal place of residence for purposes of the homestead standard deduction that is set forth at 50 IAC 24-3-2 is void. The publisher of the Indiana Administrative Code shall remove 50 IAC 24-3-2 from the Indiana Administrative Code.**

(b) This SECTION expires July 1, 2014.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1072 as printed February 24, 2012.)

KRUSE

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1087

Senator Hershman called up Engrossed House Bill 1087 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1126

Senator Merritt called up Engrossed House Bill 1126 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1126–3)

Madam President: I move that Engrossed House Bill 1126 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 6 with "[EFFECTIVE UPON PASSAGE]".

Page 4, line 17, delete "The ordinance" and insert "**An ordinance adopted after March 31, 2012,**".

Page 6, between lines 11 and 12, begin a new paragraph and insert:

"**(c) This subsection applies if a municipal legislative body adopts an ordinance under section 8.1 of this chapter that is in effect on March 31, 2012, and that imposes rates and charges on users of the works for service to property located outside the corporate boundaries of the municipality that exceed by more than fifteen percent (15%), but not more than fifty percent (50%), the rates and charges imposed on users for service to property located within the corporate boundaries of the municipality. Not later than September 30, 2012, the municipality may petition the commission to approve the percentage difference between rates and charges established in the ordinance for property within and property outside the corporate boundaries. In the petition,**

the municipality shall set forth the following:

(1) The date on which the ordinance took effect.

(2) The percentage difference between rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries of the municipality.

(3) Whether the works that is the subject of the ordinance is a water utility works, a wastewater utility works, or both a water and wastewater utility works.

(d) If the commission determines that a petition filed under subsection (c) satisfies the requirements of subsection (c), the commission shall approve the petition, including the percentage difference between rates and charges described in subsection (c)(2). If the municipality that filed the petition adopts an ordinance under section 8.1 of this chapter after March 31, 2012, that imposes rates and charges on users of the works for service to property located outside the corporate boundaries of the municipality that exceed the rates and charges imposed on users for service to property located within the corporate boundaries of the municipality by more than the sum of the percentage difference approved by the commission under this subsection plus fifteen percent (15%), either or both of the following may petition the commission to review and adjust, if necessary, the rates and charges imposed on users for service to property located outside the corporate boundaries of the municipality:

(1) The municipality.

(2) The lesser of:

(A) ten percent (10%) of all; or

(B) twenty-five (25);

users whose property is located outside the corporate boundaries of the municipality.

A petition filed under this subsection must be filed not more than fourteen (14) days after the date on which the ordinance referred to in this subsection is adopted. A petition may not be filed under this subsection if a petition has already been filed under section 8.2 of this chapter appealing the same rates and charges.

(e) If the commission determines that a petition filed under subsection (c) does not satisfy the requirements of subsection (c), the commission shall disapprove the petition.".

Page 6, line 12, delete "(c) If the municipal legislative body" and insert "**(f) If the legislative body of a municipality, other than a municipality subject to subsection (d),**".

Page 6, line 13, after "chapter" insert "**after March 31, 2012,**".

Page 6, line 30, after "this" delete "section" and insert "**subsection**".

Page 6, line 32, delete "(d)" and insert "**(g)**".

Page 6, line 33, delete "(c)" and insert "**(d) or (f)**".

Page 6, line 37, delete "considered approved" and insert "**dismissed**".

Page 6, line 37, delete "(e);" and insert "**(h);**".

Page 6, line 41, delete "(e)" and insert "**(h)**".

Page 6, line 42, delete "(c)." and insert "**(d) or (f).**".

Page 7, line 3, delete "(c)." and insert "**(d) or (f).**".

Page 7, line 11, delete "(f)" and insert "**(i)**".

Page 7, between lines 22 and 23, begin a new line blocked left and insert:

"**However, with respect to rates and charges that are the subject of a petition filed under subsection (d), the commission may not establish rates and charges such that the percentage difference between rates and charges established by the commission is less than the percentage difference established in subsection (c) and approved by the commission under subsection (d).**".

Page 7, line 23, delete "(g)" and insert "**(j)**".

Page 7, line 29, delete "(h)" and insert "**(k)**".

Page 7, line 31, delete "(i)" and insert "**(l)**".

Page 8, line 14, delete "The ordinance" and insert "**An ordinance adopted after March 31, 2012,**".

Page 9, after line 32, begin a new paragraph and insert:

"SECTION 7. **An emergency is declared for this act.**".

(Reference is to EHB 1126 as printed February 24, 2012.)

MERRITT

Motion prevailed.

SENATE MOTION
(Amendment 1126–4)

Madam President: I move that Engrossed House Bill 1126 be amended to read as follows:

Page 4, line 10, delete "8.3(c)" and insert "**8.3(d)**".

Page 6, between lines 11 and 12, begin a new paragraph and insert:

"**(c) As used in this section, "percentage difference" means the percentage difference between rates and charges imposed on:**

(1) users of the works for service to property located outside the corporate boundaries of a municipality; and

(2) users of the works for service to property located within the corporate boundaries of the municipality.".

Page 6, line 12, delete "(c)" and insert "**(d)**".

Page 6, line 13, delete "rates and charges on users" and insert "**rates and charges on users of the works for service to property located outside the corporate boundaries of the municipality that exceed the rates and charges imposed on users for service to property located within the corporate boundaries of the municipality by more than:**

(1) fifteen percent (15%); or

(2) if an ordinance in effect on March 31, 2012, imposed different rates and charges for service to property located outside or within the corporate boundaries of the municipality, the sum of:

(A) the percentage difference in effect on March 31, 2012; plus

(B) the increase in rates and charges imposed on users for service to property located within the corporate boundaries of the municipality, if any, multiplied by one hundred fifteen percent (115%);".

Page 6, delete lines 14 through 17.

Page 6, line 18, delete "municipality,".

Page 6, line 18, beginning with "either" begin a new line blocked left.

Page 6, line 18, delete "following" and insert "**potential petitioners identified in subsection (e)**".

Page 6, line 21, delete "municipality:" and insert "**municipality.**".

Page 6, between lines 21 and 22, begin a new paragraph and insert:

"**(e) In a situation described in subsection (d), a petition may be filed by either or both of the following:**".

Page 6, line 24, delete "of;" and insert "**of all;**".

Page 6, line 32, delete "(d)" and insert "**(f)**".

Page 6, line 32, delete "subsection" and insert "**subsections**".

Page 6, line 33, delete "(c)" and insert "**(d) and (e)**".

Page 6, line 37, delete "approved" and insert "**disapproved**".

Page 6, line 37, delete "(e);" and insert "**(g);**".

Page 6, line 41, delete "(e)" and insert "**(g)**".

Page 6, line 42, delete "subsection (c)." and insert "**subsections (d) and (e).**".

Page 7, line 3, delete "(c)." and insert "**(e).**".

Page 7, line 11, delete "(f)" and insert "**(h)**".

Page 7, line 23, delete "(g)" and insert "**(i)**".

Page 7, line 29, delete "(h)" and insert "**(j)**".

Page 7, line 31, delete "(i)" and insert "**(k)**".

(Reference is to EHB 1126 as printed February 24, 2012.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1136

Senator Holdman called up Engrossed House Bill 1136 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1136–5)

Madam President: I move that Engrossed House Bill 1136 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-28.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 28.8. "Child care ministry", for purposes of IC 12-17.2, means child care operated by a church or religious ministry that is a religious organization ~~exempt from federal income taxation under Section 501 of the Internal Revenue Code.~~ **that meets all of the following criteria:**

(1) The religious organization has all of the following:

(A) A recognized creed and form of worship.

(B) Established places of worship.

(C) A regular congregation and regular religious services.

(2) The principal purpose of the religious organization is the study or advancement of religion.

(3) Net earnings of the religious organization do not inure to the benefit of any private individual or shareholder.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1136 as printed February 17, 2012.)

WALKER

Motion prevailed.

SENATE MOTION
(Amendment 1136–2)

Madam President: I move that Engrossed House Bill 1136 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-21.5-2-6, AS AMENDED BY P.L.219-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. This article does not apply to the formulation, issuance, or administrative review (but does apply to the judicial review and civil enforcement) of any of the following:

(1) Except as provided in **IC 12-17.2-3.5-17,** IC 12-17.2-4-18.7, and IC 12-17.2-5-18.7, determinations by the division of family resources and the department of child services.

(2) Determinations by the alcohol and tobacco commission.

(3) Determinations by the office of Medicaid policy and planning concerning recipients and applicants of Medicaid. However, this article does apply to determinations by the office of Medicaid policy and planning concerning providers.

SECTION 2. IC 12-7-2-149.1, AS AMENDED BY P.L.143-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 149.1. "Provider" means the following:

(1) For purposes of IC 12-10-7, the meaning set forth in IC 12-10-7-3.

(2) For purposes of the following statutes, an individual, a partnership, a corporation, or a governmental entity that is enrolled in the Medicaid program under rules adopted under IC 4-22-2 by the office of Medicaid policy and planning:

(A) IC 12-14-1 through IC 12-14-9.5.

(B) IC 12-15, except IC 12-15-32, IC 12-15-33, and IC 12-15-34.

(C) IC 12-17.6.

(3) Except as provided in ~~subdivision~~ **subdivisions** (4) **and (6),** for purposes of IC 12-17.2, a person who operates a child care center or child care home under IC 12-17.2.

(4) For purposes of IC 12-17.2-3.5, a person that:

(A) provides child care; and

(B) is directly paid for the provision of the child care under the federal Child Care and Development Fund voucher program administered under 45 CFR 98 and 45 CFR 99.

The term does not include an individual who provides services to a person described in clauses (A) and (B), regardless of whether the individual receives compensation.

(5) For purposes of IC 12-21-1 through IC 12-29-2, an organization:

(A) that:

(i) provides mental health services, as defined under 42 U.S.C. 300x-2(c);

(ii) provides addiction services; or

(iii) provides children's mental health services;

(B) that has entered into a provider agreement with the division of mental health and addiction under IC 12-21-2-7 to provide services in the least restrictive, most appropriate setting; and

(C) that is operated by one (1) of the following:

(i) A city, town, county, or other political subdivision of the state.

(ii) An agency of the state or of the United States.

(iii) A political subdivision of another state.

(iv) A hospital owned or operated by a unit of government or a building authority that is organized for the purpose of constructing facilities to be leased to units of government.

(v) A corporation incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17.

(vi) An organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(vii) A university or college.

(6) For purposes of IC 12-17.2-2-10, the following:

(A) A person described in subdivision (4).

(B) A child care center licensed under IC 12-17.2-4.

(C) A child care home licensed under IC 12-17.2-5.".

Page 1, after line 7, begin a new paragraph and insert:

"SECTION 4. IC 12-17.2-2-1, AS AMENDED BY P.L.1-2009, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The division shall perform the following duties:

(1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.

(2) Ensure that a national criminal history background check of the applicant is completed through the state police department under IC 10-13-3-39 before issuing a license.

(3) Ensure that a criminal history background check of a child care ministry applicant for registration is completed before registering the child care ministry.

(4) Provide for the issuance, denial, suspension, and revocation of licenses.

(5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.

(6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(7) Deposit all license application fees collected under section 2 of this chapter in the division of family resources child care fund established by IC 12-17.2-2-3.

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

(9) Provide an Internet site through which members of the public may obtain the following information:

(A) Information concerning violations of this article by a licensed child care provider, including:

(i) the identity of the child care provider;

(ii) the date of the violation; and

(iii) action taken by the division in response to the violation.

(B) Current status of a child care provider's license.

(C) Other relevant information.

The Internet site may not contain the address of a child care home or information identifying an individual child. However, the site may include the county and ZIP code in which a child care home is located.

(10) Provide or approve training concerning safe sleeping practices for children to:

(A) a provider who operates a child care program ~~in the provider's home~~ as described in ~~IC 12-17.2-3.5-5.5(b);~~ **IC 12-17.2-3.5-5.5;** and

(B) a child care home licensed under IC 12-17.2-5;

including practices to reduce the risk of sudden infant death syndrome.

SECTION 5. IC 12-17.2-2-10, AS AMENDED BY P.L.145-2006, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The division may grant a variance or waiver of a rule governing ~~child care centers, or child care homes.~~ **a provider.** A variance or waiver granted under this section must promote statewide practices and must protect the rights of persons affected by this article.

(b) The division may grant a variance to a rule if ~~an applicant for~~ a ~~license or a licensee under this chapter~~ **provider** does the following:

(1) Submits to the division a written request for the variance in the form and manner specified by the division.

(2) Documents that compliance with an alternative method of compliance approved by the division will not be adverse to the health, safety, or welfare of a child receiving services from the applicant for the variance, as determined by the division.

(c) A variance granted under subsection (b) must be conditioned upon compliance with the alternative method approved by the division. Noncompliance constitutes the violation of a rule of the division and may be the basis for revoking the variance.

(d) The division may grant a waiver of a rule if ~~an applicant for~~ a ~~license or a licensee under this chapter~~ **provider** does the following:

(1) Submits to the division a written request for the waiver in the form and manner specified by the division.

(2) Documents that compliance with the rule specified in the application for the waiver will create an undue hardship on the applicant for the waiver, as determined by the division.

(3) Documents that the applicant for the waiver will be in substantial compliance with the rules adopted by the division after the waiver is granted, as determined by the division.

(4) Documents that noncompliance with the rule specified in the application for a waiver will not be adverse to the health, safety, or welfare of a child receiving services from

the applicant for the waiver, as determined by the division.

(e) Except for a variance or waiver of a rule governing child care homes, a variance or waiver of a rule under this section that conflicts with a building rule or fire safety rule adopted by the fire prevention and building safety commission is not effective until the variance or waiver is approved by the fire prevention and building safety commission.

SECTION 6. IC 12-17.2-3.5-1, AS AMENDED BY P.L.124-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This chapter applies to all child care providers regardless of whether a provider is required to be licensed or registered under this article. However, **except as provided in section 4(b) of this chapter,** a child care provider that is licensed under IC 12-17.2-4 or IC 12-17.2-5 is considered to be in compliance with this chapter. ~~unless the child care provider is found to be in violation of this chapter.~~

(b) If a school age child care program that is:

(1) described in IC 12-17.2-2-8(10); and

(2) located in a school building;

is determined to be in compliance with a requirement of this chapter by another state regulatory authority, the school age child care program is considered to be in compliance with the requirement under this chapter.

SECTION 7. IC 12-17.2-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a)** A provider who:

(1) has been convicted of a:

(A) felony;

(B) misdemeanor related to:

(i) the health or safety of a child; **or**

(ii) welfare fraud;

(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

(2) ~~employs or otherwise~~ allows an individual who has been convicted of a crime specified under subdivision (1) to:

(A) serve as ~~a caregiver to a child in~~ **an employee or volunteer in the facility where** the ~~provider's care;~~ **provider operates a child care program;** or

(B) reside with the provider, if the provider operates a child care program in the provider's home; ~~or~~

(3) has had a revocation of eligibility under this chapter during the immediately preceding two (2) years; or

~~(3)~~ **(4)** fails to meet the requirements ~~set forth in sections 5 through 12.1~~ of this chapter;

is ineligible to receive a voucher payment.

(b) A provider whose:

(1) license under IC 12-17.2-4 or IC 12-17.2-5; or

(2) compliance with this chapter;

is subject to an enforcement action is ineligible to receive a voucher payment, regardless of whether the provider meets the requirements of this chapter, until the outcome of any administrative appeal under IC 4-21.5-5 reflects a final determination that the provider's license or eligibility is in good standing.

SECTION 8. IC 12-17.2-3.5-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.1. (a) This section applies to the following:

(1) A provider, if the provider is an individual.

(2) If a provider operates a child care program in the provider's home, an individual who resides with the provider and who is at least eighteen (18) years of age.

(3) An individual who:

(A) is employed; or

(B) volunteers;

~~as a caregiver~~ at the facility where a provider operates a child care program.

(b) If information used by the division under ~~IC 31-33-17-6(7)~~ **IC 31-33-26-16(a)(10) or obtained by the division under section 27 of this chapter** indicates that an individual described in subsection (a) has been named as ~~an alleged~~ **a** perpetrator, the following are ineligible to receive a voucher payment:

(1) The individual.

(2) A provider in whose home the individual resides if the provider operates a child care program in the provider's home.

(3) A provider that:

(A) employs the individual; or

(B) allows the individual to volunteer;

~~as a caregiver~~ at the facility where the provider operates a child care program.

SECTION 9. IC 12-17.2-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. **(a)** A provider shall have

~~(1) working smoke detectors that meet the standards adopted by rule for smoke detectors in licensed child care homes; and~~

~~(2)~~ hot and cold running water

in the area of the facility where the provider operates a child care program.

(b) A provider shall maintain compliance with food, health, safety, and sanitation standards as determined by the division under rules adopted by the division under section 15 of this chapter or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(c) The food, health, safety, and sanitation standards adopted under subsection (b) must include all of the following requirements:

(1) Bathroom and handwashing.

(2) Safe conditions in and on the grounds.

(3) Maximum capacity limits for the number of children receiving care.

(4) Nutrition.

(5) Daily activities.

(6) Safety of motor vehicles used to transport children.

SECTION 10. IC 12-17.2-3.5-5.5, AS AMENDED BY P.L.162-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.5. (a) A provider shall ensure that a child in the provider's care is continually supervised by a caregiver.

(b) A provider ~~who operates a child care program in the provider's home (including a child care home licensed under IC 12-17.2-5) and who receives a voucher payment under this~~

~~chapter~~ **that cares for children who are less than twelve (12) months of age** shall:

(1) complete the training course provided or approved by the division under IC 12-17.2-2-1(10) concerning safe sleeping practices; **and**

(2) ensure that all caregivers of children who are less than twelve (12) months of age follow safe sleeping practices.

(c) A provider that cares for:

(1) sixteen (16) or fewer children at a facility where the provider operates a child care program shall maintain a ratio of children to caregivers in the same proportions as the child to staff ratios that are required for a child care home under IC 12-17.2-5; and

(2) more than sixteen (16) children at a facility where the provider operates a child care program shall maintain a ratio of children to caregivers in the same proportions as the child to staff ratios that are required for a child care center under IC 12-17.2-4.

SECTION 11. IC 12-17.2-3.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. **(a)** A provider shall have written plans for notifying parents regarding the following:

(1) Illness, serious injury, or death of the provider.

(2) Care in an emergency.

(3) Emergency evacuation.

The plan required under subdivision (3) must be posted in a conspicuous location in the facility where the provider operates a child care program.

(b) A provider shall:

(1) maintain a written child discipline policy;

(2) ensure that all employees and volunteers follow the child discipline policy;

(3) provide the parent or legal guardian of each child cared for by the provider a written copy of the child discipline policy; and

(4) maintain in each child's file a copy of the child discipline policy that has been signed by the parent or legal guardian described in subdivision (3).

(c) A provider shall allow unscheduled visits by a parent or legal guardian to a facility where the provider operates a child care program during the hours the child care program is in operation.

SECTION 12. IC 12-17.2-3.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) At least one (1) adult individual who maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by a provider shall be present at all times when a child is in the care of the provider.

(b) **The following apply to** an individual who

~~(1)~~ is employed or

~~(2)~~ volunteers

as a caregiver at a facility where a provider operates a child care program:

(1) The individual shall maintain current certification in first aid applicable to all age groups of children cared for by the provider.

(2) If the individual is:

(A) at least eighteen (18) years of age, the individual may act as a caregiver without supervision of another caregiver; or

(B) less than eighteen (18) years of age, the individual may act as a caregiver only if:

(i) the individual is at least fourteen (14) years of age; and

(ii) is, at all times when child care is provided, directly supervised by a caregiver who is at least eighteen (18) years of age.

(3) Unless the provider is related to all children in the care of the provider, the individual shall annually receive at least twelve (12) hours of continuing education approved by the division and related to the development and care of children of the same age as the age of children who receive care at the facility.

(4) Before beginning employment or volunteer duties, the individual must receive a formal orientation to the facility and the child care program.

(5) Not more than three (3) months after the individual begins employment or volunteer duties, the individual must receive training approved by the division concerning child abuse detection and prevention.

(6) Not more than three (3) months after beginning employment or volunteer duties caring for children who do not yet attend first grade, the individual must receive training approved by the division concerning the department of education's early learning guidelines.

(c) A provider shall:

(1) maintain at the facility where the provider operates a child care program documentation of all training required by this section; and

(2) make the documentation available to the division upon request.

SECTION 13. IC 12-17.2-3.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. **(a)** A provider shall have at least one (1) working telephone in each facility where the provider operates a child care program.

(b) The telephone required by subsection (a) must be compatible with an automated time and attendance tracking system approved by the division.

SECTION 14. IC 12-17.2-3.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A facility where a provider operates a child care program must have two (2) exits that:

(1) do not require passage through a:

(A) garage; or

(B) storage area;

where hazardous materials are stored;

(2) are not windows;

(3) are on different sides of the facility;

(4) are not blocked; and

(5) are operable from the inside without the use of a key or any special knowledge.

(b) In addition to the requirements specified in subsection (a), a room that is:

(1) where children who are not more than twenty-four (24) months of age receive care; and

(2) located in a facility where a provider operates a child care program;

must have at least one (1) exit that does not require the use of stairs.

~~(b)~~ **(c)** A provider shall:

(1) conduct monthly documented fire drills:

(A) in accordance with the rules of the fire prevention and building safety commission; and

(B) that include complete evacuation of all:

(i) children; and

(ii) adults who provide child care;

in the facility;

(2) maintain documentation of all fire drills conducted during the immediately preceding twelve (12) month period, including:

(A) the date and time of the fire drill;

(B) the name of the individual who conducted the fire drill;

(C) the weather conditions at the time of the fire drill; and

(D) the amount of time required to fully evacuate the facility; and

(3) maintain a two and one-half (2 1/2) pound or greater ABC multiple purpose fire extinguisher:

(A) on each floor of the facility; and

(B) in the kitchen area of the facility;

in each facility where the provider operates a child care program.

(d) A facility where a provider operates a child care program must meet the following requirements:

(1) If sixteen (16) or fewer children are cared for at the facility, have working smoke detectors and means of egress that meet the requirements that apply to child care homes under IC 12-17.2-5.

(2) If more than sixteen (16) children are cared for at the facility, meet the requirements specified in the building rules and fire safety rules adopted by the fire prevention and building safety commission.

(3) If more than one (1) facility where a provider operates a child care program is located in a single structure, each facility must:

(A) be separated from each other facility by walls and doors with a two (2) hour fire resistance rating; and

(B) individually meet all requirements of this section.

SECTION 15. IC 12-17.2-3.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. **(a)** A provider shall provide for a safe environment by ensuring that the following items are placed in areas that are inaccessible to the children in the provider's care:

(1) Firearms and ammunition.

(2) Poisons, chemicals, bleach, and cleaning materials.

(3) Medications.

(4) Other items determined by the division in rules adopted under section 15 of this chapter to pose a danger to children.

(b) A provider shall do the following with respect to transporting children away from the facility where the provider operates a child care program:

(1) Obtain written permission from the child's parent to transport the child.

(2) Ensure that the child is transported only by an employee or a volunteer who:

(A) is at least eighteen (18) years of age;

(B) holds a valid driver's license; and

(C) transports the child in a properly licensed and insured motor vehicle.

SECTION 16. IC 12-17.2-3.5-12, AS AMENDED BY P.L.142-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) Except as provided in subsection (f), a provider shall, at no expense to the state, maintain and make available to the division upon request a copy of a limited criminal history for:

(1) the provider, if the provider is an individual;

(2) if the provider operates a child care program in the provider's home, any individual who resides with the provider and who is:

(A) at least eighteen (18) years of age; or

(B) less than eighteen (18) years of age but has previously been waived from juvenile court to adult court; and

(3) any individual who:

(A) is employed; or

(B) volunteers;

~~as a caregiver~~ at the facility where the provider operates a child care program.

A provider shall apply for a limited criminal history for an individual described in subdivision (3) before the individual is employed or allowed to volunteer. ~~as a caregiver.~~

(b) In addition to the requirement under subsection (a), a provider shall report to the division any:

(1) police investigations;

(2) arrests; and

(3) criminal convictions;

not listed on a limited criminal history obtained under subsection (a) regarding any of the persons listed in subsection (a).

(c) A provider that meets the other eligibility requirements of this chapter is temporarily eligible to receive voucher payments until the provider receives the limited criminal history required under subsection (a) from the state police department if:

(1) the provider:

(A) has applied for the limited criminal history required under subsection (a); and

(B) obtains a local criminal history for the individuals described in subsection (a) from each individual's local law enforcement agency before the individual is employed or allowed to volunteer; ~~as a caregiver;~~ and

(2) the local criminal history does not reveal that an individual has been convicted of a:

(A) felony;

(B) misdemeanor related to the health or safety of a child;

(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(d) A provider is ineligible to receive a voucher payment if an individual for whom a limited criminal history is required under this section has been convicted of a:

(1) felony;

(2) misdemeanor related to the health or safety of a child;

(3) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(4) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

until the individual is dismissed from employment or volunteer service at the facility where the provider operates a child care program or no longer resides with the provider.

(e) A provider shall maintain a written policy requiring an individual for whom a limited criminal history is required under this section to report any criminal convictions of the individual to the provider.

(f) The state police department may not charge a church or religious society any fees or costs for responding to a request for a release of a limited criminal history record of a prospective or current employee or a prospective or current volunteer of a child care ministry registered under IC 12-17.2-6 if the conditions set forth in IC 10-13-3-36(f) are met.

SECTION 17. IC 12-17.2-3.5-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. (a) Notice of a determination made under this chapter must be provided under IC 4-21.5-3-6.~~

~~(b) A person affected by a determination made under this chapter may seek administrative review under IC 4-21.5-3-7.~~

SECTION 18. IC 12-17.2-3.5-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 16. (a) An employee or a volunteer shall immediately report to child protective services, the division, and local law enforcement authorities the employee's or volunteer's suspicion of physical abuse, sexual abuse, child neglect, or child exploitation of a child in the provider's care.**

(b) A provider shall immediately notify the division and the parent or guardian of a child in the care of the provider concerning:

(1) an injury of the child that requires medical attention;

(2) the death of the child; or

(3) an emergency event involving the child.

SECTION 19. IC 12-17.2-3.5-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 17. (a) The division shall adopt rules under IC 4-22-2 to establish a list of violations of this article that would pose an immediate threat to the life or well-being of a child in the care of a provider.**

(b) If an employee or agent of the division determines that a violation described in subsection (a) exists, the division shall:

(1) immediately suspend the provider's eligibility to receive a voucher under this chapter;

(2) issue an emergency or another temporary order under IC 4-21.5-4 requiring the provider to immediately cease operation of the child care program; and

(3) contact the parent or guardian of each child enrolled in the child care program to inform the parent or guardian:

(A) that the division has issued an order to require the provider to cease operation of the child care program; and

(B) of the reason for the order to cease operation;

pending the outcome of proceedings conducted under sections 20 and 22 of this chapter.

(c) An emergency or another temporary order issued by an employee or agent of the division must be approved by the director.

(d) An approval under subsection (c) may be communicated orally to the employee or agent issuing the order. However, the division shall maintain a written record of the approval.

SECTION 20. IC 12-17.2-3.5-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18. The division may suspend a provider's eligibility to receive a voucher payment under this chapter for any of the following reasons:**

(1) The provider fails to comply with this chapter.

(2) The provider refuses to allow, during normal business hours, the division or an agent of the division to inspect the facility where the provider operates a child care program.

(3) The provider is determined by the division to have made false statements in the provider's:

(A) application for eligibility to receive a voucher payment; or

(B) records required by the division;

under this chapter.

(4) The provider fails to correct a problem identified by the division within the period required by the division.

(5) Three (3) or more problems occurring within a twelve (12) month period are identified by the division, regardless of whether the provider corrects the problems within the period required by the division.

(6) Credible allegations of fraud have been made against the provider, as determined by the division.

(7) Criminal charges of welfare fraud have been filed against the provider.

SECTION 21. IC 12-17.2-3.5-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 19. The division may revoke a provider's eligibility to receive a voucher payment under this chapter for any of the following reasons:**

(1) Any of the reasons for suspension described in section 18(1) through 18(5) of this chapter.

(2) Allegations of welfare fraud committed by the provider have been substantiated by the division.

SECTION 22. IC 12-17.2-3.5-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 20. Except as provided in section 17 of this chapter, the division shall give a provider thirty (30) calendar days written notice by certified mail of an enforcement action against the provider.**

The provider shall also be provided an opportunity for an informal meeting with the division. The provider must request the informal meeting within ten (10) working days after receipt of the certified notice.

SECTION 23. IC 12-17.2-3.5-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 21. (a) An administrative hearing concerning the decision of the division to impose a sanction under this chapter shall be provided upon a written request by the provider. The request must be made within thirty (30) calendar days after the provider receives an order under section 17 of this chapter or a notice under section 20 of this chapter. The written request must be made separately from an informal meeting request made under section 20 of this chapter.**

(b) The administrative hearing shall be held within sixty (60) calendar days after the division receives the written request.

SECTION 24. IC 12-17.2-3.5-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 22. The division shall issue a decision within sixty (60) calendar days after the conclusion of a hearing held under section 21 of this chapter.**

SECTION 25. IC 12-17.2-3.5-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 23. To reinstate a provider's eligibility to receive a voucher payment under this chapter after suspension, the following must occur:**

(1) The provider must, within thirty (30) days after receiving notice of the suspension, submit a plan of corrective action to the division for approval.

(2) The plan must outline the steps and timetable for immediate correction of the violations that caused the division to suspend the eligibility.

(3) The division must approve the plan.

SECTION 26. IC 12-17.2-3.5-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 24. Following the suspension of a provider's eligibility to receive a voucher payment under this chapter, the division shall do one (1) of the following:**

(1) Reinstate the eligibility.

(2) Except as provided in subdivision (3), extend the suspension for not more than six (6) months.

(3) If criminal charges for welfare fraud are pending against the provider, extend the suspension until the criminal matter is resolved.

(4) Revoke the eligibility.

SECTION 27. IC 12-17.2-3.5-25 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 25. (a) After a provider's eligibility to receive a voucher payment under this chapter is revoked or suspended, the division shall publish notice of the revocation or suspension under IC 5-3-1 and notify in writing each person responsible for a child in the care of the provider that the eligibility has been revoked or suspended, including the reason for the revocation or suspension.**

(b) The written notice shall be sent to the last known address of each person responsible for a child in the care of the provider.

SECTION 28. IC 12-17.2-3.5-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 26. An administrative review and a hearing conducted under this chapter must be conducted under rules adopted by the division under IC 4-22-2.**

SECTION 29. IC 12-17.2-6-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 27. (a) Upon receiving notice of a claim of abuse or neglect in a facility where a provider operates a child care program described in IC 12-17.2-3.5, the department of child services shall:**

(1) forward a copy of the notice to the division; and

(2) conduct an investigation of the claim.

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether abuse or neglect occurred at the facility.

(c) If the department of child services makes a determination under IC 31-33-8-12 that abuse or neglect at the facility is substantiated, the department shall send a copy of the department's report to the appropriate office of the division.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1136 as printed February 17, 2012.)

TAYLOR

Upon request of Senator Taylor the President ordered the roll of the Senate to be called. Roll Call 262: yeas 19, nays 30.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1149

Senator Gard called up Engrossed House Bill 1149 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1149–27)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 3, delete lines 21 through 36.

Page 3, line 37, delete "(7)" and insert "**(6)**".

Page 4, delete lines 10 through 25.

Page 4, line 26, delete "(9)" and insert "**(7)**".

(Reference is to EHB 1149 as printed February 24, 2012.)

GARD

Motion failed.

SENATE MOTION
(Amendment 1149–26)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 2, line 25, delete "an establishment may allow".

Page 2, line 25, after "smoking" insert "**may be allowed**".

Page 3, delete lines 21 through 36, begin a new line block

indented and insert:

"**(6) A premises owned or leased by and regularly used for the activities of a business that meets all of the following:**

(A) The business is exempt from federal income taxation under 26 U.S.C. 501(c).

(B) The business:

(i) meets the requirements to be considered a club under IC 7.1-3-20-1; or

(ii) is a fraternal club (as defined in IC 7.1-3-20-7).

(C) The business provides food or alcoholic beverages only to its bona fide members and their guests.

(D) The business, during a meeting of the business's members, voted within the previous two (2) years to allow smoking on the premises.".

Page 4, line 34, delete "subsection (a):" and insert "**subsection (a)(1) through (a)(5) and (a)(7) through (a)(9):**".

(Reference is to EHB 1149 as printed February 24, 2012.)

ALTING

Motion prevailed.

SENATE MOTION
(Amendment 1149–18)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 4, line 20, after "tavern;" insert "**and**".

Page 4, line 22, delete "chapter; and" and insert "**chapter.**".

Page 4, delete lines 23 through 25.

(Reference is to EHB 1149 as printed February 24, 2012.)

LEISING

Motion prevailed.

SENATE MOTION
(Amendment 1149–28)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 7, line 10, delete "This" and insert "**Except as provided in section 13 of this chapter, this**".

Page 7, between lines 12 and 13, begin a new paragraph and insert:

"**Sec. 13. A county, city, town, or other governmental unit may not, after February 24, 2012, adopt an ordinance that is more restrictive than the provisions of this chapter with regard to smoking in an establishment described in section 5(a)(1) through 5(a)(4) of this chapter.**".

(Reference is to EHB 1149 as printed February 24, 2012.)

NUGENT

Motion prevailed.

SENATE MOTION
(Amendment 1149–11)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"**Sec. 1. As used in this chapter, "business" means the following:**

(1) A business entity authorized to do business in Indiana that has state tax liability.

(2) A nonprofit organization that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code.".

Page 1, line 8, delete "Sec. 1." and insert "**Sec. 1.5.**".

Page 2, delete lines 24 through 42, begin a new paragraph and insert:

"**Sec. 5. (a) This section does not apply to a place or area where smoking was prohibited under:**

(1) IC 16-41-37 (before its repeal); or

(2) an ordinance adopted before March 1, 2012.

(b) Notwithstanding section 12 of this chapter, a business may allow smoking on the business's premises or in a room or area of the business's premises if the business meets the following requirements:

(1) The owner or operator of the business holds a valid license issued by the commission under subsection (e).

(2) The business separates rooms and areas where smoking is permitted from any areas where smoking is not permitted by a solid, continuous wall that is connected to the floor and ceiling.

(3) The business does not permit an individual who is less than eighteen (18) years of age in any room or area where:

(A) smoking is permitted; or

(B) tobacco smoke migrates.

(4) The business does not permit tobacco smoke to migrate from the premises of the business to a public place or place of employment that is not covered by the license issued under this section.

(5) The business posts the following signs in a clear and conspicuous manner:

(A) Except as required in subdivision (2), at the entrance to and in any room or area where smoking is allowed signs in bold print that state:

"WARNING: Smoking is Permitted in this Area. No person who is less than 18 years old may enter this area".

(B) At the entrance to and in any room or area where smoking is allowed and that is part of a tavern (as defined by IC 4-36-2-18) or any other business that sells alcoholic beverages and prohibits entry by individuals who are less than twenty-one (21) years of age, signs in bold print that state:

"WARNING: Smoking is Permitted in this Area. No person who is less than 21 years old may enter this area".

(C) At the entrance to and in any room or area where smoking is not allowed signs in bold print that state:

"Smoking is PROHIBITED by State Law in this Area".

(6) The business pays the fee required under section 5.5 of this chapter.

(7) The business provides any information required by the commission.

(c) The commission may adopt rules under IC 4-22-2 to administer this chapter.

(d) In addition to the penalty under sections 8, 9, and 9.5 of this chapter, if the owner or operator of a business has been adjudged to have committed at least three (3) prior unrelated infractions under this chapter in a consecutive twelve (12) month period, the commission may suspend or revoke the business's license issued under this section.

(e) The commission shall issue a license to an owner or operator of a business who:

(1) meets the requirements under subsection (b)(2) through (b)(7); and

(2) does not have a suspended or revoked license under subsection (d).

(f) Except as provided in section 5.5(c) of this chapter, a license issued under this section expires one (1) year after the date of issuance.

(g) If a business operates at more than one (1) location, a license must be obtained for each location.

Sec. 5.5. (a) Except as provided in subsections (b), (c), and (d), the commission shall establish a sliding fee schedule based on the annual occupancy of the business. The maximum annual fee may not exceed ten thousand dollars ($10,000), and the minimum fee may not be less than one thousand dollars ($1,000).

(b) The annual license fee for a bona fide veterans organization (as defined by IC 4-32.2-2-11) is twenty-five dollars ($25).

(c) The annual license fee for a business that:

(1) is owned, managed, and operated by members of the same immediate family; and

(2) does not have more than ten (10) employees;

is twenty-five dollars ($25). For purposes of this subsection, immediate family members consist of the parent, child, sibling, adopted child, stepparent, stepchild, stepsister, stepbrother, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, and grandchild.

(d) The fee for a daily license for a qualified organization (as defined by IC 4-32.2-2-24) that conducts an allowable event (as defined by IC 4-32.2-2-2) that is required to be licensed by the Indiana gaming commission under IC 4-32.2 is twenty-five dollars ($25).".

Delete pages 3 through 4.

Page 5, delete lines 1 through 4.

Page 5, line 25, delete "Post" and insert "**Except as provided in section 5(b)(5) of this chapter, post**".

Page 5, delete lines 32 through 35.

Page 6, between lines 16 and 17, begin a new paragraph and insert:

"**Sec. 9.5. (a) An owner or operator who holds a license issued under section 5 of this chapter and who fails to comply with a requirement necessary for the license commits a Class B infraction, except as provided in subsection (b).**

(b) A failure to comply as described in subsection (a) is a Class A infraction if the owner or operator has been adjudged to have committed at least three (3) prior unrelated infractions under this section.".

Page 7, line 10, delete "This" and insert "**Subject to section 5, of this chapter, this**

Page 7, between lines 12 and 13, begin a new paragraph and insert:

"**Sec. 13. The commission shall deposit all license fees collected under this chapter as follows:**

(1) Fifty percent (50%) of the fees collected into the enforcement and administration fund established under IC 7.1-4-10.

(2) Fifty percent (50%) of the fees collected into the Indiana tobacco use prevention and cessation trust fund established by IC 4-12-4-10.".

(Reference is to EHB 1149 as printed February 24, 2012.)

HOLDMAN

Motion failed.

SENATE MOTION
(Amendment 1149–29)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 4, between lines 27 and 28, begin a new line block indented and insert:

"**(10) The premises of a business that is located in the business owner's residence.**".

Page 7, line 10, delete "This" and insert "**Except as provided in section 13 of this chapter, this**".

Page 7, between lines 12 and 13, begin a new paragraph and insert:

"**Sec. 13. A county, city, town, or other governmental unit may not adopt or enforce an ordinance that is more restrictive than the provisions of this chapter with regard to smoking on a premises described in section 5(a)(10) of this chapter.**".

(Reference is to EHB 1149 as printed February 24, 2012.)

M. YOUNG

Upon request of Senator Becker the President ordered the roll of the Senate to be called. Roll Call 263: yeas 40, nays 9.

Motion prevailed.

SENATE MOTION
(Amendment 1149–6)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 4, between lines 27 and 28, begin a new line block left and insert:

"**(10) In an area of a place of employment where:**

(A) the general public is prohibited from entering; and

(B) the safety and health standards of the occupational safety standards commission (established by IC 22-8-1.1-7) apply to the employees.".

(Reference is to EHB 1149 as printed February 24, 2012.)

BOOTS

Motion failed.

SENATE MOTION
(Amendment 1149–20)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 4, between lines 27 and 28, begin a new line block indented and insert:

"**(10) A premises owned or leased by and regularly used for the activities of a qualified organization (as defined in IC 4-32.2-2-24) that holds a license under IC 4-32.2, during the time that an allowable event (as defined in IC 4-32.2-2-2) is being conducted on the premises.**".

(Reference is to EHB 1149 as printed February 24, 2012.)

LEISING

Motion prevailed.

SENATE MOTION
(Amendment 1149–23)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 7, line 10, after "12." insert "**(a)**".

Page 7, between lines 12 and 13, begin a new paragraph and insert:

"**(b) This chapter does not supersede a smoking ordinance that is adopted by a county, city, town, or other governmental unit before the effective date of this chapter and that is more restrictive than this chapter.**".

(Reference is to EHB 1149 as printed February 24, 2012.)

ALTING

Motion prevailed.

SENATE MOTION
(Amendment 1149–24)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 2, line 7, delete "twelve (12)" and insert "**eight (8)**".

Page 2, line 23, delete "12" and insert "**8**".

(Reference is to EHB 1149 as printed February 24, 2012.)

GARD

Motion prevailed.

SENATE MOTION
(Amendment 1149–21)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 7, delete lines 16 through 23, begin a new paragraph and insert:

"SECTION 3. IC 12-24-2-8, AS AMENDED BY SEA 24-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a) Notwithstanding IC 12-27-3-3, the director has complete authority to regulate smoking (as defined in IC 16-41-37-3) within a state institution.~~

~~(b)~~ A physician licensed under IC 25-22.5 may prescribe ~~nicotine~~ **tobacco cessation devices** as is medically necessary for a resident of a state institution.".

(Reference is to EHB 1149 as printed February 24, 2012.)

GARD

Motion prevailed.

SENATE MOTION
(Amendment 1149–13)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 4, between lines 27 and 28, begin a new line block indented and insert:

"**(10) The following facilities, if the facility chooses to provide a separate, designated smoking room or area for the residents of the facility:**

(A) A health facility licensed under IC 16-28, including the Indiana Veterans Home.

(B) A residential care facility (as described in IC 12-10-6-5).

(C) A housing with services establishment (as defined by IC 12-10-15-3(a)).

(D) A group home licensed under IC 12-28-4.

(E) A continuing care retirement community (as described in IC 23-2-4-1).

(F) A state institution (as defined by IC 12-7-2-184).

(G) A community mental health center (as defined by IC 12-7-2-38) that provides inpatient services.

(H) A community mental retardation and other developmental disabilities center (as defined by IC 12-7-2-39) that provides inpatient services.".

(Reference is to EHB 1149 as printed February 24, 2012.)

LEISING

The Chair ordered a division of the Senate. Yeas 28, nays 16.

Motion prevailed.

SENATE MOTION
(Amendment 1149–22)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 3, delete lines 1 through 20, begin a new line block indented and insert:

"**(5) An establishment owned or leased by a business that meets the following requirements:**

(A) The business was in business and permitted smoking on July 1, 2013.

(B) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(C) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(D) The business limits smoking in the establishment to either:

(i) cigar smoking; or

(ii) smoking with a waterpipe or hookah device.

(E) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from:

(i) the sale of cigars and the rental of onsite humidors; or

(ii) the sale of loose tobacco for use in a waterpipe or hookah device.

(F) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.".

(Reference is to EHB 1149 as printed February 24, 2012.)

ALTING

Motion prevailed.

SENATE MOTION
(Amendment 1149–15)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 1, after line 17, begin a new paragraph and insert:

"**Sec. 3.5. Notwithstanding section 12 of this chapter, a state, county, city, town, or other governmental unit may not prohibit smoking on private real property that is not enclosed, unless the owner of the private real property posts signs indicating that smoking is prohibited on the property.**".

Page 2, line 20, delete "An" and insert "**Subject to section 3.5 of this chapter, an**".

(Reference is to EHB 1149 as printed February 24, 2012.)

LEISING

The Chair ordered a division of the Senate. Yeas 16, nays 33.

Motion failed.

SENATE MOTION
(Amendment 1149–19)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 8, after line 38, begin a new paragraph and insert:

"SECTION 9. IC 35-46-1-11.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 11.9. Except as provided in subsection (b) or for a transaction to a retail business, a person may not sell or distribute tobacco.**

(b) A person may sell or distribute tobacco at the following times:

(1) between 1 a.m. and 5 a.m. on Saturday or Sunday;

(2) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(3) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(c) A person that sells or distributes tobacco at times not allowed under this section commits a Class C infraction. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:

(1) If the person has not been issued a citation or summons for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to two hundred dollars ($200).

(2) If the person has had one (1) citation or summons issued for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to four hundred dollars ($400).

(3) If the person has had two (2) citations or summonses issued for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to seven hundred dollars ($700).

(4) If the person has had three (3) or more citations or summonses issued for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to one thousand dollars ($1,000).

A person may not be issued a citation or summons for a violation of this section more than once every twenty-four (24) hours.

(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

(e) A person who violates this section at least six (6) times in any one hundred eighty (180) day period commits a Class B infraction.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1149 as printed February 24, 2012.)

BUCK

The Chair ordered a division of the Senate. Yeas 16, nays 31.

Motion failed.

SENATE MOTION
(Amendment 1149–17)

Madam President: I move that Engrossed House Bill 1149 be amended to read as follows:

Page 2, line 25, delete "12" and insert "**11**".

Page 5, delete lines 5 through 20, begin a new paragraph and insert:

"**Sec. 6. (a) Law enforcement officers shall enforce this chapter.**

(b) A law enforcement officer may inspect premises that are subject to this chapter to ensure that the person responsible for the premises is in compliance with this chapter.".

Page 5, line 36, delete "(a)".

Page 5, line 37, delete "Class B" and insert "**Class D infraction.**".

Page 5, delete lines 38 through 42.

Page 6, delete lines 1 through 16.

Page 6, line 17, delete "10." and insert "**9.**".

Page 6, line 23, delete "11." and insert "**10.**".

Page 7, line 3, delete "Class B infraction, except as provided in subsection (d)." and insert "**Class D infraction.**".

Page 7, delete lines 4 through 9.

Page 7, line 10, delete "12." and insert "**11.**".
Renumber all SECTIONS consecutively.
(Reference is to EHB 1149 as printed February 24, 2012.)

LEISING

The Chair ordered a division of the Senate. Yeas 17, nays 32.

Motion failed. The bill was ordered engrossed.

4:52 p.m.

The Chair declared a recess until the fall of the gavel.

RECESS

The Senate reconvened at 5:17 p.m., with Senator Long in the Chair.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 176 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 190 and that a conference committee be appointed to confer with a like committee of the House.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 115 and that a conference committee be appointed to confer with a like committee of the House.

LANDSKE

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 56, 109, 133, 152, 191, 201, and 246 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed with amendments Engrossed Senate Bills 18, 19, 97, 98, 142, 144, 147, 173, 267, 280, 293, 298, 301, 307, 329, and 345 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 42 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on February 28, 2012, signed Senate Enrolled Act 249 and House Enrolled Act 1058.

DAVID C. LONG
President Pro Tempore

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1150

Senator Kruse called up Engrossed House Bill 1150 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1189

Senator Charbonneau called up Engrossed House Bill 1189 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1189–2)

Madam President: I move that Engrossed House Bill 1189 be amended to read as follows:

Replace the effective date in SECTION 10 with "[EFFECTIVE JULY 1, 2012]".

Replace the effective date in SECTION 13 with "[EFFECTIVE JULY 1, 2012]".

Replace the effective date in SECTION 15 with "[EFFECTIVE JULY 1, 2012]".

Replace the effective date in SECTION 46 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 72 with "[EFFECTIVE JULY 1, 2012]".

Replace the effective dates in SECTIONS 74 through 75 with "[EFFECTIVE JULY 1, 2012]".

Page 14, between lines 23 and 24, begin a new paragraph and insert:

"**(g) In the second six (6) months of calendar year 2012, a virtual charter school is eligible to receive a fiscal year transition grant under IC 20-43-13.**".

Page 23, line 22, delete "corporation" and insert "**year**".

Page 23, line 24, delete "corporation" and insert "**year**".

Page 31, delete lines 16 through 23, begin a new line block indented and insert:

"**(1) for previous state fiscal years ending before July 1, 2013,** the ~~initial~~ ~~computed~~ **fall count of** ADM; ~~for the school year ending in the preceding calendar year.~~ **and**

(2) for previous state fiscal years ending after June 30, 2013, the corresponding current ADM count taken in the same month as the current count.".

Page 31, line 33, delete "January" and insert "**July**".

Page 31, line 36, delete "December" and insert "**June 30, 2013, the:**

(A) fall count of ADM for distributions in the months of January through June of the calendar year immediately following the calendar year in which the fall count is taken; and

(B) spring count of ADM for distributions in the months of July through December of the calendar year in which the spring count is taken.".

Page 31, delete lines 37 through 42.

Page 32, delete line 1.

Page 32, line 7, delete "and" and insert "**or**".

Page 34, line 10, delete "2012".

Page 34, delete lines 12 through 13.

Page 36, line 27, delete "spring" and insert "**fall**".

Page 36, line 28, delete "fifteen" and insert "**ten**".

Page 36, line 28, delete "(15%)." and insert "**(10%).**".

Page 38, line 32, before "calendar" insert "**following**".

Page 42, line 40, after "1." insert "**(a)**".

Page 43, line 1, delete "The" and insert "**Subject to subsections (b) and (c),** the".

Page 43, between lines 6 and 7, begin a new paragraph and insert:

"**(b) Before February 1 of each calendar year, the department shall determine the result of:**

(1) the total amount of the special education grant that would have been received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year if the grant had been based on the count of students with disabilities that was made on the immediately preceding December 1; minus

(2) the total amount of the special education grant received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year.

If the result determined under this subsection is positive, the school corporation shall receive an additional special education grant distribution in February equal to the result determined under this subsection. If the result determined under this subsection is negative, the special education grant distributions that otherwise would be received by the school corporation in February, March, April, and May shall be proportionately reduced so that the total reduction is equal to the result determined under this subsection.

(c) The special education grant distributions made in February, March, April, May, and June of a calendar year shall be based on the count of students with disabilities that was made on the immediately preceding December 1.".

Page 48, line 21, after "corporations" delete "." and insert "**, including virtual charter schools.**".

Page 54, line 15, delete "and".

Page 54, between lines 15 and 16, begin a new line block indented and insert:

"**(2) the number of students who left a public school maintained by a school corporation and enrolled in a charter school during the 2011 - 2012 school year;**

(3) the number of students who:

(A) left a public school maintained by a school corporation; and

(B) enrolled in a nonpublic eligible school (as defined in IC 20-51-1-4.7) during the 2011 - 2012 school year; and".

Page 54, line 16, delete "(2)" and insert "**(4)**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1189 as printed February 24, 2012.)

CHARBONNEAU

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1192

Senator Miller called up Engrossed House Bill 1192 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 1192–1)

Madam President: I move that Engrossed House Bill 1192 be amended to read as follows:

Page 12, line 39, delete "ten thousand dollars ($10,000)." and insert "**thirty thousand dollars ($30,000).**".

Page 12, line 41, delete "ten thousand dollars" and insert "**thirty thousand dollars ($30,000).**".

Page 12, delete line 42.

(Reference is to EHB 1192 as printed February 24, 2012.)

MILLER

Motion prevailed.

SENATE MOTION
(Amendment 1192–6)

Madam President: I move that Engrossed House Bill 1192 be amended to read as follows:

Page 3, line 19, delete "at least twenty percent (20%) before January 1, 2018,".

Page 3, line 20, delete "or".

Page 3, line 20, delete "after December 31, 2017,".

Page 5, line 25, after "years" delete "." and insert "**, as long as the individual otherwise remains eligible for coverage under the plan.**".

Page 15, line 18, delete "P.L.90-2011," and insert "HEA 1009-2012, SECTION 131,".

Page 15, delete line 19.

Page 15, line 20, delete "CORRECTED AND".

(Reference is to EHB 1192 as printed February 24, 2012.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 1192–3)

Madam President: I move that Engrossed House Bill 1192 be amended to read as follows:

Page 12, line 36, after "(except" insert "**for a maintenance contract or**".

(Reference is to EHB 1192 as printed February 24, 2012.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1195

Senator Walker called up Engrossed House Bill 1195 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1195–1)

Madam President: I move that Engrossed House Bill 1195 be amended to read as follows:

Page 4, line 28, reset in roman " ten (10)".

Page 4, line 28, delete "thirty (30)".

Page 5, line 24, after "give" insert "**at least thirty (30) days'**".

Page 6, line 14, after "filed." insert "**A taxpayer may appeal the assessment of the penalty to the Indiana board or directly to the tax court.**".

Page 9, line 34, delete "an Episcopal Church." and insert "**church.**".

Page 11, line 11, delete "an".

Page 11, line 11, delete "date" and insert "**dates**".

Page 11, line 12, after "2009" insert "**and 2010**".

Page 11, line 22, delete "2010 through" and insert "**2011 and**".

Page 11, line 25, after "2009" insert "**and 2010**".

Page 11, line 26, delete "date," and insert "**dates,**".

Page 11, line 28, after "2009" insert "**and 2010**".

Page 11, line 28, delete "date." and insert "**dates.**".

Page 11, line 29, after "2009" insert "**and 2010**".

Page 11, line 29, delete "date," and insert "**dates,**".

Page 12, line 28, after "2009" insert "**and 2010**".

Page 12, line 28, delete "date" and insert "**dates**".

(Reference is to EHB 1195 as printed February 24, 2012.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1196

Senator Merritt called up Engrossed House Bill 1196 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1196–2)

Madam President: I move that Engrossed House Bill 1196 be amended to read as follows:

Page 5, line 7, strike "IC 22-13-2-8(c)," and insert "**IC 22-13-2-8(d),**".

Page 6, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-8-7, AS AMENDED BY P.L.172-2011, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. (a) The department may, for good cause, revoke a certificate issued under section 1, 3, or 4 of this chapter. However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate under this subsection.

(b) The department shall revoke a certificate issued under section 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate holder fails to:

(1) file the returns required by IC 6-2.5-6-1; or

(2) report the collection of any state gross retail or use tax on the returns filed under IC 6-2.5-6-1.

However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate.

(c) The department may, for good cause, revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

(1) the certificate holder is subject to an innkeeper's tax under IC 6-9; and

(2) a board, bureau, or commission established under IC 6-9 files a written statement with the department.

(d) The statement filed under subsection (c) must state that:

(1) information obtained by the board, bureau, or commission under IC 6-8.1-7-1 indicates that the certificate holder has not complied with IC 6-9; and

(2) the board, bureau, or commission has determined that significant harm will result to the county from the certificate holder's failure to comply with IC 6-9.

(e) The department shall revoke or suspend a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

(1) the certificate holder owes taxes, penalties, fines, interest, or costs due under IC 6-1.1 that remain unpaid at least sixty (60) days after the due date under IC 6-1.1; and

(2) the treasurer of the county to which the taxes are due requests the department to revoke or suspend the certificate.

(f) The department shall reinstate a certificate suspended under subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid or the county treasurer requests the department to reinstate the certificate because an agreement for the payment of taxes and any penalties due under IC 6-1.1 has been reached to the satisfaction of the county treasurer.

(g) The department shall revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if the department finds in a public hearing by a preponderance of the evidence that the certificate holder has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4.

(h) If a person makes a payment for the certificate under section 1 or 3 of this chapter with a check, credit card, debit card, or electronic funds transfer, and the department is unable to obtain payment of the check, credit card, debit card, or electronic funds transfer for its full face amount when the check, credit card, debit card, or electronic funds transfer is presented for payment through normal banking channels, the department shall notify the person by mail that the check, credit card, debit card, or electronic funds transfer was not honored and that the person has five (5) days after the notice is mailed to pay the fee in cash, by certified check, or other guaranteed payment. If the person fails to make the payment within the five (5) day period, the department shall revoke the certificate.

(i) If the department finds in a public hearing by a preponderance of the evidence that a person has been convicted of violating IC 35-48-4-10 and the conviction involved the sale or the offer to sell, in the normal course of business, a synthetic drug by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate under section 1 of this chapter, the department:

(1) shall suspend the registered retail merchant certificate for the place of business for one (1) year; and

(2) may not issue another retail merchant certificate under section 1 of this chapter for one (1) year to any person:

(A) that:

(i) applied for; or

(ii) made a retail transaction under;

the retail merchant certificate suspended under subdivision (1); or

(B) that:

(i) owned or co-owned, directly or indirectly; or

(ii) was an officer, a director, a manager, or a partner of;

the retail merchant that was issued the retail merchant certificate suspended under subdivision (1).".

Page 21, line 40, delete "n-4,6, or 7." and insert "**n=4, 6, or 7.**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1196 as printed February 24, 2012.)

MERRITT

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1222

Senator Wyss called up Engrossed House Bill 1222 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1269

Senator Miller called up Engrossed House Bill 1269 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 1269–3)

Madam President: I move that Engrossed House Bill 1269 be amended to read as follows:

Page 3, line 39, delete "may, after review of the compact by the" and insert "**may enter into the compact on behalf of the state with any other state only after the following occur:**

(1) The budget committee reviews the compact and any plan developed under subdivision (2).

(2) The budget agency prepares a plan showing how Indiana will provide access to health care for Indiana residents under the compact.

(3) The budget agency presents the plan described in subdivision (2) to the health finance commission established by IC 2-5-23-3.".

Page 3, delete lines 40 through 41.

(Reference is to EHB 1269 as printed February 24, 2012.)

BREAUX

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1294

Senator Smith called up Engrossed House Bill 1294 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1294–2)

Madam President: I move that Engrossed House Bill 1294 be amended to read as follows:

Page 1, line 14, after "(a)(2)" insert ",".

Page 12, line 25, delete "and".

Page 12, line 26, before "has" insert "**and**".

Page 12, line 26, delete "an administrative or".

(Reference is to EHB 1294 as printed February 17, 2012.)

SMITH

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1326

Senator Yoder called up Engrossed House Bill 1326 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1326–1)

Madam President: I move that Engrossed House Bill 1326 be amended to read as follows:

Page 20, line 40, after "31." insert "**Except as provided in subsection (f), a school building remains on the department's list for two (2) years after the date the school building was placed on the list.**".

Page 21, line 9, after "subsection." insert "**If the governing body does not reclaim the school building, the school building remains on the department's list under subsection (e) for two (2) years after the date on which the reclamation period under this subsection expires.**".

Page 21, line 34, strike "least forty-eight (48) months," and insert "**least:**

(1) two (2) years, for a school building that is not subject to subsection (f); or

(2) four (4) years, for a school building that is subject to subsection (f);".

Page 21, line 34, beginning with "the" begin a new line blocked left.

(Reference is to EHB 1326 as printed February 24, 2012.)

SCHNEIDER

Motion prevailed.

SENATE MOTION
(Amendment 1326–3)

Madam President: I move that Engrossed House Bill 1326 be amended to read as follows:

Page 1, after line 17, begin a new paragraph and insert:

"SECTION 2. IC 5-2-10.1-2, AS AMENDED BY P.L.106-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The Indiana safe schools fund is established to do the following:

(1) Promote school safety through the:

(A) purchase of equipment for the detection of firearms and other weapons;

(B) use of dogs trained to detect firearms, drugs, explosives, and illegal substances; and

(C) purchase of other equipment and materials used to enhance the safety of schools.

(2) Combat truancy.

(3) Provide matching grants to schools for school safe haven programs.

(4) Provide grants for school safety and safety plans.

(5) Provide educational outreach and training to school personnel concerning:

(A) the identification of;

(B) the prevention of; and

(C) intervention in;

bullying.

(6) Provide educational outreach and training to school personnel concerning:

(A) the identification of;

(B) the prevention of; and

(C) intervention in;

criminal gang activity.

(b) The fund consists of amounts deposited:

(1) under IC 33-37-9-4; and

(2) from any other public or private source.

(c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order:

(1) A grant for a safety plan.

(2) A safe haven grant requested under section 10 of this chapter.

(3) A safe haven grant requested under section 7 of this chapter.

(d) Upon recommendation of the council, the institute shall establish a method for determining the maximum amount a grant recipient may receive under this section.

SECTION 3. IC 5-2-10.1-11, AS AMENDED BY P.L.106-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The school safety specialist training and certification program is established.

(b) The school safety specialist training program shall provide:

(1) annual training sessions, which may be conducted through distance learning or at regional centers; and

(2) information concerning best practices and available resources;

for school safety specialists and county school safety commissions.

(c) The department of education shall do the following:

(1) Assemble an advisory group of school safety specialists from around the state to make recommendations concerning the curriculum and standards for school safety specialist training.

(2) Develop an appropriate curriculum and the standards for the school safety specialist training and certification program. The department of education may consult with national school safety experts in developing the curriculum and standards. The curriculum developed under this subdivision must include training in:

(A) identifying, preventing, and intervening in bullying; **and**

(B) identifying, preventing, and intervening in criminal gang activity.

(3) Administer the school safety specialist training program and notify the institute of candidates for certification who have successfully completed the training program.

(d) The institute shall do the following:

(1) Establish a school safety specialist certificate.

(2) Review the qualifications of each candidate for certification named by the department of education.

(3) Present a certificate to each school safety specialist that the institute determines to be eligible for certification.

SECTION 4. IC 5-2-10.1-12, AS AMENDED BY P.L.132-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) Each school within a school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5.

(b) The department of education and the school corporation's school safety specialist shall provide materials to assist a safe school committee in developing a plan for the school that addresses the following issues:

(1) Unsafe conditions, crime prevention, school violence, bullying, **criminal gang activity,** and other issues that prevent the maintenance of a safe school.

(2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).

(3) Methods to encourage:

(A) involvement by the community and students;

(B) development of relationships between students and school faculty and staff; and

(C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the

law enforcement agency and the fire department that have jurisdiction over the school.".

Page 4, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 12. IC 20-18-2-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.7. "Criminal gang" has the meaning set forth in IC 35-45-9-1.**

SECTION 13. IC 20-18-2-16, AS AMENDED BY P.L.90-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) "School corporation", for purposes of this title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7, **IC 20-28-11.5,** IC 20-30-8, and IC 20-43), means a public school corporation established by Indiana law. The term includes a:

(1) school city;
(2) school town;
(3) school township;
(4) consolidated school corporation;
(5) metropolitan school district;
(6) township school corporation;
(7) county school corporation;
(8) united school corporation; or
(9) community school corporation.

(b) "School corporation", for purposes of IC 20-26-1 through IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.

(c) "School corporation", for purposes of IC 20-20-33, **IC 20-26-18,** and IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).

(d) "School corporation", for purposes of IC 20-43, has the meaning set forth in IC 20-43-1-23.

(e) "School corporation", for purposes of IC 20-28-11.5, has the meaning set forth in IC 20-28-11.5-3.".

Page 7, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 17. IC 20-19-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 11. (a) The department, in collaboration with the Indiana criminal justice institute, the department of child services, and any organization that has expertise in providing criminal gang education, prevention, or intervention that the department determines to be appropriate, shall:**

(1) identify or develop model educational materials on criminal gang activity; and
(2) develop and maintain a model policy to address criminal gangs and criminal gang activity in schools.

(b) Not later than July 1, 2013, the department shall make the model policy developed under subsection (a)(2) available to assist schools in the development and implementation of a criminal gang policy for the schools' school corporations under IC 20-26-18.

(c) The model educational materials on criminal gang activity identified or developed under subsection (a)(1) must include information:

(1) to educate students and parents on the extent to which criminal gang activity exists;
(2) regarding the negative societal impact that criminal gangs have on the community;
(3) on methods to discourage participation in criminal gangs; and
(4) on methods of providing intervention to a child suspected of participating in criminal gang activity.

(d) The model criminal gang policy developed under subsection (a)(2) must include:

(1) a statement prohibiting criminal gang activity in schools;
(2) a statement prohibiting reprisal or retaliation against an individual who reports suspected criminal gang activity;
(3) a definition of "criminal gang" and "criminal gang activity" that is consistent with the definition in IC 35-45-9-1.
(4) a statement of standard consequences and remedial actions for:
(A) individuals engaged in criminal gang activity; and
(B) individuals found to have made false accusations concerning criminal gang activity;
(5) model procedures for:
(A) reporting suspected criminal gang activity; and
(B) the prompt investigation of suspected criminal gang activity;
(6) information about the types of support services, including family support services, available for a student suspected of participating in criminal gang activity; and
(7) recommendations concerning criminal gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.".

Page 19, between lines 23 and 24, begin a new line block indented and insert:

"**(21) IC 20-26-18 (criminal gang measures).**".

Page 24, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 68. IC 20-26-18 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 18. Criminal Gang Measures

Sec. 1. This chapter applies to every school corporation, including a charter school (as defined in IC 20-24-1-4) and a school city to which IC 20-25 applies.

Sec. 2. (a) Not later than June 1, 2014, the governing body of each school corporation must establish a written policy to address criminal gangs and criminal gang activity in schools. The governing body of a school corporation may develop the policy in consultation with:

(1) parents;
(2) school employees;
(3) local law enforcement officials;
(4) the county prosecutor;
(5) the county public defender;
(6) organizations that have expertise in criminal gang education, prevention, or intervention; and

(7) any other person or entity the governing body of the school corporation determines to be appropriate.

(b) The policy must meet all of the requirements for the department's model criminal gang policy set forth in IC 20-19-3-11(d).

(c) Not later than September 1, 2014, each school corporation shall submit a copy of its criminal gang policy to the department.

Sec. 3. A school corporation shall put a copy of the school corporation's criminal gang policy established under section 2 of this chapter:

(1) on its Internet web site;

(2) in school student handbooks; and

(3) in any location the school corporation determines to be appropriate.

Sec. 4. A school corporation shall establish the following educational programs in its efforts to address criminal gang activity:

(1) An educational criminal gang awareness program for students, school employees, and parents.

(2) A school employee development program to provide training to school employees in the implementation of the criminal gang policy established under section 2 of this chapter.

Sec. 5. The governing body of a school corporation may establish a program to provide criminal gang intervention services to students.

Sec. 6. A school corporation may enter into a memorandum of understanding with:

(1) the county prosecutor of the county in which the school corporation is located; or

(2) a juvenile court with jurisdiction in the school corporation;

to foster coordination of gang prevention, intervention, and suppression efforts.

Sec. 7. (a) Not later than June 1, 2015, and before June 2 of each year thereafter, each school corporation shall submit to the department a written report, on forms developed by the department, outlining the activities undertaken as part of the school corporation's compliance with this chapter.

(b) Not later than November 1, 2015, and before November 2 of each year thereafter, the department shall submit a comprehensive report concerning criminal gang activity in schools to the governor and the general assembly. A report submitted to the general assembly under this subsection must be in an electronic format under IC 5-14-6. The report must include the following:

(1) A summary of the activities reported to the department under subsection (a).

(2) Any recommendations or conclusions made by the department to assist in the prevention of, education about, and intervention in criminal gang activity in schools.".

Page 29, after line 42, begin a new paragraph and insert:

"SECTION 84. IC 20-33-8-13.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13.7 (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:**

(1) prohibit criminal gang activity; and

(2) include provisions concerning education about, parental involvement in preventing, reporting of, investigation of, and intervention in criminal gang activity.

(b) The discipline rules adopted in compliance with subsection (a) must apply when a student is:

(1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group;

(2) at a school activity, function, or event held off school grounds;

(3) traveling to or from school or a school activity, function, or event; or

(4) using property or equipment provided by the school.

(c) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.

SECTION 85. IC 20-33-9-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 10.5. In addition to any other duty to report arising under this article, a school employee who has reason to believe that a student or school employee has committed:**

(1) a crime under IC 35-45-9-3 (criminal gang participation);

(2) a crime under IC 35-45-9-4 (criminal gang intimidation);

(3) a crime under IC 35-45-9-5 (criminal gang recruitment); or

(4) a delinquent act that would be a crime under one (1) of the statutes referred to in subdivisions (1) through (3) if committed by an adult;

shall report that information as required by section 11 of this chapter.

SECTION 86. IC 20-33-9-11, AS AMENDED BY P.L.72-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) If an individual who is required to make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the ~~principal of the~~ school **or school corporation administration** that:

(1) a school employee may have received a threat or may be the victim of intimidation, battery, or harassment; **or**

(2) the individual has reason to believe that a student or a school employee has committed a crime or delinquent act referred to in section 10.5 of this chapter.

(b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 13 of this chapter.

SECTION 87. IC 20-33-9-13, AS AMENDED BY P.L.72-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. An individual who has a duty under sections 10 through 12 of this

chapter to report that:

(1) a school employee may have received a threat or may be the victim of intimidation, battery, or harassment; **or**

(2) the individual has reason to believe that a student or a school employee has committed a crime or delinquent act referred to in section 10.5 of this chapter;

shall immediately make an oral report to the local law enforcement agency.

SECTION 88. IC 20-33-9-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14.5. Except as provided in section 15 of this chapter, an individual, other than a person accused of committing a crime or delinquent act referred to in section 10.5 of this chapter, who:**

(1) makes, or causes to be made, a report under this chapter; or

(2) participates in any judicial proceeding or other proceeding:

(A) arising from a report made under this chapter; or

(B) relating to the subject matter of a report made under this chapter;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.".

Page 30, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 90. IC 34-30-2-85.1, AS AMENDED BY P.L.1-2005, SECTION 220, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 85.1. **(a)** IC 20-33-9-14 (Concerning a person who reports or causes a report to be made of a threat against, or intimidation of, a school employee).

(b) IC 20-33-9-14.5 (Concerning an individual who reports or causes a report to be made of a crime or delinquent act involving criminal gang activity).".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1326 as printed February 24, 2012.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1033.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kruse and Eckerty be added as coauthors of Engrossed Senate Bill 293.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as cosponsor of Engrossed House Bill 1091.

STEELE

Motion prevailed.

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 20th day of February, 2012, signed House Enrolled Acts: 1009, 1112, and 1148.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 23rd day of February, 2012, signed House Enrolled Acts: 1018, 1034, and 1154.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 24th day of February, 2012, signed House Enrolled Acts: 1047, 1050, 1052, 1060, 1107, and 1211.

REBECCA S. SKILLMAN
Lieutenant Governor

SENATE MOTION

Madam President: I move we adjourn until 11:00 a.m., Wednesday, February 29, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 5:35 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Twenty-ninth Meeting Day Wednesday Morning February 29, 2012

The Senate convened at 11:34 a.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Dennis K. Kruse.

The Pledge of Allegiance to the Flag was led by Senator Kruse.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 264: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 257 and that a conference committee be appointed to confer with a like committee of the House.

ARNOLD

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 115:
Conferees: Landske, Chair and Arnold
Advisors: Lawson and Broden

LONG
Date: 2/28/2012
Time: 5:30 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 190:
Conferees: Charbonneau, Chair and Lanane
Advisors: Bray, Steele, and Randolph

LONG
Date: 2/28/2012
Time: 5:39 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 176:
Conferees: M. Young, Chair and Randolph
Advisors: Bray and Lanane

LONG
Date: 2/28/2012
Time: 5:40 p.m.

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 114.

M. CAROLINE SPOTTS
Principal Clerk of the House

ENGROSSED HOUSE BILLS
ON THIRD READING

Engrossed House Bill 1367

Senator Lawson called up Engrossed House Bill 1367 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 265: yeas 40, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1002

Senator Lawson called up Engrossed House Bill 1002 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 266: yeas 44, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1033

Senator Steele called up Engrossed House Bill 1033 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 267: yeas 47, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1040

Senator Miller called up Engrossed House Bill 1040 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 268: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1049

Senator Bray called up Engrossed House Bill 1049 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 269: yeas 47, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1072

Senator Hershman called up Engrossed House Bill 1072 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 270: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1080

Senator Eckerty called up Engrossed House Bill 1080 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 271: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1087

Senator Hershman called up Engrossed House Bill 1087 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 272: yeas 42, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1091

Senator Steele called up Engrossed House Bill 1091 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 273: yeas 36, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1111

Senator Merritt called up Engrossed House Bill 1111 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 274: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1116

Senator Glick called up Engrossed House Bill 1116 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 275: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1126

Senator Merritt called up Engrossed House Bill 1126 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 276: yeas 41, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1134

Senator Miller called up Engrossed House Bill 1134 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 277: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1136

Senator Holdman called up Engrossed House Bill 1136 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 278: yeas 40, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that pursuant to Senate Rule 35(c), the following technical corrections are to be made to Engrossed House Bill 1149.

Page 7, line 31 delete "section 13" and insert **"sections 13 and 14"**.

Page 8, line 5, delete "5(a)(10)" and insert **"5(a)(12)"**.

(Reference is to EHB 1149 as reprinted February 29, 2012.)

LONG, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1149

Senator Gard called up Engrossed House Bill 1149 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 279: yeas 29, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1169

Senator Kruse called up Engrossed House Bill 1169 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 280: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1189

Senator Charbonneau called up Engrossed House Bill 1189 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 281: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1192

Senator Miller called up Engrossed House Bill 1192 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 282: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1195

Senator Walker called up Engrossed House Bill 1195 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 283: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1196

Senator Merritt called up Engrossed House Bill 1196 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 284: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1200

Senator Bray called up Engrossed House Bill 1200 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 285: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1205

Senator Kruse called up Engrossed House Bill 1205 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 286: yeas 35, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1222

Senator Wyss called up Engrossed House Bill 1222 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 287: yeas 42, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that pursuant to Senate Rule 35(c), the following technical corrections are to be made to Engrossed House Bill 1224.

Page 2, line 40, delete "poker" insert **"poker)"**.

(Reference is to EHB 1224 as printed February 15, 2012.)

LONG, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1247

Senator Wyss called up Engrossed House Bill 1247 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 288: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1249

Senator Merritt called up Engrossed House Bill 1249 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 289: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1264

Senator Landske called up Engrossed House Bill 1264 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 290: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1269

Senator Miller called up Engrossed House Bill 1269 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 291: yeas 37, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1270

Senator Kruse called up Engrossed House Bill 1270 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 292: yeas 38, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1280

Senator Hershman called up Engrossed House Bill 1280 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 293: yeas 42, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1294

Senator Smith called up Engrossed House Bill 1294 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 294: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1325

Senator Hershman called up Engrossed House Bill 1325 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 295: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1376

Senator Kenley called up Engrossed House Bill 1376 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 296: yeas 44, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1117

Senator Gard called up Engrossed House Bill 1117 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 297: yeas 33, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 97 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 15 and that a conference committee be appointed to confer with a like committee of the House.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 223 and that a conference committee be appointed to confer with a like committee of the House.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 26 and that a conference committee be appointed to confer with a like committee of the House.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 143 and that a conference committee be appointed to confer with a like committee of the House.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 142 and that a conference committee be appointed to confer with a like committee of the House.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 345 and that a conference committee be appointed to confer with a like committee of the House.

HERSHMAN

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 97:
Conferees: M. Young, Chair and Taylor
Advisors: Steele, Randolph, and Banks

LONG
Date: 2/29/2012
Time: 3:37 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 223:
Conferees: Miller, Chair and Breaux
Advisors: Becker and Rogers

LONG
Date: 2/29/2012
Time: 4:23 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 15:
Conferees: Miller, Chair and Breaux
Advisors: Buck, Rogers, and Becker

LONG
Date: 2/29/2012
Time: 4:25 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 26:
Conferees: Bray, Chair and Randolph
Advisors: Glick and Hume

LONG
Date: 2/29/2012
Time: 2:25 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 345:
Conferees: Hershman, Chair and Tallian
Advisors: Simpson, Wyss, and Charbonneau

LONG
Date: 2/29/2012
Time: 1:05 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 143:
Conferees: Kenley, Chair and Broden
Advisors: Charbonneau and Rogers

LONG
Date: 2/29/2012
Time: 1:18 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 142:
Conferees: Kenley, Chair and Skinner
Advisors: Hershman and Randolph

LONG
Date: 2/29/2012
Time: 1:17 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 257:
Conferees: Wyss, Chair and Arnold
Advisors: Tomes and Eckerty

LONG
Date: 2/29/2012
Time: 12:05 p.m.

Report adopted.

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 29th day of February, 2012, signed Senate Enrolled Acts: 168, 225, 231, 249, 256, 259, and 330.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bill 128 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed with amendments Engrossed Senate Bills 15, 131, and 223 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Glick be added as cosponsor of Engrossed House Bill 1196.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be removed as sponsor of Engrossed House Bill 1196 and that Senator Alting be substituted therefor.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second sponsor of Engrossed House Bill 1196.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be removed as cosponsor of Engrossed House Bill 1072.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second sponsor of Engrossed House Bill 1072.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1325.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1111.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be removed as cosponsor of Engrossed House Bill 1136.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1040.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1126.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as third sponsor and Senator Hershman be added as cosponsor of Engrossed House Bill 1091.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting and Paul be added as cosponsors of Engrossed House Bill 1116.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as third sponsor of Engrossed House Bill 1269.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Schneider be removed as coauthor of Engrossed Senate Bill 89.

SCHNEIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that the following resolution be adopted:

HCR 42 Senator Long
Recognizing the staff of Legislative Services Agency.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 42

House Concurrent Resolution 42, sponsored by Senators Long and Simpson:

A CONCURRENT RESOLUTION recognizing the staff of the Legislative Services Agency.

Whereas, The executive director, division directors and deputy directors, staff attorneys, fiscal analysts, editorial assistants, and administrative staff of the Legislative Services Agency serve the Indiana General Assembly with professionalism and dedication, cheerfully accepting and skillfully completing countless tasks that are both professionally challenging and demanding;

Whereas, Each person in the Legislative Services Agency has a particular job to do and does it to the best of that person's ability;

Whereas, The executive director, division directors, and deputy directors provide unwavering guidance to their staff to ensure that the best possible work product is produced;

Whereas, Staff attorneys diligently draft legislation to the best of their abilities, never failing to protect the interests of the members of the Indiana General Assembly;

Whereas, Fiscal analysts tirelessly "crunch numbers" to ensure that Representatives and Senators are fully apprised of the cost of each piece of legislation;

Whereas, Editorial assistants meticulously edit legislation and skillfully create printed bills under deadlines;

Whereas, The administrative staff provides the necessary support to ensure that the work product is produced in a timely and efficient manner; and

Whereas, The staff of the Legislative Services Agency is unfailingly thorough, conscientious, and professional: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks the staff of the Legislative Services Agency for its dedication and hard work on behalf of the Indiana House of Representatives and the Indiana Senate.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each member of the staff of the Legislative Services Agency.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move we adjourn until 10:00 a.m., Thursday, March 1, 2012.

LONG

Motion prevailed.

The Senate adjourned at 4:47 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

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Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Thirtieth Meeting Day Thursday Morning March 1, 2012

The Senate convened at 10:28 a.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Travis L. Holdman.

The Pledge of Allegiance to the Flag was led by Senator Holdman.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent ▶
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty ▶	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman ▶
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 298: present 47; excused 3. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Resolution 54, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Resolution 49, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Resolution 31, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 298 and that a conference committee be appointed to confer with a like committee of the House.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 66 Senator Hershman
Urging the legislative council to assign to the Select Joint Commission on Medicaid Oversight the topic of Medicaid fraud issues.

SR 67 Senator Hershman
Urging the Legislative Council to assign two topics to the Commission on State Tax and Financing Policy.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 66

Senate Resolution 66, introduced by Senator Hershman:

A SENATE RESOLUTION urging the legislative council to assign to the Select Joint Commission on Medicaid Oversight the topic of Medicaid fraud issues.

Whereas, Medicaid is health insurance for qualifying low-income, needy people, and the eligible recipients include children, the elderly, and persons with disabilities;

Whereas, Medicaid fraud results in millions of dollars in lost revenue; and

Whereas, The discovery of new, innovative ways to prevent Medicaid fraud will result in better care for Hoosiers and less lost revenue within the system: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the Select Joint Commission on Medicaid Oversight established by IC 2-5-26-3 the following topics for study during the 2012 legislative interim:

(1) Analysis of the amendment to the False Claims and Whistleblower Protection Act (IC 5-11-5.5), which may be necessary to respond to correspondence received by the United States Department of Health and Human Services in order to continue to qualify for financial incentives related to false or fraudulent claims under the state Medicaid program.

(2) Analysis of appropriate modifications to the subpoena power to promote efficient and timely investigations of alleged Medicaid fraud offenses, including whether subpoenas may be issued to require witnesses to answer written interrogatories and give oral testimony under oath, in addition to provision of records.

(3) Use of federal matching funds by the Medicaid fraud control unit for conducting data mining activities and analysis of appropriate restrictions on data mining.

(4) Consideration of enacting surety bond requirements for persons seeking to enroll as Medicaid transportation providers for the first time or persons changing the ownership of an existing transportation provider.

(5) Designation of Medicaid fraud control unit investigators and attorneys as special investigators with law enforcement agency and criminal justice agency status to enhance their ability to carry out fraud investigation and enforcement responsibilities.

The resolution was read in full and adopted by voice vote.

Senate Resolution 67

Senate Resolution 67, introduced by Senator Hershman:

A SENATE RESOLUTION urging the Legislative Council to assign two topics to the Commission on State Tax and Financing Policy.

Whereas, The first topic to be studied by the Commission on State Tax and Financing Policy is whether changes should be made to the statutory eligibility requirements to claim the venture capital investment tax credit; and

Whereas, The commission should also study whether the Indiana Economic Development Corporation should be authorized to designate one rural county as a rural entrepreneurship area development incentive area in which state income taxes withheld from employees working for a new business in the area would be transferred to the rural county for purposes of developing new business opportunities in the rural county: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to assign these topics to the Commission on State Tax and Financing Policy.

The resolution was read in full and adopted by voice vote.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 98.

KENLEY

Roll Call 299: yeas 46, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 127.

TALLIAN

Roll Call 300: yeas 47, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 131.

GARD

Roll Call 301: yeas 46, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 132.

GARD

Roll Call 302: yeas 44, nays 3. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 193.

ARNOLD

Roll Call 303: yeas 47, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 273.

LANANE

Roll Call 304: yeas 41, nays 5. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 274.

MERRITT

Roll Call 305: yeas 47, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 275.

MERRITT

Roll Call 306: yeas 45, nays 2. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 283.

KRUSE

Roll Call 307: yeas 43, nays 4. Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 298:
Conferees: Zakas, Chair and Lanane
Advisors: Steele, Broden, and Glick

LONG
Date: 3/1/2012
Time: 10:43 a.m.

Report adopted.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on March 1, 2012, signed House Enrolled Act 1239.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 43 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 44 and 46 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Alting be added as coauthor of Engrossed Senate Bill 275.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Becker and Leising be added as coauthors of Senate Resolution 54.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 11:00 a.m., Monday, March 5, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 11:02 a.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Thirty-first Meeting Day Monday Morning March 5, 2012

The Senate convened at 11:05 a.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Dennis K. Kruse.

The Pledge of Allegiance to the Flag was led by Senators Ronald T. Grooms and James C. Smith, Jr.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent ▶
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman ▶
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 308: present 48; excused 2. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 34

Senate Concurrent Resolution 34, introduced by Senator Merritt:

A CONCURRENT RESOLUTION urging the Governor to designate March 30th as Welcome Home Vietnam Veteran's Day.

Whereas, More than 58,000 members of the United States Armed Forces, including 1,532 Hoosiers, lost their lives in Vietnam, and more than 300,000 members of the Armed Forces were wounded;

Whereas, In 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate the lives and service of the men and women who died, or were declared missing-in-action in the Vietnam War;

Whereas, The Vietnam War was an extremely divisive issue among the people of the United States, and the crossfire of debate about the country's involvement in the war deprived many members of the Armed Forces of public support and appreciation for their patriotic service;

Whereas, Civil discourse in the political affairs of the United States should be encouraged, but it is never too late to say, "I am sorry" and "thank you" to our Vietnam veterans;

Whereas, The establishment of Welcome Home Vietnam Veterans Day is an appropriate way to express appreciation and honor the members of the United States Armed Forces, as well as members of the Red Cross and other service organizations, who bravely served the country and their fellow citizens during the Vietnam War; and

Whereas, On March 30, 2009, Congress proclaimed a national Welcome Home Vietnam Veterans Day and encouraged people of the United States to observe this day with ceremonies and activities that promote awareness of the numerous contributions of veterans who served in Vietnam, and the importance of helping all of America's veterans return home and achieve happy, healthy, and productive lives: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly urges the Governor to declare March 30th Welcome Home Vietnam Veterans Day.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Paul Collie.

The resolution was read in full and referred to the Committee on Homeland, Security, Transportation and Veterans Affairs.

Senate Resolution 71

Senate Resolution 71, introduced by Senator Zakas:

A SENATE RESOLUTION urging the legislative council to establish an interim study committee to study the topic of DNA evidence.

Whereas, The collection and use of DNA evidence is vital in the criminal justice system: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study the use of DNA evidence.

SECTION 2. That the committee, if established, shall consider:

(1) whether DNA should be collected from arrestees;

(2) the circumstances under which DNA should be collected from juveniles, including juvenile arrestees;

(3) the experiences of the 26 states that have adopted "Katie's Law" (providing for the collection of DNA from arrestees);

(4) the use of familial DNA; and

(5) any other issue relating to DNA, as determined by the chairperson.

SECTION 3. That the study committee, if established, shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, not later than November 1, 2012.

The resolution was read in full and referred to the Committee on Judiciary.

Senate Resolution 78

Senate Resolution 78, introduced by Senators Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor, and R. Young.

A SENATE RESOLUTION to recognize and honor the Senate Democrat Interns for their service during the Second Regular Session of the One Hundred Seventeenth Indiana General Assembly.

Whereas, The following have served as legislative interns for the Democratic Caucus of the State Senate during the Second Regular Session of the One Hundred Seventeenth Indiana General Assembly; Adey Adenrele; Derek Camp; Rosalie Cramer; Ryan Kramer; Kaylan Huber; Kristen Knuth; Jon Himes; Michael Marsala; John Naffziger; Jennifer Rice; Tina Simpson; and Steven Walsh;

Whereas, The conscientious and diligent efforts of the Interns has enhanced the efficiency and effectiveness of the State Senate this legislative session;

Whereas, The Interns' hearty support and able assistance have enabled the Senators of the Democratic Party to better represent and serve their constituents in a prompt and courteous manner;

Whereas, The work of the legislative interns is vital to the success of each session of the Indiana General Assembly; and

Whereas, The members of the Indiana State Senate Democratic Caucus wish to express their gratitude to those individuals who have participated in the internship program: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate hereby expresses its deep appreciation to the Senate Democratic Caucus Interns, who have served with diligence and dedication during the Second Regular Session of the One Hundred Seventeenth Indiana General Assembly.

SECTION 2. That the Secretary of the Senate is directed to transmit a copy of this resolution to each of the Democratic Caucus Interns: Adey Adenrele; Derek Camp; Rosalie Cramer; Ryan Kramer; Kaylan Huber; Kristen Knuth; Jon Himes; Michael Marsala; John Naffziger; Jennifer Rice; Tina Simpson and Steven Walsh.

The resolution was read in full and adopted by voice vote.

Senate Resolution 53

Senate Resolution 53, introduced by Senators Lawson and Merritt:

A SENATE RESOLUTION honoring the Senate Republican Interns for their service during the Second Regular Session of the One Hundred Seventeenth Indiana General Assembly.

Whereas, During the Second Regular Session of the One Hundred Seventeenth Indiana General Assembly, the Senate Republican Interns have provided the Senators of the Republican Party, individually and collectively, with outstanding support and assistance;

Whereas, Those serving so ably during this session include: Joshua Black, Hillary Cherry, Morgan Daly, Kevin Duffy, Jim Duncan, Bobby Egan, Evan Eikenberry, Whitney Elkin, Brent Ellis, Jessica Evers, Keith Hansen, Johnathon Huston, James Inman, Molly Johnson, Holly Jones, M. Chandler Jones, Cristin Just, Peter Khosla, Meredith Lizza, Mark Meadows, Kara Milliken, Christopher Neat, Jay Neel, Michael Niland, Mallary Pittman, Hannah Rozow, Lisa Ryan, Alicia Smith, Kenny Sobek, Theresa Spewak, Travis Taggart, Tyler White, and Mallory Wilson;

Whereas, The Senate Republican Interns represent 13 schools throughout Indiana, North Carolina, and Ohio: Ball State University, Indiana State University, Indiana University, Indiana University-Purdue University Indianapolis, Indiana University Robert H. McKinney School of Law, Indiana Wesleyan

University, Purdue University, St. Mary's College, University of Indianapolis, University of Southern Indiana, Valparaiso University, Warren Wilson College, and Xavier University; and

Whereas, The support and assistance of the interns have contributed to the Senate being more efficient and responsive to the people of the great state of Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate expresses its full appreciation and sincere commendation to the Senate Republican Interns who have loyally and capably served this Second Regular Session of the One Hundred Seventeenth Indiana General Assembly.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to each Republican Intern who served the Senate during the Second Regular Session of the One Hundred Seventeenth Indiana General Assembly.

The resolution was read in full and adopted by voice vote.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 302 and that a conference committee be appointed to confer with a like committee of the House.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 1 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 407 and that a conference committee be appointed to confer with a like committee of the House.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 293 and that a conference committee be appointed to confer with a like committee of the House.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 19 and that a conference committee be appointed to confer with a like committee of the House.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 280 and that a conference committee be appointed to confer with a like committee of the House.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 224 and that a conference committee be appointed to confer with a like committee of the House.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 296 and that a conference committee be appointed to confer with a like committee of the House.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 322 and that a conference committee be appointed to confer with a like committee of the House.

TOMES

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1033. The Speaker of the House has appointed the following Representatives as a conference

committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: McMillin, Chair and Pierce
Advisors: Foley, Turner, and Lawson

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1049. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Koch, Chair and Pierce
Advisors: Foley, Leonard, and Pryor

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1072. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Espich, Chair and Welch
Advisors: Turner, Thompson, Ellspermann, Dembowski, and Pryor

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1092. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Burton, Chair and Pryor
Advisors: Steuerwald and White

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1117. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Wolkins, Chair and Pierce
Advisors: Lehe, Baird, Knollman, and Sullivan

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 45, 49, 50, and 51 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 52 and 53 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 10, 19, 22, 23, 24, 26, 27, 29, 30, 31, and 32 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1376. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Espich, Chair and Crawford
Advisors: Turner, Crouch, Clere, Thompson, Leonard, Klinker, and Goodin

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1325. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Pond, Chair and Pelath
Advisors: Turner, McClain, and Klinker

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1280. The Speaker of the House has appointed the following Representatives as a conference

committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Koch, Chair and Bartlett
Advisors: Mahan, Wesco, and Stemler

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1269. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: T. Brown, Chair and C. Brown
Advisors: Neese and C. Fry

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1205. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Behning, Chair and Porter
Advisors: Rhoads, Wesco, Kersey, and V. Smith

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1192. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Cherry, Chair and Goodin
Advisors: Thompson, Dermody, Espich, Moses, Klinker, and Battles

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1169. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Koch, Chair and Porter
Advisors: Behning, Rhoads, and VanDenburgh

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1126. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Frizzell, Chair and Pierce
Advisors: Wolkins, Lutz, and Sullivan

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1123. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Burton, Chair and Niezgodski
Advisors: Neese, Cherry, and Moses

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed with amendments Engrossed Senate Bills 1, 175, 224, 233, 286, 287, 296, 302, 322, 384, and 407 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 47 and 48 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 298:

Conferees: Speedy and Riecken
Advisors: Burton, Heaton, and Pelath

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments

to Engrossed House Bill 1360. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Bacon, Chair and Welch
Advisors: T. Brown, Davisson, Grubb, and Battles

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1270. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Clere, Chair and Porter
Advisors: Dermody, Behning, Kersey, and Moses

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1237. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: VanNatter, Chair and Moses
Advisors: Mahan, Morris, C. Fry, and Dvorak

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1222. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Yarde, Chair and GiaQuinta
Advisors: Heuer, Soliday, and Dembowski

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1200. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Foley, Chair and Porter
Advisors: Koch, Behning, Pierce, White, and GiaQuinta

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1195. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: M. Smith, Chair and Kersey
Advisors: Thompson, Espich, Cheatham, and Klinker

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1190. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Thompson, Chair and Welch
Advisors: Crouch, M. Smith, Klinker, and Pryor

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1189. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Thompson, Chair and Porter
Advisors: Clere, Behning, Goodin, and Kersey

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1186. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: T. Brown, Chair and Welch
Advisors: R. Frye, Kirchhofer, and C. Brown

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1149. The Speaker of the House has appointed the following Representatives as a conference

committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Turner, Chair and C. Brown
Advisors: T. Brown, VanNatter, and Welch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1136. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Wesco, Chair and VanDenburgh
Advisors: Noe, McNamara, and Summers

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1134. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Speedy, Chair and DeLaney
Advisors: Behning, Dermoday, and VanDenburgh

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1111. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Clere, Chair and Sullivan
Advisors: Speedy, Turner, and Candelaria Reardon

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1087. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Thompson, Chair and Pelath
Advisors: Soliday, R. Frye, Karickhoff, Leonard, and Pryor

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1080. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: R. Frye, Chair and Pierce
Advisors: Steuerwald and Lawson

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1040. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: T. Brown, Chair and Grubb
Advisors: R. Frye, Borders, Moseley, and White

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1002. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Wolkins, Chair and Pierce
Advisors: Koch, Noe, and Dobis

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 22:

Conferees: McMillin and Dobis
Advisors: R. Frye, Eberhart, Harris, and Candelaria Reardon

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 26:

Conferees: Foley and Pierce
Advisors: Koch and Pryor

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 52:

Conferees: T. Brown and C. Brown
Advisors: Davisson and Welch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 113:

Conferees: Lehman and Dembowski
Advisors: Soliday and White

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 115:

Conferees: Koch and Bartlett
Advisors: Richardson, Yarde, and VanDenburgh

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 142:

Conferees: Espich and Crawford
Advisors: Turner, M. Smith, Pryor, and Kersey

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 143:

Conferees: Espich and Crawford
Advisors: Turner, Crouch, Klinker, and Goodin

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 176:

Conferees: Foley and Pryor
Advisors: McMillin and DeLaney

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 190:

Conferees: Kubacki and Lawson
Advisors: Ellspermann, McMillin, and Pierce

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 257:

Conferees: Soliday and Pryor
Advisors: Speedy and DeLaney

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 345:

Conferees: Thompson and Pelath
Advisors: Soliday, R. Frye, Karickhoff, and Welch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 15:

Conferees: T. Brown and C. Brown
Advisors: Karickhoff and Welch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 97:

Conferees: Steuerwald and Dvorak
Advisors: McMillin and Pierce

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 107:

Conferees: Neese and Moses
Advisors: Thompson, Richardson, and V. Smith

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senate Rule 86(a) be suspended with regard to its application to all Conference Committee Reports filed during the Second Regular Session of the 117th General Assembly.

LONG

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred the motion of Senator Long requesting suspension of Senate Rule 86(a) for all Conference Committee Reports filed during the Second Regular Session of the 117th General Assembly, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said motion be adopted.

LONG

Report adopted.

SENATE MOTION

Madam President: I move that Senate Rule 82(c) be suspended with regard to its application to all Conference Committee Reports filed during the Second Regular Session of the 117th General Assembly.

LONG

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred the motion of Senator Long requesting suspension of Senate Rule 82(c) for all Conference Committee Reports filed during the Second Regular Session of the 117th General Assembly, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said motion be adopted.

LONG

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1003:
Conferees: Holdman and Arnold
Advisor: Alting

LONG
Date: 3/1/2012
Time: 1:07 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1258:
Conferees: Zakas and Broden
Advisor: Glick

LONG
Date: 3/1/2012
Time: 1:09 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1149:
Conferees: Gard and Simpson
Advisors: Alting and Lanane

LONG
Date: 3/2/2012
Time: 8:45 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1002:
Conferees: Lawson and Tallian
Advisors: Landske, Taylor, and Gard

LONG
Date: 3/5/2012
Time: 9:07 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1040:
Conferees: Miller and Hume
Advisors: Bray, R. Young, and Head

LONG
Date: 3/5/2012
Time: 9:10 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1080:
Conferees: Eckerty and Hume
Advisors: Steele, Randolph, and M. Young

LONG
Date: 3/5/2012
Time: 9:10 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1087:
Conferees: Hershman and Arnold
Advisors: Wyss, Broden, and Holdman

LONG
Date: 3/5/2012
Time: 9:16 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1134:
Conferees: Miller and Rogers
Advisors: Kruse, Hume, and Banks

LONG
Date: 3/5/2012
Time: 9:24 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1111:
Conferees: Merritt and Broden
Advisors: Kenley, Randolph, Mishler, and Charbonneau

LONG
Date: 3/5/2012
Time: 9:23 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1136:
Conferees: Holdman and Breaux
Advisors: Miller, Taylor, and Lawson

LONG
Date: 3/5/2012
Time: 9:25 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1186:
Conferees: Miller and Tallian
Advisors: Leising and Arnold

LONG
Date: 3/5/2012
Time: 9:35 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1189:
Conferees: Charbonneau and Skinner
Advisors: Kenley, Mishler, and Rogers

LONG
Date: 3/5/2012
Time: 9:27 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1190:
Conferees: Hershman and Hume
Advisors: Mishler, Broden, and Kenley

LONG
Date: 3/5/2012
Time: 9:29 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1195:
Conferees: Walker and Broden
Advisors: Mishler, Hume, and Kenley

LONG
Date: 3/5/2012
Time: 9:36 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1200:
Conferees: Bray and Simpson
Advisors: Wyss and Lanane

LONG
Date: 3/5/2012
Time: 9:37 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1222:
Conferees: Wyss and Arnold
Advisors: Kruse, Lanane, and Randolph

LONG
Date: 3/5/2012
Time: 9:38 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1237:
Conferees: Eckerty and Mrvan
Advisors: Yoder, Hume, and Bray

LONG
Date: 3/5/2012
Time: 9:45 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1270:
Conferees: Kruse and Broden
Advisors: Yoder, Simpson, and Kenley

LONG
Date: 3/5/2012
Time: 9:45 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1360:
Conferees: Miller and Breaux
Advisors: Becker and Rogers

LONG
Date: 3/5/2012
Time: 9:46 a.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 1:
Conferees: M. Young, Chair and Lanane
Advisors: Charbonneau, Hume, Delph, and Steele

LONG
Date: 3/5/2012
Time: 8:58 a.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 19:
Conferees: Boots, Chair and Broden
Advisors: Hershman, Randolph, and Delph

LONG
Date: 3/5/2012
Time: 1:20 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 224:
Conferees: Miller, Chair and Rogers
Advisors: Gard and Breaux

LONG
Date: 3/5/2012
Time: 9:00 a.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 280:
Conferees: Charbonneau, Chair and Broden
Advisors: Kenley, Rogers, and Mishler

LONG
Date: 3/5/2012
Time: 1:36 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 293:
Conferees: Smith, Chair and Skinner
Advisors: Hershman, Randolph, and Kenley

LONG
Date: 3/5/2012
Time: 12:37 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 407:
Conferees: Grooms, Chair and Breaux
Advisors: Lawson and Rogers

LONG
Date: 3/5/2012
Time: 9:02 a.m.

Report adopted.

12:01 p.m.

The Chair declared a recess until the fall of the gavel.

RECESS

The Senate reconvened at 4:17 p.m., with Senator Long in the Chair.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1003:
Advisor: Gard

LONG
Date: 3/5/2012
Time: 3:00 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1033:
Conferees: Steele and Hume
Advisors: Waltz and Taylor

LONG
Date: 3/5/2012
Time: 1:44 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1049:
Conferees: Bray and Lanane

Advisors: Steele, Randolph, and Glick

LONG
Date: 3/5/2012
Time: 1:45 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1072:
Conferees: Hershman and Broden
Advisors: Kenley, Mishler, Head, and Skinner

LONG
Date: 3/5/2012
Time: 1:47 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1092:
Conferees: Bray and Randolph
Advisors: Waltz and Broden

LONG
Date: 3/5/2012
Time: 1:48 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1117:
Conferees: Gard and Tallian
Advisors: Leising, Breaux, and Holdman

LONG
Date: 3/5/2012
Time: 1:49 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1123:
Conferees: Kenley and Tallian
Advisors: Charbonneau, Hume, Mishler, and Boots

LONG
Date: 3/5/2012
Time: 1:25 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1126:
Conferees: Merritt and Randolph
Advisors: Bray, Broden, and Tomes

LONG
Date: 3/5/2012
Time: 1:33 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1169:
Conferees: Kruse and Skinner
Advisors: Schneider and Rogers

LONG
Date: 3/5/2012
Time: 1:34 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1192:
Conferees: Miller and Hume
Advisors: Kenley, Broden, Head, and Charbonneau

LONG
Date: 3/5/2012
Time: 1:50 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of

the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1205:
Conferees: Kruse and Skinner
Advisors: Banks, Mrvan, and Delph

LONG
Date: 3/5/2012
Time: 1:37 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1269:
Conferees: Miller and Breaux
Advisors: M. Young, Simpson, and Kenley

LONG
Date: 3/5/2012
Time: 1:39 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1280:
Conferees: Hershman and Skinner
Advisors: Mishler and Broden

LONG
Date: 3/5/2012
Time: 1:40 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1325:
Conferees: Hershman and Breaux
Advisors: M. Young, Skinner, and Waltz

LONG
Date: 3/5/2012
Time: 1:41 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1376:
Conferees: Kenley and Tallian
Advisors: Mishler, Broden, and Charbonneau

LONG
Date: 3/5/2012
Time: 1:43 p.m.

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 223:

Conferees: T. Brown and Fry
Advisors: Frizzell, Bacon, and Day

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1258. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Foley, Chair and DeLaney
Advisors: McMillian, Eberhart, and Dvorak

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1003. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Crouch, Chair and Dobis
Advisors: Mahan, Karickhoff, and Pierce

M. CAROLINE SPOTTS
Principal Clerk of the House

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 384 and that a conference committee be appointed to confer with a like committee of the House.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 262, filed February 29, 2012, be withdrawn from further consideration by the Senate.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 18, filed March 1, 2012, be withdrawn from further consideration by the Senate.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 32, filed February 29, 2012, be withdrawn from further consideration by the Senate.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as second author and Senator Miller be added as coauthor of Senate Concurrent Resolution 34.

MERRITT

Motion prevailed.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on March 5, 2012, signed House Enrolled Act 1264.

DAVID C. LONG
President Pro Tempore

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SCR 35 Senator Charbonneau
Congratulating Mark Hoffman on his retirement as head football coach for Valparaiso High School following 40 years of coaching.

SCR 36 Senator Delph
Urging Congress to establish a memorial on the National Mall honoring Gulf War Veterans.

SR 68 Senator Delph
Congratulating the Carmel High School girls tennis team on their 2011 State Championship.

SR 69 Senator Hershman
Urging the legislative council to establish an interim study committee to study gaming issues.

SR 70 Senator Eckerty
Congratulating Morry Mannies on his retirement after 56 years of being the voice of Cardinal Sports.

SR 72 Senator Hume
Congratulating Pike Central High School students Jessica D'Esposito, Colton Newson, and Anna Woolery.

SR 73 Senator Long
Expressing appreciation to Verizon for its role in promoting and supporting the legislative internship program and scholarships.

SR 74 Senator Long
Expressing the Indiana Senate's sincere appreciation for the "Chiropractor of the Day" program and the chiropractors who participated in it.

SR 75 Senator Long
Expressing sincerest thanks to the doctors who took part in the "Doctor of the Day" program.

SR 76 Senator Long
Expressing sincere appreciation to the staff of the Indiana Legislative Services Agency for their hard work during the Second Regular Session of the 117th General Assembly.

SR 77 Senator Long
Recognizing the exceptional work and dedication of the employees of the Indiana Senate.

HCR 40 Senator M. Young
Thanking John Stieff, Rebecca Mortell, Craig Mortell, and the staff of the Office of Code Revision for their dedication and hard work.

HCR 43 Senator Merritt
Honoring the Junior League of Indianapolis.

HCR 44 Senator Lawson
Recognizing cancer research participants.

HCR 45 Senator Rogers
To honor the accomplishments of Karen Freeman Wilson.

HCR 46 Senator Walker
Honoring Jacob Anderson, Maya Aufdermauer, Cassie McDonald, Peyton Rhodes and Susan Baute.

HCR 47 Senator Eckerty
Honoring the Yorktown High School girls volleyball team.

HCR 48 Senator Taylor
Recognizing the work of the Child Advocates Network of volunteer Guardians ad Litem and Court Appointed Special Advocates.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 35

Senate Concurrent Resolution 35, introduced by Senator Charbonneau:

A CONCURRENT RESOLUTION congratulating Mark Hoffman on his retirement as head football coach for Valparaiso High School following 40 years of coaching.

Whereas, Mark Hoffman has been the backbone of the Valparaiso High School football team for forty years. His coaching has inspired and motivated young players in the Vikings athletic program since 1972. Although Mark has chosen to step down as the football coach, he will remain involved as the high school's Athletic Director.

Whereas, Boasting an impressive career coaching record of 237-153. Coach Hoffman has led the Vikings football team to two State Runners-Up, six Final Four Appearances, six Regional Championships, six Conference Championships, and a State Championship. The team has been nationally ranked four times during his tenure;

Whereas, Mark Hoffman is a member of the Indiana Football Coaches Association, the American Football Coaches Association, the National Football Hall of Fame Foundation, the National Federation of Coaches, the Indiana Track and Cross Country Association, the Indiana Interscholastic Athletic Administrators Association, and the National Interscholastic Athletic Administrators Association. He also serves on the Indiana Football Coaches Association Board of Directors, the Indiana Football Hall of Fame Committee, The Indiana Football Coaches Association All-State Board, and the Indianapolis Colts All-Academic Advisory Board. Mark is also chairman of the Region One Indiana Hall of Fame and the Indiana Football Coaches Association Service Awards;

Whereas, Coach Hoffman was the originator of the Indiana football Coaches Association Recruiting Smoker and Service Awards. He also served on the Indiana High School Athletic Association Committee to restructure the state playoff system, and was the co-founder of the Region One Indiana Football Coaches Association College Recruiting Fair.

Whereas, Among the numerous accolades he has earned, Mark Hoffman was presented the IFCA President's Award (1996), Head North All-Star Coach (1999-2011), 5A Coach of the Year (1985, 1986, 1989, 1991, 1997, 2000-2002, 2010), NFL Coach of the Week (2000, 2005, 2008, 2010), and was inducted into the Indiana Football Hall of Fame in 2006;

Whereas, Coach Hoffman had his own accomplishments as a starting player on the Andrean High School Team and Butler University Football Team. Mark provides elite coaching and has impressive ability to translate his knowledge of the sport to his players. It is for this reason that he has ushered 230 of his players onto college football teams, 42 of which accepted positions at Division One schools. Having Mark Hoffman as a football coach has proved to be an enormous gift to the Vikings football organization: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Mark Hoffman for his storied 40 year career as Valparaiso High School's football coach.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Mark Hoffman.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Soliday.

Senate Concurrent Resolution 36

Senate Concurrent Resolution 36, introduced by Senators Delph and Paul:

A CONCURRENT RESOLUTION urging Congress to establish a memorial on the National Mall honoring Gulf War Veterans.

Whereas, Twenty years ago, the United States Armed Forces led allies in driving Saddam Hussein from Kuwait, restored confidence in our military, and stabilized a volatile energy market;

Whereas, A goal has been set to erect a permanent memorial in Washington, D.C. before the 25th anniversary, in 2016, to honor the men and women who gave the last full measure of devotion to their country;

Whereas, More than 600 Hoosiers participated in the heroic effort, ten of whom gave the ultimate sacrifice;

Whereas, Operation Desert Storm was the first major military operation for the United States since the Vietnam War, and the rapid and decisive American victory showcased the United States' military air supremacy;

Whereas, The overwhelming ground campaign was so swift, President George H.W. Bush called for a cease-fire only 100 hours after it began;

Whereas, In honor of the shared sacrifice and dedication of the men and women of the United States armed forces who participated in Operation Desert Shield/Desert Storm, a permanent memorial should be erected in Washington, D.C.; and

Whereas, In order to honor the men and women who served in Operation Desert Shield and Operation Desert Storm and enhance public recognition of veterans who served, the Indiana General Assembly urges Congress to establish a permanent memorial to be constructed in Washington, D.C.: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly urges Congress to establish a memorial on the National Mall honoring Gulf War Veterans.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Indiana Congressional Delegation and the National Desert Storm Memorial.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bosma and Reske.

Senate Resolution 68

Senate Resolution 68, introduced by Senator Delph:

A SENATE RESOLUTION congratulating the Carmel High School girls tennis team on their 2011 State Championship.

Whereas, The Carmel High School girls tennis team won the IHSAA State Championship, leaving their mark on the state and ensuring their place in history;

Whereas, The win for the girls tennis team marked the school's 100th state championship, a state best;

Whereas, Carmel coach Sharon Rosenburgh celebrated an impressive milestone. Receiveing her fifth State Championship ties her for the second most girls tennis titles by a coach in Indiana state history;

Whereas, Sophomore Mikaela Carlson could not be outdone during the deciding match, she outlasted her opponent for two hours and forty five minutes in the scorching summer heat, landing Carmel a 21-0 undefeated season;

Whereas, Olivia Trancik was named the recipient of the Mental Attitude Award. The award is presented each year by the IHSAA executive committee to an outstanding senior. The four-year letter winner helped Carmel to three consecutive State finals while earning a 3.99 GPA; and

Whereas, Hours of dedication on the courts helped guide the Carmel High School girls tennis team to an undefeated season and a well deserved State Championship title: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates the Carmel High School girls tennis team on their 2011 State Championship.

SECTION 2. The Secretary of the State is hereby directed to transmit a copy of this Resolution to the Carmel High School girls tennis team, Head Coach Mike Bostic, Athletic Director Jim Inskeep, and the Carmel Clay school board.

The resolution was read in full and adopted by voice vote.

Senate Resolution 69

Senate Resolution 69, introduced by Senator Hershman:

A SENATE RESOLUTION urging the legislative council to establish an interim study committee to study gaming issues.

Whereas, The gaming industry provides revenue for Indiana's economy and jobs for Hoosiers; and

Whereas, In order to properly assess the impact of gaming on our state, numerous aspects of the gaming industry should receive further study: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study gaming issues.

SECTION 2. That the committee, if established, shall:

(A) assess the gaming industry competitive landscape in surrounding states;

(B) measure the fiscal impact on state and local revenues caused by increased gaming competition in surrounding states;

(C) determine the employment impact on Indiana employees caused by increased gaming competition in surrounding states;

(D) quantify the overall economic impact on the state that will result from increased gaming competition in surrounding states;

(E) review legislative options available to protect the interests of the state from increased gaming competition in surrounding states; and

(F) consider the advisability of the general assembly establishing a permanent gaming management oversight commission to review the gaming industry on a regular basis and make recommendations to the general assembly on the regulation, management, competitiveness, and oversight of the industry.

The resolution was read in full and adopted by voice vote.

Senate Resolution 70

Senate Resolution 70, introduced by Senators Eckerty and Lanane:

A SENATE RESOLUTION congratulating Morry Mannies on his retirement after 56 years of being the voice of Cardinal Sports.

Whereas, During the past 55 years, Morry Mannies has broadcast over 5,500 Ball State University and high school football and basketball games, logging over 30,000 hours behind the microphone for WLBC/WXFN Radio in Muncie;

Whereas, Morry is a legend in the broadcasting profession. He began broadcasting Ball State athletics while he was a

freshman at the university. He has served as Ball State's play-by-play announcer for both football and men's basketball since 1956;

Whereas, Mr. Mannies is a three-time winner of the Indiana Sportscaster of the Year honor, and has been inducted into the MAC Hall of Fame, the Indiana Basketball Hall of Fame, the Ball State Athletics Hall of Fame, the Indiana Sportswriters Hall of Fame, and the Sportscasters Association Hall of Fame;

Whereas, Morry has also been the honored recipient of the Ball State Alumni Association's Beneficence Award in 1985, and their Distinguished Alumni Award in 2005;

Whereas, As a pupil, Senator Lanane was the privileged beneficiary of Mr. Mannies's speech lessons. The Senator's skillful ability to pontificate can be attributed to his gifted speech teacher, Mr. Mannies; and

Whereas, Morry Mannies will truly be missed as the voice of the Cardinals. He has been an invaluable member of the Ball State and Muncie communities. Morry has contributed greatly to the Muncie culture, and will be irreplaceable: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Morry Mannies for his 56 year career as the Voice of the Cardinals.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Morry Mannies.

The resolution was read in full and adopted by voice vote.

Senate Resolution 72

Senate Resolution 72, introduced by Senator Hume:

A SENATE RESOLUTION congratulating Pike Central High School students Jessica D'Esposito, Colton Newson, and Anna Woolery;

Whereas, Inspired by the earthquakes in Haiti, Pike Central High School Students Jessica D'Esposito, Colton Newson, and Anna Woolery invented an 8'x5' portable disaster relief shelter;

Whereas, At a cost of only $600, the shelter includes a water purification system, is lightweight yet durable, and can be air-dropped into disaster-stricken areas and assembled on the ground;

Whereas, Their invention won first prize at MIT's EurekaFest invention competition, with one invention education officer saying the shelter is "an invention that's destined to help people pretty quickly;"

Whereas, Jessica D'Esposito, Colton Newson, and Anna Woolery were invited to the White House to present their disaster relief shelter to President Obama: and

Whereas, Jessica D'Esposito, Colton Newson, and Anna Woolery hope to have their invention mass-produced and utilized by national and international relief agencies: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana State Senate congratulates Jessica D'Esposito, Colton Newton, and Anna Woolery on their emergency relief shelter invention.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Jessica D'Esposito, Colton Newton, and Anna Woolery.

The resolution was read in full and adopted by voice vote.

Senate Resolution 73

Senate Resolution 73, introduced by Senator Long:

A SENATE RESOLUTION expressing appreciation to Verizon for its role in promoting and supporting the legislative internship program and scholarships.

Whereas, For over 15 years, Verizon has generously awarded scholarships to interns in each caucus of the state Senate and the House of Representatives;

Whereas, The Verizon Communications Intern Scholarships reward outstanding performance, dedicated work ethic, and professional, effective interpersonal skills. The winners are selected based on a number of criteria, including nominations by legislators, peer votes, student self-assessments, staff recommendations, and personal essays; and

Whereas, Verizon has a long history of supporting educational initiatives and their scholarship program is greatly appreciated: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate expresses its appreciation to Verizon for its role in helping to promote the legislative internship programs and scholarships of the General Assembly.

SECTION 2. The Secretary of the Senate is hereby directed to transmits a copy of this Resolution to Neil Krevda, State Director of Legislative Affairs; and Tim Smith, Director of Operations.

The resolution was read in full and adopted by voice vote.

Senate Resolution 74

Senate Resolution 74, introduced by Senator Long:

A SENATE RESOLUTION expressing the Indiana Senate's sincere appreciation for the "Chiropractor of the Day" program

and the chiropractors who participated in it.

Whereas, The Indiana State Chiropractic Association has provided a great service to the Indiana Senate during this legislative session by operation of the "Chiropractor of the Day" program;

Whereas, The Indiana State Chiropractic Association has provided competent and experienced chiropractors who have donated their time and expertise to provide care to the members and staff of the legislature; and

Whereas, Each member of the Indiana Senate is appreciative of the fine efforts of the dedicated chiropractors who have contributed their services to this program: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate hereby expresses gratitude to Pat McGuffy, the Indiana State Chiropractic Association; and the dedicated chiropractors who participated in the "Chiropractor of the Day" program during this Second Regular Session of the One Hundred Seventeenth Indiana General Assembly.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of the Resolution to Pat McGuffy, Indiana State Chiropractic Association; and each chiropractor who participated in the "Chiropractor of the Day" program.

The resolution was read in full and adopted by voice vote.

Senate Resolution 75

Senate Resolution 75, introduced by Senator Long:

A SENATE RESOLUTION expressing sincerest thanks to the doctors who took part in the "Doctor of the Day" program.

Whereas, The Indiana State Medical Association and the Indiana Academy of Family Physicians have assembled some fo the most intelligent and gifted physicians in Indiana to provide basic check-ups and treatment for members and staff of the Senate;

Whereas, The "Doctor of the Day" program gives Senate members and staff a convenient chance to cure a persistent cold, and the security of a competent medical professional onsite if a greater medical emergency should occur;

Whereas, The "Doctor of the Day" is responsible for a healthy Senate, which plays an important role in maintaining a productive and efficient legislature; and

Whereas, The Indiana State Medical Association, the Indiana Academy of Family Physicians, and the doctors volunteering their time, are sincerely appreciated for their service to the Senate members and staff: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate hereby expresses its most heartfelt thanks to the Indiana Academy of Family Physicians, and the selfless doctors who participated in the "Doctor of the Day" program during this Second Regular Session of the Hundred and Seventeenth Indiana General Assembly.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Executive Director of the Indiana State Medical Association, the President of the Indiana Academy of Family Physicians, and each of the physicians who participated in the "Doctor of the Day" program this session.

The resolution was read in full and adopted by voice vote.

Senate Resolution 76

Senate Resolution 76, introduced by Senator Long:

A SENATE RESOLUTION expressing sincere appreciation to the staff of the Indiana Legislative Services Agency for their hard work during the Second Regular Session of the 117th General Assembly.

Whereas, The staff of the Indiana Legislative Services Agency has extended full cooperation and devoted much time and effort to assure the viability and function of the legislative process;

Whereas, Without the unwavering devotion from the staff of the Indiana Legislative Services Agency, many problems and questions would go unsolved and unanswered; and

Whereas, The staff of the Indiana Legislative Services Agency are talented and dependable servants of the state of Indiana and the Indiana General Assembly would not function without them: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the members of the Indiana Senate express their full appreciation and sincere commendation to the entire staff of the Indiana Legislative Services Agency for their exceptional service.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to all staff members of the Indiana Legislative Services Agency.

The resolution was read in full and adopted by voice vote.

Senate Resolution 77

Senate Resolution 77, introduced by Senator Long:

A SENATE RESOLUTION recognizing the exceptional work and dedication of the employees of the Indiana Senate.

Whereas, The employees of the Indiana Senate serve as the backbone to the legislative process, setting new standards of excellence in their service before the General Assembly;

Whereas, The employees of the Indiana Senate regularly perform their duties with professionalism and courtesy; and

Whereas, The Indiana Senate and the state of Indiana have benefitted from the hard-work and professionalism of the Senate employees: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That excellent service, courteous performance, and efficient professionalism of the Senate's employees is deeply appreciated by us all. We commend the staff for their service to the State of Indiana during the Second Regular Session of the One Hundred Seventeenth General Assembly.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to each person who served as a Senate employee.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 40

House Concurrent Resolution 40, sponsored by Senators M. Young, Arnold, Banks, and Taylor:

A CONCURRENT RESOLUTION thanking John Stieff, Rebecca Mortell, Craig Mortell, and the staff of the Office of Code Revision for their dedication and hard work.

Whereas, As Director of the Office of Code Revision, John Stieff guides the dedicated staff of editors, proof readers, and typists responsible for maintaining the integrity of the Indiana Code;

Whereas, Aided by Deputy Directors Rebecca Mortell and Craig Mortell, these tireless public servants toil endless hours to reconcile, repair, and restore our legislative enactments;

Whereas, Backed up by his dedicated staff, John Stieff works to ensure that all technical corrections are enacted and all conflicts are resolved;

Whereas, When the last conference committee report has been adopted and all the legislators have adjourned sine die, the staff in the Office of Code Revision begin the arduous work of publishing the Indiana Code;

Whereas, Positive law codification is the process of preparing and enacting, one title at a time, a revision and restatement of the general and permanent laws of the state of Indiana; and

Whereas, The Indiana Code stands as an example of clear and concise law due to the efforts of the staff of the Office of Code Revision: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to express its gratitude to John Stieff, Rebecca Mortell, Craig Mortell, and the staff of the Office of Code Revision for their dedication and hard work in maintaining the integrity of the Indiana Code.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to John Stieff, Rebecca Mortell, Craig Mortell, and the staff of the Office of Code Revision.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 43

House Concurrent Resolution 43, sponsored by Senator Merritt:

A CONCURRENT RESOLUTION honoring the Junior League of Indianapolis.

Whereas, The Junior League of Indianapolis (JLI), a nonprofit women's organization, has been working diligently for 90 years investing in the lives of children and their families throughout the community in order to positively affect Indianapolis and the surrounding areas;

Whereas, The JLI is an "organization of women committed to promoting voluntarism, developing the potential of women, and improving the community through the effective action and leadership of trained volunteers";

Whereas, The core values of the JLI, whose purpose is solely educational and charitable, are voluntarism, training, leadership, community, collaboration, diversity, integrity, respect, and well-being;

Whereas, Part of an international organization representing more than 155,000 women in 292 leagues in the United States, Canada, Great Britain, and Mexico, the Junior League of Indianapolis has completed many projects that improved the lives of the people of the community during its first 89 years;

Whereas, Among these projects were the creation of the Occupational Therapy Department at Riley Hospital, a partnership that lasted 26 years, providing the core volunteer leadership to the Conner Prairie Pioneer Settlement that helped them establish an "alliance" of volunteers, contributing to the construction of a therapeutic play room at the Julian Center, and supporting the Indiana School for the Blind and Visually

Impaired and the Indiana School for the Deaf by helping to plan and staff special events and outings for the children;

Whereas, Looking toward the future, the JLI is focused on reading and is working to provide support to organizations dedicated to improving reading skills, particularly those programs that affect pre-kindergarten to elementary aged children;

Whereas, Some current initiatives and programs include the Day Nursery Emerging Readers Discovery Club, Indy Reads Family Literacy, Indy Reads Advance Reading in Kids, and Girls Inc. of Greater Indianapolis;

Whereas, The Junior League of Indianapolis was founded as an organization designed to train women to be effective leaders and volunteers in their community, and it is this training that sets the JLI apart from other service organizations;

Whereas, Members of the JLI receive training in leadership development, personal improvement, and individualized training on topics of interest to the members;

Whereas, The city of Indianapolis has benefited greatly from the efforts of the members of the Junior League of Indianapolis: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Junior League of Indianapolis on its 90th anniversary and thanks the organization for its many contributions to Indianapolis and the surrounding communities.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Board of Directors of the Junior League of Indianapolis.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 44

House Concurrent Resolution 44, sponsored by Senator Lawson:

A CONCURRENT RESOLUTION recognizing cancer research participants.

Whereas, The only means to find a cure for cancer is through clinical cancer research;

Whereas, Patients that participate in cancer research are necessary to win the War on Cancer and ease the burden of this disease on future cancer patients;

Whereas, For many patients, participation in cancer research is their final societal contribution in the War on Cancer, due to their desire to help others, their trust in their health care providers, and a pioneering spirit that hopes to see a better day;

Whereas, While Indiana ranks 40th in overall mortality from cancer, Black and Hispanic incidence of cancer rates remain disproportionately high;

Whereas, Cancer research is the largest and fastest growing area of disease research, and Hoosier companies, care providers, and academic centers have been at the forefront, providing investment in jobs and research infrastructure to and for Hoosiers for decades;

Whereas, Only 3-5% of cancer patients participate in clinical trials, making it a very select, courageous, and altruistic group, demonstrating that if we find more participants, we can make faster breakthroughs;

Whereas, Since the War on Cancer began 40 years ago, many medical gains have been made, such as those of Dr. Lawrence Einhorn of Indiana University in the area of testicular cancer; and,

Whereas, All cancer patients who have received a benefit from cancer care, ranging from a better quality of life to a longer life, owe a debt of gratitude to those doctors, nurses, scientists, and most especially patients who have conducted or participated in research: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly honors and recognizes the contributions of those Hoosiers who have helped fight the War on Cancer as cancer researchers or as patients serving as research participants.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Hoosier Oncology Group, the Indiana Cancer Consortium, the Indiana University Simon Cancer Center, the Great Lakes Division of the American Cancer Society, the Purdue University Cancer Center, and Eli Lilly and Company.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 45

House Concurrent Resolution 45, sponsored by Senator Rogers:

A CONCURRENT RESOLUTION to honor the accomplishments of Karen Freeman-Wilson.

Whereas, On December 31, 2011, Karen Freeman-Wilson was sworn in as the new Mayor of Gary, her hometown, the first woman to be elected mayor in Gary's history, and the first black woman to be elected mayor in Indiana;

Whereas, Ms. Freeman-Wilson has already been recognized by many for her "impressive" accomplishments, which include undergraduate and law degrees from Harvard University, and tenures as a city court judge of Gary, as the Attorney General of Indiana, and as CEO of the National Association of Drug Court Professionals;

Whereas, Ms. Freeman-Wilson has committed herself and her staff to running the Mayor's Office in the most transparent fashion possible, beginning with an open-door policy that will allow any interested citizen the chance to have a dialogue with her;

Whereas, Ms. Freeman-Wilson's plans for addressing Gary's challenges focus both on winning "small victories," such as improved street maintenance, and on longer-term projects for Gary's economic development, including the development of Gary International Airport as a rival to Chicago's Midway and O'Hare; and,

Whereas, Ms. Freeman-Wilson's winning the mayorship of Gary has inspired new hopes for the city's success and prosperity: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Karen Freeman-Wilson on being the first woman to be elected Mayor of Gary, and the first black woman to be elected mayor in Indiana, expresses the optimism of its members that Ms. Freeman-Wilson's tenure will see Gary revitalized, and wishes her every success in her work on behalf of her native city and her community.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Karen Freeman-Wilson.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 46

House Concurrent Resolution 46, sponsored by Senator Walker:

A CONCURRENT RESOLUTION honoring Jacob Anderson, Maya Aufdermauer, Cassie McDonald, Peyton Rhodes and Susan Baute.

Whereas, Jacob Anderson, Maya Aufdermauer, Cassie McDonald, and Peyton Rhodes, students from L. Frances Smith Elementary School in Columbus, offered a suggestion to help reduce energy costs in the Statehouse;

Whereas, The students suggestion that the nearly 2,500 incandescent chandelier light bulbs be replaced with energy-efficient compact fluorescent bulbs (CFLs);

Whereas, Jacob, Maya, Cassie, and Peyton noticed the use of the inefficient incandescent light bulbs during a tour of the Statehouse in the spring of 2009;

Whereas, In January, 2010, the Indiana Department of Administration changed the 2,440 incandescent light bulbs in the chandeliers and fixtures in the public areas on all floors of the Statehouse to the compact fluorescent bulbs;

Whereas, The Indiana Department of Administration reports that the switch to compact fluorescent bulbs has resulted in a savings of approximately $5,000 per month;

Whereas, The future of our state and our nation rests in the hands of our young people, and these exceptional young people have made a difference in these hard economic times, and

Whereas, There is a need in Indiana to reduce energy consumption and encourage energy efficiency and conservation, and these students and their teacher, Susan Baute, are playing a large part in saving our state energy and money: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the suggestion of Jacob Anderson, Maya Aufdermauer, Cassie McDonald, and Peyton Rhodes to reduce energy consumption in the Statehouse through the use of CFLs, and the encouragement of their teacher, Susan Baute, in urging the students to make this suggestion and in making it a learning experience for the entire class.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Jacob Anderson, Maya Aufdermauer, Cassie McDonald, and Peyton Rhodes, their teacher, Susan Baute, and the principal of L. Frances Smith Elementary School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 47

House Concurrent Resolution 47, sponsored by Senator Eckerty:

A CONCURRENT RESOLUTION honoring the Yorktown High School girls volleyball team.

Whereas, The Yorktown Tigers (37-2) claimed their second volleyball state championship by defeating Bishop Chatard of Indianapolis 25-13, 25-19, and 25-15;

Whereas, This victory marked the team's 18th consecutive victory, fourth 3-0 sweep in a row, and fifth sweep of the state tournament;

Whereas, Emily Wolfert was named winner of the 2011 IHSAA Mental Attitude Award, which is presented to a senior who demonstrates excellence in mental attitude, scholarship, leadership, and athletic ability;

Whereas, Emily earned a 3.97 grade point average while undertaking several honors and advanced placement classes, is the recipient of Yorktown's Academic Excellence Award, is a member of National Honor Society, and is active in the student council, Fellowship of Christian Athletes, Spanish Club, Drama Club, and peer tutoring; and

Whereas, Outstanding accomplishments such as this deserve special recognition: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Yorktown High School girls volleyball team on its victory in the Class 3A state championship and wishes the team continued success in all their future endeavors both on and off the court.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Harlie Holding, Taylor Zwickl, Nikki Box, Kati Vasalakis, Katie Miller, Karli Acree, Shannon Nale, Kyleigh Brumley, Emily Wolfert, Nicole Phillips, Courtney Chowning, Rachel Hines, Kelsey Barker, Justine Irelan, team manager Abby Smith, Asstistant Coaches Ari Eaton, Kenna Jones, Rhonda Murr, Jeri Owens, Head Coach Stephanie Bloom, principal Kelly Wittman, athletic director Dan Wolfert, and superintendent Dr. Jennifer McCormick.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 48

House Concurrent Resolution 48, sponsored by Senator Taylor:

A CONCURRENT RESOLUTION recognizing the work of the Child Advocates Network of volunteer Guardians ad Litem and Court Appointed Special Advocates.

Whereas, The Child Advocates Network is composed of Guardian ad Litem and Court Appointed Special Advocate programs from 72 of Indiana's 92 counties;

Whereas, GAL/CASA programs recruit, screen, train and supervise volunteers who advocate for abused and neglected children in Child in Need of Services (CHINS) and Termination of Parental Rights cases;

Whereas, GAL/CASA volunteers spend substantial time with children in foster care to ascertain what is in the child's best interests in court cases and make recommendations to the courts about the child's needs and desires;

Whereas, GAL/CASA volunteers also serve as positive role models for children who may not otherwise have consistent, stable and meaningful relationships with adults in their lives;

Whereas, GAL/CASA volunteers also ensure that services are offered and provided to children involved in the court system who otherwise might not receive needed services;

Whereas, GAL/CASA volunteers monitor the safety, well-being and permanence of children while they are wards of the court in child abuse and neglect cases;

Whereas, GAL/CASA volunteers are the only voice for abused and neglected children in child abuse and neglect and termination of parental rights cases;

Whereas, GAL/CASA volunteers donate over half a million hours advocating for Indiana's children each year, saving the State of Indiana at least $25,000,000 each year; and,

Whereas, Indiana has over 3,000 GAL/CASA volunteers who provided a voice for 18,613 children in child abuse and neglect cases and for 2,568 children in termination of parental rights cases in 2010: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana House of Representatives commends and sincerely thanks the volunteers who donate their time and attention to advocate for abused and neglected children in Indiana communities, recognizing that such work is critical to the success and well-being of many disadvantaged and struggling children and their families across Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the State Office of GAL/CASA, which is part of State Court Administration, a division of the Indiana Supreme Court.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SCR 6 Senator Grooms
Congratulating Norman "Ned" Pfau on being selected as an inductee into the Kentuckiana business Hall of Fame.
HCR 49 Senator Waltz
Congratulating Sean Mappes.
HCR 51 Senator Waltz
Congratulating the Perry Meridian High School wrestling team.
HCR 50 Senator Kruse
Honoring Wayne A. Madden.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 6

Senate Concurrent Resolution 6, introduced by Senator Grooms:

A CONCURRENT RESOLUTION congratulating Norman "Ned" Pfau on being selected as an inductee into the Kentuckiana business Hall of Fame.

Whereas, The Kentuckiana Business Hall of Fame is an annual induction ceremony honoring outstanding business leaders and entrepreneurs who, through hard work, make significant contributions to the quality of life in their region;

Whereas, President, CEO, and Treasurer of Geo. Pfau's and Sons Co., Norman E "Ned" Pfau, will be honored as an outstanding business leader to the Kentuckiana's Business Hall of Fame;

Whereas, Geo. Pfau's and Sons Co. is a global processor and manufacturer of specialty fats and oils headquarted in Jeffersonville, Indiana since 1965;

Whereas, Geo. Pfau's and Sons was started by Ned Pfau's great-grandfather in 1869, continued to run under the supervision of the late President Ned Pfau Senior, and then to Norman Pfau, a 22 year old graduate of Indiana University;

Whereas, A newfound business owner at the age of 22, Norman Pfau simultaneously handled the loss of his father, a wife who was expecting their first child, and a company that had a tremendous amount of debt;

Whereas, After a few years and plenty of hard work, Pfau transformed the company and Geo. Pfau's and Sons grew from a regional processor and manufacturer to a worldwide industry leader;

Whereas, The Jeffersonville manufacturing facility grew from one acre in 1944 to over 150 acres presently. The company now has warehouses in California, Missouri, Michigan, Illinois, Mexico, and Canada;

Whereas, Ned Pfau has previously served on the Audit Committee of the Indiana University Foundation and currently serves on the Audit Committee of Ivy Tech Community College. He serves as the Vice President of the River Ridge Development Authority; and

Whereas, With drive and dedication, Ned Pfau was able to turn a small family owned business with a large amount of debt into a global phenomenon and became one of the greatest success stories in southern Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly congratulates Norman E. "Ned" Pfau on his induction into the Kentuckiana Business Hall of Fame.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Norman "Ned" Pfau.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Stemler, Clere, and Rhoads.

House Concurrent Resolution 49

House Concurrent Resolution 49, sponsored by Senator Waltz:

A CONCURRENT RESOLUTION congratulating Sean Mappes.

Whereas, Center Grove High School senior Sean Mappes is carrying on the family wrestling tradition;

Whereas, Sean is the new 170-pound Indiana High School Athletic Association state champion;

Whereas, Sean scored a 7- 6 decision over a Perry Meridian High School opponent to become the third individual wrestling champion in Center Grove's history;

Whereas, Victory runs in the Mappes family. Patriarch Don won the 1976 state title in the 145-pound weight division and brother Shelby was the Trojans' all-time leader in victories with 147 and took third in the 171-pound weight division in 2009; and

Whereas, Excellence in any endeavor merits special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Sean Mappes on winning the state wrestling

championship in the 170-pound division and wishes him continued success in all his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Sean Mappes and his family, coach Cale Hoover, principal Matt Shockley, and school superintendent Richard Arkanoff.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 51

House Concurrent Resolution 51, sponsored by Senator Waltz:

A CONCURRENT RESOLUTION congratulating the Perry Meridian High School wrestling team.

Whereas, The wrestling team from Perry Meridian High School, Indianapolis, ended another perfect season by winning the 17th annual Indiana High School Athletic Association team wrestling state championship;

Whereas, The Perry Meridian Falcons defeated Crown Point with a 43-14 victory to secure their second consecutive state team title;

Whereas, The Perry Meridian Falcons have also finished as runners-up four times - 1991-92, 2001-02, 2003-04, and 2008-09;

Whereas, Perry Meridian was impressive on the road to victory, as the team advanced to the championship round with a 52-19 quarterfinal victory and a 40-19 semifinals victory;

Whereas, Coach Jim Tonte has accomplished much during his tenure, providing the guidance and encouragement necessary to help the wrestlers reach their goals; and

Whereas, It is fitting that special recognition be given to this fine wrestling team for all the hard work and effort put forth in winning their second consecutive state team championship: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Perry Meridian High School wrestling team, its managers, and its coaches on their excellent season concluding with their second consecutive state championship.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each wrestler and manager, head coach Jim Tonte, assistant coaches Matt Schoettle, Wes Gibson, and David Walpole, athletic director Mike Sipe, and principal Joan Ellis, and superintendent Dr. Tom Little.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 50

House Concurrent Resolution 50, sponsored by Senator Kruse:

A CONCURRENT RESOLUTION honoring Wayne A. Madden.

Whereas, A native of Auburn, Wayne Madden graduated from Auburn High School and Manchester College;

Whereas, Upon graduation, Wayne began teaching and coaching in the Peru school system;

Whereas, In addition to teaching, Wayne also ran a successful insurance business for over 40 years;

Whereas, Active in his community, Wayne served as a DeKalb County Councilman and was selected as a Distinguished Hoosier by Governor Mitch Daniels;

Whereas, An active member of the Auburn Lions Club for 28 years, Wayne feels he can best serve his community through his work with the Lions Club;

Whereas, Wayne has served the Lions in various capacities including president of the Auburn club from 1990-1991;

Whereas, As time went by, Wayne accepted leadership roles outside his local club serving as District Governor for Northeast Indiana and on the International Association of Lions Club's International Board of Directors representing Lions Clubs throughout Indiana;

Whereas, Continuing to move up the ladder of success, Wayne was elected 2nd vice president of Lions Clubs International in 2010, and the following year he became 1st vice president;

Whereas, In June, 2012, in Busan, Korea, Wayne will be elected president of the Lions Clubs International; and

Whereas, Wayne A. Madden has dedicated himself to helping others, and dedication such as this deserves special recognition: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks Wayne A. Madden for all his dedicated service to his community, his state, and the Lions Club.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Wayne A. Madden and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that the following memorial resolution be adopted:

HCR 52 Senator Rogers
Memorializing the life of Katie Hall.
LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 52

House Concurrent Resolution 52, sponsored by Senator Rogers:

A CONCURRENT RESOLUTION honoring the life of Katie Hall.

Whereas, Katie Hall was born Katie Beatrice Green on April 3rd, 1938, in Mound Bayou, Mississippi;

Whereas, Congresswoman Hall's commitment to civil rights, justice and opportunity for all people developed throughout her formative years as she earned a Bachelor of Science at Mississippi Valley State University and a Master of Science from Indiana University;

Whereas, Congresswoman Hall served with distinction in the Indiana House of Representatives from 1974 until 1976;

Whereas, Congresswoman Hall also served as an accomplished and valued member of the Indiana Senate from 1976 until 1982;

Whereas, Congresswoman Hall became the first African-American member of Congress from Indiana when she won a special election to fill the vacancy created when Congressman Adam Benjamin passed away in September of 1982;

Whereas, Congresswoman Hall led the effort to make the Rev. Martin Luther King, Jr.'s birthday a national holiday through her leadership and sponsorship of that historic bill which was signed into law by President Reagan on November 12th, 1983;

Whereas, Congresswoman Hall returned to serve her beloved Gary, Indiana when she became the Vice Chair of the Gary Housing Board of Commissioners;

Whereas, Congresswoman Hall continued her dedicated public service to her community when she served as Gary City Clerk from 1985 until 1993;

Whereas, Congresswoman Hall was called to her heavenly home on February 20th, 2012, after a lifetime of dedicated service that continues to provide inspiration to not only African-Americans, but to all Hoosiers and fellow Americans; and,

Whereas, Congresswoman Hall's place in Indiana and United States history will be written in indelible ink due to her wealth of accomplishments never to be forgotten by those who loved her or future generations who will benefit from her great wisdom and leadership: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives honors the life and achievements of former United States Representative Katie Hall, commemorates her tremendous devotion to her constituents, her community, her state and her country, and extends to her family the sincere condolences of its members.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Congresswoman Hall's family.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 79

Senate Resolution 79, introduced by Senators Miller, Long, Lawson, and Merritt:

A SENATE RESOLUTION honoring Senator Beverly Gard upon her retirement from the Indiana Senate.

Whereas, Senator Gard has served in the Indiana Senate since 1988;

Whereas, Prior to joining the Indiana Senate, she worked as a biochemist for Eli Lilly in Greenfield, was a stay at home mom, served as a member of the Greenfield City Council from 1976-1988, and served as vice-chair of the Hancock County Republican Party for 10 years;

Whereas, During her tenure with the Indiana Senate, she has authored legislation that has improved the overall well-being of Indiana's environment, including legislation that has protected the Great Lakes from potential overuse; shielded children from lead poisoning and helped produce better air quality in public schools; promoted proper disposal of electronic equipment and kept tons of it away from landfills; provided incentives for electric-generating facilities to use clean coal technologies, and set forth an energy policy for Indiana to use in the future;

Whereas, In addition to her tireless efforts to promote environmental sustainability, she also authored legislation that kept the doors of local and state government open to the public through legislation that prevents serial meetings and punishes those who would try to do the public's business in secret; protected newborns as she teamed with Senator Jim Merritt on Indiana's Safe Haven law to encourage mothers who think they cannot care for their newborns to take them to a hospital or police or fire station; and opened corn markets to new opportunities;

Whereas, She served in many leadership roles with the National Conference of State Legislatures, including as Chairwoman of the Agriculture and Energy, and Environment Committees from 2007-2008; and vice-chair of the Environment Committee from 2005-2006 and again from 2009-2010;

Whereas, Senator Gard testified before the United States Senate's Clean Air, Climate Change, and Nuclear Subcommittee on Environment and Public Works in January, 2005; and she also testified at the White House in 2005;

Whereas, As a survivor of breast cancer, Senator Gard has been vigilant in her work to improve laws relating to women's health issues;

Whereas, During her Senate career, Senator Gard's legislative efforts have been honored numerous times by several organizations, including the Hoosier State Press Association, Indiana Library Federation, Indiana Farm Bureau, Indiana State Medical Association, Indiana Public Health Association, Indiana State Chamber of Commerce, and the National Federation of Independent Business;

Whereas, She helped save the Wilbur Wright Birthplace near New Castle from being sold as private property to the highest bidder and enabled a local volunteer group to turn the facility into a first-rate tourist attraction, complete with a museum and a replica of the Wright Flyer;

Whereas, As an avid bird watcher, Senator Gard helped make her hobby a more enjoyable one for her and many others in East Central Indiana by assisting in the effort to make Summit Lake in Henry County become Indiana's nineteenth state park. Since the facility became a state park, a wide variety of birds have been spotted there – including our nation's bird, the bald eagle; and

Whereas, In honor of Senator Gard's hard work, dedication, and exhaustive efforts to serve her constituents, the members of the Indiana Senate recognize Senator Gard and wish her the best in all of her future endeavors: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That on behalf of all Hoosiers, we hereby extend our sincerest appreciation to Senator Beverly Gard for her dedicated service to the Indiana Senate and the citizens of Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Senator Gard and her family.

The resolution was read in full and adopted by voice vote.

Senate Resolution 80

Senate Resolution 80, introduced by Senators Merritt, Steele, Long, and Lawson:

A SENATE RESOLUTION honoring Senator Richard Bray upon his retirement from the Indiana Senate.

Whereas, Senator Richard Bray was first elected to the Indiana Senate to represent Senate District 37 in 1992. Before serving in the Senate, Senator Bray served eighteen years in the Indiana House of Representatives;

Whereas, During his 38 year tenure with the Indiana Legislature, Senator Bray has established himself as an expert in matters pertaining to courts and the criminal code. He has served on various legislative standing committees, including his current appointment as chair of the Senate Judiciary Committee and ranking member of both the Senate Ethics Committee and the Commission on Courts. Senator Bray has also served in Senate Leadership as the Assistant Majority Caucus Chair;

Whereas, During his tenure, Senator Bray has authored many bills that sought to improve judicial policies. Those enacted include: a 2011 law that improved the contingency fee procedure, a 2009 law that modernized corporation law, a 2008 law that increased a court's ability to impose sanctions on probationers who violate conditions of probation; a law that increased the penalty for battery by bodily waste if it was infected with hepatitis C, and a law that established re-entry courts. He also ushered into law new guidelines for victim's compensation funds and a provision that permits a judge to interview a child in-chambers before establishing visitation rights. Senator Bray's expertise as a legal professional, has allowed him to author and advocate on the behalf of bills that improve the overall efficiency and effectiveness of the judicial process. It is because of his experience as a legal practitioner, that he has been able to identify gaps in the court system and offer legislation to address these issues;

Whereas, Prior to being elected to political office, Senator Bray served in both the United States Army and later as a major in the Indiana National Guard. This notable commitment to his country has placed Senator Bray in the unique position of appreciating and advocating for the interests that he pledged to protect during his term of service;

Whereas, Senator Bray earned his bachelor's degree and his Juris Doctorate from Indiana University. In the interest of protecting the innocent and punishing those who violate our state's laws, Senator Bray accepted an elected position as prosecuting attorney of Morgan County. At the conclusion of his services as prosecutor, he returned to private practice in Martinsville, where he continues to practice law today when he is not busy representing the citizens of District 37 in the Indiana Senate;

Whereas, Senator Bray's family includes his wife, Maureen, and three wonderful children;

Whereas, Senator Bray's departure leaves a void in the Indiana Senate that cannot be filled. In honor of his dedicated service and steadfast advocacy for the interests of his constituents, the Indiana Senate extends best wishes to Senator Bray in his future endeavors: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate, on behalf of the citizens of the State of Indiana, hereby extend extreme gratitude to Senator Richard Bray for his service to this state.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Senator Richard Bray and his family.

The resolution was read in full and adopted by voice vote.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 262 and that a conference committee be appointed to confer with a like committee of the House.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 32 and that a conference committee be appointed to confer with a like committee of the House.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 18 and that a conference committee be appointed to confer with a like committee of the House.

STEELE

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 18:
Conferees: Steele, Chair and R. Young
Advisors: M. Young, Hume, and Glick

LONG
Date: 3/5/2012
Time: 5:20 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 32:
Conferees: Bray, Chair and Broden
Advisors: Head, Randolph, and Delph

LONG
Date: 3/5/2012
Time: 5:21 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 262:
Conferees: Bray, Chair and Taylor
Advisors: Buck and Hume

LONG
Date: 3/5/2012
Time: 5:22 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors)

on Engrossed Senate Bill 296:
Conferees: Leising, Chair and Skinner
Advisors: Yoder, Mrvan, and Kruse

LONG
Date: 3/5/2012
Time: 11:20 a.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 302:
Conferees: Charbonneau, Chair and Broden
Advisors: Hershman, Simpson, and Holdman

LONG
Date: 3/5/2012
Time: 11:21 a.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 322:
Conferees: Tomes, Chair and Hume
Advisors: Steele, Taylor, and Buck

LONG
Date: 3/5/2012
Time: 11:22 a.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 384:
Conferees: Kruse, Chair and Rogers
Advisors: Yoder, Mrvan, and Becker

LONG
Date: 3/5/2012
Time: 1:24 p.m.

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 14

House Concurrent Resolution 14, sponsored by Senator Waterman:

A CONCURRENT RESOLUTION honoring Private Richard Taylor and Lieutenant Colonel Don C. Faith, Jr.

Whereas, The Medal of Honor is the highest military decoration awarded by the United States of America;

Whereas, The Medal of Honor is bestowed upon members of the United States armed forces who distinguish themselves "conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in an action against an enemy of the United States";

Whereas, Although the Medal of Honor was created for the Civil War, Congress made it a permanent decoration in 1863;

Whereas, The President of the United States, in the name of Congress, has awarded more than 3,400 Medals of Honor to our nation's bravest soldiers, sailors, airmen, Marines, and Coast Guard members since the medal's creation in 1861;

Whereas, Private Richard Taylor and Lieutenant Colonel Don C. Faith, Jr. are two of these brave soldiers who paid the ultimate price for our continued freedom;

Whereas, Private Richard Taylor was a member of the 18th Indiana Infantry of the Union Army during the Civil War;

Whereas, Private Taylor captured a Confederate battle flag during the Battle of Cedar Creek, Virginia, and was awarded the Medal of Honor on November 21, 1864;

Whereas, Lieutenant Colonel Don C. Faith, Jr. served as the commander of the 1st Battalion, 32nd Infantry Regiment, 7th Infantry Division during the Korean War;

Whereas, Lieutenant Colonel Faith was killed while rallying his men in a counterattack of enemy forces near the Chosin Reservoir, North Korea, and was awarded the Medal of Honor on August 2, 1951;

Whereas, In honor of these brave men, the Indiana General Assembly urges the Indiana Department of Transportation to rename North Bridge Structure I-69-63-9501 (NB) after Private Richard Taylor and South Bridge Structure I-69-63-9502 (SB) after Lieutenant Colonel Don C. Faith, Jr.; and

Whereas, Bravery in the service of our country merits special recognition, and it is fitting that the recipients of the nation's highest military decoration be honored and remembered for the role they played in making the world safe for future generations: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the bravery of these two soldiers and recognizes their sacrifice by naming a bridge in their honor.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the families of Private Richard Taylor and Lieutenant Colonel Don C. Faith, Jr. and the commissioner of the Indiana Department of Transportation.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 14, 18, and 54 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senators Wyss, Arnold, and Merritt be added as coauthors of Senate Resolution 71.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Leising, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as coauthors of Senate Resolution 79.

MILLER

Motion prevailed.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on March 5, 2012, signed House Enrolled Act 1207 and Senate Enrolled Acts: 56, 119, 128, 133, 152, 192, 193, 201, 237, 274, 301, and 362.

DAVID C. LONG
President Pro Tempore

SENATE MOTION

Madam President: I move that Senators Wyss, Arnold, and Merritt be added as coauthors of Senate Resolution 71.

ZAKAS

Motion prevailed.

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 29th day of February, 2012, signed House Enrolled Act 1058.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 2nd day of March, 2012, signed House Enrolled Act 1239.

REBECCA S. SKILLMAN
Lieutenant Governor

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, March 6, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 6:01 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Thirty-second Meeting Day Tuesday Afternoon March 6, 2012

The Senate convened at 2:02 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Dennis K. Kruse.

The Pledge of Allegiance to the Flag was led by Senator Kruse.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph ▶
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 309: present 49; excused 1. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 89

Senate Resolution 89, introduced by Senator Broden:

A SENATE RESOLUTION urging the Legislative Council to assign to the appropriate interim study committee the topic of determining whether Indiana should allow temporary driver's licenses for undocumented immigrants.

Whereas, Obtaining a driver's license in Indiana requires proof of a valid Social Security Number, or in the case of documented immigrants, a letter of ineligibility from the Social Security Administration;

Whereas, Undocumented immigrants cannot legally obtain a driver's license in Indiana, and therefore cannot obtain automobile liability insurance;

Whereas, Indiana requires drivers to have liability insurance;

Whereas, According to the AAA Foundation for Traffic Safety, unlicensed drivers are almost five times more likely to be in a fatal crash than are validly licensed drivers;

Whereas, According to the Insurance Research Council, approximately fourteen percent (14%) of drivers nationwide are uninsured;

Whereas, Accidents involving uninsured motorists cause billions of dollars in losses annually and drive up premium costs for those who do purchase insurance;

Whereas, Operating a motor vehicle is vital to participating in the state's economy and Indiana's license requirements curtail economic growth and productivity;

Whereas, Some states now provide temporary driver's licenses for undocumented individuals who obtain an Individual Tax Identification Number from the Internal Revenue Service and who can show proof of state residence, which allows the holder to operate a motor vehicle in the state, but may not be used as a means of identification;

Whereas, States that allow undocumented immigrants to obtain driver's licenses have experienced a drop of as much as twenty percent (20%) in the number of uninsured motorists, and estimate millions of dollars in cost savings for insurance premiums; and

Whereas, There is a need to determine whether Indiana would benefit by providing temporary driver's licenses for undocumented immigrants that would allow the holder to operate a motor vehicle in Indiana, but may not be used as a means of identification: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to require the appropriate interim study committee determine whether Indiana should allow temporary driver's licenses for undocumented immigrants.

SECTION 2. That the study committee, if directed to study the issue and make the determination set forth in SECTION 1, shall operate under the direction of the Legislative Council and shall issue a final report on its findings when directed by the council to do so.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 6, 2012, I signed the following enrolled acts into law: SEA 168, 225, 231, 249, 256, 259, and 330.

MITCHELL E. DANIELS, JR.
Governor

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 384:
Advisors: Skinner and Buck

LONG
Date: 3/6/2012
Time: 1:58 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1072:
Advisor: Rogers

LONG
Date: 3/6/2012
Time: 11:48 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1141:
Conferees: Kenley and Simpson
Advisors: Alting, Broden, and Eckerty

LONG
Date: 3/6/2012
Time: 9:01 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1279:
Conferees: Mishler and R. Young
Advisors: Grooms, Hume, and Banks

LONG
Date: 3/6/2012
Time: 9:00 a.m.

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 407:

Conferees: Davisson and Welch
Advisors: T. Brown, C. Fry, and Stemler

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 384:

Conferees: Behning and V. Smith
Advisors: T. Brown, Dermody, Porter, and Battles

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 322:

Conferees: Steuerwald and Pierce
Advisors: Dermody, McMillin, and Dvorak

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following

Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 302:

Conferees: Clere and Candelaria Reardon
Advisors: Friend, Thompson, and Austin

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 296:

Conferees: Behning and V. Smith
Advisors: Frizzell, Rhoads, and VanDenburgh

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 262:

Conferees: Steuerwald and Lawson
Advisors: McNamara, Lehman, and Dvorak

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 18:

Conferees: Kirchhofer and Summers
Advisors: McMillin, Steuerwald, and Klinker

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 32:

Conferees: Foley and Pryor
Advisors: Leonard and DeLaney

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred with the Senate amendments to Engrossed House Bill 1220, 1247, 1273, 1294, 1312, and 1367.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 16 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representative to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1195:

Advisor:
Pryor

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representative to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1136:

Advisor:
Cheatham

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred with the Senate amendments to Engrossed House Bill 1015, 1054, 1059, 1090, 1091, 1128, 1129, 1163, 1173, 1196, 1201, 1212, and 1216.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representative to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1072:

Advisor:
Ubelhor

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 293:

Conferees: Turner and Welch
Advisors: Espich, Grubb, and Goodin

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 280:

Conferees: Thompson and Goodin
Advisors: Cherry, Dermoday, Behning, and Kersey

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 224:

Conferees: T. Brown and C. Brown
Advisors: Culver, R. Frye, and Welch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 19:

Conferees: Thompson and Pelath
Advisors: Richardson, Dermody, M. Smith, and Dvorak

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 1:

Conferees: McMillin and Lawson
Advisors: Steuerwald, Torr, and Dvorak

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1279. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Eberhart, Chair and Cheatham
Advisors: Ubelhor, Messmer, Davis, and Battles

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1141. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Clere, Chair and Welch
Advisors: Burton, Truitt, Day, and Pryor

M. CAROLINE SPOTTS
Principal Clerk of the House

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Concurrent Resolution 34, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: 8 Yeas, 0 Nays.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Concurrent Resolution 7, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: 6 Yeas, 0 Nays.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Concurrent Resolution 14, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: 8 Yeas, 0 Nays.

WYSS, Chair

Report adopted.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 81 Senator Banks
Congratulating F. Howard Halderman for receiving the Distinguished Agriculture Alumni Award from Purdue University College of Agriculture.

SR 82 Senator Banks
Raising awareness of inflammatory breast cancer.

SR 83 Senator Hershman
Recognizing the importance of the regional

campuses of Ivy Tech Community College of Indiana.

SR 84 Senator Hume
Congratulating Taylor Wornica for being awarded the first team Academic All-State Award by the Indiana Coaches of Girls sports Association.

SR 85 Senator Simpson
Honoring Brigadier General Ross Ridge for his service in Afghanistan commanding the anti-corruption unit, Task Force 2010.

SR 86 Senator Buck
Urging the Legislative Council to create an interim study committee to consider opportunities to reduce the risk of death and disease among smokers who will not quit smoking by considering tobacco harm reduction policies that encourage smokers to switch from cigarettes to less risky tobacco products such as smokeless tobacco.

SR 87 Senator Banks
Urging the legislative council to establish an interim study committee to study grade inflation at state educational institutions.

SR 88 Senator Head
Recognizing North Miami FFA for their accomplishments in the state of Indiana.

SCR 3 Senator Wyss
Honoring Taylor Reuille.

SCR 37 Senator Charbonneau
Urging the Governor to proclaim February 20-25, 2012 Canada Week in Indiana.

SCR 39 Senator Eckerty
Congratulating the Wes-Del High School girls volleyball team on winning the first state championship in school history.

HCR 18 Senator Tallian
Urging the Indiana General Assembly to fly the POW/MIA flag in the House and Senate Chambers.

HCR 53 Senator Alting
Congratulating Joe Ruhl of Lafayette on being awarded the National Science Teaching Award from the National Science Teaching Association.

HCR 54 Senator Hume
Congratulating Hoosier Boys State on the occasion of its 75th anniversary.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 81

Senate Resolution 81, introduced by Senator Banks:

A SENATE RESOLUTION congratulating F. Howard Halderman for receiving the Distinguished Agriculture Alumni Award from Purdue University College of Agriculture.

Whereas, F. Howard Halderman was the honored recipient of one of the top honors presented annually by the Purdue College of Agriculture. This award is presented each year to honor mid-career Purdue agriculture graduates who have made significant contributions to their profession or society in general, and who have an outstanding record of accomplishments;

Whereas, Halderman, a 1988 Purdue University agricultural graduate, boasts an impressive career in the field of agriculture. Upon graduating, he was awarded the G.A. Ross Award as the top male graduate of the university. He is now a real estate broker and accredited farm manager;

Whereas, He grew up on a family farm and worked as a summer intern with Halderman Farm Management Service, Inc. while he attended college at Purdue University. Halderman has now risen to acting president of the company;

Whereas, Halderman Farm Management Service Inc. is a third-generation, Indiana-based farm management and real estate organization that provides management services to more than 650 farms, with a market value in excess of $1 billion in the United States, Canada, and South America; and

Whereas, The list of accolades attributed to F. Howard Halderman include: acting as treasurer of the Kiwanis Club, serving on the Wabash Community Service Board, and serving as a committee member for the American Society of Farm Managers and Rural Appraisers. He also formerly served as a member of the American Cyanamid Farm Management Advisory Board (1992-98), president of the Kiwanis Club, president of the Indiana Society of Farm Managers, and a member of the Wabash County Hospital Board and Foundation Board: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates F. Howard Halderman on his receipt of the Distinguished Agriculture Alumni Award from Purdue University College of Agriculture.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to F. Howard Halderman.

The resolution was read in full and adopted by voice vote.

Senate Resolution 82

Senate Resolution 82, introduced by Senators Banks and Wyss:

A SENATE RESOLUTION raising awareness of inflammatory breast cancer.

Whereas, Inflammatory breast cancer is a type of breast cancer in which cancer cells block the lymph vessels in the skin of the breast. Symptoms, which may appear overnight, are

similar to those of mastitis, a benign infection. This similarity sometimes results in misdiagnosis and delays in treatment, and such postponements in care often result in an eventual stage IV diagnosis;

Whereas, Accounting for less than five percent of breast cancer cases, inflammatory breast cancer is the most aggressive form of the disease, due to its faster doubling time. Its five-year survival rate is approximately 40 percent, mainly because of delays in diagnosis, the disease's resistance to treatment with standard chemotherapy, and a lack of expertise in treating this rare form of cancer;

Whereas, Because it does not form the characteristic lump that can alert women to the presence of breast cancer, inflammatory breast cancer can quickly spread undetected throughout the breast and is also rarely detected by mammograms or ultrasounds; and

Whereas, The treatment of inflammatory breast cancer differs from other breast cancer treatments, and early diagnosis by a physician with experience in caring for inflammatory breast cancer is essential. It is important to raise awareness about this devastating disease: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate raises awareness of inflammatory breast cancer.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the IBC Network.

The resolution was read in full and adopted by voice vote.

Senate Resolution 83

Senate Resolution 83, introduced by Senator Hershman:

A SENATE RESOLUTION recognizing the importance of the regional campuses of Ivy Tech Community College of Indiana.

Whereas, The Lafayette region of Ivy Tech State College started as the Tippewa Technical Institute in 1968 in the arena of health career vocations;

Whereas, The early roots of Ivy Tech in the Lafayette region are in the Ross Building, which is recognized by the Indiana Historic Landmarks Foundation and was formerly a tuberculosis sanitarium and a county nursing home before becoming Ivy Tech's administration building;

Whereas, Griffin Hall is named in honor of George and Mabel Griffin, who through their legacy, have established the Griffin Endowment Fund to provide scholarships to students in need;

Whereas, Ivy Hall was opened August 2001, consolidating Ivy Tech's campus on Lafayette's southeast side;

Whereas, The Gerald I. Lamkin Union Apprenticeship Center, which houses organized labor including the Indiana Regional Council of Carpenters Joint Apprenticeship and Training Committee and Electrical Joint Apprenticeship and Training Committee, was established in 2001 to provide a home for training new apprentices;

Whereas, The Lafayette regional campus continues to expand its programs and partnerships, including elements such as formal transfer and articulation agreements with Purdue University, Indiana University, Saint Joseph's College, Indiana State University, Western Governors University, Ball State University, Indiana University-Purdue University Indianapolis, and Indiana Wesleyan University;

Whereas, Cultural awareness and academic achievement continues to grow in the Lafayette Community College region through such programs and partnerships as the Hildalgo, Mexico historic agreement signed in 2009 and the annual Latino Festival, which has drawn over 1,500 people into the Lafayette campus environment;

Whereas, The Lafayette Campus Library is a partnership between the Tippecanoe County Public Library and Ivy Tech, contains both public and college collections as well as virtual libraries, and serves both Tippecanoe County and the greater regional area;

Whereas, Ivy Tech students can participate in a wide range of student clubs and organizations and intramural sports through a partnership with the Lafayette Family YMCA and Junior Achievement;

Whereas, The Career Service and Student Support Center serves students and alumni through career exploration, job zones and boards, and career fairs and by offering job search advice;

Whereas, The White County Instructional Center serves Monticello and surrounding communities with first-year college courses as well as dual credit courses for area high school students;

Whereas, The Montgomery County Instructional Center in Crawfordsville, which is expanding and will soon move to a new campus, serves the growing needs of the eastern and western Interstate 74 corridor and offers a complete associate degree program in business administration;

Whereas, The expanded Agriculture Program Laboratory and Corporate Learning Center Buildings serve the students in the Departments of Agriculture, Workforce, and Economic Development;

Whereas, A new Renaissance Place Instructional Center in downtown Lafayette serves downtown residents and businesses as well as Purdue University students;

Whereas, In 2011, the Lafayette Ivy Tech Region offered new programs in areas such as Advanced Manufacturing, Health Services, Therapeutic Massage, and Sustainable and Renewable Energy; and

Whereas, Nearly 400 graduates realized their dreams in 2011 and participated in commencement ceremonies before more than 3,000 family members and friends: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates and supports the Lafayette regional campus of Ivy Tech Community College of Indiana in its mission to enable students and citizens to realize their full potential and supports regional education and economic development within Indiana.

SECTION 2. That the copies of this resolution be transmitted by the Secretary of the Senate to Ivy Tech Community College campuses in Lafayette, Crawfordsville, and Monticello.

The resolution was read in full and adopted by voice vote.

Senate Resolution 84

Senate Resolution 84, introduced by Senator Hume:

A SENATE RESOLUTION congratulating Taylor Wornica for being awarded the first team Academic All-State Award by the Indiana Coaches of Girls Sports Association;

Whereas, Taylor Wornica is a member of the Pike Central High School swim team, a cheerleader, and a manager for the baseball team;

Whereas, Taylor Wornica serves as vice president of the Pike Central High School Student Government, is a member of Business Professionals of America, and works as an office assistant at an eye care clinic;

Whereas, Taylor Wornica also is involved in community service projects, volunteering with the Salvation Army during the holiday season and helping with food drives; and

Whereas, Even with all of these extracurricular activities, Taylor Wornica maintains a perfect grade-point average and was inducted into the National Honor Society: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana State Senate congratulates Taylor Wornica for being awarded the first team Academic All-State Award by the Indiana Coaches of Girls Sports Association.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Taylor Wornica.

The resolution was read in full and adopted by voice vote.

Senate Resolution 85

Senate Resolution 85, introduced by Senator Simpson:

A SENATE RESOLUTION honoring Brigadier General Ross Ridge for his service in Afghanistan as commanding of the anti-corruption unit, Task Force 2010.

Whereas, Brigadier General Ross Ridge grew up in Bloomington, Indiana and graduated from Indiana University in 1980 with a bachelor's degree in political science;

Whereas, In his career as a military officer, Ross Ridge has commanded artillery and infantry units and served in Germany, Korea, Thailand and Haiti;

Whereas, In 2007, Ross Ridge was deployed to Iraq where he worked in the U.S. Embassy in Baghdad as the Chief of Staff, Strategic Effects Directorate, which was focused on political and economic development in Iraq;

Whereas, In 2010, Ross Ridge became commander of Task Force 2010 - an interagency military unit investigating corruption in Afghanistan;

Whereas, Task Force 2010 focuses on attacking criminal theft rings preying on the movement of equipment, fuel and cargo and pursuing administrative actions against contractors associated with criminal networks and insurgents;

Whereas, Under Ross Ridge's leadership, Task Force 2010 reviewed numerous bank transactions and financial accounts and made recommendations to commanders with regard to contract activities that resulted in a cost avoidance of over $1.2 billion; and

Whereas, Brigadier General Ross Ridge is returning from his deployment in Afghanistan: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana State Senate honors Brigadier General Ross Ridge for his service in Afghanistan commanding the anti-corruption unit, Task Force 2010.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Brigadier General Ross Ridge.

The resolution was read in full and adopted by voice vote.

Senate Resolution 86

Senate Resolution 86, introduced by Senators Buck and Boots:

A SENATE RESOLUTION urging the Legislative Council to create an interim study committee to consider opportunities to reduce the risk of death and disease among smokers who will not

quit smoking by considering tobacco harm reduction policies that encourage smokers to switch from cigarettes to less risky tobacco products such as smokeless tobacco.

Whereas, For decades, Indiana has pursued policies intended to encourage residents who smoke to quit and to discourage others who do not smoke from starting;

Whereas, While cigarette smoking rates declined substantially from 1965 to 2004, the rate of decline has slowed in recent years; however, according to the federal Centers for Disease Control, 21.2% of adult residents of Indiana are still smoking cigarettes;

Whereas, Numerous public health organizations, such as the Institute of Medicine, the American Council on Science and Health, the Royal College of Physicians, and the World Health Organization, have all recognized that there is a continuum of risk among tobacco product types, and that the risks associated with cigarette use are substantially higher than those associated with the use of smokeless tobacco;

Whereas, While abstaining from all tobacco is clearly the best and most effective way for smokers to reduce their risk of disease and premature death (no tobacco product has shown to be safe), it is appropriate to consider whether those who will not abstain can substantially reduce their risk of disease and premature death by switching from cigarettes to smokeless tobacco products that present less risk; and

Whereas, The Legislative Council is requested to authorize an interim study committee to answer particular questions for the purpose of assisting the General Assembly in evaluating the inclusion of tobacco harm reduction as a strategy for reducing smoking-attributable death and disease and the associated health care costs in Indiana: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate urges the Legislative Council to establish an interim study committee for the purpose of assisting the legislature in considering the inclusion of tobacco harm reduction strategies to reduce smoking-attributable death and disease.

The resolution was read in full and adopted by voice vote.

Senate Resolution 87

Senate Resolution 87, introduced by Senator Banks:

A SENATE RESOLUTION urging the legislative council to establish an interim study committee to study grade inflation at state educational institutions.

Whereas, Grade inflation is defined as "the awarding of higher grades than students deserve either to maintain a school's academic reputation or as a result of diminished teacher expectations";

Whereas, Grade inflation did not become a major issue in American education until the 1960s;

Whereas, However, recent data show that grades are rising at colleges, universities, and high schools throughout the United States;

Whereas, Grade inflation makes it more difficult to identify the outstanding students when more students receive the highest possible grade;

Whereas, There are several possible ways to address the occurrence of grade inflation within our educational institutions, including assigning more challenging course work, instituting ranked grading or "grading on a curve", or reporting grades on a 100 point scale rather than on a 4.0 point scale; and

Whereas, It would behoove the state of Indiana to study further the issues of grade inflation: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study grade inflation at state educational institutions.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and adopted by voice vote.

Senate Resolution 88

Senate Resolution 88, introduced by Senator Head:

A SENATE RESOLUTION recognizing North Miami FFA for their accomplishments in the state of Indiana.

Whereas, The Indiana FFA is a youth organization that provides young people with the opportunities to excel and develop while making a positive difference in their communities and across the state of Indiana;

Whereas, The Indiana FFA Foundation was established in 1961 to support the programs of Indiana FFA Association. The Indiana FFA Association influences positive growth in agricultural education and career development;

Whereas, The North Miami chapter was founded in 1961 when the school was formed. The advisor was Mr. Keith Overton, who served from 1961 through 1990. When Mr. Overton retired, one of his own students, Glen Jones, took on the leadership role and has served the chapter for the past 22 years;

Whereas, The North Miami chapter is made up of 68 students who are studying agriculture in high school. Their chapter is known for excelling in the development of leadership and communication skills among their members;

Whereas, Winning national titles in dairy evaluation, poultry and egg judging, and soils evaluation has granted the chapter the opportunity to travel to Europe to compete in the Royal Highland Show in Edinburgh, Scotland;

Whereas, Members of the North Miami chapter have demonstrated their strong leadership skills by serving at local, district, sectional, and state levels. Their community development activities have included building handicap ramps, conducting Red Cross blood drives, and collecting donations for a local food bank. In the fall of 2011 alone they worked with local farmers to raise over $11,000 for the local food bank; and

Whereas, The FFA organization was started for farm boys 82 years ago and has grown into an organization of 50% male and 50% female with something to offer everyone. Their strong leadership skills continue to pave the way for young adults across the world, and this holds especially true for the North Miami FFA chapter: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate recognizes the North Miami FFA chapter for their accomplishments in Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Mr. Glen Jones and Principal Tim Garland.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 39

Senate Concurrent Resolution 39, introduced by Senator Eckerty:

A CONCURRENT RESOLUTION congratulating the Wes-Del High School girls volleyball team on winning the first state championship in school history.

Whereas, The Wes-Del Warriors girls volleyball team swept Trinity Lutheran to capture the Indiana High School Athletic Association (IHSAA) Class A State Championship;

Whereas, The Warriors commanded early leads in all three sets and never backed down. They won by the scores of 25-18, 25-17, and 25-22;

Whereas, With this victory, the volleyball team became the first sports team from Wes-Del High School to win a State Championship;

Whereas, The team made the State Championships last year, but fell short of the title. That disappointing second place finish gave the team extra motivation to win the State Championship this year;

Whereas, Seniors Alexa Antrim, Marisa Matthews, and Lindsay Niccum combined for 45 digs during the match. Alexa was also named the Mental Attitude Award winner, an award given to an outstanding senior;

Whereas, Wes-Del's goal at the beginning of the season was to become State Champions. Through hard work, dedication, and focus, the team has made that goal a reality: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Wes-Del High School girls volleyball team on winning the school's first State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Wes-Del Volleyball Coach Biff Wilson; Athletic Director, Kyle Mealy; and Superintendent, Stephen R. McColley.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Lutz.

Senate Concurrent Resolution 3

Senate Concurrent Resolution 3, introduced by Senator Wyss:

A CONCURRENT RESOLUTION honoring Taylor Reuille.

Whereas, When 11 year old Taylor Reuille realized that there were many children with disabilities in her community who couldn't play on the existing playgrounds, she and her mother, Casey Booher, found a solution to the problem;

Whereas, They discovered that a "boundless playground" offered amazing play opportunities for children with physical, sensory, developmental, and cognitive disabilities;

Whereas, Four years in the making, the first boundless playground in Indiana opened in Kreager Park on the east side of Fort Wayne on Friday, June 10, 2011;

Whereas, With the creation of this playground, Taylor Reuille's dream of a playground where all children could play together became a reality;

Whereas, This new facility that provides play equipment for children of all abilities was brought about by the tireless work of Taylor Reuille and her family, who personally raised $10,000 through community and school fundraising;

Whereas, With the help of the community, the city, and donations from other sources, Taylor was able to raise over $1,000,000 needed to build the playground;

Whereas, The playground features a revolutionary accessible surface called Playground Grass, a soft, grass-like surface that, combined with a padded sub-surface, provides a safety rating to fall heights of 12 feet;

Whereas, This new playground creates opportunities not only for children with disabilities, but also for their parents and grandparents, providing accessible equipment that gives many parents and grandparents the chance to play with their children; and

Whereas, Through the work of Taylor Reuille, we are able to recognize the importance of giving all children the opportunity to play together, providing them with a sense of inclusiveness and interaction: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the tremendous effort and dedication of Taylor Reuille in working to establish a boundless playground that enables children with disabilities to feel included in their community and enjoy the simple pleasures afforded them by this amazing new playground.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Taylor Reuille and her family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Pond and GiaQuinta.

Senate Concurrent Resolution 37

Senate Concurrent Resolution 37, introduced by Senator Charbonneau:

A CONCURRENT RESOLUTION urging the Governor to proclaim February 20-25, 2012, Canada Week in Indiana.

Whereas, Canada - by far- is Indiana's most important primary export market, with $16.8 billion worth of merchandise and goods exchanged, and 37% of Indiana's worldwide exports sold to Canada in 2010 (more than Indiana's next seven global export destinations combined), with Indiana consistently enjoying a surplus in its trade with Canada; and 162,300 Indiana jobs depending on Canada-U.S. trade;

Whereas, Canadian-owned companies employ more than 12,000 workers in Indiana and many Indiana companies have operations in Canada;

Whereas, Canada has become the USA's biggest supplier of imported energy, with the largest single private sector development project in Indiana - the multi-billion dollar expansion of the Whitting Refinery - being undertaken to permit processing of petroleum from Canada's oil sands (the world's third largest oil reserve);

Whereas, More than 213,000 Canadians visited Indiana in 2010 and more than 158,000 Hoosiers visited Canada that year;

Whereas, Canada and Indiana share many deep economic, historical, cultural, and familial ties: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. In recognition of the strong and lasting ties between Canada and the great State of Indiana, that the period February 20-25, in the year two-thousand twelve, be proclaimed "Canada Week in Indiana."

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ilene K. Grossman, Assistant Director of Midwestern Legislative Conference.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bosma and Reske.

House Concurrent Resolution 18

House Concurrent Resolution 18, sponsored by Senators Tallian and Arnold:

A CONCURRENT RESOLUTION urging the Indiana General Assembly to fly the POW/MIA flag in the House and Senate Chambers.

Whereas, More than 83,000 Americans are missing from World War II, the Korean War, the Cold War, the Vietnam War, and the 1991 Gulf War;

Whereas, In 1990, the 101st Congress officially recognized the POW/MIA flag;

Whereas, Congress designated the flag as "the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for the families and the Nation" (Public Law 101-355);

Whereas, The POW/MIA flag has flown over the White House on National POW/MIA Recognition Day since 1982, and, with the exception of the American flag, the POW/MIA flag is the only flag to fly over the White House and continually over the Capitol rotunda; and

Whereas, The message of the POW/MIA flag is spread only when the flag is visible: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly is urged to fly the POW/MIA flag in the House and Senate Chambers in accordance with federal regulations in recognition of those still missing as a result of armed conflicts around the world. The people of the state of Indiana recognize the great sacrifice these brave men and women made for their country and the sacrifices their families continue to make.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 53

House Concurrent Resolution 53, sponsored by Senators Alting and Hershman:

A CONCURRENT RESOLUTION congratulating Joe Ruhl of Lafayette on being awarded the National Science Teaching Award from the National Science Teaching Association.

Whereas, On February 2nd, 2012, Joe Ruhl, biology teacher at Lafayette Jefferson High School and head of the high school's science department, was recognized as the top science educator in the country by the National Science Teaching Association, who named him the winner of their National Science Teaching Award;

Whereas, Mr. Ruhl received a Bachelor of Science in Biology from Purdue University in 1977, and a Master of Science in Biology Education, again from Purdue, in 1980;

Whereas, Mr. Ruhl has spent every year but one of his professional career in Indiana educating Hoosier students in the scientific and technological knowledge they will need to succeed in the modern economy; and,

Whereas, Before being recognized this year by the National Science Teaching Association, Mr. Ruhl was already known across the state and nation-wide as an extremely accomplished and decorated teacher, having already received, among many other citations, the Outstanding Biology Teacher of Indiana Award in 1987, the Presidential Award for Excellence in Science Teaching in 1989, and the Purdue University School of Science Distinguished Alumnus Award for Excellence in K-12 Teaching in 1996: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Joe Ruhl of Lafayette Jefferson High School on his receipt of the National Science Teaching Award from the National Science Teaching Association, recognizes his life-long personal and professional commitment to educating generations of Hoosier students in science and technology, and thanks him for his hard work and dedication on behalf of his neighbors, his community and his state.

SECTION 2. That the Principal Clerk of the House transmit a copy of this resolution to Joe Ruhl at Lafayette Jefferson High School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 54

House Concurrent Resolution 54, sponsored by Senator Hume:

A CONCURRENT RESOLUTION congratulating Hoosier Boys State on the occasion of its 75th anniversary.

Whereas, Hoosier Boys State is a unique program intended to educate young men in the principles and practices of Indiana's city, county and state governments;

Whereas, The Indiana Department of the American Legion, in concert with other Legion departments across the country, founded Indiana's Boys State program in 1937 partly in an effort to counter the pro-Communist propaganda of the so-called Young Pioneers Camps, holding its first session in the field house of Butler University, currently hosted by Trine University in Angola;

Whereas, The program's course of instruction is unlike any classroom experience, instead requiring students to actively participate in a simulation of Indiana's city, county and state governments, wherein students run for office and engage in negotiation and cooperation to write and enforce legislation; and,

Whereas, The program has already educated more than 60,000 young Hoosier men, many of whom later went on to prominent careers in Indiana business and politics, including Governor Mitch Daniels, former Governor Frank O'Bannon, former Senator Birch Bayh, Senator Richard Lugar, former Congressman Phil Sharp, former Congressman Lee Hamilton, former Speaker of the House Paul Mannweiler, Speaker of the House Brian Bosma, former Secretary of State Edward Simcox, former Secretary of State Joseph Hogsett, Chief Justice of the Indiana Supreme Court Randall Shepard, Associate Justice Brent Dickson, Brian Lamb, founder and president of C-SPAN, Terry Lester, television actor, and Dr. Joseph Allen, former NASA astronaut: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Hoosier Boys State on the occasion of its 75th anniversary, honors its many years of service in educating young Hoosier men on the principles and practices of democratic government, and thanks its staff and sponsors for their dedication to the betterment of their communities and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the leadership of Hoosier Boys State.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 371, filed February 28, 2012, be withdrawn from further consideration by the Senate.

MISHLER

Motion prevailed.

RESOLUTIONS ON SECOND READING

Senate Resolution 31

Senator Lawson called up Senate Resolution 31 for second reading. The resolution was read a second time and adopted by voice vote.

Senate Resolution 49

Senator Head called up Senate Resolution 49 for second reading. The resolution was read a second time and adopted by voice vote.

Senate Resolution 54

Senator Miller called up Senate Resolution 54 for second reading. The resolution was read a second time and adopted by voice vote.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 147.

HOLDMAN

Roll Call 310: yeas 46, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 156.

STEELE

Roll Call 311: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 173.

LAWSON

Roll Call 312: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 233.

ALTING

Roll Call 313: yeas 39, nays 9. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 267.

ROGERS

Roll Call 314: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 286.

LAWSON

Roll Call 315: yeas 46, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 287.

LAWSON

Roll Call 316: yeas 47, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 402.

SIMPSON

Roll Call 317: yeas 47, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Becker, Boots, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Leising, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as coauthors of Senate Resolution 80.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Wednesday, March 7, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 2:42 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Thirty-third Meeting Day Tuesday Afternoon March 7, 2012

The Senate convened at 2:02 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Pastor Bob Dickey, Good Hope Baptist Church, Clay City.

The Pledge of Allegiance to the Flag was led by Senator John M. Waterman.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson ▶	Young, R.
Leising	Zakas

Roll Call 318: present 49; excused 1. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1197:
Conferees: Becker and Arnold
Advisors: Wyss, Hume, and Grooms

LONG
Date: 3/7/2012
Time: 11:25 a.m.

Report adopted.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 144 and that a conference committee be appointed to confer with a like committee of the House.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 175 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on March 6, 2012, signed House Enrolled Acts: 1015, 1054, 1059, 1090, 1091, 1128, 1129, 1163, 1173, 1201, 1212, 1216, 1220, 1273, 1294, 1312, and 1367.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representative to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1237:

Advisor:
Lehman

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1197. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: M. Smith, Chair and Riecken
Advisors: Neese, Soliday, Wolkins, and White

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has reconsidered its dissent on the Senate amendments to Engrossed House Bill 1238 and has now concurred in those amendments.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred with the Senate amendments to Engrossed House Bills 1005, 1065, 1116, 1226, 1250, and 1283.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 55 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 90 Senator Delph
Urging the Interim Study Committee on Redistricting to hold meetings outside of Marion County in order to gain public input.

SR 91 Senator Becker
Congratulating Sue Ann Hartig on her retirement as Executive Director of the Legal Aid Society of Evansville after 26 years of dedicated service to helping the poor.

SR 92 Senator Waterman
Honoring President Ma Ying-jeou for being elected as President of Taiwan and recognizing Taiwan's Democratic process.

SR 93 Senator Delph
Congratulating the Carmel High School girls cross country team on their 2011 State Championship.

SCR 40 Senator Hershman
Recognizing the importance of the regional campuses of Ivy Tech Community College of Indiana.

HCR 55 Senator Taylor
Recognizing Mike Rodman of Indianapolis for his work on behalf of his neighbors and his community.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 90

Senate Resolution 90, introduced by Senator Delph:

A SENATE RESOLUTION urging the Interim Study Committee on Redistricting to hold meetings outside of Marion County in order to gain public input.

Whereas, The Interim Study Committee on Redistricting was formed in 2011 to study redistricting and make recommendations on ways to improve the redistricting process;

Whereas, The Interim Study Committee on Redistricting met twice at the State house in Indianapolis in 2011 to hear presentations from national experts on redistricting, and to examine the intent and language of legislation that would create statutory criteria for redistricting;

Whereas, The Interim Study Committee on Redistricting is also charged with studying proposals to amend the Constitution of the State of Indiana to establish an independent redistricting commission;

Whereas, It is important to seek the input of Hoosiers from across the state on important redistricting issues such as identifying communities of interest and ranking of redistricting criteria; and

Whereas, Amending the Constitution of the State of Indiana is rarely done and therefore not well understood by the public, creating a need for education and public dialogue across the state: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate urges the Interim Study Committee on Redistricting to hold at least three meetings in locations outside of Marion County in order to facilitate the participation of Hoosiers from across the state.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council

through the Executive Director of the Legislative Services Agency and Julia Vaughn of Common Cause Indiana.

The resolution was read in full and adopted by voice vote.

Senate Resolution 91

Senate Resolution 91, introduced by Senator Becker:

A SENATE RESOLUTION congratulating Sue Ann Hartig on her retirement as Executive Director of the Legal Aid Society of Evansville after 26 years of dedicated service to helping the poor.

Whereas, The Legal Aid Society is a nonprofit law firm, primarily funded by the city of Evansville, Vanderburgh County and the United Way. Aside from legal assistance, the Legal Aid Society has reached numerous groups, including the Evansville Police Department, in their outreach programs designed to train individuals and organizations on how to handle issues that low-income clients face. These community collaborations have significantly increased the value of the services that the clients are provided with;

Whereas, As the Executive Director, Sue Ann Hartig's sole focus was to ensure that the social and legal needs of low-come families in Evansville were met;

Whereas, The legal aid program has helped hundreds of residents each year who would not otherwise have access to these resources. Today the Evansville legal aid program is a model program in the state of Indiana;

Whereas, Sue Ann Hartig has managed to stretch a small budget to serve and deliver justice through pro bono services. It is because of her passion for public interest work that Sue Ann has been able to achieve all that she has within the Legal Aid Society; and

Whereas, Sue Ann Hartig will be stepping down from her director position, but will continue to serve in the capacity of a staff attorney. Her commitment to service is evident. Her colleagues cite her leadership, perseverance, and tenacity as attributes that have allowed the Legal Aid Society to continue serving the community: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana State Senate honors Sue Ann Hartig's 26 years of service as Executive Director of the Legal Aid Society of Evansville.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Sue Ann Hartig.

The resolution was read in full and adopted by voice vote.

Senate Resolution 92

Senate Resolution 92, introduced by Senator Waterman:

A SENATE RESOLUTION honoring President Ma Ying-jeou for being elected as President of Taiwan and recognizing Taiwan's Democratic process.

Whereas, President Ma Ying-jeou secured another four year term in office during this year's election. Ma won the election with more than 6.8 million votes, about 800,000 more than his competitor, Tsai Ing-wen;

Whereas, The 2012 presidential and legislative elections included national debates of policies and followed just, open, and fair election procedures;

Whereas, The adherence of all election officials and workers to the principles of fairness and equality made it possible to smoothly complete election tasks;

Whereas, The people taking part as either candidates or voters fully demonstrated a high degree of democratic attainment. The 2012 presidential and legislative races were tightly contested affairs that reflect well on the development of democracy in Taiwan; and

Whereas, The demonstration of fair and just procedures for the 2012 presidential and legislative elections has set a great example for elections in the future: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate honors President Ma Ying-jeou for being elected as President of Taiwan and recognizes Taiwan's Democratic process.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to President Ma Ying-jeou, Wu Den-yih, and Mr. Baushaun Ger, Taipei Economic and Cultural Office in Chicago.

The resolution was read in full and adopted by voice vote.

Senate Resolution 93

Senate Resolution 93, introduced by Senator Delph:

A SENATE RESOLUTION congratulating the Carmel High School girls cross country team on their 2011 State Championship.

Whereas, The impressive efforts of the Carmel High School girls cross country team secured the school's 12th State Championship victory;

Whereas, After a crushing loss last season, the Greyhounds rallied their spirits and trained even harder this year. That hard work paid off as the cross country team regained the State title;

Whereas, Unstoppable high school senior, Alex Chitwood, battled back from an ankle injury to clinch a spot on the State

Championship team's roster, ultimately proving to be an invaluable addition to this competitive team;

Whereas, While Chitwood was an inspiring runner for the Greyhounds this year, she was not alone. Along with Juniors Sarah Bennett and Renee Wellman, the girls helped to usher the team to victory;

Whereas, In the midst of fierce competition, the cross country team remained focused on their strengths and committed to teamwork; and

Whereas, The hours of dedicated practice and commitment to the sport as demonstrated by the Carmel High School girls cross country team is inspiring, and their State Championship victory was well-deserved: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates the Carmel High School girls cross country team on winning the 2011 State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Carmel High School girls cross country team, Head Coach Mark Ellington, Athletic Director Jim Inskeep, and the Carmel Clay School board.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 40

Senate Concurrent Resolution 40, introduced by Senators Hershman, Alting, and Boots:

A CONCURRENT RESOLUTION recognizing the importance of the regional campuses of Ivy Tech Community College of Indiana.

Whereas, The Lafayette region of Ivy Tech State College started as the Tippewa Technical Institute in 1968 in the arena of health career vocations;

Whereas, The early roots of Ivy Tech in the Lafayette region are in the Ross Building, which is recognized by the Indiana Historic Landmarks Foundation and was formerly a tuberculosis sanitarium and a county nursing home before becoming Ivy Tech's administration building;

Whereas, Griffin Hall is named in honor of George and Mabel Griffin, who, through their legacy, have established the Griffin Endowment Fund to provide scholarships to students in need;

Whereas, Ivy Hall was opened August 2001, consolidating Ivy Tech's campus on Lafayette's southeast side;

Whereas, The Gerald I. Lamkin Union Apprenticeship Center, which houses organized labor including the Indiana Regional Council of Carpenters Joint Apprenticeship and Training Committee and Electrical Joint Apprenticeship and Training Committee, was established in 2001 to provide a home for training new apprentices;

Whereas, The Lafayette regional campus continues to expand its programs and partnerships, including elements such as formal transfer and articulation agreements with Purdue University, Indiana University, Saint Joseph's College, Indiana State University, Western Governors University, Ball State University, Indiana University-Purdue University Indianapolis, and Indiana Wesleyan University;

Whereas, Cultural awareness and academic achievement continue to grow in the Lafayette Community College region through such programs and partnerships as the Hildalgo, Mexico, historic agreement signed in 2009 and the annual Latino Festival, which has drawn over 1,500 people into the Lafayette campus environment;

Whereas, The Lafayette Campus Library is a partnership between the Tippecanoe County Public Library and Ivy Tech, contains both public and college collections as well as virtual libraries, and serves both Tippecanoe County and the greater regional area;

Whereas, Ivy Tech students can participate in a wide range of student clubs and organizations and intramural sports through a partnership with the Lafayette Family YMCA and Junior Achievement;

Whereas, The Career Service and Student Support Center serves students and alumni through career exploration, job zones and boards, and career fairs and by offering job search advice;

Whereas, The White County Instructional Center serves Monticello and surrounding communities with first-year college courses as well as dual credit courses for area high school students;

Whereas, The Montgomery County Instructional Center in Crawfordsville, which is expanding and will soon move to a new campus, serves the growing needs of the eastern and western Interstate 74 corridor and offers a complete associate degree program in business administration;

Whereas, The expanded Agriculture Program Laboratory and Corporate Learning Center Buildings serve the students in the Departments of Agriculture, Workforce, and Economic Development;

Whereas, A new Renaissance Place Instructional Center in downtown Lafayette serves downtown residents and businesses as well as Purdue University students;

Whereas, In 2011, the Lafayette Ivy Tech Region offered new programs in areas such as Advanced Manufacturing, Health Services, Therapeutic Massage, and Sustainable and Renewable Energy; and

Whereas, Nearly 400 graduates realized their dreams in 2011 and participated in commencement ceremonies before more than 3,000 family members and friends: Therefore,

Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates and supports the Lafayette regional campus of Ivy Tech Community College of Indiana in its mission to enable students and citizens to realize their full potential and supports regional education and economic development within Indiana.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Ivy Tech Community College campuses in Lafayette, Crawfordsville, and Monticello.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Truitt, T. Brown, and Klinker.

House Concurrent Resolution 55

House Concurrent Resolution 55, sponsored by Senator Taylor:

A CONCURRENT RESOLUTION recognizing Mike Rodman of Indianapolis for his work on behalf of his neighbors and his community.

Whereas, Michael Rodman has served the citizens of Marion County with distinction as the Marion County Treasurer and County Commissioner from 2005 until this year;

Whereas, Mr. Rodman's history of leadership in community and civic affairs is long, broad and distinguished, as exemplified by his membership on the boards of many organizations and commissions, including service as President of the Board of the School Commissioners of the City of Indianapolis, as President of the Board of College Mentors for Kids, as Chairman of the Board of Bridges to Success, as Vice President of the Board of the Marion County Metropolitan Development Commission, as Treasurer of Our Savior Lutheran Academy, and as a member of the Boards of the Indiana Nature Conservancy, the Riley Foundation, the Indiana School for the Blind, the Indiana Nature Conservancy, the Boys and Girls Club, United Way, the Madame Walker Urban Life Center, 100 Black Men, the Marion County YMCA, the Indianapolis Urban League, the Indianapolis Public Schools Foundation, and others; and,

Whereas, Mr. Rodman currently serves as Chairman of the Board of Indiana Landmarks, the nation's pre-eminent statewide historic preservation organization, leading it through a period of transformative change: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the dedication and commitment of Michael Rodman to his neighbors and his community, thanks him for his hard work on their behalf, and wishes him be best of luck in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Michael Rodman.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 7

Senator Simpson called up Senate Concurrent Resolution 7 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Welch and Noe.

Senate Concurrent Resolution 34

Senator Merritt called up Senate Concurrent Resolution 34 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives M. Smith and McMillin.

House Concurrent Resolution 14

Senator Waterman called up House Concurrent Resolution 14 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 175:
Conferees: M. Young, Chair and Lanane
Advisors: Landske and Broden

LONG
Date: 3/7/2012
Time: 2:13 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 144:
Conferees: Kenley, Chair and Skinner
Advisors: Charbonneau and Broden

LONG
Date: 3/7/2012
Time: 11:00 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1205:
Advisor: Rogers

LONG
Date: 3/7/2012
Time: 2:12 p.m.

Report adopted.

SENATE MOTION

Madam President: I move that Senator Wyss be removed as coauthor of Engrossed Senate Bill 1.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Yoder, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 34.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, March 8, 2012.

LANDSKE

Motion prevailed.

The Senate adjourned at 2:17 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Thirty-fourth Meeting Day Thursday Afternoon March 8, 2012

The Senate convened at 2:19 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Pastor Glenn Stidd, Northside Christian Church, Bloomington.

The Pledge of Allegiance to the Flag was led by Senator Greggory F. Walker.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 319: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 86(k) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 15, 52, 107, 113, 176, and 224 and Engrossed House Bills 1040 and 1141 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Resolution 71, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 234 and that a conference committee be appointed to confer with a like committee of the House.

ALTING

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 175:
Advisor: Lawson

LONG
Date: 3/8/2012
Time: 1:23 p.m.

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 144:

Conferees: Espich and Crawford
Advisors: Turner and Goodin

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 175:

Conferees: Richardson and Bartlett
Advisors: Koch, Behning, and White

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed House Bills 1040–1 and 1141–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed Senate Bills 15–1, 52–1, 107–1, 113–1, 176–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred with the Senate amendments to Engrossed House Bill 1004 and 1298.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has reconsidered its dissent on the Senate amendments to Engrossed House Bill 1117, 1249, and 1270 and has now concurred in those amendments.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 3, 6, 35, 36, 37, and 39 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on March 7, 2012, signed Senate Enrolled Acts: 98, 111, 131, 132, 156, 157, 182, 191, 246, 255, 267, 268, 271, and 273.

DAVID C. LONG
President Pro Tempore

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 234:
Conferees: Steele, Chair and Broden
Advisors: Bray and Arnold

LONG
Date: 3/8/2012
Time: 2:19 p.m.

Report adopted.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SCR 38 Senator Taylor
Congratulating the North Central Panthers Girls Basketball team on winning the Class 4A State Championship.

SR 94 Senator Landske
Recognizing the 100th year of the Boy Scouts' Eagle Award.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 38

Senate Concurrent Resolution 38, introduced by Senators Taylor and Schneider:

A CONCURRENT RESOLUTION congratulating the North Central Panthers Girls' Basketball team on winning the Class 4A State Championship.

Whereas, The Panthers defeated, number 10 ranked, Columbus North, 50-48 in overtime, to win the Class 4A State Championship on Saturday, March 3, 2012;

Whereas, On the road to the championship the Panthers defeated four of the top nine ranked teams, including previously undefeated Hamilton Southeastern in the sectional opener;

Whereas, The Panthers beat Penn High School, 65-50, at the 4A Northern Semi-State game at Warsaw before moving onto the State Championship game;

Whereas, The team captured their first regional and semi-state championships in seven years since back-to-back state titles in 2004 and 2005;

Whereas, The Panthers finished third in the Metropolitan Interscholastic Conference race with a 5-2 record;

Whereas, This was North Central High School's 58th Indiana High School Athletics Association overall state championship. The last title came in 4A Boys Basketball in 2010; and

Whereas, Coach DeeAnn Ramey, the players, and staff achieved this impressive record and State Championship in Ramey's first year as the Panthers' head coach: Therefore,

Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the North Central Panthers Girls' Basketball team on winning the Class 4A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Coach DeeAnn Ramey, the North Central High School Panthers Girls Basketball players, and the staff.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Porter.

Senate Resolution 94

Senate Resolution 94, introduced by Senators Landske and Charbonneau:

A SENATE RESOLUTION recognizing the 100th year of the Boy Scouts' Eagle Award.

Whereas, The Boy Scouts recently celebrated their 102nd anniversary. Since 1910, more than 110 million Americans have been a part of the Scouts organization;

Whereas, The first Eagle Scout Award was earned by Arthur Rose Eldred, at the age of 17, on August 21, 1912. About 2.1 million Scouts have earned the rank of Eagle Scout, 51, 473 of which earned awards last year;

Whereas, The Eagle Scout Award is the highest rank that can be obtained in the scouting program. This honor is obtained by serving in the rank of Life Scout for at least six months, earning 21 merit badges, living by the principles of the Scout Oath and Law, and lending leadership in a service project assisting a religious organization, school, or local community;

Whereas, The Boy Scouts organization helps many young adults develop a sense of integrity, honor, and responsibility, in addition to teaching practical life skills such as CPR, PADI scuba certification, land navigation, and wilderness survival. The Boy Scouts have boasted notable alumni including: Astronaut Neil Armstrong, President Gerald Ford, Senator Richard Lugar, TV Host Mike Rowe, and Movie Producer Steven Spielberg; and

Whereas, The Boy Scouts of America is a reputable organization and their Eagle Scout Award is a high honor: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate recognizes the Boy Scouts of America's 100th year anniversary of the Eagle Scout Award.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Calumet Council of Boy Scouts and T. Edward Page.

The resolution was read in full and adopted by voice vote.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 15–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 15 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) The state department of health and the office of the secretary of family and social services shall:**

(1) study the current brain injury services offered in Indiana; and

(2) determine:

(A) any deficiencies in the provision of brain injury services in Indiana; and

(B) how to implement additional brain injury services and neurobehavioral rehabilitation programs in Indiana.

(b) The study described in subsection (a) must include the following:

(1) Development of a licensure category for neurobehavioral rehabilitation facilities and the criteria to be included for the license.

(2) Assessment of whether incentives are needed to encourage the provision of brain injury services and neurobehavioral services in Indiana.

(3) Determination of the adequate reimbursement under the Medicaid program for brain injury and neurobehavioral services.

(4) Determination of whether funds from the Medicaid health facility closure and conversion fund could be used to assist qualified service providers in opening a neurobehavioral rehabilitation facility or to enhance reimbursement for brain injury or neurobehavioral services in Indiana.

(5) Determination of whether existing Medicaid waivers should be amended to increase the number of individuals covered under the waivers or the services provided to individuals with traumatic brain injuries under the waivers, and the amendments that would be needed.

(c) Before October 1, 2012, the state department of health and the office of the secretary of family and social services shall report orally and in writing to the health finance commission established by IC 2-5-23-3 concerning the study conducted under this SECTION and any recommendations resulting from the study.

(d) The brain injury treatment advisory committee is established for the purpose of assisting the state department of health and the office of the secretary of family and social services with the study described in this SECTION. The committee consists of the following members:

(1) The commissioner of the state department of health or the commissioner's designee, who is the chairperson of the committee.

(2) The director of the office of Medicaid policy and planning, or the director's designee.

(3) The director of the division of aging, or the director's designee.

(4) The director of the rehabilitation services bureau within the office of the secretary of family and social services, or the director's designee.

(5) The following members appointed by the governor not later than May 1, 2012:

(A) One (1) member representing the Brain Injury Association of Indiana.

(B) Six (6) individuals representing any of the following:

(i) Brain injury service providers.

(ii) Residential care providers.

(iii) Health care providers who have knowledge concerning brain injuries.

(C) One (1) representative of the rate setting contractor used by the office of Medicaid policy and planning.

(D) One (1) consumer of brain injury services.

(E) One (1) psychologist licensed under IC 25-33-1 who specializes in the assessment and treatment of individuals with a brain injury.

(F) One (1) individual who is a caregiver of a consumer of brain injury services.

(G) One (1) representative of the Indiana Association of Area Agencies on Aging.

The state department of health shall staff the committee. The committee shall meet at least four (4) times at the call of the chairperson. The members of the committee are not entitled to per diem or reimbursement for expenses incurred in connection with the members' committee duties.

(e) This SECTION expires July 1, 2013.

SECTION 2. [EFFECTIVE JULY 1, 2012] **(a) During the 2012 legislative interim, the office of Medicaid policy and planning shall report to the health finance commission established by IC 2-5-23-3 concerning the feasibility and development of a risk based managed care pilot program for aged, blind, and disabled Medicaid recipients. This SECTION does not authorize the office to implement a risk based managed care pilot program.**

(b) This SECTION expires December 31, 2012.

SECTION 3. **An emergency is declared for this act.**

(Reference is to ESB 15 as reprinted February 29, 2012.)

Miller, Chair	T. Brown
Breaux	C. Brown
Senate Conferees	House Conferees

Roll Call 320: yeas 47, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 52–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 52 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-41-6-1, AS AMENDED BY P.L.94-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) ~~Except as provided in IC 16-41-8-6, IC 16-41-10-2.5, and subsection (b), a person may not perform a screening or confirmatory test for the antibody or antigen to HIV without the oral or written consent of the individual to be tested or a representative as authorized under IC 16-36-1. A physician ordering the test or the physician's authorized representative shall document whether or not the individual has consented. The test for the antibody or antigen to HIV may not be performed on a woman under section 5 or 6 of this chapter if the woman refuses under section 7 of this chapter to consent to the test.~~ **As used in this section, "physician's authorized representative" means:**

(1) an advanced practice nurse (as defined by IC 25-23-1-1(b)) who is operating in collaboration with a licensed physician; or

(2) an individual acting under the supervision of a licensed physician and within the individual's scope of employment.

(b) If a physician or the physician's authorized representative determines that it is medically necessary to conduct an HIV test on an individual under the care of a physician, the physician or physician's authorized

representative may order the test if the physician or the physician's authorized representative:

(1) informs the patient of the test;

(2) provides an explanation of the test; and

(3) informs the patient of the patient's right to refuse the test.

Subject to subsection (d), if the patient refuses the test, the physician or the physician's authorized representative may not perform the test and shall document the patient's refusal in the patient's medical record.

(c) After ordering an HIV test for a patient, the physician or the physician's authorized representative shall:

(1) discuss with the patient the availability of counseling concerning the test results; and

(2) notify the patient of the test results.

If a test conducted under this section indicates that a patient is HIV infected, in addition to the requirements set forth in IC 16-41-2, the physician or the physician's authorized representative shall inform the patient of treatment and referral options available to the patient.

(d) A physician or a physician's authorized representative may order an HIV test to be performed without informing the patient or the patient's representative (as defined in IC 16-36-1-2) of the test or regardless of the patient's or the patient's representative's refusal of the HIV test if any of the following conditions apply:

~~(b) The test for the antibody or antigen to HIV may be performed if one (1) of the following conditions exists:~~

(1) If ordered by a physician, ~~who has obtained a health care~~ consent ~~under IC 16-36-1 or an implied consent under~~ **can be implied due to** emergency circumstances and the test is medically necessary to diagnose or treat the patient's condition.

(2) Under a court order based on clear and convincing evidence of a serious and present health threat to others posed by an individual. A hearing held under this ~~subsection~~ **subdivision** shall be held in camera at the request of the individual.

(3) If the test is done on blood collected or tested anonymously as part of an epidemiologic survey under IC 16-41-2-3 or IC 16-41-17-10(a)(5).

(4) The test is ordered under section 4 of this chapter.

(5) The test is required or authorized under IC 11-10-3-2.5.

(6) The individual upon whom the test will be performed is described in IC 16-41-8-6 or IC 16-41-10-2.5.

~~(c)~~ **(7)** A court ~~may order a person~~ **has ordered the individual** to undergo testing for HIV under IC 35-38-1-10.5(a) or IC 35-38-2-2.3(a)(16).

(8) Both of the following are met:

(A) The individual is not capable of providing consent and an authorized representative of the individual is not immediately available to provide consent or refusal of the test.

(B) A health care provider acting within the scope of the health care provider's employment comes into contact with the blood or body fluids of the individual in a manner that has been epidemiologically demonstrated to transmit HIV.

(e) The state department shall make HIV testing and treatment information from the federal Centers for Disease Control and Prevention available to health care providers.

(f) The state department may adopt rules under IC 4-22-2 necessary to implement this section.

(Reference is to ESB 52 as reprinted February 15, 2012.)

Becker, Chair	T. Brown
Breaux	C. Brown
Senate Conferees	House Conferees

Roll Call 321: yeas 49, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 107–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 107 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 12.

Page 2, delete lines 11 through 42.

Page 3, delete lines 1 through 23.

Renumber all SECTIONS consecutively.

(Reference is to ESB 107 as reprinted February 21, 2012.)

Zakas, Chair	Neese
Hume	Moses
Senate Conferees	House Conferees

Roll Call 322: yeas 48, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 113–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 113 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-21-1-3.3, AS AMENDED BY P.L.182-2009(ss), SECTION 292, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.3. (a) A city, **county,** or ~~a~~ town may adopt by ordinance traffic regulations concerning the use of golf carts on a highway under the jurisdiction of the city, **county,** or ~~the~~ town. An ordinance adopted under this subsection may not:

(1) conflict with or duplicate another state law; or

(2) conflict with a driver's licensing requirement of another provision of the Indiana Code.

(b) A fine assessed for a violation of a traffic ordinance adopted by a city, **county,** or ~~a~~ town under this section shall be deposited into the general fund of the city, **county,** or town.

~~(c) A person who violates subsection (a) commits a Class C infraction.~~

(c) Notwithstanding subsection (a), an ordinance adopted by a county under this section:

(1) may allow an operator of a golf cart to cross a highway in the state highway system, at right angles, in order to travel from one (1) highway under the jurisdiction of the county to another highway under the jurisdiction of the county when the operation can be done safely; and

(2) must set a limit as to the number of passengers (other than the operator) that may be permitted on a golf cart.

(d) A violation of an ordinance adopted under this section that is committed on a state highway by the operator of a golf cart is considered to be an ordinance violation.

SECTION 2. IC 9-21-9-0.5, AS AMENDED BY P.L.150-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. (a) This chapter does not apply to the following:

(1) An electric personal assistive mobility device.

(2) A low speed vehicle.

(3) Except as provided in subsection (b), a golf cart.

(b) An ordinance adopted in accordance with IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) may require a golf cart to display a slow moving vehicle emblem in accordance with section 3 of this chapter or a red or amber flashing lamp in accordance with section 4 of this chapter. A fine assessed for a violation of an ordinance under this section shall be deposited in the general fund of the city, **county,** or town.

SECTION 3. IC 9-24-1-7, AS AMENDED BY P.L.87-2010, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Sections 1 through 5 of this chapter do not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual while operating:

(A) a road roller;

(B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;

(C) a ditch digging apparatus;

(D) a well drilling apparatus;

(E) a concrete mixer; or

(F) a farm tractor, a farm wagon (as defined in IC 9-13-2-60(a)(2)), or an implement of agriculture designed to be operated primarily in a farm field or on farm premises;

that is being temporarily drawn, moved, or propelled on a public highway. However, to operate a farm wagon (as defined in IC 9-13-2-60(a)(2)) on a highway, an individual must be at least fifteen (15) years of age.

(3) A nonresident who:

(A) is at least sixteen (16) years and one (1) month of age;

(B) has in the nonresident's immediate possession a valid operator's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States;

while operating a motor vehicle in Indiana only as an operator.

(4) A nonresident who:

(A) is at least eighteen (18) years of age;

(B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States;

while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway.

(6) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(7) A new resident of Indiana who possesses an unexpired driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(8) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

(b) An ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) must require that an individual who operates a golf cart in the city, **county,** or town hold a driver's license.

(Reference is to ESB 113 as reprinted February 21, 2012.)

Holdman, Chair	Lehman
Arnold	Dembowski
Senate Conferees	House Conferees

Roll Call 323: yeas 37, nays 9. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 176–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 176 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 12 through 17.

Page 2, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

(Reference is to ESB 176 as reprinted February 24, 2012.)

M. Young, Chair	Foley
Randolph	Pryor
Senate Conferees	House Conferees

Roll Call 324: yeas 48, nays 1. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 224–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 224 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2012] **(a) Not later than October 1, 2012, the state department of health established by IC 16-19-1-1, the division of fire and building safety established by IC 10-19-7-1, and the Indiana emergency medical services commission created by IC 16-31-2-1 shall report to the health finance commission established by IC 2-5-23-3 orally and in writing. The report must cover the following matters related to emergency services:**

(1) Policies and procedures for calling and responding to 911 calls for emergency medical services, including the determination of what type of health care emergency service provider should respond to the call.

(2) Any requirements or guidelines for equipment that should be on an ambulance or other emergency services vehicle that is necessary to respond to the emergency medical needs of an individual.

(3) Ambulance response time for emergency calls.

(4) Ambulance transportation procedures.

(5) Procedures and policies for health facilities to obtain emergency and non-emergency medical transportation for health facility residents.

(6) How ambulance coverage is affected by ambulances that are subject to geographic or jurisdictional limits within a county, city, town, or township.

(7) Procedures or policies for determining to which hospital a patient is transported.

(8) A review of the state trauma care system.

(b) In preparing the report required by subsection (a), the agencies described in subsection (a) shall consult with entities that may be affected by the proposals being considered for the report.

(c) This SECTION expires December 31, 2012.

(Reference is to ESB 224 as reprinted March 1, 2012.)

Miller, Chair	T. Brown
Rogers	C. Brown
Senate Conferees	House Conferees

Roll Call 325: yeas 49, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1040–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1040 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 35 through 42.

Delete pages 3 through 5.

(Reference is to EHB 1040 as printed February 24, 2012.)

T. Brown, Chair	Miller
Grubb	Hume
House Conferees	Senate Conferees

Roll Call 326: yeas 49, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1141–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1141 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Replace the effective date in SECTION 2 with "[EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]".

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

Page 2, delete lines 9 through 27, begin a new paragraph and insert:

"(c) Not later than September 1 of each year, the office of the lieutenant governor shall report to the budget agency the

total amount that was used to provide home energy assistance during the previous state fiscal year through the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq. administered under IC 4-4-33-1. The budget agency shall determine the amount of gross retail tax revenue that was collected during the preceding state fiscal year on the amount of home energy assistance reported to the budget agency.

(d) An amount equal to the amount of gross retail tax revenue determined by the budget agency under subsection (c) is appropriated from the fund to the office of the lieutenant governor to establish a separate state home energy assistance program to be administered under IC 4-4-33-1. The separate state home energy assistance program shall be used to provide home energy assistance exclusively for individuals who own a home, using the same eligibility standards as those used for the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq. The budget agency shall allot the amount determined under subsection (c) from the fund before October 1 each year.".

(Reference is to EHB 1141 as reprinted February 21, 2012.)

Clere, Chair	Kenley
Welch	Simpson
House Conferees	Senate Conferees

Roll Call 327: yeas 49, nays 0. Report adopted.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 147 because it conflicts with HEA 1090-2012 without properly recognizing the existence of HEA 1090-2012, has had Engrossed Senate Bill 147 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 147 be corrected as follows:

Page 15, line 1, delete "P.L.1-2010," and insert "HEA 1090-2012, SECTION 16,".

Page 15, line 2, delete "SECTION 33,".

Page 16, line 4, after "section" insert "10.1 or".

Page 16, line 17, after "section" insert "10.1 or".

(Reference is to ESB 147 as reprinted February 28, 2012.)

LONG, Chair
SIMPSON, R.M.M.
HOLDMAN

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1196 because it conflicts with House Enrolled Act 1009-2012 without properly recognizing the existence of HEA 1009-2012, has had EHB 1196 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1196 be corrected as follows:

Page 27, line 1, delete "P.L.182-2011," and insert "HEA 1009-2012, SECTION 233,".

Page 27, line 2, delete "SECTION 12,".

Page 32, delete lines 13 through 14, begin a new line double block indented and insert:

"~~(G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone).~~".

Page 32, delete lines 27 through 29, begin a new line double block indented and insert:

"~~(N) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).~~".

(Reference is to EHB 1196 as reprinted February 29, 2012.)

LONG, Chair
SIMPSON, R.M.M.
MERRITT

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1005 because it conflicts with Senate Enrolled Act 127-2012 without properly recognizing the existence of SEA 127-2012, has had EHB 1005 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1005 be corrected as follows:

Page 10, line 20, delete "P.L.130-2008," and insert "SEA 127-2012, SECTION 109,".

Page 10, line 21, delete "SECTION 2,".

Page 12, line 6, delete "public employees' retirement fund.".

Page 12, line 6, reset in roman "Indiana".

Page 12, reset in roman line 7.

(Reference is to EHB 1005 as printed February 24, 2012.)

LONG, Chair
SIMPSON, R.M.M.
LAWSON

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 275 because it conflicts with HEA 1294-2012 without properly recognizing the existence of HEA 1294-2012, has had Engrossed Senate Bill 275 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 275 be corrected as follows:

Page 2, delete line 42.

Delete pages 3 through 7.

Page 8, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 3. IC 23-2-5-3, AS AMENDED BY HEA1294-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this chapter, "loan broker license" means a license issued by the commissioner authorizing a person to engage in the loan brokerage business.

(b) As used in this chapter, "licensee" means a person that is issued a license under this chapter.

(c) As used in this chapter, "loan broker" means any person who, in return for any consideration from any source procures, attempts to procure, or assists in procuring, a residential mortgage loan from a third party or any other person, whether or not the person seeking the loan actually obtains the loan. "Loan broker" does not include:

(1) any supervised financial organization (as defined in IC 26-1-4-102.5), including a bank, savings bank, trust company, savings association, or credit union;

(2) any other financial institution that is:

(A) regulated by any agency of the United States or any state; and

(B) regularly actively engaged in the business of making consumer loans that are not secured by real estate or taking assignment of consumer sales contracts that are not secured by real estate;

(3) any insurance company;

(4) any person arranging financing for the sale of the person's product; or

(5) a creditor that is licensed under IC 24-4.4-2-402.

(d) As used in this chapter, "loan brokerage business" means a person acting as a loan broker.

(e) As used in this chapter, "mortgage loan origination activities" means performing any of the following activities for compensation or gain in connection with a residential mortgage loan:

(1) Receiving or recording a borrower's or potential borrower's residential mortgage loan application information in any form for use in a credit decision by a creditor.

(2) Offering to negotiate or negotiating terms of a residential mortgage loan.

(f) As used in this chapter, "borrower's residential mortgage loan application information" means the address of the proposed residential real property to be mortgaged and borrower's essential personal and financial information necessary for an informed credit decision to be made on the borrower's mortgage loan application.

(g) As used in this chapter, "mortgage loan originator" means an individual engaged in mortgage loan origination activities. The term does not include a person who:

(1) performs purely administrative or clerical tasks on behalf of a mortgage loan originator or acts as a loan processor or underwriter;

(2) performs only real estate brokerage activities and is licensed in accordance with IC 25-34.1 or the applicable laws of another state, unless the person is compensated by a creditor, a loan broker, a mortgage loan originator, or any agent of a creditor, a loan broker, or a mortgage loan originator; or

(3) is involved only in extensions of credit relating to time share plans (as defined in 11 U.S.C. 101(53D)).

(h) As used in this chapter, "mortgage loan originator license" means a license issued by the commissioner authorizing an individual to act as a mortgage loan originator on behalf of a loan broker licensee.

(i) As used in this chapter, "person" means an individual, a partnership, a trust, a corporation, a limited liability company, a limited liability partnership, a sole proprietorship, a joint venture, a joint stock company, or another group or entity, however organized.

(j) As used in this chapter, "ultimate equitable owner" means a person who, directly or indirectly, owns or controls ten percent (10%) or more of the equity interest in a loan broker licensed or required to be licensed under this chapter, regardless of whether the person owns or controls the equity interest through one (1) or more other persons or one (1) or more proxies, powers of attorney, or variances.

(k) As used in this chapter, "principal manager" means an individual who:

(1) has at least three (3) years of experience:

(A) as a mortgage loan originator; or

(B) in financial services;

that is acceptable to the commissioner; and

(2) is principally responsible for the supervision and management of the employees and business affairs of a loan broker licensee.

(l) As used in this chapter, "principal manager license" means a license issued by the commissioner authorizing an individual to act as:

(1) a principal manager; and

(2) a mortgage loan originator;

on behalf of a loan broker licensee.

(m) As used in this chapter, "bona fide third party fee", with respect to a residential mortgage loan, includes any of the following:

(1) Fees for real estate appraisals. However, if the residential mortgage loan is governed by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 3331 through 3352), the fee for an appraisal performed in connection with the loan is not a bona fide third party fee unless the appraisal is performed by a person that is licensed or certified under IC 25-34.1-3-8.

(2) Fees for title examination, abstract of title, title insurance, property surveys, or similar purposes.

(3) Notary and credit report fees.

(4) Fees for the services provided by a loan broker in procuring possible business for a creditor if the fees are paid by the creditor.

(n) As used in this chapter, "branch office" means any fixed physical location from which a loan broker licensee holds itself out as engaging in the loan brokerage business.

(o) As used in this chapter, "loan processor or underwriter" means an individual who:

(1) is employed by a loan broker licensee and acts at the direction of, and subject to the supervision of, the loan broker licensee or a licensed principal manager employed by the loan broker licensee; and

(2) performs solely clerical or support duties on behalf of the loan broker licensee, including any of the following

activities with respect to a residential mortgage loan application received by the loan broker licensee:

(A) The receipt, collection, distribution, and analysis of information commonly used in the processing or underwriting of a residential mortgage loan.

(B) Communicating with a borrower or potential borrower to obtain the information necessary for the processing or underwriting of a residential mortgage loan, to the extent that the communication does not include:

(i) offering or negotiating loan rates or terms; or

(ii) counseling borrowers or potential borrowers about residential mortgage loan rates or terms.

(p) As used in this chapter, "real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including any of the following:

(1) Acting as a real estate broker ~~or salesperson~~ for a buyer, seller, lessor, or lessee of real property.

(2) Bringing together parties interested in the sale, lease, or exchange of real property.

(3) Negotiating, on behalf of any party, any part of a contract concerning the sale, lease, or exchange of real property, other than in connection with obtaining or providing financing for the transaction.

(4) Engaging in any activity for which the person performing the activity is required to be licensed under IC 25-34.1 or the applicable laws of another state.

(5) Offering to engage in any activity, or to act in any capacity with respect to any activity, described in subdivisions (1) through (4).

(q) As used in this chapter, "registered mortgage loan originator" means a mortgage loan originator who:

(1) is an employee of:

(A) a depository institution;

(B) a subsidiary that is:

(i) owned and controlled by a depository institution; and

(ii) regulated by a federal financial institution regulatory agency (as defined in 12 U.S.C. 3350(6)); or

(C) an institution regulated by the Farm Credit Administration; and

(2) is registered with and maintains a unique identifier with the Nationwide Mortgage Licensing System and Registry.

(r) As used in this chapter, "residential mortgage loan" means a loan that is or will be used primarily for personal, family, or household purposes and that is secured by a mortgage (or another equivalent consensual security interest) on a dwelling (as defined in Section 103(w) of the federal Truth in Lending Act (15 U.S.C. 1602(w)) or on residential real estate on which a dwelling is constructed or intended to be constructed.

(s) As used in this chapter, "personal information" includes any of the following:

(1) An individual's first and last names or first initial and last name.

(2) Any of the following data elements:

(A) A Social Security number.

(B) A driver's license number.

(C) A state identification card number.

(D) A credit card number.

(E) A financial account number or debit card number in combination with a security code, password, or access code that would permit access to the person's account.

(3) With respect to an individual, any of the following:

(A) Address.

(B) Telephone number.

(C) Information concerning the individual's:

(i) income or other compensation;

(ii) credit history;

(iii) credit score;

(iv) assets;

(v) liabilities; or

(vi) employment history.

(t) As used in this chapter, personal information is "encrypted" if the personal information:

(1) has been transformed through the use of an algorithmic process into a form in which there is a low probability of assigning meaning without use of a confidential process or key; or

(2) is secured by another method that renders the personal information unreadable or unusable.

(u) As used in this chapter, personal information is "redacted" if the personal information has been altered or truncated so that not more than the last four (4) digits of:

(1) a Social Security number;

(2) a driver's license number;

(3) a state identification number; or

(4) an account number;

are accessible as part of the personal information.

(v) As used in this chapter, "depository institution" has the meaning set forth in the Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and includes any credit union.

(w) As used in this chapter, "state licensed mortgage loan originator" means any individual who:

(1) is a mortgage loan originator;

(2) is not an employee of:

(A) a depository institution;

(B) a subsidiary that is:

(i) owned and controlled by a depository institution; and

(ii) regulated by a federal financial institution regulatory agency (as defined in 12 U.S.C. 3350(6)); or

(C) an institution regulated by the Farm Credit Administration;

(3) is licensed by a state or by the Secretary of the United States Department of Housing and Urban Development under Section 1508 of the S.A.F.E. Mortgage Licensing Act of 2008 (Title V of P.L.110-289); and

(4) is registered as a mortgage loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(x) As used in this chapter, "unique identifier" means a number or other identifier that:

(1) permanently identifies a mortgage loan originator; and
(2) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the federal financial institution regulatory agencies to facilitate:
(A) the electronic tracking of mortgage loan originators; and
(B) the uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against mortgage loan originators.

(y) As used in this chapter, "residential real estate" means real property:
(1) that is located in Indiana; and
(2) upon which a dwelling is constructed or intended to be constructed.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 275 as reprinted February 21, 2012.)

LONG, Chair
SIMPSON, R.M.M.
MERRITT

Report adopted.

3:10 p.m.

The Chair declared a recess until the fall of the gavel.

RECESS

The Senate reconvened at 4:30 p.m., with Senator Long in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 86(k) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 26, 32, 298, and Engrossed House Bills 1092 and 1186 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 95 Senator Broden
Recognizing John Charles Bryant for his contributions to the Northern Indiana Center for History.

SR 96 Senator Hershman
Supporting the construction of the New International Trade Crossing between the United States and Canada.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 95

Senate Resolution 95, introduced by Senators Broden and Zakas:

A SENATE RESOLUTION recognizing John Charles Bryant for his contributions to the Northern Indiana Center for History.

Whereas, John Charles Bryant is a life-long resident of South Bend and a collector of Black History memorabilia about the South Bend area;

Whereas, Much of his memorabilia collection has been donated to the Northern Indiana Historical Society, now known as the Northern Indiana Center for History;

Whereas, John Charles Bryant has researched and contributed more than 75 percent of the African American Historical Archives at the Northern Indiana Center for History;

Whereas, John Charles Bryant has also donated African-American historical documents to the Penn Mishawaka Public Library, the South Bend Public Library Genealogy Department, and to the Civil Rights Heritage Center at Indiana University South Bend; and

Whereas, John Charles Bryant is active with the Indiana University Civil Rights Heritage Center and is an active board member of the South Bend Regional Museum of Art: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana State Senate recognizes John Charles Bryant for his contributions to the Northern Indiana Center for History.

SECTION 2. The Secretary of the Senate is hereby directed to transmit two copies of this resolution to John Charles Bryant.

The resolution was read in full and adopted by voice vote.

Senate Resolution 96

Senate Resolution 96, introduced by Senator Hershman:

A SENATE RESOLUTION supporting the construction of the New International Trade Crossing between the United States and Canada.

Whereas, Canada is the largest foreign trade partner for the United States and the largest export destination for 35 states;

Whereas, Canada is Indiana's top export market;

Whereas, Indiana's bilateral trade with Canada for the year 2009 was $12.6 billion;

Whereas, An estimated 162,300 jobs in Indiana are supported by United States-Canada bilateral trade;

Whereas, Canadians made more than 204,600 visits to Indiana during 2009, spending more than $53 million;

Whereas, The current bridge between Detroit and Windsor is 82 years old and carries one-fourth of all United States-Canada trade, which consists of 20,000 vehicles and approximately $350 million in value daily;

Whereas, Eight million jobs in the United States depend on United States-Canada trade, and the livelihoods of two million Americans rely on that 82-year-old bridge between Detroit and Windsor;

Whereas, Plans are underway to build an additional international border crossing system over the Detroit River, to be known as the New International Trade Crossing. The crossing will consist of a six-lane bridge with three lanes bound for the United States and three lanes bound for Canada, and will be connected to new United States and Canadian inspection plazas;

Whereas, The New International Trade Crossing will have an enormous impact on the United States economy, creating 10,000 construction jobs and more than 25,000 other jobs in the United States during the construction period;

Whereas, The state of Michigan and Transport Canada are pursuing a public-private partnership to finance and deliver the New International Trade Crossing;

Whereas, The partnership will be in the form of a long-term concession agreement that will seek to maximize private sector participation and financing by allowing for public ownership of the bridge and private financing, construction, operation, and maintenance of the bridge while protecting the public interest;

Whereas, The state of Michigan needs legislative authority to enter into the public-private partnership and to enter into an agreement with Canada to build the New International Trade Crossing; and

Whereas, A modern border crossing that can support the ever-increasing amount of trade and travel between the United States and Canada is essential to the economies of Indiana, the Midwest, and the United States: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the members of the Indiana Senate do hereby fully support the New International Trade Crossing project and any legislation that will allow for its construction and the creation of a public-private partnership to finance and deliver the new border crossing.

SECTION 2. That the members of the Indiana Senate encourage initiatives that bring investments to communities hosting the New International Trade Crossing project as well as to the entire multistate region, including job creation, environmental improvement, increased trade, and other benefits that improve the quality of life of residents.

SECTION 3. That the members of the Indiana Senate recognize that the New International Trade Crossing will have an immeasurable economic impact on the state of Indiana and will lay the foundation for future productivity, growth, and stability of local economies within Indiana.

SECTION 4. That copies of this resolution be transmitted by the Secretary of the Senate to the President of the Michigan Senate, the Minority Leader of the Michigan Senate, the Speaker of the Michigan House of Representatives, the Minority Leader of the Michigan House of Representatives, the Governor of Michigan, and the Consul General of Canada in Detroit, Michigan.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 18 and that said Motion be withdrawn.

STEELE

Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 26–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 26 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-1-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The following definitions apply to the construction of all Indiana statutes, unless the construction is plainly repugnant to the intent of the general assembly or of the context of the statute:

(1) "Adult", "of full age", and "person in his majority" mean a person at least eighteen (18) years of age.

(2) "Attorney" includes a counselor or other person authorized to appear and represent a party in an action or special proceeding.
(3) "Autism" means a neurological condition as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.
(4) "Bond" does not necessarily imply a seal.
(5) "Clerk" means the clerk of the court or a person authorized to perform the clerk's duties.
(6) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.
(7) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.
(8) "Infant" or "minor" means a person less than eighteen (18) years of age.
(9) "Inhabitant" may be construed to mean a resident in any place.
(10) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.
(11) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.
(12) "Mentally incompetent" means of unsound mind.
(13) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.
(14) "Month" means a calendar month, unless otherwise expressed.
(15) "Noncode statute" means a statute that is not codified as part of the Indiana Code.
(16) "Oath" includes "affirmation", and "to swear" includes to "affirm".
(17) "Person" extends to bodies politic and corporate.
(18) "Personal property" includes goods, chattels, evidences of debt, and things in action.
(19) "Population" has the meaning set forth in IC 1-1-3.5-3.
(20) "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.
(21) "Property" includes personal and real property.
(22) "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.
(23) "State", applied to any one **(1)** of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.
(24) "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.
(25) "Verified", when applied to pleadings, means supported by oath or affirmation in writing.
(26) "Will" includes a testament and codicil.
(27) "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.
(28) "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.
(29) "Year" means a calendar year, unless otherwise expressed.
(30) The definitions in ~~IC 35-41-1~~ **IC 35-31.5** apply to all statutes relating to penal offenses.

SECTION 2. IC 3-5-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) "Contribution" means a donation (whether characterized as an advance, a deposit, a gift, a loan, a subscription, or a contract or promise to make a donation) of property (as defined in ~~IC 35-41-1)~~ **IC 35-31.5-2-253)** that satisfies both of the following:
(1) The donation is made for the purpose of influencing any of the following:
(A) The nomination or election to office of a candidate.
(B) The election of delegates to a state constitutional convention.
(C) The outcome of a public question.
(2) The donation is accepted by any of the following:
(A) A candidate.
(B) A candidate's committee.
(C) A regular party committee.
(D) A political action committee.
(E) A legislative caucus committee.

(b) Whenever funds are transferred from one (1) committee to another, the accepting committee is considered to be receiving a contribution in the amount of the funds transferred.

(c) Whenever a candidate or a committee accepts the personal services of a person whose compensation is being paid by a third person, the candidate or committee is considered to be receiving a contribution from the third person in the amount of the compensation paid.

(d) Notwithstanding subsection (a), whenever a candidate or a committee accepts the personal services of a volunteer who is not being compensated, the candidate or committee is not considered to be receiving a contribution.

(e) Notwithstanding subsection (a), whenever a political action committee accepts a donation of:
(1) rent;
(2) office expenses;
(3) management fees;
(4) costs of solicitations of contributions; or
(5) other administrative costs;
the committee is not considered to be receiving a contribution.

SECTION 3. IC 3-5-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) "Expenditure" means a disbursement (whether characterized as an advance, a deposit, a distribution, a gift, a loan, a payment, a purchase, or a contract or promise to make a disbursement) of property (as defined in ~~IC 35-41-1)~~ **IC 35-31.5-2-253)** that:

(1) is made for the purpose of influencing:

(A) the nomination or election to office of a candidate;

(B) the election of delegates to a state constitutional convention; or

(C) the outcome of a public question; and

(2) is made by:

(A) an individual, except that a contribution made by an individual is not considered to be an expenditure;

(B) a candidate's committee;

(C) a regular party committee; or

(D) a political action committee.

(b) Whenever funds are transferred from one **(1)** committee to another, the disbursing committee is considered to be making an expenditure in the amount of the funds transferred.

SECTION 4. IC 3-5-2-26.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26.8. "Lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~ **IC 35-31.5-2-186.**

SECTION 5. IC 3-6-6-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 35. (a) Each election sheriff shall do the following:

(1) Except as provided in subsection (b), attend the polls in the appointed precinct from the opening of the polls to the conclusion of the count.

(2) Preserve order at the polls.

(3) Enforce the election laws under the direction of the precinct election board.

(4) Upon direction from a member of the precinct election board, request assistance from a law enforcement officer (as defined in ~~IC 35-41-1-17)~~ **IC 35-31.5-2-185)** if a violation of law within the polls, or within fifty (50) feet of the polls, has occurred or appears imminent.

(b) The sheriff may leave the polls for the purpose of obtaining assistance from a law enforcement officer under subsection (a)(4).

SECTION 6. IC 3-14-3-18, AS AMENDED BY P.L.103-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) As used in this section, "candidate" includes an individual whom the person knows is considering becoming a candidate.

(b) A person who, for the purpose of influencing a voter or candidate, does any of the following commits a Class D felony:

(1) Seeks to enforce the payment of a debt by force or threat of force.

(2) Ejects or threatens to eject the voter or candidate from a house the voter or candidate occupies.

(3) Begins a criminal prosecution.

(4) Damages the business or trade of the voter or candidate.

(5) Communicates a threat to commit a forcible felony (as defined in ~~IC 35-41-1-11)~~ **IC 35-31.5-2-138)** against a voter or candidate with the intent that the voter or candidate:

(A) engage in conduct against the voter's or candidate's will; or

(B) be placed in fear of retaliation for a prior lawful act as a voter or candidate.

SECTION 7. IC 4-2-6-1, AS AMENDED BY HEA 1250-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

(1) "Advisory body" means an authority, a board, a commission, a committee, a task force, or other body designated by any name of the executive department that is authorized only to make nonbinding recommendations.

(2) "Agency" means an authority, a board, a branch, a bureau, a commission, a committee, a council, a department, a division, an office, a service, or other instrumentality of the executive, including the administrative, department of state government. The term includes a body corporate and politic set up as an instrumentality of the state and a private, nonprofit, government related corporation. The term does not include any of the following:

(A) The judicial department of state government.

(B) The legislative department of state government.

(C) A state educational institution.

(D) A political subdivision.

(3) "Appointing authority" means the following:

(A) Except as provided in clause (B), the chief administrative officer of an agency. The term does not include a state officer.

(B) For purposes of section 16 of this chapter, "appointing authority" means:

(i) an elected officer;

(ii) the chief administrative officer of an agency; or

(iii) an individual or group of individuals who have the power by law or by lawfully delegated authority to make appointments.

(4) "Assist" means to:

(A) help;

(B) aid;

(C) advise; or

(D) furnish information to;

a person. The term includes an offer to do any of the actions in clauses (A) through (D).

(5) "Business relationship" includes the following:

(A) Dealings of a person with an agency seeking, obtaining, establishing, maintaining, or implementing:

(i) a pecuniary interest in a contract or purchase with the agency; or

(ii) a license or permit requiring the exercise of judgment or discretion by the agency.

(B) The relationship a lobbyist has with an agency.

(C) The relationship an unregistered lobbyist has with an agency.

(6) "Commission" refers to the state ethics commission created under section 2 of this chapter.

(7) "Compensation" means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.

(8) "Direct line of supervision" means the chain of command in which the superior affects, or has the authority to affect, the terms and conditions of the subordinate's employment, including making decisions about work assignments, compensation, grievances, advancements, or performance evaluation.

(9) "Employee" means an individual, other than a state officer, who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.

(10) "Employer" means any person from whom a state officer or employee or the officer's or employee's spouse received compensation. For purposes of this chapter, a customer or client of a self-employed individual in a sole proprietorship or a professional practice is not considered to be an employer.

(11) "Financial interest" means an interest:

(A) in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or

(B) involving property or services.

The term includes an interest arising from employment or prospective employment for which negotiations have begun. The term does not include an interest of a state officer or employee in the common stock of a corporation unless the combined holdings in the corporation of the state officer or the employee, that individual's spouse, and that individual's unemancipated children are more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee.

(12) "Information of a confidential nature" means information:

(A) obtained by reason of the position or office held; and

(B) which:

(i) a public agency is prohibited from disclosing under IC 5-14-3-4(a);

(ii) a public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed; or

(iii) is not in a public record, but if it were, would be confidential.

(13) "Person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

(14) "Political subdivision" means a county, city, town, township, school district, municipal corporation, special taxing district, or other local instrumentality. The term includes an officer of a political subdivision.

(15) "Property" has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

(16) "Relative" means any of the following:

(A) A spouse.

(B) A parent or stepparent.

(C) A child or stepchild.

(D) A brother, sister, stepbrother, or stepsister.

(E) A niece or nephew.

(F) An aunt or uncle.

(G) A daughter-in-law or son-in-law.

For purposes of this subdivision, an adopted child of an individual is treated as a natural child of the individual. For purposes of this subdivision, the terms "brother" and "sister" include a brother or sister by the half blood.

(17) "Represent" means to do any of the following on behalf of a person:

(A) Attend an agency proceeding.

(B) Write a letter.

(C) Communicate with an employee of an agency.

(18) "Special state appointee" means a person who is:

(A) not a state officer or employee; and

(B) elected or appointed to an authority, a board, a commission, a committee, a council, a task force, or other body designated by any name that:

(i) is authorized by statute or executive order; and

(ii) functions in a policy or an advisory role in the executive (including the administrative) department of state government, including a separate body corporate and politic.

(19) "State officer" means any of the following:

(A) The governor.

(B) The lieutenant governor.

(C) The secretary of state.

(D) The auditor of state.

(E) The treasurer of state.

(F) The attorney general.

(G) The superintendent of public instruction.

(20) The masculine gender includes the masculine and feminine.

(21) The singular form of any noun includes the plural wherever appropriate.

(b) The definitions in IC 4-2-7 apply throughout this chapter.

SECTION 8. IC 4-31-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) This section applies only to property given after June 30, 1996.

(c) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(d) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the permit holder.

(2) The person is an officer of the permit holder.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the permit holder.

(4) The person is a political action committee of the permit holder.

(e) A permit holder or a person with an interest in a permit holder may not give any property (as defined in ~~IC 35-41-1-23)~~ **IC 35-31.5-2-253)** to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-31-4.

(f) A person who knowingly or intentionally violates this section commits a Class D felony.

SECTION 9. IC 4-33-10-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) This section applies only to property given after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "license" means:

(1) an owner's license issued under this article;

(2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment; or

(3) an operating agent contract entered into under this article.

(d) As used in this section, "licensee" means a person who holds a license. The term includes an operating agent.

(e) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the licensee.

(2) The person is an officer of the licensee.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.

(4) The person is a political action committee of the licensee.

(g) A licensee or a person with an interest in a licensee may not give any property (as defined in ~~IC 35-41-1-23)~~ **IC 35-31.5-2-253)** to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-33-6-19.

(h) A person who knowingly or intentionally violates this section commits a Class D felony.

SECTION 10. IC 4-33-20-9, AS ADDED BY P.L.227-2007, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. A gaming control officer:

(1) is a law enforcement officer under IC 9-13-2-92 and ~~IC 35-41-1-17~~ **IC 35-31.5-2-185** and has the power to enforce Indiana laws and without warrant to arrest for the violation of any of those laws when committed in the officer's presence;

(2) is a police officer under IC 9-13-2-127;

(3) has the power of law enforcement officers to arrest under IC 35-33-1-1; and

(4) has the power to enforce Indiana laws and may exercise all powers granted by law to state police officers, sheriffs, and members of police departments.

SECTION 11. IC 5-2-6.1-13, AS AMENDED BY P.L.121-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Subject to subsection (b) and except as provided in subsection (c), benefits may not be awarded:

(1) if the victim sustained the injury as a result of participating or assisting in, or attempting to commit or committing a criminal act;

(2) if the injury occurred while the victim was a resident in a county, city, or federal jail or prison or in an institution operated by the department of correction;

(3) if the victim profited or would have profited from the criminal act; or

(4) if, at the time the injury occurred, the victim was intoxicated and contributed to the commission of an unrelated felony.

(b) If the victim is a dependent child or dependent parent of the person who commits a violent crime, compensation may be awarded where justice requires.

(c) Benefits may be awarded to a person described in subsection (a)(4) who is the victim of a sex crime under IC 35-42-4, a crime ~~of~~ **involving domestic or** family violence (as defined in ~~IC 35-41-1-6.5),~~ **IC 35-31.5-2-76),** or a crime of domestic violence (as defined in ~~IC 35-41-1-6.3).~~ **IC 35-31.5-2-78).**

SECTION 12. IC 5-2-8-1, AS AMENDED BY P.L.34-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The following definitions apply in this section:

(1) "Abuse" means:

(A) conduct that causes bodily injury (as defined in ~~IC 35-41-1-4)~~ **IC 35-31.5-2-29)** or damage to property; or

(B) a threat of conduct that would cause bodily injury (as defined in ~~IC 35-41-1-4)~~ **IC 35-31.5-2-29)** or damage to property.

(2) "County law enforcement agency" includes:

(A) postsecondary educational institution police officers appointed under IC 21-17-5 or IC 21-39-4; and

(B) school corporation police officers appointed under IC 20-26-16.

(b) There is established in each county a county law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 or IC 33-37-8-6.

(c) A county law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars ($100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-37-8-6, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-37-4.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning the following:

(1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.

(2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.

(3) Techniques for handling incidents of abuse that:

(A) minimize the likelihood of injury to the law enforcement officer; and

(B) promote the safety of a victim.

(4) Information about the nature and extent of abuse.

(5) Information about the legal rights of and remedies available to victims of abuse.

(6) How to document and collect evidence in an abuse case.

(7) The legal consequences of abuse.

(8) The impact on children of law enforcement intervention in abuse cases.

(9) Services and facilities available to victims of abuse and abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(18) Performing cardiopulmonary resuscitation and the Heimlich maneuver.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

SECTION 13. IC 5-10-10-1.5, AS AMENDED BY P.L.8-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. As used in this chapter, "correctional officer" includes:

(1) a county jail officer under IC 11-12-4-4;

(2) a person who has received a correctional officer training certificate under IC 11-8-2-8;

(3) a prison matron or an assistant prison matron under IC 36-8-10-5;

(4) any other person whose duties include the daily or ongoing supervision and care of persons who are lawfully detained (as defined in ~~IC 35-41-1-18)~~ **IC 35-31.5-2-186)** in a facility operated by the state or a political subdivision of the state; and

(5) a hazardous duty employee of the department of correction who:

(A) works within a prison or juvenile facility; or

(B) performs parole or emergency response operations and functions.

SECTION 14. IC 5-13-4-21.3, AS ADDED BY P.L.107-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21.3. "Public servant" has the meaning set forth in ~~IC 35-41-1-24.~~ **IC 35-31.5-2-261.**

SECTION 15. IC 7.1-1-3-19.7, AS ADDED BY SEA 274-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19.7. "Law enforcement officer", for purposes of IC 7.1-5-1-6.5, has the meaning set forth in ~~IC 35-41-1-17(a).~~ **IC 35-31.5-2-185.**

SECTION 16. IC 7.1-6-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. "Person" has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

SECTION 17. IC 8-15-3-34, AS ADDED BY P.L.47-2006, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 34. The department may arrange for the use and employment of police officers to police a tollway. The police officers employed under this section are vested with all necessary police powers to enforce state laws. A police officer employed under this section has the same powers within the property limits of a tollway as a law enforcement officer (as defined in ~~IC 35-41-1-17)~~ **IC 35-31.5-2-185)** within the law enforcement officer's jurisdiction. A warrant of arrest issued by the proper authority of the state may be executed within the property limits of the tollway by a police officer employed by the department or an operator.

SECTION 18. IC 8-15.7-2-7, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2012]: Sec. 7. "Law enforcement officer" has the meaning set forth in ~~IC 35-41-1-17.~~ **IC 35-31.5-2-185.**

SECTION 19. IC 9-13-2-92, AS AMENDED BY P.L.94-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:

(1) A state police officer.

(2) A city, town, or county police officer.

(3) A sheriff.

(4) A county coroner.

(5) A conservation officer.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(7) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(8) An excise police officer of the alcohol and tobacco commission.

(b) "Law enforcement officer", for purposes of ~~IC 9-30-5,~~ IC 9-30-6 **and** IC 9-30-7, ~~IC 9-30-8, and IC 9-30-9,~~ has the meaning set forth in ~~IC 35-41-1.~~ **IC 35-31.5-2-185.**

SECTION 20. IC 9-13-2-165 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 165. "Serious bodily injury" has the meaning set forth in ~~IC 35-41-1.~~ **IC 35-31.5-2-292.**

SECTION 21. IC 9-24-19-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who operates a motor vehicle upon a highway when the person knows that the person's driving privilege, license, or permit is suspended or revoked, when the person's suspension or revocation was a result of the person's conviction of an offense (as defined in ~~IC 35-41-1-19)~~ **IC 35-31.5-2-215)** commits a Class A misdemeanor.

SECTION 22. IC 10-14-3-33.5, AS AMENDED BY P.L.17-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33.5. (a) Except as provided in subsection (b), the state, a political subdivision, or any other person may not prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during:

(1) a disaster emergency;

(2) an energy emergency; or

(3) a local disaster emergency;

declared under this chapter.

(b) Subsection (a) does not authorize the possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during an emergency described in subsection (a):

(1) in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;

(2) on the property of:

(A) a child caring institution;

(B) an emergency shelter care child caring institution;

(C) a private secure facility;

(D) a group home; or

(E) an emergency shelter care group home;

in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, or 465 IAC 2-13-77;

(3) on the property of a penal facility (as defined in ~~IC 35-41-1-21);~~ **IC 35-31.5-2-232);**

(4) in violation of federal law;

(5) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));

(6) on the property of a domestic violence shelter; or

(7) on property owned, operated, controlled, or used by an entity that:

(A) is required to:

(i) conduct a vulnerability assessment; and

(ii) develop and implement a site security plan;

under the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued April 9, 2007; or

(B) is required to have a security plan under the Maritime Transportation Security Act of 2002, Public Law 107-295.

SECTION 23. IC 10-16-19-1, AS ADDED BY P.L.10-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This section does not apply to an employee of the state subject to IC 4-15-10-8.

(b) This section applies to an employee of a political subdivision who:

(1) is a member of the civil air patrol; and

(2) has notified the employee's employer in writing that the employee is a member of the civil air patrol.

(c) A political subdivision employer may not discipline an employee:

(1) for being absent from employment by reason of engaging in an emergency service operation that began before the time that the employee was to report to employment; or

(2) for leaving the employee's duty station to engage in an emergency service operation if the emergency service operation began after the employee had reported for work and the employee secured authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation.

(d) A political subdivision employer may require an employee who has been absent from employment as set forth in subsection (c)(1) or (c)(2) to present a written statement from the commander or other officer in charge of the civil air patrol at the time of the absence indicating that the employee was engaged in an emergency service operation at the time of the absence.

(e) An employee who is disciplined by the employee's employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

(1) Payment of back wages.

(2) Reinstatement to the employee's former position.

(3) Fringe benefits wrongly denied or withdrawn.

(4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action.

(f) A public servant (as defined in ~~IC 35-41-1-24)~~ **IC 35-31.5-2-261)** who permits or authorizes an employee of a political subdivision under the supervision of the public servant to be absent from employment as set forth in subsection (c) is not considered to have committed a violation of IC 35-44-2-4(b).

SECTION 24. IC 11-8-8-7, AS AMENDED BY P.L.119-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:

(A) The sex or violent offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex or violent offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex or violent offender who works or carries on a vocation or intends to work or carry on a vocation full time or part time for a period:

(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days;

during any calendar year in Indiana regardless of whether the sex or violent offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex or violent offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex or violent offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides. If a sex or violent offender resides in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county in which the sex or violent offender resides. If the sex or violent offender is also required to register under subsection (a)(2) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex or violent offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex or violent offender is or intends to be employed or carry on a vocation. If a sex or violent offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex or violent offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex or violent offender is enrolled or intends to be enrolled as a student. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(2), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex or violent offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex or violent offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex or violent offender committed to the department shall register with the department before the sex or violent offender is released from incarceration. The department shall forward the sex or violent offender's registration information to the local law enforcement authority of every county in which the sex or violent offender is required to register.

(g) This subsection does not apply to a sex or violent offender who is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7) days after the sex or violent offender:

(1) is released from a penal facility (as defined in ~~IC 35-41-1-21);~~ **IC 35-31.5-2-232);**

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sex or violent offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex or violent offender who is a sexually violent predator. A sex or violent offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex or violent offender:

(1) is released from a penal facility (as defined in ~~IC 35-41-1-21);~~ **IC 35-31.5-2-232);**

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex or violent offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(j) When a sex or violent offender registers, the local law enforcement authority shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender resides; and

(3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, electronic mail address, instant messaging username, electronic chat room username, social networking web site username, employment, vocation, or enrollment in Indiana, the local law enforcement authority shall provide the department with the information provided by the sex or violent offender during registration.

SECTION 25. IC 11-8-8-13, AS AMENDED BY P.L.216-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) To verify a sex or violent offender's current residence, the local law enforcement authority having jurisdiction over the area of the sex or violent offender's current principal address or location shall do the following:

(1) Mail a form that is approved or prescribed by the department to each sex or violent offender in the county at the sex or violent offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in ~~IC 35-41-1-21),~~ **IC 35-31.5-2-232),** a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(2) Mail a form that is approved or prescribed by the department to each sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in ~~IC 35-41-1-21),~~ **IC 35-31.5-2-232),** a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(3) Personally visit each sex or violent offender in the county at the sex or violent offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in ~~IC 35-41-1-21),~~ **IC 35-31.5-2-232),** a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(4) Personally visit each sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in ~~IC 35-41-1-21),~~ **IC 35-31.5-2-232),** a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(b) If a sex or violent offender fails to return a signed form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local

law enforcement authority shall immediately notify the department and the prosecuting attorney.

SECTION 26. IC 11-8-8-19, AS AMENDED BY P.L.119-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) Except as provided in subsections (b) through (e), a sex or violent offender is required to register under this chapter until the expiration of ten (10) years after the date the sex or violent offender:

(1) is released from a penal facility (as defined in ~~IC 35-41-1-21)~~ **IC 35-31.5-2-232)** or a secure juvenile detention facility of a state or another jurisdiction;

(2) is placed in a community transition program;

(3) is placed in a community corrections program;

(4) is placed on parole; or

(5) is placed on probation;

for the sex or violent offense requiring registration, whichever occurs last. The registration period is tolled during any period that the sex or violent offender is incarcerated. The registration period does not restart if the offender is convicted of a subsequent offense. However, if the subsequent offense is a sex or violent offense, a new registration period may be imposed in accordance with this chapter. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired.

(b) A sex or violent offender who is a sexually violent predator is required to register for life.

(c) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:

(1) when the person was at least eighteen (18) years of age; and

(2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:

(1) proximately caused serious bodily injury or death to the victim;

(2) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D felony; or

(3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex or violent offender who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life.

(f) A person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer.

SECTION 27. IC 11-13-3-4, AS AMENDED BY SEA 154-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole, the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

(1) retained by the parolee;

(2) forwarded to any person charged with the parolee's supervision; and

(3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

(1) consider:

(A) the residence of the parolee prior to the parolee's incarceration; and

(B) the parolee's place of employment; and

(2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

(1) periodically undergo a laboratory chemical test (as defined in IC 9-13-2-22) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and

(2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex offender (as defined in IC 11-8-8-4.5) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5) to register with a local law enforcement authority under IC 11-8-8;

(B) prohibit a parolee who is a sex offender from residing within one thousand (1,000) feet of school property (as defined in ~~IC 35-41-1-24.7)~~ **IC 35-31.5-2-285)** for the period of parole, unless the sex offender obtains written approval from the parole board;

(C) prohibit a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under IC 35-38-2-2.5;

(D) prohibit a parolee who is a sex offender from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age;

(E) require a parolee who is a sex offender to consent:

(i) to the search of the sex offender's personal computer at any time; and

(ii) to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and

(F) prohibit the sex offender from:

(i) accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and

(ii) deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by item (i).

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) or a sex offender who is an offender against children under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) As a condition of parole, the parole board may require a parolee to participate in a reentry court program.

(j) As a condition of parole, the parole board:

(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and

(2) may require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, subject to the amount appropriated to the department for a monitoring program as a condition of parole.

(k) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

(l) As a condition of parole, the parole board may prohibit a parolee convicted of an offense under IC 35-46-3 from owning, harboring, or training an animal, and, if the parole board prohibits a parolee convicted of an offense under IC 35-46-3 from having direct or indirect contact with an individual, the parole board may also prohibit the parolee from having direct or indirect contact with any animal belonging to the individual.

(m) A parolee may be responsible for the reasonable expenses, as determined by the department, of the parolee's participation in a treatment or other program required as a condition of parole under this section. However, a person's parole may not be revoked solely on the basis of the person's inability to pay for a program required as a condition of parole under this section.

SECTION 28. IC 11-13-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) An employee of the department assigned to supervise and assist parolees may:

(1) execute warrants issued by the parole board;

(2) serve orders, subpoenas, and notices issued by the parole board;

(3) conduct investigations necessary to the performance of ~~his~~ **the employee's** duties;

(4) visit and confer with any person under ~~his~~ **the employee's** supervision, even when that person is in custody;

(5) act as a probation officer if requested by the appropriate court and if that request is approved by the department;

(6) search a parolee's person or property if ~~he~~ **the employee** has reasonable cause to believe that the parolee is violating or is in imminent danger of violating a condition to remaining on parole;

(7) arrest a parolee without a warrant if ~~he~~ **the employee** has reasonable cause to believe that the parolee has violated or is about to violate a condition to remaining on parole and that an emergency situation exists, so that awaiting action by the parole board under section 8 of this chapter would create an undue risk to the public or to the parolee; and

(8) exercise any other power reasonably necessary in discharging ~~his~~ **the employee's** duties and powers.

(b) An employee of the department assigned to supervise and assist parolees is not considered a law enforcement officer under IC 5-2-1 or ~~IC 35-41-1.~~ **IC 35-31.5-2-185.**

SECTION 29. IC 11-13-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) An employee of the department assigned to supervise and assist parolees may:

(1) execute warrants issued by the department;

(2) serve orders, subpoenas, and notices issued by the department;

(3) conduct investigations necessary to the performance of ~~his~~ **the employee's** duties;

(4) visit and confer with any person under ~~his~~ **the employee's** supervision, even when that person is in custody;

(5) act as a probation officer if requested by the appropriate court and if that request is approved by the department;

(6) search a parolee's person or property if ~~he~~ **the employee** has reasonable cause to believe that the parolee is violating or is in imminent danger of violating a condition of parole;

(7) arrest a parolee without a warrant if ~~he~~ **the employee** has reasonable cause to believe that the parolee has violated or is about to violate a condition of ~~his~~ **the parolee's** parole and that an emergency situation exists, so that awaiting action under section 7 of this chapter would create an undue risk to the public or to the parolee; and

(8) exercise any other power reasonably necessary in discharging ~~his~~ **the employee's** duties and powers.

(b) An employee of the department assigned to supervise and assist parolees is not considered a law enforcement officer under IC 5-2-1 or ~~IC 35-41-1.~~ **IC 35-31.5-2-185.**

SECTION 30. IC 12-7-2-88 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 88. "Forcible felony", for purposes of IC 12-23, has the meaning set forth in ~~IC 35-41-1.~~ **IC 35-31.5-2-138.**

SECTION 31. IC 12-7-2-147 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 147. "Property", for purposes of IC 12-12-1, has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

SECTION 32. IC 12-23-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. Prosecution may be deferred under sections 2 through 5 of this chapter if a defendant has been charged with a misdemeanor or infraction in which the use of alcohol or drugs was a contributing factor or material element of the offense or the defendant's mental illness was a contributing factor, unless at least one (1) of the following exists:

(1) The offense involves death or serious bodily injury.

(2) The defendant has a record of at least two (2) prior convictions of forcible felonies (as defined in ~~IC 35-41-1).~~ **IC 35-31.5-2-138).**

(3) Other criminal proceedings, not arising out of the same incident, alleging commission of a felony are pending against the defendant.

(4) The defendant is on probation or parole and the appropriate parole or probation authority does not consent to the defendant's participation.

(5) The defendant fails to meet additional eligibility requirements imposed by the court.

SECTION 33. IC 12-24-12-10, AS AMENDED BY P.L.141-2006, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) Upon admission to a state institution administered by the division of mental health and addiction, the gatekeeper is one (1) of the following:

(1) For an individual with a psychiatric disorder, the community mental health center that submitted the report to the committing court under IC 12-26.

(2) For an individual with a developmental disability, a division of disability and rehabilitative services service coordinator under IC 12-11-2.1.

(3) For an individual entering an addictions program, an addictions treatment provider that is certified by the division of mental health and addiction.

(b) The division is the gatekeeper for the following:

(1) An individual who is found to have insufficient comprehension to stand trial under IC 35-36-3.

(2) An individual who is found to be not guilty by reason of insanity under IC 35-36-2-4 and is subject to a civil commitment under IC 12-26.

(3) An individual who is immediately subject to a civil commitment upon the individual's release from incarceration in a facility administered by the department of correction or the Federal Bureau of Prisons, or upon being charged with or convicted of a forcible felony ~~under IC 35-41-1.~~ **(as defined by IC 35-31.5-2-138).**

(4) An individual placed under the supervision of the division for addictions treatment under IC 12-23-7 and IC 12-23-8.

(5) An individual transferred from the department of correction under IC 11-10-4.

SECTION 34. IC 13-11-2-158, AS AMENDED BY P.L.189-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 158. (a) "Person", for purposes of:

(1) IC 13-21;

(2) air pollution control laws;

(3) water pollution control laws; and

(4) environmental management laws, except as provided in subsections (c), (d), **and** (e); ~~and (h);~~

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a municipal corporation, a city, a school city, a town, a school town, a school district, a school corporation, a county, any consolidated unit of government, political subdivision, state agency, a contractor, or any other legal entity.

(b) "Person", for purposes of:

(1) IC 13-18-10;

(2) IC 13-18-10.5;

(3) IC 13-20-10.5; and

(4) IC 13-20-17;

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a political subdivision, a state agency, or other legal entity, or their legal representative, agent, or assigns.

(c) "Person", for purposes of:

(1) IC 13-20-13;

(2) IC 13-20-14;

(3) IC 13-20-16; and

(4) IC 13-25-6;

means an individual, a corporation, a limited liability company, a partnership, or an unincorporated association.

(d) "Person", for purposes of IC 13-23, has the meaning set forth in subsection (a). The term includes a consortium, a joint venture, a commercial entity, and the United States government.

(e) "Person", for purposes of IC 13-20-17.5 and IC 13-25-3, means an individual, a corporation, a limited liability company, a partnership, a trust, an estate, or an unincorporated association.

(f) "Person", for purposes of IC 13-26, means an individual, a firm, a partnership, an association, a limited liability company, or a corporation other than an eligible entity.

(g) "Person", for purposes of IC 13-29-1, means any individual, corporation, business enterprise, or other legal entity either public or private and any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

~~(h) "Person", for purposes of IC 13-30-8-1, has the meaning set forth in IC 35-41-1.~~

SECTION 35. IC 14-9-8-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. A conservation officer:

(1) is a law enforcement officer under IC 9-13-2-92 and ~~IC 35-41-1-17~~ **IC 35-31.5-2-185** and has the power to enforce Indiana laws and without warrant to arrest for the violation of any of those laws when committed in the officer's presence;

(2) is a police officer under IC 9-13-2-127;

(3) has the power of law enforcement officers to arrest under IC 35-33-1-1; and

(4) has the power to enforce Indiana laws and may exercise all powers granted by law to state police officers, sheriffs, and members of police departments.

SECTION 36. IC 14-15-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Except as provided in subsection (b), a person who operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked commits a Class A infraction. However, if:

(1) a person knowingly or intentionally violates this subsection; and

(2) less than ten (10) years have elapsed between the date a judgment was entered against the person for a prior unrelated violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date the violation described in subdivision (1) was committed;

the person commits a Class A misdemeanor.

(b) If:

(1) a person operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked; and

(2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in ~~IC 35-41-1-19);~~ **IC 35-31.5-2-215);**

the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

(c) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person's privileges to operate a motorboat upon public waters be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction.

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time of the alleged offense, the defendant held a valid Indiana driver's license.

SECTION 37. IC 14-22-40-5, AS AMENDED BY P.L.26-2008, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "law enforcement officer" has the meaning set forth in ~~IC 35-41-1-17.~~ **IC 35-31.5-2-185.** The term includes a conservation officer.

SECTION 38. IC 15-13-1-16, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. "Property" has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

SECTION 39. IC 16-18-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) "Advanced life support", for purposes of IC 16-31, means care that is given:

(1) at the scene of:

(A) an accident;

(B) an act of terrorism (as defined in ~~IC 35-41-1-26.5),~~ **IC 35-31.5-2-329)** if the governor has declared a disaster emergency under IC 10-14-3-12 in response to the act of terrorism; or

(C) an illness;

(2) during transport; or

(3) at a hospital;

by a paramedic or an emergency medical technician-intermediate and that is more advanced than the care usually provided by an emergency medical technician or an emergency medical technician-basic advanced.

(b) The term may include any of the following:

(1) Defibrillation.

(2) Endotracheal intubation.

(3) Parenteral injections of appropriate medications.

(4) Electrocardiogram interpretation.

(5) Emergency management of trauma and illness.

SECTION 40. IC 16-31-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.

(b) An act or omission of a paramedic, an emergency medical technician-intermediate, an emergency medical technician-basic advanced, an emergency medical technician, or a person with equivalent certification from another state that is performed or made while providing advanced life support or basic life support to a patient or trauma victim does not impose liability upon the paramedic, the emergency medical technician-intermediate, the emergency medical technician-basic advanced, an emergency

medical technician, the person with equivalent certification from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

(1) in connection with a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in ~~IC 35-41-1-26.5);~~ **IC 35-31.5-2-329);** and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

SECTION 41. IC 16-41-8-1, AS AMENDED BY P.L.125-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, "potentially disease transmitting offense" means any of the following:

(1) Battery by body waste (IC 35-42-2-6).

(2) An offense relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3),~~ **IC 35-31.5-2-216),** if sexual intercourse or deviate sexual conduct occurred.

The term includes an attempt to commit an offense, if sexual intercourse or deviate sexual conduct occurred, and a delinquent act that would be a crime if committed by an adult.

(b) Except as provided in this chapter, a person may not disclose or be compelled to disclose medical or epidemiological information involving a communicable disease or other disease that is a danger to health (as defined under rules adopted under IC 16-41-2-1). This information may not be released or made public upon subpoena or otherwise, except under the following circumstances:

(1) Release may be made of medical or epidemiologic information for statistical purposes if done in a manner that does not identify an individual.

(2) Release may be made of medical or epidemiologic information with the written consent of all individuals identified in the information released.

(3) Release may be made of medical or epidemiologic information to the extent necessary to enforce public health laws, laws described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23, IC 35-38-1-7.1, and IC 35-42-1-7, or to protect the health or life of a named party.

(4) Release may be made of the medical information of a person in accordance with this chapter.

(c) Except as provided in this chapter, a person responsible for recording, reporting, or maintaining information required to be reported under IC 16-41-2 who recklessly, knowingly, or intentionally discloses or fails to protect medical or epidemiologic information classified as confidential under this section commits a Class A misdemeanor.

(d) In addition to subsection (c), a public employee who violates this section is subject to discharge or other disciplinary action under the personnel rules of the agency that employs the employee.

(e) Release shall be made of the medical records concerning an individual to:

(1) the individual;

(2) a person authorized in writing by the individual to receive the medical records; or

(3) a coroner under IC 36-2-14-21.

(f) An individual may voluntarily disclose information about the individual's communicable disease.

(g) The provisions of this section regarding confidentiality apply to information obtained under IC 16-41-1 through IC 16-41-16.

SECTION 42. IC 20-33-8-16, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "deadly weapon" has the meaning set forth in ~~IC 35-41-1-8.~~ **IC 35-31.5-2-86.** The term does not include a firearm or destructive device.

(c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.

(d) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a firearm or destructive device to school or on school property; or

(2) in possession of a firearm or destructive device on school property;

must be expelled for at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.

(e) The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

(f) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a deadly weapon to school or on school property; or

(2) in possession of a deadly weapon on school property;

may be expelled for not more than one (1) calendar year.

(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.

(h) A student with disabilities (as defined in IC 20-35-7-7) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

SECTION 43. IC 21-12-3-13, AS AMENDED BY P.L.229-2011, SECTION 223, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. The commission may not provide assistance under this chapter to a higher education award applicant or recipient who is:

(1) convicted of a felony;

(2) sentenced to a term of imprisonment for that felony; and

(3) confined for that felony at a penal facility (as defined in ~~IC 35-41-1-21).~~ **IC 35-31.5-2-232).**

SECTION 44. IC 22-11-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. An owner of a public building commits a Class D felony if:

(1) ~~he~~ **the owner** knowingly or intentionally violates section 2 of this chapter; and

(2) bodily injury (as defined by ~~IC 35-41-1)~~ **IC 35-31.5-2-29)** or a loss of life occurs to a person lawfully in the public building as a result of a fire in the building.

SECTION 45. IC 22-11-18-1, AS AMENDED BY P.L.17-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter:

"Bodily injury" has the meaning set forth in ~~IC 35-41-1-4.~~ **IC 35-31.5-2-29.**

"Dwelling" means a residence with at least one (1) dwelling unit as set forth in IC 22-12-1-4(a)(1)(B) and IC 22-12-1-5(a)(1).

"Hotels and motels" means buildings or structures kept, maintained, used, advertised, or held out to the public as inns or places where sleeping accommodations are furnished for hire for transient guests.

"Landlord" has the meaning set forth in IC 32-31-3-3.

"Owner" means a person having control or custody of any building covered by this chapter.

"Person" means an individual, corporation, partnership, association, or other legal entity.

"Rental premises" has the meaning set forth in IC 32-31-7-3.

"Rental unit" has the meaning set forth in IC 32-31-3-8.

"Smoke detector" means a device which senses visible or invisible particles of combustion and conforms to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.

"Seasonally occupied dwellings" means hotels and motels open to the public for occupancy by guests only during any period of time between April 15 and October 15 each year.

"Single level dwellings" means all single level (no more than one (1) level above ground) hotels and motels that have no interior corridors, and whose individual rooms have exterior exits.

"Tenant" has the meaning set forth in IC 32-31-3-10.

SECTION 46. IC 23-1-55-2, AS ADDED BY P.L.92-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A person (as defined in ~~IC 35-41-1-22)~~ **IC 35-31.5-2-234)** that intends to offer for sale or sell sexually explicit materials shall register with the secretary of state the intent to offer for sale or sell sexually explicit materials and provide a statement detailing the types of materials that the person intends to offer for sale or sell.

SECTION 47. IC 24-3-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "law enforcement officer" has the meaning set forth in ~~IC 35-41-1-17.~~ **IC 35-31.5-2-185.**

SECTION 48. IC 24-4-16.4-1, AS ADDED BY P.L.92-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "person" has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

SECTION 49. IC 24-8-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. "Property" has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

SECTION 50. IC 25-1-9-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. As used in this chapter, "sexual contact" means:

(1) sexual intercourse (as defined in ~~IC 35-41-1-26);~~ **IC 35-31.5-2-302);**

(2) deviate sexual conduct (as defined in ~~IC 35-41-1-9);~~ **IC 35-31.5-2-94);** or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

SECTION 51. IC 25-22.5-1-2, AS AMENDED BY P.L.177-2009, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.

(2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.

(3) A paramedic (as defined in IC 16-18-2-266), an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5), an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):

(A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in ~~IC 35-41-1-26.5);~~ **IC 35-31.5-2-329);** and

(B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

(4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.

(5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.

(6) A person administering a domestic or family remedy to a member of the person's family.
(7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.
(8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.
(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.
(11) A dentist practicing the dentist's profession under IC 25-14.
(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.
(13) A nurse practicing the nurse's profession under IC 25-23. However, a certified registered nurse anesthetist (as defined in IC 25-23-1-1.4) may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician.
(14) An optometrist practicing the optometrist's profession under IC 25-24.
(15) A pharmacist practicing the pharmacist's profession under IC 25-26.
(16) A physical therapist practicing the physical therapist's profession under IC 25-27.
(17) A podiatrist practicing the podiatrist's profession under IC 25-29.
(18) A psychologist practicing the psychologist's profession under IC 25-33.
(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.
(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.
(21) A hospital licensed under IC 16-21 or IC 12-25.
(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:
(A) a physician;
(B) a psychiatric hospital;
(C) a hospital;
(D) a health maintenance organization or limited service health maintenance organization;
(E) a health facility;
(F) a dentist;
(G) a registered or licensed practical nurse;
(H) a midwife;
(I) an optometrist;
(J) a podiatrist;
(K) a chiropractor;
(L) a physical therapist; or
(M) a psychologist.
(23) A physician assistant practicing the physician assistant profession under IC 25-27.5.
(24) A physician providing medical treatment under ~~IC 25-22.5-1-2.1.~~ **section 2.1 of this chapter.**
(25) An attendant who provides attendant care services (as defined in IC 16-18-2-28.5).
(26) A personal services attendant providing authorized attendant care services under IC 12-10-17.1.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:
(1) the person performs an act that an Indiana statute does not authorize the person to perform; and
(2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 52. IC 31-37-19-12, AS AMENDED BY P.L.125-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) an offense relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3)~~ **IC 35-31.5-2-216)** and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or

(2) an offense relating to controlled substances (as defined in ~~IC 35-41-1-19.4)~~ **IC 35-31.5-2-217)** if the offense involved:

(A) the delivery by a person to another person; or

(B) the use by a person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the child to undergo a screening test for the human immunodeficiency virus (HIV).

(c) If the screening test indicates the presence of antibodies to HIV, the court shall order the child to undergo a confirmatory test.

(d) If the confirmatory test confirms the presence of the HIV antibodies, the court shall report the results to the state department of health.

(e) The state department of health shall do the following:

(1) Notify potentially affected victims of the offense relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3)~~ **IC 35-31.5-2-216)** or offense relating to controlled substances (as defined in ~~IC 35-41-1-19.4)~~ **IC 35-31.5-2-217)** of the HIV screening results.

(2) Provide counseling regarding HIV and a referral for appropriate health care to the victims.

SECTION 53. IC 31-37-19-17.4, AS AMENDED BY P.L.146-2008, SECTION 653, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17.4. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be an offense relating to a criminal sexual act (as defined in ~~IC 35-41-1-19.3).~~ **IC 35-31.5-2-216).**

(b) The juvenile court may, in addition to any other order or decree the court makes under this chapter, order:

(1) the child; and

(2) the child's parent or guardian;

to receive psychological counseling as directed by the court, subject to the applicable provisions of IC 31-37-17-1.4 and IC 31-37-18-9.

SECTION 54. IC 32-30-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "indecent nuisance" means a:

(1) place in or upon which prostitution (as described in IC 35-45-4);

(2) public place in or upon which deviate sexual conduct (as defined in ~~IC 35-41-1-9)~~ **IC 35-31.5-2-94)** or sexual intercourse (as defined in ~~IC 35-41-1-26);~~ **IC 35-31.5-2-302);** or

(3) public place in or upon which the fondling of the genitals of a person;

is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining the place for such a purpose.

SECTION 55. IC 32-30-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, "person" has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

SECTION 56. IC 32-31-9-3, AS ADDED BY P.L.22-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. As used in this chapter, "applicable offense" refers to any of the following:

(1) A crime involving domestic or family violence (as defined in ~~IC 35-41-1-6.5).~~ **IC 35-31.5-2-76).**

(2) A sex offense under IC 35-42-4.

(3) Stalking under IC 35-45-10.

SECTION 57. IC 32-34-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. A brand adopted in accordance with this chapter is the exclusive trademark of the person adopting the brand, and the brand constitutes property under ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

SECTION 58. IC 33-39-1-6, AS AMENDED BY P.L.119-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Special prosecutors may be appointed under this section or in accordance with IC 4-2-7-7.

(b) A circuit or superior court judge:

(1) shall appoint a special prosecutor if:

(A) any person other than the prosecuting attorney or the prosecuting attorney's deputy files a verified petition requesting the appointment of a special prosecutor; and

(B) the prosecuting attorney agrees that a special prosecutor is needed;

(2) may appoint a special prosecutor if:

(A) a person files a verified petition requesting the appointment of a special prosecutor; and

(B) the court, after:

(i) notice is given to the prosecuting attorney; and

(ii) an evidentiary hearing is conducted at which the prosecuting attorney is given an opportunity to be heard;

finds by clear and convincing evidence that the appointment is necessary to avoid an actual conflict of interest or there is probable cause to believe that the prosecutor has committed a crime;

(3) may appoint a special prosecutor if:

(A) the prosecuting attorney files a petition requesting the court to appoint a special prosecutor; and

(B) the court finds that the appointment is necessary to avoid the appearance of impropriety;

(4) may appoint a special prosecutor if:

(A) an elected public official, who is a defendant in a criminal proceeding, files a verified petition requesting a special prosecutor within ten (10) days after the date of the initial hearing; and

(B) the court finds that the appointment of a special prosecutor is in the best interests of justice; and

(5) shall appoint a special prosecutor if:

(A) a previously appointed special prosecutor:

(i) files a motion to withdraw as special prosecutor; or

(ii) has become incapable of continuing to represent the interests of the state; and

(B) the court finds that the facts that established the basis for the initial appointment of a special prosecutor still exist.

The elected prosecuting attorney of the appointing jurisdiction shall receive notice of all pleadings filed and orders issued under this subdivision.

(c) Each person appointed to serve as a special prosecutor:

(1) must consent to the appointment; and

(2) must be:

(A) the prosecuting attorney or a deputy prosecuting attorney in a county other than the county in which the person is to serve as special prosecutor; or

(B) except as provided in subsection (d), a senior prosecuting attorney.

(d) A senior prosecuting attorney may be appointed in the county in which the senior prosecuting attorney previously served if the court finds that an appointment under this subsection would not create the appearance of impropriety.

(e) A person appointed to serve as a special prosecutor has the same powers as the prosecuting attorney of the county. However, the appointing judge shall limit scope of the special prosecutor's duties to include only the investigation or prosecution of a particular case or particular grand jury investigation.

(f) The court shall establish the length of the special prosecutor's term. If the target of an investigation by the special prosecutor is a public servant (as defined in ~~IC 35-41-1-24),~~ **IC 35-31.5-2-261),** the court shall order the special prosecutor to file a report of the investigation with the court at the conclusion of the investigation. The report is a public record.

(g) If the special prosecutor is not regularly employed as a full-time prosecuting attorney or full-time deputy prosecuting attorney, the compensation for the special prosecutor's services:

(1) shall be paid to the special prosecutor from the unappropriated funds of the appointing county; and

(2) may not exceed:

(A) an hourly rate based upon the regular salary of a full-time prosecuting attorney of the appointing circuit;

(B) travel expenses and reasonable accommodation expenses actually incurred; and

(C) other reasonable expenses actually incurred, including the costs of investigation, discovery, and secretarial work, if:

(i) before incurring the other reasonable expenses described in this clause, the special prosecutor submits an application to the court to receive the other reasonable expenses; and

(ii) the court approves the expenses.

The amount of compensation a special prosecutor receives for services performed during a calendar day under subdivision (2)(A) may not exceed the amount of compensation a full-time prosecuting attorney would receive in salary for the calendar day.

(h) If the special prosecutor is regularly employed as a full-time prosecuting attorney or deputy prosecuting attorney, the compensation for the special prosecutor's services:

(1) shall be paid out of the appointing county's unappropriated funds to the treasurer of the county in which the special prosecutor regularly serves; and

(2) must include a per diem equal to the regular salary of a full-time prosecuting attorney of the appointing circuit, travel expenses, and reasonable accommodation expenses actually incurred.

(i) The combination of:

(1) the compensation paid to a senior prosecuting attorney under this chapter; and

(2) retirement benefits that the person appointed as a senior prosecuting attorney is receiving or entitled to receive;

may not exceed the minimum compensation to which a full-time prosecuting attorney is entitled under IC 33-39-6-5.

(j) A senior prosecuting attorney appointed under this chapter may not be compensated as senior prosecuting attorney for more than one hundred (100) calendar days in total during a calendar year if the senior prosecuting attorney receives retirement benefits during the calendar year. However, if the senior prosecuting attorney does not receive retirement benefits during a calendar year, the senior prosecuting attorney may be compensated as a senior prosecuting attorney for not more than two hundred (200) calendar days in total during the calendar year.

SECTION 59. IC 34-6-2-73.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 73.3. "Law enforcement officer", for purposes of IC 34-26-5, has the meaning set forth in ~~IC 35-41-1-17.~~ **IC 35-31.5-2-185.**

SECTION 60. IC 34-6-2-103, AS AMENDED BY P.L.6-2012, SECTION 220, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 103. (a) "Person", for purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

(b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4, means:

(1) an individual;

(2) a governmental entity;

(3) a corporation;

(4) a firm;

(5) a trust;

(6) a partnership; or

(7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

(c) "Person", for purposes of section 44.8 of this chapter, means an adult or a minor.

(d) "Person", for purposes of IC 34-26-4, has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

(e) "Person", for purposes of IC 34-30-5, means any of the following:

(1) An individual.
(2) A corporation.
(3) A partnership.
(4) An unincorporated association.
(5) The state (as defined in IC 34-6-2-140).
(6) A political subdivision (as defined in IC 34-6-2-110).
(7) Any other entity recognized by law.

(f) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:

(1) has qualifications or experience in:
(A) storing, transporting, or handling a hazardous substance or compressed gas;
(B) fighting fires;
(C) emergency rescue; or
(D) first aid care; or
(2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.

(g) "Person", for purposes of IC 34-30-18, includes:

(1) an individual;
(2) an incorporated or unincorporated organization or association;
(3) the state of Indiana;
(4) a political subdivision (as defined in IC 36-1-2-13);
(5) an agency of the state or a political subdivision; or
(6) a group of such persons acting in concert.

(h) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

(i) "Person", for purposes of IC 34-30-10.5, means the following:

(1) A political subdivision (as defined in IC 36-1-2-13).
(2) A volunteer fire department (as defined in IC 36-8-12-2).
(3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.
(4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.
(5) A corporation, a limited liability company, a partnership, an unincorporated association, or any other entity recognized by law.

(j) "Person", for purposes of IC 34-28-7, means:

(1) an individual;
(2) a governmental entity;
(3) a corporation;
(4) a firm;
(5) a trust;
(6) a partnership; or
(7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

(k) "Person", for purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-8.

SECTION 61. IC 34-6-2-120 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 120. (a) "Property", for purposes of IC 34-24-2, has the meaning set forth in ~~IC 35-41-1-23.~~ **IC 35-31.5-2-253.**

(b) "Property", for purposes of IC 34-30-9, includes the following:

(1) Real property.
(2) Private ways.
(3) Waters.
(4) A structure located on property listed in subdivisions (1) through (3).

SECTION 62. IC 34-6-2-148 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 148. "Vehicle", for purposes of IC 34-24-3, has the meaning set forth in ~~IC 35-41-1-28.~~ **IC 35-31.5-2-346.**

SECTION 63. IC 34-12-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, "person" has the meaning set forth in ~~IC 35-41-1-22.~~ **IC 35-31.5-2-234.**

SECTION 64. IC 34-24-1-1, AS AMENDED BY P.L.182-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by ~~IC 35-41-1),~~ **IC 35-31.5-2-346),** if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:
(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:
(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(ii) Dealing in methamphetamine (IC 35-48-4-1.1).
(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(vi) Dealing in a counterfeit substance (IC 35-48-4-5).
(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
(viii) Possession of methamphetamine (IC 35-48-4-6.1).
(ix) Dealing in paraphernalia (IC 35-48-4-8.5).
(x) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).
(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars ($100) or more.
(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in ~~IC 35-41-1-4.3)~~ **IC 35-31.5-2-31)** or weapon of mass destruction (as defined in ~~IC 35-41-1-29.4)~~ **IC 35-31.5-2-354)** used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by ~~IC 35-41-1-26.5).~~ **IC 35-31.5-2-329).**

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:

(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(E) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by ~~IC 35-41-1-23)~~ **IC 35-31.5-2-253)** or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a motor vehicle used by a person who operates the motor vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driver's license is suspended in violation of IC 9-24-19-2 through IC 9-24-19-4, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a motor vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a motor vehicle to be registered in the name of the person whose motor vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(2) IC 35-48-4-1.1 (dealing in methamphetamine).

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.

(6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Class A felony, Class B felony, or Class C felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid) as a Class C felony.

(e) A motor vehicle operated by a person who is not:

(1) an owner of the motor vehicle; or

(2) the spouse of the person who owns the motor vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 65. IC 34-28-5-1, AS AMENDED BY P.L.101-2009, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this section, "probationary license" refers to a license described in IC 9-24-11-3(b) or IC 9-24-11-3.3(b).

(b) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(c) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(d) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(e) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(f) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

(g) Subsection (h) does not apply to an individual holding a probationary license who is alleged to have committed an infraction under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:

IC 9-19
IC 9-21
IC 9-24
IC 9-25
IC 9-26
IC 9-30-5
IC 9-30-10
IC 9-30-15.

(h) This subsection does not apply to an offense or violation under IC 9-24-6 involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay a fee of seventy dollars ($70) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110);

(5) the agreement is filed in the court in which the action is brought; and

(6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

(i) If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in ~~IC 35-41-1-4.6)~~ **IC 35-31.5-2-50)** instead of paying a monetary judgment for the ordinance violation as described in section 4(e) of this chapter if:

(1) the:

(A) defendant; and

(B) attorney for the municipal corporation;

agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;

(2) the terms of the agreement described in subdivision (1):

(A) include the amount of the judgment the municipal corporation requests that the defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and

(B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

(3) the agreement is filed in the court where the judgment was entered; and

(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection.

SECTION 66. IC 34-28-7-2, AS ADDED BY P.L.90-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Notwithstanding any other law and except as provided in subsection (b), a person may not adopt or enforce an ordinance, a resolution, a policy, or a rule that:

(1) prohibits; or

(2) has the effect of prohibiting;

an employee of the person, including a contract employee, from possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of plain sight in the employee's locked vehicle.

(b) Subsection (a) does not prohibit the adoption or enforcement of an ordinance, a resolution, a policy, or a rule that prohibits or has the effect of prohibiting an employee of the person, including a contract employee, from possessing a firearm or ammunition:

(1) in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;

(2) on the property of:

(A) a child caring institution;

(B) an emergency shelter care child caring institution;

(C) a private secure facility;

(D) a group home;

(E) an emergency shelter care group home; or

(F) a child care center;

in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470 IAC 3-4.7-19;

(3) on the property of a penal facility (as defined in ~~IC 35-41-1-21);~~ **IC 35-31.5-2-232);**

(4) in violation of federal law;

(5) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));

(6) on the property of a domestic violence shelter;

(7) at a person's residence;

(8) on the property of a person that is:

(A) subject to the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued April 9, 2007; and

(B) licensed by the United States Nuclear Regulatory Commission under Title 10 of the Code of Federal Regulations;

(9) on property owned by:

(A) a public utility (as defined in IC 8-1-2-1) that generates and transmits electric power; or

(B) a department of public utilities created under IC 8-1-11.1; or

(10) in the employee's personal vehicle if the employee, including a contract employee, is a direct support professional who:

(A) works directly with individuals with developmental disabilities to assist the individuals to become integrated into the individuals' community or least restrictive environment; and

(B) uses the employee's personal vehicle while transporting an individual with developmental disabilities.

SECTION 67. IC 35-31.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

ARTICLE 31.5. DEFINITIONS

Chapter 1. General Definitions

Sec. 1. Except as otherwise provided, the definitions in this article apply throughout this title and to all other statutes relating to penal offenses.

Chapter 2. Definitions

Sec. 1. "Abandon", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(1).

Sec. 2. "Access", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

Sec. 3. "Accused", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-2.

Sec. 4. "Administer", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-3.

Sec. 5. "Adoption services", for purposes of IC 35-46-1-22, has the meaning set forth in IC 35-46-1-22(a).

Sec. 6. "Adoptive grandparent", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(b).

Sec. 7. "Adoptive parent", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(a).

Sec. 8. "Adult", for purposes of IC 35-47-10, has the meaning set forth in IC 35-47-10-2.

Sec. 9. "Adult employee" means an employee who is at least eighteen (18) years of age.

Sec. 10. (a) "Advisory sentence", for purposes of IC 35-35-3, means the nonbinding guideline sentence defined in IC 35-50-2-1.3.

(b) "Advisory sentence", for purposes of IC 35-50-2-3 through IC 35-50-2-7, has the meaning set forth in IC 35-50-2-1.3.

Sec. 11. (a) "Agency" means any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of:

(1) the state, a county, a township, a city, a town, a separate municipal corporation, a special taxing district, or a public corporation; or

(2) a state assisted college or state assisted university.

(b) The term does not include any part of the legislative department or the judicial department of state government.

Sec. 12. (a) Except as provided in subsection (b), "agent" means an operator, a manager, an adult employee, or a security agent employed by a store.

(b) "Agent", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-5.

Sec. 13. "Agent contract", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-1.

Sec. 14. "Alcohol abuser", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-2.

Sec. 15. "Alien", for purposes of IC 35-44-5, has the meaning set forth in IC 35-44-5-2.

Sec. 16. "Ammunition", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-2.5.

Sec. 16.5. "Analog", for purposes of section 321 of this chapter, means a new or novel chemical entity, independent of synthetic route or natural origin, having substantially the same:

(1) carbon backbone structure; and

(2) pharmacological mechanism of action;

as a compound specifically defined as a synthetic drug in section 321 of this chapter.

Sec. 17. "Animal", for purposes of IC 35-46-3-15, has the meaning set forth in IC 35-46-3-15(b).

Sec. 18. "Animal fighting contest", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-4.

Sec. 19. "Animal fighting paraphernalia", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-4.3.

Sec. 20. "Apartment complex" means real property consisting of at least five (5) units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least thirty (30) days.

Sec. 21. "Armor-piercing handgun ammunition", for purposes of IC 35-47-5-11, has the meaning set forth in IC 35-47-5-11(a).

Sec. 22. "Attorney", for purposes of IC 35-45-14 has the meaning set forth in IC 35-45-14-1.

Sec. 23. "Audiovisual recording device", for purposes of IC 35-46-8, has the meaning set forth in IC 35-46-8-2.

Sec. 24. "Authorized operator", for purposes of IC 35-43-4-2.7, has the meaning set forth in IC 35-43-4-2.7(b).

Sec. 25. "Bail bond," for purposes of IC 35-33-8, has the meaning set forth in IC 35-33-8-1.

Sec. 26. "Beat", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(2).

Sec. 27. "Benefit identification card", for purposes of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a).

Sec. 28. "Body armor", for purposes of IC 35-47-5-13, has the meaning set forth in IC 35-47-5-13(a).

Sec. 29. "Bodily injury" means any impairment of physical condition, including physical pain.

Sec. 30. "Body piercing", for purposes of IC 35-42-2-7, has the meaning set forth in IC 35-42-2-7(b).

Sec. 31. (a) "Bomb" means an explosive or incendiary device designed to release:

(1) destructive materials or force; or

(2) dangerous gases;

that is detonated by impact, proximity to an object, a timing mechanism, a chemical reaction, ignition, or other predetermined means.

(b) The term does not include the following:

(1) A firearm (as defined in section 133 (a) of this chapter or the ammunition or components for handloading ammunition for a firearm.

(2) Fireworks regulated under IC 22-11-14.

(3) Boating, railroad, and other safety flares.

(4) Propellants used in model rockets or similar hobby activities.

(5) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.

Sec. 32. "Booby trap", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-2.

Sec. 33. "Camera", for purposes of IC 35-45-4-5, has the meaning set forth in IC 35-45-4-5(a)(1).

Sec. 34. "Card skimming device", for purposes of IC 35-43-5-4.3, has the meaning set forth in IC 35-43-5-4.3(a).

Sec. 35. "Cave", for purposes of IC 35-43-1-3, has the meaning set forth in IC 35-43-1-3(a).

Sec. 36. "Certified copy of a certificate of title", for purposes of IC 35-37-4-9, has the meaning set forth in IC 35-37-4-9(a).

Sec. 37. "Charter school", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(c).

Sec. 37.5. "Chemical test", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-1.

Sec. 38. "Child", for purposes of IC 35-47-10, has the meaning set forth in IC 35-47-10-3.

Sec. 39. "Child care provider", for purposes of IC 35-42-1-4, has the meaning set forth in IC 35-42-1-4(a).

Sec. 40. "Child care worker", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(d).

Sec. 41. "Chinese throwing star", for purposes of IC 35-47-5-12, has the meaning set forth in IC 35-47-5-12(b).

Sec. 42. "Claim statement", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(b).

Sec. 43. "Class D felony conviction", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(a).

Sec. 44. "Cloning", for purposes of IC 35-46-5-2, has the meaning set forth in IC 35-46-5-2(b).

Sec. 45. "Code grabbing device", for purposes of IC 35-45-12, has the meaning set forth in IC 35-45-12-1.

Sec. 46. "Coin machine", for purposes of IC 35-43-5 and IC 35-46-1-11.5, has the meaning set forth in IC 35-43-5-1(c).

Sec. 47. "Combative fighting", for purposes of IC 35-45-18, has the meaning set forth in IC 35-45-18-1(a).

Sec. 48. "Community corrections program", for purposes of IC 35-38-2.6, has the meaning set forth in IC 35-38-2.6-2.

Sec. 49. "Community policing volunteer" means a person who is:

(1) not a law enforcement officer; and

(2) actively participating in a plan, system, or strategy:

(A) established by and conducted under the authority of a law enforcement agency; and

(B) in which citizens:

(i) participate with and are guided by the law enforcement agency; and

(ii) work with members of the law enforcement agency to reduce or prevent crime within a defined geographic area.

Sec. 50. "Community restitution or service" means performance of services directly for a:

(1) victim;

(2) nonprofit entity; or

(3) governmental entity;

without compensation, including graffiti abatement, park maintenance, and other community service activities. The term does not include the reimbursement under IC 35-50-5-3 or another law of damages or expenses incurred by a victim or another person as the result of a violation of law.

Sec. 51. "Community transition program" has the meaning set forth in IC 11-8-1-5.5.

Sec. 52. "Component", for purposes of IC 35-42-1-7, has the meaning set forth in IC 35-42-1-7(a).

Sec. 53. (a) "Computer network", for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).

(b) "Computer network", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

Sec. 54. "Computer program", for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).

Sec. 55. (a) "Computer system", for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).

(b) "Computer system", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

Sec. 56. "Confidential communication", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-1(a).

Sec. 57. "Confine", for purposes of IC 35-42-3, has the meaning set forth in IC 35-42-3-1.

Sec. 58. "Constant supervision", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-2.3.

Sec. 59. "Consumer", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-2.

Sec. 60. (a) "Consumer product", for purposes of IC 35-44-2-2, has the meaning set forth in IC 35-44-2-2(a).

(b) "Consumer product", for purposes of IC 35-45-8, has the meaning set forth in IC 35-45-8-1.

Sec. 61. "Constant video monitoring", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(1).

Sec. 62. "Contraband", for purposes of IC 35-44-3-9.3, has the meaning set forth in IC 35-44-3-9.3(a).

Sec. 63. "Contract agency", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-2.5.

Sec. 64. "Controlled substance", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-9.

Sec. 65. "Controlled substance analog", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-9.3.

Sec. 66. "Convenience package", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(2).

Sec. 67. "Correctional professional", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b)(2).

Sec. 68. "Counterfeit substance", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-10.

Sec. 69. "Credit card", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(d).

Sec. 70. "Credit card holder", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(e).

Sec. 71. "Credit institution" means a bank, insurance company, credit union, savings association, investment trust, industrial loan and investment company, or other organization held out to the public as a place of deposit of funds or a medium of savings or collective investment.

Sec. 72. "Credit restricted felon" means a person who has been convicted of at least one (1) of the following offenses:

(1) Child molesting involving sexual intercourse or deviate sexual conduct (IC 35-42-4-3(a)), if:

(A) the offense is committed by a person at least twenty-one (21) years of age; and

(B) the victim is less than twelve (12) years of age.

(2) Child molesting (IC 35-42-4-3) resulting in serious bodily injury or death.

(3) Murder (IC 35-42-1-1), if:

(A) the person killed the victim while committing or attempting to commit child molesting (IC 35-42-4-3);

(B) the victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or

(C) the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the victim from testifying.

Sec. 73. "Criminal activity", for purposes of IC 35-45-15, has the meaning set forth in IC 35-45-15-1.

Sec. 74. (a) "Criminal gang", for purposes of IC 35-45-9, has the meaning set forth in IC 35-45-9-1.

(b) "Criminal gang", for purposes of IC 35-50-2-15, has the meaning set forth in IC 35-50-2-1.4.

Sec. 75. (a) Except as provided in subsection (b), "crime" means a felony or a misdemeanor.

(b) "Crime", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-3.

Sec. 76. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

(1) A homicide offense under IC 35-42-1.

(2) A battery offense under IC 35-42-2.

(3) Kidnapping or confinement under IC 35-42-3.

(4) Human and sexual trafficking crimes under IC 35-42-3.5.

(5) A sex offense under IC 35-42-4.

(6) Robbery under IC 35-42-5.

(7) Arson or mischief under IC 35-43-1.

(8) Burglary or trespass under IC 35-43-2.

(9) Disorderly conduct under IC 35-45-1.

(10) Intimidation or harassment under IC 35-45-2.

(11) Voyeurism under IC 35-45-4.

(12) Stalking under IC 35-45-10.

(13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.

(14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

Sec. 77. "Crime of deception", for purposes of IC 35-38-1, has the meaning set forth in IC 35-38-1-2.5(a).

Sec. 78. "Crime of domestic violence", for purposes of IC 5-2-6.1 and IC 35-47-4-7, means an offense or the attempt to commit an offense that:

(1) has as an element the:

(A) use of physical force; or

(B) threatened use of a deadly weapon; and

(2) is committed against a:

(A) current or former spouse, parent, or guardian of the defendant;

(B) person with whom the defendant shared a child in common;

(C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or

(D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant.

Sec. 79. "Crime of violence", for purposes of IC 35-50-1-2, has the meaning set forth in IC 35-50-1-2(a).

Sec. 80. "Custodian", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(e).

Sec. 81. "Customer", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(f).

Sec. 82. "Dangerous device", for purposes of IC 35-47-6-1.1, has the meaning set forth in IC 35-47-6-1.1(a).

Sec. 83. "Dangerous gas", for purposes of section 31 of this chapter, means a toxic chemical or its precursors that through chemical action or properties on life processes cause death or permanent injury to human beings. The term does not include the following:

(1) Riot control agents, smoke, and obscuration materials or medical products that are manufactured, possessed, transported, or used in accordance with the laws of the United States and of this state.

(2) Tear gas devices designed to be carried on or about the person that contain not more than one-half (1/2) ounce of the chemical.

Sec. 84. "Data", for purposes of IC 35-43-1-4, has the meaning set forth in IC 35-43-1-4(a).

Sec. 85. "Deadly force" means force that creates a substantial risk of serious bodily injury.

Sec. 86. (a) Except as provided in subsection (b), "deadly weapon" means the following:

(1) A loaded or unloaded firearm.

(2) A destructive device, weapon, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it:

(A) is used;

(B) could ordinarily be used; or

(C) is intended to be used;

is readily capable of causing serious bodily injury.

(3) An animal (as defined in IC 35-46-3-3) that is:

(A) readily capable of causing serious bodily injury; and

(B) used in the commission or attempted commission of a crime.

(4) A biological disease, virus, or organism that is capable of causing serious bodily injury.

(b) The term does not include:

(1) a taser (as defined in IC 35-47-8-3);

(2) an electronic stun weapon (as defined in IC 35-47-8-1);

(3) a chemical designed to temporarily incapacitate a person; or

(4) another device designed to temporarily incapacitate a person;

if the device described in subdivisions (1) through (4) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's training and while lawfully engaged in the execution of official duties.

Sec. 87. (a) "Dealer", for purposes of IC 35-43-4-2.3, has the meaning set forth in IC 35-43-4-2.3(a).

(b) "Dealer", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-3.

Sec. 88. "Delinquent act", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-4.

Sec. 89. "Delivery", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-11.

Sec. 90. (a) "Dependent", for purposes of IC 35-44-1-3, has the meaning set forth in IC 35-44-1-3(a)(1).

(b) "Dependent", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

Sec. 91. "Designated offense", for purposes of IC 35-33.5, means the following:

(1) A Class A, Class B, or Class C felony that is a controlled substance offense (IC 35-48-4).

(2) Murder (IC 35-42-1-1).

(3) Kidnapping (IC 35-42-3-2).

(4) Criminal confinement (IC 35-42-3-3).

(5) Robbery (IC 35-42-5-1).

(6) Arson (IC 35-43-1-1).

(7) Child solicitation (IC 35-42-4-6).

(8) Human and sexual trafficking crimes under IC 35-42-3.5.

(9) Escape as a Class B felony or Class C felony (IC 35-44-3-5).

(10) An offense that relates to a weapon of mass destruction (as defined in section 354 of this chapter).

(11) An attempt or conspiracy to commit an offense described in subdivisions (1) through (10).

(12) An offense under the law of the United States or in another state or country that is substantially similar to an offense described in subdivisions (1) through (11).

Sec. 92. "Destructive device" has the meaning set forth in IC 35-47.5-2-4.

Sec. 93. "Detonator", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-5.

Sec. 94. "Deviate sexual conduct" means an act involving:

(1) a sex organ of one (1) person and the mouth or anus of another person; or

(2) the penetration of the sex organ or anus of a person by an object.

Sec. 95. "Dispatched firefighter", for purposes of IC 35-44-4, has the meaning set forth in IC 35-44-4-1.

Sec. 96. (a) Except as provided in subsection (b), "dispense", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-12.

(b) "Dispense", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-2.9(a).

Sec. 97. "Dispenser", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-13.

Sec. 98. "Disseminate", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

Sec. 99. "Dissolvable tobacco product", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.3.

Sec. 100. (a) "Distribute", for purposes of IC 35-46-1-10, has the meaning set forth in IC 35-46-1-10(e).

(b) "Distribute", for purposes of IC 35-46-1-10.2, has the meaning set forth in IC 35-46-1-10.2(e).

(c) "Distribute", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-6.

(d) "Distribute", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-14.

(e) "Distribute", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-2.

Sec. 101. "Distributor", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-15.

Sec. 102. "Documentary material", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(b).

Sec. 103. "Domestic animal", for purposes of IC 35-46-3-12(d) has the meaning set forth in IC 35-46-3-12(d).

Sec. 104. (a) "Drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.

(b) "Drug", for purposes of IC 35-50-2-10, has the meaning set forth in IC 35-50-2-10(a)(1).

Sec. 105. "Drug abuser", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-4.

Sec. 106. "Drug or alcohol screening test", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(g).

Sec. 107. "Dwelling" means a building, structure, or other enclosed space, permanent or temporary, movable or fixed, that is a person's home or place of lodging.

Sec. 108. "Earliest possible release date", for purposes of IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

Sec. 109. "Effects of battery" refers to a psychological condition of an individual who has suffered repeated physical or sexual abuse inflicted by another individual who is the:

(1) victim of an alleged crime for which the abused individual is charged in a pending prosecution; and

(2) abused individual's:

(A) spouse or former spouse;

(B) parent;

(C) guardian or former guardian;

(D) custodian or former custodian; or

(E) cohabitant or former cohabitant.

Sec. 110. "Electronic communication", for purposes of IC 35-33.5, means any transfer of signs, signals, writing, images, sounds, data, oral communication, digital information, or intelligence of any nature transmitted in whole or in part by a wire, a radio, or an electromagnetic, a photoelectronic, or a photo-optical system.

Sec. 111. "Electronic gaming device", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(b).

Sec. 112. "Electronic stun weapon", for purposes of IC 35-47-8, has the meaning set forth in IC 35-47-8-1.

Sec. 113. "Emergency call", for purposes of IC 35-45-2-3, has the meaning set forth in IC 35-45-2-3(c).

Sec. 114. "Emergency incident area", for purposes of IC 35-44-4, has the meaning set forth in IC 35-44-4-2.

Sec. 115. "Emergency medical person", for purposes of IC 35-44-3-8.5, has the meaning set forth in IC 35-44-3-8.5(b).

Sec. 116. "Endangered adult", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

Sec. 117. "Endorsement contract", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-1.5.

Sec. 118. "Enterprise", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(c).

Sec. 119. "Entrusted", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(h).

Sec. 120. "Ephedrine", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(3).

Sec. 121. "Episode of criminal conduct", for purposes of IC 35-50-1-2, has the meaning set forth in IC 35-50-1-2(b).

Sec. 122. "Evidence of a previous battery", for purposes of IC 35-37-4-14, has the meaning set forth in IC 35-37-4-14(b).

Sec. 123. "Exception report", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-4.

Sec. 124. "Exert control over property", for purposes of IC 35-43-4, has the meaning set forth in IC 35-43-4-1(a).

Sec. 125. "Explosives", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-7.

Sec. 126. "Extension", for purposes of IC 35-33.5, means an extension of the duration for which a warrant remains effective under IC 35-33.5.

Sec. 127. "Family housing complex" means a building or series of buildings:

(1) that contains at least twelve (12) dwelling units:

(A) where children are domiciled or are likely to be domiciled; and

(B) that are owned by a governmental unit or political subdivision;

(2) that is operated as a hotel or motel (as described in IC 22-11-18-1);

(3) that is operated as an apartment complex; or

(4) that contains subsidized housing.

Sec. 128. (a) An individual is a "family or household member" of another person if the individual:

(1) is a current or former spouse of the other person;

(2) is dating or has dated the other person;

(3) is or was engaged in a sexual relationship with the other person;

(4) is related by blood or adoption to the other person;

(5) is or was related by marriage to the other person;

(6) has or previously had an established legal relationship:

(A) as a guardian of the other person;

(B) as a ward of the other person;

(C) as a custodian of the other person;

(D) as a foster parent of the other person; or

(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or

(7) has a child in common with the other person.

(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.

Sec. 129. "Federal enforcement officer" means any of the following:

(1) A Federal Bureau of Investigation special agent.

(2) A United States Marshals Service marshal or deputy.

(3) A United States Secret Service special agent.

(4) A United States Fish and Wildlife Service special agent.

(5) A United States Drug Enforcement Agency agent.

(6) A Bureau of Alcohol, Tobacco, Firearms and Explosives agent.

(7) A United States Forest Service law enforcement officer.

(8) A United States Department of Defense police officer or criminal investigator.

(9) A United States Customs Service agent.

(10) A United States Postal Service investigator.

(11) A National Park Service law enforcement commissioned ranger.

(12) United States Department of Agriculture, Office of Inspector General special agent.

(13) A United States Citizenship and Immigration Services special agent.

(14) An individual who is:

(A) an employee of a federal agency; and

(B) authorized to make arrests and carry a firearm in the performance of the individual's official duties.

Sec. 130. "Felony conviction", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(b).

Sec. 131. "Fetal tissue", for purposes of IC 35-46-5-1, has the meaning set forth in IC 35-46-5-1(a).

Sec. 132. "Fetus", for purposes of IC 35-42-1-4, has the meaning set forth in IC 35-42-1-4(b).

Sec. 133. (a) Except as provided in subsection (b), "firearm", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.

(b) "Firearm", for purposes of IC 35-47-15, has the meaning set forth in IC 35-47-15-1.

(c) "Firearm", for purposes of IC 35-50-2-11, has the meaning set forth in IC 35-50-2-11(a).

Sec. 134. "Firearm accessory", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.1.

Sec. 135. (a) "Firefighter", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(b).

(b) "Firefighter", for purposes of IC 35-44-4, has the meaning set forth in IC 35-44-4-3.

Sec. 136. "First responder", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(c).

Sec. 137. "Food processing facility" means a facility used to prepare or process animal, plant, or other food ingredients into food products intended for sale or distribution to the general public for human consumption.

Sec. 138. "Forcible felony" means a felony that involves the use or threat of force against a human being, or in which there is imminent danger of bodily injury to a human being.

Sec. 139. "Forensic DNA analysis", for purposes of IC 35-37-4-13, has the meaning set forth in IC 35-37-4-13(a).

Sec. 140. "Gain", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(c).

Sec. 141. "Gambling", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(d).

Sec. 142. "Gambling device", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(e).

Sec. 143. "Gambling information", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(f).

Sec. 144. "Governmental entity" means:

(1) the United States or any state, county, township, city, town, separate municipal corporation, special taxing district, or public school corporation;

(2) any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of any of those entities; or

(3) a state assisted college or state assisted university.

Sec. 145. "Governmental entity served by the public servant", for purposes of IC 35-44-1-3, has the meaning set forth in IC 35-44-1-3(a)(2).

Sec. 146. "Graffiti" means any unauthorized inscription, work, figure, or design that is marked, etched, scratched, drawn, or painted on a component of any building, structure, or other facility.

Sec. 147. "Gun show", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.5.

Sec. 148. "Handgun", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-6.

Sec. 149. "Harm" means loss, disadvantage, or injury or anything so regarded by the person affected, including loss, disadvantage, or injury to any other person in whose welfare the person is interested.

Sec. 150. "Harassment", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-2.

Sec. 151. "Hazing", for purposes of IC 35-42-2-2, has the meaning set forth in IC 35-42-2-2(a).

Sec. 152. "Health care provider", for purposes of IC 35-46-7, has the meaning set forth in IC 35-46-7-1.

Sec. 153. "Hoarding program", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

Sec. 154. "Hoax device", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-8.

Sec. 155. (a) "Home", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-2.

(b) "Home", for purposes of IC 35-38-2.6-6, has the meaning set forth in IC 35-38-2.6-6(a).

Sec. 156. "Home improvement", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-3.

Sec. 157. "Home improvement contract", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-4.

Sec. 158. "Home improvement contract price", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-5.

Sec. 159. "Home improvement supplier", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-6.

Sec. 160. "Human being" means an individual who has been born and is alive.

Sec. 161. "Human organ", for purposes of IC 35-46-5-1, has the meaning set forth in IC 35-46-5-1(b).

Sec. 162. "Identification number", for purposes of IC 35-43-7, has the meaning set forth in IC 35-43-7-2.

Sec. 163. "Identify theft", for the purposes of IC 35-40-14, has the meaning set forth in IC 35-40-14-1.

Sec. 164. "Identifying information", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(i).

Sec. 165. "Immediate precursor", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-17.

Sec. 166. "Imprison" means to:

(1) confine in a penal facility;

(2) commit to the department of correction; or

(3) assign to a community transition program under IC 11-10-11.5.

Sec. 167. "Incendiary", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-9.

Sec. 168. "Included offense" means an offense that:

(1) is established by proof of the same material elements or less than all the material elements required to establish the commission of the offense charged;

(2) consists of an attempt to commit the offense charged or an offense otherwise included therein; or

(3) differs from the offense charged only in the respect that a less serious harm or risk of harm to the same person, property, or public interest, or a lesser kind of culpability, is required to establish its commission.

Sec. 169. (a) "Individual with mental retardation", for purposes of IC 35-36-2-5(e), has the meaning set forth in IC 35-36-2-5(e).

(b) "Individual with mental retardation", for purposes of IC 35-36-9 and IC 35-50-2, has the meaning set forth in IC 35-36-9-2.

Sec. 170. "Inmate", for purposes of IC 35-43-5-20, has the meaning set forth in IC 35-43-5-20(a).

Sec. 171. "Inmate outside a facility", for purposes of IC 35-44-3-9.3, has the meaning set forth in IC 35-44-3-9.3(b).

Sec. 172. "INSPECT", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-5.2.

Sec. 173. "Instant messaging or chat room program", for purposes of IC 35-42-4-12, has the meaning set forth in IC 35-42-4-12(c).

Sec. 174. "Insurer", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(k).

Sec. 175. "Interactive computer service", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(g).

Sec. 176. "Interception", for purposes of IC 35-33.5, means the intentional recording or acquisition of the contents of an electronic communication by a person other than a sender or receiver of that communication, without the consent of the sender or receiver, by means of any instrument, device, or equipment under this article. This term includes the intentional recording or acquisition of communication through the use of a computer or a fax (facsimile transmission) machine. The term does not include recording or acquiring the contents of a radio transmission that is not:

(1) scrambled or encrypted;

(2) transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of the communication;

(3) carried on a subcarrier or other signal subsidiary to a radio transmission;

(4) transmitted over a communication system provided by a common carrier, unless the communication is a tone only paging system communication; or

(5) transmitted on frequencies allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, unless, in the

case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio.

Sec. 177. "Item of value", for purposes of IC 35-46-5-1, has the meaning set forth in IC 35-46-5-1(c).

Sec. 177.5. "Intoxicated", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-2.

Sec. 178. "Juvenile facility", for purposes of IC 35-44-3-9, has the meaning set forth in IC 35-44-3-9(a).

Sec. 179. "Key facility" means any of the following:

(1) A chemical manufacturing facility.

(2) A refinery.

(3) An electric utility facility, including:

(A) a power plant;

(B) a power generation facility peaker;

(C) an electric transmission facility;

(D) an electric station or substation; or

(E) any other facility used to support the generation, transmission, or distribution of electricity.

However, the term does not include electric transmission land or right-of-way that is not completely enclosed, posted, and maintained by the electric utility.

(4) A water intake structure or water treatment facility.

(5) A natural gas utility facility, including:

(A) an age station;

(B) a compressor station;

(C) an odorization facility;

(D) a main line valve;

(E) a natural gas storage facility; or

(F) any other facility used to support the acquisition, transmission, distribution, or storage of natural gas. However, the term does not include gas transmission pipeline property that is not completely enclosed, posted, and maintained by the natural gas utility.

(6) A gasoline, propane, liquid natural gas (LNG), or other fuel terminal or storage facility.

(7) A transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal. However, the term does not include a railroad track that is not part of a railroad switching yard.

(8) A pulp or paper manufacturing facility.

(9) A pharmaceutical manufacturing facility.

(10) A hazardous waste storage, treatment, or disposal facility.

(11) A telecommunications facility, including a central office or cellular telephone tower site.

(12) A facility:

(A) that is substantially similar to a facility, structure, or station listed in this section; or

(B) whose owner or operator is required to submit a risk management plan under the federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (42 U.S.C. 7412(r)).

Sec. 180. "Knife", for purposes of IC 35-47-5-2.5, has the meaning set forth in IC 35-47-5-2.5(a) and IC 35-47-5-2.5(b).

Sec. 181. "Labeling", for purposes of IC 35-45-8, has the meaning set forth in IC 35-45-8-2.

Sec. 182. "Laser pointer", for purposes of IC 35-47-4.5, has the meaning set forth in IC 35-47-4.5-2.

Sec. 183. "Law enforcement agency", for purposes of IC 35-47-15, has the meaning set forth in IC 35-47-15-2.

Sec. 184. "Law enforcement animal", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-4.5.

Sec. 185. "Law enforcement officer" means:

(1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;

(2) a deputy of any of those persons;

(3) an investigator for a prosecuting attorney or for the inspector general;

(4) a conservation officer;

(5) an enforcement officer of the alcohol and tobacco commission; or

(6) an enforcement officer of the securities division of the office of the secretary of state.

Sec. 186. (a) "Lawful detention" means:

(1) arrest;

(2) custody following surrender in lieu of arrest;

(3) detention in a penal facility;

(4) detention in a facility for custody of persons alleged or found to be delinquent children;

(5) detention under a law authorizing civil commitment in lieu of criminal proceedings or authorizing such detention while criminal proceedings are held in abeyance;

(6) detention for extradition or deportation;

(7) placement in a community corrections program's residential facility;

(8) electronic monitoring;

(9) custody for purposes incident to any of the above including transportation, medical diagnosis or treatment, court appearances, work, or recreation; or

(10) any other detention for law enforcement purposes.

(b) Except as provided in subsection (a)(7) and (a)(8), the term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail.

Sec. 187. "Licensed health professional", for purposes of IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(2).

Sec. 188. "Loaded", for purposes of IC 35-47-10, has the meaning set forth in IC 35-47-10-4.

Sec. 189. "Loan", for purposes of IC 35-45-7, has the meaning set forth in IC 35-45-7-1.

Sec. 190. "Machine gun" means a weapon that:

(1) shoots; or

(2) can be readily restored to shoot;

automatically more than one (1) shot, without manual reloading, by a single function of the trigger.

Sec. 191. "Make", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(m).

Sec. 192. "Manufacture", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-18.

Sec. 193. "Manufacture of an unlawful telecommunications device", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-1.

Sec. 194. "Manufacturer", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(l).

Sec. 195. "Marijuana", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-19.

Sec. 196. (a) "Matter", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

(b) "Matter", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-3.

Sec. 197. "Mental disease or defect", for purposes of IC 35-41-3-6, has the meaning set forth in IC 35-41-3-6(b).

Sec. 198. "Mentally ill", for purposes of IC 35-36, has the meaning set forth in IC 35-36-1-1.

Sec. 199. "Metering device", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(n).

Sec. 200. "Military recruiter", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(f).

Sec. 201. "Minimum sentence", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(c).

Sec. 202. "Minor", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-4.

Sec. 203. "Misconduct", for purposes of IC 35-44-2-2, has the meaning set forth in IC 35-44-2-2(b).

Sec. 204. "Model glue", for purposes of IC 35-46-6, has the meaning set forth in IC 35-46-6-1.

Sec. 205. "Monitoring device", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-3.

Sec. 206. "Motion picture exhibition facility" has the meaning set forth in IC 35-46-8-3.

Sec. 206.5. "Motorboat", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-3.

Sec. 207. "Motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

Sec. 208. "Mutilate", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(3).

Sec. 209. "Narcotic drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-20.

Sec. 210. "Neglect", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(4).

Sec. 211. "Nonpublic school", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(g).

Sec. 212. (a) "Nudity", for purposes of IC 35-45-4-1 and IC 35-45-4-1.5, has the meaning set forth in IC 35-45-4-1(d).

(b) "Nudity", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-5.

Sec. 213. (a) "Offender", for purposes of IC 35-38-2-2.5, has the meaning set forth in IC 35-38-2-2.5(a).

(b) "Offender", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-4.

Sec. 214. (a) "Offender against children", for purposes of IC 35-42-4-10, has the meaning set forth in IC 35-42-4-10(a).

(b) "Offender against children", for purposes of IC 35-42-4-11, has the meaning set forth in IC 35-42-4-11(a).

Sec. 215. (a) Except as provided in subsections (b) and (c), "offense" means a crime. The term does not include an infraction.

(b) "Offense", for purposes of IC 35-38-7, has the meaning set forth in IC 35-38-7-3.

(c) "Offense", for purposes of IC 35-50-2-11, has the meaning set forth in IC 35-50-2-11(b).

Sec. 216. "Offense relating to a criminal sexual act" means the following:

(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2).
(3) Child molesting (IC 35-42-4-3).
(4) Child seduction (IC 35-42-4-7).
(5) Prostitution (IC 35-45-4-2).
(6) Patronizing a prostitute (IC 35-45-4-3).
(7) Incest (IC 35-46-1-3).
(8) Sexual misconduct with a minor under IC 35-42-4-9(a).

Sec. 217. "Offense relating to controlled substances" means the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(2) Dealing in methamphetamine (IC 35-48-4-1.1).
(3) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(4) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(5) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
(7) Possession of methamphetamine (IC 35-48-4-6.1).
(8) Possession of a controlled substance (IC 35-48-4-7).
(9) Possession of paraphernalia (IC 35-48-4-8.3).
(10) Dealing in paraphernalia (IC 35-48-4-8.5).
(11) Offenses relating to registration (IC 35-48-4-14).

Sec. 218. "Official proceeding" means a proceeding held or that may be held before a legislative, judicial, administrative, or other agency or before an official authorized to take evidence under oath, including a referee, hearing examiner, commissioner, notary, or other person taking evidence in connection with a proceeding.

Sec. 219. "Operator", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(h).

Sec. 220. "Opiate", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-21.

Sec. 221. "Opium poppy", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-22.

Sec. 222. "Overpass", for purposes of IC 35-42-2-5, has the meaning set forth in IC 35-42-2-5(a).

Sec. 223. "Overpressure device", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-11.

Sec. 224. (a) "Owner", for purposes of IC 35-43-1-3, has the meaning set forth in IC 35-43-1-3(a).

(b) "Owner", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-6.

Sec. 225. "Panhandling", for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-1.

Sec. 226. "Party", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-1.

Sec. 227. "Pattern of racketeering activity", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(d).

Sec. 228. "Party line", for purposes of IC 35-45-2-3, has the meaning set forth in IC 35-45-2-3(b).

Sec. 229. "Patient", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-5.6.

Sec. 230. "Pecuniary interest", for purposes of IC 35-44-1-3 and IC 35-44-1-7, has the meaning set forth in IC 35-44-1-3(a)(3).

Sec. 231. "Peep", for purposes of IC 35-45-4-5, has the meaning set forth in IC 35-45-4-5(a)(2).

Sec. 232. "Penal facility" means a state prison, correctional facility, county jail, penitentiary, house of correction, or any other facility for confinement of persons under sentence, or awaiting trial or sentence, for offenses. The term includes a correctional facility constructed under IC 4-13.5.

Sec. 233. (a) "Performance", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

(b) "Performance", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-7.

Sec. 234. (a) "Person" means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

(b) "Person", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-7.

(c) "Person", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-2.

Sec. 235. "Personally identifying information", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-2.5(a).

Sec. 236. "Plea agreement", for purposes of IC 35-35-3, means an agreement between a prosecuting attorney and a defendant concerning the disposition of a felony or misdemeanor charge.

Sec. 237. "Police radio", for purposes of IC 35-44-3-12, has the meaning set forth in IC 35-44-3-12(c).

Sec. 238. "Polygraph", for purposes of IC 35-37-4.5, has the meaning set forth in IC 35-37-4.5-1.

Sec. 239. "Poppy straw", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-23.

Sec. 240. "Postarrest release", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-5.

Sec. 241. "Postconviction release", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-6.

Sec. 242. (a) "Practitioner", for purposes of IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(3).

(b) Except as provided in subsection (c), "practitioner", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-24.

(c) "Practitioner", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-5.8.

Sec. 243. "Prescription", for purposes of IC 35-45-20, has the meaning set forth in IC 35-45-20-1.

Sec. 244. "Prescription drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-25.

Sec. 244.5. "Prima facie evidence of intoxication", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-4.

Sec. 245. "Principal", for purposes of IC 35-45-7, has the meaning set forth in IC 35-45-7-1.

Sec. 246. "Private area", for purposes of IC 35-45-4-5, has the meaning set forth in IC 35-45-4-5(a)(3).

Sec. 247. "Proceeds", for purposes of IC 35-45-15, has the meaning set forth in IC 35-45-15-4.

Sec. 248. "Product", for purposes of IC 35-43-7, has the meaning set forth in IC 35-43-7-3.

Sec. 249. "Professional sports services contract", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-2.

Sec. 250. "Profit", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(i).

Sec. 251. "Proper person", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-7.

Sec. 252. "Proper reason", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-8.

Sec. 253. (a) Except as provided in subsection (c), "property" means anything of value. The term includes:

(1) a gain or advantage or anything that might reasonably be regarded as such by the beneficiary;

(2) real property, personal property, money, labor, and services;

(3) intangibles;

(4) commercial instruments;

(5) written instruments concerning labor, services, or property;

(6) written instruments otherwise of value to the owner, such as a public record, deed, will, credit card, or letter of credit;

(7) a signature to a written instrument;

(8) extension of credit;

(9) trade secrets;

(10) contract rights, choses-in-action, and other interests in or claims to wealth;

(11) electricity, gas, oil, and water;

(12) captured or domestic animals, birds, and fish;

(13) food and drink; and

(14) human remains.

(b) Property is that "of another person" if the other person has a possessory or proprietary interest in it, even if an accused person also has an interest in that property.

(c) "Property", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-12.

Sec. 254. "Prosecuting attorney", for purposes of IC 35-35-3, includes a deputy prosecuting attorney.

Sec. 255. "Protected person", for purposes of IC 35-37-4, has the meaning set forth in IC 35-37-4-6(c).

Sec. 256. "Pseudoephedrine", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(4).

Sec. 257. "Public court proceeding", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-7.

Sec. 258. "Public park" means any property operated by a political subdivision for park purposes (as defined in IC 36-10-1-2).

Sec. 259. "Public relief or assistance", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(o).

Sec. 260. "Public safety officer", for purposes of IC 35-45-19, has the meaning set forth in IC 35-45-19-2.

Sec. 261. "Public servant" means a person who:

(1) is authorized to perform an official function on behalf of, and is paid by, a governmental entity;

(2) is elected or appointed to office to discharge a public duty for a governmental entity; or

(3) with or without compensation, is appointed in writing by a public official to act in an advisory capacity to a governmental entity concerning a contract or purchase to be made by the entity.

The term does not include a person appointed by the governor to an honorary advisory or honorary military position.

Sec. 262. "Publicly paid costs of representation" means the part of all attorney's fees, expenses, or wages incurred by the county that are:

(1) directly attributable to the defendant's defense; and

(2) not overhead expenditures made in connection with the maintenance or operation of a governmental agency.

Sec. 263. "Public safety officer", for purposes of IC 35-47-4.5, has the meaning set forth in IC 35-47-4.5-3.

Sec. 264. "Publish", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-2.

Sec. 265. "Racketeering activity", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(e).

Sec. 266. "Rate", for purposes of IC 35-45-7, has the meaning set forth in IC 35-45-7-1.

Sec. 267. "Rated capacity", for purposes of IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

Sec. 268. "Receiving", for purposes of IC 35-43-4-1, has the meaning set forth in IC 35-43-4-1(c).

Sec. 269. "Receiving authority", for purposes of IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

Sec. 270. "Recipient", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-6.

Sec. 271. "Recipient representative", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-7.

Sec. 272. "Recommendation", for purposes of IC 35-35-3 and IC 35-38-1, means a proposal that is part of a plea agreement made to a court that:

(1) a felony charge be dismissed; or

(2) a defendant, if the defendant pleads guilty to a felony charge, receive less than the advisory sentence.

Sec. 273. "Recording", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(p).

Sec. 273.5. "Relevant evidence", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-5.

Sec. 274. "Replica", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-8.

Sec. 275. "Reside", for purposes of IC 35-42-4-11, has the meaning set forth in IC 35-42-4-11(b).

Sec. 276. "Residential property", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-1.

Sec. 277. "Residential real property transaction", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-3.

Sec. 278. "Retail", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-9.

Sec. 279. "Retailer", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(5).

Sec. 280. "Sado-masochistic abuse", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-8.

Sec. 281. (a) "Salvia" means salvia divinorum or salvinorin A, including:

(1) all parts of the plant that are classified botanically as salvia divinorum, whether growing or not;

(2) the seeds of the plant;

(3) any extract from any part of the plant; and

(4) every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or extracts, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation of the plant, its seeds, or extracts.

(b) The term does not include any other species in the genus salvia.

Sec. 282. "Sawed-off shotgun", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-10.

Sec. 283. "School bus" means any motor vehicle designed and constructed for the accommodation of more than ten (10) passengers and used for the transportation of Indiana school children.

Sec. 284. "School corporation", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(h).

Sec. 285. "School property" means the following:

(1) A building or other structure owned or rented by:

(A) a school corporation;

(B) an entity that is required to be licensed under IC 12-17.2 or IC 31-27;

(C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or

(D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including the following:

(i) A Head Start program under 42 U.S.C. 9831 et seq.

(ii) A special education preschool program.

(iii) A developmental child care program for preschool children.

(2) The grounds adjacent to and owned or rented in common with a building or other structure described in subdivision (1).

Sec. 286. "Scientific purposes", for purposes of IC 35-43-1-3, has the meaning set forth in IC 35-43-1-3(a).

Sec. 287. "Scientific research facility" means a facility in which research is conducted.

Sec. 288. "Search and rescue dog", for purposes of IC 35-46-3-11.3, has the meaning set forth in IC 35-46-3-11.3(a).

Sec. 289. "Security agent" means a person who has been employed by a store to prevent the loss of property due to theft.

Sec. 290. "Security risk", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-4.5.

Sec. 291. "Self-service display", for purposes of IC 35-46-1-11.8, has the meaning set forth in IC 35-46-1-11.8.

Sec. 292. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes:

(1) serious permanent disfigurement;

(2) unconsciousness;

(3) extreme pain;

(4) permanent or protracted loss or impairment of the function of a bodily member or organ; or

(5) loss of a fetus.

Sec. 293. "Serious violent felon", for purposes of IC 35-47-4-5, has the meaning set forth in IC 35-47-4-5(a).

Sec. 294. "Serious violent felony", for purposes of IC 35-47-4-5, has the meaning set forth in IC 35-47-4-5(b).

Sec. 295. "Service animal", for purposes of IC 35-46-3-11.5, has the meaning set forth in IC 35-46-3-11.5(a).

Sec. 296. "Service provider", for purposes of IC 35-44-1-5, has the meaning set forth in IC 35-44-1-5(a).

Sec. 297. (a) "Sex offense", for purposes of IC 35-38-2-2.5, has the meaning set forth in IC 35-38-2-2.5(b).

(b) "Sex offense", for purposes of IC 35-50-2-14, has the meaning set forth in IC 35-50-2-14(a).

Sec. 298. "Sex offense against a child", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1.8.

Sec. 299. "Sexual activity", for purposes of IC 35-42-4-13, has the meaning set forth in IC 35-42-4-13(b).

Sec. 300. (a) "Sexual conduct", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

(b) "Sexual conduct", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-9.

Sec. 301. "Sexual excitement", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-10.

Sec. 302. "Sexual intercourse" means an act that includes any penetration of the female sex organ by the male sex organ.

Sec. 303. (a) "Sexually violent predator", for purposes of IC 35-38-1-7.5, has the meaning set forth in IC 35-38-1-7.5(a).

(b) "Sexually violent predator", for purposes of IC 35-42-4-10, has the meaning set forth in IC 35-42-4-10(b).

Sec. 304. "Sexually violent predator defendant", for purposes of IC 35-33-8-3.5, has the meaning set forth in IC 35-33-8-3.5(b).

Sec. 305. "Shotgun", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-11.

Sec. 306. "Slug", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(q).

Sec. 307. "Social networking web site" for purposes of IC 35-42-4-12, has the meaning set forth in IC 35-42-4-12(d).

Sec. 308. "Solicit", for purposes of IC 35-42-4-6, has the meaning set forth in IC 35-42-4-6(a).

Sec. 309. "Special education cooperative", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(i).

Sec. 310. "Stalk", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-1.

Sec. 311. "State", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-7.5.

Sec. 312. "State or federally chartered or federally insured financial institution", for purposes of IC 35-43-5-8, has the meaning set forth in IC 35-43-5-8(b).

Sec. 313. "Stepparent", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(j).

Sec. 314. "Store" means a place of business where property or service with respect to property is displayed, rented, sold, or offered for sale.

Sec. 315. "Student athlete", for purposes of IC 35-46-4, has the meaning set forth in IC 35-46-4-3.

Sec. 316. "Stun gun", for purposes of IC 35-47-8, has the meaning set forth in IC 35-47-8-2.

Sec. 317. "Substance offense", for purposes of IC 35-50-2-10, has the meaning set forth in IC 35-50-2-10(a)(2).

Sec. 318. "Superintendent", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-12.

Sec. 319. "Support", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

Sec. 320. "Suspicious order", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(6).

Sec. 321. "Synthetic drug" means:

(1) a substance containing one (1) or more of the following chemical compounds, including an analog of the compound:

(A) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).

(B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).

(C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).

(D) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).

(E) JWH-081 (4-methoxynaphthalen- 1-yl-(1-pentylindol- 3-yl)methanone).

(F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).

(G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).

(H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).

(I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).

(J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).

(K) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).

(L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).

(M) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
(N) HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione).
(O) CP 55,940
(2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5- (2-methyloctan-2-yl)phenol).
(P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)
phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.
(Q) WIN 55212-2
((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin-6-yl]-1-napthalenylmethanone).
(R) RCS-4 ((4-methoxyphenyl)
(1-pentyl-1H-indol-3-yl)methanone).
(S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).
(T) 4-Methylmethcathinone. Other name: mephedrone.
(U) 3,4-Methylenedioxymethcathinone. Other name: methylone.
(V) Fluoromethcathinone.
(W) 4-Methoxymethcathinone. Other name: methedrone.
(X) 4-Ethylmethcathinone (4-EMC).
(Y) Methylenedioxypyrovalerone. Other name: MDPV.
(Z) JWH-007, or
1-pentyl-2-methyl-3-(1-naphthoyl)indole.
(AA) JWH-098, or
1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.
(BB) JWH-164, or
1-pentyl-3-(7-methoxy-1-naphthoyl)indole.
(CC) JWH-210, or
1-pentyl-3-(4-ethyl-1-naphthoyl)indole.
(DD) JWH-201, or
1-pentyl-3-(4-methoxyphenylacetyl)indole.
(EE) JWH-203, or
1-pentyl-3-(2-chlorophenylacetyl)indole.
(FF) AM-694, or
1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
(GG) CP 50,556-1, or
[(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate.
(HH) Dimethylheptylpyran, or DMHP.
(II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.
(JJ) 6-APB [6-(2-aminopropyl)benzofuran].
(LL) 7-hydroxymitragynine.
(MM) α-PPP [α-pyrrolidinopropiophenone].
(NN) α-PVP (desmethylpyrovalerone).
(OO) AM-251.
(PP) AM-1241.
(QQ) AM-2201.
(RR) AM-2233.
(SS) Buphedrone.
(TT) Butylone.
(UU) CP-47,497-C7.
(VV) CP-47,497-C8.
(WW) Desoxypipradol.
(XX) Ethylone.
(YY) Eutylone.
(ZZ) Flephedrone.
(AAA) JWH-011.
(BBB) JWH-020.
(CCC) JWH-022.
(DDD) JWH-030.
(EEE) JWH-182.
(FFF) JWH-302.
(GGG) MDAI [5,6-methylenedioxy-2-aminoindane].
(HHH) Mitragynine.
(III) Naphyrone.
(JJJ) Pentedrone.
(LLL) Pentylone.
(MMM) Methoxetamine
[2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone].

(2) Any compound structurally derived from 3-(1-naphthoyl)indole or
1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
(3) Any compound structurally derived from 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
1-(N-methyl-2-piperidinyl)methyl or
2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
(4) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.
(5) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
1-(N-methyl-2-piperidinyl)methyl or

2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(6) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent.

(7) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(8) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:

(A) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(B) by substitution at the 3-position with an acyclic alkyl substituent;

(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(9) Any compound determined to be a synthetic drug by rule adopted under IC 25-26-13-4.1.

Sec. 322. "Synthetic identifying information", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(r).

Sec. 323. "Target", for purposes of IC 35-34-2, has the meaning set forth in IC 35-34-2-1.

Sec. 324. "Taser", for purposes of IC 35-47-8, has the meaning set forth in IC 35-47-8-3.

Sec. 325. "Tattoo", for purposes of IC 35-42-2-7, has the meaning set forth in IC 35-42-2-7(a).

Sec. 326. "Telecommunications device", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-3.

Sec. 327. "Telecommunications service", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-4.

Sec. 328. "Telecommunications service provider", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-5.

Sec. 329. "Terrorism" means the unlawful use of force or violence or the unlawful threat of force or violence to intimidate or coerce a government or all or part of the civilian population.

Sec. 330. "Threat", for purposes of IC 35-45-2-1, has the meaning set forth in IC 35-45-2-1(c).

Sec. 331. "Title insurance agent", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-4.

Sec. 332. "Title insurance escrow account", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-5.

Sec. 333. "Title insurer", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-6.

Sec. 334. "Tobacco business", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

Sec. 335. "Torture", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(5).

Sec. 336. "Tournament", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(j).

Sec. 337. "Toy crane machine", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(k).

Sec. 338. "Tumultuous conduct", for purposes of IC 35-45-1, has the meaning set forth in IC 35-45-1-1.

Sec. 339. "Ultimate user", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-27.

Sec. 340. "Unit", for purposes of IC 35-40-14, has the meaning set forth in IC 35-40-14-2.

Sec. 341. "Unlawful assembly", for purposes of IC 35-45-1, has the meaning set forth in IC 35-45-1-1.

Sec. 342. "Unlawful telecommunications device", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-6.

Sec. 343. "Unusual theft", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(7).

Sec. 344. "Utility", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(s).

Sec. 345. "Utter" means to issue, authenticate, transfer, publish, deliver, sell, transmit, present, or use.

Sec. 346. "Vehicle" means a device for transportation by land, water, or air. The term includes mobile equipment with provision for transport of an operator.

Sec. 347. "Vending machine", for purposes of IC 35-43-4-7, has the meaning set forth in IC 35-43-4-7(a).

Sec. 348. (a) "Victim", for purposes of IC 35-38-1-9 and IC 35-38-1-17, means a person who has suffered harm as a result of a crime.

(b) "Victim", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-3.

(c) "Victim", for purposes of IC 35-38-7, has the meaning set forth in IC 35-38-7-4.

(d) "Victim", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-8.

(e) "Victim", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-4.

Sec. 349. "Victim advocate", for purposes IC 35-37-6, has the meaning set forth in IC 35-37-6-3.5.

Sec. 350. "Victim representative", for purposes of IC 35-38-1, has the meaning set forth in IC 35-38-1-2(a).

Sec. 351. "Victim service provider", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-5.

Sec. 352. "Violent offender", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-4.7.

Sec. 353. "Warrant", for purposes of IC 35-33.5, means a warrant authorizing the interception of electronic communication under IC 35-33.5.

Sec. 354. "Weapon of mass destruction" means any chemical device, biological device or organism, or radiological device that is capable of being used for terrorism.

Sec. 355. "Wholesale", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-13.

Sec. 356. "Written instrument", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(t).

Sec. 357. (a) "Youth program center" means the following:

(1) A building or structure that on a regular basis provides recreational, vocational, academic, social, or other programs or services for persons less than eighteen (18) years of age.

(2) The real property on which a building or structure described in subdivision (1) is located.

(b) The term does not include school property (as defined in section 285 of this chapter).

SECTION 68. IC 35-33-1-1.7, AS ADDED BY P.L.44-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.7. (a) A facility having custody of a person arrested for a crime of domestic violence (as described in ~~IC 35-41-1-6.3)~~ **IC 35-31.5-2-78)** shall keep the person in custody for at least eight (8) hours from the time of the arrest.

(b) A person described in subsection (a) may not be released on bail until at least eight (8) hours from the time of the person's arrest.

SECTION 69. IC 35-33-6-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. As used in this chapter:~~

~~"Adult employee" means an employee who is eighteen (18) years old or older.~~

~~"Agent" means an operator, a manager, an adult employee, or a security agent employed by a store.~~

~~"Motion picture exhibition facility" has the meaning set forth in IC 35-46-8-3.~~

~~"Security agent" means a person who has been employed by a store to prevent the loss of property due to theft.~~

~~"Store" means a place of business where property or service with respect to property is displayed, rented, sold, or offered for sale.~~

SECTION 70. IC 35-33-8-6.5, AS ADDED BY P.L.44-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. The court may not release a person arrested for a crime of domestic violence (as described in ~~IC 35-41-1-6.3)~~ **IC 35-31.5-2-78)** on bail until at least eight (8) hours from the time of the person's arrest.

SECTION 71. IC 35-33-8-11, AS ADDED BY P.L.94-2010, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) A court may require a person who has been charged with a crime of domestic violence (as described in ~~IC 35-41-1-6.3)~~ **IC 35-31.5-2-78)** to wear a GPS tracking device as a condition of bail.

(b) A court may order a person who is required to wear a GPS tracking device under subsection (a) to pay any costs associated with the GPS tracking device.

SECTION 72. IC 35-33.5-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Applicability and Definitions).

SECTION 73. IC 35-35-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The court shall not accept a plea of guilty or guilty but mentally ill at the time of the crime without first determining that the defendant:

(1) understands the nature of the charge against ~~him;~~ **the defendant;**

(2) has been informed that by ~~his~~ **the defendant's** plea ~~he~~ **the defendant** waives ~~his~~ **the defendant's** rights to:

(A) a public and speedy trial by jury;

(B) confront and cross-examine the witnesses against ~~him;~~ **the defendant;**

(C) have compulsory process for obtaining witnesses in ~~his~~ **the defendant's** favor; and

(D) require the state to prove ~~his~~ **the defendant's** guilt beyond a reasonable doubt at a trial at which the defendant may not be compelled to testify against himself **or herself;**

(3) has been informed of the maximum possible sentence and minimum sentence for the crime charged and any possible increased sentence by reason of the fact of a prior conviction or convictions, and any possibility of the imposition of consecutive sentences;

(4) has been informed that the person will lose the right to possess a firearm if the person is convicted of a crime of domestic violence ~~(IC 35-41-1-6.3);~~ **(IC 35-31.5-2-78);** and

(5) has been informed that if:

(A) there is a plea agreement as defined by ~~IC 35-35-3-1;~~ **IC 35-31.5-2-236;** and

(B) the court accepts the plea;

the court is bound by the terms of the plea agreement.

(b) A defendant in a misdemeanor case may waive the rights under subsection (a) by signing a written waiver.

(c) Any variance from the requirements of this section that does not violate a constitutional right of the defendant is not a basis for setting aside a plea of guilty.

SECTION 74. IC 35-35-3-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. As used in this chapter:~~

~~"Advisory sentence" means the nonbinding guideline sentence defined in IC 35-50-2-1.3.~~

~~"Plea agreement" means an agreement between a prosecuting attorney and a defendant concerning the disposition of a felony or misdemeanor charge.~~

~~"Prosecuting attorney" includes a deputy prosecuting attorney.~~

~~"Recommendation" means a proposal that is part of a plea agreement made to a court that:~~

~~(1) a felony charge be dismissed; or~~

~~(2) a defendant, if the defendant pleads guilty to a felony charge, receive less than the advisory sentence.~~

~~"Victim" means a person who has suffered harm as a result of a crime.~~

SECTION 75. IC 35-36-2-5, AS AMENDED BY P.L.110-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided by subsection (e), whenever a defendant is found guilty but mentally ill at the time of the crime or enters a plea to that effect that is accepted by the court, the court shall sentence the defendant in the same manner as a defendant found guilty of the offense.

(b) Before sentencing the defendant under subsection (a), the court shall require the defendant to be evaluated by a physician licensed under IC 25-22.5 who practices psychiatric medicine, a licensed psychologist, or a community mental health center (as defined in IC 12-7-2-38). However, the court may waive this requirement if the defendant was evaluated by a physician licensed under IC 25-22.5 who practices psychiatric medicine, a licensed psychologist, or a community mental health center and the evaluation is contained in the record of the defendant's trial or plea agreement hearing.

(c) If a defendant who is found guilty but mentally ill at the time of the crime is committed to the department of correction, the defendant shall be further evaluated and then treated in such a manner as is psychiatrically indicated for the defendant's mental illness. Treatment may be provided by:

(1) the department of correction; or

(2) the division of mental health and addiction after transfer under IC 11-10-4.

(d) If a defendant who is found guilty but mentally ill at the time of the crime is placed on probation, the court may, in accordance with IC 35-38-2-2.3, require that the defendant undergo treatment.

(e) As used in this subsection, "individual with mental retardation" ~~has the meaning set forth in IC 35-36-9-2.~~ **means an individual who, before becoming twenty-two (22) years of age, manifests:**

(1) significantly subaverage intellectual functioning; and

(2) substantial impairment of adaptive behavior;

that is documented in a court ordered evaluative report. If a court determines under IC 35-36-9 that a defendant who is charged with a murder for which the state seeks a death sentence is an individual with mental retardation, the court shall sentence the defendant under IC 35-50-2-3(a).

(f) If a defendant is found guilty but mentally ill, the court shall transmit any information required by the division of state court administration to the division of state court administration for transmission to the NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

SECTION 76. IC 35-38-1-7.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.7. (a) At the time of sentencing, a court shall determine whether a person has committed a crime of domestic violence (as defined in ~~IC 35-41-1-6.3).~~ **IC 35-31.5-2-78).**

(b) A determination under subsection (a) must be based upon:

(1) evidence introduced at trial; or

(2) a factual basis provided as part of a guilty plea.

(c) Upon determining that a defendant has committed a crime of domestic violence, a court shall advise the defendant of the consequences of this finding.

(d) A judge shall record a determination that a defendant has committed a crime of domestic violence on a form prepared by the division of state court administration.

SECTION 77. IC 35-38-1-9, AS AMENDED BY P.L.155-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) As used in this chapter, "recommendation" **has the meaning set forth in IC 35-31.5-2-272,** and "victim" ~~have~~ **has** the ~~meanings~~ **meaning** set ~~out~~ **forth** in ~~IC 35-35-3-1.~~ **IC 35-31.5-2-348.**

(b) The presentence investigation consists of the gathering of information with respect to:

(1) the circumstances attending the commission of the offense;

(2) the convicted person's history of delinquency or criminality, social history, employment history, family situation, economic status, education, and personal habits;

(3) the impact of the crime upon the victim; and

(4) whether the convicted person is licensed or certified in a profession regulated by IC 25.

(c) The presentence investigation may include any matter that the probation officer conducting the investigation believes is relevant to the question of sentence, and must include:

(1) any matters the court directs to be included;

(2) any written statements submitted to the prosecuting attorney by a victim under IC 35-35-3;

(3) any written statements submitted to the probation officer by a victim; and

(4) preparation of the victim impact statement required under section 8.5 of this chapter.

(d) If there are no written statements submitted to the probation officer, the probation officer shall certify to the court:

(1) that the probation officer has attempted to contact the victim; and

(2) that if the probation officer has contacted the victim, the probation officer has offered to accept the written statements of the victim or to reduce the victim's oral statements to writing, concerning the sentence, including the acceptance of any recommendation.

(e) A presentence investigation report prepared by a probation officer must include the information and comply with any other requirements established in the rules adopted under IC 11-13-1-8.

SECTION 78. IC 35-38-1-17, AS AMENDED BY P.L.1-2010, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Within three hundred sixty-five (365) days after:

(1) a convicted person begins serving the person's sentence;

(2) a hearing is held:

(A) at which the convicted person is present; and

(B) of which the prosecuting attorney has been notified; and

(3) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned;

the court may reduce or suspend the sentence. The court must incorporate its reasons in the record.

(b) If more than three hundred sixty-five (365) days have elapsed since the convicted person began serving the sentence and after a hearing at which the convicted person is present, the court may reduce or suspend the sentence, subject to the approval of the prosecuting attorney. However, if in a sentencing hearing for a convicted person conducted after June 30, 2001, the court could have placed the convicted person in a community corrections program as an alternative to commitment to the department of correction, the court may modify the convicted person's sentence under this section without the approval of the prosecuting attorney to place the convicted person in a community corrections program under IC 35-38-2.6.

(c) The court must give notice of the order to reduce or suspend the sentence under this section to the victim (as defined in ~~IC 35-35-3-1)~~ **IC 35-31.5-2-348)** of the crime for which the convicted person is serving the sentence.

(d) The court may suspend a sentence for a felony under this section only if suspension is permitted under IC 35-50-2-2.

(e) The court may deny a request to suspend or reduce a sentence under this section without making written findings and conclusions.

(f) Notwithstanding subsections (a) and (b), the court is not required to conduct a hearing before reducing or suspending a sentence if:

(1) the prosecuting attorney has filed with the court an agreement of the reduction or suspension of the sentence; and

(2) the convicted person has filed with the court a waiver of the right to be present when the order to reduce or suspend the sentence is considered.

SECTION 79. IC 35-38-2-2.2, AS AMENDED BY P.L.119-2008, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.2. As a condition of probation for a sex offender (as defined in IC 11-8-8-4.5), the court shall:

(1) require the sex offender to register with the local law enforcement authority under IC 11-8-8;

(2) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in ~~IC 35-41-1-24.7),~~ **IC 35-31.5-2-285),** as measured from the property line of the sex offender's residence to the property line of the school property, for the period of probation, unless the sex offender obtains written approval from the court;

(3) require the sex offender to consent:

(A) to the search of the sex offender's personal computer at any time; and

(B) to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and

(4) prohibit the sex offender from:

(A) accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and

(B) deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by clause (A).

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order. However, a court may not allow a sex offender who is a sexually violent predator (as defined in IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 to reside within one thousand (1,000) feet of school property.

SECTION 80. IC 35-41-1-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. The definitions in this chapter apply throughout this title and to all other statutes relating to penal offenses.~~

SECTION 81. IC 35-41-1-3.2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3.2. (a) "Agency" means any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of:~~

~~(1) the state, a county, a township, a city, a town, a separate municipal corporation, a special taxing district, or a public corporation; or~~

~~(2) a state-assisted college or state-assisted university.~~

~~(b) The term does not include any part of the legislative department or the judicial department of state government.~~

SECTION 82. IC 35-41-1-3.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3.4. "Apartment complex" means real property consisting of at least five (5) units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least thirty (30) days.~~

SECTION 83. IC 35-41-1-3.5 IS REPEALED [EFFECTIVE JULY 1, 2012]: ~~Sec. 3.5. "Analog", for purposes of section 26.3 of this chapter, means a new or novel chemical entity, independent of synthetic route or natural origin, having substantially the same:~~

~~(1) carbon backbone structure; and~~

~~(2) pharmacological mechanism of action;~~

~~as a compound specifically defined as a synthetic drug in section 26.3 of this chapter.~~

SECTION 84. IC 35-41-1-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. "Bodily injury" means any impairment of physical condition, including physical pain.~~

SECTION 85. IC 35-41-1-4.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.3. (a) "Bomb" means an explosive or incendiary device designed to release:~~

~~(1) destructive materials or force; or~~

~~(2) dangerous gases;~~

~~that is detonated by impact, proximity to an object, a timing mechanism, a chemical reaction, ignition, or other predetermined means.~~

~~(b) The term does not include the following:~~

~~(1) A firearm (as defined in IC 35-47-1-5) or the ammunition or components for handloading ammunition for a firearm.~~

~~(2) Fireworks regulated under IC 22-11-14.~~

~~(3) Boating, railroad, and other safety flares.~~

~~(4) Propellants used in model rockets or similar hobby activities.~~

~~(5) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps, safety and~~

~~pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.~~

SECTION 86. IC 35-41-1-4.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.4. "Community transition program" has the meaning set forth in IC 11-8-1-5.5.~~

SECTION 87. IC 35-41-1-4.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.6. "Community restitution or service" means performance of services directly for a:~~

~~(1) victim;~~

~~(2) nonprofit entity; or~~

~~(3) governmental entity;~~

~~without compensation, including graffiti abatement, park maintenance, and other community service activities. The term does not include the reimbursement under IC 35-50-5-3 or another law of damages or expenses incurred by a victim or another person as the result of a violation of law.~~

SECTION 88. IC 35-41-1-4.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.7. "Community policing volunteer" means a person who is:~~

~~(1) not a law enforcement officer; and~~

~~(2) actively participating in a plan, system, or strategy:~~

~~(A) established by and conducted under the authority of a law enforcement agency; and~~

~~(B) in which citizens:~~

~~(i) participate with and are guided by the law enforcement agency; and~~

~~(ii) work with members of the law enforcement agency to reduce or prevent crime within a defined geographic area.~~

SECTION 89. IC 35-41-1-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. "Credit institution" means a bank, insurance company, credit union, savings association, investment trust, industrial loan and investment company, or other organization held out to the public as a place of deposit of funds or a medium of savings or collective investment.~~

SECTION 90. IC 35-41-1-5.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5.5. "Credit restricted felon" means a person who has been convicted of at least one (1) of the following offenses:~~

~~(1) Child molesting involving sexual intercourse or deviate sexual conduct (IC 35-42-4-3(a)), if:~~

~~(A) the offense is committed by a person at least twenty-one (21) years of age; and~~

~~(B) the victim is less than twelve (12) years of age.~~

~~(2) Child molesting (IC 35-42-4-3) resulting in serious bodily injury or death.~~

~~(3) Murder (IC 35-42-1-1), if:~~

~~(A) the person killed the victim while committing or attempting to commit child molesting (IC 35-42-4-3);~~

~~(B) the victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or~~

~~(C) the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the person from testifying.~~

SECTION 91. IC 35-41-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. "Crime" means a felony or a misdemeanor.~~

SECTION 92. IC 35-41-1-6.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6.3. "Crime of domestic violence," for purposes of IC 5-2-6.1 and IC 35-47-4-7, means an offense or the attempt to commit an offense that:~~

~~(1) has as an element the:~~

~~(A) use of physical force; or~~

~~(B) threatened use of a deadly weapon; and~~

~~(2) is committed against a:~~

~~(A) current or former spouse, parent, or guardian of the defendant;~~

~~(B) person with whom the defendant shared a child in common;~~

~~(C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or~~

~~(D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant.~~

SECTION 93. IC 35-41-1-6.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:~~

~~(1) A homicide offense under IC 35-42-1.~~

~~(2) A battery offense under IC 35-42-2.~~

~~(3) Kidnapping or confinement under IC 35-42-3.~~

~~(4) Human and sexual trafficking crimes under IC 35-42-3.5.~~

~~(5) A sex offense under IC 35-42-4.~~

~~(6) Robbery under IC 35-42-5.~~

~~(7) Arson or mischief under IC 35-43-1.~~

~~(8) Burglary or trespass under IC 35-43-2.~~

~~(9) Disorderly conduct under IC 35-45-1.~~

~~(10) Intimidation or harassment under IC 35-45-2.~~

~~(11) Voyeurism under IC 35-45-4.~~

~~(12) Stalking under IC 35-45-10.~~

~~(13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.~~

~~(14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.~~

SECTION 94. IC 35-41-1-6.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6.6. "Dangerous gas", for purposes of IC 35-41-1-4.3, means a toxic chemical or its precursors that through chemical action or properties on life processes cause death or permanent injury to human beings. The term does not include the following:~~

~~(1) Riot control agents, smoke, and obscuration materials or medical products that are manufactured, possessed, transported, or used in accordance with the laws of the United States and of this state.~~

~~(2) Tear gas devices designed to be carried on or about the person that contain not more than one-half (1/2) ounce of the chemical.~~

SECTION 95. IC 35-41-1-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. "Deadly force" means force that creates a substantial risk of serious bodily injury.~~

SECTION 96. IC 35-41-1-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8. (a) Except as provided in subsection (b), "deadly weapon" means the following:~~

~~(1) A loaded or unloaded firearm.~~

~~(2) A destructive device, weapon, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.~~

~~(3) An animal (as defined in IC 35-46-3-3) that is:~~

~~(A) readily capable of causing serious bodily injury; and~~

~~(B) used in the commission or attempted commission of a crime.~~

~~(4) A biological disease, virus, or organism that is capable of causing serious bodily injury.~~

~~(b) The term does not include:~~

~~(1) a taser (as defined in IC 35-47-8-3);~~

~~(2) an electronic stun weapon (as defined in IC 35-47-8-1);~~

~~(3) a chemical designed to temporarily incapacitate a person; or~~

~~(4) another device designed to temporarily incapacitate a person;~~

~~if the device described in subdivisions (1) through (4) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's training and while lawfully engaged in the execution of official duties.~~

SECTION 97. IC 35-41-1-8.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8.5. "Destructive device" has the meaning set forth in IC 35-47.5-2-4.~~

SECTION 98. IC 35-41-1-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. "Deviate sexual conduct" means an act involving:~~

~~(1) a sex organ of one person and the mouth or anus of another person; or~~

~~(2) the penetration of the sex organ or anus of a person by an object.~~

SECTION 99. IC 35-41-1-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. "Dwelling" means a building, structure, or other enclosed space, permanent or temporary, movable or fixed, that is a person's home or place of~~ lodging.

SECTION 100. IC 35-41-1-10.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10.3. "The effects of battery" refers to a psychological condition of an individual who has suffered repeated physical or sexual abuse inflicted by another individual who is the:~~

~~(1) victim of an alleged crime for which the abused individual is charged in a pending prosecution; and~~

~~(2) abused individual's:~~

~~(A) spouse or former spouse;~~

~~(B) parent;~~

~~(C) guardian or former guardian;~~

~~(D) custodian or former custodian; or~~

~~(E) cohabitant or former cohabitant.~~

SECTION 101. IC 35-41-1-10.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10.5. "Family housing complex" means a building or series of buildings:~~

~~(1) that contains at least twelve (12) dwelling units:~~

~~(A) where children are domiciled or are likely to be domiciled; and~~

~~(B) that are owned by a governmental unit or political subdivision;~~

~~(2) that is operated as a hotel or motel (as described in IC 22-11-18-1);~~

~~(3) that is operated as an apartment complex; or~~

~~(4) that contains subsidized housing.~~

SECTION 102. IC 35-41-1-10.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10.6. (a) An individual is a "family or household member" of another person if the individual:~~

~~(1) is a current or former spouse of the other person;~~

~~(2) is dating or has dated the other person;~~

~~(3) is or was engaged in a sexual relationship with the other person;~~

~~(4) is related by blood or adoption to the other person;~~

~~(5) is or was related by marriage to the other person;~~

~~(6) has or previously had an established legal relationship:~~

~~(A) as a guardian of the other person;~~

~~(B) as a ward of the other person;~~

~~(C) as a custodian of the other person;~~

~~(D) as a foster parent of the other person; or~~

~~(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or~~

~~(7) has a child in common with the other person.~~

~~(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.~~

SECTION 103. IC 35-41-1-10.8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10.8. "Food processing facility" means a facility used to prepare or process animal, plant, or other food ingredients into food products intended for sale or distribution to the general public for human consumption.~~

SECTION 104. IC 35-41-1-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 11. "Forcible felony" means a felony that involves the use or threat of force against a human being, or in which there is imminent danger of bodily injury to a human being.~~

SECTION 105. IC 35-41-1-12 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12. "Governmental entity" means:~~

~~(1) the United States or any state, county, township, city, town, separate municipal corporation, special taxing district, or public school corporation;~~

~~(2) any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of any of those entities; or~~

~~(3) a state-assisted college or state-assisted university.~~

SECTION 106. IC 35-41-1-12.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12.3. "Graffiti" means any unauthorized inscription, work, figure, or design that is marked, etched, scratched, drawn, or painted on a component of any building, structure, or other facility.~~

SECTION 107. IC 35-41-1-13 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 13. "Harm" means loss, disadvantage, or injury or anything so regarded by the person affected, including loss, disadvantage, or injury to any other person in whose welfare he is interested.~~

SECTION 108. IC 35-41-1-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. "Human being" means an individual who has been born and is alive.~~

SECTION 109. IC 35-41-1-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15. "Imprison" means to:~~

~~(1) confine in a penal facility;~~

~~(2) commit to the department of correction; or~~

~~(3) assign to a community transition program under IC 11-10-11.5.~~

SECTION 110. IC 35-41-1-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16. "Included offense" means an offense that:~~

~~(1) is established by proof of the same material elements or less than all the material elements required to establish the commission of the offense charged;~~

~~(2) consists of an attempt to commit the offense charged or an offense otherwise included therein; or~~

~~(3) differs from the offense charged only in the respect that a less serious harm or risk of harm to the same person, property, or public interest, or a lesser kind of culpability, is required to establish its commission.~~

SECTION 111. IC 35-41-1-16.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16.5. "Key facility" means any of the following:~~

~~(1) A chemical manufacturing facility.~~

~~(2) A refinery.~~

~~(3) An electric utility facility, including:~~

~~(A) a power plant;~~

~~(B) a power generation facility peaker;~~

~~(C) an electric transmission facility;~~

~~(D) an electric station or substation; or~~

~~(E) any other facility used to support the generation, transmission, or distribution of electricity.~~

~~However, the term does not include electric transmission land or right-of-way that is not completely enclosed, posted, and maintained by the electric utility.~~

~~(4) A water intake structure or water treatment facility.~~

~~(5) A natural gas utility facility, including:~~

~~(A) an age station;~~

~~(B) a compressor station;~~

~~(C) an odorization facility;~~

~~(D) a main line valve;~~

~~(E) a natural gas storage facility; or~~

~~(F) any other facility used to support the acquisition, transmission, distribution, or storage of natural gas. However, the term does not include gas transmission pipeline property that is not completely enclosed, posted, and maintained by the natural gas utility.~~

~~(6) A gasoline, propane, liquid natural gas (LNG), or other fuel terminal or storage facility.~~

~~(7) A transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal. However, the term does not include a railroad track that is not part of a railroad switching yard.~~

~~(8) A pulp or paper manufacturing facility.~~

~~(9) A pharmaceutical manufacturing facility.~~

~~(10) A hazardous waste storage, treatment, or disposal facility.~~

~~(11) A telecommunications facility, including a central office or cellular telephone tower site.~~

~~(12) A facility:~~

~~(A) that is substantially similar to a facility, structure, or station listed in this section; or~~

~~(B) whose owner or operator is required to submit a risk management plan under the federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (42 U.S.C. 7412(r)).~~

SECTION 112. IC 35-41-1-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 17. (a) "Law enforcement officer" means:~~

~~(1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;~~

~~(2) a deputy of any of those persons;~~

~~(3) an investigator for a prosecuting attorney or for the inspector general;~~

~~(4) a conservation officer;~~

~~(5) an enforcement officer of the alcohol and tobacco commission; or~~

~~(6) an enforcement officer of the securities division of the office of the secretary of state.~~

~~(b) "Federal enforcement officer" means any of the following:~~

~~(1) A Federal Bureau of Investigation special agent.~~

~~(2) A United States Marshals Service marshal or deputy.~~

~~(3) A United States Secret Service special agent.~~

~~(4) A United States Fish and Wildlife Service special agent.~~

~~(5) A United States Drug Enforcement Agency agent.~~

~~(6) A Bureau of Alcohol, Tobacco, Firearms and Explosives agent.~~

~~(7) A United States Forest Service law enforcement officer.~~

~~(8) A United States Department of Defense police officer or criminal investigator.~~

~~(9) A United States Customs Service agent.~~

~~(10) A United States Postal Service investigator.~~

~~(11) A National Park Service law enforcement commissioned ranger.~~

~~(12) United States Department of Agriculture, Office of Inspector General special agent.~~

~~(13) A United States Citizenship and Immigration Services special agent.~~

~~(14) An individual who is:~~

~~(A) an employee of a federal agency; and~~

~~(B) authorized to make arrests and carry a firearm in the performance of the individual's official duties.~~

SECTION 113. IC 35-41-1-18 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 18. (a) "Lawful detention" means:~~

~~(1) arrest;~~

~~(2) custody following surrender in lieu of arrest;~~

~~(3) detention in a penal facility;~~

~~(4) detention in a facility for custody of persons alleged or found to be delinquent children;~~

~~(5) detention under a law authorizing civil commitment in lieu of criminal proceedings or authorizing such detention while criminal proceedings are held in abeyance;~~

~~(6) detention for extradition or deportation;~~

~~(7) placement in a community corrections program's residential facility;~~

~~(8) electronic monitoring;~~

~~(9) custody for purposes incident to any of the above including transportation, medical diagnosis or treatment, court appearances, work, or recreation; or~~

~~(10) any other detention for law enforcement purposes.~~

~~(b) Except as provided in subsection (a)(7) and (a)(8), the term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail.~~

SECTION 114. IC 35-41-1-18.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 18.3. "Machine gun" means a weapon that:~~

~~(1) shoots; or~~

~~(2) can be readily restored to shoot;~~

~~automatically more than one (1) shot, without manual reloading, by a single function of the trigger.~~

SECTION 115. IC 35-41-1-18.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 18.5. "Motor vehicle" has the meaning set forth in IC 9-13-2-105(a).~~

SECTION 116. IC 35-41-1-19 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 19. "Offense" means a crime. The term does not include an infraction.~~

SECTION 117. IC 35-41-1-19.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 19.3. "Offense relating to a criminal sexual act" means the following:~~

~~(1) Rape (IC 35-42-4-1).~~

~~(2) Criminal deviate conduct (IC 35-42-4-2).~~

~~(3) Child molesting (IC 35-42-4-3).~~

~~(4) Child seduction (IC 35-42-4-7).~~

~~(5) Prostitution (IC 35-45-4-2).~~

~~(6) Patronizing a prostitute (IC 35-45-4-3).~~

~~(7) Incest (IC 35-46-1-3).~~

~~(8) Sexual misconduct with a minor under IC 35-42-4-9(a).~~

SECTION 118. IC 35-41-1-19.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 19.4. "Offense relating to controlled substances" means the following:~~

~~(1) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).~~

~~(2) Dealing in methamphetamine (IC 35-48-4-1.1).~~

~~(3) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).~~

~~(4) Dealing in a schedule IV controlled substance (IC 35-48-4-3).~~

~~(5) Dealing in a schedule V controlled substance (IC 35-48-4-4).~~

~~(6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).~~

~~(7) Possession of methamphetamine (IC 35-48-4-6.1).~~

~~(8) Possession of a controlled substance (IC 35-48-4-7).~~

~~(9) Possession of paraphernalia (IC 35-48-4-8.3).~~

~~(10) Dealing in paraphernalia (IC 35-48-4-8.5).~~

~~(11) Offenses relating to registration (IC 35-48-4-14).~~

SECTION 119. IC 35-41-1-20 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 20. "Official proceeding" means a proceeding held or that may be held before a legislative, judicial, administrative, or other agency or before an official authorized to take evidence under oath, including a referee, hearing examiner, commissioner, notary, or other person taking evidence in connection with a proceeding.~~

SECTION 120. IC 35-41-1-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21. "Penal facility" means state prison, correctional facility, county jail, penitentiary, house of correction, or any other facility for confinement of persons under sentence, or awaiting trial or sentence, for offenses. The term includes a correctional facility constructed under IC 4-13.5.~~

SECTION 121. IC 35-41-1-22 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 22. (a) "Person" means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity.~~

~~(b) "Person", for purposes of section 10.6 of this chapter, means an adult or a minor.~~

SECTION 122. IC 35-41-1-23 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 23. (a) "Property" means anything of value. The term includes:~~

~~(1) a gain or advantage or anything that might reasonably be regarded as such by the beneficiary;~~

~~(2) real property, personal property, money, labor, and services;~~

~~(3) intangibles;~~

~~(4) commercial instruments;~~

~~(5) written instruments concerning labor, services, or property;~~

~~(6) written instruments otherwise of value to the owner, such as a public record, deed, will, credit card, or letter of credit;~~

~~(7) a signature to a written instrument;~~

~~(8) extension of credit;~~

~~(9) trade secrets;~~

~~(10) contract rights, choses-in-action, and other interests in or claims to wealth;~~

~~(11) electricity, gas, oil, and water;~~

~~(12) captured or domestic animals, birds, and fish;~~

~~(13) food and drink; and~~

~~(14) human remains.~~

~~(b) Property is that "of another person" if the other person has a possessory or proprietary interest in it, even if an accused person also has an interest in that property.~~

SECTION 123. IC 35-41-1-23.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 23.7. "Public park" means~~

~~any property operated by a political subdivision for park purposes (as defined in IC 36-10-1-2).~~

SECTION 124. IC 35-41-1-24 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24. "Public servant" means a person who:~~

~~(1) is authorized to perform an official function on behalf of, and is paid by, a governmental entity;~~

~~(2) is elected or appointed to office to discharge a public duty for a governmental entity; or~~

~~(3) with or without compensation, is appointed in writing by a public official to act in an advisory capacity to a governmental entity concerning a contract or purchase to be made by the entity.~~

~~The term does not include a person appointed by the governor to an honorary advisory or honorary military position.~~

SECTION 125. IC 35-41-1-24.2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24.2. (a) "Salvia" means salvia divinorum or salvinorin A, including:~~

~~(1) all parts of the plant that are classified botanically as salvia divinorum, whether growing or not;~~

~~(2) the seeds of the plant;~~

~~(3) any extract from any part of the plant; and~~

~~(4) every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or extracts, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation of the plant, its seeds, or extracts.~~

~~(b) The term does not include any other species in the genus salvia.~~

SECTION 126. IC 35-41-1-24.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24.3. "School bus" means any motor vehicle designed and constructed for the accommodation of more than ten (10) passengers, which is used for the transportation of Indiana school children.~~

SECTION 127. IC 35-41-1-24.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24.7. "School property" means the following:~~

~~(1) A building or other structure owned or rented by:~~

~~(A) a school corporation;~~

~~(B) an entity that is required to be licensed under IC 12-17.2 or IC 31-27;~~

~~(C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or~~

~~(D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including the following:~~

~~(i) A Head Start program under 42 U.S.C. 9831 et seq.~~

~~(ii) A special education preschool program.~~

~~(iii) A developmental child care program for preschool children.~~

~~(2) The grounds adjacent to and owned or rented in common with a building or other structure described in subdivision (1).~~

SECTION 128. IC 35-41-1-24.8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24.8. "Scientific research facility" means a facility in which research is conducted.~~

SECTION 129. IC 35-41-1-25 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 25. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes:~~

~~(1) serious permanent disfigurement;~~

~~(2) unconsciousness;~~

~~(3) extreme pain;~~

~~(4) permanent or protracted loss or impairment of the function of a bodily member or organ; or~~

~~(5) loss of a fetus.~~

SECTION 130. IC 35-41-1-26 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26. "Sexual intercourse" means an act that includes any penetration of the female sex organ by the male sex organ.~~

SECTION 131. IC 35-41-1-26.3, AS AMENDED BY P.L.6-2012, SECTION 224, IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26.3. "Synthetic drug" means:~~

~~(1) a substance containing one (1) or more of the following chemical compounds, including an analog of the compound:~~

~~(A) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).~~

~~(B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).~~

~~(C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).~~

~~(D) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).~~

~~(E) JWH-081 (4-methoxynaphthalen- 1-yl-(1-pentylindol- 3-yl)methanone).~~

~~(F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).~~

~~(G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).~~

~~(H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).~~

~~(I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).~~

~~(J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).~~

~~(K) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).~~

~~(L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).~~

~~(M) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan- 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).~~

~~(N) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione).~~

~~(O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5- (2-methyloctan-2-yl)phenol).~~

~~(P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)~~

~~phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.~~
~~(Q) WIN 55212-2~~
~~((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin-6-yl]-1-napthalenylmethanone).~~
~~(R) RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone).~~
~~(S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).~~
~~(T) 4-Methylmethcathinone. Other name: mephedrone.~~
~~(U) 3,4-Methylenedioxymethcathinone. Other name: methylone.~~
~~(V) Fluoromethcathinone.~~
~~(W) 4-Methoxymethcathinone. Other name: methedrone.~~
~~(X) 4-Ethylmethcathinone (4-EMC).~~
~~(Y) Methylenedioxypyrovalerone. Other name: MDPV.~~
~~(Z) JWH-007, or~~
~~1-pentyl-2-methyl-3-(1-naphthoyl)indole.~~
~~(AA) JWH-098, or~~
~~1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.~~
~~(BB) JWH-164, or~~
~~1-pentyl-3-(7-methoxy-1-naphthoyl)indole.~~
~~(CC) JWH-210, or~~
~~1-pentyl-3-(4-ethyl-1-naphthoyl)indole.~~
~~(DD) JWH-201, or~~
~~1-pentyl-3-(4-methoxyphenylacetyl)indole.~~
~~(EE) JWH-203, or~~
~~1-pentyl-3-(2-chlorophenylacetyl)indole.~~
~~(FF) AM-694, or~~
~~1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.~~
~~(GG) CP 50,556-1, or~~
~~[(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate.~~
~~(HH) Dimethylheptylpyran, or DMHP.~~
~~(II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.~~
~~(JJ) 6-APB [6-(2-aminopropyl)benzofuran].~~
~~(LL) 7-hydroxymitragynine.~~
~~(MM) α-PPP [α-pyrrolidinopropiophenone].~~
~~(NN) α-PVP (desmethylpyrovalerone).~~
~~(OO) AM-251.~~
~~(PP) AM-1241.~~
~~(QQ) AM-2201.~~
~~(RR) AM-2233.~~
~~(SS) Buphedrone.~~
~~(TT) Butylone.~~
~~(UU) CP-47,497-C7.~~
~~(VV) CP-47,497-C8.~~
~~(WW) Desoxypipradol.~~
~~(XX) Ethylone.~~
~~(YY) Eutylone.~~
~~(ZZ) Flephedrone.~~
~~(AAA) JWH-011.~~
~~(BBB) JWH-020.~~
~~(CCC) JWH-022.~~
~~(DDD) JWH-030.~~
~~(EEE) JWH-182.~~
~~(FFF) JWH-302.~~
~~(GGG) MDAI [5,6-methylenedioxy-2-aminoindane].~~
~~(HHH) Mitragynine.~~
~~(III) Naphyrone.~~
~~(JJJ) Pentedrone.~~
~~(LLL) Pentylone.~~
~~(MMM) Methoxetamine~~
~~[2-(3-methoxyphenyl)-2-(ethylamino)- cyclohexanone].~~
~~(2) Any compound structurally derived from 3-(1-naphthoyl)indole or~~
~~1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,~~
~~1-(N-methyl-2-piperidinyl)methyl or~~
~~2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~
~~(3) Any compound structurally derived from 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,~~
~~1-(N-methyl-2-piperidinyl)methyl or~~
~~2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~
~~(4) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,~~
~~1-(N-methyl-2-piperidinyl)methyl or~~
~~2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~
~~(5) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,~~
~~1-(N-methyl-2-piperidinyl)methyl or~~
~~2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.~~
~~(6) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,~~
~~1-(N-methyl-2-piperidinyl)methyl or~~
~~2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent.~~
~~(7) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.~~

~~(8) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:~~

~~(A) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;~~

~~(B) by substitution at the 3-position with an acyclic alkyl substituent;~~

~~(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or~~

~~(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.~~

~~(9) Any compound determined to be a synthetic drug by rule adopted under IC 25-26-13-4.1.~~

SECTION 132. IC 35-41-1-26.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26.5. "Terrorism" means the unlawful use of force or violence or the unlawful threat of force or violence to intimidate or coerce a government or all or part of the civilian population.~~

SECTION 133. IC 35-41-1-27 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 27. "Utter" means to issue, authenticate, transfer, publish, deliver, sell, transmit, present, or use.~~

SECTION 134. IC 35-41-1-28 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 28. "Vehicle" means a device for transportation by land, water, or air. The term includes mobile equipment with provision for transport of an operator.~~

SECTION 135. IC 35-41-1-29 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 29. (a) "Youth program center" means the following:~~

~~(1) A building or structure that on a regular basis provides recreational, vocational, academic, social, or other programs or services for persons less than eighteen (18) years of age.~~

~~(2) The real property on which a building or structure described in subdivision (1) is located.~~

~~(b) The term does not include school property (as defined in section 24.7 of this chapter).~~

SECTION 136. IC 35-41-1-29.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 29.4. "Weapon of mass destruction" means any chemical device, biological device or organism, or radiological device that is capable of being used for terrorism.~~

SECTION 137. IC 35-42-2-1, AS AMENDED BY P.L.131-2009, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if:

(A) it results in bodily injury to any other person;

(B) it is committed against a law enforcement officer or against a person summoned and directed by the officer while the officer is engaged in the execution of the officer's official duty;

(C) it is committed against an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;

(D) it is committed against a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;

(E) it is committed against a community policing volunteer:

(i) while the volunteer is performing the duties described in ~~IC 35-41-1-4.7;~~ **IC 35-31.5-2-49;** or

(ii) because the person is a community policing volunteer; or

(F) it is committed against the state chemist or the state chemist's agent while the state chemist or the state chemist's agent is performing a duty under IC 15-16-5;

(2) a Class D felony if it results in bodily injury to:

(A) a law enforcement officer or a person summoned and directed by a law enforcement officer while the officer is engaged in the execution of the officer's official duty;

(B) a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(C) a person of any age who has a mental or physical disability and is committed by a person having the care of the person with a mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation;

(D) the other person and the person who commits the battery was previously convicted of a battery in which the victim was the other person;

(E) an endangered adult (as defined in IC 12-10-3-2);

(F) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty;

(G) an employee of a school corporation while the employee is engaged in the execution of the employee's official duty;

(H) a correctional professional while the correctional professional is engaged in the execution of the correctional professional's official duty;

(I) a person who is a health care provider (as defined in IC 16-18-2-163) while the health care provider is engaged in the execution of the health care provider's official duty;

(J) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;

(K) a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;

(L) a community policing volunteer:

(i) while the volunteer is performing the duties described in ~~IC 35-41-1-4.7;~~ **IC 35-31.5-2-49;** or

(ii) because the person is a community policing volunteer;

(M) a family or household member (as defined in ~~IC 35-41-1-10.6)~~ **IC 35-31.5-2-128)** if the person who committed the offense:

(i) is at least eighteen (18) years of age; and

(ii) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense; or

(N) a department of child services employee while the employee is engaged in the execution of the employee's official duty;

(3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon;

(4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(5) a Class A felony if it results in the death of a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(6) a Class C felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2);

(7) a Class B felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2); and

(8) a Class C felony if it results in bodily injury to a pregnant woman and the person knew the woman was pregnant.

(b) For purposes of this section:

(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and

(2) "correctional professional" means a:

(A) probation officer;

(B) parole officer;

(C) community corrections worker; or

(D) home detention officer.

SECTION 138. IC 35-42-4-7, AS AMENDED BY P.L.125-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "charter school" has the meaning set forth in IC 20-18-2-2.5.

(d) As used in this section, "child care worker" means a person who:

(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility;

(2) is employed by a:

(A) school corporation;

(B) charter school;

(C) nonpublic school; or

(D) special education cooperative;

attended by a child who is the victim of a crime under this chapter; or

(3) is:

(A) affiliated with a:

(i) school corporation;

(ii) charter school;

(iii) nonpublic school; or

(iv) special education cooperative;

attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;

(B) in a position of trust in relation to a child who attends the school or cooperative;

(C) engaged in the provision of care or supervision to a child who attends the school or cooperative; and

(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school or cooperative.

(e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(f) As used in this section, "military recruiter" means a member of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard.

(g) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(h) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

(i) As used in this section, "special education cooperative" has the meaning set forth in IC 20-35-5-1.

(j) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(k) If a person who:

(1) is at least eighteen (18) years of age; and

(2) is:

(A) the:

(i) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(ii) child care worker for; or

(B) a military recruiter who is attempting to enlist;

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

engages with the child in sexual intercourse, deviate sexual conduct (as defined in ~~IC 35-41-1-9),~~ **IC 35-31.5-2-94),** or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction, a Class D felony.

SECTION 139. IC 35-47-1-7, AS AMENDED BY P.L.127-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. "Proper person" means a person who:

(1) does not have a conviction for resisting law enforcement under IC 35-44-3-3 within five (5) years before the person applies for a license or permit under this chapter;
(2) does not have a conviction for a crime for which the person could have been sentenced for more than one (1) year;
(3) does not have a conviction for a crime of domestic violence (as defined in ~~IC 35-41-1-6.3),~~ **IC 35-31.5-2-78),** unless a court has restored the person's right to possess a firearm under IC 35-47-4-7;
(4) is not prohibited by a court order from possessing a handgun;
(5) does not have a record of being an alcohol or drug abuser as defined in this chapter;
(6) does not have documented evidence which would give rise to a reasonable belief that the person has a propensity for violent or emotionally unstable conduct;
(7) does not make a false statement of material fact on the person's application;
(8) does not have a conviction for any crime involving an inability to safely handle a handgun;
(9) does not have a conviction for violation of the provisions of this article within five (5) years of the person's application;
(10) does not have an adjudication as a delinquent child for an act that would be a felony if committed by an adult, if the person applying for a license or permit under this chapter is less than twenty-three (23) years of age;
(11) has not been involuntarily committed, other than a temporary commitment for observation or evaluation, to a mental institution by a court, board, commission, or other lawful authority;
(12) has not been the subject of a:
(A) ninety (90) day commitment as a result of proceeding under IC 12-26-6; or
(B) regular commitment under IC 12-26-7; or
(13) has not been found by a court to be mentally incompetent, including being found:
(A) not guilty by reason of insanity;
(B) guilty but mentally ill; or
(C) incompetent to stand trial.

SECTION 140. IC 35-47-5-2.5, AS ADDED BY P.L.72-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) As used in this section, "knife" means an instrument that:
(1) consists of a sharp edged or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and
(2) is intended to be used as a weapon.

(b) The term includes a dagger, dirk, poniard, stiletto, switchblade knife, or gravity knife.

(c) A person who recklessly, knowingly, or intentionally possesses a knife on:
(1) school property (as defined in ~~IC 35-41-1-24.7);~~ **IC 35-31.5-2-285);**
(2) a school bus (as defined in IC 20-27-2-8); or
(3) a special purpose bus (as defined in IC 20-27-2-10);
commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under this section and a Class D felony if the offense results in bodily injury or serious bodily injury to another person.

(d) This section does not apply to a person who possesses a knife:
(1) if:
(A) the knife is provided to the person by the school corporation or possession of the knife is authorized by the school corporation; and
(B) the person uses the knife for a purpose authorized by the school corporation; or
(2) if the knife is secured in a motor vehicle.

SECTION 141. IC 35-47-6-1.1, AS ADDED BY P.L.50-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) As used in this section, "dangerous device" means:
(1) a firearm;
(2) a destructive device (as defined in IC 35-47.5-2-4); or
(3) a weapon of mass destruction ~~(IC 35-41-1-29.4).~~ **(IC 35-31.5-2-354).**

(b) A person who checks an item to be transported on a commercial passenger airline and who:
(1) knows the item contains a dangerous device; and
(2) knowingly or intentionally fails to disclose orally or in writing to the person to whom possession of the item is delivered for carriage that the item contains a dangerous device;
commits undisclosed transport of a dangerous device, a Class A misdemeanor.

SECTION 142. IC 35-47-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who knowingly or intentionally places or disseminates a device or substance with the intent to cause a reasonable person to believe that the device or substance is a weapon of mass destruction (as defined in ~~IC 35-41-1-29.4),~~ **IC 35-31.5-2-354)** commits terroristic mischief, a Class C felony. However, the offense is a Class B felony if, as a result of the terroristic mischief:
(1) a physician prescribes diagnostic testing or medical treatment for any person other than the person who committed the terroristic mischief; or
(2) a person suffers serious bodily injury.

SECTION 143. IC 35-47-15-3, AS ADDED BY P.L.1-2006, SECTION 538, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. As used in this chapter, "law enforcement officer" has the meaning set forth in ~~IC 35-41-1-17(a).~~ **IC 35-31.5-2-185.** The term includes an arson investigator employed by the office of the state fire marshal.

SECTION 144. IC 35-48-2-4, AS AMENDED BY HEA 1196-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The controlled substances listed in this section are included in schedule I.

(b) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted by rule of the board or unless

listed in another schedule, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide) (9815)
Acetylmethadol (9601)
Allylprodine (9602)
Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
Alphacetylmethadol (9603)
Alphameprodine (9604)
Alphamethadol (9605)
Alphamethylfentanyl (9814)
Benzethidine (9606)
Beta-hydroxy-3-methylfentanyl (9831). Other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide
Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
Betacetylmethadol (9607)
Betameprodine (9608)
Betamethadol (9609)
Betaprodine (9611)
Clonitazene (9612)
Dextromoramide (9613)
Diampromide (9615)
Diethylthiambutene (9616)
Difenoxin (9168)
Dimenoxadol (9617)
Dimepheptanol (9618)
Dimethylthiambutene (9619)
Dioxaphetyl butyrate (9621)
Dipipanone (9622)
Ethylmethylthiambutene (9623)
Etonitazene (9624)
Etoxeridine (9625)
Furethidine (9626)
Hydroxypethidine (9627)
Ketobemidone (9628)
Levomoramide (9629)
Levophenacylmorphan (9631)
3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenyl-propanimide](9813)
3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9833)
MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
Morpheridine (9632)
N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), including any isomers, salts, or salts of isomers (9818)
N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), including any isomers, salts, or salts of isomers (9834)
Noracymethadol (9633)
Norlevorphanol (9634)
Normethadone (9635)
Norpipanone (9636)
Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
Phenadoxone (9637)
Phenampromide (9638)
Phenomorphan (9647)
Phenoperidine (9641)
PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
Piritramide (9642)
Proheptazine (9643)
Properidine (9644)
Propiram (9649)
Racemoramide (9645)
Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide) (9835)
Tilidine (9750)
Trimeperidine (9646)

(c) Opium derivatives. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Acetorphine (9319)
Acetyldihydrocodeine (9051)
Benzylmorphine (9052)
Codeine methylbromide (9070)
Codeine-N-Oxide (9053)
Cyprenorphine (9054)
Desomorphine (9055)
Dihydromorphine (9145)
Drotebanol (9335)
Etorphine (except hydrochloride salt) (9056)
Heroin (9200)
Hydromorphinol (9301)
Methyldesorphine (9302)
Methyldihydromorphine (9304)
Morphine methylbromide (9305)
Morphine methylsulfonate (9306)
Morphine-N-Oxide (9307)
Myrophine (9308)
Nicocodeine (9309)
Nicomorphine (9312)
Normorphine (9313)
Pholcodine (9314)
Thebacon (9315)

(d) Hallucinogenic substances. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic, psychedelic, or psychogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name: TCPy.

(2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine; 4-Bromo-2, 5-DMA.
(3) 4-Bromo-2, 5-dimethoxphenethylamine (7392). Some trade or other names: 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus.
(4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name: DOET.
(5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348). Other name: 2C-T-7.
(6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
(7) 4-Methoxyamphetamine (7411). Some trade or other names: 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine; PMA.
(8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other Name: MMDA.
(9) 5-Methoxy-N, N-diisopropyltryptamine, including any isomers, salts, or salts of isomers (7439). Other name: 5-MeO-DIPT.
(10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade and other names: 4-methyl-2, 5-dimethoxy-a-methylphenethylamine; DOM; and STP.
(11) 3, 4-methylenedioxy amphetamine (7400). Other name: MDA.
(12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other names: N-ethyl-alpha-methyl-3,4(methylenedioxy) phenethylamine; N-ethyl MDA; MDE; and MDEA.
(13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
(14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.
(15) Alpha-ethyltryptamine (7249). Some trade and other names: Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
(16) Alpha-methyltryptamine (7432). Other name: AMT.
(17) Bufotenine (7433). Some trade and other names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine.
(18) Diethyltryptamine (7434). Some trade or other names: N, N-Diethyltryptamine; DET.
(19) Dimethyltrytamine (7435). Some trade or other names: DMT.
(20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
(21) Lysergic acid diethylamide (7315). Other name: LSD.
(22) Marijuana (7360).
(23) Mescaline (7381).
(24) Parahexyl (7374). Some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6, 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
(25) Peyote (7415), including:
(A) all parts of the plant that are classified botanically as lophophora williamsii lemaire, whether growing or not;
(B) the seeds thereof;
(C) any extract from any part of the plant; and
(D) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts.
(26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.
(27) N-hydroxy-3,4-methylenedioxyamphetamine (7402). Other names: N-hydroxy-alpha-methyl-3,4 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
(28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.
(29) Psilocybin (7437).
(30) Psilocyn (7438).
(31) Tetrahydrocannabinols (7370), including synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:
(A) π^1 cis or trans tetrahydrocannabinol, and their optical isomers;
(B) π^6 cis or trans tetrahydrocannabinol, and their optical isomers; and
(C) $\pi^{3,}{}_4$ cis or trans tetrahydrocannabinol, and their optical isomers.
Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered. Other name: THC.
(32) Ethylamine analog of phencyclidine (7455). Some trade or other names: N-Ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine; cyclohexamine; PCE.
(33) Pyrrolidine analog of phencyclidine (7458). Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_y; PHP.
(34) Thiophene analog of phencyclidine (7470). Some trade or other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine; TPCP.
(35) Synthetic drugs (as defined in ~~IC 35-41-1-26.3).~~ **IC 35-31.5-2-321).**
(36) Salvia divinorum or salvinorin A, including:
(A) all parts of the plant that are classified botanically as salvia divinorum, whether growing or not;
(B) the seeds of the plant;
(C) any extract from any part of the plant; and
(D) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts.

(e) Depressants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity

of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Gamma-hydroxybutyric acid (other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate) (2010)

Mecloqualone (2572)

Methaqualone (2565)

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)

Aminorex (1585). Other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine.

Cathinone (1235). Some trade or other names: 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; and norephedrone.

Fenethylline (1503).

N-Benzylpiperazine (7493). Other names: BZP; and 1-benzylpiperazine.

N-ethylamphetamine (1475)

Methcathinone (1237) Some other trade names: 2-Methylamino-1-Phenylpropan-I-one; Ephedrone; Monomethylpropion; UR 1431.

N, N-dimethylamphetamine (1480). Other names: N, N-alpha-trimethyl-benzeneethanamine; and N, N-alpha-trimethylphenethylamine.

SECTION 145. IC 35-50-5-1.1, AS AMENDED BY P.L.119-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is convicted of a misdemeanor under IC 35-44-1, the court may include in the sentence an order rendering the person incapable of holding a public office of trust or profit for a fixed period of not more than ten (10) years.

(b) If any officer of a governmental entity is convicted of a misdemeanor under IC 35-44-1, the court may enter an order removing the officer from office.

(c) This subsection applies whenever:

(1) the court enters an order under this section that applies to a person who is an officer of a governmental entity (as defined in ~~IC 35-41-1-12);~~ **IC 35-31.5-2-144);** and

(2) a vacancy occurs in the office held by the person as the result of the court's order.

The court must file a certified copy of the order with the person who is entitled under IC 5-8-6 to receive notice of the death of an individual holding the office. The person receiving the copy of the order must give notice of the order in the same manner as if the person had received a notice of the death of the officeholder under IC 5-8-6. The person required or permitted to fill the vacancy that results from a removal under this section must comply with IC 3-13 or IC 20, whichever applies, to fill the vacancy.

SECTION 146. IC 36-2-13-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) As used in this section, "accident and sickness insurance policy" means an insurance policy that provides one (1) or more of the types of insurance described as Class 1(b) or 2(a) insurance under IC 27-1-5-1 on an individual basis or a group basis.

(b) As used in this section, "enrollee" has the meaning set forth in IC 27-13-1-12.

(c) As used in this section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~ **IC 35-31.5-2-186.**

(d) As used in this section, "health maintenance organization" has the meaning set forth in IC 27-13-1-19.

(e) An individual who is:

(1) insured under an accident and sickness insurance policy; or

(2) an enrollee under a health maintenance organization;

shall submit a claim under the policy or plan for expenses resulting from health care services that are rendered to the individual while the individual is subject to lawful detention by a county sheriff.

(f) A county sheriff is not obligated to pay for health care services rendered to an individual while in the lawful detention of the sheriff to the extent that payment for the services is available under:

(1) an accident and sickness insurance policy under which the individual is insured; or

(2) a health maintenance organization under which the individual is an enrollee.

(g) If an individual to whom health care services are rendered while subject to lawful detention by a county sheriff fails or refuses to file a claim for payment of expenses resulting from the health care services, a claim for payment of the expenses may be filed by:

(1) the sheriff; or

(2) the health care provider that rendered the services;

on behalf of the individual with the accident and sickness insurance policy under which the individual is insured or the health maintenance organization under which the individual is an enrollee.

SECTION 147. IC 36-2-13-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) As used in this section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~ **IC 35-31.5-2-186.**

(b) This section applies to a county only if the legislative body for the county elects by ordinance to implement this section.

(c) A person who is:

(1) sentenced under this article for a felony or a misdemeanor;

(2) subject to lawful detention in a county jail for a period of more than seventy-two (72) hours;

(3) not a member of a family that makes less than **one hundred fifty percent** (150%) of the federal income poverty level; and

(4) not detained as a child subject to the jurisdiction of a juvenile court;

shall reimburse the county for the costs described in subsection (d).

(d) A person described in subsection (c) shall reimburse the county for the sum of the following amounts:

(1) The lesser of:

(A) the per diem amount specified under subsection (e); or

(B) thirty dollars ($30);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.

(2) The direct cost of investigating whether the person is indigent.

(3) The cost of collecting the amount for which the person is liable under this section.

(e) The county fiscal body shall fix the per diem described in subsection (d)(1)(A) in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

(f) The county sheriff shall collect the amounts due from a person under this section in conformity with the procedures specified in the ordinance adopted under subsection (b). If the county sheriff does not collect the amount due to the county, the county attorney may collect the amount due.

SECTION 148. IC 36-2-13-15.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15.3. (a) As used in this section, "lawful detention" has the meaning set forth in ~~IC 35-41-1-18.~~ **IC 35-31.5-2-186.**

(b) This section applies only:

(1) to a county having a population of less than ~~six~~ **seven** thousand ~~(6,000);~~ **(7,000);** and

(2) if the legislative body for the county elects by ordinance to implement this section.

(c) A person who is:

(1) sentenced under this article for a felony or a misdemeanor;

(2) subject to lawful detention in a county jail for a period of more than six (6) hours;

(3) not a member of a family that makes less than **one hundred fifty percent** (150%) of the federal income poverty level; and

(4) not detained as a child subject to the jurisdiction of a juvenile court;

shall reimburse the county for the costs described in subsection (d).

(d) A person described in subsection (c) shall reimburse the county for the sum of the following amounts:

(1) The lesser of:

(A) the per diem amount specified under subsection (e); or

(B) fifty dollars ($50);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.

(2) The direct cost of investigating whether the person is indigent.

(3) The cost of collecting the amount for which the person is liable under this section.

(e) The county fiscal body shall fix the per diem described in subsection (d)(1)(A) in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

(f) The county sheriff shall collect the amounts due from a person under this section in conformity with the procedures specified in the ordinance adopted under subsection (b). If the county sheriff does not collect the amount due to the county, the county attorney may collect the amount due.

SECTION 149. IC 36-8-10-10.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.6. (a) The sheriff may appoint as a special deputy any person who is employed by a governmental entity as defined in ~~IC 35-41-1~~ **IC 35-31.5-2-144** or private employer, the nature of which employment necessitates that the person have the powers of a law enforcement officer. During the term of ~~his~~ **the special deputy's** appointment and while ~~he~~ **the special deputy** is fulfilling the specific responsibilities for which the appointment is made, a special deputy has the powers, privileges, and duties of a county police officer under this chapter, subject to any written limitations and specific requirements imposed by the sheriff and signed by the special deputy. A special deputy is subject to the direction of the sheriff and shall obey the rules and orders of the department. A special deputy may be removed by the sheriff at any time, without notice and without assigning any cause.

(b) The sheriff shall fix the prerequisites of training, education, and experience for special deputies, subject to the minimum requirements prescribed by this subsection. Applicants must:

(1) be twenty-one (21) years of age or older;

(2) never have been convicted of a felony, or a misdemeanor involving moral turpitude;

(3) be of good moral character; and

(4) have sufficient training to insure the proper performance of their authorized duties.

(c) Except as provided in subsection (d), a special deputy shall wear a uniform the design and color of which is easily distinguishable from the uniforms of the Indiana state police, the regular county police force, and all municipal police and fire forces located in the county.

(d) The sheriff may permit a special deputy to wear the uniform of the regular county police force if the special deputy:

(1) has successfully completed the minimum basic training requirements under IC 5-2-1;

(2) is periodically assigned by the sheriff to duties of a regular county police officer; and

(3) is an employee of the department.

The sheriff may revoke permission for the special deputy to wear the uniform of the regular county police force at any time without cause or notice.

(e) The sheriff may also appoint one (1) legal deputy, who must be a member of the Indiana bar. The legal deputy does not have police powers. The legal deputy may continue to practice law. However, neither the legal deputy nor any attorney in partnership with ~~him~~ **the legal deputy** may represent a defendant in a criminal case.

(f) The sheriff, for the purpose of guarding prisoners in the county jail:

(1) in counties not having a consolidated city, may appoint special deputies to serve as county jail guards; and

(2) in counties having a consolidated city, shall appoint only special deputies to serve as county jail guards.

This subsection does not affect the rights or liabilities accrued by any county police officer assigned to guard the jail before August 31, 1982.

SECTION 150. IC 36-8-12-2, AS AMENDED BY P.L.174-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter:

"Emergency medical services personnel" means individuals certified by the emergency medical services commission established by IC 16-31-2-1 who:

(1) as a result of a written application, have been elected or appointed to membership in a volunteer fire department; and

(2) have executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the individuals by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training.

"Employee" means a person in the service of another person under a written or implied contract of hire or apprenticeship.

"Employer" means:

(1) a political subdivision;

(2) an individual or the legal representative of a deceased individual;

(3) a firm;

(4) an association;

(5) a limited liability company;

(6) an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5(a); or

(7) a corporation or its receiver or trustee;

that uses the services of another person for pay.

"Essential employee" means an employee:

(1) who the employer has determined to be essential to the operation of the employer's daily enterprise; and

(2) without whom the employer is likely to suffer economic injury as a result of the absence of the essential employee.

"Nominal compensation" means annual compensation of not more than twenty thousand dollars ($20,000).

"Public servant" has the meaning set forth in ~~IC 35-41-1-24.~~ **IC 35-31.5-2-261.**

"Responsible party" has the meaning set forth in IC 13-11-2-191(e).

"Volunteer fire department" means a department or association organized for the purpose of answering fire alarms, extinguishing fires, and providing other emergency services, the majority of members of which receive no compensation or nominal compensation for their services.

"Volunteer firefighter" means a firefighter:

(1) who, as a result of a written application, has been elected or appointed to membership in a volunteer fire department;

(2) who has executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the firefighter by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training as prescribed by the volunteer fire department or the state; and

(3) whose name has been entered on a roster of volunteer firefighters that is kept by the volunteer fire department and that has been approved by the proper officers of the unit.

"Volunteer member" means a member of a volunteer emergency medical services association connected with a unit as set forth in IC 16-31-5-1(6).

SECTION 151. [EFFECTIVE JULY 1, 2012] **(a) In repealing IC 35-41-1-3.5 and IC 35-41-1-26.3 by this act, the general assembly recognizes that IC 35-41-1-3.5 and IC 35-41-1-26.3 were amended by HEA 1196-2012, SECTIONS 10 and 11. The general assembly intends to repeal those provisions.**

(b) This SECTION expires December 31, 2012.

(Reference is to ESB 26 as printed February 14, 2012.)

Bray, Chair	Foley
Randolph	Pierce
Senate Conferees	House Conferees

Roll Call 328: yeas 49, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 32–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 32 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 29-3-12-1, AS AMENDED BY SEA 286-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) ~~Unless the protected person has been adjudicated an incapacitated person or is a recipient or beneficiary of financial assistance provided by the department of child services through a guardianship described in IC 31-9-2-17.8(1)(E),~~ **Except as provided in section 6 or 7 of this chapter,** the court shall terminate the guardianship of a minor upon:

(1) the minor's attaining eighteen (18) years of age; or
(2) the minor's death.

The court may terminate the guardianship of a minor upon the minor's adoption or marriage.

(b) The court shall terminate the guardianship of an incapacitated person upon:

(1) adjudication by the court that the protected person is no longer an incapacitated person; or
(2) the death of the protected person.

(c) The court may terminate any guardianship if:

(1) the guardianship property does not exceed the value of three thousand five hundred dollars ($3,500);
(2) the guardianship property is reduced to three thousand five hundred dollars ($3,500);
(3) the domicile or physical presence of the protected person is changed to another state and a guardian has been appointed for the protected person and the protected person's property in that state; or
(4) the guardianship is no longer necessary for any other reason.

(d) When a guardianship terminates otherwise than by the death of the protected person, the powers of the guardian cease, except that the guardian may pay the claims and expenses of administration that are approved by the court and exercise other powers that are necessary to complete the performance of the guardian's trust, including payment and delivery of the remaining property for which the guardian is responsible:

(1) to the protected person;
(2) in the case of an unmarried minor, to a person having care and custody of the minor with whom the minor resides;
(3) to a trust approved by the court, including a trust created by the guardian, in which:
(A) the protected person is the sole beneficiary of the trust; and
(B) the terms of the trust satisfy the requirements of Section 2503(c) of the Internal Revenue Code and the regulations under that Section;
(4) to a custodian under the Uniform Transfers to Minors Act (IC 30-2-8.5); or
(5) to another responsible person as the court orders.

(e) When a guardianship terminates by reason of the death of the protected person, the powers of the guardian cease, except that the guardian may pay the expenses of administration that are approved by the court and exercise other powers that are necessary to complete the performance of the guardian's trust and may deliver the remaining property for which the guardian is responsible to the protected person's personal representative or to a person who presents the guardian with an affidavit under IC 29-1-8-1 or IC 29-2-1-2. If approved by the court, the guardian may pay directly the following:

(1) Reasonable funeral and burial expenses of the protected person.
(2) Reasonable expenses of the protected person's last illness.
(3) The protected person's federal and state taxes.
(4) Any statutory allowances payable to the protected person's surviving spouse or surviving children.
(5) Any other obligations of the protected person.

SECTION 2. IC 29-3-12-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6. (a) If a protected person:**

(1) is a minor; and
(2) has been adjudicated an incapacitated person;

the court may not terminate the guardianship of the protected person when the protected person attains eighteen (18) years of age.

(b) If a protected person is:

(1) a minor; and
(2) a recipient or beneficiary of financial assistance provided by the department of child services through a guardianship described in IC 31-9-2-17.8(1)(E);

the court may not terminate the guardianship of the protected person when the protected person attains eighteen (18) years of age.

SECTION 3. IC 29-3-12-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7. (a) This section applies to the guardianship of a minor who has not been adjudicated an incapacitated person.**

(b) A protected person who is at least seventeen (17) years of age and the guardian of the protected person may jointly petition the court to extend the duration of the guardianship beyond the date on which the protected person attains eighteen (18) years of age to the earlier of the following:

(1) A termination date, if any, set forth in the petition.
(2) The date the protected person attains twenty-two (22) years of age.

(c) A petition submitted under subsection (b) must be verified.

(d) The court, after notice and hearing, may extend a guardianship under this section if the court finds that extending the guardianship is in the best interests of the protected person. The extension of a guardianship under this section does not place the protected person under a legal disability.

(Reference is to ESB 32 as printed February 14, 2012.)

Bray, Chair	Foley
Broden	Pryor
Senate Conferees	House Conferees

Roll Call 329: yeas 49, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 298–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 298 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 4, line 23, delete "person who:" and insert "**person:**".
Page 4, line 24, after "(A)" insert "**who**".
Page 6, delete lines 39 through 42.
Page 7, delete lines 1 through 16.
Renumber all SECTIONS consecutively.
(Reference is to ESB 298 as reprinted February 28, 2012.)

Zakas, Chair	Speedy
Lanane	Riecken
Senate Conferees	House Conferees

Roll Call 330: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1092–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1092 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, after line 17, begin a new paragraph and insert:

"SECTION 4. IC 33-35-2-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.5. A city court in a city having a population of more than ten thousand five hundred (10,500) but less than eleven thousand (11,000) has concurrent jurisdiction with the circuit court in civil cases in which the amount in controversy does not exceed one thousand five hundred dollars ($1,500). However, the city court does not have jurisdiction in actions for:**

(1) slander;
(2) libel;
(3) foreclosure of mortgage on real estate, in which the title to real estate is in issue;
(4) matters relating to a decedent's estate, appointment of guardians, and all related matters; and
(5) actions in equity.".

(Reference is to EHB 1092 as printed February 21, 2012.)

Burton, Chair	Bray
Pryor	Randolph
House Conferees	Senate Conferees

Roll Call 331: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1186–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1186 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.
(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.
(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.
(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:
(A) the variance procedures are included in the rules; and
(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.
(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.
(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.
(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).
(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).
(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.
(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.
(30) A rule adopted by the Indiana finance authority:
(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;
(B) under IC 8-15-2-17.2(a)(10):
(i) establishing enforcement procedures; and
(ii) making assessments for failure to pay required tolls;
(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or
(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.
(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.
(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.
(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).
(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.
(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.
(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:
(A) Federal Medicaid waiver program provisions.
(B) Federal programs administered by the office of the secretary.
(38) An emergency rule adopted by the Indiana emergency medical services commission under IC 16-31-3-24.

(b) The following do not apply to rules described in subsection (a):
(1) Sections 24 through 36 of this chapter.
(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:
(1) accept the rule for filing; and
(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:
(1) The effective date of the statute delegating authority to the agency to adopt the rule.
(2) The date and time that the rule is accepted for filing under subsection (e).
(3) The effective date stated by the adopting agency in the rule.
(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24),

(a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

SECTION 2. IC 9-19-14.5-1, AS AMENDED BY P.L.138-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A privately owned vehicle belonging to a ~~certified~~ **licensed** paramedic, certified **advanced** emergency medical ~~technician-intermediate, certified emergency medical technician-basic advanced,~~ **technician,** certified emergency medical technician, certified emergency medical service driver, or certified emergency medical ~~service first~~ responder while traveling in the line of duty in connection with emergency medical services activities may display flashing or revolving green lights, subject to the following restrictions and conditions:

(1) The lights may not have a light source less than fifty (50) candlepower.

(2) All lights must be prominently displayed on the top of the vehicle.

(3) Not more than two (2) green lights may be displayed on a vehicle, and each light must be of the flashing or revolving type and visible at three hundred sixty (360) degrees.

(4) The lights must consist of:

(A) a lamp with a green lens; or

(B) a green light emitting diode (LED).

However, the revolving lights may contain multiple bulbs.

(5) The green lights may not be a part of the regular head lamps displayed on the vehicle.

(6) For a person to be authorized under this chapter to display a flashing or revolving green light on the person's vehicle, the person must first secure a written permit from the executive director of the department of homeland security to use the light. The permit must be carried by the person when the light is displayed.

SECTION 3. IC 9-30-6-6, AS AMENDED BY P.L.36-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician, who:

(1) obtains a blood, urine, or other bodily substance sample from a person, regardless of whether the sample is taken for diagnostic purposes or at the request of a law enforcement officer under this section; or

(2) performs a chemical test on blood, urine, or other bodily substance obtained from a person;

shall deliver the sample or disclose the results of the test to a law enforcement officer who requests the sample or results as a part of a criminal investigation. Samples and test results shall be provided to a law enforcement officer even if the person has not consented to or otherwise authorized their release.

(b) A physician, a hospital, or an agent of a physician or hospital is not civilly or criminally liable for any of the following:

(1) Disclosing test results in accordance with this section.

(2) Delivering a blood, urine, or other bodily substance sample in accordance with this section.

(3) Obtaining a blood, urine, or other bodily substance sample in accordance with this section.

(4) Disclosing to the prosecuting attorney or the deputy prosecuting attorney for use at or testifying at the criminal trial of the person as to facts observed or opinions formed.

(5) Failing to treat a person from whom a blood, urine, or other bodily substance sample is obtained at the request of a law enforcement officer if the person declines treatment.

(6) Injury to a person arising from the performance of duties in good faith under this section.

(c) For the purposes of this chapter, IC 9-30-5, or IC 9-30-9:

(1) the privileges arising from a patient-physician relationship do not apply to the samples, test results, or testimony described in this section; and

(2) samples, test results, and testimony may be admitted in a proceeding in accordance with the applicable rules of evidence.

(d) The exceptions to the patient-physician relationship specified in subsection (c) do not affect those relationships in a proceeding not covered by this chapter, IC 9-30-5, or IC 9-30-9.

(e) The test results and samples obtained by a law enforcement officer under subsection (a) may be disclosed only to a prosecuting attorney or a deputy prosecuting attorney for use as evidence in a criminal proceeding under this chapter, IC 9-30-5, or IC 9-30-9.

(f) This section does not require a physician or a person under the direction of a physician to perform a chemical test.

(g) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician shall obtain a blood, urine, or other bodily substance sample if the following exist:

(1) A law enforcement officer requests that the sample be obtained.

(2) The law enforcement officer has certified in writing the following:

(A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5.

(B) That the person from whom the sample is to be obtained has been involved in a motor vehicle accident that resulted in the serious bodily injury or death of another.

(C) That the accident that caused the serious bodily injury or death of another occurred not more than three (3) hours before the time the sample is requested.

(3) Not more than the use of reasonable force is necessary to obtain the sample.

(h) If the person:

(1) from whom the bodily substance sample is to be obtained under this section does not consent; and

(2) resists the taking of a sample;

the law enforcement officer may use reasonable force to assist an individual, who must be authorized under this section to obtain a sample, in the taking of the sample.

(i) The person authorized under this section to obtain a bodily substance sample shall take the sample in a medically accepted manner.

(j) This subsection does not apply to a bodily substance sample taken at a licensed hospital (as defined in IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer may transport the person to a place where the sample may be obtained by any of the following persons who are trained in obtaining bodily substance samples and who have been engaged to obtain samples under this section:

(1) A physician holding an unlimited license to practice medicine or osteopathy.

(2) A registered nurse.

(3) A licensed practical nurse.

(4) An **advanced** emergency medical ~~technician-basic advanced~~ **technician** (as defined in ~~IC 16-18-2-112.5).~~ **IC 16-18-2-6.5).**

~~(5) An emergency medical technician-intermediate (as defined in IC 16-18-2-112.7).~~

~~(6)~~ **(5)** A paramedic (as defined in IC 16-18-2-266).

SECTION 4. IC 16-18-2-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.5. "Advanced emergency medical technician", for purposes of IC 16-31, means an individual who can perform at least one (1) procedure but not all the procedures of a paramedic and who:**

(1) has completed a prescribed course in advanced life support;

(2) has been certified by the Indiana emergency medical services commission;

(3) is associated with a single supervising hospital; and

(4) is affiliated with a provider organization.

SECTION 5. IC 16-18-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) "Advanced life support", for purposes of IC 16-31, means care that is given:

(1) at the scene of:

(A) an accident;

(B) an act of terrorism (as defined in ~~IC 35-41-1-26.5),~~ **IC 35-31.5-2-329),** if the governor has declared a disaster emergency under IC 10-14-3-12 in response to the act of terrorism; or

(C) an illness;

(2) during transport; or

(3) at a hospital;

by a paramedic or an **advanced** emergency medical ~~technician-intermediate~~ **technician** and that is more advanced than the care usually provided by an emergency medical technician. ~~or an emergency medical technician-basic advanced.~~

(b) The term may include any of the following:

(1) Defibrillation.

(2) Endotracheal intubation.

(3) Parenteral injections of appropriate medications.

(4) Electrocardiogram interpretation.

(5) Emergency management of trauma and illness.

SECTION 6. IC 16-18-2-33.5, AS AMENDED BY P.L.74-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33.5. (a) "Basic life support", for purposes of IC 16-31, means the following:

(1) Assessment of emergency patients.

(2) Administration of oxygen.

(3) Use of mechanical breathing devices.

(4) Application of anti-shock trousers.

(5) Performance of cardiopulmonary resuscitation.

(6) Application of dressings and bandage materials.

(7) Application of splinting and immobilization devices.

(8) Use of lifting and moving devices to ensure safe transport.

(9) Administration ~~by an emergency medical technician or emergency medical technician-basic advanced~~ of epinephrine through an auto-injector.

~~(10) For an emergency medical technician-basic advanced, the following:~~

~~(A) Electrocardiogram interpretation.~~

~~(B) Manual external defibrillation.~~

~~(C) Intravenous fluid therapy.~~

~~(11)~~ **(10)** Other procedures authorized by the Indiana emergency medical services commission, including procedures contained in the revised national emergency medical technician basic training curriculum guide.

(b) Except as provided by:

(1) subsection (a)(9) and the training and certification standards established under IC 16-31-2-9(3); **and**

~~(2) subsection (a)(10)(C); and~~

~~(3)~~ **(2)** the training standards established under IC 16-31-2-9(4);

the term does not include invasive medical care techniques or advanced life support.

SECTION 7. IC 16-18-2-109.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 109.8. "Emergency medical responder", for purposes of IC 16-31, means an individual who is:**

(1) certified under IC 16-31 and who meets the Indiana emergency medical services commission's standards for emergency medical responder certification; and

(2) the first individual to respond to an incident requiring emergency medical services.

SECTION 8. IC 16-18-2-112.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 112.5. "Emergency medical technician-basic advanced", for purposes of IC 16-31, means an individual who is certified under IC 16-31 to provide basic life support at the scene of an accident or illness or during transport.~~

SECTION 9. IC 16-18-2-112.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 112.7. "Emergency medical technician-intermediate", for purposes of IC 16-31, means an individual who can perform at least one (1) of but not all the procedures of a paramedic and who:~~

~~(1) has completed a prescribed course in advanced life support;~~

~~(2) has been certified by the Indiana emergency medical services commission;~~

~~(3) is associated with a single supervising hospital; and~~

~~(4) is affiliated with a provider organization.~~

SECTION 10. IC 16-18-2-131 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 131. "First responder", for purposes of IC 16-31, means an individual who is:~~

~~(1) certified under IC 16-31 and who meets the Indiana emergency medical services commission's standards for first responder certification; and~~

~~(2) the first individual to respond to an incident requiring emergency medical services.~~

SECTION 11. IC 16-18-2-163, AS AMENDED BY P.L.108-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an **advanced** emergency medical ~~technician-basic advanced, an emergency medical technician-intermediate,~~ **technician,** or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5, means an individual licensed or authorized by this state to provide health care or professional services as:

(1) a licensed physician;

(2) a registered nurse;

(3) a licensed practical nurse;

(4) an advanced practice nurse;

(5) a licensed nurse midwife;

(6) a paramedic;

(7) an emergency medical technician;

(8) an **advanced** emergency medical ~~technician-basic advanced;~~ **technician; or**

~~(9) an emergency medical technician-intermediate; or~~

~~(10)~~ **(9)** ~~a first~~ **an emergency medical** responder, as defined ~~under IC 16-18-2-131.~~ **by section 109.8 of this chapter.**

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

(d) "Health care provider", for purposes of IC 16-40-4, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility,

or institution acting in the course and scope of the person's employment.

(2) A blood bank, laboratory, community mental health center, community mental retardation center, community health center, or migrant health center.

(3) A home health agency (as defined in IC 16-27-1-2).

(4) A health maintenance organization (as defined in IC 27-13-1-19).

(5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

(7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).

(e) "Health care provider", for purposes of IC 16-45-4, has the meaning set forth in 47 CFR 54.601(a).

SECTION 12. IC 16-18-2-266 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 266. "Paramedic", for purposes of IC 16-31, means an individual who:

(1) is:

(A) affiliated with a certified paramedic organization;

(B) employed by a sponsoring hospital approved by the commission; or

(C) employed by a supervising hospital with a contract for inservice education with a sponsoring hospital approved by the commission;

(2) has completed a prescribed course in advanced life support; and

(3) has been ~~certified~~ **licensed** by the Indiana emergency medical services commission.

SECTION 13. IC 16-18-2-295, AS AMENDED BY P.L.41-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 295. (a) "Provider", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.5.

(b) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7), ~~and~~ IC 16-41-1 through IC 16-41-9, and IC 16-41-37, means any of the following:

(1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:

(A) A physician.

(B) A psychotherapist.

(C) A dentist.

(D) A registered nurse.

(E) A licensed practical nurse.

(F) An optometrist.

(G) A podiatrist.

(H) A chiropractor.

(I) A physical therapist.

(J) A psychologist.

(K) An audiologist.

(L) A speech-language pathologist.

(M) A dietitian.

(N) An occupational therapist.

(O) A respiratory therapist.

(P) A pharmacist.

(Q) A sexual assault nurse examiner.

(2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.

(3) A health facility licensed under IC 16-28-2.

(4) A home health agency licensed under IC 16-27-1.

(5) An employer of a certified emergency medical technician, a certified **advanced** emergency medical ~~technician-basic advanced, a certified emergency medical technician-intermediate,~~ **technician,** or a ~~certified~~ **licensed** paramedic.

(6) The state department or a local health department or an employee, agent, designee, or contractor of the state department or local health department.

(c) "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

(d) "Provider", for purposes of IC 16-48-1, has the meaning set forth in IC 16-48-1-3.

SECTION 14. IC 16-18-2-337 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 337. "Sponsoring" or "supervising hospital", for purposes of IC 16-31, means a hospital:

(1) that is licensed under IC 16-21-2 or under the licensing law of another state; and

(2) that has been certified by the emergency medical services commission to sponsor or supervise paramedics, **advanced** emergency medical ~~technicians-intermediate,~~ **technicians,** and provider organizations in providing advanced life support.

SECTION 15. IC 16-31-2-2, AS AMENDED BY P.L.68-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The commission is composed of thirteen (13) members. The governor shall appoint the members for four (4) year terms as follows:

(1) One (1) must be appointed from a volunteer fire department that provides emergency medical service.

(2) One (1) must be appointed from a full-time municipal fire or police department that provides emergency medical service.

(3) One (1) must be a nonprofit provider of emergency ambulance services organized on a volunteer basis other than a volunteer fire department.

(4) One (1) must be a provider of private ambulance services.

(5) One (1) must be a state ~~certified~~ **licensed** paramedic.

(6) One (1) must be a licensed physician who:

(A) has a primary interest, training, and experience in emergency medical services; and

(B) is currently practicing in an emergency medical services facility.

(7) One (1) must be a chief executive officer of a hospital that provides emergency ambulance services.

(8) One (1) must be a registered nurse who has supervisory or administrative responsibility in a hospital emergency department.

(9) One (1) must be a licensed physician who:

(A) has a primary interest, training, and experience in trauma care; and

(B) is practicing in a trauma facility.

(10) One (1) must be a state certified emergency medical service technician.

(11) One (1) must be an individual who:

(A) represents the public at large; and

(B) is not in any way related to providing emergency medical services.

(12) One (1) must be a program director (as defined in 836 IAC 4-2-2(12)(B)(iii)) for a commission certified advanced life support training institution.

(13) One (1) must be the deputy executive director appointed under IC 10-19-5-3 to manage the division of preparedness and training of the department of homeland security or the designee of the deputy executive director.

(b) The chief executive officer of a hospital appointed under subsection (a)(7) may designate another administrator of the hospital to serve for the chief executive officer on the commission.

(c) Not more than seven (7) members may be from the same political party.

SECTION 16. IC 16-31-2-7, AS AMENDED BY P.L.20-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The commission shall do the following:

(1) Develop and promote, in cooperation with state, regional, and local public and private organizations, agencies, and persons, a statewide program for the provision of emergency medical services that must include the following:

(A) Preparation of state, regional, and local emergency ambulance service plans.

(B) Provision of consultative services to state, regional, and local organizations and agencies in developing and implementing emergency ambulance service programs.

(C) Promotion of a statewide system of emergency medical service facilities by developing minimum standards, procedures, and guidelines in regard to personnel, equipment, supplies, communications, facilities, and location of such centers.

(D) Promotion of programs for the training of personnel providing emergency medical services and programs for the education of the general public in first aid techniques and procedures. The training shall be held in various local communities of the state and shall be conducted by agreement with publicly and privately supported educational institutions or hospitals licensed under IC 16-21, wherever appropriate.

(E) Promotion of coordination of emergency communications, resources, and procedures throughout Indiana and, in cooperation with interested state, regional, and local public and private agencies, organizations, and persons, the development of an effective state, regional, and local emergency communications system.

(F) Organizing and sponsoring a statewide emergency medical services conference to provide continuing education for persons providing emergency medical services.

(2) Regulate, inspect, and certify **or license** services, facilities, and personnel engaged in providing emergency medical services as provided in this article.

(3) Adopt rules required to implement an approved system of emergency medical services.

(4) Adopt rules concerning triage and transportation protocols for the transportation of trauma patients consistent with the field triage decision scheme of the American College of Surgeons Committee on Trauma.

(5) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.

(6) Employ necessary administrative staff.

SECTION 17. IC 16-31-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The commission may do the following:

(1) Develop training and certification standards for ~~first~~ **emergency medical** responders under this article.

(2) Require ~~first~~ **emergency medical** responders to be certified under the standards developed under subdivision (1).

(3) Develop reciprocal certification training standards for individuals who have received medical training by a branch of the United States armed forces.

SECTION 18. IC 16-31-2-9, AS AMENDED BY P.L.74-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. The commission shall establish the following:

(1) Standards for persons who provide emergency medical services and who are not licensed or regulated under IC 16-31-3.

(2) Training standards for the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military attack.

(3) Training and certification standards for the administration of epinephrine through an auto-injector by

~~(A)~~ an emergency medical technician. ~~or~~

~~(B) an emergency medical technician-basic advanced.~~

(4) Training standards to permit the use of antidote kits containing atropine and pralidoxime chloride for the treatment of exposure to nerve agents by ~~an emergency medical technician-basic advanced,~~ an emergency medical technician or ~~a first~~ **an emergency medical** responder.

SECTION 19. IC 16-31-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The

commission shall develop procedures for ongoing review of all emergency ambulance services.

(b) The commission may review any pre-hospital ambulance rescue or report record regarding an emergency patient that is utilized or compiled by an emergency ambulance service employing paramedics, **advanced** emergency medical ~~technicians-intermediate,~~ **technicians, or** emergency medical technicians. ~~or emergency medical technicians-basic advanced.~~ However, except as provided in subsection (d), those records shall remain confidential and may be used solely for the purpose of compiling data and statistics. The use of such data or statistics is subject to IC 4-1-6.

(c) The commission may develop and oversee experimental study projects conducted by ambulance service providers in limited geographic areas of Indiana. These study projects must be developed and conducted in accordance with rules adopted by the commission under IC 4-22-2. These study projects must be designed to test the efficacy of new patient care techniques and new ambulance service systems.

(d) This subsection applies to emergency ambulance services that are provided by or under a contract with an entity that is a public agency for purposes of IC 5-14-3. The following information, if contained in a pre-hospital ambulance rescue or report record regarding an emergency patient, is public information and must be made available for inspection and copying under IC 5-14-3:

(1) The date and time of the request for ambulance services.

(2) The reason for the request for assistance.

(3) The time and nature of the response to the request for ambulance services.

(4) The time of arrival at the scene where the patient was located.

(5) The time of departure from the scene where the patient was located.

(6) The name of the facility, if any, to which the patient was delivered for further treatment and the time of arrival at that facility.

SECTION 20. IC 16-31-2-12, AS ADDED BY P.L.101-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. The commission may impose a reasonable fee for the issuance of a certification **or license** under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.

SECTION 21. IC 16-31-2-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) The commission may adopt initial rules for the licensure of paramedics in the same manner that emergency rules are adopted under IC 4-22-2-37.1. A rule adopted under this section expires on the earlier of the following:**

(1) The date that the rule is superseded, amended, or repealed by a permanent rule adopted under IC 4-22-2 or another rule adopted under this article.

(2) June 30, 2013.

(b) This section expires July 1, 2013.

SECTION 22. IC 16-31-3-1, AS AMENDED BY P.L.74-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), a person other than:

(1) a licensed physician;

(2) a registered nurse or an individual acting under the supervision of a licensed physician; or

(3) a person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

may not furnish, operate, conduct, maintain, advertise, or otherwise be engaged in providing emergency medical services, except for the use of an automated external defibrillator, as a part of the regular course of doing business, either paid or voluntary, unless that person holds a valid certificate **or license** issued by the commission.

(b) A:

(1) licensed physician;

(2) registered nurse or an individual acting under the supervision of a licensed physician; or

(3) person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

who operates a business of transporting emergency patients by ambulance or using a nontransporting emergency medical services vehicle must hold a valid certificate issued by the commission under this article.

SECTION 23. IC 16-31-3-2, AS AMENDED BY P.L.71-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The commission shall establish standards for persons required to be certified **or licensed** by the commission to provide emergency medical services. To be certified **or licensed,** a person must meet the following minimum requirements:

(1) The personnel certified **or licensed** under this chapter must do the following:

(A) Meet the standards for education and training established by the commission by rule.

(B) Successfully complete a basic or an inservice course of education and training on sudden infant death syndrome that is certified by the commission in conjunction with the state health commissioner.

(C) Beginning January 1, 2009, successfully complete a basic or an inservice course of education and training on autism that is certified by the commission.

(2) Ambulances to be used must conform with the requirements of the commission and must either be:

(A) covered by insurance issued by a company licensed to do business in Indiana in the amounts and under the terms required in rules adopted by the commission; or

(B) owned by a governmental entity covered under IC 34-13-3.

(3) Emergency ambulance service shall be provided in accordance with rules adopted by the commission. However, the rules adopted under this chapter may not prohibit the dispatch of an ambulance to aid an emergency

patient because an emergency medical technician is not immediately available to staff the ambulance.

(4) Ambulances must be equipped with a system of emergency medical communications approved by the commission. The emergency medical communication system must properly integrate and coordinate appropriate local and state emergency communications systems and reasonably available area emergency medical facilities with the general public's need for emergency medical services.

(5) Emergency medical communications shall be provided in accordance with rules adopted by the commission.

(6) A nontransporting emergency medical services vehicle must conform with the commission's requirements.

SECTION 24. IC 16-31-3-3, AS AMENDED BY P.L.22-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A certificate **or license** is not required for a person who provides emergency ambulance service, an emergency medical technician, ~~an emergency medical technician-basic advanced,~~ an ambulance, a nontransporting emergency medical services vehicle, or advanced life support when doing any of the following:

(1) Providing assistance to persons certified to provide emergency ambulance service or to emergency medical technicians.

(2) Operating from a location or headquarters outside Indiana to provide emergency ambulance services to patients who are picked up outside Indiana for transportation to locations within Indiana.

(3) Providing emergency medical services during a major catastrophe or disaster with which persons or ambulances certified to provide emergency ambulance services are insufficient or unable to cope.

(b) An agency or instrumentality of the United States and any paramedic, **advanced** emergency medical ~~technician-intermediate, emergency medical technician-basic advanced,~~ **technician,** emergency medical technician, or ~~first~~ **emergency medical** responder of the agency or instrumentality is not required to:

(1) be certified **or licensed;** or

(2) conform to the standards prescribed under this chapter.

SECTION 25. IC 16-31-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The commission shall waive any rule for a person who provides emergency ambulance service, an emergency medical technician, an **advanced** emergency medical ~~technician-basic advanced, an emergency medical technician-intermediate,~~ **technician,** a paramedic, or an ambulance when operating from a location in an adjoining state by contract with an Indiana unit of government to provide emergency ambulance or medical services to patients who are picked up or treated in Indiana.

(b) The commission may waive any rule, including a rule establishing a fee, for a person who submits facts demonstrating that:

(1) compliance with the rule will impose an undue hardship on the person; and

(2) either:

(A) noncompliance with the rule; or

(B) compliance with an alternative requirement approved by the commission;

will not jeopardize the quality of patient care. However, the commission may not waive a rule that sets forth educational requirements for a person regulated under this article.

(c) A waiver granted under subsection (b)(2)(B) is conditioned upon compliance with the alternative requirement approved under subsection (b).

(d) The commission shall establish an expiration date for any waiver that is granted.

(e) The commission may renew a waiver if the person makes the same demonstration required for the original waiver.

SECTION 26. IC 16-31-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(b) As used in this section, "volunteer firefighter" has the meaning set forth in IC 36-8-12-2.

(c) A certificate **or paramedic license** is not required for a volunteer fire department or volunteer firefighter to engage in extrication or rescue services.

SECTION 27. IC 16-31-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The commission may not withhold certification **or licensure** from a person providing emergency medical services that include extrication and rescue services because the person is not affiliated with a hospital, law enforcement agency, or fire department.

SECTION 28. IC 16-31-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. An application for a certificate **or license** must be made upon the forms, provide the information, and be in accordance with the procedures prescribed by the commission.

SECTION 29. IC 16-31-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. Except as otherwise provided in this chapter, all certificates **and licenses** are valid for a period specified by the commission unless earlier suspended, revoked, or terminated.

SECTION 30. IC 16-31-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) Except as provided in subsection (b), to renew a certificate **or license** issued under this chapter upon expiration of the certificate **or license** for any reason, a person must comply with any continuing education requirements that have been established by the commission. To renew a certificate **or license** issued under this chapter after a revocation of the certificate **or license,** a person must comply with all the requirements of this chapter that apply to the original certification **or licensure.**

(b) A renewal of an emergency medical technician ~~an~~ **or advanced** emergency medical ~~technician-basic advanced, an emergency medical technician-intermediate or a paramedic~~ **technician** certificate **or a paramedic license** shall be issued to an individual who meets the following conditions:

(1) While holding a valid certificate **or license,** enters the armed forces of the United States, including:

(A) the Army;

(B) the Navy;

(C) the Air Force;
(D) the Marines; or
(E) the Coast Guard;
but excluding the guard and reserve components of those forces.
(2) Is discharged from the armed forces of the United States within forty-eight (48) months after the individual entered the armed forces.
(3) Successfully completes, not more than nine (9) months after the individual's discharge from the armed forces of the United States, a refresher course approved by the commission.
(4) Applies for the certificate **or license** renewal not more than one (1) year after the individual's discharge from the armed forces of the United States.
(5) Passes the written and practical skills examinations.

(c) A renewal of an emergency medical technician ~~an~~ **or advanced** emergency medical ~~technician-basic advanced, an emergency medical technician-intermediate or a paramedic~~ **technician** certificate **or a paramedic license** must be issued to an individual who meets the following conditions:
(1) While holding a valid certificate **or license,** the individual is called to active military duty as a member of the Indiana National Guard or a reserve component of the armed forces of the United States, including:
(A) the Army;
(B) the Navy;
(C) the Air Force;
(D) the Marines; or
(E) the Coast Guard.
(2) The individual provides the emergency medical services commission with a copy of the document from the armed forces that called the individual to active duty.
(3) The individual applies for the certificate **or license** renewal not more than one hundred twenty (120) days after the individual leaves active duty.

SECTION 31. IC 16-31-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. A certificate **or license** issued under this chapter is not assignable or transferable.

SECTION 32. IC 16-31-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. An official entry made upon a certificate **or license** may not be defaced, removed, or obliterated.

SECTION 33. IC 16-31-3-13.5, AS ADDED BY P.L.101-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. The commission may impose a reasonable fee for the issuance of a certification **or license** under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.

SECTION 34. IC 16-31-3-14, AS AMENDED BY HEA 1196-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) A person holding a certificate **or license** issued under this article must comply with the applicable standards and rules established under this article. A certificate holder **or license holder** is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder **or license holder:**
(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate **or license,** including cheating on a certification **or licensure** examination;
(2) engaged in fraud or material deception in the course of professional services or activities;
(3) advertised services or goods in a false or misleading manner;
(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder **or license holder** should be entrusted to provide emergency medical services;
(6) is convicted of violating IC 9-19-14.5;
(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
(8) continues to practice if the certificate holder **or license holder** becomes unfit to practice due to:
(A) professional incompetence that includes the undertaking of professional activities that the certificate holder **or license holder** is not qualified by training or experience to undertake;
(B) failure to keep abreast of current professional theory or practice;
(C) physical or mental disability; or
(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's **or license holder's** ability to practice safely;
(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
(10) allows the certificate holder's **or license holder's** name or a certificate **or license** issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;
(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;
(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
(13) allows a certificate **or license** issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate **or license** is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder **or license holder** is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate **or license holder's license** for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate **or license holder's license** for a period not to exceed seven (7) years.

(3) Censure of a certificate holder **or license holder.**

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder **or license holder** in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars ($500) per day per violation.

(B) If the certificate holder **or license holder** fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate **or license holder's license** without additional proceedings.

(6) Placement of a certificate holder **or license holder** on probation status and requirement of the certificate holder **or license holder** to:

(A) report regularly to the department of homeland security upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department of homeland security;

(C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder **or license holder.**

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder **or license holder** has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate **or license,** including cheating on the certification **or licensure** examination, the department of homeland security may rescind the certificate **or license** if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate **or license** for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification **or licensure** to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder **or license holder,** has had disciplinary action taken against the applicant or the applicant's certificate **or license** to practice in another state or jurisdiction, or has practiced without a certificate **or license** in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder **or license holder** to submit to a reasonable physical or mental examination if the certificate holder's **or license holder's** physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder **or license holder** liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate **or license** may not be denied, revoked, or suspended because the applicant, ~~or~~ certificate holder, **or license holder** has been convicted of an offense. The acts from which the applicant's, ~~or~~ certificate holder's, **or license holder's** conviction resulted may be considered as to whether the applicant or certificate holder **or license holder** should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate **or license** issued under this article if the individual who holds or is applying for the certificate **or license** is convicted of any of the following:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic drug as a Class D felony under IC 35-48-4-11.

(9) Maintaining a common nuisance under IC 35-48-4-13.

(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (12).

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate **or license holder's license** under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder **or license holder** would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder **or license holder** were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified **or licensed** under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate **or license** that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate **or license** that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate, **and a license holder may not surrender the license holder's license,** without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate **or license.**

(p) For purposes of this section, "certificate holder" means a person who holds:

(1) an unlimited certificate;

(2) a limited or probationary certificate; or

(3) an inactive certificate.

(q) For purposes of this section, "license holder" means a person who holds:

(1) an unlimited license;

(2) a limited or probationary license; or

(3) an inactive license.

SECTION 35. IC 16-31-3-14.5, AS AMENDED BY HEA 1196-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification **or licensure** or permanently revoke a certificate **or license** under procedures provided by section 14 of this chapter if the individual who holds the certificate **or license** issued under this title is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic drug under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) A crime of violence (as defined in IC 35-50-1-2(a)).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

SECTION 36. IC 16-31-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. A person who is not certified **or licensed** under this chapter and identifies or holds out to other persons that the person is:

(1) certified **or licensed** under this chapter; or

(2) authorized to do any act allowed under this chapter;

commits a Class C misdemeanor.

SECTION 37. IC 16-31-3-17, AS AMENDED BY P.L.1-2009, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) The department of homeland security established by IC 10-19-2-1 may issue an order to a person who has practiced without a certificate **or license** in violation of this article imposing a civil penalty of not more than five hundred dollars ($500) per occurrence.

(b) A decision of the department of homeland security under subsection (a) may be appealed to the commission under IC 4-21.5-3-7.

SECTION 38. IC 16-31-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. The commission shall adopt rules under IC 4-22-2 that promote the orderly development of advanced life support services in Indiana. The rules must include the following:

(1) Requirements and procedures for the certification of provider organizations, ~~paramedics,~~ **advanced** emergency medical ~~technicians-intermediate,~~ **technicians,** and supervising hospitals.

(2) Requirements and procedures for the licensure of paramedics.

~~(2)~~ **(3)** Rules governing the operation of advanced life support services, including the medications and procedures that may be administered and performed by paramedics and **advanced** emergency medical ~~technicians-intermediate.~~ **technicians.**

SECTION 39. IC 16-31-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) Notwithstanding any other law, a ~~certified~~ **licensed** paramedic or a certified **advanced** emergency medical ~~technician-intermediate~~ **technician** may perform advanced life support in an emergency according to the rules of the commission.

(b) Notwithstanding any other law, a person may, during a course of instruction in advanced life support, perform advanced life support according to the rules of the commission.

SECTION 40. IC 16-31-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. An emergency medical technician ~~or emergency medical technician-basic advanced~~ who is certified under this article may administer epinephrine through an auto-injector to an individual who is experiencing symptoms of an allergic reaction or anaphylaxis.

SECTION 41. IC 16-31-3-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 24. The commission may implement a certification program for emergency services personnel regulated by the commission through emergency rules adopted under IC 4-22-2-37.1. An emergency rule adopted under this section expires on the later of the following:**

(1) July 1, 2014.

(2) The date permanent rules are adopted to replace the emergency rules.

SECTION 42. IC 16-31-3.5-1, AS AMENDED BY P.L.68-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Emergency medical dispatching" means the reception, evaluation, processing, and provision of dispatch life support, management of requests for emergency medical assistance, and participation in ongoing evaluation and improvement of the emergency medical dispatch process. This process includes identifying the nature of the request, prioritizing the severity of the request, dispatching the necessary resources, providing medical aid and safety instructions to the callers, and coordinating the responding resources as needed, but does not include call routing itself.

(c) "Emergency medical dispatch agency" means any person that provides emergency medical dispatching for emergency medical assistance. ~~that is certified under this chapter.~~

SECTION 43. IC 16-31-3.5-3, AS AMENDED BY P.L.68-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. ~~After December 31, 2009,~~ A person may not furnish, operate, conduct, maintain, or advertise services as an emergency medical dispatcher or otherwise be engaged as an emergency medical dispatch agency unless ~~certified by the commission as an emergency medical dispatch agency.~~ **the person performing the emergency medical dispatch has completed training that meets or exceeds the standards established by the National Highway Traffic Safety Administration in the Emergency Medical Dispatch Program Implementation and Administration Managers Guide, as in effect July 1, 2012.**

SECTION 44. IC 16-31-3.5-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. (a) To be certified as an emergency medical dispatch agency, a person must:~~

~~(1) meet the standards established by the commission; and~~

~~(2) pay the fee established by the commission.~~

~~(b) An emergency medical dispatch agency certificate expires on the expiration date established when it is issued, which must be at least two (2) years after the date of its issuance. To renew a certificate, an emergency medical dispatch agency must:~~

~~(1) meet the renewal requirements established by the commission; and~~

~~(2) pay the fee established by the commission.~~

~~(c) The emergency medical dispatch agency must be operated in a safe, efficient, and effective manner in accordance with commission approved standards that include the following requirements:~~

~~(1) Before functioning alone in an online capacity, all personnel providing emergency medical dispatch services must be certified as emergency medical dispatchers through a training program that is:~~

~~(A) approved by the commission; and~~

~~(B) used by the department.~~

~~(2) The protocols, procedures, standards, and policies used by an emergency medical dispatch agency to dispatch emergency medical aid must comply with the requirements established by the commission.~~

~~(d) The commission may require the submission of periodic reports from an emergency medical dispatch agency. The emergency medical dispatch agency must submit the reports in the manner and with the frequency required by the commission.~~

~~(e) An emergency medical dispatch agency shall report to the commission whenever an action occurs that may justify the revocation or suspension of a certificate issued by the commission.~~

SECTION 45. IC 16-31-3.5-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. The commission shall adopt rules under IC 4-22-2 to implement this chapter.~~

SECTION 46. IC 16-31-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A certified emergency medical technician ~~or a certified emergency medical technician-basic advanced~~ who provides emergency medical services to an emergency patient is not liable for an act or omission in providing those services unless the act or omission constitutes negligence or willful misconduct. If the emergency medical technician ~~or emergency medical technician-basic advanced~~ is not liable for an act or omission, no other person incurs liability by reason of an agency relationship with the emergency medical technician. ~~or emergency medical technician-basic advanced.~~

(b) This section does not affect the liability of a driver of an ambulance for negligent operation of the ambulance.

SECTION 47. IC 16-31-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except for an act of negligence or willful misconduct, a certified ~~first~~ **emergency medical** responder who uses an automatic or semiautomatic defibrillator on an emergency patient according to the training procedures established by the commission under IC 16-31-2-9 is immune from civil liability for acts or omissions when rendering those services.

(b) If the ~~first~~ **emergency medical** responder is immune from civil liability for the ~~first~~ **emergency medical** responder's act or omission, a person who has only an agency relationship with the ~~first~~ **emergency medical** responder is also immune from civil liability for the act or omission.

SECTION 48. IC 16-31-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. An act or omission of a paramedic or an **advanced** emergency medical ~~technician-intermediate~~ **technician** done or omitted in good faith while providing advanced life support to a patient or trauma victim does not impose liability upon the paramedic or **advanced** emergency medical ~~technician-intermediate,~~ **technician,** the authorizing physician, the hospital, or the officers, members of the staff, nurses, or other employees of the hospital or the local governmental unit if the advanced life support is provided:

(1) in connection with an emergency;

(2) in good faith; and

(3) under the written or oral direction of a licensed physician;

unless the act or omission was a result of negligence or willful misconduct.

SECTION 49. IC 16-31-6-4, AS AMENDED BY SEA 26-2012, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.

(b) An act or omission of a paramedic, an **advanced** emergency medical ~~technician-intermediate, an emergency medical technician-basic advanced,~~ **technician,** an emergency medical technician, or a person with equivalent certification **or licensure** from another state that is performed or made while providing advanced life support or basic life support to a patient or trauma victim does not impose liability upon the paramedic, the **advanced** emergency medical ~~technician-intermediate, the emergency medical technician-basic advanced,~~ **technician,** an emergency medical technician, the person with equivalent certification **or licensure** from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

(1) in connection with a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-31.5-2-329); and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

SECTION 50. IC 16-31-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The emergency medical services restitution fund is established for the purpose of reimbursing persons who:

(1) are certified **or licensed** under IC 16-31-3; and

(2) provided emergency medical services to individuals injured as a result of an accident caused by an individual who:

(A) was operating a vehicle while intoxicated at the time the accident occurred; and

(B) was subsequently convicted under IC 9-30-5 of that offense.

SECTION 51. IC 21-14-1-6, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. "Public safety officer" means any of the following:

(1) A regular, paid law enforcement officer.

(2) A regular, paid firefighter.

(3) A volunteer firefighter (as defined in IC 36-8-12-2).

(4) A county police reserve officer.

(5) A city police reserve officer.

(6) A paramedic (as defined in IC 16-18-2-266).

(7) An emergency medical technician (as defined in IC 16-18-2-112).

(8) An advanced emergency medical technician (as defined in ~~IC 16-18-2-6) (repealed);~~ **IC 16-18-2-6.5);** or

(9) A hazardous duty employee of the department of correction who:

(A) works within a prison or juvenile facility; or

(B) performs parole or emergency response operations and functions.

SECTION 52. IC 25-22.5-1-2, AS AMENDED BY SEA 26-2012, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.

(2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.

(3) A paramedic (as defined in IC 16-18-2-266), an **advanced** emergency medical ~~technician-basic advanced~~ **technician** (as defined in ~~IC 16-18-2-112.5), an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7),~~ **IC 16-18-2-6.5),** an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7), or basic life support (as defined in IC 16-18-2-33.5):

(A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-31.5-2-329); and

(B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

(4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.

(5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.

(6) A person administering a domestic or family remedy to a member of the person's family.

(7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.

(8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

(11) A dentist practicing the dentist's profession under IC 25-14.

(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.

(13) A nurse practicing the nurse's profession under IC 25-23. However, a certified registered nurse anesthetist (as defined in IC 25-23-1-1.4) may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician.

(14) An optometrist practicing the optometrist's profession under IC 25-24.

(15) A pharmacist practicing the pharmacist's profession under IC 25-26.

(16) A physical therapist practicing the physical therapist's profession under IC 25-27.

(17) A podiatrist practicing the podiatrist's profession under IC 25-29.

(18) A psychologist practicing the psychologist's profession under IC 25-33.

(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.

(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(21) A hospital licensed under IC 16-21 or IC 12-25.

(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

(A) a physician;

(B) a psychiatric hospital;

(C) a hospital;

(D) a health maintenance organization or limited service health maintenance organization;

(E) a health facility;

(F) a dentist;

(G) a registered or licensed practical nurse;

(H) a midwife;

(I) an optometrist;

(J) a podiatrist;

(K) a chiropractor;

(L) a physical therapist; or

(M) a psychologist.

(23) A physician assistant practicing the physician assistant profession under IC 25-27.5.

(24) A physician providing medical treatment under ~~IC 25-22.5-1-2.1.~~ **section 2.1 of this chapter.**

(25) An attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

(26) A personal services attendant providing authorized attendant care services under IC 12-10-17.1.

(27) A respiratory care practitioner practicing the practitioner's profession under IC 25-34.5.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

(1) the person performs an act that an Indiana statute does not authorize the person to perform; and

(2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the

entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 53. IC 34-6-2-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.1. "Advanced emergency medical technician", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-3.5.**

SECTION 54. IC 34-6-2-37.2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 37.2. "Emergency medical technician-basic advanced", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.1.~~

SECTION 55. IC 34-6-2-37.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 37.4. "Emergency medical technician-intermediate", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.2.~~

SECTION 56. IC 34-6-2-55, AS AMENDED BY P.L.138-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 55. (a) "Health care services", for purposes of IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a).

(b) "Health care services", for purposes of IC 34-30-13.5, means:

(1) any services provided by an individual licensed under:
(A) IC 25-2.5;
(B) IC 25-10;
(C) IC 25-13;
(D) IC 25-14;
(E) IC 25-22.5;
(F) IC 25-23;
(G) IC 25-23.5;
(H) IC 25-23.6;
(I) IC 25-24;
(J) IC 25-26;
(K) IC 25-27;
(L) IC 25-27.5;
(M) IC 25-29;
(N) IC 25-33;
(O) IC 25-34.5; or
(P) IC 25-35.6;

(2) services provided as the result of hospitalization;

(3) services incidental to the furnishing of services described in subdivisions (1) or (2);

(4) any services by individuals: ~~certified as:~~
(A) **licensed as** paramedics;
(B) **certified as advanced** emergency medical ~~technicians-intermediate;~~ **technicians; or**
~~(C) emergency medical technicians-advanced;~~
~~(D) emergency medical technicians basic-advanced; or~~
~~(E)~~ **(C) certified as** emergency medical technicians under IC 16-31-2;

(5) any services provided by individuals certified as ~~first~~ **emergency medical** responders under IC 16-31-2; or

(6) any other services or goods furnished for the purpose of preventing, alleviating, curing, or healing human illness, physical disability, or injury.

SECTION 57. IC 34-18-2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. "Advanced emergency medical technician" means an individual who can perform at least one (1) procedure but not all the procedures of a paramedic and who:**

(1) has completed a prescribed course in advanced life support;
(2) has been certified by the Indiana emergency medical services commission;
(3) is associated with a single supervising hospital; and
(4) is affiliated with a provider organization.

SECTION 58. IC 34-18-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. "Ambulance service" means a person who employs:

(1) emergency medical technicians;

(2) **advanced** emergency medical ~~technicians-basic advanced;~~ **technicians; or**
~~(3) emergency medical technicians-intermediate; or~~
~~(4)~~ **(3)** paramedics.

SECTION 59. IC 34-18-2-12.1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12.1. (a) "Emergency medical technician-basic advanced" has the meaning set forth in IC 16-18-2-112.5.~~

~~(b) The term does not include a person while the person is operating an emergency vehicle.~~

SECTION 60. IC 34-18-2-12.2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12.2. (a) "Emergency medical technician-intermediate" has the meaning set forth in IC 16-18-2-112.7.~~

~~(b) The term does not include a person while the person is operating an emergency vehicle.~~

SECTION 61. IC 34-18-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. "Health care provider" means any of the following:

(1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, midwife, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, **advanced** emergency medical ~~technician-intermediate,~~ **technician,** ~~emergency medical technician-basic advanced,~~ or emergency medical technician, or a person who is an officer, employee, or

agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:

(A) as one (1) of its functions, provides health care;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action.

SECTION 62. IC 35-42-2-6, AS AMENDED BY P.L.131-2009, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) As used in this section, "corrections officer" includes a person employed by:

(1) the department of correction;

(2) a law enforcement agency;

(3) a probation department;

(4) a county jail; or

(5) a circuit, superior, county, probate, city, or town court.

(b) As used in this section, "firefighter" means a person who is a:

(1) full-time, salaried firefighter;

(2) part-time, paid firefighter; or

(3) volunteer firefighter (as defined in IC 36-8-12-2).

(c) As used in this section, ~~"first~~ **"emergency medical** responder" means a person who:

(1) is certified under IC 16-31 and who meets the Indiana emergency medical services commission's standards for ~~first~~ **emergency medical** responder certification; and

(2) responds to an incident requiring emergency medical services.

(d) As used in this section, "human immunodeficiency virus (HIV)" includes acquired immune deficiency syndrome (AIDS) and AIDS related complex.

(e) A person who knowingly or intentionally in a rude, insolent, or angry manner places blood or another body fluid or waste on a law enforcement officer, firefighter, ~~first~~ **emergency medical** responder, corrections officer, or department of child services employee, identified as such and while engaged in the performance of official duties, or coerces another person to place blood or another body fluid or waste on the law enforcement officer, firefighter, ~~first~~ **emergency medical** responder, corrections officer, or department of child services employee, commits battery by body waste, a Class D felony. However, the offense is:

(1) a Class C felony if the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with:

(A) hepatitis B or hepatitis C;

(B) HIV; or

(C) tuberculosis;

(2) a Class B felony if:

(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with hepatitis B or hepatitis C and the offense results in the transmission of hepatitis B or hepatitis C to the other person; or

(B) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Class A felony if:

(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with HIV; and

(B) the offense results in the transmission of HIV to the other person.

(f) A person who knowingly or intentionally in a rude, an insolent, or an angry manner places human blood, semen, urine, or fecal waste on another person commits battery by body waste, a Class A misdemeanor. However, the offense is:

(1) a Class D felony if the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with:

(A) hepatitis B or hepatitis C;

(B) HIV; or

(C) tuberculosis;

(2) a Class C felony if:

(A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with hepatitis B or hepatitis C and the offense results in the transmission of hepatitis B or hepatitis C to the other person; or

(B) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Class B felony if:

(A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with HIV; and

(B) the offense results in the transmission of HIV to the other person.

SECTION 63. [EFFECTIVE JULY 1, 2012] **(a) An individual certified as:**

(1) an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5, before its repeal by this act); or

(2) an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7, before its repeal by this act);

on June 30, 2012, has two (2) years to comply with the new requirements for certification under IC 16-31-3, as amended by this act.

(b) This SECTION expires July 1, 2014.

SECTION 64. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.**

(b) The commission shall study during the 2012 legislative interim issues concerning the licensing of paramedics.

(c) This SECTION expires December 31, 2012.

SECTION 65. **An emergency is declared for this act.**

(Reference is to EHB 1186 as reprinted February 17, 2012.)

T. Brown, Chair	Miller
Welch	Tallian
House Conferees	Senate Conferees

Roll Call 332: yeas 50, nays 0. Report adopted.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on March 8, 2012, signed Senate Enrolled Acts: 283, 307, 309, 315, 329, 370, 378, and 402 and House Enrolled Acts: 1065, 1116, 1226, 1238, 1250, and 1283.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on March 8, 2012, signed Senate Enrolled Acts: 24, 109, 114, 127, 154, 173, and 286.

DAVID C. LONG
President Pro Tempore

SENATE MOTION

Madam President: I move that Senator Merritt be added as second author and Senator Simpson be added as third author of Senate Resolution 96.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be removed as coauthor of Engrossed Senate Bill 1.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Bray, Glick, Broden, Randolph, and Head be added as coauthors of Senate Resolution 71.

ZAKAS

Motion prevailed.

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 8th day of March, 2012, signed House Enrolled Acts: 1015, 1054, 1059, 1090, 1091, 1128, 1129, 1163, 1173, 1201, 1207, 1212, 1216, 1220, 1264, 1273, 1294, 1312, and 1367.

REBECCA S. SKILLMAN
Lieutenant Governor

SENATE MOTION

Madam President: I move we adjourn until 11:00 a.m., Friday, March 9, 2012.

LAWSON

Motion prevailed.

The Senate adjourned at 4:52 p.m.

JENNIFER L. MERTZ	REBECCA S. SKILLMAN
Secretary of the Senate	President of the Senate

Journal of the Senate

State of Indiana

117th General Assembly Second Regular Session

Thirty-fifth Meeting Day Friday Morning March 9, 2012

The Senate convened at 11:49 a.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Dr. Blair Dowden, Huntington University.

The Pledge of Allegiance to the Flag was led by Senator James E. Banks.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Merritt
Banks	Miller
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Delph	Simpson
Eckerty	Skinner
Gard	Smith
Glick	Steele
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske	Young, M.
Lawson	Young, R.
Leising	Zakas

Roll Call 333: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 86(k) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 19, 22, 97, 115, 144, 190, and 302 and Engrossed House Bills 1080, 1123, and 1149 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 97 Senator Banks
Congratulating Christy Fulk, Warsaw, Indiana Teacher of the Year.

SR 98 Senator Head
Urging the Governor to proclaim a day honoring community foundations.

SR 99 Senator Head
Congratulating Professor David Hadley on his retirement after decades of service to Wabash College.

SR 100 Senator Tomes
Congratulating the Mater Dei High School girls basketball team on winning the State Championship.

SR 101 Senator Mishler
Congratulating Mike Kubacki for being recognized as Banker of the Year.

SR 102 Senator Mishler
Congratulating Amish Acres on the 50th Anniversary of their Annual Arts and Crafts Festival.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 97

Senate Resolution 97, introduced by Senator Banks:

A SENATE RESOLUTION congratulating Christy Fulk, Warsaw, Indiana Teacher of the Year.

Whereas, Whitley County resident Christy Fulk was named Warsaw's Teacher of the Year for her work at Sacred Heart Catholic grade school in Warsaw, Indiana;

Whereas, Christy Fulk has been teaching the first grade for five years. She was nominated for the Teacher of the Year award by the staff members and parents of students at her school;

Whereas, Mrs. Fulk lives in South Whitley with her husband, Eric, and daughter, Erin. She is the daughter of Richard and Jean Buchanan;

Whereas, After graduating from Columbia City High School in 2000, Mrs. Fulk went on to earn a degree in Elementary Education and Mild Interventions from the University of Saint Francis; and

Whereas, Christy Fulk is now eligible for the Indiana Teacher of the Year Award; and

Whereas, Mrs. Fulk's outstanding leadership skills and teaching abilities within her community have set her apart among her peers: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana General Assembly congratulates Mrs. Christy Fulk on being named Teacher of the Year for Warsaw, Indiana and wishes her luck as she competes for Teacher of the Year for the state of Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Christy Fulk and her husband, Eric Fulk.

The resolution was read in full and adopted by voice vote.

Senate Resolution 98

Senate Resolution 98, introduced by Senator Head:

A SENATE RESOLUTION urging the Governor to proclaim a day honoring community foundations.

Whereas, Throughout the years, community foundations have been instrumental in connecting donors to the causes they care most about;

Whereas, Community foundations help individuals, families, businesses, and nonprofit organizations achieve their charitable goals by offering tools and resources that make giving easy and effective;

Whereas, Community foundations are local organizations run and led by local people who have an in-depth knowledge of the issues, opportunities, and resources that affect their community, enabling them to help solve community problems while helping donors learn more about local needs to make their giving as effective as possible;

Whereas, Community foundations have much lower administrative costs than other charities, and fund their programs with the earnings from their assets, leaving the underlying assets free to generate future income for future programs;

Whereas, There are more than 650 community foundations throughout the United States working to help the people and organizations that need it most;

Whereas, Community foundations are created by and for the people of a community, working together to help those in need: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana General Assembly urges the Governor to proclaim Community Foundations Day in honor of all community foundations throughout the state.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Governor Mitch Daniels.

The resolution was read in full and adopted by voice vote.

Senate Resolution 99

Senate Resolution 99, introduced by Senator Head:

A SENATE RESOLUTION congratulating Professor David Hadley on his retirement after decades of service to Wabash College.

Whereas, Professor David Hadley taught students at Wabash College since 1969. Most recently, Professor Hadley taught courses in American politics, political institutions, and political behavior. His research focuses on political parties and interest groups in Indiana, and opinion polarization in American politics;

Whereas, In addition to teaching and researching politics, Professor Hadley has maintained an active political career. He was elected to two terms on a local school board and served as chair of the board for six of those years;

Whereas, While on sabbatical, Professor Hadley worked as a senior fellow on the legislative staff for Governor Evan Bayh. He also served for seven years on the Indiana State Ethics Commission, five of those years as the chair. He has chaired the Montgomery County Democratic Party and is a member of the Crawfordsville Plan Commission;

Whereas, A few of the many accolades earned throughout Professor David Hadley's career include: the Wabash College McLain-McTurnan-Arnold Award for Teaching Excellence (1990), the Lilly Endowment Faculty Open Fellowship (1990-91), the National Endowment for the Humanities Fellowship for College Teachers (1976-77) and numerous notable publications;

Whereas, Professor Hadley and his wife, Sheridan, share a home on seven acres with their two horses, a donkey, and their beagle Truman; and

Whereas, Many students have been profoundly impacted by the influence of Professor Hadley. He has contributed greatly to academia, the political community, and his local community: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Professor David Hadley on his retirement after decades of service to Wabash College.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Professor David Hadley.

The resolution was read in full and adopted by voice vote.

Senate Resolution 100

Senate Resolution 100, introduced by Senator Tomes:

A SENATE RESOLUTION congratulating the Mater Dei High School girls basketball team on winning the State Championship.

Whereas, The Mater Dei Class 2A girls basketball team added another accomplishment to its growing list of first-time achievements. The No. 1 ranked team clinched their first state title in overtime, after a fiercely close match in regulation;

Whereas, The Mater Dei team finished the season at 27-1 and won 20 consecutive games to finish out the year. This season, the Wildcats won their first regional, semi-state and state championship, ultimately ending the season with an impressive 56-52 overtime win over the reigning state champions;

Whereas, In a closely contested game with 15 ties and lead changes, shining overtime performances by Maura Muensterman and Tori Schickel ushered the team to victory. Schickel managed to score three points in early overtime, along with four points from Muensterman in the final seconds. Muensterman sank a 12-foot jump shot that pushed the team ahead 54-52, and then executed two more free throws after a technical foul was called against the opposition; and

Whereas, The girls basketball team finished the season with an impressive win. Their hard work and determination this year is commendable, and their teamwork and talent are noteworthy. The girls have made a name for their school and their team, and are sincerely congratulated on their successful year: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates the Mater Dei girls basketball team on their 2012 State Championship victory.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Mater Dei High School Principal, Chris Tanner, and Coach Steve Goans.

The resolution was read in full and adopted by voice vote.

Senate Resolution 101

Senate Resolution 101, introduced by Senator Mishler:

A SENATE RESOLUTION congratulating Mike Kubacki for being recognized as Banker of the Year.

Whereas, In December of 2011, Mike Kubacki, CEO of Lake City Bank, was honored as Community Banker of the Year by the American Banker publication. The American Banker publication has been described as "the daily newspaper of the banking industry";

Whereas, Following in his father's footsteps, Kubacki always wanted to go into banking. He received his bachelor's degree from Indiana University in 1973, and took a job at Northern Trust as a commercial lending trainee; he simultaneously attended classes at the University of Chicago to earn a master's degree in business administration. In 1991, Mike Kubacki was transferred to Los Angeles with the task of expanding Northern Trust's trust business. In 2000, Mike Kubacki was asked to return to Indiana to run Lakeland Financial Corporation as CEO;

Whereas, Mike Kubacki cites the prosperity of the bank as the reason he has earned the Banker of the Year honor. The bank's success has been widely noticed in the banking and financial community. In September, Sandler O'Neill & Partners L.P. named the $2.8 billion Lakeland Financial Group as one of its 25 small bank all-stars for 2011. This award was based on evaluated criteria such as profitability, credit-quality and capital strength. Lakeland was chosen from 486 publicly traded institutions with a market capitalization of less than $2 billion;

Whereas, While stocks of banks of all sizes have plummeted over the past year, Lakeland's shares in mid-November were trading at close to their 52-week high;

Whereas, From mid-2008 through mid-2011, Lakeland increased its total book of loans by almost 27% without making any acquisitions, when other Indiana banks were declining by an average of 17%. Lakeland has achieved record net income in two of the past three calendar years; and

Whereas, Lakeland's business strategy relies on aggressively acquiring market share from competitors, lending to established businesses and adhering to strict underwriting rules. Mike Kubacki's vision and leadership has allowed Lakeland Financial Corporation to prosper despite an economic downturn: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Mike Kubacki on receiving the Community Banker of the Year Award and on the success of his company.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Mike Kubacki.

The resolution was read in full and adopted by voice vote.

Senate Resolution 102

Senate Resolution 102, introduced by Senator Mishler:

A SENATE RESOLUTION congratulating Amish Acres on the 50th Anniversary of their Annual Arts & Crafts Festival.

Whereas, The Amish Acres Annual Arts & Crafts Festival, held the first weekend in August, began as a part of the sidewalk days celebration in 1962. The festival features entertainment, musical theater, guided tours, wagon rides, and awards;

Whereas, Over the past 50 years, the event has seen over 1.5 million visitors, and more than 300 artists and craftsmen make their way to Nappanee from over 30 states and 250 cities to be a part of this annual event;

Whereas, The most notable and popular artists are honored in a hall of fame, and the Best of Show Blue Ribbon Collection of purchase prizes is now a permanent gallery exhibit in the Nappanee Center;

Whereas, The Festival has awarded over $250,000 in cash and prizes to art contest winners and the festival artists sell several million dollars worth of crafts and artistry each year;

Whereas, Amish Acres has become an international tourist attraction and is featured in the National Register of Historic Places. It is the home of Plain and Fancy, *a 26 year old musical about Amish life, which is performed in the Round Barn Theatre;*

Whereas, For the fourth time, the Arts & Crafts Festival has been named one of the top 100 Events in North America in 2012 by the American Bus Association. The readers of Sunshine Artist *magazine have also ranked the summer festival as high as the 3rd best Classic and Contemporary Craft Show in the country.* Travel Trade Magazine's Focus 500 *lists Amish Acres as number one among its top ten attractions for groups traveling in Indiana.* Senior Group Traveler *chose the festival as the only Indiana event in their Editor's Choice of Outstanding Festivals and Major Events;*

Whereas, The fourth generation of the Pletcher family continues the Amish tradition through the annual art festival. Mr. Richard Pletcher oversees the operations as CEO of Amish Acres and of the Festival. His daughter, Jenni Wysong, is the president of Amish Acres and the Festival's marketplace director. Richard's five grandchildren have also inherited a love for the arts festival. He is fortunate to have a family that shares his passion for continuing the Amish Acres tradition; and

Whereas, This high caliber establishment has been developed through the talents of the exhibitors and festival staff of Amish Acres. Their hard work and dedication to preserving the Amish tradition and promoting the arts is evident: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates Amish Acres on their golden anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Richard Pletcher, CEO of Amish Acres.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 296 and that said Motion be withdrawn.

LEISING

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed House Bill 1237–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed Senate Bills 97–1 and 144–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 57 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 234:

Conferees: Dermody and Austin
Advisors: Davis and V. Smith

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has reconsidered its dissent on the Senate amendments to Engrossed House Bills 1134, 1169, and 1325 and has now concurred in those amendments.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed Senate Bills 19–1, 22–1, 26–1, 32–1, 115–1, 190–1, 298–1, and 302–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed House Bills 1080–1, 1092–1, 1123–1, 1149–1, and 1186–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Resolution 71

Senator Zakas called up Senate Resolution 71 for second reading. The resolution was read a second time and adopted by voice vote.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 18.

STEELE

Roll Call 334: yeas 46, nays 2. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 311.

HERHSMAN

Roll Call 335: yeas 43, nays 5. Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
ESB 19–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 19 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-4-4, AS AMENDED BY P.L.182-2009(ss), SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A general reassessment, involving a physical inspection of all real property in Indiana, shall begin July 1, 2010. ~~and each fifth year thereafter. Each~~ **The** reassessment under this subsection:

(1) shall be completed on or before March 1 of the year that succeeds by two (2) years the year in which the general reassessment begins; and

(2) shall be the basis for taxes payable in the year following the year in which the general assessment is to be completed.

(b) In order to ensure that assessing officials are prepared for a general reassessment of real property, the department of local government finance shall give adequate advance notice of the general reassessment to the assessing officials of each county.

~~(c) For a general reassessment that begins on or after July 1, 2010, the assessed value of real property shall be based on the estimated true tax value of the property on the assessment date that is the basis for taxes payable in the year following the year in which the general reassessment is to be completed.~~

SECTION 2. IC 6-1.1-4-4.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.2. (a) The county assessor of each county shall, before July 1, 2013, and before July 1 of every fourth year thereafter, prepare and submit to the department of local government finance a reassessment plan for the county. The following apply to a reassessment plan prepared and submitted under this section:**

(1) The reassessment plan is subject to approval by the department of local government finance. The department of local government finance shall complete its review and approval of the reassessment plan before March 1 of the year following the year in which the reassessment plan is submitted by the county.

(2) The department of local government finance shall determine the classes of real property to be used for purposes of this section.

(3) Except as provided in subsection (b), the reassessment plan must divide all parcels of real property in the county into four (4) different groups of parcels. Each group of parcels must contain approximately twenty-five percent (25%) of the parcels within each class of real property in the county.

(4) Except as provided in subsection (b), all real property in each group of parcels shall be reassessed under the county's reassessment plan once during each four (4) year cycle.

(5) The reassessment of a group of parcels in a particular class of real property shall begin on July 1 of a year.

(6) The reassessment of parcels:

(A) must include a physical inspection of each parcel of real property in the group of parcels that is being reassessed; and

(B) shall be completed on or before March 1 of the year after the year in which the reassessment of the group of parcels begins.

(7) For real property included in a group of parcels that is reassessed, the reassessment is the basis for taxes

payable in the year following the year in which the reassessment is to be completed.

(8) The reassessment plan must specify the dates by which the assessor must submit land values under section 13.6 of this chapter to the county property tax assessment board of appeals.

(9) Subject to review and approval by the department of local government finance, the county assessor may modify the reassessment plan.

(b) A county may submit a reassessment plan that provides for reassessing more than twenty-five percent (25%) of all parcels of real property in the county in a particular year. A plan may provide that all parcels are to be reassessed in one (1) year. However, a plan must cover a four (4) year period. All real property in each group of parcels shall be reassessed under the county's reassessment plan once during each reassessment cycle.

(c) The reassessment of the first group of parcels under a county's reassessment plan shall begin on July 1, 2014, and shall be completed on or before March 1, 2015.

(d) The department of local government finance may adopt rules to govern the reassessment of property under county reassessment plans.

SECTION 3. IC 6-1.1-4-4.5, AS AMENDED BY P.L.112-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4.5. (a) The department of local government finance shall adopt rules establishing a system for annually adjusting the assessed value of real property to account for changes in value in those years since a ~~general~~ reassessment ~~of~~ **under section 4 or 4.2 of this chapter for the** property last took effect.

(b) Subject to subsection (e), the system must be applied to adjust assessed values beginning with the 2006 assessment date and each year thereafter that is not a year in which a reassessment **under section 4 or 4.2 of this chapter for the property** becomes effective.

(c) The rules adopted under subsection (a) must include the following characteristics in the system:

(1) Promote uniform and equal assessment of real property within and across classifications.

(2) Require that assessing officials:

(A) reevaluate the factors that affect value;

(B) express the interactions of those factors mathematically;

(C) use mass appraisal techniques to estimate updated property values within statistical measures of accuracy; and

(D) provide notice to taxpayers of an assessment increase that results from the application of annual adjustments.

(3) Prescribe procedures that permit the application of the adjustment percentages in an efficient manner by assessing officials.

(d) The department of local government finance must review and certify each annual adjustment determined under this section.

(e) In making the annual determination of the base rate to satisfy the requirement for an annual adjustment under subsection (c) for current property taxes first due and payable in 2011 and thereafter, the department of local government finance shall determine the base rate using the methodology reflected in Table 2-18 of Book 1, Chapter 2 of the department of local government finance's Real Property Assessment Guidelines (as in effect on January 1, 2005), except that the department shall adjust the methodology to:

(1) use a six (6) year rolling average adjusted under subdivision (2) instead of a four (4) year rolling average; and

(2) eliminate in the calculation of the rolling average the year among the six (6) years for which the highest market value in use of agricultural land is determined.

(f) For assessment dates after December 31, 2009, an adjustment in the assessed value of real property under this section shall be based on the estimated true tax value of the property on the assessment date that is the basis for taxes payable on that real property.

SECTION 4. IC 6-1.1-4-5, AS AMENDED BY P.L.113-2010, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) A petition for the reassessment of a real property **that is subject to reassessment under section 4 of this chapter and** situated within a township may be filed with the department of local government finance on or before March 31st of any year which is not a general election year and in which no general reassessment of real property is made. A petition for reassessment of real property applies only to the most recent real property assessment date.

(b) The petition for reassessment must be signed by not less than the following percentage of all the owners of taxable real property who reside in the township:

(1) fifteen percent (15%) for a township which does not contain an incorporated city or town;

(2) five percent (5%) for a township containing all or part of an incorporated city or town which has a population of five thousand (5,000) or less;

(3) four percent (4%) for a township containing all or part of an incorporated city which has a population of more than five thousand (5,000) but not exceeding ten thousand (10,000);

(4) three percent (3%) for a township containing all or part of an incorporated city which has a population of more than ten thousand (10,000) but not exceeding fifty thousand (50,000);

(5) two percent (2%) for a township containing all or part of an incorporated city which has a population of more than fifty thousand (50,000) but not exceeding one hundred fifty thousand (150,000); or

(6) one percent (1%) for a township containing all or part of an incorporated city which has a population of more than one hundred fifty thousand (150,000).

The signatures on the petition must be verified by the oath of one (1) or more of the signers. A certificate of the county auditor stating that the signers constitute the required number of resident owners of taxable real property of the township must accompany the petition.

(c) Upon receipt of a petition under subsection (a), the department of local government finance may order a reassessment under section 9 of this chapter or conduct a reassessment under section 31.5 of this chapter.

SECTION 5. IC 6-1.1-4-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 5.5. (a) A petition for the reassessment of a real property group designated under a county's reassessment plan prepared under section 4.2 of this chapter may be filed with the department of local government finance not later than forty-five (45) days after notice of assessment. A petition for reassessment of real property applies only to the most recent real property assessment date.**

(b) The petition for reassessment must be signed by the lesser of one hundred (100) owners of parcels in the group or five percent (5%) of owners of parcels in the group. The signatures on the petition must be verified by the oath of one (1) or more of the signers. A certificate of the county auditor stating that the signers constitute the required number of owners of taxable real property in the group of parcels must accompany the petition.

(c) Upon receipt of a petition under subsection (a), the department of local government finance may order a reassessment under section 9 of this chapter or conduct a reassessment under section 31.5 of this chapter.

SECTION 6. IC 6-1.1-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. If the department of local government finance determines that a petition filed under section 5 **or 5.5** of this chapter has been signed by the required number of petitioners and that the present assessed value of any real property is inequitable, the department of local government finance shall order a reassessment of the real property ~~which has been inequitably assessed.~~ **for which the petition was filed.** The order shall specify the time within which the reassessment shall be completed and the date on which the reassessment shall become effective.

SECTION 7. IC 6-1.1-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9. In order to maintain a just and equitable valuation of real property, the department of local government finance may adopt a resolution declaring its belief that it is necessary to reassess all or a portion of the real property located within this state. If the department of local government finance adopts a reassessment resolution and if either a township or a larger area is involved **(for assessments before March 1, 2015) or one (1) or more groups of parcels under the county's reassessment plan are involved (for assessments after February 28, 2015),** the department shall hold a hearing concerning the necessity for the reassessment at the courthouse of the county in which the property is located. The department of local government finance shall give notice of the time and place of the hearing in the manner provided in section 10 of this chapter. After the hearing, or if the area involved is less than a township **(for assessments before March 1, 2015) or is less than one (1) group of parcels under the county's reassessment plan (for assessments after February 28, 2015),** after the adoption of the resolution of the department of local government finance, the department may order any reassessment it deems necessary. The order shall specify the time within which the reassessment must be completed and the date the reassessment will become effective.

SECTION 8. IC 6-1.1-4-12.4, AS AMENDED BY P.L.146-2008, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12.4. (a) For purposes of this section, the term "oil or gas interest" includes but is not limited to:

(1) royalties;
(2) overriding royalties;
(3) mineral rights; or
(4) working interest;

in any oil or gas located on or beneath the surface of land which lies within this state.

(b) Oil or gas interest is subject to assessment and taxation as real property. Notwithstanding section 4 **or 4.2** of this chapter, each oil or gas interest shall be assessed annually by the assessor of the township in which the oil or gas is located, or the county assessor if there is no township assessor for the township. The township or county assessor shall assess the oil or gas interest to the person who owns or operates the interest.

(c) A piece of equipment is an appurtenance to land if it is incident to and necessary for the production of oil and gas from the land covered by the oil or gas interest. This equipment includes but is not limited to wells, pumping units, lines, treaters, separators, tanks, and secondary recovery facilities. These appurtenances are subject to assessment as real property. Notwithstanding section 4 **or 4.2** of this chapter, each of these appurtenances shall be assessed annually by the assessor of the township in which the appurtenance is located, or the county assessor if there is no township assessor for the township. The township or county assessor shall assess the appurtenance to the person who owns or operates the working interest in the oil or gas interest.

SECTION 9. IC 6-1.1-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 29, 2012 (RETROACTIVE)]: Sec. 13. (a) In assessing or reassessing land, the land shall be assessed as agricultural land only when it is devoted to agricultural use.

(b) The department of local government finance shall give written notice to each county assessor of:

(1) the availability of the United States Department of Agriculture's soil survey data; and
(2) the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map.

All assessing officials and the property tax assessment board of appeals shall use the data in determining the true tax value of agricultural land. **However, notwithstanding the availability of new soil productivity factors and the department of local government finance's notice of the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map for the March 1, 2012, assessment date, the soil productivity factors used for the March 1, 2011, assessment date shall be used for the March 1, 2012, assessment date. New soil productivity factors shall be used for assessment dates occurring after March 1, 2012.**

(c) The department of local government finance shall by rule provide for the method for determining the true tax value of each parcel of agricultural land.

(d) This section does not apply to land purchased for industrial, commercial, or residential uses.

SECTION 10. IC 6-1.1-4-13.6, AS AMENDED BY P.L.113-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13.6. (a) The county assessor shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the department of local government finance. ~~Not later than July 1, 2011, and every fourth year thereafter,~~ The assessor determining the values of land shall submit the values to the county property tax assessment board of appeals **by the dates specified in the county's reassessment plan under section 4.2 of this chapter.**

(b) If the county assessor fails to determine land values under subsection (a) before the ~~July 1 deadline,~~ **deadlines in the county's reassessment plan under section 4.2 of this chapter,** the county property tax assessment board of appeals shall determine the values. If the county property tax assessment board of appeals fails to determine the values before the land values become effective, the department of local government finance shall determine the values.

(c) The county assessor shall notify all township assessors in the county (if any) of the values. Assessing officials shall use the values determined under this section.

(d) A petition for the review of the land values determined by a county assessor under this section may be filed with the department of local government finance not later than forty-five (45) days after the county assessor makes the determination of the land values. The petition must be signed by at least the lesser of:

(1) one hundred (100) property owners in the county; or

(2) five percent (5%) of the property owners in the county.

(e) Upon receipt of a petition for review under subsection (d), the department of local government finance:

(1) shall review the land values determined by the county assessor; and

(2) after a public hearing, shall:

(A) approve;

(B) modify; or

(C) disapprove;

the land values.

SECTION 11. IC 6-1.1-4-16, AS AMENDED BY P.L.146-2008, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 16. (a) For purposes of making a ~~general~~ reassessment of real property **under section 4 or 4.2 of this chapter** or annual adjustments under section 4.5 of this chapter, a township assessor (if any) and a county assessor may employ:

(1) deputies;

(2) employees; and

(3) technical advisors who are:

(A) qualified to determine real property values;

(B) professional appraisers certified under 50 IAC 15; and

(C) employed either on a full-time or a part-time basis, subject to sections 18.5 and 19.5 of this chapter.

(b) The county council of each county shall appropriate the funds necessary for the employment of deputies, employees, or technical advisors employed under subsection (a) of this section.

SECTION 12. IC 6-1.1-4-17, AS AMENDED BY P.L.182-2009(ss), SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 17. (a) Subject to the approval of the department of local government finance and the requirements of section 18.5 of this chapter, a county assessor may employ professional appraisers as technical advisors for assessments in all townships in the county. The department of local government finance may approve employment under this subsection only if the department is a party to the employment contract and any addendum to the employment contract.

(b) A decision by a county assessor to not employ a professional appraiser as a technical advisor in a ~~general~~ reassessment **under section 4 or 4.2 of this chapter** is subject to approval by the department of local government finance.

(c) As used in this chapter, "professional appraiser" means an individual or firm that is certified under IC 6-1.1-31.7.

SECTION 13. IC 6-1.1-4-20, AS AMENDED BY P.L.146-2008, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 20. The department of local government finance may establish a period, with respect to each ~~general~~ reassessment **under section 4 or 4.2 of this chapter,** that is the only time during which a county assessor may enter into a contract with a professional appraiser. ~~The period set by the department of local government finance may not begin before January 1 of the year the general reassessment begins. If no period is established by the department of local government finance, a county assessor may enter into such a contract only on or after January 1 and before April 16 of the year in which the general reassessment is to commence.~~

SECTION 14. IC 6-1.1-4-21, AS AMENDED BY P.L.146-2008, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) If during a period of general reassessment **under section 4 of this chapter** a county assessor personally makes the real property appraisals, the appraisals of the parcels subject to taxation must be completed as follows:

(1) The appraisal of one-fourth (1/4) of the parcels shall be completed before December 1 of the year in which the general reassessment begins.

(2) The appraisal of one-half (1/2) of the parcels shall be completed before May 1 of the year following the year in which the general reassessment begins.

(3) The appraisal of three-fourths (3/4) of the parcels shall be completed before October 1 of the year following the year in which the general reassessment begins.

(4) The appraisal of all the parcels shall be completed before March 1 of the second year following the year in which the general reassessment begins.

(b) If a county assessor employs a professional appraiser or a professional appraisal firm to make real property appraisals

during a period of general reassessment, the professional appraiser or appraisal firm must file appraisal reports with the county assessor as follows:

(1) The appraisals for one-fourth (1/4) of the parcels shall be reported before December 1 of the year in which the general reassessment begins.

(2) The appraisals for one-half (1/2) of the parcels shall be reported before May 1 of the year following the year in which the general reassessment begins.

(3) The appraisals for three-fourths (3/4) of the parcels shall be reported before October 1 of the year following the year in which the general reassessment begins.

(4) The appraisals for all the parcels shall be reported before March 1 of the second year following the year in which the general reassessment begins.

However, the reporting requirements prescribed in this subsection do not apply if the contract under which the professional appraiser, or appraisal firm, is employed prescribes different reporting procedures.

SECTION 15. IC 6-1.1-4-21.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 21.4. (a) The appraisals of the parcels in a group under a county's reassessment plan prepared under section 4.2 of this chapter that are subject to taxation must be completed as follows:**

(1) The appraisal of one-third (1/3) of the parcels shall be completed before October 1 of the year in which the group's reassessment under the county reassessment plan begins.

(2) The appraisal of two-thirds (2/3) of the parcels shall be completed before January 1 of the year following the year in which the group's reassessment under the county reassessment plan begins.

(3) The appraisal of all the parcels shall be completed before March 1 of the year following the year in which the group's reassessment under the county reassessment plan begins.

(b) If a county assessor employs a professional appraiser or a professional appraisal firm to make real property appraisals of a group of parcels under a county's reassessment plan, the professional appraiser or appraisal firm must file appraisal reports with the county assessor by the dates set forth in subsection (a).

SECTION 16. IC 6-1.1-4-22, AS AMENDED BY P.L.136-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 22. (a) If any assessing official assesses or reassesses any real property under this article **(including an annual adjustment under section 4.5 of this chapter),** the official shall give notice to the taxpayer and the county assessor, by mail **or by using electronic mail that includes a secure Internet link to the information in the notice,** of the amount of the assessment or reassessment.

(b) ~~During a period of general reassessment,~~ Each township or county assessor shall ~~mail~~ **provide** the notice required by this section ~~within~~ **by the earlier of:**

(1) ninety (90) days after the assessor:

~~(1)~~ **(A)** completes the appraisal of a parcel; or

~~(2)~~ **(B)** receives a report for a parcel from a professional appraiser or professional appraisal firm; **or**

(2) April 10 of the year containing the assessment date for which the assessment or reassessment first applies.

(c) The notice required by this section is in addition to any required notice of assessment or reassessment included in a property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.

~~(c)~~ **(d)** The notice required by this section must include notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1.

~~(d)~~ **(e)** Notice of the opportunity to appeal the assessed valuation required under subsection ~~(c)~~ **(d)** must include the following:

(1) The procedure that a taxpayer must follow to appeal the assessment or reassessment.

(2) The forms that must be filed for an appeal of the assessment or reassessment.

(3) Notice that an appeal of the assessment or reassessment requires evidence relevant to the true tax value of the taxpayer's property as of the assessment date.

SECTION 17. IC 6-1.1-4-27.5, AS AMENDED BY P.L.172-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 27.5. (a) The auditor of each county shall establish a property reassessment fund. The county treasurer shall deposit all collections resulting from the property taxes that the county levies for the county's property reassessment fund.

~~(b) With respect to the general reassessment of real property that is to commence on July 1, 2010, the county council of each county shall, for property taxes due in 2006, 2007, 2008, and 2009, levy in each year against all the taxable property in the county an amount equal to one-fourth (1/4) of the remainder of:~~

~~(1) the estimated costs referred to in section 28.5(a) of this chapter; minus~~

~~(2) the amount levied under this section by the county council for property taxes due in 2004 and 2005.~~

~~(c)~~ **(b)** With respect to a ~~general~~ reassessment of real property ~~that is to commence on July 1, 2015, and each fifth year thereafter,~~ **under a county's reassessment plan under section 4.2 of this chapter,** the county council of each county shall, for property taxes due ~~in the year that the general reassessment is to commence and the four (4) years preceding that~~ **each** year, levy against all the taxable property in the county an amount equal to ~~one-fifth (1/5) of~~ the estimated costs of the ~~general~~ reassessment under section 28.5 of this chapter **for the group of parcels to be reassessed in that year.**

~~(d)~~ **(c)** The department of local government finance shall give to each county council notice, before January 1 in a year, of the tax levies required by this section for that year.

~~(e)~~ **(d)** The department of local government finance may raise or lower the property tax levy under this section for a year if the department determines it is appropriate because the estimated cost of:

(1) a ~~general~~ reassessment **of one (1) or more groups of parcels under a county's reassessment plan prepared under section 4.2 of this chapter;** or

(2) making annual adjustments under section 4.5 of this chapter;

has changed.

~~(f)~~ **(e)** The county assessor may petition the county fiscal body to increase the levy under subsection (b) ~~or (c)~~ to pay for the costs of:

(1) a ~~general~~ reassessment **of one (1) or more groups of parcels under a county's reassessment plan prepared under section 4.2 of this chapter;**

(2) verification under 50 IAC 21-3-2 of sales disclosure forms forwarded to the county assessor under IC 6-1.1-5.5-3; or

(3) processing annual adjustments under section 4.5 of this chapter.

The assessor must document the needs and reasons for the increased funding.

~~(g)~~ **(f)** If the county fiscal body denies a petition under subsection ~~(f),~~ **(e),** the county assessor may appeal to the department of local government finance. The department of local government finance shall:

(1) hear the appeal; and

(2) determine whether the additional levy is necessary.

SECTION 18. IC 6-1.1-4-28.5, AS AMENDED BY P.L.146-2008, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 28.5. (a) Money assigned to a property reassessment fund under section 27.5 of this chapter may be used only to pay the costs of:

(1) the general reassessment of real property **under section 4 of this chapter or reassessment of one (1) or more groups of parcels under a county's reassessment plan prepared under section 4.2 of this chapter,** including the computerization of assessment records;

(2) payments to assessing officials and hearing officers for county property tax assessment boards of appeals under IC 6-1.1-35.2;

(3) the development or updating of detailed soil survey data by the United States Department of Agriculture or its successor agency;

(4) the updating of plat books;

(5) payments for the salary of permanent staff or for the contractual services of temporary staff who are necessary to assist assessing officials;

(6) making annual adjustments under section 4.5 of this chapter; and

(7) the verification under 50 IAC 21-3-2 of sales disclosure forms forwarded to:

(A) the county assessor; or

(B) township assessors (if any);

under IC 6-1.1-5.5-3.

Money in a property tax reassessment fund may not be transferred or reassigned to any other fund and may not be used for any purposes other than those set forth in this section.

(b) All counties shall use modern, detailed soil maps in the ~~general~~ reassessment of agricultural land.

(c) The county treasurer of each county shall, in accordance with IC 5-13-9, invest any money accumulated in the property reassessment fund. Any interest received from investment of the money shall be paid into the property reassessment fund.

(d) An appropriation under this section must be approved by the fiscal body of the county after the review and recommendation of the county assessor. However, in a county with a township assessor in every township, the county assessor does not review an appropriation under this section, and only the fiscal body must approve an appropriation under this section.

SECTION 19. IC 6-1.1-4-29, AS AMENDED BY P.L.146-2008, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 29. (a) The expenses of a reassessment, except those incurred by the department of local government finance in performing its normal functions, shall be paid by the county in which the reassessed property is situated. These expenses, except for the expenses of:

(1) a general reassessment **of real property under section 4 of this chapter; or**

(2) reassessments of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter;

shall be paid from county funds. The county auditor shall issue warrants for the payment of reassessment expenses. No prior appropriations are required in order for the auditor to issue warrants.

(b) An order of the department of local government finance directing the reassessment of property shall contain an estimate of the cost of making the reassessment. The assessing officials in the county, the county property tax assessment board of appeals, and the county auditor may not exceed the amount so estimated by the department of local government finance.

SECTION 20. IC 6-1.1-4-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 30. **(a)** In making any assessment or reassessment of real property in the interim between general reassessments **under section 4 of this chapter,** the rules, regulations, and standards for assessment are the same as those used in the preceding general reassessment.

(b) In making any assessment or reassessment of real property between reassessments of that real property under a county's reassessment plan prepared under section 4.2 of this chapter, the rules, regulations, and standards for assessment are the same as those used for that real property in the preceding reassessment of that group of parcels under a county's reassessment plan.

SECTION 21. IC 6-1.1-4-31, AS AMENDED BY P.L.113-2010, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 31. (a) The department of local government finance shall periodically check the conduct of:

(1) a general reassessment ~~of property~~ **under section 4 of this chapter;**

(2) a reassessment of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter;

~~(2)~~ **(3)** work required to be performed by local officials under 50 IAC 21; and

~~(3)~~ **(4)** other property assessment activities in the county, as determined by the department.

The department of local government finance may inform township assessors (if any), county assessors, and the presidents of county councils in writing if its check reveals that the general reassessment, **the reassessment of a group of parcels under a**

county's reassessment plan prepared under section 4.2 of this chapter, or other property assessment activities are not being properly conducted, work required to be performed by local officials under 50 IAC 21 is not being properly conducted, or property assessments are not being properly made.

(b) The failure of the department of local government finance to inform local officials under subsection (a) shall not be construed as an indication by the department that:

(1) the general reassessment **under section 4 of this chapter, a reassessment of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter,** or other property assessment activities are being properly conducted;

(2) work required to be performed by local officials under 50 IAC 21 is being properly conducted; or

(3) property assessments are being properly made.

(c) If the department of local government finance:

(1) determines under subsection (a) that a general reassessment **under section 4 of this chapter, a reassessment of a group of parcels under a county's reassessment plan prepared under section 4.2 of this chapter,** or other assessment activities ~~for a general reassessment year or any other year~~ are not being properly conducted; and

(2) informs:

(A) the township assessor (if any) of each affected township;

(B) the county assessor; and

(C) the president of the county council;

in writing under subsection (a);

the department may order a state conducted assessment or reassessment under section 31.5 of this chapter to begin not less than sixty (60) days after the date of the notice under subdivision (2).

(d) If the department of local government finance:

(1) determines under subsection (a) that work required to be performed by local officials under 50 IAC 21 is not being properly conducted; and

(2) informs:

(A) the township assessor of each affected township (if any);

(B) the county assessor; and

(C) the president of the county council;

in writing under subsection (a);

the department may conduct the work or contract to have the work conducted to begin not less than sixty (60) days after the date of the notice under subdivision (2). If the department determines during the period between the date of the notice under subdivision (2) and the proposed date for beginning the work or having the work conducted that work required to be performed by local officials under 50 IAC 21 is being properly conducted, the department may rescind the order.

(e) If the department of local government finance contracts to have work conducted under subsection (d), the department shall forward the bill for the services to the county and the county shall pay the bill under the same procedures that apply to county payments of bills for assessment or reassessment services under section 31.5 of this chapter.

(f) A county council president who is informed by the department of local government finance under subsection (a) shall provide the information to the board of county commissioners. A board of county commissioners that receives information under this subsection may adopt an ordinance to do either or both of the following:

(1) Determine that:

(A) the information indicates that the county assessor has failed to perform adequately the duties of county assessor; and

(B) by that failure the county assessor forfeits the office of county assessor and is subject to removal from office by an information filed under IC 34-17-2-1(b).

(2) Determine that:

(A) the information indicates that one (1) or more township assessors in the county have failed to perform adequately the duties of township assessor; and

(B) by that failure the township assessor or township assessors forfeit the office of township assessor and are subject to removal from office by an information filed under IC 34-17-2-1(b).

(g) A city-county council that is informed by the department of local government finance under subsection (a) may adopt an ordinance making the determination or determinations referred to in subsection (f).

SECTION 22. IC 6-1.1-4-31.5, AS AMENDED BY P.L.146-2008, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 31.5. (a) As used in this section, "department" refers to the department of local government finance.

(b) If the department makes a determination and informs local officials under section 31(c) of this chapter, the department may order a state conducted assessment or reassessment in the county subject to the time limitation in that subsection.

(c) If the department orders a state conducted assessment or reassessment in a county, the department shall assume the duties of the county assessor. Notwithstanding sections 15 and 17 of this chapter, a county assessor subject to an order issued under this section may not assess property or have property assessed for the assessment or general reassessment **under section 4 of this chapter or under a county's reassessment plan prepared under section 4.2 of this chapter.** Until the state conducted assessment or reassessment is completed under this section, the assessment or reassessment duties of the county assessor are limited to providing the department or a contractor of the department the support and information requested by the department or the contractor.

(d) Before assuming the duties of a county assessor, the department shall transmit a copy of the department's order requiring a state conducted assessment or reassessment to the county assessor, the county fiscal body, the county auditor, and the county treasurer. Notice of the department's actions must be published one (1) time in a newspaper of general circulation published in the county. The department is not required to conduct a public hearing before taking action under this section.

(e) A county assessor subject to an order issued under this section shall, at the request of the department or the department's contractor, make available and provide access to all:

(1) data;
(2) records;
(3) maps;
(4) parcel record cards;
(5) forms;
(6) computer software systems;
(7) computer hardware systems; and
(8) other information;

related to the assessment or reassessment of real property in the county. The information described in this subsection must be provided at no cost to the department or the contractor of the department. A failure to provide information requested under this subsection constitutes a failure to perform a duty related to an assessment or a general reassessment **under section 4 of this chapter or under a county's reassessment plan prepared under section 4.2 of this chapter** and is subject to IC 6-1.1-37-2.

(f) The department may enter into a contract with a professional appraising firm to conduct an assessment or reassessment under this section. If a county entered into a contract with a professional appraising firm to conduct the county's assessment or reassessment before the department orders a state conducted assessment or reassessment in the county under this section, the contract:

(1) is as valid as if it had been entered into by the department; and
(2) shall be treated as the contract of the department.

(g) After receiving the report of assessed values from the appraisal firm acting under a contract described in subsection (f), the department shall give notice to the taxpayer and the county assessor, by mail, of the amount of the assessment or reassessment. The notice of assessment or reassessment:

(1) is subject to appeal by the taxpayer under section 31.7 of this chapter; and
(2) must include a statement of the taxpayer's rights under section 31.7 of this chapter.

(h) The department shall forward a bill for services provided under a contract described in subsection (f) to the auditor of the county in which the state conducted reassessment occurs. The county shall pay the bill under the procedures prescribed by subsection (i).

(i) A county subject to an order issued under this section shall pay the cost of a contract described in subsection (f), without appropriation, from the county property reassessment fund. A contractor may periodically submit bills for partial payment of work performed under the contract. Notwithstanding any other law, a contractor is entitled to payment under this subsection for work performed under a contract if the contractor:

(1) submits to the department a fully itemized, certified bill in the form required by IC 5-11-10-1 for the costs of the work performed under the contract;
(2) obtains from the department:
(A) approval of the form and amount of the bill; and
(B) a certification that the billed goods and services have been received and comply with the contract; and
(3) files with the county auditor:
(A) a duplicate copy of the bill submitted to the department;
(B) proof of the department's approval of the form and amount of the bill; and
(C) the department's certification that the billed goods and services have been received and comply with the contract.

The department's approval and certification of a bill under subdivision (2) shall be treated as conclusively resolving the merits of a contractor's claim. Upon receipt of the documentation described in subdivision (3), the county auditor shall immediately certify that the bill is true and correct without further audit and submit the claim to the county executive. The county executive shall allow the claim, in full, as approved by the department, without further examination of the merits of the claim in a regular or special session that is held not less than three (3) days and not more than seven (7) days after the date the claim is certified by the county fiscal officer if the procedures in IC 5-11-10-2 are used to approve the claim or the date the claim is placed on the claim docket under IC 36-2-6-4 if the procedures in IC 36-2-6-4 are used to approve the claim. Upon allowance of the claim by the county executive, the county auditor shall immediately issue a warrant or check for the full amount of the claim approved by the department. Compliance with this subsection constitutes compliance with IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and payment of a claim in compliance with this subsection is not subject to remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies to a fiscal officer who pays a claim in compliance with this subsection.

(j) Notwithstanding IC 4-13-2, a period of seven (7) days is permitted for each of the following to review and act under IC 4-13-2 on a contract of the department entered into under this section:

(1) The commissioner of the Indiana department of administration.
(2) The director of the budget agency.
(3) The attorney general.

(k) If money in the county's property reassessment fund is insufficient to pay for an assessment or reassessment conducted under this section, the department may increase the tax rate and tax levy of the county's property reassessment fund to pay the cost and expenses related to the assessment or reassessment.

(l) The department or the contractor of the department shall use the land values determined under section 13.6 of this chapter for a county subject to an order issued under this section to the extent that the department or the contractor finds that the land values reflect the true tax value of land, as determined under this article and the rules of the department. If the department or the contractor finds that the land values determined for the county under section 13.6 of this chapter do not reflect the true tax value of land, the department or the contractor shall determine land values for the county that reflect the true tax value of land, as determined under this article and the rules of the department. Land values determined under this subsection shall be used to the

same extent as if the land values had been determined under section 13.6 of this chapter. The department or the contractor of the department shall notify the county's assessing officials of the land values determined under this subsection.

(m) A contractor of the department may notify the department if:

(1) a county auditor fails to:

(A) certify the contractor's bill;

(B) publish the contractor's claim;

(C) submit the contractor's claim to the county executive; or

(D) issue a warrant or check for payment of the contractor's bill;

as required by subsection (i) at the county auditor's first legal opportunity to do so;

(2) a county executive fails to allow the contractor's claim as legally required by subsection (i) at the county executive's first legal opportunity to do so; or

(3) a person or an entity authorized to act on behalf of the county takes or fails to take an action, including failure to request an appropriation, and that action or failure to act delays or halts progress under this section for payment of the contractor's bill.

(n) The department, upon receiving notice under subsection (m) from a contractor of the department, shall:

(1) verify the accuracy of the contractor's assertion in the notice that:

(A) a failure occurred as described in subsection (m)(1) or (m)(2); or

(B) a person or an entity acted or failed to act as described in subsection (m)(3); and

(2) provide to the treasurer of state the department's approval under subsection (i)(2)(A) of the contractor's bill with respect to which the contractor gave notice under subsection (m).

(o) Upon receipt of the department's approval of a contractor's bill under subsection (n), the treasurer of state shall pay the contractor the amount of the bill approved by the department from money in the possession of the state that would otherwise be available for distribution to the county, including distributions of admissions taxes or wagering taxes.

(p) The treasurer of state shall withhold from the money that would be distributed under IC 4-33-12-6, IC 4-33-13-5, or any other law to a county described in a notice provided under subsection (m) the amount of a payment made by the treasurer of state to the contractor of the department under subsection (o). Money shall be withheld from any source payable to the county.

(q) Compliance with subsections (m) through (p) constitutes compliance with IC 5-11-10.

(r) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to the payment made in compliance with subsections (m) through (p). This subsection and subsections (m) through (p) must be interpreted liberally so that the state shall, to the extent legally valid, ensure that the contractual obligations of a county subject to this section are paid. Nothing in this section shall be construed to create a debt of the state.

(s) The provisions of this section are severable as provided in IC 1-1-1-8(b).

SECTION 23. IC 6-1.1-8.5-8, AS AMENDED BY P.L.154-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. (a) For purposes of: ~~the~~

(1) a general reassessment under IC 6-1.1-4-4;

(2) a reassessment of a group of parcels under a county's reassessment plan prepared under IC 6-1.1-4-4.2; or

(3) a new assessment;

the department of local government finance shall assess each industrial facility in a qualifying county.

(b) The following may not assess an industrial facility in a qualifying county:

(1) A county assessor.

(2) An assessing official.

(3) A county property tax assessment board of appeals.

SECTION 24. IC 6-1.1-8.7-3, AS AMENDED BY P.L.113-2010, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) ~~Before January 1 of each year that a general reassessment commences under IC 6-1.1-4-4,~~ Two hundred fifty (250) or more owners of real property in a township may petition the department to assess the real property of an industrial facility in the township. ~~for that general reassessment.~~

(b) An industrial company may at any time petition the department to assess the real property of an industrial facility owned or used by the company.

(c) Before January 1 of any year, the county assessor of the county in which an industrial facility is located may petition the department to assess the real property of the industrial facility for the assessment date in the following year.

SECTION 25. IC 6-1.1-12-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 19. The deduction from assessed value provided by section 18 of this chapter is first available in the year in which the increase in assessed value resulting from the rehabilitation occurs and shall continue for the following four (4) years. In the sixth (6th) year, the county auditor shall add the amount of the deduction to the assessed value of the real property. A:

(1) general reassessment of real property **under IC 6-1.1-4-4; or**

(2) reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

which occurs within the five (5) year period of the deduction does not affect the amount of the deduction.

SECTION 26. IC 6-1.1-12-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 23. The deduction from assessed value provided by section 22 of this chapter is first available after the first assessment date following the rehabilitation and shall continue for the taxes first due and payable in the following five (5) years. In the sixth (6th) year, the county auditor shall add the amount of the deduction to the assessed value of the property. Any:

(1) general reassessment of real property **under IC 6-1.1-4-4; or**

(2) reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

which occurs within the five (5) year period of the deduction does not affect the amount of the deduction.

SECTION 27. IC 6-1.1-12.1-4, AS AMENDED BY HEA 1009-2012, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) Except as provided in section 2(i)(4) of this chapter, and subject to section 15 of this chapter, the amount of the deduction which the property owner is entitled to receive under section 3 of this chapter for a particular year equals the product of:

(1) the increase in the assessed value resulting from the rehabilitation or redevelopment; multiplied by

(2) either of the following:

(A) The percentage prescribed in the table set forth in subsection (d).

(B) A percentage determined under section 17 of this chapter if the designating body elects to use an alternative abatement schedule provided under section 17 of this chapter.

(b) The amount of the deduction determined under subsection (a) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If:

(A) a general reassessment of real property **under IC 6-1.1-4-4; or**

(B) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

occurs within the particular period of the deduction, the amount determined under subsection (a)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the ~~general~~ reassessment.

(2) If an appeal of an assessment is approved that results in a reduction of the assessed value of the redeveloped or rehabilitated property, the amount of any deduction shall be adjusted to reflect the percentage decrease that resulted from the appeal.

The department of local government finance shall adopt rules under IC 4-22-2 to implement this subsection.

(c) Property owners who had an area designated an urban development area pursuant to an application filed prior to January 1, 1979, are only entitled to the deduction for the first through the fifth years as provided in subsection (d)(10). In addition, property owners who are entitled to a deduction under this chapter pursuant to an application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for the first through the tenth years, as provided in subsection (d)(10).

(d) The percentage that may be used in calculating the deduction under subsection (a)(2)(A) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%

(5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%

(6) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	17%

(7) For deductions allowed over a seven (7) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	71%
4th	57%
5th	43%
6th	29%
7th	14%

(8) For deductions allowed over an eight (8) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	75%
4th	63%
5th	50%
6th	38%
7th	25%
8th	13%

(9) For deductions allowed over a nine (9) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	77%
4th	66%
5th	55%
6th	44%
7th	33%
8th	22%
9th	11%

(10) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%

2nd	95%
3rd	80%
4th	65%
5th	50%
6th	40%
7th	30%
8th	20%
9th	10%
10th	5%

SECTION 28. IC 6-1.1-12.1-4.8, AS AMENDED BY P.L.219-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4.8. (a) A property owner that is an applicant for a deduction under this section must provide a statement of benefits to the designating body.

(b) If the designating body requires information from the property owner for the designating body's use in deciding whether to designate an economic revitalization area, the property owner must provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter. Otherwise, the property owner must submit the completed statement of benefits form to the designating body before the occupation of the eligible vacant building for which the property owner desires to claim a deduction.

(c) The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the eligible vacant building that the property owner or a tenant of the property owner will occupy.

(2) An estimate of the number of individuals who will be employed or whose employment will be retained by the property owner or the tenant as a result of the occupation of the eligible vacant building, and an estimate of the annual salaries of those individuals.

(3) Information regarding efforts by the owner or a previous owner to sell, lease, or rent the eligible vacant building during the period the eligible vacant building was unoccupied.

(4) Information regarding the amount for which the eligible vacant building was offered for sale, lease, or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied.

(d) With the approval of the designating body, the statement of benefits may be incorporated in a designation application. A statement of benefits is a public record that may be inspected and copied under IC 5-14-3.

(e) The designating body must review the statement of benefits required by subsection (a). The designating body shall determine whether an area should be designated an economic revitalization area or whether a deduction should be allowed, after the designating body has made the following findings:

(1) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(2) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(3) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(4) Whether the occupation of the eligible vacant building will increase the tax base and assist in the rehabilitation of the economic revitalization area.

(5) Whether the totality of benefits is sufficient to justify the deduction.

A designating body may not designate an area an economic revitalization area or approve a deduction under this section unless the findings required by this subsection are made in the affirmative.

(f) Except as otherwise provided in this section, the owner of an eligible vacant building located in an economic revitalization area is entitled to a deduction from the assessed value of the building if the property owner or a tenant of the property owner occupies the eligible vacant building and uses it for commercial or industrial purposes. The property owner is entitled to the deduction:

(1) for the first year in which the property owner or a tenant of the property owner occupies the eligible vacant building and uses it for commercial or industrial purposes; and

(2) for subsequent years determined under subsection (g).

(g) The designating body shall determine the number of years for which a property owner is entitled to a deduction under this section. However, subject to section 15 of this chapter, the deduction may not be allowed for more than two (2) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by a resolution adopted not more than sixty (60) days after the designating body receives a copy of the property owner's deduction application from the county auditor.

A certified copy of a resolution under subdivision (2) shall be sent to the county auditor, who shall make the deduction as provided in section 5.3 of this chapter. A determination concerning the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by using the procedure under subdivision (2).

(h) Except as provided in section 2(i)(5) of this chapter and subsection (k), and subject to section 15 of this chapter, the amount of the deduction the property owner is entitled to receive under this section for a particular year equals the product of:

(1) the assessed value of the building or part of the building that is occupied by the property owner or a tenant of the property owner; multiplied by

(2) the percentage set forth in the table in subsection (i).

(i) The percentage to be used in calculating the deduction under subsection (h) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%

(j) The amount of the deduction determined under subsection (h) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If:

(A) a general reassessment of real property **under IC 6-1.1-4-4; or**

(B) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

occurs within the period of the deduction, the amount of the assessed value determined under subsection (h)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the ~~general~~ reassessment.

(2) If an appeal of an assessment is approved and results in a reduction of the assessed value of the property, the amount of a deduction under this section shall be adjusted to reflect the percentage decrease that resulted from the appeal.

(k) The maximum amount of a deduction under this section may not exceed the lesser of:

(1) the annual amount for which the eligible vacant building was offered for lease or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied; or

(2) an amount, as determined by the designating body in its discretion, that is equal to the annual amount for which similar buildings in the county or contiguous counties were leased or rented or offered for lease or rent during the period the eligible vacant building was unoccupied.

(l) The department of local government finance may adopt rules under IC 4-22-2 to implement this section.

SECTION 29. IC 6-1.1-12.4-2, AS AMENDED BY P.L.146-2008, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) For purposes of this section, an increase in the assessed value of real property is determined in the same manner that an increase in the assessed value of real property is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to a development, redevelopment, or rehabilitation that is first assessed after March 1, 2005, and before March 2, 2007. Except as provided in subsection (h) and sections 4, 5, and 8 of this chapter, an owner of real property that:

(1) develops, redevelops, or rehabilitates the real property; and

(2) creates or retains employment from the development, redevelopment, or rehabilitation;

is entitled to a deduction from the assessed value of the real property.

(c) Subject to section 14 of this chapter, the deduction under this section is first available in the year in which the increase in assessed value resulting from the development, redevelopment, or rehabilitation occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to real property located in a county for a particular year equals the lesser of:

(1) two million dollars ($2,000,000); or

(2) the product of:

(A) the increase in assessed value resulting from the development, rehabilitation, or redevelopment; multiplied by

(B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) A property owner that qualifies for the deduction under this section must file a notice to claim the deduction in the manner prescribed by the department of local government finance under rules adopted by the department of local government finance under IC 4-22-2 to implement this chapter. The township assessor, or the county assessor if there is no township assessor for the township, shall:

(1) inform the county auditor of the real property eligible for the deduction as contained in the notice filed by the taxpayer under this subsection; and

(2) inform the county auditor of the deduction amount.

(e) The county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(f) The amount of the deduction determined under subsection (c)(2) is adjusted to reflect the percentage increase or decrease in assessed valuation that results from:

(1) a general reassessment of real property **under IC 6-1.1-4-4;**

(2) a reassessment under a county's reassessment plan prepared under ~~IC 6-1.1-4-4;~~ **IC 6-1.1-4-4.2;** or

~~(2)~~ **(3)** an annual adjustment under IC 6-1.1-4-4.5.

(g) If an appeal of an assessment is approved that results in a reduction of the assessed value of the real property, the amount of the deduction under this section is adjusted to reflect the percentage decrease that results from the appeal.

(h) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e).

SECTION 30. IC 6-1.1-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. **(a)** A county assessor shall inquire into the assessment of the classes of tangible property in the various townships of the county after March 1 in the year in which ~~the~~ **a** general reassessment **under IC 6-1.1-4-4** becomes effective. The county assessor shall make any changes, whether increases or decreases, in the assessed values which are necessary in order to equalize these values in and between the various townships of the county. In addition, the county assessor shall determine the percent to be added to or deducted from the assessed values in order to make a just, equitable, and uniform equalization of assessments in and between the townships of the county.

(b) A county assessor shall inquire into the assessment of the classes of tangible property in the group of parcels under

a county's reassessment plan prepared under IC 6-1.1-4-4.2 after March 1 in the year in which the reassessment of tangible property in that group of parcels becomes effective. The county assessor shall make any changes, whether increases or decreases, in the assessed values that are necessary in order to equalize these values in that group. In addition, the county assessor shall determine the percent to be added to or deducted from the assessed values in order to make a just, equitable, and uniform equalization of assessments in that group.

SECTION 31. IC 6-1.1-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. If a county assessor proposes to change assessments under section 6 of this chapter, the property tax assessment board of appeals shall hold a hearing on the proposed changes before July 15 in the year in which ~~a general assessment~~ **the reassessment** is to commence. It is sufficient notice of the hearing and of any changes in assessments ordered by the board subsequent to the hearing if the board gives notice by publication once either in:

(1) two (2) newspapers which represent different political parties and which are published in the county; or

(2) one (1) newspaper only, if two (2) newspapers which represent different political parties are not published in the county.

SECTION 32. IC 6-1.1-15-4, AS AMENDED BY P.L.219-2007, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board shall conduct a hearing at its earliest opportunity. The Indiana board may correct any errors that may have been made and adjust the assessment or exemption in accordance with the correction.

(b) If the Indiana board conducts a site inspection of the property as part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board is not required to assess the property in question. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the county assessor. The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing unless the parties agree to a shorter period. With respect to a petition for review filed by a county assessor, the county board that made the determination under review under this section may file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the county board in filing the amicus curiae brief shall be paid from the property reassessment fund under IC 6-1.1-4-27.5. The executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment or exemption is under appeal is subject to assessment by that taxing unit.

(c) If a petition for review does not comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(d) After the hearing, the Indiana board shall give the taxpayer, the county assessor, and any entity that filed an amicus curiae brief:

(1) notice, by mail, of its final determination; and

(2) for parties entitled to appeal the final determination, notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

(e) Except as provided in subsection (f), the Indiana board shall conduct a hearing not later than nine (9) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(f) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a ~~general~~ reassessment of real property takes effect under IC 6-1.1-4-4 **or IC 6-1.1-4-4.2,** the Indiana board shall conduct a hearing not later than one (1) year after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(g) Except as provided in subsection (h), the Indiana board shall make a determination not later than the later of:

(1) ninety (90) days after the hearing; or

(2) the date set in an extension order issued by the Indiana board.

(h) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a ~~general~~ reassessment of real property takes effect under IC 6-1.1-4-4 **or IC 6-1.1-4-4.2,** the Indiana board shall make a determination not later than the later of:

(1) one hundred eighty (180) days after the hearing; or

(2) the date set in an extension order issued by the Indiana board.

(i) The Indiana board may not extend the final determination date under subsection (g) or (h) by more than one hundred eighty (180) days. If the Indiana board fails to make a final determination within the time allowed by this section, the entity that initiated the petition may:

(1) take no action and wait for the Indiana board to make a final determination; or

(2) petition for judicial review under section 5 of this chapter.

(j) A final determination must include separately stated findings of fact for all aspects of the determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(k) The Indiana board may limit the scope of the appeal to the issues raised in the petition and the evaluation of the evidence presented to the county board in support of those issues only if all parties participating in the hearing required under subsection (a) agree to the limitation. A party participating in the hearing required under subsection (a) is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before

the county board.

(l) The Indiana board may require the parties to the appeal:

(1) to file not more than five (5) business days before the date of the hearing required under subsection (a) documentary evidence or summaries of statements of testimonial evidence; and

(2) to file not more than fifteen (15) business days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

(m) A party to a proceeding before the Indiana board shall provide to all other parties to the proceeding the information described in subsection (l) if the other party requests the information in writing at least ten (10) days before the deadline for filing of the information under subsection (l).

(n) The Indiana board may base its final determination on a stipulation between the respondent and the petitioner. If the final determination is based on a stipulated assessed valuation of tangible property, the Indiana board may order the placement of a notation on the permanent assessment record of the tangible property that the assessed valuation was determined by stipulation. The Indiana board may:

(1) order that a final determination under this subsection has no precedential value; or

(2) specify a limited precedential value of a final determination under this subsection.

SECTION 33. IC 6-1.1-17-1, AS AMENDED BY P.L.1-2010, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the department of local government finance. The statement shall contain:

(1) information concerning the assessed valuation in the political subdivision for the next calendar year;

(2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;

(3) the current assessed valuation as shown on the abstract of charges;

(4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years, ~~excluding years in which a general reassessment occurs, determined~~ **adjusted** according to procedures established by the department of local government finance **to account for reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2;**

(5) the amount of the political subdivision's assessed valuation reduction determined under section 0.5(d) of this chapter;

(6) for counties with taxing units that cross into or intersect with other counties, the assessed valuation as shown on the most current abstract of property; and

(7) any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.

(b) The estimate of taxes to be distributed shall be based on:

(1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and

(2) any other information at the disposal of the county auditor which might affect the estimate.

(c) The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision.

(d) Subject to subsection (e), after the county auditor sends a certified statement under subsection (a) or an amended certified statement under this subsection with respect to a political subdivision and before the department of local government finance certifies its action with respect to the political subdivision under section 16(f) of this chapter, the county auditor may amend the information concerning assessed valuation included in the earlier certified statement. The county auditor shall send a certified statement amended under this subsection, under the seal of the board of county commissioners, to:

(1) the fiscal officer of each political subdivision affected by the amendment; and

(2) the department of local government finance.

(e) Except as provided in subsection (f), before the county auditor makes an amendment under subsection (d), the county auditor must provide an opportunity for public comment on the proposed amendment at a public hearing. The county auditor must give notice of the hearing under IC 5-3-1. If the county auditor makes the amendment as a result of information provided to the county auditor by an assessor, the county auditor shall give notice of the public hearing to the assessor.

(f) The county auditor is not required to hold a public hearing under subsection (e) if:

(1) the amendment under subsection (d) is proposed to correct a mathematical error made in the determination of the amount of assessed valuation included in the earlier certified statement;

(2) the amendment under subsection (d) is proposed to add to the amount of assessed valuation included in the earlier certified statement assessed valuation of omitted property discovered after the county auditor sent the earlier certified statement; or

(3) the county auditor determines that the amendment under subsection (d) will not result in an increase in the tax rate or tax rates of the political subdivision.

SECTION 34. IC 6-1.1-18-12, AS AMENDED BY P.L.172-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted each year to account for the change in assessed value of real property that results from:

(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; ~~or~~

(2) a general reassessment of real property under IC 6-1.1-4-4; **or**

(3) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2.

(d) The statutes to which subsection (a) refers are:

(1) IC 8-10-5-17;
(2) IC 8-22-3-11;
(3) IC 8-22-3-25;
(4) IC 12-29-1-1;
(5) IC 12-29-1-2;
(6) IC 12-29-1-3;
(7) IC 12-29-3-6;
(8) IC 13-21-3-12;
(9) IC 13-21-3-15;
(10) IC 14-27-6-30;
(11) IC 14-33-7-3;
(12) IC 14-33-21-5;
(13) IC 15-14-7-4;
(14) IC 15-14-9-1;
(15) IC 15-14-9-2;
(16) IC 16-20-2-18;
(17) IC 16-20-4-27;
(18) IC 16-20-7-2;
(19) IC 16-22-14;
(20) IC 16-23-1-29;
(21) IC 16-23-3-6;
(22) IC 16-23-4-2;
(23) IC 16-23-5-6;
(24) IC 16-23-7-2;
(25) IC 16-23-8-2;
(26) IC 16-23-9-2;
(27) IC 16-41-15-5;
(28) IC 16-41-33-4;
(29) IC 20-46-2-3 (before its repeal on January 1, 2009);
(30) IC 20-46-6-5;
(31) IC 20-49-2-10;
(32) IC 36-1-19-1;
(33) IC 23-14-66-2;
(34) IC 23-14-67-3;
(35) IC 36-7-13-4;
(36) IC 36-7-14-28;
(37) IC 36-7-15.1-16;
(38) IC 36-8-19-8.5;
(39) IC 36-9-6.1-2;
(40) IC 36-9-17.5-4;
(41) IC 36-9-27-73;
(42) IC 36-9-29-31;
(43) IC 36-9-29.1-15;
(44) IC 36-10-6-2;
(45) IC 36-10-7-7;
(46) IC 36-10-7-8;
(47) IC 36-10-7.5-19;
(48) IC 36-10-13-5;
(49) IC 36-10-13-7;
(50) IC 36-10-14-4;
(51) IC 36-12-7-7;
(52) IC 36-12-7-8;
(53) IC 36-12-12-10; and
(54) any statute enacted after December 31, 2003, that:

(A) establishes a maximum rate for any part of the:

(i) property taxes; or

(ii) special benefits taxes;

imposed by a political subdivision; and

(B) does not exempt the maximum rate from the adjustment under this section.

(e) The new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP SEVEN of the following STEPS:

STEP ONE: Determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect.

STEP TWO: Except as provided in subsection (g), determine the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect to the year that the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property **under IC 6-1.1-4-4** does not first take effect.

STEP FOUR: Except as provided in subsection (g), compute separately, for each of the calendar years determined in STEP THREE, the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d).

(g) This subsection applies to STEP TWO and STEP FOUR of subsection (e) for taxes first due and payable after 2011. If the assessed value change used in the STEPS was not an increase, the STEPS are applied using instead:

(1) the actual percentage decrease (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the

taxable property; or

(2) zero (0) if the assessed value did not increase or decrease.

SECTION 35. IC 6-1.1-18-13, AS AMENDED BY P.L.219-2007, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13. (a) The maximum property tax rate levied under IC 20-46-6 by each school corporation for the school corporation's capital projects fund must be adjusted each year to account for the change in assessed value of real property that results from:

(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; ~~or~~

(2) a general reassessment of real property under IC 6-1.1-4-4; **or**

(3) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2.

(b) The new maximum rate under this section is the tax rate determined under STEP SEVEN of the following formula:

STEP ONE: Determine the maximum rate for the school corporation for the year preceding the year in which the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect to the year that the annual adjustment or ~~general~~ **the** reassessment is effective.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property **under IC 6-1.1-4-4** does not first become effective.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(c) The department of local government finance shall compute the maximum rate allowed under subsection (b) and provide the rate to each school corporation.

SECTION 36. IC 6-1.1-18.5-9.8, AS AMENDED BY P.L.172-2011, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9.8. (a) For purposes of determining the property tax levy limit imposed on a city, town, or county under section 3 of this chapter, the city, town, or county's ad valorem property tax levy for a particular calendar year does not include an amount equal to the lesser of:

(1) the amount of ad valorem property taxes that would be first due and payable to the city, town, or county during the ensuing calendar year if the taxing unit imposed the maximum permissible property tax rate per one hundred dollars ($100) of assessed valuation that the civil taxing unit may impose for the particular calendar year under the authority of IC 36-9-14.5 (in the case of a county) or IC 36-9-15.5 (in the case of a city or town); or

(2) the excess, if any, of:

(A) the property taxes imposed by the city, town, or county under the authority of:

IC 3-11-6-9;
IC 8-16-3;
IC 8-16-3.1;
IC 8-22-3-25;
IC 14-27-6-48;
IC 14-33-9-3;
IC 16-22-8-41;
IC 16-22-5-2 through IC 16-22-5-15;
IC 16-23-1-40;
IC 36-8-14;
IC 36-9-4-48;
IC 36-9-14;
IC 36-9-14.5;
IC 36-9-15;
IC 36-9-15.5;
IC 36-9-16;
IC 36-9-16.5;
IC 36-9-17;
IC 36-9-26;
IC 36-9-27-100;
IC 36-10-3-21; or
IC 36-10-4-36;

that are first due and payable during the ensuing calendar year; over

(B) the property taxes imposed by the city, town, or county under the authority of the citations listed in clause (A) that were first due and payable during calendar year 1984.

(b) The maximum property tax rate levied under the statutes listed in subsection (a) must be adjusted each year to account for the change in assessed value of real property that results from:

(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; ~~or~~

(2) a general reassessment of real property under IC 6-1.1-4-4; **or**

(3) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2.

(c) The new maximum rate under a statute listed in subsection (a) is the tax rate determined under STEP SEVEN of the following formula:

STEP ONE: Determine the maximum rate for the political subdivision levying a property tax under the statute for the year preceding the year in which the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or**

IC 6-1.1-4-4.2 takes effect.

STEP TWO: Subject to subsection (e), determine the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or ~~general~~ **the** reassessment **under IC 6-1.1-4-4 or IC 6-1.1-4-4.2** takes effect to the year that the annual adjustment or ~~general~~ **the** reassessment is effective.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property **under IC 6-1.1-4-4** does not first become effective.

STEP FOUR: Subject to subsection (e), compute separately, for each of the calendar years determined in STEP THREE, the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(d) The department of local government finance shall compute the maximum rate allowed under subsection (c) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (a).

(e) This subsection applies to STEP TWO and STEP FOUR of subsection (c) for taxes first due and payable after 2011. If the assessed value change used in the STEPS was not an increase, the STEPS are applied using instead:

(1) the actual percentage decrease (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property; or

(2) zero (0) if the assessed value did not increase or decrease.

SECTION 37. IC 6-1.1-18.5-10, AS AMENDED BY P.L.182-2009(ss), SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 10. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit to be used to fund:

(1) community mental health centers under:

(A) IC 12-29-2-1.2, for only those civil taxing units that authorized financial assistance under IC 12-29-1 before 2002 for a community mental health center as long as the tax levy under this section does not exceed the levy authorized in 2002;

(B) IC 12-29-2-2 through IC 12-29-2-5; and

(C) IC 12-29-2-13; or

(2) community mental retardation and other developmental disabilities centers under IC 12-29-1-1;

to the extent that those property taxes are attributable to any increase in the assessed value of the civil taxing unit's taxable property caused by a general reassessment of real property **under IC 6-1.1-4-4 or a reassessment of real property under a reassessment plan prepared under IC 6-1.1-4-4.2** that took effect after February 28, 1979.

(b) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy described in subsection (a).

(c) This subsection applies to property taxes first due and payable after December 31, 2008. Notwithstanding subsections (a) and (b) or any other law, any property taxes imposed by a civil taxing unit that are exempted by this section from the ad valorem property tax levy limits imposed by section 3 of this chapter may not increase annually by a percentage greater than the result of:

(1) the assessed value growth quotient determined under section 2 of this chapter; minus

(2) one (1).

(d) For a county that:

(1) did not impose an ad valorem property tax levy in 2008 for the county general fund to provide financial assistance under IC 12-29-1 (community mental retardation and other developmental disabilities center) or IC 12-29-2 (community mental health center); and

(2) determines for 2009 or a later calendar year to impose a levy as described in subdivision (1);

the ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to the part of the county's general fund levy that is used in the first calendar year for which a determination is made under subdivision (2) to provide financial assistance under IC 12-29-1 or IC 12-29-2. The department of local government finance shall review a county's proposed budget that is submitted under IC 12-29-1-1 or IC 12-29-2-1.2 and make a final determination of the amount to which the levy limits do not apply under this subsection for the first calendar year for which a determination is made under subdivision (2).

(e) The ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to the county's general fund levy in the amount determined by the department of local government finance under subsection (d) in each calendar year following the calendar year for which the determination under subsection (b) is made.

SECTION 38. IC 6-1.1-18.5-13, AS AMENDED BY SEA 115-2012, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13. (a) With respect to an appeal filed under section 12 of this chapter, the department may find that a civil taxing unit should receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the department the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or

other extensions of governmental services by the civil taxing unit to additional geographic areas or persons. With respect to annexation, consolidation, or other extensions of governmental services in a calendar year, if those increased costs are incurred by the civil taxing unit in that calendar year and more than one (1) immediately succeeding calendar year, the unit may appeal under section 12 of this chapter for permission to increase its levy under this subdivision based on those increased costs in any of the following:

(A) The first calendar year in which those costs are incurred.

(B) One (1) or more of the immediately succeeding four (4) calendar years.

(2) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in which it is in existence. For purposes of this subdivision, costs of operating a court include:

(A) the cost of personal services (including fringe benefits);

(B) the cost of supplies; and

(C) any other cost directly related to the operation of the court.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property ~~or the initial annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5~~ **under IC 6-1.1-4-4** does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in all counties under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

(4) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars ($10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(6) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents ($0.0167) per one hundred dollars ($100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents ($0.0167) per one hundred dollars ($100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars ($100) of assessed valuation before the increase.

(7) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent ($0.01) per one hundred dollars ($100) of assessed valuation.

(8) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000);

(ii) a city having a population of more than sixty-five thousand (65,000) but less than seventy thousand (70,000);

(iii) a city having a population of more than twenty-nine thousand five hundred (29,500) but less than twenty-nine thousand six hundred (29,600);

(iv) a city having a population of more than thirteen thousand four hundred fifty (13,450) but less than thirteen thousand five hundred (13,500); or

(v) a city having a population of more than eight thousand seven hundred (8,700) but less than nine thousand (9,000); and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents ($0.0667) for each one hundred dollars ($100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

(i) was issued by a federal district court; and

(ii) has not been terminated;

(C) that operates a county jail that fails to meet:

(i) American Correctional Association Jail Construction Standards; and

(ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township has been required, for the three (3) consecutive years preceding the year for which the appeal under this subdivision is to become effective, to borrow funds under IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the maximum increase in a township's levy that may be allowed under this subdivision is the least of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A township may elect to phase in an approved increase in its levy under this subdivision over a period not to exceed three (3) years. A particular township may appeal to increase its levy under this section not more frequently than every fourth calendar year.

(12) Permission to a city having a population of more than thirty-one thousand five hundred (31,500) but less than thirty-one thousand seven hundred twenty-five (31,725) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief.

(13) A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter due to a natural disaster, an accident, or another unanticipated emergency.

(14) Permission to Jefferson County to increase its levy in excess of the limitations established under section 3 of this chapter if the department finds that the county experienced a property tax revenue shortfall that resulted from an erroneous estimate of the effect of the supplemental deduction under IC 6-1.1-12-37.5 on the county's assessed valuation. An appeal for a levy increase under this subdivision may not be denied because of the amount of cash balances in county funds. The maximum increase in the county's levy that may be approved under this subdivision is three hundred thousand dollars ($300,000).

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under

section 3 of this chapter for the city of Goshen for 2012 and thereafter by an amount equal to the greater of zero (0) or the result of:

(1) the city's total pension costs in 2009 for the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7); minus

(2) the sum of:

(A) the total amount of state funds received in 2009 by the city and used to pay benefits to members of the 1925 police pension fund (IC 36-8-6) or the 1937 firefighters' pension fund (IC 36-8-7); plus

(B) any previous permanent increases to the city's levy that were authorized to account for the transfer to the state of the responsibility to pay benefits to members of the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7).

SECTION 39. IC 6-1.1-22.5-6, AS AMENDED BY P.L.89-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) This section applies to property taxes payable under this article on assessments determined for the 2003 assessment date or the assessment date in any later year, **regardless of whether a proceeding to determine the necessity of a reassessment is being conducted under IC 6-1.1-4-5, IC 6-1.1-4-9, or another law.** The county treasurer shall use a provisional statement under this chapter if the county auditor fails to deliver the abstract for that assessment date to the county treasurer under IC 6-1.1-22-5 before March 16 of the year following the assessment date (for property taxes first due and payable before 2011) or April 1 of the year following the assessment date (for property taxes first due and payable after 2010). The amount to be billed for each installment of the provisional statement is the amount determined under section 9 of this chapter. **The billing must be based on the latest assessed values for property certified by the department of local government finance, as adjusted under the procedures specified by the department of local government finance.**

(b) The county treasurer shall give notice of the provisional statement, including disclosure of the method that is to be used in determining the tax liability to be indicated on the provisional statement, by publication one (1) time:

(1) in the form prescribed by the department of local government finance; and

(2) in the manner described in IC 6-1.1-22-4(b).

The notice may be combined with the notice required under section 10 of this chapter.

(c) Subsection (a) applies regardless of whether the county auditor fails to deliver the abstract as provided in IC 6-1.1-22-5(b). Section 7 of this chapter does not apply to this section.

(d) This subsection applies after June 30, 2009. Immediately upon determining to use provisional statements under subsection (a), the county treasurer shall give notice of the determination to the county fiscal body (as defined in IC 36-1-2-6).

(e) In a county in which an authorizing ordinance is adopted under IC 6-1.1-22-8.1(h), a person may direct the county treasurer to transmit a provisional statement by electronic mail under IC 6-1.1-22-8.1(h).

(f) The department of local government finance may waive the requirement under subsection (a) that a provisional statement must be used for property taxes first due and payable in a calendar year, if:

(1) the county fiscal body or the county treasurer requests the waiver; and

(2) the department of local government finance determines that:

(A) the county will be able to send a property tax statement under IC 6-1.1-22 with a due date that is not later than June 10 of that calendar year; or

(B) the failure to send a property tax statement under IC 6-1.1-22 in a timely manner is due to a change by the county in computer software, and the county will be able to send a property tax statement under IC 6-1.1-22 with a due date that is not later than June 10 of that calendar year.

SECTION 40. IC 6-1.1-22.5-20, AS AMENDED BY P.L.182-2009(ss), SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. For purposes of a provisional statement under section 6 of this chapter, the department of local government finance may adopt emergency rules under IC 4-22-2-37.1 to **do any of the following:**

(1) Provide a methodology for a county treasurer to issue provisional statements with respect to real property, taking into account new construction of improvements placed on the real property, damage, and other losses related to the real property:

~~(1)~~ **(A)** after March 1 of the year preceding the assessment date to which the provisional statement applies; and

~~(2)~~ **(B)** before the assessment date to which the provisional statement applies.

(2) Carry out IC 6-1.1-22.6.

SECTION 41. IC 6-1.1-22.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 22.6. Resolution of Multi-Year Delay in Issuance of Tax Bills

Sec. 1. As used in this chapter, "covered county" refers to a county that is subject to this chapter.

Sec. 2. As used in this chapter, "delayed property taxes" refers to the following:

(1) Property taxes imposed for a year preceding the year in which the county qualifies as a covered county, if the covered county issued a reconciliation statement for the year in which the county qualifies as a covered county.

(2) Property taxes for which a covered county is behind in issuing property tax bills on February 1 in the year that the county qualifies as a covered county.

(3) Property taxes imposed for an assessment date that occurs before the county ceases to be a covered county under section 15 of this chapter.

Sec. 3. As used in this chapter, "eligible taxing unit" refers to the following:

(1) A city.
(2) A town.
(3) A school corporation.
(4) A library district.

Sec. 4. As used in this chapter, "executive" has the meaning set forth in IC 36-1-2-5.

Sec. 5. As used in this chapter, "department" refers to the department of local government finance.

Sec. 6. As used in this chapter, "property tax bill" refers to:

(1) a property tax statement required by IC 6-1.1-22-8.1; or
(2) a reconciling statement;

that conforms to law.

Sec. 7. As used in this chapter, "property taxes" has the meaning set forth in IC 6-1.1-22.5-3.

Sec. 8. As used in this chapter, "provisional statement" has the meaning set forth in IC 6-1.1-22.5-2.

Sec. 9. As used in this chapter, "reconciling statement" has the meaning set forth in IC 6-1.1-22.5-4.

Sec. 10. As used in this chapter, "settlement date" refers to a settlement date specified in IC 6-1.1-27-1.

Sec. 11. As used in this chapter, "special master" refers to an individual or entity employed under this chapter to carry out substantially all of the duties of the county auditor, county treasurer, or county assessor, or any combination of these offices, necessary to issue property tax bills in each year that the county is a covered county, including the year in which the county ceases to be a covered county.

Sec. 12. As used in this chapter, "tax anticipation warrant or obligation" refers to a loan or other evidence of indebtedness issued by a taxing unit in anticipation of the collection of delayed property taxes due to the taxing unit, including evidences of indebtedness with a term of more than one (1) year and debt refunding loans or other evidences of indebtedness issued by a taxing unit in anticipation of the collection of delayed property taxes due to the taxing unit.

Sec. 13. A county becomes subject to this chapter if, in a year after December 31, 2011, the county is at least three (3) years behind in issuing property tax bills on February 1 of that year.

Sec. 14. The general assembly finds that LaPorte County qualified as a county subject to this chapter on February 1, 2012.

Sec. 15. Subject to section 16 of this chapter, a county ceases to be subject to this chapter in the year after the county:

(1) ceases to be behind in issuing property tax bills for all previous years; and
(2) issues a property tax bill for property taxes due that would ordinarily be due in the current year before April 26 of the current year.

Sec. 16. The termination of a county's status as a covered county does not relieve the county from making the payments required under section 18 of this chapter.

Sec. 17. (a) The county treasurer of a covered county shall accept payment of property taxes and special assessments made by debit card, bank card, credit card, or electronic transfer.

(b) The county treasurer of a covered county, or another appropriate official of the covered county, shall contract with a debit card, bank card, credit card, or electronic transfer vendor for acceptance of debit cards, bank cards, credit cards, or electronic transfers for the receipt of tax collections for delayed property taxes. However, if there is a vendor transaction charge, discount fee, or other charge, whether billed to the covered county or charged directly to an account of the covered county, the covered county or the card or electronic payment service vendor may collect a fee from any person using the bank or credit card. The fee is a permitted additional charge under IC 24-4.5-3-202.

(c) This section shall not be construed as limiting the authority of a county to accept payment by debit card, bank card, credit card, or electronic transfer.

Sec. 18. (a) Subject to subsection (b), a covered county shall set aside in a separate fund on the schedule specified by the department from the funds specified by the department, one million dollars ($1,000,000) for each consecutive year that the county experienced delayed property taxes described in section 2(1) or 2(2) of this chapter before the year in which the county qualifies as a covered county. The Indiana bond bank shall establish the schedule on which the covered county must set aside money under this section.

(b) The amount that must be set aside under subsection (a) for a particular year that the county experienced delayed property taxes is reduced:

(1) to zero (0), if all reconciliation statements for the delayed property taxes covered by subsection (a) and not previously billed are mailed or otherwise transmitted to taxpayers before January 31 of the year immediately following the year that the county becomes a covered county; and
(2) by seventy-five percent (75%), if all reconciliation statements for delayed property taxes covered by subsection (a) and not previously billed are mailed or otherwise transmitted to taxpayers before March 1 of the year immediately following the year that the county becomes a covered county.

(c) The amount set aside under this section for a particular year in which eligible taxing units experienced delayed property taxes shall be used to compensate eligible taxing units for:

(1) interest and other costs incurred by an eligible taxing unit for issuing anticipation warrants or other obligations to fund the eligible taxing unit's operating and capital requirements during a period in which the eligible taxing unit experienced delayed property tax collections; and
(2) interest, at the adjusted rate for the period determined under IC 6-8.1-10-1, on the amount of the delayed property taxes not received by the eligible taxing unit, if the eligible taxing unit self-funded its operating and capital requirements during a period in which the eligible taxing unit experienced delayed property tax collections rather than issue anticipation warrants or other obligations.

(d) The Indiana bond bank or a person or entity designated by the Indiana bond bank shall establish a procedure for determining the amount that is to be distributed to each eligible taxing unit under this section. The procedure must include at least one (1) public hearing in the covered county.

(e) The county auditor of a covered county shall distribute the amount set aside under this section for a particular year among eligible taxing units according to a formula or amount prescribed by the Indiana bond bank or the person or entity designated by the Indiana bond bank.

(f) The amount due to an eligible taxing unit under this section to compensate the eligible taxing unit for delayed property tax collections in a particular year shall be distributed in eight (8) equal installments. Each installment shall be paid on a consecutive settlement date following the date the Indiana bond bank or the person or entity designated by the Indiana bond bank determines the amount to be distributed to the eligible taxing unit.

(g) Any amount set aside under this section that exceeds the amount that the Indiana bond bank or a person or entity designated by the Indiana bond bank requires the covered county to distribute to eligible taxing units shall be transferred back to the funds from which the money was set aside in accordance with the directions of the Indiana bond bank or a person or entity designated by the Indiana bond bank.

(h) An eligible taxing unit, the county auditor and county treasurer of a covered county, and any special master appointed under this chapter shall provide the Indiana bond bank or a person or entity designated by the Indiana bond bank with the information required by the Indiana bond bank or a person or entity designated by the Indiana bond bank to carry out this section.

(i) An amount set aside under this section for distribution to eligible taxing units reduces the amount available to the county governmental unit for other expenditures. The county governmental unit may not impose an additional property tax levy to replace the lost revenue.

Sec. 19. An eligible taxing unit shall apply interest received under section 18 of this chapter:

(1) first, to pay or reimburse a fund for the payment of costs and interest incurred on tax anticipation warrants or obligations issued in anticipation of delayed property taxes; and

(2) thereafter, to obligations that would otherwise require the eligible taxing unit to impose a property tax to pay, as required by the Indiana bond bank or a person or entity designated by the Indiana bond bank.

Sec. 20. (a) Subject to the approval of the department, a county executive of a covered county may employ one (1) or more special masters and the number of deputy special masters needed by the special masters to carry out substantially all of the duties of:

(1) the county auditor;

(2) the county treasurer; or

(3) the county assessor;

or any combination of these offices, as is necessary to issue property tax bills in each year that the county is a covered county, including the year that the county ceases to be a covered county.

(b) The department may:

(1) as a condition of approving the contract, require that the department must be a party to the employment contract and any addendum to the employment contract;

(2) specify the scope of a special master's duties; and

(3) set standards for the selection and conduct of the special master.

However, to expedite the selection of a special master, the county executive may purchase the services of a special master and deputy special masters using any procedure permitted under IC 5-22-6-1.

(c) If the duties of the county auditor, the county treasurer, and the county assessor are assigned to one (1) or more special masters under this section, the assignment of duties shall be delegated among different individuals in such a manner as to maintain adequate accounting internal controls.

Sec. 21. No contract shall be made with any special master before the giving of notice and the receiving of bids from anyone desiring to furnish this service. Notice of the time and place for receiving bids for the contract shall be given by publication by one (1) insertion in two (2) newspapers of general circulation published in the county and representing each of the two (2) leading political parties in the county. If only one (1) newspaper is published in the county, notice in that one (1) newspaper is sufficient to comply with the requirements of this section. The contract shall be awarded to the lowest and best bidder who meets all requirements under law and all standards specified by the department for entering a contract to serve as special master. However, any and all bids may be rejected, and new bids may be asked.

Sec. 22. (a) The county fiscal body of a covered county shall appropriate the funds needed to meet the obligations created by a special master's contract.

(b) The county executive of a covered county shall provide the space and all necessary supplies needed to meet the obligations created by a special master's contract.

Sec. 23. A special master has the powers of a county auditor within the scope of the special master's duties, including the power to employ deputy special masters and terminate employment.

Sec. 24. The county auditor, the county treasurer, the county assessor, and all other officials and employees of a covered county shall provide assistance to a special master, as requested by the special master or the special master's deputies.

Sec. 25. The county council of a covered county may grant a tax credit not exceeding two percent (2%) of delayed property taxes due on a reconciliation statement on any amount of delayed property taxes paid within thirty (30) regular business days after the county treasurer mails or otherwise transmits the property tax bill for the delayed property taxes to the taxpayer or other person authorized to receive the property tax bill. The amount of the credit

reduces the amount to be distributed to each taxing unit that imposed the delayed property taxes in proportion to the amount due to each taxing unit. A taxing unit shall allocate the amount of the lost revenue to every fund in proportion to the delayed property taxes due from the property tax bill, other than a debt service fund.

Sec. 26. (a) The department may prescribe forms, adopt emergency rules under IC 6-1.1-22.5-20, issue administrative orders, set deadlines and other timetables for required activities, and issue interpretive bulletins to carry out this chapter, including rules, orders, and bulletins related to the scope of the duties to be performed by a special master under this chapter.

(b) Notwithstanding any other law, the department shall require that:

(1) trending and other adjustments to the assessed value of real property under IC 6-1.1-4-4.5 be applied separately to each assessment date subject to this chapter with the resulting assessments rolled over to be used as the valuation that is adjusted for the following assessment date;

(2) the information required to be submitted to the department or the legislative services agency, or both, under IC 6-1.1-4-18.5, IC 6-1.1-4-19.5, IC 6-1.1-4-25, IC 6-1.1-5.5-3, IC 6-1.1-11-8, IC 6-1.1-31.5-3.5, IC 6-1.1-33.5-3, or IC 36-2-9-20 be submitted separately for each assessment date subject to this chapter not later than sixty (60) days after the information becomes available to the local official possessing the information;

(3) a homestead eligible for a standard deduction under IC 6-1.1-12-37 on which payments on a reconciliation statement subject to this section are delinquent, including an installment payment under IC 6-1.1-22.5-18.5, may not be placed on a list for tax sale for at least twelve (12) months after the payment, including an installment payment under IC 6-1.1-22.5-18.5, is otherwise due;

(4) the period in which property eligible for a deduction or credit provided by law for an assessment date for which delayed property taxes are imposed is extended to the later of July 1 in the year in which the county becomes a covered county or a date that is forty-five (45) days after the reconciliation statement for those taxes is mailed or otherwise transmitted under IC 6-1.1-22.5-12, and that the current owner of the property may file the application for the deduction or credit;

(5) the current owner of property may file a petition under IC 6-1.1-15 for an assessment date for which delayed property taxes are due and payable under a reconciliation statement issued by a covered county as provided in this chapter; and

(6) the fiscal body of a covered county shall establish an installment payment plan in accordance with IC 6-1.1-22.5-18.5 under which taxpayers are required to pay delayed property taxes either:

(A) by paying the delayed property taxes over an installment period (of at least six (6) months) determined by the county fiscal body; or

(B) by making a single payment of the delayed property taxes after the end of a period (of at least six (6) months) determined by the county fiscal body;

as specified by ordinance of the county fiscal body. The fiscal body of a covered county may adopt an ordinance under IC 6-1.1-22.5-18.5 extending the installment period or the due date of the single payment.

Reconciliation statements issued by a covered county after March 15, 2012, must include a statement in at least 10-point bold type that explains a taxpayer's rights under subdivision (4) to file a deduction or credit application. Any overpayment of delayed property taxes that result after the application of a deduction or credit granted after the payment of the delayed property taxes shall be first applied without the filing of a claim under IC 6-1.1-26. The county treasurer shall apply the excess payment first to any delinquent property taxes owed by the taxpayer who owned the property in the year to which the credit or deduction applies, and, second, as a credit against property taxes for the affected property that become first due and payable after the excess payment is determined.

(c) Subject to the requirements of this chapter, the department may set schedules and take other actions necessary or appropriate to provide for the earliest possible issuance of property tax bills for the collection of delayed property taxes and a return to a normal collection cycle for property taxes in covered counties.

Sec. 27. This chapter expires December 31, 2016.

SECTION 42. IC 6-1.1-28-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. (a) The county property tax assessment board shall remain in session until the board's duties are complete.

(b) All expenses and per diem compensation resulting from a session of a county property tax assessment board that is called by the department of local government finance under subsection (c) shall be paid by the county auditor, who shall, without an appropriation being required, draw warrants on county funds not otherwise appropriated.

(c) The department of local government finance may also call a session of the county property tax assessment board after completion of a general reassessment of real property **under IC 6-1.1-4-4 or a reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2.** The department of local government finance shall fix the time for and duration of the session.

SECTION 43. IC 6-1.1-30-17, AS ADDED BY P.L.146-2008, SECTION 268, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Except as provided in subsection (c) and subject to subsection (d), the department of state revenue and the auditor of state shall, when requested by the department of local government finance, withhold a percentage of the distributions of county adjusted gross income tax distributions under IC 6-3.5-1.1, county option income tax distributions under IC 6-3.5-6, or county economic development income tax distributions under IC 6-3.5-7 that would otherwise be distributed to the county under the schedules

in IC 6-3.5-1.1-10, IC 6-3.5-1.1-21.1, IC 6-3.5-6-17, IC 6-3.5-6-17.3, IC 6-3.5-7-16, and IC 6-3.5-7-17.3, if:

(1) local assessing officials have not provided information to the department of local government finance in a timely manner under IC 4-10-13-5(b);

(2) the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25;

(3) the county auditor has not paid a bill for services under IC 6-1.1-4-31.5 to the department of local government finance in a timely manner;

(4) the county assessor has not forwarded to the department of local government finance in a timely manner sales disclosure form data under IC 6-1.1-5.5-3;

(5) the county auditor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a);

(6) by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;

(7) the county does not maintain a certified computer system that meets the requirements of IC 6-1.1-31.5-3.5;

(8) the county auditor has not transmitted the data described in IC 36-2-9-20 to the department of local government finance in the form and on the schedule specified by IC 36-2-9-20;

(9) the county has not established a parcel index numbering system under 50 IAC 23-8-1 in a timely manner; ~~or~~

(10) a county official has not provided other information to the department of local government finance in a timely manner as required by the department of local government finance; **or**

(11) the department of local government finance incurs additional costs to assist a covered county (as defined in IC 6-1.1-22.6-1) to issue tax statements within the time frame specified in IC 6-1.1-22.6-18(b) for each year that the county experienced delayed property taxes (as defined in IC 6-1.1-22.6-2) before the year in which the county qualifies as a covered county.

The percentage to be withheld is the percentage determined by the department of local government finance. **However, the percentage withheld for a reason stated in subdivision (11) may not exceed the percentage needed to reimburse the department of local government finance for the costs incurred by the department of local government finance to take the actions necessary to permit a covered county (as defined in IC 6-1.1-22.6-1) to issue reconciling tax statements for prior year delayed property taxes (as defined in IC 6-1.1-22.6-2) within the time frame specified in IC 6-1.1-22.6-18(b). The county governmental taxing unit of a covered county (as defined in IC 6-1.1-22.6-1) shall reimburse the department of local government finance for these expenses. The amount withheld under subdivision (11) reduces only the amount that would otherwise be distributed to the county governmental taxing unit of a covered county (as defined in IC 6-1.1-22.6-1) and not money distributable to any other political subdivision. The withholding of an amount under subdivision (11) does not relieve the county government of a covered county (as defined in IC 6-1.1-22.6-1) from making bond or lease payments that would otherwise be paid from withheld amounts or providing property tax credits that would otherwise be provided under IC 6-3.5 from withheld amounts. Subdivision (11) does not apply to any county other than a covered county (as defined in IC 6-1.1-22.6-1).**

(b) Except as provided in subsection (e), money not distributed for the reasons stated in subsection (a) shall be distributed to the county when the department of local government finance determines that the failure to:

(1) provide information; or

(2) pay a bill for services;

has been corrected.

(c) The restrictions on distributions under subsection (a) do not apply if the department of local government finance determines that the failure to:

(1) provide information; or

(2) pay a bill for services;

in a timely manner is justified by unusual circumstances.

(d) The department of local government finance shall give the county auditor at least thirty (30) days notice in writing before the department of state revenue or the auditor of state withholds a distribution under subsection (a).

(e) Money not distributed for the reason stated in subsection (a)(3) may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money deposited under this subsection is not subject to distribution under subsection (b).

(f) This subsection applies to a county that will not receive a distribution under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7. At the request of the department of local government finance, an amount permitted to be withheld under subsection (a) may be withheld from any state revenues that would otherwise be distributed to the county or one (1) or more taxing units in the county.

SECTION 44. IC 6-1.1-31-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9. (a) Except as provided in subsection (b), the department of local government finance may not adopt rules for the appraisal of real property:

(1) in a general reassessment **under IC 6-1.1-4-4; or**

(2) in a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

after July 1 of the year before the year in which the ~~general~~ reassessment is scheduled to begin.

(b) If rules ~~for the appraisal of real property in a general reassessment~~ **described in subsection (a)** are timely adopted under subsection (a) and are then disapproved by the attorney general for any reason under IC 4-22-2-32, the department of local government finance may modify the rules to cure the defect that resulted in disapproval by the attorney general, and may then take all actions necessary under IC 4-22-2 to readopt and to obtain approval of the rules. This process may be repeated as necessary until the rules are approved.

SECTION 45. IC 6-1.1-33.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) With respect to any township or county for any year, the department of local government finance may initiate a review to determine whether to order a special reassessment under this chapter. The review may apply to real property or personal property, or both.

(b) If the department of local government finance determines under subsection (a) ~~of this chapter~~ to initiate a review with respect to the real property **subject to reassessment under IC 6-1.1-4-4** within a township or county, or a portion of the real property within a township or county, the division of data analysis of the department shall determine for the real property under consideration and for the township or county the variance between:

(1) the total assessed valuation of the real property within the township or county; and

(2) the total assessed valuation that would result if the real property within the township or county were valued in the manner provided by law.

(c) If the department of local government finance determines under subsection (a) to initiate a review with respect to the real property within a particular cycle under a county's reassessment plan prepared under IC 6-1.1-4-4.2 or a part of the real property within a cycle, the division of data analysis of the department shall determine for the real property under consideration and for all groups of parcels within a particular cycle the variance between:

(1) the total assessed valuation of the real property within all groups of parcels within a particular cycle; and

(2) the total assessed valuation that would result if the real property within all groups of parcels within a particular cycle were valued in the manner provided by law.

~~(c)~~ **(d)** If the department of local government finance determines under subsection (a) ~~of this chapter~~ to initiate a review with respect to personal property within a township or county, or a part of the personal property within a township or county, the division of data analysis of the department shall determine for the personal property under consideration and for the township or county the variance between:

(1) the total assessed valuation of the personal property within the township or county; and

(2) the total assessed valuation that would result if the personal property within the township or county were valued in the manner provided by law.

~~(d)~~ **(e)** The determination of the department of local government finance under section 2 or 3 of this chapter must be based on a statistically valid assessment ratio study.

~~(e)~~ **(f)** If a determination of the department of local government finance to order a special reassessment under this chapter is based on a coefficient of dispersion study, the department shall publish the coefficient of dispersion study for the township or county in accordance with IC 5-3-1-2(j).

~~(f)~~ **(g)** If:

(1) the variance determined under subsection (b), ~~or~~ (c), **or (d)** exceeds twenty percent (20%); and

(2) the department of local government finance determines after holding hearings on the matter that a special reassessment should be conducted;

the department shall contract for a special reassessment to be conducted to correct the valuation of the property.

~~(g)~~ **(h)** If the variance determined under subsection (b), ~~or~~ (c), **or (d)** is twenty percent (20%) or less, the department of local government finance shall determine whether to correct the valuation of the property under:

(1) IC 6-1.1-4-9 and IC 6-1.1-4-10; or

(2) IC 6-1.1-14.

~~(h)~~ **(i)** The department of local government finance shall give notice to a taxpayer, by individual notice or by publication at the discretion of the department, of a hearing concerning the department's intent to cause the assessment of the taxpayer's property to be adjusted under this section. The time fixed for the hearing must be at least ten (10) days after the day the notice is mailed or published. The department may conduct a single hearing under this section with respect to multiple properties. The notice must state:

(1) the time of the hearing;

(2) the location of the hearing; and

(3) that the purpose of the hearing is to hear taxpayers' comments and objections with respect to the department's intent to adjust the assessment of property under this chapter.

~~(i)~~ **(j)** If the department of local government finance determines after the hearing that the assessment of property should be adjusted under this chapter, the department shall:

(1) cause the assessment of the property to be adjusted;

(2) mail a certified notice of its final determination to the county auditor of the county in which the property is located; and

(3) notify the taxpayer as required under IC 6-1.1-14.

~~(j)~~ **(k)** A reassessment or adjustment may be made under this section only if the notice of the final determination is given to the taxpayer within the same period prescribed in IC 6-1.1-9-3 or IC 6-1.1-9-4.

~~(k)~~ **(l)** If the department of local government finance contracts for a special reassessment of property under this chapter, the department shall forward the bill for services of the reassessment contractor to the county auditor, and the county shall pay the bill from the county reassessment fund.

SECTION 46. IC 6-1.1-34-1, AS AMENDED BY P.L.182-2009(ss), SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. In the year after:

(1) a general assessment of real property **under IC 6-1.1-4-4** becomes effective; **or**

(2) a reassessment cycle of real property under a county's reassessment plan prepared under IC 6-1.1-4-4.2 is completed;

the department of local government finance shall compute a new assessment ratio for each school corporation located in a county in which a supplemental county levy is imposed under IC 20-45-7 or IC 20-45-8. In all other years, the department shall compute a new assessment ratio for such a school corporation if

the department finds that there has been sufficient reassessment or adjustment of one (1) or more classes of property in the school district. When the department of local government finance computes a new assessment ratio for a school corporation, the department shall publish the new ratio.

SECTION 47. IC 6-1.1-34-7, AS AMENDED BY P.L.182-2009(ss), SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. (a) Each year in which the department of local government finance computes a new assessment ratio for a school corporation, the department shall also compute a new adjustment factor for the school corporation. If the school corporation's assessment ratio for a year is more than ninety-nine percent (99%) but less than one hundred one percent (101%) of the state average assessment ratio for that year, the school corporation's adjustment factor is the number one (1). In all other cases, the school corporation's adjustment factor equals:

(1) the state average assessment ratio for a year; divided by

(2) the school corporation's assessment ratio for that year.

The department of local government finance shall notify the school corporation of its new adjustment factor before March 2 of the year in which the department calculates the new adjustment factor.

(b) This subsection applies in a calendar year after which:

(1) a general reassessment **under IC 6-1.1-4-4** takes effect; **or**

(2) a cycle under a county's reassessment plan prepared under IC 6-1.1-4-4.2 is completed.

If the department of local government finance has not computed a new assessment ratio for a school corporation, the school corporation's adjustment factor is the number one (1) until the department of local government finance notifies the school corporation of the school corporation's new adjustment factor.

SECTION 48. IC 6-1.1-39-5, AS AMENDED BY P.L.146-2008, SECTION 296, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) A declaratory ordinance adopted under section 2 of this chapter and confirmed under section 3 of this chapter must include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. The allocation provision must apply to the entire economic development district. The allocation provisions must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the economic development district be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units. However, if the effective date of the allocation provision of a declaratory ordinance is after March 1, 1985, and before January 1, 1986, and if an improvement to property was partially completed on March 1, 1985, the unit may provide in the declaratory ordinance that the taxes attributable to the assessed value of the property as finally determined for March 1, 1984, shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, part or all of the property tax proceeds in excess of those described in subdivision (1), as specified in the declaratory ordinance, shall be allocated to the unit for the economic development district and, when collected, paid into a special fund established by the unit for that economic development district that may be used only to pay the principal of and interest on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district. The amount not paid into the special fund shall be paid to the respective units in the manner prescribed by subdivision (1).

(3) When the money in the fund is sufficient to pay all outstanding principal of and interest (to the earliest date on which the obligations can be redeemed) on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district, money in the special fund in excess of that amount shall be paid to the respective taxing units in the manner prescribed by subdivision (1).

(b) Property tax proceeds allocable to the economic development district under subsection (a)(2) must, subject to subsection (a)(3), be irrevocably pledged by the unit for payment as set forth in subsection (a)(2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the economic development district that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory ordinance is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Notwithstanding any other law, each assessor shall, upon petition of the fiscal body, reassess the taxable property situated upon or in, or added to, the economic development district effective on the next assessment date after the petition.

(e) Notwithstanding any other law, the assessed value of all taxable property in the economic development district, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located, is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(f) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each:

(1) general reassessment under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4; or**

(2) reassessment of a group of parcels under a reassessment plan prepared under IC 6-1.1-4-4.2;

the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment on the property tax proceeds allocated to the district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1.

(g) As used in this section, "property taxes" means:

(1) taxes imposed under this article on real property; and

(2) any part of the taxes imposed under this article on depreciable personal property that the unit has by ordinance allocated to the economic development district. However, the ordinance may not limit the allocation to taxes on depreciable personal property with any particular useful life or lives.

If a unit had, by ordinance adopted before May 8, 1987, allocated to an economic development district property taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the ordinance continues in effect until an ordinance is adopted by the unit under subdivision (2).

(h) As used in this section, "base assessed value" means:

(1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (f); plus

(2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Subdivision (2) applies only to economic development districts established after June 30, 1997, and to additional areas established after June 30, 1997.

SECTION 49. IC 6-1.1-42-28, AS AMENDED BY P.L.219-2007, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 28. (a) Subject to this section and section 34 of this chapter, the amount of the deduction which the property owner is entitled to receive under this chapter for a particular year equals the product of:

(1) the increase in the assessed value resulting from the remediation and redevelopment in the zone or the location of personal property in the zone, or both; multiplied by

(2) the percentage determined under subsection (b).

(b) The percentage to be used in calculating the deduction under subsection (a) is as follows:

(1) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%

(2) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	17%

(3) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	95%
3rd	80%
4th	65%
5th	50%
6th	40%
7th	30%
8th	20%
9th	10%
10th	5%

(c) The amount of the deduction determined under subsection (a) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If a:

(A) general reassessment of real property **under IC 6-1.1-4-4; or**

(B) reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

occurs within the particular period of the deduction, the amount determined under subsection (a)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the ~~general~~ reassessment.

(2) If an appeal of an assessment is approved that results in a reduction of the assessed value of the redeveloped or rehabilitated property, the amount of any deduction shall be adjusted to reflect the percentage decrease that resulted from the appeal.

(3) The amount of the deduction may not exceed the limitations imposed by the designating body under section 23 of this chapter.

(4) The amount of the deduction must be proportionally reduced by the proportionate ownership of the property by a person that:

(A) has an ownership interest in an entity that contributed; or

(B) has contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management.

The department of local government finance shall adopt rules under IC 4-22-2 to implement this subsection.

SECTION 50. IC 33-26-8-1, AS AMENDED BY P.L.1-2007, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. As used

in this chapter, "contractor" means a ~~general~~ reassessment, ~~general~~ reassessment review, or special reassessment contractor of the department of local government finance under IC 6-1.1-4-32 (repealed).

SECTION 51. IC 33-26-8-3, AS AMENDED BY P.L.1-2007, SECTION 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. As used in this chapter, "qualifying official" refers to any of the following:

(1) A county assessor of a qualifying county.

(2) A township assessor of a qualifying county.

(3) The county auditor of a qualifying county.

(4) The treasurer of a qualifying county.

(5) The county surveyor of a qualifying county.

(6) A member of the land valuation committee in a qualifying county.

(7) Any other township or county official in a qualifying county who has possession or control of information necessary or useful for a ~~general~~ reassessment, ~~general~~ reassessment review, or special reassessment of property to which IC 6-1.1-4-32 (repealed) applies, including information in the possession or control of an employee or a contractor of the official.

(8) Any county official in a qualifying county who has control, review, or other responsibilities related to paying claims of a contractor submitted for payment under IC 6-1.1-4-32 (repealed).

SECTION 52. IC 36-2-7-13, AS AMENDED BY P.L.146-2008, SECTION 691, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13. The county fiscal body may grant to the county assessor, in addition to the compensation fixed under IC 36-2-5, a per diem for each day that the assessor is engaged in ~~general~~ reassessment activities **under IC 6-1.1-4-4 or under a reassessment plan prepared under IC 6-1.1-4-4.2.** This section applies regardless of whether professional assessing services are provided under a contract to one (1) or more townships in the county.

SECTION 53. IC 36-6-8-5, AS AMENDED BY P.L.146-2008, SECTION 717, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) When performing the real property reassessment duties ~~prescribed by IC 6-1.1-4,~~ **under IC 6-1.1-4-4 or a county's reassessment plan prepared under IC 6-1.1-4-4.2,** a township assessor may receive per diem compensation, in addition to salary, at a rate fixed by the county fiscal body, for each day that the assessor is engaged in reassessment activities.

(b) Subsection (a) applies regardless of whether professional assessing services are provided to a township under contract.

SECTION 54. IC 36-7-14-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Within thirty (30) days after the close of each calendar year, the redevelopment commissioners shall file with the unit's executive a report setting out their activities during the preceding calendar year.

(b) The report of the commissioners of a municipal redevelopment commission must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, **an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission,** the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commissioners and the results obtained.

(c) The report of the commissioners of a county redevelopment commission must show all the information required by subsection (b), plus the names of any commissioners appointed to or removed from office during the preceding calendar year.

(d) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format under IC 5-14-6.

SECTION 55. IC 36-7-14-39, AS AMENDED BY P.L.203-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a

declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) For property taxes first due and payable before January 1, 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; times

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter (before its repeal) in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(L) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

The allocation fund may not be used for operating expenses of the commission.

(4) Except as provided in subsection (g), before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3), plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the

respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3) or lessors under section 25.3 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment **of real property in an area under IC 6-1.1-4-4 and after each reassessment in an area under a reassessment plan prepared** under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4.2,** the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment **of the real property in the area** on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, **the reassessment under the reassessment plan,** or **the** annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 56. IC 36-7-15.1-26, AS AMENDED BY P.L.203-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be

allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

The special fund may not be used for operating expenses of the commission.

(4) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the legislative body of the consolidated city, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the

resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment **of real property in an area under IC 6-1.1-4-4 and after each reassessment under a reassessment plan prepared** under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4.2,** the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment **of the real property in the area** on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, **reassessment under the reassessment plan,** or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 57. IC 36-7-15.1-36.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 36.3. (a) Within thirty (30) days after the close of each calendar year, the commission shall file with the mayor a report setting out the commission's activities during the preceding calendar year.**

(b) The report required by subsection (a) must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax

increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commission and the results obtained.

(c) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format under IC 5-14-6.

SECTION 58. IC 36-7-15.1-53, AS AMENDED BY P.L.203-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 53. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 40 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means:

(1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Except as provided in section 55 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A resolution adopted under section 40 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision must be approved by resolution of the legislative body of the excluded city and must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 50 of this chapter.

(D) Pay the principal of and interest on bonds issued by the excluded city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 46 of this chapter.

(G) Reimburse the excluded city for expenditures for local public improvements (which include buildings, park facilities, and other items set forth in section 45 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under

any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The special fund may not be used for operating expenses of the commission.

(4) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located, is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in an enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in

subsection (b)(3) to the allocation area, the reference refers, for purposes of payments from the special zone fund, only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment **of real property in an area under IC 6-1.1-4-4 or reassessment under a county's reassessment plan prepared** under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4.2,** the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment **of the real property in the area** on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, **reassessment under the county's reassessment plan,** or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 59. IC 36-7-30-25, AS AMENDED BY P.L.203-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 25. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base reuse area to which an allocation provision of a declaratory resolution adopted under section 10 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment thereto, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Clause (C) applies only to allocation areas established in a military reuse area after June 30, 1997, and to the part of an allocation area that was established before June 30, 1997, and that is added to an existing allocation area after June 30, 1997.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 10 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 13 of this chapter. The allocation provision may apply to all or part of the military base reuse area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution are made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the military base reuse district and, when collected, paid into an allocation fund for

that allocation area that may be used by the military base reuse district and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the military base reuse district or any other entity for the purpose of financing or refinancing military base reuse activities in or directly serving or benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the reuse authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) Pay expenses incurred by the reuse authority, any other department of the unit, or a department of another governmental entity for local public improvements or structures that are in the allocation area or directly serving or benefiting the allocation area, including expenses for the operation and maintenance of these local public improvements or structures if the reuse authority determines those operation and maintenance expenses are necessary or desirable to carry out the purposes of this chapter.

(F) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

Except as provided in clause (E), the allocation fund may not be used for operating expenses of the reuse authority.

(4) Except as provided in subsection (g), before July 15 of each year the reuse authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the unit that established the reuse authority, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess property taxes that the reuse authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the reuse authority has determined that there are no excess property tax proceeds that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess property tax proceeds determined by the reuse authority. The reuse authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (3) or lessors under section 19 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the military base reuse district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the military base reuse district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the reuse authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in

subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) that are derived from property in the enterprise zone in the fund. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment **of real property in an area under IC 6-1.1-4-4 or reassessment under the county's reassessment plan** under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4.2,** the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment **of the real property in the area** on the property tax proceeds allocated to the military base reuse district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base reuse district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the military base reuse district under subsection (b)(3) than would otherwise have been received if the general reassessment, **reassessment under the county's reassessment plan,** or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 60. IC 36-7-30.5-30, AS AMENDED BY HEA 1009-2012, SECTION 246, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 30. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base development area to which an allocation provision of a declaratory resolution adopted under section 16 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment to the declaratory resolution, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 16 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 18 of this chapter. The allocation provision may apply to all or part of the military base development area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the development authority and, when collected, paid into an allocation fund for that allocation area that may be used by the development authority and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the development authority or any other entity for the purpose of financing or refinancing military base development or reuse activities in or directly serving or

benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the development authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) For property taxes first due and payable before 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the development authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; by

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 32 of this chapter (before its repeal) in the same year.

(F) Pay expenses incurred by the development authority for local public improvements or structures that were in the allocation area or directly serving or benefiting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the development authority.

(4) Except as provided in subsection (g), before July 15 of each year the development authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision(3) plus the amount necessary for other purposes described in subdivisions (2) and (3).

(B) Provide a written notice to the appropriate county auditors and the fiscal bodies and other officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of the excess property taxes that the development authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the development authority has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditors shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the development authority. The development authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (3) or lessors under section 24 of this chapter. Property taxes received by a taxing unit under this subdivision before 2009 are eligible for the property tax replacement credit provided under IC 6-1.1-21 (before its repeal).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the military base development district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the military base development district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the development authority, reassess the taxable

property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the development authority shall create funds as specified in this subsection. A development authority that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. The development authority shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A development authority that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) that are derived from property in the enterprise zone in the fund. The development authority that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or for other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to an allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment **of real property in an area under IC 6-1.1-4-4 or reassessment under a reassessment plan prepared** under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4.2,** the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment **of the real property in the area** on the property tax proceeds allocated to the military base development district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base development district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the military base development district under subsection (b)(3) than would otherwise have been received if the general reassessment, **reassessment under the county's reassessment plan,** or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 61. IC 36-7-32-19, AS AMENDED BY P.L.154-2006, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 19. (a) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that the state board of accounts and department of local government finance consider appropriate for the implementation of an allocation area under this chapter.

(b) After each general reassessment **of real property in an area under IC 6-1.1-4-4 or reassessment under a reassessment plan prepared** under ~~IC 6-1.1-4,~~ **IC 6-1.1-4-4.2,** the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the ~~general~~ reassessment **of the real property in the area** on the property tax proceeds allocated to the certified technology park fund under section 17 of this chapter. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the certified technology park fund under section 17 of this chapter.

SECTION 62. **An emergency is declared for this act.**

(Reference is to ESB 19 as reprinted February 28, 2012.)

Boots, Chair	Thompson
Broden	Pelath
Senate Conferees	House Conferees

Roll Call 336: yeas 36, nays 14. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 22–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 22 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete line 1.

Page 2, line 28, after "expenses" insert "**,**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 22 as reprinted February 24, 2012.)

Nugent, Chair	McMillin
R. Young	Dobis
Senate Conferees	House Conferees

Roll Call 337: yeas 47, nays 3. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 97–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 97 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, line 1, after "IC 7.1-5-1-3" insert ", AS AMENDED BY SEA 274-2012, SECTION 2,".

Page 1, line 2, delete "It" and insert "Subject to section 6.5 of this chapter, it".

Page 1, line 14, after "IC 7.1-5-1-6" insert ", AS AMENDED BY SEA 274-2012, SECTION 3,".

Page 1, line 15, delete "It" and insert "Subject to section 6.5 of this chapter, it".

(Reference is to ESB 97 as reprinted February 28, 2012.)

M. Young, Chair	Steuerwald
Taylor	Dvorak
Senate Conferees	House Conferees

Roll Call 338: yeas 44, nays 6. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 115–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 115 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, line 3, after "(a)" insert "**A reference in this section to amendments made to a statute is a reference to amendments made during the 2012 regular session of the general assembly.**

(b)".

Page 2, line 1, delete "(b)" and insert "**(c)**".

Page 2, between lines 15 and 16, begin a new paragraph and insert:

"**(d) The amendments to change the population parameters in IC 5-13-9-5.6 take effect April 1, 2012. Any other amendments to IC 5-13-9-5.6 take effect July 1, 2012.**

(e) The following apply to the indicated sections of the Indiana Code repealed during the 2012 session of the general assembly:

(1) The population parameters in IC 9-23-2-2 refer to the City of Gary from April 1, 2012, to July 1, 2012.

(2) The population parameters in IC 9-23-2-4 refer to the City of Gary from April 1, 2012, to July 1, 2012.

(3) The population parameters in IC 11-10-5-4 refer to the following from April 1, 2012, to July 1, 2012:

(A) Parke County in IC 11-10-5-4(f)(1).

(B) Hendricks County in IC 11-10-5-4(f)(2).

(f) The amendments to change the population parameters in IC 7.1-3-20-16 are effective April 1, 2012.

(g) The amendments to change the population parameters in IC 36-2-13-15.3 are effective April 1, 2012.

(h) The amendments to change the population parameters in IC 36-8-8-7 are effective April 1, 2012.".

Page 23, delete lines 31 through 42.

Page 24, delete lines 1 through 7.

Page 52, delete lines 26 through 42.

Page 53, delete lines 1 through 30.

Page 89, delete lines 8 through 42.

Delete page 90.

Page 91, delete lines 1 through 5.

Page 101, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 80. IC 7.1-3-20-16, AS AMENDED BY HEA 1054-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

(1) was formerly used as part of a union railway station;

(2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and

(3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

(1) on land; or

(2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project

consisting of a building that:

(1) was formerly used as part of a passenger and freight railway station; and

(2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to the following:

(1) A town that:

(A) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(B) has a population of more than twenty thousand (20,000) but less than twenty-three thousand ~~(23,000).~~ **seven hundred (23,700).**

(2) A city that has an indoor theater as described in section 26 of this chapter.

(g) The commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than seven hundred (700) feet from a district, that meets the following requirements:

(1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.

(2) A county courthouse is located within the district.

(3) A historic opera house listed on the National Register of Historic Places is located within the district.

(4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within seven hundred (700) feet of the district. A permit issued under this subsection shall not be transferred. The total number of active permits issued under this subsection may not exceed ten (10) at any time. The cost of an initial permit issued under this subsection is six thousand dollars ($6,000).

(h) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

(1) a town with a population of more than twenty thousand (20,000); or

(2) a city with a population of more than ~~twenty-seven~~ **forty-four** thousand ~~(27,000)~~ **five hundred (44,500)** but less than ~~twenty-seven~~ **forty-five** thousand ~~four hundred (27,400);~~ **(45,000);**

located in a county having a population of more than ~~ninety~~ **one hundred ten** thousand ~~(90,000)~~ **(110,000)** but less than one hundred **eleven** thousand ~~(100,000).~~ **(111,000).** The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars ($35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars ($1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

(1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.

(2) A unit of the National Park Service is partially located within the district.

(3) An international deep water seaport is located within the district.

An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a retailers' permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues five (5) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission.".

Page 125, delete lines 24 through 42.

Delete pages 126 through 127.

Page 128, delete lines 1 through 27.

Page 181, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 180. IC 36-2-2-5, AS AMENDED BY SEA 193-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) To be eligible for election to the executive, a person must meet the qualifications prescribed by IC 3-8-1-21.

(b) A member of the executive must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected.

(c) If the person does not remain a resident of the county and district after taking office, the person forfeits the office. The county fiscal body shall declare the office vacant whenever a member of the executive forfeits office under this subsection.

(d) In a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000);~~ **(270,000);**

one (1) member of the executive shall be elected by the voters of each of the three (3) single-member districts established under section 4(b) or 4(c) of this chapter. In other counties, all three (3) members of the executive shall be elected by the voters of the whole county.".

Page 182, delete lines 1 through 24.

Page 184, delete lines 10 through 42.

Page 185, delete lines 1 through 7.

Page 221, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 218. IC 36-8-8-7, AS AMENDED BY SEA 127-2012, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the system board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was

a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred ~~twenty~~ **ten** thousand ~~(120,000)~~ **110,000** but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the law enforcement department or fire department of a consolidated city; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l) may not be:

(1) retired for purposes of section 10 of this chapter; or

(2) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation.".

Delete pages 222 through 223.

Page 224, delete lines 1 through 19.

Renumber all SECTIONS consecutively.

(Reference is to ESB 115 as printed February 21, 2012.)

Landske, Chair	Koch
Arnold	Bartlett
Senate Conferees	House Conferees

Roll Call 339: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 144–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 144 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, after line 9, begin a new paragraph and insert:

"SECTION 2. IC 6-7-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. As used in this chapter, "wholesale price" means the **net** price **shown on an invoice and** at which the manufacturer of the tobacco products sells tobacco products to distributors, excluding any discount or other reduction **that is not shown on the invoice.**".

(Reference is to ESB 144 as printed February 24, 2012.)

Kenley, Chair	Espich
Skinner	Crawford
Senate Conferees	House Conferees

Roll Call 340: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 190–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 190 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning family law and juvenile law.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "committee" refers to the Indiana child custody and support advisory committee established by IC 33-24-11-1.**

(b) The general assembly urges the legislative council to assign to the committee the task of studying the termination of parenting rights of an individual with a child who was conceived as a result of an act of rape by the individual.

(c) If the committee is assigned the topic described in subsection (b), the committee shall issue a report to the legislative council containing the committee's findings and

recommendations, including any recommended legislation concerning the topic, not later than November 1, 2012.

(d) This SECTION expires December 31, 2012.

(Reference is to ESB 190 as reprinted February 24, 2012.)

Charbonneau, Chair	Kubacki
Lanane	Lawson
Senate Conferees	House Conferees

Roll Call 341: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 302–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 302 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-10-44, AS AMENDED BY P.L.173-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 44. (a) As used in this section, "designating body" means the fiscal body of:

(1) a county that does not contain a consolidated city; or

(2) a municipality.

(b) As used in this section, "eligible business" means an entity that meets the following requirements:

(1) The entity is engaged in a business that:

(A) operates; **or**

(B) leases qualified property for use in;

one (1) or more facilities **or data centers** dedicated to computing, networking, or data storage activities.

(2) The ~~entity~~ **entity's qualified property** is located ~~in~~ **at** a facility or data center in Indiana **that is located in an area designated as a high technology district area.**

(3) The entity, ~~invests~~ **the lessor of qualified property (if the entity is a lessee), and all lessees of qualified property invest** in the aggregate at least ten million dollars ($10,000,000) in real and personal property ~~in Indiana~~ **at the facility or data center** after June 30, ~~2009.~~ **2012.**

(4) The average ~~employee~~ wage of ~~the entity~~ **employees who are located in the county or municipality and engaged in the operation of the facility or data center** is at least one hundred twenty-five percent (125%) of the county average wage for ~~each~~ **the** county in which the ~~entity conducts business operations.~~ **facility or data center operates.**

(c) As used in this section, "enterprise information technology equipment" means the following:

(1) Hardware supporting computing, networking, or data storage functions, including servers and routers.

(2) Networking systems having an industry designation as equipment within the "enterprise" or "data center" class of networking systems that support the computing, networking, or data storage functions.

(3) Generators and other equipment used to ensure an uninterrupted power supply to equipment described in subdivision (1) or (2).

The term does not include computer hardware designed for single user, workstation, or departmental level use.

(d) As used in this section, "fiscal body" has the meaning set forth in IC 36-1-2-6.

(e) As used in this section, "high technology district area" means all or any part of the area that:

(1) is within the corporate limits of a county or municipality; and

(2) has been designated as a high technology district area by the appropriate designating body under subsection (h).

~~(e)~~ **(f)** As used in this section, "municipality" has the meaning set forth in IC 36-1-2-11.

~~(f)~~ **(g)** As used in this section, "qualified property" means enterprise information technology equipment purchased after June 30, ~~2009,~~ **2012, and any additions to or replacements to such property.**

~~(g)~~ **(h)** Before adopting a final resolution ~~under subsection (h) to provide a property tax exemption,~~ **to designate a high technology district area,** a designating body must first adopt a declaratory resolution provisionally ~~specifying~~ **finding** that ~~qualified property owned by a particular eligible business is exempt from property taxation.~~ **all or a part of the area within the designating body's jurisdiction is a high technology district area.** The ~~designating body shall file a~~ declaratory resolution ~~adopted under this subsection~~ **must include a description of the affected area and must be filed** with the county assessor. ~~After a designating body adopts a declaratory resolution specifying that qualified property owned by a particular eligible business is exempt from property taxation,~~ The designating body shall **then** publish notice of the adoption and the substance of the declaratory resolution in accordance with IC 5-3-1 and file a copy of the notice and the declaratory resolution with each taxing unit in the county. The notice must specify a date when the designating body will receive and hear all remonstrances and objections from interested persons. The designating body shall file the notice and the declaratory resolution with the officers of the taxing units who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date for the public hearing. After the designating body considers the testimony presented at the public hearing, the designating body may adopt a second and final resolution ~~under subsection (h). The second and final resolution under subsection (h) may modify, confirm, or rescind~~ **before January 1, 2017, determining whether to designate a high technology district area and modifying, confirming, or rescinding** the declaratory resolution. **This determination of the designating body is final.**

~~(h) Before January 1, 2017,~~ **(i)** A designating body may, after ~~following the procedures of subsection (g), adopt~~ **adopting** a final resolution ~~providing that qualified property owned by a particular~~ **under subsection (h) designating an area as a high**

technology district area, enter into an agreement with an eligible business ~~is exempt from~~ **to grant the eligible business a** property ~~taxation.~~ **tax exemption.** In the case of a county, the exemption applies only to qualified property that is located in unincorporated territory of the county. In the case of a municipality, the exemption applies only to qualified property that is located in the municipality. The property tax exemption applies to the qualified property only if the designating body and the eligible business enter into an agreement concerning the property tax exemption. The agreement must specify the duration of the property tax exemption. The agreement may specify that if the ownership of qualified property is transferred by an eligible business, the transferee is entitled to the property tax exemption on the same terms as the transferor. If a designating body adopts a final resolution under ~~this~~ subsection **(h)** and enters into an agreement with an eligible business, the qualified property owned by the eligible business is exempt from property taxation as provided in the resolution and the agreement.

~~(i)~~ **(j)** If a designating body adopts a final resolution **under subsection (h)** and enters into an agreement under subsection ~~(h)~~ **(i)** to provide a property tax exemption, the property tax exemption continues for the period specified in the agreement, notwithstanding the January 1, 2017, deadline to adopt a final resolution under subsection (h).

(Reference is to ESB 302 as reprinted March 1, 2012.)

Charbonneau, Chair	Clere
Broden	Candelaria Reardon
Senate Conferees	House Conferees

Roll Call 342: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1080–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1080 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 11-8-8-4.5, AS AMENDED BY SEA 4-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2).
(3) Child molesting (IC 35-42-4-3).
(4) Child exploitation (IC 35-42-4-4(b)).
(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
(6) Child solicitation (IC 35-42-4-6).
(7) Child seduction (IC 35-42-4-7).
(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
(A) the person is convicted of sexual misconduct with a minor as a Class C felony;
(B) the person is not more than:
(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
(C) the sentencing court finds that the person should not be required to register as a sex offender.
(9) Incest (IC 35-46-1-3).
(10) Sexual battery (IC 35-42-4-8).
(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
(13) Possession of child pornography (IC 35-42-4-4(c)).
(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
(17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less than eighteen (18) years of age.
(18) Sexual misconduct by a service provider with a detained child (IC 35-44-1-5(c)).
~~(18)~~ **(19)** An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(17).~~ **(18).**
~~(19)~~ **(20)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(18).~~ **(19).**

(b) The term includes:
(1) a person who is required to register as a sex offender in any jurisdiction; and
(2) a child who has committed a delinquent act and who:
(A) is at least fourteen (14) years of age;
(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 2. IC 11-8-8-5, AS AMENDED BY P.L.216-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2).
(3) Child molesting (IC 35-42-4-3).
(4) Child exploitation (IC 35-42-4-4(b)).
(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
(6) Child solicitation (IC 35-42-4-6).
(7) Child seduction (IC 35-42-4-7).
(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
(A) the person is convicted of sexual misconduct with a minor as a Class C felony;
(B) the person is not more than:
(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
(C) the sentencing court finds that the person should not be required to register as a sex offender.
(9) Incest (IC 35-46-1-3).
(10) Sexual battery (IC 35-42-4-8).
(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
(13) Possession of child pornography (IC 35-42-4-4(c)).
(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.
(18) Murder (IC 35-42-1-1).
(19) Voluntary manslaughter (IC 35-42-1-3).
(20) Sexual misconduct by a service provider with a detained child (IC 35-44-1-5(c)).
~~(20)~~ **(21)** An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(19).~~ **(20).**
~~(21)~~ **(22)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(20).~~ **(21).**

(b) The term includes:
(1) a person who is required to register as a sex or violent offender in any jurisdiction; and
(2) a child who has committed a delinquent act and who:
(A) is at least fourteen (14) years of age;
(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 3. IC 35-42-3.5-1, AS AMENDED BY SEA 4-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors, or transports another person:
(1) to engage the other person in:
(A) forced labor; or
(B) involuntary servitude; or
(2) to force the other person into:
(A) marriage;
(B) prostitution; or
(C) participating in sexual conduct (as defined by IC 35-42-4-4);
commits promotion of human trafficking, a Class B felony.

(b) A person who knowingly or intentionally recruits, harbors, or transports a child less than sixteen (16) years of age with the intent of:
(1) engaging the child in:
(A) forced labor; or
(B) involuntary servitude; or
(2) inducing or causing the child to:
(A) engage in prostitution; or
(B) participate in sexual conduct (as defined by IC 35-42-4-4);
commits promotion of human trafficking of a minor, a Class B felony. **Except as provided in subsection (e),** it is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or to participate in sexual conduct.

(c) A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than sixteen (16) years of age for the purpose of prostitution or participating in sexual conduct (as defined by IC 35-42-4-4) commits sexual trafficking of a minor, a Class A felony.

(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:
(1) forced labor;
(2) involuntary servitude; or
(3) prostitution;
commits human trafficking, a Class C felony.

(e) It is a defense to a prosecution under subsection (b)(2)(B) if:
(1) the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person is less

than eighteen (18) years of age; or

(2) all the following apply:

(A) The person is not more than four (4) years older than the victim.

(B) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(C) The crime:

(i) was not committed by a person who is at least twenty-one (21) years of age;

(ii) was not committed by using or threatening the use of deadly force;

(iii) was not committed while armed with a deadly weapon;

(iv) did not result in serious bodily injury;

(v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(vi) was not committed by a person having a position of authority or substantial influence over the victim.

(D) The person has not committed another sex offense (as defined in IC 11-8-8-5.2), including a delinquent act that would be a sex offense if committed by an adult, against any other person.

SECTION 4. IC 35-42-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person:

(1) touches another person when that person is:

~~(1)~~ **(A)** compelled to submit to the touching by force or the imminent threat of force; or

~~(2)~~ **(B)** so mentally disabled or deficient that consent to the touching cannot be given; **or**

(2) touches another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring;

commits sexual battery, a Class D felony.

(b) An offense described in subsection (a) is a Class C felony if:

(1) it is committed by using or threatening the use of deadly force;

(2) it is committed while armed with a deadly weapon; or

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(Reference is to EHB 1080 as reprinted February 28, 2012.)

R. Frye, Chair	Eckerty
Pierce	Hume
House Conferees	Senate Conferees

Roll Call 343: yeas 48, nays 2. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1123–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1123 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-3-22-18.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18.2. The OMB shall, not later than December 1 each year, submit to the budget committee the following reports concerning post-employment benefits (as defined in IC 5-10-16-5):**

(1) The report prepared by the OMB for state agencies under IC 5-10-16-7.

(2) Reports received from state educational institutions under IC 21-38-3-13.

SECTION 2. IC 5-10-8-6, AS AMENDED BY P.L.229-2011, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The state police department, conservation officers of the department of natural resources, and the state excise police may establish common and unified plans of self-insurance for their employees, including retired employees, as separate entities of state government. These plans may be administered by a private agency, business firm, limited liability company, or corporation. **Any modification to:**

(1) eligibility requirements;

(2) required premiums; or

(3) any other plan provisions;

that increases the amount of the state's contribution to the plan or that increases the post-employment liability under the plan may not be made unless the modification is approved by the budget agency with an annual review of the modifications by the budget committee.

(b) Except as provided in this section and IC 5-10-14, the state agencies listed in subsection (a) may not pay as the employer part of benefits for any employee or retiree an amount greater than that paid for other state employees for group insurance.

(c) This subsection applies to a health benefit plan for an individual described in subsection (a). After June 30, 2011, at least one (1) time in each state fiscal year, the budget agency shall determine the average amount of contributions made under IC 5-10-8.5-15 and IC 5-10-8.5-16 to participants in a health reimbursement arrangement or other separate fund under IC 5-10-8.5 in the immediately preceding state fiscal year. In the state fiscal year beginning July 1, 2011, the amount determined under this section must exclude contributions made to persons described in IC 5-10-8.5-15(c) and IC 5-10-8.5-16(f). An amount equal to the average amount determined under this subsection

multiplied by the number of participants (other than retired participants) in the plans described in subsection (a) shall be transferred to the plans described in subsection (a). The amount transferred under this subsection shall be proportionally allocated to each plan relative to the number of members in each plan. The amount allocated to a plan under this subsection shall be allocated among the participants in the plan in the same manner as other employer contributions. Funds shall be used only to reduce unfunded other post-employment benefit (OPEB) liability and not to increase benefits or reduce premiums.

(d) Trust funds may be established to carry out the purposes of this section. A trust fund established under this subsection is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from a trust fund established under this subsection by the state board of finance, the budget agency, or any other state agency. Money in a trust fund established under this subsection does not revert to the state general fund at the end of any state fiscal year. A trust fund established under this subsection consists of appropriations, revenues, or transfers to the trust fund under IC 4-12-1. Contributions to a trust fund established under this subsection are irrevocable. A trust fund established under this subsection must be limited to providing prefunding of annual required contributions and to cover OPEB liability for covered individuals. Funds may be used only for these purposes and not to increase benefits or reduce premiums. A trust fund established under this subsection shall be established to comply with and be administered in a manner that satisfies the Internal Revenue Code requirements concerning a trust fund for prefunding annual required contributions and for covering OPEB liability for covered individuals. All assets in a trust fund established under this subsection:

(1) are dedicated exclusively to providing benefits to covered individuals and their beneficiaries according to the terms of the health plan; and

(2) are exempt from levy, sale, garnishment, attachment, or other legal process.

A trust fund established under this subsection shall be administered by the agency employing the covered individuals. The expenses of administering a trust fund established under this subsection shall be paid from money in the trust fund. The treasurer of state shall invest the money in a trust fund established under this subsection not currently needed to meet the obligations of the trust fund in the same manner as other public money may be invested.

SECTION 3. IC 5-10-8-7, AS AMENDED BY P.L.2-2007, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The state, excluding state educational institutions, may not purchase or maintain a policy of group insurance, except:

(1) life insurance for the state's employees;

(2) long term care insurance under a long term care insurance policy (as defined in IC 27-8-12-5), for the state's employees;

(3) an accident and sickness insurance policy (as defined in IC 27-8-5.6-1) that covers individuals to whom coverage is provided by a local unit under section 6.6 of this chapter; or

(4) an insurance policy that provides coverage that supplements coverage provided under a United States military health care plan.

(b) With the consent of the governor, the state personnel department may establish self-insurance programs to provide group insurance other than life or long term care insurance for state employees and retired state employees. The state personnel department may contract with a private agency, business firm, limited liability company, or corporation for administrative services. A commission may not be paid for the placement of the contract. The department may require, as part of a contract for administrative services, that the provider of the administrative services offer to an employee terminating state employment the option to purchase, without evidence of insurability, an individual policy of insurance.

(c) Notwithstanding subsection (a), with the consent of the governor, the state personnel department may contract for health services for state employees and individuals to whom coverage is provided by a local unit under section 6.6 of this chapter through one (1) or more prepaid health care delivery plans.

(d) The state personnel department shall adopt rules under IC 4-22-2 to establish long term and short term disability plans for state employees (except employees who hold elected offices (as defined by IC 3-5-2-17)). The plans adopted under this subsection may include any provisions the department considers necessary and proper and must:

(1) require participation in the plan by employees with six (6) months of continuous, full-time service;

(2) require an employee to make a contribution to the plan in the form of a payroll deduction;

(3) require that an employee's benefits under the short term disability plan be subject to a thirty (30) day elimination period and that benefits under the long term plan be subject to a six (6) month elimination period;

(4) prohibit the termination of an employee who is eligible for benefits under the plan;

(5) provide, after a seven (7) day elimination period, eighty percent (80%) of base biweekly wages for an employee disabled by injuries resulting from tortious acts, as distinguished from passive negligence, that occur within the employee's scope of state employment;

(6) provide that an employee's benefits under the plan may be reduced, dollar for dollar, if the employee derives income from:

(A) Social Security;

(B) the public employees' retirement fund;

(C) the Indiana state teachers' retirement fund;

(D) pension disability;

(E) worker's compensation;

(F) benefits provided from another employer's group plan; or

(G) remuneration for employment entered into after the disability was incurred.

(The department of state revenue and the department of workforce development shall cooperate with the state

personnel department to confirm that an employee has disclosed complete and accurate information necessary to administer subdivision (6).);

(7) provide that an employee will not receive benefits under the plan for a disability resulting from causes specified in the rules; and

(8) provide that, if an employee refuses to:

(A) accept work assignments appropriate to the employee's medical condition;

(B) submit information necessary for claim administration; or

(C) submit to examinations by designated physicians;

the employee forfeits benefits under the plan.

(e) This section does not affect insurance for retirees under IC 5-10.3 or IC 5-10.4.

(f) The state may pay part of the cost of self-insurance or prepaid health care delivery plans for its employees.

(g) A state agency may not provide any insurance benefits to its employees that are not generally available to other state employees, unless specifically authorized by law.

(h) The state may pay a part of the cost of group medical and life coverage for its employees.

(i) To carry out the purposes of this section, a trust fund may be established. The trust fund established under this subsection is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the trust fund established under this subsection by the state board of finance, the budget agency, or any other state agency. Money in a trust fund established under this subsection does not revert to the state general fund at the end of any state fiscal year. The trust fund established under this subsection consists of appropriations, revenues, or transfers to the trust fund under IC 4-12-1. Contributions to the trust fund are irrevocable. The trust fund must be limited to providing prefunding of annual required contributions and to cover OPEB liability for covered individuals. Funds may be used only for these purposes and not to increase benefits or reduce premiums. The trust fund shall be established to comply with and be administered in a manner that satisfies the Internal Revenue Code requirements concerning a trust fund for prefunding annual required contributions and for covering OPEB liability for covered individuals. All assets in the trust fund established under this subsection:

(1) are dedicated exclusively to providing benefits to covered individuals and their beneficiaries according to the terms of the health plan; and

(2) are exempt from levy, sale, garnishment, attachment, or other legal process.

The trust fund established under this subsection shall be administered by the state personnel department. The expenses of administering the trust fund shall be paid from money in the trust fund. The treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the trust fund in the same manner as other public money may be invested.

SECTION 4. IC 5-10-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 16. OPEB Reports

Sec. 1. This chapter applies to a state agency that provides or sponsors a post-employment benefit.

Sec. 2. As used in this chapter, "GASB" refers to the Governmental Accounting Standards Board.

Sec. 3. As used in this chapter, "OMB" refers to the office of management and budget established by IC 4-3-22-3.

Sec. 4. As used in this chapter, "OPEB" refers to a post-employment benefit.

Sec. 5. As used in this chapter, "post-employment benefit" means any of the following:

(1) Health, prescription drug, dental, vision, and life insurance coverage for retired employees.

(2) Long term care coverage, life insurance, and death benefits that are not offered as part of a pension or retirement plan.

(3) Long term disability insurance for employees.

(4) Any other benefit, other than a pension or retirement plan, or a termination incentive, provided to a former employee.

Sec. 6. As used in this section, "state agency" has the meaning set forth in IC 6-1.1-1-18.

Sec. 7. Each state agency shall cooperate with the OMB and provide to the OMB the information necessary for the OMB to prepare an OPEB report for state agencies. Each state agency shall provide information required under GASB Statements 43 and 45 and any other information requested by the OMB or the budget committee.

SECTION 5. IC 21-38-3-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13. A state educational institution that provides or sponsors a post-employment benefit (as defined in IC 5-10-16-5) shall submit to the office of management and budget not later than November 1 each year an OPEB (as defined in IC 5-10-16-4) report for the state educational institution. Each state educational institution shall provide information required under GASB Statements 43 and 45 and any other information requested by the OMB or the budget committee.**

SECTION 6. [EFFECTIVE JUNE 20, 2012] **(a) As used in this SECTION, "fund" refers to the Indiana state teachers' retirement fund established by IC 5-10.4-2-1.**

(b) Not later than October 1, 2012, the fund shall pay the amount determined under subsection (c) to a member of the fund (or to a survivor or beneficiary of a member) who retired or was disabled on or before December 1, 2011, and who is entitled to receive a monthly benefit on July 1, 2012. The amount is not an increase in the pension portion of the monthly benefit.

(c) The amount paid under this SECTION to a member of the fund (or to a survivor or beneficiary of a member) who meets the requirements of subsection (b) is determined as follows:

If a Member's Creditable Service Is:	The Amount Is:
At least 5 years, but less than 10 years (only in the case of a member receiving	$150

disability retirement benefits)	
At least 10 years, but less than 20 years	**$275**
At least 20 years, but less than 30 years	**$375**
At least 30 years	**$450**

(d) The creditable service used to determine the amount paid to a member (or a survivor or beneficiary of a member) under this SECTION is the creditable service that was used to compute the member's retirement benefit under IC 5-10.2-4-4, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(e) If two (2) or more survivors or beneficiaries of a member are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors or beneficiaries in shares using the same percentages as the percentages determined under IC 5-10.2-3-7.5 or IC 5-10.4-4-10 to pay the monthly benefit to the survivors or beneficiaries.

(f) There is appropriated for the state fiscal year beginning July 1, 2012, to the Indiana public retirement system nineteen million six hundred thousand dollars ($19,600,000) from the state general fund for deposit in the fund to cover the amounts paid under this SECTION.

(g) This SECTION expires January 1, 2013.

SECTION 7. [EFFECTIVE JUNE 20, 2012] **(a) As used in this SECTION, "fund" refers to the public employees' retirement fund established by IC 5-10.3-2-1.**

(b) Not later than October 1, 2012, the fund shall pay the amount determined under subsection (c) to a member of the fund (or to a survivor or beneficiary of a member) who retired or was disabled on or before December 1, 2011, and who is entitled to receive a monthly benefit on July 1, 2012. The amount is not an increase in the pension portion of the monthly benefit.

(c) The amount paid under this SECTION to a member of the fund (or to a survivor or beneficiary of a member) who meets the requirements of subsection (b) is determined as follows:

If a Member's Creditable Service Is:	**The Amount Is:**
At least 5 years, but less than 10 years (only in the case of a member receiving disability retirement benefits)	**$150**
At least 10 years, but less than 20 years	**$275**
At least 20 years, but less than 30 years	**$375**
At least 30 years	**$450**

(d) The creditable service used to determine the amount paid to a member (or a survivor or beneficiary of a member) under this SECTION is the creditable service that was used to compute the member's retirement benefit under IC 5-10.2-4-4, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(e) If two (2) or more survivors or beneficiaries of a member are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors or beneficiaries in shares using the same percentages as the percentages determined under IC 5-10.2-3-7.5 or IC 5-10.3-8-15 to pay the monthly benefit to the survivors or beneficiaries.

(f) This SECTION expires January 1, 2013.

SECTION 8. [EFFECTIVE JUNE 20, 2012] **(a) As used in this SECTION, "participant" has the meaning set forth in IC 5-10-5.5-1.**

(b) As used in this SECTION, "plan" refers to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan established by IC 5-10-5.5-2.

(c) Not later than October 1, 2012, the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1 shall pay the amount determined under subsection (d) to a plan participant (or to a survivor or beneficiary of a plan participant) who retired or was disabled on or before December 1, 2011, and who is entitled to receive a monthly benefit on July 1, 2012. The amount is not an increase in the annual retirement allowance.

(d) The amount paid under this SECTION to a plan participant (or to a survivor or beneficiary of a plan participant) who meets the requirements of subsection (c) is determined as follows:

If a Plan Participant's Creditable Service Is:	**The Amount Is:**
At least 5 years, but less than 10 years (only in the case of a member receiving disability retirement benefits)	**$125**
At least 10 years, but less than 20 years	**$235**
At least 20 years, but less than 30 years	**$325**
At least 30 years	**$400**

(e) The creditable service used to determine the amount paid to a plan participant (or a survivor or beneficiary of a plan participant) under this SECTION is the creditable service that was used to compute the plan participant's retirement allowance under IC 5-10-5.5-10 and IC 5-10-5.5-12, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(f) If two (2) or more survivors of a plan participant are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors in shares using the same percentages as the percentages determined under IC 5-10-5.5-16 to pay the monthly benefit to the survivors.

(g) This SECTION expires January 1, 2013.

SECTION 9. [EFFECTIVE JUNE 20, 2012] **(a) As used in this SECTION, "trustee" has the meaning set forth in IC 10-12-1-10.**

(b) As used in this SECTION, "trust fund" has the meaning set forth in IC 10-12-1-11.

(c) Not later than October 1, 2012, the trustee shall pay from the trust fund to each employee beneficiary of the state police 1987 benefit system covered by IC 10-12-4 who:

(1) retired or was disabled after June 30, 1987, and before July 2, 2011; and

(2) is entitled to receive a monthly benefit as of September 1, 2012;

an amount equal to one percent (1%) of the maximum basic annual pension amount payable to a retired state police

employee in the grade of trooper who has completed twenty-five (25) years of service as of July 1, 2012, as calculated under IC 10-12-4-7.

(d) The amount paid under this SECTION is not an increase in the monthly pension amount of an employee beneficiary.

(e) This SECTION expires January 1, 2013.

SECTION 10. **An emergency is declared for this act.**

(Reference is to EHB 1123 as printed February 14, 2012.)

Burton, Chair	Kenley
Niezgodski	Tallian
House Conferees	Senate Conferees

Roll Call 344: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1149–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1149 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-1-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. Except as provided in IC 7.1-5-1-3 and IC 7.1-5-1-6, this title applies to the following:

(1) The commercial manufacturing, bottling, selling, bartering, importing, transporting, delivering, furnishing, or possessing of alcohol, alcoholic beverages, industrial alcohol, malt, malt syrup, malt extract, liquid malt or wort.

(2) The sale, possession, **use,** and distribution of tobacco products.

SECTION 2. IC 7.1-5-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 12. Prohibition on Smoking

Sec. 0.5. As used in this chapter, "ashtray" means any receptacle that is used for disposing of smoking materials, including ash and filters.

Sec. 1. As used in this chapter, "place of employment" means an enclosed area of a structure that is a place of employment. The term does not include a private vehicle.

Sec. 2. As used in this chapter, "public place" means an enclosed area of a structure in which the public is invited or permitted.

Sec. 3. As used in this chapter, "smoking" means the:

(1) carrying or holding of a lighted cigarette, cigar, or pipe or any other lighted tobacco smoking equipment; or

(2) inhalation or exhalation of smoke from lighted tobacco smoking equipment.

Sec. 4. (a) Except as provided in section 5 of this chapter, smoking is prohibited in the following:

(1) A public place.

(2) A place of employment.

(3) A vehicle owned, leased, or operated by the state if the vehicle is being used for a governmental function.

(4) The area within eight (8) feet of a public entrance to:

(A) a public place; or

(B) a place of employment.

(b) An employer shall inform each of the employer's employees and prospective employees of the smoking prohibition applying to the place of employment.

(c) An owner, operator, manager, or official in charge of a public place or place of employment shall remove ashtrays or other smoking paraphernalia from areas of the public place or place of employment where smoking is prohibited under this chapter. However, this subsection does not prohibit the display of ashtrays or other smoking paraphernalia that are intended only for retail sale.

(d) An owner, operator, manager, or official in charge of a public place or place of employment shall post conspicuous signs at each public entrance that read "State Law Prohibits Smoking Within 8 Feet of this Entrance" or other similar language.

Sec. 5. (a) Except as provided in subsection (c) and subject to section 13 of this chapter, smoking may be allowed in the following:

(1) A horse racing facility operated under a permit under IC 4-31-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(2) A riverboat (as defined in IC 4-33-2-17) and any other permanent structure that is:

(A) owned or leased by the owner of the riverboat; and

(B) located on land that is adjacent to:

(i) the dock to which the riverboat is moored; or

(ii) the land on which the riverboat is situated in the case of a riverboat described in IC 4-33-2-17(2).

(3) A facility that operates under a gambling game license under IC 4-35-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(4) A satellite facility licensed under IC 4-31-5.5.

(5) An establishment owned or leased by a business that meets the following requirements:

(A) The business was in business and permitted smoking on December 31, 2012.

(B) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(C) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(D) The business limits smoking in the establishment to either:

(i) cigar smoking; or

(ii) smoking with a waterpipe or hookah device.

(E) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from:

(i) the sale of cigars and the rental of onsite humidors; or

(ii) the sale of loose tobacco for use in a waterpipe or hookah device.

(F) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.

(6) A premises owned or leased by and regularly used for the activities of a business that meets all of the following:

(A) The business is exempt from federal income taxation under 26 U.S.C. 501(c).

(B) The business:

(i) meets the requirements to be considered a club under IC 7.1-3-20-1; or

(ii) is a fraternal club (as defined in IC 7.1-3-20-7).

(C) The business provides food or alcoholic beverages only to its bona fide members and their guests.

(D) The business, during a meeting of the business's members, voted within the previous two (2) years to allow smoking on the premises.

(E) The business:

(i) provides a separate, enclosed, designated smoking room or area that is adequately ventilated to prevent migration of smoke to nonsmoking areas of the premises;

(ii) allows smoking only in the room or area described in item (i); and

(iii) does not allow an individual who is less than eighteen (18) years of age to enter into the room or area described in item (i).

(7) A retail tobacco store used primarily for the sale of tobacco products and tobacco accessories that meets the following requirements:

(A) The owner or operator of the store held a valid tobacco sales certificate issued under IC 7.1-3-18.5 on June 30 2012.

(B) The store prohibits entry by an individual who is less than eighteen (18) years of age.

(C) The sale of products other than tobacco products and tobacco accessories is merely incidental.

(D) The sale of tobacco products accounts for at least eighty-five percent (85%) of the store's annual gross sales.

(E) Food or beverages are not sold for consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

(8) A bar or tavern:

(A) for which a permittee holds:

(i) a beer retailer's permit under IC 7.1-3-4;

(ii) a liquor retailer's permit under IC 7.1-3-9; or

(iii) a wine retailer's permit under IC 7.1-3-14;

(B) that does not employ an individual who is less than eighteen (18) years of age;

(C) that does not allow an individual who:

(i) is less than twenty-one (21) years of age; and

(ii) is not an employee of the bar or tavern;

to enter any area of the bar or tavern; and

(D) that is not located in a business that would otherwise be subject to this chapter.

(9) A cigar manufacturing facility that does not offer retail sales.

(10) A premises of a cigar specialty store to which all of the following apply:

(A) The owner or operator of the store held a valid tobacco sales certificate issued under IC 7.1-3-18.5 on June 30, 2012.

(B) The sale of tobacco products and tobacco accessories account for at least fifty percent (50%) of the store's annual gross sales.

(C) The store has a separate, enclosed, designated smoking room that is adequately ventilated to prevent migration of smoke to nonsmoking areas.

(D) Smoking is allowed only in the room described in clause (C).

(E) Individuals who are less than eighteen (18) years of age are prohibited from entering into the room described in clause (C).

(F) Cigarette smoking is not allowed on the premises of the store.

(G) The owner or operator of the store posts a conspicuous sign on the premises of the store that displays the message that cigarette smoking is prohibited.

(H) Food or beverages are not sold for consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

(11) The premises of a business that is located in the business owner’s private residence (as defined in IC 3-5-2-42.5) if the only employees of the business who work in the residence are the owner and other individuals who reside in the residence.

(b) The owner, operator, manager, or official in charge of an establishment or premises in which smoking is allowed under this section shall post conspicuous signs in the establishment that read "WARNING: Smoking Is Allowed In This Establishment" or other similar language.

(c) This section does not allow smoking in the following enclosed areas of an establishment or premises described in subsection (a)(1) through (a)(10):

(1) Any hallway, elevator, or other common area where an individual who is less than eighteen (18) years of age is permitted.

(2) Any room that is intended for use by an individual who is less than eighteen (18) years of age.

(d) The owner, operator, or manager of an establishment or premises that is listed under subsection (a) and that allows smoking shall provide a verified statement to the commission that states that the establishment or premises qualifies for the

exemption. The commission may require the owner, operator, or manager of an establishment or premises to provide documentation or additional information concerning the exemption of the establishment or premises.

Sec. 6. (a) The commission shall enforce this chapter.

(b) This chapter may also be enforced by:

(1) the state department of health established by IC 16-19-1-1;

(2) a local health department, as defined in IC 16-18-2-211;

(3) a health and hospital corporation established by IC 16-22-8-6;

(4) the division of fire and building safety established within the department of homeland security by IC 10-19-7-1; and

(5) a law enforcement officer;

in cooperation with the commission.

(c) The commission, the state department of health, a local health department, a health and hospital corporation, the division of fire and building safety, or a law enforcement officer may inspect premises that are subject to this chapter to ensure that the person responsible for the premises is in compliance with this chapter.

Sec. 7. (a) This section does not apply to an establishment or premises in which smoking is allowed under section 5 of this chapter.

(b) The owner, operator, manager, or official in charge of a public place shall do the following:

(1) Post conspicuous signs that read "Smoking Is Prohibited By State Law" or other similar language.

(2) Ask an individual who is smoking in violation of this chapter to refrain from smoking.

(3) Cause to be removed from the public place an individual who is smoking in violation of this chapter and fails to refrain from smoking after being asked to refrain from smoking.

(c) In addition to the requirements under subsection (b), the owner or operator of a restaurant shall post a conspicuous sign at each entrance to the restaurant informing the public that smoking is prohibited in the restaurant.

Sec. 8. (a) A person who smokes in an area where smoking is prohibited by this chapter commits prohibited smoking, a Class B infraction, except as provided in subsection (b).

(b) A person who smokes in an area where smoking is prohibited by this chapter commits prohibited smoking, a Class A infraction if the person has been adjudged to have committed at least three (3) prior unrelated infractions under:

(1) this section; or

(2) IC 16-41-37-4 (before its repeal).

Sec. 9. (a) A local health department may enforce this chapter by filing a civil action under IC 16-20-1-26.

(b) A health and hospital corporation may enforce this chapter by filing a civil action under IC 16-22-8-31.

(c) The division of fire and building safety may enforce this chapter by filing a civil action under IC 22-12-7-13.

Sec. 10. (a) An owner, manager, operator, or official in charge of a public place or place of employment who fails to comply with a requirement imposed by this chapter commits a Class B infraction, except as provided in subsection (b).

(b) A failure to comply described in subsection (a) is a Class A infraction if the owner, manager, operator, or official has been adjudged to have committed at least three (3) prior unrelated infractions under this chapter.

Sec. 11. An owner, a manager, or an employer shall not discharge, refuse to hire, or in any manner retaliate against an individual for:

(1) reporting a violation of this chapter; or

(2) exercising any right or satisfying any obligation under this chapter.

Sec. 12. (a) As used in this section, "school bus" means a motor vehicle that is:

(1) designed and constructed for the accommodation of at least ten (10) passengers;

(2) owned or operated by a public or governmental agency, or privately owned and operated for compensation; and

(3) used for the transportation of school children to and from the following:

(A) School.

(B) School athletic games or contests.

(C) Other school functions.

(b) As used in this section, "school week" means a week that:

(1) begins on Monday and ends on Friday; and

(2) includes at least three (3) days during which, on each day, more than four (4) hours of classroom instruction are provided.

(c) A person who smokes in a school bus during a school week or while the school bus is being used for the transportation of school children to and from:

(1) a school;

(2) a school athletic game or contest; or

(3) another school function;

commits a Class B infraction, except as provided in subsection (d).

(d) A person who smokes in a school bus as described in subsection (c) commits a Class A infraction if the person, within the twelve (12) months immediately preceding the person's act of smoking in a school bus, committed at least three (3) prior unrelated acts of smoking in a school bus for which the person was adjudged to have committed infractions under this section.

Sec. 13. (a) This chapter does not prohibit a county, city, town, or other governmental unit from adopting an ordinance more restrictive than this chapter.

(b) This chapter does not supersede a smoking ordinance that is adopted by a county, city, town, or other governmental unit before the effective date of this chapter and that is more restrictive than this chapter.

Sec. 14. Beginning in 2013, the commission shall present an annual report to the health finance commission concerning the implementation and enforcement activities taken under this chapter. The report must include the number of smoking related inspections conducted and

violations for the previous calendar year. The commission shall submit the report in electronic format under IC 5-14-6 to the legislative services agency not later than September 1 of each year.

SECTION 3. IC 12-7-2-178.8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 178.8. "Smoking", for purposes of IC 12-24-2-8, has the meaning set forth in IC 16-41-37-3.~~

SECTION 4. IC 12-24-2-8, AS AMENDED BY SEA 24-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a) Notwithstanding IC 12-27-3-3, the director has complete authority to regulate smoking (as defined in IC 16-41-37-3) within a state institution.~~

~~(b)~~ A physician licensed under IC 25-22.5 may prescribe ~~nicotine~~ **tobacco cessation devices** as is medically necessary for a resident of a state institution.

SECTION 5. IC 16-18-2-10, AS AMENDED BY P.L.42-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. ~~(a)~~ "Agency", for purposes of IC 16-23.5, has the meaning set forth in IC 16-23.5-1-2.

~~(b) "Agency", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-1.~~

SECTION 6. IC 16-18-2-295, AS AMENDED BY P.L.41-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 295. (a) "Provider", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.5.

(b) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7), and IC 16-41-1 through IC 16-41-9, ~~and IC 16-41-37,~~ means any of the following:

(1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:

(A) A physician.
(B) A psychotherapist.
(C) A dentist.
(D) A registered nurse.
(E) A licensed practical nurse.
(F) An optometrist.
(G) A podiatrist.
(H) A chiropractor.
(I) A physical therapist.
(J) A psychologist.
(K) An audiologist.
(L) A speech-language pathologist.
(M) A dietitian.
(N) An occupational therapist.
(O) A respiratory therapist.
(P) A pharmacist.
(Q) A sexual assault nurse examiner.

(2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.

(3) A health facility licensed under IC 16-28-2.

(4) A home health agency licensed under IC 16-27-1.

(5) An employer of a certified emergency medical technician, a certified emergency medical technician-basic advanced, a certified emergency medical technician-intermediate, or a certified paramedic.

(6) The state department or a local health department or an employee, agent, designee, or contractor of the state department or local health department.

(c) "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

(d) "Provider", for purposes of IC 16-48-1, has the meaning set forth in IC 16-48-1-3.

SECTION 7. IC 16-18-2-323.1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 323.1. "School bus", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-2.3.~~

SECTION 8. IC 16-18-2-323.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 323.4. "School week", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-2.7.~~

SECTION 9. IC 16-41-37 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Clean Indoor Air Law).

(Reference is to EHB 1149 as printed March 1, 2012.)

Turner, Chair	Gard
C. Brown	Simpson
House Conferees	Senate Conferees

Roll Call 345: yeas 28, nays 22. Report adopted.

VETO MESSAGE FROM THE GOVERNOR

May 13, 2011
Madam President and Members of the Senate:
By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto Senate Enrolled Act 215, enacted during the first regular session of the 117th General Assembly, as violative of the Indiana Constitution, which provides that the proceeds from "all forfeitures" shall go to the Common School fund.
The Indiana Supreme Court, on April 27, reinforced that point, possibly excepting the "limited diversion" of the actual expenses of obtaining those proceeds. Fairness to the General Assembly requires noting that legislators did not have the benefit of the court's opinion, which was issued in the session's final days.
This bill would take more than ninety cents of every dollar collected through forfeiture for the "expense of collection" rather than sending it to the Common School fund. That is unwarranted as policy and constitutionally unacceptable in light of the Supreme Court's recent guidance and the plain language of Article 8, Section 2 of the Indiana Constitution.
Sincerely,
Mitchell E. Daniels, Jr.
Governor

ACTION ON GUBERNATORIAL VETOES

The Chair handed down Senate Enrolled Act 215 passed by the One hundred and seventeenth General Assembly, First Regular Session entitled:

AN ACT to amend the Indiana Code concerning criminal law and procedure.

The question was, Shall Senate Enrolled Act 215 pass, the Governor's veto notwithstanding?

Roll Call 346: yeas 14, nays 36. The Governor's veto was sustained.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE REMOVALS

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has removed the following senator(s) as conferee(s) or advisor(s) on Engrossed Senate Bill 1:

Conferee: Lanane

LONG
Date: 3/9/2012
Time: 12:23 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE CHANGES

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has made the following change in conferee (or advisor) appointments to Engrossed Senate Bill 1:

Taylor to replace Lanane as Conferee

LONG
Date: 3/9/2012
Time: 12:23 p.m.

Report adopted.

SENATE MOTION

Madam President: I move that Senator Lanane be removed as coauthor of Senate Bill 1.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Delph and Leising be added as coauthors of Engrossed Senate Bill 311.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Engrossed Senate Bill 293.

SMITH

Motion prevailed.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 233 because it conflicts with HEA 1004-2012 without properly recognizing the existence of HEA 1004-2012, has had Engrossed Senate Bill 233 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 233 be corrected as follows:

Page 4, delete lines 11 through 42, begin a new paragraph and insert:

"SECTION 6. IC 3-10-6-7.5, AS AMENDED BY HEA 1004-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) This section applies to a municipal office elected during a municipal or general election.

(b) Except as provided in subsection (c) or (d), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.

(c) If:

(1) there is an election for at least one (1) of a municipality's legislative body members;

(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and

(3) there is no election for an office to be voted on by all voters of the municipality;

the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the municipality in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the municipality shall not be placed on the ballot used for the election of municipal legislative body members under this subsection.

(d) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county. An election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

A resolution adopted under this subsection expires on January 1 of the year following the year the resolution ~~was~~ **is** adopted.

SECTION 7. IC 3-10-7-6, AS AMENDED BY HEA 1004-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a municipal office elected during a municipal or general election.

(b) A municipal election conducted under this chapter shall be held at the time prescribed by IC 3-10-6.

(c) Except as provided in subsection (d) or (e), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.

(d) If:

(1) there is an election for at least one (1) of the town's legislative body members;

(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and

(3) there is no election for an office to be voted on by all voters of the town;

the county election board (or town election board if that board is conducting the election under this chapter) may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the town in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the town shall not be placed on the ballot used for the election of town legislative body members under this subsection.

(e) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county. This subsection applies to a municipal office elected during a municipal or general election. An election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

A resolution adopted under this subsection expires on January 1 of the year following the year the resolution ~~was~~ **is** adopted.".

Delete page 5.

(Reference is to ESB 233 as reprinted March 1, 2012.)

LONG, Chair
SIMPSON, R.M.M.
ALTING

Report adopted.

2:47 p.m.

The Chair declared a recess until the fall of the gavel.

RECESS

The Senate reconvened at 7:31 p.m. with Senator Long in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 86(k) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bill 293 and Engrossed House Bills 1033, 1049, 1200, 1258, and 1360 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 86(k) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 223 and 407 and Engrossed House Bills 1192, 1237, and 1279 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT
OF CONFEREE REMOVALS

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has removed the following senator(s) as conferee(s) or advisor(s) on Engrossed Senate Bill 1:

Conferee: Taylor

LONG
Date: 3/9/2012
Time: 6:00 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT
OF CONFEREE REMOVALS

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has removed the following senator(s) as conferee(s) or advisor(s) on Engrossed Senate Bill 1:

Advisor: Delph

LONG
Date: 3/9/2012
Time: 6:39 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT
OF CONFEREE CHANGES

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has made the following change in conferee (or advisor) appointments to Engrossed Senate Bill 1:

Delph to replace Taylor as Conferee

LONG
Date: 3/9/2012
Time: 6:00 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE REMOVALS

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has removed the following senator(s) as conferee(s) or advisor(s) on Engrossed House Bill 1189:

Conferee: Skinner

LONG
Date: 3/9/2012
Time: 6:22 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE CHANGES

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has made the following change in conferee (or advisor) appointments to Engrossed House Bill 1189:

Kruse to replace Skinner as Conferee

LONG
Date: 3/9/2012
Time: 6:22 p.m.

Report adopted.

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 9th day of March, 2012, signed Senate Enrolled Acts: 98, 111, 131, 132, 156, 157, 182, 191, 246, 255, 267, 268, 271, 273, 283, 307, 309, 315, 329, 370, 378, 402, 24, 109, 114, 127, 154, 173, and 286.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 9th day of March, 2012, signed Senate Enrolled Acts: 56, 119, 128, 133, 152, 192, 193, 201, 237, 274, 301, and 362.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred with the Senate amendments to Engrossed House Bill 1002.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed Senate Bill 223–1 and 407–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed House Bills 1192–1, 1258–1, 1279–1, and 1360–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed Senate Bill 224–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed Senate Bill 293–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed House Bills 1033–1, 1049–1, and 1200–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Pryor as a conferee on Engrossed Senate Bill 257 and now appoints Representative Burton thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Kersey as a conferee on Engrossed House Bill 1195 and now appoints RepresentativeThompson thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative VanDenburgh as a conferee on Engrossed House Bill 1136 and now appoints Representative Noe thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative C. Brown as a conferee on Engrossed House Bill 1269 and now appoints Representative Neese thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 7, 34, 38, and 40 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Lawson as a conferee on Engrossed Senate Bill 1 and now appoints Representative Steuerwald thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Porter as a conferee on Engrossed House Bill 1189 and now appoints Representative Behning thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 275.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 147.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 233.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1005.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1196.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 103 Senator Yoder
Urging the Legislative Council to assign to the appropriate study committee the issues raised with regard to using property needing environmental remediation for residential purposes and expanding the use of tax increment financing for the payment of the environmental remediation and related costs associated with this type of project.

SR 104 Senator Gard
Urging the Legislative Council to assign an interim study committee the topic of extraterritorial jurisdiction granted to municipalities under IC 36-9-2-19.

SR 105 Senator Eckerty
Congratulating Devon Jackson on winning the State Wrestling Championship in the 135-pound category.

SR 106 Senator Eckerty
Congratulating Tim Tuttle on receiving the Silver Helmet Award and thanking him for his service to our country.

SR 107 Senator Mishler
Congratulating Abraham Hall on winning the State Championship in Individual Wrestling.

SR 108 Senator Mishler
Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

SR 109 Senator Mishler
Congratulating Brittany Robinson on setting a new state record in the 100-yard butterfly stroke at the Indiana state swim meet.

SR 110 Senator Mishler
Congratulating the Mail-Journal on their 50th

Anniversary.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 103

Senate Resolution 103, introduced by Senator Yoder:

A SENATE RESOLUTION urging the Legislative Council to assign to the appropriate study committee the issues raised with regard to using property needing environmental remediation for residential purposes and expanding the use of tax increment financing for the payment of the environmental remediation and related costs associated with this type of project.

Whereas, There is a considerable amount of property, especially in cities and towns, that will be best used in the future for residential purposes, but the property needs environmental remediation;

Whereas, Environmental remediation of certain properties may not be cost effective for a private developer when the best future use is residential; and

Whereas, It is necessary to expand the use of tax increment financing to address issues related to the environmental remediation of property when the best future use is residential: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to assign to an appropriate study committee the issues raised with regard to using property needing environmental remediation for residential purposes and expanding the use of tax increment financing for the payment of the environmental remediation and related costs associated with this type of project.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council through the Executive Director of the Legislative Services Agency.

The resolution was read in full and adopted by voice vote.

Senate Resolution 104

Senate Resolution 104, introduced by Senator Gard:

A SENATE RESOLUTION urging the Legislative Council to assign an interim study committee the topic of extraterritorial jurisdiction granted to municipalities under IC 36-9-2-19.

Whereas, Municipalities have authority to regulate conduct on property as much as ten miles outside the corporate boundaries under IC 36-9-2-19;

Whereas, Indiana citizens who reside outside those corporate boundaries have no representation in the municipal bodies that adopt the ordinances;

Whereas, Many of these powers are also vested in other units of state and local government; and

Whereas, It would be prudent to study the impact of this redundant authority on nonmunicipal residents and businesses: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate urges the Legislative Council to assign an interim study committee the topic of extraterritorial jurisdiction granted to municipalities under IC 36-9-2-19.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council through the Executive Director of the Legislative Services Agency.

The resolution was read in full and adopted by voice vote.

Senate Resolution 105

Senate Resolution 105, introduced by Senator Eckerty:

A SENATE RESOLUTION congratulating Devon Jackson on winning the State Wrestling Championship in the 135-pound category.

Whereas, Devon Jackson defeated his opponent 12-2 in the final match of the state wrestling finals. He finished off his senior year with a state championship win, and an impressive high school career record of 197-7;

Whereas, Devon competed in the state championship tournament in the past two years, but this recent victory serves as his first state title. After a second place finish in last year's state finals tournament, Devon vowed to be the best wrestler in his weight class for the next season. His hard work was realized this year on February 18th;

Whereas, Jackson has signed a letter of intent to wrestle for Purdue University as a student-athlete this fall. He has currently set his sights on business as a course of study. Devon also mentors young wrestlers in the Yorktown Wrestling Club, and competes in mixed martial arts during the off-season; and

Whereas, As a hard-working, determined and committed individual, Devon Jackson is sure to have a bright future: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates Devon Jackson on winning a state wrestling championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Devon Jackson.

The resolution was read in full and adopted by voice vote.

Senate Resolution 106

Senate Resolution 106, introduced by Senator Eckerty:

A SENATE RESOLUTION congratulating Tim Tuttle on receiving the Silver Helmet Award and thanking him for his service to our country.

Whereas, Tim Tuttle enlisted in the United States Army in June of 1962. He completed basic training at Fort Knox, Kentucky, and received his assignment to the 3rd Medical Tank Battalion, 40th Armored Division, 1st Calvary Division. Tim served in Korea before his honorable medical discharge in June of 1963;

Whereas, Tim belonged to the original AMVETS Post 12 in Muncie and transferred to Harford City Post 23 upon the closing of the Muncie Post. While at Post 23, Tim served in several offices including three terms as Post Commander. He also began his fourteen-year term as Department of Indiana Sons of AMVETS coordinator;

Whereas, In the Department, Tim served five years as the 2nd District Commander, two years as Indiana Junior Vice Commander, and several years as President of the Indiana AMVETS Past Commanders club. He was also Department Saddest from 2008-2010. Currently, Tim is starting a seven-year term as trustee for the Indiana State Department;

Whereas, Tim is very involved at the local level as well. He serves as Trustee and Service Officer for the AMVETS Post 12 in Muncie, Indiana. As a van driver, he also transports veterans from his area to VA Medical Centers, and has been van supervisor for 7 years;

Whereas, The encouragement and advice Tim was able to give to the Department of Indiana Sons as they became a true part of the AMVETS family, is a point of personal pride for him. His dedication and assistance to the Muncie Squadron #12 of the Sons of AMVETS was instrumental to the success of the squadron. Tim has never missed a meeting or function of the Sons of Post 12 over the course of many years. His commitment to the Sons of Post 12 has been graciously recognized by the organization; and

Whereas, Tim Tuttle has held an elected or appointed position for the Department of Indiana AMVETS for over 36 years. The General Assembly extends sincere gratitude to Tim Tuttle for his service to this country and involvement in the local veteran's community: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Tim Tuttle on receiving the Silver Helmet Award, and expresses sincere gratitude to him for his service to our country.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Tim Tuttle.

The resolution was read in full and adopted by voice vote.

Senate Resolution 107

Senate Resolution 107, introduced by Senator Mishler:

A SENATE RESOLUTION congratulating Abraham Hall on winning the State Championship in Individual Wrestling.

Whereas, With only a minute and eight seconds left in regulation, Abraham Hall scored a takedown against his opponent, and then held for a 3-1 decision and the state title in the heavyweight match of the 74th annual IHSAA individual state wrestling finals;

Whereas, A shattering overtime loss at last year's state tournament motivated Hall to work as hard as he could to be the top wrestler in his weight class;

Whereas, Abraham was proven successful in his vow to win state. In fact, he hasn't been beaten in IHSAA wrestling since last year's defeat at the state finals. His impressive undefeated season includes 50 straight wins. Hall has a 90% career win percentage in overtime;

Whereas, At the close of the state championship tournament, Hall was selected for the Ward E. Brown Mental Attitude Award. This award is named in honor of the IHSAA's fourth commissioner and included a $1,000 scholarship to Bremen High School, in Hall's name. The award is given based on the merits of the wrestler's athletic ability, scholarship, leadership, and the individual's demonstration of positive mental attitude; and

Whereas, Abraham is ranked eighth in his academic class, with goals to eventually pursue a law degree. He was also named All-State for the 2011 football season. Abraham has accumulated numerous successes this year and presents strong promise for many future accomplishments: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Abraham Hall on his state championship wrestling title.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Abraham Hall.

The resolution was read in full and adopted by voice vote.

Senate Resolution 108

Senate Resolution 108, introduced by Senators Mishler, Zakas, Merritt, Broden, and Arnold:

A SENATE RESOLUTION congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

Whereas, Penn-Harris-Madison School Corporation superintendent Dr. Jerry Thacker has been named Indiana's 2012 Superintendent of the Year by the Indiana Association of Public School Superintendents;

Whereas, Dr. Jerry Thacker was selected from seven District Superintendents of the Year in recognition of Penn-Harris-Madison School Corporation's many accomplishments under his exemplary leadership;

Whereas, During the 2009-2010 school year, every elementary and middle school in Dr. Thacker's district achieved Adequate Yearly Progress, five of the schools were 4-Star schools, and Penn High School was named one of 25 exemplary AP schools in Indiana. The district is among the top 5 percent in the state for SAT and AP scores;

Whereas, Dr. Thacker's innovative direction led to his district's creative use of available resources to boost instructional programs, and to save millions of dollars on energy costs and property, casualty, and health insurance;

Whereas, Dr. Thacker has served on the board of directors for the Project Future Economic Development Group for St. Joseph County, and as a Commissioner for the St. Joseph County Area Plan Commission;

Whereas, Dr. Thacker has worked in Educational Administration for twenty-one years, in positions ranging from administrator in the Metropolitan School Corporation of Lawrence Township and superintendent of Logansport Community School Corporation, to his current position of superintendent of Penn-Harris-Madison School Corporation, one of the best high schools in the nation, according to U.S. News and World Report; and

Whereas, Dr. Jerry Thacker's innovation and dedication to academic excellence and growth has earned him the much-deserved title of 2012 Indiana Superintendent of the Year: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate recognizes Dr. Jerry Thacker on being named 2012 Indiana Superintendent of the Year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dr. Jerry Thacker and to the chairman of the Penn-Harris-Madison school board.

The resolution was read in full and adopted by voice vote.

Senate Resolution 109

Senate Resolution 109, introduced by Senator Mishler:

A SENATE RESOLUTION congratulating Brittany Robinson on setting a new state record in the 100-yard butterfly stroke at the Indiana state swim meet.

Whereas, Brittany Robinson captured first place in the 100-yard butterfly stroke at the Indiana High School Athletic Association girls swimming and diving meet;

Whereas, Robinson not only won a first place medal, but also set a new state record with a clocked time of 53. 41 seconds;

Whereas, Through hard work all season and a positive attitude, Brittany was able to clinch victory and even surpass her own goal to win the state title; and

Whereas, Brittany Robinson also finished second in the 100-yard backstroke race. Her performance, along with the rest of her talented team, placed Wawasee High School 13th in team standings: Therefore,

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Brittany Robinson for setting a new state record in the 100-yard butterfly stroke and winning a state championship medal.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Brittany Robinson.

The resolution was read in full and adopted by voice vote.

Senate Resolution 110

Senate Resolution 110, introduced by Senator Mishler:

A SENATE RESOLUTION congratulating the Mail-Journal on their 50th Anniversary.

Whereas, The Mail-Journal recently celebrated a significant milestone. The publication is celebrating 50 years of serving the Wawasee area community;

Whereas, The first issue of the Mail-Journal was printed on February 15, 1962. It served to merge The Syracuse-Wawasee Journal and The Milford Mail by Arch and Della Baumgartner. To this day, the Mail-Journal remains the flagship publication for The Papers, Inc. publications which cover a total of 14 states;

Whereas, The Milford Mail rolled its first edition off the press on December 17, 1888. In 1939, the Milford Mail was sold to

Arch Baumgartner. The Syracuse-Wawasee Journal was started in 1907 and was eventually sold to the Baumgartners in 1961. The Baumgartners quickly consolidated the two publications into the Mail-Journal in 1962;

Whereas, This local newspaper seeks to serve and maintain a relationship with local readers. It highlights local stars and community celebrations. The Mail-Journal family strives to offer strong, local, readable publications that reflect the community it serves;

Whereas, Ron Baumgartner, the publisher of The Mail-Journal, is the son of founders, Arch and Della. He was just a senior in high school when the paper was purchased. After years of watching his parents operate the business, he inherited the publication and the love for serving the local community through providing news. His hard work and dedication to the field of printed communications has kept the Baumgartner legacy alive; and

Whereas, Fifty years of progress and growth in publishing is an impressive feat: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates the Mail-Journal on 50 years of publishing.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ron Baumgartner.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

SR 111 Senator Long
Congratulating the Concordia High School girls basketball team on their Division 3A State Championship.

SR 112 Senator Long
Congratuing the Canterbury High School girls basketball team on winning the Division A state championship.

HCR 57 Senator Long
Fixing the date for the second regular technical session of the One Hundred Seventeenth General Assembly.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 111

Senate Resolution 111, introduced by Senators Long, Wyss, and Kruse:

A SENATE RESOLUTION congratulating the Concordia High School girls basketball team on their Division 3A State Championship.

Whereas, The Fort Wayne Concordia High School girls basketball team clinched the state title over their No. 2-ranked opponent, the Mt. Vernon High School Marauders;

Whereas, The game was fiercely competitive and evenly matched, but the Concordia Cadets managed to clinch victory with a score of 42-39;

Whereas, Lauren Marinko, the Cadets' senior guard, scored 10 points in the last 94 seconds of the game, sinking two free-throws with only 9.1 seconds left on the clock;

Whereas, Coach Dave Miller raved about the girls' "tremendous heart" and exhibited great pride in the impressive performance of his team; and

Whereas, The Fort Wayne Concordia High School team worked hard all season and fought to the bitter end of the final game. Their dedication and teamwork paid off as they willed their way to victory: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates the Concordia High School girls basketball team on winning the 3A state championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Fort Wayne Concordia High School girls basketball team.

The resolution was read in full and adopted by voice vote.

Senate Resolution 112

Senate Resolution 112, introduced by Senators Long, Wyss, and Kruse:

A SENATE RESOLUTION congratulating the Canterbury High School girls basketball team on winning the Division A state championship.

Whereas, After a disappointing loss last season, the Fort Wayne Canterbury girls basketball team rallied back and fought their way to the state championship game;

Whereas, The Cavaliers pulled out an impressive 64-54 win over a talented Northeast Dubois team, adding a fourth state

title in the past five years;

Whereas, High scorers for the game included: Bailey Farley with 15 points, Aaliyah Gaines with 10 points, Darby Maggard with 17 points, and Kindell Fincher with 15 points and 15 rebounds;

Whereas, The Cavaliers fought valiantly to win back their state championship title. Their determination and teamwork secured a victory, returning them to their reigning position as the Division A girls basketball state champions: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate congratulates the Fort Wayne Canterbury High School girls basketball team on their Division A state championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Canterbury High School girls basketball team.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 57

House Concurrent Resolution 57, sponsored by Senator Long:

A CONCURRENT RESOLUTION fixing the date for the second regular technical session of the One Hundred Seventeenth General Assembly.

Whereas, IC 2-2.1-1-3.5 authorizes the General Assembly to fix a date for the first regular technical session of the General Assembly;

Whereas, The General Assembly finds that it is in the best interest of the State of Indiana to fix a date for the Technical Session;

Whereas, It is prudent to allow the Speaker of the House of Representatives and the President Pro Tempore of the Senate to jointly order that the Technical Session not convene if they determined its cost and inconvenience do not justify meeting in Technical Session: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. The date for the Second Regular Technical Session of the One Hundred Seventeenth General Assembly is hereby fixed for Wednesday, May 23, 2012 at 1:30 p.m.

SECTION 2. The Speaker of the House of Representatives and the President Pro Tempore of the Senate may issue a joint order that the General Assembly not convene in Technical Session if they determined that the cost and convenience of meeting in Technical Session are not justified.

The Resolution was read in full and adopted by voice vote. The Chair instructed the Principal Clerk to inform the Senate of the passage of the Resolution.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 223–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 223 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-20-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) ~~Except as provided in subsection (b),~~ **Upon:**

(1) showing official identification; and

(2) except as provided in subsection (b), receiving consent of the owner or occupant of the premises;

~~the~~ **a** local health officer or the officer's designee may enter ~~upon~~ **any premises at any reasonable time** and inspect, ~~private property, at proper times after due notice, in regard to the possible presence, source, and cause of disease. The local health officer or designee may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable and necessary ways protect the public health.~~ **investigate, evaluate, conduct tests, or take specimens or samples for testing that may be reasonably necessary to determine compliance with public health laws and rules and for the prevention and suppression of disease.**

(b) A local health officer or the officer's designee shall obtain the consent of the owner or the occupant of the premises under subsection (a), except as provided in any of the following circumstances:

(1) Subject to subsection (c), the local health officer or the officer's designee obtains an order from a circuit or superior court in the jurisdiction where the premises is located to authorize the inspection, investigation, evaluation, testing, or taking of specimens or samples for testing.

(2) An emergency condition that poses an imminent and serious threat to the health of an individual or the

public and the local health officer or the officer's designee believes that a delay could result in a greater health risk.

(3) Entry by a local health officer or the officer's designee to a public place or an area in plain and open view to determine compliance with public health laws and rules.

(4) Entry under the terms and conditions of a license issued by the local health department at any reasonable time if reasonably necessary to determine compliance with public health laws and rules and the terms and conditions of the license.

(c) A court described in subsection (b)(1) may issue an order to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing if the court finds that the local health officer or the officer's designee, by oath or affirmation, provided reliable information establishing the violation of a public health law or rule at the premises.

~~(b)~~ **(d)** However, a local health officer, or ~~a person acting under~~ the ~~local health officer,~~ **officer's designee,** shall not inspect property in which the local health officer has any interest, whether real, equitable, or otherwise. Any such inspection or any attempt to make such inspection is grounds for removal as provided for in this article.

~~(c)~~ **(e)** This section does not prevent inspection of premises in which a local health officer has an interest if the premises cannot otherwise be inspected. If the premises cannot otherwise be inspected, the county health officer shall inspect the premises personally.

SECTION 2. IC 16-20-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) A local board of health or local health officer may enforce the board's or officer's orders, **citations, and administrative notices** by an action in the circuit or superior court. ~~In the action,~~ The court may ~~enforce the order by injunction.~~ **take any appropriate action in a proceeding under this section, including any of the following:**

(1) Issuing an injunction.

(2) Entering a judgment.

(3) Issuing an order and conditions under IC 16-41-9.

(4) Ordering the suspension or revocation of a license.

(5) Ordering an inspection.

(6) Ordering that a property be vacated.

(7) Ordering that a structure be demolished.

(8) Imposing a penalty not to exceed an amount set forth in IC 36-1-3-8(a)(10).

(9) Imposing court costs and fees under IC 33-37-4-2 and IC 33-37-5.

(10) Ordering the respondent to take appropriate action in a specified time to comply with the order of the local board of health or local health officer.

(11) Ordering a local board of health or local health officer to take appropriate action to enforce an order within a specified time.

(b) The county attorney in which a local board of health or local health officer has jurisdiction shall represent the local health board and local health officer in the action unless the county executive, **local board of health, or health and hospital corporation** employs other legal counsel or the matter has been referred through law enforcement authorities to the prosecuting attorney.

SECTION 3. IC 16-37-3-3, AS AMENDED BY P.L.156-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The physician last in attendance upon the deceased or the person in charge of interment shall file a certificate of death or of stillbirth with the local health officer of the jurisdiction in which the death or stillbirth occurred. **The local health officer shall retain a copy of the certificate of death.**

(b) Notwithstanding subsection (a), beginning January 1, 2011, **for a death occurring after December 31, 2010,** the physician last in attendance upon the deceased or the person in charge of interment shall use the Indiana death registration system established under IC 16-37-1-3.1 to file a certificate of death with the local health officer of the jurisdiction in which the death occurred. ~~The local health officer shall retain a copy of the certificate of death.~~

SECTION 4. IC 16-37-3-5, AS AMENDED BY P.L.156-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) If the person in charge of interment initiates the process, the person in charge of interment shall present a certificate of death to the physician last in attendance upon the deceased, who shall certify the cause of death upon the certificate of death or of stillbirth.

(b) Notwithstanding subsection (a), beginning January 1, 2011, **for a death occurring after December 31, 2010,** using the Indiana death registration system established under IC 16-37-1-3.1, if the person in charge of interment initiates the process, the person in charge of interment shall electronically provide a certificate of death to the physician last in attendance upon the deceased. The physician last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death, using the Indiana death registration system.

SECTION 5. IC 16-38-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The state department may develop and maintain an immunization data registry to collect, store, analyze, release, and report immunization data.

(b) Data in the immunization **data** registry may be used only for the following purposes:

(1) To assure that necessary immunizations are provided and overimmunization is avoided.

(2) To assess immunization coverage rates.

(3) To determine areas of underimmunization and other epidemiological research for disease control purposes.

(4) To document that required immunizations have been provided as required for school or child care admission.

(5) To accomplish other public health purposes as determined by the state department.

(c) The state department may adopt rules under IC 4-22-2 concerning who may input and retrieve information from the immunization data registry.

SECTION 6. IC 16-38-5-2, AS AMENDED BY P.L.161-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A provider, a physician's designee, ~~or~~ a pharmacist's designee, **or a person approved by the state department** may provide immunization data to the immunization data registry in a manner prescribed by the state department and for the purposes allowed under this chapter. ~~unless:~~

(b) An exemption from the immunization data registry shall be granted if:

(1) the patient; or

(2) the patient's parent or guardian, if the patient is less than eighteen (18) years of age;

has completed and filed ~~with the provider, physician's designee, or pharmacist's designee~~ a written immunization data exemption form **with either the person who provides the immunization or the state department.**

~~(b)~~ **(c)** The state department shall create and provide copies of immunization data exemption forms to:

(1) providers who are:

(A) licensed under IC 25; and

(B) authorized within the provider's scope of practice to administer immunizations; and

(2) individuals;

who request the form.

~~(c)~~ **(d)** The state department shall distribute, ~~to providers,~~ upon request, written information to be disseminated to patients that describes the immunization data registry. The written information must include the following:

(1) That the provider may report immunization data to the immunization data registry.

(2) That the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, has a right to exempt disclosure of immunization data to the registry and may prevent disclosure by signing an immunization data exemption form.

(3) That the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, may have the individual's information removed from the immunization data registry.

(4) Instructions on how to have the information removed.

SECTION 7. IC 16-38-5-3, AS AMENDED BY P.L.161-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Records maintained as part of the immunization data registry are confidential.

(b) The state department may release ~~an individual's confidential~~ information **from the immunization data registry** to the individual or to the individual's parent or guardian if the individual is less than eighteen (18) years of age.

(c) Subject to subsection (d), the state department may release information in the immunization data registry concerning an individual to the following **persons or** entities:

(1) The immunization data registry of another state.

(2) A provider or a provider's designee.

(3) A local health department.

(4) An elementary or secondary school that is attended by the individual.

(5) A child care center that is licensed under IC 12-17.2-4 in which the individual is enrolled.

(6) The office of Medicaid policy and planning or a contractor of the office of Medicaid policy and planning.

(7) A child placing agency licensed under IC 31-27.

(8) A college or university (as defined in IC 21-7-13-10) that is attended by the individual.

(d) Before immunization data may be released to **a person or** an entity, the **person or** entity must enter into ~~an~~ **a data use** agreement with the state department that provides that information that identifies a patient will not be released to any other person **or entity** without the written consent of the patient **unless the release is to a person or entity described in subsection (c).**

(e) The state department may release summary statistics regarding information in the immunization data registry ~~if the summary statistics do not reveal the identity of an individual.~~ **to a person or entity that has entered into a data use agreement with the state department.**

~~(f) The state department shall convene a panel to discuss expanding access to the immunization data registry. The panel must include at least one (1) representative of an insurance organization and at least one (1) member of a health maintenance organization. The state department shall submit the recommendations of the panel to the legislative council by October 1, 2009, in an electronic format under IC 5-14-6.~~

SECTION 8. IC 16-46-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The Indiana health care professional recruitment and retention fund is established. The purpose of the fund is to provide loan repayment for student loans incurred by health care professionals to encourage the ~~full-time~~ delivery of health care in shortage areas. The state department shall administer the fund.

(b) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Repayments by loan recipients from the Indiana medical and nursing distribution loan fund under IC 25-22.5-9 (repealed July 1, 1987).

(3) Gifts to the fund.

(4) Grants from public or private sources.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The fund shall be used to do the following:

(1) Provide loan repayment under this chapter.

(2) Pay the costs incurred by the state department in administering this chapter.

The administrative costs paid from the fund under subdivision (2) may not exceed thirty thousand dollars ($30,000) per year.

SECTION 9. IC 16-46-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. In order to be eligible for loan repayment for student loans, a health care professional must meet all of the following conditions:

(1) Hold an unlimited license to practice a health care profession in Indiana that has been declared by the state department to be eligible for loan repayment in a specified fiscal year.

~~(2) Have either:~~

~~(A) completed at least one (1) year of health care professional practice in a shortage area; or~~

~~(B) worked at least one (1) year at a community or migrant health center or maternal and child health clinic in a shortage area.~~

~~(3)~~ **(2)** Practice **in a shortage area** in a health care profession that has been declared eligible by the state department for loan repayment in a specified fiscal year.

(3) Either:

(A) enter into an agreement with the state department; or

(B) provide the state department with a copy of an agreement that the health professional has entered into with a provider in a shortage area;

to practice in the shortage area for at least one (1) year.

SECTION 10. IC 16-46-5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. **(a)** The state department shall adopt rules under IC 4-22-2 necessary to carry out this chapter.

(b) The state department shall adopt rules under IC 4-22-2 to ensure that a loan repayment provided under this chapter complies with federal law and regulations.

(Reference is to ESB 223 as reprinted February 29, 2012.)

Miller, Chair	T. Brown
Breaux	C. Fry
Senate Conferees	House Conferees

Roll Call 347: yeas 44, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 407–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 407 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 11-10-3-4, AS AMENDED BY P.L.156-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The department shall establish directives governing:

(1) medical care to be provided to committed individuals, including treatment for mental retardation, alcoholism, and drug addiction;

(2) administration of medical facilities and health centers operated by the department;

(3) medical equipment, supplies, and devices to be available for medical care;

(4) provision of special diets to committed individuals;

(5) acquisition, storage, handling, distribution, and dispensing of all medication and drugs;

(6) the return of unused medications that meet the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6)~~ **IC 25-26-13-25(k)(6)** to the pharmacy that dispensed the medication;

(7) training programs and first aid emergency care for committed individuals and department personnel;

(8) medical records of committed individuals; and

(9) professional staffing requirements for medical care.

(b) The state department of health shall make an annual inspection of every health facility, health center, or hospital:

(1) operated by the department; and

(2) not accredited by a nationally recognized accrediting organization;

and report to the commissioner whether that facility, center, or hospital meets the requirements established by the state department of health. Any noncompliance with those requirements must be stated in writing to the commissioner, with a copy to the governor.

(c) For purposes of IC 4-22-2, the term "directive" as used in this section relates solely to internal policy and procedure not having the force of law.

(d) For purposes of subsection (a)(6), the department:

(1) shall return medication that belonged to a Medicaid recipient; and

(2) may return other unused medication;

to the pharmacy that dispensed the medication if the unused medication meets the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6).~~ **IC 25-26-13-25(k)(6).**

(e) The department may establish directives concerning the return of unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of ~~IC 25-26-13-25(k).~~ **IC 25-26-13-25(l).**

(f) A pharmacist or pharmacy that enters into an agreement with the department to accept the return of:

(1) unused medications that meet the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6);~~ **IC 25-26-13-25(k)(6);** or

(2) unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of ~~IC 25-26-13-25(k);~~ **IC 25-26-13-25(l);**

may negotiate with the department a fee for processing the returns.

SECTION 2. IC 11-12-5-8, AS ADDED BY P.L.174-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) This section applies to the return of:

(1) unused medications that meet the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6);~~ **IC 25-26-13-25(k)(6);** and

(2) unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of ~~IC 25-26-13-25(k).~~ **IC 25-26-13-25(l).**

(b) The county sheriff:

(1) shall return medication that belonged to a Medicaid recipient; and

(2) may return other unused medication;

to the pharmacy that dispensed the medication if the unused medication meets the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6).~~ **IC 25-26-13-25(k)(6).**

(c) The county sheriff may return unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of ~~IC 25-26-13-25(k)~~ **IC 25-26-13-25(l)** to a pharmacy or pharmacist.

(d) A pharmacist or pharmacy that enters into an agreement with the county sheriff to accept the return of:

(1) unused medications that meet the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6);~~ **IC 25-26-13-25(k)(6);** or

(2) unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of ~~IC 25-26-13-25(k);~~ **IC 25-26-13-25(l);**

may negotiate with the county sheriff a fee for processing the returns.

SECTION 3. IC 16-28-11-4, AS AMENDED BY P.L.174-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A health facility, county jail under IC 11-12-5-8, or department of correction facility under IC 11-10-3-4 that possesses unused medication that meets the requirements of ~~IC 25-26-13-25(j)(1)~~ **IC 25-26-13-25(k)(1)** through ~~IC 25-26-13-25(j)(6).~~ **IC 25-26-13-25(k)(6):**

(1) shall return medication that belonged to a Medicaid recipient; and

(2) may return other unused medication;

to the pharmacy that dispensed the medication.

(b) An entity participating in a program under IC 25-26-23 may return unused medication to the pharmacy that dispensed the medication if the board of pharmacy adopts a rule allowing this procedure under IC 25-26-23-2.

SECTION 4. IC 25-26-13-17, AS AMENDED BY P.L.98-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) The board shall establish classes of pharmacy permits as follows:

Type I. A retail permit for a pharmacy that provides pharmaceutical care to the general public by the dispensing of a drug or device.

Type II. An institutional permit for hospitals, clinics, health care facilities, sanitariums, nursing homes, or dispensaries that offer pharmaceutical care by dispensing a drug product to an inpatient under a drug order or to an outpatient of the institution under a prescription.

Type III. A permit for a pharmacy that is not:

(A) open to the general public; or

(B) located in an institution listed under a Type II permit;

and provides pharmaceutical care to a patient who is located in an institution or in the patient's home.

Type IV. A permit for a pharmacy not open to the general public that provides pharmaceutical care by dispensing drugs and devices to patients exclusively through the United States Postal Services or other parcel delivery service.

Type V. A permit for a pharmacy that engages exclusively in the preparation and dispensing of diagnostic or therapeutic radioactive drugs.

Type VI. A permit for a pharmacy open to the general public that provides pharmaceutical care by engaging in an activity under a Type I or Type III permit. A pharmacy that obtains a Type VI permit may provide services to:

(A) a home health care patient;

(B) a long term care facility; or

(C) a member of the general public.

(b) ~~Hospitals~~ **A hospital** holding a Type II permit may offer drugs or devices:

(1) to:

(A) an employee, student, **or volunteer of the hospital;**

(B) a retiree who is participating in a retirement, pension, or benefit program administered by the hospital;

(C) an independent contractor who has an exclusive relationship with the hospital;

(D) a member of the hospital's governing board; or

(E) a member of the hospital's medical staff; ~~member or their~~ **and**

(2) to dependents **of the individuals listed in subdivision (1);**

for their own use.

(c) Nothing in this section prohibits a pharmacy holding a permit other than a Type IV permit from delivering drugs or devices through mail, parcel delivery, or hand delivery.

(d) Hospitals holding a Type II permit may operate remote locations within a reasonable distance of the licensed area, as determined by the board, after:

(1) filing an application on a form prepared by the board;
(2) having each location inspected by the board; and
(3) obtaining approval from the board.

(e) Any applicable rule governing the practice of pharmacy in Indiana shall apply to all permits under this section.

SECTION 5. IC 25-26-13-18, AS AMENDED BY P.L.1-2009, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) To be eligible for issuance of a pharmacy permit, an applicant must show to the satisfaction of the board that:

(1) Persons at the location will engage in the bona fide practice of pharmacy. The application must show the number of hours each week, if any, that the pharmacy will be open to the general public.

(2) The pharmacy will maintain a sufficient stock of emergency and frequently prescribed drugs and devices as to adequately serve and protect the public health.

(3) Except as provided in section 19 of this chapter, a registered pharmacist will be in personal attendance and on duty in the licensed premises at all times when the practice of pharmacy is being conducted and that the pharmacist will be responsible for the lawful conduct of the pharmacy.

(4) ~~One (1) pharmacist will have not more than four (4)~~ Certified pharmacy technicians or pharmacy technicians in training certified under IC 25-26-19 **must practice** under ~~the~~ **a licensed** pharmacist's immediate and personal supervision at ~~any time.~~ **all times. A pharmacist may not supervise more than six (6) pharmacy technicians or pharmacy technicians in training at any time.** As used in this ~~clause,~~ **subdivision,** "immediate and personal supervision" means within reasonable visual and vocal distance of the pharmacist.

(5) The pharmacy will be located separate and apart from any area containing merchandise not offered for sale under the pharmacy permit. The pharmacy will:

(A) be stationary;

(B) be sufficiently secure, either through electronic or physical means, or a combination of both, to protect the products contained in the pharmacy and to detect and deter entry during those times when the pharmacy is closed;

(C) be well lighted and ventilated with clean and sanitary surroundings;

(D) be equipped with a sink with hot and cold running water or some means for heating water, a proper sewage outlet, and refrigeration;

(E) have a prescription filling area of sufficient size to permit the practice of pharmacy as practiced at that particular pharmacy; and

(F) have such additional fixtures, facilities, and equipment as the board requires to enable it to operate properly as a pharmacy in compliance with federal and state laws and regulations governing pharmacies.

(b) Prior to opening a pharmacy after receipt of a pharmacy permit, the permit holder shall submit the premises to a qualifying inspection by a representative of the board and shall present a physical inventory of the drug and all other items in the inventory on the premises.

(c) At all times, the wholesale value of the drug inventory on the licensed items must be at least ten percent (10%) of the wholesale value of the items in the licensed area.

SECTION 6. IC 25-26-13-25, AS AMENDED BY P.L.174-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) All original prescriptions, whether in written or electronic format, shall be numbered and maintained in numerical and chronological order, or in a manner approved by the board and accessible for at least two (2) years in the pharmacy. A prescription transmitted from a practitioner by means of communication other than writing must immediately be reduced to writing or recorded in an electronic format by the pharmacist. The files shall be open for inspection to any member of the board or its duly authorized agent or representative.

(b) A prescription may be electronically transmitted from the practitioner by computer or another electronic device to a pharmacy that is licensed under this article or any other state or territory. An electronic data intermediary that is approved by the board:

(1) may transmit the prescription information between the prescribing practitioner and the pharmacy;

(2) may archive copies of the electronic information related to the transmissions as necessary for auditing and security purposes; and

(3) must maintain patient privacy and confidentiality of all archived information as required by applicable state and federal laws.

(c) Except as provided in subsection (d), a prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may not be refilled without written, electronically transmitted, or oral authorization of a licensed practitioner.

(d) A prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may be refilled by a pharmacist one (1) time without the written, electronically transmitted, or oral authorization of a licensed practitioner if all of the following conditions are met:

(1) The pharmacist has made every reasonable effort to contact the original prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(2) The pharmacist believes that, under the circumstances, failure to provide a refill would be seriously detrimental to the patient's health.

(3) The original prescription authorized a refill but a refill would otherwise be invalid for either of the following reasons:

(A) All of the authorized refills have been dispensed.

(B) The prescription has expired under subsection ~~(g).~~ **(h).**

(4) The prescription for which the patient requests the refill was:

(A) originally filled at the pharmacy where the request for a refill is received and the prescription has not been transferred for refills to another pharmacy at any time; or

(B) filled at or transferred to another location of the same pharmacy or its affiliate owned by the same parent corporation if the pharmacy filling the prescription has full access to prescription and patient profile information that is simultaneously and continuously updated on the parent corporation's information system.

(5) The drug is prescribed for continuous and uninterrupted use and the pharmacist determines that the drug is being taken properly in accordance with IC 25-26-16.

(6) The pharmacist shall document the following information regarding the refill:

(A) The information required for any refill dispensed under subsection (e).

(B) The dates and times that the pharmacist attempted to contact the prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(C) The fact that the pharmacist dispensed the refill without the authorization of a licensed practitioner.

(7) The pharmacist notifies the original prescribing practitioner of the refill and the reason for the refill by the practitioner's next business day after the refill has been made by the pharmacist.

(8) Any pharmacist initiated refill under this subsection may not be for more than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day. However, a pharmacist may dispense a drug in an amount greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day if:

(A) the drug is packaged in a form that requires the pharmacist to dispense the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day; or

(B) the pharmacist documents in the patient's record the amount of the drug dispensed and a compelling reason for dispensing the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day.

(9) Not more than one (1) pharmacist initiated refill is dispensed under this subsection for a single prescription.

(10) The drug prescribed is not a controlled substance.

A pharmacist may not refill a prescription under this subsection if the practitioner has designated on the prescription form the words "No Emergency Refill".

(e) When refilling a prescription, the refill record shall include:

(1) the date of the refill;

(2) the quantity dispensed if other than the original quantity; and

(3) the dispenser's identity on:

(A) the original prescription form; or

(B) another board approved, uniformly maintained, readily retrievable record.

(f) The original prescription form or the other board approved record described in subsection (e) must indicate by the number of the original prescription the following information:

(1) The name and dosage form of the drug.

(2) The date of each refill.

(3) The quantity dispensed.

(4) The identity of the pharmacist who dispensed the refill.

(5) The total number of refills for that prescription.

(g) This subsection does not apply:

(1) unless a patient requests a prescription drug supply of more than thirty (30) days;

(2) to the dispensing of a controlled substance (as defined in IC 35-48-1-9); or

(3) if a prescriber indicates on the prescription that the quantity of the prescription may not be changed.

A pharmacist may dispense, upon request of the patient, personal or legal representative of the patient, or guardian of the patient, not more than a ninety (90) day supply of medication if the patient has completed an initial thirty (30) day supply of the drug therapy and the prescription, including any refills, allows a pharmacist to dispense at least a ninety (90) day supply of the medication. However, a pharmacist shall notify the prescriber of the change in the quantity filled and must comply with state and federal laws and regulations concerning the dispensing limitations concerning a prescription drug. The pharmacist shall inform the customer concerning whether the additional supply of the prescription will be covered under the patient's insurance, if applicable.

~~(g)~~ **(h)** A prescription is valid for not more than one (1) year after the original date of issue.

~~(h)~~ **(i)** A pharmacist may not knowingly dispense a prescription after the demise of the practitioner, unless in the pharmacist's professional judgment it is in the best interest of the patient's health.

~~(i)~~ **(j)** A pharmacist may not knowingly dispense a prescription after the demise of the patient.

~~(j)~~ **(k)** A pharmacist or a pharmacy shall not resell, reuse, or redistribute a medication that is returned to the pharmacy after being dispensed unless the medication:

(1) was dispensed to an individual:

(A) residing in an institutional facility (as defined in 856 IAC 1-28.1-1(6));

(B) in a hospice program under IC 16-25; or

(C) in a county jail or department of correction facility;

(2) was properly stored and securely maintained according to sound pharmacy practices;

(3) is returned unopened and:

(A) was dispensed in the manufacturer's original:

(i) bulk, multiple dose container with an unbroken tamper resistant seal; or

(ii) unit dose package; or

(B) was packaged by the dispensing pharmacy in a:

(i) multiple dose blister container; or

(ii) unit dose package;

(4) was dispensed by the same pharmacy as the pharmacy accepting the return;

(5) is not expired; and

(6) is not a controlled substance (as defined in IC 35-48-1-9), unless the pharmacy holds a Type II permit (as described in section 17 of this chapter).

~~(k)~~ **(l)** A pharmacist or a pharmacy shall not resell, reuse, or redistribute medical devices or medical supplies used for prescription drug therapy that have been returned to the pharmacy after being dispensed unless the medical devices or medical supplies:

(1) were dispensed to an individual in a county jail or department of correction facility;

(2) are not expired; and

(3) are returned unopened and in the original sealed packaging.

~~(l)~~ **(m)** A pharmacist may use the pharmacist's professional judgment as to whether to accept medication for return under this section.

~~(m)~~ **(n)** A pharmacist who violates subsection (d) commits a Class A infraction.

SECTION 7. IC 25-26-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The board shall issue a pharmacy technician certificate to an individual who:

(1) applies to the board in the form and manner prescribed by the board;

(2) is at least eighteen (18) years of age;

(3) has not been convicted of:

(A) a crime that has a direct bearing upon the individual's ability to practice competently; **or**

(B) a felony involving controlled substances;

(4) is not in violation of this chapter or rules adopted by the board under section 4 of this chapter;

(5) has paid the fee set by the board under section 4 of this chapter; and

(6) has completed a program of education and training approved by the board or has passed a certification examination offered by a nationally recognized certification body approved by the board.

(b) For good cause, the board may waive the age requirement under subsection (a)(2).

SECTION 8. IC 25-26-20-4, AS AMENDED BY P.L.204-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsections (b) and (c), unadulterated drugs that meet the requirements set forth in ~~IC 25-26-13-25(j)~~ **IC 25-26-13-25(k)** may be donated without a prescription or drug order to the regional drug repository program by the following:

(1) A pharmacist or pharmacy.

(2) A wholesale drug distributor.

(3) A hospital licensed under IC 16-21.

(4) A health care facility (as defined in IC 16-18-2-161).

(5) A hospice.

(6) A practitioner.

(b) An unadulterated drug that:

(1) was returned under IC 25-26-13-25; and

(2) was prescribed for a Medicaid recipient;

may not be donated under this section unless the Medicaid program has been credited for the product cost of the drug as provided in policies under the Medicaid program.

(c) A controlled drug may not be donated under this section.

SECTION 9. IC 25-26-22-4.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.2. (a) A third party payer may cause an onsite audit to occur at a particular pharmacy location not more than one (1) time per calendar year.**

(b) A company that conducts an audit for a third party payer may conduct an onsite audit at a particular pharmacy location not more than one (1) time per calendar year for each third party payer. However, if the audit results in a finding of a particular problem at the pharmacy, the auditor may return within the calendar year to determine ongoing compliance.

SECTION 10. IC 25-26-22-5, AS ADDED BY P.L.7-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. An auditor conducting an audit shall comply with all of the following:

(1) The contract under which the audit is performed must provide a description of audit procedures that will be followed.

(2) For an onsite audit conducted at a pharmacy's location, the auditor that conducts the audit shall provide written notice to the pharmacy at least two (2) weeks before the initial onsite audit is performed for each audit cycle.

(3) The auditor shall not interfere with the delivery of pharmacist services to a patient and shall use every effort to minimize inconvenience and disruption to pharmacy operations during the audit. This subdivision does not prohibit audits during normal business hours of the pharmacy.

(4) If the audit requires use of clinical or professional judgment, the audit must be conducted by or in consultation with a licensed pharmacist.

(5) The auditor shall allow the use of written or otherwise transmitted hospital, physician, or other health practitioner records to validate a pharmacy record with respect to a

prescription for a legend drug.

(6) The auditor shall perform the audit according to the same standards and parameters that the auditor uses to audit all other similarly situated pharmacies on behalf of the third party payer.

(7) The period covered by the audit must not exceed twenty-four (24) months after the date on which the claim that is the subject of the audit was submitted to or adjudicated by the third party payer, and the pharmacy must be permitted to resubmit electronically any claims disputed by the audit. This subdivision does not limit the period for audits under the Medicaid program that are conducted due to a federal requirement.

(8) The audit must not be initiated or scheduled during the first ~~five (5)~~ **seven (7)** calendar days of any month without the voluntary consent of the pharmacy. The consent may not be mandated by a contract or any other means.

(9) Payment to the onsite auditor for conducting the audit must not be based on a percentage of any amount recovered as a result of the audit.

(10) Within twenty-four (24) hours of receiving the notice of an audit, a pharmacy may reschedule the audit to a date not more than fourteen (14) days after the date proposed by the auditor. However, if the auditor is unable to reschedule within the fourteen (14) day period, the auditor shall select and reschedule the audit for a date after the fourteen (14) day period.

(11) This subdivision does not apply to an audit conducted by the Medicaid program. If a clerical error is identified by the auditor during the course of an audit, the auditor shall allow the pharmacy to obtain a prescription that corrects the clerical error from the prescribing physician. However, if the clerical error results in an overpayment to the pharmacy, the overpayment may be recouped by the third party payer.

SECTION 11. IC 25-26-22-6, AS ADDED BY P.L.7-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a) This section does not apply to an audit conducted by the Medicaid, Medicare, or any other federal program.**

(b) Following an audit, the auditor shall provide to the pharmacy written audit reports as follows:

(1) The auditor shall deliver a preliminary audit report to the pharmacy not later than ninety (90) days after the audit is concluded.

(2) The auditor shall provide with the preliminary audit report a written appeal procedure for the pharmacy to follow if the pharmacy desires to appeal a finding contained in the preliminary audit report. **The written appeal procedure must provide for a period of at least thirty (30) days after the pharmacy receives the preliminary audit report during which the pharmacy may file an appeal of findings contained in the preliminary audit report.**

(3) The auditor shall deliver a final audit report to the pharmacy not later than one hundred twenty (120) days after:

(A) the preliminary audit report is received by the pharmacy; or

(B) if an appeal is filed, a final appeal determination is made;

whichever is later.

(4) Each audit report must be signed by the auditor and a pharmacist participating in the audit.

(5) The auditor shall provide a copy of the final audit report to the third party payer.

(c) If requested by the pharmacy, the auditor shall provide the audit report under this section to the pharmacy by a means that allows signature confirmation, including an electronic signature (as defined by IC 25-26-13-2). If the audit report is sent by electronic mail, any other verification system may be used, provided that the receipt is acknowledged by the pharmacy.

SECTION 12. IC 25-26-22-9, AS ADDED BY P.L.7-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. **(a) This section does not apply to an audit conducted by the Medicaid, Medicare, or any other federal program.**

~~(a) A final audit report must first be distributed~~ **(b)** Before recoupment of funds may be made based on an audit finding of overpayment or underpayment:

(1) a final audit report must be distributed; and

(2) except when an audit finds that fraud, willful misrepresentation, or alleged serious abuse has occurred, at least thirty (30) days must elapse after the date on which the final audit report is distributed before the recoupment of funds exceeding ten thousand dollars ($10,000).

~~(b) Except for audits conducted under the Medicaid program,~~ **(c)** Interest on funds described in subsection ~~(a)~~ **(b)** does not accrue during the audit period.

SECTION 13. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.**

(b) During the 2012 legislative interim, the commission shall study:

(1) retail pharmacies;

(2) community pharmacies; and

(3) mail order or Internet based pharmacies (as defined in IC 25-26-18-1);

and any limitations that should be placed in statute concerning the amount of a prescription drug that may be dispensed by the pharmacies.

(c) The commission shall make findings and recommendations concerning the following:

(1) The number of individuals covered under a state employee health plan with a copayment, a coinsurance amount, or other out-of-pocket costs for prescription drugs that exceed:

(A) two hundred dollars ($200) for a one (1) month supply of a single prescription drug; or

(B) five hundred dollars ($500) for a one (1) month supply of more than one (1) prescription drug.

(2) The number of individuals covered under a policy of accident and sickness insurance with a copayment, a coinsurance amount, or other out-of-pocket costs for prescription drugs that exceed:

(A) two hundred dollars ($200) for a one (1) month supply of a single prescription drug; or

(B) five hundred dollars ($500) for a one (1) month supply of more than one (1) prescription drug.

(3) The number of individuals covered under a health maintenance organization contract with a copayment, a coinsurance amount, or other out-of-pocket costs for prescription drugs that exceed:

(A) two hundred dollars ($200) for a one (1) month supply of a single prescription drug; or

(B) five hundred dollars ($500) for a one (1) month supply of more than one (1) prescription drug.

(4) The number of individuals who may become eligible for Medicaid as a result of copayments, coinsurance amounts, or other out-of-pocket costs for prescription drugs as described in this SECTION.

(d) The state personnel department and the Indiana department of insurance shall assist the commission in obtaining the information necessary under subsection (c).

(e) This SECTION expires December 31, 2012.

(Reference is to ESB 407 as reprinted March 1, 2012.)

Grooms, Chair	Davisson
Breaux	Welch
Senate Conferees	House Conferees

Roll Call 348: yeas 49, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1192–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1192 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-1-5-2.5, AS ADDED BY P.L.229-2011, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) As used in this section, "eligible school corporation" means a school corporation (as defined in IC 36-1-2-17) that satisfies all the conditions required by this section.

(b) As used in this section, "increment" means the annual difference between:

(1) the annual debt service payment for the bonds proposed to be retired or refunded; and

(2) the annual debt service payment for the proposed refunding bonds;

for each year that the bonds that are being retired or refunded would have been outstanding.

(c) In order for a school corporation to be an eligible school corporation under this section, the school corporation must determine that the percentage computed under this subsection for the school corporation is **at least twenty percent (20%) before January 1, 2014, or** at least thirty percent (30%) **after December 31, 2013,** regarding the year for which the latest certified levies have been determined. A school corporation shall compute its percentage as follows:

(1) Compute the amount of credits granted under IC 6-1.1-20.6 against the school corporation's combined levy for the school corporation's:

(A) debt service fund, as described in IC 20-46-7-15;

(B) capital projects fund;

(C) transportation fund;

(D) school bus replacement fund; and

(E) racial balance fund.

(2) Compute the school corporation's combined levy for the school corporation's:

(A) capital projects fund;

(B) transportation fund;

(C) school bus replacement fund; and

(D) racial balance fund.

(3) Divide the amount computed under subdivision (1) by the amount computed under subdivision (2) and express it as a percentage.

A school corporation that desires to be an eligible school corporation under this section must submit a written request for a certification by the department of local government finance that the computation of the school corporation's percentage computed under this subsection is correct. The department of local government finance shall, not later than ten (10) working days after the date the department receives the school corporation's request, certify the percentage computed under this subsection for the school corporation.

(d) A school corporation that desires to be an eligible school corporation under this section must satisfy the following conditions:

(1) The school corporation shall conduct a public hearing and provide notice of the time, date, and place of the hearing, published as required by IC 5-3-1, before the school corporation may adopt ~~an ordinance~~ **a resolution** under this section. At the public hearing, the governing body must provide the following information:

(A) The annual debt service payments, applicable debt service tax rate, and total debt service payments for the bonds proposed to be retired or refunded.

(B) The annual debt service payments, applicable debt service fund tax rate, and total debt service payments for the proposed refunding bonds.

(C) The annual increment for each year that the bonds that are being retired or refunded would have been outstanding and any other benefits to be derived from issuing the refunding bonds.

(2) **The requirements of this subdivision do not apply to a school corporation that adopts a resolution under subsection (g) before January 1, 2014, and that has a percentage computed under subsection (c) that is at least twenty percent (20%), as certified by the department of local government finance.** If the amount determined under subsection (c)(3) is:

(A) more than forty-five percent (45%), notwithstanding IC 6-1.1-20-3.1(a) and IC 6-1.1-20-3.2(a), the school corporation shall use the petition and remonstrance process prescribed by IC 6-1.1-20-3.1(b) and IC 6-1.1-20-3.2(b) and more individuals must sign the petition for the bond refunding under this section than the number of individuals signing a remonstrance against the bond refunding; or

(B) at least thirty percent (30%) but not more than forty-five percent (45%), the school corporation shall conduct a referendum on a public question regarding the bond refunding using the process for a referendum tax levy under IC 20-46-1 and the bond refunding must be approved by the eligible voters of the school corporation. The question to be submitted to the voters in the referendum must read as follows:

"Shall _____ (insert the name of the school corporation) issue refunding bonds to refund not more than fifty percent (50%) of its outstanding bonds to provide an annual savings to the school's debt service fund that can be transferred from the school's debt service fund to the school's capital projects fund, transportation fund, or school bus replacement fund?".

(3) The requirements of this subdivision apply to a school corporation that adopts a resolution under subsection (g) before January 1, 2014, and that has a percentage computed under subsection (c) that is at least twenty percent (20%), as certified by the department of local government finance. The school corporation must either:

(A) have the distressed unit appeal board approve the school corporation's financial plan for paying any refunding bonds issued under this section, as provided in subsection (e); or

(B) meet all of the following conditions:

(i) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's 2011 ADM ranks in the ten (10) highest among all school corporations.

(ii) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's total assessed valuation for calendar year 2011 ranks in the ten (10) highest among all school corporations.

(iii) The amount of homestead assessed valuation in the school corporation for calendar year 2011 was at least sixty percent (60%) of the total amount of assessed valuation in the school corporation for calendar year 2011.

(e) A school corporation meets the requirement of subsection (d)(3)(A) if:

(1) the school corporation submits to the distressed unit appeal board the school corporation's financial plan for paying any refunding bonds issued under this section; and

(2) the distressed unit appeal board approves the plan after making a determination that the financial plan is feasible.

The distressed unit appeal board must either approve or disapprove the financial plan not more than sixty (60) days after the later of the date the school corporation submits the financial plan under this subsection or the date on which the department of local government finance certifies the percentage computed for the school corporation under subsection (c). The distressed unit appeal board may not unreasonably deny approval of a school corporation's financial plan under this subsection.

(f) Except as provided in ~~subdivision (2)(A),~~ **subsection (d)(2)(A),** IC 6-1.1-20 does not apply to bonds issued under this section.

~~(e)~~ **(g)** A school corporation that desires to be an eligible school corporation under this section must, before July 1, 2013, and notwithstanding any other law, adopt ~~an ordinance~~ **a resolution** that sets forth the following:

(1) The determinations made under subsection (c), **including the department of local government finance's certification of the percentage computed under subsection (c).**

(2) **The requirements of this subdivision do not apply to a resolution adopted under this subsection before January 1, 2014, if the school corporation has a percentage computed under subsection (c) that is at least twenty percent (20%), as certified by the department of local government finance.** The result of the petition remonstrance process under subsection (d)(2)(A) or the result of the vote on the public question under subsection (d)(2)(B), whichever applies.

(3) A determination providing for the:

(A) issuance of bonds to refund not more than fifty percent (50%) of outstanding bonds or leases issued by or on behalf of the school corporation; and

(B) payment of redemption premiums and the costs of the refunding.

(4) With respect to the refunding bonds, the following:

(A) The maximum principal amount.

(B) The maximum interest rate.

(C) The annual lease or debt service payment.

(D) The final maturity date.

(E) The estimated amount of the increment that will occur for each year that the bonds that are being retired or refunded by the issuance of refunding bonds would have been outstanding.

(F) A finding that the annual debt service or lease payment on the refunding bonds will not increase the annual debt service or lease payment above the annual debt service or lease payment approved by the school corporation for the original project.

If the governing body adopts ~~an ordinance~~ **a resolution** under this section, the governing body must publish notice of the adoption of ~~the ordinance~~ **the resolution** as required by IC 5-3-1.

~~(f)~~ **(h)** An eligible school corporation may issue refunding bonds as permitted by this section. In addition, an eligible school corporation may extend the repayment period beyond the repayment period for the bonds that are being retired or refunded by the issuance of refunding bonds. However, the repayment period may be extended only once for a particular bond, and the extension may not exceed ten (10) years **after the latest maturity date for any of the bonds being retired or refunded by the eligible school corporation under this section.**

~~(g)~~ **(i)** Property taxes imposed by an eligible school corporation to pay debt service for bonds permitted by this section shall be considered for purposes of calculating the limits to property tax liability under Article 10, Section 1 of the Constitution of the State of Indiana and for calculating a person's credit under IC 6-1.1-20.6-7.5. However, property taxes imposed by an eligible school corporation through December 31, 2019, to pay debt service for bonds permitted by this section may not be considered in an eligible county, as used in Article 10, Section 1(h) of the Constitution of the State of Indiana, for purposes of calculating the limits to property tax liability under Article 10, Section 1 of the Constitution of the State of Indiana or for calculating a person's credit under IC 6-1.1-20.6-7.5.

(j) If a school corporation described in subsection (d)(3)(B) issues refunding bonds as permitted by this section, the school corporation must, not more than sixty (60) days after the department of local government finance certifies the school corporation's percentage under subsection (c), report information concerning the refunding to the distressed unit appeal board. The distressed unit appeal board shall make a non-binding review with recommendations regarding the school's financial condition and operating practices.

SECTION 2. IC 5-10-8-6.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.8. (a) This section applies to a school corporation that results from the consolidation, reorganization, or merger, after May 1, 2012, of:**

(1) a school corporation that has elected to provide coverage of health care services for active and retired employees of the school corporation under a state employee health plan; and

(2) a school corporation that has not elected to provide coverage of health care services for active and retired employees of the school corporation under a state employee health plan.

(b) A school corporation that results from a consolidation, reorganization, or merger described in subsection (a) must allow an individual for whom the school corporation described in subsection (a)(1) had (as of the effective date of the consolidation, reorganization, or merger) health insurance liability under a state employee health plan to continue the individual's coverage under the state employee health plan for at least five (5) years, as long as the individual otherwise remains eligible for coverage under the plan.

(c) This SECTION expires January 1, 2018.

SECTION 3. IC 6-1.1-20.3-2, AS AMENDED BY P.L.146-2008, SECTION 202, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "distressed political subdivision" means a political subdivision ~~that expects to have the political subdivision's property tax collections reduced by at least five percent (5%) in a calendar year as a result of the application of the credit under IC 6-1.1-20.6 for that calendar year.~~ **designated as a distressed political subdivision by the board under section 6.5 of this chapter.**

SECTION 4. IC 6-1.1-20.3-4, AS AMENDED BY P.L.146-2008, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The distressed unit appeal board is established.

(b) The distressed unit appeal board consists of the following members:

(1) The director of the office of management and budget or the director's designee. The director or the director's designee shall serve as chairperson of the distressed unit appeal board.

(2) The commissioner of the department of local government finance or the commissioner's designee.

~~(3) The commissioner of the department of state revenue or the commissioner's designee.~~

~~(4)~~ **(3)** The state examiner of the state board of accounts or the state examiner's designee.

~~(5) The following members appointed by the governor:~~

~~(A) One (1) member appointed from nominees submitted by the Indiana Association of Cities and Towns.~~

~~(B) One (1) member appointed from nominees submitted by the Association of Indiana Counties.~~

~~(C) One (1) member appointed from nominees submitted by the Indiana Association of School Superintendents.~~

~~A member nominated and appointed under this subdivision must be an elected official of a political subdivision.~~

~~(6) One (1) member appointed by the governor (in addition to members appointed under subdivision (5)).~~

~~(7) One (1) member appointed by the speaker of the house of representatives. A member appointed under this subdivision serves a term of four (4) years.~~

(4) The state superintendent of public instruction or the superintendent's designee.

(5) An individual appointed by the chairman of the legislative council.

~~(c) The members appointed under subsection (b)(5) and subsection (b)(6) serve at the pleasure of the governor.~~

~~(d)~~ **(c)** Each member of the commission is entitled to reimbursement for:

(1) traveling expenses as provided under IC 4-13-1-4; and

(2) other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 5. IC 6-1.1-20.3-6, AS AMENDED BY P.L.146-2008, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) ~~For property taxes first due and payable in 2008 and thereafter,~~ The fiscal body **and the executive** of a ~~distressed political subdivision may petition the board for relief as authorized under this chapter from the application of the credit under IC 6-1.1-20.6 for a calendar year.~~ **political subdivision may jointly file a petition with the board seeking to have the political subdivision designated as a distressed political subdivision under this chapter.**

~~(b) A petition under subsection (a) must include a proposed financial plan for the distressed political subdivision. The proposed financial plan must include the following:~~

~~(1) Proposed budgets that would enable the distressed political subdivision to cease being a distressed political subdivision.~~

~~(2) Proposed efficiencies, consolidations, cost reductions, uses of alternative or additional revenues, or other actions that would enable the distressed political subdivision to cease being a distressed political subdivision.~~

~~(3) Proposed increases, if any, in the percentage thresholds (specified as a percentage of gross assessed value) at which the credit under IC 6-1.1-20.6 will apply, including any varying percentages for different classes of property.~~

~~(4) Proposed reductions, if any, to the credits under IC 6-1.1-20.6 (by percentages), including any varying percentage reductions for different classes of property.~~

(b) The governing body and the superintendent of a school corporation may jointly file a petition with the board seeking relief under section 8.3 of this chapter.

(c) The board may adopt procedures governing the timing and required content of a petition under subsection (a).

SECTION 6. IC 6-1.1-20.3-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) After the board receives a petition concerning a political subdivision under section 6(a) of this chapter, the board may designate the political subdivision as a distressed political subdivision if at least one (1) of the following conditions applies to the political subdivision:**

(1) The political subdivision has defaulted in payment of principal or interest on any of its bonds or notes.

(2) The political subdivision has failed to make required payments to payroll employees for thirty (30) days or two (2) consecutive payrolls.

(3) The political subdivision has failed to make required payments to judgment creditors for sixty (60) days beyond the date of the recording of the judgment.

(4) The political subdivision, for at least thirty (30) days beyond the due date, has failed to do any of the following:

(A) Forward taxes withheld on the incomes of employees.

(B) Transfer employer or employee contributions due under the Federal Insurance Contributions Act (FICA).

(C) Deposit the political subdivision's minimum obligation payment to a pension fund.

(5) The political subdivision has accumulated a deficit equal to eight percent (8%) or more of the political subdivision's revenues. For purposes of this subdivision, "deficit" means a negative fund balance calculated as a percentage of revenues at the end of a budget year for any governmental or proprietary fund. The calculation must be presented on an accrual basis according to generally accepted accounting principles.

(6) The political subdivision has sought to negotiate a resolution or an adjustment of claims that in the aggregate:

(A) exceed thirty percent (30%) of the political subdivision's anticipated annual revenues; and

(B) are ninety (90) days or more past due.

(7) The political subdivision has carried over interfund loans for the benefit of the same fund at the end of two (2) successive years.

(8) The political subdivision has been severely affected, as determined by the board, as a result of granting the property tax credits under IC 6-1.1-20.6.

(9) In addition to the conditions listed in subdivisions (1) through (8), and in the case of a school corporation, the board may also designate a school corporation as a distressed political subdivision if at least one (1) of the following conditions applies:

(A) The school corporation has:

(i) issued refunding bonds under IC 5-1-5-2.5; or

(ii) adopted a resolution under IC 5-1-5-2.5 making the determinations and including the information specified in IC 5-1-5-2.5(g).

(B) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's 2011 ADM

ranks in the highest ten (10) among all school corporations.

(C) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's total assessed valuation for calendar year 2011 ranks in the highest ten (10) among all school corporations.

(D) The amount of homestead assessed valuation in the school corporation for calendar year 2011 was at least sixty percent (60%) of the total amount of assessed valuation in the school corporation for calendar year 2011.

The board may consider whether a political subdivision has fully exercised all the local options available to the political subdivision, such as a local option income tax or a local option income tax rate increase or, in the case of a school corporation, an operating referendum.

(b) If the board designates a political subdivision as distressed under subsection (a), the board shall review the designation annually to determine if the distressed political subdivision meets at least one (1) of the conditions listed in subsection (a).

(c) If the board designates a political subdivision as a distressed political subdivision under subsection (a), the board shall immediately notify:

(1) the treasurer of state; and

(2) the county auditor and county treasurer of each county in which the distressed political subdivision is wholly or partially located;

that the board has designated the political subdivision as a distressed political subdivision.

SECTION 7. IC 6-1.1-20.3-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 7. (a) If the fiscal body of a distressed political subdivision submits a petition under section 6 of this chapter, the board shall review the petition and assist in establishing a financial plan for the distressed political subdivision.~~

~~(b) In reviewing a petition submitted under section 6 of this chapter, the board:~~

~~(1) shall consider:~~

~~(A) the proposed financial plan;~~

~~(B) comparisons to similarly situated political subdivisions;~~

~~(C) the existing revenue and expenditures of political subdivisions in the county; and~~

~~(D) any other factor considered relevant by the board; and~~

~~(2) may establish subcommittees or temporarily appoint nonvoting members to the board to assist in the review.~~

SECTION 8. IC 6-1.1-20.3-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) This section does not apply to a school corporation designated as a distressed political subdivision.**

(b) If the board designates a political subdivision as a distressed political subdivision under section 6.5 of this chapter, the board shall appoint an emergency manager for the distressed political subdivision. An emergency manager serves at the pleasure of the board.

(c) The chairperson of the board shall oversee the activities of an emergency manager.

(d) The distressed political subdivision shall pay the emergency manager's compensation and reimburse the emergency manager for actual and necessary expenses.

SECTION 9. IC 6-1.1-20.3-8 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 8. (a) The board may authorize relief as provided in subsection (b) from the application of the credit under IC 6-1.1-20.6 for a calendar year if the governing body of each political subdivision in the county that is affected by the financial plan has adopted a resolution agreeing to the terms of the financial plan.~~

~~(b) If the conditions of subsection (a) are satisfied, the board may, notwithstanding IC 6-1.1-20.6, do any of the following:~~

~~(1) Increase the percentage thresholds (specified as a percentage of gross assessed value) at which the credit under IC 6-1.1-20.6 applies to a person's property tax liability in the political subdivision.~~

~~(2) Provide for percentage reductions to credits otherwise provided under IC 6-1.1-20.6 in the political subdivision.~~

~~(3) Provide that some or all of the property taxes that:~~

~~(A) are being imposed to pay bonds, leases, or other debt obligations; and~~

~~(B) would otherwise be included in the calculation of the credit under IC 6-1.1-20.6 in the political subdivision;~~

~~shall not be included for purposes of calculating a person's credit under IC 6-1.1-20.6.~~

~~(c) If the board provides relief described in subsection (b), the board shall conduct audits and reviews as necessary to determine whether the affected political subdivision is abiding by the terms of the financial plan agreed to under subsection (a).~~

SECTION 10. IC 6-1.1-20.3-8.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.3. After the board receives a petition concerning a school corporation under section 6(b) of this chapter, the board shall review the school corporation's request for a loan from the counter-cyclical revenue and economic stabilization fund under IC 6-1.1-21.4-3(b). The board shall make a recommendation to the state board of finance regarding the loan request. The board may consider whether a school corporation has attempted to secure temporary cash flow loans from the Indiana bond bank or a financial institution in making its recommendation.**

SECTION 11. IC 6-1.1-20.3-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. (a) This section does not apply to school corporations.**

(b) Notwithstanding any other law, an emergency manager of a distressed political subdivision appointed under section 7.5 of this chapter shall do the following:

(1) Assume and exercise the authority and responsibilities of both the executive and the fiscal body of the political subdivision concerning the adoption, amendment, and enforcement of ordinances and resolutions relating to or affecting the fiscal stability of the political subdivision. However, the emergency manager does not have the power to impose taxes or fees in addition to the taxes or fees authorized by the political subdivision before the political subdivision was designated a distressed political subdivision.

(2) Review the political subdivision's budget.

(3) Review salaries of the political subdivision's employees.

(4) Conduct a financial and compliance audit of the internal operations of the political subdivision.

(5) Develop a written financial plan in consultation with the officials of the political subdivision not later than six (6) months after appointment.

(6) Develop a plan for paying all the political subdivision's outstanding obligations.

(7) Review existing labor contracts.

(8) Adopt a budget for the political subdivision for each calendar or fiscal year, as applicable, that the political subdivision remains a distressed political subdivision.

(9) Review payrolls and other claims against the political subdivision before payment.

(10) Make, approve, or disapprove the following:

(A) A contract.

(B) An expenditure.

(C) A loan.

(D) The creation of any new position.

(E) The filling of any vacant position.

(11) Submit a written report to the board every three (3) months concerning:

(A) actions taken by the emergency manager;

(B) expenditures made by the distressed political subdivision; and

(C) the work that has been done to remove the distressed political subdivision from distressed status.

(12) Petition the board to terminate a political subdivision's status as a distressed political subdivision when the conditions found in section 6.5 of this chapter are no longer applicable to the political subdivision.

(c) An emergency manager of a distressed political subdivision appointed under section 7.5 of this chapter may do the following:

(1) Renegotiate existing labor contracts and act as an agent of the political subdivision in collective bargaining.

(2) Reduce or suspend salaries of the political subdivision's employees.

(3) Enter into agreements with other political subdivisions for the provision of services.

(d) Except as provided in section 13(c) of this chapter, an emergency manager of a distressed political subdivision retains the powers and duties described in subsections (b) and (c) until:

(1) the emergency manager resigns or dies;

(2) the board removes the emergency manager; or

(3) the political subdivision's status as a distressed political subdivision is terminated under section 13(b) of this chapter.

SECTION 12. IC 6-1.1-20.3-8.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.7. A school corporation that is designated a distressed political subdivision may not do any of the following without the approval of the board during the period before the board terminates the school corporation's status as a distressed political subdivision:**

(1) Acquire real property for school building purposes.

(2) Construct new school buildings or remodel or renovate existing school buildings.

(3) Incur a contractual obligation (except for a maintenance contract or an employment contract for a new employee whose employment replaces the employment of a former employee) that requires an expenditure of more than thirty thousand dollars ($30,000).

(4) Purchase or enter into an agreement to purchase personal property at a cost of more than thirty thousand dollars ($30,000).

(5) Adopt or advertise a budget, tax levy, or tax rate for an ensuing budget year.

SECTION 13. IC 6-1.1-20.3-10, AS ADDED BY P.L.146-2008, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. A distressed political subdivision may petition the tax court for judicial review of a ~~final~~ determination of the board **under section 6.5 of this chapter.** The action must be taken to the tax court under IC 6-1.1-15 in the same manner that an action is taken to appeal a final determination of the Indiana board of tax review. The petition must be filed in the tax court not more than forty-five (45) days after the board enters its final determination.

SECTION 14. IC 6-1.1-20.3-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) If:**

(1) an emergency manager of a distressed political subdivision that is not a school corporation;

(2) the fiscal body and executive of the political subdivision jointly; or

(3) the governing body of a school corporation that:

(A) employs a new superintendent; or

(B) has a new member elected or appointed to its governing body;

during the time the school corporation is a distressed

political subdivision;

files a petition with the board for termination of the political subdivision's status as a distressed political subdivision, the board shall conduct a public hearing on the question of whether to terminate the political subdivision's status as a distressed political subdivision.

(b) The board shall terminate the political subdivision's status as a distressed political subdivision if the board finds that the conditions found in section 6.5 of this chapter are no longer applicable to the political subdivision.

(c) Notwithstanding any other section of this chapter, not later than ninety (90) days after taking office, a new executive of a distressed political subdivision may petition the board for suspension of the political subdivision's distressed status. The executive must include in its petition a written plan to resolve the applicable issues described in section 6.5 of this chapter. If the board approves the executive's written plan, the board may suspend the political subdivision's distressed status for one hundred eighty (180) days. Suspension under this chapter terminates automatically upon expiration of the one hundred eighty (180) day period. The board may consider a petition to terminate the political subdivision's distressed status during a period of suspension.

SECTION 15. IC 6-1.1-21.4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. As used in this chapter, "ADM" refers to a school corporation's average daily membership as determined under IC 20-43-4-2.**

SECTION 16. IC 6-1.1-21.4-2, AS ADDED BY P.L.131-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "eligible school corporation" refers to **either of the following:**

(1) A school corporation located in a county in which distributions of property tax revenue for 2007 or 2008 to the taxing units (as defined in IC 6-1.1-1-21) of the county:

~~(1)~~ **(A)** have not been made; or

~~(2)~~ **(B)** were delayed by more than sixty (60) days after either due date specified in IC 6-1.1-22-9.

(2) A school corporation that is:

(A) designated by the distressed unit appeal board as a distressed political subdivision under IC 6-1.1-20.3; or

(B) approved for a loan by the distressed unit appeal board under IC 6-1.1-20.3-8.3.

SECTION 17. IC 6-1.1-21.4-3, AS ADDED BY P.L.131-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** An eligible school corporation may apply to the board for a loan from the counter-cyclical revenue and economic stabilization fund.

(b) Subject to subsections (c) and (d) and section 3.5 of this chapter, an eligible school corporation described in section 2(2) of this chapter may apply to the board for a loan. The maximum amount of a loan that the board may approve for the eligible school corporation is the lesser of the following:

(1) Five million dollars ($5,000,000).

(2) The product of:

(A) one thousand dollars ($1,000); multiplied by

(B) the school corporation's 2012 ADM.

(c) At the time the distressed unit appeal board designates a school corporation as a distressed political subdivision under IC 6-1.1-20.3 or recommends under IC 6-1.1-20.3-8.3 that a loan from the fund be approved for a school corporation, the distressed unit appeal board may also recommend to the state board of finance that a loan from the fund to the school corporation be contingent upon any of the following:

(1) The sale of specified unused property by the school board.

(2) The school corporation modifying one (1) or more specified contracts entered into by the school corporation.

(d) In making a loan from the fund to a school corporation, the state board of finance may make the loan contingent upon any condition recommended by the distressed unit appeal board under subsection (c).

SECTION 18. IC 6-1.1-21.4-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. The board may not approve a loan under this chapter after December 31, 2017.**

SECTION 19. IC 6-1.1-21.4-4, AS ADDED BY P.L.131-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board, after review by the budget committee, shall determine the terms of any loan made under this chapter. ~~However,~~ The interest rate on the loan ~~may not exceed one percent (1%).~~ **is the interest rate established by the commissioner of the department of state revenue under IC 6-8.1-10-1 minus two percent (2%), but in no case shall the interest rate be less than one percent (1%).**

(b) The total amount of ~~all~~ loans under this chapter ~~for all calendar years~~ may not exceed **the following:**

(1) Six million dollars ($6,000,000) **for all calendar years ending before January 1, 2012.**

(2) The sum of the amounts approved under section 3(b) of this chapter for all calendar years beginning after December 31, 2011, plus the outstanding balance of all loans that were made under this chapter before 2012.

(c) An eligible school corporation receiving a loan under this chapter must repay the loan within seventy-two (72) months after the date on which the loan is made.

(d) The board may disburse in installments the proceeds of a loan made under this chapter.

(e) An eligible school corporation may repay a loan made under this chapter from any sources of revenue.

(f) The obligation to repay a loan made under this chapter is not a basis for an eligible school corporation to obtain an excessive tax levy under IC 6-1.1-19.

(g) Whenever the board receives a payment on a loan made under this chapter, the board shall deposit the amount paid in the counter-cyclical revenue and economic stabilization fund.

SECTION 20. IC 6-1.1-21.4-6, AS ADDED BY P.L.131-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A loan under this chapter is not bonded indebtedness for purposes of IC 6-1.1-18.5 **or IC 6-1.1-20.**

SECTION 21. IC 6-1.1-21.4-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. Upon the failure of a school corporation to repay any of the school corporation's obligations under this chapter during a calendar year when due, the treasurer of state, upon being notified of the failure by the board, shall pay the unpaid obligations that are due from money in the possession of the state that would otherwise be available for distribution to the school corporation under any other law, deducting the payment from the amount distributed. However, the treasurer of state may not impair the rights of the school corporation's bondholders.**

SECTION 22. IC 20-26-5-4, AS AMENDED BY HEA 1009-2012, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law. However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars ($3,000) per budget year or one dollar ($1) per pupil, not to exceed twelve thousand five hundred dollars ($12,500), based on the school corporation's previous year's ADM, to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and

is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision that are consistent with IC 20-28-9-1.

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation that are consistent with IC 20-28-9-1.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) **Subject to IC 20-27-13,** to transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. In accordance with IC 20-26-17, to:

(A) participate in a state employee health plan under IC 5-10-8-6.6 or IC 5-10-8-6.7;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance; to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

SECTION 23. IC 20-27-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 13. Termination of Transportation; Waiver

Sec. 1. As used in this chapter, "eligible student" means an individual who in any part of a school year:

(1) is enrolled in a school corporation;

(2) has legal settlement in the school corporation;

(3) attended school in the school corporation's taxing district; and

(4) is not required by federal or state law to receive transportation services to and from school.

Sec. 2. This chapter applies to a school corporation that carried out a general program in at least one (1) school year beginning after June 30, 2010, to provide transportation to and from school for eligible students.

Sec. 3. Except as provided in section 7 of this chapter, a school corporation described in section 2 of this chapter shall carry out a program to provide transportation to and from school for all eligible students in any part of a school year beginning after June 30, 2012, unless the governing body of the school corporation:

(1) approves the termination of the transportation program; and

(2) provides public notice of the date after which the transportation will no longer be provided under the transportation program;

at least three (3) years before the date after which the transportation will no longer be provided under the transportation program.

Sec. 4. Transportation provided in a transportation program required under section 3 of this chapter may be limited by the school corporation's governing body to children residing a minimum distance from a school if the governing body includes facts in the resolution setting the minimum distance that demonstrate that each child residing less than the minimum distance from the school can safely walk to and from the school unattended by an adult during the regular hours that the child would ordinarily be coming to or from the school.

Sec. 5. Transportation provided under a transportation program required under section 3 of this chapter may be limited by the school corporation's governing body to providing transportation to school immediately before the beginning of an instructional day (as described in IC 20-30-2-2) and from school immediately after the end of an instructional day (as described in IC 20-30-2-2) without additional accommodations for participation in extracurricular activities.

Sec. 6. Transportation provided under a transportation program required under section 3 of this chapter must be otherwise in accordance with applicable law.

Sec. 7. (a) A school corporation may petition the department in writing to waive the requirement imposed by section 3 of this chapter.

(b) A petition under subsection (a) must:

(1) demonstrate that the waiver request was approved by the governing body for the school corporation;

(2) describe the transportation services that will be provided to students who are required by federal or state law to receive transportation services to and from school;

(3) present a written plan that provides for the safe movement of eligible students to and from school; and

(4) include any other information required by the department.

Sec. 8. If a petition complies with section 7 of this chapter, the department shall conduct a public hearing on the petition in the district served by the school corporation after giving notice of the public hearing under IC 5-3-1.

Sec. 9. If, based on the information contained in the petition and provided in the public hearing or otherwise made available to the department, the department determines that the plan presented by the school corporation, with or without revisions required by the department:

(1) will protect the safety of eligible students enrolled in the school corporation; and

(2) is otherwise in accordance with applicable law;

the department may waive the requirements imposed by section 3 of this chapter.

Sec. 10. The department may condition a waiver under section 9 of this chapter on the terms and conditions specified by the department. If a school corporation fails to comply with a term or condition of a waiver or the department discovers facts that indicate that the school corporation's plan:

(1) is not protecting the safety of eligible students enrolled in the school corporation; or

(2) is not otherwise in accordance with applicable law;

the department may issue an order under IC 4-21.5-3 or an emergency or temporary order under IC 4-21.5-4 specifying the actions that must be taken by the school corporation to correct the deficiency. The order may suspend or terminate the waiver granted under section 9 of this chapter beginning on the date specified by the department.

SECTION 24. IC 20-40-2-4, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** Except as provided by **subsection (b) or any other** law, any lawful school expenses payable from any other fund of a school corporation, including debt service and capital outlay, ~~but excluding costs attributable to transportation (as defined in IC 20-40-6-1),~~ may be budgeted in and paid from the fund.

(b) Before January 1, 2018, costs attributable to transportation (as defined in IC 20-40-6-1) may be budgeted in and paid from the fund. After December 31, 2017, costs attributable to transportation (as defined in IC 20-40-6-1) may not be budgeted in and paid from the fund.

SECTION 25. IC 20-40-6-5, AS AMENDED BY P.L.234-2007, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to this chapter **and except as provided in IC 20-40-2-4(b),** the fund is the exclusive fund to be used by a school corporation for the payment of costs attributable to transportation.

(b) Contracted transportation service costs transferred to the school bus replacement fund under IC 20-40-7 are payable from the school bus replacement fund.

SECTION 26. IC 20-46-5-4, AS AMENDED BY P.L.172-2011, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** Each school corporation may levy for a calendar year a property tax for the fund in accordance with the school bus acquisition plan adopted under this chapter. The levy imposed for the March 1, 2011, and January 15, 2012, assessment dates may not exceed the amount approved by the department of local government finance under section 5 of this chapter and IC 6-1.1-17. In setting the levy for the March 1, 2011, and January 15, 2012, assessment dates, the department of local government finance shall evaluate whether the levy proposed by a school corporation exceeds the reasonable needs of the school corporation to carry out the purposes of the fund and approve a levy that does not exceed the reasonable needs of the school corporation to carry out the purposes of this chapter. In making its determination, the department of local government finance may consider whether a school corporation has in a previous year transferred money from the fund to the school corporation's rainy day fund or a fund

other than the school bus replacement fund. **Except as provided in subsection (b),** a levy imposed for an assessment date after January 15, 2012, may not exceed an amount determined by multiplying:

(1) the school corporation's maximum permissible levy determined under this section for the previous year, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy in the immediately preceding year); by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2.

(b) The department of local government finance may, upon petition by a school corporation, adjust the school corporation's levy for the fund to reflect the school corporation's plan adopted or amended under this chapter.

SECTION 27. IC 20-48-1-2, AS AMENDED BY P.L.1-2010, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section, "retirement or severance liability" means the payments anticipated to be required to be made to employees of a school corporation upon or after termination of the employment of the employees by the school corporation under an existing or previous employment agreement.

(b) This section applies to each school corporation that:

(1) did not issue bonds under IC 20-5-4-1.7 before its repeal; or

(2) issued bonds under IC 20-5-4-1.7 (repealed):

(A) before April 14, 2003; or

(B) after April 13, 2003, if an order approving the issuance of the bonds was issued by the department of local government finance before April 14, 2003.

(c) In addition to the purposes set forth in section 1 of this chapter, a school corporation described in subsection (b) may issue bonds to implement solutions to contractual retirement or severance liability. The issuance of bonds for this purpose is subject to the following conditions:

(1) The school corporation may issue bonds under this section only one (1) time.

(2) A school corporation described in subsection (b)(1) or (b)(2)(A) must issue the bonds before July 1, 2006.

(3) The solution to which the bonds are contributing must be reasonably expected to reduce the school corporation's unfunded contractual liability for retirement or severance payments as it existed on June 30, 2001.

(4) The amount of the bonds that may be issued for the purpose described in this section may not exceed:

(A) two percent (2%) of the true tax value of property in the school corporation, for a school corporation that did not issue bonds under IC 20-5-4-1.7 (before its repeal); or

(B) the remainder of:

(i) two percent (2%) of the true tax value of property in the school corporation as of the date that the school corporation issued bonds under IC 20-5-4-1.7 (before its repeal); minus

(ii) the amount of bonds that the school corporation issued under IC 20-5-4-1.7 (before its repeal);

for a school corporation that issued bonds under IC 20-5-4-1.7 (repealed) as described in subsection (b)(2).

(5) Each year that a debt service levy is needed under this section, the school corporation shall reduce the total property tax levy for the school corporation's transportation, school bus replacement, capital projects, and art association and historical society funds, as appropriate, in an amount equal to:

(A) the property tax levy needed for the debt service under this section; **multiplied by**

(B) the adjustment percentage set forth in subsection (f) or (g), as applicable.

The property tax rate for each of these funds shall be reduced each year until the bonds are retired.

(6) The school corporation shall establish a separate debt service fund for repayment of the bonds issued under this section.

(d) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation.

(e) Bonds issued under this section are not subject to the petition and remonstrance process under IC 6-1.1-20 or to the limitations contained in IC 36-1-15.

(f) This subsection applies only if the governing body of a school corporation adopts a resolution specifying that the adjustment percentages under this subsection apply to the school corporation. The adjustment percentage under this subsection is the following:

(1) For property taxes first due and payable in 2013, twenty-five percent (25%).

(2) For property taxes first due and payable in 2014, fifty percent (50%).

(3) For property taxes first due and payable in 2015, seventy-five percent (75%).

(4) For property taxes first due and payable after 2015, one hundred percent (100%).

(g) If the governing body of a school corporation does not adopt a resolution specifying that the adjustment percentages under subsection (f) apply to the school corporation, the adjustment percentage is one hundred percent (100%).

SECTION 28. [EFFECTIVE UPON PASSAGE] **(a) The distressed unit appeal board established by IC 6-1.1-20.3-4 shall report to the budget committee before each of the following dates concerning actions taken by the distressed unit appeal board under IC 5-1-5-2.5, as amended by this act:**

(1) October 1, 2012.

(2) March 1, 2013.

(3) October 1, 2013.

(4) February 1, 2014.

(b) This SECTION expires June 30, 2014.

SECTION 29. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1192 as reprinted February 29, 2012.)

Cherry, Chair	Miller
Goodin	Hume
House Conferees	Senate Conferees

Roll Call 349: yeas 48, nays 1. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1237–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1237 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-5-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies only to residential property. ~~which means real property used in whole or in part as a dwelling of a consumer and includes all fixtures to, structures on, and improvements to the real property.~~

SECTION 2. IC 24-5-11-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. As used in this chapter, "exterior home improvement" means any alteration, repair, replacement, reconstruction, or other modification made to the exterior of residential property, including the exterior of any structure on or fixture or improvement to the property. The term also includes the alteration, repair, replacement, reconstruction, or other modification of a residential roof system.**

SECTION 3. IC 24-5-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a)** As used in this chapter, "home improvement" means any alteration, repair, **replacement, reconstruction,** or other modification of residential property.

(b) The term includes an exterior home improvement.

SECTION 4. IC 24-5-11-6.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.2. As used in this chapter, "insured consumer" refers to a person:**

(1) who is a policyholder or an insured under a:

(A) personal line policy of property and casualty insurance coverage; or

(B) commercial line farm insurance policy that insures residential property; and

(2) who is or may become a consumer who enters into a home improvement contract under this chapter.

SECTION 5. IC 24-5-11-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.5. (a) As used in this chapter, "residential property" means real property that:**

(1) contains one (1) to four (4) units; and

(2) is used in whole or in part as a dwelling of a consumer.

(b) The term includes all fixtures to, structures on, and improvements to the real property.

SECTION 6. IC 24-5-11-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.7. As used in this chapter, "roof system" includes roof coverings, roof sheathing, roof weatherproofing, and insulation.**

SECTION 7. IC 24-5-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The home improvement supplier shall provide a completed home improvement contract to the consumer before it is signed by the consumer. Except as provided in subsection (c), the contract must contain at a minimum the following:

(1) The name of the consumer and the address of the residential property that is the subject of the home improvement.

(2) The name and address of the home improvement supplier and each of the telephone numbers and names of any agent to whom consumer problems and inquiries can be directed.

(3) The date the home improvement contract was submitted to the consumer and any time limitation on the consumer's acceptance of the home improvement contract.

(4) A reasonably detailed description of the proposed home improvements.

(5) If the description required by subdivision (4) does not include the specifications for the home improvement, a statement that the specifications will be provided to the consumer before commencing any work and that the home improvement contract is subject to the consumer's separate written and dated approval of the specifications.

(6) The approximate starting and completion dates of the home improvements.

(7) A statement of any contingencies that would materially change the approximate completion date.

(8) The home improvement contract price.

(9) Signature lines for the home improvement supplier or the supplier's agent and for each consumer who is to be a party to the home improvement contract with a legible printed or a typed version of that person's name placed directly after or below the signature.

(b) The home improvement contract must be in a form that each consumer who is a party to it can reasonably read and understand.

(c) If a home improvement contract is entered into ~~as a result of~~ **for** damage, loss, or expense that is ~~covered,~~ **to be paid,** in

whole or in part, ~~by~~ **from** the proceeds of ~~an~~ **a personal line property and casualty** insurance policy **or a commercial line farm insurance policy that insures residential property,** or **for** damage, loss, or expense for which a third party is liable, the following conditions and requirements apply to the **home improvement** contract:

(1) For the purpose of subsection (a)(4) through (a)(7), the description, completion dates, and statement of contingencies must be prepared for the proposed home improvements to the extent that the damage, loss, or expense is reasonably known by the home improvement supplier.

(2) For the purpose of subsection (a)(4), the requirement that a reasonably detailed description be included in the contract may be satisfied with a statement that the subject real estate will be repaired or restored to the same condition in which the real estate existed before the damage, loss, or expense occurred, or to a comparable condition.

(3) For the purpose of subsection (a)(6), the starting and completion dates may be expressed in terms of the number of days elapsed from the date when sufficient approval of the insurance carrier terms allowing for adequate repair or restoration is obtained.

(4) For the purpose of subsection (a)(8), the **consumer or insured** consumer may agree to a contract price expressed in terms of the **consumer's or insured** consumer's liability for payment after the application of insurance proceeds or payments from a liable third party.

(5) The **consumer or insured** consumer may elect, in writing, to authorize the commencement of work on the home before the **consumer or insured** consumer receives complete specifications. However, a **consumer or an insured** consumer who elects to authorize the commencement of work under this subdivision is obligated for the home improvements specified and agreed to by the insurance carrier.

(6) This subdivision applies to a home improvement contract that is entered into by a home improvement supplier and an insured consumer after June 30, 2012, and that includes one (1) or more exterior home improvements. Before entering into a home improvement contract that is to be paid, in whole or in part, from the proceeds of a personal line property and casualty insurance policy or a commercial line farm insurance policy that insures residential property, the home improvement supplier must inform the insured consumer of the insured consumer's rights under section 10.5(b) of this chapter by doing the following:

(A) Furnishing to the insured consumer the following statement: "You may cancel this contract at any time before midnight on the third business day after you have received written notification from your insurance company that all or any part of the claim or contract is not a covered loss under the insurance policy. See attached notice of cancellation form for an explanation of this right.".

(B) Furnishing to the insured consumer a form, in duplicate, that is captioned "NOTICE OF CANCELLATION" and is attached to the contract but easily detachable, and that contains the following statement in at least 10 point, boldface type:

"NOTICE OF CANCELLATION

If you are notified by your insurance company that all or any part of the claim or contract is not a covered loss under the insurance policy, you may cancel the contract by mailing or delivering a signed and dated copy of this cancellation notice or any other written notice to (name of home improvement supplier) at (address of home improvement supplier's place of business) at any time before midnight on the third business day after you have received such notice from your insurance company. If you cancel the contract, any payments made by you under the contract will be returned to you within ten (10) business days following receipt by (name of home improvement supplier) of your cancellation notice, minus any amounts you may owe for work already done by (name of home improvement supplier).

I HEREBY CANCEL THIS TRANSACTION

_____

(date)

_____

(insured consumer's signature)".

(7) This subdivision applies to a home improvement contract that is entered into as a result of damage, loss, or expense that is to be paid, in whole or in part, from the proceeds of a personal line property and casualty insurance policy or a commercial line farm insurance policy that insures residential property. However, this subdivision does not apply to a consumer and a home improvement supplier that have a prior business relationship. After June 30, 2012, a home improvement supplier may not enter into a home improvement contract to which this subdivision applies unless one (1) or more of the following apply:

(A) The home improvement supplier resides, is domiciled, or is authorized to do business in Indiana.

(B) The home improvement supplier maintains in Indiana one (1) or more fixed physical locations from which the home improvement supplier engages in or solicits home improvement contracts.

(C) The home improvement supplier has appointed a resident agent in Indiana for service of legal process.

(d) A modification to a home improvement contract is not enforceable against a consumer unless the modification is stated in a writing that is signed by the consumer.

SECTION 8. IC 24-5-11-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 10.5. (a) A home improvement supplier shall not advertise, offer, or promise to pay or rebate any part of an insurance deductible to induce a person to enter into a home improvement contract or otherwise purchase goods or services from the home improvement supplier. Acts prohibited by this subsection include the following:**

(1) Advertising, offering, or promising to grant an allowance or a discount against the home improvement contract price or against other fees or charges.

(2) Advertising, offering, or promising to pay to an insured consumer, or to any other person, any form of compensation, including a gift, prize, bonus, coupon, credit, referral fee, or other item of monetary value for any reason, including the display of a sign or advertisement on residential property.

(b) This subsection applies to a home improvement contract that is entered into by a home improvement supplier and an insured consumer after June 30, 2012, and that includes one (1) or more exterior home improvements. An insured consumer who enters into a home improvement contract for which the home improvement contract price, or charges for other goods and services under the contract, are to be paid, in whole or in part, from the proceeds of a personal line property and casualty insurance policy or a commercial line farm insurance policy that insures residential property, may cancel the contract before midnight on the third business day after the insured consumer has received written notice from the insurance company that any part of the claim or contract is not a covered loss under the insurance policy. An insured consumer who seeks to cancel a home improvement contract under this subsection must provide to the home improvement supplier, at the address specified in the form provided under section 10(c)(6)(B) of this chapter, written notice of the insured consumer's intent not to be bound by the contract. If the notice of cancellation is sent by mail, the notice is effective upon deposit of the notice into the United States mail, with postage prepaid and the notice properly addressed to the home improvement supplier. Subject to subsection (c), not later than ten (10) days after a home improvement contract is cancelled under this subsection, the home improvement supplier shall tender to the insured consumer:

(1) any payment or deposit made by the insured consumer; and

(2) any note or other evidence of indebtedness of the insured consumer.

(c) If:

(1) an insured consumer cancels a home improvement contract under subsection (b); and

(2) the home improvement supplier has performed emergency or temporary services that the insured consumer acknowledged in writing before their performance to be necessary to prevent damage to the residential property;

the home improvement supplier is entitled to the reasonable value of the emergency or temporary services performed.

(d) A home improvement supplier shall not act as a public adjuster (as defined in IC 27-1-27-1).

(Reference is to EHB 1237 as printed February 8, 2012.)

VanNatter, Chair	Eckerty
Moses	Mrvan
House Conferees	Senate Conferees

Roll Call 350: yeas 41, nays 8. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1279–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1279 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-13-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The department consists of the following divisions:

(1) General services.

(2) Property management.

(3) Information services.

(4) Public works.

~~(5) State land office.~~

(b) The commissioner may do the following:

(1) Organize the department and its divisions.

(2) Transfer or merge functions between divisions in the interest of economy and efficiency.

(3) Terminate certain divisions within the department whenever possible.

(c) The commissioner may exercise direction and supervision over the divisions in the performance of their respective functions, subject to the approval of the governor.

SECTION 2. IC 4-20.5-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. "Land office" refers to the state land office division of the department **of natural resources** established by ~~IC 4-20.5-2-1.~~ **IC 14-18-1.5-1.**

SECTION 3. IC 4-20.5-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. (The State Land Office).

SECTION 4. IC 5-13-6-1, AS AMENDED BY P.L.234-2007, SECTION 295, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) All public funds paid into the treasury of the state or the treasuries of the respective political subdivisions shall be deposited not later than the business day following the receipt of funds on business days

of the depository in one (1) or more depositories in the name of the state or political subdivision by the officer having control of the funds.

(b) Except as provided in subsections (d), (f), and (g), all public funds collected by state officers, other than the treasurer of state, shall be deposited with the treasurer of state, or an approved depository selected by the treasurer of state not later than the business day following the receipt of the funds. The treasurer of state shall deposit daily on business days of the depository all public funds deposited with the treasurer of state. Deposits do not relieve any state officer from the duty of maintaining a cashbook under IC 5-13-5-1.

(c) Except as provided in subsection (d), all local officers, except township trustees, who collect public funds of their respective political subdivisions, shall deposit funds not later than the business day following the receipt of funds on business days of the depository in the depository or depositories selected by the several local boards of finance that have jurisdiction of the funds. The public funds collected by township trustees shall be deposited in the designated depository on or before the first and fifteenth day of each month. Public funds deposited under this subsection shall be deposited in the same form in which they were received.

(d) A city (other than a consolidated city) or a town shall deposit funds not later than the next business day following the receipt of the funds in depositories:

(1) selected by the city or town as provided in an ordinance adopted by the city or the town; and

(2) approved as depositories of state funds.

(e) All local investment officers shall reconcile at least monthly the balance of public funds, as disclosed by the records of the local officers, with the balance statements provided by the respective depositories.

(f) An office of:

(1) the department of natural resources; or

(2) the department of state revenue;

that is detached from the main office of the department is not required to deposit funds on the business day following receipt if the funds on hand do not exceed ~~one hundred dollars ($100).~~ **five hundred dollars ($500).** However, the office must deposit the funds on hand not later than the business day following the day that the funds exceed ~~one hundred dollars ($100).~~ **five hundred dollars ($500).**

(g) An office of the legislative branch of state government is not required to deposit funds on the business day following receipt if the funds on hand do not exceed one hundred dollars ($100). However, the office must deposit the funds on hand not later than the business day following the day that the funds exceed one hundred dollars ($100).

SECTION 5. IC 6-1.1-6-19, AS AMENDED BY P.L.66-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. At least once every ~~five (5)~~ **seven (7)** years the state forester, or the state forester's deputy, shall inspect each parcel of land which is classified as native forest land, a forest plantation, or wildlands. On each inspection trip the state forester, or the state forester's deputy, shall, if possible, have the owner go over the parcel with the state forester and shall point out to the owner any needed improvement. In addition, the state forester shall give the owner a written report of the inspection and the state forester's recommendations. A permanent record of each inspection shall be maintained in the office of the state forester.

SECTION 6. IC 6-6-11-12.5, AS AMENDED BY P.L.207-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12.5. (a) The lake and river enhancement fund is established and allocated for the following purposes:

(1) One-half (1/2) of the fund shall be used to pay costs incurred by the department of natural resources in implementing the lake and river enhancement projects required by IC 14-32-7-12(b)(7).

(2) One-half (1/2) of the fund shall be used by the department of natural resources to pay for lake or river (as defined in IC 14-32-7-12) projects, including, but not limited to, projects to:

(A) remove sediment;

(B) control exotic or invasive plants or animals; or

(C) remove logjams or obstructions.

For purposes of this subdivision, the fund may not be used for projects relating to a ~~manmade~~ ditch ~~or waterway.~~ **or manmade channel.**

(b) The fund shall be administered by the director of the department of natural resources.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of the revenue from the lake and river enhancement fee paid by boat owners and deposited under section 12(c)(1) of this chapter.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) With the approval of the governor and the budget agency, the money in the fund allocated under subsection (a)(1) may be used to augment and supplement the funds appropriated for the implementation of lake and river enhancement projects required by IC 14-32-7-12(b)(7).

SECTION 7. IC 14-8-2-131.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 131.7. "Inland water" for purposes of IC 14-22-13, includes:**

(1) the waters of the state; and

(2) the boundary waters of the state, except Lake Michigan and the Ohio River.

SECTION 8. IC 14-9-4-1, AS AMENDED BY P.L.167-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following divisions are established within the department:

(1) Accounting.

(2) Administrative support services.

(3) Budget.
(4) Engineering.
(5) Entomology and plant pathology.
(6) Fish and wildlife.
(7) Forestry.
(8) Historic preservation and archeology.
(9) Human resources.
(10) Internal audit.
(11) Land acquisition.
(12) Law enforcement.
(13) Management information systems.
(14) Nature preserves.
(15) Oil and gas.
(16) Outdoor recreation.
(17) Public information and education.
(18) Reclamation.
(19) Reservoir management.
(20) Safety and training.
(21) State parks.
(22) Water.
(23) State land office.

SECTION 9. IC 14-18-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 1.5. The State Land Office

Sec. 1. The state land office is established as a division of the department.

Sec. 2. The director shall provide for the organization and management of the state land office.

Sec. 3. (a) This section does not apply to the following:

(1) An instrument or a document of either of the following:

(A) The Indiana department of transportation.

(B) A state educational institution.

(2) A lease of property for a term of four (4) years or less.

(b) The state land office shall serve as the repository for any instrument relating to past or current ownership or possession of property by the state.

Sec. 4. (a) The state land office shall prepare and maintain property record maps and plats of property owned by the state, whether owned in the past or currently owned.

(b) The maps and plats maintained by the state land office must include the following information:

(1) Maps showing each county and the boundaries of each county.

(2) Plats of each parcel of property owned by the state, showing the metes and bounds of the parcel.

The maps and plats must show the appropriate townships, ranges, sections, parts of sections, and other appropriate geographic information.

(c) The state land office may maintain appropriate materials to assist the state land office in developing and maintaining the property records required by this section, including the following:

(1) Aerial photography.

(2) United States Geographical Survey maps.

(3) Commercial and governmental plat books.

(4) Survey plats and notes prepared for agencies by registered land surveyors.

Sec. 5. (a) Subject to IC 5-14-3, the state land office shall provide copies of records maintained by the state land office.

(b) The director shall establish a reasonable copying charge for copies of records that are not standard-sized documents (as defined by IC 5-14-3-2) provided by the state land office.

Sec. 6. The commission may adopt rules under IC 4-22-2 to implement this chapter.

Sec. 7. (a) The rules adopted by the Indiana department of administration before July 1, 2012, concerning the state land office are considered, after June 30, 2012, rules of the commission. A reference to the state land office within the Indiana department of administration in a statute, rule, or other document before July 1, 2012, is considered a reference to the state land office within the department.

(b) All powers, duties, assets, liabilities, records, property, appropriations, and employees of the state land office within the Indiana department of administration on June 30, 2012, are transferred to the state land office within the department.

SECTION 10. IC 14-22-6-7, AS AMENDED BY P.L.13-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) This section does not apply to an employee of the department, ~~or~~ an employee of a federal wildlife management agency, **or a person** who:

(1) is acting in the performance of the employee's **or a person's** duties **or in accordance with the conditions of a license;** and

(2) has received the express written consent of the director for the employee's **or person's** action.

(b) ~~A person~~ **An individual** may not knowingly throw or cast the rays of any spotlight or other artificial light:

(1) not required by law on a motor vehicle; and

(2) in search of or upon any wild bird or wild animal;

from a vehicle while the person possesses a firearm, bow, or crossbow, if by throwing or casting the rays a wild bird or wild animal could be killed. This subsection applies even though the animal is not killed, injured, shot at, or otherwise pursued.

(c) ~~A person~~ **An individual** may not take any wildlife, except furbearing mammals, with the aid of illumination of any spotlight, searchlight, or other artificial light.

(d) ~~A person~~ **An individual** may not shine a spotlight, searchlight, or other artificial light for the purpose of taking, attempting to take, or assisting another person to take a deer.

SECTION 11. IC 14-22-6-11, AS AMENDED BY P.L.13-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) This section does not apply to an employee of the department, ~~or an~~ employee of a federal wildlife management agency, **or**

individual who:

(1) is acting in the performance of the employee's **or individual's** duties; and

(2) has received the express written consent of the director for the employee's **or individual's** action.

(b) ~~A person~~ **An individual** may not:

(1) use or possess an apparatus designed for use with or on a firearm commonly called a silencer; or

(2) use or possess a device used as a silencer;

in Indiana while in the act of hunting.

SECTION 12. IC 14-22-7-3, AS AMENDED BY P.L.225-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) ~~A person~~ **An individual** may not hunt ~~or take~~ a migratory waterfowl within Indiana without having ~~a~~ **an electronically generated** migratory waterfowl stamp issued by the department. The stamp must be in the possession of each ~~person~~ **individual** hunting ~~or taking~~ a migratory waterfowl. The licensee shall validate the stamp with the signature, in ink, of the licensee on the hunting license on which the electronically generated form of the stamp is attached.

(b) The department shall determine the form of the migratory waterfowl stamp and may create and sell commemorative migratory waterfowl stamps.

~~(c) The department may furnish the commemorative migratory waterfowl stamps or the electronically generated form of the stamps to a clerk of the circuit court or the clerk's designated depositories for issuance or sale in the same manner as hunting licenses are issued or sold under IC 14-22-11.~~

SECTION 13. IC 14-22-7-4, AS AMENDED BY P.L.225-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. ~~A~~ **An electronically generated** stamp shall be issued to each hunting license applicant or holder upon request and the payment of a fee of six dollars and seventy-five cents ($6.75). Each stamp expires on March 31 of the year following issuance.

SECTION 14. IC 14-22-8-4, AS AMENDED BY P.L.225-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) ~~A person~~ **An individual** may not hunt ~~or take~~ a game bird within Indiana without having ~~a~~ **an electronically generated** game bird habitat restoration stamp issued by the department. The stamp must be in the possession of each ~~person~~ **individual** hunting ~~or taking~~ a game bird. The licensee shall validate the stamp with the signature of the licensee on the hunting license on which the electronically generated form of the stamp is attached.

(b) The department shall ~~do the following:~~

~~(1)~~ determine the form of the stamp and may create and sell commemorative game bird habitat restoration stamps.

~~(2) Furnish the commemorative stamps or the electronically generated form of the stamps to a clerk of the circuit court or the clerk's designated depositories for issuance or sale in the same manner as hunting licenses are issued or sold under IC 14-22-11.~~

SECTION 15. IC 14-22-9-1, AS AMENDED BY P.L.165-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as allowed by sections 3 and 11 of this chapter, ~~a person~~ **an individual** may not take fish from waters containing state owned fish, waters of the state, or boundary waters of the state by the following:

(1) Means of:

(A) a weir;

(B) an electric current;

(C) dynamite or other explosive;

(D) a net;

(E) a seine;

(F) a trap; or

(G) any other substance that has a tendency to stupefy or poison fish.

(2) Means of the following:

(A) A firearm.

~~(B) A crossbow.~~

~~(C)~~ **(B)** The hands alone.

(b) The methods or devices in this section may be possessed and used:

(1) under special permit issued by the director under rules that the director provides; or

(2) as otherwise provided by law.

SECTION 16. IC 14-22-9-11, AS ADDED BY P.L.165-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) As used in this section, "motorboat" means a watercraft propelled by:

(1) an internal combustion, steam, or electrical inboard or outboard motor or engine; or

(2) any mechanical means.

The term does not include a personal watercraft.

(b) The department shall establish and implement a ~~pilot~~ program for the purpose of containing and reducing invasive animal species in the Wabash River. In ~~developing~~ **administering** this ~~pilot~~ program, the department may:

(1) allow the taking of a specific invasive animal species by a means described in section ~~1(2)~~ **1(a)(2)** of this chapter;

(2) may require the use of ammunition described in 50 CFR 20.21(j); or

(3) require a hunting or fishing license under IC 14-22-12-1.

(c) 312 IAC 9-2-2(d), as in effect July 1, 2011, does not apply to this section.

SECTION 17. IC 14-22-10-3, AS AMENDED BY P.L.165-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) ~~A person~~ **An individual** may not take, carry, ship, transport, or accept for shipment or transportation outside Indiana a wild animal protected by Indiana law, except as provided in this article.

(b) ~~A person~~ **An individual** having a license to use a commercial fishing device in Indiana may ship, carry, or transport outside Indiana fish that the ~~person~~ **individual** has legally taken or caught by the commercial fishing device.

(c) ~~A person~~ **An individual** having a license to hunt, trap, or fish in Indiana may ~~do the following:~~

~~(1)~~ carry, transport, or ship outside Indiana, in open season, in one (1) day, a wild animal that the ~~person~~ **individual** has legally taken in open season, not to exceed in number the possession limit of the wild animal.

~~(2) Ship, carry, or take outside Indiana in one (1) week more than two (2) times the possession limit for the wild animal.~~

(d) Hides and furs of furbearing animals legally taken in open season may be shipped or carried outside Indiana in any number:

(1) during the open season; or

(2) after open season as allowed by rule.

(e) ~~A person~~ **An individual** having a breeder's license may ship, carry, or transport outside Indiana a wild animal that the ~~person~~ **individual** has legally possessed under the breeder's license in Indiana.

(f) ~~A person~~ **An individual** may not ship, carry, or transport or accept for transportation or shipment to a place in Indiana or outside Indiana a wild animal unless the wild animal is enclosed in a package or container on which there is clearly, legibly, and conspicuously marked on the outside of the package or container the following information:

(1) The name and address of the shipper and the consignee.

(2) An accurate statement of the number or quantities and kinds of wild animals contained.

The shipper shall produce the license required under this article authorizing the person to take or possess the wild animal. If the wild animal is carried by the licensee personally, the wild animal shall be carried openly for inspection, together with the license.

(g) ~~A person~~ **An individual** having a mussel buyer's license may ship legally taken mussels or mussel shells outside Indiana.

SECTION 18. IC 14-22-11-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. (a) Except as provided in subsection (b), the season for taking raccoons is closed to nonresidents of Indiana.~~

~~(b) The director may open the season on raccoons to the residents of another state on the same days and during the same hours that the raccoon season in the nonresident's state of residence is open to residents of the nonresident's state. However, a nonresident may not take raccoons in Indiana when the season is closed in Indiana even if the raccoon taking season is open in the nonresident's state.~~

SECTION 19. IC 14-22-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A nonresident of Indiana who is

~~(1)~~ on active duty with a branch or department of the armed forces of the United States while stationed in Indiana ~~or~~

~~(2) in the employment of:~~

~~(A) the United States Fish and Wildlife Service; or~~

~~(B) the conservation department of a state, territory, or possession of the United States; and~~

~~in Indiana for the purpose of advising or consulting with the department~~

may hunt or fish in Indiana after obtaining the proper resident license. A nonresident described in this subsection must carry on the nonresident's person, when fishing or hunting, the license and a card or other evidence that identifies the nonresident as ~~a person~~ **an individual** qualified to obtain a license under this subsection.

(b) A nonresident of Indiana who:

(1) is less than eighteen (18) years of age; and

(2) has a parent, grandparent, or legal guardian who is a resident of Indiana;

may hunt, fish, or trap in Indiana after obtaining the proper resident license.

SECTION 20. IC 14-22-12-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. (a) As used in this section, "qualified individual" means an individual who:

(1) is a resident of Indiana;

(2) has served in the armed forces of the United States; and

(3) has a service connected disability, as evidenced by:

(A) records of the United States Department of Veterans Affairs; or

(B) disability retirement benefits awarded to the individual under laws administered by the United States Department of Defense.

(b) A qualified individual is entitled to reduced fee hunting and fishing licenses under this section.

(c) Each year a qualified individual may obtain:

(1) both:

(A) a resident yearly license to fish; and

(B) a resident yearly license to hunt; or

(2) a resident yearly license to hunt and fish;

by paying a reduced license fee of two dollars and seventy-five cents ($2.75) instead of the fee prescribed by section 1 of this chapter.

(d) Each decade a qualified individual may obtain:

(1) both:

(A) a resident license to fish that is valid for ten (10) years; and

(B) a resident license to hunt that is valid for ten (10) years; or

(2) a resident license to hunt and fish that is valid for ten (10) years;

by paying a reduced license fee of twenty-seven dollars and fifty cents ($27.50).

~~(d)~~ **(e)** An applicant for a reduced fee license under this section must do the following:

(1) Request the license from:

(A) the department;

(B) an agent appointed by the director under IC 14-22-11-3; or

(C) the clerk of the circuit court who is an authorized representative of the department under IC 14-22-11-3 in the county in which the individual resides.

(2) Present evidence that the applicant is a qualified individual.

SECTION 21. IC 14-22-13-2, AS AMENDED BY P.L.165-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This section applies to the Ohio River waters of Indiana.

(b) The department may issue to an individual who is a resident **or nonresident** of Indiana a license to use in, and to possess for use in, the water seines, nets, or other commercial fishing gear under rules adopted under IC 4-22-2 upon payment of the following fee:

(1) For an Ohio River commercial fishing license and ten (10) Ohio River commercial gear tags, one hundred twenty-five dollars ($125).

(2) For each block of ten (10) Ohio River commercial fishing gear tags, fifteen dollars ($15).

SECTION 22. IC 14-22-13-2.5, AS ADDED BY P.L.165-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) This section applies to the harvest or sale of the following roe bearing species:

(1) Shovelnose sturgeon.

(2) Paddlefish.

(3) Bowfin.

(b) For the purpose of this subsection, "roe" means the eggs or gametes of a fish listed in subsection (a).

(c) An individual may not harvest, possess, or sell roe without a license issued under this section.

(d) The department may issue to an individual who is a resident **or nonresident** of Indiana a license to harvest, possess, and sell the roe under rules adopted under IC 4-22-2. The individual must leave the roe intact and inside the body of the fish ~~until sold to a licensed roe dealer.~~ **while on the body of water or adjacent to the water being fished, and until processing begins in accordance with 21 CFR 123.** The individual must sell the roe only to a roe dealer licensed by the department. The department shall limit the number of licenses that are available.

(e) The department may issue a person a roe dealer's license to purchase, ~~and~~ process, **and sell** roe. A person may not transport roe outside Indiana except according to the terms of a license issued under this subsection.

(f) The following are the minimum application fees for these licenses:

(1) **Resident and nonresident** roe harvester's ~~license,~~ **license for harvesting on the Ohio River,** one thousand dollars ($1,000).

(2) Resident roe harvester's license for harvesting on inland water of Indiana, one thousand dollars ($1,000).

~~(2)~~ **(3)** Roe dealer's license, five thousand dollars ($5,000).

(g) The commission may set license fees above the minimum fees established under subsection (f). The amount may not be more than is reasonably necessary to generate revenue sufficient to offset the costs incurred by the department in carrying out its responsibilities under this chapter.

(h) The department shall give priority in issuing licenses under this section to applicants who are residents of Indiana.

SECTION 23. IC 14-22-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person engaging in or continuing to engage in the business of ~~taking, catching,~~ selling or bartering live minnows ~~and~~ **or** crayfish for bait shall file an application with the division for a bait dealer's license. The application and the license must be on forms prescribed by the director.

(b) The fee for a license is as follows:

(1) Ten dollars ($10) for residents.

(2) Fifty dollars ($50) for nonresidents.

SECTION 24. IC 14-22-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The director may, with the approval of the commission, designate not more than ~~two (2)~~ **four (4)** days in each year as free sport fishing days. If the director designates ~~two (2) days~~ **more than one (1) day** in a year as free sport fishing days, the days may be consecutive or nonconsecutive.

SECTION 25. IC 14-22-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A license issued under this chapter authorizes the sale of nonmigratory game birds, game mammals, or furbearing mammals for breeding purposes, ~~or~~ for release, ~~and nonmigratory game birds~~ **or** for food purposes. ~~A person~~ **An individual** who:

(1) acquires a ~~game bird, game mammal, or~~ furbearing mammal alive, legally in open season; or

(2) purchases the bird or mammal from a licensed game breeder;

may apply for a breeder's license within five (5) days after acquiring the animal from the licensed game breeder or within five (5) days after the last day of the open season for the animal. Otherwise, the animal shall be released.

SECTION 26. IC 14-22-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section applies to the following:

(1) Marten.

~~(2) Nutria.~~

~~(3)~~ **(2)** Mink.

~~(4)~~ **(3)** Chinchilla.

~~(5)~~ **(4)** Domesticated rabbits, except cottontail.

~~(6) Swamp rabbits.~~

(b) The:

(1) breeding, raising, and producing in captivity; and

(2) marketing;

of an animal listed in subsection (a) is considered an agricultural pursuit. All animals so raised in captivity are considered domestic animals so that a game breeding license is not required to possess such an animal.

(c) A person engaged in the breeding, raising, and producing in captivity and marketing of the furbearing mammals listed in subsection (a) shall, upon request, do the following:

(1) Register with the department.

(2) Make annual reports concerning the number of animals held and sold. These reports are confidential.

SECTION 27. IC 14-22-31-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a) A person~~ **An individual** may not take game birds and exotic mammals on a shooting preserve unless the ~~person~~ **individual** has a hunting license required under this article. ~~except nonresidents of Indiana who must possess a special license to shoot on licensed shooting preserves.~~

~~(b) The department:~~

~~(1) shall issue special licenses; and~~

~~(2) may appoint owners or managers of shooting preserves as agents to sell special licenses.~~

~~(c) A special license expires December 31 of the year issued.~~

~~(d) The fee for a special license is eight dollars and seventy-five cents ($8.75). All fees shall be deposited in the fish and wildlife fund.~~

SECTION 28. IC 14-24-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. All farms and premises located within ~~a part of a township that has been~~ **an area** declared to be an infested area shall be operated and managed according to standards approved by the commission. An agricultural, a horticultural, or a sylvan product capable of producing and disseminating the pest or pathogen shall be destroyed, treated, or otherwise disposed of as the department orders.

SECTION 29. IC 14-24-5-3, AS AMENDED BY P.L.69-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The division shall issue a certificate following an inspection that discloses that the nursery stock is apparently free from pests and pathogens.

(b) The certificate shall be prepared on a commission form and must state the following:

(1) That the nursery stock has been inspected by the division.

(2) That to the best knowledge and belief of the nurseryman, the nursery stock is free from pests and pathogens.

(c) A copy of the certificate must be attached to each package of nursery stock before shipment of the stock by a nurseryman.

(d) A certificate issued under this section expires ~~September 30~~ **December 31** following the date ~~of issuance.~~ **the certificate becomes effective.**

(e) The division shall communicate to nurserymen that methyl bromide soil fumigation is preferred to produce pest and disease free forest seedlings. Fumigation with methyl bromide of seedling beds before seeding is an official control treatment to assure pest free nursery stock.

SECTION 30. IC 14-25-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a)~~ Whenever a dispute arises between the users of surface water in a watershed area, any party to the dispute may request that the commission mediate the dispute ~~Any party to the dispute may institute mediation proceedings by filing a written request with the commission setting out all the facts relevant to the dispute and requesting a mediation of the dispute.~~

~~(b) Upon receipt of a request for mediation, the commission shall conduct a hearing for the consideration of the facts involved in the dispute. The commission shall notify all interested parties to the dispute concerning the time and place of the hearing.~~

~~(c) In the mediation of the dispute, the commission may do the following:~~

~~(1) Conduct a survey of the water supply in the watershed involved in the dispute.~~

~~(2) Attempt to add additional sources of water for users in the watershed.~~

~~(d) A recommendation of the commission in a mediation proceeding:~~

~~(1) is not binding upon the parties to the dispute; and~~

~~(2) does not preclude or defeat a remedy that the parties to the dispute have to a court of law.~~ **using the mediation provisions under IC 4-21.5-3.5.**

SECTION 31. IC 14-37-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The following shall be deposited in the fund:

(1) Annual fees for oil and gas wells received under IC 14-37-5.

(2) Accrued interest and other investment earnings of the fund.

(3) Civil penalties collected under IC 14-37-13-3.

(4) **Bonds forfeited under IC 14-37-13-2.**

(5) Gifts, grants, donations, or appropriations from any source.

(Reference is to EHB 1279 as reprinted February 22, 2012.)

Eberhart, Chair	Mishler
Cheatham	R. Young
House Conferees	Senate Conferees

Roll Call 351: yeas 49, nays 0. Report adopted.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 296.

LEISING

Roll Call 352: yeas 31, nays 17. Motion prevailed.

CONFERENCE COMMITTEE REPORT

ESB 293–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 293 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended

as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-4.1-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 2. IC 6-4.1-1-3, AS AMENDED BY P.L.220-2011, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 3. (a) "Class A transferee" means a transferee who is any of the following:

(1) **A** lineal ancestor of the transferor.

(2) **A** lineal descendant of the transferor.

(3) **A** stepchild of the transferor, whether or not the stepchild is adopted by the transferor. This subdivision applies to the estate of an individual who dies after June 30, 2004.

(4) **A** lineal descendant of a stepchild of the transferor, whether or not the stepchild is adopted by the transferor.

(5) A spouse, widow, or widower of a child of the transferor. This subdivision applies to the estate of an individual who dies after December 31, 2011.

(6) A spouse, widow, or widower of a stepchild of the transferor, whether or not the stepchild is adopted by the transferor. This subdivision applies to the estate of an individual who dies after December 31, 2011.

(b) "Class B transferee" means a transferee who is a:

(1) brother or sister of the transferor;

(2) descendant of a brother or sister of the transferor; or

(3) spouse, widow, or widower of a child of the transferor. **This subdivision applies to the estate of an individual who dies before January 1, 2012.**

(c) "Class C transferee" means a transferee, except a surviving spouse, who is neither a Class A nor a Class B transferee.

(d) For purposes of this section, a legally adopted child is to be treated as if the child were the natural child of the child's adopting parent if the adoption occurred before the individual was totally emancipated. However, an individual adopted after being totally emancipated shall be treated as the natural child of the adopting parent if the adoption was finalized before July 1, 2004.

(e) For purposes of this section, if a relationship of loco parentis has existed for at least ten (10) years and if the relationship began before the child's fifteenth birthday, the child is to be considered the natural child of the loco parentis parent.

(f) As used in this section, "stepchild" means a child of the transferor's surviving, deceased, or former spouse who is not a child of the transferor.

SECTION 3. IC 6-4.1-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 4. IC 6-4.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) An inheritance tax is imposed at the time of a decedent's death on certain property interest transfers made by ~~him.~~ **the decedent.** The transfer of a property interest is subject to the tax if:

(1) the property transferred is described in:

~~(i)~~ **(A)** section 2 of this chapter, if the property is transferred by a resident decedent; or

~~(ii)~~ **(B)** section 3 of this chapter, if the property is transferred by a nonresident decedent;

(2) the transfer is described in section 4 of this chapter; and

(3) neither the transfer nor the property is exempt from the inheritance tax under IC 6-4.1-3.

(b) For purposes of this article, a transfer described in section 4 of this chapter is considered a transfer made by the deceased transferor regardless of when the transferee acquires the property interest.

SECTION 5. IC 6-4.1-3-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 6. IC 6-4.1-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 10. **(a) With respect to a taxable transfer or transfers resulting from the death of a decedent who dies before January 1, 2012,** the first one hundred thousand dollars ($100,000) of property interests transferred to a Class A transferee under ~~a~~ **the** taxable transfer or transfers is exempt from the inheritance tax.

(b) With respect to a taxable transfer or transfers resulting from the death of a decedent who dies after December 31, 2011, the first two hundred fifty thousand dollars ($250,000) of property interests transferred to a Class A transferee under the taxable transfer or transfers is exempt from the inheritance tax.

SECTION 7. IC 6-4.1-4-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.2. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 8. IC 6-4.1-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 9. IC 6-4.1-5-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.1. (a) This section applies to a property interest transferred by a decedent whose death occurs after December 31, 2012.**

(b) For purposes of determining the amount of inheritance tax imposed under this article, a credit is allowed against the tax imposed under section 1 of this chapter on a

decedent's transfer of property interests. The amount of the credit equals the inheritance tax imposed under section 1 of this chapter multiplied by the percentage prescribed in the following table:

YEAR OF INDIVIDUAL'S DEATH	PERCENTAGE OF CREDIT
2013	**10%**
2014	**20%**
2015	**30%**
2016	**40%**
2017	**50%**
2018	**60%**
2019	**70%**
2020	**80%**
2021	**90%**

(c) A person who is liable for inheritance tax imposed under this article may claim the credit allowed under this section at the time the person pays the tax. When the payment is made, the person collecting the tax shall reduce the inheritance tax due by the amount of the credit specified in subsection (b).

SECTION 10. IC 6-4.1-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 11. IC 6-4.1-7-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 12. IC 6-4.1-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 13. IC 6-4.1-9-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.**

SECTION 14. IC 6-4.1-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The department of state revenue shall collect the Indiana estate tax and the interest charges imposed under this chapter. The department shall remit the money which it collects under this chapter to the state treasurer, and the state treasurer shall deposit the money in the state general fund.

(b) ~~Before August 15 of each year~~ **Except as provided in subsection (e),** the treasurer of state shall **annually** distribute to each county the amount determined under subsection (c) **or (d)** for the county. **The distribution for a particular state fiscal year must be made before August 15 of the following state fiscal year.** There is appropriated from the state general fund the amount necessary to make the distributions under this ~~section.~~ **subsection.**

(c) **For a state fiscal year ending before July 1, 2012,** the department of state revenue shall determine the inheritance tax replacement amount for each county using the following formula:

STEP ONE: Determine the amount of inheritance tax revenue retained by each county in each state fiscal year beginning with the state fiscal year that began July 1, 1990, and ending with the state fiscal year that ends June 30, 1997.

STEP TWO: Determine the average annual amount of inheritance tax revenue retained by each county using five (5) of the seven (7) state fiscal years described in STEP ONE after excluding the two (2) years in which each county retained its highest and lowest totals of inheritance tax revenue.

STEP THREE: Determine the remainder of the STEP TWO amount minus the amount of inheritance taxes retained by the county during the immediately preceding state fiscal year.

(d) For a state fiscal year beginning after June 30, 2012, and ending before July 1, 2022, the department of state revenue shall determine the inheritance tax replacement amount for each county using the following formula:

STEP ONE: Determine the inheritance tax replacement amount distributed to the county for the state fiscal year that began on July 1, 2011.

STEP TWO: Multiply the amount determined under STEP ONE by the appropriate percentage as follows:

(A) Ninety-one percent (91%) for the state fiscal year beginning July 1, 2012.

(B) Eighty-two percent (82%) for the state fiscal year beginning July 1, 2013.

(C) Seventy-three percent (73%) for the state fiscal year beginning July 1, 2014.

(D) Sixty-four percent (64%) for the state fiscal year beginning July 1, 2015.

(E) Fifty-five percent (55%) for the state fiscal year beginning July 1, 2016.

(F) Forty-five percent (45%) for the state fiscal year beginning July 1, 2017.

(G) Thirty-six percent (36%) for the state fiscal year beginning July 1, 2018.

(H) Twenty-seven percent (27%) for the state fiscal year beginning July 1, 2019.

(I) Eighteen percent (18%) for the state fiscal year beginning July 1, 2020.

(J) Nine percent (9%) for the state fiscal year beginning July 1, 2021.

(e) A county is not entitled to a distribution under subsection (b) for a state fiscal year beginning after June 30, 2022.

SECTION 15. IC 6-4.1-12-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) For an individual who dies after December 31, 2021, there is no**

inheritance tax imposed on the decedent's transfer of property interests.

(b) Sections 1 through 12 of this chapter do not apply to a property interest transferred by a decedent whose death occurs after December 31, 2021.

SECTION 16. **An emergency is declared for this act.**

(Reference is to ESB 293 as printed February 24, 2012.)

J. Smith, Chair	Turner
Skinner	Welch
Senate Conferees	House Conferees

Roll Call 353: yeas 48, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1033–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1033 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-4-18 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 18. Criminal History Providers

Sec. 1. (a) As used in this chapter, "criminal history information" means information:

(1) concerning a criminal conviction in Indiana; and

(2) available in records kept by a clerk of a court with jurisdiction in Indiana.

(b) The term consists of the following:

(1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(2) Information, including a photograph, regarding a sex or violent offender (as defined in IC 11-8-8-5) obtained through sex or violent offender registration under IC 11-8-8.

(3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

(4) A photograph of the person who is the subject of the information described in subdivisions (1) through (3).

(c) The term includes fingerprint information described in IC 10-13-3- 24(f).

Sec. 2. (a) As used in this section, "criminal history provider" means a person or an organization that assembles criminal history reports and either uses the report or provides the report to a person or an organization other than a criminal justice agency or law enforcement agency.

(b) The term does not include the following:

(1) A criminal justice agency.

(2) A law enforcement agency.

(3) Any:

(A) person connected with or employed by:

(i) a newspaper or other periodical issued at regular intervals and having a general circulation; or

(ii) a recognized press association or wire service;

as a bona fide owner, editorial or reportorial employee, who receives income from legitimate gathering, writing, editing, and interpretation of news;

(B) person connected with a licensed radio or television station as an owner or official, or as an editorial or reportorial employee who receives income from legitimate gathering, writing, editing, interpreting, announcing, or broadcasting of news; or

(C) other person who gathers, records, compiles, or disseminates:

(i) criminal history information; or

(ii) criminal history reports;

solely for journalistic purposes.

Sec. 3. As used in this section, "criminal history report" means criminal history information that has been compiled for the purposes of evaluating a particular person's:

(1) character; or

(2) eligibility for:

(A) employment;

(B) housing; or

(C) participation in any activity or transaction.

Sec. 4. As used in this section, "criminal justice agency" has the meaning set forth in IC 10-13-3-6.

Sec. 5. As used in this section, "law enforcement agency" has the meaning set forth in IC 10-13-3-10.

Sec. 6. (a) A criminal history provider may provide only criminal history information that relates to a conviction.

(b) A criminal history provider may not provide information relating to the following:

(1) An infraction, an arrest, or a charge that did not result in a conviction.

(2) A record that has been expunged.

(3) A record that is restricted by a court or the rules of a court.

(4) A record indicating a conviction of a Class D felony if the Class D felony conviction:

(A) has been entered as a Class A misdemeanor conviction; or

(B) has been converted to a Class A misdemeanor conviction.

(5) A record that the criminal history provider knows is inaccurate.

Sec. 7. A criminal history provider may not include criminal history data in a criminal history report if the criminal history data has not been updated to reflect changes

to the official record occurring sixty (60) days or more before the date the criminal history report is delivered.

Sec. 8. (a) The attorney general may bring an action to enforce a violation of section 6 or 7 of this chapter. In addition to any injunctive or other relief, the attorney general may recover a civil penalty of:

(1) not more than one thousand dollars ($1,000) for a first violation; and

(2) not more than five thousand dollars ($5,000) for a second or subsequent violation.

(b) Any person injured by a violation of section 6 or 7 of this chapter may bring an action to recover:

(1) the greater of:

(A) actual damages, including consequential damages; or

(B) liquidated damages of five hundred dollars ($500); and

(2) court costs and reasonable attorney's fees.

SECTION 2. IC 34-28-5-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 15. (a) If a person alleged to have violated a statute defining an infraction:**

(1) is not prosecuted or if the action against the person is dismissed;

(2) is adjudged not to have committed the infraction; or

(3) is adjudged to have committed the infraction and the adjudication is subsequently vacated;

the court in which the action was filed shall order the clerk not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

(b) If a court fails to order the court to restrict information related to the infraction under subsection (a), the person may petition the court to restrict disclosure of the records related to the infraction to a noncriminal justice organization or an individual.

(c) A petition under subsection (b) must be verified and filed in:

(1) the court in which the action was filed, for a person described in subsection (a)(1); or

(2) the court in which the trial was held, for a person described in subsection (a)(2) or (a)(3).

(d) A petition under subsection (b) must be filed not earlier than:

(1) if the person is adjudged to have not committed the infraction, thirty (30) days after the date of judgment;

(2) if the person's adjudication is vacated, three hundred sixty-five (365) days after:

(A) the order vacating the adjudication is final, if there is no appeal or the appeal is terminated before entry of an opinion or memorandum decision; or

(B) the opinion or memorandum decision vacating the adjudication is certified; or

(3) if the person is not prosecuted or the action is dismissed, thirty (30) days after the action is dismissed, if a new action is not filed.

(e) A petition under subsection (b) must set forth:

(1) the date of the alleged violation;

(2) the violation;

(3) the date the action was dismissed, if applicable;

(4) the date of judgment, if applicable;

(5) the date the adjudication was vacated, if applicable;

(6) the basis on which the adjudication was vacated, if applicable;

(7) the law enforcement agency employing the officer who issued the complaint, if applicable;

(8) any other known identifying information, such as the name of the officer, case number, or court cause number;

(9) the date of the petitioner's birth; and

(10) the petitioner's Social Security number.

(f) A copy of a petition under subsection (b) shall be served on the prosecuting attorney.

(g) If the prosecuting attorney wishes to oppose a petition under subsection (b), the prosecuting attorney shall, not later than thirty (30) days after the petition is filed, file a notice of opposition with the court setting forth reasons for opposing the petition. The prosecuting attorney shall attach to the notice of opposition a certified copy of any documentary evidence showing that the petitioner is not entitled to relief. A copy of the notice of opposition and copies of any documentary evidence shall be served on the petitioner in accordance with the Indiana Rules of Trial Procedure. The court may:

(1) summarily grant the petition;

(2) set the matter for hearing; or

(3) summarily deny the petition, if the court determines that:

(A) the petition is insufficient; or

(B) based on documentary evidence submitted by the prosecuting attorney, the petitioner is not entitled to have access to the petitioner's records restricted.

(h) If a notice of opposition is filed under subsection (g) and the court does not summarily grant or summarily deny the petition, the court shall set the matter for a hearing.

(i) After a hearing is held under subsection (h), the court shall grant the petition filed under subsection (b) if the person is entitled to relief under subsection (a).

(j) If the court grants a petition filed under subsection (b), the court shall order the clerk not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

SECTION 3. IC 34-28-5-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 16. (a) This chapter applies only to a person found to have committed an infraction.**

(b) Five (5) years after the date a person satisfies a judgment imposed on a person for the violation of an infraction, the clerk of the court shall prohibit the disclosure of information related to the infraction to a noncriminal

justice organization or an individual.

(c) If a person whose records are restricted under this section brings a civil action that might be defended with the contents of the records, the defendant is presumed to have a complete defense to the action.

(d) For the plaintiff to recover in an action described in subsection (c), the plaintiff must show that the contents of the restricted records would not exonerate the defendant.

(e) In an action described in subsection (c), the plaintiff may be required to state under oath whether the disclosure of records relating to an infraction has been restricted.

(f) In an action described in subsection (c), if the plaintiff denies the existence of the records, the defendant may prove the existence of the records in any manner compatible with the law of evidence.

(g) A person whose records have been restricted under this section may legally state on an application for employment or any other document that the person has not been adjudicated to have committed the infraction recorded in the restricted records.

SECTION 4. IC 35-38-8-7, AS ADDED BY P.L.194-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. **(a)** If a court orders a person's records to be restricted under this chapter, the person may legally state on an application for employment or any other document that the person has not been arrested for or convicted of the felony or misdemeanor recorded in the restricted records.

(b) An employer may not ask an employee, contract employee, or applicant whether the person's criminal records have been sealed or restricted. An employer who violates this subsection commits a Class B infraction.

SECTION 5. IC 35-50-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, "Class D felony conviction" means a conviction of a Class D felony in Indiana and a conviction, in any other jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year. However, it does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor **entered** under **IC 35-38-1-1.5 or** section 7(b) **or 7(c)** of this chapter.

(b) As used in this chapter, "felony conviction" means a conviction, in any jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year. However, it does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor under section 7(b) of this chapter.

(c) As used in this chapter, "minimum sentence" means:

(1) for murder, forty-five (45) years;

(2) for a Class A felony, twenty (20) years;

(3) for a Class B felony, six (6) years;

(4) for a Class C felony, two (2) years; and

(5) for a Class D felony, one-half (1/2) year.

SECTION 6. IC 35-50-2-7, AS AMENDED BY P.L.71-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) A person who commits a Class D felony shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) Notwithstanding subsection (a), if a person has committed a Class D felony, the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony if:

(1) the court finds that:

(A) the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and

(B) the prior felony was committed less than three (3) years before the second felony was committed;

(2) the offense is domestic battery as a Class D felony under IC 35-42-2-1.3; or

(3) the offense is possession of child pornography (IC 35-42-4-4(c)).

The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

(c) Notwithstanding subsection (a), the sentencing court may convert a Class D felony conviction to a Class A misdemeanor conviction if, after receiving a verified petition as described in subsection (d) and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person is not a sex or violent offender (as defined in IC 11-8-8-5).

(2) The person was not convicted of a Class D felony that resulted in bodily injury to another person.

(3) The person has not been convicted of perjury under IC 35-44-2-1 or official misconduct under IC 35-44-1-2.

(4) At least three (3) years have passed since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D felony.

(5) The person has not been convicted of a felony since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D felony.

(6) No criminal charges are pending against the person.

(d) A petition filed under subsection (c) must be verified and set forth:

(1) the crime the person has been convicted of;

(2) the date of the conviction;

(3) the date the person completed the person's sentence;

(4) any obligations imposed on the person as part of the sentence;

(5) the date the obligations were satisfied; and

(6) a verified statement that there are no criminal

charges pending against the person.

(e) If a person whose Class D felony conviction has been converted to a Class A misdemeanor conviction under subsection (c) is convicted of a felony within five (5) years after the conversion under subsection (c), a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction.

SECTION 7. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

(b) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(c) The legislative council is urged to assign the following topics to a study committee during the 2012 legislative interim:

(1) The provisions of IC 24-4-18, as added by this act, concerning criminal history providers.

(2) The need for any legislation to amend IC 24-4-18, as added by this act, concerning criminal history providers before IC 24-4-18 takes effect on July 1, 2013.

(d) If the topics described in subsection (c) are assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topics, in an electronic format under IC 5-14-6 not later than November 1, 2012.

(e) This SECTION expires December 31, 2012.

(Reference is to EHB 1033 as reprinted February 29, 2012.)

McMillin, Chair	Steele
Pierce	Hume
House Conferees	Senate Conferees

Roll Call 354: yeas 45, nays 3. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1049–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1049 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-2-7-6, AS ADDED BY P.L.222-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) This section applies if the inspector general finds evidence of misfeasance, malfeasance, nonfeasance, misappropriation, fraud, or other misconduct that has resulted in a financial loss to the state or in an unlawful benefit to an individual in the conduct of state business.

(b) If the inspector general finds evidence described in subsection (a), the inspector general shall certify a report of the matter to the attorney general and provide the attorney general with any relevant documents, transcripts, or written statements. Not later than one hundred eighty (180) days after receipt of the report from the inspector general, the attorney general shall do one (1) of the following:

(1) File a civil action (including an action upon a state officer's official bond) to secure for the state the recovery of funds misappropriated, diverted, missing, or unlawfully gained. Upon request of the attorney general, the inspector general shall assist the attorney general in the investigation, preparation, and prosecution of the civil action.

(2) Inform the inspector general that the attorney general does not intend to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. If the attorney general elects not to file a civil action, the attorney general shall return to the inspector general all documents and files initially provided by the inspector general.

(3) Inform the inspector general that the attorney general is diligently investigating the matter and after further investigation may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. However, if more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general, the attorney general loses the authority to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained and shall return to the inspector general all documents and files initially provided by the inspector general.

(c) If the inspector general has found evidence described in subsection (a) and reported to the attorney general under subsection (b) and:

(1) the attorney general has elected under subsection (b)(2) not to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained; or

(2) under subsection (b)(3) more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general under subsection (b) and the attorney general has not filed a civil action;

the inspector general may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained.

(d) If the inspector general has found evidence described in subsection (a), the inspector general may institute forfeiture proceedings under IC 34-24-2 in a court having jurisdiction in a county where property derived from or realized through the misappropriation, diversion, disappearance, or unlawful gain of state funds may be located, unless a prosecuting attorney has

already instituted forfeiture proceedings against that property.

(e) The inspector general may directly institute civil proceedings against a person who has failed to pay civil penalties imposed by the ethics commission under IC 4-2-6-12.

SECTION 2. IC 4-6-3-2, AS AMENDED BY P.L.111-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The attorney general shall have charge of and direct the prosecution of all civil actions that are brought in the name of the state of Indiana or any state agency.

(b) In no instance under this section shall the state or a state agency be required to file a bond.

(c) This section does not affect the authority of prosecuting attorneys to prosecute civil actions.

(d) This section does not affect the authority of the inspector general to prosecute a civil action under IC 4-2-7-6 for the recovery of **any of the following:**

(1) Funds misappropriated, diverted, missing, or unlawfully gained.

(2) A civil penalty imposed by the state ethics commission under IC 4-2-6-12.

(e) The attorney general may bring an action to collect unpaid registration fees owed by a commercial dog broker or a commercial dog breeder under IC 15-21.

SECTION 3. IC 5-11-5-1, AS AMENDED BY P.L.176-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Whenever an examination is made under this article, a report of the examination shall be made. The report must include a list of findings and shall be signed and verified by the examiner making the examination. A finding that is critical of an examined entity must be based upon one (1) of the following:

(1) Failure of the entity to observe a uniform compliance guideline established under IC 5-11-1-24(a).

(2) Failure of the entity to comply with a specific law.

A report that includes a finding that is critical of an examined entity must designate the uniform compliance guideline or the specific law upon which the finding is based. The reports shall immediately be filed with the state examiner, and, after inspection of the report, the state examiner shall immediately file one (1) copy with the officer or person examined, one (1) copy with the auditing department of the municipality examined and reported upon, and one (1) copy in an electronic format under IC 5-14-6 of the reports of examination of state agencies, instrumentalities of the state, and federal funds administered by the state with the legislative services agency, as staff to the general assembly. Upon filing, the report becomes a part of the public records of the office of the state examiner, of the office or the person examined, of the auditing department of the municipality examined and reported upon, and of the legislative services agency, as staff to the general assembly. A report is open to public inspection at all reasonable times after it is filed. If an examination discloses malfeasance, misfeasance, or nonfeasance in office or of any officer or employee, a copy of the report, signed and verified, shall be placed by the state examiner with the attorney general **and the inspector general.** The attorney general shall diligently institute and prosecute civil proceedings against the delinquent officer, or upon the officer's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(b) Before an examination report is signed, verified, and filed as required by subsection (a), the officer or the chief executive officer of the state office, municipality, or entity examined must have an opportunity to review the report and to file with the state examiner a written response to that report. If a written response is filed, it becomes a part of the examination report that is signed, verified, and filed as required by subsection (a).

(c) Except as required by subsections (b) and (d), it is unlawful for any deputy examiner, field examiner, or private examiner, before an examination report is made public as provided by this section, to make any disclosure of the result of any examination of any public account, except to the state examiner or if directed to give publicity to the examination report by the state examiner or by any court. If an examination report shows or discloses the commission of a crime by any person, it is the duty of the state examiner to transmit and present the examination report to the grand jury of the county in which the crime was committed at its first session after the making of the examination report and at any subsequent sessions that may be required. The state examiner shall furnish to the grand jury all evidence at the state examiner's command necessary in the investigation and prosecution of the crime.

(d) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of the public funds was committed by the officer or an employee of the office.

(e) After receiving a preliminary report under subsection (d), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(f) In an action under subsection (e), the attorney general may attach the defendant's property under IC 34-25-2.

(g) A preliminary report under subsection (d) is confidential until the final report under subsection (a) is issued, unless the

attorney general institutes an action under subsection (e) on the basis of the preliminary report.

SECTION 4. IC 5-11-6-1, AS AMENDED BY P.L.176-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The state examiner, personally or through the deputy examiners, field examiners, or private examiners, upon the petition of twenty-five (25) interested taxpayers showing that effective local relief has not and cannot be obtained after due effort, shall make the inquiries, tests, examinations, and investigations that may be necessary to determine whether:

(1) any public contract has been regularly and lawfully executed and performed; or

(2) any public work, building, or structure has been or is being performed, built, or constructed in accordance with the terms and provisions of the contract, and in compliance with the plans and specifications, if any.

Upon a written petition of twenty-five (25) taxpayers, the state examiner may also require all plans, specifications, and estimates to be submitted to the state examiner for corrections and approval before a contract is awarded.

(b) The state examiner, deputy examiner, and any field examiner, when engaged in making an inquiry, test, examination, or investigation under subsection (a), is entitled to examine and inspect any public records, documents, data, contracts, plans, and specifications contained or found in any public office or other place pertaining or relating to the public contract or public work, building, or structure. In addition, subpoenas may be issued to witnesses to appear before the examiner in person or to produce books and papers for inspection and examination. The state examiner, deputy, field, and private examiner may administer oaths and examine witnesses under oath either orally or by interrogatories on all matters under examination and investigation. Under order of the state examiner, the examination may be transcribed, with the reasonable expense paid by the municipality in the same manner as the compensation of the field examiner is paid.

(c) The state examiner, the deputy examiner, and a field examiner may enforce attendance and answers to questions and interrogatories, as provided by law, with respect to examinations and investigations made by the state examiner, deputy examiner, field examiner, or private examiner of public offices.

(d) The state examiner, deputy examiner, any field examiner, and any private examiner, when making an examination or investigation under subsection (a), shall examine, inspect, and test the public works, buildings, or structures in the manner that the examiner sees fit to determine whether it is being performed, built, or constructed according to the contract and plans and specifications.

(e) The state examiner shall file a report covering any examination or investigation that discloses:

(1) fraud, collusion, misconduct, or negligence in the letting or the execution of any public contract or in the performance of any of the terms and conditions of any public contract; or

(2) any failure to comply with the terms or conditions of any public contract in the construction of any public work, building, or structure or to perform, build, or construct it according to the plans and specifications, if any, provided in the contract;

that causes loss, injury, waste, or damage to the state, the municipality, taxing or assessment district, other public entity, or to its citizens, if it is enforceable by assessment or taxation.

(f) The report must meet the following requirements:

(1) The report must be made, signed, and verified in quadruplicate by the examiner making the examination.

(2) The report shall be filed promptly with the state examiner.

After inspection of the report, the state examiner shall file a copy of the report promptly with the attorney general **and the inspector general.**

(g) The attorney general shall diligently institute and prosecute civil proceedings against any or all officers, individuals, and persons in the form and manner that the attorney general determines will secure a proper recovery to the state, municipality, taxing or assessment district, or other public entity injured, defrauded, or damaged by the matters in the report. These prosecutions may be made by the attorney general and the recovery may be had, either upon public official bonds, contractors' bonds, surety or other bonds, or upon individual liability, either upon contract or in tort, as the attorney general determines is wise. No action or recovery in any form or manner, or against any party or parties, precludes further or additional action or recovery in any other form or manner or against another party, either concurrently with or later found necessary, to secure complete recovery and restitution with respect to all matters exhibited, set out, or described in the report. The suits may be brought in the name of the state on the relation of the attorney general for the benefit of the state, or the municipality, taxing or assessment district, or other public entity that may be proper. The actions brought against any defendants may be joined, as to parties, form, and causes of action, in the manner that the attorney general decides.

(h) Any report described in this section or a copy duly certified by the state examiner shall be taken and received in any and all courts of this state as prima facie evidence of the facts stated and contained in the reports.

(i) If an examination, investigation, or test is made without a petition being first filed and the examination, investigation, or test shows that the terms of the contract are being complied with, then the expense of the examination, investigation, or test shall be paid by the state upon vouchers approved by the state examiner from funds available for contractual service of the state board of accounts. If such a report shows misfeasance, malfeasance, or nonfeasance in public office or shows that the terms of the plans and specifications under which a contract has been awarded are not being complied with, it is unlawful to make the report public until the report has been certified to the attorney

general.

(j) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that all of the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of public funds was committed by the officer or an employee of the office.

(k) After receiving a preliminary report under subsection (j), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(l) In an action under subsection (k), the attorney general may attach the defendant's property under IC 34-25-2.

(m) A preliminary report under subsection (j) is confidential until the final report under subsection (e) is issued, unless the attorney general institutes an action under subsection (k) on the basis of the preliminary report.

SECTION 5. IC 5-11-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. If any examination or investigation made by the state examiner personally or through a deputy examiner, field examiner, or private examiner under ~~of~~ this chapter or ~~of~~ **under** any other statute discloses:

(1) malfeasance, misfeasance, or nonfeasance in office or of any officer or employee;

(2) that any public money has been:

(A) unlawfully expended, either by having been expended for a purpose not authorized by law in an amount exceeding that authorized by law, or by having been paid to a person not lawfully entitled to receive it; or

(B) obtained by fraud or in any unlawful manner; or

(3) that any money has been wrongfully withheld from the public treasury;

a duly verified copy of the report shall be submitted by the state examiner to the attorney general, who shall institute and prosecute civil proceedings as provided in section 1 of this chapter, **and to the inspector general.**

SECTION 6. IC 12-23-14-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) The court may require an eligible individual to pay a fee for a service of a program.

(b) If a fee is required, the court shall adopt by court rule a schedule of fees to be assessed for program services.

(c) The fee for program services, **excluding reasonable fees for education or treatment and rehabilitation services,** may not exceed four hundred dollars ($400).

(d) A fee collected **under this chapter** shall be deposited in the city or county user fee fund.

SECTION 7. IC 33-23-16-13, AS ADDED BY P.L.108-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. An individual is eligible to participate in a problem solving court program only if:

(1) the individual meets all of the eligibility criteria established by the board under section 12 of this chapter;

(2) the judge of the problem solving court approves the admission of the individual to the problem solving court program; and

(3) the individual is referred to the problem solving court as a result of at least one (1) of the following:

(A) A condition of a pretrial diversion program authorized by statute or authorized by the judge of the problem solving court and the prosecuting attorney.

(B) The procedure described in section 14 of this chapter.

(C) The procedure described in section 15 of this chapter.

(D) A condition of probation.

(E) A condition of participation in a community corrections program under IC 11-12-1.

(F) A condition of participation in a forensic diversion program under IC 11-12-3.7.

(G) A condition of a community transition program under IC 11-10-11.5.

(H) A condition of parole.

(I) An order in a dispositional decree under IC 31-34-20 to participate in a family dependency drug court if the individual is a parent, guardian, or another household member of a child adjudicated a child in need of services.

(J) A condition of an informal adjustment program under IC 31-37-9.

(K) Involvement in:

(i) a child support proceeding;

(ii) a mental health commitment; or

(iii) a civil protection proceeding.

(L) A condition of an informal adjustment program under IC 31-34-8.

SECTION 8. IC 33-23-16-15, AS AMENDED BY P.L.187-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) A problem solving court may place an individual in a problem solving court program under this section ~~only~~ if

~~(1)~~ the individual is convicted of an offense that is nonsuspendible and the individual meets the conditions for eligibility set forth in section 13(1) and 13(2) of this chapter. ~~and~~

~~(2) the individual agrees to the conditions of participation in the problem solving court program.~~

(b) If the requirements of subsection (a) are met, ~~in the case of an individual,~~ the court may:

(1) order the execution of the individual's nonsuspendible sentence and stay execution of all or part of the nonsuspendible part of the individual's sentence pending the individual's successful completion of a problem solving court program; and

(2) suspend all or part of the suspendible part of the individual's nonsuspendible sentence, place the individual on probation for the suspended part of the sentence, and require as a condition of probation that the person successfully complete a problem solving court program.

(c) If an individual has been terminated from a problem solving court program under this section as provided in section 14.5 of this chapter, the ~~problem solving~~ court may:

(1) if the person is serving the nonsuspendible part of the person's sentence:

(A) lift the stay of execution of the nonsuspendible part of the individual's sentence and order the individual to serve all or a part of the nonsuspendible sentence; or

(B) otherwise dispose of the case; or

(2) if the individual is serving the suspendible part of the individual's sentence:

(A) order all or a part of the individual's suspendible sentence to be executed; or

(B) otherwise dispose of the case.

(d) If an individual successfully completes a problem solving court program under this section, the ~~problem solving~~ court may:

(1) waive execution of the nonsuspendible part of the individual's sentence; or

(2) otherwise dispose of the case.

SECTION 9. IC 34-6-2-44.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 44.8. (a) An individual is a "family or household member" of another person if the individual:

(1) is a current or former spouse of the other person;

(2) is dating or has dated the other person;

(3) is engaged or was engaged in a sexual relationship with the other person;

(4) is related by blood or adoption to the other person;

(5) is or was related by marriage to the other person;

(6) has or previously had an established legal relationship:

(A) as a guardian of the other person;

(B) as a ward of the other person;

(C) as a custodian of the other person;

(D) as a foster parent of the other person; or

(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); ~~or~~

(7) has a child in common with the other person; **or**

(8) has adopted a child of the other person.

(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), ~~or~~ (a)(7), **or (a)(8)** applies if the individual is a minor child of one (1) of the persons.

SECTION 10. IC 33-23-16-23, AS ADDED BY P.L.108-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) The board shall adopt rules establishing a range of fees that may be assessed to an eligible individual to receive problem solving court services under this chapter.

(b) A court that has established a problem solving court under this chapter may require eligible individuals to pay a fee for problem solving court services.

(c) If a fee is required under subsection (b), the court shall adopt by local court rule a schedule of fees, consistent with the rules adopted by the board under subsection (a), to be assessed for problem solving court services.

(d) The **problem solving court or the** clerk of the court shall collect fees under this section. **If the problem solving court collects fees under this section, the problem solving court shall transfer all collected fees to the clerk of the court not later than fourteen (14) days after the fees are collected.** The clerk **of the court** shall ~~transmit~~ **transfer** the fees within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.

(e) Fees collected under this section must be used only to fund problem solving court services under this chapter.

SECTION 11. IC 33-23-16-23.5, AS ADDED BY P.L.187-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23.5. (a) A parent or guardian of a child:

(1) who is:

(A) adjudicated a delinquent child; or

(B) in a program of informal adjustment approved by a juvenile court under IC 31-37-9; and

(2) who is accepted into a problem solving court program;

is financially responsible for the problem solving court services fee and chemical testing expenses assessed against the child by the problem solving court under this chapter.

(b) A parent or guardian of a child described in subsection (a) shall, before a hearing under subsection (c) concerning payment of fees and expenses assessed against the child, provide financial information to the problem solving court as ordered by the problem solving court.

(c) The problem solving court shall hold a hearing and may order the parent or guardian to pay fees and expenses assessed against a child described in subsection (a) unless the problem solving court makes a specific finding that:

(1) the parent or guardian is unable to pay the fees or expenses; or

(2) justice would not be served by ordering the parent or guardian to pay the fees or expenses.

(d) If a parent or guardian is ordered to pay fees or expenses under this section, the parent or guardian shall pay the fees or expenses to **the problem solving court or** the clerk of the court.

The problem solving court shall keep a record of all payments made under this section by each parent or guardian. When a child is discharged from a problem solving court program, the problem solving court shall determine the amount of any unpaid fees or expenses a parent or guardian owes under this section. The problem solving court may reduce the unpaid balance to a final judgment that may be enforced in any court that has appropriate jurisdiction.

SECTION 12. IC 33-34-8-1, AS AMENDED BY P.L.176-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

(1) A township docket fee of five dollars ($5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.

(2) The bailiff's service of process by registered or certified mail fee of thirteen dollars ($13) for each service.

(3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars ($13) for each service.

(4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.

(5) A redocketing fee, if any, of five dollars ($5).

(6) A document storage fee under IC 33-37-5-20.

(7) An automated record keeping fee under IC 33-37-5-21.

(8) A late fee, if any, under IC 33-37-5-22.

(9) A public defense administration fee under IC 33-37-5-21.2.

(10) A judicial insurance adjustment fee under IC 33-37-5-25.

(11) A judicial salaries fee under IC 33-37-5-26.

(12) A court administration fee under IC 33-37-5-27.

(13) Before July 1, 2017, a pro bono legal services fee under IC 33-37-5-31.

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 13. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss), SECTION 391, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ Township of Marion County Small Claims Court (with the name of the township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate. All township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.

(b) The court shall:

(1) semiannually distribute to the auditor of state:

(A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the homeowner protection unit account established by IC 4-6-12-9 and the state user fee fund established under IC 33-37-9;

(B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

(C) sixty percent (60%) of all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2; ~~and~~

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; **and**

(F) one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, by the court under IC 33-37-5-31; and

(2) distribute monthly to the county auditor all document storage fees received by the court.

The remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E) shall be deposited monthly in the township general fund of the township in which the court is located. The county auditor shall deposit fees distributed under subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

(c) The court semiannually shall pay to the township trustee of the township in which the court is located the remaining forty percent (40%) of the court administration fees described under subsection (b)(1)(C) to fund the operations of the small claims court in the trustee's township.

SECTION 14. IC 33-37-4-4, AS AMENDED BY P.L.105-2009, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars ($100) from a party filing a civil action. This subsection does not apply to the following civil actions:

(1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).

(2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).

(3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

(4) Proceedings in paternity under IC 31-14.

(5) Proceedings in small claims court under IC 33-34.

(6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A support and maintenance fee (IC 33-37-5-6).
(3) A document storage fee (IC 33-37-5-20).
(4) An automated record keeping fee (IC 33-37-5-21).
(5) A public defense administration fee (IC 33-37-5-21.2).
(6) A judicial insurance adjustment fee (IC 33-37-5-25).
(7) A judicial salaries fee (IC 33-37-5-26).
(8) A court administration fee (IC 33-37-5-27).
(9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
(10) A garnishee service fee (IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4)).
(11) For a mortgage foreclosure action filed after June 30, 2009, and before January 1, 2013, a mortgage foreclosure counseling and education fee (IC 33-37-5-30 (before its expiration on January 1, 2013)).
(12) Before July 1, 2017, a pro bono legal services fee (IC 33-37-5-31).

SECTION 15. IC 33-37-4-6, AS AMENDED BY P.L.174-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) For each small claims action, the clerk shall collect the following fees:

(1) From the party filing the action:
(A) a small claims costs fee of thirty-five dollars ($35);
(B) a small claims service fee of ten dollars ($10) for each named defendant that is not a garnishee defendant; and
(C) if the party has named more than three (3) garnishees or garnishee defendants, a small claims garnishee service fee of ten dollars ($10) for each garnishee or garnishee defendant in excess of three (3).
(2) From any party adding a defendant that is not a garnishee defendant, a small claims service fee of ten dollars ($10) for each defendant that is not a garnishee defendant added in the action.
(3) From any party adding a garnishee or garnishee defendant, a small claims garnishee service fee of ten dollars ($10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a small claims garnishee service fee for the first three (3) garnishees named in the action.

However, a clerk may not collect a small claims costs fee, small claims service fee, or small claims garnishee service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee, small claims service fee, and small claims garnishee service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
(2) A document storage fee (IC 33-37-5-20).
(3) An automated record keeping fee (IC 33-37-5-21).
(4) A public defense administration fee (IC 33-37-5-21.2).
(5) A judicial insurance adjustment fee (IC 33-37-5-25).
(6) A judicial salaries fee (IC 33-37-5-26).
(7) A court administration fee (IC 33-37-5-27).
(8) Before July 1, 2017, a pro bono legal services fee (IC 33-37-5-31).

SECTION 16. IC 33-37-4-7, AS AMENDED BY P.L.176-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided under subsection (c), the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars ($120) for each action filed under any of the following:

(1) IC 6-4.1-5 (determination of inheritance tax).
(2) IC 29 (probate).
(3) IC 30 (trusts and fiduciaries).

(b) In addition to the probate costs fee collected under subsection (a), the clerk shall collect from the party filing the action the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
(2) A document storage fee (IC 33-37-5-20).
(3) An automated record keeping fee (IC 33-37-5-21).
(4) A public defense administration fee (IC 33-37-5-21.2).
(5) A judicial insurance adjustment fee (IC 33-37-5-25).
(6) A judicial salaries fee (IC 33-37-5-26).
(7) A court administration fee (IC 33-37-5-27).
(8) Before July 1, 2017, a pro bono legal services fee (IC 33-37-5-31).

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

(1) Petition to open a safety deposit box.
(2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.
(3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 17. IC 33-37-5-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 31. In each:**

(1) civil action in which the clerk is required to collect a civil costs fee under IC 33-37-4-4(a);
(2) small claims action in which:
(A) a party is required to pay a township docket fee under IC 33-34-8-1(a)(1); or
(B) the clerk is required to collect a small claims costs fee under IC 33-37-4-6; or
(3) probate action in which the clerk is required to collect a probate costs fee under IC 33-37-4-7(a);

the clerk shall, before July 1, 2017, collect a pro bono legal services fee of one dollar ($1).

SECTION 18. IC 33-37-7-2, AS AMENDED BY SEA 287-2012, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under

IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-3(a) (juvenile costs fees).

(4) IC 33-37-4-4(a) (civil costs fees).

(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(6) IC 33-37-4-7(a) (probate costs fees).

(7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(7) The following:

(A) For a county operating under the state's automated judicial system, one hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(B) For a county not operating under the state's automated judicial system, eighty percent (80%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance account established by IC 5-2-6-23(h) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(h) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(j) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(k) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

(1) The mortgage foreclosure counseling and education fees collected under IC 33-37-5-30 (before its expiration on January 1, 2013).

(2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(m) This subsection applies to a county that is not operating under the state's automated judicial system. The clerk of a circuit court shall distribute monthly to the county auditor twenty percent (20%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a) for deposit in the clerk's record perpetuation fund.

(n) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 19. IC 33-37-7-8, AS AMENDED BY P.L.182-2009(ss), SECTION 396, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the following:

(1) The late payment fees collected under IC 33-37-5-22.

(2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

(3) The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The DNA sample processing fees collected under IC 33-37-5-26.2.

(3) The court administration fees collected under IC 33-37-5-27.

(h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26. The funds retained by the city or town shall be prioritized to fund city or town court operations.

(j) The clerk of a city or town court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

(Reference is to EHB 1049 as reprinted February 28, 2012.)

Koch, Chair	Bray
Pierce	Lanane
House Conferees	Senate Conferees

Roll Call 355: yeas 46, nays 3. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1200–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1200 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 11-8-7-2, AS ADDED BY P.L.64-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The department ~~may~~ **shall** establish an automated victim notification system that must do the following:

(1) Automatically notify a registered crime victim when a committed offender who committed the crime against the victim:

(A) is assigned to a:

(i) department facility; or

(ii) county jail or any other facility not operated by the department;

(B) is transferred to a:

(i) department facility; or

(ii) county jail or any other facility not operated by the department;

(C) is given a different security classification;

(D) is released on temporary leave;

(E) is discharged; ~~or~~

(F) has escaped;

(G) has a change in the committed offender's expected date of release from incarceration;

(H) is scheduled to have a parole release hearing;

(I) has requested clemency or pardon consideration;

(J) is to be placed in a minimum security:

(i) facility; or

(ii) work release program;

or is permitted to participate in another minimum security assignment; or

(K) dies during the committed offender's period of incarceration.

(2) Allow a registered crime victim to receive the most recent status report for an offender by calling the automated victim notification system on a toll free telephone number.

(3) Allow a crime victim to register or update the victim's registration for the automated victim notification system by calling a toll free telephone number.

(b) For purposes of subsection (a), ~~if the department establishes an automated victim notification system,~~ a sheriff responsible for the operation of a county jail shall immediately notify the department if a committed offender:

(1) is transferred to another county jail or another facility not operated by the department of correction;

(2) is released on temporary leave;

(3) is discharged; or

(4) has escaped.

Sheriffs and other law enforcement officers and prosecuting attorneys shall cooperate with the department in establishing and maintaining an automated victim notification system.

(c) An automated victim notification system may transmit information to a person by:

(1) telephone;

(2) electronic mail; or

(3) another method as determined by the department.

(d) The department shall provide the opportunity for a registered crime victim to receive periodic status reports concerning the committed offender who committed the crime against the registered crime victim, including reports stating:

(1) the committed offender's projected date of release from imprisonment;

(2) the facility where the committed offender is imprisoned; and

(3) the current security classification of the committed offender.

(e) A registered crime victim may choose to receive a status report described in subsection (d):

(1) annually;

(2) quarterly;

(3) monthly; or

(4) when triggered by an event described in subsection (a)(1).

SECTION 2. IC 11-13-1-8, AS AMENDED BY P.L.1-2007, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

(1) educational and occupational qualifications for employment as a probation officer;

(2) compensation of probation officers;

(3) protection of probation records and disclosure of information contained in those records; ~~and~~

(4) presentence investigation reports;

(5) a schedule of progressive probation incentives and violation sanctions, including judicial review procedures; and

(6) qualifications for probation officers to administer probation violation sanctions under IC 35-38-2-3(e).

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

(1) the implementation and management of probation case classification; and

(2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the department of child services and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

(1) Eligibility standards.

(2) Testing requirements and procedures.

(3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.

(4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.

(5) Development and implementation of individual education programs for eligible children in:

(A) accordance with applicable requirements of state and federal laws and rules; and

(B) coordination with:

(i) individual case plans; and

(ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.

(6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, mental retardation, and developmental disabilities.

(h) The conference shall make recommendations to courts and probation departments concerning:

(1) selection, training, distribution, and removal of probation officers;

(2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and

(3) use of citizen volunteers and public and private agencies.

(i) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center.

SECTION 3. IC 11-13-3-3, AS AMENDED BY P.L.105-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A person sentenced under IC 35-50 shall be released on parole or discharged from the person's term of imprisonment under IC 35-50 without a parole release hearing.

(b) A person sentenced for an offense under laws other than IC 35-50 who is eligible for release on parole, or a person whose parole is revoked and is eligible for reinstatement on parole under rules adopted by the parole board shall, before the date of the person's parole eligibility, be granted a parole release hearing to determine whether parole will be granted or denied. The hearing shall be conducted by one (1) or more of the parole board members. If one (1) or more of the members conduct the hearing on behalf of the parole board, the final decision shall be rendered by the full parole board based upon the record of the proceeding and the hearing conductor's findings. Before the hearing, the parole board shall order an investigation to include the collection and consideration of:

(1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;

(2) official reports of the person's history of criminality;

(3) reports of earlier parole or probation experiences;

(4) reports concerning the person's present commitment that are relevant to the parole release determination;

(5) any relevant information submitted by or on behalf of the person being considered; and

(6) such other relevant information concerning the person as may be reasonably available.

(c) Unless the victim has requested in writing not to be notified, the department shall notify a victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of an offender imprisoned for the commission of a felony when the offender is:

(1) to be discharged from imprisonment;

(2) to be released on parole under IC 35-50-6-1;

(3) to have a parole release hearing under this chapter;

(4) to have a parole violation hearing;

(5) an escaped committed offender; or

(6) to be released from departmental custody under any temporary release program administered by the department, including the following:

(A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a regulated community assignment program.

(B) Assignment to a minimum security work release program.

(d) The department shall make the notification required under subsection (c):

(1) not later than twenty-four (24) hours after the escape of a committed offender;

~~(1)~~ **(2)** at least forty (40) days before: ~~a~~

(A) the discharge **or** release **of a committed offender;** or

(B) the date of a hearing ~~occurs;~~ **concerning a committed offender's possible discharge or release;** and

~~(2)~~ **(3) if the date of a committed offender's discharge or release as referred to in subdivision (2)(A) is changed during the forty (40) day notification period referred to in subdivision (2),** not ~~later~~ **more** than ~~twenty-four (24) hours after the escape of a committed offender.~~ **forty-eight (48) hours after the change in the discharge or release date.**

The department shall supply the information to a victim (or a next of kin of a victim in the appropriate case) and a witness at the address supplied to the department by the victim (or next of kin) or witness. A victim (or next of kin) is responsible for supplying the department with any change of address or telephone number of the victim (or next of kin).

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness, of the right of the victim or witness to receive notification from the department under subsection (c). The probation department for the sentencing court shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department of correction. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days from the receipt of the information from the victim. A victim (or next of kin) is responsible for supplying the department with the correct address and telephone number of the victim (or next of kin).

(f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not have access to the name and address of a victim and a witness. Upon the filing of a motion by any person requesting or objecting to the release of victim information, witness information, or both that is retained by the department, the court shall review the information that is the subject of the motion in camera before ruling on the motion.

(g) The notice required under subsection (c) must specify whether the prisoner is being discharged, is being released on parole, is being released on lifetime parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

(1) The name of the prisoner.
(2) The date of the offense.
(3) The date of the conviction.
(4) The felony of which the prisoner was convicted.
(5) The sentence imposed.
(6) The amount of time served.
(7) The date and location of the interview (if applicable).

(h) The parole board shall adopt rules under IC 4-22-2 and make available to offenders the criteria considered in making parole release determinations. The criteria must include the:

(1) nature and circumstances of the crime for which the offender is committed;
(2) offender's prior criminal record;
(3) offender's conduct and attitude during the commitment; and
(4) offender's parole plan.

(i) The hearing prescribed by this section may be conducted in an informal manner without regard to rules of evidence. In connection with the hearing, however:

(1) reasonable, advance written notice, including the date, time, and place of the hearing shall be provided to the person being considered;
(2) the person being considered shall be given access, in accord with IC 11-8-5, to records and reports considered by the parole board in making its parole release decision;
(3) the person being considered may appear, speak in the person's own behalf, and present documentary evidence;
(4) irrelevant, immaterial, or unduly repetitious evidence shall be excluded; and
(5) a record of the proceeding, to include the results of the parole board's investigation, notice of the hearing, and evidence adduced at the hearing, shall be made and preserved.

(j) If parole is denied, the parole board shall give the person written notice of the denial and the reasons for the denial. The parole board may not parole a person if it determines that there is substantial reason to believe that the person:

(1) will engage in further specified criminal activity; or
(2) will not conform to appropriate specified conditions of parole.

(k) If parole is denied, the parole board shall conduct another parole release hearing not earlier than five (5) years after the date of the hearing at which parole was denied. However, the board may conduct a hearing earlier than five (5) years after denial of parole if the board:

(1) finds that special circumstances exist for the holding of a hearing; and
(2) gives reasonable notice to the person being considered for parole.

(l) The parole board may parole a person who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which that person is imprisoned.

(m) If the board is considering the release on parole of an offender who is serving a sentence of life in prison, a determinate term of imprisonment of at least ten (10) years, or an indeterminate term of imprisonment with a minimum term of at least ten (10) years, in addition to the investigation required under subsection (b), except as provided in subsection (n), the board may order and consider a community investigation, which may include an investigation and report that substantially reflects the attitudes and opinions of:

(1) the community in which the crime committed by the offender occurred;
(2) law enforcement officers who have jurisdiction in the community in which the crime occurred;
(3) the victim of the crime committed by the offender, or if the victim is deceased or incompetent for any reason, the victim's relatives or friends; and
(4) friends or relatives of the offender.

If the board reconsiders for release on parole an offender who was previously released on parole and whose parole was revoked under section 10 of this chapter, the board may use a community investigation prepared for an earlier parole hearing to comply with this subsection. However, the board shall accept and consider any supplements or amendments to any previous statements from the victim or the victim's relatives or friends.

(n) The board shall conduct the community investigation described in subsection (m) if:

(1) the person was convicted of a crime of violence (as defined in IC 35-50-1-2); or

(2) the person is a sex offender (as defined in IC 11-8-8-4.5).

(o) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

SECTION 4. IC 16-41-6-1, AS AMENDED BY P.L.94-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in IC 16-41-8-6, IC 16-41-10-2.5, and subsection (b), a person may not perform a screening or confirmatory test for the antibody or antigen to HIV without the oral or written consent of the individual to be tested or a representative as authorized under IC 16-36-1. A physician ordering the test or the physician's authorized representative shall document whether or not the individual has consented. The test for the antibody or antigen to HIV may not be performed on a woman under section 5 or 6 of this chapter if the woman refuses under section 7 of this chapter to consent to the test.

(b) The test for the antibody or antigen to HIV may be performed if one (1) of the following conditions exists:

(1) If ordered by a physician who has obtained a health care consent under IC 16-36-1 or an implied consent under emergency circumstances and the test is medically necessary to diagnose or treat the patient's condition.

(2) Under a court order based on clear and convincing evidence of a serious and present health threat to others posed by an individual. A hearing held under this subsection shall be held in camera at the request of the individual.

(3) If the test is done on blood collected or tested anonymously as part of an epidemiologic survey under IC 16-41-2-3 or IC 16-41-17-10(a)(5).

(4) The test is ordered under section 4 of this chapter.

(5) The test is required or authorized under IC 11-10-3-2.5.

(c) A court may order a person to undergo testing for HIV under IC 35-38-1-10.5(a) or ~~IC 35-38-2-2.3(a)(16).~~ **IC 35-38-2-2.3(a)(17).**

SECTION 5. IC 31-37-19-1, AS AMENDED BY P.L.146-2008, SECTION 647, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(4) Award wardship to a:

(A) person, other than the department; or

(B) shelter care facility.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian;

to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child.

(b) If the child is removed from the child's home and placed in a foster family home or another facility, the juvenile court shall:

(A) approve a permanency plan for the child;

(B) find whether or not reasonable efforts were made to prevent or eliminate the need for the removal;

(C) designate responsibility for the placement and care of the child with the probation department; and

(D) find whether it:

(i) serves the best interests of the child to be removed; and

(ii) would be contrary to the health and welfare of the child for the child to remain in the home.

(c) If a dispositional decree under this section:

(1) orders or approves removal of a child from the child's home or awards wardship of the child to a:

(A) person other than the department; or

(B) shelter care facility; and

(2) is the first court order in the delinquent child proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;

the court shall include in the decree the appropriate findings and conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).

(d) If the juvenile court orders supervision of the child by the probation department under subsection (a)(1), the child or the child's parent, guardian, or custodian is responsible for any costs resulting from the participation in a rehabilitative service or educational class provided by the probation department. Any costs collected for services provided by the probation department shall be deposited in the county supplemental juvenile probation services fund.

SECTION 6. IC 31-37-19-5, AS AMENDED BY P.L.146-2008, SECTION 650, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This

section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

(1) Order supervision of the child by the probation department as a condition of probation under this subdivision. The juvenile court shall after a determination under IC 11-8-8-5 require a child who is adjudicated a delinquent child for an act that would be an offense described in IC 11-8-8-5 if committed by an adult to register with the local law enforcement authority under IC 11-8-8.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

(c) If the juvenile court orders supervision of the child by the probation department under subsection (b)(1), the child or the child's parent, guardian, or custodian is responsible for any costs resulting from the participation in a rehabilitative service or educational class provided by the probation department. Any costs collected for services or classes provided by the probation department shall be deposited in the county supplemental juvenile probation services fund.

SECTION 7. IC 35-38-1-7.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.8. (a) At the time of sentencing, a court shall determine whether a person is a credit restricted felon (as defined in IC 35-31.5-2-72).**

(b) A determination under subsection (a) must be based upon:

(1) evidence admitted at trial that is relevant to the credit restricted status;

(2) evidence introduced at the sentencing hearing; or

(3) a factual basis provided as part of a guilty plea.

(c) Upon determining that a defendant is a credit restricted felon, a court shall advise the defendant of the consequences of this determination.

SECTION 8. IC 35-38-1-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 31. (a) If a court imposes on a person convicted of a felony a sentence that involves a commitment to the department of correction, the court shall complete an abstract of judgment in an electronic format approved by the department of correction and the division of state court administration. The abstract of judgment must include, but not be limited to:**

(1) each offense the person is convicted of;

(2) the sentence, including whether the sentence includes a suspended sentence, probation, or direct commitment to community corrections; and

(3) whether the person is a credit restricted felon.

(b) If a person convicted of a felony is committed to the department of correction by a court as a result of a violation of the terms of probation or other community placement, the court shall state in the abstract of judgment the specific reasons for revocation if probation, parole, or a community corrections placement has been revoked.

SECTION 9. IC 35-38-2-2.3, AS AMENDED BY P.L.111-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

(1) Work faithfully at suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment.

(2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.

(3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.

(4) Participate in a treatment program, educational class, or rehabilitative service provided by a probation department or by referral to an agency.

~~(4)~~ **(5)** Support the person's dependents and meet other family responsibilities.

~~(5)~~ **(6)** Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.

~~(6)~~ **(7)** Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.

~~(7)~~ **(8)** Pay a fine authorized by IC 35-50.

~~(8)~~ **(9)** Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.

~~(9)~~ **(10)** Report to a probation officer at reasonable times as directed by the court or the probation officer.

~~(10)~~ **(11)** Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.

~~(11)~~ **(12)** Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.

~~(12)~~ **(13)** Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.

~~(13)~~ **(14)** Perform uncompensated work that benefits the community.

~~(14)~~ **(15)** Satisfy other conditions reasonably related to the person's rehabilitation.

~~(15)~~ **(16)** Undergo home detention under IC 35-38-2.5.

~~(16)~~ **(17)** Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:

(A) the person had been convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or

(B) the person had been convicted of an offense relating to a controlled substance and the offense involved:

(i) the delivery by any person to another person; or

(ii) the use by any person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

~~(17)~~ **(18)** Refrain from any direct or indirect contact with an individual and, if convicted of an offense under IC 35-46-3, any animal belonging to the individual.

~~(18)~~ **(19)** Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).

~~(19)~~ **(20)** Periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

~~(20)~~ **(21)** If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

~~(21)~~ **(22)** Refrain from owning, harboring, or training an animal.

~~(22)~~ **(23)** Participate in a reentry court program.

(b) When a person is placed on probation, the person shall be given a written statement specifying:

(1) the conditions of probation; and

(2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.

(d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term of imprisonment under this subsection. When the court orders intermittent service, the court shall state:

(1) the term of imprisonment;

(2) the days or parts of days during which a person is to be confined; and

(3) the conditions.

(e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.

(f) When a court imposes a condition of probation described in subsection ~~(a)(17)~~**: (a)(18):**

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

(g) As a condition of probation, a court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a condition of probation.

(h) If a court imposes a condition of probation described in subsection (a)(4), the person on probation is responsible for any costs resulting from the participation in a program, class, or service. Any costs collected for services provided by

the probation department shall be deposited in the county or local supplemental adult services fund.

SECTION 10. IC 35-38-2-3, AS AMENDED BY P.L.106-2010, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The court may revoke a person's probation if:

(1) the person has violated a condition of probation during the probationary period; and

(2) the petition to revoke probation is filed during the probationary period or before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(b) When a petition is filed charging a violation of a condition of probation, the court may:

(1) order a summons to be issued to the person to appear; or

(2) order a warrant for the person's arrest if there is a risk of the person's fleeing the jurisdiction or causing harm to others.

(c) The issuance of a summons or warrant tolls the period of probation until the final determination of the charge.

(d) **Except as provided in subsection (e),** the court shall conduct a hearing concerning the alleged violation. The court may admit the person to bail pending the hearing. **A person who is not admitted to bail pending the hearing may not be held in jail for more than fifteen (15) days without a hearing on the alleged violation of probation.**

(e) A person may admit to a violation of probation and waive the right to a probation violation hearing after being offered the opportunity to consult with an attorney. If the person admits to a violation and requests to waive the probation violation hearing, the probation officer shall advise the person that by waiving the right to a probation violation hearing the person forfeits the rights provided in subsection (f). The sanction administered must follow the schedule of progressive probation violation sanctions adopted by the judicial conference of Indiana under IC 11-13-1-8.

~~(e)~~ **(f) Except as provided in subsection (e),** the state must prove the violation by a preponderance of the evidence. The evidence shall be presented in open court. The person is entitled to confrontation, cross-examination, and representation by counsel.

~~(f)~~ **(g)** Probation may not be revoked for failure to comply with conditions of a sentence that imposes financial obligations on the person unless the person recklessly, knowingly, or intentionally fails to pay.

~~(g)~~ **(h)** If the court finds that the person has violated a condition at any time before termination of the period, and the petition to revoke is filed within the probationary period, the court may impose one (1) or more of the following sanctions:

(1) Continue the person on probation, with or without modifying or enlarging the conditions.

(2) Extend the person's probationary period for not more than one (1) year beyond the original probationary period.

(3) Order execution of all or part of the sentence that was suspended at the time of initial sentencing.

~~(h)~~ **(i)** If the court finds that the person has violated a condition of home detention at any time before termination of the period, and the petition to revoke probation is filed within the probationary period, the court shall:

(1) order one (1) or more sanctions as set forth in subsection ~~(g);~~ **(h);** and

(2) provide credit for time served as set forth under IC 35-38-2.5-5.

~~(i)~~ **(j)** If the court finds that the person has violated a condition during any time before the termination of the period, and the petition is filed under subsection (a) after the probationary period has expired, the court may:

(1) reinstate the person's probationary period, with or without enlarging the conditions, if the sum of the length of the original probationary period and the reinstated probationary period does not exceed the length of the maximum sentence allowable for the offense that is the basis of the probation; or

(2) order execution of all or part of the sentence that was suspended at the time of the initial sentencing.

~~(j)~~ **(k)** If the court finds that the person has violated a condition of home detention during any time before termination of the period, and the petition is filed under subsection (a) after the probation period has expired, the court shall:

(1) order a sanction as set forth in subsection ~~(i);~~ **(j);** and

(2) provide credit for time served as set forth under IC 35-38-2.5-5.

~~(k)~~ **(l)** A judgment revoking probation is a final appealable order.

~~(l)~~ **(m)** Failure to pay fines or costs (including fees) required as a condition of probation may not be the sole basis for commitment to the department of correction.

~~(m)~~ **(n)** Failure to pay fees or costs assessed against a person under IC 33-40-3-6, IC 33-37-2-3(e), or IC 35-33-7-6 is not grounds for revocation of probation.

SECTION 11. IC 35-50-6-3.3, AS AMENDED BY P.L.228-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, a person earns credit time if the person:

(1) is in credit Class I;

(2) has demonstrated a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection (n), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An associate's degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)).

(D) A bachelor's degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)).

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

(1) is in credit Class I;

(2) demonstrates a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a career and technical education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) A certificate of completion of a reformative program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsections (a) and (b) for the same program of study.

(d) The amount of credit time a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

(2) One (1) year for graduation from high school.

(3) One (1) year for completion of an associate's degree.

(4) Two (2) years for completion of a bachelor's degree.

(5) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical education programs approved by the department of correction.

(6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

(7) Not more than a total of six (6) months credit, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

(8) Not more than a total of six (6) months credit time, as determined by the department of correction, for completion of one (1) or more reformative programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn credit time under this subdivision.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more career and technical education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person after subtracting all other credit time earned by the person.

(f) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(g) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(h) Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2).

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor as a Class A felony, Class B felony, or Class C felony (IC 35-42-4-9).

(I) Incest (IC 35-46-1-3).

(J) Sexual battery (IC 35-42-4-8).

(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

(i) The maximum amount of credit time a person may earn under this section is the lesser of:

(1) four (4) years; or

(2) one-third (1/3) of the person's total applicable credit time.

(j) ~~The amount of~~ Credit time earned under this section ~~is~~ **by an offender serving a sentence for a felony against a person under IC 35-42 or for a crime listed in IC 11-8-8-5 shall be** reduced to the extent that application of the credit time would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program;

in less than forty-five (45) days after the person earns the credit time.

(k) A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(l) A person may not earn credit time:

(1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or

(2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

(m) A person may not earn credit time under this section if the person:

(1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

(n) For a person to earn credit time under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

(Reference is to EHB 1200 as printed February 17, 2012.)

Foley, Chair	Bray
Porter	Simpson
House Conferees	Senate Conferees

Roll Call 356: yeas 41, nays 8. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1258–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1258 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, line 39, after "recipient" insert ",".

Page 2, line 39, strike "and the recipient's spouse,".

Page 2, line 40, strike "in each individual case".

Page 20, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 17. IC 32-36-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This chapter applies to an act or event that occurs within Indiana, regardless of a personality's domicile, residence, or citizenship.

(b) This chapter does not affect rights and privileges recognized under any other law that apply to a news reporting or an entertainment medium.

(c) This chapter does not apply to the following:

(1) The use of a personality's name, voice, signature, photograph, image, likeness, distinctive appearance, gestures, or mannerisms in any of the following:

(A) Literary works, theatrical works, musical compositions, film, radio, or television programs.

(B) Material that has political or newsworthy value.

(C) Original works of fine art.

(D) Promotional material or an advertisement for a news reporting or an entertainment medium that:

(i) uses all or part of a past edition of the medium's own broadcast or publication; and

(ii) does not convey or reasonably suggest that a personality endorses the news reporting or entertainment medium.

(E) An advertisement or commercial announcement for a use described in this subdivision.

(2) The use of a personality's name to truthfully identify the personality as:

(A) the author of a written work; or

(B) a performer of a recorded performance;

under circumstances in which the written work or recorded performance is otherwise rightfully reproduced, exhibited, or broadcast.

(3) The use of a personality's:

(A) name;

(B) voice;

(C) signature;

(D) photograph;

(E) image;

(F) likeness;

(G) distinctive appearance;

(H) gestures; or

(I) mannerisms;

in connection with the broadcast or reporting of an event or a topic of general or public interest.

(4) A personality whose:

(A) name;

(B) voice;

(C) signature;

(D) photograph;

(E) image;

(F) likeness;

(G) distinctive appearance;

(H) gesture; or

(I) mannerisms;

have commercial value solely because the personality has been formally charged with or convicted of a crime.

SECTION 18. IC 32-36-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A person may not use an aspect of a personality's right of publicity for a commercial purpose during the personality's lifetime or for one hundred (100) years after the date of the personality's death without having obtained previous written consent from a person specified in section 17 of this chapter. **If a personality is deceased, the following apply to the rights described in this subsection:**

(1) The rights apply to the personality whether the personality died before, on, or after July 1, 1994.

(2) If the personality died before July 1, 1994, the rights are considered to have existed on and after the date the personality died.

(3) Consistent with section 1(a) of this chapter, a claim for a violation of a personality's right of publicity may not be asserted under this chapter unless the alleged act or event of violation occurs within Indiana.

(4) A claim for a violation of a personality's right of publicity may not be asserted under this chapter unless the alleged act or event of violation occurs after June 30, 1994.

(b) A written consent solicited or negotiated by an athlete agent (as defined in IC 25-5.2-1-2) from a student athlete (as defined in IC 25-5.2-1-2) is void if the athlete agent obtained the consent as the result of an agency contract that:

(1) was void under IC 25-5.2-2-2 or under the law of the state where the agency contract was entered into;

(2) was voided by the student athlete under IC 25-5.2-2-8 or a similar law in the state where the agency contract was entered into; or

(3) was entered into without the notice required under IC 35-46-4-4 or a similar law in the state where the agency contract was entered into.

(c) A written consent for an endorsement contract (as defined in IC 35-46-4-1.5) is void if notice is not given as required by IC 35-46-4-4 or a similar law in the state where the endorsement contract is entered into.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1258 as reprinted February 21, 2012.)

Foley, Chair	Zakas
DeLaney	Broden
House Conferees	Senate Conferees

Roll Call 357: yeas 38, nays 11. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1360–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1360 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-11-1.1-1, AS AMENDED BY P.L.153-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The bureau of developmental disabilities services is established within the division.

(b) The bureau shall plan, coordinate, and administer the provision of individualized, integrated community based services for individuals with a developmental disability and their families, within the limits of available resources. The planning and delivery of services must be based on future plans of the individual with a developmental disability rather than on traditional determinations of eligibility for discrete services, with an emphasis on the preferences of the individual with a developmental disability and that individual's family.

(c) Services for individuals with a developmental disability must be services that meet the following conditions:

(1) Are provided under public supervision.

(2) Are designed to meet the developmental needs of individuals with a developmental disability.

(3) Meet all required state and federal standards.

(4) Are provided by qualified personnel.

(5) To the extent appropriate, are provided in home and community based settings in which individuals without disabilities participate.

(6) Are provided in conformity with a service plan developed under IC 12-11-2.1-2.

(d) The bureau shall approve entities to provide community based services and supports **as follows:**

(1) Beginning July 1, 2011, the bureau shall ensure that an entity approved to provide day services, identified day habilitation, including facility based or community based habilitation, prevocational services, or ~~vocational~~ **employment** services under home and community based services waivers is accredited by ~~at least one (1) of the following organizations:~~

~~(1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.~~

~~(2) The Council on Quality and Leadership In Supports for People with Disabilities, or its successor.~~

~~(3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.~~

~~(4) The National Committee for Quality Assurance, or its successor.~~

~~(5) The ISO-9001 human services QA system.~~

~~(6) An independent national accreditation organization approved by the secretary.~~ **an approved national accrediting body described in subsection (j).**

(2) Beginning July 1, 2012, the bureau shall ensure that an entity approved to provide residential habilitation and support services under home and community based services waivers is accredited by an approved national accrediting body. However, if an entity is accredited to provide home and community based services under subdivision (1) other than residential habilitation and support services, the bureau may extend the time that the entity has to comply with this subdivision until the earlier of the following:

(A) The completion of the entity's next scheduled accreditation survey.

(B) July 1, 2015.

(e) **Subject to subsection (k),** the bureau shall **initially** approve, **reapprove,** and monitor community based residential, habilitation, and ~~vocational~~ **employment** service providers that provide alternatives to placement of individuals with a developmental disability in state institutions and health facilities licensed under IC 16-28 for individuals with a developmental disability. The services must simulate, to the extent feasible, patterns and conditions of everyday life that are as close as possible to normal. The community based service categories include the following:

(1) Supervised group living programs, which serve at least four (4) individuals and not more than eight (8) individuals, are funded by Medicaid, and are licensed by the community residential facilities council.

(2) Supported living service arrangements to meet the unique needs of individuals in integrated settings. Supported living service arrangements providing residential services may not serve more than four (4) unrelated individuals in any one (1) setting. However, the head of the bureau shall waive this limitation for a setting providing residential services to more than four (4) unrelated individuals in any one (1) setting if the setting was in existence on June 30, 1999.

(f) To the extent that services described in subsection (e) are available and meet the individual's needs, an individual is entitled to receive services in the least restrictive environment possible.

(g) Community based services under subsection (e)(1) or (e)(2) must consider the needs of and provide choices and options for:

(1) individuals with a developmental disability; and

(2) families of individuals with a developmental disability.

(h) The bureau shall administer a system of service coordination to carry out this chapter.

(i) The bureau may issue orders under IC 4-21.5-3-6 against a provider that violates rules issued by the bureau for programs in which the provider is providing services in accordance with section 11 of this chapter.

(j) For purposes of subsections (d) and (k), "approved national accrediting body" means any of the following:

(1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.

(2) The Council on Quality and Leadership In Supports for People with Disabilities, or its successor.

(3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.

(4) The National Committee for Quality Assurance, or its successor.

(5) The ISO-9001 human services QA system.

(6) The Council on Accreditation, or its successor.

(7) An independent national accreditation organization approved by the secretary.

(k) An entity that is accredited by an approved national accrediting body is not subject to reapproval surveys or routine monitoring surveys by the division, bureau, or bureau of quality improvement services, including any reapproval survey under a home and community based services waiver. However, the bureau may perform validation surveys and complaint investigations of an entity accredited by an approved national accrediting body.

SECTION 2. IC 16-19-3-26, AS AMENDED BY P.L.147-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2012]: Sec. 26. (a) The anatomical gift promotion fund is established. The fund consists of amounts distributed to the fund by the auditor of state under IC 9-18-2-16.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The state department shall administer the fund. Any expenses incurred in administering the fund shall be paid from the fund.

(d) The money in the fund shall be distributed quarterly to the Indiana Donation Alliance Foundation and Donate Life Indiana for the purpose of implementing an organ, tissue, and marrow registry and to promote organ, tissue, and marrow donation. **However, money in the fund may not be distributed under this subsection for any quarter of a year until the annual report for the previous year has been submitted under subsection (f).**

(e) The Indiana Donation Alliance Foundation and Donate Life Indiana shall keep information regarding the identity of an individual who has indicated a desire to make an organ or tissue donation confidential.

(f) The Indiana Donation Alliance Foundation and Donate Life Indiana shall submit an annual **audited** report, including a list of all expenditures, to ~~the chairperson of~~ the:

(1) ~~legislative council;~~ **speaker of the house of representatives;**

(2) president pro tempore of the senate;

~~(2)~~ **(3)** senate health **and provider services** committee; and

~~(3)~~ **(4)** house public health committee;

before ~~March 15.~~ **February 1.** The report must be in an electronic format under IC 5-14-6.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) This subsection applies if the Indiana Donation Alliance Foundation or Donate Life Indiana loses its status as an organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. The Indiana Donation Alliance Foundation and Donate Life Indiana shall report in an electronic format under IC 5-14-6 to the chairpersons of the senate standing committee, as determined by the president pro tempore of the senate, and the house standing committee, as determined by the speaker of the house of representatives, that have subject matter jurisdiction over health issues. The chairpersons shall review the report and recommend to the state department whether to continue distributions under subsection (d).

(i) Any annual reports that were not submitted by the Indiana Donation Alliance Foundation or Donate Life Indiana before March 15, 2011, under subsection (f) must be submitted before August 1, 2012.

~~(i)~~ **(j)** This section expires July 1, ~~2012.~~ **2014.**

SECTION 3. IC 25-22.5-2-8, AS ADDED BY P.L.149-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The board shall implement a program to investigate and assess a civil penalty of not more than one thousand dollars ($1,000) against a physician licensed under this article for the following violations:

(1) Licensure renewal fraud.

(2) Improper termination of a physician and patient relationship.

(3) Practicing with an expired medical license.

(4) Providing office based anesthesia without the proper accreditation.

(5) Failure to perform duties required for issuing birth or death certificates.

(6) Failure to disclose, or negligent omission of, documentation requested for licensure renewal.

(b) An individual who is investigated by the board and found by the board to have committed a violation specified in subsection (a) may appeal the determination made by the board in accordance with IC 4-21.5.

(c) In accordance with the federal Health Care Quality Improvement Act (42 U.S.C. 11132), the board shall report a disciplinary board action that is subject to reporting to the National Practitioner Data Bank. However, the board may not report board action against a physician for only an administrative penalty described in subsection (a). The board's action concerning disciplinary action or an administrative penalty described in subsection (a) shall be conducted at a hearing that is open to the public.

(d) The physician compliance fund is established to provide funds for administering and enforcing the investigation of violations specified in subsection (a). The fund shall be administered by the Indiana professional licensing agency.

(e) The expenses of administering the physician compliance fund shall be paid from the money in the fund. The fund consists of penalties collected through investigations and assessments by the board concerning violations specified in subsection (a). Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 4. IC 36-1-11-1, AS AMENDED BY P.L.2-2006, SECTION 188, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the disposal of property by:

(1) political subdivisions; and

(2) their agencies.

(b) This chapter does not apply to the following:

(1) The disposal of property under an urban homesteading program under IC 36-7-17.

(2) The lease of school buildings under IC 20-47.

(3) The sale of land to a lessor in a lease-purchase contract under IC 36-1-10.

(4) The disposal of property by a redevelopment commission established under IC 36-7.

(5) The leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3.

(6) The disposal of a municipally owned utility under IC 8-1.5.

(7) The sale or lease of property by a unit to an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code or the sale or reletting of that property by the nonprofit corporation.

(8) The disposal of surplus property by a hospital established and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.

(9) The sale or lease of property acquired under IC 36-7-13 for industrial development.

(10) The sale, lease, or disposal of property by a local hospital authority under IC 5-1-4.

(11) The sale or other disposition of property by a county or municipality to finance housing under IC 5-20-2.

(12) The disposition of property by a soil and water conservation district under IC 14-32.

(13) The **sale, lease, or** disposal of ~~surplus~~ property by the health and hospital corporation established and operated under IC 16-22-8.

(14) The disposal of personal property by a library board under IC 36-12-3-5(c).

(15) The sale or disposal of property by the historic preservation commission under IC 36-7-11.1.

(16) The disposal of an interest in property by a housing authority under IC 36-7-18.

(17) The disposal of property under IC 36-9-37-26.

(18) The disposal of property used for park purposes under IC 36-10-7-8.

(19) The disposal of textbooks that will no longer be used by school corporations under IC 20-26-12.

(20) The disposal of residential structures or improvements by a municipal corporation without consideration to:

(A) a governmental entity; or

(B) a nonprofit corporation that is organized to expand the supply or sustain the existing supply of good quality, affordable housing for residents of Indiana having low or moderate incomes.

(21) The disposal of historic property without consideration to a nonprofit corporation whose charter or articles of incorporation allows the corporation to take action for the preservation of historic property. As used in this subdivision, "historic property" means property that is:

(A) listed on the National Register of Historic Places; or

(B) eligible for listing on the National Register of Historic Places, as determined by the division of historic preservation and archeology of the department of natural resources.

(22) The disposal of real property without consideration to:

(A) a governmental agency; or

(B) a nonprofit corporation that exists for the primary purpose of enhancing the environment;

when the property is to be used for compliance with a permit or an order issued by a federal or state regulatory agency to mitigate an adverse environmental impact.

(23) The disposal of property to a person under an agreement between the person and a political subdivision or an agency of a political subdivision under IC 5-23.

(24) The disposal of residential real property pursuant to a federal aviation regulation (14 CFR 150) Airport Noise Compatibility Planning Program as approved by the Federal Aviation Administration.

(Reference is to EHB 1360 as printed February 10, 2012.)

Bacon, Chair	Miller
Welch	Breaux
House Conferees	Senate Conferees

Roll Call 358: yeas 46, nays 3. Report adopted.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Engrossed Senate Bill 293.

SMITH

Motion prevailed.

8:13 p.m.

The Chair declared a recess until the fall of the gavel.

RECESS

The Senate reconvened at 9:40 p.m., with Senator Long in the Chair.

SENATE MOTION

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 175 and that said Motion be withdrawn.

M. YOUNG

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has sustained the veto of the Governor on House Enrolled Act 1177.

M. CAROLINE SPOTTS
Principal Clerk of the House

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 86(k) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bill 1 and Engrossed House Bill 1126 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed House Bill 1126–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 58 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 1–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 1 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-41-3-2, AS AMENDED BY P.L.189-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **In enacting this section, the general assembly finds and declares that it is the policy of this state to recognize the unique character of a citizen's home and to ensure that a citizen feels secure in his or her own home against unlawful intrusion by another individual or a public servant. By reaffirming the long standing right of a citizen to protect his or her home against unlawful intrusion, however, the general assembly does not intend to diminish in any way the other robust self defense rights that citizens of this state have always enjoyed. Accordingly, the general assembly also finds and declares that it is the policy of this state that people have a right to defend themselves and third parties from physical harm and crime. The purpose of this section is to provide the citizens of this state with a lawful means of carrying out this policy.**

(b) As used in this section, "public servant" means a person described in IC 35-41-1-17, IC 35-31.5-2-129, or IC 35-31.5-2-185.

(c) A person is justified in using reasonable force against ~~another~~ **any other** person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person:

(1) is justified in using deadly force; and

(2) does not have a duty to retreat;

if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

~~(b)~~ **(d)** A person:

(1) is justified in using reasonable force, including deadly force, against ~~another~~ **any other** person; and

(2) does not have a duty to retreat;

if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle.

~~(c)~~ **(e)** With respect to property other than a dwelling, curtilage, or an occupied motor vehicle, a person is justified in using reasonable force against ~~another~~ **any other** person if the person reasonably believes that the force is necessary to immediately prevent or terminate the other person's trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect. However, a person:

(1) is justified in using deadly force; and

(2) does not have a duty to retreat;

only if that force is justified under subsection ~~(a).~~ **(c).**

~~(d)~~ **(f)** A person is justified in using reasonable force, including deadly force, against ~~another~~ **any other** person and does not have a duty to retreat if the person reasonably believes that the force is necessary to prevent or stop the other person from hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight. For purposes of this subsection, an aircraft is considered to be in flight while the aircraft is:

(1) on the ground in Indiana:

(A) after the doors of the aircraft are closed for takeoff; and

(B) until the aircraft takes off;

(2) in the airspace above Indiana; or

(3) on the ground in Indiana:

(A) after the aircraft lands; and

(B) before the doors of the aircraft are opened after landing.

~~(e)~~ **(g)** Notwithstanding subsections ~~(a), (b) and (c),~~ **(c) through (e),** a person is not justified in using force if:

(1) the person is committing or is escaping after the commission of a crime;

(2) the person provokes unlawful action by another person with intent to cause bodily injury to the other person; or

(3) the person has entered into combat with another person or is the initial aggressor unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

~~(f)~~ **(h)** Notwithstanding subsection ~~(d),~~ **(f),** a person is not justified in using force if the person:

(1) is committing, or is escaping after the commission of, a crime;

(2) provokes unlawful action by another person, with intent to cause bodily injury to the other person; or

(3) continues to combat another person after the other person withdraws from the encounter and communicates the other person's intent to stop hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight.

(i) A person is justified in using reasonable force against a public servant if the person reasonably believes the force is necessary to:

(1) protect the person or a third person from what the person reasonably believes to be the imminent use of

unlawful force;

(2) prevent or terminate the public servant's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle; or

(3) prevent or terminate the public servant's unlawful trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect.

(j) Notwithstanding subsection (i), a person is not justified in using force against a public servant if:

(1) the person is committing or is escaping after the commission of a crime;

(2) the person provokes action by the public servant with intent to cause bodily injury to the public servant;

(3) the person has entered into combat with the public servant or is the initial aggressor, unless the person withdraws from the encounter and communicates to the public servant the intent to do so and the public servant nevertheless continues or threatens to continue unlawful action; or

(4) the person reasonably believes the public servant is:

(A) acting lawfully; or

(B) engaged in the lawful execution of the public servant's official duties.

(k) A person is not justified in using deadly force against a public servant whom the person knows or reasonably should know is a public servant unless:

(1) the person reasonably believes that the public servant is:

(A) acting unlawfully; or

(B) not engaged in the execution of the public servant's official duties; and

(2) the force is reasonably necessary to prevent serious bodily injury to the person or a third person.

SECTION 2. **An emergency is declared for this act.**

(Reference is to ESB 1 as reprinted February 29, 2012.)

M. Young, Chair	McMillin
Delph	Steuerwald
Senate Conferees	House Conferees

Roll Call 359: yeas 38, nays 12. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1126–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1126 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1.5-3-8.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.1. (a) **As used in** this section, ~~applies~~ **"utility" refers** to ~~all~~ **a** municipally owned:

(1) water ~~utilities~~ **utility;**

(2) wastewater utility; or

(3) combined water and wastewater utility;

that ~~have been taken out of~~ **is not under** the jurisdiction of the commission for the approval of rates and charges.

(b) As used in this section, "works" refers to water or wastewater utility works.

~~(b)~~ **(c)** After the introduction of the ordinance establishing the rates and charges under section 8 of this chapter, but before the ordinance is finally adopted, the municipal legislative body shall hold a public hearing at which users of the ~~waterworks,~~ **works,** owners of property served or to be served by the ~~waterworks,~~ **works,** and other interested persons may be heard concerning the proposed rates and charges. Notice of the hearing, setting forth the proposed schedule of rates and charges, shall be:

(1) published in accordance with IC 5-3-1 (IC 5-3-1-1 through IC 5-3-1-9);

(2) mailed to owners of vacant or unimproved property if the ordinance includes a fee for water **or wastewater** service to vacant or unimproved property; and

(3) mailed to users ~~of the waterworks~~ **of the works for service to property** located outside the municipality's corporate boundaries.

The notice may be mailed in any form so long as the notice of hearing is conspicuous. The hearing may be adjourned from time to time. **Notice mailed under subdivision (3) must include a statement that, following adoption of the ordinance, the users described in subdivision (3) may be entitled to petition the commission under section 8.3 of this chapter to review and adjust the rates and charges imposed on the users if a petition under section 8.2 of this chapter or under IC 36-9-23-26.1 with respect to the same rate ordinance has not been filed.**

~~(c)~~ **(d)** After the hearing, the municipal legislative body shall adopt the ordinance establishing the rates and charges, either as originally introduced or as modified. A copy of the schedule of rates and charges adopted shall be kept on file and available for public inspection in the offices of the board and the municipal clerk. **An ordinance adopted after March 31, 2012, that imposes different rates and charges for service to property located outside the corporate boundaries of the municipality as compared to property located within the corporate boundaries of the municipality must state in plain language the percentage difference between the rates and charges.**

~~(d)~~ **(e)** The rates and charges established for any class of users or property shall be extended to cover any additional property that is subsequently served and falls within the same class, without any hearing or notice.

~~(e)~~ **(f)** The municipal legislative body may change or readjust the rates and charges in the same manner as they were established.

~~(f)~~ **(g)** Rates and charges collected under this chapter are considered revenues of the ~~waterworks.~~ **utility.**

SECTION 2. IC 8-1.5-3-8.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.2. (a) **As used in** this section: ~~applies to all municipally owned water utilities that have been taken out of the jurisdiction of the commission for the approval of rates and charges.~~

(1) "utility"; and

(2) "works";

have the meaning set forth for those terms in section 8.1 of this chapter.

(b) Owners of property connected or to be connected to and served by the ~~waterworks~~ **works** authorized under this chapter may file a written petition objecting to the rates and charges of the ~~waterworks~~ **utility** so long as:

(1) the petition contains the names and addresses of the petitioners;

(2) the petitioners attended the public hearing provided under section 8.1 of this chapter;

(3) the written petition is filed with the municipal legislative body within five (5) days after the ordinance establishing the rates and charges is adopted under section 8.1 of this chapter; ~~and~~

(4) the written petition states specifically the ground or grounds of objection; **and**

(5) a petition has not been filed with the commission under section 8.3 of this chapter or under IC 36-9-23-26.1 appealing the same rates and charges of the utility.

(c) Unless the objecting petition is abandoned, the municipal clerk shall file in the office of the clerk of the circuit or superior court of the county a copy of the rate ordinance or ordinances together with the petition. The court shall then set the matter for hearing at the earliest date possible, which must be within twenty (20) days after the filing of the petition with the court. The court shall send notice of the hearing by certified mail to the municipality and to the first signer of the petition at the address shown on the petition. All interested parties shall appear in the court without further notice, and the municipality may not conduct any further proceedings concerning the rates and charges until the matters presented by the petition have been heard and determined by the court.

(d) At the discretion and upon direction of the court, the petitioners shall file with the petition a bond in the sum and with the security fixed by the court. The bond must be conditioned on the petitioners' payment of all or part of the costs of the hearing and any damages awarded to the municipality if the petition is denied, as ordered by the court.

(e) Upon the date fixed in the notice, the court shall, without a jury, hear the evidence produced. The court may confirm the decision of the municipal legislative body or sustain the objecting petition. The order of the court is final and conclusive upon all parties to the proceeding and parties who might have appeared at the hearing, subject only to the right of direct appeal. All questions that were presented or might have been presented are considered to have been adjudicated by the order of the court, and no collateral attack upon the decision of the municipal legislative body or order of the court is permitted.

(f) If the court sustains the petition, or if the petition is sustained on appeal, the municipal legislative body shall set the rates and charges in accordance with the decision of the court.

SECTION 3. IC 8-1.5-3-8.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.3. (a) This section applies to a utility that provides service to property located outside the corporate boundaries of the municipality.**

(b) As used in this section:

(1) "utility"; and

(2) "works";

have the meaning set forth for those terms in section 8.1 of this chapter.

(c) This subsection applies if a municipal legislative body adopts an ordinance under section 8.1 of this chapter or under IC 36-9-23-26 that is in effect on March 31, 2012, and that imposes rates and charges on users of the works for service to property located outside the corporate boundaries of the municipality that exceed by more than fifteen percent (15%), but not more than fifty percent (50%), the rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality. Not later than September 30, 2012, the municipality may petition the commission to approve the percentage difference between rates and charges established in the ordinance for property within and property outside the corporate boundaries. In the petition, the municipality shall set forth the following:

(1) The date on which the ordinance took effect.

(2) The percentage difference between rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries of the municipality.

(3) Whether the works that is the subject of the ordinance is a water utility works, a wastewater utility works, or both a water and wastewater utility works.

If the commission determines that a petition filed under this subsection satisfies the requirements of this subsection, the commission shall approve the petition, including the percentage difference between rates and charges described in subdivision (2). If the commission determines that a petition filed under this subsection does not satisfy the requirements of this subsection, the commission shall disapprove the petition. However, if the percentage difference imposed in the ordinance was the subject of an objecting petition that was filed under section 8.2 of this chapter or under IC 36-9-23-26.1 and sustained on final

judgment or appeal, as applicable, by a court, the percentage difference is considered approved without the filing of a petition under this subsection.

(d) If a municipality that files, or that is exempt from filing, a petition under subsection (c) adopts an ordinance under section 8.1 of this chapter after March 31, 2012, that imposes rates and charges on users of the works for service to property located outside the corporate boundaries of the municipality that exceed the rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality by more than the sum of the percentage difference approved or considered approved by the commission under subsection (c) plus fifteen percent (15%), either or both of the following may petition the commission to review and adjust, if necessary, the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality:

(1) The municipality.

(2) The lesser of:

(A) ten percent (10%) of all; or

(B) twenty-five (25);

users of the works whose property is located outside the corporate boundaries of the municipality.

A petition filed under this subsection must be filed not more than fourteen (14) days after the date on which the ordinance referred to in this subsection is adopted. A petition may not be filed under this subsection if a petition has already been filed under section 8.2 of this chapter appealing the same rates and charges.

(e) If a municipal legislative body, other than a municipal legislative body described in subsection (c), adopts an ordinance under section 8.1 of this chapter after March 31, 2012, that imposes rates and charges on users of the works for service to property located outside the corporate boundaries of the municipality that exceed the rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality by more than fifteen percent (15%), either or both of the following may petition the commission to review and adjust, if necessary, the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality:

(1) The municipality.

(2) The lesser of:

(A) ten percent (10%) of all; or

(B) twenty-five (25);

users of the works whose property is located outside the corporate boundaries of the municipality.

A petition must be filed not more than fourteen (14) days after the date on which the ordinance is adopted. A petition may not be filed under this subsection if a petition has already been filed under section 8.2 of this chapter or under IC 36-9-23-26.1 appealing the same rates and charges.

(f) The filing of a petition with the commission under subsection (d) or (e) stays the ordinance adopted under section 8.1 of this chapter or under IC 36-9-23-26. The rates and charges in effect before the adoption of the ordinance remain in effect until:

(1) the commission approves or disapproves the petition, or the petition is dismissed under subsection (g); and

(2) if applicable, the commission adjusts the rates and charges imposed by the ordinance on users of the works whose property is located outside the corporate boundaries of the municipality.

(g) The commission shall prescribe the form and manner in which a petition must be filed under subsection (d) or (e). The burden of proof to demonstrate that the proposed rates and charges are nondiscriminatory, reasonable, and just is on the municipality, regardless of who petitions the commission. If the commission fails to approve or disapprove a petition within one hundred twenty (120) days after the petition is filed in the form and manner prescribed by the commission, the petition is dismissed, and the ordinance adopted under section 8.1 of this chapter or under IC 36-9-23-26 takes effect. A petition is automatically disapproved if the petitioner has filed a petition under section 8.2 of this chapter or under IC 36-9-23-26.1 with respect to the same rate ordinance.

(h) For purposes of determining whether the percentage difference between rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and the rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality is nondiscriminatory, reasonable, and just under section 8 of this chapter, the commission:

(1) may consider the benefit and expense to all users of the works of extending the works outside the corporate boundaries of the municipality; and

(2) may not consider any connection fees or capital surcharges imposed on users of the works for service to property that is located outside the corporate boundaries of the municipality that are specifically designated to pay for the costs associated with main extensions to the users of the works.

(i) If the commission determines that the percentage difference between the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and the rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality is not nondiscriminatory, reasonable, and just under section 8 of this chapter, the commission may:

(1) establish nondiscriminatory, reasonable, and just rates and charges for users of the works for service to property located outside the corporate boundaries of the municipality; and

(2) order the municipal legislative body to adopt an ordinance imposing the nondiscriminatory, reasonable, and just rates and charges.

However, with respect to rates and charges imposed in an ordinance that was the subject of an objecting petition filed under section 8.2 of this chapter or under IC 36-9-23-26.1 and sustained on final judgment or appeal, as applicable, by a court, the commission may not establish rates and charges such that the percentage difference between rates and charges established by the commission is less than the percentage difference between rates and charges imposed in the ordinance.

(j) This section does not:

(1) authorize the commission to review or revise rates and charges imposed on users of the works for service to property located within the corporate boundaries of the municipality; or

(2) otherwise return or subject a utility to the jurisdiction of the commission for the approval of rates and charges.

(k) The commission may adopt rules under IC 4-22-2 to implement this section.

(l) The commission may not impose a fee with respect to proceedings under this section.

SECTION 4. IC 13-26-4-6.1, AS ADDED TO THE INDIANA CODE BY HEA 1117-2012, SEC. 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.1. (a) This section applies to a district that is:

(1) a countywide district; and

(2) established in response to an agreed order entered into **after December 31, 1982,** by the department and the executive and fiscal bodies of the county.

(b) Not later than December 31, 2012, the parties to an agreed order described in subsection (a)(2) shall amend the agreed order to provide for the appointment of trustees as follows:

(1) Beginning July 1, 2013, at least one (1) appointed trustee must reside in the geographic area that is the subject of the department investigation resulting in the agreed order.

(2) Beginning July 1, 2013, an appointed trustee may not be served by a municipal sewer system.

(3) Beginning July 1, 2013, at least one (1) appointed trustee must be an elected official who represents a political subdivision that has territory in the district.

SECTION 5. IC 36-9-23-26, AS AMENDED BY P.L.114-2008, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) After the introduction of the ordinance establishing fees under section 25 of this chapter, but before it is finally adopted, the municipal legislative body shall hold a public hearing at which users of the sewage works, owners of property served or to be served by the works, and other interested persons may be heard concerning the proposed fees. Notice of the hearing, setting forth the proposed schedule of fees, shall be:

(1) published in accordance with IC 5-3-1;

(2) mailed to owners of vacant or unimproved property if the ordinance includes a fee for sewer availability to vacant or unimproved property; and

(3) mailed to users of the sewage works **for service to property** located outside the municipality's corporate boundaries.

The notice may be mailed in any form so long as the notice of the hearing is conspicuous. The hearing may be adjourned from time to time. **Notice mailed under subdivision (3) must include the statement required by IC 8-1.5-3-8.1(c).**

(b) After the hearing, the municipal legislative body shall adopt the ordinance establishing the fees, either as originally introduced or as modified. A copy of the schedule of fees adopted shall be kept on file and available for public inspection in the offices of the board and the municipal clerk. **An ordinance adopted after March 31, 2012, that imposes different rates and charges on users of the works for service to property located outside the corporate boundaries of the municipality or to property located within the corporate boundaries of the municipality must state in plain language the percentage difference between the rates and charges, as required by IC 8-1.5-3-8.1(d).**

(c) Subject to section 37 of this chapter, the fees established for any class of users or property shall be extended to cover any additional property that is subsequently served and falls within the same class, without any hearing or notice.

(d) The municipal legislative body may change or readjust the fees in the same manner by which they were established.

(e) Fees collected under this chapter are considered revenues of the sewage works.

SECTION 6. IC 36-9-23-26.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.1. (a) Owners of property connected or to be connected to and served by the sewage works authorized under this chapter may file a written petition objecting to the rates and charges of the sewage works so long as:

(1) the petition contains the names and addresses of the petitioners;

(2) the petitioners attended the public hearing provided under section 26 of this chapter;

(3) the written petition is filed with the municipal legislative body within five (5) days after the ordinance establishing the rates and charges is adopted under section 26 of this chapter; ~~and~~

(4) the written petition states specifically the ground or grounds of objection; **and**

(5) the petitioners have not filed a petition with the commission under IC 8-1.5-3-8.3 appealing the same rates and charges of the utility.

(b) Unless the objecting petition is abandoned, the municipal clerk shall file in the office of the clerk of the circuit or superior court of the county a copy of the rate ordinance or ordinances together with the petition. The court shall then set the matter for hearing at the earliest date possible, which must be within twenty

(20) days after the filing of the petition with the court. The court shall send notice of the hearing by certified mail to the municipality and to the first signer of the petition at the address shown on the petition. All interested parties shall appear in the court without further notice, and the municipality may not conduct any further proceedings concerning the rates and charges until the matters presented by the petition have been heard and determined by the court.

(c) At the discretion and upon direction of the court, the petitioners shall file with the petition a bond in the sum and with the security fixed by the court. The bond must be conditioned on the petitioners' payment of all or part of the costs of the hearing and any damages awarded to the municipality if the petition is denied, as ordered by the court.

(d) Upon the date fixed in the notice, the court shall, without a jury, hear the evidence produced. The court may confirm the decision of the municipal legislative body or sustain the objecting petition. The order of the court is final and conclusive upon all parties to the proceeding and parties who might have appeared at the hearing, subject only to the right of direct appeal. All questions that were presented or might have been presented are considered to have been adjudicated by the order of the court, and no collateral attack upon the decision of the municipal legislative body or order of the court is permitted.

(e) If the court sustains the petition, or if it is sustained on appeal, the municipal legislative body shall set the rates and charges in accordance with the decision of the court.

SECTION 7. **An emergency is declared for this act.**

(Reference is to EHB 1126 as reprinted February 29, 2012.)

Frizzell, Chair	Merritt
Pierce	Randolph
House Conferees	Senate Conferees

Roll Call 360: yeas 45, nays 4. Report adopted.

SENATE MOTION

Madam President: I move that the Senate reconsider its earlier action by which it rescinded the adoption of the Motion to Dissent on Engrossed Senate Bill 175 and that Engrossed Senate Bill 175 remain dissented upon.

M. YOUNG

Motion prevailed.

PRESIDENT PRO TEMPORE'S REPORT
OF CONFEREE REMOVALS

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has removed the following senator(s) as conferee(s) or advisor(s) on Engrossed House Bill 1269:

Conferees: Miller and Breaux
Advisor: M. Young

LONG
Date: 3/9/2012
Time: 10:04 p.m.

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Bartlett as a conferee on Engrossed House Bill 1280 and now appoints Representative Torr thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

PRESIDENT PRO TEMPORE'S REPORT
OF CONFEREE CHANGES

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has made the following change in conferee (or advisor) appointments to Engrossed House Bill 1269:

M. Young to replace Miller as Conferee
Miller to replace Breaux as Conferee

LONG
Date: 3/9/2012
Time: 10:05 p.m.

Report adopted.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1002 because it conflicts with Senate Enrolled Act 131-2012 without properly recognizing the existence of SEA 131-2012, has had EHB 1002 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1002 be corrected as follows:

Page 45, line 11, delete "P.L.159-2011," and insert "SEA 131-2012, SECTION 1,".

Page 45, line 12, delete "SECTION 1,".

Page 45, line 14, delete "(h)," and insert "~~(g),~~"

Page 45, delete lines 38 through 39.

Page 73, line 37, after "13-20-8-1" insert ", AS AMENDED BY SEA 131-2012, SECTION 26,".

Page 73, line 39, reset in roman "and IC 13-14-9".

Page 76, line 1, after "13-20-14-6" insert ", AS AMENDED BY SEA 131-2012, SECTION 39,".

Page 76, line 3, delete "IC 13-14-8".

Page 76, line 4, reset in roman "IC 13-14-9".

(Reference is to EHB 1002 as reprinted February 29, 2012.)

LONG, Chair
SIMPSON, R.M.M.
LAWSON

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1200 because it conflicts with Senate Enrolled Act 52-2012 without properly recognizing the existence of SEA 52-2012, has had EHB 1200 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1200 be corrected as follows:

In the conference committee report on EHB 1200, page 7, delete lines 49 through 50, begin a new paragraph and insert:

"SECTION 4. IC 16-41-6-1, AS AMENDED BY SEA 52-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this section, "physician's authorized representative" means:

(1) an advanced practice nurse (as defined by IC 25-23-1-1(b)) who is operating in collaboration with a licensed physician; or

(2) an individual acting under the supervision of a licensed physician and within the individual's scope of employment.

(b) If a physician or the physician's authorized representative determines that it is medically necessary to conduct an HIV test on an individual under the care of a physician, the physician or physician's authorized representative may order the test if the physician or the physician's authorized representative:

(1) informs the patient of the test;

(2) provides an explanation of the test; and

(3) informs the patient of the patient's right to refuse the test.

Subject to subsection (d), if the patient refuses the test, the physician or the physician's authorized representative may not perform the test and shall document the patient's refusal in the patient's medical record.

(c) After ordering an HIV test for a patient, the physician or the physician's authorized representative shall:

(1) discuss with the patient the availability of counseling concerning the test results; and

(2) notify the patient of the test results.

If a test conducted under this section indicates that a patient is HIV infected, in addition to the requirements set forth in IC 16-41-2, the physician or the physician's authorized representative shall inform the patient of treatment and referral options available to the patient.

(d) A physician or a physician's authorized representative may order an HIV test to be performed without informing the patient or the patient's representative (as defined in IC 16-36-1-2) of the test or regardless of the patient's or the patient's representative's refusal of the HIV test if any of the following conditions apply:

(1) If ordered by a physician, consent can be implied due to emergency circumstances and the test is medically necessary to diagnose or treat the patient's condition.

(2) Under a court order based on clear and convincing evidence of a serious and present health threat to others posed by an individual. A hearing held under this subdivision shall be held in camera at the request of the individual.

(3) If the test is done on blood collected or tested anonymously as part of an epidemiologic survey under IC 16-41-2-3 or IC 16-41-17-10(a)(5).

(4) The test is ordered under section 4 of this chapter.

(5) The test is required or authorized under IC 11-10-3-2.5.

(6) The individual upon whom the test will be performed is described in IC 16-41-8-6 or IC 16-41-10-2.5.

(7) A court has ordered the individual to undergo testing for HIV under IC 35-38-1-10.5(a) or ~~IC 35-38-2-2.3(a)(16).~~ **IC 35-38-2-2.3(a)(17).**

(8) Both of the following are met:

(A) The individual is not capable of providing consent and an authorized representative of the individual is not immediately available to provide consent or refusal of the test.

(B) A health care provider acting within the scope of the health care provider's employment comes into contact with the blood or body fluids of the individual in a manner that has been epidemiologically demonstrated to transmit HIV.

(e) The state department shall make HIV testing and treatment information from the federal Centers for Disease Control and Prevention available to health care providers.

(f) The state department may adopt rules under IC 4-22-2 necessary to implement this section.".

In the conference committee report on EHB 1200, page 8, delete lines 1 through 27.

(Reference is to EHB 1200 as printed February 17, 2012, as amended by the Conference Committee Report to EHB 1200.)

LONG, Chair
SIMPSON, R.M.M.
BRAY

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 287 because it conflicts with SEA 127-2012 without properly recognizing the existence of SEA 127-2012, has had Engrossed Senate Bill 287 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 287 be corrected as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 4-1-10-5, AS AMENDED BY SEA 127-2012, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A state agency may disclose the Social Security number of an individual if any of the following apply:

(1) The disclosure of the Social Security number is expressly required by state law, federal law, or a court order.
(2) The individual expressly consents in writing to the disclosure of the individual's Social Security number.
(3) The disclosure of the Social Security number is:
(A) made to comply with:
(i) the USA Patriot Act of 2001 (P.L. 107-56); or
(ii) Presidential Executive Order 13224; or
(B) to a commercial entity for the permissible uses set forth in the:
(i) Drivers Privacy Protection Act (18 U.S.C. 2721 et seq.);
(ii) Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or
(iii) Financial Modernization Act of 1999 (15 U.S.C. 6801 et seq.).
(4) The disclosure of the Social Security number is for the purpose of administration of a state agency employee's or the state agency employee's dependent's health benefits.
(5) The disclosure of the Social Security number is for the purpose of administration of:
(A) a pension fund administered by the board of trustees of the Indiana public retirement system;
(B) a deferred compensation plan or defined contribution plan established under IC 5-10-1.1;
(C) a pension plan established by the state police department under IC 10-12; ~~or~~
(D) the Uniform Commercial Code (IC 26-1) by the office of the secretary of state; **or**
(E) Title IV-D of the federal Social Security Act.
(b) A state agency's disclosure of the Social Security number of an individual in compliance with subsection (a) does not violate IC 5-14-3-4(a)(12).".
Page 2, delete lines 1 through 21.
(Reference is to ESB 287 as printed February 24, 2012.)

LONG, Chair
SIMPSON, R.M.M.
LAWSON

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1149 because it conflicts with HEA 1186-2012 without properly recognizing the existence of HEA 1186-2012, has had EHB 1149 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1149 be corrected as follows:
In the Conference Committee Report for EHB 1149, Page 7, line 40, delete "P.L.41-2007," and insert "HEA 1186-2012, SECTION 13,".
In the Conference Committee Report for EHB 1149, Page 7, line 41, delete "SECTION 4,".
In the Conference Committee Report for EHB 1149, Page 7, line 45, after "IC 16-39-7)," delete "and" and insert "**and**".
In the Conference Committee Report for EHB 1149, Page 8, line 22, after "certified" insert "advanced".
In the Conference Committee Report for EHB 1149, Page 8, line 22, delete "technician-basic advanced, a".
In the Conference Committee Report for EHB 1149, Page 8, line 23, delete "certified emergency medical technician-intermediate," and insert "technician,".
In the Conference Committee Report for EHB 1149, Page 8, line 24, delete "certified" and insert "licensed".
In the Conference Committee Report for EHB 1149, Page 8, reset in roman lines 30 through 31.
(Reference is to EHB 1149 as printed March 1, 2012, as amended by the Conference Committee Report for EHB 1149.)

LONG, Chair
SIMPSON, R.M.M.
GARD

Report adopted.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on March 9, 2012, signed Senate Enrolled Acts: 22, 18, 97, 15, 52, 113, 107, 176, 298, and House Enrolled Acts: 1298, 1270, 1249, 1117, 1004, 1247, and 1141.

DAVID C. LONG
President Pro Tempore

SENATE MOTION

Madam President: I move that the following resolution be adopted:

HCR 58 Senator Tallian
Congratulating the 2012 inductees into the Times Northwest Indiana Business and Industry Hall of Fame.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 58

House Concurrent Resolution 58, sponsored by Senators Tallian and Mrvan:

A CONCURRENT RESOLUTION congratulating the 2012 inductees into The Times Northwest Indiana Business and Industry Hall of Fame.

Whereas, Every year, The Northwest Indiana Times honors a select group of local business and community leaders, recognizing those who have been not only successful in business,

but have also committed themselves to using their positions for the good of their neighbors and their communities;

Whereas, This year, The Times has inducted five new members into its Northwest Indiana Business and Industry Hall of Fame, Milford Christianson of Christianson Chevrolet, Wil Davis of the Gary Jet Center, Thomas Gryzbek of Saint Margaret Mercy Healthcare Centers, Steve Pangere of The Pangere Corporation and Culver Roofing Incorporated, and Linda Woloshansky of The Center for Workforce Innovations;

Whereas, Milford Christianson, a life-long resident of Griffith, Indiana, has owned and operated Christianson Chevrolet of Highland with his family since 1951, where Mr. Christianson, aged 89 and a veteran of the Second World War, continues to work 70-hour weeks, and as a result, together with his dedication to "treating his customers right," has kept his family's dealership open and prosperous in spite of difficult economic times;

Whereas, Mr. Christianson's contributions in time and money to schools, universities, churches, civic organizations and charities in Northwest Indiana and across the state, fueled by Mr. Christianson's personal frugality and his practice of donating $50,000 to $100,000 per year to charitable organizations, have been vast and invaluable, including a life-long dedication to Indiana University athletics, continuing personal and financial support of Griffith Public Schools, and 25 years of service as a volunteer firefighter;

Whereas, Wil Davis has owned and operated the Gary Jet Center in Gary, Indiana, for twenty years, a project to which Mr. Davis, as a former helicopter gunship pilot in the United States Navy and a veteran of the Vietnam War, was uniquely well-suited, and which prospers today as a result of his foresight and leadership, managing a fleet of ten charter jet aircraft and handling all fueling and cargo handling operations at the Gary International Airport, and bringing employment and commerce to Gary and the surrounding region;

Whereas, The success of Mr. Davis's business ventures has provided him the opportunity to serve his community through a long-standing commitment to the John Will Anderson Boys & Girls Club of Northwest Indiana, on whose board he has served as a member and as treasurer and chairman, contributing personal and financial support to the organization in order to help local schoolchildren engage in safe, productive and educational activities outside the classroom;

Whereas, Thomas Gryzbek has served as the president of Franciscan Saint Margaret Health since 2004, the capstone in a long career with the Franciscan Alliance that Mr. Gryzbek undertook as a young man just out of college, feeling initially unprepared for a career in health care, but quickly proving himself to be a talented and hard-working leader as he advanced from his first entry-level position to the positions of executive vice president and chief operating officer before accepting his current post, along the way finding time to earn advanced degrees in law and business with the financial support of the Franciscan Sisters;

Whereas, In addition to the countless patients whose lives Mr. Gryzbek's service as a hospital lawyer and administrator has improved, Mr. Gryzbek on his own initiative founded the Volunteer Advocates for Seniors program, a service, modeled on the Court Appointed Special Advocates program for children, which provides vulnerable elderly patients without other resources with legal counsel and protection, as well as continuing in his dedication to the Catholic Church as a deacon at the St. Andrew Parish in Merrillville, Indiana;

Whereas, Steve Pangere has been the President and Chief Executive Officer of The Pangere Corp. in Gary, Indiana, since 1994, the third generation of Pangere family ownership since Mr. Pangere's grandfather John Pangere, a Greek immigrant to Indiana in 1905, founded the company as an industrial painting concern, having now grown under the leadership of Mr. Pangere's father, Nicholas Pangere, and Mr. Pangere himself to a full-service contractor providing both industrial and commercial service;

Whereas, Beyond Mr. Pangere's iron-clad commitment to his workers, many of whom have known the family for years or decades, and to keeping his family's business in Gary, Mr. Pangere's services to his community includes substantial donations of his own time and money to the cause of assisting the blind and visually-impaired, whose plight Mr. Pangere feels especially acutely as a sufferer of progressive vision loss himself, including his support of The Chicago Lighthouse for People Who are Blind or Visually Impaired, and of the new Pangere Center for Inherited Retinal Diseases;

Whereas, Linda Woloshansky is currently the President and Chief Executive Officer of The Center of Workforce Innovations in Valparaiso, Indiana, whose goal it is to help create an educated and skilled workforce in Northwest Indiana and across the state, a project to which she has committed herself as the daughter of working-class parents well-familiar with the countless benefits skilled, good-paying jobs bring to families, neighborhoods and communities, a goal which Ms. Woloshansky has pursued throughout her professional career as a leader and administrator in private companies, school systems, Indiana state government and non-profit organizations; and,

Whereas, Ms. Woloshansky's private contributions to the health and prosperity of her community represent a clear continuation of her professional work, and come through Ms. Woloshansky's active engagement with, among many others, the

Porter County Community Foundation for more than a decade: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Milford Christianson, Wil Davis, Thomas Gryzbek, Steve Pangere and Linda Woloshansky on their induction into the Northwest Indiana Times's Northwest Indiana Business and Industry Hall of Fame for 2012, thanks them for their life-long commitments to the success and prosperity of Northwest Indiana, and honors their work on behalf of their neighbors and their communities.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of resolutions to each of the 2012 inductees into the Northwest Indiana Business and Industry Hall of Fame.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

10:51 p.m.

The Chair declared a recess until the fall of the gavel.

RECESS

The Senate reconvened at 12:06 a.m., with Senator Long in the Chair.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1002.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 278.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1149.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has reconsidered its dissent on the Senate amendments to Engrossed House Bill 1205 and has now concurred in those amendments.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Crawford as a conferee on Engrossed House Bill 1376 and now appoints Representative Turner thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 86(k) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 257, 262, and 345 and Engrossed House Bills 1003, 1072, 1189, and 1195 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
ESB 257–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 257 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-5-7-1, AS AMENDED BY P.L.94-2008, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) It is a Class C misdemeanor for a minor to knowingly or intentionally make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or

otherwise procuring or attempting to procure an alcoholic beverage.

(b) In addition to the penalty under subsection (a), a minor who:

(1) uses a false or altered driver's license or the driver's license of another person as evidence of majority under this section; or

(2) is convicted of purchasing or procuring an alcoholic beverage with or without using a false or altered driver's license;

shall have the minor's driver's license, **permit, or driving privileges** suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.

(c) Upon entering a judgment of conviction for the misdemeanor under this section, the court shall forward a copy of the judgment to the bureau of motor vehicles for the purpose of complying with subsection (b).

SECTION 2. IC 7.1-5-7-7, AS AMENDED BY SEA 274-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Subject to IC 7.1-5-1-6.5, it is a Class C misdemeanor for a minor to knowingly:

(1) possess an alcoholic beverage;

(2) consume ~~it;~~ **an alcoholic beverage;** or

(3) transport ~~it~~ **an alcoholic beverage** on a public highway when not accompanied by at least one (1) of ~~his~~ **the minor's** parents or guardians.

(b) If a minor is found to have violated subsection (a) while operating a ~~motor~~ vehicle, the court may order the minor's ~~driver's license~~ **driving privileges** suspended for up to one (1) year. However, if the minor is less than eighteen (18) years of age, the court shall order the minor's ~~driver's license~~ **driving privileges** suspended for at least sixty (60) days.

(c) The court shall deliver any order suspending ~~the~~ **a** minor's ~~driver's license~~ **driving privileges** under this section to the bureau of motor vehicles, which shall suspend the minor's ~~driver's license~~ **driving privileges** under IC 9-24-18-12 for the period ordered by the court.

SECTION 3. IC 7.1-5-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) It is a Class C misdemeanor for a minor to recklessly be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished. In addition to other penalties under this subsection, the minor's driver's license, **permit, or driving privileges** shall be suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.

(b) It is a Class C misdemeanor for a permittee to recklessly permit a minor to be in the prohibited place beyond a reasonable time in which an ordinary prudent person can check identification to confirm the age of a patron.

SECTION 4. IC 9-13-2-3, AS AMENDED BY P.L.146-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Except as provided in subsection (b), "antique motor vehicle" means a motor vehicle ~~or motor scooter~~ that is at least twenty-five (25) years old.

(b) "Antique motor vehicle", for purposes of IC 9-19-11-1(6), means a passenger motor vehicle or truck that was manufactured without a safety belt as a part of the standard equipment installed by the manufacturer at each designated seating position, before the requirement of the installation of safety belts in the motor vehicle according to the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208).

SECTION 5. IC 9-13-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. "Certificate of compliance" means ~~a written statement issued by~~ **proof of financial responsibility presented to** the bureau, ~~to a registered owner or operator of a motor vehicle involved~~ in ~~an accident showing compliance with IC 9-25 or with the requirements of~~ **a manner prescribed by** the bureau, **in compliance with IC 9-25 or IC 9-26.**

SECTION 6. IC 9-13-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) "Chauffeur", except as provided in subsection (b), means a person:

~~(1) employed by another person for the principal purpose of operating a motor vehicle registered as having a gross weight of sixteen thousand (16,000) pounds or more for the purpose of transporting property;~~

~~(2)~~ **(1)** operating a motor vehicle registered as having a gross weight of sixteen thousand (16,000) pounds or more for the purpose of transporting property for hire; or

~~(3)~~ **(2)** operating a private bus.

(b) "Chauffeur", for purposes of IC 9-25, means a person:

(1) who is employed for hire for the principal purpose of operating a motor vehicle upon the highways;

(2) who operates a motor vehicle while in use as a carrier of passengers or property for hire; or

(3) who drives or operates a motor vehicle while in use as a school bus for the transportation of pupils to or from school.

SECTION 7. IC 9-13-2-28 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 28. (a) "Commercial driver training school", for purposes of IC 9-24-10-4, has the meaning set forth in IC 5-2-6.5-5.~~

~~(b) This section expires December 31, 2011.~~

SECTION 8. IC 9-13-2-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 31. (a) "Commercial motor vehicle" means, except as provided in subsection (b), a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) has a gross combination weight rating of at least twenty-six thousand one (26,001) pounds, including a towed unit with a gross vehicle weight rating of more than ten thousand (10,000) pounds;

(2) has a gross vehicle weight rating of at least twenty-six thousand one (26,001) pounds;

(3) is designed to transport ~~at least~~ sixteen (16) **or more** passengers, including the driver; or

(4) is:

(A) of any size;

(B) used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act; and

(C) required to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

(b) The bureau of motor vehicles may, by rule, broaden the definition of "commercial motor vehicle" under subsection (a) to include vehicles with a gross declared weight greater than eleven thousand (11,000) pounds but less than twenty-six thousand one (26,001) pounds.

SECTION 9. IC 9-13-2-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 32.5. "Commission board" refers to the commission board of the bureau of motor vehicles.**

SECTION 10. IC 9-13-2-44 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 44. (a) "Disposal facility" means a person, firm, limited liability company, corporation, or other legal entity that, in the course of business, engages in the acquisition and dismantling or demolition of ~~motor~~ vehicles, motorcycles, semitrailers, or recreational vehicles or their remains for the benefit of reusable components and parts or recyclable materials.

(b) The term includes the following enterprises:

(1) An automotive salvage recycler.

(2) A hulk crusher.

(c) The term does not include a scrap metal processor.

SECTION 11. IC 9-13-2-48, AS AMENDED BY P.L.184-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 48. **(a) Except as provided in subsection (b),** "driver's license" means any type of license issued by the state authorizing an individual to operate a motor vehicle on public streets, roads, or highways.

(b) "Driver's license", for purposes of IC 9-28-2, has the meaning set forth in IC 9-28-2-4.

SECTION 12. IC 9-13-2-48.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 48.3. "Driving privileges" means the authority granted to an individual that allows the individual to operate a vehicle of the type and in the manner for which the authority was granted.**

SECTION 13. IC 9-13-2-48.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 48.5. "Driving record" means a record:**

(1) maintained by the bureau as required under IC 9-14-3-7; and

(2) established by the bureau under IC 9-24-18-9.

SECTION 14. IC 9-13-2-72.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 72.7. "Highly restricted personal information", for purposes of IC 9-14-3.5, has the meaning set forth in IC 9-14-3.5-2.5.**

SECTION 15. IC 9-13-2-75 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 75. ~~(a)~~ "Identification number", for purposes of IC 9-18-8-15, has the meaning set forth in IC 9-18-8-15(b).

~~(b) "Identification number", for purposes of IC 9-17-4, has the meaning set forth in IC 9-17-4-0.5.~~

SECTION 16. IC 9-13-2-117.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 117.5. **(a)** "Operate", **except as provided in subsection (b),** ~~for purposes of IC 9-31,~~ means to navigate ~~or otherwise use~~ a ~~motorboat.~~ **vehicle.**

(b) "Operate", for purposes of IC 9-31, means to navigate or otherwise use a motorboat.

SECTION 17. IC 9-13-2-118 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 118. (a) **Except as provided in subsection (b),** "operator", ~~means, except as provided in subsection (b),~~ when used in reference to a ~~motor~~ vehicle, **means** a person, other than a chauffeur or a public passenger chauffeur, who:

(1) drives or is in actual physical control of a ~~motor~~ vehicle upon a highway; or

(2) is exercising control over or steering a motor vehicle being towed by ~~a motor~~ **another** vehicle.

(b) "Operator", for purposes of IC 9-25, means a person other than a chauffeur who is in actual physical control of a motor vehicle. ~~upon a highway of Indiana.~~

SECTION 18. IC 9-13-2-121 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 121. (a) **Except as otherwise provided in this section,** "owner", ~~means, except as otherwise provided in this section,~~ when used in reference to a motor vehicle, **means:**

(1) a person who holds the legal title of a motor vehicle;

~~(2) a person renting or leasing a motor vehicle and having exclusive use of the motor vehicle for more than thirty (30) days;~~ or

~~(3)~~ **(2)** if a motor vehicle is the subject of an agreement for the conditional sale or lease vested in the conditional vendee or lessee, or in the event the mortgagor, with the right of purchase upon the performance of the conditions stated in the agreement and with an immediate right of possession of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor.

(b) "Owner", for purposes of IC 9-21 and IC 9-25, means, when used in reference to a motor vehicle, a person who holds the legal title of a motor vehicle, or if a:

(1) motor vehicle is the subject of an agreement for the conditional sale or lease of the motor vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee; or

(2) mortgagor of a motor vehicle is entitled to possession; the conditional vendee or lessee or mortgagor is considered to be the owner for the purpose of IC 9-21 and IC 9-25.

(c) "Owner", for purposes of IC 9-22-1, means the last known record titleholder of a vehicle according to the records of the bureau under IC 9-17.

(d) "Owner", for purposes of IC 9-31, means a person, other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person reserved or created by agreement and securing payment or performance of an obligation. The term excludes a lessee under a lease not intended as security.

SECTION 19. IC 9-13-2-123.5, AS ADDED BY P.L.184-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 123.5. "Permit" means ~~any kind of~~ **a** permit issued by the state authorizing an individual to operate ~~a motor~~ **the type of** vehicle **for which the permit was issued** on public streets, roads, or highways **with certain restrictions.**

SECTION 20. IC 9-13-2-143 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 143. "Public passenger chauffeur" means ~~any of the following:~~

~~(1) A person who operates a motor vehicle while in use as a school bus for the transportation of pupils to or from school, or to or from school athletic games or contests.~~

~~(2)~~ a person who operates a motor vehicle ~~other than a medical services vehicle~~ **designed to transport fifteen (15) individuals or more, including the driver,** while in use as a public passenger carrying vehicle **for hire. The term does not include a person who operates a medical services vehicle.**

SECTION 21. IC 9-13-2-148 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 148. "Raw milk", for purposes of IC 9-20-4-2, has the meaning set forth in IC 9-20-4-2(d).~~

SECTION 22. IC 9-13-2-170.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 170.1. "Special identification number", for purposes of IC 9-17-4, has the meaning set forth in IC 9-17-4-0.5.**

SECTION 23. IC 9-13-2-170.3, AS ADDED BY P.L.210-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 170.3. "Special machinery" ~~means a~~ **includes but is not limited to any of the following:**

(1) A portable saw mill. ~~or~~

(2) Well drilling machinery.

(3) A utility service cable trailer.

(4) Any other vehicle that is:

(A) designed to perform a specific function; and

(B) drawn by a motor vehicle.

The term does not include a vehicle that is designed to carry persons.

SECTION 24. IC 9-13-2-184 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 184. (a) "Trailer" means, except as otherwise provided in this section, a vehicle:

(1) without motive power;

(2) designed for carrying persons or property;

(3) designed for being drawn by a motor vehicle; and

(4) so constructed that no part of the weight of the trailer rests upon the towing vehicle.

The term includes pole trailers and two (2) wheeled homemade trailers.

(b) "Trailer", for purposes of IC 9-21, means a vehicle:

(1) with or without motive power;

(2) designed for carrying persons or property;

(3) designed for being drawn by a motor vehicle; and

(4) so constructed that no part of the weight of the trailer rests upon the towing vehicle.

The term does not include pole trailers **or special machinery.**

(c) "Trailer", for purposes of IC 9-21-8-12 through IC 9-21-8-13, means the combination of any motor vehicle towing another vehicle or trailer.

SECTION 25. IC 9-13-2-187 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 187. "Transport operator" means any of the following:

(1) A person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one (1) place to another by the drive away or tow away methods.

(2) A nonresident dealer **or** manufacturer engaged in the operation or business described in subdivision (1).

(3) A business that prepares newly purchased vehicles of the business and delivers the vehicles to the locations where the vehicles will be based, titled, and registered.

SECTION 26. IC 9-13-2-188.5, AS AMENDED BY HEA 1270-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 188.5. "Truck driver training school" means a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9), **a state educational institution,** or a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12) that:

(1) is located in Indiana; ~~or is a state educational institution;~~

(2) is subject to rules adopted by the bureau under IC 9-24-6-5.5; and

(3) either:

(A) educates or trains a person; or

(B) prepares a person for an examination or a validation given by the bureau;

to operate a truck as a vocation.

SECTION 27. IC 9-14-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. A person who violates this chapter commits a Class C infraction.~~

SECTION 28. IC 9-14-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The bureau shall prescribe and provide all forms necessary to carry out any laws **or rules** administered and enforced by the bureau.

SECTION 29. IC 9-14-2-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. The bureau shall provide notary public service for the convenience of members of the public when applying for a certificate of title, registration, or license.~~

SECTION 30. IC 9-14-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The bureau shall ~~do the following:~~

~~(1) File and index by name~~ **maintain suitable records of:**

(1) each application for a license or permit issued by the bureau; ~~under this title.~~

~~(2) Maintain suitable records of~~ **and**

(2) all licenses and permits issued by the commissioner; under this title.

SECTION 31. IC 9-14-2-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. A person who violates this chapter commits a Class C infraction.~~

SECTION 32. IC 9-14-3-0.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.3. As used in this chapter, "digital signature" has the meaning set forth in IC 5-24-2-1.~~

SECTION 33. IC 9-14-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The bureau shall prepare and deliver, upon request and payment of the fees prescribed in IC 9-29-2-1, a certified copy of any record of the bureau that is not otherwise declared by law to be confidential.

(b) A certified copy of a record obtained under subsection (a) is admissible in a court proceeding as if the copy were the original.

(c) An electronic record of the bureau obtained from the bureau ~~by digital signature~~ that bears an electronic signature is admissible in a court proceeding as if the copy were the original.

SECTION 34. IC 9-14-3-5, AS AMENDED BY P.L.198-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

(1) submitted in writing; or

(2) made electronically through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology;

to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

(1) the Social Security number;

(2) the federal identification number;

(3) the driver's license number;

(4) the digital image of the driver's license applicant;

(5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or

(6) medical or disability information;

of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

(1) to a law enforcement officer;

(2) to an agent or a designee of the department of state revenue;

(3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or

(4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the ~~commission~~ **bureau** may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The ~~commission~~ **bureau** may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 35. IC 9-14-3-6, AS AMENDED BY P.L.80-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Upon the submission to the bureau of a specific written request from an individual or organization for a compilation of specific information requested for the purposes described in subsection (c), the bureau may contract with the individual or organization to compile the requested information from the records of the bureau.

(b) The bureau may charge an amount agreeable to the parties, as described in IC 9-29-2-3.

(c) An individual or organization making a request under this section must certify one (1) of the following:

(1) That the information is required for the purposes of notifying vehicle owners of vehicle defects and recall for modifications, and that the individual or organization will use the information provided only for that purpose.

(2) That the information will be used only for research or statistical reporting purposes and that individual identities will be properly protected in the preparation of the research or reports and not ascertainable from the published reports or research results.

(3) That the information will be used for the purpose of documenting the sale of motor vehicles in Indiana.

(4) That the information will be used for purposes of the federal Selective Service System.

(5) That the information will be used solely for law enforcement purposes by police officers.

(6) That the information will be used to locate a parent described in IC 31-25-3-2(c) as provided under IC 31-25-3-2.

(d) The ~~commission~~ **bureau** may not compile or release information concerning voter registration under this section.

(e) The bureau shall provide the requested information under this section in a format that is agreeable to the parties. ~~including the following formats:~~

~~(1) Printed records.~~

~~(2) Microfiche.~~

~~(3) Computer disk.~~

SECTION 36. IC 9-14-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The bureau shall maintain ~~an operating~~ **a driving** record for each person licensed by the bureau to drive a motor vehicle.

(b) ~~An operating~~ **A driving** record must contain the following:

(1) A person's convictions for any of the following:

(A) A moving traffic violation.

(B) Operating a vehicle without financial responsibility in violation of IC 9-25.

(2) Any administrative penalty imposed by the bureau.

(3) If the driving privileges of a person have been suspended or revoked by the bureau, an entry in the record stating that a notice of suspension or revocation was mailed by the bureau and the date of the mailing of the notice.

(4) Any suspensions, revocations, or reinstatements of a person's driving privileges, license, or permit.

(5) Any requirement that the person may operate only a motor vehicle equipped with ~~an~~ **a** certified ignition interlock device.

(c) An entry in the ~~operating~~ **driving** record of a defendant stating that notice of suspension or revocation was mailed by the bureau to the defendant constitutes prima facie evidence that the notice was mailed to the defendant's address as shown in the ~~official driving record.~~ **records of the bureau.**

(d) ~~An operating~~ **A driving** record maintained under this section:

(1) is not admissible as evidence in any action for damages arising out of a motor vehicle accident; and

(2) may not include voter registration information.

SECTION 37. IC 9-14-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) If the governor, the superintendent of the state police department, or the highest officer located in Indiana of the Federal Bureau of Investigation, the United States Secret Service, or the United States Treasury Department certifies to the bureau that:

(1) an individual named in the ~~certificate~~ **certification** is an officer or employee of a state, county, or city department or bureau with police power;

(2) the nature of the individual's work or duties is of a secret or confidential nature; and

(3) in the course of the individual's work the individual uses the motor vehicle described in the ~~certificate;~~ **certification;**

the bureau shall regard all of the bureau's records concerning the certificate of title or certificate of registration of the motor vehicle and the operating license of the individual described in the ~~certificate~~ **certification** as confidential.

(b) The bureau may disclose the records described in subsection (a) only upon one (1) of the following:

(1) An order of a court of competent jurisdiction made in a cause or matter pending before the court.

(2) The written request of the officer, employee, or a successor of the officer or employee making the ~~certificate.~~ **certification.**

(3) A request of the governor.

SECTION 38. IC 9-14-3.5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. As used in this chapter, "highly restricted personal information" means the following information that identifies an individual:**

(1) Digital photograph or image.

(2) Social Security number.

(3) Medical or disability information.

SECTION 39. IC 9-14-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this chapter, "motor vehicle record" means a record that pertains to:

(1) a driver's license;

(2) a permit;

(3) a ~~motor~~ vehicle **or watercraft** registration;

(4) a ~~motor~~ vehicle **or watercraft** title; or

(5) an identification document issued by the bureau.

SECTION 40. IC 9-14-3.5-5, AS AMENDED BY P.L.184-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "personal information" means information that identifies a person, including an individual's:

(1) digital photograph **or image;**

(2) Social Security number;

(3) driver's license or identification document number;

(4) name;

(5) address (but not the 5-digit zip code);

(6) telephone number; or

(7) medical or disability information.

The term does not include information about vehicular accidents, driving or equipment related violations, and ~~operator's~~ **driver's** license or registration status.

SECTION 41. IC 9-14-3.5-7, AS AMENDED BY P.L.1-2006, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided in sections 8, ~~and~~ 10, **and 10.5** of this chapter:

(1) an officer or employee of the bureau;

(2) an officer or employee of the bureau of motor vehicles commission; or

(3) a contractor of the bureau or the bureau of motor vehicles commission (or an officer or employee of the contractor);

may not knowingly disclose **or otherwise make available** personal information, ~~about a person~~ **including highly restricted personal information** obtained ~~by the bureau~~ in connection with a motor vehicle record.

(b) A person's Social Security number shall not be in any way disclosed on a motor vehicle registration.

SECTION 42. IC 9-14-3.5-10, AS AMENDED BY P.L.97-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. ~~Except as provided in section 10.5 of this chapter,~~ The bureau may disclose **certain** personal information ~~to a person~~ **that is not highly restricted information** if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

(1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.

(2) For use in connection with matters concerning:

(A) motor vehicle or driver safety and theft;

(B) motor vehicle emissions;

(C) motor vehicle product alterations, recalls, or advisories;

(D) performance monitoring of motor vehicles, motor vehicle parts, and dealers;

(E) motor vehicle market research activities, including survey research;

(F) the removal of nonowner records from the original owner records of motor vehicle manufacturers; and

(G) motor fuel theft under IC 24-4.6-5.

(3) For use in the normal course of business by a business or its agents, employees, or contractors, but only:

(A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and

(B) if information submitted to a business is not correct or is no longer correct, to obtain the correct information only for purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.

(5) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, re-disclosed, or used to contact the individuals who are the subject of the personal information.

(6) For use by an insurer, an insurance support organization, or a self-insured entity, or the agents, employees, or contractors of an insurer, an insurance support organization, or a self-insured entity in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by a licensed private investigative agency or licensed security service for a purpose allowed under this section.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2710 et seq.).

(10) For use in connection with the operation of private toll transportation facilities.

(11) For any use in response to requests for individual motor vehicle records when the bureau has obtained the written consent of the person to whom the personal information pertains.

(12) For bulk distribution for surveys, marketing, or solicitations when the bureau has obtained the written consent of the person to whom the personal information pertains.

(13) For use by any person, when the person demonstrates, in a form and manner prescribed by the bureau, that written consent has been obtained from the individual who is the subject of the information.

(14) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

However, this section does not affect the use of anatomical gift information on a person's driver's license or identification document issued by the bureau, nor does ~~it~~ **this section** affect the administration of anatomical gift initiatives in the state.

SECTION 43. IC 9-14-3.5-10.5, AS AMENDED BY P.L.184-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.5. ~~(a) Except as provided in subsections (b) and (c), the bureau may not disclose the following~~ **Highly restricted** personal information ~~from a person's motor vehicle record:~~

~~(1) Driver's license or digital photograph.~~

~~(2) Social Security number.~~

~~(3) Medical or disability information.~~

~~(b) The bureau~~ may ~~disclose the personal information described in subsection (a)~~ **be disclosed only as follows:** ~~if the bureau has~~

(1) With the express written consent of the person to whom the **highly restricted** personal information pertains. ~~to release the information described in subsection (a).~~

~~(c) The bureau may disclose the personal information described in subsection (a) without~~

(2) In the absence of the express written consent of the person to whom the **highly restricted** personal information pertains, if the person requesting the information:

~~(1)~~ **(A)** provides proof of identity; and

~~(2)~~ **(B)** represents that the use of the **highly restricted** personal information will be strictly limited to at least one (1) of the uses set forth in section 10(1), 10(4), 10(6), and 10(9) of this chapter.

SECTION 44. IC 9-14-3.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. A person requesting the disclosure of personal information **or highly restricted personal information** from bureau records who knowingly or intentionally misrepresents the person's identity or makes a false statement to the bureau on an application required to be submitted under this chapter commits a Class C misdemeanor.

SECTION 45. IC 9-14-5-1, AS AMENDED BY P.L.184-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The bureau shall issue a placard to the following:

(1) An individual of any age who:

(A) has a temporary or permanent physical disability that requires the use of a wheelchair, a walker, braces, or crutches **as certified by a health care provider listed in clause (C);**

(B) has temporarily or permanently lost the use of one (1) or both legs;

(C) is certified to be severely restricted in mobility, either temporarily or permanently, due to a pulmonary or cardiovascular disability, arthritic condition, or orthopedic or neurological impairment, by:

(i) a physician having ~~an unlimited~~ **a valid and unrestricted** license to practice medicine;

(ii) a physician who is a commissioned medical officer of the armed forces of the United States or of the United States Public Health Service;

(iii) a physician who is a medical officer of the United States Department of Veterans Affairs;

(iv) a chiropractor ~~licensed~~ **with a valid and unrestricted license** under IC 25-10-1;

(v) a podiatrist ~~licensed~~ **with a valid and unrestricted license** under IC 25-29-1; or

(vi) an advanced practice nurse ~~licensed~~ **with a valid and unrestricted license** under IC 25-23; or

(D) is certified **to be blind or visually impaired** by an optometrist or ophthalmologist ~~licensed~~ **with a valid and unrestricted license** to practice in Indiana. ~~to be blind or visually impaired.~~

(2) Any corporation, limited liability company, partnership, unincorporated association, and any legal successor of the corporation, limited liability company, partnership, or association, empowered by the state or a political subdivision to operate programs, including the provision of transportation, or facilities for persons with physical disabilities.

SECTION 46. IC 9-14-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The certification made by a physician, an optometrist, or an ophthalmologist under section 1(1)(C) or 1(1)(D) of this chapter must:

(1) be on a form prescribed by the ~~state board of accounts~~ **bureau;** and ~~must~~

(2) state the expected duration of the condition that severely restricts the individual's mobility.

SECTION 47. IC 9-14-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A placard issued under section 1(1) of this chapter expires ~~on the recipient's fourth birthday that follows the date of the placard's issuance if~~ **only upon a physician's certification that** the recipient's disability is **no longer considered to be** permanent. ~~If the disability is permanent, a new physician certification is not required upon expiration of the placard, only reapplication.~~

(b) If the recipient's disability is not permanent, a placard issued under section 1(1) of this chapter expires:

(1) six (6) months after the date of the placard's issuance; or

(2) on the date certified by a physician under section 1(1)(C) or 1(1)(D) of this chapter;

whichever occurs first.

SECTION 48. IC 9-14-5-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. When issuing a placard under this chapter, the bureau shall provide the individual to whom a placard is issued instructions explaining the law governing parking for a person with a physical disability and explaining proper use of the placard.~~

SECTION 49. IC 9-14-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The bureau may establish by rule and charge a fee of not more than five dollars ($5) to cover the cost of issuing a placard **or duplicate placard** under this chapter to ~~a~~ **an** individual having a temporary disability. However, the bureau may not establish or charge a fee for issuing a placard **or duplicate placard** under this chapter to an individual having a permanent disability.

SECTION 50. IC 9-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a)** The commission **board** consists of the following five (5) individuals:

(1) Four (4) individuals, not more than two (2) of whom may be members of the same political party, who:

(A) shall be appointed by the governor;

(B) serve for terms of four (4) years;

(C) may not hold any other public office or serve as a state or local employee while serving as a commission **board** member; and

(D) shall devote as much time as is needed to carry out their duties, but are not required to devote full time to their duties.

(2) The commissioner, who:

(A) shall serve as chairman of the commission **board;** and

(B) is responsible for calling commission **board** meetings.

(b) The commission consists of all:

(1) officers and employees of the license branches under IC 9-16; and

(2) other officers and employees designated as commission employees.

SECTION 51. IC 9-15-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Three (3) commission **board** members constitute a quorum. The consent of three (3) commission **board** members is required before any action may be taken.

SECTION 52. IC 9-15-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Each member of the commission **board** who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). ~~That~~ **A board** member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission **board** who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 53. IC 9-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The commission **board** shall do the following:

~~(1) Develop and continuously update the bureau's policies.~~

~~(2)~~ **(1)** Recommend ~~to the governor~~ legislation ~~that is~~ needed to ~~implement the policies developed by the commission.~~ **operate the license branches.**

~~(3)~~ **(2)** Recommend ~~to the bureau proposed~~ rules ~~that are~~ needed to ~~implement the policies developed by the commission and require those proposed rules to be adopted under IC 4-22-2.~~ **operate the license branches.**

~~(4)~~ **(3)** Review ~~revise, adopt, and submit to the~~ budget ~~agency budget~~ proposals for the commission ~~the bureau,~~ and the license branches operated under IC 9-16, including the budget required by IC 9-16-3-3.

~~(5)~~ **(4)** Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-16. However, there must be at least one (1) full service license branch in each county.

~~(6)~~ **(5)** Establish and adopt minimum standards for the operation and maintenance of each full **or partial** service license branch operated under IC 9-16.

~~(7) Before January 1, 1997, establish and adopt minimum standards for the operation and maintenance of each partial service contractor under IC 9-16. The standards must result in more convenience to the public by providing license branch services at as many walk-up locations as possible without increasing the costs of providing these services.~~

~~(8) Before March 1, 1997, establish and adopt minimum standards for providing license branch services using telephonic, facsimile, electronic, or computer means under IC 9-16.~~

~~(9)~~ **(6)** Administer the state license branch fund established under IC 9-29-14.

SECTION 54. IC 9-15-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The commission **board** may do the following:

(1) Procure insurance against any loss in connection with the commission's operations in the amount the commission **board** considers necessary or desirable.

(2) Contract for the operation of full service license branches under IC 9-16-1-4 and partial services under IC 9-16-1-4.5.

(3) Take any other action necessary to achieve the commission's purpose.

SECTION 55. IC 9-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. IC 34-13-3 applies to a claim or suit in tort against any of the following:

(1) A member of the commission **or commission board.**

(2) An employee of the commission, ~~who is employed at a license branch under IC 9-16,~~ except for an employee employed at a license branch operated under a contract with the commission under IC 9-16-1-4.

SECTION 56. IC 9-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "qualified person" means any of the following:

(1) A motor club that is any of the following:

(A) A domestic corporation.

(B) A foreign corporation qualified to transact business in Indiana under IC 23-1 or IC 23-17.

(2) A financial institution (as defined in IC 28-1-1-3).

(3) A new motor vehicle dealer licensed under IC 9-23-2.

(4) Other persons, including persons licensed under IC 9-23-2 that are not covered by subdivision (3), that the commission determines can meet the ~~standards adopted by the commission under IC 9-15-2-1(7) and the~~ requirements for partial service contractors under section 4.5 of this chapter.

SECTION 57. IC 9-16-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The ~~commission~~ **commissioner** shall operate or be responsible for the administration of all license branches in Indiana under this article.

SECTION 58. IC 9-16-1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. The number of license branches may not be reduced in a county below the number in existence on January 1, 2001, unless the ~~bureau:~~ **commission:**

(1) holds a public hearing in the county; and

(2) receives unlimited public testimony before the commissioner on the merits of closing the branch that the ~~bureau~~ **commission** proposes to close in the county.

SECTION 59. IC 9-16-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The commission may contract with a qualified person for:

(1) the operation of a full service license branch under this section; ~~or~~

(2) ~~providing~~ **the provision of** partial services under section 4.5 of this chapter; **or**

(3) other services to process specific transactions as outlined by the commission.

(b) A contract for the operation of a full service license branch must include the following provisions:

(1) The contractor shall provide a full service license branch, including the following services:

(A) Vehicle titles.

(B) Vehicle registration.

(C) Driver's licenses.

(D) Voter registration as provided in IC 3-7.

(2) The contractor shall provide trained personnel to properly process branch transactions.

(3) The contractor shall do the following:

(A) Collect and transmit all bureau fees and taxes collected at the license branch.

(B) Deposit the taxes collected at the license branch with the **commission to be deposited with the** county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

(4) The contractor shall generate a transaction volume sufficient to justify the installation of bureau support systems.

(5) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.

(6) The contractor may operate the license branch within a facility used for other purposes.

(7) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.

(8) The commission shall provide support systems ~~and driver's license examiners~~ on the same basis as state operated branches.

~~(9) The commission shall provide the same equipment to contractors as is provided to state operated branches.~~

~~(10)~~ **(9)** The commission must approve each location and physical facility based upon criteria developed by the commission **board.**

~~(11)~~ **(10)** The term of the contract must be for a fixed period.

~~(12)~~ **(11)** The contractor shall agree to provide voter registration services and to perform the same duties imposed on the commission under IC 3-7.

SECTION 60. IC 9-16-1-4.5, AS AMENDED BY P.L.41-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) The commission may contract with a qualified person to provide partial services at a qualified person's location, including locations within a facility used for other purposes, such as electronic titling and title application services and self-serve terminal access.

(b) A contract for providing motor vehicle **title or** registration and renewal services, **or both,** at a location must include the following provisions:

(1) The contractor must provide trained personnel to properly process motor vehicle registration and renewal transactions.

(2) The contractor shall do the following:

(A) Collect and transmit all bureau fees and taxes collected at the contract location.

(B) Deposit the taxes collected at the contract location with the **commission to be deposited with the** county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

(3) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.

(4) The contractor shall provide:

(A) liability insurance coverage in an amount not to exceed two million dollars ($2,000,000) per occurrence, as prescribed by the commission; and

(B) indemnification of the commission for any liability in excess of the amount of coverage provided under clause (A), not to exceed five million dollars ($5,000,000) per occurrence.

(5) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.

(6) The commission must approve each location and physical facility used by a contractor.

(7) The term of the contract must be for a fixed period.

SECTION 61. IC 9-16-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Notwithstanding IC 5-16, IC 5-17-1, and IC 5-22, the commission may develop a system of procurement that applies only to procurement of equipment, materials, **services,** and goods required for the operation of license branches.

(b) A system of procurement adopted under this section must provide that whenever:

(1) a contract is awarded by acceptance of bids, proposals, or quotations; and

(2) a trust (as defined in IC 30-4-1-1(a)) submits a bid, proposal, or quotation;

the bid, proposal, or quotation must identify each beneficiary of the trust and each settlor empowered to revoke or modify the trust.

(c) This section does not apply to the purchasing, leasing, or disposal of real property.

SECTION 62. IC 9-16-3-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. The manager of each license branch that is staffed by commission employees shall prepare and submit a proposed operating budget for that license branch to the commissioner before August 1 of each year.~~

SECTION 63. IC 9-16-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~Based on the proposed budgets from each of the license branches,~~ The commission shall develop a statewide license branch budget. If the commission **board** determines that the total of:

(1) revenues from license branch operations; and

(2) appropriations received by the commission;

are insufficient to support license branch operations, the commission shall increase the branch service charges under IC 9-29-3.

SECTION 64. IC 9-16-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. On ~~or before September 1~~ **a date specified by the budget agency** of each even-numbered year, the commission shall submit to the budget agency a proposed budget. The commission shall include, at a minimum, the following information on a county by county basis:

(1) Total estimated revenue. ~~by source.~~

(2) Total estimated expenditures for salaries and fringe benefits.

(3) Total estimated expenditures for other personal services.

(4) Total estimated expenditures for nonpersonal services.

(5) Total estimated expenditures for contractual services.

(6) Total estimated expenditures for supplies and materials.

(7) All other estimated expenditures.

(8) The number of full-time and part-time employees.

(9) Other information the budget agency requires.

SECTION 65. IC 9-16-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. ~~Before October 1 of each even-numbered year,~~ The budget agency shall provide the information received under section 3 of this chapter to the budget committee for the committee's review.

SECTION 66. IC 9-16-4-1, AS AMENDED BY P.L.221-2005, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The commission **board** may develop a separate personnel system for employees of the commission who are assigned to be managers and employees of commission license branches. The system may establish the rights, privileges, powers, and duties of these employees, including a license branch pay scale and benefit package. If the commission **board** does not develop and adopt a license branch personnel system, those employees are subject to the state personnel system under ~~IC 4-15-1.8,~~ **IC 4-15-2.2,** except as provided in IC 9-16-1-7.

SECTION 67. IC 9-16-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The commission **board** may:

(1) develop a retirement program for managers and employees of commission license branches; or

(2) cause managers and employees of commission license branches to be members of the public employees' retirement fund (IC 5-10.3-7).

SECTION 68. IC 9-16-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies to a license branch ~~that furnishes any services other than the issuance of a driver's license or identification card under IC 9-24.~~ **operated by the commission.**

SECTION 69. IC 9-16-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~The commission~~ **License branches** shall offer voter registration services under this chapter, in addition to providing a voter registration application as a part of an application for a motor vehicle driver's license, permit, or identification card under IC 9-24-2.5 and 42 U.S.C. 1973gg-3.

SECTION 70. IC 9-17-1-1, AS AMENDED BY P.L.182-2009(ss), SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article does not apply to:

(1) special machinery;

(2) farm wagons;

(3) a golf cart when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a); or

(4) a motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer;

or any other vehicle that is not registered in accordance with IC 9-18-2.

SECTION 71. IC 9-17-2-1, AS AMENDED BY P.L.131-2008, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This section does not apply to an off-road vehicle that is at least five (5) model years old.

(b) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must obtain a certificate of title for all vehicles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; or

(2) are off-road vehicles;

and that will be operated in Indiana.

(c) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person ~~shall~~ **must** obtain a certificate of title for all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(d) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must obtain a certificate of title for all recreational vehicles owned by the person that:

(1) are subject to the excise tax imposed under IC 6-6-5.1; and

(2) will be operated in Indiana.

(e) **A person must obtain a certificate of title for all vehicles owned by the person not later than sixty (60) days after becoming an Indiana resident.** A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 72. IC 9-17-2-2, AS AMENDED BY P.L.83-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A person applying for

a certificate of title for a vehicle must submit an application on a form furnished by the bureau ~~that contains~~ **and provide** the following information:

(1) A full description of the vehicle, **including the make, model, and year of manufacture of the vehicle.**

(2) A statement of ~~the person's title and of~~ any lien or encumbrance on the vehicle.

(3) The vehicle identification number or special identification number of the vehicle.

(4) The former title number, if applicable.

(5) The purchase or acquisition date.

(6) The name, residence address and, if different from the residence address, mailing address, and Social Security number or federal identification number of the person.

~~(3)~~ **(7)** Other information **that** the bureau requires.

(b) This subsection applies only to an individual who receives an interest in a vehicle under IC 9-17-3-9. To obtain a certificate of title for the vehicle, the individual must do the following:

(1) Surrender the certificate of title designating the individual as a transfer on death beneficiary.

(2) Submit proof of the transferor's death.

(3) Submit an application for a certificate of title on a form furnished by the bureau that meets the requirements of subsection (a).

SECTION 73. IC 9-17-2-3, AS AMENDED BY P.L.131-2008, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The ~~form~~ **application** described under section 2 of this chapter must include the following printed statement:

"I swear or affirm that the information I have entered on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury.".

(b) The person applying for the certificate of title must sign the form directly below the printed statement.

~~(c) The form described under section 2 of this chapter must include the statement required by IC 9-17-3-3.2.~~

SECTION 74. IC 9-17-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. If a certificate of title:

(1) has been previously issued for a vehicle in Indiana, an application for a certificate of title must be accompanied by the previously issued certificate of title, unless otherwise provided; or

(2) has not previously been issued for a vehicle in Indiana, an application for a certificate of title must be accompanied by a manufacturer's certificate of origin as provided in IC 9-17-8, unless otherwise provided **in this chapter.**

SECTION 75. IC 9-17-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The bureau shall retain the evidence of title presented by a person upon which the Indiana certificate of title is issued **in accordance with applicable document and record retention requirements.**

SECTION 76. IC 9-17-2-9, AS AMENDED BY P.L.1-2007, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section does not apply to ~~a motor~~ **an off-road** vehicle requiring a certificate of title under ~~section 1(b)(2) or 1.5 of~~ this chapter.

(b) A person applying for a certificate of title must:

(1) apply for registration of the vehicle described in the application for the certificate of title; or

(2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 77. IC 9-17-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. If the bureau is satisfied that the person applying for a certificate of title is the owner of the vehicle, ~~or is otherwise entitled to have the vehicle registered in the person's name,~~ the bureau may issue a certificate of title for the vehicle.

SECTION 78. IC 9-17-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The bureau shall deliver a certificate of title to the person who owns the vehicle if no lien or encumbrance appears on the certificate of title.

(b) If a lien or an encumbrance appears on the vehicle, the bureau shall deliver the certificate of title to the person ~~named to receive the certificate of title~~ **who holds the lien or encumbrance set forth** in the application for the certificate of title.

SECTION 79. IC 9-17-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) If a certificate of title:

(1) is lost **or stolen;**

(2) is mutilated;

(3) is destroyed; or

(4) becomes illegible;

the person who owns the vehicle or the legal representative or legal successor in interest of the person who owns the vehicle for which the certificate of title was issued, as shown by the records of the bureau, shall immediately apply for and may obtain a duplicate certificate of title.

(b) To obtain a duplicate certificate of title under subsection (a), a person must:

(1) furnish information satisfactory to the bureau concerning the loss, **theft,** mutilation, destruction, or illegibility of the certificate of title; and

(2) pay the fee provided under IC 9-29.

(c) The word "duplicate" shall be printed or stamped in ink on the face of a certificate of title issued under this section.

(d) When a duplicate certificate of title is issued, the previous certificate of title becomes void.

SECTION 80. IC 9-17-3-3.2, AS ADDED BY P.L.131-2008, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.2. ~~The form furnished by the bureau under IC 9-17-2-2 must contain the following language immediately below the signature of the seller:~~

~~"If this~~ **(a) When a certificate of title is available and a** vehicle is sold or transferred to a person other than a dealer

licensed in Indiana, the seller or transferor ~~is required to~~ **shall** fill in all blanks **on the certificate of title** relating to buyer information, including the sale price.

(b) The knowing or intentional failure of the seller or transferor to fill in all buyer information is a Class A misdemeanor ~~or~~ **for the first offense and** a Class D felony for the second or subsequent offense under IC 9-17-3-7(c)(2).

SECTION 81. IC 9-17-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A certificate of title for a vehicle held by an Indiana resident who is serving in the armed forces of the United States may be transferred by the **Indiana** resident to another person if the resident authorizes the transfer by a **valid power of attorney or a** letter signed by the **Indiana** resident. **The valid power of attorney or the letter must be accompanied by proof that the Indiana resident is actively serving in the armed forces of the United States and is outside Indiana.**

(b) When the bureau receives the **power of attorney or** letter **and proof** described in subsection (a), the bureau may make the transfer to the person named in the **power of attorney or** letter.

(c) Whenever a transfer described in subsection (a) is made, the **power of attorney or** letter:

(1) must be attached to the certificate of title being transferred; and

(2) becomes a permanent record of the bureau.

(d) The bureau shall use reasonable diligence in determining if the signature of the person who signed the letter described in subsection (a) authorizing the transfer is the signature of the person.

(e) If the bureau is satisfied that the signature is the signature of the person who owns the vehicle described in the certificate of title, the bureau shall issue an appropriate certificate of title over the signature of the bureau and sealed with the seal of the bureau to the person named in the letter.

SECTION 82. IC 9-17-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Whenever a vehicle for which a certificate of title is required by this article is sold under:

(1) an order or a process of an Indiana court; or

(2) any provision of an Indiana statute;

the person who purchases the vehicle may obtain a certificate of title for the vehicle by filing an application for the certificate of title with the bureau and attaching to the application written evidence showing the order, process, or statute under which the person obtained ownership of the vehicle.

(b) The bureau shall use due diligence to ascertain that the sale was in conformity with the order, process, or statute under which the sale occurred and, if the bureau is satisfied, the bureau shall issue a certificate of title to the person who **obtained or** purchased the vehicle.

(c) An order or a process of an Indiana court described in subsection (a) must include the:

(1) year of manufacture of;

(2) make and model of;

(3) vehicle identification number of; and

(4) name and address of the person who is entitled to; the vehicle.

SECTION 83. IC 9-17-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (b), if the bureau receives notification from another state or a foreign country that a certificate of title for a vehicle that was issued by the bureau has been surrendered by the person who owns the vehicle in conformity with the laws of the other state or country, the bureau may cancel the record of certificate of title in Indiana.

(b) The bureau must retain information necessary to comply with ~~rules adopted under~~ section 8 of this chapter.

SECTION 84. IC 9-17-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The bureau shall: ~~adopt rules under IC 4-22-2 that:~~

(1) enable the owner of a motor vehicle titled in Indiana to determine:

(A) whether that motor vehicle has previously been titled in Indiana; and

(B) if the motor vehicle has previously been titled in Indiana, whether the title was issued **as a salvage title** under IC 9-22-3; and

(2) impose a service charge under IC 9-29-3-19 for services performed by the bureau under this section.

SECTION 85. IC 9-17-4-0.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.3. As used in this chapter, "assembled vehicle" means:

(1) a motor vehicle, excluding a motorcycle, that has had the:

(A) frame;

(B) chassis;

(C) cab; or

(D) body;

replaced **or constructed;** or

(2) a motorcycle that has had the:

(A) frame; or

(B) engine;

replaced **or constructed.**

The term includes but is not limited to glider kits, fiberglass body kits, and vehicle reproductions or replicas and includes motor vehicles that have visible and original vehicle identification numbers.

SECTION 86. IC 9-17-4-0.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. As used in this chapter, **"special** identification number" means a distinguishing number assigned by the bureau to a privately assembled motor vehicle, semitrailer, or recreational vehicle.

SECTION 87. IC 9-17-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. If a motor vehicle, semitrailer, or recreational vehicle has been built, constructed, or assembled by the person who owns the motor vehicle, semitrailer, or recreational vehicle, the person shall:

(1) indicate on a form provided by the bureau the major component parts that have been used to assemble the motor vehicle, semitrailer, or recreational vehicle;

(2) make application through the bureau for ~~an~~ **a special** identification number for the motor vehicle, semitrailer, or recreational vehicle;

(3) after receipt of the **special** identification number described in subdivision (2), stamp or attach the **special** identification number received from the bureau in the manner provided in section ~~2(2)~~ **2(3)** of this chapter; and

(4) apply for a certificate of title for the motor vehicle, semitrailer, or recreational vehicle from the bureau.

SECTION 88. IC 9-17-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A certificate of title may not be issued for a **manufactured or** privately assembled motor vehicle, semitrailer, or recreational vehicle that does not have a ~~distinctive~~ **special** identification number stamped on the motor vehicle, semitrailer, or recreational vehicle or permanently attached to the motor vehicle, semitrailer, or recreational vehicle until the person who owns the motor vehicle, semitrailer, or recreational vehicle has:

(1) an inspection performed under IC 9-17-2-12;

~~(1)~~ **(2)** obtained from the bureau ~~an~~ **a special** identification number designated by the bureau; and

~~(2)~~ **(3)** stamped or permanently attached the **special** identification number in a conspicuous place on the frame of the motor vehicle, semitrailer, or recreational vehicle.

SECTION 89. IC 9-17-4-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. In obtaining an identification number, substantially the same procedure shall be followed as is provided in this article for obtaining a certificate of title from the bureau.~~

SECTION 90. IC 9-17-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A certificate of title issued under this chapter must contain the following:

(1) A description and other evidence of identification of the motor vehicle, semitrailer, or recreational vehicle as required by the bureau.

(2) A statement of any liens or encumbrances that the application shows to be on the certificate of title.

(3) The appropriate notation prominently recorded on the front of the title as follows:

(A) For a vehicle assembled using all new vehicle parts, excluding the vehicle frame, ~~"ASSEMBLED~~ **"RECONSTRUCTED** VEHICLE".

(B) For a vehicle assembled using used parts, "REBUILT VEHICLE".

(C) For a vehicle assembled using a salvage vehicle or parts, "REBUILT SALVAGE".

SECTION 91. IC 9-17-4-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. (a) A person must obtain a body change title whenever a vehicle is altered so that the alteration changes the type of the vehicle, as noted on the:**

(1) current title; or

(2) certificate of origin;

of the vehicle.

(b) To receive a body change title, an applicant must provide:

(1) the former title or certificate of origin;

(2) a properly completed body change affidavit using a bureau designated form; and

(3) proof of a vehicle inspection.

(c) An assembled vehicle and a vehicle that is altered such that the vehicle type is changed must meet all applicable federal and state highway safety requirements before the vehicle may be titled and registered for operation on highways.

SECTION 92. IC 9-17-5-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 5. (a) A security agreement covering a security interest in a vehicle that is not inventory held for sale can be perfected only if the bureau indicates the security interest on the certificate of title or duplicate. Except as otherwise provided in subsections (b) and (c), IC 26-1-9.1 applies to security interests in vehicles.**

(b) The secured party, upon presentation to the bureau of a properly completed application for certificate of title together with the fee prescribed, may have a notation of the lien made on the face of the certificate of title to be issued by the bureau. The bureau shall:

(1) enter the notation and the date of the notation; and

(2) note the lien and date of lien in the bureau's files.

(c) Whenever a lien is discharged, the holder shall note the discharge on the certificate of title over the signature of the holder.

SECTION 93. IC 9-17-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. If the bureau is satisfied that the person applying for the certificate of title is the owner of the manufactured home or is otherwise entitled to have the manufactured home titled in the person's name, the bureau shall issue an appropriate certificate of title. ~~over the signature of the bureau and sealed with the seal of the bureau.~~

SECTION 94. IC 9-17-7-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. (a) A security agreement covering a security interest in a trailer that is not inventory held for sale can be perfected only if the bureau indicates the security interest on the certificate of title or duplicate. Except as otherwise provided in subsections (b) and (c), IC 26-1-9.1 applies to security interests in trailers.**

(b) The secured party, upon presentation to the bureau of a properly completed application for certificate of title together with the fee prescribed in IC 9-29-4, may have a notation of the lien made on the face of the certificate of title to be issued by the bureau. The bureau shall:

(1) enter the notation and the date of the notation; and

(2) note the lien and date of lien in the bureau's files.

(c) Whenever a lien is discharged, the holder shall note the discharge on the certificate of title over the signature of the holder.

SECTION 95. IC 9-18-1-1, AS AMENDED BY P.L.182-2009(ss), SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article does not apply to the following:

(1) Farm wagons.

(2) Farm tractors.

(3) A new motor vehicle if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:

(A) the new motor vehicle was being transported on a railroad car or semitrailer; and

(B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

(4) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

(5) Off-road vehicles.

(6) Golf carts when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).

(7) Vehicles that are not issued a certificate of title under IC 9-17, unless otherwise provided in this article.

SECTION 96. IC 9-18-2-1, AS AMENDED BY P.L.1-2009, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must register all motor vehicles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; and

(2) will be operated in Indiana.

(b) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must register all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(c) ~~Within sixty (60) days after becoming an Indiana resident,~~ A person must register all recreational vehicles owned by the person that:

(1) are subject to the excise tax imposed under IC 6-6-5.1; and

(2) will be operated in Indiana.

(d) A person must ~~produce evidence concerning the date on which~~ **register all vehicles owned by** the person ~~became~~ **not later than sixty (60) days after becoming** an Indiana resident.

(e) Except as provided in subsection (f), an Indiana resident must register all motor vehicles operated in Indiana.

(f) An Indiana resident who has a legal residence in a state that is not contiguous to Indiana may operate a motor vehicle in Indiana for not more than sixty (60) days without registering the motor vehicle in Indiana.

(g) An Indiana resident who has registered a motor vehicle in Indiana in any previous registration year is not required to register the motor vehicle, is not required to pay motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the motor vehicle, and is exempt from property tax on the motor vehicle for any registration year in which:

(1) the Indiana resident is:

(A) an active member of the armed forces of the United States; and

(B) assigned to a duty station outside Indiana; and

(2) the motor vehicle is not operated inside or outside Indiana.

This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

(h) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection (g), the Indiana resident may submit an affidavit that:

(1) states facts demonstrating that the motor vehicle is a motor vehicle described in subsection (g); and

(2) is signed by the owner of the motor vehicle under penalties of perjury;

as sufficient proof that the owner of the motor vehicle is not required to register the motor vehicle during a registration year described in subsection (g). The commission or bureau may not require the Indiana resident to pay any civil penalty or any reinstatement or other fee that is not also charged to other motor vehicles being registered in the same registration year.

SECTION 97. IC 9-18-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. A **person registering a** motor vehicle ~~may be registered~~ in Indiana ~~only if~~ **must have** proof of financial responsibility **that is in effect** in the amounts specified in IC 9-25 ~~is produced~~ **available** for inspection at the time ~~an~~ **the person's** application for registration is made. ~~in a form required by the bureau.~~

SECTION 98. IC 9-18-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. ~~(a) A person who owns a vehicle must sign an application in ink to register the vehicle.~~

~~(b) An application~~ **(a) A person who desires** to register a vehicle **with the bureau** must ~~contain~~ **provide** the following:

(1) The:

(A) name, bona fide residence, and mailing address, including the name of the county, of the person who owns the vehicle; or

(B) business address, including the name of the county, of the person that owns the vehicle if the person is a firm, a partnership, an association, a corporation, a limited liability company, or a unit of government.

If the vehicle that is being registered has been leased and is subject to the motor vehicle excise tax under IC 6-6-5 or

the commercial vehicle excise tax under IC 6-6-5.5, ~~the application must contain~~ the address of the person who is leasing the vehicle **must be provided.** If the vehicle that is being registered has been leased and is not subject to the motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5, ~~the application must contain~~ the address of the person who owns the vehicle, the person who is the lessor of the vehicle, or the person who is the lessee of the vehicle **must be provided.** If a leased vehicle is to be registered under the International Registration Plan, the registration procedures are governed by the terms of the plan.

(2) A brief description of the vehicle to be registered, including the following information if available:

(A) The name of the manufacturer of the vehicle.

(B) The vehicle identification number.

(C) The manufacturer's rated capacity if the vehicle is a truck, tractor, trailer, or semitrailer.

(D) The type of body of the vehicle.

(E) The model year of the vehicle.

(F) The color of the vehicle.

~~(F)~~ **(G)** Any other information reasonably required by the bureau to enable the bureau to determine if the vehicle may be registered. The bureau may request the person applying for registration to provide the vehicle's odometer reading.

(3) ~~A space on the application in which~~ The person registering the vehicle may indicate the person's desire to donate money to organizations that promote the procurement of organs for anatomical gifts. The ~~space on the application~~ **bureau** must:

(A) allow the person registering the vehicle to indicate the amount the person desires to donate; and

(B) provide that the minimum amount a person may donate is one dollar ($1).

Funds collected under this subdivision shall be deposited with the treasurer of state in a special account. The auditor of state shall monthly distribute the money in the special account to the anatomical gift promotion fund established by IC 16-19-3-26. The bureau may deduct from the funds collected under this subdivision the costs incurred by the bureau in implementing and administering this subdivision.

~~(c)~~ **(b)** The department of state revenue may audit records of persons who register trucks, trailers, semitrailers, buses, and rental cars under the International Registration Plan to verify the accuracy of the application and collect or refund fees due.

SECTION 99. IC 9-18-2-17, AS AMENDED BY P.L.163-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Upon receiving ~~an application~~ **the information** under section 16 of this chapter, the bureau shall:

(1) determine:

(A) the genuineness and regularity of the ~~application;~~ **information;** and

(B) that the person applying for registration is entitled to register the vehicle;

~~(2) file the application;~~

~~(3)~~ **(2)** subject to subsection (b), register the vehicle described in the application; and

~~(4)~~ **(3)** keep a record of the ~~application on suitable index cards~~ **registration of the vehicle** under a distinctive registration number assigned to the vehicle ~~and~~ in ~~any other~~ **a** manner the bureau considers desirable for the convenience of the bureau.

(b) Upon receiving notice, as described in IC 9-21-3.5-10(c), of the failure of an owner of a vehicle to pay a fine, charge, or other assessment for a toll violation documented under IC 9-21-3.5-12, the bureau shall withhold the annual registration of the vehicle that was used in the commission of the toll violation until the owner pays the fine, charge, or other assessment, plus any applicable fees, to:

(1) the bureau; or

(2) the appropriate authority under IC 9-21-3.5 that is responsible for the collection of fines, charges, or other assessments for toll violations under IC 9-21-3.5.

If the owner pays the fine, charge, or assessment, plus any applicable fees, to the bureau as described in subdivision (1), the bureau shall remit the appropriate amount to the appropriate authority under IC 9-21-3.5 that is responsible for the collection of fines, charges, assessments, or fees for toll violations under IC 9-21-3.5.

SECTION 100. IC 9-18-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) ~~A~~ **The** person ~~who registers a vehicle,~~ **whose name appears on the certificate of registration,** except a person who registers a vehicle under the International Registration Plan, shall sign the person's copy of the certificate of registration in ink in the space provided.

(b) A certificate of registration or a legible reproduction of the certificate of registration must be carried:

(1) in the vehicle to which the registration refers; or

(2) by the person driving or in control of the vehicle, who shall display the registration upon the demand of a police officer.

(c) A legible reproduction of the certificate of registration may be made by any photostatic or similar process. ~~The valid stamp must be legible on the reproduced copy.~~

SECTION 101. IC 9-18-2-24 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 24. The bureau may destroy applications for registration of motor vehicles that have been on file in the bureau for a period of at least three (3) years.~~

SECTION 102. IC 9-18-2-29.5, AS ADDED BY P.L.210-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 29.5. Before a piece of special machinery is operated off a highway or in a farm field, the person who owns the piece of special machinery must:

(1) register the piece of special machinery with the bureau; and

(2) pay the applicable **special machinery** registration fee.

SECTION 103. IC 9-18-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The bureau may:

(1) prescribe forms; and

(2) adopt rules;

to implement this chapter.

(b) A form prescribed under this section must include the information described in ~~IC 9-18-2-16(b)(3).~~ **IC 9-18-2-16(a)(3).**

SECTION 104. IC 9-18-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~An application~~ **A request** for registration under this chapter must be:

(1) made under the laws governing applications; and

(2) signed for, on behalf of the holder, by the person named in the letter.

SECTION 105. IC 9-18-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Upon receiving ~~an application and~~ a letter of authorization, the bureau shall determine if the signature on the letter is that of the person who holds the certificate of title for the motor vehicle by comparing the signature on the letter with the signature on the certificate of title.

SECTION 106. IC 9-18-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person may apply for and receive a temporary registration permit for a motor vehicle, semitrailer, trailer designed to be used with a semitrailer, or recreational vehicle.

(b) ~~Except as provided in section 1.5 of this chapter,~~ A temporary registration permit is valid for a period of thirty (30) days from the date of issuance and authorizes the use of the motor vehicle, semitrailer, trailer designed to be used with a semitrailer, or recreational vehicle on the highways if any of the following conditions exist:

(1) The person has purchased or otherwise obtained the vehicle in Indiana and will be titling or registering the vehicle in another state **or foreign country.**

(2) The person is a resident of Indiana and is intending to move to another state and the current vehicle registration or temporary permit will expire before the person moves.

(3) The person is a resident of Indiana and the vehicle registration in another state has expired and the person has applied for an Indiana title for the vehicle.

(4) The person is a manufacturer of semitrailers or trailers designed to be used with a semitrailer that may be leased by the manufacturer to any person, including a motor carrier, for not more than the term of the special registration permit. This subdivision does not prohibit the transportation of property on a semitrailer or trailer operating under a temporary registration permit. A copy of the lease must accompany the semitrailer or trailer.

(5) The person owns and operates the vehicle and the person:

(A) does not operate the vehicle as a lessor; and

(B) moves the empty vehicle from one (1) lessee-carrier to another.

(6) The person owns a vehicle for which emissions testing is required and the vehicle will require further mechanical repairs in order to comply with the emissions testing requirements.

(c) The bureau shall prescribe the form of a temporary registration permit.

(d) A temporary registration permit shall be displayed on a vehicle in a manner determined by the bureau.

(e) The bureau may provide for the bulk issuance of temporary registration permits to manufacturers for the purpose of subsection (b)(4).

(f) Subject to IC 9-25-1-2, a temporary registration permit may be obtained under this section if the owner of the vehicle provides proof of financial responsibility in the amounts specified under IC 9-25 in a form required by the bureau.

SECTION 107. IC 9-18-7-1.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1.5. (a) This section applies to a temporary registration permit obtained:~~

~~(1) for a vehicle that is manufactured in Indiana; and~~

~~(2) by an individual who:~~

~~(A) is a citizen of a foreign country; and~~

~~(B) purchases a vehicle described in subdivision (1) with the intention of registering the vehicle in the foreign country of which the individual is a citizen.~~

~~(b) A temporary registration permit issued under this section is valid for ninety (90) days from the date of issuance and authorizes the use of the vehicle on the highways.~~

~~(c) A temporary registration permit issued under this section shall be manufactured from the same material as a license plate issued under IC 9-18-2. The bureau shall prescribe the form of a temporary registration permit.~~

~~(d) A temporary registration permit shall be displayed on a vehicle in a manner determined by the bureau.~~

~~(e) Subject to IC 9-25-1-2, a temporary registration permit may be obtained under this section if the owner of the vehicle provides proof of financial responsibility in the amounts specified under IC 9-25 in a form required by the bureau.~~

SECTION 108. IC 9-18-11-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. A person engaged in operating at least one (1) fleet of intercity buses may, instead of registering the buses under any other law, register each fleet for operation in Indiana by filing an application with the bureau that contains the following information:~~

~~(1) The total number of miles operated in all states during the preceding year by the intercity buses in the fleet.~~

~~(2) The total number of miles operated in Indiana during the preceding year by the intercity buses in the fleet.~~

~~(3) A description and identification of each intercity bus in the fleet that is to be operated in Indiana during the registration year for which proportional fleet registration is requested.~~

~~(4) Any other information requested by the bureau.~~

SECTION 109. IC 9-18-12-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. (a) An application for the registration of~~

~~an antique motor vehicle under this chapter must be accompanied by a certificate that indicates that the antique motor vehicle has:~~

~~(1) been inspected for general safety; and~~

~~(2) been found to be in a mechanical condition that the vehicle can be operated safely on the highways.~~

~~(b) The state police department shall make the inspection and issue the certificate under this section.~~

SECTION 110. IC 9-18-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. If a person who owns a military vehicle registers the military vehicle under this chapter, the registration of the military vehicle is for the life of the military vehicle. **A person who owns a military vehicle shall also pay any applicable excise taxes under IC 6-6-5 and IC 6-6-5.5.**

SECTION 111. IC 9-18-14-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. The bureau shall adopt rules under IC 4-22-2 to implement this chapter.~~

SECTION 112. IC 9-18-25-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 establishing the requirements to qualify for participation in the special group recognition license plate program.

(b) Representatives of a special group shall petition the bureau to qualify for participation in the special group recognition license plate program.

(c) Each petition submitted under this section must contain the printed name, address, and signature of at least five hundred (500) members of the special group who pledge to purchase the special group recognition license plate if a special group recognition license plate is issued for the group under this chapter.

(d) **Except as provided in subsection (e),** when a petition containing the information required in subsection (c) is submitted to the bureau, the bureau may design and issue a special group recognition license plate that designates a vehicle as being registered under this chapter by a person (as defined in IC 9-13-2-124) who is a member of the special group.

(e) This subsection expires December 31, 2013. Notwithstanding subsection (d), the bureau may not approve a new special group recognition license plate in accordance with this section until July 15, 2013.

SECTION 113. IC 9-22-1-4, AS AMENDED BY P.L.191-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsection (c), the ~~person who owns~~ **owner of** an abandoned vehicle or parts is:

(1) responsible for the abandonment; and

(2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

(b) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars ($1,500).

(c) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(d) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned to the previous owner of the vehicle if the previous owner is known.

SECTION 114. IC 9-22-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. When an officer discovers a vehicle in the possession of a person other than the ~~person who owns~~ **owner of** the vehicle and the person cannot establish the right to possession of the vehicle, the vehicle shall be taken to and stored in a suitable place.

SECTION 115. IC 9-22-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. The bureau shall be notified within seventy-two (72) hours of the location and description of a vehicle described in section 5 of this chapter.~~

SECTION 116. IC 9-22-1-7, AS AMENDED BY P.L.191-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. If:

(1) the ~~person who owns~~ **owner** or ~~holds a lien~~ **lienholder** under section 8 of this chapter does not appear and pay all costs; or

(2) the ~~person who owns~~ **owner of** a vehicle cannot be determined by a search conducted under section 19 of this chapter;

the vehicle is considered abandoned and must be disposed of under this chapter.

SECTION 117. IC 9-22-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released. **A towing service shall notify the appropriate public agency of all releases under this section. The notification must include the name, signature, and address of the person that owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and the date of release.**

SECTION 118. IC 9-22-1-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing service shall notify the appropriate public agency of all releases under section 8 of this chapter.~~

SECTION 119. IC 9-22-1-12, AS AMENDED BY P.L.131-2008, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. If a vehicle or a part tagged under section 11 of this chapter is not removed within the applicable period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition **and** missing parts. ~~and other facts that might substantiate the estimated market value of the vehicle~~

~~or parts.~~ Photographs ~~shall~~ **may** be taken to describe the condition of the vehicle or parts.

SECTION 120. IC 9-22-1-13, AS AMENDED BY P.L.191-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) If ~~in~~ the ~~opinion of the officer~~ **vehicle is a junk vehicle and** the market value of an abandoned vehicle or parts ~~determined in accordance with section 12 of this chapter~~ is less than:

(1) ~~five hundred dollars ($500);~~ **one thousand dollars ($1,000);** or

(2) in a municipality that has adopted an ordinance under subsection (b), the amount established by the ordinance;

the ~~officer~~ **towing service** shall immediately ~~dispose of~~ **transfer** the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs, **if applicable,** relating to the abandoned vehicle shall be ~~forwarded~~ **provided** to the ~~bureau.~~ **storage yard.** A towing service **or storage yard** may dispose of an abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. A city, county, or town that operates a storage yard under IC 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyard or an automotive salvage recycler upon removal of the abandoned vehicle. The public agency **or storage yard** disposing of the vehicle shall retain the original records and photographs for at least two (2) years. **If the vehicle is demolished, a copy of the abandoned vehicle report shall be forwarded to the bureau by the automobile scrap yard after the vehicle has been demolished.**

(b) The legislative body of a municipality (as defined in IC 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under subsection (a). However, the market value established by the ordinance may not be more than seven hundred fifty dollars ($750).

(c) When the bureau receives the report described in subsection (a), the bureau shall note the status of the vehicle in the records of the bureau.

SECTION 121. IC 9-22-1-14, AS AMENDED BY P.L.104-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) If in the opinion of the officer the market value of the abandoned vehicle or parts ~~determined in accordance with section 12 of this chapter~~ is at least:

(1) ~~five hundred dollars ($500);~~ **one thousand dollars ($1,000);** or

(2) in a municipality that has adopted an ordinance under section 13(b) of this chapter, the amount established by the ordinance;

the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.

(b) After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

SECTION 122. IC 9-22-1-17, AS AMENDED BY P.L.191-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. A towing service that tows a vehicle under section ~~5 or~~ 16 of this chapter shall give notice to the public agency that the abandoned vehicle is in the possession of the towing service.

SECTION 123. IC 9-22-1-19, AS AMENDED BY P.L.191-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) Within seventy-two (72) hours after removal of a vehicle to a storage yard or towing service under section ~~5,~~ 13, 14, or 16 of this chapter, the public agency or towing service shall ~~do the following:~~

~~(1) Prepare and forward to the bureau a report containing a description of the vehicle, including the following information concerning the vehicle:~~

~~(A) The make.~~

~~(B) The model.~~

~~(C) The identification number.~~

~~(D) The number of the license plate.~~

~~(2)~~ conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the **last state of record of the vehicle in order to attempt to ascertain the** name and address of the person who owns or holds a lien on the vehicle.

~~(b) Notwithstanding section 4 of this chapter, if the public agency or towing service fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing service:~~

~~(1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and~~

~~(2) subject to subsection (c), may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.~~

~~(c) If the~~ **(b) A** public agency or towing service **that** obtains the name and address of the ~~person who owns~~ **owner of** or ~~holds a lien~~ **lienholder** on a vehicle ~~under subsection (a)(2), within~~ **shall, not later than** seventy-two (72) hours after obtaining the name and address, ~~the public agency or towing service shall, by certified mail~~ notify the person who owns or holds a lien on the vehicle of the:

(1) name;

(2) address; and

(3) telephone number;

of the public agency or towing service. **The notice must be made by certified mail or by means of an electronic service approved by the bureau.** Notwithstanding section 4 of this chapter, ~~and subsection (b)(2),~~ a public agency or towing service that fails to notify ~~a person who owns~~ **the owner of** or ~~holds a lien~~ **lienholder** on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of

receipt of the name and address obtained. ~~under subsection (a)(2).~~

~~(d) A towing service may not collect reimbursement under both subsections (b) and (c) for storage costs incurred during a particular period for one (1) vehicle.~~

SECTION 124. IC 9-22-1-21.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 21.5. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the vehicle has a lien on the vehicle for the reasonable value of the charges for the labor, materials, storage, or repairs.**

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle:

(1) at the request of the person that owns the motor vehicle, trailer, semitrailer, or recreational vehicle;

(2) at the request of an individual, a firm, a partnership, a limited liability company, or a corporation on whose property an abandoned motor vehicle, trailer, semitrailer, or recreational vehicle is located; or

(3) in accordance with this chapter;

has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs. An individual, a firm, a partnership, a limited liability company, or a corporation that obtains a lien for an abandoned vehicle under subdivision (2) must comply with sections 16, 17, and 19 of this chapter.

(c) If:

(1) the charges made under subsection (a) or (b) are not paid; and

(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;

not later than thirty (30) days after the date on which the vehicle is left in or comes into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold earlier than fifteen (15) days after the date the advertisement required by subsection (d) has been placed or fifteen (15) days after notice required by subsection (e) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper that is printed in English and of general circulation in the city or town in which the place of business of the lienholder is located. If the lienholder is located outside the corporate limits of a city or a town, the advertisement must be placed in a newspaper of general circulation in the county in which the place of business of the lienholder is located. The advertisement must contain at least the following information:

(1) A description of the vehicle, including make, type, and manufacturer's identification number.

(2) The amount of the unpaid charges.

(3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person that holds the lien must:

(1) notify the owner of the vehicle and any other person that holds a lien of record at the owner's or other lienholder's last known address by certified mail, return receipt requested; or

(2) if the vehicle is an abandoned vehicle, provide notice as required under subdivision (1) if the location of the owner of the vehicle or a lienholder of record is determined by the bureau in a search under section 19 of this chapter;

that the vehicle will be sold at public auction on a specified date to satisfy the lien imposed by this section.

(f) A person that holds a lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person that holds the lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the lien imposed by this section.

(g) If the owner of a vehicle subject to sale under this section does not claim the vehicle and satisfy the lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder. A person that holds a lien under this section may purchase a vehicle subject to sale under this section.

(h) A person that holds a lien under this section may deduct and retain the amount of the lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the owner of the vehicle if the owner's address or whereabouts are known. If the address or whereabouts of the owner of the vehicle are not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person that holds the lien has a place of business for the use and benefit of the owner of the vehicle.

(i) A person that holds a lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

(1) The facts of the sale.

(2) The vehicle identification number.

(3) The certificate of title if available.

(4) A certificate from the newspaper showing that the advertisement was made as required under subsection (d).

Whenever the bureau receives an application for certificate of title accompanied by these items from the purchaser, the

bureau shall issue a certificate of title for the vehicle under IC 9-17.

(j) A person that knowingly, intentionally, or recklessly violates this section commits a Class A misdemeanor.

SECTION 125. IC 9-22-1-23, AS AMENDED BY P.L.191-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) This section applies to a city, town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice **or the notification made by electronic service** under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice **or the notification made by electronic service** under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 126. IC 9-22-1.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The property owner shall:

(1) request that a search be performed in the records of the bureau for the name and address of the owner of the mobile home and the name and address of any person holding a lien or security interest on the mobile home;

(2) after receiving the results of the search required by subdivision (1), give notice by certified mail, return receipt requested, or in person, to the last known address of the owner of the mobile home, to any lien holder with a perfected security interest in the mobile home and to all other persons known to claim an interest in the mobile home. The notice must include a description of the mobile home, a demand that the mobile home be removed within a specified time not less than ten (10) days after receipt of the notice, and a conspicuous statement that unless the mobile home is removed within that time, the mobile home will be advertised for sale and offered for sale by auction at a specified time and place;

(3) advertise that the mobile home will be offered for sale at public auction in conformity with IC 26-1-7-210 and IC 26-1-2-328. The advertisement of sale must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where the mobile home has been left without permission. The advertisement must include a description of the mobile home, the name of the owner of the mobile home, if ascertainable, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale;

(4) conduct an auction, not less than thirty (30) days after the return receipt is received by the property owner, on the property where the mobile home was left without permission;

(5) provide a reasonable time before the sale for prospective purchasers to examine the mobile home;

(6) sell the mobile home to the highest bidder, if any; and

(7) immediately after the auction, execute an affidavit of sale or disposal ~~in triplicate~~ on a form prescribed by the bureau stating:

(A) that the requirements of this section have been met;

(B) the length of time that the mobile home was left on the property without permission;

(C) any expenses incurred by the property owner, including the expenses of the sale;

(D) the name and address of the purchaser of the mobile home at the auction, if any; and

(E) the amount of the winning bid, if any.

If the auction produces no purchaser, the property owner shall note that fact on the affidavit. The property owner shall list the property owner, or any donee, as the purchaser on the affidavit of sale or disposal.

SECTION 127. IC 9-22-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), ~~and section 14 of this chapter,~~ this chapter applies each year to a motor vehicle, semitrailer, or recreational vehicle manufactured within the last seven (7) model years, including the current model year. The bureau shall establish guidelines for determining the applicability of the model year effective dates for each year.

(b) The bureau may extend the model years to be covered each year by this chapter up to a maximum of fifteen (15) model years, which includes the current model year. ~~after doing the following:~~

~~(1) Conducting a public hearing.~~

~~(2) Giving reasonable notice to known businesses affected by this chapter.~~

SECTION 128. IC 9-22-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The bureau shall issue a certificate of salvage title as proof of ownership for a salvage motor vehicle when the acquiring insurance company, disposal facility, or person does the following:

(1) Applies for the certificate of salvage title.

(2) Pays the appropriate fee under IC 9-29-7.

(3) Surrenders the motor vehicle's original certificate of title ~~The certificate of title must be properly notarized~~ or ~~include the affidavit of the last person who owned the vehicle, the person's legal representative, or legal successor in interest of the vehicle, or~~ other ~~acceptable~~ proof of ownership as determined by the bureau.

SECTION 129. IC 9-22-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A certificate of salvage title issued under section 4 of this chapter must contain the following information:

(1) The same vehicle information as a certificate of title issued by the ~~department.~~ **bureau.**

(2) The notation "SALVAGE TITLE" prominently recorded on the front and back of the title.

(3) If the motor vehicle is a flood damaged vehicle, the notation "FLOOD DAMAGED" prominently recorded on the front and back of the title.

SECTION 130. IC 9-22-3-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. If a dealer purchases a salvage motor vehicle subject to section 8 of this chapter and applies for a certificate of dealer title, the affidavit attached to the certificate of salvage title must also be attached to the certificate of dealer title. The bureau must retain the affidavit or a microfilm copy of the form for ten (10) years.~~

SECTION 131. IC 9-22-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) If a certificate of salvage title is lost, mutilated, or destroyed or becomes illegible, the person who owns the vehicle or the legal representative or legal successor in interest of the person who owns the motor vehicle, semitrailer, or recreational vehicle for which the certificate of salvage title was issued, as shown by the records of the bureau, ~~of motor vehicles,~~ shall immediately apply for a duplicate certificate of salvage title.

(b) A person described in subsection (a) may obtain a duplicate certificate of salvage title when the person furnishes information concerning the loss, mutilation, destruction, or illegibility satisfactory to the ~~department~~ **bureau** and pays the fee set forth in IC 9-29-7. Upon the issuance of a duplicate certificate of salvage title, the most recent certificate of salvage title issued is considered void by the ~~department.~~ **bureau.**

(c) A certificate of salvage title issued under this section must have recorded upon the title's face and back the words "DUPLICATE SALVAGE TITLE".

(d) If the lost, mutilated, destroyed, or illegible certificate of salvage title contained the notation "FLOOD DAMAGED", the duplicate certificate of salvage title must have recorded upon the title's face and back the words "FLOOD DAMAGED".

SECTION 132. IC 9-22-3-11, AS AMENDED BY P.L.110-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) This section applies to the following persons:

(1) An insurance company that declares a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter and the ownership of which is not evidenced by a certificate of salvage title.

(2) An insurance company that has made and paid an agreed settlement for the loss of a stolen motor vehicle, motorcycle, semitrailer, or recreational vehicle that:

(A) has been recovered by the titled owner; and

(B) meets at least one (1) of the criteria set forth in section 3 of this chapter.

(b) A person who owns or holds a lien upon a vehicle described in subsection (a) shall assign the certificate of title to the insurance company described in subsection (a). The insurance company shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title for each salvage or stolen vehicle subject to this chapter. The insurance company shall surrender the certificate of title to the ~~department~~ **bureau** and pay the fee prescribed under IC 9-29-7 for a certificate of salvage title.

(c) When the owner of a vehicle described in subsection (a) retains possession of the vehicle:

(1) the person who possesses the certificate of title shall surrender the certificate of title to the insurance company described in subdivision (2);

(2) the insurance company that completes an agreed settlement for the vehicle shall:

(A) obtain the certificate of title; and

(B) submit to the bureau:

(i) the certificate of title;

(ii) the appropriate fee; and

(iii) a request for a certificate of salvage title on a form prescribed by the bureau; and

(3) after the bureau has received the items set forth in subdivision (2)(B), the bureau shall issue a certificate of salvage title to the owner.

(d) When a self-insured entity is the owner of a salvage motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, the self-insured entity shall apply to the bureau within thirty-one (31) days after the date of loss for a certificate of salvage title in the name of the self-insured entity's name.

(e) Any other person acquiring a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, which acquisition is not evidenced by a certificate of salvage title, shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title.

(f) A person that violates this section commits a Class D infraction.

SECTION 133. IC 9-22-3-12 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 12. The owner of a salvage motor vehicle not covered by this chapter, either because a salvage transaction had taken place before September 1, 1975, or because the vehicle is too old, is not required to obtain a certificate of salvage title for the vehicle.~~

SECTION 134. IC 9-22-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. A scrap metal processor or other appropriate facility that purchases or acquires a salvage motor vehicle that has been totally demolished or destroyed as a result of normal processing performed by a disposal facility is not required to apply for and receive a certificate of salvage title for the vehicle. **The facility or processor that performed the processing that resulted in the vehicle being demolished or destroyed shall surrender the certificate of title, the certificate of authority, or the certificate of salvage title to the bureau.** The disposal facility shall maintain the records prescribed by the bureau for a totally demolished or destroyed vehicle.

SECTION 135. IC 9-22-3-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. (a) This section applies to all salvage motor vehicles.~~

~~(b) Whenever a salvage motor vehicle is totally demolished or destroyed by a disposal facility, scrap metal processor, or other appropriate facility, the facility or processor shall surrender the certificate of title and certificate of salvage title to the bureau.~~

SECTION 136. IC 9-22-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) Except as provided in subsection (b), a certificate of title issued under section 8 ~~9,~~ or 15 of this chapter and a certificate of title subsequently issued must conspicuously bear the designation:

(1) "REBUILT VEHICLE--MILEAGE ~~UNKNOWN"~~ **NOT ACTUAL"** if the motor vehicle is not a flood damaged vehicle; or

(2) "REBUILT FLOOD DAMAGED VEHICLE" if the motor vehicle is a flood damaged vehicle.

(b) An insurance company authorized to do business in Indiana may obtain a certificate of title that does not bear the designation if the company submits to the bureau, in the form and manner the bureau requires, satisfactory evidence that the damage to a recovered stolen motor vehicle did not meet the criteria set forth in section 3 of this chapter.

(c) An affidavit submitted under section 8 ~~or 9~~ of this chapter must conspicuously bear the designation:

(1) "REBUILT VEHICLE"~~-- MILEAGE UNKNOWN"~~ if the motor vehicle is not a flood damaged vehicle; or

(2) "REBUILT FLOOD DAMAGED VEHICLE" if the motor vehicle is a flood damaged vehicle.

(d) A certificate of title for a salvage motor vehicle issued under subsection (a) may not designate the mileage of the vehicle.

SECTION 137. IC 9-22-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Except as provided in subsection (b), whenever a certificate of title is issued for a ~~motor~~ vehicle that was previously titled in another state or jurisdiction and the certificate of title from the other state or jurisdiction contains a "REBUILT", ~~"RECONSTRUCTED",~~ "RECONDITIONED", "DISTRESSED VEHICLE", or similar designation, a new and subsequent certificate of title must conspicuously bear the designation "REBUILT VEHICLE".

(b) Whenever a certificate of title is issued for a ~~motor~~ vehicle described in subsection (a) that was previously titled in another state or jurisdiction and the certificate of title from the other state or jurisdiction contains a designation that indicates that the ~~motor~~ vehicle is a flood damaged vehicle, a new and subsequent certificate of title must conspicuously bear the designation "REBUILT FLOOD DAMAGED VEHICLE".

SECTION 138. IC 9-22-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. A vehicle that has been designated "JUNK", **"DISMANTLED", "SCRAP", "DESTROYED", or any similar designation** in another state or jurisdiction ~~may~~ **shall** not be titled in Indiana.

SECTION 139. IC 9-22-3-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18.5. (a) This section does not apply to a person who sells, exchanges, or transfers golf carts.**

(b) A seller that is:

(1) a dealer; or

(2) another person who sells, exchanges, or transfers at least five (5) vehicles each year;

may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.

SECTION 140. IC 9-22-3-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. A person who violates section 4, 5, 6, 7, **or** 8 **of this chapter** (or **section** 9 of this chapter **before its repeal)** commits a Class D felony.

SECTION 141. IC 9-22-5-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1. The following officers may act for their respective units of government under this chapter:~~

~~(1) The sheriff, for a county.~~

~~(2) The chief of police, for a city.~~

~~(3) A town marshal, for a town.~~

~~(4) A township trustee, for a township.~~

~~(5) A state police officer, for the state.~~

SECTION 142. IC 9-22-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A:

(1) person, firm, corporation, limited liability company, or unit of government upon whose property or in whose possession is found an abandoned ~~motor~~ vehicle; or

(2) person who owns a ~~motor~~ vehicle that has a title that is faulty, lost, or destroyed;

may apply ~~to the sheriff of the county in which the motor vehicle is located~~ **in accordance with this chapter** for authority to sell, give away, or dispose of the ~~motor~~ vehicle for scrap metal.

SECTION 143. IC 9-22-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The application required under section 2 of this chapter shall be made in ~~duplicate upon forms~~ **a manner** prescribed ~~and furnished~~ by the bureau. ~~One (1) copy of~~ The application shall be filed with the bureau. ~~and one (1) copy of the application shall be retained by the sheriff.~~

SECTION 144. IC 9-22-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The application required under section 2 of this chapter must include the following information:

(1) The name and address of the applicant.

(2) The year, make, model, and ~~engine number~~ **vehicle identification number** of the ~~motor~~ vehicle, if ascertainable, together with any other identifying features.

(3) A concise statement of the facts surrounding the abandonment of the ~~motor~~ vehicle, that the title of the ~~motor~~ vehicle is lost or destroyed, or the reasons for the defect of title in the owner of the ~~motor~~ vehicle.

(b) The person making the application required under section 2 of this chapter shall execute an affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.

SECTION 145. IC 9-22-5-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. (a) The sheriff shall examine each application made under section 2 of this chapter. If the sheriff finds that the application:~~

~~(1) is executed in proper form; and~~

~~(2) shows that the motor vehicle described in the application has been abandoned upon the property of the person making the application or that the person making the application is the person who owns the motor vehicle;~~

~~the sheriff shall prepare a written notice.~~

~~(b) The notice required under subsection (a) must include the following information:~~

~~(1) The name and address of the applicant.~~

~~(2) The year, make, model, and engine number of the motor vehicle, if ascertainable, together with any other identifying features of the motor vehicle.~~

~~(3) That the motor vehicle has been abandoned, that the title to the motor vehicle is lost or destroyed, or that there is a defect of the title in the person who owns the motor vehicle.~~

~~(4) That the motor vehicle will be sold for scrap metal unless a claim or protest is made.~~

~~(c) The sheriff shall, within five (5) days after receiving an application required under section 2 of this chapter, cause the notice required under subsection (a) to be distributed as follows:~~

~~(1) Posted at the door of the courthouse for a period of thirty (30) days before sale.~~

~~(2) Published once in a newspaper of general circulation of the county in which the motor vehicle is located at least thirty (30) days before sale.~~

~~(3) Sent to the last person who owned the motor vehicle, if known.~~

SECTION 146. IC 9-22-5-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. If an abandoned motor vehicle for which an application for sale under this chapter has been filed is claimed by the person who owns the motor vehicle before the sale occurs and the person provides satisfactory evidence of ownership to the sheriff, the motor vehicle shall be returned to the person upon payment by the person of the costs of preserving the motor vehicle during the period of abandonment, together with the costs of publication of notice.~~

SECTION 147. IC 9-22-5-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. If a claim or protest is not made before sale, the person who filed the application required under section 2 of this chapter shall, upon payment of the costs of publication of notice, be given a certificate of authority to sell the motor vehicle to a licensed junk dealer or an established automobile wrecker for scrap metal. The licensed junk dealer or established automobile wrecker shall accept the sheriff's certificate of authority instead of the certificate of title to the motor vehicle.~~

SECTION 148. IC 9-22-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The certificate of authority **to scrap or dismantle the vehicle** required under ~~section 7 of~~ this chapter shall be made ~~in triplicate~~ on forms prescribed and furnished by the bureau. The certificate of authority must contain the following information:

(1) The name and address of the person who filed the application required under section 2 of this chapter.

(2) The year, make, model, and ~~engine number,~~ **vehicle identification number,** if ascertainable, together with any other identifying features of the ~~motor~~ vehicle that has been authorized to be sold for scrap metal.

SECTION 149. IC 9-22-5-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 9. The sheriff shall retain one (1) copy of the certificate of authority required under section 7 of this chapter. The sheriff shall send one (1) copy of the certificate of authority to the bureau.~~

SECTION 150. IC 9-22-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. After a certificate of authority required under ~~section 7 of~~ this chapter has been delivered to the bureau ~~under section 9 of this chapter,~~ **by the automobile scrapyard,** a certificate of title may not be issued for the ~~motor~~ vehicle **that is** described in the certificate of authority **and is noted in the records of the bureau as "junk".**

SECTION 151. IC 9-22-5-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 11. A fee may not be charged for the filing of an application under section 2 of this chapter or for the issuance of a certificate of authority under section 7 of this chapter.~~

SECTION 152. IC 9-22-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. The person who:

(1) owns a ~~motor~~ vehicle that has a title that is faulty, lost, or destroyed; and

(2) sells the ~~motor~~ vehicle under this chapter may retain the proceeds of the sale for the person's use and benefit.

SECTION 153. IC 9-22-5-13, AS AMENDED BY P.L.246-2005, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) A person not described in section 12 of this chapter who sells ~~an abandoned motor~~ **a** vehicle under this chapter may retain from the proceeds of sale the cost of publication of notice and the cost of preserving the motor vehicle during the period of the vehicle's abandonment. The person shall pay the remaining balance of the proceeds of the sale to the circuit court clerk of the county in which the ~~abandoned motor~~ vehicle is located.

(b) At any time within ten (10) years after the money is paid to the clerk, the person who owns the ~~abandoned motor~~ vehicle sold under this chapter may make a claim with the clerk for the sale proceeds deposited with the clerk. If ownership of the proceeds is established to the satisfaction of the clerk, the clerk shall pay the proceeds to the person who owns the ~~abandoned motor~~ vehicle.

(c) If a claim for the proceeds of the sale of ~~an abandoned motor~~ **a** vehicle under subsection (b) is not made within ten (10) years, claims for the proceeds are barred. The clerk shall notify the attorney general and upon demand pay the proceeds to the attorney general. The attorney general shall turn the proceeds over to the treasurer of state. The proceeds vest in and escheat to the state general fund.

SECTION 154. IC 9-22-5-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. (a) An individual, a firm, a limited liability company, or a corporation engaged in the business of storing, furnishing supplies for, or repairing motor vehicles, trailers, semitrailers, or recreational vehicles shall obtain the name and address of the person who owns a motor vehicle, trailer, semitrailer, or recreational vehicle that is left in the custody of the individual, firm, limited liability company, or corporation for storage, furnishing of supplies, or repairs at the time the motor vehicle is left.~~

~~(b) The individual, firm, limited liability company, or corporation shall record in a book the following information concerning the motor vehicle:~~

~~(1) The name and address of the person who owns the motor vehicle.~~

~~(2) The license number of the motor vehicle.~~

~~(3) The date on which the motor vehicle was left.~~

~~(c) The book shall be provided and kept by the individual, firm, limited liability company, or corporation and shall be open for inspection by an authorized police officer of the state or of a city or town or by the county sheriff.~~

~~(d) If a motor vehicle, trailer, semitrailer, or recreational vehicle is stored by the week or by the month, only one (1) entry on the book is required for the period of time during which the motor vehicle is stored.~~

SECTION 155. IC 9-22-5-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person who owns the vehicle has a lien on the vehicle to the reasonable value of the charges for the labor, materials, storage, or repairs.~~

~~(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle:~~

~~(1) at the request of the person who owns the motor vehicle, trailer, semitrailer, or recreational vehicle;~~

~~(2) at the request of an individual, a firm, a partnership, a limited liability company, or a corporation on whose property an abandoned motor vehicle, trailer, semitrailer, or recreational vehicle is located; or~~

~~(3) in accordance with IC 9-22-1;~~

~~has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs. An individual, a firm, a partnership, a limited liability company, or a corporation that obtains a lien for an abandoned vehicle under subdivision (2) must comply with IC 9-22-1-4, IC 9-22-1-16, IC 9-22-1-17, and IC 9-22-1-19.~~

~~(c) If:~~

~~(1) the charges made under subsection (a) or (b) are not paid; and~~

~~(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;~~

~~within thirty (30) days from the date on which the vehicle was left in or came into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold before fifteen (15) days after the date the advertisement required by subsection (d) has been placed or after notice required by subsection (e) has been sent, whichever is later.~~

~~(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper of general circulation printed in the English language in the city or town in which the lienholder's place of business is located. The advertisement must contain at least the following information:~~

~~(1) A description of the vehicle, including make, type, and manufacturer's identification number.~~

~~(2) The amount of the unpaid charges.~~

~~(3) The time, place, and date of the sale.~~

~~(e) In addition to the advertisement required under subsection (d), the person who holds the mechanic's lien must:~~

~~(1) notify the person who owns the vehicle and any other person who holds a lien of record at the person's last known address by certified mail, return receipt requested; or~~

~~(2) if the vehicle is an abandoned motor vehicle, provide notice as required under subdivision (1) if the location of the owner of the motor vehicle or a lienholder of record is~~

~~determined by the bureau in a search under IC 9-22-1-19; that the vehicle will be sold at public auction on a specified date to satisfy the lien imposed by this section.~~

~~(f) A person who holds a lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person who holds the lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.~~

~~(g) If the person who owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder for cash. A person who holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.~~

~~(h) A person who holds a mechanic's lien under this section may deduct and retain the amount of the lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person who owns the vehicle if the person's address or whereabouts is known. If the address or whereabouts of the person who owns the vehicle is not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person who holds the mechanic's lien has a place of business for the use and benefit of the person who owns the vehicle.~~

~~(i) A person who holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:~~

~~(1) The facts of the sale.~~

~~(2) The vehicle identification number.~~

~~(3) The certificate of title if available.~~

~~(4) A certificate from the newspaper showing that the advertisement was made as required under subsection (d).~~

~~Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.~~

SECTION 156. IC 9-22-5-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 16. (a) This section does not apply to a person who sells, exchanges, or transfers golf carts.~~

~~(b) A seller that is:~~

~~(1) a dealer; or~~

~~(2) another person who sells, exchanges, or transfers at least five (5) vehicles each year;~~

~~may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee, before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.~~

SECTION 157. IC 9-22-5-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 17. A person who recklessly violates section 14 or 15 of this chapter commits a Class A misdemeanor.~~

SECTION 158. IC 9-22-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 6. Mechanic's Liens for Vehicles

Sec. 1. (a) An individual, a firm, a limited liability company, or a corporation engaged in the business of storing, furnishing supplies for, or repairing motor vehicles, trailers, semitrailers, or recreational vehicles shall obtain the name and address of the person that owns a motor vehicle, trailer, semitrailer, or recreational vehicle that is left in the custody of the individual, firm, limited liability company, or corporation for storage, furnishing of supplies, or repairs at the time the vehicle is left.

(b) The individual, firm, limited liability company, or corporation shall record in a book the following information concerning the vehicle described in subsection (a):

(1) The name and address of the person that owns the vehicle.

(2) The license number of the vehicle.

(3) The date on which the vehicle was left.

(c) The book shall be provided and kept by the individual, firm, limited liability company, or corporation and must be open for inspection by an authorized police officer of the state, a city, or a town or by the county sheriff.

(d) If a motor vehicle, trailer, semitrailer, or recreational vehicle is stored by the week or by the month, only one (1) entry on the book is required for the time during which the vehicle is stored.

Sec. 2. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the motor vehicle, trailer, semitrailer, or recreational vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the towing services and other related costs.

(c) If:

(1) the charges made under subsection (a) or (b) are not paid; and

(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;

not later than thirty (30) days after the date on which the vehicle is left in or comes into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold earlier than fifteen (15) days after the date the

advertisement required by subsection (d) has been placed or fifteen (15) days after notice required by subsection (e) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper that is printed in English and of general circulation in the city or town in which the lienholder's place of business is located. If the lienholder is located outside the corporate limits of a city or a town, the advertisement must be placed in a newspaper of general circulation in the county in which the place of business of the lienholder is located. The advertisement must contain at least the following information:

(1) A description of the vehicle, including make, type, and manufacturer's identification number.

(2) The amount of the unpaid charges.

(3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person that holds the mechanic's lien must notify the person that owns the vehicle and any other person that holds a lien of record at the person's last known address by certified mail, return receipt requested, that the vehicle will be sold at public auction on a specified date to satisfy the mechanic's lien imposed by this section.

(f) A person that holds a mechanic's lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person that holds the mechanic's lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.

(g) If the person that owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the mechanic's lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder. A person that holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.

(h) A person that holds a mechanic's lien under this section may deduct and retain the amount of the mechanic's lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the mechanic's lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person that owns the vehicle if the person's address or whereabouts are known. If the address or whereabouts of the person that owns the vehicle are not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person that holds the mechanic's lien has a place of business for the use and benefit of the person that owns the vehicle.

(i) A person that holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

(1) The facts of the sale.

(2) The vehicle identification number.

(3) The certificate of title if available.

(4) A certification from the newspaper showing that the advertisement was made as required under subsection (d).

(5) Any other information that the bureau requires.

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

Sec. 3. A person that knowingly, intentionally, or recklessly violates section 1 or 2 of this chapter commits a Class A misdemeanor.

SECTION 159. IC 9-24-1-1, AS AMENDED BY P.L.109-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as **otherwise** provided in ~~section 6 or 7 of~~ this chapter, an individual must have a valid Indiana:

(1) operator's license;

(2) chauffeur's license;

(3) public passenger chauffeur's license;

(4) commercial driver's license;

(5) driver's license listed in subdivision (1), (2), (3), or (4) with a motorcycle endorsement; ~~or~~

(6) learner's permit; **or**

(7) motorcycle learner's permit;

issued to the individual by the bureau under this article to drive upon an Indiana highway the type of motor vehicle for which the license or permit was issued.

SECTION 160. IC 9-24-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ **(a)** The standards set forth in IC 3-5-5 to determine the residence of an individual applying to become a voter apply to the determination of the residence of an individual applying for a license under this article.

~~(c)~~ **(b)** This section does not prevent the ~~commission~~ **bureau** from issuing a license under this article to an individual who is:

(1) not required by this article to reside in Indiana to receive the license; and

(2) otherwise qualified to receive the license.

SECTION 161. IC 9-24-1-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. Except as provided in section 7 of this chapter, an individual must have a valid Indiana chauffeur's license to operate a motor vehicle as a chauffeur upon an Indiana highway.~~

SECTION 162. IC 9-24-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. Except as **otherwise** provided in ~~section 7 of~~ this chapter, an individual must:

(1) have a valid Indiana ~~operator's, chauffeur's, or public passenger chauffeur's~~ **driver's** license; and

(2) be at least eighteen (18) years of age;

to drive a medical services vehicle upon an Indiana highway.

SECTION 163. IC 9-24-1-5, AS AMENDED BY P.L.109-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) An individual must have a valid driver's license that may be any of the following to operate a motorcycle upon a public highway:

(1) An operator's, a chauffeur's, a public passenger chauffeur's, or a commercial driver's license with a motorcycle endorsement.

(2) A motorcycle learner's permit subject to the limitations imposed under IC 9-24-8.

(3) A driver's license from any other jurisdiction that is valid for the operation of a motorcycle in that jurisdiction.

(b) An individual who held a motorcycle operator's license on ~~June 30,~~ **December 31,** 2011, must hold ~~an~~ **a valid** operator's, ~~a~~ chauffeur's, ~~a~~ public passenger chauffeur's, or ~~a~~ commercial driver's license with a motorcycle endorsement in order to operate the motorcycle after ~~June 30,~~ **December 31,** 2011, **without restrictions.**

SECTION 164. IC 9-24-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (b) **or as otherwise provided in this article,** an individual must hold a valid ~~Indiana~~ commercial driver's license ~~issued by the bureau under this article~~ to drive a commercial motor vehicle ~~after March 31, 1992,~~ upon an Indiana highway.

(b) Subsection (a) does not apply ~~to an individual~~ if the individual:

(1) holds a valid driver's license of any type;

(2) is enrolled in a commercial motor vehicle training course approved by the bureau; and

(3) is operating a commercial motor vehicle under the direct supervision of a licensed commercial motor vehicle driver.

SECTION 165. IC 9-24-1-7, AS AMENDED BY SEA 113-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Sections 1 through 5 of this chapter do not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual while operating:

(A) a road roller;

(B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;

(C) a ditch digging apparatus;

(D) a well drilling apparatus;

(E) a concrete mixer; or

(F) a farm tractor, a farm wagon (as defined in IC 9-13-2-60(a)(2)), or an implement of agriculture designed to be operated primarily in a farm field or on farm premises;

that is being temporarily drawn, moved, or propelled on a public highway. However, to operate a farm wagon (as defined in IC 9-13-2-60(a)(2)) on a highway, an individual must be at least fifteen (15) years of age.

(3) A nonresident who:

(A) is at least sixteen (16) years and one (1) month of age;

(B) has in the nonresident's immediate possession a valid ~~operator's~~ **driver's** license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States;

while operating a motor vehicle ~~in Indiana~~ **upon a public highway** only as an operator.

(4) A nonresident who:

(A) is at least eighteen (18) years of age;

(B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States;

while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway, **either as an operator or a public passenger chauffeur.**

(6) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(7) A new resident of Indiana who possesses ~~an unexpired~~ **a valid, unrestricted** driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(8) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

(b) An ordinance adopted under IC 9-21-1-3 (a)(14) or IC 9-21-1-3.3(a) must require that an individual who operates a golf cart in the city, county, or town hold a driver's license.

SECTION 166. IC 9-24-2-1, AS AMENDED BY P.L.1-2006, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) ~~A driver's license or a~~ **The bureau shall suspend the driving privileges or invalidate**

the learner's permit ~~may not be issued to~~ **of** an individual less than eighteen (18) years of age who meets any of the following conditions:

(1) Is a habitual truant under IC 20-33-2-11.

(2) Is under at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15.

(3) Is under an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16.

(4) Is considered a dropout under IC 20-33-2-28.5.

(b) At least five (5) days before holding an exit interview under IC 20-33-2-28.5, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian that the student's failure to attend an exit interview under IC 20-33-2-28.5 or return to school if the student does not meet the requirements to withdraw from school under IC 20-33-2-28.5 will result in the revocation or denial of the student's:

(1) driver's license or learner's permit; and

(2) employment certificate.

SECTION 167. IC 9-24-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~A driver's license or a~~ **The bureau shall suspend the driving privileges or invalidate the** learner's permit ~~may not be issued to~~ **of** an individual less than eighteen (18) years of age who is under an order entered by a juvenile court under IC 31-37-19-13 through IC 31-37-19-17 (or IC 31-6-4-15.9(d), IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before their repeal).

SECTION 168. IC 9-24-2-2.5, AS AMENDED BY P.L.3-2008, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) ~~An operator's license or a~~ **The bureau shall suspend the driving privileges or invalidate the** learner's permit ~~may not be issued to~~ **of** an individual who is under an order entered by a court under IC 35-43-1-2(c).

(b) The bureau shall suspend the ~~operator's license~~ **driving privileges** or invalidate the learner's permit of a person who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or IC 35-43-1-2(c).

SECTION 169. IC 9-24-2-3, AS AMENDED BY P.L.184-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The bureau may not issue a **driver's** license or **learner's** permit **or grant driving privileges** to the following individuals:

(1) An individual whose license issued under Indiana law to operate a motor vehicle as an operator, a chauffeur, or a public passenger chauffeur has been suspended, during the period for which the license was suspended, or to an individual whose license has been revoked, until the time the bureau is authorized under Indiana law to issue the individual a new license.

(2) An individual whose learner's permit has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new permit.

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the public highways.

(4) An individual who is unable to understand highway warnings or direction signs written in the English language.

(5) An individual who is required under this ~~chapter~~ **article** to take an examination unless the person successfully passes the examination.

(6) An individual who is required under IC 9-25 **or any other statute** to deposit **or provide** proof of financial responsibility and who has not deposited **or provided** that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a public highway of Indiana by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under IC 31-14-12-4 or IC 31-16-12-7 (or IC 31-1-11.5-13 or IC 31-6-6.1-16 before their repeal); or

(B) the Title IV-D agency;

ordering that a ~~driving~~ **driver's** license or permit not be issued to the individual.

(9) An individual who has not presented valid documentary evidence to the bureau of the person's legal status in the United States, as required by IC 9-24-9-2.5.

(b) An individual subject to epileptic seizures may not be denied a **driver's** license **or permit** under this section if the individual presents a statement from a licensed physician, **on a form prescribed by the bureau,** that the individual is under medication and is free from seizures while under medication.

SECTION 170. IC 9-24-2-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.1. (a) If a petitioner named in an order issued under section 3(a)(8) of this chapter has a valid commercial ~~driving~~ **driver's** license, the bureau shall not immediately suspend the **person's commercial** driving ~~license~~ **privileges** but **shall** indicate on the ~~driver's~~ **person's** record that the person has ~~a~~ conditional ~~license~~ **driving privileges** to operate a motor vehicle to and from the person's place of employment and in the course of the person's employment.

(b) ~~A~~ Conditional ~~license~~ **driving privileges** described in subsection (a) ~~is~~ **are** valid for thirty (30) days from the date of the notice sent by the bureau. If the person obtains an amended ~~license~~ **order** within the thirty (30) days, the person may continue to operate a motor vehicle ~~on~~ **with** the conditional ~~license~~ **driving privileges** beyond the thirty (30) day period.

(c) If the person does not obtain an amended ~~license~~ **order** within the thirty (30) day period, the bureau shall suspend the person's ~~license.~~ **driving privileges.**

SECTION 171. IC 9-24-2-4, AS AMENDED BY P.L.1-2005, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) If a person is less than eighteen (18) years of age and is a habitual truant, is under a suspension or an expulsion or has withdrawn from school as described in section 1 of this chapter, the bureau shall, upon notification by the person's principal, ~~invalidate~~ **suspend** the person's ~~license or permit~~ **driving privileges** until the earliest of the following:

(1) The person becomes eighteen (18) years of age.

(2) One hundred twenty (120) days after the person is suspended, or the end of a semester during which the person returns to school, whichever is longer.

(3) The suspension, expulsion, or exclusion is reversed after the person has had a hearing under IC 20-33-8.

(b) The bureau shall promptly mail a notice to the person's last known address that states the following:

(1) That the person's driving privileges will be invalidated for a specified period commencing five (5) days after the date of the notice.

(2) That the person has the right to appeal the ~~invalidation~~ **suspension** of ~~a license or permit.~~ **the driving privileges.**

(c) If an aggrieved person believes that:

(1) the information provided was technically incorrect; or

(2) the bureau committed a technical or procedural error;

the aggrieved person may appeal the invalidation of a license under ~~IC 9-25.~~ **section 5 of this chapter.**

(d) If a person satisfies the conditions for reinstatement of a license under this section, the person may submit to the bureau the necessary information certifying that at least one (1) of the events described in subsection (a) has occurred.

(e) Upon certifying the information received under subsection (d), the bureau shall ~~revalidate~~ **reinstate** the person's ~~license or permit.~~ **driving privileges.**

(f) A person may not operate a motor vehicle in violation of this section.

(g) A person whose ~~license or permit is~~ **driving privileges are** ~~invalidated~~ **suspended** under this section may apply for ~~a~~ restricted driving ~~permit~~ **privileges** under IC 9-24-15.

(h) The bureau shall ~~revalidate~~ **reinstate** the ~~license or permit~~ **driving privileges** of a person whose ~~license or permit was~~ **driving privileges were** ~~invalidated~~ **suspended** under this section ~~who~~ **if the person** does the following:

(1) Establishes to the ~~satisfication~~ **satisfaction** of the principal of the school where the action occurred that caused the ~~invalidation~~ **suspension** of the ~~person's license or permit~~ **driving privileges** that the person has:

(A) enrolled in a full-time or part-time program of education; and

(B) participated for thirty (30) or more days in the program of education.

(2) Submits to the bureau a form developed by the bureau that contains:

(A) the verified signature of the principal or the president of the governing body of the school described in subdivision (1); and

(B) notification to the bureau that the person has complied with subdivision (1).

A person may appeal the decision of a principal under subdivision (1) to the governing body of the school corporation where the principal's school is located.

SECTION 172. IC 9-24-2-5, AS AMENDED BY P.L.1-2005, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A person whose driving privileges have been ~~invalidated~~ **suspended** under section 4 of this chapter is entitled to a prompt judicial hearing. The person may file a petition that requests a hearing in a circuit, superior, county, or municipal court in the county where:

(1) the person resides; or

(2) the school attended by the person is located.

(b) The petition for review must:

(1) be in writing; and

(2) be verified by the person seeking review and:

(A) allege specific facts that indicate the suspension or expulsion was improper; or

(B) allege that due to the person's emancipation or dependents that an undue hardship exists that requires the granting of a restricted driving permit.

(c) The hearing conducted by the court under this section shall be limited to the following issues:

(1) Whether the school followed proper procedures when suspending or expelling the person from school, including affording the person due process under IC 20-33-8.

(2) Whether the bureau followed proper procedures in ~~invalidating~~ **suspending** the person's ~~license or permit.~~ **driving privileges.**

(3) Whether an undue hardship exists that requires the granting of ~~a~~ restricted driving ~~permit.~~ **privileges under IC 9-24-15.**

(d) If the court finds:

(1) that the school failed to follow proper procedures when suspending or expelling the person from school; or

(2) that the bureau failed to follow proper procedures in ~~invalidating~~ **suspending** the person's ~~license or permit;~~ **driving privileges;**

the court may order the bureau to reinstate the person's driving privileges.

(e) If the court finds that an undue hardship exists, **and the person otherwise qualifies under IC 9-24-15,** the court may order ~~a~~ restricted driving ~~permit~~ **privileges** limiting the petitioner to essential driving for work and driving between home, work, and school only. The restricted driving ~~permit~~ **privileges** must state the restrictions related to time, territory, and route. If a court orders ~~a~~ restricted driving ~~permit~~ **privileges** for the petitioner, the court shall do the following:

(1) Include in the order a finding of facts that states the petitioner's driving restrictions.

(2) Enter the findings of fact and order in the order book of the court.

(3) Send the bureau a signed copy of the order.

(f) The prosecuting attorney of the county in which a petition has been filed under this section shall represent the state on behalf of the bureau with respect to the petition. A school that is made a party to an action filed under this section is responsible for the school's own representation.

(g) In an action under this section the petitioner has the burden of proof by a preponderance of the evidence.

(h) The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on behalf of the bureau with respect to the appeal.

SECTION 173. IC 9-24-3-1, AS AMENDED BY P.L.145-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue an operator's license to an individual who meets the following conditions:

(1) Satisfies the age requirements set forth in section ~~2 or~~ 2.5 of this chapter.

(2) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau. The form must include an attestation concerning the number of hours of supervised driving practice that the individual has completed if the individual is required under section 2.5 of this chapter to complete a certain number of hours of supervised driving practice in order to receive an operator's license. The:

(A) parent or guardian of an applicant less than eighteen (18) years of age; or

(B) applicant, if the applicant is at least eighteen (18) years of age;

shall attest in writing under penalty of perjury to the time logged in practice driving.

(3) Satisfactorily passes the examination and tests required for issuance of an operator's license under IC 9-24-10.

(4) Pays the fee prescribed by IC 9-29-9.

SECTION 174. IC 9-24-3-2.5, AS AMENDED BY P.L.145-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) Except as provided in section 3 of this chapter, an individual must satisfy the requirements set forth in one (1) of the following subdivisions to receive an operator's license:

(1) The individual meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has held a valid learner's permit for at least one hundred eighty (180) days.

(C) Obtains an instructor's certification that the individual has satisfactorily completed an approved driver education course.

(D) Passes the required examination.

(E) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:

(i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or

(ii) the spouse of the individual who is at least twenty-one (21) years of age.

(2) The individual meets the following conditions:

(A) Is at least sixteen (16) years and two hundred seventy (270) days of age.

(B) Has held a valid learner's permit for at least one hundred eighty (180) days.

(C) Passes the required examination.

(D) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:

(i) a licensed instructor or a licensed driver who is at least twenty-five (25) years of age; or

(ii) the spouse of the individual who is at least twenty-one (21) years of age.

(3) The individual meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age but less than eighteen (18) years of age.

(B) Has previously been a nonresident of Indiana, but, at the time of application, qualifies as an Indiana resident.

(C) ~~Holds an unrevoked~~ **Has held a valid** driver's license, excluding a learner's permit or the equivalent, in the state or a combination of states in which the individual formerly resided for at least one hundred eighty (180) days.

(D) Passes the required examination.

(4) The individual meets the following conditions:

(A) Is at least eighteen (18) years of age.

(B) Has previously been a nonresident of Indiana but, at the time of application, qualifies as an Indiana resident.

(C) ~~Has~~ Held ~~an unrevoked operator's, chauffeur's, commercial~~ **a valid** driver's ~~or public passenger chauffeur's~~ license, **excluding a learner's permit or the equivalent,** from the state of prior residence.

(D) Passes the required examination.

(b) An applicant who is required to complete at least fifty (50) hours of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D) must submit to the commission under ~~IC 9-24-9-2(d)~~ **IC 9-24-9-2(c)** evidence of the time logged in practice driving.

SECTION 175. IC 9-24-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. To receive an operator's license, an individual must surrender to the bureau **any and** all ~~valid operator's, chauffeur's, or other current~~ **driver's** licenses ~~for the operation of a motor vehicle in the individual's possession~~ **or identification cards** issued to the individual by Indiana or any other jurisdiction. ~~The bureau shall return all surrendered licenses to the issuing department together with~~

~~information that the licensee is licensed in a new jurisdiction.~~

SECTION 176. IC 9-24-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue a chauffeur's license to an individual who meets the following conditions:

(1) Satisfies the age requirements described in section 2 of this chapter.

(2) Has operated a motor vehicle, **excluding operation under a learner's permit,** for more than one (1) year.

(3) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau.

(4) Satisfactorily passes the examination and tests required for issuance of a chauffeur's license under IC 9-24-10.

(5) Pays the fee prescribed in IC 9-29-9.

SECTION 177. IC 9-24-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. ~~(a) An individual holding a valid chauffeur's license is not required to obtain an operator's license.~~

~~(b)~~ To receive a chauffeur's license, an individual must surrender to the bureau ~~any operator's license~~ **all driver's licenses** issued to the individual **by Indiana or any other jurisdiction.**

SECTION 178. IC 9-24-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A chauffeur's license entitles the licensee to operate a motor vehicle, except a motorcycle **or commercial motor vehicle without a proper permit or endorsement,** upon a public highway. A chauffeur's license does not entitle the licensee to operate a motor vehicle as a public passenger chauffeur.

SECTION 179. IC 9-24-4-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.5. Notwithstanding any other law, a person holding a chauffeur's license that is renewed or issued after June 30, 1991, is not entitled by that license to operate a commercial motor vehicle. ~~for more than thirty (30) days following the renewal or issuance.~~

SECTION 180. IC 9-24-5-1, AS AMENDED BY P.L.156-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue a public passenger chauffeur's license to an individual who meets the following conditions:

(1) ~~Satisfies the~~ **Is at least eighteen (18) years of** age. ~~requirements described in section 2 of this chapter.~~

(2) Makes proper application to the bureau under IC 9-24-9, upon a form prescribed by the bureau.

(3) Successfully passes the physical examination given by a practicing physician licensed to practice medicine in Indiana.

(4) Has operated a motor vehicle, **excluding operation under a learner's permit,** for at least two (2) years.

(5) Satisfactorily passes the examination and tests for a public passenger chauffeur's license.

(6) Pays the fee prescribed in IC 9-29-9.

~~(7) Is at least eighteen (18) years of age.~~

SECTION 181. IC 9-24-5-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. An individual must be at least eighteen (18) years of age to receive a public passenger chauffeur's license.~~

SECTION 182. IC 9-24-5-3, AS AMENDED BY P.L.156-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A public passenger chauffeur's license entitles the licensee to operate ~~any~~ **a** motor vehicle, except a commercial **motor** vehicle or a motorcycle **without the proper permit or endorsement,** upon a **public** highway.

SECTION 183. IC 9-24-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. To receive a public passenger chauffeur's license, an individual must surrender ~~to the bureau any operator's license~~ **all driver's licenses** issued to the individual **by Indiana or any other jurisdiction.**

SECTION 184. IC 9-24-5-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.5. Notwithstanding any other law, a person holding a public passenger chauffeur's license that is renewed or issued after June 30, 1991, is not entitled by that license to operate a commercial motor vehicle. ~~for more than thirty (30) days following the renewal or issuance.~~

SECTION 185. IC 9-24-6-0.5, AS ADDED BY P.L.188-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. As used in this chapter, "commercial driver's license learner's permit" means a ~~driver's~~ **learner's** permit that allows an individual, unless otherwise disqualified, to operate a commercial motor vehicle only when accompanied by a person:

(1) who holds a valid commercial driver's license for the type of commercial motor vehicle being driven; and

(2) who occupies a seat beside the individual in order to give instruction to the individual in driving the commercial motor vehicle.

SECTION 186. IC 9-24-6-0.8, AS ADDED BY P.L.45-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.8. As used in this chapter, "downgrade" has the meaning specified in ~~paragraph (4) of~~ the definition of CDL downgrade as set forth in 49 CFR 383.5 as in effect on July 1, 2010.

SECTION 187. IC 9-24-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~(a) Except as provided in subsection (c),~~ This chapter does not apply to a motor vehicle **or the operator of a motor vehicle** that ~~meets the following conditions:~~

~~(1) is used in the transportation of hazardous materials.~~

~~(2)~~ is not ~~defined as~~ a commercial motor vehicle **or is otherwise excepted in 49 CFR 383.3, 49 CFR 390, or 49 CFR 391.**

~~(b) Except as provided in subsection (c), this chapter does not apply to a motor vehicle that meets any of the following conditions:~~

~~(1) Is registered as a recreational vehicle.~~

~~(2) Is used primarily to transport the owner's family members or guests and their possessions for nonbusiness purposes.~~

~~(3) Is registered under IC 9-18 as a farm vehicle or is a farm vehicle that is exempt under 49 U.S.C. 521, 49 U.S.C. 31104, and 49 U.S.C. 31301 through 31306.~~

~~(4) Is utilized as a:~~

~~(A) church bus; or~~

~~(B) bus operated by a nonprofit benevolent or charitable agency;~~

~~that is designed to carry more than fifteen (15) passengers, including the driver, if the vehicle is exempt under 49 U.S.C. 521, 49 U.S.C. 31104, and 49 U.S.C. 31301 through 31306, or applicable federal regulations.~~

~~(c) The bureau may remove the exemptions granted under subsections (a) and (b) if the bureau, upon notice and public hearing, determines that the waiver is in the interest of safety or of keeping Indiana in compliance with federal law, subject to section 3 of this chapter.~~

SECTION 188. IC 9-24-6-2.3, AS ADDED BY P.L.45-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.3. (a) In addition to the requirements of 49 CFR 383.71, an applicant for a new commercial driver's license or a holder of a commercial driver's license must ~~provide the bureau with~~ **have** a copy of a current medical examination report and medical examiner's certificate prepared by a medical examiner **on file with the motor carrier services division of the department of state revenue. If a copy is not on file with the motor carrier services division of the department of state revenue, a copy must be presented to the bureau.**

(b) A commercial driver's license holder must ~~provide the bureau with~~ **have** a copy of a current medical examination report and medical examiner's certificate **on file with the motor carrier services division of the department of state revenue** each time a medical examination report and medical examiner's certificate are obtained by the commercial driver's license holder, regardless of whether the medical examiner certifies the driver as qualified. **If a copy is not on file with the motor carrier services division of the department of state revenue, a copy must be presented to the bureau.**

(c) If a medical examination report does not certify that a commercial driver's license holder meets the physical standards in 49 CFR 391.41 or if the driver is otherwise unqualified, the commercial driver's license or permit holder is disqualified **from operating a commercial motor vehicle.**

(d) The bureau shall make the final determination of whether a commercial driver's license applicant or holder meets the qualifications of 49 CFR 391.41. If the bureau determines that the applicant or holder does not meet the qualifications of 49 CFR 391.41, the applicant or holder is disqualified **from operating a commercial motor vehicle.**

(e) If a commercial driver's license applicant or holder who is disqualified **from operating a commercial motor vehicle** under subsection (c) or (d) attempts to transfer the commercial driver's license to another state, the commercial driver's license applicant or holder remains disqualified **from operating a commercial motor vehicle** until the applicant or holder is able to establish to the bureau's satisfaction that the applicant or holder meets the qualifications of 49 CFR 391.41.

(f) With respect to the self-certification requirements of 49 CFR 383.71(a)(1), a commercial driver's license applicant must certify that the applicant expects to operate only in interstate ~~commerce~~ or ~~only in~~ intrastate commerce, **and whether the applicant is medically excepted.** ~~In either case,~~ **Regardless of the applicant's certification under this subsection,** the applicant remains subject to the requirements of 49 CFR 391.41 **and 49 CFR 383.71,** except as provided for by rule.

(g) This section applies to every commercial driver's license applicant and every commercial driver's license holder regardless of whether the applicant or holder will be operating in excepted commerce, as described in 49 CFR 383.71(a)(1)(ii)(B) and (D).

SECTION 189. IC 9-24-6-5.3, AS AMENDED BY P.L.145-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.3. (a) The owner of a truck driver training school or a state educational institution that operates a truck driver training school as a course of study must notify the bureau:

(1) of a student's completion of a course of the truck driver training school immediately after the student completes the course; or

(2) of the termination of a student's instruction in the truck driver training school immediately after the student's instruction terminates.

~~(b) This subsection expires December 31, 2011. In addition to satisfying the requirements of IC 21-17-3-12(a), the owner of a truck driver training school must retain records relating to each student of the truck driver training school for not less than six (6) years.~~

~~(c) This subsection applies after December 31, 2011.~~ **(b)** The owner of a truck driver training school shall retain records relating to each student of the truck driver training school for at least six (6) years.

SECTION 190. IC 9-24-6-5.5, AS AMENDED BY P.L.145-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.5. ~~(a) This subsection expires December 31, 2011. A truck driver training school accredited by the Indiana commission on proprietary education is subject to rules adopted by the Indiana commission on proprietary education.~~

~~(b) A:~~

~~(1) student of a truck driver training school; and~~

~~(2) truck driver training school;~~

~~are subject to applicable rules adopted by the department of state revenue.~~

~~(c) This subsection applies after December 31, 2011.~~ A:

(1) student of a truck driver training school; and

(2) truck driver training school;

is subject to applicable rules adopted by the bureau.

SECTION 191. IC 9-24-6-6, AS AMENDED BY P.L.9-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The following, if committed while driving a commercial motor vehicle or while holding any class of commercial driver's license **or permit,** are serious traffic violations:

(1) Operating a vehicle at least fifteen (15) miles per hour above the posted speed limit in violation of IC 9-21-5, IC 9-21-6, or IC 9-21-5-14.

(2) Operating a vehicle recklessly as provided in IC 9-21-8-50 and IC 9-21-8-52.

(3) Improper or erratic traffic lane changes in violation of IC 9-21-8-2 through IC 9-21-8-13 and IC 9-21-8-17 through IC 9-21-8-18.

(4) Following a vehicle too closely in violation of IC 9-21-8-14 through IC 9-21-8-16.

(5) In connection with a fatal accident, violating any statute, ordinance, or rule concerning motor vehicle traffic control other than parking statutes, ordinances, or rules.

(6) Operating a vehicle while disqualified under this chapter.

(7) For drivers who are not required to always stop at a railroad crossing, failing to do any of the following:

(A) Slow down and determine that the railroad tracks are clear of an approaching train or other on-track equipment, in violation of IC 9-21-5-4, IC 9-21-8-39, IC 35-42-2-4, or any similar statute.

(B) Stop before reaching the railroad crossing, if the railroad tracks are not clear of an approaching train or other on-track equipment, in violation of IC 9-21-4-16, IC 9-21-8-39, or any similar statute.

(8) For all drivers, whether or not they are required to always stop at a railroad crossing, to do any of the following:

(A) Stopping in a railroad crossing, in violation of IC 9-21-8-50 or any similar statute.

(B) Failing to obey a traffic control device or failing to obey the directions of a law enforcement officer at a railroad crossing, in violation of IC 9-21-8-1 or any similar statute.

(C) Stopping in a railroad crossing because of insufficient undercarriage clearance, in violation of IC 35-42-2-4, IC 9-21-8-50, or any similar statute.

(9) Operating a commercial motor vehicle without having ever obtained a commercial driver's license **or permit.**

(10) Operating a commercial motor vehicle without a commercial driver's license **or permit** in the possession of the individual.

(11) Operating a commercial motor vehicle without holding the proper class or endorsement of a commercial driver's license **or permit** for the operation of the class of the commercial motor vehicle.

(12) Driving a commercial motor vehicle while using a hand-held mobile device as set forth in 49 CFR 383 through 384, and 49 CFR 390 through 392.

(b) Subsection (a)(1) through (a)(11) are intended to comply with the provisions of 49 U.S.C. 31311(a)(10) and regulations adopted under that statute.

SECTION 192. IC 9-24-6-8, AS AMENDED BY P.L.9-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The following, if committed while driving a commercial motor vehicle or while holding any class of commercial driver's license **or permit,** are disqualifying offenses:

(1) Operating a vehicle while under the influence of alcohol in violation of IC 9-30-5-1(a), IC 9-30-5-1(b), or section 15 of this chapter.

(2) Operating a vehicle while under the influence of a controlled substance in violation of IC 9-30-5-1(c).

(3) Leaving the scene of an accident involving the driver's commercial motor vehicle in violation of IC 9-26-1.

(4) Conviction of a felony involving the use of a commercial motor vehicle other than a felony described in subdivision (5).

(5) Use of a commercial motor vehicle in the commission of a felony under IC 35-48 involving manufacturing, distributing, or dispensing of a controlled substance.

(6) Violation of IC 9-30-5-2 through IC 9-30-5-8 involving operating a vehicle while intoxicated.

(7) Refusing to undergo testing for the enforcement of IC 9-30-5-1 or section 15 of this chapter.

SECTION 193. IC 9-24-6-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.5. (a) Except as provided in subsection (b), and in addition to any other penalty imposed for a violation of this chapter, the court that imposes a judgment for violation of an out-of-service order shall order the person receiving the judgment to be disqualified from driving a commercial vehicle as follows:

(1) For at least ~~ninety (90)~~ **one hundred eighty (180)** days but not more than one (1) year, if the judgment is the person's first judgment for violation of an out-of-service order.

(2) For at least ~~one (1) year~~ **two (2) years** but not more than five (5) years, if the judgment is the person's second judgment for violation of an out-of-service order during any ten (10) year period.

(3) For at least three (3) years but not more than five (5) years, if the person has at least two (2) previous judgments for violation of an out-of-service order during any ten (10) year period.

(b) In addition to any other penalty imposed for a violation of this chapter, the court that imposes a judgment upon a person because the person violated an out-of-service order while the person was transporting a hazardous material or while operating a commercial motor vehicle designed or used to transport more

than fifteen (15) passengers, including the driver, shall order the person to be disqualified from driving a commercial vehicle as follows:

(1) For at least one hundred eighty (180) days but not more than two (2) years, if the judgment is the person's first judgment for violation of an out-of-service order.

(2) For at least three (3) years but not more than five (5) years, if the person has at least one (1) previous judgment for violation of an out-of-service order that arose out of a separate incident during any ten (10) consecutive years.

(3) For at least three (3) years but not more than five (5) years, if the person has at least two (2) previous judgments for violation of an out-of-service order that arose out of a separate incident during any ten (10) consecutive years.

SECTION 194. IC 9-24-6-20, AS ADDED BY P.L.45-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) The bureau shall downgrade the commercial driver's license of a driver under the following circumstances:

(1) The driver's medical certification or federally granted medical variance expires.

(2) The bureau receives notification that the driver's federally granted medical variance was removed or rescinded.

Not later than sixty (60) days after the occurrence of a circumstance described in subdivision (1) or (2), the bureau shall initiate a downgrade of the driver's commercial driver's license.

(b) To prevent the driver's commercial driver's license from being downgraded:

(1) a driver whose medical certification has expired must submit a current and qualifying medical examination report and medical examiner's certificate not later than sixty (60) days after the bureau has initiated a downgrade; or

(2) a driver whose federally granted medical variance was removed or rescinded must submit a new federally granted medical variance not later than sixty (60) days after the bureau has initiated a downgrade.

(c) The bureau shall provide written notice to a driver at least ten (10) days before initiating a downgrade of the driver's commercial driver's license informing the driver:

(1) that the driver is not medically certified due to the expiration of the driver's medical certificate or because the driver's federally granted medical variance was removed or rescinded; and

(2) how the driver can prevent the driver's commercial driver's license from being downgraded.

(d) The bureau shall not issue a commercial driver's license to an applicant who does not certify:

(1) that the applicant expects to operate only in interstate ~~commerce~~ or ~~only in~~ intrastate commerce; **and**

(2) whether or not the applicant is medically excepted.

SECTION 195. IC 9-24-6.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The hazardous materials endorsement of a driver who applies for renewal of the endorsement may remain valid after the date on which the endorsement would otherwise expire if both of the following conditions are met:

(1) The application for renewal was received by the bureau at least ninety (90) days before the date on which the endorsement expires.

(2) On the date on which the endorsement expires, the bureau has not yet received the results of a background check conducted by the administration or another agency designated to conduct the background check.

(b) Except as provided in subsection (c), an extension under subsection (a) is valid for ninety (90) days after the date on which the endorsement would otherwise expire **if the driver has applied with the Transportation Security Administration for renewal of the hazardous materials endorsement approval.**

(c) Notwithstanding subsection (b), if the bureau receives information from the administration or another agency designated to conduct a background check that requires the bureau to revoke the hazardous materials endorsement of a driver, the bureau shall revoke the endorsement immediately upon receipt of the information.

(d) An extension under subsection (a) may be renewed until:

(1) the bureau receives the results of a background check conducted by the administration or another agency designated to conduct the background check; or

(2) further extensions are barred under regulations adopted to implement the act.

SECTION 196. IC 9-24-7-1, AS AMENDED BY P.L.145-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~(a) This subsection expires June 30, 2010. The bureau shall issue a learner's permit to an individual who meets the following conditions:~~

~~(1) Is at least fifteen (15) years of age.~~

~~(2) If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.~~

~~(3) Is enrolled in an approved driver education course.~~

~~(b) This subsection applies beginning July 1, 2010, and expires September 1, 2011. The bureau shall issue a learner's permit to an individual who meets the following conditions:~~

~~(1) Is at least fifteen (15) years and one hundred eighty (180) days of age.~~

~~(2) If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.~~

~~(3) Is enrolled in an approved driver education course.~~

~~(c) This subsection applies beginning September 1, 2011.~~ **(a)** The bureau shall issue a learner's permit to an individual who: ~~meets the following conditions:~~

(1) is at least fifteen (15) years of age;

(2) if less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1;

(3) is enrolled in an approved driver education course; **and**

(4) has passed a written examination as required under IC 9-24-10.

(b) The bureau shall issue a learner's permit to an individual who:

(1) is at least sixteen (16) years of age;

(2) if less than eighteen (18) years of age, is not ineligible under IC 9-24-2; and

(3) has passed a written examination as required under IC 9-24-10.

SECTION 197. IC 9-24-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The ~~bureau~~ **instructor of an approved driver education course** shall validate **or certify** a learner's permit ~~issued under section 1 of this chapter upon certification by the instructor of an approved driver education course that~~ **when** the holder has satisfactorily completed the course. **If the instructor is unable to certify the actual learner's permit, the instructor may certify that the holder has satisfactorily completed the course in a manner the bureau prescribes.**

SECTION 198. IC 9-24-7-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. The bureau shall issue a validated learner's permit to an individual who is at least sixteen (16) years of age upon passing the required examination.~~

SECTION 199. IC 9-24-7-4, AS AMENDED BY P.L.156-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle **or commercial motor vehicle,** upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor **or student teacher** in the front seat of ~~an automobile~~ **a motor vehicle** equipped with dual controls.

(2) While the holder is participating in practice driving after having commenced an approved driver education course and the seat beside the holder is occupied by a parent, stepparent, or guardian of the holder who holds a valid driver's license.

~~(2)~~ **(3)** If ~~the learner's permit has been validated and~~ the holder is **not participating in an approved driver education course, and is** less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, stepparent, or relative of the holder who is at least twenty-one (21) years of age and holds a valid ~~operator's, chauffeur's, or public passenger chauffeur's~~ **driver's** license.

~~(3)~~ **(4)** If ~~the learner's permit has been validated and~~ the holder is **not participating in an approved driver education course, and is** at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid ~~operator's, chauffeur's, or public passenger chauffeur's~~ **driver's** license.

~~(4) While:~~

~~(A) the holder is enrolled in an approved driver education course;~~

~~(B) the holder is participating in practice driving after having commenced an approved driver education course; and~~

~~(C) the seat beside the holder is occupied by a parent, stepparent, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.~~

SECTION 200. IC 9-24-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A holder of a learner's permit may take ~~an~~ **the skills** examination for an operator's license not later than the expiration date of the learner's permit. ~~Not more than three (3) examinations may be allowed any holder during the period the learner's permit is issued.~~ A holder who does not pass the **skills** examination ~~during the period for which the learner's permit is issued must obtain a new learner's permit and~~ **after a third attempt** is not eligible to take the examination until two (2) months after the ~~issuance of the new permit.~~ **date of the last failed examination.**

SECTION 201. IC 9-24-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The bureau shall issue a motorcycle learner's permit to an individual who meets the following conditions:

(1) The individual holds a valid operator's, chauffeur's, ~~or~~ public passenger chauffeur's, **or commercial driver's** license issued under this article.

(2) The individual passes a written examination developed by the bureau concerning the safe operation of a motorcycle.

(b) A motorcycle learner's permit authorizes the permit's holder to operate a motorcycle upon a highway during a period of one (1) year under the following conditions:

(1) The holder wears a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 as in effect January 1, 1979.

(2) The motorcycle is operated only during daylight hours.

(3) The motorcycle does not carry passengers other than the operator.

(c) A motorcycle learner's permit may be renewed one (1) time for a period of one (1) year. An individual who does not obtain a motorcycle operator endorsement before the expiration of the renewed learner's permit must wait one (1) year to reapply for a new motorcycle learner's permit.

SECTION 202. IC 9-24-8-4, AS AMENDED BY P.L.109-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsections **(b) and** (c), ~~and (d),~~ the bureau shall validate an operator's, a chauffeur's, ~~or~~ a public passenger chauffeur's, **or a commercial driver's** license for motorcycle operation upon a highway by endorsement to a person who: ~~meets the conditions in subsection (b) or (g).~~

~~(b) Except as provided in subsection (g), a person must meet at least one (1) of the following conditions to obtain an endorsement under subsection (a):~~

(1) satisfactorily ~~complete~~ **completes** the written ~~test and:~~

~~(A) satisfactorily complete an~~ **and** approved operational skills ~~test; or~~ **tests;**

~~(B)~~ **(2)** satisfactorily ~~complete~~ **completes** a motorcycle operator safety education course approved by the department of education as set forth in IC 20-30-13-9; **or**

~~(2) Hold~~ **(3) holds** a current motorcycle operator endorsement or motorcycle operator's license from any other jurisdiction and successfully ~~complete~~ **completes** the written test.

The bureau may waive the testing requirements for an individual who has completed a course described in subdivision (2).

~~(c)~~ **(b)** The bureau may not issue a motorcycle endorsement to an individual less than sixteen (16) years and one hundred eighty (180) days of age.

~~(d)~~ **(c)** If an applicant for a motorcycle license endorsement is less than eighteen (18) years of age, the bureau may not issue a license endorsement described in subsection (a) if the applicant is ineligible under IC 9-24-2-1.

~~(e)~~ **(d)** The bureau shall develop and implement both a written test and an operational skills test ~~that must be designed~~ to determine whether an applicant for a motorcycle endorsement ~~is competent~~ **demonstrates the necessary knowledge and skills** to operate a motorcycle upon a highway. The written test must be made available at license branch locations approved by the bureau. The operational skills test must be given at locations designated by the bureau. The bureau shall adopt rules under IC 4-22-2 to establish standards for persons administering operational skills tests and the provisions of the operational skills test. An individual applying for a motorcycle endorsement must pass the written exam before taking the operational skills test. If an applicant fails to satisfactorily complete either the written or operational tests, the applicant may reapply for and must be offered the examination upon the same terms and conditions as applicants may reapply for and be offered examinations for an operator's license. The bureau shall publish and make available at all locations where an individual may apply for an operator's license information concerning a motorcycle endorsement.

~~(f)~~ **(e)** An individual may apply for a motorcycle endorsement not later than the expiration date of the permit. However, ~~not more than three (3) examinations may be allowed during the period the permit is valid.~~ an individual who holds a learner's permit and does not pass the ~~written and~~ operating skills examination ~~during the period for which the permit is valid must obtain a new learner's permit.~~ **after a third attempt is not eligible to take the examination until two (2) months after the date of the last failed examination.**

~~(g)~~ **(f)** A person who held a valid Indiana motorcycle operator's license on ~~June 30,~~ **December 31,** 2011, may be issued a motorcycle operator's endorsement after ~~June 30,~~ **December 31,** 2011, on a valid Indiana operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license after:

(1) making the appropriate application for endorsement; ~~and~~

(2) passing the appropriate examinations; and

~~(2)~~ **(3)** paying the appropriate fee set forth in IC 9-29-9-7 or IC 9-29-9-8.

SECTION 203. IC 9-24-9-2, AS AMENDED BY P.L.145-2011, SECTION 17, AND AS AMENDED BY P.L.118-2011, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~(a) Before January 1, 2008, each application for a license or permit under this chapter must require the following information:~~

~~(1) The name, date of birth, sex, Social Security number, and mailing address, and, if different from the mailing address, the residence address of the applicant. The applicant shall indicate to the bureau:~~

~~(A) which address the license or permit shall contain; and~~

~~(B) whether the Social Security number or another distinguishing number shall be the distinctive identification number used on the license or permit.~~

~~(2) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.~~

~~(3) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.~~

~~(4) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.~~

~~(5) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.~~

~~The bureau shall maintain records of the information provided under subdivisions (1) through (5).~~

~~(b)~~ **(a)** Except as provided in subsection ~~(c), after December 31, 2007,~~ **(b),** each application for a license or permit under this chapter must require the following information:

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

(4) The applicant's height, weight, hair color, and eye color.

(5) The principal address and mailing address of the applicant.

(6) A:

(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

(ii) identity and lawful status.

(7) Whether the applicant has been subject to fainting spells or seizures.

(8) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.

(9) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.

(10) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.

(11) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.

(12) The signature of the applicant.

The bureau shall maintain records of the information provided under subdivisions (1) through (12).

~~(c)~~ **(b)** For purposes of subsection ~~(b),~~ **(a),** an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

~~*(d)*~~ **(c)** *In addition to the information required by subsection* ~~*(b),*~~ **(a),** *an applicant who is required to complete at least fifty (50) hours of supervised practice driving under IC 9-24-3-2.5(a)(1)(E) or IC 9-24-3-2.5(a)(2)(D) must submit to the commission evidence of the time logged in practice driving. The bureau shall maintain a record of the time log provided.*

(d) In addition to the information required under subsection ~~*(b),*~~ **(a),** *an application for a license or permit to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the license or permit. An applicant who wishes to have an indication of the applicant's veteran status appear on a license or permit must:*

(1) indicate on the application that the applicant:

(A) is a veteran of the armed forces of the United States; and

(B) wishes to have an indication of the applicant's veteran status appear on the license or permit; and

(2) verify the applicant's veteran status by providing proof of discharge.

The bureau shall maintain records of the information provided under this subsection.

SECTION 204. IC 9-24-10-3, AS AMENDED BY P.L.145-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. ~~(a) Except as provided by subsection (b), examinations shall be held in the county where the license branch office in which the application was made is located, within a reasonable length of time following the date of the application.~~

~~(b) After June 30, 2011,~~ An applicant may take any or all of the tests required by section 4(a)(1)(B), 4(a)(1)(C), and 4(a)(2) of this chapter at any **license branch** location in Indiana.

SECTION 205. IC 9-24-10-4, AS AMENDED BY P.L.145-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit **or driver's license** must ~~consist of a test of the applicant's eyesight and knowledge of IC 9-26-1-1.5. All other examinations must~~ include the following:

(1) A test of the following of the applicant:

(A) Eyesight.

(B) Ability to read and understand highway signs regulating, warning, and directing traffic.

(C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5.

(2) An actual demonstration of the applicant's skill in exercising ordinary and reasonable control in the operation of a motor vehicle under the type of permit or license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon Indiana highways. The applicant must provide the motor vehicle used in the examination.

(c) The bureau:

(1) ~~shall~~ **may** waive the actual demonstration required under subsection (a)(2) for a person who has passed a driver's education class and a skills test given by a commercial driver training school or driver education program given by an entity licensed under IC 9-27-6-7; and

(2) may waive the testing, other than testing under subsection (a)(1)(A), of an applicant who has passed:

(A) an examination concerning:

(i) subsection (a)(1)(B); and

(ii) subsection (a)(1)(C); and

(B) a skills test;

given by a commercial driver training school or an entity licensed under IC 9-27-6-7.

(d) The bureau shall adopt rules under IC 4-22-2 specifying requirements for a skills test given under subsection (c) and the testing required under subsection (a)(1)(B) and (a)(1)(C).

(e) An instructor having an endorsement under IC 9-27-6-8 who did not instruct the applicant for the license or permit in driver education is not civilly or criminally liable for a report made in good faith to the:

(1) bureau;

(2) commission; or

(3) driver licensing medical advisory board;

concerning the fitness of the applicant to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.

SECTION 206. IC 9-24-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The bureau shall ~~print,~~ **make available,** for the mandatory use of individuals conducting the examinations, the rules and requirements that must be uniformly and impartially followed in making the examinations.

SECTION 207. IC 9-24-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The bureau shall issue a permit or license to every applicant who meets the following conditions:

(1) Qualifies as required.

(2) Makes the proper application.

(3) Pays the required fee.

(4) Passes the required examinations.

SECTION 208. IC 9-24-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section applies to an individual who has an existing medical condition that causes the individual to appear intoxicated.

(b) An operator's permit or license issued to an individual under this section must bear a ~~distinctive color coding~~ **restriction** on the ~~face of the~~ operator's permit or license.

(c) An individual who wishes to have an operator's permit or license issued under this section must provide a verified certificate from a physician licensed to practice in Indiana attesting to the individual's medical condition. The physician's certificate must be:

(1) provided to the bureau at the time the individual applies for an operator's permit or license under this section;

(2) carried in any vehicle that the individual operates; and

(3) renewed each time the individual's operator's license is renewed.

(d) The bureau shall adopt rules under IC 4-22-2 to carry out this section.

SECTION 209. IC 9-24-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) In addition to any other penalty imposed for a conviction under section 8(c) of this chapter, the court shall recommend that the person's driving privileges be suspended for a fixed period of at least ninety (90) days and not more than two (2) years.

(b) The court shall specify:

(1) the length of the fixed period of suspension; and

(2) the date the fixed period of suspension begins;

whenever the court makes a recommendation under subsection (a). **If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this chapter.**

SECTION 210. IC 9-24-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. The bureau shall, upon receiving a record of conviction of a person under section 8(c) of this chapter, set a period of suspension for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in section 10 of this chapter. **If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this chapter.**

SECTION 211. IC 9-24-12-2, AS AMENDED BY P.L.184-2007, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~(a) Except as provided in section 10 of this chapter, a chauffeur's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.~~

~~(b)~~ **(a)** ~~After December 31, 2005, and~~ Except as provided in subsection ~~(c)~~ **(b)** and sections 10, 11, and 12 of this chapter, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

~~(c)~~ **(b)** Except as provided in ~~subsection (b) and~~ sections 10, 11, and 12 of this chapter, a chauffeur's license issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

SECTION 212. IC 9-24-12-5, AS AMENDED BY P.L.109-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in subsection (b), an individual applying for renewal of an operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch and do the following:

(1) Pass an eyesight examination.

(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or

(B) the applicant holds a valid operator's license, has not reached the applicant's twenty-first birthday, and has active points on the applicant's driving record maintained by the bureau.

(b) The bureau may adopt rules under IC 4-22-2 concerning the ability of a holder of an operator's, a chauffeur's, or a public passenger chauffeur's license to renew the license by mail or by electronic service. If rules are adopted under this subsection, the rules must provide that an individual's renewal of a license by mail or by electronic service is subject to the following conditions:

(1) A valid computerized image of the individual must exist within the records of the bureau.

(2) The previous renewal of the individual's operator's, chauffeur's, or public passenger chauffeur's license must not have been by mail or by electronic service.

(3) The application for or previous renewal of the individual's license must have included a test of the individual's eyesight approved by the bureau.

(4) If the individual were applying for the license renewal in person at a license branch, the individual would not be required under subsection (a)(2) to submit to a written examination.

(5) The individual must be a citizen of the United States, as shown in the records of the bureau.

(6) There must not have been any change in the:

(A) address; or

(B) name;

of the individual since the issuance or previous renewal of the individual's operator's, chauffeur's, or public passenger chauffeur's license.

(7) The operator's, chauffeur's, or public passenger chauffeur's license of the individual must not be:

(A) suspended; or

(B) expired more than one hundred eighty (180) days;

at the time of the application for renewal.

(8) The individual must be less than ~~seventy (70)~~ **seventy-five (75)** years of age at the time of the application for renewal.

(c) An individual applying for the renewal of an operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (b).

SECTION 213. IC 9-24-14-1, AS AMENDED BY P.L.87-2010, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. If a permit or license issued under this article ~~except section 2 of this chapter,~~ is lost or destroyed, and as provided in section 3.5 of this chapter, the individual to whom the permit or license was issued may obtain a replacement if the individual ~~does the following:~~

~~(1) Furnishes proof satisfactory to the bureau that the permit or license was lost or destroyed.~~

~~(2)~~ pays the required fee for a replacement permit or license under IC 9-29-9.

SECTION 214. IC 9-24-14-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. (a) This section applies to replacement licenses issued under the following:~~

~~(1) IC 9-30-4-6.~~

~~(2) IC 9-24-15.~~

~~(3) IC 9-30-5.~~

~~(4) IC 9-30-6.~~

~~(5) IC 9-30-10-9.~~

~~(6) IC 9-30-10-13.~~

~~(b) The bureau may issue a replacement license that is restrictive or conditional if an applicant does the following:~~

~~(1) Applies for a valid replacement license.~~

~~(2) Surrenders all licenses in the applicant's possession.~~

~~(3) Pays the license fee under IC 9-29-9.~~

SECTION 215. IC 9-24-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), this chapter does not apply to the following:

(1) A suspension of a driving license upon the failure of an individual to file security or proof of financial responsibility following an accident as required by or upon the failure of any individual to satisfy a judgment for damages arising out of the use of a motor vehicle on a public highway as provided for in IC 9-25.

(2) When suspension is by reason of:

(A) physical, mental, or emotional instability;

(B) having caused serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the operator's restricted driver's license; or

(C) the applicant has been convicted of involuntary manslaughter or reckless homicide as a result of an automobile accident.

(3) A suspension of the license of an applicant whose license has been previously suspended.

(4) A suspension of the license of an applicant who has failed to use timely appeal procedures provided by the bureau.

(5) After June 30, 2005, a suspension of the license of an applicant whose commercial driver's license has been disqualified under 49 CFR 383.51 or other applicable federal or state law, including an alcohol or a controlled substance conviction under IC 9-30-5-4 or 49 CFR 391.15.

(b) A court may grant a petition for ~~a~~ restricted driving ~~permit~~ **privileges** from an individual who:

(1) received a request for evidence of financial responsibility after:

(A) an accident under IC 9-25-5-2; or

(B) a conviction of a motor vehicle violation under IC 9-25-9-1; and

(2) failed to provide proof of financial responsibility under IC 9-25-6;

if the individual shows by a preponderance of the evidence that the failure to maintain financial responsibility was inadvertent.

SECTION 216. IC 9-24-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. If:

(1) an individual's driving license has been suspended under Indiana motor vehicle law; ~~and~~

(2) because of the nature of the individual's employment the suspension would work an undue hardship and burden upon the individual's family or dependents; **and**

(3) the individual is eligible for restricted driving privileges under section 1 of this chapter;

the individual may file a verified petition for ~~a~~ restricted driving ~~permit~~ **privileges** for the sole purpose of driving to and from work and in the course of employment during the period of the driving license suspension.

SECTION 217. IC 9-24-15-3, AS AMENDED BY P.L.28-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The following information must be included in a petition filed under section 2 of this chapter:

(1) The petitioner's age, place of residence, and occupation.

(2) That the petitioner has never been convicted of a similar offense or been **previously** suspended. ~~for a similar~~

~~reason.~~

(3) The reason and nature of the hardship or burden upon the petitioner's family or dependents.

(4) The nature of and the necessity of the use of a motor vehicle in the petitioner's employment.

(5) The petitioner's place of employment, hours worked, and route to be traveled for employment purposes.

(6) ~~After June 30, 2005,~~ A certified copy of the petitioner's driving record in Indiana and other states in which the petitioner has held driving privileges, including all states in which the petitioner has held a commercial driver's license.

(7) ~~After June 30, 2005,~~ A verified statement that the petitioner meets eligibility requirements for a restricted license as set forth in section 6.5 of this chapter.

~~(8) Whether the person is a habitual violator of traffic laws under IC 9-30-10.~~

SECTION 218. IC 9-24-15-5, AS AMENDED BY P.L.106-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The issues before the court in a proceeding under this chapter must be considered closed by denial of all matters at issue without the necessity of filing any further pleadings.

(b) Changes of venue from the judge or from the county must be granted a party under the law governing changes of venue in civil causes.

(c) A suspension or revocation under this title remains in full force and effect during the pendency of a cause under this chapter and until the issuance of the restricted driving ~~permit~~ **privileges** by the bureau in accordance with the recommendation of the court.

(d) Records accumulated in the regular course of business and routinely on file in the offices of the prosecuting attorney of the county, sheriff of the county, and bureau may be admitted at the hearing on the petition. The records constitute prima facie evidence of the matters contained on the face of the petition in relation to the petitioner.

(e) Court costs (including fees) for the action on the petition must be charged against the petitioner. The prosecuting attorney of the county is not liable or taxable for any costs (including fees) in any action under this chapter.

SECTION 219. IC 9-24-15-6, AS AMENDED BY P.L.109-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a)** The court shall, after hearing the evidence upon a petition filed under this chapter and without any requests, make, sign, and file special finding of facts in writing. Except as provided in section 6.5 of this chapter, the court may do either of the following:

(1) Refuse to grant the petition.

(2) Make a final determination in the nature of a recommendation to the bureau that the petitioner be granted ~~a~~ restricted driving ~~permit.~~ **privileges.**

The judge of the court shall sign the recommendation and have the recommendation entered in the order book by the clerk of the court, with a copy sent to the bureau.

(b) If the bureau receives an order granting restricted driving privileges to a person who, according to the records of the bureau, is ineligible to receive restricted driving privileges under this chapter, the bureau shall:

(1) grant the person restricted driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for restricted driving privileges; and

(2) send a certified copy of the person's driving record to the prosecuting attorney. The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the order of the court. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the order of the court.

SECTION 220. IC 9-24-15-6.5, AS AMENDED BY P.L.109-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. (a) The court shall grant a petition for ~~a~~ restricted driving ~~permit~~ **privileges** filed under this chapter if all of the following conditions exist:

(1) The person was not convicted of one (1) or more of the following:

(A) A Class D felony under IC 9-30-5-4 before July 1, 1996, or a Class D felony or a Class C felony under IC 9-30-5-4 after June 30, 1996.

(B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or a Class C felony or a Class B felony under IC 9-30-5-5 after June 30, 1996.

(2) The person's driving privileges were suspended under IC 9-30-6-9(c) or IC 35-48-4-15.

(3) The driving that was the basis of the suspension was not in connection with the person's work.

(4) The person does not have a previous conviction for operating while intoxicated.

(5) The person is participating in a rehabilitation program certified by either the division of mental health and addiction or the Indiana judicial center. ~~as a condition of the person's probation.~~

(b) The person filing the petition for ~~a~~ restricted driving ~~permit~~ **privileges** shall include in the petition the information specified in subsection (a) in addition to the information required by sections 3 through 4 of this chapter.

(c) Whenever the court grants a person restricted driving privileges under this chapter, that part of the court's order granting probationary driving privileges shall not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9. In a county that provides for the installation of an ignition interlock device under IC 9-30-8, installation of an ignition interlock device is required as a condition of probationary driving privileges for the entire duration of the probationary driving privileges.

(d) If a court requires installation of a certified ignition interlock device under subsection (c), the court shall order the

bureau to record this requirement in the person's ~~operating~~ **driving** record in accordance with IC 9-14-3-7. When the person is no longer required to operate only a motor vehicle equipped with an ignition interlock device, the court shall notify the bureau that the ignition interlock use requirement has expired and order the bureau to update its records accordingly.

SECTION 221. IC 9-24-15-6.7, AS AMENDED BY P.L.109-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.7. (a) If a petitioner whose driving license or permit is suspended under ~~IC 9-25-6-19, IC 9-25-6-20, or IC 9-25-6-21~~ **IC 9-30-13-6, IC 9-30-13-7, or IC 9-30-13-8** proves to the satisfaction of the court that public transportation is unavailable for travel by the petitioner:

(1) to and from the petitioner's regular place of employment;

(2) in the course of the petitioner's regular employment;

(3) to and from the petitioner's place of worship; or

(4) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time;

the court may grant a petition for ~~a~~ restricted driving ~~permit~~ **privileges** filed under this chapter.

(b) ~~A~~ Restricted driving ~~permit~~ **privileges** issued by the bureau under this section must specify that the restricted driving ~~permit is~~ **privileges are** valid only for purposes of driving under the conditions described in subsection (a).

(c) ~~A~~ Restricted driving ~~permit~~ **privileges** issued by the bureau under this section shall be:

(1) issued in the same manner; and

(2) subject to all requirements;

as other permits under this chapter.

SECTION 222. IC 9-24-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. ~~The bureau shall comply with the court's recommendation.~~ The bureau in issuing ~~a~~ restricted driving ~~permit~~ **privileges** shall be guided by the court's special finding of facts in setting out the petitioner's driving restrictions. The ~~restricted driving permit~~ **recommendation of the court** must set out restrictions as to the time, territory, and route to be included and shall be restricted to the essential requirements of the petitioner in the performance of the petitioner's employment duties.

SECTION 223. IC 9-24-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The petitioner must have **proof of** the **petitioner's** restricted driving ~~permit~~ **privileges** on the petitioner's person while driving a motor vehicle. ~~A~~ Restricted driving ~~permit is~~ **privileges are** valid and in force only after the person gives and maintains in effect proof of financial responsibility in the manner required in IC 9-25.

SECTION 224. IC 9-24-15-9, AS AMENDED BY P.L.109-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. Except as provided in section 6.5 of this chapter, an individual may not ~~receive a~~ **be granted** restricted driving ~~permit~~ **privileges** if the individual's driving privileges are suspended under IC 9-30-5 through IC 9-30-9 or IC 9-30-13-3.

SECTION 225. IC 9-24-15-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) A person who:

(1) has been ~~issued a~~ **granted** restricted driving ~~permit;~~ **privileges;** and

(2) operates a motor vehicle:

(A) in violation of the terms, limitations, or restrictions set out ~~in~~ **by** the ~~restricted driving permit;~~ **court;** and

(B) during the period of suspension of the person's current driving license;

commits a Class B misdemeanor.

(b) The bureau shall, upon receipt of notice of a conviction for a violation of this section, do the following:

(1) Revoke the **person's** restricted driving ~~permit.~~ **privileges.**

(2) Suspend the person's current driving license for two (2) years in addition to the original existing period of suspension.

In addition, the bureau may not issue ~~another~~ restricted driving ~~permit~~ **privileges** to the person during the original existing or additional period of suspension.

SECTION 226. IC 9-24-16-2, AS AMENDED BY P.L.118-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~(a) Before January 1, 2008, an application for an identification card issued under this chapter must meet the following conditions:~~

~~(1) Be made upon an approved form provided by the bureau, which shall include the mailing address, and if different from the mailing address, the residence address of the applicant.~~

~~(2) Be verified by the applicant before a person authorized to administer oaths and affirmations.~~

~~(b) Except as provided in subsection (c), after December 31, 2007,~~ **(a)** An application for an identification card issued under this chapter must require the following information concerning an applicant:

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

(4) The applicant's height, weight, hair color, and eye color.

(5) The principal address and mailing address of the applicant.

(6) A:

(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

(ii) identity and lawful status.

(7) A digital photograph of the applicant.

(8) The signature of the applicant.

The bureau shall maintain records of the information provided under subdivisions (1) through ~~(6).~~ **(8).**

~~(c)~~ **(b)** The bureau may ~~temporarily~~ invalidate an identification card that the bureau believes to have been issued as a result of fraudulent documentation.

~~(d)~~ **(c)** The bureau:

(1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and

(2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.

~~(e)~~ **(d)** For purposes of subsection ~~(b),~~ **(a),** an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

~~(f)~~ **(e)** In addition to the information required under subsection ~~(b),~~ **(a),** an application for an identification card to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card. An applicant who wishes to have an indication of the applicant's veteran status appear on the identification card must:

(1) indicate on the application that the applicant:

(A) is a veteran of the armed forces of the United States; and

(B) wishes to have an indication of the applicant's veteran status appear on the identification card; and

(2) verify the applicant's veteran status by providing proof of discharge.

The bureau shall maintain records of the information provided under this subsection.

SECTION 227. IC 9-24-16-3, AS AMENDED BY P.L.118-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) Except as provided in subsection ~~(h),~~ **(g),** the front side of an identification card must contain the expiration date of the identification card and the following information about the individual to whom the card is being issued:

(1) Full legal name.

(2) The address of the principal residence.

(3) Date of birth.

(4) Date of issue and date of expiration.

(5) Unique identification number.

(6) Gender.

(7) Weight.

(8) Height.

(9) Color of eyes and hair.

(10) Reproduction of the signature of the individual identified.

(11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).

(12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.

(14) Digital photograph of the individual.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the permit or license.

(d) If the individual:

(1) has indicated on the application that the individual is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card; and

(2) has provided proof of discharge;

an indication of the individual's veteran status shall be shown on the identification card.

(e) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

~~(f) An identification card issued by the state that does not require a digital photograph must include a statement that the identification card may not be accepted by any federal agency for federal identification or any other federal purpose.~~

~~(g)~~ **(f)** An identification card issued by the state to an individual who:

(1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;

(2) has a pending application for asylum in the United States;

(3) has a pending or approved application for temporary protected status in the United States;

(4) has approved deferred action status; or

(5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence

status in the United States;

must be clearly identified as a temporary identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

~~(h)~~ **(g)** For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

SECTION 228. IC 9-24-16-4, AS AMENDED BY P.L.162-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Except as provided in subsection (b), an identification card ~~issued:~~

~~(1) before January 1, 2006, expires on the fourth birthday of the applicant following the date of issue; and~~

~~(2) after December 31, 2005,~~ expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(b) An identification card issued under this article ~~after December 31, 2007,~~ to an applicant who complies with section 3.5(1)(E) through 3.5(1)(J) of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 229. IC 9-24-16-4.5, AS AMENDED BY P.L.109-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) The bureau may adopt rules under IC 4-22-2 concerning the ability of an individual to renew an identification card under section 5 of this chapter, apply for a replacement identification card under section 9 of this chapter, or apply for a replacement identification card under section 6 of this chapter by electronic service. If rules are adopted under this subsection, the rules must provide that an individual's renewal, amendment, or replacement of an identification card by electronic service is subject to the following conditions:

(1) A valid computerized image or digital photograph of the individual must exist within the records of the bureau.

(2) The individual must be a citizen of the United States, as shown in the records of the bureau.

(3) There must not have been any change in the:

(A) **legal** address; or

(B) name;

of the individual since the issuance or previous renewal of the identification card of the individual.

(4) The identification card of the individual must not be expired more than one hundred eighty (180) days at the time of the application for renewal.

(b) An individual applying for:

(1) the renewal of an identification card; or

(2) a replacement identification card;

must apply in person at a license branch if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (a).

SECTION 230. IC 9-24-16-5, AS AMENDED BY P.L.87-2010, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) An application for renewal of an identification card may be made not more than twelve (12) months before the expiration date of the card. However, when the applicant complies with section 3.5(1)(E) through 3.5(1)(J) of this chapter, an application for renewal of an identification card may be filed not more than one (1) month before the expiration date of the identification card held by the applicant. ~~A renewal application received after the date of expiration is considered to be a new application.~~

(b) Except as provided in subsection ~~(c),~~ **(d),** a renewed card is valid on the birth date of the holder and remains valid for six (6) years.

~~(c) If renewal has not been made within six (6) months after expiration, the bureau shall destroy all records pertaining to the former cardholder.~~

~~(d)~~ **(c)** Renewal may not be granted if the cardholder was issued a driver's license subsequent to the last issuance of an identification card.

~~(e)~~ **(d)** A renewed identification card issued under this article ~~after December 31, 2007,~~ to an applicant who complies with section 3.5(1)(E) through 3.5(1)(J) of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 231. IC 9-24-16-10, AS AMENDED BY P.L.109-2011, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The bureau may adopt rules under IC 4-22-2 and prescribe all forms necessary to implement this chapter. However, the bureau may not impose a fee for the issuance of:

(1) an original;

(2) a renewal of an; or

(3) a replacement;

identification card to an individual described in subsection (b).

(b) An identification card must be issued without the payment of a fee or charge to an individual who:

(1) does not have a valid Indiana driver's license; and

(2) will be at least eighteen (18) years of age ~~at~~ **and eligible to vote in** the next general, municipal, or special election.

SECTION 232. IC 9-24-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The bureau shall verbally ask every individual who applies for a driver's license or an identification card issued under IC 9-24-16 whether the individual desires to make an anatomical gift.

(b) If the individual does desire to make an anatomical gift, the bureau shall ~~assist~~ **provide** the individual ~~in completing~~ the form by which the individual makes the gift.

SECTION 233. IC 9-24-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The bureau shall make available ~~and publicize~~ the anatomical gift program in a separate brochure and by other means the bureau considers necessary.

SECTION 234. IC 9-24-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Each anatomical gift made under this chapter must be made by the donor by acknowledging the making of the anatomical gift by signing the application form for the driver's license or identification card under section 1 of this chapter. If the donor cannot sign, the application form may be signed for the donor:

(1) at the donor's direction and in the donor's presence; and

(2) in the presence of two (2) witnesses who must sign the document in the donor's and each other's presence.

~~(b) The card must state that the document was signed in accordance with this section.~~

~~(c)~~ **(b)** The bureau shall place an identifying symbol on the face of the license or identification card to indicate that the person to whom the license or identification card is issued has acknowledged the making of an anatomical gift on the application form for the license or identification card as set forth in subsection (a).

~~(d)~~ **(c)** Revocation, suspension, or cancellation of the license or expiration of the license or identification card does not invalidate the anatomical gift.

~~(e)~~ **(d)** An anatomical gift is valid if the person acknowledges the making of the anatomical gift by signing the application form for a driver's license or identification card under subsection (a). No other acknowledgment is required to make an anatomical gift.

SECTION 235. IC 9-24-18-1, AS AMENDED BY P.L.100-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person, except a person exempted under IC 9-24-1-7, who knowingly or intentionally operates a motor vehicle upon a highway and has never received a valid driving license commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(b) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person be prohibited from receiving a valid driving license for a fixed period of at least ninety (90) days and not more than two (2) years.

(c) The court shall specify:

(1) the length of the fixed period of the prohibition; and

(2) the date the fixed period of the prohibition begins;

whenever the court makes a recommendation under subsection (b).

(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of operating a motor vehicle while never having received a valid driving license, prohibit the person from receiving a driving license for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in subsection (c). **If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this chapter.**

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued a driving license or permit that was valid at the time of the alleged offense.

SECTION 236. IC 9-24-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A person that has a motor vehicle in the person's custody may not cause or knowingly permit a person to drive the vehicle upon a highway unless the person ~~obtains~~ **holds** a **valid** license or permit under this article.

(b) A person who violates this section commits a Class C infraction.

SECTION 237. IC 9-24-18-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. A person who counterfeits or falsely reproduces a ~~driving~~ **driver's** license with intent to use the license or to permit another person to use the license commits a Class B misdemeanor.

SECTION 238. IC 9-24-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The bureau may establish a driving record for an Indiana resident who does not hold any type of valid driving license. The driving record shall be established for an unlicensed driver when an abstract of court conviction has been received by the bureau. ~~The record shall be maintained for not less than three (3) years for each unlicensed driver.~~

(b) If an unlicensed driver applies for and receives any type of driving license in Indiana, the person's driving record as an unlicensed driver shall be recorded on the permanent record file. An unlicensed driver who has had at least two (2) traffic violation convictions in Indiana within twenty-four (24) months before applying for any type of driving license may not be issued a license within one (1) year after the date of the second traffic conviction as indicated on the abstract of court conviction record. If the bureau issues a license without knowledge of the second

conviction, the bureau shall suspend the license upon learning of the second conviction and notify the person of the reason for the suspension and the term of the suspension.

(c) The bureau shall also certify traffic violation convictions on the driving record of an unlicensed driver who subsequently receives an Indiana driving license.

SECTION 239. IC 9-24-18-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. Upon receipt of a court order under IC 7.1-5-7-7 (minor possessing, consuming, or transporting alcohol or having alcohol present in a bodily substance), the bureau shall suspend the minor's ~~driver's license~~ **driving privileges** for the period ordered by the court.

SECTION 240. IC 9-24-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) In addition to any other penalty imposed for a conviction under this chapter, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(b) The court shall specify:

(1) the length of the fixed period of suspension; and

(2) the date the fixed period of suspension begins;

whenever the court makes a recommendation under subsection (a).

(c) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the recommendation of the court. If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this chapter.

SECTION 241. IC 9-24-19-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a vehicle while the person's driving privilege, permit, or license was suspended, extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in section 5 of this chapter.~~

SECTION 242. IC 9-25-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article does not apply to a judgment in a civil action. ~~or cause of action arising out of an accident occurring before July 1, 1943.~~

SECTION 243. IC 9-25-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. Whenever the proof of financial responsibility filed by a person under this article no longer fulfills the purpose for which the proof was required, the bureau shall require other proof of financial responsibility under this article and shall suspend the ~~operator's or chauffeur's license~~ **driving privileges** and **motor** vehicle registration of the person for whom other proof of financial responsibility is required.

SECTION 244. IC 9-25-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This section does not apply to an electric personal assistive mobility device.

(b) A person may not:

(1) register a **motor** vehicle; or

(2) operate a **motor** vehicle on a public highway;

in Indiana if financial responsibility is not in effect with respect to the motor vehicle under section 4 of this chapter, **or the person is not otherwise insured in order to operate the motor vehicle.**

(c) A person who violates this section is subject to the suspension of the person's current driving ~~license~~ **privileges** or **motor** vehicle registration, or both, under this article.

SECTION 245. IC 9-25-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Financial responsibility in one (1) of the forms required under this chapter must be continuously maintained as long as a motor vehicle is operated on a ~~road, street, or~~ **public** highway in Indiana.

SECTION 246. IC 9-25-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) For the purposes of this article, financial responsibility is in effect with respect to a motor vehicle if:

(1) a motor vehicle liability insurance policy issued with respect to the **motor** vehicle **or operator under IC 9-25-5-7;**

(2) a bond executed with respect to the **motor** vehicle under section 7 of this chapter; or

(3) the status of the owner or operator of the **motor** vehicle as a self-insurer, as recognized by the bureau through the issuance of a certificate of self-insurance under section 11 of this chapter;

provides the ability to respond in damages for liability arising out of the ownership, maintenance, or use of the motor vehicle in amounts at least equal to those set forth in section 5 or 6 of this chapter.

(b) A motor vehicle liability policy under this article must contain the terms, conditions, and provisions required by statute and must be approved by the state insurance commissioner.

SECTION 247. IC 9-25-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. Proof of financial responsibility **meeting the requirements set forth in this article** may be ~~made~~ **filed in a manner prescribed by the bureau** by ~~filing with the bureau the written certificate of~~ an insurance carrier ~~authorized to do business in Indiana certifying that the carrier has issued to or for the benefit~~ of the person ~~furnishing the~~ **for whom** proof ~~and named as the insured a motor vehicle liability policy meeting the requirements of this chapter and having the terms, conditions, and specifications that the bureau requires.~~ **is required.**

SECTION 248. IC 9-25-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If a person is convicted of a traffic offense that requires a court appearance, the court shall require the person to show proof that financial responsibility was in force on the date of the violation in one (1) of the forms described in IC 9-25-4-4 or in the form of a

certificate of self-insurance issued under IC 9-25-4-11.

(b) If a person fails to provide proof of financial responsibility as required by this section, the court shall ~~do the following:~~

~~(1)~~ suspend the person's current driving ~~license~~ **privileges** or **motor** vehicle registration, or both.

~~(2) Order the person to immediately surrender the person's current driving license or vehicle registration to the court.~~

(c) A suspension under this section is subject to the same provisions concerning procedure for suspension, duration of suspension, and reinstatement applicable to other suspensions under this ~~chapter.~~ **article.**

SECTION 249. IC 9-25-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. Not more than forty-five (45) days after the bureau receives a copy of an accident report under IC 9-26, the bureau shall send to each person identified in the report as an operator of a **motor** vehicle involved in the accident a request for evidence of financial responsibility under section 3 of this chapter, unless the evidence has already been filed with the bureau. The request for evidence of financial responsibility shall be sent to each person identified in the report as an operator of a **motor** vehicle involved in the accident regardless of fault.

SECTION 250. IC 9-25-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A request for evidence of financial responsibility must do the following:

(1) Direct a person identified under section 2 of this chapter to provide the bureau with evidence that financial responsibility was in effect with respect to the **motor** vehicle operated by the person on the date of the accident described in the accident report.

(2) Instruct the person on how to furnish the bureau with evidence of financial responsibility in compliance with this ~~chapter.~~ **article.**

(3) Warn the person that failure to furnish evidence of financial responsibility to the bureau will result in suspension of the person's current driving ~~license~~ **privileges** or **motor** vehicle registration, or both, under this article.

(b) The bureau shall mail a request for evidence of financial responsibility to a person identified under section 2 of this chapter by first class mail at the address appearing in the records of the bureau.

SECTION 251. IC 9-25-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) To avoid ~~a current driving license~~ suspension **of driving privileges** or **motor** vehicle registration suspension, **or both,** under this article, a person identified under section 2 of this chapter who receives a request for evidence of financial responsibility must ~~provide~~ **ensure that the insurance company of the person provides** the bureau with a certificate of compliance indicating that financial responsibility required by IC 9-25-4-1 was in effect with respect to the motor vehicle, **or the operation of the motor vehicle,** on the date of the accident described in the accident report. **It is the responsibility of the person who receives a request for evidence of financial responsibility to ensure that the insurance company of the person has provided a certificate of compliance.**

(b) Proof that the bureau:

(1) did not receive a certificate of compliance ~~from~~ **for** a person presented with a request for evidence of financial responsibility under section 2 of this chapter within ~~forty-five (45)~~ **forty (40)** days after the date on which the person was presented with the request;

(2) received a certificate of compliance that did not indicate that financial responsibility was in effect with respect to the motor vehicle that the person was operating on the date of the accident described in the accident report; or

(3) suspended ~~a current~~ **the** driving ~~license or~~ **privileges or motor** vehicle registration, **or both,** under IC 9-25-6-3 after presenting a person with a request for evidence of financial responsibility under section 2 of this chapter;

is prima facie evidence in a civil action that the person presented with the request for evidence of financial responsibility did not have **an operator's or** a motor vehicle liability policy in effect with respect to the motor vehicle that the person was operating on the date of the accident described in the accident report.

SECTION 252. IC 9-25-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A person who receives a request for evidence of financial responsibility under section 3 of this chapter shall **ensure that the insurance company of the person** set forth in the certificate of compliance **provides to the bureau** the following information concerning the form of financial responsibility that was in effect with respect to the motor vehicle on the date in question:

(1) If **an operator's or** a motor vehicle liability policy was in effect, the following:

(A) The name and address of the insurer.

(B) The limits of coverage of the policy.

(C) The identification number applying to the policy.

(D) Dates of coverage of the policy.

(E) Other information requested by the bureau.

(2) If a bond was in effect, the following:

(A) The name and address of the bond company or surety.

(B) The face amount of the bond.

(C) Dates the bond was in effect.

(D) Other information requested by the bureau.

(3) If self-insurance was in effect under IC 9-25-4-11, the following:

(A) The date on which the certificate of self-insurance was issued by the bureau.

(B) The name of the person to whom the certificate of self-insurance was issued.

(C) Other information requested by the bureau.

(b) A person who requests information or verification of coverage to complete a certificate of compliance under subsection (a) from:

(1) an insurance company; or

(2) an insurance producer;

is not required to give the company or the producer a reason for requesting the information unless the person has been involved in an accident.

SECTION 253. IC 9-25-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A certificate of compliance that reports the existence of an insurance policy must be ~~signed~~ **executed** by an officer or agent of the insurer. A certificate of compliance that reports the existence of a bond must be ~~signed~~ **executed** by an officer of the bond company or surety.

SECTION 254. IC 9-25-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) An insurance carrier that has issued a motor vehicle liability policy or policies meeting the requirements of this article shall, upon request of the named insured,

~~(1) deliver to the insured for filing; or~~

~~(2)~~ file with the bureau

an appropriate certificate that meets the requirements of this ~~chapter~~ **article** and shows that a policy or policies have been issued.

(b) The issuance of a certificate to serve as proof of financial responsibility under this ~~chapter~~ **article** is conclusive evidence that a motor vehicle liability policy in the certificate cited conforms to all the requirements of this article.

SECTION 255. IC 9-25-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. Whenever an insurance carrier has certified a motor vehicle liability policy under this chapter for the purpose of furnishing evidence of future financial responsibility, the insurance carrier shall give ten (10) days written notice to the bureau before cancellation of the policy. The policy continues in full force and effect until the date of cancellation specified in the notice or until the policy's expiration. A policy subsequently procured and certified, on the effective date of the policy's certification, terminates the insurance previously certified with respect to a **motor** vehicle designated in both certificates.

SECTION 256. IC 9-25-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A nonresident may give proof of financial responsibility in one (1) of the following ways:

(1) The nonresident owner of a foreign **motor** vehicle may give proof of financial responsibility by ~~filing with the bureau a written certificate of~~ **having** an insurance carrier authorized to transact business in the state in which the motor vehicle described in the certificate is registered **file a certificate of compliance with the bureau.**

(2) A nonresident who does not own a motor vehicle may give proof of financial responsibility by ~~filing with the bureau a written certificate of~~ **having** an insurance carrier authorized to transact business in the state in which the nonresident resides **file a certificate of compliance with the bureau.**

(b) A certificate **of compliance** filed under subsection (a) must conform to this chapter.

~~(c) The bureau shall accept a certificate filed under subsection (a) if the insurance carrier complies with the following:~~

~~(1) Executes a power of attorney authorizing the bureau to accept service on the insurance carrier's behalf of notice of process in an action arising out of a motor vehicle accident in Indiana.~~

~~(2) Adopts a binding resolution declaring that the insurance carrier's policies are considered to comply with Indiana law relating to the terms of motor vehicle liability policies issued in Indiana.~~

~~(3) Agrees to accept as final and binding a judgment of a court of competent jurisdiction in Indiana rendered in an action arising out of a motor vehicle accident.~~

~~(d) If a foreign insurance carrier that has qualified to furnish proof of financial responsibility under subsection (c) defaults in an undertaking or agreement, the bureau may not accept a certificate of the defaulting foreign carrier as long as the default continues, whether the certificate was filed before or after the default.~~

SECTION 257. IC 9-25-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If:

(1) the bureau receives a certificate of compliance ~~from~~ **for** a person identified under IC 9-25-5-2 within forty (40) days after the date on which the bureau mailed the request for evidence of financial responsibility to the person; and

(2) the certificate of compliance indicates that financial responsibility was in effect with respect to the **motor** vehicle **or the operation of the motor vehicle** at the time of the accident described in the accident report;

the bureau may not suspend the person's ~~current~~ driving ~~license.~~ **privileges.**

(b) If:

(1) the bureau receives a certificate of compliance from a person presented with a request for evidence of financial responsibility under IC 9-25-9-1 within forty (40) days after the date on which the person was presented with the request; and

(2) the certificate of compliance indicates that financial responsibility was in effect with respect to the motor vehicle **or the operation of the motor vehicle** that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau may not suspend the person's ~~current~~ driving ~~license.~~ **privileges.**

(c) If:

(1) the bureau receives a certificate of compliance for a person identified under IC 9-25-10 within forty (40) days after the date on which the bureau mailed the request for evidence of financial responsibility to the person; and

(2) the certificate of compliance indicates that financial responsibility was in effect with respect to the motor

vehicle or the operation of the motor vehicle for the date requested under IC 9-25-10;

the bureau may not suspend the driving privileges of the person.

SECTION 258. IC 9-25-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) If the bureau finds that a statement as to the existence of financial responsibility in a certificate of compliance received ~~from:~~ **for**

~~(1)~~ a person identified under ~~IC 9-25-5-2; or~~

~~(2) a person presented with a request for evidence of financial responsibility under IC 9-25-9-1;~~ **IC 9-25**

is materially false, the bureau shall take action under subsection (b).

(b) Upon finding that the statement referred to in subsection (a) is false, the bureau shall ~~do the following:~~

~~(1)~~ immediately suspend the person's ~~current~~ driving ~~license or~~ **privileges or motor** vehicle registration, or both,

~~(2) Demand that the person immediately surrender the person's current driving license or vehicle registration, or both, to the bureau.~~ **for at least ninety (90) days and not more than one (1) year.**

SECTION 259. IC 9-25-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) If the bureau:

(1) does not receive a certificate of compliance ~~from~~ **for** a person identified under IC 9-25-5-2 within forty (40) days after the date on which the bureau mailed the request for evidence of financial responsibility to the person; or

(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle operated by the person on the date of the accident referred to in IC 9-25-5-2;

the bureau shall take action under subsection ~~(c).~~ **(d).**

(b) If the bureau:

(1) does not receive a certificate of compliance ~~from~~ **for** a person presented with a request for evidence of financial responsibility under IC 9-25-9-1 within forty (40) days after the date on which the person was presented with the request; or

(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau shall take action under subsection ~~(c).~~ **(d).**

(c) If the bureau:

(1) does not receive a certificate of compliance for a person presented with a request under IC 9-25-10 not later than forty (40) days after the date on which the person was presented with the request; or

(2) receives a certificate that does not indicate that financial responsibility was in effect;

the bureau shall take action under subsection (d).

~~(c)~~ **(d)** Under the conditions set forth in subsection (a), ~~or~~ (b), **or (c),** the bureau shall ~~do the following:~~

~~(1)~~ immediately suspend the person's ~~current~~ driving ~~license~~ **privileges or motor** ~~or~~ vehicle registration, or both, **for at least ninety (90) days and not more than one (1) year.**

~~(2) Demand that the person immediately surrender the person's current driving license or vehicle registration, or both, to the bureau.~~

~~(d)~~ **(e)** Except as provided in subsection ~~(e),~~ **(f),** if subsection (a), ~~or~~ (b), **or (c)** applies to a person, the bureau shall suspend the ~~current~~ driving ~~license~~ **privileges** of the person irrespective of the following:

(1) The sale or other disposition of the motor vehicle by the owner.

(2) The cancellation or expiration of the registration of the motor vehicle.

(3) An assertion by the person that the person did not own the motor vehicle and therefore had no control over whether financial responsibility was in effect with respect to the motor vehicle.

~~(e)~~ **(f)** The bureau shall not suspend the ~~current~~ driving ~~license~~ **privileges** of a person to which subsection (a), ~~or subsection~~ (b), **or (c)** applies if the person, through a certificate of compliance or another communication with the bureau, establishes to the satisfaction of the bureau that the motor vehicle that the person was operating when the accident referred to in subsection (a) took place or when the violation referred to in subsection (b) was committed was:

(1) rented from a rental company; or

(2) owned by the person's employer and operated by the person in the normal course of the person's employment.

SECTION 260. IC 9-25-6-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. If a person violates:

(1) IC 9-25-4;

(2) IC 9-25-5; ~~or~~

(3) section 2 or 3 of this chapter; **or**

(4) IC 9-25-10;

more than one (1) time within a three (3) year period, the person's driving ~~license~~ **privileges** or **motor** vehicle registration may be suspended for not more than one (1) year.

SECTION 261. IC 9-25-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does not apply to judgments entered at least seven (7) years after the date of the accident.

(b) "Judgment", as used in this section, means a judgment in excess of two hundred dollars ($200) for bodily injury, death, or property damages arising out of the use of a motor vehicle upon a public highway.

(c) The bureau shall suspend for a period of not more than seven (7) years from the date of ~~written notification~~ **judgment** the ~~current~~ driving ~~license issued to~~ **privileges of** a person upon receiving a verified report that the person has failed for a period of ~~up to~~ ninety (90) days to satisfy a judgment.

SECTION 262. IC 9-25-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The bureau may not suspend ~~a license~~ **the driving privileges of a person** and shall reinstate ~~a license suspended~~ **the driving privileges of a person** following nonpayment of a judgment whenever a judgment debtor does the following:

(1) Gives proof ~~of~~ **that** the judgment ~~debtor's~~ **debtor will maintain** financial responsibility in the future **for at least three (3) years following reinstatement.**

(2) Obtains an order from the trial court in which the judgment was rendered permitting the payment of the judgment in installments, unless the payment of an installment is in default.

(b) A judgment debtor, upon five (5) days notice to the judgment creditor, may apply to the trial court in which the judgment was obtained for the privilege of paying the judgment in installments. The court, in the court's discretion and without prejudice to other legal remedies the judgment creditor may have, may order the payment of the judgment in installments, fixing the amounts and times of payment of the installments.

(c) Except as provided in subsection (d), if the judgment debtor fails to pay an installment as permitted by the order of the court, upon notice of the default the bureau shall suspend the ~~license~~ **driving privileges** of the judgment debtor. The bureau may not take action for failure to make installment payments for judgments entered at least seven (7) years after the date of the accident. ~~A~~ Suspended ~~license~~ **driving privileges** may not be reinstated until evidence of proof of **future** financial responsibility is presented.

(d) Notwithstanding a default by the judgment debtor in the payment of a judgment or the payment of an installment under subsection (b), whenever the judgment creditor consents in writing, in the form the bureau prescribes, that the judgment debtor be allowed ~~license~~ **driving privileges** and registration, the ~~license~~ **driving privileges** and registration may be allowed by the bureau at the bureau's discretion. The ~~license~~ **driving privileges** and registration may be ~~allowed for six (6) months from the date of a consent under this subsection and may be~~ renewed until the consent is revoked in writing if the judgment debtor furnishes proof under this article ~~of~~ **that** the judgment ~~debtor's~~ **debtor will maintain** financial responsibility in the future **for at least three (3) years following reinstatement.**

SECTION 263. IC 9-25-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. ~~(a)~~ Except as provided in sections 5 and 6 of this chapter, a suspension required in sections 4 and 6 of this chapter remains in effect and no other motor vehicle may be registered in the name of the judgment debtor or a new license issued to the judgment debtor, until the following occur:

(1) The judgment is satisfied or stayed.

(2) The judgment debtor gives proof of **future** financial responsibility ~~in the future~~ **for three (3) years,** as provided in this article.

~~(b) A discharge in bankruptcy following the rendering of a judgment does not relieve the judgment debtor from the requirements of this chapter.~~

SECTION 264. IC 9-25-6-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8. (a) A court shall forward to the bureau a certified abstract of the record of the conviction of a person in the court for a violation of a law relating to motor vehicles.~~

~~(b) If in the opinion of the court a defendant should be deprived of the privilege to operate a motor vehicle upon a public highway, the court shall recommend the suspension of the convicted person's current driving license for a fixed period established by the court not exceeding one (1) year.~~

~~(c) The bureau shall comply with the court's recommendation.~~

~~(d) At the time of a conviction referred to in subsection (a) or IC 9-30-5-7, the court may obtain the defendant's current driving license and return the license to the department.~~

~~(e) An abstract provided for by this section must be in the form prescribed by the bureau and, when certified, shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.~~

SECTION 265. IC 9-25-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. The ~~clerk of a court, or the judge of a~~ court ~~that has no clerk,~~ shall forward to the bureau a certified abstract of the record of a judgment for damages if the rendering and nonpayment of the judgment requires the bureau to suspend or revoke the ~~current~~ driving ~~license in the name~~ **privileges** of the judgment debtor under this article. The abstract shall be forwarded to the bureau immediately upon the expiration of thirty (30) days after the judgment becomes final and has not been stayed or satisfied, as shown by the records of the court.

SECTION 266. IC 9-25-6-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. (a) If:~~

~~(1) a criminal proceeding for driving while intoxicated under IC 9-30-5 is deferred under IC 12-23-5-1 through IC 12-23-5-9; or~~

~~(2) a child alleged to be a delinquent child based upon the child's violation of IC 9-30-5 voluntarily attends or is ordered by the court under IC 31-37 (or IC 31-6-4 before its repeal) to attend an alcohol and drug services program;~~

~~the court, within ten (10) days after the defendant or child begins the program, shall forward to the bureau a certified abstract of program enrollment.~~

~~(b) The abstract must state the following:~~

~~(1) The defendant's or child's name, address, date of birth, and driver's license number.~~

~~(2) The name and location of the alcohol and drug services program that the defendant or child is attending.~~

SECTION 267. IC 9-25-6-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 11. If a license is revoked because of a conviction, the bureau may not accept a certificate of insurance unless the certificate covers each motor vehicle registered in the name of the person furnishing proof as the owner. An additional certificate is required before the subsequent registration of a~~

~~motor vehicle in the name of the person giving proof as the owner.~~

SECTION 268. IC 9-25-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. ~~(a)~~ Whenever ~~a certificate~~ **proof of financial responsibility** is filed showing that a policy has been issued covering all motor vehicles owned by an insured but not insuring the person when operating a motor vehicle not owned by the person, it is unlawful for the person to operate a motor vehicle not owned by the person or not covered by the certificate. ~~The bureau shall designate the restriction under this subsection upon the operator's or chauffeur's license of the person.~~

~~(b) If a person who owns a motor vehicle desires to be relieved of the restriction under subsection (a) and be permitted to drive another motor vehicle, the person who owns the motor vehicle may have the restriction removed upon filing a certificate showing that an operator's policy of liability insurance has been issued to the person.~~

SECTION 269. IC 9-25-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. A:

(1) nonresident may not operate a motor vehicle in Indiana; and

(2) motor vehicle owned by the nonresident may not be operated in Indiana;

until the nonresident or the owner of the motor vehicle has complied with the requirements of this article with respect to proof of financial responsibility. ~~covering the motor vehicle.~~

SECTION 270. IC 9-25-6-14, AS AMENDED BY P.L.210-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) The bureau shall reinstate the ~~current~~ driving ~~license~~ **privileges** or **motor** vehicle registration, or both:

(1) subject to section 15 of this chapter, after ninety (90) days of suspension

~~(A) except as provided in sections 19, 20, and 21(b) of this chapter,~~ if the person has furnished the bureau with a certificate of compliance showing that financial responsibility is in effect with respect to the vehicle; or

~~(B) if the person is no longer an owner of the vehicle or the registration of the vehicle has been canceled or has expired;~~

~~(2) if the person is subject to section 21(b) of this chapter and to IC 9-29-10-1, after thirty (30) days of suspension;~~

~~(3) subject to section 15 of this chapter, when the person furnishes the bureau with a certificate of compliance showing that financial responsibility is in effect with respect to the vehicle if:~~

~~(A) subdivision (1)(B) does not apply; and~~

~~(B) the person fails to furnish the bureau with a certificate of compliance as described in subdivision (1)(A) within ninety (90) days after the current driving license of the person is suspended; or~~

~~(4)~~ **(2)** if financial responsibility was in effect with respect to a **motor** vehicle on the date ~~of the accident~~ **requested** but the ~~person does not provide the~~ bureau ~~with~~ **does not receive** a certificate of compliance indicating this fact until after the person's ~~current~~ driving ~~license is~~ **privileges are** suspended under this ~~chapter,~~ **article,** the person's ~~current~~ driving ~~license~~ **privileges** shall be reinstated when the ~~person provides~~ **bureau receives** the certificate of compliance. ~~to the bureau and complies with section 15 of this chapter.~~

(b) Upon receipt of a certificate of compliance under this section, the bureau shall expunge from the bureau's data base the administrative suspension caused by the failure to notify the bureau that the person had financial responsibility in effect on the date of the violation.

SECTION 271. IC 9-25-6-15, AS AMENDED BY P.L.80-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. ~~(a) Except as provided in subsection (b),~~ A person:

(1) whose ~~current~~ driving ~~license is~~ **privileges are** suspended under this ~~chapter;~~ **article;** and

(2) who seeks the reinstatement of the driving ~~license;~~ **privileges;**

must pay a reinstatement fee to the bureau as provided in IC 9-29-10-1.

~~(b) A person whose driver's license is suspended under section 19 or 20 of this chapter is not required to pay a reinstatement fee to have the person's driving license reinstated.~~

SECTION 272. IC 9-25-6-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. A person whose ~~current~~ driving ~~license is~~ **privileges are** suspended under this ~~chapter~~ **article** may seek a review of the suspension under IC 4-21.5-3-7.

SECTION 273. IC 9-25-6-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 17. If the bureau determines that a person who is required to give proof of financial responsibility in the future under this article because of a conviction, non-satisfaction of a judgment, or for any other reason is or becomes:~~

~~(1) a chauffeur or motor vehicle operator, however designated, in the employ of a person who owns a motor vehicle; or~~

~~(2) a member of the immediate family or household of a person who owns a motor vehicle; and~~

~~the period for which the person's suspension or revocation has elapsed, the bureau may accept proof of future financial responsibility given by the person who owns the motor vehicle instead of requiring proof from the person under a suspension or revocation if it appears that the proof offered will be sufficient to cover any number of persons coming within this classification. The bureau may designate the restrictions imposed by this section on the face of the operator's or chauffeur's license of the person who has been under suspension or revocation.~~

SECTION 274. IC 9-25-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. A person who:

(1) forges or without authority signs **or approves** any certificate to serve as proof of financial responsibility as required by the bureau; or

(2) knowingly files or offers for filing a certificate described in subdivision (1);

commits a Class B misdemeanor.

SECTION 275. IC 9-25-6-19 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 19. (a) The bureau shall, upon receiving an order of a court issued under IC 31-14-12-4 or IC 31-16-12-7 (or IC 31-1-11.5-13(j) or IC 31-6-6.1-16(j) before their repeal), suspend the driving license or permit of the person who is the subject of the order.~~

~~(b) The bureau may not reinstate a driving license or permit suspended under this section until the bureau receives an order allowing reinstatement from the court that issued the order for suspension.~~

~~(c) Upon receiving an order for suspension under subsection (a), the bureau shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:~~

~~(1) That the person's driving privileges are suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the bureau receives an order allowing reinstatement from the court that issued the suspension order.~~

~~(2) That the person has the right to petition for reinstatement of driving privileges to the court that issued the order for suspension.~~

~~(3) That the person may be granted a restricted driving permit under IC 9-24-15-6.7 if the person can prove that public transportation is unavailable for travel by the person:~~

~~(A) to and from the person's regular place of employment;~~

~~(B) in the course of the person's regular employment;~~

~~(C) to and from the person's place of worship; or~~

~~(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.~~

~~(d) Unless a person whose driving license or permit is suspended under this section has been issued a restricted driving permit under IC 9-24-15 as a result of a suspension under this section, a person who operates a motor vehicle in violation of the section commits a Class A infraction.~~

SECTION 276. IC 9-25-6-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19.2. The bureau may suspend the registration of a **motor** vehicle owned by a registrant who provides the bureau with false evidence of financial responsibility under this article.

SECTION 277. IC 9-25-6-20 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 20. (a) If the bureau is advised by the Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either requested a hearing under IC 31-25-4-33 and failed to appear or appeared and was found to be delinquent, the bureau shall promptly mail a notice to the obligor stating the following:~~

~~(1) That the obligor's driving privileges are suspended, beginning twenty (20) business days after the date the notice is mailed, and that the suspension will terminate after the bureau receives a notice from the Title IV-D agency that the obligor has:~~

~~(A) paid the obligor's child support arrearage in full; or~~

~~(B) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.~~

~~(2) That the obligor may be granted a restricted driving permit under IC 9-24-15-6.7 if the obligor can prove that public transportation is unavailable for travel by the obligor:~~

~~(A) to and from the obligor's regular place of employment;~~

~~(B) in the course of the obligor's regular employment;~~

~~(C) to and from the obligor's place of worship; or~~

~~(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.~~

~~(b) The bureau may not reinstate a driving license or permit suspended under this section until the bureau receives a notice from the Title IV-D agency that the obligor has:~~

~~(1) paid the obligor's child support arrearage in full; or~~

~~(2) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.~~

~~(c) Unless an obligor whose driving license or permit is suspended under this section has been issued a restricted driving permit under IC 9-24-15 as a result of a suspension under this section, an obligor who operates a motor vehicle in violation of the section commits a Class A infraction.~~

SECTION 278. IC 9-25-6-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21. (a) Upon receiving an order issued by a court under IC 35-43-4-8(b) concerning a person convicted of fuel theft, the bureau shall do the following:~~

~~(1) Suspend under subsection (b) the driving privileges of the person who is the subject of the order, whether or not the person's current driving license accompanies the order.~~

~~(2) Mail to the last known address of the person who is the subject of the order a notice:~~

~~(A) stating that the person's driving license is being suspended for fuel theft;~~

~~(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and~~

~~(C) stating that the person may be granted a restricted driving permit under IC 9-24-15-6.7 if the person meets the conditions for obtaining a restricted driving permit.~~

~~(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 35-43-4-8(b):~~

~~(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2); and~~

~~(2) terminates thirty (30) days after the suspension begins.~~

~~(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by a restricted driving permit issued to the person under IC 9-24-15-6.7.~~

SECTION 279. IC 9-25-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) This section does not apply to a person who is a resident of Indiana or who operates a **motor** vehicle in Indiana.

(b) A person:

(1) whose ~~operator's~~ **driver's** license or registration was suspended and who is required to prove financial responsibility extending into the future in order to have the person's driving privileges reinstated; and

(2) who no longer operates a **motor** vehicle in Indiana and has become a resident of another state or foreign jurisdiction;

is not required to prove financial responsibility into the future in order to have the person's ~~license~~ **driving privileges** or registration temporarily reinstated to allow licensing or registration in the other state or foreign jurisdiction.

SECTION 280. IC 9-25-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter does not apply to the following:

(1) Persons who have obtained a certificate of self-insurance under IC 9-25-4-11.

(2) Operators of government owned vehicles.

(3) Persons who are exempt under IC 9-25-1-2.

~~(4) A resident of another state who is operating a vehicle that is registered in that person's state of residence.~~

SECTION 281. IC 9-25-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A person who knowingly:

(1) operates; or

(2) permits the operation of;

a motor vehicle on a public highway in Indiana **without financial responsibility in effect as set forth in IC 9-25-4-4** commits a Class A infraction. ~~unless financial responsibility is in effect with respect to the motor vehicle under IC 9-25-4-4.~~ However, the offense is a Class C misdemeanor if the person knowingly or intentionally violates this section and has a prior unrelated conviction or judgment under this section.

(b) Subsection (a)(2) applies to:

(1) the owner of a rental company ~~that is referred to in IC 9-25-6-3(e)(1);~~ **under IC 9-25-6-3(f)(1);** and

(2) an employer ~~that is referred to in IC 9-25-6-3(e)(2).~~ **under IC 9-25-6-3(f)(2).**

(c) In addition to any other penalty imposed on a person for violating this section, the court may recommend the suspension of the person's driving privileges for **at least ninety (90) days but not more than** one (1) year. However, if, within the five (5) years preceding the conviction under this section, the person had a prior unrelated conviction under this section, the court shall recommend the suspension of the person's driving privileges for one (1) year.

(d) Upon receiving the recommendation of the court under subsection (c), the bureau shall suspend the person's driving privileges for the period recommended by the court. **If no suspension is recommended by the court, the bureau shall impose the minimum period of suspension required under this article.**

SECTION 282. IC 9-25-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The commissioner is not required to notify the prosecuting attorney of a driver who has had ~~a~~ driving ~~license~~ **privileges** suspended for failure to prove financial responsibility under this article.

SECTION 283. IC 9-25-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) After the bureau receives:

(1) a certified abstract under ~~IC 9-25-6-8~~ **IC 9-30-13-0.5** of the record of conviction of a person for a violation of a law relating to motor vehicles; or

(2) a judgment or an abstract under IC 9-30-3-11 of a case resulting in a conviction, judgment, or forfeiture of security deposit;

the bureau shall determine whether the bureau is required under subsection (b) to send to the person named in the judgment or abstract a request for evidence of financial responsibility.

(b) The bureau shall send a request for evidence of financial responsibility to a person referred to in subsection (a) if at least one (1) of the following applies to the person:

(1) The judgment or abstract referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system, and, not more than one (1) year before the date of the violation referred to in the judgment or abstract, the person committed at least two (2) previous moving traffic violations for which points are assessed by the bureau under the point system.

(2) The judgment or abstract referred to in subsection (a) reports that the person was convicted of:

(A) a misdemeanor; or

(B) a felony;

involving a motor vehicle.

(3) The judgment or abstract referred to in subsection (a) reports that the person committed a moving traffic violation for which points are assessed by the bureau under the point system and the driver's license of the person was previously suspended for violation of the financial responsibility requirements of IC 9-25.

SECTION 284. IC 9-25-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The request for evidence of financial responsibility presented to a person under section 1 of this chapter must do the following:

(1) Direct the person to **ensure that the insurance company of the person** provide the bureau with evidence that financial responsibility was in effect with respect to the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract.

(2) Instruct the person on how to furnish the bureau with evidence of financial responsibility as specified in this ~~chapter.~~ **article.**

(3) Warn the person that failure **of the insurance company of the person** to ~~furnish~~ **provide** evidence of financial responsibility to the bureau will result in suspension of the person's current driving ~~license~~ **privileges** or **motor** vehicle registration, or both, under this article.

SECTION 285. IC 9-25-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. To avoid ~~a current driving license~~ suspension **of driving privileges** or **motor** vehicle registration suspension under this article, a person presented with a request for evidence of financial responsibility under section 1 of this chapter must ~~provide~~ **ensure that the insurance company of the person provides** the bureau with a certificate of compliance indicating that financial responsibility as required by IC 9-25-4-1 was in effect ~~with respect to the motor vehicle that the person was operating~~ when the person committed the violation described in the judgment or abstract.

SECTION 286. IC 9-25-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A person who is presented with a request for evidence of financial responsibility under section 1 of this chapter shall **direct the insurance company of the person to** set forth in the certificate of compliance the following information concerning the form of financial responsibility that was in effect with respect to the motor vehicle:

(1) If a motor vehicle liability policy was in effect, the following:

(A) The name and address of the insurer.

(B) The limits of coverage of the policy.

(C) The identification number applying to the policy.

(D) A statement confirming that financial responsibility covering the motor vehicle and operator was in effect on the date applicable to section 1(b) of this chapter.

(2) If a bond was in effect, the following:

(A) The name and address of the bond company or surety.

(B) The face amount of the bond.

(3) If self-insurance was in effect under IC 9-25-4-11, the following:

(A) The date on which the certificate of self-insurance was issued by the bureau.

(B) The name of the person to whom the certificate of self-insurance was issued.

SECTION 287. IC 9-25-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A certificate of compliance that is provided to the bureau under this ~~chapter~~ **article** and that reports the existence of an insurance policy must be signed by an officer or agent of the insurer.

(b) The portion of a request for evidence of financial responsibility that is presented to an officer or agent of an insurer to obtain a certificate of compliance under subsection (a) may not contain information concerning the violation that resulted in the request for evidence of financial responsibility.

(c) An officer or agent of an insurer may not request information concerning a violation that results in a request for evidence of financial responsibility under this ~~chapter.~~ **article.**

(d) A certificate of compliance that is provided to the bureau under this ~~chapter~~ **article** and that reports the existence of a bond must be signed by an officer of the bond company or surety.

SECTION 288. IC 9-25-10-4, AS AMENDED BY P.L.1-2009, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The bureau shall ~~not later than January 1, 2010,~~ establish an electronic registry of previously uninsured motorists to facilitate the random and periodic verification by the bureau of compliance with this article.

SECTION 289. IC 9-25-10-6, AS AMENDED BY P.L.1-2009, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The failure by a previously uninsured motorist to respond **with proof of financial responsibility** to the bureau's request for verification of financial responsibility under this chapter constitutes prima facie evidence of operating a motor vehicle without financial responsibility in violation of this article.

SECTION 290. IC 9-25-10-7, AS AMENDED BY P.L.65-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The bureau shall remove the name of a previously uninsured motorist from the registry not more than five (5) years after the date on which the:

(1) judgment;

(2) conviction; or

(3) administrative action by the bureau;

for which the **previously uninsured** motorist's name is maintained on the registry was entered against the **previously uninsured** motorist.

(b) If a previously uninsured motorist is convicted of a second or subsequent offense under this article or is subject to a second or subsequent administrative action by the bureau under this article, the bureau shall remove the **previously uninsured** motorist's name from the registry not more than five (5) years after the date on which the second or subsequent conviction or the second or subsequent administrative action by the bureau is entered.

SECTION 291. IC 9-26-1-0.5, AS ADDED BY P.L.94-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. For purposes of this chapter, an accident does not require proof of a collision between a driver's **motor** vehicle and another vehicle or another person if

the accident involves serious bodily injury to or the death of a person.

SECTION 292. IC 9-26-1-1, AS AMENDED BY P.L.1-2009, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **Except as provided in section 1.5 of this chapter,** the driver of a **motor** vehicle involved in an accident that results in the injury or death of a person or the entrapment of a person in a vehicle shall do the following:

(1) Immediately stop the driver's **motor** vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the **motor** vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the following:

(i) The person struck.

(ii) The driver or occupant of or person attending each vehicle involved in the accident.

(C) Subject to section 1.5(a) of this chapter, determines the need for and renders reasonable assistance to each person injured or entrapped in the accident, including the removal of, or the making of arrangements for the removal of:

(i) each injured person from the scene of the accident to a physician or hospital for medical treatment; and

(ii) each entrapped person from the vehicle in which the person is entrapped.

(3) Subject to section 1.5(b) of this chapter, immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department, if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.

~~(4) Within ten (10) days after the accident, forward a written report of the accident to the:~~

~~(A) state police department, if the accident occurs before January 1, 2006; or~~

~~(B) bureau, if the accident occurs after December 31, 2005.~~

SECTION 293. IC 9-26-1-1.5, AS ADDED BY P.L.126-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. (a) If:

(1) the driver of a **motor** vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person as required under section 1(2)(C) of this chapter;

(2) there is another occupant in the **motor** vehicle at the time of the accident who is:

(A) at least:

(i) fifteen (15) years of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or

(ii) eighteen (18) years of age; and

(B) capable of determining the need for and rendering reasonable assistance to injured or entrapped persons as provided in section 1(2)(C) of this chapter; and

(3) the other occupant in the **motor** vehicle knows that the driver of the **motor** vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person;

the **motor** vehicle occupant referred to in subdivisions (2) and (3) shall immediately determine the need for and render reasonable assistance to each person injured or entrapped in the accident as provided in section 1(2)(C) of this chapter.

(b) If:

(1) the driver of a **motor** vehicle is physically incapable of giving immediate notice of an accident as required under section 1(3) of this chapter;

(2) there is another occupant in the **motor** vehicle at the time of the accident who is:

(A) at least:

(i) fifteen (15) years of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or

(ii) eighteen (18) years of age; and

(B) capable of giving notice as provided in section 1(3) of this chapter; and

(3) the other occupant in the **motor** vehicle knows that the driver of the **motor** vehicle is physically incapable of giving immediate notice of an accident;

the **motor** vehicle occupant referred to in subdivisions (2) and (3) shall immediately give notice of the accident by the quickest means of communication as provided in section 1(3) of this chapter.

(c) If there is more than one (1) **motor** vehicle occupant to whom subsection (a) applies, it is a defense to a prosecution of one (1) **motor** vehicle occupant under subsection (a) that the defendant reasonably believed that another occupant of the **motor** vehicle determined the need for and rendered reasonable assistance as required under subsection (a).

(d) If there is more than one (1) **motor** vehicle occupant to whom subsection (b) applies, it is a defense to a prosecution of one (1) **motor** vehicle occupant under subsection (b) that the defendant reasonably believed that another occupant of the **motor** vehicle gave the notice required under subsection (b).

SECTION 294. IC 9-26-1-2, AS AMENDED BY P.L.54-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The driver of a **motor** vehicle involved in an accident that does not result in injury or death of a person or the entrapment of a person in a **motor** vehicle and that does not involve the transportation of hazardous materials but that does result in damage to a vehicle

that is driven or attended by a person shall do the following:

(1) Immediately stop the **motor** vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary. If the accident occurs on a federal interstate highway, or on a ramp providing access to or from a federal interstate highway, the driver shall, as soon as safely possible, move the **motor** vehicle off the highway or ramp to a location as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following upon request:

(A) Gives the driver's name and address and the registration number of the **motor** vehicle the driver was driving.

(B) Gives the names and addresses of the owner and any occupants of the **motor** vehicle the driver was driving, if the names or addresses are different from the name and address provided under clause (A).

(C) Provides proof of financial responsibility (as defined in IC 9-25-2-3) for the motor vehicle.

(D) Exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.

~~(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars ($1,000), forward a written report of the accident to the:~~

~~(A) state police department, if the accident occurs before January 1, 2006; or~~

~~(B) bureau, if the accident occurs after December 31, 2005;~~

~~within ten (10) days after the accident.~~

SECTION 295. IC 9-26-1-2.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2.5. Only the following must be included in the written report prepared under sections 1(4) and 2(3) of this chapter by the driver of a motor vehicle involved in an accident:~~

~~(1) The name and address of the driver preparing the report.~~

~~(2) The date of the accident.~~

~~(3) The names and addresses of the drivers of the other vehicles involved in the accident.~~

~~(4) If, on the date of the accident, a motor vehicle liability policy was in effect with respect to the motor vehicle driven by the driver preparing the report, the following:~~

~~(A) The policy number.~~

~~(B) The name of the insurance company that issued the policy.~~

~~(C) The name and signature of an agent of the insurance company, who by signing the report verifies that the policy was in effect with respect to the motor vehicle on the date of the accident.~~

SECTION 296. IC 9-26-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The driver of a **motor** vehicle that collides with an unattended vehicle shall immediately stop and do one (1) of the following:

(1) Locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the **motor** vehicle striking the unattended vehicle.

(2) Leave in a conspicuous place ~~in~~ **on** the vehicle struck a written notice giving the name and address of the driver and the owner of the **motor** vehicle doing the striking and a statement of the circumstances of the accident.

SECTION 297. IC 9-26-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The driver of a **motor** vehicle that causes damage to the property of another person, other than damage to a vehicle, shall do the following:

(1) Immediately stop the **motor** vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Takes reasonable steps to locate and notify the owner or person in charge of the property of the damage.

(B) Gives the person the driver's name and address and the registration number of the **motor** vehicle.

(C) Upon request, exhibits the driver's license of the driver. ~~if the driver is required to have a driving license to operate the vehicle.~~

(b) If after reasonable inquiry the driver of the **motor** vehicle cannot find the owner or person in charge of the damaged property, the driver of the **motor** vehicle shall do the following:

(1) Notify either the ~~sheriff~~ **sheriff's department** of the county in which the damaged property is located or a member of the state police department.

(2) Give the ~~sheriff~~ **sheriff's department** or state police department the information required by this section.

SECTION 298. IC 9-26-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. (a) If:~~

~~(1) the driver of a vehicle is physically incapable of making a written report of an accident as required by this chapter; and~~

~~(2) there was another occupant in the vehicle at the time of the accident capable of making a written report;~~

~~the occupant shall make or cause to be made the report not made by the driver.~~

~~(b) If:~~

~~(1) the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required by this chapter;~~

~~(2) there was no other occupant; and~~

~~(3) the driver is not the owner of the vehicle;~~

~~the owner of the vehicle involved in the accident shall, within five (5) days after the accident, make the report not made by the driver.~~

SECTION 299. IC 9-26-1-7, AS AMENDED BY P.L.210-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) A city or

town may by ordinance require that the driver of a **motor** vehicle involved in an accident file with a designated city or town department

~~(1)~~ a report of the accident. ~~or~~

~~(2) a copy of a report required in this article to be filed with the:~~

~~(A) state police department; or~~

~~(B) bureau.~~

(b) An accident report required to be filed under subsection (a) is for the confidential use of the designated city or town department and subject to IC 9-26-3-4.

SECTION 300. IC 9-26-1-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. The bureau shall, after proper notice is given and a hearing held, revoke or suspend the driver's license of a person who fails to make a report required under section 1(4), 2(3), or 5 of this chapter.~~

SECTION 301. IC 9-26-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The person in charge of a garage or repair shop to which a motor vehicle that shows evidence of having been struck by a bullet is brought shall report to the state police department, within twenty-four (24) hours after the motor vehicle is received, the following information:

(1) The engine number of the **motor** vehicle.

(2) The registration number of the **motor** vehicle.

(3) The name and address of the owner or operator of the **motor** vehicle.

SECTION 302. IC 9-26-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A person removing a wrecked or damaged **motor** vehicle from a street or highway must remove any glass or other foreign material dropped upon the street or highway from the **motor** vehicle.

SECTION 303. IC 9-26-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This section does not apply to the removal of a **motor** vehicle that constitutes a traffic hazard.

(b) The driver of a **motor** vehicle that is used to remove a **motor** vehicle that caused damage to real or personal property, except a **motor** vehicle of another person as described in IC 9-26-1-4, shall give the notification required by IC 9-26-1-4 before removing the **motor** vehicle that caused the damage.

SECTION 304. IC 9-27-6-5, AS ADDED BY P.L.145-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) As used in this section, **"advisory** board" refers to the driver education advisory board established by subsection (b).

(b) The driver education advisory board is established to advise the commissioner in the administration of the policies of the commission and the bureau regarding driver education.

(c) The **advisory** board is composed of seven (7) individuals appointed by the commissioner as follows:

(1) Three (3) members must be driver education professionals endorsed by the bureau under section 8 of this chapter. In the selection of individuals for membership under this subdivision, consideration must be given to driver education instruction performed in urban and rural areas.

(2) One (1) member must be a traffic safety advocate.

(3) One (1) member must be a representative of the bureau.

(4) One (1) member must be a representative of higher education.

(5) One (1) member must be a representative of the insurance industry.

(d) A member of the **advisory** board serves a ~~three (3)~~ **two (2)** year term. A member may not serve more than two (2) consecutive full terms. Each member serves until the member's successor is appointed and qualified.

(e) A member of the **advisory** board may be removed for good cause.

(f) A vacancy on the **advisory** board shall be filled by the appointment by the commissioner of an individual to fill the position to which the vacating member was appointed under subsection (c) for the vacating member's unexpired term.

~~(g) At the first meeting of the board each year, the members shall elect:~~

~~(1) one (1) member to be the board's chairperson;~~

~~(2) one (1) member to be the board's vice chairperson; and~~

~~(3) one (1) member to be the board's secretary.~~

~~The chairperson, vice chairperson, and secretary serve until their successors are elected and qualified.~~

~~(h) A vacancy in the office of chairperson, vice chairperson, or secretary shall be filled by vote of the members. The term of office of a board member chosen to fill a vacancy under this subsection expires at the first meeting of the board the following year.~~

~~(i) The driver education board shall meet at least two (2) times per year. Additional meetings may be convened at the call of the chairperson of the board or the written request of any three (3) members.~~

~~(j) Four (4) members of the board constitute a quorum for doing business. The majority vote of the members who constitute the quorum and are present and voting is required for the passage of a matter put to a vote of the board.~~

~~(k) The bureau shall provide staff and administrative support to the board.~~

~~(l)~~ **(g)** The **advisory** board ~~has the following powers:~~ **shall:**

(1) ~~To~~ consult with and advise the commissioner in the administration of the policies of the commission and the bureau regarding driver education; **and**

(2) ~~To~~ suggest rules regarding the education and training of persons to operate or drive motor vehicles or to prepare a person for an examination or validation for a driver's license.

~~(m)~~ **(h)** A member of the **advisory** board is not subject to liability in a civil action for bodily injury or property damage arising from or thought to have arisen from an action taken in good faith as a member of the **advisory** board.

SECTION 305. IC 9-28-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The bureau may suspend ~~a driver's license issued to~~ **the driving privileges of** a driver licensed under IC 9-24 for failure to meet the conditions of a traffic citation of a jurisdiction in which the traffic offense occurred. This section does not apply if the jurisdiction has not entered into an agreement with Indiana as provided under section 7 of this chapter.

SECTION 306. IC 9-28-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Upon written notification from a jurisdiction that is a party to an agreement entered into under this chapter, the bureau shall take appropriate action against a licensed driver for failure to meet the conditions set out in the citation of the jurisdiction in which the traffic offense occurred.

(b) The bureau shall notify the driver by first class mail of the request by the respective jurisdiction to have the driver's ~~license~~ **driving privileges** suspended. For the purposes of this chapter, a written notice sent to the driver's last registered address with the bureau meets the conditions of due notice.

(c) The driver has fifteen (15) days from the date of notice to satisfy the conditions of the citation issued by the jurisdiction or to request a hearing before a bureau hearing officer to show evidence or present information why the bureau should not suspend the ~~license~~ **driver's driving privileges** for failure to meet the terms of the citation.

(d) Upon holding the hearing, the bureau may suspend the driver's ~~license~~ **driving privileges** until the conditions of the citation are met or a release from the citing jurisdiction is obtained.

(e) If the bureau does not receive information from the driver concerning the notification, the bureau shall suspend the driver's ~~license~~ **driving privileges** until the conditions of the citation are met or a release is obtained.

(f) A driver ~~that has~~ **whose driving privileges have** been suspended for failure to meet the conditions of a citation is not eligible for a hardship license under IC 9-24-15.

(g) The bureau may not suspend ~~a driver's license~~ **driving privileges** under this section for a nonmoving traffic offense occurring in another jurisdiction.

SECTION 307. IC 9-28-5.1-1, AS ADDED BY P.L.93-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. To facilitate the exchange of driver's licenses, the bureau ~~shall~~ **may** negotiate and enter into a reciprocal agreement with a foreign country. However, the bureau may not negotiate or enter into a reciprocal agreement with a country that is listed as a state sponsor of terrorism as determined by the Secretary of State of the United States.

SECTION 308. IC 9-28-5.1-3, AS ADDED BY P.L.93-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A written reciprocity agreement entered into under section 2 of this chapter must require an applicant from the foreign country for an operator's license to possess:

(1) a valid ~~operator's~~ **driver's** license **for the type of vehicle being operated** or the equivalent from the foreign country; or

(2) an international driving permit.

SECTION 309. IC 9-28-5.1-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. The bureau shall report annually in an electronic format under IC 5-14-6 regarding reciprocal agreements entered into under this chapter to the general assembly before February 1 of each year.~~

SECTION 310. IC 9-28-5.1-5, AS ADDED BY P.L.93-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The bureau ~~shall~~ **may** adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 311. IC 9-29-3-0.3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.3. If P.L.291-2001 imposes an additional service fee under section 4, 6, 7, 8, 9, 10, 11, 12, 14, or 18 of this chapter that is payable into a fund other than the state motor vehicle technology fund established by IC 9-29-16, the general assembly intends that both the service fees imposed under P.L.291-2001 and P.L.176-2001 shall be collected.~~

SECTION 312. IC 9-29-3-4, AS AMENDED BY P.L.63-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. ~~(a) The service charge for each of the first twelve thousand (12,000) original and renewed vehicle registrations at a license branch each year is one dollar and seventy-five cents ($1.75).~~

~~(b) The service charge for each of the next thirty-eight thousand (38,000) original and renewed vehicle registrations at that license branch each year is one dollar and fifty cents ($1.50).~~

~~(c)~~ **(a)** The **annual** service charge for each ~~additional original or~~ renewed vehicle registration ~~at that license branch each year~~ is one dollar and twenty-five cents ($1.25).

~~(d)~~ **(b)** Fifty cents ($0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

~~(e)~~ **(c)** A service charge that is:

(1) originally imposed under this section; and

(2) increased by a rule adopted by the department;

applies to any original or renewed vehicle registration issued at a license branch.

SECTION 313. IC 9-29-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The service charge for each title, including duplicate **or corrected** titles, is one dollar ($1).

SECTION 314. IC 9-29-5-11, AS AMENDED BY P.L.210-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) This section does not apply to a vehicle or person exempted from registration under IC 9-18.

(b) The ~~license~~ **registration** fee for a piece of special machinery is five dollars ($5). The motor vehicle is exempt from other fees provided under IC 9-18 or this article.

(c) The owner of a vehicle listed in this section is not entitled to a reduction in the five dollar ($5) ~~license~~ **registration** fee

because the license is granted at a time that the license period is less than a year.

SECTION 315. IC 9-29-5-12, AS AMENDED BY P.L.210-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. A farm wagon or farm type dry or liquid fertilizer tank trailer or spreader used to transport bulk fertilizer between distribution point and farm and return is exempt from all ~~license~~ **registration** fees when the wagon, trailer, or spreader is drawn or towed on a highway by a:

(1) farm tractor; or

(2) properly registered motor vehicle.

SECTION 316. IC 9-29-5-13, AS AMENDED BY P.L.210-2005, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) This section does not apply to a vehicle or person exempt from registration under IC 9-18.

(b) The ~~license~~ **registration** fee for a motor vehicle, trailer, or semitrailer and tractor operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor:

(1) having a declared gross weight of at least eleven thousand (11,000) pounds; and

(2) used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation;

is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

SECTION 317. IC 9-29-5-13.5, AS AMENDED BY P.L.191-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. (a) This section applies to a truck, trailer, or semitrailer and tractor for which a ~~license~~ **registration** fee provided in section 13(b) of this chapter has been paid.

(b) Except as provided in subsections (d) and (e), if the owner of a truck, trailer, or semitrailer and tractor described in subsection (a) begins to operate the truck, trailer, or semitrailer and tractor in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the ~~license~~ **registration** fee under section 13(b) of this chapter has been paid, the owner shall pay the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight reduced by a credit determined under subsection (c) to license the truck, trailer, or semitrailer and tractor.

(c) The credit provided in subsection (b) equals:

(1) the ~~license~~ **registration** fee paid under section 13(b) of this chapter; reduced by

(2) ~~ten~~ **eight and thirty-three hundredths** percent ~~(10%)~~ **(8.33%)** for each full or partial calendar month that has elapsed in the registration year for which the ~~license~~ **registration** fee has been paid.

The credit may not exceed ninety percent (90%) of the ~~license~~ **registration** fee paid under section 13(b) of this chapter.

(d) Notwithstanding subsections (b) and (e) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of seasonal, perishable fruit or vegetables to the first point of processing for a period that consists of not more than a thirty (30) day period in a registration year as provided by IC 9-21-21-4.3(a). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) any ~~license~~ **registration** fee due under section 13(b) of this chapter; and

(2) eight and one-half percent (8.5%) of the ~~license~~ **registration** fee paid under section 13(b) of this chapter.

(e) Notwithstanding subsections (b) and (d) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period that consists of not more than one (1) seventy-one (71) day period in a registration year as provided by IC 9-21-21-4.3(b). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) any ~~license~~ **registration** fee due under section 13(b) of this chapter; and

(2) seventeen percent (17%) of the ~~license~~ **registration** fee paid under section 13(b) of this chapter.

SECTION 318. IC 9-29-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. The fee for a recreational vehicle, **which does not include truck campers (as defined in IC 6-6-5.1-8),** is twenty dollars ($20).

SECTION 319. IC 9-29-5-26.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26.5. The bureau may adopt rules under IC 4-22-2 to establish the fee for a temporary registration permit issued under IC 9-18-7-1.5. However, the amount of the fee may not exceed seventy-five dollars ($75).~~

SECTION 320. IC 9-29-5-34 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 34. A vehicle registered under IC 9-18-21 is subject to an annual registration fee and any other fee or tax required of a person registering a vehicle under this title.~~

SECTION 321. IC 9-29-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. Whenever a permit is issued by the ~~bureau~~ **Indiana department of transportation** under IC 9-20-6, the ~~bureau~~ **Indiana department of transportation** shall fix the fee to be paid. ~~and~~ Upon payment of the fee, the ~~bureau~~ **Indiana department of transportation** shall validate the permit. The revenue from the fee shall be credited to the state highway fund.

SECTION 322. IC 9-29-7-2.5, AS ADDED BY P.L.110-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. The fee for a duplicate **or corrected** certificate of salvage title is four dollars ($4).

SECTION 323. IC 9-30-2-0.1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.1. The amendments made to sections 4 and 5 of this chapter by P.L.99-1996 apply to arrests made after~~

~~June 30, 1996.~~

SECTION 324. IC 9-30-3-8, AS AMENDED BY P.L.206-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) The court may suspend the driving privileges of a defendant who fails to satisfy a judgment entered against the defendant for:

(1) violation of a traffic ordinance; or

(2) commission of a traffic infraction;

by a date set by the court under IC 34-28-5-6. The court shall forward notice to the bureau indicating that the defendant failed to pay as ordered.

~~(c)~~ **(d)** If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court **or a notice of failure to pay under subsection (c),** either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of, **or until the date payment is received by the court.** The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

~~(d)~~ **(e)** For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer **or the clerk of court** by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

(1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and

(2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination either in an electronic format or upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and information from the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 325. IC 9-30-3-11, AS AMENDED BY P.L.206-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

(1) engage counsel;

(2) a reasonable continuance to engage counsel to subpoena witnesses;

(3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;

(4) testify or not to testify in the defendant's own behalf;

(5) a trial by jury; and

(6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment in an electronic format or an abstract as prescribed by ~~IC 9-25-6-8.~~ **IC 9-30-13-0.5.** The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information in an electronic format or in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau. ~~of motor vehicles.~~

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond

for a civil penalty of one hundred dollars ($100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action.

SECTION 326. IC 9-30-3-12, AS AMENDED BY P.L.106-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) If during any twelve (12) month period a person has committed moving traffic violations for which the person has:

(1) been convicted of at least two (2) traffic misdemeanors;

(2) had at least two (2) traffic judgments entered against the person; or

(3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

the bureau may require the person to attend and satisfactorily complete a defensive driving school program **approved by the bureau.** The person shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a probationary license under ~~IC 9-24-11-3 or~~ IC 9-24-11-3.3 or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a defensive driving school program **approved by the bureau** if either of the following occurs at least twice or if both of the following have occurred when the individual was less than eighteen (18) years of age:

(1) The individual has been convicted of a moving traffic offense (as defined in section 14(a) of this chapter), other than an offense that solely involves motor vehicle equipment.

(2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving ~~license~~ **privileges** of any person who:

(1) fails to attend a defensive driving school program; or

(2) fails to satisfactorily complete a defensive driving school program;

as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost (including fees) for which a person is liable due to a traffic violation if the person enrolls in and completes a defensive driving school or a similar school conducted by an agency of the state or local government.

SECTION 327. IC 9-30-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. In a proceeding, prosecution, or hearing where the prosecuting attorney must prove that the defendant had a prior conviction for an offense under this title, the relevant portions of a certified computer printout or electronic copy as set forth in IC 9-14-3-4 made from the records of the bureau are admissible as prima facie evidence of the prior conviction. However, the prosecuting attorney must establish that the document identifies the defendant by the defendant's ~~driving~~ **driver's** license number or by any other identification method utilized by the bureau.

SECTION 328. IC 9-30-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) If a person has been found to have committed a traffic offense, the court may do the following:

(1) Require the person to attend and satisfactorily complete a driver improvement course that has been approved by the court and the bureau or by the bureau.

(2) Place the person on probation for up to one (1) year.

(3) Suspend the person's ~~driver's license~~ **driving privileges** for up to thirty (30) days.

(b) A driver improvement course required under subsection (a) may be financed by assessing a reasonable charge as determined by the course provider and approved by the bureau.

SECTION 329. IC 9-30-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A person aggrieved by an order or act of the bureau under section 1 or 2 of this chapter may, within fifteen (15) days after notice is given, file a petition in the circuit or superior court of the county in which the person resides. If the person is a nonresident, the person may file a petition for review in the Marion **County** circuit court.

(b) The petitioner must state facts showing how the order or act of the bureau is wrongful or unlawful, but the filing of a petition does not suspend the order or act unless a stay is allowed by a judge of the court pending final determination of the review on a showing of reasonable probability that the order or act is wrongful or unlawful.

(c) The court shall, within six (6) months of the date of the filing of the petition, hear the petition, take testimony, and examine the facts of the case. The court may, in disposing of the issues, modify, affirm, or reverse the order or act of the bureau in whole or in part and shall make an appropriate order. If the petition has not been heard within six (6) months from the date of the filing, the original order or act of the bureau shall be reinstated in full force and effect.

SECTION 330. IC 9-30-4-6, AS AMENDED BY P.L.100-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Whenever the bureau suspends or revokes the current driver's license upon receiving a record of the conviction of a person for any offense under the motor vehicle laws not enumerated under subsection (b), the bureau may also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. However, the bureau may not suspend the evidence of registration, unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.

(b) The bureau shall suspend or revoke without notice or hearing the current driver's license and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

(3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.

(4) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(5) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars ($200).

(6) Possession, distribution, manufacture, cultivation, transfer, use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.

(c) The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsections (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property damage is less than two hundred dollars ($200), the bureau may determine whether the driver's license and certificates of registration and license plates shall be suspended or revoked. The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in subdivisions (2), (3), (4), and (5), and subject to section 6.5 of this chapter, for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's license is suspended or revoked under subsection (b)(6).

(2) Subject to section 6.5 of this chapter, upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or reinstated license may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(3) Subject to section 6.5 of this chapter, for the period ordered by a court under IC 35-48-4-15.

(4) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under IC 35-44-3-3(b) and the person:

(A) exceeded the speed limit by at least twenty (20) miles per hour;

(B) committed criminal recklessness with a vehicle (IC 35-42-2-2)); or

(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b));

while committing the felony, for one (1) year after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the one (1) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.

(5) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under IC 35-44-3-3(b), the person:

(A) exceeded the speed limit by at least twenty (20) miles per hour;

(B) committed criminal recklessness with a vehicle (IC 35-42-2-2); or

(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b);

while committing the felony, and the person has a prior unrelated conviction for a felony under IC 35-44-3-3(b), for two (2) years after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the two (2) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

(1) A conviction upon a plea of guilty.

(2) A determination of guilt by a jury or court, even if:

(A) no sentence is imposed; or

(B) a sentence is suspended.

(3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under ~~IC 9-25-6-8~~ **IC 9-30-13-0.5** stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the bureau under this section or ~~IC 9-25-6-8~~ **IC 9-30-13-0.5** may file a petition for a court review.

SECTION 331. IC 9-30-4-6.5, AS ADDED BY P.L.100-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.5. If a person receives a sentence that includes:

(1) a term of incarceration; and

(2) ~~a license~~ suspension **of the person's driving privileges** under this chapter;

the ~~license~~ suspension **of driving privileges** begins on the date the person is released from incarceration and not on the date the person is convicted.

SECTION 332. IC 9-30-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A person whose certificate of registration has been suspended or revoked, with restoration or the issuance of a new certificate being contingent upon the furnishing of proof of financial responsibility, and who, during the suspension or revocation or in the absence of full authorization from the bureau, operates the motor vehicle upon a highway or knowingly permits the motor vehicle to be operated by another person upon a highway except as permitted under this chapter commits a Class C misdemeanor.

(b) A person with ~~a~~ restricted ~~license issued by the bureau~~ **driving privileges** who operates a motor vehicle upon a highway in violation of the terms and conditions specified ~~on~~ **for** the restricted ~~license~~ **driving privileges** commits a Class C misdemeanor.

SECTION 333. IC 9-30-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Upon the filing of a complaint in writing with the bureau against a person holding a current driver's license or **permit or** applying for a ~~current~~ driver's license, **permit,** or ~~a~~ renewal, the bureau may cite the person for a hearing to consider the suspension or revocation of the **person's** license, **permit, or driving privileges** upon any of the following charges:

(1) That the person has committed an offense for the conviction of which mandatory revocation of license is provided.

(2) That the person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or property damage.

(3) That the person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle.

(4) That the person is a reckless or negligent driver of a motor vehicle or has committed a violation of a motor vehicle law.

(b) Whenever the bureau issues a citation upon a complaint in writing for any of the reasons set out in this section, the bureau shall immediately notify the licensee or permit holder ~~of the time and place~~ of the hearing. ~~and afford the person an opportunity of a hearing in the county in which the person so cited and against whom the complaint is filed resides before the bureau or a deputy or an agent of the bureau designated for the purpose of the hearing.~~ The citation must state the time, date, and place where the hearing will be held and that the licensee or permit holder has the right to appear and to be heard. At the hearing the bureau or the deputy or agent may issue an order of suspension or revocation **of,** or decline to suspend **or** revoke, ~~or issue~~ the license, ~~or~~ permit, **or driving privileges of the person.**

(c) The bureau or the deputy or agent may suspend or revoke the ~~current~~ driver's license, **permit, or driving privileges** of a person and any of the certificates of registration and license plates for a motor vehicle or require the person cited to operate for a period of one (1) year under ~~a~~ restricted ~~license~~ **driving privileges** and make the reports the bureau requires.

(d) The bureau or the deputy or agent may subpoena witnesses, administer oaths, and take testimony. The failure of the defendant to appear at the time and place of the hearing after notice as provided in this section does not prevent the hearing,

the taking of testimony, and the determination of the matter.

(e) Testimony or a record of suspension or revocation of a ~~current~~ driver's license, **a permit, or driving privileges** in the custody of the bureau following a hearing is not admissible as evidence:

(1) in any court in any action at law for negligence; or

(2) in any civil action brought against a person so cited by the bureau under this chapter.

(f) The bureau may suspend or revoke the license, **permit, or driving privileges** of an Indiana resident for a period of not more than one (1) year upon receiving notice of the conviction of the person in another state of an offense that, if committed in Indiana, would be grounds for the suspension or revocation of the license, **permit, or driving privileges.** The bureau may, upon receiving a record of the conviction in Indiana of a nonresident driver of a motor vehicle of an offense under Indiana motor vehicle laws, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident.

(g) The bureau may not suspend a ~~current~~ driver's license, **a permit, or driving privileges** for more than one (1) year and upon ~~suspending or~~ revoking any license **or permit** shall require that the license **or permit** be surrendered to the bureau.

(h) A suspension or revocation under this section stands pending any proceeding for review of an action of the bureau taken under this section.

(i) In addition to any other power, the bureau may modify, amend, or cancel any order or determination during the time within which a judicial review could be had. A person aggrieved by the order or act may have a judicial review under sections 10 and 11 of this chapter.

SECTION 334. IC 9-30-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Whenever the bureau is authorized or required to give notice under this chapter or any other law regulating the operation of vehicles, unless a different method of giving notice is otherwise expressly prescribed, the notice may be given either by personal delivery to the person to be notified or by deposit with the United States Postal Service of the notice by first class mail.

(b) A person who, after notification, fails to return or surrender to the bureau upon demand a suspended, revoked, or ~~canceled current~~ **invalidated** driver's license, ~~or~~ **permit,** certificate of registration, **or license plate** commits a Class C misdemeanor. The bureau may file ~~an affidavit~~ with the prosecuting attorney of the county in which the person resides **an affidavit** charging the person with the offense.

SECTION 335. IC 9-30-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A person who causes serious bodily injury to another person when operating a ~~motor~~ vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or

(3) while intoxicated;

commits a Class D felony. However, the offense is a Class C felony if the person has a previous conviction of operating while intoxicated within the five (5) years preceding the commission of the offense.

(b) A person who violates subsection (a) commits a separate offense for each person whose serious bodily injury is caused by the violation of subsection (a).

(c) It is a defense under subsection (a)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 336. IC 9-30-5-5, AS AMENDED BY P.L.102-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A person who causes the death of another person when operating a ~~motor~~ vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood; or

(3) while intoxicated;

commits a Class C felony. However, the offense is a Class B felony if the person has a previous conviction of operating while intoxicated within the five (5) years preceding the commission of the offense, or if the person operated the ~~motor~~ vehicle when the person knew that the person's driver's license, driving privilege, or permit is suspended or revoked for a previous conviction for operating a vehicle while intoxicated.

(b) A person at least twenty-one (21) years of age who causes the death of another person when operating a ~~motor~~ vehicle:

(1) with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a Class B felony.

(c) A person who causes the death of a law enforcement animal (as defined in IC 35-46-3-4.5) when operating a ~~motor~~ vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a Class D felony.

(d) A person who violates subsection (a), (b), or (c) commits a separate offense for each person or law enforcement animal whose death is caused by the violation of subsection (a), (b), or (c).

(e) It is a defense under subsection (a)(2), (b)(2), or (c)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 337. IC 9-30-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A person who operates a vehicle in violation of any term of a probationary license issued under this chapter, IC 9-30-6, or IC 9-30-9 commits a Class C infraction.

(b) In addition to any other penalty imposed under this section, the court may suspend the person's driving privileges for a period of not more than one (1) year.

~~(c) The bureau shall send notice of a judgment entered under this section to the court that granted the defendant probationary driving privileges.~~

SECTION 338. IC 9-30-5-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9.5. ~~After June 30, 2005,~~ Probationary driving privileges under this chapter do not apply to ~~a person who holds~~ a commercial driver's license in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

SECTION 339. IC 9-30-5-10, AS AMENDED BY SEA 154-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) In addition to a criminal penalty imposed for an offense under this chapter, IC 35-46-9, or IC 14-15-8 (before its repeal), the court shall, after reviewing the person's bureau driving record and other relevant evidence, recommend the suspension of the person's driving privileges for the fixed period of time specified under this section. The court may require that a period of suspension recommended under this section be imposed, if applicable, before a period of incarceration or after a period of incarceration, or both before and after a period of incarceration, as long as the suspension otherwise complies with the periods established in this section.

(b) If the court finds that the person:

(1) does not have a previous conviction of operating a vehicle or a motorboat while intoxicated; or

(2) has a previous conviction of operating a vehicle or a motorboat while intoxicated that occurred at least ten (10) years before the conviction under consideration by the court;

the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than two (2) years.

(c) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred more than five (5) years but less than ten (10) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one hundred eighty (180) days but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay.

(d) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred less than five (5) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one (1) year but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay. If the court grants probationary driving privileges under this subsection, the court shall order that the probationary driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, the court may grant probationary driving privileges under this subsection without requiring the installation of an ignition interlock device if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse. The person granted probationary driving privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.

(e) If the conviction under consideration by the court is for an offense under:

(1) section 4 of this chapter;

(2) section 5 of this chapter;

(3) IC 14-15-8-8(b) (before its repeal);

(4) IC 14-15-8-8(c) (before its repeal);

(5) IC 35-46-9-6(b); or

(6) IC 35-46-9-6(c);

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

(g) The bureau shall fix the period of suspension in accordance with the recommendation of the court under this section and in accordance with IC 9-30-6-9. If the court fails to recommend a fixed period of suspension, the bureau shall impose the minimum period of suspension required under this section.

SECTION 340. IC 9-30-5-11, AS AMENDED BY P.L.153-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) If a court grants a person probationary driving privileges under section 12 of this chapter, the person may operate a vehicle only as follows:

(1) To and from the person's place of employment.

(2) For specific purposes in exceptional circumstances.

(3) To and from a court-ordered treatment program.

(b) If the court grants the person probationary driving privileges under section 12(a) of this chapter, that part of the court's order granting probationary driving privileges does not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9.

(c) The court shall notify a person who is granted probationary driving privileges of the following:

(1) That the probationary driving period commences when the bureau issues the probationary ~~license.~~ **driving privileges.**

(2) That the bureau may not issue ~~a~~ probationary ~~license~~ **driving privileges** until the bureau receives a reinstatement fee from the person, if applicable, and the person otherwise qualifies for ~~a license.~~ **valid driving privileges.**

SECTION 341. IC 9-30-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) An order for probationary driving privileges granted under this chapter must include the following:

(1) A requirement that the person may not violate a traffic law.

(2) A restriction of a person's driving privileges providing for automatic execution of the suspension of driving privileges if an order is issued under subsection (b).

(3) A written finding by the court that the court has reviewed the person's driving record and other relevant evidence and found that the person qualifies for ~~a~~ probationary ~~license~~ **driving privileges** under this chapter.

(4) Other reasonable terms of probation.

(b) If the court finds that the person has violated the terms of the order granting probationary driving privileges, the court shall order execution of that part of the sentence concerning the suspension of the person's driving privileges.

SECTION 342. IC 9-30-5-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18. (a) If:**

(1) a criminal proceeding for driving while intoxicated under IC 9-30-5 is deferred under IC 12-23-5-1 through IC 12-23-5-9; or

(2) a child alleged to be a delinquent child based upon the child's violation of IC 9-30-5 voluntarily attends or is ordered by the court under IC 31-37 to attend an alcohol and drug services program;

the court, within ten (10) days after the defendant or child begins the program, shall forward to the bureau a certified abstract of program enrollment.

(b) The abstract must state the following:

(1) The defendant's or child's name, address, date of birth, and driver's license number.

(2) The name and location of the alcohol and drug services program that the defendant or child is attending.

SECTION 343. IC 9-30-6-4.3, AS AMENDED BY P.L.1-2007, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.3. (a) This section applies only to a person whose motor vehicle has been seized under IC 34-24-1-1(15).

(b) If the bureau receives an order from a court recommending that the bureau not register a motor vehicle in the name of a person whose motor vehicle has been seized under IC 34-24-1-1(15), the bureau may not register a motor vehicle in the name of the person whose motor vehicle has been seized until the person proves that the person possesses a ~~current driving~~ **driver's** license **with valid driving privileges.**

SECTION 344. IC 9-30-6-8, AS AMENDED BY SEA 154-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Whenever a judicial officer has determined that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), the clerk of the court shall forward:

(1) a copy of the affidavit; and

(2) a bureau certificate as described in section 16 of this chapter;

to the bureau.

(b) The probable cause affidavit required under section 7(b)(2) of this chapter must do the following:

(1) Set forth the grounds for the arresting officer's belief that there was probable cause that the arrested person was operating a vehicle in violation of IC 9-30-5 or a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).

(2) State that the person was arrested for a violation of IC 9-30-5 or operating a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).

(3) State whether the person:

(A) refused to submit to a chemical test when offered; or

(B) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

(4) Be sworn to by the arresting officer.

(c) Except as provided in subsection (d), if it is determined under subsection (a) that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at the initial hearing of the matter held under IC 35-33-7-1

~~(1)~~ the court shall recommend immediate suspension of the person's driving privileges to take effect on the date the order is entered,

~~(2) the court shall order the person to surrender all driver's licenses, permits, and receipts;~~ and

~~(3) the clerk shall~~ forward ~~the following~~ to the bureau

~~(A) The person's license or permit surrendered under this section or section 3 or 7 of this chapter.~~

~~(B)~~ a copy of the order recommending immediate suspension of driving privileges.

(d) If it is determined under subsection (a) that there is probable cause to believe that a person violated IC 9-30-5, the court may, as an alternative to ~~a license~~ suspension **of the person's driving privileges** under subsection ~~(c)(1),~~ **(c),** issue an order recommending that the person be prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8 until the bureau is notified by a court that the criminal charges against the person have been resolved.

SECTION 345. IC 9-30-6-9, AS AMENDED BY P.L.94-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section does not apply if an ignition interlock device order is issued under section 8(d) of this chapter.

(b) If the affidavit under section 8(b) of this chapter states that a person refused to submit to a chemical test, the bureau shall suspend the driving privileges of the person:

(1) for:

(A) one (1) year; or

(B) if the person has at least one (1) previous conviction for operating while intoxicated, two (2) years; or

(2) until the suspension is ordered terminated under IC 9-30-5.

(c) If the affidavit under section 8(b) of this chapter states that a chemical test resulted in prima facie evidence that a person was intoxicated, the bureau shall suspend the driving privileges of the person:

(1) for one hundred eighty (180) days; or

(2) until the bureau is notified by a court that the charges have been disposed of;

whichever occurs first.

(d) Whenever the bureau is required to suspend a person's driving privileges under this section, the bureau shall immediately do the following:

(1) Mail a notice to the person's last known address that must state that the person's driving privileges will be suspended for a specified period, commencing:

(A) five (5) days after the date of the notice; or

(B) on the date the court enters an order recommending suspension of the person's driving privileges under section 8(c) of this chapter;

whichever occurs first.

(2) Notify the person of the right to a judicial review under section 10 of this chapter.

(e) Notwithstanding IC 4-21.5, an action that the bureau is required to take under this article is not subject to any administrative adjudication under IC 4-21.5.

(f) If a person is granted probationary driving privileges under IC 9-30-5 and the bureau has not received the probable cause affidavit described in section 8(b) of this chapter, the bureau shall suspend the person's driving privileges for a period of thirty (30) days. After the thirty (30) day period has elapsed, the bureau shall, upon receiving a reinstatement fee, if applicable, from the person who was granted probationary driving privileges, issue the **person** probationary ~~license~~ **driving privileges** if the person otherwise qualifies. ~~for a license.~~

(g) If the bureau receives an order granting probationary driving privileges to a person who, **according to the records of the bureau,** has a prior conviction for operating while intoxicated, the bureau shall do the following:

(1) Issue the person ~~a~~ probationary ~~license~~ **driving privileges** and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for ~~a~~ probationary ~~license.~~ **driving privileges.**

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 346. IC 9-30-6-12, AS AMENDED BY P.L.109-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) If a court recommends suspension of ~~the~~ driving privileges under this chapter, IC 9-30-5, or IC 9-30-9,

~~(1)~~ the bureau shall ~~comply~~ **fix the period of suspension in accordance** with the recommendation of ~~suspension, and the driving privileges of the person remain suspended for the period set by~~ the court. ~~and~~

~~(2) the person shall surrender to~~ **If** the court ~~all licenses, permits, or receipts issued to the person, and the court shall immediately forward the licenses, permits, or receipts to~~ **fails to recommend a fixed period of suspension,** the bureau ~~with~~ **shall impose** the ~~abstract~~ **minimum period** of ~~conviction or judgment.~~ **suspension required by statute.**

(b) Except as provided in subsection (c), during the three (3) years following the termination of the suspension the person's driving privileges remain suspended until the person provides proof of future financial responsibility in force under IC 9-25.

(c) If a court recommends suspension of a person's driving privileges for a conviction under IC 9-30-5, during the three (3) years following the termination of the suspension the person's driving privileges remain suspended until the person provides proof of future financial responsibility in force under IC 9-25. However, if a court recommends suspension of the driving privileges of a person who is arrested for or charged with an offense committed under IC 9-30-5, the person is not required to provide proof of future financial responsibility under IC 9-25 unless the person is convicted under IC 9-30-5.

(d) If at any time during the three (3) years following the termination of the suspension imposed under subsection (a) a person who has provided proof of future financial responsibility under IC 9-25 fails to maintain the proof, the bureau shall suspend the person's driving privileges until the person again provides proof of future financial responsibility under IC 9-25.

(e) An agency action under this section is not subject to IC 4-21.5.

SECTION 347. IC 9-30-6-13, AS AMENDED BY P.L.42-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. If a court orders the bureau to rescind an ignition interlock device requirement or reinstate a person's driving privileges under this article, the bureau shall comply with the order. Unless the order for reinstatement is issued under section 11(a)(2) of this chapter, the bureau shall also do the following:

(1) Remove any record of the ignition interlock device requirement or suspension from the ~~bureau's recordkeeping system.~~ **official driving record of the person.**

(2) Reinstate the privileges without cost to the person.

SECTION 348. IC 9-30-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, "license" includes any type of license or permit ~~to operate a motor vehicle~~ issued by the bureau **to operate the type of vehicle being driven.**

SECTION 349. IC 9-30-10-4, AS AMENDED BY P.L.28-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, **and** not arising out of the same incident, ~~and with at least one (1) violation occurring after March 31, 1984,~~ is a habitual violator:

(1) Reckless homicide resulting from the operation of a motor vehicle.

(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

(3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.

(6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, **and** not arising out of the same incident, ~~and with at least one (1) violation occurring after March 31, 1984,~~ is a habitual violator:

(1) Operation of a vehicle while intoxicated.

(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.

(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(5) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), **IC 9-24-19-2, or** IC 9-24-19-3. ~~or IC 9-24-19-5.~~

(6) Operating a motor vehicle without ever having obtained a license to do so.

(7) Reckless driving.

(8) Criminal recklessness involving the operation of a motor vehicle.

(9) Drag racing or engaging in a speed contest in violation of law.

(10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2), ~~IC 9-26-1-1(4),~~ IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.

(11) Any felony under an Indiana motor vehicle statute or any felony in the commission of which a motor vehicle is used.

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, **and** not arising out of the same incident, ~~and with at least one (1) violation occurring after March 31, 1984,~~ is a habitual violator. However, at least one (1) of the judgments must be for a violation enumerated in subsection (a) or (b). A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of

this subsection.

(d) For purposes of this section, a judgment includes a judgment in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of the offenses described in subsections (a) and (b).

(e) For purposes of this section, the offense date is used when determining the number of judgments accumulated within a ten (10) year period.

SECTION 350. IC 9-30-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A person who has received a notice under section 5 of this chapter may notify the bureau, in writing, ~~on forms provided by the bureau,~~ that the bureau's records contain a material error with respect to the person's driving record. If a person so notifies the bureau, the bureau shall, within thirty (30) days after the date the notice was received by the bureau, determine whether a material error was made with respect to the person's driving record.

(b) If the bureau determines that a material error was made with respect to the person's driving record, the bureau shall:

(1) prevent the suspension of; or

(2) reinstate;

the person's driving privileges.

(c) The bureau shall notify the prosecuting attorney of the county where the record originated that the bureau has determined that a material error exists. The prosecuting attorney is entitled to respond to the bureau's determination.

(d) An action taken or a determination made by the bureau under this chapter is not subject to IC 4-21.5. However, the person may file a petition for judicial review under this chapter.

SECTION 351. IC 9-30-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) If a person files a petition for judicial review under section 6 of this chapter, the court shall promptly hold a hearing. The petition must be filed and the hearing must be held in accordance with section 7 of this chapter.

(b) If the court finds that the petitioner is not a habitual violator, the court shall order the bureau to reinstate the driving privileges of the person.

(c) If the court finds that the petitioner is a habitual violator, the person's driving privileges remain suspended, unless the court places the person on probation under section 9 of this chapter.

(d) The findings of the court under this section constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the findings and orders of the court.

SECTION 352. IC 9-30-10-9, AS AMENDED BY P.L.109-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) ~~After June 30, 2005,~~ This section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) If a court finds that a person:

(1) is a habitual violator under section 4(c) of this chapter;

(2) has not been previously placed on probation under this section by a court;

(3) operates a vehicle for commercial or business purposes, and the person's mileage for commercial or business purposes:

(A) is substantially in excess of the mileage of an average driver; and

(B) may have been a factor that contributed to the person's poor driving record; and

(4) does not have:

(A) a judgment for a violation enumerated in section 4(a) of this chapter; or

(B) at least three (3) judgments (singularly or in combination and not arising out of the same incident) of the violations enumerated in section 4(b) of this chapter;

the court may place the person on probation in accordance with subsection (d).

(c) If a court finds that a person:

(1) is a habitual violator under section 4(b) of this chapter;

(2) has not been previously placed on probation under this section by a court;

(3) does not have a judgment for any violation listed in section 4(a) of this chapter;

(4) has had the person's driving privileges suspended under this chapter for at least five (5) consecutive years; and

(5) has not violated the terms of the person's suspension by operating a vehicle;

the court may place the person on probation in accordance with subsection (d). However, if the person has any judgments for operation of a vehicle before July 1, 2001, while intoxicated or with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, or for the operation of a vehicle after June 30, 2001, while intoxicated or with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, the court, before the court places a person on probation under subsection (d), must find that the person has successfully fulfilled the requirements of a rehabilitation program certified by ~~one (1) or both of the following:~~

~~(A)~~ the division of mental health and addiction **or**

~~(B)~~ the Indiana judicial center.

(d) Whenever a court places a habitual violator on probation, the court:

(1) shall record each of the court's findings under this section in writing;

~~(2) shall obtain the person's driver's license or permit and send the license or permit to the bureau;~~

~~(3) shall direct the person to apply to the bureau for a restricted driver's license;~~

~~(4) shall order the bureau to issue the person an appropriate~~

~~license;~~

~~(5)~~ **(2)** shall ~~place~~ **order the bureau to issue** the person ~~on probation~~ **probationary driving privileges** for a fixed period of not less than three (3) years and not more than ten (10) years;

~~(6)~~ **(3)** shall attach restrictions to the person's driving privileges, including restrictions limiting the person's driving to:

(A) commercial or business purposes or other employment related driving;

(B) specific purposes in exceptional circumstances;

(C) rehabilitation programs; and

(D) specified hours during which the person may drive;

~~(7)~~ **(4)** shall require the person to submit to reasonable monitoring requirements;

~~(8)~~ **(5)** shall order the person to file proof of **future** financial responsibility for three (3) years following the date of being placed on probation; and

~~(9)~~ **(6)** shall impose other appropriate conditions of probation, which must include one (1) or more of the following conditions if the person was determined to be a habitual violator under IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4): ~~and at least one (1) of the offenses occurred within five (5) years prior to the granting of the probationary or restricted license:~~

(A) An order prohibiting the person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while under the influence of any other intoxicating substance.

(B) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

(C) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

(i) The person may operate only a motor vehicle equipped with an ignition interlock device.

(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

(iii) The person must wear a device that detects and records the person's use of alcohol.

(iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

(e) If a court finds that a person:

(1) is a habitual violator under section 4(b) or 4(c) of this chapter;

(2) does not have any judgments for violations under section 4(a) of this chapter;

(3) does not have any judgments or convictions for violations under section 4(b) of this chapter, except for judgments or convictions under section 4(b)(5) of this chapter that resulted from driving on a suspended license that was suspended for:

(A) the commission of infractions only; or

(B) previously driving on a suspended license;

(4) has not been previously placed on probation under this section by a court; and

(5) has had the person's driving privileges suspended under this chapter for at least three (3) consecutive years and has not violated the terms of the person's suspension by operating a vehicle for at least three (3) consecutive years;

the court may place the person on probation under **the conditions described in** subsection ~~(d)~~ **(d)(1) through (d)(5).**

(f) If the bureau receives an order granting probationary driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:

(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 353. IC 9-30-10-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 10. The court's findings under sections 8 and 9 of this chapter constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the court's findings and orders.~~

SECTION 354. IC 9-30-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) Upon the filing of a petition for revocation of probation, the court shall do the following:

(1) Set a date for a hearing upon the petition that is not earlier than twenty (20) days nor later than forty-five (45) days from the date of the filing of the petition for review.

(2) Hold a hearing on the date set, unless the proceeding is continued by order of the court.

(3) Cause notice of the hearing date to be sent to all parties.

(b) At the hearing, the prosecuting attorney must bear the burden of proof by a preponderance of the evidence to prevail.

(c) If the court finds that the person has violated any terms of the probation, the court shall do the following:

(1) Record each of its findings in writing.

(2) Obtain the person's **driver's** license.

(3) Order the bureau to suspend the person's driving privileges for a period equal to the period of suspension originally imposed under section 5 of this chapter.

(4) Not place the person on probation under section 9 of this chapter.

(d) If the court finds that the person has not violated any of the terms of the person's probation, the court shall do the following:

(1) Record each of the court's findings in writing.

(2) Continue the person on probation for the remainder of the probationary period.

(e) The court's findings under subsection (c) or (d) constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the court's findings and orders.

SECTION 355. IC 9-30-10-13, AS AMENDED BY P.L.109-2011, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) The bureau may ~~issue a license to operate a motor vehicle~~ **issue driving privileges** to a habitual violator whose driving privileges were suspended under section 5(b) of this chapter if the following conditions exist:

(1) The time specified for the person's probation or the restriction or suspension of the person's license has elapsed.

(2) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(3) The person files with the bureau and maintains, for three (3) years after ~~filing~~ **termination of suspension,** proof of **future** financial responsibility in accordance with IC 9-25.

(4) **If the person has a prior conviction for operating while intoxicated,** the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; ~~or while intoxicated (as defined under IC 9-13-2-86)~~ for three (3) years after the bureau issues the driver's license to the person.

(5) The person signs a bureau form by which the person agrees that as a condition to obtaining the driver's license the person will submit to a chemical test at any time during the period three (3) years after the bureau issues the driver's license to the person if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

(b) The bureau may issue a license to operate a motor vehicle to a habitual violator whose driving privileges have been suspended for life if the following conditions exist:

(1) The bureau has received an order for rescission of suspension and reinstatement issued under section 15 of this chapter.

(2) The person to whom the license is to be issued has never been convicted of a violation described in section 4(a) or 17 of this chapter.

(3) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(5) The person:

(A) files with the bureau; and

(B) maintains for three (3) years after ~~filing;~~ **rescission of the suspension;**

proof of **future** financial responsibility in accordance with IC 9-25.

(6) **If the person has a prior conviction for operating while intoxicated,** the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or while intoxicated (as defined under IC 9-13-2-86) for three (3) years after the bureau issues the driver's license to the person.

(7) The person signs a bureau form by which the person agrees that as a condition to obtaining the driver's license the person will submit to a chemical test at any time during the period three (3) years after the bureau issues the driver's license to the person if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

(c) A habitual violator is not eligible for relief under the hardship provisions of IC 9-24-15.

(d) The bureau shall not issue driving privileges to a person who does not satisfy all of the requirements set forth in subsections (a) and (b).

SECTION 356. IC 9-30-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) Except as provided in subsection (e), a person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if the following conditions exist:

(1) Ten (10) years have elapsed since the date on which an order for the lifetime suspension of the person's driving privileges was issued.

(2) The person has never been convicted of a violation described in section 4(a) of this chapter.

(3) The person has never been convicted of an offense under section 17 of this chapter.

(4) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(b) A petition for rescission and reinstatement under this section must meet the following conditions:

(1) Be verified by the petitioner.

(2) State the petitioner's age, date of birth, and place of residence.

(3) Describe the circumstances leading up to the lifetime suspension of the petitioner's driving privileges.

(4) Aver a substantial change in the petitioner's circumstances of the following:

(A) That indicates the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges are reinstated.

(B) That makes the lifetime suspension of the petitioner's driving privileges unreasonable.

(C) Indicates it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(5) Aver that the requisite amount of time has elapsed since the date on which the order for the lifetime suspension of the person's driving privileges was issued as required under subsections (a) and (e).

~~(5)~~ **(6)** Aver that the petitioner has never been convicted of an offense under section 17 of this chapter.

~~(6)~~ **(7)** Aver that the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

~~(7)~~ **(8)** Aver that the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

~~(8)~~ **(9)** Be filed in a circuit or superior court having jurisdiction in the county where the petitioner resides.

~~(9)~~ **(10)** If the petition is being filed under subsection (e), aver the existence of the conditions listed in subsection (e)(1) through (e)(3).

(c) The petitioner shall serve the prosecuting attorney of the county where the petitioner resides and the bureau with a copy of the petition described in subsection (b). A responsive pleading is not required.

(d) The prosecuting attorney of the county where the petitioner resides shall represent the state in the matter.

(e) A person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if all of the following conditions exist:

(1) Three (3) years have elapsed since the date on which the order for lifetime suspension of the petitioner's driving privileges was issued.

(2) The petitioner's lifetime suspension was the result of driving on a suspended license that was suspended for commission of infractions only or for driving on a suspended license.

(3) The petitioner has never been convicted of a violation described in section 4(a) or 4(b) of this chapter, with the exception of a ~~judgement~~ **judgment** or conviction under section 4(b)(3) of this chapter.

(4) The petitioner has never been convicted of an offense under section 17 of this chapter.

(5) The petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

SECTION 357. IC 9-30-10-15, AS AMENDED BY P.L.28-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) Upon receiving a petition filed under section 14 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following:

(1) The petitioner.

(2) The prosecuting attorney of the county where the petitioner resides.

(3) The bureau.

(b) A court may order the rescission of the order that required the suspension of the petitioner's driving privileges for life and may order the bureau to reinstate the driving privileges of a petitioner whose driving privileges have been suspended for life if, after the hearing of the matter, the court makes the following written findings and conclusions, based on clear and convincing evidence:

(1) That the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(2) That the petitioner has never been convicted of an offense under section 17 of this chapter.

(3) That the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) If the person is petitioning the court under section 14(a) of this chapter that ten (10) years have elapsed since the date on which an order was issued that required the suspension of the petitioner's driving privileges for life.

(5) That there has been a substantial change in the petitioner's circumstances indicating the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges were reinstated.

(6) That there has been a substantial change in the petitioner's circumstances indicating that the suspension of the petitioner's driving privileges for life has become unreasonable.

(7) That it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(8) If the person is petitioning the court under section 14(e) of this chapter:

(A) that three (3) years have elapsed since the date the order was issued that required the suspension of the petitioner's driving privileges for life; and

(B) that the conditions listed under section 14(e) of this chapter are satisfied.

(c) The petitioner has the burden of proof under this section and an order issued under subsection (b) is a final order, appealable by any party to the action.

(d) In an order for reinstatement of driving privileges issued under this section, the court may require the bureau to issue ~~to~~ the prevailing petitioner:

(1) ~~a license to operate a motor vehicle~~ **driving privileges** under section 13(b) of this chapter; or

(2) ~~a~~ restricted driving ~~license~~ **privileges** for a time and subject to conditions specified by the court, which must include one (1) or more of the following conditions if the person was determined to be a habitual violator under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4): ~~and at least one (1) of the offenses occurred within five (5) years prior to the granting of the probationary or restricted license:~~

(A) Specified hours during which the person may drive.

(B) An order prohibiting the person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

(C) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

(D) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

(i) The person may operate only a motor vehicle equipped with an ignition interlock device.

(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.

(iii) The person must wear a device that detects and records the person's use of alcohol.

(iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

(e) If a court orders the bureau to issue ~~a~~ restricted **or probationary** driving ~~license~~ **privileges** to a petitioner under subsection (d), the court shall specify the conditions under which the petitioner may be issued ~~a license~~ **driving privileges** to operate a motor vehicle under section 13(b) of this chapter. After the expiration date of the restricted ~~license~~ **or probationary driving privileges** and upon:

(1) fulfillment by the petitioner of the conditions specified by the court; and

(2) the expiration of the restricted ~~license~~ issued **driving privileges** under subsection (d)(2);

the bureau shall issue ~~to~~ the petitioner ~~a license~~ **driving privileges** to operate a motor vehicle under section 13(b) of this chapter.

(f) If the bureau receives an order granting a rescission of the suspension order and reinstatement of driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:

(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 358. IC 9-30-10-17.5, AS ADDED BY P.L.28-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17.5. A person who operates a vehicle or motorized bicycle in violation of conditions of ~~a~~ restricted ~~license~~ **driving privileges** ordered by a court under ~~IC 9-30-10-9(d)(9)~~ **section 9(d)(6)** or ~~IC 9-30-10-15(d)(2)~~ **15(d)(2) of this chapter** commits a Class A misdemeanor.

SECTION 359. IC 9-30-11-6, AS AMENDED BY P.L.153-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The bureau shall reinstate motor vehicle registration that is suspended under this chapter if the following occur:

(1) ~~Any person~~ **The court** presents the bureau ~~or a bureau license branch~~ with adequate proof that all unpaid judgments with respect to the motor vehicle have been paid.

(2) A reinstatement fee under IC 9-29 is paid to the bureau, if applicable.

SECTION 360. IC 9-30-11-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. If the bureau suspends a motor vehicle registration under section 5 of this chapter, the bureau shall send a notice of the suspension to the clerk who sent the referral. Upon receipt of a notice, a clerk shall inform each of the law enforcement agencies that are listed on the referral of the following:~~

~~(1) That the motor vehicle's registration has been suspended.~~

~~(2) That any law enforcement agency may remove the license plate of the motor vehicle fifteen (15) days after the motor vehicle's registration was suspended unless the judgments have been paid.~~

SECTION 361. IC 9-30-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a)** The bureau may suspend or revoke the ~~driver's license or permit~~ **driving privileges** of an individual who ~~pays the fee required for~~ **makes payment to** the ~~driver's license or permit~~ **bureau** with ~~a check~~ **funds** that:

~~(1) is~~ **are** not honored. ~~by the financial institution on which the check is drawn; or~~

~~(2) has had payment stopped by the maker of the check.~~

(b) In addition to the penalties in subsection (a), the bureau may do the following:

(1) Revoke the driver's license or permit of an individual who makes payment to the bureau for a driver's license or permit with funds that are not honored.

(2) Invalidate the title or registration of an individual who makes payment to the bureau for a driver's license or permit with funds that are not honored.

SECTION 362. IC 9-30-12-2, AS AMENDED BY P.L.153-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The bureau may:

(1) reinstate a license, ~~or~~ **a** permit, **or driving privileges** revoked or suspended under section 1 of this chapter; or

(2) revalidate a title or registration that has been invalidated under section ~~3~~ **1** of this chapter;

if the obligation has been satisfied, including the payment of service, collection, and reinstatement fees, if applicable.

SECTION 363. IC 9-30-12-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. The bureau may invalidate a title or registration that has been issued by the bureau and the applicable fees have been paid with a check that:~~

~~(1) is not honored by the financial institution on which the check is drawn; or~~

~~(2) has had payment stopped by the maker of the check.~~

SECTION 364. IC 9-30-12-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. The bureau may suspend or revoke the driver's license or permit of an individual who pays the fee required for a vehicle title or registration with a check that:~~

~~(1) is not honored by the financial institution on which the check is drawn; or~~

~~(2) has had payment stopped by the maker of the check.~~

SECTION 365. IC 9-30-13-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) A court shall forward to the bureau a certified abstract of the record of the conviction of a person in the court for a violation of a law relating to motor vehicles.**

(b) If in the opinion of the court a defendant should be deprived of the privilege to operate a motor vehicle upon a public highway, the court shall recommend the suspension of the convicted person's driving privileges for a fixed period established by the court not exceeding one (1) year.

(c) The bureau shall comply with the court's recommendation.

(d) At the time of a conviction referred to in subsection (a) or under IC 9-30-5-7, the court may obtain and destroy the defendant's current driver's license.

(e) An abstract required by this section must be in the form prescribed by the bureau and, when certified, shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.

SECTION 366. IC 9-30-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. For a person who uses a motor vehicle to commit recklessness under IC 35-42-2-2, the judge of the court in which the person is convicted shall recommend that the ~~current driver's license~~ **driving privileges** of the person be suspended for not less than sixty (60) days and not more than two (2) years. **If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this section.**

SECTION 367. IC 9-30-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. For a person who uses a motor vehicle to commit obstruction of traffic under IC 35-42-2-4, the judge of the court in which the person is convicted may recommend that the ~~current driver's license~~ **driving privileges** of the person be suspended for not less than sixty (60) days and not more than two (2) years.

SECTION 368. IC 9-30-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. For a person who uses a motor vehicle to commit criminal mischief under IC 35-43-1-2, the judge of the court in which the person is convicted may recommend that the ~~current driver's license~~ **driving privileges** of the person be suspended for not less than sixty (60) days and not more than two (2) years.

SECTION 369. IC 9-30-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a)** If a person commits any of the following offenses, the court that convicted the person shall recommend the suspension of the person's driving privileges for a fixed period of at least two (2) years and not more than five (5) years:

(1) Involuntary manslaughter resulting from the operation of a motor vehicle (IC 35-42-1-4).

(2) Reckless homicide resulting from the operation of a motor vehicle (IC 35-42-1-5).

(b) If the court fails to recommend a fixed term of suspension, the bureau shall impose the minimum period of suspension required under this section.

SECTION 370. IC 9-30-13-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. If a court fails to recommend a fixed term of suspension for an offense described under section 4 of this chapter, the bureau shall suspend the driver's license of the~~

~~convicted person under IC 9-30-4-6 for two (2) years.~~

SECTION 371. IC 9-30-13-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6. (a) The bureau shall, upon receiving an order of a court issued under IC 31-14-12-4 or IC 31-16-12-7, suspend the driving privileges of the person who is the subject of the order.**

(b) The bureau may not reinstate driving privileges suspended under this section until the bureau receives an order allowing reinstatement from the court that issued the order for suspension.

(c) Upon receiving an order for suspension under subsection (a), the bureau shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the person's driving privileges are suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the bureau receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the person has the right to petition for reinstatement of driving privileges to the court that issued the order for suspension.

(3) That the person may be granted restricted driving privileges under IC 9-24-15-6.7 if the person otherwise qualifies and can prove that public transportation is unavailable for travel by the person:

(A) to and from the person's regular place of employment;

(B) in the course of the person's regular employment;

(C) to and from the person's place of worship; or

(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.

(d) A person who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the person's driving privileges are suspended under this section; and

(2) the person has been granted restricted driving privileges under IC 9-24-15 as a result of the suspension under this section.

SECTION 372. IC 9-30-13-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7. (a) If the bureau is advised by the Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either requested a hearing under IC 31-25-4-33 and failed to appear or appeared and was found to be delinquent, the bureau shall promptly mail a notice to the obligor stating the following:**

(1) That the obligor's driving privileges are suspended, beginning eighteen (18) business days after the date the notice is mailed, and that the suspension will terminate after the bureau receives a notice from the Title IV-D agency that the obligor has:

(A) paid the obligor's child support arrearage in full; or

(B) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.

(2) That the obligor may be granted restricted driving privileges under IC 9-24-15-6.7 if the obligor can prove that public transportation is unavailable for travel by the obligor:

(A) to and from the obligor's regular place of employment;

(B) in the course of the obligor's regular employment;

(C) to and from the obligor's place of worship; or

(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.

(b) The bureau may not reinstate driving privileges suspended under this section until the bureau receives a notice from the Title IV-D agency that the obligor has:

(1) paid the obligor's child support arrearage in full; or

(2) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.

(c) An obligor who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the obligor's driving privileges are suspended under this section; and

(2) the obligor has been granted restricted driving privileges under IC 9-24-15 as a result of the suspension under this section.

SECTION 373. IC 9-30-13-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8. (a) Upon receiving an order issued by a court under IC 35-43-4-8(b) concerning a person convicted of fuel theft, the bureau shall do the following:**

(1) Suspend under subsection (b) the driving privileges of the person who is the subject of the order, whether or not the person's current driver's license accompanies the order.

(2) Mail to the last known address of the person who is the subject of the order a notice:

(A) stating that the person's driving privileges are being suspended for fuel theft;

(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and

(C) stating that the person may be granted restricted driving privileges under IC 9-24-15-6.7 if the person meets the conditions for obtaining restricted driving privileges.

(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 35-43-4-8(b):

(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2); and

(2) terminates thirty (30) days after the suspension begins.

(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by restricted driving privileges granted to the person under IC 9-24-15-6.7.

SECTION 374. IC 9-30-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "covered offense" means the following:

(1) An offense:

(A) for which the offender's ~~current~~ driving ~~license~~ **privileges** may be suspended under IC 9-30-13; and

(B) that involved the obstruction of traffic with or the operation of a motor vehicle with alcohol or a controlled substance listed in schedule I or II under IC 35-48-2 in the person's blood.

(2) An offense described under IC 9-30-5 that involved operation of a ~~motor~~ vehicle with alcohol or a controlled substance listed under schedule I or II under IC 35-48-2.

SECTION 375. IC 9-31-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The bureau shall receive payments of:

(1) the ~~use tax~~ **taxes** on watercraft that ~~is~~ **are** required by ~~IC 6-2.5-3-2~~ **IC 6-2.5-3 and IC 6-6-11;** and ~~IC 6-2.5-3-6.~~

(2) any other taxes applicable to watercraft as imposed by Indiana law.

SECTION 376. IC 9-31-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The bureau may utilize the services and facilities of license branches to carry out the bureau's responsibilities under this article. However, an additional charge may not be imposed for the services of license branches under this ~~article.~~ **chapter.**

SECTION 377. IC 9-31-1-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. (a) On January 1, 1992, the employees of the department of natural resources who administer the watercraft registration and title programs are transferred to the bureau of motor vehicles.~~

~~(b) The employees who are transferred under subsection (a) are entitled to have the employees' service with the department of natural resources included for the purpose of computing all applicable employment benefits and will not be adversely affected by the transfer.~~

SECTION 378. IC 9-31-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter does not apply to the following:

(1) A watercraft from a jurisdiction other than Indiana ~~temporarily~~ using the waters of Indiana **for less than sixty (60) consecutive days.**

(2) A ship's lifeboat.

(3) Watercraft other than motorboats unless the owner voluntarily desires to become subject to this chapter.

(4) A watercraft that is a Class 5 or lower motorboat or sailboat under ~~IC 6-6-11-11~~ **IC 6-6-11-10** (the boat excise tax), unless the owner voluntarily desires to become subject to this chapter.

(5) A watercraft that is propelled by an internal combustion, steam, or electrical inboard or outboard motor or engine or by any mechanical means, including sailboats that are equipped with such a motor or engine when the sailboat is in operation whether or not the sails are hoisted, if:

(A) the watercraft was made by an individual for the use of the individual and not for resale; and

(B) the owner does not voluntarily desire to become subject to this chapter.

SECTION 379. IC 9-31-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A manufacturer, importer, dealer, or other person may not sell or otherwise dispose of a new watercraft to a dealer, to be used by the dealer for purposes of display and resale, without delivering to the dealer a manufacturer's or importer's certificate executed under this section and with those assignments on the certificate as are necessary to show title in the purchaser of the watercraft. A dealer may not purchase or acquire a new watercraft without obtaining from the seller of the watercraft the manufacturer's or importer's certificate.

(b) A manufacturer's or importer's certificate of the origin of a watercraft must contain the following information along with ~~the~~ **any** additional information the bureau requires:

(1) A description of the watercraft, including, if applicable, the make, year, length, dry weight, series or model, horsepower rating, hull type, and hull identification number.

(2) Certification of the date of transfer of the watercraft to a distributor, dealer, or other transferee and the name and address of the transferee.

(3) Certification that this is the first transfer of the new watercraft in ordinary trade and commerce.

(4) The signature and address of a representative of the transferor.

(c) An assignment of a manufacturer's or importer's certificate shall be printed on the reverse side of the manufacturer's or importer's certificate. The assignment form must include the following:

(1) The name and address of the transferee.

(2) A certification that the watercraft is new.

(3) A warranty that the title at the time of delivery is subject only to the liens and encumbrances that are set forth and described in full in the assignment.

SECTION 380. IC 9-31-2-6, AS AMENDED BY P.L.83-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as

provided in subsection (b), an application for a certificate of title shall be filed with the bureau within thirty-one (31) days after the date of purchase or transfer. The application must be accompanied by the fee prescribed in IC 9-29-15-1.

(b) This subsection applies only to a watercraft acquired by a conveyance subject to section 30 of this chapter. An application for a certificate of title shall be filed with the bureau within sixty (60) days after the date of the transfer under section 30 of this chapter. The application must be accompanied by the fee prescribed in IC 9-29-15-1 **and any other applicable fees and service charges.**

SECTION 381. IC 9-31-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. An application for a certificate of title must be certified by the owner or purchaser of the watercraft and must contain the following information, along with the additional information the bureau requires:

(1) The name and address of the applicant.

~~(2) A statement of how the watercraft was acquired.~~

~~(3)~~ **(2)** The name and address of the previous owner.

~~(4)~~ **(3)** A statement of liens, mortgages, or other encumbrances on the watercraft and the name and address of the holder of the liens, mortgages, or other encumbrances.

~~(5)~~ **(4)** If a lien, mortgage, or other encumbrance is not outstanding, a statement of that fact.

~~(6)~~ **(5)** A description of the watercraft, including, if applicable, the make, year, length, dry weight, series or model, horsepower rating, hull type, and hull identification number.

(6) Any other information that the bureau requires.

SECTION 382. IC 9-31-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. If a watercraft contains a permanent hull identification number placed on the watercraft by the manufacturer of the watercraft, the number shall be used as the hull identification number. If there is no manufacturer's hull identification number or if the manufacturer's hull identification number has been removed or obliterated, the bureau shall, upon a prescribed application that includes information indicating proof of ownership, assign a hull identification number to the watercraft. The assigned hull identification number shall be permanently affixed to or imprinted by the applicant at the place and in the manner designated by the bureau upon the watercraft to which the hull identification number is assigned. The fee prescribed under IC 9-29-15-2 **and any other applicable fees and service charges** shall be paid to the bureau for assigning a hull identification number.

SECTION 383. IC 9-31-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. If a certificate of title was not previously issued in Indiana for the watercraft, the application must be accompanied by one (1) of the following:

(1) A manufacturer's or importer's certificate.

~~(2) A sworn statement of ownership as prescribed by the bureau.~~

~~(3)~~ **(2)** A certificate of registration issued under IC 9-31-3, if purchased by the applicant before January 1, 1986.

~~(4)~~ **(3)** A certificate of title or bill of sale.

~~(5)~~ **(4)** Other evidence of ownership required by the law of another state from which the watercraft is brought into Indiana.

SECTION 384. IC 9-31-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. **(a)** The bureau shall:

(1) retain the evidence of title presented by ~~an applicant on~~ **a person upon** which ~~a~~ **the Indiana** certificate of title is issued **in accordance with applicable document and record retention requirements;** and ~~shall~~

(2) use reasonable diligence in ascertaining whether the facts in the application are true by checking the application and documents accompanying the application with the records of watercraft in the bureau.

(b) An authorized employee of the bureau may inspect a watercraft to determine whether a certificate of title should be issued.

(c) The bureau may reject an application if the bureau is not satisfied:

(1) of the genuineness, regularity, or legality of the application or the truth of a statement made on the application; or

(2) for any other reason authorized by law.

SECTION 385. IC 9-31-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) ~~The bureau shall file each application received.~~ If the bureau is satisfied:

(1) of the genuineness and regularity of an application;

(2) that no tax imposed by ~~IC 6-2.5~~ **Indiana law** is owed as evidenced by the receipt for payment or determination of exemption from the department of state revenue; and

(3) that the applicant is entitled to the issuance of a certificate of title;

the bureau shall issue a certificate of title containing the information required in the application for a certificate of title, as prescribed by section 7 of this chapter, as well as space for the notation and cancellation of a lien, a mortgage, or an encumbrance.

(b) A form for the assignment of the certificate of title must appear on the reverse side of the certificate of title. The assignment form must include a warranty that the signer is the owner of the watercraft and that a mortgage, a lien, or an encumbrance is not on the watercraft except as noted on the face of the certificate of title.

SECTION 386. IC 9-31-2-13 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 13. The bureau shall do the following:~~

~~(1) Prescribe a uniform method of numbering certificates of title.~~

~~(2) Maintain in the office of the bureau indexes for the certificates of title.~~

SECTION 387. IC 9-31-2-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 14. The bureau may destroy a certificate of title or supporting evidence of a certificate of title covering a watercraft that was on file for ten (10) years after the date of filing.~~

SECTION 388. IC 9-31-2-16, AS AMENDED BY P.L.83-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) If the transfer of ownership of a watercraft is by operation of law (such as upon inheritance, devise, bequest, transfer on death designation in accordance with section 30 of this chapter, order in bankruptcy, insolvency, replevin, ~~or~~ execution of sale, **or under an order of court),** if a watercraft is sold to satisfy a storage or repair charge, or if repossession is had upon default in performance of the terms of a security agreement, the bureau shall issue to the applicant a certificate of title to the watercraft upon: ~~the following:~~

(1) ~~Compliance with any of the following:~~

~~(A) The surrender of the prior certificate of title.~~

~~(B) The surrender of the manufacturer's or importer's certificate.~~

~~(C) Both of the following:~~

~~(i) The surrender of a certificate of title designating a transfer on death beneficiary.~~

~~(ii) The submission of proof of the death of the transferor.~~

~~(D) the~~ presentation of satisfactory proof to the bureau of ownership and a right of possession ~~to~~ **of** the watercraft;

(2) payment of the fee prescribed under IC 9-29-15-1 **and any other applicable fees and service charges; and**

(3) presentation of an application for certificate of title.

~~(b) A certification by the person or agent of the person to whom possession of the watercraft passed setting forth the facts entitling the person to possession and ownership, together with a copy of the journal entry, court order, or instrument upon which the claim of possession and ownership is founded, is satisfactory proof of ownership and right of possession.~~

~~(c)~~ **(b)** If an applicant cannot produce proof of ownership, the applicant may apply to the bureau and submit evidence of ownership. If the bureau finds the evidence sufficient, the bureau may issue a certificate of title. If, from the records of the ~~department,~~ **bureau,** a lien appears to be on the watercraft, the certificate of title must contain a statement of the lien, unless the application is accompanied by proper evidence of the ~~extinction~~ **satisfaction** of the lien.

SECTION 389. IC 9-31-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) If a watercraft is dismantled, destroyed, or changed in a manner that the watercraft loses the character of a watercraft or changed in a manner that the watercraft is not the watercraft described in the certificate of title, an owner of the watercraft ~~and a person mentioned as owner in the last certificate of title~~ shall surrender the certificate of title to the bureau. The bureau shall, ~~with~~ **upon notification to** the ~~consent of a~~ holder of a lien noted on the certificate of title, enter a cancellation upon the lienholder's records.

(b) Upon the cancellation of a certificate of title in the manner prescribed by subsection (a), the bureau may cancel and destroy the certificates **of title.**

SECTION 390. IC 9-31-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) If a certificate of title is lost or mutilated or becomes illegible, the owner of the watercraft shall apply to the bureau for a duplicate certificate of title upon a form prescribed by the bureau and accompanied by the fee prescribed by IC 9-29-15-1 **and any other applicable fees and service charges.** The person making the application shall certify the application **for the duplicate certificate of title.** Upon receipt of the application, the bureau shall issue a duplicate certificate of title to the person entitled to receive the certificate of title under this chapter. Upon the issuance of a duplicate certificate of title, the previously issued certificate of title becomes void.

(b) Each duplicate certificate of title ~~must contain~~ **shall have** the ~~legend "This is a duplicate certificate.".~~ **word "duplicate" printed or stamped on the certificate of title.** The duplicate certificate of title shall be delivered to the person entitled to possession **of the certificate of title.**

(c) If an original certificate of title is recovered by the owner, the owner shall immediately surrender the original certificate of title to the bureau for cancellation.

SECTION 391. IC 9-31-2-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21. (a) The bureau may provide a commercial lookup service of watercraft title records on a fee basis per transaction and use fee revenues received from the service for necessary expenses.~~

~~(b) The bureau shall furnish information on a title without charge to law enforcement and conservation officers when engaged in official duties.~~

SECTION 392. IC 9-31-2-22 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 22. Manufacturers and importers shall appoint and authorize agents to sign manufacturer's or importer's certificates. The bureau may require that a certified copy of a list containing the names and the facsimile signatures of authorized agents be furnished to the bureau.~~

SECTION 393. IC 9-31-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) Upon receiving knowledge of a stolen watercraft, a law enforcement agency shall immediately furnish the sheriff's department of the county from which the watercraft was stolen, the department of natural resources, law enforcement division, and the bureau with full information concerning the theft.

~~(b) The bureau shall file the record in the numerical order of the manufacturer's hull identification number or assigned hull identification number with the index records of the watercraft. The bureau shall prepare a list of watercraft stolen and recovered as disclosed by the reports submitted to the bureau. The bureau shall distribute the lists as the bureau considers advisable.~~

~~(c)~~ **(b)** If a stolen or converted watercraft is recovered, the owner or recovering agency shall immediately notify the law enforcement agency that received the initial theft report. The law enforcement agency shall immediately notify the bureau, the department of natural resources, the sheriff of the county from which the watercraft was stolen, and other law enforcement agencies in the county. The bureau shall remove the record of the theft or conversion from the file in which the report is recorded.

SECTION 394. IC9-31-2-25 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 25. The bureau shall use due diligence in examining and determining the genuineness, regularity, and legality of every application for a certificate of title for a watercraft and may do the following:~~

~~(1) Make the investigations that are determined necessary or require additional information. An authorized employee of the bureau may inspect a watercraft to determine whether a certificate of title should be issued.~~

~~(2) Reject an application:~~

~~(A) if not satisfied of:~~

~~(i) the application's genuineness, regularity, or legality; or~~

~~(ii) the truth of a statement contained on the application; or~~

~~(B) for any other reason authorized by law.~~

SECTION 395. IC 9-31-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Except as provided in sections 5 and 7 of this chapter, **and in addition to section 4 of this chapter,** a person may not operate or give permission for the operation of a motorboat on the waters of Indiana unless the motorboat is:

(1) registered and numbered under this chapter;

(2) in accordance with applicable federal law; ~~or~~

(3) legally registered in another state; **or**

(4) a boat for which any applicable taxes have been paid under IC 6-6-11.

SECTION 396. IC 9-31-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. Except as provided in sections 5 and 7 of this chapter, **and in addition to section 3 of this chapter,** a motorboat may only be operated on the waters of Indiana if the following conditions are met:

(1) The registration number awarded to the motorboat is in full force and effect.

(2) The identifying number set forth in the certificate of registration is displayed on each side of the bow of the motorboat. However, a motorboat that has a valid marine document issued by the United States Bureau of Customs is not required to display the registration number.

(3) The decals indicating the year and month of expiration of registration and class of boat are attached to the motorboat as provided under IC 6-6-11.

SECTION 397. IC 9-31-3-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15. All records of the bureau made or kept under this chapter are public records and open to inspection by the public and any authorized law enforcement agency of the state.~~

SECTION 398. IC 9-31-3-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 17. (a) The owner of a motorboat, within fifteen (15) days, shall furnish the bureau notice of any of the following:~~

~~(1) The transfer of all or any part of the owner's interest, other than the creation of a security interest in a motorboat registered in Indiana under section 5 or 7 of this chapter.~~

~~(2) The destruction or abandonment of a motorboat.~~

~~(b) Except as provided in subsection (c), a transfer, destruction, or abandonment terminates the certificate of registration for the motorboat.~~

~~(c) If a transfer of a part interest does not affect the owner's right to operate the motorboat, the transfer does not terminate the certificate of registration.~~

SECTION 399. IC 10-11-2-26, AS AMENDED BY P.L.26-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

(1) IC 6-1.1-7-10.

(2) IC 6-6-1.1-1202.

(3) IC 6-6-2.5.

(4) IC 6-6-4.1-12.

(5) IC 8-2.1.

(6) IC 9-18.

(7) IC 9-19.

(8) IC 9-20.

(9) IC 9-21-7-2 through IC 9-21-7-11.

(10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.

(11) IC 9-21-8-45 through IC 9-21-8-48.

(12) IC 9-21-9.

(13) IC 9-21-15.

(14) IC 9-21-21.

(15) IC 9-24-1-1 through ~~IC 9-24-1-2.~~ **IC 9-24-1-1.5.**

(16) IC 9-24-1-7.

(17) Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.

(18) IC 9-24-4.

(19) IC 9-24-5.

(20) IC 9-24-11-4.

(21) IC 9-24-13-3.

(22) IC 9-24-18-1 through IC 9-24-18-2.

(23) IC 9-25-4-3.

(24) IC 9-28-4.

(25) IC 9-28-5.

(26) IC 9-28-6.
(27) IC 9-29-5-11 through IC 9-29-5-13.
(28) IC 9-29-5-42.
(29) IC 9-29-6-1.
(30) IC 10-14-8.
(31) IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
(32) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

SECTION 400. IC 11-12-3.7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Aggravated battery (IC 35-42-2-1.5).
(7) Battery (IC 35-42-2-1) as a Class A felony, Class B felony, or Class C felony.
(8) Kidnapping (IC 35-42-3-2).
(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a Class A felony, Class B felony, or Class C felony.
(10) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A felony or Class B felony.
(11) Incest (IC 35-46-1-3).
(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(14) Carjacking (IC 35-42-5-2).
(15) Assisting a criminal as a Class C felony (IC 35-44-3-2).
(16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
(17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).
(18) Causing death when operating a ~~motor~~ vehicle (IC 9-30-5-5).
(19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
(20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
(24) A violation of IC 35-47.5 (Controlled explosives) as a Class A or Class B felony.
(25) A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.
(26) Any other crimes evidencing a propensity or history of violence.

SECTION 401. IC 14-15-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this chapter, "Indiana driver's license" means:

(1) an operator's license;
(2) a chauffeur's license; or
(3) a public passenger chauffeur's license;

that is issued to an individual by the bureau of motor vehicles under ~~IC 9-24-3.~~ **IC 9-24.**

SECTION 402. IC 20-33-8-33, AS ADDED BY P.L.231-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. Before February 1 and before October 1 of each year, except when a hearing has been requested to determine financial hardship under IC 9-24-2-1(a)(4), a principal shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license or learner's permit, or concerning the ~~invalidation~~ **suspension** of ~~a license or permit~~ **driving privileges** under IC 9-24-2-4.

SECTION 403. IC 27-7-5-2, AS AMENDED BY P.L.116-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except as provided in subsections (d) and (f), the insurer shall make available, in each automobile liability or motor vehicle liability policy of insurance which is delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person and for injury to or destruction of property to others arising from the ownership, maintenance, or use of a motor vehicle, or in a supplement to such a policy, the following types of coverage:

(1) in limits for bodily injury or death and for injury to or destruction of property not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death, and for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured motor vehicles for injury to or destruction of property resulting therefrom; or
(2) in limits for bodily injury or death not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy provisions who are legally entitled to recover damages from owners or operators of

uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death resulting therefrom.

The uninsured and underinsured motorist coverages must be provided by insurers for either a single premium or for separate premiums, in limits at least equal to the limits of liability specified in the bodily injury liability provisions of an insured's policy, unless such coverages have been rejected in writing by the insured. However, underinsured motorist coverage must be made available in limits of not less than fifty thousand dollars ($50,000). At the insurer's option, the bodily injury liability provisions of the insured's policy may be required to be equal to the insured's underinsured motorist coverage. Insurers may not sell or provide underinsured motorist coverage in an amount less than fifty thousand dollars ($50,000). Insurers must make underinsured motorist coverage available to all existing policyholders on the date of the first renewal of existing policies that occurs on or after January 1, 1995, and on any policies newly issued or delivered on or after January 1, 1995. Uninsured motorist coverage or underinsured motorist coverage may be offered by an insurer in an amount exceeding the limits of liability specified in the bodily injury and property damage liability provisions of the insured's policy.

(b) A named insured of an automobile or motor vehicle liability policy has the right, in writing, to:

(1) reject both the uninsured motorist coverage and the underinsured motorist coverage provided for in this section; or

(2) reject either the uninsured motorist coverage alone or the underinsured motorist coverage alone, if the insurer provides the coverage not rejected separately from the coverage rejected.

A rejection of coverage under this subsection by a named insured is a rejection on behalf of all other named insureds, all other insureds, and all other persons entitled to coverage under the policy. No insured may have uninsured motorist property damage liability insurance coverage under this section unless the insured also has uninsured motorist bodily injury liability insurance coverage under this section. Following rejection of either or both uninsured motorist coverage or underinsured motorist coverage, unless later requested in writing, the insurer need not offer uninsured motorist coverage or underinsured motorist coverage in or supplemental to a renewal or replacement policy issued to the same insured by the same insurer or a subsidiary or an affiliate of the originally issuing insurer. Renewals of policies issued or delivered in this state which have undergone interim policy endorsement or amendment do not constitute newly issued or delivered policies for which the insurer is required to provide the coverages described in this section.

(c) A rejection under subsection (b) must specify:

(1) that the named insured is rejecting:

(A) the uninsured motorist coverage;

(B) the underinsured motorist coverage; or

(C) both the uninsured motorist coverage and the underinsured motorist coverage;

that would otherwise be provided under the policy; and

(2) the date on which the rejection is effective.

(d) An insurer is not required to make available the coverage described in subsection (a) in a commercial umbrella or excess liability policy, including a commercial umbrella or excess liability policy that is issued or delivered to a motor carrier (as defined in IC 8-2.1-17-10) that is in compliance with the minimum levels of financial responsibility set forth in 49 CFR Part 387.

(e) A rejection under subsection (b) of uninsured motorist coverage or underinsured motorist coverage in an underlying commercial policy of insurance is also a rejection of uninsured motorist coverage or underinsured motorist coverage in a commercial umbrella or excess liability policy.

(f) An insurer is not required to make available the coverage described in subsection (a) in connection with coverage that:

(1) is related to or included in a commercial policy of property and casualty insurance described in Class 2 or Class 3 of IC 27-1-5-1; and

(2) covers a loss related to a motor vehicle:

(A) of which the insured is not the owner; ~~(as defined in IC 9-13-2-121(a));~~ and

(B) that is used:

(i) by the insured or an agent of the insured; and

(ii) for purposes authorized by the insured.

(g) For purposes of subsection (f), "owner" means:

(1) a person who holds the legal title to a motor vehicle;

(2) a person who rents or leases a motor vehicle and has exclusive use of the motor vehicle for more than thirty (30) days;

(3) the conditional vendee or lessee under an agreement for the conditional sale or lease of a motor vehicle; or

(4) the mortgagor under an agreement for the conditional sale or lease of a motor vehicle under which the mortgagor has:

(A) the right to purchase; and

(B) an immediate right of possession of;

the motor vehicle upon the performance of the conditions stated in the agreement.

SECTION 404. IC 31-37-4-3, AS AMENDED BY P.L.3-2008, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1).

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3).

(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).

(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).

(14) Carjacking (IC 35-42-5-2).

(15) Assisting a criminal as a Class C felony (IC 35-44-3-2).

(16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.

(17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).

(18) Causing death when operating a ~~motor~~ vehicle (IC 9-30-5-5).

(19) Criminal confinement (IC 35-42-3-3) as a Class B felony.

(20) Arson (IC 35-43-1-1) as a Class A or Class B felony.

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).

(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

(24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.

(25) A controlled substances offense under IC 35-48.

(26) A criminal gang offense under IC 35-45-9.

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a), the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

(1) that the child was taken into custody; and

(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

SECTION 405. IC 31-37-19-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17.2. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be a theft or criminal conversion described in IC 35-43-4-8 (fuel theft).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:

(1) suspend the child's ~~operator's license;~~ **driving privileges;** or

(2) invalidate the child's ~~learner's permit;~~ **driving privileges;**

under ~~IC 9-25-6-21~~ **IC 9-30-13-8** in the same manner as the bureau of motor vehicles is required to suspend the driving privileges of a person convicted of fuel theft.

SECTION 406. IC 31-37-19-18, AS AMENDED BY P.L.109-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. If the court orders invalidation or denial of issuance of ~~a driver's license or permit~~ **driving privileges** as described in IC 31-37-5-7 or section 4, 13, 14, 15, 16, 17, or 17.3 of this chapter (or IC 31-6-4-15.9(c), IC 31-6-4-15.9(d), IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before the repeal of IC 31-6-4-15.9):

(1) the bureau of motor vehicles shall comply with the order for invalidation or denial of issuance; and

(2) the child shall surrender to the court all driver's licenses or permits of the child and the court shall immediately forward the licenses or permits to the bureau of motor vehicles.

If a juvenile court recommends suspension of driving privileges under section 17.3 of this chapter, IC 9-30-6-12(b), IC 9-30-6-12(c), IC 9-30-6-12(d), and IC 9-30-6-12(e) apply to the child's driving privileges.

SECTION 407. IC 31-40-2-1.7, AS ADDED BY P.L.2-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.7. (a) A person may pay a monthly probation user's fee under section 1 or 1.5 of this chapter before the date the payment is required to be made without obtaining the prior approval of a court or a probation department. However, if a delinquent child is discharged from probation before the date the delinquent child was scheduled to be released from probation, any monthly probation user's fee paid in advance for the delinquent child may not be refunded.

(b) A probation department may petition a court to:

(1) impose a probation user's fee on a person; or

(2) increase a person's probation user's fee;

under section 1 or 1.5 of this chapter if the financial ability of the person to pay a probation user's fee changes while the person is on probation.

(c) An order to pay a probation user's fee under section 1 or 1.5 of this chapter:

(1) is a judgment lien that:

(A) attaches to the property of the person subject to the order;

(B) may be perfected;

(C) may be enforced to satisfy any payment that is delinquent under section 1 or 1.5 of this chapter; and

(D) expires;

in the same manner as a judgment lien created in a civil proceeding;

(2) is not discharged by the completion of the person's probationary period or other sentence imposed on the person; and

(3) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5.

(d) A delinquent child placed on probation for more than one (1) delinquent act:

(1) may be required to pay more than one (1) initial probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to either the probation department or the clerk of the court.

(e) If a court orders a person to pay a probation user's fee under section 1 or 1.5 of this chapter, the court may garnish the wages, salary, and other income earned by the person to enforce the order.

(f) If:

(1) a person is delinquent in paying the person's probation user's fees required under section 1 or 1.5 of this chapter; and

(2) the person's **driving privileges or** driver's license or permit has been suspended or revoked or the person has never been issued a driver's license or permit;

the court may order the bureau of motor vehicles to not issue a driver's license or permit to the person until the person has paid the person's delinquent probation user's fees.

SECTION 408. IC 32-17-13-1, AS AMENDED BY P.L.36-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this chapter, "nonprobate transfer" means a valid transfer, effective at death, by a transferor:

(1) whose last domicile was in Indiana; and

(2) who immediately before death had the power, acting alone, to prevent transfer of the property by revocation or withdrawal and:

(A) use the property for the benefit of the transferor; or

(B) apply the property to discharge claims against the transferor's probate estate.

(b) The term does not include a transfer at death (other than a transfer to or from the decedent's probate estate) of:

(1) a survivorship interest in a tenancy by the entireties real estate;

(2) a life insurance policy or annuity;

(3) the death proceeds of a life insurance policy or annuity;

(4) an individual retirement account or a similar account or plan; or

(5) benefits under an employee benefit plan.

(c) With respect to a nonprobate transfer involving a multiple party account, a nonprobate transfer occurs if the last domicile of the depositor whose interest is transferred under IC 32-17-11 was in Indiana.

(d) With respect to a motor vehicle or a watercraft, a nonprobate transfer occurs if the transferee obtains a certificate of title in Indiana for:

(1) the motor vehicle under IC 9-17-2-2(b); or

(2) the watercraft as required by ~~IC 9-31-2-16(a)(1)(C).~~ **IC 9-31-2-16(a).**

(e) A transfer on death transfer completed under IC 32-17-14 is a nonprobate transfer.

SECTION 409. IC 32-33-10-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. This chapter may not be construed to repeal, modify, or amend ~~IC 9-22-5-14~~ **IC 9-22-6-1** or ~~IC 9-22-5-15.~~ **IC 9-22-6-2.**

SECTION 410. IC 33-39-1-8, AS AMENDED BY P.L.101-2009, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

(1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

(2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

(A) intoxication; or

(B) the operation of a ~~motor~~ vehicle;

if the offense involving intoxication or the operation of a ~~motor~~ vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

(1) who is arrested for or charged with an offense under:

(A) IC 7.1-5-7-7(a), if the alleged offense occurred while the person was operating a motor vehicle;

(B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;

(C) IC 35-42-2-2(c)(1);

(D) IC 35-42-2-4(b)(1); or

(E) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

(2) who held a probationary license (as defined in ~~IC 9-24-11-3(b) or~~ IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor;

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;

(3) undergo available medical treatment or counseling and remain in a specified facility required for that purpose;

(4) support the person's dependents and meet other family responsibilities;

(5) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

(6) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(7) report to the prosecuting attorney at reasonable times;

(8) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

(9) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(6):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 411. IC 34-24-1-1, AS AMENDED BY SEA 26-2012, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC 35-48-4-5).

(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(viii) Possession of methamphetamine (IC 35-48-4-6.1).

(ix) Dealing in paraphernalia (IC 35-48-4-8.5).

(x) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars ($100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:

(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(E) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a ~~motor~~ vehicle used by a person who operates the ~~motor~~ vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's ~~driver's license is~~ **driving privileges are** suspended in violation of IC 9-24-19-2 through IC 9-24-19-4, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a ~~motor~~ vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a ~~motor~~ vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a ~~motor~~ vehicle to be registered in the name of the person whose ~~motor~~ vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(2) IC 35-48-4-1.1 (dealing in methamphetamine).

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.

(6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Class A felony, Class B felony, or Class C felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid) as a Class C felony.

(e) A ~~motor~~ vehicle operated by a person who is not:

(1) an owner of the ~~motor~~ vehicle; or

(2) the spouse of the person who owns the ~~motor~~ vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 412. IC 34-28-5-1, AS AMENDED BY SEA 26-2012, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this section, "probationary license" refers to a license described in ~~IC 9-24-11-3(b) or~~ IC 9-24-11-3.3(b).

(b) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(c) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(d) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(e) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(f) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

(g) Subsection (h) does not apply to an individual holding a probationary license who is alleged to have committed an infraction under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:

IC 9-19
IC 9-21
IC 9-24
IC 9-25
IC 9-26
IC 9-30-5
IC 9-30-10
IC 9-30-15.

(h) This subsection does not apply to an offense or violation under IC 9-24-6 involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay a fee of seventy dollars ($70) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110);

(5) the agreement is filed in the court in which the action is brought; and

(6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

(i) If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in IC 35-31.5-2-50) instead of paying a monetary judgment for the ordinance violation as described in section 4(e) of this chapter if:

(1) the:

(A) defendant; and

(B) attorney for the municipal corporation;

agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;

(2) the terms of the agreement described in subdivision (1):

(A) include the amount of the judgment the municipal corporation requests that the defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and

(B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

(3) the agreement is filed in the court where the judgment was entered; and

(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection.

SECTION 413. IC 34-30-2-32.5, AS ADDED BY P.L.145-2011, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32.5. (a) This section applies after December 31, 2011.

(b) ~~IC 9-27-6-5(m)~~ **IC 9-27-6-5(h)** (Concerning members of the driver education advisory board).

SECTION 414. IC 35-43-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A conviction for an offense under section 2 of this chapter or section 3 of this chapter that involves exerting unauthorized control over gasoline or motor vehicle fuel:

(1) by operation of a motor vehicle to leave the premises of an establishment at which gasoline or motor vehicle fuel is offered for sale after the gasoline or motor vehicle fuel has been dispensed into the fuel tank of the motor vehicle; and

(2) without payment or authorization of payment by a credit card, debit card, charge card, or similar method of payment;

shall result in the suspension of the driving privileges of the person.

(b) The court imposing **a** sentence for a violation under subsection (a) shall issue an order to the bureau of motor vehicles:

(1) stating that the person has been convicted of an offense under section 2 of this chapter or section 3 of this chapter involving the unauthorized taking of gasoline or motor vehicle fuel; and

(2) ordering the suspension of the person's driving privileges under ~~IC 9-25-6-21.~~ **IC 9-30-13-8.**

The suspension of a person's driving privileges under this section is in addition to other penalties prescribed by IC 35-50-3-2 for a Class A misdemeanor or by IC 35-50-2-7 for a Class D felony.

SECTION 415. IC 35-48-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) If a person is convicted of an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, or conspiracy to commit an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court shall, in addition to any other order the court enters, order that the person's:

(1) ~~operator's~~ **driver's** license be suspended;

(2) existing motor vehicle registrations be suspended; and

(3) ability to register motor vehicles be suspended;

by the bureau of motor vehicles for a period specified by the court of at least six (6) months but not more than two (2) years.

(b) If a person is convicted of an offense described in subsection (a) and the person does not hold ~~an operator's~~ **a driver's** license or a learner's permit, the court shall order that the person may not receive ~~an operator's~~ **a driver's** license or a learner's permit from the bureau of motor vehicles for a period of not less than six (6) months.

SECTION 416. IC 35-50-1-2, AS AMENDED BY P.L.126-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Kidnapping (IC 35-42-3-2).

(8) Rape (IC 35-42-4-1).

(9) Criminal deviate conduct (IC 35-42-4-2).

(10) Child molesting (IC 35-42-4-3).

(11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).

(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).

(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).

(14) Operating a ~~motor~~ vehicle while intoxicated causing death (IC 9-30-5-5).

(15) Operating a ~~motor~~ vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).

(16) Resisting law enforcement as a felony (IC 35-44-3-3).

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

(1) aggravating circumstances in IC 35-38-1-7.1(a); and

(2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the advisory sentence for a felony which is one (1) class of felony higher than the most serious of the felonies for which the person has been convicted.

(d) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(e) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 417. IC 35-51-9-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 9:

IC 9-14-3.5-15 (Concerning bureau of motor vehicles).

IC 9-14-5-9 (Concerning parking placards for persons with physical disabilities).

IC 9-17-2-15 (Concerning certificates of title).

IC 9-17-2-16 (Concerning certificates of title).

IC 9-17-3-3.2 (Concerning certificates of title).

IC 9-17-3-7 (Concerning certificates of title).

IC 9-17-4-6 (Concerning certificates of title).

IC 9-18-2-42 (Concerning motor vehicle registration and license plates).

IC 9-18-2-44 (Concerning motor vehicle registration and license plates).

IC 9-18-2-45 (Concerning motor vehicle registration and license plates).

IC 9-18-4-8 (Concerning motor vehicle registration and license plates).

IC 9-18-8-11 (Concerning motor vehicle registration and license plates).

IC 9-18-8-12 (Concerning motor vehicle registration and license plates).

IC 9-18-8-13 (Concerning motor vehicle registration and license plates).

IC 9-18-8-14 (Concerning motor vehicle registration and license plates).

IC 9-18-8-15 (Concerning motor vehicle registration and license plates).

IC 9-18-13-9 (Concerning motor vehicle registration and license plates).

IC 9-18-22-6 (Concerning motor vehicle registration and license plates).

IC 9-18-26-11 (Concerning motor vehicle registration and license plates).

IC 9-18-26-13 (Concerning motor vehicle registration and license plates).

IC 9-18-27-9 (Concerning motor vehicle registration and license plates).

IC 9-19-9-5 (Concerning motor vehicle equipment).

IC 9-19-10.5-4 (Concerning motor vehicle equipment).

IC 9-19-10.5-5 (Concerning motor vehicle equipment).

IC 9-20-18-4 (Concerning motor vehicle size and weight regulation).

IC 9-21-5-13 (Concerning traffic regulation).

IC 9-21-6-3 (Concerning traffic regulation).

IC 9-21-8-50 (Concerning traffic regulation).

IC 9-21-8-52 (Concerning traffic regulation).

IC 9-21-8-55 (Concerning traffic regulation).

IC 9-21-8-56 (Concerning traffic regulation).

IC 9-21-8-58 (Concerning traffic regulation).

IC 9-21-12-9 (Concerning traffic regulation).

IC 9-21-12-11 (Concerning traffic regulation).

IC 9-22-1-21.5 (Concerning liens for vehicles).

IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap vehicles).

IC 9-22-3-32 (Concerning abandoned, salvaged, and scrap vehicles).

IC 9-22-3-33 (Concerning abandoned, salvaged, and scrap vehicles).

~~IC 9-22-5-17 (Concerning abandoned, salvaged, and scrap vehicles).~~

IC 9-22-6-3 (Concerning mechanic's liens for vehicles).

IC 9-23-6-1 (Concerning vehicle manufacturers, distributors, and dealers).

IC 9-24-1-8 (Concerning driver's licenses).

IC 9-24-6-16 (Concerning driver's licenses).

IC 9-24-6-17 (Concerning driver's licenses).

IC 9-24-11-8 (Concerning driver's licenses).

IC 9-24-15-11 (Concerning driver's licenses).

IC 9-24-16-12 (Concerning driver's licenses).

IC 9-24-16-13 (Concerning driver's licenses).

IC 9-24-18-1 (Concerning driver's licenses).

IC 9-24-18-2 (Concerning driver's licenses).

IC 9-24-18-7 (Concerning driver's licenses).

IC 9-24-19-2 (Concerning driver's licenses).

IC 9-24-19-3 (Concerning driver's licenses).

IC 9-24-19-4 (Concerning driver's licenses).

IC 9-25-6-18 (Concerning financial responsibility).

IC 9-25-8-2 (Concerning financial responsibility).

IC 9-26-1-8 (Concerning accidents and accident reports).

IC 9-26-1-9 (Concerning accidents and accident reports).

IC 9-26-6-4 (Concerning accidents and accident reports).

IC 9-30-4-7 (Concerning licenses and registrations).

IC 9-30-4-8 (Concerning licenses and registrations).

IC 9-30-4-13 (Concerning licenses and registrations).

IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).

IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).

IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).

IC 9-30-5-4 (Concerning operating a vehicle while

intoxicated).
IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).
IC 9-30-6-8.7 (Concerning implied consent).
IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).
IC 9-30-10-16 (Concerning habitual violator of traffic laws).
IC 9-30-10-17 (Concerning habitual violator of traffic laws).
IC 9-30-10-17.5 (Concerning habitual violator of traffic laws).
IC 9-31-2-26 (Concerning watercraft titling and registration).
IC 9-31-2-27 (Concerning watercraft titling and registration).
IC 9-31-2-28 (Concerning watercraft titling and registration).

SECTION 418. [EFFECTIVE JULY 1, 2012] **(a) As used in this SECTION, "bureau" refers to the bureau of motor vehicles created by IC 9-14-1-1.**

(b) As used in this SECTION, "committee" refers to the interim study committee on special group recognition license plates established by this SECTION.

(c) As used in this SECTION, "special group recognition license plate" refers to a license plate that is issued under IC 9-18-25.

(d) There is established the interim study committee on special group recognition license plates.

(e) The committee consists of the following members:

(1) Two (2) members of the majority party of the senate appointed by the president pro tempore of the senate.

(2) Two (2) members of the minority party of the senate appointed by the minority leader of the senate.

(3) Two (2) members of the majority party of the house of representatives appointed by the speaker of the house of representatives.

(4) Two (2) members of the minority party of the house of representatives appointed by the minority leader of the house of representatives.

(5) Two (2) members appointed by the governor, one (1) of whom must have expertise in auditing nonprofit organizations.

(f) The committee shall review policies and procedures concerning the issuance of special group recognition license plates.

(g) The committee shall operate under the rules and guidelines of the legislative council for interim study committees.

(h) Each member of the committee who is not a state employee or is not a member of the general assembly is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the committee who is a state employee but not a member of the general assembly is entitled to the following:

(1) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(2) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the committee who is a member of the general assembly is entitled to the:

(1) per diem;

(2) mileage; and

(3) travel allowances;

paid to legislative members of interim study committees established by the legislative council.

(k) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(l) The committee shall submit a final report to the governor and the legislative council in an electronic format under IC 5-14-6 not later than December 1, 2012.

(m) This SECTION expires December 31, 2012.

SECTION 419. **An emergency is declared for this act**.

(Reference is to ESB 257 as reprinted February 22, 2012.)

Wyss, Chair	Soliday
Arnold	Burton
Senate Conferees	House Conferees

Roll Call 361: yeas 39, nays 11. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 262–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 262 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-2-6-4, AS AMENDED BY P.L.89-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The commission may do any of the following:

(1) Upon a vote of four (4) members, refer any matter within the inspector general's authority to the inspector general for investigation.

(2) Receive and hear any complaint filed with the commission by the inspector general that alleges a violation of:

(A) this chapter;

(B) a rule adopted under this chapter;

(C) IC 4-2-7;

(D) a rule adopted under IC 4-2-7;

(E) IC 4-2-8; or

(F) a rule adopted under IC 4-2-8.

(3) Obtain information and, upon a vote of four (4) members, compel the attendance and testimony of witnesses and the production of pertinent books and papers by a subpoena enforceable by the circuit or superior court of the county where the subpoena is to be issued.

(4) Recommend legislation to the general assembly relating to the conduct and ethics of state officers, employees, special state appointees, and persons who have business relationships with agencies.

(5) Adopt rules under IC 4-22-2 to implement this chapter.

(6) Accept and file information:

(A) voluntarily supplied; and

(B) that exceeds the requirements of this chapter.

(7) Conduct research.

(b) The commission shall do the following:

(1) Act as an advisory body by issuing advisory opinions to interpret this chapter, IC 4-2-7, or the rules adopted under this chapter or IC 4-2-7, upon:

(A) request of:

(i) a state officer or a former state officer;

(ii) an employee or a former employee;

(iii) a person who has or had a business relationship with an agency;

(iv) a special state appointee or former special state appointee; or

(v) the inspector general; or

(B) motion of the commission.

(2) Conduct its proceedings in the following manner:

(A) When a complaint is filed with the commission, the commission may:

(i) reject, without further proceedings, a complaint that the commission considers frivolous or inconsequential;

(ii) reject, without further proceedings, a complaint that the commission is satisfied has been dealt with appropriately by an agency;

(iii) upon the vote of four (4) members, determine that the complaint does not allege facts sufficient to constitute a violation of this chapter or the code of ethics and dismiss the complaint; or

(iv) forward a copy of the complaint to the attorney general, the prosecuting attorney of the county in which the alleged violation occurred, the state board of accounts, a state officer, the appointing authority, or other appropriate person for action, and stay the commission's proceedings pending the other action.

(B) If a complaint is not disposed of under clause (A), a copy of the complaint shall be sent to the person alleged to have committed the violation.

(C) If the complaint is not disposed of under clause (A), the commission may promptly refer the alleged violation for additional investigation by the inspector general. If the commission finds by a majority vote that probable cause exists to support an alleged violation, it shall set a public hearing on the matter. The respondent shall be notified within fifteen (15) days of the commission's determination. Except as provided in this section, the commission's evidence relating to an investigation is confidential.

(D) A complaint filed with the commission is open for public inspection after the commission finds that probable cause exists. However, a complaint filed by the inspector general that contains confidential information under IC 4-2-7-8 may be redacted to exclude the confidential information. Every hearing and other proceeding in which evidence is received by the commission is open to the public. Investigative reports by the inspector general that are not filed with the commission may be kept confidential.

(E) A:

(i) complaint that is filed with; or

(ii) proceeding that is held by;

the commission before the commission has found probable cause is confidential unless the target of the investigation elects to have information disclosed, or the commission elects to respond to public statements by the person who filed the complaint.

(F) The commission may acknowledge:

(i) the existence and scope of an investigation before the finding of probable cause; or

(ii) that the commission did not find probable cause to support an alleged violation.

(G) If a hearing is to be held, the respondent may examine and make copies of all evidence in the commission's possession relating to the charges. At the hearing, the charged party shall be afforded appropriate due process protection consistent with IC 4-21.5, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses.

(H) After the hearing, the commission shall state its findings of fact. If the commission, based on a preponderance of the evidence, finds by a majority vote that the respondent has violated this chapter, IC 4-2-7, IC 4-2-8, or a rule adopted under this chapter, IC 4-2-7, or IC 4-2-8, it shall state its findings in writing in a report, which shall be supported and signed by a majority of the commission members and shall be made public.

(I) If the commission, based on a preponderance of the evidence, finds by a majority vote a violation of this chapter, IC 4-2-7, IC 4-2-8, or a rule adopted under this chapter, IC 4-2-7, or IC 4-2-8, the commission may also take any of the actions provided in section 12 of this chapter.

(J) The report required under clause (H) shall be presented to:

(i) the respondent;

(ii) the appointing authority or state officer of the employee, former employee, or special state appointee;

(iii) the appointing authority or state officer of an agency or office that has a business relationship with the person sanctioned; and

(iv) the governor.

(K) The commission may also forward the report to any of the following:

(i) The prosecuting attorney of each county in which the violation occurred.

(ii) The state board of accounts.

(iii) The state personnel director.

(iv) The attorney general.

(v) A state officer.

(vi) The appointing authority of the state employee or agency that has a business relationship with the person sanctioned.

(vii) Any other appropriate person.

(L) If the commission finds the respondent has not violated a code or statutory provision or a rule adopted under this chapter, IC 4-2-7, or IC 4-2-8, it shall dismiss the charges.

(3) Review all conflict of interest disclosures received by the commission under ~~IC 35-44-1-3,~~ **IC 35-44.1-1-4,** maintain an index of those disclosures, and issue advisory opinions and screening procedures as set forth in section 9 of this chapter.

(c) Notwithstanding IC 5-14-3-4(b)(8)(C), the records of the commission concerning the case of a respondent that are not confidential under IC 5-14-3-4(b)(2)(C) shall be available for inspection and copying in accordance with IC 5-14-3.

SECTION 2. IC 4-2-6-13, AS AMENDED BY P.L.89-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Except as provided in subsection (b), a state officer, an employee, or a special state appointee shall not retaliate or threaten to retaliate against an employee, a former employee, a special state appointee, or a former special state appointee because the employee, former employee, special state appointee, or former special state appointee did any of the following:

(1) Filed a complaint with the commission or the inspector general.

(2) Provided information to the commission or the inspector general.

(3) Testified at a commission proceeding.

(b) A state officer, an employee, or a special state appointee may take appropriate action against an employee who took any of the actions listed in subsection (a) if the employee or special state appointee:

(1) did not act in good faith; or

(2) knowingly or recklessly provided false information or testimony to the commission.

(c) A person who violates this section is subject to action under section 12 of this chapter **and criminal prosecution under IC 35-44.2-1-2.**

~~(d) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. In addition to any criminal penalty imposed under IC 35-50-3, a person who commits a misdemeanor under this section is subject to action under section 12 of this chapter.~~

SECTION 3. IC 4-2-6-14, AS AMENDED BY P.L.222-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) A person may not do any of the following:

(1) Knowingly or intentionally induce or attempt to induce, by threat, coercion, suggestion, or false statement, a witness or informant in a commission proceeding or investigation conducted by the inspector general to do any of the following:

(A) Withhold or unreasonably delay the production of any testimony, information, document, or thing.

(B) Avoid legal process summoning the person to testify or supply evidence.

(C) Fail to appear at a proceeding or investigation to which the person has been summoned.

(D) Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in a commission proceeding or investigation to mislead a commissioner or commission employee.

(2) Alter, damage, or remove a record, document, or thing except as permitted or required by law, with the intent to prevent the record, document, or thing from being produced or used in a commission proceeding or investigation conducted by the inspector general.

(3) Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in a commission proceeding or investigation to mislead a commissioner or commission employee.

(b) A person who ~~knowingly or intentionally~~ violates subsection (a) ~~commits a Class A misdemeanor.~~ **is subject to criminal prosecution under IC 35-44.2-1-3.**

SECTION 4. IC 4-2-7-3, AS AMENDED BY P.L.1-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The inspector general shall do the following:

(1) Initiate, supervise, and coordinate investigations.

(2) Recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government.

(3) Receive complaints alleging the following:

(A) A violation of the code of ethics.

(B) Bribery ~~(IC 35-44-1-1).~~ **(IC 35-44.1-1-2).**

(C) Official misconduct ~~(IC 35-44-1-2).~~ **(IC 35-44.1-1-1).**

(D) Conflict of interest ~~(IC 35-44-1-3).~~ **(IC 35-44.1-1-4).**

(E) Profiteering from public service ~~(IC 35-44-1-7).~~ **(IC 35-44.1-1-5).**

(F) A violation of the executive branch lobbying rules.

(G) A violation of a statute or rule relating to the purchase of goods or services by a current or former employee, state officer, special state appointee, lobbyist, or person who has a business relationship with an agency.

(4) If the inspector general has reasonable cause to believe that a crime has occurred or is occurring, report the suspected crime to:

(A) the governor; and

(B) appropriate state or federal law enforcement agencies and prosecuting authorities having jurisdiction over the matter.

(5) Adopt rules under IC 4-22-2 to implement IC 4-2-6 and this chapter.

(6) Adopt rules under IC 4-22-2 and section 5 of this chapter to implement a code of ethics.

(7) Ensure that every:

(A) employee;

(B) state officer;

(C) special state appointee; and

(D) person who has a business relationship with an agency;

is properly trained in the code of ethics.

(8) Provide advice to an agency on developing, implementing, and enforcing policies and procedures to prevent or reduce the risk of fraudulent or wrongful acts within the agency.

(9) Recommend legislation to the governor and general assembly to strengthen public integrity laws, including the code of ethics for state officers, employees, special state appointees, and persons who have a business relationship with an agency, including whether additional specific state officers, employees, or special state appointees should be required to file a financial disclosure statement under IC 4-2-6-8.

(10) Annually submit a report to the legislative council detailing the inspector general's activities. The report must be in an electronic format under IC 5-14-6.

(11) Prescribe and provide forms for statements required to be filed under IC 4-2-6 or this chapter.

(12) Accept and file information that:

(A) is voluntarily supplied; and

(B) exceeds the requirements of this chapter.

(13) Inspect financial disclosure forms.

(14) Notify persons who fail to file forms required under IC 4-2-6 or this chapter.

(15) Develop a filing, a coding, and an indexing system required by IC 4-2-6 and ~~IC 35-44-1-3.~~ **IC 35-44.1-1.**

(16) Prepare interpretive and educational materials and programs.

SECTION 5. IC 4-2-7-6, AS ADDED BY P.L.222-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) This section applies if the inspector general finds evidence of misfeasance, malfeasance, nonfeasance, misappropriation, fraud, or other misconduct that has resulted in a financial loss to the state or in an unlawful benefit to an individual in the conduct of state business.

(b) If the inspector general finds evidence described in subsection (a), the inspector general shall certify a report of the matter to the attorney general and provide the attorney general with any relevant documents, transcripts, or written statements. Not later than one hundred eighty (180) days after receipt of the report from the inspector general, the attorney general shall do one (1) of the following:

(1) File a civil action (including an action upon a state officer's official bond) to secure for the state the recovery of funds misappropriated, diverted, missing, or unlawfully gained. Upon request of the attorney general, the inspector general shall assist the attorney general in the investigation, preparation, and prosecution of the civil action.

(2) Inform the inspector general that the attorney general does not intend to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. If the attorney general elects not to file a civil action, the attorney general shall return to the inspector general all documents and files initially provided by the inspector general.

(3) Inform the inspector general that the attorney general is diligently investigating the matter and after further investigation may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. However, if more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general, the attorney general loses the authority to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained and shall return to the inspector general all documents and

files initially provided by the inspector general.

(c) If the inspector general has found evidence described in subsection (a) and reported to the attorney general under subsection (b) and:

(1) the attorney general has elected under subsection (b)(2) not to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained; or

(2) under subsection (b)(3) more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general under subsection (b) and the attorney general has not filed a civil action;

the inspector general may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained.

(d) If the inspector general has found evidence described in subsection (a), the inspector general may institute forfeiture proceedings under IC 34-24-2 in a court having jurisdiction in a county where property derived from or realized through the misappropriation, diversion, disappearance, or unlawful gain of state funds may be located, unless a prosecuting attorney has already instituted forfeiture proceedings against that property.

(e) The inspector general may directly institute civil proceedings against a person who has failed to pay civil penalties imposed by the ethics commission under IC 4-2-6-12.

SECTION 6. IC 4-6-2-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. The attorney general has concurrent jurisdiction with the prosecuting attorney in the prosecution of the following:

(1) Actions in which a person is accused of committing, while a member of an unlawful assembly as defined in IC 35-45-1-1, a homicide (IC 35-42-1).

(2) Actions in which a person is accused of assisting a criminal ~~(IC 35-44-3-2~~ **(IC 35-44.1-2-5),** if the person alleged to have been assisted is a person described in subdivision (1). ~~of this section.~~

(3) Actions in which a sheriff is accused of any offense that involves a failure to protect the life of a prisoner in the sheriff's custody.

SECTION 7. IC 4-6-3-2, AS AMENDED BY P.L.111-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The attorney general shall have charge of and direct the prosecution of all civil actions that are brought in the name of the state of Indiana or any state agency.

(b) In no instance under this section shall the state or a state agency be required to file a bond.

(c) This section does not affect the authority of prosecuting attorneys to prosecute civil actions.

(d) This section does not affect the authority of the inspector general to prosecute a civil action under IC 4-2-7-6 for the recovery of **any of the following:**

(1) Funds misappropriated, diverted, missing, or unlawfully gained.

(2) A civil penalty imposed by the state ethics commission under IC 4-2-6-12.

(e) The attorney general may bring an action to collect unpaid registration fees owed by a commercial dog broker or a commercial dog breeder under IC 15-21.

SECTION 8. IC 4-11-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. An officer who recklessly lends to any person a greater amount of funds than he is authorized by law to lend commits a Class B misdemeanor.~~

SECTION 9. IC 4-13-1.2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. A person who **interferes with the ombudsman is subject to criminal prosecution under IC 35-44.2-1-4.**

~~(1) intentionally interferes with or prevents the completion of the work of the ombudsman;~~

~~(2) knowingly offers compensation to the ombudsman in an effort to affect the outcome of an investigation or a potential investigation;~~

~~(3) knowingly or intentionally retaliates against an offender or another person who provides information to the ombudsman; or~~

~~(4) makes threats because of an investigation or potential investigation against the ombudsman, a person who has filed a complaint, or a person who provides information to the ombudsman;~~

~~commits a Class A misdemeanor.~~

SECTION 10. IC 4-13-4.1-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. (a) Neither the commissioner of the department of administration nor any employee of his department may be financially interested or have any personal beneficial interest in the purchase of any printing, lithographing, paper, binding, stationery, printing materials, or office supplies.~~

~~(b) If the commissioner of the department of administration or an employee of his department knowingly, falsely certifies any bill on account of the public printing, lithographing, binding, stationery, printing material, or office supplies, he commits a Class D felony.~~

SECTION 11. IC 4-13-19-11, AS ADDED BY P.L.182-2009(ss), SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. ~~(a)~~ A person who **interferes with the ombudsman is subject to criminal prosecution under IC 35-44.2-1-5.**

~~(1) except as provided in subsection (b), intentionally interferes with or prevents the completion of the work of an ombudsman;~~

~~(2) knowingly offers compensation to an ombudsman in an effort to affect the outcome of an investigation or a potential investigation;~~

~~(3) knowingly or intentionally retaliates against another person who provides information to an ombudsman; or~~

~~(4) knowingly or intentionally threatens an ombudsman, a person who has filed a complaint, or a person who provides information to an ombudsman, because of an investigation~~

~~or potential investigation;~~
~~commits interference with the office of the department of child services ombudsman, a Class A misdemeanor.~~

~~(b) Expungement of records held by the department of child services that occurs by statutory mandate, judicial order or decree, administrative review or process, automatic operation of the Indiana Child Welfare Information System (ICWIS) computer system, or in the normal course of business shall not be considered intentional interference or prevention for the purposes of subsection (a).~~

SECTION 12. IC 4-15-10-4, AS AMENDED BY P.L.222-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Any employee may report in writing the existence of:

(1) a violation of a federal law or regulation;

(2) a violation of a state law or rule;

(3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or

(4) the misuse of public resources;

to a supervisor or to the inspector general.

(b) For having made a report under subsection (a), the employee making the report may not:

(1) be dismissed from employment;

(2) have salary increases or employment related benefits withheld;

(3) be transferred or reassigned;

(4) be denied a promotion the employee otherwise would have received; or

(5) be demoted.

(c) Notwithstanding subsections (a) and (b), an employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal, as determined by the employee's appointing authority, the appointing authority's designee, or the ethics commission. However, any state employee disciplined under this subsection is entitled to process an appeal of the disciplinary action under the procedure as set forth in ~~IC 4-15-2-34 through IC 4-15-2-35.5.~~ **IC 4-15-2.2-42.**

(d) An employer who ~~knowingly or intentionally~~ violates this section ~~commits a Class A misdemeanor.~~ **is subject to criminal prosecution under IC 35-44.2-1-1.**

SECTION 13. IC 4-21.5-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) A person who:

(1) cannot speak or understand the English language or who because of hearing, speaking, or other impairment has difficulty in communicating with other persons; and

(2) is a party or witness in any proceeding under this article;

is entitled to an interpreter to assist the person throughout the proceeding under this article.

(b) The interpreter may be retained by the person or may be appointed by the agency before which the proceeding is pending. If an interpreter is appointed by the agency, the fee for the services of the interpreter shall be set by the agency. The fee shall be paid from any funds available to the agency or be paid in any other manner ordered by the agency.

(c) Any agency may inquire into the qualifications and integrity of any interpreter and may disqualify any person from serving as an interpreter.

(d) Every interpreter for another person in a proceeding shall take the following oath:

Do you affirm, under penalties of perjury, that you will justly, truly, and impartially interpret to _____ the oath about to be administered to him (her), the questions that may be asked him (her), and the answers that he (she) shall give to the questions, relative to the cause now under consideration before this agency?

(e) ~~IC 35-44-2-1~~ **IC 35-44.1-2-1** concerning perjury applies to an interpreter.

SECTION 14. IC 4-33-4.5-1, AS ADDED BY P.L.170-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A gaming agent is vested with full police powers and duties to enforce this article.

(b) A gaming agent may issue a summons for an infraction or a misdemeanor violation if the defendant promises to appear by signing the summons. A defendant who signs a summons issued under this subsection but fails to appear is subject to the penalties provided by ~~IC 35-44-3-6.5.~~ **IC 35-44.1-2-10.** Upon the defendant's failure to appear, the court shall issue a warrant for the arrest of the defendant.

(c) In addition to the powers and duties vested under subsection (a), a gaming agent may act as an officer for the arrest of offenders who violate the laws of Indiana if the gaming agent reasonably believes that a crime has been, is being, or is about to be committed or attempted in the gaming agent's presence.

SECTION 15. IC 5-4-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. The bonds prescribed by IC 5-4-1-18 cover the faithful performance of the duties of the officer or employee, including the duty to comply with ~~IC 35-44-1-2~~ **IC 35-44.1-1-1** and the duty to account properly for all monies and property received by virtue of ~~his~~ **the officer's** position or employment.

SECTION 16. IC 5-10.4-3-16, AS ADDED BY P.L.2-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. A person who recklessly violates

~~(1) IC 21-6.1-3-9 (repealed), IC 21-6.1-3-11 (repealed), IC 21-6.1-3-15 (repealed), or IC 21-6.1-3-18 (repealed), before July 1, 2006; or~~

~~(2) section 10, 12, 14, or 15 of this chapter, after June 30, 2006;~~

~~commits a Class A misdemeanor.~~ **section 10, 12, 14, or 15 of this chapter is subject to criminal prosecution under IC 35-44.2-2-4.**

SECTION 17. IC 5-11-5-1, AS AMENDED BY P.L.176-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Whenever

an examination is made under this article, a report of the examination shall be made. The report must include a list of findings and shall be signed and verified by the examiner making the examination. A finding that is critical of an examined entity must be based upon one (1) of the following:

(1) Failure of the entity to observe a uniform compliance guideline established under IC 5-11-1-24(a).

(2) Failure of the entity to comply with a specific law.

A report that includes a finding that is critical of an examined entity must designate the uniform compliance guideline or the specific law upon which the finding is based. The reports shall immediately be filed with the state examiner, and, after inspection of the report, the state examiner shall immediately file one (1) copy with the officer or person examined, one (1) copy with the auditing department of the municipality examined and reported upon, and one (1) copy in an electronic format under IC 5-14-6 of the reports of examination of state agencies, instrumentalities of the state, and federal funds administered by the state with the legislative services agency, as staff to the general assembly. Upon filing, the report becomes a part of the public records of the office of the state examiner, of the office or the person examined, of the auditing department of the municipality examined and reported upon, and of the legislative services agency, as staff to the general assembly. A report is open to public inspection at all reasonable times after it is filed. If an examination discloses malfeasance, misfeasance, or nonfeasance in office or of any officer or employee, a copy of the report, signed and verified, shall be placed by the state examiner with the attorney general **and the inspector general.** The attorney general shall diligently institute and prosecute civil proceedings against the delinquent officer, or upon the officer's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(b) Before an examination report is signed, verified, and filed as required by subsection (a), the officer or the chief executive officer of the state office, municipality, or entity examined must have an opportunity to review the report and to file with the state examiner a written response to that report. If a written response is filed, it becomes a part of the examination report that is signed, verified, and filed as required by subsection (a).

(c) Except as required by subsections (b) and (d), it is unlawful for any deputy examiner, field examiner, or private examiner, before an examination report is made public as provided by this section, to make any disclosure of the result of any examination of any public account, except to the state examiner or if directed to give publicity to the examination report by the state examiner or by any court. If an examination report shows or discloses the commission of a crime by any person, it is the duty of the state examiner to transmit and present the examination report to the grand jury of the county in which the crime was committed at its first session after the making of the examination report and at any subsequent sessions that may be required. The state examiner shall furnish to the grand jury all evidence at the state examiner's command necessary in the investigation and prosecution of the crime.

(d) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of the public funds was committed by the officer or an employee of the office.

(e) After receiving a preliminary report under subsection (d), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(f) In an action under subsection (e), the attorney general may attach the defendant's property under IC 34-25-2.

(g) A preliminary report under subsection (d) is confidential until the final report under subsection (a) is issued, unless the attorney general institutes an action under subsection (e) on the basis of the preliminary report.

SECTION 18. IC 5-11-6-1, AS AMENDED BY P.L.176-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The state examiner, personally or through the deputy examiners, field examiners, or private examiners, upon the petition of twenty-five (25) interested taxpayers showing that effective local relief has not and cannot be obtained after due effort, shall make the inquiries, tests, examinations, and investigations that may be necessary to determine whether:

(1) any public contract has been regularly and lawfully executed and performed; or

(2) any public work, building, or structure has been or is being performed, built, or constructed in accordance with the terms and provisions of the contract, and in compliance with the plans and specifications, if any.

Upon a written petition of twenty-five (25) taxpayers the state examiner may also require all plans, specifications, and estimates to be submitted to the state examiner for corrections and approval before a contract is awarded.

(b) The state examiner, deputy examiner, and any field examiner, when engaged in making an inquiry, test, examination, or investigation under subsection (a), is entitled to examine and inspect any public records, documents, data, contracts, plans, and specifications contained or found in any public office or other place pertaining or relating to the public contract or public work,

building, or structure. In addition, subpoenas may be issued to witnesses to appear before the examiner in person or to produce books and papers for inspection and examination. The state examiner, deputy, field, and private examiner may administer oaths and examine witnesses under oath either orally or by interrogatories on all matters under examination and investigation. Under order of the state examiner, the examination may be transcribed, with the reasonable expense paid by the municipality in the same manner as the compensation of the field examiner is paid.

(c) The state examiner, the deputy examiner, and a field examiner may enforce attendance and answers to questions and interrogatories, as provided by law, with respect to examinations and investigations made by the state examiner, deputy examiner, field examiner, or private examiner of public offices.

(d) The state examiner, deputy examiner, any field examiner, and any private examiner, when making an examination or investigation under subsection (a), shall examine, inspect, and test the public works, buildings, or structures in the manner that the examiner sees fit to determine whether it is being performed, built, or constructed according to the contract and plans and specifications.

(e) The state examiner shall file a report covering any examination or investigation that discloses:

(1) fraud, collusion, misconduct, or negligence in the letting or the execution of any public contract or in the performance of any of the terms and conditions of any public contract; or

(2) any failure to comply with the terms or conditions of any public contract in the construction of any public work, building, or structure or to perform, build, or construct it according to the plans and specifications, if any, provided in the contract;

that causes loss, injury, waste, or damage to the state, the municipality, taxing or assessment district, other public entity, or to its citizens, if it is enforceable by assessment or taxation.

(f) The report must meet the following requirements:

(1) The report must be made, signed, and verified in quadruplicate by the examiner making the examination.

(2) The report shall be filed promptly with the state examiner.

After inspection of the report, the state examiner shall file a copy of the report promptly with the attorney general **and the inspector general.**

(g) The attorney general shall diligently institute and prosecute civil proceedings against any or all officers, individuals, and persons in the form and manner that the attorney general determines will secure a proper recovery to the state, municipality, taxing or assessment district, or other public entity injured, defrauded, or damaged by the matters in the report. These prosecutions may be made by the attorney general and the recovery may be had, either upon public official bonds, contractors' bonds, surety or other bonds, or upon individual liability, either upon contract or in tort, as the attorney general determines is wise. No action or recovery in any form or manner, or against any party or parties, precludes further or additional action or recovery in any other form or manner or against another party, either concurrently with or later found necessary, to secure complete recovery and restitution with respect to all matters exhibited, set out, or described in the report. The suits may be brought in the name of the state on the relation of the attorney general for the benefit of the state, or the municipality, taxing or assessment district, or other public entity that may be proper. The actions brought against any defendants may be joined, as to parties, form, and causes of action, in the manner that the attorney general decides.

(h) Any report described in this section or a copy duly certified by the state examiner shall be taken and received in any and all courts of this state as prima facie evidence of the facts stated and contained in the reports.

(i) If an examination, investigation, or test is made without a petition being first filed and the examination, investigation, or test shows that the terms of the contract are being complied with, then the expense of the examination, investigation, or test shall be paid by the state upon vouchers approved by the state examiner from funds available for contractual service of the state board of accounts. If such a report shows misfeasance, malfeasance, or nonfeasance in public office or shows that the terms of the plans and specifications under which a contract has been awarded are not being complied with, it is unlawful to make the report public until the report has been certified to the attorney general.

(j) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that all of the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of public funds was committed by the officer or an employee of the office.

(k) After receiving a preliminary report under subsection (j), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(l) In an action under subsection (k), the attorney general may attach the defendant's property under IC 34-25-2.

(m) A preliminary report under subsection (j) is confidential until the final report under subsection (e) is issued, unless the attorney general institutes an action under subsection (k) on the

basis of the preliminary report.

SECTION 19. IC 5-11-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. If any examination or investigation made by the state examiner personally or through a deputy examiner, field examiner, or private examiner under ~~of~~ this chapter or ~~of~~ **under** any other statute discloses:

(1) malfeasance, misfeasance, or nonfeasance in office, or of any officer or employee;

(2) that any public money has been:

(A) unlawfully expended, either by having been expended for a purpose not authorized by law in an amount exceeding that authorized by law, or by having been paid to a person not lawfully entitled to receive it; or

(B) obtained by fraud or in any unlawful manner; or

(3) that any money has been wrongfully withheld from the public treasury;

a duly verified copy of the report shall be submitted by the state examiner to the attorney general, who shall institute and prosecute civil proceedings as provided in section 1 of this chapter, **and to the inspector general.**

SECTION 20. IC 5-11-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A person who ~~knowingly~~ violates section 1 of this chapter ~~commits a Class D felony.~~ **is subject to criminal prosecution under IC 35-44.2-2-3.**

SECTION 21. IC 5-13-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Every public officer who receives or distributes public funds shall:

(1) keep a cashbook into which the public officer shall enter daily, by item, all receipts of public funds; and

(2) balance the cashbook daily to show funds on hand at the close of each day.

(b) The cashbook is a public record and is open to public inspection in accordance with IC 5-14-3.

(c) A person who violates this section is subject to criminal prosecution under IC 35-44.2-2-2.

SECTION 22. IC 5-13-14-3, AS AMENDED BY P.L.107-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A public servant who **violates the depository duties in this article is subject to criminal prosecution under IC 35-44.2-2-1.** ~~knowingly or intentionally:~~

~~(1) fails to deposit public funds; or~~

~~(2) deposits or draws any check or negotiable order of withdrawal against the funds;~~

~~except in the manner prescribed in this article, commits a Class A misdemeanor. However, the offense is a Class D felony if the amount involved is at least seven hundred fifty dollars ($750), and a Class C felony if the amount involved is at least fifty thousand dollars ($50,000).~~ The public servant also is liable upon the public servant's official bond for any loss or damage that ~~may accrue.~~ **accrues.**

SECTION 23. IC 5-13-14-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. A public servant who knowingly or intentionally fails to perform any duty imposed upon the public servant by this article, other than a duty for which a penalty is imposed by section 3 of this chapter, commits a Class B misdemeanor.~~

SECTION 24. IC 5-14-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency, except as provided by IC 4-15-10, who knowingly or intentionally discloses information classified as confidential by state statute, **including information declared confidential under:**

(1) section 4(a) of this chapter; or

(2) section 4(b) of this chapter if the public agency having control of the information declares it to be confidential;

commits a Class A ~~misdemeanor.~~ **infraction.**

(b) A public employee may be disciplined in accordance with the personnel policies of the agency by which the employee is employed if the employee intentionally, knowingly, or recklessly discloses or fails to protect information classified as confidential by state statute.

(c) A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency who unintentionally and unknowingly discloses confidential or erroneous information in response to a request under IC 5-14-3-3(d) or who discloses confidential information in reliance on an advisory opinion by the public access counselor is immune from liability for such a disclosure.

(d) This section does not apply to any provision incorporated into state law from a federal statute.

SECTION 25. IC 5-16-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. A consultant who files a false disclosure under this chapter is subject to the penalties for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.**

SECTION 26. IC 5-17-1-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. A person making any such bid, offer, proposal, estimate or contract to sell or lease, who knowingly violates this chapter commits a Class D felony and may not be a party to or benefit from any contract with a public body in the state for two (2) years from the date of his conviction.~~

SECTION 27. IC 5-17-1-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. Any person, officer, board, commissioner, department commission or purchasing agent who knowingly violates any of the terms of this chapter commits a Class D felony.~~

SECTION 28. IC 7.1-2-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) An enforcement officer is vested with full police powers and duties to enforce:

(1) the provisions of this title;

(2) any other law of this state relating to alcohol or alcoholic beverages; and

(3) tobacco laws, including tobacco vending machines.

(b) An enforcement officer may issue a summons for infraction or misdemeanor violations if the defendant promises to appear by signing the summons. A defendant who fails to appear is subject to the penalties provided by ~~IC 35-44-3-6.5.~~ **IC 35-44.1-2-10.** Upon failure to appear, the court shall issue a warrant for the arrest of the defendant.

(c) In addition to the authority of an enforcement officer under subsection (a), an enforcement officer may act as an officer for the arrest of offenders against the laws of this state if the enforcement officer reasonably believes that a crime is or is about to be committed or attempted in the enforcement officer's presence.

SECTION 29. IC 9-30-4-6, AS AMENDED BY P.L.100-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Whenever the bureau suspends or revokes the current driver's license upon receiving a record of the conviction of a person for any offense under the motor vehicle laws not enumerated under subsection (b), the bureau may also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. However, the bureau may not suspend the evidence of registration, unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.

(b) The bureau shall suspend or revoke without notice or hearing the current driver's license and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

(3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.

(4) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(5) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars ($200).

(6) Possession, distribution, manufacture, cultivation, transfer, use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.

(c) The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in ~~subsections~~ **subsection** (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property damage is less than two hundred dollars ($200), the bureau may determine whether the driver's license and certificates of registration and license plates shall be suspended or revoked. The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in subdivisions (2), (3), (4), and (5), and subject to section 6.5 of this chapter, for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's license is suspended or revoked under subsection (b)(6).

(2) Subject to section 6.5 of this chapter, upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or reinstated license may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other

applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(3) Subject to section 6.5 of this chapter, for the period ordered by a court under IC 35-48-4-15.

(4) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under ~~IC 35-44-3-3(b)~~ **IC 35-44.1-3-1(b)** and the person:

(A) exceeded the speed limit by at least twenty (20) miles per hour;

(B) committed criminal recklessness with a vehicle (IC 35-42-2-2); or

(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b));

while committing the felony, for one (1) year after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the one (1) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.

(5) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under ~~IC 35-44-3-3(b),~~ **IC 35-44.1-3-1(b),** the person:

(A) exceeded the speed limit by at least twenty (20) miles per hour;

(B) committed criminal recklessness with a vehicle (IC 35-42-2-2); or

(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b);

while committing the felony, and the person has a prior unrelated conviction for a felony under ~~IC 35-44-3-3(b),~~ **IC 35-44.1-3-1(b),** for two (2) years after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the two (2) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

(1) A conviction upon a plea of guilty.

(2) A determination of guilt by a jury or court, even if:

(A) no sentence is imposed; or

(B) a sentence is suspended.

(3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under IC 9-25-6-8 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the bureau under this section or IC 9-25-6-8 may file a petition for a court review.

SECTION 30. IC 10-16-19-1, AS AMENDED BY SEA 26-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This section does not apply to an employee of the state subject to IC 4-15-10-8.

(b) This section applies to an employee of a political subdivision who:

(1) is a member of the civil air patrol; and

(2) has notified the employee's employer in writing that the employee is a member of the civil air patrol.

(c) A political subdivision employer may not discipline an employee:

(1) for being absent from employment by reason of engaging in an emergency service operation that began before the time that the employee was to report to employment; or

(2) for leaving the employee's duty station to engage in an emergency service operation if the emergency service operation began after the employee had reported for work and the employee secured authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation.

(d) A political subdivision employer may require an employee who has been absent from employment as set forth in subsection (c)(1) or (c)(2) to present a written statement from the commander or other officer in charge of the civil air patrol at the time of the absence indicating that the employee was engaged in an emergency service operation at the time of the absence.

(e) An employee who is disciplined by the employee's employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

(1) Payment of back wages.

(2) Reinstatement to the employee's former position.

(3) Fringe benefits wrongly denied or withdrawn.

(4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action.

(f) A public servant (as defined in IC 35-31.5-2-261) who permits or authorizes an employee of a political subdivision under the supervision of the public servant to be absent from employment as set forth in subsection (c) is not considered to have committed a violation of ~~IC 35-44-2-4(b).~~ **IC 35-44.1-1-3(b).**

SECTION 31. IC 11-12-3.7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1) as a Class A felony, Class B felony, or Class C felony.

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a Class A felony, Class B felony, or Class C felony.

(10) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A felony or Class B felony.

(11) Incest (IC 35-46-1-3).

(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).

(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).

(14) Carjacking (IC 35-42-5-2).

(15) Assisting a criminal as a Class C felony ~~(IC 35-44-3-2).~~ **(IC 35-44.1-2-5).**

(16) Escape ~~(IC 35-44-3-5)~~ **(IC 35-44.1-3-4)** as a Class B felony or Class C felony.

(17) Trafficking with an inmate as a Class C felony ~~(IC 35-44-3-9).~~ **(IC 35-44.1-3-5).**

(18) Causing death when operating a motor vehicle (IC 9-30-5-5).

(19) Criminal confinement (IC 35-42-3-3) as a Class B felony.

(20) Arson (IC 35-43-1-1) as a Class A or Class B felony.

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).

(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

(24) A violation of IC 35-47.5 (Controlled explosives) as a Class A or Class B felony.

(25) A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.

(26) Any other crimes evidencing a propensity or history of violence.

SECTION 32. IC 13-18-10-1.4, AS ADDED BY P.L.127-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.4. (a) Subject to subsection (b), an application for approval under section 1 of this chapter must include for each responsible party the disclosure statement referred to in subsection (c) if either or both of the following apply:

(1) State or federal officials at any time alleged that the responsible party committed acts or omissions that constituted a material violation of state or federal environmental law.

(2) Foreign officials at any time alleged that the responsible party committed acts or omissions that:

(A) constituted a material violation of foreign environmental law; and

(B) would have constituted a material violation of state or federal environmental law if the act or omission had occurred in the United States.

(b) Subsection (a):

(1) applies only if the acts or omissions alleged under subsection (a)(1) or (a)(2) presented a substantial endangerment to human health or the environment; and

(2) does not apply to a renewal of an approval under section 1 of this chapter that does not involve construction or expansion as described in section 1 of this chapter.

(c) A responsible party referred to in subsection (a) must make reasonable efforts to provide complete and accurate information to the department in a disclosure statement that includes the following:

(1) The name and business address of the responsible party.

(2) A description of the responsible party's experience in managing the environmental aspects of the type of facility that will be managed under the permit.

(3) A description of all pending administrative, civil, or criminal enforcement actions filed in the United States against the responsible party alleging any acts or omissions that:

(A) constitute a material violation of state or federal environmental law; and

(B) present a substantial endangerment to human health or the environment.

(4) A description of all pending administrative, civil, or criminal enforcement actions filed in a foreign country against the responsible party alleging any acts or omissions that:

(A) constitute a material violation of foreign environmental law;

(B) would have constituted a material violation of state or federal environmental law if the act or omission on which the action is based had occurred in the United States; and

(C) present a substantial endangerment to human health or the environment.

(5) A description of all finally adjudicated or settled administrative, civil, or criminal enforcement actions in the United States resolved against the responsible party within the five (5) years that immediately precede the date of the application involving acts or omissions that:

(A) constitute a material violation of federal or state environmental law; and

(B) present a substantial endangerment to human health or the environment.

(6) A description of all finally adjudicated or settled administrative, civil, or criminal enforcement actions in a foreign country resolved against the responsible party within the five (5) years that immediately precede the date of the application involving acts or omissions that:

(A) constitute a material violation of foreign environmental law;

(B) would have constituted a material violation of state or federal environmental law if the act or omission on which the action is based had occurred in the United States; and

(C) present a substantial endangerment to human health or the environment.

(7) Identification of all state, federal, or foreign environmental permits:

(A) applied for by the responsible party that were denied; or

(B) previously held by the responsible party that were revoked.

(d) A disclosure statement submitted under subsection (c):

(1) must be executed under oath or affirmation; and

(2) is subject to the penalty for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.**

(e) The department may investigate and verify the information set forth in a disclosure statement submitted under this section.

SECTION 33. IC 13-19-4-3, AS AMENDED BY P.L.114-2008, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) In a disclosure statement required by section 2 of this chapter, the applicant or responsible party shall set forth the following information:

(1) The name and business address of the applicant or responsible party.

(2) A description of the applicant's or responsible party's experience in managing the type of waste that will be managed under the permit.

(3) A description of all civil and administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that:

(A) have resulted in a fine or penalty of more than ten thousand dollars ($10,000) within five (5) years before the date of the submission of the application; or

(B) allege an act or omission that:

(i) constitutes a material violation of the state or federal environmental protection law; and

(ii) presented a substantial endangerment to the public health or the environment.

(4) A description of all pending criminal complaints alleging the violation of any state or federal environmental protection law that have been filed against the applicant or responsible party within five (5) years before the date of submission of the application.

(5) A description of all judgments of criminal conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental protection law.

(6) A description of all judgments of criminal conviction of a felony constituting a crime of moral turpitude under the laws of any state or the United States that are entered against the applicant or responsible party within five (5) years before the date of submission of the application.

(7) The location of all facilities at which the applicant or responsible party manages the type of waste that would be managed under the permit to which the application refers.

(b) A disclosure statement submitted under section 2(1) of this chapter:

(1) must be executed under oath or affirmation; and

(2) is subject to the penalty for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.**

SECTION 34. IC 13-20-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. Before an original permit for the construction or operation of a landfill may be granted, the applicant or a person authorized to act for the applicant under this section must submit a statement in which the applicant or authorized person swears or affirms, subject to the penalty for perjury set forth in ~~IC 35-44-2-1,~~ **IC 35-44.1-2-1,** that, to the best of the applicant's or authorized person's knowledge, there are no unsatisfied and nonappealable judgments requiring the payment of money by the applicant.

SECTION 35. IC 14-34-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) An employee of the department who has a duty under this article may not have a direct or an indirect financial interest in a surface coal mining operation.

(b) In addition to the filings required under ~~IC 35-44-1,~~ **IC 35-44.1,** each member of the commission shall file annually with the director a statement of employment and financial interest on a form prescribed by the department.

(c) A member of the commission may not participate in a proceeding that may affect the member's direct or indirect financial interests.

(d) A person who knowingly violates this section commits a Class A misdemeanor.

SECTION 36. IC 16-19-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The state health commissioner is governed in the performance of the state health commissioner's official duties by IC 4-2-6 and ~~IC 35-44-1-3~~ **IC 35-44.1-1-4** concerning ethics and conflict of interest.

(b) To learn professional skills and to become familiar with new developments in the field of medicine, the state health commissioner may, in an individual capacity as a licensed physician and not in an official capacity as state health commissioner, engage in the practice of medicine if the practice of medicine does not interfere with the performance of the state

health commissioner's duties as state health commissioner.

SECTION 37. IC 20-25-3-3, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A member of the board must:

(1) be a resident voter of the school city; and

(2) have been a resident of the school city for at least one (1) year immediately preceding the member's election.

(b) A board member may not:

(1) serve in an elective or appointive office under the board or under the government of the civil city while serving on the board; or

(2) knowingly have a pecuniary interest as described in ~~IC 35-44-1-3(g)~~ **IC 35-44.1-1-4** in a contract or purchase with the school city in which the member is elected.

If, at any time after a member is elected to the board, the board member knowingly acquires a pecuniary interest in a contract or purchase with the school city, the member is disqualified to continue as a member of the board, and a vacancy in the office is created.

(c) Each member of the board shall, before assuming the duties of office, take an oath, before a person qualified to administer oaths, that:

(1) the member possesses all the qualifications required by this chapter for membership on the board;

(2) the member will honestly and faithfully discharge the duties of office;

(3) the member will not, while serving as a member of the board, become interested, directly or indirectly, in any contract with or claim against the school city, except as authorized by law; ~~and~~

(4) in the performance of official duties as a member of the board, including the selection of the board's officers, agents, and employees, the member will not be influenced by any consideration of politics or religion; and

(5) the member will be controlled in the selection of officers, agents, and employees only by considerations of merit, fitness, and qualification.

(d) Board members are entitled to receive compensation not to exceed the amount allowed under ~~IC 20-26-4-6~~ **IC 20-26-4-7** and a per diem not to exceed the rate approved for members of the city-county council established under IC 36-3-4 for attendance at each regular and committee meeting as determined by the board.

SECTION 38. IC 21-9-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. Notwithstanding any other law, it is not a conflict of interest or violation of any other law for a person to serve as a member of the authority. However, a member shall disclose a conflict of interest relating to actions of the authority as required and in a manner provided by ~~IC 35-44-1-3.~~ **IC 35-44.1-1-4.**

SECTION 39. IC 23-2-5-11, AS AMENDED BY P.L.114-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The commissioner may do the following:

(1) Adopt rules under IC 4-22-2 to implement this chapter.

(2) Make investigations and examinations:

(A) in connection with any application for licensure under this chapter or with any license already granted; or

(B) whenever it appears to the commissioner, upon the basis of a complaint or information, that reasonable grounds exist for the belief that an investigation or examination is necessary or advisable for the more complete protection of the interests of the public.

(3) Charge as costs of investigation or examination all reasonable expenses, including a per diem prorated upon the salary of the commissioner or employee and actual traveling and hotel expenses. All reasonable expenses are to be paid by the party or parties under investigation or examination if the party has violated this chapter.

(4) Issue notices and orders, including cease and desist notices and orders, after making an investigation or examination under subdivision (2). The commissioner shall notify the person that an order or notice has been issued, the reasons for it, and that a hearing will be set not later than fifteen (15) business days after the commissioner receives a written request from the person requesting a hearing if the original order issued by the commissioner was a summary suspension, summary revocation, or denial of a license and not later than forty-five (45) business days after the commissioner receives a written request from the person requesting a hearing for all other orders.

(5) Sign all orders, official certifications, documents, or papers issued under this chapter or delegate the authority to sign any of those items to a deputy.

(6) Hold and conduct hearings.

(7) Hear evidence.

(8) Conduct inquiries with or without hearings.

(9) Receive reports of investigators or other officers or employees of the state of Indiana or of any municipal corporation or governmental subdivision within the state.

(10) Administer oaths, or cause them to be administered.

(11) Subpoena witnesses, and compel them to attend and testify.

(12) Compel the production of books, records, and other documents.

(13) Order depositions to be taken of any witness residing within or without the state. The depositions shall be taken in the manner prescribed by law for depositions in civil actions and made returnable to the commissioner.

(14) Order that each witness appearing under the commissioner's order to testify before the commissioner shall receive the fees and mileage allowances provided for witnesses in civil cases.

(15) Provide interpretive opinions or issue determinations that the commissioner will not institute a proceeding or an action under this chapter against a specified person for engaging in a specified act, practice, or course of business

if the determination is consistent with this chapter. The commissioner may adopt rules to establish fees for individuals requesting an interpretive opinion or a determination under this subdivision. A person may not request an interpretive opinion or a determination concerning an activity that:

(A) occurred before; or

(B) is occurring on;

the date the opinion or determination is requested.

(16) Subject to subsection (f), designate a multistate automated licensing system and repository, established and operated by a third party, to serve as the sole entity responsible for:

(A) processing applications for:

(i) licenses under this chapter; and

(ii) renewals of licenses under this chapter; and

(B) performing other services that the commissioner determines are necessary for the orderly administration of the division's licensing system.

A multistate automated licensing system and repository described in this subdivision may include the Nationwide Mortgage Licensing System and Registry established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. The commissioner may take any action necessary to allow the division to participate in a multistate automated licensing system and repository.

(b) If a witness, in any hearing, inquiry, or investigation conducted under this chapter, refuses to answer any question or produce any item, the commissioner may file a written petition with the circuit or superior court in the county where the hearing, investigation, or inquiry in question is being conducted requesting a hearing on the refusal. The court shall hold a hearing to determine if the witness may refuse to answer the question or produce the item. If the court determines that the witness, based upon the witness's privilege against self-incrimination, may properly refuse to answer or produce an item, the commissioner may make a written request that the court grant use immunity to the witness. Upon written request of the commissioner, the court shall grant use immunity to a witness. The court shall instruct the witness, by written order or in open court, that:

(1) any evidence the witness gives, or evidence derived from that evidence, may not be used in any criminal proceedings against that witness, unless the evidence is volunteered by the witness or is not responsive to a question; and

(2) the witness must answer the questions asked and produce the items requested.

A grant of use immunity does not prohibit evidence that the witness gives in a hearing, investigation, or inquiry from being used in a prosecution for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.** If a witness refuses to give the evidence after the witness has been granted use immunity, the court may find the witness in contempt.

(c) In any prosecution, action, suit, or proceeding based upon or arising out of this chapter, the commissioner may sign a certificate showing compliance or noncompliance with this chapter by any person. This shall constitute prima facie evidence of compliance or noncompliance with this chapter and shall be admissible in evidence in any action at law or in equity to enforce this chapter.

(d) If:

(1) a person disobeys any lawful:

(A) subpoena issued under this chapter; or

(B) order or demand requiring the production of any books, accounts, papers, records, documents, or other evidence or information as provided in this chapter; or

(2) a witness refuses to:

(A) appear when subpoenaed;

(B) testify to any matter about which the witness may be lawfully interrogated; or

(C) take or subscribe to any oath required by this chapter;

the circuit or superior court of the county in which the hearing, inquiry, or investigation in question is held, if demand is made or if, upon written petition, the production is ordered to be made, or the commissioner or a hearing officer appointed by the commissioner, shall compel compliance with the lawful requirements of the subpoena, order, or demand, compel the production of the necessary or required books, papers, records, documents, and other evidence and information, and compel any witness to attend in any Indiana county and to testify to any matter about which the witness may lawfully be interrogated, and to take or subscribe to any oath required.

(e) If a person fails, refuses, or neglects to comply with a court order under this section, the person shall be punished for contempt of court.

(f) The commissioner's authority to designate a multistate automated licensing system and repository under subsection (a)(16) is subject to the following:

(1) The commissioner may not require any person that is not required to be licensed under this chapter, or any employee or agent of a person that is not required to be licensed under this chapter, to:

(A) submit information to; or

(B) participate in;

the multistate automated licensing system and repository.

(2) The commissioner may require a person required under this chapter to submit information to the multistate automated licensing system and repository to pay a processing fee considered reasonable by the commissioner.

SECTION 40. IC 23-19-6-2, AS ADDED BY P.L.27-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The commissioner may:

(1) conduct public or private investigations within or outside this state which the commissioner considers necessary or appropriate to determine whether a person has

violated, is violating, or is about to violate this article or a rule adopted or order issued under this article, or to aid in the enforcement of this article or in the adoption of rules and forms under this article;

(2) require or permit a person to testify, file a statement, or produce a record, under oath or otherwise as the commissioner determines, as to all the facts and circumstances concerning a matter to be investigated or about which an action or proceeding is to be instituted; and

(3) publish a record concerning an action, proceeding, or an investigation under, or a violation of, this article or a rule adopted or order issued under this article if the commissioner determines it is necessary or appropriate in the public interest and for the protection of investors.

(b) For the purpose of an investigation under this article, the commissioner or the commissioner's designated officer may administer oaths and affirmations, subpoena witnesses, seek compulsion of attendance, take evidence, require the filing of statements, and require the production of any records that the commissioner considers relevant or material to the investigation. Upon order of the commissioner or a hearing officer appointed by the commissioner in any hearing, depositions may be taken in the manner prescribed by law for depositions in civil actions and made returnable to the commissioner or a hearing officer appointed by the commissioner.

(c) If a person does not appear or refuses to testify, file a statement, or produce records, or otherwise does not obey a subpoena as required by this article, the commissioner or hearing officer appointed by the commissioner may apply to the circuit or superior court in the county where the hearing, investigation, or inquiry in question is being conducted to enforce compliance. The court may:

(1) hold the person in contempt;

(2) order the person to appear before the commissioner or hearing officer appointed by the commissioner;

(3) order the person to testify about the matter under investigation or in question;

(4) order the production of records;

(5) grant injunctive relief, including restricting or prohibiting the offer or sale of securities or the providing of investment advice;

(6) impose a civil penalty of not more than twenty thousand dollars ($20,000) for each violation; and

(7) grant any other necessary or appropriate relief.

(d) This section does not preclude a person from applying to the circuit or superior court in the county where the hearing, investigation, or inquiry in question is being conducted for relief from a request to appear, testify, file a statement, produce records, or obey a subpoena.

(e) If a witness, in any hearing, inquiry, or investigation conducted under this article, refuses to answer any question or produce any item, the commissioner may file a written petition with the circuit or superior court in the county where the hearing, investigation, or inquiry in question is being conducted requesting a hearing on the refusal. The court shall hold a hearing to determine if the witness may refuse to answer the question or produce the item. If the court determines that the witness, based upon the witness's privilege against self-incrimination, may properly refuse to answer or produce an item, the commissioner may make a written request that the court grant use immunity to the witness. Upon written request of the commissioner, the court shall grant use immunity to a witness. The court shall instruct the witness, by written order or in open court, that:

(1) any evidence the witness gives, or evidence derived from that evidence, may not be used in any criminal proceedings against that witness, unless the evidence is volunteered by the witness or is not responsive to a question; and

(2) the witness must answer the questions asked and produce the items requested. A grant of use immunity does not prohibit the use of evidence that the witness gives in a hearing, investigation, or inquiry from being used in a prosecution for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.** If a witness refuses to give the evidence after the witness has been granted use immunity, the court may find the witness in contempt.

(f) At the request of the securities regulator of another state or a foreign jurisdiction, the commissioner may provide assistance if the requesting regulator states that it is conducting an investigation to determine whether a person has violated, is violating, or is about to violate a law or rule of the other state or foreign jurisdiction relating to securities matters that the requesting regulator administers or enforces. The commissioner may provide the assistance by using the authority to investigate and the powers conferred by this section as the commissioner determines is necessary or appropriate. The assistance may be provided without regard to whether the conduct described in the request would also constitute a violation of this article or other law of this state if occurring in this state. In deciding whether to provide the assistance, the commissioner may consider whether the requesting regulator is permitted and has agreed to provide assistance reciprocally within its state or foreign jurisdiction to the commissioner on securities matters when requested; whether compliance with the request would violate or prejudice the public policy of this state; and the availability of resources and employees of the commissioner to carry out the request for assistance.

(g) In any prosecution, action, suit, or proceeding based upon or arising out of or under the provisions of this article, a certificate duly signed by the commissioner showing compliance or noncompliance with the provisions of this article, respecting the security in question or respecting compliance or noncompliance of this article, by any issuer, broker-dealer, investment advisor, or agent, shall constitute prima facie evidence of compliance or noncompliance with the provisions of this article, as the case may be, and shall be admissible in evidence in any action at law or in equity to enforce this article.

(h) Each witness who shall appear before the commissioner or a hearing officer appointed by the commissioner by order shall receive for the witness's attendance the fees and mileage provided for witnesses in civil cases, which shall be audited and paid by the state in the same manner as other expenses of the securities division are audited and paid upon the presentation of proper vouchers sworn to by the witnesses and approved by the commissioner. However, no witnesses subpoenaed at the instance of parties other than the commissioner or a hearing officer appointed by the commissioner shall be entitled to any fee or compensation from the state.

SECTION 41. IC 25-36.5-1-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. (a) A timber buyer who intends to cease doing business as a timber buyer in Indiana and who seeks the return of a deposit of cash or a certificate of deposit that the timber buyer submitted to the department under section 3(b) of this chapter must submit the following to the department:

(1) A written request for the return of the cash or certificate of deposit.

(2) An affidavit meeting the requirements set forth in subsection (b).

(b) To obtain the return of a deposit of cash or a certificate of deposit under this section, a timber buyer must execute an affidavit stating under the penalty for perjury set forth in ~~IC 35-44-2-1~~ **IC 35-44.1-2-1** that the timber buyer:

(1) has ceased doing business as a timber buyer in Indiana;

(2) will not resume business as a timber buyer in Indiana after the date of the affidavit without filing a surety bond or submitting a new deposit of cash or certificate of deposit to the department;

(3) has not purchased, taken, or cut any timber for which the timber grower has not been paid; and

(4) is not a party to an executory contract for the purchase of timber under which the timber buyer has one (1) or more duties that have not been performed.

(c) Upon receiving a written request described in subsection (a)(1) and an affidavit meeting the requirements of subsection (b), the department shall publish a notice of the request in at least one (1) publication commonly read by persons active in forestry in Indiana. The notice must do the following:

(1) Identify the timber buyer requesting the release of the cash or certificate of deposit.

(2) Indicate the date of the request.

(3) State that the cash or certificate of deposit will be released to the timber buyer on a particular date, which must be at least sixty (60) days after the date of publication of the notice, unless the department is informed of a reason why the cash or certificate of deposit should not be released.

(d) On the date set forth under subsection (c)(3) in the notice given by the department, the department shall return the cash or certificate of deposit to the timber buyer unless the department has obtained information indicating that a statement set forth in the timber buyer's affidavit is false.

SECTION 42. IC 31-37-4-3, AS AMENDED BY P.L.3-2008, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1).

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3).

(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).

(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).

(14) Carjacking (IC 35-42-5-2).

(15) Assisting a criminal as a Class C felony ~~(IC 35-44-3-2).~~ **(IC 35-44.1-2-5).**

(16) Escape ~~(IC 35-44-3-5)~~ **(IC 35-44.1-3-4)** as a Class B felony or Class C felony.

(17) Trafficking with an inmate as a Class C felony ~~(IC 35-44-3-9).~~ **(IC 35-44.1-3-5).**

(18) Causing death when operating a motor vehicle (IC 9-30-5-5).

(19) Criminal confinement (IC 35-42-3-3) as a Class B felony.

(20) Arson (IC 35-43-1-1) as a Class A or Class B felony.

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).

(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

(24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.

(25) A controlled substances offense under IC 35-48.

(26) A criminal gang offense under IC 35-45-9.

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a), the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

(1) that the child was taken into custody; and

(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

SECTION 43. IC 34-28-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. A person who is dismissed from employment in violation of ~~IC 35-44-3-10~~ **IC 35-44.1-2-11** may bring a civil action, within ninety (90) days of the dismissal, against the employer who dismissed the person:

(1) to recover the wages the person lost as a result of the dismissal; and

(2) to obtain an order requiring reinstatement by the employer.

If the person obtains a judgment against the employer, the court shall award a reasonable attorney's fee to the person's attorney.

SECTION 44. IC 34-46-2-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32. ~~IC 35-44-3-4~~ **IC 35-44.1-2-2** (Concerning inapplicability of obstruction of justice provisions for persons who qualify for certain privileges).

SECTION 45. IC 35-31.5-2-38, AS ADDED BY SEA 26-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 38. "Child", for purposes of IC 35-47-10 **and IC 35-44.1-5-5**, has the meaning set forth in IC 35-47-10-3.

SECTION 46. IC 35-31.5-2-91, AS ADDED BY SEA 26-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 91. "Designated offense", for purposes of IC 35-33.5, means the following:

(1) A Class A, Class B, or Class C felony that is a controlled substance offense (IC 35-48-4).

(2) Murder (IC 35-42-1-1).

(3) Kidnapping (IC 35-42-3-2).

(4) Criminal confinement (IC 35-42-3-3).

(5) Robbery (IC 35-42-5-1).

(6) Arson (IC 35-43-1-1).

(7) Child solicitation (IC 35-42-4-6).

(8) Human and sexual trafficking crimes under IC 35-42-3.5.

(9) Escape as a Class B felony or Class C felony ~~(IC 35-44-3-5).~~ **(IC 35-44.1-3-4).**

(10) An offense that relates to a weapon of mass destruction (as defined in section 354 of this chapter).

(11) An attempt or conspiracy to commit an offense described in subdivisions (1) through (10).

(12) An offense under the law of the United States or in another state or country that is substantially similar to an offense described in subdivisions (1) through (11).

SECTION 47. IC 35-34-1-2.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.4. (a) If an indictment, information, pleading, motion, petition, probable cause affidavit, or other document is required to be verified or sworn under oath before it is submitted to the court in a criminal action, the document meets the requirements of the law as a sworn document if the following form or a substantially similar form is used:

I swear (affirm), under penalty of perjury as specified by ~~IC 35-44-2-1,~~ **IC 35-44.1-2-1,** that the foregoing (the following) representations are true.

Signed _____

(b) If a document complies with subsection (a), the swearing or affirming need not be done before a notary or other officer empowered to administer oaths.

(c) A person who makes a false affirmation or verification under this section may be prosecuted under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.**

SECTION 48. IC 35-34-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Upon request by the prosecuting attorney, the court shall grant use immunity to a witness before the grand jury. The court shall instruct the witness by written order or in open court that any evidence the witness gives before the grand jury, or evidence derived from that evidence, may not be used in any criminal prosecution against that witness, unless the evidence is volunteered by the witness or is not responsive to a question by the grand jury or the prosecutor. The court shall then instruct the witness that ~~he~~ **the witness** must answer the questions asked and produce the items requested.

(b) A grant of use immunity does not prohibit the use of evidence the witness gives in a prosecution for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.**

(c) If a witness refuses to give evidence after ~~he~~ **the witness** has been granted use immunity, ~~he~~ **the witness** shall be brought before the court and the court shall proceed as if the witness had refused in open court.

SECTION 49. IC 35-37-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Upon request of the prosecuting attorney, the court shall grant use immunity to a witness. The court shall instruct the witness, by written order or in open court, that any evidence the witness gives, or evidence derived from that evidence, may not be used in any criminal proceeding against that witness, unless the evidence is volunteered by the witness or is not responsive to a question by the prosecuting attorney. The court shall instruct the witness that ~~he~~ **the witness** must answer the questions asked and produce the items requested.

(b) A grant of use immunity does not prohibit the use of evidence the witness has given in a prosecution for perjury under ~~IC 35-44-2-1.~~ **IC 35-44.1-2-1.**

(c) If a witness refuses to give the evidence after ~~he~~ **the witness** has been granted use immunity, the court may find ~~him~~ **the witness** in contempt.

SECTION 50. IC 35-38-1-7.1, AS AMENDED BY P.L.119-2008, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court may consider the following aggravating circumstances:

(1) The harm, injury, loss, or damage suffered by the victim of an offense was:

(A) significant; and

(B) greater than the elements necessary to prove the commission of the offense.

(2) The person has a history of criminal or delinquent behavior.

(3) The victim of the offense was less than twelve (12) years of age or at least sixty-five (65) years of age at the time the person committed the offense.

(4) The person:

(A) committed a crime of violence (IC 35-50-1-2); and

(B) knowingly committed the offense in the presence or within hearing of an individual who:

(i) was less than eighteen (18) years of age at the time the person committed the offense; and

(ii) is not the victim of the offense.

(5) The person violated a protective order issued against the person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or IC 34-4-5.1 before their repeal), a workplace violence restraining order issued against the person under IC 34-26-6, or a no contact order issued against the person.

(6) The person has recently violated the conditions of any probation, parole, pardon, community corrections placement, or pretrial release granted to the person.

(7) The victim of the offense was:

(A) a person with a disability (as defined in IC 27-7-6-12), and the defendant knew or should have known that the victim was a person with a disability; or

(B) mentally or physically infirm.

(8) The person was in a position having care, custody, or control of the victim of the offense.

(9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2).

(10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.

(11) The person:

(A) committed trafficking with an inmate under ~~IC 35-44-3-9;~~ **IC 35-44.1-3-5;** and

(B) is an employee of the penal facility.

(b) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:

(1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.

(2) The crime was the result of circumstances unlikely to recur.

(3) The victim of the crime induced or facilitated the offense.

(4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.

(5) The person acted under strong provocation.

(6) The person has no history of delinquency or criminal activity, or the person has led a law-abiding life for a substantial period before commission of the crime.

(7) The person is likely to respond affirmatively to probation or short term imprisonment.

(8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.

(9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.

(10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.

(11) The person was convicted of a crime involving the use of force against a person who had repeatedly inflicted physical or sexual abuse upon the convicted person and evidence shows that the convicted person suffered from the effects of battery as a result of the past course of conduct of the individual who is the victim of the crime for which the person was convicted.

(c) The criteria listed in subsections (a) and (b) do not limit the matters that the court may consider in determining the sentence.

(d) A court may impose any sentence that is:

(1) authorized by statute; and

(2) permissible under the Constitution of the State of Indiana;

regardless of the presence or absence of aggravating circumstances or mitigating circumstances.

SECTION 51. IC 35-38-2.5-4.7, AS AMENDED BY P.L.31-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.7. As used in this chapter, "violent offender" means a person who is:

(1) convicted of an offense or attempted offense under IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3, IC 35-43-1-1, ~~IC 35-44-3-5,~~ **IC 35-44.1-3-4,** IC 35-45-10-5, IC 35-47-5-1 (repealed), or IC 35-47.5-5;

(2) charged with an offense or attempted offense listed in IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3, IC 35-42-4, IC 35-43-1-1, ~~IC 35-44-3-5,~~ **IC 35-44.1-3-4,** IC 35-45-10-5, IC 35-46-1-3, IC 35-47-5-1 (repealed), or IC 35-47.5-5; or

(3) a security risk as determined under section 10 of this chapter.

SECTION 52. IC 35-38-2.5-6, AS AMENDED BY P.L.1-2007, SECTION 228, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. An order for home detention of an offender under section 5 of this chapter must include the following:

(1) A requirement that the offender be confined to the offender's home at all times except when the offender is:

(A) working at employment approved by the court or traveling to or from approved employment;

(B) unemployed and seeking employment approved for the offender by the court;

(C) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the offender by the court;

(D) attending an educational institution or a program approved for the offender by the court;

(E) attending a regularly scheduled religious service at a place of worship; or

(F) participating in a community work release or community restitution or service program approved for the offender by the court.

(2) Notice to the offender that violation of the order for home detention may subject the offender to prosecution for the crime of escape under ~~IC 35-44-3-5.~~ **IC 35-44.1-3-4.**

(3) A requirement that the offender abide by a schedule prepared by the probation department, or by a community corrections program ordered to provide supervision of the offender's home detention, specifically setting forth the times when the offender may be absent from the offender's home and the locations the offender is allowed to be during the scheduled absences.

(4) A requirement that the offender is not to commit another crime during the period of home detention ordered by the court.

(5) A requirement that the offender obtain approval from the probation department or from a community corrections program ordered to provide supervision of the offender's home detention before the offender changes residence or the schedule described in subdivision (3).

(6) A requirement that the offender maintain:

(A) a working telephone in the offender's home; and

(B) if ordered by the court, a monitoring device in the offender's home or on the offender's person, or both.

(7) A requirement that the offender pay a home detention fee set by the court in addition to the probation user's fee required under IC 35-38-2-1 or IC 31-40. However, the fee set under this subdivision may not exceed the maximum fee specified by the department of correction under IC 11-12-2-12.

(8) A requirement that the offender abide by other conditions of probation set by the court under IC 35-38-2-2.3.

(9) A requirement that an offender:

(A) who is convicted of an offense described in IC 10-13-6-10;

(B) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(C) whose sentence does not involve a commitment to the department of correction;

provide a DNA sample.

SECTION 53. IC 35-44 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Offenses Against Public Administration).

SECTION 54. IC 35-44.1 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

ARTICLE 44.1. OFFENSES AGAINST GENERAL PUBLIC ADMINISTRATION

Chapter 1. General Public Administration

Sec. 1. A public servant who knowingly or intentionally:

(1) commits an offense in the performance of the public servant's official duties;

(2) solicits, accepts, or agrees to accept from an appointee or employee any property other than what the public servant is authorized by law to accept as a condition of continued employment;

(3) acquires or divests himself or herself of a pecuniary interest in any property, transaction, or enterprise or aids another person to do so based on information obtained by virtue of the public servant's office that official action that has not been made public is contemplated; or

(4) fails to deliver public records and property in the public servant's custody to the public servant's successor in office when that successor qualifies;

commits official misconduct, a Class D felony.

Sec. 2. (a) A person who:

(1) confers, offers, or agrees to confer on a public servant, either before or after the public servant becomes appointed, elected, or qualified, any property, except property the public servant is authorized by law to accept, with intent to control the performance of an act related to the employment or function of the public servant or because of any official act performed or to be performed by the public servant, former public servant, or person selected to be a public servant;

(2) being a public servant, solicits, accepts, or agrees to accept, either before or after the person becomes appointed, elected, or qualified, any property, except property the person is authorized by law to accept, with intent to control the performance of an act related to the person's employment or function as a public servant;

(3) confers, offers, or agrees to confer on a person any property, except property the person is authorized by law to accept, with intent to cause that person to control the performance of an act related to the employment or function of a public servant;

(4) solicits, accepts, or agrees to accept any property, except property the person is authorized by law to accept, with intent to control the performance of an act related to the employment or function of a public servant;

(5) confers, offers, or agrees to confer any property on a person participating or officiating in, or connected with, an athletic contest, sporting event, or exhibition, with intent that the person will fail to use the person's best efforts in connection with that contest, event, or exhibition;

(6) being a person participating in, officiating in, or connected with an athletic contest, sporting event, or exhibition, solicits, accepts, or agrees to accept any property with intent that the person will fail to use the person's best efforts in connection with that contest, event, or exhibition;

(7) being a witness or informant in an official proceeding or investigation, solicits, accepts, or agrees to accept any property, with intent to:

(A) withhold any testimony, information, document, or thing;

(B) avoid legal process summoning the person to testify or supply evidence; or

(C) absent the person from the proceeding or investigation to which the person has been legally summoned;

(8) confers, offers, or agrees to confer any property on a witness or informant in an official proceeding or investigation, with intent that the witness or informant:

(A) withhold any testimony, information, document, or thing;

(B) avoid legal process summoning the witness or informant to testify or supply evidence; or

(C) absent himself or herself from any proceeding or investigation to which the witness or informant has been legally summoned; or

(9) confers or offers or agrees to confer any property on an individual for:

(A) casting a ballot or refraining from casting a ballot; or

(B) voting for a political party, for a candidate, or for or against a public question;

in an election described in IC 3-5-1-2 or at a convention of a political party authorized under IC 3;

commits bribery, a Class C felony.

(b) It is not a defense that the person whom the accused person sought to control was not qualified to act in the desired way.

Sec. 3. (a) A public servant who knowingly or intentionally:

(1) hires an employee for the governmental entity that the public servant serves; and

(2) fails to assign to the employee any duties, or assigns to the employee any duties not related to the operation of the governmental entity;

commits ghost employment, a Class D felony.

(b) A public servant who knowingly or intentionally assigns to an employee under the public servant's supervision any duties not related to the operation of the governmental entity that the public servant serves commits ghost employment, a Class D felony.

(c) A person employed by a governmental entity who, knowing that the person has not been assigned any duties to perform for the entity, accepts property from the entity commits ghost employment, a Class D felony.

(d) A person employed by a governmental entity who knowingly or intentionally accepts property from the entity for the performance of duties not related to the operation of the entity commits ghost employment, a Class D felony.

(e) Any person who accepts property from a governmental entity in violation of this section and any public servant who permits the payment of property in violation of this section are jointly and severally liable to the governmental entity for that property. The attorney general may bring a civil action to recover that property in the county where the governmental entity is located or the person or public servant resides.

(f) For the purposes of this section, an employee of a governmental entity who voluntarily performs services:

(1) that do not:

(A) promote religion;

(B) attempt to influence legislation or governmental policy; or

(C) attempt to influence elections to public office;

(2) for the benefit of:

(A) another governmental entity; or

(B) an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(3) with the approval of the employee's supervisor; and

(4) in compliance with a policy or regulation that:

(A) is in writing;

(B) is issued by the executive officer of the governmental entity; and

(C) contains a limitation on the total time during any calendar year that the employee may spend performing the services during normal hours of employment;

is considered to be performing duties related to the operation of the governmental entity.

Sec. 4. (a) The following definitions apply throughout this section:

(1) "Dependent" means any of the following:

(A) The spouse of a public servant.

(B) A child, stepchild, or adoptee (as defined in IC 31-9-2-2) of a public servant who is:

(i) unemancipated; and

(ii) less than eighteen (18) years of age.

(C) An individual more than one-half (1/2) of whose support is provided during a year by the public servant.

(2) "Governmental entity served by the public servant" means the immediate governmental entity being served by a public servant.

(3) "Pecuniary interest" means an interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of:

(A) the public servant; or

(B) a dependent of the public servant who:

(i) is under the direct or indirect administrative control of the public servant; or

(ii) receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant.

(b) A public servant who knowingly or intentionally:

(1) has a pecuniary interest in; or

(2) derives a profit from;

a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D felony.

(c) It is not an offense under this section if any of the following apply:

(1) The public servant or the public servant's dependent receives compensation through salary or an employment contract for:

(A) services provided as a public servant; or

(B) expenses incurred by the public servant as provided by law.

(2) The public servant's interest in the contract or purchase and all other contracts and purchases made by the governmental entity during the twelve (12) months before the date of the contract or purchase was two hundred fifty dollars ($250) or less.

(3) The contract or purchase involves utility services from a utility whose rate structure is regulated by the state or federal government.

(4) The public servant:

(A) acts in only an advisory capacity for a state supported college or university; and

(B) does not have authority to act on behalf of the college or university in a matter involving a contract or purchase.

(5) A public servant under the jurisdiction of the state ethics commission (as provided in IC 4-2-6-2.5) obtains from the state ethics commission, following full and truthful disclosure, written approval that the public servant will not or does not have a conflict of interest in connection with the contract or purchase under IC 4-2-6 and this section. The approval required under this subdivision must be:

(A) granted to the public servant before action is taken in connection with the contract or purchase by the governmental entity served; or

(B) sought by the public servant as soon as possible after the contract is executed or the purchase is made and the public servant becomes aware of the facts that give rise to a question of conflict of interest.

(6) A public servant makes a disclosure that meets the requirements of subsection (d) or (e) and is:

(A) not a member or on the staff of the governing body empowered to contract or purchase on behalf of the governmental entity, and functions and performs duties for the governmental entity unrelated to the contract or purchase;

(B) appointed by an elected public servant;

(C) employed by the governing body of a school corporation and the contract or purchase involves the employment of a dependent or the payment of fees to a dependent;

(D) elected; or

(E) a member of, or a person appointed by, the board of trustees of a state supported college or university.

(7) The public servant is a member of the governing board of, or is a physician employed or contracted by, a hospital organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1.

(d) A disclosure must:

(1) be in writing;

(2) describe the contract or purchase to be made by the governmental entity;

(3) describe the pecuniary interest that the public servant has in the contract or purchase;

(4) be affirmed under penalty of perjury;

(5) be submitted to the governmental entity and be accepted by the governmental entity in a public meeting of the governmental entity before final action on the contract or purchase;

(6) be filed within fifteen (15) days after final action on the contract or purchase with:

(A) the state board of accounts; and

(B) if the governmental entity is a governmental entity other than the state or a state supported college or university, the clerk of the circuit court in the county where the governmental entity takes final action on the contract or purchase; and

(7) contain, if the public servant is appointed, the written approval of the elected public servant (if any) or the board of trustees of a state supported college or university (if any) that appointed the public servant.

(e) This subsection applies only to a person who is a member of, or a person appointed by, the board of trustees of a state supported college or university. A person to whom this subsection applies complies with the disclosure requirements of this chapter with respect to the person's pecuniary interest in a particular type of contract or purchase which is made on a regular basis from a particular vendor if the individual files with the state board of accounts and the board of trustees a statement of pecuniary interest in that particular type of contract or purchase made with that particular vendor. The statement required by this subsection must be made on an annual basis.

Sec. 5. (a) As used in this section, "pecuniary interest" has the meaning set forth in section 4(a)(3) of this chapter.

(b) A person who knowingly or intentionally:

(1) obtains a pecuniary interest in a contract or purchase with an agency within one (1) year after separation from employment or other service with the

agency; and

(2) is not a public servant for the agency but who as a public servant approved, negotiated, or prepared on behalf of the agency the terms or specifications of:

(A) the contract; or

(B) the purchase;

commits profiteering from public service, a Class D felony.

(c) This section does not apply to negotiations or other activities related to an economic development grant, loan, or loan guarantee.

(d) This section does not apply if the person receives less than two hundred fifty dollars ($250) of the profits from the contract or purchase.

(e) It is a defense to a prosecution under this section that:

(1) the person was screened from any participation in the contract or purchase;

(2) the person has not received a part of the profits of the contract or purchase; and

(3) notice was promptly given to the agency of the person's interest in the contract or purchase.

Chapter 2. Interference with General Government Operations

Sec. 1. (a) A person who:

(1) makes a false, material statement under oath or affirmation, knowing the statement to be false or not believing it to be true; or

(2) has knowingly made two (2) or more material statements, in a proceeding before a court or grand jury, which are inconsistent to the degree that one (1) of them is necessarily false;

commits perjury, a Class D felony.

(b) In a prosecution under subsection (a)(2):

(1) the indictment or information need not specify which statement is actually false; and

(2) the falsity of a statement may be established sufficiently for conviction by proof that the defendant made irreconcilably contradictory statements which are material to the point in question.

Sec. 2. (a) A person who:

(1) knowingly or intentionally induces, by threat, coercion, or false statement, a witness or informant in an official proceeding or investigation to:

(A) withhold or unreasonably delay in producing any testimony, information, document, or thing;

(B) avoid legal process summoning the person to testify or supply evidence; or

(C) absent the person from a proceeding or investigation to which the person has been legally summoned;

(2) knowingly or intentionally in an official criminal proceeding or investigation:

(A) withholds or unreasonably delays in producing any testimony, information, document, or thing after a court orders the person to produce the testimony, information, document, or thing;

(B) avoids legal process summoning the person to testify or supply evidence; or

(C) absents the person from a proceeding or investigation to which the person has been legally summoned;

(3) alters, damages, or removes any record, document, or thing, with intent to prevent it from being produced or used as evidence in any official proceeding or investigation;

(4) makes, presents, or uses a false record, document, or thing with intent that the record, document, or thing, material to the point in question, appear in evidence in an official proceeding or investigation to mislead a public servant; or

(5) communicates, directly or indirectly, with a juror otherwise than as authorized by law, with intent to influence the juror regarding any matter that is or may be brought before the juror;

commits obstruction of justice, a Class D felony.

(b) Subsection (a)(2)(A) does not apply to:

(1) a person who qualifies for a special privilege under IC 34-46-4 with respect to the testimony, information, document, or thing; or

(2) a person who, as:

(A) an attorney;

(B) a physician;

(C) a member of the clergy; or

(D) a husband or wife;

is not required to testify under IC 34-46-3-1.

Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

(1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;

(2) there has been or there will be tampering with a consumer product introduced into commerce; or

(3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false, commits false reporting, a Class D felony.

(d) A person who:

(1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;

(2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;

(3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;

(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false;

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false; or

(6) makes a false report of a missing person, knowing the report or information is false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to an innocent person.

Sec. 4. (a) A person who:

(1) with intent to mislead public servants;

(2) in a five (5) year period; and

(3) in one (1) or more official proceedings or investigations;

has knowingly made at least two (2) material statements concerning the person's identity that are inconsistent to the degree that one (1) of them is necessarily false commits false identity statement, a Class A misdemeanor.

(b) It is a defense to a prosecution under this section that the material statements that are the basis of a prosecution under subsection (a) concerning the person's identity are accurate or were accurate in the past.

(c) In a prosecution under subsection (a):

(1) the indictment or information need not specify which statement is actually false; and

(2) the falsity of a statement may be established sufficiently for conviction by proof that the defendant made irreconcilably contradictory statements concerning the person's identity.

Sec. 5. (a) A person not standing in the relation of parent, child, or spouse to another person who has committed a crime or is a fugitive from justice who, with intent to hinder the apprehension or punishment of the other person, harbors, conceals, or otherwise assists the person commits assisting a criminal, a Class A misdemeanor. However, the offense is:

(1) a Class D felony, if the person assisted has committed a Class B, Class C, or Class D felony; and

(2) a Class C felony, if the person assisted has committed murder or a Class A felony, or if the assistance was providing a deadly weapon.

(b) It is not a defense to a prosecution under this section that the person assisted:

(1) has not been prosecuted for the offense;

(2) has not been convicted of the offense; or

(3) has been acquitted of the offense by reason of insanity.

However, the acquittal of the person assisted for other reasons may be a defense.

Sec. 6. A person who falsely represents that the person is a public servant, with intent to mislead and induce another person to submit to false official authority or otherwise to act to the other person's detriment in reliance on the false representation, commits impersonation of a public servant, a Class A misdemeanor. However, a person who falsely represents that the person is:

(1) a law enforcement officer; or

(2) an agent or employee of the department of state revenue, and collects any property from another person;

commits a Class D felony.

Sec. 7. (a) A person who knowingly or intentionally:

(1) possesses a police radio;

(2) transmits over a frequency assigned for police emergency purposes; or

(3) possesses or uses a police radio:

(A) while committing a crime;

(B) to further the commission of a crime; or

(C) to avoid detection by a law enforcement agency;

commits unlawful use of a police radio, a Class B misdemeanor.

(b) Subsection (a)(1) and (a)(2) do not apply to:

(1) a governmental entity;

(2) a regularly employed law enforcement officer;

(3) a common carrier of persons for hire whose vehicles are used in emergency service;

(4) a public service or utility company whose vehicles are used in emergency service;

(5) a person who has written permission from the chief executive officer of a law enforcement agency to possess a police radio;

(6) a person who holds an amateur radio license issued by the Federal Communications Commission if the person is not transmitting over a frequency assigned for police emergency purposes;

(7) a person who uses a police radio only in the person's dwelling or place of business;

(8) a person:

(A) who is regularly engaged in newsgathering activities;

(B) who is employed by a newspaper qualified to receive legal advertisements under IC 5-3-1, a wire service, or a licensed commercial or public radio or television station; and

(C) whose name is furnished by the person's employer to the chief executive officer of a law enforcement agency in the county in which the employer's principal office is located;

(9) a person engaged in the business of manufacturing or selling police radios; or

(10) a person who possesses or uses a police radio during the normal course of the person's lawful business.

(c) As used in this section, "police radio" means a radio that is capable of sending or receiving signals transmitted on frequencies assigned by the Federal Communications Commission for police emergency purposes and that:

(1) can be installed, maintained, or operated in a vehicle; or

(2) can be operated while it is being carried by an individual.

The term does not include a radio designed for use only in a dwelling.

Sec. 8. (a) A person who knowingly or intentionally manufactures and sells or manufactures and offers for sale:

(1) an official badge or a replica of an official badge that is currently used by a law enforcement agency or fire department of the state or of a political subdivision of the state; or

(2) a document that purports to be an official employment identification that is used by a law enforcement agency or fire department of the state or of a political subdivision of the state;

without the written permission of the chief executive officer of the law enforcement agency commits unlawful manufacture or sale of a police or fire insignia, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is:

(1) a Class D felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to further the commission of an offense under IC 35-44-2-3; and

(2) a Class B felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to further the commission of an offense under IC 35-47-12.

(c) It is a defense to a prosecution under subsection (a)(1) if the area of the badge or replica that is manufactured and sold or manufactured and offered for sale as measured by multiplying the greatest length of the badge by the greatest width of the badge is:

(1) less than fifty percent (50%); or

(2) more than one hundred fifty percent (150%);

of the area of an official badge that is used by a law enforcement agency or fire department of the state or a political subdivision of the state as measured by multiplying the greatest length of the official badge by the greatest width of the official badge.

Sec. 9. (a) A person who, having been released from lawful detention on condition that the person appear at a specified time and place in connection with a charge of a crime, intentionally fails to appear at that time and place commits failure to appear, a Class A misdemeanor. However, the offense is a Class D felony if the charge was a felony charge.

(b) It is no defense that the accused person was not convicted of the crime with which the person was originally charged.

(c) This section does not apply to obligations to appear incident to release under suspended sentence or on probation or parole.

Sec. 10. (a) A person who, having been issued:

(1) a complaint and summons in connection with an infraction or ordinance violation; or

(2) a summons, or summons and promise to appear, in connection with a misdemeanor violation;

notifying the person to appear at a specific time and place, intentionally fails to appear at the specified time and place commits failure to respond to a summons, a Class C misdemeanor.

(b) It is no defense that judgment was entered in favor of the person in the infraction or ordinance proceeding or that the person was acquitted of the misdemeanor for which the person was summoned to appear.

Sec. 11. A person who knowingly or intentionally:

(1) dismisses an employee;

(2) deprives an employee of employment benefits; or

(3) threatens such a dismissal or deprivation;

because the employee has received or responded to a summons, served as a juror, or attended court for prospective jury service commits interference with jury service, a Class B misdemeanor.

Sec. 12. A person who knowingly or intentionally:

(1) dismisses an employee;

(2) deprives an employee of employment benefits; or

(3) threatens such a dismissal or deprivation;

because the employee has received or responded to a subpoena in a criminal proceeding commits interference with witness service, a Class B misdemeanor.

Chapter 3. Detention

Sec. 1. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense under subsection (a) is a:

(1) Class D felony if:

(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or

(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Class C felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Class B felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person; and

(4) Class A felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

(c) For purposes of this section, a law enforcement officer includes an enforcement officer of the alcohol and tobacco commission and a conservation officer of the department of natural resources.

(d) If a person uses a vehicle to commit a felony offense under subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (d) may not be suspended.

(f) If a person is convicted of an offense involving the use of a motor vehicle under:

(1) subsection (b)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) subsection (b)(2); or

(3) subsection (b)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or IC 9-30-4-6(d)(5). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

Sec. 2. (a) As used in this section, "officer" includes the following:

(1) A person employed by:

(A) the department of correction;

(B) a law enforcement agency;

(C) a probation department;

(D) a county jail; or

(E) a circuit, superior, county, probate, city, or town court;

who is required to carry a firearm in performance of the person's official duties.

(2) A law enforcement officer.

(b) A person who:

(1) knows that another person is an officer; and

(2) knowingly or intentionally takes or attempts to take a firearm (as defined in IC 35-47-1-5) or weapon that the officer is authorized to carry from the officer or from the immediate proximity of the officer:

(A) without the consent of the officer; and

(B) while the officer is engaged in the performance of the officer's official duties;

commits disarming a law enforcement officer, a Class C felony. However, the offense is a Class B felony if it results in serious bodily injury to the officer, and the offense is a Class A felony if it results in death to the officer or if a firearm (as defined in IC 35-47-1-5) was taken and the offense results in serious bodily injury to the officer.

Sec. 3. A person who, when ordered by a law enforcement officer to assist the officer in the execution of the officer's duties, knowingly or intentionally, and without a reasonable cause, refuses to assist commits refusal to aid an officer, a Class B misdemeanor.

Sec. 4. (a) A person, except as provided in subsection (b), who intentionally flees from lawful detention commits escape, a Class C felony. However, the offense is a Class B felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

(b) A person who knowingly or intentionally violates a home detention order or intentionally removes an electronic monitoring device or GPS tracking device commits escape, a Class D felony.

(c) A person who knowingly or intentionally fails to return to lawful detention following temporary leave granted for a specified purpose or limited period commits failure to return to lawful detention, a Class D felony. However, the offense is a Class C felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

Sec. 5. (a) As used in this section, "juvenile facility" means the following:

(1) A secure facility (as defined in IC 31-9-2-114) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(2) A shelter care facility (as defined in IC 31-9-2-117) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31

as a child in need of services or a delinquent child.

(b) Except as provided in subsection (d), a person who, without the prior authorization of the person in charge of a penal facility or juvenile facility knowingly or intentionally:

(1) delivers, or carries into the penal facility or juvenile facility with intent to deliver, an article to an inmate or child of the facility;

(2) carries, or receives with intent to carry out of the penal facility or juvenile facility, an article from an inmate or child of the facility;

(3) delivers, or carries to a worksite with the intent to deliver, alcoholic beverages to an inmate or child of a jail work crew or community work crew; or

(4) possesses in or carries into a penal facility or a juvenile facility:

(A) a controlled substance; or

(B) a deadly weapon;

commits trafficking with an inmate, a Class A misdemeanor.

(c) If the person who committed the offense under subsection (b) is an employee of:

(1) the department of correction; or

(2) a penal facility;

and the article is a cigarette or tobacco product (as defined in IC 6-7-2-5), the court shall impose a mandatory five thousand dollar ($5,000) fine under IC 35-50-3-2, in addition to any term of imprisonment imposed under IC 35-50-3-2.

(d) The offense under subsection (b) is a Class C felony if the article is:

(1) a controlled substance;

(2) a deadly weapon; or

(3) a cellular telephone or other wireless or cellular communications device.

Sec. 6. (a) As used in this section, "contraband" means the following:

(1) Alcohol.

(2) A cigarette or tobacco product.

(3) A controlled substance.

(4) An item that may be used as a weapon.

(b) As used in this section, "inmate outside a facility" means a person who is incarcerated in a penal facility or detained in a juvenile facility on a full-time basis as the result of a conviction or a juvenile adjudication but who has been or is being transported to another location to participate in or prepare for a judicial proceeding. The term does not include the following:

(1) An adult or juvenile pretrial detainee.

(2) A person serving an intermittent term of imprisonment or detention.

(3) A person serving a term of imprisonment or detention as:

(A) a condition of probation;

(B) a condition of a community corrections program;

(C) part of a community transition program;

(D) part of a reentry court program;

(E) part of a work release program; or

(F) part of a community based program that is similar to a program described in clauses (A) through (E).

(4) A person who has escaped from incarceration or walked away from secure detention.

(5) A person on temporary leave (as described in IC 11-10-9) or temporary release (as described in IC 11-10-10).

(c) A person who, with the intent of providing contraband to an inmate outside a facility:

(1) delivers contraband to an inmate outside a facility; or

(2) places contraband in a location where an inmate outside a facility could obtain the contraband;

commits trafficking with an inmate outside a facility, a Class A misdemeanor. However, the offense is a Class D felony if the contraband is an item described in subsection (a)(3), and a Class C felony if the contraband is an item described in subsection (a)(4).

Sec. 7. A person who knowingly or intentionally while incarcerated in a penal facility possesses a device, equipment, a chemical substance, or other material that:

(1) is used; or

(2) is intended to be used;

in a manner that is readily capable of causing bodily injury commits a Class C felony. However, the offense is a Class B felony if the device, equipment, chemical substance, or other material is a deadly weapon.

Sec. 8. A person who knowingly or intentionally possesses a cellular telephone or other wireless or cellular communications device while incarcerated in a county jail commits a Class A misdemeanor.

Sec. 9. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a crime that was committed by the person commits a Class D felony if, at the time of the violation:

(1) the person's lifetime parole has been revoked two (2) or more times; or

(2) the person has completed the person's sentence, including any credit time the person may have earned.

(b) The offense described in subsection (a) is a Class C felony if the person has a prior unrelated conviction under this section.

Sec. 10. (a) As used in this section, "service provider" means a public servant or other person employed by a governmental entity or another person who provides goods or services to a person who is subject to lawful detention.

(b) A service provider who knowingly or intentionally engages in sexual intercourse or deviate sexual conduct with a person who is subject to lawful detention commits sexual misconduct, a Class C felony.

(c) A service provider at least eighteen (18) years of age who knowingly or intentionally engages in sexual intercourse or deviate sexual conduct with a person who is:

(1) less than eighteen (18) years of age; and

(2) subject to lawful detention;

commits sexual misconduct, a Class B felony.

(d) It is not a defense that an act described in subsection (b) or (c) was consensual.

(e) This section does not apply to sexual intercourse or deviate sexual conduct between spouses.

Chapter 4. Firefighting and Emergency Services

Sec. 1. As used in this chapter, "dispatched firefighter" means a member of:

(1) the fire company having jurisdiction over an emergency incident area; or

(2) a fire company that has entered into a mutual aid agreement with the fire company having jurisdiction over an emergency incident area;

who has been dispatched by the local fire department having jurisdiction over the particular emergency incident area.

Sec. 2. As used in this chapter, "emergency incident area" means the area surrounding a structure, vehicle, property, or area that is:

(1) defined by police or firefighters with flags, barricades, barrier tape, or other markers; or

(2) one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident;

whichever is greater.

Sec. 3. As used in this chapter, "firefighter" has the meaning set forth in IC 9-18-34-1.

Sec. 4. As used in this chapter, "fire protective clothing and fire protective gear" includes any of the following items generally used by firefighters:

(1) Outer fire retardant clothing and headgear.

(2) Fire gloves.

(3) Self contained breathing apparatus.

(4) Emergency medical services protective gear.

(5) Hazardous materials protective gear.

Sec. 5. A person who is not a firefighter who knowingly or intentionally refuses to leave an emergency incident area immediately after being requested to do so by a firefighter or law enforcement officer commits a Class A misdemeanor.

Sec. 6. A firefighter who:

(1) has not been dispatched to an emergency incident area;

(2) enters an emergency incident area; and

(3) refuses to leave an emergency incident area immediately after being requested to do so by a dispatched firefighter or law enforcement officer;

commits a Class C infraction.

Sec. 7. A person other than a firefighter who, with intent to mislead a firefighter or law enforcement officer as to the person's status as a dispatched firefighter, knowingly or intentionally enters an emergency incident area while wearing, transporting, or otherwise possessing a uniform, fire protective clothing, or fire protective gear commits a Class A misdemeanor. However, the offense is a Class D felony if, as a proximate result of the person entering the emergency incident area, a person or firefighter suffers bodily injury.

Sec. 8. A person who knowingly or intentionally obstructs or interferes with a firefighter performing or attempting to perform the firefighter's emergency functions or duties as a firefighter commits obstructing a firefighter, a Class A misdemeanor.

Sec. 9. (a) "Emergency medical person" means a person who holds a certificate issued by the Indiana emergency medical services commission to provide emergency medical services.

(b) A person who knowingly or intentionally obstructs or interferes with an emergency medical person performing or attempting to perform the emergency medical person's emergency functions or duties commits obstructing an emergency medical person, a Class B misdemeanor.

Chapter 5. Illegal Alien Offenses

Sec. 1. This chapter does not apply to the following:

(1) A church or religious organization conducting an activity that is protected by the First Amendment to the United States Constitution.

(2) The provision of assistance for health care items and services that are necessary for the treatment of an emergency medical condition of an individual.

(3) A health care provider (as defined in IC 16-18-2-163(a)) that is providing health care services.

(4) An attorney or other person that is providing legal services.

(5) A person who:

(A) is a spouse of an alien or who stands in relation of parent or child to an alien; and

(B) would otherwise commit an offense under this chapter with respect to the alien.

(6) A provider that:

(A) receives federal or state funding to provide services to victims of domestic violence, sexual assault, human trafficking, or stalking; and

(B) is providing the services described in clause (A).

(7) An employee of Indiana or a political subdivision (as defined in IC 36-1-2-13) if the employee is acting within the scope of the employee's employment.

(8) An employee of a school acting within the scope of the employee's employment.

Sec. 2. As used in this chapter, "alien" has the meaning set forth in 8 U.S.C. 1101(a).

Sec. 3. (a) A person who knowingly or intentionally:

(1) transports; or

(2) moves;

an alien, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United

States in violation of the law commits transporting an illegal alien, a Class A misdemeanor.

(b) If a violation under this section involves more than nine (9) aliens, the violation is a Class D felony.

Sec. 4. (a) A person who knowingly or intentionally:

(1) conceals;

(2) harbors; or

(3) shields from detection;

an alien in any place, including a building or means of transportation, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law, commits harboring an illegal alien, a Class A misdemeanor.

(b) If a violation under this section involves more than nine (9) aliens, the violation is a Class D felony.

(c) A landlord that rents real property to a person who is an alien does not violate this section as a result of renting the property to the person.

Sec. 5. A person who transports, moves, or cares for a child (as defined in IC 35-47-10-3) who is an alien does not violate this chapter as a result of transporting, moving, or caring for the child.

Sec. 6. A determination by the United States Department of Homeland Security that an alien has come to, entered, or remained in the United States in violation of law is evidence that the alien is in the United States in violation of law.

Sec. 7. A law enforcement officer shall impound a motor vehicle, other than a motor vehicle used in public transportation and owned or operated by the state or a political subdivision, that is used to commit a violation of section 3 or 4 of this chapter.

SECTION 55. IC 35-44.2 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

ARTICLE 44.2. OFFENSES AGAINST STATE PUBLIC ADMINISTRATION

Chapter 1. Interference with State Government

Sec. 1. (a) As used in this section, "supervisor" has the meaning set forth in IC 4-15-10-1.

(b) As used in this section, "violation" means:

(1) a violation of a federal law or regulation;

(2) a violation of a state law or rule;

(3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or

(4) the misuse of public resources.

(c) A state supervisor who knowingly or intentionally:

(1) dismisses from employment;

(2) withholds a salary increase or employment related benefit of;

(3) transfers or reassigns;

(4) denies a promotion that would have been received by; or

(5) demotes;

a state employee in retaliation for the state employee reporting in writing the existence of a violation commits retaliation for reporting a violation, a Class A misdemeanor.

Sec. 2. (a) As used in this section, "state employee" means:

(1) an employee (as defined in IC 4-2-6-1(a)(8));

(2) a special state appointee (as defined in IC 4-2-6-1(a)(16); or

(3) a state officer (as defined in IC 4-2-6-1(a)(17)).

(b) A state employee who knowingly or intentionally retaliates or threatens to retaliate against another state employee or former state employee for:

(1) filing a complaint with the state ethics commission or the inspector general;

(2) providing information to the state ethics commission or the inspector general; or

(3) testifying at a state ethics commission proceeding;

commits retaliation for reporting to the inspector general, a Class A misdemeanor.

(c) It is a defense to a prosecution under this section that the reporting state employee or former state employee:

(1) did not act in good faith; or

(2) knowingly, intentionally, or recklessly provided false information or testimony to the state ethics commission or the inspector general.

Sec. 3. A person who:

(1) knowingly or intentionally induces or attempts to induce, by threat, coercion, suggestion, or false statement, a witness or informant in a state ethics commission proceeding or investigation conducted by the inspector general to do any of the following:

(A) Withhold or unreasonably delay the production of any testimony, information, document, or thing.

(B) Avoid legal process summoning the person to testify or supply evidence.

(C) Fail to appear at a proceeding or investigation to which the person has been summoned.

(D) Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in a state ethics commission proceeding or inspector general investigation to mislead a state ethics commissioner or inspector general employee;

(2) alters, damages, or removes a record, document, or thing except as permitted or required by law, with the intent to prevent the record, document, or thing from being produced or used in a state ethics commission proceeding or inspector general investigation; or

(3) makes, presents, or uses a false record, document, or thing with the intent that the record, document, or thing appear in a state ethics commission proceeding or inspector general investigation to mislead a state ethics commissioner or inspector general employee;

commits obstructing the inspector general, a Class A misdemeanor.

Sec. 4. A person who:

(1) intentionally interferes with or prevents the completion of the work of the department of correction

ombudsman;

(2) knowingly offers compensation to the department of correction ombudsman in an effort to affect the outcome of an investigation or a potential investigation;

(3) knowingly or intentionally retaliates against an offender or another person who provides information to the department of correction ombudsman; or

(4) makes threats because of an investigation or potential investigation against:

(A) the department of correction ombudsman;

(B) a person who has filed a complaint; or

(C) a person who provides information to the department of correction ombudsman;

commits obstructing the department of correction ombudsman, a Class A misdemeanor.

Sec. 5. (a) A person who knowingly or intentionally:

(1) interferes with or prevents the completion of the work of a department of child services ombudsman;

(2) offers compensation to a department of child services ombudsman in an effort to affect the outcome of an investigation or a potential investigation;

(3) retaliates against another person who provides information to a department of child services ombudsman; or

(4) threatens a department of child services ombudsman, a person who has filed a complaint, or a person who provides information to a department of child services ombudsman, because of an investigation or potential investigation;

commits interference with the department of child services ombudsman, a Class A misdemeanor.

(b) It is a defense to a prosecution under subsection (a) if the conduct is the expungement of records held by the department of child services that occurs by statutory mandate, judicial order or decree, administrative review or process, automatic operation of the Indiana Child Welfare Information System (ICWIS) computer system or any successor statewide automated child welfare information system, or in the normal course of business.

Sec. 6. A person who interferes with the state examiner is subject to a civil action for an infraction under IC 5-11-1-10.

Sec. 7. A person who refuses to follow the state examiner's directives is subject to a civil action for an infraction under IC 5-11-1-21.

Sec. 8. A person who fails to provide an annual report to the state examiner is subject to a civil action for an infraction under IC 5-11-13-3.

Sec. 9. A state agency's special deputy who makes a false certification of an oath or affirmation is subject to a civil action for an infraction under IC 4-2-4-3.

Sec. 10. A person who makes a false or deficient financial disclosure statement is subject to a civil action for an infraction under IC 4-2-6-8.

Sec. 11. A person who fails to respond to the attorney general upon a demand of an accounting is subject to a civil action for an infraction under IC 4-6-2-6.

Sec. 12. A person who violates commercial driver training school requirements is subject to a civil action for an infraction under IC 5-2-6.5-15.

Sec. 13. A person who fails to follow the publication of notices rules is subject to a civil action for an infraction under IC 5-3-1-9.

Sec. 14. A consultant who fails to file a disclosure concerning a public works project is subject to a civil action for an infraction under IC 5-16-11-11.

Chapter 2. Purchasing Offenses

Sec. 1. A public servant who knowingly or intentionally fails to deposit public funds (as defined in IC 5-13-4-20) not later than one (1) business day following the receipt of the funds, in a depository in the name of the state or political subdivision by the public servant having control of the funds, commits a violation of the depository rule, a Class A misdemeanor. However, the offense is a Class D felony if the amount involved is at least seven hundred fifty dollars ($750), and a Class C felony if the amount involved is at least fifty thousand dollars ($50,000).

Sec. 2. A public servant who receives public funds (as defined in IC 5-13-4-20) and fails to:

(1) keep a cashbook (as defined in IC 5-13-5-1);

(2) not later than one (1) business day following the receipt of the funds, enter into the cashbook, by item, all receipts of public funds; or

(3) balance the cashbook daily to show funds on hand at the close of each day;

commits a violation of the cashbook rule, a Class B misdemeanor.

Sec. 3. (a) This subsection does not apply to the following:

(1) A state educational institution (as defined in IC 21-7-13-32).

(2) A municipality (as defined in IC 36-1-2-11).

(3) A county.

(4) An airport authority operating in a consolidated city.

(5) A capital improvements board of managers operating in a consolidated city.

(6) A board of directors of a public transportation corporation operating in a consolidated city.

(7) A municipal corporation organized under IC 16-22-8-6.

(8) A public library.

(9) A library services authority.

(10) A hospital organized under IC 16-22 or a hospital organized under IC 16-23.

(11) A school corporation (as defined in IC 36-1-2-17).

(12) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).

(13) A municipally owned utility (as defined in IC 8-1-2-1).

(14) A board of an airport authority under IC 8-22-3.

(15) A conservancy district.

(16) A board of aviation commissioners under IC 8-22-2.

(17) A public transportation corporation under IC 36-9-4.

(18) A commuter transportation district under IC 8-5-15.

(19) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(20) A county building authority under IC 36-9-13.

(21) A soil and water conservation district established under IC 14-32.

(22) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.

(23) The commuter rail service board established under IC 8-24-5.

(24) The regional demand and scheduled bus service board established under IC 8-24-6.

(b) A disbursing officer (as described in IC 5-11-10) who knowingly or intentionally pays a claim that is not:

(1) fully itemized; and

(2) properly certified to by the claimant or some authorized person in the claimant's behalf, with the following words of certification: I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid;

commits a violation of the itemization and certification rule, a Class A misdemeanor.

Sec. 4. (a) As used in this section, a "purchase" means:

(1) the purchase of materials, equipment, goods and supplies for at least ten thousand dollars ($10,000); or

(2) the leasing of equipment for at least five thousand dollars ($5,000).

(b) A state purchaser of materials (as described in IC 5-17-1) who fails to advertise (as defined in IC 5-3-1) for, receive, or consider bids for purchase commits unlawful competitive bidding, a Class A misdemeanor.

Sec. 5. A person who knowingly, intentionally, or recklessly violates:

(1) IC 5-10.4-3-10;

(2) IC 5-10.4-3-12;

(3) IC 5-10.4-3-14; or

(4) IC 5-10.4-3-15;

commits improper teacher's retirement fund accounting, a Class A misdemeanor.

Sec. 6. A board of trustees or correctional facility that borrows without legislative approval under IC 4-10-14-1 is subject to a civil action for an infraction under IC 4-10-14-2.

Sec. 7. A person who improperly disposes of a law enforcement vehicle is subject to a civil action for an infraction under IC 5-22-22-9.

Chapter 3. State Public Works Contracting

Sec. 1. A person who violates provisions relating to state public works contracts is subject to criminal prosecution under IC 4-13.6-4-14.

Sec. 2. A person who has a conflict of interest with respect to a hospital bonding authority contract is subject to criminal prosecution under IC 5-1-4-22.

Sec. 3. A member or person employed by the law enforcement academy building commission who has a conflict of interest with respect to an action by the commission is subject to criminal prosecution under IC 5-2-2-11.

Sec. 4. A person who commits a wage scale violation in a state public works contract is subject to criminal prosecution under IC 5-16-7-3.

Sec. 5. A person who unlawfully divides a public works project is subject to a civil action for an infraction under IC 5-16-7-6.

Sec. 6. A person who improperly engages in certain employee organization activities is subject to a civil action for an infraction under IC 4-15-17-9.

Chapter 4. Confidentiality of Records and Meetings

Sec. 1. A person who discloses confidential information is subject to action under IC 5-14-3-10.

Sec. 2. (a) An employee of a state agency who unlawfully discloses a Social Security number is subject to criminal prosecution under IC 4-1-10-8.

(b) An employee of a state agency who makes a false representation to obtain a Social Security number is subject to criminal prosecution under IC 4-1-10-9.

(c) An employee of a state agency who negligently discloses a Social Security number is subject to a civil action for an infraction under IC 4-1-10-10.

Sec. 3. A person who unlawfully discloses confidential inspector general information is subject to criminal prosecution under IC 4-2-7-8.

Sec. 4. A person who unlawfully discloses criminal intelligence information is subject to criminal prosecution under IC 5-2-4-7.

Sec. 5. A person who unlawfully discloses enterprise zone information is subject to criminal prosecution under IC 5-28-15-8.

Sec. 6. A person who unlawfully discloses advance notice of a state examiner investigation is subject to criminal prosecution under IC 5-11-1-18.

Sec. 7. A person who unlawfully destroys certain public records is subject to criminal prosecution under IC 5-15-6-8.

SECTION 56. IC 35-45-6-1, AS AMENDED BY P.L.182-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

(1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.
(2) A violation of IC 35-45-9.
(3) A violation of IC 35-47.
(4) A violation of IC 35-49-3.
(5) Murder (IC 35-42-1-1).
(6) Battery as a Class C felony (IC 35-42-2-1).
(7) Kidnapping (IC 35-42-3-2).
(8) Human and sexual trafficking crimes (IC 35-42-3.5).
(9) Child exploitation (IC 35-42-4-4).
(10) Robbery (IC 35-42-5-1).
(11) Carjacking (IC 35-42-5-2).
(12) Arson (IC 35-43-1-1).
(13) Burglary (IC 35-43-2-1).
(14) Theft (IC 35-43-4-2).
(15) Receiving stolen property (IC 35-43-4-2).
(16) Forgery (IC 35-43-5-2).
(17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
(18) Bribery ~~(IC 35-44-1-1).~~ **(IC 35-44.1-1-2).**
(19) Official misconduct ~~(IC 35-44-1-2).~~ **(IC 35-44.1-1-1).**
(20) Conflict of interest ~~(IC 35-44-1-3).~~ **(IC 35-44.1-1-4).**
(21) Perjury ~~(IC 35-44-2-1).~~ **(IC 35-44.1-2-1).**
(22) Obstruction of justice ~~(IC 35-44-3-4).~~ **(IC 35-44.1-2-2).**
(23) Intimidation (IC 35-45-2-1).
(24) Promoting prostitution (IC 35-45-4-4).
(25) Professional gambling (IC 35-45-5-3).
(26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).
(27) Promoting professional gambling (IC 35-45-5-4).
(28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(29) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).
(30) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(31) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(33) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).
(34) Money laundering (IC 35-45-15-5).
(35) A violation of IC 35-47.5-5.
(36) A violation of any of the following:
(A) IC 23-14-48-9.
(B) IC 30-2-9-7(b).
(C) IC 30-2-10-9(b).
(D) IC 30-2-13-38(f).

SECTION 57. IC 35-47-1-7, AS AMENDED BY SEA 26-2012, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. "Proper person" means a person who:

(1) does not have a conviction for resisting law enforcement under ~~IC 35-44-3-3~~ **IC 35-44.1-3-1** within five (5) years before the person applies for a license or permit under this chapter;
(2) does not have a conviction for a crime for which the person could have been sentenced for more than one (1) year;
(3) does not have a conviction for a crime of domestic violence (as defined in IC 35-31.5-2-78), unless a court has restored the person's right to possess a firearm under IC 35-47-4-7;
(4) is not prohibited by a court order from possessing a handgun;
(5) does not have a record of being an alcohol or drug abuser as defined in this chapter;
(6) does not have documented evidence which would give rise to a reasonable belief that the person has a propensity for violent or emotionally unstable conduct;
(7) does not make a false statement of material fact on the person's application;
(8) does not have a conviction for any crime involving an inability to safely handle a handgun;
(9) does not have a conviction for violation of the provisions of this article within five (5) years of the person's application;
(10) does not have an adjudication as a delinquent child for an act that would be a felony if committed by an adult, if the person applying for a license or permit under this chapter is less than twenty-three (23) years of age;
(11) has not been involuntarily committed, other than a temporary commitment for observation or evaluation, to a mental institution by a court, board, commission, or other lawful authority;
(12) has not been the subject of a:
(A) ninety (90) day commitment as a result of proceeding under IC 12-26-6; or
(B) regular commitment under IC 12-26-7; or
(13) has not been found by a court to be mentally incompetent, including being found:
(A) not guilty by reason of insanity;
(B) guilty but mentally ill; or

(C) incompetent to stand trial.

SECTION 58. IC 35-47-4-5, AS AMENDED BY P.L.151-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

(1) committing a serious violent felony in:

(A) Indiana; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious violent felony in:

(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) voluntary manslaughter (IC 35-42-1-3);

(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

(4) battery as a:

(A) Class A felony (IC 35-42-2-1(a)(5));

(B) Class B felony (IC 35-42-2-1(a)(4)); or

(C) Class C felony (IC 35-42-2-1(a)(3));

(5) aggravated battery (IC 35-42-2-1.5);

(6) kidnapping (IC 35-42-3-2);

(7) criminal confinement (IC 35-42-3-3);

(8) rape (IC 35-42-4-1);

(9) criminal deviate conduct (IC 35-42-4-2);

(10) child molesting (IC 35-42-4-3);

(11) sexual battery as a Class C felony (IC 35-42-4-8);

(12) robbery (IC 35-42-5-1);

(13) carjacking (IC 35-42-5-2);

(14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));

(15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);

(16) assisting a criminal as a Class C felony ~~(IC 35-44-3-2.)~~ **(IC 35-44.1-2-5);**

(17) resisting law enforcement as a Class B felony or Class C felony ~~(IC 35-44-3-3);~~ **(IC 35-44.1-3-1);**

(18) escape as a Class B felony or Class C felony ~~(IC 35-44-3-5);~~ **(IC 35-44.1-3-4);**

(19) trafficking with an inmate as a Class C felony ~~(IC 35-44-3-9);~~ **(IC 35-44.1-3-5);**

(20) criminal gang intimidation (IC 35-45-9-4);

(21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);

(22) incest (IC 35-46-1-3);

(23) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

(24) dealing in methamphetamine (IC 35-48-4-1.1);

(25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

(26) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

(27) dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony.

SECTION 59. IC 35-50-1-2, AS AMENDED BY P.L.126-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Kidnapping (IC 35-42-3-2).

(8) Rape (IC 35-42-4-1).

(9) Criminal deviate conduct (IC 35-42-4-2).

(10) Child molesting (IC 35-42-4-3).

(11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).

(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).

(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).

(14) Operating a motor vehicle while intoxicated causing death (IC 9-30-5-5).

(15) Operating a motor vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).

(16) Resisting law enforcement as a felony ~~(IC 35-44-3-3).~~ **(IC 35-44.1-3-1).**

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

(1) aggravating circumstances in IC 35-38-1-7.1(a); and

(2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to which the defendant is sentenced for felony convictions arising out of an episode of

criminal conduct shall not exceed the advisory sentence for a felony which is one (1) class of felony higher than the most serious of the felonies for which the person has been convicted.

(d) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(e) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 60. IC 35-50-2-2, AS AMENDED BY P.L.64-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) Except as provided in subsection (i), with respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

(1) The crime committed was a Class A felony or Class B felony and the person has a prior unrelated felony conviction.

(2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.

(3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.

(4) The felony committed was:

(A) murder (IC 35-42-1-1);

(B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;

(C) sexual battery (IC 35-42-4-8) with a deadly weapon;

(D) kidnapping (IC 35-42-3-2);

(E) confinement (IC 35-42-3-3) with a deadly weapon;

(F) rape (IC 35-42-4-1) as a Class A felony;

(G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;

(H) except as provided in subsection (i), child molesting (IC 35-42-4-3) as a Class A or Class B felony, unless:

(i) the felony committed was child molesting as a Class B felony;

(ii) the victim was not less than twelve (12) years old at the time the offense was committed;

(iii) the person is not more than four (4) years older than the victim, or more than five (5) years older than the victim if the relationship between the person and the victim was a dating relationship or an ongoing personal relationship (not including a family relationship);

(iv) the person did not have a position of authority or substantial influence over the victim; and

(v) the person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person;

(I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;

(J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;

(K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;

(L) resisting law enforcement ~~(IC 35-44-3-3)~~ **(IC 35-44.1-3-1)** with a deadly weapon;

(M) escape ~~(IC 35-44-3-5)~~ **(IC 35-44.1-3-4)** with a deadly weapon;

(N) rioting (IC 35-45-1-2) with a deadly weapon;

(O) dealing in cocaine or a narcotic drug (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center;

(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center;

(Q) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center;

(R) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;

(S) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death);

(T) aggravated battery (IC 35-42-2-1.5); or

(U) disarming a law enforcement officer ~~(IC 35-44-3-3.5.~~ **(IC 35-44.1-3-2).**

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of the sentence of a sex or violent offender (as defined in IC 11-8-8-5) that is suspendible under subsection (b), the court shall place the sex or violent offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) or IC 35-48-4-6.1(b)(1)(B) may not be suspended.

(i) If a person is:

(1) convicted of child molesting (IC 35-42-4-3) as a Class A felony against a victim less than twelve (12) years of age; and

(2) at least twenty-one (21) years of age;

the court may suspend only that part of the sentence that is in excess of thirty (30) years.

SECTION 61. IC 35-50-5-1.1, AS AMENDED BY P.L.119-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is convicted of a misdemeanor under ~~IC 35-44-1,~~ **IC 35-44.1-1,** the court may include in the sentence an order rendering the person incapable of holding a public office of trust or profit for a fixed period of not more than ten (10) years.

(b) If any officer of a governmental entity is convicted of a misdemeanor under ~~IC 35-44-1,~~ **IC 35-44.1-1,** the court may enter an order removing the officer from office.

(c) This subsection applies whenever:

(1) the court enters an order under this section that applies to a person who is an officer of a governmental entity (as defined in IC 35-41-1-12); and

(2) a vacancy occurs in the office held by the person as the result of the court's order.

The court must file a certified copy of the order with the person who is entitled under IC 5-8-6 to receive notice of the death of an individual holding the office. The person receiving the copy of the order must give notice of the order in the same manner as if the person had received a notice of the death of the officeholder under IC 5-8-6. The person required or permitted to fill the vacancy that results from a removal under this section must comply with IC 3-13 or IC 20, whichever applies, to fill the vacancy.

SECTION 62. IC 35-51-4-1, AS AMENDED BY HEA 1207-2012, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 4:

IC 4-1-10-8 (Concerning state agencies).

IC 4-1-10-9 (Concerning state agencies).

~~IC 4-2-6-13 (Concerning state officers).~~

~~IC 4-2-6-14 (Concerning state officers).~~

IC 4-2-7-8 (Concerning the inspector general).

IC 4-4-27-8 (Concerning the inspection of grain).

~~IC 4-11-1-6 (Concerning certain loans and mortgages).~~

~~IC 4-13-1.2-11 (Concerning the department of correction ombudsman).~~

~~IC 4-13-4.1-4 (Concerning the department of administration).~~

~~IC 4-13-19-11 (Concerning the department of child services ombudsman).~~

IC 4-13.6-4-14 (Concerning state public works).

~~IC 4-15-10-4 (Concerning certain state employee reports).~~

IC 4-21.5-3-36 (Concerning administrative proceedings).

IC 4-21.5-3-37 (Concerning administrative proceedings).

IC 4-30-3-19 (Concerning the lottery).

IC 4-30-3-19.5 (Concerning the lottery).

IC 4-30-3-19.7 (Concerning the lottery).

IC 4-30-12-5 (Concerning the lottery).

IC 4-30-13-1 (Concerning the lottery).

IC 4-30-14-1 (Concerning the lottery).

IC 4-30-14-2 (Concerning the lottery).

IC 4-30-14-3 (Concerning the lottery).

IC 4-30-14-4 (Concerning the lottery).

IC 4-30-14-5 (Concerning ~~the lottery).~~ **horse racing).**

IC 4-30-14-6 (Concerning the lottery).
IC 4-31-13-3 (Concerning horse racing).
IC 4-31-13-3.5 (Concerning horse racing).
IC 4-31-13-9 (Concerning horse racing).
IC 4-32.2-8-4 (Concerning charity gaming).
IC 4-33-10-1 (Concerning riverboat gambling).
IC 4-33-10-2 (Concerning riverboat gambling).
IC 4-33-10-2.1 (Concerning riverboat gambling).
IC 4-33-10-2.5 (Concerning riverboat gambling).
IC 4-33-22-14 (Concerning boxing and mixed martial arts).
IC 4-33-22-40 (Concerning boxing and mixed martial arts).
IC 4-35-9-2 (Concerning gambling games at racetracks).
IC 4-35-9-3 (Concerning gambling games at racetracks).
IC 4-35-9-4 (Concerning gambling games at racetracks).
IC 4-35-9-5 (Concerning gambling games at racetracks).
IC 4-36-6-5 (Concerning gambling in certain establishments).

SECTION 63. IC 35-51-5-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 5:

IC 5-1-4-22 (Concerning hospital bonding authorities).
IC 5-2-2-11 (Concerning the law enforcement academy building commission).
IC 5-2-4-7 (Concerning criminal intelligence information).
IC 5-10.4-3-16 (Concerning the Indiana state teacher's retirement fund).
IC 5-11-1-18 (Concerning state board of accounts).
~~IC 5-11-10-3 (Concerning certification of claims).~~
~~IC 5-13-14-3 (Concerning public funds).~~
~~IC 5-13-14-4 (Concerning public funds).~~
~~IC 5-14-3-10 (Concerning access to public records).~~
IC 5-15-6-8 (Concerning local public records commissions).
IC 5-16-7-3 (Concerning wage scale of contractor's and subcontractors employees).
IC 5-16-9-5 (Concerning parking for persons with physical disabilities).
~~IC 5-17-1-5 (Concerning public purchases).~~
~~IC 5-17-1-6 (Concerning public purchases).~~
IC 5-28-15-7 (Concerning enterprise zones).
IC 5-28-15-8 (Concerning enterprise zones).

SECTION 64. IC 36-8-12-10.5, AS AMENDED BY P.L.63-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.5. (a) This section does not apply to an employee of the state subject to IC 4-15-10-7.

(b) This section applies to an employee of a political subdivision who:

(1) is a volunteer firefighter or volunteer member; and
(2) has notified the employee's employer in writing that the employee is a volunteer firefighter or volunteer member.

(c) The political subdivision employer may not discipline an employee:

(1) for being absent from employment by reason of responding to a fire or emergency call that was received before the time that the employee was to report to employment;
(2) for leaving the employee's duty station to respond to a fire or an emergency call if the employee has secured authorization from the employee's supervisor to leave the duty station in response to a fire or an emergency call received after the employee has reported to work; or
(3) for:
(A) an injury; or
(B) an absence from work because of an injury;
that occurs while the employee is engaged in emergency firefighting or other emergency response.

However, for each instance of emergency firefighting activity or other emergency response that results in an injury to an employee, subdivision (3) applies only to the period of the employee's absence from work that does not exceed six (6) months from the date of the injury.

(d) The political subdivision employer may require an employee who has been absent from employment as set forth in subsection (c) to present a written statement from the fire chief or other officer in charge of the volunteer fire department, or officer in charge of the volunteer emergency medical services association, at the time of the absence or injury indicating that the employee was engaged in emergency firefighting or emergency activity at the time of the absence or injury.

(e) The political subdivision employer may require an employee who is injured or absent from work as described in subsection (c)(3) to provide evidence from a physician or other medical authority showing:

(1) treatment for the injury at the time of the absence; and
(2) a connection between the injury and the employee's emergency firefighting or other emergency response activities.

(f) To the extent required by federal or state law, information obtained under subsection (e) by a political subdivision employer must be:

(1) retained in a separate medical file created for the employee; and
(2) treated as a confidential medical record.

(g) An employee who is disciplined by the employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

(1) Payment of back wages.
(2) Reinstatement to the employee's former position.
(3) Fringe benefits wrongly denied or withdrawn.
(4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action.

(h) A public servant who permits or authorizes an employee of a political subdivision under the supervision of the public servant to be absent from employment as set forth in subsection

(c) is not considered to have committed a violation of ~~IC 35-44-2-4(b).~~ **IC 35-44.1-1-3(b)**.

SECTION 65. [EFFECTIVE JULY 1, 2012] **(a) In repealing IC 4-12-9 by HEA 1002-2012, the general assembly recognizes that IC 4-12-9-2 was amended by SEA 127-2012, SECTION 18. The general assembly intends to repeal IC 4-12-9.**

(b) In repealing IC 15-11-10 by HEA 1002-2012, the general assembly recognizes that IC 15-11-10-3 was amended by SEA 127-2012, SECTION 99. The general assembly intends to repeal IC 15-11-10.

(c) This SECTION expires December 31, 2012.

(Reference is to ESB 262 as printed February 17, 2012.)

Bray, Chair	Steuerwald
Taylor	Lawson
Senate Conferees	House Conferees

Roll Call 362: yeas 49, nays 0. Report adopted.

PRESIDENT PRO TEMPORE'S REPORT
OF CONFEREE REMOVALS

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has removed the following senator(s) as conferee(s) or advisor(s) on Engrossed Senate Bill 175:

Conferee: Lanane
Advisor: Landske

LONG
Date: 3/9/2012
Time: 11:55 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT
OF CONFEREE CHANGES

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has made the following change in conferee (or advisor) appointments to Engrossed Senate Bill 175:

Landske to replace Lanane as Conferee

LONG
Date: 3/9/2012
Time: 11:57 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT
OF CONFEREE REMOVALS

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has removed the following senator(s) as conferee(s) or advisor(s) on Engrossed House Bill 1280:

Conferee: Skinner

LONG
Date: 3/9/2012
Time: 11:58 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT
OF CONFEREE CHANGES

Pursuant to Rule 84(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has made the following change in conferee (or advisor) appointments to Engrossed House Bill 1280:

Steele to replace Skinner as Conferee

LONG
Date: 3/9/2012
Time: 11:59 p.m.

Report adopted.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
ESB 345–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 345 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-23-24.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. **(a)** The commission shall do the following:

(1) Enhance coordination and cooperation between state and local governments.

(2) Review the effect of any federal or state legislation or any court decisions on local governmental entities.

(3) Act as a forum for consultation among state and local government officials.

(4) Conduct research on intergovernmental issues.

(5) Review studies of intergovernmental issues by universities, research and consulting organizations, and entities.

(6) Issue reports on the commission's activities.

(b) In addition to the duties set forth in subsection (a), the commission shall study the appropriate roles and responsibilities of the state, counties, municipalities, townships, and other political subdivisions in providing 911 and enhanced 911 services in Indiana. In conducting the study required by this subsection, the commission may consult with, or request necessary information or testimony from, local officials, public safety agencies, PSAPs (as defined

in IC 36-8-16.7-20), the statewide 911 board established by IC 36-8-16.7-24, providers (as defined in IC 36-8-16.7-19), and any other appropriate witnesses or experts. Not later than November 1, 2012, the commission shall submit to the legislative council and to the budget committee a report of the commission's findings and recommendations as a result of the study conducted under this subsection. The report to the legislative council and the budget committee under this subsection must be in an electronic format under IC 5-14-6.

SECTION 2. IC 5-26-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this article, "system" refers to the Indiana statewide wireless public safety voice and data communications system. The term does not include ~~the~~ **an** enhanced emergency telephone system under IC 36-8-16-2 **(before its repeal on July 1, 2012) or the statewide 911 system under IC 36-8-16.7.**

SECTION 3. IC 6-3.5-1.1-25, AS AMENDED BY P.L.172-2011, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3), ~~or~~ an enhanced emergency telephone system (as defined in IC 36-8-16-2 **(before its repeal on July 1, 2012)), or the statewide 911 system (as defined in IC 36-8-16.7-22).**

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) If a county council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 24 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 26 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 24 and 26 of this chapter, the county council may also adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety.

(c) A tax rate under this section may not exceed twenty-five hundredths of one percent (0.25%).

(d) If a county council adopts an ordinance to impose a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsection (k) or (l), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:

(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the attributed allocation amount (as defined in IC 6-3.5-1.1-15) of the county or municipality for the calendar year; divided by

(B) the sum of the attributed allocation amounts of the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's

receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 24 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(l) A fire department, volunteer fire department, or emergency medical services provider that:

(1) provides fire protection or emergency medical services within the county; and

(2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county council for a distribution of tax revenue under this section during the following calendar year. The county council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency medical services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

SECTION 4. IC 6-3.5-6-31, AS AMENDED BY P.L.172-2011, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 31. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3), ~~or~~ an enhanced emergency telephone system (as defined in IC 36-8-16-2 **(before its repeal on July 1, 2012)), or the statewide 911 system (as defined in IC 36-8-16.7-22).**

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) The county income tax council may adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety if:

(1) the county income tax council has imposed a tax rate under section 30 of this chapter, in the case of a county containing a consolidated city; or

(2) the county income tax council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 30 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 32 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 30 and 32 of this chapter, in the case of a county other than a county containing a consolidated city.

(c) A tax rate under this section may not exceed the following:

(1) Five-tenths of one percent (0.5%), in the case of a county containing a consolidated city.

(2) Twenty-five hundredths of one percent (0.25%), in the case of a county other than a county containing a consolidated city.

(d) If a county income tax council adopts an ordinance to impose a tax rate under this section, the county auditor shall send a certified copy of the ordinance to the department and the department of local government finance by certified mail.

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsections (l) and (m), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:

(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the total property taxes being collected in the county by the county or municipality for the calendar year; divided by

(B) the sum of the total property taxes being collected in the county by the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 30 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the additional tax rate under this section.

(l) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(m) A fire department, volunteer fire department, or emergency medical services provider that:

(1) provides fire protection or emergency medical services within the county; and

(2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county income tax council for a distribution of tax revenue under this section during the following calendar year. The county income tax council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

SECTION 5. IC 6-8.1-15-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Except as provided by section 20 of this chapter, this chapter applies to:

(1) the gross retail tax imposed on mobile telecommunications service under IC 6-2.5-4-6;

(2) the ~~monthly emergency wireless enhanced~~ **statewide** 911 fee imposed on ~~mobile telecommunications~~ **communications** service under ~~IC 36-8-16.5;~~ **IC 36-8-16.7;** and

(3) any other tax, charge, or fee levied by the state or a taxing jurisdiction within Indiana as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunications service, regardless of whether the tax, charge, or fee is imposed on the vendor or customer of the service and regardless of the terminology used to describe the tax, charge, or fee;

on bills for mobile telecommunications service issued to customers after July 31, 2002.

(b) This chapter does not apply to:

(1) any tax, charge, or fee levied upon or measured by the net income, capital stock, net worth, or property value of the provider of mobile telecommunications service;

(2) any tax, charge, or fee that is applied to an equitably apportioned amount that is not determined on a transactional basis;

(3) any tax, charge, or fee that:

(A) represents compensation for a mobile telecommunications service provider's use of public rights-of-way or other public property; and

(B) is not levied by the taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunication service;

(4) any generally applicable business and occupation tax that is imposed by the state, is applied to gross receipts or gross proceeds, is the legal liability of the home service provider, and that statutorily allows the home service provider to elect to use the sourcing method required in this section; or

(5) the determination of the taxing situs of:

(A) prepaid telephone calling service; or

(B) air-ground radiotelephone service as defined in Section 22.99 of Title 47 of the Code of Federal Regulations as in effect June 1, 1999.

SECTION 6. IC 24-5-22-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The following have a right of action against a person who initiates or assists the transmission of a commercial electronic mail message that violates this chapter:

(1) A person who receives the commercial electronic mail message.

(2) An interactive computer service that handles or retransmits the commercial electronic mail message.

(b) This chapter does not provide a right of action against:

(1) an interactive computer service; **or**

~~(2) a telephone company; or~~

~~(3)~~ **(2)** a ~~CMRS~~ **communications service** provider (as defined ~~by IC 36-8-16.5-6);~~ **in IC 8-1-2.6-13);**

whose equipment is used to transport, handle, or retransmit a commercial electronic mail message that violates this chapter.

(c) It is a defense to an action under this section if the defendant shows by a preponderance of the evidence that the violation of this chapter resulted from a good faith error and occurred notwithstanding the maintenance of procedures reasonably adopted to avoid violations of this chapter.

(d) If the plaintiff prevails in an action filed under this section, the plaintiff is entitled to the following:

(1) An injunction to enjoin future violations of this chapter.

(2) Compensatory damages equal to any actual damage proven by the plaintiff to have resulted from the initiation of the commercial electronic mail message. If the plaintiff does not prove actual damage, the plaintiff is entitled to presumptive damages of five hundred dollars ($500) for each commercial electronic mail message that violates this chapter and that is sent by the defendant:

(A) to the plaintiff; or

(B) through the plaintiff's interactive computer service.

(3) The plaintiff's reasonable attorney's fees and other litigation costs reasonably incurred in connection with the action.

(e) A person outside Indiana who:

(1) initiates or assists the transmission of a commercial electronic mail message that violates this chapter; and

(2) knows or should know that the commercial electronic mail message will be received in Indiana;

submits to the jurisdiction of Indiana courts for purposes of this chapter.

SECTION 7. IC 34-30-2-156 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 156. ~~IC 36-8-16-18~~ **IC 36-8-16.7-43** (Concerning **the statewide 911 board, a PSAP, a political subdivision, a communications** service ~~suppliers or telephone companies~~ **provider, a member of the board, or the board chair** for loss, death, or injury related to ~~an enhanced emergency telephone system).~~ **911 service).**

SECTION 8. IC 35-45-5-4.7, AS AMENDED BY P.L.27-2006, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.7. (a) An interactive computer service that handles or retransmits a commercial electronic mail message has a right of action against a person who initiates or assists the transmission of the commercial electronic mail message that violates this chapter.

(b) This chapter does not provide a right of action against:

(1) an interactive computer service;

(2) a telephone company;

(3) a CMRS provider (as defined in ~~IC 36-8-16.5-6);~~ **IC 36-8-16.7-6);**

(4) a cable operator (as defined in 47 U.S.C. 522(5)); or

(5) any other entity that primarily provides connectivity to an operator;

if the entity's equipment is used only to transport, handle, or retransmit information that violates this chapter and is not capable of blocking the retransmission of information that violates this chapter.

(c) It is a defense to an action under this section if the defendant shows by a preponderance of the evidence that the violation of this chapter resulted from a good faith error and occurred notwithstanding the maintenance of procedures reasonably adopted to avoid violating this chapter.

(d) If the plaintiff prevails in an action filed under this section, the plaintiff is entitled to the following:

(1) An injunction to enjoin future violations of this chapter.

(2) Compensatory damages equal to any actual damage proven by the plaintiff to have resulted from the initiation of the commercial electronic mail message. If the plaintiff does not prove actual damage, the plaintiff is entitled to

presumptive damages of five hundred dollars ($500) for each commercial electronic mail message that violates this chapter and that is sent by the defendant:

(A) to the plaintiff; or

(B) through the plaintiff's interactive computer service.

(3) The plaintiff's reasonable attorney's fees and other litigation costs reasonably incurred in connection with the action.

(e) A person outside Indiana who:

(1) initiates or assists the transmission of a commercial electronic mail message that violates this chapter; and

(2) knows or should know that the commercial electronic mail message will be received in Indiana;

submits to the jurisdiction of Indiana courts for purposes of this chapter.

SECTION 9. IC 35-51-36-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following statutes define crimes in IC 36:

IC 36-2-2-13 (Concerning county government).
IC 36-2-6-8 (Concerning county government).
IC 36-2-6-12 (Concerning county government).
IC 36-2-7-18 (Concerning county government).
IC 36-2-8-6 (Concerning county government).
IC 36-2-9-13 (Concerning county government).
IC 36-2-9-14 (Concerning county government).
IC 36-2-9.5-7 (Concerning county government).
IC 36-2-9.5-9 (Concerning county government).
IC 36-2-13-5 (Concerning county government).
IC 36-2-14-10 (Concerning county government).
IC 36-2-14-17 (Concerning county government).
IC 36-2-14-21 (Concerning county government).
IC 36-4-8-13 (Concerning government of cities and towns).
IC 36-7-12-27.5 (Concerning planning and development).
IC 36-7-14-40 (Concerning planning and development).
IC 36-7-15.1-27 (Concerning planning and development).
IC 36-7-30-28 (Concerning planning and development).
IC 36-7-30.5-36 (Concerning planning and development).
IC 36-8-3.5-23 (Concerning public safety).
IC 36-8-10-9 (Concerning public safety).
~~IC 36-8-16-16 (Concerning public safety).~~
~~IC 36-8-16.5-47 (Concerning public safety).~~
~~IC 36-8-16.5-48 (Concerning public safety).~~
~~IC 36-8-16.5-49 (Concerning public safety).~~
IC 36-8-16.7-41 (Concerning public safety).
IC 36-8-16.7-45 (Concerning public safety).
IC 36-8-16.7-46 (Concerning public safety).
IC 36-9-14-7 (Concerning transportation and public works).
IC 36-10-3-39 (Concerning recreation, culture, and community facilities).
IC 36-10-4-5 (Concerning recreation, culture, and community facilities).
IC 36-10-4-40 (Concerning recreation, culture, and community facilities).

SECTION 10. IC 36-7-4-405 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 405. (a) ADVISORY – AREA. Each plan commission shall:

(1) make recommendations to the legislative body or bodies concerning:

(A) the adoption of the comprehensive plan and amendments to the comprehensive plan;

(B) the adoption or text amendment of:

(i) an initial zoning ordinance;

(ii) a replacement zoning ordinance; and

(iii) a subdivision control ordinance;

(C) the adoption or amendment of a PUD district ordinance (as defined in section 1503 of this chapter); and

(D) zone map changes; and

(2) render decisions concerning and approve plats, replats, and amendments to plats of subdivisions under the 700 series of this chapter.

(b) Each plan commission:

(1) shall assign street numbers to lots and structures;

(2) shall renumber lots and structures; and

(3) if the plan commission does not have the power under an ordinance adopted under subsection (c) to name or rename streets, may recommend the naming and renaming of streets to the executive.

(c) The executive shall name or rename streets. However, a unit may provide by ordinance that the plan commission rather than the executive shall name or rename streets. Streets shall be named or renamed so that their names are easy to understand and to avoid duplication or conflict with other names. The plan commission may, by rule, prescribe a numbering system for lots and structures.

(d) This subsection applies to a plan commission having jurisdiction in a county with a population of at least four hundred thousand (400,000). The plan commission shall number structures on highways within the plan commission's jurisdiction to conform with the numbers of structures on streets within cities in the county.

(e) This subsection applies to unincorporated areas subject to the jurisdiction of no plan commission under this article. The county executive:

(1) must approve the assignment of street numbers to lots and structures; and

(2) may number or renumber lots and structures and name or rename streets.

(f) This subsection applies to areas located within a municipality that are subject to the jurisdiction of no plan commission under this article. The executive of the municipality:

(1) must approve the assignment of street numbers to lots and structures; and

(2) may number or renumber lots and structures and name or rename streets.

(g) An executive acting under subsection (e) or (f) shall name or rename streets:

(1) so that their names are easy to understand; and

(2) to avoid duplication or conflict with other names.

(h) If streets are named or renamed or lots and structures are numbered or renumbered under this section, the commission or executive that makes the naming or numbering decision shall notify:

(1) the circuit court clerk or board of registration;

(2) **the statewide 911 board established by IC 36-8-16.7-24 and** the administrator of **an** ~~the~~ enhanced emergency telephone system established under IC 36-8-16 **(before its repeal on July 1, 2012),** if any;

(3) the United States Postal Service; and

(4) any person or body that the commission or executive considers appropriate to receive notice;

of its action no later than the last day of the month following the month in which the action is taken.

(i) Each plan commission shall make decisions concerning development plans and amendments to development plans under the 1400 series of this chapter, unless the responsibility to render decisions concerning development plans has been delegated under section 1402(c) of this chapter.

SECTION 11. IC 36-8-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Emergency Telephone System Fee).

SECTION 12. IC 36-8-16.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Enhanced Wireless Emergency Telephone Service).

SECTION 13. IC 36-8-16.6-1, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "board" refers to the ~~wireless enhanced~~ **statewide** 911 ~~advisory~~ board established by ~~IC 36-8-16.5-18.~~ **IC 36-8-16.7-24.**

SECTION 14. IC 36-8-16.6-5, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "fund" refers to the ~~wireless emergency telephone system~~ **statewide 911** fund established by ~~IC 36-8-16.5-21(a).~~ **IC 36-8-16.7-29.**

SECTION 15. IC 36-8-16.6-11, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~Subject to section 22 of this chapter,~~ The board shall impose an enhanced prepaid wireless charge on each retail transaction that occurs after June 30, 2010. The amount of the initial charge imposed under this ~~subsection~~ **section** may not exceed one-half (1/2) of the monthly wireless emergency enhanced 911 fee assessed under IC 36-8-16.5-25.5 **(before its repeal on July 1, 2012). The board shall increase the amount of the charge imposed under this section so that the amount of the charge imposed after June 30, 2012, under this section equals fifty cents ($0.50).**

(b) Subject to legislative approval, **after the increase described in subsection (a) and after June 30, 2012,** the board may increase the enhanced prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter ~~IC 36-8-16,~~ and ~~IC 36-8-16.5.~~ **IC 36-8-16.7.**

(c) A consumer that is the federal government or an agency of the federal government is exempt from the enhanced prepaid wireless charge imposed under this section.

SECTION 16. IC 36-8-16.6-13, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The enhanced prepaid wireless charge is the liability of the consumer and not of the seller or a provider. However, a seller is liable to remit to the ~~board~~ **department** all enhanced prepaid wireless charges that the seller collects from consumers under section 12 of this chapter, including all charges that the seller is considered to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

SECTION 17. IC 36-8-16.6-18, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) The department shall deposit all remitted enhanced prepaid wireless charges in the fund.

(b) The board shall administer money deposited in the fund under this section in the same manner as ~~wireless emergency enhanced~~ **it administers statewide** 911 fees assessed under ~~IC 36-8-16.5-25.5.~~ **IC 36-8-16.7-32.**

SECTION 18. IC 36-8-16.6-20, AS ADDED BY P.L.113-2010, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) An additional fee relating to the provision of ~~wireless~~ 911 service with respect to prepaid wireless telecommunications service may not be levied by a state agency or local unit of government.

(b) The enhanced prepaid wireless charge imposed by section 12 of this chapter is not considered an additional charge relating to the provision of ~~wireless~~ 911 service for purposes of ~~IC 36-8-16.5-29.~~ **IC 36-8-16.7-32(d).**

SECTION 19. IC 36-8-16.6-22 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 22. (a) Not later than January 1, 2011, the department shall determine the total amount of fees collected and remitted under IC 36-8-16.5-30.5 (b)(2) (as effective in the period beginning July 1, 2008, and ending June 30, 2010) for the period beginning July 1, 2008, and ending June 30, 2010. The board shall provide all information necessary for the department to perform its duties under this subsection.~~

~~(b) Not later than January 1, 2013, the department shall determine the total amount of fees collected and remitted under this chapter for the period beginning July 1, 2010, and ending June 30, 2012.~~

~~(c) If the amount determined under subsection (b) is less than the amount determined under subsection (a) by more than five percent (5%), this chapter expires and sunsets July 1, 2013.~~

SECTION 20. IC 36-8-16.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 16.7. Statewide 911 Services

Sec. 1. As used in this chapter, "affiliate" has the meaning set forth in IC 23-1-43-1. The term includes a parent company or a subsidiary.

Sec. 2. As used in this chapter, "automatic location information" means information that is transmitted while enhanced 911 service is provided and that permits emergency service providers to identify the geographic location of the calling party.

Sec. 3. As used in this chapter, "automatic number identification" has the meaning set forth in 47 CFR 20.3.

Sec. 4. As used in this chapter, "board" refers to the statewide 911 board established by section 24 of this chapter.

Sec. 5. As used in this chapter, "CMRS" refers to commercial mobile radio service (as defined in 47 CFR 20.3).

Sec. 6. As used in this chapter, "CMRS provider" means a person that offers CMRS to users in Indiana.

Sec. 7. (a) As used in this chapter, "communications service" means any service that:

(1) uses telephone numbers or IP addresses or their functional equivalents or successors;

(2) allows access to, or a connection or interface with, a 911 system through the activation or enabling of a device, transmission medium, or technology that is used by a customer to dial, initialize, or otherwise activate the 911 system, regardless of the particular device, transmission medium, or technology employed;

(3) provides or enables real time or interactive communications, other than machine to machine communications; and

(4) is available to a prepaid user or a standard user.

(b) The term includes the following:

(1) Internet protocol enabled services and applications that are provided through wireline, cable, wireless, or satellite facilities, or any other facility or platform that is capable of connecting a 911 communication to a PSAP.

(2) A multiline telephone system.

(3) CMRS.

(4) Interconnected VOIP service and voice over power lines.

(5) Integrated telecommunications service (as defined in 47 CFR 400.2).

Sec. 8. (a) As used in this chapter, except as provided in subsection (b), "customer" means:

(1) the person or entity that contracts with a provider for communications service; or

(2) if the end user of communications service is not the contracting party, the end user of the communications service.

However, subdivision (2) applies only for the purpose of determining the place of primary use.

(b) The term does not include:

(1) a reseller of communications service; or

(2) a provider other than the customer's provider that has an arrangement with the customer's provider to serve the customer outside the licensed service area of the customer's provider.

Sec. 9. (a) As used in this chapter, "enhanced 911 service" means a communications service that uses the three (3) digit number 911 to send:

(1) automatic number identification or its functional equivalent or successor; and

(2) automatic location information or its functional equivalent or successor;

for reporting police, fire, medical, or other emergency situations.

(b) The term includes both Phase I and Phase II enhanced 911 services, as described in 47 CFR 20.18.

Sec. 10. As used in this chapter, "exchange access facility" means the access from a particular service user's premises to a telephone system.

(b) The term includes:

(1) an access line;

(2) a private branch exchange (PBX) trunk; and

(3) a centrex line trunk equivalent;

that is provided by the service supplier. The term also includes a mobile telephone system access trunk, whether the trunk is provided by a telephone company or a radio common carrier. In the case of a service user receiving interconnected VoIP service, the term refers to the Internet protocol compatible customer premises equipment that enables the service user to access the interconnected VoIP service.

(c) The term does not include:

(1) a service supplier owned and operated telephone pay station line;

(2) a wide area telecommunications service (WATS) line;

(3) a foreign exchange (FX) line; or

(4) an incoming only line.

Sec. 11. As used in this chapter, "executive director" refers to the executive director of the board.

Sec. 12. As used in this chapter, "fund" refers to the statewide 911 fund established by section 29 of this chapter.

Sec. 13. As used in this chapter, "interconnected VOIP service" has the meaning set forth in 47 CFR 9.3.

Sec. 14. As used in this chapter, "local exchange carrier" has the meaning set forth in 47 U.S.C. 153.

Sec. 15. As used in this chapter, "multiline telephone system" means a voice communications service system that includes the following:

(1) Common control units.

(2) Telephone sets.

(3) Control hardware and software.

(4) Adjunct systems.

The term includes network and premises based systems as classified by FCC Part 68 (47 CFR part 68) Requirements.

Sec. 16. As used in this chapter, "place of primary use" means the street address representative of where a customer's use of communications service primarily occurs, which must be:

(1) the residential street address or the primary business street address of the customer or, in the case of a subscriber of interconnected VOIP service, the subscriber's registered location (as defined in 47 CFR 9.3);

(2) within the licensed service area of the customer's provider; and

(3) in the case of:

(A) mobile communications service, determined in the manner provided in IC 6-8.1-15; and

(B) nonmobile communications service, determined in the manner provided in IC 6-2.5-12.

Sec. 17. As used in this chapter, "prepaid user" has the meaning set forth in IC 36-8-16.6-6.

Sec. 18. As used in this chapter, "proprietary information" includes the following:

(1) Customer lists and related information, including information subject to protection under 47 U.S.C. 222.

(2) Technology descriptions, technical information, or trade secrets (as defined in IC 24-2-3-2).

(3) Information that:

(A) concerns the actual or developmental costs of 911 systems; and

(B) is developed, produced, or received internally by a provider or by a provider's employees, directors, officers, or agents.

Sec. 19. (a) As used in this chapter, "provider" means a person or entity, or an affiliate of a person or an entity, that:

(1) offers communications service to users in Indiana; and

(2) provides, or is required by the Federal Communications Commission to provide, a user with direct access to a PSAP through the placement of a 911 communication.

(b) The term includes the following:

(1) Facilities based and nonfacilities based resellers of communications service.

(2) Any other provider of communications service through wireline or wireless means, regardless of whether the provider is subject to regulation by the Indiana utility regulatory commission.

Sec. 20. As used in this chapter, "PSAP" refers to a public safety answering point:

(1) that operates on a twenty-four (24) hour basis; and

(2) whose primary function is to receive incoming requests for emergency assistance and relay those requests to an appropriate responding public safety agency.

Sec. 21. As used in this chapter, "standard user" or "user" refers to:

(1) a communications service user who pays retrospectively for the service and has an Indiana billing address for the service; and

(2) in the case of a nonmobile communications service user, an exchange access facility used in Indiana.

Sec. 22. (a) As used in this chapter, "statewide 911 system" means a communications system that uses the three (3) digit number 911 to send:

(1) automatic number identification or its functional equivalent or successor; and

(2) automatic location information or its functional equivalent or successor;

for reporting police, fire, medical, or other emergency situations.

(b) The term includes the following:

(1) A wireless 911 emergency telephone system funded under IC 36-8-16.5 (before its repeal on July 1, 2012).

(2) An emergency notification system.

(c) The term does not include a wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012).

Sec. 23. As used in this chapter, "VOIP provider" means a provider that offers interconnected VOIP service to users in Indiana.

Sec. 24. (a) The statewide 911 board is established to develop, implement, and oversee the statewide 911 system. The board is a body corporate and politic, and though it is separate from the state, the exercise by the board of its powers constitutes an essential governmental function.

(b) The following recommendations must be made to the governor concerning the membership of the board:

(1) The executive committees of:

(A) the Indiana chapter of the National Emergency Number Association (NENA); and

(B) the Indiana chapter of the Association of Public Safety Communication Officials International (APCO);

shall jointly recommend three (3) individuals, at least one (1) of whom must have budget experience at the local level.

(2) The facilities based CMRS providers authorized to provide CMRS in Indiana shall jointly recommend one (1) individual.

(3) The Indiana Association of County Commissioners shall recommend one (1) individual who is a county commissioner in Indiana.

(4) The Indiana Sheriffs' Association shall recommend one (1) individual who is a county sheriff in Indiana.

(5) The Indiana Telecommunications Association shall recommend two (2) individuals as follows:

(A) One (1) individual representing a local exchange carrier that serves less than fifty thousand (50,000) local exchange access lines in Indiana.

(B) One (1) individual representing a local exchange carrier that serves at least fifty thousand (50,000) local exchange access lines in Indiana.

(6) The Indiana Cable Telecommunications Association shall recommend one (1) individual representing a VOIP provider.

(7) The Indiana Association of Cities and Towns shall recommend one (1) individual representing municipalities.

(c) The board consists of the following thirteen (13) members:

(1) The treasurer of state or the treasurer's designee. The treasurer of state or the treasurer's designee is chairperson of the board for a term concurrent with the treasurer of state's term of office. However, the treasurer of state's designee serves at the pleasure of the treasurer of state.

(2) Three (3) members for a term of three (3) years who are appointed by the governor after considering the recommendations submitted under subsection (b)(1) by the executive committees of NENA and APCO. At least one (1) member appointed under this subdivision must have budget experience at the local level.

(3) One (1) facilities based CMRS member who is appointed by the governor after considering the recommendation submitted under subsection (b)(2) by the facilities based CMRS providers authorized to provide CMRS in Indiana. A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (6), (7), or (8).

(4) One (1) county commissioner member appointed by the governor after considering the recommendation submitted under subsection (b)(3) by the Indiana Association of County Commissioners.

(5) One (1) county sheriff member appointed by the governor after considering the recommendation submitted under subsection (b)(4) by the Indiana Sheriffs' Association.

(6) One (1) member who represents a local exchange carrier that serves less than fifty thousand (50,000) local exchange access lines in Indiana and who is appointed by the governor after considering the recommendation of the Indiana Telecommunications Association under subsection (b)(5)(A). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (7), or (8).

(7) One (1) member who represents a local exchange carrier that serves at least fifty thousand (50,000) local exchange access lines in Indiana and who is appointed by the governor after considering the recommendation of the Indiana Telecommunications Association under subsection (b)(5)(B). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (6), or (8).

(8) One (1) member who represents a VOIP provider and who is appointed by the governor after considering the recommendation of the Indiana Cable Telecommunications Association under subsection (b)(6). A member appointed under this subdivision may not be affiliated with the same business entity as a member appointed under subdivision (3), (6), or (7).

(9) One (1) member who represents municipalities and is appointed by the governor after considering the recommendation of the Indiana Association of Cities and Towns submitted under subsection (b)(7).

(10) The state fire marshal or the state fire marshal's designee.

(11) The superintendent of the state police department or the superintendent's designee.

(d) This subsection applies to a member appointed by the governor under subsection (c)(2) through (c)(9). The governor shall ensure that the terms of the initial members appointed by the governor are staggered so that the terms of not more than five (5) members expire in a single calendar year. After the initial appointments, subsequent appointments shall be for three (3) year terms. A vacancy on the board shall be filled for the vacating member's unexpired term in the same manner as the original appointment, and a member of the board is eligible for reappointment. In making an appointment under subsection (c)(2) through (c)(9), the governor shall take into account the various geographical areas of Indiana, including rural and urban areas. A member appointed by the governor serves at the pleasure of the governor.

(e) A member must be a resident of Indiana.

(f) A member may not vote by proxy.

Sec. 25. A majority of the members of the board constitutes a quorum for the purposes of taking action. A meeting of the board is subject to IC 5-14-1.5.

Sec. 26. (a) Each member of the board who is not a state employee is not entitled to receive the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for travel expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 27. (a) The board may do the following to implement this chapter:

(1) Sue and be sued.
(2) Adopt and alter an official seal.
(3) Adopt and enforce bylaws and rules for:
(A) the conduct of board business; and
(B) the use of board services and facilities.
(4) Subject to subsection (c), acquire, hold, use, and otherwise dispose of the board's income, revenues, funds, and money.
(5) Subject to subsections (b) and (c), enter into contracts, including contracts:
(A) for professional services;
(B) for purchase of supplies or services; and
(C) to acquire office space.
(6) Subject to subsection (c), hire staff.
(7) Adopt rules under IC 4-22-2 to implement this chapter.
(8) Develop, maintain, and update a statewide 911 plan.
(9) Subject to subsection (c), administer the statewide 911 fund established by section 29 of this chapter.
(10) Administer and distribute the statewide 911 fee in accordance with section 37 of this chapter.
(11) Subject to subsection (c), administer statewide 911 grants in accordance with state and federal guidelines.
(12) Obtain from each PSAP operating statistics and other performance measurements, including call statistics by category and emergency medical dispatching (EMD) certifications.
(13) Take other necessary or convenient actions to implement this chapter that are not inconsistent with Indiana law.

(b) A contract for the purchase of communications service or equipment by the board must be awarded through an invitation for bids or a request for proposals as described in IC 5-22. The board shall enter into a cooperative agreement with the Indiana department of administration for the department to administer the board's purchases under this chapter using the department's purchasing agents.

(c) The board shall be considered a state agency for purposes of IC 5-14-3.5. Subject to IC 5-14-3.5-4, the following shall be posted to the Indiana transparency Internet web site in accordance with IC 5-14-3.5-2:
(1) Expenditures by the board, including expenditures for contracts, grants, and leases.
(2) The balance of the statewide 911 fund established by section 29 of this chapter.
(3) A listing of the board's real and personal property that has a value of more than twenty thousand dollars ($20,000).

The board shall cooperate with and provide information to the auditor of state as required by IC 5-14-3.5-8.

Sec. 28. (a) The board shall appoint an executive director of the board to do the following:
(1) Administer, manage, and direct employees of the board.
(2) Approve salaries and allowable expenses for board members, employees, and consultants.
(3) Attend board meetings and record all proceedings of the board. However, the executive director is not considered a member of the board for any purpose, including voting or establishing a quorum.
(4) Maintain books, documents, and papers filed with the board, including minutes.
(5) Perform other duties as directed by the board.

(b) The board shall determine the salary and other compensation of the executive director.

Sec. 29. (a) The statewide 911 fund is established for the purposes of creating and maintaining a uniform statewide 911 system. The board shall administer the fund. The expenses of administering the fund must be paid from money in the fund.

(b) The fund consists of the following:
(1) The statewide 911 fee assessed on users under section 32 of this chapter.
(2) Appropriations made by the general assembly.
(3) Grants and gifts intended for deposit in the fund.
(4) Interest, premiums, gains, or other earnings on the fund.
(5) Enhanced prepaid wireless charges collected and remitted under IC 36-8-16.6-12.
(6) Money from any other source that is deposited in or transferred to the fund.

(c) The treasurer of state may invest money in the fund in the same manner as other funds of the state may be invested under IC 5-13.

(d) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money in the fund:
(1) does not revert at the end of any state fiscal year but remains available for the purposes of the fund in subsequent state fiscal years, notwithstanding IC 4-13-2-19 or any other law; and
(2) is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by:
(A) the state board of finance notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or
(B) the budget agency or any other state agency notwithstanding IC 4-12-1-12 or any other law.

(e) Money in the fund is continuously appropriated for the purposes of the fund.

Sec. 30. (a) The state board of accounts shall audit the fund on an annual basis to determine whether the fund is being managed in accordance with this chapter. For each of the two (2) state fiscal years ending:
(A) June 30, 2013; and
(B) June 30, 2014;

the state board of accounts shall submit, not later than November 1 of each year during which the particular state fiscal year ends, a report of the audit required by this subsection to the budget committee for the budget committee's review. A report submitted under this subsection

must be in an electronic format under IC 5-14-6.

(b) On an annual basis, and in conjunction with the board's review under section 38(d) of this chapter of the state board of accounts' annual audit of PSAPs, the board shall review 911 service in Indiana, including the collection, disbursement, and use of the statewide 911 fee assessed under section 32 of this chapter. The purpose of the review is to ensure that the statewide 911 fee:

(1) does not exceed the amount reasonably necessary to provide adequate and efficient 911 service; and

(2) is used only for the purposes set forth in this chapter.

(c) For each of the two (2) calendar years ending:

(A) December 31, 2013; and

(B) December 31, 2014;

the board shall submit, not later than March 1 of the year immediately following the particular calendar year, a summary report of the board's findings under the review required by subsection (b) to the budget committee for the budget committee's review. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

Sec. 31. The board may retain an independent, third party accounting firm or fiscal agent for purposes of processing checks and distributing funds as directed by the board and as allowed by this chapter. The board shall pay for these services as an administrative cost of the board.

Sec. 32. (a) Except as provided in subsections (c) and (e), and subject to subsection (b) and section 48(e) of this chapter, the board shall assess a monthly statewide 911 fee on each standard user that is a customer having a place of primary use in Indiana at a rate that:

(1) ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter; and

(2) provides for the proper development, operation, and maintenance of a statewide 911 system.

The amount of the initial fee assessed under this subsection is ninety cents ($0.90).

(b) The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and obligations under this chapter, subject to the following:

(1) The fee may not be raised or lowered more than one

(1) time in a calendar year.

(2) The fee:

(A) may not be raised by an amount that is less than or equal to ten cents ($0.10) without review by the budget committee; and

(B) may not be raised or lowered by an amount that is more than ten cents ($0.10) without legislative approval.

(c) The fee assessed under this section does not apply to a prepaid user in a retail transaction under IC 36-8-16.6.

(d) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. An enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not considered an additional fee relating to the provision of wireless 911 service for purposes of this section.

(e) A user is exempt from the fee if the user is any of the following:

(1) The federal government or an agency of the federal government.

(2) The state or an agency or instrumentality of the state.

(3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.

(4) A user that accesses communications service solely through a wireless data only service plan.

Sec. 33. (a) As part of the provider's normal monthly billing process, a provider:

(1) shall collect the fee from each standard user that is a customer having a place of primary use in Indiana; and

(2) may list the fee as a separate line item on each bill.

If a provider receives a partial payment for a monthly bill from a standard user, the provider shall apply the payment against the amount the standard user owes to the provider before applying the payment against the fee. A provider may not prorate the monthly 911 fee collected from a user.

(b) Subject to subsection (c), a provider shall remit statewide 911 fees collected under this section to the board at the time and in the manner prescribed by the board. However, the board shall require a provider to report to the board, no less frequently than on an annual basis, the amount of fees collected from all of the provider's customers described in subsection (a)(1) and remitted to the board under this section. The board may require a provider to submit a report required under this subsection at the same time that the provider remits fees to the board under this section. The board shall deposit all remitted statewide 911 fees in the fund.

(c) A provider may deduct and retain an amount not to exceed one percent (1%) of statewide 911 fees that the provider collects from users to reimburse the direct costs incurred by the provider in collecting and remitting statewide 911 fees.

Sec. 34. The statewide 911 fee is the liability of the user and not of a provider. However, a provider is liable to remit to the board all statewide 911 fees that the provider collects from users.

Sec. 35. The amount of a statewide 911 fee that is collected by a provider from a user, whether separately stated on an invoice, receipt, or other document, may not be included in the base for measuring any tax, surcharge, or other charge that is imposed by the state, a political subdivision, or other government agency.

Sec. 36. A provider is not required to take legal action to enforce the collection of the 911 fee for which a user is billed. However, the board may initiate a collection action. A court finding for the board in the action may award reasonable

costs and attorney fees associated with the collection action.

Sec. 37. (a) Subject to subsection (b), the board shall administer the fund in the following manner:

(1) In each state fiscal year, the board may retain the lesser of:

(A) ten percent (10%) of the statewide 911 fees deposited in the fund in the previous state fiscal year; or

(B) the amount of fees deposited in the fund in the previous state fiscal year that would provide for the operating expenses of the statewide 911 system during the state fiscal year for which the fees are retained;

to pay the board's expenses in administering this chapter and to develop, operate, and maintain a statewide 911 system. The board may decrease the amount of fees retained by the board under this subdivision.

(2) After retaining the amount set forth in subdivision (1), the board shall distribute to the counties, in a manner determined by the board, the remainder of the statewide 911 fees in the fund. However, with respect to any state fiscal year beginning after June 30, 2012, the board shall first ensure a distribution to each county in an amount that is equal to the average annual amount distributed to all PSAPs in the county under IC 36-8-16 (before its repeal on July 1, 2012) and to the county under IC 36-8-16.5 (before its repeal on July 1, 2012) during the three (3) state fiscal years ending:

(A) June 30, 2009;

(B) June 30, 2010; and

(C) June 30, 2011;

increased by a percentage that does not exceed the percent of increase in the United States Department of Labor Consumer Price Index during the twelve (12) months preceding the state fiscal year for which the distribution is made.

(3) If any statewide 911 fees remain in the fund after the distributions ensured under subdivision (2), the board shall distribute the fees as follows:

(A) Ninety percent (90%) of the fees shall be distributed to the counties based upon each county's percentage of the state's population.

(B) Ten percent (10%) of the fees shall be distributed equally among the counties.

(b) The board may not distribute money in the fund in a manner that impairs the ability of the board to fulfill its management and administrative obligations under this chapter.

Sec. 38. (a) A PSAP may use a distribution from a county under this chapter only for the following:

(1) The lease, purchase, or maintenance of communications service equipment.

(2) Necessary system hardware and software and data base equipment.

(3) Personnel expenses, including wages, benefits, training, and continuing education, only to the extent reasonable and necessary for the provision and maintenance of:

(A) the statewide 911 system; or

(B) a wireline enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012).

(4) Operational costs, including costs associated with:

(A) utilities;

(B) maintenance;

(C) equipment designed to provide backup power or system redundancy, including generators; and

(D) call logging equipment.

(5) An emergency notification system that is approved by the board under section 40 of this chapter.

(6) Connectivity to the Indiana data and communications system (IDACS).

(7) Rates associated with communications service providers' enhanced emergency communications system network services.

(8) Mobile radio equipment used by first responders, other than radio equipment purchased under subdivision (9) as a result of the narrow banding requirements specified by the Federal Communications Commission.

(9) Up to fifty percent (50%) of the costs associated with the narrow banding or replacement of radios or other equipment as a result of the narrow banding requirements specified by the Federal Communications Commission.

(b) A PSAP may not use a distribution from a county under this chapter for the following:

(1) The construction, purchase, renovation, or furnishing of PSAP buildings.

(2) Vehicles.

(c) Not later than January 31 of each year, each PSAP shall submit to the board a report of the following:

(1) All expenditures made during the immediately preceding calendar year from distributions under this chapter.

(2) Call data and statistics for the immediately preceding calendar year, as specified by the board and collected in accordance with any reporting method established or required by the board.

(d) Beginning in 2013, the state board of accounts annually shall audit the expenditures of distributions under this chapter made during the immediately preceding calendar year by each PSAP that receives distributions under this chapter. In conducting an audit under this subsection, the state board of accounts shall determine, in conjunction with the board, whether the expenditures made by each PSAP are in compliance with subsections (a) and (b). The board shall review and further audit any ineligible expenditure identified by the state board of accounts under

this subsection or through any other report. If the board verifies that the expenditure did not comply with this section, the board shall ensure that the fund is reimbursed in the dollar amount of the noncomplying expenditure from any source of funding, other than a fund described in subsection (f), that is available to the PSAP or to a unit in which the PSAP is located.

(e) For each of the two (2) calendar years ending:

(A) December 31, 2013; and

(B) December 31, 2014;

the state board of accounts shall submit, not later than March 1 of the year immediately following the particular calendar year, a summary report of the audits required by subsection (d) for the particular calendar year to the budget committee for the budget committee's review. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

(f) A distribution under section 37(a)(2) of this chapter must be deposited by the treasurer of the county in a separate fund set aside for the purposes allowed by subsections (a) and (b). The fund must be known as the _____ (insert name of county) 911 fund. The county treasurer may invest money in the fund in the same manner that other money of the county may be invested, but income earned from the investment must be deposited in the fund set aside under this subsection.

Sec. 39. (a) In cooperation with the board, a provider shall designate a person to coordinate with and provide all relevant information to the board to assist the board in carrying out its duties under this chapter.

(b) A provider shall provide the automatic number identification and any other information, including updates, required by the board to the county, the municipality, an authorized agent of a county or municipality, or the board or the board's authorized agent for purposes of establishing and maintaining a 911 system data base. The board may use confidential information received under this subsection solely for the purpose of providing statewide 911 service.

Sec. 40. (a) As used in this section, "emergency notification system" means an enhanced 911 system capability that provides communications service users within the territory served by a PSAP with a warning, delivered through a device or medium by which users receive communications service from a provider, of an emergency situation through a computerized warning system that uses 911 data base information and technology.

(b) With approval of the board, a county may establish an emergency notification system. If the board approves the establishment of an emergency notification system in a county, a PSAP in the county may use funds distributed to it under this chapter to establish and operate an emergency notification system under this section.

(c) A provider shall provide to a PSAP the necessary user data to enable the PSAP to implement an emergency notification system under this section. The provision of data under this subsection is subject to section 41 of this chapter. In providing data under this subsection, the provider shall provide the following information for each service user in the PSAP's service territory:

(1) The service address of the user.

(2) The class of service provided to the user.

(3) A designation of listed, unlisted, or nonpublished with respect to any telephone number (or other functionally equivalent identification number) associated with the user's service or account.

The provider shall provide this data to the PSAP on a quarterly basis. The provider may charge a reasonable fee to the PSAP for the administrative costs of providing the data.

Sec. 41. (a) A provider shall, upon request, provide to a PSAP the necessary user data to enable the PSAP to implement and operate a 911 system. User data provided to a PSAP for the purpose of implementing or updating a 911 system may be used only to identify:

(1) a user;

(2) a user's place of primary use; or

(3) the information described in both subdivisions (1) and (2);

and may not be used or disclosed by the PSAP, or its agents or employees, for any other purpose unless the data is used or disclosed under a court order. A person who recklessly, knowingly, or intentionally violates this subsection commits a Class A misdemeanor.

(b) After May 31, 1988, a contract entered into between a provider and a user who has an unlisted or nonpublished telephone number (or other functionally equivalent identification number) may not include a provision that prohibits the provider from providing the user's telephone number (or other functionally equivalent identification number) to a PSAP for inclusion in a 911 system data base. A provider (other than a provider who, before June 1, 1988, has contracted to not divulge a subscriber's unlisted or nonpublished telephone number (or other functionally equivalent identification number)) shall provide a requesting PSAP with the name, telephone number (or other functionally equivalent identification number), and place of primary use for each user of the provider. A PSAP may not release a telephone number (or other functionally equivalent identification number) required to be provided under this subsection to any person except as provided in subsection (a).

(c) A provider may amend or terminate a contract with a user if:

(1) the contract contains a provision that prohibits the provider from providing the user's telephone number (or other functionally equivalent identification number) to a PSAP for inclusion in a 911 system data base;

(2) the exclusion of the telephone number (or other functionally equivalent identification number) from the data base would negate the purpose of this chapter; and

(3) the user is notified of the proposed amendment or termination of a contract at least one hundred eighty

(180) days before the provider takes action.

Sec. 42. (a) All proprietary information submitted to the board or the treasurer of state, or to the budget committee under section 48 of this chapter, is confidential. Notwithstanding any other law, proprietary information submitted under this chapter is not subject to subpoena, and proprietary information submitted under this chapter may not be released to a person other than to the submitting provider without the permission of the submitting provider.

(b) General information collected by the board or the treasurer of state may be released or published only in aggregate amounts that do not identify or allow identification of numbers of users or revenues attributable to an individual provider.

Sec. 43. Notwithstanding any other law:

(1) the board;

(2) a PSAP;

(3) a political subdivision;

(4) a provider;

(5) an employee, director, officer, or agent of a PSAP, a political subdivision, or a provider; or

(6) an employee or member of the board, the board chair, the executive director, or an employee, agent, or representative of the board chair;

is not liable for damages in a civil action or subject to criminal prosecution resulting from death, injury, or loss to persons or property incurred by any person in connection with establishing, developing, implementing, maintaining, operating, and providing 911 service, except in the case of willful or wanton misconduct.

Sec. 44. A person may not use 911 service except to make emergency calls that may result in the dispatch of the appropriate response for fire suppression and rescue, emergency medical or ambulance services, hazardous material, disaster or major emergency occurrences, and law enforcement activities.

Sec. 45. (a) This section does not apply to a person that connects to a 911 network using automatic crash notification technology subject to an established protocol.

(b) A person may not connect to a 911 network an automatic alarm, automatic dialer, or other automated alerting device that:

(1) causes the number 911 to be automatically dialed; or

(2) provides through a prerecorded message information regarding obtaining 911 emergency service.

(c) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

Sec. 46. A person who knowingly or intentionally places a 911 call:

(1) for a purpose other than obtaining public safety assistance or emergency services; or

(2) to avoid communications service charges or fees;

commits a Class A misdemeanor.

Sec. 47. (a) For purposes of this section, a PSAP includes a public safety communications system operated and maintained under IC 36-8-15.

(b) As used in this section, "PSAP operator" means:

(1) a political subdivision; or

(2) an agency;

that operates a PSAP. The term does not include any entity described in subsection (c)(1) through (c)(3).

(c) Subject to subsection (d), after December 31, 2014, a county may not contain more than two (2) PSAPs. However, a county may contain one (1) or more PSAPs in addition to the number of PSAPs authorized by this section, as long as any additional PSAPs are operated:

(1) by a state educational institution;

(2) by an airport authority established for a county having a consolidated city; or

(3) in a county having a consolidated city, by an excluded city (as defined in IC 36-3-1-7).

(d) If, on March 15, 2008, a county does not contain more than one (1) PSAP, not including any PSAP operated by an entity described in subsection (c)(1) through (c)(3), an additional PSAP may not be established and operated in the county on or after March 15, 2008, unless the additional PSAP is established and operated by:

(1) a state educational institution;

(2) in the case of a county having a consolidated city, an airport authority established for the county; or

(3) the municipality having the largest population in the county or an agency of that municipality.

(e) Before January 1, 2015, each PSAP operator in a county that contains more than the number of PSAPs authorized by subsection (c) shall enter into an interlocal agreement under IC 36-1-7 with every other PSAP operator in the county to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.

(f) An interlocal agreement required under subsection (e) may include as parties, in addition to the PSAP operators required to enter into the interlocal agreement under subsection (e), any of the following that seek to be served by a county's authorized PSAPs after December 31, 2014:

(1) Other counties contiguous to the county.

(2) Other political subdivisions in a county contiguous to the county.

(3) Other PSAP operators in a county contiguous to the county.

(g) An interlocal agreement required under subsection (e) must provide for the following:

(1) A plan for the:

(A) consolidation;

(B) reorganization; or

(C) elimination;

of one (1) or more of the county's PSAPs, as necessary to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after

December 31, 2014.

(2) A plan for funding and staffing the PSAP or PSAPs that will serve:

(A) the county; and

(B) any areas contiguous to the county, if additional parties described in subsection (f) participate in the interlocal agreement;

after December 31, 2014.

(3) Subject to any applicable state or federal requirements, protocol to be followed by the county's PSAP or PSAPs in:

(A) receiving incoming 911 calls; and

(B) dispatching appropriate public safety agencies to respond to the calls;

after December 31, 2014.

(4) Any other matters that the participating PSAP operators or parties described in subsection (f), if any, determine are necessary to ensure that the county does not contain more than the number of PSAPs authorized by subsection (c) after December 31, 2014.

(h) This section may not be construed to require a county to contain a PSAP.

(i) After December 31, 2014, if a county contains more than the number of PSAPs authorized by subsection (c), the county may not receive a distribution under section 37 of this chapter until the county complies with subsection (c).

Sec. 48. (a) The budget committee shall review the statewide 911 system governed by this chapter for the two (2) calendar years ending:

(1) December 31, 2013; and

(2) December 31, 2014.

(b) In conducting the review required by this section, the budget committee may examine the following:

(1) Whether the fund is being administered by the board in accordance with this chapter. In performing a review under this subdivision, the budget committee may consider the audit reports submitted to the budget committee by the state board of accounts under section 30(a) of this chapter.

(2) The collection, disbursement, and use of the statewide 911 fee assessed under section 32 of this chapter. In performing a review under this subdivision, the budget committee may:

(A) examine whether the statewide 911 fee:

(i) is being assessed in an amount that is reasonably necessary to provide adequate and efficient 911 service; and

(ii) is being used only for the purposes set forth in this chapter; and

(B) consider:

(i) the reports submitted to the budget committee by the board under section 30(c) of this chapter; and

(ii) the audit reports submitted to the budget committee by the state board of accounts under section 38(e) of this chapter.

(3) The report submitted to the budget committee by the Indiana advisory commission on intergovernmental relations under IC 4-23-24.2-5(b).

(4) Any other data, reports, or information the budget committee determines is necessary to review the statewide 911 system governed by this chapter.

(c) Subject to section 42 of this chapter, the board, the state board of accounts, political subdivisions, providers, and PSAPs shall provide to the budget committee all relevant data, reports, and information requested by the budget committee to assist the budget committee in carrying out its duties under this section.

(d) After conducting the review required by this section, the budget committee shall, not later than June 1, 2015, report its findings to the legislative council. The budget committee's findings under this subsection:

(1) must include a recommendation as to whether the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, 2015; and

(2) if the budget committee recommends under subdivision (1) that the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, 2015, may include recommendations for the introduction in the general assembly of any legislation that the budget committee determines is necessary to ensure that the statewide 911 system governed by this chapter is managed in a fair and fiscally prudent manner.

A report to the legislative council under this subsection must be in an electronic format under IC 5-14-6.

(e) If the budget committee does not recommend in its report under subsection (d) that the statewide 911 fee assessed under section 32 of this chapter should continue to be assessed and collected under this chapter after June 30, 2015, the statewide 911 fee assessed under section 32 of this chapter expires July 1, 2015, and may not be assessed or collected after June 30, 2015.

SECTION 21. IC 36-8-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Emergency Telephone Notification System).

SECTION 22. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in the wireless emergency telephone system fund established by IC 36-8-16.5-21 (before its repeal by this act on July 1, 2012) shall be transferred on July 1, 2012, to the statewide 911 fund established by IC 36-8-16.7-29, as added by this act.**

(b) This SECTION expires January 1, 2013.

SECTION 23. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in a county's wireless emergency telephone system fund established by IC 36-8-16.5-43 (before its repeal by this act on July 1, 2012) shall be transferred on July 1, 2012, by the county treasurer to the county's 911 fund required to be set aside by the county treasurer under IC 36-8-16.7-38(f), as added by this**

act.

(b) This SECTION expires January 1, 2013.

SECTION 24. [EFFECTIVE UPON PASSAGE] **(a) The funds that remain on June 30, 2012, in an emergency telephone system fund established by a county under IC 36-8-16-13 (before its repeal by this act on July 1, 2012) shall be transferred on July 1, 2012, by the county treasurer to the county's 911 fund required to be set aside by the county treasurer under IC 36-8-16.7-38(f), as added by this act.**

(b) This SECTION expires January 1, 2013.

SECTION 25. **An emergency is declared for this act.**

(Reference is to ESB 345 as printed February 24, 2012.)

Hershman, Chair	Thompson
Tallian	Pelath
Senate Conferees	House Conferees

Roll Call 363: yeas 44, nays 6. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1003–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1003 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause, begin a new paragraph and insert the following:

SECTION 1. IC 4-2-6-4.3, AS ADDED BY P.L.89-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4.3. ~~(a) This section applies to a commission meeting at which at least three (3) members of the commission are physically present at the place where the meeting is being conducted.~~ The commission may not conduct a hearing under section 4(b)(2)(G) of this chapter ~~under this section.~~ **by using electronic communication under IC 5-14-1.5-3.6.**

~~(b) A commission member may participate in a commission meeting by using a means of communication that permits:~~

~~(1) all other commission members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is being conducted;~~

~~to communicate simultaneously with each other during the meeting.~~

~~(c) A commission member who participates in a meeting under subsection (b) is considered to be present at the meeting.~~

~~(d) A commission member who participates in a meeting under subsection (b) may act as a voting member on official action only if at least two (2) commission members physically present at the place where the meeting is being conducted concur in the official action.~~

~~(e) The memoranda of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting by using a means of communication described in subsection (b); or~~

~~(3) was absent.~~

~~(f) A commission member who participates in a meeting under subsection (b) may not cast the deciding vote on any official action.~~

SECTION 2. IC 4-12-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. The budget committee shall meet at least once during the two (2) ~~months~~ **month** period after adjournment of each regular session of the general assembly sine die ~~except that beginning with July the committee shall meet at least once each month,~~ and upon call of the chairman. The committee shall fix the time and place for such meetings.

SECTION 3. IC 4-13.6-5-8, AS AMENDED BY P.L.177-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) This section applies only to public works contracts bid under section 2 of this chapter.

(b) The division shall solicit sealed bids by public notice inserted once each week for two (2) successive weeks before the final date of submitting bids in:

(1) one (1) newspaper of general circulation in Marion County, Indiana; and

(2) if any part of the project is located in an area outside Marion County, Indiana, one (1) newspaper of general circulation in that area.

The commissioner shall designate the newspapers for these publications. The commissioner may designate different newspapers according to the nature of the project and may direct that additional notices be published.

(c) The division shall also solicit sealed bids for public works projects by ~~(1) sending notices by mail to prospective contractors known to the division; (2) posting notices on a public bulletin board in its office; and (3)~~ providing electronic access to notices through the computer gateway administered by the office of technology established by IC 4-13.1-2-1 at least seven (7) days before the final date for submitting bids for the public works project.

SECTION 4. IC 4-15-1.5-5, AS AMENDED BY P.L.178-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The commission shall meet in rooms provided by the personnel department and assume the duties of office. Three (3) members of the commission shall constitute a quorum for the transaction of business, and a majority of votes cast shall be required for the adoption or approval of any official action. The commission shall elect one (1) of the members as the chairman and another member as vice-chairman and the persons so elected shall hold

office for one (1) year and until their successors are elected and qualified. The commission shall hold **at least one (1) annual meeting and** such regular and special meetings ~~each year~~ **as needed** as ~~it~~ **the commission** may prescribe by rule ~~or resolution shall meet on~~ **or upon** the call of the chairman. ~~and shall hold at least one (1) meeting each month.~~

SECTION 5. IC 5-1.5-2-2.5 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 2.5. (a) This section applies to a meeting of the board at which at least four (4) members of the board are physically present at the place where the meeting is conducted.~~

~~(b) A member of the board may participate in a meeting of the board by using a means of communication that permits:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting.~~

~~(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting by using a means of communication described in subsection (b); and~~

~~(3) was absent.~~

SECTION 6. IC 5-2-6-16, AS AMENDED BY P.L.44-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) As used in this chapter, "local coordinating council" means a countywide citizen body approved and appointed by the commission for a drug free Indiana to plan, monitor, and evaluate comprehensive local alcohol and drug abuse plans.

(b) The commission for a drug free Indiana is established (referred to in this section as "commission"). The criminal justice institute may adopt rules under IC 4-22-2 to administer the commission. The commission must consist of twenty (20) members described under subsections (d) and (e) who have distinguished themselves in their respective fields and who have experience or an interest in attempting to eliminate alcohol and other drug abuse in Indiana.

(c) The commission's purpose is to improve the coordination of alcohol and other drug abuse efforts at both the state and local levels in an effort to eliminate duplication of efforts while ensuring that comprehensive alcohol and other drug programs are available throughout Indiana. The commission's responsibilities include the following:

(1) Establishing an interagency council on drugs to coordinate the alcohol and other drug education, prevention, treatment, and justice programming and funding responsibilities of state agencies, commissions, and boards including the approval of alcohol and other drug plans and funding applications by state agencies, commissions, and boards.

(2) Coordinating the collection of data concerning alcohol and other drug abuse and the needs, programming, and effectiveness of state supported programs and services.

(3) Maintaining a system of support to assist local coordinating councils with technical assistance, guidance, or direct funding resources.

(4) Continuing to assist the development of local coordinating councils to identify community drug programs, coordinate community initiatives, design comprehensive, collaborative community strategies, and monitor anti-drug activities at the local level.

(5) Establishing roles, responsibilities, and performance standards for the local coordinating councils.

(6) Recommending to the governor and general assembly long and short range goals, objectives, and strategies, including legislative proposals to be implemented on the state and local level to reduce drug abuse.

(7) Assisting local communities in the development of citizen based drug related crime control efforts.

(d) The commission must be comprised of the following voting members:

(1) The governor or the governor's designee.

(2) Fifteen (15) members appointed by the governor for a two (2) year term, who have experience or expertise in at least one (1) of the following areas:

(A) Family relations.

(B) Religion.

(C) Education.

(D) Civic or private organizations.

(E) Business.

(F) Media.

(G) Drug treatment.

(H) Medicine.

(I) Local government.

(J) Judiciary.

(K) Law enforcement.

(L) Self-help organizations.

(M) Youth.

(N) A representative of the interagency council against drugs established under subsection (c)(1).

(O) Labor.

(e) Four (4) members of the general assembly shall serve as nonvoting members of the commission. The president pro tempore of the senate shall appoint two (2) senators, both of whom may not be members of the same political party. The speaker of the house of representatives shall appoint two (2) representatives, both of whom may not be members of the same political party.

(f) The governor or the governor's designee shall serve as the chairman of the commission.

(g) The commission shall meet ~~one (1) time per month~~ **quarterly or** at the call of the chairman.

(h) Eight (8) voting members of the commission constitute a quorum. The commission is not prohibited from conducting business as a result of a vacancy in the commission. In the case of a vacancy, a new appointee shall serve for the remainder of the unexpired term. A vacancy shall be filled from the same group that was represented by the outgoing member.

(i) All appointments of the commission's members are renewable.

(j) A member of the commission who is not a state employee is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) A member of the commission who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 7. IC 5-10.5-3-9 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 9. (a) This section applies to any meeting of the board.~~

~~(b) A member of the board may participate in a meeting of the board using any means of communication that permits:~~

~~(1) all other board members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with the member during the meeting.~~

~~(c) A member of the board who participates in a meeting under subsection (b) is considered to be present at the meeting.~~

~~(d) The memorandum of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting using a means of communication described in subsection (b); or~~

~~(3) was absent.~~

SECTION 8. IC 5-13-12-2, AS AMENDED BY P.L.115-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The board for depositories consists of the governor, the treasurer of state, the auditor of state, the chairperson of the department of financial institutions, the chief examiner of the state board of accounts, and four (4) appointed members. For appointments after June 30, 2010, one (1) member shall be appointed by the speaker of the house of representatives, one (1) member shall be appointed by the president pro tempore of the senate, and two (2) members shall be appointed by the governor. All appointed members must be residents of Indiana. The speaker of the house of representatives shall make the appointment to fill the first vacancy on the board, and the president pro tempore of the senate shall make the appointment to fill the second vacancy on the board that occurs after June 30, 2010. In making the governor's two (2) appointments, the governor shall assure that no more than two (2) of the four (4) appointees identify with the same political party. For appointments after June 30, 2010, all four (4) appointed members must be a chief executive officer or a chief financial officer of a depository at the time of the appointment if the depository is domiciled in Indiana. If the depository is not domiciled in Indiana, the appointee must be the most senior corporate officer of the depository with management or operational responsibility, or both, or the person designated to manage public funds for the depository that is located in Indiana. In making the governor's appointments, the governor shall provide for geographic representation of all regions of Indiana, including both urban and rural communities. In addition, the appointees must, at the time of the appointment, be employed by the following depositories:

(1) One (1) member appointed by the governor who must be the chief executive officer or the chief financial officer of a depository that is a state chartered credit union.

(2) One (1) member appointed by the governor who must be employed by a depository that:

(A) is not a state chartered credit union; and

(B) has total deposits of less than two hundred fifty million dollars ($250,000,000).

(3) The member appointed by the president pro tempore of the senate must be employed by a depository that:

(A) is not a state chartered credit union; and

(B) has total deposits of at least two hundred fifty million dollars ($250,000,000) but less than one billion dollars ($1,000,000,000).

(4) The member appointed by the speaker of the house of representatives must be employed by a depository that:

(A) is not a state chartered credit union; and

(B) has total deposits of at least one billion dollars ($1,000,000,000).

Total deposits shall be determined using the depository's reported deposits based on the information contained in the most recent June 30th FDIC Summary of Deposits, Market Share Selection for Indiana. The term of an appointed member is four (4) years from the effective date of the member's appointment. Each appointed member holds office for the term of this appointment and serves after the expiration of that appointment until the member's successor is appointed and qualified. An appointed member may be reappointed if the individual satisfies the requirements of this subsection at the time of the reappointment. Any appointed member may be removed from office by, and at the pleasure of, the appointing authority.

(b) The officers of the board consist of a chairman, a secretary-investment manager, a vice chairman, and other officers the board determines to be necessary. The governor shall name a member of the board to serve as its chairman. The

treasurer of state shall serve as the secretary-investment manager of the board. The board, by majority vote, shall elect the other officers. Officers, except the secretary-investment manager, shall be named or elected for one (1) year terms in January of each year. The members and officers of the board are not entitled to any compensation for their services but are entitled to reimbursement for actual and necessary expenses on the same basis as state employees.

(c) Five (5) members of the board constitute a quorum for the transaction of business, and all actions of the board must be approved by at least a simple majority of those members voting on each individual business issue. The board may adopt, amend, or repeal bylaws and rules for the conduct of its meetings and the number and times of its meetings. The board shall hold a regular meeting at least once ~~each calendar quarter~~ **semiannually** and may hold other regular and special meetings as prescribed in its rules. All meetings of the board are open to the public under IC 5-14-1.5. However, the board shall discuss the following in executive session:

(1) The financial strength of a particular financial institution.

(2) The collateral requirements of a particular financial institution.

(3) Any other matters concerning a particular financial institution.

All records of the board are subject to public inspection under IC 5-14-3. However, records regarding matters that are discussed in executive session are confidential.

(d) Two (2) days notice of the time and place of all meetings to determine and fix the assessment rate to be paid by depositories on account of insurance on public funds or the establishment or redetermination of the reserve for losses of the insurance fund shall be given by one (1) publication in a newspaper of general circulation printed and published in the city of Indianapolis. The time, place, notice, and waiver requirements for the members of the board for all meetings shall be determined by its rules. The secretary-investment manager of the board shall enter ~~its~~ **the board's** proceedings at length in a record provided for that purpose, and the records of the proceedings shall be approved and signed respectively by the chairman or vice chairman and attested by the secretary-investment manager.

SECTION 9. IC 5-13-12-2.5 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 2.5. (a) This section applies to a meeting of the board for depositories at which at least five (5) members of the board are physically present at the place where the meeting is conducted.~~

~~(b) A member of the board may participate in a meeting of the board by using a means of communication that permits:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting.~~

~~(d) A member who participates in a meeting under subsection (b) may act as a voting member on official action only if that official action is voted upon by at least five (5) members of the board physically present at the place where the meeting is conducted.~~

~~(e) The memoranda of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting by using a means of communication described in subsection (b); and~~

~~(3) was absent.~~

~~(f) A member who participates in a meeting under subsection (b) may not cast the deciding vote on any official action.~~

SECTION 10. IC 5-14-1.5-3, AS AMENDED BY P.L.179-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) Except as provided in section 6.1 of this chapter, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them.

(b) A secret ballot vote may not be taken at a meeting.

(c) A meeting conducted in compliance with ~~IC 5-1.5-2-2.5~~ **section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication** does not violate this section.

~~(d) A member of the governing body of a public agency who is not physically present at a meeting of the governing body but who communicates with members of the governing body during the meeting by telephone, computer, videoconferencing, or any other electronic means of communication:~~

~~(1) may not participate in final action taken at the meeting unless the member's participation is expressly authorized by statute; and~~

~~(2) may not be considered to be present at the meeting unless considering the member to be present at the meeting is expressly authorized by statute.~~

~~(e) The memoranda of a meeting prepared under section 4 of this chapter that a member participates in by using a means of communication described in subsection (d) must state the name of:~~

~~(1) each member who was physically present at the place where the meeting was conducted;~~

~~(2) each member who participated in the meeting by using a means of communication described in this section; and~~

~~(3) each member who was absent.~~

SECTION 11. IC 5-14-1.5-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 3.5. (a) This section applies only to a governing body of a public agency of a political subdivision.**

(b) A member of the governing body of a public agency who is not physically present at a meeting of the governing body but who communicates with members of the governing body during the meeting by telephone, computer, video conferencing, or any other electronic means of communication:

(1) may not participate in final action taken at the meeting unless the member's participation is expressly authorized by statute; and

(2) may not be considered to be present at the meeting unless considering the member to be present at the meeting is expressly authorized by statute.

(c) The memoranda prepared under section 4 of this chapter for a meeting in which a member participates by using a means of communication described in subsection (b) must state the name of:

(1) each member who was physically present at the place where the meeting was conducted;

(2) each member who participated in the meeting by using a means of communication described in subsection (b); and

(3) each member who was absent.

SECTION 12. IC 5-14-1.5-3.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 3.6. (a) This section applies only to a governing body of a public agency of the state, including a body corporate and politic established as an instrumentality of the state.**

(b) A member of the governing body of a public agency who is not physically present at a meeting of the governing body may participate in a meeting of the governing body by electronic communication only if the member uses a means of communication that permits:

(1) the member;

(2) all other members participating in the meeting;

(3) all members of the public physically present at the place where the meeting is conducted; and

(4) if the meeting is conducted under a policy adopted under subsection (g)(7), all members of the public physically present at a public location at which a member participates by means of electronic communication;

to simultaneously communicate with each other during the meeting.

(c) The governing body must fulfill both of the following requirements for a member of the governing body to participate in a meeting by electronic communication:

(1) This subdivision does not apply to committees appointed by a board of trustees of a state educational institution. The minimum number of members who must be physically present at the place where the meeting is conducted must be the greater of:

(A) two (2) of the members; or

(B) one-third (1/3) of the members.

(2) All votes of the governing body during the electronic meeting must be taken by roll call vote.

Nothing in this section affects the public's right under this chapter to attend a meeting of the governing body at the place where the meeting is conducted and the minimum number of members is physically present as provided for in subdivision (1).

(d) Each member of the governing body is required to physically attend at least one (1) meeting of the governing body annually.

(e) Unless a policy adopted by a governing body under subsection (g) provides otherwise, a member who participates in a meeting by electronic communication:

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.

(f) A governing body may not conduct meetings using a means of electronic communication until the governing body:

(1) meets all requirements of this chapter; and

(2) by a favorable vote of a majority of the members of the governing body, adopts a policy under subsection (g) governing participation in meetings of the governing body by electronic communication.

(g) A policy adopted by a governing body to govern participation in the governing body's meetings by electronic communication may do any of the following:

(1) Require a member to request authorization to participate in a meeting of the governing body by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.

(2) Subject to subsection (e), limit the number of members who may participate in any one (1) meeting by electronic communication.

(3) Limit the total number of meetings that the governing body may conduct in a calendar year by electronic communication.

(4) Limit the number of meetings in a calendar year in which any one (1) member of the governing body may participate by electronic communication.

(5) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action.

(6) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.

(7) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings of the governing body, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the governing body's policy includes this provision, a meeting notice must

provide the following information:

(A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.

(B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.

(C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.

(8) Require at least a quorum of members to be physically present at the location where the meeting is conducted.

(9) Provide that a member participating by electronic communication may vote on official action only if, subject to subsection (e), a specified number of members:

(A) are physically present at the location where the meeting is conducted; and

(B) concur in the official action.

(10) Establish any other procedures, limitations, or conditions that govern participation in meetings of the governing body by electronic communication and are not in conflict with this chapter.

(h) The policy adopted by the governing body must be posted on the Internet web site of the governing body or the public agency.

(i) Nothing in this section affects a public agency's right to exclude the public from an executive session in which a member participates by electronic communication.

SECTION 13. IC 5-14-1.5-4, AS AMENDED BY P.L.2-2007, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) A governing body of a public agency utilizing an agenda shall post a copy of the agenda at the entrance to the location of the meeting prior to the meeting. A rule, regulation, ordinance, or other final action adopted by reference to agenda number or item alone is void.

(b) As the meeting progresses, the following memoranda shall be kept:

(1) The date, time, and place of the meeting.

(2) The members of the governing body recorded as either present or absent.

(3) The general substance of all matters proposed, discussed, or decided.

(4) A record of all votes taken by individual members if there is a roll call.

(5) Any additional information required under ~~IC 5-1.5-2-2.5.~~ **section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.**

(c) The memoranda are to be available within a reasonable period of time after the meeting for the purpose of informing the public of the governing body's proceedings. The minutes, if any, are to be open for public inspection and copying.

SECTION 14. IC 5-14-1.5-5, AS AMENDED BY P.L.177-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda.

(b) Public notice shall be given by the governing body of a public agency ~~by:~~ **as follows:**

(1) **The governing body of a public agency shall give public notice by** posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held. ~~and~~

(2) **The governing body of a public agency shall give public notice by** delivering notice to all news media which deliver ~~by January 1~~ an annual written request for ~~such~~ **the** notices **not later than December 31** for the next succeeding calendar year to the governing body of the public agency. The governing body shall give notice by one (1) of the following methods, **which shall be determined by the governing body:**

(A) Depositing the notice in the United States mail with postage prepaid.

(B) Transmitting the notice by electronic mail, **if the public agency has the capacity to transmit electronic mail.**

(C) Transmitting the notice by facsimile (fax).

(3) This subdivision applies only to the governing body of a public agency of a political subdivision described in section 2(a)(2), 2(a)(4), or 2(a)(5) of this chapter that adopts a policy to provide notice under this subdivision. Notice under this subsection is in addition to providing notice under subdivisions (1) and (2). If the governing body adopts a policy under this subdivision, the governing body of a public agency shall give public notice by delivering notice to any person (other than news media) who delivers to the governing body of the public agency an annual written request for the notices not later than December 31 for the next succeeding calendar year. The governing body shall give notice by one (1) of the following methods, which shall be determined by the governing body:

(A) Transmitting the notice by electronic mail, if the public agency has the capacity to send electronic mail.

(B) Publishing the notice on the public agency's Internet web site at least forty-eight (48) hours in

advance of the meeting, if the public agency has an Internet web site.

A court may not declare void any policy, decision, or final action under section 7 of this chapter based on a failure to give a person notice under subdivision (3) if the public agency made a good faith effort to comply with subdivision (3). If a governing body comes into existence after ~~January 1,~~ **December 31,** it shall comply with this ~~subdivision~~ **subsection** upon receipt of a written request for notice. In addition, a state agency (as defined in IC 4-13-1-1) shall provide electronic access to the notice through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

(c) Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed. This subsection does not apply to executive sessions.

(d) If a meeting is called to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened disruption of the governmental activity under the jurisdiction of the public agency by any event, then the time requirements of notice under this section shall not apply, but:

(1) news media which have requested notice of meetings **under subsection (b)(2)** must be given the same notice as is given to the members of the governing body; and

(2) the public must be notified by posting a copy of the notice according to ~~this section.~~ **subsection (b)(1).**

(e) This section shall not apply where notice by publication is required by statute, ordinance, rule, or regulation.

(f) This section shall not apply to:

(1) the department of local government finance, the Indiana board of tax review, or any other governing body which meets in continuous session, except that this section applies to meetings of these governing bodies which are required by or held pursuant to statute, ordinance, rule, or regulation; or

(2) the executive of a county or the legislative body of a town if the meetings are held solely to receive information or recommendations in order to carry out administrative functions, to carry out administrative functions, or confer with staff members on matters relating to the internal management of the unit. "Administrative functions" do not include the awarding of contracts, the entering into contracts, or any other action creating an obligation or otherwise binding a county or town.

(g) This section does not apply to the general assembly.

(h) Notice has not been given in accordance with this section if a governing body of a public agency convenes a meeting at a time so unreasonably departing from the time stated in its public notice that the public is misled or substantially deprived of the opportunity to attend, observe, and record the meeting.

SECTION 15. IC 5-14-1.5-7, AS AMENDED BY P.L.179-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) An action may be filed by any person in any court of competent jurisdiction to:

(1) obtain a declaratory judgment;

(2) enjoin continuing, threatened, or future violations of this chapter; or

(3) declare void any policy, decision, or final action:

(A) taken at an executive session in violation of section 3(a) of this chapter;

(B) taken at any meeting of which notice is not given in accordance with section 5 of this chapter;

(C) that is based in whole or in part upon official action taken at any:

(i) executive session in violation of section 3(a) of this chapter;

(ii) meeting of which notice is not given in accordance with section 5 of this chapter; or

(iii) series of gatherings in violation of section 3.1 of this chapter; or

(D) taken at a meeting held in a location in violation of section 8 of this chapter.

The plaintiff need not allege or prove special damage different from that suffered by the public at large.

(b) Regardless of whether a formal complaint or an informal inquiry is pending before the public access counselor, any action to declare any policy, decision, or final action of a governing body void, or to enter an injunction which would invalidate any policy, decision, or final action of a governing body, based on violation of this chapter occurring before the action is commenced, shall be commenced:

(1) prior to the delivery of any warrants, notes, bonds, or obligations if the relief sought would have the effect, if granted, of invalidating the notes, bonds, or obligations; or

(2) with respect to any other subject matter, within thirty (30) days of either:

(A) the date of the act or failure to act complained of; or

(B) the date that the plaintiff knew or should have known that the act or failure to act complained of had occurred;

whichever is later. If the challenged policy, decision, or final action is recorded in the memoranda or minutes of a governing body, a plaintiff is considered to have known that the act or failure to act complained of had occurred not later than the date that the memoranda or minutes are first available for public inspection.

(c) If a court finds that a governing body of a public agency has violated this chapter, it may not find that the violation was cured by the governing body by only having taken final action at a meeting that complies with this chapter.

(d) In determining whether to declare any policy, decision, or final action void, a court shall consider the following factors among other relevant factors:

(1) The extent to which the violation:

(A) affected the substance of the policy, decision, or final action;

(B) denied or impaired access to any meetings that the public had a right to observe and record; and

(C) prevented or impaired public knowledge or understanding of the public's business.

(2) Whether voiding of the policy, decision, or final action is a necessary prerequisite to a substantial reconsideration of the subject matter.

(3) Whether the public interest will be served by voiding the policy, decision, or final action by determining which of the following factors outweighs the other:

(A) The remedial benefits gained by effectuating the public policy of the state declared in section 1 of this chapter.

(B) The prejudice likely to accrue to the public if the policy, decision, or final action is voided, including the extent to which persons have relied upon the validity of the challenged action and the effect declaring the challenged action void would have on them.

(4) Whether the defendant acted in compliance with an informal inquiry response or advisory opinion issued by the public access counselor concerning the violation.

(e) If a court declares a policy, decision, or final action of a governing body of a public agency void, the court may enjoin the governing body from subsequently acting upon the subject matter of the voided act until it has been given substantial reconsideration at a meeting or meetings that comply with this chapter.

(f) In any action filed under this section, a court shall award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the prevailing party if:

(1) the plaintiff prevails; or

(2) the defendant prevails and the court finds that the action is frivolous and vexatious.

The plaintiff is not eligible for the awarding of attorney's fees, court costs, and other reasonable expenses if the plaintiff filed the action without first seeking and receiving an informal inquiry response or advisory opinion from the public access counselor, unless the plaintiff can show the filing of the action was necessary to prevent a violation of this chapter.

(g) A court may assess a civil penalty under section 7.5 of this chapter only if the plaintiff obtained an advisory opinion from the public access counselor before filing an action under this section as set forth in section 7.5 of this chapter.

~~(g)~~ **(h)** A court shall expedite the hearing of an action filed under this section.

SECTION 16. IC 5-14-1.5-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7.5. (a) This section applies only to an individual who is:**

(1) an officer of a public agency; or

(2) employed in a management level position with a public agency.

(b) If an individual with the specific intent to violate the law fails to perform a duty imposed on the individual under this chapter by:

(1) failing to give proper notice of a regular meeting, special meeting, or executive session;

(2) taking final action outside a regular meeting or special meeting;

(3) participating in a secret ballot during a meeting;

(4) discussing in an executive session subjects not eligible for discussion in an executive session;

(5) failing to prepare a memorandum of a meeting as required by section 4 of this chapter; or

(6) participating in at least one (1) gathering of a series of gatherings under section 3.1 of this chapter;

the individual and the public agency are subject to a civil penalty under subsection (f).

(c) A civil penalty may only be imposed as part of an action filed under section 7 of this chapter. A court may not impose a civil penalty under this section unless the public access counselor has issued an advisory opinion:

(1) to the complainant and the public agency;

(2) that finds that the individual or public agency violated this chapter; and

(3) before the action under section 7 of this chapter is filed.

Nothing in this section prevents both the complainant and the public agency from requesting an advisory opinion from the public access counselor.

(d) It is a defense to the imposition of a civil penalty under this section that the individual failed to perform a duty under subsection (b) in reliance on either of the following:

(1) An opinion of the public agency's legal counsel.

(2) An opinion of the attorney general.

(e) Except as provided in subsection (i), in an action filed under section 7 of this chapter, a court may impose a civil penalty against one (1) or more of the following:

(1) The individual named as a defendant in the action.

(2) The public agency named as a defendant in the action.

(f) The court may impose against each defendant listed in subsection (c) the following civil penalties:

(1) Not more than one hundred dollars ($100) for the first violation.

(2) Not more than five hundred dollars ($500) for each additional violation.

A civil penalty imposed under this section is in addition to any other civil or criminal penalty imposed. However, in any one (1) action brought under section 7 of this chapter, a court may impose only one (1) civil penalty against an individual, even if the court finds that the individual committed multiple violations. This subsection does not preclude a court from imposing another civil penalty against an individual in a separate action, but an individual may not be assessed more than one (1) civil penalty in any one (1) action brought under this section.

(g) A court shall distribute monthly to the auditor of state any penalties collected under this section for deposit in the education fund established by IC 5-14-4-14.

(h) An individual is personally liable for a civil penalty imposed on the individual under this section. A civil penalty imposed against a public agency under this section shall be paid from the public agency's budget.

(i) If an officer of a public agency directs an individual who is employed in a management level position to fail to give proper notice as described in subsection (b)(1), the management level employee is not subject to civil penalties under subsection (f).

SECTION 17. IC 5-14-3-3, AS AMENDED BY P.L.2-2007, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must:

(1) identify with reasonable particularity the record being requested; and

(2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute.

(b) A public agency may not deny or interfere with the exercise of the right stated in subsection (a). **Within a reasonable time after the request is received by the agency,** the public agency shall either:

(1) provide the requested copies to the person making the request; or

(2) allow the person to make copies:

(A) on the agency's equipment; or

(B) on the person's own equipment.

(c) Notwithstanding subsections (a) and (b), a public agency may or may not do the following:

(1) In accordance with a contract described in section 3.5 of this chapter, permit a person to inspect and copy through the use of enhanced access public records containing information owned by or entrusted to the public agency.

(2) Permit a governmental entity to use an electronic device to inspect and copy public records containing information owned by or entrusted to the public agency.

(d) Except as provided in subsection (e), a public agency that maintains or contracts for the maintenance of public records in an electronic data storage system shall make reasonable efforts to provide to a person making a request a copy of all disclosable data contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system. This subsection does not apply to an electronic map.

(e) A state agency may adopt a rule under IC 4-22-2, and a political subdivision may enact an ordinance, prescribing the conditions under which a person who receives information on disk or tape under subsection (d) may or may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of information received under subsection (d) in connection with the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses information in a manner contrary to a rule or ordinance adopted under this subsection may be prohibited by the state agency or political subdivision from obtaining a copy or any further data under subsection (d).

(f) Notwithstanding the other provisions of this section, a public agency is not required to create or provide copies of lists of names and addresses (including electronic mail account addresses) unless the public agency is required to publish such lists and disseminate them to the public under a statute. However, if a public agency has created a list of names and addresses (excluding electronic mail account addresses) it must permit a person to inspect and make memoranda abstracts from the list unless access to the list is prohibited by law. The lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to any individual or entity for political purposes and may not be used by any individual or entity for political purposes. In addition, the lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes. The prohibition in this subsection against the disclosure of lists for political or commercial purposes applies to the following lists of names and addresses (including electronic mail account addresses):

(1) A list of employees of a public agency.

(2) A list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution.

(3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:

(A) with respect to disclosure related to a commercial purpose, prohibiting the disclosure of the list to commercial entities for commercial purposes;

(B) with respect to disclosure related to a commercial purpose, specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes; or

(C) with respect to disclosure related to a political purpose, prohibiting the disclosure of the list to individuals and entities for political purposes.

A policy adopted under subdivision (3)(A) or (3)(B) must be uniform and may not discriminate among similarly situated commercial entities. For purposes of this subsection, "political

purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question.

(g) A public agency may not enter into or renew a contract or an obligation:

(1) for the storage or copying of public records; or

(2) that requires the public to obtain a license or pay copyright royalties for obtaining the right to inspect and copy the records unless otherwise provided by applicable statute;

if the contract, obligation, license, or copyright unreasonably impairs the right of the public to inspect and copy the agency's public records.

(h) If this section conflicts with IC 3-7, the provisions of IC 3-7 apply.

SECTION 18. IC 5-14-3-4, AS AMENDED BY P.L.170-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.

(10) Application information declared confidential by the board of the Indiana economic development corporation under IC 5-28-16.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(2)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between the Indiana economic development corporation, the ports of Indiana, the Indiana state department of agriculture, the Indiana finance authority, an economic development commission, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency,

that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;

(E) threat assessments;

(F) intelligence assessments;

(G) domestic preparedness strategies;

(H) the location of community drinking water wells and surface water intakes;

(I) the emergency contact information of emergency responders and volunteers;

(J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems; and

(K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:

(i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and

(ii) must identify a record described under item (i) and clearly mark the record as "confidential and not

subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender that:

(A) contain personal information relating to:

(i) a correctional officer (as defined in IC 5-10-10-1.5);

(ii) a law enforcement officer (as defined in IC 35-31.5-2-185);

(iii) a judge (as defined in IC 33-38-12-3);

~~(ii)~~ **(iv)** the victim of a crime; or

~~(iii)~~ **(v)** a family member of a correctional officer, **law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3),** or ~~the~~ victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:

(A) Name.

(B) Address.

(C) Telephone number.

(D) Electronic mail account address.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 19. IC 5-14-3-9, AS AMENDED BY P.L.22-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) A denial of disclosure by a public agency occurs when the person making the request is physically present in the office of the agency, makes the request by telephone, or requests enhanced access to a document and:

(1) the person designated by the public agency as being responsible for public records release decisions refuses to permit inspection and copying of a public record when a request has been made; or

(2) twenty-four (24) hours elapse after any employee of the public agency refuses to permit inspection and copying of a public record when a request has been made;

whichever occurs first.

(b) If a person requests by mail or by facsimile a copy or copies of a public record, a denial of disclosure does not occur until seven (7) days have elapsed from the date the public agency receives the request.

(c) If a request is made orally, either in person or by telephone, a public agency may deny the request orally. However, if a request initially is made in writing, by facsimile, or through enhanced access, or if an oral request that has been denied is renewed in writing or by facsimile, a public agency may deny the request if:

(1) the denial is in writing or by facsimile; and

(2) the denial includes:

(A) a statement of the specific exemption or exemptions authorizing the withholding of all or part of the public record; and

(B) the name and the title or position of the person responsible for the denial.

(d) This subsection applies to a board, a commission, a department, a division, a bureau, a committee, an agency, an office, an instrumentality, or an authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state. If an agency receives a request to inspect or copy a record that the agency considers to be excepted from disclosure under section 4(b)(19) of this chapter, the agency may consult with the counterterrorism and security council established by IC 10-19-8-1. If an agency denies the disclosure of a record or a part of a record under section 4(b)(19) of this chapter, the agency or the counterterrorism and security council shall provide a general description of the record being withheld and of how disclosure of the record would have a reasonable likelihood of threatening the public safety.

(e) A person who has been denied the right to inspect or copy a public record by a public agency may file an action in the circuit or superior court of the county in which the denial occurred to compel the public agency to permit the person to inspect and copy the public record. Whenever an action is filed under this subsection, the public agency must notify each person who supplied any part of the public record at issue:

(1) that a request for release of the public record has been denied; and

(2) whether the denial was in compliance with an informal inquiry response or advisory opinion of the public access counselor.

Such persons are entitled to intervene in any litigation that results from the denial. The person who has been denied the right to inspect or copy need not allege or prove any special damage different from that suffered by the public at large.

(f) The court shall determine the matter de novo, with the burden of proof on the public agency to sustain its denial. If the issue in de novo review under this section is whether a public agency properly denied access to a public record because the record is exempted under section 4(a) of this chapter, the public agency meets its burden of proof under this subsection by establishing the content of the record with adequate specificity and not by relying on a conclusory statement or affidavit.

(g) If the issue in a de novo review under this section is whether a public agency properly denied access to a public record because the record is exempted under section 4(b) of this chapter:

(1) the public agency meets its burden of proof under this subsection by:

(A) proving that the record falls within any one (1) of the categories of exempted records under section 4(b) of this chapter; and

(B) establishing the content of the record with adequate specificity and not by relying on a conclusory statement or affidavit; and

(2) a person requesting access to a public record meets the person's burden of proof under this subsection by proving that the denial of access is arbitrary or capricious.

(h) The court may review the public record in camera to determine whether any part of it may be withheld under this chapter. **However, if the complaint alleges that a public agency denied disclosure of a public record by redacting information in the public record, the court shall conduct an in camera inspection of the public record with the redacted information included.**

(i) In any action filed under this section, a court shall award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the prevailing party if:

(1) the plaintiff substantially prevails; or

(2) the defendant substantially prevails and the court finds the action was frivolous or vexatious.

The plaintiff is not eligible for the awarding of attorney's fees, court costs, and other reasonable expenses if the plaintiff filed the action without first seeking and receiving an informal inquiry response or advisory opinion from the public access counselor, unless the plaintiff can show the filing of the action was necessary because the denial of access to a public record under this chapter would prevent the plaintiff from presenting that public record to a public agency preparing to act on a matter of relevance to the public record whose disclosure was denied.

(j) A court may assess a civil penalty under section 9.5 of this chapter only if the plaintiff obtained an advisory opinion from the public access counselor before filing an action under this section as set forth in section 9.5 of this chapter.

~~(j)~~ **(k)** A court shall expedite the hearing of an action filed under this section.

SECTION 20. IC 5-14-3-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9.5. (a) This section does not apply to any matter regarding:**

(1) the work product of the legislative services agency under personnel rules approved by the legislative council; or

(2) the work product of individual members and the partisan staffs of the general assembly.

(b) As used in subsections (c) through (k), "individual" means:

(1) an officer of a public agency; or

(2) an individual employed in a management level position with a public agency.

(c) If an individual:

(1) continues to deny a request that complies with section 3(b) of this chapter for inspection or copying of a public record after the public access counselor has issued an advisory opinion:

(A) regarding the request for inspection or copying of the public record; and

(B) that instructs the public agency to allow access to the public record; and

(2) denies the request with the specific intent to unlawfully withhold a public record that is subject to disclosure under this chapter;

the individual and the public agency employing the individual are subject to a civil penalty under subsection (h).

(d) If an individual intentionally charges a copying fee that the individual knows exceeds the amount set by statute, fee schedule, ordinance, or court order, the individual is subject to a civil penalty under subsection (h).

(e) A civil penalty may only be imposed as part of an action filed under section 9 of this chapter. A court may not impose a civil penalty under this section unless the public access counselor has issued an advisory opinion:

(1) to the complainant and the public agency;

(2) that instructs the public agency to allow access to the public record; and

(3) before the action under section 9 of this chapter is filed.

Nothing in this section prevents both the person requesting the public record and the public agency from requesting an advisory opinion from the public access counselor.

(f) It is a defense to the imposition of a civil penalty under this section that the individual denied access to a public record in reliance on either of the following:

(1) An opinion of the public agency's legal counsel.

(2) An opinion of the attorney general.

(g) A court may impose a civil penalty for a violation under subsection (c) against one (1) or more of the following:

(1) The individual named as a defendant in the action.

(2) The public agency named as a defendant in the action.

(h) In an action under this section, a court may impose the following civil penalties:

(1) Not more than one hundred dollars ($100) for the first violation.

(2) Not more than five hundred dollars ($500) for each additional violation.

A civil penalty imposed under this section is in addition to any other civil or criminal penalty imposed. However, in any one (1) action brought under this section, a court may impose only one (1) civil penalty against an individual, even if the court finds that the individual committed multiple violations. This subsection does not preclude a court from imposing another civil penalty against an individual in a separate action, but an individual may not be assessed more than one (1) civil penalty in any one (1) action brought under this section.

(i) A court shall distribute monthly to the auditor of state any penalties collected under this section for deposit in the education fund established by IC 5-14-4-14.

(j) An individual is personally liable for a civil penalty imposed on the individual under this section. A civil penalty imposed against a public agency under this section shall be paid from the public agency's budget.

(k) If an officer of a public agency directs an individual who is employed in a management level position to deny a request as described in subsection (c)(1), the management level employee is not subject to civil penalties under subsection (h).

SECTION 21. IC 5-14-4-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14. (a) An education fund is established to provide funds for the program established under section 10(1) of this chapter.**

(b) The fund consists of the following:

(1) Civil penalties collected under IC 5-14-1.5-7.5 and IC 5-14-3-9.5.

(2) Money appropriated by the general assembly.

(3) Grants, gifts, contributions, and money received from any other source.

(c) The treasurer of state shall administer the fund. The following may be paid from money in the fund:

(1) Expenses of administering the fund.

(2) Nonrecurring administrative expenses incurred to carry out the purposes of this section.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

SECTION 22. IC 5-15-5.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

"Commission" means the commission on public records created by this chapter.

"Record" means all documentation of the informational, communicative, or ~~decisionmaking~~ **decision making** processes of state government, its agencies and subdivisions made or received by any agency of state government or its employees in connection with the transaction of public business or government functions, which documentation is created, received, retained, maintained, or filed by that agency or its successors as evidence of its activities or because of the informational value of the data in the documentation, and which is generated on:

(1) paper or paper substitutes;

(2) photographic or chemically based media;

(3) magnetic, **electronic,** or machine readable media; or

(4) any other materials, regardless of form or characteristics.

"Nonrecord materials" means all identical copies of forms, records, reference books, and exhibit materials which are made, or acquired, and preserved solely for reference use, exhibition purposes, or publication and which are not included within the definition of record.

"Personal records" means:

(1) all documentary materials of a private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of a public official, including: diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting government business; or

(2) materials relating to private political associations, and having no relation to or effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of a public official and are not deemed public records.

"Form" means every piece of paper, transparent plate, or film containing information, printed, generated, or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving the state.

"Agency" means any state office, department, division, board, bureau, commission, authority, or other separate unit of state government established by the constitution, law, or by executive or legislative order.

"Public official" means:

(1) an individual holding a state office created by the Constitution of Indiana, by act or resolution of the general assembly, or by the governor;

(2) all officers of the executive and administrative branch of state government; and

(3) all other officers, heads, presidents, or chairmen of agencies of state government.

"Indiana state archives" means the program maintained by the commission for the preservation of those records and other government papers that have been determined by the commission to have sufficient permanent values to warrant their continued preservation by the state.

"Forms management" means the program maintained by the commission to provide continuity of forms design procedures from the form's origin up to its completion as a record by determining the:

(1) form's size, style, and size of type;

(2) format;

(3) type of construction;

(4) number of plies;

(5) quality, weight and type of paper and carbon; and ~~by determining the~~

(6) use of the form for data entry as well as the distribution.

"Information management" means the program maintained by the commission for the application of management techniques to the purchase, creation, utilization, maintenance, retention, preservation, and disposal of forms and records undertaken to improve efficiency and reduce costs of recordkeeping, including management of filing and microfilming equipment and supplies, filing and information retrieval systems, files, correspondence, reports and forms management, historical documentation, micrographic retention programming, and critical records protection.

"Records center" means a program maintained by the commission primarily for the storage, processing, retrieving, servicing, and security of government records that must be retained for varying periods of time but should not be maintained in an agency's office equipment or space.

"Critical records" means records necessary to:

(1) resume or continue governmental operations;

(2) the reestablishing of the legal and financial responsibilities of government in the state; or ~~to~~

(3) protect and fulfill governmental obligations to the citizens of the state.

"Retention schedule" means a set of instructions prescribing how long, where, and in what form a record series shall be kept.

"Records series" means documents or records that are filed in a unified arrangement and having similar physical characteristics or relating to a similar function or activity.

"Records coordinator" means a person designated by an agency to serve as an information liaison person between the agency and the commission.

SECTION 23. IC 21-9-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) Five (5) members of the board are a quorum for:

(1) the transaction of business at a meeting of the board; or

(2) the exercise of a power or function of the authority.

~~(b) This subsection applies to a meeting of the board at which at least five (5) members of the board are physically present at the place where the meeting is conducted. A member of the board may participate in a meeting of the board by using a means of communication that permits:~~

~~(1) the member;~~

~~(2) all other members participating in the meeting; and~~

~~(3) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting. A member who participates in a meeting described in this subsection is considered to be present at the meeting. If a meeting is held under this subsection, the memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of each member who was physically present at the place where the meeting was conducted, who participated in the meeting by using a means of communication described in this subsection, and who was absent from the meeting.~~

~~(c)~~ **(b)** The affirmative vote of a majority of all the members of the board who are present is necessary for the authority to take action. A vacancy in the membership of the board does not impair the right of a quorum to exercise all the rights and perform all the duties of the authority. An action taken by the board under this article may be authorized by:

(1) resolution at any regular or special meeting; or

(2) unanimous consent of all the members who have not abstained.

A resolution takes effect immediately upon adoption and need not be published or posted.

~~(d)~~ **(c)** The board shall meet at the call of the chairman and as provided in the bylaws of the authority.

~~(e)~~ **(d)** Meetings of the board may be held anywhere in Indiana.

SECTION 24. IC 21-22-3-5 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 5. (a) This section applies to a meeting of the state board or a committee of the state board at which at least a quorum of the board or the committee is physically present at the place where the meeting is conducted.~~

~~(b) A member of the state board or a committee of the state board may participate in a meeting of the state board or a committee of the state board by using a means of communication that permits:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member who participates in a meeting by using a means of communication described in subsection (b) is considered to be present at the meeting.~~

~~(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:~~

~~(1) each member who was physically present at the place where the meeting was conducted;~~

~~(2) each member who participated in the meeting by using a means of communication described in subsection (b); and~~

~~(3) each member who was absent.~~

SECTION 25. IC 21-25-3-8 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 8. (a) This section applies to a meeting of the board of trustees or a committee of the board of trustees at which at least a quorum of the board or the committee is physically present at the place where the meeting is conducted.~~

~~(b) A member of the board or a committee of the board may participate in a meeting of the board or the committee by using a means of communication that permits:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member who participates in a meeting by using a means of communication described in subsection (b) is considered to be present at the meeting.~~

~~(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:~~

~~(1) each member who was physically present at the place where the meeting was conducted;~~

~~(2) each member who participated in the meeting by using a means of communication described in subsection (b); and~~

~~(3) each member who was absent.~~

SECTION 26. IC 21-27-2-2 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 2. (a) This section applies to a meeting of:~~

~~(1) the board of trustees or a committee of the board of trustees of any state educational institution (as defined in IC 21-7-13-32); or~~

~~(2) the commission for higher education established under IC 21-18-2-1.~~

~~(b) A member of the board of trustees or the commission for higher education may participate in a meeting of the board or commission:~~

~~(1) at which at least a quorum is physically present at the place where the meeting is conducted; and~~

~~(2) by using a means of communication that permits:~~

~~(A) all other members participating in the meeting; and~~

~~(B) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member of a committee of the board of trustees may participate in a committee meeting by using a means of communication that permits:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(d) A member who participates in a meeting under subsection (b) or (c) is considered to be present at the meeting.~~

~~(e) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:~~

~~(1) each member who was physically present at the place where the meeting was conducted;~~

~~(2) each member who participated in the meeting by using a means of communication described in subsection (b) or (c); and~~

~~(3) each member who was absent.~~

SECTION 27. IC 22-4-18.1-6.5 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 6.5. (a) This section applies to a meeting of the council at which at least half of the members appointed to the council are physically present at the place where the meeting is conducted.~~

~~(b) A member of the council may participate in a meeting of the council using a means of communication that permits:~~

~~(1) all other members of the council participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting and may vote on any matter properly presented during the meeting.~~

~~(d) A member who participates in a meeting under subsection (b) shall confirm in writing not more than five (5) days after the date of the meeting the votes cast by the member during the meeting. The member may send the confirmation by United~~

~~States mail or facsimile.~~

~~(e) A member shall attend at least three (3) meetings of the council during a calendar year in person.~~

~~(f) The memorandum of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting using a means of communication described in subsection (b); and~~

~~(3) was absent.~~

SECTION 28. IC 25-1-14 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. (Meetings).

SECTION 29. IC 25-37.5-1-2, AS AMENDED BY P.L.158-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Except as provided in section 5 of this chapter, every valuable metal dealer in this state shall enter on forms provided **under section 6 of this chapter** by the state police department for each purchase of valuable metal the following information:

(1) The name and address of the dealer.

(2) The date and place of each purchase.

(3) The name, address, age, and driver's license number or Social Security number of the person or persons from whom the valuable metal was purchased.

(4) The valuable metal dealer shall verify the identity of the person from whom the valuable metal was purchased by use of a government issued photographic identification. The dealer shall enter on the form the type of government issued photographic identification used to verify the identity of the person from whom the valuable metal was purchased, together with the:

(A) name of the government agency that issued the photographic identification; and

(B) identification number present on the government issued photographic identification.

(5) The motor vehicle license number of the vehicle or conveyance on which the valuable metal was delivered to the dealer.

(6) The price paid for the metal.

(7) A description and weight of the valuable metal purchased.

(8) The source of the valuable metal.

(9) The photograph described in subsection (b).

After entering the information required in this subsection, the valuable metal dealer shall require the person or persons from whom the valuable metal is purchased to sign the form and verify its accuracy.

(b) In addition to collecting the information described in subsection (a), a valuable metal dealer shall take a photograph of:

(1) the person from whom the valuable metal is being purchased; and

(2) the valuable metal.

(c) A valuable metal dealer shall make and retain a copy of the government issued photographic identification described under subsection (a)(4) used to verify the identity of the person from whom valuable metal was purchased and the photograph described in subsection (b). However, a valuable metal dealer is not required to make a copy of a government issued photographic identification used under subsection (a)(4) to verify the identity of the person from whom valuable metal is purchased if the valuable metal dealer has retained a copy of a person's government issued photographic identification from a prior purchase from the person by the valuable metal dealer.

(d) The completed form, the photograph described in subsection (b), and the copy of the government issued photographic identification described in subsection (c) shall be kept in a separate book or register by the dealer and shall be retained for a period of two (2) years. This book or register shall be made available for inspection by any law enforcement official at any time.

(e) A valuable metal dealer may not accept a damaged or an undamaged metal beer keg if either of the following applies:

(1) The keg is clearly marked as the property of a brewery manufacturer.

(2) The keg's identification markings have been made illegible.

SECTION 30. IC 25-37.5-1-3, AS AMENDED BY P.L.158-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The superintendent of the state police department may adopt rules under IC 4-22-2 as may be necessary to administer and enforce the provisions and intent of this chapter. ~~The superintendent shall also prepare and distribute a list to each valuable metal dealer describing valuable metal products that are particularly susceptible to theft.~~

SECTION 31. IC 25-37.5-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The state police department shall ~~prepare the forms provided for in section 2 of this chapter, shall make a reasonable supply of the forms available at the office of the county sheriff of each county and shall provide the forms to any individual upon request.~~ **publish the following on the state police Internet web site:**

(1) The forms described in section 2(a) of this chapter to be used by valuable metal dealers when purchasing valuable metal.

(2) A list that describes valuable metal products that are particularly susceptible to theft.

(3) The:

(A) statutes; and

(B) rules adopted by the superintendent of the state police department under section 3 of this chapter;

concerning the regulation of valuable metal dealers.

SECTION 32. IC 28-11-1-9.1, AS AMENDED BY HEA 1239-2012 SECTION 107, IS REPEALED [EFFECTIVE JANUARY 1, 2013]: ~~Sec. 9.1. (a) Subject to the policies adopted by the members governing the conduct of meetings, this section applies to all meetings of the members.~~

~~(b) A member may participate in a meeting of the members by using a means of communication that permits:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to simultaneously communicate with each other during the meeting.~~

~~(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting for all purposes, including establishing a quorum and voting on all matters to come before the members.~~

~~(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting by using a means of communication described in subsection (b); and~~

~~(3) was absent.~~

SECTION 33. IC 31-26-6-13 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 13. (a) This section applies to a meeting of a regional services council at which at least four (4) voting members of the council are physically present at the place where the meeting is conducted.~~

~~(b) A member of the regional services council may participate in a meeting of the council by using a means of communication that allows:~~

~~(1) all other members participating in the meeting; and~~

~~(2) all members of the public physically present at the place where the meeting is conducted;~~

~~to communicate simultaneously with each other during the meeting.~~

~~(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting.~~

~~(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of each member who:~~

~~(1) was physically present at the place where the meeting was conducted;~~

~~(2) participated in the meeting by using a means of communication described in subsection (b); or~~

~~(3) was absent.~~

SECTION 34. IC 34-30-2-14.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14.1. IC 5-14-1.5-7.5 (Concerning a public employee who, acting on the orders of a superior or on the advice of the agency attorney or the attorney general, fails to provide proper notice of a public meeting or executive session).**

SECTION 35. IC 34-30-2-14.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14.2. IC 5-14-3-9.5 (Concerning a public employee who, acting on the orders of a superior or on the advice of the agency attorney or the attorney general, denies or interferes with a person's request for inspection or copying of a public record)**.

(Reference is to EHB 1003 as reprinted February 17, 2012.)

Crouch, Chair	Holdman
Dobis	Arnold
House Conferees	Senate Conferees

Roll Call 364: yeas 41, nays 9. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1072–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1072 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-10-13-0.1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 0.1. The amendments made to section 5 of this chapter by P.L.98-1989 apply to boating years beginning after December 31, 1989.~~

SECTION 2. IC 4-10-13-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. (a) The department of local government finance shall prepare and publish each year the following report which must contain the following property tax data by counties or by appropriate taxing jurisdictions:~~

~~(1) The tax rates of the various taxing jurisdictions.~~

~~(2) An abstract of taxable real property including a recital of the number of parcels and the gross assessed valuation of nonfarm residential property including improvements thereon, the number of parcels and the gross assessed valuation of commercial and industrial real property, including improvements thereon, the number of parcels and the gross assessed valuation of unimproved real property, the number of parcels and the gross assessed valuation of agricultural acreage including improvements thereon, and the total amount of the gross assessed valuation of real estate and the total assessed valuation of improvements thereon. The abstract shall also include a recital of the total amount of net valuation of real property.~~

~~(3) The total assessed valuation of personal property belonging to steam and electric railways and to public utilities.~~

~~(4) The total number of taxpayers and the total assessed valuation of household goods and personal effects, excluding boats subject to the boat excise tax under IC 6-6-11.~~

~~(5) The total number of units assessed and the assessed valuation of each of the following items of personal property:~~

~~(A) Privately owned, noncommercial passenger cars.~~
~~(B) Commercial passenger cars.~~
~~(C) Trucks and tractors.~~
~~(D) Motorcycles.~~
~~(E) Buses.~~
~~(F) Mobile homes.~~
~~(G) Boats.~~
~~(H) Airplanes.~~
~~(I) Farm machinery.~~
~~(J) Livestock.~~
~~(K) Crops.~~
~~(6) The total number of taxpayers and the total valuation of inventories and other personal property belonging to retail establishments, wholesale establishments, manufacturing establishments, and commercial establishments.~~

~~(b) The department of local government finance is hereby authorized to prescribe and promulgate the forms as are necessary for the obtaining of such information from local assessing officials. The local assessing officials are directed to comply with this section.~~

SECTION 3. IC 4-33-6-1, AS AMENDED BY P.L.233-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) The commission may issue to a person a license to own a riverboat subject to the numerical and geographical limitation of owner's licenses under this section, section 3.5 of this chapter, and IC 4-33-4-17. However, not more than ten (10) owner's licenses may be in effect at any time. Except as provided in subsection (b), those ten (10) licenses are as follows:

(1) Two (2) licenses for a riverboat that operates from the ~~largest~~ city ~~located in the counties described under IC 4-33-1-1(1).~~ **of Gary.**

(2) One (1) license for a riverboat that operates from the ~~second largest~~ city ~~located in the counties described under IC 4-33-1-1(1).~~ **of Hammond.**

(3) One (1) license for a riverboat that operates from the ~~third largest~~ city ~~located in the counties described under IC 4-33-1-1(1).~~ **of East Chicago.**

(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that operate upon the Ohio River from the following counties:

(A) Vanderburgh County.
(B) Harrison County.
(C) Switzerland County.
(D) Ohio County.
(E) Dearborn County.

The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat operating from a county described in this subdivision.

(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2) elections under section 20 of this chapter, and the voters of the city do not vote in favor of permitting riverboat gambling at either of those elections, the license assigned to that city under subsection (a)(2) or (a)(3) may be issued to any city that:

(1) does not already have a riverboat operating from the city; and

(2) is located in a county described in IC 4-33-1-1(1).

(c) In addition to its power to issue owner's licenses under subsection (a), the commission may also enter into a contract under IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf of the commission in a historic hotel district.

(d) A person holding an owner's license may not move the person's riverboat from the county in which the riverboat was docked on January 1, 2007, to any other county.

SECTION 4. IC 5-1-18-6, AS AMENDED BY P.L.219-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A political subdivision that issues bonds or enters into a lease after December 31, 2005, shall supply the department with ~~information concerning the bond issue or lease not later than December 31 of the year in~~ **a debt issuance report not later than one (1) month after the date on** which the bonds are issued or the lease is executed.

SECTION 5. IC 5-1-18-7, AS ADDED BY P.L.199-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided by subsection (b), the ~~bond issue information~~ **debt issuance report** required by section 6 of this chapter must be submitted on a form prescribed by the department and must include **the following information concerning bonds:**

(1) The par value of the bond issue.
(2) A schedule of maturities and interest rates.
(3) The purposes of the bond issue.
(4) The itemized costs of issuance information, including fees for bond counsel, other legal counsel, underwriters, and financial advisors.
(5) The type of bonds that are issued. ~~and~~
(6) Other information as required by the department.

A copy of the official statement and bond covenants, if any, must be supplied with this information.

(b) ~~The department may establish a procedure that permits~~ A political subdivision or a person acting on behalf of a political subdivision ~~to transfer all or part of the information~~ **shall submit the debt issuance report information** described in subsection (a) to the department ~~in a uniform format through a secure connection over the Internet or through other electronic means.~~ **electronically, in the manner prescribed by the department.**

(c) For taxes due and payable for an assessment date after January 15, 2012, the department may not approve an appropriation or a property tax levy that is associated with a debt unless the debt issuance report for the debt has been submitted to the department, unless the department has granted a waiver under subsection (d).

(d) The department may for good cause grant a waiver to the requirement under subsection (c) and approve an appropriation or a property tax levy, notwithstanding a political subdivision's failure to submit a required debt

issuance report.

SECTION 6. IC 5-1-18-8, AS ADDED BY P.L.199-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Except as provided by subsection (b), the lease information required by section 6 of this chapter must be submitted on a form prescribed by the department and must include **the following information concerning leases:**

(1) The term of the lease.

(2) The annual and total amount of lease rental payments due under the lease.

(3) The purposes of the lease.

(4) The itemized costs incurred by the political subdivision with respect to the preparation and execution of the lease, including fees for legal counsel and other professional advisors.

(5) If all or part of the lease rental payments are used by the lessor as debt service payments for bonds issued for the acquisition, construction, renovation, improvement, expansion, or use of a building, structure, or other public improvement for the political subdivision:

(A) the name of the lessor;

(B) the par value of the bond issue; and

(C) the purposes of the bond issue. ~~and~~

(6) Other information as required by the department.

(b) ~~The department may establish a procedure that permits~~ A political subdivision or a person acting on behalf of a political subdivision ~~to transfer all or part of the information~~ **shall submit the debt issuance report information** described in subsection (a) to the department ~~in a uniform format through the Internet or other electronic means, as determined~~ **electronically, in the manner prescribed** by the department.

(c) For taxes due and payable for an assessment date after January 15, 2012, the department may not approve an appropriation or a property tax levy that is associated with a debt unless the debt issuance report for the debt has been submitted to the department, unless the department has granted a waiver under subsection (d).

(d) The department may for good cause grant a waiver to the requirement under subsection (c) and approve an appropriation or a property tax levy, notwithstanding a political subdivision's failure to submit a required debt issuance report.

SECTION 7. IC 5-1-18-9, AS ADDED BY P.L.199-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. **(a) This subsection applies to reporting that occurs before January 1, 2013.** Each political subdivision that has any outstanding bonds or leases shall submit a report to the department before March 1 of 2006 and each year thereafter that includes a summary of all the outstanding bonds of the political subdivision as of January 1 of that year. The report must:

(1) distinguish the outstanding bond issues and leases on the basis of the type of bond or lease, as determined by the department;

(2) include a comparison of the political subdivision's outstanding indebtedness compared to any applicable statutory or constitutional limitations on indebtedness;

(3) include other information as required by the department; and

(4) be submitted on a form prescribed by the department or through the Internet or other electronic means, as determined by the department.

(b) This subsection applies to reporting that occurs after December 31, 2012. The department may annually require each political subdivision to verify to the department that the list of indebtedness and related details in the department's database are current and accurate.

SECTION 8. IC 5-11-1-4, AS AMENDED BY P.L.172-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The state examiner shall require from every municipality and every state or local governmental unit, entity, or instrumentality financial reports covering the full period of each fiscal year. These reports shall be prepared, verified, and filed with the state examiner not later than sixty (60) days after the close of each fiscal year. ~~The reports must be filed electronically, in a manner prescribed by the state examiner that is compatible with the technology employed by the political subdivision.~~ **The reports must be in the form and content prescribed by the state examiner and filed electronically in the manner prescribed under IC 5-14-3.8-7.**

(b) The department of local government finance may not approve the budget of a political subdivision or a supplemental appropriation for a political subdivision until the political subdivision files an annual report under subsection (a) for the preceding calendar year.

SECTION 9. IC 5-11-13-1, AS AMENDED BY P.L.172-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Every state, county, city, town, township, or school official, elective or appointive, who is the head of or in charge of any office, department, board, or commission of the state or of any county, city, town, or township, and every state, county, city, town, or township employee or agent who is the head of, or in charge of, or the executive officer of any department, bureau, board, or commission of the state, county, city, town, or township, and every executive officer by whatever title designated, who is in charge of any state educational institution or of any other state, county, or city institution, shall during the month of January of each year prepare, make, and sign a ~~written or printed~~ certified report, correctly and completely showing the names and business addresses of each and all officers, employees, and agents in their respective offices, departments, boards, commissions, and institutions, and the respective duties and compensation of each, and shall forthwith file said report in the office of the state examiner of the state board of accounts. **The report must also indicate whether the political subdivision offers a health plan, a pension, and other benefits to full-time and part-time employees.** However, no more than one (1) report covering the same officers, employees, and agents need be made from the

state or any county, city, town, township, or school unit in any one year. **The certification must be filed electronically in the manner prescribed under IC 5-14-3.8-7.**

(b) The department of local government finance may not approve the budget of a county, city, town, or township or a supplemental appropriation for a county, city, town, or township until the county, city, town, or township files an annual report under subsection (a) for the preceding calendar year.

SECTION 10. IC 5-14-3.8-7, AS ADDED BY P.L.172-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The department may require that prescribed forms be submitted in an electronic format. **The department, working with the office of technology established by IC 4-13.1-2-1 or another organization that is part of a state educational institution, shall develop and maintain a secure, web-based system that facilitates electronic submission of the forms under this section. Political subdivisions shall submit forms under this section through the web-based system as prescribed by the department.**

SECTION 11. IC 5-28-16-3, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An application requesting a grant or loan from the fund must be targeted to one (1) or more of the areas listed in section 2 of this chapter.

(b) A successful applicant for a grant or loan from the fund must meet the requirements of this section and be approved by the board. An application for a grant or loan from the fund must be made on an application form prescribed by the board. An applicant shall provide all information that the board finds necessary to make the determinations required by this chapter.

(c) All applications for a grant or loan from the fund must include the following:

(1) A fully elaborated technical research or business plan, whichever applies, that is appropriate for review by outside experts as provided in this chapter.

(2) A detailed financial analysis that includes the commitment of resources by other entities that will be involved in the project.

(3) A statement of the economic development potential of the project, such as:

(A) a statement of the way in which support from the fund will lead to significantly increased funding from federal or private sources and from private sector research partners; or

(B) a projection of the jobs to be created.

(4) The identity, qualifications, and obligations of the applicant.

(5) Any other information that the board considers appropriate.

An applicant for a grant or loan from the fund may request that certain information that is submitted by the applicant be kept confidential. **However, an applicant's projection of the jobs to be created by a project may not be kept confidential.** The board shall make a determination of confidentiality as soon as is practicable. If the board determines that the information should not be kept confidential, the applicant may withdraw the application, and the board must return the information before making it part of any public record.

(d) An application for a grant or loan from the fund submitted by an academic researcher must be made through the office of the president of the researcher's academic institution with the express endorsement of the institution's president. An application for a grant or loan from the fund submitted by a private researcher must be made through the office of the highest ranking officer of the researcher's institution with the express endorsement of the institution. Any other application must be made through the office of the highest ranking officer of the entity submitting the application. In the case of an application for a grant or loan from the fund that is submitted jointly by one (1) or more researchers or entities, the application must be endorsed by each institution or entity as required by this subsection.

SECTION 12. IC 6-1.1-1-3, AS AMENDED BY P.L.146-2008, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Except as provided in subsection (b), "assessed value" or "assessed valuation" means an amount equal to:

(1) for assessment dates before March 1, 2001, thirty-three and one-third percent (33 1/3%) of the true tax value of property; and

(2) for assessment dates after February 28, 2001, the true tax value of property.

(b) For purposes of calculating a budget, rate, or levy under IC 6-1.1-17, IC 6-1.1-18, IC 6-1.1-18.5, IC 6-1.1-20, IC 20-46-4, IC 20-46-5, and IC 20-46-6, "assessed value" or "assessed valuation" does not include the **net** assessed value of tangible property excluded and kept separately on a tax duplicate by a county auditor under IC 6-1.1-17-0.5.

SECTION 13. IC 6-1.1-3-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2011 (RETROACTIVE)]: **Sec. 24. (a) In determining the assessed value of various sizes of outdoor advertising signs for the 2011 through 2014 assessment dates, a taxpayer and assessing official shall use the following table without any adjustments:**

Single Pole Structure

Type of Sign	Value Per Structure
At least 48 feet, illuminated	**$5,000**
At least 48 feet, non-illuminated	**$4,000**
At least 26 feet and under 48 feet, illuminated	**$4,000**
At least 26 feet and under 48 feet, non-illuminated	**$3,300**
Under 26 feet, illuminated	**$3,200**
Under 26 feet, non-illuminated	**$2,600**
Other Types of Outdoor Signs	
At least 50 feet, illuminated	**$2,500**
At least 50 feet, non-illuminated	**$1,500**
At least 40 feet and under 50 feet, illuminated	**$2,000**
At least 40 feet and under 50 feet, non-illuminated	**$1,300**

At least 30 feet and under 40 feet, illuminated	**$2,000**
At least 30 feet and under 40 feet, non-illuminated	**$1,300**
At least 20 feet and under 30 feet, illuminated	**$1,600**
At least 20 feet and under 30 feet, non-illuminated	**$1,000**
Under 20 feet, illuminated	**$1,600**
Under 20 feet, non-illuminated	**$1,000**

(b) During the 2012 legislative interim, the commission on state tax and financing policy shall study the assessment of outdoor signs. Before January 1, 2013, the commission shall report to the general assembly on any suggested changes in the law with regard to assessing outdoor signs.

(c) This section expires July 1, 2015.

SECTION 14. IC 6-1.1-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) On or before August 1 of each year, the county auditor of each county shall forward to the department of local government finance the duplicate copies of all approved exemption applications.

(b) The department of local government finance ~~shall~~ **may** review the approved applications forwarded under subsection (a). The department of local government finance may deny an exemption if the department determines that the property is not tax exempt under the laws of this state. However, before denying an exemption, the department of local government finance must give notice to the applicant, and the department must hold a hearing on the exemption application.

~~(c) With respect to the approved applications forwarded under subsection (a), the department shall annually report to the executive director of the legislative services agency:~~

~~(1) the number forwarded;~~

~~(2) the number subjected to field investigation by the department; and~~

~~(3) the number denied by the department;~~

~~during the year ending on July 1 of the year. The department must submit the report under this subsection not later than August 1 of the year and in an electronic format under IC 5-14-6.~~

~~(d)~~ **(c)** The department shall adopt rules under IC 4-22-2 with respect to exempt real property to:

(1) provide just valuations; and

(2) ensure that assessments are:

(A) made; and

(B) recorded;

in accordance with law.

SECTION 15. IC 6-1.1-12-26.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **Sec. 26.1. (a) This section applies only to a solar power device that is installed after December 31, 2011.**

(b) This section does not apply to a solar power device that is owned or operated by a person that provides electricity at wholesale or retail for consideration other than a person that:

(1) participates in a net metering or feed-in-tariff program offered by an electric utility with respect to the solar power device; or

(2) is the owner or host of the solar power device site and a person consumes on the site the equivalent amount of electricity that is generated by the solar power device on an annual basis even if the electricity is sold to a public utility, including a solar power device directly serving a public utility's business operations site.

(c) For purposes of this section, "solar power device" means a device, such as a solar thermal, a photovoltaic, or other solar energy system, that is designed to use the radiant light or heat from the sun to produce electricity.

(d) The owner of real property equipped with a solar power device that is assessed as a real property improvement may have deducted annually from the assessed value of the real property an amount equal to:

(1) the assessed value of the real property with the solar power device included; minus

(2) the assessed value of the real property without the solar power device.

(e) The owner of a solar power device that is assessed as:

(1) distributable property under IC 6-1.1-8; or

(2) personal property;

may have deducted annually the assessed value of the solar power device.

SECTION 16. IC 6-1.1-12-27.1, AS AMENDED BY P.L.113-2010, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 27.1. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 26 **or 26.1** of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, ~~or~~ mobile home, **manufactured home, or solar power device** is subject to assessment. With respect to real property **or a solar power device that is assessed as distributable property under IC 6-1.1-8 or as personal property,** the person must file the statement during the year for which the person desires to obtain the deduction. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, with respect to a mobile home which is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The person must:

(1) own the real property, mobile home, or manufactured home **or own the solar power device;** ~~or~~

(2) be buying the real property, mobile home, ~~or~~ manufactured home, **or solar power device** under contract; **or**

(3) be leasing the real property from the real property owner and be subject to assessment and property taxation with respect to the solar power device;

on the date the statement is filed under this section. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the real property, ~~or~~ mobile home, **manufactured home, or solar power device** is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

SECTION 17. IC 6-1.1-12-37, AS AMENDED BY P.L.172-2011, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 37. (a) The following definitions apply throughout this section:

(1) "Dwelling" means any of the following:

(A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.

(B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.

(C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.

(2) "Homestead" means an individual's principal place of residence:

(A) that is located in Indiana;

(B) that:

(i) the individual owns;

(ii) the individual is buying under a contract; recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence;

(iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or

(iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and

(C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Except as provided in subsection (k), the term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. The deduction provided by this section applies to property taxes first due and payable for an assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

(1) the assessment date; or

(2) any date in the same year after an assessment date that a statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

(c) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

(1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or

(2) forty-five thousand dollars ($45,000).

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

(1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;

(2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;

(3) the names of:

(A) the applicant and the applicant's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or

(B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or

(B) if the applicant or the applicant's spouse (if any) do not have a Social Security number, any of the following for that individual:

(i) The last five (5) digits of the individual's driver's license number.

(ii) The last five (5) digits of the individual's state identification card number.

(iii) If the individual does not have a driver's license or a state identification card, the last five (5) digits of a control number that is on a document issued to the individual by the federal government and determined by the department of local government finance to be acceptable.

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. With respect to real property, the statement must be completed and dated in the calendar year for which the person desires to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.

(f) If an individual who is receiving the deduction provided by this section or who otherwise qualifies property for a deduction under this section:

(1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or

(2) is no longer eligible for a deduction under this section on another parcel of property because:

(A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or

(B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

(g) The department of local government finance shall adopt rules or guidelines concerning the application for a deduction under this section.

(h) This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on March 1 in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on March 1 in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection (n), the county auditor may not grant an individual or a married couple a deduction under this section if:

(1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and

(2) the applications claim the deduction for different property.

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or IC 6-3.5.

(j) **A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence.** The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

(k) As used in this section, "homestead" includes property that satisfies each of the following requirements:

(1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

(2) The property is the principal place of residence of an individual.

(3) The property is owned by an entity that is not described in subsection (a)(2)(B).

(4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.

(5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described in subsection (k) with respect to property taxes that are:

(1) imposed for an assessment date in 2009; and

(2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual residing on the property is not claiming the deduction for any other property.

(m) For assessments dates after 2009, the term "homestead" includes:

(1) a deck or patio;

(2) a gazebo; or

(3) another residential yard structure, as defined in rules adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

(1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.

(2) A statement made under penalty of perjury that the following are true:

(A) That the individual and the individual's spouse maintain separate principal places of residence.

(B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.

(C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

(1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction;

the county auditor shall inform the property owner of the county auditor's determination in writing. **If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.**

SECTION 18. IC 6-1.1-12-41, AS AMENDED BY P.L.146-2008, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 41. (a) This section does not apply to assessment years beginning after December 31, 2005.

(b) As used in this section, "assessed value of inventory" means the assessed value determined after the application of any deductions or adjustments that apply by statute or rule to the assessment of inventory, other than the deduction allowed under subsection (f).

(c) As used in this section, "county income tax council" means a council established by IC 6-3.5-6-2.

(d) As used in this section, "fiscal body" has the meaning set forth in IC 36-1-2-6.

(e) As used in this section, "inventory" has the meaning set forth in IC 6-1.1-3-11 (repealed).

(f) An ordinance may be adopted in a county to provide that a deduction applies to the assessed value of inventory located in the county. The deduction is equal to one hundred percent (100%) of the assessed value of inventory located in the county for the appropriate year of assessment. An ordinance adopted under this section in a particular year applies:

(1) if adopted before March 31, 2004, to each subsequent assessment year ending before January 1, 2006; and

(2) if adopted after March 30, 2004, and before June 1, 2005, to the March 1, 2005, assessment date.

An ordinance adopted under this section may be consolidated with an ordinance adopted under ~~IC 6-3.5-7-25 or~~ IC 6-3.5-7-26. The consolidation of an ordinance adopted under this section with an ordinance adopted under IC 6-3.5-7-26 does not cause the ordinance adopted under IC 6-3.5-7-26 to expire after December 31, 2005.

(g) An ordinance may not be adopted under subsection (f) after May 30, 2005. However, an ordinance adopted under this

section:

(1) before March 31, 2004, may be amended after March 30, 2004; and

(2) before June 1, 2005, may be amended after May 30, 2005;

to consolidate an ordinance adopted under IC 6-3.5-7-26.

(h) The entity that may adopt the ordinance permitted under subsection (f) is:

(1) the county income tax council if the county option income tax is in effect on January 1 of the year in which an ordinance under this section is adopted;

(2) the county fiscal body if the county adjusted gross income tax is in effect on January 1 of the year in which an ordinance under this section is adopted; or

(3) the county income tax council or the county fiscal body, whichever acts first, for a county not covered by subdivision (1) or (2).

To adopt an ordinance under subsection (f), a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax. The entity that adopts the ordinance shall provide a certified copy of the ordinance to the department of local government finance before February 1.

(i) A taxpayer is not required to file an application to qualify for the deduction permitted under subsection (f).

(j) The department of local government finance shall incorporate the deduction established in this section in the personal property return form to be used each year for filing under IC 6-1.1-3-7 or IC 6-1.1-3-7.5 to permit the taxpayer to enter the deduction on the form. If a taxpayer fails to enter the deduction on the form, the township assessor, or the county assessor if there is no township assessor for the township, shall:

(1) determine the amount of the deduction; and

(2) within the period established in IC 6-1.1-16-1, issue a notice of assessment to the taxpayer that reflects the application of the deduction to the inventory assessment.

(k) The deduction established in this section must be applied to any inventory assessment made by:

(1) an assessing official;

(2) a county property tax board of appeals; or

(3) the department of local government finance.

SECTION 19. IC 6-1.1-15-10, AS AMENDED BY P.L.146-2008, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) If a petition for review to any board or a proceeding for judicial review in the tax court regarding an assessment or increase in assessment is pending, the taxes resulting from the assessment or increase in assessment are, notwithstanding the provisions of IC 6-1.1-22-9, not due until after the petition for review, or the proceeding for judicial review, is finally adjudicated and the assessment or increase in assessment is finally determined. However, even though a petition for review or a proceeding for judicial review is pending, the taxpayer shall pay taxes on the tangible property when the property tax installments come due, unless the collection of the taxes is enjoined under IC 33-26-6-2 pending a final determination in the proceeding for judicial review. The amount of taxes which the taxpayer is required to pay, pending the final determination of the assessment or increase in assessment, shall be based on:

(1) the assessed value reported by the taxpayer on the taxpayer's personal property return if a personal property assessment, or an increase in such an assessment, is involved; or

(2) an amount based on the immediately preceding year's assessment of real property if an assessment, or increase in assessment, of real property is involved.

(b) If the petition for review or the proceeding for judicial review is not finally determined by the last installment date for the taxes, the taxpayer, upon showing of cause by a taxing official or at the tax court's discretion, may be required to post a bond or provide other security in an amount not to exceed the taxes resulting from the contested assessment or increase in assessment.

(c) Each county auditor shall keep separate on the tax duplicate a record of that portion of the assessed value of property that is described in IC 6-1.1-17-0.5(b). When establishing rates and calculating state school support, the department of local government finance shall exclude from assessed value in the county the **net** assessed value of property kept separate on the tax duplicate by the county auditor under IC 6-1.1-17-0.5.

SECTION 20. IC 6-1.1-17-0.5, AS AMENDED BY P.L.182-2009(ss), SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. (a) For purposes of this section, **"net** assessed value" ~~has the meaning set forth in IC 6-1.1-1-3(a).~~ **means assessed value after the application of deductions, exemptions, and abatements.**

(b) The county auditor may exclude and keep separate on the tax duplicate for taxes payable in a calendar year the **net** assessed value of tangible property that meets the following conditions:

(1) The **net** assessed value of the property is at least nine percent (9%) of the **net** assessed value of all tangible property subject to taxation by a taxing ~~unit.~~ **district.**

(2) The property is or has been part of a bankruptcy estate that is subject to protection under the federal bankruptcy code.

(3) The owner of the property has discontinued all business operations on the property.

(4) There is a high probability that the taxpayer will not pay property taxes due on the property in the following year.

(c) This section does not limit, restrict, or reduce in any way the property tax liability on the property.

(d) For each taxing ~~unit~~ **district** located in the county, the county auditor may reduce for a calendar year the taxing ~~unit's~~ **district's net** assessed value that is certified to the department of local government finance under section 1 of this chapter and used to set tax rates for the taxing ~~unit~~ **district** for taxes first due and

payable in the immediately succeeding calendar year. The county auditor may reduce a taxing ~~unit's~~ **district's net** assessed value under this subsection only to enable the taxing ~~unit~~ **district** to absorb the effects of reduced property tax collections in the immediately succeeding calendar year that are expected to result from any or a combination of the following:

(1) Successful appeals of the assessed value of property located in the taxing ~~unit.~~ **district.**

(2) Deductions under IC 6-1.1-12-37 and IC 6-1.1-12-37.5 that result from the granting of applications for the standard deduction for the calendar year under IC 6-1.1-12-37 or IC 6-1.1-12-44 after the county auditor certifies **net** assessed value as described in this section.

(3) Deductions that result from the granting of applications for deductions for the calendar year under IC 6-1.1-12-44 after the county auditor certifies **net** assessed value as described in this section.

(4) Reassessments of real property under IC 6-1.1-4-11.5.

Not later than December 31 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and to the department of local government finance. The certified statement must list any adjustments to the amount of the reduction under this subsection and the information submitted under section 1 of this chapter that are necessary. The county auditor shall keep separately on the tax duplicate the amount of any reductions made under this subsection. The maximum amount of the reduction authorized under this subsection is determined under subsection (e).

(e) The amount of the reduction in a taxing ~~unit's~~ **district's net** assessed value for a calendar year under subsection (d) may not exceed two percent (2%) of the **net** assessed value of tangible property subject to assessment in the taxing ~~unit~~ **district** in that calendar year.

(f) The amount of a reduction under subsection (d) may not be offered in a proceeding before the:

(1) county property tax assessment board of appeals;

(2) Indiana board; or

(3) Indiana tax court;

as evidence that a particular parcel has been improperly assessed.

SECTION 21. IC 6-1.1-17-1, AS AMENDED BY P.L.1-2010, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the department of local government finance. The statement shall contain:

(1) information concerning the assessed valuation in the political subdivision for the next calendar year;

(2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;

(3) the current assessed valuation as shown on the abstract of charges;

(4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years, excluding years in which a general reassessment occurs, determined according to procedures established by the department of local government finance;

(5) the amount of the political subdivision's **net** assessed valuation reduction determined under section 0.5(d) of this chapter;

(6) for counties with taxing units that cross into or intersect with other counties, the assessed valuation as shown on the most current abstract of property; and

(7) any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.

(b) The estimate of taxes to be distributed shall be based on:

(1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and

(2) any other information at the disposal of the county auditor which might affect the estimate.

(c) The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision.

(d) Subject to subsection (e), after the county auditor sends a certified statement under subsection (a) or an amended certified statement under this subsection with respect to a political subdivision and before the department of local government finance certifies its action with respect to the political subdivision under section 16(f) of this chapter, the county auditor may amend the information concerning assessed valuation included in the earlier certified statement. The county auditor shall send a certified statement amended under this subsection, under the seal of the board of county commissioners, to:

(1) the fiscal officer of each political subdivision affected by the amendment; and

(2) the department of local government finance.

(e) Except as provided in subsection (f), before the county auditor makes an amendment under subsection (d), the county auditor must provide an opportunity for public comment on the proposed amendment at a public hearing. The county auditor must give notice of the hearing under IC 5-3-1. If the county auditor makes the amendment as a result of information provided to the county auditor by an assessor, the county auditor shall give notice of the public hearing to the assessor.

(f) The county auditor is not required to hold a public hearing under subsection (e) if:

(1) the amendment under subsection (d) is proposed to correct a mathematical error made in the determination of the amount of assessed valuation included in the earlier certified statement;

(2) the amendment under subsection (d) is proposed to add to the amount of assessed valuation included in the earlier certified statement assessed valuation of omitted property

discovered after the county auditor sent the earlier certified statement; or

(3) the county auditor determines that the amendment under subsection (d) will not result in an increase in the tax rate or tax rates of the political subdivision.

SECTION 22. IC 6-1.1-17-1, AS AMENDED BY SEA 19-2012, SECTION 33, AND AS AMENDED BY EHB 1072-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the department of local government finance. The statement ~~shall~~ **must** contain:

(1) information concerning the assessed valuation in the political subdivision for the next calendar year;

(2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;

(3) the current assessed valuation as shown on the abstract of charges;

(4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years, adjusted according to procedures established by the department of local government finance to account for reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2;

(5) the amount of the political subdivision's net assessed valuation reduction determined under section 0.5(d) of this chapter;

(6) for counties with taxing units that cross into or intersect with other counties, the assessed valuation as shown on the most current abstract of property; and

(7) any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.

(b) The estimate of taxes to be distributed shall be based on:

(1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and

(2) any other information at the disposal of the county auditor which might affect the estimate.

(c) The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision.

(d) Subject to subsection (e), after the county auditor sends a certified statement under subsection (a) or an amended certified statement under this subsection with respect to a political subdivision and before the department of local government finance certifies its action with respect to the political subdivision under section 16(f) of this chapter, the county auditor may amend the information concerning assessed valuation included in the earlier certified statement. The county auditor shall send a certified statement amended under this subsection, under the seal of the board of county commissioners, to:

(1) the fiscal officer of each political subdivision affected by the amendment; and

(2) the department of local government finance.

(e) Except as provided in subsection (f), before the county auditor makes an amendment under subsection (d), the county auditor must provide an opportunity for public comment on the proposed amendment at a public hearing. The county auditor must give notice of the hearing under IC 5-3-1. If the county auditor makes the amendment as a result of information provided to the county auditor by an assessor, the county auditor shall give notice of the public hearing to the assessor.

(f) The county auditor is not required to hold a public hearing under subsection (e) if:

(1) the amendment under subsection (d) is proposed to correct a mathematical error made in the determination of the amount of assessed valuation included in the earlier certified statement;

(2) the amendment under subsection (d) is proposed to add to the amount of assessed valuation included in the earlier certified statement assessed valuation of omitted property discovered after the county auditor sent the earlier certified statement; or

(3) the county auditor determines that the amendment under subsection (d) will not result in an increase in the tax rate or tax rates of the political subdivision.

SECTION 23. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss), SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision **or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter,** shall give notice by publication to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested.

~~In the notice,~~ The political subdivision **or appropriate fiscal body** shall also state the time and place at which **the political subdivision or appropriate fiscal body will hold** a public hearing ~~will be held~~ on these items. The **political subdivision or appropriate fiscal body shall publish the** notice ~~shall be published~~ twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. ~~Beginning in 2009, The duties required by this subsection must be completed before September 10 of the calendar year.~~ **The first publication must be before September 14, and the second publication must be before September 21 of the year. The political subdivision shall pay for the publishing of the notice.**

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its

repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

~~(d) This subsection expires January 1, 2009. A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:~~

~~(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.~~

~~(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.~~

~~A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.~~

SECTION 24. IC 6-1.1-17-3.5, AS AMENDED BY P.L.182-2009(ss), SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. (a) This section does not apply to ~~civil~~ taxing units located in a county in which a county board of tax adjustment reviews budgets, tax rates, and tax levies. This section does not apply to a ~~civil~~ taxing unit that has its proposed budget and proposed property tax levy approved under section 20 **or 20.3** of this chapter or IC 36-3-6-9.

(b) This section applies to a ~~civil~~ taxing unit other than a county. If a ~~civil~~ taxing unit will impose property taxes due and payable in the ensuing calendar year, the ~~civil~~ taxing unit shall file **the following information in the manner prescribed by the department of local government finance** with the fiscal body of the county in which the ~~civil~~ taxing unit is located:

(1) A statement of the proposed or estimated tax rate and tax levy for the ~~civil~~ taxing unit for the ensuing budget year. ~~and~~

(2) **In the case of a taxing unit other than a school corporation,** a copy of the ~~civil~~ taxing unit's proposed budget for the ensuing budget year.

(c) In the case of a ~~civil~~ taxing unit located in more than one (1) county, the ~~civil~~ taxing unit shall file the information under subsection (b) with the fiscal body of the county in which the greatest part of the ~~civil~~ taxing unit's net assessed valuation is located.

(d) A ~~civil~~ taxing unit must file the information under subsection (b) ~~at least forty-five (45) days before the civil taxing unit fixes its tax rate and tax levy and adopts its budget under this chapter.~~ **before September 2 of a year.**

(e) A county fiscal body shall complete the following ~~at least fifteen (15) days before the civil taxing unit fixes its tax rate and tax levy and adopts its budget under this chapter:~~ **in a manner prescribed by the department of local government finance before October 2 of a year:**

(1) Review any proposed or estimated tax rate or tax levy ~~or proposed budget~~ filed by a ~~civil~~ taxing unit with the county fiscal body under this section.

(2) In the case of a taxing unit other than a school corporation, review any proposed or estimated budget filed by a taxing unit with the county fiscal body under this section.

~~(2)~~ **(3) In the case of a taxing unit other than a school corporation,** issue a nonbinding recommendation to a ~~civil~~ taxing unit regarding the ~~civil~~ taxing unit's proposed or estimated tax rate or tax levy or proposed budget.

(f) The recommendation under subsection (e) must include a comparison of any increase in the ~~civil~~ taxing unit's budget or tax levy to:

(1) the average increase in Indiana nonfarm personal income for the preceding six (6) calendar years and the average increase in nonfarm personal income for the county for the preceding six (6) calendar years; and

(2) increases in the budgets and tax levies of other ~~civil~~ taxing units in the county.

(g) The department of local government finance must provide each county fiscal body with the most recent available information concerning increases in Indiana nonfarm personal income and increases in county nonfarm personal income.

(h) If a ~~civil~~ taxing unit fails to file the information required by subsection (b) with the fiscal body of the county in which the ~~civil~~ taxing unit is located by the time prescribed in subsection (d), the most recent annual appropriations and annual tax levy of that ~~civil~~ taxing unit are continued for the ensuing budget year.

(i) If a county fiscal body fails to complete the requirements of subsection (e) before the deadline in subsection (e) for any ~~civil~~ taxing unit subject to this section, the most recent annual appropriations and annual tax levy of the county are continued for the ensuing budget year.

SECTION 25. IC 6-1.1-17-8.5, AS ADDED BY P.L.154-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8.5. (a) If a county auditor reduces a taxing unit's **net** assessed valuation under section 0.5(d) of this chapter, the department of local government finance shall, in the manner prescribed in section 16 of this chapter, review the budget, tax rate, and tax levy of the taxing unit.

(b) The county auditor may appeal to the department of local government finance to reduce a taxing unit's **net** assessed valuation by an amount that exceeds the limits set forth in section

0.5(e) of this chapter. The department of local government finance:

(1) may require the county auditor to submit supporting information with the county auditor's appeal;

(2) shall consider the appeal at the time of the review required by subsection (a); and

(3) may approve, modify and approve, or reject the amount of the reduction sought in the appeal.

SECTION 26. IC 6-1.1-17-16, AS AMENDED BY P.L.182-2009(ss), SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets by fund, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. However, if the department of local government finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b). The department of local government finance shall give the political subdivision ~~written~~ notification **electronically in the manner prescribed by the department of local government finance** specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ten (10) calendar days from the date the political subdivision receives the notice to provide a ~~written~~ response ~~to~~ **electronically in the manner prescribed by** the department of local government ~~finance's Indianapolis office.~~ **finance.** The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error. The department of local government finance shall consider the adjustments as specified in the political subdivision's response if the response is provided as required by this subsection and shall deliver a final decision to the political subdivision.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

(1) no bonds of the building corporation are outstanding; or

(2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

(1) the county auditor;

(2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;

(3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on the statement filed to initiate the appeal; and

(4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

(1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.

(2) If the department:

(A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this chapter; or

(B) fails to act on the appeal before the department certifies its action under subsection (f);

a taxpayer who signed the statement filed to initiate the appeal.

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the

political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed by the political subdivision if the increase is:

(1) requested in writing by the officers of the political subdivision;

(2) either:

(A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or

(B) results from an inadvertent mathematical error made in determining the levy; and

(3) published by the political subdivision according to a notice provided by the department.

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

(k) The department of local government finance may hold a hearing under subsection (c) only if the notice required in section 12 of this chapter is published at least ten (10) days before the date of the hearing.

SECTION 27. IC 6-1.1-17-20, AS AMENDED BY P.L.113-2010, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) This section applies to each governing body of a taxing unit that

~~(1)~~ is not comprised of a majority of officials who are elected to serve on the governing body. ~~and~~

~~(2) either:~~

~~(A) is:~~

~~(i) a conservancy district subject to IC 14-33-9;~~

~~(ii) a solid waste management district subject to IC 13-21; or~~

~~(iii) a fire protection district subject to IC 36-8-11-18; or~~

~~(B) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:~~

~~(i) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus~~

~~(ii) one (1).~~

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include ~~(1) a school corporation; or (2)~~ **a public library or** an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a taxing unit is entirely contained within a city or town; or

(2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted ~~at least thirty (30) days before the city or town fiscal body is required to hold budget approval hearings under this chapter.~~ **to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.** However, in the case of a public library that is subject to this section and is described in subdivision (2), the public library shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town.

(d) If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the county where the taxing unit has the most assessed valuation. The proposed budget and levy shall be submitted ~~at least thirty (30) days before the county fiscal body is required to hold budget approval hearings under this chapter.~~ **to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.**

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a taxing unit fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that taxing unit are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any taxing unit subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.

SECTION 28. IC 6-1.1-17-20.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 20.3. (a) This section applies only to the governing body of a public library that:**

(1) is not comprised of a majority of officials who are elected to serve on the governing body; and

(2) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:

(A) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus

(B) one (1).

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) This section does not apply to an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a public library is entirely contained within a city or town; or

(2) the assessed valuation of a public library is not entirely contained within a city or town but the public library was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year. However, the governing body shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town.

(d) If subsection (c) does not apply, the governing body of the public library shall submit its proposed budget and property tax levy to the county fiscal body in the county where the public library has the most assessed valuation. The proposed budget and levy shall be submitted to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the public library. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a public library fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that public library are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any public library subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.

SECTION 29. IC 6-1.1-18-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) If the proper officers of a political subdivision desire to appropriate more money for a particular year than the amount prescribed in the budget for that year as finally determined under this article, they shall give notice of their proposed additional appropriation. The notice shall state the time and place at which a public hearing will be held on the proposal. The notice shall be given once in accordance with IC 5-3-1-2(b).

(b) If the additional appropriation by the political subdivision is made from a fund that receives:

(1) distributions from the motor vehicle highway account established under IC 8-14-1-1 or the local road and street account established under IC 8-14-2-4; or

(2) revenue from property taxes levied under IC 6-1.1;

the political subdivision must report the additional appropriation to the department of local government finance. If the additional appropriation is made from a fund described under this subsection, subsections (f), (g), (h), and (i) apply to the political subdivision.

(c) However, if the additional appropriation is not made from a fund described under subsection (b), subsections (f), (g), (h), and (i) do not apply to the political subdivision. Subsections (f), (g), (h), and (i) do not apply to an additional appropriation made from the cumulative bridge fund if the appropriation meets the requirements under IC 8-16-3-3(c).

(d) A political subdivision may make an additional appropriation without approval of the department of local government finance if the additional appropriation is made from a fund that is not described under subsection (b). However, the fiscal officer of the political subdivision shall report the additional appropriation to the department of local government finance.

(e) After the public hearing, the proper officers of the political subdivision shall file a certified copy of their final proposal and any other relevant information to the department of local government finance.

(f) When the department of local government finance receives a certified copy of a proposal for an additional appropriation under subsection (e), the department shall determine whether sufficient funds are available or will be available for the proposal. The determination shall be made in writing and sent to the political subdivision not more than fifteen (15) days after the department of local government finance receives the proposal.

(g) In making the determination under subsection (f), the department of local government finance shall limit the amount of the additional appropriation to revenues available, or to be made available, which have not been previously appropriated.

(h) If the department of local government finance disapproves an additional appropriation under subsection (f), the department shall specify the reason for its disapproval on the determination sent to the political subdivision.

(i) A political subdivision may request a reconsideration of a determination of the department of local government finance under this section by filing a written request for reconsideration. A request for reconsideration must:

(1) be filed with the department of local government finance within fifteen (15) days of the receipt of the determination by the political subdivision; and

(2) state with reasonable specificity the reason for the request.

The department of local government finance must act on a request for reconsideration within fifteen (15) days of receiving the request.

(j) This subsection applies to an additional appropriation by a political subdivision that must have the political subdivision's annual appropriations and annual tax levy adopted by a city, town, or county fiscal body under IC 6-1.1-17-20 or by a legislative or fiscal body under IC 36-3-6-9. The fiscal or legislative body of the city, town, or county that adopted the political subdivision's annual appropriation and annual tax levy must adopt the additional appropriation by ordinance before the department of local government finance may approve the additional appropriation.

(k) This subsection applies to a public library that:

(1) is required to submit the public library's budgets, tax rates, and tax levies for nonbinding review under IC 6-1.1-17-3.5; and

(2) is not required to submit the public library's budgets, tax rates, and tax levies for binding review and approval under IC 6-1.1-17-20.

If a public library subject to this subsection proposes to make an additional appropriation for a year, and the additional appropriation would result in the budget for the library for that year increasing (as compared to the previous year) by a percentage that is greater than the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the calendar year minus one (1), the additional appropriation must first be approved by the city, town, or county fiscal body described in IC 6-1.1-17-20.3(c) or IC 6-1.1-17-20(d), as appropriate.

SECTION 30. IC 6-1.1-18-12, AS AMENDED BY P.L.172-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted each year to account for the change in assessed value of real property that results from:

(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; or

(2) a general reassessment of real property under IC 6-1.1-4-4.

(d) The statutes to which subsection (a) refers are:

(1) IC 8-10-5-17;
(2) IC 8-22-3-11;
(3) IC 8-22-3-25;
(4) IC 12-29-1-1;
(5) IC 12-29-1-2;
(6) IC 12-29-1-3;
(7) IC 12-29-3-6;
(8) IC 13-21-3-12;
(9) IC 13-21-3-15;
(10) IC 14-27-6-30;
(11) IC 14-33-7-3;
(12) IC 14-33-21-5;
(13) IC 15-14-7-4;
(14) IC 15-14-9-1;
(15) IC 15-14-9-2;
(16) IC 16-20-2-18;
(17) IC 16-20-4-27;
(18) IC 16-20-7-2;
(19) IC 16-22-14;
(20) IC 16-23-1-29;
(21) IC 16-23-3-6;
(22) IC 16-23-4-2;
(23) IC 16-23-5-6;
(24) IC 16-23-7-2;
(25) IC 16-23-8-2;
(26) IC 16-23-9-2;
(27) IC 16-41-15-5;
(28) IC 16-41-33-4;
(29) IC 20-46-2-3 (before its repeal on January 1, 2009);
(30) IC 20-46-6-5;
(31) IC 20-49-2-10;
(32) IC 36-1-19-1;
(33) IC 23-14-66-2;
(34) IC 23-14-67-3;
(35) IC 36-7-13-4;
(36) IC 36-7-14-28;
(37) IC 36-7-15.1-16;
(38) IC 36-8-19-8.5;
(39) IC 36-9-6.1-2;
(40) IC 36-9-17.5-4;
(41) IC 36-9-27-73;
(42) IC 36-9-29-31;
(43) IC 36-9-29.1-15;
(44) IC 36-10-6-2;
(45) IC 36-10-7-7;

(46) IC 36-10-7-8;
(47) IC 36-10-7.5-19;
(48) IC 36-10-13-5;
(49) IC 36-10-13-7;
(50) IC 36-10-14-4;
(51) IC 36-12-7-7;
(52) IC 36-12-7-8;
(53) IC 36-12-12-10;
(54) a statute listed in IC 6-1.1-18.5-9.8; and
~~(54)~~ **(55)** any statute enacted after December 31, 2003, that:
(A) establishes a maximum rate for any part of the:
(i) property taxes; or
(ii) special benefits taxes;
imposed by a political subdivision; and
(B) does not exempt the maximum rate from the adjustment under this section.

(e) **For property tax rates imposed for property taxes first due and payable after December 31, 2012,** the new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP ~~SEVEN~~ **EIGHT** of the following STEPS:

STEP ONE: **Except as provided in subsection (g),** determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: ~~Except as provided in subsection (g),~~ Determine the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first take effect.

STEP FOUR: ~~Except as provided in subsection (g),~~ Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:
(A) Zero (0).
(B) The STEP FIVE result.

STEP ~~SIX:~~ **SEVEN:** Determine the greater of the following:
(A) Zero (0).
(B) The result of the STEP TWO percentage minus the STEP ~~FIVE~~ **SIX** percentage.

STEP ~~SEVEN:~~ **EIGHT:** Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP ~~SIX~~ **SEVEN** percentage. ~~increase.~~

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d).

~~(g) This subsection applies to STEP TWO and STEP FOUR of subsection (e) for taxes first due and payable after 2011. If the assessed value change used in the STEPS was not an increase, the STEPS are applied using instead:~~
~~(1) the actual percentage decrease (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property; or~~
~~(2) zero (0) if the assessed value did not increase or decrease.~~

(g) This subsection applies only when calculating the maximum rate for taxes due and payable in calendar year 2013. The STEP ONE result is the greater of the following:
(1) The actual maximum rate established for property taxes first due and payable in calendar year 2012.
(2) The maximum rate that would have been established for property taxes first due and payable in calendar year 2012 if the maximum rate had been established under the formula under this section, as amended in the 2012 session of the general assembly.

SECTION 31. IC 6-1.1-18-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a) The following definitions apply throughout this section:**
(1) "Covered cumulative or capital projects fund" refers to a fund:
(A) that was listed in a prior cumulative or capital projects fund adjustment law; and
(B) for which the ad valorem property tax rate certified by the department of local government finance for property taxes first due and payable in calendar year 2012 is equal to the maximum tax rate permitted by law after the applicable prior cumulative or capital projects fund adjustment law.
(2) "Fiscal body" has the meaning set forth in IC 36-1-2-6.
(3) "Office" refers to the office of management and budget.
(4) "Prior assessed value adjustment law" refers to section 12 of this chapter, section 13 of this chapter (repealed), and IC 6-1.1-18.5-9.8, as effective on January 1, 2012, before the application of the amendments made by HEA 1072-2012.
(5) "Current assessed value adjustment law" refers to section 12 of this chapter, as effective January 1, 2013,

after applying the amendments made by HEA 1072-2012.

(b) Before June 1, 2012, the office shall calculate and certify to a taxing unit's fiscal body (for each of a taxing unit's covered cumulative or capital projects funds) the greater of zero (0) or the result of:

(1) the amount of the property tax levy that could have been imposed for the covered cumulative or capital projects fund for property taxes first due and payable in 2012, if the taxing unit had imposed the maximum property tax rate that would have been permitted by law after applying the current assessed value adjustment law as if the current assessed value adjustment law had been in effect and applied to the calculation in calendar year 2012; minus

(2) the amount of the property tax levy that results from the property tax rate that the department of local government certified under IC 6-1.1-17-16 for the covered cumulative or capital projects fund for property taxes first due and payable in calendar year 2012, after applying the prior assessed value adjustment law.

(c) After receiving the certifications required under subsection (b), the taxing unit's fiscal body may, for one (1) or more of the taxing unit's covered cumulative or capital projects funds, adopt an ordinance or a resolution to request a loan under this section to replace part or all of the amount certified under this section to the taxing unit for the fund or funds. To be eligible for a loan under this section, the resolution must:

(1) identify each covered cumulative or capital projects fund for which the taxing unit is seeking a loan;

(2) specify the amount of the loan that the taxing unit is seeking for each covered cumulative or capital projects fund;

(3) agree to impose a property tax levy in calendar year 2013 for the taxing unit's debt service fund to repay in compliance with this section the total amount loaned; and

(4) be certified and received by the office before July 1, 2012.

(d) If the office receives before July 1, 2012, a certified ordinance or resolution that qualifies the taxing unit for a loan under this section, the office shall, before July 15, 2012, distribute to the taxing unit from the state general fund the lesser of the following for each covered cumulative or capital projects fund for which the taxing unit has requested a loan:

(1) The amount requested.

(2) The amount that the office certified for that fund.

No interest or fee may be charged on the amount loaned under this subsection. An amount sufficient to make the distributions required by this section are appropriated to the office from the state general fund in the state fiscal year beginning July 1, 2012, and ending June 30, 2013.

(e) A taxing unit that receives a loan under this section for one (1) or more covered cumulative or capital projects funds shall deposit the loan in the covered cumulative or capital projects funds for which the taxing unit sought a loan, in proportion to the amount received for each fund. The amount deposited may be used for any of the lawful purposes of that fund.

(f) This subsection applies to a taxing unit that receives a loan under this section. The taxing unit is obligated to repay the amount distributed under this section. The taxing unit shall impose a property tax levy for the taxing unit's debt service fund for property taxes first due and payable in calendar year 2013, equal to the total amount loaned to the taxing unit under this section. The property tax levy under this subsection shall be treated as protected taxes (as defined in IC 6-1.1-20.6-9.8). The taxing unit shall repay the total amount loaned to the taxing unit under this section in two (2) equal installments in calendar year 2013 with the first installment due on the June settlement date specified in 6-1.1-27-3 and the second installment due on the December settlement specified in IC 6-1.1-27-3.

(g) This subsection does not apply to grants from the federal government. Upon the failure of a taxing unit to pay an installment of a loan under this section when due, the treasurer of state may withhold the amount of the unpaid installment, on the schedule determined by the office, from any funds held by the state that would otherwise be due to the taxing unit and deposit the amount in the fund from which the loan was made. If the amount is withheld from a distribution to the county auditor under IC 6-3.5 or another statute that provides for the allocation of the distribution among more than one (1) taxing unit, the amount withheld reduces the allocation of only the taxing unit for which the amount was withheld.

(h) The amount of a loan does not create a debt of the taxing unit for purposes of the Constitution of the State of Indiana.

(i) This SECTION expires January 1, 2015.

SECTION 32. IC 6-1.1-18-13, AS AMENDED BY SEA 19-2012, SECTION 35, IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 13. (a) The maximum property tax rate levied under IC 20-46-6 by each school corporation for the school corporation's capital projects fund must be adjusted each year to account for the change in assessed value of real property that results from:~~

~~(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; or~~

~~(2) a general reassessment of real property under IC 6-1.1-4-4.~~

~~(b) The new maximum rate under this section is the tax rate determined under STEP SEVEN of the following formula:~~

~~STEP ONE: Determine the maximum rate for the school corporation for the year preceding the year in which the annual adjustment or general reassessment takes effect.~~

~~STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in~~

~~the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment is effective.~~

~~STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.~~

~~STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.~~

~~STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).~~

~~STEP SIX: Determine the greater of the following:~~

~~(A) Zero (0).~~

~~(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.~~

~~STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.~~

~~(c) The department of local government finance shall compute the maximum rate allowed under subsection (b) and provide the rate to each school corporation.~~

SECTION 33. IC 6-1.1-18.5-9.8, AS AMENDED BY P.L.172-2011, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9.8. ~~(a)~~ For purposes of determining the property tax levy limit imposed on a city, town, or county under section 3 of this chapter, the city, town, or county's ad valorem property tax levy for a particular calendar year does not include an amount equal to the lesser of:

(1) the amount of ad valorem property taxes that would be first due and payable to the city, town, or county during the ensuing calendar year if the taxing unit imposed the maximum permissible property tax rate per one hundred dollars ($100) of assessed valuation that the civil taxing unit may impose for the particular calendar year under the authority of IC 36-9-14.5 (in the case of a county) or IC 36-9-15.5 (in the case of a city or town); or

(2) the excess, if any, of:

(A) the property taxes imposed by the city, town, or county under the authority of:

IC 3-11-6-9;
IC 8-16-3;
IC 8-16-3.1;
IC 8-22-3-25;
IC 14-27-6-48;
IC 14-33-9-3;
IC 16-22-8-41;
IC 16-22-5-2 through IC 16-22-5-15;
IC 16-23-1-40;
IC 36-8-14;
IC 36-9-4-48;
IC 36-9-14;
IC 36-9-14.5;
IC 36-9-15;
IC 36-9-15.5;
IC 36-9-16;
IC 36-9-16.5;
IC 36-9-17;
IC 36-9-26;
IC 36-9-27-100;
IC 36-10-3-21; or
IC 36-10-4-36;

that are first due and payable during the ensuing calendar year; over

(B) the property taxes imposed by the city, town, or county under the authority of the citations listed in clause (A) that were first due and payable during calendar year 1984.

~~(b) The maximum property tax rate levied under the statutes listed in subsection (a) must be adjusted each year to account for the change in assessed value of real property that results from:~~

~~(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5; or~~

~~(2) a general reassessment of real property under IC 6-1.1-4-4.~~

~~(c) The new maximum rate under a statute listed in subsection (a) is the tax rate determined under STEP SEVEN of the following formula:~~

~~STEP ONE: Determine the maximum rate for the political subdivision levying a property tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.~~

~~STEP TWO: Subject to subsection (e), determine the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment is effective.~~

~~STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.~~

~~STEP FOUR: Subject to subsection (e), compute separately, for each of the calendar years determined in STEP THREE, the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.~~

~~STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).~~

~~STEP SIX: Determine the greater of the following:~~

~~(A) Zero (0).~~

~~(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.~~

~~STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.~~

~~(d) The department of local government finance shall compute the maximum rate allowed under subsection (c) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (a).~~

~~(e) This subsection applies to STEP TWO and STEP FOUR of subsection (c) for taxes first due and payable after 2011. If the assessed value change used in the STEPS was not an increase, the STEPS are applied using instead:~~

~~(1) the actual percentage decrease (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property; or~~

~~(2) zero (0) if the assessed value did not increase or decrease.~~

SECTION 34. IC 6-1.1-18.5-9.9 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 9.9. (a) The department of local government finance shall adjust the maximum property tax rate levied under the statutes listed in section 9.8(a) of this chapter, IC 20-46-3-6, or IC 20-46-6-5 in each county for property taxes first due and payable in:~~

~~(1) 2004;~~

~~(2) the year the county first applies the deduction under IC 6-1.1-12-41, if the county first applies that deduction for property taxes first due and payable in 2005 or 2006; and~~

~~(3) 2007, if the county does not apply the deduction under IC 6-1.1-12-41 for any year.~~

~~(b) If the county does not apply the deduction under IC 6-1.1-12-41 for property taxes first due and payable in 2004, the department shall compute the adjustment under subsection (a)(1) to allow a levy for the fund for which the property tax rate is levied that equals the levy that would have applied for the fund if exemptions under IC 6-1.1-10-29(b)(2) (repealed) did not apply for the 2003 assessment date.~~

~~(c) If the county applies the deduction under IC 6-1.1-12-41 for property taxes first due and payable in 2004, the department shall compute the adjustment under subsection (a)(1) to allow a levy for the fund for which the property tax rate is levied that equals the levy that would have applied for the fund if:~~

~~(1) exemptions under IC 6-1.1-10-29(b)(2) (repealed); and~~

~~(2) deductions under IC 6-1.1-12-41;~~

~~did not apply for the 2003 assessment date.~~

~~(d) The department shall compute the adjustment under subsection (a)(2) to allow a levy for the fund for which the property tax rate is levied that equals the levy that would have applied for the fund if deductions under IC 6-1.1-12-41 did not apply for the assessment date of the year that immediately precedes the year for which the adjustment is made.~~

~~(e) The department shall compute the adjustment under subsection (a)(3) to allow a levy for the fund for which the property tax rate is levied that equals the levy that would have applied for the fund if deductions under IC 6-1.1-12-42 did not apply for the 2006 assessment date.~~

SECTION 35. IC 6-1.1-20.6-9.8, AS ADDED BY P.L.172-2011, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9.8. (a) This section applies to property taxes first due and payable after December 31, 2009.

(b) ~~As used in~~ **The following definitions** ~~this section:~~ **apply throughout this section:**

(1) ~~"exempt taxes"~~ **"Debt service obligations of a political subdivision" refers to:**

(A) the principal and interest payable during a calendar year on bonds; and

(B) lease rental payments payable during a calendar year on leases;

of a political subdivision payable from ad valorem property taxes.

(2) "Protected taxes" refers to the following:

(A) Property taxes that are exempted from the application of a credit granted under section 7 or 7.5 of this chapter by section 7(b), 7(c), 7.5(b), or 7.5(c) of this chapter or another law. ~~and (2) "nonexempt taxes"~~

(B) Property taxes imposed by a political subdivision to pay for debt service obligations of a political subdivision that are not exempted from the application of a credit granted under section 7 or 7.5 of this chapter by section 7(b), 7(c), 7.5(b), or 7.5(c) of this chapter or any other law. Property taxes described in this subsection are subject to the credit granted under section 7 or 7.5 of this chapter by section 7(b), 7(c), 7.5(b), or 7.5(c) regardless of their designation as protected taxes.

(3) "Unprotected taxes" refers to property taxes that are not ~~exempt~~ **protected** taxes.

(c) The total amount collected from ~~exempt~~ **protected** taxes shall be allocated to the fund for which the ~~exempt~~ **protected** taxes were imposed as if no credit were granted under section 7 or 7.5 of this chapter. The total amount of the loss in revenue resulting from the granting of credits under section 7 or 7.5 of this chapter must reduce only the amount of ~~nonexempt~~ **unprotected** property taxes distributed to a fund in proportion to the ~~nonexempt~~ **unprotected** rate tax imposed for that fund relative to the total of all ~~nonexempt~~ **unprotected** tax rates imposed by the taxing unit.

SECTION 36. IC 6-1.1-20.6-10, AS AMENDED BY P.L.172-2011, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) As used in this section, "debt service obligations of a political subdivision" refers to:

(1) the principal and interest payable during a calendar year on bonds; and

(2) lease rental payments payable during a calendar year on leases;

of a political subdivision payable from ad valorem property taxes.

(b) Political subdivisions are required by law to fully fund the payment of their debt obligations in an amount sufficient to pay any debt service or lease rentals on outstanding obligations, regardless of any reduction in property tax collections due to the application of tax credits granted under this chapter. ~~If the amount deposited in a fund from which debt service obligations of the political subdivision are paid is reduced as a result of the application of a credit granted under this chapter below the amount needed to meet the debt service obligations of a political subdivision as the obligations come due, the political subdivision may transfer funds from one (1) or more of the other funds of the political subdivision.~~

(c) Upon the failure of a political subdivision to pay any of the political subdivision's debt service obligations during a calendar year when due, the treasurer of state, upon being notified of the failure by a claimant, shall pay the unpaid debt service obligations that are due from money in the possession of the state that would otherwise be available for distribution to the political subdivision under any other law, deducting the payment from the amount distributed. A deduction under this subsection must be made:

(1) first from distributions of county adjusted gross income tax distributions under IC 6-3.5-1.1, county option income tax distributions under IC 6-3.5-6, or county economic development income tax distributions under IC 6-3.5-7 that would otherwise be distributed to the county under the schedule in IC 6-3.5-1.1-10, IC 6-3.5-1.1-21.1, IC 6-3.5-6-16, IC 6-3.5-6-17.3, IC 6-3.5-7-17, and IC 6-3.5-7-17.3; and

(2) second from any other undistributed funds of the political subdivision in the possession of the state.

(d) This section shall be interpreted liberally so that the state shall to the extent legally valid ensure that the debt service obligations of each political subdivision are paid when due. However, this section does not create a debt of the state.

SECTION 37. IC 6-1.1-20.6-11, AS ADDED BY P.L.146-2008, SECTION 227, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. The ~~county auditor of each county shall certify to the~~ department of local government finance

~~(1) the total amount of credits that are allowed under this chapter in the county for the calendar year; and~~

~~(2)~~ **shall annually publish a report on its Internet web site that lists** the amount that each taxing unit's distribution of property taxes will be reduced under section 9.5 of this chapter as a result of the granting of the credits.

~~If the amount of credits granted changes after the date the certification is made, the county auditor shall submit an amended certification to the department of local government finance. The initial certification and the amended certifications shall be submitted to the department of local government finance on the schedule prescribed by the department of local government finance.~~

SECTION 38. IC 6-1.1-21.8-5, AS AMENDED BY P.L.146-2008, SECTION 245, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The maximum amount that the board may loan to a qualified taxing unit is determined under STEP FOUR of the following formula:

STEP ONE: Determine the amount of the taxpayer's property taxes due and payable in November 2001 that are attributable to the qualified taxing unit as determined by the department of local government finance.

STEP TWO: Multiply the STEP ONE amount by one and thirty-one thousandths (1.031).

STEP THREE: Multiply the STEP TWO product by two (2).

STEP FOUR: Add the STEP ONE amount to the STEP THREE product.

However, in the case of a qualified taxing unit that is a school corporation, the amount determined under STEP FOUR shall be reduced by the board to the extent that the school corporation receives relief in the form of adjustments to the school corporation's **net** assessed valuation under IC 6-1.1-17-0.5 or **assessed valuation under** IC 6-1.1-19-5.3.

SECTION 39. IC 6-1.1-30-17, AS ADDED BY SEA 19-2012, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) Except as provided in subsection (c) and subject to subsection (d), the department of state revenue and the auditor of state shall, when requested by the department of local government finance, withhold a percentage of the distributions of county adjusted gross income tax distributions under IC 6-3.5-1.1, county option income tax distributions under IC 6-3.5-6, or county economic development income tax distributions under IC 6-3.5-7 that would otherwise be distributed to the county under the schedules in IC 6-3.5-1.1-10, IC 6-3.5-1.1-21.1, IC 6-3.5-6-17, IC 6-3.5-6-17.3, IC 6-3.5-7-16, and IC 6-3.5-7-17.3, if:

~~(1) local assessing officials have not provided information to the department of local government finance in a timely manner under IC 4-10-13-5(b);~~

~~(2)~~ **(1)** the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25;

~~(3)~~ **(2)** the county auditor has not paid a bill for services under IC 6-1.1-4-31.5 to the department of local government finance in a timely manner;

~~(4)~~ **(3)** the county assessor has not forwarded to the department of local government finance in a timely manner sales disclosure form data under IC 6-1.1-5.5-3;

~~(5)~~ **(4)** the county auditor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a);

~~(6)~~ **(5)** by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;

~~(7)~~ **(6)** the county does not maintain a certified computer system that meets the requirements of IC 6-1.1-31.5-3.5;

~~(8)~~ **(7)** the county auditor has not transmitted the data described in IC 36-2-9-20 to the department of local government finance in the form and on the schedule specified by IC 36-2-9-20;

~~(9)~~ **(8)** the county has not established a parcel index numbering system under 50 IAC 23-8-1 in a timely manner;

~~(10)~~ **(9)** a county official has not provided other information to the department of local government finance in a timely manner as required by the department of local government finance; or

~~(11)~~ **(10)** the department of local government finance incurs additional costs to assist a covered county (as defined in IC 6-1.1-22.6-1) to issue tax statements within the time frame specified in IC 6-1.1-22.6-18(b) for each year that the county experienced delayed property taxes (as defined in IC 6-1.1-22.6-2) before the year in which the county qualifies as a covered county.

The percentage to be withheld is the percentage determined by the department of local government finance. However, the percentage withheld for a reason stated in subdivision ~~(11)~~ **(10)** may not exceed the percentage needed to reimburse the department of local government finance for the costs incurred by the department of local government finance to take the actions necessary to permit a covered county (as defined in IC 6-1.1-22.6-1) to issue reconciling tax statements for prior year delayed property taxes (as defined in IC 6-1.1-22.6-2) within the time frame specified in IC 6-1.1-22.6-18(b). The county governmental taxing unit of a covered county (as defined in IC 6-1.1-22.6-1) shall reimburse the department of local government finance for these expenses. The amount withheld under subdivision ~~(11)~~ **(10)** reduces only the amount that would otherwise be distributed to the county governmental taxing unit of a covered county (as defined in IC 6-1.1-22.6-1) and not money distributable to any other political subdivision. The withholding of an amount under subdivision ~~(11)~~ **(10)** does not relieve the county government of a covered county (as defined in IC 6-1.1-22.6-1) from making bond or lease payments that would otherwise be paid from withheld amounts or providing property tax credits that would otherwise be provided under IC 6-3.5 from withheld amounts. Subdivision ~~(11)~~ **(10)** does not apply to any county other than a covered county (as defined in IC 6-1.1-22.6-1).

(b) Except as provided in subsection (e), money not distributed for the reasons stated in subsection (a) shall be distributed to the county when the department of local government finance determines that the failure to:

(1) provide information; or

(2) pay a bill for services;

has been corrected.

(c) The restrictions on distributions under subsection (a) do not apply if the department of local government finance determines that the failure to:

(1) provide information; or

(2) pay a bill for services;

in a timely manner is justified by unusual circumstances.

(d) The department of local government finance shall give the county auditor at least thirty (30) days notice in writing before the department of state revenue or the auditor of state withholds a distribution under subsection (a).

(e) Money not distributed for the reason stated in subsection ~~(a)(3)~~ **(a)(2)** may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money deposited under this subsection is not subject to distribution under subsection (b).

(f) This subsection applies to a county that will not receive a distribution under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7. At the request of the department of local government finance, an amount permitted to be withheld under subsection (a) may be withheld from any state revenues that would otherwise be distributed to the county or one (1) or more taxing units in the county.

SECTION 40. IC 6-1.1-37-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) If a taxpayer is entitled to a property tax refund or credit because an assessment is decreased, the taxpayer shall also be paid, or credited with, interest on the excess taxes that ~~he~~ **the taxpayer** paid at the rate of four percent (4%) per annum.

(b) For purposes of this section and except as provided in subsection (c), the interest shall be computed from the date on which the taxes were paid or due, whichever is later, to the date of the refund or credit. **If a taxpayer is sent a provisional tax statement and is later sent a final or reconciling tax statement, interest shall be computed after the date on which the taxes were paid or first due under the provisional tax statement, whichever is later, through the date of the refund or credit.**

(c) This subsection applies if a taxpayer who is entitled to a refund or credit does not make a written request for the refund or credit to the county auditor within forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the department of local government finance, the Indiana board, or the tax court that entitles the taxpayer to the refund or credit. In the case of a taxpayer described in this subsection, the interest shall be computed from the date on which the taxes were paid or due to the date that is forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the department of local government finance, the Indiana board of tax review, or the Indiana tax court. In any event, a property tax refund or credit must be issued not later than ninety (90) days after the request is received.

SECTION 41. IC 6-1.1-41-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A political subdivision that decides to establish a fund under this chapter must:

(1) give notice of the proposal to the affected taxpayers; and

(2) hold a public hearing on the proposal;

before presenting the proposal to the department of local government finance for approval.

(b) Notice of the proposal and of the public hearing shall be given by publication in accordance with IC 5-3-1.

(c) For a cumulative fund authorized under IC 3-11-6 or IC 8-10-5-17, the political subdivision imposing a property tax levy shall post a notice of the proposal and the public hearing in three (3) public places in the political subdivision.

(d) A notice required by this section must describe the tax levy that will be imposed for the fund.

(e) If a political subdivision adopts a proposal to establish a fund or modify a tax rate under this chapter at a public hearing held in accordance with this section, the political subdivision shall publish notice of adoption in accordance with IC 5-3-1-2(i) in a manner prescribed by the department of local government finance.

SECTION 42. IC 6-1.1-41-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5. The department of local government finance shall require that a notice of submission under section 3 of this chapter be given to the taxpayers of the county. The notice shall be published in one (1) publication and posted in the same manner as required by section 3 of this chapter.~~

SECTION 43. IC 6-1.1-41-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. Not later than noon thirty (30) days after the publication of the notice **of adoption** required by section 3 of this chapter:

(1) at least ten (10) taxpayers in the taxing district, if the fund is authorized under IC 8-10-5-17, IC 8-16-3-1, IC 8-16-3.1-4, IC 14-27-6-48, IC 14-33-21-2, IC 36-8-14-2, IC 36-9-4-48, or IC 36-10-4-36;

(2) at least twenty (20) taxpayers in a county served by a hospital, if the fund is authorized under IC 16-22-4-1;

(3) at least thirty (30) taxpayers in a tax district, if the fund is authorized under IC 36-10-3-21 or IC 36-10-7.5-19;

(4) at least fifty (50) taxpayers in a municipality, **township, or county,** if subdivision (1), (2), (3), or (5) does not apply; or

(5) at least one hundred (100) taxpayers in the county, if the fund is authorized by IC 3-11-6;

may file a petition with the county auditor stating their objections to an action described in section 2 of this chapter. Upon the filing of the petition, the county auditor shall immediately certify the petition to the department of local government finance.

SECTION 44. IC 6-1.1-41-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) After a hearing upon a proposal **under section 7 of this chapter,** the department of local government finance shall certify approval, disapproval, or modification of the proposal to the county auditor.

(b) A:

(1) taxpayer who signed a petition filed under section 6 of this chapter; or

(2) political subdivision against which a petition under section 6 of this chapter is filed;

may petition for judicial review of the final determination of the department of local government finance under subsection (a). The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (a).

SECTION 45. IC 6-2.3-4-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 7. Gross receipts are exempt from the utility receipts tax if the gross receipts are received by a taxpayer from an electricity supplier (as defined in IC 8-1-2.3-2) as payment of severance damages or other compensation resulting from a change in assigned service area boundaries under IC 8-1-2.3-6(1), IC 8-1-2.3-6(2), or IC 8-1-2.3-6(3).**

SECTION 46. IC 6-2.5-4-5, AS AMENDED BY HEA 1141-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 5. (a) As used in this section, a "power subsidiary" means a corporation which is owned or controlled by one (1) or more public utilities that furnish or sell electrical energy, natural or artificial gas, water, steam, or steam heat and which produces power exclusively for the use of those public utilities.

(b) A power subsidiary or a person engaged as a public utility is a retail merchant making a retail transaction when the subsidiary or person furnishes or sells electrical energy, natural or artificial gas, water, steam, or steam heating service to a person for commercial or domestic consumption.

(c) Notwithstanding subsection (b), a power subsidiary or a person engaged as a public utility is not a retail merchant making a retail transaction in any of the following transactions:

(1) The power subsidiary or person provides, installs, constructs, services, or removes tangible personal property which is used in connection with the furnishing of the services or commodities listed in subsection (b).

(2) The power subsidiary or person sells the services or commodities listed in subsection (b) to another public utility or power subsidiary described in this section or a person described in section 6 of this chapter.

(3) The power subsidiary or person sells the services or commodities listed in subsection (b) to a person for use in manufacturing, mining, production, **processing (after December 31, 2012), repairing (after December 31, 2012),** refining, **recycling (as defined in IC 6-2.5-5-45.8),** oil extraction, mineral extraction, irrigation, agriculture, **floriculture (after December 31, 2012), arboriculture (after December 31, 2012),** or horticulture. However, this

exclusion for sales of the services and commodities only applies if the services are consumed as an essential and integral part of an integrated process that produces tangible personal property and those sales are separately metered for the excepted uses listed in this subdivision, or if those sales are not separately metered but are predominately used by the purchaser for the excepted uses listed in this subdivision.

(4) The power subsidiary or person sells the services or commodities listed in subsection (b) and all the following conditions are satisfied:

(A) The services or commodities are sold to a business that after June 30, 2004:

(i) relocates all or part of its operations to a facility; or

(ii) expands all or part of its operations in a facility;

located in a military base (as defined in IC 36-7-30-1(c)), a military base reuse area established under IC 36-7-30, the part of an economic development area established under IC 36-7-14.5-12.5 that is or formerly was a military base (as defined in IC 36-7-30-1(c)), a military base recovery site designated under IC 6-3.1-11.5, or a qualified military base enhancement area established under IC 36-7-34.

(B) The business uses the services or commodities in the facility described in clause (A) not later than five (5) years after the operations that are relocated to the facility or expanded in the facility commence.

(C) The sales of the services or commodities are separately metered for use by the relocated or expanded operations.

(D) In the case of a business that uses the services or commodities in a qualified military base enhancement area established under IC 36-7-34-4(1), the business must satisfy at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business is a United States Department of Defense contractor.

(iii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

(E) In the case of a business that uses the services or commodities in a qualified military base enhancement area established under IC 36-7-34-4(2), the business must satisfy at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the qualified military base (as defined in IC 36-7-34-3).

However, this subdivision does not apply to a business that substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations in an area described in this subdivision, unless the department determines that the business had existing operations in the area described in this subdivision and that the operations relocated to the area are an expansion of the business's operations in the area.

SECTION 47. IC 6-2.5-5-5.1, AS AMENDED BY P.L.172-2011, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.1. (a) As used in this section, "tangible personal property" includes electrical energy, natural or artificial gas, water, steam, and steam heat.

(b) Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for direct consumption as a material to be consumed in the direct production of other tangible personal property in the person's business of manufacturing, processing, refining, repairing, mining, agriculture, horticulture, floriculture, or arboriculture. This exemption includes transactions involving acquisitions of tangible personal property used in commercial printing.

(c) A refund claim based on the exemption provided by this section for electrical energy, natural or artificial gas, water, steam, and steam heat may not cover transactions that occur more than ~~eighteen (18)~~ **thirty-six (36)** months before the date of the refund claim.

SECTION 48. IC 6-2.5-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) As used in this section, "returnable containers" means containers customarily returned by the buyer of the contents for reuse as containers.

(b) Sales of returnable containers are exempt from the state gross retail tax if the transaction constitutes selling at retail as defined in IC 6-2.5-4-1 and if the returnable containers contain contents.

(c) Sales of returnable containers are exempt from the state gross retail tax if the containers are transferred empty for the purpose of refilling.

(d) Sales of wrapping material and empty containers are exempt from the state gross retail tax if the person acquiring the material or containers acquires them for use as nonreturnable packages for:

(1) selling the contents that ~~he~~ **the person** adds; **or**

(2) shipping or delivering tangible personal property that:

(A) is owned by another person;

(B) is processed or serviced for the owner; and

(C) will be sold by that owner either in the same form or as a part of other tangible personal property produced by that owner in the owner's business of manufacturing, assembling, constructing, refining, or processing.

SECTION 49. IC 6-2.5-5-30, AS AMENDED BY P.L.42-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 30. (a) Sales of tangible personal property are exempt from the state gross retail tax if:

(1) the property constitutes, is incorporated into, or is consumed in the operation of, a device, facility, or structure predominantly used and acquired for the purpose of complying with any state, local, or federal environmental quality statutes, regulations, or standards; and

(2) the person acquiring the property is engaged in the business of manufacturing, processing, refining, mining, **recycling (as defined in section 45.8 of this chapter),** or agriculture.

(b) The portion of the sales price of tangible personal property which is exempt from state gross retail and use taxes under this section equals the product of:

(1) the total sales price; multiplied by

(2) one hundred percent (100%).

SECTION 50. IC 6-2.5-5-45.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **Sec. 45.8. (a) For purposes of this section, IC 6-2.5-4-5, and section 30 of this chapter, the following definitions apply:**

(1) "Recycling" means the processing of recycling materials and other tangible personal property into a product for sale if the product is predominantly composed of recycling materials. The term does not include the following:

(A) The demolition of improvements to real estate.

(B) The processing of tangible personal property primarily for disposal in a licensed solid waste disposal facility rather than for sale.

(C) The collection of recycling materials by licensed motor vehicles.

(2) "Recycling materials" means tangible personal property, including metal, paper, glass, plastic, textile, or rubber, that:

(A) is considered "scrap" by industry standards or has no more than scrap value;

(B) is a byproduct of another person's manufacturing or production process;

(C) was previously manufactured or incorporated into a product;

(D) would otherwise reasonably be expected to be destined for disposal in a licensed solid waste disposal facility; or

(E) has been removed or diverted from the solid waste stream for sale, use, or reuse as raw materials, regardless of whether or not the materials require subsequent processing or separation from each other.

(3) "Processing of recycling materials" means:

(A) the activities involved in collecting or otherwise receiving recycling materials and other tangible personal property; and

(B) creating a product for sale by changing the original form, use, or composition of the property (whether manually, mechanically, chemically, or otherwise) through weighing, sorting, grading, separating, shredding, crushing, compacting, breaking, cutting, baling, shearing, torching, wire-stripping, or other means.

(b) Transactions involving machinery, tools, and equipment are exempt from the state gross retail tax if:

(1) the person acquiring that property acquires it for direct use in the direct processing of recycling materials; and

(2) the person acquiring that property is occupationally engaged in recycling.

(c) Transactions involving recycling materials and other tangible personal property to be consumed in the processing of recycling materials or to become a part of the product produced by the processing of recycling materials are exempt from the state gross retail tax if:

(1) the person acquiring that property acquires it for direct use in the direct processing of recycling materials; and

(2) the person acquiring that property is occupationally engaged in recycling.

SECTION 51. IC 6-2.5-6-1, AS AMENDED BY P.L.182-2009(ss), SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) Except as otherwise provided in this section, each person liable for collecting the state gross retail or use tax shall file a return for each calendar month and pay the state gross retail and use taxes that the person collects during that month. A person shall file the person's return for a particular month with the department and make the person's tax payment for that month to the department not more than thirty (30) days after the end of that month, if that person's average monthly liability for collections of state gross retail and use taxes under this section as determined by the department for the preceding calendar year did not exceed one thousand dollars ($1,000). If a person's average monthly liability for collections of state gross retail and use taxes under this section as determined by the department for the preceding calendar year exceeded one thousand dollars ($1,000), that person shall file the person's return for a particular month and make the person's tax payment for that month to the department not more than twenty (20) days after the end of that month.

~~(b) If a person files a combined sales and withholding tax report and either this section or IC 6-3-4-8.1 requires sales or withholding tax reports to be filed and remittances to be made within twenty (20) days after the end of each month, then the person shall file the combined report and remit the sales and withholding taxes due within twenty (20) days after the end of each month.~~

~~(c)~~ **(b)** Instead of the twelve (12) monthly reporting periods required by subsection (a), the department may permit a person

to divide a year into a different number of reporting periods. The return and payment for each reporting period is due not more than twenty (20) days after the end of the period.

~~(d)~~ **(c)** Instead of the reporting periods required under subsection (a), the department may permit a retail merchant to report and pay the merchant's state gross retail and use taxes for a period covering a calendar year, if the retail merchant's state gross retail and use tax liability in the previous calendar year does not exceed one thousand dollars ($1,000). A retail merchant using a reporting period allowed under this subsection must file the merchant's return and pay the merchant's tax for a reporting period not later than the last day of the month immediately following the close of that reporting period.

~~(e)~~ **(d)** If a retail merchant reports the merchant's adjusted gross income tax, or the tax the merchant pays in place of the adjusted gross income tax, over a fiscal year not corresponding to the calendar year, the merchant may, without prior departmental approval, report and pay the merchant's state gross retail and use taxes over the merchant's fiscal year that corresponds to the calendar year the merchant is permitted to use under subsection ~~(d).~~ **(c).** However, the department may, at any time, require the retail merchant to stop using the fiscal reporting period.

~~(f) If a retail merchant files a combined sales and withholding tax report, the reporting period for the combined report is the shortest period required under:~~

~~(1) this section;~~

~~(2) IC 6-3-4-8; or~~

~~(3) IC 6-3-4-8.1.~~

~~(g)~~ **(e)** If the department determines that a person's:

(1) estimated monthly gross retail and use tax liability for the current year; or

(2) average monthly gross retail and use tax liability for the preceding year;

exceeds five thousand dollars ($5,000), the person shall pay the monthly gross retail and use taxes due by electronic funds transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the tax is due.

~~(h)~~ **(f)** A ~~person that registers as a~~ retail merchant ~~after December 31, 2009,~~ shall report and remit state gross retail and use taxes through the department's online tax filing program. ~~This subsection does not apply to a retail merchant that was a registered retail merchant before January 1, 2010, but adds an additional place of business in accordance with IC 6-2.5-8-1(c) after December 31, 2009.~~

~~(i)~~ **(g)** A person:

(1) who has voluntarily registered as a seller under the Streamlined Sales and Use Tax Agreement;

(2) who is not a Model 1, Model 2, or Model 3 seller (as defined in the Streamlined Sales and Use Tax Agreement); and

(3) whose liability for collections of state gross retail and use taxes under this section for the preceding calendar year as determined by the department does not exceed one thousand dollars ($1,000);

is not required to file a monthly gross retail and use tax return.

SECTION 52. IC 6-3-1-3.5, AS AMENDED BY P.L.229-2011, SECTION 83, AS AMENDED BY P.L.171-2011, SECTION 4, AND AS AMENDED BY P.L.172-2011, SECTION 53, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars ($1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars ($1,000).

(4) Subtract one thousand dollars ($1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) ~~*for taxable years beginning after December 31, 2004,*~~ one thousand five hundred dollars ($1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004); and

(B) five hundred dollars ($500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars ($40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

(B) two thousand dollars ($2,000).

(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

~~*(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.*~~

~~*(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.*~~

~~*(12)*~~ *(10)* Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

~~*(13)*~~ *(11)* In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

~~*(14)*~~ *(12)* In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

~~*(15)*~~ *(13)* In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

~~*(16) For taxable years beginning after December 31, 1999,*~~ *(14)* Subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

~~*(17)*~~ *(15)* Subtract an amount equal to the lesser of:

(A) ~~*for a taxable year:*~~

~~*(i) including any part of 2004, the amount determined under subsection (f); and*~~

~~*(ii) beginning after December 31, 2004,*~~ two thousand five hundred dollars ($2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

~~*(18)*~~ *(16)* Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

~~*(19)*~~ *(17)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

~~*(20)*~~ *(18)* Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

~~*(21)*~~ *(19)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

~~*(22)*~~ *(20)* Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

~~*(23)*~~ *(21)* Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.

~~*(24)*~~ *(22)* Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.

~~*(25)*~~ *(23)* Subtract any amount of a credit (including an advance refund of the credit) that is provided to an individual under 26 U.S.C. 6428 (federal Economic Stimulus Act of 2008) and included in the individual's federal adjusted gross income.

~~*(26)*~~ *(24)* Add any amount of unemployment compensation excluded from federal gross income, as defined in Section 61 of the Internal Revenue Code, under Section 85(c) of the Internal Revenue Code.

~~*(27)*~~ *(25)* Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal Revenue Code

for the discharge of debt on a qualified principal residence.

~~(28)~~ *(26)* Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract the amount necessary from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

~~(29)~~ *(27)* Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

~~(30)~~ *(28)* Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

~~(31)~~ *(29)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

~~(31)~~ *(30)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

~~(33)~~ *(31)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

~~(34)~~ *(32)* Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(33) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

~~(35)~~ *(34) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.*

~~(36)~~ *(35) Add the amount excluded from gross income under Section 408(d)(8) of the Internal Revenue Code for a charitable distribution from an individual retirement plan.*

~~(37)~~ *(36) Add the amount deducted from gross income under Section 222 of the Internal Revenue Code for qualified tuition and related expenses.*

~~(38)~~ *(37) Add the amount deducted from gross income under Section* ~~62(2)(D)~~ **62(a)(2)(D)** *of the Internal Revenue Code for certain expenses of elementary and secondary school teachers.*

~~(39)~~ *(38) Add the amount excluded from gross income under Section 127 of the Internal Revenue Code as annual employer provided education expenses.*

~~(40)~~ *(39) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.*

~~(41)~~ *(40) Add the monthly amount excluded from gross income under Section 132(f)(1)(A) and 132(f)(1)(B)* **of the Internal Revenue Code** *that exceeds one hundred dollars ($100) a month for a qualified transportation fringe.*

~~(42)~~ *(41) Add the amount deducted from gross income under Section 221 of the Internal Revenue Code that exceeds the amount the taxpayer could deduct under Section 221 of the Internal Revenue Code before it was amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312).*

~~(43)~~ *(42) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue*

Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

~~(44)~~ (43) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

~~(45)~~ (44) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

~~(46)~~ (45) Add the amount necessary to make the adjusted gross income of any taxpayer for which tax was not imposed on the net recognized built-in gain of an S corporation under Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240) equal to the amount of adjusted gross income that would have been computed before Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

~~(35)~~ **(46)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

(11) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(12) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in

connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(13) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(14) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(18) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(19) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(20) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

(21) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(22) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(23) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

~~*(19)*~~ **(24)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~*(24)*~~ **(25)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.
(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.
(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.
(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.
(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).
(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
(9) Subtract income that is:
(A) exempt from taxation under IC 6-3-2-21.7; and
(B) included in the insurance company's taxable income under the Internal Revenue Code.
(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.
(11) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.
(12) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.
(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.
(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.
(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.
(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:
(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or
(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);
as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.
(17) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A,

Chapter 1, Subchapter N of the Internal Revenue Code.

(18) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(19) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(20) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

(21) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(22) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

~~(18)~~ **(23)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~(23)~~ **(24)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(11) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant

property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(12) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(17) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(18) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(19) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(20) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

(21) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(22) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

~~(18)~~ **(23)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~(23)~~ **(24)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(7) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the taxpayer's taxable income under the Internal Revenue Code.

(8) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(9) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(10) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(11) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(12) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(15) Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal Revenue Code for the discharge of debt on a qualified principal residence.

(16) Add the amount necessary to make the adjusted gross income of any taxpayer that placed any qualified leasehold improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(iv) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(17) Add the amount necessary to make the adjusted gross income of any taxpayer that placed a motorsports entertainment complex in service during the taxable year and that was classified as 7-year property under Section 168(e)(3)(C)(ii) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed into service.

(18) Add the amount deducted under Section 195 of the Internal Revenue Code for start-up expenditures that exceeds the amount the taxpayer could deduct under Section 195 of the Internal Revenue Code before it was amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

(19) Add the amount deducted from gross income under Section 198 of the Internal Revenue Code for the expensing of environmental remediation costs.

(20) Add the amount deducted from gross income under Section 179E of the Internal Revenue Code for any qualified advanced mine safety equipment property.

(21) Add the amount necessary to make the adjusted gross income of any taxpayer for which tax was not imposed on the net recognized built-in gain of an S corporation under Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240) equal to the amount of adjusted gross income that would have been computed before Section 1374(d)(7) of the Internal Revenue Code as amended by the Small Business Jobs Act of 2010 (P.L. 111-240).

~~*(16)*~~ **(22)** *This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.*

~~*(22)*~~ **(23)** *Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.*

~~*(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:*~~

~~*STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.*~~

~~*STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.*~~

~~*STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.*~~

~~*STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars ($2,500).*~~

~~*STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars ($2,500).*~~

SECTION 53. IC 6-3-1-11, AS AMENDED BY P.L.229-2011, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Except as provided in subsection (d), the term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended and in effect on January 1, 2011.

(b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that are referred to, together with all the other provisions of the Internal Revenue Code in effect on January 1, 2011, that pertain to the provisions specifically mentioned, shall be regarded as incorporated in this article by reference and have the same force and effect as though fully set forth in this article. To the extent the provisions apply to this article, regulations adopted under Section 7805(a) of the Internal Revenue Code and in effect on January 1, 2011, shall be regarded as rules adopted by the department under this article, unless the department adopts specific rules that supersede the regulation.

(c) An amendment to the Internal Revenue Code made by an act passed by Congress before January 1, 2011, that is effective for any taxable year that began before January 1, 2011, and that affects:

(1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);

(2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);

(3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);

(4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue Code);

(5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal Revenue Code); or

(6) taxable income (as defined in Section 832 of the Internal Revenue Code);

is also effective for that same taxable year for purposes of determining adjusted gross income under section 3.5 of this chapter.

(d) The following provisions of the Internal Revenue Code that were amended by the Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) are treated as though they were not amended by the

Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312):

(1) Section 1367(a)(2) of the Internal Revenue Code pertaining to an adjustment of basis of the stock of shareholders.

(2) Section ~~871(k)(1)(c)~~ **871(k)(1)(C)** and 871(k)(2)(C) of the Internal Revenue Code pertaining the treatment of certain dividends of regulated investment companies.

(3) Section 897(h)(4)(A)(ii) of the Internal Revenue Code pertaining to regulated investment companies qualified entity treatment.

(4) Section 512(b)(13)(E)(iv) of the Internal Revenue Code pertaining to the modification of tax treatment of certain payments to controlling exempt organizations.

(5) Section 613A(c)(6)(H)(ii) of the Internal Revenue Code pertaining to the limitations on percentage depletion in the case of oil and gas wells.

(6) Section 451(i)(3) of the Internal Revenue Code pertaining to special rule for sales or dispositions to implement Federal Energy Regulatory Commission or state electric restructuring policy for qualified electric utilities.

(7) Section 954(c)(6) of the Internal Revenue Code pertaining to the look-through treatment of payments between related controlled foreign corporation under foreign personal holding company rules.

The department shall develop forms and adopt any necessary rules under IC 4-22-2 to implement this subsection.

SECTION 54. IC 6-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. Returns with respect to taxes imposed by this act shall be made by the following:

(1) Every resident individual having for the taxable year gross income in an amount greater than the modifications provided under IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4).

(2) Every nonresident individual having for the taxable year any gross income from sources within the state of Indiana, except for a team member (as defined in IC 6-3-2-2.7) who is covered by a composite return filed under IC 6-3-2-2.7.

(3) Every corporation having for the taxable year any gross income from sources within the state of Indiana.

(4) **For taxable years beginning after December 31, 2012,** every resident estate having for the taxable year any gross income from sources within the state of Indiana **exceeding the amount provided in Section 6012(a)(3) of the Internal Revenue Code.**

(5) **For taxable years beginning after December 31, 2012,** every resident trust having for the taxable year any gross income from sources within the state of Indiana **exceeding the amount provided in Section 6012(a)(4) of the Internal Revenue Code.**

(6) **For taxable years beginning after December 31, 2012,** every nonresident estate having for the taxable year any gross income from sources within the state of Indiana **exceeding the amount provided in Section 6012(a)(3) of the Internal Revenue Code.**

(7) **For taxable years beginning after December 31, 2012,** every nonresident trust having for the taxable year any gross income from sources within the state of Indiana **exceeding the amount provided in Section 6012(a)(4) of the Internal Revenue Code.**

SECTION 55. IC 6-3-4-8, AS AMENDED BY P.L.172-2011, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. (a) Except as provided in subsection (d), every employer making payments of wages subject to tax under this article, regardless of the place where such payment is made, who is required under the provisions of the Internal Revenue Code to withhold, collect, and pay over income tax on wages paid by such employer to such employee, shall, at the time of payment of such wages, deduct and retain therefrom the amount prescribed in withholding instructions issued by the department. The department shall base its withholding instructions on the adjusted gross income tax rate for persons, on the total rates of any income taxes that the taxpayer is subject to under IC 6-3.5, and on the total amount of exclusions the taxpayer is entitled to under IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4). However, the withholding instructions on the adjusted gross income of a nonresident alien (as defined in Section 7701 of the Internal Revenue Code) are to be based on applying not more than one (1) withholding exclusion, regardless of the total number of exclusions that IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4) permit the taxpayer to apply on the taxpayer's final return for the taxable year. Such employer making payments of any wages:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and withheld under this section and shall not be liable to any individual for the amount deducted from the individual's wages and paid over in compliance or intended compliance with this section; and

(2) shall make return of and payment to the department monthly of the amount of tax which under this article and IC 6-3.5 the employer is required to withhold.

(b) An employer shall pay taxes withheld under subsection (a) during a particular month to the department no later than thirty (30) days after the end of that month. However, in place of monthly reporting periods, the department may permit an employer to report and pay the tax for

~~(1)~~ a calendar year reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed ~~ten dollars ($10);~~

~~(2) a six (6) month reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed twenty-five dollars ($25); or~~

~~(3) a three (3) month reporting period, if the average monthly amount of all tax required to be withheld by the~~

~~employer in the previous calendar year does not exceed seventy-five dollars ($75).~~ **one thousand dollars ($1,000).** An employer using a reporting period (other than a monthly reporting period) must file the employer's return and pay the tax for a reporting period no later than the last day of the month immediately following the close of the reporting period. ~~If an employer files a combined sales and withholding tax report, the reporting period for the combined report is the shortest period required under this section, section 8.1 of this chapter, or IC 6-2.5-6-1.~~

(c) For purposes of determining whether an employee is subject to taxation under IC 6-3.5, an employer is entitled to rely on the statement of an employee as to the employee's county of residence as represented by the statement of address in forms claiming exemptions for purposes of withholding, regardless of when the employee supplied the forms. Every employee shall notify the employee's employer within five (5) days after any change in the employee's county of residence.

(d) A county that makes payments of wages subject to tax under this article:

(1) to a precinct election officer (as defined in IC 3-5-2-40.1); and

(2) for the performance of the duties of the precinct election officer imposed by IC 3 that are performed on election day;

is not required, at the time of payment of the wages, to deduct and retain from the wages the amount prescribed in withholding instructions issued by the department.

(e) Every employer shall, at the time of each payment made by the employer to the department, deliver to the department a return upon the form prescribed by the department showing:

(1) the total amount of wages paid to the employer's employees;

(2) the amount deducted therefrom in accordance with the provisions of the Internal Revenue Code;

(3) the amount of adjusted gross income tax deducted therefrom in accordance with the provisions of this section;

(4) the amount of income tax, if any, imposed under IC 6-3.5 and deducted therefrom in accordance with this section; and

(5) any other information the department may require.

Every employer making a declaration of withholding as provided in this section shall furnish the employer's employees annually, but not later than thirty (30) days after the end of the calendar year, a record of the total amount of adjusted gross income tax and the amount of each income tax, if any, imposed under IC 6-3.5, withheld from the employees, on the forms prescribed by the department.

(f) All money deducted and withheld by an employer shall immediately upon such deduction be the money of the state, and every employer who deducts and retains any amount of money under the provisions of this article shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in this article. Any employer may be required to post a surety bond in the sum the department determines to be appropriate to protect the state with respect to money withheld pursuant to this section.

(g) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to employers subject to the provisions of this section, and for these purposes any amount deducted or required to be deducted and remitted to the department under this section shall be considered to be the tax of the employer, and with respect to such amount the employer shall be considered the taxpayer. In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest.

(h) Amounts deducted from wages of an employee during any calendar year in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such employee for the employee's taxable year which begins in such calendar year, and a return made by the employer under subsection (b) shall be accepted by the department as evidence in favor of the employee of the amount so deducted from the employee's wages. Where the total amount so deducted exceeds the amount of tax on the employee as computed under this article and IC 6-3.5, the department shall, after examining the return or returns filed by the employee in accordance with this article and IC 6-3.5, refund the amount of the excess deduction. However, under rules promulgated by the department, the excess or any part thereof may be applied to any taxes or other claim due from the taxpayer to the state of Indiana or any subdivision thereof. No refund shall be made to an employee who fails to file the employee's return or returns as required under this article and IC 6-3.5 within two (2) years from the due date of the return or returns. In the event that the excess tax deducted is less than one dollar ($1), no refund shall be made.

(i) This section shall in no way relieve any taxpayer from the taxpayer's obligation of filing a return or returns at the time required under this article and IC 6-3.5, and, should the amount withheld under the provisions of this section be insufficient to pay the total tax of such taxpayer, such unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(j) Notwithstanding subsection (b), an employer of a domestic service employee that enters into an agreement with the domestic service employee to withhold federal income tax under Section 3402 of the Internal Revenue Code may withhold Indiana income tax on the domestic service employee's wages on the employer's Indiana individual income tax return in the same manner as allowed by Section 3510 of the Internal Revenue Code.

(k) To the extent allowed by Section 1137 of the Social Security Act, an employer of a domestic service employee may report and remit state unemployment insurance contributions on the employee's wages on the employer's Indiana individual income tax return in the same manner as allowed by Section 3510 of the Internal Revenue Code.

(l) A person who knowingly fails to remit trust fund money as set forth in this section commits a Class D felony.

SECTION 56. IC 6-3-4-8.1, AS AMENDED BY P.L.182-2009(ss), SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8.1. (a) Any entity that is required to file a monthly return and make a monthly remittance of taxes under sections 8, 12, 13, and 15 of this chapter shall file those returns and make those remittances twenty (20) days (rather than thirty (30) days) after the end of each month for which those returns and remittances are filed, if that entity's average monthly remittance for the immediately preceding calendar year exceeds one thousand dollars ($1,000).

(b) The department may require any entity to make the entity's monthly remittance and file the entity's monthly return twenty (20) days (rather than thirty (30) days) after the end of each month for which a return and payment are made if the department estimates that the entity's average monthly payment for the current calendar year will exceed one thousand dollars ($1,000).

(c) If the department determines that a withholding agent is not withholding, reporting, or remitting an amount of tax in accordance with this chapter, the department may require the withholding agent:

(1) to make periodic deposits during the reporting period; and

(2) to file an informational return with each periodic deposit.

~~(d) If a person files a combined sales and withholding tax report and either this section or IC 6-2.5-6-1 requires the sales or withholding tax report to be filed and remittances to be made within twenty (20) days after the end of each month, then the person shall file the combined report and remit the sales and withholding taxes due within twenty (20) days after the end of each month.~~

~~(e)~~ **(d)** If the department determines that an entity's:

(1) estimated monthly withholding tax remittance for the current year; or

(2) average monthly withholding tax remittance for the preceding year;

exceeds five thousand dollars ($5,000), the entity shall remit the monthly withholding taxes due by electronic fund transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the remittance is due.

~~(f)~~ **(e)** An entity that ~~registers to withhold~~ **withholds** taxes ~~after December 31, 2009,~~ shall file the withholding tax report and remit withholding taxes electronically through the department's online tax filing program.

SECTION 57. IC 6-3-4-12, AS AMENDED BY P.L.211-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) Every partnership shall, at the time that the partnership pays or credits amounts to any of its nonresident partners on account of their distributive shares of partnership income, for a taxable year of the partnership, deduct and retain therefrom the amount prescribed in the withholding instructions referred to in section 8 of this chapter. Such partnership so paying or crediting any nonresident partner:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and retained under this section and shall not be liable to such partner for the amount deducted from such payment or credit and paid over in compliance or intended compliance with this section; and

(2) shall make return of and payment to the department monthly whenever the amount of tax due under IC 6-3 and IC 6-3.5 exceeds an aggregate amount of fifty dollars ($50) per month with such payment due on the thirtieth day of the following month, unless an earlier date is specified by section 8.1 of this chapter.

Where the aggregate amount due under IC 6-3 and IC 6-3.5 does not exceed fifty dollars ($50) per month, then such partnership shall make return and payment to the department quarterly, on such dates and in such manner as the department shall prescribe, of the amount of tax which, under IC 6-3 and IC 6-3.5, it is required to withhold.

(b) Every partnership shall, at the time of each payment made by it to the department pursuant to this section, deliver to the department a return upon such form as shall be prescribed by the department showing the total amounts paid or credited to its nonresident partners, the amount deducted therefrom in accordance with the provisions of this section, and such other information as the department may require. Every partnership making the deduction and retention provided in this section shall furnish to its nonresident partners annually, but not later than ~~thirty (30) days~~ **the fifteenth day of the third month** after the end of its taxable year, a record of the amount of tax deducted and retained from such partners on forms to be prescribed by the department.

(c) All money deducted and retained by the partnership, as provided in this section, shall immediately upon such deduction be the money of the state of Indiana and every partnership which deducts and retains any amount of money under the provisions of IC 6-3 shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in IC 6-3. Any partnership may be required to post a surety bond in such sum as the department shall determine to be appropriate to protect the state of Indiana with respect to money deducted and retained pursuant to this section.

(d) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to partnerships subject to the provisions of this section, and for these purposes any amount deducted, or required to be deducted and remitted to the department under this section, shall be considered to be the tax of the partnership, and with respect to such amount it shall be considered the taxpayer.

(e) Amounts deducted from payments or credits to a nonresident partner during any taxable year of the partnership in

accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such nonresident partner for ~~his~~ **the nonresident partner's** taxable year within or with which the partnership's taxable year ends. A return made by the partnership under subsection (b) shall be accepted by the department as evidence in favor of the nonresident partner of the amount so deducted for ~~his~~ **the nonresident partner's** distributive share.

(f) This section shall in no way relieve any nonresident partner from ~~his~~ **the nonresident partner's** obligations of filing a return or returns at the time required under IC 6-3 or IC 6-3.5, and any unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(g) Instead of the reporting periods required under subsection (a), the department may permit a partnership to file one (1) return and payment each year if the partnership pays or credits amounts to its nonresident partners only one (1) time each year. The return and payment are due ~~not more than thirty (30) days~~ **on or before the fifteenth day of the fourth month** after the end of the year.

(h) A partnership shall file a composite adjusted gross income tax return on behalf of all nonresident individual partners. The composite return must include each nonresident individual partner regardless of whether or not the nonresident individual partner has other Indiana source income.

(i) If a partnership does not include all nonresident partners in the composite return, the partnership is subject to the penalty imposed under IC 6-8.1-10-2.1(j).

SECTION 58. IC 6-3-4-13, AS AMENDED BY P.L.211-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Every corporation which is exempt from tax under IC 6-3 pursuant to IC 6-3-2-2.8(2) shall, at the time that it pays or credits amounts to any of its nonresident shareholders as dividends or as their share of the corporation's undistributed taxable income, withhold the amount prescribed by the department. Such corporation so paying or crediting any nonresident shareholder:

(1) shall be liable to the state of Indiana for the payment of the tax required to be withheld under this section and shall not be liable to such shareholder for the amount withheld and paid over in compliance or intended compliance with this section; and

(2) when the aggregate amount due under IC 6-3 and IC 6-3.5 exceeds one hundred fifty dollars ($150) per quarter, then such corporation shall make return and payment to the department quarterly, on such dates and in such manner as the department shall prescribe, of the amount of tax which, under IC 6-3 and IC 6-3.5, it is required to withhold.

(b) Every corporation shall, at the time of each payment made by it to the department pursuant to this section, deliver to the department a return upon such form as shall be prescribed by the department showing the total amounts paid or credited to its nonresident shareholders, the amount withheld in accordance with the provisions of this section, and such other information as the department may require. Every corporation withholding as provided in this section shall furnish to its nonresident shareholders annually, but not later than the fifteenth day of the third month after the end of its taxable year, a record of the amount of tax withheld on behalf of such shareholders on forms to be prescribed by the department.

(c) All money withheld by a corporation, pursuant to this section, shall immediately upon being withheld be the money of the state of Indiana and every corporation which withholds any amount of money under the provisions of this section shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in IC 6-3. Any corporation may be required to post a surety bond in such sum as the department shall determine to be appropriate to protect the state of Indiana with respect to money withheld pursuant to this section.

(d) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to corporations subject to the provisions of this section, and for these purposes any amount withheld, or required to be withheld and remitted to the department under this section, shall be considered to be the tax of the corporation, and with respect to such amount it shall be considered the taxpayer.

(e) Amounts withheld from payments or credits to a nonresident shareholder during any taxable year of the corporation in accordance with the provisions of this section shall be considered to be a part payment of the tax imposed on such nonresident shareholder for his taxable year within or with which the corporation's taxable year ends. A return made by the corporation under subsection (b) shall be accepted by the department as evidence in favor of the nonresident shareholder of the amount so withheld from the shareholder's distributive share.

(f) This section shall in no way relieve any nonresident shareholder from the shareholder's obligation of filing a return or returns at the time required under IC 6-3 or IC 6-3.5, and any unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(g) Instead of the reporting periods required under subsection (a), the department may permit a corporation to file one (1) return and payment each year if the corporation pays or credits amounts to its nonresident shareholders only one (1) time each year. The withholding return and payment are due on or before the fifteenth day of the ~~third~~ **fourth** month after the end of the taxable year of the corporation.

(h) If a distribution will be made with property other than money or a gain is realized without the payment of money, the corporation shall not release the property or credit the gain until it has funds sufficient to enable it to pay the tax required to be withheld under this section. If necessary, the corporation shall obtain such funds from the shareholders.

(i) If a corporation fails to withhold and pay any amount of tax required to be withheld under this section and thereafter the tax is paid by the shareholders, such amount of tax as paid by the

shareholders shall not be collected from the corporation but it shall not be relieved from liability for interest or penalty otherwise due in respect to such failure to withhold under IC 6-8.1-10.

(j) A corporation described in subsection (a) shall file a composite adjusted gross income tax return on behalf of all nonresident shareholders. The composite return must include each nonresident individual shareholder regardless of whether or not the nonresident individual shareholder has other Indiana source income.

(k) If a corporation described in subsection (a) does not include all nonresident shareholders in the composite return, the corporation is subject to the penalty imposed under IC 6-8.1-10-2.1(j).

SECTION 59. IC 6-3-4-16.5, AS ADDED BY P.L.113-2010, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16.5. (a) This section applies to:

(1) Form W-2 federal income tax withholding statements; ~~and~~

(2) Form W-2G certain gambling winnings;

(3) Form 1099-R distributions from pensions, annuities, retirement or profit sharing plans, IRAs, insurance contracts, or like distributions;

~~(2)~~ **(4)** Form WH-3 annual withholding tax reports; **and**

(5) Form WH-18 miscellaneous withholding tax statements for nonresidents;

filed with the department after December 31, ~~2010.~~ **2012.**

(b) If an employer or any person or entity acting on behalf of an employer files more than twenty-five (25):

(1) Form W-2 federal income tax withholding statements;

(2) Form W-2G certain gambling winnings;

(3) Form 1099-R distributions from pensions, annuities, retirement or profit sharing plans, IRAs, insurance contracts, or like distributions; or

(4) Form WH-18 miscellaneous withholding tax statements for nonresidents;

with the department in a calendar year, all ~~Form W-2 federal income tax withholding statements~~ **forms** and Form WH-3 annual withholding tax reports filed with the department in that calendar year by the employer or the person or entity acting on behalf of the employer must be filed in an electronic format specified by the department.

SECTION 60. IC 6-3.1-24-9, AS AMENDED BY P.L.172-2011, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The total amount of tax credits that may be allowed under this chapter in a particular calendar year for qualified investment capital provided during that calendar year may not exceed twelve million five hundred thousand dollars ($12,500,000). The Indiana economic development corporation may not certify a proposed investment plan under section 12.5 of this chapter if the proposed investment would result in the total amount of the tax credits certified for the calendar year exceeding twelve million five hundred thousand dollars ($12,500,000). An amount of an unused credit carried over by a taxpayer from a previous calendar year may not be considered in determining the amount of proposed investments that the Indiana economic development corporation may certify under this chapter.

(b) Notwithstanding the other provisions of this chapter, a taxpayer is not entitled to a credit for providing qualified investment capital to a qualified Indiana business after December 31, ~~2014.~~ **2016.** However, this subsection may not be construed to prevent a taxpayer from carrying over to a taxable year beginning after December 31, ~~2014,~~ **2016,** an unused tax credit attributable to an investment occurring before January 1, ~~2015.~~ **2017.**

SECTION 61. IC 6-3.1-26-26, AS AMENDED BY P.L.182-2009(ss), SECTION 202, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) This chapter applies to taxable years beginning after December 31, 2003.

(b) Notwithstanding the other provisions of this chapter, the corporation may not approve a credit for a qualified investment made after December 31, ~~2013.~~ **2016.** However, this section may not be construed to prevent a taxpayer from carrying an unused tax credit attributable to a qualified investment made before January 1, ~~2014,~~ **2017,** forward to a taxable year beginning after December 31, ~~2013,~~ **2016,** in the manner provided by section 15 of this chapter.

SECTION 62. IC 6-3.1-31.9-23, AS ADDED BY P.L.223-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) This chapter applies to taxable years beginning after December 31, 2006.

(b) Notwithstanding the other provisions of this chapter, the corporation may not approve ~~a~~ **an alternative fuel vehicle manufacturing** credit for a qualified investment made after December 31, ~~2012.~~ **2016.** However, this section may not be construed to prevent a taxpayer from carrying an unused tax credit attributable to a qualified investment made before January 1, ~~2012,~~ **2017,** forward to a taxable year beginning after December 31, ~~2011,~~ **2016,** in the manner provided by section 13 of this chapter.

SECTION 63. IC 6-3.1-33-9, AS ADDED BY P.L.110-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Before January 1, ~~2013,~~ **2017,** a corporation or pass through entity that desires to qualify for the **new employer** credit provided by this chapter may submit an application to the IEDC in the form and manner specified by the IEDC.

(b) The IEDC shall promptly review all applications submitted to the IEDC under this chapter.

(c) If the IEDC determines that an applicant for the tax credit provided by this chapter has furnished reliable evidence, as determined by the IEDC, that the applicant is reasonably capable of:

(1) employing at least ten (10) qualified employees in each month of the period specified in section 10(b) of this chapter during the taxable year; and

(2) meeting the requirements for the tax credit provided by this chapter;

the IEDC may issue the applicant a certificate of approval. If a certificate of approval is issued, the IEDC shall provide a copy of the certificate to the department.

(d) In making a determination of whether an applicant is qualified for a credit under this chapter, the IEDC may consider the following:

(1) The applicant's employment levels in previous years to determine if the applicant is hiring new individuals or rehiring individuals.

(2) Whether the applicant is the successor to part or all of the assets or business operations of another corporation or pass through entity that conducted business operations in Indiana in the same line of business to determine if the applicant is a new Indiana business under this chapter.

(e) If the IEDC determines that the applicant will not employ at least ten (10) qualified employees in each month of the period specified in section 10(b) of this chapter during the taxable year, is not a new Indiana business, or does not meet, or is unlikely to meet, any other requirements for the tax credit provided by this chapter, the IEDC shall notify the applicant of the IEDC's determination.

(f) The IEDC may not issue a certificate of approval under this chapter after December 31, ~~2012.~~ **2016.**

SECTION 64. IC 6-3.5-1.1-2, AS AMENDED BY P.L.77-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The county council of any county in which the county option income tax will not be in effect on December 1 of a year under an ordinance adopted during a previous calendar year may impose the county adjusted gross income tax on the adjusted gross income of county taxpayers of its county.

(b) Except as provided in section 2.3, 2.5, ~~2.6,~~ 2.7, 2.8, 2.9, 3.3, 3.5, 3.6, 24, 25, or 26 of this chapter, the county adjusted gross income tax may be imposed at a rate of one-half of one percent (0.5%), three-fourths of one percent (0.75%), or one percent (1%) on the adjusted gross income of resident county taxpayers of the county. Any county imposing the county adjusted gross income tax must impose the tax on the nonresident county taxpayers at a rate of one-fourth of one percent (0.25%) on their adjusted gross income. If the county council elects to decrease the county adjusted gross income tax, the county council may decrease the county adjusted gross income tax rate in increments of one-tenth of one percent (0.1%).

(c) To impose the county adjusted gross income tax, the county council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Council imposes the county adjusted gross income tax on the county taxpayers of _____ County. The county adjusted gross income tax is imposed at a rate of _____ percent (_____%) on the resident county taxpayers of the county and one-fourth of one percent (0.25%) on the nonresident county taxpayers of the county.".

(d) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

(e) If the county adjusted gross income tax had previously been adopted by a county under IC 6-3.5-1 (before its repeal on March 15, 1983) and that tax was in effect at the time of the enactment of this chapter, then the county adjusted gross income tax continues in that county at the rates in effect at the time of enactment until the rates are modified or the tax is rescinded in the manner prescribed by this chapter. If a county's adjusted gross income tax is continued under this subsection, then the tax shall be treated as if it had been imposed under this chapter and is subject to rescission or reduction as authorized in this chapter.

SECTION 65. IC 6-3.5-1.1-2.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2.6. (a) This section applies to Parke County.~~

~~(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:~~

~~(1) fund the costs (including pre-trial costs) of a capital trial that has been moved to another county for trial; and~~

~~(2) to repay money borrowed for the purpose described in subdivision (1).~~

~~(c) In addition to the rates permitted by section 2 of this chapter, if the county council makes a determination described in subsection (b), the county council may by ordinance impose the county adjusted gross income tax at a rate not to exceed the lesser of:~~

~~(1) a rate necessary to carry out the purposes of subsection (b); or~~

~~(2) twenty-five hundredths percent (0.25%);~~

~~on the adjusted gross income of county taxpayers.~~

~~(d) The tax imposed under this section may be imposed only until the later of the following:~~

~~(1) The date on which the costs described in subsection (b), including the repayment of money borrowed for the purposes described in subsection (b), are fully paid.~~

~~(2) The date on which an ordinance adopted under subsection (c) is rescinded.~~

~~(e) The term of any borrowing described in subsection (b)(2) may not exceed three (3) years.~~

~~(f) The county treasurer shall establish a capital trial revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the capital~~

~~trial revenue fund before making a certified distribution under section 11 of this chapter.~~

~~(g) County adjusted gross income tax revenues derived from the tax rate imposed under this section:~~

~~(1) may be used only for the purposes described in this section;~~

~~(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and~~

~~(3) may be pledged for the payment of costs described in subsection (b).~~

~~(h) Notwithstanding any other law, money remaining in the capital trial revenue fund established under subsection (f) after the tax imposed by this section is terminated under subsection (d) shall be transferred to the county general fund to be used for criminal justice costs.~~

SECTION 66. IC 6-3.5-1.1-3, AS AMENDED BY P.L.77-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The county council may increase the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county. To increase the rate, the county council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Council increases the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county from _____ percent (___%) to _____ percent (___%).".

(b) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 67. IC 6-3.5-1.1-3.1, AS AMENDED BY SEA115-2012, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.1. (a) The county council may decrease the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county. To decrease the rate, the county council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Council decreases the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county from _____ percent (___%) to _____ percent (___%).".

(b) A county council may not decrease the county adjusted gross income tax rate if the county or any commission, board, department, or authority that is authorized by statute to pledge the county adjusted gross income tax has pledged the county adjusted gross income tax for any purpose permitted by IC 5-1-14 or any other statute.

(c) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

(d) Notwithstanding IC 6-3.5-7, and except as provided in subsection (e), a county council that decreases the county adjusted gross income tax rate in a year may not in the same year adopt or increase the county economic development income tax under IC 6-3.5-7.

(e) This subsection applies only to LaPorte County. The county council may adopt or increase the county economic development income tax rate under IC 6-3.5-7 in the same year that the county council decreases the county adjusted gross income tax rate if the county economic development income tax rate plus the county adjusted gross income tax rate in effect after the county council decreases the county adjusted gross income tax rate is less than the county adjusted gross income tax rate in effect before the adoption of an ordinance under this section decreasing the rate of the county adjusted gross income tax.

SECTION 68. IC 6-3.5-1.1-4, AS AMENDED BY P.L.77-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The county adjusted gross income tax imposed by a county council under this chapter remains in effect until rescinded.

(b) Except as provided in subsection (d), the county council may rescind the county adjusted gross income tax by adopting an ordinance to rescind the tax.

(c) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

(d) A county council may not rescind the county adjusted gross income tax or take any action that would result in a civil taxing unit in the county having a smaller certified share than the certified share to which the civil taxing unit was entitled when the civil taxing unit pledged county adjusted gross income tax if the civil taxing unit or any commission, board, department, or authority that is authorized by statute to pledge county adjusted gross income tax has pledged county adjusted gross income tax for any purpose permitted by IC 5-1-14 or any other statute. The prohibition in this section does not apply if the civil taxing unit pledges legally available revenues to fully replace the civil taxing unit's certified share that has been pledged.

SECTION 69. IC 6-3.5-1.1-9, AS AMENDED BY P.L.229-2011, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 9. (a) Revenue derived from the

imposition of the county adjusted gross income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount to be distributed to a county during an ensuing calendar year equals the amount of county adjusted gross income tax revenue that the budget agency determines has been:

(1) received from that county for a taxable year ending before the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted for refunds of county adjusted gross income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the budget agency shall certify to the county auditor of each adopting county the amount determined under subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted under subsections (c), (d), (e), (f), **and** (g). ~~and (h).~~ The budget agency shall provide the county council with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years;

(4) adjustments for tax rate changes; and

(5) the amount of excess account balances to be distributed under IC 6-3.5-1.1-21.1.

The budget agency shall also certify information concerning the part of the certified distribution that is attributable to a tax rate under section 24, 25, or 26 of this chapter. This information must be certified to the county auditor, the department, and the department of local government finance not later than September 1 of each calendar year. The part of the certified distribution that is attributable to a tax rate under section 24, 25, or 26 of this chapter may be used only as specified in those provisions.

(c) The budget agency shall certify an amount less than the amount determined under subsection (b) if the budget agency determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The budget agency may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) The budget agency shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The budget agency may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

~~(e) The budget agency shall adjust the certified distribution of a county to provide the county with the distribution required under section 10(b) of this chapter.~~

~~(f)~~ **(e)** This subsection applies to a county that initially imposes, increases, decreases, or rescinds a tax or tax rate under this chapter before November 1 in the same calendar year in which the budget agency makes a certification under this section. The budget agency shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c). If the county imposes, increases, decreases, or rescinds a tax or tax rate under this chapter after the date for which a certification under subsection (b) is based, the budget agency shall adjust the certified distribution of the county after August 1 of the calendar year. The adjustment shall reflect any other adjustment required under subsections (c), (d), ~~(e),~~ **(f), and** (g). ~~and (h).~~ The adjusted certification shall be treated as the county's "certified distribution" for the immediately succeeding calendar year. The budget agency shall certify the adjusted certified distribution to the county auditor for the county and provide the county council with an informative summary of the calculations that revises the informative summary provided in subsection (b) and reflects the changes made in the adjustment.

~~(g)~~ **(f)** The budget agency shall adjust the certified distribution of a county to provide the county with the distribution required under section 3.3 of this chapter beginning not later than the tenth month after the month in which additional revenue from the tax authorized under section 3.3 of this chapter is initially collected.

~~(h)~~ **(g)** This subsection applies in the year in which a county initially imposes a tax rate under section 24 of this chapter. Notwithstanding any other provision, the budget agency shall adjust the part of the county's certified distribution that is attributable to the tax rate under section 24 of this chapter to provide for a distribution in the immediately following calendar year equal to the result of:

(1) the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county initially imposes a tax rate under section 24 of this chapter; multiplied by

(2) two (2).

~~(i)~~ **(h)** The budget agency shall before May 1 of every odd-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following two (2) calendar years.

~~(j)~~ **(i)** The budget agency shall before May 1 of every even-numbered year publish an estimate of the statewide total

amount of certified distributions to be made under this chapter during the following calendar year.

~~(k)~~ **(j)** The estimates under subsections **(h) and** (i) ~~and (j)~~ must specify the amount of the estimated certified distributions that are attributable to the additional rate authorized under section 24 of this chapter, the additional rate authorized under section 25 of this chapter, the additional rate authorized under section 26 of this chapter, and any other additional rates authorized under this chapter.

SECTION 70. IC 6-3.5-1.1-10, AS AMENDED BY SEA 115-2012, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) ~~Except as provided in subsection (b), one-half (1/2)~~ **One-twelfth (1/12)** of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on ~~May 1 and the other one-half (1/2) on November 1~~ **the first regular business day of each month** of that calendar year.

~~(b) This subsection applies to Porter County, if an ordinance imposing the tax is adopted before July 1 of a year. Notwithstanding section 9 of this chapter the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:~~

~~(1) One-fourth (1/4) on October 1 of the calendar year in which the ordinance was adopted.~~

~~(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.~~

~~(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.~~

~~(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.~~

~~Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be allocated to a civil taxing unit or school corporation as property tax replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or IC 20-44-3. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).~~

~~(c)~~ **(b)** Except for:

(1) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.3 of this chapter;

(2) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5 of this chapter;

(3) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.8 of this chapter;

(4) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;

(5) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter;

(6) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

~~(7) revenue under section 2.6 of this chapter;~~ or

~~(8)~~ **(7)** revenue attributable to a tax rate under section 24, 25, or 26 of this chapter;

distributions made to a county treasurer under ~~subsections~~ **subsection** (a) ~~and (b)~~ shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by ~~subsection (b) and~~ sections 24, 25, and 26 of this chapter, the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

~~(d)~~ **(c)** All distributions from an account established under section 8 of this chapter shall be made by warrants issued by the auditor of the state to the treasurer of the state ordering the appropriate payments.

SECTION 71. IC 6-3.5-1.1-24, AS AMENDED BY HEA 1009-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 24. (a) In a county in which the county adjusted gross income tax is in effect, the county council may ~~*before August 1 of a year,*~~ adopt an ordinance to impose or increase (as applicable) a tax rate under this section.

(b) In a county in which neither the county adjusted gross income tax nor the county option income tax is in effect, the county council may ~~*before August 1 of a year,*~~ adopt an ordinance to impose a tax rate under this section.

(c) ~~*An ordinance adopted under this section takes effect October 1 of the year in which the ordinance is adopted.*~~ If a county council adopts an ordinance to impose or increase a tax rate under this section, **not more than ten (10) days after the vote,** the county auditor shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of the budget agency,** and the **commissioner of the** department of local government finance by certified mail **or in an electronic format approved by the director of the budget agency.**

(d) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(e) The following apply only in the year in which a county council first imposes a tax rate under this section.

(1) The county council shall, in the ordinance imposing the tax rate, specify the tax rate for each of the following two (2) years.

(2) The tax rate that must be imposed in the county ~~*from October 1 of the year in which the tax rate is imposed through September 30 of the following year*~~ *in the first year* is equal to the result of:

(A) the tax rate determined for the county under IC 6-3.5-1.5-1(a) in the year in which the tax rate is increased; multiplied by

(B) two (2).

(3) The tax rate that must be imposed in the county ~~*from October 1 of the following year through September 30 of the year after the following year*~~ *in the second year* is the tax rate determined for the county under IC 6-3.5-1.5-1(b). The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.

(4) The levy limitations in ~~*IC 6-1.1-18.5-3(g), IC 6-1.1-18.5-3(h),*~~ *IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c),* IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year and to property taxes first due and payable in the calendar year after the ensuing calendar year.

(f) The following apply only in a year in which a county council increases a tax rate under this section:

(1) The county council shall, in the ordinance increasing the tax rate, specify the tax rate for the following year.

(2) The tax rate that must be imposed in the county ~~*from October 1 of the year in which the tax rate is increased through September 30 of the following year*~~ is equal to the result of:

(A) the tax rate determined for the county under IC 6-3.5-1.5-1(a) in that year; plus

(B) the tax rate currently in effect in the county under this section.

The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.

(3) The levy limitations in ~~*IC 6-1.1-18.5-3(g), IC 6-1.1-18.5-3(h),*~~ *IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c),* IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year.

(g) The department of local government finance shall determine the following property tax replacement distribution amounts:

STEP ONE: Determine the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) for the county in the preceding year.

STEP TWO: For distribution to each civil taxing unit that in the year had a maximum permissible property tax levy limited under ~~*IC 6-1.1-18.5-3(g),*~~ *IC 6-1.1-18.5-3(b),* determine the result of:

(1) the quotient of:

(A) the part of the amount determined under STEP ONE of IC 6-3.5-1.5-1(a) in the preceding year that was attributable to the civil taxing unit; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP THREE: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county family and children's fund before 2009, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP TWO of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FOUR: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county children's psychiatric residential treatment services fund before 2009, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP THREE of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FIVE: For distribution to the county for community mental health center purposes, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP FOUR of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

Except as provided in subsection (m), the county treasurer shall distribute the portion of the certified distribution that is attributable to a tax rate under this section as specified in this section. The county treasurer shall make the distributions under this subsection at the same time that distributions are made to civil taxing units under section 15 of this chapter.

(h) Notwithstanding sections 3.1 and 4 of this chapter, a county council may not decrease or rescind a tax rate imposed under this chapter.

(i) The tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter; or

(2) the maximum permissible property tax levy under ~~*STEP EIGHT of IC 6-1.1-18.5-3(b).*~~ *IC 6-1.1-18.5-3.*

(j) The tax levy under this section shall not be considered for purposes of the credit under IC 6-1.1-20.6.

(k) A distribution under this section shall be treated as a part of the receiving civil taxing unit's property tax levy for that year for purposes of fixing the budget of the civil taxing unit and for determining the distribution of taxes that are distributed on the basis of property tax levies.

(l) If a county council imposes a tax rate under this section, the portion of county adjusted gross income tax revenue dedicated to property tax replacement credits under section 11 of this chapter may not be decreased.

(m) In the year following the year in a which a county first imposes a tax rate under this section, one-half (1/2) of the tax revenue that is attributable to the tax rate under this section must be deposited in the county stabilization fund established under subsection (o).

(n) A pledge of county adjusted gross income taxes does not apply to revenue attributable to a tax rate under this section.

(o) A county stabilization fund is established in each county that imposes a tax rate under this section. The county stabilization fund shall be administered by the county auditor. If for a year the certified distributions attributable to a tax rate under this section exceed the amount calculated under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section, the excess shall be deposited in the county stabilization fund. Money shall be distributed from the county stabilization fund in a year by the county auditor to political subdivisions entitled to a distribution of tax revenue attributable to the tax rate under this section if:

(1) the certified distributions attributable to a tax rate under this section are less than the amount calculated under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section for a year; or

(2) the certified distributions attributable to a tax rate under this section in a year are less than the certified distributions attributable to a tax rate under this section in the preceding year.

However, subdivision (2) does not apply to the year following the first year in which certified distributions of revenue attributable to the tax rate under this section are distributed to the county.

(p) Notwithstanding any other provision, a tax rate imposed under this section may not exceed one percent (1%).

(q) A county council must each year hold at least one (1) public meeting at which the county council discusses whether the tax rate under this section should be imposed or increased.

(r) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

SECTION 72. IC 6-3.5-1.1-25, AS AMENDED BY P.L.172-2011, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3) or an enhanced emergency telephone system (as defined in IC 36-8-16-2).

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) If a county council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 24 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 26 of this chapter, or a total

combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 24 and 26 of this chapter, the county council may also adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety.

(c) A tax rate under this section may not exceed twenty-five hundredths of one percent (0.25%).

(d) If a county council adopts an ordinance to impose a tax rate under this section, **not more than ten (10) days after the vote,** the county auditor shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of the budget agency,** and the **commissioner of the** department of local government finance by certified mail **or in an electronic format approved by the director of the budget agency.**

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsection (k) or (l), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:

(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the attributed allocation amount (as defined in IC 6-3.5-1.1-15) of the county or municipality for the calendar year; divided by

(B) the sum of the attributed allocation amounts of the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 24 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(l) A fire department, volunteer fire department, or emergency medical services provider that:

(1) provides fire protection or emergency medical services within the county; and

(2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county council for a distribution of tax revenue under this section during the following calendar year. The county council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency medical services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

SECTION 73. IC 6-3.5-1.1-26, AS AMENDED BY P.L.172-2011, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) A county council may impose a tax rate under this section to provide property tax relief to taxpayers in the county. A county council is not required to impose any other tax before imposing a tax rate under this section.

(b) A tax rate under this section may be imposed in increments of five hundredths of one percent (0.05%) determined by the county council. A tax rate under this section may not exceed one percent (1%).

(c) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(d) If a county council adopts an ordinance to impose or increase a tax rate under this section, **not more than ten (10) days after the vote,** the county auditor shall send a certified copy of the ordinance to the **commissioner of the** department,

the director of the budget agency, and the **commissioner of the** department of local government finance by certified mail **or in an electronic format approved by the director of the budget agency.**

(e) A tax rate under this section may be imposed, increased, decreased, or rescinded by a county council at the same time and in the same manner that the county council may impose or increase a tax rate under section 24 of this chapter.

(f) Tax revenue attributable to a tax rate under this section may be used for any combination of the following purposes, as specified by ordinance of the county council:

(1) Except as provided in subsection (j), the tax revenue may be used to provide local property tax replacement credits at a uniform rate to all taxpayers in the county. The local property tax replacement credits shall be treated for all purposes as property tax levies. The county auditor shall determine the local property tax replacement credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide local property tax replacement credits in that year. A county council may not adopt an ordinance determining that tax revenue shall be used under this subdivision to provide local property tax replacement credits at a uniform rate to all taxpayers in the county unless the county council has done the following:

(A) Made available to the public the county council's best estimate of the amount of property tax replacement credits to be provided under this subdivision to homesteads, other residential property, commercial property, industrial property, and agricultural property.

(B) Adopted a resolution or other statement acknowledging that some taxpayers in the county that do not pay the tax rate under this section will receive a property tax replacement credit that is funded with tax revenue from the tax rate under this section.

(2) The tax revenue may be used to uniformly provide the homestead credit percentage in the county. The homestead credits shall be treated for all purposes as property tax levies. The homestead credits do not reduce the basis for determining any state homestead credit. The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1. The county auditor shall determine the homestead credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide homestead credits in that year.

(3) The tax revenue may be used to provide local property tax replacement credits at a uniform rate for all qualified residential property (as defined in IC 6-1.1-20.6-4 before January 1, 2009, and as defined in section 1 of this chapter after December 31, 2008) in the county. The local property tax replacement credits shall be treated for all purposes as property tax levies. The county auditor shall determine the local property tax replacement credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide local property tax replacement credits in that year.

(4) This subdivision applies only to Lake County. The Lake County council may adopt an ordinance providing that the tax revenue from the tax rate under this section is used for any of the following:

(A) To reduce all property tax levies imposed by the county by the granting of property tax replacement credits against those property tax levies.

(B) To provide local property tax replacement credits in Lake County in the following manner:

(i) The tax revenue under this section that is collected from taxpayers within a particular municipality in Lake County (as determined by the department based on the department's best estimate) shall be used only to provide a local property tax credit against property taxes imposed by that municipality.

(ii) The tax revenue under this section that is collected from taxpayers within the unincorporated area of Lake County (as determined by the department) shall be used only to provide a local property tax credit against property taxes imposed by the county. The local property tax credit for the unincorporated area of Lake County shall be available only to those taxpayers within the unincorporated area of the county.

(C) To provide property tax credits in the following manner:

(i) Sixty percent (60%) of the tax revenue under this section shall be used as provided in clause (B).

(ii) Forty percent (40%) of the tax revenue under this section shall be used to provide property tax replacement credits against property tax levies of the county and each township and municipality in the county. The percentage of the tax revenue distributed under this item that shall be used as credits against the county's levies or against a particular township's or municipality's levies is equal to the percentage determined by dividing the population of the county, township, or municipality by the sum of the total population of the county, each township in the county, and each municipality in the county.

The Lake County council shall determine whether the credits under clause (A), (B), or (C) shall be provided to homesteads, to all qualified residential property, or to all taxpayers. The department of local government finance, with the assistance of the budget agency, shall certify to the county auditor and the fiscal body of the county and each township and municipality in the county the amount of property tax credits under this subdivision. Except as provided in subsection (g), the tax revenue under this

section that is used to provide credits under this subdivision shall be treated for all purposes as property tax levies.

The county council may adopt an ordinance changing the purposes for which tax revenue attributable to a tax rate under this section shall be used in the following year.

(g) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(h) Tax revenue under this section shall be treated as a part of the receiving civil taxing unit's or school corporation's property tax levy for that year for purposes of fixing the budget of the civil taxing unit or school corporation and for determining the distribution of taxes that are distributed on the basis of property tax levies. To the extent the county auditor determines that there is income tax revenue remaining from the tax under this section after providing the property tax replacement credits, the excess shall be credited to a dedicated county account and may be used only for property tax replacement credits under this section in subsequent years.

(i) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(j) A taxpayer that owns an industrial plant located in Jasper County is ineligible for a local property tax replacement credit under this section against the property taxes due on the industrial plant if the assessed value of the industrial plant as of March 1, 2006, exceeds twenty percent (20%) of the total assessed value of all taxable property in the county on that date. The general assembly finds that the provisions of this subsection are necessary because the industrial plant represents such a large percentage of Jasper County's assessed valuation.

SECTION 74. IC 6-3.5-1.5-1, AS AMENDED BY P.L.182-2009(ss), SECTION 215, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The department of local government finance and ~~the department of state revenue (before January 1, 2010) or~~ the budget agency ~~(after December 31, 2009)~~ shall, before ~~July~~ **September** 1 of each year, jointly calculate the county adjusted income tax rate or county option income tax rate (as applicable) that must be imposed in a county to raise income tax revenue in the following year equal to the sum of the following STEPS:

STEP ONE: Determine the greater of zero (0) or the result of:

(1) the department of local government finance's estimate of the sum of the maximum permissible ad valorem property tax levies calculated under IC 6-1.1-18.5 for all civil taxing units in the county for the ensuing calendar year (before any adjustment under IC 6-1.1-18.5-3(g) or IC 6-1.1-18.5-3(h) for the ensuing calendar year); minus

(2) the sum of the maximum permissible ad valorem property tax levies calculated under IC 6-1.1-18.5 for all civil taxing units in the county for the current calendar year.

In the case of a civil taxing unit that is located in more than one (1) county, the department of local government finance shall, for purposes of making the determination under this subdivision, apportion the civil taxing unit's maximum permissible ad valorem property tax levy among the counties in which the civil taxing unit is located.

STEP TWO: This STEP applies only to property taxes first due and payable before January 1, 2009. Determine the greater of zero (0) or the result of:

(1) the department of local government finance's estimate of the family and children property tax levy that will be imposed by the county under IC 12-19-7-4 **(before its repeal)** for the ensuing calendar year (before any adjustment under IC 12-19-7-4(b) **(before its repeal)** for the ensuing calendar year); minus

(2) the county's family and children property tax levy imposed by the county under IC 12-19-7-4 **(before its repeal)** for the current calendar year.

STEP THREE: This STEP applies only to property taxes first due and payable before January 1, 2009. Determine the greater of zero (0) or the result of:

(1) the department of local government finance's estimate of the children's psychiatric residential treatment services property tax levy that will be imposed by the county under IC 12-19-7.5-6 for **(before its repeal)** the ensuing calendar year (before any adjustment under IC 12-19-7.5-6(b) **(before its repeal)** for the ensuing calendar year); minus

(2) the children's psychiatric residential treatment services property tax imposed by the county under IC 12-19-7.5-6 **(before its repeal)** for the current calendar year.

STEP FOUR: Determine the greater of zero (0) or the result of:

(1) the department of local government finance's estimate of the county's maximum community mental health centers property tax levy under IC 12-29-2-2 for the ensuing calendar year (before any adjustment under IC 12-29-2-2(c) for the ensuing calendar year); minus

(2) the county's maximum community mental health centers property tax levy under IC 12-29-2-2 for the current calendar year.

(b) In the case of a county that wishes to impose a tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 (as applicable) for the first time, the department of local government finance and ~~the department of state revenue (before January 1, 2010) or~~ the budget agency ~~(after December 31, 2009)~~ shall jointly estimate the amount that will be calculated under subsection (a) in the

second year after the tax rate is first imposed. The department of local government finance and ~~the department of state revenue (before January 1, 2010) or~~ the budget agency ~~(after December 31, 2009)~~ shall calculate the tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 (as applicable) that must be imposed in the county in the second year after the tax rate is first imposed to raise income tax revenue equal to the estimate under this subsection.

(c) The ~~department (before January 1, 2010) or the~~ budget agency ~~(after December 31, 2009)~~ and the department of local government finance shall make the calculations under subsections (a) and (b) based on the best information available at the time the calculation is made.

(d) Notwithstanding IC 6-3.5-1.1-24(h) and IC 6-3.5-6-30(h), if a county has adopted an income tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 to replace property tax levy growth, the part of the tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 that was used before January 1, 2009, to reduce levy growth in the county family and children's fund property tax levy and the children's psychiatric residential treatment services property tax levy shall instead be used for property tax relief in the same manner that a tax rate under IC 6-3.5-1.1-26 or IC 6-3.5-6-32 is used for property tax relief.

SECTION 75. IC 6-3.5-1.5-2, AS ADDED BY P.L.224-2007, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The department of local government finance shall, before ~~July~~ **September** 1 of each year, certify the amount calculated for a county under section 1 of this chapter to the county auditor.

SECTION 76. IC 6-3.5-6-1.5, AS ADDED BY P.L.113-2010, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 1.5. (a) Notwithstanding any other provision of this chapter, a power granted by this chapter to adopt an ordinance to:

(1) impose, increase, decrease, or rescind a tax or tax rate; or

(2) grant, increase, decrease, rescind, or change a homestead credit or property tax replacement credit authorized under this chapter;

may be exercised at any time in a year before November 1 of that year.

(b) Notwithstanding any other provision of this chapter, an ordinance authorized by this chapter that imposes or increases a tax or a tax rate takes effect as follows:

(1) An ordinance adopted after December 31 of the immediately preceding year and before October 1 of the current year takes effect October 1 of the current year.

(2) An ordinance adopted after September 30 and before October 16 of the current year takes effect November 1 of the current year.

(3) An ordinance adopted after October 15 and before November 1 of the current year takes effect December 1 of the current year.

(c) Notwithstanding any other provision of this chapter, an ordinance authorized by this chapter that decreases or rescinds a tax or a tax rate takes effect as follows:

(1) An ordinance adopted after December 31 of the immediately preceding year and before October 1 of the current year takes effect on the later of October 1 of the current year or the first day of the month in the current year as the month in which the last increase in the tax or tax rate occurred.

(2) An ordinance adopted after September 30 and before October 16 of the current year takes effect on the later of November 1 of the current year or the first day of the month in the current year as the month in which the last increase in the tax or tax rate occurred.

(3) An ordinance adopted after October 15 and before November 1 of the current year takes effect December 1 of the current year.

(d) ~~Notwithstanding any other provision of this chapter,~~ **Except as provided in subsection (e),** an ordinance authorized by this chapter that grants, increases, decreases, rescinds, or changes a homestead credit or property tax replacement credit authorized under this chapter takes effect for and **initially** applies to property taxes first due and payable in the year immediately following the year in which the ordinance is adopted.

(e) This subsection applies only to Miami County. A county income tax council may adopt an ordinance in 2012 to select a different combination of uses specified in section 32(f) of this chapter for tax revenue distributed to the county from a tax rate imposed under section 32 of this chapter (county option income tax rate to provide property tax relief to taxpayers). The county income tax council may provide in the ordinance that the ordinance initially takes effect for and applies to property taxes first due and payable in 2012. This subsection expires January 1, 2013.

SECTION 77. IC 6-3.5-6-8, AS AMENDED BY P.L.77-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The county income tax council of any county in which the county adjusted gross income tax will not be in effect on December 1 of a year under an ordinance adopted during a previous calendar year may impose the county option income tax on the adjusted gross income of county taxpayers of its county.

(b) Except as provided in sections 30, 31, and 32 of this chapter, the county option income tax may initially be imposed at a rate of two-tenths of one percent (0.2%) on the resident county taxpayers of the county and at a rate of five-hundredths of one percent (0.05%) for all other county taxpayers.

(c) To impose the county option income tax, a county income tax council must pass an ordinance. The ordinance must substantially state the following:

"The _____ County Income Tax Council imposes the county option income tax on the county taxpayers of _____ County. The county option income tax is imposed at a rate of two-tenths of one percent (0.2%) on the resident county taxpayers of the county and at a rate of five-hundredths of one percent (0.05%) on all

other county taxpayers.".

(d) Except as provided in sections 30, 31, and 32 of this chapter, if the county option income tax is imposed on the county taxpayers of a county, then the county option income tax rate that is in effect for resident county taxpayers of that county increases by one-tenth of one percent (0.1%) on each succeeding October 1 until the rate equals six-tenths of one percent (0.6%).

(e) The county option income tax rate in effect for the county taxpayers of a county who are not resident county taxpayers of that county is at all times one-fourth (1/4) of the tax rate imposed upon resident county taxpayers.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 78. IC 6-3.5-6-9, AS AMENDED BY P.L.77-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) If on ~~March 31~~ **January 1** of a calendar year the county option income tax rate in effect for resident county taxpayers equals six tenths of one percent (0.6%), excluding a tax rate imposed under section 30, 31, or 32 of this chapter, the county income tax council of that county may pass an ordinance to increase its tax rate for resident county taxpayers. If a county income tax council passes an ordinance under this section, its county option income tax rate for resident county taxpayers increases by one-tenth of one percent (0.1%) in the year in which the ordinance is adopted, as provided in section 1.5 of this chapter, and on each succeeding October 1 until its rate reaches a maximum of one percent (1%), excluding a tax rate imposed under section 30, 31, or 32 of this chapter.

(b) The auditor of the county shall record any vote taken on an ordinance proposed under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 79. IC 6-3.5-6-11, AS AMENDED BY P.L.77-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) This section does not apply to a tax rate imposed under section 30 of this chapter.

(b) The county income tax council of any county may adopt an ordinance to permanently freeze the county option income tax rates at the rate in effect for its county on December 1 of a year.

(c) To freeze the county option income tax rates, a county income tax council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Income Tax Council permanently freezes the county option income tax rates at the rate in effect on December 1 of the current year.".

(d) An ordinance adopted under the authority of this section remains in effect until rescinded.

(e) If a county income tax council rescinds an ordinance as adopted under this section, the county option income tax rate shall automatically increase by one-tenth of one percent (0.1%) until:

(1) the tax rate is again frozen under another ordinance adopted under this section; or

(2) the tax rate equals six-tenths of one percent (0.6%) (if the frozen tax rate equaled an amount less than six-tenths of one percent (0.6%)) or one percent (1%) (if the frozen tax rate equaled an amount in excess of six-tenths of one percent (0.6%)).

(f) The county auditor shall record any vote taken on an ordinance proposed under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 80. IC 6-3.5-6-12, AS AMENDED BY P.L.77-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) The county option income tax imposed by a county income tax council under this chapter remains in effect until rescinded.

(b) Subject to subsection (c), the county income tax council of a county may rescind the county option income tax by passing an ordinance.

(c) A county income tax council may not rescind the county option income tax or take any action that would result in a civil taxing unit in the county having a smaller distributive share than the distributive share to which it was entitled when it pledged county option income tax, if the civil taxing unit or any commission, board, department, or authority that is authorized by statute to pledge county option income tax, has pledged county option income tax for any purpose permitted by IC 5-1-14 or any other statute.

(d) The auditor of a county shall record all votes taken on a proposed ordinance presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 81. IC 6-3.5-6-12.5, AS AMENDED BY P.L.77-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12.5. (a) The county income tax council may adopt an ordinance to decrease the county option income tax rate in effect.

(b) To decrease the county option income tax rate, the county income tax council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Income Tax Council decreases the county option income tax rate from _____ percent (___ %) to _____ percent (___ %).".

(c) A county income tax council may not decrease the county option income tax if the county or any commission, board, department, or authority that is authorized by statute to pledge the county option income tax has pledged the county option income tax for any purpose permitted by IC 5-1-14 or any other statute.

(d) The county auditor shall record the votes taken on an ordinance under this subsection and, **not more than ten (10) days after the vote,** shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail ~~not more than thirty (30) days after the ordinance is adopted.~~ **or in an electronic format approved by the director of the budget agency.**

(e) Notwithstanding IC 6-3.5-7, a county income tax council that decreases the county option income tax in a year may not in the same year adopt or increase the county economic development income tax under IC 6-3.5-7.

SECTION 82. IC 6-3.5-6-17, AS AMENDED BY P.L.229-2011, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 17. (a) Revenue derived from the imposition of the county option income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount that is to be distributed to a county during an ensuing calendar year equals the amount of county option income tax revenue that the budget agency determines has been:

(1) received from that county for a taxable year ending in a calendar year preceding the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted (as determined after review of the recommendation of the budget agency) for refunds of county option income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the budget agency shall certify to the county auditor of each adopting county the amount determined under subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted, as necessary, under subsections (c), (d), (e), and (f). The budget agency shall provide the county council with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years;

(4) adjustments for tax rate changes; and

(5) the amount of excess account balances to be distributed under IC 6-3.5-6-17.3.

The budget agency shall also certify information concerning the part of the certified distribution that is attributable to a tax rate under section 30, 31, or 32 of this chapter. This information must be certified to the county auditor and to the department of local government finance not later than September 1 of each calendar year. The part of the certified distribution that is attributable to a tax rate under section 30, 31, or 32 of this chapter may be used only as specified in those provisions.

(c) The budget agency shall certify an amount less than the amount determined under subsection (b) if the budget agency determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The budget agency may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) The budget agency shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The budget agency may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

(e) This subsection applies to a county that imposes, increases, decreases, or rescinds a tax or tax rate under this chapter before November 1 in the same calendar year in which the budget agency makes a certification under this section. The budget agency shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c). If the county imposes, increases, decreases, or rescinds a tax or tax rate under this chapter after the date for which a certification under subsection (b) is based, the budget agency shall adjust the certified distribution of the county after August 1 of the calendar year. The adjustment shall reflect any other adjustment required under subsections (c), (d), and (f). The adjusted certification shall be treated as the county's "certified distribution" for the immediately succeeding calendar year. The budget agency shall certify the adjusted certified distribution to the county auditor for the county and provide the county council with an informative summary of

the calculations that revises the informative summary provided in subsection (b) and reflects the changes made in the adjustment.

(f) This subsection applies in the year a county initially imposes a tax rate under section 30 of this chapter. Notwithstanding any other provision, the budget agency shall adjust the part of the county's certified distribution that is attributable to the tax rate under section 30 of this chapter to provide for a distribution in the immediately following calendar year equal to the result of:

(1) the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county initially imposes a tax rate under section 30 of this chapter; multiplied by

(2) the following:

(A) In a county containing a consolidated city, one and five-tenths (1.5).

(B) In a county other than a county containing a consolidated city, two (2).

(g) One-twelfth (1/12) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 16 of this chapter to the appropriate county treasurer on the first **regular business** day of each month of that calendar year.

(h) Upon receipt, each monthly payment of a county's certified distribution shall be allocated among, distributed to, and used by the civil taxing units of the county as provided in sections 18 and 19 of this chapter.

(i) All distributions from an account established under section 16 of this chapter shall be made by warrants issued by the auditor of state to the treasurer of state ordering the appropriate payments.

(j) The budget agency shall before May 1 of every odd-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following two (2) calendar years.

(k) The budget agency shall before May 1 of every even-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following calendar year.

(l) The estimates under subsections (j) and (k) must specify the amount of the estimated certified distributions that are attributable to the additional rate authorized under section 30 of this chapter, the additional rate authorized under section 31 of this chapter, the additional rate authorized under section 32 of this chapter, and any other additional rates authorized under this chapter.

SECTION 83. IC 6-3.5-6-28, AS AMENDED BY P.L.77-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 28. (a) This section applies only to Howard County.

(b) Maintaining low property tax rates is essential to economic development, and the use of county option income tax revenues as provided in this section and as needed in the county to fund the operation and maintenance of a jail and juvenile detention center, rather than the use of property taxes, promotes that purpose.

(c) In addition to the rates permitted by sections 8 and 9 of this chapter, the county fiscal body may impose a county option income tax at a rate that does not exceed twenty-five hundredths percent (0.25%) on the adjusted gross income of resident county taxpayers. The tax rate may be adopted in any increment of one hundredth percent (0.01%). Before the county fiscal body may adopt a tax rate under this section, the county fiscal body must make the finding and determination set forth in subsection (d). Section 8(e) of this chapter applies to the application of the additional tax rate to nonresident taxpayers.

(d) In order to impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance:

(1) finding and determining that revenues from the county option income tax are needed in the county to fund the operation and maintenance of a jail, a juvenile detention center, or both; and

(2) agreeing to freeze the part of any property tax levy imposed in the county for the operation of the jail or juvenile detention center, or both, covered by the ordinance at the rate imposed in the year preceding the year in which a full year of additional county option income tax is certified for distribution to the county under this section for the term in which an ordinance is in effect under this section.

(e) If the county fiscal body makes a determination under subsection (d), the county fiscal body may adopt a tax rate under subsection (c). Subject to the limitations in subsection (c), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. ~~As soon as practicable after the adoption of an ordinance under this section,~~ **Not more than ten (10) days after the vote,** the county fiscal body shall send a certified copy of the ordinance to the county auditor, **the commissioner of the department, the director of the budget agency, and** the **commissioner of the** department of local government finance ~~and the department of state revenue.~~ **by certified mail or in an electronic format approved by the director of the budget agency.**

(f) The county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 18 of this chapter.

(g) County option income tax revenues derived from the tax rate imposed under this section:

(1) may only be used for the purposes described in this section; and

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5.

(h) The department of local government finance shall enforce an agreement under subsection (d)(2).

(i) The budget agency shall adjust the certified distribution of a county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts an increased tax rate under this section and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

(j) The department shall separately designate a tax rate imposed under this section in any tax form as the Howard County jail operating and maintenance income tax.

SECTION 84. IC 6-3.5-6-29, AS AMENDED BY P.L.77-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 29. (a) This section applies only to Scott County. Scott County is a county in which:

(1) maintaining low property tax rates is essential to economic development; and

(2) the use of additional county option income tax revenues as provided in this section, rather than the use of property taxes, to fund:

(A) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(B) the repayment of bonds issued or leases entered into for the purposes described in clause (A), except operation or maintenance;

promotes the purpose of maintaining low property tax rates.

(b) The county fiscal body may impose the county option income tax on the adjusted gross income of resident county taxpayers at a rate, in addition to the rates permitted by sections 8 and 9 of this chapter, not to exceed twenty-five hundredths percent (0.25%). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(c) To impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance finding and determining that additional revenues from the county option income tax are needed in the county to fund:

(1) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(2) the repayment of bonds issued or leases entered into for the purposes described in subdivision (1), except operation or maintenance.

(d) If the county fiscal body makes a determination under subsection (c), the county fiscal body may adopt an additional tax rate under subsection (b). Subject to the limitations in subsection (b), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. ~~As soon as practicable after the adoption of an ordinance under this section,~~ **Not more than ten (10) days after the vote,** the county fiscal body shall send a certified copy of the ordinance to the county auditor, **the commissioner of the department, the director of the budget agency, and** the **commissioner of the** department of local government finance ~~and the department.~~ **by certified mail or in an electronic format approved by the director of the budget agency.**

(e) If the county imposes an additional tax rate under this section, the county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 18 of this chapter.

(f) County option income tax revenues derived from an additional tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged for the repayment of bonds issued or leases entered into to fund the purposes described in subsection (c)(1), except operation or maintenance.

(g) If the county imposes an additional tax rate under this section, the budget agency shall adjust the certified distribution of the county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts the increased tax rate and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

SECTION 85. IC 6-3.5-6-30, AS AMENDED BY P.L.172-2011, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 30. (a) In a county in which the county option income tax is in effect, the county income tax council may adopt an ordinance to impose or increase (as applicable) a tax rate under this section.

(b) In a county in which neither the county option adjusted gross income tax nor the county option income tax is in effect, the county income tax council may adopt an ordinance to impose a tax rate under this section.

(c) If a county income tax council adopts an ordinance to impose or increase a tax rate under this section, **not more than ten (10) days after the vote,** the county auditor shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of the budget agency,** and the **commissioner of the** department of local government finance by certified mail **or in an electronic format approved by the director of the budget agency.**

(d) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(e) The following apply only in the year in which a county income tax council first imposes a tax rate under this section:

(1) The county income tax council shall, in the ordinance imposing the tax rate, specify the tax rate for each of the following two (2) years.

(2) The tax rate that must be imposed in the county in the first year is equal to the result of:

(A) the tax rate determined for the county under IC 6-3.5-1.5-1(a) in that year; multiplied by

(B) the following:

(i) In a county containing a consolidated city, one and five-tenths (1.5).

(ii) In a county other than a county containing a consolidated city, two (2).

(3) The tax rate that must be imposed in the county in the second year is the tax rate determined for the county under IC 6-3.5-1.5-1(b). The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.

(4) The levy limitations in IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c), IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year and to property taxes first due and payable in the calendar year after the ensuing calendar year.

(f) The following apply only in a year in which a county income tax council increases a tax rate under this section:

(1) The county income tax council shall, in the ordinance increasing the tax rate, specify the tax rate for the following year.

(2) The tax rate that must be imposed in the county is equal to the result of:

(A) the tax rate determined for the county under IC 6-3.5-1.5-1(a) in the year the tax rate is increased; plus

(B) the tax rate currently in effect in the county under this section.

The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.

(3) The levy limitations in IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c), IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year.

(g) The department of local government finance shall determine the following property tax replacement distribution amounts:

STEP ONE: Determine the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) for the county in the preceding year.

STEP TWO: For distribution to each civil taxing unit that in the year had a maximum permissible property tax levy limited under IC 6-1.1-18.5-3(b), determine the result of:

(1) the quotient of:

(A) the part of the amount determined under STEP ONE of IC 6-3.5-1.5-1(a) in the preceding year that was attributable to the civil taxing unit; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP THREE: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county family and children's fund before 2009, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP TWO of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FOUR: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county children's psychiatric residential treatment services fund before 2009, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP THREE of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FIVE: For distribution to the county for community mental health center purposes, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP FOUR of IC 6-3.5-1.5-1(a) in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

Except as provided in subsection (m), the county treasurer shall distribute the portion of the certified distribution that is attributable to a tax rate under this section as specified in this section. The county treasurer shall make the distributions under this subsection at the same time that distributions are made to civil taxing units under section 18 of this chapter.

(h) Notwithstanding sections 12 and 12.5 of this chapter, a county income tax council may not decrease or rescind a tax rate imposed under this section.

(i) The tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter; or

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3.

(j) The tax levy under this section shall not be considered for purposes of the credit under IC 6-1.1-20.6.

(k) A distribution under this section shall be treated as a part of the receiving civil taxing unit's property tax levy for that year for purposes of fixing its budget and for determining the distribution of taxes that are distributed on the basis of property tax levies.

(l) If a county income tax council imposes a tax rate under this section, the county option income tax rate dedicated to locally funded homestead credits in the county may not be decreased.

(m) In the year following the year in which a county first imposes a tax rate under this section:

(1) one-third (1/3) of the tax revenue that is attributable to the tax rate under this section must be deposited in the county stabilization fund established under subsection (o), in the case of a county containing a consolidated city; and

(2) one-half (1/2) of the tax revenue that is attributable to the tax rate under this section must be deposited in the county stabilization fund established under subsection (o), in the case of a county not containing a consolidated city.

(n) A pledge of county option income taxes does not apply to revenue attributable to a tax rate under this section.

(o) A county stabilization fund is established in each county that imposes a tax rate under this section. The county stabilization fund shall be administered by the county auditor. If for a year the certified distributions attributable to a tax rate under this section exceed the amount calculated under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section, the excess shall be deposited in the county stabilization fund. Money shall be distributed from the county stabilization fund in a year by the county auditor to political subdivisions entitled to a distribution of tax revenue attributable to the tax rate under this section if:

(1) the certified distributions attributable to a tax rate under this section are less than the amount calculated under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section for a year; or

(2) the certified distributions attributable to a tax rate under this section in a year are less than the certified distributions attributable to a tax rate under this section in the preceding year.

However, subdivision (2) does not apply to the year following the first year in which certified distributions of revenue attributable to the tax rate under this section are distributed to the county.

(p) Notwithstanding any other provision, a tax rate imposed under this section may not exceed one percent (1%).

(q) A county income tax council must each year hold at least one (1) public meeting at which the county council discusses whether the tax rate under this section should be imposed or increased.

(r) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(s) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the additional tax rate under this section.

SECTION 86. IC 6-3.5-6-31, AS AMENDED BY P.L.172-2011, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 31. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3) or an enhanced emergency telephone system (as defined in IC 36-8-16-2).

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) The county income tax council may adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety if:

(1) the county income tax council has imposed a tax rate under section 30 of this chapter, in the case of a county containing a consolidated city; or

(2) the county income tax council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 30 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 32 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 30 and 32 of this chapter, in the case of a county other than a county containing a consolidated city.

(c) A tax rate under this section may not exceed the following:

(1) Five-tenths of one percent (0.5%), in the case of a county containing a consolidated city.

(2) Twenty-five hundredths of one percent (0.25%), in the case of a county other than a county containing a consolidated city.

(d) If a county income tax council adopts an ordinance to impose a tax rate under this section, **not more than ten (10) days after the vote,** the county auditor shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of the budget agency,** and the **commissioner of the** department of local government finance by certified mail **or in an electronic format approved by the director of the budget agency.**

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsections (l) and (m), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:

(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the total property taxes being collected in the county by the county or municipality for the calendar year; divided by

(B) the sum of the total property taxes being collected in the county by the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 30 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the additional tax rate under this section.

(l) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(m) A fire department, volunteer fire department, or emergency medical services provider that:

(1) provides fire protection or emergency medical services within the county; and

(2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county income tax council for a distribution of tax revenue under this section during the following calendar year. The county income tax council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before

the remainder of the tax revenue is distributed under subsection (f).

SECTION 87. IC 6-3.5-6-32, AS AMENDED BY P.L.172-2011, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32. (a) A county income tax council may impose a tax rate under this section to provide property tax relief to taxpayers in the county. A county income tax council is not required to impose any other tax before imposing a tax rate under this section.

(b) A tax rate under this section may be imposed in increments of five-hundredths of one percent (0.05%) determined by the county income tax council. A tax rate under this section may not exceed one percent (1%).

(c) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(d) If a county income tax council adopts an ordinance to impose or increase a tax rate under this section, **not more than ten (10) days after the vote,** the county auditor shall send a certified copy of the ordinance to the **commissioner of the** department, **the director of** the budget agency, and the **commissioner of the** department of local government finance by certified mail **or in an electronic format approved by the director of the budget agency.**

(e) A tax rate under this section may be imposed, increased, decreased, or rescinded at the same time and in the same manner that the county income tax council may impose or increase a tax rate under section 30 of this chapter.

(f) Tax revenue attributable to a tax rate under this section may be used for any combination of the following purposes, as specified by ordinance of the county income tax council:

(1) The tax revenue may be used to provide local property tax replacement credits at a uniform rate to all taxpayers in the county. The local property tax replacement credits shall be treated for all purposes as property tax levies. The county auditor shall determine the local property tax replacement credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide local property tax replacement credits in that year. A county income tax council may not adopt an ordinance determining that tax revenue shall be used under this subdivision to provide local property tax replacement credits at a uniform rate to all taxpayers in the county unless the county council has done the following:

(A) Made available to the public the county council's best estimate of the amount of property tax replacement credits to be provided under this subdivision to homesteads, other residential property, commercial property, industrial property, and agricultural property.

(B) Adopted a resolution or other statement acknowledging that some taxpayers in the county that do not pay the tax rate under this section will receive a property tax replacement credit that is funded with tax revenue from the tax rate under this section.

(2) The tax revenue may be used to uniformly increase (before January 1, 2011) or uniformly provide (after December 31, 2010) the homestead credit percentage in the county. The homestead credits shall be treated for all purposes as property tax levies. The homestead credits do not reduce the basis for determining any state homestead credit. The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1. The county auditor shall determine the homestead credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide homestead credits in that year.

(3) The tax revenue may be used to provide local property tax replacement credits at a uniform rate for all qualified residential property (as defined in IC 6-1.1-20.6-4 before January 1, 2009, and as defined in section 1 of this chapter after December 31, 2008) in the county. The local property tax replacement credits shall be treated for all purposes as property tax levies. The county auditor shall determine the local property tax replacement credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide local property tax replacement credits in that year.

(4) This subdivision applies only to Lake County. The Lake County council may adopt an ordinance providing that the tax revenue from the tax rate under this section is used for any of the following:

(A) To reduce all property tax levies imposed by the county by the granting of property tax replacement credits against those property tax levies.

(B) To provide local property tax replacement credits in Lake County in the following manner:

(i) The tax revenue under this section that is collected from taxpayers within a particular municipality in Lake County (as determined by the department based on the department's best estimate) shall be used only to provide a local property tax credit against property taxes imposed by that municipality.

(ii) The tax revenue under this section that is collected from taxpayers within the unincorporated area of Lake County (as determined by the department) shall be used only to provide a local property tax credit against property taxes imposed by the county. The local property tax credit for the unincorporated area of Lake County shall be available only to those taxpayers within the unincorporated area of the county.

(C) To provide property tax credits in the following manner:

(i) Sixty percent (60%) of the tax revenue under this section shall be used as provided in clause (B).

(ii) Forty percent (40%) of the tax revenue under this section shall be used to provide property tax replacement credits against property tax levies of the county and each township and municipality in the county. The percentage of the tax revenue distributed under this item that shall be used as credits against the county's levies or against a particular township's or municipality's levies is equal to the percentage determined by dividing the population of the county, township, or municipality by the sum of the total population of the county, each township in the county, and each municipality in the county.

The Lake County council shall determine whether the credits under clause (A), (B), or (C) shall be provided to homesteads, to all qualified residential property, or to all taxpayers. The department of local government finance, with the assistance of the budget agency, shall certify to the county auditor and the fiscal body of the county and each township and municipality in the county the amount of property tax credits under this subdivision. Except as provided in subsection (g), the tax revenue under this section that is used to provide credits under this subdivision shall be treated for all purposes as property tax levies.

The county income tax council may adopt an ordinance changing the purposes for which tax revenue attributable to a tax rate under this section shall be used in the following year.

(g) The tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or

(3) the credit under IC 6-1.1-20.6.

(h) Tax revenue under this section shall be treated as a part of the receiving civil taxing unit's or school corporation's property tax levy for that year for purposes of fixing the budget of the civil taxing unit or school corporation and for determining the distribution of taxes that are distributed on the basis of property tax levies. To the extent the county auditor determines that there is income tax revenue remaining from the tax under this section after providing the property tax replacement, the excess shall be credited to a dedicated county account and may be used only for property tax replacement under this section in subsequent years.

(i) The department of local government finance, and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(j) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the tax rate under this section.

SECTION 88. IC 6-3.5-6-33, AS AMENDED BY P.L.77-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. (a) This section applies only to Monroe County.

(b) Maintaining low property tax rates is essential to economic development, and the use of county option income tax revenues as provided in this chapter and as needed in the county to fund the operation and maintenance of a juvenile detention center and other facilities to provide juvenile services, rather than the use of property taxes, promotes that purpose.

(c) In addition to the rates permitted by sections 8 and 9 of this chapter, the county fiscal body may impose an additional county option income tax at a rate of not more than twenty-five hundredths percent (0.25%) on the adjusted gross income of resident county taxpayers if the county fiscal body makes the finding and determination set forth in subsection (d). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(d) In order to impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance:

(1) finding and determining that revenues from the county option income tax are needed in the county to fund the operation and maintenance of a juvenile detention center and other facilities necessary to provide juvenile services; and

(2) agreeing to freeze for the term in which an ordinance is in effect under this section the part of any property tax levy imposed in the county for the operation of the juvenile detention center and other facilities covered by the ordinance at the rate imposed in the year preceding the year in which a full year of additional county option income tax is certified for distribution to the county under this section.

(e) If the county fiscal body makes a determination under subsection (d), the county fiscal body may adopt a tax rate under subsection (c). Subject to the limitations in subsection (c), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. ~~As soon as practicable after the adoption of an ordinance under this section,~~ **Not more than ten (10) days after the vote,** the county fiscal body shall send a certified copy of the ordinance to the county auditor, **the commissioner of the department, the director of the budget agency, and the commissioner of** the department of local government finance ~~and the department of state revenue.~~ **by certified mail or in an electronic format approved by the director of the budget agency.**

(f) The county treasurer shall establish a county juvenile detention center revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county juvenile detention center revenue fund before a certified distribution is made under section 18 of this chapter.

(g) County option income tax revenues derived from the tax rate imposed under this section:

(1) may be used only for the purposes described in this section; and

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5.

(h) The department of local government finance shall enforce an agreement made under subsection (d)(2).

(i) The budget agency shall adjust the certified distribution of a county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts an increased tax rate under this section and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

SECTION 89. IC 6-3.5-7-1.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1.5. As used in this chapter, "capital project" includes substance removal or remedial action in a designated unit.~~

SECTION 90. IC 6-3.5-7-4.3, AS AMENDED BY SEA 115-2012, SECTION 49, IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.3. As used in this chapter, "designated unit" refers to Tippecanoe County.~~

SECTION 91. IC 6-3.5-7-4.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.6. As used in this chapter, "remedial action" has the meaning set forth in IC 13-11-2-185.~~

SECTION 92. IC 6-3.5-7-4.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.7. As used in this chapter, "removal" has the meaning set forth in IC 13-11-2-187.~~

SECTION 93. IC 6-3.5-7-4.8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4.8. As used in this chapter, "substance" has the meaning set forth in IC 13-11-2-98 for "hazardous substance".~~

SECTION 94. IC 6-3.5-7-5, AS AMENDED BY SEA 115-2012, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on ~~March 31~~ **October 1** of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on ~~March 31~~ **October 1** of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in ~~subsections (c) (g), (k), (p), and (r)~~ **this section** and section 28 of this chapter, the county economic development income tax may be imposed at a rate of:

(1) one-tenth percent (0.1%);

(2) two-tenths percent (0.2%);

(3) twenty-five hundredths percent (0.25%);

(4) three-tenths percent (0.3%);

(5) thirty-five hundredths percent (0.35%);

(6) four-tenths percent (0.4%);

(7) forty-five hundredths percent (0.45%); or

(8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in ~~subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), (s), (v), (w), (x), or (y),~~ **this section,** the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in ~~subsection (g), (p), (r), (t), (u), (w), (x), or (y),~~ **this section,** the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must adopt an ordinance.

(e) The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county.".

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

~~(g) This subsection applies to Tippecanoe County. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:~~

~~(1) county economic development income tax may be imposed at a rate of:~~

~~(A) fifteen-hundredths percent (0.15%);~~

~~(B) two-tenths percent (0.2%); or~~

~~(C) twenty-five hundredths percent (0.25%); and~~

~~(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);~~

~~if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.~~

~~(h)~~ **(g)** For Jackson County, except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus

the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

~~(i)~~ **(h)** For Pulaski County, except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

~~(j)~~ **(i)** For Wayne County, except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

~~(k)~~ **(j)** This subsection applies to Randolph County. Except as provided in subsection ~~(p),~~ **(o),** in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

~~(l)~~ **(k)** For Daviess County, except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

~~(m)~~ **(l)** For:

(1) Elkhart County; or

(2) Marshall County;

except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

~~(n)~~ **(m)** For Union County, except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

~~(o)~~ **(n)** This subsection applies to Knox County. Except as provided in subsection ~~(p),~~ **(o),** in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

~~(p)~~ **(o)** In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1 (repealed) before January 1, 2009, or IC 6-1.1-12-37 after December 31, 2008) or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county, resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42 or from the exclusion in 2008 of inventory from the definition of personal property in IC 6-1.1-1-11.

~~(q)~~ **(p)** If the county economic development income tax is imposed as authorized under subsection ~~(p)~~ **(o)** at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section ~~25(c) or~~ 26 of this chapter to the extent that the certified distribution results from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this section.

~~(r)~~ **(q)** This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection ~~(p),~~ **(o),** in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

~~(s)~~ **(r)** Except as provided in subsection ~~(p),~~ **(o),** the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year

may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

~~(t)~~ **(s)** This subsection applies to Howard County. Except as provided in subsection ~~(p),~~ **(o),** the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

~~(u)~~ **(t)** This subsection applies to Scott County. Except as provided in subsection ~~(p),~~ **(o),** the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

~~(v)~~ **(u)** This subsection applies to Jasper County. Except as provided in subsection ~~(p),~~ **(o),** the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

~~(w)~~ **(v)** An additional county economic development income tax rate imposed under section 28 of this chapter may not be considered in calculating any limit under this section on the sum of:

(1) the county economic development income tax rate plus the county adjusted gross income tax rate; or

(2) the county economic development tax rate plus the county option income tax rate.

~~(x)~~ **(w)** The income tax rate limits imposed by subsection (c) or ~~(y)~~ **(x)** or any other provision of this chapter do not apply to:

(1) a county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26; or

(2) a county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

For purposes of computing the maximum combined income tax rate under subsection (c) or ~~(y)~~ **(x)** or any other provision of this chapter that may be imposed in a county under IC 6-3.5-1.1, IC 6-3.5-6, and this chapter, a county's county adjusted gross income tax rate or county option income tax rate for a particular year does not include the county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26 or the county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

~~(y)~~ **(x)** This subsection applies to Monroe County. Except as provided in subsection ~~(p),~~ **(o),** if an ordinance is adopted under IC 6-3.5-6-33, the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

~~(z)~~ **(y)** This subsection applies to Perry County. Except as provided in subsection ~~(p),~~ **(o),** if an ordinance is adopted under section 27.5 of this chapter, the county economic development income tax rate plus the county option income tax rate that is in effect on January 1 of a year may not exceed one and seventy-five hundredths percent (1.75%).

(z) This subsection applies to Starke County. Except as provided in subsection (o), if an ordinance is adopted under section 27.6 of this chapter, the county economic development income tax rate plus the county adjusted gross income tax rate that is in effect on January 1 of a year may not exceed two percent (2%).

SECTION 95. IC 6-3.5-7-6, AS AMENDED BY P.L.77-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The body imposing the tax may decrease or increase the county economic development income tax rate imposed upon the county taxpayers as long as the resulting rate does not exceed the rates specified in section 5(b) and 5(c) ~~or 5(g)~~ of this chapter. The rate imposed under this section must be adopted at one (1) of the rates specified in section 5(b) of this chapter. To decrease or increase the rate, the appropriate body must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County _____ increases (decreases) the county economic development income tax rate imposed upon the county taxpayers of the county from _____ percent (___%) to _____ percent (___%).".

(b) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 96. IC 6-3.5-7-7, AS AMENDED BY P.L.77-2011, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The county economic development income tax imposed under this chapter remains in effect until rescinded.

(b) Subject to section 14 of this chapter, the body imposing the county economic development income tax may rescind the tax by adopting an ordinance.

(c) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the results to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.**

SECTION 97. IC 6-3.5-7-11, AS AMENDED BY P.L.229-2011, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Revenue derived from the imposition of the county economic development income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it.

(b) Before August 2 of each calendar year, the budget agency, shall certify to the county auditor of each adopting county the sum of the amount of county economic development income tax revenue that the budget agency determines has been:

(1) received from that county for a taxable year ending before the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted for refunds of county economic development income tax made in the state fiscal year plus the amount of interest in the county's account that has been accrued and has not been included in a certification made in a preceding year. The amount certified is the county's certified distribution, which shall be distributed on the dates specified in section 16 of this chapter for the following calendar year.

(c) The amount certified under subsection (b) shall be adjusted under subsections (d), (e), (f), **and** (g). ~~and (h).~~ The budget agency shall provide the county council with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years;

(4) adjustments for tax rate changes; and

(5) the amount of excess account balances to be distributed under IC 6-3.5-7-17.3.

(d) The budget agency shall certify an amount less than the amount determined under subsection (b) if the budget agency determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The budget agency may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(e) The budget agency shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The budget agency may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

~~(f) The budget agency shall adjust the certified distribution of a county to provide the county with the distribution required under section 16(b) of this chapter.~~

~~(g)~~ **(f)** The budget agency shall adjust the certified distribution of a county to provide the county with the amount of any tax increase imposed under section ~~25 or~~ 26 of this chapter to provide additional homestead credits as provided in those provisions.

~~(h)~~ **(g)** This subsection applies to a county that imposes, increases, decreases, or rescinds a tax or tax rate under this chapter before November 1 in the same calendar year in which the budget agency makes a certification under this section. The budget agency shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in subsection (b)(1) through (b)(2) in the manner provided in subsection (d). If the county imposes, increases, decreases, or rescinds a tax or tax rate under this chapter after the date for which a certification under subsection (b) is based, the budget agency shall adjust the certified distribution of the county after August 1 of the calendar year. The adjustment shall reflect any other adjustment authorized under subsections (c), (d), (e), **and** (f). ~~and (g).~~ The adjusted certification shall be treated as the county's certified distribution for the immediately succeeding calendar year. The budget agency shall certify the adjusted certified distribution to the county auditor for the county and provide the county council with an informative summary of the calculations that revises the informative summary provided in subsection (c) and reflects the changes made in the adjustment.

~~(i)~~ **(h)** The budget agency shall before May 1 of every odd-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following two (2) calendar years.

~~(j)~~ **(i)** The budget agency shall before May 1 of every even-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following calendar year.

~~(k)~~ **(j)** The estimates under subsections ~~(i) and (j)~~ **(h) and (i)** must specify the amount of the estimated certified distributions that are attributable to any additional rates authorized under this chapter.

SECTION 98. IC 6-3.5-7-12, AS AMENDED BY P.L.199-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 12. (a) Except as provided in sections 23, ~~25,~~ 26, 27, 27.5, **27.6,** and 28 of this chapter, the county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and ~~sections~~ **section** 15 ~~and 25~~ of this chapter, and subject to adjustment as provided in IC 36-8-19-7.5, the amount of the certified distribution that the county and each city or town in a county is entitled to receive ~~during May and November~~ **each month** of each year equals the product of the following:

(1) The amount of the certified distribution for that month; multiplied by

(2) A fraction. The numerator of the fraction equals the sum of:

(A) total property taxes that are first due and payable to the county, city, or town during the calendar year in which the month falls; plus

(B) for a county, the welfare allocation amount.

The denominator of the fraction equals the sum of the total

property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus the welfare allocation amount. The welfare allocation amount is an amount equal to the sum of the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund and, if the county received a certified distribution under this chapter in 2008, the property taxes imposed by the county in 2008 for the county's county medical assistance to wards fund, family and children's fund, children's psychiatric residential treatment services fund, county hospital care for the indigent fund, and children with special health care needs county fund.

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before August 2 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

(1) The ordinance is effective January 1 of the following year.

(2) Except as provided in ~~sections 25 and~~ **section** 26 of this chapter, the amount of the certified distribution that the county and each city and town in the county is entitled to receive during ~~May and November~~ **each month** of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

(3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

(1) The county.

(2) A city or town in the county.

(3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The department of local government finance shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) Except as provided in subsection (b)(2)(B), in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the department of local government finance shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In a county having a consolidated city, only the consolidated city is entitled to the certified distribution, subject to the requirements of sections 15 ~~25,~~ and 26 of this chapter.

SECTION 99. IC 6-3.5-7-13.1, AS AMENDED BY SEA 115, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, ~~25,~~ 26, 27, ~~and~~ 27.5, **and 27.6** of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) As used in this subsection, "homestead" means a homestead that is eligible for a standard deduction under IC 6-1.1-12-37. Except as provided in sections 15, 23, ~~25,~~ 26, 27, ~~and~~ 27.5, **and 27.6** of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

(3) By a county, city, or town for any lawful purpose for which money in any of its other funds may be used.

(4) By a city or county described in IC 36-7.5-2-3(b) for making transfers required by IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30, 2005, in Porter County, the first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county or by eligible municipalities (as defined in IC 36-7.5-1-11.3) in the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. If Porter County ceases to be a member of the northwest Indiana regional development authority under IC 36-7.5 but two (2) or more municipalities in the county have become members of the northwest Indiana regional development authority as authorized by IC 36-7.5-2-3(i), the county treasurer shall continue to transfer the three million five hundred thousand dollars ($3,500,000) to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county. In Porter County, all of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under subdivision (5).

(5) This subdivision applies only in Porter County. All of the tax revenue that results each year from a tax rate increase described in subdivision (4) that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under this subdivision. The following apply to homestead credits provided under this subdivision:

(A) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.

(B) The homestead credits shall be treated for all purposes as property tax levies.

(C) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(6) This subdivision applies only in Lake County. The county or a city or town in the county may use county economic development income tax revenue to provide homestead credits in the county, city, or town. The following apply to homestead credits provided under this subdivision:

(A) The county, city, or town fiscal body must adopt an ordinance authorizing the homestead credits. The ordinance must specify the amount of county economic development income tax revenue that will be used to provide homestead credits in the following year.

(B) The county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the ordinance is adopted.

(C) The homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 (repealed) for homesteads in the county, city, or town (for property taxes first due and payable before January 1, 2009) or to provide a homestead credit for homesteads in the county, city, or town (for property taxes first due and payable after December 31, 2008).

(D) The homestead credits shall be treated for all purposes as property tax levies.

(E) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(7) For a regional venture capital fund established under section 13.5 of this chapter or a local venture capital fund established under section 13.6 of this chapter.

(8) This subdivision applies only to LaPorte County, if:

(A) the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the northwest Indiana regional development authority; and

(B) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

Revenue from the county economic development income tax may be used by a county or a city described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the county economic development income tax rate is increased after June 30, 2006, in the county, the first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. All of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under subdivision (9).

(9) This subdivision applies only to LaPorte County. All of the tax revenue that results each year from a tax rate increase described in subdivision (8) that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under this subdivision. The following apply to homestead credits provided under this subdivision:

(A) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.

(B) The homestead credits shall be treated for all purposes as property tax levies.

(C) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(c) As used in this section, an economic development project is any project that:

(1) the county, city, or town determines will:

(A) promote significant opportunities for the gainful employment of its citizens;

(B) attract a major new business enterprise to the unit; or

(C) retain or expand a significant business enterprise within the unit; and

(2) involves an expenditure for:

(A) the acquisition of land;

(B) interests in land;

(C) site improvements;

(D) infrastructure improvements;

(E) buildings;

(F) structures;

(G) rehabilitation, renovation, and enlargement of buildings and structures;

(H) machinery;

(I) equipment;

(J) furnishings;

(K) facilities;

(L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);

(M) operating expenses authorized under subsection (b)(2)(E); or

(N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit;

or any combination of these.

(d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases in effect under section 21 of this chapter, the county or a city or town may not expend money from its economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.

SECTION 100. IC 6-3.5-7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) The executive of a county, city, or town may, subject to the use of the certified distribution permitted under ~~sections 25 and~~ **section** 26 of this chapter:

(1) adopt a capital improvement plan specifying the uses of the revenues to be received under this chapter; or

(2) designate the county or a city or town in the county as the recipient of all or a part of its share of the distribution.

(b) If a designation is made under subsection (a)(2), the county treasurer shall transfer the share or part of the share to the designated unit unless that unit does not have a capital improvement plan.

(c) A county, city, or town that fails to adopt a capital improvement plan may not receive:

(1) its fractional amount of the certified distribution; or

(2) any amount designated under subsection (a)(2);

for the year or years in which the unit does not have a plan. The county treasurer shall retain the certified distribution and any designated distribution for such a unit in a separate account until the unit adopts a plan. Interest on the separate account becomes part of the account. If a unit fails to adopt a plan for a period of three (3) years, then the balance in the separate account shall be distributed to the other units in the county based on property taxes first due and payable to the units during the calendar year in which the three (3) year period expires.

(d) A capital improvement plan must include the following components:

(1) Identification and general description of each project that would be funded by the county economic development income tax.

(2) The estimated total cost of the project.

(3) Identification of all sources of funds expected to be used for each project.

(4) The planning, development, and construction schedule of each project.

(e) A capital improvement plan:

(1) must encompass a period of no less than two (2) years; and

(2) must incorporate projects the cost of which is at least seventy-five percent (75%) of the fractional amount certified distribution expected to be received by the county, city, or town in that period of time.

(f) In making a designation under subsection (a)(2), the executive must specify the purpose and duration of the designation. If the designation is made to provide for the payment of lease rentals or bond payments, the executive may specify that the designation and its duration are irrevocable.

SECTION 101. IC 6-3.5-7-16, AS AMENDED BY SEA 115-2012, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) ~~Except as provided in subsections (b) and (c), on May 1 of each year, one-half (1/2)~~ **One-twelfth (1/12)** of each county's certified distribution for a calendar year shall be distributed from its account established under section 10 of this chapter to the **appropriate** county treasurer ~~The other one-half (1/2) shall be distributed~~ on ~~November 1~~ **the first regular business day of each month** of that calendar year.

~~(b) This subsection applies to Porter County, if the ordinance imposing the tax is adopted before July 1 of a year. Notwithstanding section 11 of this chapter, the initial certified distribution certified for a county under section 11 of this chapter shall be distributed to the county treasurer from the account established for the county under section 10 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 5 of this chapter:~~

~~(1) One-fourth (1/4) on October 1 of the year in which the ordinance was adopted.~~

~~(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.~~

~~(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.~~

~~(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.~~

~~The county auditor and county treasurer shall distribute amounts received under this subsection to a county and each city or town in the county in the same proportions as are set forth in section 12 of this chapter. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).~~

~~(c) Before July 1 of each year, a county's certified distribution for additional homestead credits under section 25 or 26 of this chapter for the year shall be distributed from the county's account established under section 10 of this chapter.~~

~~(d)~~ **(b)** All distributions from an account established under section 10 of this chapter shall be made by warrants issued by the auditor of state to the treasurer of state ordering the appropriate payments. SECTION 102. IC 6-3.5-7-22 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 22. (a) This section only applies to a designated unit.~~

~~(b) The county income tax council may, by ordinance, determine that economic development income tax money is needed in the county to fund substance removal and remedial action, including the repayment of bonds or other debt incurred for substance removal or remedial action, and the actions taken to fund substance removal and remedial action serve a public purpose by promoting public health, welfare, and safety.~~

~~(c) If the county income tax council makes a determination under subsection (b), the county income tax council may adopt a tax rate under section 5(g) of this chapter. The tax rate may not be imposed at a rate or for a time greater than is necessary to fund substance removal and remedial action in the county, including the repayment of bonds or other debt incurred for substance removal or remedial action.~~

~~(d) The county treasurer shall establish a substance removal and remedial action fund to be used only for the purposes described in this section. County economic development income tax revenues derived from the tax rate imposed under section 5(g) of this chapter shall be deposited in the substance removal and remedial action fund before making a certified distribution under section 12 of this chapter.~~

~~(e) The county income tax council may, by ordinance, appropriate or pledge any part of the substance removal and remediation action fund to a political subdivision or to an entity formed by an interlocal cooperation agreement under IC 36-1-7 for the purposes set forth in this chapter in the county.~~

~~(f) The county auditor shall distribute the amount specified in the ordinance to the designated political subdivision or to an entity formed by an interlocal cooperation agreement under IC 36-1-7 from the substance removal and remedial action fund.~~

~~(g) Bonds issued by a political subdivision or an entity~~

~~formed by an interlocal cooperation agreement under IC 36-1-7 payable from the substance removal and remedial action fund do not constitute debt of a designated unit or a city or town in the designated unit, and the bonds shall contain a statement on their face to that effect and to the effect that the bonds are payable solely from money in the substance removal and remedial action fund, and other available funds, and are not supported by the full faith and credit of the county, city, or town.~~

SECTION 103. IC 6-3.5-7-25 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 25. (a) This section applies only to a county that has adopted an ordinance under IC 6-1.1-12-41(f).~~

~~(b) For purposes of this section, "imposing entity" means the entity that adopted the ordinance under IC 6-1.1-12-41(f).~~

~~(c) The imposing entity may adopt an ordinance to provide for the use of the certified distribution described in section 16(c) of this chapter for the purpose provided in subsection (e). A county income tax council that adopts an ordinance under this subsection shall use the procedures set forth in IC 6-3.5-6 concerning the adoption of an ordinance for the imposition of the county option income tax. Except as provided in subsection (j), an ordinance must be adopted under this subsection after March 31 but before August 1 of a calendar year. The ordinance may provide for an additional rate under section 5(p) of this chapter. An ordinance adopted under this subsection:~~

~~(1) first applies to the certified distribution described in section 16(c) of this chapter made in the calendar year that immediately succeeds the calendar year in which the ordinance is adopted;~~

~~(2) must specify the calendar years to which the ordinance applies; and~~

~~(3) must specify that the certified distribution must be used to provide for:~~

~~(A) uniformly applied increased homestead credits as provided in subsection (f); or~~

~~(B) allocated increased homestead credits as provided in subsection (h).~~

~~An ordinance adopted under this subsection may be combined with an ordinance adopted under section 26 of this chapter.~~

~~(d) If an ordinance is adopted under subsection (c), the percentage of the certified distribution specified in the ordinance for use for the purpose provided in subsection (e) shall be:~~

~~(1) retained by the county auditor under subsection (i); and~~

~~(2) used for the purpose provided in subsection (e) instead of the purposes specified in the capital improvement plans adopted under section 15 of this chapter.~~

~~(e) If an ordinance is adopted under subsection (c), the imposing entity shall use the certified distribution described in section 16(c) of this chapter to increase the homestead credit allowed in the county under IC 6-1.1-20.9 for a year to offset the effect on homesteads in the county resulting from a county deduction for inventory under IC 6-1.1-12-41.~~

~~(f) If the imposing entity specifies the application of uniform increased homestead credits under subsection (c)(3)(A), the county auditor shall, for each calendar year in which an increased homestead credit percentage is authorized under this section, determine:~~

~~(1) the amount of the certified distribution that is available to provide an increased homestead credit percentage for the year;~~

~~(2) the amount of uniformly applied homestead credits for the year in the county that equals the amount determined under subdivision (1); and~~

~~(3) the increased percentage of homestead credit that equates to the amount of homestead credits determined under subdivision (2).~~

~~(g) The increased percentage of homestead credit determined by the county auditor under subsection (f) applies uniformly in the county in the calendar year for which the increased percentage is determined.~~

~~(h) If the imposing entity specifies the application of allocated increased homestead credits under subsection (c)(3)(B), the county auditor shall, for each calendar year in which an increased homestead credit is authorized under this section, determine:~~

~~(1) the amount of the certified distribution that is available to provide an increased homestead credit for the year; and~~

~~(2) an increased percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of increased homestead credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-41 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-41 in the county for the immediately preceding year's assessment date.~~

~~(i) The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. The money shall be distributed to the civil taxing units and school corporations of the county:~~

~~(1) as if the money were from property tax collections; and~~

~~(2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of an increased homestead credit.~~

~~(j) An entity authorized to adopt:~~

~~(1) an ordinance under subsection (c); and~~

~~(2) an ordinance under IC 6-1.1-12-41(f);~~

~~may consolidate the two (2) ordinances. The limitation under subsection (c) that an ordinance must be adopted after January 1 of a calendar year does not apply if a consolidated ordinance is adopted under this subsection. However, notwithstanding subsection (c)(1), the ordinance must state that it first applies to certified distributions in the calendar year in which property taxes are initially affected by the deduction under IC 6-1.1-12-41.~~

SECTION 104. IC 6-3.5-7-25.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 25.5. Subject to the approval of the imposing entity, the county auditor may adjust the~~

~~increased percentage of homestead credit determined under section 25(h)(2) of this chapter if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the homesteads in the county.~~

SECTION 105. IC 6-3.5-7-26, AS AMENDED BY P.L.77-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) This section applies only to homestead and property tax replacement credits for property taxes first due and payable after calendar year 2006.

(b) The following definitions apply throughout this section:

(1) "Adopt" includes amend.

(2) "Adopting entity" means:

(A) the entity that adopts an ordinance under IC 6-1.1-12-41(f); or

(B) any other entity that may impose a county economic development income tax under section 5 of this chapter.

(3) "Homestead" refers to tangible property that is eligible for a homestead credit under IC 6-1.1-20.9 (repealed) or the standard deduction under IC 6-1.1-12-37.

(4) "Residential" refers to the following:

(A) Real property, a mobile home, and industrialized housing that would qualify as a homestead if the taxpayer had filed for a homestead credit under IC 6-1.1-20.9 (repealed) or the standard deduction under IC 6-1.1-12-37.

(B) Real property not described in clause (A) designed to provide units that are regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more, regardless of whether the tangible property is subject to assessment under rules of the department of local government finance that apply to:

(i) residential property; or

(ii) commercial property.

(c) An adopting entity may adopt an ordinance to provide for the use of the certified distribution described in section ~~16(c)~~ **16** of this chapter for the purpose provided in subsection (e). An adopting entity that adopts an ordinance under this subsection shall use the procedures set forth in IC 6-3.5-6 concerning the adoption of an ordinance for the imposition of the county option income tax. The ordinance may provide for an additional rate under section ~~5(p)~~ **5(o)** of this chapter. An ordinance adopted under this subsection:

(1) first applies to the certified distribution described in section ~~16(c)~~ **16** of this chapter made in the later of the calendar year that immediately succeeds the calendar year in which the ordinance is adopted or calendar year 2007; and

(2) must specify that the certified distribution must be used to provide for one (1) of the following, as determined by the adopting entity:

(A) Uniformly applied homestead credits as provided in subsection (f).

(B) Uniformly applied residential credits as provided in subsection (g).

(C) Allocated homestead credits as provided in subsection (i).

(D) Allocated residential credits as provided in subsection (j).

An ordinance adopted under this subsection may be combined with an ordinance adopted under section 25 of this chapter **(before its repeal).**

(d) If an ordinance is adopted under subsection (c), the percentage of the certified distribution specified in the ordinance for use for the purpose provided in subsection (e) shall be:

(1) retained by the county auditor under subsection (k); and

(2) used for the purpose provided in subsection (e) instead of the purposes specified in the capital improvement plans adopted under section 15 of this chapter.

(e) If an ordinance is adopted under subsection (c), the adopting entity shall use the certified distribution described in section ~~16(c)~~ **16** of this chapter to provide:

(1) if the ordinance grants a credit described in subsection (c)(2)(A) or (c)(2)(C), a homestead credit for homesteads; or

(2) if the ordinance grants a credit described in subsection (c)(2)(B) or (c)(2)(D), a property tax replacement credit for residential property;

for property taxes to offset the effect on homesteads or residential property, as applicable, in the county resulting from the statewide deduction for inventory under IC 6-1.1-12-42 or from the exclusion in 2008 of inventory from the definition of personal property in IC 6-1.1-1-11. The amount of a residential property tax replacement credit granted under this section may not be considered in computing the amount of any homestead credit to which the residential property may be entitled under IC 6-1.1-20.9 (before its repeal) or another law other than IC 6-1.1-20.6.

(f) If the imposing entity specifies the application of uniform homestead credits under subsection (c)(2)(A), the county auditor shall, for each calendar year in which a homestead credit percentage is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide a homestead credit percentage under this section for the year;

(2) the amount of uniformly applied homestead credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the percentage of homestead credit under this section that equates to the amount of homestead credits determined under subdivision (2).

(g) If the imposing entity specifies the application of uniform residential credits under subsection (c)(2)(B), the county auditor shall determine for each calendar year in which a homestead credit percentage is authorized under this section:

(1) the amount of the certified distribution that is available to provide a residential property tax replacement credit percentage for the year;

(2) the amount of uniformly applied residential property tax replacement credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the percentage of residential property tax replacement credit under this section that equates to the amount of residential property tax replacement credits determined under subdivision (2).

(h) The percentage of homestead credit determined by the county auditor under subsection (f) or the percentage of residential property tax replacement credit determined by the county auditor under subsection (g) applies uniformly in the county in the calendar year for which the percentage is determined.

(i) If the imposing entity specifies the application of allocated homestead credits under subsection (c)(2)(C), the county auditor shall, for each calendar year in which a homestead credit is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide a homestead credit under this section for the year; and

(2) except as provided in subsection (l), a percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of homestead credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the assessment date in 2006 bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the assessment date in 2006.

(j) If the imposing entity specifies the application of allocated residential property tax replacement credits under subsection (c)(2)(D), the county auditor shall determine for each calendar year in which a residential property tax replacement credit is authorized under this section:

(1) the amount of the certified distribution that is available to provide a residential property tax replacement credit under this section for the year; and

(2) except as provided in subsection (l), a percentage of residential property tax replacement credit for each taxing district in the county that allocates to the taxing district an amount of residential property tax replacement credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the assessment date in 2006 bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the assessment date in 2006.

(k) The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the homestead credit or residential property tax replacement credit provided under this section within the county. The money shall be distributed to the civil taxing units and school corporations of the county:

(1) as if the money were from property tax collections; and

(2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of a homestead credit or residential property tax replacement credit under this section.

(l) Subject to the approval of the imposing entity, the county auditor may adjust the increased percentage of:

(1) homestead credit determined under subsection (i)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the homesteads in the county; or

(2) residential property tax replacement credit determined under subsection (j)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the residential property in the county.

SECTION 106. IC 6-3.5-7-27, AS AMENDED BY P.L.77-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 27. (a) This section applies to a county that:

(1) operates a courthouse that is subject to an order that:

(A) is issued by a federal district court;

(B) applies to an action commenced before January 1, 2003; and

(C) requires the county to comply with the federal Americans with Disabilities Act; and

(2) has insufficient revenues to finance the construction, acquisition, improvement, renovation, equipping, and operation of the courthouse facilities and related facilities.

(b) A county described in this section possesses unique fiscal challenges in financing, renovating, equipping, and operating the county courthouse facilities and related facilities because the county consistently has one **(1)** of the highest unemployment rates in Indiana. Maintaining low property tax rates is essential to economic development in the county. The use of economic development income tax revenues under this section for the purposes described in subsection (c) promotes that purpose.

(c) In addition to actions authorized by section 5 of this chapter, a county council may, using the procedures set forth in this chapter, adopt an ordinance to impose an additional county economic development income tax on the adjusted gross income of county taxpayers. The ordinance imposing the additional tax must include a finding that revenues from additional tax are needed to pay the costs of:

(1) constructing, acquiring, improving, renovating, equipping, or operating the county courthouse or related facilities;

(2) repaying any bonds issued, or leases entered into, for constructing, acquiring, improving, renovating, equipping, or operating the county courthouse or related facilities; and

(3) economic development projects described in the county's capital improvement plan.

(d) The tax rate imposed under this section may not exceed twenty-five hundredths percent (0.25%).

(e) If the county council adopts an ordinance to impose an additional tax under this section, the county auditor shall, ~~immediately~~ **not more than ten (10) days after the vote,** send a certified copy of the ordinance to **the commissioner of** the department, **the director of the budget agency, and the commissioner of the department of local government finance** by certified mail **or in an electronic format approved by the director of the budget agency.** The county treasurer shall establish a county facilities revenue fund to be used only for the purposes described in subsection (c)(1) and (c)(2). The amount of county economic development income tax revenues derived from the tax rate imposed under this section that are necessary to pay the costs described in subsection (c)(1) and (c)(2) shall be deposited into the county facilities revenue fund before a certified distribution is made under section 12 of this chapter. The remainder shall be deposited into the economic development income tax funds of the county's units.

(f) County economic development income tax revenues derived from the tax rate imposed under this section may not be used for purposes other than those described in this section.

(g) County economic development income tax revenues derived from the tax rate imposed under this section that are deposited into the county facilities revenue fund may not be considered by the department of local government finance in determining the county's ad valorem property tax levy for an ensuing calendar year under IC 6-1.1-18.5.

(h) Notwithstanding any other law, funds accumulated from the county economic development income tax imposed under this section and deposited into the county facilities revenue fund or any other revenues of the county may be deposited into a nonreverting fund of the county to be used for operating costs of the courthouse facilities, juvenile detention facilities, or related facilities. Amounts in the county nonreverting fund may not be used by the department of local government finance to reduce the county's ad valorem property tax levy for an ensuing calendar year under IC 6-1.1-18.5.

SECTION 107. IC 6-3.5-7-27.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 27.6. (a) This section applies to Starke County.**

(b) Starke County possesses unique governmental and economic development challenges due to:

(1) the county's predominantly rural geography, demography, and economy;

(2) the county's relatively low tax base and relatively high property tax rates;

(3) the current maximum capacity of the county jail, which was constructed in 1976; and

(4) pending federal class action litigation seeking a mandate to address capacity and living conditions in the county jail.

The use of county economic development income tax revenue under this section is necessary for the county to address jail capacity and appropriate inmate living conditions and to maintain low property tax rates essential to economic development. The use of the economic development income tax revenue under this section for the purposes described in subsections (c) and (d) promotes that purpose.

(c) The county council may, by ordinance, determine that additional county economic development income tax revenue is needed in the county to:

(1) finance, construct, acquire, and equip the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs; and

(2) repay bonds issued or leases entered into for constructing, acquiring, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(d) The county council may, by ordinance, determine that additional county economic development income tax revenue is needed in the county to operate or maintain the facilities described in subsection (c)(1) that are located in the county. The county council may make a determination under this subsection and under subsection (c).

(e) In addition to the rates permitted by section 5 of this chapter, the county council may, subject to subsections (f) and (g), impose the county economic development income tax at a rate not to exceed sixty-five hundredths percent (0.65%) on the adjusted gross income of county taxpayers if the county council:

(1) makes the determination described in subsection (c); or

(2) makes both the determination described in subsection (c) and the determination described in subsection (d).

(f) If the county council makes only the determination under subsection (c), the county council may adopt a tax rate under subsection (e). The tax rate may not exceed the lesser of:

(1) sixty-five hundredths percent (0.65%); or

(2) the tax rate that is necessary to pay the costs of financing, acquiring, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(g) If the county council makes both the determination under subsection (c) and the determination under subsection (d), the county council may adopt a tax rate under subsection (e). The tax rate may not exceed the lesser of:

(1) sixty-five hundredths percent (0.65%); or

(2) the tax rate that is necessary to:

(A) pay the costs of financing, acquiring, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs; and

(B) provide sufficient annual revenues to operate and maintain the facilities described in subsection (c)(1).

(h) A tax rate imposed under this section may be imposed only until the later of:

(1) the date on which the last of any bonds issued or leases entered into to finance the facilities are fully paid; or

(2) the date on which the ordinance under subsection (c) or (d) is repealed or rescinded.

The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (c)(2) may not exceed twenty-five (25) years.

(i) The county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County economic development income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 11 of this chapter.

(j) County economic development income tax revenues derived from the tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible ad valorem property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued or leases entered into for the purposes described in subsection (c).

SECTION 108. IC 6-3.5-7-28, AS AMENDED BY P.L.172-2011, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 28. (a) This section applies only to a county that is a member of a regional development authority under IC 36-7.6.

(b) In addition to the rates permitted by section 5 of this chapter, the entity that imposed the county economic development income tax under section 5 of this chapter (or, in the case of a county that has not imposed the county economic development income tax, the entity that may impose the county economic development income tax under section 5(a)(3) of this chapter) may by ordinance impose an additional county economic development income tax at a rate of:

(1) in the case of a county described in IC 36-7.6-4-2(b)(2), twenty-five thousandths of one percent (0.025%); or

(2) in the case of any other county to which this section applies, five-hundredths of one percent (0.05%);

on the adjusted gross income of county taxpayers.

(c) If an additional county economic development income tax is imposed under this section, the county treasurer shall establish a county regional development authority fund. Notwithstanding any other provision of this chapter, the county economic development income tax revenues derived from the additional county economic development income tax imposed under this section must be deposited in the county regional development authority fund before any certified distributions are made under section 12 of this chapter.

(d) County economic development income tax revenues derived from the additional county economic development income tax imposed under this section and deposited in the county regional development authority fund:

(1) shall, not more than thirty (30) days after being deposited in the county regional development authority fund, be transferred as provided in IC 36-7.6-4-2 to the development fund of the regional development authority for which the county is a member; and

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy under IC 6-1.1-18.5.

~~(e) Notwithstanding sections 5 and 6 of this chapter, if a county becomes a member of a regional development authority under IC 36-7.6 and imposes an additional county economic development income tax under this section before July 1 of a year, then, notwithstanding section 11 or any other provision of this chapter, the initial certified distribution of the tax revenue that results from the additional tax shall be distributed to the county treasurer from the account established for the county under this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county adopts the ordinance to impose the additional tax:~~

~~(1) One-fourth (1/4) on October 1 of the year in which the ordinance to impose the additional tax is adopted.~~

~~(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance to impose the additional tax is adopted.~~

~~(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance to impose the additional tax is adopted.~~

~~(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance to impose the additional tax is adopted.~~

SECTION 109. IC 6-8.1-9-1, AS AMENDED BY P.L.172-2011, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If a person has paid more tax than the person determines is legally due for a particular taxable period, the person may file a claim for a refund with the department. Except as provided in subsections (f) **and** (g), ~~and (h),~~ in order to obtain the refund, the person must file the claim with the department within three (3) years after the latter of the following:

(1) The due date of the return.

(2) The date of payment.

For purposes of this section, the due date for a return filed for the state gross retail or use tax, the gasoline tax, the special fuel tax, the motor carrier fuel tax, the oil inspection fee, or the petroleum severance tax is the end of the calendar year which contains the taxable period for which the return is filed. The claim must set forth the amount of the refund to which the person is entitled and the reasons that the person is entitled to the refund.

(b) After considering the claim and all evidence relevant to the claim, the department shall issue a decision on the claim, stating the part, if any, of the refund allowed and containing a statement of the reasons for any part of the refund that is denied. The department shall mail a copy of the decision to the person who filed the claim. If the person disagrees with a part of the decision, the person may file a protest and request a hearing with the department. The department shall mail a copy of the decision to the person who filed the protest. If the department allows the full amount of the refund claim, a warrant for the payment of the claim is sufficient notice of the decision.

(c) If the person disagrees with any part of the department's decision, the person may appeal the decision, regardless of whether or not the person protested the tax payment or whether or not the person has accepted a refund. The person must file the appeal with the tax court. The tax court does not have jurisdiction to hear a refund appeal suit, if:

~~(1) the appeal is filed more than three (3) years after the date the claim for refund was filed with the department;~~

~~(2)~~ **(1)** the appeal is filed more than ninety (90) days after the later of the date the department mails:

(A) the decision of denial of the claim to the person; or

(B) the decision made on the protest filed under subsection (b); or

~~(3)~~ **(2)** the appeal is filed both before the decision is issued and before the one hundred eighty-first day after the date the person files the claim for refund with the department.

(d) The tax court shall hear the appeal de novo and without a jury, and after the hearing may order or deny any part of the appealed refund. The court may assess the court costs in any manner that it feels is equitable. The court may enjoin the collection of any of the listed taxes under IC 33-26-6-2. The court may also allow a refund of taxes, interest, and penalties that have been paid to and collected by the department.

(e) With respect to the motor vehicle excise tax, this section applies only to penalties and interest paid on assessments of the motor vehicle excise tax. Any other overpayment of the motor vehicle excise tax is subject to IC 6-6-5.

(f) If a taxpayer's federal income tax liability for a taxable year is modified by the Internal Revenue Service, and the modification would result in a reduction of the tax legally due, the due date by which the taxpayer must file a claim for refund with the department is the later of:

(1) the date determined under subsection (a); or

(2) the date that is one hundred eighty (180) days after the date on which the taxpayer is notified of the modification by the Internal Revenue Service.

(g) If an agreement to extend the assessment time period is entered into under IC 6-8.1-5-2(h), the period during which a person may file a claim for a refund under subsection (a) is extended to the same date to which the assessment time period is extended.

~~(h) If a taxpayer's claim for a refund of gross retail or use tax is based on:~~

~~(1) IC 6-2.5-4-5(c)(3); or~~

~~(2) the exemption provided by IC 6-2.5-5-5.1 for electrical energy, natural or artificial gas, water, steam, and steam heat;~~

~~the person must file the claim with the department within eighteen (18) months after the date of payment.~~

SECTION 110. IC 6-9-2-2, AS AMENDED BY SEA 115-2012, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) The revenue received by the county treasurer under this chapter shall be allocated to the Lake County convention and visitor bureau, Indiana University-Northwest, Purdue University-Calumet, municipal public safety departments, municipal physical and economic development divisions, and the cities and towns in the county as provided in this section. Subsections (b) through (g) do not apply to the distribution of revenue received under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the ~~largest~~ city of ~~the county.~~ **Gary.**

(b) The Lake County convention and visitor bureau shall establish a convention, tourism, and visitor promotion fund (referred to in this chapter as the "promotion fund"). The county treasurer shall transfer to the Lake County convention and visitor bureau for deposit in the promotion fund thirty-five percent (35%) of the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. The promotion fund consists of:

(1) money in the promotion fund on June 30, 2005;

(2) revenue deposited in the promotion fund under this subsection after June 30, 2005; and

(3) investment income earned on the promotion fund's assets.

Money in the funds established by the bureau may be expended to promote and encourage conventions, trade shows, special events, recreation, and visitors. Money may be paid from the funds established by the bureau, by claim in the same manner as municipalities may pay claims under IC 5-11-10-1.6.

(c) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer to Indiana University-Northwest forty-four and thirty-three hundredths percent (44.33%) of the revenue received under this chapter for that year to be used as follows:

(1) Seventy-five percent (75%) of the revenue received under this subsection may be used only for the university's medical education programs.

(2) Twenty-five percent (25%) of the revenue received under this subsection may be used only for the university's allied health education programs.

(d) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall allocate among the cities and towns throughout the county nine percent (9%) of the revenue received under this chapter for that year as follows:

(1) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(2) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).

(3) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than twenty-nine thousand six hundred (29,600) but less than twenty-nine thousand nine hundred (29,900).

(4) Seventy percent (70%) of the revenue covered by this subsection shall be distributed in equal amounts to each town and each city not receiving a distribution under subdivisions (1) through (3).

The money distributed under this subsection may be used only for tourism and economic development projects. The county treasurer shall make the distributions on or before December 1 of each year.

(e) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer to Purdue University-Calumet nine percent (9%) of the revenue received under this chapter for that year. The money received by Purdue University-Calumet may be used by the university only for nursing education programs.

(f) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer two and sixty-seven hundredths percent (2.67%) of the revenue received under this chapter for that year to the following cities:

(1) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(2) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).

Money transferred under this subsection may be used only for convention facilities located within the city. In addition, the money may be used only for facility marketing, sales, and public relations programs. Money transferred under this subsection may not be used for salaries, facility operating costs, or capital expenditures related to the convention facilities. The county treasurer shall make the transfers on or before December 1 of each year.

(g) This subsection applies to the revenue received from the tax imposed under this chapter in each year that exceeds one million two hundred thousand dollars ($1,200,000). During each year, the county treasurer shall distribute money in the promotion fund as follows:

(1) Eighty-five percent (85%) of the revenue covered by this subsection shall be deposited in the convention, tourism, and visitor promotion fund. The money deposited in the fund under this subdivision may be used only for the purposes for which other money in the fund may be used.

(2) Five percent (5%) of the revenue covered by this subsection shall be transferred to Purdue University-Calumet. The money received by Purdue University-Calumet under this subdivision may be used by the university only for nursing education programs.

(3) Five percent (5%) of the revenue covered by this subsection shall be transferred to Indiana University-Northwest. The money received by Indiana University-Northwest under this subdivision may be used only for the university's medical education programs.

(4) Five percent (5%) of the revenue covered by this subsection shall be transferred to Indiana University-Northwest. The money received by Indiana University-Northwest under this subdivision may be used only for the university's allied health education programs.

(h) This subsection applies only to the distribution of revenue received from the tax imposed under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the ~~largest~~ city of ~~the county.~~ **Gary.** During each year, the county treasurer shall transfer:

(1) seventy-five percent (75%) of the revenues under this subsection to the department of public safety; and

(2) twenty-five percent (25%) of the revenues under this subsection to the division of physical and economic development;

of the ~~largest~~ city of ~~the county.~~ **Gary.**

(i) The Lake County convention and visitor bureau shall assist the county treasurer, as needed, with the calculation of the amounts that must be deposited and transferred under this section.

SECTION 111. IC 6-9-33-8, AS AMENDED BY P.L.229-2011, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) If a tax is imposed under section 3 of this chapter, the county treasurer shall establish a supplemental coliseum improvement fund. The

county treasurer shall deposit in this fund all amounts received from the tax imposed under this chapter. Money in this fund:

(1) may be appropriated only to retire or advance refund bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 (referred to in this chapter as "obligations") to remodel, expand, improve, or acquire an athletic and exhibition coliseum in existence before the effective date of an ordinance adopted under section 3 of this chapter; and

(2) shall be used to make transfers required by subsection (b).

(b) There is established a **food and beverage tax fund, with a** food and beverage tax reserve account, **both** to be administered by the capital improvement board of managers (IC 36-10-8). The money that is deposited in the supplemental coliseum improvement fund after December 31, 2009, and is not needed in a year to make payments on obligations for which a pledge of revenue under this chapter was made before January 1, 2009, shall be transferred to the capital improvement board. The county treasurer shall make the transfer before February 1 of the following year. The capital improvement board shall deposit the money it receives in the board's food and beverage tax **fund** reserve account. Money in the reserve account may not be withdrawn or transferred during the year it is received except to make transfers back to the county to make payments on obligations for which a pledge of revenue under this chapter was made before January 1, 2009. However, the capital improvement board may transfer:

(1) interest earned on money in the reserve account; and

(2) an amount equal to the balance that has been held in the reserve account for at least twelve (12) months;

to the board's ~~capital improvement fund established by IC 36-10-8-12.~~ **food and beverage tax fund and used as provided in subsection (c).**

(c) Excess revenue transferred under subsection (b) to the capital improvement board of managers may be used to provide funding for:

(1) the construction of a capital improvement (as defined in IC 36-10-1-4);

(2) an economic development project as described in:

(A) IC 6-3.5-7-13.1(c)(1) or IC 6-3.5-7-13.1(c)(2)(A) through IC 6-3.5-7-13.1(c)(2)(I); and

(B) IC 6-3.5-7-13.1(c)(2)(K); or

(3) financing a capital improvement or an economic development project described in subdivision (1) or (2).

In carrying out this subsection, the capital improvement board may borrow against future tax revenue that will be collected under this chapter. In addition, the capital improvement board may use an amount not to exceed one hundred thousand dollars ($100,000) annually from the tax revenue collected under this chapter to pay expenses related to investigating a potential capital improvement or economic development project, including feasibility and preliminary engineering studies related to such a capital improvement or economic development project.

(d) Excess revenue transferred under subsection (b) to the capital improvement board of managers may not be used to:

(1) provide funding for improvements initiated before January 1, 2009, that are located in the area bounded on the north by Jefferson Boulevard, on the east by Harrison Street, on the south by Breckenridge Street, and on the west by Ewing Street as those public ways were located on January 1 2009, as part of the Harrison Square project;

(2) provide for debt service or lease payments for a project for which the obligations for the project were incurred before January 1, 2009; or

(3) pay operational expenses for any facilities of the municipality.

SECTION 112. IC 20-46-3-6, AS AMENDED BY P.L.182-2009(ss), SECTION 347, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. Subject to IC 6-1.1-18.5-9.9 **(before its repeal),** the department of local government finance may allow a school corporation to establish a levy. The amount of the levy shall be determined each year and the levy may not exceed the lesser of the following:

(1) The revenue derived from a tax rate of eight and thirty-three hundredths cents ($0.0833) for each one hundred dollars ($100) of assessed valuation within the school corporation.

(2) The revenue derived from a tax rate equal to the difference between the maximum rate allowed for the school corporation's capital projects fund under IC 20-46-6 minus the actual capital projects fund rate that will be in effect for the school corporation for a particular year.

SECTION 113. IC 20-46-4-6, AS AMENDED BY P.L.124-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The levy imposed for an assessment date before January 16, 2011, may not exceed the maximum permissible levy permitted under this section as this section was effective on January 1, 2011.

(b) **Except as provided in subsection (c),** the levy imposed for an assessment date after January 15, 2011, may not exceed the amount determined by multiplying:

(1) the school corporation's maximum permissible levy for the fund for the previous year under this chapter, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy in the immediately preceding year); by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2.

(c) This subsection applies to a school corporation if the school corporation's maximum permissible levy for the fund for calendar year 2009 was at least twenty-four percent (24%) less than the school corporation's maximum permissible levy for the fund for calendar year 2008. For the purposes of determining the school corporation's maximum permissible levy for the fund for calendar year 2013, the amount determined under this subsection shall be used under

subsection (b)(1) as the school corporation's maximum permissible levy for the fund for the previous year. The school corporation shall be treated as having a maximum permissible levy for the fund in calendar year 2012 that is equal to the maximum permissible levy for the fund that the school corporation would have had in calendar year 2012 if:

(1) the school corporation's maximum permissible levy is recalculated for calendar year 2009 to eliminate any loss in the school corporation's maximum permissible levy for the fund; and

(2) the school corporation is treated as having levied the entire amount of the school corporation's recalculated maximum permissible levy for the fund in 2009, 2010, and 2011;

as determined by the department of local government finance. The adjustment under this subsection is a permanent adjustment in the school corporation's maximum permissible levy for the fund.

SECTION 114. IC 20-46-6-5, AS ADDED BY P.L.154-2006, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. Subject to IC 6-1.1-18-12 and IC 6-1.1-18.5-9.9 (**before its repeal),** to provide for the fund, the governing body may, for each year in which a plan is in effect, impose a property tax rate that does not exceed forty-one and sixty-seven hundredths cents ($0.4167) on each one hundred dollars ($100) of assessed valuation of the school corporation. The actual rate imposed by the governing body must be advertised in the same manner as other property tax rates.

SECTION 115. IC 36-1-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section does not apply to a county treasurer governed by IC 36-2-10-23.

(b) As used in this section, "credit card" means a:

(1) credit card;

(2) debit card;

(3) charge card; or

(4) stored value card.

(c) A payment to a political subdivision or a municipally owned utility for any purpose may be made by any of the following financial instruments that the fiscal body of the political subdivision or the board of the municipally owned utility authorizes for use:

(1) Cash.

(2) Check.

(3) Bank draft.

(4) Money order.

(5) Bank card or credit card.

(6) Electronic funds transfer.

(7) Any other financial instrument authorized by the fiscal body.

(d) If there is a charge to the political subdivision or municipally owned utility for the use of a financial instrument, the political subdivision or municipally owned utility may collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(e) If authorized by the fiscal body of the political subdivision or the board of the municipally owned utility, the political subdivision or municipally owned utility may accept payments under this section with a bank card or credit card under the procedures set forth in this section. However, the procedure authorized for a particular type of payment must be uniformly applied to all payments of the same type.

(f) The political subdivision or municipally owned utility may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. **However, if there is a vendor transaction charge or discount fee, whether billed to the political subdivision or municipally owned utility or charged directly to the political subdivision's or municipally owned utility's account, the political subdivision or municipally owned utility may collect from the person using the card an official fee that may not exceed the transaction charge or discount fee charged to the political subdivision or municipally owned utility by bank or credit card vendors. The fee is a permitted additional charge under IC 24-4.5-3-202.**

(g) The political subdivision or municipally owned utility may pay any applicable bank card or credit card service charge associated with the use of a bank card or credit card under this subsection.

(h) The authorization of the fiscal body of the political subdivision is not required by the bureau of motor vehicles or the bureau of motor vehicles commission to use electronic funds transfer or other financial instruments to transfer funds to the political subdivision.

SECTION 116. IC 36-1-8-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) As used in this section, "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.**

(b) The fiscal body of a political subdivision or the board of a municipally owned utility may adopt a resolution to authorize an electronic funds transfer method of payment of claims. If a proper body adopts a resolution under this subsection, the political subdivision or municipally owned utility may pay money from its funds by electronic funds transfer.

(c) A political subdivision or municipally owned utility that pays a claim by electronic funds transfer shall comply with all other requirements for the payment of claims by political subdivisions or municipal utilities.

SECTION 117. IC 36-2-9-20, AS AMENDED BY P.L.177-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. The county auditor shall:

(1) maintain an electronic data file of the information contained on the tax duplicate for all:

(A) parcels; and

(B) personal property returns;

for each township in the county as of each assessment date;

(2) maintain the electronic data file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before March ~~1~~ **16** of the next year to:

(A) the legislative services agency in an electronic format under IC 5-14-6; and

(B) the department of local government finance;

in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 118. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss), SECTION 401, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Except as provided in subsection (d), the city-county legislative body shall review the proposed operating and maintenance budgets and tax levies and adopt final operating and maintenance budgets and tax levies for each of the following entities in the county:

(1) An airport authority operating under IC 8-22-3.

(2) A public library operating under IC 36-12.

(3) A capital improvement board of managers operating under IC 36-10.

(4) A public transportation corporation operating under IC 36-9-4.

(5) A health and hospital corporation established under IC 16-22-8.

(6) Any other taxing unit (as defined in IC 6-1.1-1-21) that is located in the county and has a governing body that is not comprised of a majority of officials who are elected to serve on the governing body.

Except as provided in subsection (c), the city-county legislative body may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

(b) The board of each entity listed in subsection (a) shall, after adoption of its proposed budget and tax levies, submit them, along with detailed accounts, to the city clerk before ~~the first day of~~ September ~~of each year.~~ **2.**

(c) The city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town shall review the issuance of bonds of an entity listed in subsection (a). Approval of the city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town is required for the issuance of bonds. The city-county legislative body or the fiscal body of an excluded city or town may not reduce or modify a budget or tax levy of an entity listed in subsection (a) in a manner that would:

(1) limit or restrict the rights vested in the entity to fulfill the terms of any agreement made with the holders of the entity's bonds; or

(2) in any way impair the rights or remedies of the holders of the entity's bonds.

(d) If the assessed valuation of a taxing unit is entirely contained within an excluded city or town (as described in IC 36-3-1-7) that is located in a county having a consolidated city, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body for approval and not the city-county legislative body. Except as provided in subsection (c), the fiscal body of the excluded city or town may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

SECTION 119. IC 36-7-10.1-3, AS AMENDED BY P.L.113-2010, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The legislative body of a municipality or county may by ordinance require the owners of real property located within the municipality or the unincorporated area of the county to cut and remove weeds and other rank vegetation growing on the property. As used in this chapter, "weeds and other rank vegetation" does not include agricultural crops, such as hay and pasture.

(b) An ordinance adopted under subsection (a) must specify the following:

(1) The department of the municipality or county responsible for the administration of the ordinance.

(2) The definitions of weeds and rank vegetation.

(3) The height at which weeds or rank vegetation becomes a violation of the ordinance, specifying the appropriate heights for various types of weeds and rank vegetation.

(4) The procedure for issuing notice to the owner of real property of a violation of the ordinance, **including any procedures for issuing a continuous abatement notice under subsection (d).**

(5) The procedure under which the municipality or county, or its contractors, may enter real property to abate a

violation of the ordinance if the owner fails to abate the violation.

(6) The procedure for issuing a bill to the owner of real property for the costs incurred by the municipality or county in abating the violation, including administrative costs and removal costs. The cost of sending notice under subsection (c) is an administrative cost that may be billed to the owner under this subdivision.

(7) The procedure for appealing a notice of violation or a bill issued under the ordinance.

(c) An ordinance adopted under subsection (a) must provide that a notice sent to the property owner must be sent by certified mail, return receipt requested, or an equivalent service permitted under IC 1-1-7-1 to:

(1) the owner of record of real property with a single owner; or

(2) at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice.

(d) If an initial notice of the violation of an ordinance adopted under this section was provided by certified mail or equivalent service under subsection (c), a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail or equivalent service as required under subsection (c). A continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the municipality or county, or its contractors.

SECTION 120. IC 36-7-15.1-16, AS AMENDED BY P.L.146-2008, SECTION 750, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) For the purpose of raising money to carry out this chapter or IC 36-7-15.3, the city-county legislative body may levy each year a special tax upon all property in the redevelopment district. The tax so levied each year shall be certified to the fiscal officers of the city and the county before ~~September 2~~ **November 1** of each year. The tax shall be estimated and entered upon the tax duplicates by the county auditor, and shall be collected and enforced by the county treasurer in the same manner as state and county taxes are estimated, entered, collected, and enforced.

(b) As the tax is collected by the county treasurer, it shall be accumulated and kept in a separate fund to be known as the redevelopment district fund and shall be expended and applied only for the purposes of this chapter or IC 36-7-15.3.

(c) The amount of the special tax levy shall be based on the budget of the department but may not exceed one and sixty-seven hundredths cents ($0.0167) on each one hundred dollars ($100) of taxable valuation in the redevelopment district, except as otherwise provided in this chapter.

(d) The budgets and tax levies under this chapter are subject to review and modification in the manner prescribed by IC 36-3-6.

SECTION 121. IC 36-7-31.3-10, AS AMENDED BY SEA 115-2012, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in the tax area to the professional sports and convention development area fund established for the city or county. The allocation provision must apply to the entire tax area. ~~However, for all tax areas located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000),~~ **The following apply to Allen County:**

(1) The fund required by this subsection is the coliseum professional sports and convention development area fund. This fund shall be administered by the Allen County Memorial Coliseum board of trustees.

(2) The allocation each year must be as follows:

~~(1)~~ **(A)** The first two million six hundred thousand dollars ($2,600,000) shall be transferred to the county treasurer for deposit in the ~~supplemental~~ coliseum ~~improvement~~ **professional sports and convention development area** fund.

~~(2)~~ **(B)** The remaining amount shall be transferred to the treasurer of the joint county-city capital improvement board in the county.

The resolution must provide the tax area terminates not later than December 31, 2027.

(b) In addition to subsection (a), all of the salary, wages, bonuses, and other compensation that are:

(1) paid during a taxable year to a professional athlete for professional athletic services;

(2) taxable in Indiana; and

(3) earned in the tax area;

shall be allocated to the tax area if the professional athlete is a member of a team that plays the majority of the professional athletic events that the team plays in Indiana in the tax area.

(c) For a tax area that is:

(1) not located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and

(2) not located in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000);

the total amount of state revenue captured by the tax area may not exceed five dollars ($5) per resident of the city or county per year for twenty (20) consecutive years.

(d) For a tax area that is located in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000), the total amount of state revenue captured by the tax area may not exceed six dollars and fifty cents ($6.50) per resident of the city per year for twenty (20) consecutive years.

(e) The resolution establishing the tax area must designate the facility or proposed facility and the facility site for which the tax

area is established.

(f) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

SECTION 122. IC 36-8-15-19, AS AMENDED BY SEA 115-2012, SECTION 222, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) This subsection applies to a county that has a population of more than one hundred eighty-five thousand (185,000) but less than two hundred fifty thousand (250,000). For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for that levy may not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.5-6-17. To make such an election, the county fiscal body must adopt an ordinance before ~~September~~ **November** 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the department of local government finance shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of the district and the units participating in the district.

(d) If a unit by ordinance or resolution joins the district or elects to have its public safety agencies served by the district, the department of local government finance shall reduce the maximum permissible ad valorem property tax levy of the unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the unit for public safety communication services in the year in which the ordinance was adopted. If such an ordinance or resolution is adopted, the district shall refer its proposed budget, ad valorem property tax levy, and property tax rate for the following year to the department of local government finance, which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

(e) If a unit by ordinance or resolution withdraws from the district or rescinds its election to have its public safety agencies served by the district, the department of local government finance shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted, the unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the department of local government finance, which shall review and set the budget, levy, and rate as though the unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district.

(g) A county that has adopted an ordinance under section 1(3) of this chapter may not impose an ad valorem property tax levy on property within the district to fund the operation or implementation of the district.

SECTION 123. IC 36-9-4-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 42. (a) A municipality or a public transportation corporation that expends money for the establishment or maintenance of an urban mass transportation system under this chapter may acquire the money for these expenditures:

(1) by issuing bonds under section 43 or 44 of this chapter;

(2) by borrowing money made available for such purposes by any source;

(3) by accepting grants or contributions made available for such purposes by any source;

(4) in the case of a municipality, by appropriation from the general fund of the municipality, or from a special fund that the municipal legislative body includes in the municipality's budget; or

(5) in the case of a public transportation corporation, by levying a tax under section 49 of this chapter or by recommending an election to use revenue from the county option income taxes, as provided in subsection (c).

(b) Money may be acquired under this section for the purpose of exercising any of the powers granted by or incidental to this chapter, including:

(1) studies under section 4, 9, or 11 of this chapter;

(2) grants in aid;

(3) the purchase of buses or real property by a municipality for lease to an urban mass transportation system, including the payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the buses or real property;

(4) the acquisition by a public transportation corporation of property of an urban mass transportation system, including the payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the property;

(5) the operation of an urban mass transportation system by a public transportation corporation, including the acquisition of additional property for such a system; and

(6) the retirement of bonds issued and outstanding under this chapter.

(c) This subsection applies only to a public transportation corporation located in a county having a consolidated city. In order to provide revenue to a public transportation corporation during a year, the public transportation corporation board may recommend and the county fiscal body may elect to provide revenue to the corporation from part of the certified distribution, if any, that the county is to receive during that same year under IC 6-3.5-6-17. To make the election, the county fiscal body must adopt an ordinance before ~~September~~ **November** 1 of the preceding year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to provide revenue to the corporation. If such an ordinance is adopted, the county fiscal body shall immediately send a copy of the ordinance to the county auditor.

SECTION 127. IC 36-12-12-5, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) If the library board passes a resolution under section 3 of this chapter and the appropriate fiscal body or bodies approve the plan, the library board shall ~~submit the resolution and the plan to the department of local government finance. If the department of local government finance determines that:~~

~~(1) the library board has correctly advertised the plan under section 3(c) of this chapter;~~

~~(2) the plan was adopted by the library board and approved by the appropriate fiscal body or bodies; and~~

~~(3) the plan conforms to the format prescribed by the department;~~

~~the department shall require notice of the submission to be given to the taxpayers of the library district in accordance with IC 5-3-1-2(b).~~ **publish notice of adoption in accordance with IC 5-3-1-2(i).**

(b) Ten (10) or more taxpayers who will be affected by the adopted plan may file a petition with the county auditor of a county in which the library district is located not later than ten (10) days after the publication **of the notice of adoption required by subsection (a),** setting forth the taxpayers' objections to the proposed plan. The county auditor shall immediately certify the petition to the department of local government finance.

SECTION 124. [EFFECTIVE JULY 1, 2013] **(a) The executive of either of the following townships may, upon approval by the township fiscal body, submit a petition to the department of local government finance for an increase in the maximum permissible ad valorem property tax levy under IC 36-8-13 (for township fire protection and emergency services) for property taxes first due and payable in 2013:**

(1) Barkley Township in Jasper County.

(2) Union Township in Jasper County.

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under IC 36-8-13 for a township that submits a petition under this SECTION by the lesser of:

(1) the amount of the increase requested in the petition; or

(2) the amount necessary to increase the township's maximum permissible ad valorem property tax levy under IC 36-8-13 for property taxes first due and payable in 2013 to the amount of the township's maximum permissible ad valorem property tax levy under IC 36-8-13 that applied to taxes first due and payable in 2003.

(c) A township's maximum permissible ad valorem property tax levy under IC 36-8-13 for property taxes first due and payable in 2013, as adjusted under this SECTION, shall be used in the determination of the township's maximum permissible ad valorem property tax levy under IC 36-8-13 for property taxes first due and payable in 2014 and thereafter.

(d) This SECTION expires January 1, 2015.

SECTION 125. [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **(a) IC 6-1.1-12-26.1, as added by this act, applies to property taxes first due and payable after 2012. A deduction statement filed before September 1, 2012, under IC 6-1.1-12-27.1, as amended by this act, is considered timely filed for purposes of obtaining the deduction under IC 6-1.1-12-26.1, as added by this act, in 2012 for property taxes first due and payable in 2013.**

(b) This SECTION expires January 1, 2014.

SECTION 126. [EFFECTIVE JANUARY 1, 2013] **(a) IC 6-2.3-4-7, as added by this act, applies to taxable years beginning after December 31, 2012.**

(b) This SECTION expires January 1, 2015.

SECTION 128. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a fire protection district:**

(1) that was initially established in 2011;

(2) whose maximum levy and cumulative fund rate were first established and approved by the department of local government finance in 2011;

(3) that properly and timely advertised its budget, rates, and levies in 2011 for the 2012 calendar year;

(4) whose budget, rates, and levies were disallowed by the department of local government finance in 2012 due to confusion as to whether the county council that created the fire protection district held a public hearing on the budget, rates, and levies;

(5) whose 2012 budget, rates, and levies were nonetheless timely considered in an open meeting of the county council, and were timely reviewed and approved by the county council; and

(6) that may experience a significant revenue shortfall in 2012 and 2013, requiring the district to seek funds in addition to the amounts available to the district to provide essential fire protection to district residents.

(b) A fire protection district described in this section may borrow a specified amount of money if:

(1) the board of fire trustees of the district finds that:

(A) an emergency exists requiring the expenditure of money not available to the fire district; and

(B) the emergency requiring the expenditure of money is related to paying the operating expenses and obligations of the district; and

(2) the fiscal body of the county approves the expenditure of the money.

(c) A fire protection district shall comply with IC 36-8-11-17 with respect to a borrowing under this section.

(d) The county fiscal body shall levy property taxes in an amount sufficient to cover payments due under the borrowing authorized under this section.

(e) This SECTION expires December 31, 2014.

SECTION 129. [EFFECTIVE UPON PASSAGE] **(a) During the 2012 legislative interim, the commission on state tax and financing policy shall study the topic of whether the value of tax credits under Section 42 of the Internal Revenue Code should be considered in determining the assessed value of low income housing tax credit property.**

(b) Before November 1, 2012, the commission on state tax and financing policy shall report to the legislative council regarding any recommendations on the study topic described in subsection (a).

(c) This SECTION expires January 1, 2013.

SECTION 130. [EFFECTIVE UPON PASSAGE] **(a) During the 2012 and 2013 legislative interims, the commission on state tax and financing policy (IC 2-5-3) shall study all income tax credits using a schedule that provides for approximately half the credits to be studied each year and for the credits to be studied in the order they were enacted. The commission shall prepare a report that covers each credit and that includes the following:**

(1) A review of the original scope and purpose of the credit and whether the scope or purpose has changed since the credit's enactment.

(2) The economic parameters of the credit, including the credit percentage and credit limits, and whether these parameters have changed since the credit's enactment.

(3) A description of the taxpayers that qualify for the credit and how effective the credit has been in assisting these targeted taxpayers.

(4) The type of activities on which the credit is based and how effective the credit has been in promoting these targeted activities.

(5) The amount of the credits granted over time.

(6) A determination of the dollar amount of credits granted but not taken that can be carried forward.

(7) A summary of audit findings for each credit and whether there has been any misuse of the credit.

(8) Suggested changes in the law with regard to each credit, including whether the credit should be retained or not.

(9) Any other issues related to these income tax credits, as determined by the commission.

The commission on state tax and financing policy shall issue the report in two (2) parts, in an electronic format under IC 5-14-6, to the legislative council, not later than November 1, 2012, and November 1, 2013, respectively.

(b) This SECTION expires January 1, 2014.

SECTION 131. [EFFECTIVE JULY 1, 2012] **(a) The legislative council shall assign to an interim or a statutory study committee during the 2012 legislative interim the topic of more clearly defining what is included in instructional spending by school corporations and what is included in noninstructional spending by school corporations for purposes of IC 20-42.5-3-5.**

(b) The study committee assigned the topic described in subsection (a) shall issue a final report, in an electronic format under IC 5-14-6, to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, not later than November 1, 2012.

(c) This SECTION expires December 31, 2012.

SECTION 132. [EFFECTIVE UPON PASSAGE] **(a) The correction of the references to:**

(1) Internal Revenue Code Section 62(a)(2)(D) that is being made in IC 6-3-1-3.5; and

(2) Internal Revenue Code Section 871(k)(1)(C) that is being made in IC 6-3-1-11;

apply to taxable years beginning after December 31, 2010, notwithstanding the July 1, 2012, effective date of the SECTIONS in this act that make the corrections.

(b) This SECTION expires January 1, 2013.

SECTION 133. [EFFECTIVE JULY 1, 2012] **(a) The administrative rule concerning proof by an individual that a residence is the individual's principal place of residence for purposes of the homestead standard deduction that is set forth at 50 IAC 24-3-2 is void. The publisher of the Indiana Administrative Code shall remove 50 IAC 24-3-2 from the Indiana Administrative Code.**

(b) This SECTION expires July 1, 2014.

SECTION 134. [EFFECTIVE JULY 1, 2012] **(a) In repealing IC 6-3.5-7-4.3 by this act, the general assembly recognizes that IC 6-3.5-7-4.3 was amended by SEA 115-2012, SECTION 49. The general assembly intends to repeal that provision.**

(b) This SECTION expires December 31, 2012.

SECTION 135. **An emergency is declared for this act.**

(Reference is to EHB 1072 as reprinted February 29, 2012.)

Espich, Chair	Hershman
Welch	Broden
House Conferees	Senate Conferees

Roll Call 365: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1189–1

Madam President: Your Conference Committee appointed to

confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1189 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-33-2-10, AS AMENDED BY P.L.43-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended; and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children and missing endangered adults established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. However, if a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults;

(2) may not send the school records without the authorization of the clearinghouse; and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

(e) Notwithstanding subsection (d), if a parent of a child who has enrolled in an accredited nonpublic school is in breach of a contract that conditions release of student records on the payment of outstanding tuition and other fees, the accredited nonpublic school shall provide a requesting school sufficient verbal information to permit the requesting school to make an appropriate placement decision regarding the child.

SECTION 2. IC 20-43-1-1, AS AMENDED BY P.L.229-2011, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article expires ~~January~~ **July** 1, ~~2014.~~ **2013.**

SECTION 3. IC 20-43-1-10, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. "Current ADM" means the ~~initial computed~~ **fall count of** ADM for the school year ending in the calendar year.

SECTION 4. IC 20-43-1-12.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12.3. "Fall count" refers to the first count of ADM in a school year under IC 20-43-4-3, as finally adjusted under IC 20-43-4-2.**

SECTION 5. IC 20-43-1-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 24.5. "Spring count" refers to the second count of ADM in a school year under IC 20-43-4-3, as subsequently adjusted under IC 20-43-4-2.**

SECTION 6. IC 20-43-4-3, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) Subject to subsection (b),** the ~~initial day of the~~ **state board shall make an** ADM count ~~must fall:~~ **of the eligible pupils enrolled in each school corporation two (2) times each** ~~within the first thirty (30) days of the~~ school year, **with one (1) count date occurring in each of the following periods:**

(1) The fall count of ADM shall be made on a day during September fixed by the state board.

(2) The spring count of ADM shall be made on a day during February fixed by the state board.

(b) However, if extreme patterns of:

(1) student in-migration;

(2) illness;

(3) natural disaster; or

(4) other unusual conditions in a particular school corporation's enrollment;

on either ~~the~~ **a count** day fixed by the state board or ~~on~~ the subsequent adjustment date cause the enrollment to be unrepresentative of the school corporation's enrollment, ~~throughout a school year,~~ the state board may designate another day for determining the school corporation's enrollment.

SECTION 7. [EFFECTIVE JULY 1, 2012] **(a) The department of education shall before November 1, 2012, report to the budget committee:**

(1) the number of students who left a charter school and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year;

(2) the number of students who left a public school maintained by a school corporation and enrolled in a charter school during the 2011 - 2012 school year;

(3) the number of students who:

(A) left a public school maintained by a school corporation; and

(B) enrolled in a nonpublic eligible school (as defined in IC 20-51-1-4.7) during the 2011 - 2012 school year; and

(4) the number of students who:

(A) received a choice scholarship for the 2011 - 2012 school year; and

(B) left a nonpublic eligible school (as defined in IC 20-51-1-4.7) and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year.

(5) The number of students that attended and graduated from a school corporation's or charter school's high school in February of 2012.

(b) This SECTION expires January 1, 2013.

SECTION 8. [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: **(a) The following definitions apply throughout this SECTION:**

(1) "Maximum state distribution" has the meaning set forth in IC 20-43-1-18.

(2) "Special distribution" refers to the special distribution to school corporations and charter schools (other than a virtual charter schools) authorized for payment in calendar year 2012 from the amount appropriated by P.L.229-2011, SECTION 9 for distribution for tuition support.

(3) "State tuition support" has the meaning set forth in IC 20-43-1-25.

(b) This SECTION does not authorize the department of education to expend for a state fiscal year more than the distribution for tuition support appropriation in P.L.229-2011, SECTION 9 for that state fiscal year.

(c) For the purpose of state tuition support distributions to school corporations and charter schools in calendar year 2012, the allowable amount of the special distribution is excluded from the calculation of maximum state distribution in IC 20-43-2-3. Neither the amount of state tuition support payable in calendar year 2012 nor the amount of special distributions payable in calendar year 2012 to a school corporation or charter school shall be reduced under IC 20-43-2-3 solely because the sum of:

(1) state tuition support; and

(2) special distributions;

authorized by law for payment in calendar year 2012 exceed the amount specified in IC 20-43-2-2(2).

This SECTION expires July 1, 2013.

SECTION 9. [EFFECTIVE JULY 1, 2012] **(a) Five million dollars ($5,000,000) of the appropriation made by P.L.229-2011, SECTION 9 from the charter school facilities assistance fund for the purpose of total operating expense of the charter school facilities assistance program for the state fiscal year beginning July 1, 2012, and ending June 30, 2013, is added to the appropriation made by P.L.229-2011, SECTION 9 from the state general fund for total operating expense of the distribution for tuition support for the state fiscal year beginning July 1, 2012, and ending June 30, 2013. The amount added by this subsection to the appropriation for the distribution for tuition support:**

(1) reduces the appropriation for total operating expense of the charter school facilities assistance program for the state fiscal year beginning July 1, 2012, and ending June 30, 2013; and

(2) is reassigned to the purposes of the appropriation for distribution for tuition support, including the purposes specified by this SECTION.

(b) Notwithstanding IC 20-24-7.5-3, a new charter school startup grant payable to a charter school that is established and begins enrolling eligible pupils in calendar year 2012 shall be paid in six (6) installments with one (1) installment in each of the last six (6) months of calendar year 2012. For purposes of this distribution, the number two (2) shall be substituted for the number three (3) in IC 20-24-7.5-4(2).

(c) Notwithstanding IC 20-24-7.5-4, a new charter school startup grant paid under IC 20-24-7.5-4 in the state fiscal year beginning July 1, 2012, and ending June 30, 2013, shall be paid from the state general fund and not the charter school facilities assistance fund (IC 20-24-12-4). Notwithstanding any other law, the amount paid for new charter school startup grants in the state fiscal year beginning July 1, 2012, and ending June 30, 2013, is payable from the amount appropriated by P.L.229-2011, SECTION 9 for the total operating expense of the distribution for tuition support for the state fiscal year beginning July 1, 2012, and ending June 30, 2013.

(d) Notwithstanding P.L.229-2011, SECTION 9, five million dollars ($5,000,000) of the total of nine million dollars ($9,000,000) required by P.L.229-2011, SECTION 9 to be transferred after June 30, 2012, and before July 1, 2013, from the common school fund interest balance to the charter school facilities assistance fund (IC 20-24-12-4) shall instead be transferred to the state general fund. The amount transferred from the common school fund interest balance to the state general fund under this subsection reduces the amount that must be transferred to the charter school facilities assistance fund (IC 20-24-12-4).

(e) This SECTION expires July 1, 2013.

SECTION 10. **An emergency is declared for this act**.

(Reference is to EHB 1189 as reprinted February 29, 2012.)

Thompson, Chair	Charbonneau
Behning	Kruse
House Conferees	Senate Conferees

Roll Call 366: yeas 35, nays 15. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1195–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1195 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-8-1-23, AS AMENDED BY P.L.146-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 23. (a) ~~Subject to subsection (b),~~ A candidate for the office of county assessor must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; ~~and~~

(2) own real property located in the county upon taking office; **and**

(3) fulfill the requirements of subsections (b) through (d), as applicable.

(b) A candidate for the office of county assessor who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5.

(c) A candidate for the office of county assessor who:

(1) did not hold the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.

(d) A candidate for the office of county assessor who:

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.

SECTION 2. IC 6-1.1-4-39, AS AMENDED BY P.L.146-2008, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 39. (a) For assessment dates after February 28, 2005, except as provided in subsections (c) and (e), the true tax value of real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more and that has more than four (4) rental units is the lowest valuation determined by applying each of the following appraisal approaches:

(1) Cost approach that includes an estimated reproduction or replacement cost of buildings and land improvements as of the date of valuation together with estimates of the losses in value that have taken place due to wear and tear, design and plan, or neighborhood influences.

(2) Sales comparison approach, using data for generally comparable property.

(3) Income capitalization approach, using an applicable capitalization method and appropriate capitalization rates that are developed and used in computations that lead to an indication of value commensurate with the risks for the subject property use.

(b) The gross rent multiplier method is the preferred method of valuing:

(1) real property that has at least one (1) and not more than four (4) rental units; and

(2) mobile homes assessed under IC 6-1.1-7.

(c) A township assessor (if any) or the county assessor is not required to appraise real property referred to in subsection (a) using the three (3) appraisal approaches listed in subsection (a) if the assessor and the taxpayer agree before notice of the assessment is given to the taxpayer under section 22 of this chapter to the determination of the true tax value of the property by the assessor using one (1) of those appraisal approaches.

(d) To carry out this section, the department of local government finance may adopt rules for assessors to use in gathering and processing information for the application of the income capitalization method and the gross rent multiplier method. **If a taxpayer wishes to have the income capitalization method or the gross rent multiplier method used in the initial formulation of the assessment of the taxpayer's property, the taxpayer must submit the necessary information to the assessor not later than the March 1 assessment date. However, the taxpayer is not prejudiced in any way and is not restricted in pursuing an appeal, if the data is not submitted by March 1.** A taxpayer must verify under penalties for perjury any information provided to the township or county assessor for use in the application of either method. **All information related to earnings, income, profits, losses, or expenditures that is provided to the assessor under this section is confidential under IC 6-1.1-35-9 to the same extent as information related to earnings, income, profits, losses, or expenditures of personal property is confidential under IC 6-1.1-35-9.**

(e) The true tax value of low income rental property (as defined in section 41 of this chapter) is not determined under subsection (a). The assessment method prescribed in section 41 of this chapter is the exclusive method for assessment of that property. This subsection does not impede any rights to appeal an assessment.

SECTION 3. IC 6-1.1-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The powers granted to each county property tax assessment board of appeals under this chapter apply only to the tangible property assessments made with respect to the last preceding assessment date. Before a county property tax assessment board of appeals changes any valuation or adds any tangible property and the value of it to a return or the assessment rolls under this chapter, the board shall give prior notice by mail to the taxpayer. The notice must state a time when and place where the taxpayer may appear before the board. The time stated in the notice must be at least ~~ten (10)~~ **thirty (30)** days after the date the notice is mailed.

SECTION 4. IC 6-1.1-15-1, AS AMENDED BY P.L.172-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A taxpayer may obtain a review by the county board of a county or township official's action with respect to either or both of the following:

(1) The assessment of the taxpayer's tangible property.

(2) A deduction for which a review under this section is authorized by any of the following:

(A) IC 6-1.1-12-25.5.
(B) IC 6-1.1-12-28.5.
(C) IC 6-1.1-12-35.5.
(D) IC 6-1.1-12.1-5.
(E) IC 6-1.1-12.1-5.3.
(F) IC 6-1.1-12.1-5.4.

(b) At the time that notice of an action referred to in subsection (a) is given to the taxpayer, the taxpayer shall also be informed in writing of:

(1) the opportunity for a review under this section, including a preliminary informal meeting under subsection (h)(2) with the county or township official referred to in this subsection; and

(2) the procedures the taxpayer must follow in order to obtain a review under this section.

(c) In order to obtain a review of an assessment or deduction effective for the assessment date to which the notice referred to in subsection (b) applies, the taxpayer must file a notice in writing with the county or township official referred to in subsection (a) not later than forty-five (45) days after the date of the notice referred to in subsection (b).

(d) A taxpayer may obtain a review by the county board of the assessment of the taxpayer's tangible property effective for an assessment date for which a notice of assessment is not given as described in subsection (b). To obtain the review, the taxpayer must file a notice in writing with the township assessor, or the county assessor if the township is not served by a township assessor. The right of a taxpayer to obtain a review under this subsection for an assessment date for which a notice of assessment is not given does not relieve an assessing official of the duty to provide the taxpayer with the notice of assessment as otherwise required by this article. The notice to obtain a review must be filed not later than the later of:

(1) May 10 of the year; or

(2) forty-five (45) days after the date of the tax statement mailed by the county treasurer, regardless of whether the assessing official changes the taxpayer's assessment.

(e) A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (d) after the time prescribed in subsection (d) becomes effective for the next assessment date. A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (c) or (d) remains in effect from the assessment date for which the change is made until the next assessment date for which the assessment is changed under this article.

(f) The written notice filed by a taxpayer under subsection (c) or (d) must include the following information:

(1) The name of the taxpayer.

(2) The address and parcel or key number of the property.

(3) The address and telephone number of the taxpayer.

(g) The filing of a notice under subsection (c) or (d):

(1) initiates a review under this section; and

(2) constitutes a request by the taxpayer for a preliminary informal meeting with the official referred to in subsection (a).

(h) A county or township official who receives a notice for review filed by a taxpayer under subsection (c) or (d) shall:

(1) immediately forward the notice to the county board; and

(2) attempt to hold a preliminary informal meeting with the taxpayer to resolve as many issues as possible by:

(A) discussing the specifics of the taxpayer's assessment or deduction;

(B) reviewing the taxpayer's property record card;

(C) explaining to the taxpayer how the assessment or deduction was determined;

(D) providing to the taxpayer information about the statutes, rules, and guidelines that govern the determination of the assessment or deduction;

(E) noting and considering objections of the taxpayer;

(F) considering all errors alleged by the taxpayer; and

(G) otherwise educating the taxpayer about:

(i) the taxpayer's assessment or deduction;

(ii) the assessment or deduction process; and

(iii) the assessment or deduction appeal process.

(i) Not later than ten (10) days after the informal preliminary meeting, the official referred to in subsection (a) shall forward to the county auditor and the county board the results of the conference on a form prescribed by the department of local government finance that must be completed and signed by the taxpayer and the official. The form must indicate the following:

(1) If the taxpayer and the official agree on the resolution of all assessment or deduction issues in the review, a statement of:

(A) those issues; and

(B) the assessed value of the tangible property or the amount of the deduction that results from the resolution of those issues in the manner agreed to by the taxpayer and the official.

(2) If the taxpayer and the official do not agree on the resolution of all assessment or deduction issues in the review:

(A) a statement of those issues; and

(B) the identification of:

(i) the issues on which the taxpayer and the official agree; and

(ii) the issues on which the taxpayer and the official disagree.

(j) If the county board receives a form referred to in subsection (i)(1) before the hearing scheduled under subsection (k):

(1) the county board shall cancel the hearing;

(2) the county official referred to in subsection (a) shall give notice to the taxpayer, the county board, the county assessor, and the county auditor of the assessment or deduction in the amount referred to in subsection (i)(1)(B); and

(3) if the matter in issue is the assessment of tangible property, the county board may reserve the right to change

the assessment under IC 6-1.1-13.

(k) If:

(1) subsection (i)(2) applies; or

(2) the county board does not receive a form referred to in subsection (i) not later than one hundred twenty (120) days after the date of the notice for review filed by the taxpayer under subsection (c) or (d);

the county board shall hold a hearing on a review under this subsection not later than one hundred eighty (180) days after the date of that notice. The county board shall, by mail, give **at least thirty (30) days** notice of the date, time, and place fixed for the hearing to the taxpayer and the county or township official with whom the taxpayer filed the notice for review. The taxpayer and the county or township official with whom the taxpayer filed the notice for review are parties to the proceeding before the county board. **A taxpayer may request a continuance of the hearing by filing, at least twenty (20) days before the hearing date, a request for continuance with the board and the county or township official with evidence supporting a just cause for the continuance. The board shall, not later than ten (10) days after the date the request for a continuance is filed, either find that the taxpayer has demonstrated a just cause for a continuance and grant the taxpayer the continuance, or deny the continuance. A taxpayer may request that the board take action without the taxpayer being present and that the board make a decision based on the evidence already submitted to the board by filing, at least eight (8) days before the hearing date, a request with the board and the county or township official. A taxpayer may withdraw a petition by filing, at least eight (8) days before the hearing date, a notice of withdrawal with the board and the county or township official.**

(l) At the hearing required under subsection (k):

(1) the taxpayer may present the taxpayer's reasons for disagreement with the assessment or deduction; and

(2) the county or township official with whom the taxpayer filed the notice for review must present:

(A) the basis for the assessment or deduction decision; and

(B) the reasons the taxpayer's contentions should be denied.

A penalty of fifty dollars ($50) shall be assessed against the taxpayer if the taxpayer or representative fails to appear at the hearing and, under subsection (k), the taxpayer's request for continuance is denied, or the taxpayer's request for continuance, request for the board to take action without the taxpayer being present, or withdrawal is not timely filed. A taxpayer may appeal the assessment of the penalty to the Indiana board or directly to the tax court.

(m) The official referred to in subsection (a) may not require the taxpayer to provide documentary evidence at the preliminary informal meeting under subsection (h). The county board may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (k). If the action for which a taxpayer seeks review under this section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the property in order to do the following:

(1) Initiate the review.

(2) Prosecute the review.

(n) The county board shall prepare a written decision resolving all of the issues under review. The county board shall, by mail, give notice of its determination not later than one hundred twenty (120) days after the hearing under subsection (k) to the taxpayer, the official referred to in subsection (a), the county assessor, and the county auditor.

(o) If the maximum time elapses:

(1) under subsection (k) for the county board to hold a hearing; or

(2) under subsection (n) for the county board to give notice of its determination;

the taxpayer may initiate a proceeding for review before the Indiana board by taking the action required by section 3 of this chapter at any time after the maximum time elapses.

SECTION 5. IC 6-1.1-15-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 18. (a) This section applies to an appeal to which this chapter applies, including any review by the board of tax review or the tax court.**

(b) This section applies to any proceeding pending or commenced after June 30, 2012.

(c) To accurately determine market-value-in-use, a taxpayer or an assessing official may:

(1) in a proceeding concerning residential property, introduce evidence of the assessments of comparable properties located in the same taxing district or within two (2) miles of a boundary of the taxing district; and

(2) in a proceeding concerning property that is not residential property, introduce evidence of the assessments of any relevant, comparable property.

However, in a proceeding described in subdivision (2), preference shall be given to comparable properties that are located in the same taxing district or within two (2) miles of a boundary of the taxing district. The determination of whether properties are comparable shall be made using generally accepted appraisal and assessment practices.

SECTION 6. IC 6-1.1-35.5-4.5, AS ADDED BY P.L.219-2007, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) The department ~~of local government finance~~ shall:

(1) administer a program for level three assessor-appraiser certifications; ~~and~~

(2) design a curriculum for level three assessor-appraiser certification candidates that:

(A) ~~consists of~~ **specifies educational criteria for acceptable** tested courses offered by:

(i) nationally recognized assessing organizations; ~~and~~

(ii) postsecondary educational institutions; or

(iii) other education delivery organizations;

in each subject matter area of the curriculum; and

(B) requires superior knowledge of assessment administration and property valuation concepts; **and**

(3) carry out a program to approve courses that meet the requirements of the curriculum described in subdivision (2) and approve course sponsors that provide these courses.

Only an approved sponsor may offer a course that meets the curriculum requirements for level three assessor-appraiser certification candidates. The department shall establish procedures and requirements for courses and course sponsors that permit the department to verify that sponsors and courses meet the standards established by the department and that candidates comply with these standards. The department shall maintain a list of approved sponsors and approved courses that meet the criteria for the level three assessor-appraiser certification curriculum designed under subsection (a)(2).

(b) The department of local government finance may adopt rules under IC 4-22-2 to implement this section. **The department of local government may adopt temporary rules in the manner provided for the adoption of emergency rules in IC 4-22-2-37.1 to carry out a program to approve courses that meet the requirements of the curriculum described in subdivision (2) and approve course sponsors that provide these courses. A temporary rule adopted under this subsection expires on the earliest of the following:**

(1) The date specified in the temporary rule.

(2) The date that another temporary rule or rule adopted under IC 4-22-2 supersedes or repeals the temporary rule.

(3) January 1, 2014.

SECTION 7. IC 6-1.1-37-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) If a taxpayer is entitled to a property tax refund or credit because an assessment is decreased, the taxpayer shall also be paid, or credited with, interest on the excess taxes that ~~he~~ **the taxpayer** paid at the rate of four percent (4%) per annum. **However, in the case of an assessment that is decreased by the Indiana board or the Indiana tax court, the taxpayer is not entitled to the greater of five hundred dollars ($500) or twenty percent (20%) of the interest to which the taxpayer would otherwise be entitled on the excess taxes unless the taxpayer affirms, under penalty of perjury, that substantive evidence supporting the taxpayer's position had been:**

(1) presented by the taxpayer to the assessor before; or

(2) introduced by the taxpayer at;

the hearing held by the county property tax assessment board of appeals. An appraisal may not be required by the county property tax assessment board of appeals or the assessor in a proceeding before the county property tax assessment board of appeals or in a preliminary informal meeting under IC 6-1.1-15-1(h)(2).

(b) For purposes of this section and except as provided in subsection (c), the interest shall be computed from the date on which the taxes were paid or due, whichever is later, to the date of the refund or credit.

(c) This subsection applies if a taxpayer who is entitled to a refund or credit does not make a written request for the refund or credit to the county auditor within forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the department of local government finance, the Indiana board, or the tax court that entitles the taxpayer to the refund or credit. In the case of a taxpayer described in this subsection, the interest shall be computed from the date on which the taxes were paid or due to the date that is forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the department of local government finance, the Indiana board of tax review, or the Indiana tax court. In any event, a property tax refund or credit must be issued not later than ninety (90) days after the request is received.

SECTION 8. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This SECTION applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2008 and 2009.

(c) This SECTION applies only to a taxpayer that is an Indiana nonprofit corporation that serves the homeless and to land and improvements that meet all of the following conditions:

(1) The corporation leased land and improvements that served as a homeless shelter that met the physical, emotional, academic, and spiritual needs of children, teens, adults, and families during 2008 and 2009. The corporation timely filed an application under IC 6-1.1-11 for a property tax exemption for the land and improvements and received an exemption from property taxes for the 2007, 2010, and 2011 assessment dates for the land and improvements.

(2) The corporation did not timely file an application under IC 6-1.1-11 for a property tax exemption for the land and improvements described in subdivision (1) for the 2008 and 2009 assessment dates, and as a result the corporation's land and improvements referred to in subdivision (1) were assessed and subject to property taxation for the 2008 and 2009 assessment dates.

(3) For the 2008 and 2009 assessment dates, the land and improvements described in subdivision (1) would have been eligible for a property tax exemption if the corporation had filed an exemption application under IC 6-1.1-11.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under

IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the corporation for all taxes paid for the 2008 and 2009 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in two (2) equal installments over a two (2) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2015.

SECTION 9. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This SECTION applies to an assessment date (as defined in IC 6-1.1-1-2) occurring in 2011.

(c) This SECTION applies only to a taxpayer and property that meet all of the following conditions:

(1) The taxpayer is a church.

(2) The taxpayer's primary property is located at 611 West Berry Street, Fort Wayne, Indiana, and is exempt from property taxation.

(3) The taxpayer received two (2) parcels of property by gift as of March 15, 2011 ("gifted properties").

(4) Notwithstanding that the date the taxpayer became the owner of the gifted properties was after the March 1, 2011, assessment date, for the 2011 assessment date, the taxpayer would have been eligible for a property tax exemption if the taxpayer had been the owner on March 1, 2011, and had owned, occupied, and used the gifted properties for a religious or charitable purpose consistent with the taxpayer's primary property located at 611 West Berry Street, Fort Wayne, Indiana.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b), notwithstanding the date of ownership of the gifted properties by the taxpayer; and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the gifted properties that are subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the taxpayer had owned the gifted properties and had filed an application under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d), notwithstanding the taxpayer's date of ownership of the gifted properties;

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the taxpayer for all taxes paid

for the 2011 assessment date with respect to the exempt property.

(h) This SECTION expires January 1, 2013.

SECTION 10. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This SECTION applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2009 and 2010.

(c) This SECTION applies only to a taxpayer that is an Indiana nonprofit corporation that is a foundation supporting the preservation of and education related to the Ford automobile that first used the V-8 engine and to land and improvements that meet all of the following conditions:

(1) The corporation timely filed an application under IC 6-1.1-11 for a property tax exemption for the land and improvements owned, used, and occupied by the corporation for the foundation's purpose and received an exemption from property taxes for the 2011 and 2012 assessment dates.

(2) The corporation did not timely file an application under IC 6-1.1-11 for a property tax exemption for the land and improvements described in subdivision (1) for the 2009 and 2010 assessment dates, and as a result the corporation's land and improvements referred to in subdivision (1) were assessed and subject to property taxation for the 2009 and 2010 assessment dates.

(3) For the 2009 and 2010 assessment dates, the land and improvements described in subdivision (1) would have been eligible for a property tax exemption if the corporation had filed an exemption application under IC 6-1.1-11.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the corporation for all taxes paid for the 2009 and 2010 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in two (2) equal installments over a two (2) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2013.

SECTION 11. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This section applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2009 through 2011.

(c) As used in this SECTION, "taxpayer" refers to an Indiana nonprofit corporation, trust, or other entity that is exempt from Indiana adjusted gross income taxes under IC 6-3-2-2.8(1) and that owns real or personal property, or both, located at one (1) of the following parcels or street addresses in Marion County:

(1) Parcel 1025784 at 3145 North Meridian Street.

(2) Parcels 1054687, 1011724, 1024353, 1060216, and 1092651 at 1544 Columbia Avenue.

(3) Parcel 1009407 at 2455 Dr. Martin Luther King Jr. Street.

(4) 8604 Allisonville Road.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments,

relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the taxpayer for all taxes paid for the 2009 through 2011 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in three (3) equal installments over a three (3) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2016.

SECTION 12. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.**

(b) This section applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2010 and 2011.

(c) As used in this SECTION, "taxpayer" refers to an Indiana nonprofit corporation, trust, or other entity that is exempt from Indiana adjusted gross income taxes under IC 6-3-2-2.8(1) and that owns real or personal property, or both, located at 2201 East 54th Street (Parcel 8047974) in Marion County.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the taxpayer for all taxes paid for the 2010 and 2011 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in two (2) equal installments over a two (2) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2015.

SECTION 13. **An emergency is declared for this act.**

(Reference is to EHB 1195 as printer's error reprinted February 29, 2012.)

M. Smith, Chair	Walker
Thompson	Broden
House Conferees	Senate Conferees

Roll Call 367: yeas 50, nays 0. Report adopted.

12:39 a.m.

The Chair declared a recess until the fall of the gavel.

RECESS

The Senate reconvened at 1:00 a.m., with Senator Long in the Chair.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 26 because it conflicts with HEA 1196-2012 without properly recognizing the existence of HEA 1196-2012, has had Engrossed Senate Bill 26 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 26 be corrected as follows:

In the conference committee report on ESB 26, page 52, line 9, delete "**35-44-3-5).**" and insert "**35-44.1-3-4).**".

In the conference committee report on ESB 26, page 88, delete lines 48 through 50, begin a new paragraph and insert:

"SECTION 131. IC 35-41-1-26.3, AS AMENDED BY HEA 1196-2012, SECTION 11, IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26.3. "Synthetic drug" means:~~

~~(1) a substance containing one (1) or more of the following chemical compounds, including an analog of the compound:~~

~~(A) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).~~
~~(B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).~~
~~(C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).~~
~~(D) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).~~
~~(E) JWH-081 (4-methoxynaphthalen- 1-yl-(1-pentylindol- 3-yl)methanone).~~
~~(F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).~~
~~(G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).~~
~~(H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).~~
~~(I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).~~
~~(J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).~~
~~(K) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).~~
~~(L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).~~
~~(M) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan- 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).~~
~~(N) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).~~
~~(O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5- (2-methyloctan-2-yl)phenol).~~
~~(P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2 -yl) phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.~~
~~(Q) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin-6-yl]-1-napthalenylmethanone).~~
~~(R) RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).~~
~~(S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).~~
~~(T) 4-Methylmethcathinone. Other name: mephedrone.~~
~~(U) 3,4-Methylenedioxymethcathinone. Other name: methylone.~~
~~(V) Fluoromethcathinone.~~
~~(W) 4-Methoxymethcathinone. Other name: methedrone.~~
~~(X) 4-Ethylmethcathinone (4-EMC).~~
~~(Y) Methylenedioxypyrovalerone. Other name: MDPV.~~
~~(Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.~~
~~(AA) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.~~
~~(BB) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.~~
~~(CC) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.~~
~~(DD) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole.~~
~~(EE) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.~~
~~(FF) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.~~
~~(GG) CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate.~~
~~(HH) Dimethylheptylpyran, or DMHP.~~
~~(II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.~~
~~(JJ) 6-APB [6-(2-aminopropyl)benzofuran].~~
~~(LL) 7-hydroxymitragynine.~~
~~(MM) α-PPP [α-pyrrolidinopropiophenone].~~
~~(NN) α-PVP (desmethylpyrovalerone).~~
~~(OO) AM-251.~~
~~(PP) AM-1241.~~

~~(QQ) AM-2201.~~
~~(RR) AM-2233.~~
~~(SS) Buphedrone.~~
~~(TT) Butylone.~~
~~(UU) CP-47,497-C7.~~
~~(VV) CP-47,497-C8.~~
~~(WW) Desoxypipradol.~~
~~(XX) Ethylone.~~
~~(YY) Eutylone.~~
~~(ZZ) Flephedrone.~~
~~(AAA) JWH-011.~~
~~(BBB) JWH-020.~~
~~(CCC) JWH-022.~~
~~(DDD) JWH-030.~~
~~(EEE) JWH-182.~~
~~(FFF) JWH-302.~~
~~(GGG) MDAI [5,6-methylenedioxy-2-aminoindane].~~
~~(HHH) Mitragynine.~~
~~(III) Naphyrone.~~
~~(JJJ) Pentedrone.~~
~~(LLL) Pentylone.~~
~~(MMM) Methoxetamine [2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone].~~

~~(2) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(3) Any compound structurally derived from 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(4) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(5) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.~~

~~(6) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent.~~

~~(7) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.~~

~~(8) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:~~

~~(A) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;~~

~~(B) by substitution at the 3-position with an acyclic alkyl substituent;~~

~~(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or~~

~~(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.~~

~~(9) Any compound determined to be a synthetic drug by rule adopted under IC 25-26-13-4.1.~~".

In the conference committee report on ESB 26, delete pages 89 through 91.

In the conference committee report on ESB 26, page 92, delete line 1.

In the conference committee report on ESB 26, page 102, delete lines 34 through 50, begin a new paragraph and insert:

"SECTION 145. IC 35-50-5-1.1, AS AMENDED BY SEA 262-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is convicted of a misdemeanor under IC 35-44.1-1, the court may include in the sentence an order rendering the person incapable of holding a public office of trust or profit for a fixed period of not more than ten (10) years.

(b) If any officer of a governmental entity is convicted of a misdemeanor under IC 35-44.1-1, the court may enter an order removing the officer from office.

(c) This subsection applies whenever:

(1) the court enters an order under this section that applies to a person who is an officer of a governmental entity (as

defined in ~~IC 35-41-1-12);~~ **IC 35-31.5-2-144);** and

(2) a vacancy occurs in the office held by the person as the result of the court's order.

The court must file a certified copy of the order with the person who is entitled under IC 5-8-6 to receive notice of the death of an individual holding the office. The person receiving the copy of the order must give notice of the order in the same manner as if the person had received a notice of the death of the officeholder under IC 5-8-6. The person required or permitted to fill the vacancy that results from a removal under this section must comply with IC 3-13 or IC 20, whichever applies, to fill the vacancy.".

In the conference committee report on ESB 26, page 103, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

(Reference is to ESB 26 as printed February 14, 2012, as amended by the Conference Committee Report to ESB 26.)

LONG, Chair
SIMPSON, R.M.M.
BRAY

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed Senate Bills 1–1, 257–1, and 262–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Bartlett as a conferee on Engrossed Senate Bill 175 and now appoints Representative Koch thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed House Bills 1003–1, 1072–1, 1189–1, and 1195–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on March 9, 2012, signed House Enrolled Acts: 1040, 1134, 1169, and 1325.

DAVID C. LONG
President Pro Tempore

SENATE MOTION

Madam President: I move that Senators Leising, Glick, and M. Young be added as coauthors of Engrossed Senate Bill 293.

SMITH

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 86(k) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed House Bills 1269, 1280, and 1376 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
EHB 1280–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1280 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 2.5. Regulation of Intrastate Commerce

Sec. 1. This chapter applies to all:

(1) goods grown, manufactured, or made; and

(2) services performed;

in Indiana after July 1, 2012.

Sec. 2. The general assembly declares the following:

(1) The Tenth Amendment to the Constitution of the United States provides that the only powers that the federal government may exercise are those that have been delegated to the federal government in the Constitution of the United States.

(2) The Ninth Amendment to the Constitution of the United States guarantees to the people rights not enumerated in the Constitution and reserves to the people of Indiana those rights.

(3) Under Article I, Section 8, Clause 3 of the Constitution of the United States, the federal government is empowered to regulate commerce among the several states.

(4) The power to regulate intrastate commerce is reserved to the states or the people under the Ninth and Tenth Amendments to the Constitution of the United States.

(5) During the Constitutional Convention, the founders considered a plan that would have authorized the federal government not only to regulate commerce among the several states, but also to regulate any activity having spillover effects across state lines. The founders rejected this latter idea.

(6) All:

(A) goods grown, manufactured, or made in Indiana; and

(B) services performed in Indiana;

when the goods or services are sold, maintained, and retained in Indiana are not subject to the authority of the Congress of the United States under the constitutional power of Congress to regulate commerce among the several states.

SECTION 2. IC 4-3-22-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. As used in this chapter, "continuous process improvement" means a management methodology that combines tools to improve process speed and reduce waste with data driven project analysis to provide products and services with improved quality at lower cost.**

SECTION 3. IC 4-3-22-6, AS ADDED BY P.L.246-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The division of government efficiency and financial planning is established within the OMB. The director shall appoint, subject to the approval of the governor, a director of the division, who serves at the pleasure of the director of OMB.

(b) The division shall **do the following:**

(1) Conduct operational and procedural audits of state government.

(2) Perform financial planning **and** design and implement efficiency projects. ~~and~~

(3) Advise and assist:

(A) each instrumentality, agency, authority, board, commission, and officer in the executive department of state government; and

(B) each body corporate and politic established as an instrumentality of the state;

to identify and implement continuous process improvement in state government.

(4) Carry out such other responsibilities as may be designated by the director.

SECTION 4. IC 4-21.5-3-1, AS AMENDED BY P.L.6-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section applies to:

(1) the giving of any notice;

(2) the service of any motion, ruling, order, or other filed item; or

(3) the filing of any document with the ultimate authority;

in an administrative proceeding under this article.

(b) Except as provided in subsection (c) or as otherwise provided by law, a person shall serve papers by:

(1) United States mail;

(2) personal service;

(3) electronic mail; or

(4) any other method approved by the Indiana Rules of Trial Procedure.

(c) The following shall be served by United States mail or personal service:

(1) The initial notice of a determination under section ~~4, 5, or~~ 6 of this chapter.

(2) A petition for review of an agency action under section 7 of this chapter.

(3) A complaint under section 8 of this chapter.

(d) The agency shall keep a record of the time, date, and circumstances of the service under subsection (b) or (c).

(e) Service shall be made on a person or on the person's counsel or other authorized representative of record in the proceeding. Service on an artificial person or a person incompetent to receive service shall be made on a person allowed to receive service under the rules governing civil actions in the courts. If an ultimate authority consists of more than one (1) individual, service on that ultimate authority must be made on the chairperson or secretary of the ultimate authority. A document to be filed with that ultimate authority must be filed with the chairperson or secretary of the ultimate authority.

(f) If the current address of a person is not ascertainable, service shall be mailed to the last known address where the person resides or has a principal place of business. If the identity, address, or existence of a person is not ascertainable, or a law other than a rule allows, service shall be made by a single publication in a newspaper of general circulation in:

(1) the county in which the person resides, has a principal place of business, or has property that is the subject of the proceeding; or

(2) Marion County, if the place described in subdivision (1) is not ascertainable or the place described in subdivision (1) is outside Indiana and the person does not have a resident agent or other representative of record in Indiana.

(g) A notice given by publication must include a statement advising a person how the person may receive written notice of the proceedings.

(h) The filing of a document with an ultimate authority is complete on the earliest of the following dates that apply to the filing:

(1) The date on which the document is delivered to the ultimate authority:

(A) under subsection (b) or (c); and

(B) in compliance with subsection (e).

(2) The date of the postmark on the envelope containing the document, if the document is mailed to the ultimate authority by United States mail.

(3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the ultimate authority by private carrier.

SECTION 5. IC 4-22-2-19.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 19.7. An agency, to the extent feasible and permitted by law, shall afford the public a meaningful opportunity to comment on proposed rules through the agency's Internet web site. An agency shall consider providing a comment period that exceeds the minimum required by law.**

SECTION 6. IC 4-22-2-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 22.5. (a) This section applies to a rule that an agency intends to adopt under sections 24 through 36 of this chapter.**

(b) Each agency shall maintain a current rulemaking docket that is indexed.

(c) A current rulemaking docket must list each pending rulemaking proceeding. The docket must state or contain:

(1) the subject matter of the proposed rule;

(2) notices related to the proposed rule;

(3) how comments may be made;

(4) the time within which comments may be made;

(5) where comments may be inspected;

(6) requests for a public hearing;

(7) appropriate information about a public hearing, if any, including the names of the persons making the request;

(8) a description of relevant scientific and technical findings related to the proposed rule; and

(9) the timetable for action.

(d) The agency shall maintain the rulemaking docket on the agency's Internet web site. The information must be in an open format that can be easily searched and downloaded. Access to the docket shall, to the extent feasible and permitted by law, provide an opportunity for public comment on the pertinent parts of the rulemaking docket, including relevant scientific and technical findings. Upon request, the agency shall provide a written rulemaking docket.

SECTION 7. IC 4-22-2-23, AS AMENDED BY P.L.215-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) This section does not apply to rules adopted under IC 4-22-2-37.1.

(b) At least twenty-eight (28) days before an agency notifies the public of the agency's intention to adopt a rule under section 24 of this chapter, the agency shall notify the public of its intention to adopt a rule by publishing a notice of intent to adopt a rule in the Indiana Register. The publication notice must include an overview of the intent and scope of the proposed rule and the statutory authority for the rule.

(c) The requirement to publish a notice of intent to adopt a rule under subsection (b) does not apply to rulemaking under IC 13-14-9.

(d) In addition to the procedures required by this article, an agency may solicit comments from the public on the need for a rule, the drafting of a rule, or any other subject related to a rulemaking action, **including members of the public who are likely to be affected because they are the subject of the potential rulemaking or are likely to benefit from the potential rulemaking.** The procedures that the agency may use include the holding of conferences and the inviting of written suggestions, facts, arguments, or views.

(e) The agency shall prepare a written response that contains a summary of the comments received during any part of the rulemaking process. The written response is a public document. The agency shall make the written response available to interested parties upon request.

SECTION 8. IC 4-22-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 10. Document Drafting Standards

Sec. 1. As used in this chapter, "agency" has the meaning set forth in IC 4-22-2-3.

Sec. 2. As used in this chapter, "covered document" means any document that:

(1) is necessary for obtaining any benefit or service administered or provided by an agency, or for filing taxes with an agency;

(2) provides information about any state benefit or service; or

(3) explains to the public how to comply with a requirement an agency administers or enforces.

The term includes (whether in paper or electronic form) a letter, publication, form, notice, or instruction. The term does not include a rule subject to the format, numbering system, standards, and techniques established under IC 4-22-2-42.

Sec. 3. As used in this chapter, "plain writing" means writing that is clear, concise, and well-organized, and follows other best practices appropriate to the subject or field and intended audience.

Sec. 4. An agency shall use plain writing in every covered document that the agency issues or substantially revises.

Sec. 5. An agency must be fully in compliance with this chapter after September 30, 2013.

SECTION 9. IC 8-1-34-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24.5. (a) This section applies to any unit that receives franchise fees paid to the unit under:**

(1) a certificate issued by the commission under this chapter; or

(2) an unexpired local franchise issued by the unit before July 1, 2006;

with respect to a particular calendar year.

(b) For each calendar year, beginning with the calendar year ending December 31, 2012, each unit to which this section applies shall submit to the commission, on a form or in the manner prescribed by the commission, a report that includes the following information for each certificate or local franchise in effect in the unit during the calendar year for which the report is submitted:

(1) The amount of franchise fees paid to the unit under the certificate or local franchise.

(2) The account of the unit into which the franchise fees identified under subdivision (1) were deposited.

(3) The purposes for which any franchise fees received by the unit during:

(A) the calendar year for which the report is submitted; or

(B) a previous calendar year;

were used or spent by the unit during the calendar year for which the report is submitted.

(4) Any other information or data concerning the receipt and use of franchise fees that the commission considers appropriate.

(c) The commission shall prescribe the form of the report and the process, deadlines, and other requirements for submitting the report required under this section.

(d) Upon receiving the annual reports required under this section, the commission shall compile and organize the data and information contained in the reports. The commission shall include a summary of the data and information contained in the reports in the commission's annual report on the communications industry provided to the regulatory flexibility committee established by IC 8-1-2.6-4. However, this subsection does not empower the commission to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

(e) The commission may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this section. An emergency rule adopted by the commission under IC 4-22-2-37.1 expires on the date a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36 and not ninety (90) days after the rule is accepted for filing as provided in IC 4-22-2-37.1(g). However, any emergency rules adopted by the commission under this subsection must take effect by a date that enables a unit subject to this section to comply with this section with respect to the calendar year ending December 31, 2012.

SECTION 10. IC 25-26-13-17, AS AMENDED BY SEA 407-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) The board shall establish classes of pharmacy permits as follows:

~~Type~~ **Category** I. A retail permit for a pharmacy that provides pharmaceutical care to the general public by the dispensing of a drug or device.

~~Type~~ **Category** II. An institutional permit for hospitals, clinics, health care facilities, sanitariums, nursing homes, or dispensaries that offer pharmaceutical care by dispensing a drug product to an inpatient under a drug order or to an outpatient of the institution under a prescription.

~~Type~~ **Category** III. A permit for a pharmacy ~~that is not:~~

~~(A) open to the general public; or~~

~~(B) located in an institution listed under a Type II permit;~~

~~and provides pharmaceutical care to a patient who is located in an institution or in the patient's home.~~

~~Type IV. A permit for a pharmacy not open to the general public that provides pharmaceutical care by dispensing drugs and devices to patients exclusively through the United States Postal Services or other parcel delivery service.~~

~~Type V. A permit for a pharmacy that engages exclusively in the preparation and dispensing of diagnostic or therapeutic radioactive drugs.~~

~~Type VI. A permit for a pharmacy open to the general public that provides pharmaceutical care by engaging in an activity under a Type I or Type III permit. A pharmacy that obtains a Type VI permit may provide services to:~~

~~(A) a home health care patient;~~

~~(B) a long term care facility; or~~

~~(C) a member of the general public.~~ **that provides closed door, central fill, mail order, or other processing operations that are not open to the general public but include:**

(A) traditional pharmacy functions; or

(B) nontraditional pharmacy functions, such as infusion, nuclear pharmacy, or sterile compounding.

(b) The board may approve a remote or mobile location for Category I, II, or III permits. Pharmacy practice in a mobile or remote location may include, but is not limited to, telepharmacy, automated dispensing, or delivery of cognitive services.

~~(b)~~ **(c)** A hospital **or hospital system** holding a ~~Type~~ **Category** II permit may offer drugs or devices:

(1) to:

(A) an employee, student, or volunteer of the hospital **or hospital system;**

(B) a retiree who is participating in a retirement, pension, or benefit program administered by the hospital **or hospital system;**

(C) an independent contractor who has an exclusive relationship with the hospital **or hospital system;**

(D) a member of the hospital's **or hospital system's** governing board; or

(E) a member of the hospital's **or hospital system's** medical staff; and

(2) to dependents of the individuals listed in subdivision (1);

for their own use.

~~(c) Nothing in this section prohibits a pharmacy holding a permit other than a Type IV permit from delivering drugs or devices through mail, parcel delivery, or hand delivery.~~

(d) Hospitals holding a ~~Type~~ **Category** II permit may operate remote locations within a reasonable distance of the licensed area, as determined by the board, after:

(1) filing an application on a form prepared by the board;

(2) having each location inspected by the board; and

(3) obtaining approval from the board.

(e) Any applicable rule governing the practice of pharmacy in Indiana shall apply to all permits under this section.

(f) After June 30, 2012, a person with:

(1) a Type I permit shall be treated as holding a Category I permit;

(2) a Type II permit shall be treated as holding a Category II permit; and

(3) a Type III, IV, V, or VI permit shall be treated as holding a Category III permit.

The change in the name of the permit does not change the expiration date of the permit.

(g) After June 30, 2012, a reference in any rule or other document to:

(1) a Type I permit shall be treated as a reference to a Category I permit;

(2) a Type II permit shall be treated as a reference to a Category II permit; or

(3) a Type III, IV, V, or VI permit shall be treated as a reference to a Category III permit.

SECTION 11. IC 25-26-13-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) A pharmacy holding a ~~Type~~ **Category** I or ~~Type VI~~ **Category III** permit may be open to the general public without a pharmacist on duty if the following conditions are met:

(1) Approval is obtained from the board.

(2) All legend drugs and other merchandise that can only be dispensed by a pharmacist are securely locked or secured by an alternative system approved by the board when the pharmacist is absent.

(3) During the pharmacist's absence, a sign at least twenty (20) inches by thirty (30) inches is prominently displayed in the prescription department stating: "Prescription Department Closed, No Pharmacist on Duty".

(4) Only a pharmacist has access to the secured area.

(b) The board may revoke or limit a pharmacy's privilege under this section after a hearing under IC 4-21.5-3.

SECTION 12. IC 25-26-13-20, AS AMENDED BY P.L.98-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) A person desiring to open, establish, operate, or maintain a pharmacy shall apply to the board for a pharmacy permit on a form provided by the board. The applicant shall set forth:

(1) the name and occupation of the persons desiring the permit;

(2) the location, including street address and city, of the pharmacy;

(3) the name of the pharmacist who will qualify the pharmacy by being responsible to the board for the legal operation of the pharmacy under the permit; and

(4) such other information as the board may require.

(b) If the applicant desires to open, establish, operate, or maintain more than one (1) pharmacy, ~~he~~ **the applicant** must file a separate application for each. Each pharmacy must be qualified by a different pharmacist.

(c) The board shall permit a pharmacist to serve as a qualifying pharmacist for more than one (1) pharmacy holding a ~~Type~~ **Category** II pharmacy permit upon the holder of the ~~Type~~ **Category** II permit showing circumstances establishing that:

(1) the permit holder has made a reasonable effort, without success, to obtain a qualifying pharmacist who is not serving as a qualifying pharmacist at another ~~Type~~ **Category** II pharmacy; and

(2) the single pharmacist could effectively fulfill all duties and responsibilities of the qualifying pharmacist at both locations.

(d) The board shall grant or deny an application for a permit not later than one hundred twenty (120) days after the application and any additional information required by the board are submitted.

(e) The board may not issue a pharmacy permit to a person who desires to operate the pharmacy out of a residence.

SECTION 13. IC 25-26-13-25, AS AMENDED BY P.L.174-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) All original prescriptions, whether in written or electronic format, shall be numbered and maintained in numerical and chronological order, or in a manner approved by the board and accessible for at least two (2) years in the pharmacy. A prescription transmitted from a practitioner by means of communication other than writing must immediately be reduced to writing or recorded in an electronic format by the pharmacist. The files shall be open for inspection to any member of the board or ~~its~~ **the board's** duly authorized agent or representative.

(b) A prescription may be electronically transmitted from the practitioner by computer or another electronic device to a pharmacy that is licensed under this article or any other state or territory. An electronic data intermediary that is approved by the board:

(1) may transmit the prescription information between the prescribing practitioner and the pharmacy;

(2) may archive copies of the electronic information related to the transmissions as necessary for auditing and security purposes; and

(3) must maintain patient privacy and confidentiality of all archived information as required by applicable state and federal laws.

(c) Except as provided in subsection (d), a prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may not be refilled without written, electronically transmitted, or oral authorization of a licensed practitioner.

(d) A prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may be refilled by a pharmacist one (1) time without the written, electronically transmitted, or oral authorization of a licensed practitioner if all of the following conditions are met:

(1) The pharmacist has made every reasonable effort to contact the original prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(2) The pharmacist believes that, under the circumstances, failure to provide a refill would be seriously detrimental to the patient's health.

(3) The original prescription authorized a refill but a refill would otherwise be invalid for either of the following reasons:

(A) All of the authorized refills have been dispensed.

(B) The prescription has expired under subsection (g).

(4) The prescription for which the patient requests the refill was:

(A) originally filled at the pharmacy where the request for a refill is received and the prescription has not been transferred for refills to another pharmacy at any time; or

(B) filled at or transferred to another location of the same pharmacy or its affiliate owned by the same parent corporation if the pharmacy filling the prescription has full access to prescription and patient profile information that is simultaneously and continuously updated on the parent corporation's information system.

(5) The drug is prescribed for continuous and uninterrupted use and the pharmacist determines that the drug is being taken properly in accordance with IC 25-26-16.

(6) The pharmacist shall document the following information regarding the refill:

(A) The information required for any refill dispensed under subsection (e).

(B) The dates and times that the pharmacist attempted to contact the prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(C) The fact that the pharmacist dispensed the refill without the authorization of a licensed practitioner.

(7) The pharmacist notifies the original prescribing practitioner of the refill and the reason for the refill by the practitioner's next business day after the refill has been made by the pharmacist.

(8) Any pharmacist initiated refill under this subsection may not be for more than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day. However, a pharmacist may dispense a drug in an amount greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day if:

(A) the drug is packaged in a form that requires the pharmacist to dispense the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day; or

(B) the pharmacist documents in the patient's record the amount of the drug dispensed and a compelling reason for dispensing the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day.

(9) Not more than one (1) pharmacist initiated refill is dispensed under this subsection for a single prescription.

(10) The drug prescribed is not a controlled substance.

A pharmacist may not refill a prescription under this subsection if the practitioner has designated on the prescription form the words "No Emergency Refill".

(e) When refilling a prescription, the refill record shall include:

(1) the date of the refill;

(2) the quantity dispensed if other than the original quantity; and

(3) the dispenser's identity on:

(A) the original prescription form; or

(B) another board approved, uniformly maintained, readily retrievable record.

(f) The original prescription form or the other board approved record described in subsection (e) must indicate by the number of the original prescription the following information:

(1) The name and dosage form of the drug.

(2) The date of each refill.

(3) The quantity dispensed.

(4) The identity of the pharmacist who dispensed the refill.

(5) The total number of refills for that prescription.

(g) A prescription is valid for not more than one (1) year after the original date of issue.

(h) A pharmacist may not knowingly dispense a prescription after the demise of the practitioner, unless in the pharmacist's professional judgment it is in the best interest of the patient's health.

(i) A pharmacist may not knowingly dispense a prescription after the demise of the patient.

(j) A pharmacist or a pharmacy shall not resell, reuse, or redistribute a medication that is returned to the pharmacy after being dispensed unless the medication:

(1) was dispensed to an individual:

(A) residing in an institutional facility (as defined in 856 IAC 1-28.1-1(6));
(B) in a hospice program under IC 16-25; or
(C) in a county jail or department of correction facility;
(2) was properly stored and securely maintained according to sound pharmacy practices;
(3) is returned unopened and:
(A) was dispensed in the manufacturer's original:
(i) bulk, multiple dose container with an unbroken tamper resistant seal; or
(ii) unit dose package; or
(B) was packaged by the dispensing pharmacy in a:
(i) multiple dose blister container; or
(ii) unit dose package;
(4) was dispensed by the same pharmacy as the pharmacy accepting the return;
(5) is not expired; and
(6) is not a controlled substance (as defined in IC 35-48-1-9), unless the pharmacy holds a ~~Type~~ **Category** II permit (as described in section 17 of this chapter).

(k) A pharmacist or a pharmacy shall not resell, reuse, or redistribute medical devices or medical supplies used for prescription drug therapy that have been returned to the pharmacy after being dispensed unless the medical devices or medical supplies:
(1) were dispensed to an individual in a county jail or department of correction facility;
(2) are not expired; and
(3) are returned unopened and in the original sealed packaging.

(l) A pharmacist may use the pharmacist's professional judgment as to whether to accept medication for return under this section.

(m) A pharmacist who violates subsection (d) commits a Class A infraction.

SECTION 14. IC 35-48-7-8.1, AS AMENDED BY P.L.42-2011, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8.1. (a) The board shall provide for a controlled substance prescription monitoring program that includes the following components:
(1) Each time a controlled substance designated by the board under IC 35-48-2-5 through IC 35-48-2-10 is dispensed, the dispenser shall transmit to the INSPECT program the following information:
(A) The controlled substance recipient's name.
(B) The controlled substance recipient's or the recipient representative's identification number or the identification number or phrase designated by the INSPECT program.
(C) The controlled substance recipient's date of birth.
(D) The national drug code number of the controlled substance dispensed.
(E) The date the controlled substance is dispensed.
(F) The quantity of the controlled substance dispensed.
(G) The number of days of supply dispensed.
(H) The dispenser's United States Drug Enforcement Agency registration number.
(I) The prescriber's United States Drug Enforcement Agency registration number.
(J) An indication as to whether the prescription was transmitted to the pharmacist orally or in writing.
(K) Other data required by the board.
(2) The information required to be transmitted under this section must be transmitted not more than seven (7) days after the date on which a controlled substance is dispensed.
(3) A dispenser shall transmit the information required under this section by:
(A) uploading to the INSPECT web site;
(B) a computer diskette; or
(C) a CD-ROM disk;
that meets specifications prescribed by the board.
(4) The board may require that prescriptions for controlled substances be written on a one (1) part form that cannot be duplicated. However, the board may not apply such a requirement to prescriptions filled at a pharmacy with a ~~Type~~ **Category** II permit (as described in IC 25-26-13-17) and operated by a hospital licensed under IC 16-21, or prescriptions ordered for and dispensed to bona fide enrolled patients in facilities licensed under IC 16-28. The board may not require multiple copy prescription forms for any prescriptions written. The board may not require different prescription forms for any individual drug or group of drugs. Prescription forms required under this subdivision must be approved by the Indiana board of pharmacy established by IC 25-26-13-3.
(5) The costs of the program.

(b) This subsection applies only to a retail pharmacy. A pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance may not dispense a controlled substance to a person who is not personally known to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance unless the person taking possession of the controlled substance provides documented proof of the person's identification to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance.

SECTION 15. **An emergency is declared for this act.**

(Reference is to EHB 1280 as reprinted February 28, 2012.)

Koch, Chair	Hershman
Torr	Steele
House Conferees	Senate Conferees

Roll Call 368: yeas 38, nays 12. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1376–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed

Senate Amendments to Engrossed House Bill 1376 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-26-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "office" refers to the office of Medicaid policy and planning established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

SECTION 2. IC 4-10-22-1, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. After the end of each **odd-numbered** state fiscal year, the office of management and budget shall calculate in the customary manner the total amount of state reserves as of the end of the state fiscal year. The office of management and budget shall make the calculation not later than July 31 of each **odd-numbered** year.

SECTION 3. IC 4-10-22-2, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. If:

(1) the total amount of state reserves calculated by the office of management and budget exceeds ~~ten percent (10%)~~ **twelve and five-tenths percent (12.5%)** of the general revenue appropriations for the current state fiscal year; and ~~if~~

(2) the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);

the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later than September 30 of ~~the~~ **each odd-numbered** year.

SECTION 4. IC 4-10-22-3, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. After completing the presentation to the state budget committee described in section 2 of this chapter, the governor shall **do the following:**

(1) If the amount of excess reserves on June 30 of any year is less than fifty million dollars ($50,000,000), the governor shall carry over the excess reserves to each subsequent year until the total excess reserves, including any carryover amount, equal at least fifty million dollars ($50,000,000). In the year that the total excess reserves equal at least fifty million dollars ($50,000,000), the excess reserves shall be used as provided in subdivision (2).

(2) If in any year the amount of the excess reserves is fifty million dollars ($50,000,000) or more, the governor shall do the following:

~~(1)~~ **(A) If the year is calendar year 2012, transfer fifty percent (50%) of the excess reserves as follows:**

(i) To the pension plans for the state police, conservation officers, judges, and prosecuting attorneys to increase the funded amount of each of these plans to eighty percent (80%). The funded amount for each plan described in this item is to be determined as of June 30 of the immediately preceding year, and, if the amount of money available for transfer is less than the amount needed to increase all these plans' funded amount to eighty percent (80%), the transfers shall be made in the priority of each plan's unfunded liability so that the funded amount of the plan with the least unfunded liability is raised to eighty percent (80%) first.

(ii) To the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund, if money remains after satisfying item (i).

If the year begins after December 31, 2012, transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund. ~~and~~

~~(2)~~ **(B)** Use fifty percent (50%) of any excess reserves for the purposes of providing an automatic taxpayer refund under section 4 of this chapter.

SECTION 5. IC 4-10-22-4, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following apply if sufficient excess state reserves are available to provide an automatic taxpayer refund to each taxpayer eligible for a refund:

(1) To qualify for a refund, a taxpayer:

(A) must have filed an Indiana resident individual adjusted gross income tax return for the **taxpayer's taxable year ending in the calendar year immediately** preceding ~~two (2) taxable years;~~ **the calendar year in which a determination is made under section 1 of this chapter that the state has excess reserves;** and

(B) must have ~~paid individual~~ adjusted gross income tax ~~to the state~~ **liability** for the ~~preceding~~ **taxpayer's** taxable year **ending in the calendar year in which a determination is made under section 1 of this chapter that the state has excess reserves.**

~~Individuals who file a tax return but do not pay any individual adjusted gross income tax to the state are not entitled to a refund.~~

(2) The amount of the refund is determined for each qualifying taxpayer ~~on a pro rata basis, based on the qualifying taxpayer's portion of the total individual adjusted gross income tax liability paid by all qualifying taxpayers in the preceding taxable year.~~ **as follows:**

STEP ONE: Determine the total amount of excess state reserves that under section 3 of this chapter

are available to provide automatic taxpayer refunds.
STEP TWO: Determine the total number of taxpayers that qualify for a refund under subdivision (1).
STEP THREE: Determine the result of:
(A) the STEP ONE result; divided by
(B) the STEP TWO result;
as rounded to the nearest dollar.

(3) The refund **is a refundable credit that** shall **first** be applied as a credit against adjusted gross income tax liability in the taxpayer's taxable year in which a refund is provided. **Any remaining unused credit shall be refunded to the taxpayer.** The credit may not be carried forward.

(4) If an individual and the individual's spouse are both qualifying taxpayers for purposes of this section for a taxable year and file a joint Indiana resident individual adjusted gross income tax return for the taxable year:
(A) the individual and the individual's spouse are considered two (2) taxpayers for purposes of determining the amount of the refund under subdivision (2) for a qualifying taxpayer; and
(B) the amount of the refund that the individual and the individual's spouse are entitled to claim is equal to the amount of any refund determined under subdivision (2) for a qualifying taxpayer, multiplied by two (2).

SECTION 6. IC 4-22-2-37.1, AS AMENDED BY SEA 330-2012, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.
(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.
(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.
(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:
(A) the variance procedures are included in the rules; and
(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.
(19) An emergency rule adopted by the office of the secretary of family and social services under ~~IC 12-8-1-12.~~ **IC 12-8-1.5-11.**
(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.
(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).
(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).
(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;

(B) under IC 8-15-2-17.2(a)(10):

(i) establishing enforcement procedures; and

(ii) making assessments for failure to pay required tolls;

(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or

(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.

(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.

(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.

(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).

(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.

(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.

(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.

(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:

(A) Federal Medicaid waiver program provisions.

(B) Federal programs administered by the office of the secretary.

The authority of the office of the secretary of family and social services and the office of Medicaid policy and planning to adopt a rule described in this subdivision expires December 31, 2012.

(38) An emergency rule adopted by the Indiana board of accountancy or the executive director of the Indiana professional licensing agency under IC 25-2.1-2-16.

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and

(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), **(n),** IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, ~~and~~ IC 22-13-2-8(c), **and IC 25-2.1-2-16(c) (as added by SEA 330-2012),** and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), ~~(a)(19), (a)(20), (a)(21),~~ (a)(29), ~~(a)(37),~~ or (a)(38) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

(n) This subsection applies to a rule described in subsection (a)(37). A rule adopted before January 1, 2013, expires on the earliest of the following:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(3) June 30, 2013, at 11:59 p.m.

SECTION 7. IC 12-7-1-5, AS ADDED BY P.L.220-2011, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. Actions taken under IC 12-8-1 **(expired),** IC 12-8-2 **(expired),** IC 12-8-6 **(expired),** and IC 12-8-8 **(expired)** after June 30, 1999, and before December 1, 1999, are legalized and validated to the extent that those actions would have been legal and valid if P.L.7-2000 had been enacted before July 1, 1999.

SECTION 8. IC 12-7-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. "Body", for purposes of ~~IC 12-8-2,~~ **IC 12-8-2.5,** has the meaning set forth in ~~IC 12-8-2-1.~~ **IC 12-8-2.5-1.**

SECTION 9. IC 12-7-2-99, AS AMENDED BY P.L.141-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 99. "A person with a disability" means, for purposes of the following statutes, an individual who has a physical or mental disability and meets the program eligibility requirements of the division of disability and rehabilitative services:

(1) ~~IC 12-8-1-11.~~ **IC 12-8-1.5-10.**

(2) IC 12-12-1.

(3) IC 12-12-6.

SECTION 10. IC 12-7-2-129 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 129. "Member", for purposes of ~~IC 12-8-2,~~ **IC 12-8-2.5,** has the meaning set forth in ~~IC 12-8-2-2.~~ **IC 12-8-2.5-2.**

SECTION 11. IC 12-7-2-134, AS AMENDED BY P.L.117-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 134. "Office" means the following:

(1) Except as provided in subdivisions (2) through (4), the office of Medicaid policy and planning established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

(2) For purposes of IC 12-10-13, the meaning set forth in IC 12-10-13-4.

(3) For purposes of IC 12-15-13, the meaning set forth in IC 12-15-13-0.4.

(4) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-4.

SECTION 12. IC 12-7-2-135 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 135. "Office of the secretary" refers to the office of the secretary of family and social services established by ~~IC 12-8-1-1.~~ **IC 12-8-1.5-1.**

SECTION 13. IC 12-7-2-160 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 160. (a) "Rehabilitation", for purposes of the statutes listed in subsection (b), means a process of providing services to meet the current and future needs of persons with disabilities so that the individuals may prepare for and engage in gainful employment to the extent of their capabilities, as provided in 29 U.S.C. 720.

(b) This section applies to the following statutes:

(1) ~~IC 12-8-1-11.~~ **IC 12-8-1.5-10.**

(2) IC 12-12-1.

(3) IC 12-12-3.

(4) IC 12-12-6.

SECTION 14. IC 12-7-2-172 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 172. (a) Except as provided in subsection (b), "secretary" refers to the secretary of family and social services appointed under ~~IC 12-8-1-2.~~ **IC 12-8-1.5-2.**

(b) "Secretary", for purposes of IC 12-13-14, has the meaning set forth in IC 12-13-14-1.

SECTION 15. IC 12-7-2-186 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 186. "State plan", for purposes of ~~IC 12-8-6,~~ **IC 12-8-6.5,** refers to the state Medicaid plan for the Medicaid program.

SECTION 16. IC 12-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.5. Office of Secretary of Family and Social Services

Sec. 0.3. (a) Actions taken under IC 12-8-1 (expired), after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before January 1, 2008.

(b) Actions taken under IC 12-8-1 (expired) after June 30, 2011, are legalized and validated to the extent that those actions would have been legal and valid if IC 12-8-1 had not expired on June 30, 2011.

Sec. 1. (a) The office of the secretary of family and social services is established.

(b) The office of the secretary includes the following:

(1) The secretary.

(2) Each office.

Sec. 2. The governor shall appoint the secretary of family and social services to coordinate family and social service programs among the divisions.

Sec. 3. (a) The secretary has administrative responsibility for the office of the secretary.

(b) Subject to this article, the secretary may organize an office to perform the duties of the office.

Sec. 4. The secretary may hire personnel necessary to perform the duties of each office.

Sec. 5. (a) The secretary, through the offices, is responsible for coordinating the provision of technical assistance to each division for the following:

(1) Compiling program budgets for each division.

(2) Fiscal performance of each division.

(3) Management and administrative performance of each division.

(4) Program performance of each division.

(b) The secretary, through the offices, is accountable for the following:

(1) Resolution of administrative, jurisdictional, or policy conflicts among the divisions.

(2) The coordination of the activities of each division with other entities, including the general assembly and other state agencies.

(3) Coordination of communication with the federal government and the governments of other states.

(4) Development and ongoing monitoring of a centralized management information system and a centralized training system for orientation and cross-training.

(5) The overall policy development and management of the state Medicaid plan under IC 12-15.

(6) Liaison activities with other governmental entities and private sector agencies.

Sec. 6. (a) The secretary and the commissioner of the state department of health shall cooperate to coordinate family and social services programs with related programs administered by the state department of health.

(b) The secretary, in cooperation with the commissioner of the state department of health, is accountable for the following:

(1) Resolving administrative, jurisdictional, or policy conflicts between a division and the state department of health.

(2) Formulating overall policy for family, health, and social services in Indiana.

(3) Coordinating activities between the programs of the division of family resources and the maternal and child health programs of the state department of health.

(4) Coordinating activities concerning long term care between the division of disability and rehabilitative services and the state department of health.

(5) Developing and implementing a statewide family, health, and social services plan that includes a set of goals and priorities.

Sec. 7. The secretary, through the offices, may do the following:

(1) Employ experts and consultants to carry out the duties of the secretary and the offices.

(2) Utilize, with the consent of the other state agencies, the services and facilities of other state agencies without reimbursement.

(3) Accept in the name of the state, for use in carrying out the purposes of this article, any money or other property received as a gift, by bequest, or otherwise.

(4) Accept voluntary and uncompensated services.

(5) Expend money made available according to policies enforced by the budget agency.

(6) Establish and implement the policies and procedures necessary to implement this article.

(7) Advise the governor concerning rules adopted by a division.

(8) Create advisory bodies to advise the secretary about any matter relating to the implementation of this article.

(9) Perform other acts necessary to implement this article.

Sec. 8. (a) The secretary shall cooperate with the federal Social Security Administration and with any other agency of the federal government in any reasonable manner that may be necessary to qualify for federal aid for assistance to persons who are entitled to assistance under the provisions of the federal Social Security Act.

(b) The secretary shall do the following:

(1) Make reports in the form and containing the information required by the federal Social Security Administration Board or any other agency of the federal government.

(2) Comply with the requirements that the federal Social Security Administration Board or other agency of the federal government finds necessary to assure the correctness and verification of reports.

(c) The secretary shall act as the agent to the federal government in the following:

(1) Welfare matters of mutual concern.

(2) The administration of federal money granted to Indiana to aid the welfare functions of the state.

Sec. 9. (a) Consistent with the powers and duties of the secretary under this article, the secretary may adopt rules under IC 4-22-2 relating to the exercise of those powers and duties.

(b) The secretary may adopt emergency rules under IC 4-22-2-37.1(a)(37) for the following:

(1) Federal Medicaid waiver program provisions.

(2) Federal programs administered by the office of the secretary.

This subsection expires December 31, 2012.

Sec. 10. The office of the secretary is designated as the sole state agency responsible for administering programs concerning the vocational rehabilitation of individuals with a disability under 29 U.S.C. 701 et seq.

Sec. 11. (a) If:

(1) the sums appropriated by the general assembly in the biennial budget to the family and social services administration for the Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program are insufficient to enable the office of the secretary to meet its obligations; and

(2) the failure to appropriate additional funds would:

(A) violate a provision of federal law; or

(B) jeopardize the state's share of federal financial participation applicable to the state appropriations contained in the biennial budget for Medicaid assistance, Medicaid administration, public assistance (TANF), or the IMPACT (JOBS) work program;

then there are appropriated further sums as may be necessary to remedy a situation described in this subsection, subject to the approval of the budget director and the unanimous recommendation of the members of the budget committee. However, before approving a further appropriation under this subsection, the budget director shall explain to the budget committee the factors indicating that a condition described in subdivision (2) would be met.

(b) If:

(1) the sums appropriated by the general assembly in the biennial budget to the family and social services administration for Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program are insufficient to enable the family and social services administration to meet its obligations; and

(2) neither of the conditions in subsection (a)(2) would result from a failure to appropriate additional funds;

then there are appropriated further sums as may be necessary to remedy a situation described in this subsection, subject to the approval of the budget director and the unanimous recommendation of the members of the budget committee. However, before approving a further appropriation under this subsection, the budget director shall explain to the budget committee the factors indicating that a condition described in subdivision (2) would be met.

(c) Notwithstanding IC 12-14 and IC 12-15 (except for a clinical advisory panel established under IC 12-15), and except as provided in subsection (d), the office of the secretary may by rule adjust programs, eligibility standards, and benefit levels to limit expenditures from Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program. The office of the secretary may adopt emergency rules under IC 4-22-2-37.1 to make an adjustment authorized by this subsection. However, adjustments under this subsection may not:

(1) violate a provision of federal law; or

(2) jeopardize the state's share of federal financial participation applicable to the state appropriations contained in the biennial budget for Medicaid assistance, Medicaid administration, public assistance (TANF), and the IMPACT (JOBS) work program.

(d) Subject to IC 12-15-21-3, any adjustments made under subsection (c) must:

(1) allow for a licensed provider under IC 12-15 to deliver services within the scope of the provider's license if the benefit is covered under IC 12-15; and

(2) provide access to services under IC 12-15 from a provider under IC 12-15-12.

Sec. 12. (a) Subject to the appropriation limits established by the state's biennial budget for the office of the secretary and its divisions, and after assistance, including assistance under TANF (IC 12-14), medical assistance (IC 12-15), and food stamps (7 U.S.C. 2016(i)), is distributed to persons eligible to receive assistance, the secretary may adopt rules under IC 4-22-2 to offer programs on a pilot or statewide basis to encourage recipients of assistance under IC 12-14 to become self-sufficient and discontinue dependence on public assistance programs. Programs offered under this subsection may do the following:

(1) Develop welfare-to-work programs.

(2) Develop home child care training programs that will enable recipients to work by providing child care for other recipients.

(3) Provide case management and supportive services.

(4) Develop a system to provide for public service opportunities for recipients.

(5) Provide plans to implement the personal responsibility agreement under IC 12-14-2-21.

(6) Develop programs to implement the school attendance requirement under IC 12-14-2-17.

(7) Provide funds for county planning council activities under IC 12-14-22-13 (repealed).

(8) Provide that a recipient may earn up to the federal income poverty level (as defined in IC 12-15-2-1) before assistance under this title is reduced or eliminated.

(9) Provide for child care assistance, with the recipient paying fifty percent (50%) of the local market rate as established under 45 CFR 256 for child care.

(10) Provide for medical care assistance under IC 12-15, if the recipient's employer does not offer the recipient health care coverage.

(b) If the secretary offers a program described in subsection (a), the secretary shall annually report the results and other relevant data regarding the program to the legislative council in an electronic format under IC 5-14-6.

Sec. 13. The office of the secretary shall implement methods to facilitate the payment of providers under IC 12-15.

Sec. 14. The office of the secretary shall improve its system through the use of technology and training of staff to do the following:

(1) Simplify, streamline, and destigmatize the eligibility and enrollment processes in all health programs serving

children.

(2) Ensure an efficient provider payment system.

(3) Improve service to families.

(4) Improve data quality for program assessment and evaluation.

Sec. 15. (a) The office of the secretary shall:

(1) cooperate with; and

(2) assist;

a nonprofit organization with the purpose to implement and administer a program to provide health care to uninsured Indiana residents.

(b) The office of the secretary shall assist a nonprofit organization that has the purpose described in subsection (a) with the following:

(1) Determining eligibility of potential participants who have an income of not more than one hundred percent (100%) of the federal poverty level for a program described in this section.

(2) Issuing a plan card that is valid for one (1) year to an individual if:

(A) the office of the secretary has determined the individual is eligible for the program; and

(B) the individual has paid the office of the secretary a registration fee determined by the office.

(3) Operating a toll free telephone number that provides provider referral services for participants in the program.

(4) Implementing the program described in this section to combine the resources of the office of the secretary and the nonprofit organization in a manner that would not result in the additional expenditure of state funds.

SECTION 17. IC 12-8-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.5. Family and Social Services Bodies

Sec. 0.3. (a) Actions taken under IC 12-8-2 (expired), after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before January 1, 2008.

(b) Actions taken under IC 12-8-2 (expired) after June 30, 2011, are legalized and validated to the extent that those actions would have been legal and valid if IC 12-8-2 had not expired on June 30, 2011.

Sec. 1. As used in this chapter, "body" refers to an entity described in section 3 of this chapter.

Sec. 2. As used in this chapter, "member" refers to a member of a body.

Sec. 3. Unless otherwise provided by a statute, this chapter applies to the following:

(1) The following advisory councils:

(A) The division of disability and rehabilitative services advisory council.

(B) The division of family resources advisory council.

(C) The division of mental health and addiction advisory council.

(2) A body:

(A) established by statute for a division; and

(B) whose enabling statute makes this chapter applicable to the body.

Sec. 3.5. Up to five (5) individuals appointed by the secretary to serve on an entity not described in section 3(1) of this chapter may be appointed to serve concurrently on an advisory council described in section 3(1) of this chapter. However, an individual may not serve concurrently on more than one (1) advisory council described in section 3(1) of this chapter.

Sec. 4. (a) This section applies only to a member who by statute is appointed to a fixed term.

(b) The term of an individual serving as a member begins on the latter of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires. If the individual does not succeed a member, the member's term begins as provided in subdivision (2).

(2) The day the individual is appointed.

(c) The term of a member expires on July 1 of the second year after the expiration of the term of the member's immediate predecessor. If the member has no immediate predecessor, the term of the member expires on July 1 of the second year after the member's term began.

(d) A member may be reappointed for a new term. A reappointed member is the member's own:

(1) successor for purposes of subsection (b); and

(2) immediate predecessor for purposes of subsection (c).

Sec. 5. (a) This section applies only to an individual who serves as a member because of an office the individual holds.

(b) The individual serves as a member until the individual no longer holds the office.

Sec. 6. The appointing authority of a member shall appoint an individual to fill a vacancy in the office of the member.

Sec. 7. Except as provided in another statute, the governor shall appoint a voting member of the body to be the presiding officer of the body.

Sec. 8. Unless otherwise provided by a statute, a member is a voting member.

Sec. 9. A majority of the voting members of the body constitutes a quorum.

Sec. 10. The affirmative vote of a majority of the voting members of the body is required for the body to take any action.

Sec. 11. (a) A member who is not a state employee is entitled to both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the

member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) A member who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) A member who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

Sec. 11.5. In addition to the requirements of IC 5-14-1.5, the office of the secretary or a division will make a good faith effort to ensure that members of any body subject to this chapter receive a copy of an agenda at least forty-eight (48) hours before any meeting of the body.

SECTION 18. IC 12-8-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 6.5. Office of Medicaid Policy and Planning

Sec. 0.3. (a) Actions taken under IC 12-8-6 (expired), after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before January 1, 2008.

(b) Actions taken under IC 12-8-6 (expired) after June 30, 2011, are legalized and validated to the extent that those actions would have been legal and valid if IC 12-8-6 had not expired on June 30, 2011.

Sec. 1. The office of Medicaid policy and planning is established.

Sec. 2. The secretary shall appoint an administrator responsible for management of the office.

Sec. 3. The office is designated as the single state agency for administration of the state Medicaid program under IC 12-15.

Sec. 4. The office shall develop and coordinate Medicaid policy for the state.

Sec. 5. The secretary may adopt rules under IC 4-22-2 to implement this chapter and the state Medicaid program.

Sec. 6. (a) For purposes of IC 4-21.5, the secretary is the ultimate authority for the state Medicaid program.

(b) The secretary shall adopt rules under IC 4-22-2 to specify any additional necessary procedures for administrative review of an agency action under IC 4-21.5 and the state Medicaid program.

Sec. 7. The office and the division of mental health and addiction shall develop a written memorandum of understanding that provides the following:

(1) Program responsibilities for the provision of care and treatment for individuals with a mental illness.

(2) Responsibilities to educate and inform vendors of the proper billing procedures.

(3) Responsibilities in administering the state plan.

(4) Responsibilities for Medicaid fiscal and quality accountability and audits for mental health services.

(5) That the division shall recommend options and services to be reimbursed under the state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., individuals with a mental illness cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for individuals with a mental illness.

(8) That the division shall develop rate setting policies for medical assistance services for individuals with a mental illness.

(9) Policies to facilitate communication between the office and the division.

(10) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of mental health services.

Sec. 8. The office and the division of disability and rehabilitative services shall develop a written memorandum of understanding that provides the following:

(1) Program responsibilities for the provision of care and treatment for individuals with a developmental disability and long term care recipients.

(2) Responsibilities to educate and inform vendors of the proper billing procedures.

(3) Responsibilities in administering the state plan.

(4) Responsibilities for Medicaid fiscal and quality accountability and audits for developmental disability and long term care services.

(5) That the division shall recommend options and services to be reimbursed under the state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., individuals with a developmental disability and long term care recipients cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for individuals with a developmental disability and long term care recipients.

(8) That the division shall develop rate setting policies for medical assistance services for individuals with a developmental disability and long term care recipients.

(9) That the office, with the assistance of the division, shall apply for waivers from the United States

Department of Health and Human Services to fund community and home based long term care services as alternatives to institutionalization.

(10) Policies to facilitate communication between the office and the division.

(11) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of developmental disability or long term care services.

Sec. 9. The office, the division of family resources, and the department of child services shall develop a written memorandum of understanding that provides the following:

(1) Program responsibilities for the provision of care and treatment for recipients served by the division.

(2) Responsibilities to educate and inform vendors of the proper billing procedures.

(3) Responsibilities in administering the state plan.

(4) Responsibilities for Medicaid fiscal and quality accountability and audits for services administered by the division.

(5) That the division shall recommend options and services to be reimbursed under the Medicaid state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., recipients served by the division cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for recipients served by the division.

(8) That the division shall develop rate setting policies for medical assistance services administered by the division.

(9) Policies to facilitate communication between the office and the division.

(10) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of services.

Sec. 10. (a) The office shall reduce reimbursement rates for over-the-counter drugs by ten percent (10%) not later than July 1, 2001.

(b) The office shall implement a Maximum Allowable Cost schedule for off-patent drugs not later than November 1, 2001.

(c) Not later than January 1, 2002, the office shall implement an information strategy directed to high volume prescribers.

(d) Beginning July 1, 2002, the office shall phase in case management for aged, blind, and disabled Medicaid recipients.

Sec. 11. The office shall adopt emergency rules under IC 4-22-2-37.1 to achieve the reductions needed to avoid expenditures exceeding the Medicaid appropriation made by P.L.224-2003 in the line item appropriation to the FAMILY AND SOCIAL SERVICES ADMINISTRATION, MEDICAID - CURRENT OBLIGATIONS. To the extent that reductions are made to optional Medicaid services as set forth in 42 U.S.C. 1396 et seq., the reductions may be accomplished on a pro rata basis with each optional service being reduced by a proportionate amount. However, the reductions may not be made in a manner that results in the elimination of any optional Medicaid service.

SECTION 19. IC 12-8-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8.5. Divisions and Directors

Sec. 0.3. (a) Actions taken under IC 12-8-8 (expired), after December 31, 2007, and before March 24, 2008, are legalized and validated to the extent that those actions would have been legal and valid if P.L.113-2008 had been enacted before January 1, 2008.

(b) Actions taken under IC 12-8-8 (expired) after June 30, 2011, are legalized and validated to the extent that those actions would have been legal and valid if IC 12-8-8 had not expired on June 30, 2011.

Sec. 1. Subject to the approval of the governor, the secretary:

(1) shall appoint each director; and

(2) may terminate the employment of a director.

Sec. 2. (a) A director is the chief administrator of the director's division.

(b) A director is responsible to the secretary for the operation and performance of the director's division.

Sec. 3. A director is the appointing authority for the director's division.

Sec. 4. (a) A director may adopt rules under IC 4-22-2 relating to the operation of the director's division and to implement the programs of the director's division.

(b) Whenever a division is required to adopt rules under IC 4-22-2, the director of the division is the statutory authority that adopts the rules.

Sec. 5. (a) A director is the ultimate authority under IC 4-21.5 for purposes of the operation of the director's division and the programs of the director's division.

(b) The director shall consult with the secretary on issues of family, social services, or health policy arising in a proceeding under IC 4-21.5.

Sec. 6. A director is responsible for development and presentation of the budget of the director's division.

SECTION 20. IC 12-9-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the division.

SECTION 21. IC 12-9-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall be administered by a director appointed under ~~IC 12-8-8-1.~~ **IC 12-8-8.5-1.**

SECTION 22. IC 12-9-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the director.

SECTION 23. IC 12-9-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each member of the council appointed under section 3(2) of this chapter has a fixed term as provided in ~~IC 12-8-2-4.~~ **IC 12-8-2.5-4.**

SECTION 24. IC 12-9-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~IC 12-8-2~~ **IC 12-8-2.5** applies to the council.

SECTION 25. IC 12-9.1-1-2, AS ADDED BY P.L.141-2006, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the division.

SECTION 26. IC 12-9.1-2-1, AS ADDED BY P.L.141-2006, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall be administered by a director appointed under ~~IC 12-8-8-1.~~ **IC 12-8-8.5-1.**

SECTION 27. IC 12-9.1-2-2, AS ADDED BY P.L.141-2006, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the director.

SECTION 28. IC 12-10-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "office" refers to the office of Medicaid policy and planning established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

SECTION 29. IC 12-12-1-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. (a) The bureau may do the following:

(1) Establish vocational rehabilitation centers separately or in conjunction with community rehabilitation centers.

(2) Contract with governmental units and other public or private organizations to provide any of the vocational rehabilitation services permitted or required by this article, ~~IC 12-8-1-11,~~ **IC 12-8-1.5-10,** IC 12-9-6, and IC 12-11-6.

(3) Provide or contract for the provision of other services that are consistent with the purposes of this article, ~~IC 12-8-1-11,~~ **IC 12-8-1.5-10,** IC 12-9-6, and IC 12-11-6.

(b) When entering into contracts for job development, placement, or retention services, the bureau shall contract with governmental units and other public or private organizations or individuals that are accredited by one (1) of the following organizations:

(1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.

(2) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.

(3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.

(4) The National Commission on Quality Assurance, or its successor.

(5) An independent national accreditation organization approved by the secretary.

(c) To the extent that the accreditation requirements of an accrediting organization listed in subsection (b) do not cover a specific requirement determined by the bureau to be necessary for a contracted service under subsection (a), the bureau shall include these specific requirements as part of the bureau's contract for job development, placement, or retention services.

SECTION 30. IC 12-12.7-2-8, AS ADDED BY P.L.93-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The council consists of at least fifteen (15) but not more than twenty-five (25) members appointed by the governor as follows:

(1) At least twenty percent (20%) of the members must be individuals who:

(A) are parents, including minority parents, of infants or toddlers with disabilities or of children who are less than thirteen (13) years of age with disabilities; and

(B) have knowledge of or experience with programs for infants and toddlers with disabilities.

At least one (1) of the members described in this subdivision must be a parent of an infant or toddler with a disability or of a child less than seven (7) years of age with a disability.

(2) At least twenty percent (20%) of the members must be public or private providers of early intervention services.

(3) At least one (1) member must be a member of the general assembly.

(4) Each of the state agencies involved in the provision of or payment for early intervention services to infants and toddlers with disabilities and their families must be represented by at least one (1) member. The members described in this subdivision must have sufficient authority to engage in policy planning and implementation on behalf of the state agency the member represents.

(5) At least one (1) member must be involved in personnel preparation.

(6) At least one (1) member must:

(A) represent a state educational agency responsible for preschool services to children with disabilities; and

(B) have sufficient authority to engage in policy planning and implementation on behalf of the agency.

(7) At least one (1) member must represent the department of insurance created by IC 27-1-1-1.

(8) At least one (1) member must represent an agency or program that is:

(A) located in Indiana; and

(B) authorized to participate in the Head Start program under 42 U.S.C. 9831 et seq.

(9) At least one (1) member must represent a state agency responsible for child care.

(10) At least one (1) member must represent the office of Medicaid policy and ~~planing~~ **planning** established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

(11) At least one (1) member must be a representative designated by the office of coordinator for education of homeless children and youths.

(12) At least one (1) member must be a state foster care representative from the department of child services established by ~~IC 31-33-1.5-2.~~ **IC 31-25-1-1.**

(13) At least one (1) member must represent the division of mental health and addiction established by IC 12-21-1-1.

(b) To the extent possible, the governor shall ensure that the membership of the council reasonably represents the population of Indiana.

SECTION 31. IC 12-13-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the division.

SECTION 32. IC 12-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall be administered by a director appointed under ~~IC 12-8-8-2.~~ **IC 12-8-8.5-1.**

SECTION 33. IC 12-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each member of the council appointed under section 3(2) of this chapter has a fixed term as provided in ~~IC 12-8-2-4.~~ **IC 12-8-2.5-4.**

SECTION 34. IC 12-13-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~IC 12-8-2~~ **IC 12-8-2.5** applies to the council.

SECTION 35. IC 12-13-15.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The division shall collaborate with the office of Medicaid policy and planning established by ~~IC 12-8-6-1~~ **IC 12-8-6.5-1** and the state department of health established by IC 16-19-1-1 to establish programs that facilitate children's access to oral health services.

SECTION 36. IC 12-14-2-21, AS AMENDED BY P.L.161-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A TANF recipient or the parent or essential person of a TANF recipient, if the TANF recipient is less than eighteen (18) years of age, must sign a personal responsibility agreement to do the following:

(1) Develop an individual self-sufficiency plan with other family members and a caseworker.

(2) Accept any reasonable employment as soon as it becomes available.

(3) Agree to a loss of assistance, including TANF assistance under this article, if convicted of a felony under IC 35-43-5-7 or IC 35-43-5-7.1 for ten (10) years after the conviction.

(4) Subject to section 5.3 of this chapter, understand that additional TANF assistance under this article will not be available for a child born more than ten (10) months after the person qualifies for assistance.

(5) Accept responsibility for ensuring that each child of the person receives all appropriate vaccinations against disease at an appropriate age.

(6) If the person is less than eighteen (18) years of age and is a parent, live with the person's parents, legal guardian, or an adult relative other than a parent or legal guardian in order to receive public assistance.

(7) Subject to ~~IC 12-8-1-12~~ **IC 12-8-1.5-11** and section 5.1 of this chapter, agree to accept assistance for not more than twenty-four (24) months under the TANF program (IC 12-14).

(8) Be available for and actively seek and maintain employment.

(9) Participate in any training program required by the division.

(10) Accept responsibility for ensuring that the person and each child of the person attend school until the person and each child of the person graduate from high school or attain a high school equivalency certificate (as defined in IC 12-14-5-2).

(11) Raise the person's children in a safe, secure home.

(12) Agree not to abuse illegal drugs or other substances that would interfere with the person's ability to attain self-sufficiency.

(b) Except as provided in subsection (c), assistance under the TANF program shall be withheld or denied to a person who does not fulfill the requirements of the personal responsibility agreement under subsection (a).

(c) A person who is granted an exemption under section 23 of this chapter may be excused from specific provisions of the personal responsibility agreement as determined by the director.

SECTION 37. IC 12-15-2-0.5, AS AMENDED BY P.L.1-2010, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. (a) This section applies to a person who qualifies for assistance:

(1) under sections 13 through 16 of this chapter;

(2) under section 6 of this chapter when the person becomes ineligible for medical assistance under IC 12-14-2-5.1 or IC 12-14-2-5.3; or

(3) as an individual with a disability if the person is less than eighteen (18) years of age and otherwise qualifies for assistance.

(b) Notwithstanding any other law, the following may not be construed to limit health care assistance to a person described in subsection (a):

(1) ~~IC 12-8-1-13.~~ **IC 12-8-1.5-12.**

(2) IC 12-14-1-1.

(3) IC 12-14-1-1.5.

(4) IC 12-14-2-5.1.

(5) IC 12-14-2-5.2.

(6) IC 12-14-2-5.3.

(7) IC 12-14-2-17.

(8) IC 12-14-2-18.

(9) IC 12-14-2-20.

(10) IC 12-14-2-21.

(11) IC 12-14-2-24.

(12) IC 12-14-2-25.

(13) IC 12-14-2-26.
(14) IC 12-14-2.5.
(15) IC 12-14-5.5.
(16) Section 21 of this chapter.

SECTION 38. IC 12-21-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the division.

SECTION 39. IC 12-21-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall be administered by a director appointed under ~~IC 12-8-8-1.~~ **IC 12-8-8.5-1.**

SECTION 40. IC 12-21-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~IC 12-8-8~~ **IC 12-8-8.5** applies to the director.

SECTION 41. IC 12-21-2-3, AS AMENDED BY P.L.143-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. In addition to the general authority granted to the director under ~~IC 12-8-8,~~ **IC 12-8-8.5,** the director shall do the following:

(1) Organize the division, create the appropriate personnel positions, and employ personnel necessary to discharge the statutory duties and powers of the division or a bureau of the division.
(2) Subject to the approval of the state personnel department, establish personnel qualifications for all deputy directors, assistant directors, bureau heads, and superintendents.
(3) Subject to the approval of the budget director and the governor, establish the compensation of all deputy directors, assistant directors, bureau heads, and superintendents.
(4) Study the entire problem of mental health, mental illness, and addictions existing in Indiana.
(5) Adopt rules under IC 4-22-2 for the following:
(A) Standards for the operation of private institutions that are licensed under IC 12-25 for the diagnosis, treatment, and care of individuals with psychiatric disorders, addictions, or other abnormal mental conditions.
(B) Licensing or certifying community residential programs described in IC 12-22-2-3.5 for individuals with serious mental illness (SMI), serious emotional disturbance (SED), or chronic addiction (CA) with the exception of psychiatric residential treatment facilities.
(C) Certifying community mental health centers to operate in Indiana.
(D) Establish exclusive geographic primary service areas for community mental health centers. The rules must include the following:
(i) Criteria and procedures to justify the change to the boundaries of a community mental health center's primary service area.
(ii) Criteria and procedures to justify the change of an assignment of a community mental health center to a primary service area.
(iii) A provision specifying that the criteria and procedures determined in items (i) and (ii) must include an option for the county and the community mental health center to initiate a request for a change in primary service area or provider assignment.
(iv) A provision specifying the criteria and procedures determined in items (i) and (ii) may not limit an eligible consumer's right to choose or access the services of any provider who is certified by the division of mental health and addiction to provide public supported mental health services.
(6) Institute programs, in conjunction with an accredited college or university and with the approval, if required by law, of the commission for higher education, for the instruction of students of mental health and other related occupations. The programs may be designed to meet requirements for undergraduate and postgraduate degrees and to provide continuing education and research.
(7) Develop programs to educate the public in regard to the prevention, diagnosis, treatment, and care of all abnormal mental conditions.
(8) Make the facilities of the Larue D. Carter Memorial Hospital available for the instruction of medical students, student nurses, interns, and resident physicians under the supervision of the faculty of the Indiana University School of Medicine for use by the school in connection with research and instruction in psychiatric disorders.
(9) Institute a stipend program designed to improve the quality and quantity of staff that state institutions employ.
(10) Establish, supervise, and conduct community programs, either directly or by contract, for the diagnosis, treatment, and prevention of psychiatric disorders.
(11) Adopt rules under IC 4-22-2 concerning the records and data to be kept concerning individuals admitted to state institutions, community mental health centers, or other providers.
(12) Compile information and statistics concerning the ethnicity and gender of a program or service recipient.
(13) Establish standards for services described in IC 12-7-2-40.6 for community mental health centers and other providers.

SECTION 42. IC 14-13-2-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.3. As used in this chapter, "parcel" has the meaning set forth in 50 IAC 26-2-31.**

SECTION 43. IC 14-13-2-6, AS AMENDED BY HEA 1264-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection (b) and ~~section~~ **sections** 18.5 **and 18.6** of this chapter, the commission may operate in the manner provided in this chapter only in the geographic area within and extending one (1) mile from the bank of the west arm of the Little Calumet

River and Burns Waterway in Lake County and Porter County. **However, to address flooding issues within this geographic area, the commission may operate in the manner provided in this chapter in areas that include tributaries to the Little Calumet River and Burns Waterway, including the Deep River watershed, within Lake County.**

(b) The commission does not have the power of eminent domain for the construction of marina facilities north of U.S. Highway 12 or south of that point where the west arm of the Little Calumet River meets Burns Waterway. The commission's activities north of U.S. Highway 12 and within and adjacent to Burns Waterway are restricted to those activities that the commission determines to be necessary for the following:

(1) Channeling and maintenance.

(2) Construction of breakwaters.

SECTION 44. IC 14-13-2-7, AS AMENDED BY HEA 1264-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The commission has:

(1) before July 1, 2012, five (5) members appointed by the governor; and

(2) after June 30, 2012, nine (9) members appointed by the governor.

(b) The following requirements apply to the governor's appointments under subsection (a)(1):

(1) One (1) member must be a representative of the department of natural resources. The member may not be an employee or elected official of a city, town, or county governmental unit.

(2) The remaining four (4) members must meet the following requirements:

(A) Four (4) members must reside in a:

(i) city;

(ii) town; or

(iii) township (if the member resides in an unincorporated area of the county);

that borders the Little Calumet River.

(B) At least three (3) of the members must have a background in:

(i) construction;

(ii) project management; or

(iii) flood control;

or a similar professional background.

(C) A member may not be an employee or elected official of a city, town, or county governmental unit.

(c) The following apply to the membership of the commission after June 30, 2012:

(1) Before August 1, 2012, the governor shall appoint four (4) additional members to the commission for four (4) year terms as follows:

(A) One (1) member nominated by the mayor of a city having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).

(B) One (1) member nominated by the mayor of a city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(C) Two (2) members nominated by the board of county commissioners of Lake County.

(2) Notwithstanding section 8 of this chapter, the term of the member described in subsection (b)(1) expires January 7, 2013. The governor shall appoint one (1) member nominated by the department of natural resources for a four (4) year term beginning January 7, 2013.

(3) Notwithstanding section 8 of this chapter, the terms of the members described in subsection (b)(2) expire January 1, 2014. The governor shall appoint for four (4) year terms beginning January 1, 2014, four (4) members, each of whom must have been nominated by the executive of a municipality located in the watershed other than a city described in subdivision (1).

(4) A member appointed to succeed a member appointed under subdivision (1) or (2) must be nominated by the nominating authority that nominated the member's predecessor, and a member appointed to succeed a member appointed under subdivision (3) must be nominated by the executive of a municipality located in the watershed other than a city described in subdivision (1).

(d) The following apply to a member appointed under subsection (c) and to any member appointed to succeed a member appointed under subsection (c):

(1) After July 31, 2012, not more than five (5) members of the commission may belong to the same political party.

(2) Each member must have a background in:

(A) construction;

(B) project management;

(C) flood control; or

(D) a similar professional background.

(3) A member may not be an employee or elected official of a city, town, or county governmental unit.

~~(4) Neither the two (2) members appointed under subsection (c)(3) nor any two (2) members appointed to succeed them may be from the same municipality.~~

(4) The members:

(A) appointed under subsection (c)(3); or

(B) appointed to succeed members appointed under subsection (c)(3);

must be from different municipalities.

(5) Neither the two (2) members appointed under subsection (c)(1)(C) nor any two (2) members appointed to succeed them may be from the same district created under IC 36-2-2-4(b).

SECTION 45. IC 14-13-2-18.6, AS ADDED BY HEA 1264-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18.6. (a) Each year, the county treasurer shall add to the property tax statements of a person owning the taxable parcel affected by a special assessment imposed under section 18.5 of this chapter, designating the special assessment in a manner distinct from

general taxes, and indicating that the full annual assessment is due in the year the statement is sent.

(b) An assessment imposed under section 18.5 of this chapter shall be collected in the same manner as other special assessments are collected under IC 6-1.1, except for the following:

(1) An assessment is not the personal obligation of the owner of the taxable parcel affected by the assessment, and only the taxable parcel actually affected by an assessment shall be sold for delinquency.

(2) An annual assessment shall be paid in full on or before the date the first installment of property taxes is due.

(c) At the time of each annual tax settlement, the county treasurer shall certify to the county auditor the amount of the special assessments collected.

(d) The county auditor shall pay special assessments collected by the county treasurer under this section to the commission.

(e) Special assessments collected under this section shall be deposited into a segregated account within the fund. Special assessments deposited into the account may not be transferred into other accounts within the fund. Money in the account may be used only for the following purposes:

(1) To pay expenses directly related to the acquisition, construction, or improvement of real property, a facility, a betterment, or an improvement constituting part of a project of the commission, including acquisition of the site for a project.

(2) To pay expenses directly related to the operation, repair, and maintenance of flood protection systems within the watershed.

(3) To repay bonds issued for the purposes described in subdivision (1).

(4) To make the transfers required by subsection (f).

(f) Subject to subsection (g), the commission shall transfer money from the segregated account referred to in subsection (e) to the northwest Indiana regional development authority established by IC 36-7.5-2-1 as follows:

(1) Two million four hundred thirty thousand dollars ($2,430,000) on July 1, 2013.

(2) One million four hundred sixty thousand dollars ($1,460,000) on July 1, 2014.

(3) Nine hundred twenty thousand dollars ($920,000) on July 1, 2015.

(4) Six hundred ninety thousand dollars ($690,000) on July 1, 2016.

(5) Five hundred thousand dollars ($500,000) on July 1, 2017.

(g) The commission may postpone or reduce the amount of a transfer required by subsection (f) by adopting a resolution, with at least two-thirds (2/3) of the members voting in the affirmative, declaring that an emergency exists. For purposes of this subsection, an emergency may include the following:

(1) A determination that the amount of assessments paid before July 1, 2013, is insufficient to make the transfer required under subsection (f)(1) on July 1, 2013.

(2) A demand from the Army Corps of Engineers for payment in an amount that would prevent the commission from complying with the transfer schedule set forth in subsection (f).

(h) The total amount to be transferred to the northwest Indiana regional development authority under the schedule set forth in subsection (f), as amended for the reasons specified in subsection (g), is six million dollars ($6,000,000).

SECTION 46. IC 16-28-15-5, AS ADDED BY P.L.229-2011, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. As used in this chapter, "office" refers to the office of Medicaid policy and planning established by ~~IC 12-8-6-1.~~ **IC 12-8-6.5-1.**

SECTION 47. IC 20-24-8-5, AS AMENDED BY P.L.90-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

(1) IC 5-11-1-9 (required audits by the state board of accounts).

(2) IC 20-39-1-1 (unified accounting system).

(3) IC 20-35 (special education).

(4) IC 20-26-5-10 (criminal history).

(5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).

(6) IC 20-28-10-12 (nondiscrimination for teacher marital status).

(7) IC 20-28-10-14 (teacher freedom of association).

(8) IC 20-28-10-17 (school counselor immunity).

(9) For conversion charter schools only, IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.

(10) IC 20-33-2 (compulsory school attendance).

(11) IC 20-33-3 (limitations on employment of children).

(12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).

(13) IC 20-33-8-16 (firearms and deadly weapons).

(14) IC 20-34-3 (health and safety measures).

(15) IC 20-33-9 (reporting of student violations of law).

(16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

(17) IC 20-31-3, IC 20-32-4, IC 20-32-5, ~~IC 20-32-6,~~ IC 20-32-8, **and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b)** ~~or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).~~ **(academic standards, accreditation, assessment, and remediation).**

(18) IC 20-33-7 (parental access to education records).

(19) IC 20-31 (accountability for school performance and improvement).

(20) IC 20-30-5-19 (personal financial responsibility instruction).

SECTION 48. IC 20-26-11-8, AS AMENDED BY SEA 283-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a) As used in this section, "attend school" means to:~~

~~(1) physically attend a school in a building owned and operated by a school corporation; or~~

~~(2) be educated onsite at a facility.~~

~~(b) If a student resides in a facility and cannot leave the facility based on a medical decision that the student is a risk to the student or a risk to others, the school corporation in which the facility is located shall provide the student educational services onsite at the facility.~~

~~(c) A student educated onsite at a facility is entitled to the following:~~

~~(1) An educational opportunity comparable to that of a student attending a school operated by the school corporation.~~

~~(2) To receive the same level of educational services from the school corporation in which the facility is located as received by a student who physically attends school in a school operated by the school corporation. Unless provided otherwise in a student's individualized education program, educational services must include at least the following:~~

~~(A) An instructional day that meets the requirements of IC 20-30-2-2.~~

~~(B) A school year with a minimum of one hundred eighty (180) student instructional days under IC 20-30-2-3.~~

~~(C) Educationally appropriate textbooks and other materials offered to the student at the same cost assessed to a student attending a school operated by the school corporation.~~

~~(D) Licensed teachers who are qualified to teach the grade level of the student and the subject matter of the student's curriculum.~~

~~(d)~~ **(a)** A student who is placed in a state licensed private or public health care facility or child care facility:

(1) by or with the consent of the department of child services;

(2) by a court order; or

(3) by a child placing agency licensed by the department of child services;

may attend school in the school corporation in which the facility is located. If the school corporation in which the facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

~~(e)~~ **(b)** A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

(1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and

(2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as having a disability under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as having a disability under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under IC 20-35-2-1(b)(5).

~~(f)~~ **(c)** A student who is placed in:

(1) an institution operated by the division of disability and rehabilitative services or the division of mental health and addiction; or

(2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection ~~(d)~~ **(a)** or ~~(e)~~ **(b)** or another state is obligated to pay the transfer tuition.

~~(g)~~ **(d)** This subsection applies to a student who is placed:

(1) by or with the consent of the department of child services;

(2) by a court order; or

(3) by a child placing agency licensed by the department of child services;

in a foster family home or the home of a relative or other unlicensed caretaker that is not located in the school corporation in which the student has legal settlement. The student may attend school in either the school corporation in which the foster family home or other home is located or the school corporation in which the student has legal settlement. The department of child services and the student's foster parents or caretaker shall make the determination concerning where the student attends school unless that determination is made by a court that has jurisdiction over the student. If a licensed child placing agency is responsible for oversight of the foster family home in which the student is placed or for providing services to the student, the department of child services must consult with the licensed child placing agency concerning the determination of, or the recommendations made

to the court concerning, where the student attends school. Except as provided in subsection ~~(h),~~ **(e),** transfer tuition is not required for the student.

~~(h)~~ **(e)** If a student to whom subsection ~~(g)~~ **(d)** applies is attending school in a school corporation that is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay transfer tuition to the school corporation in which the student is enrolled in school if all of the following conditions apply:

(1) The student was previously placed in a child caring institution licensed under IC 31-27-3.

(2) While placed in the child caring institution, the student was enrolled in a school that is:

(A) administered by the school corporation in which the child caring institution is located; and

(B) located at the child caring institution.

(3) The student was moved from the child caring institution to a licensed foster family home supervised by the child caring institution either:

(A) with the approval of the department of child services and the court having jurisdiction over the student in a case under IC 31-34; or

(B) by a court order in a case under IC 31-37.

(4) After moving from the child caring institution to the foster family home, the student continues to attend the school located at the child caring institution.

(5) The legal settlement of the student was determined by a juvenile court under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6.

~~(i)~~ **(f)** A student:

(1) who is placed in a facility, home, or institution described in subsection ~~(d), (e), or (f);~~ **(a), (b), or (c);**

(2) to whom neither subsection ~~(g)~~ **(d)** nor ~~(h)~~ **(e)** applies; and

(3) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support.

SECTION 49. IC 20-27-11-1, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) If a student who attends a nonpublic school in a school corporation resides on or along the highway constituting the regular route of a public school bus, the governing body of the school corporation shall provide transportation for the nonpublic school student on the school bus.

(b) The transportation provided under this section must be from the home of the nonpublic school student or from a point on the regular route nearest or most easily accessible to the home of the nonpublic school student to and from the nonpublic school or to and from the point on the regular route that is nearest or most easily accessible to the nonpublic school **from which the student can walk to and from the nonpublic school.**

SECTION 50. IC 20-28-11.5-8, AS ADDED BY P.L.90-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) To implement this chapter, the state board shall do the following:

(1) Before January 31, 2012, adopt rules under IC 4-22-2 that establish:

(A) the criteria that define each of the four categories of teacher ratings under section ~~4(b)(3)~~ **4(c)(4)** of this chapter;

(B) the measures to be used to determine student academic achievement and growth under section ~~4(b)(2)~~ **4(c)(2)** of this chapter;

(C) standards that define actions that constitute a negative impact on student achievement; and

(D) an acceptable standard for training evaluators.

(2) Before January 31, 2012, work with the department to develop a model plan and release it to school corporations. Subsequent versions of the model plan that contain substantive changes must be provided to school corporations.

(3) Work with the department to ensure the availability of ongoing training on the use of the performance evaluation to ensure that all evaluators and certificated employees have access to information on the plan, the plan's implementation, and this chapter.

(b) A school corporation may adopt the **department's** model plan, **or any other model plan approved by the department,** without the state board's approval.

(c) A school corporation may **substantially** modify the model plan or develop the school corporation's own plan, if the **substantially** modified or developed plan meets the criteria established under this chapter. If a school corporation **substantially** modifies the model plan or develops its own plan, the department may request that the school corporation submit the plan to the department to ensure the plan meets the criteria developed under this chapter. **If the department makes such a request, before submitting a substantially modified or new staff performance evaluation plan to the department, the governing body shall submit the staff performance evaluation plan to the teachers employed by the school corporation for a vote. If at least seventy-five percent (75%) of the voting teachers vote in favor of adopting the staff performance evaluation plan, the governing body may submit the staff performance evaluation plan to the department.**

(d) Each school corporation shall submit its staff performance evaluation plan to the department. The department shall publish the staff performance evaluation plans on the department's Internet web site. A school corporation must submit its staff performance evaluation plan to the department for approval in

order to qualify for any grant funding related to this chapter.

~~(c) This subsection applies to a school corporation that has not adopted a staff performance evaluation plan that complies with this chapter before July 1, 2011. Before submitting a staff performance evaluation plan to the department under subsection (b), the governing body shall submit the staff performance evaluation plan to the teachers employed by the school corporation for a vote. If at least seventy-five percent (75%) of the teachers voting vote in favor of adopting the staff performance evaluation plan, the governing body may submit the staff performance evaluation plan to the department under subsection (b).~~

SECTION 51. IC 20-31-2-10, AS ADDED BY P.L.229-2011, SECTION 187, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. "Turnaround academy" means a school that is subject to IC 20-31-9.5 **and for the purpose of federal funding only, is considered a local educational agency.**

SECTION 52. IC 20-31-9.5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) If the state board assigns a special management team to a school, the state board shall enter into a contract with a special management team that includes the following provisions:**

(1) A requirement that the special management team and the governing body conduct a public meeting two

(2) times each year to provide a report concerning:

(A) student achievement of affected students; and

(B) the condition of the school property and to address issues related to the school property.

(2) A requirement that the student instruction must be provided by teachers licensed under IC 20-28-5.

(b) Individuals employed by the special management team are entitled to participate in either:

(1) the state teachers' retirement fund created by IC 5-10.4; or

(2) the public employees' retirement fund created by IC 5-10.3.

(c) Employees of a special management team are not required to organize and collectively bargain under IC 20-29-6.

SECTION 53. IC 20-32-8.5-2, AS ADDED BY P.L.109-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a) Except as provided in subsection (b) or (c),** the plan required by this chapter must include the following:

(1) Reading skill standards for grade 1 through grade 3.

(2) An emphasis on a method for making determinant evaluations by grade 3 that might require remedial action for the student, including retention as a last resort, after other methods of remediation have been evaluated or used, or both, if reading skills are below the standard. Appropriate consultation with parents or guardians must be part of the plan.

(3) The fiscal impact of each component of the plan, if any. In determining whether a component has a fiscal impact, consideration shall be given to whether the component will increase costs to the state or a school corporation or require the state or school corporation to reallocate resources.

(b) For a charter school, as defined in IC 20-24-1-4, a plan may include only the following:

(1) A method for making determinant evaluations of reading skills by grade 3.

(2) Retention as a last resort for students reading below grade level as measured by the evaluation or assessment.

(c) This subsection applies to a public school that is not a charter school. A school corporation may receive a waiver of the requirements provided in 511 IAC 6.2-3.1-4(a)(2) if the state board approves an alternative reading plan provided by the school corporation.

SECTION 54. IC 20-49-5-3, AS AMENDED BY SEA 283-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. To assist a school corporation in providing the school corporation's educational program to a student placed in a facility or home as described in ~~IC 20-26-11-8(d)~~ **IC 20-26-11-8(a)** or ~~IC 20-26-11-8(e)~~ **IC 20-26-11-8(b)** and not later than October 1 of each school year, the state board may advance money to a school corporation in anticipation of the school corporation's receipt of transfer tuition for students described in ~~IC 20-26-11-8(d)~~ **IC 20-26-11-8(a)** or ~~IC 20-26-11-8(e).~~ **IC 20-26-11-8(b).** The amount of the advance may not exceed the amount determined under STEP TWO of the following formula:

STEP ONE: Estimate for the current school year the number of students described in ~~IC 20-26-11-8(d)~~ **IC 20-26-11-8(a)** or ~~IC 20-26-11-8(e)~~ **IC 20-26-11-8(b)** that are transferred to the school corporation.

STEP TWO: Multiply the STEP ONE amount by the school corporation's prior year per student transfer tuition amount.

SECTION 55. IC 20-49-5-5, AS AMENDED BY SEA 283-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A school corporation receiving an advance shall notify the school corporation or auditor of state from which the school corporation receives transfer tuition under IC 20-26-11 for students described in ~~IC 20-26-11-8(d)~~ **IC 20-26-11-8(a)** or ~~IC 20-26-11-8(e)~~ **IC 20-26-11-8(b)** of the amount of interest withheld under section 4 of this chapter. The school corporation or auditor of state shall reimburse the school corporation for the interest expense at the same time the transfer tuition is paid.

SECTION 56. IC 22-4.1-17-6, AS ADDED BY P.L.110-2010, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. As used in this chapter, "secretary" refers to the secretary of family and social services appointed under ~~IC 12-8-1-2.~~ **IC 12-8-1.5-2.**

SECTION 57. IC 31-34-20-5, AS AMENDED BY SEA 283-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This section applies if the department or a juvenile court:

(1) places a child;

(2) changes the placement of a child; or

(3) reviews the implementation of a decree under IC 31-34-21 of a child placed;

in a state licensed private or public health care facility, child care facility, foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

(1) Make findings of fact concerning the legal settlement of the child.

(2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to determine where the child has legal settlement.

(3) Include the findings of fact required by this section in:

(A) the dispositional order;

(B) the modification order; or

(C) the other decree;

making or changing the placement of the child.

(c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under ~~IC 20-26-11-8(g).~~ **IC 20-26-11-8(d).**

(d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.

(e) The department or a juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the department or juvenile court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not affect the legal settlement of the child.

SECTION 58. IC 31-37-19-26, AS AMENDED BY SEA 283-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) This section applies if a juvenile court:

(1) places a child;

(2) changes the placement of a child; or

(3) reviews the implementation of a decree under IC 31-37-20 (or IC 31-6-4-19 before its repeal) of a child placed;

in a state licensed private or public health care facility, child care facility, foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

(1) Make findings of fact concerning the legal settlement of the child.

(2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to determine where the child has legal settlement.

(3) Include the findings of fact required by this section in the:

(A) dispositional order;

(B) modification order; or

(C) other decree;

making or changing the placement of the child.

(c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under ~~IC 20-26-11-8(g).~~ **IC 20-26-11-8(d).**

(d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.

(e) The juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not affect the legal settlement of the child.

SECTION 59. IC 32-33-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A person, a firm, a partnership, an association, a limited liability company, or a corporation maintaining a hospital in Indiana or a hospital owned, maintained, or operated by the state or a political subdivision of the state is entitled to hold a lien for the reasonable value of its services or expenses on any judgment for personal injuries rendered in favor of any person, except: ~~a person covered by:~~

(1) **a person covered by** the provisions of IC 22-3-2 through IC 22-3-6;

(2) **a person covered by** the federal worker's compensation laws; ~~or~~

(3) **a person covered by** the federal liability act; **or**

(4) an eligible person (as defined in IC 34-13-8-1) with respect to a distribution paid from the supplemental state fair relief fund for an occurrence (as defined in IC 34-13-8-2);

who is admitted to the hospital and receives treatment, care, and maintenance on account of personal injuries received as a result of the negligence of any person or corporation. In order to claim the lien, the hospital must at the time or after the judgment is rendered, enter, in writing, upon the judgment docket where the judgment is recorded, the hospital's intention to hold a lien upon the judgment, together with the amount claimed.

SECTION 60. IC 32-33-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person, a firm, a partnership, an association, a limited liability company, or a corporation maintaining a hospital in Indiana or a hospital owned, maintained, or operated by the state or a political subdivision has a lien for all reasonable and necessary charges for hospital care, treatment, and maintenance of a patient (including emergency ambulance services provided by the hospital) upon any cause of action, suit, or claim accruing to the patient, or in the case of the patient's death, the patient's legal representative, because of the illness or injuries that:

(1) gave rise to the cause of action, suit, or claim; and

(2) necessitated the hospital care, treatment, and maintenance.

(b) The lien provided for in subsection (a):

(1) except as provided in subsection (c), applies to any amount obtained or recovered by the patient by settlement or compromise rendered or entered into by the patient or by the patient's legal representative;

(2) is subject and subordinate to any attorney's lien upon the claim or cause of action;

(3) is not applicable to accidents or injuries within the purview of:

(A) IC 22-3;

(B) 5 U.S.C. 8101 et seq.; ~~or~~

(C) 45 U.S.C. 51 et seq.; **or**

(D) IC 34-13-8 concerning a distribution paid from the supplemental state fair relief fund to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2);

(4) is not assignable; and

(5) must first be reduced by the amount of any medical insurance proceeds paid to the hospital on behalf of the patient after the hospital has made all reasonable efforts to pursue the insurance claims in cooperation with the patient.

(c) If a settlement or compromise that is subject to subsection (b)(1) is for an amount that would permit the patient to receive less than twenty percent (20%) of the full amount of the settlement or compromise if all the liens created under this chapter were paid in full, the liens must be reduced on a pro rata basis to the extent that will permit the patient to receive twenty percent (20%) of the full amount.

SECTION 61. IC 32-33-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A provider has a lien for all reasonable and necessary charges for the provision of emergency ambulance services to a patient upon any cause of action, suit, or claim accruing to the patient, or in the case of the patient's death, the patient's legal representative, because of the illness or injuries that:

(1) gave rise to the cause of action, suit, or claim; and

(2) necessitated the provision of emergency ambulance services.

(b) The lien:

(1) applies to any amount obtained or recovered by the patient by settlement or compromise rendered or entered into by the patient or by the patient's legal representative;

(2) is subject and subordinate to any attorney's lien upon the claim or cause of action; and

(3) is not applicable to accidents or injuries within the purview of:

(A) IC 22-3;

(B) 5 U.S.C. 8101 et seq.; ~~or~~

(C) 45 U.S.C. 51 et seq.; **or**

(D) IC 34-13-8 concerning a distribution paid from the supplemental state fair relief fund to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2).

SECTION 62. IC 34-13-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8. Special Supplemental Relief

Sec. 1. As used in this chapter, "eligible person" refers to a person or the estate of a person that properly filed a claim with the state, in the form prescribed by the attorney general, before December 31, 2011, for physical injury or death resulting from an occurrence.

Sec. 2. As used in this chapter, "occurrence" refers to one (1) or more acts or omissions by the state or employees of the state in connection with a single event occurring after July 31, 2011, and before September 1, 2011, that resulted in the death of seven (7) or more persons.

Sec. 3. As used in this chapter, "supplemental fund" refers to the supplemental state fair relief fund established by section 9 of this chapter.

Sec. 4. (a) Recognizing the special conditions created by an occurrence, it is the intent of the general assembly to provide supplemental relief for victims of the occurrence. It is not the intent of the general assembly to revise the tort claims act in order to address the special situation of the occurrence.

(b) The attorney general may compromise or settle a claim or suit brought against the state or its employees as provided in this chapter.

(c) Only eligible persons are eligible to receive compensation under this chapter.

Sec. 5. (a) The attorney general shall attempt to resolve before January 1, 2013, all claims and suits brought against the state or its employees for an occurrence for an amount that, in the aggregate, does not exceed eleven million dollars ($11,000,000), consisting of:

(1) five million dollars ($5,000,000) paid from the state tort claim fund established to pay claims and expenses under IC 34-13-3-24; and

(2) six million dollars ($6,000,000) to be paid from the supplemental fund.

(b) The attorney general shall attempt to resolve before January 1, 2013, claims or suits for an occurrence as follows:

(1) The estate of an eligible person whose death resulted from an occurrence shall receive seven hundred thousand dollars ($700,000). This amount includes any compensation under this chapter for the eligible person's attorney's fees. The amount distributed to the estate of the eligible person whose death resulted from an occurrence is exempt from inheritance taxes under IC 6-4.1 and shall not be included in the calculation of the amount transferred to a Class A transferee, Class B transferee, or Class C transferee for the purposes of applying the exemptions in IC 6-4.1-3-10, IC 6-4.1-3-11, and IC 6-4.1-3-12.

(2) Except as provided in subdivision (3), each other eligible person who was physically injured as a result of an occurrence shall be compensated (including any compensation under this chapter for the eligible person's attorney's fees) for the physical injury in an

amount that does not exceed the least of the following:

(A) The amount of the eligible person's medical expenses incurred as a result of the physical injury.

(B) The amount claimed before the deadline established by the attorney general by the eligible person for medical expenses incurred as a result of the physical injury in relation to the claim filed before December 31, 2011.

(C) Seven hundred thousand dollars ($700,000).

(3) Eligible persons who suffered physical injuries involving permanent paralysis or permanent physical trauma or requiring major and ongoing long-term care shall be compensated for the physical injury in an amount equal to:

(A) the amount of compensation paid under subdivision (2); plus

(B) additional compensation determined under the process established by the attorney general under subdivision (4).

(4) The attorney general shall establish a process for determining the equitable amount of compensation for eligible persons under subdivision (3). The attorney general shall before January 1, 2013, determine the amount of compensation that each eligible person described in subdivision (3) is entitled to receive under subdivision (3). The attorney general may employ arbitrators, mediators, consultants, and other experts to assist in the process established by the attorney general for determining the compensation for eligible persons under subdivision (3).

Sec. 6. (a) To receive a distribution under this chapter for an occurrence, an eligible person must have already released all governmental entities and public employees from any liability for loss resulting from the occurrence. The release must be in a form that is satisfactory to the attorney general.

(b) A distribution may not be paid under this chapter from the supplemental fund to an eligible person unless the eligible person has entered into an agreement with the state providing that the person will not bring any action against the state based on an indemnification clause.

Sec. 7. The amount payable after December 31, 2011, as provided in section 5(b) of this chapter to an eligible person shall be reduced by any amount that was paid under IC 34-13-3 from the state tort claim fund before January 1, 2012, for the death or physical injury.

Sec. 8. If an eligible person is represented by an attorney regarding compensation from the supplemental fund, the attorney's fees paid to the attorney or attorneys for the representation of the eligible person regarding compensation from the supplemental fund may not exceed, in aggregate, ten percent (10%) of the total compensation paid to the eligible person from the supplemental fund.

Sec. 9. (a) The supplemental state fair relief fund is established for the purpose of providing supplemental relief to the victims of the occurrence.

(b) The supplemental fund consists of grants, donations, and appropriations made by the general assembly. The supplemental fund shall be administered by the attorney general. The treasurer of state shall invest the money in the supplemental fund not currently needed to meet the obligations of the supplemental fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the state general fund. The expenses of administering the supplemental fund shall be paid from the state tort claim fund established to pay claims and expenses under IC 34-13-3-24.

(c) The supplemental fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the supplemental fund by the state board of finance, the budget agency, or any other state agency except as provided in this chapter.

(d) Money in the supplemental fund at the end of a state fiscal year does not revert to the state general fund. Money in the supplemental fund is continually appropriated to the attorney general to carry out the purposes of the supplemental fund.

Sec. 10. (a) The attorney general may use the money in the supplemental fund to pay compensation to eligible persons as provided in this chapter.

(b) After the estate of each eligible person whose death resulted from an occurrence has received seven hundred thousand dollars ($700,000), and each other eligible person who was physically injured as a result of an occurrence has been compensated in the amount determined under section 5(b)(2) of this chapter, the remaining balance in the supplemental fund shall be used to pay compensation for ongoing expenses to eligible persons described in section 5(b)(3) of this chapter according to the process established by the attorney general under section 5(b)(4) of this chapter. Compensation paid from the supplemental fund may not be used for the following:

(1) Expenses covered by insurance.

(2) Expenses covered by another party.

Sec. 11. The expenses incurred by the attorney general in carrying out this chapter (including any expenses for arbitrators, mediators, consultants, or any other experts) shall be paid from the state tort claim fund established to pay claims and expenses under IC 34-13-3-24.

Sec. 12. (a) An eligible person may assign to the attorney general the eligible person's right to pursue a cause of action for the tortious breach of an insurer's duty to deal with an insured person in good faith.

(b) If the insurance commissioner believes that a person has engaged in any of the acts or practices listed in IC 27-4-1-4.5 in relation to an occurrence, the insurance commissioner may issue and cause to be served upon the person a statement of the charges and a notice in writing of a hearing as provided in IC 27-4-1-5. If after a hearing under IC 4-21.5-3, the insurance commissioner determines that the person has engaged in any of the acts or practices listed in

IC 27-4-1-4.5 in relation to an occurrence, the insurance commissioner may at the insurance commissioner's discretion order one (1) or more of the remedies provided in IC 27-4-1-6. Notwithstanding IC 27-4-1, the insurance commissioner may take an action under this subsection regarding the commission by a person of a single act or practice listed in IC 27-4-1-4.5 in relation to an occurrence, without having to demonstrate that the act or practice occurs with such frequency as to indicate a general practice by the person.

SECTION 63. IC 34-53-1-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. An insurer may not claim subrogation or reimbursement rights to the proceeds of a distribution paid from the supplemental state fair relief fund under IC 34-13-8 to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2).**

SECTION 64. IC 34-53-1-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) Notwithstanding any statutory right, common law right, or agreement to the contrary, a person who pays benefits or compensation to or on behalf of an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2) does not have a subrogation or other right, including any rights otherwise provided under this chapter, to recover those benefits or compensation paid from the supplemental state fair relief fund by making a claim against the state, or by making a claim, or recovering from payments made to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2) under IC 34-13-8.**

(b) Not later than forty (40) days after a distribution under IC 34-13-8 is paid, a person who believes that the state cannot constitutionally prohibit assertion of a subrogation or other claim described in subsection (a), and who claims the subrogation or other interest against the state, or against a distribution paid from the supplemental state fair relief fund to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2) under IC 34-13-8 must provide written notice to the attorney general and the eligible person of the person's intent to assert that interest. Failure to provide timely written notice to the attorney general under this section constitutes a waiver of the claims described in this section.

SECTION 65. IC 34-55-10-2, AS AMENDED BY P.L.42-2011, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section does not apply to judgments obtained before October 1, 1977.

(b) The amount of each exemption under subsection (c) applies until a rule is adopted by the department of financial institutions under section 2.5 of this chapter.

(c) The following property of a debtor domiciled in Indiana is exempt:

(1) Real estate or personal property constituting the personal or family residence of the debtor or a dependent of the debtor, or estates or rights in that real estate or personal property, of not more than fifteen thousand dollars ($15,000). The exemption under this subdivision is individually available to joint debtors concerning property held by them as tenants by the entireties.

(2) Other real estate or tangible personal property of eight thousand dollars ($8,000).

(3) Intangible personal property, including choses in action, deposit accounts, and cash (but excluding debts owing and income owing), of three hundred dollars ($300).

(4) Professionally prescribed health aids for the debtor or a dependent of the debtor.

(5) Any interest that the debtor has in real estate held as a tenant by the entireties. The exemption under this subdivision does not apply to a debt for which the debtor and the debtor's spouse are jointly liable.

(6) An interest, whether vested or not, that the debtor has in a retirement plan or fund to the extent of:

(A) contributions, or portions of contributions, that were made to the retirement plan or fund by or on behalf of the debtor or the debtor's spouse:

(i) which were not subject to federal income taxation to the debtor at the time of the contribution; or

(ii) which are made to an individual retirement account in the manner prescribed by Section 408A of the Internal Revenue Code of 1986;

(B) earnings on contributions made under clause (A) that are not subject to federal income taxation at the time of the levy; and

(C) roll-overs of contributions made under clause (A) that are not subject to federal income taxation at the time of the levy.

(7) Money that is in a medical care savings account established under IC 6-8-11.

(8) Money that is in a health savings account established under Section 223 of the Internal Revenue Code of 1986.

(9) Any interest the debtor has in a qualified tuition program, as defined in Section 529(b) of the Internal Revenue Code of 1986, but only to the extent funds in the program are not attributable to:

(A) excess contributions, as described in Section 529(b)(6) of the Internal Revenue Code of 1986, and earnings on the excess contributions;

(B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or

(C) the excess over five thousand dollars ($5,000) of aggregate contributions made by the debtor for all programs under this subdivision and education savings accounts under subdivision (10) having the same designated beneficiary:

(i) not later than one (1) year before; and

(ii) not earlier than two (2) years before;

the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the aggregate contributions.

(10) Any interest the debtor has in an education savings account, as defined in Section 530(b) of the Internal Revenue Code of 1986, but only to the extent funds in the account are not attributable to:

(A) excess contributions, as described in Section 4973(e) of the Internal Revenue Code of 1986, and earnings on the excess contributions;

(B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or

(C) the excess over five thousand dollars ($5,000) of aggregate contributions made by the debtor for all accounts under this subdivision and qualified tuition programs under subdivision (9) having the same designated beneficiary:

(i) not later than one (1) year before; and

(ii) not earlier than two (2) years before;

the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the excess contributions.

(11) The debtor's interest in a refund or a credit received or to be received under the following:

(A) Section 32 of the Internal Revenue Code of 1986 (the federal earned income tax credit).

(B) IC 6-3.1-21-6 (the Indiana earned income tax credit).

(12) A disability benefit awarded to a veteran for a service connected disability under 38 U.S.C. 1101 et seq. This subdivision does not apply to a service connected disability benefit that is subject to child and spousal support enforcement under 42 U.S.C. 659(h)(1)(A)(ii)(V).

(13) Compensation distributed from the supplemental state fair relief fund under IC 34-13-8 to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2). This subdivision applies even if a debtor is not domiciled in Indiana.

(d) A bankruptcy proceeding that results in the ownership by the bankruptcy estate of a debtor's interest in property held in a tenancy by the entireties does not result in a severance of the tenancy by the entireties.

(e) Real estate or personal property upon which a debtor has voluntarily granted a lien is not, to the extent of the balance due on the debt secured by the lien:

(1) subject to this chapter; or

(2) exempt from levy or sale on execution or any other final process from a court.

SECTION 66. [EFFECTIVE UPON PASSAGE] **(a) The definitions in P.L.229-2011, SECTION 1 apply throughout this SECTION.**

(b) The following definitions apply throughout this SECTION:

(1) "2012-2013 school year" means the school year (as defined in IC 20-18-2-17) beginning July 1, 2012, and ending June 30, 2013.

(2) "Charter school" has the meaning set forth in IC 20-24-1-4.

(3) "Current ADM" has the meaning set forth in IC 20-43-1-10.

(4) "Eligible pupil" has the meaning set forth in IC 20-43-1-11.

(5) "School corporation" has the meaning set forth in IC 20-18-2-16.

(c) Augmentation is allowed for the appropriation in P.L.229-2011, SECTION 9 to the department of education for full-day kindergarten, beginning July 1, 2012, and ending June 30, 2013.

(d) Notwithstanding P.L.229-2011, SECTION 9, each school corporation and charter school that applies to the department of education for a grant for full-day kindergarten is entitled to receive a distribution in the 2012-2013 school year from the amount appropriated in P.L.229-2011, SECTION 9 for full-day kindergarten for the state fiscal year beginning July 1, 2012, and ending June 30, 2013, as augmented under this SECTION. The total amount to be distributed to a school corporation or charter school for the 2012-2013 school year equals the result of:

(1) two thousand four hundred dollars ($2,400); multiplied by

(2) the number of eligible pupils who are:

(A) counted in the current ADM of the school corporation in the initial count of ADM in the 2012-2013 school year; and

(B) enrolled in and attending full-day kindergarten on the count date on which the current ADM is determined.

(e) A school corporation or charter school that applies for a grant for full-day kindergarten may not charge a fee for enrolling in or attending full-day kindergarten in the school year beginning July 1, 2012, and ending June 30, 2013.

(f) This SECTION expires July 1, 2013.

SECTION 67. [EFFECTIVE UPON PASSAGE] **(a) There is appropriated to the supplemental state fair relief fund (IC 34-13-8-9) six million dollars ($6,000,000) from the state general fund for its use in carrying out the purposes of the fund.**

(b) Notwithstanding any other law, not later than April 1, 2012, the budget agency shall transfer six million dollars ($6,000,000) from the state general fund to the supplemental state fair relief fund.

(c) This SECTION expires June 30, 2013.

SECTION 68. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "commission" refers to the select commission on education established under subsection (b).**

(b) The select commission on education is established with the following members:

(1) The members of the senate education and career development committee.

(2) The members of the house education committee.

The chairpersons of the senate education and career development committee and the house education committee shall serve as co-chairpersons of the committee.

(c) The committee shall study and evaluate the following issues:

(1) The process of adoption and content of rules adopted by the Indiana state board of education concerning categories or designations of school improvement under IC 20-31-8, including the matrices used for the A-F designations.

(2) Proposed rules, adopted rules, and policies of the department of education and the Indiana state board of education to implement the provisions of P.L.90-2011, concerning teacher evaluations and licensing.

(3) Any other issue that the legislative council or commission considers necessary.

(d) Beginning on or after April 1, 2012, the committee shall meet at least five (5) times before November 30, 2012. The committee shall operate under the legislative council's rules and guidelines for interim study committees.

(e) The committee shall submit the committee's report not later than December 1, 2012.

(f) This SECTION expires December 31, 2012.

SECTION 69. **An emergency is declared for this act.**

(Reference is to EHB 1376 as reprinted February 28, 2012.)

Espich, Chair	Kenley
Turner	Tallian
House Conferees	Senate Conferees

Roll Call 369: yeas 40, nays 10. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1269–1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1269 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Between the title and the enacting clause, begin a new paragraph and insert:

"*Whereas, the separation of powers, both between the branches of the federal government and between federal and state authority, is essential to the preservation of individual liberty;*

Whereas, the United States Constitution creates a federal government of limited and enumerated powers, and reserves to the states or to the people those powers not granted to the federal government;

Whereas, the federal government has enacted many laws that have preempted state laws with respect to health care, and placed increasing strain on state budgets, impairing other responsibilities such as education, infrastructure, and public safety;

Whereas, the member states seek to protect individual liberty and personal control over health care decisions, and believe the best method to achieve these ends is by vesting regulatory authority over health care in the states;

Whereas, by acting in concert, the member states may express and inspire confidence in the ability of each member state to govern health care effectively; and

Whereas, the member states recognize that consent of Congress may be more easily secured if the member states collectively seek consent through an interstate compact: Therefore,".

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

ARTICLE 16.5. THE HEALTH CARE COMPACT

Chapter 1. Definitions

Sec. 1. As used in this article, "commission" refers to the interstate advisory health care commission established by IC 12-16.5-4-1.

Sec. 2. As used in this article, "compact" refers to the health care compact entered into under this article.

Sec. 3. As used in this article, "current year inflation adjustment factor" means the total gross domestic product deflator, as determined by the United States Department of Commerce's Bureau of Economic Analysis, in the current year divided by the total gross domestic product deflator in federal fiscal year 2010.

Sec. 4. (a) As used in this article, "health care" means care, services, supplies, or plans related to the health of an individual, including the following:

(1) Preventative, diagnostic, therapeutic, rehabilitative, maintenance, and palliative care, including counseling, service, assessment, or procedure concerning the physical or mental condition or functional status of an individual or that affects the structure or function of the body.

(2) Sale or dispensing of a drug, device, equipment, or other item under a prescription.

(3) An individual or group health plan that provides or pays the costs of care, services, or supplies related to the health of an individual.

(b) The term does not include care, services, supplies, or plans provided:

(1) by the United States Department of Defense;

(2) by the United States Department of Veterans Affairs; or

(3) to Native Americans.

Sec. 5. As used in this article, "member state" means a state that has adopted the health care compact law.

Sec. 6. As used in this article, "member state base funding level" means a number determined by the member state to be equal to the total federal spending on health care in the member state during federal fiscal year 2010 and is set forth in IC 12-16.5-3-4.

Sec. 7. As used in this article, "member state current year funding level" means the member state base funding level multiplied by the member state current year population adjustment factor multiplied by the current year inflation adjustment factor.

Sec. 8. As used in this article, "member state current year population adjustment factor" means the average population of the member state in the current year, as determined by the United States Census Bureau, less the average population of the member state in federal fiscal year 2010, divided by the average population of the member state in federal fiscal year 2010 plus one (1).

Chapter 2. Applicability

Sec. 1. This article is effective upon the following:

(1) The adoption of the compact by at least two (2) member states.

(2) The consent of the federal United States Congress without changes by Congress to the following fundamental purposes of the compact:

(A) To secure the right of the member states to regulate health care in the member state's jurisdiction under the compact and to suspend the operation of any conflicting federal laws, rules, regulations, and orders within the member state.

(B) To secure federal funding for member states that choose to invoke the member state's authority under the compact, as set forth in IC 12-16.5-3.

Chapter 3. Health Care Compact

Sec. 1. (a) The governor may enter into the compact on behalf of the state with any other state only after the following occur:

(1) The budget committee reviews the compact and any plan developed under subdivision (2).

(2) The budget agency prepares a plan showing how Indiana will provide access to health care for Indiana residents under the compact.

(3) The budget agency presents the plan described in subdivision (2) to the health finance commission established by IC 2-5-23-3.

(b) The member states shall take joint and separate action to secure the consent of the United States Congress for the compact in order to return the authority to regulate health care to the member states that is consistent with the goals and principles articulated in the compact.

(c) The member states shall improve health care policy within the states' jurisdictions and according to the judgment and discretion of each member state.

Sec. 2. The state legislature of each member state has the primary responsibility to regulate health care in the member state's jurisdiction.

Sec. 3. (a) Each member state, for the member state's jurisdiction, may, to the extent allowed under the Constitution of the United States and the constitution of the member state, suspend by legislation federal laws, regulations, and orders concerning health care that are inconsistent with the laws and regulations adopted by the member state under the compact.

(b) Any federal or state law, regulation, or order concerning health care will remain in effect unless a member state expressly suspends the law, regulation, or order under the member state's authority under the compact.

(c) The member state shall be responsible for implementing any federal law, rule, regulation, or order described in this section that remains in effect in the member state.

Sec. 4. (a) Each member state for each federal fiscal year shall have the right to federal monies in an amount up to the member state current year funding level for the current year, funded by the federal government as mandatory spending and that is not subject to annual appropriation, to support the exercise of the member state authority under the compact. The funding may not be conditional on any action of or regulation, policy, law, or rule that is being adopted by the member state and that is allowed under the Constitution of the United States and the constitution of the member state.

(b) By the start of each federal fiscal year, the federal United States Congress shall establish an initial member state current year funding level for each member state. The initial member state current year funding level must be based on a reasonable estimate. The final member state current year funding level shall be calculated and funding shall be reconciled by the federal United States Congress based on information provided by each member state and audited by the United States Government Accountability Office.

Sec. 5. The member states may fund the commission in a manner agreed upon by the member states.

Sec. 6. The member states may, by unanimous agreement, amend the compact without the prior consent or approval of the federal United States Congress, to the extent the amendment is allowed under the Constitution of the United States and the constitutions of the member states. Any amendment shall be effective unless, not later than one (1) year from the approval of the amendment, the federal United States Congress disapproves of the amendment.

Sec. 7. Any state may join the compact after the date of consent of the compact by the federal United States Congress if the state adopts the compact into law.

Sec. 8. (a) A member state may withdraw from the compact by doing the following:

(1) The member state's governor notifies other member states of the intent to withdraw from the compact at least six (6) months before the withdrawal may occur.

(2) The member state's legislature adopts legislation to withdraw from the compact.

(b) A member state withdrawing from the compact is liable for any obligations that the withdrawing state may have incurred prior to the date of which the withdrawal is effective.

Sec. 9. The compact shall be dissolved upon the withdrawal from the compact of all but one (1) member state.

Chapter 4. Interstate Advisory Health Care Commission

Sec. 1. (a) The interstate advisory health care commission is established.

(b) The commission consists of members appointed by each member state in a manner determined by each member state. A member state may not appoint more than two (2) members to the commission and may withdraw membership from the commission at any time.

(c) Each commission member is entitled to one (1) vote. The commission may not act unless a majority of the members are present, and an action is not binding unless approved by a majority of the commission's total membership.

Sec. 2. (a) The commission may do the following:

(1) Elect a chairperson from the commission's membership.

(2) Adopt and publish bylaws and policies that are consistent with the compact.

(3) Study issues of health care regulation that are of concern to the member states.

(4) Make non-binding recommendations to the member states, of which the state legislatures of the member states may consider in determining appropriate health care policies for the member state.

(b) The commission shall do the following:

(1) Meet at least one (1) time per calendar year.

(2) Collect information and data to assist member states in the regulation of health care, including assessing the performance of state health care programs and compiling information on the prices of health care.

(c) The commission shall make the information collected under this section available to the legislatures of member states.

(d) Legislatures of the member states may confer additional responsibilities and duties on the commission through legislative action in accordance with the terms of the compact.

(e) The commission may not take any action within a member state.

Sec. 3. A member state may not disclose personal health information of an individual to the commission. The commission may not disclose the personal health information of an individual.

Chapter 5. Participation in Compact

Sec. 1. Indiana's participation in the compact does not include the administration of Medicare (42 U.S.C. 1395 et seq.) unless the General Assembly takes action that specifically authorizes inclusion of the Medicare program in the compact.

(Reference is to EHB 1269 as reprinted printer's error February 29, 2012.)

T. Brown, Chair	M. Young
Neese	Miller
House Conferees	Senate Conferees

Roll Call 370: yeas 37, nays 13. Report adopted.

SENATE MOTION

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 175 and that said Motion be withdrawn.

M. YOUNG

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 262.

M. CAROLINE SPOTTS
Principal Clerk of the House

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 262 because it conflicts with SEA 257-2012 and House Enrolled Act 1258-2012 without properly recognizing the existence of SEA 257-2012 and HEA 1258-2012, has had Engrossed Senate Bill 262 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 262 be corrected as follows:

In the conference committee report for ESB 262, page 21, line 14, after "IC 11-12-3.7-6" insert ", AS AMENDED BY SEA 257-2012, SECTION 400,".

In the conference committee report for ESB 262, page 21, line 43, delete "motor".

In the conference committee report for ESB 262, page 32, line 4, delete "P.L.3-2008," and insert "SEA 257-2012, SECTION 404,".

In the conference committee report for ESB 262, page 32, line 5, delete 'SECTION 240,".

In the conference committee report for ESB 262, page 32, line 31, delete "motor".

In the conference committee report for ESB 262, page 60, delete lines 32 through 51, begin a new paragraph and insert:

"SECTION 56. IC 35-45-6-1, AS AMENDED BY HEA 1258-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

(1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.

(2) A violation of IC 35-45-9.

(3) A violation of IC 35-47.

(4) A violation of IC 35-49-3.

(5) Murder (IC 35-42-1-1).

(6) Battery as a Class C felony (IC 35-42-2-1).

(7) Kidnapping (IC 35-42-3-2).

(8) Human and sexual trafficking crimes (IC 35-42-3.5).

(9) Child exploitation (IC 35-42-4-4).

(10) Robbery (IC 35-42-5-1).

(11) Carjacking (IC 35-42-5-2).

(12) Arson (IC 35-43-1-1).

(13) Burglary (IC 35-43-2-1).

(14) Theft (IC 35-43-4-2).

(15) Receiving stolen property (IC 35-43-4-2).

(16) Forgery (IC 35-43-5-2).

(17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).

(18) Bribery ~~(IC 35-44-1-1).~~ **IC 35-44.1-1-2).**

(19) Official misconduct ~~(IC 35-44-1-2).~~ **IC 35-44.1-1-1).**

(20) Conflict of interest ~~(IC 35-44-1-3).~~ **IC 35-44.1-1-4).**

(21) Perjury ~~(IC 35-44-2-1).~~ **(IC 35-44.1-2-1).**

(22) Obstruction of justice ~~(IC 35-44-3-4).~~ **(IC 35-44.1-2-2).**

(23) Intimidation (IC 35-45-2-1).

(24) Promoting prostitution (IC 35-45-4-4).

(25) Professional gambling (IC 35-45-5-3).

(26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).

(27) Promoting professional gambling (IC 35-45-5-4).

(28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(29) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).

(30) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(31) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(32) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(33) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10).

(34) Money laundering (IC 35-45-15-5).

(35) A violation of IC 35-47.5-5.

(36) A violation of any of the following:

(A) IC 23-14-48-9.

(B) IC 30-2-9-7(b).

(C) IC 30-2-10-9(b).

(D) IC 30-2-13-38(f).

(37) Practice of law by a person who is not an attorney (IC 33-43-2-1).".

In the conference committee report for ESB 262, delete page 61.

In the conference committee report for ESB 262, page 62, delete line 1.

In the conference committee report for ESB 262, page 64, line 4, delete "P.L.126-2008," and insert "SEA 257-2012,".

In the conference committee report for ESB 262, page 64, line 5, delete "12," and insert "416,".

In the conference committee report for ESB 262, page 64, line 24, delete "motor".

In the conference committee report for ESB 262, page 64, line 26, delete "motor".

(Reference is to ESB 262 as printed February 17, 2012, as amended by the Conference Committee Report for ESB 262.)

LONG, Chair
SIMPSON, R.M.M.
BRAY

Report adopted.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 175.

M. YOUNG

Roll Call 371: yeas 37, nays 13. Motion prevailed.

SENATE MOTION

Madam President: I move that all requests for interim studies, including those made by concurrent resolutions, bills which

failed to pass both Houses of the General Assembly, or written or oral requests to the President Pro Tempore of the Senate, are hereby referred to the Legislative Council for further consideration as it deems necessary or appropriate.

LONG

Motion prevailed.

Senator Long yielded the gavel to Senator Lawson.

SENATE MOTION

Madam President: I move that Senators Bray and Gard be appointed as a committee of two members of the Senate to confer with the House of Representatives for the purpose of ascertaining if the House of Representatives has any further legislative business to transact with the Senate.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Bray and Gard be appointed as a committee of two members of the Senate to confer with the Governor for the purpose of ascertaining if the Governor has any further communications to make to the Senate.

LONG

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Your Committee appointed to ascertain whether the House of Representatives has any further legislative business to transact hereby reports that your Committee has conferred with the House of Representatives and the House of Representatives has no further business to transact with the Senate.

BRAY
GARD

Report adopted.

COMMITTEE REPORT

Madam President: Your Committee appointed to confer with the Governor to ascertain whether or not he has any further communications to make to the Senate hereby reports that your Committee has waited upon the Governor and that the Governor has no further communications to make to the Senate.

BRAY
GARD

Report adopted.

SENATE MOTION

Madam President: I move that at 1:22 a.m., this tenth day of March 2012, the Senate do now adjourn *sine die*.

LONG

Motion prevailed. The Senate adjourned *sine die*.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

MESSAGES RECEIVED AFTER ADJOURNMENT

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred in the Senate amendments to Engrossed House Bill 1171.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 287.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted conference committee report 1 on Engrossed Senate Bill 345–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 26.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the conference committee report 1 on Engrossed House Bills 1269–1, 1280–1, and 1376–1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Senate for the purpose of ascertaining if the Senate has any further legislative business to transact with the House of Representatives."

The Speaker has appointed Representatives Richardson, Friend, Stevenson, and Reske.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to inform the Senate that the House of Representatives has completed its business and is ready to adjourn."

The Speaker has appointed Representatives Knollman, Foley, Day, and Cheatham.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Governor for the purpose of ascertaining if the Governor has any further communications to make to the House of Representatives."

The Speaker has appointed Representatives Turner, Yarde, Grubb, and C. Fry.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to inform the Governor that the House of Representatives has completed its business and is ready to adjourn."

The Speaker has appointed Representatives Dodge, McClain, Dobis, and Crawford.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House of Representatives has adjourned for the Second Regular Session of the 117th General Assembly *sine die* at 1:35 a.m., this tenth day of March 2012.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 9th day of March, 2012, signed House Enrolled Acts: 1065, 1116, 1226, 1238, 1250, and 1283.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 9th day of March, 2012, signed House Enrolled Acts: 1004, 1117, 1141, 1247, 1249, 1270, and 1298.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on March 10, 2012, signed House Enrolled Acts: 1005, 1033, 1080, 1092, 1123, 1186, 1192, 1196, 1237, 1258, 1279, and 1360.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 12th day of March, 2012, signed Senate Enrolled Acts: 15, 18, 19, 22, 32, 52, 97, 107, 113, 176, 293, and 298.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 12th day of March, 2012, signed House Enrolled Acts: 1005, 1033, 1040, 1080, 1092, 1123, 1134, 1169, 1186, 1192, 1196, 1237, 1258, 1279, 1325, and 1360.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on March 13, 2012, signed Senate Enrolled Acts: 26, 115, 257, 262, 287, 144, 1, 147, 175, 190, 223, 224, 233, 275, 296, 302, 311, 345, 407, 293, 32, and 19 and House Enrolled Acts: 1002, 1003, 1049, 1072, 1126, 1149, 1171, 1189, 1195, 1200, 1205, 1269, 1280, and 1376.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 14th day of March, 2012, signed Senate Enrolled Acts: 1, 26, 115, 144, 147, 175, 190, 223, 224, 233, 257, 262, 275, 287, 296, 302, 311, 345, and 407.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 14th day of March, 2012, signed House Enrolled Acts: 1002, 1003, 1049, 1072, 1126, 1149, 1171, 1189, 1195, 1200, 1205, 1269, 1280, and 1376.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 14, 2012, I signed the following enrolled acts into law: SEA 24, 56, 98, 109, 111, 114, 119, 127, 128, 131, 133, 152, 154, 156, 157, 191, 246, 255, 286, 267, 271, 307, 329, 362, 378, and 402.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 15, 2012, I signed the following enrolled acts into law: SEA 268, 173, 237, 283, 301, 309, 113, and 176.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 16, 2012, I signed the following enrolled acts into law: SEA 132, 182, 192, 193, 201, 273, 274, 315, and 370.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 19, 2012, I signed the following enrolled acts into law: SEA 15, 18, 22, 52, 97, 107, 298, 19, 26, 32, 115, 147, 175, 223, 224, 233, 257, 262, 275, 287, 296, 311, and 345.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 20, 2012, I signed the following enrolled acts into law: SEA 144, 190, 293, 302, and 407.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 20, 2012, I signed the following enrolled act into law: SEA 1.

MITCHELL E. DANIELS, JR.
Governor

Roll Calls
Roll Call Index
Miscellaneous Index

INDIANA SENATE

117TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

2012

INDIANA STATE SENATE

Roll Call Number: 2

Date: 11/22/2011
Time: 1:48:02 PM

HCR 1

A Concurrent Resolution to allow the House of Representatives and the Senate to adjourn and recess seperately throughout the Second Regular Session for periods in excess of three consecutive days.

Presiding: President

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

NOT VOTING - 1

Becker

INDIANA STATE SENATE

Roll Call Number: 7

Date: 01/10/2012
Time: 2:54:46 PM

SB 4
Head
3rd Reading
Human trafficking.

Presiding: President

YEAS - 48 NAYS - 0 EXCUSED - 2

PASSED

YEAS - 48

Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Walker
Breaux	Hume	Nugent	Waltz
Broden	Kenley	Paul	Waterman
Buck	Kruse	Randolph	Wyss
Charbonneau	Lanane	Rogers	Yoder
Delph	Landske	Schneider	Young, M
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 0

EXCUSED - 2

Alting Smith

INDIANA STATE SENATE

Roll Call Number: 12

Date: 01/19/2012
Time: 3:13:06 PM

SB 6
Tomes
3rd Reading
Knives with automatic blades.

Presiding: President

YEAS - 48 NAYS - 1 EXCUSED - 1

PASSED

YEAS - 48

Alting	Gard	Leising	Skinner
Arnold	Glick	Long	Smith
Banks	Grooms	Merritt	Steele
Becker	Head	Miller	Tallian
Boots	Hershman	Mishler	Taylor
Bray	Holdman	Mrvan	Tomes
Breaux	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Yoder
Delph	Landske	Schneider	Young, R
Eckerty	Lawson	Simpson	Zakas

NAYS - 1

Wyss

EXCUSED - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 13

Date: 01/19/2012
Time: 3:38:42 PM

SB 11
Arnold
3rd Reading
Animal fighting contests.

Presiding: President

YEAS - 38 NAYS - 10 NOT VOTING - 1 EXCUSED - 1

PASSED

YEAS - 38

Alting	Gard	Lawson	Steele
Arnold	Glick	Long	Taylor
Banks	Grooms	Merritt	Tomes
Becker	Head	Miller	Walker
Boots	Hershman	Mishler	Waltz
Broden	Holdman	Paul	Wyss
Buck	Kenley	Schneider	Yoder
Charbonneau	Kruse	Simpson	Zakas
Delph	Lanane	Skinner	
Eckerty	Landske	Smith	

NAYS - 10

Breaux	Mrvan	Rogers	Young, R
Hume	Nugent	Tallian	
Leising	Randolph	Waterman	

NOT VOTING - 1

Bray

EXCUSED - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 14

Date: 01/19/2012
Time: 3:40:58 PM

SB 19
Boots
3rd Reading
Real property reassessment.

Presiding: President

YEAS - 48 **NAYS - 0** **NOT VOTING - 1** **EXCUSED - 1**

PASSED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Breaux	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Wyss
Delph	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 0

NOT VOTING - 1

Bray

EXCUSED - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 15

Date: 01/19/2012
Time: 3:49:33 PM

SB 52
Becker
3rd Reading
HIV testing.

Presiding: President

YEAS - 48 **NAYS - 0** **NOT VOTING - 1** **EXCUSED - 1**

PASSED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Breaux	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Wyss
Delph	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 0

NOT VOTING - 1

Bray

EXCUSED - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 16

Date: 01/19/2012
Time: 3:52:31 PM

SB 133
Gard
3rd Reading
Underground storage tanks.

Presiding: President

YEAS - 48 **NAYS - 0** **NOT VOTING - 1** **EXCUSED - 1**

PASSED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Breaux	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Wyss
Delph	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 0

NOT VOTING - 1

Bray

EXCUSED - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 17

Date: 01/19/2012
Time: 3:55:57 PM

SB 144
Kenley
3rd Reading
Sales tax on tobacco tax stamping equipment.

Presiding: President

YEAS - 48 **NAYS - 0** **NOT VOTING - 1** **EXCUSED - 1**

PASSED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Breaux	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Wyss
Delph	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 0

NOT VOTING - 1

Bray

EXCUSED - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 18

Date: 01/19/2012
Time: 3:58:45 PM

SB 172
Lawson
3rd Reading
Hazardous waste disposal tax.

Presiding: President

YEAS - 48 **NAYS - 0** **NOT VOTING - 1** **EXCUSED - 1**

PASSED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Breaux	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Wyss
Delph	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 0

NOT VOTING - 1

Bray

EXCUSED - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 19

Date: 01/19/2012
Time: 4:01:17 PM

SB 191
Charbonneau
3rd Reading
Local government investments.

Presiding: President

YEAS - 48 **NAYS - 0** **NOT VOTING - 1** **EXCUSED - 1**

PASSED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Breaux	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Wyss
Delph	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 0

NOT VOTING - 1

Bray

EXCUSED - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 20

Date: 01/19/2012
Time: 4:06:42 PM

SB 193
Arnold
3rd Reading
Financial disclosures by local elected officials.

Presiding: President

YEAS - 48 **NAYS - 0** **NOT VOTING - 1** **EXCUSED - 1**

PASSED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Breaux	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Wyss
Delph	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 0

NOT VOTING - 1

Bray

EXCUSED - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 21

Date: 01/19/2012
Time: 4:12:28 PM

SB 253
Glick
3rd Reading
Military education and training.

Presiding: President

YEAS - 48 **NAYS - 0** **NOT VOTING - 1** **EXCUSED - 1**

PASSED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Breaux	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Wyss
Delph	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 0

NOT VOTING - 1

Bray

EXCUSED - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 22

Date: 01/19/2012
Time: 4:14:56 PM

SB 287
Lawson
3rd Reading
Department of child services.

Presiding: President

YEAS - 48 **NAYS - 0** **NOT VOTING - 1** **EXCUSED - 1**

PASSED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Breaux	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Wyss
Delph	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 0

NOT VOTING - 1

Bray

EXCUSED - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 24

Date: 01/20/2012
Time: 12:51:43 PM

SB 269
Yoder
2nd Reading
Employee's right to work.

Amend. #12 Waltz

Presiding: President

YEAS - 12 **NAYS - 38**

FAILED

YEAS - 12

Alting	Delph	Miller	Waltz
Becker	Head	Nugent	Young, M
Bray	Landske	Steele	Zakas

NAYS - 38

Arnold	Grooms	Merritt	Tallian
Banks	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Breaux	Hume	Paul	Walker
Broden	Kenley	Randolph	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Lanane	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	
Glick	Long	Smith	

INDIANA STATE SENATE

Roll Call Number: 25

Date: 01/20/2012
Time: 12:53:16 PM

SB 269
Yoder
2nd Reading
Employee's right to work.

Amend. #16 Hershman

Presiding: President

YEAS - 31 **NAYS - 19**

PREVAILED

YEAS - 31

Alting	Glick	Lawson	Smith
Banks	Grooms	Leising	Steele
Boots	Head	Long	Walker
Bray	Hershman	Merritt	Wyss
Buck	Holdman	Miller	Yoder
Delph	Kenley	Mishler	Young, M
Eckerty	Kruse	Paul	Zakas
Gard	Landske	Schneider	

NAYS - 19

Arnold	Hume	Rogers	Tomes
Becker	Lanane	Simpson	Waltz
Breaux	Mrvan	Skinner	Waterman
Broden	Nugent	Tallian	Young, R
Charbonneau	Randolph	Taylor	

INDIANA STATE SENATE

Roll Call Number: 26

Date: 01/20/2012
Time: 1:00:10 PM

SB 269
Yoder
2nd Reading
Employee's right to work.

Amend. #17 Hershman

Presiding: President

YEAS - 30 **NAYS - 20**

PREVAILED

YEAS - 30

Alting	Glick	Lawson	Smith
Banks	Grooms	Leising	Steele
Boots	Head	Long	Walker
Bray	Hershman	Merritt	Wyss
Buck	Holdman	Miller	Yoder
Delph	Kenley	Mishler	Young, M
Eckerty	Kruse	Paul	
Gard	Landske	Schneider	

NAYS - 20

Arnold	Hume	Rogers	Tomes
Becker	Lanane	Simpson	Waltz
Breaux	Mrvan	Skinner	Waterman
Broden	Nugent	Tallian	Young, R
Charbonneau	Randolph	Taylor	Zakas

INDIANA STATE SENATE

Roll Call Number: 27

Date: 01/20/2012
Time: 1:03:02 PM

SB 269
Yoder
2nd Reading
Employee's right to work.

Amend. #5 Tallian

Presiding: President

YEAS - 13 NAYS - 37

FAILED

YEAS - 13

Arnold	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	
Hume	Rogers	Taylor	

NAYS - 37

Alting	Glick	Long	Walker
Banks	Grooms	Merritt	Waltz
Becker	Head	Miller	Waterman
Boots	Hershman	Mishler	Wyss
Bray	Holdman	Nugent	Yoder
Buck	Kenley	Paul	Young, M
Charbonneau	Kruse	Schneider	Zakas
Delph	Landske	Smith	
Eckerty	Lawson	Steele	
Gard	Leising	Tomes	

INDIANA STATE SENATE

Roll Call Number: 28

Date: 01/20/2012
Time: 1:18:08 PM

SB 269
Yoder
2nd Reading
Employee's right to work.

Amend. #2 Tallian

Presiding: President

YEAS - 14 NAYS - 36

FAILED

YEAS - 14

Arnold	Hume	Rogers	Taylor
Becker	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	

NAYS - 36

Alting	Glick	Leising	Steele
Banks	Grooms	Long	Tomes
Boots	Head	Merritt	Walker
Bray	Hershman	Miller	Waltz
Buck	Holdman	Mishler	Waterman
Charbonneau	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Yoder
Eckerty	Landske	Schneider	Young, M
Gard	Lawson	Smith	Zakas

INDIANA STATE SENATE

Roll Call Number: 29

Date: 01/20/2012
Time: 1:43:04 PM

SB 269
Yoder
2nd Reading
Employee's right to work.

Amend. #11 Tallian

Presiding: President

YEAS - 16 NAYS - 33 NOT VOTING - 1

FAILED

YEAS - 16

Arnold	Hume	Rogers	Tallian
Breaux	Lanane	Simpson	Taylor
Broden	Mrvan	Skinner	Young, R
Head	Randolph	Steele	Zakas

NAYS - 33

Alting	Gard	Leising	Tomes
Banks	Glick	Long	Walker
Becker	Grooms	Merritt	Waltz
Boots	Hershman	Miller	Waterman
Bray	Holdman	Mishler	Wyss
Buck	Kenley	Nugent	Yoder
Charbonneau	Kruse	Paul	
Delph	Landske	Schneider	
Eckerty	Lawson	Smith	

NOT VOTING - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 30

Date: 01/20/2012
Time: 1:49:19 PM

SB 269
Yoder
2nd Reading
Employee's right to work.

Amend. #8 Simpson

Presiding: President

YEAS - 15 NAYS - 35

FAILED

YEAS - 15

Arnold	Hume	Rogers	Taylor
Becker	Lanane	Simpson	Waterman
Breaux	Mrvan	Skinner	Young, R
Broden	Randolph	Tallian	

NAYS - 35

Alting	Glick	Leising	Steele
Banks	Grooms	Long	Tomes
Boots	Head	Merritt	Walker
Bray	Hershman	Miller	Waltz
Buck	Holdman	Mishler	Wyss
Charbonneau	Kenley	Nugent	Yoder
Delph	Kruse	Paul	Young, M
Eckerty	Landske	Schneider	Zakas
Gard	Lawson	Smith	

INDIANA STATE SENATE

Roll Call Number: 31

Date: 01/20/2012
Time: 1:55:11 PM

SB 269
Yoder
2nd Reading
Employee's right to work.

Amend. #3 Tallian

Presiding: President

YEAS - 13 NAYS - 37

FAILED

YEAS - 13

Arnold	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	
Hume	Rogers	Taylor	

NAYS - 37

Alting	Glick	Long	Walker
Banks	Grooms	Merritt	Waltz
Becker	Head	Miller	Waterman
Boots	Hershman	Mishler	Wyss
Bray	Holdman	Nugent	Yoder
Buck	Kenley	Paul	Young, M
Charbonneau	Kruse	Schneider	Zakas
Delph	Landske	Smith	
Eckerty	Lawson	Steele	
Gard	Leising	Tomes	

INDIANA STATE SENATE

Roll Call Number: 32

Date: 01/20/2012
Time: 2:01:09 PM

SB 269
Yoder
2nd Reading
Employee's right to work.

Amend. #4 Tallian

Presiding: President

YEAS - 14 NAYS - 36

FAILED

YEAS - 14

Arnold	Hume	Rogers	Taylor
Becker	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	

NAYS - 36

Alting	Glick	Leising	Steele
Banks	Grooms	Long	Tomes
Boots	Head	Merritt	Walker
Bray	Hershman	Miller	Waltz
Buck	Holdman	Mishler	Waterman
Charbonneau	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Yoder
Eckerty	Landske	Schneider	Young, M
Gard	Lawson	Smith	Zakas

INDIANA STATE SENATE

Roll Call Number: 33

Date: 01/20/2012
Time: 2:25:35 PM

SB 269
Yoder
2nd Reading
Employee's right to work.

Amend. #13 Tallian

Presiding: President

YEAS - 14 NAYS - 36

FAILED

YEAS - 14

Arnold	Hume	Rogers	Taylor
Becker	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	

NAYS - 36

Alting	Glick	Leising	Steele
Banks	Grooms	Long	Tomes
Boots	Head	Merritt	Walker
Bray	Hershman	Miller	Waltz
Buck	Holdman	Mishler	Waterman
Charbonneau	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Yoder
Eckerty	Landske	Schneider	Young, M
Gard	Lawson	Smith	Zakas

INDIANA STATE SENATE

Roll Call Number: 35

Date: 01/23/2012
Time: 3:06:05 PM

SB 1
M. Young
3rd Reading
Right to defend against unlawful entry.

Presiding: President

YEAS - 45 NAYS - 5

PASSED

YEAS - 45

Alting	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Buck	Kruse	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Skinner	Young, R
Eckerty	Leising	Smith	Zakas
Gard	Long	Steele	
Glick	Merritt	Tallian	
Grooms	Miller	Taylor	

NAYS - 5

Arnold	Broden	Simpson
Breaux	Lanane	

INDIANA STATE SENATE

Roll Call Number: 36

Date: 01/23/2012
Time: 3:08:13 PM

SB 15
Miller
3rd Reading
Brain injury services study and committee.

Presiding: President

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Glick	Miller	Taylor
Arnold	Grooms	Mishler	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Gard	Merritt	Tallian	

NAYS - 1

Kenley

INDIANA STATE SENATE

Roll Call Number: 37

Date: 01/23/2012
Time: 3:11:47 PM

SB 26
Bray
3rd Reading
Title 35 definitions.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 38

Date: 01/23/2012
Time: 3:16:30 PM

SB 32
Bray
3rd Reading
Guardianships.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 39

Date: 01/23/2012
Time: 3:19:54 PM

SB 111
Holdman
3rd Reading
Group personal excess and umbrella insurance.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 40

Date: 01/23/2012
Time: 3:25:11 PM

SB 115
Landske
3rd Reading
Description of political subdivisions.

Presiding: President

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 41

Date: 01/23/2012
Time: 3:27:27 PM

SB 119
Landske
3rd Reading
Redistricting technical corrections.

Presiding: President

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 42

Date: 01/23/2012
Time: 3:29:10 PM

SB 127
Tallian
3rd Reading
Indiana public retirement system.

Presiding: President

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 43

Date: 01/23/2012
Time: 3:32:14 PM

SB 130
Gard
3rd Reading
Environmental board consolidation.

Presiding: President

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 44

Date: 01/23/2012
Time: 3:35:55 PM

SB 148
Holdman
3rd Reading
Portable electronics insurance.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 45

Date: 01/23/2012
Time: 3:40:58 PM

SB 170
Lawson
3rd Reading
Nepotism; conflict of interest.

Presiding: President

YEAS - 39 NAYS - 11

PASSED

YEAS - 39

Alting	Eckerty	Long	Steele
Arnold	Gard	Merritt	Tomes
Banks	Grooms	Miller	Walker
Becker	Head	Mishler	Waltz
Boots	Hershman	Nugent	Wyss
Bray	Holdman	Paul	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	

NAYS - 11

Breaux	Kenley	Randolph	Taylor
Glick	Leising	Rogers	Waterman
Hume	Mrvan	Tallian	

INDIANA STATE SENATE

Roll Call Number: 46

Date: 01/23/2012
Time: 3:44:02 PM

SB 176
M. Young
3rd Reading
Immediate detention orders.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 47

Date: 01/23/2012
Time: 3:46:12 PM

SB 215
Skinner
3rd Reading
Property tax exemption.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 48

Date: 01/23/2012
Time: 3:48:02 PM

SB 225
Miller
3rd Reading
Hospital assessment fee matters.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 49

Date: 01/23/2012
Time: 3:51:31 PM

SB 257
Arnold
3rd Reading
Motor vehicle law.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 50

Date: 01/23/2012
Time: 4:13:36 PM

SB 143
Kenley
2nd Reading
Automatic taxpayer refund.

Amend. #2 Broden

Presiding: President

YEAS - 14 NAYS - 36

FAILED

YEAS - 14

Arnold	Hume	Rogers	Taylor
Breaux	Lanane	Simpson	Young, R
Broden	Mrvan	Skinner	
Gard	Randolph	Tallian	

NAYS - 36

Alting	Glick	Leising	Steele
Banks	Grooms	Long	Tomes
Becker	Head	Merritt	Walker
Boots	Hershman	Miller	Waltz
Bray	Holdman	Mishler	Waterman
Buck	Kenley	Nugent	Wyss
Charbonneau	Kruse	Paul	Yoder
Delph	Landske	Schneider	Young, M
Eckerty	Lawson	Smith	Zakas

INDIANA STATE SENATE

Roll Call Number: 51

Date: 01/23/2012
Time: 6:26:26 PM

SB 269
Yoder
3rd Reading
Employee's right to work.

Presiding: President

YEAS - 28 NAYS - 22

PASSED

YEAS - 28

Alting	Glick	Lawson	Schneider
Banks	Grooms	Leising	Smith
Boots	Head	Long	Walker
Buck	Hershman	Merritt	Wyss
Delph	Holdman	Miller	Yoder
Eckerty	Kenley	Mishler	Young, M
Gard	Kruse	Paul	Zakas

NAYS - 22

Arnold	Hume	Rogers	Tomes
Becker	Lanane	Simpson	Waltz
Bray	Landske	Skinner	Waterman
Breaux	Mrvan	Steele	Young, R
Broden	Nugent	Tallian	
Charbonneau	Randolph	Taylor	

INDIANA STATE SENATE

Roll Call Number: 53

Date: 01/24/2012
Time: 2:34:18 PM

SB 54
Eckerty
2nd Reading
State university use of eminent domain.

Amend. #1 Taylor

Presiding: President

YEAS - 9 NAYS - 40 NOT VOTING - 1

FAILED

YEAS - 9

Arnold	Broden	Randolph
Becker	Lanane	Simpson
Breaux	Mrvan	Taylor

NAYS - 40

Alting	Grooms	Long	Tallian
Banks	Head	Merritt	Tomes
Boots	Hershman	Miller	Walker
Bray	Holdman	Mishler	Waltz
Buck	Hume	Nugent	Waterman
Charbonneau	Kenley	Paul	Wyss
Delph	Kruse	Schneider	Yoder
Eckerty	Landske	Skinner	Young, M
Gard	Lawson	Smith	Young, R
Glick	Leising	Steele	Zakas

NOT VOTING - 1

Rogers

INDIANA STATE SENATE

Roll Call Number: 54

Date: 01/24/2012
Time: 2:54:46 PM

SB 13
Miller
3rd Reading
Cash assistance point of service and drug reports.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 55

Date: 01/24/2012
Time: 3:02:28 PM

SB 18
Steele
3rd Reading
Duty to support a child.

Presiding: President

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 1

Simpson

INDIANA STATE SENATE

Roll Call Number: 56

Date: 01/24/2012
Time: 3:05:47 PM

SB 24
Lawson
3rd Reading
Mental health issues.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 57

Date: 01/24/2012
Time: 3:08:23 PM

SB 31
Paul
3rd Reading
Grants from military family relief fund.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 58

Date: 01/24/2012
Time: 3:19:15 PM

SB 98
Kenley
3rd Reading
County highway maintenance funding.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 59

Date: 01/24/2012
Time: 3:21:35 PM

SB 105
Boots
3rd Reading
Redevelopment commission members.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Buck	Kruse	Randolph	Wyss
Charbonneau	Lanane	Rogers	Yoder
Delph	Landske	Schneider	Young, M
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 2

Broden	Taylor

INDIANA STATE SENATE

Roll Call Number: 60

Date: 01/24/2012
Time: 3:24:35 PM

SB 109
Holdman
3rd Reading
Deposit of public funds by local units.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 61

Date: 01/24/2012
Time: 3:28:30 PM

SB 114
Bray
3rd Reading
Driving while suspended.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 62

Date: 01/24/2012
Time: 3:31:36 PM

SB 128
Walker
3rd Reading
Administration of public retirement plans.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 63

Date: 01/24/2012
Time: 3:41:29 PM

SB 143
Kenley
3rd Reading
Automatic taxpayer refund.

Presiding: President

YEAS - 36 NAYS - 14

PASSED

YEAS - 36

Alting	Glick	Lawson	Steele
Arnold	Grooms	Leising	Tallian
Becker	Head	Long	Tomes
Boots	Hershman	Merritt	Waltz
Bray	Holdman	Miller	Waterman
Buck	Hume	Mishler	Wyss
Charbonneau	Kenley	Mrvan	Young, M
Eckerty	Kruse	Nugent	Young, R
Gard	Landske	Paul	Zakas

NAYS - 14

Banks	Lanane	Simpson	Walker
Breaux	Randolph	Skinner	Yoder
Broden	Rogers	Smith	
Delph	Schneider	Taylor	

INDIANA STATE SENATE

Roll Call Number: 64

Date: 01/24/2012
Time: 3:45:13 PM

SB 154
Steele
3rd Reading
Operating a motorboat while intoxicated.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 65

Date: 01/24/2012
Time: 3:49:01 PM

SB 156
Steele
3rd Reading
Partition.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 66

Date: 01/24/2012
Time: 3:51:52 PM

SB 212
Gard
3rd Reading
Utility facility relocation.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 67

Date: 01/24/2012
Time: 4:08:10 PM

SB 232
M. Young
3rd Reading
Unemployment compensation.

Presiding: President

YEAS - 42 NAYS - 8

PASSED

YEAS - 42

Arnold	Glick	Mrvan	Tomes
Banks	Grooms	Nugent	Walker
Boots	Hume	Paul	Waltz
Bray	Kenley	Randolph	Waterman
Breaux	Kruse	Schneider	Wyss
Broden	Landske	Simpson	Yoder
Buck	Lawson	Skinner	Young, M
Charbonneau	Leising	Smith	Young, R
Delph	Merritt	Steele	Zakas
Eckerty	Miller	Tallian	
Gard	Mishler	Taylor	

NAYS - 8

Alting	Head	Holdman	Long
Becker	Hershman	Lanane	Rogers

INDIANA STATE SENATE

Roll Call Number: 68

Date: 01/24/2012
Time: 4:11:06 PM

SB 233
Alting
3rd Reading
Unopposed candidates on municipal election ballot.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 69

Date: 01/24/2012
Time: 4:13:37 PM

SB 249
Alting
3rd Reading
Record of marriage.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 70

Date: 01/24/2012
Time: 4:17:32 PM

SB 255
Wyss
3rd Reading
Various homeland security matters.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 71

Date: 01/24/2012
Time: 4:21:14 PM

SB 274
Merritt
3rd Reading
Immunity for certain alcohol offenses.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 72

Date: 01/24/2012
Time: 4:23:56 PM

SB 301
Charbonneau
3rd Reading
Extra heavy duty highways.

Presiding: President

YEAS - 45 NAYS - 5

PASSED

YEAS - 45

Alting	Gard	Merritt	Taylor
Arnold	Glick	Miller	Tomes
Banks	Grooms	Mishler	Walker
Becker	Head	Mrvan	Waltz
Boots	Hershman	Nugent	Waterman
Bray	Holdman	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Landske	Schneider	Zakas
Charbonneau	Lawson	Skinner	
Delph	Leising	Steele	
Eckerty	Long	Tallian	

NAYS - 5

Hume	Simpson	Young, R
Lanane	Smith	

INDIANA STATE SENATE

Roll Call Number: 73

Date: 01/24/2012
Time: 4:42:16 PM

SB 302
Charbonneau
3rd Reading
Technology equipment property tax exemption.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Walker
Breaux	Hume	Nugent	Waltz
Broden	Kenley	Paul	Waterman
Buck	Kruse	Randolph	Wyss
Charbonneau	Lanane	Rogers	Yoder
Delph	Landske	Schneider	Young, M
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 2

Banks Smith

INDIANA STATE SENATE

Roll Call Number: 74

Date: 01/24/2012
Time: 4:44:29 PM

SB 362
Merritt
3rd Reading
White River park foundation.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 75

Date: 01/24/2012
Time: 4:46:09 PM

SB 370
Mishler
3rd Reading
Funeral services courtesy cards.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 76

Date: 01/24/2012
Time: 4:48:22 PM

SB 402
Simpson
3rd Reading
Indiana uniform law commission.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 79

Date: 01/26/2012
Time: 2:48:37 PM

SB 174
Lawson
2nd Reading
Local government reorganization.

Amend. #5 Lawson C

Presiding: Long

YEAS - 27 NAYS - 21 EXCUSED - 2

PREVAILED

YEAS - 27

Alting	Grooms	Long	Taylor
Becker	Head	Merritt	Tomes
Bray	Hershman	Miller	Walker
Broden	Holdman	Paul	Waltz
Charbonneau	Kenley	Randolph	Wyss
Eckerty	Landske	Smith	Young, M
Gard	Lawson	Steele	

NAYS - 21

Arnold	Glick	Rogers	Yoder
Banks	Hume	Schneider	Young, R
Boots	Lanane	Simpson	Zakas
Breaux	Leising	Skinner	
Buck	Mrvan	Tallian	
Delph	Nugent	Waterman	

EXCUSED - 2

Kruse Mishler

INDIANA STATE SENATE

Roll Call Number: 80

Date: 01/26/2012
Time: 3:30:38 PM

SB 25
Kenley
3rd Reading
Redevelopment commissions and authorities.

Presiding: Long

YEAS - 39 NAYS - 8 NOT VOTING - 1 EXCUSED - 2

PASSED

YEAS - 39

Arnold	Gard	Merritt	Tomes
Banks	Glick	Miller	Walker
Becker	Grooms	Mrvan	Waltz
Boots	Head	Nugent	Waterman
Bray	Holdman	Paul	Wyss
Breaux	Kenley	Schneider	Yoder
Buck	Landske	Skinner	Young, M
Charbonneau	Lawson	Smith	Young, R
Delph	Leising	Steele	Zakas
Eckerty	Long	Tallian	

NAYS - 8

Alting	Hershman	Lanane	Simpson
Broden	Hume	Rogers	Taylor

NOT VOTING - 1

Randolph

EXCUSED - 2

Kruse Mishler

INDIANA STATE SENATE

Roll Call Number: 81

Date: 01/26/2012
Time: 4:08:16 PM

SB 54
Eckerty
3rd Reading
State university use of eminent domain.

Presiding: Long

YEAS - 34 NAYS - 13 NOT VOTING - 1 EXCUSED - 2

PASSED

YEAS - 34

Alting	Eckerty	Leising	Tomes
Arnold	Gard	Long	Waltz
Banks	Grooms	Merritt	Wyss
Becker	Head	Miller	Yoder
Boots	Hershman	Nugent	Young, M
Bray	Holdman	Paul	Young, R
Buck	Kenley	Schneider	Zakas
Charbonneau	Landske	Smith	
Delph	Lawson	Steele	

NAYS - 13

Breaux	Lanane	Skinner	Waterman
Broden	Mrvan	Tallian	
Glick	Rogers	Taylor	
Hume	Simpson	Walker	

NOT VOTING - 1

Randolph

EXCUSED - 2

Kruse Mishler

INDIANA STATE SENATE

Roll Call Number: 83

Date: 01/30/2012
Time: 3:17:26 PM

SB 147
Holdman
3rd Reading
Local government financial matters.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 84

Date: 01/30/2012
Time: 3:19:37 PM

SB 155
Steele
3rd Reading
Higher education employment age limits.

Presiding: President

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 1

Simpson

INDIANA STATE SENATE

Roll Call Number: 85

Date: 01/30/2012
Time: 3:25:03 PM

SB 231
Wyss
3rd Reading
Contracting with persons that invest in Iran.

Presiding: President

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 1

Boots

INDIANA STATE SENATE

Roll Call Number: 86

Date: 01/30/2012
Time: 3:27:46 PM

SB 271
Tallian
3rd Reading
Security deposits and motor vehicle liens.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 87

Date: 01/30/2012
Time: 3:31:18 PM

SB 298
Zakas
3rd Reading
Mortgages and liens on real property.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 88

Date: 01/30/2012
Time: 3:33:33 PM

SB 355
Charbonneau
3rd Reading
Distressed political subdivisions.

Presiding: President

YEAS - 45 NAYS - 5

PASSED

YEAS - 45

Alting	Gard	Long	Tomes
Arnold	Glick	Merritt	Walker
Banks	Grooms	Miller	Waltz
Becker	Head	Mishler	Waterman
Boots	Hershman	Mrvan	Wyss
Bray	Holdman	Nugent	Yoder
Breaux	Hume	Paul	Young, M
Broden	Kenley	Schneider	Young, R
Buck	Kruse	Skinner	Zakas
Charbonneau	Landske	Smith	
Delph	Lawson	Steele	
Eckerty	Leising	Taylor	

NAYS - 5

Lanane	Rogers	Tallian
Randolph	Simpson	

INDIANA STATE SENATE

Roll Call Number: 89

Date: 01/30/2012
Time: 3:41:00 PM

SB 361
Holdman
3rd Reading
State provision and use of communications service.

Presiding: President

YEAS - 46 NAYS - 4

PASSED

YEAS - 46

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Buck	Kruse	Rogers	Young, M
Charbonneau	Landske	Schneider	Young, R
Delph	Lawson	Smith	Zakas
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 4

Broden	Lanane	Simpson	Skinner

INDIANA STATE SENATE

Roll Call Number: 90

Date: 01/30/2012
Time: 3:53:05 PM

SB 142
Kenley
3rd Reading
Property tax issues.

Presiding: President

YEAS - 43 NAYS - 7

PASSED

YEAS - 43

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Walker
Breaux	Kenley	Paul	Waltz
Broden	Kruse	Randolph	Wyss
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Simpson	Young, M
Eckerty	Lawson	Skinner	Young, R
Gard	Leising	Smith	

NAYS - 7

Banks	Hume	Schneider	Zakas
Delph	Nugent	Waterman	

INDIANA STATE SENATE

Roll Call Number: 91

Date: 01/30/2012
Time: 4:06:24 PM

SB 12
Miller
2nd Reading
Reestablishment of FSSA.

Amend. #3 Simpson

Presiding: President

YEAS - 13 NAYS - 37

FAILED

YEAS - 13

Arnold	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	
Hume	Rogers	Taylor	

NAYS - 37

Alting	Glick	Long	Walker
Banks	Grooms	Merritt	Waltz
Becker	Head	Miller	Waterman
Boots	Hershman	Mishler	Wyss
Bray	Holdman	Nugent	Yoder
Buck	Kenley	Paul	Young, M
Charbonneau	Kruse	Schneider	Zakas
Delph	Landske	Smith	
Eckerty	Lawson	Steele	
Gard	Leising	Tomes	

INDIANA STATE SENATE

Roll Call Number: 92

Date: 01/30/2012
Time: 4:37:34 PM

SB 83
Leising
2nd Reading
Cursive writing in school curriculum.

Amend. #1 Schneider

Presiding: President

YEAS - 27 NAYS - 23

PREVAILED

YEAS - 27

Banks	Kenley	Miller	Waltz
Bray	Kruse	Nugent	Wyss
Buck	Landske	Paul	Yoder
Delph	Lawson	Schneider	Young, M
Eckerty	Leising	Smith	Young, R
Gard	Long	Steele	Zakas
Holdman	Merritt	Walker	

NAYS - 23

Alting	Charbonneau	Lanane	Skinner
Arnold	Glick	Mishler	Tallian
Becker	Grooms	Mrvan	Taylor
Boots	Head	Randolph	Tomes
Breaux	Hershman	Rogers	Waterman
Broden	Hume	Simpson	

INDIANA STATE SENATE

Roll Call Number: 93

Date: 01/30/2012
Time: 4:44:58 PM

SB 89
Kruse
2nd Reading
Teaching of creation science.

Amend. #6 Skinner

Presiding: President

YEAS - 14 NAYS - 36

FAILED

YEAS - 14

Arnold	Hume	Rogers	Taylor
Becker	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	

NAYS - 36

Alting	Glick	Leising	Steele
Banks	Grooms	Long	Tomes
Boots	Head	Merritt	Walker
Bray	Hershman	Miller	Waltz
Buck	Holdman	Mishler	Waterman
Charbonneau	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Yoder
Eckerty	Landske	Schneider	Young, M
Gard	Lawson	Smith	Zakas

INDIANA STATE SENATE

Roll Call Number: 94

Date: 01/30/2012
Time: 5:41:22 PM

SB 321
Wyss
2nd Reading
Transportation and logistics income tax credit.

Amend. #1 Taylor

Presiding: President

YEAS - 13 NAYS - 37

FAILED

YEAS - 13

Arnold	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	
Hume	Rogers	Taylor	

NAYS - 37

Alting	Glick	Long	Walker
Banks	Grooms	Merritt	Waltz
Becker	Head	Miller	Waterman
Boots	Hershman	Mishler	Wyss
Bray	Holdman	Nugent	Yoder
Buck	Kenley	Paul	Young, M
Charbonneau	Kruse	Schneider	Zakas
Delph	Landske	Smith	
Eckerty	Lawson	Steele	
Gard	Leising	Tomes	

INDIANA STATE SENATE

Roll Call Number: 95

Date: 01/30/2012
Time: 6:20:50 PM

SB 398
Mishler
2nd Reading
State chemist issues.

Amend. #1 Waterman

Presiding: Long

YEAS - 30 NAYS - 20

PREVAILED

YEAS - 30

Arnold	Hume	Rogers	Walker
Banks	Kenley	Schneider	Waltz
Boots	Kruse	Simpson	Waterman
Broden	Lanane	Skinner	Yoder
Buck	Mrvan	Smith	Young, M
Delph	Nugent	Steele	Young, R
Grooms	Paul	Taylor	
Holdman	Randolph	Tomes	

NAYS - 20

Alting	Eckerty	Landske	Miller
Becker	Gard	Lawson	Mishler
Bray	Glick	Leising	Tallian
Breaux	Head	Long	Wyss
Charbonneau	Hershman	Merritt	Zakas

INDIANA STATE SENATE

Roll Call Number: 96

Date: 01/30/2012
Time: 6:44:33 PM

SB 22
Nugent
3rd Reading
Conservancy district director compensation.

Presiding: Long

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Glick	Miller	Taylor
Arnold	Grooms	Mishler	Tomes
Banks	Head	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Gard	Merritt	Tallian	

NAYS - 1

Hershman

INDIANA STATE SENATE

Roll Call Number: 97

Date: 01/30/2012
Time: 6:46:57 PM

SB 61
Tallian
3rd Reading
Leasing of state property.

Presiding: Long

YEAS - 41 NAYS - 9

PASSED

YEAS - 41

Alting	Grooms	Mrvan	Tomes
Arnold	Head	Nugent	Walker
Banks	Hume	Paul	Waltz
Becker	Kenley	Randolph	Waterman
Boots	Lanane	Rogers	Wyss
Breaux	Landske	Schneider	Yoder
Broden	Lawson	Simpson	Young, R
Buck	Leising	Skinner	Zakas
Charbonneau	Long	Steele	
Gard	Merritt	Tallian	
Glick	Mishler	Taylor	

NAYS - 9

Bray	Hershman	Miller
Delph	Holdman	Smith
Eckerty	Kruse	Young, M

INDIANA STATE SENATE

Roll Call Number: 98

Date: 01/30/2012
Time: 7:31:49 PM

SB 97
M. Young
3rd Reading
Public intoxication.

Presiding: Long

YEAS - 30 NAYS - 20

PASSED

YEAS - 30

Alting	Grooms	Mrvan	Taylor
Banks	Holdman	Nugent	Tomes
Boots	Hume	Paul	Walker
Bray	Lanane	Randolph	Waltz
Breaux	Landske	Rogers	Waterman
Buck	Leising	Simpson	Young, M
Eckerty	Long	Steele	
Glick	Mishler	Tallian	

NAYS - 20

Arnold	Gard	Lawson	Smith
Becker	Head	Merritt	Wyss
Broden	Hershman	Miller	Yoder
Charbonneau	Kenley	Schneider	Young, R
Delph	Kruse	Skinner	Zakas

INDIANA STATE SENATE

Roll Call Number: 100

Date: 01/31/2012
Time: 12:27:57 PM

HB 1001
Yoder
2nd Reading
Employee's right to work.

Amend. #10 Simpson

Presiding: President

YEAS - 15 NAYS - 35

FAILED

YEAS - 15

Arnold	Hume	Rogers	Taylor
Becker	Lanane	Simpson	Waterman
Breaux	Mrvan	Skinner	Young, R
Broden	Randolph	Tallian	

NAYS - 35

Alting	Glick	Leising	Steele
Banks	Grooms	Long	Tomes
Boots	Head	Merritt	Walker
Bray	Hershman	Miller	Waltz
Buck	Holdman	Mishler	Wyss
Charbonneau	Kenley	Nugent	Yoder
Delph	Kruse	Paul	Young, M
Eckerty	Landske	Schneider	Zakas
Gard	Lawson	Smith	

INDIANA STATE SENATE

Roll Call Number: 101

Date: 01/31/2012
Time: 12:40:40 PM

HB 1001
Yoder
2nd Reading
Employee's right to work.

Amend. #7 Simpson

Presiding: President

YEAS - 14 NAYS - 36

FAILED

YEAS - 14

Arnold	Hume	Rogers	Taylor
Becker	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	

NAYS - 36

Alting	Glick	Leising	Steele
Banks	Grooms	Long	Tomes
Boots	Head	Merritt	Walker
Bray	Hershman	Miller	Waltz
Buck	Holdman	Mishler	Waterman
Charbonneau	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Yoder
Eckerty	Landske	Schneider	Young, M
Gard	Lawson	Smith	Zakas

INDIANA STATE SENATE

Roll Call Number: 102

Date: 01/31/2012
Time: 12:43:33 PM

HB 1001
Yoder
2nd Reading
Employee's right to work.

Amend. #8 Tallian

Presiding: President

YEAS - 14 NAYS - 36

FAILED

YEAS - 14

Arnold	Hume	Rogers	Taylor
Becker	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	

NAYS - 36

Alting	Glick	Leising	Steele
Banks	Grooms	Long	Tomes
Boots	Head	Merritt	Walker
Bray	Hershman	Miller	Waltz
Buck	Holdman	Mishler	Waterman
Charbonneau	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Yoder
Eckerty	Landske	Schneider	Young, M
Gard	Lawson	Smith	Zakas

INDIANA STATE SENATE

Roll Call Number: 103

Date: 01/31/2012
Time: 1:51:33 PM

SB 210
Gard
2nd Reading
Solid waste management district matters.

Amend. #1 Simpson

Presiding: President

YEAS - 24 NAYS - 26

FAILED

YEAS - 24

Alting	Glick	Mrvan	Skinner
Arnold	Head	Nugent	Tallian
Becker	Hershman	Paul	Taylor
Breaux	Holdman	Randolph	Tomes
Broden	Hume	Rogers	Waterman
Delph	Lanane	Simpson	Young, R

NAYS - 26

Banks	Grooms	Merritt	Waltz
Boots	Kenley	Miller	Wyss
Bray	Kruse	Mishler	Yoder
Buck	Landske	Schneider	Young, M
Charbonneau	Lawson	Smith	Zakas
Eckerty	Leising	Steele	
Gard	Long	Walker	

INDIANA STATE SENATE

Roll Call Number: 104

Date: 01/31/2012
Time: 3:35:57 PM

SB 10
Landske
3rd Reading
Massage therapists.

Presiding: President

YEAS - 43 NAYS - 5 NOT VOTING - 2

PASSED

YEAS - 43

Alting	Glick	Leising	Steele
Arnold	Grooms	Long	Tallian
Becker	Head	Merritt	Taylor
Boots	Hershman	Miller	Tomes
Bray	Holdman	Mishler	Waltz
Breaux	Hume	Mrvan	Waterman
Buck	Kenley	Nugent	Wyss
Charbonneau	Kruse	Paul	Young, M
Delph	Lanane	Rogers	Young, R
Eckerty	Landske	Simpson	Zakas
Gard	Lawson	Skinner	

NAYS - 5

Banks	Smith	Yoder
Schneider	Walker	

NOT VOTING - 2

Broden	Randolph

INDIANA STATE SENATE

Roll Call Number: 105

Date: 01/31/2012
Time: 3:43:43 PM

SB 12
Miller
3rd Reading
Reestablishment of FSSA.

Presiding: President

YEAS - 44 NAYS - 6

PASSED

YEAS - 44

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Taylor
Banks	Head	Miller	Tomes
Becker	Hershman	Mishler	Walker
Boots	Holdman	Mrvan	Waltz
Bray	Hume	Nugent	Waterman
Buck	Kenley	Paul	Wyss
Charbonneau	Kruse	Randolph	Yoder
Delph	Landske	Rogers	Young, M
Eckerty	Lawson	Schneider	Young, R
Gard	Leising	Smith	Zakas

NAYS - 6

Breaux	Lanane	Skinner
Broden	Simpson	Tallian

INDIANA STATE SENATE

Roll Call Number: 106

Date: 01/31/2012
Time: 3:49:43 PM

SB 56
Eckerty
3rd Reading
Ball State board of trustees.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Walker
Breaux	Hume	Nugent	Waltz
Broden	Kenley	Paul	Waterman
Buck	Kruse	Randolph	Wyss
Charbonneau	Lanane	Rogers	Yoder
Delph	Landske	Schneider	Young, M
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 2

Banks	Tallian

INDIANA STATE SENATE

Roll Call Number: 107

Date: 01/31/2012
Time: 3:55:17 PM

SB 83
Leising
3rd Reading
Cursive writing in school curriculum.

Presiding: President

YEAS - 45 NAYS - 5

PASSED

YEAS - 45

Alting	Glick	Miller	Tallian
Arnold	Grooms	Mishler	Taylor
Banks	Hershman	Mrvan	Tomes
Becker	Hume	Nugent	Waltz
Bray	Kenley	Paul	Waterman
Breaux	Kruse	Randolph	Wyss
Broden	Lanane	Rogers	Young, M
Buck	Landske	Schneider	Young, R
Charbonneau	Lawson	Simpson	Zakas
Delph	Leising	Skinner	
Eckerty	Long	Smith	
Gard	Merritt	Steele	

NAYS - 5

Boots	Holdman	Yoder
Head	Walker	

INDIANA STATE SENATE

Roll Call Number: 108

Date: 01/31/2012
Time: 4:14:47 PM

SB 89
Kruse
3rd Reading
Teaching of creation science.

Presiding: President

YEAS - 28 NAYS - 22

PASSED

YEAS - 28

Alting	Eckerty	Kenley	Mishler
Banks	Gard	Kruse	Schneider
Becker	Glick	Lawson	Smith
Bray	Head	Leising	Tomes
Buck	Hershman	Long	Waterman
Charbonneau	Holdman	Merritt	Wyss
Delph	Hume	Miller	Yoder

NAYS - 22

Arnold	Landske	Simpson	Waltz
Boots	Mrvan	Skinner	Young, M
Breaux	Nugent	Steele	Young, R
Broden	Paul	Tallian	Zakas
Grooms	Randolph	Taylor	
Lanane	Rogers	Walker	

INDIANA STATE SENATE

Roll Call Number: 109

Date: 01/31/2012
Time: 4:30:19 PM

SB 113
Holdman
3rd Reading
Golf carts in unincorporated areas.

Presiding: President

YEAS - 41 NAYS - 8 NOT VOTING - 1

PASSED

YEAS - 41

Alting	Grooms	Miller	Tomes
Arnold	Head	Mishler	Walker
Banks	Hershman	Mrvan	Waltz
Breaux	Holdman	Randolph	Waterman
Broden	Hume	Rogers	Yoder
Buck	Kruse	Schneider	Young, M
Charbonneau	Lanane	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Taylor	

NAYS - 8

Becker	Bray	Landske	Paul
Boots	Kenley	Nugent	Wyss

NOT VOTING - 1

Tallian

INDIANA STATE SENATE

Roll Call Number: 110

Date: 01/31/2012
Time: 4:34:33 PM

SB 131
Gard
3rd Reading
Environmental matters.

Presiding: President

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Simpson	Zakas
Delph	Lawson	Skinner	
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

NOT VOTING - 1

Tallian

INDIANA STATE SENATE

Roll Call Number: 111

Date: 01/31/2012
Time: 4:41:02 PM

SB 132
Gard
3rd Reading
Water utility resource data.

Presiding: President

YEAS - 37 NAYS - 11 NOT VOTING - 2

PASSED

YEAS - 37

Alting	Gard	Long	Tomes
Arnold	Grooms	Merritt	Walker
Banks	Hershman	Miller	Waltz
Boots	Holdman	Mishler	Wyss
Bray	Hume	Mrvan	Yoder
Broden	Kenley	Nugent	Young, R
Buck	Kruse	Paul	Zakas
Charbonneau	Landske	Schneider	
Delph	Lawson	Smith	
Eckerty	Leising	Steele	

NAYS - 11

Becker	Head	Rogers	Waterman
Breaux	Lanane	Skinner	Young, M
Glick	Randolph	Taylor	

NOT VOTING - 2

Simpson Tallian

INDIANA STATE SENATE

Roll Call Number: 112

Date: 01/31/2012
Time: 4:44:46 PM

SB 140
Kenley
3rd Reading
Slot machine wagering tax.

Presiding: President

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Simpson	Zakas
Delph	Lawson	Skinner	
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

NOT VOTING - 1

Tallian

INDIANA STATE SENATE

Roll Call Number: 113

Date: 01/31/2012
Time: 4:47:55 PM

SB 152
Kruse
3rd Reading
Allen circuit court.

Presiding: President

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 114

Date: 01/31/2012
Time: 4:50:30 PM

SB 157
Steele
3rd Reading
Copy of power of attorney.

Presiding: President

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 115

Date: 01/31/2012
Time: 4:55:38 PM

SB 165
Randolph
3rd Reading
County options for delinquent property taxes.

Presiding: President

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 116

Date: 01/31/2012
Time: 5:01:01 PM

SB 168
Randolph
3rd Reading
Liability for underground storage tank fees.

Presiding: President

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 117

Date: 01/31/2012
Time: 5:02:44 PM

SB 173
Lawson
3rd Reading
Airport boards.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 118

Date: 01/31/2012
Time: 5:15:42 PM

SB 175
M. Young
3rd Reading
Absentee ballot applications.

Presiding: President

YEAS - 40 NAYS - 10

PASSED

YEAS - 40

Alting	Eckerty	Landske	Smith
Arnold	Gard	Lawson	Steele
Banks	Glick	Leising	Tomes
Becker	Grooms	Long	Walker
Boots	Head	Merritt	Waltz
Bray	Hershman	Miller	Waterman
Broden	Holdman	Mishler	Wyss
Buck	Kenley	Nugent	Yoder
Charbonneau	Kruse	Paul	Young, M
Delph	Lanane	Schneider	Zakas

NAYS - 10

Breaux	Randolph	Skinner	Young, R
Hume	Rogers	Tallian	
Mrvan	Simpson	Taylor	

INDIANA STATE SENATE

Roll Call Number: 119

Date: 01/31/2012
Time: 5:18:56 PM

SB 182
Banks
3rd Reading
State educational institutions; credit transfers.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 120

Date: 01/31/2012
Time: 5:22:07 PM

SB 190
Charbonneau
3rd Reading
Termination of parent-child relationship.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 121

Date: 01/31/2012
Time: 5:32:33 PM

SB 192
Charbonneau
3rd Reading
Sales of motorcycles on Sunday.

Presiding: President

YEAS - 37 NAYS - 13

PASSED

YEAS - 37

Arnold	Head	Miller	Tallian
Banks	Hershman	Mishler	Taylor
Becker	Holdman	Mrvan	Tomes
Boots	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Charbonneau	Landske	Randolph	Waterman
Eckerty	Lawson	Rogers	Zakas
Gard	Leising	Schneider	
Glick	Long	Simpson	
Grooms	Merritt	Steele	

NAYS - 13

Alting	Delph	Smith	Young, R
Bray	Kruse	Wyss	
Breaux	Lanane	Yoder	
Buck	Skinner	Young, M	

INDIANA STATE SENATE

Roll Call Number: 122

Date: 01/31/2012
Time: 5:34:32 PM

SB 201
Miller
3rd Reading
Transfer of human organisms exemption.

Presiding: President

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tomes
Becker	Head	Miller	Walker
Boots	Hershman	Mishler	Waltz
Bray	Holdman	Mrvan	Waterman
Breaux	Hume	Nugent	Wyss
Broden	Kenley	Paul	Yoder
Buck	Kruse	Rogers	Young, M
Charbonneau	Lanane	Schneider	Young, R
Delph	Landske	Simpson	Zakas
Eckerty	Lawson	Skinner	

NAYS - 3

Randolph	Tallian	Taylor

INDIANA STATE SENATE

Roll Call Number: 123

Date: 01/31/2012
Time: 5:36:15 PM

SB 223
Miller
3rd Reading
State department of health matters.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 124

Date: 01/31/2012
Time: 5:37:51 PM

SB 224
Miller
3rd Reading
Emergency ambulance services report.

Presiding: President

YEAS - 46 NAYS - 4

PASSED

YEAS - 46

Alting	Grooms	Miller	Tallian
Arnold	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kruse	Randolph	Wyss
Broden	Lanane	Rogers	Yoder
Buck	Landske	Schneider	Young, M
Charbonneau	Lawson	Simpson	Young, R
Eckerty	Leising	Skinner	Zakas
Gard	Long	Smith	
Glick	Merritt	Steele	

NAYS - 4

Banks	Delph	Kenley	Taylor

INDIANA STATE SENATE

Roll Call Number: 125

Date: 01/31/2012
Time: 5:40:09 PM

SB 226
Miller
3rd Reading
School corporation financial management.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 126

Date: 01/31/2012
Time: 5:43:00 PM

SB 230
Smith
3rd Reading
Worker's compensation.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 127

Date: 01/31/2012
Time: 5:47:34 PM

SB 234
Alting
3rd Reading
Synthetic drugs (including "bath salts").

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 128

Date: 01/31/2012
Time: 5:50:23 PM

SB 235
Grooms
3rd Reading
Pro bono legal services fee.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 129

Date: 01/31/2012
Time: 6:14:21 PM

SB 236
Delph
3rd Reading
Various education matters.

Presiding: Long

YEAS - 25 NAYS - 25

FAILED FOR LACK OF CONSTITUTIONAL MAJORITY

YEAS - 25

Banks	Kruse	Smith	Yoder
Bray	Landske	Steele	Young, M
Buck	Leising	Tallian	Young, R
Delph	Mishler	Taylor	Zakas
Eckerty	Mrvan	Tomes	
Grooms	Paul	Waltz	
Hume	Schneider	Waterman	

NAYS - 25

Alting	Gard	Lawson	Simpson
Arnold	Glick	Long	Skinner
Becker	Head	Merritt	Walker
Boots	Hershman	Miller	Wyss
Breaux	Holdman	Nugent	
Broden	Kenley	Randolph	
Charbonneau	Lanane	Rogers	

INDIANA STATE SENATE

Roll Call Number: 130

Date: 01/31/2012
Time: 6:16:36 PM

SB 237
M. Young
3rd Reading
Noncode statutes.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 131

Date: 01/31/2012
Time: 6:22:12 PM

SB 246
Bray
3rd Reading
Lab technician testimony in criminal cases.

Presiding: Long

YEAS - 48 NAYS - 0 NOT VOTING - 2

PASSED

YEAS - 48

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kenley	Paul	Wyss
Buck	Kruse	Rogers	Yoder
Charbonneau	Lanane	Schneider	Young, M
Delph	Landske	Simpson	Young, R
Eckerty	Lawson	Skinner	Zakas

NAYS - 0

NOT VOTING - 2

Randolph Taylor

INDIANA STATE SENATE

Roll Call Number: 132

Date: 01/31/2012
Time: 6:24:11 PM

SB 248
Leising
3rd Reading
Referendum on use of balanced school calendar.

Presiding: Long

YEAS - 36 NAYS - 13 NOT VOTING - 1

PASSED

YEAS - 36

Banks	Grooms	Long	Tomes
Becker	Hershman	Merritt	Walker
Boots	Holdman	Miller	Waltz
Bray	Hume	Mishler	Waterman
Buck	Kenley	Paul	Wyss
Charbonneau	Kruse	Schneider	Yoder
Delph	Landske	Smith	Young, M
Eckerty	Lawson	Steele	Young, R
Glick	Leising	Tallian	Zakas

NAYS - 13

Alting	Gard	Randolph	Taylor
Arnold	Head	Rogers	
Breaux	Lanane	Simpson	
Broden	Nugent	Skinner	

NOT VOTING - 1

Mrvan

INDIANA STATE SENATE

Roll Call Number: 133

Date: 01/31/2012
Time: 6:26:52 PM

SB 256
Wyss
3rd Reading
Correctional professionals assistance fund.

Presiding: Long

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 134

Date: 01/31/2012
Time: 6:29:37 PM

SB 258
Alting
3rd Reading
Alcohol trainer programs and server programs.

Presiding: Long

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 135

Date: 01/31/2012
Time: 6:31:46 PM

SB 259
Alting
3rd Reading
School consolidation executive session.

Presiding: Long

YEAS - 46 **NAYS - 4**

PASSED

YEAS - 46

Alting	Gard	Miller	Taylor
Arnold	Glick	Mishler	Tomes
Banks	Grooms	Mrvan	Walker
Becker	Head	Nugent	Waltz
Boots	Hershman	Paul	Waterman
Bray	Holdman	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Simpson	Young, M
Buck	Landske	Skinner	Young, R
Charbonneau	Lawson	Smith	Zakas
Delph	Long	Steele	
Eckerty	Merritt	Tallian	

NAYS - 4

Hume	Lanane	Leising	Schneider

INDIANA STATE SENATE

Roll Call Number: 136

Date: 01/31/2012
Time: 6:38:50 PM

SB 262
Bray
3rd Reading
IC 4 and IC 5 revision.

Presiding: Long

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 137

Date: 01/31/2012
Time: 6:40:54 PM

SB 265
Head
3rd Reading
School report card.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 138

Date: 01/31/2012
Time: 6:45:35 PM

SB 267
Rogers
3rd Reading
Education concerning child abuse.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 139

Date: 01/31/2012
Time: 6:48:34 PM

SB 268
Rogers
3rd Reading
Advisory committee on early education.

Presiding: Long

YEAS - 42 NAYS - 8

PASSED

YEAS - 42

Alting	Grooms	Merritt	Tallian
Arnold	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kruse	Paul	Wyss
Buck	Lanane	Randolph	Yoder
Charbonneau	Landske	Rogers	Young, R
Eckerty	Lawson	Simpson	Zakas
Gard	Leising	Skinner	
Glick	Long	Steele	

NAYS - 8

Banks	Delph	Schneider	Walker
Boots	Kenley	Smith	Young, M

INDIANA STATE SENATE

Roll Call Number: 140

Date: 01/31/2012
Time: 6:52:24 PM

SB 273
Lanane
3rd Reading
Regulation of outdoor stage equipment.

Presiding: Long

YEAS - 45 NAYS - 5

PASSED

YEAS - 45

Alting	Grooms	Merritt	Taylor
Arnold	Head	Miller	Tomes
Becker	Hershman	Mishler	Waltz
Bray	Holdman	Mrvan	Waterman
Breaux	Hume	Paul	Wyss
Broden	Kenley	Randolph	Yoder
Buck	Kruse	Rogers	Young, M
Charbonneau	Lanane	Schneider	Young, R
Delph	Landske	Simpson	Zakas
Eckerty	Lawson	Skinner	
Gard	Leising	Steele	
Glick	Long	Tallian	

NAYS - 5

Banks	Nugent	Walker
Boots	Smith	

INDIANA STATE SENATE

Roll Call Number: 141

Date: 01/31/2012
Time: 6:56:01 PM

SB 275
Merritt
3rd Reading
Real estate brokers.

Presiding: Long

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Glick	Merritt	Steele
Arnold	Grooms	Miller	Tallian
Banks	Head	Mishler	Taylor
Becker	Hershman	Mrvan	Tomes
Boots	Holdman	Nugent	Walker
Bray	Kenley	Paul	Waltz
Breaux	Kruse	Randolph	Waterman
Broden	Lanane	Rogers	Wyss
Buck	Landske	Schneider	Yoder
Charbonneau	Lawson	Simpson	Young, M
Eckerty	Leising	Skinner	Young, R
Gard	Long	Smith	Zakas

NAYS - 2

Delph	Hume

INDIANA STATE SENATE

Roll Call Number: 142

Date: 01/31/2012
Time: 6:58:22 PM

SB 277
Simpson
3rd Reading
Hoosier communities for a lifetime.

Presiding: Long

YEAS - 45 NAYS - 5

PASSED

YEAS - 45

Alting	Head	Miller	Taylor
Arnold	Hershman	Mishler	Tomes
Becker	Holdman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Broden	Kruse	Randolph	Wyss
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Simpson	Young, R
Eckerty	Lawson	Skinner	Zakas
Gard	Leising	Smith	
Glick	Long	Steele	
Grooms	Merritt	Tallian	

NAYS - 5

Banks	Delph	Young, M
Boots	Schneider	

INDIANA STATE SENATE

Roll Call Number: 143

Date: 01/31/2012
Time: 7:01:01 PM

SB 280
Charbonneau
3rd Reading
School finance.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 144

Date: 01/31/2012
Time: 7:04:23 PM

SB 285
Lawson
3rd Reading
Review of local government budgets.

Presiding: Long

YEAS - 46 NAYS - 4

PASSED

YEAS - 46

Alting	Gard	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Kenley	Paul	Wyss
Breaux	Kruse	Randolph	Yoder
Broden	Lanane	Rogers	Young, M
Buck	Landske	Schneider	Young, R
Charbonneau	Lawson	Simpson	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	

NAYS - 4

Glick	Hume	Skinner	Waterman

INDIANA STATE SENATE

Roll Call Number: 145

Date: 01/31/2012
Time: 7:16:17 PM

SB 286
Lawson
3rd Reading
Department of child services.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 146

Date: 01/31/2012
Time: 7:18:15 PM

SB 293
Smith
3rd Reading
Inheritance tax.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 147

Date: 01/31/2012
Time: 7:20:11 PM

SB 296
Leising
3rd Reading
Certified scholarship program eligibility.

Presiding: Long

YEAS - 34 NAYS - 16

PASSED

YEAS - 34

Banks	Hershman	Miller	Walker
Bray	Holdman	Mishler	Waltz
Buck	Kenley	Mrvan	Waterman
Charbonneau	Kruse	Nugent	Wyss
Delph	Landske	Paul	Yoder
Eckerty	Lawson	Randolph	Young, M
Gard	Leising	Schneider	Zakas
Glick	Long	Smith	
Grooms	Merritt	Steele	

NAYS - 16

Alting	Breaux	Lanane	Tallian
Arnold	Broden	Rogers	Taylor
Becker	Head	Simpson	Tomes
Boots	Hume	Skinner	Young, R

INDIANA STATE SENATE

Roll Call Number: 148

Date: 01/31/2012
Time: 7:21:57 PM

SB 303
Becker
3rd Reading
Dental benefits.

Presiding: Long

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Broden	Kenley	Paul	Waterman
Buck	Kruse	Randolph	Wyss
Charbonneau	Lanane	Rogers	Yoder
Delph	Landske	Schneider	Young, M
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 2

Breaux	Taylor

INDIANA STATE SENATE

Roll Call Number: 149

Date: 01/31/2012
Time: 7:23:19 PM

SB 307
Hershman
3rd Reading
Fire protection territories.

Presiding: Long

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 150

Date: 01/31/2012
Time: 7:25:40 PM

SB 308
Hershman
3rd Reading
Telecommunications providers of last resort.

Presiding: Long

YEAS - 43 **NAYS - 7**

PASSED

YEAS - 43

Alting	Gard	Leising	Skinner
Arnold	Glick	Long	Smith
Banks	Grooms	Merritt	Steele
Boots	Head	Miller	Taylor
Bray	Hershman	Mishler	Walker
Breaux	Holdman	Mrvan	Waltz
Broden	Hume	Nugent	Wyss
Buck	Kenley	Paul	Yoder
Charbonneau	Kruse	Randolph	Young, M
Delph	Landske	Rogers	Zakas
Eckerty	Lawson	Schneider	

NAYS - 7

Becker	Simpson	Tomes	Young, R
Lanane	Tallian	Waterman	

INDIANA STATE SENATE

Roll Call Number: 151

Date: 01/31/2012
Time: 7:27:11 PM

SB 309
Hershman
3rd Reading
Local purchasing and public works preferences.

Presiding: Long

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 152

Date: 01/31/2012
Time: 7:29:02 PM

SB 312
Hershman
3rd Reading
School policies on gang activities.

Presiding: Long

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 153

Date: 01/31/2012
Time: 7:31:37 PM

SB 315
Head
3rd Reading
Charity gaming.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 154

Date: 01/31/2012
Time: 7:35:26 PM

SB 321
Wyss
3rd Reading
Transportation and logistics income tax credit.

Presiding: Long

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Simpson	Zakas
Delph	Lawson	Skinner	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 155

Date: 01/31/2012
Time: 7:37:25 PM

SB 322
Tomes
3rd Reading
Tort immunity for DOC employees and contractors.

Presiding: Long

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Gard	Leising	Skinner
Arnold	Glick	Long	Smith
Banks	Grooms	Merritt	Steele
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kenley	Paul	Wyss
Buck	Kruse	Randolph	Yoder
Charbonneau	Lanane	Rogers	Young, M
Delph	Landske	Schneider	Young, R
Eckerty	Lawson	Simpson	Zakas

NAYS - 2

Tallian Taylor

INDIANA STATE SENATE

Roll Call Number: 156

Date: 01/31/2012
Time: 7:40:04 PM

SB 329
Hume
3rd Reading
Eminent domain filing deadlines.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 157

Date: 01/31/2012
Time: 7:42:24 PM

SB 330
Yoder
3rd Reading
Certified public accountants.

Presiding: Long

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Simpson	Zakas
Delph	Lawson	Skinner	
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 158

Date: 01/31/2012
Time: 7:44:14 PM

SB 337
Waltz
3rd Reading
Child labor law.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 159

Date: 01/31/2012
Time: 7:46:38 PM

SB 345
Hershman
3rd Reading
Statewide 911 system.

Presiding: Long

YEAS - 46 NAYS - 4

PASSED

YEAS - 46

Alting	Grooms	Merritt	Taylor
Arnold	Head	Miller	Tomes
Becker	Hershman	Mishler	Walker
Boots	Holdman	Mrvan	Waltz
Bray	Hume	Nugent	Waterman
Breaux	Kenley	Paul	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Simpson	Young, M
Charbonneau	Landske	Skinner	Young, R
Eckerty	Lawson	Smith	Zakas
Gard	Leising	Steele	
Glick	Long	Tallian	

NAYS - 4

Banks	Delph	Randolph	Schneider

INDIANA STATE SENATE

Roll Call Number: 161

Date: 02/01/2012
Time: 11:49:28 AM

HB 1001
Yoder
3rd Reading
Employee's right to work.

Presiding: President

YEAS - 28 NAYS - 22

PASSED

YEAS - 28

Alting	Glick	Lawson	Schneider
Banks	Grooms	Leising	Smith
Boots	Head	Long	Walker
Buck	Hershman	Merritt	Wyss
Delph	Holdman	Miller	Yoder
Eckerty	Kenley	Mishler	Young, M
Gard	Kruse	Paul	Zakas

NAYS - 22

Arnold	Hume	Rogers	Tomes
Becker	Lanane	Simpson	Waltz
Bray	Landske	Skinner	Waterman
Breaux	Mrvan	Steele	Young, R
Broden	Nugent	Tallian	
Charbonneau	Randolph	Taylor	

INDIANA STATE SENATE

Roll Call Number: 162

Date: 02/01/2012
Time: 12:31:01 PM

SB 72
Holdman
3rd Reading
Abortion matters.

Presiding: Long

YEAS - 36 NAYS - 0 NOT VOTING - 14

PASSED

YEAS - 36

Alting	Gard	Lawson	Smith
Banks	Glick	Leising	Steele
Becker	Grooms	Long	Tomes
Boots	Head	Merritt	Walker
Bray	Hershman	Miller	Waterman
Buck	Holdman	Mishler	Wyss
Charbonneau	Kenley	Nugent	Yoder
Delph	Kruse	Paul	Young, M
Eckerty	Landske	Schneider	Zakas

NAYS - 0

NOT VOTING - 14

Arnold	Lanane	Simpson	Waltz
Breaux	Mrvan	Skinner	Young, R
Broden	Randolph	Tallian	
Hume	Rogers	Taylor	

INDIANA STATE SENATE

Roll Call Number: 163

Date: 02/01/2012
Time: 12:35:26 PM

SB 88
Kruse
3rd Reading
Proof of residency for homestead deduction.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 164

Date: 02/01/2012
Time: 12:38:16 PM

SB 107
Zakas
3rd Reading
Deadline for adoption of salary ordinances.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 165

Date: 02/01/2012
Time: 12:41:51 PM

SB 174
Lawson
3rd Reading
Local government reorganization.

Presiding: Long

YEAS - 40 NAYS - 10

PASSED

YEAS - 40

Alting	Eckerty	Landske	Steele
Arnold	Gard	Lawson	Tomes
Banks	Glick	Long	Walker
Becker	Grooms	Merritt	Waltz
Boots	Head	Miller	Waterman
Bray	Hershman	Mishler	Wyss
Broden	Holdman	Mrvan	Yoder
Buck	Hume	Paul	Young, M
Charbonneau	Kenley	Schneider	Young, R
Delph	Kruse	Smith	Zakas

NAYS - 10

Breaux	Nugent	Simpson	Taylor
Lanane	Randolph	Skinner	
Leising	Rogers	Tallian	

INDIANA STATE SENATE

Roll Call Number: 166

Date: 02/01/2012
Time: 12:43:54 PM

SB 179
Banks
3rd Reading
Virtual instruction course requirement.

Presiding: Long

YEAS - 38 NAYS - 12

PASSED

YEAS - 38

Alting	Gard	Long	Steele
Banks	Glick	Merritt	Walker
Becker	Grooms	Miller	Waltz
Boots	Hershman	Mishler	Waterman
Bray	Holdman	Mrvan	Wyss
Breaux	Kenley	Nugent	Yoder
Buck	Kruse	Paul	Young, M
Charbonneau	Landske	Rogers	Young, R
Delph	Lawson	Schneider	
Eckerty	Leising	Smith	

NAYS - 12

Arnold	Hume	Simpson	Taylor
Broden	Lanane	Skinner	Tomes
Head	Randolph	Tallian	Zakas

INDIANA STATE SENATE

Roll Call Number: 167

Date: 02/01/2012
Time: 1:13:22 PM

SB 210
Gard
3rd Reading
Solid waste management district matters.

Presiding: Landske

YEAS - 25 NAYS - 25

FAILED FOR LACK OF CONSTITUTIONAL MAJORITY

YEAS - 25

Banks	Grooms	Miller	Wyss
Boots	Hershman	Paul	Yoder
Bray	Kenley	Schneider	Young, M
Buck	Landske	Smith	Zakas
Charbonneau	Lawson	Tallian	
Eckerty	Long	Walker	
Gard	Merritt	Waltz	

NAYS - 25

Alting	Head	Mrvan	Taylor
Arnold	Holdman	Nugent	Tomes
Becker	Hume	Randolph	Waterman
Breaux	Kruse	Rogers	Young, R
Broden	Lanane	Simpson	
Delph	Leising	Skinner	
Glick	Mishler	Steele	

INDIANA STATE SENATE

Roll Call Number: 168

Date: 02/01/2012
Time: 1:17:23 PM

SB 243
Grooms
3rd Reading
Silencers when hunting.

Presiding: Long

YEAS - 42 NAYS - 8

PASSED

YEAS - 42

Alting	Gard	Leising	Taylor
Arnold	Glick	Long	Tomes
Banks	Grooms	Merritt	Walker
Becker	Head	Miller	Waltz
Boots	Hershman	Mishler	Waterman
Bray	Holdman	Nugent	Yoder
Broden	Hume	Paul	Young, M
Buck	Kenley	Schneider	Young, R
Charbonneau	Kruse	Skinner	Zakas
Delph	Landske	Steele	
Eckerty	Lawson	Tallian	

NAYS - 8

Breaux	Mrvan	Rogers	Smith
Lanane	Randolph	Simpson	Wyss

INDIANA STATE SENATE

Roll Call Number: 169

Date: 02/01/2012
Time: 1:30:02 PM

SB 260
Alting
3rd Reading
Firefighter training and elevator mechanics.

Presiding: Long

YEAS - 23 NAYS - 27

DEFEATED

YEAS - 23

Alting	Delph	Long	Taylor
Arnold	Grooms	Miller	Tomes
Becker	Head	Mishler	Waterman
Boots	Holdman	Paul	Yoder
Breaux	Lanane	Schneider	Young, M
Broden	Landske	Tallian	

NAYS - 27

Banks	Hershman	Mrvan	Steele
Bray	Hume	Nugent	Walker
Buck	Kenley	Randolph	Waltz
Charbonneau	Kruse	Rogers	Wyss
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas
Glick	Merritt	Smith	

INDIANA STATE SENATE

Roll Call Number: 170

Date: 02/01/2012
Time: 1:32:37 PM

SB 283
Kruse
3rd Reading
High school dropout recovery schools.

Presiding: Long

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Gard	Long	Steele
Arnold	Glick	Merritt	Tallian
Banks	Grooms	Miller	Taylor
Becker	Head	Mishler	Tomes
Boots	Hershman	Mrvan	Walker
Bray	Holdman	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Broden	Kruse	Randolph	Wyss
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Simpson	Young, R
Eckerty	Leising	Smith	Zakas

NAYS - 2

Hume
Skinner

INDIANA STATE SENATE

Roll Call Number: 171

Date: 02/01/2012
Time: 1:34:32 PM

SB 311
Hershman
3rd Reading
Fiscal impact review for environmental rules.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 172

Date: 02/01/2012
Time: 1:36:48 PM

SB 327
Merritt
3rd Reading
Special group and personalized license plates.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 173

Date: 02/01/2012
Time: 1:40:24 PM

SB 334
Grooms
3rd Reading
Dispensing of prescription drugs.

Presiding: Long

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 1

Bray

INDIANA STATE SENATE

Roll Call Number: 174

Date: 02/01/2012
Time: 2:11:39 PM

SB 344
Hershman
3rd Reading
State taxation.

Presiding: Long

YEAS - 28 NAYS - 20 NOT VOTING - 2

PASSED

YEAS - 28

Alting	Gard	Landske	Schneider
Banks	Glick	Lawson	Smith
Boots	Head	Leising	Steele
Buck	Hershman	Long	Walker
Charbonneau	Holdman	Merritt	Wyss
Delph	Kenley	Miller	Yoder
Eckerty	Kruse	Paul	Young, M

NAYS - 20

Arnold	Hume	Rogers	Tomes
Becker	Lanane	Simpson	Waltz
Breaux	Mrvan	Skinner	Waterman
Broden	Nugent	Tallian	Young, R
Grooms	Randolph	Taylor	Zakas

NOT VOTING - 2

Bray Mishler

INDIANA STATE SENATE

Roll Call Number: 175

Date: 02/01/2012
Time: 2:15:14 PM

SB 350
Gard
3rd Reading
Corn marketing council.

Presiding: Long

YEAS - 46 NAYS - 3 NOT VOTING - 1

PASSED

YEAS - 46

Alting	Gard	Leising	Tallian
Arnold	Glick	Long	Taylor
Banks	Grooms	Merritt	Tomes
Becker	Head	Miller	Walker
Boots	Hershman	Mrvan	Waltz
Bray	Holdman	Paul	Waterman
Breaux	Hume	Randolph	Wyss
Broden	Kenley	Rogers	Yoder
Buck	Kruse	Schneider	Young, R
Charbonneau	Lanane	Simpson	Zakas
Delph	Landske	Smith	
Eckerty	Lawson	Steele	

NAYS - 3

Nugent Skinner Young, M

NOT VOTING - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 176

Date: 02/01/2012
Time: 2:19:05 PM

SB 351
R. Young
3rd Reading
Roe harvester and dealer licenses.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

NOT VOTING - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 177

Date: 02/01/2012
Time: 2:21:16 PM

SB 353
Walker
3rd Reading
Sales tax on gasoline.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

NOT VOTING - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 178

Date: 02/01/2012
Time: 2:24:03 PM

SB 371
Mishler
3rd Reading
Emergency medical services matters.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

NOT VOTING - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 179

Date: 02/01/2012
Time: 2:25:59 PM

SB 376
Waterman
3rd Reading
Discharge of long term inmates.

Presiding: Long

YEAS - 47 NAYS - 2 EXCUSED - 1

PASSED

YEAS - 47

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Hershman	Mrvan	Tomes
Boots	Holdman	Nugent	Walker
Bray	Hume	Paul	Waltz
Breaux	Kenley	Randolph	Waterman
Broden	Kruse	Rogers	Wyss
Buck	Lanane	Schneider	Yoder
Charbonneau	Landske	Simpson	Young, M
Delph	Lawson	Skinner	Young, R
Eckerty	Leising	Smith	Zakas
Gard	Long	Steele	

NAYS - 2

Becker Head

EXCUSED - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 180

Date: 02/01/2012
Time: 2:28:39 PM

SB 378
Simpson
3rd Reading
Conservancy district contracts.

Presiding: Long

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

EXCUSED - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 181

Date: 02/01/2012
Time: 2:31:05 PM

SB 384
Kruse
3rd Reading
School accreditation.

Presiding: Long

YEAS - 42 NAYS - 7 EXCUSED - 1

PASSED

YEAS - 42

Alting	Gard	Leising	Steele
Arnold	Glick	Long	Tomes
Banks	Grooms	Merritt	Walker
Boots	Head	Miller	Waltz
Bray	Hershman	Mrvan	Waterman
Breaux	Holdman	Nugent	Wyss
Broden	Kenley	Paul	Yoder
Buck	Kruse	Rogers	Young, M
Charbonneau	Lanane	Schneider	Zakas
Delph	Landske	Simpson	
Eckerty	Lawson	Smith	

NAYS - 7

Becker	Randolph	Tallian	Young, R
Hume	Skinner	Taylor	

EXCUSED - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 182

Date: 02/01/2012
Time: 2:33:33 PM

SB 392
Banks
3rd Reading
State educational institution grading practices.

Presiding: Long

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

EXCUSED - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 183

Date: 02/01/2012
Time: 2:35:22 PM

SB 407
Grooms
3rd Reading
Pharmacy technicians.

Presiding: Long

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

EXCUSED - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 184

Date: 02/01/2012
Time: 2:40:23 PM

SB 413
Yoder
3rd Reading
Various education matters.

Presiding: Long

YEAS - 31 NAYS - 18 EXCUSED - 1

PASSED

YEAS - 31

Banks	Glick	Leising	Tomes
Boots	Grooms	Long	Walker
Bray	Hershman	Merritt	Waltz
Buck	Holdman	Miller	Wyss
Charbonneau	Kenley	Nugent	Yoder
Delph	Kruse	Paul	Young, M
Eckerty	Landske	Schneider	Zakas
Gard	Lawson	Smith	

NAYS - 18

Alting	Head	Rogers	Taylor
Arnold	Hume	Simpson	Waterman
Becker	Lanane	Skinner	Young, R
Breaux	Mrvan	Steele	
Broden	Randolph	Tallian	

EXCUSED - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 189

Date: 02/13/2012
Time: 2:16:14 PM

HB 1163
Banks
2nd Reading
Bonding and retainage in public works projects.

Amend. #2 Arnold

Presiding: President

YEAS - 12 NAYS - 34 NOT VOTING - 1 EXCUSED - 3

FAILED

YEAS - 12

Arnold	Hume	Rogers	Tallian
Breaux	Mrvan	Simpson	Taylor
Broden	Randolph	Skinner	Young, R

NAYS - 34

Alting	Glick	Leising	Walker
Banks	Grooms	Long	Waltz
Boots	Head	Merritt	Waterman
Bray	Hershman	Miller	Wyss
Buck	Holdman	Mishler	Yoder
Charbonneau	Kenley	Schneider	Young, M
Delph	Kruse	Smith	Zakas
Eckerty	Landske	Steele	
Gard	Lawson	Tomes	

NOT VOTING - 1

Becker

EXCUSED - 3

Lanane	Nugent	Paul

INDIANA STATE SENATE

Roll Call Number: 190

Date: 02/13/2012
Time: 2:28:09 PM

HB 1016
Mishler
3rd Reading
Design-build projects.

Presiding: President

YEAS - 47 NAYS - 0 EXCUSED - 3

PASSED

YEAS - 47

Alting	Gard	Long	Tallian
Arnold	Glick	Merritt	Taylor
Banks	Grooms	Miller	Tomes
Becker	Head	Mishler	Walker
Boots	Hershman	Mrvan	Waltz
Bray	Holdman	Randolph	Waterman
Breaux	Hume	Rogers	Wyss
Broden	Kenley	Schneider	Yoder
Buck	Kruse	Simpson	Young, M
Charbonneau	Landske	Skinner	Young, R
Delph	Lawson	Smith	Zakas
Eckerty	Leising	Steele	

NAYS - 0

EXCUSED - 3

Lanane	Nugent	Paul

INDIANA STATE SENATE

Roll Call Number: 192

Date: 02/14/2012
Time: 2:09:55 PM

HB 1154
Hershman
2nd Reading
Local purchasing and public works preferences.

Amend. #1 Lanane

Presiding: President

YEAS - 14 NAYS - 36

FAILED

YEAS - 14

Arnold	Hume	Rogers	Taylor
Becker	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	

NAYS - 36

Alting	Glick	Leising	Steele
Banks	Grooms	Long	Tomes
Boots	Head	Merritt	Walker
Bray	Hershman	Miller	Waltz
Buck	Holdman	Mishler	Waterman
Charbonneau	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Yoder
Eckerty	Landske	Schneider	Young, M
Gard	Lawson	Smith	Zakas

INDIANA STATE SENATE

Roll Call Number: 193

Date: 02/14/2012
Time: 2:15:09 PM

HB 1009
M. Young
3rd Reading
Technical corrections.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 194

Date: 02/14/2012
Time: 2:17:47 PM

HB 1015
Bray
3rd Reading
Cemetery access.

Presiding: President

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

NOT VOTING - 1

Simpson

INDIANA STATE SENATE

Roll Call Number: 195

Date: 02/14/2012
Time: 2:20:11 PM

HB 1065
Waterman
3rd Reading
Military custody and parenting time matters.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 196

Date: 02/14/2012
Time: 2:21:32 PM

HB 1112
Hershman
3rd Reading
Telecommunications providers of last resort.

Presiding: President

YEAS - 44 NAYS - 6

PASSED

YEAS - 44

Alting	Gard	Lawson	Schneider
Arnold	Glick	Leising	Smith
Banks	Grooms	Long	Steele
Boots	Head	Merritt	Tallian
Bray	Hershman	Miller	Taylor
Breaux	Holdman	Mishler	Walker
Broden	Hume	Mrvan	Waltz
Buck	Kenley	Nugent	Wyss
Charbonneau	Kruse	Paul	Yoder
Delph	Lanane	Randolph	Young, M
Eckerty	Landske	Rogers	Zakas

NAYS - 6

Becker	Skinner	Waterman
Simpson	Tomes	Young, R

INDIANA STATE SENATE

Roll Call Number: 197

Date: 02/14/2012
Time: 2:23:19 PM

HB 1148
M. Young
3rd Reading
Engineer and land surveyor examinations.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 198

Date: 02/14/2012
Time: 2:39:50 PM

HB 1163
Banks
3rd Reading
Bonding and retainage in public works projects.

Presiding: President

YEAS - 38 NAYS - 12

PASSED

YEAS - 38

Alting	Glick	Long	Walker
Banks	Grooms	Merritt	Waltz
Becker	Head	Miller	Waterman
Boots	Hershman	Mishler	Wyss
Bray	Holdman	Nugent	Yoder
Buck	Kenley	Paul	Young, M
Charbonneau	Kruse	Schneider	Young, R
Delph	Landske	Smith	Zakas
Eckerty	Lawson	Steele	
Gard	Leising	Tomes	

NAYS - 12

Arnold	Hume	Randolph	Skinner
Breaux	Lanane	Rogers	Tallian
Broden	Mrvan	Simpson	Taylor

INDIANA STATE SENATE

Roll Call Number: 200

Date: 02/16/2012
Time: 2:10:35 PM

SR 26
Grooms
Senate Resolution Eligible for Adoption
Study committee on increased penalties for battery
of a licensed security guard.

Presiding: Long

YEAS - 48 NAYS - 0 NOT VOTING - 1 EXCUSED - 1

ADOPTED

YEAS - 48

Alting	Gard	Leising	Steele
Arnold	Glick	Long	Tallian
Banks	Grooms	Merritt	Taylor
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Paul	Waterman
Broden	Kenley	Randolph	Wyss
Buck	Kruse	Rogers	Yoder
Charbonneau	Lanane	Schneider	Young, M
Delph	Landske	Skinner	Young, R
Eckerty	Lawson	Smith	Zakas

NAYS - 0

NOT VOTING - 1

Simpson

EXCUSED - 1

Nugent

INDIANA STATE SENATE

Roll Call Number: 201

Date: 02/16/2012
Time: 2:26:48 PM

HB 1004
Landske
2nd Reading
Various election law matters.

Amend. #1 Breaux

Presiding: Long

YEAS - 14 NAYS - 35 EXCUSED - 1

FAILED

YEAS - 14

Arnold	Hume	Rogers	Taylor
Becker	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	

NAYS - 35

Alting	Glick	Leising	Tomes
Banks	Grooms	Long	Walker
Boots	Head	Merritt	Waltz
Bray	Hershman	Miller	Waterman
Buck	Holdman	Mishler	Wyss
Charbonneau	Kenley	Paul	Yoder
Delph	Kruse	Schneider	Young, M
Eckerty	Landske	Smith	Zakas
Gard	Lawson	Steele	

EXCUSED - 1

Nugent

INDIANA STATE SENATE

Roll Call Number: 202

Date: 02/16/2012
Time: 2:35:00 PM

HB 1034
Paul
3rd Reading
Historic cemeteries.

Presiding: Long

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

EXCUSED - 1

Nugent

INDIANA STATE SENATE

Roll Call Number: 203

Date: 02/16/2012
Time: 2:38:13 PM

HB 1312
R. Young
3rd Reading
Sale of poultry at farmer's markets.

Presiding: Long

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

EXCUSED - 1

Nugent

INDIANA STATE SENATE

Roll Call Number: 205

Date: 02/20/2012
Time: 2:46:18 PM

HB 1018
Steele
3rd Reading
Mine electrician certification.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 206

Date: 02/20/2012
Time: 2:49:00 PM

HB 1123
Kenley
3rd Reading
Public pensions.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 207

Date: 02/20/2012
Time: 2:50:59 PM

HB 1154
Hershman
3rd Reading
Local purchasing and public works preferences.

Presiding: President

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tomes
Becker	Head	Miller	Walker
Boots	Hershman	Mishler	Waltz
Bray	Holdman	Mrvan	Waterman
Breaux	Hume	Nugent	Wyss
Broden	Kenley	Paul	Yoder
Buck	Kruse	Rogers	Young, M
Charbonneau	Lanane	Schneider	Young, R
Delph	Landske	Simpson	Zakas
Eckerty	Lawson	Skinner	

NAYS - 3

Randolph	Tallian	Taylor

INDIANA STATE SENATE

Roll Call Number: 208

Date: 02/20/2012
Time: 2:53:03 PM

HB 1186
Miller
3rd Reading
Paramedic licensing.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 209

Date: 02/20/2012
Time: 2:54:31 PM

HB 1216
Miller
3rd Reading
Self-donated blood.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 210

Date: 02/20/2012
Time: 2:56:36 PM

HB 1349
Kruse
3rd Reading
Drainage boards.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 211

Date: 02/20/2012
Time: 2:58:42 PM

HB 1360
Miller
3rd Reading
Anatomical gift promotion fund.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 213

Date: 02/21/2012
Time: 2:37:38 PM

HB 1207
Boots
2nd Reading
State civil service system.

Amend. #1 Tallian

Presiding: Long

YEAS - 23 NAYS - 26 NOT VOTING - 1

FAILED

YEAS - 23

Arnold	Glick	Paul	Taylor
Becker	Holdman	Randolph	Tomes
Bray	Hume	Simpson	Waterman
Breaux	Lanane	Skinner	Young, R
Broden	Leising	Steele	Zakas
Gard	Mrvan	Tallian	

NAYS - 26

Alting	Grooms	Long	Walker
Banks	Head	Merritt	Waltz
Boots	Hershman	Miller	Wyss
Buck	Kenley	Mishler	Yoder
Charbonneau	Kruse	Nugent	Young, M
Delph	Landske	Schneider	
Eckerty	Lawson	Smith	

NOT VOTING - 1

Rogers

INDIANA STATE SENATE

Roll Call Number: 214

Date: 02/21/2012
Time: 3:31:10 PM

HB 1003
Holdman
3rd Reading
State agency issues.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

NOT VOTING - 1

Broden

INDIANA STATE SENATE

Roll Call Number: 215

Date: 02/21/2012
Time: 3:33:20 PM

HB 1047
Kruse
3rd Reading
Education study committee.

Presiding: Long

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Gard	Long	Steele
Arnold	Glick	Merritt	Tallian
Banks	Grooms	Miller	Taylor
Becker	Head	Mishler	Tomes
Boots	Hershman	Mrvan	Walker
Bray	Holdman	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Broden	Kruse	Randolph	Wyss
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Simpson	Young, R
Eckerty	Leising	Smith	Zakas

NAYS - 2

Hume Skinner

INDIANA STATE SENATE

Roll Call Number: 216

Date: 02/21/2012
Time: 3:35:50 PM

HB 1050
Holdman
3rd Reading
Health care sharing ministries.

Presiding: Long

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kenley	Paul	Wyss
Buck	Kruse	Randolph	Yoder
Charbonneau	Lanane	Rogers	Young, M
Delph	Landske	Schneider	Young, R
Eckerty	Lawson	Simpson	Zakas

NAYS - 2

Skinner Taylor

INDIANA STATE SENATE

Roll Call Number: 217

Date: 02/21/2012
Time: 3:38:42 PM

HB 1052
Nugent
3rd Reading
Statewide bid for emergency services equipment.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 218

Date: 02/21/2012
Time: 3:40:48 PM

HB 1054
Charbonneau
3rd Reading
Alcoholic beverage matters.

Presiding: Long

YEAS - 43 NAYS - 7

PASSED

YEAS - 43

Alting	Grooms	Merritt	Steele
Arnold	Head	Mishler	Tallian
Banks	Hershman	Mrvan	Taylor
Boots	Holdman	Nugent	Tomes
Bray	Hume	Paul	Waltz
Breaux	Kenley	Randolph	Waterman
Broden	Lanane	Rogers	Wyss
Buck	Landske	Schneider	Yoder
Charbonneau	Lawson	Simpson	Young, R
Eckerty	Leising	Skinner	Zakas
Gard	Long	Smith	

NAYS - 7

Becker	Glick	Miller	Young, M
Delph	Kruse	Walker	

INDIANA STATE SENATE

Roll Call Number: 219

Date: 02/21/2012
Time: 3:42:17 PM

HB 1060
Lawson
3rd Reading
Hazardous waste disposal tax.

Presiding: Long

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Simpson	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 1

Skinner

INDIANA STATE SENATE

Roll Call Number: 220

Date: 02/21/2012
Time: 3:44:09 PM

HB 1090
Kenley
3rd Reading
Payment of delinquent property taxes.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 221

Date: 02/21/2012
Time: 3:46:07 PM

HB 1107
Gard
3rd Reading
Hydraulic fracturing treatments.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 222

Date: 02/21/2012
Time: 3:48:17 PM

HB 1128
Gard
3rd Reading
Corn marketing council.

Presiding: Long

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 223

Date: 02/21/2012
Time: 3:52:49 PM

HB 1129
Mishler
3rd Reading
State chemist issues.

Presiding: Long

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 224

Date: 02/21/2012
Time: 3:54:51 PM

HB 1141
Kenley
3rd Reading
Home energy assistance.

Presiding: Long

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 225

Date: 02/21/2012
Time: 3:56:51 PM

HB 1173
Walker
3rd Reading
Various IOSHA matters.

Presiding: Long

YEAS - 50 **NAYS - 0**

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 226

Date: 02/21/2012
Time: 3:59:07 PM

HB 1211
Becker
3rd Reading
Nursing facility screening and notification.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 227

Date: 02/21/2012
Time: 4:01:25 PM

HB 1212
Merritt
3rd Reading
Blue lights on vehicles.

Presiding: Long

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Walker
Boots	Holdman	Mrvan	Waltz
Bray	Hume	Nugent	Waterman
Breaux	Kenley	Paul	Wyss
Broden	Kruse	Randolph	Yoder
Buck	Lanane	Rogers	Young, M
Charbonneau	Landske	Schneider	Young, R
Eckerty	Lawson	Simpson	Zakas
Gard	Leising	Skinner	

NAYS - 3

Delph	Smith	Tomes

INDIANA STATE SENATE

Roll Call Number: 228

Date: 02/21/2012
Time: 4:15:46 PM

HB 1220
Leising
3rd Reading
Commission for higher education.

Presiding: Long

YEAS - 39 NAYS - 11

PASSED

YEAS - 39

Alting	Glick	Leising	Steele
Banks	Grooms	Long	Tomes
Becker	Head	Merritt	Walker
Boots	Hershman	Miller	Waltz
Bray	Holdman	Mishler	Waterman
Buck	Kenley	Nugent	Wyss
Charbonneau	Kruse	Paul	Yoder
Delph	Lanane	Rogers	Young, M
Eckerty	Landske	Schneider	Zakas
Gard	Lawson	Smith	

NAYS - 11

Arnold	Hume	Simpson	Taylor
Breaux	Mrvan	Skinner	Young, R
Broden	Randolph	Tallian	

INDIANA STATE SENATE

Roll Call Number: 229

Date: 02/21/2012
Time: 4:32:00 PM

HB 1237
Eckerty
3rd Reading
Home improvement contracts.

Presiding: Long

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Simpson	Zakas
Delph	Lawson	Skinner	
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 1

Taylor

INDIANA STATE SENATE

Roll Call Number: 230

Date: 02/21/2012
Time: 4:34:13 PM

HB 1250
Lawson
3rd Reading
State government nepotism.

Presiding: Long

YEAS - 43 NAYS - 7

PASSED

YEAS - 43

Alting	Eckerty	Lawson	Smith
Arnold	Gard	Leising	Tallian
Banks	Glick	Long	Tomes
Becker	Grooms	Merritt	Walker
Boots	Head	Miller	Waltz
Bray	Hershman	Mishler	Wyss
Breaux	Holdman	Mrvan	Yoder
Broden	Hume	Nugent	Young, M
Buck	Kruse	Rogers	Young, R
Charbonneau	Lanane	Schneider	Zakas
Delph	Landske	Simpson	

NAYS - 7

Kenley	Randolph	Steele	Waterman
Paul	Skinner	Taylor	

INDIANA STATE SENATE

Roll Call Number: 231

Date: 02/21/2012
Time: 4:37:32 PM

HB 1273
Bray
3rd Reading
Administrative law judge study.

Presiding: Long

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 232

Date: 02/21/2012
Time: 4:40:09 PM

HB 1283
Gard
3rd Reading
Libraries and historic records.

Presiding: Long

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kenley	Paul	Wyss
Buck	Kruse	Randolph	Yoder
Charbonneau	Lanane	Rogers	Young, M
Delph	Landske	Schneider	Young, R
Eckerty	Lawson	Simpson	Zakas

NAYS - 2

Skinner	Taylor

INDIANA STATE SENATE

Roll Call Number: 234

Date: 02/23/2012
Time: 2:23:31 PM

SCR 10
Nugent
Eligible for Adoption
Urging INDOT to name SR 11 the Trooper Earl L. Brown Memorial Mile.

Presiding: Long

YEAS - 48 NAYS - 0 NOT VOTING - 2

ADOPTED

YEAS - 48

Alting	Glick	Merritt	Steele
Banks	Grooms	Miller	Tallian
Becker	Head	Mishler	Taylor
Boots	Hershman	Mrvan	Tomes
Bray	Holdman	Nugent	Walker
Breaux	Hume	Paul	Waltz
Broden	Kenley	Randolph	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Landske	Schneider	Yoder
Delph	Lawson	Simpson	Young, M
Eckerty	Leising	Skinner	Young, R
Gard	Long	Smith	Zakas

NAYS - 0

NOT VOTING - 2

Arnold	Lanane

INDIANA STATE SENATE

Roll Call Number: 235

Date: 02/23/2012
Time: 2:46:34 PM

HB 1004
Landske
3rd Reading
Various election law matters.

Presiding: Long

YEAS - 31 NAYS - 19

PASSED

YEAS - 31

Alting	Head	Merritt	Steele
Banks	Hershman	Miller	Walker
Buck	Holdman	Mishler	Waltz
Charbonneau	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Yoder
Eckerty	Landske	Paul	Young, M
Gard	Lawson	Schneider	Zakas
Glick	Long	Smith	

NAYS - 19

Arnold	Broden	Randolph	Taylor
Becker	Grooms	Rogers	Tomes
Boots	Hume	Simpson	Waterman
Bray	Lanane	Skinner	Young, R
Breaux	Leising	Tallian	

INDIANA STATE SENATE

Roll Call Number: 236

Date: 02/23/2012
Time: 2:48:59 PM

HB 1058
Boots
3rd Reading
Adoption of budget for reorganized school.

Presiding: Long

YEAS - 48 NAYS - 1 NOT VOTING - 1

PASSED

YEAS - 48

Alting	Gard	Long	Steele
Arnold	Glick	Merritt	Tallian
Banks	Grooms	Miller	Taylor
Becker	Head	Mrvan	Tomes
Boots	Hershman	Nugent	Walker
Bray	Holdman	Paul	Waltz
Breaux	Kenley	Randolph	Waterman
Broden	Kruse	Rogers	Wyss
Buck	Lanane	Schneider	Yoder
Charbonneau	Landske	Simpson	Young, M
Delph	Lawson	Skinner	Young, R
Eckerty	Leising	Smith	Zakas

NAYS - 1

Hume

NOT VOTING - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 237

Date: 02/23/2012
Time: 2:50:48 PM

HB 1059
Paul
3rd Reading
Military family relief fund.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

NOT VOTING - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 238

Date: 02/23/2012
Time: 2:54:08 PM

HB 1207
Boots
3rd Reading
State civil service system.

Presiding: Long

YEAS - 36 NAYS - 13 NOT VOTING - 1

PASSED

YEAS - 36

Alting	Glick	Leising	Tomes
Banks	Grooms	Long	Walker
Boots	Head	Merritt	Waltz
Bray	Hershman	Miller	Waterman
Buck	Holdman	Nugent	Wyss
Charbonneau	Kenley	Paul	Yoder
Delph	Kruse	Schneider	Young, M
Eckerty	Landske	Smith	Young, R
Gard	Lawson	Steele	Zakas

NAYS - 13

Arnold	Hume	Rogers	Taylor
Becker	Lanane	Simpson	
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	

NOT VOTING - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 239

Date: 02/23/2012
Time: 3:02:31 PM

HB 1238
Holdman
3rd Reading
Finding of abandonment for mortgaged property.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

NOT VOTING - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 240

Date: 02/23/2012
Time: 3:07:39 PM

HB 1258
Zakas
3rd Reading
Various estate planning matters.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

NOT VOTING - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 241

Date: 02/23/2012
Time: 3:11:01 PM

HB 1298
Holdman
3rd Reading
Transportation of food products.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

NOT VOTING - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 243

Date: 02/27/2012
Time: 4:12:16 PM

HB 1116
Glick
2nd Reading
Military education and training.

Amend. #1 Lanane

Presiding: President

YEAS - 13 NAYS - 36 EXCUSED - 1

FAILED

YEAS - 13

Arnold	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	
Hume	Rogers	Taylor	

NAYS - 36

Alting	Glick	Leising	Steele
Becker	Grooms	Long	Tomes
Boots	Head	Merritt	Walker
Bray	Hershman	Miller	Waltz
Buck	Holdman	Mishler	Waterman
Charbonneau	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Yoder
Eckerty	Landske	Schneider	Young, M
Gard	Lawson	Smith	Zakas

EXCUSED - 1

Banks

INDIANA STATE SENATE

Roll Call Number: 244

Date: 02/27/2012
Time: 5:09:35 PM

HB 1376
Kenley
2nd Reading
State fiscal matters.

Amend. #7 Broden

Presiding: President

YEAS - 13 NAYS - 36 EXCUSED - 1

FAILED

YEAS - 13

Arnold	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	
Hume	Rogers	Taylor	

NAYS - 36

Alting	Glick	Leising	Steele
Becker	Grooms	Long	Tomes
Boots	Head	Merritt	Walker
Bray	Hershman	Miller	Waltz
Buck	Holdman	Mishler	Waterman
Charbonneau	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Yoder
Eckerty	Landske	Schneider	Young, M
Gard	Lawson	Smith	Zakas

EXCUSED - 1

Banks

INDIANA STATE SENATE

Roll Call Number: 245

Date: 02/27/2012
Time: 5:15:11 PM

HB 1376
Kenley
2nd Reading
State fiscal matters.

Amend. #13 Tallian

Presiding: President

YEAS - 13 NAYS - 35 NOT VOTING - 1 EXCUSED - 1

FAILED

YEAS - 13

Arnold	Hume	Simpson	Young, R
Breaux	Lanane	Skinner	
Broden	Mrvan	Tallian	
Head	Rogers	Taylor	

NAYS - 35

Alting	Glick	Long	Tomes
Becker	Grooms	Merritt	Walker
Boots	Hershman	Miller	Waltz
Bray	Holdman	Mishler	Waterman
Buck	Kenley	Nugent	Wyss
Charbonneau	Kruse	Paul	Yoder
Delph	Landske	Schneider	Young, M
Eckerty	Lawson	Smith	Zakas
Gard	Leising	Steele	

NOT VOTING - 1

Randolph

EXCUSED - 1

Banks

INDIANA STATE SENATE

Roll Call Number: 246

Date: 02/27/2012
Time: 5:33:29 PM

HB 1005
Lawson
3rd Reading
Nepotism; conflict of interest.

Presiding: President

YEAS - 30 NAYS - 19 EXCUSED - 1

PASSED

YEAS - 30

Arnold	Gard	Merritt	Waltz
Becker	Grooms	Miller	Wyss
Boots	Hershman	Mishler	Yoder
Bray	Holdman	Mrvan	Young, M
Broden	Kruse	Rogers	Young, R
Charbonneau	Landske	Schneider	Zakas
Delph	Lawson	Smith	
Eckerty	Long	Walker	

NAYS - 19

Alting	Hume	Paul	Tallian
Breaux	Kenley	Randolph	Taylor
Buck	Lanane	Simpson	Tomes
Glick	Leising	Skinner	Waterman
Head	Nugent	Steele	

EXCUSED - 1

Banks

INDIANA STATE SENATE

Roll Call Number: 247

Date: 02/27/2012
Time: 5:37:06 PM

HB 1092
Bray
3rd Reading
Johnson superior court judge.

Presiding: President

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

EXCUSED - 1

Banks

INDIANA STATE SENATE

Roll Call Number: 248

Date: 02/27/2012
Time: 6:00:32 PM

HB 1171
Wyss
3rd Reading
Relocation of new motor vehicle dealers.

Presiding: President

YEAS - 26 NAYS - 23 EXCUSED - 1

PASSED

YEAS - 26

Alting	Gard	Landske	Rogers
Boots	Glick	Lawson	Waltz
Bray	Grooms	Long	Wyss
Breaux	Head	Merritt	Young, M
Buck	Hershman	Miller	Zakas
Charbonneau	Holdman	Mrvan	
Eckerty	Kruse	Paul	

NAYS - 23

Arnold	Lanane	Simpson	Tomes
Becker	Leising	Skinner	Walker
Broden	Mishler	Smith	Waterman
Delph	Nugent	Steele	Yoder
Hume	Randolph	Tallian	Young, R
Kenley	Schneider	Taylor	

EXCUSED - 1

Banks

INDIANA STATE SENATE

Roll Call Number: 249

Date: 02/27/2012
Time: 6:02:21 PM

HB 1190
Hershman
3rd Reading
Real property reassessment.

Presiding: President

YEAS - 48 NAYS - 1 EXCUSED - 1

PASSED

YEAS - 48

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Walker
Breaux	Hume	Nugent	Waltz
Broden	Kenley	Paul	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Lanane	Schneider	Yoder
Delph	Landske	Simpson	Young, M
Eckerty	Lawson	Skinner	Young, R
Gard	Leising	Smith	Zakas

NAYS - 1

Randolph

EXCUSED - 1

Banks

INDIANA STATE SENATE

Roll Call Number: 250

Date: 02/27/2012
Time: 6:14:19 PM

HB 1197
Becker
3rd Reading
Mopeds.

Presiding: President

YEAS - 29 NAYS - 19 NOT VOTING - 1 EXCUSED - 1

PASSED

YEAS - 29

Alting	Gard	Miller	Taylor
Arnold	Grooms	Mrvan	Tomes
Becker	Head	Nugent	Wyss
Bray	Kenley	Paul	Young, R
Breaux	Lanane	Randolph	Zakas
Broden	Landske	Rogers	
Charbonneau	Lawson	Simpson	
Eckerty	Merritt	Skinner	

NAYS - 19

Boots	Holdman	Mishler	Walker
Buck	Hume	Schneider	Waltz
Delph	Kruse	Smith	Waterman
Glick	Leising	Steele	Yoder
Hershman	Long	Tallian	

NOT VOTING - 1

Young, M

EXCUSED - 1

Banks

INDIANA STATE SENATE

Roll Call Number: 251

Date: 02/27/2012
Time: 6:18:47 PM

HB 1201
Holdman
3rd Reading
State provision and use of communications service.

Presiding: President

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

EXCUSED - 1

Banks

INDIANA STATE SENATE

Roll Call Number: 252

Date: 02/27/2012
Time: 6:20:44 PM

HB 1226
Paul
3rd Reading
Insurance matters.

Presiding: President

YEAS - 48 NAYS - 1 EXCUSED - 1

PASSED

YEAS - 48

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Walker
Breaux	Hume	Nugent	Waltz
Broden	Kenley	Paul	Waterman
Buck	Kruse	Randolph	Wyss
Charbonneau	Lanane	Rogers	Yoder
Delph	Landske	Schneider	Young, M
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Smith	Zakas

NAYS - 1

Skinner

EXCUSED - 1

Banks

INDIANA STATE SENATE

Roll Call Number: 253

Date: 02/27/2012
Time: 6:23:12 PM

HB 1239
Paul
3rd Reading
Financial institutions and consumer credit.

Presiding: President

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

EXCUSED - 1

Banks

INDIANA STATE SENATE

Roll Call Number: 254

Date: 02/27/2012
Time: 6:25:27 PM

HB 1279
Mishler
3rd Reading
Various natural resources matters.

Presiding: President

YEAS - 49 NAYS - 0 EXCUSED - 1

PASSED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

EXCUSED - 1

Banks

INDIANA STATE SENATE

Roll Call Number: 256

Date: 02/28/2012
Time: 12:57:45 PM

SB 24
Lawson
Concurrences Eligible for Action
Mental health issues.

Presiding: President

YEAS - 50 NAYS - 0

PREVAILED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 257

Date: 02/28/2012
Time: 12:59:58 PM

SB 111
Holdman
Concurrences Eligible for Action
Group personal excess and umbrella insurance.

Presiding: President

YEAS - 50 NAYS - 0

PREVAILED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 258

Date: 02/28/2012
Time: 1:01:46 PM

SB 154
Steele
Concurrences Eligible for Action
Operating a motorboat while intoxicated.

Presiding: President

YEAS - 50 NAYS - 0

PREVAILED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 259

Date: 02/28/2012
Time: 1:03:18 PM

SB 157
Steele
Concurrences Eligible for Action
Power of attorney and attorney in fact.

Presiding: President

YEAS - 50 NAYS - 0

PREVAILED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 260

Date: 02/28/2012
Time: 1:04:59 PM

SB 315
Head
Concurrences Eligible for Action
Charity gaming.

Presiding: President

YEAS - 50 NAYS - 0

PREVAILED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 261

Date: 02/28/2012
Time: 1:40:06 PM

HB 1033
Steele
2nd Reading
Sentencing and criminal history.

Amend. #3 Bray

Presiding: President

YEAS - 39 NAYS - 11

PREVAILED

YEAS - 39

Alting	Eckerty	Landske	Smith
Arnold	Gard	Lawson	Tomes
Banks	Glick	Leising	Walker
Becker	Grooms	Long	Waltz
Boots	Head	Merritt	Waterman
Bray	Hershman	Miller	Wyss
Broden	Holdman	Mishler	Yoder
Buck	Hume	Nugent	Young, M
Charbonneau	Kenley	Paul	Zakas
Delph	Kruse	Schneider	

NAYS - 11

Breaux	Randolph	Skinner	Taylor
Lanane	Rogers	Steele	Young, R
Mrvan	Simpson	Tallian	

INDIANA STATE SENATE

Roll Call Number: 262

Date: 02/28/2012
Time: 2:51:45 PM

HB 1136
Holdman
2nd Reading
Child care ministry advisory committee.

Amend. #2 Taylor

Presiding: President

YEAS - 19 NAYS - 30 NOT VOTING - 1

FAILED

YEAS - 19

Arnold	Head	Randolph	Tallian
Becker	Hershman	Rogers	Taylor
Breaux	Hume	Simpson	Tomes
Broden	Lanane	Skinner	Young, R
Gard	Mrvan	Steele	

NAYS - 30

Alting	Glick	Merritt	Waltz
Banks	Grooms	Miller	Waterman
Boots	Holdman	Mishler	Wyss
Bray	Kenley	Nugent	Yoder
Buck	Kruse	Paul	Young, M
Charbonneau	Landske	Schneider	Zakas
Delph	Leising	Smith	
Eckerty	Long	Walker	

NOT VOTING - 1

Lawson

INDIANA STATE SENATE

Roll Call Number: 263

Date: 02/28/2012
Time: 3:43:19 PM

HB 1149
Gard
2nd Reading
Smoking ban.

Amend. #29 Young R Michael

Presiding: President

YEAS - 40 NAYS - 9 NOT VOTING - 1

PREVAILED

YEAS - 40

Alting	Gard	Leising	Steele
Arnold	Glick	Long	Tomes
Banks	Grooms	Merritt	Walker
Becker	Head	Miller	Waltz
Boots	Hershman	Mishler	Waterman
Bray	Holdman	Mrvan	Wyss
Buck	Hume	Nugent	Yoder
Charbonneau	Kenley	Paul	Young, M
Delph	Kruse	Schneider	Young, R
Eckerty	Landske	Smith	Zakas

NAYS - 9

Breaux	Randolph	Skinner
Broden	Rogers	Tallian
Lanane	Simpson	Taylor

NOT VOTING - 1

Lawson

INDIANA STATE SENATE

Roll Call Number: 265

Date: 02/29/2012
Time: 11:54:09 AM

HB 1367
Lawson
3rd Reading
Deaf and hard of hearing education services.

Presiding: President

YEAS - 40 NAYS - 8 NOT VOTING - 2

PASSED

YEAS - 40

Alting	Eckerty	Landske	Schneider
Arnold	Gard	Lawson	Simpson
Banks	Glick	Leising	Smith
Boots	Grooms	Long	Steele
Bray	Head	Merritt	Tallian
Breaux	Hershman	Miller	Walker
Broden	Holdman	Mishler	Waltz
Buck	Kenley	Mrvan	Wyss
Charbonneau	Kruse	Paul	Young, R
Delph	Lanane	Randolph	Zakas

NAYS - 8

Becker	Skinner	Tomes	Yoder
Hume	Taylor	Waterman	Young, M

NOT VOTING - 2

Nugent Rogers

INDIANA STATE SENATE

Roll Call Number: 266

Date: 02/29/2012
Time: 11:57:56 AM

HB 1002
Lawson
3rd Reading
Elimination of commissions, boards, and committees.

Presiding: President

YEAS - 44 NAYS - 4 NOT VOTING - 2

PASSED

YEAS - 44

Alting	Gard	Lawson	Steele
Arnold	Glick	Leising	Tallian
Banks	Grooms	Long	Tomes
Becker	Head	Merritt	Walker
Boots	Hershman	Miller	Waltz
Bray	Holdman	Mishler	Waterman
Broden	Hume	Mrvan	Wyss
Buck	Kenley	Paul	Yoder
Charbonneau	Kruse	Schneider	Young, M
Delph	Lanane	Simpson	Young, R
Eckerty	Landske	Smith	Zakas

NAYS - 4

Breaux	Randolph	Skinner	Taylor

NOT VOTING - 2

Nugent	Rogers

INDIANA STATE SENATE

Roll Call Number: 267

Date: 02/29/2012
Time: 12:03:22 PM

HB 1033
Steele
3rd Reading
Sentencing and criminal history.

Presiding: President

YEAS - 47 NAYS - 2 NOT VOTING - 1

PASSED

YEAS - 47

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Hershman	Mishler	Tomes
Becker	Holdman	Mrvan	Walker
Boots	Hume	Paul	Waltz
Bray	Kenley	Randolph	Waterman
Breaux	Kruse	Rogers	Wyss
Broden	Lanane	Schneider	Yoder
Buck	Landske	Simpson	Young, M
Charbonneau	Lawson	Skinner	Young, R
Eckerty	Leising	Smith	Zakas
Gard	Long	Steele	

NAYS - 2

Delph	Head

NOT VOTING - 1

Nugent

INDIANA STATE SENATE

Roll Call Number: 268

Date: 02/29/2012
Time: 12:04:56 PM

HB 1040
Miller
3rd Reading
Immunity for fast responders.

Presiding: President

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

NOT VOTING - 1

Nugent

INDIANA STATE SENATE

Roll Call Number: 269

Date: 02/29/2012
Time: 12:07:58 PM

HB 1049
Bray
3rd Reading
Problem solving courts, courts, and inspector general matters.

Presiding: President

YEAS - 47 NAYS - 2 NOT VOTING - 1

PASSED

YEAS - 47

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Paul	Waltz
Breaux	Kenley	Randolph	Waterman
Broden	Kruse	Rogers	Wyss
Buck	Lanane	Schneider	Yoder
Charbonneau	Landske	Simpson	Young, R
Eckerty	Lawson	Skinner	Zakas
Gard	Leising	Smith	

NAYS - 2

Delph	Young, M

NOT VOTING - 1

Nugent

INDIANA STATE SENATE

Roll Call Number: 270

Date: 02/29/2012
Time: 12:13:18 PM

HB 1072
Hershman
3rd Reading
Tax administration.

Presiding: President

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kenley	Paul	Wyss
Buck	Kruse	Randolph	Yoder
Charbonneau	Lanane	Rogers	Young, M
Delph	Landske	Schneider	Zakas
Eckerty	Lawson	Simpson	

NAYS - 3

Skinner	Taylor	Young, R

INDIANA STATE SENATE

Roll Call Number: 271

Date: 02/29/2012
Time: 12:15:50 PM

HB 1080
Eckerty
3rd Reading
Sex offenders.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 272

Date: 02/29/2012
Time: 12:24:30 PM

HB 1087
Hershman
3rd Reading
Statewide 911 system.

Presiding: President

YEAS - 42 NAYS - 8

PASSED

YEAS - 42

Alting	Grooms	Miller	Tomes
Arnold	Head	Mishler	Walker
Boots	Hershman	Mrvan	Waltz
Bray	Holdman	Nugent	Waterman
Breaux	Kenley	Paul	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Landske	Simpson	Young, M
Charbonneau	Lawson	Skinner	Young, R
Eckerty	Leising	Smith	Zakas
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 8

Banks	Delph	Lanane	Schneider
Becker	Hume	Randolph	Taylor

INDIANA STATE SENATE

Roll Call Number: 273

Date: 02/29/2012
Time: 12:36:41 PM

HB 1091
Steele
3rd Reading
Agricultural operations.

Presiding: President

YEAS - 36 NAYS - 14

PASSED

YEAS - 36

Arnold	Gard	Lawson	Steele
Banks	Glick	Leising	Tomes
Becker	Grooms	Long	Walker
Boots	Head	Merritt	Waltz
Bray	Hershman	Miller	Wyss
Buck	Holdman	Mishler	Yoder
Charbonneau	Hume	Mrvan	Young, M
Delph	Kruse	Schneider	Young, R
Eckerty	Landske	Smith	Zakas

NAYS - 14

Alting	Lanane	Rogers	Taylor
Breaux	Nugent	Simpson	Waterman
Broden	Paul	Skinner	
Kenley	Randolph	Tallian	

INDIANA STATE SENATE

Roll Call Number: 274

Date: 02/29/2012
Time: 12:44:15 PM

HB 1111
Merritt
3rd Reading
Historic preservation tax credits.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Gard	Long	Steele
Arnold	Glick	Merritt	Tallian
Banks	Grooms	Miller	Taylor
Becker	Head	Mishler	Tomes
Boots	Hershman	Mrvan	Walker
Bray	Holdman	Nugent	Waltz
Breaux	Hume	Paul	Waterman
Broden	Kenley	Randolph	Wyss
Buck	Kruse	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Skinner	Young, R
Eckerty	Leising	Smith	Zakas

NAYS - 2

Lanane Simpson

INDIANA STATE SENATE

Roll Call Number: 275

Date: 02/29/2012
Time: 12:46:59 PM

HB 1116
Glick
3rd Reading
Military education and training.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 276

Date: 02/29/2012
Time: 12:58:47 PM

HB 1126
Merritt
3rd Reading
Extraterritorial water and sewer rates.

Presiding: President

YEAS - 41 NAYS - 9

PASSED

YEAS - 41

Arnold	Grooms	Miller	Walker
Banks	Head	Mishler	Waltz
Becker	Hershman	Mrvan	Waterman
Boots	Holdman	Nugent	Wyss
Bray	Kenley	Paul	Yoder
Breaux	Kruse	Randolph	Young, M
Buck	Landske	Rogers	Young, R
Charbonneau	Lawson	Schneider	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Gard	Merritt	Tomes	

NAYS - 9

Alting	Hume	Skinner
Broden	Lanane	Tallian
Glick	Simpson	Taylor

INDIANA STATE SENATE

Roll Call Number: 277

Date: 02/29/2012
Time: 1:07:16 PM

HB 1134
Miller
3rd Reading
School transportation.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kenley	Paul	Wyss
Buck	Kruse	Randolph	Yoder
Charbonneau	Lanane	Rogers	Young, M
Delph	Landske	Schneider	Young, R
Eckerty	Lawson	Simpson	Zakas

NAYS - 2

Skinner Taylor

INDIANA STATE SENATE

Roll Call Number: 278

Date: 02/29/2012
Time: 1:31:32 PM

HB 1136
Holdman
3rd Reading
Child care ministry advisory committee.

Presiding: President

YEAS - 40 NAYS - 10

PASSED

YEAS - 40

Alting	Grooms	Leising	Smith
Arnold	Head	Long	Steele
Becker	Hershman	Merritt	Tallian
Boots	Holdman	Miller	Tomes
Bray	Hume	Mishler	Walker
Buck	Kenley	Mrvan	Waltz
Charbonneau	Kruse	Nugent	Wyss
Eckerty	Lanane	Paul	Yoder
Gard	Landske	Schneider	Young, R
Glick	Lawson	Simpson	Zakas

NAYS - 10

Banks	Delph	Skinner	Young, M
Breaux	Randolph	Taylor	
Broden	Rogers	Waterman	

INDIANA STATE SENATE

Roll Call Number: 279

Date: 02/29/2012
Time: 2:15:32 PM

HB 1149
Gard
3rd Reading
Smoking ban.

Presiding: President

YEAS - 29 NAYS - 21

PASSED

YEAS - 29

Alting	Grooms	Merritt	Taylor
Arnold	Head	Miller	Waltz
Becker	Hershman	Mrvan	Wyss
Bray	Hume	Randolph	Young, R
Breaux	Lanane	Rogers	Zakas
Broden	Landske	Simpson	
Charbonneau	Lawson	Skinner	
Gard	Long	Tallian	

NAYS - 21

Banks	Holdman	Paul	Waterman
Boots	Kenley	Schneider	Yoder
Buck	Kruse	Smith	Young, M
Delph	Leising	Steele	
Eckerty	Mishler	Tomes	
Glick	Nugent	Walker	

INDIANA STATE SENATE

Roll Call Number: 280

Date: 02/29/2012
Time: 2:21:34 PM

HB 1169
Kruse
3rd Reading
School discipline.

Presiding: President

YEAS - 49 NAYS - 0 NOT VOTING - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 0

NOT VOTING - 1

Randolph

INDIANA STATE SENATE

Roll Call Number: 281

Date: 02/29/2012
Time: 2:25:57 PM

HB 1189
Charbonneau
3rd Reading
School finance.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Gard	Long	Smith
Arnold	Glick	Merritt	Steele
Banks	Grooms	Miller	Tallian
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Broden	Kruse	Randolph	Wyss
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Simpson	Young, R
Eckerty	Leising	Skinner	Zakas

NAYS - 2

Head Taylor

INDIANA STATE SENATE

Roll Call Number: 282

Date: 02/29/2012
Time: 2:30:48 PM

HB 1192
Miller
3rd Reading
School corporation and local government finances.

Presiding: President

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Simpson	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

NAYS - 1

Skinner

INDIANA STATE SENATE

Roll Call Number: 283

Date: 02/29/2012
Time: 2:32:49 PM

HB 1195
Walker
3rd Reading
Property taxes.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 284

Date: 02/29/2012
Time: 2:42:37 PM

HB 1196
Merritt
3rd Reading
Synthetic drugs (including "bath salts").

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 285

Date: 02/29/2012
Time: 2:46:12 PM

HB 1200
Bray
3rd Reading
Indiana University and Ball State boards.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Grooms	Merritt	Steele
Arnold	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Bray	Hume	Nugent	Walker
Breaux	Kenley	Paul	Waltz
Broden	Kruse	Randolph	Waterman
Buck	Lanane	Rogers	Wyss
Charbonneau	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, M
Gard	Leising	Skinner	Young, R
Glick	Long	Smith	Zakas

NAYS - 2

Banks Delph

INDIANA STATE SENATE

Roll Call Number: 286

Date: 02/29/2012
Time: 3:00:00 PM

HB 1205
Kruse
3rd Reading
School employee contracts.

Presiding: President

YEAS - 35 NAYS - 15

PASSED

YEAS - 35

Banks	Head	Mishler	Taylor
Becker	Hershman	Mrvan	Tomes
Bray	Holdman	Nugent	Waltz
Breaux	Kruse	Paul	Wyss
Buck	Lanane	Randolph	Yoder
Delph	Leising	Rogers	Young, M
Eckerty	Long	Schneider	Young, R
Gard	Merritt	Smith	Zakas
Grooms	Miller	Steele	

NAYS - 15

Alting	Charbonneau	Landske	Tallian
Arnold	Glick	Lawson	Walker
Boots	Hume	Simpson	Waterman
Broden	Kenley	Skinner	

INDIANA STATE SENATE

Roll Call Number: 287

Date: 02/29/2012
Time: 3:11:46 PM

HB 1222
Wyss
3rd Reading
Dealer services division of the secretary of state.

Presiding: President

YEAS - 42 NAYS - 8

PASSED

YEAS - 42

Alting	Glick	Long	Skinner
Arnold	Grooms	Merritt	Steele
Becker	Head	Miller	Tallian
Boots	Hershman	Mishler	Taylor
Bray	Holdman	Mrvan	Wyss
Breaux	Kenley	Nugent	Yoder
Broden	Kruse	Paul	Young, M
Buck	Lanane	Randolph	Young, R
Charbonneau	Landske	Rogers	Zakas
Eckerty	Lawson	Schneider	
Gard	Leising	Simpson	

NAYS - 8

Banks	Hume	Tomes	Waltz
Delph	Smith	Walker	Waterman

INDIANA STATE SENATE

Roll Call Number: 288

Date: 02/29/2012
Time: 3:17:12 PM

HB 1247
Wyss
3rd Reading
Operator's license renewal schedule and fees.

Presiding: President

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting	Gard	Long	Smith
Arnold	Glick	Merritt	Steele
Banks	Grooms	Miller	Tallian
Becker	Head	Mishler	Tomes
Boots	Hershman	Mrvan	Walker
Bray	Holdman	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Broden	Kruse	Randolph	Wyss
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Simpson	Zakas
Eckerty	Leising	Skinner	

NAYS - 3

Hume	Taylor	Young, R

INDIANA STATE SENATE

Roll Call Number: 289

Date: 02/29/2012
Time: 3:19:48 PM

HB 1249
Merritt
3rd Reading
Land banks and tax sales process.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 290

Date: 02/29/2012
Time: 3:30:49 PM

HB 1264
Landske
3rd Reading
Flood control in Lake County.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 291

Date: 02/29/2012
Time: 4:04:43 PM

HB 1269
Miller
3rd Reading
Health care compact.

Presiding: President

YEAS - 37 NAYS - 13

PASSED

YEAS - 37

Alting	Glick	Long	Walker
Banks	Grooms	Merritt	Waltz
Becker	Head	Miller	Waterman
Boots	Hershman	Mishler	Wyss
Bray	Holdman	Nugent	Yoder
Buck	Kenley	Paul	Young, M
Charbonneau	Kruse	Schneider	Zakas
Delph	Landske	Smith	
Eckerty	Lawson	Steele	
Gard	Leising	Tomes	

NAYS - 13

Arnold	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	
Hume	Rogers	Taylor	

INDIANA STATE SENATE

Roll Call Number: 292

Date: 02/29/2012
Time: 4:13:21 PM

HB 1270
Kruse
3rd Reading
Higher education.

Presiding: President

YEAS - 38 NAYS - 11 NOT VOTING - 1

PASSED

YEAS - 38

Alting	Glick	Long	Tomes
Banks	Grooms	Merritt	Walker
Becker	Head	Miller	Waltz
Boots	Hershman	Mishler	Waterman
Bray	Holdman	Nugent	Wyss
Buck	Kenley	Paul	Yoder
Charbonneau	Kruse	Rogers	Young, M
Delph	Landske	Schneider	Zakas
Eckerty	Lawson	Smith	
Gard	Leising	Steele	

NAYS - 11

Arnold	Hume	Simpson	Taylor
Breaux	Lanane	Skinner	Young, R
Broden	Mrvan	Tallian	

NOT VOTING - 1

Randolph

INDIANA STATE SENATE

Roll Call Number: 293

Date: 02/29/2012
Time: 4:20:31 PM

HB 1280
Hershman
3rd Reading
Regulatory matters.

Presiding: President

YEAS - 42 NAYS - 8

PASSED

YEAS - 42

Alting	Glick	Long	Taylor
Arnold	Grooms	Merritt	Tomes
Banks	Head	Miller	Walker
Becker	Hershman	Mishler	Waltz
Boots	Holdman	Mrvan	Waterman
Bray	Hume	Nugent	Wyss
Buck	Kenley	Paul	Yoder
Charbonneau	Kruse	Schneider	Young, M
Delph	Landske	Smith	Zakas
Eckerty	Lawson	Steele	
Gard	Leising	Tallian	

NAYS - 8

Breaux	Lanane	Rogers	Skinner
Broden	Randolph	Simpson	Young, R

INDIANA STATE SENATE

Roll Call Number: 294

Date: 02/29/2012
Time: 4:22:24 PM

HB 1294
Smith
3rd Reading
Various securities division matters.

Presiding: President

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Tomes
Becker	Hershman	Mishler	Walker
Boots	Holdman	Mrvan	Waltz
Bray	Hume	Nugent	Waterman
Breaux	Kenley	Paul	Wyss
Broden	Kruse	Randolph	Yoder
Buck	Lanane	Rogers	Young, M
Charbonneau	Landske	Schneider	Young, R
Eckerty	Lawson	Simpson	Zakas
Gard	Leising	Smith	

NAYS - 3

Delph	Skinner	Taylor

INDIANA STATE SENATE

Roll Call Number: 295

Date: 02/29/2012
Time: 4:24:39 PM

HB 1325
Hershman
3rd Reading
Sales and use tax exemptions.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 296

Date: 02/29/2012
Time: 4:33:47 PM

HB 1376
Kenley
3rd Reading
State fiscal matters.

Presiding: President

YEAS - 44 NAYS - 6

PASSED

YEAS - 44

Alting	Glick	Leising	Skinner
Arnold	Grooms	Long	Steele
Becker	Head	Merritt	Tallian
Boots	Hershman	Miller	Taylor
Bray	Holdman	Mishler	Tomes
Breaux	Hume	Mrvan	Waltz
Broden	Kenley	Nugent	Waterman
Buck	Kruse	Paul	Wyss
Charbonneau	Lanane	Randolph	Young, M
Eckerty	Landske	Rogers	Young, R
Gard	Lawson	Simpson	Zakas

NAYS - 6

Banks	Schneider	Walker
Delph	Smith	Yoder

INDIANA STATE SENATE

Roll Call Number: 297

Date: 02/29/2012
Time: 4:39:31 PM

HB 1117
Gard
3rd Reading
Regional water, sewage, or waste districts and utilities.

Presiding: President

YEAS - 33 NAYS - 17

PASSED

YEAS - 33

Alting	Glick	Leising	Simpson
Becker	Grooms	Long	Tallian
Boots	Head	Merritt	Taylor
Bray	Holdman	Miller	Tomes
Breaux	Kenley	Mrvan	Wyss
Buck	Kruse	Paul	Zakas
Charbonneau	Lanane	Randolph	
Eckerty	Landske	Rogers	
Gard	Lawson	Schneider	

NAYS - 17

Arnold	Hume	Steele	Young, M
Banks	Mishler	Walker	Young, R
Broden	Nugent	Waltz	
Delph	Skinner	Waterman	
Hershman	Smith	Yoder	

INDIANA STATE SENATE

Roll Call Number: 299

Date: 03/01/2012
Time: 10:39:00 AM

SB 98
Kenley
Concurrences Eligible for Action
County highway maintenance funding.

Presiding: Long

YEAS - 46 NAYS - 1 NOT VOTING - 2 EXCUSED - 1

PREVAILED

YEAS - 46

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Paul	Waltz
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Gard	Long	Steele	

NAYS - 1

Hume

NOT VOTING - 2

Eckerty Waterman

EXCUSED - 1

Nugent

INDIANA STATE SENATE

Roll Call Number: 300

Date: 03/01/2012
Time: 10:40:46 AM

SB 127
Tallian
Concurrences Eligible for Action
Indiana public retirement system.

Presiding: Long

YEAS - 47 NAYS - 0 EXCUSED - 3

PREVAILED

YEAS - 47

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Paul	Waltz
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Gard	Leising	Smith	

NAYS - 0

EXCUSED - 3

Eckerty Nugent Waterman

INDIANA STATE SENATE

Roll Call Number: 301

Date: 03/01/2012
Time: 10:42:59 AM

SB 131
Gard
Concurrences Eligible for Action
Environmental matters.

Presiding: Long

YEAS - 46 NAYS - 1 EXCUSED - 3

PREVAILED

YEAS - 46

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Hershman	Mishler	Tomes
Becker	Holdman	Mrvan	Walker
Boots	Hume	Paul	Waltz
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Gard	Long	Steele	

NAYS - 1

Head

EXCUSED - 3

Eckerty Nugent Waterman

INDIANA STATE SENATE

Roll Call Number: 302

Date: 03/01/2012
Time: 10:45:39 AM

SB 132
Gard
Concurrences Eligible for Action
Water utility resource data.

Presiding: Long

YEAS - 44 NAYS - 3 EXCUSED - 3

PREVAILED

YEAS - 44

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Paul	Wyss
Broden	Kenley	Randolph	Yoder
Buck	Kruse	Rogers	Young, M
Charbonneau	Lanane	Schneider	Young, R
Delph	Landske	Simpson	Zakas

NAYS - 3

Lawson Skinner Taylor

EXCUSED - 3

Eckerty Nugent Waterman

INDIANA STATE SENATE

Roll Call Number: 303

Date: 03/01/2012
Time: 10:47:22 AM

SB 193
Arnold
Concurrences Eligible for Action
Local elected officials.

Presiding: Long

YEAS - 47 NAYS - 0 EXCUSED - 3

PREVAILED

YEAS - 47

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Paul	Waltz
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Gard	Leising	Smith	

NAYS - 0

EXCUSED - 3

Eckerty	Nugent	Waterman

INDIANA STATE SENATE

Roll Call Number: 304

Date: 03/01/2012
Time: 10:50:07 AM

SB 273
Lanane
Concurrences Eligible for Action
Regulation of outdoor stage equipment.

Presiding: Long

YEAS - 41 NAYS - 5 NOT VOTING - 1 EXCUSED - 3

PREVAILED

YEAS - 41

Alting	Grooms	Long	Tallian
Arnold	Head	Merritt	Taylor
Becker	Hershman	Miller	Tomes
Bray	Holdman	Mishler	Waltz
Breaux	Hume	Mrvan	Wyss
Broden	Kenley	Paul	Young, M
Buck	Kruse	Randolph	Young, R
Charbonneau	Lanane	Schneider	Zakas
Delph	Landske	Simpson	
Gard	Lawson	Skinner	
Glick	Leising	Steele	

NAYS - 5

Banks	Smith	Yoder
Boots	Walker	

NOT VOTING - 1

Rogers

EXCUSED - 3

Eckerty	Nugent	Waterman

INDIANA STATE SENATE

Roll Call Number: 305

Date: 03/01/2012
Time: 10:51:36 AM

SB 274
Merritt
Concurrences Eligible for Action
Immunity for certain alcohol offenses.

Presiding: Long

YEAS - 47 NAYS - 0 EXCUSED - 3

PREVAILED

YEAS - 47

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Paul	Waltz
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Gard	Leising	Smith	

NAYS - 0

EXCUSED - 3

Eckerty	Nugent	Waterman

INDIANA STATE SENATE

Roll Call Number: 306

Date: 03/01/2012
Time: 10:53:59 AM

SB 275
Merritt
Concurrences Eligible for Action
Real estate brokers.

Presiding: Long

YEAS - 45 NAYS - 2 EXCUSED - 3

PREVAILED

YEAS - 45

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Paul	Wyss
Bray	Kenley	Randolph	Yoder
Breaux	Kruse	Rogers	Young, M
Broden	Lanane	Schneider	Young, R
Buck	Landske	Simpson	Zakas
Charbonneau	Lawson	Smith	
Delph	Leising	Steele	
Gard	Long	Tallian	

NAYS - 2

Hume	Skinner

EXCUSED - 3

Eckerty	Nugent	Waterman

INDIANA STATE SENATE

Roll Call Number: 307

Date: 03/01/2012
Time: 10:56:53 AM

SB 283
Kruse
Concurrences Eligible for Action
Nonpublic alternative high schools; residential facilities.

Presiding: Long

YEAS - 43 NAYS - 4 EXCUSED - 3

PREVAILED

YEAS - 43

Alting	Gard	Long	Tallian
Arnold	Glick	Merritt	Taylor
Banks	Grooms	Miller	Tomes
Becker	Head	Mishler	Walker
Boots	Hershman	Mrvan	Waltz
Bray	Holdman	Paul	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Smith	Zakas
Delph	Leising	Steele	

NAYS - 4

Hume	Kenley	Randolph	Skinner

EXCUSED - 3

Eckerty	Nugent	Waterman

INDIANA STATE SENATE

Roll Call Number: 310

Date: 03/06/2012
Time: 2:19:14 PM

SB 147
Holdman
Concurrences Eligible for Action
Local government financial matters.

Presiding: Long

YEAS - 46 NAYS - 0 NOT VOTING - 3 EXCUSED - 1

PREVAILED

YEAS - 46

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Breaux	Kenley	Rogers	Wyss
Buck	Lanane	Schneider	Yoder
Charbonneau	Landske	Simpson	Young, M
Delph	Lawson	Skinner	Young, R
Eckerty	Leising	Smith	Zakas
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

NOT VOTING - 3

Bray	Broden	Kruse

EXCUSED - 1

Randolph

INDIANA STATE SENATE

Roll Call Number: 311

Date: 03/06/2012
Time: 2:20:56 PM

SB 156
Steele
Concurrences Eligible for Action
Partition.

Presiding: Long

YEAS - 48 NAYS - 0 NOT VOTING - 1 EXCUSED - 1

PREVAILED

YEAS - 48

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Lanane	Schneider	Yoder
Delph	Landske	Simpson	Young, M
Eckerty	Lawson	Skinner	Young, R
Gard	Leising	Smith	Zakas

NAYS - 0

NOT VOTING - 1

Broden

EXCUSED - 1

Randolph

INDIANA STATE SENATE

Roll Call Number: 312

Date: 03/06/2012
Time: 2:23:07 PM

SB 173
Lawson
Concurrences Eligible for Action
Airport boards.

Presiding: Long

YEAS - 48 NAYS - 0 NOT VOTING - 1 EXCUSED - 1

PREVAILED

YEAS - 48

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Lanane	Schneider	Yoder
Delph	Landske	Simpson	Young, M
Eckerty	Lawson	Skinner	Young, R
Gard	Leising	Smith	Zakas

NAYS - 0

NOT VOTING - 1

Broden

EXCUSED - 1

Randolph

INDIANA STATE SENATE

Roll Call Number: 313

Date: 03/06/2012
Time: 2:25:02 PM

SB 233
Alting
Concurrences Eligible for Action
Various election law matters.

Presiding: Long

YEAS - 39 **NAYS - 9** **NOT VOTING - 1** **EXCUSED - 1**

PREVAILED

YEAS - 39

Alting	Grooms	Long	Tallian
Banks	Head	Merritt	Tomes
Boots	Hershman	Miller	Walker
Bray	Holdman	Mishler	Waltz
Buck	Hume	Mrvan	Wyss
Charbonneau	Kenley	Nugent	Yoder
Delph	Kruse	Paul	Young, M
Eckerty	Landske	Schneider	Young, R
Gard	Lawson	Smith	Zakas
Glick	Leising	Steele	

NAYS - 9

Arnold	Lanane	Skinner
Becker	Rogers	Taylor
Breaux	Simpson	Waterman

NOT VOTING - 1

Broden

EXCUSED - 1

Randolph

INDIANA STATE SENATE

Roll Call Number: 314

Date: 03/06/2012
Time: 2:26:47 PM

SB 267
Rogers
Concurrences Eligible for Action
Education concerning child abuse.

Presiding: Long

YEAS - 48 **NAYS - 0** **NOT VOTING - 1** **EXCUSED - 1**

PREVAILED

YEAS - 48

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Lanane	Schneider	Yoder
Delph	Landske	Simpson	Young, M
Eckerty	Lawson	Skinner	Young, R
Gard	Leising	Smith	Zakas

NAYS - 0

NOT VOTING - 1

Broden

EXCUSED - 1

Randolph

INDIANA STATE SENATE

Roll Call Number: 315

Date: 03/06/2012
Time: 2:36:15 PM

SB 286
Lawson
Concurrences Eligible for Action
Department of child services.

Presiding: Long

YEAS - 46 **NAYS - 1** **NOT VOTING - 2** **EXCUSED - 1**

PREVAILED

YEAS - 46

Alting	Grooms	Merritt	Tallian
Arnold	Head	Miller	Tomes
Banks	Hershman	Mishler	Walker
Becker	Holdman	Mrvan	Waltz
Boots	Hume	Nugent	Waterman
Breaux	Kenley	Paul	Wyss
Buck	Kruse	Rogers	Yoder
Charbonneau	Lanane	Schneider	Young, M
Delph	Landske	Simpson	Young, R
Eckerty	Lawson	Skinner	Zakas
Gard	Leising	Smith	
Glick	Long	Steele	

NAYS - 1

Taylor

NOT VOTING - 2

Bray Broden

EXCUSED - 1

Randolph

INDIANA STATE SENATE

Roll Call Number: 316

Date: 03/06/2012
Time: 2:37:44 PM

SB 287
Lawson
Concurrences Eligible for Action
Department of child services.

Presiding: Long

YEAS - 47 **NAYS - 0** **NOT VOTING - 2** **EXCUSED - 1**

PREVAILED

YEAS - 47

Alting	Grooms	Merritt	Tallian
Arnold	Head	Miller	Taylor
Banks	Hershman	Mishler	Tomes
Becker	Holdman	Mrvan	Walker
Boots	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Lanane	Schneider	Yoder
Delph	Landske	Simpson	Young, M
Eckerty	Lawson	Skinner	Young, R
Gard	Leising	Smith	Zakas
Glick	Long	Steele	

NAYS - 0

NOT VOTING - 2

Bray Broden

EXCUSED - 1

Randolph

INDIANA STATE SENATE

Roll Call Number: 317

Date: 03/06/2012
Time: 2:40:21 PM

SB 402
Simpson
Concurrences Eligible for Action
Indiana uniform law commission.

Presiding: Long

YEAS - 47 NAYS - 0 NOT VOTING - 2 EXCUSED - 1

PREVAILED

YEAS - 47

Alting	Grooms	Merritt	Tallian
Arnold	Head	Miller	Taylor
Banks	Hershman	Mishler	Tomes
Becker	Holdman	Mrvan	Walker
Boots	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Lanane	Schneider	Yoder
Delph	Landske	Simpson	Young, M
Eckerty	Lawson	Skinner	Young, R
Gard	Leising	Smith	Zakas
Glick	Long	Steele	

NAYS - 0

NOT VOTING - 2

Bray Broden

EXCUSED - 1

Randolph

INDIANA STATE SENATE

Roll Call Number: 320

Date: 03/08/2012
Time: 2:44:52 PM

SB 15
Miller
Conference Committees Eligible for Action
Brain injury services and Medicaid.

Presiding: Long

YEAS - 47 NAYS - 0 NOT VOTING - 3

ADOPTED

YEAS - 47

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Tallian
Banks	Grooms	Miller	Tomes
Becker	Head	Mishler	Walker
Boots	Hershman	Mrvan	Waltz
Bray	Holdman	Nugent	Waterman
Breaux	Hume	Paul	Wyss
Broden	Kenley	Randolph	Yoder
Buck	Kruse	Rogers	Young, M
Charbonneau	Lanane	Schneider	Young, R
Delph	Landske	Simpson	Zakas
Eckerty	Lawson	Skinner	

NAYS - 0

NOT VOTING - 3

Merritt Steele Taylor

INDIANA STATE SENATE

Roll Call Number: 321

Date: 03/08/2012
Time: 2:47:46 PM

SB 52
Becker
Conference Committees Eligible for Action
HIV testing.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Simpson	Zakas
Delph	Lawson	Skinner	
Eckerty	Leising	Smith	
Gard	Long	Tallian	

NAYS - 0

NOT VOTING - 1

Steele

INDIANA STATE SENATE

Roll Call Number: 322

Date: 03/08/2012
Time: 2:49:40 PM

SB 107
Zakas
Conference Committees Eligible for Action
Deadline for adoption of salary ordinances.

Presiding: Long

YEAS - 48 NAYS - 0 NOT VOTING - 2

ADOPTED

YEAS - 48

Alting	Gard	Leising	Skinner
Arnold	Glick	Long	Smith
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kenley	Paul	Wyss
Buck	Kruse	Randolph	Yoder
Charbonneau	Lanane	Rogers	Young, M
Delph	Landske	Schneider	Young, R
Eckerty	Lawson	Simpson	Zakas

NAYS - 0

NOT VOTING - 2

Steele Taylor

INDIANA STATE SENATE

Roll Call Number: 323

Date: 03/08/2012
Time: 2:58:27 PM

SB 113
Holdman
Conference Committees Eligible for Action
Golf carts in unincorporated areas.

Presiding: Long

YEAS - 37 NAYS - 9 NOT VOTING - 4

ADOPTED

YEAS - 37

Alting	Grooms	Mrvan	Walker
Arnold	Head	Nugent	Waltz
Banks	Holdman	Randolph	Waterman
Becker	Kruse	Rogers	Yoder
Breaux	Landske	Schneider	Young, M
Broden	Lawson	Skinner	Young, R
Buck	Leising	Smith	Zakas
Charbonneau	Long	Steele	
Eckerty	Merritt	Tallian	
Glick	Mishler	Tomes	

NAYS - 9

Bray	Hume	Miller
Delph	Kenley	Paul
Hershman	Lanane	Wyss

NOT VOTING - 4

Boots	Gard	Simpson	Taylor

INDIANA STATE SENATE

Roll Call Number: 324

Date: 03/08/2012
Time: 3:01:17 PM

SB 176
M. Young
Conference Committees Eligible for Action
Courts and court officers.

Presiding: Long

YEAS - 48 NAYS - 1 NOT VOTING - 1

ADOPTED

YEAS - 48

Alting	Grooms	Merritt	Steele
Arnold	Head	Miller	Tallian
Banks	Hershman	Mishler	Taylor
Becker	Holdman	Mrvan	Tomes
Boots	Hume	Nugent	Walker
Bray	Kenley	Paul	Waltz
Broden	Kruse	Randolph	Waterman
Buck	Lanane	Rogers	Wyss
Charbonneau	Landske	Schneider	Yoder
Delph	Lawson	Simpson	Young, M
Eckerty	Leising	Skinner	Young, R
Glick	Long	Smith	Zakas

NAYS - 1

Breaux

NOT VOTING - 1

Gard

INDIANA STATE SENATE

Roll Call Number: 325

Date: 03/08/2012
Time: 3:02:33 PM

SB 224
Miller
Conference Committees Eligible for Action
Emergency ambulance services report.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

NOT VOTING - 1

Gard

INDIANA STATE SENATE

Roll Call Number: 326

Date: 03/08/2012
Time: 3:04:23 PM

HB 1040
Miller
Conference Committees Eligible for Action
Immunity for fast responders.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

NOT VOTING - 1

Gard

INDIANA STATE SENATE

Roll Call Number: 327

Date: 03/08/2012
Time: 3:06:29 PM

HB 1141
Kenley
Conference Committees Eligible for Action
Home energy assistance.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

NOT VOTING - 1

Gard

INDIANA STATE SENATE

Roll Call Number: 328

Date: 03/08/2012
Time: 4:36:51 PM

SB 26
Bray
Conference Committees Eligible for Action
Title 35 definitions.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

NOT VOTING - 1

Broden

INDIANA STATE SENATE

Roll Call Number: 329

Date: 03/08/2012
Time: 4:42:27 PM

SB 32
Bray
Conference Committees Eligible for Action
Guardianships.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

NOT VOTING - 1

Broden

INDIANA STATE SENATE

Roll Call Number: 330

Date: 03/08/2012
Time: 4:44:17 PM

SB 298
Zakas
Conference Committees Eligible for Action
Mortgages and liens on real property.

Presiding: Long

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 331

Date: 03/08/2012
Time: 4:47:39 PM

HB 1092
Bray
Conference Committees Eligible for Action
Johnson superior court judge.

Presiding: Long

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 332

Date: 03/08/2012
Time: 4:49:28 PM

HB 1186
Miller
Conference Committees Eligible for Action
Paramedic licensing.

Presiding: Long

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 334

Date: 03/09/2012
Time: 12:15:12 PM

SB 18
Steele
Concurrences Eligible for Action
Duty to support a child.

Presiding: President

YEAS - 46 NAYS - 2 NOT VOTING - 2

PREVAILED

YEAS - 46

Alting	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Boots	Hershman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Broden	Kruse	Randolph	Wyss
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Skinner	Young, R
Eckerty	Leising	Smith	Zakas
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 2

Becker Simpson

NOT VOTING - 2

Arnold Holdman

INDIANA STATE SENATE

Roll Call Number: 335

Date: 03/09/2012
Time: 12:17:15 PM

SB 311
Hershman
Concurrences Eligible for Action
Cost benefit analysis for administrative rules.

Presiding: President

YEAS - 43 NAYS - 5 NOT VOTING - 2

PREVAILED

YEAS - 43

Alting	Glick	Merritt	Tallian
Banks	Grooms	Miller	Tomes
Becker	Head	Mishler	Walker
Boots	Hershman	Mrvan	Waltz
Bray	Hume	Nugent	Waterman
Breaux	Kenley	Paul	Wyss
Buck	Kruse	Randolph	Yoder
Charbonneau	Landske	Rogers	Young, M
Delph	Lawson	Schneider	Young, R
Eckerty	Leising	Smith	Zakas
Gard	Long	Steele	

NAYS - 5

Broden Simpson Taylor
Lanane Skinner

NOT VOTING - 2

Arnold Holdman

INDIANA STATE SENATE

Roll Call Number: 336

Date: 03/09/2012
Time: 12:44:24 PM

SB 19
Boots
Conference Committees Eligible for Action
Property taxes.

Presiding: President

YEAS - 36 NAYS - 14

ADOPTED

YEAS - 36

Arnold	Grooms	Long	Smith
Boots	Head	Merritt	Steele
Bray	Hershman	Miller	Tallian
Breaux	Holdman	Mishler	Taylor
Broden	Hume	Mrvan	Waltz
Charbonneau	Kenley	Paul	Wyss
Delph	Lanane	Rogers	Yoder
Eckerty	Landske	Simpson	Young, M
Gard	Lawson	Skinner	Zakas

NAYS - 14

Alting	Glick	Randolph	Waterman
Banks	Kruse	Schneider	Young, R
Becker	Leising	Tomes	
Buck	Nugent	Walker	

INDIANA STATE SENATE

Roll Call Number: 337

Date: 03/09/2012
Time: 12:48:03 PM

SB 22
Nugent
Conference Committees Eligible for Action
Conservancy district director compensation.

Presiding: President

YEAS - 47 NAYS - 3

ADOPTED

YEAS - 47

Alting	Gard	Merritt	Tallian
Arnold	Glick	Miller	Taylor
Banks	Grooms	Mishler	Tomes
Becker	Head	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Rogers	Wyss
Broden	Kruse	Schneider	Yoder
Buck	Lanane	Simpson	Young, M
Charbonneau	Landske	Skinner	Young, R
Delph	Leising	Smith	Zakas
Eckerty	Long	Steele	

NAYS - 3

Hershman	Lawson	Randolph

INDIANA STATE SENATE

Roll Call Number: 338

Date: 03/09/2012
Time: 12:50:20 PM

SB 97
M. Young
Conference Committees Eligible for Action
Public intoxication.

Presiding: President

YEAS - 44 NAYS - 6

ADOPTED

YEAS - 44

Alting	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Walker
Breaux	Hume	Nugent	Waltz
Broden	Kruse	Paul	Waterman
Buck	Lanane	Randolph	Wyss
Charbonneau	Landske	Rogers	Young, M
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

NAYS - 6

Arnold	Kenley	Smith
Delph	Schneider	Yoder

INDIANA STATE SENATE

Roll Call Number: 339

Date: 03/09/2012
Time: 12:52:40 PM

SB 115
Landske
Conference Committees Eligible for Action
Classification of political subdivisions.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 340

Date: 03/09/2012
Time: 12:54:30 PM

SB 144
Kenley
Conference Committees Eligible for Action
Sales and tobacco products taxes.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 341

Date: 03/09/2012
Time: 12:56:39 PM

SB 190
Charbonneau
Conference Committees Eligible for Action
Study of terminating parenting rights.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 342

Date: 03/09/2012
Time: 12:59:46 PM

SB 302
Charbonneau
Conference Committees Eligible for Action
Information technology equipment exemption.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 343

Date: 03/09/2012
Time: 1:01:18 PM

HB 1080
Eckerty
Conference Committees Eligible for Action
Sex offenders.

Presiding: President

YEAS - 48 NAYS - 2

ADOPTED

YEAS - 48

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kenley	Paul	Wyss
Buck	Kruse	Rogers	Yoder
Charbonneau	Lanane	Schneider	Young, M
Delph	Landske	Simpson	Young, R
Eckerty	Lawson	Skinner	Zakas

NAYS - 2

Randolph	Taylor

INDIANA STATE SENATE

Roll Call Number: 344

Date: 03/09/2012
Time: 1:05:51 PM

HB 1123
Kenley
Conference Committees Eligible for Action
Public pensions.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 345

Date: 03/09/2012
Time: 2:37:55 PM

HB 1149
Gard
Conference Committees Eligible for Action
Smoking ban.

Presiding: President

YEAS - 28 NAYS - 22

ADOPTED

YEAS - 28

Alting	Eckerty	Landske	Rogers
Arnold	Gard	Lawson	Simpson
Becker	Grooms	Long	Skinner
Bray	Head	Merritt	Tallian
Breaux	Hershman	Miller	Taylor
Broden	Holdman	Mrvan	Wyss
Charbonneau	Lanane	Randolph	Young, R

NAYS - 22

Banks	Kenley	Schneider	Waterman
Boots	Kruse	Smith	Yoder
Buck	Leising	Steele	Young, M
Delph	Mishler	Tomes	Zakas
Glick	Nugent	Walker	
Hume	Paul	Waltz	

INDIANA STATE SENATE

Roll Call Number: 346

Date: 03/09/2012
Time: 2:44:39 PM

SEA 215
Bray
Governor's Veto
Forfeiture.

Presiding: President

YEAS - 14 NAYS - 36

SUSTAINED

YEAS - 14

Arnold	Lanane	Skinner	Waterman
Bray	Mrvan	Steele	Young, R
Broden	Randolph	Tallian	
Delph	Simpson	Taylor	

NAYS - 36

Alting	Glick	Lawson	Schneider
Banks	Grooms	Leising	Smith
Becker	Head	Long	Tomes
Boots	Hershman	Merritt	Walker
Breaux	Holdman	Miller	Waltz
Buck	Hume	Mishler	Wyss
Charbonneau	Kenley	Nugent	Yoder
Eckerty	Kruse	Paul	Young, M
Gard	Landske	Rogers	Zakas

INDIANA STATE SENATE

Roll Call Number: 347

Date: 03/09/2012
Time: 7:40:59 PM

SB 223
Miller
Conference Committees Eligible for Action
State department of health matters.

Presiding: Long

YEAS - 44 NAYS - 0 NOT VOTING - 6

ADOPTED

YEAS - 44

Alting	Eckerty	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Nugent	Walker
Breaux	Kenley	Paul	Waltz
Broden	Kruse	Randolph	Waterman
Buck	Lanane	Rogers	Wyss
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Simpson	Zakas

NAYS - 0

NOT VOTING - 6

Gard	Mrvan	Yoder
Hume	Skinner	Young, R

INDIANA STATE SENATE

Roll Call Number: 348

Date: 03/09/2012
Time: 7:43:16 PM

SB 407
Grooms
Conference Committees Eligible for Action
Pharmacy matters.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

NOT VOTING - 1

Gard

INDIANA STATE SENATE

Roll Call Number: 349

Date: 03/09/2012
Time: 7:48:55 PM

HB 1192
Miller
Conference Committees Eligible for Action
Local government.

Presiding: Long

YEAS - 48 NAYS - 1 NOT VOTING - 1

ADOPTED

YEAS - 48

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Broden	Kruse	Randolph	Wyss
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Simpson	Young, R
Eckerty	Leising	Smith	Zakas

NAYS - 1

Skinner

NOT VOTING - 1

Gard

INDIANA STATE SENATE

Roll Call Number: 350

Date: 03/09/2012
Time: 7:50:35 PM

HB 1237
Eckerty
Conference Committees Eligible for Action
Home improvement contracts.

Presiding: Long

YEAS - 41 NAYS - 8 NOT VOTING - 1

ADOPTED

YEAS - 41

Alting	Grooms	Long	Tallian
Arnold	Head	Merritt	Tomes
Becker	Hershman	Miller	Walker
Boots	Holdman	Mishler	Waltz
Bray	Hume	Mrvan	Wyss
Breaux	Kenley	Nugent	Young, M
Broden	Kruse	Paul	Young, R
Buck	Lanane	Randolph	Zakas
Charbonneau	Landske	Rogers	
Eckerty	Lawson	Simpson	
Glick	Leising	Steele	

NAYS - 8

Banks	Schneider	Smith	Waterman
Delph	Skinner	Taylor	Yoder

NOT VOTING - 1

Gard

INDIANA STATE SENATE

Roll Call Number: 351

Date: 03/09/2012
Time: 7:52:21 PM

HB 1279
Mishler
Conference Committees Eligible for Action
Various natural resources matters.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

NOT VOTING - 1

Gard

INDIANA STATE SENATE

Roll Call Number: 352

Date: 03/09/2012
Time: 7:56:35 PM

SB 296
Leising
Concurrences Eligible for Action
Certified scholarship program eligibility.

Presiding: Long

YEAS - 31 NAYS - 17 NOT VOTING - 2

PREVAILED

YEAS - 31

Banks	Hershman	Merritt	Steele
Bray	Holdman	Miller	Walker
Buck	Kenley	Mishler	Waltz
Charbonneau	Kruse	Mrvan	Waterman
Delph	Landske	Nugent	Yoder
Eckerty	Lawson	Paul	Young, M
Glick	Leising	Schneider	Zakas
Grooms	Long	Smith	

NAYS - 17

Alting	Broden	Rogers	Tomes
Arnold	Head	Simpson	Young, R
Becker	Hume	Skinner	
Boots	Lanane	Tallian	
Breaux	Randolph	Taylor	

NOT VOTING - 2

Gard Wyss

INDIANA STATE SENATE

Roll Call Number: 353

Date: 03/09/2012
Time: 7:58:46 PM

SB 293
Smith
Conference Committees Eligible for Action
Inheritance tax.

Presiding: Long

YEAS - 48 NAYS - 0 NOT VOTING - 2

ADOPTED

YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Bray	Hume	Nugent	Walker
Breaux	Kenley	Paul	Waltz
Broden	Kruse	Randolph	Waterman
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Simpson	Young, R
Eckerty	Leising	Skinner	Zakas

NAYS - 0

NOT VOTING - 2

Gard Wyss

INDIANA STATE SENATE

Roll Call Number: 354

Date: 03/09/2012
Time: 8:01:26 PM

HB 1033
Steele
Conference Committees Eligible for Action
Criminal history and sentencing.

Presiding: Long

YEAS - 45 NAYS - 3 NOT VOTING - 2

ADOPTED

YEAS - 45

Alting	Grooms	Miller	Taylor
Banks	Hershman	Mishler	Tomes
Becker	Holdman	Nugent	Walker
Boots	Hume	Paul	Waltz
Bray	Kenley	Randolph	Waterman
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 3

Arnold Head Mrvan

NOT VOTING - 2

Gard Wyss

INDIANA STATE SENATE

Roll Call Number: 355

Date: 03/09/2012
Time: 8:04:39 PM

HB 1049
Bray
Conference Committees Eligible for Action
Courts, inspector general, and pro bono legal services fees.

Presiding: Long

YEAS - 46 NAYS - 3 NOT VOTING - 1

ADOPTED

YEAS - 46

Alting	Grooms	Merritt	Steele
Arnold	Head	Miller	Tallian
Banks	Hershman	Mishler	Taylor
Becker	Holdman	Mrvan	Tomes
Boots	Hume	Nugent	Walker
Bray	Kenley	Paul	Waltz
Breaux	Kruse	Randolph	Waterman
Broden	Lanane	Rogers	Wyss
Buck	Landske	Schneider	Young, R
Charbonneau	Lawson	Simpson	Zakas
Eckerty	Leising	Skinner	
Glick	Long	Smith	

NAYS - 3

Delph Yoder Young, M

NOT VOTING - 1

Gard

INDIANA STATE SENATE

Roll Call Number: 356

Date: 03/09/2012
Time: 8:07:12 PM

HB 1200
Bray
Conference Committees Eligible for Action
Various correction matters.

Presiding: Long

YEAS - 41 NAYS - 8 NOT VOTING - 1

ADOPTED

YEAS - 41

Alting	Grooms	Long	Steele
Arnold	Head	Merritt	Tomes
Becker	Hershman	Miller	Waltz
Boots	Holdman	Mishler	Waterman
Bray	Hume	Nugent	Wyss
Breaux	Kenley	Paul	Young, M
Broden	Kruse	Randolph	Young, R
Buck	Lanane	Rogers	Zakas
Charbonneau	Landske	Schneider	
Eckerty	Lawson	Simpson	
Glick	Leising	Smith	

NAYS - 8

Banks	Mrvan	Tallian	Walker
Delph	Skinner	Taylor	Yoder

NOT VOTING - 1

Gard

INDIANA STATE SENATE

Roll Call Number: 357

Date: 03/09/2012
Time: 8:11:26 PM

HB 1258
Zakas
Conference Committees Eligible for Action
Various estate administration matters.

Presiding: Long

YEAS - 38 NAYS - 11 NOT VOTING - 1

ADOPTED

YEAS - 38

Alting	Grooms	Merritt	Tomes
Banks	Head	Miller	Walker
Becker	Hershman	Mishler	Waltz
Boots	Holdman	Mrvan	Waterman
Bray	Kenley	Nugent	Wyss
Buck	Kruse	Paul	Yoder
Charbonneau	Landske	Randolph	Young, M
Delph	Lawson	Schneider	Zakas
Eckerty	Leising	Smith	
Glick	Long	Steele	

NAYS - 11

Arnold	Hume	Simpson	Taylor
Breaux	Lanane	Skinner	Young, R
Broden	Rogers	Tallian	

NOT VOTING - 1

Gard

INDIANA STATE SENATE

Roll Call Number: 358

Date: 03/09/2012
Time: 8:13:03 PM

HB 1360
Miller
Conference Committees Eligible for Action
Health matters.

Presiding: Long

YEAS - 46 NAYS - 3 NOT VOTING - 1

ADOPTED

YEAS - 46

Alting	Grooms	Merritt	Tallian
Arnold	Head	Miller	Taylor
Banks	Hershman	Mishler	Tomes
Becker	Holdman	Mrvan	Walker
Boots	Hume	Nugent	Waltz
Bray	Kenley	Paul	Waterman
Breaux	Kruse	Randolph	Wyss
Broden	Lanane	Rogers	Young, M
Buck	Landske	Schneider	Young, R
Charbonneau	Lawson	Simpson	Zakas
Eckerty	Leising	Smith	
Glick	Long	Steele	

NAYS - 3

Delph	Skinner	Yoder

NOT VOTING - 1

Gard

INDIANA STATE SENATE

Roll Call Number: 359

Date: 03/09/2012
Time: 10:44:31 PM

SB 1
M. Young
Conference Committees Eligible for Action
Self-defense.

Presiding: Long

YEAS - 38 NAYS - 12

ADOPTED

YEAS - 38

Alting	Glick	Long	Tomes
Banks	Grooms	Merritt	Walker
Becker	Head	Miller	Waltz
Boots	Hershman	Mishler	Waterman
Bray	Holdman	Mrvan	Yoder
Buck	Kenley	Nugent	Young, M
Charbonneau	Kruse	Paul	Young, R
Delph	Landske	Schneider	Zakas
Eckerty	Lawson	Smith	
Gard	Leising	Steele	

NAYS - 12

Arnold	Hume	Rogers	Tallian
Breaux	Lanane	Simpson	Taylor
Broden	Randolph	Skinner	Wyss

INDIANA STATE SENATE

Roll Call Number: 360

Date: 03/09/2012
Time: 10:48:03 PM

HB 1126
Merritt
Conference Committees Eligible for Action
Water and wastewater issues.

Presiding: Long

YEAS - 45 NAYS - 4 NOT VOTING - 1

ADOPTED

YEAS - 45

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Buck	Kruse	Rogers	Young, R
Charbonneau	Landske	Schneider	Zakas
Delph	Lawson	Simpson	
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 4

Broden	Lanane	Skinner	Taylor

NOT VOTING - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 361

Date: 03/10/2012
Time: 12:10:21 AM

SB 257
Arnold
Conference Committees Eligible for Action
Motor vehicle law.

Presiding: Long

YEAS - 39 NAYS - 11

ADOPTED

YEAS - 39

Alting	Glick	Leising	Steele
Arnold	Grooms	Long	Tomes
Becker	Head	Merritt	Walker
Boots	Hershman	Miller	Waterman
Bray	Holdman	Mishler	Wyss
Broden	Hume	Mrvan	Yoder
Buck	Kenley	Nugent	Young, M
Charbonneau	Kruse	Paul	Young, R
Eckerty	Landske	Rogers	Zakas
Gard	Lawson	Smith	

NAYS - 11

Banks	Lanane	Simpson	Taylor
Breaux	Randolph	Skinner	Waltz
Delph	Schneider	Tallian	

INDIANA STATE SENATE

Roll Call Number: 362

Date: 03/10/2012
Time: 12:14:19 AM

SB 262
Bray
Conference Committees Eligible for Action
IC 4 and IC 5 code revision.

Presiding: Long

YEAS - 49 NAYS - 0 NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

NAYS - 0

NOT VOTING - 1

Becker

INDIANA STATE SENATE

Roll Call Number: 363

Date: 03/10/2012
Time: 12:17:28 AM

SB 345
Hershman
Conference Committees Eligible for Action
Statewide 911 system.

Presiding: Long

YEAS - 44 NAYS - 6

ADOPTED

YEAS - 44

Alting	Glick	Leising	Steele
Arnold	Grooms	Long	Tallian
Becker	Head	Merritt	Tomes
Boots	Hershman	Miller	Walker
Bray	Holdman	Mishler	Waltz
Breaux	Hume	Mrvan	Waterman
Broden	Kenley	Nugent	Wyss
Buck	Kruse	Paul	Yoder
Charbonneau	Lanane	Simpson	Young, M
Eckerty	Landske	Skinner	Young, R
Gard	Lawson	Smith	Zakas

NAYS - 6

Banks	Randolph	Schneider
Delph	Rogers	Taylor

INDIANA STATE SENATE

Roll Call Number: 364

Date: 03/10/2012
Time: 12:26:06 AM

HB 1003
Holdman
Conference Committees Eligible for Action
Public access issues.

Presiding: Long

YEAS - 41 NAYS - 9

ADOPTED

YEAS - 41

Arnold	Glick	Miller	Tallian
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Buck	Landske	Rogers	Young, M
Charbonneau	Lawson	Schneider	Zakas
Delph	Leising	Simpson	
Eckerty	Long	Smith	
Gard	Merritt	Steele	

NAYS - 9

Alting	Kruse	Taylor
Broden	Lanane	Waterman
Grooms	Skinner	Young, R

INDIANA STATE SENATE

Roll Call Number: 365

Date: 03/10/2012
Time: 12:28:57 AM

HB 1072
Hershman
Conference Committees Eligible for Action
Tax administration.

Presiding: Long

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 366

Date: 03/10/2012
Time: 12:36:44 AM

HB 1189
Charbonneau
Conference Committees Eligible for Action
School finance.

Presiding: Long

YEAS - 35 NAYS - 15

ADOPTED

YEAS - 35

Banks	Grooms	Long	Steele
Boots	Head	Merritt	Tallian
Bray	Hershman	Miller	Walker
Buck	Holdman	Mishler	Waltz
Charbonneau	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Yoder
Eckerty	Landske	Rogers	Young, M
Gard	Lawson	Schneider	Zakas
Glick	Leising	Smith	

NAYS - 15

Alting	Broden	Randolph	Tomes
Arnold	Hume	Simpson	Waterman
Becker	Lanane	Skinner	Young, R
Breaux	Mrvan	Taylor	

INDIANA STATE SENATE

Roll Call Number: 367

Date: 03/10/2012
Time: 12:38:36 AM

HB 1195
Walker
Conference Committees Eligible for Action
Property taxes.

Presiding: Long

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 368

Date: 03/10/2012
Time: 1:04:47 AM

HB 1280
Hershman
Conference Committees Eligible for Action
Regulatory matters.

Presiding: Long

YEAS - 38 NAYS - 12

ADOPTED

YEAS - 38

Alting	Glick	Long	Tomes
Banks	Grooms	Merritt	Walker
Becker	Head	Miller	Waltz
Boots	Hershman	Mishler	Waterman
Bray	Holdman	Mrvan	Wyss
Buck	Kenley	Nugent	Yoder
Charbonneau	Kruse	Paul	Young, M
Delph	Landske	Schneider	Zakas
Eckerty	Lawson	Smith	
Gard	Leising	Steele	

NAYS - 12

Arnold	Hume	Rogers	Tallian
Breaux	Lanane	Simpson	Taylor
Broden	Randolph	Skinner	Young, R

INDIANA STATE SENATE

Roll Call Number: 369

Date: 03/10/2012
Time: 1:05:58 AM

HB 1376
Kenley
Conference Committees Eligible for Action
State and local administration.

Presiding: Long

YEAS - 40 NAYS - 10

ADOPTED

YEAS - 40

Alting	Gard	Landske	Rogers
Arnold	Glick	Lawson	Simpson
Becker	Grooms	Leising	Steele
Boots	Head	Long	Tallian
Bray	Hershman	Merritt	Taylor
Breaux	Holdman	Miller	Tomes
Broden	Hume	Mishler	Wyss
Buck	Kenley	Mrvan	Young, M
Charbonneau	Kruse	Paul	Young, R
Eckerty	Lanane	Randolph	Zakas

NAYS - 10

Banks	Schneider	Walker	Yoder
Delph	Skinner	Waltz	
Nugent	Smith	Waterman	

INDIANA STATE SENATE

Roll Call Number: 370

Date: 03/10/2012
Time: 1:08:07 AM

HB 1269
Miller
Conference Committees Eligible for Action
Health care compact.

Presiding: Long

YEAS - 37 NAYS - 13

ADOPTED

YEAS - 37

Alting	Glick	Long	Walker
Banks	Grooms	Merritt	Waltz
Becker	Head	Miller	Waterman
Boots	Hershman	Mishler	Wyss
Bray	Holdman	Nugent	Yoder
Buck	Kenley	Paul	Young, M
Charbonneau	Kruse	Schneider	Zakas
Delph	Landske	Smith	
Eckerty	Lawson	Steele	
Gard	Leising	Tomes	

NAYS - 13

Arnold	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	
Hume	Rogers	Taylor	

INDIANA STATE SENATE

Roll Call Number: 371

Date: 03/10/2012
Time: 1:19:06 AM

SB 175
M. Young
Concurrences Eligible for Action
Absentee ballots.

Presiding: Long

YEAS - 37 NAYS - 13

PREVAILED

YEAS - 37

Alting	Glick	Long	Walker
Banks	Grooms	Merritt	Waltz
Becker	Head	Miller	Waterman
Boots	Hershman	Mishler	Wyss
Bray	Holdman	Nugent	Yoder
Buck	Kenley	Paul	Young, M
Charbonneau	Kruse	Schneider	Zakas
Delph	Landske	Smith	
Eckerty	Lawson	Steele	
Gard	Leising	Tomes	

NAYS - 13

Arnold	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	
Hume	Rogers	Taylor	

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VETOES - 2011
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117TH GENERAL ASSEMBLY

The enrolled acts vetoed by Governor Daniels after adjournment of the First Regular session were acted upon and sustained during the Second Regular session (2012) of the 117th General Assembly:

Senate Enrolled Act 215 (2011)
Veto sustained by the Senate March 9, 2012
Roll Call 346; yeas 14, nays 36. 823

House Enrolled Act 1177 (2011)
Veto sustained by the House March 9, 2012
Roll Call 407; yeas 25, nays 68
please see House Journal page. 723

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Roll Call 346; yeas 14, nays 36.. 823

House Enrolled Act 1177 (2011)
Veto sustained by the House on March 9, 2012
Roll Call 407; yeas 25, nays 68
please see House Journal page. 723

Journal Clerk's note: Following adjournment *sine die*, Senator Connie Lawson (District 24, Hendricks and Putnam Counties) resigned. Governor Daniels selected Connie Lawson to fill the vacancy of the office of Secretary of State on March 16, 2012. She will complete former Secretary of State Charlie White's term which will expire in 2014.

Peter J. Miller was selected to fill the vacancy in Senate District 24. He was sworn in on April 17, 2012, by Justice Robert Rucker and will complete the remainder of the current term which will expire in November 2012.

STATE OF INDIANA

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117TH GENERAL ASSEMBLY

SECOND REGULAR SESSION
Convening November 22, 2011
Reconvening January 4, 2012
Adjourning March 10, 2012

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Membership of the Indiana Senate

117TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

2012

MEMBERS OF THE SENATE—2012

(R) Ron "Ronnie" J. Alting (District 22, Tippecanoe). 3600 Cedar Lane, Lafayette 47905. Key Account Specialist, Tipmont REMC.

(D) James R. Arnold (District 8, LaPorte, St. Joseph). 5698 West Johnson Road, LaPorte 46350. Retired Sheriff of LaPorte County.

(R) James E. Banks (District 17, Allen, Grant, Huntington, Kosciusko, Wabash, Whitley). 238 South Eagle Glen Trail, Columbia City 46725. Director of Business Development at the Hagerman Group.

(R) Vaneta G. Becker (District 50, Vanderburgh, Warrick). 4017 Cobble Field Drive, Evansville 47711. Real Estate Broker, F.C. Tucker/Huber Realtors.

(R) Philip L. Boots (District 23, Boone, Clinton, Fountain, Hendricks, Montgomery, Warren). 5061 South Sherwood Cove, Crawfordsville 47933. Business Owner, Boots Brothers Oil Company, Inc.

(R) Richard D. Bray (District 37, Clay, Johnson, Monroe, Morgan, Owen, Putnam). 210 East Morgan, Martinsville 46151. Attorney.

(D) Jean D. Breaux (District 34, Marion). Post Office Box 26267, Indianapolis 46226. Community Economic Development Consultant.

(D) John E. Broden (District 10, St. Joseph). 521 West Colfax Avenue, South Bend 46601. Attorney.

(R) James R. Buck (District 21, Boone, Hamilton, Howard, Tipton). 4407 McKibben Drive, Kokomo 46902. Retired.

(R) Edward E. Charbonneau (District 5, Jasper, LaPorte, Marshall, Porter, Pulaski, St. Joseph, Starke). 2503 Sherwood Drive, Valparaiso 46385. President and CEO of The Methodist Hospitals.

(R) Michael Delph (District 29, Hamilton, Marion). Post Office Box 450, Westfield 46074. Senior Director of Government Affairs, Comcast Cable.

(R) Doug Eckerty (District 26, Delaware, Madison). 10200 West River Road, Yorktown 47396. Real Estate.

(R) Beverly J. Gard (District 28, Hamilton, Hancock, Henry). 3660 North 50 East, Greenfield 46140. Former Biochemist, Eli Lilly.

(R) Susan Glick (District 13, DeKalb, Kosciusko, LaGrange, Noble, Steuben). 113 West Spring Street, LaGrange 46761. Attorney.

(R) Ronald T. Grooms (District 46, Clark, Floyd). 3104 Autumn Green Way, Jeffersonville 47130. Pharmacist.

(R) Randall C. Head (District 18, Cass, Fulton, Kosciusko, Miami, Pulaski, Wabash). 5003 Waterbury Court, Logansport 46947. Attorney, Tribbett Law Office.

(R) Brandt E. Hershman (District 7, Carroll, Clinton, Howard, Jasper, Tippecanoe, White). Post Office Box 189, Monticello 47960. Operations Manager, U.S. Representative Steve Buyer.

(R) Travis L. Holdman (District 19, Adams, Allen, Blackford, Grant, Wells). 2467 W. 1000 N. -90, Markle 46770. Holdman Consult.

(D) Lindel O. Hume (District 48, Daviess, Dubois, Gibson, Greene, Knox, Martin, Orange, Pike). 825 South Concord, Princeton 47670. Business Consultant.

(R) Howard A. "Luke" Kenley III (District 20, Grant, Hamilton, Madison, Tipton). 102 Harbour Trees Lane, Noblesville 46060. Commercial Real Estate Developer.

(R) Dennis K. Kruse (District 14, Allen, DeKalb, Steuben). 6704 County Road 31, Auburn 46706. Auctioneer, Real Estate Appraiser, Owner Reppert School of Auctioneering.

(D) Timothy S. Lanane (District 25, Madison). 34 West 8th Street, Anderson 46016. Attorney, City of Anderson.

(R) Dorothy S. "Sue" Landske (District 6, Benton, Lake, Newton, Porter). 7325 West 143rd Avenue, Cedar Lake 46303. Small Business Owner, All Golfcar, Inc.

***(R) Connie Lawson** (District 24, Hendricks, Putnam). 3891 W. CR 100 S., Danville 46122. Co-owner of Lawson Company Realtors and Auctioneers.

(R) Jean Leising (District 42, Decatur, Fayette, Franklin, Rush, Shelby). 5268 Stockpile Road, Oldenburg 47036. Farm owner. Travel Agent at Adventures In Travel.

(R) David C. Long (District 16, Allen). 7100 West Jefferson Boulevard, Fort Wayne 46804. General Counsel, Pizza Hut of Fort Wayne, Inc.

(R) James W. Merritt, Jr. (District 31, Marion). 10327 Tarpon Drive, Indianapolis 46256. Executive Vice President, Circle Financial Corp.

(R) Patricia L. Miller (District 32, Johnson, Marion). 1041 South Muesing Road, Indianapolis 46239. Executive Director, Confessing Movement Within the United Methodist Church.

(R) Ryan D. Mishler (District 9, Elkhart, Kosciusko, Marshall, St. Joseph). Post Office Box 202, Bremen 46506. President Mishler Funeral Homes.

(D) Frank Mrvan, Jr. (District 1, Lake). 6732 Maryland Avenue, Hammond 46323. Retired Bank Financial Officer.

(R) Johnny Nugent (District 43, Dearborn, Franklin, Jennings, Ohio, Ripley, Union). 920 Pribble Circle, Lawrenceburg 47025. Small Business Owner, Nugent Tractor Sales.

(R) Allen E. Paul (District 27, Jay, Randolph, Wayne). Post Office Box 332, Richmond 47374. Co-owner, Innovative Industries.

MEMBERS OF THE SENATE—2012

(D) Lonnie M. Randolph (District 2, Lake). 1919 East Columbus Drive, East Chicago 46312. Attorney-at-Law.

(D) Earline S. Rogers (District 3, Lake). 3636 West 15th Avenue, Gary 46404. Retired Teacher.

(R) Scott M. Schneider (District 30, Hamilton, Marion). 200 West Washington Street, Indianapolis 46220. Vice President Sales and Marketing, Mister Ice of Indianapolis.

(D) Vi Simpson (District 40, Brown, Monroe). 4965 West Woodland Drive, Bloomington 47404. Executive Director, Heritage Education Foundation, Inc.

(D) Timothy D. Skinner (District 38, Parke, Vermillion, Vigo, Warren). 5899 East Devonald Avenue, Terre Haute 47805. Teacher.

(R) James C. Smith, Jr. (District 45, Clark, Jackson, Jefferson, Jennings, Scott, Switzerland, Washington). 6103 Welsh Landing, Charlestown 47111. Financial Consultant.

(R) Brent E. Steele (District 44, Jackson, Lawrence, Monroe, Orange, Washington). 714 Leatherwood Road, Bedford 47421. Attorney, Steele & Steele, LLC.

(D) Karen R. Tallian (District 4, Lake, Porter). 6195 Central Avenue, Portage 46368. Attorney, Eberhard & Gastineau.

(D) Gregory G. Taylor (District 33, Marion). 3855 North Delaware Street, Indianapolis 46205. Attorney-at-Law, Coleman Stevenson, LLC.

(R) James A. Tomes (District 49, Gibson, Posey, Vanderburgh). 9412 Highway 66, Wadesville 47638. Teamster and Union Steward.

(R) Greggory F. Walker (District 41, Bartholomew, Johnson). 3465 Duffer Drive, Columbus 47203. Accountant.

(R) D. Brent Waltz, Jr. (District 36, Johnson, Marion). Post Office Box 7274, Greenwood 46142. Chairman and CEO, The Baron Group, Inc., Chairman, Medical Express Delivery, Inc., Director, Indianapolis Diversified Machining.

(R) John M. Waterman (District 39, Clay, Daviess, Greene, Knox, Owen, Sullivan, Vigo). 7452 N CR 375 East, Shelburn 47879. General Contractor.

(R) Thomas J. Wyss (District 15, Allen). 12133 Harvest Bay Drive, Fort Wayne 46845. Retired.

(R) Carlin J. Yoder (District 12, Elkhart). 59246 State Road 13, Middlebury 46540. Administrator at Clinton Christian School. Owner of Danceworks Academy.

(D) Richard D. Young, Jr. (District 47, Crawford, Dubois, Harrison, Perry, Spencer, Warrick, Washington). 10347 East Daugherty Lane, Milltown 47145. Farmer.

(R) R. Michael Young (District 35, Johnson, Marion, Morgan). 3102 Columbine Circle, Indianapolis 46224. Political Consultant.

(R) Joseph C. Zakas (District 11, Elkhart, St. Joseph). 16372 Wild Cherry Drive, Granger 46530. Attorney, Thorne, Grodnik, Ransel, Duncan, Byron & Hostetler.

*Journal Clerk's note: Following adjournment *sine die*, Senator Connie Lawson (District 24, Hendricks and Putnam Counties) resigned. Governor Daniels selected Connie Lawson to fill the vacancy of the office of Secretary of State on March 16, 2012. She will complete former Secretary of State Charlie White's term which will expire in 2014.

Peter J. Miller was selected to fill the vacancy in Senate District 24. He was sworn in on April 17, 2012, by Justice Robert Rucker and will complete the remainder of the current term which will expire in November 2012.

MEMBERS OF THE SENATE BY COUNTIES—2012

Adams – Holdman
Allen – Banks, Holdman, Kruse, Long, Wyss
Bartholomew – Walker
Benton – Landske
Blackford – Holdman
Boone – Boots, Buck
Brown – Simpson
Carroll – Hershman
Cass – Head
Clark – Grooms, Smith
Clay – Bray, Waterman
Clinton – Boots, Hershman
Crawford – R. Young
Daviess – Hume, Waterman
Dearborn – Nugent
Decatur – Leising
DeKalb – Glick, Kruse
Delaware – Eckerty
Dubois – Hume, R. Young
Elkhart – Mishler, Yoder, Zakas
Fayette – Leising
Floyd – Grooms
Fountain – Boots
Franklin – Leising, Nugent
Fulton – Head
Gibson – Hume, Tomes
Grant – Banks, Holdman, Kenley
Greene – Hume, Waterman
Hamilton – Buck, Delph, Gard, Kenley, Schneider
Hancock – Gard
Harrison – R. Young
Hendricks – Boots, Lawson
Henry – Gard
Howard – Buck, Hershman
Huntington – Banks
Jackson – Smith, Steele
Jasper – Charbonneau, Hershman
Jay – Paul
Jefferson – Smith
Jennings – Nugent, Smith
Johnson – Bray, Miller, Walker, Waltz, M. Young
Knox – Hume, Waterman
Kosciusko – Banks, Glick, Head, Mishler
LaGrange – Glick
Lake – Landske, Mrvan, Randolph, Rogers, Tallian
LaPorte – Arnold, Charbonneau
Lawrence – Steele
Madison – Eckerty, Kenley, Lanane
Marion – Breaux, Delph, Merritt, Miller, Schneider, Taylor, Waltz, M. Young
Marshall – Charbonneau, Mishler
Martin – Hume
Miami – Head
Monroe – Bray, Simpson, Steele
Montgomery – Boots
Morgan – Bray, M. Young
Newton – Landske
Noble – Glick
Ohio – Nugent
Orange – Hume, Steele
Owen – Bray, Waterman
Parke – Skinner
Perry – R. Young
Pike – Hume
Porter – Charbonneau, Landske, Tallian
Posey – Tomes
Pulaski – Charbonneau, Head
Putnam – Bray, Lawson
Randolph – Paul
Ripley – Nugent
Rush – Leising
St. Joseph – Arnold, Broden, Charbonneau, Mishler, Zakas
Scott – Smith
Shelby – Leising
Spencer – R. Young
Starke – Charbonneau
Steuben – Glick, Kruse
Sullivan – Waterman
Switzerland – Smith
Tippecanoe – Alting, Hershman
Tipton – Buck, Kenley
Union – Nugent
Vanderburgh – Becker, Tomes
Vermillion – Skinner
Vigo – Skinner, Waterman
Wabash – Banks, Head
Warren – Boots, Skinner
Warrick – Becker, R. Young
Washington – Smith, Steele, R. Young
Wayne – Paul
Wells – Holdman
White – Hershman
Whitley – Banks

MEMBERS OF THE SENATE BY DISTRICTS—2012

District 1 – Frank Mrvan, Jr.

District 2 – Lonnie M. Randolph

District 3 – Earline S. Rogers

District 4 – Karen R. Tallian

District 5 – Edward E. Charbonneau

District 6 – Dorothy S. "Sue" Landske

District 7 – Brandt E. Hershman

District 8 – James R. Arnold

District 9 – Ryan D. Mishler

District 10 – John E. Broden

District 11 – Joseph C. Zakas

District 12 – Carlin J. Yoder

District 13 – Susan Glick

District 14 – Dennis K. Kruse

District 15 – Thomas J. Wyss

District 16 – David C. Long

District 17 – James E. Banks

District 18 – Randall C. Head

District 19 – Travis L. Holdman

District 20 – Howard A. "Luke" Kenley III

District 21 – James R. Buck

District 22 – Ron "Ronnie" J. Alting

District 23 – Philip L. Boots

District 24 – Connie Lawson

District 25 – Timothy S. Lanane

District 26 – Gene D. Eckerty

District 27 – Allen E. Paul

District 28 – Beverly J. Gard

District 29 – Michael Delph

District 30 – Scott M. Schneider

District 31 – James W. Merritt, Jr.

District 32 – Patricia L. Miller

District 33 – Gregory G. Taylor

District 34 – Jean D. Breaux

District 35 – R. Michael Young

District 36 – D. Brent Waltz, Jr.

District 37 – Richard D. Bray

District 38 – Timothy D. Skinner

District 39 – John M. Waterman

District 40 – Vi Simpson

District 41 – Greggory F. Walker

District 42 – Jean Leising

District 43 – Johnny Nugent

District 44 – Brent E. Steele

District 45 – James C. Smith, Jr.

District 46 – Ronald T. Grooms

District 47 – Richard D. Young, Jr.

District 48 – Lindel O. Hume

District 49 – James A. Tomes

District 50 – Vaneta G. Becker

SENATE STANDING COMMITTEES—2012

(RM, ranking member; RMM, ranking minority member. Republican majority members listed first.)

Agriculture and Natural Resources

Mishler, Chair; Waterman, Ranking Member; Banks Kruse, Steele, Tomes, Yoder. Democrats: R. Young, Ranking Minority Member; Hume, Skinner.

Appointments and Claims

Zakas, Chair; Landske, Ranking Member; Bray, Merritt, Wyss. Democrats: Arnold, Ranking Minority Member; Hume, Rogers.

Appropriations

Kenley, Chair; Charbonneau, Ranking Member; Boots, Hershman, Lawson, Miller, Mishler, Waltz, Wyss. Democrats: Broden, Ranking Minority Member; Hume, Rogers, Tallian.

Commerce and Economic Development

M. Young, Chair; Walker, Ranking Member; Grooms, Leising, Smith, Waltz. Democrats: Taylor, Ranking Minority Member; Mrvan, Rogers.

Corrections, Criminal, and Civil Matters

Steele, Chair; M. Young, Ranking Member; Bray, Glick, Tomes, Waterman, Zakas. Democrats: Hume, Ranking Minority Member; Taylor, R. Young.

- Civil Matters Subcommittee: Zakas, Chair; Steele, M. Young. Democrats: Taylor, R. Young.
- Corrections and Criminal Subcommittee: Waterman, Chair; Bray, Tomes, Glick. Democrats: Hume, Taylor.

Education and Career Development

Kruse, Chair; Yoder, Ranking Member; Banks, Buck, Kenley, Leising, Schneider. Democrats: Rogers, Ranking Minority Member; Mrvan, Skinner.

Elections

Landske, Chair; Lawson, Ranking Member; Alting, Glick, Head, Hershman, Miller. Democrats: Lanane, Ranking Minority Member; Arnold, Broden.

Energy and Environmental Affairs

Gard, Chair; Buck, Ranking Member; Bray, Charbonneau, Eckerty, Schneider. Democrats: Tallian, Ranking Minority Member; Breaux, Randolph.

Ethics

Buck, Chair; Bray, Ranking Member; Steele. Democrats: Mrvan, Ranking Minority Member; Hume, Taylor.

Health and Provider Services

Miller, Chair; Mishler, Ranking Member; Becker, Charbonneau, Gard, Grooms, Leising. Democrats: Breaux, Ranking Minority Member; Rogers, Simpson.

- Public Health Subcommittee: Becker, Chair; Gard, Grooms. Democrats: Rogers, Simpson.
- Provider Services Subcommittee: Leising, Chair; Charbonneau, Miller, Mishler. Democrats: Breaux, Rogers.

Homeland Security, Transportation and Veterans Affairs

Wyss, Chair; Merritt, Ranking Member; Banks, Becker, Grooms, Paul, Smith. Democrats: Arnold, Ranking Minority Member; Lanane, Rogers.

- Public Safety Subcommittee: Becker, Chair; Banks, Grooms, Merritt. Democrats: Arnold, Rogers.
- Transportation Subcommittee: Paul, Chair; Grooms, Smith, Wyss. Democrats: Lanane, Rogers.

Insurance and Financial Institutions

Paul, Chair; Nugent, Ranking Member; Eckerty, Holdman, Smith, Steele, Walker. Democrats: Mrvan, Ranking Minority Member; Simpson, Taylor.

- Insurance Subcommittee: Walker, Chair; Eckerty, Paul, Smith. Democrats: Taylor, Simpson.
- Financial Institutions Subcommittee: Holdman, Chair; Nugent, Steele. Democrats: Taylor, Mrvan.

Judiciary

Bray, Chair; Zakas, Ranking Member; Alting, Eckerty, Glick, Head, Steele. Democrats: Randolph, Ranking Minority Member; Broden, Lanane.

- Courts and Juvenile Justice Subcommittee: Head, Chair; Bray, Eckerty. Democrats: Lanane, Broden.
- Probate Code and Trusts Subcommittee: Zakas, Chair; Alting, Glick, Steele. Democrats: Lanane, Randolph.

Local Government

Lawson, Chair; Boots, Ranking Member; Eckerty, Gard, Holdman, Smith, Wyss. Democrats: R. Young, Ranking Minority Member; Breaux, Hume.

Pensions and Labor

Boots, Chair; Waltz, Ranking Member; Buck, Kruse, Schneider, Walker, M. Young. Democrats: Tallian, Ranking Minority Member; Arnold, Skinner.

Public Policy

Alting, Chair; Becker, Ranking Member; Delph, Head, Merritt, Waltz, Zakas. Democrats: Arnold, Ranking Minority Member; Lanane, Taylor.

Tax and Fiscal Policy

Hershman, Chair; Mishler, Ranking Member; Buck, Delph, Head, Holdman, Kenley, Landske, Walker. Democrats: Skinner, Ranking Minority Member; Breaux, Broden, Randolph.

Utilities and Technology

Merritt, Chair; Leising, Ranking Member; Gard, Kruse, Schneider, Tomes, Yoder. Democrats: Randolph, Ranking Minority Member; Breaux, R. Young.

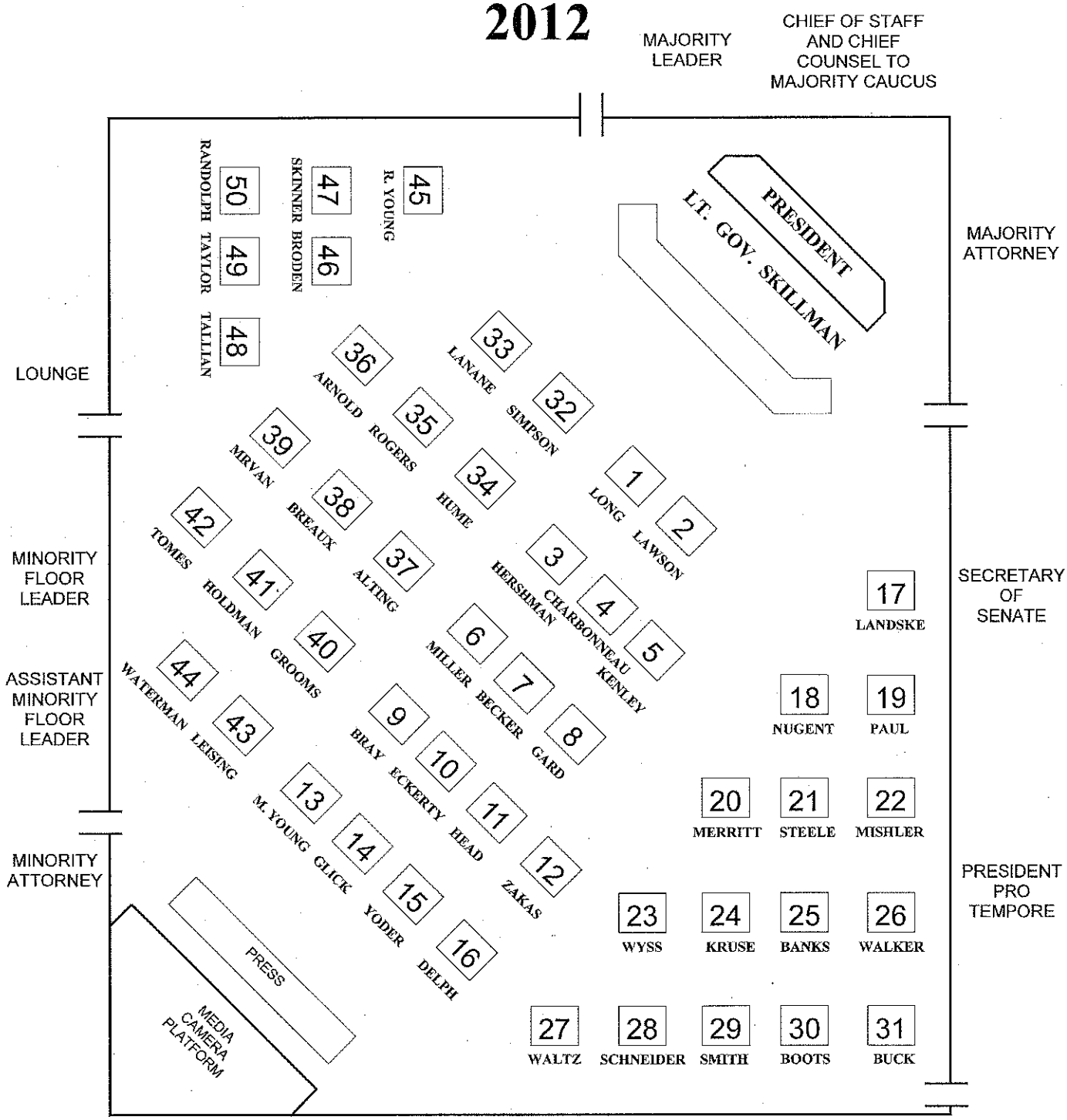
Rules and Legislative Procedure

Long, Chair; Wyss, Ranking Member; Bray, Charbonneau, Gard, Lawson, Merritt, Steele. Democrats: Simpson, Ranking Minority Member; Breaux, Hume, Lanane.

Joint Rules

Long (ex officio), Lawson, Chair; Merritt. Democrats: Simpson, Lanane.

SENATE SEATING ARRANGEMENT 2012



ALTING	37	(R)	DELPH	16	(R)	KRUSE	24	(R)	NUGENT	18	(R)	TAYLOR	49	(D)
ARNOLD	36	(D)	ECKERTY	10	(R)	LANANE	33	(D)	PAUL	19	(R)	TOMES	42	(R)
BANKS	25	(R)	GARD	8	(R)	LANDSKE	17	(R)	RANDOLPH	50	(D)	WALKER	26	(R)
BECKER	7	(R)	GLICK	14	(R)	LAWSON	2	(R)	ROGERS	35	(D)	WALTZ	27	(R)
BOOTS	30	(R)	GROOMS	40	(R)	LEISING	43	(R)	SCHNEIDER	28	(R)	WATERMAN	44	(R)
BRAY	9	(R)	HEAD	11	(R)	LONG	1	(R)	SIMPSON	32	(D)	WYSS	23	(R)
BREAUX	38	(D)	HERSHMAN	3	(R)	MERRITT	20	(R)	SKINNER	47	(D)	YODER	15	(R)
BRODEN	46	(D)	HOLDMAN	41	(R)	MILLER	6	(R)	SMITH	29	(R)	M. YOUNG	13	(R)
BUCK	31	(R)	HUME	34	(D)	MISHLER	22	(R)	STEELE	21	(R)	R. YOUNG	45	(D)
CHARBONNEAU	4	(R)	KENLEY	5	(R)	MRVAN	39	(D)	TALLIAN	48	(D)	ZAKAS	12	(R)

LEGISLATION BY MEMBER—2012

SECOND REGULAR SESSION

(Those marked with ■ became law; no bills were vetoed in 2012.)

SENATE

Alting, Ron

Authored

■ SB 233 Various election law matters.
SB 234 Synthetic drugs (including "bath salts").
■ SB 249 Record of marriage.
SB 250 Missing children.
SB 258 Alcohol trainer programs and server programs.
■ SB 259 School consolidation executive session.
SB 260 Firefighter training and elevator mechanics.
SCR 40 Recognizing the importance of Ivy Tech Community College of Indiana.
SR 11 Congratulating Dr. Ed Eiler on his retirement.

Sponsored

■ HB 1003 Public access issues.
■ HB 1149 Smoking ban.
■ HB 1196 Synthetic drugs (including "bath salts").
HB 1224 Charity gaming.
HB 1299 Alcoholic beverage matters.
HCR 2 Honoring Happy Hollow Elementary School, a Blue Ribbon School.
HCR 53 Congratulating Joe Ruhl on being awarded the National Science Teaching Award.

Coauthored

■ SB 1 Self-defense.
■ SB 4 Human trafficking.
■ SB 190 Study of terminating parenting rights.
■ SB 275 Real estate brokers.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored

■ HB 1116 Military education and training.
■ HB 1123 Public pensions.
■ HB 1141 Home energy assistance.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Arnold, James R.

Authored

SB 11 Animal fighting contests.
■ SB 115 Classification of political subdivisions.
SB 116 Altering historic preservation districts.
SB 117 Unopposed candidates on municipal election ballot.
SB 138 Alcoholic beverage wholesalers.
SB 163 Economic development incentive accountability.
SB 189 New employer tax credit.
■ SB 193 Local elected officials.
SB 194 Insurance proceeds withholding.
SB 197 State contracts.
SB 204 Pre-kindergarten grant program.
SB 205 Employment status of employment applicants.
SB 206 Early voting.
SB 214 Choice scholarship administration.
■ SB 237 Noncode statutes.
■ SB 255 Various homeland security matters.
■ SB 256 Correctional professionals assistance fund.
■ SB 257 Motor vehicle law.
SB 258 Alcohol trainer programs and server programs.
SB 260 Firefighter training and elevator mechanics.
SB 261 Use of credit reports for employment purposes.
SB 266 State contractor accountability.
SB 288 Office of child development and early learning.
SB 290 Turnaround academies.
SB 349 Incentives compliance reporting.
SB 371 Emergency medical services matters.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 60 Congratulating Indiana law enforcement officers Ken Ryan and Keith Waltz.
SR 78 Honoring the Senate Democrat interns for the 2012 legislative session.

Sponsored

■ HB 1009 Technical corrections.
HB 1064 Lake management work group.
HB 1087 Statewide 911 system.
HB 1204 Sex and violent offender registry.
HB 1222 Dealer services division of the secretary of state.

LEGISLATION BY MEMBER—2012

■ HB 1247 Operator's license renewal schedule and fees.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 31 Memorializing the life of Ann Spevak of LaPorte.
HCR 32 Memorializing the life of Robert E. Miller of Michigan City.
HCR 40 Thanking Legislative Services Agency's Office of Code Revision.

Coauthored
SB 6 Knives with automatic blades.
SB 31 Grants from military family relief fund.
SB 83 Cursive writing in school curriculum.
■ SB 113 Golf carts in unincorporated areas.
■ SB 233 Various election law matters.
SB 234 Synthetic drugs (including "bath salts").
SB 253 Military education and training.
■ SB 273 Regulation of outdoor stage equipment.
■ SB 301 Extra heavy duty highways.
SB 327 Registration of vehicles and license plates.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 22 Honoring John C. Schalliol on his retirement.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 28 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 71 Study of use of DNA evidence.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.
SR 108 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

Cosponsored
■ HB 1003 Public access issues.
■ HB 1186 Emergency medical services personnel.
HB 1197 Mopeds.
■ HB 1212 Blue lights on vehicles.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 23 Memorializing former Representative Tom Kromkowski of South Bend.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Banks, Jim

Authored
SB 57 Inheritance tax and estate tax.
SB 85 Attorney's fees in civil action.
SB 179 Virtual instruction course requirement.
SB 180 Firearms on school property.
SB 181 Possession of firearms on state property.
■ SB 182 State educational institutions; credit transfers.
SB 183 Sexually oriented businesses.
■ SB 237 Noncode statutes.
SB 253 Military education and training.
SB 340 Physical plant requirements for abortion clinics.
SB 341 Written materials on abortions.
SB 392 State educational institution grading practices.
SB 398 State chemist issues.
SCR 19 Study of current oversight structure applicable to Indiana University–Purdue University Fort Wayne (IPFW).
SR 3 Study of creating an industrial zone for automotive related industry.
SR 7 Study of instructional and non-instructional spending by school corporations.
SR 32 Honoring Jeremy Gulley on being named Citizen of the Year by the Herald Press.
SR 33 Honoring Marion High School students who participated in Young Entrepreneur Program.
SR 34 Congratulating Whitko High School art department on art exhibition in Taipai.
SR 45 Extending gratitude to Helena Chemical.
SR 59 Honoring Ted Little on his retirement from the Wabash County Council.
SR 81 Honoring F. Howard Halderman, Distinguished Agriculture Alumni of Purdue.
SR 82 Raising awareness of Inflammatory Breast Cancer.
SR 87 Study of grade inflation at state educational institutions.
SR 97 Congratulating Christy Fulk, Warsaw, Indiana Teacher of the Year.

Sponsored
HB 1007 Drug testing.
■ HB 1009 Technical corrections.
■ HB 1016 Design-build projects.
■ HB 1163 Bonding and retainage in public works projects.
HB 1199 Inheritance tax.
■ HB 1220 Commission for higher education.
HB 1265 Hunting preserves.
■ HB 1312 Sale of poultry at farmer's markets.
HCR 19 Honoring Melanie Park, Indiana's 2012 Teacher of the Year.
HCR 26 Honoring the Parkview Whitley Hospital nursing staff.

HCR 29 Honoring Ivy West, Keaton Irwin and the Whitko High School art department.
HCR 33 Honoring Jim Argerbright for his service to the Whitley County community.
HCR 34 Honoring John Lefever for his services to Whitley County.
HCR 40 Thanking Legislative Services Agency's Office of Code Revision.

Coauthored
■ SB 1 Self-defense.
■ SB 4 Human trafficking.
SB 6 Knives with automatic blades.
SB 31 Grants from military family relief fund.
SB 54 State university use of eminent domain.
SB 72 Abortion matters.
SB 89 Teaching of creation science.
SB 138 Alcoholic beverage wholesalers.
■ SB 231 Contracting with persons that invest in Iran.
SB 243 Silencers when hunting.
SB 269 Employee's right to work.
SB 373 Common core state standards.
SB 415 Liability for use of school facilities.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 38 Study of common core state standards.
SR 56 Honoring Lois Rockhill on her retirement.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1001 Employee's right to work.
■ HB 1034 Historic cemeteries.
HB 1150 Family friendly school designation.
■ HB 1205 School employee contracts.
■ HB 1279 Various natural resources matters.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Becker, Vaneta

Authored
■ SB 15 Brain injury services and Medicaid.
SB 51 Property tax assessment board of appeals.
■ SB 52 HIV testing.
SB 122 Performance contracts to sing national anthem.
SB 203 Art therapists.
■ SB 223 Department of health matters.
SB 303 Dental benefits.
SB 357 Elimination of trans fat in school food.
SR 46 Urging the Governor to designate November as COPD awareness month.
SR 91 Congratulating Sue Ann Hartig on her retirement.

Sponsored
■ HB 1003 Public access issues.
HB 1197 Mopeds.
■ HB 1211 Nursing facility screening and notification.
HCR 13 Recognizing the USS LST Ship Memorial, Evansville.
HCR 16 Honoring Evansville Bosse High School on 50th anniversary of its basketball championship.
HCR 25 Recognizing the Main Yard Site Remediation Project.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Coauthored
SB 31 Grants from military family relief fund.
SB 83 Cursive writing in school curriculum.
■ SB 190 Study of terminating parenting rights.
■ SB 231 Contracting with persons that invest in Iran.
■ SB 233 Various election law matters.
SB 253 Military education and training.
■ SB 273 Regulation of outdoor stage equipment.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 54 Urging that DCS be required to report to the Health Finance Commission.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1123 Public pensions.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.

HCR 17 Marking the 100th anniversary of the Girl Scouts.

Boots, Phil

Authored

SB 8 Representation of judges in mandate litigation.
SB 9 Retailer permits in annexed areas.
■ SB 19 Property taxes.
SB 20 Alcoholic beverages.
SB 25 Redevelopment commissions and authorities.
SB 105 Redevelopment commission members.
SB 106 Cold beer sales.
SB 149 Direct wine sales.
SB 150 County excise surtax and wheel tax.
SB 230 Worker's compensation.
SJR 2 Prohibition of certain mandates by courts.
SCR 40 Recognizing the importance of Ivy Tech Community College of Indiana.
SR 29 Study of laws restricting Sunday commerce.
SR 86 Study of encouraging use of smokeless tobacco products.

Sponsored

■ HB 1058 Adoption of budget for reorganized school.
HB 1190 Real property reassessment.
■ HB 1207 State civil service system.
HB 1224 Charity gaming.

Coauthored

■ SB 1 Self-defense.
SB 54 State university use of eminent domain.
SB 110 Local government issues.
SB 232 Unemployment compensation.
SB 269 Employee's right to work.
SB 337 Child labor law.
SB 353 Study sales taxation on gasoline.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored

■ HB 1001 Employee's right to work.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Bray, Richard D.

Authored

■ SB 26 Title 35 definitions.
■ SB 32 Guardianships.
■ SB 114 Driving while suspended.
■ SB 157 Power of attorney and attorney in fact.
■ SB 176 Immediate detention orders.
■ SB 190 Study of terminating parenting rights.
■ SB 246 Lab technician testimony in criminal cases.
SB 247 Forfeiture.
■ SB 262 IC 4 and IC 5 revision.
SB 263 Property crimes.
■ SB 271 Security deposits and motor vehicle liens.
■ SB 286 Department of child services.
■ SB 287 Department of child services.
■ SB 402 Indiana uniform law commission.
SCR 18 Recognizing the 175th anniversary of DePauw University.

Sponsored

HB 1011 Various corrections matters.
■ HB 1015 Cemetery access.
■ HB 1049 Courts, inspector general, and pro bono legal services fees.
■ HB 1092 Johnson superior court and Wabash city court.
■ HB 1126 Water and wastewater issues.
HB 1133 Rights of publicity.
■ HB 1200 Various corrections matters.
■ HB 1273 Administrative law judge study.
HB 1365 Sentencing alternatives for youthful offenders.
HCR 20 Honoring Martinsville High School and East Middle School Spell Bowl teams.
HCR 37 Honoring Martinsville High School Academic Decathlon team, state champions.

Coauthored

■ SB 1 Self-defense.
SB 54 State university use of eminent domain.
■ SB 156 Partition.
■ SB 168 Liability for underground storage tank fees.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 71 Study of use of DNA evidence.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.

Cosponsored
■ HB 1065 Military custody and parenting time matters.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Breaux, Jean D.

Authored
■ SB 15 Brain injury services and Medicaid.
SB 117 Unopposed candidates on municipal election ballot.
SB 163 Economic development incentive accountability.
SB 189 New employer tax credit.
SB 197 State contracts.
SB 203 Art therapists.
SB 204 Pre-kindergarten grant program.
SB 205 Employment status of employment applicants.
SB 206 Early voting.
SB 214 Choice scholarship administration.
■ SB 225 Hospital assessment fee matters.
SB 227 Utility report of sewer rate increases.
SB 242 Protection order card program.
SB 266 State contractor accountability.
SB 288 Office of child development and early learning.
SB 290 Turnaround academies.
SB 304 Disclosure of utility easements.
SB 305 Multiple ADM counts.
SB 349 Incentives compliance reporting.
SB 364 Case management services.
SB 365 Uses for individual development accounts.
SCR 15 Honoring Indianapolis Super Bowl committee.
SR 78 Honoring the Senate Democrat interns for the 2012 legislative session.

Sponsored
■ HB 1249 Land banks and tax sales process.
■ HB 1360 Health matters.

Coauthored
SB 25 Redevelopment commissions and authorities.
■ SB 52 HIV testing.
■ SB 133 Underground storage tanks.
■ SB 168 Liability for underground storage tank fees.
■ SB 173 Airport boards.
■ SB 223 Department of health matters.
SB 235 Pro bono legal services fee.
SB 261 Use of credit reports for employment purposes.
SB 280 School finance.
■ SB 407 Pharmacy matters.
SCR 18 Recognizing the 175th anniversary of DePauw University.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1050 Health care sharing ministries.
■ HB 1107 Hydraulic fracturing treatments.
■ HB 1141 Home energy assistance.
■ HB 1325 Sales and use tax exemptions.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Broden, John

Authored
■ SB 32 Guardianships.
SB 100 Sales and use tax.
SB 101 Vehicle clearance when overtaking bicycle.
SB 102 Food stamp assistance after drug conviction.
SB 117 Unopposed candidates on municipal election ballot.
SB 197 State contracts.
SB 204 Pre-kindergarten grant program.
SB 206 Early voting.
■ SB 231 Contracting with persons that invest in Iran.
SB 266 State contractor accountability.
■ SB 302 Taxation.

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■ SB 330 Certified public accountants.
SB 342 Work zone cell phone ban.
SB 343 Executive session regarding real estate.
SB 348 Adoption subsidy payments.
SB 349 Incentives compliance reporting.
SCR 20 Honoring John Gleissner, former Mishawaka council member.
SCR 22 Honoring John C. Schalliol on his retirement.
SCR 29 Congratulating the Penn High School volleyball team on their second state championship.
SR 60 Congratulating Indiana law enforcement officers Ken Ryan and Keith Waltz.
SR 78 Honoring the Senate Democrat interns for the 2012 legislative session.
SR 89 Study licensing for undocumented immigrants.
SR 95 Honoring John Charles Bryant for services to Northern Indiana Center for History.

Sponsored
HB 1019 Adoption history information.
■ HB 1058 Adoption of budget for reorganized school.
HB 1111 Historic preservation tax credits.
■ HB 1141 Home energy assistance.
■ HB 1211 Nursing facility screening and notification.
■ HB 1258 Various estate administration matters.
HCR 23 Memorializing former Representative Tom Kromkowski of South Bend.

Coauthored
■ SB 19 Property taxes.
■ SB 107 Deadline for adoption of salary ordinances.
■ SB 115 Classification of political subdivisions.
SB 136 Fees for toll road emergency services.
SB 140 Slot machine wagering tax.
■ SB 144 Sales and tobacco products taxes.
SB 163 Economic development incentive accountability.
SB 165 County options for delinquent property taxes.
SB 172 Hazardous waste disposal tax.
SB 189 New employer tax credit.
■ SB 193 Local elected officials.
SB 205 Employment status of employment applicants.
SB 214 Choice scholarship administration.
SB 226 School corporation financial management.
■ SB 233 Various election law matters.
SB 234 Synthetic drugs (including "bath salts").
SB 235 Pro bono legal services fee.
SB 248 Referendum on use of balanced school calendar.
SB 261 Use of credit reports for employment purposes.
■ SB 275 Real estate brokers.
SB 288 Office of child development and early learning.
SB 290 Turnaround academies.
■ SB 298 Mortgages and liens on real property.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 28 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 71 Study of use of DNA evidence.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.
SR 108 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

Cosponsored
■ HB 1059 Military family relief fund.
■ HB 1065 Military custody and parenting time matters.
■ HB 1072 Tax administration.
HB 1087 Statewide 911 system.
■ HB 1091 Agricultural operations.
■ HB 1092 Johnson superior court and Wabash city court.
■ HB 1126 Water and wastewater issues.
■ HB 1195 Property taxes.
■ HB 1238 Finding of abandonment for mortgaged property.
■ HB 1273 Administrative law judge study.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Buck, James R.

Authored
■ SB 128 Administration of public retirement plans.
■ SB 191 Local government investments.
SB 221 Vehicular crimes in highway work zones.
SB 222 Annexation.
■ SB 262 IC 4 and IC 5 revision.
SB 270 DCS evaluation committee and ombudsman.
■ SB 301 Extra heavy duty highways.
■ SB 315 Charity gaming.

SB 322 Tort immunity for DOC employees and others.
SB 326 State income tax rate adjustment.
SB 332 Reporting of federal receipts and expenditures.
SB 334 Dispensing of prescription drugs.
SR 3 Study of creating an industrial zone for automotive related industry.
SR 86 Study of encouraging use of smokeless tobacco products.

Sponsored
■ HB 1018 Mine electrician certification.
■ HB 1034 Historic cemeteries.
HB 1064 Lake management work group.
■ HB 1091 Agricultural operations.
■ HB 1173 Various IOSHA matters.
■ HB 1212 Blue lights on vehicles.
HB 1221 Spotlighting wild animals; fish and wildlife license suspension.
■ HB 1269 Health care compact.
HB 1349 Drainage boards.
HCR 38 Honoring the Western High School Marching Band.

Coauthored
■ SB 1 Self-defense.
SB 6 Knives with automatic blades.
■ SB 15 Brain injury services and Medicaid.
■ SB 19 Property taxes.
SB 72 Abortion matters.
■ SB 127 Indiana public retirement system.
■ SB 154 Operating a motorboat while intoxicated.
SB 155 Higher education employment age limits.
■ SB 168 Liability for underground storage tank fees.
SB 234 Synthetic drugs (including "bath salts").
SB 253 Military education and training.
■ SB 311 Cost benefit analysis for administrative rules.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 56 Honoring Lois Rockhill on her retirement.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1273 Administrative law judge study.
■ HB 1279 Various natural resources matters.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Charbonneau, Edward E.

Authored
■ SB 1 Self-defense.
SB 10 Massage therapists.
SB 61 Leasing of state property.
SB 63 Ports of Indiana.
■ SB 98 County highway maintenance funding.
SB 130 Environmental boards.
■ SB 131 Environmental matters.
■ SB 132 Water utility resource data.
■ SB 133 Underground storage tanks.
SB 140 Slot machine wagering tax.
SB 143 State fiscal matters.
■ SB 144 Sales and tobacco products taxes.
■ SB 156 Partition.
SB 162 East Chicago school board.
SB 170 Nepotism; conflict of interest.
■ SB 190 Study of terminating parenting rights.
■ SB 191 Local government investments.
■ SB 192 Sales of motorcycles on Sunday.
SB 226 School corporation financial management.
SB 234 Synthetic drugs (including "bath salts").
SB 265 School report card.
SB 279 PERF and TRF thirteenth check.
SB 280 School finance.
SB 300 Environmental crimes.
■ SB 301 Extra heavy duty highways.
■ SB 302 Taxation.
SB 355 Distressed political subdivisions.
SB 356 Officeholder qualifications.
SB 385 Gary riverboats.
SCR 24 Recognizing Margaretta Meyer's 103rd birthday.
SCR 35 Honoring Mark Hoffman on his retirement as head football coach at Valparaiso High School.
SCR 37 Urging the Governor to proclaim February 20-25, 2012 Canada Week in Indiana.
SR 29 Study of laws restricting Sunday commerce.
SR 94 Recognizing the 100th year of the Boy Scouts' Eagle Award.

Sponsored
■ HB 1054 Alcoholic beverage matters.
■ HB 1123 Public pensions.
■ HB 1189 School finance.
■ HB 1192 School corporation and local government finances.
HB 1307 Funding for aviation facilities.
■ HB 1376 State and local administration.

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Coauthored

■ SB 4 Human trafficking.
SB 11 Animal fighting contests.
■ SB 19 Property taxes.
SB 31 Grants from military family relief fund.
SB 54 State university use of eminent domain.
SB 138 Alcoholic beverage wholesalers.
SB 165 County options for delinquent property taxes.
■ SB 168 Liability for underground storage tank fees.
■ SB 193 Local elected officials.
■ SB 345 Statewide 911 system.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored

■ HB 1034 Historic cemeteries.
■ HB 1090 Payment of delinquent property taxes.
HB 1111 Historic preservation tax credits.
■ HB 1264 Flood control in Lake County.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Delph, Michael A.

Authored

■ SB 19 Property taxes.
SB 31 Grants from military family relief fund.
SB 62 Securities and flexible purpose corporations.
SB 68 Qualification for presidential primary election.
SB 83 Cursive writing in school curriculum.
SB 99 Redistricting.
SB 146 Straight party voting.
SB 199 Evaluation of agencies and programs.
SB 236 Various education matters.
SB 404 Elimination of grand juries.
SB 405 Residency requirements for members of Congress.
SB 411 Public employee salary limitation.
SJR 11 Redistricting commission.
SJR 14 Appellate court judges.
SCR 9 Petitioning USDOT to place Indiana in Central time zone.
SCR 26 Memorializing Gordon St. Angelo for his service to the Indianapolis area.
SCR 27 Recognizing the 175th anniversary of the city of Carmel.
SCR 30 Congratulating the Carmel High School football team on their excellent 2011 season.
SCR 36 Urging Congress to establish a memorial honoring Gulf War Veterans.
SR 6 Study of Indiana's grand jury system.
SR 18 Urging the preservation of Gary Theodore Roosevelt High School's athletic program.
SR 20 Congratulating the 2011 Carmel High School softball team on their state championship.
SR 21 Congratulating the Carmel High School boys swimming and diving team on their championship.
SR 22 Congratulating the Carmel High School girls swimming team on their championship.
SR 52 Congratulating the Carmel High School boys tennis team.
SR 54 Urging that DCS be required to report to the Health Finance Commission.
SR 63 Memorializing Henry Karlson, professor at I.U. law school at Indianapolis.
SR 68 Congratulating the Carmel High School girls tennis team 2011 state champions.
SR 90 Urging the study committee on redistricting to meet outside Marion County.
SR 93 Congratulating the Carmel High School girls cross country team state champions.

Sponsored

■ HB 1059 Military family relief fund.

Coauthored

■ SB 1 Self-defense.
■ SB 4 Human trafficking.
SB 11 Animal fighting contests.
SB 54 State university use of eminent domain.
SB 84 Class basketball.
SB 89 Teaching of creation science.
SB 170 Nepotism; conflict of interest.
■ SB 182 State educational institutions; credit transfers.
■ SB 231 Contracting with persons that invest in Iran.
■ SB 233 Various election law matters.
■ SB 293 Inheritance tax.
■ SB 311 Cost benefit analysis for administrative rules.

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SB 321 Transportation and logistics income tax credit.
■ SB 362 White River park foundation.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1205 School employee contracts.
■ HB 1279 Various natural resources matters.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 10 Honoring Marty Chitwood, volunteer at Riley Hospital for Children.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Eckerty, Doug

Authored
SB 53 Internal insurance compliance audits.
SB 54 State university use of eminent domain.
SB 55 Local government reorganization.
■ SB 56 Ball State board of trustees.
■ SB 111 Group personal excess and umbrella insurance.
■ SB 191 Local government investments.
SB 198 Choice scholarship eligibility.
SB 228 Limits property tax assessed value increases.
SB 406 Recovery of medical or health care expenses.
SCR 39 Congratulating Wes-Del High School girls volleyball team, state champions.
SR 56 Honoring Lois Rockhill on her retirement.
SR 70 Congratulating Morry Mannies upon his retirement.
SR 105 Congratulating Devon Jackson on winning the state wrestling championship.
SR 106 Congratulating Tim Tuttle on receiving the Silver Helmet Award.

Sponsored
HB 1056 Novelty lighters.
■ HB 1080 Sex offenders.
■ HB 1237 Home improvement contracts.
HCR 47 Honoring the Yorktown High School girls volleyball team.

Coauthored
■ SB 1 Self-defense.
■ SB 4 Human trafficking.
SB 72 Abortion matters.
SB 110 Local government issues.
■ SB 168 Liability for underground storage tank fees.
■ SB 190 Study of terminating parenting rights.
SB 229 Exemption of business personal property.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1065 Military custody and parenting time matters.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Gard, Beverly J.

Authored
SB 12 Reestablishment of FSSA.
■ SB 13 Cash assistance point of service and drug reports.
SB 91 Tobacco use by job applicants.
SB 92 Public access issues.
SB 130 Environmental boards.
■ SB 131 Environmental matters.
■ SB 132 Water utility resource data.
■ SB 133 Underground storage tanks.
■ SB 168 Liability for underground storage tank fees.
SB 195 Insurance coverage for diagnostic mammograms.

SB 210 Solid waste management district matters.
SB 211 Generic drug bidding program.
■ SB 212 Utility facility relocation.
■ SB 224 Emergency ambulance services report.
■ SB 225 Hospital assessment fee matters.
SB 303 Dental benefits.
■ SB 311 Cost benefit analysis for administrative rules.
SB 350 Corn marketing council.
SCR 13 Congratulating Indiana Gators 12/u softball team on their 2011 victory.
SR 46 Urging the Governor to designate November as COPD awareness month.
SR 65 Study of extraterritorial jurisdiction of municipalities.
SR 104 Study of extraterrritorial jurisdiction of municipalities.

Sponsored
HB 1093 Public access issues.
■ HB 1107 Hydraulic fracturing treatments.
■ HB 1117 Regional water, sewage, or waste districts and utilities.
■ HB 1128 Corn marketing council.
■ HB 1149 Smoking ban.
■ HB 1192 School corporation and local government finances.
HB 1225 Septic tanks and sewer systems.
■ HB 1283 Libraries and historic matters.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.

Coauthored
■ SB 1 Self-defense.
SB 54 State university use of eminent domain.
SB 83 Cursive writing in school curriculum.
SB 110 Local government issues.
SB 170 Nepotism; conflict of interest.
SB 226 School corporation financial management.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Glick, C. Susan

Authored
SB 88 Proof of residency for homestead deduction.
SB 136 Fees for toll road emergency services.
SB 253 Military education and training.
SB 254 Township government.
SB 318 Tax credit for hiring returning veterans.
SB 382 Fraudulent financing statements and liens.
SB 383 Child abuse or neglect.
SR 51 Honoring Colton Strawser on being named top youth volunteer in Indiana.

Sponsored
HB 1056 Novelty lighters.
HB 1064 Lake management work group.
■ HB 1116 Military education and training.
■ HB 1148 Engineer and land surveyor examinations.
■ HB 1258 Various estate administration matters.
HCR 39 Honoring Paul Oakes for his services to the Indianapolis area.

Coauthored
■ SB 1 Self-defense.
■ SB 4 Human trafficking.
SB 31 Grants from military family relief fund.
SB 57 Inheritance tax and estate tax.
■ SB 233 Various election law matters.
SB 234 Synthetic drugs (including "bath salts").
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 19 Study of current oversight structure applicable to Indiana University–Purdue University Fort Wayne (IPFW).
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 71 Study of use of DNA evidence.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1059 Military family relief fund.
■ HB 1065 Military custody and parenting time matters.
■ HB 1196 Synthetic drugs (including "bath salts").
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.

HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Grooms, Ron

Authored
SB 184 Unlawful recording of agricultural operations.
SB 185 Battery on a security officer.
SB 186 Motor vehicle insurance cancellation.
SB 187 Notary public fees.
SB 235 Pro bono legal services fee.
SB 243 Silencers when hunting.
SB 270 DCS evaluation committee and ombudsman.
SB 334 Dispensing of prescription drugs.
SB 335 Prescription drug costs.
SB 379 Early childhood literacy pilot program.
■ SB 407 Pharmacy matters.
SCR 6 Honoring Norman "Ned" Pfau, Kentuckiana business Hall of Fame inductee.
SCR 12 Study on creating an industrial zone for aviation.
SR 5 Urging state agencies and citizens to fly the POW/MIA flag.
SR 26 Study of increased penalties for battery of a licensed security guard.
SR 43 Congratulating New Albany-Floyd County School Corporation as a model school.

Sponsored
HCR 35 Honoring Providence High School girls soccer team, Class A state champions.

Coauthored
■ SB 1 Self-defense.
SB 83 Cursive writing in school curriculum.
SB 244 Lobbyists.
SB 253 Military education and training.
■ SB 286 Department of child services.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1279 Various natural resources matters.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Head, Randy

Authored
SB 2 Miami Nation tribal recognition.
SB 3 Habitual offender charge filing deadline.
■ SB 4 Human trafficking.
SB 5 Funding of lawsuits.
SB 54 State university use of eminent domain.
■ SB 113 Golf carts in unincorporated areas.
SB 124 Local government reorganization.
SB 155 Higher education employment age limits.
SB 174 Local government reorganization.
SB 264 Child solicitation.
SB 265 School report card.
■ SB 274 Immunity for certain alcohol offenses.
SB 312 School policies on gang activities.
■ SB 315 Charity gaming.
SB 316 Child protection registry.
SB 326 State income tax rate adjustment.
SB 379 Early childhood literacy pilot program.
SB 382 Fraudulent financing statements and liens.
SB 383 Child abuse or neglect.
SB 415 Liability for use of school facilities.
SR 35 Honoring the Ivy Tech–Logansport Electric Vehicle Club.
SR 36 Congratulating the Lewis Cass High School marching band on its success.
SR 39 Honoring Ancilla College athletic department and Ounce of Prevention Foundation.
SR 41 Congratulating the Wabash College football team.
SR 49 Study of drug testing of temporary assistance for needy families (TANF) recipients.
SR 88 Recognizing North Miami FFA for their accomplishments in the state of Indiana.
SR 98 Urging the Governor to proclaim a day honoring community foundations.
SR 99 Honoring Wabash College Professor David Hadley on his retirement.

Sponsored
HB 1007 Drug testing.
HB 1224 Charity gaming.
HCR 9 Honoring the members of the Youth Advisory Council.

Coauthored
■ SB 1 Self-defense.

SB 55 Local government reorganization.
■ SB 182 State educational institutions; credit transfers.
■ SB 233 Various election law matters.
SB 234 Synthetic drugs (including "bath salts").
SB 243 Silencers when hunting.
SB 244 Lobbyists.
SB 253 Military education and training.
■ SB 293 Inheritance tax.
SB 355 Distressed political subdivisions.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 71 Study of use of DNA evidence.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
HB 1011 Various corrections matters.
■ HB 1279 Various natural resources matters.
■ HB 1376 State and local administration.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Hershman, Brandt

Authored
■ SB 19 Property taxes.
SB 142 Property tax issues.
SB 172 Hazardous waste disposal tax.
■ SB 293 Inheritance tax.
■ SB 302 Taxation.
■ SB 307 Fire protection territories.
SB 308 Telecommunications providers of last resort.
■ SB 309 Local purchasing and public works preferences.
SB 310 Medicaid fraud.
■ SB 311 Cost benefit analysis for administrative rules.
SB 312 School policies on gang activities.
SB 313 Transportation to certain school related events.
SB 314 Public deposit insurance fund.
SB 321 Transportation and logistics income tax credit.
SB 344 Taxation.
■ SB 345 Statewide 911 system.
SCR 33 Congratulating Joseph Ruhl on being named top science educator in the country.
SCR 40 Recognizing the importance of Ivy Tech Community College of Indiana.
SR 66 Study of Medicaid fraud issues.
SR 67 Study of ways of encouraging economic development in rural areas.
SR 69 Study of gaming issues.
SR 83 Recognizing the importance of Ivy Tech Community College of Indiana.
SR 96 Supporting the construction of the New International Trade Crossing.

Sponsored
■ HB 1072 Tax administration.
HB 1087 Statewide 911 system.
■ HB 1112 Telecommunications providers of last resort.
HB 1132 Controlled projects.
■ HB 1154 Local purchasing and public works preferences.
HB 1190 Real property reassessment.
HB 1199 Inheritance tax.
■ HB 1280 Regulatory matters.
■ HB 1325 Sales and use tax exemptions.
HCR 38 Honoring the Western High School Marching Band.
HCR 53 Congratulating Joe Ruhl on being awarded the National Science Teaching Award.

Coauthored
■ SB 1 Self-defense.
■ SB 274 Immunity for certain alcohol offenses.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1001 Employee's right to work.
■ HB 1091 Agricultural operations.

■ HB 1367 Deaf and hard of hearing education services.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Holdman, Travis

Authored
SB 72 Abortion matters.
SB 89 Teaching of creation science.
■ SB 109 Deposit of public funds by local units.
SB 110 Local government issues.
■ SB 111 Group personal excess and umbrella insurance.
SB 112 Homeowners association covenants.
■ SB 113 Golf carts in unincorporated areas.
SB 121 Refilling of containers by home brewers.
■ SB 147 Local government financial matters.
■ SB 148 Portable electronics insurance.
SB 184 Unlawful recording of agricultural operations.
SB 243 Silencers when hunting.
SB 276 Tax sales and abandoned property.
■ SB 283 Nonpublic alternative high schools; residential facilities.
SB 294 Public records and public meetings.
SB 295 Local unit employee health insurance.
SB 308 Telecommunications providers of last resort.
SB 314 Public deposit insurance fund.
SB 361 State provision and use of communications service.
SB 404 Elimination of grand juries.
SR 2 Study of commercialism in schools.
SR 3 Study of creating an industrial zone for automotive related industry.
SR 6 Study of Indiana's grand jury system.
SR 24 Recognizing South Adams High School for their work on the "Dots in Blue Water" project.
SR 56 Honoring Lois Rockhill on her retirement.

Sponsored
■ HB 1003 Public access issues.
■ HB 1005 Nepotism; conflict of interest.
HB 1013 Golf carts in unincorporated areas.
■ HB 1050 Health care sharing ministries.
HB 1093 Public access issues.
■ HB 1112 Telecommunications providers of last resort.
HB 1136 Child care ministries.
■ HB 1201 State provision and use of communications service.
HB 1225 Septic tanks and sewer systems.
■ HB 1238 Finding of abandonment for mortgaged property.
■ HB 1239 Financial institutions and consumer credit.
■ HB 1249 Land banks and tax sales process.
■ HB 1250 State government nepotism.
■ HB 1298 Transportation of food products.
HCR 7 Honoring South Adams High School for their Dots in Blue Water program.
HCR 30 Honoring the United Ways of Indiana for their services to the state.

Coauthored
■ SB 1 Self-defense.
■ SB 4 Human trafficking.
■ SB 19 Property taxes.
SB 54 State university use of eminent domain.
SB 92 Public access issues.
■ SB 168 Liability for underground storage tank fees.
SB 229 Exemption of business personal property.
SB 234 Synthetic drugs (including "bath salts").
SB 251 School prayer.
■ SB 271 Security deposits and motor vehicle liens.
■ SB 293 Inheritance tax.
■ SB 298 Mortgages and liens on real property.
■ SB 302 Taxation.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 19 Study of current oversight structure applicable to Indiana University–Purdue University Fort Wayne (IPFW).
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
HB 1111 Historic preservation tax credits.
■ HB 1279 Various natural resources matters.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

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Hume, Lindel O.

Authored

■ SB 4 Human trafficking.
■ SB 26 Title 35 definitions.
■ SB 107 Deadline for adoption of salary ordinances.
SB 169 Municipal plates for fire protection territories.
■ SB 329 Eminent domain filing deadlines.
SCR 31 Honoring the 75th anniversary of the Wildlife and Sportfish Restoration Programs.
SR 57 Congratulating the Schnitzelbank on winning the Super 46 sandwich contest.
SR 72 Honoring Jessica D'Esposito, Colton Newson and Anna Woolery for science project.
SR 84 Honoring Taylor Wornica on her selection to the all state academic team.

Sponsored

■ HB 1018 Mine electrician certification.
HCR 5 Honoring Otwell Elementary School, a Blue Ribbon School.
HCR 36 Honoring Schnitzelbank Restaurant for winning the Super 46 sandwich contest.
HCR 54 Congratulating Hoosier Boys State on the occasion of its 75th anniversary.

Coauthored

■ SB 1 Self-defense.
SB 6 Knives with automatic blades.
■ SB 22 Conservancy district director compensation.
SB 72 Abortion matters.
SB 83 Cursive writing in school curriculum.
■ SB 97 Public intoxication.
■ SB 98 County highway maintenance funding.
SB 117 Unopposed candidates on municipal election ballot.
■ SB 152 Allen circuit court.
SB 163 Economic development incentive accountability.
SB 189 New employer tax credit.
■ SB 191 Local government investments.
SB 197 State contracts.
SB 204 Pre-kindergarten grant program.
SB 205 Employment status of employment applicants.
SB 206 Early voting.
SB 214 Choice scholarship administration.
■ SB 233 Various election law matters.
SB 244 Lobbyists.
■ SB 256 Correctional professionals assistance fund.
SB 261 Use of credit reports for employment purposes.
SB 266 State contractor accountability.
SB 288 Office of child development and early learning.
SB 290 Turnaround academies.
SB 305 Multiple ADM counts.
■ SB 307 Fire protection territories.
■ SB 309 Local purchasing and public works preferences.
SB 322 Tort immunity for DOC employees and others.
SB 349 Incentives compliance reporting.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 78 Honoring the Senate Democrat interns for the 2012 legislative session.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored

HB 1011 Various corrections matters.
■ HB 1033 Criminal history and sentencing.
■ HB 1080 Sex offenders.
■ HB 1123 Public pensions.
HB 1190 Real property reassessment.
■ HB 1192 School corporation and local government finances.
HB 1224 Charity gaming.
■ HB 1237 Home improvement contracts.
■ HB 1283 Libraries and historic matters.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Kenley, Luke

Authored

SB 25 Redevelopment commissions and authorities.
■ SB 98 County highway maintenance funding.
SB 138 Alcoholic beverage wholesalers.
SB 139 Public contract for services.
SB 140 Slot machine wagering tax.
SB 141 Income tax credit for college 529 plan.
SB 142 Property tax issues.
SB 143 State fiscal matters.
■ SB 144 Sales and tobacco products taxes.
SB 165 County options for delinquent property taxes.
SB 215 Property tax exemption.

SB 280 School finance.
■ SB 307 Fire protection territories.
SB 355 Distressed political subdivisions.
SB 385 Gary riverboats.

Sponsored
■ HB 1072 Tax administration.
■ HB 1090 Payment of delinquent property taxes.
■ HB 1123 Public pensions.
HB 1133 Rights of publicity.
■ HB 1141 Home energy assistance.
■ HB 1163 Bonding and retainage in public works projects.
■ HB 1270 Higher education.
■ HB 1376 State and local administration.

Coauthored
■ SB 128 Administration of public retirement plans.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1034 Historic cemeteries.
■ HB 1195 Property taxes.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Kruse, Dennis K.

Authored
SB 35 Definition of child care ministry.
SB 83 Cursive writing in school curriculum.
SB 84 Class basketball.
SB 88 Proof of residency for homestead deduction.
SB 89 Teaching of creation science.
SB 90 Application of foreign law.
SB 126 Mandatory half-day kindergarten enrollment.
SB 151 Library expansion referenda for unserved areas.
■ SB 152 Allen circuit court.
SB 179 Virtual instruction course requirement.
SB 181 Possession of firearms on state property.
SB 183 Sexually oriented businesses.
SB 236 Various education matters.
SB 251 School prayer.
■ SB 267 Education concerning child abuse.
■ SB 268 Advisory committee on early education.
SB 280 School finance.
■ SB 283 Nonpublic alternative high schools; residential facilities.
SB 284 Teacher contracts and evaluations.
SB 297 School start date.
SB 305 Multiple ADM counts.
SB 341 Written materials on abortions.
SB 373 Common core state standards.
SB 374 Graduation rate determination.
SB 384 School accreditation.
SB 392 State educational institution grading practices.
SB 415 Liability for use of school facilities.
SCR 19 Study of current oversight structure applicable to Indiana University–Purdue University Fort Wayne (IPFW).
SR 111 Congratulating Concordia High School girls basketball team, 3A state champions.
SR 112 Congratulating Canterbury High School girls basketball team state champions.

Sponsored
■ HB 1047 Education study committee.
HB 1150 Family friendly school designation.
■ HB 1169 School discipline.
■ HB 1205 School employee contracts.
■ HB 1270 Higher education.
HB 1349 Drainage boards.
HCR 39 Honoring Paul Oakes for his services to the Indianapolis area.
HCR 50 Honoring Wayne A. Madden of Auburn for his community service.

Coauthored
■ SB 1 Self-defense.
■ SB 4 Human trafficking.
SB 54 State university use of eminent domain.
SB 57 Inheritance tax and estate tax.
SB 72 Abortion matters.
SB 85 Attorney's fees in civil action.
SB 122 Performance contracts to sing national anthem.
SB 155 Higher education employment age limits.
■ SB 182 State educational institutions; credit transfers.
■ SB 212 Utility facility relocation.
■ SB 231 Contracting with persons that invest in Iran.
SB 234 Synthetic drugs (including "bath salts").

SB 269 Employee's right to work.
■ SB 293 Inheritance tax.
SB 340 Physical plant requirements for abortion clinics.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 7 Study of instructional and non-instructional spending by school corporations.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 38 Study of common core state standards.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1001 Employee's right to work.
■ HB 1050 Health care sharing ministries.
■ HB 1058 Adoption of budget for reorganized school.
■ HB 1116 Military education and training.
■ HB 1134 School transportation.
■ HB 1220 Commission for higher education.
■ HB 1279 Various natural resources matters.
■ HB 1312 Sale of poultry at farmer's markets.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Lanane, Timothy S.

Authored
SB 21 Coverage for smoking cessation drugs.
■ SB 56 Ball State board of trustees.
SB 93 Habitual substance offender.
SB 94 Defines "public intoxication".
SB 95 Official misconduct.
SB 226 School corporation financial management.
SB 272 Certified technology parks.
■ SB 273 Regulation of outdoor stage equipment.
■ SB 298 Mortgages and liens on real property.
SB 319 Certified technology parks.
SB 320 Office of the child advocate.
SB 401 Buy American in public works and purchasing.
SR 17 Congratulating 2011 Wapahani High School girls volleyball team, state champions.
SR 48 Honoring John Williams upon his retirement.
SR 56 Honoring Lois Rockhill on her retirement.
SR 70 Congratulating Morry Mannies upon his retirement.

Sponsored
■ HB 1049 Courts, inspector general, and pro bono legal services fees.

Coauthored
■ SB 4 Human trafficking.
SB 105 Redevelopment commission members.
■ SB 115 Classification of political subdivisions.
SB 117 Unopposed candidates on municipal election ballot.
■ SB 119 Redistricting technical corrections.
SB 140 Slot machine wagering tax.
■ SB 156 Partition.
SB 163 Economic development incentive accountability.
■ SB 175 Absentee ballots.
■ SB 176 Immediate detention orders.
SB 189 New employer tax credit.
SB 197 State contracts.
SB 204 Pre-kindergarten grant program.
SB 205 Employment status of employment applicants.
SB 206 Early voting.
SB 214 Choice scholarship administration.
■ SB 231 Contracting with persons that invest in Iran.
■ SB 233 Various election law matters.
SB 235 Pro bono legal services fee.
SB 253 Military education and training.
SB 261 Use of credit reports for employment purposes.
SB 266 State contractor accountability.
■ SB 274 Immunity for certain alcohol offenses.
■ SB 286 Department of child services.
■ SB 287 Department of child services.
SB 288 Office of child development and early learning.
SB 290 Turnaround academies.
SB 349 Incentives compliance reporting.
SB 353 Study sales taxation on gasoline.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.

SR 78 Honoring the Senate Democrat interns for the 2012 legislative session.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1059 Military family relief fund.
■ HB 1065 Military custody and parenting time matters.
HB 1197 Mopeds.
■ HB 1200 Various corrections matters.
■ HB 1298 Transportation of food products.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Landske, Sue

Authored
SB 10 Massage therapists.
■ SB 115 Classification of political subdivisions.
SB 118 Various election law matters.
■ SB 119 Redistricting technical corrections.
SB 207 Police hiring age.
SB 208 Indiana state dairy association trust license plates.
SB 209 Commendation for valor license plates.
■ SB 233 Various election law matters.
SB 248 Referendum on use of balanced school calendar.
SB 306 City courts.
SB 317 Circuit court clerk administrative matters.
SB 324 Income tax deductions.
SR 23 Study of the voter registration process.
SR 28 Congratulating Izaak Walton League of America on defending the outdoors.
SR 40 Urging Department of Education to report on progress in reapportionment of school districts.
SR 94 Recognizing the 100th year of the Boy Scouts' Eagle Award.

Sponsored
■ HB 1002 Elimination of commissions, boards, and committees.
■ HB 1004 Various election law matters.
■ HB 1264 Flood control in Lake County.

Coauthored
■ SB 1 Self-defense.
■ SB 4 Human trafficking.
SB 11 Animal fighting contests.
SB 31 Grants from military family relief fund.
SB 105 Redevelopment commission members.
SB 165 County options for delinquent property taxes.
■ SB 168 Liability for underground storage tank fees.
■ SB 193 Local elected officials.
SB 234 Synthetic drugs (including "bath salts").
SB 253 Military education and training.
■ SB 293 Inheritance tax.
■ SB 302 Taxation.
SB 337 Child labor law.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1034 Historic cemeteries.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Lawson, Connie

Authored
■ SB 24 Mental health issues.
■ SB 107 Deadline for adoption of salary ordinances.
SB 110 Local government issues.
■ SB 115 Classification of political subdivisions.
SB 118 Various election law matters.
■ SB 119 Redistricting technical corrections.
SB 134 Social host liability.
SB 170 Nepotism; conflict of interest.
SB 171 Forensic addiction fund.
SB 172 Hazardous waste disposal tax.
■ SB 173 Airport boards.
SB 174 Local government reorganization.
■ SB 193 Local elected officials.
SB 277 Hoosier communities for a lifetime.
SB 285 Review of local government budgets.
■ SB 286 Department of child services.
■ SB 287 Department of child services.
SB 321 Transportation and logistics income tax credit.
SB 323 Boards of voter registration.
SCR 4 Memorializing Galen Goode, leader in the area of community mental health.

SCR 18 Recognizing the 175th anniversary of DePauw University.
SR 31 Encouraging continued use of vaccines in children.
SR 53 Honoring the Senate Republican interns for the 2012 legislative session.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.

Sponsored
■ HB 1002 Elimination of commissions, boards, and committees.
■ HB 1004 Various election law matters.
■ HB 1005 Nepotism; conflict of interest.
■ HB 1060 Hazardous waste disposal tax.
■ HB 1250 State government nepotism.
■ HB 1273 Administrative law judge study.
■ HB 1367 Deaf and hard of hearing education services.
HCR 44 Recognizing cancer research participants.

Coauthored
■ SB 1 Self-defense.
SB 54 State university use of eminent domain.
■ SB 233 Various election law matters.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1123 Public pensions.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Leising, Jean

Authored
SB 27 State highway closings.
SB 30 Limitation on adoption of agency rules.
SB 83 Cursive writing in school curriculum.
SB 84 Class basketball.
SB 92 Public access issues.
SB 123 Sewer district boards.
SB 158 Law enforcement animals in schools.
■ SB 192 Sales of motorcycles on Sunday.
■ SB 212 Utility facility relocation.
SB 244 Lobbyists.
SB 248 Referendum on use of balanced school calendar.
■ SB 296 Certified scholarship program eligibility.
SB 297 School start date.
SB 338 Drug use by temporary assistance for needy families (TANF) recipients.
SB 350 Corn marketing council.
SCR 5 Urging Congress to defund planning grants for state insurance exchanges.
SR 9 Study requiring undocumented students to pay out-of-state tuition.
SR 10 Study of unemployment rates and per capita income in certain areas.

Sponsored
■ HB 1091 Agricultural operations.
■ HB 1117 Regional water, sewage, or waste districts and utilities.
■ HB 1211 Nursing facility screening and notification.
■ HB 1220 Commission for higher education.
HB 1241 Economic development incentives.

Coauthored
■ SB 1 Self-defense.
SB 72 Abortion matters.
■ SB 182 State educational institutions; credit transfers.
■ SB 293 Inheritance tax.
■ SB 311 Cost benefit analysis for administrative rules.
■ SB 315 Charity gaming.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 38 Study of common core state standards.
SR 54 Urging that DCS be required to report to the Health Finance Commission.
SR 56 Honoring Lois Rockhill on her retirement.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.

HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Long, David C.

Authored

SB 58 Vehicle bill.
SB 59 Vehicle bill.
SB 60 Vehicle bill.
SB 64 Vehicle bill.
SB 65 Vehicle bill.
SB 66 Vehicle bill.
SB 67 Vehicle bill.
SB 70 Vehicle bill.
SB 71 Vehicle bill.
SB 73 Vehicle bill.
SB 74 Vehicle bill.
SB 75 Vehicle bill.
SB 76 Vehicle bill.
SB 77 Vehicle bill.
SB 78 Vehicle bill.
SB 79 Vehicle bill.
SB 80 Vehicle bill.
SB 81 Vehicle bill.
SB 82 Vehicle bill.
SJR 4 Vehicle joint resolution.
SJR 5 Vehicle joint resolution.
SJR 6 Vehicle joint resolution.
SJR 7 Vehicle joint resolution.
SJR 8 Vehicle joint resolution.
SJR 9 Vehicle joint resolution.
SCR 8 Joint Session for the Governor's State of the State Address.
SR 1 Authorizing the Senate Postmaster to receive mail for the Senate.
SR 73 Expressing appreciation to Verizon for promoting the internship program.
SR 74 Expressing appreciation for the Chiropractor of the Day program.
SR 75 Expressing appreciation for doctors who served in the Doctor of the Day program.
SR 76 Expressing appreciation to Legislative Services Agency for their work during the legislative session.
SR 77 Recognizing the exceptional work and dedication of the Senate employees.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.
SR 111 Congratulating Concordia High School girls basketball team, 3A state champions.
SR 112 Congratulating Canterbury High School girls basketball team state champions.

Sponsored

HCR 1 Allowing House and Senate to recess separately during Second Regular Session.
HCR 26 Honoring the Parkview Whitley Hospital nursing staff.
HCR 42 Recognizing the staff of the Legislative Services Agency.
HCR 57 Fixing the date for the technical session of the 117th General Assembly.

Coauthored

■ SB 1 Self-defense.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.

Cosponsored

■ HB 1001 Employee's right to work.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Merritt, James W.

Authored

SB 146 Straight party voting.
SB 234 Synthetic drugs (including "bath salts").
■ SB 273 Regulation of outdoor stage equipment.
■ SB 274 Immunity for certain alcohol offenses.
■ SB 275 Real estate brokers.
SB 276 Tax sales and abandoned property.
SB 327 Registration of vehicles and license plates.
SB 328 Consolidated law enforcement department.
SB 361 State provision and use of communications service.
■ SB 362 White River park foundation.
SB 393 Civil immunity for services in emergency.
SB 394 Bicentennial conservation fund.
SB 412 Historic courthouse preservation.
SB 414 Impaired nurses account.
SCR 14 Designating March 30th as Welcome Home Vietnam Veterans Day in Indiana.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 21 Honoring the first responders of Indiana State Fair stage collapse.
SCR 28 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 14 Study of long term health care insurance premiums.
SR 53 Honoring the Senate Republican interns for the 2012 legislative session.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.
SR 96 Supporting the construction of the New International Trade Crossing.
SR 108 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

Sponsored
■ HB 1054 Alcoholic beverage matters.
HB 1102 Real estate brokers.
HB 1111 Historic preservation tax credits.
■ HB 1126 Water and wastewater issues.
■ HB 1196 Synthetic drugs (including "bath salts").
■ HB 1201 State provision and use of communications service.
■ HB 1212 Blue lights on vehicles.
■ HB 1249 Land banks and tax sales process.
HCR 43 Honoring the Junior League of Indianapolis on its 90th anniversary.

Coauthored
■ SB 1 Self-defense.
SB 170 Nepotism; conflict of interest.
SB 226 School corporation financial management.
■ SB 231 Contracting with persons that invest in Iran.
SB 253 Military education and training.
SCR 18 Recognizing the 175th anniversary of DePauw University.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 71 Study of use of DNA evidence.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.

Cosponsored
■ HB 1059 Military family relief fund.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Miller, Patricia L.

Authored
SB 12 Reestablishment of FSSA.
■ SB 13 Cash assistance point of service and drug reports.
■ SB 15 Brain injury services and Medicaid.
■ SB 52 HIV testing.
SB 145 Inheritance tax, estate tax, and generation skipping transfer (GST) tax.
■ SB 201 Transfer of human organisms exemption.
SB 202 Hidden compartments in vehicles.
■ SB 223 Department of health matters.
■ SB 224 Emergency ambulance services report.
■ SB 225 Hospital assessment fee matters.
SB 226 School corporation financial management.
SB 310 Medicaid fraud.
SB 355 Distressed political subdivisions.
SB 391 Various health matters.
SR 46 Urging the Governor to designate November as COPD awareness month.
SR 54 Urging that DCS be required to report to the Health Finance Commission.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.

Sponsored
■ HB 1040 Immunity for fast responders.
■ HB 1050 Health care sharing ministries.
■ HB 1134 School transportation.
HB 1136 Child care ministries.
■ HB 1186 Emergency medical services personnel.
■ HB 1192 School corporation and local government finances.
■ HB 1216 Self-donated blood.
■ HB 1269 Health care compact.
■ HB 1360 Health matters.
HCR 10 Honoring Marty Chitwood, volunteer at Riley Hospital for Children.

Coauthored
■ SB 1 Self-defense.
■ SB 4 Human trafficking.
SB 54 State university use of eminent domain.
SB 83 Cursive writing in school curriculum.
SB 92 Public access issues.
SB 170 Nepotism; conflict of interest.
■ SB 190 Study of terminating parenting rights.
■ SB 193 Local elected officials.
■ SB 233 Various election law matters.
SB 234 Synthetic drugs (including "bath salts").
■ SB 273 Regulation of outdoor stage equipment.
SB 280 School finance.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.

SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1005 Nepotism; conflict of interest.
■ HB 1123 Public pensions.
HB 1199 Inheritance tax.
■ HB 1250 State government nepotism.
■ HB 1298 Transportation of food products.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Mishler, Ryan D.

Authored
SB 310 Medicaid fraud.
SB 344 Taxation.
SB 351 Roe harvester and dealer licenses.
■ SB 370 Funeral services courtesy cards.
SB 371 Emergency medical services matters.
SB 396 Notice of life insurance cancellation.
SB 397 Use tax collection on remote sales.
SCR 22 Honoring John C. Schalliol on his retirement.
SCR 28 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.
SCR 29 Congratulating the Penn High School volleyball team on their second state championship.
SR 39 Honoring Ancilla College athletic department and Ounce of Prevention Foundation.
SR 61 Honoring John F. Dille, named one of the Giants of Broadcasting for 2011.
SR 101 Congratulating Mike Kubacki for being recognized as Banker of the Year.
SR 102 Honoring Amish Acres on the 50th anniversary of their Arts and Crafts Festival.
SR 107 Congratulating Abraham Hall, state champion in individual wrestling.
SR 108 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.
SR 109 Congratulating Brittany Robinson, new state record holder in swimming.
SR 110 Congratulating the Mail-Journal on its 50th anniversary.

Sponsored
■ HB 1016 Design-build projects.
HB 1111 Historic preservation tax credits.
■ HB 1129 State chemist issues.
■ HB 1279 Various natural resources matters.

Coauthored
■ SB 1 Self-defense.
SB 280 School finance.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 60 Congratulating Indiana law enforcement officers Ken Ryan and Keith Waltz.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1034 Historic cemeteries.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 23 Memorializing former Representative Tom Kromkowski of South Bend.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Mrvan, Frank

Authored
SB 28 Annual review of unpaid restitution orders.
SB 29 Employer purchased insurance.
SB 103 Public access issues.
SB 104 Serious sex offenders.
SB 367 Public service answering points (PSAP) fees.
SB 368 Statute of limitations for child sexual abuse.
SB 369 Vote fraud and employment.

Sponsored
■ HB 1264 Flood control in Lake County.
HCR 58 Congratulating the 2012 inductees into the Times Northwest Indiana Business and Industry Hall of Fame.

Coauthored
■ SB 4 Human trafficking.
SB 92 Public access issues.
SB 117 Unopposed candidates on municipal election ballot.
SB 136 Fees for toll road emergency services.
SB 163 Economic development incentive accountability.

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SB 189 New employer tax credit.
SB 197 State contracts.
SB 204 Pre-kindergarten grant program.
SB 205 Employment status of employment applicants.
SB 206 Early voting.
SB 214 Choice scholarship administration.
SB 261 Use of credit reports for employment purposes.
SB 265 School report card.
SB 266 State contractor accountability.
SB 288 Office of child development and early learning.
SB 290 Turnaround academies.
SB 297 School start date.
SB 349 Incentives compliance reporting.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 10 Study of unemployment rates and per capita income in certain areas.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 78 Honoring the Senate Democrat interns for the 2012 legislative session.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1005 Nepotism; conflict of interest.
■ HB 1169 School discipline.
■ HB 1205 School employee contracts.
■ HB 1226 Insurance matters.
■ HB 1237 Home improvement contracts.
■ HB 1294 Various securities division matters.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Nugent, Johnny

Authored
SB 6 Knives with automatic blades.
■ SB 22 Conservancy district director compensation.
SB 23 Confined feeding operations near state parks.
SB 169 Municipal plates for fire protection territories.
SCR 10 Urging INDOT to name State Road 11 the "Trooper Earl L. Brown Memorial Mile".
SCR 11 Promoting the literacy program in Dearborn County.

Sponsored
■ HB 1052 Statewide bid for emergency services equipment.

Coauthored
■ SB 1 Self-defense.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Paul, Allen E.

Authored
SB 27 State highway closings.
SB 31 Grants from military family relief fund.
■ SB 309 Local purchasing and public works preferences.
SB 354 Medical malpractice patient's compensation fund.
SCR 36 Urging Congress to establish a memorial honoring Gulf War Veterans.

Sponsored
HB 1029 Sale of alcohol on federally owned land.
■ HB 1034 Historic cemeteries.
■ HB 1059 Military family relief fund.
■ HB 1154 Local purchasing and public works preferences.
■ HB 1226 Insurance matters.
■ HB 1239 Financial institutions and consumer credit.
■ HB 1298 Transportation of food products.

LEGISLATION BY MEMBER—2012

Coauthored

■ SB 1 Self-defense.
SB 234 Synthetic drugs (including "bath salts").
SB 253 Military education and training.
SB 318 Tax credit for hiring returning veterans.
SCR 10 Urging INDOT to name State Road 11 the "Trooper Earl L. Brown Memorial Mile".
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 56 Honoring Lois Rockhill on her retirement.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored

■ HB 1116 Military education and training.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Randolph, Lonnie M.

Authored

SB 161 Maximum property tax levies in Lake County.
SB 162 East Chicago school board.
SB 163 Economic development incentive accountability.
SB 164 Tax credit for hiring certain individuals.
SB 165 County options for delinquent property taxes.
SB 166 Small business assistance team.
SB 167 Charity gaming workers.
■ SB 168 Liability for underground storage tank fees.
SB 238 Local air pollution control agency contracts.
SB 239 Property and casualty insurance claim payment.
SB 386 Removal of property from tax sale.
SB 387 Property tax reduction for timely payments.
SR 4 Urging Turkey to cease discriminating against the Ecumenical Patriarchate.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.

Sponsored

■ HB 1201 State provision and use of communications service.
HB 1307 Funding for aviation facilities.

Coauthored

■ SB 19 Property taxes.
■ SB 26 Title 35 definitions.
■ SB 32 Guardianships.
SB 84 Class basketball.
■ SB 97 Public intoxication.
■ SB 107 Deadline for adoption of salary ordinances.
■ SB 114 Driving while suspended.
SB 117 Unopposed candidates on municipal election ballot.
■ SB 156 Partition.
SB 172 Hazardous waste disposal tax.
■ SB 176 Immediate detention orders.
SB 189 New employer tax credit.
■ SB 190 Study of terminating parenting rights.
■ SB 193 Local elected officials.
SB 197 State contracts.
SB 204 Pre-kindergarten grant program.
SB 205 Employment status of employment applicants.
SB 206 Early voting.
■ SB 212 Utility facility relocation.
SB 214 Choice scholarship administration.
SB 226 School corporation financial management.
SB 234 Synthetic drugs (including "bath salts").
SB 235 Pro bono legal services fee.
■ SB 246 Lab technician testimony in criminal cases.
SB 261 Use of credit reports for employment purposes.
SB 265 School report card.
SB 266 State contractor accountability.
■ SB 267 Education concerning child abuse.
■ SB 268 Advisory committee on early education.
■ SB 274 Immunity for certain alcohol offenses.
SB 280 School finance.
■ SB 286 Department of child services.
■ SB 287 Department of child services.
SB 288 Office of child development and early learning.
SB 290 Turnaround academies.
■ SB 293 Inheritance tax.
SB 308 Telecommunications providers of last resort.
■ SB 311 Cost benefit analysis for administrative rules.
SB 312 School policies on gang activities.
■ SB 315 Charity gaming.
SB 321 Transportation and logistics income tax credit.
SB 349 Incentives compliance reporting.
SB 353 Study sales taxation on gasoline.
SB 361 State provision and use of communications service.

LEGISLATION BY MEMBER—2012

SB 385 Gary riverboats.
■ SB 402 Indiana uniform law commission.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 71 Study of use of DNA evidence.
SR 78 Honoring the Senate Democrat interns for the 2012 legislative session.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1033 Criminal history and sentencing.
■ HB 1049 Courts, inspector general, and pro bono legal services fees.
■ HB 1060 Hazardous waste disposal tax.
■ HB 1065 Military custody and parenting time matters.
■ HB 1080 Sex offenders.
■ HB 1090 Payment of delinquent property taxes.
■ HB 1107 Hydraulic fracturing treatments.
HB 1111 Historic preservation tax credits.
■ HB 1112 Telecommunications providers of last resort.
■ HB 1116 Military education and training.
■ HB 1126 Water and wastewater issues.
■ HB 1141 Home energy assistance.
■ HB 1211 Nursing facility screening and notification.
HB 1222 Dealer services division of the secretary of state.
■ HB 1273 Administrative law judge study.
■ HB 1325 Sales and use tax exemptions.
HB 1365 Sentencing alternatives for youthful offenders.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Rogers, Earline S.

Authored
SB 161 Maximum property tax levies in Lake County.
■ SB 267 Education concerning child abuse.
■ SB 268 Advisory committee on early education.
SB 288 Office of child development and early learning.
SB 289 Higher education grant.
SB 290 Turnaround academies.
SB 385 Gary riverboats.
SR 18 Urging the preservation of Gary Theodore Roosevelt High School's athletic program.
SR 55 Memorializing Katie Hall, former member of the General Assembly and Congress.

Sponsored
HB 1150 Family friendly school designation.
■ HB 1189 School finance.
HB 1307 Funding for aviation facilities.
HCR 8 Commemorating Dr. Martin Luther King, Jr. Day.
HCR 45 Honoring Karen Freeman-Wilson, Mayor of Gary.
HCR 52 Memorializing Katie Hall, former member of the General Assembly and Congress.

Coauthored
■ SB 1 Self-defense.
■ SB 52 HIV testing.
■ SB 56 Ball State board of trustees.
SB 117 Unopposed candidates on municipal election ballot.
SB 163 Economic development incentive accountability.
SB 165 County options for delinquent property taxes.
■ SB 182 State educational institutions; credit transfers.
SB 189 New employer tax credit.
SB 197 State contracts.
SB 204 Pre-kindergarten grant program.
SB 205 Employment status of employment applicants.
SB 206 Early voting.
SB 214 Choice scholarship administration.
■ SB 224 Emergency ambulance services report.
SB 226 School corporation financial management.
■ SB 231 Contracting with persons that invest in Iran.
SB 253 Military education and training.
SB 261 Use of credit reports for employment purposes.
SB 266 State contractor accountability.
SB 280 School finance.
SB 312 School policies on gang activities.
SB 334 Dispensing of prescription drugs.
SB 349 Incentives compliance reporting.
SB 384 School accreditation.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 78 Honoring the Senate Democrat interns for the 2012 legislative session.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1059 Military family relief fund.
■ HB 1090 Payment of delinquent property taxes.
■ HB 1134 School transportation.
■ HB 1171 Relocation of new motor vehicle dealers.
HB 1197 Mopeds.
■ HB 1220 Commission for higher education.
HB 1326 Various education matters.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Schneider, Scott

Authored
SB 57 Inheritance tax and estate tax.
SB 236 Various education matters.
SB 373 Common core state standards.
SB 415 Liability for use of school facilities.
SCR 27 Recognizing the 175th anniversary of the city of Carmel.
SCR 38 Honoring the North Central High School girls basketball team, Class 4A state champions.
SR 25 Study of common core standards.
SR 38 Study of common core state standards.

Sponsored
HCR 24 Honoring Bishop Chatard High School football team, Class 3A state champions.

Coauthored
■ SB 1 Self-defense.
SB 54 State university use of eminent domain.
SB 146 Straight party voting.
■ SB 168 Liability for underground storage tank fees.
SB 179 Virtual instruction course requirement.
SB 183 Sexually oriented businesses.
SB 253 Military education and training.
SB 269 Employee's right to work.
■ SB 293 Inheritance tax.
■ SB 311 Cost benefit analysis for administrative rules.
SB 361 State provision and use of communications service.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Simpson, Vi

Authored
■ SB 24 Mental health issues.
SB 37 Vehicle bill.
SB 38 Vehicle bill.
SB 39 Vehicle bill.
SB 40 Vehicle bill.
SB 41 Vehicle bill.
SB 42 Vehicle bill.
SB 43 Vehicle bill.
SB 44 Vehicle bill.
SB 45 Vehicle bill.
SB 46 Vehicle bill.
SB 47 Vehicle bill.
SB 48 Vehicle bill.
SB 49 Vehicle bill.
SB 50 Vehicle bill.
■ SB 148 Portable electronics insurance.
SB 205 Employment status of employment applicants.
SB 261 Use of credit reports for employment purposes.
■ SB 274 Immunity for certain alcohol offenses.
SB 277 Hoosier communities for a lifetime.
SB 278 Voiding of certain Medicaid rules.
SB 363 Purchase or lease of community corrections vehicles.

SB 366 Capital access program and agency evaluations.
SB 372 Reporting large campaign contributions.
■ SB 378 Conservancy district contracts.
■ SB 402 Indiana uniform law commission.
SB 403 Sales tax holiday for textbooks.
SJR 3 Vehicle joint resolution.
SJR 12 Right of individual privacy.
SCR 7 Study of involuntary commitments and substance use disorders.
SCR 17 Honoring the I.U. Crimson All-Girl Cheerleaders.
SCR 25 Urging INDOT to name part of State Road 46 in honor of Marine Sgt. Jeremy McQueary.
SR 8 Study of public financing for campaigns.
SR 12 Study of civil marriage alternatives.
SR 13 Study of explosive materials regulations.
SR 15 Honoring the many accomplishments of Dr. David Baker.
SR 47 Study of eligibility for and availability of DCS services.
SR 85 Honoring Brigadier General Ross Ridge for his service in Afghanistan.
SR 96 Supporting the construction of the New International Trade Crossing.

Sponsored
■ HB 1141 Home energy assistance.
■ HB 1149 Smoking ban.
HB 1150 Family friendly school designation.
■ HB 1200 Various corrections matters.
■ HB 1283 Libraries and historic matters.
HCR 1 Allowing House and Senate to recess separately during Second Regular Session.
HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
HCR 42 Recognizing the staff of the Legislative Services Agency.

Coauthored
■ SB 1 Self-defense.
■ SB 4 Human trafficking.
■ SB 111 Group personal excess and umbrella insurance.
SB 117 Unopposed candidates on municipal election ballot.
■ SB 154 Operating a motorboat while intoxicated.
SB 163 Economic development incentive accountability.
SB 189 New employer tax credit.
SB 197 State contracts.
SB 204 Pre-kindergarten grant program.
SB 206 Early voting.
SB 214 Choice scholarship administration.
SB 235 Pro bono legal services fee.
SB 258 Alcohol trainer programs and server programs.
SB 266 State contractor accountability.
SB 288 Office of child development and early learning.
SB 290 Turnaround academies.
■ SB 302 Taxation.
■ SB 345 Statewide 911 system.
SB 349 Incentives compliance reporting.
SCR 4 Memorializing Galen Goode, leader in the area of community mental health.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 78 Honoring the Senate Democrat interns for the 2012 legislative session.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1189 School finance.
■ HB 1211 Nursing facility screening and notification.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Skinner, Timothy D.

Authored
SB 213 Passenger restraint systems for children.
SB 214 Choice scholarship administration.
SB 215 Property tax exemption.
SB 216 Taxation of civil service annuities.
SB 217 Local road funding and sales tax.
SB 218 TRF retirement benefit adjustment.
SB 219 Highway revolving loan fund.
SB 220 Public pension military service credit.
SB 358 Local road funding and sales tax on gasoline.
SB 359 Prohibit alcohol on school property.

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Sponsored

	HCR 17	Marking the 100th anniversary of the Girl Scouts.

Coauthored

	SB 11	Animal fighting contests.
	SB 83	Cursive writing in school curriculum.
■	SB 109	Deposit of public funds by local units.
	SB 117	Unopposed candidates on municipal election ballot.
■	SB 144	Sales and tobacco products taxes.
■	SB 147	Local government financial matters.
	SB 155	Higher education employment age limits.
	SB 163	Economic development incentive accountability.
	SB 189	New employer tax credit.
	SB 197	State contracts.
	SB 204	Pre-kindergarten grant program.
	SB 205	Employment status of employment applicants.
	SB 206	Early voting.
	SB 232	Unemployment compensation.
■	SB 259	School consolidation executive session.
	SB 261	Use of credit reports for employment purposes.
	SB 266	State contractor accountability.
■	SB 283	Nonpublic alternative high schools; residential facilities.
	SB 288	Office of child development and early learning.
	SB 290	Turnaround academies.
	SB 321	Transportation and logistics income tax credit.
	SB 349	Incentives compliance reporting.
	SB 355	Distressed political subdivisions.
	SCR 15	Honoring Indianapolis Super Bowl committee.
	SCR 23	Recognizing the 122nd Fighter Wing "Blacksnakes".
	SCR 34	Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
	SR 19	Recognizing the valuable contribution of the Indiana Sheriff's Association.
	SR 37	Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
	SR 78	Honoring the Senate Democrat interns for the 2012 legislative session.
	SR 79	Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
	SR 80	Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored

■	HB 1173	Various IOSHA matters.
	HCR 4	Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
	HCR 28	Honoring Chief Justice Randall T. Shepard on his retirement.

Smith, James C.

Authored

	SB 72	Abortion matters.
	SB 159	Teacher union dues.
	SB 160	Local funds.
	SB 229	Exemption of business personal property.
	SB 230	Worker's compensation.
■	SB 293	Inheritance tax.
	SB 333	State taxes.
	SR 30	Congratulating Megan Gilliam on winning Grand Champion in Junior Showmanship.

Sponsored

■	HB 1294	Various securities division matters.
	HCR 35	Honoring Providence High School girls soccer team, Class A state champions.

Coauthored

■	SB 1	Self-defense.
	SB 54	State university use of eminent domain.
	SB 83	Cursive writing in school curriculum.
	SB 110	Local government issues.
	SB 253	Military education and training.
	SB 269	Employee's right to work.
	SCR 15	Honoring Indianapolis Super Bowl committee.
	SCR 23	Recognizing the 122nd Fighter Wing "Blacksnakes".
	SCR 34	Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
	SR 5	Urging state agencies and citizens to fly the POW/MIA flag.
	SR 19	Recognizing the valuable contribution of the Indiana Sheriff's Association.
	SR 37	Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
	SR 79	Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
	SR 80	Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored

■	HB 1001	Employee's right to work.
	HCR 4	Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
	HCR 17	Marking the 100th anniversary of the Girl Scouts.
	HCR 28	Honoring Chief Justice Randall T. Shepard on his retirement.

Steele, Brent

Authored

■	SB 1	Self-defense.
	SB 11	Animal fighting contests.
	SB 16	Boat and other watercraft liens.
	SB 17	Summary dissolution decree.

LEGISLATION BY MEMBER—2012

■ SB 18 Duty to support a child.
SB 86 Disabled veteran hunting and fishing licenses.
SB 87 Proof of collateral source payments.
SB 138 Alcoholic beverage wholesalers.
SB 153 Standing for action against conservancy district.
■ SB 154 Operating a motorboat while intoxicated.
SB 155 Higher education employment age limits.
■ SB 156 Partition.
■ SB 157 Power of attorney and attorney in fact.
■ SB 190 Study of terminating parenting rights.
SB 235 Pro bono legal services fee.
SB 244 Lobbyists.
■ SB 262 IC 4 and IC 5 revision.
■ SB 298 Mortgages and liens on real property.
SB 322 Tort immunity for DOC employees and others.
SB 323 Boards of voter registration.
SB 324 Income tax deductions.
■ SB 329 Eminent domain filing deadlines.
■ SB 370 Funeral services courtesy cards.
SB 375 Fish and wildlife rulemaking.
SB 376 Discharge of long term inmates.
SCR 10 Urging INDOT to name State Road 11 the "Trooper Earl L. Brown Memorial Mile".
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 31 Honoring the 75th anniversary of the Wildlife and Sportfish Restoration Programs.
SCR 32 Honoring Robert Gipson, decorated World War II hero.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Sponsored
■ HB 1018 Mine electrician certification.
■ HB 1033 Criminal history and sentencing.
■ HB 1049 Courts, inspector general, and pro bono legal services fees.
■ HB 1091 Agricultural operations.
HB 1204 Sex and violent offender registry.
HB 1221 Spotlighting wild animals; fish and wildlife license suspension.
HCR 3 Urging Congress to adopt the Veterans Remembered Flag.
HCR 15 Honoring Brown County algebra students upon great test performance.
HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.

Coauthored
■ SB 4 Human trafficking.
SB 54 State university use of eminent domain.
SB 83 Cursive writing in school curriculum.
■ SB 97 Public intoxication.
SB 234 Synthetic drugs (including "bath salts").
■ SB 246 Lab technician testimony in criminal cases.
SB 253 Military education and training.
■ SB 315 Charity gaming.
SB 347 Marijuana offenses.
SB 398 State chemist issues.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.

Cosponsored
■ HB 1015 Cemetery access.
■ HB 1034 Historic cemeteries.
■ HB 1040 Immunity for fast responders.
■ HB 1052 Statewide bid for emergency services equipment.
■ HB 1065 Military custody and parenting time matters.
■ HB 1238 Finding of abandonment for mortgaged property.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Tallian, Karen

Authored
SB 61 Leasing of state property.
SB 125 State money to entities performing abortions.
SB 126 Mandatory half-day kindergarten enrollment.
■ SB 127 Indiana public retirement system.
■ SB 128 Administration of public retirement plans.
■ SB 271 Security deposits and motor vehicle liens.
SB 346 Worker's compensation.
SB 347 Marijuana offenses.
SB 410 Title insurance rates.

Sponsored
■ HB 1264 Flood control in Lake County.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 58 Congratulating the 2012 inductees into the Times Northwest Indiana Business and Industry Hall of Fame.

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Coauthored

■ SB 4 Human trafficking.
SB 117 Unopposed candidates on municipal election ballot.
SB 130 Environmental boards.
■ SB 131 Environmental matters.
SB 163 Economic development incentive accountability.
SB 165 County options for delinquent property taxes.
■ SB 168 Liability for underground storage tank fees.
SB 189 New employer tax credit.
■ SB 191 Local government investments.
SB 197 State contracts.
SB 204 Pre-kindergarten grant program.
SB 205 Employment status of employment applicants.
SB 206 Early voting.
SB 210 Solid waste management district matters.
SB 214 Choice scholarship administration.
SB 230 Worker's compensation.
SB 232 Unemployment compensation.
SB 235 Pro bono legal services fee.
SB 261 Use of credit reports for employment purposes.
SB 266 State contractor accountability.
SB 288 Office of child development and early learning.
SB 290 Turnaround academies.
SB 337 Child labor law.
■ SB 345 Statewide 911 system.
SB 349 Incentives compliance reporting.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 78 Honoring the Senate Democrat interns for the 2012 legislative session.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored

■ HB 1054 Alcoholic beverage matters.
■ HB 1117 Regional water, sewage, or waste districts and utilities.
■ HB 1148 Engineer and land surveyor examinations.
■ HB 1186 Emergency medical services personnel.
■ HB 1238 Finding of abandonment for mortgaged property.
■ HB 1250 State government nepotism.
■ HB 1376 State and local administration.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Taylor, Greg

Authored

■ SB 97 Public intoxication.
SB 188 Public intoxication.
SB 189 New employer tax credit.
SB 261 Use of credit reports for employment purposes.
SB 325 Arrest and conviction records.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 38 Honoring the North Central High School girls basketball team, Class 4A state champions.

Sponsored

HCR 48 Honoring Child Advocates Network for its service to Indiana.
HCR 55 Honoring Mike Rodman of Indianapolis for his community service.

Coauthored

SB 117 Unopposed candidates on municipal election ballot.
SB 138 Alcoholic beverage wholesalers.
SB 163 Economic development incentive accountability.
SB 197 State contracts.
SB 204 Pre-kindergarten grant program.
SB 205 Employment status of employment applicants.
SB 206 Early voting.
SB 214 Choice scholarship administration.
■ SB 237 Noncode statutes.
■ SB 262 IC 4 and IC 5 revision.
SB 266 State contractor accountability.
■ SB 274 Immunity for certain alcohol offenses.
SB 288 Office of child development and early learning.
SB 290 Turnaround academies.
■ SB 302 Taxation.
SB 308 Telecommunications providers of last resort.
SB 349 Incentives compliance reporting.
■ SB 362 White River park foundation.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.

SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 78 Honoring the Senate Democrat interns for the 2012 legislative session.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1002 Elimination of commissions, boards, and committees.
■ HB 1009 Technical corrections.
HB 1011 Various corrections matters.
■ HB 1016 Design-build projects.
■ HB 1033 Criminal history and sentencing.
■ HB 1047 Education study committee.
■ HB 1054 Alcoholic beverage matters.
■ HB 1237 Home improvement contracts.
■ HB 1239 Financial institutions and consumer credit.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 40 Thanking Legislative Services Agency's Office of Code Revision.

Tomes, Jim

Authored
SB 6 Knives with automatic blades.
SB 7 Insurance premium discount for metal roof.
SB 14 Local government reorganizations.
SB 251 School prayer.
SB 252 Charity gaming.
SB 322 Tort immunity for DOC employees and others.
SB 398 State chemist issues.
SR 100 Congratulating Mater Dei High School girls basketball team state champions.

Sponsored
■ HB 1065 Military custody and parenting time matters.
■ HB 1116 Military education and training.
■ HB 1126 Water and wastewater issues.
HCR 13 Recognizing the USS LST Ship Memorial, Evansville.
HCR 16 Honoring Evansville Bosse High School on 50th anniversary of its basketball championship.

Coauthored
■ SB 1 Self-defense.
■ SB 4 Human trafficking.
SB 31 Grants from military family relief fund.
SB 54 State university use of eminent domain.
SB 72 Abortion matters.
■ SB 97 Public intoxication.
SB 169 Municipal plates for fire protection territories.
SB 216 Taxation of civil service annuities.
■ SB 233 Various election law matters.
SB 243 Silencers when hunting.
SB 244 Lobbyists.
SB 253 Military education and training.
■ SB 311 Cost benefit analysis for administrative rules.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Walker, Greg

Authored
■ SB 4 Human trafficking.
SB 33 Adjustments to judges' survivor benefits.
SB 34 Confidential public pension information.
SB 105 Redevelopment commission members.
■ SB 109 Deposit of public funds by local units.
■ SB 127 Indiana public retirement system.
■ SB 128 Administration of public retirement plans.
■ SB 147 Local government financial matters.
SB 240 Use tax collection on remote sales.
SB 241 Public works projects.

SB 269 Employee's right to work.
SB 281 Carriers of ballot petitions.
SB 282 Abortion inducing drugs.
SB 340 Physical plant requirements for abortion clinics.
SB 341 Written materials on abortions.
SB 352 Redevelopment commissions and authorities.
SB 353 Study sales taxation on gasoline.
■ SB 378 Conservancy district contracts.
SB 395 Outdoor advertising sign valuation phase-in.
SCR 10 Urging INDOT to name State Road 11 the "Trooper Earl L. Brown Memorial Mile".
SCR 25 Urging INDOT to name part of State Road 46 in honor of Marine Sgt. Jeremy McQueary.
SR 29 Study of laws restricting Sunday commerce.

Sponsored
■ HB 1173 Various IOSHA matters.
■ HB 1195 Property taxes.
HCR 46 Honoring students from the L. Frances Smith Elementary School in Columbus, Indiana.

Coauthored
■ SB 1 Self-defense.
SB 25 Redevelopment commissions and authorities.
SB 55 Local government reorganization.
SB 57 Inheritance tax and estate tax.
SB 72 Abortion matters.
SB 183 Sexually oriented businesses.
SB 198 Choice scholarship eligibility.
SB 398 State chemist issues.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1001 Employee's right to work.
■ HB 1279 Various natural resources matters.
■ HB 1312 Sale of poultry at farmer's markets.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 10 Honoring Marty Chitwood, volunteer at Riley Hospital for Children.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Waltz, Brent

Authored
SB 195 Insurance coverage for diagnostic mammograms.
SB 196 Downloading of cell phone information by police.
SB 336 Indiana economic development corporation.
SB 337 Child labor law.
■ SB 362 White River park foundation.
SB 389 Provider reporting of domestic violence.
SB 390 Rescoring of ISTEP test.
SB 408 Public employees' defined contribution plan.
SB 409 Income tax exemption for military pay.
SJR 10 Homesteads exempt from property tax.

Sponsored
HCR 49 Congratulating Sean Mappes, Center Grove High School, state wrestling champion.
HCR 51 Honoring Perry Meridian High School wrestling team, state champions.

Coauthored
■ SB 1 Self-defense.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

LEGISLATION BY MEMBER—2012

Waterman, John M.

Authored

	SB 36	Foreign law.
	SB 129	ISTEP.
	SB 243	Silencers when hunting.
	SB 244	Lobbyists.
	SB 245	Unfair claim settlement practices.
	SB 375	Fish and wildlife rulemaking.
	SB 376	Discharge of long term inmates.
	SB 377	Sawed-off shotguns.
	SB 399	Vocational arts curriculum.
	SB 400	Mandatory sewer connection.
	SR 44	Affirming support for Taiwan.
	SR 64	Honoring Jeff Watson of J&L Bruins for his educational efforts involving bears.
	SR 92	Honoring President Ma Ying-Jeou for being elected President of Taiwan.

Sponsored

■	HB 1065	Military custody and parenting time matters.
■	HB 1116	Military education and training.
	HCR 14	Honoring Private Richard Taylor and Lt. Colonel Don C. Faith, Jr.
	HCR 17	Marking the 100th anniversary of the Girl Scouts.

Coauthored

■	SB 1	Self-defense.
■	SB 4	Human trafficking.
	SB 83	Cursive writing in school curriculum.
	SB 215	Property tax exemption.
	SB 216	Taxation of civil service annuities.
	SB 398	State chemist issues.
	SCR 15	Honoring Indianapolis Super Bowl committee.
	SCR 23	Recognizing the 122nd Fighter Wing "Blacksnakes".
	SCR 34	Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
	SR 19	Recognizing the valuable contribution of the Indiana Sheriff's Association.
	SR 37	Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
	SR 79	Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
	SR 80	Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored

	HCR 4	Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
	HCR 28	Honoring Chief Justice Randall T. Shepard on his retirement.

Wyss, Thomas J.

Authored

■	SB 152	Allen circuit court.
■	SB 231	Contracting with persons that invest in Iran.
■	SB 255	Various homeland security matters.
■	SB 256	Correctional professionals assistance fund.
■	SB 257	Motor vehicle law.
■	SB 301	Extra heavy duty highways.
	SB 321	Transportation and logistics income tax credit.
	SB 327	Registration of vehicles and license plates.
■	SB 345	Statewide 911 system.
	SB 388	Relocation of new motor vehicle dealers.
	SCR 2	Memorializing Dan Wheldon, 2-time champion of the Indy 500.
	SCR 3	Honoring Taylor Reuille, Fort Wayne, for her "boundless playground" idea.
	SCR 19	Study of current oversight structure applicable to Indiana University–Purdue University Fort Wayne (IPFW).
	SCR 23	Recognizing the 122nd Fighter Wing "Blacksnakes".
	SCR 34	Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
	SR 82	Raising awareness of Inflammatory Breast Cancer.
	SR 111	Congratulating Concordia High School girls basketball team, 3A state champions.
	SR 112	Congratulating Canterbury High School girls basketball team state champions.

Sponsored

■	HB 1054	Alcoholic beverage matters.
■	HB 1171	Relocation of new motor vehicle dealers.
	HB 1222	Dealer services division of the secretary of state.
■	HB 1247	Operator's license renewal schedule and fees.
	HCR 11	Declaring Brandon Vinson an honorary firefighter of the State of Indiana.

Coauthored

■	SB 4	Human trafficking.
■	SB 52	HIV testing.
	SB 110	Local government issues.
	SB 234	Synthetic drugs (including "bath salts").
	SB 253	Military education and training.
■	SB 273	Regulation of outdoor stage equipment.
	SB 371	Emergency medical services matters.
	SCR 15	Honoring Indianapolis Super Bowl committee.
	SR 19	Recognizing the valuable contribution of the Indiana Sheriff's Association.
	SR 37	Honoring Annie Burns Hicks, the first African-American teacher in Hammond.

SR 71 Study of use of DNA evidence.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
HB 1197 Mopeds.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Yoder, Carlin J.

Authored
SB 57 Inheritance tax and estate tax.
SB 84 Class basketball.
SB 85 Attorney's fees in civil action.
SB 120 Motor vehicle insurance claim settlement.
SB 121 Refilling of containers by home brewers.
SB 269 Employee's right to work.
SB 270 DCS evaluation committee and ombudsman.
■ SB 296 Certified scholarship program eligibility.
SB 297 School start date.
■ SB 330 Certified public accountants.
SB 331 Choice scholarship eligibility.
SB 339 Child seduction.
SB 380 Public employees and prohibited use of computers.
SB 381 Manufactured home installers.
SB 398 State chemist issues.
SB 413 Various education matters.
SR 7 Study of instructional and non-instructional spending by school corporations.
SR 27 Study of child seduction involving a law enforcement officer.
SR 42 Study of various DCS matters.
SR 50 Study of environmental remediation issues.
SR 61 Honoring John F. Dille, named one of the Giants of Broadcasting for 2011.
SR 103 Study of property needing environmental remediation.

Sponsored
■ HB 1001 Employee's right to work.
■ HB 1220 Commission for higher education.
■ HB 1237 Home improvement contracts.
HB 1265 Hunting preserves.
HB 1326 Various education matters.

Coauthored
■ SB 1 Self-defense.
SB 136 Fees for toll road emergency services.
SB 265 School report card.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Young, R. Michael

Authored
■ SB 1 Self-defense.
■ SB 18 Duty to support a child.
SB 69 Allows the establishment of a professional motorsports development area (PMDA)
SB 96 Theft.
■ SB 97 Public intoxication.
■ SB 154 Operating a motorboat while intoxicated.
■ SB 173 Airport boards.
■ SB 175 Absentee ballots.
■ SB 176 Immediate detention orders.
SB 177 Marion County township boards.
SB 178 Absentee ballots, recounts, and contests.
■ SB 231 Contracting with persons that invest in Iran.
SB 232 Unemployment compensation.
■ SB 237 Noncode statutes.
SJR 10 Homesteads exempt from property tax.
SJR 13 Selection of justices and appellate court judges.

Sponsored
■ HB 1009 Technical corrections.
■ HB 1148 Engineer and land surveyor examinations.
■ HB 1269 Health care compact.
■ HB 1325 Sales and use tax exemptions.
HB 1365 Sentencing alternatives for youthful offenders.
HCR 40 Thanking Legislative Services Agency's Office of Code Revision.

Coauthored
■ SB 4 Human trafficking.

SB 54 State university use of eminent domain.
SB 72 Abortion matters.
SB 146 Straight party voting.
■ SB 293 Inheritance tax.
■ SB 362 White River park foundation.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 10 Honoring Marty Chitwood, volunteer at Riley Hospital for Children.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Young, Richard D.

Authored
■ SB 132 Water utility resource data.
SB 291 Primary care physician loan forgiveness program.
SB 292 Timely payment of contractors and subcontractors.
SB 351 Roe harvester and dealer licenses.
SB 360 Cell phone GPS tracking.
SB 386 Removal of property from tax sale.
SB 387 Property tax reduction for timely payments.

Sponsored
■ HB 1015 Cemetery access.
■ HB 1279 Various natural resources matters.
■ HB 1312 Sale of poultry at farmer's markets.

Coauthored
SB 117 Unopposed candidates on municipal election ballot.
SB 163 Economic development incentive accountability.
SB 170 Nepotism; conflict of interest.
SB 189 New employer tax credit.
SB 197 State contracts.
SB 204 Pre-kindergarten grant program.
SB 205 Employment status of employment applicants.
SB 206 Early voting.
SB 214 Choice scholarship administration.
SB 234 Synthetic drugs (including "bath salts").
SB 261 Use of credit reports for employment purposes.
SB 266 State contractor accountability.
SB 288 Office of child development and early learning.
SB 290 Turnaround academies.
■ SB 309 Local purchasing and public works preferences.
SB 349 Incentives compliance reporting.
SB 350 Corn marketing council.
SB 398 State chemist issues.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 78 Honoring the Senate Democrat interns for the 2012 legislative session.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1091 Agricultural operations.
■ HB 1128 Corn marketing council.
■ HB 1129 State chemist issues.
■ HB 1196 Synthetic drugs (including "bath salts").
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Zakas, Joseph C.

Authored
■ SB 107 Deadline for adoption of salary ordinances.
SB 108 Presidential electors.
SB 135 Homestead assessed value growth cap.
SB 136 Fees for toll road emergency services.
SB 137 Mufflers on motorcycles.
SB 200 Homestead property tax bill cap.
■ SB 298 Mortgages and liens on real property.

LEGISLATION BY MEMBER—2012

SB 299 Juvenile DNA testing.
SCR 22 Honoring John C. Schalliol on his retirement.
SCR 28 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.
SCR 29 Congratulating the Penn High School volleyball team on their second state championship.
SR 16 Congratulating Jordan Ford on 50 years of business.
SR 58 Congratulating Pat Miller Bateman on 50 years working the Indiana elections.
SR 60 Congratulating Indiana law enforcement officers Ken Ryan and Keith Waltz.
SR 61 Honoring John F. Dille, named one of the Giants of Broadcasting for 2011.
SR 71 Study of use of DNA evidence.
SR 95 Honoring John Charles Bryant for services to Northern Indiana Center for History.
SR 108 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

Sponsored
■ HB 1258 Various estate administration matters.

Coauthored
■ SB 1 Self-defense.
■ SB 4 Human trafficking.
SB 165 County options for delinquent property taxes.
■ SB 233 Various election law matters.
SB 234 Synthetic drugs (including "bath salts").
■ SB 246 Lab technician testimony in criminal cases.
SB 253 Military education and training.
■ SB 293 Inheritance tax.
■ SB 302 Taxation.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 79 Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
SR 80 Honoring Senator Richard Bray on his retirement from the Indiana Senate.

Cosponsored
■ HB 1196 Synthetic drugs (including "bath salts").
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 23 Memorializing former Representative Tom Kromkowski of South Bend.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

SENATE FINANCIAL STATEMENT
MILEAGE PAID TO SENATORS—2012

	Miles	Amount
Alting, Ron J.	130	$ 793.65
Arnold, James R.	370	2,258.85
Banks, James E.	274	1,672.77
Becker, Vaneta G.	359	2,191.70
Boots, Philip L.	109	665.45
Bray, Richard D.	68	415.14
Breaux, Jean D.	----	--------
Broden, John E.	279	1,703.30
Buck, James R.	102	622.71
Charbonneau, Edward E.	300	1,831.50
Delph, Michael A.	36	219.78
Eckerty, Gene D.	104	634.92
Gard, Beverly J.	50	305.25
Glick, Cynthia S.	342	2,087.91
Grooms, Ronald T.	220	1,343.10
Head, Randall C.	91	555.56
Hershman, Brandt E.	136	830.28
Holdman, Travis L.	216	1,318.68
Hume, Lindel O.	312	1,904.76
Kenley, Howard A (Luke).	71	433.46
Kruse, Dennis K.	278	1,697.19
Lanane, Timothy S.	90	549.45
Landske, Dorothy (Sue).	302	1,843.71
Lawson, Connie.	50	305.25
Leising, Jean A.	148	903.54
Long, David C.	242	1,477.41
Merritt, James W Jr.	----	--------
Miller, Patricia L.	----	--------
Mishler, Ryan D.	260	1,587.30
Mrvan, Frank Jr.	336	2,051.28
Nugent, Johnny W.	190	1,159.95
Paul, Allen E.	148	903.54
Randolph, Lonnie M.	326	1,990.23
Rogers, Earline S.	306	1,868.13
Schneider, Scott M.	----	--------
Simpson, Vi.	107	653.24
Skinner, Timothy D.	190	1,159.95
Smith, James C	202	1,233.21
Steele, Brent E.	149	909.65
Tallian, Karen R.	320	1,953.60
Taylor, Gregory G.	----	--------
Tomes, James.	350	2,136.75
Walker, Greggory F.	92	561.66
Waltz, D Brent Jr.	28	170.94
Waterman, John M.	185	1,129.43
Wyss, Thomas J.	266	1,623.93
Yoder, Carlin J.	349	2,130.65
Young, R Michael.	----	--------
Young, Richard D Jr.	232	1,416.36
Zakas, Joseph C.	302	1,843,71
TOTAL.		$55,048.83

SENATORS' PER DIEM—2012

	Amount Per Day	No. of Days	Amount of Warrant
Alting, Ron J	$152.00	68	$10,336.00
Arnold, James R	152.00	68	10,336.00
Banks, James E	152.00	68	10,336.00
Becker, Vaneta G	152.00	68	10,336.00
Boots, Philip L	152.00	68	10,336.00
Bray, Richard D	152.00	68	10,336.00
Breaux, Jean D	152.00	68	10,336.00
Broden, John E	152.00	68	10,336.00
Buck, James R	152.00	68	10,336.00
Charbonneau, Edward E	152.00	68	10,336.00
Delph, Michael A	152.00	68	10,336.00
Eckerty, Gene D	152.00	68	10,336.00
Gard, Beverly J	152.00	68	10,336.00
Glick, Cynthia S	152.00	68	10,336.00
Grooms, Ronald T	152.00	68	10,336.00
Head, Randall C	152.00	68	10,336.00
Hershman, Brandt E	152.00	68	10,336.00
Holdman, Travis L	152.00	68	10,336.00
Hume, Lindel O	152.00	68	10,336.00
Kenley, Howard A (Luke)	152.00	68	10,336.00
Kruse, Dennis K	152.00	68	10,336.00
Lanane, Timothy S	152.00	68	10,336.00
Landske, Dorothy (Sue)	152.00	68	10,336.00
Lawson, Connie	152.00	68	10,336.00
Leising, Jean A	152.00	68	10,336.00
Long, David C	152.00	68	10,336.00
Merritt, James W Jr	152.00	68	10,336.00
Miller, Patricia L	152.00	68	10,336.00
Mishler, Ryan D	152.00	68	10,336.00
Mrvan, Frank Jr	152.00	68	10,336.00
Nugent, Johnny W	152.00	68	10,336.00
Paul, Allen E	152.00	68	10,336.00
Randolph, Lonnie M	152.00	68	10,336.00
Rogers, Earline S	152.00	68	10,336.00
Schneider, Scott M	152.00	68	10,336.00
Simpson, Vi	152.00	68	10,336.00
Skinner, Timothy D	152.00	68	10,336.00
Smith, James C	152.00	68	10,336.00
Steele, Brent E	152.00	68	10,336.00
Tallian, Karen R	152.00	68	10,336.00
Taylor, Gregory G	152.00	68	10,336.00
Tomes, James	152.00	68	10,336.00
Walker, Greggory F	152.00	68	10,336.00
Waltz, D Brent Jr	152.00	68	10,336.00
Waterman, John M	152.00	68	10,336.00
Wyss, Thomas J	152.00	68	10,336.00
Yoder, Carlin J	152.00	68	10,336.00
Young, R Michael	152.00	68	10,336.00
Young, Richard D Jr	152.00	68	10,336.00
Zakas, Joseph C	152.00	68	10,336.00
TOTAL..			$516,800.00

SENATE FINANCIAL STATEMENT—2012

Office Supplies.	$ 14,758.16
Office Expenses.	117,723.59
Office Equipment-Rental.	24,426.60
Miscellaneous Printing.	167,008.62
SUBTOTAL.	323,916.97
Senators' Mileage.	55,048.83
Senators' Per Diem.	516,800.00
Employee Salaries.	1,230,682.89
SUBTOTAL.	1,802,531.72
TOTAL..	$2,126,448.69

EMPLOYEES OF THE SENATE – 2012

OFFICERS AND ASSISTANTS OF THE SENATE

Jennifer Mertz	Principal Secretary of the Senate
Diane Marshall	Assistant Secretary of the Senate
Emma Keys	Minority Secretary of the Senate
Brett James	Postmaster
Candace Smith	Bookkeeper
Joseph Habig	Deputy Bookkeeper
Crystal Ross	Deputy Bookkeeper
Becki Gomez	Journal Clerk
Stuart Purcell	Enrolling Clerk
Erica Gause	Bill Status Clerk
Maddison Klontz	Bill Status Clerk
Wyatt Clarke	Reading Clerk
Gene Leeuw	Parliamentarian

ATTORNEYS AND ASSISTANTS

Jeff Papa	Chief Legal Counsel
Jennifer Mertz	Deputy Chief Legal Counsel
Yelana Love	Assistant Majority Counsel
David Johnson	Majority Session Attorney
Joseph Habig	Majority Paralegal
Shalyn Bessler	Majority Paralegal
Bernice Corley	Minority Attorney
Jordan Seeder	Assistant Minority Attorney

MAJORITY LEADERSHIP ASSISTANTS

Jeff Papa	Majority Chief of Staff
Tracy Mann	Executive Assistant to President Pro Tempore
Debra McCarty	Legislative Assistant to Assistant President Pro Tempore
Janice Shirrell	Legislative Assistant to Majority Floor Leader
Zach Wampler	Legislative Assistant to Majority Floor Leader Emeritus
Mike Brown	Legislative Assistant to Assistant Majority Floor Leader-Communications
Matthew Doerr	Legislative Assistant to Assistant Majority Floor Leader-Parliamentary Affairs
Dawna Smith	Legislative Assistant to Majority Caucus Chair
Maddison Klontz	Legislative Assistant to Assistant Majority Caucus Chair
Amy Surber	Legislative Assistant to Assistant Majority Caucus Chair
Anne Swords	Legislative Assistant to Majority Whip
Maureen Gordin	Legislative Assistant to Assistant Majority Whip

MINORITY LEADERSHIP ASSISTANTS

Laura Bauman	Minority Chief of Staff
Peg McLeish	Assistant Chief of Staff
Emma Keys	Executive Assistant to Minority Floor Leader
Richele Morris	Legislative Assistant to Assistant Minority Floor Leader
Adrienne Beamon	Legislative Assistant to Minority Leader Emeritus
Michelle Moody	Legislative Assistant to Minority Caucus Chair
Bryan Hannon	Legislative Assistant to Assistant Minority Caucus Chair
Bryan Hannon	Legislative Assistant to Minority Whip
Adrienne Beamon	Legislative Assistant to Minority Whip

FINANCE

David Reynolds	Majority Fiscal Analyst
Krista Rivera	Assistant Majority Fiscal Analyst
Sandy Hasch	Legislative Assistant to Appropriations Chair
Anne Swords	Legislative Assistant to Tax & Fiscal Policy Chair
Susan Preble	Minority Fiscal Analyst
Brent Stinson	Minority Legislative Assistant for Fiscal Office

MAJORITY LEGISLATIVE ASSISTANTS

Debra McCarty	Supervisor
Brian Rockensuess	Supervisor
Mike Brown	
Matthew Doerr	
Amy Foxworthy	
Maureen Gordin	
Vallerie Hackett	
Sandy Hasch	
Hiram Holt	
Amy Jorgenson	
Maddison Klontz	

EMPLOYEES OF THE SENATE – 2012

Tracy Mann
Cecily Martin
Lindsey Moss
Gloria Schroeder
Janice Shirrell
Dawna Smith
Amy Surber
Anne Swords
Zachary Wampler
Mark Wasky

MINORITY LEGISLATIVE ASSISTANTS
Adrienne Beamon
Bryan Hannon
Donna Holloway
Adam Jones
Emma Keys
Michelle Moody
Richele Morris
Brent Stinson

RECEPTIONISTS

Andrew Bauman	Majority
Chelsey Ritter	Minority

MAJORITY COMMUNICATIONS DEPARTMENT

Lindsay Jancek	Majority Communications Director
Darrel Radford	Senior Writer & Editor
Skip Brown	Deputy Communications Director
Andrew Bruner	Policy Analyst
Tyler Miles	Technology Specialist
Deb Mohr	Technology Specialist
Jennifer Regazzi	Press Secretary, Publications
Courtney Heiden	Press Secretary, Radio
Whitney Moorman	Press Secretary, E-Publications

MINORITY COMMUNICATIONS DEPARTMENT

Laura Bauman	Minority Communications Director
Phil Johnson	Communications Specialist
Peg McLeish	Senior Press Secretary
Elise Shrock	Deputy Press Secretary
Patti LeNee Carroll	Policy Director
Krystin Wiggs	Technology and Publications Director

DOORKEEPERS

C. William Hart	Chief Doorkeeper
Paul Hanson	
Ronald Haulter	
John Herron	
Donald Horton	
Daniel Neath	
Justin Phillips	
Jack Reid	
	Minority
Elliott Davis	
Mary Lemieux	

BILL DISTRIBUTION AND DUPLICATING

Greg Gordon	Supervisor
Richard Essex	
Edel Good	
Richard Gutierrez	
Mark Huggler	
James Richards	
Steven Truong	

PROOFREADING
Joyce Christmas
Gary Halcomb
Josef Laposa
Charity Livingston

TELEPHONE CENTER

Wilma Hart	Supervisor
Nancy Ashcraft	
Patricia Elmore	

HOUSEKEEPING

Greg Gordon	Supervisor
Thomas Bartkowiak	
Ashley Blakely	
Alexander House	
Eddie Langford	

STUDENT SERVICES

Mary Linda Hays	Supervisor
Susan Green-Chaille	
Angela Streib	

MAJORITY INTERNS

Jennifer Carlton	Intern Director
Joshua Black	
Hillary Cherry	
James Duncan	
Kevin Duffy	
Robert Egan	
Evan Eikenberry	
Whitney Elkin	
Brent Ellis	
Jessica Evers	
Trenton Feasel	

EMPLOYEES OF THE SENATE – 2012

Morgan Galloway-Daly
Keith Hansen
Johnathon Huston
James Inman
Molly Johnson
Holly Jones
Michael Jones
Cristin Just
Peter Khosla
Meredith Lizza
Mark Meadowns
Kara Milliken
Christopher Neat
Jay Neel
Michael Niland
Mallary Pittman
Jordan Rose
Hannah Rozow
Lisa Ryan
Alicia Smith
Joseph Sobek
Theresa Spewak
Travis Taggart
Kristen Tjaden
David White
Mallory Wilson

MINORITY INTERNS

Elise Shrock Intern Director
Adeyemi Adenrele
Derek Camp
Rosalie Cramer
Jonathon Himes
Kaylan Huber
Philip Johnson
Kristen Knuth
Ryan Kramer
Michael Marsala
John Naffziger
Jennifer Rice
Chelsey Ritter
Tina Simpson
Steven Walsh

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VETOES - 2011
FIRST REGULAR SESSION
117TH GENERAL ASSEMBLY

The enrolled acts vetoed by Governor Daniels after adjournment of the First Regular session were acted upon and sustained during the Second Regular session (2012) of the 117th General Assembly:

Senate Enrolled Act 215 (2011)
Veto sustained by the Senate March 9, 2012
Roll Call 346; yeas 14, nays 36. 823

House Enrolled Act 1177 (2011)
Veto sustained by the House March 9, 2012
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Senate Enrolled Act 215 (2011)
Veto sustained by the Senate on March 9, 2012
Roll Call 346; yeas 14, nays 36.. 823

House Enrolled Act 1177 (2011)
Veto sustained by the House on March 9, 2012
Roll Call 407; yeas 25, nays 68
please see House Journal page. 723

Journal Clerk's note: Following adjournment *sine die*, Senator Connie Lawson (District 24, Hendricks and Putnam Counties) resigned. Governor Daniels selected Connie Lawson to fill the vacancy of the office of Secretary of State on March 16, 2012. She will complete former Secretary of State Charlie White's term which will expire in 2014.

Peter J. Miller was selected to fill the vacancy in Senate District 24. He was sworn in on April 17, 2012, by Justice Robert Rucker and will complete the remainder of the current term which will expire in November 2012.

Membership of the Indiana House

117TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

2012

MEMBERS OF THE HOUSE OF REPRESENTATIVES—2012

(D) Terri Jo Austin (District 36, Hamilton and Madison Counties). Committee memberships: Ranking Minority Member, Rules and Legislative Procedures; Financial Institution, Public Policy; Committee on Joint Rules. House 2002-present.

(R) Ronald A. Bacon (District 75, Gibson, Vanderburgh, and Warrick Counties). Committee memberships: Vice Chair, Agriculture and Rural Development; Natural Resources; Public Health. House 2010-present.

(R) James R. Baird (District 44, Clay, Parke, Putnam, and Vigo Counties). Committee memberships: Agriculture and Rural Development; Ways and Means. House 2010-present.

(D) Jeb A. Bardon (District 25, Marion County). Committee memberships: Ranking Minority Member, Financial Institutions; Insurance; Judiciary. House 1998-present.

(D) John L. Bartlett (District 95, Marion County). Committee memberships: Ranking Minority Member, Elections and Apportionment; Employment, Labor and Pensions; Family, Children and Human Affairs; Government and Regulatory Reform. House 2008-present.

(D) Kreg S. Battles (District 64, Daviess, Gibson, Knox, and Pike Counties). Leadership position: Minority Whip; Committee memberships: Agriculture and Rural Development; Natural Resources; Utilities and Energy. House 2006-present.

(D) B. Patrick Bauer (District 6, St. Joseph County). Leadership position: Minority Leader; Committee memberships: Ranking Minority Member, Committee on Joint Rules. House 1970-present.

(R) Robert W. Behning (District 91, Hendricks, Marion, and Morgan Counties). Committee memberships: Chair, Education; Elections and Apportionment; Financial Institutions; Utilities and Energy. House 1992-present.

(R) Bruce A. Borders (District 45, Daviess, Greene, Knox, Sullivan, and Vigo Counties). Committee memberships: Chair, Veterans Affairs and Public Safety; Vice Chair, Insurance; Local Government. House 2004-present.

(R) Brian C. Bosma (District 88, Hamilton and Marion Counties). Leadership position: Speaker of the House; Committee memberships: Chair, Committee on Joint Rules. House 1986-present.

(D) Charlie Brown (District 3, Lake and Porter Counties). Committee memberships: Ranking Minority Member, Public Health; Insurance; Statutory Committee on Interstate and International Cooperation. House 1982-present.

(R) Timothy N. Brown (District 41, Montgomery, Parke, and Tippecanoe Counties). Leadership position: Deputy Speaker Pro Tempore; Committee memberships: Chair, Public Health; Chair, Statutory Committee on Ethics; Education; Family, Children and Human Affairs; Rules and Legislative Procedures; Statutory Committee on Interstate and International Cooperation. House 1994-present.

(R) Charles W. "Woody" Burton (District 58, Johnson County). Committee memberships: Chair, Financial Institutions; Elections and Apportionment; Insurance; Judiciary; Rules and Legislative Procedures. House 1988-present.

(D) Mara Candelaria Reardon (District 12, Lake County). Committee memberships: Ranking Minority Member, Government and Regulatory Reform; Environmental Affairs; Ways and Means. House 2006-present.

(D) David G. Cheatham (District 69, Jefferson, Jennings, and Ripley Counties). Committee memberships: Ranking Minority Member, Natural Resources; Agriculture and Rural Development; Commerce, Small Business and Economic Development; Education. House 1985-1992, 2006-present.

(R) Robert W. Cherry (District 53, Hancock, Rush, and Shelby Counties). Committee memberships: Chair of Budget Subcommittee of Ways and Means; Natural Resources; Rules and Legislative Procedures. House 1998-present.

(R) Edward D. Clere (District 72, Clark and Floyd Counties). Committee memberships: Education; Ways and Means. House 2008-present.

(D) William A. Crawford (District 98, Marion County). Committee memberships: Ranking Minority Member, Ways and Means. House 1972-present.

(R) Suzanne M. Crouch (District 78, Spencer, Vanderburgh, and Warrick Counties). Committee memberships: Vice Chair, Ways and Means; Public Health; Select Committee on Government Reduction. House 2005-present.

(R) Wesley H. Culver (District 49, Elkhart County). Committee memberships: Vice Chair, Public Policy; Commerce, Small Business and Economic Development; Family, Children and Human Affairs; Statutory Committee on Interstate and International Cooperation. House 2008-present.

(R) Bill J. Davis (District 33, Delaware, Jay, and Randolph Counties). Committee memberships: Chair, Public Policy; Commerce, Small Business and Economic Development; Employment, Labor and Pensions; Roads and Transportation. House 2004-present.

(R) Steven J. Davisson (District 73, Clark, Crawford, Dubois, Harrison, Jackson, Perry, Scott, and Washington Counties). Committee memberships: Vice Chair, Public Health; Agriculture and Rural Development; Family, Children and Human Affairs. House 2010-present.

(D) John J. Day (District 100, Marion County). Committee memberships: Family, Children and Human Affairs; Local Government; Public Health. House 1974-1994, 1996-present.

MEMBERS OF THE HOUSE OF REPRESENTATIVES—2012

(D) Edward O. DeLaney (District 86, Hamilton and Marion Counties). Committee memberships: Ranking Minority Member, Judiciary; Courts and Criminal Code; Elections and Apportionment; Roads and Transportation. House 2008-present.

(D) Nancy J. Dembowski (District 17, LaPorte, Marshall, and Starke Counties). Committee memberships: Ranking Minority Member, Roads and Transportation; Commerce, Small Business and Economic Development; Local Government; Natural Resources. House 2006-present.

(R) Thomas P. Dermody (District 20, Jasper, LaPorte, Porter, and Pulaski Counties).Leadership position: Assistant Majority Leader; Committee memberships: Chair, Higher Education Subcommittee of Ways and Means; Courts and Criminal Code. House 2006-present.

(D) Chester F. Dobis (District 13, Lake County). Committee memberships: Chair, Select Committee on Government Reduction; Courts and Criminal Code; Financial Institutions. House 1970-present.

(R) Richard A. Dodge (District 51, Dekalb and Steuben Counties). Committee memberships: Vice Chair, Natural Resources; Environmental Affairs; Public Health; Veterans Affairs and Public Safety. House 2004-present.

(D) Ryan M. Dvorak (District 8, St. Joseph County). Committee memberships: Ranking Minority Member, Environmental Affairs; Courts and Criminal Code; Utilities and Energy. House 2002-present.

(R) Sean R. Eberhart (District 57, Bartholomew and Shelby Counties). Committee memberships: Chair, Natural Resources; Environmental Affairs; Local Government; Public Policy. House 2006-present.

(R) Susan Ellspermann (District 74, Dubois, Perry, Spencer, and Warrick Counties). Committee memberships: Vice Chair, Employment, Labor and Pensions; Commerce, Small Business and Economic Development; Elections and Apportionment. House 2010-present.

(R) Jeffrey K. Espich (District 82, Allen, Grant, and Wells Counties). Committee memberships: Chair, Ways and Means. House 1972-present.

(R) Ralph M. Foley (District 47, Hendricks, Johnson, Morgan, and Owen Counties). Committee memberships: Chair, Judiciary; Vice Chair, Rules and Legislative Procedures; Courts and Criminal Code; Family, Children and Human Affairs; Statutory Committee on Interstate and International Cooperation; Committee on Joint Rules. House 1992-present.

(R) William C. Friend (District 23, Elkhart, Fulton, Kosciusko, Marshall, and Miami Counties). Leadership position: Majority Floor Leader; Committee memberships: Agriculture and Rural Development; Environmental Affairs; Statutory Committee on Interstate and International Cooperation. House 1992-present.

(R) David N. Frizzell (District 93, Johnson and Marion Counties). Leadership position: Majority Whip; Committee memberships: Education; Insurance; Public Health; Utilities and Energy. House 1992-present.

(D) Craig R. Fry (District 5, Elkhart and St. Joseph Counties). Committee memberships: Ranking Minority Member, Insurance; Employment, Labor and Pensions; Financial Institutions; Public Health. House 1988-present.

(R) Randall L. Frye (District 67, Decatur, Franklin, Ripley, and Rush Counties). Committee memberships: Vice Chair, Veterans Affairs and Public Safety; Agriculture and Rural Development; Financial Institutions. House 2010-present.

(D) Philip K. GiaQuinta (District 80, Allen County). Committee memberships: Ranking Minority Member, Public Policy; Elections and Apportionment; Insurance; Veterans Affairs and Public Safety. House 2006-present.

(D) Terry A. Goodin (District 66, Clark, Jackson, Jennings, and Scott Counties). Committee memberships: Agriculture and Rural Development; Ways and Means. House 2000-present.

(D) F. Dale Grubb (District 42, Fountain, Parke, Vermillion, Vigo, and Warren Counties). Leadership position: Minority Caucus Chair; Committee memberships: Agriculture and Rural Development; Natural Resources; Statutory Committee on Interstate and International Cooperation. House 1988-present.

(R) Douglas L. Gutwein (District 16, Cass, Fulton, Jasper, Pulaski, and White Counties). Committee memberships: Chair, Employment, Labor and Pensions; Agriculture and Rural Development; Veterans Affairs and Public Safety. House 2008-present.

(D) Earl L. Harris (District 2, Lake County). Leadership position: Assistant Minority Floor Leader; Committee memberships: Ranking Minority Member, Statutory Committee on Interstate and International Cooperation; Rules and Legislative Procedures; Statutory Committee on Ethics. House 1982-present.

(R) Bob A. Heaton (District 46, Clay, Monroe, Owen, and Vigo Counties). Committee memberships: Vice Chair, Financial Institutions; Government and Regulatory Reform; Insurance; Natural Resources. House 2010-present.

(R) Kathleen M. Heuer (District 83, Allen, Noble, and Whitley Counties). Committee memberships: Vice Chair, Local Government; Commerce, Small Business and Economic Development; Education. House 2010-present.

(R) Phillip D. Hinkle (District 92, Marion County). Committee memberships: Financial Institutions; Local Government. House 2000-present.

MEMBERS OF THE HOUSE OF REPRESENTATIVES—2012

(R) Michael H. Karickhoff (District 30, Howard County). Committee memberships: Natural Resources; Ways and Means. House 2010-present.

(D) Clyde Kersey (District 43, Clay and Vigo Counties). Committee memberships: Ranking Minority Member, Statutory Committee on Ethics; Education; Employment, Labor and Pensions; Ways and Means. House 1996-present.

(R) Cynthia L. Kirchhofer (District 89, Marion County). Committee memberships: Vice Chair, Statutory Committee on Interstate and International Cooperation; Insurance; Veterans Affairs and Public Safety. House 2010-present.

(D) Sheila A. Klinker (District 27, Tippecanoe County). Committee memberships: Family, Children and Human Affairs; Veterans Affairs and Public Safety; Ways and Means. House 1982-present.

(R) Thomas D. Knollman (District 55, Dearborn, Fayette, Franklin, Union, and Wayne Counties). Committee memberships: Chair, Statutory Committee on Interstate and International Cooperation; Agriculture and Rural Development; Public Policy. House 2006-present.

(R) Eric A. Koch (District 65, Bartholomew, Brown, Jackson, and Lawrence Counties). Leadership position: Assistant Majority Caucus Chair; Committee memberships: Chair, Elections and Apportionment; Select Committee on Government Reduction; Utilities and Energy; Statutory Committee on Ethics. House 2002-present.

(R) Rebecca Kubacki (District 22, Kosciusko and Wabash Counties). Committee memberships: Commerce, Small Business and Economic Development; Ways and Means. House 2010-present.

(D) Linda C. Lawson (District 1, Lake County). Leadership position: Minority Floor Leader; Committee memberships: Judiciary; Public Policy; Select Committee on Government Reduction; Statutory Committee on Ethics. House 1998-present.

(R) Donald J. Lehe (District 15, Benton, Lake, Newton, and White Counties). Committee memberships: Chair, Agriculture and Rural Development; Elections and Apportionment; Judiciary; Public Health. House 2002-present.

(R) Matthew S. Lehman (District 79, Adams, Allen, and Wells Counties). Committee memberships: Chair, Insurance; Courts and Criminal Code; Government and Regulatory Reform; Public Policy. House 2008-present.

(R) Daniel J. Leonard (District 50, Huntington and Whitley Counties). Committee memberships: Judiciary; Ways and Means. House 2002-present.

(R) L. Jack Lutz (District 35, Delaware, Hamilton, Madison, and Tipton Counties). Committee memberships: Chair, Utilities and Energy; Environmental Affairs; Public Policy. House 1991-present.

(R) Kevin A. Mahan (District 31, Blackford and Grant Counties). Committee memberships: Chair, Government and Regulatory Reform; Insurance; Veterans Affairs and Public Safety. House 2010-present.

(R) Richard W. McClain (District 24, Carroll, Cass, Miami, and White Counties). Committee memberships: Select Committee on Government Reduction; Veterans Affairs and Public Safety; Ways and Means. House 1994-present.

(R) Judson G. McMillin (District 68, Dearborn, Franklin, Ohio, Ripley, and Switzerland Counties). Committee memberships: Vice Chair, Judiciary; Courts and Criminal Code; Roads and Transportation. House 2010-present.

(R) Wendy M. McNamara (District 76, Gibson, Posey, and Vanderburgh Counties). Committee memberships: Vice Chair, Courts and Criminal Code; Government and Regulatory Reform; Roads and Transportation. House 2010-present.

(R) Mark B. Messmer (District 63, Daviess, Dubois, Martin, and Pike Counties). Leadership position: Assistant Majority Whip; Committee memberships: Vice Chair, Commerce, Small Business and Economic Development; Family, Children and Human Affairs; Financial Institutions; Public Policy. House 2008-present.

(R) Robert D. Morris (District 84, Allen County). Committee memberships: Vice Chair, Environmental Affairs; Employment, Labor and Pensions; Roads and Transportation. House 2010-present.

(D) Charles "Chuck" A. Moseley (District 10, Porter County). Committee memberships: Ranking Minority Member, Veterans Affairs and Public Safety; Employment, Labor and Pensions; Utilities and Energy. House 2008-present.

(D) Winfield C. Moses, Jr. (District 81, Allen County). Committee memberships: Local Government; Ways and Means. House 1992-present.

(R) Timothy Neese (District 48, Elkhart and St. Joseph Counties). Committee memberships: Chair, Local Government; Environmental Affairs; Utilities and Energy; Statutory Committee on Interstate and International Cooperation. House 2002-present.

(D) David L. Niezgodski (District 7, St. Joseph County). Committee memberships: Ranking Minority Member, Employment, Labor and Pensions; Elections and Apportionment; Statutory Committee on Interstate and International Cooperation. House 2006-present.

(R) Cynthia J. Noe (District 87, Boone, Hamilton, and Marion Counties). Committee memberships: Chair, Family, Children and Human Affairs; Education; Select Committee on Government Reduction. House 2002-present.

MEMBERS OF THE HOUSE OF REPRESENTATIVES—2012

(D) Scott D. Pelath (District 9, LaPorte County). Leadership position: Assistant Minority Leader; Committee memberships: Public Policy; Rules and Legislative Procedures; Ways and Means. House 1998-present.

(D) Phillip C. Pflum (District 56, Henry and Wayne Counties). Committee memberships: Ranking Minority Member, Agriculture and Rural Development; Natural Resources; Roads and Transportation. House 2002-present.

(D) Matt Pierce (District 61, Monroe County). Committee memberships: Ranking Minority Member, Courts and Criminal Code; Environmental Affairs; Judiciary; Rules and Legislative Procedures; Utilities and Energy. House 2002-present.

(R) Phyllis J. Pond (District 85, Allen and Dekalb Counties). Committee memberships: Chair, Health and Medicaid Subcommittee of Ways and Means; Judiciary. House 1978-present.

(D) Gregory W. Porter (District 96, Marion County). Committee memberships: Ranking Minority Member, Education; Insurance; Select Committee on Government Reduction. House 1992-present.

(D) Cherrish S. Pryor (District 94, Marion County). Committee memberships: Judiciary; Local Government; Ways and Means. House 2008-present.

(D) Scott E. Reske (District 37, Madison County). Committee memberships: Ranking Minority Member, Commerce, Small Business and Economic Development; Government and Regulatory Reform; Public Health. House 2002-present.

(R) Rhonda J. Rhoads (District 70, Clark, Floyd, and Harrison Counties). Committee memberships: Vice Chair, Education; Courts and Criminal Code; Family, Children and Human Affairs; Local Government. House 2010-present.

(R) Kathy Kreag Richardson (District 29, Hamilton and Hancock Counties). Leadership position: Majority Caucus Chair; Committee memberships: Vice Chair, Elections and Apportionment. House 1992-present.

(D) Gail C. Riecken (District 77, Vanderburgh and Warrick Counties). Leadership position: Assistant Minority Whip; Committee memberships: Family, Children and Human Affairs; Financial Institutions; Veterans Affairs and Public Safety. House 2008-present.

(R) Thomas E. Saunders (District 54, Henry, Randolph, and Wayne Counties). Leadership position: Assistant Majority Caucus Chair; Committee memberships: Local Government; Natural Resources; Roads and Transportation; Statutory Committee on Interstate and International Cooperation. House 1996-present.

(R) Milo E. Smith (District 59, Bartholomew and Johnson Counties). Committee memberships: Chair, Tax Subcommittee of Ways and Means; Government and Regulatory Reform; Select Committee on Government Reduction. House 2006-present.

(D) Vernon G. Smith (District 14, Lake County). Committee memberships: Ranking Minority Member, Local Government: Courts and Criminal Code; Education. House 1990-present.

(R) Edmond L. Soliday (District 4, Jasper, Lake, and Porter Counties). Leadership position: Assistant Majority Whip; Committee memberships: Chair, Roads and Transportation; Elections and Apportionment; Utilities and Energy; Veterans Affairs and Public Safety. House 2006-present.

(R) Michael R. Speedy (District 90, Marion County). Committee memberships: Vice Chair, Roads and Transportation; Employment, Labor and Pensions; Financial Institutions. House 2010-present.

(D) Steven R. Stemler (District 71, Clark County). Committee memberships: Chair, Commerce, Small Business and Economic Development; Government and Regulatory Reform; Roads and Transportation. House 2006-present.

(R) Gregory E. Steuerwald (District 40, Hendricks County). Committee memberships: Chair, Courts and Criminal Code; Vice Chair, Select Committee on Ethics; Employment, Labor and Pensions; Financial Institutions; Judiciary. House 2007-present.

(D) Dan C. Stevenson (District 11, Lake County). Committee memberships: Ranking Minority Member, Utilities and Energy; Environmental Affairs; Statutory Committee on Interstate and International Cooperation. House 1994-present.

(D) Mary Ann Sullivan (District 97, Marion County). Committee memberships: Commerce, Small Business and Economic Development; Environmental Affairs; Government and Regulatory Reform. House 2008-present.

(D) Vanessa J. Summers (District 99, Marion County). Leadership position: Assistant Minority Caucus Chair; Committee memberships: Ranking Minority Member, Family, Children and Human Affairs; Public Policy; Select Committee on Government Reduction. House 1991-present.

(R) Jeffrey A. Thompson (District 28, Boone, Hendricks, and Montgomery Counties). Committee memberships: Chair of K-12 Subcommittee of Ways and Means; Education; Select Committee on Government Reduction. House 1998-present.

(R) Gerald R. Torr (District 39, Hamilton County). Leadership position: Assistant Majority Leader; Committee memberships: Chair, Rules and Legislative Procedures; Vice Chair, Committee on Joint Rules; Commerce, Small Business and Economic Development; Employment, Labor and Pensions; Insurance; Judiciary. House 1996-present.

MEMBERS OF THE HOUSE OF REPRESENTATIVES—2012

(R) Randolph P. Truitt (District 26, Tippecanoe and Warren Counties). Committee memberships: Government and Regulatory Reform; Ways and Means. House 2008-present.

(R) P. Eric Turner (District 32, Grant, Hamilton, Howard, Miami, and Tipton Counties). Leadership position: Speaker Pro Tempore; Committee memberships: Public Health; Rules and Legislative Procedures; Ways and Means. House 1982-1986; 1994-present.

(D) Dennis A. Tyler* (District 34, Delaware County). 2006-2011. Resigned in December 2011.

(R) Matthew A. Ubelhor (District 62, Greene, Lawrence, Martin, Orange, and Washington Counties). Committee memberships: Natural Resources; Ways and Means. House 2010-present.

(D) Rochelle "Shelli" L. VanDenburgh (District 19, Lake, Newton, and Porter Counties). Committee memberships: Commerce, Small Business and Economic Development; Education; Elections and Apportionment. House 2007-present.

(R) Heath R. VanNatter (District 38, Boone, Clinton, Hamilton, and Howard Counties). Committee memberships: Vice Chair, Utilities and Energy; Courts and Criminal Code; Environmental Affairs; Local Government. House 2008; 2010-present.

(D) Peggy M. Welch (District 60, Brown, Greene, and Monroe Counties). Committee memberships: Public Health; Select Committee on Government Reduction; Ways and Means. House 1998-present.

(R) Timothy C. Wesco (District 21, Elkhart and St. Joseph Counties). Committee memberships: Vice Chair, Government and Regulatory Reform; Employment, Labor and Pensions; Public Policy. House 2010-present.

(D) Michael D. White (District 34, Delaware County). Committee memberships: Roads and Transportation; Select Committee on Government Reduction; Veterans Affairs and Public Safety. House 2011-present.

(R) David A. Wolkins (District 18, Elkhart, Kosciusko, and LaGrange Counties). Committee memberships: Chair, Environmental Affairs; Vice Chair, Select Committee on Government Reduction; Government and Regulatory Reform. House 1988-present.

(R) David Yarde II (District 52, Dekalb, LaGrange, and Noble Counties). Committee memberships: Vice Chair, Family, Children and Human Affairs; Elections and Apportionment; Roads and Transportation; Utilities and Energy. House 2008-present.

* Dennis A. Tyler resigned in December, 2011 after election as mayor of Muncie. Michael D. White was selected to fill the vacancy.

MEMBERS OF THE HOUSE BY COUNTIES—2012

Adams–Matthew S. Lehman
Allen–Jeffrey K. Espich, Philip K. GiaQuinta, Kathleen M. Heuer, Matthew S. Lehman, Robert D. Morris, Winfield C. Moses, Jr., Phyllis J. Pond
Bartholomew–Sean R. Eberhart, Eric A. Koch, Milo E. Smith
Benton–Donald J. Lehe
Blackford–Kevin A. Mahan
Boone–Cynthia J. Noe, Jeffrey A. Thompson, Heath R. VanNatter
Brown–Eric A. Koch, Peggy M. Welch
Carroll–Richard W. McClain
Cass–Douglas L. Gutwein, Richard W. McClain
Clark–Edward D. Clere, Steven J. Davisson, Terry A. Goodin, Rhonda J. Rhoads, Steven R. Stemler
Clay–James R. Baird, Bob A. Heaton, Clyde Kersey
Clinton–Heath R. VanNatter
Crawford–Steven J. Davisson
Daviess–Kreg S. Battles, Bruce A. Borders, Mark B. Messmer
Dearborn–Thomas D. Knollman, Judson G. McMillin
Decatur–Randall L. Frye
Dekalb–Richard A. Dodge, Phyllis J. Pond, David Yarde II
Delaware–Bill J. Davis, L. Jack Lutz, Dennis A. Tyler*, Michael D. White*
Dubois–Steven J. Davisson, Susan Ellspermann, Mark B. Messmer
Elkhart–Wesley H. Culver, William C. Friend, Craig R. Fry, Timothy Neese, Timothy C. Wesco, David A. Wolkins
Fayette–Thomas D. Knollman
Floyd–Edward D. Clere, Rhonda J. Rhoads
Fountain–F. Dale Grubb
Franklin–Randall L. Frye, Thomas D. Knollman, Judson G. McMillin
Fulton–William C. Friend, Douglas L. Gutwein
Gibson–Ronald A. Bacon, Kreg S. Battles, Wendy M. McNamara
Grant–Jeffrey K. Espich, Kevin A. Mahan, P. Eric Turner
Greene–Bruce A. Borders, Matthew A. Ubelhor, Peggy M. Welch
Hamilton–Terri Jo Austin, Brian C. Bosma, Edward O. Delaney, L. Jack Lutz, Cynthia J. Noe, Kathy Kreag Richardson, Gerald R. Torr, P. Eric Turner, Heath R. VanNatter
Hancock–Robert W. Cherry, Kathy Kreag Richardson
Harrison–Steven J. Davisson, Rhonda J. Rhoads
Hendricks–Robert W. Behning, Ralph M. Foley, Gregory E. Steuerwald, Jeffrey A. Thompson
Henry–Phillip C. Pflum, Thomas E. Saunders
Howard–Michael H. Karickhoff, P. Eric Turner, Heath R. VanNatter
Huntington–Daniel J. Leonard
Jackson–Steven J. Davisson, Terry A. Goodin, Eric A. Koch
Jasper–Thomas P. Dermody, Douglas L. Gutwein, Edmond L. Soliday
Jay–Bill J. Davis
Jefferson– David G. Cheatham
Jennings–David G. Cheatham, Terry A. Goodin
Johnson–Woody Burton, Ralph M. Foley, David N. Frizzell, Milo E. Smith
Knox–Kreg S. Battles, Bruce A. Borders
Kosciusko–William C. Friend, Rebecca Kubacki, David A. Wolkins
LaGrange–David A. Wolkins, David Yarde II
Lake–Charlie Brown, Mara Candelaria Reardon, Chester F. Dobis, Earl L. Harris, Linda C. Lawson, Donald J. Lehe, Vernon G. Smith, Edmond L. Soliday, Dan C. Stevenson, Rochelle L. VanDenburgh
LaPorte–Nancy J. Dembowski, Thomas P. Dermody, Scott D. Pelath
Lawrence–Eric A. Koch, Matthew A. Ubelhor
Madison–Terri Jo Austin, L. Jack Lutz, Scott E. Reske
Marion–Jeb A. Bardon, John L. Bartlett, Robert W. Behning, Brian C. Bosma, William A. Crawford, John J. Day, Edward O. Delaney, David N. Frizzell, Phillip D. Hinkle, Cynthia L. Kirchhofer, Cynthia J. Noe, Gregory W. Porter, Cherrish S. Pryor, Michael R. Speedy, Mary Ann Sullivan, Vanessa J. Summers
Marshall–Nancy J. Dembowski, William C. Friend
Martin–Mark B. Messmer, Matthew A. Ubelhor
Miami–William C. Friend, Richard W. McClain, P. Eric Turner
Monroe–Bob A. Heaton, Matt Pierce, Peggy M. Welch
Montgomery–Timothy N. Brown, Jeffrey A. Thompson
Morgan–Robert W. Behning, Ralph M. Foley
Newton–Donald J. Lehe, Rochelle L. VanDenburgh
Noble–Kathleen M. Heuer, David Yarde II
Ohio–Judson G. McMillin
Orange–Matthew A. Ubelhor
Owen–Ralph M. Foley, Bob A. Heaton
Parke–James R. Baird, Timothy N. Brown, F. Dale Grubb
Perry–Steven J. Davisson, Susan Ellspermann
Pike–Kreg S. Battles, Mark B. Messmer
Porter–Charlie Brown, Thomas P. Dermody, Charles A. Moseley, Edmond L. Soliday, Rochelle L. VanDenburgh
Posey–Wendy M. McNamara
Pulaski–Thomas P. Dermody, Douglas L. Gutwein
Putnam–James R. Baird
Randolph–Bill J. Davis, Thomas E. Saunders
Ripley–David G. Cheatham, Randall L. Frye, Judson G. McMillin
Rush–Robert W. Cherry, Randall L. Frye
Scott–Steven J. Davisson, Terry A. Goodin
Shelby–Robert W. Cherry, Sean R. Eberhart
Spencer–Suzanne M. Crouch, Susan Ellspermann
St. Joseph–B. Patrick Bauer, Ryan M. Dvorak, Craig R. Fry, Timothy Neese, David L. Niezgodski, Timothy C. Wesco
Starke–Nancy J. Dembowski
Steuben–Richard A. Dodge
Sullivan–Bruce A. Borders
Switzerland–Judson G. McMillin
Tippecanoe–Timothy N. Brown, Sheila A. Klinker, Randolph P. Truitt
Tipton–L. Jack Lutz, P. Eric Turner
Union–Thomas D. Knollman
Vanderburgh–Ronald A. Bacon, Suzanne M. Crouch, Wendy M. McNamara, Gail C. Riecken
Vermillion–F. Dale Grubb
Vigo–James R. Baird, Bruce A. Borders, F. Dale Grubb, Bob A. Heaton, Clyde Kersey
Wabash–Rebecca Kubacki
Warren–F. Dale Grubb, Randolph P. Truitt
Warrick–Ronald A. Bacon, Suzanne M. Crouch, Susan Ellspermann, Gail C. Riecken
Washington–Steven J. Davisson, Matthew A. Ubelhor
Wayne–Thomas D. Knollman, Phillip C. Pflum, Thomas E. Saunders
Wells–Jeffrey K. Espich, Matthew S. Lehman
White–Douglas L. Gutwein, Donald J. Lehe, Richard W. McClain
Whitley–Kathleen M. Heuer, Daniel J. Leonard

* Dennis A. Tyler resigned in December 2011 and Michael D. White was selected to fill the vacancy.

MEMBERS OF THE HOUSE BY DISTRICTS—2012

District 1–Linda C. Lawson
District 2–Earl L. Harris
District 3–Charlie Brown
District 4–Edmond L. Soliday
District 5–Craig R. Fry
District 6–B. Patrick Bauer
District 7–David L. Niezgodski
District 8–Ryan M. Dvorak
District 9–Scott D. Pelath
District 10–Charles A. Moseley
District 11–Dan C. Stevenson
District 12–Mara Candelaria Reardon
District 13–Chester F. Dobis
District 14–Vernon G. Smith
District 15–Donald J. Lehe
District 16–Douglas L. Gutwein
District 17–Nancy J. Dembowski
District 18–David A. Wolkins
District 19–Rochelle L. VanDenburgh
District 20–Thomas P. Dermody
District 21–Timothy C. Wesco
District 22–Rebecca Kubacki
District 23–William C. Friend
District 24–Richard W. McClain
District 25–Jeb A. Bardon
District 26–Randolph P. Truitt
District 27–Sheila A. Klinker
District 28–Jeffrey A. Thompson
District 29–Kathy Kreag Richardson
District 30–Michael H. Karickhoff
District 31–Kevin A. Mahan
District 32–P. Eric Turner
District 33–Bill J. Davis
District 34–Dennis A. Tyler*, Michael D. White
District 35–L. Jack Lutz
District 36–Terri Jo Austin
District 37–Scott E. Reske
District 38–Heath R. VanNatter
District 39–Gerald R. Torr
District 40–Gregory E. Steuerwald
District 41–Timothy N. Brown
District 42–F. Dale Grubb
District 43–Clyde Kersey
District 44–James R. Baird
District 45–Bruce A. Borders
District 46–Bob A. Heaton
District 47–Ralph M. Foley
District 48–Timothy Neese
District 49–Wesley H. Culver
District 50–Daniel J. Leonard
District 51–Richard A. Dodge
District 52–David Yarde II
District 53–Robert W. Cherry
District 54–Thomas E. Saunders
District 55–Thomas D. Knollman
District 56–Phillip C. Pflum
District 57–Sean R. Eberhart
District 58–Woody Burton
District 59–Milo E. Smith
District 60–Peggy M. Welch
District 61–Matt Pierce
District 62–Matthew A. Ubelhor
District 63–Mark B. Messmer
District 64–Kreg S. Battles
District 65–Eric A. Koch
District 66–Terry A. Goodin
District 67–Randall L. Frye
District 68–Judson G. McMillin
District 69–David G. Cheatham
District 70–Rhonda J. Rhoads
District 71–Steven R. Stemler
District 72–Edward D. Clere
District 73–Steven J. Davisson
District 74–Susan Ellspermann
District 75–Ronald A. Bacon
District 76–Wendy M. McNamara
District 77–Gail C. Riecken
District 78–Suzanne M. Crouch
District 79–Matthew S. Lehman
District 80–Philip K. GiaQuinta
District 81–Winfield C. Moses, Jr.
District 82–Jeffrey K. Espich
District 83–Kathleen M. Heuer
District 84–Robert D. Morris
District 85–Phyllis J. Pond
District 86–Edward O. DeLaney
District 87–Cynthia J. Noe
District 88–Brian C. Bosma
District 89–Cynthia L. Kirchhofer
District 90–Michael R. Speedy
District 91–Robert W. Behning
District 92–Phillip D. Hinkle
District 93–David N. Frizzell
District 94–Cherrish S. Pryor
District 95–John L. Bartlett
District 96–Gregory W. Porter
District 97–Mary Ann Sullivan
District 98–William A. Crawford
District 99–Vanessa J. Summers
District 100–John J. Day

* Dennis A. Tyler resigned in December 2011 and Michael D. White was selected to fill the vacancy.

HOUSE STANDING COMMITTEES—2012

Agriculture and Rural Development

Lehe, Chair; Bacon, Vice Chair;

Republicans: Baird, Davisson, Friend, R. Frye, Gutwein, Knollman.

Democrats: Pflum, Ranking Minority Member; Battles, Cheatham, Goodin, Grubb.

Commerce, Small Business and Economic Development

Stemler, Chair; Messmer, Vice Chair;

Republicans: Culver, Davis, Ellspermann, Heuer, Kubacki, Torr.

Democrats: Reske, Ranking Minority Member; Cheatham, Dembowski, Sullivan, VanDenburgh.

Courts and Criminal Code

Steuerwald, Chair; McNamara, Vice Chair;

Republicans: Dermody, Foley, Lehman, McMillin, Rhoads, VanNatter.

Democrats: Pierce, Ranking Minority Member; DeLaney, Dobis, Dvorak, V. Smith.

Education

Behning, Chair; Rhoads, Vice Chair;

Republicans: T. Brown, Clere, Frizzell, Heuer, Noe, Thompson.

Democrats: Porter, Ranking Minority Member; Cheatham, Kersey, V. Smith, VanDenburgh.

Elections and Apportionment

Koch, Chair; Richardson, Vice Chair;

Republicans: Behning, Burton, Ellspermann, Lehe, Soliday, Yarde.

Democrats: Bartlett, Ranking Minority Member; DeLaney, GiaQuinta, Niezgodski, VanDenburgh.

Employment, Labor and Pensions

Gutwein, Chair; Ellspermann, Vice Chair;

Republicans: Davis, Morris, Speedy, Steuerwald, Torr, Wesco.

Democrats: Niezgodski, Ranking Minority Member; Bartlett, C. Fry, Kersey, Moseley.

Environmental Affairs

Wolkins, Chair; Morris, Vice Chair;

Republicans: Dodge, Eberhart, Friend, Lutz, Neese, VanNatter.

Democrats: Dvorak, Ranking Minority Member; Candelaria Reardon, Pierce, Stevenson, Sullivan.

Family, Children and Human Affairs

Noe, Chair; Yarde, Vice Chair;

Republicans: T. Brown, Culver, Davisson, Foley, Messmer, Rhoads.

Democrats: Summers, Ranking Minority Member; Bartlett, Day, Klinker, Riecken.

Financial Institutions

Burton, Chair; Heaton, Vice Chair;

Republicans: Behning, R. Frye, Hinkle, Messmer, Speedy, Steuerwald.

Democrats: Bardon, Ranking Minority Member; Austin, Dobis, C. Fry, Riecken.

Government and Regulatory Reform

Mahan, Chair; Wesco, Vice Chair;

Republicans: Heaton; Lehman, McNamara, M. Smith, Truitt, Wolkins.

Democrats: Candelaria Reardon, Ranking Minority Member; Bartlett, Reske, Stemler, Sullivan.

Insurance

Lehman, Chair; Borders, Vice Chair;

Republicans: Burton, Frizzell, Heaton, Kirchhofer, Mahan, Torr.

Democrats: C. Fry, Ranking Minority Member; Bardon, C. Brown, GiaQuinta, Porter.

Judiciary

Foley, Chair; McMillin, Vice Chair;

Republicans: Burton, Lehe, Leonard, Pond, Steuerwald, Torr.

Democrats: DeLaney, Ranking Minority Member; Bardon, L. Lawson, Pierce, Pryor.

Local Government

Neese, Chair; Heuer, Vice Chair;

Republicans: Borders, Eberhart, Hinkle, Rhoads, Saunders, VanNatter.

Democrats: V. Smith, Ranking Minority Member; Day, Dembowski, Moses, Pryor.

Natural Resources

Eberhart, Chair; Dodge, Vice Chair;

Republicans: Bacon, Cherry, Heaton, Karickhoff, Saunders, Ubelhor.

Democrats: Cheatham, Ranking Minority Member; Battles, Dembowski, Grubb, Pflum.

Public Health

T. Brown, Chair; Davisson, Vice Chair;

Republicans: Bacon, Crouch, Dodge, Frizzell, Lehe, Turner.

Democrats: C. Brown, Ranking Minority Member; Day, C. Fry, Reske, Welch.

Public Policy

Davis, Chair; Culver, Vice Chair;

Republicans: Eberhart, Knollman, Lehman, Lutz, Messmer, Wesco.

Democrats: GiaQuinta, Ranking Minority Member; Austin, L. Lawson, Pelath, Summers.

HOUSE STANDING COMMITTEES—2012

Roads and Transportation

Soliday, Chair; Speedy, Vice Chair;

Republicans: Davis, McMillin, McNamara, Morris, Saunders, Yarde.

Democrats: Dembowski, Ranking Minority Member; DeLaney, Pflum, Stemler, White.

Rules and Legislative Procedures

Torr, Chair; Foley, Vice Chair;

Republicans: T. Brown, Burton, Cherry, Turner.

Democrats: Austin, Ranking Minority Member; Harris, Pelath, Pierce.

Select Committee on Government Reduction

Dobis, Chair; Wolkins, Vice Chair;

Republicans: Crouch, Koch, McClain, Noe, M. Smith, Thompson.

Democrats: L. Lawson, Porter, Summers, Welch, White.

Utilities and Energy

Lutz, Chair; VanNatter, Vice Chair;

Republicans: Behning, Frizzell, Koch, Neese, Soliday, Yarde.

Democrats: Stevenson, Ranking Minority Member; Battles, Dvorak, Moseley, Pierce.

Veterans Affairs and Public Safety

Borders, Chair; R. Frye, Vice Chair;

Republicans: Dodge, Gutwein, Kirchhofer, Mahan, McClain, Soliday.

Democrats: Moseley, Ranking Minority Member; GiaQuinta, Klinker, Riecken, White.

Ways and Means

Espich, Chair; Crouch, Vice Chair;

Republicans: Cherry, Chair of Budget Subcommittee; Dermody, Chair of Higher Education Subcommittee; Pond, Chair of Health and Medicaid Subcommittee; M. Smith, Chair of Tax Subcommittee; Thompson, Chair of K-12 Subcommittee; Baird, Clere, Karickhoff, Kubacki, Leonard, McClain, Truitt, Turner, Ubelhor.

Democrats: Crawford, Ranking Minority Member; Candelaria Reardon, Goodin, Kersey, Klinker, Moses, Pelath, Pryor, Welch.

STATUTORY COMMITTEE ON ETHICS

T. Brown, Chair; Steuerwald, Vice Chair;

Republicans: Koch.

Democrats: Kersey, Ranking Minority Member; Harris, L. Lawson.

STATUTORY COMMITTEE ON INTERSTATE AND INTERNATIONAL COOPERATION

Knollman, Chair; Kirchhofer, Vice Chair;

Republicans: T. Brown, Culver, Foley, Friend, Neese, Saunders.

Democrats: Harris, Ranking Minority Member; C. Brown, Grubb, Niezgodski, Stevenson.

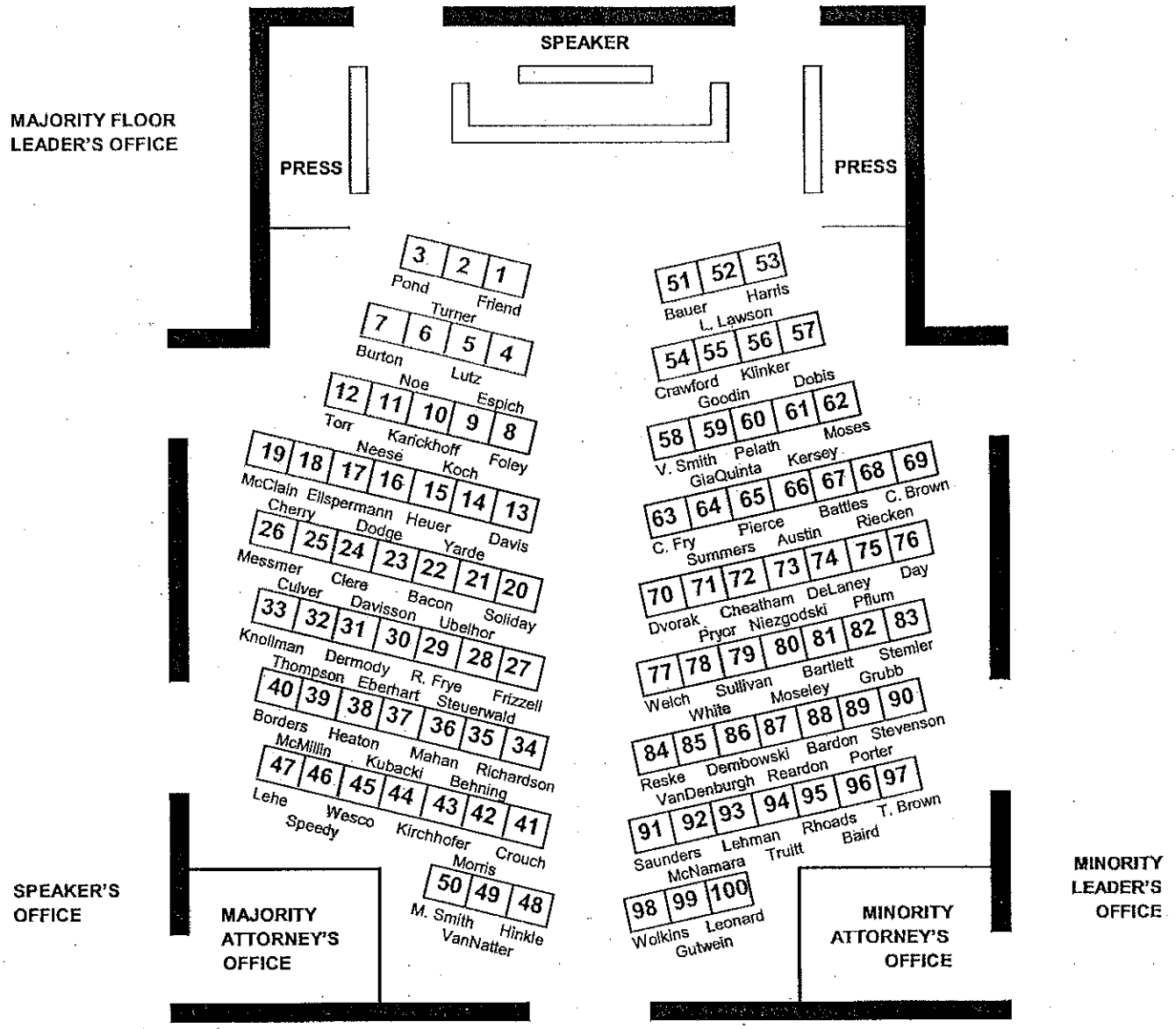
COMMITTEE ON JOINT RULES

Speaker Bosma (ex officio), Chair; Torr, Vice Chair;

Republicans: Foley.

Democrats: Bauer, Ranking Minority Member; Austin.

HOUSE
SEATING ARRANGEMENT
2012



HOUSE OF REPRESENTATIVES

Austin 66 (D), Bacon 22 (R), Baird 96 (R), Bardon 88 (D), Bartlett 81 (D), Battles 67 (D), Bauer 51 (D), Behning 35 (R), Borders 40 (R), C. Brown 69 (D), T. Brown 97 (R), Burton 7 (R), Candelaria Reardon 87 (D), Cheatham 72 (D), Cherry 18 (R), Ciere 24 (R), Crawford 54 (D), Crouch 41 (R), Culver 25 (R), Davis 13 (R), Davisson 23 (R), Day 76 (D), DeLaney 74 (D), Dembowski 86 (D), Dermody 31 (R), Dobis 57 (D), Dodge 16 (R), Dvorak 70 (D), Eberhart 30 (R), Ellspermann 17 (R), Espich 4 (R), Foley 8 (R), Friend 1 (R), Frizzell 27 (R), C. Fry 63 (D), R. Frye 29 (R), GiaQuinta 59 (D), Goodin 55 (D), Grubb 82 (D), Gutwein 99 (R), Harris 53 (D), Heaton 38 (R), Heuer 15 (R), Hinkle 48 (R), Karickhoff 10 (R), Kersey 61 (D), Kirchhofer 43 (R), Klinker 56 (D), Knollman 33 (R), Koch 9 (R), Kubacki 37 (R), L. Lawson 52 (D), Lehe 47 (R), Lehman 93 (R), Leonard 100 (R), Lutz 5 (R), Mahan 36 (R), McClain 19 (R), McMillin 39 (R), McNamara 92 (R), Messmer 26 (R), Morris 42 (R), Moseley 80 (D), Moses 62 (D), Neese 11 (R), Niezgodski 73 (D), Noe 6 (R), Pelath 60 (D), Pflum 75 (D), Pierce 65 (D), Pond 3 (R), Porter 89 (D), Pryor 71 (D), Reske 84 (D), Rhoads 95 (R), Richardson 34 (R), Riecken 68 (D), Saunders 91 (R), M. Smith 50 (R), V. Smith 58 (D), Soliday 20 (R), Speedy 46 (R), Stemler 83 (D),Steuerwald 28 (R), Stevenson 90 (D), Sullivan 79 (D), Summers 64 (D), Thompson 32 (R), Torr 12 (R), Truitt 94 (R), Turner 2 (R), Ubelhor 21 (R), VanDenburgh 85 (D), VanNatter 49 (R), Welch 77 (D), Wesco 45 (R), White 78 (D), Wolkins 98 (R), Yarde 14 (R), Speaker Bosma (R).

LEGISLATION BY MEMBER—2012

SECOND REGULAR SESSION

(Those marked with ■ became law; no bills were vetoed in 2012.)

HOUSE

Austin, Terri Jo

Authored

HB 1356 Transportation funding pilot programs.
HR 21 Congratulating the Women in Government Foundation.

Coauthored

HB 1067 Immunizations by pharmacists.
■ HB 1149 Smoking ban.
■ HB 1196 Synthetic drugs (including "bath salts").
HB 1330 Minority procurement.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 30 Honoring the United Ways of Indiana for their services to the state.

Cosponsored

■ SB 4 Human trafficking.
SB 234 Synthetic drugs (including "bath salts").
■ SB 273 Regulation of outdoor stage equipment.
■ SB 302 Taxation.
■ SB 330 Certified public accountants.
SCR 15 Honoring Indianapolis Super Bowl committee.

Bacon, Ronald A.

Authored

HB 1068 Fire protection territories.
HB 1069 County coroners.
HB 1070 Determination of death.
HB 1071 Local ordinances concerning ephedrine sales.
HB 1351 Collection of Medicaid spend down.
HR 67 Study of the practice of organ procurement.

Coauthored

■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1010 Joint legal custody.
■ HB 1015 Cemetery access.
■ HB 1018 Mine electrician certification.
HB 1022 Ephedrine and pseudoephedrine.
HB 1187 Licensure of dietitians.
HB 1199 Inheritance tax.
■ HB 1211 Nursing facility screening and notification.
HB 1221 Spotlighting wild animals; fish and wildlife license suspension.
HB 1241 Economic development incentives.
■ HB 1269 Health care compact.
■ HB 1360 Health matters.
HCR 13 Recognizing the USS LST Ship Memorial, Evansville.
HCR 16 Honoring Evansville Bosse High School on 50th anniversary of its basketball championship.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 85 Honoring Mater Dei High School girls basketball team, Class 2A state champions.

Cosponsored

■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
■ SB 315 Charity gaming.
SCR 15 Honoring Indianapolis Super Bowl committee.

Baird, James R.

Authored

■ HB 1058 Adoption of budget for reorganized school.
■ HB 1059 Military family relief fund.
■ HB 1060 Hazardous waste disposal tax.
HB 1061 Patriots' Day, April 19.

Sponsored

SB 31 Grants from military family relief fund.
SB 172 Hazardous waste disposal tax.
SCR 18 Recognizing the 175th anniversary of DePauw University.

Coauthored

■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1021 Assessed value cap for disabled veteran deduction.
HB 1199 Inheritance tax.
HB 1368 In-state tuition for military families.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Bardon, Jeb A.

Coauthored
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.

Cosponsored
■ SB 4 Human trafficking.
SCR 15 Honoring Indianapolis Super Bowl committee.

Bartlett, John L.

Authored
HB 1170 Redistricting.
HB 1300 Counties having a consolidated city.
HJR 2 Redistricting.

Coauthored
■ HB 1004 Various election law matters.
■ HB 1009 Technical corrections.
■ HB 1116 Military education and training.
HCR 8 Commemorating Dr. Martin Luther King, Jr. Day.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 40 Thanking Legislative Services Agency's Office of Code Revision.
HCR 41 Celebrating Black History Month.
HCR 52 Memorializing Katie Hall, former member of the General Assembly and Congress.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.

Cosponsored
■ SB 4 Human trafficking.
SCR 15 Honoring Indianapolis Super Bowl committee.

Battles, Kreg S.

Authored
HB 1156 Volunteer firefighter and police reserve tax deduction.
HB 1157 Tax credit for tuition expenses.
HB 1159 Identity deception.
HB 1274 Candidate petitions.
HCR 54 Congratulating Hoosier Boys State on the occasion of its 75th anniversary.

Coauthored
■ HB 1018 Mine electrician certification.
■ HB 1107 Hydraulic fracturing treatments.
HB 1158 Municipal plates for fire protection territories.
HB 1199 Inheritance tax.
HB 1272 Sales tax holiday.
HCR 13 Recognizing the USS LST Ship Memorial, Evansville.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 30 Honoring the United Ways of Indiana for their services to the state.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
■ SB 329 Eminent domain filing deadlines.
SCR 15 Honoring Indianapolis Super Bowl committee.

Bauer, B. Patrick

Authored
HR 49 Honoring Representative Michael White on his retirement from the Indiana House.
HR 50 Honoring Representative Nancy Dembowski on her retirement from the Indiana House.
HR 51 Honoring Representative Mary Ann Sullivan on her retirement from the Indiana House.
HR 69 Honoring Representative David Cheatham on his retirement from the Indiana House.
HR 70 Honoring Representative Dan Stevenson on his retirement from the Indiana House.
HR 71 Honoring Representative Scott Reske on his retirement from the Indiana House.

HR 72 Honoring Representative Jeb Bardon on his retirement from the Indiana House.
HR 80 Honoring Representative F. Dale Grubb on his retirement from the Indiana House.
HR 81 Honoring Representative John Day on his retirement from the Indiana House.
HR 82 Honoring Representative William "Bill" Crawford on his retirement from the Indiana House.
HR 83 Honoring Representative Chet Dobis on his retirement from the Indiana House.
HR 84 Honoring Representative Craig Fry on his retirement from the Indiana House.

Sponsored
SCR 22 Honoring John C. Schalliol on his retirement.

Coauthored
■ HB 1149 Smoking ban.
HCR 1 Allowing House and Senate to recess separately during Second Regular Session.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 23 Memorializing former Representative Tom Kromkowski of South Bend.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
SCR 8 Joint Session for the Governor's State of the State Address.
SCR 15 Honoring Indianapolis Super Bowl committee.

Behning, Robert W.

Authored
■ HB 1205 School employee contracts.
HB 1321 School corporation accountability.
HB 1322 Paths to quality tax credits.
HB 1323 Child care and development fund.
HB 1324 School accountability and turnaround academies.

Sponsored
SB 179 Virtual instruction course requirement.
■ SB 267 Education concerning child abuse.
■ SB 268 Advisory committee on early education.
■ SB 296 Certified scholarship program eligibility.
SB 384 School accreditation.
SB 392 State educational institution grading practices.
SB 413 Various education matters.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1199 Inheritance tax.
■ HB 1200 Various corrections matters.
HB 1219 Parental initiatives for school reorganization.
■ HB 1220 Commission for higher education.
■ HB 1269 Health care compact.
■ HB 1270 Higher education.
■ HB 1325 Sales and use tax exemptions.
HB 1326 Various education matters.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 45 Recognizing the National Guard Patriot Academy.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.

Cosponsored
■ SB 4 Human trafficking.
■ SB 175 Absentee ballots.
■ SB 283 Nonpublic alternative high schools; residential facilities.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Borders, Bruce A.

Authored
■ HB 1065 Military custody and parenting time matters.
HB 1066 Ordinance violation courts.
HB 1115 Spray tanning.
■ HB 1116 Military education and training.
HB 1375 Personal needs allowance.

Sponsored
SB 376 Discharge of long term inmates.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1199 Inheritance tax.
HB 1217 Disclosure of electronic communications.
HB 1218 Scrapping and liens on motor vehicles.
■ HB 1269 Health care compact.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

HR 45 Recognizing the National Guard Patriot Academy.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Bosma, Brian C.

Authored
HCR 1 Allowing House and Senate to recess separately during Second Regular Session.
HCR 57 Fixing the date for the technical session of the 117th General Assembly.
HR 78 Supporting New International Trade Crossing between the U.S. and Canada.

Sponsored
SCR 8 Joint Session for the Governor's State of the State Address.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 36 Urging Congress to establish a memorial honoring Gulf War Veterans.
SCR 37 Urging the Governor to proclaim February 20-25, 2012 Canada Week in Indiana.

Coauthored
■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HB 1199 Inheritance tax.
■ HB 1250 State government nepotism.
HJR 1 Redistricting.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 42 Recognizing the staff of the Legislative Services Agency.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.

Cosponsored
■ SB 4 Human trafficking.
■ SB 231 Contracting with persons that invest in Iran.
SB 269 Employee's right to work.
■ SB 293 Inheritance tax.

Brown, Charlie

Authored
HB 1063 Smoking ban.
HB 1302 In-hospital patient care.
HB 1303 Nonresident income tax for Gary.
HB 1304 Land-based casino in Gary.

Sponsored
SCR 4 Memorializing Galen Goode, leader in the area of community mental health.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1056 Novelty lighters.
HB 1114 Physician order for scope of treatment forms.
HB 1127 Midwives.
HB 1130 County options for delinquent property taxes.
■ HB 1149 Smoking ban.
HB 1187 Licensure of dietitians.
■ HB 1211 Nursing facility screening and notification.
HB 1307 Funding for aviation facilities.
HCR 8 Commemorating Dr. Martin Luther King, Jr. Day.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 41 Celebrating Black History Month.
HCR 52 Memorializing Katie Hall, former member of the General Assembly and Congress.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
■ SB 4 Human trafficking.
■ SB 13 Cash assistance point of service and drug reports.
■ SB 15 Brain injury services and Medicaid.
■ SB 24 Mental health issues.
■ SB 52 HIV testing.
■ SB 224 Emergency ambulance services report.
■ SB 225 Hospital assessment fee matters.

Brown, Timothy N.

Authored
HB 1043 Individual out-of-state health insurance.
HB 1113 Resisting law enforcement.
HB 1114 Physician order for scope of treatment forms.
■ HB 1186 Emergency medical services personnel.
HR 59 Study of encouraging use of smokeless tobacco products.
HR 66 Study of mail order and Internet based pharmacies.

LEGISLATION BY MEMBER—2012

Sponsored
- ■ SB 13 Cash assistance point of service and drug reports.
- ■ SB 15 Brain injury services and Medicaid.
- ■ SB 52 HIV testing.
- SB 105 Redevelopment commission members.
- ■ SB 201 Transfer of human organisms exemption.
- ■ SB 223 Department of health matters.
- ■ SB 224 Emergency ambulance services report.
- ■ SB 225 Hospital assessment fee matters.
- SB 312 School policies on gang activities.

Coauthored
- ■ HB 1001 Employee's right to work.
- ■ HB 1005 Nepotism; conflict of interest.
- HB 1007 Drug testing.
- ■ HB 1040 Immunity for fast responders.
- HB 1106 Medical records fees.
- ■ HB 1149 Smoking ban.
- HB 1187 Licensure of dietitians.
- HB 1199 Inheritance tax.
- HB 1318 Use of restraints and seclusion in school.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HCR 53 Congratulating Joe Ruhl on being awarded the National Science Teaching Award.
- HR 90 Honoring Ivy Tech programs at Lafayette, Crawfordsville, and Monticello.
- HR 95 Study of the presence of automated external defibrillators (AEDs).

Cosponsored
- ■ SB 4 Human trafficking.
- SB 12 Reestablishment of FSSA.
- ■ SB 24 Mental health issues.
- ■ SB 293 Inheritance tax.
- SCR 15 Honoring Indianapolis Super Bowl committee.
- SCR 33 Congratulating Joseph Ruhl on being named top science educator in the country.
- SCR 40 Recognizing the importance of Ivy Tech Community College of Indiana.

Burton, Woody

Authored
- ■ HB 1092 Johnson superior court and Wabash city court.
- ■ HB 1123 Public pensions.
- ■ HB 1238 Finding of abandonment for mortgaged property.
- ■ HB 1239 Financial institutions and consumer credit.
- HB 1338 Failure to sign vehicle registration.
- HCR 10 Honoring Marty Chitwood, volunteer at Riley Hospital for Children.

Sponsored
- ■ SB 128 Administration of public retirement plans.

Coauthored
- ■ HB 1001 Employee's right to work.
- ■ HB 1005 Nepotism; conflict of interest.
- HB 1007 Drug testing.
- HB 1102 Real estate brokers.
- ■ HB 1149 Smoking ban.
- HB 1199 Inheritance tax.
- ■ HB 1249 Land banks and tax sales process.
- ■ HB 1294 Various securities division matters.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HCR 49 Congratulating Sean Mappes, Center Grove High School, state wrestling champion.

Cosponsored
- ■ SB 4 Human trafficking.
- ■ SB 109 Deposit of public funds by local units.
- ■ SB 293 Inheritance tax.
- SCR 15 Honoring Indianapolis Super Bowl committee.

Candelaria Reardon, Mara

Authored
- HB 1181 Contracting with persons that invest in Iran.
- HB 1182 Personal property exemptions at certain facilities.
- HB 1352 Limitation on levy for township assistance.
- HB 1353 Limitation on lobbyist expenditures.
- HB 1357 Sales tax exemption for college textbooks.
- HCR 58 Congratulating the 2012 inductees into the Times Northwest Indiana Business and Industry Hall of Fame.
- HR 22 Honoring the life and work of Pastor David J. Allen, Lake County.

Coauthored
- ■ HB 1005 Nepotism; conflict of interest.
- ■ HB 1090 Payment of delinquent property taxes.
- HB 1093 Public access issues.
- ■ HB 1149 Smoking ban.
- ■ HB 1264 Flood control in Lake County.
- HB 1355 Small breweries.
- HCR 8 Commemorating Dr. Martin Luther King, Jr. Day.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.

HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 41 Celebrating Black History Month.
HR 2 Honoring George Thiel Griffith upon his retirement.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.
HR 40 Recognizing October as Inflammatory Breast Cancer Awareness Month.
HR 94 Recognizing WJOB radio for its commitment to Northwest Indiana.

Cosponsored
■ SB 4 Human trafficking.
■ SB 231 Contracting with persons that invest in Iran.
■ SB 302 Taxation.
SCR 15 Honoring Indianapolis Super Bowl committee.

Cheatham, David G.

Authored
HB 1026 Support obligations while incarcerated.
HB 1027 Sex crime statute of limitations.
HB 1028 Forfeiture of vehicle used to flee law enforcement.
HB 1106 Medical records fees.
HR 24 Thanking Schneck Medical Center for its work on behalf of Hoosier communities.
HR 73 Honoring work and retirement of Dr. Thomas G. Patterson of Madison schools.

Sponsored
SB 351 Roe harvester and dealer licenses.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1029 Sale of alcohol on federally owned land.
HB 1136 Child care ministries.
■ HB 1195 Property taxes.
HB 1225 Septic tanks and sewer systems.
■ HB 1279 Various natural resources matters.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 45 Recognizing the National Guard Patriot Academy.

Cosponsored
■ SB 4 Human trafficking.
SB 72 Abortion matters.
■ SB 132 Water utility resource data.
SCR 15 Honoring Indianapolis Super Bowl committee.

Cherry, Robert W.

Authored
HB 1030 Property tax deduction for mortise and tenon barn.
HB 1031 Study committee on self-rolled cigarettes.
HB 1039 Uses of local road funds.
■ HB 1192 School corporation and local government finances.
HB 1224 Charity gaming.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HR 33 Study of property tax deductions for mortise and tenon barns.
HR 34 Study of self-rolled cigarette retail establishments.

Sponsored
SB 25 Redevelopment commissions and authorities.
■ SB 212 Utility facility relocation.
■ SB 273 Regulation of outdoor stage equipment.
SCR 13 Congratulating Indiana Gators 12/u softball team on their 2011 victory.
SCR 21 Honoring the first responders of Indiana State Fair stage collapse.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
■ HB 1123 Public pensions.
HB 1135 Regulation of animal heath.
■ HB 1149 Smoking ban.
HB 1199 Inheritance tax.
■ HB 1269 Health care compact.
HB 1295 Exemption of farm drainage components from sales tax.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
■ SB 4 Human trafficking.
SB 226 School corporation financial management.
■ SB 293 Inheritance tax.
■ SB 315 Charity gaming.
SCR 15 Honoring Indianapolis Super Bowl committee.

LEGISLATION BY MEMBER—2012

Clere, Edward D.

Authored

- HB 1111 Historic preservation tax credits.
- HB 1227 Artisan distiller's permit.
- ■ HB 1249 Land banks and tax sales process.
- ■ HB 1270 Higher education.
- HB 1358 Taxation of civil service annuities.
- HCR 35 Honoring Providence High School girls soccer team, Class A state champions.

Sponsored

- SB 12 Reestablishment of FSSA.
- ■ SB 302 Taxation.

Coauthored

- ■ HB 1005 Nepotism; conflict of interest.
- HB 1007 Drug testing.
- HB 1030 Property tax deduction for mortise and tenon barn.
- ■ HB 1034 Historic cemeteries.
- HB 1093 Public access issues.
- HB 1102 Real estate brokers.
- ■ HB 1141 Home energy assistance.
- ■ HB 1149 Smoking ban.
- ■ HB 1189 School finance.
- ■ HB 1195 Property taxes.
- HB 1199 Inheritance tax.
- ■ HB 1238 Finding of abandonment for mortgaged property.
- ■ HB 1269 Health care compact.
- HB 1305 Ports of Indiana.
- ■ HB 1312 Sale of poultry at farmer's markets.
- HB 1354 Small breweries.
- HB 1355 Small breweries.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored

- ■ SB 4 Human trafficking.
- ■ SB 275 Real estate brokers.
- ■ SB 293 Inheritance tax.
- SB 334 Dispensing of prescription drugs.
- SCR 6 Honoring Norman "Ned" Pfau, Kentuckiana business Hall of Fame inductee.
- SCR 12 Study on creating an industrial zone for aviation.
- SCR 15 Honoring Indianapolis Super Bowl committee.

Crawford, William A.

Authored

- HB 1167 Consideration of minorities for coaching positions.
- HB 1168 Housing trust.
- HB 1310 Commission on improving the status of children.
- HB 1311 Sports scholarships and player safety.
- HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
- HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
- HCR 48 Honoring Child Advocates Network for its service to Indiana.
- HCR 55 Honoring Mike Rodman of Indianapolis for his community service.

Coauthored

- ■ HB 1149 Smoking ban.
- HB 1248 New markets job growth tax credit.
- ■ HB 1376 State and local administration.
- HCR 8 Commemorating Dr. Martin Luther King, Jr. Day.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HCR 41 Celebrating Black History Month.
- HCR 52 Memorializing Katie Hall, former member of the General Assembly and Congress.
- HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.
- HR 56 Honoring Arsenal Technical High School on its 100th anniversary.

Cosponsored

- ■ SB 4 Human trafficking.
- ■ SB 98 County highway maintenance funding.
- SB 140 Slot machine wagering tax.
- SB 142 Property tax issues.
- SB 143 State fiscal matters.
- ■ SB 144 Sales and tobacco products taxes.
- SCR 15 Honoring Indianapolis Super Bowl committee.

Crouch, Suzanne M.

Authored

- ■ HB 1003 Public access issues.
- HB 1190 Real property reassessment.
- HB 1209 Certified music therapists.
- ■ HB 1211 Nursing facility screening and notification.
- HB 1248 New markets job growth tax credit.

HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Sponsored
SB 303 Dental benefits.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1143 Child and dependent tax credit.
■ HB 1149 Smoking ban.
HB 1199 Inheritance tax.
HB 1351 Collection of Medicaid spend down.
HB 1358 Taxation of civil service annuities.
HB 1364 Tax exemption for military pension benefits.
HCR 13 Recognizing the USS LST Ship Memorial, Evansville.
HCR 16 Honoring Evansville Bosse High School on 50th anniversary of its basketball championship.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HR 85 Honoring Mater Dei High School girls basketball team, Class 2A state champions.

Cosponsored
■ SB 4 Human trafficking.
■ SB 52 HIV testing.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Culver, Wesley H.

Authored
HB 1062 Assessment of real property.
HB 1191 Costs of local public works projects.
HB 1206 Third party lawsuit lending.
HB 1332 Property assessed clean energy.

Coauthored
■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1022 Ephedrine and pseudoephedrine.
HB 1044 Tobacco use by job applicants.
■ HB 1090 Payment of delinquent property taxes.
HB 1199 Inheritance tax.
■ HB 1269 Health care compact.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
SB 269 Employee's right to work.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Davis, Bill J.

Authored
HB 1102 Real estate brokers.
HB 1103 Spinal manipulation.
■ HB 1207 State civil service system.
■ HB 1298 Transportation of food products.
HB 1299 Alcoholic beverage matters.

Sponsored
SB 61 Leasing of state property.
SB 258 Alcohol trainer programs and server programs.
■ SB 275 Real estate brokers.
SCR 2 Memorializing Dan Wheldon, 2-time champion of the Indy 500.

Coauthored
■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HB 1013 Golf carts in unincorporated areas.
HB 1199 Inheritance tax.
HB 1241 Economic development incentives.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
■ SB 231 Contracting with persons that invest in Iran.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

Davisson, Steven J.

Authored
HB 1014 Health care professionals conscience clause.
■ HB 1015 Cemetery access.
HB 1051 Pharmacy audits.
HB 1067 Immunizations by pharmacists.
HB 1251 Tax credit for hiring veterans.
HR 45 Recognizing the National Guard Patriot Academy.

HR 86 Study of immunization by pharmacists.

Sponsored
SB 243 Silencers when hunting.
SB 334 Dispensing of prescription drugs.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1056 Novelty lighters.
HB 1142 Physician assistants.
HB 1155 Charity gaming.
■ HB 1196 Synthetic drugs (including "bath salts").
HB 1199 Inheritance tax.
HB 1214 Abortion inducing drugs.
HB 1241 Economic development incentives.
■ HB 1269 Health care compact.
■ HB 1312 Sale of poultry at farmer's markets.
HB 1363 Property tax deduction for farm security items.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 15 Honoring Gareth Evans, House staff member and new U.S. citizen.
HR 24 Thanking Schneck Medical Center for its work on behalf of Hoosier communities.
HR 92 Study of allowing pharmacists to provide vaccinations and immunizations.

Cosponsored
■ SB 4 Human trafficking.
SB 72 Abortion matters.
SB 234 Synthetic drugs (including "bath salts").
SB 235 Pro bono legal services fee.
■ SB 293 Inheritance tax.
SB 351 Roe harvester and dealer licenses.
■ SB 407 Pharmacy matters.
SCR 12 Study on creating an industrial zone for aviation.
SCR 15 Honoring Indianapolis Super Bowl committee.

Day, John J.

Authored
HB 1143 Child and dependent tax credit.
HB 1144 Prekindergarten pilot program funding.
HB 1183 Lobbyist gift and entertainment ban.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.

Coauthored
HB 1019 Adoption history information.
■ HB 1141 Home energy assistance.
■ HB 1149 Smoking ban.
■ HB 1249 Land banks and tax sales process.
HB 1322 Paths to quality tax credits.
HB 1323 Child care and development fund.
HJR 1 Redistricting.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 30 Honoring the United Ways of Indiana for their services to the state.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
■ SB 4 Human trafficking.
■ SB 271 Security deposits and motor vehicle liens.
SCR 15 Honoring Indianapolis Super Bowl committee.

DeLaney, Edward O.

Authored
HB 1233 Evaluation of appointments of major agency heads.
HB 1234 Tort claims.
HB 1320 Insanity defense.

Coauthored
■ HB 1033 Criminal history and sentencing.
■ HB 1080 Sex offenders.
■ HB 1112 Telecommunications providers of last resort.
HB 1130 County options for delinquent property taxes.
■ HB 1134 School transportation.
■ HB 1149 Smoking ban.
HB 1151 Work sharing unemployment benefit.
HB 1152 City and town court jurisdiction.
■ HB 1196 Synthetic drugs (including "bath salts").
HB 1204 Sex and violent offender registry.
■ HB 1258 Various estate administration matters.
■ HB 1273 Administrative law judge study.
HB 1354 Small breweries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.

Cosponsored
■ SB 4 Human trafficking.
■ SB 257 Motor vehicle law.
■ SB 273 Regulation of outdoor stage equipment.
■ SB 274 Immunity for certain alcohol offenses.
SB 308 Telecommunications providers of last resort.
SCR 15 Honoring Indianapolis Super Bowl committee.

Dembowski, Nancy J.

Authored
HB 1243 Complete streets guidelines.

Coauthored
HB 1064 Lake management work group.
■ HB 1149 Smoking ban.
HB 1213 Starke County economic development income tax (CEDIT) for jail.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 30 Honoring the United Ways of Indiana for their services to the state.

Cosponsored
■ SB 4 Human trafficking.
SCR 15 Honoring Indianapolis Super Bowl committee.

Dermody, Thomas P.

Authored
■ HB 1201 State provision and use of communications service.
HB 1202 Public deposit insurance fund.
HB 1203 Riverboat gaming adjusted gross receipts.
HB 1204 Sex and violent offender registry.
HB 1223 State public works contracting.

Sponsored
■ SB 193 Local elected officials.
■ SB 256 Correctional professionals assistance fund.
■ SB 259 School consolidation executive session.
SB 353 Study sales taxation on gasoline.
SB 361 State provision and use of communications service.

Coauthored
HB 1007 Drug testing.
■ HB 1192 School corporation and local government finances.
HB 1199 Inheritance tax.
HB 1213 Starke County economic development income tax (CEDIT) for jail.
■ HB 1269 Health care compact.
HB 1365 Sentencing alternatives for youthful offenders.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 31 Memorializing the life of Ann Spevak of LaPorte.
HCR 32 Memorializing the life of Robert E. Miller of Michigan City.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
■ SB 4 Human trafficking.
SB 226 School corporation financial management.
■ SB 293 Inheritance tax.
SB 355 Distressed political subdivisions.
SCR 15 Honoring Indianapolis Super Bowl committee.

Dobis, Chester F.

Authored
HR 87 Memorializing Fred Garver, Boggstown, longtime lobbyist.

Coauthored
■ HB 1002 Elimination of commissions, boards, and committees.
■ HB 1003 Public access issues.
■ HB 1005 Nepotism; conflict of interest.
HB 1121 County reimbursement for death penalty cases.
■ HB 1149 Smoking ban.
HB 1199 Inheritance tax.
■ HB 1264 Flood control in Lake County.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 2 Honoring George Thiel Griffith upon his retirement.

Cosponsored
■ SB 4 Human trafficking.
■ SB 22 Conservancy district director compensation.

■ SB 192 Sales of motorcycles on Sunday.
■ SB 193 Local elected officials.
■ SB 293 Inheritance tax.
SB 355 Distressed political subdivisions.
SCR 15 Honoring Indianapolis Super Bowl committee.

Dodge, Richard A.

Authored
HB 1032 Restrictions on fertilizer containing phosphorus.
HB 1048 Recreational vehicle excise tax.
HB 1064 Lake management work group.
HB 1349 Drainage boards.
HB 1350 Rewarding innovation, technology, and excellence (RITE) program grants.
HCR 3 Urging Congress to adopt the Veterans Remembered Flag.
HCR 39 Honoring Paul Oakes for his services to the Indianapolis area.
HCR 50 Honoring Wayne A. Madden of Auburn for his community service.

Sponsored
SB 88 Proof of residency for homestead deduction.

Coauthored
HB 1007 Drug testing.
■ HB 1059 Military family relief fund.
HB 1199 Inheritance tax.
HB 1227 Artisan distiller's permit.
■ HB 1269 Health care compact.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 45 Recognizing the National Guard Patriot Academy.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

Dvorak, Ryan M.

Authored
HB 1275 Historic preservation tax credit.
HB 1276 Zoning ordinances.
HB 1277 Indiana nanotechnology initiative.
HB 1278 Net metering.

Sponsored
SCR 29 Congratulating the Penn High School volleyball team on their second state championship.

Coauthored
HB 1032 Restrictions on fertilizer containing phosphorus.
■ HB 1273 Administrative law judge study.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 23 Memorializing former Representative Tom Kromkowski of South Bend.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
SCR 28 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

Eberhart, Sean R.

Authored
HB 1122 Trafficking with inmate or child.
HB 1131 Sunday sales of alcoholic beverages for carryout.
HB 1133 Rights of publicity.
HB 1208 Oath requirement for legislative testimony.
■ HB 1279 Various natural resources matters.
HCR 46 Honoring students from the L. Frances Smith Elementary School in Columbus, Indiana.

Coauthored
HB 1007 Drug testing.
HB 1046 Unclaimed pari-mutuel tickets.
■ HB 1080 Sex offenders.
HB 1155 Charity gaming.
HB 1199 Inheritance tax.
■ HB 1269 Health care compact.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
SB 6 Knives with automatic blades.
SB 243 Silencers when hunting.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

LEGISLATION BY MEMBER—2012

Ellspermann, Susan

Authored
- ■ HB 1173 Various IOSHA matters.
- HB 1214 Abortion inducing drugs.
- HB 1241 Economic development incentives.
- ■ HB 1312 Sale of poultry at farmer's markets.

Sponsored
- SB 72 Abortion matters.

Coauthored
- ■ HB 1001 Employee's right to work.
- HB 1007 Drug testing.
- ■ HB 1018 Mine electrician certification.
- HB 1150 Family friendly school designation.
- HB 1199 Inheritance tax.
- ■ HB 1269 Health care compact.
- HB 1330 Minority procurement.
- HB 1369 Tax credit for research conducted by university.
- HCR 13 Recognizing the USS LST Ship Memorial, Evansville.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HR 45 Recognizing the National Guard Patriot Academy.

Cosponsored
- ■ SB 4 Human trafficking.
- ■ SB 190 Study of terminating parenting rights.
- ■ SB 293 Inheritance tax.

Espich, Jeffrey K.

Authored
- ■ HB 1072 Tax administration.
- HB 1073 Public mass transportation.
- HB 1074 Taxation of racetrack casinos.
- HB 1118 University tuition and fees.
- HB 1119 Use tax nexus and collection.
- ■ HB 1376 State and local administration.

Sponsored
- ■ SB 98 County highway maintenance funding.
- SB 140 Slot machine wagering tax.
- SB 142 Property tax issues.
- SB 143 State fiscal matters.
- ■ SB 144 Sales and tobacco products taxes.
- SB 344 Taxation.
- SCR 19 Study of current oversight structure applicable to Indiana University–Purdue University Fort Wayne (IPFW).

Coauthored
- ■ HB 1005 Nepotism; conflict of interest.
- HB 1007 Drug testing.
- HB 1199 Inheritance tax.
- HB 1290 Higher education employment age limits.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
- ■ SB 4 Human trafficking.
- SB 165 County options for delinquent property taxes.
- ■ SB 168 Liability for underground storage tank fees.
- ■ SB 293 Inheritance tax.
- SCR 15 Honoring Indianapolis Super Bowl committee.
- SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

Foley, Ralph M.

Authored
- ■ HB 1009 Technical corrections.
- HB 1011 Various corrections matters.
- ■ HB 1200 Various corrections matters.
- HB 1254 Township reorganization.
- ■ HB 1258 Various estate administration matters.
- HCR 20 Honoring Martinsville High School and East Middle School Spell Bowl teams.
- HCR 37 Honoring Martinsville High School Academic Decathlon team, state champions.
- HCR 40 Thanking Legislative Services Agency's Office of Code Revision.
- HCR 42 Recognizing the staff of the Legislative Services Agency.
- HR 20 Study on topic of sex and violent offender registry.
- HR 28 Study on township reorganization.

Sponsored
- ■ SB 26 Title 35 definitions.
- ■ SB 32 Guardianships.
- ■ SB 157 Power of attorney and attorney in fact.
- ■ SB 176 Immediate detention orders.
- ■ SB 237 Noncode statutes.
- ■ SB 246 Lab technician testimony in criminal cases.
- ■ SB 271 Security deposits and motor vehicle liens.
- ■ SB 370 Funeral services courtesy cards.
- ■ SB 402 Indiana uniform law commission.

LEGISLATION BY MEMBER—2012

Coauthored
- ■ HB 1005 Nepotism; conflict of interest.
- HB 1007 Drug testing.
- HB 1041 Parolees and probationers; surveillance equipment.
- ■ HB 1092 Johnson superior court and Wabash city court.
- HB 1133 Rights of publicity.
- ■ HB 1149 Smoking ban.
- HB 1183 Lobbyist gift and entertainment ban.
- HB 1199 Inheritance tax.
- HB 1206 Third party lawsuit lending.
- HCR 10 Honoring Marty Chitwood, volunteer at Riley Hospital for Children.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
- ■ SB 4 Human trafficking.
- ■ SB 56 Ball State board of trustees.
- ■ SB 156 Partition.
- ■ SB 274 Immunity for certain alcohol offenses.
- ■ SB 293 Inheritance tax.
- SB 355 Distressed political subdivisions.
- SCR 15 Honoring Indianapolis Super Bowl committee.
- SCR 17 Honoring the I.U. Crimson All-Girl Cheerleaders.

Friend, William C.

Authored
- HB 1089 Development of "farm to school" plans in schools.
- ■ HB 1090 Payment of delinquent property taxes.
- ■ HB 1091 Agricultural operations.

Coauthored
- ■ HB 1001 Employee's right to work.
- ■ HB 1005 Nepotism; conflict of interest.
- HB 1007 Drug testing.
- HB 1199 Inheritance tax.
- HB 1261 County recorders.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HR 46 Honoring Representative David Yarde on his retirement from the Indiana House.
- HR 47 Honoring Representative Richard Dodge on his retirement from the Indiana House.
- HR 48 Honoring Representative Thomas Knollman on his retirement from the Indiana House.
- HR 54 Honoring Representative Phil Hinkle on his retirement from the Indiana House.
- HR 55 Honoring Representative Ralph Foley on his retirement from the Indiana House.
- HR 58 Honoring Representative Richard McClain on his retirement from the House.
- HR 65 Honoring Representative Jeff Espich on his retirement from the Indiana House.

Cosponsored
- ■ SB 4 Human trafficking.
- ■ SB 293 Inheritance tax.
- ■ SB 302 Taxation.
- SB 350 Corn marketing council.
- SCR 15 Honoring Indianapolis Super Bowl committee.

Frizzell, David N.

Authored
- HB 1124 Physical therapy services.
- HB 1125 Clean energy resources.
- ■ HB 1126 Water and wastewater issues.
- HB 1127 Midwives.
- HB 1165 School property tax, bond, and lease referenda.
- HCR 49 Congratulating Sean Mappes, Center Grove High School, state wrestling champion.
- HCR 51 Honoring Perry Meridian High School wrestling team, state champions.
- HCR 56 Study of ways of incorporating clean energy resources.
- HR 16 Affirming support for Taiwan's participation in the global community.
- HR 53 Study of ways of incorporating clean energy resources.

Sponsored
- SB 10 Massage therapists.

Coauthored
- ■ HB 1005 Nepotism; conflict of interest.
- HB 1007 Drug testing.
- HB 1019 Adoption history information.
- HB 1067 Immunizations by pharmacists.
- ■ HB 1169 School discipline.
- HB 1199 Inheritance tax.
- ■ HB 1269 Health care compact.
- HCR 10 Honoring Marty Chitwood, volunteer at Riley Hospital for Children.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.

HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.
HR 59 Study of encouraging use of smokeless tobacco products.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
■ SB 296 Certified scholarship program eligibility.
SCR 15 Honoring Indianapolis Super Bowl committee.

Fry, Craig R.

Authored
HB 1153 Tenant's right to terminate lease.
HB 1301 Prescription drugs for the visually impaired.
HB 1366 St. Joseph County innkeeper's tax distribution.

Sponsored
SCR 20 Honoring John Gleissner, former Mishawaka council member.
SCR 28 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

Coauthored
■ HB 1149 Smoking ban.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 23 Memorializing former Representative Tom Kromkowski of South Bend.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 29 Congratulating the Penn High School volleyball team on their second state championship.

Frye, Randall L.

Authored
■ HB 1052 Statewide bid for emergency services equipment.
HB 1056 Novelty lighters.
■ HB 1080 Sex offenders.
HB 1158 Municipal plates for fire protection territories.
HCR 11 Declaring Brandon Vinson an honorary firefighter of the State of Indiana.
HR 8 Recognizing the 100th anniversary of the Greensburg Daily News Cheer Fund.
HR 63 Study of dangers of novelty lighters.

Sponsored
■ SB 255 Various homeland security matters.
SB 371 Emergency medical services matters.

Coauthored
■ HB 1001 Employee's right to work.
HB 1007 Drug testing.
■ HB 1040 Immunity for fast responders.
■ HB 1186 Emergency medical services personnel.
HB 1199 Inheritance tax.
■ HB 1212 Blue lights on vehicles.
■ HB 1269 Health care compact.
HB 1281 Absentee voting.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 10 Honoring Greg Hess of Project 9/11 Indianapolis.

Cosponsored
■ SB 4 Human trafficking.
■ SB 22 Conservancy district director compensation.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

GiaQuinta, Philip K.

Authored
■ HB 1171 Relocation of new motor vehicle dealers.
HB 1172 Portable electronics insurance.
HB 1290 Higher education employment age limits.
HB 1291 TIF districts for housing programs.
HR 77 Recognizing the work of Dr. Michael A. Griffin of Fort Wayne.

Coauthored
■ HB 1054 Alcoholic beverage matters.
HB 1120 Arrests or citations at traffic stops.
■ HB 1149 Smoking ban.
HB 1368 In-state tuition for military families.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 38 Honoring the Western High School Marching Band.

HCR 39 Honoring Paul Oakes for his services to the Indianapolis area.

Cosponsored
■ SB 4 Human trafficking.
■ SB 148 Portable electronics insurance.
■ SB 152 Allen circuit court.
SB 155 Higher education employment age limits.
SCR 3 Honoring Taylor Reuille, Fort Wayne, for her "boundless playground" idea.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

Goodin, Terry A.

Authored
HB 1174 Tax sale redemption interest rates.
HB 1175 Defensive driving school programs and points.
HB 1176 Retention for reading deficiency.
HB 1177 Disannexation from school corporation.
HR 7 Recognizing Hibernia, Indiana on its 60th annual Hibernia Raccoon Dinner.

Coauthored
HB 1007 Drug testing.
■ HB 1052 Statewide bid for emergency services equipment.
HB 1199 Inheritance tax.
HB 1266 Early probationary licenses for good students.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.
HR 73 Honoring work and retirement of Dr. Thomas G. Patterson of Madison schools.

Cosponsored
■ SB 4 Human trafficking.
SB 243 Silencers when hunting.
SB 280 School finance.
■ SB 293 Inheritance tax.
SB 353 Study sales taxation on gasoline.
SCR 10 Urging INDOT to name State Road 11 the "Trooper Earl L. Brown Memorial Mile".
SCR 12 Study on creating an industrial zone for aviation.
SCR 15 Honoring Indianapolis Super Bowl committee.

Grubb, F. Dale

Authored
■ HB 1040 Immunity for fast responders.
HB 1041 Parolees and probationers; surveillance equipment.
HR 25 Honoring the 150th anniversary of McCabe and McCabe law firm of Williamsport.

Coauthored
■ HB 1058 Adoption of budget for reorganized school.
HB 1199 Inheritance tax.
HB 1221 Spotlighting wild animals; fish and wildlife license suspension.
■ HB 1360 Health matters.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 90 Honoring Ivy Tech programs at Lafayette, Crawfordsville, and Monticello.

Cosponsored
■ SB 4 Human trafficking.
■ SB 255 Various homeland security matters.
■ SB 293 Inheritance tax.
■ SB 309 Local purchasing and public works preferences.
SB 371 Emergency medical services matters.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 31 Honoring the 75th anniversary of the Wildlife and Sportfish Restoration Programs.

Gutwein, Douglas L.

Authored
HB 1213 Starke County economic development income tax (CEDIT) for jail.

Sponsored
SB 232 Unemployment compensation.
SCR 24 Recognizing Margaretta Meyer's 103rd birthday.

Coauthored
■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HB 1006 Regulated occupations.
HB 1007 Drug testing.
HB 1013 Golf carts in unincorporated areas.
HB 1021 Assessed value cap for disabled veteran deduction.
■ HB 1047 Education study committee.

■ HB 1059 Military family relief fund.
HB 1151 Work sharing unemployment benefit.
HB 1199 Inheritance tax.
HB 1295 Exemption of farm drainage components from sales tax.
HCR 3 Urging Congress to adopt the Veterans Remembered Flag.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 45 Recognizing the National Guard Patriot Academy.

Cosponsored
■ SB 4 Human trafficking.
■ SB 127 Indiana public retirement system.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Harris, Earl L.

Authored
HB 1307 Funding for aviation facilities.
HB 1308 Maximum Lake County property tax levy.
HB 1309 Educational equity.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
■ HB 1149 Smoking ban.
HCR 8 Commemorating Dr. Martin Luther King, Jr. Day.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 41 Celebrating Black History Month.
HCR 52 Memorializing Katie Hall, former member of the General Assembly and Congress.
HR 2 Honoring George Thiel Griffith upon his retirement.

Cosponsored
■ SB 4 Human trafficking.
SB 165 County options for delinquent property taxes.
■ SB 168 Liability for underground storage tank fees.
■ SB 301 Extra heavy duty highways.
SCR 15 Honoring Indianapolis Super Bowl committee.

Heaton, Bob A.

Authored
HB 1292 Homestead standard deduction.
HB 1293 Vigo County innkeeper's tax.
■ HB 1294 Various securities division matters.
HB 1295 Exemption of farm drainage components from sales tax.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 27 Urging INDOT to rename part of State Road 59 the "Orville Redenbacher Highway".
HR 13 Urging INDOT to rename part of State Road 59 the "Orville Redenbacher Highway".
HR 60 Study of exempting farm drainage components from sales tax.

Sponsored
■ SB 109 Deposit of public funds by local units.
■ SB 148 Portable electronics insurance.
SB 215 Property tax exemption.
■ SB 330 Certified public accountants.

Coauthored
■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
■ HB 1018 Mine electrician certification.
HB 1199 Inheritance tax.
HB 1253 Reporting missing children.
HB 1265 Hunting preserves.
■ HB 1269 Health care compact.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 14 Recognizing the Indiana Sheriff's Association.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Heuer, Kathleen M.

Authored
HB 1261 County recorders.
HB 1368 In-state tuition for military families.
HB 1369 Tax credit for research conducted by university.
HCR 26 Honoring the Parkview Whitley Hospital nursing staff.
HCR 30 Honoring the United Ways of Indiana for their services to the state.

HCR 33 Honoring Jim Argerbright for his service to the Whitley County community.
HCR 34 Honoring John Lefever for his services to Whitley County.
HR 15 Honoring Gareth Evans, House staff member and new U.S. citizen.

Sponsored
SB 253 Military education and training.

Coauthored
■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1064 Lake management work group.
HB 1143 Child and dependent tax credit.
HB 1199 Inheritance tax.
HB 1236 Inheritance tax.
HB 1287 Indiana University/Purdue University Fort Wayne.
HB 1359 Sales tax holiday.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
SB 72 Abortion matters.
■ SB 152 Allen circuit court.
SB 179 Virtual instruction course requirement.
■ SB 293 Inheritance tax.
SB 384 School accreditation.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

Hinkle, Phillip D.

Authored
HB 1306 Participation of property owner in tax referendum.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1199 Inheritance tax.
■ HB 1269 Health care compact.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Karickhoff, Michael H.

Authored
HB 1019 Adoption history information.
HB 1020 Local and regional workforce investment boards.
HB 1081 Public school transfers.
HB 1221 Spotlighting wild animals; fish and wildlife license suspension.
HB 1334 Local option tax for public safety.

Sponsored
■ SB 182 State educational institutions; credit transfers.

Coauthored
■ HB 1003 Public access issues.
■ HB 1005 Nepotism; conflict of interest.
■ HB 1149 Smoking ban.
HB 1197 Mopeds.
HB 1199 Inheritance tax.
HB 1215 Synthetic drugs.
■ HB 1269 Health care compact.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 30 Honoring the United Ways of Indiana for their services to the state.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
■ SB 4 Human trafficking.
■ SB 15 Brain injury services and Medicaid.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Kersey, Clyde

Authored
HB 1023 Health facility nursing staff ratios.
HB 1038 Passenger restraint systems for children.
HB 1178 Vigo County innkeeper's tax.
HB 1179 Wild animal permits.
HB 1180 Soil and septic system education and research.
HR 29 Honoring Steve Weatherford, Terre Haute native, for playing in the Super Bowl.

Coauthored
- HB 1102 Real estate brokers.
- ■ HB 1195 Property taxes.
- HB 1293 Vigo County innkeeper's tax.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
- ■ SB 4 Human trafficking.
- SB 215 Property tax exemption.
- SCR 15 Honoring Indianapolis Super Bowl committee.

Kirchhofer, Cynthia L.

Authored
- ■ HB 1212 Blue lights on vehicles.
- ■ HB 1216 Self-donated blood.
- HB 1217 Disclosure of electronic communications.
- HB 1218 Scrapping and liens on motor vehicles.
- HR 10 Honoring Greg Hess of Project 9/11 Indianapolis.

Sponsored
- ■ SB 18 Duty to support a child.

Coauthored
- HB 1007 Drug testing.
- HB 1150 Family friendly school designation.
- HB 1199 Inheritance tax.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
- ■ SB 4 Human trafficking.
- ■ SB 293 Inheritance tax.
- SCR 15 Honoring Indianapolis Super Bowl committee.

Klinker, Sheila A.

Authored
- HB 1244 Funding choice scholarships.
- HB 1245 Immunity for certain alcohol offenses.
- HB 1267 Architect registration renewal.
- HB 1268 Textbook sales tax holiday.
- HB 1329 LIFE scholarships.
- HCR 53 Congratulating Joe Ruhl on being awarded the National Science Teaching Award.
- HR 6 Honoring Dr. Ed Eiler, Lafayette school superintendent, on his retirement.
- HR 90 Honoring Ivy Tech programs at Lafayette, Crawfordsville, and Monticello.

Coauthored
- ■ HB 1003 Public access issues.
- ■ HB 1005 Nepotism; conflict of interest.
- ■ HB 1128 Corn marketing council.
- ■ HB 1129 State chemist issues.
- HB 1199 Inheritance tax.
- HB 1299 Alcoholic beverage matters.
- HCR 2 Honoring Happy Hollow Elementary School, a Blue Ribbon School.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HCR 30 Honoring the United Ways of Indiana for their services to the state.
- HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.
- HR 61 Honoring David Boudia of Purdue upon his Olympic training.

Cosponsored
- ■ SB 4 Human trafficking.
- ■ SB 182 State educational institutions; credit transfers.
- ■ SB 233 Various election law matters.
- ■ SB 249 Record of marriage.
- ■ SB 256 Correctional professionals assistance fund.
- ■ SB 259 School consolidation executive session.
- ■ SB 267 Education concerning child abuse.
- ■ SB 286 Department of child services.
- ■ SB 293 Inheritance tax.
- SB 312 School policies on gang activities.
- SCR 15 Honoring Indianapolis Super Bowl committee.
- SCR 33 Congratulating Joseph Ruhl on being named top science educator in the country.
- SCR 40 Recognizing the importance of Ivy Tech Community College of Indiana.

Knollman, Thomas D.

Authored
- HB 1363 Property tax deduction for farm security items.
- HB 1370 Medicinal marijuana.

Coauthored
- ■ HB 1005 Nepotism; conflict of interest.
- HB 1007 Drug testing.
- HB 1029 Sale of alcohol on federally owned land.

HB 1199 Inheritance tax.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Koch, Eric A.

Authored
■ HB 1049 Courts, inspector general, and pro bono legal services fees.
■ HB 1050 Health care sharing ministries.
■ HB 1107 Hydraulic fracturing treatments.
■ HB 1169 School discipline.
■ HB 1280 Regulatory matters.
HCR 15 Honoring Brown County algebra students upon great test performance.
HR 3 Study of possible creation of a local investment exchange.
HR 42 Recognizing Indiana's historic county courthouses.
HR 79 Recognizing the Canada-U.S. Trade and Investment Relationship.

Sponsored
■ SB 115 Classification of political subdivisions.
■ SB 119 Redistricting technical corrections.
■ SB 154 Operating a motorboat while intoxicated.
SB 155 Higher education employment age limits.
■ SB 156 Partition.
SB 265 School report card.
SCR 10 Urging INDOT to name State Road 11 the "Trooper Earl L. Brown Memorial Mile".
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
SCR 32 Honoring Robert Gipson, decorated World War II hero.

Coauthored
■ HB 1002 Elimination of commissions, boards, and committees.
■ HB 1004 Various election law matters.
HB 1007 Drug testing.
■ HB 1116 Military education and training.
HB 1199 Inheritance tax.
■ HB 1200 Various corrections matters.
■ HB 1269 Health care compact.
■ HB 1273 Administrative law judge study.
HB 1358 Taxation of civil service annuities.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 46 Honoring students from the L. Frances Smith Elementary School in Columbus, Indiana.
HR 15 Honoring Gareth Evans, House staff member and new U.S. citizen.
HR 45 Recognizing the National Guard Patriot Academy.
HR 78 Supporting New International Trade Crossing between the U.S. and Canada.

Cosponsored
■ SB 4 Human trafficking.
■ SB 132 Water utility resource data.
■ SB 157 Power of attorney and attorney in fact.
■ SB 193 Local elected officials.
■ SB 233 Various election law matters.
SB 235 Pro bono legal services fee.
■ SB 246 Lab technician testimony in criminal cases.
■ SB 293 Inheritance tax.
SB 376 Discharge of long term inmates.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 17 Honoring the I.U. Crimson All-Girl Cheerleaders.

Kubacki, Rebecca

Authored
HB 1022 Ephedrine and pseudoephedrine.
HB 1025 Resident tuition.
HB 1044 Tobacco use by job applicants.
HB 1359 Sales tax holiday.
HR 4 Urging Congress to add personal hygiene items to the SNAP program.
HR 40 Recognizing October as Inflammatory Breast Cancer Awareness Month.

Sponsored
■ SB 190 Study of terminating parenting rights.

Coauthored
■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1071 Local ordinances concerning ephedrine sales.
■ HB 1171 Relocation of new motor vehicle dealers.
HB 1199 Inheritance tax.
HB 1368 In-state tuition for military families.
HB 1369 Tax credit for research conducted by university.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.

HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 30 Honoring the United Ways of Indiana for their services to the state.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

Lawson, Linda C.

Authored
HB 1109 State money to entities performing abortions.
HB 1110 Funding for regional bus authority.
HB 1288 Dangerous wild animals.
HB 1289 Violent crimes compensation fund.

Coauthored
HB 1011 Various corrections matters.
■ HB 1149 Smoking ban.
HB 1204 Sex and violent offender registry.
HB 1331 Companion animal sterilization program.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 49 Honoring Representative Michael White on his retirement from the Indiana House.
HR 50 Honoring Representative Nancy Dembowski on her retirement from the Indiana House.
HR 51 Honoring Representative Mary Ann Sullivan on her retirement from the Indiana House.
HR 69 Honoring Representative David Cheatham on his retirement from the Indiana House.
HR 70 Honoring Representative Dan Stevenson on his retirement from the Indiana House.
HR 71 Honoring Representative Scott Reske on his retirement from the Indiana House.
HR 72 Honoring Representative Jeb Bardon on his retirement from the Indiana House.
HR 80 Honoring Representative F. Dale Grubb on his retirement from the Indiana House.
HR 81 Honoring Representative John Day on his retirement from the Indiana House.
HR 82 Honoring Representative William "Bill" Crawford on his retirement from the Indiana House.
HR 83 Honoring Representative Chet Dobis on his retirement from the Indiana House.
HR 84 Honoring Representative Craig Fry on his retirement from the Indiana House.

Cosponsored
■ SB 4 Human trafficking.
■ SB 256 Correctional professionals assistance fund.
■ SB 262 IC 4 and IC 5 revision.
■ SB 267 Education concerning child abuse.
■ SB 293 Inheritance tax.

Lehe, Donald J.

Authored
■ HB 1128 Corn marketing council.
■ HB 1129 State chemist issues.
HB 1135 Regulation of animal heath.
HB 1235 Limitation on school starting date.
HR 43 Honoring Madison Doyle, Prudential Spirit of Community award winner.

Sponsored
SB 350 Corn marketing council.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
■ HB 1091 Agricultural operations.
■ HB 1117 Regional water, sewage, or waste districts and utilities.
HB 1127 Midwives.
HB 1199 Inheritance tax.
HB 1224 Charity gaming.
■ HB 1269 Health care compact.
HB 1363 Property tax deduction for farm security items.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Lehman, Matthew S.

Authored
HB 1012 Property tax information provided electronically.
HB 1013 Golf carts in unincorporated areas.
■ HB 1112 Telecommunications providers of last resort.

HB 1225 Septic tanks and sewer systems.
■ HB 1226 Insurance matters.
HCR 7 Honoring South Adams High School for their Dots in Blue Water program.
HR 1 Honoring Short Associates Insurance Agency on its 50th anniversary.

Sponsored
■ SB 113 Golf carts in unincorporated areas.
SB 230 Worker's compensation.
SB 308 Telecommunications providers of last resort.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1030 Property tax deduction for mortise and tenon barn.
HB 1037 Internal insurance compliance audits.
HB 1199 Inheritance tax.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
■ SB 212 Utility facility relocation.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Leonard, Daniel J.

Authored
HB 1035 Approval of library budgets and tax levies.
HB 1036 Intimidation.
HCR 19 Honoring Melanie Park, Indiana's 2012 Teacher of the Year.
HCR 29 Honoring Ivy West, Keaton Irwin and the Whitko High School art department.

Coauthored
■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1013 Golf carts in unincorporated areas.
HB 1199 Inheritance tax.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 26 Honoring the Parkview Whitley Hospital nursing staff.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.
HR 15 Honoring Gareth Evans, House staff member and new U.S. citizen.

Cosponsored
■ SB 4 Human trafficking.
SB 232 Unemployment compensation.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

Lutz, L. Jack

Authored
HB 1046 Unclaimed pari-mutuel tickets.
■ HB 1047 Education study committee.
HB 1079 Madison County food and beverage tax.
HCR 47 Honoring the Yorktown High School girls volleyball team.

Sponsored
SCR 39 Congratulating Wes-Del High School girls volleyball team, state champions.

Coauthored
■ HB 1001 Employee's right to work.
HB 1007 Drug testing.
■ HB 1126 Water and wastewater issues.
HB 1199 Inheritance tax.
■ HB 1269 Health care compact.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Mahan, Kevin A.

Authored
■ HB 1005 Nepotism; conflict of interest.
HB 1021 Assessed value cap for disabled veteran deduction.
HB 1037 Internal insurance compliance audits.
HB 1093 Public access issues.
■ HB 1250 State government nepotism.

HR 14 Recognizing the Indiana Sheriff's Association.

Sponsored
SB 170 Nepotism; conflict of interest.

Coauthored
HB 1007 Drug testing.
HB 1028 Forfeiture of vehicle used to flee law enforcement.
HB 1069 County coroners.
HB 1120 Arrests or citations at traffic stops.
HB 1199 Inheritance tax.
■ HB 1237 Home improvement contracts.
HB 1246 Motorist assistance by law enforcement officers.
HB 1253 Reporting missing children.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 35 Honoring Paul Patterson, Taylor University men's basketball coach.
HR 45 Recognizing the National Guard Patriot Academy.

Cosponsored
■ SB 4 Human trafficking.
SB 54 State university use of eminent domain.
■ SB 147 Local government financial matters.
■ SB 148 Portable electronics insurance.
SB 174 Local government reorganization.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

McClain, Richard W.

Authored
HB 1104 Right to work pilot program.
HB 1105 Employee's right to work.
HB 1152 City and town court jurisdiction.
HB 1296 Employee's right to work.
HB 1374 Municipal food and beverage tax.

Coauthored
HB 1199 Inheritance tax.
■ HB 1269 Health care compact.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 30 Honoring the United Ways of Indiana for their services to the state.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

McMillin, Judson G.

Authored
HB 1007 Drug testing.
HB 1029 Sale of alcohol on federally owned land.
■ HB 1033 Criminal history and sentencing.
■ HB 1034 Historic cemeteries.
HB 1101 Various transportation matters.

Sponsored
■ SB 1 Self-defense.
■ SB 22 Conservancy district director compensation.
■ SB 274 Immunity for certain alcohol offenses.
SCR 11 Promoting the literacy program in Dearborn County.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
■ HB 1009 Technical corrections.
HB 1024 Requires a child to wear a flotation device.
■ HB 1054 Alcoholic beverage matters.
HB 1121 County reimbursement for death penalty cases.
HB 1199 Inheritance tax.
■ HB 1258 Various estate administration matters.
HB 1320 Insanity defense.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 40 Thanking Legislative Services Agency's Office of Code Revision.

Cosponsored
■ SB 4 Human trafficking.
■ SB 18 Duty to support a child.
■ SB 97 Public intoxication.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.

LEGISLATION BY MEMBER—2012

McNamara, Wendy M.

Authored

HB 1045 Formula for choice scholarship transition grants.
HB 1121 County reimbursement for death penalty cases.
HB 1132 Controlled projects.
HB 1364 Tax exemption for military pension benefits.
HB 1365 Sentencing alternatives for youthful offenders.
HCR 9 Honoring the members of the Youth Advisory Council.
HR 11 Honoring St. Matthew Elementary School, a Four Star School designee.
HR 26 Honoring Evansville Bosse High School for outstanding academic progress.
HR 27 Honoring Delaware Elementary School, Evansville, for academic progress.
HR 64 Commemorating the New Harmony School for its excellence.
HR 68 Recognizing the final class of the New Harmony School.
HR 85 Honoring Mater Dei High School girls basketball team, Class 2A state champions.
HR 88 Urging a statewide contest for a new mural in the House Chambers.

Sponsored

■ SB 286 Department of child services.
SB 337 Child labor law.

Coauthored

■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1071 Local ordinances concerning ephedrine sales.
HB 1155 Charity gaming.
HB 1199 Inheritance tax.
HB 1266 Early probationary licenses for good students.
HB 1331 Companion animal sterilization program.
HCR 13 Recognizing the USS LST Ship Memorial, Evansville.
HCR 16 Honoring Evansville Bosse High School on 50th anniversary of its basketball championship.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored

■ SB 4 Human trafficking.
■ SB 287 Department of child services.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Messmer, Mark B.

Authored

■ HB 1148 Engineer and land surveyor examinations.
■ HB 1154 Local purchasing and public works preferences.
HB 1155 Charity gaming.
HB 1327 Battery by students.
HB 1328 Financial institutions tax reduction.
HCR 5 Honoring Otwell Elementary School, a Blue Ribbon School.
HCR 14 Honoring Private Richard Taylor and Lt. Colonel Don C. Faith, Jr.
HCR 36 Honoring Schnitzelbank Restaurant for winning the Super 46 sandwich contest.
HR 38 Honoring Jessica D'Esposito, Colton Newton and Anna Woolery for science project.
HR 39 Honoring North Daviess Community Schools for outstanding programs.

Sponsored

■ SB 315 Charity gaming.
■ SB 329 Eminent domain filing deadlines.
SCR 31 Honoring the 75th anniversary of the Wildlife and Sportfish Restoration Programs.

Coauthored

■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
■ HB 1016 Design-build projects.
HB 1081 Public school transfers.
HB 1199 Inheritance tax.
HB 1364 Tax exemption for military pension benefits.
HCR 13 Recognizing the USS LST Ship Memorial, Evansville.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored

■ SB 4 Human trafficking.
■ SB 192 Sales of motorcycles on Sunday.
■ SB 293 Inheritance tax.
■ SB 309 Local purchasing and public works preferences.
SCR 15 Honoring Indianapolis Super Bowl committee.

LEGISLATION BY MEMBER—2012

Morris, Robert D.

Authored

- HB 1120 Arrests or citations at traffic stops.
- HB 1145 Qualified settlement offers.
- HB 1146 Abortion inducing drugs.
- ■ HB 1237 Home improvement contracts.
- HB 1240 Appeal process for public safety medical expenses.
- HB 1262 Municipal drainage and utilities.

Coauthored

- ■ HB 1001 Employee's right to work.
- ■ HB 1005 Nepotism; conflict of interest.
- HB 1007 Drug testing.
- ■ HB 1059 Military family relief fund.
- HB 1101 Various transportation matters.
- HB 1124 Physical therapy services.
- ■ HB 1171 Relocation of new motor vehicle dealers.
- HB 1199 Inheritance tax.
- HB 1265 Hunting preserves.
- HB 1291 TIF districts for housing programs.
- ■ HB 1298 Transportation of food products.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HR 45 Recognizing the National Guard Patriot Academy.

Cosponsored

- ■ SB 4 Human trafficking.
- ■ SB 152 Allen circuit court.
- ■ SB 275 Real estate brokers.
- ■ SB 293 Inheritance tax.
- SB 327 Registration of vehicles and license plates.
- SCR 15 Honoring Indianapolis Super Bowl committee.
- SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

Moseley, Charles A.

Authored

- HB 1008 Wind turbines.
- HB 1108 Approval of commercial composting facilities.
- HB 1257 High pressure boiler operators.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.

Coauthored

- HB 1021 Assessed value cap for disabled veteran deduction.
- ■ HB 1149 Smoking ban.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored

- ■ SB 4 Human trafficking.
- SB 61 Leasing of state property.
- ■ SB 191 Local government investments.

Moses, Winfield C.

Authored

- HB 1082 Election of utility consumer counselor.
- HB 1083 Rate adjustment mechanisms.
- HB 1084 Indiana utility regulatory commission fining authority.
- HB 1085 Environmental review of hydraulic fracturing.
- HB 1086 Placement of juveniles outside Indiana.

Coauthored

- HB 1039 Uses of local road funds.
- ■ HB 1149 Smoking ban.
- HB 1246 Motorist assistance by law enforcement officers.
- HB 1290 Higher education employment age limits.
- HB 1291 TIF districts for housing programs.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored

- ■ SB 4 Human trafficking.
- SCR 15 Honoring Indianapolis Super Bowl committee.
- SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

Neese, Timothy

Authored

- HB 1075 Offenses against law enforcement animals.
- HB 1076 Sales tax.
- HB 1077 Battery upon a law enforcement officer.
- HB 1162 PERF and TRF COLAs.
- ■ HB 1269 Health care compact.
- HR 18 Study of increasing penalties for battery against police officers.

Sponsored

- ■ SB 107 Deadline for adoption of salary ordinances.

Coauthored

- ■ HB 1001 Employee's right to work.
- HB 1007 Drug testing.
- HB 1048 Recreational vehicle excise tax.
- ■ HB 1123 Public pensions.

HB 1197 Mopeds.
HB 1199 Inheritance tax.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
■ SB 259 School consolidation executive session.
SB 265 School report card.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 28 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

Niezgodski, David L.

Authored
HB 1094 Improper operation of a riding lawn mower.
HB 1095 Regulation of outdoor stage equipment.
HB 1096 Plumbing matters.
HCR 23 Memorializing former Representative Tom Kromkowski of South Bend.
HR 36 Study of the use of coal tar pavement products.
HR 74 Study of Indiana's 811 laws.
HR 75 Study of operation of riding lawn mowers by young children.

Sponsored
■ SB 127 Indiana public retirement system.

Coauthored
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
SCR 15 Honoring Indianapolis Super Bowl committee.

Noe, Cynthia J.

Authored
HB 1057 Alcoholic beverage sales.
HB 1166 Application of foreign law.
HB 1252 Prerequisites for filing for dissolution of marriage.
■ HB 1367 Deaf and hard of hearing education services.
HB 1372 Veteran's records.
HCR 43 Honoring the Junior League of Indianapolis on its 90th anniversary.

Sponsored
■ SB 24 Mental health issues.
■ SB 287 Department of child services.

Coauthored
■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
■ HB 1050 Health care sharing ministries.
■ HB 1065 Military custody and parenting time matters.
HB 1137 Legal costs and attorney's fees.
HB 1140 Teaching method.
■ HB 1169 School discipline.
HB 1199 Inheritance tax.
■ HB 1205 School employee contracts.
■ HB 1220 Commission for higher education.
HB 1373 Fraudulent financing statements.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 45 Recognizing the National Guard Patriot Academy.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.

Cosponsored
■ SB 4 Human trafficking.
■ SB 286 Department of child services.
■ SB 293 Inheritance tax.
SCR 4 Memorializing Galen Goode, leader in the area of community mental health.
SCR 7 Study of involuntary commitments and substance use disorders.
SCR 15 Honoring Indianapolis Super Bowl committee.

Pelath, Scott D.

Authored
HB 1160 Indiana green program task force.
HB 1161 Employment status of job applicants.
HCR 31 Memorializing the life of Ann Spevak of LaPorte.
HCR 32 Memorializing the life of Robert E. Miller of Michigan City.
HR 31 Study of Indiana Green Program Task Force.

Coauthored
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 23 Memorializing former Representative Tom Kromkowski of South Bend.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
- ■ SB 4 Human trafficking.
- SB 61 Leasing of state property.

Pflum, Phillip C.

Authored
- HB 1024 Requires a child to wear a flotation device.

Coauthored
- HB 1029 Sale of alcohol on federally owned land.
- ■ HB 1149 Smoking ban.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
- ■ SB 4 Human trafficking.
- SCR 15 Honoring Indianapolis Super Bowl committee.

Pierce, Matt

Coauthored
- HB 1011 Various corrections matters.
- ■ HB 1015 Cemetery access.
- HB 1032 Restrictions on fertilizer containing phosphorus.
- ■ HB 1033 Criminal history and sentencing.
- HB 1089 Development of "farm to school" plans in schools.
- ■ HB 1126 Water and wastewater issues.
- ■ HB 1149 Smoking ban.
- ■ HB 1283 Libraries and historic matters.
- HB 1365 Sentencing alternatives for youthful offenders.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
- HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
- ■ SB 4 Human trafficking.
- ■ SB 26 Title 35 definitions.
- ■ SB 274 Immunity for certain alcohol offenses.
- SCR 15 Honoring Indianapolis Super Bowl committee.
- SCR 17 Honoring the I.U. Crimson All-Girl Cheerleaders.

Pond, Phyllis J.

Authored
- HB 1010 Joint legal custody.
- ■ HB 1325 Sales and use tax exemptions.

Sponsored
- ■ SB 152 Allen circuit court.
- SCR 3 Honoring Taylor Reuille, Fort Wayne, for her "boundless playground" idea.

Coauthored
- ■ HB 1015 Cemetery access.
- HB 1290 Higher education employment age limits.
- HB 1291 TIF districts for housing programs.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
- ■ SB 4 Human trafficking.
- SB 88 Proof of residency for homestead deduction.
- ■ SB 293 Inheritance tax.
- SCR 15 Honoring Indianapolis Super Bowl committee.
- SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

Porter, Gregory W.

Authored
- HB 1259 Antibullying.
- HB 1260 Absenteeism and dropouts.
- HB 1318 Use of restraints and seclusion in school.
- HB 1361 Cultural competency.
- HB 1362 Student discipline.
- HCR 24 Honoring Bishop Chatard High School football team, Class 3A state champions.

LEGISLATION BY MEMBER—2012

Sponsored

SCR 38	Honoring the North Central High School girls basketball team, Class 4A state champions.

Coauthored

■ HB 1189	School finance.
HB 1309	Educational equity.
HCR 8	Commemorating Dr. Martin Luther King, Jr. Day.
HCR 17	Marking the 100th anniversary of the Girl Scouts.
HCR 18	Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 21	Honoring Viola J. Taliaferro for her service and success as a judge.
HCR 22	Honoring George Taliaferro, ambassador for civil and human rights.
HCR 28	Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 41	Celebrating Black History Month.
HCR 52	Memorializing Katie Hall, former member of the General Assembly and Congress.
HR 9	Honoring Hope Tribble for her service to the Indiana General Assembly.
HR 56	Honoring Arsenal Technical High School on its 100th anniversary.

Cosponsored

■ SB 4	Human trafficking.
■ SB 182	State educational institutions; credit transfers.
SB 265	School report card.
■ SB 267	Education concerning child abuse.
■ SB 268	Advisory committee on early education.
SB 312	School policies on gang activities.
SB 384	School accreditation.
SB 392	State educational institution grading practices.
SCR 15	Honoring Indianapolis Super Bowl committee.

Pryor, Cherrish S.

Authored

HB 1242	Deductions for contract and co-op property.
HCR 44	Recognizing cancer research participants.
HR 9	Honoring Hope Tribble for her service to the Indiana General Assembly.
HR 32	Honoring the achievements of Wilson Reyes, Indianapolis outstanding teacher.

Coauthored

■ HB 1149	Smoking ban.
HB 1261	County recorders.
HCR 8	Commemorating Dr. Martin Luther King, Jr. Day.
HCR 17	Marking the 100th anniversary of the Girl Scouts.
HCR 18	Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 21	Honoring Viola J. Taliaferro for her service and success as a judge.
HCR 22	Honoring George Taliaferro, ambassador for civil and human rights.
HCR 28	Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 30	Honoring the United Ways of Indiana for their services to the state.
HCR 41	Celebrating Black History Month.
HCR 52	Memorializing Katie Hall, former member of the General Assembly and Congress.
HR 56	Honoring Arsenal Technical High School on its 100th anniversary.

Cosponsored

■ SB 4	Human trafficking.
SB 215	Property tax exemption.
SCR 15	Honoring Indianapolis Super Bowl committee.

Reske, Scott E.

Authored

HB 1228	Logistics development incentives.
HB 1229	Adoption subsidies for children in foster care.
HB 1230	Combat to College Program.
HB 1231	Indiana economic development corporation (IEDC) collaboration.
HB 1232	Sales tax increment financing.
HR 23	Honoring Mike Cannon, Pendleton community leader.

Coauthored

■ HB 1149	Smoking ban.
HB 1199	Inheritance tax.
HCR 17	Marking the 100th anniversary of the Girl Scouts.
HCR 18	Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28	Honoring Chief Justice Randall T. Shepard on his retirement.
HR 57	Urging Congress to require certifying programs for GI Bill benefits.
HR 78	Supporting New International Trade Crossing between the U.S. and Canada.
HR 79	Recognizing the Canada-U.S. Trade and Investment Relationship.

Cosponsored

■ SB 4	Human trafficking.
■ SB 293	Inheritance tax.
SCR 15	Honoring Indianapolis Super Bowl committee.

SCR 36 Urging Congress to establish a memorial honoring Gulf War Veterans.
SCR 37 Urging the Governor to proclaim February 20-25, 2012 Canada Week in Indiana.

Rhoads, Rhonda J.

Authored
■ HB 1016 Design-build projects.
HB 1042 Recording of new lots.
HB 1219 Parental initiatives for school reorganization.
■ HB 1220 Commission for higher education.
HB 1326 Various education matters.

Sponsored
SB 83 Cursive writing in school curriculum.
SB 248 Referendum on use of balanced school calendar.

Coauthored
HB 1007 Drug testing.
HB 1199 Inheritance tax.
■ HB 1205 School employee contracts.
HB 1227 Artisan distiller's permit.
HB 1327 Battery by students.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 35 Honoring Providence High School girls soccer team, Class A state champions.

Cosponsored
■ SB 4 Human trafficking.
■ SB 283 Nonpublic alternative high schools; residential facilities.
■ SB 293 Inheritance tax.
SCR 6 Honoring Norman "Ned" Pfau, Kentuckiana business Hall of Fame inductee.
SCR 12 Study on creating an industrial zone for aviation.
SCR 15 Honoring Indianapolis Super Bowl committee.

Richardson, Kathy K.

Authored
■ HB 1004 Various election law matters.
HB 1281 Absentee voting.
HB 1282 Circuit court clerk administrative matters.
■ HB 1283 Libraries and historic matters.
HB 1284 Various election law matters.
HR 12 Honoring Isabelle Haverstick Harger, Noblesville community leader.
HR 37 Study of absentee ballot issues.
HR 44 Honoring Laura Bartlett, Journal Clerk, upon her retirement.
HR 46 Honoring Representative David Yarde on his retirement from the Indiana House.
HR 47 Honoring Representative Richard Dodge on his retirement from the Indiana House.
HR 48 Honoring Representative Thomas Knollman on his retirement from the Indiana House.
HR 52 Congratulating Shelby Bartlett, 2012 girls state diving champion.
HR 54 Honoring Representative Phil Hinkle on his retirement from the Indiana House.
HR 55 Honoring Representative Ralph Foley on his retirement from the Indiana House.
HR 58 Honoring Representative Richard McClain on his retirement from the House.
HR 61 Honoring David Boudia of Purdue upon his Olympic training.
HR 62 Honoring the 2012 legislative interns for the Indiana House of Representatives.
HR 65 Honoring Representative Jeff Espich on his retirement from the Indiana House.

Sponsored
■ SB 19 Property taxes.
■ SB 175 Absentee ballots.
■ SB 233 Various election law matters.

Coauthored
HB 1007 Drug testing.
HB 1093 Public access issues.
HB 1132 Controlled projects.
■ HB 1192 School corporation and local government finances.
HB 1199 Inheritance tax.
■ HB 1269 Health care compact.
HB 1349 Drainage boards.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 42 Recognizing the staff of the Legislative Services Agency.

Cosponsored
■ SB 4 Human trafficking.
■ SB 115 Classification of political subdivisions.
■ SB 119 Redistricting technical corrections.
■ SB 273 Regulation of outdoor stage equipment.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.
SCR 30 Congratulating the Carmel High School football team on their excellent 2011 season.

LEGISLATION BY MEMBER—2012

Riecken, Gail C.

Authored

HB 1319 Utility rate criteria.
HB 1333 Medicaid coverage for breast cancer treatment.
HCR 13 Recognizing the USS LST Ship Memorial, Evansville.
HCR 16 Honoring Evansville Bosse High School on 50th anniversary of its basketball championship.
HCR 25 Recognizing the Main Yard Site Remediation Project.

Coauthored

■ HB 1005 Nepotism; conflict of interest.
HB 1019 Adoption history information.
HB 1071 Local ordinances concerning ephedrine sales.
■ HB 1149 Smoking ban.
HB 1197 Mopeds.
HB 1199 Inheritance tax.
■ HB 1238 Finding of abandonment for mortgaged property.
■ HB 1239 Financial institutions and consumer credit.
■ HB 1249 Land banks and tax sales process.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 26 Honoring Evansville Bosse High School for outstanding academic progress.
HR 27 Honoring Delaware Elementary School, Evansville, for academic progress.

Cosponsored

■ SB 4 Human trafficking.
SB 31 Grants from military family relief fund.
■ SB 255 Various homeland security matters.
■ SB 275 Real estate brokers.
■ SB 293 Inheritance tax.
■ SB 298 Mortgages and liens on real property.
SCR 15 Honoring Indianapolis Super Bowl committee.

Saunders, Thomas E.

Coauthored

HB 1007 Drug testing.
■ HB 1034 Historic cemeteries.
HB 1048 Recreational vehicle excise tax.
HB 1199 Inheritance tax.
HB 1243 Complete streets guidelines.
■ HB 1269 Health care compact.
■ HB 1283 Libraries and historic matters.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored

■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Smith, Milo E.

Authored

HB 1193 Charitable organization property tax exemptions.
HB 1194 Assessment of outdoor advertising signs.
■ HB 1195 Property taxes.
■ HB 1196 Synthetic drugs (including "bath salts").
HB 1197 Mopeds.
HR 19 Congratulating Tony Stewart on winning the 2011 NASCAR Sprint Cup Championship.

Sponsored

SB 234 Synthetic drugs (including "bath salts").
SCR 14 Designating March 30th as Welcome Home Vietnam Veterans Day in Indiana.
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.

Coauthored

■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
■ HB 1123 Public pensions.
■ HB 1149 Smoking ban.
HB 1199 Inheritance tax.
HB 1215 Synthetic drugs.
HCR 10 Honoring Marty Chitwood, volunteer at Riley Hospital for Children.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 46 Honoring students from the L. Frances Smith Elementary School in Columbus, Indiana.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.
HR 45 Recognizing the National Guard Patriot Academy.

Cosponsored

■ SB 4 Human trafficking.
■ SB 128 Administration of public retirement plans.
■ SB 293 Inheritance tax.

SCR 15 Honoring Indianapolis Super Bowl committee.

Smith, Vernon G.

Authored
- HB 1344 Commission for a drug free Indiana.
- HB 1345 Cancellation of certain property taxes.
- HB 1346 Lake County municipal taxes.
- HB 1347 Residential care personal needs allowance.
- HB 1348 Access to supplemental nutrition assistance.
- HCR 8 Commemorating Dr. Martin Luther King, Jr. Day.
- HCR 12 Urging INDOT to erect a memorial in honor of State Trooper Scott Patrick.
- HCR 41 Celebrating Black History Month.
- HCR 45 Honoring Karen Freeman-Wilson, Mayor of Gary.
- HCR 52 Memorializing Katie Hall, former member of the General Assembly and Congress.

Coauthored
- ■ HB 1149 Smoking ban.
- HB 1261 County recorders.
- HB 1309 Educational equity.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
- HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
- ■ SB 4 Human trafficking.
- ■ SB 268 Advisory committee on early education.

Soliday, Edmond L.

Authored
- ■ HB 1054 Alcoholic beverage matters.
- HB 1130 County options for delinquent property taxes.
- ■ HB 1247 Operator's license renewal schedule and fees.
- HB 1263 Public safety answering points.
- ■ HB 1264 Flood control in Lake County.

Sponsored
- SB 165 County options for delinquent property taxes.
- ■ SB 168 Liability for underground storage tank fees.
- ■ SB 173 Airport boards.
- ■ SB 191 Local government investments.
- ■ SB 192 Sales of motorcycles on Sunday.
- ■ SB 257 Motor vehicle law.
- ■ SB 301 Extra heavy duty highways.
- SB 327 Registration of vehicles and license plates.
- SB 355 Distressed political subdivisions.
- SCR 35 Honoring Mark Hoffman on his retirement as head football coach at Valparaiso High School.

Coauthored
- ■ HB 1005 Nepotism; conflict of interest.
- HB 1087 Statewide 911 system.
- ■ HB 1090 Payment of delinquent property taxes.
- HB 1111 Historic preservation tax credits.
- HB 1199 Inheritance tax.
- HB 1224 Charity gaming.
- HB 1236 Inheritance tax.
- HB 1305 Ports of Indiana.
- HB 1307 Funding for aviation facilities.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HCR 58 Congratulating the 2012 inductees into the Times Northwest Indiana Business and Industry Hall of Fame.

Cosponsored
- ■ SB 4 Human trafficking.
- SB 61 Leasing of state property.
- ■ SB 293 Inheritance tax.
- ■ SB 345 Statewide 911 system.
- SCR 15 Honoring Indianapolis Super Bowl committee.

Speedy, Michael R.

Authored
- ■ HB 1134 School transportation.
- HB 1246 Motorist assistance by law enforcement officers.
- HB 1331 Companion animal sterilization program.
- HB 1340 Motor vehicle review board.
- HB 1341 Mortgage foreclosures and junior lienholders.
- HR 76 Study of vehicle dealer licensure.

Sponsored
- ■ SB 56 Ball State board of trustees.
- SB 226 School corporation financial management.
- ■ SB 298 Mortgages and liens on real property.
- ■ SB 362 White River park foundation.

Coauthored
- ■ HB 1001 Employee's right to work.

■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1111 Historic preservation tax credits.
HB 1130 County options for delinquent property taxes.
■ HB 1192 School corporation and local government finances.
HB 1199 Inheritance tax.
HB 1236 Inheritance tax.
HB 1265 Hunting preserves.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 10 Honoring Greg Hess of Project 9/11 Indianapolis.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.

Cosponsored
■ SB 1 Self-defense.
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
■ SB 301 Extra heavy duty highways.
SB 322 Tort immunity for DOC employees and others.
SCR 15 Honoring Indianapolis Super Bowl committee.

Stemler, Steven R.

Authored
HB 1305 Ports of Indiana.

Sponsored
SB 235 Pro bono legal services fee.
SCR 6 Honoring Norman "Ned" Pfau, Kentuckiana business Hall of Fame inductee.
SCR 12 Study on creating an industrial zone for aviation.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1008 Wind turbines.
■ HB 1080 Sex offenders.
HB 1096 Plumbing matters.
HB 1199 Inheritance tax.
■ HB 1250 State government nepotism.
HB 1307 Funding for aviation facilities.
HB 1358 Taxation of civil service annuities.
HB 1369 Tax credit for research conducted by university.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 35 Honoring Providence High School girls soccer team, Class A state champions.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SB 321 Transportation and logistics income tax credit.
■ SB 407 Pharmacy matters.
SCR 15 Honoring Indianapolis Super Bowl committee.

Steuerwald, Gregory E.

Authored
HB 1210 Public service answering points (PSAP) funding.
HB 1271 New judicial officers.
HB 1272 Sales tax holiday.
■ HB 1273 Administrative law judge study.
HB 1373 Fraudulent financing statements.
HR 5 Urging the Indiana Congressional delegation to coauthor the STOCK Act.

Sponsored
■ SB 4 Human trafficking.
■ SB 97 Public intoxication.
■ SB 114 Driving while suspended.
■ SB 262 IC 4 and IC 5 revision.
SB 322 Tort immunity for DOC employees and others.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1011 Various corrections matters.
HB 1036 Intimidation.
■ HB 1092 Johnson superior court and Wabash city court.
HB 1121 County reimbursement for death penalty cases.
HB 1132 Controlled projects.
HB 1151 Work sharing unemployment benefit.
HB 1152 City and town court jurisdiction.
HB 1199 Inheritance tax.
HB 1204 Sex and violent offender registry.
HB 1206 Third party lawsuit lending.
■ HB 1269 Health care compact.
HB 1365 Sentencing alternatives for youthful offenders.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 18 Duty to support a child.
■ SB 256 Correctional professionals assistance fund.
■ SB 274 Immunity for certain alcohol offenses.
SB 285 Review of local government budgets.
■ SB 293 Inheritance tax.
■ SB 378 Conservancy district contracts.
SCR 15 Honoring Indianapolis Super Bowl committee.

Stevenson, Dan C.

Authored
HB 1097 Injuries to or death of an employee.
HB 1098 Recall of elected and appointed officials.
HB 1099 Declaration of party affiliation.
HB 1100 Continuation of wages when serving as a juror.
HR 2 Honoring George Thiel Griffith upon his retirement.
HR 94 Recognizing WJOB radio for its commitment to Northwest Indiana.

Coauthored
■ HB 1112 Telecommunications providers of last resort.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 30 Honoring the United Ways of Indiana for their services to the state.

Cosponsored
■ SB 4 Human trafficking.
■ SB 301 Extra heavy duty highways.
SB 308 Telecommunications providers of last resort.
SCR 15 Honoring Indianapolis Super Bowl committee.

Sullivan, Mary Ann

Authored
HB 1150 Family friendly school designation.
HB 1151 Work sharing unemployment benefit.
HB 1354 Small breweries.
HB 1355 Small breweries.
HR 41 Study of work sharing programs.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1081 Public school transfers.
HB 1111 Historic preservation tax credits.
■ HB 1126 Water and wastewater issues.
■ HB 1149 Smoking ban.
■ HB 1186 Emergency medical services personnel.
HB 1332 Property assessed clean energy.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 30 Honoring the United Ways of Indiana for their services to the state.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.
HR 91 Study of possible changes to Indiana's tax structure.

Cosponsored
■ SB 4 Human trafficking.
■ SB 283 Nonpublic alternative high schools; residential facilities.
■ SB 362 White River park foundation.
SCR 15 Honoring Indianapolis Super Bowl committee.

Summers, Vanessa J.

Authored
HB 1335 Health disparities medical school curriculum.
HB 1336 Arrest and conviction records.
HB 1343 Department of child services reporting; kinship caregiving.

Coauthored
■ HB 1149 Smoking ban.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 41 Celebrating Black History Month.
HCR 52 Memorializing Katie Hall, former member of the General Assembly and Congress.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.
HR 49 Honoring Representative Michael White on his retirement from the Indiana House.
HR 50 Honoring Representative Nancy Dembowski on her retirement from the Indiana House.
HR 51 Honoring Representative Mary Ann Sullivan on her retirement from the Indiana House.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.

HR 62 Honoring the 2012 legislative interns for the Indiana House of Representatives.
HR 69 Honoring Representative David Cheatham on his retirement from the Indiana House.
HR 70 Honoring Representative Dan Stevenson on his retirement from the Indiana House.
HR 71 Honoring Representative Scott Reske on his retirement from the Indiana House.
HR 72 Honoring Representative Jeb Bardon on his retirement from the Indiana House.
HR 80 Honoring Representative F. Dale Grubb on his retirement from the Indiana House.
HR 81 Honoring Representative John Day on his retirement from the Indiana House.
HR 82 Honoring Representative William "Bill" Crawford on his retirement from the Indiana House.
HR 83 Honoring Representative Chet Dobis on his retirement from the Indiana House.
HR 84 Honoring Representative Craig Fry on his retirement from the Indiana House.

Cosponsored
■ SB 4 Human trafficking.
■ SB 370 Funeral services courtesy cards.

Thompson, Jeffrey A.

Authored
HB 1087 Statewide 911 system.
HB 1088 County and municipal income taxes.
HB 1140 Teaching method.
■ HB 1189 School finance.
HB 1297 Transportation and logistics income tax credit.
HCR 6 Urging USDOT to hold hearings on placing Indiana in Central time zone.

Sponsored
SB 89 Teaching of creation science.
SB 280 School finance.
■ SB 283 Nonpublic alternative high schools; residential facilities.
SB 285 Review of local government budgets.
SB 321 Transportation and logistics income tax credit.
■ SB 345 Statewide 911 system.
■ SB 378 Conservancy district contracts.

Coauthored
HB 1007 Drug testing.
HB 1030 Property tax deduction for mortise and tenon barn.
HB 1078 Salaries of municipal elected officers.
HB 1190 Real property reassessment.
HB 1199 Inheritance tax.
HB 1210 Public service answering points (PSAP) funding.
■ HB 1269 Health care compact.
■ HB 1325 Sales and use tax exemptions.
HB 1337 Tax administration.
■ HB 1367 Deaf and hard of hearing education services.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
■ SB 4 Human trafficking.
■ SB 19 Property taxes.
SB 83 Cursive writing in school curriculum.
SB 248 Referendum on use of balanced school calendar.
■ SB 293 Inheritance tax.
SB 413 Various education matters.
SCR 15 Honoring Indianapolis Super Bowl committee.

Torr, Gerald R.

Authored
■ HB 1001 Employee's right to work.
HB 1055 Professional employer organizations.
■ HB 1163 Bonding and retainage in public works projects.
HB 1317 Local government issues.
HJR 1 Redistricting.

Sponsored
■ SB 111 Group personal excess and umbrella insurance.
SB 174 Local government reorganization.
SB 269 Employee's right to work.
SCR 26 Memorializing Gordon St. Angelo for his service to the Indianapolis area.
SCR 27 Recognizing the 175th anniversary of the city of Carmel.
SCR 30 Congratulating the Carmel High School football team on their excellent 2011 season.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
HB 1199 Inheritance tax.
HB 1254 Township reorganization.
HB 1352 Limitation on levy for township assistance.
HB 1366 St. Joseph County innkeeper's tax distribution.
HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 17 Marking the 100th anniversary of the Girl Scouts.

HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 15 Honoring Gareth Evans, House staff member and new U.S. citizen.

Cosponsored
■ SB 4 Human trafficking.
SB 230 Worker's compensation.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

Truitt, Randolph P.

Authored
HB 1313 School instructional time.
HB 1314 School instructional material sales tax holiday.
HB 1315 Choice scholarship funding.
HB 1316 Income tax credit for education expenses.
HCR 2 Honoring Happy Hollow Elementary School, a Blue Ribbon School.
HR 57 Urging Congress to require certifying programs for GI Bill benefits.

Sponsored
■ SB 147 Local government financial matters.
■ SB 249 Record of marriage.
■ SB 309 Local purchasing and public works preferences.
■ SB 311 Cost benefit analysis for administrative rules.
SCR 33 Congratulating Joseph Ruhl on being named top science educator in the country.
SCR 40 Recognizing the importance of Ivy Tech Community College of Indiana.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
■ HB 1141 Home energy assistance.
HB 1143 Child and dependent tax credit.
HB 1199 Inheritance tax.
HB 1215 Synthetic drugs.
HB 1245 Immunity for certain alcohol offenses.
HB 1267 Architect registration renewal.
HB 1268 Textbook sales tax holiday.
HB 1329 LIFE scholarships.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 53 Congratulating Joe Ruhl on being awarded the National Science Teaching Award.
HR 6 Honoring Dr. Ed Eiler, Lafayette school superintendent, on his retirement.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.
HR 61 Honoring David Boudia of Purdue upon his Olympic training.
HR 90 Honoring Ivy Tech programs at Lafayette, Crawfordsville, and Monticello.

Cosponsored
■ SB 4 Human trafficking.
■ SB 233 Various election law matters.
■ SB 259 School consolidation executive session.
■ SB 274 Immunity for certain alcohol offenses.
■ SB 293 Inheritance tax.
SB 312 School policies on gang activities.
SCR 15 Honoring Indianapolis Super Bowl committee.

Turner, P. Eric

Authored
■ HB 1149 Smoking ban.
HB 1198 Criminal history.
HB 1199 Inheritance tax.
HB 1337 Tax administration.
HR 30 Honoring Dr. Matt DeLong, Taylor University, on being named outstanding teacher.
HR 35 Honoring Paul Patterson, Taylor University men's basketball coach.

Sponsored
■ SB 231 Contracting with persons that invest in Iran.
SB 277 Hoosier communities for a lifetime.
■ SB 293 Inheritance tax.

Coauthored
■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
■ HB 1033 Criminal history and sentencing.
HB 1142 Physician assistants.
HB 1181 Contracting with persons that invest in Iran.
■ HB 1269 Health care compact.
HB 1299 Alcoholic beverage matters.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.

Cosponsored
■ SB 1 Self-defense.

■ SB 4 Human trafficking.
SB 88 Proof of residency for homestead deduction.
SB 89 Teaching of creation science.
SB 105 Redevelopment commission members.
■ SB 182 State educational institutions; credit transfers.
SCR 15 Honoring Indianapolis Super Bowl committee.

White, Michael D.

Coauthored
HB 1370 Medicinal marijuana.
HCR 11 Declaring Brandon Vinson an honorary firefighter of the State of Indiana.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
■ SB 4 Human trafficking.
SB 10 Massage therapists.
SCR 15 Honoring Indianapolis Super Bowl committee.

Ubelhor, Matthew A.

Authored
HB 1017 Greene County local public question.
■ HB 1018 Mine electrician certification.
HB 1265 Hunting preserves.
HB 1266 Early probationary licenses for good students.
HB 1371 County officer presence in office.

Sponsored
SB 6 Knives with automatic blades.
SB 11 Animal fighting contests.

Coauthored
■ HB 1001 Employee's right to work.
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.
■ HB 1107 Hydraulic fracturing treatments.
HB 1124 Physical therapy services.
HB 1199 Inheritance tax.
HB 1253 Reporting missing children.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.
HR 15 Honoring Gareth Evans, House staff member and new U.S. citizen.

Cosponsored
■ SB 4 Human trafficking.
■ SB 154 Operating a motorboat while intoxicated.
SB 243 Silencers when hunting.
■ SB 293 Inheritance tax.
■ SB 330 Certified public accountants.
SCR 15 Honoring Indianapolis Super Bowl committee.

VanDenburgh, Rochelle L.

Authored
HB 1184 Schools as polling sites.
HB 1185 Killing a law enforcement animal.
HB 1188 Private residential facilities for children.
HB 1255 Residency requirements for elected officials.
HB 1256 Income tax exemptions.

Coauthored
■ HB 1009 Technical corrections.
■ HB 1149 Smoking ban.
HB 1150 Family friendly school designation.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HCR 40 Thanking Legislative Services Agency's Office of Code Revision.

Cosponsored
■ SB 4 Human trafficking.
■ SB 268 Advisory committee on early education.
■ SB 293 Inheritance tax.
SCR 15 Honoring Indianapolis Super Bowl committee.

VanNatter, Heath R.

Authored
HB 1236 Inheritance tax.
HB 1253 Reporting missing children.
HCR 38 Honoring the Western High School Marching Band.

Sponsored
■ SB 307 Fire protection territories.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
HB 1007 Drug testing.

■ HB 1016 Design-build projects.
■ HB 1112 Telecommunications providers of last resort.
HB 1199 Inheritance tax.
HB 1221 Spotlighting wild animals; fish and wildlife license suspension.
■ HB 1237 Home improvement contracts.
■ HB 1269 Health care compact.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 15 Honoring Gareth Evans, House staff member and new U.S. citizen.

Cosponsored
■ SB 4 Human trafficking.
■ SB 293 Inheritance tax.
SB 308 Telecommunications providers of last resort.
■ SB 311 Cost benefit analysis for administrative rules.
SCR 15 Honoring Indianapolis Super Bowl committee.

Welch, Peggy M.

Authored
■ HB 1141 Home energy assistance.
HB 1142 Physician assistants.
HB 1187 Licensure of dietitians.
HB 1330 Minority procurement.
■ HB 1360 Health matters.
HR 89 Study of emergency means of local governments borrowing from the state.
HR 91 Study of possible changes to Indiana's tax structure.
HR 92 Study of allowing pharmacists to provide vaccinations and immunizations.
HR 93 Study of laws governing healthcare providers' scope of practice.
HR 95 Study of the presence of automated external defibrillators (AEDs).

Sponsored
■ SB 407 Pharmacy matters.
SCR 7 Study of involuntary commitments and substance use disorders.
SCR 17 Honoring the I.U. Crimson All-Girl Cheerleaders.

Coauthored
■ HB 1005 Nepotism; conflict of interest.
■ HB 1050 Health care sharing ministries.
HB 1051 Pharmacy audits.
HB 1056 Novelty lighters.
HB 1067 Immunizations by pharmacists.
■ HB 1072 Tax administration.
HB 1101 Various transportation matters.
HB 1124 Physical therapy services.
HB 1127 Midwives.
■ HB 1149 Smoking ban.
■ HB 1186 Emergency medical services personnel.
HB 1190 Real property reassessment.
HB 1199 Inheritance tax.
HB 1210 Public service answering points (PSAP) funding.
■ HB 1216 Self-donated blood.
HB 1227 Artisan distiller's permit.
HB 1248 New markets job growth tax credit.
HB 1263 Public safety answering points.
HB 1299 Alcoholic beverage matters.
HB 1337 Tax administration.
HCR 15 Honoring Brown County algebra students upon great test performance.
HCR 17 Marking the 100th anniversary of the Girl Scouts.
HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
HR 9 Honoring Hope Tribble for her service to the Indiana General Assembly.
HR 67 Study of the practice of organ procurement.

Cosponsored
■ SB 4 Human trafficking.
■ SB 13 Cash assistance point of service and drug reports.
■ SB 132 Water utility resource data.
■ SB 154 Operating a motorboat while intoxicated.
■ SB 201 Transfer of human organisms exemption.
SB 277 Hoosier communities for a lifetime.
■ SB 293 Inheritance tax.
■ SB 307 Fire protection territories.
■ SB 330 Certified public accountants.
SB 344 Taxation.
■ SB 345 Statewide 911 system.
■ SB 378 Conservancy district contracts.
SCR 15 Honoring Indianapolis Super Bowl committee.

Wesco, Timothy C.

Authored
HB 1136 Child care ministries.
HB 1137 Legal costs and attorney's fees.
HB 1138 Duration of school superintendent contracts.
HB 1139 Participation in school athletics.
HB 1342 Local government issues.

LEGISLATION BY MEMBER—2012

Coauthored
- ■ HB 1001 Employee's right to work.
- ■ HB 1005 Nepotism; conflict of interest.
- HB 1007 Drug testing.
- ■ HB 1050 Health care sharing ministries.
- ■ HB 1052 Statewide bid for emergency services equipment.
- HB 1191 Costs of local public works projects.
- HB 1199 Inheritance tax.
- ■ HB 1205 School employee contracts.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HR 15 Honoring Gareth Evans, House staff member and new U.S. citizen.

Cosponsored
- ■ SB 4 Human trafficking.
- ■ SB 293 Inheritance tax.
- SCR 15 Honoring Indianapolis Super Bowl committee.
- SCR 28 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

Wolkins, David A.

Authored
- ■ HB 1002 Elimination of commissions, boards, and committees.
- HB 1006 Regulated occupations.
- HB 1078 Salaries of municipal elected officers.
- ■ HB 1117 Regional water, sewage, or waste districts and utilities.
- HB 1164 Motor scooters.

Sponsored
- SB 54 State university use of eminent domain.
- SB 130 Environmental boards.
- ■ SB 131 Environmental matters.
- ■ SB 132 Water utility resource data.
- ■ SB 133 Underground storage tanks.

Coauthored
- ■ HB 1005 Nepotism; conflict of interest.
- HB 1007 Drug testing.
- HB 1199 Inheritance tax.
- HB 1222 Dealer services division of the secretary of state.
- HB 1225 Septic tanks and sewer systems.
- ■ HB 1269 Health care compact.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.

Cosponsored
- ■ SB 4 Human trafficking.
- SB 165 County options for delinquent property taxes.
- ■ SB 168 Liability for underground storage tank fees.
- ■ SB 293 Inheritance tax.
- SCR 15 Honoring Indianapolis Super Bowl committee.
- SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

Yarde, David

Authored
- HB 1215 Synthetic drugs.
- HB 1222 Dealer services division of the secretary of state.
- HB 1285 Solar power property tax exemption.
- HB 1286 Property tax levy limit.
- HB 1287 Indiana University/Purdue University Fort Wayne.
- HR 17 Urging INDOT to rename part of State Road 8 for John Martin Smith.

Coauthored
- ■ HB 1005 Nepotism; conflict of interest.
- HB 1007 Drug testing.
- ■ HB 1052 Statewide bid for emergency services equipment.
- ■ HB 1065 Military custody and parenting time matters.
- HB 1132 Controlled projects.
- ■ HB 1196 Synthetic drugs (including "bath salts").
- HB 1199 Inheritance tax.
- HB 1225 Septic tanks and sewer systems.
- HB 1350 Rewarding innovation, technology, and excellence (RITE) program grants.
- HCR 17 Marking the 100th anniversary of the Girl Scouts.
- HCR 18 Urging the Indiana General Assembly to fly the POW/MIA flag in both Chambers.
- HCR 28 Honoring Chief Justice Randall T. Shepard on his retirement.
- HCR 39 Honoring Paul Oakes for his services to the Indianapolis area.

Cosponsored
- ■ SB 4 Human trafficking.
- SB 88 Proof of residency for homestead deduction.
- SB 234 Synthetic drugs (including "bath salts").
- ■ SB 255 Various homeland security matters.
- ■ SB 293 Inheritance tax.
- SB 384 School accreditation.
- SCR 15 Honoring Indianapolis Super Bowl committee.
- SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".

FINANCIAL STATEMENT FOR THE HOUSE OF REPRESENTATIVES—2012

SECOND REGULAR SESSION

Representative	*Per Diem*	Miles	Mileage
Austin, Terri Jo..	10,184.00	990	549.45
Bacon, Ronald A.	10,336.00	4026	2234.43
Baird, James R.	10,336.00	1232	683.76
Bardon, Jeb A..	9,184.00	——	——
Bartlett, John L..	10,336.00	——	——
Battles, Kreg S.	10,336.00	2915	1617.88
Bauer, B. Patrick.	10,336.00	2760	1531.80
Behning, Robert W..	10,336.00	——	——
Borders, Bruce A.	10,336.00	1881	1044.01
Bosma, Brian C.	10,336.00	——	——
Brown, Charlie.	10,336.00	3520	1953.60
Brown, Timothy N.	10,184.00	1100	610.50
Burton, Woody.	10,336.00	484	268.62
Candelaria Reardon, Mara.	10,336.00	3597	1996.39
Cheatham, David G.	10,184.00	1540	854.70
Cherry, Robert W.	10,336.00	572	317.46
Clere, Edward D.	10,336.00	2486	1379.73
Crawford, William A.	10,336.00	——	——
Crouch, Suzanne M.	10,184.00	3500	1942.50
Culver, Wesley H.	10,184.00	3289	1825.45
Davis, Bill J.	10,336.00	2200	1221.00
Davisson, Steven J.	10,336.00	2420	1343.10
Day, John J.	10,336.00	——	——
DeLaney, Edward O.	10,184.00	——	——
Dembowski, Nancy J.	10,336.00	2376	1318.68
Dermody, Thomas P..	10,336.00	3168	1758.24
Dobis, Chester F.	10,336.00	3060	1698.30
Dodge, Richard A..	10,336.00	3520	1953.60
Dvorak, Ryan M.	10,336.00	2790	1548.45
Eberhart, Sean R..	10,336.00	770	427.35
Ellspermann, Susan.	10,336.00	3850	2136.75
Espich, Jeffrey K.	10,336.00	2178	1208.79
Foley, Ralph M..	10,336.00	660	366.30
Friend, William C	10,336.00	1620	899.10
Frizzell, David N.	10,336.00	——	——
Fry, Craig R.	10,336.00	2556	1418.58
Frye, Randall L..	10,336.00	1320	732.60
GiaQuinta, Phillip K..	10,336.00	2640	1465.20
Goodin, Terry A.	10,184.00	1716	952.38
Grubb, F. Dale.	10,184.00	1650	915.75
Gutwein, Douglas L.	10,336.00	2211	1227.16
Harris, Earl L.	10,336.00	3542	1965.81
Heaton, Robert A.	10,336.00	1749	970.75
Heuer, Kathleen M.	10,336.00	2860	1587.30
Hinkle, Phillip D.	10,336.00	——	——
Karickhoff, Michael H.	10,336.00	1166	647.13
Kersey, Clyde.	10,336.00	1606	891.33
Kirchhofer, Cynthia L.	10,336.00	——	——
Klinker, Sheila A.	10,336.00	1386	769.23
Knollman, Thomas D.	10,336.00	1848	1025.64
Koch, Eric A..	10,336.00	1650	915.75
Kubacki, Rebecca..	10,336.00	2948	1636.14
Lawson, Linda C.	10,184.00	3070	1703.90
Lehe, Donald J.	10,336.00	1650	915.75
Lehman, Matthew S.	10,336.00	2442	1355.31

FINANCIAL STATEMENT FOR THE HOUSE OF REPRESENTATIVES—2012

SECOND REGULAR SESSION

Representative	*Per Diem*	Miles	Mileage
Leonard, Daniel J.	10,336.00	2090	1160.00
Lutz, L. Jack.	10,336.00	1188	659.34
Mahan, Kevin A.	10,336.00	1760	976.80
McClain, Richard W.	10,336.00	1914	1062.27
McMillin, Judson G.	10,336.00	2046	1135.53
McNamara, Wendy M.	10,336.00	4290	2380.95
Messmer, Mark B.	10,336.00	2728	1514.04
Morris, Robert D.	10,336.00	3190	1770.45
Moseley, Charles A.	10,184.00	3476	1929.18
Moses, Winfield C.	9,336.00	2464	1367.52
Neese, Timothy.	10,336.00	3300	1831.50
Niezgodski, David L.	10,336.00	3168	1758.24
Noe, Cynthia J.	10,184.00	——	——
Pelath, Scott D.	10,336.00	3080	1709.40
Pflum, Phillip C.	10,336.00	1430	793.65
Pierce, Matt.	10,184.00	1265	702.13
Pond, Phyllis J.	10,336.00	2550	1415.30
Porter, Gregory W.	10,336.00	——	——
Pryor, Cherrish S.	10,184.00	——	——
Reske, Scott E.	10,336.00	770	427.35
Rhoads, Rhonda J.	10,336.00	2904	1611.72
Richardson, Kathy K.	10,336.00	660	366.30
Riecken, Gail C.	10,184.00	4136	2295.48
Saunders, Thomas E.	10,336.00	1056	586.08
Smith, Milo E.	10,336.00	1012	561.66
Smith, Vernon G.	10,336.00	3366	1868.13
Soliday, Edmond L.	10,184.00	3278	1819.29
Speedy, Michael R.	10,184.00	——	——
Stemler, Steven R.	10,184.00	2530	1404.15
Steuerwald, Gregory E.	10,336.00	341	189.31
Stevenson, Dan C.	10,336.00	3410	1892.55
Sullivan, Mary Ann.	6,184.00	——	——
Summers, Vanessa J.	10,336.00	——	——
Thompson, Jeffrey A.	10,184.00	572	317.46
Torr, Gerald R.	10,184.00	352	195.36
Truitt, Randolph P.	10,336.00	1628	903.54
Turner, P. Eric.	10,336.00	671	372.46
* Tyler, Dennis A.	152.00	122	67.71
Ubelhor, Matthew A.	10,336.00	1914	1062.27
VanDenburgh, Rochelle L.	10,336.00	3080	1709.40
VanNatter, Heath R.	10,336.00	1342	744.81
Welch, Peggy M.	10,336.00	1166	647.13
Wesco, Timothy C.	10,336.00	2900	1609.50
* White, Michael D.	10,184.00	1160	643.80
Wolkins, David A.	10,336.00	2646	1468.53
Yarde, David.	10,336.00	3201	1776.61
TOTALS	$1,024,408.00	184,670	$102,492.55

* NOTE: Dennis A. Tyler resigned in December, 2011 after election as mayor of Muncie. Michael D. White was selected to fill the vacancy. Representative Tyler was present for Organization Day (November 22, 2011).

FINANCIAL STATEMENT FOR THE HOUSE OF REPRESENTATIVES—2012

Ending June 30, 2012

* NOTE: *In an effort to provide full and accurate information, this statement includes House expenditures for the fiscal year (July 1, 2011-June 30, 2012) rather than just expenses incurred during the regular legislative session.*

Legislators' Salaries, Session *per diem*, & Voucher *per diem*.		$ 5,437,749.05
Legislators' Mileage Reimbursement, Leadership Pay, Interim Expenses.		2,383,178.35
Operating Expenses:		
Staff Salaries & Benefits, Contract Labor.	5,769,954.54	
General Expenses		
Postage & Mailing, Copiers, Printers, Contract Printing, Photography, Computers & Technology, Office Furniture and Supplies, Housekeeping Supplies, Staff Travel, Unemployment Compensation.	3,657,802.97	
Total Operating Expenses.		9,427,757.51
Total Expenditures.		**$17,248,684.91**

EMPLOYEES OF THE HOUSE OF REPRESENTATIVES—2012

OFFICERS AND ASSISTANTS OF THE HOUSE

	Julie Halbig	Chief of Staff to the Speaker of the House
	Caroline Spotts	Principal Clerk
	Pam Kirkpatrick	Deputy Clerk
	Amy Hall	Deputy Clerk
*	Catherine Reynolds	Reading Clerk/Policy Intern
	Lesley Crane	Parliamentarian
	Patrick Cunningham	Chief of Staff to Minority Leader

WAYS AND MEANS

	David Dukes	Majority Senior Fiscal Analyst
	Ben Tooley	Majority Fiscal Analyst
	Karen Howe	Majority Leadership Assistant
*	Judith Essex	Session Assistant
*	Dan Bader	Majority Fiscal Intern
	Erik Gonzalez	Minority Fiscal Analyst
**	Hope Tribble	Minority Fiscal Analyst
	Peter Okeafor	Minority Leadership Assistant
*	Megan Whitacre	Minority Intern

ATTORNEYS AND SECRETARIES

	Lesley Crane	Majority Chief Counsel
*	Jill Carnell	Majority Attorney
*	Peter Nugent	Majority Attorney
*	Justin Swanson	Majority Attorney Assistant
	Adam Brown	Minority Attorney Chief Counsel
*	Greg Ullrich	Minority Attorney
*	Megan Masengale	Minority Attorney
*	Ian Bensberg	Minority Attorney Assistant

LEADERSHIP SECRETARIES AND ASSISTANTS

	Cathy Robinson	Leadership Assistant to the Speaker
*	BJ Schmidt	Session Assistant
	Gerri Hampe	Leadership Assistant to Majority Floor Leader
	Cheryl Bruns	Leadership Assistant to Majority Caucus Chair
*	Sheryl Stovall	Session Assistant
	Dolly Starnes	Executive Assistant to Minority Leader
*	Carlton Maynard	Intern to Minority Leader
	Lisa Acobert	Policy Director
	Jack Halloran	Minority Assistant Policy Director
**	Justin Moed	Assistant Policy Director
	Keri Datillo	Leadership Assistant to Minority Floor Leader
*	Matt Bates	Intern, Minority Floor Leader
	Janan Durban	Leadership Assistant to Minority Caucus Chair
	Jonathan Morgan	Leadership Assistant to Minority Caucus Whip

MAJORITY CAUCUS STAFF

	Morgan Perrill	Staff Director/Legislative Assistant to the Speaker
*	Maddie Howe	Intern to the Speaker
	Tyler Campbell	Policy Director
	Caitlin Gamble	Policy Analyst
	Tory Flynn	Media Director
	Richard DeLeon	Press Secretary & On-line Media
	Gareth Evans	Press Secretary
	Nicholas Goodwin	Press Secretary
	Sara Jones	Press Secretary
	Emily Landis	Senior Press Secretary
	Casey Arqawi	Press Secretary
	Heather Richey	Press Secretary
	Rebecca Helmke	Press Secretary
*	Zach Baughman	Media Intern
*	Yashdeep Bhatti	Media Intern
*	Lindsay Devlin	Media Intern
*	Patrick Lehe	Media Intern
*	Mary Mitros	Media Intern
*	Erin Pabody	Media Intern
*	Casey Shelburne	Media Intern
*	Chelsea Spoor	Media Intern
*	Eileen Varga	Media Intern
	Steve Vickery	Director of Information Technology
	David Warycha	PC Technician
*	Tom Davidson	Intern Technician
	Ben Begines	Legislative Assistant
	Clinton Bohm	Senior Legislative Assistant
	Brittany Campbell	Senior Legislative Assistant & Intern Coordinator
	Jana Cullom	Legislative Assistant
**	Parvonay Darabi	Legislative Assistant
	Lex Fay	Legislative Assistant
	Trent Glass	Senior Legislative Assistant
	Tom Havens	Legislative Assistant
**	Ryan Heater	Senior Legislative Assistant
	Sam Hyer	Legislative Assistant
	Joe Jacoby	Legislative Assistant
	Jason Johnson	Legislative Assistant
	Daniel Kelley	Senior Legislative Assistant
	Grant Krevda	Legislative Assistant
	Alex Miller	Legislative Assistant
	Alecia Nafziger	Legislative Assistant
	Jacob Quinn	Legislative Assistant

EMPLOYEES OF THE HOUSE OF REPRESENTATIVES—2012

MAJORITY CAUCUS STAFF (*continued*)

	Josh Schlake	Legislative Assistant
	Shane Springer	Legislative Assistant
*	Eric Albrecht	Intern
*	Josh Albrecht	Intern
*	David Buyze	Intern
*	Ethan Chitty	Intern
*	Chris Converse	Intern
*	Trent Fox	Intern
*	Mitchell Gauger	Intern
*	Jordan Heitman	Intern
*	Ben Hicks	Intern
*	Grant Kellow	Intern
*	Ben Krebs	Intern
*	Megan Moles	Intern
*	Sydney Moulton	Intern
*	April Perry	Intern
*	Matt Ritzenthaler	Intern
*	Michael Routon	Intern
*	Maggie Ruckelshaus	Intern
*	Rachel Sirinek	Intern
*	Greg Smaltz	Intern

MINORITY CAUCUS STAFF

	John Schorg	Media Relations Director
	Jeff Fites	Assistant Media Relations Director
	Lauren Coon	Assistant Director of Publications
	Judson Kring	Manager of Online Information
	Ty Riggs	Computer Technician
	Marilyn Cage	Director of Legislative Affairs
*	Robert Johnson	Intern
	Michael Smith	Intern Program Director/ Legislative Assistant
	Hannah Brown	Legislative Assistant
	Christina Cesnik	Legislative Assistant
	Kim Charles	Legislative Assistant
	Mark Ege	Legislative Assistant
	Anne Hancock	Legislative Assistant
	Zarah Hileman	Legislative Assistant
	Michael Thrall	Legislative Assistant
	Latishea Varnesdeel	Director of the Black Caucus/ Legislative Assistant
*	Samantha Hart	Intern
*	Eldin Hasic	Intern
*	Patrick Jones	Intern
*	Jason Kegerreis	Intern
*	Rebecca Kuntz	Intern
*	Isaac May	Intern
*	Christina Schneider	Intern
*	Mitch Spicer	Technology Intern
*	Megan Staub	Intern
*	Emily Taylor	Media Intern
*	Christopher Wake	Intern
*	Katie Wefler	Intern

JOURNAL OFFICE

	Laura Bartlett	Journal Clerk
	Amy Elifritz	Assistant Journal Clerk/ Engrossing/Endorsing Clerk
*	Donna Fulton	Resolution Clerk

DUPLICATING AND BILL DISTRIBUTION

	Ryan Mangus	Supervisor
	Rick Bond	Assistant Supervisor
*	Norm Craig	Session Assistant

POST OFFICE/FACILITIES MANAGEMENT

	Sean Marks	Facilities Manager/ Director of Security
	Jose Webb	Postmaster

HOUSEKEEPING

	Sean Marks	Facilities Manager
	Jonita McNeeley	Housekeeping Supervisor
	Jonathan Gibson	Housekeeping
	Brandon Harlan	Housekeeping
	Geneva Shaw	Housekeeping
	Kathy Watson	Housekeeping

DOORKEEPERS

*	Ralph Gran	Doorkeeper
*	Fred Ham	Doorkeeper
*	Eddie Langford	Doorkeeper
*	Thomas Lee	Doorkeeper
*	John Neal	Doorkeeper
*	Janet Brown	Doorkeeper

PAGE OFFICE

*	Deanna Adkins	Director of Student Services
**	Diana Ramsey	Assistant Director of Student Services
*	Nicole Krnich	Student Services Assistant
*	Jessica Tucker	Student Services Assistant

RECEPTIONISTS AND TELEPHONE CENTER

	Bea White	House Receptionist
*	Christy Stossmeister	Supervisor Telephone Center
*	Stella Mae Carley	Operator
**	George Jones	Operator
*	Pam Jones	Operator
*	Jean Ham	Operator
*	Mary Stump-Prout	Operator

EMPLOYEES OF
THE HOUSE OF REPRESENTATIVES—2012

PHOTOGRAPHY

* Jonathan Hawkins Photographer

NOTE: This is a list of employees of the House during the 2012 regular legislative session [November through March]. Changes in the staff prior to reconvening in November and after adjournment of the session are not reflected here.

* denotes session employees who worked only during the regular session.
**denotes employee who did not work the entire regular session.

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	3rd Reading	57
HB 1002	3rd Reading	123
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HB 1003	3rd Reading	83
	CCR-1	411
HB 1004	3rd Reading	124
	Concur	358
HB 1005	Second Reading Amendment #2	54
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HB 1007	Second Reading Amendment #3	78
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HB 1007 *(cont.)*	Second Reading Amendment #5	117
	3rd Reading	144
HB 1009	3rd Reading	84
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HB 1015	3rd Reading	85
	Concur	328
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HB 1018	3rd Reading	64
HB 1019	3rd Reading	22
HB 1029	3rd Reading	23
HB 1033	3rd Reading	127
	CCR-1	403
HB 1034	3rd Reading	65
HB 1040	3rd Reading	24
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HB 1047	3rd Reading	147
HB 1049	3rd Reading	128
	CCR-1	404
HB 1050	3rd Reading	129
HB 1052	3rd Reading	25
HB 1054	3rd Reading	148
	Concur	329
HB 1056	3rd Reading	66
HB 1058	Second Reading Amendment #1	56
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HB 1059	3rd Reading	86
	Concur	330
HB 1060	3rd Reading	68
HB 1064	3rd Reading	69
HB 1065	3rd Reading	70
	Concur	350
HB 1072	3rd Reading	130
	CCR-1	416
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	CCR-1	376
HB 1087	3rd Reading	149
HB 1090	3rd Reading	88
	Concur	331
HB 1091	Motion to recommit	19
	3rd Reading	150
	Concur	332
HB 1092	3rd Reading	131
	CCR-1	377
HB 1093	3rd Reading	89
HB 1102	3rd Reading	132
HB 1107	3rd Reading	151
HB 1111	3rd Reading	152
HB 1112	Second Reading Amendment #1	59
	3rd Reading	90
HB 1116	3rd Reading	91
	Concur	351
HB 1117	3rd Reading	153
	Concur	359
HB 1123	3rd Reading	71
	CCR-1	378
HB 1126	3rd Reading	133
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HB 1128	3rd Reading	92
	Concur	333
HB 1129	3rd Reading	93
	Concur	334
HB 1132	3rd Reading	134
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HB 1150	3rd Reading	72
HB 1154	Second Reading Amendment #1	60
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HB 1163	Ruling of the Chair	79
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	Concur	335
HB 1169	3rd Reading	139
	Concur	374
HB 1171	3rd Reading	155
	Concur	409
HB 1173	Second Reading Amendment #1	62
	3rd Reading	97
	Concur	336
HB 1186	3rd Reading	98
	CCR-1	380
HB 1189	3rd Reading	73
	CCR-1	412
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HB 1192	3rd Reading	140
	CCR-1	395
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HB 1196	3rd Reading	74
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HB 1207	Second Reading Amendment #1	63
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	Concur	339
HB 1216	3rd Reading	163
	Concur	340
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	Concur	342
HB 1221	3rd Reading	165
HB 1222	3rd Reading	166
HB 1224	3rd Reading	167
HB 1225	3rd Reading	168
HB 1226	3rd Reading	169
	Concur	352
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HB 1239	3rd Reading	111
HB 1241	3rd Reading	171
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	Concur	360
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117TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

2012

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Withdrawn prior to first reading. 0
Introduced and referred to committee. 397
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Withdrawn after introduction. 0
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Not called for second reading.. 6
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Call withdrawn. 0
Not called for third reading. 1
Read third time. 108
Passed. 108
Defeated. 0
Failed. 0
Call withdrawn. 0
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Passed. 85
Defeated. 0
Failed. 0
Call withdrawn. 0
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With amendments. 67
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Sent to the Governor. 78
Signed. 78
Filed without signature. 0
Vetoed. 0
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In 2012, 2 House Joint Resolutions were introduced. None were reported out of committee.

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Filed for introduction. 415
Withdrawn prior to first reading. 0
Introduced and referred to committee. 415
Withdrawn after introduction. 3
Reported out of committee. 149*
* includes 1 bill reported out of committee and then withdrawn
Not called for second reading.. 2
Read second time. 146
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Not called for third reading. 2
Read third time. 144
Passed. 140
Defeated. 1
Failed. 2
Call withdrawn. 1
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Referred to committee. 140
Reported out of committee. 100
Referred to Ways and Means, not reported out. 2
Not called for second reading.. 5
Read second time. 93
Ordered engrossed. 93
Call withdrawn. 0
Not called for third reading. 3
Read third time. 90
Passed. 90
Defeated. 0
Failed. 0
Call withdrawn. 0
Returned to the Senate. 90
Without amendments. 34
With amendments. 56
Conference committee. 32
Sent to the Governor. 83
Signed. 83
Filed without signature. 0
Vetoed. 0
Law enacted. 83

In 2012, 13 Senate Joint Resolutions were introduced. None were reported out of committee.

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SECOND REGULAR SESSION

(Those marked with ■ became law; no bills were vetoed by the Governor in 2012.)

SENATE BILLS

	House	Senate
■ SB 1 Authors Senators M. Young, Charbonneau and Steele Sponsor Representative McMillin		
Self-defense.		
Authored by Senators M. Young, Charbonneau and Steele		5
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Senators Alting, Banks, Becker, Boots, Buck, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Kruse, Landske, Lawson, Leising, Long, Merritt, Miller, Mishler, Nugent, Paul, Schneider, Simpson, Smith, Tomes, Walker, Waltz, Waterman, Wyss and Yoder added as coauthors		25
Committee report: amend do pass, adopted		69
Senators Lanane, Hume and Rogers added as coauthors		77
Second reading: ordered engrossed		101
Third reading: passed; Roll Call 35: yeas 45, nays 5		122
Referred to the House		
House sponsor: Representative McMillin		
Cosponsor: Representative Turner		
Representative Speedy added as cosponsor	138	
Senators Zakas and Bray added as coauthors		130
First reading: referred to Committee on Courts and Criminal Code	284	
Committee report: amend do pass, adopted	364	
Second reading: amended, ordered engrossed	453	
Amendment 2 (McMillin) prevailed; voice vote	453	
Amendment 1 (DeLaney) withdrawn	454	
Third reading: passed; Roll Call 312: yeas 74, nays 24	502	
Returned to the Senate with amendments		
Senate dissented from House amendments		634
Senate conferees appointed: M. Young and Lanane		642
Senate advisors appointed: Charbonneau, Hume, Delph and Steele		
House conferees appointed: McMillin and L. Lawson	522	
House advisors appointed: Steuerwald, Torr and Dvorak		
Senator Wyss removed as coauthor		680
Senator Becker removed as coauthor		762
Senator Lanane removed as conferee		824
Senator Lanane removed as coauthor		
Senator Taylor added as conferee		
Senator Taylor removed as conferee		
Senator Delph removed as advisor		825
Senator Delph added as conferee		
Representative L. Lawson removed as conferee	719	
Representative Steuerwald removed as House advisor		
Representative Steuerwald added as conferee		
Conference committee report 1: filed in the House	720	
Senate Rule 86(k) suspended		889
Conference committee report 1: adopted by the Senate; Roll Call 359: yeas 38, nays 12		890
Rules suspended	923	
Conference committee report 1: adopted by the House; Roll Call 414: yeas 67, nays 26	923	
Signed by the President Pro Tempore		1183
Signed by the Speaker	953	
Signed by the President of the Senate		1183
Signed by the Governor		1184
Public Law 161: Effective March 20, 2012		
SB 2 Author Senator Head		
Miami Nation tribal recognition.		
Authored by Senator Head		7
First reading: referred to Committee on Judiciary		
SB 3 Author Senator Head		
Habitual offender charge filing deadline.		
Authored by Senator Head		7
First reading: referred to Committee on Judiciary		
■ SB 4 Authors Senators Head, Walker and Hume Sponsor Representative Steuerwald		
Human trafficking.		
Authored by Senators Head, Banks and Walker		10
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Committee report: amend do pass, adopted		23
Senator Banks removed as second author		25
Senator Hume added as second author		
Senators Tallian, Simpson, Banks, Holdman, Miller, Eckerty, Delph, Tomes, Zakas, Landske, Glick, Waterman, M. Young and Mrvan added as coauthors		
Second reading: ordered engrossed		34
Senator Wyss added as coauthor		
Senators Lanane and Steele added as coauthors		36
Senator Charbonneau added as coauthor		
Senator Kruse added as coauthor		37
Third reading: passed; Roll Call 7: yeas 48, nays 0		48
Referred to the House		
House sponsor: Representative Steuerwald		
Cosponsors: Representatives Foley, L. Lawson and Welch		
Senators Alting, Arnold, Becker, Boots, Bray, Breaux, Broden, Buck, Gard, Grooms, Hershman, Kenley, Lawson, Leising, Long, Merritt, Mishler, Nugent, Paul, Randolph, Rogers, Schneider, Skinner, Smith, Taylor, Waltz, Yoder and R. Young added as coauthors		50
First reading: referred to Committee on Courts and Criminal Code	59	
Committee report: do pass, adopted	137	
Second reading: ordered engrossed	187	
Third reading: passed; Roll Call 77: yeas 95, nays 0	202	

	House	Senate
Returned to the Senate without amendments		
Representatives Austin, Bacon, Baird, Bardon, Bartlett, Battles, Bauer, Behning, Borders, Bosma, C. Brown, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Dvorak, Eberhart, Ellspermann, Espich, Friend, Frizzell, C. Fry, R. Frye, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moseley, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, V. Smith, Soliday, Speedy, Stemler, Stevenson, Sullivan, Summers, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Wesco, White, Wolkins and Yarde added as cosponsors.	254	
Signed by the Speaker.	253	
Signed by the President of the Senate.		257
Signed by the President Pro Tempore.		257
Signed by the Governor.		257
Public Law 1: Effective January 30, 2012		

SB 5 Author Senator Head

Funding of lawsuits.

	House	Senate
Authored by Senator Head.		7
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

SB 6 Authors Senators Tomes and Nugent
Sponsor Representative Ubelhor

Knives with automatic blades.

	House	Senate
Authored by Senator Tomes.		7
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Senator Nugent added as second author.		21
Senator Banks added as coauthor		
Senator Hume added as coauthor.		24
Committee report: amend do pass, adopted.		45
Senator Arnold added as coauthor.		48
Second reading: ordered engrossed.		72
Third reading: passed;		
Roll Call 12: yeas 48, nays 1.		102
Referred to the House		
House sponsor: Representative Ubelhor		
Cosponsor: Representative Eberhart		
Senator Buck added as coauthor.		104
First reading: referred to Committee on Public Policy.	284	

SB 7 Author Senator Tomes

Insurance premium discount for metal roof.

	House	Senate
Authored by Senator Tomes.		7
First reading: referred to Committee on Insurance and Financial Institutions		

SB 8 Author Senator Boots

Representation of judges in mandate litigation.

	House	Senate
Authored by Senator Boots.		7
First reading: referred to Committee on Judiciary		

SB 9 Author Senator Boots

Retailer permits in annexed areas.

	House	Senate
Authored by Senator Boots.		7
First reading: referred to Committee on Public Policy		

SB 10 Authors Senators Landske and Charbonneau
Sponsor Representative Frizzell

Massage therapists.

	House	Senate
Authored by Senator Landske.		7
First reading: referred to Committee on Health and Provider Services		
Senator Charbonneau added as second author.		157
Committee report: amend do pass, adopted.		158
Second reading: ordered engrossed.		225
Amendment 1 (Breaux) failed; voice vote.		225
Third reading: passed;		
Roll Call 104: yeas 43, nays 5.		271
Referred to the House		
House sponsor: Representative Frizzell		
Cosponsor: Representative White		
First reading: referred to Committee on Employment, Labor and Pensions.	300	

SB 11 Authors Senators Arnold and Steele
Sponsor Representative Ubelhor

Animal fighting contests.

	House	Senate
Authored by Senators Arnold and Steele.		7
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Committee report: do pass, adopted.		45
Senator Charbonneau added as coauthor.		59
Second reading: ordered engrossed.		72
Third reading: passed;		
Roll Call 13: yeas 38, nays 10.		102
Referred to the House		
House sponsor: Representative Ubelhor		
Cosponsor: Representative L. Lawson		
Senators Delph and Becker added as coauthors.		104
Senator Landske added as coauthor.		106
Senator Skinner added as coauthor.		116
Representative L. Lawson removed as cosponsor.	283	
First reading: referred to Committee on Courts and Criminal Code.	284	

SB 12 Authors Senators Miller and Gard
Sponsor Representative Clere

Reestablishment of FSSA.

	House	Senate
Authored by Senator Miller.		7
First reading: referred to Committee on Health and Provider Services		
Senator Gard added as second author.		60

	House	Senate
Committee report: amend do pass, adopted.		155
Second reading: amended, ordered engrossed.		227
Amendment 2 (Miller) prevailed; voice vote.		227
Amendment 3 (Simpson) failed;		
Roll Call 91: yeas 13, nays 37.		227
Amendment 1 (Breaux) failed; voice vote.		227
Third reading: passed;		
Roll Call 105: yeas 44, nays 6.		271
Referred to the House		
House sponsor: Representative Clere		
Cosponsor: Representative T. Brown		
First reading: referred to Committee on Public Health.	300	
Committee report: do pass, adopted.	322	

■ SB 13 Authors Senators Miller and Gard
Sponsor Representative T. Brown

Cash assistance point of service and drug reports.

	House	Senate
Authored by Senator Miller.		7
First reading: referred to Committee on Health and Provider Services		
Committee report: do pass, adopted.		54
Senator Gard added as second author.		60
Second reading: amended, ordered engrossed.		124
Amendment 1 (Miller) prevailed; voice vote.		124
Third reading: passed;		
Roll Call 54: yeas 50, nays 0.		150
Referred to the House		
House sponsor: Representative T. Brown		
Cosponsor: Representative C. Brown		
First reading: referred to Committee on Public Health.	284	
Committee report: do pass, adopted.	299	
Second reading: ordered engrossed.	311	
Third reading: passed;		
Roll Call 190: yeas 94, nays 0.	318	
Returned to the Senate without amendments		
Representative Welch added as cosponsor.	319	
Signed by the President Pro Tempore.		384
Signed by the Speaker.	345	
Signed by the President of the Senate.		416
Signed by the Governor.		531
Public Law 3: Effective July 1, 2012		

SB 14 Author Senator Tomes

Local government reorganizations.

	House	Senate
Authored by Senator Tomes.		7
First reading: referred to Committee on Local Government		

■ SB 15 Authors Senators Miller, Becker and Breaux
Sponsor Representative T. Brown

Brain injury services and Medicaid.

	House	Senate
Authored by Senators Miller and Becker.		7
First reading: referred to Committee on Health and Provider Services		
Committee report: amend do pass, adopted.		54
Senator Breaux added as third author.		60
Second reading: amended, ordered engrossed.		72
Amendment 1 (Miller) prevailed; voice vote.		73
Third reading: passed;		
Roll Call 36: yeas 49, nays 1.		122
Referred to the House		
House sponsor: Representative T. Brown		
Cosponsor: Representative C. Brown		
Senator Buck added as coauthor.		130
First reading: referred to Committee on Public Health.	284	
Representative Karickhoff added as cosponsor.	298	
Committee report: amend do pass, adopted.	365	
Second reading: amended, ordered engrossed.	454	
Amendment 5 (T. Brown) prevailed; voice vote.	454	
Amendment 6 (Reske) failed; voice vote.	454	
Third reading: passed;		
Roll Call 293: yeas 91, nays 0.	468	
Returned to the Senate with amendments		
Senate dissented from House amendments.		625
Senate conferees appointed: Miller and Breaux.		626
Senate advisors appointed: Buck, Rogers and Becker		
House conferees appointed: T. Brown and C. Brown.	503	
House advisors appointed: Karickhoff and Welch		
Conference committee report 1: filed in the House.	540	
Rules suspended.	548	
Conference committee report 1: adopted by the House;		
Roll Call 365: yeas 92, nays 0.	548	
Senate Rule 86(k) suspended.		681
Conference committee report 1: adopted by the Senate;		
Roll Call 320: yeas 47, nays 0.		683
Signed by the President Pro Tempore.		897
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 110:		
SECTION 1 effective March 19, 2012		
SECTION 2 effective July 1, 2012		

SB 16 Author Senator Steele

Boat and other watercraft liens.

	House	Senate
Authored by Senator Steele.		7
First reading: referred to Committee on Judiciary		

SB 17 Author Senator Steele

Summary dissolution decree.

	House	Senate
Authored by Senator Steele.		7
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

■ SB 18 Authors Senators Steele and M. Young
Sponsor Representative Kirchhofer

Duty to support a child.

	House	Senate
Authored by Senator Steele.		7
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Committee report: do pass, adopted.		45
Senator M. Young added as second author.		76
Second reading: amended, ordered engrossed.		121
Amendment 1 (Steele) prevailed; voice vote.		121
Third reading: passed;		
Roll Call 55: yeas 49, nays 1.		150
Referred to the House		

	House	Senate
House sponsor: Representative Kirchhofer		
Cosponsors: Representatives McMillin and Steuerwald		
First reading: referred to Committee on Family, Children and Human Affairs.	284	
Committee report: amend do pass, adopted.	365	
Second reading: ordered engrossed.	439	
Third reading: passed;		
Roll Call 253: yeas 67, nays 28.	450	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Concurrence withdrawn.		646
Senate dissented from House amendments.		659
Senate conferees appointed: Steele and R. Young		
Senate advisors appointed: M. Young, Hume and Glick		
House conferees appointed: Kirchhofer and Summers.	527	
House advisors appointed: McMillin, Steuerwald and Klinker		
Dissent withdrawn.		692
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 334: yeas 46, nays 2.		767
Signed by the President Pro Tempore.		897
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 111: Effective July 1, 2012		

■ SB 19 Authors Senators Boots, Hershman and Delph
Sponsor Representative Richardson

	House	Senate
Property taxes.		
Authored by Senator Boots.		7
First reading: referred to Committee on Tax and Fiscal Policy		
Committee report: amend do pass, adopted.		43
Senator Hershman added as second author.		49
Senator Delph added as third author		
Senators Holdman and Smith added as coauthors		
Senators Broden and Buck added as coauthors.		50
Senator Randolph added as coauthor.		61
Second reading: ordered engrossed.		73
Third reading: passed;		
Roll Call 14: yeas 48, nays 0.		102
Referred to the House		
House sponsor: Representative Richardson		
Senator Charbonneau added as coauthor.		104
First reading: referred to Committee on Ways and Means.	284	
Committee report: amend do pass, adopted.	365	
Second reading: amended, ordered engrossed.	439	
Amendment 1 (Dermody) prevailed; voice vote.	440	
Amendment 2 (M. Smith) prevailed; voice vote.	443	
Third reading: passed;		
Roll Call 254: yeas 96, nays 0.	450	
Returned to the Senate with amendments		
Representative Thompson added as cosponsor.	466	
Senate dissented from House amendments.		634
Senate conferees appointed: Boots and Broden.		643
Senate advisors appointed: Hershman, Randolph and Delph		
House conferees appointed: Thompson and Pelath.	522	
House advisors appointed: Richardson, Dermody, M. Smith and Dvorak		
Conference committee report 1: filed in the House.	621	
Rules suspended.	660	
Conference committee report 1: adopted by the House;		
Roll Call 381: yeas 90, nays 0.	660	
Senate Rule 86(k) suspended.		763
Conference committee report 1: adopted by the Senate;		
Roll Call 336: yeas 36, nays 14.		767
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the Governor.		1183
Public Law 112:		
SECTIONS 1 through 2 effective July 1, 2012		
SECTIONS 3 through 8 effective January 1, 2013		
SECTION 9 effective retroactive to February 29, 2012		
SECTIONS 10 through 13 effective January 1, 2013		
SECTIONS 14 through 15 effective July 1, 2012		
SECTIONS 16 through 38 effective January 1, 2013		
SECTION 39 effective July 1, 2012		
SECTIONS 40 through 41 effective March 19, 2012		
SECTION 42 effective January 1, 2013		
SECTION 43 effective March 19, 2012		
SECTIONS 44 through 53 effective January 1, 2013		
SECTION 54 effective July 1, 2012		
SECTIONS 55 through 56 effective January 1, 2013		
SECTION 57 effective July 1, 2012		
SECTIONS 58 through 61 effective January 1, 2013		

SB 20 Author Senator Boots

	House	Senate
Alcoholic beverages.		
Authored by Senator Boots.		7
First reading: referred to Committee on Commerce and Economic Development		
Pursuant to Senate Rule 68(b); reassigned to Committee on Public Policy.		5

SB 21 Author Senator Lanane

	House	Senate
Coverage for smoking cessation drugs.		
Authored by Senator Lanane.		7
First reading: referred to Committee on Insurance and Financial Institutions		

■ SB 22 Author Senator Nugent
Sponsor Representative McMillin

	House	Senate
Conservancy district director compensation.		
Authored by Senator Nugent.		7
First reading: referred to Committee on Agriculture and Natural Resources		
Senator Hume added as coauthor.		130
Committee report: do pass, adopted.		145
Second reading: ordered engrossed.		169
Third reading: passed;		
Roll Call 96: yeas 49, nays 1.		254
Referred to the House		
House sponsor: Representative McMillin		
Cosponsors: Representatives Dobis and R. Frye		

	House	Senate
First reading: referred to Committee on Natural Resources	300	
Committee report: amend do pass, adopted	333	
Second reading: amended, ordered engrossed	409	
Amendment 1 (Candelaria Reardon) prevailed; Roll Call 226: yeas 49, nays 44	409	
Third reading: passed; Roll Call 230: yeas 76, nays 22	438	
Returned to the Senate with amendments		
Senate dissented from House amendments		564
Senate conferees appointed: Nugent and R. Young		567
Senate advisors appointed: Mishler and Hume		
House conferees appointed: McMillin and Dobis	503	
House advisors appointed: R. Frye, Eberhart, Harris and Candelaria Reardon		
Conference committee report 1: filed in the House	617	
Rules suspended	660	
Conference committee report 1: adopted by the House; Roll Call 382: yeas 92, nays 0	660	
Senate Rule 86(k) suspended		763
Conference committee report 1: adopted by the Senate; Roll Call 337: yeas 47, nays 3		808
Signed by the President Pro Tempore		897
Signed by the Speaker	946	
Signed by the President of the Senate		1183
Signed by the Governor		1183
Public Law 113: Effective July 1, 2012		

SB 23 Author Senator Nugent

Confined feeding operations near state parks.		
Authored by Senator Nugent		7
First reading: referred to Committee on Energy and Environmental Affairs		

■ SB 24 Authors Senators Lawson and Simpson
Sponsor Representative Noe

Mental health issues.		
Authored by Senator Lawson		7
First reading: referred to Committee on Health and Provider Services		
Committee report: amend do pass, adopted		92
Senator Simpson added as second author		105
Second reading: amended, ordered engrossed		124
Amendment 1 (Lawson) prevailed; voice vote		124
Amendment 2 (Lawson) prevailed; voice vote		124
Third reading: passed; Roll Call 56: yeas 50, nays 0		150
Referred to the House		
House sponsor: Representative Noe		
Cosponsors: Representatives C. Brown and T. Brown		
First reading: referred to Committee on Public Health	284	
Committee report: amend do pass, adopted	322	
Second reading: amended, ordered engrossed	342	
Amendment 1 (Riecken) prevailed; voice vote	342	
Third reading: passed; Roll Call 220: yeas 95, nays 0	356	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments; Roll Call 256: yeas 50, nays 0		569
Signed by the President Pro Tempore		762
Signed by the Speaker	660	
Signed by the President of the Senate		826
Signed by the Governor		1183
Public Law 28:		
SECTIONS 1 through 14 effective July 1, 2012		
SECTION 15 effective March 14, 2012		
SECTIONS 16 through 24 effective July 1, 2012		
SECTION 25 effective March 14, 2012		
SECTION 26 effective July 1, 2012		

SB 25 Authors Senators Kenley and Boots
Sponsor Representative Cherry

Redevelopment commissions and authorities.		
Authored by Senator Kenley		7
First reading: referred to Committee on Local Government		
Senator Boots added as second author		21
Senator Walker added as coauthor		
Committee report: do pass, adopted		82
Second reading: ordered engrossed		147
Senator Breaux added as coauthor		153
Third reading: passed; Roll Call 80: yeas 39, nays 8		203
Referred to the House		
House sponsor: Representative Cherry		
First reading: referred to Committee on Government and Regulatory Reform	300	

■ SB 26 Authors Senators Bray and Hume
Sponsor Representative Foley

Title 35 definitions.		
Authored by Senator Bray		8
First reading: referred to Committee on Judiciary		
Committee report: amend do pass, adopted		57
Second reading: amended, ordered engrossed		73
Amendment 1 (Bray) prevailed; voice vote		73
Senator Randolph added as coauthor		76
Senator Hume added as second author		105
Third reading: passed; Roll Call 37: yeas 50, nays 0		122
Referred to the House		
House sponsor: Representative Foley		
Cosponsor: Representative Pierce		
First reading: referred to Committee on Judiciary	285	
Committee report: amend do pass, adopted	315	
Second reading: ordered engrossed	326	
Third reading: passed; Roll Call 199: yeas 90, nays 2	344	
Returned to the Senate with amendments		
Senate dissented from House amendments		625
Senate conferees appointed: Bray and Randolph		626
Senate advisors appointed: Glick and Hume		
House conferees appointed: Foley and Pierce	503	
House advisors appointed: Koch and Pryor		
Senate Rule 86(k) suspended		691
Conference committee report 1: adopted by the Senate; Roll Call 328: yeas 49, nays 0		692
Conference committee report 1: filed in the House	572	
Rules suspended	660	

	House	Senate
Conference committee report 1: adopted by the House; Roll Call 383: yeas 89, nays 2.	660	
Joint Rule 20 technical correction adopted by the Senate.		1146
Joint Rule 20 technical correction adopted by the House.	948	
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 114: Effective July 1, 2012		

SB 27 Authors Senators Leising and Paul

	House	Senate
State highway closings.		
Authored by Senators Leising and Paul.		8
First reading: referred to Committee on Local Government		

SB 28 Author Senator Mrvan

	House	Senate
Annual review of unpaid restitution orders.		
Authored by Senator Mrvan.		8
First reading: referred to Committee on Judiciary		

SB 29 Author Senator Mrvan

	House	Senate
Employer purchased insurance.		
Authored by Senator Mrvan.		8
First reading: referred to Committee on Insurance and Financial Institutions		

SB 30 Author Senator Leising

	House	Senate
Limitation on adoption of agency rules.		
Authored by Senator Leising.		8
First reading: referred to Committee on Tax and Fiscal Policy		

SB 31 Authors Senators Paul and Delph Sponsor Representative Baird

	House	Senate
Grants from military family relief fund.		
Authored by Senator Paul.		8
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Committee report: do pass, adopted.		46
Pursuant to Senate Rule 68(b); reassigned to Committee on Appropriations		
Senators Arnold, Banks and Becker added as coauthors.		48
Senator Delph added as second author.		51
Committee report: amend do pass, adopted.		83
Senator Charbonneau added as coauthor.		104
Second reading: ordered engrossed.		125
Senator Glick added as coauthor.		129
Senator Tomes added as coauthor.		130
Third reading: passed;		
Roll Call 57: yeas 50, nays 0.		150
Referred to the House		
House sponsor: Representative Baird		
Senator Landske added as coauthor.		153
First reading: referred to Committee on Veterans Affairs and Public Safety.	285	
Representative Riecken added as cosponsor.	312	

■ SB 32 Authors Senators Bray and Broden Sponsor Representative Foley

	House	Senate
Guardianships.		
Authored by Senator Bray.		8
First reading: referred to Committee on Judiciary		
Senator Randolph added as coauthor.		36
Committee report: amend do pass, adopted.		56
Second reading: ordered engrossed.		73
Senator Broden added as second author.		105
Third reading: passed;		
Roll Call 38: yeas 50, nays 0.		122
Referred to the House		
House sponsor: Representative Foley		
First reading: referred to Committee on Judiciary.	285	
Committee report: amend do pass, adopted.	315	
Second reading: ordered engrossed.	326	
Third reading: passed;		
Roll Call 200: yeas 95, nays 0.	344	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Concurrence withdrawn.		646
Senate dissented from House amendments.		659
Senate conferees appointed: Bray and Broden		
Senate advisors appointed: Head, Randolph and Delph		
House conferees appointed: Foley and Pryor.	527	
House advisors appointed: Leonard and DeLaney		
Senate Rule 86(k) suspended.		691
Conference committee report 1: adopted by the Senate; Roll Call 329: yeas 49, nays 0.		743
Conference committee report 1: filed in the House.	571	
Rules suspended.	660	
Conference committee report 1: adopted by the House; Roll Call 384: yeas 92, nays 0.	660	
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the Governor.		1183
Public Law 115: Effective July 1, 2012		

SB 33 Author Senator Walker

	House	Senate
Adjustments to judges' survivor benefits.		
Authored by Senator Walker.		8
First reading: referred to Committee on Pensions and Labor		

SB 34 Author Senator Walker

	House	Senate
Confidential public pension information.		
Authored by Senator Walker.		8
First reading: referred to Committee on Pensions and Labor		

SB 35 Author Senator Kruse

	House	Senate
Definition of child care ministry.		
Authored by Senator Kruse.		8

	House	Senate
First reading: referred to Committee on Health and Provider Services		
SB 36 Author Senator Waterman		
Foreign law.		
Authored by Senator Waterman.		8
First reading: referred to Committee on Judiciary		
SB 37 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 38 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 39 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 40 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 41 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 42 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 43 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 44 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 45 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 46 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 47 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 48 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 49 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 50 Author Senator Simpson		
Vehicle bill.		
Authored by Senator Simpson.		8
First reading: referred to Committee on Rules and Legislative Procedure		
SB 51 Author Senator Becker		
Property tax assessment board of appeals.		
Authored by Senator Becker.		8
First reading: referred to Committee on Appropriations		
■ SB 52 Authors Senators Becker and Miller Sponsor Representative T. Brown		
HIV testing.		
Authored by Senators Becker and Miller.		8
First reading: referred to Committee on Health and Provider Services		
Senator Breaux added as coauthor.		50
Committee report: amend do pass, adopted.		54
Senator Rogers added as coauthor.		59
Second reading: ordered engrossed.		73

	House	Senate
Third reading: passed;		
Roll Call 15: yeas 48, nays 0.		102
Referred to the House		
House sponsor: Representative T. Brown		
Cosponsors: Representatives C. Brown and Crouch		
Senator Wyss added as coauthor.		104
First reading: referred to Committee on Public Health..	285	
Committee report: amend do pass, adopted.	299	
Second reading: amended, ordered engrossed.	318	
Amendment 1 (C. Brown) prevailed; voice vote.	318	
Third reading: passed;		
Roll Call 201: yeas 89, nays 6.	344	
Returned to the Senate with amendments		
Senate dissented from House amendments.		564
Senate conferees appointed: Becker and Breaux.		566
Senate advisors appointed: Miller and Rogers		
House conferees appointed: T. Brown and C. Brown.	503	
House advisors appointed: Davisson and Welch		
Conference committee report 1: filed in the House.	539	
Rules suspended.	548	
Conference committee report 1: adopted by the House;		
Roll Call 366: yeas 92, nays 1.	548	
Senate Rule 86(k) suspended.		681
Conference committee report 1: adopted by the Senate;		
Roll Call 321: yeas 49, nays 0.		684
Signed by the President Pro Tempore.		897
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 116: Effective July 1, 2012		

SB 53 Author Senator Eckerty

	House	Senate
Internal insurance compliance audits.		
Authored by Senator Eckerty.		8
First reading: referred to Committee on Insurance and Financial Institutions		

SB 54 Authors Senators Eckerty and Head
Sponsor Representative Wolkins

	House	Senate
State university use of eminent domain.		
Authored by Senator Eckerty.		8
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Senator Head added as coauthor.		20
Committee report: amend do pass, adopted.		56
Pursuant to Senate Rule 68(b); reassigned to Committee on Appropriations		
Senators Gard, Delph and Schneider added as coauthors.		75
Senators Tomes, Boots, Holdman, Charbonneau and Smith added as coauthors..		76
Senator Steele added as coauthor.		77
Committee report: amend do pass, adopted.		84
Senators Banks and Kruse added as coauthors..		106
Senator Miller added as coauthor.		116
Senator Head removed as coauthor.		129
Senator Head added as second author.		130
Senators Lawson, Bray and M. Young added as coauthors		
Second reading: ordered engrossed.		147
Amendment 2 (Tallian) failed; voice vote.		147
Amendment 1 (Taylor) failed;		
Roll Call 53: yeas 9, nays 40.		147
Third reading: passed;		
Roll Call 81: yeas 34, nays 13.		203
Referred to the House		
House sponsor: Representative Wolkins		
Cosponsor: Representative Mahan		
First reading: referred to Committee on Judiciary.	285	

SB 55 Author Senator Eckerty

	House	Senate
Local government reorganization.		
Authored by Senator Eckerty.		8
First reading: referred to Committee on Local Government		
Senators Walker and Head added as coauthors.		20

■ SB 56 Authors Senators Eckerty and Lanane
Sponsor Representative Speedy

	House	Senate
Ball State board of trustees.		
Authored by Senator Eckerty.		8
First reading: referred to Committee on Education and Career Development		
Committee report: amend do pass, adopted.		167
Second reading: ordered engrossed.		228
Senator Rogers added as coauthor.		255
Senator Lanane added as second author.		258
Third reading: passed;		
Roll Call 106: yeas 48, nays 2.		271
Referred to the House		
House sponsor: Representative Speedy		
First reading: referred to Committee on Education.	300	
Committee report: do pass, adopted.	366	
Representative Foley added as cosponsor.	414	
Second reading: ordered engrossed.	439	
Third reading: passed;		
Roll Call 255: yeas 92, nays 2.	450	
Returned to the Senate without amendments		
Signed by the Speaker.	523	
Signed by the President Pro Tempore.		661
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 29:		
SECTION 1 effective July 1, 2012		
SECTIONS 2 through 3 effective retroactive to January 1, 2012		
SECTIONS 4 through 12 effective July 1, 2012		

SB 57 Authors Senators Banks, Yoder and Schneider

	House	Senate
Inheritance tax and estate tax.		
Authored by Senators Banks, Yoder and Schneider..		9
Coauthored by Senators Kruse, Walker and Smith		
First reading: referred to Committee on Tax and Fiscal Policy		
Senator Glick added as coauthor.		21
Senator Smith removed as coauthor		

House Senate

SB 58 Author Senator Long
Vehicle bill.
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure

SB 59 Author Senator Long
Vehicle bill.
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure

SB 60 Author Senator Long
Vehicle bill.
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure

SB 61 Authors Senators Tallian and Charbonneau
Sponsor Representative Davis
Leasing of state property.
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure
Committee report: amended, reassigned to Committee
on Agriculture and Natural Resources. 58
Senator Long removed as first author.. 61
Senator Tallian added as first author
Senator Charbonneau added as second author
Committee report: do pass, adopted. 145
Second reading: ordered engrossed. 169
Third reading: passed;
Roll Call 97: yeas 41, nays 9. 254
Referred to the House
House sponsor: Representative Davis
Cosponsors: Representatives Pelath, Moseley
and Soliday
First reading: referred to Committee on Public Policy. . . 300

SB 62 Author Senator Delph
Securities and flexible purpose corporations.
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure
Committee report: amended, reassigned to Committee
on Commerce and Economic Development.. 63
Senator Long removed as first author.. 75
Senator Delph added as first author
Committee report: amend do pass, adopted. 218
Bill withdrawn. 255

SB 63 Author Senator Charbonneau
Ports of Indiana.
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure
Committee report: amend do pass, reassigned to
Committee on Appropriations. 96
Senator Long removed as first author.. 105
Senator Charbonneau added as first author

SB 64 Author Senator Long
Vehicle bill.
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure

SB 65 Author Senator Long
Vehicle bill.
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure

SB 66 Author Senator Long
Vehicle bill.
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure

SB 67 Author Senator Long
Vehicle bill.
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure

SB 68 Author Senator Delph
Qualification for presidential primary election.
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure
Committee report: amended, reassigned to
Committee on Elections. 46
Senator Long removed as first author.. 48
Senator Delph added as first author
Bill withdrawn. 117

SB 69 Author Senator M. Young
Allows the establishment of a professional motorsports development area (PMDA)
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure
Committee report: amended, reassigned to
Committee on Appropriations. 109
Senator Long removed as first author.. 116
Senator M. Young added as first author

SB 70 Author Senator Long
Vehicle bill.
Authored by Senator Long. 9
First reading: referred to Committee on
Rules and Legislative Procedure

	House	Senate
SB 71 Author Senator Long		
Vehicle bill.		
Authored by Senator Long.		9
First reading: referred to Committee on Rules and Legislative Procedure		
SB 72 Authors Senators Holdman and Smith Sponsor Representative Ellspermann		
Abortion matters.		
Authored by Senator Long.		9
First reading: referred to Committee on Rules and Legislative Procedure		
Committee report: amend do pass, reassigned to Committee on Health and Provider Services.		94
Senator Long removed as first author..		105
Senator Holdman added as first author		
Senator Smith added as second author.		128
Senators Eckerty, Leising, Kruse, Tomes, Buck, Hume, Walker, M. Young and Banks added as coauthors		
Committee report: amend do pass, adopted.		159
Second reading: amended, ordered engrossed.		260
Amendment 1 (Holdman) prevailed; voice vote.		260
Amendment 7 (Leising) prevailed; voice vote.		260
Amendment 3 (Simpson) failed; Division of the Senate: yeas 13, nays 37.		260
Amendment 4 (Tallian) failed; voice vote.		260
Third reading: passed; Roll Call 162: yeas 36, nays 0.		285
Referred to the House		
House sponsor: Representative Ellspermann		
First reading: referred to Committee on Public Policy. . .	300	
Representatives Heuer and Davisson added as cosponsors..	312	
Representative Cheatham added as cosponsor.	328	
SB 73 Author Senator Long		
Vehicle bill.		
Authored by Senator Long.		9
First reading: referred to Committee on Rules and Legislative Procedure		
SB 74 Author Senator Long		
Vehicle bill.		
Authored by Senator Long.		9
First reading: referred to Committee on Rules and Legislative Procedure		
SB 75 Author Senator Long		
Vehicle bill.		
Authored by Senator Long.		9
First reading: referred to Committee on Rules and Legislative Procedure		
SB 76 Author Senator Long		
Vehicle bill.		
Authored by Senator Long.		9
First reading: referred to Committee on Rules and Legislative Procedure		
SB 77 Author Senator Long		
Vehicle bill.		
Authored by Senator Long.		9
First reading: referred to Committee on Rules and Legislative Procedure		
SB 78 Author Senator Long		
Vehicle bill.		
Authored by Senator Long.		9
First reading: referred to Committee on Rules and Legislative Procedure		
SB 79 Author Senator Long		
Vehicle bill.		
Authored by Senator Long.		9
First reading: referred to Committee on Rules and Legislative Procedure		
SB 80 Author Senator Long		
Vehicle bill.		
Authored by Senator Long.		9
First reading: referred to Committee on Rules and Legislative Procedure		
SB 81 Author Senator Long		
Vehicle bill.		
Authored by Senator Long.		9
First reading: referred to Committee on Rules and Legislative Procedure		
SB 82 Author Senator Long		
Vehicle bill.		
Authored by Senator Long.		9
First reading: referred to Committee on Rules and Legislative Procedure		
SB 83 Authors Senators Leising, Kruse and Delph Sponsor Representative Rhoads		
Cursive writing in school curriculum.		
Authored by Senator Leising.		9
First reading: referred to Committee on Education and Career Development		
Senator Kruse added as second author.		20
Senator Delph added as third author		
Senators Grooms, Waterman, Gard, Becker, Randolph, Skinner, Steele, Smith and Arnold added as coauthors		
Senator Miller added as coauthor..		36
Committee report: do pass, adopted.		184
Second reading: amended, ordered engrossed.		228
Amendment 1 (Schneider) prevailed; Roll Call 92: yeas 27, nays 23.		228

	House	Senate
Senator Randolph removed as coauthor.		257
Third reading: passed;		
Roll Call 107: yeas 45, nays 5.		271
Referred to the House		
House sponsor: Representative Rhoads		
Cosponsor: Representative Thompson		
Senator Hume added as coauthor.		279
First reading: referred to Committee on Education.	300	

SB 84 Authors Senators Leising, Kruse and Yoder

Class basketball.

	House	Senate
Authored by Senator Leising.		9
First reading: referred to Committee on Public Policy		
Senator Kruse added as second author.		20
Senator Yoder added as third author		
Senators Delph and Randolph added as coauthors		

SB 85 Authors Senators Banks and Yoder

Attorney's fees in civil action.

	House	Senate
Authored by Senators Banks and Yoder.		9
First reading: referred to Committee on Judiciary		
Senator Kruse added as coauthor.		49

SB 86 Author Senator Steele

Disabled veteran hunting and fishing licenses.

	House	Senate
Authored by Senator Steele.		10
First reading: referred to Committee on Agriculture and Natural Resources		

SB 87 Author Senator Steele

Proof of collateral source payments.

	House	Senate
Authored by Senator Steele.		11
First reading: referred to Committee on Judiciary		

SB 88 Authors Senators Kruse and Glick Sponsor Representative Dodge

Proof of residency for homestead deduction.

	House	Senate
Authored by Senator Kruse.		11
First reading: referred to Committee on Local Government		
Senator Glick added as coauthor.		153
Committee report: amend do pass, adopted.		184
Senator Glick removed as coauthor.		258
Senator Glick added as second author		
Second reading: ordered engrossed.		261
Third reading: passed;		
Roll Call 163: yeas 50, nays 0.		285
Referred to the House		
House sponsor: Representative Dodge		
Cosponsors: Representatives Yarde, Pond and Turner		
First reading: referred to Committee on Ways and Means.	300	

SB 89 Authors Senators Kruse and Holdman Sponsor Representative Thompson

Teaching of creation science.

	House	Senate
Authored by Senator Kruse.		11
First reading: referred to Committee on Education and Career Development		
Senator Holdman added as second author.		24
Senators Delph, Banks and Schneider added as coauthors.		76
Committee report: do pass, adopted.		184
Second reading: amended, ordered engrossed.		228
Amendment 1 (Simpson) prevailed; voice vote.		228
Amendment 6 (Skinner) failed;		
Roll Call 93: yeas 14, nays 36.		228
Third reading: passed;		
Roll Call 108: yeas 28, nays 22.		271
Referred to the House		
House sponsor: Representative Thompson		
Cosponsor: Representative Turner		
First reading: referred to Committee on Rules and Legislative Procedures.	300	
Senator Schneider removed as coauthor.		628

SB 90 Author Senator Kruse

Application of foreign law.

	House	Senate
Authored by Senator Kruse.		11
First reading: referred to Committee on Judiciary		

SB 91 Author Senator Gard

Tobacco use by job applicants.

	House	Senate
Authored by Senator Gard.		11
First reading: referred to Committee on Pensions and Labor		

SB 92 Authors Senators Gard and Leising

Public access issues.

	House	Senate
Authored by Senator Gard.		11
First reading: referred to Committee on Local Government		
Senator Leising added as second author.		21
Senators Miller and Holdman added as coauthors.		59
Senator Mrvan added as coauthor.		202
Committee report: amend do pass, adopted.		211
Second reading: ordered engrossed.		228
Third reading: call withdrawn.		271

SB 93 Author Senator Lanane

Habitual substance offender.

	House	Senate
Authored by Senator Lanane.		11
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

SB 94 Author Senator Lanane

Defines "public intoxication".

	House	Senate
Authored by Senator Lanane.		11
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

SB 95 Author Senator Lanane

Official misconduct.

	House	Senate
Authored by Senator Lanane.		11
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

SB 96 Author Senator M. Young

Theft.

	House	Senate
Authored by Senator M. Young.		11
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

■ SB 97 Authors Senators M. Young and Taylor
Sponsor Representative Steuerwald

Public intoxication.

	House	Senate
Authored by Senators M. Young and Taylor.		11
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Senator Randolph added as coauthor.		49
Committee report: do pass, adopted.		145
Senators Steele, Tomes and Hume added as coauthors.		153
Second reading: ordered engrossed.		170
Third reading: passed;		
Roll Call 98: yeas 30, nays 20.		255
Referred to the House		
House sponsor: Representative Steuerwald		
First reading: referred to Committee on Courts and Criminal Code.	300	
Representative McMillin added as cosponsor.	359	
Committee report: amend do pass, adopted.	366	
Second reading: amended, ordered engrossed.	443	
Amendment 1 (Dvorak) prevailed; voice vote.	443	
Third reading: passed;		
Roll Call 256: yeas 95, nays 0.	450	
Returned to the Senate with amendments		
Senate dissented from House amendments.		625
Senate conferees appointed: M. Young and Taylor.		626
Senate advisors appointed: Steele, Randolph and Banks		
House conferees appointed: Steuerwald and Dvorak.	503	
House advisors appointed: McMillin and Pierce		
Conference committee report 1: filed in the House.	657	
Rules suspended.	662	
Conference committee report 1: adopted by the House;		
Roll Call 391: yeas 93, nays 0.	662	
Senate Rule 86(k) suspended.		763
Conference committee report 1: adopted by the Senate;		
Roll Call 338: yeas 44, nays 6.		809
Signed by the President Pro Tempore.		897
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 117: Effective July 1, 2012		

■ SB 98 Authors Senators Kenley and Charbonneau
Sponsor Representative Espich

County highway maintenance funding.

	House	Senate
Authored by Senator Kenley.		11
First reading: referred to Committee on Appropriations		
Committee report: amend do pass, adopted.		89
Senator Charbonneau added as second author.		106
Second reading: ordered engrossed.		125
Third reading: passed;		
Roll Call 58: yeas 50, nays 0.		150
Referred to the House		
House sponsor: Representative Espich		
Cosponsor: Representative Crawford		
Senator Hume added as coauthor.		153
First reading: referred to Committee on Ways and Means.	285	
Committee report: amend do pass, adopted.	333	
Second reading: amended, ordered engrossed.	443	
Amendment 1 (Espich) prevailed; voice vote.	443	
Third reading: passed;		
Roll Call 257: yeas 93, nays 1.	450	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 299: yeas 46, nays 1.		630
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 30: Effective July 1, 2012		

SB 99 Author Senator Delph

Redistricting.

	House	Senate
Authored by Senator Delph.		11
First reading: referred to Committee on Elections		

SB 100 Author Senator Broden

Sales and use tax.

	House	Senate
Authored by Senator Broden.		11
First reading: referred to Committee on Tax and Fiscal Policy		

SB 101 Author Senator Broden

Vehicle clearance when overtaking bicycle.

	House	Senate
Authored by Senator Broden.		11
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

SB 102 Author Senator Broden

Food stamp assistance after drug conviction.

	House	Senate
Authored by Senator Broden.		11
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

SB 103 Author Senator Mrvan

Public access issues.

	House	Senate
Authored by Senator Mrvan.		11
First reading: referred to Committee on Local Government		

SB 104 Author Senator Mrvan

Serious sex offenders.

	House	Senate
Authored by Senator Mrvan.		11
First reading: referred to Committee on Judiciary		
SB 105 Authors Senators Boots and Walker Sponsor Representative T. Brown		
Redevelopment commission members.		
Authored by Senator Boots.		11
First reading: referred to Committee on Local Government		
Committee report: do pass, adopted.		82
Second reading: ordered engrossed.		125
Senator Walker added as second author.		131
Third reading: passed;		
Roll Call 59: yeas 48, nays 2.		150
Referred to the House		
House sponsor: Representative T. Brown		
Cosponsor: Representative Turner		
Senators Landske and Lanane added as coauthors.		153
First reading: referred to Committee on Government and Regulatory Reform.	285	
SB 106 Author Senator Boots		
Cold beer sales.		
Authored by Senator Boots.		11
First reading: referred to Committee on Public Policy		
■ SB 107 Authors Senators Zakas, Lawson and Hume Sponsor Representative Neese		
Deadline for adoption of salary ordinances.		
Authored by Senator Zakas.		11
First reading: referred to Committee on Local Government		
Senator Lawson added as second author.		203
Senator Hume added as third author		
Senator Broden added as coauthor		
Committee report: amend do pass, adopted.		211
Second reading: amended, ordered engrossed.		261
Amendment 2 (Lawson) prevailed; voice vote.		261
Senator Randolph added as coauthor.		270
Third reading: passed;		
Roll Call 164: yeas 50, nays 0.		285
Referred to the House		
House sponsor: Representative Neese		
First reading: referred to Committee on Local Government.	301	
Committee report: do pass, adopted.	322	
Second reading: amended, ordered engrossed.	342	
Amendment 2 (Thompson) prevailed; voice vote.	342	
Amendment 1 (Thompson) prevailed; voice vote.	342	
Third reading: passed;		
Roll Call 209: yeas 86, nays 3.	355	
Returned to the Senate with amendments		
Senate dissented from House amendments.		564
Senate conferees appointed: Zakas and Hume.		566
Senate advisor appointed: Lawson		
House conferees appointed: Neese and Moses.	503	
House advisors appointed: Thompson, Richardson and V. Smith		
Conference committee report 1: filed in the House.	542	
Rules suspended.	548	
Conference committee report 1: adopted by the House; Roll Call 367: yeas 94, nays 0.	548	
Senate Rule 86(k) suspended.		681
Conference committee report 1: adopted by the Senate; Roll Call 322: yeas 48, nays 0.		685
Signed by the President Pro Tempore.		897
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 118: Effective July 1, 2012		
SB 108 Author Senator Zakas		
Presidential electors.		
Authored by Senator Zakas.		11
First reading: referred to Committee on Elections		
■ SB 109 Authors Senators Holdman and Walker Sponsor Representative Heaton		
Deposit of public funds by local units.		
Authored by Senator Holdman.		11
First reading: referred to Committee on Tax and Fiscal Policy		
Senator Skinner added as coauthor.		49
Senator Walker added as second author.		75
Committee report: amend do pass, adopted.		81
Second reading: ordered engrossed.		125
Third reading: passed;		
Roll Call 60: yeas 50, nays 0.		150
Referred to the House		
House sponsor: Representative Heaton		
Cosponsor: Representative Burton		
Senate Rule 35(c) technical corrections adopted.		154
First reading: referred to Committee on Ways and Means.	285	
Reassigned to Committee on Financial Institutions.	307	
Committee report: do pass, adopted.	366	
Second reading: ordered engrossed.	439	
Third reading: passed;		
Roll Call 258: yeas 95, nays 0.	450	
Returned to the Senate without amendments		
Signed by the President Pro Tempore.		762
Signed by the Speaker.	660	
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 31: Effective July 1, 2012		
SB 110 Authors Senators Holdman and Lawson		
Local government issues.		
Authored by Senator Holdman.		11
First reading: referred to Committee on Local Government		
Senator Boots added as coauthor.		34
Senators Smith, Eckerty, Lawson, Gard and Wyss added as coauthors.		36
Committee report: amend do pass, adopted.		53
Senator Lawson removed as coauthor.		75

	House	Senate
Senator Lawson added as second author		
Second reading: amended, ordered engrossed.		101
Amendment 1 (Holdman) prevailed; voice vote.		101
Amendment 2 (Holdman) prevailed; voice vote.		101
Placed back on second reading.		104
Reread second time: amended, ordered engrossed.		261
Amendment 6 (Holdman) prevailed; voice vote.		261
Amendment 4 (Holdman) prevailed; voice vote.		263

■ SB 111 Authors Senators Holdman and Eckerty
Sponsor Representative Torr

Group personal excess and umbrella insurance.

	House	Senate
Authored by Senator Holdman.		11
First reading: referred to Committee on Insurance and Financial Institutions		
Committee report: do pass, adopted.		70
Second reading: amended, ordered engrossed.		101
Amendment 1 (Holdman) prevailed; voice vote.		101
Senator Simpson added as coauthor.		104
Senator Eckerty added as second author.		106
Third reading: passed;		
Roll Call 39: yeas 50, nays 0.		122
Referred to the House		
House sponsor: Representative Torr		
First reading: referred to Committee on Insurance.	285	
Committee report: amend do pass, adopted.	322	
Second reading: ordered engrossed.	343	
Third reading: passed;		
Roll Call 210: yeas 93, nays 0.	355	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 257: yeas 50, nays 0.		569
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 32: Effective July 1, 2012		

SB 112 Author Senator Holdman

Homeowners association covenants.

	House	Senate
Authored by Senator Holdman.		11
First reading: referred to Committee on Judiciary		

■ SB 113 Authors Senators Holdman and Head
Sponsor Representative Lehman

Golf carts in unincorporated areas.

	House	Senate
Authored by Senator Holdman.		11
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Senator Head added as second author.		128
Committee report: amend do pass, adopted.		156
Second reading: ordered engrossed.		228
Senator Arnold added as coauthor.		255
Third reading: passed;		
Roll Call 109: yeas 41, nays 8.		271
Referred to the House		
House sponsor: Representative Lehman		
First reading: referred to Committee on Roads and Transportation.	301	
Committee report: amend do pass, adopted.	322	
Second reading: amended, ordered engrossed.	343	
Amendment 1 (Saunders) prevailed; voice vote.	343	
Returned to the Senate with amendments		
Third reading: passed;		
Roll Call 211: yeas 82, nays 10.	355	
Senate dissented from House amendments.		531
Senate conferees appointed: Holdman and Arnold.		533
Senate advisor appointed: Head		
House conferees appointed: Lehman and Dembowski.	503	
House advisors appointed: Soliday and White		
Conference committee report 1: filed in the House.	538	
Rules suspended.	548	
Conference committee report 1: adopted by the House;		
Roll Call 368: yeas 85, nays 10.	548	
Senate Rule 86(k) suspended.		681
Conference committee report 1: adopted by the Senate;		
Roll Call 323: yeas 37, nays 9.		685
Signed by the Speaker.	660	
Signed by the President Pro Tempore.		897
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 60: Effective July 1, 2012		

■ SB 114 Author Senator Bray
Sponsor Representative Steuerwald

Driving while suspended.

	House	Senate
Authored by Senator Bray.		11
First reading: referred to Committee on Judiciary		
Committee report: do pass, adopted.		82
Senator Randolph added as coauthor.		105
Second reading: ordered engrossed.		125
Third reading: passed;		
Roll Call 61: yeas 50, nays 0.		150
Referred to the House		
House sponsor: Representative Steuerwald		
First reading: referred to Committee on Courts and Criminal Code.	285	
Committee report: do pass, adopted.	299	
Second reading: ordered engrossed.	311	
Third reading: passed;		
Roll Call 191: yeas 94, nays 0.	318	
Returned to the Senate without amendments		
Joint Rule 20 technical correction adopted by the Senate.		563
Joint Rule 20 technical correction adopted by the House.	467	
Signed by the President Pro Tempore.		762
Signed by the Speaker.	660	
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 33: Effective March 14, 2012		

■ SB 115 Authors Senators Landske, Lawson and Arnold
Sponsor Representative Koch

Classification of political subdivisions.

	House	Senate
Authored by Senators Landske, Lawson and Arnold. . . .		11
Coauthored by Senator Lanane		
First reading: referred to Committee on Elections		
Committee report: amend do pass, adopted.		30
Second reading: ordered engrossed.		73
Senator Broden added as coauthor.		105
Third reading: passed;		
Roll Call 40: yeas 50, nays 0.		122
Referred to the House		
House sponsor: Representative Koch		
Cosponsor: Representative Richardson		
First reading: referred to Committee on Elections and Apportionment..	285	
Committee report: amend do pass, adopted.	335	
Second reading: ordered engrossed.	409	
Third reading: passed;		
Roll Call 231: yeas 96, nays 1.	438	
Returned to the Senate with amendments		
Senate dissented from House amendments..		612
Senate conferees appointed: Landske and Arnold.		620
Senate advisors appointed: Lawson and Broden		
House conferees appointed: Koch and Bartlett.	503	
House advisors appointed: Richardson, Yarde and VanDenburgh		
Conference committee report 1: filed in the House.	618	
Rules suspended..	660	
Conference committee report 1: adopted by the House;		
Roll Call 385: yeas 92, nays 0.	660	
Senate Rule 86(k) suspended.		763
Conference committee report 1: adopted by the Senate;		
Roll Call 339: yeas 50, nays 0.		809
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 119:		
SECTION 1 effective March 19, 2012		
SECTIONS 2 through 79 effective April 1, 2012		
SECTION 80 effective July 1, 2012		
SECTIONS 81 through 218 effective April 1, 2012		
SECTION 219 effective July 1, 2012		
SECTIONS 220 through 237 effective April 1, 2012		
SECTION 238 effective July 1, 2012		
SECTIONS 239 through 251 effective April 1, 2012		

SB 116 Author Senator Arnold

Altering historic preservation districts.

	House	Senate
Authored by Senator Arnold.		11
First reading: referred to Committee on Local Government		

SB 117 Authors Senators Arnold, Breaux and Broden

Unopposed candidates on municipal election ballot.

	House	Senate
Authored by Senators Arnold, Breaux and Broden.		12
Coauthored by Senators Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor and R. Young		
First reading: referred to Committee on Elections		

SB 118 Authors Senators Landske and Lawson

Various election law matters.

	House	Senate
Authored by Senator Landske.		12
First reading: referred to Committee on Elections		
Committee report: amend do pass, adopted.		109
Senator Lawson added as second author.		129

■ SB 119 Authors Senators Landske and Lawson
Sponsor Representative Koch

Redistricting technical corrections.

	House	Senate
Authored by Senator Landske.		12
First reading: referred to Committee on Elections		
Committee report: do pass, adopted.		30
Senator Lanane added as coauthor.		59
Senator Lawson added as second author.		60
Second reading: ordered engrossed.		73
Third reading: passed;		
Roll Call 41: yeas 50, nays 0.		123
Referred to the House		
House sponsor: Representative Koch		
Cosponsor: Representative Richardson		
First reading: referred to Committee on Elections and Apportionment..	285	
Committee report: do pass, adopted.	339	
Second reading: ordered engrossed.	409	
Third reading: passed;		
Roll Call 232: yeas 92, nays 7.	438	
Returned to the Senate without amendments		
Signed by the Speaker.	523	
Signed by the President Pro Tempore.		661
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 34: Effective March 14, 2012		

SB 120 Author Senator Yoder

Motor vehicle insurance claim settlement.

	House	Senate
Authored by Senator Yoder.		12
First reading: referred to Committee on Insurance and Financial Institutions		

SB 121 Authors Senators Yoder and Holdman

Refilling of containers by home brewers.

	House	Senate
Authored by Senators Yoder and Holdman.		12
First reading: referred to Committee on Public Policy		

SB 122 Author Senator Becker

Performance contracts to sing national anthem.

	House	Senate
Authored by Senator Becker.		12
First reading: referred to Committee on Education and Career Development		
Senator Kruse added as coauthor.		24

SB 123 Author Senator Leising

Sewer district boards.

	House	Senate
Authored by Senator Leising.		12

	House	Senate
First reading: referred to Committee on Local Government		
SB 124 Author Senator Head		
Local government reorganization.		
Authored by Senator Head.		13
First reading: referred to Committee on Local Government		
SB 125 Author Senator Tallian		
State money to entities performing abortions.		
Authored by Senator Tallian.		13
First reading: referred to Committee on Tax and Fiscal Policy		
SB 126 Authors Senators Tallian and Kruse		
Mandatory half-day kindergarten enrollment.		
Authored by Senators Tallian and Kruse.		13
First reading: referred to Committee on Education and Career Development		
■ SB 127 Authors Senators Tallian and Walker		
Sponsor Representative Niezgodski		
Indiana public retirement system.		
Authored by Senator Tallian.		13
First reading: referred to Committee on Pensions and Labor		
Senator Walker added as coauthor.		35
Senator Buck added as coauthor.		51
Committee report: do pass, adopted.		58
Senator Walker removed as coauthor.		60
Senator Walker added as second author		
Second reading: ordered engrossed.		101
Third reading: passed;		
Roll Call 42: yeas 50, nays 0.		123
Referred to the House		
House sponsor: Representative Niezgodski		
Cosponsor: Representative Gutwein		
First reading: referred to Committee on Employment, Labor and Pensions.	285	
Committee report: amend do pass, adopted.	315	
Second reading: amended, ordered engrossed.	326	
Amendment 1 (Niezgodski) prevailed; voice vote.	326	
Third reading: passed;		
Roll Call 202: yeas 91, nays 0.	344	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 300: yeas 47, nays 0.		630
Signed by the President Pro Tempore.		762
Signed by the Speaker.	660	
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 35:		
SECTIONS 1 through 129 effective July 1, 2012		
SECTION 130 effective March 14, 2012		
SECTIONS 131 through 143 effective July 1, 2012		

	House	Senate
■ SB 128 Authors Senators Walker, Buck and Tallian		
Sponsor Representative Burton		
Administration of public retirement plans.		
Authored by Senator Walker.		13
First reading: referred to Committee on Pensions and Labor		
Committee report: do pass, adopted.		56
Second reading: ordered engrossed.		73
Senator Buck added as second author.		77
Senator Tallian added as third author		
Third reading: placed back on second reading.		102
Reread second time: ordered engrossed.		128
Third reading: passed;		
Roll Call 62: yeas 50, nays 0.		151
Referred to the House		
House sponsor: Representative Burton		
Cosponsor: Representative M. Smith		
Senator Kenley added as coauthor.		153
First reading: referred to Committee on Ways and Means.	285	
Committee report: do pass, adopted.	366	
Second reading: ordered engrossed.	454	
Third reading: passed;		
Roll Call 294: yeas 93, nays 0.	468	
Returned to the Senate without amendments		
Signed by the Speaker.	523	
Signed by the President Pro Tempore.		661
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 36: Effective July 1, 2012		
SB 129 Author Senator Waterman		
ISTEP.		
Authored by Senator Waterman.		14
First reading: referred to Committee on Education and Career Development		
SB 130 Authors Senators Gard and Charbonneau		
Sponsor Representative Wolkins		
Environmental boards.		
Authored by Senator Gard.		14
First reading: referred to Committee on Energy and Environmental Affairs		
Committee report: amend do pass, adopted.		68
Second reading: amended, ordered engrossed.		101
Amendment 1 (Gard) prevailed; voice vote.		101
Senator Charbonneau added as second author.		107
Senator Tallian added as coauthor		
Third reading: passed;		
Roll Call 43: yeas 50, nays 0.		123
Referred to the House		
House sponsor: Representative Wolkins		
Senate Rule 35(c) technical corrections adopted.		130
First reading: referred to Committee on Environmental Affairs.	285	
Committee report: amend do pass, adopted.	407	
Roll Call 224: yeas 58, nays 36		
Second reading: amended, ordered engrossed.	468	
Amendment 1 (Wolkins) prevailed; voice vote.	468	

	House	Senate
■ SB 131 Authors Senators Gard and Charbonneau Sponsor Representative Wolkins		
Environmental matters.		
Authored by Senator Gard.		10
First reading: referred to Committee on Energy and Environmental Affairs		
Senator Charbonneau added as second author.		21
Committee report: amend do pass, adopted.		118
Senator Tallian added as coauthor.		130
Second reading: ordered engrossed.		170
Third reading: passed;		
Roll Call 110: yeas 49, nays 0.		271
Referred to the House		
House sponsor: Representative Wolkins		
First reading: referred to Committee on Environmental Affairs.	301	
Committee report: amend do pass, adopted.	366	
Second reading: ordered engrossed.	454	
Third reading: passed;		
Roll Call 295: yeas 93, nays 0.	468	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 301: yeas 46, nays 1.		630
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 37:		
SECTIONS 1 through 59 effective July 1, 2012		
SECTION 60 effective March 14, 2012		
■ SB 132 Authors Senators Gard, Charbonneau and R. Young Sponsor Representative Wolkins		
Water utility resource data.		
Authored by Senator Gard.		14
First reading: referred to Committee on Energy and Environmental Affairs		
Committee report: amend do pass, adopted.		69
Senator Charbonneau added as second author.		107
Second reading: amended, ordered engrossed.		170
Amendment 1 (Gard) prevailed; voice vote.		170
Third reading: passed;		
Roll Call 111: yeas 37, nays 11.		272
Referred to the House		
House sponsor: Representative Wolkins		
Senator R. Young added as third author.		279
First reading: referred to Committee on Utilities and Energy.	301	
Representative Koch added as cosponsor.	312	
Representative Welch added as cosponsor.	319	
Committee report: amend do pass, adopted.	349	
Second reading: ordered engrossed.	409	
Representative Cheatham added as cosponsor.	414	
Third reading: passed;		
Roll Call 233: yeas 71, nays 27.	438	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 302: yeas 44, nays 3.		630
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 87:		
SECTION 1 effective March 16, 2012		
SECTION 2 effective retroactive to March 30, 2008		
■ SB 133 Authors Senators Gard and Charbonneau Sponsor Representative Wolkins		
Underground storage tanks.		
Authored by Senator Gard.		14
First reading: referred to Committee on Energy and Environmental Affairs		
Senator Charbonneau added as second author.		21
Committee report: amend do pass, adopted.		30
Second reading: amended, ordered engrossed.		73
Amendment 1 (Gard) prevailed; voice vote.		73
Senator Breaux added as coauthor.		76
Third reading: passed;		
Roll Call 16: yeas 48, nays 0.		103
Referred to the House		
House sponsor: Representative Wolkins		
First reading: referred to Committee on Environmental Affairs.	285	
Committee report: do pass, adopted.	369	
Second reading: ordered engrossed.	439	
Third reading: passed;		
Roll Call 259: yeas 96, nays 0.	450	
Returned to the Senate without amendments		
Signed by the Speaker.	523	
Signed by the President Pro Tempore.		661
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 38: Effective July 1, 2012		
SB 134 Author Senator Lawson		
Social host liability.		
Authored by Senator Lawson.		14
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
SB 135 Author Senator Zakas		
Homestead assessed value growth cap.		
Authored by Senator Zakas.		14
First reading: referred to Committee on Appropriations		
SB 136 Authors Senators Zakas and Glick		
Fees for toll road emergency services.		
Authored by Senator Zakas.		14
First reading: referred to Committee on Tax and Fiscal Policy		
Senator Glick added as second author.		25
Senators Mrvan and Yoder added as coauthors		
Senator Broden added as coauthor.		49

HISTORIES OF BILLS AND RESOLUTIONS—2012

	House	Senate
SB 137 Author Senator Zakas		
Mufflers on motorcycles.		
Authored by Senator Zakas.		14
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
SB 138 Authors Senators Kenley, Steele and Arnold		
Alcoholic beverage wholesalers.		
Authored by Senators Kenley, Steele and Arnold.		14
Coauthored by Senator Taylor		
First reading: referred to Committee on Public Policy		
Senator Charbonneau added as coauthor.		60
Senator Banks added as coauthor.		75
SB 139 Author Senator Kenley		
Public contract for services.		
Authored by Senator Kenley.		14
First reading: referred to Committee on Pensions and Labor		
SB 140 Authors Senators Kenley and Charbonneau Sponsor Representative Espich		
Slot machine wagering tax.		
Authored by Senator Kenley.		14
First reading: referred to Committee on Appropriations		
Senator Charbonneau added as second author.		21
Senator Broden added as coauthor		
Pursuant to Senate Rule 68(b); reassigned to Committee on Tax and Fiscal Policy.		47
Committee report: do pass, adopted.		156
Second reading: amended, ordered engrossed.		228
Amendment 1 (Kenley) prevailed; voice vote.		228
Third reading: passed;		
Roll Call 112: yeas 49, nays 0.		272
Referred to the House		
House sponsor: Representative Espich		
Cosponsor: Representative Crawford		
Senator Lanane added as coauthor.		279
First reading: referred to Committee on Ways and Means.	301	
Committee report: do pass, adopted.	419	
Second reading: ordered engrossed.	471	
SB 141 Author Senator Kenley		
Income tax credit for college 529 plan.		
Authored by Senator Kenley.		14
First reading: referred to Committee on Appropriations		
SB 142 Authors Senators Kenley and Hershman Sponsor Representative Espich		
Property tax issues.		
Authored by Senator Kenley.		14
First reading: referred to Committee on Appropriations		
Committee report: amend do pass, adopted.		85
Senator Hershman added as second author.		115
Second reading: amended, ordered engrossed.		147
Amendment 1 (Kenley) prevailed; voice vote.		147
Third reading: passed;		
Roll Call 90: yeas 43, nays 7.		225
Referred to the House		
House sponsor: Representative Espich		
Cosponsor: Representative Crawford		
First reading: referred to Committee on Ways and Means.	301	
Committee report: amend do pass, adopted.	369	
Second reading: ordered engrossed.	443	
Third reading: passed;		
Roll Call 260: yeas 95, nays 0.	451	
Returned to the Senate with amendments		
Senate dissented from House amendments.		626
Senate conferees appointed: Kenley and Skinner		
Senate advisors appointed: Hershman and Randolph		
House conferees appointed: Espich and Crawford.	503	
House advisors appointed: Turner, M. Smith, Pryor and Kersey		
SB 143 Authors Senators Kenley and Charbonneau Sponsor Representative Espich		
State fiscal matters.		
Authored by Senator Kenley.		14
First reading: referred to Committee on Appropriations		
Committee report: amend do pass, adopted.		88
Senator Charbonneau added as second author.		115
Second reading: ordered engrossed.		125
Amendment 2 (Broden) failed;		
Roll Call 50: yeas 14, nays 36.		125
Amendment 1 (Broden) failed; voice vote.		126
Third reading: passed;		
Roll Call 63: yeas 36, nays 14.		151
Referred to the House		
House sponsor: Representative Espich		
Cosponsor: Representative Crawford		
First reading: referred to Committee on Ways and Means.	285	
Committee report: amend do pass, adopted.	339	
Second reading: ordered engrossed.	409	
Amendment 2 (VanDenburgh) ruled out of order.	409	
Amendment 1 (Day) ruled out of order.	411	
Third reading: passed;		
Roll Call 234: yeas 97, nays 2.	439	
Returned to the Senate with amendments		
Senate dissented from House amendments.		625
Senate conferees appointed: Kenley and Broden.		626
Senate advisors appointed: Charbonneau and Rogers		
House conferees appointed: Espich and Crawford.	503	
House advisors appointed: Turner, Crouch, Klinker and Goodin		

	House	Senate
■ SB 144 Authors Senators Kenley and Charbonneau Sponsor Representative Espich		
Sales and tobacco products taxes.		
Authored by Senator Kenley.		14
First reading: referred to Committee on Tax and Fiscal Policy		
Committee report: amend do pass, adopted.		45
Senator Charbonneau added as second author.		60
Senator Skinner added as coauthor		
Second reading: ordered engrossed.		73
Third reading: passed;		
Roll Call 17: yeas 48, nays 0.		103
Referred to the House		
House sponsor: Representative Espich		
Cosponsor: Representative Crawford		
Senator Broden added as coauthor.		106
First reading: referred to Committee on Ways and Means.	285	
Committee report: amend do pass, adopted.	371	
Second reading: ordered engrossed.	439	
Third reading: passed;		
Roll Call 261: yeas 87, nays 7.	451	
Returned to the Senate with amendments		
Senate dissented from House amendments.		675
Senate conferees appointed: Kenley and Skinner.		680
Senate advisors appointed: Charbonneau and Broden		
House conferees appointed: Espich and Crawford.	542	
House advisors appointed: Turner and Goodin		
Conference committee report 1: filed in the House.	657	
Rules suspended.	662	
Conference committee report 1: adopted by the House;		
Roll Call 392: yeas 90, nays 5.	662	
Senate Rule 86(k) suspended.		763
Conference committee report 1: adopted by the Senate;		
Roll Call 340: yeas 50, nays 0.		812
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 155: Effective July 1, 2012		
SB 145 Author Senator Miller		
Inheritance tax, estate tax, and generation skipping transfer (GST) tax.		
Authored by Senator Miller.		14
First reading: referred to Committee on Tax and Fiscal Policy		
SB 146 Authors Senators Delph and Merritt		
Straight party voting.		
Authored by Senator Delph.		14
First reading: referred to Committee on Elections		
Senator Merritt added as second author.		36
Senators Schneider and M. Young added as coauthors		
■ SB 147 Authors Senators Holdman and Walker Sponsor Representative Truitt		
Local government financial matters.		
Authored by Senator Holdman.		14
First reading: referred to Committee on Tax and Fiscal Policy		
Senator Walker added as second author.		75
Committee report: amend do pass, adopted.		91
Second reading: amended, ordered engrossed.		148
Amendment 1 (Hershman) prevailed; voice vote.		148
Amendment 2 (Walker) prevailed; voice vote.		148
Senator Skinner added as coauthor.		157
Third reading: passed;		
Roll Call 83: yeas 50, nays 0.		224
Referred to the House		
House sponsor: Representative Truitt		
Cosponsor: Representative Mahan		
First reading: referred to Committee on Ways and Means.	311	
Committee report: do pass, adopted.	371	
Second reading: amended, ordered engrossed.	443	
Amendment 3 (Truitt) prevailed; voice vote.	443	
Amendment 2 (Truitt) prevailed; voice vote.	443	
Third reading: passed;		
Roll Call 262: yeas 94, nays 0.	451	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 310: yeas 46, nays 0.		673
Joint Rule 20 technical correction adopted by the Senate.		688
Joint Rule 20 technical correction adopted by the House.	716	
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 120: Effective July 1, 2012		
■ SB 148 Authors Senators Holdman and Simpson Sponsor Representative Heaton		
Portable electronics insurance.		
Authored by Senator Holdman.		14
First reading: referred to Committee on Commerce and Economic Development		
Pursuant to Senate Rule 68(b); reassigned to Committee on Insurance and Financial Institutions.		5
Senator Simpson added as second author.		24
Committee report: amend do pass, adopted.		71
Second reading: ordered engrossed.		101
Third reading: passed;		
Roll Call 44: yeas 50, nays 0.		123
Referred to the House		
House sponsor: Representative Heaton		
Cosponsors: Representatives Mahan and GiaQuinta		
First reading: referred to Committee on Insurance.	285	
Committee report: do pass, adopted.	300	
Second reading: ordered engrossed.	311	
Third reading: passed;		
Roll Call 192: yeas 63, nays 33.	318	
Returned to the Senate without amendments		
Signed by the President Pro Tempore.		384
Signed by the Speaker.	345	

	House	Senate
Signed by the President of the Senate.		416
Signed by the Governor.		531
Public Law 4: Effective July 1, 2012		

SB 149 Author Senator Boots
Direct wine sales.

	House	Senate
Authored by Senator Boots.		14
First reading: referred to Committee on Public Policy		

SB 150 Author Senator Boots
County excise surtax and wheel tax.

	House	Senate
Authored by Senator Boots.		14
First reading: referred to Committee on Local Government		

SB 151 Author Senator Kruse
Library expansion referenda for unserved areas.

	House	Senate
Authored by Senator Kruse.		14
First reading: referred to Committee on Local Government		

■ SB 152 Authors Senators Kruse and Wyss
Sponsor Representative Pond
Allen circuit court.

	House	Senate
Authored by Senator Kruse.		14
First reading: referred to Committee on Judiciary		
Committee report: amend do pass, reassigned to Committee on Appropriations.		156
Committee report: do pass, adopted.		204
Second reading: ordered engrossed.		229
Senator Hume added as coauthor.		255
Senator Wyss added as second author.		258
Third reading: passed;		
Roll Call 113: yes 50, nays 0.		272
Referred to the House		
House sponsor: Representative Pond		
Cosponsors: Representatives Heuer, Morris and GiaQuinta		
First reading: referred to Committee on Judiciary.	301	
Committee report: do pass, adopted.	350	
Second reading: ordered engrossed.	444	
Amendment 1 (Wolkins) ruled out of order.	444	
Third reading: passed;		
Roll Call 263: yes 94, nays 0.	451	
Returned to the Senate without amendments		
Signed by the Speaker.	523	
Signed by the President Pro Tempore.		661
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 39: Effective July 1, 2013		

SB 153 Author Senator Steele
Standing for action against conservancy district.

	House	Senate
Authored by Senator Steele.		14
First reading: referred to Committee on Agriculture and Natural Resources		

■ SB 154 Authors Senators Steele and M. Young
Sponsor Representative Koch
Operating a motorboat while intoxicated.

	House	Senate
Authored by Senator Steele.		14
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Committee report: do pass, adopted.		81
Second reading: ordered engrossed.		126
Senator Buck added as coauthor.		129
Senator M. Young added as second author.		129
Third reading: passed;		
Roll Call 64: yes 50, nays 0.		151
Referred to the House		
House sponsor: Representative Koch		
Cosponsors: Representatives Ubelhor and Welch		
Senator Simpson added as coauthor.		153
First reading: referred to Committee on Courts and Criminal Code.	285	
Committee report: do pass, adopted.	300	
Second reading: amended, ordered engrossed.	311	
Amendment 1 (Steuerwald) prevailed; voice vote.	312	
Amendment 2 (McMillin) prevailed; voice vote.	312	
Third reading: passed;		
Roll Call 193: yes 95, nays 0.	319	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 258: yes 50, nays 0.		569
Signed by the President Pro Tempore.		762
Signed by the Speaker.	660	
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 40: Effective July 1, 2012		

SB 155 Authors Senators Steele and Head
Sponsor Representative Koch
Higher education employment age limits.

	House	Senate
Authored by Senator Steele.		14
First reading: referred to Committee on Pensions and Labor		
Committee report: amend do pass, adopted.		82
Senator Head added as second author.		129
Second reading: amended, ordered engrossed.		149
Amendment 1 (M. Young) prevailed; voice vote.		149
Senator Skinner added as coauthor.		156
Senators Buck and Kruse added as coauthors.		202
Third reading: passed;		
Roll Call 84: yes 49, nays 1.		224
Referred to the House		
House sponsor: Representative Koch		
First reading: referred to Committee on Education.	301	
Representative GiaQuinta added as cosponsor.	307	

■ SB 156 Authors Senators Steele and Charbonneau
Sponsor Representative Koch
Partition.

	House	Senate
Authored by Senator Steele.		14
First reading: referred to Committee on Judiciary		
Committee report: amend do pass, adopted.		82

	House	Senate
Senator Randolph added as coauthor.		106
Second reading: amended, ordered engrossed.		126
Amendment 1 (Steele) prevailed; voice vote.		126
Senator Lanane added as coauthor.		129
Senator Charbonneau added as second author		
Third reading: passed;		
Roll Call 65: yeas 50, nays 0.		151
Referred to the House		
House sponsor: Representative Koch		
Senator Bray added as coauthor.		153
First reading: referred to Committee on Judiciary.	285	
Representative Foley added as cosponsor.	295	
Committee report: amend do pass, adopted.	350	
Second reading: amended, ordered engrossed.	411	
Amendment 1 (Foley) prevailed; voice vote.	411	
Third reading: passed;		
Roll Call 235: yeas 98, nays 0.	439	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 311: yeas 48, nays 0.		673
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 41: Effective July 1, 2012		

■ SB 157 Authors Senators Steele and Bray
Sponsor Representative Foley

	House	Senate
Power of attorney and attorney in fact.		
Authored by Senator Steele.		14
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Committee report: amend do pass, adopted.		121
Second reading: ordered engrossed.		170
Senator Bray added as second author.		203
Third reading: passed;		
Roll Call 114: yeas 50, nays 0.		272
Referred to the House		
House sponsor: Representative Foley		
Cosponsor: Representative Koch		
First reading: referred to Committee on Judiciary.	301	
Committee report: do pass, adopted.	315	
Second reading: amended, ordered engrossed.	327	
Amendment 1 (Riecken) prevailed; voice vote.	327	
Third reading: passed;		
Roll Call 203: yeas 95, nays 0.	344	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 259: yeas 50, nays 0.		570
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 42: Effective July 1, 2012		

SB 158 Author Senator Leising

	House	Senate
Law enforcement animals in schools.		
Authored by Senator Leising.		15
First reading: referred to Committee on Education and Career Development		

SB 159 Author Senator Smith

	House	Senate
Teacher union dues.		
Authored by Senator Smith.		15
First reading: referred to Committee on Pensions and Labor		

SB 160 Author Senator Smith

	House	Senate
Local funds.		
Authored by Senator Smith.		15
First reading: referred to Committee on Local Government		

SB 161 Authors Senators Randolph and Rogers

	House	Senate
Maximum property tax levies in Lake County.		
Authored by Senators Randolph and Rogers.		15
First reading: referred to Committee on Appropriations		

SB 162 Authors Senators Randolph and Charbonneau

	House	Senate
East Chicago school board.		
Authored by Senator Randolph.		15
First reading: referred to Committee on Elections		
Senator Head added as coauthor.		35
Senator Head removed as coauthor.		51
Senator Charbonneau added as second author		

SB 163 Authors Senators Randolph, Arnold and Breaux

	House	Senate
Economic development incentive accountability.		
Authored by Senators Randolph, Arnold and Breaux.		15
Coauthored by Senators Broden, Hume, Lanane, Mrvan, Rogers, Simpson, Skinner, Tallian, Taylor and R. Young		
First reading: referred to Committee on Commerce and Economic Development		

SB 164 Author Senator Randolph

	House	Senate
Tax credit for hiring certain individuals.		
Authored by Senator Randolph.		15
First reading: referred to Committee on Tax and Fiscal Policy		

SB 165 Authors Senators Randolph and Kenley
Sponsor Representative Soliday

	House	Senate
County options for delinquent property taxes.		
Authored by Senator Randolph.		15
First reading: referred to Committee on Appropriations		
Senator Kenley added as second author.		75

	House	Senate
Committee report: amend do pass, adopted.		185
Senator Tallian added as coauthor.		202
Senators Charbonneau and Rogers added as coauthors		
Second reading: ordered engrossed.		229
Senator Broden added as coauthor.		257
Third reading: passed;		
Roll Call 115: yeas 50, nays 0.		272
Referred to the House		
House sponsor: Representative Soliday		
Cosponsors: Representatives Harris, Wolkins and Espich		
Senator Zakas added as coauthor.		279
Senator Landske added as coauthor		
First reading: referred to Committee on Ways and Means.	301	

SB 166 Author Senator Randolph

Small business assistance team.

	House	Senate
Authored by Senator Randolph.		15
First reading: referred to Committee on Commerce and Economic Development		

SB 167 Author Senator Randolph

Charity gaming workers.

	House	Senate
Authored by Senator Randolph.		10
First reading: referred to Committee on Public Policy		

■ SB 168 Authors Senators Randolph and Gard
Sponsor Representative Soliday

Liability for underground storage tank fees.

	House	Senate
Authored by Senator Randolph.		15
First reading: referred to Committee on Energy and Environmental Affairs		
Senator Gard added as second author.		75
Senators Buck, Bray, Charbonneau, Eckerty, Holdman, Schneider, Tallian and Breaux added as coauthors.		116
Committee report: amend do pass, adopted.		120
Second reading: ordered engrossed.		170
Third reading: passed;		
Roll Call 116: yeas 50, nays 0.		272
Referred to the House		
House sponsor: Representative Soliday		
Cosponsors: Representatives Wolkins, Harris and Espich		
Senator Landske added as coauthor.		279
First reading: referred to Committee on Environmental Affairs.	301	
Committee report: do pass, adopted.	322	
Second reading: ordered engrossed.	343	
Third reading: passed;		
Roll Call 212: yeas 93, nays 0.	355	
Returned to the Senate without amendments		
Signed by the Speaker.	416	
Signed by the President Pro Tempore.		565
Signed by the President of the Senate.		627
Signed by the Governor.		663
Public Law 19: Effective July 1, 2012		

SB 169 Authors Senators Hume and Nugent

Municipal plates for fire protection territories.

	House	Senate
Authored by Senator Hume.		15
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Senators Nugent and Tomes added as coauthors.		25
Senator Nugent removed as coauthor.		48
Senator Nugent added as second author		

SB 170 Authors Senators Lawson and Charbonneau
Sponsor Representative Mahan

Nepotism; conflict of interest.

	House	Senate
Authored by Senator Lawson.		15
First reading: referred to Committee on Local Government		
Senator Charbonneau added as second author.		21
Senator R. Young added as coauthor		
Committee report: amend do pass, adopted.		54
Senators Gard and Miller added as coauthors.		60
Second reading: ordered engrossed.		73
Senator Delph added as coauthor.		76
Senator Merritt added as coauthor.		105
Third reading: passed;		
Roll Call 45: yeas 39, nays 11.		123
Referred to the House		
House sponsor: Representative Mahan		
First reading: referred to Committee on Government and Regulatory Reform.	285	
Committee report: amend do pass, adopted.	323	
Second reading: ordered engrossed.	357	

SB 171 Author Senator Lawson

Forensic addiction fund.

	House	Senate
Authored by Senator Lawson.		15
First reading: referred to Committee on Health and Provider Services		

SB 172 Authors Senators Lawson and Hershman
Sponsor Representative Baird

Hazardous waste disposal tax.

	House	Senate
Authored by Senator Lawson.		15
First reading: referred to Committee on Tax and Fiscal Policy		
Committee report: amend do pass, adopted.		45
Senator Hershman added as second author.		60
Senator Randolph added as coauthor		
Second reading: ordered engrossed.		73
Third reading: passed;		
Roll Call 18: yeas 48, nays 0.		103
Referred to the House		
House sponsor: Representative Baird		
Senator Broden added as coauthor.		105
First reading: referred to Committee on Ways and Means.	285	

	House	Senate
■ SB 173 Authors Senators Lawson and M. Young		
Sponsor Representative Soliday		
Airport boards.		
Authored by Senator Lawson.		15
First reading: referred to Committee on Local Government		
Committee report: amend do pass, adopted.		219
Second reading: ordered engrossed.		229
Senator M. Young added as second author.		255
Senator Breaux added as coauthor.		257
Third reading: passed;		
Roll Call 117: yeas 50, nays 0.		272
Referred to the House		
House sponsor: Representative Soliday		
First reading: referred to Committee on Roads and Transportation.	301	
Committee report: do pass, adopted.	371	
Second reading: amended, ordered engrossed.	444	
Amendment 1 (Dermody) prevailed; voice vote.	444	
Third reading: passed;		
Roll Call 264: yeas 91, nays 4.	451	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 312: yeas 48, nays 0.		673
Signed by the President Pro Tempore.		762
Signed by the Speaker.	660	
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 61: Effective July 1, 2012		
SB 174 Authors Senators Lawson and Head		
Sponsor Representative Torr		
Local government reorganization.		
Authored by Senator Lawson.		15
First reading: referred to Committee on Local Government		
Committee report: amend do pass, adopted.		91
Senator Head added as second author.		129
Second reading: amended, ordered engrossed.		170
Amendment 1 (Lawson) prevailed; voice vote.		170
Amendment 5 (Lawson) prevailed;		
Roll Call 79: yeas 27, nays 21.		170
Amendment 4 (Head) prevailed; voice vote.		174
Placed back on second reading.		219
Reread second time: amended, ordered engrossed.		264
Amendment 6 (Lawson) prevailed; voice vote.		264
Third reading: passed;		
Roll Call 165: yeas 40, nays 10.		285
Referred to the House		
House sponsor: Representative Torr		
Cosponsor: Representative Mahan		
First reading: referred to Committee on Government and Regulatory Reform.	301	
■ SB 175 Author Senator M. Young		
Sponsor Representative Richardson		
Absentee ballots.		
Authored by Senator M. Young.		15
First reading: referred to Committee on Elections		
Committee report: amend do pass, adopted.		119
Second reading: ordered engrossed.		177
Senator Lanane added as coauthor.		203
Third reading: passed;		
Roll Call 118: yeas 40, nays 10.		272
Referred to the House		
House sponsor: Representative Richardson		
Cosponsor: Representative Behning		
First reading: referred to Committee on Elections and Apportionment.	301	
Committee report: do pass, adopted.	357	
Second reading: amended, ordered engrossed.	472	
Amendment 3 (Richardson) prevailed; voice vote.	472	
Amendment 7 (Richardson) prevailed; voice vote.	472	
Amendment 1 (Austin) withdrawn.	472	
Amendment 6 (Clere) prevailed; voice vote.	473	
Third reading: passed;		
Roll Call 313: yeas 95, nays 0.	502	
Returned to the Senate with amendments		
Senate dissented from House amendments.		675
Senate conferees appointed: M. Young and Lanane.		679
Senate advisors appointed: Landske and Broden		
House conferees appointed: Richardson and Bartlett.	542	
House advisors appointed: Koch, Behning and White		
Senator Lawson added as advisor.		681
Dissent withdrawn.		889
Senate reconsidered and dissented from House amendments.		895
Representative Bartlett removed as conferee.	923	
Representative Koch removed as House advisor		
Representative Koch added as conferee		
Senator Lanane removed as conferee.		1023
Senator Landske removed as advisor		
Senator Landske added as conferee		
Dissent withdrawn.		1179
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 371: yeas 37, nays 13.		1180
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 121: Effective July 1, 2012		
■ SB 176 Authors Senators M. Young and Bray		
Sponsor Representative Foley		
Immediate detention orders.		
Authored by Senators M. Young and Bray.		15
First reading: referred to Committee on Judiciary		
Committee report: do pass, adopted.		56
Second reading: amended, ordered engrossed.		73
Amendment 1 (M. Young) prevailed; voice vote.		73
Senator Lanane added as coauthor.		76
Third reading: passed;		
Roll Call 46: yeas 50, nays 0.		123
Referred to the House		
House sponsor: Representative Foley		
Senator Randolph added as coauthor.		129
First reading: referred to Committee on Judiciary.	285	
Committee report: do pass, adopted.	350	

	House	Senate
Second reading: amended, ordered engrossed.	411	
Amendment 1 (DeLaney) prevailed; voice vote.	411	
Third reading: passed;		
Roll Call 236: yeas 85, nays 13.	439	
Returned to the Senate with amendments		
Senate dissented from House amendments.		612
Senate conferees appointed: M. Young and Randolph.		620
Senate advisors appointed: Bray and Lanane		
House conferees appointed: Foley and Pryor.	503	
House advisors appointed: McMillin and DeLaney		
Conference committee report 1: filed in the House.	540	
Rules suspended.	548	
Conference committee report 1: adopted by the House;		
Roll Call 369: yeas 93, nays 2.	548	
Senate Rule 86(k) suspended.		681
Conference committee report 1: adopted by the Senate;		
Roll Call 324: yeas 48, nays 1.		687
Signed by the President Pro Tempore.		897
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 62: Effective July 1, 2012		

SB 177 Author Senator M. Young

Marion County township boards.

	House	Senate
Authored by Senator M. Young.		15
First reading: referred to Committee on Local Government		

SB 178 Author Senator M. Young

Absentee ballots, recounts, and contests.

	House	Senate
Authored by Senator M. Young.		15
First reading: referred to Committee on Elections		

SB 179 Authors Senators Banks and Kruse
Sponsor Representative Behning

Virtual instruction course requirement.

	House	Senate
Authored by Senators Banks and Kruse.		15
First reading: referred to Committee on Education and Career Development		
Senator Schneider added as coauthor.		104
Committee report: amend do pass, adopted.		207
Second reading: amended, ordered engrossed.		264
Amendment 3 (Rogers) prevailed; voice vote.		264
Third reading: passed;		
Roll Call 166: yeas 38, nays 12.		285
Referred to the House		
House sponsor: Representative Heuer		
Cosponsor: Representative Behning		
First reading: referred to Committee on Education.	301	
Committee report: amend do pass, adopted.	324	
Representative Heuer removed as sponsor.	328	
Representative Behning removed as cosponsor		
Representative Behning added as sponsor		
Representative Heuer added as cosponsor		

SB 180 Author Senator Banks

Firearms on school property.

	House	Senate
Authored by Senator Banks.		15
First reading: referred to Committee on Judiciary		

SB 181 Authors Senators Banks and Kruse

Possession of firearms on state property.

	House	Senate
Authored by Senators Banks and Kruse.		15
First reading: referred to Committee on Judiciary		

■ SB 182 Author Senator Banks
Sponsor Representative Karickhoff

State educational institutions; credit transfers.

	House	Senate
Authored by Senator Banks.		15
First reading: referred to Committee on Education and Career Development		
Senator Kruse added as coauthor.		49
Senator Rogers added as coauthor.		104
Committee report: amend do pass, adopted.		169
Second reading: ordered engrossed.		229
Third reading: passed;		
Roll Call 119: yeas 50, nays 0.		273
Referred to the House		
House sponsor: Representative Karickhoff		
Cosponsors: Representatives Turner, Klinker and Porter		
Senator Head added as coauthor.		279
Senators Leising and Delph added as coauthors		
First reading: referred to Committee on Education.	301	
Committee report: do pass, adopted.	315	
Second reading: ordered engrossed.	327	
Third reading: passed;		
Roll Call 204: yeas 91, nays 2.	345	
Returned to the Senate without amendments		
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 88: Effective July 1, 2012		

SB 183 Authors Senators Banks and Kruse

Sexually oriented businesses.

	House	Senate
Authored by Senators Banks and Kruse.		15
First reading: referred to Committee on Judiciary		
Senator Schneider added as coauthor.		49
Senator Walker added as coauthor.		60

SB 184 Authors Senators Grooms and Holdman

Unlawful recording of agricultural operations.

	House	Senate
Authored by Senators Grooms and Holdman.		15
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

SB 185 Author Senator Grooms

Battery on a security officer.

	House	Senate
Authored by Senator Grooms.		15
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

	House	Senate
SB 186 Author Senator Grooms		
Motor vehicle insurance cancellation.		
Authored by Senator Grooms.		15
First reading: referred to Committee on Insurance and Financial Institutions		
SB 187 Author Senator Grooms		
Notary public fees.		
Authored by Senator Grooms.		15
First reading: referred to Committee on Commerce and Economic Development		
SB 188 Author Senator Taylor		
Public intoxication.		
Authored by Senator Taylor.		15
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
SB 189 Authors Senators Taylor, Arnold and Breaux		
New employer tax credit.		
Authored by Senators Taylor, Arnold and Breaux.		16
Coauthored by Senators Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian and R. Young		
First reading: referred to Committee on Tax and Fiscal Policy		
■ SB 190 Authors Senators Charbonneau, Bray and Steele Sponsor Representative Kubacki		
Study of terminating parenting rights.		
Authored by Senator Charbonneau.		16
First reading: referred to Committee on Judiciary		
Senator Bray added as second author.		107
Senator Randolph added as coauthor		
Senator Steele added as third author.		157
Committee report: amend do pass, adopted.		160
Second reading: ordered engrossed.		229
Third reading: passed;		
Roll Call 120: yeas 50, nays 0.		273
Referred to the House		
House sponsor: Representative Kubacki		
Cosponsor: Representative Ellspermann		
Senator Eckerty added as coauthor.		279
Senator Alting added as coauthor		
Senators Becker and Miller added as coauthors		
First reading: referred to Committee on Judiciary.	301	
Representative Riecken added as cosponsor.	312	
Committee report: amend do pass, adopted.	350	
Second reading: amended, ordered engrossed.	412	
Amendment 1 (McMillin) prevailed; voice vote.	412	
Representative Riecken removed as cosponsor.	414	
Third reading: passed;		
Roll Call 237: yeas 99, nays 0.	439	
Returned to the Senate with amendments		
Senate dissented from House amendments.		612
Senate conferees appointed: Charbonneau and Lanane.		620
Senate advisors appointed: Bray, Steele and Randolph		
House conferees appointed: Kubacki and L. Lawson.	503	
House advisors appointed: Ellspermann, McMillin and Pierce		
Conference committee report 1: filed in the House.	617	
Rules suspended.	660	
Conference committee report 1: adopted by the House; Roll Call 386: yeas 91, nays 0.	660	
Senate Rule 86(k) suspended.		763
Conference committee report 1: adopted by the Senate; Roll Call 341: yeas 50, nays 0.		812
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 156: Effective July 1, 2012		
■ SB 191 Authors Senators Charbonneau, Eckerty and Buck Sponsor Representative Soliday		
Local government investments.		
Authored by Senator Charbonneau.		16
First reading: referred to Committee on Local Government		
Committee report: amend do pass, adopted.		53
Second reading: amended, ordered engrossed.		74
Amendment 1 (Charbonneau) prevailed; voice vote.		74
Senator Eckerty added as second author.		76
Senator Hume added as coauthor		
Third reading: passed;		
Roll Call 19: yeas 48, nays 0.		103
Referred to the House		
House sponsor: Representative Soliday		
Cosponsor: Representative Moseley		
Senator Buck added as third author.		104
Senator Tallian added as coauthor		
First reading: referred to Committee on Ways and Means.	285	
Reassigned to Committee on Financial Institutions.	307	
Committee report: do pass, adopted.	371	
Second reading: ordered engrossed.	439	
Third reading: passed;		
Roll Call 265: yeas 95, nays 0.	451	
Returned to the Senate without amendments		
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 43: Effective July 1, 2012		
■ SB 192 Authors Senators Charbonneau and Leising Sponsor Representative Soliday		
Sales of motorcycles on Sunday.		
Authored by Senator Charbonneau.		16
First reading: referred to Committee on Commerce and Economic Development		
Senator Leising added as second author.		106

	House	Senate
Committee report: do pass, adopted		120
Second reading: ordered engrossed		177
Third reading: passed;		
Roll Call 121: yeas 37, nays 13		273
Referred to the House		
House sponsor: Representative Soliday		
Cosponsors: Representatives Messmer and Dobis		
First reading: referred to Committee on Commerce, Small Business and Economic Development	301	
Committee report: do pass, adopted	340	
Second reading: ordered engrossed	409	
Third reading: passed;		
Roll Call 238: yeas 68, nays 31	439	
Returned to the Senate without amendments		
Signed by the Speaker	523	
Signed by the President Pro Tempore		661
Signed by the President of the Senate		826
Signed by the Governor		1183
Public Law 89: Effective July 1, 2012		

■ SB 193 Authors Senators Arnold and Lawson
Sponsor Representative Dermody

	House	Senate
Local elected officials.		
Authored by Senators Arnold and Lawson		16
First reading: referred to Committee on Elections		
Senator Landske added as coauthor		21
Senators Charbonneau and Randolph added as coauthors		
Committee report: do pass, adopted		30
Senator Miller added as coauthor		35
Senator Broden added as coauthor		
Second reading: amended, ordered engrossed		74
Amendment 2 (Arnold) prevailed; voice vote		74
Third reading: passed;		
Roll Call 20: yeas 48, nays 0		103
Referred to the House		
House sponsor: Representative Dermody		
Cosponsor: Representative Dobis		
First reading: referred to Committee on Elections and Apportionment	285	
Representative Koch added as cosponsor	319	
Committee report: amend do pass, adopted	340	
Second reading: ordered engrossed	409	
Third reading: passed;		
Roll Call 239: yeas 99, nays 0	439	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 303: yeas 47, nays 0		631
Signed by the Speaker	523	
Signed by the President Pro Tempore		661
Signed by the President of the Senate		826
Signed by the Governor		1183
Public Law 90:		
SECTIONS 1 through 3 effective January 1, 2013		
SECTIONS 4 through 5 effective March 16, 2012		

SB 194 Author Senator Arnold

	House	Senate
Insurance proceeds withholding.		
Authored by Senator Arnold		16
First reading: referred to Committee on Insurance and Financial Institutions		

SB 195 Authors Senators Waltz and Gard

	House	Senate
Insurance coverage for diagnostic mammograms.		
Authored by Senator Waltz		16
First reading: referred to Committee on Health and Provider Services		
Senator Gard added as second author		24
Committee report: do pass, reassigned to Committee on Appropriations		82

SB 196 Author Senator Waltz

	House	Senate
Downloading of cell phone information by police.		
Authored by Senator Waltz		16
First reading: referred to Committee on Judiciary		

SB 197 Authors Senators Arnold, Breaux and Broden

	House	Senate
State contracts.		
Authored by Senators Arnold, Breaux and Broden		16
Coauthored by Senators Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor and R. Young		
First reading: referred to Committee on Commerce and Economic Development		

SB 198 Author Senator Eckerty

	House	Senate
Choice scholarship eligibility.		
Authored by Senator Eckerty		16
First reading: referred to Committee on Education and Career Development		
Senator Walker added as coauthor		20
Committee report: do pass, reassigned to Committee on Appropriations		208

SB 199 Author Senator Delph

	House	Senate
Evaluation of agencies and programs.		
Authored by Senator Delph		16
First reading: referred to Committee on Appropriations		

SB 200 Author Senator Zakas

	House	Senate
Homestead property tax bill cap.		
Authored by Senator Zakas		16
First reading: referred to Committee on Appropriations		

■ SB 201 Author Senator Miller
Sponsor Representative T. Brown

	House	Senate
Transfer of human organisms exemption.		
Authored by Senator Miller		16
First reading: referred to Committee on Health and Provider Services		
Committee report: amend do pass, adopted		155
Second reading: ordered engrossed		229

	House	Senate
Third reading: passed;		
Roll Call 122: yeas 47, nays 3.		273
Referred to the House		
House sponsor: Representative T. Brown		
First reading: referred to Committee on Public Health..	301	
Representative Welch added as cosponsor.	359	
Committee report: do pass, adopted.	372	
Second reading: ordered engrossed.	439	
Third reading: passed;		
Roll Call 266: yeas 84, nays 11.	451	
Returned to the Senate without amendments		
Signed by the Speaker.	523	
Signed by the President of the Senate.		661
Signed by the President Pro Tempore.		826
Signed by the Governor.		1183
Public Law 91: Effective July 1, 2012		

SB 202 Author Senator Miller

Hidden compartments in vehicles.

	House	Senate
Authored by Senator Miller.		16
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

SB 203 Authors Senators Breaux and Becker

Art therapists.

	House	Senate
Authored by Senator Breaux.		16
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Pursuant to Senate Rule 68(b); reassigned to Committee on Health and Provider Services.		117
Senator Becker added as second author.		154

SB 204 Authors Senators Breaux, Arnold and Broden

Pre-kindergarten grant program.

	House	Senate
Authored by Senators Breaux, Arnold and Broden.		16
Coauthored by Senators Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor and R. Young		
First reading: referred to Committee on Education and Career Development		

SB 205 Authors Senators Breaux, Simpson and Arnold

Employment status of employment applicants.

	House	Senate
Authored by Senators Breaux, Simpson and Arnold.		16
Coauthored by Senators Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Skinner, Tallian, Taylor and R. Young		
First reading: referred to Committee on Pensions and Labor		

SB 206 Authors Senators Breaux, Arnold and Broden

Early voting.

	House	Senate
Authored by Senators Breaux, Arnold and Broden.		16
Coauthored by Senators Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor and R. Young		
First reading: referred to Committee on Elections		

SB 207 Author Senator Landske

Police hiring age.

	House	Senate
Authored by Senator Landske.		16
First reading: referred to Committee on Pensions and Labor		

SB 208 Author Senator Landske

Indiana state dairy association trust license plates.

	House	Senate
Authored by Senator Landske.		16
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		

SB 209 Author Senator Landske

Commendation for valor license plates.

	House	Senate
Authored by Senator Landske.		16
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		

SB 210 Author Senator Gard

Solid waste management district matters.

	House	Senate
Authored by Senator Gard.		16
First reading: referred to Committee on Appropriations		
Committee report: amend do pass, adopted.		196
Second reading: amended, ordered engrossed.		265
Amendment 2 (Gard) prevailed; voice vote.		265
Amendment 1 (Simpson) failed;		
Roll Call 103: yeas 24, nays 26.		265
Amendment 5 (Steele) prevailed; voice vote.		265
Third reading: failed for lack of constitutional majority;		
Roll Call 167: yeas 25, nays 25.		285
Senator Tallian added as coauthor.		289

SB 211 Author Senator Gard

Generic drug bidding program.

	House	Senate
Authored by Senator Gard.		16
First reading: referred to Committee on Health and Provider Services		

■ SB 212 Authors Senators Gard and Leising Sponsor Representative Cherry

Utility facility relocation.

	House	Senate
Authored by Senator Gard.		16
First reading: referred to Committee on Utilities and Technology		
Committee report: amend do pass, adopted.		83
Senator Leising added as second author..		106
Senators Randolph and Kruse added as coauthors		
Second reading: ordered engrossed.		126
Third reading: passed;		
Roll Call 66: yeas 50, nays 0.		151
Referred to the House		
House sponsor: Representative Cherry		

	House	Senate
First reading: referred to Committee on Roads and Transportation.	285	
Committee report: do pass, adopted.	300	
Representative Lehman added as cosponsor.	312	
Second reading: ordered engrossed.	312	
Third reading: passed; Roll Call 194: yeas 96, nays 0.	319	
Returned to the Senate without amendments		
Signed by the President Pro Tempore.		384
Signed by the Speaker.	345	
Signed by the President of the Senate.		416
Signed by the Governor.		531
Public Law 5:		
SECTION 1 effective July 1, 2012		
SECTION 2 effective February 22, 2012		

SB 213 Author Senator Skinner

Passenger restraint systems for children.

	House	Senate
Authored by Senator Skinner.		16
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

SB 214 Authors Senators Skinner, Arnold and Breaux

Choice scholarship administration.

	House	Senate
Authored by Senators Skinner, Arnold and Breaux.		16
Coauthored by Senators Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Tallian, Taylor and R. Young		
First reading: referred to Committee on Education and Career Development		

SB 215 Authors Senators Skinner and Kenley Sponsor Representative Heaton

Property tax exemption.

	House	Senate
Authored by Senator Skinner.		16
First reading: referred to Committee on Appropriations		
Senator Kenley added as second author.		49
Senator Waterman added as coauthor.		59
Committee report: amend do pass, adopted.		71
Second reading: ordered engrossed.		101
Third reading: passed; Roll Call 47: yeas 50, nays 0.		123
Referred to the House		
House sponsor: Representative Kersey		
First reading: referred to Committee on Ways and Means.	285	
Representative Pryor added as cosponsor.	298	
Representative Kersey removed as sponsor.	328	
Representative Heaton added as sponsor		
Representative Kersey added as cosponsor		

SB 216 Author Senator Skinner

Taxation of civil service annuities.

	House	Senate
Authored by Senator Skinner.		17
First reading: referred to Committee on Tax and Fiscal Policy		
Senator Waterman added as coauthor.		35
Senator Tomes added as coauthor		

SB 217 Author Senator Skinner

Local road funding and sales tax.

	House	Senate
Authored by Senator Skinner.		17
First reading: referred to Committee on Tax and Fiscal Policy		

SB 218 Author Senator Skinner

TRF retirement benefit adjustment.

	House	Senate
Authored by Senator Skinner.		17
First reading: referred to Committee on Pensions and Labor		

SB 219 Author Senator Skinner

Highway revolving loan fund.

	House	Senate
Authored by Senator Skinner.		17
First reading: referred to Committee on Appropriations		

SB 220 Author Senator Skinner

Public pension military service credit.

	House	Senate
Authored by Senator Skinner.		17
First reading: referred to Committee on Pensions and Labor		

SB 221 Author Senator Buck

Vehicular crimes in highway work zones.

	House	Senate
Authored by Senator Buck.		17
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

SB 222 Author Senator Buck

Annexation.

	House	Senate
Authored by Senator Buck.		17
First reading: referred to Committee on Local Government		

■ SB 223 Authors Senators Miller and Becker Sponsor Representative T. Brown

Department of health matters.

	House	Senate
Authored by Senator Miller.		17
First reading: referred to Committee on Health and Provider Services		
Committee report: amend do pass, adopted.		54
Senator Becker added as second author.		60
Senator Breaux added as coauthor.		106
Second reading: amended, ordered engrossed.		127
Amendment 2 (Simpson) prevailed; voice vote.		127
Third reading: placed back on second reading.		219
Reread second time: amended, ordered engrossed.		229
Amendment 3 (Miller) prevailed; voice vote.		229
Third reading: passed; Roll Call 123: yeas 50, nays 0.		273
Referred to the House		

	House	Senate
House sponsor: Representative T. Brown		
First reading: referred to Committee on Public Health.. .	301	
Committee report: do pass, adopted.	372	
Second reading: amended, ordered engrossed.	454	
Amendment 1 (T. Brown) prevailed; voice vote.	454	
Third reading: passed;		
Roll Call 296: yeas 93, nays 0.	468	
Returned to the Senate with amendments		
Senate dissented from House amendments..		625
Senate conferees appointed: Miller and Breaux.		626
Senate advisors appointed: Becker and Rogers		
House conferees appointed: T. Brown and C. Fry.	503	
House advisors appointed: Friend, Bacon and Day		
Conference committee report 1: filed in the House.	676	
Rules suspended..	706	
Conference committee report 1: adopted by the House;		
Roll Call 399: yeas 96, nays 1.	707	
Senate Rule 86(k) suspended.		825
Conference committee report 1: adopted by the Senate;		
Roll Call 347: yeas 44, nays 0.		832
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 122: Effective July 1, 2012		

■ SB 224 Authors Senators Miller and Gard
Sponsor Representative T. Brown

	House	Senate
Emergency ambulance services report.		
Authored by Senator Miller.		17
First reading: referred to Committee on		
Health and Provider Services		
Committee report: amend do pass, adopted.		55
Senator Gard added as second author..		77
Senator Rogers added as coauthor		
Second reading: amended, ordered engrossed.		177
Amendment 2 (Miller) prevailed; voice vote..		177
Amendment 1 (Grooms) prevailed; voice vote.		177
Third reading: passed;		
Roll Call 124: yeas 46, nays 4.		273
Referred to the House		
House sponsor: Representative T. Brown		
Cosponsor: Representative C. Brown		
First reading: referred to Committee on Public Health.. .	301	
Committee report: amend do pass, adopted.	372	
Second reading: amended, ordered engrossed.	468	
Amendment 2 (Crouch) prevailed; voice vote.	468	
Third reading: passed;		
Roll Call 314: yeas 96, nays 0.	505	
Returned to the Senate with amendments		
Senate dissented from House amendments..		634
Senate conferees appointed: Miller and Rogers.		643
Senate advisors appointed: Gard and Breaux		
House conferees appointed: T. Brown and C. Brown. . .	522	
House advisors appointed: Culver, R. Frye and Welch		
Conference committee report 1: filed in the House.	541	
Rules suspended..	548	
Conference committee report 1: failed for lack of		
constitutional majority in the House;		
Roll Call 370: yeas 45, nays 49.	548	
Senate Rule 86(k) suspended.		681
Conference committee report 1: adopted by the Senate;		
Roll Call 325: yeas 49, nays 0.		687
House reconsidered.	707	
Conference committee report 1: adopted by the House;		
Roll Call 401: yeas 90, nays 5.	707	
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 123: Effective July 1, 2012		

■ SB 225 Authors Senators Miller, Gard and Breaux
Sponsor Representative T. Brown

	House	Senate
Hospital assessment fee matters.		
Authored by Senator Miller.		17
First reading: referred to Committee on		
Health and Provider Services		
Committee report: do pass, adopted.		54
Senator Gard added as second author..		60
Senator Breaux added as third author		
Second reading: ordered engrossed.		74
Third reading: passed;		
Roll Call 48: yeas 50, nays 0.		123
Referred to the House		
House sponsor: Representative T. Brown		
Cosponsor: Representative C. Brown		
First reading: referred to Committee on Public Health.. .	301	
Committee report: do pass, adopted.	324	
Second reading: ordered engrossed.	343	
Third reading: passed;		
Roll Call 213: yeas 93, nays 0.	355	
Returned to the Senate without amendments		
Signed by the Speaker.	416	
Signed by the President Pro Tempore.		565
Signed by the President of the Senate.		627
Signed by the Governor.		663
Public Law 20: Effective retroactive to May 10, 2011		

SB 226 Authors Senators Miller, Charbonneau and Lanane
Sponsor Representative Speedy

	House	Senate
School corporation financial management.		
Authored by Senator Miller.		17
First reading: referred to Committee on		
Appropriations		
Senator Charbonneau added as second author.		37
Senator Lanane added as third author		
Senators Gard and Merritt added as coauthors		
Senator Broden added as coauthor.		75
Senator Rogers added as coauthor.		105
Committee report: amend do pass, adopted.		188
Second reading: amended, ordered engrossed.		229
Amendment 1 (Kenley) prevailed; voice vote.		229
Senator Randolph added as coauthor.		257
Third reading: passed;		
Roll Call 125: yeas 50, nays 0.		273
Referred to the House		
House sponsor: Representative Speedy		
Cosponsor: Representative Cherry		

	House	Senate
First reading: referred to Committee on Ways and Means.	301	
Representative Dermody added as cosponsor.	328	

SB 227 Author Senator Breaux

	House	Senate
Utility report of sewer rate increases.		
Authored by Senator Breaux.		17
First reading: referred to Committee on Utilities and Technology		

SB 228 Author Senator Eckerty

	House	Senate
Limits property tax assessed value increases.		
Authored by Senator Eckerty.		10
First reading: referred to Committee on Appropriations		

SB 229 Author Senator Smith

	House	Senate
Exemption of business personal property.		
Authored by Senator Smith.		10
First reading: referred to Committee on Tax and Fiscal Policy		
Senators Miller, Eckerty and Holdman added as coauthors.		24
Senator Holdman removed as coauthor.		49
Senator Miller removed as coauthor.		50

SB 230 Authors Senators Smith and Boots
Sponsor Representative Lehman

	House	Senate
Worker's compensation.		
Authored by Senator Smith.		10
First reading: referred to Committee on Pensions and Labor		
Senator Boots added as second author.		115
Committee report: amend do pass, adopted.		217
Second reading: amended, ordered engrossed.		229
Amendment 1 (Boots) prevailed; voice vote.		229
Senator Tallian added as coauthor.		255
Third reading: passed;		
Roll Call 126: yeas 50, nays 0.		273
Referred to the House		
House sponsor: Representative Lehman		
Cosponsor: Representative Torr		
First reading: referred to Committee on Employment, Labor and Pensions.	301	

■ SB 231 Authors Senators Wyss, Broden and M. Young
Sponsor Representative Turner

	House	Senate
Contracting with persons that invest in Iran.		
Authored by Senators Wyss, Broden and M. Young.		10
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Senator Delph added as coauthor.		50
Senators Merritt, Becker and Lanane added as coauthors.		76
Senator Rogers added as coauthor		
Committee report: do pass, adopted.		81
Senators Banks and Kruse added as coauthors.		128
Second reading: amended, ordered engrossed.		149
Amendment 1 (Wyss) prevailed; voice vote.		149
Third reading: passed;		
Roll Call 85: yeas 49, nays 1.		225
Referred to the House		
House sponsor: Representative Turner		
Cosponsors: Representatives Davis and Candelaria Reardon		
First reading: referred to Committee on Public Policy.	301	
Committee report: do pass, adopted.	324	
Representative Bosma added as cosponsor.	328	
Second reading: ordered engrossed.	343	
Third reading: passed;		
Roll Call 221: yeas 95, nays 0.	356	
Returned to the Senate without amendments		
Signed by the Speaker.	416	
Signed by the President Pro Tempore.		565
Signed by the President of the Senate.		627
Signed by the Governor.		663
Public Law 21: Effective July 1, 2012		

SB 232 Author Senator M. Young
Sponsor Representative Gutwein

	House	Senate
Unemployment compensation.		
Authored by Senator M. Young.		10
First reading: referred to Committee on Pensions and Labor		
Committee report: do pass, adopted.		56
Senator Tallian added as coauthor.		75
Second reading: amended, ordered engrossed.		127
Amendment 3 (Skinner) prevailed; voice vote.		127
Senators Boots and Skinner added as coauthors.		129
Third reading: passed;		
Roll Call 67: yeas 42, nays 8.		151
Referred to the House		
House sponsor: Representative Gutwein		
Cosponsor: Representative Leonard		
First reading: referred to Committee on Employment, Labor and Pensions.	286	

■ SB 233 Authors Senators Alting and Landske
Sponsor Representative Richardson

	House	Senate
Various election law matters.		
Authored by Senator Alting.		10
First reading: referred to Committee on Elections		
Senators Lawson and Landske added as coauthors.		36
Committee report: do pass, adopted.		109
Senators Arnold, Broden, Glick, Lanane, Head and Miller added as coauthors.		116
Second reading: ordered engrossed.		127
Senator Landske removed as coauthor.		128
Senator Landske added as second author.		129
Senators Becker, Delph and Hume added as coauthors		
Third reading: passed;		
Roll Call 68: yeas 50, nays 0.		151
Referred to the House		
House sponsor: Representative Richardson		
Cosponsors: Representatives Truitt and Klinker		
Senators Zakas and Tomes added as coauthors.		153

	House	Senate
First reading: referred to Committee on Elections and Apportionment	286	
Representative Koch added as cosponsor	414	
Committee report: amend do pass, adopted	419	
Second reading: amended, ordered engrossed	473	
Amendment 2 (Richardson) prevailed; voice vote	473	
Amendment 1 (Austin) failed; Roll Call 297: yeas 39, nays 55	473	
Third reading: passed; Roll Call 315: yeas 96, nays 1	505	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments; Roll Call 313: yeas 39, nays 9		673
Joint Rule 20 technical correction adopted by the Senate		824
Joint Rule 20 technical correction adopted by the House	716	
Signed by the President Pro Tempore		1183
Signed by the Speaker	953	
Signed by the President of the Senate		1183
Signed by the Governor		1183
Public Law 124:		
SECTIONS 1 through 4 effective March 19, 2012		
SECTION 5 effective July 1, 2012		
SECTIONS 6 through 8 effective March 19, 2012		

SB 234 Authors Senators Alting, Merritt and Charbonneau
Sponsor Representative M. Smith

	House	Senate
Synthetic drugs (including "bath salts").		
Authored by Senators Alting and Merritt		10
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Senator Holdman added as coauthor		25
Senators Broden and Arnold added as coauthors		35
Senator Kruse added as coauthor		36
Senator Steele added as coauthor		76
Senator Miller added as coauthor		105
Senator Randolph added as coauthor		
Committee report: amend do pass, adopted		132
Senator Zakas added as coauthor		153
Senator Glick added as coauthor		
Senator R. Young added as coauthor		154
Second reading: amended, ordered engrossed		177
Amendment 1 (Merritt) prevailed; voice vote		177
Senator Charbonneau added as third author		203
Senator Head added as coauthor		
Senator Buck added as coauthor		256
Third reading: passed; Roll Call 127: yeas 50, nays 0		274
Referred to the House		
House sponsor: Representative M. Smith		
Senators Landske, Wyss and Paul added as coauthors		279
Representatives Yarde, Austin and Davisson added as cosponsors	298	
First reading: referred to Committee on Courts and Criminal Code	301	
Committee report: do pass, adopted	324	
Second reading: amended, ordered engrossed	343	
Amendment 1 (McMillin) prevailed; Roll Call 198: yeas 94, nays 0	343	
Third reading: passed; Roll Call 214: yeas 93, nays 0	356	
Returned to the Senate with amendments		
Senate dissented from House amendments		681
Senate conferees appointed: Steele and Broden		682
Senate advisors appointed: Bray and Arnold		
House conferees appointed: Dermody and Austin	659	
House advisors appointed: Davis and V. Smith		

SB 235 Authors Senators Grooms and Steele
Sponsor Representative Stemler

	House	Senate
Pro bono legal services fee.		
Authored by Senator Grooms		10
First reading: referred to Committee on Judiciary		
Senator Steele added as second author		36
Pursuant to Senate Rule 68(b); reassigned to Committee on Tax and Fiscal Policy		100
Senator Broden added as coauthor		116
Senator Breaux added as coauthor		153
Pursuant to Senate Rule 68(b); reassigned to Committee on Appropriations		156
Senators Randolph and Tallian added as coauthors		202
Committee report: amend do pass, adopted		204
Second reading: amended, ordered engrossed		229
Amendment 2 (Miller) prevailed; voice vote		229
Third reading: passed; Roll Call 128: yeas 50, nays 0		274
Referred to the House		
House sponsor: Representative Stemler		
Cosponsors: Representatives Koch and Davisson		
Senators Simpson and Lanane added as coauthors		279
First reading: referred to Committee on Courts and Criminal Code	301	
Committee report: do pass, adopted	324	
Referred to Committee on Ways and Means pursuant to House Rule 127	328	

SB 236 Authors Senators Delph, Kruse and Schneider

	House	Senate
Various education matters.		
Authored by Senator Delph		10
First reading: referred to Committee on Education and Career Development		
Senator Kruse added as second author		25
Senator Schneider added as third author		
Committee report: amend do pass, adopted		207
Second reading: ordered engrossed		230
Third reading: failed for lack of constitutional majority; Roll Call 129: yeas 25, nays 25		274

■ SB 237 Authors Senators M. Young, Arnold and Banks
Sponsor Representative Foley

	House	Senate
Noncode statutes.		
Authored by Senators M. Young, Arnold and Banks		10
Coauthored by Senator Taylor		
First reading: referred to Committee on Judiciary		
Committee report: do pass, adopted		163
Second reading: ordered engrossed		230

	House	Senate
Third reading: passed;		
Roll Call 130: yeas 50, nays 0.		274
Referred to the House		
House sponsor: Representative Foley		
First reading: referred to Committee on Judiciary.	301	
Committee report: do pass, adopted.	315	
Second reading: ordered engrossed.	327	
Third reading: passed;		
Roll Call 205: yeas 93, nays 2.	345	
Returned to the Senate without amendments		
Signed by the Speaker.	523	
Signed by the President Pro Tempore.		661
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 63: Effective July 1, 2012		

SB 238 Author Senator Randolph

Local air pollution control agency contracts.

	House	Senate
Authored by Senator Randolph.		10
First reading: referred to Committee on Energy and Environmental Affairs		

SB 239 Author Senator Randolph

Property and casualty insurance claim payment.

	House	Senate
Authored by Senator Randolph.		10
First reading: referred to Committee on Insurance and Financial Institutions		

SB 240 Author Senator Walker

Use tax collection on remote sales.

	House	Senate
Authored by Senator Walker.		10
First reading: referred to Committee on Tax and Fiscal Policy		

SB 241 Author Senator Walker

Public works projects.

	House	Senate
Authored by Senator Walker.		10
First reading: referred to Committee on Pensions and Labor		

SB 242 Author Senator Breaux

Protection order card program.

	House	Senate
Authored by Senator Breaux.		10
First reading: referred to Committee on Judiciary		

SB 243 Authors Senators Grooms, Holdman and Waterman
Sponsor Representative Davisson

Silencers when hunting.

	House	Senate
Authored by Senators Grooms, Holdman and Waterman.		10
First reading: referred to Committee on Judiciary		
Senator Banks added as coauthor.		129
Senator Head added as coauthor.		157
Committee report: do pass, adopted.		159
Second reading: amended, ordered engrossed.		265
Amendment 6 (Head) prevailed; voice vote.		265
Third reading: passed;		
Roll Call 168: yeas 42, nays 8.		285
Referred to the House		
House sponsor: Representative Davisson		
Cosponsors: Representatives Ubelhor, Goodin and Rhoads		
Senator Tomes added as coauthor.		289
First reading: referred to Committee on Public Policy.	302	
Representative Rhoads removed as cosponsor.	345	
Representative Eberhart added as cosponsor		

SB 244 Authors Senators Waterman, Steele and Leising

Lobbyists.

	House	Senate
Authored by Senators Waterman, Steele and Leising.		10
Coauthored by Senators Hume, Head, Tomes and Grooms		
First reading: referred to Committee on Public Policy		

SB 245 Author Senator Waterman

Unfair claim settlement practices.

	House	Senate
Authored by Senator Waterman.		10
First reading: referred to Committee on Insurance and Financial Institutions		

■ SB 246 Author Senator Bray
Sponsor Representative Foley

Lab technician testimony in criminal cases.

	House	Senate
Authored by Senator Bray.		6
First reading: referred to Committee on Judiciary		
Senators Zakas, Steele and Randolph added as coauthors.		157
Committee report: amend do pass, adopted.		183
Second reading: ordered engrossed.		230
Third reading: passed;		
Roll Call 131: yeas 48, nays 0.		274
Referred to the House		
House sponsor: Representative Foley		
Cosponsor: Representative Koch		
First reading: referred to Committee on Courts and Criminal Code.	302	
Committee report: do pass, adopted.	374	
Second reading: ordered engrossed.	439	
Third reading: passed;		
Roll Call 267: yeas 95, nays 0.	451	
Returned to the Senate without amendments		
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 44: Effective July 1, 2012		

SB 247 Author Senator Bray

Forfeiture.

	House	Senate
Authored by Senator Bray.		6
First reading: referred to Committee on Judiciary		

	House	Senate
SB 248 Authors Senators Leising and Landske		
Sponsor Representative Rhoads		
Referendum on use of balanced school calendar.		
Authored by Senator Leising.		6
First reading: referred to Committee on Elections		
Committee report: amend do pass, adopted.		119
Senator Broden added as coauthor.		157
Second reading: ordered engrossed.		177
Senator Landske added as second author.		202
Third reading: passed;		
Roll Call 132: yeas 36, nays 13.		274
Referred to the House		
House sponsor: Representative Rhoads		
Cosponsor: Representative Thompson		
First reading: referred to Committee on Education.	302	
■ **SB 249 Author Senator Alting**		
Sponsor Representative Truitt		
Record of marriage.		
Authored by Senator Alting.		6
First reading: referred to Committee on Judiciary		
Committee report: do pass, adopted.		82
Second reading: ordered engrossed.		127
Third reading: passed;		
Roll Call 69: yeas 50, nays 0.		151
Referred to the House		
House sponsor: Representative Truitt		
Cosponsor: Representative Klinker		
First reading: referred to Committee on Judiciary.	286	
Committee report: do pass, adopted.	315	
Second reading: ordered engrossed.	357	
Amendment 3 (Thompson) withdrawn.	357	
Third reading: passed;		
Roll Call 228: yeas 93, nays 0.	413	
Returned to the Senate without amendments		
Signed by the Speaker.	452	
Signed by the President Pro Tempore.		612
Signed by the President of the Senate.		627
Signed by the Governor.		663
Public Law 22: Effective July 1, 2012		
SB 250 Author Senator Alting		
Missing children.		
Authored by Senator Alting.		6
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
SB 251 Authors Senators Tomes and Kruse		
School prayer.		
Authored by Senator Tomes.		26
First reading: referred to Committee on Judiciary		
Senator Kruse added as second author.		35
Senator Holdman added as coauthor		
SB 252 Author Senator Tomes		
Charity gaming.		
Authored by Senator Tomes.		6
First reading: referred to Committee on Public Policy		

	House	Senate
SB 253 Authors Senators Glick and Banks		
Sponsor Representative Heuer		
Military education and training.		
Authored by Senator Glick.		6
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Senator Banks added as coauthor.		24
Committee report: amend do pass, adopted.		45
Senators Arnold, Becker, Grooms, Merritt, Paul, Rogers, Smith and Wyss added as coauthors.		49
Senator Banks removed as coauthor.		61
Senator Banks added as second author		
Second reading: ordered engrossed.		74
Senator Schneider added as coauthor.		76
Third reading: passed;		
Roll Call 21: yeas 48, nays 0.		103
Referred to the House		
House sponsor: Representative Heuer		
Senators Tomes, Head and Lanane added as coauthors.		105
Senators Buck, Steele and Zakas added as coauthors		
Senator Landske added as coauthor.		116
First reading: referred to Committee on Education.	286	
SB 254 Author Senator Glick		
Township government.		
Authored by Senator Glick.		6
First reading: referred to Committee on Local Government		
■ **SB 255 Authors Senators Wyss and Arnold**		
Sponsor Representative R. Frye		
Various homeland security matters.		
Authored by Senators Wyss and Arnold.		6
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Committee report: amend do pass, adopted.		46
Second reading: ordered engrossed.		74
Third reading: placed back on second reading.		102
Reread second time: amended, ordered engrossed.		127
Amendment 1 (Wyss) prevailed; voice vote.		127
Third reading: passed;		
Roll Call 70: yeas 50, nays 0.		152
Referred to the House		
House sponsor: Representative R. Frye		
First reading: referred to Committee on Veterans Affairs and Public Safety.	286	
Representative Grubb added as cosponsor.	312	
Representatives Yarde and Riecken added as cosponsors.	328	
Committee report: do pass, adopted.	351	
Second reading: ordered engrossed.	409	
Third reading: passed;		
Roll Call 240: yeas 99, nays 0.	439	
Returned to the Senate without amendments		
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 45: Effective July 1, 2012		

	House	Senate
■ SB 256 Authors Senators Wyss and Arnold Sponsor Representative Dermody		
Correctional professionals assistance fund.		
Authored by Senators Wyss and Arnold.		6
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Senator Hume added as coauthor.		116
Committee report: amend do pass, adopted.		120
Second reading: ordered engrossed.		177
Third reading: passed;		
Roll Call 133: yeas 50, nays 0.		274
Referred to the House		
House sponsor: Representative Dermody		
Cosponsor: Representative Steuerwald		
First reading: referred to Committee on Veterans Affairs and Public Safety.	302	
Committee report: do pass, adopted.	315	
Second reading: ordered engrossed.	327	
Third reading: passed;		
Roll Call 206: yeas 95, nays 0.	345	
Returned to the Senate without amendments		
Representatives Klinker and L. Lawson added as cosponsors.	345	
Signed by the Speaker.	416	
Signed by the President Pro Tempore.		565
Signed by the President of the Senate.		627
Signed by the Governor.		663
Public Law 23: Effective July 1, 2012		
■ SB 257 Authors Senators Arnold and Wyss Sponsor Representative Soliday		
Motor vehicle law.		
Authored by Senator Arnold.		6
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Senator Wyss added as second author.		21
Committee report: amend do pass, adopted.		40
Second reading: amended, ordered engrossed.		101
Amendment 1 (Arnold) prevailed; voice vote.		101
Third reading: passed;		
Roll Call 49: yeas 50, nays 0.		124
Referred to the House		
House sponsor: Representative Soliday		
Cosponsor: Representative DeLaney		
First reading: referred to Committee on Roads and Transportation.	286	
Committee report: amend do pass, adopted.	300	
Second reading: amended, ordered engrossed.	327	
Amendment 2 (Soliday) prevailed; voice vote.	327	
Third reading: recommitted to Committee of One; Amendment 3 (Soliday) prevailed; voice vote; bill passed; Roll Call 222: yeas 84, nays 11.	356	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Concurrence withdrawn.		567
Senate dissented from House amendments.		620
Senate conferees appointed: Wyss and Arnold.		627
Senate advisors appointed: Tomes and Eckerty		
House conferees appointed: Soliday and Pryor.	503	
House advisors appointed: Speedy and DeLaney		
Representative Pryor removed as conferee.	719	
Representative Burton added as conferee		
Conference committee report 1: filed in the House.	757	
Rules suspended.	923	
Conference committee report 1: adopted by the House; Roll Call 417: yeas 68, nays 26.	923	
Senate Rule 86(k) suspended.		899
Conference committee report 1: adopted by the Senate; Roll Call 361: yeas 39, nays 11.		899
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 125:		
SECTIONS 1 through 111 effective July 1, 2012		
SECTION 112 effective retroactive to January 1, 2012		
SECTIONS 113 through 418 effective July 1, 2012		
SB 258 Authors Senators Alting and Arnold Sponsor Representative Davis		
Alcohol trainer programs and server programs.		
Authored by Senators Alting and Arnold.		6
First reading: referred to Committee on Public Policy		
Committee report: do pass, adopted.		167
Second reading: ordered engrossed.		230
Third reading: passed;		
Roll Call 134: yeas 50, nays 0.		274
Referred to the House		
House sponsor: Representative Davis		
Senator Simpson added as coauthor.		278
First reading: referred to Committee on Public Policy.	302	
■ SB 259 Author Senator Alting Sponsor Representative Dermody		
School consolidation executive session.		
Authored by Senator Alting.		6
First reading: referred to Committee on Education and Career Development		
Committee report: do pass, adopted.		184
Second reading: ordered engrossed.		230
Senator Skinner added as coauthor.		256
Third reading: passed;		
Roll Call 135: yeas 46, nays 4.		275
Referred to the House		
House sponsor: Representative Dermody		
Cosponsors: Representatives Truitt and Klinker		
First reading: referred to Committee on Government and Regulatory Reform.	302	
Representative Neese added as cosponsor.	319	
Committee report: do pass, adopted.	324	
Second reading: ordered engrossed.	344	
Third reading: passed;		
Roll Call 215: yeas 62, nays 31.	356	
Returned to the Senate without amendments		
Signed by the Speaker.	416	
Signed by the President Pro Tempore.		565
Signed by the President of the Senate.		627
Signed by the Governor.		663
Public Law 24: Effective July 1, 2012		

	House	Senate
SB 260 Authors Senators Alting and Arnold		
Firefighter training and elevator mechanics.		
Authored by Senators Alting and Arnold.		6
First reading: referred to Committee on Public Policy		
Committee report: amend do pass, adopted.		167
Second reading: ordered engrossed.		230
Placed back on second reading..		256
Reread second time: amended, ordered engrossed.		266
Amendment 2 (Delph) prevailed; voice vote.		266
Third reading: defeated;		
Roll Call 169: yeas 23, nays 27.		286
SB 261 Authors Senators Taylor, Simpson and Arnold		
Use of credit reports for employment purposes.		
Authored by Senators Taylor, Simpson and Arnold.		6
Coauthored by Senators Breaux, Broden, Hume, Lanane, Mrvan, Randolph, Rogers, Skinner, Tallian and R. Young		
First reading: referred to Committee on Pensions and Labor		
■ SB 262 Authors Senators Bray, Buck and Steele Sponsor Representative Steuerwald		
IC 4 and IC 5 revision.		
Authored by Senator Bray.		6
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Committee report: do pass, adopted.		82
Second reading: ordered engrossed.		127
Senator Taylor added as coauthor.		130
Third reading: placed back on second reading.		149
Reread second time: amended, ordered engrossed.		177
Amendment 1 (Bray) prevailed; voice vote.		177
Third reading: passed;		
Roll Call 136: yeas 50, nays 0.		275
Referred to the House		
House sponsor: Representative Steuerwald		
Cosponsor: Representative L. Lawson		
Senator Buck added as second author.		278
Senator Steele added as third author		
First reading: referred to Committee on Courts and Criminal Code.	302	
Committee report: amend do pass, adopted.	325	
Second reading: ordered engrossed.	344	
Third reading: passed;		
Roll Call 216: yeas 93, nays 0.	356	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Concurrence withdrawn.		646
Senate dissented from House amendments..		659
Senate conferees appointed: Bray and Taylor		
Senate advisors appointed: Buck and Hume		
House conferees appointed: Steuerwald and L. Lawson.	527	
House advisors appointed: McNamara, Lehman and Dvorak		
Conference committee report 1: filed in the House.	729	
Rules suspended..	923	
Conference committee report 1: adopted by the House; Roll Call 415: yeas 90, nays 1.	923	
Senate Rule 86(k) suspended.		899
Conference committee report 1: adopted by the Senate; Roll Call 362: yeas 49, nays 0.		987
Joint Rule 20 technical correction adopted by the House..	950	
Joint Rule 20 technical correction adopted by the Senate.		1179
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 126: Effective July 1, 2012		
SB 263 Author Senator Bray		
Property crimes.		
Authored by Senator Bray.		6
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
SB 264 Author Senator Head		
Child solicitation.		
Authored by Senator Head.		6
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
SB 265 Authors Senators Head and Charbonneau Sponsor Representative Koch		
School report card.		
Authored by Senator Head.		6
First reading: referred to Committee on Education and Career Development		
Senator Charbonneau added as second author.		24
Senator Yoder added as coauthor..		75
Senator Mrvan added as coauthor.		107
Committee report: do pass, adopted.		184
Second reading: ordered engrossed.		230
Third reading: passed;		
Roll Call 137: yeas 50, nays 0.		275
Referred to the House		
House sponsor: Representative Koch		
Cosponsors: Representatives Neese and Porter		
Senator Randolph added as coauthor.		278
First reading: referred to Committee on Education.	302	
SB 266 Authors Senators Arnold, Breaux and Broden		
State contractor accountability.		
Authored by Senators Arnold, Breaux and Broden.		6
Coauthored by Senators Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor and R. Young		
First reading: referred to Committee on Tax and Fiscal Policy		

	House	Senate
■ SB 267 Authors Senators Rogers and Kruse		
Sponsor Representative Behning		
Education concerning child abuse.		
Authored by Senator Rogers.		6
First reading: referred to Committee on Education and Career Development		
Senator Kruse added as second author.		76
Committee report: amend do pass, adopted.		208
Second reading: ordered engrossed.		230
Third reading: passed;		
Roll Call 138: yeas 50, nays 0.		275
Referred to the House		
House sponsor: Representative Behning		
Cosponsor: Representative L. Lawson		
Senator Randolph added as coauthor.		278
First reading: referred to Committee on Family, Children and Human Affairs.	302	
Representative Porter added as cosponsor.	319	
Committee report: amend do pass, adopted.	374	
Second reading: ordered engrossed.	445	
Third reading: passed;		
Roll Call 268: yeas 95, nays 0.	451	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Representative Klinker added as cosponsor.	508	
Senate concurred in House amendments;		
Roll Call 314: yeas 48, nays 0.		673
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 46: Effective July 1, 2012		
■ SB 268 Authors Senators Rogers and Kruse		
Sponsor Representative Behning		
Advisory committee on early education.		
Authored by Senator Rogers.		6
First reading: referred to Committee on Education and Career Development		
Senator Kruse added as second author.		75
Committee report: do pass, adopted.		184
Second reading: ordered engrossed.		230
Third reading: passed;		
Roll Call 139: yeas 42, nays 8.		275
Referred to the House		
House sponsor: Representative Behning		
Cosponsors: Representatives V. Smith and VanDenburgh		
Senator Randolph added as coauthor.		278
First reading: referred to Committee on Education.	302	
Representative Porter added as cosponsor.	319	
Committee report: do pass, adopted.	325	
Second reading: ordered engrossed.	409	
Third reading: passed;		
Roll Call 242: yeas 96, nays 0.	446	
Returned to the Senate without amendments		
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 64: Effective July 1, 2012		
SB 269 Authors Senators Yoder and Walker		
Sponsor Representative Torr		
Employee's right to work.		
Authored by Senator Yoder.		10
First reading: referred to Committee on Pensions and Labor		
Senator Walker added as second author.		21
Senators Boots, Banks and Kruse added as coauthors.		24
Senator Schneider added as coauthor.		25
Committee report: do pass, adopted.		30
Senator Smith added as coauthor.		36
Second reading: amended, ordered engrossed.		112
Amendment 14 (Yoder) prevailed; voice vote.		112
Amendment 12 (Waltz) failed;		
Roll Call 24: yeas 12, nays 38.		112
Amendment 16 (Hershman) prevailed;		
Roll Call 25: yeas 31, nays 19.		113
Amendment 17 (Hershman) prevailed;		
Roll Call 26: yeas 30, nays 20.		113
Amendment 5 (Tallian) failed;		
Roll Call 27: yeas 13, nays 37.		113
Amendment 2 (Tallian) failed;		
Roll Call 28: yeas 14, nays 36.		114
Amendment 11 (Tallian) failed;		
Roll Call 29: yeas 16, nays 33.		114
Amendment 8 (Simpson) failed;		
Roll Call 30: yeas 15, nays 35.		114
Amendment 3 (Tallian) failed;		
Roll Call 31: yeas 13, nays 37.		114
Amendment 4 (Tallian) failed;		
Roll Call 32: yeas 14, nays 36.		115
Amendment 13 (Tallian) failed;		
Roll Call 33: yeas 14, nays 36.		115
Third reading: passed;		
Roll Call 51: yeas 28, nays 22.		128
Referred to the House		
House sponsor: Representative Torr		
Cosponsors: Representatives Bosma and Culver		
Senate Rule 35(c) technical corrections adopted.		130
First reading: referred to Committee on Rules and Legislative Procedures.	311	
SB 270 Authors Senators Yoder, Grooms and Buck		
DCS evaluation committee and ombudsman.		
Authored by Senator Yoder.		6
First reading: referred to Committee on Judiciary		
Senator Grooms added as second author.		36
Senator Buck added as third author.		129
■ SB 271 Authors Senators Tallian and Bray		
Sponsor Representative Foley		
Security deposits and motor vehicle liens.		
Authored by Senator Tallian.		6
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

	House	Senate
Pursuant to Senate Rule 68(b); reassigned to Committee on Insurance and Financial Institutions.		25
Senator Bray added as coauthor.		35
Senator Holdman added as coauthor.		50
Committee report: do pass, adopted.		70
Senator Bray removed as coauthor.		74
Senator Bray added as second author		
Second reading: amended, ordered engrossed.		149
Amendment 1 (Tallian) prevailed; voice vote.		149
Third reading: passed;		
Roll Call 86: yes 50, nays 0.		225
Referred to the House		
House sponsor: Representative Foley		
Cosponsor: Representative Day		
First reading: referred to Committee on Judiciary.	302	
Committee report: do pass, adopted.	351	
Second reading: ordered engrossed.	409	
Third reading: passed;		
Roll Call 243: yes 96, nays 0.	447	
Returned to the Senate without amendments		
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 47: Effective July 1, 2012		

SB 272 Author Senator Lanane

	House	Senate
Certified technology parks.		
Authored by Senator Lanane.		6
First reading: referred to Committee on Commerce and Economic Development		
Pursuant to Senate Rule 68(b); reassigned to Committee on Tax and Fiscal Policy.		30

■ SB 273 Authors Senators Lanane and Merritt
Sponsor Representative Cherry

	House	Senate
Regulation of outdoor stage equipment.		
Authored by Senator Lanane.		6
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Senator Merritt added as second author.		77
Senator Arnold added as coauthor		
Senator Wyss added as coauthor		
Senator Becker added as coauthor		
Committee report: amend do pass, adopted.		80
Second reading: amended, ordered engrossed.		181
Amendment 1 (Lanane) prevailed; voice vote.		181
Third reading: passed;		
Roll Call 140: yes 45, nays 5.		275
Referred to the House		
House sponsor: Representative Cherry		
Cosponsor: Representative DeLaney		
Senator Miller added as coauthor.		278
First reading: referred to Committee on Veterans Affairs and Public Safety.	302	
Representatives Richardson and Austin added as cosponsors.	319	
Committee report: amend do pass, adopted.	351	
Second reading: ordered engrossed.	409	
Third reading: passed;		
Roll Call 244: yes 92, nays 5.	447	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 304: yes 41, nays 5.		631
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		682
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 92: Effective March 16, 2012		

■ SB 274 Authors Senators Merritt, Simpson and Head
Sponsor Representative McMillin

	House	Senate
Immunity for certain alcohol offenses.		
Authored by Senator Merritt.		6
First reading: referred to Committee on Judiciary		
Senator Head added as second author.		37
Senator Simpson added as third author		
Senator Taylor added as coauthor		
Committee report: amend do pass, adopted.		92
Senator Simpson removed as third author		
Senator Head removed as second author.		104
Senator Simpson added as second author		
Senator Head added as third author		
Senators Lanane and Randolph added as coauthors.		106
Second reading: ordered engrossed.		127
Third reading: passed;		
Roll Call 71: yes 50, nays 0.		152
Referred to the House		
House sponsor: Representative McMillin		
Senator Hershman added as coauthor.		153
First reading: referred to Committee on Courts and Criminal Code.	286	
Representative Truitt added as cosponsor.	298	
Committee report: do pass, adopted.	300	
Second reading: amended, ordered engrossed.	312	
Amendment 1 (McMillin) prevailed; voice vote.	312	
Representatives DeLaney and Foley added as cosponsors.	313	
Third reading: passed;		
Roll Call 195: yes 96, nays 0.	319	
Returned to the Senate with amendments		
House Rule 106.1 suspended; Representatives Steuerwald and Pierce added as cosponsors.	328	
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 305: yes 47, nays 0.		631
Signed by the Speaker.	523	
Signed by the President Pro Tempore.		661
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 93: Effective July 1, 2012		

■ SB 275 Author Senator Merritt
Sponsor Representative Davis

	House	Senate
Real estate brokers.		
Authored by Senator Merritt.		6
First reading: referred to Committee on Public Policy		
Committee report: amend do pass, adopted.		213

	House	Senate
Second reading: amended, ordered engrossed.		230
Amendment 2 (Merritt) prevailed; voice vote.		230
Senator Broden added as coauthor.		257
Third reading: passed;		
Roll Call 141: yeas 48, nays 2.		275
Referred to the House		
House sponsor: Representative Davis		
Cosponsor: Representative Clere		
First reading: referred to Committee on		
Employment, Labor and Pensions.	302	
Committee report: do pass, adopted.	315	
Second reading: amended, ordered engrossed.	344	
Amendment 2 (Davis) prevailed; voice vote.	344	
Representatives Morris and Riecken		
added as cosponsors.	345	
Third reading: passed;		
Roll Call 217: yeas 94, nays 0.	356	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 306: yeas 45, nays 2.		631
Senator Alting added as coauthor		
Joint Rule 20 technical correction		
adopted by the Senate.		688
Joint Rule 20 technical correction		
adopted by the House.	717	
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 127:		
SECTIONS 1 through 8 effective July 1, 2014		
SECTION 9 effective July 1, 2012		
SECTIONS 10 through 25 effective July 1, 2014		
SECTION 26 effective July 1, 2012		
SECTIONS 27 through 29 effective July 1, 2014		
SECTION 30 effective July 1, 2012		
SECTIONS 31 through 34 effective July 1, 2014		
SECTIONS 35 through 36 effective July 1, 2012		
SECTIONS 37 through 38 effective July 1, 2014		
SECTION 39 effective July 1, 2012		
SECTIONS 40 through 63 effective July 1, 2014		

SB 276 Authors Senators Merritt and Holdman

Tax sales and abandoned property.

	House	Senate
Authored by Senator Merritt.		6
First reading: referred to Committee on		
Local Government		
Senator Holdman added as second author.		36

SB 277 Authors Senators Simpson and Lawson
Sponsor Representative Turner

Hoosier communities for a lifetime.

	House	Senate
Authored by Senator Simpson.		7
First reading: referred to Committee on		
Local Government		
Senator Lawson added as second author.		154
Committee report: do pass, adopted.		183
Second reading: ordered engrossed.		231
Third reading: passed;		
Roll Call 142: yeas 45, nays 5.		276
Referred to the House		
House sponsor: Representative Turner		
Cosponsor: Representative Welch		
First reading: referred to Committee on		
Government and Regulatory Reform.	311	

SB 278 Author Senator Simpson

Voiding of certain Medicaid rules.

	House	Senate
Authored by Senator Simpson.		7
First reading: referred to Committee on		
Health and Provider Services		

SB 279 Author Senator Charbonneau

PERF and TRF thirteenth check.

	House	Senate
Authored by Senator Charbonneau.		7
First reading: referred to Committee on		
Pensions and Labor		

SB 280 Authors Senators Charbonneau, Kruse and Kenley
Sponsor Representative Thompson

School finance.

	House	Senate
Authored by Senator Charbonneau.		7
First reading: referred to Committee on		
Education and Career Development		
Senator Kruse added as second author.		59
Senator Kenley added as third author		
Senators Mishler, Rogers and Breaux		
added as coauthors		
Committee report: amend do pass, reassigned to		
Committee on Appropriations.		86
Committee report: amend do pass, adopted.		196
Senator Miller added as coauthor.		203
Second reading: amended, ordered engrossed.		231
Amendment 1 (Simpson) prevailed; voice vote.		231
Third reading: passed;		
Roll Call 143: yeas 50, nays 0.		276
Referred to the House		
House sponsor: Representative Thompson		
Cosponsor: Representative Goodin		
Senator Randolph added as coauthor.		278
First reading: referred to Committee on		
Ways and Means.	302	
Committee report: amend do pass, adopted.	375	
Second reading: amended, ordered engrossed.	445	
Amendment 2 (Thompson) prevailed; voice vote.	445	
Amendment 1 (Thompson) withdrawn.	445	
Third reading: passed;		
Roll Call 269: yeas 72, nays 25.	451	
Returned to the Senate with amendments		
Senate dissented from House amendments.		634
Senate conferees appointed: Charbonneau and Broden.		643
Senate advisors appointed: Kenley, Rogers		
and Mishler		
House conferees appointed: Thompson and Goodin.	522	
House advisors appointed: Cherry, Dermody,		
Behning and Kersey		

	House	Senate
SB 281 Author Senator Walker		
Carriers of ballot petitions.		
Authored by Senator Walker.		7
First reading: referred to Committee on Elections		
SB 282 Author Senator Walker		
Abortion inducing drugs.		
Authored by Senator Walker.		7
First reading: referred to Committee on Health and Provider Services		
■ SB 283 Authors Senators Kruse and Holdman Sponsor Representative Thompson		
Nonpublic alternative high schools; residential facilities.		
Authored by Senator Kruse.		7
First reading: referred to Committee on Education and Career Development		
Committee report: amend do pass, adopted.		204
Senator Skinner added as coauthor.		256
Senator Holdman added as second author.		258
Second reading: amended, ordered engrossed.		266
Amendment 1 (Yoder) prevailed; voice vote.		266
Third reading: passed;		
Roll Call 170: yeas 48, nays 2.		286
Referred to the House		
House sponsor: Representative Thompson		
Cosponsors: Representatives Behning, Rhoads and Sullivan		
First reading: referred to Committee on Education.	302	
Committee report: amend do pass, adopted.	325	
Second reading: ordered engrossed.	344	
Third reading: passed;		
Roll Call 218: yeas 66, nays 27.	356	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 307: yeas 43, nays 4.		631
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 65: Effective July 1, 2012		
SB 284 Author Senator Kruse		
Teacher contracts and evaluations.		
Authored by Senator Kruse.		7
First reading: referred to Committee on Education and Career Development		
SB 285 Author Senator Lawson Sponsor Representative Thompson		
Review of local government budgets.		
Authored by Senator Lawson.		22
First reading: referred to Committee on Local Government		
Committee report: amend do pass, adopted.		183
Second reading: ordered engrossed.		231
Third reading: passed;		
Roll Call 144: yeas 46, nays 4.		276
Referred to the House		
House sponsor: Representative Thompson		
Cosponsor: Representative Steuerwald		
First reading: referred to Committee on Ways and Means.	302	
■ SB 286 Authors Senators Lawson and Bray Sponsor Representative McNamara		
Department of child services.		
Authored by Senator Lawson.		22
First reading: referred to Committee on Judiciary		
Committee report: amend do pass, adopted.		56
Senator Lanane added as coauthor.		60
Senator Bray added as second author.		75
Senator Randolph added as coauthor.		76
Second reading: amended, ordered engrossed.		181
Amendment 5 (Lawson) prevailed; voice vote.		181
Amendment 7 (Lawson) prevailed; voice vote.		183
Amendment 6 (Head) prevailed; voice vote.		183
Senator Grooms added as coauthor.		203
Third reading: passed;		
Roll Call 145: yeas 50, nays 0.		276
Referred to the House		
House sponsor: Representative McNamara		
Cosponsor: Representative Noe		
First reading: referred to Committee on Family, Children and Human Affairs.	302	
Representative Klinker added as cosponsor.	329	
Committee report: amend do pass, adopted.	408	
Roll Call 225: yeas 57, nays 38		
Second reading: amended, ordered engrossed.	455	
Motion to recommit to Committee on Judiciary (Bardon) failed; Roll Call 276: yeas 39, nays 55.	455	
Amendment 26 (Noe) prevailed; Roll Call 277: yeas 93, nays 0.	455	
Amendment 20 (McNamara) prevailed; voice vote.	456	
Amendment 25 (Summers) failed; Roll Call 278: yeas 40, nays 54.	456	
Amendment 6 (Crawford) failed; Roll Call 279: yeas 40, nays 54.	460	
Amendment 2 (Bartlett) failed; Roll Call 280: yeas 37, nays 54.	460	
Amendment 3 (Bartlett) failed; Roll Call 281: yeas 39, nays 53.	460	
Amendment 4 (Bartlett) failed; Roll Call 282: yeas 39, nays 52.	461	
Amendment 5 (Crawford) failed; Roll Call 283: yeas 40, nays 52.	461	
Amendment 8 (L. Lawson) failed; Roll Call 284: yeas 39, nays 52.	462	
Amendment 9 (L. Lawson) prevailed; Roll Call 285: yeas 91, nays 0.	462	
Amendment 1 (Crawford) failed; Roll Call 286: yeas 38, nays 52.	463	
Amendment 23 (Riecken) failed; Roll Call 287: yeas 37, nays 53.	463	
Amendment 13 (Austin) failed; Roll Call 288: yeas 35, nays 54.	464	
Amendment 15 (DeLaney) failed; Roll Call 289: yeas 38, nays 51.	464	

	House	Senate
Amendment 7 (Day) failed;		
Roll Call 290: yeas 37, nays 53	464	
Amendment 19 (C. Brown) prevailed;		
Roll Call 291: yeas 89, nays 0	465	
Third reading: recommitted to Committee of One;		
Amendment 27 (McNamara) prevailed; voice vote; bill passed; Roll Call 316: yeas 98, nays 0	505	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 315: yeas 46, nays 1		673
Signed by the President Pro Tempore		762
Signed by the Speaker	660	
Signed by the President of the Senate		826
Signed by the Governor		1183
Public Law 48:		
SECTION 1 effective July 1, 2012		
SECTION 2 effective March 14, 2012		
SECTIONS 3 through 8 effective July 1, 2012		
SECTION 9 effective March 14, 2012		
SECTIONS 10 through 12 effective July 1, 2012		
SECTIONS 13 through 14 effective March 14, 2012		
SECTIONS 15 through 16 effective July 1, 2012		
SECTION 17 effective March 14, 2012		
SECTIONS 18 through 20 effective July 1, 2012		
SECTION 21 effective March 14, 2012		
SECTIONS 22 through 23 effective July 1, 2012		
SECTION 24 effective March 14, 2012		
SECTION 25 effective July 1, 2012		
SECTIONS 26 through 28 effective March 14, 2012		
SECTIONS 29 through 30 effective July 1, 2012		
SECTIONS 31 through 38 effective March 14, 2012		
SECTION 39 effective July 1, 2012		
SECTION 40 effective March 14, 2012		
SECTIONS 41 through 42 effective July 1, 2012		
SECTION 43 effective March 14, 2012		
SECTIONS 44 through 54 effective July 1, 2012		
SECTIONS 55 through 56 effective March 14, 2012		
SECTIONS 57 through 77 effective July 1, 2012		

■ SB 287 Authors Senators Lawson and Bray
Sponsor Representative Noe

	House	Senate
Department of child services.		
Authored by Senator Lawson		22
First reading: referred to Committee on Judiciary		
Committee report: amend do pass, adopted		55
Senator Lanane added as coauthor		60
Second reading: amended, ordered engrossed		74
Amendment 1 (Lawson) prevailed; voice vote		74
Senator Bray added as second author		75
Senator Randolph added as coauthor		76
Third reading: passed;		
Roll Call 22: yeas 48, nays 0		103
Referred to the House		
House sponsor: Representative Noe		
Cosponsor: Representative McNamara		
First reading: referred to Committee on Family, Children and Human Affairs	286	
Committee report: amend do pass, adopted	392	
Second reading: ordered engrossed	466	
Third reading: passed;		
Roll Call 317: yeas 97, nays 0	505	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 316: yeas 47, nays 0		673
Joint Rule 20 technical correction adopted by the Senate		896
Joint Rule 20 technical correction adopted by the House	922	
Signed by the President Pro Tempore		1183
Signed by the Speaker	953	
Signed by the President of the Senate		1183
Signed by the Governor		1183
Public Law 128: Effective July 1, 2012		

SB 288 Authors Senators Rogers, Arnold and Breaux

	House	Senate
Office of child development and early learning.		
Authored by Senators Rogers, Arnold and Breaux		22
Coauthored by Senators Broden, Hume, Lanane, Mrvan, Randolph, Simpson, Skinner, Tallian, Taylor and R. Young		
First reading: referred to Committee on Education and Career Development		

SB 289 Author Senator Rogers

	House	Senate
Higher education grant.		
Authored by Senator Rogers		22
First reading: referred to Committee on Appropriations		

SB 290 Authors Senators Rogers, Arnold and Breaux

	House	Senate
Turnaround academies.		
Authored by Senators Rogers, Arnold and Breaux		22
Coauthored by Senators Broden, Hume, Lanane, Mrvan, Randolph, Simpson, Skinner, Tallian, Taylor and R. Young		
First reading: referred to Committee on Education and Career Development		

SB 291 Author Senator R. Young

	House	Senate
Primary care physician loan forgiveness program.		
Authored by Senator R. Young		22
First reading: referred to Committee on Health and Provider Services		

SB 292 Author Senator R. Young

	House	Senate
Timely payment of contractors and subcontractors.		
Authored by Senator R. Young		22
First reading: referred to Committee on Public Policy		

■ SB 293 Authors Senators Smith and Hershman
Sponsor Representative Turner

	House	Senate
Inheritance tax.		
Authored by Senator Smith		22

	House	Senate
First reading: referred to Committee on Tax and Fiscal Policy		
Senator Hershman added as coauthor.		25
Senator Hershman removed as coauthor.		59
Senator Hershman added as second author		
Senators Head, Miller and Holdman added as coauthors		
Senator Randolph added as coauthor.		157
Committee report: amend do pass, adopted.		184
Second reading: ordered engrossed.		231
Third reading: passed;		
Roll Call 146: yeas 50, nays 0.		276
Referred to the House		
House sponsor: Representative Turner		
Cosponsors: Representatives McMillin, Grubb and Welch		
Senator Zakas added as coauthor.		278
Senator Schneider added as coauthor.		279
First reading: referred to Committee on Ways and Means.	302	
Committee report: amend do pass, adopted.	393	
Second reading: ordered engrossed.	439	
House Rule 106.1 suspended; Representatives Bacon, Baird, Battles, Behning, Borders, Bosma, T. Brown, Burton, Cherry, Clere, Crouch, Culver, Davis, Davisson, Dermody, Dobis, Dodge, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, R. Frye, Goodin, Gutwein, Heaton, Heuer, Hinkle, Karickhoff, Kirchhofer, Klinker, Knollman, Koch, Kubacki, L. Lawson, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McNamara, Messmer, Morris, Neese, Noe, Pond, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, Soliday, Speedy, Stemler, Steuerwald, Thompson, Torr, Truitt, Ubelhor, VanDenburgh, VanNatter, Wesco, Wolkins and Yarde added as cosponsors.	448	
Third reading: passed;		
Roll Call 270: yeas 80, nays 17.	452	
Returned to the Senate with amendments		
Senators Kruse and Eckerty added as coauthors.		619
Senate dissented from House amendments.		634
Senate conferees appointed: Smith and Skinner.		643
Senate advisors appointed: Hershman, Randolph and Kenley		
House conferees appointed: Turner and Welch.	522	
House advisors appointed: Espich, Grubb and Goodin		
Conference committee report 1: filed in the House.	687	
Rules suspended.	719	
Senator Delph added as coauthor.		824
Conference committee report 1: adopted by the House;		
Roll Call 406: yeas 78, nays 17.	719	
Senate Rule 86(k) suspended.		825
Conference committee report 1: adopted by the Senate;		
Roll Call 353: yeas 48, nays 0.		861
Senator Landske added as coauthor.		889
Senators Leising, Glick and M. Young added as coauthors.		1148
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the Governor.		1183
Public Law 157:		
SECTION 1 effective July 1, 2012		
SECTION 2 effective retroactive to January 1, 2012		
SECTIONS 3 through 5 effective July 1, 2012		
SECTION 6 effective retroactive to January 1, 2012		
SECTIONS 7 through 15 effective July 1, 2012		

SB 294 Author Senator Holdman

	House	Senate
Public records and public meetings.		
Authored by Senator Holdman.		22
First reading: referred to Committee on Local Government		

SB 295 Author Senator Holdman

	House	Senate
Local unit employee health insurance.		
Authored by Senator Holdman.		22
First reading: referred to Committee on Local Government		

■ SB 296 Authors Senators Leising and Yoder
Sponsor Representative Behning

	House	Senate
Certified scholarship program eligibility.		
Authored by Senator Leising.		22
First reading: referred to Committee on Education and Career Development		
Senator Yoder added as second author.		36
Committee report: amend do pass, adopted.		209
Second reading: ordered engrossed.		231
Amendment 1 (Skinner) failed; voice vote.		232
Third reading: passed;		
Roll Call 147: yeas 34, nays 16.		276
Referred to the House		
House sponsor: Representative Behning		
Cosponsor: Representative Frizzell		
First reading: referred to Committee on Education.	302	
Committee report: amend do pass, adopted.	353	
Second reading: amended, ordered engrossed.	412	
Amendment 1 (VanDenburgh) failed;		
Roll Call 227: yeas 36, nays 55.	412	
Amendment 2 (Behning) prevailed;		
Division of the House: yeas 54, nays 36.	412	
Motion to recommit to Committee on Ways and Means (Crawford) withdrawn.	447	
Placed back on second reading.	447	
Reread second time: amended, ordered engrossed.	471	
Amendment 7 (Behning) prevailed; voice vote.	471	
Amendment 5 (Battles) ruled out of order.	471	
Amendment 3 (Kersey) withdrawn.	471	
Third reading: passed;		
Roll Call 318: yeas 61, nays 34.	506	
Returned to the Senate with amendments		
Senate dissented from House amendments.		634
Senate conferees appointed: Leising and Skinner.		659
Senate advisors appointed: Yoder, Mrvan and Kruse		
House conferees appointed: Behning and V. Smith.	527	
House advisors appointed: Frizzell, Rhoads and VanDenburgh		
Dissent withdrawn.		766
Senate concurred in House amendments;		
Roll Call 352: yeas 31, nays 17.		861
Signed by the President Pro Tempore.		1183

	House	Senate
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 129: Effective July 1, 2012		

SB 297 Authors Senators Leising, Kruse and Yoder

School start date.

	House	Senate
Authored by Senator Leising.		22
First reading: referred to Committee on Education and Career Development		
Senator Kruse added as second author.		25
Senator Yoder added as third author		
Senator Mrvan added as coauthor		

■ SB 298 Authors Senators Zakas, Steele and Lanane
Sponsor Representative Speedy

Mortgages and liens on real property.

	House	Senate
Authored by Senator Zakas.		22
First reading: referred to Committee on Insurance and Financial Institutions		
Senator Holdman added as coauthor.		104
Senator Steele added as second author.		106
Senator Lanane added as third author		
Senator Broden added as coauthor		
Committee report: amend do pass, adopted.		108
Second reading: amended, ordered engrossed.		149
Amendment 1 (Zakas) prevailed; voice vote.		149
Third reading: passed;		
Roll Call 87: yeas 50, nays 0.		225
Referred to the House		
House sponsor: Representative Speedy		
First reading: referred to Committee on Financial Institutions.	302	
Committee report: amend do pass, adopted.	394	
Representative Riecken added as cosponsor.	414	
Second reading: amended, ordered engrossed.	446	
Amendment 1 (Pelath) prevailed;		
Roll Call 241: yeas 98, nays 0.	446	
Third reading: passed;		
Roll Call 271: yeas 96, nays 0.	452	
Returned to the Senate with amendments		
Senate dissented from House amendments.		629
Senate conferees appointed: Zakas and Lanane.		631
Senate advisors appointed: Steele, Broden and Glick		
House conferees appointed: Speedy and Riecken.	506	
House advisors appointed: Burton, Heaton and Pelath		
Conference committee report 1: filed in the House.	563	
Senate Rule 86(k) suspended.		691
Conference committee report 1: adopted by the Senate;		
Roll Call 330: yeas 50, nays 0.		744
Rules suspended.	660	
Conference committee report 1: adopted by the House;		
Roll Call 387: yeas 92, nays 0.	660	
Signed by the President Pro Tempore.		897
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 130:		
SECTIONS 1 through 3 effective July 1, 2012		
SECTIONS 4 through 7 effective March 19, 2012		

SB 299 Author Senator Zakas

Juvenile DNA testing.

	House	Senate
Authored by Senator Zakas.		23
First reading: referred to Committee on Judiciary		

SB 300 Author Senator Charbonneau

Environmental crimes.

	House	Senate
Authored by Senator Charbonneau.		23
First reading: referred to Committee on Energy and Environmental Affairs		

■ SB 301 Authors Senators Charbonneau, Wyss and Buck
Sponsor Representative Soliday

Extra heavy duty highways.

	House	Senate
Authored by Senator Charbonneau.		23
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Committee report: do pass, adopted.		81
Second reading: ordered engrossed.		127
Senator Wyss added as second author.		128
Senator Arnold added as coauthor.		130
Third reading: passed;		
Roll Call 72: yeas 45, nays 5.		152
Referred to the House		
House sponsor: Representative Soliday		
Cosponsors: Representatives Speedy and Harris		
Senator Buck added as third author.		153
First reading: referred to Committee on Roads and Transportation.	286	
Committee report: do pass, adopted.	395	
Second reading: ordered engrossed.	446	
Representative Stevenson added as cosponsor.	448	
Third reading: passed;		
Roll Call 272: yeas 95, nays 0.	452	
Returned to the Senate without amendments		
Signed by the Speaker.	523	
Signed by the President Pro Tempore.		661
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 66: Effective July 1, 2012		

■ SB 302 Authors Senators Charbonneau, Hershman and Broden
Sponsor Representative Clere

Taxation.

	House	Senate
Authored by Senator Charbonneau.		23
First reading: referred to Committee on Commerce and Economic Development		
Pursuant to Senate Rule 68(b); reassigned to Committee on Tax and Fiscal Policy.		30
Senator Hershman added as second author.		77
Senator Holdman added as coauthor		
Committee report: do pass, adopted.		81
Senator Landske added as coauthor.		107

	House	Senate
Second reading: ordered engrossed.		128
Senator Broden added as third author		
Third reading: passed;		
Roll Call 73: yeas 48, nays 2.		152
Referred to the House		
House sponsor: Representative Clere		
Cosponsors: Representatives Friend and Dobis		
Senator Zakas added as coauthor.		153
Senators Simpson and Taylor added as coauthors.		154
First reading: referred to Committee on		
Ways and Means.	286	
Representative Austin added as cosponsor.	414	
Committee report: amend do pass, adopted.	420	
Representative Dobis removed as cosponsor.	466	
Representative Candelaria Reardon		
added as cosponsor		
Second reading: amended, ordered engrossed.	473	
Amendment 3 (Truitt) prevailed;		
Roll Call 298: yeas 90, nays 0.	473	
Amendment 1 (Truitt) prevailed; voice vote.	481	
Amendment 5 (Thompson) prevailed; voice vote.	484	
Amendment 4 (Thompson) withdrawn.	484	
Third reading: passed;		
Roll Call 319: yeas 96, nays 0.	506	
Returned to the Senate with amendments		
Senate dissented from House amendments.		634
Senate conferees appointed: Charbonneau and Broden.		660
Senate advisors appointed: Hershman, Simpson		
and Holdman		
House conferees appointed: Clere		
and Candelaria Reardon.	527	
House advisors appointed: Friend, Thompson		
and Austin		
Conference committee report 1: filed in the House.	620	
Rules suspended.	660	
Conference committee report 1: adopted by the House;		
Roll Call 388: yeas 92, nays 1.	660	
Senate Rule 86(k) suspended.		763
Conference committee report 1: adopted by the Senate;		
Roll Call 342: yeas 50, nays 0.		813
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 158: Effective July 1, 2012		

SB 303 Authors Senators Becker and Gard
Sponsor Representative Crouch

	House	Senate
Dental benefits.		
Authored by Senators Becker and Gard.		23
First reading: referred to Committee on		
Health and Provider Services		
Committee report: amend do pass, adopted.		162
Second reading: amended, ordered engrossed.		233
Amendment 1 (Lawson) prevailed; voice vote.		233
Third reading: passed;		
Roll Call 148: yeas 48, nays 2.		276
Referred to the House		
House sponsor: Representative Crouch		
First reading: referred to Committee on Insurance.	302	

SB 304 Author Senator Breaux

	House	Senate
Disclosure of utility easements.		
Authored by Senator Breaux.		23
First reading: referred to Committee on		
Utilities and Technology		

SB 305 Authors Senators Breaux and Kruse

	House	Senate
Multiple ADM counts.		
Authored by Senator Breaux.		23
First reading: referred to Committee on		
Education and Career Development		
Senator Hume added as coauthor.		36
Senator Kruse added as second author.		51

SB 306 Author Senator Landske

	House	Senate
City courts.		
Authored by Senator Landske.		23
First reading: referred to Committee on Judiciary		

■ SB 307 Authors Senators Hershman and Kenley
Sponsor Representative VanNatter

	House	Senate
Fire protection territories.		
Authored by Senator Hershman.		23
First reading: referred to Committee on		
Local Government		
Committee report: amend do pass, adopted.		210
Second reading: ordered engrossed.		233
Senator Hume added as coauthor.		255
Senator Kenley added as second author.		256
Third reading: passed;		
Roll Call 149: yeas 50, nays 0.		276
Referred to the House		
House sponsor: Representative VanNatter		
Cosponsor: Representative Welch		
First reading: referred to Committee on		
Ways and Means.	311	
Committee report: do pass, adopted.	395	
Second reading: ordered engrossed.	446	
Third reading: passed;		
Roll Call 273: yeas 96, nays 0.	452	
Returned to the Senate without amendments		
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 49: Effective March 14, 2012		

SB 308 Authors Senators Hershman and Holdman
Sponsor Representative Lehman

	House	Senate
Telecommunications providers of last resort.		
Authored by Senator Hershman.		23
First reading: referred to Committee on		
Utilities and Technology		
Committee report: amend do pass, adopted.		186
Second reading: ordered engrossed.		233
Amendment 1 (R. Young) failed; voice vote.		234

	House	Senate
Senator Holdman added as second author.		256
Senators Randolph and Taylor added as coauthors		
Third reading: passed;		
Roll Call 150: yeas 43, nays 7.		277
Referred to the House		
House sponsor: Representative Lehman		
Cosponsors: Representatives DeLaney, VanNatter and Stevenson		
First reading: referred to Committee on Utilities and Energy.	302	

■ SB 309 Authors Senators Hershman and Paul
Sponsor Representative Truitt

	House	Senate
Local purchasing and public works preferences.		
Authored by Senators Hershman and Paul.		23
First reading: referred to Committee on Local Government		
Senators Hume and R. Young added as coauthors.		202
Committee report: amend do pass, adopted.		209
Second reading: ordered engrossed.		234
Third reading: passed;		
Roll Call 151: yeas 50, nays 0.		277
Referred to the House		
House sponsor: Representative Truitt		
Cosponsor: Representative Grubb		
First reading: referred to Committee on Government and Regulatory Reform.	311	
Representative Messmer added as cosponsor.	313	
Committee report: do pass, adopted.	354	
Second reading: ordered engrossed.	409	
Third reading: passed;		
Roll Call 245: yeas 73, nays 23.	447	
Returned to the Senate without amendments		
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 67:		
SECTIONS 1 through 5 effective July 1, 2012		
SECTIONS 6 through 7 effective March 15, 2012		

SB 310 Authors Senators Hershman, Miller and Mishler

	House	Senate
Medicaid fraud.		
Authored by Senators Hershman and Miller.		23
First reading: referred to Committee on Health and Provider Services		
Senator Mishler added as third author.		130

■ SB 311 Authors Senators Hershman and Gard
Sponsor Representative Truitt

	House	Senate
Cost benefit analysis for administrative rules.		
Authored by Senator Hershman.		23
First reading: referred to Committee on Energy and Environmental Affairs		
Committee report: amend do pass, adopted.		69
Senators Schneider and Buck added as coauthors.		76
Senator Gard added as second author.		106
Senator Randolph added as coauthor		
Senator Tomes added as coauthor.		116
Second reading: amended, ordered engrossed.		234
Amendment 2 (Hershman) prevailed; voice vote.		234
Amendment 4 (Hershman) prevailed; voice vote.		235
Placed back on second reading.		256
Reread second time: amended, ordered engrossed.		266
Amendment 6 (Hershman) prevailed; voice vote.		266
Third reading: passed;		
Roll Call 171: yeas 50, nays 0.		286
Referred to the House		
House sponsor: Representative Truitt		
Cosponsor: Representative VanNatter		
First reading: referred to Committee on Government and Regulatory Reform.	302	
Committee report: amend do pass, adopted.	354	
Second reading: amended, ordered engrossed.	412	
Amendment 1 (Sullivan) prevailed; voice vote.	412	
Third reading: passed;		
Roll Call 246: yeas 96, nays 0.	447	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 335: yeas 43, nays 5.		767
Senators Delph and Leising added as coauthors.		824
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 131: Effective July 1, 2012		

SB 312 Authors Senators Hershman and Head
Sponsor Representative T. Brown

	House	Senate
School policies on gang activities.		
Authored by Senator Hershman.		23
First reading: referred to Committee on Education and Career Development		
Committee report: do pass, adopted.		208
Second reading: amended, ordered engrossed.		235
Amendment 2 (Hershman) prevailed; voice vote.		235
Senator Rogers added as coauthor.		255
Senator Head added as second author.		256
Senator Randolph added as coauthor		
Third reading: passed;		
Roll Call 152: yeas 50, nays 0.		277
Referred to the House		
House sponsor: Representative T. Brown		
Cosponsor: Representative Klinker		
First reading: referred to Committee on Education.	302	
Representatives Porter and Truitt added as cosponsors.	313	

SB 313 Author Senator Hershman

	House	Senate
Transportation to certain school related events.		
Authored by Senator Hershman.		23
First reading: referred to Committee on Education and Career Development		

SB 314 Authors Senators Holdman and Hershman

	House	Senate
Public deposit insurance fund.		

	House	Senate
Authored by Senators Holdman and Hershman.		23
First reading: referred to Committee on Appropriations		

■ SB 315 Authors Senators Head and Buck
Sponsor Representative Messmer

	House	Senate
Charity gaming.		
Authored by Senator Head.		23
First reading: referred to Committee on Public Policy		
Senator Randolph added as coauthor.		107
Committee report: amend do pass, adopted.		184
Second reading: amended, ordered engrossed.		235
Amendment 1 (Head) prevailed; voice vote..		235
Senator Buck added as second author.		256
Third reading: passed;		
Roll Call 153: yeas 50, nays 0.		277
Referred to the House		
House sponsor: Representative Messmer		
Senators Steele and Leising added as coauthors..		278
First reading: referred to Committee on Public Policy. . .	302	
Committee report: amend do pass, adopted.	325	
Representative Cherry added as cosponsor.	329	
Second reading: ordered engrossed.	344	
Representative Bacon added as cosponsor.	345	
Third reading: passed;		
Roll Call 219: yeas 76, nays 19.	356	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 260: yeas 50, nays 0.		570
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 94: Effective July 1, 2012		

SB 316 Author Senator Head

	House	Senate
Child protection registry.		
Authored by Senator Head.		23
First reading: referred to Committee on Judiciary		

SB 317 Author Senator Landske

	House	Senate
Circuit court clerk administrative matters.		
Authored by Senator Landske.		23
First reading: referred to Committee on Judiciary		

SB 318 Author Senator Glick

	House	Senate
Tax credit for hiring returning veterans.		
Authored by Senator Glick..		23
First reading: referred to Committee on Tax and Fiscal Policy		
Senator Paul added as coauthor.		51

SB 319 Author Senator Lanane

	House	Senate
Certified technology parks.		
Authored by Senator Lanane.		23
First reading: referred to Committee on Commerce and Economic Development		

SB 320 Author Senator Lanane

	House	Senate
Office of the child advocate.		
Authored by Senator Lanane.		23
First reading: referred to Committee on Public Policy		

SB 321 Authors Senators Wyss, Lawson and Hershman
Sponsor Representative Thompson

	House	Senate
Transportation and logistics income tax credit.		
Authored by Senators Wyss, Lawson and Hershman. . . .		23
First reading: referred to Committee on Tax and Fiscal Policy		
Committee report: amend do pass, adopted.		156
Second reading: amended, ordered engrossed.		235
Amendment 3 (Kenley) prevailed; voice vote.		235
Amendment 1 (Taylor) failed;		
Roll Call 94: yeas 13, nays 37.		237
Amendment 2 (Skinner) failed; voice vote.		239
Senator Randolph added as coauthor.		256
Senator Skinner added as coauthor		
Third reading: passed;		
Roll Call 154: yeas 49, nays 1.		277
Referred to the House		
House sponsor: Representative Thompson		
Cosponsor: Representative Stemler		
Senator Delph added as coauthor.		279
First reading: referred to Committee on Commerce, Small Business and Economic Development.	302	
Committee report: amend do pass, adopted.	341	
Referred to Committee on Ways and Means		
pursuant to House Rule 127..	345	

SB 322 Authors Senators Tomes, Steele and Buck
Sponsor Representative Steuerwald

	House	Senate
Tort immunity for DOC employees and others.		
Authored by Senator Tomes..		26
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Committee report: do pass, adopted.		120
Senator Hume added as coauthor.		157
Second reading: ordered engrossed.		183
Senator Steele added as second author..		203
Third reading: passed;		
Roll Call 155: yeas 48, nays 2.		277
Referred to the House		
House sponsor: Representative Steuerwald		
Senator Buck added as third author.		278
First reading: referred to Committee on Judiciary.	302	
Committee report: amend do pass, adopted.	354	
Representative Speedy added as cosponsor.	466	
Second reading: ordered engrossed.	488	
Amendment 1 (Pelath) withdrawn.	488	
Third reading: passed;		
Roll Call 320: yeas 96, nays 1.	506	
Returned to the Senate with amendments		
Senate dissented from House amendments..		634
Senate conferees appointed: Tomes and Hume.		660
Senate advisors appointed: Steele, Taylor and Buck		
House conferees appointed: Steuerwald and Pierce.	527	

House advisors appointed: Dermody, McMillin and Dvorak

SB 323 Authors Senators Steele and Lawson

Boards of voter registration.

	House	Senate
Authored by Senators Lawson and Steele.		26
First reading: referred to Committee on Elections		
Senator Steele removed as second author.		35
Senator Lawson removed as first author		
Senator Steele added as first author		
Senator Lawson added as second author		

SB 324 Authors Senators Landske and Steele

Income tax deductions.

	House	Senate
Authored by Senator Landske.		26
First reading: referred to Committee on Tax and Fiscal Policy		
Senator Steele added as second author.		255

SB 325 Author Senator Taylor

Arrest and conviction records.

	House	Senate
Authored by Senator Taylor.		26
First reading: referred to Committee on Judiciary		

SB 326 Authors Senators Buck and Head

State income tax rate adjustment.

	House	Senate
Authored by Senator Buck.		26
First reading: referred to Committee on Tax and Fiscal Policy		
Senator Head added as second author.		36

SB 327 Authors Senators Merritt and Wyss
Sponsor Representative Soliday

Registration of vehicles and license plates.

	House	Senate
Authored by Senator Merritt.		26
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Committee report: amend do pass, adopted.		132
Senator Wyss added as second author.		203
Senator Arnold added as coauthor		
Second reading: ordered engrossed.		267
Third reading: passed;		
Roll Call 172: yeas 50, nays 0.		286
Referred to the House		
House sponsor: Representative Soliday		
First reading: referred to Committee on Roads and Transportation.	303	
Representative Morris added as cosponsor.	319	
Committee report: amend do pass, adopted.	421	

SB 328 Author Senator Merritt

Consolidated law enforcement department.

	House	Senate
Authored by Senator Merritt.		26
First reading: referred to Committee on Local Government		

■ SB 329 Authors Senators Hume and Steele
Sponsor Representative Messmer

Eminent domain filing deadlines.

	House	Senate
Authored by Senator Hume.		26
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Senator Steele added as second author.		48
Committee report: amend do pass, adopted.		120
Second reading: ordered engrossed.		183
Third reading: passed;		
Roll Call 156: yeas 50, nays 0.		277
Referred to the House		
House sponsor: Representative Messmer		
Cosponsor: Representative Battles		
First reading: referred to Committee on Judiciary.	303	
Committee report: do pass, adopted.	355	
Second reading: ordered engrossed.	446	
Third reading: passed;		
Roll Call 274: yeas 95, nays 0.	452	
Returned to the Senate without amendments		
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 50: Effective July 1, 2012		

■ SB 330 Authors Senators Yoder and Broden
Sponsor Representative Heaton

Certified public accountants.

	House	Senate
Authored by Senator Yoder.		26
First reading: referred to Committee on Public Policy		
Senator Broden added as second author.		104
Committee report: do pass, adopted.		109
Second reading: amended, ordered engrossed.		239
Amendment 1 (Yoder) prevailed; voice vote.		239
Third reading: passed;		
Roll Call 157: yeas 49, nays 1.		277
Referred to the House		
House sponsor: Representative Heaton		
Cosponsors: Representatives Austin, Ubelhor and Welch		
First reading: referred to Committee on Employment, Labor and Pensions.	303	
Committee report: do pass, adopted.	316	
Second reading: ordered engrossed.	328	
Third reading: passed;		
Roll Call 207: yeas 95, nays 0.	345	
Returned to the Senate without amendments		
Signed by the Speaker.	416	
Signed by the President Pro Tempore.		565
Signed by the President of the Senate.		627
Signed by the Governor.		663
Public Law 25: Effective March 6, 2012		

SB 331 Author Senator Yoder

Choice scholarship eligibility.

	House	Senate
Authored by Senator Yoder.		26
First reading: referred to Committee on Education and Career Development		

House Senate

SB 332 Author Senator Buck
Reporting of federal receipts and expenditures.
Authored by Senator Buck. 26
First reading: referred to Committee on Appropriations

SB 333 Author Senator Smith
State taxes.
Authored by Senator Smith. 26
First reading: referred to Committee on Tax and Fiscal Policy

SB 334 Authors Senators Grooms and Buck
Sponsor Representative Davisson
Dispensing of prescription drugs.
Authored by Senator Grooms. 26
First reading: referred to Committee on Health and Provider Services
Senator Rogers added as coauthor. 129
Committee report: amend do pass, adopted. 159
Second reading: amended, ordered engrossed. 267
Amendment 1 (Grooms) prevailed; voice vote. 267
Senator Buck added as second author. 270
Third reading: passed;
Roll Call 173: yeas 49, nays 1. 286
Referred to the House
House sponsor: Representative Davisson
Cosponsor: Representative Clere
First reading: referred to Committee on Public Health.. . 303

SB 335 Author Senator Grooms
Prescription drug costs.
Authored by Senator Grooms. 26
First reading: referred to Committee on Health and Provider Services
Committee report: do pass, reassigned to Committee on Appropriations. 82

SB 336 Author Senator Waltz
Indiana economic development corporation.
Authored by Senator Waltz. 27
First reading: referred to Committee on Commerce and Economic Development

SB 337 Author Senator Waltz
Sponsor Representative McNamara
Child labor law.
Authored by Senator Waltz. 27
First reading: referred to Committee on Pensions and Labor
Committee report: amend do pass, adopted. 212
Second reading: ordered engrossed. 241
Senator Tallian added as coauthor. 255
Third reading: passed;
Roll Call 158: yeas 50, nays 0. 278
Referred to the House
House sponsor: Representative McNamara
Senators Landske and Boots added as coauthors. 280

House Senate

First reading: referred to Committee on Employment, Labor and Pensions. 303

SB 338 Author Senator Leising
Drug use by temporary assistance for needy families (TANF) recipients.
Authored by Senator Leising. 27
First reading: referred to Committee on Health and Provider Services

SB 339 Author Senator Yoder
Child seduction.
Authored by Senator Yoder. 27
First reading: referred to Committee on Corrections, Criminal, and Civil Matters

SB 340 Authors Senators Banks and Walker
Physical plant requirements for abortion clinics.
Authored by Senators Banks and Walker. 27
First reading: referred to Committee on Health and Provider Services
Senator Kruse added as coauthor. 49

SB 341 Authors Senators Banks, Kruse and Walker
Written materials on abortions.
Authored by Senators Banks, Kruse and Walker. 27
First reading: referred to Committee on Health and Provider Services

SB 342 Author Senator Broden
Work zone cell phone ban.
Authored by Senator Broden. 27
First reading: referred to Committee on Corrections, Criminal, and Civil Matters

SB 343 Author Senator Broden
Executive session regarding real estate.
Authored by Senator Broden. 27
First reading: referred to Committee on Local Government

SB 344 Authors Senators Hershman and Mishler
Sponsor Representative Espich
Taxation.
Authored by Senator Hershman. 27
First reading: referred to Committee on Tax and Fiscal Policy
Senator Mishler added as second author. 130
Committee report: amend do pass, adopted. 164
Second reading: amended, ordered engrossed. 267
Amendment 5 (Hershman) prevailed; voice vote. 267
Amendment 1 (Holdman) prevailed; voice vote. 268
Amendment 3 (Kenley) prevailed; voice vote. 269
Amendment 6 (Hershman) prevailed; voice vote. 269

	House	Senate
Third reading: passed;		
Roll Call 174: yeas 28, nays 20.		286
Referred to the House		
House sponsor: Representative Espich		
Cosponsor: Representative Welch		
First reading: referred to Committee on		
Ways and Means.	303	
Committee report: amend do pass, adopted.	395	

■ SB 345 Authors Senators Hershman and Wyss
Sponsor Representative Thompson

	House	Senate
Statewide 911 system.		
Authored by Senator Hershman.		27
First reading: referred to Committee on		
Tax and Fiscal Policy		
Senator Wyss added as second author.		130
Committee report: amend do pass, adopted.		163
Second reading: amended, ordered engrossed.		241
Amendment 1 (Hershman) prevailed; voice vote.		241
Third reading: passed;		
Roll Call 159: yeas 46, nays 4.		278
Referred to the House		
House sponsor: Representative Thompson		
Cosponsors: Representatives Soliday and Welch		
Senators Charbonneau, Simpson and Tallian		
added as coauthors.		279
First reading: referred to Committee on		
Ways and Means.	303	
Committee report: amend do pass, adopted.	403	
Second reading: ordered engrossed.	446	
Amendment 4 (Thompson) withdrawn.	446	
Third reading: passed;		
Roll Call 275: yeas 66, nays 29.	452	
Returned to the Senate with amendments		
Senate dissented from House amendments.		626
Senate conferees appointed: Hershman and Tallian		
Senate advisors appointed: Simpson, Wyss		
and Charbonneau		
House conferees appointed: Thompson and Pelath.	503	
House advisors appointed: Soliday, R. Frye,		
Karickhoff and Welch		
Conference committee report 1: filed in the House.	909	
Senate Rule 86(k) suspended.		899
Conference committee report 1: adopted by the Senate;		
Roll Call 363: yeas 44, nays 6.		1023
Rules suspended.	951	
Conference committee report 1: adopted by the House;		
Roll Call 421: yeas 62, nays 32.	951	
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 132:		
SECTIONS 1 through 8 effective July 1, 2012		
SECTION 9 effective March 19, 2012		
SECTIONS 10 through 14 effective July 1, 2012		
SECTIONS 15 through 16 effective March 19, 2012		
SECTIONS 17 through 18 effective July 1, 2012		
SECTION 19 effective March 19, 2012		
SECTIONS 20 through 21 effective July 1, 2012		
SECTIONS 22 through 24 effective March 19, 2012		

SB 346 Author Senator Tallian

	House	Senate
Worker's compensation.		
Authored by Senator Tallian.		27
First reading: referred to Committee on		
Pensions and Labor		

SB 347 Author Senator Tallian

	House	Senate
Marijuana offenses.		
Authored by Senator Tallian.		27
First reading: referred to Committee on Corrections,		
Criminal, and Civil Matters		
Senator Steele added as coauthor.		130

SB 348 Author Senator Broden

	House	Senate
Adoption subsidy payments.		
Authored by Senator Broden.		27
First reading: referred to Committee on		
Appropriations		

SB 349 Authors Senators Broden, Arnold and Breaux

	House	Senate
Incentives compliance reporting.		
Authored by Senators Broden, Arnold and Breaux.		27
Coauthored by Senators Hume, Lanane, Mrvan,		
Randolph, Rogers, Simpson, Skinner, Tallian,		
Taylor and R. Young		
First reading: referred to Committee on		
Commerce and Economic Development		

SB 350 Authors Senators Gard and Leising
Sponsor Representative Lehe

	House	Senate
Corn marketing council.		
Authored by Senator Gard.		27
First reading: referred to Committee on		
Agriculture and Natural Resources		
Committee report: amend do pass, adopted.		142
Second reading: ordered engrossed.		183
Senator Leising added as second author.		203
Senator R. Young added as coauthor		
Third reading: passed;		
Roll Call 175: yeas 46, nays 3.		286
Referred to the House		
House sponsor: Representative Lehe		
Representative Friend added as cosponsor.	307	
First reading: referred to Committee on		
Agriculture and Rural Development.	311	

SB 351 Authors Senators R. Young and Mishler
Sponsor Representative Cheatham

	House	Senate
Roe harvester and dealer licenses.		
Authored by Senator R. Young.		27
First reading: referred to Committee on		
Agriculture and Natural Resources		
Senator Mishler added as second author.		116
Committee report: do pass, adopted.		145
Second reading: amended, ordered engrossed.		242
Amendment 1 (R. Young) prevailed; voice vote.		242

House Senate

Third reading: passed;
Roll Call 176: yeas 49, nays 0. 286
Referred to the House
House sponsor: Representative Cheatham
Cosponsor: Representative Davisson
First reading: referred to Committee on
Natural Resources. 303

SB 352 Author Senator Walker
Redevelopment commissions and authorities.
Authored by Senator Walker. 27
First reading: referred to Committee on
Tax and Fiscal Policy

SB 353 Author Senator Walker
Sponsor Representative Dermody
Study sales taxation on gasoline.
Authored by Senator Walker. 27
First reading: referred to Committee on
Tax and Fiscal Policy
Senator Lanane added as coauthor. 78
Senator Boots added as coauthor. 106
Committee report: amend do pass, adopted. 160
Second reading: amended, ordered engrossed. 243
Amendment 2 (Walker) prevailed; voice vote. 243
Senator Randolph added as coauthor. 255
Senate Rule 35(c) technical corrections adopted. 270
Third reading: passed;
Roll Call 177: yeas 49, nays 0. 287
Referred to the House
House sponsor: Representative Dermody
Cosponsor: Representative Goodin
First reading: referred to Committee on
Ways and Means. 303
Committee report: amend do pass, adopted. 406

SB 354 Author Senator Paul
Medical malpractice patient's compensation fund.
Authored by Senator Paul. 27
First reading: referred to Committee on Judiciary

SB 355 Authors Senators Charbonneau, Kenley and Miller
Sponsor Representative Soliday
Distressed political subdivisions.
Authored by Senator Charbonneau. 27
First reading: referred to Committee on
Tax and Fiscal Policy
Senator Kenley added as second author. 77
Senator Head added as coauthor
Committee report: amend do pass, adopted. 89
Second reading: amended, ordered engrossed. 128
Amendment 1 (Kenley) prevailed; voice vote. 128
Senator Miller added as third author. 130
Senator Skinner added as coauthor. 157
Third reading: passed;
Roll Call 88: yeas 45, nays 5. 225
Referred to the House
House sponsor: Representative Soliday
Cosponsors: Representatives Foley and Dobis
First reading: referred to Committee on
Ways and Means. 311
Representative Dermody added as cosponsor. 329

SB 356 Author Senator Charbonneau
Officeholder qualifications.
Authored by Senator Charbonneau. 27
First reading: referred to Committee on
Local Government

SB 357 Author Senator Becker
Elimination of trans fat in school food.
Authored by Senator Becker. 27
First reading: referred to Committee on
Education and Career Development

SB 358 Author Senator Skinner
Local road funding and sales tax on gasoline.
Authored by Senator Skinner. 27
First reading: referred to Committee on
Tax and Fiscal Policy

SB 359 Author Senator Skinner
Prohibit alcohol on school property.
Authored by Senator Skinner. 27
First reading: referred to Committee on Corrections,
Criminal, and Civil Matters

SB 360 Author Senator R. Young
Cell phone GPS tracking.
Authored by Senator R. Young. 27
First reading: referred to Committee on Judiciary

SB 361 Authors Senators Holdman and Merritt
Sponsor Representative Dermody
State provision and use of communications service.
Authored by Senators Merritt and Holdman. 27
First reading: referred to Committee on
Utilities and Technology
Senator Holdman removed as second author. 35
Senator Merritt removed as first author
Senator Holdman added as first author
Senator Merritt added as second author
Senators Schneider and Randolph added as coauthors. . . 60
Committee report: amend do pass, adopted. 83
Second reading: amended, ordered engrossed. 149
Amendment 1 (Holdman) prevailed; voice vote. 149
Third reading: passed;
Roll Call 89: yeas 46, nays 4. 225
Referred to the House
House sponsor: Representative Dermody
First reading: referred to Committee on
Utilities and Energy. 311

	House	Senate
■ SB 362 Authors Senators Merritt and Waltz		
Sponsor Representative Speedy		
White River park foundation.		
Authored by Senator Merritt.		27
First reading: referred to Committee on Commerce and Economic Development		
Committee report: amend do pass, adopted.		70
Second reading: ordered engrossed.		102
Placed back on second reading.		103
Senator Taylor added as coauthor.		104
Senator Waltz added as second author.		106
Reread second time: amended, ordered engrossed.		121
Amendment 1 (Merritt) prevailed; voice vote.		121
Third reading: passed;		
Roll Call 74: yeas 50, nays 0.		152
Referred to the House		
House sponsor: Representative Speedy		
Senators M. Young and Delph added as coauthors.		154
First reading: referred to Committee on Natural Resources.	286	
Committee report: do pass, adopted.	341	
Second reading: ordered engrossed.	409	
Third reading: passed;		
Roll Call 247: yeas 96, nays 0.	447	
Returned to the Senate without amendments		
Representative Sullivan added as cosponsor.	448	
Signed by the Speaker.	523	
Signed by the President Pro Tempore.		661
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 51: Effective July 1, 2012		
SB 363 Author Senator Simpson		
Purchase or lease of community corrections vehicles.		
Authored by Senator Simpson.		27
First reading: referred to Committee on Local Government		
SB 364 Author Senator Breaux		
Case management services.		
Authored by Senator Breaux.		27
First reading: referred to Committee on Health and Provider Services		
SB 365 Author Senator Breaux		
Uses for individual development accounts.		
Authored by Senator Breaux.		27
First reading: referred to Committee on Appropriations		
SB 366 Author Senator Simpson		
Capital access program and agency evaluations.		
Authored by Senator Simpson.		27
First reading: referred to Committee on Appropriations		

	House	Senate
SB 367 Author Senator Mrvan		
Public service answering points (PSAP) fees.		
Authored by Senator Mrvan.		28
First reading: referred to Committee on Utilities and Technology		
SB 368 Author Senator Mrvan		
Statute of limitations for child sexual abuse.		
Authored by Senator Mrvan.		28
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
SB 369 Author Senator Mrvan		
Vote fraud and employment.		
Authored by Senator Mrvan.		28
First reading: referred to Committee on Pensions and Labor		
■ SB 370 Authors Senators Mishler and Steele		
Sponsor Representative Foley		
Funeral services courtesy cards.		
Authored by Senator Mishler.		28
First reading: referred to Committee on Commerce and Economic Development		
Committee report: amend do pass, adopted.		70
Senator Steele added as second author.		105
Second reading: amended, ordered engrossed.		121
Amendment 1 (Mishler) prevailed; voice vote.		121
Third reading: passed;		
Roll Call 75: yeas 50, nays 0.		152
Referred to the House		
House sponsor: Representative Foley		
Cosponsor: Representative Summers		
First reading: referred to Committee on Commerce, Small Business and Economic Development.	286	
Committee report: do pass, adopted.	341	
Second reading: ordered engrossed.	409	
Third reading: passed;		
Roll Call 248: yeas 96, nays 0.	447	
Returned to the Senate without amendments		
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 95: Effective July 1, 2012		
SB 371 Authors Senators Mishler and Arnold		
Sponsor Representative R. Frye		
Emergency medical services matters.		
Authored by Senator Mishler.		28
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Committee report: do pass, adopted.		132
Second reading: ordered engrossed.		252
Senator Arnold added as second author.		256
Senator Wyss added as coauthor		

	House	Senate
Third reading: passed;		
Roll Call 178: yeas 49, nays 0.		287
Referred to the House		
House sponsor: Representative R. Frye		
First reading: referred to Committee on Veterans Affairs and Public Safety.	311	
Representative Grubb added as cosponsor.	313	
Committee report: amend do pass, adopted.	355	
Second reading: ordered engrossed.	409	
Third reading: passed;		
Roll Call 249: yeas 85, nays 11.	447	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Concurrence withdrawn.		673

SB 372 Author Senator Simpson
Reporting large campaign contributions.

	House	Senate
Authored by Senator Simpson.		28
First reading: referred to Committee on Elections		

SB 373 Authors Senators Schneider and Kruse
Common core state standards.

	House	Senate
Authored by Senator Schneider.		28
First reading: referred to Committee on Education and Career Development		
Senator Kruse added as second author.		59
Senator Banks added as coauthor		

SB 374 Author Senator Kruse
Graduation rate determination.

	House	Senate
Authored by Senator Kruse.		28
First reading: referred to Committee on Education and Career Development		

SB 375 Authors Senators Waterman and Steele
Fish and wildlife rulemaking.

	House	Senate
Authored by Senators Waterman and Steele.		28
First reading: referred to Committee on Agriculture and Natural Resources		

SB 376 Authors Senators Waterman and Steele
Sponsor Representative Borders
Discharge of long term inmates.

	House	Senate
Authored by Senator Waterman.		28
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Committee report: amend do pass, adopted.		143
Senator Steele added as second author.		203
Second reading: amended, ordered engrossed.		269
Amendment 1 (Steele) prevailed; voice vote.		269
Amendment 2 (Steele) prevailed; voice vote.		269
Third reading: passed;		
Roll Call 179: yeas 47, nays 2.		287
Referred to the House		
House sponsor: Representative Borders		
Cosponsor: Representative Koch		
First reading: referred to Committee on Rules and Legislative Procedures.	311	

SB 377 Author Senator Waterman
Sawed-off shotguns.

	House	Senate
Authored by Senator Waterman.		28
First reading: referred to Committee on Judiciary		

■ SB 378 Authors Senators Simpson and Walker
Sponsor Representative Thompson
Conservancy district contracts.

	House	Senate
Authored by Senator Simpson.		28
First reading: referred to Committee on Agriculture and Natural Resources		
Senator Walker added as second author.		116
Committee report: do pass, adopted.		145
Second reading: ordered engrossed.		183
Third reading: passed;		
Roll Call 180: yeas 49, nays 0.		287
Referred to the House		
House sponsor: Representative Steuerwald		
Cosponsor: Representative Welch		
First reading: referred to Committee on Natural Resources.	311	
Representative Thompson added as cosponsor.	313	
Committee report: do pass, adopted.	341	
Second reading: ordered engrossed.	413	
Representative Steuerwald removed as sponsor.	414	
Representative Thompson removed as cosponsor		
Representative Thompson added as sponsor		
Representative Steuerwald added as cosponsor		
Third reading: passed;		
Roll Call 250: yeas 96, nays 0.	447	
Returned to the Senate without amendments		
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 52: Effective July 1, 2012		

SB 379 Authors Senators Head and Grooms
Early childhood literacy pilot program.

	House	Senate
Authored by Senators Head and Grooms.		28
First reading: referred to Committee on Appropriations		

SB 380 Author Senator Yoder
Public employees and prohibited use of computers.

	House	Senate
Authored by Senator Yoder.		28
First reading: referred to Committee on Public Policy		

SB 381 Author Senator Yoder
Manufactured home installers.

	House	Senate
Authored by Senator Yoder.		28
First reading: referred to Committee on Commerce and Economic Development		

	House	Senate
SB 382 Authors Senators Glick and Head		
Fraudulent financing statements and liens.		
Authored by Senators Glick and Head.		28
First reading: referred to Committee on Judiciary		
SB 383 Authors Senators Glick and Head		
Child abuse or neglect.		
Authored by Senators Glick and Head.		28
First reading: referred to Committee on Judiciary		
SB 384 Author Senator Kruse Sponsor Representative Behning		
School accreditation.		
Authored by Senator Kruse.		28
First reading: referred to Committee on Education and Career Development		
Committee report: do pass, adopted.		208
Second reading: ordered engrossed.		252
Senator Rogers added as coauthor.		255
Third reading: passed;		
Roll Call 181: yeas 42, nays 7.		287
Referred to the House		
House sponsor: Representative Behning		
Cosponsors: Representatives Yarde, Heuer and Porter		
First reading: referred to Committee on Education.	311	
Committee report: amend do pass, adopted.	435	
Second reading: amended, ordered engrossed.	492	
Amendment 26 (Behning) prevailed; voice vote.	492	
Amendment 36 (Behning) prevailed; voice vote.	492	
Amendment 29 (Behning) prevailed; voice vote.	492	
Amendment 21 (VanDenburgh) failed;		
Roll Call 299: yeas 31, nays 59.	492	
Amendment 24 (VanDenburgh) withdrawn.	492	
Amendment 19 (Sullivan) prevailed;		
Roll Call 300: yeas 94, nays 0.	493	
Amendment 35 (Speedy) ruled out of order.	493	
Amendment 11 (Porter) prevailed;		
Roll Call 301: yeas 81, nays 11.	494	
Amendment 1 (Porter) failed;		
Roll Call 302: yeas 37, nays 56.	494	
Amendment 2 (V. Smith) ruled out of order.	495	
Amendment 22 (VanDenburgh) failed;		
Roll Call 303: yeas 36, nays 57.	495	
Amendment 8 (V. Smith) failed; voice vote.	495	
Amendment 7 (V. Smith) failed;		
Roll Call 304: yeas 31, nays 60.	495	
Amendment 13 (V. Smith) failed;		
Roll Call 305: yeas 33, nays 57.	496	
Amendment 12 (Riecken) withdrawn.	496	
Amendment 23 (VanDenburgh) failed;		
Roll Call 306: yeas 42, nays 50.	496	
Amendment 31 (Kersey) failed;		
Roll Call 307: yeas 35, nays 57.	496	
Amendment 5 (Porter) failed;		
Roll Call 308: yeas 33, nays 55.	497	
Amendment 6 (Porter) failed;		
Roll Call 309: yeas 36, nays 56.	497	
Amendment 9 (V. Smith) withdrawn.	497	
Third reading: passed;		
Roll Call 321: yeas 53, nays 45.	506	
Returned to the Senate with amendments		
Senate dissented from House amendments.		645
Senate conferees appointed: Kruse and Rogers.		660
Senate advisors appointed: Yoder, Mrvan and Becker		
House conferees appointed: Behning and V. Smith.	527	
House advisors appointed: T. Brown, Dermody, Porter and Battles		
Senators Skinner and Buck added as advisors.		663
SB 385 Authors Senators Rogers, Kenley and Charbonneau		
Gary riverboats.		
Authored by Senators Rogers, Kenley and Charbonneau.		28
Coauthored by Senator Randolph		
First reading: referred to Committee on Appropriations		
SB 386 Authors Senators R. Young and Randolph		
Removal of property from tax sale.		
Authored by Senators R. Young and Randolph.		28
First reading: referred to Committee on Appropriations		
SB 387 Authors Senators R. Young and Randolph		
Property tax reduction for timely payments.		
Authored by Senators R. Young and Randolph.		28
First reading: referred to Committee on Appropriations		
SB 388 Author Senator Wyss		
Relocation of new motor vehicle dealers.		
Authored by Senator Wyss.		28
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Committee report: do pass, adopted.		143
SB 389 Author Senator Waltz		
Provider reporting of domestic violence.		
Authored by Senator Waltz.		28
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
SB 390 Author Senator Waltz		
Rescoring of ISTEP test.		
Authored by Senator Waltz.		28
First reading: referred to Committee on Education and Career Development		
SB 391 Author Senator Miller		
Various health matters.		
Authored by Senator Miller.		28
First reading: referred to Committee on Judiciary		

	House	Senate
SB 392 Authors Senators Banks and Kruse Sponsor Representative Behning		
State educational institution grading practices.		
Authored by Senators Banks and Kruse.		28
First reading: referred to Committee on Education and Career Development		
Committee report: amend do pass, adopted.		208
Second reading: ordered engrossed.		252
Third reading: passed;		
Roll Call 182: yeas 49, nays 0.		287
Referred to the House		
House sponsor: Representative Behning		
First reading: referred to Committee on Education.	311	
Representative Porter added as cosponsor.	319	
SB 393 Author Senator Merritt		
Civil immunity for services in emergency.		
Authored by Senator Merritt.		28
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
SB 394 Author Senator Merritt		
Bicentennial conservation fund.		
Authored by Senator Merritt.		28
First reading: referred to Committee on Agriculture and Natural Resources		
SB 395 Author Senator Walker		
Outdoor advertising sign valuation phase-in.		
Authored by Senator Walker.		28
First reading: referred to Committee on Tax and Fiscal Policy		
SB 396 Author Senator Mishler		
Notice of life insurance cancellation.		
Authored by Senator Mishler.		28
First reading: referred to Committee on Insurance and Financial Institutions		
SB 397 Author Senator Mishler		
Use tax collection on remote sales.		
Authored by Senator Mishler.		29
First reading: referred to Committee on Tax and Fiscal Policy		
SB 398 Authors Senators Banks, Yoder and Tomes		
State chemist issues.		
Authored by Senator Mishler.		29
First reading: referred to Committee on Agriculture and Natural Resources		
Committee report: amend do pass, adopted.		142
Second reading: amended, ordered engrossed.		252
Amendment 1 (Waterman) prevailed;		
Roll Call 95: yeas 30, nays 20.		252
Senator Mishler removed as first author..		256
Senator Banks added as first author		
Senator Yoder added as second author		
Senator Tomes added as third author		
Senators Waterman, R. Young and Steele added as coauthors		
Senator Walker added as coauthor		
SB 399 Author Senator Waterman		
Vocational arts curriculum.		
Authored by Senator Waterman.		29
First reading: referred to Committee on Education and Career Development		
SB 400 Author Senator Waterman		
Mandatory sewer connection.		
Authored by Senator Waterman.		29
First reading: referred to Committee on Utilities and Technology		
SB 401 Author Senator Lanane		
Buy American in public works and purchasing.		
Authored by Senator Lanane.		29
First reading: referred to Committee on Tax and Fiscal Policy		
■ SB 402 Authors Senators Simpson and Bray Sponsor Representative Foley		
Indiana uniform law commission.		
Authored by Senator Simpson.		29
First reading: referred to Committee on Judiciary		
Senator Bray added as second author.		75
Committee report: amend do pass, adopted.		92
Senator Randolph added as coauthor.		106
Second reading: ordered engrossed.		128
Third reading: passed;		
Roll Call 76: yeas 50, nays 0.		152
Referred to the House		
House sponsor: Representative Foley		
First reading: referred to Committee on Judiciary.	286	
Committee report: do pass, adopted.	355	
Second reading: amended, ordered engrossed.	413	
Amendment 1 (Pierce) prevailed; voice vote.	413	
Third reading: passed;		
Roll Call 251: yeas 92, nays 4.	448	
Returned to the Senate with amendments		
Motion to concur in House amendments filed		
Senate concurred in House amendments;		
Roll Call 317: yeas 47, nays 0.		673
Signed by the Speaker.	544	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		826
Signed by the Governor.		1183
Public Law 53: Effective July 1, 2012		
SB 403 Author Senator Simpson		
Sales tax holiday for textbooks.		
Authored by Senator Simpson.		29

	House	Senate
First reading: referred to Committee on Tax and Fiscal Policy		

SB 404 Authors Senators Delph and Holdman

	House	Senate
Elimination of grand juries.		
Authored by Senator Delph.		29
First reading: referred to Committee on Judiciary		
Senator Holdman added as second author.		36

SB 405 Author Senator Delph

	House	Senate
Residency requirements for members of Congress.		
Authored by Senator Delph.		29
First reading: referred to Committee on Elections		
Bill withdrawn.		156

SB 406 Author Senator Eckerty

	House	Senate
Recovery of medical or health care expenses.		
Authored by Senator Eckerty.		29
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

■ SB 407 Author Senator Grooms
Sponsor Representative Welch

	House	Senate
Pharmacy matters.		
Authored by Senator Grooms.		29
First reading: referred to Committee on Health and Provider Services		
Committee report: amend do pass, adopted.		160
Second reading: ordered engrossed.		253
Senator Breaux added as coauthor.		257
Third reading: passed;		
Roll Call 183: yeas 49, nays 0.		287
Referred to the House		
House sponsor: Representative Welch		
Cosponsors: Representatives Davisson and Stemler		
First reading: referred to Committee on Public Health.	311	
Committee report: do pass, adopted.	406	
Second reading: amended, ordered engrossed.	469	
Amendment 1 (C. Fry) prevailed; voice vote.	469	
Amendment 3 (Welch) prevailed; voice vote.	469	
Amendment 4 (Davisson) prevailed; voice vote.	469	
Third reading: passed;		
Roll Call 322: yeas 97, nays 0.	506	
Returned to the Senate with amendments		
Senate dissented from House amendments.		634
Senate conferees appointed: Grooms and Breaux.		643
Senate advisors appointed: Lawson and Rogers		
House conferees appointed: Davisson and Welch.	522	
House advisors appointed: T. Brown, C. Fry and Stemler		
Conference committee report 1: filed in the House.	679	
Rules suspended.	706	
Conference committee report 1: adopted by the House;		
Roll Call 400: yeas 94, nays 2.	707	
Senate Rule 86(k) suspended.		825
Conference committee report 1: adopted by the Senate;		
Roll Call 348: yeas 49, nays 0.		835
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.		1183
Public Law 159: Effective July 1, 2012		

SB 408 Author Senator Waltz

	House	Senate
Public employees' defined contribution plan.		
Authored by Senator Waltz.		29
First reading: referred to Committee on Pensions and Labor		

SB 409 Author Senator Waltz

	House	Senate
Income tax exemption for military pay.		
Authored by Senator Waltz.		29
First reading: referred to Committee on Tax and Fiscal Policy		

SB 410 Author Senator Tallian

	House	Senate
Title insurance rates.		
Authored by Senator Tallian.		29
First reading: referred to Committee on Insurance and Financial Institutions		

SB 411 Author Senator Delph

	House	Senate
Public employee salary limitation.		
Authored by Senator Delph.		29
First reading: referred to Committee on Rules and Legislative Procedure		

SB 412 Author Senator Merritt

	House	Senate
Historic courthouse preservation.		
Authored by Senator Merritt.		29
First reading: referred to Committee on Tax and Fiscal Policy		

SB 413 Author Senator Yoder
Sponsor Representative Behning

	House	Senate
Various education matters.		
Authored by Senator Yoder.		29
First reading: referred to Committee on Education and Career Development		
Committee report: amend do pass, adopted.		208
Second reading: amended, ordered engrossed.		253
Amendment 1 (Yoder) prevailed; voice vote.		253
Amendment 2 (Kenley) prevailed; voice vote.		254
Amendment 3 (Kenley) prevailed; voice vote.		254
Third reading: passed;		
Roll Call 184: yeas 31, nays 18.		288
Referred to the House		
House sponsor: Representative Behning		
Cosponsor: Representative Thompson		
First reading: referred to Committee on Education.	311	

SB 414 Author Senator Merritt

	House	Senate
Impaired nurses account.		
Authored by Senators Buck and Merritt.		29

	House	Senate
First reading: referred to Committee on Appropriations		
Senator Merritt removed as second author.		49
Senator Buck removed as first author		
Senator Merritt added as first author		

SB 415 Authors Senators Schneider, Head and Kruse

	House	Senate
Liability for use of school facilities.		
Authored by Senators Schneider and Head.		29
First reading: referred to Committee on Education and Career Development		
Senator Kruse added as third author..		59
Senator Banks added as coauthor		

SENATE JOINT RESOLUTIONS

SJR 2 Author Senator Boots
Prohibition of certain mandates by courts.
Authored by Senator Boots. 9
First reading: referred to Committee on Judiciary

SJR 3 Author Senator Simpson
Vehicle joint resolution.
Authored by Senator Simpson. 10
First reading: referred to Committee on Rules and Legislative Procedure

SJR 4 Author Senator Long
Vehicle joint resolution.
Authored by Senator Long. 10
First reading: referred to Committee on Rules and Legislative Procedure

SJR 5 Author Senator Long
Vehicle joint resolution.
Authored by Senator Long. 10
First reading: referred to Committee on Rules and Legislative Procedure

SJR 6 Author Senator Long
Vehicle joint resolution.
Authored by Senator Long. 10
First reading: referred to Committee on Rules and Legislative Procedure

SJR 7 Author Senator Long
Vehicle joint resolution.
Authored by Senator Long. 10
First reading: referred to Committee on Rules and Legislative Procedure

SJR 8 Author Senator Long
Vehicle joint resolution.
Authored by Senator Long. 10
First reading: referred to Committee on Rules and Legislative Procedure

SJR 9 Author Senator Long
Vehicle joint resolution.
Authored by Senator Long. 10
First reading: referred to Committee on Rules and Legislative Procedure

SJR 10 Authors Senators M. Young and Waltz
Homesteads exempt from property tax.
Authored by Senators M. Young and Waltz.. 12
First reading: referred to Committee on Tax and Fiscal Policy

SJR 11 Author Senator Delph
Redistricting commission.
Authored by Senator Delph. 12
First reading: referred to Committee on Elections

SJR 12 Author Senator Simpson
Right of individual privacy.
Authored by Senator Simpson. 12
First reading: referred to Committee on Judiciary

SJR 13 Author Senator M. Young
Selection of justices and appellate court judges.
Authored by Senator M. Young. 14
First reading: referred to Committee on Judiciary

SJR 14 Author Senator Delph
Appellate court judges.
Authored by Senator Delph. 14
First reading: referred to Committee on Judiciary

HISTORIES OF BILLS AND RESOLUTIONS—2012

SENATE CONCURRENT RESOLUTIONS

	House	Senate
SCR 2 Author Senator Wyss		
Sponsor Representative Davis		
Memorializing Dan Wheldon, 2-time champion of the Indy 500.		
Authored by Senator Wyss.		2
First reading: adopted standing vote		
Referred to the House		
House sponsor: Representative Davis		
First reading: adopted voice vote.	6	
Returned to the Senate		
SCR 3 Author Senator Wyss		
Sponsor Representative Pond		
Honoring Taylor Reuille, Fort Wayne, for her "boundless playground" idea.		
Authored by Senator Wyss.		670
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative Pond		
Cosponsor: Representative GiaQuinta		
First reading: adopted voice vote.	545	
Returned to the Senate		
SCR 4 Author Senator Lawson		
Sponsor Representative C. Brown		
Memorializing Galen Goode, leader in the area of community mental health.		
Authored by Senator Lawson.		301
First reading: adopted standing vote		
Referred to the House		
House sponsor: Representative C. Brown		
Cosponsor: Representative Noe		
Senator Simpson added as coauthor.		303
First reading: adopted voice vote.	308	
Returned to the Senate		
SCR 5 Author Senator Leising		
Urging Congress to defund planning grants for state insurance exchanges.		
Authored by Senator Leising.		12
First reading: referred to Committee on Health and Provider Services		
SCR 6 Author Senator Grooms		
Sponsor Representative Stemler		
Honoring Norman "Ned" Pfau, Kentuckiana business Hall of Fame inductee.		
Authored by Senator Grooms.		655
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative Stemler		
Cosponsors: Representatives Clere and Rhoads		
First reading: adopted voice vote.	545	
Returned to the Senate		
SCR 7 Author Senator Simpson		
Sponsor Representative Welch		
Study of involuntary commitments and substance use disorders.		
Authored by Senator Simpson.		38
First reading: referred to Committee on Health and Provider Services		
Committee report: do pass, adopted.		665
Second reading: adopted voice vote.		679
Referred to the House		
House sponsor: Representative Welch		
Cosponsor: Representative Noe		
First reading: adopted voice vote.	713	
Returned to the Senate		
SCR 8 Author Senator Long		
Sponsor Representative Bosma		
Joint Session for the Governor's State of the State Address.		
Authored by Senator Long.		50
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative Bosma		
Cosponsor: Representative Bauer		
SCR 9 Author Senator Delph		
Petitioning USDOT to place Indiana in Central time zone.		
Authored by Senator Delph.		79
First reading: referred to Committee on Commerce and Economic Development		
SCR 10 Authors Senators Nugent, Steele and Walker		
Sponsor Representative Koch		
Urging INDOT to name State Road 11 the "Trooper Earl L. Brown Memorial Mile".		
Authored by Senators Nugent, Steele and Walker.		108
Coauthored by Senator Paul		
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		
Committee report: do pass, adopted.		412
Second reading: adopted;		
Roll Call 234: yeas 48, nays 0.		527
Referred to the House		
House sponsor: Representative Koch		
Cosponsor: Representative Goodin		
First reading: adopted voice vote.	514	
Returned to the Senate		
SCR 11 Author Senator Nugent		
Sponsor Representative McMillin		
Promoting the literacy program in Dearborn County.		
Authored by Senator Nugent.		112
First reading: adopted voice vote		

	House	Senate
Referred to the House		
House sponsor: Representative McMillin		
First reading: adopted voice vote.	307	
Returned to the Senate		

SCR 12 Author Senator Grooms
Sponsor Representative Stemler

Study on creating an industrial zone for aviation.

	House	Senate
Authored by Senator Grooms.		222
First reading: referred to Committee on Commerce and Economic Development		
Committee report: do pass, adopted.		295
Second reading: adopted voice vote.		321
Referred to the House		
House sponsor: Representative Stemler		
Cosponsors: Representatives Clere, Rhoads, Goodin and Davisson		
First reading: adopted voice vote.	332	
Returned to the Senate		

SCR 13 Author Senator Gard
Sponsor Representative Cherry

Congratulating Indiana Gators 12/u softball team on their 2011 victory.

	House	Senate
Authored by Senator Gard.		321
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative Cherry		
First reading: adopted voice vote.	310	
Returned to the Senate		

SCR 14 Author Senator Merritt
Sponsor Representative M. Smith

Designating March 30th as Welcome Home Vietnam Veterans Day in Indiana.

	House	Senate
Authored by Senator Merritt.		223
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative M. Smith		

SCR 15 Authors Senators Breaux, Merritt and Taylor
Sponsor Representative Bosma

Honoring Indianapolis Super Bowl committee.

	House	Senate
Authored by Senators Breaux, Merritt and Taylor.		340
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative Bosma		
Cosponsors: Representatives Bartlett and Noe		
Senators Schneider, M. Young, Delph, Miller and Gard added as coauthors.		341
Representatives Austin, Bacon, Baird, Bardon, Battles, Bauer, Behning, Borders, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Eberhart, Espich, Foley, Friend, Frizzell, C. Fry, R. Frye, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moses, Neese, Niezgodski, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins and Yarde added as cosponsors.	314	
First reading: adopted voice vote.	317	
Returned to the Senate		
Senators Alting, Arnold, Banks, Becker, Boots, Bray, Broden, Buck, Charbonneau, Eckerty, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Simpson, Skinner, Smith, Steele, Tallian, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, R. Young and Zakas added as coauthors.		348

SCR 16 Author Senator Steele
Sponsor Representative Koch

Honoring Margret Robb on being named Chief Judge of the Court of Appeals.

	House	Senate
Authored by Senator Steele.		320
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative Koch		
Senators Bray, Broden, Charbonneau, Delph, Glick, Head, Hershman, Holdman, Kenley, Lanane, Long, Randolph, Simpson, Tallian, Taylor, M. Young and Zakas added as coauthors.		330
First reading: adopted voice vote.	524	
Returned to the Senate		

SCR 17 Author Senator Simpson
Sponsor Representative Welch

Honoring the I.U. Crimson All-Girl Cheerleaders.

	House	Senate
Authored by Senator Simpson.		357
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative Welch		
Cosponsor: Representative Pierce		
Representatives Foley and Koch added as cosponsors. . .	346	
First reading: adopted voice vote.	349	
Returned to the Senate		

SCR 18 Authors Senators Lawson and Bray
Sponsor Representative Baird

Recognizing the 175th anniversary of DePauw University.

	House	Senate
Authored by Senators Lawson and Bray.		356
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative Baird		
Senators Merritt and Breaux added as coauthors.		383
First reading: adopted voice vote.	349	
Returned to the Senate		

House Senate

SCR 19 Authors Senators Banks, Kruse and Wyss
Sponsor Representative Espich
Study of current oversight structure applicable to Indiana University–Purdue University Fort Wayne (IPFW).
Authored by Senators Banks, Kruse and Wyss. 385
Coauthored by Senators Holdman and Glick
First reading: referred to Committee on Education and Career Development
Committee report: do pass, adopted. 496
Second reading: adopted voice vote. 570
Referred to the House
House sponsor: Representative Espich
First reading: adopted voice vote. 514
Returned to the Senate

SCR 20 Author Senator Broden
Sponsor Representative C. Fry
Honoring John Gleissner, former Mishawaka council member.
Authored by Senator Broden. 403
First reading: adopted voice vote
Referred to the House
House sponsor: Representative C. Fry
First reading: adopted voice vote. 363
Returned to the Senate

SCR 21 Author Senator Merritt
Sponsor Representative Cherry
Honoring the first responders of Indiana State Fair stage collapse.
Authored by Senator Merritt. 401
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Cherry
First reading: adopted voice vote. 332
Returned to the Senate

SCR 22 Authors Senators Zakas, Broden and Mishler
Sponsor Representative Bauer
Honoring John C. Schalliol on his retirement.
Authored by Senators Zakas, Broden and Mishler. 526
Coauthored by Senator Arnold
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Bauer
First reading: adopted voice vote. 514
Returned to the Senate

SCR 23 Author Senator Wyss
Sponsor Representative Lehman
Recognizing the 122nd Fighter Wing "Blacksnakes".
Authored by Senator Wyss. 539
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Lehman
Cosponsors: Representatives GiaQuinta and Espich
Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Yoder, R. Young, M. Young and Zakas added as coauthors. 565
Representatives Davis, Dodge, Heuer, Kubacki, Leonard, Mahan, Morris, Moses, Pond, Wolkins and Yarde added as cosponsors. 508
First reading: adopted voice vote. 514
Returned to the Senate

SCR 24 Author Senator Charbonneau
Sponsor Representative Gutwein
Recognizing Margaretta Meyer's 103rd birthday.
Authored by Senator Charbonneau. 526
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Gutwein
First reading: adopted voice vote. 515
Returned to the Senate

SCR 25 Authors Senators Walker and Simpson
Urging INDOT to name part of State Road 46 in honor of Marine Sgt. Jeremy McQueary.
Authored by Senators Walker and Simpson. 427
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs

SCR 26 Author Senator Delph
Sponsor Representative Torr
Memorializing Gordon St. Angelo for his service to the Indianapolis area.
Authored by Senator Delph. 521
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Torr
First reading: adopted voice vote. 515
Returned to the Senate

SCR 27 Authors Senators Delph and Schneider
Sponsor Representative Torr
Recognizing the 175th anniversary of the city of Carmel.
Authored by Senators Delph and Schneider. 527
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Torr
First reading: adopted voice vote. 516
Returned to the Senate

House Senate

SCR 28 Authors Senators Mishler, Zakas and Merritt
Sponsor Representative C. Fry
Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.
Authored by Senators Mishler, Zakas and Merritt. 480
Coauthored by Senators Broden and Arnold
First reading: adopted voice vote
Referred to the House
House sponsor: Representative C. Fry
Cosponsors: Representatives Neese, Wesco and Dvorak

SCR 29 Authors Senators Zakas, Mishler and Broden
Sponsor Representative Dvorak
Congratulating the Penn High School volleyball team on their second state championship.
Authored by Senators Zakas, Mishler and Broden. 537
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Dvorak
Cosponsor: Representative C. Fry
First reading: adopted voice vote. 516
Returned to the Senate

SCR 30 Author Senator Delph
Sponsor Representative Torr
Congratulating the Carmel High School football team on their excellent 2011 season.
Authored by Senator Delph. 537
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Torr
Cosponsor: Representative Richardson
First reading: adopted voice vote. 516
Returned to the Senate

SCR 31 Authors Senators Steele and Hume
Sponsor Representative Messmer
Honoring the 75th anniversary of the Wildlife and Sportfish Restoration Programs.
Authored by Senators Steele and Hume. 567
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Messmer
Cosponsor: Representative Grubb
First reading: adopted voice vote. 517
Returned to the Senate

SCR 32 Author Senator Steele
Sponsor Representative Koch
Honoring Robert Gipson, decorated World War II hero.
Authored by Senator Steele. 568
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Koch
First reading: adopted voice vote. 517
Returned to the Senate

SCR 33 Author Senator Hershman
Sponsor Representative Truitt
Congratulating Joseph Ruhl on being named top science educator in the country.
Authored by Senator Hershman. 568
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Truitt
Cosponsors: Representatives Klinker and T. Brown

SCR 34 Authors Senators Merritt and Wyss
Sponsor Representative M. Smith
Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
Authored by Senator Merritt. 632
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs
Senator Wyss added as second author. 646
Senator Miller added as coauthor
Committee report: do pass, adopted. 665
Second reading: adopted voice vote. 679
Referred to the House
House sponsor: Representative M. Smith
Cosponsor: Representative McMillin
Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Yoder, R. Young, M. Young and Zakas added as coauthors. 680
First reading: adopted voice vote. 714
Returned to the Senate

SCR 35 Author Senator Charbonneau
Sponsor Representative Soliday
Honoring Mark Hoffman on his retirement as head football coach at Valparaiso High School.
Authored by Senator Charbonneau. 646
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Soliday
First reading: adopted voice vote. 546
Returned to the Senate

SCR 36 Authors Senators Delph and Paul
Sponsor Representative Bosma
Urging Congress to establish a memorial honoring Gulf War Veterans.
Authored by Senators Delph and Paul. 647
First reading: adopted voice vote
Referred to the House
House sponsor: Representative Bosma
Cosponsor: Representative Reske

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	House	Senate
First reading: adopted voice vote	546	
Returned to the Senate		

SCR 37 Author Senator Charbonneau
Sponsor Representative Bosma
Urging the Governor to proclaim February 20-25, 2012 Canada Week in Indiana.

	House	Senate
Authored by Senator Charbonneau		671
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative Bosma		
Cosponsor: Representative Reske		
First reading: adopted voice vote	547	
Returned to the Senate		

SCR 38 Authors Senators Taylor and Schneider
Sponsor Representative Porter
Honoring the North Central High School girls basketball team, Class 4A state champions.

	House	Senate
Authored by Senators Taylor and Schneider		682
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative Porter		
First reading: adopted voice vote	714	
Returned to the Senate		

SCR 39 Author Senator Eckerty
Sponsor Representative Lutz
Congratulating Wes-Del High School girls volleyball team, state champions.

	House	Senate
Authored by Senator Eckerty		670
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative Lutz		
First reading: adopted voice vote	547	
Returned to the Senate		

SCR 40 Authors Senators Hershman, Alting and Boots
Sponsor Representative Truitt
Recognizing the importance of Ivy Tech Community College of Indiana.

	House	Senate
Authored by Senators Hershman, Alting and Boots		678
First reading: adopted voice vote		
Referred to the House		
House sponsor: Representative Truitt		
Cosponsors: Representatives T. Brown and Klinker		
First reading: adopted voice vote	715	
Returned to the Senate		

SENATE RESOLUTIONS

SR 1 Author Senator Long
Authorizing the Senate Postmaster to receive mail for the Senate.

Authored by Senator Long	2
First reading: adopted voice vote	

SR 2 Author Senator Holdman
Study of commercialism in schools.

Authored by Senator Holdman	13
First reading: referred to Committee on Education and Career Development	

SR 3 Authors Senators Buck, Holdman and Banks
Study of creating an industrial zone for automotive related industry.

Authored by Senators Buck, Holdman and Banks	17
First reading: referred to Committee on Commerce and Economic Development	
Committee report: do pass, adopted	70
Second reading: adopted voice vote	101

SR 4 Author Senator Randolph
Urging Turkey to cease discriminating against the Ecumenical Patriarchate.

Authored by Senator Randolph	17
First reading: referred to Committee on Rules and Legislative Procedure	

SR 5 Author Senator Grooms
Urging state agencies and citizens to fly the POW/MIA flag.

Authored by Senator Grooms	18
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs	
Senator Smith added as coauthor	24

SR 6 Authors Senators Delph and Holdman
Study of Indiana's grand jury system.

Authored by Senator Delph	29
First reading: referred to Committee on Judiciary	
Senator Holdman added as second author	37
Committee report: do pass, adopted	159
Second reading: adopted voice vote	321

House Senate

SR 7 Authors Senators Banks and Yoder
Study of instructional and non-instructional spending by school corporations.
Authored by Senators Banks and Yoder.. 29
First reading: referred to Committee on Tax and Fiscal Policy
Senator Kruse added as coauthor. 49

SR 8 Author Senator Simpson
Study of public financing for campaigns.
Authored by Senator Simpson. 39
First reading: referred to Committee on Elections

SR 9 Author Senator Leising
Study requiring undocumented students to pay out-of-state tuition.
Authored by Senator Leising. 39
First reading: referred to Committee on Education and Career Development
Committee report: do pass, adopted. 375
Second reading: adopted voice vote. 570

SR 10 Author Senator Leising
Study of unemployment rates and per capita income in certain areas.
Authored by Senator Leising. 40
First reading: referred to Committee on Commerce and Economic Development
Senator Mrvan added as coauthor. 116
Committee report: do pass, adopted. 120
Second reading: adopted voice vote. 147

SR 11 Author Senator Alting
Congratulating Dr. Ed Eiler on his retirement.
Authored by Senator Alting. 77
First reading: adopted voice vote

SR 12 Author Senator Simpson
Study of civil marriage alternatives.
Authored by Senator Simpson. 62
First reading: referred to Committee on Judiciary

SR 13 Author Senator Simpson
Study of explosive materials regulations.
Authored by Senator Simpson. 63
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs

SR 14 Author Senator Merritt
Study of long term health care insurance premiums.
Authored by Senator Merritt. 80
First reading: referred to Committee on Health and Provider Services

House Senate

SR 15 Author Senator Simpson
Honoring the many accomplishments of Dr. David Baker.
Authored by Senator Simpson. 111
First reading: adopted voice vote

SR 16 Author Senator Zakas
Congratulating Jordan Ford on 50 years of business.
Authored by Senator Zakas. 111
First reading: adopted voice vote

SR 17 Author Senator Lanane
Congratulating 2011 Wapahani High School girls volleyball team, state champions.
Authored by Senator Lanane. 162
First reading: adopted voice vote

SR 18 Authors Senators Rogers and Delph
Urging the preservation of Gary Theodore Roosevelt High School's athletic program.
Authored by Senator Rogers. 117
Senator Delph added as second author
First reading: adopted voice vote

SR 19 Author Senator Arnold
Recognizing the valuable contribution of the Indiana Sheriff's Association.
Authored by Senator Arnold. 145
First reading: adopted voice vote
Senators Alting, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, R. Young, M. Young and Zakas added as coauthors.. 154

SR 20 Author Senator Delph
Congratulating the 2011 Carmel High School softball team on their state championship.
Authored by Senator Delph. 219
First reading: adopted voice vote

SR 21 Author Senator Delph
Congratulating the Carmel High School boys swimming and diving team on their championship.
Authored by Senator Delph. 220
First reading: adopted voice vote

SR 22 Author Senator Delph
Congratulating the Carmel High School girls swimming team on their championship.
Authored by Senator Delph. 220
First reading: adopted voice vote

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House Senate

SR 23 Author Senator Landske
Study of the voter registration process.
Authored by Senator Landske. 158
First reading: referred to Committee on Elections

SR 24 Author Senator Holdman
Recognizing South Adams High School
for their work on the "Dots in Blue Water" project.
Authored by Senator Holdman. 223
First reading: adopted voice vote

SR 25 Author Senator Schneider
Study of common core standards.
Authored by Senator Schneider. 281
First reading: referred to Committee on
Education and Career Development
Resolution withdrawn. 410

SR 26 Author Senator Grooms
Study of increased penalties for battery
of a licensed security guard.
Authored by Senator Grooms. 291
First reading: referred to Committee on Corrections,
Criminal, and Civil Matters
Committee report: do pass, adopted. 337
Second reading: adopted;
Roll Call 200: yeas 48, nays 0. 379

SR 27 Author Senator Yoder
Study of child seduction involving
a law enforcement officer.
Authored by Senator Yoder. 293
First reading: referred to Committee on Corrections,
Criminal, and Civil Matters

SR 28 Author Senator Landske
Congratulating Izaak Walton League of America
on defending the outdoors.
Authored by Senator Landske. 295
First reading: adopted voice vote

SR 29 Authors Senators Walker, Boots and Charbonneau
Study of laws restricting Sunday commerce.
Authored by Senators Walker, Boots
and Charbonneau. 293
First reading: referred to Committee on
Commerce and Economic Development

SR 30 Author Senator Smith
Congratulating Megan Gilliam on winning
Grand Champion in Junior Showmanship.
Authored by Senator Smith. 402
First reading: adopted voice vote

House Senate

SR 31 Author Senator Lawson
Encouraging continued use of vaccines in children.
Authored by Senator Lawson. 307
First reading: referred to Committee on
Health and Provider Services
Committee report: do pass, adopted. 629
Second reading: adopted voice vote. 673

SR 32 Author Senator Banks
Honoring Jeremy Gulley on being named
Citizen of the Year by the Herald Press.
Authored by Senator Banks. 342
First reading: adopted voice vote

SR 33 Author Senator Banks
Honoring Marion High School students
who participated in Young Entrepreneur Program.
Authored by Senator Banks. 343
First reading: adopted voice vote

SR 34 Author Senator Banks
Congratulating Whitko High School art department
on art exhibition in Taipai.
Authored by Senator Banks. 343
First reading: adopted voice vote

SR 35 Author Senator Head
Honoring the Ivy Tech–Logansport
Electric Vehicle Club.
Authored by Senator Head. 343
First reading: adopted voice vote

SR 36 Author Senator Head
Congratulating the Lewis Cass High School
marching band on its success.
Authored by Senator Head. 341
First reading: adopted voice vote

SR 37 Author Senator Randolph
Honoring Annie Burns Hicks, the first
African-American teacher in Hammond.
Authored by Senator Randolph. 414
First reading: adopted voice vote
Senators Alting, Arnold, Banks, Becker, Boots, Bray,
Breaux, Broden, Buck, Charbonneau, Delph, Eckerty,
Gard, Glick, Grooms, Head, Hershman, Holdman,
Hume, Kenley, Kruse, Lanane, Landske, Lawson,
Leising, Long, Merritt, Miller, Mishler, Mrvan,
Nugent, Paul, Rogers, Schneider, Simpson, Skinner,
Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz,
Waterman, Wyss, Yoder, R. Young, M. Young
and Zakas added as coauthors. 532

House Senate

SR 38 Author Senator Schneider
Study of common core state standards.
Authored by Senator Schneider. 349
First reading: referred to Committee on Education and Career Development
Senators Kruse, Leising and Banks added as coauthors. . 383
Committee report: do pass, adopted. 497
Second reading: adopted voice vote. 570

SR 39 Authors Senators Head and Mishler
Honoring Ancilla College athletic department and Ounce of Prevention Foundation.
Authored by Senators Head and Mishler. 378
First reading: adopted voice vote

SR 40 Author Senator Landske
Urging Department of Education to report on progress in reapportionment of school districts.
Authored by Senator Landske. 349
First reading: referred to Committee on Elections

SR 41 Author Senator Head
Congratulating the Wabash College football team.
Authored by Senator Head. 357
First reading: adopted voice vote

SR 42 Author Senator Yoder
Study of various DCS matters.
Authored by Senator Yoder. 385
First reading: referred to Committee on Judiciary

SR 43 Author Senator Grooms
Congratulating New Albany-Floyd County School Corporation as a model school.
Authored by Senator Grooms. 413
First reading: adopted voice vote

SR 44 Author Senator Waterman
Affirming support for Taiwan.
Authored by Senator Waterman. 386
First reading: referred to Committee on Appropriations

SR 45 Author Senator Banks
Extending gratitude to Helena Chemical.
Authored by Senator Banks. 414
First reading: adopted voice vote

SR 46 Authors Senators Becker, Gard and Miller
Urging the Governor to designate November as COPD awareness month.
Authored by Senators Becker, Gard and Miller. 414
First reading: adopted voice vote

House Senate

SR 47 Author Senator Simpson
Study of eligibility for and availability of DCS services.
Authored by Senator Simpson. 411
First reading: referred to Committee on Judiciary

SR 48 Author Senator Lanane
Honoring John Williams upon his retirement.
Authored by Senator Lanane. 415
First reading: adopted voice vote

SR 49 Author Senator Head
Study of drug testing of temporary assistance for needy families (TANF) recipients.
Authored by Senator Head. 428
First reading: referred to Committee on Health and Provider Services
Committee report: do pass, adopted. 629
Second reading: adopted voice vote. 673

SR 50 Author Senator Yoder
Study of environmental remediation issues.
Authored by Senator Yoder. 428
First reading: referred to Committee on Energy and Environmental Affairs

SR 51 Author Senator Glick
Honoring Colton Strawser on being named top youth volunteer in Indiana.
Authored by Senator Glick. 525
First reading: adopted voice vote

SR 52 Author Senator Delph
Congratulating the Carmel High School boys tennis team.
Authored by Senator Delph. 525
First reading: adopted voice vote

SR 53 Authors Senators Lawson and Merritt
Honoring the Senate Republican interns for the 2012 legislative session.
Authored by Senators Lawson and Merritt. 633
First reading: adopted voice vote

SR 54 Authors Senators Miller and Delph
Urging that DCS be required to report to the Health Finance Commission.
Authored by Senator Miller. 428
First reading: referred to Committee on Health and Provider Services
Senator Delph added as second author. 565
Committee report: do pass, adopted. 629
Senators Becker and Leising added as coauthors. 631
Second reading: adopted voice vote. 673

House Senate

SR 55 Author Senator Rogers
Memorializing Katie Hall, former member
of the General Assembly and Congress.
Authored by Senator Rogers. 481
First reading: adopted standing vote

SR 56 Authors Senators Lanane, Eckerty and Holdman
Honoring Lois Rockhill on her retirement.
Authored by Senators Lanane, Eckerty and Holdman. . . 534
Coauthored by Senators Leising, Buck, Paul and Banks
First reading: adopted voice vote

SR 57 Author Senator Hume
Congratulating the Schnitzelbank on winning
the Super 46 sandwich contest.
Authored by Senator Hume. 535
First reading: adopted voice vote

SR 58 Author Senator Zakas
Congratulating Pat Miller Bateman on 50 years
working the Indiana elections.
Authored by Senator Zakas. 535
First reading: adopted voice vote

SR 59 Author Senator Banks
Honoring Ted Little on his retirement
from the Wabash County Council.
Authored by Senator Banks. 536
First reading: adopted voice vote

SR 60 Authors Senators Zakas, Arnold and Broden
Congratulating Indiana law enforcement officers
Ken Ryan and Keith Waltz.
Authored by Senators Zakas, Arnold and Broden. 536
Coauthored by Senator Mishler
First reading: adopted voice vote

SR 61 Authors Senators Zakas, Yoder and Mishler
Honoring John F. Dille, named one of
the Giants of Broadcasting for 2011.
Authored by Senators Zakas, Yoder and Mishler.. 536
First reading: adopted voice vote

SR 63 Author Senator Delph
Memorializing Henry Karlson, professor at
I.U. law school at Indianapolis.
Authored by Senator Delph. 538
First reading: adopted standing vote

House Senate

SR 64 Author Senator Waterman
Honoring Jeff Watson of J&L Bruins
for his educational efforts involving bears.
Authored by Senator Waterman. 540
First reading: adopted voice vote

SR 65 Author Senator Gard
Study of extraterritorial jurisdiction of municipalities.
Authored by Senator Gard. 566
First reading: referred to Committee on
Energy and Environmental Affairs

SR 66 Author Senator Hershman
Study of Medicaid fraud issues.
Authored by Senator Hershman. 630
First reading: adopted voice vote

SR 67 Author Senator Hershman
Study of ways of encouraging
economic development in rural areas.
Authored by Senator Hershman. 630
First reading: adopted voice vote

SR 68 Author Senator Delph
Congratulating the Carmel High School
girls tennis team 2011 state champions.
Authored by Senator Delph. 648
First reading: adopted voice vote

SR 69 Author Senator Hershman
Study of gaming issues.
Authored by Senator Hershman. 648
First reading: adopted voice vote

SR 70 Authors Senators Eckerty and Lanane
Congratulating Morry Mannies upon his retirement.
Authored by Senators Eckerty and Lanane.. 648
First reading: adopted voice vote

SR 71 Author Senator Zakas
Study of use of DNA evidence.
Authored by Senator Zakas. 632
First reading: referred to Committee on Judiciary
Senators Wyss, Arnold and Merritt added as coauthors. . 661
Committee report: do pass, adopted. 681
Senators Bray, Glick, Broden, Randolph and Head
added as coauthors. 762
Second reading: adopted voice vote. 767

SR 72 Author Senator Hume
Honoring Jessica D'Esposito, Colton Newson
and Anna Woolery for science project.
Authored by Senator Hume. 649
First reading: adopted voice vote

House Senate

SR 73 Author Senator Long
Expressing appreciation to Verizon for promoting the internship program.
Authored by Senator Long. 649
First reading: adopted voice vote

SR 74 Author Senator Long
Expressing appreciation for the Chiropractor of the Day program.
Authored by Senator Long. 649
First reading: adopted voice vote

SR 75 Author Senator Long
Expressing appreciation for doctors who served in the Doctor of the Day program.
Authored by Senator Long. 650
First reading: adopted voice vote

SR 76 Author Senator Long
Expressing appreciation to Legislative Services Agency for their work during the legislative session.
Authored by Senator Long. 650
First reading: adopted voice vote

SR 77 Author Senator Long
Recognizing the exceptional work and dedication of the Senate employees.
Authored by Senator Long. 650
First reading: adopted voice vote

SR 78 Authors Senators Arnold, Breaux and Broden
Honoring the Senate Democrat interns for the 2012 legislative session.
Authored by Senators Arnold, Breaux and Broden. 633
Coauthored by Senators Hume, Lanane, Mrvan, Randolph, Rogers, Simpson, Skinner, Tallian, Taylor and R. Young
First reading: adopted voice vote

SR 79 Authors Senators Miller, Long and Lawson
Honoring Senator Beverly Gard on her retirement from the Indiana Senate.
Authored by Senators Miller, Long and Lawson. 657
Coauthored by Senator Merritt
First reading: adopted voice vote
Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Leising, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, R. Young, M. Young and Zakas added as coauthors. . . 661

SR 80 Authors Senators Merritt, Steele and Long
Honoring Senator Richard Bray on his retirement from the Indiana Senate.
Authored by Senators Merritt, Steele and Long. 658
Coauthored by Senator Lawson
First reading: adopted voice vote
Senators Alting, Arnold, Banks, Becker, Boots, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Leising, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young and Zakas added as coauthors. . . 673

SR 81 Author Senator Banks
Honoring F. Howard Halderman, Distinguished Agriculture Alumni of Purdue.
Authored by Senator Banks. 666
First reading: adopted voice vote

SR 82 Authors Senators Banks and Wyss
Raising awareness of Inflammatory Breast Cancer.
Authored by Senators Banks and Wyss. 666
First reading: adopted voice vote

SR 83 Author Senator Hershman
Recognizing the importance of Ivy Tech Community College of Indiana.
Authored by Senator Hershman. 667
First reading: adopted voice vote

SR 84 Author Senator Hume
Honoring Taylor Wornica on her selection to the all state academic team.
Authored by Senator Hume. 668
First reading: adopted voice vote

SR 85 Author Senator Simpson
Honoring Brigadier General Ross Ridge for his service in Afghanistan.
Authored by Senator Simpson. 668
First reading: adopted voice vote

SR 86 Authors Senators Buck and Boots
Study of encouraging use of smokeless tobacco products.
Authored by Senators Buck and Boots. 668
First reading: adopted voice vote

SR 87 Author Senator Banks
Study of grade inflation at state educational institutions.
Authored by Senator Banks. 669
First reading: adopted voice vote

House Senate

SR 88 Author Senator Head
Recognizing North Miami FFA for
their accomplishments in the state of Indiana.
Authored by Senator Head. 669
First reading: adopted voice vote

SR 89 Author Senator Broden
Study licensing for undocumented immigrants.
Authored by Senator Broden. 662
First reading: referred to Committee on Homeland
Security, Transportation and Veterans Affairs

SR 90 Author Senator Delph
Urging the study committee on redistricting
to meet outside Marion County.
Authored by Senator Delph. 676
First reading: adopted voice vote

SR 91 Author Senator Becker
Congratulating Sue Ann Hartig on her retirement.
Authored by Senator Becker. 677
First reading: adopted voice vote

SR 92 Author Senator Waterman
Honoring President Ma Ying-Jeou
for being elected President of Taiwan.
Authored by Senator Waterman. 677
First reading: adopted voice vote

SR 93 Author Senator Delph
Congratulating the Carmel High School
girls cross country team state champions.
Authored by Senator Delph. 677
First reading: adopted voice vote

**SR 94 Authors Senators Landske
and Charbonneau**
Recognizing the 100th year of
the Boy Scouts' Eagle Award.
Authored by Senators Landske and Charbonneau. 683
First reading: adopted voice vote

SR 95 Authors Senators Broden and Zakas
Honoring John Charles Bryant for services
to Northern Indiana Center for History.
Authored by Senators Broden and Zakas. 691
First reading: adopted voice vote

**SR 96 Authors Senators Hershman, Merritt
and Simpson**
Supporting the construction of the
New International Trade Crossing.
Authored by Senator Hershman. 691
First reading: adopted voice vote

House Senate

Senator Merritt added as second author. 762
Senator Simpson added as third author

SR 97 Author Senator Banks
Congratulating Christy Fulk, Warsaw,
Indiana Teacher of the Year.
Authored by Senator Banks. 763
First reading: adopted voice vote

SR 98 Author Senator Head
Urging the Governor to proclaim a day
honoring community foundations.
Authored by Senator Head. 764
First reading: adopted voice vote

SR 99 Author Senator Head
Honoring Wabash College Professor David Hadley
on his retirement.
Authored by Senator Head. 764
First reading: adopted voice vote

SR 100 Author Senator Tomes
Congratulating Mater Dei High School
girls basketball team state champions.
Authored by Senator Tomes. 765
First reading: adopted voice vote

SR 101 Author Senator Mishler
Congratulating Mike Kubacki for being
recognized as Banker of the Year.
Authored by Senator Mishler. 765
First reading: adopted voice vote

SR 102 Author Senator Mishler
Honoring Amish Acres on the 50th anniversary
of their Arts and Crafts Festival.
Authored by Senator Mishler. 766
First reading: adopted voice vote

SR 103 Author Senator Yoder
Study of property needing environmental remediation.
Authored by Senator Yoder. 828
First reading: adopted voice vote

SR 104 Author Senator Gard
Study of extraterrritorial jurisdiction of municipalities.
Authored by Senator Gard. 828
First reading: adopted voice vote

SR 105 Author Senator Eckerty
Congratulating Devon Jackson on winning
the state wrestling championship.
Authored by Senator Eckerty. 828
First reading: adopted voice vote

House Senate

SR 106 Author Senator Eckerty
Congratulating Tim Tuttle on receiving
the Silver Helmet Award.
Authored by Senator Eckerty. 829
First reading: adopted voice vote

SR 107 Author Senator Mishler
Congratulating Abraham Hall, state champion
in individual wrestling.
Authored by Senator Mishler. 829
First reading: adopted voice vote

SR 108 Authors Senators Mishler, Zakas and Merritt
Congratulating Jerry Thacker, 2012 Indiana
Superintendent of the Year.
Authored by Senators Mishler, Zakas and Merritt. 830
Coauthored by Senators Broden and Arnold
First reading: adopted voice vote

SR 109 Author Senator Mishler
Congratulating Brittany Robinson, new
state record holder in swimming.
Authored by Senator Mishler. 830
First reading: adopted voice vote

SR 110 Author Senator Mishler
Congratulating the Mail-Journal
on its 50th anniversary.
Authored by Senator Mishler. 830
First reading: adopted voice vote

SR 111 Authors Senators Long, Wyss and Kruse
Congratulating Concordia High School
girls basketball team, 3A state champions.
Authored by Senators Long, Wyss and Kruse. 831
First reading: adopted voice vote

SR 112 Authors Senators Long, Wyss and Kruse
Congratulating Canterbury High School
girls basketball team state champions.
Authored by Senators Long, Wyss and Kruse. 831
First reading: adopted voice vote

HISTORIES OF BILLS AND RESOLUTIONS—2012

SECOND REGULAR SESSION

(Those marked with ■ became law; no bills were vetoed by the Governor in 2012.)

HOUSE BILLS

	House	Senate
■ HB 1001 Author Representative Torr Sponsor Senator Yoder		
Employee's right to work.		
Authored by Representative Torr	15	
Coauthored by Representative Bosma		
First reading: referred to Committee on Employment, Labor and Pensions		
Committee report: majority and minority reports offered	42	
Minority report (Moseley) not substituted for majority report: voice vote	42	
Minority report (Kersey) not substituted for majority report: Roll Call 12: yeas 38, nays 60	43	
Minority report (C. Fry) not substituted for majority report: Roll Call 13: yeas 38, nays 60	52	
Minority report (Niezgodski) not substituted for majority report: Roll Call 14: yeas 38, nays 60	53	
Minority report (Bartlett) not substituted for majority report: Roll Call 15: yeas 36, nays 60	53	
Committee report: do pass, adopted	54	
House Rule 106.1 suspended; Representatives T. Brown, Burton, Culver, Davis, Ellspermann, Friend, R. Frye, Gutwein, Heaton, Heuer, Kubacki, Lutz, Leonard, Morris, Neese, Noe, Turner, Ubelhor, Wesco and Speedy added as coauthors	61	
Representative Baird added as coauthor	70	
Second reading: amended, ordered engrossed	138	
Motion to strike out the enacting words (Pelath) failed; Roll Call 36: yeas 39, nays 59	138	
Amendment 56 (Torr) prevailed; Roll Call 37: yeas 58, nays 40	138	
Amendment 52 (Koch) prevailed; Roll Call 38: yeas 57, nays 41	139	
Amendment 6 (Bauer) failed; Roll Call 39: yeas 39, nays 59	139	
Amendment 4 (Bardon) failed; Roll Call 40: yeas 39, nays 59	140	
Amendment 29 (Bardon) failed; Roll Call 41: yeas 39, nays 59	140	
Amendment 48 (Moseley) failed; Roll Call 42: yeas 36, nays 58	140	
Amendment 44 (DeLaney) failed; Roll Call 43: yeas 34, nays 63	140	
Amendment 11 (C. Fry) failed; Roll Call 44: yeas 37, nays 58	140	
Amendment 18 (Battles) failed; Roll Call 45: yeas 39, nays 59	141	
Amendment 12 (C. Fry) failed; Roll Call 46: yeas 35, nays 59	142	
Amendment 60 (Moses) failed; Roll Call 47: yeas 39, nays 59	143	
Third reading: passed; Roll Call 57: yeas 54, nays 44	169	
Referred to the Senate		
Senate sponsor: Senator Yoder		
Cosponsors: Senators Boots, Walker and Banks		
First reading: referred to Committee on Pensions and Labor		158
Committee report: do pass, adopted		223
Second reading: ordered engrossed		258
Amendment 10 (Simpson) failed; Roll Call 100: yeas 15, nays 35		259
Amendment 7 (Simpson) failed; Roll Call 101: yeas 14, nays 36		259
Amendment 8 (Tallian) failed; Roll Call 102: yeas 14, nays 36		259
Senators Kruse, Long, Schneider and Smith added as cosponsors		281
Third reading: passed; Roll Call 161: yeas 28, nays 22		284
Returned to the House without amendments		
Senator Hershman added as cosponsor		
Signed by the Speaker	297	
Signed by the President Pro Tempore		382
Signed by the President of the Senate		289
Signed by the Governor	297	
Public Law 2: Effective February 1, 2012		
■ HB 1002 Author Representative Wolkins Sponsors Senators Lawson, Landske		
Elimination of commissions, boards, and committees.		
Authored by Representative Wolkins	19	
Coauthored by Representative Dobis		
First reading: referred to Select Committee on Government Reduction		
Representative Koch added as coauthor	84	
Committee report: amend do pass, adopted	94	
Second reading: amended, ordered engrossed	225	
Amendment 1 (Wolkins) prevailed; voice vote	225	
Amendment 30 (V. Smith) withdrawn	226	
Third reading: passed; Roll Call 123: yeas 97, nays 0	279	
Referred to the Senate		
Senate sponsors: Senators Lawson and Landske		
First reading: referred to Committee on Public Policy		281
Committee report: amend do pass, adopted		350
Senator Taylor added as cosponsor		410
Second reading: amended, ordered engrossed		570
Amendment 2 (Lawson) prevailed; voice vote		570
Amendment 5 (Lawson) prevailed; voice vote		570
Amendment 4 (Gard) prevailed; voice vote		571
Third reading: passed; Roll Call 266: yeas 44, nays 4		621
Returned to the House with amendments		
House dissented from Senate amendments	503	
House conferees appointed: Wolkins and Pierce	506	
House advisors appointed: Koch, Noe and Dobis		
Senate conferees appointed: Lawson and Tallian		640
Senate advisors appointed: Landske, Taylor and Gard		
House reconsidered and concurred in Senate amendments; Roll Call 394: yeas 61, nays 36	706	
Joint Rule 20 technical correction adopted by the Senate		895
Joint Rule 20 technical correction adopted by the House	922	

	House	Senate
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 133:		
SECTIONS 1 through 5 effective July 1, 2012		
SECTIONS 6 through 8 effective January 1, 2013		
SECTIONS 9 through 67 effective July 1, 2012		
SECTIONS 68 through 71 effective January 1, 2013		
SECTION 72 effective July 1, 2012		
SECTIONS 73 through 161 effective January 1, 2013		
SECTIONS 162 through 180 effective July 1, 2012		
SECTIONS 181 through 182 effective January 1, 2013		
SECTIONS 183 through 195 effective July 1, 2012		
SECTION 196 effective March 19, 2012		
SECTIONS 197 through 198 effective July 1, 2012		

■ HB 1003 Author Representative Crouch
Sponsors Senators Holdman, Alting, Becker

Public access issues.

	House	Senate
Authored by Representative Crouch.	19	
Coauthored by Representative Dobis		
First reading: referred to Committee on Government and Regulatory Reform		
Reassigned to Select Committee on Government Reduction.	29	
Representative Karickhoff added as coauthor.	84	
Committee report: amend do pass, adopted.	97	
Second reading: amended, ordered engrossed.	187	
Amendment 1 (Crouch) prevailed; voice vote.	187	
Amendment 2 (Pierce) prevailed; voice vote.	187	
Third reading: passed;		
Roll Call 83: yeas 92, nays 0.	251	
Referred to the Senate		
Senate sponsor: Senator Holdman		
Representative Klinker added as coauthor.	282	
First reading: referred to Committee on Public Policy.		281
Committee report: do pass, adopted.		332
Senator Alting added as second sponsor.		348
Senator Becker added as third sponsor		
Second reading: amended, ordered engrossed.		379
Amendment 1 (Holdman) prevailed; voice vote.		380
Senator Arnold added as cosponsor.		409
Third reading: passed;		
Roll Call 214: yeas 49, nays 0.		420
Returned to the House with amendments		
House dissented from Senate amendments.	503	
House conferees appointed: Crouch and Dobis.	503	
House advisors appointed: Mahan, Karickhoff and Pierce		
Senate conferees appointed: Holdman and Arnold.		640
Senate advisor appointed: Alting		
Senator Gard added as advisor.		643
Conference committee report 1: filed in the House.	828	
Rules suspended.	923	
Conference committee report 1: adopted by the House;		
Roll Call 411: yeas 74, nays 20.	923	
Senate Rule 86(k) suspended.		899
Conference committee report 1: adopted by the Senate;		
Roll Call 364: yeas 41, nays 9.		1039
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 134:		
SECTION 1 effective January 1, 2013		
SECTIONS 2 through 4 effective July 1, 2012		
SECTION 5 effective January 1, 2013		
SECTION 6 effective July 1, 2012		
SECTION 7 effective January 1, 2013		
SECTION 8 effective July 1, 2012		
SECTIONS 9 through 13 effective January 1, 2013		
SECTIONS 14 through 22 effective July 1, 2012		
SECTIONS 23 through 28 effective January 1, 2013		
SECTIONS 29 through 31 effective July 1, 2012		
SECTIONS 32 through 33 effective January 1, 2013		
SECTIONS 34 through 35 effective July 1, 2012		

■ HB 1004 Author Representative Richardson
Sponsors Senators Landske, Lawson

Various election law matters.

	House	Senate
Authored by Representative Richardson.	19	
First reading: referred to Committee on Elections and Apportionment		
Committee report: do pass, adopted.	59	
Representative Koch added as coauthor.	61	
Representative Bartlett added as coauthor.	200	
Second reading: amended, ordered engrossed.	227	
Amendment 11 (Richardson) prevailed; voice vote.	227	
Amendment 8 (Austin) ruled out of order.	228	
Amendment 5 (Grubb) withdrawn.	229	
Third reading: passed;		
Roll Call 124: yeas 96, nays 0.	280	
Referred to the Senate		
Senate sponsors: Senators Landske and Lawson		
First reading: referred to Committee on Elections.		281
Committee report: amend do pass, adopted.		308
Second reading: ordered engrossed.		381
Amendment 1 (Breaux) failed;		
Roll Call 201: yeas 14, nays 35.		381
Third reading: passed;		
Roll Call 235: yeas 31, nays 19.		530
Returned to the House with amendments		
House concurred in Senate amendments;		
Roll Call 358: yeas 92, nays 0.	547	
Signed by the Speaker.	660	
Signed by the President Pro Tempore.		897
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 96:		
SECTIONS 1 through 3 effective March 16, 2012		
SECTIONS 4 through 6 effective January 1, 2013		
SECTION 7 effective March 16, 2012		

■ HB 1005 Author Representative Mahan
Sponsors Senators Lawson, Holdman

Nepotism; conflict of interest.

	House	Senate
Authored by Representative Mahan.	15	
Coauthored by Representatives Bosma and Dobis		
First reading: referred to Committee on Government and Regulatory Reform		

	House	Senate
Representative Wesco added as coauthor.	29	
Committee report: amend do pass, adopted.	65	
House Rule 106.1 suspended; Representatives Bacon, Baird, Behning, Borders, C. Brown, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crouch, Culver, Davis, Davisson, Espich, Foley, Friend, Frizzell, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Klinker, Knollman, Kubacki, Lehe, Lehman, Leonard, McMillin, McNamara, Messmer, Morris, Moseley, Noe, Riecken, M. Smith, Soliday, Speedy, Stemler, Steuerwald, Sullivan, Torr, Truitt, Turner, Ubelhor, VanNatter, Welch, Wolkins and Yarde added as coauthors.	70	
Second reading: ordered engrossed.	165	
Amendment 2 (Reske) failed; Roll Call 54: yeas 38, nays 58.	165	
Amendment 1 (Pryor) failed; Roll Call 55: yeas 36, nays 59.	165	
Third reading: passed; Roll Call 125: yeas 70, nays 26.	280	
Referred to the Senate		
Senate sponsors: Senators Lawson and Holdman		
Representative Moseley removed as coauthor.	282	
First reading: referred to Committee on Local Government.		281
Committee report: amend do pass, adopted.		297
Senator Miller added as cosponsor.		348
Senator Mrvan added as cosponsor		
Second reading: amended, ordered engrossed.		527
Amendment 10 (Lawson) prevailed; voice vote.		528
Senator Schneider added as cosponsor.		532
Third reading: passed; Roll Call 246: yeas 30, nays 19.		562
Returned to the House with amendments		
House concurred in Senate amendments; Roll Call 349: yeas 62, nays 19.	534	
Joint Rule 20 technical correction adopted by the Senate.		688
Joint Rule 20 technical correction adopted by the House.	715	
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Governor.	953	
Public Law 135:		
SECTION 1 effective January 1, 2013		
SECTIONS 2 through 12 effective July 1, 2012		

HB 1006 Author Representative Wolkins

	House	Senate
Regulated occupations.		
Authored by Representative Wolkins.	19	
First reading: referred to Committee on Employment, Labor and Pensions		
Representative Gutwein added as coauthor.	137	

HB 1007 Author Representative McMillin Sponsors Senators Head, Banks

	House	Senate
Drug testing.		
Authored by Representative McMillin.	22	
Coauthored by Representative VanNatter		
First reading: referred to Committee on Family, Children and Human Affairs		
Representative Noe added as coauthor.	61	
Committee report: amend do pass, adopted.	97	
Referred to Committee on Ways and Means pursuant to House Rule 127.	137	
Committee report: do pass, adopted.	149	
Representatives Bacon, Baird, Behning, Borders, T. Brown, Burton, Cheatham, Clere, Crouch, Culver, Davisson, Dermody, Dodge, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, R. Frye, Goodin, Gutwein, Heaton, Heuer, Hinkle, Kirchhofer, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McNamara, Messmer, Morris, Neese, Rhoads, Richardson, Saunders, M. Smith, Speedy, Steuerwald, Thompson, Torr, Truitt, Turner, Wesco, Wolkins, Yarde and Ubelhor added as coauthors.	170	
Second reading: amended, call withdrawn.	230	
Amendment 3 (Dvorak) prevailed; Roll Call 78: yeas 55, nays 40.	230	
Reread second time: amended, ordered engrossed.	264	
Amendment 6 (McMillin) prevailed; Roll Call 114: yeas 81, nays 15.	264	
Amendment 2 (C. Brown) failed; Roll Call 115: yeas 39, nays 58.	265	
Amendment 1 (Goodin) failed; voice vote.	266	
Amendment 4 (Goodin) failed; Roll Call 116: yeas 39, nays 58.	266	
Amendment 5 (Riecken) prevailed; Roll Call 117: yeas 97, nays 0.	266	
Third reading: passed; Roll Call 144: yeas 73, nays 23.	289	
Referred to the Senate		
Senate sponsors: Senators Head and Banks		
First reading: referred to Committee on Health and Provider Services.		288

HB 1008 Author Representative Moseley

	House	Senate
Wind turbines.		
Authored by Representative Moseley.	15	
First reading: referred to Committee on Ways and Means		
Representative Stemler added as coauthor.	61	

■ HB 1009 Author Representative Foley Sponsors Senators M. Young, Banks, Arnold

	House	Senate
Technical corrections.		
Authored by Representative Foley.	15	
First reading: referred to Committee on Judiciary		
Representatives McMillin, Bartlett and VanDenburgh added as coauthors.	62	
Committee report: amend do pass, adopted.	97	
Second reading: ordered engrossed.	188	
Third reading: passed; Roll Call 84: yeas 90, nays 2.	251	
Referred to the Senate		
Senate sponsors: Senators M. Young, Banks and Arnold		
Cosponsor: Senator Taylor		
First reading: referred to Committee on Judiciary.		282
Committee report: do pass, adopted.		299

	House	Senate
Second reading: ordered engrossed.		321
Third reading: passed;		
Roll Call 193: yeas 50, nays 0.		347
Returned to the House without amendments		
Signed by the Speaker.	320	
Signed by the President Pro Tempore.		382
Signed by the President of the Senate.		619
Signed by the Governor.	360	
Public Law 6:		
SECTIONS 1 through 9 effective February 22, 2012		
SECTION 10 effective July 1, 2012		
SECTIONS 11 through 12 effective February 22, 2012		
SECTIONS 13 through 16 effective July 1, 2012		
SECTION 17 effective February 22, 2012		
SECTIONS 18 through 19 effective July 1, 2012		
SECTIONS 20 through 23 effective February 22, 2012		
SECTION 24 effective July 1, 2012		
SECTIONS 25 through 26 effective February 22, 2012		
SECTION 27 effective July 1, 2012		
SECTIONS 28 through 64 effective February 22, 2012		
SECTION 65 effective July 1, 2012		
SECTIONS 66 through 72 effective February 22, 2012		
SECTIONS 73 through 74 effective July 1, 2012		
SECTIONS 75 through 76 effective February 22, 2012		
SECTION 77 effective July 1, 2012		
SECTIONS 78 through 86 effective February 22, 2012		
SECTIONS 87 through 88 effective July 1, 2012		
SECTION 89 effective February 22, 2012		
SECTIONS 90 through 91 effective July 1, 2012		
SECTIONS 92 through 95 effective February 22, 2012		
SECTION 96 effective July 1, 2012		
SECTION 97 effective February 22, 2012		
SECTION 98 effective July 1, 2012		
SECTIONS 99 through 100 effective February 22, 2012		
SECTION 101 effective July 1, 2012		
SECTIONS 102 through 106 effective February 22, 2012		
SECTION 107 effective July 1, 2012		
SECTIONS 108 through 120 effective February 22, 2012		
SECTIONS 121 through 122 effective July 1, 2012		
SECTIONS 123 through 124 effective February 22, 2012		
SECTIONS 125 through 126 effective July 1, 2012		
SECTIONS 127 through 148 effective February 22, 2012		
SECTION 149 effective July 1, 2012		
SECTIONS 150 through 158 effective February 22, 2012		
SECTIONS 159 through 160 effective July 1, 2012		
SECTIONS 161 through 168 effective February 22, 2012		
SECTIONS 169 through 170 effective July 1, 2012		
SECTIONS 171 through 177 effective February 22, 2012		
SECTIONS 178 through 185 effective July 1, 2012		
SECTIONS 186 through 199 effective February 22, 2012		
SECTION 200 effective July 1, 2012		
SECTIONS 201 through 205 effective February 22, 2012		
SECTION 206 effective July 1, 2012		
SECTIONS 207 through 255 effective February 22, 2012		

HB 1010 Author Representative Pond

Joint legal custody.

	House	Senate
Authored by Representative Pond.	16	
First reading: referred to Committee on Family, Children and Human Affairs		
Representative Bacon added as coauthor.	253	

HB 1011 Author Representative Foley
Sponsor Senator Bray

Various corrections matters.

	House	Senate
Authored by Representative Foley.	16	
Coauthored by Representatives Steuerwald, Pierce and L. Lawson		
First reading: referred to Committee on Courts and Criminal Code		
Committee report: amend do pass, adopted.	202	
Second reading: ordered engrossed.	255	
Third reading: passed;		
Roll Call 146: yeas 94, nays 0.	289	
Referred to the Senate		
Senate sponsor: Senator Bray		
Cosponsors: Senators Head, Taylor and Hume		
First reading: referred to Committee on Corrections, Criminal, and Civil Matters.		288
Committee report: amended, reassigned to Committee on Appropriations.		412

HB 1012 Author Representative Lehman

Property tax information provided electronically.

	House	Senate
Authored by Representative Lehman.	16	
First reading: referred to Committee on Ways and Means		

HB 1013 Author Representative Lehman
Sponsor Senator Holdman

Golf carts in unincorporated areas.

	House	Senate
Authored by Representative Lehman.	16	
Coauthored by Representative Davis		
First reading: referred to Committee on Roads and Transportation		
Representative Gutwein added as coauthor.	29	
Committee report: do pass, adopted.	40	
Second reading: amended, ordered engrossed.	68	
Amendment 1 (Lehman) prevailed; voice vote.	68	
Third reading: passed;		
Roll Call 21: yeas 91, nays 2.	83	
Referred to the Senate		
Senate sponsor: Senator Holdman		
Representative Leonard added as coauthor.	84	
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs.		282

HB 1014 Author Representative Davisson

Health care professionals conscience clause.

	House	Senate
Authored by Representative Davisson.	16	
First reading: referred to Committee on Public Policy		

■ HB 1015 Author Representative Davisson
Sponsors Senators Bray, R. Young

	House	Senate
Cemetery access.		
Authored by Representative Davisson.	16	
First reading: referred to Committee on Judiciary		
Representatives Pond and Bacon added as coauthors. . .	70	
Committee report: amend do pass, adopted.	98	
Second reading: ordered engrossed.	188	
Representative Pierce added as coauthor.	200	
Third reading: passed;		
Roll Call 85: yes 90, nays 2.	251	
Referred to the Senate		
Senate sponsors: Senators Bray and R. Young		
First reading: referred to Committee on Corrections, Criminal, and Civil Matters.		282
Committee report: amend do pass, adopted.		295
Second reading: ordered engrossed.		302
Third reading: passed;		
Roll Call 194: yes 49, nays 0.		347
Returned to the House with amendments		
Senator Steele added as cosponsor.		347
House concurred in Senate amendments;		
Roll Call 328: yes 83, nays 1.	522	
Signed by the Speaker.	529	
Signed by the President Pro Tempore.		675
Signed by the President of the Senate.		762
Signed by the Governor.	953	
Public Law 68: Effective July 1, 2012		

■ HB 1016 Author Representative Rhoads
Sponsors Senators Mishler, Banks

	House	Senate
Design-build projects.		
Authored by Representative Rhoads.	16	
First reading: referred to Committee on Government and Regulatory Reform		
Representatives Messmer and VanNatter added as coauthors.	29	
Committee report: do pass, adopted.	149	
Second reading: ordered engrossed.	231	
Amendment 1 (Austin) ruled out of order.	231	
Third reading: passed;		
Roll Call 126: yes 92, nays 1.	280	
Referred to the Senate		
Senate sponsor: Senator Mishler		
First reading: referred to Committee on Commerce and Economic Development.		282
Committee report: do pass, adopted.		294
Second reading: ordered engrossed.		302
Senator Banks added as second sponsor		
Senator Taylor added as cosponsor.		303
Third reading: passed;		
Roll Call 190: yes 47, nays 0.		328
Returned to the House without amendments		
Signed by the Speaker.	320	
Signed by the President of the Senate.		384
Signed by the President Pro Tempore.		382
Signed by the Governor.	360	
Public Law 7: Effective July 1, 2012		

HB 1017 Author Representative Ubelhor

	House	Senate
Greene County local public question.		
Authored by Representative Ubelhor.	16	
First reading: referred to Committee on Elections and Apportionment		

■ HB 1018 Author Representative Ubelhor
Sponsors Senators Steele, Hume, Buck

	House	Senate
Mine electrician certification.		
Authored by Representative Ubelhor.	16	
Coauthored by Representatives Heaton and Ellspermann		
First reading: referred to Committee on Natural Resources		
Committee report: amend do pass, adopted.	65	
Representative Bacon added as coauthor.	84	
Representative Battles added as coauthor..	138	
Second reading: ordered engrossed.	166	
Third reading: passed;		
Roll Call 64: yes 97, nays 0.	198	
Referred to the Senate		
Senate sponsors: Senators Steele and Hume		
First reading: referred to Committee on Agriculture and Natural Resources.		282
Committee report: do pass, adopted.		339
Second reading: ordered engrossed.		381
Third reading: passed;		
Roll Call 205: yes 50, nays 0.		408
Returned to the House without amendments		
Senator Buck added as third sponsor.		409
Signed by the Speaker.	359	
Signed by the President Pro Tempore.		531
Signed by the President of the Senate.		619
Signed by the Governor.	467	
Public Law 10: Effective February 29, 2012		

HB 1019 Author Representative Karickhoff
Sponsor Senator Broden

	House	Senate
Adoption history information.		
Authored by Representative Karickhoff.	16	
First reading: referred to Committee on Family, Children and Human Affairs		
Committee report: amend do pass, adopted.	40	
Second reading: ordered engrossed.	68	
Amendment 2 (Austin) ruled out of order.	68	
Representatives Riecken and Frizzell added as coauthors.	70	
Third reading: passed;		
Roll Call 22: yes 94, nays 0.	83	
Referred to the Senate		
Senate sponsor: Senator Broden		
Representative Day added as coauthor.	170	
First reading: referred to Committee on Judiciary.		282

HB 1020 Author Representative Karickhoff

	House	Senate
Local and regional workforce investment boards.		
Authored by Representative Karickhoff.	16	
First reading: referred to Committee on Government and Regulatory Reform		

	House	Senate
Reassigned to Select Committee on Government Reduction.	29	

HB 1021 Author Representative Mahan

	House	Senate
Assessed value cap for disabled veteran deduction.		
Authored by Representative Mahan.	16	
First reading: referred to Committee on Ways and Means		
Representatives Baird, Gutwein and Moseley added as coauthors.	71	

HB 1022 Author Representative Kubacki

	House	Senate
Ephedrine and pseudoephedrine.		
Authored by Representative Kubacki.	16	
Coauthored by Representative Bacon		
First reading: referred to Committee on Public Health		
Representative Culver added as coauthor.	84	

HB 1023 Author Representative Kersey

	House	Senate
Health facility nursing staff ratios.		
Authored by Representative Kersey.	16	
First reading: referred to Committee on Public Health		

HB 1024 Author Representative Pflum

	House	Senate
Requires a child to wear a flotation device.		
Authored by Representative Pflum.	16	
First reading: referred to Committee on Natural Resources		
Representative McMillin added as coauthor.	84	

HB 1025 Author Representative Kubacki

	House	Senate
Resident tuition.		
Authored by Representative Kubacki.	16	
First reading: referred to Committee on Education		

HB 1026 Author Representative Cheatham

	House	Senate
Support obligations while incarcerated.		
Authored by Representative Cheatham.	16	
First reading: referred to Committee on Family, Children and Human Affairs		

HB 1027 Author Representative Cheatham

	House	Senate
Sex crime statute of limitations.		
Authored by Representative Cheatham.	16	
First reading: referred to Committee on Courts and Criminal Code		

HB 1028 Author Representative Cheatham

	House	Senate
Forfeiture of vehicle used to flee law enforcement.		
Authored by Representative Cheatham.	16	
Coauthored by Representative Mahan		
First reading: referred to Committee on Courts and Criminal Code		

HB 1029 Author Representative McMillin Sponsor Senator Paul

	House	Senate
Sale of alcohol on federally owned land.		
Authored by Representative McMillin.	16	
First reading: referred to Committee on Public Policy		
Committee report: amend do pass, adopted.	40	
Representatives Knollman, Pflum and Cheatham added as coauthors.	62	
Second reading: ordered engrossed.	69	
Third reading: passed;		
Roll Call 23: yeas 94, nays 1.	83	
Referred to the Senate		
Senate sponsor: Senator Paul		
First reading: referred to Committee on Public Policy.		282

HB 1030 Author Representative Cherry

	House	Senate
Property tax deduction for mortise and tenon barn.		
Authored by Representative Cherry.	16	
Coauthored by Representative Thompson		
First reading: referred to Committee on Ways and Means		
Representatives Clere and Lehman added as coauthors.	30	

HB 1031 Author Representative Cherry

	House	Senate
Study committee on self-rolled cigarettes.		
Authored by Representative Cherry.	16	
First reading: referred to Committee on Public Policy		
Committee report: amend do pass, adopted.	149	

HB 1032 Author Representative Dodge

	House	Senate
Restrictions on fertilizer containing phosphorus.		
Authored by Representative Dodge.	16	
First reading: referred to Committee on Natural Resources		
Reassigned to Committee on Environmental Affairs.	87	
Representative Pierce added as coauthor.	170	
Representative Dvorak added as coauthor.	282	

■ HB 1033 Author Representative McMillin Sponsor Senator Steele

	House	Senate
Criminal history and sentencing.		
Authored by Representative McMillin.	16	
First reading: referred to Committee on Courts and Criminal Code		
Committee report: amend do pass, adopted.	98	
Representative Turner added as coauthor.	138	
Second reading: ordered engrossed.	188	
Representatives DeLaney and Pierce added as coauthors.	253	
Third reading: passed;		
Roll Call 127: yeas 85, nays 9.	280	
Referred to the Senate		
Senate sponsor: Senator Steele		
First reading: referred to Committee on Corrections, Criminal, and Civil Matters.		282
Committee report: amend do pass, adopted.		354

	House	Senate
Senators Hume and Taylor added as cosponsors.		383
Second reading: amended, ordered engrossed.		590
Amendment 3 (Bray) prevailed;		
Roll Call 261: yeas 39, nays 11.		590
Amendment 2 (Steele) prevailed; voice vote.		590
Amendment 5 (Steele) prevailed; voice vote.		591
Senator Randolph added as cosponsor.		619
Third reading: passed;		
Roll Call 267: yeas 47, nays 2.		621
Returned to the House with amendments		
House dissented from Senate amendments.	504	
House conferees appointed: McMillin and Pierce.	518	
House advisors appointed: Foley, Turner and L. Lawson		
Senate conferees appointed: Steele and Hume.		643
Senate advisors appointed: Waltz and Taylor		
Conference committee report 1: filed in the House.	696	
Rules suspended.	719	
Conference committee report 1: adopted by the House;		
Roll Call 403: yeas 76, nays 11.	719	
Senate Rule 86(k) suspended.		825
Conference committee report 1: adopted by the Senate;		
Roll Call 354: yeas 45, nays 3.		864
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Governor.	953	
Public Law 69:		
SECTION 1 effective July 1, 2013		
SECTIONS 2 through 7 effective July 1, 2012		

■ HB 1034 Author Representative McMillin Sponsors Senators Paul, Buck

	House	Senate
Historic cemeteries.		
Authored by Representative McMillin.	16	
First reading: referred to Committee on Local Government		
Committee report: do pass, adopted.	60	
Representative Clere added as coauthor.	62	
Representative Saunders added as coauthor.	71	
Second reading: ordered engrossed.	166	
Third reading: passed;		
Roll Call 65: yeas 95, nays 0.	199	
Referred to the Senate		
Senate sponsor: Senator Paul		
First reading: referred to Committee on Corrections, Criminal, and Civil Matters.		282
Committee report: do pass, adopted.		295
Second reading: ordered engrossed.		302
Senator Landske added as cosponsor.		305
Third reading: passed;		
Roll Call 202: yeas 49, nays 0.		382
Returned to the House without amendments		
Senator Buck added as second sponsor.		409
Senators Kenley, Steele, Mishler, Charbonneau and Banks added as cosponsors		
Signed by the Speaker.	359	
Signed by the President Pro Tempore.		531
Signed by the President of the Senate.		619
Signed by the Governor.	467	
Public Law 11: Effective July 1, 2012		

HB 1035 Author Representative Leonard

	House	Senate
Approval of library budgets and tax levies.		
Authored by Representative Leonard.	16	
First reading: referred to Committee on Government and Regulatory Reform		

HB 1036 Author Representative Leonard

	House	Senate
Intimidation.		
Authored by Representative Leonard.	16	
Coauthored by Representative Steuerwald		
First reading: referred to Committee on Courts and Criminal Code		

HB 1037 Author Representative Mahan

	House	Senate
Internal insurance compliance audits.		
Authored by Representative Mahan.	16	
First reading: referred to Committee on Insurance		
Representative Lehman added as coauthor.	71	

HB 1038 Author Representative Kersey

	House	Senate
Passenger restraint systems for children.		
Authored by Representative Kersey.	17	
First reading: referred to Committee on Roads and Transportation		

HB 1039 Author Representative Cherry

	House	Senate
Uses of local road funds.		
Authored by Representative Cherry.	17	
First reading: referred to Committee on Ways and Means		
Representative Moses added as coauthor.	170	

■ HB 1040 Author Representative Grubb Sponsor Senator Miller

	House	Senate
Immunity for fast responders.		
Authored by Representative Grubb.	17	
Coauthored by Representative T. Brown		
First reading: referred to Committee on Veterans Affairs and Public Safety		
Committee report: do pass, adopted.	41	
Second reading: ordered engrossed.	69	
Third reading: passed;		
Roll Call 24: yeas 95, nays 0.	83	
Referred to the Senate		
Senate sponsor: Senator Miller		
Representative R. Frye added as coauthor.	170	
First reading: referred to Committee on Corrections, Criminal, and Civil Matters.		282
Committee report: amend do pass, adopted.		446
Second reading: ordered engrossed.		541
Third reading: passed;		
Roll Call 268: yeas 49, nays 0.		621
Returned to the House with amendments		
Senator Steele added as cosponsor.		627
House dissented from Senate amendments.	504	
House conferees appointed: T. Brown and Grubb.	506	
House advisors appointed: R. Frye, Borders, Moseley and White		

	House	Senate
Senate conferees appointed: Miller and Hume		641
Senate advisors appointed: Bray, R. Young and Head		
Conference committee report 1: filed in the House	542	
Rules suspended	548	
Conference committee report 1: adopted by the House; Roll Call 363: yeas 94, nays 0	548	
Senate Rule 86(k) suspended		681
Conference committee report 1: adopted by the Senate; Roll Call 326: yeas 49, nays 0		687
Signed by the Speaker	946	
Signed by the President Pro Tempore		1148
Signed by the President of the Senate		1183
Signed by the Governor	953	
Public Law 70: Effective July 1, 2012		

HB 1041 Author Representative Grubb

Parolees and probationers; surveillance equipment.

	House	Senate
Authored by Representative Grubb	17	
Coauthored by Representative Foley		
First reading: referred to Committee on Courts and Criminal Code		

HB 1042 Author Representative Rhoads

Recording of new lots.

	House	Senate
Authored by Representative Rhoads	17	
First reading: referred to Committee on Local Government		

HB 1043 Author Representative T. Brown

Individual out-of-state health insurance.

	House	Senate
Authored by Representative T. Brown	17	
First reading: referred to Committee on Insurance		

HB 1044 Author Representative Kubacki

Tobacco use by job applicants.

	House	Senate
Authored by Representative Kubacki	17	
Coauthored by Representative Culver		
First reading: referred to Committee on Employment, Labor and Pensions		

HB 1045 Author Representative McNamara

Formula for choice scholarship transition grants.

	House	Senate
Authored by Representative McNamara	17	
First reading: referred to Committee on Education		

HB 1046 Author Representative Lutz

Unclaimed pari-mutuel tickets.

	House	Senate
Authored by Representative Lutz	17	
First reading: referred to Committee on Public Policy		
Representative Eberhart added as coauthor	84	

■ HB 1047 Author Representative Lutz
Sponsor Senator Kruse

Education study committee.

	House	Senate
Authored by Representative Lutz	17	
Coauthored by Representative Gutwein		
First reading: referred to Committee on Education		
Committee report: amend do pass, adopted	172	
Second reading: ordered engrossed	255	
Third reading: passed; Roll Call 147: yeas 92, nays 1	289	
Referred to the Senate		
Senate sponsor: Senator Kruse		
First reading: referred to Committee on Education and Career Development		288
Committee report: do pass, adopted		376
Second reading: ordered engrossed		403
Third reading: passed; Roll Call 215: yeas 48, nays 2		420
Returned to the House without amendments		
Senator Taylor added as cosponsor		425
Signed by the Speaker	360	
Signed by the President of the Senate		619
Signed by the President Pro Tempore		565
Signed by the Governor	467	
Public Law 12: Effective February 29, 2012		

HB 1048 Author Representative Dodge

Recreational vehicle excise tax.

	House	Senate
Authored by Representative Dodge	17	
Coauthored by Representative Saunders		
First reading: referred to Committee on Ways and Means		
Representative Neese added as coauthor	84	

■ HB 1049 Author Representative Koch
Sponsors Senators Bray, Steele, Lanane

Courts, inspector general, and pro bono legal services fees.

	House	Senate
Authored by Representative Koch	17	
First reading: referred to Committee on Judiciary		
Committee report: amend do pass, adopted	149	
Second reading: ordered engrossed	220	
Third reading: passed; Roll Call 128: yeas 92, nays 3	280	
Referred to the Senate		
Senate sponsors: Senators Bray, Steele and Lanane		
First reading: referred to Committee on Judiciary		282
Committee report: amend do pass, adopted		353
Second reading: ordered engrossed		403
Senator Randolph added as cosponsor		425
Third reading: placed back on second reading		530
Reread second time: amended, ordered engrossed		555
Amendment 2 (Steele) prevailed; voice vote		555
Amendment 1 (Grooms) prevailed; voice vote		558
Third reading: passed; Roll Call 269: yeas 47, nays 2		621
Returned to the House with amendments		
House dissented from Senate amendments	507	
House conferees appointed: Koch and Pierce	518	
House advisors appointed: Foley, Leonard and Pryor		
Senate conferees appointed: Bray and Lanane		643
Senate advisors appointed: Steele, Randolph and Glick		
Conference committee report 1: filed in the House	699	
Rules suspended	719	

	House	Senate
Conference committee report 1: adopted by the House; Roll Call 404: yeas 73, nays 14	719	
Senate Rule 86(k) suspended		825
Conference committee report 1: adopted by the Senate; Roll Call 355: yeas 46, nays 3		867
Signed by the President Pro Tempore		1183
Signed by the Speaker	953	
Signed by the President of the Senate		1183
Signed by the Governor	953	
Public Law 136: Effective July 1, 2012		

■ HB 1050 Author Representative Koch
Sponsors Senators Holdman, Miller

Health care sharing ministries.

	House	Senate
Authored by Representative Koch	17	
First reading: referred to Committee on Insurance		
Representative Noe added as coauthor	71	
Representative Welch added as coauthor	138	
Committee report: do pass, adopted	152	
Second reading: ordered engrossed	220	
Third reading: passed;		
Roll Call 129: yeas 74, nays 20	280	
Referred to the Senate		
Senate sponsor: Senator Holdman		
Representative Wesco added as coauthor	282	
First reading: referred to Committee on Health and Provider Services		282
Senator Kruse added as cosponsor		292
Senator Miller added as second sponsor		348
Committee report: do pass, adopted		355
Second reading: ordered engrossed		403
Third reading: passed;		
Roll Call 216: yeas 48, nays 2		421
Returned to the House without amendments		
Senator Breaux added as cosponsor		426
Signed by the Speaker	360	
Signed by the President of the Senate		619
Signed by the President Pro Tempore		565
Signed by the Governor	467	
Public Law 13: Effective July 1, 2012		

HB 1051 Author Representative Davisson

Pharmacy audits.

	House	Senate
Authored by Representative Davisson	17	
First reading: referred to Committee on Public Health		
Representative Welch added as coauthor	200	

■ HB 1052 Author Representative R. Frye
Sponsor Senator Nugent

Statewide bid for emergency services equipment.

	House	Senate
Authored by Representative R. Frye	17	
First reading: referred to Committee on Government and Regulatory Reform		
Committee report: do pass, adopted	41	
Second reading: amended, ordered engrossed	69	
Amendment 1 (R. Frye) prevailed; voice vote	69	
Representative Wesco added as coauthor	71	
Third reading: passed;		
Roll Call 25: yeas 96, nays 0	83	
Referred to the Senate		
Senate sponsor: Senator Nugent		
First reading: referred to Committee on Public Policy		282
Committee report: do pass, adopted		353
Second reading: ordered engrossed		403
Third reading: passed;		
Roll Call 217: yeas 50, nays 0		421
Returned to the House without amendments		
Senator Steele added as cosponsor		425
Representatives Yarde and Goodin added as coauthors	414	
Signed by the Speaker	360	
Signed by the President of the Senate		619
Signed by the President Pro Tempore		565
Signed by the Governor	467	
Public Law 14: Effective July 1, 2012		

HB 1053 Filed for introduction

■ HB 1054 Author Representative Soliday
Sponsors Senators Charbonneau, Merritt, Wyss

Alcoholic beverage matters.

	House	Senate
Authored by Representative Soliday	17	
First reading: referred to Committee on Public Policy		
Committee report: amend do pass, adopted	173	
Second reading: ordered engrossed	255	
Representative GiaQuinta added as coauthor	282	
Third reading: passed;		
Roll Call 148: yeas 93, nays 0	290	
Referred to the Senate		
Senate sponsors: Senators Charbonneau, Merritt and Wyss		
First reading: referred to Committee on Public Policy		288
Committee report: amend do pass, adopted		376
Second reading: ordered engrossed		403
Senator Taylor added as cosponsor		409
Third reading: passed;		
Roll Call 218: yeas 43, nays 7		421
Returned to the House with amendments		
Senator Tallian added as cosponsor		424
House concurred in Senate amendments;		
Roll Call 329: yeas 81, nays 7	522	
Representative McMillin added as coauthor	523	
Signed by the Speaker	529	
Signed by the President Pro Tempore		675
Signed by the President of the Senate		762
Signed by the Governor	953	
Public Law 71: Effective July 1, 2012		

HB 1055 Author Representative Torr

Professional employer organizations.

	House	Senate
Authored by Representative Torr	17	
First reading: referred to Committee on Employment, Labor and Pensions		

HB 1056 Author Representative R. Frye
Sponsors Senators Eckerty, Glick

Novelty lighters.

	House	Senate
Authored by Representative R. Frye	17	

	House	Senate
First reading: referred to Committee on Veterans Affairs and Public Safety		
Committee report: amend do pass, adopted.	74	
Representatives Welch, Davisson and C. Brown added as coauthors.	138	
Second reading: ordered engrossed.	166	
Third reading: passed;		
Roll Call 66: yeas 78, nays 19.	199	
Referred to the Senate		
Senate sponsors: Senators Eckerty and Glick		
First reading: referred to Committee on Corrections, Criminal, and Civil Matters.		282

HB 1057 Author Representative Noe

Alcoholic beverage sales.

	House	Senate
Authored by Representative Noe.	17	
First reading: referred to Committee on Public Policy		

■ HB 1058 Author Representative Baird
Sponsors Senators Boots, Broden

Adoption of budget for reorganized school.

	House	Senate
Authored by Representative Baird.	17	
Coauthored by Representative Grubb		
First reading: referred to Committee on Government and Regulatory Reform		
Committee report: do pass, adopted.	65	
Second reading: amended, ordered engrossed.	166	
Amendment 1 (Porter) prevailed;		
Roll Call 56: yeas 92, nays 3.	166	
Third reading: passed;		
Roll Call 67: yeas 97, nays 0.	199	
Referred to the Senate		
Senate sponsors: Senators Boots and Broden		
First reading: referred to Committee on Education and Career Development.		282
Senator Kruse added as cosponsor.		303
Committee report: do pass, adopted.		375
Second reading: ordered engrossed.		416
Third reading: passed;		
Roll Call 236: yeas 48, nays 1.		530
Returned to the House without amendments		
Signed by the Speaker.	416	
Signed by the President Pro Tempore.		612
Signed by the President of the Senate.		661
Signed by the Governor.	528	
Public Law 26: Effective July 1, 2012		

■ HB 1059 Author Representative Baird
Sponsors Senators Paul, Delph

Military family relief fund.

	House	Senate
Authored by Representative Baird.	17	
Coauthored by Representative Gutwein		
First reading: referred to Committee on Veterans Affairs and Public Safety		
Representative Dodge added as coauthor.	30	
Committee report: do pass, adopted.	74	
Representative Morris added as coauthor.	84	
Second reading: ordered engrossed.	188	
Third reading: passed;		
Roll Call 86: yeas 93, nays 0.	251	
Referred to the Senate		
Senate sponsor: Senator Paul		
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs.		282
Senators Broden, Lanane, Rogers and Merritt added as cosponsors.		347
Committee report: amend do pass, adopted.		356
Second reading: ordered engrossed.		403
Senator Delph added as cosponsor.		424
Third reading: passed;		
Roll Call 237: yeas 49, nays 0.		530
Returned to the House with amendments		
Senator Delph removed as cosponsor.		531
Senator Delph added as second sponsor.		532
Senator Glick added as cosponsor		
House concurred in Senate amendments;		
Roll Call 330: yeas 91, nays 0.	522	
Signed by the Speaker.	529	
Signed by the President Pro Tempore.		675
Signed by the President of the Senate.		762
Signed by the Governor.	953	
Public Law 54: Effective July 1, 2012		

■ HB 1060 Author Representative Baird
Sponsor Senator Lawson

Hazardous waste disposal tax.

	House	Senate
Authored by Representative Baird.	17	
First reading: referred to Committee on Ways and Means		
Committee report: do pass, adopted.	74	
Second reading: ordered engrossed.	166	
Third reading: passed;		
Roll Call 68: yeas 96, nays 0.	199	
Referred to the Senate		
Senate sponsor: Senator Lawson		
First reading: referred to Committee on Energy and Environmental Affairs.		282
Committee report: do pass, adopted.		340
Senator Randolph added as cosponsor.		383
Second reading: ordered engrossed.		403
Third reading: passed;		
Roll Call 219: yeas 49, nays 1.		421
Returned to the House without amendments		
Signed by the Speaker.	360	
Signed by the President of the Senate.		619
Signed by the President Pro Tempore.		565
Signed by the Governor.	467	
Public Law 15: Effective July 1, 2012		

HB 1061 Author Representative Baird

Patriots' Day, April 19.

	House	Senate
Authored by Representative Baird.	17	
First reading: referred to Committee on Government and Regulatory Reform		

HB 1062 Author Representative Culver

Assessment of real property.

	House	Senate
Authored by Representative Culver.	17	
First reading: referred to Committee on Ways and Means		

	House	Senate
HB 1063 Author Representative C. Brown		
Smoking ban.		
Authored by Representative C. Brown.	17	
First reading: referred to Committee on Public Health		
HB 1064 Author Representative Dodge Sponsors Senators Buck, Glick, Arnold		
Lake management work group.		
Authored by Representative Dodge.	17	
First reading: referred to Committee on Natural Resources		
Representative Dembowski added as coauthor..	62	
Committee report: amend do pass, adopted.	65	
Representative Heuer added as coauthor.	138	
Second reading: ordered engrossed.	166	
Third reading: passed;		
Roll Call 69: yeas 96, nays 0.	199	
Referred to the Senate		
Senate sponsors: Senators Buck, Glick and Arnold		
First reading: referred to Committee on Agriculture and Natural Resources.		282
■ HB 1065 Author Representative Borders Sponsors Senators Waterman, Tomes		
Military custody and parenting time matters.		
Authored by Representative Borders.	17	
First reading: referred to Committee on Family, Children and Human Affairs		
Representatives Noe and Yarde added as coauthors. . . .	30	
Committee report: do pass, adopted.	41	
Second reading: call withdrawn.	69	
Second reading: ordered engrossed.	166	
Amendment 1 (Austin) withdrawn.	167	
Third reading: passed;		
Roll Call 70: yeas 97, nays 0.	199	
Referred to the Senate		
Senate sponsors: Senators Waterman and Tomes		
First reading: referred to Committee on Judiciary.		282
Committee report: amend do pass, adopted.		299
Senator Eckerty added as cosponsor.		302
Senators Bray, Broden, Glick, Steele, Randolph and Lanane added as cosponsors		
Second reading: ordered engrossed.		321
Third reading: passed;		
Roll Call 195: yeas 50, nays 0.		347
Returned to the House with amendments		
House concurred in Senate amendments;		
Roll Call 350: yeas 76, nays 0.	534	
Signed by the Speaker.	542	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		1182
Signed by the Governor.	953	
Public Law 55: Effective July 1, 2012		
HB 1066 Author Representative Borders		
Ordinance violation courts.		
Authored by Representative Borders.	17	
First reading: referred to Committee on Courts and Criminal Code		
HB 1067 Author Representative Davisson		
Immunizations by pharmacists.		
Authored by Representative Davisson.	18	
First reading: referred to Committee on Public Health		
Representatives Frizzell, Welch and Austin added as coauthors.	282	
HB 1068 Author Representative Bacon		
Fire protection territories.		
Authored by Representative Bacon.	18	
First reading: referred to Committee on Local Government		
HB 1069 Author Representative Bacon		
County coroners.		
Authored by Representative Bacon.	18	
First reading: referred to Committee on Local Government		
Representative Mahan added as coauthor.	30	
HB 1070 Author Representative Bacon		
Determination of death.		
Authored by Representative Bacon.	18	
First reading: referred to Committee on Public Health		
HB 1071 Author Representative Bacon		
Local ordinances concerning ephedrine sales.		
Authored by Representative Bacon.	18	
Coauthored by Representatives Kubacki, McNamara and Riecken		
First reading: referred to Committee on Public Health		
■ HB 1072 Author Representative Espich Sponsors Senators Hershman, Kenley		
Tax administration.		
Authored by Representative Espich.	18	
First reading: referred to Committee on Ways and Means		
Committee report: amend do pass, adopted.	98	
Second reading: amended, ordered engrossed.	233	
Amendment 3 (Crawford) withdrawn.	233	
Amendment 2 (Welch) prevailed; voice vote..	234	
Amendment 1 (Saunders) prevailed; voice vote..	241	
Third reading: passed;		
Roll Call 130: yeas 90, nays 5.	280	
Referred to the Senate		
Senate sponsor: Senator Kenley		
Representative Welch added as coauthor.	282	
First reading: referred to Committee on Tax and Fiscal Policy..		282
Senator Kenley removed as first sponsor.		291
Senator Hershman added as first sponsor		
Senator Kenley added as cosponsor		
Senator Broden added as cosponsor..		425
Committee report: amend do pass, adopted.		456
Second reading: amended, ordered engrossed.		592
Amendment 3 (Head) prevailed; voice vote..		592
Amendment 10 (Head) prevailed; voice vote..		593

	House	Senate
Amendment 1 (Walker) prevailed; voice vote.		593
Amendment 6 (Gard) prevailed; voice vote.		594
Amendment 16 (Hershman) prevailed; voice vote.		594
Amendment 15 (Hershman) prevailed; voice vote.		594
Amendment 11 (Smith) prevailed;		
Division of the Senate: yeas 29, nays 21.		596
Amendment 5 (Kruse) prevailed; voice vote.		597
Third reading: passed;		
Roll Call 270: yeas 47, nays 3.		621
Returned to the House with amendments		
Senator Kenley removed as cosponsor.		627
Senator Kenley added as second sponsor		
House dissented from Senate amendments.	504	
Senate conferees appointed: Hershman and Broden.		644
Senate advisors appointed: Kenley, Mishler, Head and Skinner		
House conferees appointed: Espich and Welch.	518	
House advisors appointed: Turner, Thompson, Ellspermann, Dembowski and Pryor		
Representative Ubelhor appointed as House advisor.	523	
Senator Rogers added as advisor.		663
Conference committee report 1: filed in the House.	842	
Rules suspended.	923	
Conference committee report 1: adopted by the House;		
Roll Call 416: yeas 87, nays 8.	923	
Senate Rule 86(k) suspended.		899
Conference committee report 1: adopted by the Senate;		
Roll Call 365: yeas 50, nays 0.		1056
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 137:		
SECTIONS 1 through 2 effective July 1, 2012		
SECTION 3 effective April 1, 2012		
SECTIONS 4 through 7 effective July 1, 2012		
SECTIONS 8 through 11 effective March 19, 2012		
SECTION 12 effective July 1, 2012		
SECTION 13 effective retroactive to March 1, 2011		
SECTION 14 effective July 1, 2012		
SECTIONS 15 through 16 effective retroactive to January 1, 2012		
SECTIONS 17 through 21 effective July 1, 2012		
SECTION 22 effective January 1, 2013		
SECTIONS 23 through 29 effective July 1, 2012		
SECTION 30 effective January 1, 2013		
SECTION 31 effective March 19, 2012		
SECTIONS 32 through 34 effective January 1, 2013		
SECTIONS 35 through 44 effective July 1, 2012		
SECTION 45 effective January 1, 2013		
SECTION 46 effective retroactive to January 1, 2012		
SECTIONS 47 through 48 effective July 1, 2012		
SECTIONS 49 through 50 effective retroactive to January 1, 2012		
SECTION 51 effective January 1, 2013		
SECTIONS 52 through 53 effective July 1, 2012		
SECTIONS 54 through 56 effective January 1, 2013		
SECTIONS 57 through 68 effective July 1, 2012		
SECTION 69 effective retroactive to January 1, 2012		
SECTION 70 effective April 1, 2012		
SECTIONS 71 through 75 effective July 1, 2012		
SECTION 76 effective retroactive to January 1, 2012		
SECTIONS 77 through 81 effective July 1, 2012		
SECTION 82 effective retroactive to January 1, 2012		
SECTIONS 83 through 97 effective July 1, 2012		
SECTION 98 effective retroactive to January 1, 2012		
SECTIONS 99 through 100 effective July 1, 2012		
SECTION 101 effective April 1, 2012		
SECTIONS 102 through 106 effective July 1, 2012		
SECTION 107 effective March 19, 2012		
SECTIONS 108 through 109 effective July 1, 2012		
SECTION 110 effective April 1, 2012		
SECTION 111 effective July 1, 2012		
SECTION 112 effective January 1, 2013		
SECTION 113 effective March 19, 2012		
SECTION 114 effective January 1, 2013		
SECTIONS 115 through 116 effective March 19, 2012		
SECTIONS 117 through 124 effective July 1, 2012		
SECTION 125 effective July 1, 2013		
SECTION 126 effective retroactive to January 1, 2012		
SECTION 127 effective January 1, 2013		
SECTIONS 128 through 130 effective March 19, 2012		
SECTION 131 effective July 1, 2012		
SECTION 132 effective March 19, 2012		
SECTIONS 133 through 134 effective July 1, 2012		

HB 1073 Author Representative Espich

Public mass transportation.

	House	Senate
Authored by Representative Espich.	18	
First reading: referred to Committee on Ways and Means		

HB 1074 Author Representative Espich

Taxation of racetrack casinos.

	House	Senate
Authored by Representative Espich.	18	
First reading: referred to Committee on Ways and Means		

HB 1075 Author Representative Neese

Offenses against law enforcement animals.

	House	Senate
Authored by Representative Neese.	18	
First reading: referred to Committee on Courts and Criminal Code		

HB 1076 Author Representative Neese

Sales tax.

	House	Senate
Authored by Representative Neese.	18	
First reading: referred to Committee on Ways and Means		

HB 1077 Author Representative Neese

Battery upon a law enforcement officer.

	House	Senate
Authored by Representative Neese.	18	
First reading: referred to Committee on Courts and Criminal Code		

HB 1078 Author Representative Wolkins

Salaries of municipal elected officers.

	House	Senate
Authored by Representative Wolkins.	18	

	House	Senate
First reading: referred to Committee on Local Government		
Representative Thompson added as coauthor.	84	

HB 1079 Author Representative Lutz

Madison County food and beverage tax.

	House	Senate
Authored by Representative Lutz.	18	
First reading: referred to Committee on Ways and Means		

■ HB 1080 Author Representative R. Frye
Sponsor Senator Eckerty

Sex offenders.

	House	Senate
Authored by Representative R. Frye.	18	
First reading: referred to Committee on Courts and Criminal Code		
Representative Eberhart added as coauthor.	30	
Committee report: do pass, adopted.	104	
Second reading: ordered engrossed.	188	
Third reading: passed;		
Roll Call 87: yeas 92, nays 0.	251	
Referred to the Senate		
Senate sponsor: Senator Eckerty		
First reading: referred to Committee on Corrections, Criminal, and Civil Matters.		282
Committee report: amend do pass, adopted.		478
Second reading: amended, ordered engrossed.		541
Amendment 1 (Head) prevailed; voice vote.		541
Senator Randolph added as cosponsor.		564
Senator Hume added as cosponsor.		565
Third reading: passed;		
Roll Call 271: yeas 50, nays 0.		621
Returned to the House with amendments		
House dissented from Senate amendments.	504	
House conferees appointed: R. Frye and Pierce.	506	
House advisors appointed: Steuerwald and L. Lawson		
Representatives DeLaney and Stemler added as coauthors.	508	
Senate conferees appointed: Eckerty and Hume.		641
Senate advisors appointed: Steele, Randolph and M. Young		
Conference committee report 1: filed in the House.	615	
Rules suspended.	660	
Conference committee report 1: adopted by the House; Roll Call 376: yeas 92, nays 0.	660	
Senate Rule 86(k) suspended.		763
Conference committee report 1: adopted by the Senate; Roll Call 343: yeas 48, nays 2.		814
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Governor.	953	
Public Law 72: Effective July 1, 2012		

HB 1081 Author Representative Karickhoff

Public school transfers.

	House	Senate
Authored by Representative Karickhoff.	18	
Coauthored by Representative Sullivan		
First reading: referred to Committee on Education		
Representative Messmer added as coauthor.	30	

HB 1082 Author Representative Moses

Election of utility consumer counselor.

	House	Senate
Authored by Representative Moses.	18	
First reading: referred to Committee on Utilities and Energy		

HB 1083 Author Representative Moses

Rate adjustment mechanisms.

	House	Senate
Authored by Representative Moses.	18	
First reading: referred to Committee on Utilities and Energy		

HB 1084 Author Representative Moses

Indiana utility regulatory commission fining authority.

	House	Senate
Authored by Representative Moses.	18	
First reading: referred to Committee on Utilities and Energy		

HB 1085 Author Representative Moses

Environmental review of hydraulic fracturing.

	House	Senate
Authored by Representative Moses.	18	
First reading: referred to Committee on Natural Resources		

HB 1086 Author Representative Moses

Placement of juveniles outside Indiana.

	House	Senate
Authored by Representative Moses.	18	
First reading: referred to Committee on Family, Children and Human Affairs		

HB 1087 Author Representative Thompson
Sponsors Senators Hershman, Arnold

Statewide 911 system.

	House	Senate
Authored by Representative Thompson.	18	
First reading: referred to Committee on Ways and Means		
Committee report: amend do pass, adopted.	207	
Second reading: ordered engrossed.	266	
Amendment 2 (Thompson) withdrawn.	266	
Amendment 1 (DeLaney) withdrawn.	267	
Representative Soliday added as coauthor.	282	
Third reading: passed;		
Roll Call 149: yeas 81, nays 14.	290	
Referred to the Senate		
Senate sponsors: Senators Hershman and Arnold		
First reading: referred to Committee on Tax and Fiscal Policy.		288
Senator Broden added as cosponsor.		425
Committee report: amend do pass, adopted.		447
Second reading: ordered engrossed.		599
Third reading: passed;		
Roll Call 272: yeas 42, nays 8.		621
Returned to the House with amendments		
House dissented from Senate amendments.	504	
House conferees appointed: Thompson and Pelath.	506	
House advisors appointed: Soliday, R. Frye, Karickhoff, Leonard and Pryor		
Senate conferees appointed: Hershman and Arnold.		641

	House	Senate
Senate advisors appointed: Wyss, Broden and Holdman		
HB 1088 Author Representative Thompson		
County and municipal income taxes.		
Authored by Representative Thompson.	18	
First reading: referred to Committee on Ways and Means		
HB 1089 Author Representative Friend		
Development of "farm to school" plans in schools.		
Authored by Representative Friend.	18	
First reading: referred to Committee on Education		
Representative Pierce added as coauthor.	62	
■ HB 1090 Author Representative Friend Sponsor Senator Kenley		
Payment of delinquent property taxes.		
Authored by Representative Friend.	18	
First reading: referred to Committee on Ways and Means		
Representative Culver added as coauthor.	84	
Committee report: amend do pass, adopted.	104	
Second reading: ordered engrossed.	188	
Representative Candelaria Reardon added as coauthor.	200	
Third reading: passed;		
Roll Call 88: yeas 92, nays 0.	252	
Referred to the Senate		
Senate sponsor: Senator Head		
Representative Soliday added as coauthor.	254	
First reading: referred to Committee on Appropriations.		282
Senators Rogers and Charbonneau added as cosponsors.		303
Senator Randolph added as cosponsor		
Committee report: amend do pass, adopted.		311
Second reading: amended, ordered engrossed.		403
Amendment 3 (Miller) prevailed; voice vote.		403
Senator Head removed as first sponsor.		409
Senator Kenley added as first sponsor		
Third reading: passed;		
Roll Call 220: yeas 50, nays 0.		421
Returned to the House with amendments		
House concurred in Senate amendments;		
Roll Call 331: yeas 92, nays 0.	522	
Signed by the Speaker.	529	
Signed by the President Pro Tempore.		675
Signed by the President of the Senate.		762
Signed by the Governor.	953	
Public Law 56:		
SECTIONS 1 through 15 effective March 14, 2012		
SECTIONS 16 through 17 effective retroactive to January 1, 2012		
SECTION 18 effective March 14, 2012		
■ HB 1091 Author Representative Friend Sponsors Senators Steele, Leising, Buck		
Agricultural operations.		
Authored by Representative Friend.	18	
Coauthored by Representative Lehe		
First reading: referred to Committee on Agriculture and Rural Development		
Committee report: amend do pass, adopted.	41	
Second reading: amended, ordered engrossed.	69	
Amendment 1 (Friend) prevailed; voice vote.	69	
Motion to recommit to Committee on Judiciary (DeLaney); failed; Roll Call 19: yeas 32, nays 53.	70	
Placed back on second reading.	170	
Reread second time: amended, ordered engrossed.	188	
Amendment 2 (Friend) prevailed; voice vote.	188	
Amendment 3 (Grubb) prevailed; voice vote.	189	
Third reading: recommitted to Committee of One;		
Amendment 4 (Friend) prevailed; voice vote; bill passed; Roll Call 150: yeas 57, nays 39.	290	
Referred to the Senate		
Senate sponsors: Senators Steele and Leising		
First reading: referred to Committee on Judiciary.		288
Committee report: amend do pass, adopted.		478
Second reading: ordered engrossed.		542
Senator Broden added as cosponsor.		565
Senator R. Young added as cosponsor.		619
Third reading: passed;		
Roll Call 273: yeas 36, nays 14.		622
Returned to the House with amendments		
Senator Buck added as third sponsor.		628
Senator Hershman added as cosponsor		
House concurred in Senate amendments;		
Roll Call 332: yeas 58, nays 35.	522	
Signed by the Speaker.	529	
Signed by the President Pro Tempore.		675
Signed by the President of the Senate.		762
Signed by the Governor.	953	
Public Law 73: Effective July 1, 2012		
■ HB 1092 Author Representative Burton Sponsor Senator Bray		
Johnson superior court and Wabash city court.		
Authored by Representative Burton.	18	
Coauthored by Representative Steuerwald		
First reading: referred to Committee on Judiciary		
Committee report: do pass, adopted.	152	
Second reading: ordered engrossed.	220	
Third reading: passed;		
Roll Call 131: yeas 92, nays 0.	280	
Representative Foley added as coauthor.	282	
Referred to the Senate		
Senate sponsor: Senator Bray		
First reading: referred to Committee on Judiciary.		282
Committee report: do pass, reassigned to Committee on Appropriations.		299
Committee report: amend do pass, adopted.		401
Second reading: ordered engrossed.		528
Senator Broden added as cosponsor.		532
Third reading: passed;		
Roll Call 247: yeas 49, nays 0.		562
Returned to the House with amendments		
House dissented from Senate amendments.	507	
House conferees appointed: Burton and Pryor.	518	
House advisors appointed: Steuerwald and White		
Senate conferees appointed: Bray and Randolph.		644
Senate advisors appointed: Waltz and Broden		

	House	Senate
Conference committee report 1: filed in the House.	563	
Senate Rule 86(k) suspended.		691
Conference committee report 1: adopted by the Senate; Roll Call 331: yeas 50, nays 0.		745
Rules suspended.	660	
Conference committee report 1: adopted by the House; Roll Call 377: yeas 92, nays 0.	660	
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Governor.	953	
Public Law 74: Effective July 1, 2012		

HB 1093 Author Representative Mahan
Sponsors Senators Gard, Holdman

	House	Senate
Public access issues.		
Authored by Representative Mahan.	18	
Coauthored by Representative Richardson		
First reading: referred to Committee on Government and Regulatory Reform		
Representative Clere added as coauthor.	84	
Committee report: amend do pass, adopted.	111	
Second reading: ordered engrossed.	189	
Representative Candelaria Reardon added as coauthor.	200	
Third reading: passed; Roll Call 89: yeas 90, nays 4.	252	
Referred to the Senate		
Senate sponsors: Senators Holdman and Gard		
First reading: referred to Committee on Local Government.		282
Senator Gard removed as second sponsor.		289
Senator Holdman removed as first sponsor		
Senator Gard added as first sponsor		
Senator Holdman added as second sponsor		

HB 1094 Author Representative Niezgodski

	House	Senate
Improper operation of a riding lawn mower.		
Authored by Representative Niezgodski.	18	
First reading: referred to Committee on Courts and Criminal Code		

HB 1095 Author Representative Niezgodski

	House	Senate
Regulation of outdoor stage equipment.		
Authored by Representative Niezgodski.	19	
First reading: referred to Committee on Veterans Affairs and Public Safety		

HB 1096 Author Representative Niezgodski

	House	Senate
Plumbing matters.		
Authored by Representative Niezgodski.	19	
Coauthored by Representative Stemler		
First reading: referred to Committee on Employment, Labor and Pensions		

HB 1097 Author Representative Stevenson

	House	Senate
Injuries to or death of an employee.		
Authored by Representative Stevenson.	19	
First reading: referred to Committee on Courts and Criminal Code		

HB 1098 Author Representative Stevenson

	House	Senate
Recall of elected and appointed officials.		
Authored by Representative Stevenson.	19	
First reading: referred to Committee on Elections and Apportionment		

HB 1099 Author Representative Stevenson

	House	Senate
Declaration of party affiliation.		
Authored by Representative Stevenson.	19	
First reading: referred to Committee on Elections and Apportionment		

HB 1100 Author Representative Stevenson

	House	Senate
Continuation of wages when serving as a juror.		
Authored by Representative Stevenson.	19	
First reading: referred to Committee on Courts and Criminal Code		

HB 1101 Author Representative McMillin

	House	Senate
Various transportation matters.		
Authored by Representative McMillin.	19	
First reading: referred to Committee on Roads and Transportation		
Committee report: amend do pass, adopted.	173	
Representatives Morris and Welch added as coauthors.	282	

HB 1102 Author Representative Davis
Sponsor Senator Merritt

	House	Senate
Real estate brokers.		
Authored by Representative Davis.	19	
Coauthored by Representative Clere		
First reading: referred to Committee on Employment, Labor and Pensions		
Representative Burton added as coauthor.	62	
Committee report: amend do pass, adopted.	112	
Representative Kersey added as coauthor.	200	
Second reading: ordered engrossed.	243	
Third reading: passed; Roll Call 132: yeas 95, nays 0.	280	
Referred to the Senate		
Senate sponsor: Senator Merritt		
First reading: referred to Committee on Public Policy.		282

HB 1103 Author Representative Davis

	House	Senate
Spinal manipulation.		
Authored by Representative Davis.	19	
First reading: referred to Committee on Public Health		

HB 1104 Author Representative McClain

	House	Senate
Right to work pilot program.		
Authored by Representative McClain.	19	
First reading: referred to Committee on Employment, Labor and Pensions		

House Senate

HB 1105 Author Representative McClain
Employee's right to work.
Authored by Representative McClain. 19
First reading: referred to Committee on
Employment, Labor and Pensions

HB 1106 Author Representative Cheatham
Medical records fees.
Authored by Representative Cheatham. 19
First reading: referred to Committee on Public Health
Representative T. Brown added as coauthor. 84

■ HB 1107 Author Representative Koch
Sponsor Senator Gard
Hydraulic fracturing treatments.
Authored by Representative Koch. 19
First reading: referred to Committee on
Natural Resources
Committee report: do pass, adopted. 174
Representatives Battles and Ubelhor
added as coauthors. 200
Second reading: ordered engrossed. 255
Third reading: passed;
Roll Call 151: yes 95, nays 0. 290
Referred to the Senate
Senate sponsor: Senator Gard
First reading: referred to Committee on
Energy and Environmental Affairs.. 288
Committee report: do pass, adopted. 340
Second reading: ordered engrossed. 404
Senator Breaux added as cosponsor. 409
Third reading: passed;
Roll Call 221: yes 50, nays 0. 421
Returned to the House without amendments
Senator Randolph added as cosponsor. 424
Signed by the Speaker. 360
Signed by the President of the Senate. 619
Signed by the President Pro Tempore. 565
Signed by the Governor. 467
Public Law 16: Effective July 1, 2012

HB 1108 Author Representative Moseley
Approval of commercial composting facilities.
Authored by Representative Moseley.. 19
First reading: referred to Committee on
Environmental Affairs

HB 1109 Author Representative L. Lawson
State money to entities performing abortions.
Authored by Representative L. Lawson. 20
First reading: referred to Committee on Public Policy

HB 1110 Author Representative L. Lawson
Funding for regional bus authority.
Authored by Representative L. Lawson. 20
First reading: referred to Committee on
Ways and Means

House Senate

HB 1111 Author Representative Clere
Sponsors Senators Merritt, Mishler, Broden
Historic preservation tax credits.
Authored by Representative Clere. 20
First reading: referred to Committee on
Ways and Means
Representatives Soliday, Sullivan and Speedy
added as coauthors. 62
Committee report: amend do pass, adopted. 174
Second reading: ordered engrossed. 255
Third reading: passed;
Roll Call 152: yes 96, nays 0. 290
Referred to the Senate
Senate sponsors: Senators Merritt, Mishler and Broden
First reading: referred to Committee on
Appropriations. 288
Senators Charbonneau and Holdman
added as cosponsors.. 383
Committee report: amend do pass, adopted. 482
Second reading: ordered engrossed. 542
Third reading: passed;
Roll Call 274: yes 48, nays 2. 622
Returned to the House with amendments
Senator Randolph added as cosponsor. 627
House dissented from Senate amendments.. 504
House conferees appointed: Clere and Sullivan. 506
House advisors appointed: Speedy, Turner
and Candelaria Reardon
Senate conferees appointed: Merritt and Broden. 641
Senate advisors appointed: Kenley, Randolph,
Mishler and Charbonneau

■ HB 1112 Author Representative Lehman
Sponsors Senators Hershman, Holdman
Telecommunications providers of last resort.
Authored by Representative Lehman. 20
First reading: referred to Committee on
Utilities and Energy
Representative DeLaney added as coauthor. 62
Representative VanNatter added as coauthor. 71
Committee report: amend do pass, adopted. 115
Second reading: ordered engrossed. 189
Amendment 1 (Pierce) failed;
Roll Call 59: yes 25, nays 66. 189
Representative Stevenson added as coauthor. 200
Third reading: passed;
Roll Call 90: yes 80, nays 12. 252
Referred to the Senate
Senate sponsor: Senator Hershman
First reading: referred to Committee on
Utilities and Technology. 282
Committee report: do pass, adopted. 297
Second reading: ordered engrossed. 321
Senator Holdman added as second sponsor. 330
Third reading: passed;
Roll Call 196: yes 44, nays 6. 347
Returned to the House without amendments
Senator Randolph added as cosponsor. 348
Signed by the Speaker. 320
Signed by the President Pro Tempore. 382
Signed by the President of the Senate. 619

	House	Senate
Signed by the Governor.	360	
Public Law 8: Effective July 1, 2012		

HB 1113 Author Representative T. Brown

Resisting law enforcement.

	House	Senate
Authored by Representative T. Brown.	20	
First reading: referred to Committee on Courts and Criminal Code		

HB 1114 Author Representative T. Brown

Physician order for scope of treatment forms.

	House	Senate
Authored by Representative T. Brown.	20	
First reading: referred to Committee on Public Health		
Representative C. Brown added as coauthor.	200	

HB 1115 Author Representative Borders

Spray tanning.

	House	Senate
Authored by Representative Borders.	20	
First reading: referred to Committee on Commerce, Small Business and Economic Development		

■ HB 1116 Author Representative Borders Sponsors Senators Glick, Waterman, Tomes

Military education and training.

	House	Senate
Authored by Representative Borders.	20	
First reading: referred to Committee on Education		
Committee report: do pass, adopted.	115	
Second reading: ordered engrossed.	190	
Third reading: passed;		
Roll Call 91: yes 90, nays 0.	252	
Representative Koch added as coauthor.	254	
Referred to the Senate		
Senate sponsors: Senators Waterman and Tomes		
Representative Bartlett added as coauthor.	282	
First reading: referred to Committee on Education and Career Development.		282
Senator Glick added as cosponsor.		302
Senator Kruse added as cosponsor		
Committee report: do pass, adopted.		496
Senator Glick removed as cosponsor.		531
Senator Waterman removed as first sponsor		
Senator Glick added as first sponsor		
Senator Tomes removed as second sponsor		
Senator Waterman added as second sponsor		
Senator Tomes added as third sponsor		
Second reading: amended, ordered engrossed.		542
Amendment 2 (Glick) prevailed; voice vote.		542
Amendment 1 (Lanane) failed;		
Roll Call 243: yes 13, nays 36.		542
Senator Randolph added as cosponsor.		564
Third reading: passed;		
Roll Call 275: yes 50, nays 0.		622
Returned to the House with amendments		
Senators Alting and Paul added as cosponsors.		628
House concurred in Senate amendments;		
Roll Call 351: yes 79, nays 0.	534	
Signed by the Speaker.	542	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		1182
Signed by the Governor.	953	
Public Law 57: Effective July 1, 2012		

■ HB 1117 Author Representative Wolkins Sponsors Senators Gard, Leising

Regional water, sewage, or waste districts and utilities.

	House	Senate
Authored by Representative Wolkins.	20	
Coauthored by Representative Lehe		
First reading: referred to Committee on Environmental Affairs		
Committee report: amend do pass, adopted.	152	
Second reading: amended, ordered engrossed.	255	
Amendment 1 (Wolkins) prevailed; voice vote.	255	
Third reading: passed;		
Roll Call 153: yeas 76, nays 20.	290	
Referred to the Senate		
Senate sponsors: Senators Gard and Leising		
First reading: referred to Committee on Utilities and Technology.		288
Committee report: amend do pass, adopted.		392
Second reading: amended, ordered engrossed.		546
Amendment 7 (Gard) prevailed; voice vote.		546
Amendment 9 (Holdman) prevailed; voice vote.		546
Amendment 8 (Holdman) prevailed; voice vote.		546
Senator Tallian added as cosponsor.		564
Third reading: passed;		
Roll Call 297: yeas 33, nays 17.		625
Returned to the House with amendments		
House dissented from Senate amendments.	507	
House conferees appointed: Wolkins and Pierce.	518	
House advisors appointed: Lehe, Baird, Knollman and Sullivan		
Senate conferees appointed: Gard and Tallian.		644
Senate advisors appointed: Leising, Breaux and Holdman		
House reconsidered and concurred in Senate amendments; Roll Call 359: yeas 62, nays 30.	548	
Signed by the Speaker.	660	
Signed by the President Pro Tempore.		897
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 97: Effective July 1, 2012		

HB 1118 Author Representative Espich

University tuition and fees.

	House	Senate
Authored by Representative Espich.	20	
First reading: referred to Committee on Ways and Means		

HB 1119 Author Representative Espich

Use tax nexus and collection.

	House	Senate
Authored by Representative Espich.	20	
First reading: referred to Committee on Ways and Means		

HB 1120 Author Representative Morris

Arrests or citations at traffic stops.

	House	Senate
Authored by Representative Morris.	20	

	House	Senate
First reading: referred to Committee on Veterans Affairs and Public Safety		
Representatives GiaQuinta and Mahan added as coauthors.	200	

HB 1121 Author Representative McNamara

	House	Senate
County reimbursement for death penalty cases.		
Authored by Representative McNamara.	20	
Coauthored by Representative Steuerwald		
First reading: referred to Committee on Ways and Means		
Representatives McMillin and Dobis added as coauthors.		62

HB 1122 Author Representative Eberhart

	House	Senate
Trafficking with inmate or child.		
Authored by Representative Eberhart.	20	
First reading: referred to Committee on Courts and Criminal Code		

■ HB 1123 Author Representative Burton
Sponsors Senators Kenley, Charbonneau

	House	Senate
Public pensions.		
Authored by Representative Burton.	20	
First reading: referred to Committee on Ways and Means		
Representative Neese added as coauthor.	30	
Representative Cherry added as coauthor.	71	
Committee report: amend do pass, adopted.	74	
Representative M. Smith added as coauthor.	84	
Second reading: ordered engrossed.	167	
Third reading: passed;		
Roll Call 71: yeas 82, nays 2.	199	
Referred to the Senate		
Senate sponsors: Senators Kenley and Charbonneau		
First reading: referred to Committee on Appropriations.		282
Senator Hume added as cosponsor.		302
Senators Miller and Lawson added as cosponsors.		303
Committee report: amend do pass, adopted.		308
Senator Becker added as cosponsor.		330
Senator Alting added as cosponsor.		348
Second reading: ordered engrossed.		381
Third reading: passed;		
Roll Call 206: yeas 50, nays 0.		408
Returned to the House with amendments		
House dissented from Senate amendments.	504	
House conferees appointed: Burton and Niezgodski.	518	
House advisors appointed: Neese, Cherry and Moses		
Senate conferees appointed: Kenley and Tallian.		644
Senate advisors appointed: Charbonneau, Hume, Mishler and Boots		
Conference committee report 1: filed in the House.	563	
Rules suspended.	660	
Conference committee report 1: adopted by the House;		
Roll Call 378: yeas 79, nays 2.	660	
Senate Rule 86(k) suspended.		763
Conference committee report 1: adopted by the Senate;		
Roll Call 344: yeas 50, nays 0.		816
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Governor.	953	
Public Law 138:		
SECTIONS 1 through 5 effective July 1, 2012		
SECTIONS 6 through 9 effective June 20, 2012		

HB 1124 Author Representative Frizzell

	House	Senate
Physical therapy services.		
Authored by Representative Frizzell.	20	
First reading: referred to Committee on Public Health		
Representatives Ubelhor, Morris and Welch added as coauthors.	62	

HB 1125 Author Representative Frizzell

	House	Senate
Clean energy resources.		
Authored by Representative Frizzell.	20	
First reading: referred to Committee on Utilities and Energy		

■ HB 1126 Author Representative Frizzell
Sponsors Senators Merritt, Bray, Tomes

	House	Senate
Water and wastewater issues.		
Authored by Representative Frizzell.	20	
First reading: referred to Committee on Environmental Affairs		
Committee report: amend do pass, adopted.	154	
Second reading: ordered engrossed.	220	
Third reading: passed;		
Roll Call 133: yeas 93, nays 1.	281	
Referred to the Senate		
Senate sponsors: Senators Merritt and Bray		
Representatives Pierce, Lutz and Sullivan added as coauthors.	282	
First reading: referred to Committee on Utilities and Technology.		282
Senator Tomes added as third sponsor.		303
Committee report: amend do pass, adopted.		471
Senator Randolph added as cosponsor.		532
Second reading: amended, ordered engrossed.		599
Amendment 3 (Merritt) prevailed; voice vote.		599
Amendment 4 (M. Young) prevailed; voice vote.		600
Third reading: passed;		
Roll Call 276: yeas 41, nays 9.		622
Returned to the House with amendments		
Senator Broden added as cosponsor.		627
House dissented from Senate amendments.	507	
House conferees appointed: Frizzell and Pierce.	518	
House advisors appointed: Wolkins, Lutz and Sullivan		
Senate conferees appointed: Merritt and Randolph.		644
Senate advisors appointed: Bray, Broden and Tomes		
Conference committee report 1: filed in the House.	707	
Rules suspended.	723	
Conference committee report 1: adopted by the House;		
Roll Call 408: yeas 93, nays 0.	723	
Senate Rule 86(k) suspended.		889
Conference committee report 1: adopted by the Senate;		
Roll Call 360: yeas 45, nays 4.		891
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183

	House	Senate
Signed by the Governor.	953	
Public Law 139:		
SECTIONS 1 through 3 effective March 19, 2012		
SECTION 4 effective July 1, 2012		
SECTIONS 5 through 6 effective March 19, 2012		

HB 1127 Author Representative Frizzell

Midwives.

	House	Senate
Authored by Representative Frizzell.	20	
First reading: referred to Committee on Public Health		
Representatives Welch, Lehe and C. Brown added as coauthors.	62	

■ HB 1128 Author Representative Lehe
Sponsor Senator Gard

Corn marketing council.

	House	Senate
Authored by Representative Lehe.	20	
First reading: referred to Committee on Agriculture and Rural Development		
Committee report: amend do pass, adopted.	115	
Second reading: ordered engrossed.	190	
Amendment 1 (Friend) ruled out of order.	190	
Third reading: passed;		
Roll Call 92: yeas 90, nays 0.	252	
Referred to the Senate		
Senate sponsor: Senator Gard		
First reading: referred to Committee on Agriculture and Natural Resources.		283
Committee report: do pass, adopted.		339
Second reading: amended, ordered engrossed.		404
Amendment 1 (Gard) prevailed; voice vote.		404
Senator R. Young added as cosponsor.		409
Third reading: passed;		
Roll Call 222: yeas 50, nays 0.		421
Returned to the House with amendments		
Representative Klinker added as coauthor.	414	
House concurred in Senate amendments;		
Roll Call 333: yeas 90, nays 1.	522	
Signed by the Speaker.	529	
Signed by the President Pro Tempore.		675
Signed by the President of the Senate.		762
Signed by the Governor.	953	
Public Law 98: Effective July 1, 2012		

■ HB 1129 Author Representative Lehe
Sponsor Senator Mishler

State chemist issues.

	House	Senate
Authored by Representative Lehe.	20	
First reading: referred to Committee on Agriculture and Rural Development		
Committee report: amend do pass, adopted.	116	
Second reading: amended, ordered engrossed.	190	
Amendment 1 (Lehe) prevailed; voice vote.	190	
Third reading: passed;		
Roll Call 93: yeas 84, nays 7.	252	
Referred to the Senate		
Senate sponsor: Senator Mishler		
First reading: referred to Committee on Agriculture and Natural Resources.		283
Committee report: amend do pass, adopted.		337
Second reading: ordered engrossed.		381
Senator R. Young added as cosponsor.		383
Third reading: passed;		
Roll Call 223: yeas 50, nays 0.		422
Returned to the House with amendments		
Representative Klinker added as coauthor.	415	
House concurred in Senate amendments;		
Roll Call 334: yeas 93, nays 0.	522	
Signed by the Speaker.	529	
Signed by the President Pro Tempore.		675
Signed by the President of the Senate.		762
Signed by the Governor.	953	
Public Law 99:		
SECTIONS 1 through 42 effective July 1, 2012		
SECTION 43 effective March 16, 2012		

HB 1130 Author Representative Soliday

County options for delinquent property taxes.

	House	Senate
Authored by Representative Soliday.	20	
Coauthored by Representatives C. Brown, Speedy and DeLaney		
First reading: referred to Committee on Ways and Means		

HB 1131 Author Representative Eberhart

Sunday sales of alcoholic beverages for carryout.

	House	Senate
Authored by Representative Eberhart.	20	
First reading: referred to Committee on Public Policy		

HB 1132 Author Representative McNamara
Sponsor Senator Hershman

Controlled projects.

	House	Senate
Authored by Representative McNamara.	20	
Coauthored by Representatives Richardson and Steuerwald		
First reading: referred to Committee on Ways and Means		
Representative Yarde added as coauthor.	62	
Committee report: amend do pass, adopted.	155	
Second reading: amended, ordered engrossed.	243	
Amendment 1 (Messmer) prevailed; voice vote.	244	
Third reading: passed;		
Roll Call 134: yeas 79, nays 15.	281	
Referred to the Senate		
Senate sponsor: Senator Hershman		
First reading: referred to Committee on Local Government.		283
Pursuant to Senate Rule 68(b) reassigned to Committee on Tax and Fiscal Policy.		293

HB 1133 Author Representative Eberhart
Sponsors Senators Kenley, Bray

Rights of publicity.

	House	Senate
Authored by Representative Eberhart.	20	
Coauthored by Representative Foley		
First reading: referred to Committee on Judiciary		
Committee report: amend do pass, adopted.	156	
Second reading: ordered engrossed.	220	

	House	Senate
Third reading: passed;		
Roll Call 135: yeas 85, nays 7.	281	
Referred to the Senate		
Senate sponsors: Senators Kenley and Bray		
First reading: referred to Committee on Public Policy.		283

■ HB 1134 Author Representative Speedy
Sponsor Senator Miller

	House	Senate
School transportation.		
Authored by Representative Speedy.	20	
Coauthored by Representative DeLaney		
First reading: referred to Committee on Education		
Committee report: amend do pass, adopted.	157	
Second reading: ordered engrossed.	251	
Third reading: passed;		
Roll Call 136: yeas 92, nays 2.	281	
Referred to the Senate		
Senate sponsor: Senator Miller		
First reading: referred to Committee on Education and Career Development.		283
Senator Kruse added as cosponsor.		303
Committee report: amend do pass, reassigned to Committee on Appropriations.		375
Committee report: amend do pass, adopted.		432
Second reading: ordered engrossed.		547
Senator Rogers added as cosponsor.		565
Third reading: passed;		
Roll Call 277: yeas 48, nays 2.		622
Returned to the House with amendments		
House dissented from Senate amendments.	504	
House conferees appointed: Speedy and DeLaney.	506	
House advisors appointed: Behning, Dermody and VanDenburgh		
Senate conferees appointed: Miller and Rogers.		641
Senate advisors appointed: Kruse, Hume and Banks		
House reconsidered and concurred in Senate amendments; Roll Call 373: yeas 84, nays 0.	659	
Signed by the Speaker.	946	
Signed by the President Pro Tempore.		1148
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 140:		
SECTION 1 effective July 1, 2012		
SECTION 2 effective April 1, 2012		
SECTION 3 effective July 1, 2012		

HB 1135 Author Representative Lehe

	House	Senate
Regulation of animal heath.		
Authored by Representative Lehe.	20	
Coauthored by Representative Cherry		
First reading: referred to Committee on Agriculture and Rural Development		

HB 1136 Author Representative Wesco
Sponsors Senators Holdman, Miller

	House	Senate
Child care ministries.		
Authored by Representative Wesco.	21	
First reading: referred to Committee on Family, Children and Human Affairs		
Committee report: do pass, adopted.	116	
Second reading: ordered engrossed.	200	
Third reading: passed;		
Roll Call 94: yeas 91, nays 1.	252	
Referred to the Senate		
Senate sponsor: Senator Holdman		
First reading: referred to Committee on Health and Provider Services.		283
Senator Miller added as second sponsor.		348
Committee report: do pass, adopted.		355
Senator Breaux added as cosponsor.		426
Second reading: amended, ordered engrossed.		601
Amendment 5 (Walker) prevailed; voice vote.		601
Amendment 2 (Taylor) failed;		
Roll Call 262: yeas 19, nays 30.		601
Representative Cheatham added as coauthor.	466	
Third reading: passed;		
Roll Call 278: yeas 40, nays 10.		622
Returned to the House with amendments		
Senator Breaux removed as cosponsor.		627
House dissented from Senate amendments.	504	
House conferees appointed: Wesco and VanDenburgh.	506	
House advisors appointed: Noe, McNamara and Summers		
Representative Cheatham appointed as House advisor.	518	
Senate conferees appointed: Holdman and Breaux.		641
Senate advisors appointed: Miller, Taylor and Lawson		
Representative VanDenburgh removed as conferee.	719	
Representative Noe removed as House advisor		
Representative Noe added as conferee		

HB 1137 Author Representative Wesco

	House	Senate
Legal costs and attorney's fees.		
Authored by Representative Wesco.	21	
First reading: referred to Committee on Judiciary		
Representative Noe added as coauthor.	71	

HB 1138 Author Representative Wesco

	House	Senate
Duration of school superintendent contracts.		
Authored by Representative Wesco.	21	
First reading: referred to Committee on Education		

HB 1139 Author Representative Wesco

	House	Senate
Participation in school athletics.		
Authored by Representative Wesco.	21	
First reading: referred to Committee on Education		

HB 1140 Author Representative Thompson

	House	Senate
Teaching method.		
Authored by Representative Thompson.	21	
Coauthored by Representative Noe		
First reading: referred to Committee on Education		

■ HB 1141 Author Representative Welch
Sponsors Senators Kenley, Simpson, Broden

	House	Senate
Home energy assistance.		
Authored by Representative Welch.	21	
Coauthored by Representative Clere		

	House	Senate
First reading: referred to Committee on Ways and Means		
Committee report: amend do pass, adopted.	157	
Second reading: ordered engrossed.	220	
Third reading: passed;		
Roll Call 137: yeas 94, nays 0.	281	
Representatives Day and Truitt added as coauthors.	282	
Referred to the Senate		
Senate sponsors: Senators Kenley, Simpson and Broden		
Cosponsor: Senator Alting		
First reading: referred to Committee on Tax and Fiscal Policy.		283
Committee report: amend do pass, adopted.		339
Senator Breaux added as cosponsor.		347
Senator Randolph added as cosponsor.		348
Second reading: amended, ordered engrossed.		405
Amendment 1 (Kenley) prevailed; voice vote.		405
Third reading: passed;		
Roll Call 224: yeas 50, nays 0.		422
Returned to the House with amendments		
House dissented from Senate amendments.	518	
House conferees appointed: Clere and Welch.	522	
House advisors appointed: Burton, Truitt, Day and Pryor		
Senate conferees appointed: Kenley and Simpson.		663
Senate advisors appointed: Alting, Broden and Eckerty		
Conference committee report 1: filed in the House.	538	
Rules suspended.	548	
Conference committee report 1: adopted by the House;		
Roll Call 364: yeas 93, nays 0.	548	
Senate Rule 86(k) suspended.		681
Conference committee report 1: adopted by the Senate;		
Roll Call 327: yeas 49, nays 0.		687
Signed by the Speaker.	660	
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		897
Signed by the Governor.	953	
Public Law 58:		
SECTION 1 effective July 1, 2012		
SECTION 2 effective retroactive to January 1, 2012		
SECTION 3 effective March 14, 2012		

HB 1142 Author Representative Welch

Physician assistants.

	House	Senate
Authored by Representative Welch.	21	
Coauthored by Representatives Davisson and Turner		
First reading: referred to Committee on Public Health		

HB 1143 Author Representative Day

Child and dependent tax credit.

	House	Senate
Authored by Representative Day.	21	
Coauthored by Representatives Heuer, Crouch and Truitt		
First reading: referred to Committee on Ways and Means		

HB 1144 Author Representative Day

Prekindergarten pilot program funding.

	House	Senate
Authored by Representative Day.	21	
First reading: referred to Committee on Ways and Means		

HB 1145 Author Representative Morris

Qualified settlement offers.

	House	Senate
Authored by Representative Morris.	21	
First reading: referred to Committee on Judiciary		

HB 1146 Author Representative Morris

Abortion inducing drugs.

	House	Senate
Authored by Representative Morris.	21	
First reading: referred to Committee on Public Policy		

HB 1147 Filed for introduction

■ HB 1148 Author Representative Messmer Sponsors Senators M. Young, Glick

Engineer and land surveyor examinations.

	House	Senate
Authored by Representative Messmer.	21	
First reading: referred to Committee on Employment, Labor and Pensions		
Committee report: do pass, adopted.	116	
Second reading: ordered engrossed.	190	
Third reading: passed;		
Roll Call 95: yeas 89, nays 3.	252	
Referred to the Senate		
Senate sponsor: Senator M. Young		
First reading: referred to Committee on Pensions and Labor.		283
Committee report: do pass, adopted.		299
Second reading: ordered engrossed.		321
Senator Glick added as second sponsor.		331
Senator Tallian added as cosponsor		
Third reading: passed;		
Roll Call 197: yeas 50, nays 0.		347
Returned to the House without amendments		
Signed by the Speaker.	320	
Signed by the President Pro Tempore.		382
Signed by the President of the Senate.		619
Signed by the Governor.	360	
Public Law 9: Effective July 1, 2012		

■ HB 1149 Author Representative Turner Sponsors Senators Gard, Alting, Simpson

Smoking ban.

	House	Senate
Authored by Representative Turner.	21	
Coauthored by Representatives C. Brown, T. Brown and Welch		
First reading: referred to Committee on Public Health		
Committee report: amend do pass, adopted.	60	
Representatives Austin, Bauer, Burton, Candelaria Reardon, Cherry, Clere, Crawford, Crouch, Day, DeLaney, Dembowski, Dobis, Foley, C. Fry, GiaQuinta, Harris, Karickhoff, L. Lawson, Mahan, Moseley, Moses, Pflum, Pierce, Pryor, Reske, Riecken, M. Smith, V. Smith, Sullivan, Summers and VanDenburgh added as coauthors.	138	

	House	Senate
Second reading: amended, ordered engrossed.	244	
Amendment 10 (Turner) prevailed; voice vote.	244	
Amendment 5 (Turner) prevailed; voice vote.	244	
Amendment 14 (Turner) prevailed; voice vote.	244	
Amendment 2 (VanNatter) prevailed; voice vote.	244	
Representative Mahan removed as coauthor.	282	
Third reading: passed;		
Roll Call 154: yeas 62, nays 35.	290	
Referred to the Senate		
Senate sponsors: Senators Gard, Alting and Simpson		
First reading: referred to Committee on Public Policy.		288
Committee report: amend do pass, adopted.		429
Second reading: amended, ordered engrossed.		607
Amendment 27 (Gard) failed; voice vote.		607
Amendment 26 (Alting) prevailed; voice vote.		607
Amendment 18 (Leising) prevailed; voice vote.		608
Amendment 28 (Nugent) prevailed; voice vote.		608
Amendment 11 (Holdman) failed; voice vote.		608
Amendment 29 (M. Young) prevailed;		
Roll Call 263: yeas 40, nays 9.		609
Amendment 6 (Boots) failed; voice vote.		609
Amendment 20 (Leising) prevailed; voice vote.		610
Amendment 23 (Alting) prevailed; voice vote.		610
Amendment 24 (Gard) prevailed; voice vote.		610
Amendment 21 (Gard) prevailed; voice vote.		610
Amendment 13 (Leising) prevailed;		
Division of the Senate: yeas 28, nays 16.		610
Amendment 22 (Alting) prevailed; voice vote.		610
Amendment 15 (Leising) failed;		
Division of the Senate: yeas 16, nays 33.		611
Amendment 19 (Buck) failed;		
Division of the Senate: yeas 16, nays 31.		611
Amendment 17 (Leising) failed;		
Division of the Senate: yeas 17, nays 32.		611
Senate Rule 35(c) technical corrections adopted.		622
Third reading: passed;		
Roll Call 279: yeas 29, nays 21		
Returned to the House with amendments		
House dissented from Senate amendments.	504	
House conferees appointed: Turner and C. Brown.	506	
House advisors appointed: T. Brown, VanNatter and Welch		
Senate conferees appointed: Gard and Simpson.		640
Senate advisors appointed: Alting and Lanane		
Conference committee report 1: filed in the House.	568	
Rules suspended.	660	
Conference committee report 1: adopted by the House;		
Roll Call 379: yeas 60, nays 33.	660	
Senate Rule 86(k) suspended.		763
Conference committee report 1: adopted by the Senate;		
Roll Call 345: yeas 28, nays 22.		820
Joint Rule 20 technical correction		
adopted by the House.	922	
Joint Rule 20 technical correction		
adopted by the Senate.		897
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 141: Effective July 1, 2012		

	House	Senate
HB 1150 Author Representative Sullivan Sponsors Senators Kruse, Simpson, Rogers		
Family friendly school designation.		
Authored by Representative Sullivan.	21	
Coauthored by Representative VanDenburgh		
First reading: referred to Committee on Education		
Representatives Ellspermann and Kirchhofer		
added as coauthors.	62	
Committee report: do pass, adopted.	75	
Second reading: ordered engrossed.	167	
Third reading: passed;		
Roll Call 72: yeas 98, nays 0.	199	
Referred to the Senate		
Senate sponsors: Senators Kruse, Simpson and Rogers		
First reading: referred to Committee on		
Education and Career Development.		283
Senator Banks added as cosponsor.		382
Committee report: do pass, adopted.		496
Second reading: ordered engrossed.		612
HB 1151 Author Representative Sullivan		
Work sharing unemployment benefit.		
Authored by Representative Sullivan.	21	
Coauthored by Representatives Gutwein, DeLaney and Steuerwald		
First reading: referred to Committee on Employment, Labor and Pensions		
HB 1152 Author Representative McClain		
City and town court jurisdiction.		
Authored by Representative McClain.	21	
First reading: referred to Committee on Courts and Criminal Code		
Committee report: amend do pass, adopted.	219	
Representatives DeLaney and Steuerwald		
added as coauthors.	282	
HB 1153 Author Representative C. Fry		
Tenant's right to terminate lease.		
Authored by Representative C. Fry.	21	
First reading: referred to Committee on Judiciary		
■ HB 1154 Author Representative Messmer Sponsors Senators Hershman, Paul		
Local purchasing and public works preferences.		
Authored by Representative Messmer.	21	
First reading: referred to Committee on Government and Regulatory Reform		
Committee report: do pass, adopted.	116	
Second reading: ordered engrossed.	190	
Amendment 1 (Riecken) failed;		
Roll Call 60: yeas 34, nays 58.	190	
Third reading: passed;		
Roll Call 96: yeas 73, nays 18.	252	
Referred to the Senate		
Senate sponsor: Senator Hershman		
First reading: referred to Committee on		
Commerce and Economic Development.		283

	House	Senate
Committee report: do pass, adopted		294
Senator Paul added as second sponsor		303
Second reading: ordered engrossed		344
Amendment 1 (Lanane) failed;		
Roll Call 192: yeas 14, nays 36		344
Third reading: passed;		
Roll Call 207: yeas 47, nays 3		408
Returned to the House without amendments		
Signed by the Speaker	359	
Signed by the President Pro Tempore		531
Signed by the President of the Senate		619
Signed by the Governor	467	
Public Law 17: Effective July 1, 2012		

HB 1155 Author Representative Messmer
Charity gaming.

	House	Senate
Authored by Representative Messmer	21	
Coauthored by Representatives Eberhart, Davisson and McNamara		
First reading: referred to Committee on Public Policy		

HB 1156 Author Representative Battles
Volunteer firefighter and police reserve tax deduction.

	House	Senate
Authored by Representative Battles	21	
First reading: referred to Committee on Ways and Means		

HB 1157 Author Representative Battles
Tax credit for tuition expenses.

	House	Senate
Authored by Representative Battles	21	
First reading: referred to Committee on Ways and Means		

HB 1158 Author Representative R. Frye
Municipal plates for fire protection territories.

	House	Senate
Authored by Representative Battles	21	
First reading: referred to Committee on Roads and Transportation		
Representative Battles removed as author	170	
Representative R. Frye added as author		
Representative Battles added as coauthor		

HB 1159 Author Representative Battles
Identity deception.

	House	Senate
Authored by Representative Battles	21	
First reading: referred to Committee on Courts and Criminal Code		

HB 1160 Author Representative Pelath
Indiana green program task force.

	House	Senate
Authored by Representative Pelath	21	
First reading: referred to Select Committee on Government Reduction		

HB 1161 Author Representative Pelath
Employment status of job applicants.

	House	Senate
Authored by Representative Pelath	21	
First reading: referred to Committee on Employment, Labor and Pensions		

HB 1162 Author Representative Neese
PERF and TRF COLAs.

	House	Senate
Authored by Representative Neese	21	
First reading: referred to Committee on Ways and Means		

■ HB 1163 Author Representative Torr
Sponsors Senators Banks, Kenley
Bonding and retainage in public works projects.

	House	Senate
Authored by Representative Torr	21	
First reading: referred to Committee on Government and Regulatory Reform		
Committee report: amend do pass, adopted	158	
Second reading: ordered engrossed	245	
Amendment 1 (Austin) ruled out of order	245	
Third reading: passed;		
Roll Call 138: yeas 92, nays 2	281	
Referred to the Senate		
Senate sponsors: Senators Banks, Kenley and Simpson		
First reading: referred to Committee on Commerce and Economic Development		283
Committee report: do pass, adopted		294
Second reading: amended, ordered engrossed		321
Amendment 4 (Banks) prevailed; voice vote		321
Amendment 2 (Arnold) failed;		
Roll Call 189: yeas 12, nays 34		322
Third reading: passed;		
Roll Call 198: yeas 38, nays 12		347
Returned to the House with amendments		
Senator Simpson removed as third sponsor		348
House concurred in Senate amendments;		
Roll Call 335: yeas 93, nays 0	522	
Signed by the Speaker	529	
Signed by the President Pro Tempore		675
Signed by the President of the Senate		762
Signed by the Governor	953	
Public Law 75: Effective July 1, 2012		

HB 1164 Author Representative Wolkins
Motor scooters.

	House	Senate
Authored by Representative Wolkins	21	
First reading: referred to Committee on Roads and Transportation		

HB 1165 Author Representative Frizzell
School property tax, bond, and lease referenda.

	House	Senate
Authored by Representative Frizzell	22	
First reading: referred to Committee on Ways and Means		
Reassigned to Committee on Elections and Apportionment	61	

HB 1166 Author Representative Noe
Application of foreign law.

	House	Senate
Authored by Representative Noe.	22	
First reading: referred to Committee on Judiciary		

HB 1167 Author Representative Crawford

	House	Senate
Consideration of minorities for coaching positions.		
Authored by Representative Crawford.	22	
First reading: referred to Committee on Education		

HB 1168 Author Representative Crawford

	House	Senate
Housing trust.		
Authored by Representative Crawford.	22	
First reading: referred to Committee on Ways and Means		

■ HB 1169 Author Representative Koch
Sponsor Senator Kruse

	House	Senate
School discipline.		
Authored by Representative Koch.	22	
First reading: referred to Committee on Education		
Representatives M. Smith and Noe added as coauthors.	138	
Committee report: do pass, adopted.	158	
Second reading: ordered engrossed.	247	
Amendment 1 (Porter) ruled out of order.	247	
Representative Frizzell added as coauthor.	254	
Third reading: passed;		
Roll Call 139: yeas 72, nays 22.	281	
Referred to the Senate		
Senate sponsor: Senator Kruse		
First reading: referred to Committee on Education and Career Development.		283
Committee report: amend do pass, adopted.		497
Second reading: ordered engrossed.		547
Senator Mrvan added as cosponsor.		565
Third reading: passed;		
Roll Call 280: yeas 49, nays 0.		623
Returned to the House with amendments		
House dissented from Senate amendments.	507	
House conferees appointed: Koch and Porter.	518	
House advisors appointed: Behning, Rhoads and VanDenburgh		
Senate conferees appointed: Kruse and Skinner.		644
Senate advisors appointed: Schneider and Rogers		
House reconsidered and concurred in Senate amendments; Roll Call 374: yeas 88, nays 0.	659	
Signed by the Speaker.	946	
Signed by the President Pro Tempore.		1148
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 142: Effective July 1, 2012		

HB 1170 Author Representative Bartlett

	House	Senate
Redistricting.		
Authored by Representative Bartlett.	22	
First reading: referred to Committee on Elections and Apportionment		

■ HB 1171 Author Representative GiaQuinta
Sponsor Senator Wyss

	House	Senate
Relocation of new motor vehicle dealers.		
Authored by Representative GiaQuinta.	22	
First reading: referred to Committee on Commerce, Small Business and Economic Development		
Representative Morris added as coauthor.	138	
Representative Kubacki added as coauthor.	200	
Committee report: amend do pass, adopted.	219	
Second reading: amended, ordered engrossed.	257	
Amendment 1 (GiaQuinta) prevailed; voice vote.	257	
Third reading: passed;		
Roll Call 155: yeas 75, nays 21.	290	
Referred to the Senate		
Senate sponsor: Senator Wyss		
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs.		288
Committee report: amend do pass, adopted.		413
Second reading: amended, ordered engrossed.		528
Amendment 1 (Lanane) prevailed; voice vote.		528
Senator Rogers added as cosponsor.		532
Third reading: passed;		
Roll Call 248: yeas 26, nays 23.		562
Returned to the House with amendments		
House concurred in Senate amendments;		
Roll Call 409: yeas 77, nays 18.	723	
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 143: Effective January 1, 2013		

HB 1172 Author Representative GiaQuinta

	House	Senate
Portable electronics insurance.		
Authored by Representative GiaQuinta.	22	
First reading: referred to Committee on Insurance		

■ HB 1173 Author Representative Ellspermann
Sponsors Senators Walker, Buck

	House	Senate
Various IOSHA matters.		
Authored by Representative Ellspermann.	22	
First reading: referred to Committee on Employment, Labor and Pensions		
Committee report: do pass, adopted.	116	
Second reading: ordered engrossed.	197	
Amendment 1 (DeLaney) failed;		
Roll Call 62: yeas 45, nays 48.	197	
Third reading: passed;		
Roll Call 97: yeas 64, nays 26.	252	
Referred to the Senate		
Senate sponsor: Senator Walker		
First reading: referred to Committee on Pensions and Labor.		283
Committee report: amend do pass, adopted.		353
Second reading: ordered engrossed.		405
Senator Buck added as second sponsor.		409
Third reading: passed;		
Roll Call 225: yeas 50, nays 0.		422
Returned to the House with amendments		

	House	Senate
Senator Skinner added as cosponsor.		425
House concurred in Senate amendments;		
Roll Call 336: yeas 75, nays 17.	522	
Signed by the Speaker.	529	
Signed by the President Pro Tempore.		675
Signed by the President of the Senate.		762
Signed by the Governor.	953	
Public Law 76: Effective July 1, 2012		

HB 1174 Author Representative Goodin
Tax sale redemption interest rates.

	House	Senate
Authored by Representative Goodin.	22	
First reading: referred to Committee on Ways and Means		

HB 1175 Author Representative Goodin
Defensive driving school programs and points.

	House	Senate
Authored by Representative Goodin.	22	
First reading: referred to Committee on Roads and Transportation		

HB 1176 Author Representative Goodin
Retention for reading deficiency.

	House	Senate
Authored by Representative Goodin.	22	
First reading: referred to Committee on Education		

HB 1177 Author Representative Goodin
Disannexation from school corporation.

	House	Senate
Authored by Representative Goodin.	22	
First reading: referred to Committee on Education		

HB 1178 Author Representative Kersey
Vigo County innkeeper's tax.

	House	Senate
Authored by Representative Kersey.	22	
First reading: referred to Committee on Ways and Means		

HB 1179 Author Representative Kersey
Wild animal permits.

	House	Senate
Authored by Representative Kersey.	22	
First reading: referred to Committee on Natural Resources		

HB 1180 Author Representative Kersey
Soil and septic system education and research.

	House	Senate
Authored by Representative Kersey.	22	
First reading: referred to Committee on Environmental Affairs		

HB 1181 Author Representative Candelaria Reardon
Contracting with persons that invest in Iran.

	House	Senate
Authored by Representative Candelaria Reardon.	22	
First reading: referred to Committee on Public Policy		
Representative Turner added as coauthor.	254	

HB 1182 Author Representative Candelaria Reardon
Personal property exemptions at certain facilities.

	House	Senate
Authored by Representative Candelaria Reardon.	22	
First reading: referred to Committee on Ways and Means		

HB 1183 Author Representative Day
Lobbyist gift and entertainment ban.

	House	Senate
Authored by Representative Day.	22	
Coauthored by Representative Foley		
First reading: referred to Committee on Rules and Legislative Procedures		

HB 1184 Author Representative VanDenburgh
Schools as polling sites.

	House	Senate
Authored by Representative VanDenburgh.	22	
First reading: referred to Committee on Elections and Apportionment		

HB 1185 Author Representative VanDenburgh
Killing a law enforcement animal.

	House	Senate
Authored by Representative VanDenburgh.	22	
First reading: referred to Committee on Courts and Criminal Code		

■ HB 1186 Author Representative T. Brown Sponsor Senator Miller
Emergency medical services personnel.

	House	Senate
Authored by Representative T. Brown.	22	
First reading: referred to Committee on Public Health		
Representative Welch added as coauthor.	62	
Committee report: do pass, adopted.	117	
Representatives R. Frye and Sullivan added as coauthors.	170	
Second reading: ordered engrossed.	196	
Third reading: passed;		
Roll Call 98: yeas 91, nays 0.	253	
Referred to the Senate		
Senate sponsor: Senator Miller		
First reading: referred to Committee on Public Policy.		283
Committee report: amend do pass, adopted.		332
Second reading: amended, ordered engrossed.		381
Amendment 1 (Miller) prevailed; voice vote.		381
Senator Tallian added as cosponsor.		382
Senator Arnold added as cosponsor.		383
Third reading: passed;		
Roll Call 208: yeas 50, nays 0.		408
Returned to the House with amendments		
House dissented from Senate amendments.	504	
House conferees appointed: T. Brown and Welch.	506	
House advisors appointed: R. Frye, Kirchhofer and C. Brown		
Senate conferees appointed: Miller and Tallian.		641
Senate advisors appointed: Leising and Arnold		
Conference committee report 1: filed in the House.	548	
Senate Rule 86(k) suspended.		691

	House	Senate
Conference committee report 1: adopted by the Senate; Roll Call 332: yeas 50, nays 0.		745
Rules suspended.	660	
Conference committee report 1: adopted by the House; Roll Call 380: yeas 91, nays 0.	660	
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Governor.	953	
Public Law 77:		
SECTIONS 1 through 20 effective July 1, 2012		
SECTION 21 effective March 15, 2012		
SECTIONS 22 through 64 effective July 1, 2012		

HB 1187 Author Representative Welch

Licensure of dietitians.

	House	Senate
Authored by Representative Welch.	22	
Coauthored by Representatives Bacon, T. Brown and C. Brown		
First reading: referred to Committee on Public Health		

HB 1188 Author Representative VanDenburgh

Private residential facilities for children.

	House	Senate
Authored by Representative VanDenburgh.	22	
First reading: referred to Committee on Family, Children and Human Affairs		

■ HB 1189 Author Representative Thompson Sponsors Senators Charbonneau, Rogers

School finance.

	House	Senate
Authored by Representative Thompson.	22	
First reading: referred to Committee on Education		
Committee report: amend do pass, adopted.	75	
Second reading: ordered engrossed.	167	
Third reading: passed;		
Roll Call 73: yeas 82, nays 14.	199	
Referred to the Senate		
Senate sponsors: Senators Charbonneau and Rogers		
Representatives Clere and Porter added as coauthors.	200	
First reading: referred to Committee on Education and Career Development.		283
Committee report: amend do pass, reassigned to Committee on Appropriations.		358
Committee report: amend do pass, adopted.		499
Senator Simpson added as cosponsor.		564
Second reading: amended, ordered engrossed.		612
Amendment 2 (Charbonneau) prevailed; voice vote.		612
Third reading: passed;		
Roll Call 281: yeas 48, nays 2.		623
Returned to the House with amendments		
House dissented from Senate amendments.	504	
House conferees appointed: Thompson and Porter.	506	
House advisors appointed: Clere, Behning, Goodin and Kersey		
Senate conferees appointed: Charbonneau and Skinner.		641
Senate advisors appointed: Kenley, Mishler and Rogers		
Senator Skinner removed as conferee.		826
Senator Kruse added as conferee		
Representative Porter removed as conferee.	719	
Representative Behning removed as House advisor		
Representative Behning added as conferee		
Conference committee report 1: filed in the House.	721	
Rules suspended.	923	
Conference committee report 1: adopted by the House; Roll Call 412: yeas 52, nays 40.	923	
Senate Rule 86(k) suspended.		899
Conference committee report 1: adopted by the Senate; Roll Call 366: yeas 35, nays 15.		1136
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 144:		
SECTION 1 effective March 16, 2012		
SECTIONS 2 through 7 effective July 1, 2012		
SECTION 8 effective retroactive to January 1, 2012		
SECTION 9 effective July 1, 2012		

HB 1190 Author Representative Crouch Sponsors Senators Hershman, Boots

Real property reassessment.

	House	Senate
Authored by Representative Crouch.	23	
Coauthored by Representative Thompson		
First reading: referred to Committee on Ways and Means		
Committee report: do pass, adopted.	117	
Representative Welch added as coauthor.	138	
Second reading: ordered engrossed.	196	
Third reading: passed;		
Roll Call 99: yeas 91, nays 1.	253	
Referred to the Senate		
Senate sponsor: Senator Hershman		
First reading: referred to Committee on Appropriations.		283
Committee report: amend do pass, adopted.		386
Second reading: ordered engrossed.		528
Senator Boots added as second sponsor.		532
Senator Hume added as cosponsor		
Third reading: passed;		
Roll Call 249: yeas 48, nays 1.		563
Returned to the House with amendments		
House dissented from Senate amendments.	504	
House conferees appointed: Thompson and Welch.	506	
House advisors appointed: Crouch, M. Smith, Klinker and Pryor		
Senate conferees appointed: Hershman and Hume.		642
Senate advisors appointed: Mishler, Broden and Kenley		

HB 1191 Author Representative Culver

Costs of local public works projects.

	House	Senate
Authored by Representative Culver.	23	
Coauthored by Representative Wesco		
First reading: referred to Committee on Local Government		

	House	Senate
■ HB 1192 Author Representative Cherry Sponsors Senators Miller, Charbonneau, Gard		
School corporation and local government finances.		
Authored by Representative Cherry	23	
Coauthored by Representative Speedy		
First reading: referred to Committee on Ways and Means		
Committee report: amend do pass, adopted	158	
Second reading: ordered engrossed	247	
Third reading: passed;		
Roll Call 140: yeas 91, nays 4	281	
Referred to the Senate		
Senate sponsors: Senators Gard, Kenley and Charbonneau		
Cosponsor: Senator Miller		
First reading: referred to Committee on Appropriations		283
Senator Miller removed as cosponsor		383
Senator Gard removed as first sponsor		
Senator Miller added as first sponsor		
Senator Charbonneau removed as third sponsor		
Senator Kenley removed as second sponsor		
Senator Charbonneau added as second sponsor		
Senator Gard added as third sponsor		
Committee report: amend do pass, adopted		486
Second reading: call withdrawn		547
Senator Hume added as cosponsor		565
Reread second time: amended, ordered engrossed		613
Amendment 1 (Miller) prevailed; voice vote		613
Amendment 6 (Kenley) prevailed; voice vote		613
Amendment 3 (Miller) prevailed; voice vote		613
Third reading: passed;		
Roll Call 282: yeas 49, nays 1		623
Returned to the House with amendments		
House dissented from Senate amendments	507	
Representatives Dermody and Richardson added as coauthors	508	
House conferees appointed: Cherry and Goodin	518	
House advisors appointed: Thompson, Dermody, Espich, Moses, Klinker and Battles		
Senate conferees appointed: Miller and Hume		644
Senate advisors appointed: Kenley, Broden, Head and Charbonneau		
Conference committee report 1: filed in the House	667	
Rules suspended	706	
Conference committee report 1: adopted by the House;		
Roll Call 395: yeas 96, nays 0	706	
Senate Rule 86(k) suspended		825
Conference committee report 1: adopted by the Senate;		
Roll Call 349: yeas 48, nays 1		841
Signed by the Speaker	946	
Signed by the President of the Senate		1183
Signed by the President Pro Tempore		1183
Signed by the Governor	953	
Public Law 145: Effective March 19, 2012		
HB 1193 Author Representative M. Smith		
Charitable organization property tax exemptions.		
Authored by Representative M. Smith	23	
First reading: referred to Committee on Ways and Means		
HB 1194 Author Representative M. Smith		
Assessment of outdoor advertising signs.		
Authored by Representative M. Smith	23	
First reading: referred to Committee on Ways and Means		
■ HB 1195 Author Representative M. Smith Sponsor Senator Walker		
Property taxes.		
Authored by Representative M. Smith	23	
Coauthored by Representative Cheatham		
First reading: referred to Committee on Ways and Means		
Representative Clere added as coauthor	62	
Committee report: amend do pass, adopted	175	
Second reading: ordered engrossed	257	
Representative Kersey added as coauthor	282	
Third reading: passed;		
Roll Call 156: yeas 94, nays 2	291	
Referred to the Senate		
Senate sponsor: Senator Walker		
First reading: referred to Committee on Appropriations		288
Senator Kenley added as cosponsor		296
Committee report: amend do pass, adopted		472
Senator Broden added as cosponsor		564
Second reading: amended, ordered engrossed		614
Amendment 1 (Kenley) prevailed; voice vote		614
Third reading: passed;		
Roll Call 283: yeas 50, nays 0		623
Returned to the House with amendments		
House dissented from Senate amendments	504	
House conferees appointed: M. Smith and Kersey	506	
House advisors appointed: Thompson, Espich, Cheatham and Klinker		
Representative Pryor appointed as House advisor	518	
Senate conferees appointed: Walker and Broden		642
Senate advisors appointed: Mishler, Hume and Kenley		
Representative Kersey removed as conferee	719	
Representative Thompson removed as House advisor		
Representative Thompson added as conferee		
Conference committee report 1: filed in the House	723	
Rules suspended	923	
Conference committee report 1: adopted by the House;		
Roll Call 413: yeas 53, nays 40	923	
Senate Rule 86(k) suspended		899
Conference committee report 1: adopted by the Senate;		
Roll Call 367: yeas 50, nays 0		1138
Signed by the President Pro Tempore		1183
Signed by the Speaker	953	
Signed by the President of the Senate		1183
Signed by the Governor	953	
Public Law 146:		
SECTION 1 effective retroactive to January 1, 2012		
SECTIONS 2 through 7 effective July 1, 2012		
SECTIONS 8 through 12 effective March 19, 2012		
■ HB 1196 Author Representative M. Smith Sponsors Senators Alting, Merritt		
Synthetic drugs (including "bath salts").		
Authored by Representative M. Smith	23	

	House	Senate
Coauthored by Representative Yarde		
First reading: referred to Committee on Courts and Criminal Code		
Committee report: amend do pass, adopted.	76	
Representative Davisson added as coauthor.	84	
Second reading: amended, ordered engrossed.	167	
Amendment 2 (M. Smith) prevailed; voice vote.	167	
Representatives DeLaney and Austin added as coauthors.	170	
Third reading: passed;		
Roll Call 74: yeas 97, nays 0.	200	
Referred to the Senate		
Senate sponsor: Senator Merritt		
First reading: referred to Committee on Corrections, Criminal, and Civil Matters.		283
Senators Zakas and R. Young added as cosponsors.		425
Committee report: do pass, adopted.		446
Second reading: amended, ordered engrossed.		614
Amendment 2 (Merritt) prevailed; voice vote.		614
Third reading: passed;		
Roll Call 284: yeas 50, nays 0.		623
Returned to the House with amendments		
Senator Glick added as cosponsor.		627
Senator Merritt removed as first sponsor		
Senator Alting added as first sponsor		
Senator Merritt added as second sponsor		
House concurred in Senate amendments;		
Roll Call 337: yeas 94, nays 0.	522	
Joint Rule 20 technical correction adopted by the Senate.		688
Joint Rule 20 technical correction adopted by the House.	716	
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Governor.	953	
Public Law 78: Effective March 15, 2012		

HB 1197 Author Representative M. Smith
Sponsor Senator Becker

	House	Senate
Mopeds.		
Authored by Representative M. Smith.	23	
Coauthored by Representatives Neese and Karickhoff		
First reading: referred to Committee on Roads and Transportation		
Representative Riecken added as coauthor.	62	
Committee report: amend do pass, adopted.	175	
Second reading: ordered engrossed.	257	
Third reading: passed;		
Roll Call 157: yeas 76, nays 20.	291	
Referred to the Senate		
Senate sponsor: Senator Becker		
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs.		288
Committee report: amend do pass, adopted.		412
Senators Arnold and Wyss added as cosponsors.		425
Second reading: ordered engrossed.		528
Senator Rogers added as cosponsor.		532
Senator Lanane added as cosponsor		
Third reading: passed;		
Roll Call 250: yeas 29, nays 19.		563
Returned to the House with amendments		
House dissented from Senate amendments.	534	
House conferees appointed: M. Smith and Riecken.	535	
House advisors appointed: Neese, Soliday, Wolkins and White		
Senate conferees appointed: Becker and Arnold.		675
Senate advisors appointed: Wyss, Hume and Grooms		

HB 1198 Author Representative Turner

	House	Senate
Criminal history.		
Authored by Representative Turner.	23	
First reading: referred to Committee on Courts and Criminal Code		

HB 1199 Author Representative Turner
Sponsors Senators Hershman, Banks

	House	Senate
Inheritance tax.		
Authored by Representative Turner.	23	
Coauthored by Representatives Thompson, Torr and Welch		
First reading: referred to Committee on Ways and Means		
Committee report: amend do pass, adopted.	158	
Second reading: ordered engrossed.	247	
Amendment 1 (Crawford) ruled out of order.	247	
House Rule 106.1 suspended; Representatives Bacon, Baird, Battles, Behning, Borders, Bosma, T. Brown, Burton, Cherry, Clere, Crouch, Culver, Davis, Davisson, Dermody, Dobis, Dodge, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, R. Frye, Goodin, Grubb, Gutwein, Heaton, Heuer, Hinkle, Karickhoff, Kirchhofer, Klinker, Knollman, Koch, Kubacki, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Neese, Noe, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, Soliday, Speedy, Stemler, Steuerwald, Thompson, Torr, Truitt, Ubelhor, VanNatter, Wesco, Wolkins and Yarde added as coauthors.	282	
Third reading: passed;		
Roll Call 141: yeas 78, nays 17.	281	
Referred to the Senate		
Senate sponsors: Senators Hershman and Banks		
First reading: referred to Committee on Tax and Fiscal Policy.		283
Senator Miller added as cosponsor.		303

■ HB 1200 Author Representative Foley
Sponsors Senators Bray, Simpson

	House	Senate
Various corrections matters.		
Authored by Representative Foley.	23	
Coauthored by Representative Koch		
First reading: referred to Committee on Education		
Committee report: amend do pass, adopted.	83	
Representative Behning added as coauthor.	84	
Second reading: ordered engrossed.	169	
Third reading: passed;		
Roll Call 75: yeas 94, nays 3.	200	
Referred to the Senate		
Senate sponsors: Senators Bray and Simpson		
First reading: referred to Committee on Education and Career Development.		283

	House	Senate
Committee report: amend do pass, adopted.		358
Second reading: ordered engrossed.		416
Senator Lanane added as cosponsor.		532
Third reading: passed;		
Roll Call 285: yeas 48, nays 2.		623
Returned to the House with amendments		
House dissented from Senate amendments.	504	
House conferees appointed: Foley and Porter.	506	
House advisors appointed: Koch, Behning, Pierce, White and GiaQuinta		
Senate conferees appointed: Bray and Simpson.		642
Senate advisors appointed: Wyss and Lanane		
Conference committee report 1: filed in the House.	689	
Rules suspended.	719	
Conference committee report 1: adopted by the House;		
Roll Call 405: yeas 89, nays 1.	719	
Senate Rule 86(k) suspended.		825
Conference committee report 1: adopted by the Senate;		
Roll Call 356: yeas 41, nays 8.		876
Joint Rule 20 technical correction adopted by the Senate.		896
Joint Rule 20 technical correction adopted by the House.	947	
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 147: Effective July 1, 2012		

■ HB 1201 Author Representative Dermody Sponsors Senators Holdman, Merritt, Randolph

State provision and use of communications service.

	House	Senate
Authored by Representative Dermody.	23	
First reading: referred to Committee on Utilities and Energy		
Committee report: amend do pass, adopted.	117	
Second reading: ordered engrossed.	196	
Amendment 1 (Truitt) failed;		
Division of the House: yeas 32, nays 50.	196	
Amendment 3 (Pierce) failed;		
Roll Call 61: yeas 29, nays 66.	197	
Third reading: passed;		
Roll Call 100: yeas 71, nays 20.	253	
Referred to the Senate		
Senate sponsors: Senators Holdman, Merritt and Randolph		
First reading: referred to Committee on Utilities and Technology.		283
Committee report: amend do pass, adopted.		386
Second reading: ordered engrossed.		528
Third reading: passed;		
Roll Call 251: yeas 49, nays 0.		563
Returned to the House with amendments		
House concurred in Senate amendments;		
Roll Call 338: yeas 71, nays 22.	522	
Signed by the Speaker.	529	
Signed by the President Pro Tempore.		675
Signed by the President of the Senate.		762
Signed by the Governor.	953	
Public Law 79: Effective March 15, 2012		

HB 1202 Author Representative Dermody

Public deposit insurance fund.

	House	Senate
Authored by Representative Dermody.	23	
First reading: referred to Committee on Financial Institutions		

HB 1203 Author Representative Dermody

Riverboat gaming adjusted gross receipts.

	House	Senate
Authored by Representative Dermody.	23	
First reading: referred to Committee on Public Policy		

HB 1204 Author Representative Dermody Sponsors Senators Steele, Arnold

Sex and violent offender registry.

	House	Senate
Authored by Representative Dermody.	23	
First reading: referred to Committee on Courts and Criminal Code		
Committee report: amend do pass, adopted.	117	
Second reading: ordered engrossed.	197	
Representatives Steuerwald, L. Lawson and DeLaney added as coauthors.	201	
Third reading: recommitted to Committee of One;		
Amendment 1 (Dermody) prevailed; voice vote;		
bill passed; Roll Call 158: yeas 93, nays 0.	291	
Referred to the Senate		
Senate sponsors: Senators Steele and Arnold		
First reading: referred to Committee on Corrections, Criminal, and Civil Matters.		288

■ HB 1205 Author Representative Behning Sponsor Senator Kruse

School employee contracts.

	House	Senate
Authored by Representative Behning.	23	
Coauthored by Representatives Rhoads and Wesco		
First reading: referred to Committee on Education		
Committee report: amend do pass, adopted.	41	
Representative Noe added as coauthor.	71	
Second reading: amended, ordered engrossed.	247	
Amendment 18 (Behning) prevailed; voice vote.	247	
Amendment 19 (Behning) prevailed; voice vote.	248	
Amendment 22 (Behning) prevailed; voice vote.	248	
Amendment 16 (Kersey) failed;		
Roll Call 80: yeas 36, nays 56.	248	
Amendment 10 (DeLaney) prevailed;		
Roll Call 81: yeas 92, nays 0.	248	
Amendment 21 (Crawford) prevailed;		
Roll Call 82: yeas 92, nays 0.	248	
Amendment 17 (V. Smith) withdrawn.	248	
Third reading: recommitted to Committee of One;		
Amendment 23 (Behning) prevailed; voice vote;		
bill passed; Roll Call 159: yeas 88, nays 6.	291	
Referred to the Senate		
Senate sponsor: Senator Kruse		
First reading: referred to Committee on Education and Career Development.		288
Senator Banks added as cosponsor.		382
Committee report: do pass, adopted.		496
Senator Delph added as cosponsor.		532
Second reading: amended, ordered engrossed.		547
Amendment 1 (Schneider) prevailed; voice vote.		547

	House	Senate
Senator Mrvan added as cosponsor.		565
Third reading: passed;		
Roll Call 286: yeas 35, nays 15.		623
Returned to the House with amendments		
House dissented from Senate amendments.	507	
House conferees appointed: Behning and Porter.	518	
House advisors appointed: Rhoads, Wesco, Kersey and V. Smith		
Senate conferees appointed: Kruse and Skinner.		644
Senate advisors appointed: Banks, Mrvan and Delph		
Senator Rogers added as advisor.		680
House reconsidered and concurred in Senate amendments; Roll Call 410: yeas 76, nays 15.	923	
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 148: Effective July 1, 2012		

HB 1206 Author Representative Culver

	House	Senate
Third party lawsuit lending.		
Authored by Representative Culver.	23	
Coauthored by Representatives Foley and Steuerwald		
First reading: referred to Committee on Judiciary		

■ HB 1207 Author Representative Davis
Sponsor Senator Boots

	House	Senate
State civil service system.		
Authored by Representative Davis.	23	
First reading: referred to Committee on Employment, Labor and Pensions		
Committee report: amend do pass, adopted.	119	
Second reading: ordered engrossed.	197	
Amendment 1 (Pierce) failed;		
Roll Call 63: yeas 36, nays 57.	197	
Third reading: passed;		
Roll Call 160: yeas 59, nays 37.	291	
Referred to the Senate		
Senate sponsor: Senator Boots		
First reading: referred to Committee on Pensions and Labor.		288
Committee report: do pass, adopted.		356
Second reading: ordered engrossed.		417
Amendment 1 (Tallian) failed;		
Roll Call 213: yeas 23, nays 26.		417
Third reading: passed;		
Roll Call 238: yeas 36, nays 13.		530
Returned to the House without amendments		
Signed by the Speaker.	523	
Signed by the President Pro Tempore.		661
Signed by the President of the Senate.		762
Signed by the Governor.	953	
Public Law 100: Effective July 1, 2012		

HB 1208 Author Representative Eberhart

	House	Senate
Oath requirement for legislative testimony.		
Authored by Representative Eberhart.	23	
First reading: referred to Committee on Rules and Legislative Procedures		

HB 1209 Author Representative Crouch

	House	Senate
Certified music therapists.		
Authored by Representative Crouch.	23	
First reading: referred to Committee on Employment, Labor and Pensions		

HB 1210 Author Representative Steuerwald

	House	Senate
Public service answering points (PSAP) funding.		
Authored by Representative Steuerwald.	23	
Coauthored by Representative Thompson		
First reading: referred to Committee on Ways and Means		
Representative Welch added as coauthor.	138	

■ HB 1211 Author Representative Crouch
Sponsors Senators Becker, Leising, Broden

	House	Senate
Nursing facility screening and notification.		
Authored by Representative Crouch.	23	
Coauthored by Representative C. Brown		
First reading: referred to Committee on Public Health		
Representative Bacon added as coauthor.	62	
Committee report: do pass, adopted.	119	
Second reading: amended, ordered engrossed.	197	
Amendment 1 (Crouch) prevailed; voice vote.	197	
Third reading: passed;		
Roll Call 161: yeas 95, nays 0.	291	
Referred to the Senate		
Senate sponsors: Senators Becker, Leising and Broden		
Cosponsor: Senator Simpson		
First reading: referred to Committee on Health and Provider Services.		288
Committee report: do pass, adopted.		356
Second reading: ordered engrossed.		408
Third reading: passed;		
Roll Call 226: yeas 50, nays 0.		422
Returned to the House without amendments		
Senator Randolph added as cosponsor.		424
Signed by the Speaker.	360	
Signed by the President of the Senate.		619
Signed by the President Pro Tempore.		565
Signed by the Governor.	467	
Public Law 18: Effective July 1, 2012		

■ HB 1212 Author Representative Kirchhofer
Sponsors Senators Merritt, Buck

	House	Senate
Blue lights on vehicles.		
Authored by Representative Kirchhofer.	23	
First reading: referred to Committee on Veterans Affairs and Public Safety		
Committee report: amend do pass, adopted.	158	
Second reading: ordered engrossed.	220	
Representative R. Frye added as coauthor.	254	
Third reading: passed;		
Roll Call 162: yeas 95, nays 0.	292	
Referred to the Senate		
Senate sponsor: Senator Merritt		
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs.		288
Committee report: amend do pass, adopted.		378

	House	Senate
Second reading: ordered engrossed.		408
Third reading: passed;		
Roll Call 227: yeas 47, nays 3.		422
Returned to the House with amendments		
Senator Buck added as second sponsor.		424
Senator Arnold added as cosponsor.		426
House concurred in Senate amendments;		
Roll Call 339: yeas 93, nays 0.	522	
Signed by the Speaker.	529	
Signed by the President Pro Tempore.		675
Signed by the President of the Senate.		762
Signed by the Governor.	953	
Public Law 80: Effective July 1, 2012		

HB 1213 Author Representative Gutwein

Starke County economic development income tax (CEDIT) for jail.

	House	Senate
Authored by Representative Gutwein.	23	
Coauthored by Representatives Dermody and Dembowski		
First reading: referred to Committee on Ways and Means		

HB 1214 Author Representative Ellspermann

Abortion inducing drugs.

	House	Senate
Authored by Representative Ellspermann.	23	
Coauthored by Representative Davisson		
First reading: referred to Committee on Public Policy		

HB 1215 Author Representative Yarde

Synthetic drugs.

	House	Senate
Authored by Representative Yarde.	23	
Coauthored by Representatives M. Smith and Truitt		
First reading: referred to Committee on Courts and Criminal Code		
Representative Karickhoff added as coauthor.	62	

■ HB 1216 Author Representative Kirchhofer Sponsor Senator Miller

Self-donated blood.

	House	Senate
Authored by Representative Kirchhofer.	23	
First reading: referred to Committee on Public Health		
Representative Welch added as coauthor.	138	
Committee report: amend do pass, adopted.	159	
Second reading: ordered engrossed.	220	
Third reading: passed;		
Roll Call 163: yeas 95, nays 0.	292	
Referred to the Senate		
Senate sponsor: Senator Miller		
First reading: referred to Committee on Health and Provider Services.		288
Committee report: amend do pass, adopted.		299
Second reading: ordered engrossed.		328
Third reading: passed;		
Roll Call 209: yeas 50, nays 0.		408
Returned to the House with amendments		
House concurred in Senate amendments;		
Roll Call 340: yeas 93, nays 0.	522	
Signed by the Speaker.	529	
Signed by the President Pro Tempore.		675
Signed by the President of the Senate.		762
Signed by the Governor.	953	
Public Law 59: Effective July 1, 2012		

HB 1217 Author Representative Kirchhofer

Disclosure of electronic communications.

	House	Senate
Authored by Representative Kirchhofer.	23	
Coauthored by Representative Borders		
First reading: referred to Committee on Courts and Criminal Code		
Committee report: do pass, adopted.	219	

HB 1218 Author Representative Kirchhofer

Scrapping and liens on motor vehicles.

	House	Senate
Authored by Representative Kirchhofer.	24	
Coauthored by Representative Borders		
First reading: referred to Committee on Judiciary		

HB 1219 Author Representative Rhoads

Parental initiatives for school reorganization.

	House	Senate
Authored by Representative Rhoads.	24	
Coauthored by Representative Behning		
First reading: referred to Committee on Education		
Committee report: do pass, adopted.	41	

■ HB 1220 Author Representative Rhoads Sponsors Senators Leising, Yoder, Banks

Commission for higher education.

	House	Senate
Authored by Representative Rhoads.	24	
Coauthored by Representative Behning		
First reading: referred to Committee on Education		
Committee report: do pass, adopted.	42	
Second reading: ordered engrossed.	70	
Representative Noe added as coauthor.	71	
Third reading: call withdrawn.	83	
Third reading: passed;		
Roll Call 164: yeas 60, nays 35.	292	
Referred to the Senate		
Senate sponsors: Senators Leising, Yoder and Banks		
First reading: referred to Committee on Education and Career Development.		288
Senator Kruse added as cosponsor.		331
Committee report: amend do pass, adopted.		358
Second reading: ordered engrossed.		405
Third reading: passed;		
Roll Call 228: yeas 39, nays 11.		422
Returned to the House with amendments		
Senator Rogers added as cosponsor.		426
House concurred in Senate amendments;		
Roll Call 342: yeas 62, nays 21.	527	
Signed by the Speaker.	529	
Signed by the President Pro Tempore.		675
Signed by the President of the Senate.		762
Signed by the Governor.	953	
Public Law 101: Effective July 1, 2012		

	House	Senate
HB 1221 Author Representative Karickhoff Sponsors Senators Steele, Buck		
Spotlighting wild animals; fish and wildlife license suspension.		
Authored by Representative Karickhoff.	24	
First reading: referred to Committee on Natural Resources		
Representative Bacon added as coauthor.	62	
Representative VanNatter added as coauthor.	171	
Committee report: amend do pass, adopted.	175	
Second reading: ordered engrossed.	257	
Representative Grubb added as coauthor.	283	
Third reading: passed;		
Roll Call 165: yeas 92, nays 2.	292	
Referred to the Senate		
Senate sponsors: Senators Steele and Buck		
First reading: referred to Committee on Agriculture and Natural Resources.		288
HB 1222 Author Representative Yarde Sponsors Senators Wyss, Arnold		
Dealer services division of the secretary of state.		
Authored by Representative Yarde..	24	
Coauthored by Representative Wolkins		
First reading: referred to Committee on Roads and Transportation		
Committee report: amend do pass, adopted.	175	
Second reading: amended, ordered engrossed.	257	
Amendment 1 (Yarde) prevailed; voice vote.	257	
Amendment 2 (Thompson) withdrawn.	258	
Third reading: passed;		
Roll Call 166: yeas 96, nays 0.	292	
Referred to the Senate		
Senate sponsors: Senators Wyss and Arnold		
First reading: referred to Committee on Judiciary.		289
Committee report: amend do pass, adopted.		480
Senator Randolph added as cosponsor.		564
Second reading: ordered engrossed.		615
Third reading: passed;		
Roll Call 287: yeas 42, nays 8.		624
Returned to the House with amendments		
House dissented from Senate amendments..	504	
House conferees appointed: Yarde and GiaQuinta..	506	
House advisors appointed: Heuer, Soliday and Dembowski		
Senate conferees appointed: Wyss and Arnold..		642
Senate advisors appointed: Kruse, Lanane and Randolph		
HB 1223 Author Representative Dermody		
State public works contracting.		
Authored by Representative Dermody.	24	
First reading: referred to Committee on Government and Regulatory Reform		
Committee report: do pass, adopted.	119	
Second reading: ordered engrossed.	197	
HB 1224 Author Representative Cherry Sponsors Senators Head, Boots, Alting		
Charity gaming.		
Authored by Representative Cherry.	24	
Coauthored by Representatives Lehe and Soliday		
First reading: referred to Committee on Public Policy		
Committee report: amend do pass, adopted.	180	
Second reading: ordered engrossed.	259	
Third reading: passed;		
Roll Call 167: yeas 87, nays 9.	292	
Referred to the Senate		
Senate sponsors: Senators Alting and Boots		
First reading: referred to Committee on Public Policy. . .		289
Committee report: do pass, adopted.		332
Second reading: ordered engrossed.		381
Senator Alting removed as first sponsor..		383
Senator Head added as first sponsor		
Senator Alting added as third sponsor.		384
Senator Hume added as cosponsor.		425
Senate Rule 35(c) technical corrections adopted.		624
HB 1225 Author Representative Lehman Sponsors Senators Holdman, Gard		
Septic tanks and sewer systems.		
Authored by Representative Lehman.	24	
Coauthored by Representatives Cheatham and Wolkins		
First reading: referred to Committee on Environmental Affairs		
Representative Yarde added as coauthor.	84	
Committee report: amend do pass, adopted.	159	
Second reading: amended, ordered engrossed.	249	
Amendment 1 (Lehman) prevailed; voice vote.	249	
Third reading: passed;		
Roll Call 168: yeas 71, nays 24.	292	
Referred to the Senate		
Senate sponsors: Senators Holdman and Gard		
First reading: referred to Committee on Energy and Environmental Affairs..		289
■ HB 1226 Author Representative Lehman Sponsor Senator Paul		
Insurance matters.		
Authored by Representative Lehman.	24	
First reading: referred to Committee on Insurance		
Committee report: amend do pass, adopted.	119	
Second reading: ordered engrossed.	198	
Third reading: passed;		
Roll Call 169: yeas 91, nays 5.	292	
Referred to the Senate		
Senate sponsor: Senator Paul		
First reading: referred to Committee on Insurance and Financial Institutions.		289
Committee report: amend do pass, adopted.		356
Senator Mrvan added as cosponsor.		426
Second reading: ordered engrossed.		528
Third reading: passed;		
Roll Call 252: yeas 48, nays 1.		563
Returned to the House with amendments		
House concurred in Senate amendments;		
Roll Call 352: yeas 79, nays 0.	534	
Signed by the Speaker.	542	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		1182
Signed by the Governor.	953	

House Senate

Public Law 81:
SECTIONS 1 through 9 effective July 1, 2012
SECTIONS 10 through 11 effective January 1, 2013
SECTIONS 12 through 44 effective July 1, 2012

HB 1227 Author Representative Clere
Artisan distiller's permit.
Authored by Representative Clere. 24
Coauthored by Representatives Dodge, Welch and Rhoads
First reading: referred to Committee on Public Policy

HB 1228 Author Representative Reske
Logistics development incentives.
Authored by Representative Reske.. 24
First reading: referred to Committee on Ways and Means

HB 1229 Author Representative Reske
Adoption subsidies for children in foster care.
Authored by Representative Reske.. 24
First reading: referred to Committee on Family, Children and Human Affairs

HB 1230 Author Representative Reske
Combat to College Program.
Authored by Representative Reske.. 24
First reading: referred to Committee on Education

HB 1231 Author Representative Reske
Indiana economic development corporation (IEDC) collaboration.
Authored by Representative Reske.. 24
First reading: referred to Committee on Commerce, Small Business and Economic Development

HB 1232 Author Representative Reske
Sales tax increment financing.
Authored by Representative Reske.. 24
First reading: referred to Committee on Ways and Means

HB 1233 Author Representative DeLaney
Evaluation of appointments of major agency heads.
Authored by Representative DeLaney. 24
First reading: referred to Committee on Rules and Legislative Procedures

HB 1234 Author Representative DeLaney
Tort claims.
Authored by Representative DeLaney. 24
First reading: referred to Committee on Judiciary

House Senate

HB 1235 Author Representative Lehe
Limitation on school starting date.
Authored by Representative Lehe. 24
First reading: referred to Committee on Education

HB 1236 Author Representative VanNatter
Inheritance tax.
Authored by Representative VanNatter. 24
Coauthored by Representatives Heuer, Soliday and Speedy
First reading: referred to Committee on Ways and Means

■ HB 1237 Author Representative Morris
Sponsors Senators Eckerty, Yoder
Home improvement contracts.
Authored by Representative VanNatter. 24
Coauthored by Representatives Mahan and Morris
First reading: referred to Committee on Judiciary
Reassigned to Committee on Insurance. 87
Committee report: do pass, adopted. 163
Second reading: amended, ordered engrossed. 249
Amendment 1 (Lehman) prevailed; voice vote. 249
Representative VanNatter removed as author. 283
Representative Morris removed as coauthor. 283
Representative Morris added as author
Representative VanNatter added as coauthor. 283
Third reading: passed;
Roll Call 170: yeas 82, nays 13. 292
Referred to the Senate
Senate sponsors: Senators Eckerty and Yoder
First reading: referred to Committee on Commerce and Economic Development. 289
Committee report: amend do pass, adopted. 294
Senator Hume added as cosponsor. 303
Senator Mrvan added as cosponsor. 331
Second reading: ordered engrossed. 405
Third reading: passed;
Roll Call 229: yeas 49, nays 1. 422
Returned to the House with amendments
Senator Taylor added as cosponsor. 426
House dissented from Senate amendments. 505
House conferees appointed: VanNatter and Moses. 506
House advisors appointed: Mahan, Morris, C. Fry and Dvorak
Senate conferees appointed: Eckerty and Mrvan. 642
Senate advisors appointed: Yoder, Hume and Bray
Representative Lehman appointed as House advisor. . . . 535
Conference committee report 1: filed in the House. 657
Rules suspended. 662
Conference committee report 1: adopted by the House;
Roll Call 390: yeas 89, nays 3. 662
Senate Rule 86(k) suspended. 825
Conference committee report 1: adopted by the Senate;
Roll Call 350: yeas 41, nays 8. 853
Signed by the Speaker. 946
Signed by the President of the Senate. 1183
Signed by the President Pro Tempore. 1183
Signed by the Governor. 953
Public Law 82: Effective July 1, 2012

	House	Senate
■ HB 1238 Author Representative Burton		
Sponsor Senator Holdman		
Finding of abandonment for mortgaged property.		
Authored by Representative Burton.	24	
First reading: referred to Committee on Financial Institutions		
Committee report: amend do pass, adopted.	128	
Representatives Clere and Riecken added as coauthors. .	171	
Second reading: amended, ordered engrossed.	249	
Amendment 2 (Burton) prevailed; voice vote.	249	
Third reading: passed;		
Roll Call 112: yeas 94, nays 0.	263	
Referred to the Senate		
Senate sponsor: Senator Holdman		
First reading: referred to Committee on Judiciary.		283
Committee report: do pass, adopted.		353
Senator Broden added as cosponsor.		383
Second reading: amended, ordered engrossed.		418
Amendment 1 (Holdman) prevailed; voice vote.		418
Senator Tallian added as cosponsor.		425
Third reading: passed;		
Roll Call 239: yeas 49, nays 0.		530
Returned to the House with amendments		
Senator Steele added as cosponsor.		532
House dissented from Senate amendments.	518	
House concurred in Senate amendments;		
Roll Call 353: yeas 79, nays 0.	534	
Signed by the Speaker.	542	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		1182
Signed by the Governor.	953	
Public Law 102: Effective March 16, 2012		

	House	Senate
■ HB 1239 Author Representative Burton		
Sponsors Senators Paul, Holdman		
Financial institutions and consumer credit.		
Authored by Representative Burton.	24	
First reading: referred to Committee on Financial Institutions		
Committee report: amend do pass, adopted.	60	
Second reading: ordered engrossed.	197	
Third reading: passed;		
Roll Call 111: yeas 93, nays 1.	263	
Referred to the Senate		
Senate sponsors: Senators Paul and Holdman		
Representatives Messmer, Riecken and Pryor added as coauthors.	283	
First reading: referred to Committee on Insurance and Financial Institutions.		283
Committee report: do pass, adopted.		356
Senator Taylor added as cosponsor.		426
Second reading: ordered engrossed.		528
Amendment 1 (Taylor) failed; voice vote.		528
Third reading: passed;		
Roll Call 253: yeas 49, nays 0.		563
Returned to the House without amendments		
Signed by the Speaker.	497	
Signed by the President Pro Tempore.		631
Signed by the President of the Senate.		661
Signed by the Governor.	528	
Public Law 27:		
SECTION 1 effective July 1, 2012		
SECTIONS 2 through 3 effective retroactive to January 1, 2012		
SECTIONS 4 through 12 effective July 1, 2012		
SECTION 13 effective retroactive to January 1, 2012		
SECTIONS 14 through 105 effective July 1, 2012		
SECTION 106 effective retroactive to January 1, 2012		
SECTIONS 107 through 119 effective July 1, 2012		

	House	Senate
HB 1240 Author Representative Morris		
Appeal process for public safety medical expenses.		
Authored by Representative Morris.	24	
First reading: referred to Committee on Veterans Affairs and Public Safety		

	House	Senate
HB 1241 Author Representative Ellspermann		
Sponsor Senator Leising		
Economic development incentives.		
Authored by Representative Ellspermann.	24	
First reading: referred to Committee on Commerce, Small Business and Economic Development		
Representatives Davis, Bacon and Davisson added as coauthors.	62	
Committee report: amend do pass, adopted.	220	
Referred to Committee on Ways and Means pursuant to House Rule 127.	225	
Referral to Committee on Ways and Means withdrawn.	253	
Second reading: amended, ordered engrossed.	259	
Amendment 1 (Ellspermann) prevailed; voice vote. . . .	259	
Third reading: passed;		
Roll Call 171: yeas 85, nays 13.	293	
Referred to the Senate		
Senate sponsor: Senator Leising		
First reading: referred to Committee on Commerce and Economic Development.		289
Committee report: amend do pass, reassigned to Committee on Tax and Fiscal Policy.		294

	House	Senate
HB 1242 Author Representative Pryor		
Deductions for contract and co-op property.		
Authored by Representative Pryor.	24	
First reading: referred to Committee on Ways and Means		

	House	Senate
HB 1243 Author Representative Dembowski		
Complete streets guidelines.		
Authored by Representative Dembowski.	24	
First reading: referred to Committee on Roads and Transportation		
Representative Saunders added as coauthor.	71	

	House	Senate
HB 1244 Author Representative Klinker		
Funding choice scholarships.		
Authored by Representative Klinker.	24	
First reading: referred to Committee on Education		

	House	Senate
HB 1245 Author Representative Klinker		
Immunity for certain alcohol offenses.		
Authored by Representative Klinker.	25	
First reading: referred to Committee on Courts and Criminal Code		
Representative Truitt added as coauthor.	201	
HB 1246 Author Representative Speedy		
Motorist assistance by law enforcement officers.		
Authored by Representative Speedy.	25	
Coauthored by Representatives Mahan and Moses		
First reading: referred to Committee on Judiciary		
■ HB 1247 Author Representative Soliday Sponsors Senators Wyss, Arnold		
Operator's license renewal schedule and fees.		
Authored by Representative Soliday.	25	
First reading: referred to Committee on Roads and Transportation		
Committee report: amend do pass, adopted.	42	
Second reading: ordered engrossed.	70	
Third reading: passed;		
Roll Call 26: yeas 86, nays 8.	83	
Referred to the Senate		
Senate sponsors: Senators Wyss and Arnold		
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs.		283
Committee report: do pass, reassigned to Committee on Tax and Fiscal Policy.		356
Committee report: do pass, adopted.		454
Second reading: amended, ordered engrossed.		547
Amendment 1 (Arnold) prevailed; voice vote.		547
Third reading: passed;		
Roll Call 288: yeas 47, nays 3.		624
Returned to the House with amendments		
House concurred in Senate amendments;		
Roll Call 343: yeas 73, nays 15.	527	
Signed by the Speaker.	660	
Signed by the President Pro Tempore.		897
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 103: Effective March 16, 2012		
HB 1248 Author Representative Crouch		
New markets job growth tax credit.		
Authored by Representative Crouch.	25	
Coauthored by Representative Welch		
First reading: referred to Committee on Ways and Means		
Representative Crawford added as coauthor.	201	
■ HB 1249 Author Representative Clere Sponsors Senators Merritt, Holdman, Breaux		
Land banks and tax sales process.		
Authored by Representative Clere.	25	
Coauthored by Representative Burton		
First reading: referred to Committee on Local Government		
Representative Riecken added as coauthor.	63	
Committee report: amend do pass, adopted.	181	
Second reading: ordered engrossed.	259	
Representative Day added as coauthor.	283	
Third reading: passed;		
Roll Call 172: yeas 95, nays 0.	293	
Referred to the Senate		
Senate sponsors: Senators Merritt, Holdman and Breaux		
First reading: referred to Committee on Local Government.		289
Committee report: amend do pass, adopted.		498
Second reading: amended, ordered engrossed.		547
Amendment 1 (Merritt) prevailed; voice vote.		547
Third reading: passed;		
Roll Call 289: yeas 50, nays 0.		624
Returned to the House with amendments		
House dissented from Senate amendments.	518	
House reconsidered and concurred in Senate amendments; Roll Call 360: yeas 94, nays 0.	548	
Signed by the Speaker.	660	
Signed by the President Pro Tempore.		897
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 104: Effective March 16, 2012		
■ HB 1250 Author Representative Mahan Sponsors Senators Lawson, Holdman		
State government nepotism.		
Authored by Representative Mahan.	25	
Coauthored by Representative Bosma		
First reading: referred to Committee on Government and Regulatory Reform		
Committee report: amend do pass, adopted.	163	
Second reading: ordered engrossed.	273	
Third reading: passed;		
Roll Call 173: yeas 92, nays 4.	293	
Referred to the Senate		
Senate sponsors: Senators Lawson and Holdman		
Representative Stemler added as coauthor.	295	
First reading: referred to Committee on Pensions and Labor.		289
Committee report: amend do pass, adopted.		299
Senator Tallian added as cosponsor.		330
Second reading: amended, ordered engrossed.		405
Amendment 2 (Tallian) prevailed; voice vote.		405
Third reading: passed;		
Roll Call 230: yeas 43, nays 7.		423
Returned to the House with amendments		
Senator Miller added as cosponsor.		426
House concurred in Senate amendments;		
Roll Call 354: yeas 77, nays 5.	534	
Signed by the Speaker.	542	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		1182
Signed by the Governor.	953	
Public Law 105: Effective July 1, 2012		
HB 1251 Author Representative Davisson		
Tax credit for hiring veterans.		
Authored by Representative Davisson.	25	

	House	Senate
First reading: referred to Committee on Ways and Means		

HB 1252 Author Representative Noe

	House	Senate
Prerequisites for filing for dissolution of marriage.		
Authored by Representative Noe.	25	
First reading: referred to Committee on Family, Children and Human Affairs		

HB 1253 Author Representative VanNatter

	House	Senate
Reporting missing children.		
Authored by Representative VanNatter.	25	
Coauthored by Representatives Heaton, Ubelhor and Mahan		
First reading: referred to Committee on Courts and Criminal Code		

HB 1254 Author Representative Foley

	House	Senate
Township reorganization.		
Authored by Representative Foley.	25	
First reading: referred to Committee on Government and Regulatory Reform		
Representative Torr added as coauthor.	63	

HB 1255 Author Representative VanDenburgh

	House	Senate
Residency requirements for elected officials.		
Authored by Representative VanDenburgh.	25	
First reading: referred to Committee on Elections and Apportionment		

HB 1256 Author Representative VanDenburgh

	House	Senate
Income tax exemptions.		
Authored by Representative VanDenburgh.	25	
First reading: referred to Committee on Ways and Means		

HB 1257 Author Representative Moseley

	House	Senate
High pressure boiler operators.		
Authored by Representative Moseley.	25	
First reading: referred to Committee on Employment, Labor and Pensions		

■ HB 1258 Author Representative Foley
Sponsors Senators Zakas, Glick, Broden

	House	Senate
Various estate administration matters.		
Authored by Representative Foley.	25	
Coauthored by Representatives McMillin and DeLaney		
First reading: referred to Committee on Judiciary		
Committee report: amend do pass, adopted.	129	
Referred to Committee on Ways and Means pursuant to House Rule 127.	137	
Committee report: amend do pass, adopted.	219	
Second reading: ordered engrossed.	273	
Amendment 1 (Goodin) failed; Roll Call 118: yeas 33, nays 62.	273	
Third reading: passed; Roll Call 174: yeas 96, nays 0.	293	
Referred to the Senate		
Senate sponsors: Senators Zakas, Glick and Broden		
First reading: referred to Committee on Judiciary.		289
Committee report: do pass, adopted.		353
Second reading: amended, ordered engrossed.		407
Amendment 1 (Lawson) prevailed; voice vote.		407
Third reading: passed; Roll Call 240: yeas 49, nays 0.		531
Returned to the House with amendments		
House dissented from Senate amendments.	503	
House conferees appointed: Foley and DeLaney.	503	
House advisors appointed: McMillin, Eberhart and Dvorak		
Senate conferees appointed: Zakas and Broden.		640
Senate advisor appointed: Glick		
Conference committee report 1: filed in the House.	686	
Rules suspended.	706	
Conference committee report 1: adopted by the House; Roll Call 396: yeas 93, nays 0.	706	
Senate Rule 86(k) suspended.		825
Conference committee report 1: adopted by the Senate; Roll Call 357: yeas 38, nays 11.		885
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Governor.	953	
Public Law 149:		
SECTIONS 1 through 10 effective July 1, 2012		
SECTION 11 effective March 19, 2012		
SECTION 12 effective July 1, 2012		
SECTIONS 13 through 16 effective March 19, 2012		
SECTIONS 17 through 19 effective July 1, 2012		

HB 1259 Author Representative Porter

	House	Senate
Antibullying.		
Authored by Representative Porter.	25	
First reading: referred to Committee on Education		

HB 1260 Author Representative Porter

	House	Senate
Absenteeism and dropouts.		
Authored by Representative Porter.	25	
First reading: referred to Committee on Education		

HB 1261 Author Representative Heuer

	House	Senate
County recorders.		
Authored by Representative Heuer.	25	
Coauthored by Representative Friend		
First reading: referred to Committee on Local Government		
Committee report: amend do pass, adopted.	65	
Second reading: amended, ordered engrossed.	197	
Amendment 1 (Heuer) prevailed; voice vote.	197	
Placed back on second reading.	253	
Representatives V. Smith and Pryor added as coauthors.	283	

House Senate

HB 1262 Author Representative Morris
Municipal drainage and utilities.
Authored by Representative Morris. 25
First reading: referred to Committee on Environmental Affairs

HB 1263 Author Representative Soliday
Public safety answering points.
Authored by Representative Soliday. 25
First reading: referred to Committee on Ways and Means
Representative Welch added as coauthor. 138

■ HB 1264 Author Representative Soliday
Sponsors Senators Landske, Mrvan, Tallian
Flood control in Lake County.
Authored by Representative Soliday. 25
Coauthored by Representatives Candelaria Reardon and Dobis
First reading: referred to Committee on Natural Resources
Committee report: amend do pass, adopted. 67
Referred to Committee on Ways and Means pursuant to House Rule 127.. 70
Committee report: amend do pass, adopted. 131
Second reading: ordered engrossed. 200
Third reading: passed;
Roll Call 110: yeas 84, nays 10. 263
Referred to the Senate
Senate sponsors: Senators Landske, Mrvan and Tallian
First reading: referred to Committee on Local Government. 283
Senator Charbonneau added as cosponsor. 295
Committee report: do pass, reassigned to Committee on Appropriations. 352
Committee report: do pass, adopted. 469
Second reading: ordered engrossed. 547
Third reading: passed;
Roll Call 290: yeas 50, nays 0. 624
Returned to the House without amendments
Signed by the Speaker. 503
Signed by the President Pro Tempore. 646
Signed by the President of the Senate. 762
Signed by the Governor. 953
Public Law 106: Effective July 1, 2012

HB 1265 Author Representative Ubelhor
Sponsors Senators Yoder, Banks
Hunting preserves.
Authored by Representative Ubelhor. 25
Coauthored by Representatives Heaton and Grubb
First reading: referred to Committee on Natural Resources
Representative Morris added as coauthor.. 84
Committee report: amend do pass, adopted. 181
Representative Grubb removed as coauthor. 201
Second reading: ordered engrossed. 259
Third reading: passed;
Roll Call 175: yeas 56, nays 40. 293
Representative Speedy added as coauthor. 295
Referred to the Senate
Senate sponsors: Senators Yoder and Banks
First reading: referred to Committee on Rules and Legislative Procedure. 289

HB 1266 Author Representative Ubelhor
Early probationary licenses for good students.
Authored by Representative Ubelhor. 25
Coauthored by Representatives McNamara and Goodin
First reading: referred to Committee on Roads and Transportation

HB 1267 Author Representative Klinker
Architect registration renewal.
Authored by Representative Klinker. 25
First reading: referred to Committee on Employment, Labor and Pensions
Representative Truitt added as coauthor. 84

HB 1268 Author Representative Klinker
Textbook sales tax holiday.
Authored by Representative Klinker. 25
First reading: referred to Committee on Ways and Means
Representative Truitt added as coauthor. 85

■ HB 1269 Author Representative Neese
Sponsors Senators Miller, M. Young, Buck
Health care compact.
Authored by Representative Neese.. 25
Coauthored by Representatives Koch, Cherry and Bacon
First reading: referred to Committee on Public Health
Committee report: do pass, adopted. 163
Second reading: ordered engrossed. 220
Representatives Borders, Culver, Davisson, Dermody, Dodge, Eberhart, Ellspermann, Frizzell, R. Frye, Heaton, Hinkle, Lehe, Lutz, McClain, Saunders, Steuerwald, Thompson, Turner, VanNatter and Wolkins added as coauthors.. 254
House Rule 106.1 suspended; Representatives Karickhoff, Clere, Behning and Richardson added as coauthors. 283
Third reading: passed;
Roll Call 176: yeas 62, nays 35. 293
Referred to the Senate
Senate sponsor: Senator Miller
First reading: referred to Committee on Health and Provider Services.. 289
Committee report: amend do pass, reassigned to Committee on Appropriations. 353
Committee report: amend do pass, adopted. 469
Second reading: call withdrawn. 547
Amendment 2 (Lanane) withdrawn. 547
Senator M. Young added as second sponsor. 565
Reread second time: amended, ordered engrossed. 615
Amendment 3 (Breaux) prevailed; voice vote. 615

	House	Senate
Third reading: passed;		
Roll Call 291: yeas 37, nays 13		624
Returned to the House with amendments		
Senator Buck added as third sponsor		628
House dissented from Senate amendments	505	
House conferees appointed: T. Brown and C. Brown	518	
House advisors appointed: Neese and C. Fry		
Senate conferees appointed: Miller and Breaux		645
Senate advisors appointed: M. Young, Simpson and Kenley		
Representative C. Brown removed as conferee	719	
Representative Neese removed as House advisor		
Representative Neese added as conferee		
Senators Miller and Breaux removed as conferees		895
Senator M. Young removed as advisor		
Senators M. Young and Miller added as conferees		
Conference committee report 1: filed in the House	907	
Rules suspended	951	
Motion to table CCR-1 (DeLaney) failed;		
Roll Call 418: yeas 38, nays 57	951	
Conference committee report 1: adopted by the House;		
Roll Call 419: yeas 58, nays 36	951	
Senate Rule 86(k) suspended		1148
Conference committee report 1: adopted by the Senate;		
Roll Call 370: yeas 37, nays 13		1177
Signed by the President Pro Tempore		1183
Signed by the Speaker	953	
Signed by the President of the Senate		1183
Signed by the Governor	953	
Public Law 150: Effective July 1, 2012		

■ HB 1270 Author Representative Clere Sponsors Senators Kruse, Kenley

	House	Senate
Higher education.		
Authored by Representative Clere	25	
Coauthored by Representative Behning		
First reading: referred to Committee on Education		
Committee report: amend do pass, adopted	163	
Second reading: amended, ordered engrossed	274	
Amendment 1 (Clere) prevailed; voice vote	274	
Third reading: passed;		
Roll Call 177: yeas 60, nays 33	293	
Referred to the Senate		
Senate sponsors: Senators Kruse and Kenley		
First reading: referred to Committee on Education and Career Development		289
Committee report: amend do pass, reassigned to Committee on Appropriations		371
Committee report: amend do pass, adopted		469
Second reading: amended, ordered engrossed		548
Amendment 1 (Kruse) prevailed; voice vote		548
Third reading: passed;		
Roll Call 292: yeas 38, nays 11		624
Returned to the House with amendments		
House dissented from Senate amendments	505	
House conferees appointed: Clere and Porter	506	
House advisors appointed: Dermody, Behning, Kersey and Moses		
Senate conferees appointed: Kruse and Broden		642
Senate advisors appointed: Yoder, Simpson and Kenley		
House reconsidered and concurred in Senate amendments; Roll Call 361: yeas 55, nays 38	548	
Signed by the Speaker	660	
Signed by the President Pro Tempore		897
Signed by the President of the Senate		1183
Signed by the Governor	953	
Public Law 107:		
SECTIONS 1 through 66 effective July 1, 2012		
SECTION 67 effective March 16, 2012		
SECTION 68 effective July 1, 2012		
SECTION 69 effective March 16, 2012		

HB 1271 Author Representative Steuerwald

	House	Senate
New judicial officers.		
Authored by Representative Steuerwald	25	
First reading: referred to Committee on Judiciary		

HB 1272 Author Representative Steuerwald

	House	Senate
Sales tax holiday.		
Authored by Representative Steuerwald	25	
Coauthored by Representative Battles		
First reading: referred to Committee on Ways and Means		

■ HB 1273 Author Representative Steuerwald Sponsors Senators Bray, Lawson

	House	Senate
Administrative law judge study.		
Authored by Representative Steuerwald	54	
First reading: referred to Committee on Judiciary		
Committee report: do pass, adopted	131	
Representative Koch added as coauthor	138	
Second reading: ordered engrossed	198	
Third reading: passed;		
Roll Call 109: yeas 93, nays 1	263	
Referred to the Senate		
Senate sponsors: Senators Bray and Lawson		
Representatives DeLaney and Dvorak added as coauthors	283	
First reading: referred to Committee on Judiciary		283
Committee report: amend do pass, adopted		353
Second reading: ordered engrossed		407
Senator Randolph added as cosponsor		409
Senator Broden added as cosponsor		
Third reading: passed;		
Roll Call 231: yeas 50, nays 0		423
Returned to the House with amendments		
Senator Buck added as cosponsor		426
House concurred in Senate amendments;		
Roll Call 344: yeas 87, nays 1	527	
Signed by the Speaker	529	
Signed by the President Pro Tempore		675
Signed by the President of the Senate		762
Signed by the Governor	953	
Public Law 83: Effective March 15, 2012		

HB 1274 Author Representative Battles

	House	Senate
Candidate petitions.		
Authored by Representative Battles	54	

	House	Senate
First reading: referred to Committee on Elections and Apportionment		
HB 1275 Author Representative Dvorak		
Historic preservation tax credit.		
Authored by Representative Dvorak.	54	
First reading: referred to Committee on Ways and Means		
HB 1276 Author Representative Dvorak		
Zoning ordinances.		
Authored by Representative Dvorak.	54	
First reading: referred to Committee on Local Government		
HB 1277 Author Representative Dvorak		
Indiana nanotechnology initiative.		
Authored by Representative Dvorak.	54	
First reading: referred to Committee on Commerce, Small Business and Economic Development		
HB 1278 Author Representative Dvorak		
Net metering.		
Authored by Representative Dvorak.	54	
First reading: referred to Committee on Utilities and Energy		
■ HB 1279 Author Representative Eberhart Sponsors Senators Mishler, R. Young		
Various natural resources matters.		
Authored by Representative Eberhart.	54	
First reading: referred to Committee on Natural Resources		
Committee report: amend do pass, adopted.	181	
Representative Cheatham added as coauthor.	201	
Second reading: ordered engrossed.	259	
Third reading: passed;		
Roll Call 178: yeas 83, nays 12.	293	
Referred to the Senate		
Senate sponsor: Senator Mishler		
First reading: referred to Committee on Agriculture and Natural Resources.		289
Senator R. Young added as second sponsor.		330
Committee report: amend do pass, adopted.		338
Second reading: amended, ordered engrossed.		419
Amendment 3 (Mishler) prevailed; voice vote.		419
Amendment 4 (Holdman) prevailed; voice vote.		419
Amendment 1 (R. Young) prevailed; voice vote.		420
Amendment 2 (R. Young) prevailed; voice vote.		420
Senators Holdman, Grooms, Banks, Kruse, Head and Walker added as cosponsors.		425
Third reading: passed;		
Roll Call 254: yeas 49, nays 0.		563
Returned to the House with amendments		
Senators Delph and Buck added as cosponsors.		564
House dissented from Senate amendments.	507	
House conferees appointed: Eberhart and Cheatham.	522	
House advisors appointed: Ubelhor, Messmer, Davis and Battles		
Senate conferees appointed: Mishler and R. Young.		663
Senate advisors appointed: Grooms, Hume and Banks		
Conference committee report 1: filed in the House.	662	
Rules suspended.	706	
Conference committee report 1: adopted by the House; Roll Call 397: yeas 95, nays 0.	707	
Senate Rule 86(k) suspended.		825
Conference committee report 1: adopted by the Senate; Roll Call 351: yeas 49, nays 0.		855
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Governor.	953	
Public Law 151: Effective July 1, 2012		
■ HB 1280 Author Representative Koch Sponsor Senator Hershman		
Regulatory matters.		
Authored by Representative Koch.	54	
First reading: referred to Committee on Government and Regulatory Reform		
Committee report: amend do pass, adopted.	131	
Second reading: amended, ordered engrossed.	249	
Amendment 2 (M. Smith) prevailed; voice vote.	249	
Amendment 1 (Koch) prevailed; voice vote.	249	
Amendment 4 (Koch) prevailed; voice vote.	249	
Amendment 5 (Koch) prevailed; voice vote.	250	
Amendment 6 (Koch) prevailed; voice vote.	250	
Third reading: passed;		
Roll Call 108: yeas 69, nays 26.	263	
Referred to the Senate		
Senate sponsor: Senator Hershman		
First reading: referred to Committee on Corrections, Criminal, and Civil Matters.		283
Pursuant to Senate Rule 68(b) reassigned to Committee on Tax and Fiscal Policy.		296
Committee report: amend do pass, adopted.		454
Second reading: amended, ordered engrossed.		548
Amendment 3 (Hershman) prevailed; voice vote.		548
Third reading: passed;		
Roll Call 293: yeas 42, nays 8.		624
Returned to the House with amendments		
House dissented from Senate amendments.	507	
House conferees appointed: Koch and Bartlett.	518	
House advisors appointed: Mahan, Wesco and Stemler		
Senate conferees appointed: Hershman and Skinner.		645
Senate advisors appointed: Mishler and Broden		
Representative Bartlett removed as conferee.	723	
Representative Torr added as conferee		
Conference committee report 1: filed in the House.	941	
Senator Skinner removed as conferee.		1023
Senator Steele added as conferee		
Rules suspended.	951	
Conference committee report 1: adopted by the House; Roll Call 420: yeas 66, nays 27.	951	
Senate Rule 86(k) suspended.		1148
Conference committee report 1: adopted by the Senate; Roll Call 368: yeas 38, nays 12.		1148
Signed by the President Pro Tempore.		1183

	House	Senate
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 152:		
SECTIONS 1 through 3 effective July 1, 2012		
SECTION 4 effective March 19, 2012		
SECTIONS 5 through 8 effective July 1, 2012		
SECTION 9 effective March 19, 2012		
SECTIONS 10 through 14 effective July 1, 2012		

HB 1281 Author Representative Richardson
Absentee voting.

	House	Senate
Authored by Representative Richardson.	54	
Coauthored by Representative R. Frye		
First reading: referred to Committee on Elections and Apportionment		

HB 1282 Author Representative Richardson
Circuit court clerk administrative matters.

	House	Senate
Authored by Representative Richardson.	54	
First reading: referred to Committee on Local Government		

■ HB 1283 Author Representative Richardson
Sponsors Senators Gard, Simpson
Libraries and historic matters.

	House	Senate
Authored by Representative Richardson.	54	
Coauthored by Representatives Pierce and Saunders		
First reading: referred to Committee on Local Government		
Committee report: amend do pass, adopted.	182	
Second reading: ordered engrossed.	259	
Third reading: passed;		
Roll Call 179: yeas 95, nays 0.	294	
Referred to the Senate		
Senate sponsors: Senators Gard and Simpson		
First reading: referred to Committee on Local Government.		289
Committee report: amend do pass, adopted.		298
Second reading: amended, ordered engrossed.		407
Amendment 2 (Gard) prevailed; voice vote.		407
Third reading: passed;		
Roll Call 232: yeas 48, nays 2.		423
Returned to the House with amendments		
Senator Hume added as cosponsor.		426
House concurred in Senate amendments;		
Roll Call 355: yeas 78, nays 2.	534	
Signed by the Speaker.	542	
Signed by the President Pro Tempore.		762
Signed by the President of the Senate.		1182
Signed by the Governor.	953	
Public Law 84: Effective July 1, 2012		

HB 1284 Author Representative Richardson
Various election law matters.

	House	Senate
Authored by Representative Richardson.	54	
First reading: referred to Committee on Elections and Apportionment		

HB 1285 Author Representative Yarde
Solar power property tax exemption.

	House	Senate
Authored by Representative Yarde..	54	
First reading: referred to Committee on Ways and Means		

HB 1286 Author Representative Yarde
Property tax levy limit.

	House	Senate
Authored by Representative Yarde..	54	
First reading: referred to Committee on Ways and Means		

HB 1287 Author Representative Yarde
Indiana University/Purdue University Fort Wayne.

	House	Senate
Authored by Representative Yarde..	55	
First reading: referred to Committee on Education		
Representative Heuer added as coauthor.	71	

HB 1288 Author Representative L. Lawson
Dangerous wild animals.

	House	Senate
Authored by Representative L. Lawson.	55	
First reading: referred to Committee on Natural Resources		

HB 1289 Author Representative L. Lawson
Violent crimes compensation fund.

	House	Senate
Authored by Representative L. Lawson.	55	
First reading: referred to Committee on Courts and Criminal Code		

HB 1290 Author Representative GiaQuinta
Higher education employment age limits.

	House	Senate
Authored by Representative GiaQuinta.	55	
First reading: referred to Committee on Education		
Representatives Espich, Moses and Pond added as coauthors.	201	

HB 1291 Author Representative GiaQuinta
TIF districts for housing programs.

	House	Senate
Authored by Representative GiaQuinta.	55	
First reading: referred to Committee on Ways and Means		
Representatives Morris, Moses and Pond added as coauthors.	201	

HB 1292 Author Representative Heaton
Homestead standard deduction.

	House	Senate
Authored by Representative Heaton..	55	
First reading: referred to Committee on Ways and Means		

HB 1293 Author Representative Heaton
Vigo County innkeeper's tax.

	House	Senate
Authored by Representative Heaton.	55	
Coauthored by Representative Kersey		

	House	Senate
First reading: referred to Committee on Ways and Means		
■ HB 1294 Author Representative Heaton Sponsor Senator Smith		
Various securities division matters.		
Authored by Representative Heaton	55	
Coauthored by Representative Burton		
First reading: referred to Committee on Financial Institutions		
Committee report: do pass, adopted	131	
Second reading: ordered engrossed	198	
Third reading: passed;		
Roll Call 107: yeas 93, nays 0	262	
Referred to the Senate		
Senate sponsor: Senator Smith		
First reading: referred to Committee on Insurance and Financial Institutions		283
Committee report: do pass, adopted		356
Senator Mrvan added as cosponsor		425
Second reading: amended, ordered engrossed		615
Amendment 2 (Smith) prevailed; voice vote		615
Third reading: passed;		
Roll Call 294: yeas 47, nays 3		625
Returned to the House with amendments		
House concurred in Senate amendments;		
Roll Call 345: yeas 88, nays 0	527	
Signed by the Speaker	529	
Signed by the President Pro Tempore		675
Signed by the President of the Senate		762
Signed by the Governor	953	
Public Law 85: Effective July 1, 2012		
HB 1295 Author Representative Heaton		
Exemption of farm drainage components from sales tax.		
Authored by Representative Heaton	55	
Coauthored by Representatives Cherry and Gutwein		
First reading: referred to Committee on Ways and Means		
HB 1296 Author Representative McClain		
Employee's right to work.		
Authored by Representative McClain	55	
First reading: referred to Committee on Employment, Labor and Pensions		
HB 1297 Author Representative Thompson		
Transportation and logistics income tax credit.		
Authored by Representative Thompson	55	
First reading: referred to Committee on Ways and Means		
■ HB 1298 Author Representative Davis Sponsors Senators Holdman, Paul		
Transportation of food products.		
Authored by Representative Davis	55	
First reading: referred to Committee on Roads and Transportation		
Committee report: amend do pass, adopted	185	
Second reading: ordered engrossed	260	
Representative Morris added as coauthor	283	
Third reading: passed;		
Roll Call 180: yeas 96, nays 0	294	
Referred to the Senate		
Senate sponsors: Senators Holdman and Paul		
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs		289
Committee report: amend do pass, adopted		355
Senator Lanane added as cosponsor		409
Second reading: amended, ordered engrossed		418
Amendment 3 (Becker) prevailed; voice vote		418
Senator Miller added as cosponsor		425
Third reading: passed;		
Roll Call 241: yeas 49, nays 0		531
Returned to the House with amendments		
House concurred in Senate amendments;		
Roll Call 362: yeas 92, nays 0	548	
Signed by the Speaker	660	
Signed by the President Pro Tempore		897
Signed by the President of the Senate		1183
Signed by the Governor	953	
Public Law 108: Effective March 16, 2012		
HB 1299 Author Representative Davis Sponsor Senator Alting		
Alcoholic beverage matters.		
Authored by Representative Davis	55	
Coauthored by Representatives Welch and Turner		
First reading: referred to Committee on Public Policy		
Committee report: amend do pass, adopted	165	
Second reading: ordered engrossed	250	
Third reading: passed;		
Roll Call 106: yeas 93, nays 0	262	
Referred to the Senate		
Senate sponsor: Senator Alting		
Representative Klinker added as coauthor	283	
First reading: referred to Committee on Public Policy		284
HB 1300 Author Representative Bartlett		
Counties having a consolidated city.		
Authored by Representative Bartlett	55	
First reading: referred to Committee on Local Government		
HB 1301 Author Representative C. Fry		
Prescription drugs for the visually impaired.		
Authored by Representative C. Fry	55	
First reading: referred to Committee on Ways and Means		
HB 1302 Author Representative C. Brown		
In-hospital patient care.		
Authored by Representative C. Brown	55	
First reading: referred to Committee on Public Health		

House Senate

HB 1303 Author Representative C. Brown
Nonresident income tax for Gary.
Authored by Representative C. Brown. 55
First reading: referred to Committee on
Ways and Means

HB 1304 Author Representative C. Brown
Land-based casino in Gary.
Authored by Representative C. Brown. 55
First reading: referred to Committee on Public Policy

HB 1305 Author Representative Stemler
Ports of Indiana.
Authored by Representative Stemler. 55
First reading: referred to Committee on
Ways and Means
Representatives Clere and Soliday added as coauthors. . 201

HB 1306 Author Representative Hinkle
Participation of property owner in tax referendum.
Authored by Representative Hinkle. 55
First reading: referred to Committee on
Local Government

HB 1307 Author Representative Harris
Sponsors Senators Charbonneau, Rogers, Randolph
Funding for aviation facilities.
Authored by Representative Harris. 55
First reading: referred to Committee on
Roads and Transportation
Committee report: amend do pass, adopted. 185
Second reading: ordered engrossed. 260
Representatives Soliday, C. Brown and Stemler
added as coauthors. 283
Third reading: passed;
Roll Call 181: yeas 96, nays 0. 294
Referred to the Senate
Senate sponsors: Senators Charbonneau, Rogers
and Randolph
First reading: referred to Committee on
Tax and Fiscal Policy. 289

HB 1308 Author Representative Harris
Maximum Lake County property tax levy.
Authored by Representative Harris. 55
First reading: referred to Committee on
Ways and Means

HB 1309 Author Representative Harris
Educational equity.
Authored by Representative Harris. 55
Coauthored by Representatives V. Smith and Porter
First reading: referred to Committee on Education

House Senate

HB 1310 Author Representative Crawford
Commission on improving the status of children.
Authored by Representative Crawford. 55
First reading: referred to Committee on
Family, Children and Human Affairs

HB 1311 Author Representative Crawford
Sports scholarships and player safety.
Authored by Representative Crawford. 55
First reading: referred to Committee on Education

■ HB 1312 Author Representative Ellspermann
Sponsors Senators R. Young, Banks
Sale of poultry at farmer's markets.
Authored by Representative Ellspermann. 55
Coauthored by Representative Clere
First reading: referred to Committee on
Agriculture and Rural Development
Committee report: do pass, adopted. 132
Representative Davisson added as coauthor. 254
Second reading: amended, ordered engrossed. 260
Amendment 1 (Ellspermann) prevailed; voice vote. . . . 260
Amendment 3 (Sullivan) prevailed; voice vote. 260
Third reading: passed;
Roll Call 182: yeas 73, nays 24. 294
Referred to the Senate
Senate sponsor: Senator R. Young
First reading: referred to Committee on
Commerce and Economic Development. 289
Committee report: do pass, adopted. 294
Senator Kruse added as cosponsor. 331
Senator Banks added as second sponsor
Second reading: amended, ordered engrossed. 346
Amendment 2 (R. Young) prevailed; voice vote. 346
Third reading: passed;
Roll Call 203: yeas 49, nays 0. 382
Returned to the House with amendments
Senator Walker added as cosponsor. 384
House concurred in Senate amendments;
Roll Call 346: yeas 69, nays 19. 527
Signed by the Speaker. 529
Signed by the President Pro Tempore. 675
Signed by the President of the Senate. 762
Signed by the Governor. 953
Public Law 86:
SECTION 1 effective May 31, 2012
SECTION 2 effective July 1, 2012

HB 1313 Author Representative Truitt
School instructional time.
Authored by Representative Truitt. 55
First reading: referred to Committee on Education

HB 1314 Author Representative Truitt
School instructional material sales tax holiday.
Authored by Representative Truitt. 55
First reading: referred to Committee on
Ways and Means

House Senate

HB 1315 Author Representative Truitt
Choice scholarship funding.
Authored by Representative Truitt. 56
First reading: referred to Committee on
Ways and Means

HB 1316 Author Representative Truitt
Income tax credit for education expenses.
Authored by Representative Truitt. 56
First reading: referred to Committee on
Ways and Means

HB 1317 Author Representative Torr
Local government issues.
Authored by Representative Torr. 56
First reading: referred to Committee on
Government and Regulatory Reform

HB 1318 Author Representative Porter
Use of restraints and seclusion in school.
Authored by Representative Porter.. 56
Coauthored by Representative T. Brown
First reading: referred to Committee on Education

HB 1319 Author Representative Riecken
Utility rate criteria.
Authored by Representative Riecken. 56
First reading: referred to Committee on
Utilities and Energy

HB 1320 Author Representative DeLaney
Insanity defense.
Authored by Representative DeLaney. 56
Coauthored by Representative McMillin
First reading: referred to Committee on
Courts and Criminal Code

HB 1321 Author Representative Behning
School corporation accountability.
Authored by Representative Behning. 56
First reading: referred to Committee on Education

HB 1322 Author Representative Behning
Paths to quality tax credits.
Authored by Representative Behning. 56
First reading: referred to Committee on
Ways and Means
Reassigned to Committee on Education. 61
Representative Day added as coauthor. 201

HB 1323 Author Representative Behning
Child care and development fund.
Authored by Representative Behning. 56
First reading: referred to Committee on
Family, Children and Human Affairs
Reassigned to Committee on Education. 61
Representative Day added as coauthor. 201

HB 1324 Author Representative Behning
School accountability and turnaround academies.
Authored by Representative Behning. 56
First reading: referred to Committee on Education
Committee report: amend do pass, adopted. 132

■ HB 1325 Author Representative Pond
Sponsors Senators Hershman, M. Young
Sales and use tax exemptions.
Authored by Representative Pond. 56
Coauthored by Representative Behning
First reading: referred to Committee on
Ways and Means
Committee report: amend do pass, adopted. 165
Representative Thompson added as coauthor.. 254
Second reading: ordered engrossed. 260
Amendment 2 (Pelath) ruled out of order. 260
Amendment 3 (Pierce) ruled out of order. 261
Third reading: passed;
Roll Call 183: yeas 89, nays 8. 294
Referred to the Senate
Senate sponsors: Senators Hershman and M. Young
First reading: referred to Committee on
Tax and Fiscal Policy. 289
Committee report: amend do pass, adopted. 339
Senator Breaux added as cosponsor. 409
Second reading: amended, ordered engrossed. 529
Amendment 8 (M. Young) prevailed; voice vote. 529
Third reading: passed;
Roll Call 295: yeas 50, nays 0. 625
Returned to the House with amendments
Senator Randolph added as cosponsor. 627
House dissented from Senate amendments.. 507
House conferees appointed: Pond and Pelath.. 518
House advisors appointed: Turner, McClain
and Klinker
Senate conferees appointed: Hershman and Breaux. 645
Senate advisors appointed: M. Young, Skinner
and Waltz
House reconsidered and concurred in Senate
amendments; Roll Call 375: yeas 78, nays 12. 659
Signed by the Speaker. 946
Signed by the President Pro Tempore. 1148
Signed by the President of the Senate. 1183
Signed by the Governor. 953
Public Law 153:
SECTION 1 effective retroactive to January 1, 2009
SECTION 2 effective retroactive to January 1, 2011
SECTION 3 effective retroactive to January 1, 2009
SECTIONS 4 through 6 effective July 1, 2012

HB 1326 Author Representative Rhoads
Sponsor Senator Yoder
Various education matters.
Authored by Representative Rhoads. 56
Coauthored by Representative Behning
First reading: referred to Committee on Education

	House	Senate
Committee report: amend do pass, adopted.	136	
Second reading: call withdrawn.	250	
Reread second time: amended, ordered engrossed.	261	
Amendment 1 (Rhoads) prevailed; voice vote.	261	
Third reading: passed;		
Roll Call 184: yeas 79, nays 17.	294	
Referred to the Senate		
Senate sponsor: Senator Yoder		
First reading: referred to Committee on Education and Career Development.		289
Committee report: amend do pass, adopted.		429
Senator Rogers added as cosponsor.		564
Second reading: amended, ordered engrossed.		615
Amendment 1 (Schneider) prevailed; voice vote.		615
Amendment 3 (Hershman) prevailed; voice vote.		616

HB 1327 Author Representative Messmer
Battery by students.
Authored by Representative Messmer. 56
Coauthored by Representative Rhoads
First reading: referred to Committee on Courts and Criminal Code

HB 1328 Author Representative Messmer
Financial institutions tax reduction.
Authored by Representative Messmer. 56
First reading: referred to Committee on Ways and Means

HB 1329 Author Representative Klinker
LIFE scholarships.
Authored by Representative Klinker. 56
First reading: referred to Committee on Education
Representative Truitt added as coauthor. 85

HB 1330 Author Representative Welch
Minority procurement.
Authored by Representative Welch. 56
Coauthored by Representatives Ellspermann and Austin
First reading: referred to Committee on Government and Regulatory Reform

HB 1331 Author Representative Speedy
Companion animal sterilization program.
Authored by Representative Speedy. 56
Coauthored by Representatives L. Lawson and McNamara
First reading: referred to Committee on Commerce, Small Business and Economic Development

HB 1332 Author Representative Culver
Property assessed clean energy.
Authored by Representative Culver. 56
Coauthored by Representative Sullivan
First reading: referred to Committee on Local Government
Reassigned to Committee on Environmental Affairs. 61

HB 1333 Author Representative Riecken
Medicaid coverage for breast cancer treatment.
Authored by Representative Riecken. 56
First reading: referred to Committee on Public Health

HB 1334 Author Representative Karickhoff
Local option tax for public safety.
Authored by Representative Karickhoff. 56
First reading: referred to Committee on Ways and Means

HB 1335 Author Representative Summers
Health disparities medical school curriculum.
Authored by Representative Summers. 56
First reading: referred to Committee on Public Health

HB 1336 Author Representative Summers
Arrest and conviction records.
Authored by Representative Summers. 56
First reading: referred to Committee on Courts and Criminal Code

HB 1337 Author Representative Turner
Tax administration.
Authored by Representative Turner. 56
Coauthored by Representatives Welch and Thompson
First reading: referred to Committee on Ways and Means

HB 1338 Author Representative Burton
Failure to sign vehicle registration.
Authored by Representative Burton. 56
First reading: referred to Committee on Roads and Transportation

HB 1339 Filed for introduction

HB 1340 Author Representative Speedy
Motor vehicle review board.
Authored by Representative Speedy. 56
First reading: referred to Committee on Roads and Transportation

HB 1341 Author Representative Speedy
Mortgage foreclosures and junior lienholders.
Authored by Representative Speedy. 56
First reading: referred to Committee on Judiciary

HB 1342 Author Representative Wesco
Local government issues.

House Senate

Authored by Representative Wesco. 56
First reading: referred to Committee on
Government and Regulatory Reform

HB 1343 Author Representative Summers
Department of child services reporting;
kinship caregiving.
Authored by Representative Summers. 56
First reading: referred to Committee on
Family, Children and Human Affairs

HB 1344 Author Representative V. Smith
Commission for a drug free Indiana.
Authored by Representative V. Smith. 57
First reading: referred to Committee on
Government and Regulatory Reform

HB 1345 Author Representative V. Smith
Cancellation of certain property taxes.
Authored by Representative V. Smith. 57
First reading: referred to Committee on
Ways and Means

HB 1346 Author Representative V. Smith
Lake County municipal taxes.
Authored by Representative V. Smith. 57
First reading: referred to Committee on
Ways and Means

HB 1347 Author Representative V. Smith
Residential care personal needs allowance.
Authored by Representative V. Smith. 57
First reading: referred to Committee on Public Health

HB 1348 Author Representative V. Smith
Access to supplemental nutrition assistance.
Authored by Representative V. Smith. 57
First reading: referred to Committee on
Courts and Criminal Code

HB 1349 Author Representative Dodge
Sponsors Senators Kruse, Buck
Drainage boards.
Authored by Representative Dodge. 57
First reading: referred to Committee on
Agriculture and Rural Development
Committee report: do pass, adopted. 137
Second reading: ordered engrossed. 198
Representative Richardson added as coauthor. 254
Third reading: passed;
Roll Call 105: yeas 92, nays 0. 262
Referred to the Senate
Senate sponsor: Senator Kruse
First reading: referred to Committee on
Agriculture and Natural Resources. 284

House Senate

Committee report: amend do pass, adopted. 338
Second reading: ordered engrossed. 381
Third reading: passed;
Roll Call 210: yeas 50, nays 0. 408
Returned to the House with amendments
Senator Buck added as second sponsor. 409
House dissented from Senate amendments.. 413
House conferees appointed: Dodge and Pflum.. 413
House advisors appointed: Richardson and Battles
Senate conferees appointed: Kruse and R. Young. 534
Senate advisor appointed: Gard

HB 1350 Author Representative Dodge
Rewarding innovation, technology, and excellence
(RITE) program grants.
Authored by Representative Dodge. 57
Coauthored by Representative Yarde
First reading: referred to Committee on Education

HB 1351 Author Representative Bacon
Collection of Medicaid spend down.
Authored by Representative Bacon. 57
Coauthored by Representative Crouch
First reading: referred to Committee on Public Health

HB 1352 Author Representative
Candelaria Reardon
Limitation on levy for township assistance.
Authored by Representative Candelaria Reardon.. 57
First reading: referred to Committee on
Ways and Means
Representative Torr added as coauthor. 85

HB 1353 Author Representative
Candelaria Reardon
Limitation on lobbyist expenditures.
Authored by Representative Candelaria Reardon.. 57
First reading: referred to Committee on
Rules and Legislative Procedures

HB 1354 Author Representative Sullivan
Small breweries.
Authored by Representative Sullivan. 57
Coauthored by Representatives DeLaney and Clere
First reading: referred to Committee on Public Policy

HB 1355 Author Representative Sullivan
Small breweries.
Authored by Representative Sullivan. 57
Coauthored by Representatives Candelaria Reardon
and Clere
First reading: referred to Committee on Public Policy

HB 1356 Author Representative Austin
Transportation funding pilot programs.

	House	Senate
Authored by Representative Austin.	57	
First reading: referred to Committee on Roads and Transportation		

HB 1357 Author Representative Candelaria Reardon
Sales tax exemption for college textbooks.

	House	Senate
Authored by Representative Candelaria Reardon.	57	
First reading: referred to Committee on Ways and Means		

HB 1358 Author Representative Clere
Taxation of civil service annuities.

	House	Senate
Authored by Representative Clere.	57	
Coauthored by Representatives Crouch, Stemler and Koch		
First reading: referred to Committee on Ways and Means		

HB 1359 Author Representative Kubacki
Sales tax holiday.

	House	Senate
Authored by Representative Kubacki.	57	
Coauthored by Representative Heuer		
First reading: referred to Committee on Ways and Means		

■ HB 1360 Author Representative Welch
Sponsors Senators Miller, Breaux
Health matters.

	House	Senate
Authored by Representative Welch.	57	
Coauthored by Representative Grubb		
First reading: referred to Committee on Public Health		
Committee report: amend do pass, adopted.	165	
Representative Bacon added as coauthor.	201	
Second reading: ordered engrossed.	220	
Third reading: passed;		
Roll Call 104: yeas 93, nays 0.	262	
Referred to the Senate		
Senate sponsors: Senators Miller and Breaux		
First reading: referred to Committee on Health and Provider Services.		284
Committee report: amend do pass, adopted.		299
Second reading: ordered engrossed.		328
Third reading: passed;		
Roll Call 211: yeas 50, nays 0.		408
Returned to the House with amendments		
House dissented from Senate amendments.	505	
House conferees appointed: Bacon and Welch.	506	
House advisors appointed: T. Brown, Davisson, Grubb and Battles		
Senate conferees appointed: Miller and Breaux.		642
Senate advisors appointed: Becker and Rogers		
Conference committee report 1: filed in the House.	683	
Rules suspended.	706	
Conference committee report 1: adopted by the House;		
Roll Call 398: yeas 96, nays 0.	707	
Senate Rule 86(k) suspended.		825
Conference committee report 1: adopted by the Senate;		
Roll Call 358: yeas 46, nays 3.		886
Signed by the Speaker.	946	
Signed by the President of the Senate.		1183
Signed by the President Pro Tempore.		1183
Signed by the Governor.	953	
Public Law 154:		
SECTION 1 effective July 1, 2012		
SECTION 2 effective June 30, 2012		
SECTIONS 3 through 4 effective July 1, 2012		

HB 1361 Author Representative Porter
Cultural competency.

	House	Senate
Authored by Representative Porter.	57	
First reading: referred to Committee on Education		

HB 1362 Author Representative Porter
Student discipline.

	House	Senate
Authored by Representative Porter.	57	
First reading: referred to Committee on Education		

HB 1363 Author Representative Knollman
Property tax deduction for farm security items.

	House	Senate
Authored by Representative Knollman.	57	
Coauthored by Representatives Lehe and Davisson		
First reading: referred to Committee on Ways and Means		

HB 1364 Author Representative McNamara
Tax exemption for military pension benefits.

	House	Senate
Authored by Representative McNamara.	57	
Coauthored by Representatives Messmer and Crouch		
First reading: referred to Committee on Ways and Means		

HB 1365 Author Representative McNamara
Sponsors Senators Bray, M. Young
Sentencing alternatives for youthful offenders.

	House	Senate
Authored by Representative McNamara.	57	
Coauthored by Representatives Steuerwald and Dermody		
First reading: referred to Committee on Courts and Criminal Code		
Committee report: do pass, adopted.	137	
Second reading: amended, ordered engrossed.	198	
Amendment 1 (McNamara) prevailed; voice vote.	198	
Representative Pierce added as coauthor.	201	
Third reading: passed;		
Roll Call 103: yeas 93, nays 0.	262	
Referred to the Senate		
Senate sponsors: Senators Bray and M. Young		
First reading: referred to Committee on Judiciary.		284
Committee report: amend do pass, adopted.		497
Second reading: ordered engrossed.		549
Senator Randolph added as cosponsor.		564

HB 1366 Author Representative C. Fry
St. Joseph County innkeeper's tax distribution.

	House	Senate
Authored by Representative C. Fry.	57	

House Senate

First reading: referred to Committee on Ways and Means
Representative Torr added as coauthor. 85

■ **HB 1367 Author Representative Noe**
Sponsor Senator Lawson
Deaf and hard of hearing education services.
Authored by Representative Noe. 57
First reading: referred to Committee on Education
Committee report: amend do pass, adopted. 220
Second reading: amended, ordered engrossed. 263
Amendment 1 (Noe) prevailed; voice vote. 263
Amendment 2 (Porter) failed;
Roll Call 113: yeas 42, nays 54. 263
Representative Thompson added as coauthor.. 283
Third reading: passed;
Roll Call 143: yeas 61, nays 36. 289
Referred to the Senate
Senate sponsor: Senator Lawson
First reading: referred to Committee on Appropriations. 289
Senator Rogers added as cosponsor. 291
Senator Rogers removed as cosponsor. 295
Senator Rogers added as second sponsor. 303
Senator Hershman added as cosponsor
Senator Rogers removed as second sponsor
Committee report: amend do pass, adopted. 484
Pursuant to Senate Rule 5(b) and 5(a) as it applies to this bill, the bill is to be placed first on the Senate Calendar on second and third readings.. . . . 531
Second reading: amended, ordered engrossed. 541
Amendment 1 (Lawson) prevailed; voice vote.. 541
Third reading: passed;
Roll Call 265: yeas 40, nays 8. 621
Returned to the House with amendments
House concurred in Senate amendments;
Roll Call 347: yeas 54, nays 36. 527
Signed by the Speaker. 529
Signed by the President Pro Tempore. 675
Signed by the President of the Senate. 762
Signed by the Governor. 953
Public Law 109:
SECTION 1 effective March 16, 2012
SECTIONS 2 through 15 effective July 1, 2012
SECTION 16 effective October 1, 2012
SECTIONS 17 through 18 effective March 16, 2012

HB 1368 Author Representative Heuer
In-state tuition for military families.
Authored by Representative Heuer.. 57
Coauthored by Representatives Kubacki, Baird and GiaQuinta
First reading: referred to Committee on Education

HB 1369 Author Representative Heuer
Tax credit for research conducted by university.
Authored by Representative Heuer.. 57
Coauthored by Representatives Ellspermann, Kubacki and Stemler
First reading: referred to Committee on Ways and Means

HB 1370 Author Representative Knollman
Medicinal marijuana.
Authored by Representative Knollman. 57
Coauthored by Representative White
First reading: referred to Committee on Public Policy

HB 1371 Author Representative Ubelhor
County officer presence in office.
Authored by Representative Ubelhor. 59
First reading: referred to Committee on Local Government

HB 1372 Author Representative Noe
Veteran's records.
Authored by Representative Noe. 59
First reading: referred to Committee on Veterans Affairs and Public Safety

HB 1373 Author Representative Steuerwald
Fraudulent financing statements.
Authored by Representative Steuerwald.. 59
Coauthored by Representative Noe
First reading: referred to Committee on Judiciary

HB 1374 Author Representative McClain
Municipal food and beverage tax.
Authored by Representative McClain. 59
First reading: referred to Committee on Ways and Means

HB 1375 Author Representative Borders
Personal needs allowance.
Authored by Representative Borders. 72
First reading: referred to Committee on Public Health.. . 72

■ **HB 1376 Author Representative Espich**
Sponsors Senators Kenley, Charbonneau
State and local administration.
First reading: referred to Committee on Rules and Legislative Procedures. 72
Reassigned to Committee on Ways and Means. 87
Committee report: amend do pass, adopted. 185
Representative Espich added as author. 201
Second reading: ordered engrossed. 278
Amendment 1 (DeLaney) failed;
Roll Call 119: yeas 36, nays 60. 278
Amendment 4 (Goodin) failed;
Roll Call 120: yeas 39, nays 56. 278
Amendment 6 (Day) failed;
Roll Call 121: yeas 40, nays 55. 278
Amendment 3 (DeLaney) failed;
Roll Call 122: yeas 39, nays 56. 279

	House	Senate
Third reading: passed;		
Roll Call 185: yeas 96, nays 2.	294	
Representative Crawford added as coauthor.	295	
Referred to the Senate		
Senate sponsor: Senator Kenley		
First reading: referred to Committee on Appropriations.		289
Senator Head added as cosponsor.		296
Senator Charbonneau added as second sponsor.		383
Committee report: amend do pass, adopted.		432
Second reading: amended, ordered engrossed.		549
Amendment 8 (Kenley) prevailed; voice vote.		549
Amendment 9 (Kenley) prevailed; voice vote.		549
Amendment 11 (Kenley) prevailed; voice vote.		551
Amendment 2 (Miller) prevailed; voice vote.		553
Amendment 1 (Miller) prevailed; voice vote.		553
Amendment 7 (Broden) failed;		
Roll Call 244: yeas 13, nays 36.		554
Amendment 12 (Tallian) failed; voice vote.		554
Amendment 13 (Tallian) failed;		
Roll Call 245: yeas 13, nays 35.		554
Amendment 3 (Lanane) failed; voice vote.		555
Senator Tallian added as cosponsor.		564
Third reading: passed;		
Roll Call 296: yeas 44, nays 6.		625
Returned to the House with amendments		
House dissented from Senate amendments.	505	
House conferees appointed: Espich and Crawford.	518	
House advisors appointed: Turner, Crouch, Clere, Thompson, Leonard, Klinker and Goodin		
Senate conferees appointed: Kenley and Tallian.		645
Senate advisors appointed: Mishler, Broden and Charbonneau		
Representative Crawford removed as conferee.	922	
Representative Turner removed as House advisor		
Representative Turner added as conferee		
Conference committee report 1: filed in the House.	923	
Rules suspended.	951	
Senate Rule 86(k) suspended.		1148
Conference committee report 1: adopted by the Senate;		
Roll Call 369: yeas 40, nays 10.		1154
Conference committee report 1: adopted by the House;		
Roll Call 422: yeas 76, nays 17.	951	
Signed by the President Pro Tempore.		1183
Signed by the Speaker.	953	
Signed by the President of the Senate.		1183
Signed by the Governor.	953	
Public Law 160:		
SECTION 1 effective March 20, 2012		
SECTIONS 2 through 3 effective January 1, 2013		
SECTIONS 4 through 6 effective March 20, 2012		
SECTION 7 effective July 1, 2012		
SECTIONS 8 through 41 effective March 20, 2012		
SECTIONS 42 through 45 effective July 1, 2012		
SECTION 46 effective March 20, 2012		
SECTIONS 47 through 50 effective July 1, 2012		
SECTIONS 51 through 52 effective March 20, 2012		
SECTIONS 53 through 55 effective July 1, 2012		
SECTION 56 effective March 20, 2012		
SECTIONS 57 through 58 effective July 1, 2012		
SECTIONS 59 through 68 effective March 20, 2012		

	House	Senate
HB 1377 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	72	
HB 1378 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	72	
HB 1379 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	72	
HB 1380 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	72	
HB 1381 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	72	
HB 1382 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	72	
HB 1383 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	72	
HB 1384 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	72	
HB 1385 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	73	
HB 1386 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	73	
HB 1387 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	73	
HB 1388 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	73	
HB 1389 Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedures.	73	

HISTORIES OF BILLS AND RESOLUTIONS—2012

House Senate

HB 1390 Vehicle bill.
First reading: referred to Committee on
Rules and Legislative Procedures. 73

HB 1391 Vehicle bill.
First reading: referred to Committee on
Rules and Legislative Procedures. 73

HB 1392 Vehicle bill.
First reading: referred to Committee on
Rules and Legislative Procedures. 73

HB 1393 Vehicle bill.
First reading: referred to Committee on
Rules and Legislative Procedures. 73

HB 1394 Vehicle bill.
First reading: referred to Committee on
Rules and Legislative Procedures. 73

HB 1395 Vehicle bill.
First reading: referred to Committee on
Rules and Legislative Procedures. 73

House Senate

HB 1396 Vehicle bill.
First reading: referred to Committee on
Rules and Legislative Procedures. 73

HB 1397 Vehicle bill.
First reading: referred to Committee on
Rules and Legislative Procedures. 73

HB 1398 Vehicle bill.
First reading: referred to Committee on
Rules and Legislative Procedures. 73

HB 1399 Vehicle bill.
First reading: referred to Committee on
Rules and Legislative Procedures. 73

HB 1400 Vehicle bill.
First reading: referred to Committee on
Rules and Legislative Procedures. 73

HOUSE JOINT RESOLUTIONS

HJR 1 Author Representative Torr
Redistricting.
Authored by Representative Torr. 19
Coauthored by Representative Bosma
First reading: referred to Committee on
Elections and Apportionment
Representative Day added as coauthor. 71

HJR 2 Author Representative Bartlett
Redistricting.
Authored by Representative Bartlett. 58
First reading: referred to Committee on
Elections and Apportionment

HOUSE CONCURRENT RESOLUTIONS

HCR 1 Author Representative Bosma
Sponsors Senators Long, Simpson
Allowing House and Senate to recess separately
during Second Regular Session.
Authored by Representative Bosma. 5
Coauthored by Representative Bauer
First reading: adopted voice vote
Referred to the Senate
Senate sponsors: Senators Long and Simpson
First reading: adopted; Roll Call 2: yeas 49, nays 0. 3
Returned to the House

HCR 2 Author Representative Truitt
Sponsor Senator Alting
Honoring Happy Hollow Elementary School,
a Blue Ribbon School.
Authored by Representative Truitt. 5
Coauthored by Representative Klinker
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Alting
First reading: adopted voice vote. 19
Returned to the House

House Senate

HCR 3 Author Representative Dodge
Sponsor Senator Steele
Urging Congress to adopt
the Veterans Remembered Flag.
Authored by Representative Dodge. 6
Coauthored by Representative Gutwein
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Steele
First reading: adopted voice vote. 20
Returned to the House

HCR 4 Author Representative Cherry
Sponsor Senator Gard
Honoring Josh Bleill, wounded in Iraq, for dedication
in facing his injuries.
Authored by Representative Cherry. 26
Coauthored by Representatives Baird and Torr
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Gard
First reading: adopted voice vote. 47
Returned to the House
Senators Alting, Arnold, Banks, Becker, Boots, Bray,
Breaux, Broden, Buck, Charbonneau, Delph, Eckerty,
Glick, Grooms, Head, Hershman, Holdman, Hume,
Kenley, Kruse, Lanane, Landske, Lawson, Leising,
Long, Merritt, Miller, Mishler, Mrvan, Nugent, Paul,
Randolph, Rogers, Schneider, Simpson, Skinner,
Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz,
Waterman, Wyss, Yoder, R. Young, M. Young
and Zakas added as cosponsors. 49

HCR 5 Author Representative Messmer
Sponsor Senator Hume
Honoring Otwell Elementary School,
a Blue Ribbon School.
Authored by Representative Messmer. 27
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Hume
First reading: adopted voice vote. 47
Returned to the House

HCR 6 Author Representative Thompson
Urging USDOT to hold hearings on placing Indiana
in Central time zone.
Authored by Representative Thompson. 27
Referred to Committee on
Roads and Transportation

HCR 7 Author Representative Lehman
Sponsor Senator Holdman
Honoring South Adams High School for
their Dots in Blue Water program.
Authored by Representative Lehman. 59
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Holdman
First reading: adopted voice vote. 71
Returned to the House

HCR 8 Author Representative V. Smith
Sponsor Senator Rogers
Commemorating Dr. Martin Luther King, Jr. Day.
Authored by Representative V. Smith. 70
Coauthored by Representatives Candelaria Reardon,
Harris, Porter, Bartlett, Crawford, C. Brown
and Pryor
First reading: adopted voice vote. 70
Referred to the Senate
Senate sponsor: Senator Rogers
First reading: adopted voice vote. 72
Returned to the House

HCR 9 Author Representative McNamara
Sponsor Senator Head
Honoring the members of the Youth Advisory Council.
Authored by Representative McNamara.. 92
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Head
First reading: adopted voice vote. 146
Returned to the House

HCR 10 Author Representative Burton
Sponsor Senator Miller
Honoring Marty Chitwood, volunteer at
Riley Hospital for Children.
Authored by Representative Burton. 93
Coauthored by Representatives Frizzell, M. Smith
and Foley
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Miller
Senators M. Young, Delph and Walker
added as cosponsors.. 129
First reading: adopted voice vote. 146
Returned to the House

HCR 11 Author Representative R. Frye
Sponsor Senator Wyss
Declaring Brandon Vinson an honorary firefighter
of the State of Indiana.
Authored by Representative R. Frye. 172
Coauthored by Representative White
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Wyss
First reading: adopted voice vote. 162
Returned to the House

HCR 12 Author Representative V. Smith
Urging INDOT to erect a memorial in honor
of State Trooper Scott Patrick.
Authored by Representative V. Smith. 286

House Senate

Referred to Committee on
Roads and Transportation

HCR 13 Author Representative Riecken
Sponsors Senators Tomes, Becker
Recognizing the USS LST Ship Memorial, Evansville.
Authored by Representative Riecken. 286
Coauthored by Representatives Crouch, Bacon, McNamara, Battles, Ellspermann and Messmer
First reading: adopted voice vote
Referred to the Senate
Senate sponsors: Senators Tomes and Becker
First reading: adopted voice vote. 284
Returned to the House

HCR 14 Author Representative Messmer
Sponsor Senator Waterman
Honoring Private Richard Taylor and
Lt. Colonel Don C. Faith, Jr.
Authored by Representative Messmer. 297
Referred to Committee on
Roads and Transportation
Committee report: do pass, adopted. 406
Second reading: adopted;
Roll Call 324: yeas 91, nays 0. 521
Referred to the Senate
Senate sponsor: Senator Waterman
First reading: referred to Committee on Homeland Security, Transportation and Veterans Affairs. 660
Committee report: do pass, adopted. 665
Second reading: adopted voice vote. 679
Returned to the House

HCR 15 Author Representative Koch
Sponsor Senator Steele
Honoring Brown County algebra students
upon great test performance.
Authored by Representative Koch. 297
Coauthored by Representative Welch
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Steele
First reading: adopted voice vote. 305
Returned to the House

HCR 16 Author Representative Riecken
Sponsors Senators Becker, Tomes
Honoring Evansville Bosse High School
on 50th anniversary of its basketball championship.
Authored by Representative Riecken. 303
Coauthored by Representatives Bacon, Crouch and McNamara
First reading: adopted voice vote
Referred to the Senate
Senate sponsors: Senators Becker and Tomes
First reading: adopted voice vote. 304
Returned to the House

House Senate

HCR 17 Author Representative Heaton
Sponsors Senators Waterman, Skinner
Marking the 100th anniversary of the Girl Scouts.
Authored by Representative Heaton. 303
Coauthored by Representatives Bosma, Austin, Bacon, Baird, Bardon, Bartlett, Battles, Bauer, Behning, Borders, C. Brown, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Dvorak, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, C. Fry, R. Frye, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, L. Lawson, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Moseley, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, V. Smith, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Summers, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins and Yarde
First reading: adopted voice vote
Referred to the Senate
Senate sponsors: Senators Waterman and Skinner
First reading: adopted voice vote. 301
Returned to the House
Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Wyss, Yoder, R. Young, M. Young and Zakas added as cosponsors. 303

HCR 18 Author Representative Moseley
Sponsors Senators Tallian, Arnold
Urging the Indiana General Assembly
to fly the POW/MIA flag in both Chambers.
Authored by Representative Moseley. 304
Coauthored by Representatives Gutwein, Austin, Bacon, Baird, Bardon, Bartlett, Battles, Bauer, Behning, Borders, Bosma, C. Brown, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Dvorak, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, C. Fry, R. Frye, GiaQuinta, Goodin, Grubb, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, L. Lawson, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, V. Smith, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Summers, Thompson, Torr,

House Senate

Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins and Yarde
Referred to Committee on Veterans Affairs and Public Safety
Committee report: do pass, adopted. 355
Second reading: adopted;
Roll Call 325: yeas 94, nays 0. 521
Referred to the Senate
Senate sponsors: Senators Tallian and Arnold
First reading: adopted voice vote. 671
Returned to the House

HCR 19 Author Representative Leonard
Sponsor Senator Banks
Honoring Melanie Park, Indiana's 2012 Teacher of the Year.
Authored by Representative Leonard. 304
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Banks
First reading: adopted voice vote. 300
Returned to the House

HCR 20 Author Representative Foley
Sponsor Senator Bray
Honoring Martinsville High School and East Middle School Spell Bowl teams.
Authored by Representative Foley. 305
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Bray
First reading: adopted voice vote. 304
Returned to the House

HCR 21 Author Representative Crawford
Sponsors Senators Simpson, Steele
Honoring Viola J. Taliaferro for her service and success as a judge.
Authored by Representative Crawford. 309
Coauthored by Representatives Bartlett, C. Brown, Harris, Porter, Pryor, Candelaria Reardon, V. Smith, Summers, Pierce and Welch
First reading: adopted voice vote
Referred to the Senate
Senate sponsors: Senators Simpson and Steele
First reading: adopted voice vote. 328
Returned to the House
Representatives Day and Dobis added as coauthors.. . . . 328

HCR 22 Author Representative Crawford
Sponsors Senators Simpson, Steele
Honoring George Taliaferro, ambassador for civil and human rights.
Authored by Representative Crawford. 309
Coauthored by Representatives Bartlett, C. Brown, Harris, Porter, Pryor, Candelaria Reardon, V. Smith, Summers, Pierce and Welch
First reading: adopted voice vote
Referred to the Senate
Senate sponsors: Senators Simpson and Steele
First reading: adopted voice vote. 329
Returned to the House
Representatives Day and Dobis added as coauthors.. . . . 328

HCR 23 Author Representative Niezgodski
Sponsor Senator Broden
Memorializing former Representative Tom Kromkowski of South Bend.
Authored by Representative Niezgodski. 310
Coauthored by Representatives Bauer, C. Fry, Dvorak and Pelath
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Broden
First reading: adopted standing vote.. 341
Returned to the House
Senators Zakas, Arnold and Mishler added as cosponsors.. 383

HCR 24 Author Representative Porter
Sponsor Senator Schneider
Honoring Bishop Chatard High School football team, Class 3A state champions.
Authored by Representative Porter.. 320
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Schneider
First reading: adopted voice vote. 379
Returned to the House

HCR 25 Author Representative Riecken
Sponsor Senator Becker
Recognizing the Main Yard Site Remediation Project.
Authored by Representative Riecken. 330
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Becker
First reading: adopted voice vote. 415
Returned to the House

HCR 26 Author Representative Heuer
Sponsors Senators Banks, Long
Honoring the Parkview Whitley Hospital nursing staff.
Authored by Representative Heuer.. 346
Coauthored by Representative Leonard
First reading: adopted voice vote
Referred to the Senate
Senate sponsors: Senators Banks and Long
First reading: adopted voice vote. 424
Returned to the House

HCR 27 Author Representative Heaton
Urging INDOT to rename part of State Road 59 the "Orville Redenbacher Highway".
Authored by Representative Heaton. 347
Referred to Committee on Roads and Transportation

House Senate

HCR 28 Author Representative Crouch
Sponsor Senator Becker
Honoring Chief Justice Randall T. Shepard
on his retirement.
Authored by Representative Crouch.. 347
Coauthored by Representatives Austin, Bacon, Baird, Bardon, Bartlett, Battles, Bauer, Behning, Borders, Bosma, C. Brown, T. Brown, Burton, Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody, Dobis, Dodge, Dvorak, Eberhart, Ellspermann, Espich, Foley, Friend, Frizzell, C. Fry, R. Frye, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Heaton, Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman, Koch, Kubacki, L. Lawson, Lehe, Lehman, Leonard, Lutz, Mahan, McClain, McMillin, McNamara, Messmer, Morris, Moseley, Moses, Neese, Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske, Rhoads, Richardson, Riecken, Saunders, M. Smith, V. Smith, Soliday, Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Summers, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Welch, Wesco, White, Wolkins and Yarde
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Becker
First reading: adopted voice vote. 417
Returned to the House
Senators Alting, Arnold, Banks, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Delph, Eckerty, Gard, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Long, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Simpson, Skinner, Smith, Steele, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, R. Young, M. Young and Zakas added as cosponsors. 425

HCR 29 Author Representative Leonard
Sponsor Senator Banks
Honoring Ivy West, Keaton Irwin and
the Whitko High School art department.
Authored by Representative Leonard. 348
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Banks
First reading: adopted voice vote. 523
Returned to the House

HCR 30 Author Representative Heuer
Sponsor Senator Holdman
Honoring the United Ways of Indiana
for their services to the state.
Authored by Representative Heuer.. 348
Coauthored by Representatives Sullivan, Pryor, Day, Klinker, Kubacki, Battles, Austin, Stevenson, Dembowski, Karickhoff and McClain
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Holdman
First reading: adopted voice vote. 423
Returned to the House

HCR 31 Author Representative Pelath
Sponsor Senator Arnold
Memorializing the life of Ann Spevak of LaPorte.
Authored by Representative Pelath. 360
Coauthored by Representative Dermody
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Arnold
First reading: adopted voice vote. 522
Returned to the House

HCR 32 Author Representative Pelath
Sponsor Senator Arnold
Memorializing the life of Robert E. Miller
of Michigan City.
Authored by Representative Pelath. 361
Coauthored by Representative Dermody
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Arnold
First reading: adopted voice vote. 522
Returned to the House

HCR 33 Author Representative Heuer
Sponsor Senator Banks
Honoring Jim Argerbright for his service
to the Whitley County community.
Authored by Representative Heuer.. 361
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Banks
First reading: adopted voice vote. 524
Returned to the House

HCR 34 Author Representative Heuer
Sponsor Senator Banks
Honoring John Lefever for his services
to Whitley County.
Authored by Representative Heuer.. 362
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Banks
First reading: adopted voice vote. 524
Returned to the House

HCR 35 Author Representative Clere
Sponsors Senators Grooms, Smith
Honoring Providence High School
girls soccer team, Class A state champions.
Authored by Representative Clere. 362
Coauthored by Representatives Stemler and Rhoads
First reading: adopted voice vote
Referred to the Senate

House Senate

Senate sponsors: Senators Grooms and Smith
First reading: adopted voice vote. 482
Returned to the House

HCR 36 Author Representative Messmer
Sponsor Senator Hume
Honoring Schnitzelbank Restaurant for winning
the Super 46 sandwich contest.
Authored by Representative Messmer. 363
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Hume
First reading: adopted voice vote. 481
Returned to the House

HCR 37 Author Representative Foley
Sponsor Senator Bray
Honoring Martinsville High School
Academic Decathlon team, state champions.
Authored by Representative Foley. 363
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Bray
First reading: adopted voice vote. 538
Returned to the House

HCR 38 Author Representative VanNatter
Sponsors Senators Buck, Hershman
Honoring the Western High School Marching Band.
Authored by Representative VanNatter. 416
Coauthored by Representative GiaQuinta
First reading: adopted voice vote
Referred to the Senate
Senate sponsors: Senators Buck and Hershman
First reading: adopted voice vote. 540
Returned to the House

HCR 39 Author Representative Dodge
Sponsors Senators Kruse, Glick
Honoring Paul Oakes for his services
to the Indianapolis area.
Authored by Representative Dodge. 417
Coauthored by Representatives Yarde and GiaQuinta
First reading: adopted voice vote
Referred to the Senate
Senate sponsors: Senators Kruse and Glick
First reading: adopted voice vote. 569
Returned to the House

HCR 40 Author Representative Foley
Sponsors Senators M. Young, Arnold, Banks
Thanking Legislative Services Agency's
Office of Code Revision.
Authored by Representative Foley. 417
Coauthored by Representatives McMillin, Bartlett
and VanDenburgh
First reading: adopted voice vote
Referred to the Senate

House Senate

Senate sponsors: Senators M. Young, Arnold
and Banks
Cosponsor: Senator Taylor
First reading: adopted voice vote. 651
Returned to the House

HCR 41 Author Representative V. Smith
Celebrating Black History Month.
Authored by Representative V. Smith. 468
Coauthored by Representatives Bartlett, C. Brown,
Crawford, Harris, Porter, Pryor, Candelaria Reardon
and Summers
Resolution withdrawn

HCR 42 Author Representative Foley
Sponsors Senators Long, Simpson
Recognizing the staff of the
Legislative Services Agency.
Authored by Representative Foley. 449
Coauthored by Representatives Richardson
and Bosma
First reading: adopted voice vote
Referred to the Senate
Senate sponsors: Senators Long and Simpson
First reading: adopted voice vote. 628
Returned to the House

HCR 43 Author Representative Noe
Sponsor Senator Merritt
Honoring the Junior League of Indianapolis
on its 90th anniversary.
Authored by Representative Noe. 499
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Merritt
First reading: adopted voice vote. 651
Returned to the House

HCR 44 Author Representative Pryor
Sponsor Senator Lawson
Recognizing cancer research participants.
Authored by Representative Pryor. 500
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Lawson
First reading: adopted voice vote. 652
Returned to the House

HCR 45 Author Representative V. Smith
Sponsor Senator Rogers
Honoring Karen Freeman-Wilson, Mayor of Gary.
Authored by Representative V. Smith. 509
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Rogers
First reading: adopted voice vote. 652
Returned to the House

HISTORIES OF BILLS AND RESOLUTIONS—2012

House Senate

HCR 46 Author Representative Eberhart
Sponsor Senator Walker
Honoring students from the L. Frances Smith Elementary School in Columbus, Indiana.
Authored by Representative Eberhart. 500
Coauthored by Representatives M. Smith and Koch
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Walker
First reading: adopted voice vote. 653
Returned to the House

HCR 47 Author Representative Lutz
Sponsor Senator Eckerty
Honoring the Yorktown High School girls volleyball team.
Authored by Representative Lutz. 501
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Eckerty
First reading: adopted voice vote. 653
Returned to the House

HCR 48 Author Representative Crawford
Sponsor Senator Taylor
Honoring Child Advocates Network for its service to Indiana.
Authored by Representative Crawford. 501
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Taylor
First reading: adopted voice vote. 654
Returned to the House

HCR 49 Author Representative Frizzell
Sponsor Senator Waltz
Congratulating Sean Mappes, Center Grove High School, state wrestling champion.
Authored by Representative Frizzell. 511
Coauthored by Representative Burton
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Waltz
First reading: adopted voice vote. 655
Returned to the House

HCR 50 Author Representative Dodge
Sponsor Senator Kruse
Honoring Wayne A. Madden of Auburn for his community service.
Authored by Representative Dodge. 511
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Kruse
First reading: adopted voice vote. 656
Returned to the House

House Senate

HCR 51 Author Representative Frizzell
Sponsor Senator Waltz
Honoring Perry Meridian High School wrestling team, state champions.
Authored by Representative Frizzell. 512
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Waltz
First reading: adopted voice vote. 656
Returned to the House

HCR 52 Author Representative V. Smith
Sponsor Senator Rogers
Memorializing Katie Hall, former member of the General Assembly and Congress.
Authored by Representative V. Smith. 510
Coauthored by Representatives Bartlett, C. Brown, Crawford, Harris, Porter, Pryor and Summers
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Rogers
First reading: adopted standing vote.. 657
Returned to the House

HCR 53 Author Representative Klinker
Sponsors Senators Alting, Hershman
Congratulating Joe Ruhl on being awarded the National Science Teaching Award.
Authored by Representative Klinker. 512
Coauthored by Representatives Truitt and T. Brown
First reading: adopted voice vote
Referred to the Senate
Senate sponsors: Senators Alting and Hershman
First reading: adopted voice vote. 672
Returned to the House

HCR 54 Author Representative Battles
Sponsor Senator Hume
Congratulating Hoosier Boys State on the occasion of its 75th anniversary.
Authored by Representative Battles. 521
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Hume
First reading: adopted voice vote. 672
Returned to the House

HCR 55 Author Representative Crawford
Sponsor Senator Taylor
Honoring Mike Rodman of Indianapolis for his community service.
Authored by Representative Crawford. 531
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Taylor
First reading: adopted voice vote. 679
Returned to the House

HISTORIES OF BILLS AND RESOLUTIONS—2012

House Senate

HCR 56 Author Representative Frizzell
Study of ways of incorporating clean energy resources.
Authored by Representative Frizzell. 537
Referred to Committee on
Government and Regulatory Reform

HCR 57 Author Representative Bosma
Sponsor Senator Long
Fixing the date for the technical session
of the 117th General Assembly.
Authored by Representative Bosma. 661
First reading: adopted voice vote
Referred to the Senate
Senate sponsor: Senator Long
First reading: adopted voice vote. 832
Returned to the House

HCR 58 Author Representative
Candelaria Reardon
Sponsors Senators Tallian, Mrvan
Congratulating the 2012 inductees into the Times
Northwest Indiana Business and Industry Hall of Fame.
Authored by Representative Candelaria Reardon.. 710
Coauthored by Representative Soliday
First reading: adopted voice vote
Referred to the Senate
Senate sponsors: Senators Tallian and Mrvan
First reading: adopted voice vote. 897
Returned to the House

HOUSE RESOLUTIONS

HR 1 Author Representative Lehman
Honoring Short Associates Insurance Agency
on its 50th anniversary.
Authored by Representative Lehman. 6
First reading: adopted voice vote

HR 2 Author Representative Stevenson
Honoring George Thiel Griffith upon his retirement.
Authored by Representative Stevenson. 27
Coauthored by Representatives Dobis,
Candelaria Reardon and Harris
First reading: adopted voice vote

HR 3 Author Representative Koch
Study of possible creation of
a local investment exchange.
Authored by Representative Koch. 28
Referred to Committee on
Rules and Legislative Procedures

HR 4 Author Representative Kubacki
Urging Congress to add personal hygiene items
to the SNAP program.
Authored by Representative Kubacki.. 29
Referred to Committee on Public Health

HR 5 Author Representative Steuerwald
Urging the Indiana Congressional delegation
to coauthor the STOCK Act.
Authored by Representative Steuerwald.. 29
Referred to Statutory Committee on
Interstate and International Cooperation

HR 6 Author Representative Klinker
Honoring Dr. Ed Eiler, Lafayette school
superintendent, on his retirement.
Authored by Representative Klinker. 64
Coauthored by Representative Truitt
First reading: adopted voice vote

HR 7 Author Representative Goodin
Recognizing Hibernia, Indiana on its 60th annual
Hibernia Raccoon Dinner.
Authored by Representative Goodin. 64
First reading: adopted voice vote

HR 8 Author Representative R. Frye
Recognizing the 100th anniversary of the Greensburg
Daily News Cheer Fund.
Authored by Representative R. Frye. 73
First reading: adopted voice vote

HR 9 Author Representative Pryor
Honoring Hope Tribble for her service
to the Indiana General Assembly.
Authored by Representative Pryor. 73
Coauthored by Representatives Bartlett, C. Brown,
Candelaria Reardon, Crawford, Goodin, Kersey,
Klinker, Moses, Pelath, Porter, V. Smith, Summers,
Welch, Espich, Cherry, Dermody, Pond, M. Smith,
Thompson, Baird, Clere, Karickhoff, Kubacki,
Leonard, McClain, Truitt, Turner, Ubelhor, Bardon
and Day
First reading: adopted voice vote

HISTORIES OF BILLS AND RESOLUTIONS—2012

House Senate

HR 10 Author Representative Kirchhofer
Honoring Greg Hess of Project 9/11 Indianapolis.
Authored by Representative Kirchhofer. 93
Coauthored by Representatives Speedy and R. Frye
First reading: adopted voice vote

HR 11 Author Representative McNamara
Honoring St. Matthew Elementary School,
a Four Star School designee.
Authored by Representative McNamara. 93
First reading: adopted voice vote

HR 12 Author Representative Richardson
Honoring Isabelle Haverstick Harger,
Noblesville community leader.
Authored by Representative Richardson. 94
First reading: adopted voice vote

HR 13 Author Representative Heaton
Urging INDOT to rename part of State Road 59
the "Orville Redenbacher Highway".
Authored by Representative Heaton. 147
Referred to Committee on
Roads and Transportation

HR 14 Author Representative Mahan
Recognizing the Indiana Sheriff's Association.
Authored by Representative Mahan. 148
Coauthored by Representative Heaton
First reading: adopted voice vote

HR 15 Author Representative Heuer
Honoring Gareth Evans, House staff member
and new U.S. citizen.
Authored by Representative Heuer. 148
Coauthored by Representatives Torr, VanNatter,
Leonard, Davisson, Ubelhor, Koch and Wesco
First reading: adopted voice vote

HR 16 Author Representative Frizzell
Affirming support for Taiwan's participation
in the global community.
Authored by Representative Frizzell. 148
First reading: adopted voice vote

HR 17 Author Representative Yarde
Urging INDOT to rename part of State Road 8
for John Martin Smith.
Authored by Representative Yarde. 287
Referred to Committee on
Roads and Transportation
Committee report: do pass, adopted. 406
Second reading: adopted;
Roll Call 326: yeas 93, nays 0. 521

House Senate

HR 18 Author Representative Neese
Study of increasing penalties for battery
against police officers.
Authored by Representative Neese. 287
Referred to Committee on
Courts and Criminal Code

HR 19 Author Representative M. Smith
Congratulating Tony Stewart on winning
the 2011 NASCAR Sprint Cup Championship.
Authored by Representative M. Smith. 287
First reading: adopted voice vote

HR 20 Author Representative Foley
Study on topic of sex and violent offender registry.
Authored by Representative Foley. 288
Referred to Committee on
Courts and Criminal Code

HR 21 Author Representative Austin
Congratulating the Women in Government Foundation.
Authored by Representative Austin. 288
Referred to Committee on Public Health

HR 22 Author Representative
Candelaria Reardon
Honoring the life and work of Pastor David J. Allen,
Lake County.
Authored by Representative Candelaria Reardon. 289
First reading: adopted voice vote

HR 23 Author Representative Reske
Honoring Mike Cannon, Pendleton community leader.
Authored by Representative Reske. 297
First reading: adopted voice vote

HR 24 Author Representative Cheatham
Thanking Schneck Medical Center for its work
on behalf of Hoosier communities.
Authored by Representative Cheatham. 298
Coauthored by Representatives Davisson and Clere
First reading: adopted voice vote
Representative Clere removed as coauthor. 508

HR 25 Author Representative Grubb
Honoring the 150th anniversary of McCabe and
McCabe law firm of Williamsport.
Authored by Representative Grubb. 305
First reading: adopted voice vote

HR 26 Author Representative McNamara
Honoring Evansville Bosse High School for
outstanding academic progress.
Authored by Representative McNamara. 306

House Senate

Coauthored by Representative Riecken
First reading: adopted voice vote

HR 27 Author Representative McNamara
Honoring Delaware Elementary School, Evansville, for academic progress.
Authored by Representative McNamara. 306
Coauthored by Representative Riecken
First reading: adopted voice vote

HR 28 Author Representative Foley
Study on township reorganization.
Authored by Representative Foley. 306
Referred to Committee on Local Government
Committee report: do pass, adopted. 326
Second reading; adopted by Division of the House: yeas 52, nays 40. 521

HR 29 Author Representative Kersey
Honoring Steve Weatherford, Terre Haute native, for playing in the Super Bowl.
Authored by Representative Kersey. 306
First reading: adopted voice vote

HR 30 Author Representative Turner
Honoring Dr. Matt DeLong, Taylor University, on being named outstanding teacher.
Authored by Representative Turner. 316
First reading: adopted voice vote

HR 31 Author Representative Pelath
Study of Indiana Green Program Task Force.
Authored by Representative Pelath. 316
Referred to Committee on Environmental Affairs

HR 32 Author Representative Pryor
Honoring the achievements of Wilson Reyes, Indianapolis outstanding teacher.
Authored by Representative Pryor. 317
First reading: adopted voice vote

HR 33 Author Representative Cherry
Study of property tax deductions for mortise and tenon barns.
Authored by Representative Cherry. 321
Referred to Committee on Ways and Means

HR 34 Author Representative Cherry
Study of self-rolled cigarette retail establishments.
Authored by Representative Cherry. 321
Referred to Committee on Public Policy

House Senate

HR 35 Author Representative Turner
Honoring Paul Patterson, Taylor University men's basketball coach.
Authored by Representative Turner. 321
Coauthored by Representative Mahan
First reading: adopted voice vote

HR 36 Author Representative Niezgodski
Study of the use of coal tar pavement products.
Authored by Representative Niezgodski. 331
Referred to Committee on Roads and Transportation

HR 37 Author Representative Richardson
Study of absentee ballot issues.
Authored by Representative Richardson. 331
Referred to Committee on Elections and Apportionment

HR 38 Author Representative Messmer
Honoring Jessica D'Esposito, Colton Newton and Anna Woolery for science project.
Authored by Representative Messmer. 331
First reading: adopted voice vote

HR 39 Author Representative Messmer
Honoring North Daviess Community Schools for outstanding programs.
Authored by Representative Messmer. 332
First reading: adopted voice vote

HR 40 Author Representative Kubacki
Recognizing October as Inflammatory Breast Cancer Awareness Month.
Authored by Representative Kubacki. 418
Coauthored by Representative Candelaria Reardon
First reading: adopted voice vote

HR 41 Author Representative Sullivan
Study of work sharing programs.
Authored by Representative Sullivan. 418
First reading: adopted voice vote

HR 42 Author Representative Koch
Recognizing Indiana's historic county courthouses.
Authored by Representative Koch. 418
First reading: adopted voice vote

HR 43 Author Representative Lehe
Honoring Madison Doyle, Prudential Spirit of Community award winner.
Authored by Representative Lehe. 419
First reading: adopted voice vote

House Senate

HR 44 Author Representative Richardson
Honoring Laura Bartlett, Journal Clerk,
upon her retirement.
Authored by Representative Richardson. 498
First reading: adopted; Roll Call 311: yeas 97, nays 0

HR 45 Author Representative Davisson
Recognizing the National Guard Patriot Academy.
Authored by Representative Davisson. 510
Coauthored by Representatives Dodge, Cheatham,
Ellspermann, Mahan, Gutwein, Behning, Koch,
Morris, Noe, Borders and M. Smith
First reading: adopted voice vote

HR 46 Author Representative Richardson
Honoring Representative David Yarde
on his retirement from the Indiana House.
Authored by Representative Richardson. 488
Coauthored by Representative Friend
First reading: adopted voice vote

HR 47 Author Representative Richardson
Honoring Representative Richard Dodge
on his retirement from the Indiana House.
Authored by Representative Richardson. 485
Coauthored by Representative Friend
First reading: adopted voice vote

HR 48 Author Representative Richardson
Honoring Representative Thomas Knollman
on his retirement from the Indiana House.
Authored by Representative Richardson. 485
Coauthored by Representative Friend
First reading: adopted voice vote

HR 49 Author Representative Bauer
Honoring Representative Michael White
on his retirement from the Indiana House.
Authored by Representative Bauer. 485
Coauthored by Representatives L. Lawson
and Summers
First reading: adopted voice vote

HR 50 Author Representative Bauer
Honoring Representative Nancy Dembowski
on her retirement from the Indiana House.
Authored by Representative Bauer. 486
Coauthored by Representatives L. Lawson
and Summers
First reading: adopted voice vote

HR 51 Author Representative Bauer
Honoring Representative Mary Ann Sullivan
on her retirement from the Indiana House.
Authored by Representative Bauer. 487
Coauthored by Representatives L. Lawson
and Summers
First reading: adopted voice vote

House Senate

HR 52 Author Representative Richardson
Congratulating Shelby Bartlett, 2012
girls state diving champion.
Authored by Representative Richardson. 502
First reading: adopted voice vote

HR 53 Author Representative Frizzell
Study of ways of incorporating clean energy resources.
Authored by Representative Frizzell. 502
Referred to Committee on
Utilities and Energy
Resolution withdrawn. 534

HR 54 Author Representative Richardson
Honoring Representative Phil Hinkle
on his retirement from the Indiana House.
Authored by Representative Richardson. 525
Coauthored by Representative Friend
First reading: adopted voice vote

HR 55 Author Representative Richardson
Honoring Representative Ralph Foley
on his retirement from the Indiana House.
Authored by Representative Richardson. 537
Coauthored by Representative Friend
First reading: adopted voice vote

HR 56 Author Representative Day
Honoring Arsenal Technical High School
on its 100th anniversary.
Authored by Representative Day. 499
Coauthored by Representatives Behning, Bardon,
Bartlett, Bosma, Crawford, DeLaney, Frizzell,
Hinkle, Noe, Porter, Pryor, Speedy, Sullivan
and Summers
First reading: adopted voice vote

HR 57 Author Representative Truitt
Urging Congress to require certifying programs
for GI Bill benefits.
Authored by Representative Truitt. 513
Referred to Committee on
Veterans Affairs and Public Safety
Representative Reske added as coauthor. 534

HR 58 Author Representative Richardson
Honoring Representative Richard McClain
on his retirement from the House.
Authored by Representative Richardson. 530
Coauthored by Representative Friend
First reading: adopted voice vote

House Senate

HR 59 Author Representative T. Brown
Study of encouraging use of
smokeless tobacco products.
Authored by Representative T. Brown. 513
Coauthored by Representative Frizzell
Referred to Committee on Public Health

HR 60 Author Representative Heaton
Study of exempting farm drainage components
from sales tax.
Authored by Representative Heaton. 513
Referred to Committee on Ways and Means

HR 61 Author Representative Richardson
Honoring David Boudia of Purdue
upon his Olympic training.
Authored by Representative Richardson. 525
Coauthored by Representatives Truitt and Klinker
First reading: adopted voice vote

HR 62 Author Representative Richardson
Honoring the 2012 legislative interns for
the Indiana House of Representatives.
Authored by Representative Richardson. 511
Coauthored by Representative Summers
First reading: adopted voice vote

HR 63 Author Representative R. Frye
Study of dangers of novelty lighters.
Authored by Representative R. Frye. 526
Referred to Committee on Public Policy

HR 64 Author Representative McNamara
Commemorating the New Harmony School
for its excellence.
Authored by Representative McNamara.. 526
First reading: adopted voice vote

HR 65 Author Representative Richardson
Honoring Representative Jeff Espich
on his retirement from the Indiana House.
Authored by Representative Richardson. 566
Coauthored by Representative Friend
First reading: adopted voice vote

HR 66 Author Representative T. Brown
Study of mail order and Internet based pharmacies.
Authored by Representative T. Brown. 526
Referred to Committee on Public Health

HR 67 Author Representative Bacon
Study of the practice of organ procurement.
Authored by Representative Bacon. 526
Coauthored by Representative Welch
Referred to Committee on Public Health

House Senate

HR 68 Author Representative McNamara
Recognizing the final class of the New Harmony School.
Authored by Representative McNamara.. 527
First reading: adopted voice vote

HR 69 Author Representative Bauer
Honoring Representative David Cheatham
on his retirement from the Indiana House.
Authored by Representative Bauer. 530
Coauthored by Representatives L. Lawson
and Summers
First reading: adopted voice vote

HR 70 Author Representative Bauer
Honoring Representative Dan Stevenson
on his retirement from the Indiana House.
Authored by Representative Bauer. 530
Coauthored by Representatives L. Lawson
and Summers
First reading: adopted voice vote

HR 71 Author Representative Bauer
Honoring Representative Scott Reske
on his retirement from the Indiana House.
Authored by Representative Bauer. 529
Coauthored by Representatives L. Lawson
and Summers
First reading: adopted voice vote

HR 72 Author Representative Bauer
Honoring Representative Jeb Bardon
on his retirement from the Indiana House.
Authored by Representative Bauer. 531
Coauthored by Representatives L. Lawson
and Summers
First reading: adopted voice vote

HR 73 Author Representative Cheatham
Honoring work and retirement of
Dr. Thomas G. Patterson of Madison schools.
Authored by Representative Cheatham. 531
Coauthored by Representative Goodin
First reading: adopted voice vote

HR 74 Author Representative Niezgodski
Study of Indiana's 811 laws.
Authored by Representative Niezgodski. 532
Referred to Committee on
Employment, Labor and Pensions

HR 75 Author Representative Niezgodski
Study of operation of riding lawn mowers
by young children.
Authored by Representative Niezgodski. 532
Referred to Committee on
Family, Children and Human Affairs

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HR 76 Author Representative Speedy
Study of vehicle dealer licensure.
Authored by Representative Speedy.. 532
Referred to Committee on Judiciary

HR 77 Author Representative GiaQuinta
Recognizing the work of Dr. Michael A. Griffin of Fort Wayne.
Authored by Representative GiaQuinta. 533
First reading: adopted voice vote

HR 78 Author Representative Bosma
Supporting New International Trade Crossing between the U.S. and Canada.
Authored by Representative Bosma. 533
Coauthored by Representatives Reske and Koch
First reading: adopted voice vote

HR 79 Author Representative Koch
Recognizing the Canada-U.S. Trade and Investment Relationship.
Authored by Representative Koch. 545
Coauthored by Representative Reske
First reading: adopted voice vote

HR 80 Author Representative Bauer
Honoring Representative F. Dale Grubb on his retirement from the Indiana House.
Authored by Representative Bauer.. 536
Coauthored by Representatives L. Lawson and Summers
First reading: adopted voice vote

HR 81 Author Representative Bauer
Honoring Representative John Day on his retirement from the Indiana House.
Authored by Representative Bauer.. 544
Coauthored by Representatives L. Lawson and Summers
First reading: adopted voice vote

HR 82 Author Representative Bauer
Honoring Representative William "Bill" Crawford on his retirement from the Indiana House.
Authored by Representative Bauer.. 567
Coauthored by Representatives L. Lawson and Summers
First reading: adopted voice vote

HR 83 Author Representative Bauer
Honoring Representative Chet Dobis on his retirement from the Indiana House.
Authored by Representative Bauer.. 536
Coauthored by Representatives L. Lawson and Summers
First reading: adopted voice vote

House Senate

HR 84 Author Representative Bauer
Honoring Representative Craig Fry on his retirement from the Indiana House.
Authored by Representative Bauer.. 535
Coauthored by Representatives L. Lawson and Summers
First reading: adopted voice vote

HR 85 Author Representative McNamara
Honoring Mater Dei High School girls basketball team, Class 2A state champions.
Authored by Representative McNamara.. 538
Coauthored by Representatives Crouch and Bacon
First reading: adopted voice vote

HR 86 Author Representative Davisson
Study of immunization by pharmacists.
Authored by Representative Davisson. 538
Referred to Committee on Public Health

HR 87 Author Representative Dobis
Memorializing Fred Garver, Boggstown, longtime lobbyist.
Authored by Representative Dobis.. 567
First reading: adopted voice vote

HR 88 Author Representative McNamara
Urging a statewide contest for a new mural in the House Chambers.
Authored by Representative McNamara.. 711
Referred to Committee on Public Policy

HR 89 Author Representative Welch
Study of emergency means of local governments borrowing from the state.
Authored by Representative Welch. 711
Referred to Committee on Ways and Means

HR 90 Author Representative Klinker
Honoring Ivy Tech programs at Lafayette, Crawfordsville, and Monticello.
Authored by Representative Klinker. 711
Coauthored by Representatives Truitt, Grubb and T. Brown
First reading: adopted voice vote

HR 91 Author Representative Welch
Study of possible changes to Indiana's tax structure.
Authored by Representative Welch. 712
Coauthored by Representative Sullivan
Referred to Committee on Ways and Means

HR 92 Author Representative Welch
Study of allowing pharmacists to provide vaccinations and immunizations.

House Senate

Authored by Representative Welch. 712
Coauthored by Representative Davisson
Referred to Committee on Public Health

HR 93 Author Representative Welch
Study of laws governing healthcare providers' scope of practice.
Authored by Representative Welch. 713
Referred to Committee on Public Health

HR 94 Author Representative Stevenson
Recognizing WJOB radio for its commitment to Northwest Indiana.

House Senate

Authored by Representative Stevenson. 713
Coauthored by Representative Candelaria Reardon
First reading: adopted voice vote

HR 95 Author Representative Welch
Study of the presence of automated external defibrillators (AEDs).
Authored by Representative Welch. 713
Coauthored by Representative T. Brown
Referred to Committee on Public Health

VETOED BILLS

2011 VETOED BILLS

▣ **HB 1177 Author Representative Foley**
Sponsors Senators Bray, Simpson, Wyss
Boards of trustees for universities.
Vetoed by Governor Daniels on May 10, 2011
Veto sustained by the House on March 9, 2012;
Roll Call 407: yeas 25, nays 68

▣ **SB 215 Author Senator Bray**
Sponsor Representative Foley
Forfeiture.
Vetoed by Governor Daniels on May 13, 2011
Veto sustained by the Senate on March 9, 2012;
Roll Call 346: yeas 14, nays 36

2012 VETOED BILLS

No bills were vetoed in 2012.

CONSTITUTIONAL AMENDMENTS PROPOSED*

* ARTICLE 16 of the Constitution of Indiana provides: "SECTION 1. (a) An amendment to this Constitution may be proposed in either branch of the General Assembly. If the amendment is agreed to by a majority of the members elected to each of the two houses, the proposed amendment shall, with the yeas and nays thereon, be entered on their journals, and referred to the General Assembly to be chosen at the next general election.

(b) If, in the General Assembly so next chosen, the proposed amendment is agreed to by a majority of all the members elected to each House, then the General Assembly shall submit the amendment to the electors of the State at the next general election.

(c) If a majority of the electors voting on the amendment ratify the amendment, the amendment becomes a part of this Constitution."

When amendments are acted upon by the first general assembly, SECTION 1 of the joint resolution notes the Assembly which is proposing the amendment and then refers the topic to the next Assembly for agreement. When an amendment is reconsidered by a second Assembly, SECTION 1 notes the Assembly which initially proposed the change and states the agreement of the second Assembly. The full text of a joint resolution passed by a general assembly is shown below.

AMENDMENTS PROPOSED BY THE 117 GENERAL ASSEMBLY AND REFERRED TO THE 118TH GENERAL ASSEMBLY

First Regular Session (2011)

Marriage

■ Proposed by First Regular Session of the 117th General Assembly (2011) as HJR 6
Author Representative Turner
Sponsors Senators Kruse, Banks, Tomes
Passed by the House on February 15; Roll Call 185: yeas 70, nays 26 (see Roll Call section of the House Journal)
Passed by the Senate on March 29; Roll Call 289: yeas 40, nays 10 (see Roll Call section of the Senate Journal)

A JOINT RESOLUTION proposing an amendment to Article 1 of the Indiana Constitution concerning marriage.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Seventeenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A **NEW** SECTION TO READ AS FOLLOWS: **Section 38. Only a marriage between one (1) man and one (1) woman shall be valid or recognized as a marriage in Indiana. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.**

Constitutional Right to Hunt and Fish

■ Proposed by First Regular Session of the 117th General Assembly (2011) as SJR 9
Authors Senators Steele and Buck
Sponsor Representative Torr
Passed by the Senate on February 10; Roll Call 105: yeas 44, nays 5 (see Roll Call section of Senate Journal)
Amended and passed by the House on April 21; Roll Call 633: yeas 75, nays 12 (see Roll Call section of House Journal)
Senate concurred in House amendments on April 27; Roll Call 482: yeas 40, nays 9 (see Roll Call section of Senate Journal)

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana concerning natural and cultural resources.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Seventeenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A **NEW** SECTION TO READ AS FOLLOWS: **Section 38. The people have a right to hunt, fish, harvest game, or engage in the**

CONSTITUTIONAL AMENDMENTS PROPOSED*

* ARTICLE 16 of the Constitution of Indiana provides: "SECTION 1. (a) An amendment to this Constitution may be proposed in either branch of the General Assembly. If the amendment is agreed to by a majority of the members elected to each of the two houses, the proposed amendment shall, with the yeas and nays thereon, be entered on their journals, and referred to the General Assembly to be chosen at the next general election.

(b) If, in the General Assembly so next chosen, the proposed amendment is agreed to by a majority of all the members elected to each House, then the General Assembly shall submit the amendment to the electors of the State at the next general election.

(c) If a majority of the electors voting on the amendment ratify the amendment, the amendment becomes a part of this Constitution."

When amendments are acted upon by the first general assembly, SECTION 1 of the joint resolution notes the Assembly which is proposing the amendment and then refers the topic to the next Assembly for agreement. When an amendment is reconsidered by a second Assembly, SECTION 1 notes the Assembly which initially proposed the change and states the agreement of the second Assembly. The full text of a joint resolution passed by a general assembly is shown below.

Constitutional Right to Hunt and Fish (continued)

agricultural or commercial production of meat, fish, poultry, or dairy products, which is a valued part of our heritage and shall be forever preserved for the public good, subject only to laws prescribed by the General Assembly and rules prescribed by virtue of the authority of the General Assembly. Hunting and fishing shall be the preferred means of managing and controlling wildlife. This section shall not be construed to limit the application of any provision of law relating to trespass or property rights.

Second Regular Session (2012)

No new amendments passed either house in 2012.

Index by Subject Matter

117TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

2012

SUBJECT INDEX OF BILLS AND JOINT RESOLUTIONS—2012

SECOND REGULAR SESSION

(Those marked with ■ became law; no bills were vetoed by the Governor in 2012.)

NOTE: Subject headings included in previous years have been deleted from this index if there were no bills on that topic in 2012. Cross references have not been deleted or edited."ARTIFICIAL LIMBS", for example is cross referenced to "PROSTHETIC DEVICES". Checking the word "PROSTHETIC", the user will find the heading "PROSECUTING ATTORNEYS" followed by the cross reference "PROSTITUTION", but not "PROSTHETIC"; this indicates that the heading "PROSTHETIC DEVICES" was deleted because no bills were indexed under that heading this session.

ABANDONED OR UNCLAIMED PROPERTY
■ HB 1238 Finding of abandonment for mortgaged property.

ABORTION
HB 1014 Health care professionals conscience clause.
HB 1109 State money to entities performing abortions.
HB 1146 Abortion inducing drugs.
HB 1214 Abortion inducing drugs.
SB 72 Abortion matters.
SB 125 State money to entities performing abortions.
SB 340 Physical plant requirements for abortion clinics.
SB 341 Written materials on abortions.

ABSENT VOTERS—
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ABUSE generally
Additional topic(s):
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SB 11 Animal fighting contests.
SB 242 Protection order card program.
SB 389 Provider reporting of domestic violence.

ACCIDENTS AND ACCIDENT INSURANCE—
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MOTOR VEHICLES, Accidents and Vehicle Insurance

ACCOUNTANTS AND ACCOUNTING
■ SB 330 Certified public accountants.

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ACQUIRED IMMUNE DEFICIENCY SYNDROME—
See AIDS (ACQUIRED IMMUNE DEFICIENCY SYNDROME)
HIV AND HIV TESTING

ADA (Average Daily Attendance)—
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GAMBLING AND GAMES OF CHANCE

ADJUSTED GROSS INCOME TAXES—
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ADM (Average Daily Membership)—
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HB 1223 State public works contracting.
■ HB 1279 Various natural resources matters.
■ SB 231 Contracting with persons that invest in Iran.

ADMINISTRATIVE HEARINGS
SB 232 Unemployment compensation.

ADOPTION OF CHILDREN—
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ADULT EDUCATION—
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SB 155 Higher education employment age limits.
SB 207 Police hiring age.

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HB 1032 Restrictions on fertilizer containing phosphorus.
■ HB 1091 Agricultural operations.
HB 1135 Regulation of animal heath.
HB 1180 Soil and septic system education and research.
HB 1295 Exemption of farm drainage components from sales tax.
HB 1363 Property tax deduction for farm security items.
SB 184 Unlawful recording of agricultural operations.

AGRICULTURE, Farm Products and Commodities
■ HB 1312 Sale of poultry at farmer's markets.
SB 23 Confined feeding operations near state parks.
SB 350 Corn marketing council.
SB 351 Roe harvester and dealer licenses.

AGRICULTURE, State Agencies and Programs
■ HB 1129 State chemist issues.
SB 398 State chemist issues.

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AIR POLLUTION
SB 130 Environmental boards.
SB 238 Local air pollution control agency contracts.
SB 300 Environmental crimes.

AIRCRAFT AND AIRPORTS
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■ HB 1325 Sales and use tax exemptions.
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HB 1299 Alcoholic beverage matters.
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HB 1355 Small breweries.
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■ SB 97 Public intoxication.
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SB 359 Prohibit alcohol on school property.

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■ HB 1054 Alcoholic beverage matters.
HB 1057 Alcoholic beverage sales.
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HB 1227 Artisan distiller's permit.
HB 1299 Alcoholic beverage matters.
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HB 1355 Small breweries.
SB 9 Retailer permits in annexed areas.
SB 20 Alcoholic beverages.
SB 61 Leasing of state property.
SB 106 Cold beer sales.
SB 121 Refilling of containers by home brewers.
SB 138 Alcoholic beverage wholesalers.
SB 149 Direct wine sales.
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■ SB 152 Allen circuit court.

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SB 99 Redistricting.
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■ HB 1376 State and local administration.
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SB 393 Civil immunity for services in emergency.

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SB 394 Bicentennial conservation fund.

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SB 340 Physical plant requirements for abortion clinics.
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SB 252 Charity gaming.
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SB 316 Child protection registry.
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HB 1322 Paths to quality tax credits.
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CHILDREN AND MINORS, Children with Special Health Needs
HB 1188 Private residential facilities for children.

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HB 1188 Private residential facilities for children.
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HB 1289 Violent crimes compensation fund.
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■ SB 287 Department of child services.
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CHILDREN AND MINORS, Foster Care
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CHILDREN AND MINORS, Juvenile Courts and Proceedings
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CHILDREN AND MINORS, Juvenile Delinquents
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SCR 21 Honoring the first responders of Indiana State Fair stage collapse.
HR 14 Recognizing the Indiana Sheriff's Association.
HR 21 Congratulating the Women in Government Foundation.
HR 24 Thanking Schneck Medical Center for its work on behalf of Hoosier communities.
HR 45 Recognizing the National Guard Patriot Academy.
HR 94 Recognizing WJOB radio for its commitment to Northwest Indiana.
SR 19 Recognizing the valuable contribution of the Indiana Sheriff's Association.
SR 28 Congratulating Izaak Walton League of America on defending the outdoors.
SR 45 Extending gratitude to Helena Chemical.
SR 102 Honoring Amish Acres on the 50th anniversary of their Arts and Crafts Festival.

INDIVIDUALS COMMUNITY SERVICE RECOGNIZED

HCR 10 Honoring Marty Chitwood, volunteer at Riley Hospital for Children.
HCR 21 Honoring Viola J. Taliaferro for her service and success as a judge.
HCR 22 Honoring George Taliaferro, ambassador for civil and human rights.
HCR 33 Honoring Jim Argerbright for his service to the Whitley County community.
HCR 34 Honoring John Lefever for his services to Whitley County.
HCR 39 Honoring Paul Oakes for his services to the Indianapolis area.
HCR 44 Recognizing cancer research participants.
HCR 50 Honoring Wayne A. Madden of Auburn for his community service.
HCR 55 Honoring Mike Rodman of Indianapolis for his community service.
SCR 20 Honoring John Gleissner, former Mishawaka council member.
HR 10 Honoring Greg Hess of Project 9/11 Indianapolis.
HR 12 Honoring Isabelle Haverstick Harger, Noblesville community leader.
HR 22 Honoring the life and work of Pastor David J. Allen, Lake County.
HR 23 Honoring Mike Cannon, Pendleton community leader.
HR 77 Recognizing the work of Dr. Michael A. Griffin of Fort Wayne.
SR 64 Honoring Jeff Watson of J&L Bruins for his educational efforts involving bears.
SR 95 Honoring John Charles Bryant for services to Northern Indiana Center for History.

INDIVIDUALS HONORS AND SPECIAL ACHIEVEMENTS RECOGNIZED

HCR 11 Declaring Brandon Vinson an honorary firefighter of the State of Indiana.
HCR 36 Honoring Schnitzelbank Restaurant for winning the Super 46 sandwich contest.
HCR 45 Honoring Karen Freeman-Wilson, Mayor of Gary.
HCR 58 Congratulating the 2012 inductees into the Times Northwest Indiana Business and Industry Hall of Fame.
SCR 3 Honoring Taylor Reuille, Fort Wayne, for her "boundless playground" idea.
SCR 6 Honoring Norman "Ned" Pfau, Kentuckiana business Hall of Fame inductee.
SCR 16 Honoring Margret Robb on being named Chief Judge of the Court of Appeals.
HR 19 Congratulating Tony Stewart on winning the 2011 NASCAR Sprint Cup Championship.
HR 29 Honoring Steve Weatherford, Terre Haute native, for playing in the Super Bowl.
SR 15 Honoring the many accomplishments of Dr. David Baker.
SR 30 Congratulating Megan Gilliam on winning Grand Champion in Junior Showmanship.
SR 37 Honoring Annie Burns Hicks, the first African-American teacher in Hammond.
SR 51 Honoring Colton Strawser on being named top youth volunteer in Indiana.
SR 57 Congratulating the Schnitzelbank on winning the Super 46 sandwich contest.
SR 60 Congratulating Indiana law enforcement officers Ken Ryan and Keith Waltz.
SR 61 Honoring John F. Dille, named one of the Giants of Broadcasting for 2011.
SR 81 Honoring F. Howard Halderman, Distinguished Agriculture Alumni of Purdue.
SR 101 Congratulating Mike Kubacki for being recognized as Banker of the Year.

INDIVIDUALS MEMORIALIZED

HCR 31 Memorializing the life of Ann Spevak of LaPorte.

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HCR 32 Memorializing the life of Robert E. Miller of Michigan City.
SCR 2 Memorializing Dan Wheldon, 2-time champion of the Indy 500.
SCR 4 Memorializing Galen Goode, leader in the area of community mental health.
SCR 26 Memorializing Gordon St. Angelo for his service to the Indianapolis area.
HR 87 Memorializing Fred Garver, Boggstown, longtime lobbyist.

SCHOOL ACADEMIC TEAMS, MUSICIANS, AND OUTSTANDING STUDENTS CONGRATULATED

HCR 9 Honoring the members of the Youth Advisory Council.
HCR 20 Honoring Martinsville High School and East Middle School Spell Bowl teams.
HCR 29 Honoring Ivy West, Keaton Irwin and the Whitko High School art department.
HCR 37 Honoring Martinsville High School Academic Decathlon team, state champions.
HCR 38 Honoring the Western High School Marching Band.
HCR 46 Honoring students from the L. Frances Smith Elementary School in Columbus, Indiana.
HR 38 Honoring Jessica D'Esposito, Colton Newton and Anna Woolery for science project.
HR 43 Honoring Madison Doyle, Prudential Spirit of Community award winner.
HR 68 Recognizing the final class of the New Harmony School.
SR 33 Honoring Marion High School students who participated in Young Entrepreneur Program.
SR 36 Congratulating the Lewis Cass High School marching band on its success.
SR 72 Honoring Jessica D'Esposito, Colton Newson and Anna Woolery for science project.
SR 88 Recognizing North Miami FFA for their accomplishments in the state of Indiana.

SCHOOL ATHLETES AND TEAMS CONGRATULATED

HCR 16 Honoring Evansville Bosse High School on 50th anniversary of its basketball championship.
HCR 24 Honoring Bishop Chatard High School football team, Class 3A state champions.
HCR 35 Honoring Providence High School girls soccer team, Class A state champions.
HCR 47 Honoring the Yorktown High School girls volleyball team.
HCR 49 Congratulating Sean Mappes, Center Grove High School, state wrestling champion.
HCR 51 Honoring Perry Meridian High School wrestling team, state champions.
SCR 13 Congratulating Indiana Gators 12/u softball team on their 2011 victory.
SCR 17 Honoring the I.U. Crimson All-Girl Cheerleaders.
SCR 29 Congratulating the Penn High School volleyball team on their second state championship.
SCR 30 Congratulating the Carmel High School football team on their excellent 2011 season.
SCR 38 Honoring the North Central High School girls basketball team, Class 4A state champions.
SCR 39 Congratulating Wes-Del High School girls volleyball team, state champions.
HR 52 Congratulating Shelby Bartlett, 2012 girls state diving champion.
HR 85 Honoring Mater Dei High School girls basketball team, Class 2A state champions.
SR 17 Congratulating 2011 Wapahani High School girls volleyball team, state champions.
SR 18 Urging the preservation of Gary Theodore Roosevelt High School's athletic program.
SR 20 Congratulating the 2011 Carmel High School softball team on their state championship.
SR 21 Congratulating the Carmel High School boys swimming and diving team on their championship.
SR 22 Congratulating the Carmel High School girls swimming team on their championship.
SR 52 Congratulating the Carmel High School boys tennis team.
SR 68 Congratulating the Carmel High School girls tennis team 2011 state champions.
SR 84 Honoring Taylor Wornica on her selection to the all state academic team.
SR 93 Congratulating the Carmel High School girls cross country team state champions.
SR 100 Congratulating Mater Dei High School girls basketball team state champions.
SR 105 Congratulating Devon Jackson on winning the state wrestling championship.
SR 107 Congratulating Abraham Hall, state champion in individual wrestling.
SR 109 Congratulating Brittany Robinson, new state record holder in swimming.
SR 111 Congratulating Concordia High School girls basketball team, 3A state champions.
SR 112 Congratulating Canterbury High School girls basketball team state champions.

SCHOOL TEACHERS, OFFICIALS, AND PROGRAMS CONGRATULATED

HCR 2 Honoring Happy Hollow Elementary School, a Blue Ribbon School.
HCR 5 Honoring Otwell Elementary School, a Blue Ribbon School.

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HCR 7 Honoring South Adams High School for their Dots in Blue Water program.
HCR 15 Honoring Brown County algebra students upon great test performance.
HCR 19 Honoring Melanie Park, Indiana's 2012 Teacher of the Year.
HCR 53 Congratulating Joe Ruhl on being awarded the National Science Teaching Award.
SCR 28 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.
SCR 33 Congratulating Joseph Ruhl on being named top science educator in the country.
SCR 35 Honoring Mark Hoffman on his retirement as head football coach at Valparaiso High School.
HR 6 Honoring Dr. Ed Eiler, Lafayette school superintendent, on his retirement.
HR 11 Honoring St. Matthew Elementary School, a Four Star School designee.
HR 26 Honoring Evansville Bosse High School for outstanding academic progress.
HR 27 Honoring Delaware Elementary School, Evansville, for academic progress.
HR 32 Honoring the achievements of Wilson Reyes, Indianapolis outstanding teacher.
HR 39 Honoring North Daviess Community Schools for outstanding programs.
HR 56 Honoring Arsenal Technical High School on its 100th anniversary.
HR 64 Commemorating the New Harmony School for its excellence.
HR 73 Honoring work and retirement of Dr. Thomas G. Patterson of Madison schools.
SR 24 Recognizing South Adams High School for their work on the "Dots in Blue Water" project.
SR 32 Honoring Jeremy Gulley on being named Citizen of the Year by the Herald Press.
SR 34 Congratulating Whitko High School art department on art exhibition in Taipai.
SR 43 Congratulating New Albany-Floyd County School Corporation as a model school.
SR 97 Congratulating Christy Fulk, Warsaw, Indiana Teacher of the Year.
SR 108 Congratulating Jerry Thacker, 2012 Indiana Superintendent of the Year.

VETERANS AND MEMBERS OF THE ARMED FORCES HONORED OR MEMORIALIZED

HCR 4 Honoring Josh Bleill, wounded in Iraq, for dedication in facing his injuries.
HCR 13 Recognizing the USS LST Ship Memorial, Evansville.
HCR 14 Honoring Private Richard Taylor and Lt. Colonel Don C. Faith, Jr.
SCR 14 Designating March 30th as Welcome Home Vietnam Veterans Day in Indiana.
SCR 23 Recognizing the 122nd Fighter Wing "Blacksnakes".
SCR 32 Honoring Robert Gipson, decorated World War II hero.
SCR 34 Urging the Governor to designate March 30th, Welcome Home Vietnam Veteran's Day.
SR 85 Honoring Brigadier General Ross Ridge for his service in Afghanistan.
SR 106 Congratulating Tim Tuttle on receiving the Silver Helmet Award.